

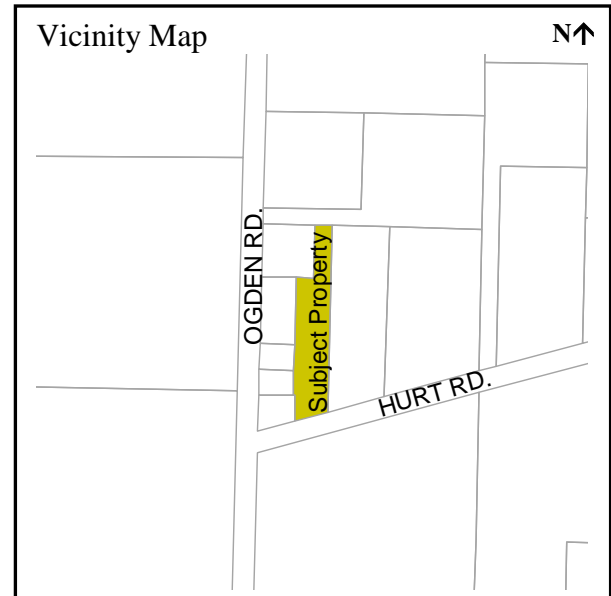
**MULTNOMAH COUNTY****LAND USE AND TRANSPORTATION PROGRAM**1600 SE 190TH Avenue Portland, OR 97233

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: T2-2012-2647**Permit:** National Scenic Area Site Review**Location:** 30225 NE Hurt Road
Tax Lot 1700, Section 32B,
Township 1 North, Range 4 East, W.M
Tax Account #R053501890**Applicant:** Wallace Hunt**Owner:** Donnie R. Endicott & Wallace Hunt

Summary: A request for a NSA Site Review to legalize an accessory building built without permits in the Gorge General Residential -10 Zone.**Decision:** Approved with Conditions..

Unless appealed, this decision is effective September 13, 2013, at 4:00 PM.

Issued by:

By: _____
George Plummer, Planner

For: Karen Schilling- Planning Director

Date: Friday, August 30, 2013

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 George Plummer, Staff Planner at 503-988-3043, ext. 29152

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 August 30, 2013, at 4:00 PM.

Applicable Approval Criteria: Multnomah County Code (MCC): MCC 38.0030 Existing Uses, MCC 38.3000 – 38.3095: GGR-10 Zone, MCC 38.7000 et al: GMA Site Review Criteria. 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. The property owners shall meet the MCC 38.3025(A)(3)(a) requirement to not exceed 1,500 square foot combined footprints of all accessory buildings on the parcel. To meet the 1,500 square foot combined footprints, the property owners shall remove at least 220 square feet from an existing accessory building on the property. The property owners shall obtain a Building Permit and complete the inspections for the new after the fact accessory building and including a Building Permit for the removal of 220 square foot from an existing accessory building. [MCC 38.3025(A)(3)(a)]
2. If any Cultural Resources and/or Archaeological Resources are located or discovered on the property during this project, including finding any evidence of historic campsites, old burial grounds, implements, or artifacts, the following procedures shall be implemented: [MCC 38.7045 (L)]

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

- (a) Halt Construction – All construction activities within 100 feet of the discovered cultural resource shall cease. The cultural resources shall remain as found; further disturbance is prohibited.
- (b) Notification – The project applicant shall notify the County Planning Director and the Gorge Commission within 24 hours of the discovery. If the cultural resources are prehistoric or otherwise associated with Native Americans, the project applicant shall also notify the Indian tribal governments within 24 hours. This includes the Yakama Nation, contact Cultural Specialist for the Cultural Resources Program at: (509) 865-5121 extension 4720; FAX number (509) 865-4664. Procedures required in MCC 38.7045 (L) shall be followed.
- (c) Survey and Evaluation – The Gorge Commission will survey the cultural resources after obtaining written permission from the landowner and appropriate permits from SHPO (see ORS 273.705 and ORS 358.905 to 358.955). It will gather enough information to evaluate the significance of the cultural resources. The survey and evaluation will be documented in a report that generally follows the standards in MCC 38.7045 (C) (2) and MCC 38.7045 (E).
- (d) Mitigation Plan – Mitigation plans shall be prepared according to the information, consultation, and report standards of MCC 38.7045 (J). Construction activities may recommence when the conditions in the mitigation plan have been executed. [MCC 38.7045 (L)]

3. 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):

- (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. [MCC 38.7045 (M)]

4. Prior to County Land Use zoning signoff on the plans for the building permit, the property owners shall submit an application for a Right-of-Way Access Permit from the County Right-of-Way program (contact Al Young 503-988-3582).

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.

Note: Once this decision is final, application for building permits may be made with the City of Gresham. When ready to have building permits signed off, the applicant shall call the Staff Planner, George Plummer at (503) 988-3043 ext. 29152, for an appointment for review and approval of the conditions and to sign the building permit plans. Please note, Multnomah County must review and sign off the building permits before the applicant submits building plans to the City of Gresham. Three (3) sets each of the site plan and building plans are needed for building permit sign off. At the time of building permit review, a fee of \$61.00 will be collected. In addition, an erosion control inspection fee of \$77.00 may be required.

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. Project Description:

Staff: A request for a NSA Site Review permit to legalize an accessory building built without permits in the Gorge General Residential -10 Zone. The building is 24 feet by 35 feet (840 square feet) at about 20 feet in height.

2. Property Description & History (if needed):

Staff: The application submittal included aerial photos (Exhibit A.13) from the Army Corp of Engineers which the narratives in Exhibit A.14 states were taken in 1948 and 1956. The 1956 aerial photo shows the dwelling existed at that time, prior to the 1961 dated County Assessment record shows. The dates on of the County Assessment records are occasionally off by a few years or reflect when the dwelling was added to the tax rolls and are not necessarily an exact dated when a dwelling first existed. In this case the evidence shows that a dwelling existed in 1956. Therefore the based on the evidence submitted , staff finds the dwelling was lawfully established.

The subject property was created on July 1, 1958, as a remainder parcel, when the adjacent property to the east was divided out of the parent parcel via contract recorded in Book 1905 on Page 72 (Exhibit B.7). Minimum zoning lot size minimum were first applied to this area on July 10, 1958 after the contract was recorded and there were no land division requirements for dividing a property into two parcels in 1958.

The property’s size and shape changed in 1964 from 1.28 acres to 1.10 acres. The applicant submitted a copy of a deed recorded May 19, 1964 in Book 44 on Page 141 describing the property as it currently exists at 1.10 acres. In 1964 the subject property was part of what was intended to be a property line adjustment with an adjacent property to the west in which a 0.18 acres of the subject property was separated out but not consolidated into the other property, 800 NE Ogden Road, to complete the property line adjustment. That property was recently consolidated into the property at 800 NE Ogden Road to resolve the property line adjustment issue. Given the property was created July 1, 1958 with an adjusted in 1964, the subject property is a legal lot.

3. Comments

- 3.1. Staff:** We received an email dated January 8, 2013 from Margaret Dryden, Heritage Resource Program Manager, Columbia River Gorge National Scenic Area, US Forest Service, with an attached Cultural Resources Survey Determination and emails from SHPO (Exhibit C.1). In the Cultural Resources Survey Determination Ms. Dryden, USFS, stated, “A cultural resources reconnaissance survey is: Not Required” and “A Historic Survey is: Not Required.” See findings in Section 7 of this decision.
- 3.2. Staff:** We received a letter of comment dated May 31, 2013 from Richard Till, Conservation Legal Advocate, Friends of the Columbia Gorge. Mr. Till outlined the application requirements and code sections that must be addressed to this decision (Exhibit C.2). Findings for the site review for the proposed accessory building are under in Section 4, 5, 6, 7 and 8 of this decision.
- 3.3. Staff:** We received an email dated June 17, 2013 from Bob Leipper, nearby property owner. Mr. Leipper states an objection to the 1500 square foot size limitation for accessory structures (Exhibit C.3). The finding for accessory building foot-print size limitation is under Section 4 of this decision.

4. Base Zone Criteria:

4.1. Review Uses

MCC 38.3025(A)(3): Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel are subject to the following additional standards:

- (a) The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without re-view, existing buildings and proposed buildings.**
- (b) The height of any individual accessory building shall not exceed 24 feet.**

Staff: The dwelling was established at some time prior to the Army Corp 1956 aerial photo thus staff finds the dwelling is old enough to be considered as legally established because zoning was adopted in 1958. The applicant’s narrative states the proposed building replaced an existing building, thus the 1,500 square foot size limitation would not apply. However the applicant failed to demonstrate that the existing building removed was the same size of the proposed building. Thus the proposed building must meet the 1,500 square foot size limitation.

There are two existing accessory buildings on the property, with a combined footprint of 880 square feet in area. The proposed accessory building has a foot print of 840 square feet in area. The combined footprint of existing and proposed accessory buildings is 1740 square feet exceeding the 1500 square foot size limit. A condition can require the 220 square feet be removed from an existing accessory building on the property. The proposed building is less than 24 feet in height. These standards can be met through a condition. *The standards are met through a condition.*

4.2. Dimensional Requirements

MCC 38.3060 (E): Minimum yard dimensions – in feet

| Front and Rear | Side | Street Side |
|----------------|------|-------------|
| 30 | 10 | 30 |

Staff: The applicant's site plan demonstrates that proposed building is more than 100 feet from the front property line, more than 20 feet from the east side yard property line, more than 40 feet from the west side yard property line and more than 100 feet from the rear property line. *The proposed building meets the minimum yard standards.*

5. Existing Uses

5.1. Right to Continue Existing Uses and Structures

MCC 38.0030(A): Any existing use or structure may continue so long as it is used in the same manner and for the same purpose, except as otherwise provided.

Staff: The applicant has not sufficiently demonstrated that the proposed building replaced an existing permitted structure or the size of the portion of building removed. The new accessory building was built without a NSA review, it was already constructed before this application was submitted for a review and building permits were not obtained.

5.2. Replacement of Existing Structures Not Damaged or Destroyed by Disaster

MCC 38.0030 (B): Except as provided in (C) below, an existing structure may be replaced if a complete land use application for a replacement structure is submitted to the reviewing agency within one year of the date the use of the original structure was discontinued. The replacement structure shall comply with the following standards:

- (1) The replacement structure shall be used in the same manner and for the same purpose as the original structure.
- (2) The replacement structure may have a different size and/or location than the original structure. An existing mobile home may be replaced with a framed residence and an existing framed residence may be replaced with a mobile home.
- (3) The replacement structure shall be subject to the scenic, cultural, recreation and natural resources provisions; the treaty rights provisions; and the land use designations provisions involving agricultural buffer zones, approval criteria for fire protection, and approval criteria for siting of dwellings on forest land.
- (4) The use of the original structure shall be considered discontinued if a complete land use application for a replacement structure is not submitted within the one year time frame.

Staff: The applicant states the proposed building replaced a lean-to of on an old accessory building on the property. However the proposed building is significantly larger than the lean-to could have been because the building the lean-to was attached to is 20 feet by 24 feet. The proposed new accessory building is 35 feet by 24 feet, significantly larger than what could have been a lean-to size attached on a building side. The older building is significantly smaller than the proposed building. The applicant has failed to demonstrate that the proposed building meets the

standards for a replacement of an existing structure, thus it must meet the GMA Site Review criteria (see the following Section 6 of this decision).

6. GMA SCENIC REVIEW CRITERIA

6.1. All Review Uses

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

Staff: The proposed new building is sited on nearly level land and is designed to retain the existing topography thus minimizing grading activities to the maximum extent possible for siting the proposed development. The property has a relatively shallow slope which will be maintained by the proposed development. *This criterion is met.*

6.1.2. MCC 38.7035 (A) (2): New buildings shall be compatible with the general scale (height, dimensions and visible mass) of similar buildings that exist nearby (e.g. dwellings to dwellings). Expansion of existing development shall comply with this guideline to the maximum extent practicable. For purposes of applying this standard, the term nearby generally means buildings within ¼ mile of the parcel on which development is proposed.

Staff: The applicant states that the proposal is for permitting an 840 square accessory building. The following table provides County Assessment record information (Exhibit B.5) of three accessory buildings that are located within a quarter mile of the subject property.

| Alt Acct # | Address | Area (Sq. Ft.) |
|------------|-------------------|----------------|
| R053501810 | 30421 NE Hurt Rd. | 1344 |
| R053501870 | 30315 NE Hurt Rd. | 1500 |
| R053501880 | 800 NE Ogden Rd. | 1728 |

The proposed shed is smaller in area than at least three nearby accessory buildings. *This criterion is met.*

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

Staff: This property is not accessed from a Scenic Travel Corridor. *This criterion is not applicable.*

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

Staff: No additional vegetation is required. *This criterion is not applicable.*

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

Staff: The findings for compatibility with the landscape setting are based on information submitted in the site plans. See Subsection 6.3 for findings of compliance with landscape setting criteria. *This criterion is met.*

6.2. Review Uses Topographically Visible from Key Viewing Areas (KVAs)

Staff: Our analysis shows that the proposed development site for the accessory building is not topographically visible from any KVA. Thus the criteria under MCC 38.7035(B) are not applicable.

6.3. Review Uses within the Following Landscape Settings, Regardless of Visibility from KVAs

6.3.1. Rural Residential in Conifer Woodland or Pastoral

- 6.3.1.1. MCC 38.7035(C)(4)(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.

Staff: The proposed development meets the design standards for both the Rural Residential and Pastoral Landscape Settings. The findings addressing these standards are in the following section and subsections of this staff report.

- 6.3.1.2. MCC 38.7035(C)(4)(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.

Staff: There is no conflict between the standards with the proposed development. *This standard is met.*

6.3.2. Rural Residential

- 6.3.2.1. MCC 38.7035(C)(3)(a):** Existing tree cover shall be retained as much as possible, except as is necessary for site development, safety purposes, or as part of forest management practices.

Staff: The applicant proposes to maintain the trees on the property. Exhibits A.9. *This standard is met.*

- 6.3.2.2. MCC 38.7035(C)(3)(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: Our analysis shows that proposed development site for the accessory building is not topographically visible and KVA. *This criterion is not applicable.*

6.3.3. Pastoral

- 6.3.3.1. MCC 38.7035(C)(1)(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: The proposal includes clustering of the proposed building as shown on the site plan included as Exhibit A.3. *This standard is met.*

- 6.3.3.2. MCC 38.7035(C)(1)(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, big leaf 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: Our analysis shows that proposed development site for the accessory building is not topographically visible from any KVA. *This criterion is not applicable.*

7. GMA CULTURAL RESOURCE REVIEW CRITERIA

7.1. Cultural Resource Reconnaissance Surveys

MCC 38.7045(A) (1) A cultural reconnaissance survey shall be required for all proposed uses, except:

* * *

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

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

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

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

Staff: Margaret L. Dryden, Heritage Resource Program Manager, Columbia River Gorge National Scenic Area, US Forest Service in consultation with the Oregon State Historic Preservation Office (SHPO) submitted a Cultural Resources Survey Determination on August 2, 2012 (Exhibit C.1).

In the Cultural Resources Survey Determination Ms. Dryden, USFS, stated, “A cultural resources reconnaissance survey is: Not Required” and “A Historic Survey is: Not Required.” *These criteria are met.*

* * *

7.2. Discovery of Cultural Resources and/or Human Remains

MCC 38.7045(L) Cultural Resources Discovered After Construction Begins

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

- (1) **Halt Construction** – All construction activities within 100 feet of the discovered cultural resource shall cease. The cultural resources shall remain as found; further disturbance is prohibited.
- (2) **Notification** – The project applicant shall notify the Planning Director and the Gorge Commission within 24 hours of the discovery. If the cultural resources are prehistoric or otherwise associated with Native Americans, the project applicant shall also notify the Indian tribal governments within 24 hours. Commission will survey the cultural re-sources after obtaining written permission from the landowner and appropriate permits from SHPO (see ORS 358.905 to 358.955). It will gather enough information to evaluate the significance of the cultural re-sources. The survey and evaluation will be documented in a report that generally follows the standards in MCC 38.7045 (C) (2) and MCC 38.7045 (E).
 - (a) The Planning Director shall, based on the survey and evaluation report and any written comments, make a final decision within 10 days of the receipt of the report of the Gorge Commission on whether the resources are significant.
 - (b) The Planning Director shall require a Mitigation Plan if the affected cultural resources are found to be significant.
 - (c) Notice of the decision of the Planning Director shall be mailed to those parties entitled to notice by MCC 38.0530 (B).
 - (d) The decision of the Planning Director shall be final 14 days from the date notice is mailed, unless appealed as provided in MCC 38.0530 (B).
Construction activities may recommence if no appeal is filed.
- (4) **Mitigation Plan** – Mitigation plans shall be prepared according to the information, consultation, and report standards of MCC 38.7045 (J). Construction activities may recommence when the conditions in the mitigation plan have been executed.

MCC 38.7045 (M) Discovery of Human Remains

The following procedures shall be effected when human remains are discovered during a cultural resource survey or during construction.

Human remains means articulated or disarticulated human skeletal remains, bones, or teeth, with or without attendant burial artifacts.

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

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

Staff: These requirements are included as a condition of approval. *These criteria are met through a condition.*

8. NATURAL RESOURCES

MCC 38.7055 GMA Wetland Review Criteria

MCC 38.7060 GMA Stream, Lake And Riparian Area 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 (i.e., sites used by sensitive wildlife species).

MCC 38.7070 GMA RARE PLANT REVIEW CRITERIA

Staff: There are no wetlands, stream, lake or riparian areas are located on the property. For the GMA Wildlife Review we must make a finding as to whether the project is within 1,000 feet of sensitive wildlife areas and sensitive wildlife sites. If so, then we must conduct a Wildlife Habitat Site Review. Staff consulted maps provided by the Columbia River Gorge Commission and made a site visit to the property. There are no known sensitive wildlife areas or sensitive wildlife sites. This property is not within the Oregon Department of Fish and Wildlife (ODFW) designated Big Game Habitat Area (important elk habitat) nor is it designated as deer and elk winter range. Staff noticed ODFW of this pending decision and did not receive any comments addressing any concerns. No further Natural Resources review is necessary. *These criteria are met.*

9. Transportation Standards

MCRR 4.000: Access to County Roads

Staff: The proposed shed is accessory to an existing dwelling. There will be no increased trips generated by the proposed accessory building. Prior to building permit signoff the property owner will need to demonstrate that they have applied for an access permit. A condition requires obtaining an access permit.

10. Conclusion

Staff: Based on the findings and other information provided above, the applicant has carried the burden necessary for the NSA Site Review Permit to establish an 840 square foot accessory building in the GGR-10 zone. This approval is subject to the conditions of approval established in this decision.

11. Exhibits

‘A’ Applicant’s Exhibits

‘B’ Staff Exhibits

‘C’ Comments Received

‘D’ Procedural Exhibits

| Exhibit # | # of Pages | Description of Exhibit | Date Received/ Submitted |
|-----------|------------|---|--------------------------|
| A.1 | 1 | Application form | 12/19/12 |
| A.2 | 1 | Site Plan | 12/19/12 |
| A.3 | 6 | Narrative addressing code | 12/19/12 |
| A.4 | 3 | Building Elevation Drawings and photos of the building | 12/19/12 |
| A.5 | 4 | List of nearby comparable buildings and photos of some of those buildings | 12/19/12 |
| A.6 | 2 | Certification of On-Site Sewage Disposal with site plan both signed by sanitarian | 12/19/12 |
| A.7 | 1 | Fire District Review | 12/19/12 |
| A.8 | 1 | Storm Water Certification | 12/19/12 |
| A.9 | 14 | Addendum to narrative | 4/10/13 |
| A.10 | 4 | Addendum list of nearby comparable buildings and attached photos of some of those buildings | 4/10/13 |
| A.11 | 1 | Copy of deed recorded May 19, 1964 in Book 44 on Page 141 | 4/10/13 |
| A.12 | 1 | Copy of Banner Acres Subdivision Plat | 4/10/13 |
| A.13 | 3 | Narrative with attached historic aerial photos | 4/10/13 |
| A.14 | 2 | Narrative clarifying dates of historic aerial photos attached to Exhibit A.13 with attached receipt | 4/25/13 |
| A.15 | 13 | Addendum to narrative | 4/25/13 |
| | | | |
| ‘B’ | # | Staff Exhibits | Date |
| B.1 | 2 | County Assessment property information | |
| B.2 | 1 | County Assessment Map | |
| B.3 | 1 | Zoning Map | |

| | | | |
|-----|----|---|---------|
| B.4 | 1 | 2010 Aerial Photo of property and vicinity | |
| B.5 | 6 | County Assessment property information for comparable buildings on nearby properties | |
| B.6 | 1 | 1962 Zoning Map | |
| B.7 | 1 | County Assessment Parcel Record | |
| | | | |
| 'C' | # | Comments Received | Date |
| C.1 | 8 | Email with Cultural Resources Survey Determination attached from Margaret Dryden, Heritage Resource Program Manager, Columbia River Gorge National Scenic Area, US Forest Service and emails from SHPO attached | 1/8/13 |
| C.2 | 13 | Letter dated May 31, 2013 from Richard Till, Friends of the Columbia Gorge | 5/31/13 |
| C.3 | 1 | Email dated June 17, 2013 from Bob Leipper | 6/17/13 |
| | | | |