



MULTNOMAH COUNTY

Department of Environmental Services
Land Use Planning Division
1600 SE 190th Avenue
Portland, OR 97233 Phone: (503) 248-3043

**DECISION OF THE PLANNING DIRECTOR
and Public Notice**

**NSA 2-99
March 4, 1999**

Applicant/

Property Owner: Michael and Jordis Yost
31403 NE Hurt Road
Troutdale, OR 97060

Request: The applicant has submitted a request to replace the existing single-family home with a "permanent frame house" (applicant description) on the site. The proposed new residence is approximately 2200 square feet in size and 26 feet in height. The applicant also proposes to extend the existing driveway on the subject property to accommodate the new location of the residence. The applicant states that no Key Viewing Areas are applicable to this property.

Location: 31403 NE Hurt Road. The 9.60-acre site is located on the north side of NE Hurt Road. See the attached map.

Legal Description: T1N, R4E, Section 32, Lot 6 of Banner Acres. R#05350-0510.

Zoning: General Management Area, Gorge General Residential (GGR-10).

Comments From Other Agencies/Individuals:

Notice of the subject request was mailed to the following agencies/individuals:

Columbia River Gorge Commission/Cultural Advisory Committee
Confederated Tribes of the Umatilla Indian Reservation
Confederated Tribes of Warm Springs
Nez Perce Tribe
OR State Historic Preservation Office
U.S. Forest Service NSA Office
Yakima Indian Nation
Friends of the Columbia Gorge
Surrounding property owners

Comments were received from Friends of the Columbia Gorge, the Confederated Tribes and Bands of the Yakima Indian Nation, and Thomas Turck, Forest Archaeologist for the USFS.

APPROVAL CRITERIA:

NSA 2-99 Staff Report
Decision: March 4, 1999

Staff Planner: Tricia R. Sears
(503)-248-3043

The applicable approval criteria for this application include the following: Multnomah County Code (MCC); 11.15.3678 (A)(1) one single-family dwelling per legally established parcel as a Use Under Prescribed Conditions; 11.15.3682 Dimensional Requirements; 11.15.3814 (A) All Uses Under Prescribed Conditions and Conditional Uses; GMA Scenic Review Criteria; 11.15.3818 (A) and (C); GMA Cultural Resource Review Criteria; the Natural Resource sections: 11.15.3822 (wetlands), .3824 (streams), .3826 (wildlife), and .3828 (rare plant); 11.15.3832 GMA Recreation Resource Review Criteria.

A. BACKGROUND:

Site and Vicinity Characteristics:

This 9.60-acre parcel lies on the north side of NE Hurt Road. To the immediate north, east, and west of the site is land designated Gorge General Residential (GGR-10). To the south is property zoned Gorge General Agriculture (GGA-40). The area contains predominantly residential and agricultural land uses.

Applicant:

We (Michael and Jordis Yost), are applying for permission to remove and replace our existing single-wide mobile home with a permanent frame single-family dwelling. The new location will be directly behind or just north of the current mobile home. Access to this location would be a proposed driveway added to our existing driveway and require very little excavation or tree removal.

The proposed dwelling will be two stories with a partial basement to make a total size of 2200 square feet. The exterior would be constructed using natural products and all colors would conform to NSA requirements. Total height from tallest roof peak to ground level is 26 feet. It is not visible from any of the key viewing sites.

Staff:

The 9.60-acre subject parcel is zoned Gorge General Residential (GGR-10).

Previous land use applications on this property (R#05350-0510) include SEC 12-91 and PRE 26-82.

The applicant states the site is not viewable from Key Viewing Areas (KVAs). The applicant requests approval to replace the existing mobile home with a "permanent frame house" on the subject property. The proposed new residence, as described by the applicant, is approximately 2,200 square feet and 26 feet in height. The site plans included with this document illustrate the location of the proposed structure on the subject parcel. The applicant will remove the mobile home. The zoning of the parcel is GGR-10 and this is a single-family residential zone in the Columbia River Gorge National Scenic Area (NSA). The elevations included within this document illustrate the shape and height of the proposed residence. The elevation drawings also indicate the color and the type of the: foundation, trim, and siding materials.

The application, NSA 2-99, was deemed complete March 3, 1999.

Exhibits:

- 1) Applicant Site Plan.
- 2) Applicant Plan: Illustration of Existing Surround Landscapes.
- 3) Applicant Plan: Proposed Landscaping.
- 4) Applicant Plan: Existing Topography.
- 5) Applicant Plan: Proposed Topography.
- 6) Elevations (4 pages).
- 7) Zoning Map.
- 8) Replacement Dwelling Agreement.

B. FINDINGS AND CONCLUSIONS:

Multnomah County Code Criteria:

Gorge General and Gorge Special Residential (GGR/ GSR)

11.15.3670 Purposes

The purposes of the Gorge General Residential and Gorge Special Residential districts are to protect and enhance the character of existing residential areas, and to ensure new residential development does not adversely affect the scenic, cultural, natural and recreation resources of the Columbia River Gorge National Scenic Area.

11.15.3672 Area Affected

MCC .3670 through .3688 shall apply to those areas designated GGR and GSR on the Multnomah County Zoning Map.

Staff: The subject parcel is zoned Gorge General Residential (GGR-10) according to the Multnomah County Zoning Map.

11.15.3674 Uses

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this district except for the uses listed in MCC .3676 through .3688.

Staff: Replacement of an existing single-family dwelling is a Use Under Prescribed Conditions in the GGR-10 zone. Please see Section .3678 for Staff comments.

11.15.3678 Uses Under Prescribed Conditions

(A) The following uses may be allowed on lands designated GGR, pursuant to MCC .3564:

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

a. If the subject parcel is located adjacent to lands designated GGA or GGF, the use shall comply with the buffer requirements of MCC .3574; and

Staff: The 1991 Second College Edition of The American Heritage Dictionary defines adjacent as, “1) close to, lying near and 2) next to, adjoining.” The subject parcel is adjacent to property zoned GGA-40. Exhibit #7 illustrates that properties to the south of the subject parcel, across NE Hurt Road, are zoned GGA-40. The applicant is thus required to illustrate that the placement of the dwelling is in accordance with the buffer requirements of Section .3574. The site plan attached as Exhibit #1 illustrates the location of the proposed replacement dwelling. The location of the new residence is approximately 570 feet from NE Hurt Road. This distance exceeds the highest buffer requirement of Section .3574. The application thus meets the criterion of Section .3678 (A) and the criterion of Section .3574. Section .3574 is not included within this document.

* * *

11.15.3682 Dimensional Requirements

(A) Except as provided in MCC .3680(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 subject parcel is 9.60 acres in size and is thus smaller in size than the required minimum lot size of 10 acres. The parcel existed in the current size and shape before the Gorge zoning designation became effective. The parcel is considered legally non-conforming for minimum lot size requirement provisions.

(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.

(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: The proposed replacement single-family dwelling on the subject parcel, as illustrated by the submitted site plan materials, meets the required property setbacks of the zone. The building elevations, attached Exhibit #6 (four pages), are reduced copies of the original documents. The height of the proposed residence is approximately 26 feet.

(D) The minimum yard requirement shall be increased where the yard abuts a street having insufficient right-of-way width to serve the area. The Planning Commission shall determine the necessary right-of-way widths and additional yard requirements

not otherwise established by ordinance.

Staff: The applicant shall comply with any provisions of the Right-of-Way Division. Condition of Approval #3 establishes that the applicant obtain a Driveway Permit.

- (E) Structures such as barns, silos, windmills, antennae, chimneys, or similar structures may exceed the height requirement if located at least 30 feet from any property line.**

Staff: The applicant proposes to construct only the replacement dwelling with this application. The applicant parcel contains an existing “shop/ garage” that is approximately 2400 square feet according to the site plan submitted by the applicant.

11.15.3814 GMA Scenic Review Criteria

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

(A) All Uses Under Prescribed Conditions and Conditional Uses:

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

Applicant: The chosen site for the new home and proposed access driveway are ideal because they minimize grading and topography disturbance. There would also be few if any trees removed. Surrounding mature trees help obscure this site as well.

Staff: The applicant has requested approval to construct a new single-family residence on the site (and remove the existing mobile home) as illustrated on the site plan attached as Exhibit #1. The applicant states that approximately 108 to 115 cubic yards of earth material will be cut and filled. The applicant plans attached as Exhibits #4 and #5 show the existing and proposed topography of the site. The applicant is required to obtain approval for the proposed site work through the application of a Grading and Erosion Control (GEC) permit. Condition of Approval #1 requires the applicant to obtain the permit prior to issuance of building permits.

- (2) New buildings shall be generally consistent with the height and size of existing nearby development.**

Applicant: The new building will be consistent in height and size to all in the neighborhood.

Staff: The proposed new single-family residence is consistent with the height and size of existing nearby development. The application meets the criterion.

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

Applicant: Vehicular access points to the Scenic Travel Corridors shall not be affected by this project.

Staff: The applicant does not propose to alter the existing access to the subject parcel. The applicant proposes to extend the existing driveway to the location of the proposed new residence on the site (the old residence will be removed from the site). The application meets the criterion.

- (4) Project applicants shall be responsible for the proper maintenance and survival**

of any required vegetation.

Applicant: We, the applicants, will be responsible for proper maintenance and survival of any required vegetation. We are both graduates of the OSU Master Gardening Program and plan to enhance the surrounding landscaping to its full potential.

Staff: The applicant site plan does not show vegetation to be removed. Photos submitted by the applicant illustrate and the applicant narrative describes the site contains some vegetative cover. The applicant shall be responsible for the proper maintenance and survival of any required vegetation and this is established as Condition of Approval #6.

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

Applicant: The site plan, photographs submitted, and “enlarged area” drawing of the building site all should show that the existing landscape goes a long way toward obscuring the new building from any Key Viewing site.

Staff: See the narrative response to the Rural Residential in Pastoral landscape setting criteria. See Section .3814 (C)(4).

* * *

(B) All Uses Under Prescribed Conditions and Conditional Uses visible from Key Viewing Areas:

Applicant: It is our belief that this site is not visible from any of the Key Viewing sites, however, we will respond as if we are in hope of clarifying our application.

Staff: The applicant has stated that the subject parcel is not visible from the Key Viewing Areas of the National Scenic Area. The applicant, however, has provided narrative responses to the criteria of this subsection for the reasons stated above. Staff has reviewed and considered the information (thank you). The narrative responses are not included in this decision document.

(C) All Uses Under Prescribed Conditions and Conditional Uses within the following landscape settings:

* * *

(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.

Staff: The applicant states that “The exterior would be constructed using natural wood and masonry products and all colors to conform to NSA requirements.” The applicant has stated that no Key Viewing Areas are applicable to the site. The applicant also states, “This site is set against a sloping hill and surrounded by mature fir/ maple/ alder forest on 3 sides to further obscure it from any key viewing site. Trees are also planted the full length of both property lines on east

and west sides. Please see plot plan, topographic drawing, existing landscape drawing and photographs.” The findings of Section .3814 (A) provide details on compatibility of the new structure with the existing development in the vicinity. The application meets the criterion.

- (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: The standards are not in conflict. The application meets the criterion.

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

Staff: The applicant does not propose any recreational activity for the site beyond those typically associated with single-family residential sites. The request is for approval for a replacement dwelling. The applicant proposes to construct a “permanent-frame house” approximately 2,200 square feet in size and 26 feet in height on the parcel. Elevation drawings are attached as Exhibit #6 (four pages). The application meets the criterion.

11.15.3814 General Management Area (GMA)

1. Cultural Resources

The Cultural Resource Review Criteria are found in MCC 11.15.3818. The cultural resource criteria are satisfied consistent with MCC 11.15.3818 (B)(1).

Conclusions:

Thomas Turck, United States Forest Service Forest Archaeologist submitted a report, dated January 27, 1999 for the site. Turck states that prefield research “did not discover any recorded or unrecorded sites in the project area.” In the report, Turck states that he visited the site January 27, 1999 and the “field investigation did not discover any cultural remains.”

William F. Yallup, Chairman of the Yakima Indian Nation Tribal Council submitted a letter regarding the cultural resources of the subject parcel. Yallup’s letter is dated February 22, 1999. In his letter, Yallup writes, “We, however, would like your office to be aware of the cultural resources that do exist on that site and that every effort of protection be taken.”

To protect unknown cultural resources, the applicant is required to immediately cease work and notify the Planning Director, the Gorge Commission, and the Oregon State Office of Historic Preservation within 24 hours in the event that cultural resources are inadvertently discovered during construction activity. If the cultural resources area prehistoric or otherwise associated with Native Americans, the project applicant shall also notify the Indian Tribal Governments within 24 hours [MCC .3818].

2. Recreational

The GMA Recreation Resource Review Criteria are found in MCC 11.15.3832. The proposed residential use is not a recreational use, nor are there any recreational uses on surrounding properties.

Conclusion:

The proposed development would not adversely affect recreational resources within the Scenic Area.

3. Natural Resources

The subject parcel is part of the Washougal Maps for the National Scenic Area (from the Gorge Commission). These maps and site investigation work indicate that:

1. The site is not within a wildlife area.
2. No known natural areas, endemic plant species or sensitive wildlife areas have been identified in the subject area.

Conclusions:

The criteria for Natural Resources are found in MCC 11.15.3822 (wetlands), .3824 (streams), .3826 (wildlife), and .3828 (rare plant). The proposed development would not adversely affect natural resources.

C. DECISION:

Approval of NSA Site Review, **NSA 2-99**, for the request to replace the existing mobile home with a permanent-frame single-family dwelling approximately 2,200 square-foot in size on property in the General Management Area zoned GGR-10, based upon the preceding Findings and Conclusions, **subject to the conditions listed below.**

Findings:

According to MCC 11.15.3670, Columbia River Gorge National Scenic Area Residential Districts, "The purposes of the Gorge General Residential and Gorge Special Residential districts are to protect and enhance the character of existing residential areas, and to ensure new residential development does not adversely affect the scenic, cultural, natural and recreation resources of the Columbia River Gorge National Scenic Area." The application meets the criteria.

Conditions:

1. Prior to issuance of building permits, the applicant shall submit for a **Grading and Erosion Control (GEC)** permit. The applicant states that 108 to 115 cubic yards of material may be cut and filled on the site to accommodate the proposed development. The applicant shall obtain approval of the GEC permit prior to issuance of building permits.
2. Prior to issuance of building permits, the applicant shall submit a site plan illustrating the type and location of erosion control measures to be installed on the site. Best Management Practices shall be followed before, during, and after construction as

appropriate. Prior to issuance of the building permits, the applicant shall provide photographs of the site illustrating the erosion control measures have been installed or the applicant shall call (503)-248-3043 for a site inspection.

3. Prior to issuance of building permits, the applicant shall provide proof that the site has a French drain or other appropriate system to detain stormwater water on the subject parcel as required. A stormwater calculation sheet may be obtained from Land Use Planning by contacting the office at (503)-248-3043. Completion of this form is required for the GEC permit.
4. The applicant shall submit a Replacement Dwelling Agreement form. A copy of this form is attached to this decision document.
5. Should any cultural resource, historic or prehistoric, be uncovered during construction of the proposed development, construction activity shall stop immediately and the applicant or parties of interest shall immediately notify the Planning Director of Multnomah County and the Columbia River Gorge Commission.
6. The applicant shall maintain existing trees and vegetation on-site [MCC 11.15.3815 (A)(4)]. The applicant submitted a site plan, "Illustration of Existing Surrounding Landscapes" and the applicant submitted a plan showing the proposed landscape plan. The plans are attached to this document as Exhibits #2 and #3. The applicant has submitted photographs of the site illustrating the location of the building and the on-site vegetation. The site plan information shows no trees to be removed by the applicant to accommodate the proposed development. The Staff Planner shall review any modification to the landscape plan for tree removal.
7. The applicant shall comply with all requirements of the Right-of-Way Division, including the requirement to obtain a Driveway Permit. Contact Alan Young at (503)-248-3582 for further information.
8. Except as otherwise specified in the above conditions, this approval for NSA 2-99 is based on the applicant's submitted written testimony, site and development plans, and substantiating documents. The applicant shall be responsible for implementing the development plan and project as presented and approved. Staff will verify the information at the time of building permit application and review.
9. No additional land use action and/ or permit requests shall be accepted, relating to the subject application, until such time as all required fees for the said application have been paid in full.
10. The applicant shall contact the Staff Planner, Tricia R. Sears, at (503)-248-3043, for an **appointment for building permit sign-off**. The applicant shall bring four (4) copies of the building plans to Multnomah County. The County will keep one (1) copy of the building plans and send three (3) copies of the plans with the applicant to be reviewed by the City of Gresham for Building permit review.

NOTICE:

This decision was mailed March 4, 1999 in the manner required by ORS 197.763. Opportunity to appeal this decision and have the application considered at a public hearing will be provided until the close of business on March 18, 1999.

IN THE MATTER OF NSA 2-99:

Signed: Tricia R. Sears, *Land Use Planner*
For: Kathy Busse, *Planning Director*

NOTICE:

Any new residential development, related accessory structures such as garages, workshops and satellite dishes and additions or alterations not included in this approved site plan, will require a new application and review.

No development shall be undertaken or initiated within 14 days of the date of this decision, the time period within which this decision may be appealed.

NOTICE (cont.):

This land use approval does not exempt the development from any other requirements, standards or permits required by the County or other jurisdictions. The applicant should check with the City of Gresham regarding building regulations.

APPEAL PROCESS:

The decision of the Director shall be final unless a notice of appeal is filed with the Land Use Planning Division within 14 days of the date of this decision by the applicant or any person who submitted comment. Notice of Appeal forms may be obtained at the Multnomah County Land Use Planning office at 1600 SE 190th Avenue, Portland, OR 97233 between 8:00 AM and 4:30 PM Monday through Friday or by calling (503)-248-3043.

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.