



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

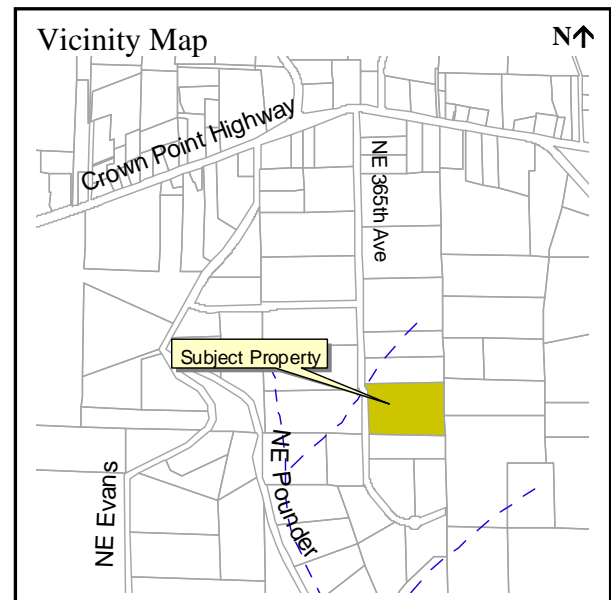
This notice concerns a Planning Director Decision on the land use case(s) cited and described below.

Case File: T2-07-092

Permit: National Scenic Area Site Review for a
Temporary Health Hardship Dwelling

Location: 522 NE 365th Ave
 TL 500, Sec 35BC, T1N, R4E, W.M.
 Tax Account #R94435-0960

**Applicant/
Owner:** Teresa and Tony Shrader



Summary: NSA Site Review to locate a temporary Health Hardship Dwelling on the eastern portion of the subject property

Decision: Approved With Conditions

Unless appealed, this decision is effective, Friday, March 21, 2008 at 4:30 PM.

Issued by:

By: _____
 Don Kienholz, Planner

For: Karen Schilling- Planning Director

Date: Friday, March 07, 2008

Instrument Number for Recording Purposes: 23452129

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 Don Kienholz, Staff Planner at 503-988-3043, x29270.

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 Friday, March 21, 2008 at 4:30 pm.

Applicable Approval Criteria: Multnomah County Code (MCC): Multnomah County Code (MCC): 38.0045 Information Required; 38.0560 Code Compliance; 38.3060 GGR Dimensional Requirements, 38.3090 Access, 38.7035 through 38.7080 GMA National Scenic Area Site Review Approval Criteria, 38.7320 Health Hardship Dwellings.

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 and prior to building permit sign-off, the property owner shall record the Notice of Decision including the Conditions of Approval and planting plan (Pages 1-4) 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 filed with Multnomah County Land Use Planning. Recording shall be at the applicant's expense [MCC 38.0670].

2. All exterior lights shall be shown on the building plans at the time of building permit sign-off. All lights shall be hooded and shielded downward [38.7035(B)(11)].
3. The following procedures shall be implemented if any Cultural Resources and/or Archaeological Resources are discovered on the property during this project, including finding any evidence of historic campsites, old burial grounds, food/medicine plants [MCC 38.7045 (L)].
 - (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.

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.
4. Within 60-days of placing the temporary health hardship on the property, a fence shall be built across the temporary access point. No gate or other opening is permitted for the temporary access [MCC 38.3090]
 5. Prior to building permit sign-off, a \$1000 deposit or penal bond shall be submitted to Multnomah County Land Use Planning to insure removal of the temporary access. Upon verification the temporary access has been removed, the deposit or bond shall be released [MCC 38.3090].
 6. The owner/applicant must renew the temporary health hardship approval if the hardship still exists two years from the date the decision is final [MCC 38.7320(D)].
 7. Upon expiration of the permit or cessation of the hardship, whichever comes first, the mobile home shall be removed within 30 days [MCC 38.7320(E)].

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, Don Kienholz, at (503) 988-3043 ext. 29270, **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 on 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 permits signed off. The fee for building plan review is \$53 and for Erosion Control Inspections is \$77.

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: Written findings are contained herein. The Multnomah County Code criteria and Comprehensive Plan Policies are in bold font. Staff comments and analysis are identified as Staff: and follow Applicant comments identified as Applicant: to the applicable criteria. Staff comments include a conclusionary statement in *italic*.

1. **Project Description**

Staff: The applicant is seeking approval for a temporary Health Hardship dwelling in the GGR-5 zoning district.

2. **Site Characteristics**

Staff: The 4.54 acre subject property is zoned General Residential, (GGR-5) within the Columbia River Gorge National Scenic Area. The subject property is located near the end of 365th Ave and just north of the National Scenic Area boundary. The area consists of lots ranging from 2 to 5 acres in size that are primarily used for residential purposes. Elevation drops significantly as 365th progresses south from the Historic Columbia River Highway. The subject property is located in a low lying area topographically screened from the Historic Columbia River Highway. The site is wooded with mature coniferous trees. The ground is somewhat soggy in areas due to what appears to be an underground spring. The proposed location of for the temporary health hardship is along the western property line and south of the existing barn. The location is in an area shown on Gorge Commission maps as topographically screened and to avoid the soggy areas created by the spring.

3. **Public Comment**

MCC 38.0530(B) Type II Decisions

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: An opportunity to comment was mailed to property owners within 750-feet of the property lines on February 4, 2008. Five written comments were received: Friends of the Columbia Gorge, the US Forest Service (comments in the form of a Resource Inventory), Columbia River Gorge Commission, the Oregon parks and Recreation Department, and a neighbor. All comment letters can be found in the case file. Comments included the following:

- The subject property lies within an area generally perceived to have a high probability for possession archeological sites/buried human remains so extreme caution should be used for ground disturbance.
- That the materials circulated did not have enough information to have a complete understanding of the project.
- The amount of grading required to locate the dwelling in the middle of the property was not the minimum practicable.
- The original proposed location of the hardship dwelling was too far from the existing dwelling.
- That a health hardship may not really exist.
- That a manufactured home does not fit the character of the surrounding area and neighborhood.
- That the property shouldn't qualify for forest deferral.

Comments related to approval criteria will be discussed within the applicable section of this decision. Concerns not related to approval criteria are a manufactured home fitting the character of stick built homes and the status of the property being in forest deferral or not. Dwellings are dwellings under County Code and the type of dwelling is immaterial to the approval criteria. Whether stick built or built off site, the code only looks at consistency to development in the surrounding area with regards to visible bulk, not architecture. Whether or not a property qualifies for the Forest Deferral program is determined and administered through the County's Assessment and Taxation department. The removal of trees only becomes applicable to approval criteria when specific groupings of trees are used to screen the development to keep it visually subordinate. The proposed location of the dwelling is in an area that has been found to be topographically screened under Finding #7(B).

Procedures met.

4. **Proof of Ownership**

MCC 38.0550 Initiation of Action.

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

Staff: Multnomah County Assessment and Taxation records show Kenneth Shrader as the owner of the subject lot (Exhibit 1). Mr. Shrader signed the application form along with Teresa Shrader authorizing action on the property and Ms. Shrader to act as an agent on behalf of the owner (Exhibit 2).

Criterion met.

5. **Code Compliance**

MCC 37.0560 CODE COMPLIANCE AND APPLICATIONS.

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

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

(1) It results in the property coming into full compliance with all applicable provisions of the Multnomah County Code. This includes sequencing of permits or other approvals as part of a voluntary compliance agreement; or

(2) It is necessary to protect public safety; or

(3) It is for work related to and within a valid easement over, on or under an affected property.

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

Staff: There is an active Under Review file on the subject property (UR 07-027) for unpermitted grading and installation of a culvert and driveway access. The issuance of this permit would remedy the unpermitted grading and driveway installation.

This provision also requires that the property be a legally created parcel. A Parcel is a piece of land that when created, met all land division and zoning rules in place at the time. A Deed recorded in Book 843 Page 650 through 652 on January 28, 1972 describes the subject property in its current configuration. In 1972, the subject property was zoned R-10 which had a 10,000 square foot minimum lot size. The subject property was originally part of a subdivision known as "Executive Estates" in which NE 365th was dedicated to the County to access all the lots (Exhibit 3). Notes in the file for the subdivision (M 34-63) note that without public sewer, the minimum lot size was 2-acres to ensure appropriate sewage disposal via septic system. Every lot was 5-acres in size. Unless for agricultural purposes, land divisions of four or more lots at the time required County review as a subdivision. The 1955 Multnomah County Land Division Code (Exhibit 4), in effect at the time stated:

“Subdivision: As applied to these regulations, division of a lot, tract or parcel of land or portion thereof for *other than agricultural purposes* into four (4) or more lots, blocks or tracts or other divisions of land...” (Emphasis added).

At that time, “Agricultural Purposes” was interpreted by the County to be any lot 5-acres or larger in size. This was pointed out in a memo written by County Counsel for another land division case (M 34-73) dated April 26, 1974 (Exhibit 5).

Since the County viewed lots over 5-acres in size as agricultural, there was no requirement for review. This coincides with the definition for “Subdividing Land” in State Statute. Oregon Revised Statute 92.010 at that time stated:

“(2) ‘Subdivide Land’ means to partition a parcel of land into four or more parcels of less than five acres each.”

Therefore, dividing the properties into lots of 5-acres or larger would have been exempted from subdivision requirements under State Law and under the County Land Division Ordinance in effect at the time. Therefore, the property met the land division requirements in effect at the time.

Considering the above, the property is a legally created parcel and in compliance with the current code.

Criterion met.

6. **Temporary Health Hardship Dwellings Are A Review Use**

MCC 38.3025 REVIEW USES

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

(4) The temporary use of a mobile home in the case of a family hardship, subject to MCC 38.7320

Staff: Temporary Health Hardship dwellings are allowed subject to review under the zoning district.

Criteria met.

7. **GGR-5 Dimensional and Access Requirements**

MCC 38.3060 DIMENSIONAL REQUIREMENTS

A. **(A) Except as provided in MCC 38.3030 (A) (8), the minimum lot size shall be according to the short-title zone district designation on the Zoning Map, as follows:**

GGR-2 2 acres
GGR-5 5 acres

GGR-10 10 acres

GSR The size of all contiguous, individually owned parcels, as of November 17, 1986

Staff: No new parcels or lots are being created.

Criterion met.

- B. **(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 parcel abuts NE 365th which has the County's required 50-foot minimum Right-of-Way width.

Criterion met.

- C. **(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 seen on the submitted site plan, the proposed dwelling is located over 30-feet from the front property line. The proposed temporary health hardship dwelling is a single-story manufactured home and measures less than 20-feet in height.

Criteria met.

- D. **MCC 38.3090 ACCESS**

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

Staff: The property is adjacent to NE 365th. As explained in the Transportation Specialists EP Memo #2008011 (Exhibit 6), Multnomah County Road Rules allow only one access per property. A second culvert, driveway and access point was constructed on the property without County approval. Multnomah County Road Rules require the removal of the access point. However, recognizing the need to place the manufactured home on the property and the inaccessibility through the existing access (inability to maneuver the manufactured home with trees too close to the access, cannot drive over underground utilities), a temporary access solely for the purpose of placing the manufactured home on the property can be granted. To ensure the access is temporary, a condition of approval will require a permanent fence to be placed across the access and a \$1000 deposit or bond (in conjunction with the bond required for the temporary health

hardship) posted with the County to be released when the access and health hardship are removed.

Criterion met.

8. **National Scenic Area Site Review**

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. (A) All Review Uses and Conditional Uses:

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

Staff: The proposed site for the temporary health hardship is proposed to be 68-feet from the front property line. The existing driveway will be extended from the existing home south to the proposed, reducing the amount of grading required to place the home. This will also require only one permanent access to the property. The chosen site cannot be further north and close to the existing home because it appears an underground spring flows from east to west across the property and either under or adjacent to the existing barn on the property. Photos supplied by the applicant (see file) show the soggy and saturated ground between the barn and the proposed site. There is no need to change the topography to install the driveway extension, limiting necessary grading even further.

Criterion met.

2. **(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.**

Staff: The proposed hardship dwelling is a single story double wide manufactured home measuring roughly 15-feet tall and with 1,736 square feet. The Applicant supplied rough data for the square-feet of the other dwellings along NE 365th up to the Historic Columbia River Highway. Below is a sampling of dwellings along NE 365th that fall within ¼ mile of the subject lot. When comparing homes for this criterion, staff considers only visible mass. This includes above ground rooms, finished attics, covered porches, attached garages and daylight basements (we use only ½ of listed space to take into account that a part of the basement is not visible). To get consistent information, staff compares information from Multnomah County Assessment and Taxation records.

Table 1

Development Within ¼ Mile of Property		
R#	Address	Visible Mass Area
Subject Property	522 NE 365th	1,736 sf
R944351160	1116 NE 365 th	1,248
R944350670	1048 NE 365 th	2,946
R944350760	1021 NE 365 th	2,270
R944350690	820 NE 365 th	2,008
R944350700	710 NE 365 th	3,988
R944351050	630 NE 365 th	1,984
R298900100	430 NE 365 th	1,604
R298900150	220 NE 365 th	1,536
R298900400	209 NE 365 th	3,944
R298900450	211 NE 365 th	
	Largest:	3,988
	Smallest:	1,248
	# Larger Than Proposed SFR	6
	# Smaller Than Proposed SFR:	3

Table 1 shows that there are 6 dwellings larger in visible mass than the proposed temporary health hardship and 3 that are smaller in visible mass. The proposed dwelling falls within the size range of dwellings within a quarter mile of the subject property.

Criterion met.

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.**

Staff: The subject property abuts NE 365th, which is not a Scenic Travel Corridor.

Criterion met.

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

Staff: Because the proposed site for the temporary health hardship is in an area identified on maps supplied by the Gorge Commission as being topographically screened, the development does not need to be Visually Subordinate and therefore

does not require the retention of vegetation for screening purposes. This is discussed more under Finding #7(B).

Criterion met.

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

Staff: Staff adhered to this requirement in reviewing this application.

Criterion met.

6. **(6) For all new production and/or development of mineral resources and expansion of existing quarries, a reclamation plan is required to restore the site to a natural appearance which blends with and emulates surrounding landforms to the maximum extent practicable.**

Staff: No mineral extraction is proposed as part of this application.

Criterion met.

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

Staff: The site of the proposed temporary health hardship dwelling is located in an area that maps provided by the Gorge Commission and included in our GIS mapping systems show as being topographically screened from all Key Viewing Areas (Exhibit 7). The low lying property is between 120 and 160-feet lower in elevation than the Historic Columbia River Highway, which is the nearest Key Viewing Area. This places it outside of the sight line of the other Key Viewing Areas. Because of its location, the development does not need to address MCC 38.7035(B).

Criteria met.

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

(3) Rural Residential

1. **(a) Existing tree cover shall be retained as much as possible, except as is necessary for site development, safety purposes, or as part of forest management practices.**

Staff: The property is moderately wooded throughout the 4.54-acres. The proposed site contains A few trees that will need to be removed in order to have enough room to place the proposed structure. The trees are not necessary for screening purposes. The proposed site of the temporary health hardship is close to the existing driveway, septic system, existing house and

road so that it will require the minimum amount of grading and site preparation as practicable. A concern had been raised about some previous tree clearing done about a year ago. The tree clearing was not a part of the proposal now being reviewed and was further in the property. Because the trees were not required to be retained as a condition of approval from a past permit, the County has no jurisdiction over their removal.

Criterion met.

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

1. Except as is necessary for site development or safety purposes, the existing tree cover screening the development from Key Viewing Areas shall be retained.

2. At least half of any trees planted for screening purposes shall be species native to the setting or commonly found in the area.

3. At least half of any trees planted for screening purposes shall be coniferous to provide winter screening.

Staff: The proposed development site is in an area of the property shown to be topographically screened from all Key Viewing Areas.

Criterion met.

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

Staff: No recreational uses are proposed as part of this application.

Criterion met.

9. **GMA Cultural Resource Approval Criteria**

MCC 38.7045 GMA CULTURAL RESOURCE REVIEW CRITERIA

(A) Cultural Resource Reconnaissance Surveys

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

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

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.

(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: A Cultural Resources Survey was conducted by Marge Dryden of the USDA Forest Service and a report submitted to the County on November 13, 2007. In her report (Exhibit 8), Ms. Dryden found that the development site was clearly within the low probability area of the Probability Map and did not require a Reconnaissance Survey or a Historic Survey to be conducted.

Criterion met.

10. **GMA WETLAND REVIEW CRITERIA**

MCC 38.7055

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

A. **(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 property does not contain an identified wetland on the National Wetland Inventory Maps.

B. **(2) The soils of the project site are not identified by the Soil Survey of Multnomah County, Oregon (U.S.D.A. Soil Conservation Service, 1983) as hydric soils;**

Staff: The Soil Survey of Multnomah County shows the subject site consisting of soil type 27C and 27D – Mershon Silt Loam, which are well drained to moderately drained soils and are not hydric.

C. **(3) The project site is adjacent to the main stem of the Columbia River.**

Staff: The subject site is not adjacent to the Columbia River.

D. **(4) The project site is not within a wetland buffer zone; and**

Staff: The property is not within an identified wetland buffer zone.

E. **(5) Wetlands are not identified on the project site during site review.**

Staff: Wetlands have not been discovered through the national Scenic Area Site Review process.

Staff: The wetland review criteria are deemed satisfied by meeting the above standards.

Criteria met.

11. **GMA Stream, Lake and Riparian Area Review Criteria**

MCC 38.7060 GMA Stream, Lake and Riparian Area Review Criteria

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

Staff: The subject property is not within a stream, lake or riparian area and is exempt from this requirement.

Criterion met.

12. **GMA WILDLIFE REVIEW CRITERIA**

MCC 38.7065 Wildlife Review Criteria

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

Staff: No known wildlife habitat is known to exist within 1000 feet of the subject site.

Criterion met.

13. **GMA Rare Plant Review**

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: No known rare plants are known to exist within 1000 feet of the subject site.

Criteria met.

14. **GMA Recreation Resources**

MCC 38.7080 GMA Recreation Resource Review Criteria

Staff: The proposal is for a replacement dwelling. No recreation uses are proposed for the subject site and therefore the project is exempt from this section.

Criterion met.

15. **Temporary Health Hardship Approval Criteria**

MCC 38.7320 TEMPORARY HEALTH HARDSHIP DWELLING

Temporary Health Hardship Dwelling – the temporary placement of a mobile home may be granted when:

(A) A family hardship exists where conditions relate to the necessary care for a member of the family occupying the principal dwelling and where medical conditions relate to the infirm or aged.

Staff: The family's doctor has provided a letter explaining that medical conditions exist that require care by a family member.

Criterion met.

(B) The hardship dwelling will use the same subsurface sewage disposal system used by the existing dwelling, if the system is adequate to accommodate the additional dwelling, unless the additional dwelling can use an existing public sanitary sewer system.

Staff: The proposed manufactured home will use the existing septic system on the subject site.

Criterion met.

(C) The hardship dwelling is found to be consistent with the standards for protection of scenic, cultural, natural and recreation resources of MCC 38.7000 through 38.7085.

Staff: The hardship dwelling was found to be consistent with the NSA site review standards as discussed in Findings #8 through 14.

Criterion met.

(D) A permit may be issued for a 2 year period, subject to annual review for compliance with the provisions of this section and any other conditions of approval.

Staff: A condition of approval shall require the applicants to renew the hardship approval if the hardship continues to exist after two years.

Criterion met with condition of approval.

(E) Upon expiration of the permit or cessation of the hardship, whichever comes first, the mobile home shall be removed within 30 days.

Staff: This shall be a condition of approval

Criterion met.

(F) A new permit may be granted upon a finding that a family hardship continues to exist.

Staff: If after two years from the date this approval becomes finalized the hardship still exists, the owners and applicants may apply for a renewal.

Conclusion

Staff: Considering the findings and other information provided herein, this application for a National Scenic Area Site Review for a Temporary Health Hardship satisfies applicable Multnomah County Zoning Ordinance requirements.

Exhibits

1. Multnomah County Assessment And Taxation Information Sheet
2. NSA Application Form
3. Map Of The Original "Executive Estates"
4. Excerpt From The 1955 Multnomah County Land Division Code
5. April 1974 Memo From County Counsel
6. Transportation Specialist Memo #2008011
7. GIS Map Showing Area Of Proposed Development As Topographically Screened
8. Cultural Resources Study Conducted By The USDA Forest Service