

**MULTNOMAH COUNTY****LAND USE AND TRANSPORTATION PROGRAM**1600 SE 190TH Avenue Portland, OR 97233

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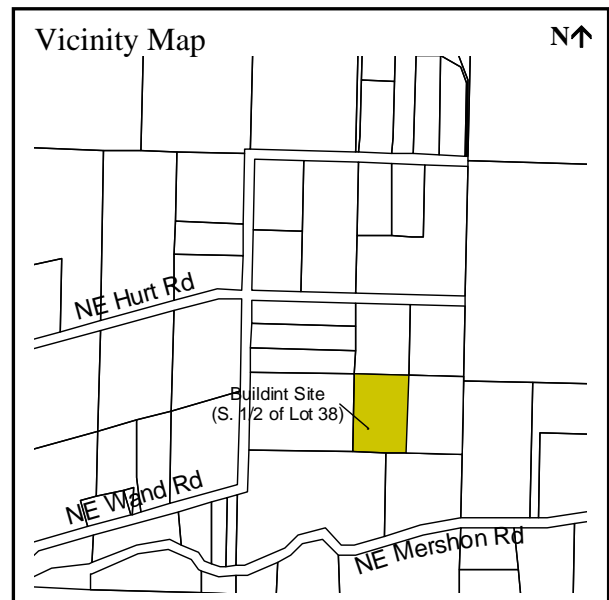
<http://www.co.multnomah.or.us/landuse>

NOTICE OF DECISION

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

Case File: T2-07-110**Permit:** National Scenic Area Site Review

Location: TL 2100 (West ½), Sec 32A, T1N, R4E,
S. Half of Lot 38, Banner Acres
Tax Account #R05350-3880

Applicant: Shirleen Lanter**Owner:** Mel Takeuchi**Contract****Purchaser:** Dick Wand

Summary: NSA Site Review to construct a new 2,640 square foot, 20-foot tall, single-family dwelling with attached garage on the southern half of Lot 38, Banner Acres in the Gorge General Residential – 10 zone.

Decision: Approved With Conditions

Unless appealed, this decision is effective, Thursday, July 17, 2008, at 4:30 PM.

Issued by:

By: _____
Don Kienholz, Planner

For: Karen Schilling- Planning Director

Date: Thursday, July 03, 2008

Instrument Number for Recording Purposes: 2006126963

Opportunity to Review the Record: A copy of the Planning Director's 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 Thursday, July 17, 2008 at 4:30 pm.

Applicable Approval Criteria: Multnomah County Code (MCC): Multnomah County Code (MCC): 38.0045 – Information Required; 38.3025(A)(1) – Review Uses; 38.3060 – Dimensional Requirements; 38.7035 through 38.7070 – NSA Site Review for General Management Area.

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 through the Conditions of Approval and site plan in Exhibit A-2 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. The accessway to the subject property shall run along the southern property line as shown on the site plan and then connect into the existing driveway on Lot 37 in order to maintain the number of existing access points onto NE Wand Road as required by the Transportation Specialist [MCC 38.3090].
3. Prior to any excavation or grading on the site, the property owner shall submit to the County Land Use Planning office an affidavit signed by each excavation or grading equipment operator demonstrating that person understands the requirement to immediately stop work if any archeological artifacts and/or human remains are found on-site during the project. That affidavit shall also include a statement that the equipment operator also understands the requirement to notify the County Planning Director and the Gorge Commission within 24 hours of any such discovery. All ground disturbing activity on-site shall be carried out in a cautious and conscience manner so as not to disturb or damage any archeological sites and human remains that may be on site.

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. **At the time of building permit sign-off, the owner shall apply for an address and pay the required Address Assignment Fee.**
5. **If permit T2-07-105 is denied on appeal, that portion of the driveway serving the south ½ of Lot 38 running along the southern property line of the property in this application is not approved and shall not be constructed [MCC 38.7035(A)(1)].**

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 as of the date of this decision 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 new 2700 square foot, 20-foot tall single family residence in the southwest corner of the subject property.

2. **Site Characteristics**

Staff: The subject property is part of Tax Lot #R053503880 – which is made up of two subdivision lots from the old Banner Acres Subdivision. Additionally, each subdivision lot making up the tax lot is the southern half of the original subdivision lots. A line running east-west (which makes up the north property line as seen in the site plan Exhibit A-2) was placed across both original lots (38 and 39) in 1937 which divided them in half and put them in their current configuration. Because the original lot line between 38 and 39 still exists but the southern half of both lots are owned by the same person and in the same tax lot, the tax assessment map does not show their true configuration.

The subject lot of this application is the south half of Lot 38, which is the west ½ of tax lot #R053503880 as shown on the vicinity map of this decision notice. It is made up of rolling pasture land and a main electrical line of the Bonneville Power Administration passes through the northeast portion of the property. A small strip along the southern property line used to be forested but was recently harvested. The property drops in slope from the north to the south. The location of the proposed dwelling has a minor slope of around 6 or 7%. The northeast tip of the property is the only area potentially visible from a Key Viewing Area. The property is open pastureland.

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 April 21, 2008. Due to a typographical mistake relating to the subdivision lot number, a corrected opportunity to comment notice was mailed out on May 28, 2008. Six written comments were received: Neighbor Larry Lotz (Exhibit B-1), Neighbor Neil Muller (Exhibit B-2), Friends of the Columbia Gorge [Sent in a second comment letter for the revised notice reiterating their concerns] (Exhibit B-3 and B-4), the Confederated Tribes and Bands of the Yakima Nation (Exhibit B-5), Neighbor Bonnie McKee Vaughn (Exhibit B-6), and the Marge Dryden of the United States Forest Service (Exhibit B-7).

Comments contained concerns on the following issues:

- Construction of a road adjacent to a property line
- The design of the road
- Runoff onto adjacent properties
- Lack of a study for how work on the subject property could effect the trees of neighbors
- Cumulative impact of the development with potential future development
- The danger of living under power lines and whether or not buyers of the homes would be notified
- If the power line towers could be fenced in
- Transportation impacts associated with the new dwelling
- Impacts to wildlife
- Construction quality
- The color of the home
- Whether or not a land division is taking place
- If Oregon Revised Statute 92 and the Columbia River Gorge National Scenic Area Management plan require consolidation of subdivision lots in common ownership
- Potential visibility from Key Viewing Areas
- The possibility of discovering cultural resources and the impact of the development to the neighborhood.

Most of the concerns are addressed directly by approval criteria as listed below in the findings of the staff report. Staff will address those that are not addressed in the staff report under this finding.

A driveway can be approved as long as the access meets fire district standards. As the applicant explained in their narrative, the location of the proposed driveway was chosen to meet the minimum grading required standard of MCC 38.7035(A)(1) but also to avoid constructing a road under the Bonneville Power Administration (BPA) power lines which would require review by the BPA.

Runoff associated with the driveway is reviewed under a Grading and Erosion Control permit (GEC), which has been submitted for County Review. Standards for the GEC permit require the runoff be handled on-site to avoid impact to neighboring properties and right-of-way.

Development of a single-family home can have an impact on a surrounding neighborhood and transportation system. However, if zoning allows for a dwelling on a vacant parcel or lot, then as long as the applicant meets the standards, a dwelling can be built. Improvements to a transportation system can only be required if the impact is proportional to the requested improvement. Any such requirements are addressed under the Access standards of MCC 38.3090.

Development within a power line easement is typically very difficult because of the limitations set in the easement agreement. In this case, staff understands the BPA must review and approve any and all development within the easement. The proposed development does not encroach into the BPA easement area and therefore is not subject to the BPA restrictions. Whether or not individuals want to purchase property near power lines is an individual choice that requires due diligence by the purchaser. Land Use Planning does not have any authority to regulate what information must be provided to a potential purchaser regarding the powerlines.

The NSA Site Review provides a process for the Oregon Department of Fish and Wildlife to comment on the potential impact of development on wildlife and what actions, if any, should be required to mitigate the development. Wildlife impacts are reviewed under MCC 38.7065 below.

Oregon Revised Statutes Chapter 92 and the Management Plan require platted subdivision lots that are in common ownership and adjacent to each other to be consolidated into a single tract or parcel if there has been no development on any of the lots within subdivision. Development is defined as driveways, septic systems, dwellings etc. The vast majority of the lots in Banner Acres have been developed and therefore the consolidation requirement is not applicable to the subject property.

Potential visibility of the structure and potential impacts to cultural resources are also reviewed as part of the County's scenic review addressed below.

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 Mel Takeuchi as the owner of the subject property. Dick Wand filled out the NSA Application form as the contract purchaser. Mel Takeuchi is on assessment records as the owner and signed the application form giving authorization to take action on the property. Shirleen Lanter signed the form as the Applicant and is the point of contact for the project.

Criterion met.

5. **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:

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

Staff: A dwelling is allowed on a parcel that was legally created as a Review Use. The subject property was first created on June 12, 1937 via deed instrument as recorded in Book 402, pages 330 through 331 (Exhibit A-1). At the time, there were no zoning or partition rules in place. Therefore, the subject property met all zoning requirements and land division requirements at the time of creation and is a legal parcel.

Criteria met.

6. **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: The property is zoned GGR-10. 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 does not abut a public road.

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 (Exhibit A-2), the proposed dwelling is 65-feet from the closest property line (west line). Elevation drawings (Exhibit A-3) show the tallest point of the proposed dwelling measuring 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 has access to NE Wand Road via easement to through Lot 37 of Banner Acres to the west. The access shall run along the southern property line of the subject lot as shown on the site plan (Exhibit A-2). The accessway also continues east along the southern property line to serve a dwelling approved on the south half of Lot 39 (approved in permit T2-07-105). The access on Lot 37 turns north and connects into the existing driveway where it then accesses NE Wand Road via the existing access point.

An ingress/egress agreement has been recorded and is in place to accommodate the access from the proposed building site to NE Wand Road (Exhibit A-4). The local fire district has also reviewed and approved the access to the dwelling site by signing the Fire District Access certification form (Exhibit A-5). The Multnomah County Transportation Specialist has reviewed the application and has determined the access needs to be consolidated with the access point on Lot 37 and shared (Exhibit C-1).

Criterion met.

7. 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: In addition to the grading required to construct the dwelling, the subject property is an interior lot and requires grading to gain access into the lot and meet setbacks. The property contains gentle slopes between 7 and 8% towards the

southeast. The proposed dwelling is designed as a 20-foot tall single story home to minimize altering the topography where the home is proposed. The driveway for the home as seen on the site plan (Exhibit A-2) enters the property from the southwest corner and curves north to connect to the attached garage. The driveway splits at that southwest corner at the point of entry and continues on to serve the dwelling recently approved under T2-07-105. If that decision clears the appeal period and is a final decision, the driveway through this lot can be constructed with the issuance of a Grading and Erosion Control Permit. If that decision is denied on appeal, then that portion of the driveway serving Lot 39 will be stricken from this application and will not be included. A condition of approval will ensure this requirement.

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 applicant submitted details on a number of dwellings and structures for the compatibility analysis. For this review, only dwellings can be considered for compatibility. According to the floor plans of the proposed home, there is a total of 2,640 square feet of visible mass.

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 and looks at those properties listed within ¼ mile of the subject property's boundaries. With that in mind, staff identified 31 properties within ¼ mile of the subject site and within the National Scenic Area that contained dwellings. In Table 1, Staff reviews the properties.

Table 1.

Comparable Development Within ¼ Mile of Property					
Map #	R#	Address	Visible Mass Area	Stories	Height
Subject Property	#R053503880 (West Half)	South ½ of Lot 38, Banner Acres	2640	1	20-ft
#1	R053500510	31403 NE Hurt	2835	2	26-feet
#2	R053500410	31729 NE Wand	912	1	
#3	R053500430	31725 NE Wand	1719	1	
#4	R053500420	31605 NE Hurt	1820	1	

#5	R053500320	31728 NE Wand	800	1	
#6	R053500310	31722 NE Wand	1512	1	
#7	R053500210	31804 NE Wand	2072	1	
#8	R053500130	31926 NE Wand	1650	1	
#9	R053500050	32010 NE Wand	1716	1 story with daylight basement	No plans on file
#10	R944330330	32135 NE Wand	840	1	
#11	R053503120	31424 NE Hurt	2911	1	
#12	R053503480	31711 NE Wand	1568	1	
#13	R053503680	31718 NE Wand	1836	1	
#14	R053503690	31714 NE Wand	3134	1	
#15	R053503700	31710 NE Wand	1852	1	
#16	R053503300	31505 NE Wand	1818	1	
#17	R053503580	31625 NE Wand	2632	1 story with finished attic	No plans on file
#18	R053503780	31708 NE Wand	1514	1 story with finished attic	No plans on file (Pictures in applicant's materials)
#19	R944330850	32301 NE Mershon	1778	1	
#20	R944331110	32501 NE Mershon	2172	1	
#21	R944330110	32705 NE Chamberlain	2079	1 story with daylight basement	No plans on file
#22	R053504730	31410 NE Wand	3027	2	2 nd story was addition of family room in 1988 on garage. No plans on file
#23	R053504740	31610 NE Wand	2241	1	
#24	R053504670	31620 NE Wand	1352	1 story with finished attic	No plans on file
#25	R053504700	31630 NE Wand	1195	2	No plans on file
#26	R053504290	31706 NE Wand	1824	2	17.5-feet
#27	R053504490	31430 NE Mershon	2226	1	
#28	R053504370	32040 NE Mershon	3689	2	No plans on file
#29	R944330350	32300 NE Mershon	1620	2	27.75-feet
#30	R944331120	32400 NE Mershon	1650	1	
#31	R944331170	32634 NE Mershon	1498	1	
	Number of Dwellings Larger:		5		
	Number of Dwellings above or below 200 SF:		2		

Table 1 demonstrates 5 dwellings are larger in visible mass than the proposed dwelling and 26 smaller in visible mass. The proposed dwelling falls within the size range of dwellings within a quarter mile of the subject property.

The proposed dwelling is a one story dwelling. The analysis shows that there are 25 one story dwellings (with 5 of them containing a finished attic or daylight basement) and six two-story dwellings. The proposed single-story dwelling falls within the range of the size of other dwellings on nearby properties and is consistent with the character of the residential developed area.

The proposed dwelling measures 20-feet at its peak height, which is below the zoning maximum allowed.

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 does not propose access to a road listed as a Scenic Travel Corridor.

Criterion met.

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

Staff: No vegetation is required to be planted as a condition of approval.

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: GIS maps provided by the Columbia River Gorge Commission detailing areas that are potentially visible from Key Viewing Areas show the development site as being topographically screened. Staff confirmed during a site visit that the development site is topographically screened as seen from Key Viewing Areas. A small portion of the northeast tip of the property is potentially visible but that area is roughly 370-feet away.

Since the development area is topographically screened, the approval criteria of MCC 38.7035(B) are not applicable.

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

1. **(4) Rural Residential in Conifer Woodland or Pastoral**

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

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

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

Staff: The subject property is located in the Rural Residential with Pastoral landscape setting. Therefore, the development must meet the approval criteria for both landscape settings as discussed below.

2. **(1) Pastoral**

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

Staff: No accessory structures or outbuildings are proposed as part of this application. The proposed accessway is on the southern most property line where it splits and immediately curves north into the driveway of the proposed home of this application and then continues to run along the southern property line to access the dwelling approved on the south half of

Lot 39 (T2-07-105). The driveway and dwelling are proposed at the edges of the field on the property.

Criterion met.

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

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

2. Vegetative landscaping shall, where feasible, retain the open character of existing pastures and fields.

3. At least half of any trees planted for screening purposes shall be species native to the setting or commonly found in the area. Such species include fruit trees, Douglas fir, Lombardy poplar (usually in rows), Oregon white oak, bigleaf maple, and black locust (primarily in the eastern Gorge). The Scenic Re-sources Implementation Handbook includes recommended minimum sizes.

4. At least one-quarter of any trees planted for screening shall be coniferous for winter screening.

Staff: There is no existing tree cover or vegetation for screening purposes. The proposed dwelling is located in the southwestern portion of the property identified on maps and confirmed through a site visit as being topographically screened. The rest of the property is pastureland.

This criterion does not apply..

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

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

Criterion met.

3. **(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: No trees will be removed on this property as part of the proposal or the adjacent property to the west to access to NE Wand Road.

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 dwelling is located in the southwestern portion of the property identified as topographically screened. Vegetation for screening purposes is not required.

This criterion does not apply..

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.

8. **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 December 28, 2007. In her report (Exhibit B-6), Ms. Dryden found that the development site was within the low probability area of the Probability Map. In her report for this project, Ms. Dryden states the proposed development is “more than 2,000-feet to the nearest high probability area.” She also found that the “project area is more than 1.5-miles from the nearest archeological site.”

With this body of evidence, these criteria are met.

Criterion met.

9. **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.

Criterion met.

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 27B, 27C, and 27D – Mershon Silt Loam, which is a well drained soil. The soil survey does not indicate the soil type is a hydric soil.

Criterion met.

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.

Criterion met.

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

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

Criterion met.

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.

Criterion met.

10. **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.

11. **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: According to sensitive wildlife habitat maps on file with Multnomah County, no known sensitive wildlife habitat is known to exist within 1,000 feet of the subject site. The Oregon Department of Fish and Wildlife, the State expert on wildlife habitat, did not raise any concerns during the opportunity to comment.

Criterion met.

12. **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: According to rare plant maps on file with Multnomah County, no known rare plants are known to exist within 1,000 feet of the subject site.

Criteria met.

13. **GMA Recreation Resources**

MCC 38.7080 GMA Recreation Resource Review Criteria

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

Criterion met.

Conclusion

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

Exhibits

Applicant's Exhibits:

- A-1 June 12, 1937 Deed
- A-2 Site Plan
- A-3 Elevation Plans
- A-4 Ingress/Egress Access Agreement
- A-5 Fire District Access Form
- A-6 Applicant Narratives

Public Comments:

- B-1 Letter from Larry Lotz
- B-2 Letter from Neil Muller
- B-3 Letter from Friends of the Columbia Gorge
- B-4 Second letter from Friends of the Columbia Gorge
- B-4 Letter from the Confederated Tribes and Bands of the Yakima Nation
- B-5 Letter from Bonnie McKee
- B-6 Cultural Resources Survey Determination from Marge Dryden of the USDA Forest Service

Staff Exhibits:

- C-1 Memorandum from Multnomah County Transportation Specialist