

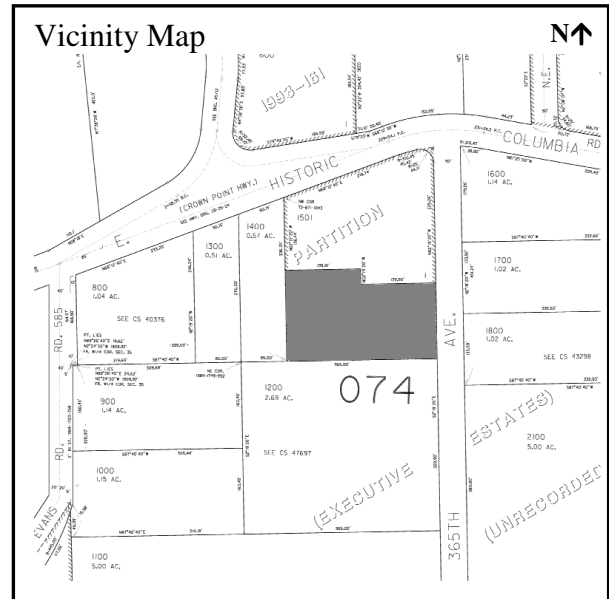


MULTNOMAH COUNTY
LAND USE AND TRANSPORTATION PROGRAM
1600 SE 190TH Avenue Portland, OR 97233
PH: 503-988-3043 FAX: 503-988-3389
<http://www.multco.us/landuse>

NOTICE OF DECISION

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

Case File: T2-2012-2137
Permit: National Scenic Area Site Review
Location: 1227 NE 365th Ave
TL 1502, Sec 35BB, T1N, R4E, W.M.
Tax Account #R649884180
**Applicant/
Owners:** Jerry and Kristina Harms



Summary: Construction of an accessory structure in the southwest portion of the property.

Decision: Approved with Conditions.

Unless appealed, this decision is effective Friday, June 8, 2012, at 4:00 PM.

Issued by:

By: _____
Don Kienholz, Planner

For: Karen Schilling- Planning Director

Date: Friday, May 25, 2012

Instrument Number for Recording Purposes: #2010152652

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 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, ext. 29270.

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, June 8, 2012 at 4:00 pm.

Applicable Approval Criteria: Multnomah County Code (MCC): 38.0005 Definitions; 38.0560 Code Compliance; 38.2460 Dimensional Requirements; 38.2490 Access; 38.7035, 38.7045, 38.7055, 38.7060, 38.7065, 38.7070. 38.7080 GMA Approval Standards

Copies of the referenced Multnomah County Code (MCC) sections can be obtained by contacting our office at 503-988-3043 or by visiting our website at <http://www.multco.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 38.0700. 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 brackets.

1. **Prior to building permit sign-off, the property owner shall record the Notice of Decision including the Conditions of Approval of this decision with the County Recorder. The Notice of Decision shall run with the land and the conditions shall be met by the current and future property owner(s) unless amended through a later decision by an authorized authority. 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 [MCC 38.0670].**

2. The property owners shall be responsible for the proper maintenance and survival of the vegetation planted along the northern and western property lines as required in T2-08-006. Any required vegetation which is damaged or destroyed by inclement weather or dies or becomes diseased to the extent that it no longer serves its purpose to screen the dwelling or workshop shall be immediately replanted with Douglas Firs or Cedars which are a minimum of 6 ft tall [MCC 38.7035(A)(4), 38.7035(B)(17)].
3. Prior to zoning sign-off, the owner shall submit the drawing of the exterior light. The bulb shall be shielded and hooded with the light directed downward [MCC 38.7035(B)(11)].
4. If, during construction, cultural or historic resources are uncovered, the property owner(s) shall immediately cease development activities and inform the Multnomah County Land Use Planning Division, Columbia River Gorge Commission, and the U.S. Forest Service of any discovery. [MCC 38.7045(L)]

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 the building permits before the applicant submits building plans to the City of Gresham. Three (3) sets each of the site plan and building plans are needed for building permit sign off. At the time of building permit review, a fee of \$53.00 will be collected. In addition, an erosion control inspection fee of \$77.00 may be required.

Notice to Mortgagee, Lien Holder, Vendor, or Seller:

ORS Chapter 215 requires that if you receive this notice it must be promptly forwarded to the purchaser.

Findings of Fact

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

1.00 Project Description:

Staff: The applicant is seeking to construct a 1500 square foot accessory workshop in the GGRC zone. A previous approval for the workshop had been granted under permit T2-08-006. However, the workshop was not built before the permit expired. This applicant is requesting reapproval of that structure.

2.00 Code Compliance:

MCC 38.0560 CODE COMPLIANCE AND APPLICATIONS.

Except as provided in subsection (A), the County shall not make a land use decision approving development, including land divisions and property line adjustments, or issue a building permit 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.

Staff: Being in full compliance requires the property to not have any code violation complaints on it, be a legal parcel, and be in compliance with previous conditions of approval.

There are no known code violations on the subject property. The property was created by a County approved land division in 2008 (T2-08-006) and is therefore a legal parcel. The conditions of approval from that land use decision appear to have been fully complied with.

Criterion met.

3.00 Comments Received:

Staff: Two comment letters were received after the Opportunity to Comment packet was mailed out to property owners within 750-feet and identified stakeholders on March 19, 2012.

The first letter received was from Roger and Sandra Wallis (Exhibit C.1). Their letter focused on the previous removal of trees on the subject property and the reduction of the ‘forest look’ and wind break the trees provided. They also had concerns about a note that indicated removal of trees that appeared located on their property. Lastly, they have requested a condition of approval that would have new trees planted along the common property line of the subject property and the property immediately to the south.

Tree removal and required replanting are associated with visual subordination. Those approval criteria are addressed later in this decision with respect to the development and potential visibility from Key Viewing Areas.

The second letter was from the Friends of the Columbia Gorge and focused on the need for a complete and accurate application to provide the public a meaningful review of the project (Exhibit C.2).

4.00 GGRC Zone Criteria:

A. MCC 38.2425 REVIEW USES

The following uses may be allowed on lands designated GGRC, 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:

(C) 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:

1. **(1) 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.**

Staff: The applicant is proposing a 1500-square foot accessory building. There are no other accessory buildings on site so the proposed structure is permissible.

Criterion met.

2. **(2) The height of any individual accessory building shall not exceed 24 feet.**

Staff: As seen on the submitted elevation plans (Exhibit A.8), the accessory structure will be 19.5 feet tall.

Criterion met.

B. MCC 38.2460 DIMENSIONAL REQUIREMENTS

1. **(A) The minimum lot size for a single family dwelling shall be one acre.**

Staff: A single family dwelling is not proposed and the property is 1-acre in size.

Criterion met.

2. **(B) The minimum lot size for a duplex dwelling shall be two acres.**

Staff: No duplex is proposed.

Criterion met.

3. **(C) The minimum lot size for a conditional use permitted pursuant to MCC 38.2430, shall be based upon:**

(1) The site size needs of the proposed use;

**(2) The nature of the proposed use in relation to the impacts on nearby properties;
and**

(3) Consideration of the purposes of this district.

Staff: A conditional use is not being requested.

Criterion met.

4. **(D) 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: Lot area is not an applicable criterion for the proposal.

Criterion met.

5. **(E) 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.10), the proposed workshop is 20-feet from the closest side property line and 30-feet from the rear property line.

Height of the structure is regulated under MCC 38.2425©(1).

Criteria met.

6. **(F) 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: NE 365th Ave has adequate right-of-way and the building is proposed to be over 100-feet from the front property line.

Criterion met.

5.00 Site Review Criteria:

MCC 38.7035 GMA SCENIC REVIEW CRITERIA

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

(A) All Review Uses and Conditional Uses:

1. **(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 workshop is proposed to be in the rear of the property and does not require a driveway extension. Therefore, the only grading required will be for the foundation.

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: For the comparative analysis required by this criterion, staff uses information from Multnomah County Property Assessment and Taxation records for consistency and looks at properties listed within ¼ mile of the subject property's boundaries. Within that area, there were over 70 properties. Many of those properties had residentially accessory structures listed. A sampling of the properties within the study area are included in the table below.

It should be noted that for the comparative analysis, it must be an apples to apples comparison. In other words, residentially accessory structures compared to other accessory residential structures. It is inappropriate to compare farm buildings to residential structures or commercial structures to residential structures.

Address	Area	Staff Notes
1227 NE 365 th Ave	1500 sf	Subject Property
1252 NE Evans Rd.	1440 sf	Accessory building approved under T2-07-102
1230 NE 365 th Ave	1080 sf	Noted as farm building but no farm or farm deferral on this 1.02-acre property
1040 NE 365 th Ave	2400 sf	Noted as farm building but no farm or farm deferral on this 5-acre property
1048 NE 365 th Ave.	1872 sf	Noted as farm building but no farm or farm deferral for this 5 acre property

The workshop is proposed at 1,500 square feet. In the area, there are several accessory buildings that are larger than the proposed workshop as seen in the table above.

County Assessment has several of the comparable structures designated as 'farm buildings.' However, sometimes Assessment and Taxation designates a building as a farm building when it is being used for the same use as storage buildings, shops and garages. Because of the liberal use of the label "farm structure", staff looks for other evidence as to whether there are any other indications of a farm uses occurring on the property.

For all of the farm buildings listed in the table above, there is no other evidence of farm uses related to these buildings. All are on acreage properties, and none of the properties are in the farm tax deferral program (Exhibit B.8). On county air photos, (Exhibit B.9), none of the properties appear to have a farm use taking place. The property at 1048 NE 365th Ave. appears to possibly have horses on the property but is not in the farm tax deferral program and thus the horses are likely to be pets.

While we do not have County Assessment data for the heights of the accessory buildings,

similar buildings are generally the height of the proposed structure, 20 feet or higher. The accessory structure code, MCC 38.3025(A)(3)(b) allows an accessory building maximum height of 24 feet and to 1500 square feet in area. This indicates a 24-foot height is common for buildings of this size.

Based on the evidence, staff finds the proposed structure is generally consistent with the size of existing nearby development of the same type.

Criterion met.

(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 property takes access off of 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: Any required vegetation will be required to be maintained 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 has reviewed the site plan and determined that the proposal is consistent and compatible with the Village Landscape Setting.

Criterion met.

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

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

Staff: Because the property is within the Village landscape setting, siting and color requirements are not applicable to the development. However, other aspects of visual subordination are applicable.

The applicant has provided information on the proposed materials, including on the elevation plans (Exhibit A.8). The building is proposed to be constructed with comp shingle roof (Pewter Gray – Exhibit A.6) and Hardiplank Lap Siding (Exhibit A.7).

The applicant has proposed the workshop to be located in the southwest corner of the property, the furthest portion of the property from the Historic Columbia River Highway, a Key Viewing Area (KVA). Vegetation has been established along the western and

northern property lines to help shield the existing home from KVA's and it was also part of the proposal to help shield the workshop originally proposed in T2-08-006. The same workshop and location are part of this proposal and so the established vegetation is appropriate to shield the proposed workshop.

Taken as a whole, the materials, location, vegetation and landscape setting will render the workshop visually subordinate.

Criterion met.

2. **(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.**

Staff: Any conditions of approval imposed will be proportionate to the potential impact as seen from KVA's.

Criterion met.

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

Staff: The development is proposed for an existing cleared area. Screening vegetation will not be removed as part of the development and no endangered or threatened rare plants are known to exist on site. As such, the cumulative effect of the addition with the existing development will not impact the visual effects or visual subordination of the dwelling. Additionally, no historic or cultural reconnaissance surveys are required for the site as found in Finding X, so there will be no cumulative impact on those protected resources.

Criterion met.

4. **(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).**

Staff: The applicant provided all the required elements to render a decision.

Criterion met.

5. **(5) For proposed mining and associated activities on lands visible from Key Viewing Areas, in addition to submittal of plans and information pursuant to MCC 38.7035 (A) (6) and subsection (4) above, project applicants shall submit perspective drawings of the proposed mining areas as seen from applicable Key Viewing Areas.**

Staff: No mining activities are proposed as part of the application.

Criterion met.

6. **(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.**

Staff: The proposed workshop is sited on the southwest corner of the property, the area furthest from the KVA's.

Criterion met.

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

Staff: The site has very little change in topography. The proposed area of development has a slope of less than 10% with a four to five foot drop over the development area. As such, minimum gradation will be required to establish the workshop's foundation. Additionally, the vegetation along the western and northern property lines will provide year round screening for visual subordination purposes.

Criterion met.

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

Staff: The vegetation along the western and northern property lines are required to be retained as a condition of approval from T2-08-006 and shall continue to be required to be retained.

Criterion met.

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

Staff: No new driveways are proposed as part of the project. The site is already served by an existing driveway connecting to NE 365th Ave.

Criterion met.

10. **(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**

Staff: The structure is proposed to be covered with composite shingles on the roof which are very rough and non-reflective and hardi-plank siding which is a non-reflective textured siding that resembles wood. No windows are proposed to be included in the structure, which means no reflective glass is included. All items are non-reflective.

Criterion met.

11. **(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.**

Staff: The applicant’s elevation drawings do show an exterior light near the entry door. A condition of approval shall require the light to be shielded and hooded.

Criterion met with condition of approval.

12. **(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.**

Staff: The color of the structure is exempt from review under the Village landscape setting.

Criterion met.

13. **(13) Additions to existing buildings smaller in total square area than the existing building may be the same color as the existing building. Additions larger than the existing building shall be of dark earth-tone colors 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.**

Staff: The color of the structure is exempt from review under the Village landscape setting.

Criterion met.

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

Staff: The project does not involve modifications to a historic structure.

Criterion met.

15. **(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.**

Staff: The Columbia River Highway, the closest Key Viewing Area which is to the north of the structure, is the highest point and ridge in the area. Since the structure is downslope from the highway, it will not break any skyline, bluff or cliff as seen from a Key Viewing Area.

Criterion met.

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

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

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

Staff: The proposal is for a new structure built after 1986.

Criteria met.

17. **(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).

Staff: No new landscaping is proposed as part of the project. Landscaping required from a previous permit to build the house will be required to be maintained as a condition of approval.

Criteria met.

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

Staff: No new landscaping is proposed. A condition will require the landscaping conditioned from a previous permit to be retained and maintained.

Criterion met.

19. **(19) New main lines on lands visible from Key Viewing Areas for the transmission of electricity, gas, oil, other fuels, or communications, except for connections to individual users or small clusters of individual users, shall be built in existing transmission corridors unless it can be demonstrated that use of existing corridors is not practicable. Such new lines shall be underground as a first preference unless it can be demonstrated to be impracticable.**

Staff: No new mainlines are proposed as part of this project.

Criterion met.

20. **(20) New communication facilities (antennae, dishes, etc.) on lands visible from Key Viewing Areas, which require an open and unobstructed site shall be built upon existing facilities unless it can be demonstrated that use of existing facilities is not practicable.**

(21) New communications facilities may protrude above a skyline visible from a Key Viewing Area only upon demonstration that:

- (a) The facility is necessary for public service;**
- (b) The break in the skyline is seen only in the background; and**
- (c) The break in the skyline is the minimum necessary to provide the service.**

Staff: No communication facilities are proposed as part of the project.

Criteria met.

21. **(22) Overpasses, safety and directional signs and other road and highway facilities may protrude above a skyline visible from a Key Viewing Area only upon a demonstration that:**

- (a) The facility is necessary for public service;**
- (b) The break in the skyline is the minimum necessary to provide the service.**

Staff: No highway facilities or accessory signs are proposed as part of the project.

Criterion met.

22. **(23) Except for water-dependent development and for water-related recreation development, development shall be set back 100 feet from the ordinary high water mark of the Columbia River below Bonneville Dam, and 100 feet from the normal pool elevation of the Columbia River above Bonneville Dam, unless the setback would render a property unbuildable. In such cases, variances to the setback may be authorized.**

Staff: The property is not near a water body and does not have any water dependant development.

Criterion met.

23. **(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.**

Staff: No area on the subject property has slopes in excess of 25%.

Criterion met.

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

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

- 1. Existing and proposed final grades;**
- 2. Location of all areas to be graded, with cut banks and fill slopes delineated; and**
- 3. Estimated dimensions of graded areas.**

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

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

Staff: The proposed development will require minimal grading since the development site is already relatively flat and the access to the development site was constructed along with the existing dwelling in the past. The overall total of grading will be far less than 100-cubic yards and therefore these criteria are met.

Criteria met.

25. **(26) Expansion of existing quarries and new production and/or development of mineral resources proposed on sites more than 3 miles from the nearest Key Viewing Areas from which it is visible may be allowed upon a demonstration that:**

- (a) The site plan requirements for such proposals pursuant to this chapter have been met;**
- (b) The area to be mined and the area to be used for primary processing, equipment storage, stockpiling, etc. associated with the use would be visually subordinate as seen from any Key Viewing Areas; and**
- (c) A reclamation plan to restore the site to a natural appearance which blends with and emulates surrounding landforms to the maximum extent practicable has been approved. At minimum, a reclamation plans shall comply with MCC 38.7035 (A) (5); and**
- (d) A written report on a determination of visual subordination has been completed, with findings addressing the extent of visibility of proposed mining activities from Key Viewing Areas, including:**
 - 1. A list of Key Viewing Areas from which exposed mining surfaces (and associated facilities/activities) would be visible;**
 - 2. An estimate of the surface area of exposed mining surfaces which would be visible from those Key Viewing Areas;**
 - 3. The distance from those Key Viewing Areas and the linear distance along those Key Viewing Areas from which proposed mining surfaces are visible;**
 - 4. The slope and aspect of mining surfaces relative to those portions of Key Viewing Areas from which they are visible;**
 - 5. The degree to which potentially visible mining surfaces are screened from Key Viewing Areas by existing vegetation, including winter screening considerations.**
 - 6. The degree to which potentially visible mining surfaces would be screened by new plantings, berms, etc. and appropriate time frames to achieve such results, including winter screening considerations.**

(27) Unless addressed by subsection (26) above, new production and/or development of mineral resources may be allowed upon a demonstration that:

- (a) The site plan requirements for such proposals pursuant to this chapter have been met;**
- (b) The area to be mined and the area used for primary processing, equipment storage, stockpiling, etc. associated with the use would be fully screened from any Key Viewing Area; and**
- (c) A reclamation plan to restore the area to a natural appearance which blends with and emulates surrounding landforms to the maximum extent**

practicable has been approved. At minimum, the reclamation plan shall comply with MCC 38.7035 (A) (6) and (7).

(28) An interim time period to achieve compliance with visual subordination requirements for expansion of existing quarries and development of new quarries located more than 3 miles from the nearest visible Key Viewing Area shall be established prior to approval. The interim time period shall be based on site-specific topographic and visual conditions, but shall not exceed 3 years beyond the date of approval.

(29) An interim time period to achieve compliance with full screening requirements for new quarries located less than 3 miles from the nearest visible Key Viewing Area shall be established prior to approval. The interim time period shall be based on site-specific topographic and visual conditions, but shall not exceed 1 year beyond the date of approval. Quarrying activity occurring prior to achieving compliance with full screening requirements shall be limited to activities necessary to provide such screening (creation of berms, etc.).

Staff: No rock quarries are proposed as part of this project.

Criteria met.

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

(6) Village

1. **(a) New development in this setting is exempt from the color and siting requirements of MCC 38.7035(B).**

Staff: Staff made findings under MCC 38.7035 consistent with this criterion.

Criterion met.

2. **(b) New commercial buildings shall be limited in size to a total floor area of 5,000 square feet or less, and shall be limited in height to 2 and 1/2 stories or less.**

Staff: No commercial buildings are proposed.

Criterion met.

3. **(c) For new commercial, institutional (churches, schools, government buildings) or multi-family residential uses on parcels fronting a Scenic Travel Corridor (the Historic Columbia River Highway) and expansion of existing development for such uses, parking shall be limited to rear or side yards of buildings to the maximum extent practicable.**

Staff: The property does not front onto a Scenic Travel Corridor.

Criterion met.

4. **(d) New vehicular access points to the scenic travel corridors shall be limited to the maximum extent practicable, and access consolidation shall be required where feasible.**

Staff: The property does not front onto a scenic travel corridor, therefore, no new accesses to the corridors will be created.

Criterion met.

5. **(e) New development proposals and expansion of existing development shall be encouraged to follow planned unit development approaches, featuring consolidated access, commonly-shared landscaped open areas, etc.**

Staff: The proposed workshop is located on a property with an existing development and access point. As such, the development will have consolidated access and shared landscaped areas.

Criterion met.

6. **(f) New commercial, institutional or multi-family residential uses fronting a Scenic Travel Corridor shall comply with the following landscape requirements:**

1. Parking or loading areas for 10 or more spaces shall include a landscaped strip at least 5 feet in width between the new use and the Scenic Travel Corridor roadway.

2. The landscape strip required in subsection (f) 1. above shall include shrubs, vegetative ground cover and, at minimum, one tree spaced as appropriate to the species and not to exceed 25 feet apart on the average.

Staff: The property does not front a Scenic Travel Corridor.

Criteria met.

7. **(g) The use of building materials reinforcing the Village Setting's character, such as wood, logs or stone, and reflective of community desires, should be encouraged.**

Staff: The workshop is proposed to be made out of hardi-plank siding, siding with a replica wood texture and look. Hardi-plank siding is a very common material found in the Corbett area.

Criterion met.

8. **(h) Architectural styles characteristic of the area (such as 1½ story dormer roof styles in Corbett), and reflective of community desires, should be encouraged. Entry signs should be consistent with such architectural styles.**

Staff: The proposed workshop measures at 19.5-feet tall. Residentially accessory buildings in the area tend to have the same utilitarian design factors (boxy frame, few

windows, basic doors etc) and are limited to 24-feet in height. As such, the workshop is reflective of the typical accessory structure in the area. No signs are proposed as part of the application.

Criterion met.

9. **(i) Design features which create a "pedestrian friendly" atmosphere, such as large shop windows on the ground floor of commercial buildings, porches along ground floors with street frontage, etc. should be encouraged.**

Staff: No commercial buildings are proposed. The project is a private accessory structure for use by the property owner only.

Criterion met.

10. **(j) Pedestrian walkways and bicycle paths should be encouraged and integrated into new developments wherever feasible.**

Staff: The proposal is not a public project requiring sidewalks or bike paths. The workshop is entirely on a single private property and does not require walkways or bike paths.

Criterion met.

11. **(k) Where feasible, existing tree cover of species native to the region or commonly found in the area shall be retained when designing new development or expanding existing development.**

Staff: No trees are being removed as part of the proposal.

Criterion met.

12. **(l) Compatible recreation uses may include community parks serving the recreation needs of local residents, and varying intensities of other recreation uses.**

Staff: No recreation uses are proposed as part of the application.

Criterion met.

D. MCC (D) All Review Uses and Conditional Uses within scenic travel corridors:

1. **(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.**

Staff: The subject property is less than 1200-feet from the Historic Columbia River Highway, a Scenic Travel Corridor.

2. **(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.

Staff: The subject property is zoned GGRC. Nonetheless, the proposed garage is roughly 200-feet from the highway.

Criterion met.

3. **(3) Additions to existing buildings or expansion of existing parking lots located within 100 feet of the edge of pavement of a Scenic Travel Corridor roadway except in a GGRC, shall comply with subsection (2) above to the maximum extent practicable.**

Staff: The subject property is zoned GGRC and more than 200-feet from the pavement of the Scenic Travel Corridor.

Criterion met.

4. **(4) All proposed vegetation management projects in public rights-of-way to provide or improve views shall include the following:**

(a) An evaluation of potential visual impacts of the proposed project as seen from any Key Viewing Area;

(b) An inventory of any rare plants, sensitive wildlife habitat, wetlands or riparian areas on the project site. If such resources are determined to be present, the project shall comply with applicable standards to protect the resources.

Staff: The project does not include vegetation management in a public right-of-way.

Criterion met.

5. **(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.**

Staff: signal wires and powerlines are not part of the proposed project.

Criterion met.

6. **(6) New production and/or development of mineral resources proposed within one-quarter mile of the edge of pavement of a Scenic Travel Corridor may be allowed upon a demonstration that full visual screening of the site from the Scenic Travel Corridor can be achieved by use of existing topographic features or existing vegetation designed to be retained through the planned duration of the proposed project. An exception to this may be granted if planting of new vegetation in the**

vicinity of the access road to the mining area would achieve full screening. If existing vegetation is partly or fully employed to achieve visual screening, over 75 percent of the tree canopy area shall be coniferous species providing adequate winter screening. Mining and associated primary processing of mineral resources is prohibited within 100 feet of a Scenic Travel Corridor, as measured from the edge of pavement, except for access roads. Compliance with full screening requirements shall be achieved within time frames specified in MCC 38.7035 (B) (29).

(7) Expansion of existing quarries may be allowed pursuant to MCC 38.7035 (B) (26). Compliance with visual subordination requirements shall be achieved within time frames specified in MCC 38.7035 (B) (28).

Staff: No production of mineral resources are proposed as part of the project.

Criterion met.

6.00 Resource Review Criteria:

MCC 38.7045 GMA CULTURAL RESOURCE REVIEW CRITERIA

(A) Cultural Resource Reconnaissance Surveys

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

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

1. Residential development that involves two or more new dwellings for the same project applicant;

2. Recreation facilities that contain parking areas for more than 10 cars, overnight camping facilities, boat ramps, and visitor information and environmental education facilities;

3. Public transportation facilities that are outside improved rights-of-way;

4. Electric facilities, lines, equipment, and appurtenances that are 33 kilovolts or greater; and

5. Communications, water and sewer, and natural gas transmission (as opposed to distribution) lines, pipes, equipment, and appurtenances.

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.

The Gorge Commission, after consulting Indian tribal governments and state historic preservation officers, will prepare and adopt a map showing areas that have a low probability of containing cultural resources. This map will be

adopted within 200 days after the Secretary of Agriculture concurs with the Management Plan. It will be refined and revised as additional reconnaissance surveys are conducted. Areas will be added or deleted as warranted. All revisions of this map shall be reviewed and approved by the Gorge Commission.

Staff: The site has been determined by the US Forest Service to have a low-probability of containing cultural resources.

Criteria met.

2. **(2) A reconnaissance survey shall be required for all proposed uses within 500 feet of a known cultural resources, including those listed above in MCC 38.7045 (A) (1) (a) through (f). The location of known cultural resources are shown in the cultural resource inventory.**

(3) A historic survey shall be required for all proposed uses that would alter the exterior architectural appearance of buildings and structures that are 50 years old or older, or compromise features of the surrounding area that are important in defining the historic or architectural character of the buildings or structures that are 50 years old or older.

Staff: No known cultural resources are located within 500-feet of the property. Marge Dryden, US Forest Service Archeologist responsible for identifying such resources determined the property has a low probability for cultural resources.

Criteria met.

7.00 Wetland Review Criteria

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);**
- (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;**
- (3) The project site is adjacent to the main stem of the Columbia River.**
- (4) The project site is not within a wetland buffer zone; and**

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

Staff: The subject site does not have a wetland identified on it and is comprised of soil unit 27B, Mershon Silt Loam. According to the Multnomah County Soil Survey, soil unit 27B is not considered a hydric soil. The subject site is not identified on the NWI Maps, not adjacent to the Columbia River, and not within a wetland buffer zone. Therefore the property is exempt from the Wetland Review Criteria.

Criterion met.

8.00 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 site is not within a stream, lake or riparian area according to the zoning maps and Gorge maps on file with the County.

Criterion met.

9.00 Wildlife Review Criteria

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 met.

10.00 Wildlife Review Criteria

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: As seen on the county's NSA maps provided by the Columbia River Gorge Commission, there are no known rare plants within 1,000-feet of the subject property.

Criterion met.

11.00 Recreation Review Criteria

MCC 38.7080 GMA RECREATION RESOURCE REVIEW CRITERIA

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

Staff: The proposed development does not include any recreational use or recreational zone property.

12.00 Transportation Standards:

MCRR 4.000 Access to County Roads

4.100 Required Information: Applicants for a new or reconfigured access onto a road under County Jurisdiction may be required to provide all of the following:

- A. Site Plan;
- B. Traffic Study-completed by a registered traffic engineer;
- C. Access Analysis-completed by a registered traffic engineer;
- D. Sight Distance Certification from a registered traffic engineer; and
- E. Other site-specific information requested by the County Engineer

4.200 Number: Reducing the number of existing and proposed access points on Arterials and Collectors and improving traffic flow and safety on all County roads will be the primary consideration when reviewing access proposals for approval. One driveway access per property will be the standard for approval. Double frontage lots will be limited to access from the lower classification street. Shared access may be required in situations where spacing standards cannot be met or where there is a benefit to the transportation system.

Staff: The site has one access onto a County road, approved under T2-08-006.

13.00 Conclusion

Based on the findings and other information provided above, the applicant has carried the burden necessary for the National Scenic Area Site Review to establish an accessory workshop in the GGRC zone. This approval is subject to the conditions of approval established in this report.

14.00 Exhibits

- ‘A’ Applicant’s Exhibits
- ‘B’ Staff Exhibits
- ‘C’ Comments Received

Exhibits with a “*” after the exhibit # have been included as part of the mailed decision. All other exhibits are available for review in Case File T2-2012-2137 at the Land Use Planning office.

Exhibit #	# of Pages	Description of Exhibit
A.1	1	NSA General Application Form

A.2	2	Title Information and Current Deed
A.3	1	Stormwater Certificate
A.4	2	Fire District Review – Fire Flow
A.5	1	On Site Sewage Disposal Certification Form
A.6	3	Roof Shingle Information and Color
A.7	2	Hardi-Plank Siding Information and Color
A.8*	3	Elevation Drawings
A.9*	2	Floor and Roof Plans
A.10*	1	Overall Site Plan (Oversized and 8 ½ x 11)
A.11	1	Utility Plan (Oversized)
A.12	1	Grading and Erosion Control Plan (Oversized)
A.13	11	February 3, 2012 Narrative
A.14	1	Applicant's Incomplete Response
A.15	2	March 14, 2012 Narrative
A.16	1	Lighting Details
'B'	#	Staff Exhibits
B.1	2	A&T Property Information
B.2	1	Tax Lot Map
B.3	36	NSA Agency Completeness Review Packet
B.4	2	February 28, 2012 Incomplete Letter
B.5	1	March 15, 2012 Complete Letter
B.6	14	Opportunity to Comment and Mailing List
B.7	1	Letter of Receiving Comments
B.8	8	Assessment and Taxation Information for Comparative Analysis
B.9	1	Air Photo Showing Comparative Properties
'C'	#	Comments Received
C.1	3	Comment Letter and Site Plans from Roger and Sandra Wallis
C.2	8	Comment Letter from Friends of the Columbia Gorge
C.3	1	Comment Letter From Oregon Parks and Recreation