



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

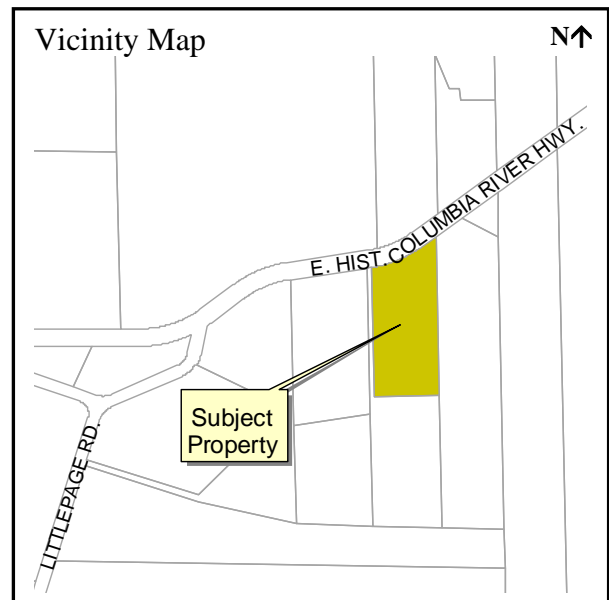
This notice concerns a Planning Director Decision on the land use case(s) cited and described below.

Case File: T2-07-054

Permit: National Scenic Area Site Review Permit

Location: 38006 E. Hist. Columbia River Hwy
 TL 200, Section 35A, Township 1 North,
 Range 4 East, W.M.
 Alternative Account #R944351010.

Applicant/ David Ranieri
Owner: PO Box 503
 Corbett, OR 97019



Summary: NSA Site Review for a proposed 35' by 40' shop (accessory building).

Decision: Approved with conditions.

Unless appealed, this decision is effective November 19, 2007, at 4:30 PM.

Issued by:

By: _____
 George A. Plummer, Planner

For: Karen Schilling- Planning Director

Date: Friday, November 5, 2007

Instrument Number for Recording Purposes: 2005078974

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 George A. Plummer, Staff Planner at 503-988-3043.

Opportunity to Appeal: This decision may be appealed within 14 days of the date it was rendered, pursuant to the provisions of MCC 38.0640. An appeal requires a \$250.00 fee and must state the specific legal grounds on which it is based. To obtain appeal forms or information on the procedure, contact the Land Use Planning offices at 1600 SE 190th Avenue (Phone: 503-988-3043). This decision cannot be appealed to the Columbia River Gorge Commission until all local appeals are exhausted.

This decision is final at the close of the appeal period, unless appealed. The deadline for filing an appeal is November 19, 2007, at 4:30 pm.

Applicable Approval Criteria: Multnomah County Code (MCC): Multnomah County Code (MCC) 38.0510 et. al: Administration and Procedures, MCC 38.0000 et. al: General Provisions, MCC 38.3000 et. al: Gorge General Residential and MCC 38.7000 et. al: Site Review

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>.

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 and prior to building permit sign-off, the property owner shall record the Notice of Decision including the Conditions of Approval (pages 1-4) of this decision with the County Recorder. The Notice of Decision shall run with the land. Proof of recording shall be submitted to Multnomah County Land Use Planning prior to the issuance of any permits. Recording shall be at the applicant's expense.
2. The proposed building shall be used as an accessory structure for the personal use of occupants of the dwelling on the property. This building shall not be used for commercial purposes. The other accessory buildings on the property shall be removed within a month of the building permit final of the proposed building. The property owner shall ensure that a final building inspection occurs prior to using the building [MCC 38.3025(A)(2) and (3)].
3. The property owner shall maintain the existing density of vegetation of the property. The property owner shall plant ten conifer trees, such as Douglas fir, grand fir, western red cedar or ponderosa pine, spaced ten to fifteen feet apart as shown on the staff amended site plan included as Exhibit 2.7. These trees shall be a minimum of five feet in height when planted. These trees shall be planted within this planting season prior to April 30, 2008. At least five

of these trees shall be species native to the area. Arborvitaes shall not be used to meet this condition. [MCC 38.7035(A)(4); MCC 38.7035(B)(1); MCC 38.7035(B)(7); MCC 38.7035(B)(8); MCC 38.7035(B)(17); MCC 38.7035(C)(3)(a) and MCC 38.7035(C)(3 (b))].

4. The outdoor lighting shall be directed downward, hooded and shielded such that it is not highly visible from Historic Columbia River Highway. Shielding and hooding materials shall be composed of non-reflective, opaque materials [MCC 38.7035(B)(11)].
5. The siding, doors, and roofing of the building shall be the material and colors proposed or the colors shall match the colors in the top two rows (A and B) in the Gorge Commission, *Scenic Resources Implementation Handbook* “Recommended Colors Chart” [MCC 38.7035 (B)(13)].
6. If any Cultural Resources and/or Archaeological Resources are located on the property during this project, including finding any evidence of historic campsites, old burial grounds, food/medicine plants, the following procedures shall be implemented [MCC 38.7045 (L)].

All survey and evaluation reports and mitigation plans shall be submitted to the Planning Director and SHPO. Indian tribal governments also shall receive a copy of all reports and plans if the cultural resources are prehistoric or otherwise associated with Native Americans.

- (a) Halt Construction – All construction activities within 100 feet of the discovered cultural resource shall cease. The cultural resources shall remain as found; further disturbance is prohibited.
 - (b) Notification – The project applicant shall notify the County Planning Director and the Gorge Commission within 24 hours of the discovery. If the cultural resources are prehistoric or otherwise associated with Native Americans, the project applicant shall also notify the Indian tribal governments within 24 hours. This includes the Yakama Nation, contact Cultural Specialist for the Cultural Resources Program at: (509) 865-5121 extension 4720; FAX number (509) 865-4664. Procedures required in MCC 38.7045 (L) shall be followed.
 - (c) Survey and Evaluation – The Gorge Commission will survey the cultural resources after obtaining written permission from the landowner and appropriate permits from SHPO (see ORS 273.705 and ORS 358.905 to 358.955). It will gather enough information to evaluate the significance of the cultural resources. The survey and evaluation will be documented in a report that generally follows the standards in MCC 38.7045 (C) (2) and MCC 38.7045 (E).
 - (d) Mitigation Plan – Mitigation plans shall be prepared according to the information, consultation, and report standards of MCC 38.7045 (J). Construction activities may recommence when the conditions in the mitigation plan have been executed.
7. The following procedures shall be in effect if human remains are discovered during excavation or construction [human remains means articulated or disarticulated human skeletal remains, bones, or teeth, with or without attendant burial artifacts [MCC 38.7045 (M)]:
 - (a) Halt Activities – All survey, excavation, and construction activities shall cease. The human remains shall not be disturbed any further.

- (b) Notification – Local law enforcement officials, the Multnomah County Planning Director, the Gorge Commission, and the Indian tribal governments shall be contacted immediately.
- (c) Inspection – The State Medical Examiner shall inspect the remains at the project site and determine if they are prehistoric/historic or modern. Representatives from the Indian tribal governments shall have an opportunity to monitor the inspection.
- (d) Jurisdiction – If the remains are modern, the appropriate law enforcement officials will assume jurisdiction and the cultural resource protection process may conclude.
- (e) Treatment – Prehistoric/historic remains of Native Americans shall generally be treated in accordance with the procedures set forth in Oregon Revised Statutes, Chapter 97.740 to 97.760.
 - If the human remains will be reinterred or preserved in their original position, a mitigation plan shall be prepared in accordance with the consultation and report standards of MCC 38.7045 (I).
 - The plan shall accommodate the cultural and religious concerns of Native Americans. The cultural resource protection process may conclude when the conditions set forth in the standards of MCC 38.7045 (J) are met and the mitigation plan is executed.

Note: Once this decision is final, application for building permits may be made with the City of Gresham. When ready to have building permits signed off, the applicant shall call the Staff Planner, George Plummer, at (503) 988-3043 ext. 29152, for an appointment for review and approval of the conditions and to sign the building permit plans. Please note, Multnomah County must review and sign off the building permits before the applicant submits building plans to the City of Gresham. Three (3) sets each of the site plan and building area are needed for building permits signed off.

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.

1. **PROJECT DESCRIPTION**

Applicant: *Build a 35 x 40 shop in the south east of property.*

Staff: The applicant proposes a 1,400 square foot shop accessory building in the GGR-5 Zone District within the Rural Residential Landscape Setting (Exhibit 1.1).

2. **SITE AND VICINITY CHARACTERISTICS**

Staff: The property is located east of the Community of Corbett along the Historic Columbia River Highway. The property is adjacent to the highway on the south side and directly accesses the highway. The subject property is developed with a dwelling with an attached garage and two sheds and a barn. The sheds are 192 square feet and 270 square feet according to applicant's site plan, plus a 864 square foot barn to be removed in the proposed development site (Exhibit 1.2). The front of the property where the dwelling is located is heavily vegetated with trees and shrubs (Exhibit 23). The proposed shop building will be located south of this vegetated area. The property gently slopes down toward the south.

The property is located in a pocket of similar sized properties in the Gorge General Residential – 5 (GGR-5) Zone District (Exhibit 2.2). Directly north of the road the properties are GGR-5 as well. To the northwest across the highway the properties are zoned Gorge General Agricultural – 40 (GGA-40).

3. **INITIATION OF ACTION BY PROPERTY OWNER**

MCC 38.0550: Except as provided in MCC 38.0760, Type I - III applications may only be initiated by written consent of the owner of record or contract purchaser. PC (legislative) actions may only be initiated by the Board of Commissioners, Planning Commission, or Planning Director.

Staff: Multnomah County Assessment shows David Ranieri as the property owner. The application is signed by Mr. Ranieri (Exhibit 1.1).

4. **ADMINISTRATIVE PROCEDURES**

4.1 **Administrative Procedures for a Type II Case)**

MCC 38.0530(B) Type II decisions involve the exercise of some interpretation and discretion in evaluating approval criteria. Applications evaluated through this process are typically assumed to be allowable in the underlying zone. County Review typically focuses on what form the use will take, where it will be located in relation to other uses, and it's relationship to scenic, natural, cultural and recreational resources of the area. However, an application shall not be approved unless it is consistent with the applicable siting standards and in compliance with approval requirements. Upon receipt of a complete application, notice of application and an invitation to comment is mailed to the Gorge Commission; the U.S. Forest Service; the Indian tribal governments; the State Historic Preservation Office; the

Cultural Advisory Committee; and property owners within 750 feet of the subject tract. The Planning Director accepts comments for 14 days after the notice of application is mailed, except for comments regarding Cultural Resources, which will be accepted for 20 days after the notice is mailed. The Planning Directors decision is appealable to the Hearings Officer. If no appeal is filed the Planning Directors decision shall become final at the close of business on the 14th day after the date on the decision. If an appeal is received, the Hearings Officer decision is the County's final decision and is appealable to the Columbia River Gorge Commission within 30 days after the decision is final. The decision is final the day the decision is signed by the Hearings Officer.

Staff: This decision is a review of the proposed development pursuant to MCC 38.0530(B). The application was submitted on May 31, 2007 (Exhibit 1.1). A Completeness Review notice was sent on June 6, 2007 to interested agencies and Tribes. The application was deemed complete as of July 13, 2007 when additional information was submitted. A 14 Day Opportunity to Comment notice was mailed by staff on August 3, 2007 to property owners within 750 feet of the subject tract, the Gorge Commission, the US Forest Service, and the Tribal Governments and other agencies and interested parties. Three letters of comment were received addressing the proposal and each is summarized below. This decision was drafted and will be mailed in accordance with MCC 38.0660.

The following documents were received during the completeness review: An email dated June 8, 2007 from Margaret L. Dryden, Heritage Resource Program Manager, Columbia River Gorge National Scenic Area, US Forest Service (Exhibit 3.1) and a letter dated June 19, 2007 from Dennis Griffin, Ph.D., RPA, State Historic Preservation Office, Oregon Department of Parks and Recreation (Exhibit 3.2).

The following letters of comment were received: A letter dated August 15, 2007 from Richard Till, Land Use Law Clerk, Friends of the Columbia Gorge, (Exhibit 3.3), an email dated August 16, 2007 from Michelle Gregory AICP, Soapbox Enterprises (Exhibit 3.4), and a letter dated August 17, 2007 from Mischa Connine, Habitat Biologist, Oregon Department of Fish and Wildlife (Exhibit 3.5).

In her email Ms. Dryden, stated, "A cultural resources reconnaissance survey is: Not Required" and "A Historic Survey is: Not Required." Mr. Griffin's letter reflected Ms. Dryden's findings, stating that, "A search through the SHPO archaeological statewide database has revealed that there are no reported sites in the proposed project area.

In his letter Mr. Till, listed several Code sections that are related to the proposed development, stating they must be met. The issues raised in this letter will be addressed in the findings later in this decision, in section 5, 6 and 7.

In her email, Ms. Gregory stated concerns about sustaining the tranquility and livability of the neighborhood. She expressed concern that the shop uses not generate an increased level of noise, traffic and power usage. Staff sent an email back stating the proposed shop, if allowed, will be for personal use and commercial use will not be allowed unless the use is an approved use. A condition of approval will require this.

Mischa Connine's letter stated that, "At this time, ODFW does not anticipate any adverse impacts to fish and wildlife habitat."

5. NATIONAL SCENIC AREA SITE REVIEW REQUIRED

5.1 Applicability

MCC 38.7010: With the exception of Primary Uses, no building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in the Columbia River Gorge National Scenic Area except when approved pursuant to MCC 38.0530 (B) or (C) or 38.7090.

* * *

MCC 38.7015: An application for NSA Site Review shall address the applicable criteria for approval, under MCC 38.7035 through 38.7090.

* * *

MCC 38.7020: A decision on an application for NSA Site Review shall be based upon findings of consistency with the criteria for approval specified in MCC 38.7035 through 38.7085 or 38.7090 as applicable.

Staff: The proposed use is listed as a review use in the GGR-5 zoning district. Therefore, a National Scenic Area Site Review is required. Findings addressing consistency have been made for the applicable criteria, under MCC 38.7035 through 38.7090.

5.2. Use Is Allowed As a Review Use In The GGR-5 Zoning District

5.2.1. MCC 38.3025(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 38.0085.**
- (2) Accessory structures for an existing or approved dwelling that are not otherwise al-lowed outright, eligible for the expedited development review process, or allowed in (3) below.**
- (3) Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel are subject to the following additional standards:**
 - (a) The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all**

- accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.
- (b) The height of any individual accessory building shall not exceed 24 feet.

MCC 38.0015 Definitions: Accessory use: A use or activity that is a subordinate part of a primary use and that clearly is incidental to a primary use on a site.

Applicant: *I would like with you permission to leave the two small sheds up until I have a roof on the new shop. They would be tore down right away at that time. They are full belongings that need to stay dry if this is not possible I will tear them down right away as well.*

Staff: The subject property has an existing single family dwelling established with a building permit issued on November 17, 1972 (Exhibit 2.8). The proposal is for a 1400 square foot shop accessory building within the GGR-5 Zone District (Exhibit 2.2). The proposed building will be limited through a condition of approval to personal use to meet the definition of an accessory use that is a subordinate part of a primary use and that clearly is incidental to a primary use on a site. The property currently has 1326 square feet of combined accessory building footprint. With the proposed accessory building, the combined footprint would exceed the 1,500 square foot limitation listed under MCC 38.0530 (B)(3)(a). All of the existing accessory buildings will be required to be removed within 30 days of the proposed shop building's final building permit inspection. A final inspection prior to establishing the use in the building will be required as a condition of approval. The shop building is proposed to be 22.5 feet in height, meeting the 24 foot maximum height limitation.

The following sections of this decision include the findings for the NSA Site Review standards of MCC 38.7000 through 38.7085.

5.3 GGA Dimensional Requirements

5.3.1 MCC 38.3060(C) Minimum Yard Dimensions - Feet

Front	Side	Street Side	Rear
30	10	30	30

Staff: The proposed location of the structure is more than 100 feet from all property lines except the eastern property line. It will be 30 feet from the eastern property line (Exhibit 1.2). All minimum yard requirements are met by the proposal.

5.3.2. MCC 38.3060 (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: The proposed building is more than 200 feet from the Historic Columbia River Highway, ODOT right-of-way (Exhibit 1.2). Given the distance from the right-of-way, no additional setback is required.

5.4. Access

MCC 38.3090 Any lot in this district shall abut a street or shall have other access determined by the approval authority to be safe and convenient for pedestrians and passenger and emergency vehicles.

Staff: The subject property has an existing access to the Historic Columbia River Highway, ODOT right-of-way, serving the existing residential development. Mike Keys, ODOT stated to staff in a phone conversation on October 23, 2007 that ODOT had no issues regarding access in relationship to this application since the access has been established for the existing residence.

5.5. Review Use Applications

MCC 38.0045 (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 (listed in MCC 38.0045(A)(2)(a) through (o)).

Staff: The applicable required information for the proposed use has been submitted.

6. NSA SITE REVIEW FOR SCENIC REVIEW CRITERIA FOR GMA

6.1 MCC 38.7035(A)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:

Staff: The subject property is in the General Management Area of the Columbia River Gorge National Scenic Area thus the GMA criteria are the applicable criteria.

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

Applicant: *The roadway to the new building is already in place and is partly gravel. No other improvements are necessary. There is also a shared road to the yard that is in*

place and goes right to my yard. The new building site is nearly flat within 2% and will need no grading. I only need to scrap out the small amount of dirt to pour footings. We will remove the least amount possible. I am building on nearly the same footprint as the old barn, so no grading should be needed, except for footings. After removing the old barn, I may need to add gravel to compact for the concrete. There is horse manure there now that needs to be removed, once it's removed no further grading will be necessary.

Staff: The proposed location requires a minor amount of grading to prepare the proposed building site (Exhibit 2.2). The driveway to this area was developed when the dwelling was built. Any other building site would require the same amount of grading or more. Thus the new building is sited and designed to retain the existing topography and reduce necessary grading to the maximum extent practicable. This criterion is met.

6.1.2. MCC 38.7035(A)(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: *I am purposing a 22' 6 roof peek. The dimensions of the building are to be 35' x 40' or 1400 sq. feet. My house on the north end of the property equals 2800 sq. feet including the garage. Its roof peek is 18'. I have a neighbor to my southeast, 602 Littlepage Road, that has a shop approximately 23' tall and that is 1400 sq. feet. Another shop to my southeast, 540 Littlepage Road, is approximately 1100 sq. feet. And 18' tall On my east, at 38600 E. Historic Hwy., is a large shop at 35' x 50' or 1750 sq. feet and 24' tall. My other neighbor at 37930 Littlepage has a shop 30' x 45' or 1400 sq. feet and 18' tall. The house to my immediate west, 37930 E. Historic Hwy, is 1800 sq. feet on the first level and 21' tall. The house to his west, 990 Littlepage Road, is over 1500 sq. feet and 19' tall. There is another shop to my east, 38401 E. Historic Hwy., which is approximately 28' x 35' and 22' tall. The house to my north, 1525 NE Crestview Lane, is over 2500 sq. feet and 23' tall.*

Staff: The area for the proposed shop accessory building is 1400 square feet. The applicant lists eight property addresses with structures that he proposes to use to demonstrate the proposed accessory shop building is compatible with the general scale (height, dimensions and visible mass) of similar buildings that exist nearby (Exhibit 1.3). The applicant has included photographs of these buildings (Exhibit 1.5). However, several of these structures do not meet the similar building standard in the criterion. We have eliminated the dwellings in the applicant's list because they are not similar buildings. The following table includes the applicant's proposed nearby comparables for accessory shop buildings with the last column of information supplemented by staff from County Assessment records and County Land Use Planning records (Exhibit 2.5).

Address	Applicant's stated use	Area	Height	County stated use
602 NE Littlepage Rd.	Shop	1400 sq. ft.	23' tall	Exempt Farm Structure Permit
540 NE Littlepage Rd.	Shop	1100 sq. ft.	18' tall	No such accessory building in County Assessment records, however it is shown on 2004 aerial photo. No Building permit found.
38600 E. Historic Hwy	Shop	1750 sq. ft.	24' tall	Assessment lists two farm buildings, farm deferral property.
37930 NE Littlepage Rd.	Shop	1400 sq. ft.	18' tall	Not able to locate this address in County records
38401 E. Historic Hwy	Shop	980 sq. ft.	22' tall	Not able to locate this address in County records

All of the applicant's comparables have been eliminated. Staff eliminated all dwellings and farm use buildings from the analysis because they are not similar uses to the proposed building. Staff was unable to locate any County record to verify a shop accessory building at 540 Littlepage Road other than it appears on the aerial photo. Staff was unable to locate in County records the last two addresses listed in the table.

The following table includes information on other nearby accessory buildings using information from County Assessment records and County Land Use Planning records (Exhibit 2.6).

Address	County Assessment stated use	Area	Distance from property	Additional Info
1431 NE Creatview Ln	Detached Garage	528 sq. ft.	~845 ft.	
1337 NE Crestview Ln.	Detached Garage	1596 sq ft.	~485 ft.	
1337 NE Crestview Ln.	Farm Building	1792 sq. ft	~685 ft.	1 acre with no farm deferral
940 NE Littlepage Rd.	Detached Garage	900 sq. ft.	~620 ft.	
601 NE Littlepage Rd.	Farm Building	1728 sq ft	~1655 ft.	2 acres with no farm deferral

The table above shows five comparable nearby buildings that staff located, four of which are within a quarter mile of the subject property and the fifth about 335 feet beyond a quarter mile or less than a third mile of a from the property. Due to the small sample of similar buildings in this area, we included this fifth building which is slightly further than a quarter mile away. The criterion states the term "nearby" generally means buildings within 1/4 mile of the parcel on which development is proposed. The word "generally" allows some leeway in going beyond the quarter mile when there is a small sample of similar buildings within the quarter mile.

Detached garages are similar buildings to the proposed accessory shop building. Buildings designated garage or shop by County Assessment are often used for the same purposes of storing vehicles and other personal items as well as personal shop uses such

as wood working, other hobby uses and personal vehicle repair. County Assessment sometimes designates a building as a farm building when it is being used for the same uses as listed for shops and garages. When a building is labeled “farm building,” we look for other evidence as to whether there are any other indications of farm uses occurring on the property or adjacent properties in the same ownership. For both of the farm buildings listed in the table above, there is no other evidence of farm uses related to these buildings. Both are on small properties, less than two acres, neither property is in the farm deferral program, and there is no adjacent property in the same ownership being farmed.

While we do not have County Assessment data for the heights of the accessory buildings, similar buildings are often the height of the proposed structure, 22.5 feet. The applicant’s listed buildings demonstrate that. While the applicant’s proposed buildings have been eliminated, in general they demonstrate that the proposed height is common for this size of building. The accessory structure code, MCC 38.3025(A)(3)(b) allows an accessory building maximum height of 24 feet. This code limits accessory buildings to 1500 square feet indicating that a 24 foot height is common for buildings of this size.

Through our analysis of nearby development, we have determined that that the proposed structure is generally consistent with the size of existing nearby development, therefore this criterion is met.

6.1.3 MCC 38.7035(A)(3) New vehicular access points to the Scenic Travel Corridors shall be limited to the maximum extent practicable, and access consolidation required where feasible.

Applicant: *I will be doing mostly all the work my self and mostly evenings and weekends. No contractor trucks of any kind will be accessing the site. When I pour concrete, I will limit the access to an absolute minimum for the truck to deliver. If I have lumber delivered, it will also be limited to an absolute minimum. We will mainly use the east access road that is shared by other families.*

Staff: No new access points are proposed, therefore this criterion is met.

6.1.4 MCC 38.7035(A)(4) Project applicant shall be responsible for the proper maintenance and survival of any required vegetation.

Applicant: *All existing trees, shrubs and all additional required vegetation to be planted will be maintained for good survival and coverage. I will take extra care not to damage any existing vegetation during construction.*

Staff: This criterion can be met through a condition that requires proper maintenance and survival of required vegetation.

6.1.5. MCC 38.7035(A)(5) For all proposed development, the determination of compatibility with the landscape setting shall be based on information submitted in the site plan.

Applicant: *The site plan will show landscaping around the site and new building. It will show details on type and height of trees, and small shrubs on the property.*

Staff: Information from the submitted site plan was used to determine the compatibility with the landscape setting as required.

6.2 All GMA Review Uses visible from Key Viewing Areas:

MCC 38.7035 (B) All Review Uses and Conditional Uses topographically visible from Key Viewing Areas:

Staff: After reviewing the submitted materials, maps and topography we have determined that the proposed development, a shop building, is in a topographically visible location as viewed from the Historic Columbia River Highway and possibly Larch Mountain Key Viewing Areas.

6.2.1. MCC 38.7035 (B) (1) Each development shall be visually subordinate to its setting as seen from Key Viewing Areas.

Applicant: *The building will be designed to have the proper color screen to blend into wall existing vegetation. The trees between the building and the key viewing area are between thirty feet and sixty feet tall. The shrubs are dense in areas and will hide the building very well.*

Staff: The proposed building may be visible from a couple of areas along the Historic Columbia River Highway and Larch Mountain key viewing areas (KVAs). The applicant states in his narrative for another criterion that “*Only a total of 15' of the highway has viewing access to the new building.*”

The proposed building would be topographically visible from the highway to the north, northeast and west of the property. The proposed shop accessory building is proposed to be 22.5 feet in height. The applicant proposes to use low reflective building materials and paint the building dark colors. If trees were removed from these areas it appears the proposed building could be seen. Thus the building will need to be visually subordinate.

To the north of the proposed building there is a dense growth of trees and shrubs on the subject property. There is a thinner stand of trees to the northwest and a few to the west of the building. There is a single pine to the east of the building. There is a gap in vegetation on the subject property to the northeast and to the west of the building site. From these areas the proposed building is topographically visible. If a neighbor removed existing trees on their property the proposed building would be potentially visible.

A condition will require maintaining the existing vegetation and augmenting that vegetation with planting of some additional trees. Five conifer trees, such as Douglas fir, grand fir, western red cedar or ponderosa pine, spaced ten to fifteen feet apart located to the east-northeast (just north of the existing pine to the area just west of the blackberries) shown on the staff amended site plan included as Exhibit 2.7. The trees to be planted will need to be a minimum of five feet tall and planted within this planting season ending

April 30, 2008, to provide sufficient screening within five years. This will fill in the gap in the vegetation along the east property line to the northeast of the building.

The screening trees are a bit sparse to the west of the building site thus there is potential visibility from the Historic Highway if the neighbor were to remove some trees. A condition of approval will require planting five native conifers, such as listed earlier, spaced ten to 15 feet apart within 60 feet to the west of the proposed building as shown on the staff amended site plan included as Exhibit 2.7. These trees will fill in this gap providing visual subordination of the west-side of the building for the Historic Highway KVA.

Given the existing dense vegetative cover to the front of the property, the proposed building materials, and proposed colors, if a condition of approval required maintaining the existing density of vegetation with addition of the ten conifer trees planted as discussed earlier, the proposed building will be visually subordinate. This criterion is met through conditions.

6.2.2 MCC 38.7035 (B)(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.

Applicant: *I am making every effort to locate the new building to be proportionate to its potential visual impacts as seen from key viewing areas by locating it behind existing trees and shrubs and building it 237' from the scenic highway. The building proposed is to be 1400 sq. feet and 22' 6" tall. It is also proposed behind the existing house and garage that I live in. The new building will be very hard to see from the key viewing area through very heavy vegetation. Only a total of 15' of the highway has viewing access to the new building. My house would block the new building 100% when viewing it from the Historic Hwy. The vegetation is so heavy that you would have to stop on the highway and look very hard to get a glimpse of the new shop. The east side of the site may be deemed to have some new vegetation planted to help blend in the new building from the key viewing area which is over a quarter mile away but it is visible from the site. All other angles are concealed or blended with many trees and shrubs. I plan to make that east wall of the building of the shortest walls being 35' feet in length I am building with all wood construction to be painted in a natural green color to blend in mostly with the surrounding vegetation. The roof will also be a good color choice of a dark color. There*

is no need to remove any existing vegetation for the project. I have decided to put the building in the same foot print as the old building which is now falling down. I do not want any windows in the new building; there will be two shop doors facing the north and a man door facing the west. All necessary flashing will be painted green as well. No other reflective material will be used. The building is set back so far from key viewing areas that the trees hide real well and tower over the size of the building.

Staff: The conditions applied to a proposed development to achieve visual subordination, which include location, building material types, colors and planting of additional trees, are proportionate to its potential visual impacts as seen from Key Viewing Areas. This criterion is met.

6.2.3 MCC 38.7035 (B)(3) Determination of potential visual effects and compliance with visual subordination policies shall include consideration of the cumulative effects of proposed developments.

Applicant: *Any lighting I use will be low wattage and shaded with a shade. This allows the light to be sent downward rather than outward from the building. Only two lights are on the plans. One on the south wall, furthest from key viewing sites and one on the west wall which is mostly concealed by the trees. I will be using TI-11 siding and will be painting it with a dark color specified by my color chart, to mostly blend in with surrounding vegetation. No reflective material is to be used on the project. I don't have any windows planned for the building. The new building is proposed to be placed behind the densest of vegetation and to be color shaded to blend in to be the least visibly noticed from key viewing areas. The overall height shall be far less than the surrounding vegetation and be such an overall size to where the vegetation will be significantly conceal and cause the building to be much harder to see from all angles.*

Staff: Given the existing tree cover and additional planting required by conditions, the use of low reflectivity building materials and dark colors, there should be minor cumulative effect if any. This criterion is met through conditions.

6.2.4 MCC 38.7035 (B)(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).

Applicant: *I plan to plant arborvitaes on the east side of the building every two feet and assure they get hand watered as per instructed by the nursery. I will also assure that the plants, trees, shrubs that don't survive will be immediately replaced. The building is to be 1400 square feet, which will blend in with the surroundings well, as there are many trees and shrubs to screen it.*

The darker color I have chosen from the building is "Footpath" 5066-071126 by Glidden. I hope it will be a more suitable color. The trim and all doors will be "Trolley Car" 306Y 051055 NC45 by Glidden. The height of the proposed shop is 22'

6" tall. The foot print will be 40' x 35' I will use T-I 11 siding on the building and 1x4 for the trim. The roof will be a 3 tab composition in "Midnight Green" by Timerline. Samples of colors and roofing are provided, as well as outdoor lighting brochures. There will be two lights; The outdoor lighting will be one at the northwest corner by the man door, and also one on the southwest corner. They are rubbed oil bronze with a hood over them to shade the light. If needed I will plant arborvitaes on the east property line to screen the shop. I will water them by hand with a hose to ensure they will survive. If any should die, I will replace it. I will buy them by 5' tall and let them mature with your permission. I have lots of screening from all other side of the shop with trees and shrubs ranging from 4' tall to 45' tall. Most of my trees are 25' tall to 45' tall.

Staff: In Section 6.2.1. of this decision addressing MCC 38.7035(B)(1) we found that the property is visible from the Historic Columbia River Highway and potentially from Larch Mountain KVAs. The applicant has submitted the required information regarding building materials, colors, building descriptions, height and elevation plans, lights, and shape for the proposed accessory building. The proposed siding will be T1-11 wood siding. According to the applicant, confirmed by a phone conversation, the proposed garage doors will be wood. The siding and the doors will be painted a dark green and the trim will be a dark brown as shown in Exhibit 1.7 .The proposed roofing is black with dark green speckled asphalt shingles as shown in Exhibit 1.7. The applicant has submitted elevation drawings of the proposed building (Exhibit 1.6). A condition will require additional trees to be planted and to be maintained through proper irrigation. This criterion is met through conditions.

* * *

6.2.5 MCC 38.7035 (B)(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.

Applicant: *On this property, there is no buffers specified for any of the following items; nor are there any of the following items existing on the property: wetlands, sensitive plants, wildlife or cultural resources.*

I have proposed to build the new shop behind the largest group of existing vegetation on the property. The trees 25-45' tall around the building site. They are thick and full of branches and do a very good job of screening in key viewing areas year round. The existing topography of the land is very flat and so are the closest surround properties. My building site does not sit up high nor does it stand out from other properties and the key viewing area. I am choosing to build over 200' back from the key viewing area behind my existing house and many large trees. From the scenic highway, the roadway is lower then the property which blocks a lot of the viewing area of the property. I believe this to be the best building site using the existing topography and existing vegetation on the property.

Staff: The proposed accessory building is located in an area where an existing building will be removed. This site is located to the south of a dense stand of vegetation including several trees and shrubs. The proposed location will minimize visibility due to existing vegetation between it and the highway KVA. This criterion is met.

6.2.6 MCC 38.7035 (B)(7) New development shall be sited using existing topography and/or existing vegetation as needed to achieve visual subordination from key viewing areas.

Applicant: *I do not need to change the existing landscape to build my project. The site is already level and will be cleared from the old building that is now in disrepair. It is falling down and will be removed for the new construction. All existing vegetation will be left alone to help achieve visual sub ordinance from key viewing areas. The building will be set in a position were existing topography and or vegetation will be achieving visual sub ordinance from key viewing areas.*

The building site I have chosen is set behind all existing vegetation, such as trees 25-45' tall mostly all fur trees and conifers for a good year round screening. The land is very flat to where the new site is not standing compared to the rest of the property. Behind my land are tall trees and a high bluff in the background that towers over the height of my building by far. All the existing vegetation makes it very difficult to see the building from the key viewing area. I believe this vegetation will achieve visual sub ordinance from key viewing areas.

Staff: The property gently slopes downward to the south, providing some topographic screening for this relatively shallow sloped property. The existing dense stand of trees and shrubs on the northern 100 feet of the property provides effective screening of the proposed building from the north. A pine tree directly east of the proposed building and some trees to the northwest of the building will provide screening from those directions. The applicant has used existing topography as well as existing vegetation to provide significant screening for visual subordination. This criterion is met.

6.2.7 MCC 38.7035 (B)(8) Existing tree cover screening proposed development from key viewing areas shall be retained as specified in MCC 38.7035(C).

Applicant: *I will not be removing any existing trees or vegetation of any kind to build the new building. All vegetation will remain where it is to keep the area natural and the way it was before the project started. The existing tree cover will be retained and maintained.*

Staff: The applicant does not propose the removal of any trees. A condition of approval will require existing trees outside the development area to be retained. This criterion is met through conditions.

6.2.8 MCC 38.7035 (B)(9) Driveways and buildings shall be designed and sited to minimize visibility of cut banks and fill slopes from Key Viewing Areas.

Applicant: *There will be no cut banks or tall slopes as a result of constructing this building. The area to be built on has less than 2% existing grade.*

Staff: There are no cut banks and fill slopes proposed or necessary for the proposed project. The building location will require minimal grading for the building site. This criterion is met.

6.2.9 MCC 38.7035 (B)(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

Applicant: *The exterior of the building will be made up of wood siding painted of a consistent color as surrounding vegetation and trees. There are no plans to install windows or glass in the building. The siding will be T1-11 and painted a dark green color. The roof will be a dark brown three tab composition style, any metal flashing will be painted the same green as the trim.*

Staff: The proposed siding will be T1-11 wood siding which has low reflectivity. The proposed garage doors will be wood. The siding and the doors will be painted a dark green and the trim will be a dark brown as shown in Exhibit 1.7. The proposed roofing is black with dark green speckled asphalt shingles which have low reflectivity as shown in Exhibit 1.7. No windows are proposed for the building (Exhibit 1.6). This criterion has been met.

6.2.10. MCC 38.7035 (B)(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.

Applicant: *I would purpose to have motion detecting lights on the south and north wall. This will be low wattage and shielded to be of low visibility to key viewing areas. This would only be made with non reflective materials.*

I have provided a manufacturers brochure showing the type of outdoor lighting I am proposing to use on the building.

Staff: A condition will require exterior lighting meet this criterion.

6.2.11. MCC 38.7035 (B)(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.

Applicant: The color of this building will be a dark, earth tone that blends best with surrounding landscape. The natural color is on the plan and maybe changed if my planner decides of a better color.

I have provided a specific choice of my preferred colors for the main color, trim and doors of the shop.

Staff: The siding will be painted dark green "Footpath" 5066-071126 by Glidden. The trim and all doors will be a dark brown "Trolley Car" 306Y 051055 NC45 by Glidden. The applicant may paint the garage doors the dark green "Footpath" color (Exhibit 1.7). The roof will be a black with dark green speckled asphalt composition shingles in "Midnight Green" by Timberline as shown in Exhibit 1.7. The criterion could be met through a condition.

* * *

6.2.12 MCC 38.7035 (B)(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.

Applicant: *The nearest ridge viewed from the key viewing area is to the south of my site, and it is much larger the purposed building. It is a large treed ridge that overpowers the site of a new building built down below. The building will be on a flat piece of land where it will not stand out from the surrounding terrain. Rather blend in with the trees and vegetation around it.*

Behind the proposed there are large trees and small hills that tower over the elevation of the building. The building silhouette is below the background skyline and ridges as seen from the key viewing areas.

Staff: We concur with the applicant that the proposed structure will not protrude above the skyline. This criterion is met.

* * *

6.2.13 MCC 38.7035 (B)(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).

Applicant: *a. I am proposing to put the new building in the best possible location were it is to be behind three sets of tree lines and various bushes and shrubberies. If it is deemed necessary to plant more vegetation, than I will comply with their satisfaction. I believe that this site is the best one for coverage by existing landscape from key viewing areas.*

b. If more landscape is required, we will also use other means to make the building visually subordinate. Whether it is color scheme, low lighting, or proper materials such as non reflective products.

c. All new landscaping will be of sufficient size to make the building visually subordinate within the time expected. I intend to plant necessary new vegetation before the project is completed.

d. The vegetation will be planted while the building is being built. Also I acknowledge that I am responsible for proper maintenance such as support of new plants, fertilizer, watering, and protection from the elements. Any vegetation that does not survive will be replaced right away.

e. If additional landscape is required, I will follow the Scenic Resources Implementation Handbook to decide on recommended species. I will use the handbook as my guide to all my landscaping decisions.

Staff: The proposed building may be visible from a couple areas along the Historic Columbia River Highway and Larch Mountain key viewing areas (KVAs). The applicant states in his narrative for another criterion that “Only a total of 15' of the highway has viewing access to the new building.” The proposed shop accessory building will be 22.5 feet in height. The applicant proposes to use low reflective building materials and paint the building dark colors. The proposed building will be located in an area that provides good vegetative screening as viewed from the front of the property. The proposed site also utilizes an existing pine tree to the east to provide some screening from the northeastern direction. The proposed site works well with the existing vegetation on the property, however there are some gaps in that vegetation. The proposed building is topographically visible from the highway to the north, east and west of the property. If trees were removed from these areas it appears the proposed building could be seen. Thus the building will need to be visually subordinate.

A condition will require maintaining the denseness of the existing vegetation and augmenting that vegetation with planting of additional trees to supplement the other

techniques to achieve visual subordination. A condition will require planting of five conifer trees, such as Douglas fir, grand fir, western red cedar or ponderosa pine, spaced ten to fifteen feet apart located to the east-northeast (just north of the existing pine to the area just west of the blackberries) shown on the staff amended site plan included as Exhibit 2.7. To provide sufficient screening within five years, the trees to be planted will need to be a minimum of five feet tall and planted within this planting season ending April 30, 2008. This will fill in the gap in the vegetation along the east property line.

The screening trees are sparse to the west and there may be potential visibility from the Historic Highway if the neighbor were to remove some trees. A condition of approval will require planting five native conifers such as listed earlier within an area 60 feet to the west of the proposed building spaced ten to 15 feet apart filling in this gap thus the west-side of the building will be visually subordinate from the Historic Highway to the west.

The proposed building will be visually subordinate, given the existing dense vegetative cover to the front of the property, the proposed building materials, and proposed colors, if a condition of approval required maintaining the existing density of vegetation with addition of the ten conifer trees. This criterion is met through conditions.

* * *

6.2.14. MCC 38.7035 (B)(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.

Applicant: *This building will be constructed on a portion of land that has less than 2% of slope all around the site. It is well under the required less than 30% as mentioned.*

Staff: Staff concurs with the applicant. No slopes on the property are in excess of 30 percent (Exhibit 1.4). The criterion is met.

6.3 MCC 38.7035(C) All Review Uses and Conditional Uses within the following landscape settings: MCC 38.7035(C)(3) Rural Residential

Staff: The subject property is in the Rural Residential Landscape Setting.

6.3.1 MCC 38.7035(C)(3):

- (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.

Applicant: *a. Existing tree coverage will be retained 100%. I will not be cutting or removing any vegetation of any sort other than grass to build the new building.*

b. 1. Existing tree coverage will definitely be retained and not disturbed in any way. No existing vegetation is in the way of construction and will not be touched.

b. 2. If any new trees are to be planted, I will assure that they are native and commonly found in the area; such as arborvitaes and conifers.

b. 3. The trees I plan to plant will be arborvitaes which are conifers and will provide winter screening.

c. I will not be using this site for any use related to recreation.

Staff: The applicant proposes to not remove any of the existing vegetation on site. A condition of approval will require maintaining the density of the existing vegetation. A condition will require the planting of ten conifers and that at least half will need to be native. The applicant proposes using arborvitaes, however to establish a row of arborvitaes for screening would require many more trees than if other conifers such as Douglas fir, grand fir, western red cedar or ponderosa pine were used. Additionally arborvitaes are not native to the area, thus additional trees to match the requirement that at least half must be native would be required. To reduce the expense to the applicant, we are requiring planting ten conifer trees, at least five feet tall in locations shown on the staff amended site plan included as Exhibit 2.7. Conifer trees will be the most effective in screening the proposed building, thus we are requiring the trees to be conifers. At least five of these trees will need to be native species such as those listed earlier. No arborvitaes may be used to meet this condition because they tend to be thin thus a greater number would be needed to be effective. The criteria are met through conditions.

6.4. All Review Uses within scenic travel corridors:

- 6.4.1. MCC 38.7035 (D) (1) For the purposes of implementing this section, the foreground of a Scenic Travel Corridor shall include those lands within one-quarter mile of the edge of pavement of the Historic Columbia River Highway and I- 84.**

Applicant: *I am within 1/4 mile of edge of pavement; therefore, I am in the foreground of the scenic travel corridor.*

Staff: The proposed building is within a ¼ mile of the Historic Columbia River Highway.

- 6.4.2. MCC 38.7035 (D) (2) All new buildings and alterations to existing buildings, except in a GGRC, shall be set back at least 100 feet from the edge of pavement of the Scenic Travel Corridor roadway. A variance to this setback requirement may be**

granted pursuant to MCC 38.0065. All new parking lots and expansions of existing parking lots shall be set back at least 100 feet from the edge of pavement of the Scenic Travel Corridor roadway, to the maximum extent practicable.

Applicant: *I am proposing to build the building 237' back from the Columbia River Highway.*

Staff: The proposed building will be more than a 100 feet from the Historic Columbia River Highway. This criterion is met.

6.4.3. MCC 38.7035 (D) (5) When evaluating which locations to consider undergrounding of signal wires or powerlines, railroads and utility companies shall prioritize those areas specifically recommended as extreme or high priorities for undergrounding in the Columbia River Gorge National Scenic Area Corridor Visual Inventory prepared in April, 1990.

Applicant: *I am proposing to install one power lead from the existing home to the new building. It will be buried in an appropriate manor not to disturb any vegetation. It will also be out of site. It is noted on the site plans.*

Staff: The applicant is proposing an underground utility line to the proposed building. This criterion is met.

* * *

7. THE PROPOSAL MEETS NSA GMA SITE REVIEW FOR CULTURAL RESOURCE REVIEW CRITERIA

7.1 MCC 38.7045 (A) Cultural Resource Reconnaissance Surveys

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

* * *

(f) Proposed uses occurring in areas that have a low probability of containing cultural resources

Areas that have a low probability of containing cultural resources will be identified using the results of reconnaissance surveys conducted by the Gorge Commission, the U.S. Forest Service, public agencies, and private archaeologists.

MCC 38.7045 (B) The cultural resource review criteria shall be deemed satisfied, except MCC 38.7045 (L) and (M), if:

(1) The project is exempted by MCC 38.7045 (A) (1), no cultural resources are known to exist in the project area, and no substantiated comment is received during the comment period provided in MCC 38.0530 (B).

Staff: Margaret L. Dryden, Heritage Resource Program Manager, Columbia River Gorge National Scenic Area, US Forest Service submitted a cultural resources report on June 8, 2007 (Exhibit 3.1).

In her email Ms. Dryden, USFS, stated, “A cultural resources reconnaissance survey is: Not Required” and “A Historic Survey is: Not Required.”

These criteria are met.

7.2 MCC 38.7045 (L) Cultural Resources Discovered After Construction Begins

The following procedures shall be effected when cultural resources are discovered during construction activities. All survey and evaluation reports and mitigation plans shall be submitted to the Planning Director and SHPO. Indian tribal governments also shall receive a copy of all reports and plans if the cultural resources are prehistoric or otherwise associated with Native Americans.

(1) Halt Construction – All construction activities within 100 feet of the discovered cultural resource shall cease. The cultural resources shall remain as found; further disturbance is prohibited.

(2) Notification – The project applicant shall notify the Planning Director and the Gorge Commission within 24 hours of the discovery. If the cultural resources are prehistoric or otherwise associated with Native Americans, the project applicant shall also notify the Indian tribal governments within 24 hours.

(3) Survey and Evaluation – The Gorge Commission will survey the cultural resources after obtaining written permission from the landowner and appropriate permits from SHPO (*see* ORS 273.705 and ORS 358.905 to 358.955). It will gather enough information to evaluate the significance of the cultural resources. The survey and evaluation will be documented in a report that generally follows the standards in MCC 38.7045 (C) (2) and MCC 38.7045 (E).

(a) The Planning Director shall, based on the survey and evaluation report and any written comments, make a final decision within 10 days of the receipt of the report of the Gorge Commission on whether the resources are significant.

(b) The Planning Director shall require a Mitigation Plan if the affected cultural resources are found to be significant.

(c) Notice of the decision of the Planning Director shall be mailed to those parties entitled to notice by MCC 38.0530 (B).

(d) The decision of the Planning Director shall be final 14 days from the date notice is mailed, unless appealed as provided in MCC 38.0530 (B).

Construction activities may recommence if no appeal is filed.

(4) Mitigation Plan – Mitigation plans shall be prepared according to the information, consultation, and report standards of MCC 38.7045 (J).

Construction activities may recommence when the conditions in the mitigation plan have been executed.

Staff: These requirements can be addressed through conditions that would include the language in this criterion. This criterion is met through conditions.

7.3 MCC 38.7045 (M) Discovery of Human Remains

The following procedures shall be effected when human remains are discovered during a cultural resource survey or during construction. Human remains means articulated or disarticulated human skeletal remains, bones, or teeth, with or without attendant burial artifacts.

(1) **Halt Activities** – All survey, excavation, and construction activities shall cease. The human remains shall not be disturbed any further.

(2) **Notification** – Local law enforcement officials, the Planning Director, the Gorge Commission, and the Indian tribal governments shall be contacted immediately.

(3) **Inspection** – The State Medical Examiner shall inspect the remains at the project site and determine if they are prehistoric/historic or modern.

Representatives from the Indian tribal governments shall have an opportunity to monitor the inspection.

(4) **Jurisdiction** – If the remains are modern, the appropriate law enforcement officials will assume jurisdiction and the cultural resource protection process may conclude.

(5) **Treatment** – Prehistoric/historic remains of Native Americans shall generally be treated in accordance with the procedures set forth in Oregon Revised Statutes, Chapter 97.740 to 97.760.

(a) If the human remains will be reinterred or preserved in their original position, a mitigation plan shall be prepared in accordance with the consultation and report standards of MCC 38.7045 (I).

(b) The plan shall accommodate the cultural and religious concerns of Native Americans. The cultural resource protection process may conclude when the conditions set forth in the standards of MCC 38.7045 (J) are met and the mitigation plan is executed.

Staff: These requirements can be addressed through conditions that would include the language in this criterion. This criterion is met through conditions.

8. THE SITE DOES NOT CONTAIN GMA WETLANDS

MCC 38.7055 GMA Wetland Review Criteria

(A) The wetland review criteria shall be deemed satisfied if:

(1) The project site is not identified as a wetland on the *National Wetlands Inventory* (U.S. Fish and Wildlife Service, 1987);

Staff: The subject site does not have an identified wetland listed on the National Wetland Inventory maps. Staff did not see any indication of wetlands during the site visit. Criterion is met.

9. THE SUBJECT SITE DOES NOT CONTAIN GMA STREAMS, LAKES OR RIPARIAN AREAS

Staff: There are no streams, lakes or riparian areas near this property meeting MCC 38.7060 requirements. Criterion is met.

10 **THERE ARE NO KNOWN SENSITIVE WILDLIFE WITHIN 1000-FEET OF THE SITE**

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

Staff: There are no known sensitive wildlife areas or sites within 1000-feet of the subject site according to maps listing such areas and sites provided to Multnomah County by the Columbia River Gorge Commission. Criterion is met.

11. **THERE ARE NO KNOWN RARE PLANT SPECIES WITHIN 1000-FEET OF THE SITE**

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.

Staff: There are no known rare plant species within 1000-feet of the subject site according to maps listing such areas and sites provided to Multnomah County by the Columbia River Gorge Commission. Criterion is met.

12 **CONCLUSION**

Based on the findings, narrative, and other information provided herein, this application has satisfied the applicable approval criteria as required for Site Review in the National Scenic Area.

13 **EXHIBITS**

13.1 **Exhibits submitted by the Applicant:**

- Exhibit 1.1: NSA application form (1 page);
- Exhibit 1.2: Site plan (2 pages);
- Exhibit 1.3: Applicant's narrative (5 pages);

- Exhibit 1.4: Addendum to narrative (2 pages)
- Exhibit 1.5: Photos of other buildings applicant is proposing to use for comparison analysis (3 pages)
- Exhibit 1.6: Elevation drawings and floor plan (6 pages)
- Exhibit 1.7: Samples of proposed roofing and paint colors (1 page)
- Exhibit 1.8: Copy of deed recorded in Book 891 on Page 936 (1 page)

- Exhibit 1.9: Fire District Review Fire Flow Requirements signed by Thomas Layton Fire Chief, District #14 (6 pages);
- Exhibit 1.10: Certificate of On-Site Sewage Disposal signed by Philp Crawford Sanitarian (1 page)
- Exhibit 1.11: Storm Water Certificate stamped and signed by Kent W. Cox PE (1 page)

13.2 Exhibits included by County:

- Exhibit 2.1: County Assessment Record for the subject property (1 page)
- Exhibit 2.2: County Zoning Map with subject property labeled (1 page)
- Exhibit 2.3: 2004 Aerial Photo showing subject property (1 page)
- Exhibit 2.4: 2004 Aerial Photos showing subject property and nearby vicinity (1 page)
- Exhibit 2.5: County Assessment records and Land Use Planning records for properties the applicant proposed using for comparison analysis (26 pages)
- Exhibit 2.6: County Assessment records and Land Use Planning records for properties staff used in comparison analysis (14 pages)
- Exhibit 2.7: Staff amended site plan showing locations where trees are required to be planted (1 page)
- Exhibit 2.8: Building Permit card for dwelling on the property (1 page)

13.3 Exhibits submitted by other parties:

- Exhibit 3.1: Email dated June 8, 2007 with attachment from Margaret L. Dryden, Heritage Resource Program Manager, Columbia River Gorge National Scenic Area, US Forest Service Heritage Resource Inventory Report (3 pages)
- Exhibit 3.2: Letter dated June 19, 2007 from Dennis Griffin, Ph.D., RPA, State Historic Preservation Office, Oregon Department of Parks and Recreation (1 page)
- Exhibit 3.3: Email dated August 15, 2007 with letter attached from Richard Rill, Land Use Law Clerk, Friends of the Columbia Gorge (7 pages)
- Exhibit 3.4: Email dated August 16, 2007 from Michelle Gregory, Soapbox Enterprises (1 page)
- Exhibit 3.5: Letter dated 8/17/07 from Mischa Connine, Habitat Biologist, ODFW (1 page)