



**MULTNOMAH COUNTY**  
**LAND USE PLANNING DIVISION**  
1600 SE 190<sup>TH</sup> Avenue Portland, OR 97233  
(503) 248-3043 FAX: (503) 248 -3389

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## **DECISION OF THE PLANNING DIRECTOR**

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### **Columbia River Gorge National Scenic Area Site Review** **Case File No.: NSA 6-99** **September 29, 1999**

**Proposal:** Applicant requests approval to construct a new manufactured home and detached garage. The existing residence on the property is to be converted to a storage structure.

**Location:** 41124 East Larch Mountain Road  
T1N R5E Sec. 31, W. M. Tax Lot 17  
Tax Account #R-94531-0170

**Applicant/Owner:** Kim Deibert  
39066 East Knieriem Road  
Corbett, Oregon 97019

**Site Size:** 1.00 acre

**Zoning:** Gorge General Residential (GGR-10)

**Approval Criteria:** Multnomah County Code (MCC): MCC 11.15.3550, Columbia River Gorge National Scenic Area General Provisions; MCC 11.15.3670, Columbia River Gorge National Scenic Area Residential Districts; MCC 11.15.3800, Columbia River Gorge National Scenic Area Site Review.

**Decision:** **Approve, with conditions, construction of a new manufactured home, detached garage, and conversion of the existing residence to a storage structure.**

**After Recording, return to:**

Name \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

## **CONDITIONS OF APPROVAL**

After expiration of the 14 day appeal period and prior to zoning approval on a building permit, the applicant shall record the Cover Sheet and these Conditions of Approval in the county deeds and records at the County Recorder's office in order to ensure notice of these conditions to successors in interest.

### **A. Prior to zoning approval of building permit:**

1. The applicant shall submit a copy of the recorded document required above.
2. The applicant shall complete and return the enclosed replacement dwelling agreement, stipulating that the existing dwelling will be converted to a storage structure within 3 months of occupancy of the new home.
3. Prior to placement of the manufactured home the applicant shall establish a continuous screen of trees along the west and north property lines as identified on the site plan. At least  $\frac{1}{4}$  of the trees planted shall be coniferous and all shall be at least 6 feet high when planted, with a mature height in excess of 15 feet. Screening vegetation shall be maintained in good condition. Prior to occupancy of the residence, the applicant shall submit to the Land Use Planning Office photographic evidence that required screening has been installed.
4. Site grading shall be limited to the driveway and areas that are to contain structural improvements. On-site disposal of construction debris is not authorized under this permit. If grading is to exceed 50 cubic yards than a Grading and Erosion Control Permit will be required.
5. The applicant shall provide evidence that an access permit from the Multnomah County Transportation Division for ingress/egress onto Larch Mountain Road. Contact Alan Young, Right-Of-Way Permit Supervisor, at 248-3582 for further information regarding this matter.

### **B. On-going conditions:**

1. If, during construction, cultural or historic resources are uncovered the applicant/owner shall immediately cease development activities and inform the Multnomah County Planning Director, Columbia River Gorge Commission, and U.S. Forest Service of their discovery.
2. Exterior colors shall be medium to dark earth tone that blend with the surrounding environment. A palette containing examples of such colors is available for viewing at our offices. Materials used on the exterior of the structures shall be non-reflective. No changes can be made to the method of exterior treatment identified on an approved building permit, without written confirmation from Multnomah County Land Use Planning that proposed changes in treatment do not detract from the visual subordination of the structure as it is seen from Key Viewing Areas.
3. 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 shall be composed of non-reflective, opaque materials.

### **C. Miscellaneous Conditions:**

1. This approval is based on the submitted material. The proposed addition shall be constructed on the site in accordance with the design, size, and location shown and described in the application materials submitted by the applicant.

2. No additional land use action and/or permit requests shall be accepted, relating to the subject application, until all required fees for the said application have been paid in full.

Note: The applicant shall make an appointment with the Staff Planner, Derrick I. Tokos, AICP, at Multnomah County, (503) 248-3043, for building permit sign-off. The applicant shall bring three (3) sets of site and building plans to the County for sign-off prior to submittal of the building permits to the Gresham Building Department.

**In the matter of NSA 6-99**

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Derrick I. Tokos, AICP, Planner  
For Kathy Busse, Planning Director  
Multnomah County Department of Environmental Services  
Land Use Planning Division

**This decision becomes final on Wednesday, October 13, 1999, at 4:30pm unless appealed.**

A copy of the complete decision and supporting documentation is available at the Multnomah County Land Use Planning Division, 1600 SE 190<sup>th</sup> Avenue, Portland, OR 97233 (503) 248-3043.

# STAFF REPORT

## **Findings of Fact**

(Formatting Note: Staff as necessary to address Multnomah County ordinance requirements provides Findings referenced herein. Headings for each finding are underlined. Multnomah County Code requirements are referenced using a **bold** font. Written responses by the applicant, demonstrating compliance with code criteria, are *italicized*. Planning staff comments and analysis may follow applicant responses. Where this occurs, the notation “Staff” precedes such comments.)

## **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  
State of Oregon Historic Preservation Office  
U.S. Forest Service NSA Office  
Yakima Indian Nation  
Friends of the Columbia Gorge  
Oregon Department of Transportation  
Oregon Park & Recreation  
Oregon Natural Heritage Program  
Oregon Department of Fish & Wildlife  
Corbett Together  
Corbett Community Association  
Northeast Multnomah County Community Association  
Surrounding property owners

### **Comments were received from the following agencies/individuals:**

Gregory Robart, Habitat Conservation Biologist, Oregon Department of Fish & Wildlife  
Thomas Turck, Archaeologist, U.S.D.A. Forest Service.  
Beth Englander, Friends of the Columbia Gorge  
Susan Vrillakas, Oregon Natural Heritage Program

### **1. Project Description:**

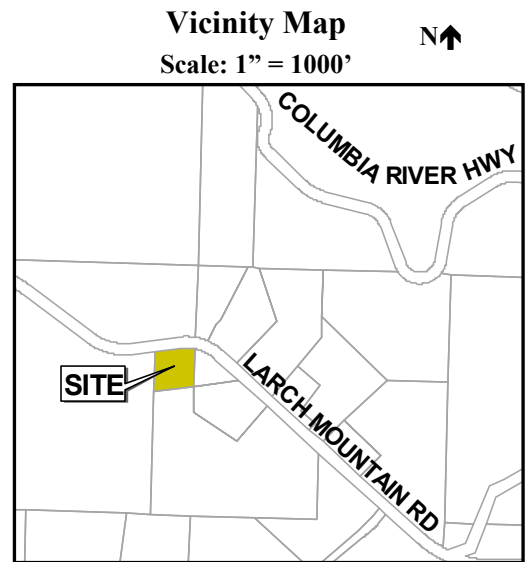
The applicant is requesting approval to place a new manufactured home and construct a new detached garage on the subject property. The existing residence on the property is to be converted into a storage shed. Vehicular access is proposed off of Larch Mountain Road via an existing private driveway. This driveway is to be widened to a width of fourteen (14) feet.

### **2. Site and Vicinity Characteristics:**

The applicant’s property is approximately 1.0 acre in size, immediately south of Larch Mountain Road, approximately ¾ of a mile east of the intersection of Larch Mountain Road and the Columbia

River Highway. Existing on-site development includes a single family residence, detached garage and driveway. The parcel gradually slopes to the north, towards Larch Mountain Road and is substantially cleared with scattered mature trees existing along the east line of the property.

The subject property is one of the smaller parcels in pocket of residentially zoned land south of Larch Mountain Road and east of Saltzman Road. Property immediately to the west is substantially larger (33+ acres) and is zoned and used for agricultural purposes. Most properties in the area are either farmed or are suitable for commercial forest use and many are developed with residences. Slopes are gradual to moderate on properties abutting either side of Larch Mountain Road. Further to the north, topography becomes more severe, dropping approximately 1000 feet to the Columbia River, which is about one mile from the applicant's site.



All properties in this portion of the County reside within the Columbia River Gorge National Scenic Area. Multnomah County zoning on the subject property is Gorge General Residential (GGR-10), a designation which allows single family dwelling and accessory structures provided they do not adversely effect the scenic, cultural, natural, and recreational resources of the National Scenic Area. The vicinity map above illustrates the location of the subject property.

### 3. Columbia River Gorge National Scenic Area Site Review Required:

**MCC 11.15.3678(A), Uses Under Prescribed Conditions, 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**

\* \* \*

**(2) Buildings exceeding 60 square feet in area and/or 18 feet in height as measured at the roof peak, which are accessory to a dwelling.**

**MCC 11.15.3564(A), Uses Under Prescribed Conditions are those uses permitted in a district when administratively approved by the Planning Director upon findings by the Director, without action proceedings, that the NSA Site Review standards of MCC .3800 through .3834 and applicable policies of the Management Plan have been satisfied.**

Staff: The subject property has been identified as being within the Columbia River Gorge National Scenic Area, Gorge General Residential (GGR-10) zone district as identified on Multnomah County Zoning Maps, copies of which are included as part of the permanent record. Proposed development is not a land use activity exempted under MCC .3558. The parcel upon which the dwelling is proposed appears to have been lawfully created, being in its current configuration prior to the County adopting zoning and land division regulations (ref. 1962 zoning map on file with the

County). Considering that the parcel is lawfully created, a single-family dwelling is allowed as a Use Under Prescribed Conditions pursuant to MCC 11.3678(A)(1). As identified on County Zoning Maps, the parcel is adjacent to lands designated GGA, therefore compliance with the buffer requirements of MCC .3574 is required (ref. Finding #6). The proposed garage and storage shed are incidental and accessory to the residential dwelling and, therefore, are permitted per MCC .3678(A)(2). All Uses Under Prescribed Conditions require Site Review per MCC 11.15.3564(A).

4. Compliance With MCC 11.15.3682(C) , GGR-10 Yard Requirements:

**MCC 11.15.3682(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 applicant’s site plan and exterior elevation of the residence and garage (attached), demonstrate that the proposed structures will satisfy the minimum yard requirements of MCC .3682(C).

5. Compliance With MCC 11.15.3686, GGR-10 Access Requirement:

**Per MCC 11.15.3686, Any lot in this district shall abut a street or shall have other access determined by the approval authority to be safe and convenient for pedestrians and passenger and emergency vehicles.**

Staff: This requirement has been satisfied. Access to the site is obtained via a private driveway that connects directly to Larch Mountain Road. Ingress/egress onto Larch Mountain Road may require an access permit. This concern is addressed with a condition of approval contained herein.

6. Compliance With MCC 11.15.3574, Agricultural Buffer Zone Requirements:

**Per MCC 11.15.3574, All buildings, as specified, shall satisfy the following setbacks when proposed to be located on a parcel which is adjacent to lands designated GGA–20 or GGA–40:**

Type of Agriculture	Type of Buffer		
	Open or Fenced	Natural or Created Vegetation Barrier	8 foot Berm or Terrain Barrier
<b>Orchards</b>	<b>250’</b>	<b>100’</b>	<b>75’</b>
<b>Row crops/vegetables</b>	<b>300’</b>	<b>100’</b>	<b>75’</b>
<b>Livestock grazing pasture, haying</b>	<b>100’</b>	<b>15’</b>	<b>20’</b>
<b>Grains</b>	<b>200’</b>	<b>75’</b>	<b>50’</b>
<b>Berries, vineyards</b>	<b>150’</b>	<b>50’</b>	<b>30’</b>
<b>Other</b>	<b>100’</b>	<b>50’</b>	<b>30’</b>

- (B) The planting of a continuous vegetative screen may be used to satisfy, in part, the setback standards. Trees shall be at least 6 feet high when planted and reach an ultimate height of at least 15 feet. The vegetation screen shall be planted along the appropriate parcel line(s), and be continuous.**
- (C) The necessary berming and/or planting must be completed during the first phase of development and maintained in good condition.**

*A continuous screen of trees will be planted on the west property line, adjacent to the parcel zoned GGA-40. They will be 6 feet high when planted, and surpass 15 feet ultimate growth.*

Staff: MCC .3574(B) allows a reduction to agricultural buffer setbacks, as identified in the above chart, when vegetative screening is installed as proposed by the applicant. The parcel zoned GGA-40 abuts the west line of the subject property. The site plan provided by the applicant illustrates trees planted along the entire west line of the parcel and shows a 90-foot setback from the property line to the closest structure. Copies of 1998 aerial photographs of the adjoining agricultural parcel are included in the case file. These photographs demonstrate that the property is not planted with orchard or row crops. With vegetative screening, a 90-foot setback exceeds all other agricultural buffer requirements listed in the above chart, therefore, this development satisfies the requirements of MCC .3574. Conditions of approval are included herein to ensure that installation and maintenance of screening vegetation occurs consistent with MCC .3574(C).

## 7. Compliance With MCC 11.15.3814, General Scenic Area Review Criteria:

**Per MCC 11.15.3814(A), Uses Under Prescribed Conditions, 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. MCC .3814(A)(1), New buildings and roads shall be sited and designed to retain the existing topography and reduce necessary grading to the maximum extent practicable.**

*New garage and home will be located to keep grading of soil to a minimum.*

Staff: We concur. The area of planned construction is on gradually sloped ground, requiring minimal grading.

- B. MCC .3814(A)(2), New buildings shall be generally consistent with the height and size of existing nearby development.**

*Height and size are consistent to adjacent homes and buildings.*

Staff: The applicant's exterior elevation and site plan for the home and garage establish the height and size of the structures. A comparison of this information against aerial photographs of adjoining structures (see case file), demonstrates that size of the structures is consistent with that of existing nearby developments.

- C. **MCC .3814(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.**

*Existing access will remain, widened to accommodate fire access, with no additional access points.*

Staff: No new access points are requested with this application. The subject property is not within a Scenic Travel Corridor.

- D. **MCC .3814(A)(4), Project applicants shall be responsible for the proper maintenance and survival of any required vegetation.**

*Existing vegetation will remain except to site new structures.*

Staff: The applicant has proposed vegetative screening, as a means of satisfying Scenic Area Review Criteria. A condition of approval has been included herein regarding installation and maintenance of this vegetation.

- E. **MCC .3814(A)(5), For all proposed development, the determination of compatibility with the landscape setting shall be based on information submitted in the site plan.**

*New building will be located to minimize grading and landscaped to minimize impact of buildings.*

Staff: This requirement is noted. Compliance with landscape setting standards is demonstrated under Finding #9.

8. Compliance With MCC 11.15.3814(B), Review Criteria For Key Viewing Areas:

**Per MCC 11.15.3814(B), the following scenic review standards shall apply to all Review Uses in the General Management Area of the Columbia River Gorge National Scenic Area which are visible from Key Viewing Areas:**

- A. **MCC .3814(B)(1), Size, height, shape, color, reflectivity, landscaping, siting or other aspects of proposed development shall be evaluated to ensure that such development is visually subordinate to its setting as seen from Key Viewing Areas.**

Staff: Visual subordination has been established. Provided existing vegetation is maintained and supplemented as described on the site plan, the development should not noticeably contrast or visually dominate its surrounding environs. Key Viewing Areas from which the property could be visible are to the north and include Crown Point, the Historic Columbia River Highway, Columbia River and Washington State Route 14. As evidenced by the applicant's site plan and exterior elevation (attached), along with a contour map and aerial photographs included in the case file, the development will be substantially screened from Key Viewing Areas by topography and foliage. As conditioned exterior treatment for the structures shall consist of non-reflective, dark earth-tone colors that blend with the natural environment.



- B. **MCC .3814(B)(3), Determination of potential visual effects and compliance with visual subordination policies shall include consideration of the cumulative effects of proposed developments.**

Staff: Cumulative visual impacts were considered in the evaluation of this application. Considering existing zoning, no significant increases in the density of residential development are anticipated for this area. The exterior treatment of the dwelling and its location with respect to topography and existing vegetation are such that it should not contribute in any significant fashion to a cumulative visual impact of development. As evidenced with aerial photographs in the case file, the clustering of a residence with multiple outbuildings is common on both residential and agricultural zoned parcels in the area.

- C. **MCC .3814(B)(6), New buildings or roads 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.**

*The new buildings will be sited in the southeast ¼ of the parcel to minimize its visual impact from Larch Mountain Road and also minimize the amount of grading to site them. An existing maple tree screens a portion of the area.*

- D. **MCC .3814(B)(7), In siting new buildings and roads, use of existing topography and vegetation to screen such development from Key Viewing Areas shall be prioritized over other means of achieving visual subordination, such as planting of new vegetation or use of artificial berms to screen the development from Key Viewing Areas.**

*The buildings and driveway (existing) are sited at the least visual site on the property, moving to the west with the building site would make it more visual.*

Staff: This requirement has been met. The applicant's site plan and exterior elevations, along with aerial photographs and a topographic map included in the case file demonstrate that existing topography and vegetation screen the proposed development from Key Viewing Areas.

- E. **MCC .3814(B)(8), Driveways and buildings shall be designed and sited to minimize grading activities and visibility of cut banks and fill slopes from Key Viewing Areas.**

*The building site will make grading activities a minimum. The existing driveway and its cut bank are already visible. Its widening for vehicle and fire access will not change its cut bank or grade, other than it will be widened.*

Staff: The applicant has satisfied this requirement by locating the structure on relatively flat ground, requiring minimal grading. Driveway improvements take advantage of existing topography so only a small amount of cut and fill work will be needed.

- F. **MCC .3814(B)(9), The exterior of buildings on lands seen from Key Viewing Areas shall be composed of non-reflective materials or materials with low reflectivity, unless the structure would be fully screened from all Key Viewing Areas by existing topographic features.**

*Building exteriors will be composed of low reflective materials.*

- G. **MCC .3814(B)(10), 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.**

*Exterior lighting shall be directed downward so it is not highly visible.*

Staff: This criterion has been addressed with a condition of approval contained herein.

- H. **MCC .3814(B)(13), 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.**

*Silhouette of new buildings are sited to have the least visual impact on the parcel.*

Staff: The applicant's site plan and architectural elevations, along with the contour map and aerial photographs indicate that existing topography should preclude development from extending above the skyline of the ridge as seen from the Columbia River, Historic Highway, or Washington State Route 14.

- I. **MCC .3814(B)(20), 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.**

*Slopes on parcel do not exceed 30% at building site.*

- J. **MCC .3814(B)(21), All proposed structural development involving more than 100 cubic yards of grading on sites visible from Key Viewing Areas and which slope between 10 and 30 percent 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...**

*Grading on the parcel will not exceed 100 cubic yards. A Grading and Erosion Control Permit will be applied for.*

- K. **MCC .3814(B)(26), Compliance with specific approval conditions to achieve visual subordination (such as landscaped screening), except mining and associated activities, shall occur within a period not to exceed 2 years after the date of development approval.**

*Compliance to achieve visual impact will occur no more than two years after development approval. Screening trees will be planted as soon as development activities allow.*

9. Compliance With MCC 11.15.3814(C), Landscape Setting Requirements:

**Per MCC 11.15.3814(C)(3), Uses Under Prescribed Conditions, the following scenic review standards shall apply to all Review Uses in the General Management Area of the Columbia River Gorge National Scenic Area which reside in a Rural Residential in Pastoral landscape setting:**

- A. **MCC .3814(C)(1)(a), New development shall be compatible with the general scale (height, dimensions, overall mass) of development in the vicinity. Expansion of existing development shall meet this standard to the maximum extent practicable.**

*Development will be compatible to adjacent properties.*

Staff: Exterior illustrations of the garage and home and the site plan, when compared to aerial photographs of adjacent structures, demonstrate that the height, dimensions, and overall mass of the development is consistent with that of existing nearby development.

- B. **MCC .3814(C)(1)(b), Accessory structures, outbuildings and accessways shall be clustered together as much as possible, particularly towards the edges of existing meadows, pastures and farm fields.**

*Development to be located to keep largest area of pasture intact.*

Staff: This criterion has been satisfied. The applicant's site plan demonstrates that existing and proposed structures have been clustered together on land that has already been substantially impacted by the existing residential use of the property.

- C. **MCC .3814(C)(1)(c), 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:**

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

(ii) **Vegetative landscaping shall, where feasible, retain the open character of existing pastures and fields.**

(iii) **At least half of any trees planted for screening purposes shall be species native to the setting or commonly found in the area. Such species include fruit trees, Douglas fir, Lombardy poplar (usually in rows), Oregon white oak, bigleaf maple, and black locust (primarily in the eastern Gorge).**

(iv) **At least one-quarter of any trees planted for screening shall be coniferous for winter screening.**

(v) **Structures' exteriors shall be dark and either natural or earth-tone colors unless specifically exempted by MCC .3418(B)(11) and (12).**

*Existing trees to remain except to place buildings. Landscaping will retain characteristics of open pasture. Trees planted for screening purposes will be native to the area. At least ¼ of the trees planted will be conifer's. Structures color will be dark earth-tone.*

- D. **MCC .3814(C)(1)(d), Compatible recreation uses include resource-based recreation uses of a very low or low-intensity nature, occurring infrequently in the landscape.**

Staff: Proposed development is not recreational in nature, therefore, this criterion is not applicable.

- E. **MCC .3814(C)(3)(b), 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.**

*Trees will be retained except at new development sites.*

10. Compliance With MCC 11.15.3814(D), Scenic Travel Corridor Review Criteria:

**Per MCC 11.15.3814(D), Uses Under Prescribed Conditions, the following scenic review standards shall apply to all Review Uses in the General Management Area of the Columbia River Gorge National Scenic Area which are within scenic travel corridors:**

Staff: The subject property is not within a Scenic Travel Corridor.

11. Compliance With MCC 11.15.3818 GMA Cultural Resource Review Criteria:

**MCC 11.15.3818(A)(1), establishes that 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...**

**Per MCC 11.15.3818(B)(1), the cultural resource review criteria shall be deemed satisfied, except MCC .3818(L) and (M), if the project is exempted by MCC .3818(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 .3810(B).**

Staff: Written findings dated April 6, 1999 from Thomas Turck, Forest Service Archaeologist, with which we concur, establish that a Reconnaissance Survey, as defined under MCC .3818, is not necessary because the proposed activities are occurring in an area that has a low probability of containing cultural resources (MCC .3818(A)(1)(f)). Furthermore, Mr. Turck indicated that no additional survey work is needed on this property (letter attached).

Given this evidence, we recognize that this application satisfies all cultural resource review criteria, except MCC .3818(L) and (M), which relate to the discovery of cultural resources during construction (MCC .3818(B)(1)). Compliance with the requirements of MCC .3818(L) and (M) has been established with a condition of approval attached herein.

**12. Compliance With MCC 11.15.3822, Wetlands Review Criteria:**

**Per MCC 11.15.3822(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;**

\* \* \*

- (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: This application satisfies applicable National Scenic Area Wetlands Review Criteria (MCC 11.15.3822(A)). The project site does not contain wetlands identified on the National Wetlands Inventory. The Soil Survey of Multnomah County, Oregon, prepared by the U.S.D.A. Soil Conservation Service, indicates that Bull Run silt loam exists within the project area. Bull Run silt loam soils are not hydric as defined by the Soil Conservation Service. No wetland or wetland buffer area appear to exist on the subject property.

**13. Compliance With MCC 11.15.3824, Stream, Lake, & Riparian Area Review Criteria:**

Staff: No streams, ponds, lakes, or riparian areas appear to exist on or adjacent to the subject property, therefore, the requirements of this section have been satisfied.

**14. Compliance With MCC 11.15.3826, Wildlife Review Criteria:**

**Per MCC 11.15.3826(D), Uses that are proposed within 1,000 feet of a sensitive wildlife area or site shall be reviewed as follows:**

- (1) Site plans shall be submitted to Oregon Department of Fish and Wildlife by the Planning Director. State wildlife biologists will review the site plan and their field survey records. They will**
  - (a) Identify/verify the precise location of the wildlife area or site,**
  - (b) Ascertain whether the wildlife area or site is active or abandoned, and**
  - (c) Determine if the proposed use may compromise the integrity of the wildlife area or site or occur during the time of the year when wildlife species are sensitive to disturbance, such as nesting or rearing seasons.**

**In some instances, state wildlife biologists may conduct field surveys to verify the wildlife inventory and assess the potential effects of a proposed use.**

\* \* \*

- (3) **The wildlife protection process may terminate if the Planning Director, in consultation with the Oregon Department of Fish and Wildlife, determines:**
- (a) **The sensitive wildlife area or site is not active, or**
  - (b) **The proposed use would not compromise the integrity of the wildlife area or site or occur during the time of the year when wildlife species are sensitive to disturbance.**

Staff: National Scenic Area maps on file with the County indicate that the subject property may be within 1000 feet of a inventoried sensitive wildlife area or site. With the assistance of the Oregon Natural Heritage Program, and in consultation with the Columbia River Gorge Commission and Oregon Department of Fish and Wildlife staff understands that the wildlife species of concern is the yellow billed cuckoo. In a letter dated August 26, 1999, Gregory Robart, Habitat Conservation Biologist, with the Oregon Department of Fish and Wildlife, indicated that, in accordance with the wildlife review criteria of MCC .3826, the applicant's project would not impact this species (letter attached). Considering this information, the wildlife protection process is concluded, in that the proposed use will not compromise the integrity of the wildlife area (MCC .3826(D)(3)(b)).

#### 15. Compliance With MCC 11.15.3828, Rare Plants Review Criteria:

**Per MCC 11.15.3828(D), Uses that are proposed within 1,000 feet of a sensitive plant shall be reviewed as follows:**

- (1) **Site plans shall be submitted to the Oregon Natural Heritage Program by the Planning Director. The Natural Heritage Program staff will review the site plan and their field survey records. They will identify the precise location of the affected plants and delineate a 200 foot buffer area on the project applicant's site plan. If the field survey records of the state heritage program are inadequate, the project applicant shall hire a person with recognized expertise in botany or plant ecology to ascertain the precise location of the affected plants.**
- (2) **The rare plant protection process may conclude if the Planning Director, in consultation with the Natural Heritage Program staff, determines that the proposed use would be located outside of a sensitive plant buffer area.**

Staff: National Scenic Area maps on file with the County indicate that the subject property may be within 1000 feet of a sensitive plant species. A copy of the application was referred to the Oregon Natural Heritage program for their review. On May 26, 1999, Susan Vrilakas, with the Heritage Program contacted our office, indicating that no sensitive plants exist in the area. Considering this information, the rare plant protection process is concluded in that, consistent with MCC .3828(D)(2), the proposed use is located outside of a sensitive plant buffer area.

#### 16. Compliance With MCC 11.15.3832, Recreation Resource Review Criteria:

Staff: The proposed development is not recreational in nature, therefore, the Recreational Review Criteria listed under MCC .3832 are not applicable.

### **Conclusion**

Based on the findings and other information provided above, the applicant has carried the burden necessary for the proposed National Scenic Area Site Review. The applicant's request for a Site Review is approved subject to the Conditions of Approval established in this report.

**NOTICE:**

*The Administrative Decision detailed above will become final unless an appeal is filed within the 14-day appeal period that starts the day after the notice is mailed. If the 14<sup>th</sup> day falls on a Saturday, Sunday, or a legal holiday, the appeal period extends through the next full business-day. If an appeal is filed, a public hearing will be scheduled before a County Hearings Officer pursuant to Multnomah County Code section 11.15.8290 and in compliance with ORS 197.763. To file, complete an Appeal of Administrative Decision for, and submit to the County Planning Division Office, together with a \$100.00 fee and supplemental written materials (as needed) stating the specific grounds, approval criteria, or standards on which the appeal is based. To review the application file(s), obtain appeal forms, or other instructions, call the Multnomah County Planning Division at (503) 248-3043, or visit our offices at 1600 SE 190<sup>th</sup> Avenue, Portland, Oregon, 97233(8:00am to 4:00pm).*

**The appeal period ends Wednesday, October 13, 1999, at 4:30pm.**

NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER: ORS CHAPTER 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST PROMPTLY BE FORWARDED TO THE PURCHASER.
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