



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.

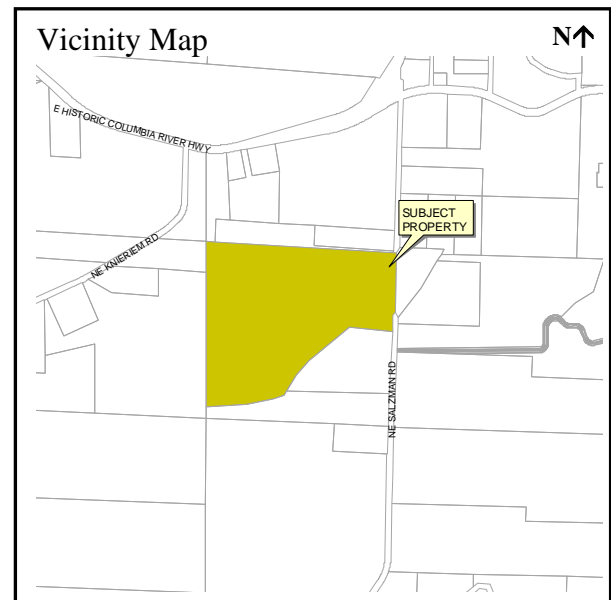
Case File: T2-07-038

Permit: National Scenic Area Site Review

Location: 931 NE Salzman Road
 TL 200, Sec 36D, T1N, R4E, W.M.
 Tax Account #R944360640

Applicant: Clair and Beverly Klock

Owner: Clair and Beverly Klock



Summary: Applicant has requested a National Scenic Area Site Review permit for the construction of a 1,440 square foot agricultural building and driveway extension in the Gorge General Agriculture-20 (GGA-20) zone.

Decision: Approved, with conditions.

Unless appealed, this decision is effective **Thursday, November 1, 2007, at 4:30 PM.**

Issued by:

By: _____
 Kenneth Born, AICP, Planner

For: Karen Schilling- Planning Director

Date: October 18, 2007

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 Kenneth Born, AICP, Staff Planner at 503-988-3043 ext. 29397.

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 Thursday, November 1, 2007, at 4:30 PM.

Applicable Approval Criteria: Multnomah County Code (MCC): MCC 38.0530(B) - Type II Case Procedures; MCC 38.0550 - Initiation of Action; MCC 38.0560 - Code Compliance And Applications; MCC 38.2225 - Review Uses; MCC 38.2260 - Dimensional Requirements; MCC 38.0060 - Agricultural Buffer Zones; § 38.7340 - Agricultural Buildings

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 (by December 1, 2007) and prior to building permit sign-off, the applicant shall record the Notice of Decision (pages 1-3 of this decision) with the County Recorder. The Notice of Decision shall run with the land. Proof of recording shall be made prior to the issuance of any permits, and a copy of the recorded document shall be submitted to the Land Use Planning Division. Recording shall be at the**

applicant's expense. Failure to sign and record the Notice of Decision within the above 30 day time period may void the decision. [MCC 38.0670]

2. **Project applicant shall be responsible for the proper maintenance and survival of any required vegetation. Any required vegetation which is damaged or destroyed by inclement weather or dies or becomes diseased to the extent that it no longer serves its purpose shall be immediately replanted with Douglas Firs or Cedars which are a minimum of 6 ft tall. The required vegetation consists of all trees, shrubs and other plantings on the subject property except as needed for site development, safety purposes, or as part of forest management practices [MCC 38.7035(C)(3)(a)]**
3. **If, during construction, cultural or historic resources are uncovered, the property owner(s) shall immediately cease development activities and inform the Multnomah County Land Use Planning Division, Columbia River Gorge Commission, and the U.S. Forest Service of any discovery. [MCC 38.7050(H)]**
4. **The property owner shall maintain best erosion control practices through all phases of development. Erosion control measures are to include the installation of sediment fences/barriers at the toe of disturbed areas and post construction re-establishment of ground cover. Straw mulch, erosion blankets, or 6-mil plastic sheeting shall be used as a wet weather measure to provide erosion protection for exposed soils.**

Grading and Erosion Control inspection fee shall be paid at the time of zoning approval of the building permit. The plans shall show the location of ground disturbing activities and erosion control measures consistent with the Erosion Prevention Sediment Control Plans Technical Guidance Handbook, and the approved GEC Permit (T1-07-010). [MCC 29.333(B)]

5. **The applicant must comply with all conditions of approval outlined in the August 8, 2007. Transportation comment memo prepared by Aruna Reddi, Transportation Planning Specialist (Exhibit D.6). The required easement 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.**

Note: Multnomah County must review and sign off the building permits before the applicant submits building plans to the City of Gresham. Three (3) sets each of the site plan and building plans are needed for building permit sign off. Please contact Ken Born at 503-988-3043 (ext. 29397) to obtain an appointment for sign-off review.

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.

Findings of Fact

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

1.0 Project Description

Staff: This applicant has applied for a National Scenic Area Site Review Permit for an agricultural structure in the GGA-20 Zone District. The proposed building would be one story, and 1,440 square feet in size. At its highest point the structure would reach approximately 32 feet in height. The proposed structure is to be located approximately 100 feet south of an existing single family dwelling, as shown on the applicant’s site plan (Exhibit A.6). The proposal also includes an extension of an existing gravel driveway which will provide access to the building.

2.0 Site Characteristics

Staff: The subject property is 27.14-acres, and is located west of NE Salzman Road, and one-fifth of a mile south of Larch Mountain Road. Access to properties south of the Larch Mountain Road in this vicinity is gained via NE Salzman Road and E. Knieriem Road, in addition to access by private roads. This part of the National Scenic Area south of Historic Columbia River Highway along NE Salzman Road is in the Gorge General Residential – 10 (GGR-10), Gorge General Agriculture – 20 (GGA-20) and Gorge General Agriculture – 40 (GGA-40) Zoning Districts (Exhibit B.2). Agricultural, forest, and low density residential uses are the predominant land uses in this area.

Existing structures are clustered in the northeastern portion of the subject property (single family dwelling and greenhouse). Over three acres of the property is devoted to agricultural uses, which includes the production of blueberries and nursery stock. The western and southern perimeter consists of fairly dense vegetation, primarily characterized by mature tree canopy. The topography in the development area contains low to moderate slopes, with steeper terrain immediately to the south of the building site, and in the northwest portion of the property (Exhibit B.5). The headwaters of Big Creek, a tributary of the Sandy River, are located approximately 1,200 feet to the southwest of the development site.

3.0 Public Comment

MCC 38.0530(B): Type II Case Procedures

(B) Type II decisions involve the exercise of some interpretation and discretion in evaluating approval criteria. Applications evaluated through this process are typically assumed to be allowable in the underlying zone. County Review typically focuses on what form the use will take, where it will be located in relation to other uses, and it’s relationship to scenic, natural, cultural and recreational resources of the area. However, an application shall not be approved unless it is consistent with the applicable siting standards and in compliance with approval requirements. Upon receipt of a complete application, notice of application and an invitation to comment is mailed to the Gorge Commission; the U.S. Forest Service; the Indian tribal governments; the State Historic Preservation Office; the Cultural Advisory Committee; and property owners within 750 feet of the subject tract. The Planning

Director accepts comments for 14 days after the notice of application is mailed, except for comments regarding Cultural Resources, which will be accepted for 20 days after the notice is mailed. The Planning Directors decision is appealable to the Hearings Officer. If no appeal is filed the Planning Directors decision shall become final at the close of business on the 14th day after the date on the decision. If an appeal is received, the Hearings Officer decision is the County's final decision and is appealable to the Columbia River Gorge Commission within 30 days after the decision is final. The decision is final the day the decision is signed by the Hearings Officer.

Staff: This application was submitted on April 13, 2007 (Exhibit A.1). A Completeness Review Notice was sent to various parties including the Gorge Commission, US Forest Service and the Indian Tribal Governments April 24, 2007 (Exhibit C.1). On July 26, 2007 the application was deemed complete (Exhibit C.4) and a 14-Day Opportunity to Comment was mailed to public agencies in the NSA and neighboring property owners (Exhibit C.5). Timely comments were received, and have been summarized below:

State Historic Preservation Office

In a May 25, 2007 letter, Susan White, Assistant State Archaeologist, stated that while the statewide archaeological database indicated there are no known cultural resources in the project area, a professional archaeologist should be contacted immediately if any cultural materials are encountered as the result of development activities on the site. (Exhibit D.1)

Columbia River Gorge Commission

In her letter dated July 27, 2007, Jessica Metta noted that her records show that the parcel is topographically visible from Key Viewing Areas. In response to the exterior building materials proposed by the applicant, Ms. Metta stated: "It has been our experience that all metal, even if painted in dark colors and stated to be "non-reflective," usually cannot satisfy the reflectivity standard because of its smooth surface. The county should work the applicant to propose non-metal roofing materials." (Exhibit D.2)

Analysis with regard to the visibility of the development site from Key Viewing Areas is addressed under Finding 8.6 below. Staff recognizes that a majority of the subject property is visible from one or more KVAs. Staff also acknowledges that the applicant is proposing the use of metal siding and roofing, and solar panels to collect and convert solar energy into electricity – which can be of concern due to their reflectivity. However, subsequent to an analysis of five separate slope profiles (Exhibit B.7), and July 2007 site visit (Exhibit B.8), staff has found the development site to be topographically screened from all applicable KVAs. As such, NSA Site Review visual subordination requirements [MCC 38.7035(B)] do not need to be met, including those aimed at reducing reflectivity of building materials.

Friends of the Columbia Gorge

In his letter dated August 3, 2007, Mr. Till referenced several sections of the County's zoning ordinance that he believes to be related to the proposed development, including MCC 38.0015, 38.0060, 38.0045(A), 38.2225(A), 38.2230(A), 38.7035, 38.7060, 38.7065, 38.7070. (Exhibit D.3)

Oregon Department of Fish and Wildlife

Mischa Connine, Habitat Biologist with the North Willamette Wildlife District, recommends that the applicant "leave as many mature trees as possible," "mitigate...with re-planting of native

trees,” and “conduct vegetation removal after August 15th to avoid...disturbance of native migratory bird nesting habitat” (Exhibit D.4).

This application does not propose the removal of mature trees.

R. Dennis Wiancko

Mr. Wiancko indicated his support for the project in an August 7, 2007 letter. In requested that an approval be conditioned to require downward shielding of outdoor lighting, and the assurance that the lighting will be shut off at night (Exhibit D.5).

The applicant has not proposed exterior lighting as part of this application.

County Transportation Program

In an August 7, 2007 memo, County transportation staff recommended the following:

1. Dedicate a 5-foot slope/utility/drainage/sidewalk/landscaping/traffic control device easement along the site’s NE Salzman Road frontage for the benefit of Multnomah County.
2. Provide a 20-ft. long paved approach to the County road.
3. Obtain an Access/Encroachment permit from Multnomah County for paving the driveway approach/all work in the public right of way.
4. Submit a storm water analysis for any alteration in storm water drainage to County Transportation. (Exhibit D.6)

Bob Leipper

Bob Leipper provided an email to staff on August 9, 2007 (Exhibit D.7). In the email, Mr. Leipper asserts that the subject application was deemed complete prematurely, and recommends the application be withdrawn and resubmitted. He also notes conflicting information in the application packet regarding the visibility of the project area from Key Viewing Areas. Concern is also raised over proposed building materials, roof pitch, power generation and water collection systems. Further, Mr. Leipper feels the scale of the site plan makes it “hard to understand.”

Staff deemed the application incomplete twice (Exhibit C.2, C.3), concurrent with requests for additional information needed in order to make the application complete. The type of information requested from the applicant was in accord with those completeness issues raised in Mr. Leipper’s email (i.e. map scale; missing site plan information; additional details on proposed building materials, colors, and lighting; clarifications in application narrative). At the time the application was deemed complete, the applicant had provided enough information to meet the application submittal requirements listed under MCC 38.0045, and for staff to adequately address the applicable approval criteria for the proposed use.

This decision was crafted and will be mailed in accordance with MCC 38.0660. *Procedures have been met.*

4.0 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 200, Section 36ADC, Township: 1N, Range 4E. Assessment & Taxation records show that the land is owned by Clair and Beverly Klock. Mr. and Mrs. Klock have signed the NSA Application Form (Exhibit A.1), thus authorizing this application for the necessary permits to establish a farm building on the property. *This criterion has been met.*

5.0 Code Compliance

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 install 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: County staff completed a site visit on June 6, 2007 and found no violations of the zoning code.

The subject property also appears in its current configuration on the 1962 zoning maps (Exhibit B.3). These maps are the oldest Multnomah County zoning maps and have been deemed to show the zoning in place when land use regulations were first enacted. This evidence is sufficient to show that the 27.14-acre subject property existing in 1962, prior to land division and minimum parcel size requirements, and there was lawfully created and can be defined as a “parcel” consistent with the definition in Chapter 38. *This criterion has been met.*

6.0 Agricultural Buildings are Allowed in the General Gorge Agriculture- 20 Zone as a Review Use

MCC 38.2225 - Review Uses

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

- (3) Agricultural buildings in conjunction with current agricultural use and, if**

applicable, proposed agricultural use that a landowner would initiate within one year and complete within five years, subject to MCC 38.7340.

Staff: The property owner is applying for land use approval of a 1,440 square foot agricultural building under MCC 38.2225(A)(3) of the County Code. The use of the building will be provided in conjunction with a current agricultural operation on the property. *This criterion has been met.*

7.0 The Proposed Structure is Consistent with Applicable Dimensional Requirements and Agricultural Buffer Zones

7.1 MCC 38.2260 Dimensional Requirements

(A) Except as provided in MCC 38.2230 (A) (16) and (17), the minimum lot size shall be according to the short-title zone district designation on the Zoning Map, as follows:

GGA-20	20 acres
GGA-40	40 acres
GSA-40	Not Applicable

(B) 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.

Staff: The subject property is zoned GGA-20, and is 27.14 acres. *This criterion has been met.*

7.2 (C) Minimum Yard Dimensions - Feet

Front	Side	Street Side	Rear
30	10	30	30

Maximum Structure Height – 35 feet
Minimum Front Lot Line Length – 50 feet.

Staff: As shown on the site plan submitted by the applicant (Exhibit A.6), the proposed structure will meet all the required setbacks. Compliance with minimum yard dimensions is addressed in Table 1 below:

Table 1 – Yard Dimension Summary

	Front	Side (westerly)	Side (easterly)	Street Side	Rear
Agricultural Building	73 ft	24 ft	41 ft	73 ft	50 ft

This criterion has been met.

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

Staff: No additional yard is required. *This criterion has been met.*

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

Staff: The elevation drawings indicate that the proposed structure is approximately 32 feet in height at its highest point (Exhibit A.8).

7.5 MCC 38.0060 - Agricultural Buffer Zones

All buildings, as specified, shall satisfy the following setbacks when proposed to be located on a parcel which is adjacent to lands designated GGA– 20 or GGA– 40:

Type of Agriculture	Type of Buffer		
	Open or fenced	Natural or created vegetation barrier	8 foot berm or terrain barrier
Orchards	250'	100'	75'
Row crops/vegetables	300'	100'	75'
Livestock grazing pasture, haying	100'	15'	20'
Grains	200'	75'	50'
Berries, vineyards	150'	50'	30'
Other	100'	50'	30'

(A) Earth berms may be used to satisfy, in part, the setbacks. The berm shall be a minimum of 8 feet in height, and contoured at 3:1 slopes to appear natural. Shrubs, trees and/or grasses shall be employed on the berm to control erosion and achieve a finished height of 15 feet.

(B) The planting of a continuous vegetative screen may be used to satisfy, in part, the setback standards. Trees shall be at least 6 feet high when planted and reach an ultimate height of at least 15 feet. The vegetation screen shall be planted along the appropriate parcel line(s), and be continuous.

(C) The necessary berming and/or planting must be completed during the first phase of development and maintained in good condition.

(D) If several crops or crop rotation is involved in the adjacent operation, the greater setback shall apply.

(E) A variance to buffer setbacks may be granted upon a demonstration that the standards of MCC .0065 have been satisfied.

Staff: Three of eight properties adjacent to the subject property to the south and west are zoned GGA-20, while the rest are zoned for residential uses (GGR-10). As such, the proposed structure must be sited in a location which is buffered from the properties zoned GGA-20 consistent with agricultural buffer zone requirements outlined above.

However, these properties to the south and west are currently used either for solely residential purposes, or a combination of residential and forest uses (Exhibit B.5). In this case, the “other” category of agricultural buffer applies, requiring a 100 foot separation for open or fenced areas, and 50 feet when natural or created vegetative barriers exist. The proposed structure will be as close as approximately 400 feet from the south property line, and 1,150 feet from the westerly property line. The agricultural buffer requirements will be met to the south and west. *This*

criterion has been met.

8.0 The Applicant's Proposal Meets the Scenic Review Criteria

8.1 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 reduce necessary grading to the maximum extent practicable.**

***Applicant:** The site is located on ground already level from previous barn that existed prior to 2007. The level will be slightly expanded by approximately 10 x 40 feet using cut and fill method.*

Staff: The slope in the development area is approximately 6-12% (Exhibit B.5). The applicant has estimated that 70 cubic yards of soil or earth material will be disturbed, stored, disposed of, or used as fill in relation to the construction of the agricultural building (Exhibit A.2). The construction of the gravel driveway extension will likely involve ground disturbance over an area approximately 5,500 square feet in size.

As shown on Exhibit A.6, the agricultural building and gravel driveway will be sited on the flattest portion of the property not currently devoted to agricultural production. Further, the applicant was required to, and has applied for, a Grading and Erosion Control Permit (T1-07-010) in order to contain erosion and sedimentation within the project area. Based on this information, and other evidence provided by the applicant, the proposed project minimizes necessary grading to the maximum extent practicable for the construction of a 1,440 square foot garage and driveway on the subject property. *This criterion has been met.*

8.2 (2) New buildings shall be generally consistent with the height and size of existing nearby development.

***Applicant:** A 30 x 48 foot barn is compatible with a 40 x 75 foot house. The building will not be visible from any road or by any nearby residents.*

Staff: The Columbia River Gorge Commission staff has directed the County to view the term "nearby development" as being within a quarter mile when an adequate number of existing structures are contained within the area. Buildings other than farm buildings are not considered for the purposes of the comparative analysis required under this Code provision. Staff focused on only those onsite improvements which are comparable to those proposed in the subject land use application. The analysis considered all structures classified as "farm buildings" by the County Assessment and Taxation Division.

Staff reviewed the nearby development within a quarter mile of the subject property. This quarter mile area contained 41 properties with structures (three were not located within in the National Scenic Area, and thus were not included as part of this analysis). The largest size of comparable structures found in the area is 3520 sq. ft; the smallest is 280 sq. ft. The following statistical summary excludes those outlying totals:

Average Total of Comparable Buildings: 1351 sq. ft.
Median Total of Comparable Buildings: 1152 sq. ft.
Maximum Total of Comparable Buildings: 2884 sq. ft.

Minimum Total of Comparable Buildings: 480 sq. ft.

The proposed structure will be one story, and 32 feet in height. The maximum height of accessory structures in the GGA-20 zone is 35 feet. Accordingly, the structure will be generally consistent in height with the nearby development within a quarter mile of the subject site.

The total size of the proposed agricultural structure is 1,440 square feet. Six properties within a quarter mile area contain a larger comparable structure. Based upon the information summarized above, and contained in Table 2 below, the proposed accessory structure is generally consistent with the size of the nearby development within a quarter mile of the subject site. *This criterion has been met.*

TABLE 2 - DEVELOPMENT ON LOTS/PARCELS W/IN ¼ MILE OF SUBJECT PROPERTY

#	Address	R#	Zoning	Use & Sq. Ft. of Structures		Total Sq. Ft	Total Sq. Ft Comparable Bldgs
*	SUBJECT PROPERTY	R944360640	GGA-20	SFR Fin Bsmt Unf Bsmt Shed Att Gar	1669 500 1169 180 420	3938	N/A
1	1335 NE SALZMAN RD	R944360320	GGA-40	SFR Fin attic Unf Bsmt Det Gar Carport Shed Deck	1350 950 1350 1144 320 120 180	5414	N/A
2	39810 E HIST COLUMBIA RIVER HWY	R944360280	GGR-10	SFR Unf Bsmt Det Gar	680 416 240	1336	N/A
3	39750 E HIST COLUMBIA RIVER HWY	R944360680	GGR-10	SFR Fin Bsmt Unf Bsmt Deck Farm Bldg* Att Gar	1396 600 600 320 1200 520	4636	1200
4	39740 E HIST COLUMBIA RIVER HWY	R944360350	GGR-10	SFR Unf Attic Unf Bsmt Shed Att Gar	1441 300 1441 408 190	3780	N/A
5	39720 E HIST COLUMBIA RIVER HWY	R944360340	GGR-10	SFR Shed Att Gar Enc Patio	1328 576 682 30	2616	N/A
6	1007 NE SALZMAN RD	R944360500	GGR-10	SFR Unf Bsmt Deck Att Gar	1500 1500 168 576	3744	N/A
7	1015 NE SALZMAN RD	R944360360	GGR-10	SFR Fin Bsmt Unf Bsmt Deck	1898 800 1098 572	4368	N/A
8	39700 E HIST COLUMBIA RIVER HWY	R944360010	GGR-10	1 st Flr 2 nd Flr Shed	1528 960 1200	3688	N/A

9	39300 E HIST COLUMBIA RIVER HWY	R944360550	GGA-40	1 st Flr Fin Bsmt Unf Bsmt Deck Det Gar Bsmt Gar	1320 800 520 240 864 520	4264	N/A
10	39675 E KNIERIEM RD	R944360190	GGA-40	1 st Flr 2 nd Flr Shed Att Gar	1936 1498 120 576	4130	N/A
11	N/A	R944360540	GGR-10	Farm Bldg*	280	280	280
12	39505 E KNIERIEM RD	R944360370	GGR-10	SFR Fin Attic Fin Bsmt Unf Bsmt Att Gar	892 300 200 692 822	2906	N/A
13	39211 E KNIERIEM RD	R944360440	GGR-10	1 st Flr 2 nd Flr Unf Bsmt Farm Bldg* Det Gar Det Gar	1422 782 1000 2240 480 624	6548	2240
14	39448 E KNIERIEM RD	R944360480	GGR-10	SFR Fin Bsmt Unf Bsmt Deck Cov Deck Shed Enc Stor Bsmt Gar	1690 696 560 288 88 432 480 560	4794	N/A
15	39424 E KNIERIEM RD	R944360580	GGA-20	SFR Unf Bsmt Att Gar Deck	2015 1834 576 300	4725	N/A
16	39400 E KNIERIEM RD	R944360160	GGR-10	SFR Farm Bldg* Shed Att Gar	950 720 288 480	2438	720
17	39152 E KNIERIEM RD	R944360690	GGR-10	SFR Fin Attic Shed Att Gar	1324 200 48 525	2097	N/A
18	900 NE SALZMAN RD	R944360410	GGA-20	MFH Farm Bldg*	1336 1152	2488	1152
19	701 NE SALZMAN RD	R944360300	GGA-20	SFR Fin Attic Unf Bsmt Farm Bldg* Att Gar Cov Pat Deck Shed	2182 368 1682 2884 550 384 280 200	8530	2884
20	515 NE SALZMAN RD	R944360590	GGA-20	SFR Farm Bldg* Att Gar	1161 760 462	2383	760
21	40301 E LARCH MOUNTAIN RD	R832300010	GGF-40	SFR Fin Attic Unf Bsmt Enc Porch Shed Att Gar Deck	2280 1871 500 864 336 650 544	7045	N/A

22	40500 E LARCH MOUNTAIN RD	R945310080	GGA-40	1 st Flr 2 nd Flr Att Gar	1739 1091 624	3454	N/A
23	40400 E LARCH MOUNTAIN RD	R945310290	GGA-40	SFR Unf Bsmt Carport Deck	1020 828 400 260	2508	N/A
24	E LARCH MOUNTAIN RD	R945310320	GGA-40	Farm Bldg* Farm Bldg*	1560 832	2392	2392
25	1000 NE SALZMAN RD	R945310350	GGR-10	1 st Flr 2 nd Flr Shed Shed Att Gar	888 800 120 400 816	3024	N/A
26	1004 NE SALZMAN RD	R945310390	GGR-10	SFR Fin Attic Fin Bsmt Det Gar	1000 640 1000 720	3360	N/A
27	1006 NE SALZMAN RD	R945310600	GGR-10	SFR Fin Attic Deck Deck Att Gar	1067 947 450 400 440	3304	N/A
28	1001 NE SALZMAN RD	R945310370	GGR-10	SFR Det Gar Carport	720 672 200	1592	N/A
29	900 NE SALZMAN RD	R945310410	GGR-10	SFR Unf Bmst Deck Att Gar Farm Bldg*	3021 980 150 772 720	5643	720
30	930 NE SALZMAN RD	R945310520	GGR-10	1 st Flr 2 nd Flr Deck Farm Bldg*	1314 1342 198 1120	3974	1120
31	40721 NE ALDERMEADOWS DR	R945310450	GGR-10	SFR Fin Bsmt Shed Enc Stor Deck Det Gar	1281 805 240 200 230 609	3365	N/A
32	41001 NE ALDERMEADOWS DR	R945310460	GGR-10	SFR Fin Bsmt Farm Bldg* Farm Bldg* Deck	1338 1250 480 1160 250	4478	1640
33	41110 NE ALDERMEADOWS DR	R945310480	GGR-10	SFR Unf Bsmt	1434 500	1934	N/A
34	41046 NE ALDERMEADOWS DR	R945310530	GGR-10	SFR Fin Bsmt Deck Farm Bldg* Det Gar	1208 676 256 1080 480	3700	1080
35	40900 NE ALDERMEADOWS DR	R945310500	GGR-10	SFR Farm Bldg* Att Gar	1824 1536 400	3760	1536
36	40700 NE ALDERMEADOWS DR	R945310490	GGR-10	Farm Bldg*	2376	2376	2376

37	432 NE SALZMAN RD	R945310680	GGR-10	1 st Flr 2 nd Flr Farm Bldg* Farm Bldg* Shed	1199 765 2160 3520 270	7914	5680
38	154 NE SALZMAN RD	R945310610	GGR-10	SFR Farm Bldg* Att Gar	2040 988 720	3748	988
Average Size of Comparable Accessory Structures in Area**: 1351 sf Smallest Comparable Accessory Structure**: 480 sf Largest Comparable Accessory Structure**: 2884 sf Median Size Comparable Accessory Structure**: 1152 sf							
* - Comparable improvement ** - Does not include min/max outliers							

8.3 (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: *No new vehicle access.*

Staff: No additional access points to the Scenic Travel Corridors are required or feasible at this time. *This criterion has been met.*

8.4 (4) Project applicants shall be responsible for the proper maintenance and survival of any required vegetation.

Applicant: *No vegetation other than grass field and invasive Himalayan Blackberries surround the proposed building.*

Staff: If the application is approved, this criterion can be met through a condition of approval. *Through a condition of approval, this criterion will be met.*

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

Applicant: *Site plan – attached.*

Staff: The applicant has provided the necessary information to determine compatibility with the Rural Residential in Pastoral landscape setting. Please see additional findings under MCC 38.7035(C) below. *This criterion has been met.*

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

- (1) Each development shall be visually subordinate to its setting as seen from Key Viewing Areas.**
- (2) The extent and type of conditions applied to a proposed development or use to achieve the scenic standard shall be proportionate to its potential visual impacts as seen from Key Viewing Areas. Decisions shall include written findings addressing the factors influencing potential visual impact including but not limited to: the amount of area of the building site exposed to Key Viewing Areas, the degree of existing vegetation providing screening, the distance from the building site to the Key Viewing Areas it is visible from, the number of Key Viewing Areas it is visible from, and the linear distance along the Key Viewing Areas from which the building site is visible (for linear Key Viewing Areas, such as roads). Conditions may be applied to various elements of proposed developments to ensure they are visually subordinate to their setting as seen from key viewing areas, including but not limited to siting (location of development on the subject property, building orientation, and other elements); retention of existing vegetation; design (color, reflectivity, size, shape, height, architectural and design details and other elements); and new landscaping.**
- (3) Determination of potential visual effects and compliance with visual subordination policies shall include consideration of the cumulative effects of proposed developments.**
- (4) In addition to the site plan requirements in MCC 38.0045 (A) applications for all buildings visible from key viewing areas shall include a description of the proposed building(s)' height, shape, color, exterior building materials, exterior lighting, and landscaping details (type of plants used; number, size, locations of plantings; and any irrigation provisions or other measures to ensure the survival of landscaping planted for screening purposes).**
- (5) For proposed mining and associated activities on lands visible from Key Viewing Areas, in addition to submittal of plans and information pursuant to MCC 38.7035 (A) (6) and subsection (4) above, project applicants shall submit perspective drawings of the proposed mining areas as seen from applicable Key Viewing Areas.**
- (6) New development shall be sited on portions of the subject property which minimize visibility from Key Viewing Areas, unless the siting would place such development in a buffer specified for protection of wetlands, riparian corridors, sensitive plants, sensitive wildlife sites or conflict with the protection of cultural resources. In such situations, development shall comply with this standard to the maximum extent practicable.**
- (7) New development shall be sited using existing topography and/or existing vegetation as needed to achieve visual subordination from key viewing areas.**
- (8) Existing tree cover screening proposed development from key viewing areas shall be retained as specified in MCC 38.7035(C).**
- (9) Driveways and buildings shall be designed and sited to minimize visibility of cut banks and fill slopes from Key Viewing Areas.**
- (10) The exterior of buildings on lands seen from Key Viewing Areas shall be composed of nonreflective materials or materials with low reflectivity, unless the structure would be fully screened from all Key Viewing Areas by existing topographic features. The *Scenic Resources Implementation Handbook* includes a list of recommended exterior materials. These recommended materials and other materials may be deemed consistent with this code, including those that meet recommended thresholds in the "visibility and Reflectivity Matrices" in the**

Implementation Handbook. Continuous surfaces of glass unscreened from key viewing areas shall be limited to ensure visual subordination. Recommended square footage limitations for such surfaces are provided for guidance in the Implementation Handbook

(11) Exterior lighting shall be directed downward and sited, hooded and shielded such that it is not highly visible from Key Viewing Areas. Shielding and hooding materials shall be composed of non-reflective, opaque materials.

(12) Unless expressly exempted by other provisions in this chapter, colors of structures on sites visible from key viewing areas shall be dark earth-tones found at the specific site or in the surrounding landscape. The specific colors or list of acceptable colors shall be included as a condition of approval. The *Scenic Resources Implementation Handbook* will include a recommended palette of colors.

(13) Additions to existing buildings smaller in total square area than the existing building may be the same color as the existing building. Additions larger than the existing building shall be of colors specified in the landscape setting for the subject property.

(14) Rehabilitation of or modifications to existing significant historic structures shall be exempted from visual subordination requirements for lands seen from Key Viewing Areas. To be eligible for such exemption, the structure must be included in, or eligible for inclusion in, the National Register of Historic Places or be in the process of applying for a determination of significance pursuant to such regulations. Rehabilitation of or modifications to such historic structures shall be consistent with National Park Service regulations for historic structures.

(15) The silhouette of new buildings shall remain below the skyline of a bluff, cliff or ridge as seen from Key Viewing Areas. Variances may be granted if application of this standard would leave the owner without a reasonable economic use. The variance shall be the minimum necessary to allow the use, and may be applied only after all reasonable efforts to modify the design, building height, and site to comply with the standard have been made.

(16) An alteration to a building built prior to November 17, 1986, which already protrudes above the skyline of a bluff, cliff or ridge as seen from a Key Viewing Areas, may itself protrude above the skyline if:

(a) The altered building, through use of color, landscaping and/or other mitigation measures, contrasts less with its setting than before the alteration; and

(b) There is no practicable alternative means of altering the building without increasing the protrusion.

(17) The following standards shall apply to new landscaping used to screen development from key viewing areas:

(a) New landscaping (including new earth berms) shall be required only when there is no other means to make the development visually subordinate from key viewing areas. Alternate sites shall be considered prior to using new landscaping to achieve visual subordination. Development shall be sited to avoid the need for new landscaping wherever possible.

(b) If new landscaping is required, it shall be used to supplement other techniques for achieving visual subordination.

(c) Vegetation planted for screening purposes shall be of sufficient size to make the development visually subordinate within five years or less of commencement of construction.

(d) Landscaping shall be installed as soon as practicable, and prior to project completion. Applicant. The property owner(s), and their successor(s) in interest

are responsible for the proper maintenance and survival of planted vegetation, and replacement of such vegetation that does not survive.

(e) The Scenic Resources Implementation Handbook includes recommended species for each landscape setting consistent with MCC 38.7035(C) and the minimum recommended sizes for tree plantings (based on average growth rates expected for recommended species).

(18) Conditions regarding new landscaping or retention of existing vegetation for new developments on land designated GMA Forest shall meet both scenic guidelines and the fuel break requirements of MCC 38.7305(A).

(24) New buildings shall not be permitted on lands visible from Key Viewing Areas with slopes in excess of 30 percent. A variance may be authorized if the property would be rendered unbuildable through the application of this standard. In determining the slope, the average percent slope of the proposed building site shall be utilized.

(25) All proposed structural development involving more than 100 cubic yards of grading on sites visible from Key Viewing Areas shall include submittal of a grading plan. This plan shall be reviewed by the Planning Director for compliance with Key Viewing Area policies. The grading plan shall include the following:

(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. Existing and proposed final grades;
2. Location of all areas to be graded, with cut banks and fill slopes delineated; and
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 compaction, 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 type of species, number of plants, size and location, and a description of irrigation provisions or other measures necessary to ensure the survival of plantings; and
6. A description of any other interim or permanent erosion control measures to be utilized.

Applicant: *Not visible from KVA (Key Viewing Areas)*

Staff: The topography of the area would allow the subject property to be seen from the Women's Forum, Historic Columbia River Highway, Columbia River, SR-14 and the Sandy River, as shown on the site map identified as Exhibit B.6. This map displays Seen Areas GIS data layers provided to the County by the Columbia River Gorge Commission. While the spatial data displayed in Exhibit B.6 demonstrates that much of the subject property can be seen from at least one of the key viewing areas listed above, the proposed development site itself is not encumbered by any of the applicable Seen Areas layers indicating the development site would not be visible from the KVAs listed above. However, the data has potential accuracy limitations at the site specific level, so further analysis was needed.

Staff generated five separate slope profiles in order to provide a two-dimensional representation of the slope shape on lands between each applicable KVA and the subject development site (Exhibit B.7). In the case of the Columbia River and SR-14, each profile clearly shows that the steep terrace rising between the floor of the Gorge and the Historic Columbia River Highway topographically screens the proposed development from these KVAs. Between the Sandy River and the development site, situated approximately 6500 feet away, lies a convex element at the top of an intervening slope which provides a similar level of topographic screening. The topographic screening which exists between the Women's Forum and Historic Columbia River Highway is less pronounced. However, on each respective profile, a level shelf of land is shown which interrupts the declivity of the slope (with steeper slopes above and below), and provides topographic screening from all KVAs to the development site.

The criteria above [MCC 38. 7035(B)(1)-(29)] must only be addressed for proposed uses which are visible from Key Viewing Areas. Since the agricultural building will be sited on the subject property in a location which is not visible from Key Viewing Areas, those criteria are not applicable. *Criteria are not applicable.*

9.0 The Proposed Structure is Consistent with the Criteria Set Forth in the Rural Residential in Pastoral Landscape Setting

9.1 (C) All Review Uses and Conditional Uses within the following landscape settings:

(4) Rural Residential in Conifer Woodland or 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.

(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.

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

Staff: Findings which address the design standards for the Rural Residential and Pastoral settings are drafted under Findings 8.2-8.3 below. This application does not propose new recreation uses. *This criterion has been met.*

9.2 (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.

(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, bigleaf 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.

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

Applicant: Within 100 feet of a dwelling on a 27.14 acre property.

Staff: All structures on the 27.14-acre property will be within a 150-foot radius of the proposed site for the agricultural structure. The structure will be clustered in close proximity to the existing residence, greenhouse, and nursery can yard. As discussed under Finding 7.6 above, no portion of the new development will not be visible from Key Viewing Areas. This application does not propose new recreation uses. *This criterion has been met.*

9.3 (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.

(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.

(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.

Applicant: Not visible from any nearby residents or roads. No trees or shrub vegetation removed other than Himalayan Blackberries.

Staff: According to the applicant, the existing tree cover will be retained. A condition of approval has been included requiring the retention of all trees except as needed for site development, safety purposes, or as part of forest management practices. As discussed under Finding 8.6 above, no portion of the proposed development will be visible from Key Viewing Areas. Further, this application does not propose new recreation uses. *As conditioned, this criterion can be met.*

10.0 NSA Agricultural Building Criteria Have Been Met

10.1 § 38.7340 - Agricultural Buildings

(A) The size of proposed agricultural buildings shall not exceed the size needed to serve the current agricultural use and, if applicable, the proposed agricultural use.

Staff: There are no agricultural buildings currently sited on the subject property. The size of the agricultural building proposed (1,440 sf) is characteristic of an agricultural operation of similar size, scope and nature as that currently employed by the applicant, particularly when no other storage building exists on-site. As addressed under Finding 8.2, the proposed building is generally consistent with the height and size of existing nearby development within a ¼ mile radius of the subject property. *This criterion has been met.*

10.2 (B) To explain how (A) above is met, applicants shall submit the following information with their land use application:

(1) A description of the size and characteristics of current agricultural use.

Applicant: You will not find many farms in Multnomah county following a conservation ethic like that of Klock Farm. Of the lands that are listed in farm deferral in Multnomah County you will not find many 11 acre parcels that can list \$20-30,000 annually income and \$3-5,000 payroll on their Schedule F tax return. Berry production on the property was 23,000 pounds in 2007, nursery sales exceeded \$3,000. Proposed farm fuse will continue to be berry and nursery production. The environmental safeguards that the farm practices area:

- 1. Nutrient management using soil tests on a regular basis.*
- 2. Integrated Pest Management that reduces chemical use on the property to one quarter what regular berry operations uses.*
- 3. Use of conservation cover crops and windbreaks to virtually eliminate wind and water erosion.*
- 4. Use of drip irrigation system that uses a fraction of the water that overhead irrigations us.*
- 5. Allows botanical diversity to increases wildlife diversity.*
- 6. Intense invasive species control.*

Staff: Staff concurs. *This criterion has been met.*

10.3 (2) An agricultural plan for any proposed agricultural use that specifies agricultural use (e.g., crops, livestock, products), agricultural areas and acreages (e.g., fields, pastures, enclosures), agricultural structures (e.g., irrigation systems, wind machines, storage bins) and schedules (e.g., plowing, planting, grazing).

Staff: The subject property is currently devoted to agricultural uses. The applicant has not proposed additional agricultural uses as part of this land use application. *This criterion is not applicable.*

10.4 (3) A floor plan showing intended uses of the agricultural building (e.g., space for equipment, supplies, agricultural products, livestock).

Staff: The applicant has submitted a floor plan which illustrates the intended use of the agricultural building (Exhibit A.13). These uses include the storage of common machinery, implements, and materials used on a farm to help with farming (i.e. traction and power, soil cultivation, planting, fertilizing and pest control, harvesting). *This criterion has been met.*

11.0 Conclusion

Based on the findings, narrative, and other information provided herein, this application, as

conditioned, satisfies the applicable approval criteria required for Site Review in the National Scenic Area.

12.0 **Exhibits**

‘A’ Applicant’s Exhibits

‘B’ Staff Exhibits

‘C’ Procedural Exhibits

‘D’ Comments Received

Exhibit #	# of Pages	Description of Exhibit	Date Received/ Submitted
A.1	1	NSA Application Form	04/13/07
A.2	1	Application Narrative	04/13/07
A.3	1	Site Plan	04/13/07
A.4	3	Aerial Photos w/ soil types, field boundaries and 5’ contour lines	04/13/07
A.5	4	Photos of development area	04/13/07
A.6	2	Revised Site Plans	06/18/07
A.7	2	Vegetation Summary	06/18/07
A.8	3	Building Elevations	07/20/07
A.9	1	Exterior Color Sample (Behr, Whispering Pine (450F-06)	07/20/107
A.10	1	Exterior Siding Information (North American Metals Inc)	07/20/07
A.11	13	Service Provider Forms <ul style="list-style-type: none"> a. Fire District Review Access b. Fire District Review Fire Flow Requirements c. Certification of Water Service d. Certification of On-Site Sewage Disposal e. Storm Water Certificate 	06/18/07
A.12	22	Deed Information <ul style="list-style-type: none"> a. Special Warranty Deed, Dated 10/16/97 	04/13/07
A.13	2	Floor Plan / Information on Agriculture Operation	10/05/07
‘B’		Staff Exhibits	Date
B.1	1	Multnomah County Tax Map	N/A
B.2	1	Zoning Map - current	N/A
B.3	1	Zoning Map - 1962	N/A
B.4	1	A&T Property Information	N/A
B.5	1	Aerial Photograph w/ 10 ft contours	N/A
B.6	1	Seen Area Layer Map	N/A
B.7	1	Slope Profiles – KVAs to subject property	N/A
B.8	1	Site Visit Photographs	06/06/07
‘C’		Administration & Procedures	Date
C.1	5	Completeness Review Notice	04/24/07
C.2	2	Incomplete Letter	05/10/07
C.3	2	Second Incomplete Letter	06/26/07
C.4	1	Complete Letter – Day 1	07/26/07
C.5	7	Opportunity to Comment	07/28/07

C.6	3	Administrative Decision	10/18/07
'D'		Comments Received	Date
D.1	2	State of Oregon Parks and Recreation Department – State Historic Preservation Office (Susan White)	05/25/07
D.2	1	Columbia River Gorge Commission (Jessica Metta)	07/27/07
D.3	6	Friends of the Columbia Gorge (Richard Till)	08/03/07
D.4	1	Oregon Department of Fish and Wildlife (Mischa Connine)	08/06/07
D.5	1	R. Dennis Wiancko, Corbett, OR	08/07/07
D.6	3	Multnomah County Transportation Planning Program (Aruna Reddi)	08/07/07
D.7	1	Bob Leipper, Troutdale, OR	08/09/07
D.8	1	Clair Klock, Corbett, OR	08/22/07