

1600 SE 190th Avenue, Portland OR 97233-5910 • PH. (503) 988-3043 • Fax (503) 988-3389

NOTICE OF DECISION

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

Case File: T2-2018-10188
Permit: National Scenic Area Site Review
Location: 31926 NE Wand Rd.
Tax Lot 300, Section 32A, Township 1
North, Range 4 East, W.M.
Alternative Account #R053500130,
Property Id. # R111597
**Applicant/
Owner:** Gaelic MA
Zone Gorge General Residential - 10

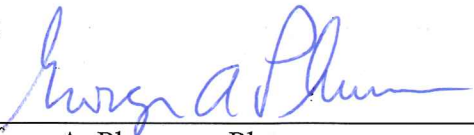


Summary: An approximately 382 foot bedroom addition to an existing single family dwelling.

Decision: Approved with conditions

Unless appealed, this decision is effective **August 16, 2018, at 4:00 PM.**

Issued by:

By: 
George A. Plummer, Planner

For: Michael Cerbone, AICP
Planning Director

Date: August 2, 2018

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 this decision is based, along with any conditions of approval. For further information on this case, contact George Plummer, Planner at george.a.plummer@multco.us or (503) 988-0202 (8 am to 4 pm Tuesday through Friday).

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 16, 2018 at 4:00 pm.

Applicable Approval Criteria: Multnomah County Code (MCC): MCC38.3025: GGR-10 Review Uses and MCC 38.7000 et al: GMA sections.

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 ensure the proposed development is built as proposed in the application submittal. The addition shall be sided on the exterior with wood or composite board planks. The roofing shall be asphalt composite shingles. The addition exterior body and trim shall be painted either to match the existing colors on the dwelling or dark earth tone colors that match the top two rows (A and B) or C14, C15, C16 of the third row of the Gorge Commission Color Chart. [MCC 38.7035(B)(1), MCC 38.7035(B)(4), MCC 38.7035(B)(10) and MCC 38.7035(B)(12)]

2. Any new exterior lighting fixtures shall be placed so that the light is shielded such that it is not highly visible from Key Viewing Areas and the shielding and hooding materials shall be composed of non-reflective, opaque materials. [MCC 38.7035(B)(11)]
3. The property owners shall ensure that existing tree density as shown on Exhibit B.4 is retained at the current density except for any trees needed to be removed due to danger must be certified as danger tree by an arborist with report submitted to County Land Use Planning. If the density is reduced, the property owners shall be responsible for replacing trees during the next planting season to screen the development so as to achieve visual subordination for the development on the property as soon as possible as determined by Multnomah County Land Use Planning.

The property owner shall plant to native conifer trees such as Douglas fir, western red cedar, western hemlock or western larch, planted to the south and southeast of the addition and thirty to 75 feet from the dwelling to provide screening. The trees shall be planted when at least three to four foot so they will grow tall enough to screen the addition from the south and southeast within five years. Both trees shall be maintain in living condition, if either or both tree do not survive they shall be replanted. [MCC 38.7035(A)(4), MCC 38.7035(B)(1), MCC 38.7035(B)(8), MCC 38.7035(B)(17), and MCC 38.7035(C)].

4. 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)]

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)]

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 George Plummer, Planner at george.a.plummer@multco.us or (503) 988-0202 (8 am to 4 pm Tuesday through Friday), 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 will be collected. In addition, an erosion control inspection fee 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: An approximately 382 foot bedroom addition to an existing single family dwelling.

2. Property Description & History (if needed):

Staff: The two acre subject property was created prior to 1966 (Exhibit B.6). The existing dwelling was built in 1965 with approved Building Permit Number 34250 with Cert. of Occupancy issued on November 12, 1964 (Exhibit B.5). The addition is proposed for the east end of the dwelling in an area that is relative shallow slope of about two to three percent. There are no code compliance issues known for the property.

3. GORGE GENERAL RESIDENTIAL – 5 ZONE:

3.1. Review Uses & Existing Uses

MCC 38.3025 (A) The following uses may be allowed on lands designated GGR, pursuant to MCC 38.0530 (B) and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7085 have been satisfied:

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

* * *

MCC 38.0030

(A) Right to Continue Existing Uses and Structures: 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 proposal is a 382 square foot addition to the existing single family dwelling. A building permit number 34250 was issued and finalized in 1964. The subject property is not on the 1962 zoning map but appears on the 1966 County Assessor’s Map. The property was in the Agriculture (F2) Zone from 1958 to 1977. The property is two acres and was created prior to the 1966 map, thus it met the minimum zoning requirements when created and is a legally created parcel (Exhibit B.6). The application included enough information outlined under MCC 38.0530 (B) to make the findings that the resource review can be complete. Findings for MCC 38.7000 through 38.7085 for the General Management Area criteria have been addressed in Sections 4 through 7 of this decision. *The proposal meets these standards.*

3.2. Dimensional Requirements

MCC 38.3060 (C) Minimum Yard Dimensions

Front Yard: 30 Feet

Rear Yard: 30 Feet

Side Yard: 10 Feet

Maximum Structure Height – 35 feet

Staff: The proposed dwelling addition will be built on the eastern end of the dwelling maintaining the front yard of more the 30 feet meeting the minimum. The setback to the east side yard will remain the same as the existing dwelling more than 20 feet meeting the 10 minimum. East side setback with be more than 100 feet meeting the 10 foot minimum. The rear yard (south) setback will be more than 300 feet meeting the 30 foot minimum. All of the minimum setback are met (Exhibit A.2). The proposed addition is single story meeting the maximum height limit requirements. *The proposed development meets these standards.*

4. **GMA SCENIC REVIEW CRITERIA**

4.1. All Review Uses

MCC 38.7035(A): The following scenic review standards shall apply to all Review Uses in the General Management Area of the Columbia River Gorge National Scenic Area.

Finding: The proposed addition to the single family dwelling, is a review uses in the GGR-10 Zone District. The findings addressing the scenic review standards for the proposed development are in the following findings in this section.

4.1.1. **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 proposal is a small addition onto an existing single family dwelling. The plan is designed to use the existing topography with some minor grading to site the development. The grading is minimized to the maximum extent practicable to site the development. *This criterion is met.*

4.1.2. **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 proposed addition is not a new building, however the dwelling with the addition will be compatible with the general scale (height, dimensions and visible mass) of similar buildings that exist nearby.

The existing dwelling with the attached garage is 1650 square feet. The dwelling with the addition, including the attached garage, will be 2032 square feet. The proposed dwelling size is less than seven out of 10 of the nearby dwellings' sizes on which we gathered data as shown in the table below (Exhibits B.10). *The dwelling with the addition meets this criterion.*

EXISTING NEARBY DWELLING SIZES

<i>Address</i>	<i>Year Built</i>	<i>Number of stories (living area)</i>	<i>Living¹ Area in Sq. Ft</i>	<i>Additional Area Attached to Dwelling²</i>	<i>Total dwelling Area.</i>
31926 NE Wand Road	1965	1	1210	440	1650³
31804 NE Wand Rd.	1991	1	1592	480	2072
31728 NE Wand Rd.	1917	1	896		896
31745 NE Wand Rd.	1950	2	1816		1816
31963 NE Wand Rd.	1986	2	1902		1902
31945 NE Wand Rd.	2014	2	2064	150 ⁴	2214
32009 NE Wand Rd.	1969	2	2270		2270
32111 NE Wand Rd.	1966	1	906		906
32131 NE Wand Rd.	1934	2	1806	144 ⁵	1950
32125 NE Wand Rd.	1972	2	1152	708	1860
31714 NE Wand Rd.	1974	2 ⁶	2829 ⁶	768	3595
31708 NE Wand Rd.	2016	1	2032	1100 ⁷	3132
31708 NE Wand Rd.	2009	1	1740	696 ⁸	2436
31708 NE Wand Rd.	2010	2	2457	537 ⁹	2994

¹ Proposed dwelling size and accessory building size.

² Includes covered decks and attached garages.

³ Existing dwelling and attached garage without the addition.

⁴ Enclosed porch

⁵ Covered patio

⁶ For the 1886 sq. ft daylight basement we use half the area because half is underground

⁷ 900 sq. ft. attached garage and 200 covered patio

⁸ 600 sq. ft. attached garage and 96 sq. ft.

⁹ 441 sq. ft. attached garage and 96 sq. ft.

4.1.3. 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: The proposed development has an existing access onto Wand Road which is not a Scenic Travel Corridor. *This criterion is met.*

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

Staff: A condition will require proper maintenance and survival of existing vegetation. *This criterion is met through a condition.*

4.1.5. 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 determination of compatibility with the landscape setting is based on information submitted in the site plan. *This criterion is met.*

4.2. All Review Uses Topographically Visible from Key Viewing Areas

4.2.1. MCC 38.7035(B)(1): Each development shall be visually subordinate to its setting as seen from Key Viewing Areas.

Staff: The proposed addition to the existing dwelling area is topographically visible from the Historic Columbia River Highway, Larch Mountain and possibly other KVAS.

The proposed addition to the dwelling will be built in an area that has significant vegetative (trees) screening that has been planted prior to the application submittal (Exhibit A.2). The addition will be built with low reflective building materials using wood siding (or composite board) and composite shingles. A condition of approval will require windows with a reflectivity rating 11 percent or less for visible light. Given the proposal is for a minor addition (less than half the area) we can not require dark earth tone colors exterior colors. The color can match the existing dwelling. However, if the property owner chooses to paint the addition or the entire dwelling a different color than it must be a dark earthtone color as represented on the Columbia River Gorge Commission Color Chart, Rows A and B and C14 – C16. There is no screening vegetation on the property to the south and southeast toward the Historic Columbia River Highway. For additional screening of the dwelling to the south and southeast two additional conifer trees planted in that area will assist in meeting the visual subordination standard. A couple of native conifer trees planted to the south and southeast thirty to 75 feet from the dwelling will provide screening. Native conifer trees such as Douglas fir, western red cedar, western hemlock or western larch, at least three to four foot (at planting time) will grow tall enough to screen the addition from the south and southeast within five years.

Given low reflective building materials, planting of additional trees, and distance to KVAS with conditions of approval, the proposed development will be visually subordinate. This criterion is met through conditions.

4.2.2. MCC 38.7035(B)(2): The extent and type of conditions applied to a proposed development or use to achieve the scenic standard shall be proportionate to its potential visual impacts as seen from Key Viewing Areas. Decisions shall include written findings addressing the factors influencing potential visual impact including but not limited to: the amount of area of the building site exposed to Key Viewing Areas, the degree of existing vegetation providing screening, the distance from the building site to the Key Viewing Areas it is visible from, the number of Key Viewing Areas it is visible from, and the linear distance along the Key Viewing Areas from which the building site is visible (for linear Key Viewing Areas, such as roads). Conditions may be applied to various elements of proposed developments to ensure they are visually subordinate to their setting as seen from key viewing areas, including but not limited to siting (location of development on the subject property, building orientation, and other elements); retention of existing vegetation; design (color, reflectivity, size, shape, height, architectural and design details and other elements); and new landscaping.

Staff: The conditions require using low reflective building materials, planting two additional conifer trees and hooded lighting. With these conditions are applied to the proposed development to achieve compliance with the scenic resource criteria, the conditions for the development will be proportionate to its potential visual impacts as seen from KVAS. *This criterion is met through conditions.*

4.2.3. MCC 38.7035(B)(3): Determination of potential visual effects and compliance with visual subordination policies shall include consideration of the cumulative effects of proposed developments.

Staff: Given the minor size of the addition to an existing single family dwelling, use of low reflective materials, and that there is vegetation existing on the subject property providing significant screening to the building site from the KVAs to the north (Exhibits A.2 and B.4) with the additional trees required to be planted to the south and southeast by a condition there will be no cumulative effects. In the surrounding area there is significant vegetative cover on other nearby properties which provides additional screening. *Given that the proposed development will be visually subordinate, there is no cumulative impact. The criterion is met.*

4.2.4. MCC 38.7035(B)(4): In addition to the site plan requirements in MCC 38.0045 (A) applications for all buildings visible from key viewing areas shall include a description of the proposed building(s)' height, shape, color, exterior building materials, exterior lighting, and landscaping details (type of plants used; number, size, locations of plantings; and any irrigation provisions or other measures to ensure the survival of landscaping planted for screening purposes).

Staff: The application narrative and exhibits provide a description of proposed addition is a bit sparse in describing building material; the description indicates that the same materials will be used as the existing dwelling. The existing dwelling has wooden siding and composite shingle roofing. The exterior colors of the existing dwelling are lite gray with white trim. Given the addition is less than half the size of the existing dwelling, the exterior color for the addition can match the existing dwelling. However, if the property owner chooses to paint the addition or the entire dwelling a different color than it must be a dark earthtone color as represented on the Columbia River Gorge Commission Color Chart, Rows A and B and C14 – C16. *This criterion is met through conditions.*

4.2.5. MCC 38.7035(B)(6): New development shall be sited on portions of the subject property which minimize visibility from Key Viewing Areas, unless the siting would place such development in a buffer specified for protection of wetlands, riparian corridors, sensitive plants, sensitive wildlife sites or conflict with the protection of cultural resources. In such situations, development shall comply with this standard to the maximum extent practicable.

Staff: There are no buffers as described for the property. The proposed dwelling is sited in the northeast portion of the property with significant tree grove to the north between the KVAs and the dwelling. *This criterion is met.*

4.2.6. MCC 38.7035(B)(7): New development shall be sited using existing topography and/or existing vegetation as needed to achieve visual subordination from key viewing areas.

Staff: The proposal is for an addition which will be attached to the existing dwelling. However, the existing topography and vegetation are used to achieve visual subordination from key viewing areas. *This criterion is not applicable.*

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

Staff: The proposed addition is located in the northeast portion of the property with a significant tree vegetation planted prior to this application to the north between the KVAs and the dwelling. A condition will require retention of existing tree density on the property to screen the proposed development from KVAs. *This criterion is met through a condition.*

4.2.8. MCC 38.7035(B)(9): Driveways and buildings shall be designed and sited to minimize visibility of cut banks and fill slopes from Key Viewing Areas.

Staff: The driveway has existed for many years, and no work is proposed to change the driveway. *This criterion is met.*

4.2.9. MCC 38.7035(B)(10): The exterior of buildings on lands seen from Key Viewing Areas shall be composed of nonreflective materials or materials with low reflectivity, unless the structure would be fully screened from all Key Viewing Areas by existing topographic features. The *Scenic Resources Implementation Handbook* includes a list of recommended exterior materials. These recommended materials and other materials may be deemed consistent with this code, including those that meet recommended thresholds in the “visibility and Reflectivity Matrices” in the Implementation Handbook. Continuous surfaces of glass unscreened from key viewing areas shall be limited to ensure visual subordination. Recommended square footage limitations for such surfaces are provided for guidance in the Implementation Handbook.

Staff: Finding 4.2.1 details the proposed building materials and low reflectivity materials. A condition will require the use of low visible light reflectivity. *This criterion is met through a condition.*

4.2.10. MCC 38.7035(B)(11): Exterior lighting shall be directed downward and sited, hooded and shielded such that it is not highly visible from Key Viewing Areas. Shielding and hooding materials shall be composed of nonreflective, opaque materials.

Staff: A condition will require that exterior lighting shall be directed downward and sited, hooded and shielded such that it is not highly visible from Key Viewing Areas and that the shielding and hooding materials be composed of nonreflective, opaque materials. *This criterion is met through a condition.*

4.2.11. MCC 38.7035(B)(12): Unless expressly exempted by other provisions in this chapter, colors of structures on sites visible from key viewing areas shall be dark earth-tones found at the specific site or in the surrounding landscape. The specific colors or list of acceptable colors shall be included as a condition of approval. The *Scenic Resources Implementation Handbook* will include a recommended palette of colors.

Staff: Given the addition is less than half the size of the existing dwelling that exterior color for the addition can match the existing dwelling. However, if the property owner chooses to paint the addition or the entire dwelling a different color than it must be a dark earthtone color as represented on the Columbia River Gorge Commission, *Scenic Resources Implementation Handbook*, Color Chart, Rows A and B and C14 – C16 (on pages 18 and 19).

A condition will allow the property owner to use these colors and submit the color chips or samples prior to building permit sign-off if they are painting the dwelling a color other than the existing color. *This criterion is met through a condition.*

* * *

4.2.12. MCC 38.7035(B)(15): The silhouette of new buildings shall remain below the skyline of a bluff, cliff or ridge as seen from Key Viewing Areas.

Staff: The silhouette of the proposed dwelling will be below the skyline of a bluff as seen from Key Viewing Areas. *This criterion is met.*

* * *

4.2.14. MCC 38.7035(B)(17): The following standards shall apply to new landscaping used to screen development from key viewing areas:

- (a) New landscaping (including new earth berms) shall be required only when there is no other means to make the development visually subordinate from key viewing areas. Alternate sites shall be considered prior to using new landscaping to achieve visual subordination. Development shall be sited to avoid the need for new landscaping wherever possible.**
- (b) If new landscaping is required, it shall be used to supplement other techniques for achieving visual subordination.**
- (c) Vegetation planted for screening purposes shall be of sufficient size to make the development visually subordinate within five years or less of commencement of construction.**
- (d) Landscaping shall be installed as soon as practicable, and prior to project completion. Applicant. The property owner(s), and their successor(s) in interest are responsible for the proper maintenance and survival of planted vegetation, and replacement of such vegetation that does not survive.**
- (e) The Scenic Resources Implementation Handbook includes recommended species for each landscape setting consistent with MCC 38.7035(C) and the minimum recommended sizes for tree plantings (based on average growth rates expected for recommended species).**

Staff: Given the dwelling is painted a light gray color with white trim, staff is concerned that it may stand out as seen from the Historic Columbia River Highway. For additional screening of the dwelling to the south and southeast, a couple of native conifer trees planted to the south and southeast about thirty to 75 feet from the dwelling will provide screening assisting in meeting the visual subordination standard. Two native conifer trees such as Douglas fir, western red cedar, western hemlock or western larch, planted when at least three to four foot will grow tall enough to screen the addition from the south and southeast within five years. *These criteria are met through conditions.*

* * *

4.2.15. MCC 38.7035(B)(24): New buildings shall not be permitted on lands visible from Key Viewing Areas with slopes in excess of 30 percent.

Staff: The slope in the proposed development areas is less than 10 percent. *This criterion is met.*

4.2.16. MCC 38.7035(B)(25): All proposed structural development involving more than 100 cubic yards of grading on sites visible from Key Viewing Areas shall include submittal of a grading plan. This plan shall be reviewed by the Planning Director for compliance with Key Viewing Area policies. The grading plan shall include the following:

- (a) A map of the site, prepared at a scale of 1 inch equals 200 feet (1:2,400), or a scale providing greater detail, with contour intervals of at least 5 feet, including:
 - 1. Existing and proposed final grades;
 - 2. Location of all areas to be graded, with cut banks and fill slopes delineated; and
 - 3. Estimated dimensions of graded areas.
- (b) A narrative description (may be submitted on the grading plan site map and accompanying drawings) of the proposed grading activity, including:
 - 1. Its purpose;
 - 2. An estimate of the total volume of material to be moved;
 - 3. The height of all cut banks and fill slopes;
 - 4. Provisions to be used for compaction, drainage, and stabilization of graded areas (preparation of this information by a licensed engineer or engineering geologist is recommended);
 - 5. A description of all plant materials used to revegetate exposed slopes and banks, including type of species, number of plants, size and location, and a description of irrigation provisions or other measures necessary to ensure the survival of plantings; and
 - 6. A description of any other interim or permanent erosion control measures to be utilized.

Staff: the proposed dwelling is located in a relative shallow sloped area and will require minor excavation for the small addition. *This criterion is not applicable.*

4.3. Landscape Setting

MCC 38.7035(C): All Review Uses and Conditional Uses within the following landscape settings, regardless of visibility from KVAs:

4.3.1 MCC 38.7035(C)(3) ; Rural Residential

- (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.
- (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: Given the relatively small nature of the addition and limited need for addition screening, staff is requiring only two additional tree. Conifers will provide for year round screening and native trees will have a better chance of survival. If the owner would like to plant some additional non-native trees, that would be fine. Given we are limiting the number of trees to be planted to two, we are requiring them both to be native conifer trees such as Douglas fir, western red cedar, western hemlock or western larch A condition will require existing tree cover (density) shall be retained. *These criteria are met through conditions.*

5. Cultural Resource Review Criteria

5.1. 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: Chris Donnermeyer, Heritage Resource Program Manager, Columbia River Gorge NSA, USFS submitted a Cultural Resource Survey Determination on April 10, 2018 (Exhibit C.1).

In the Cultural Resources Survey Determination Mr. Donnermeyer stated, "A cultural resources reconnaissance survey is: Not Required" and "A Historic Survey is: "Required."

Mr. Donnermeyer conducted a Historic Survey and made a finding of "No Effect" (Exhibit C.2). Mr. Donnermeyer submitted an Oregon SHPO Clearance Form to SHPO on May 8, 2018.

Jessica Gabriel, Historian, State Historic Preservation Office (SHPO) issued a letter of concurrence with the Donnermeyer "No Effect" finding on June 5, 2018 (Exhibit C.4).

Matt Diederich, MAIS, SHPO Archaeologist submitted a letter addressing archaeological resources potential stating no previous surveys of the area. Mr. Diederich, recommended extreme caution in ground disturbing activities. This decision will include the following section language as conditions of approval.

Finding of "A cultural resources reconnaissance survey is: Not Required" and Historic Survey finding of "No Effect" with SHPO concurrence demonstrate no cumulative impacts to cultural resources.

The cultural resource review criteria is deemed satisfied given the findings above and information submitted in Exhibits C.1 through C.4. Except MCC 38.7045 (L) and (M) will be included as conditions. *These criteria have been met and MCC 38.7045 (L) and (M) will be met through implementing conditions of approval.*

5.2. Cultural Resources Discovered After Construction Begins

MCC 38.7045 (L) 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 resources 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.

(3) 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).

(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.

Staff: These requirements can be addressed through conditions that includes the language in this criterion, requiring the outlined requirements to be met. *This criterion is met through conditions.*

6. NATURAL RESOURCE REVIEW CRITERIA

6.1. GMA Wetlands

MCC 38.7055: GMA Wetland Review Criteria

(A) The wetland review criteria shall be deemed satisfied if:

(1) The project site is not identified as a wetland on the *National Wetlands Inventory* (U.S. Fish and Wildlife Service, 1987);

Staff: The subject site does not have an identified wetland listed on the National Wetland Inventory maps. There are not indications of wetlands on the property. No cumulative impacts to wetlands. *Criterion is met.*

6.2. GMA Streams, Lakes or Riparian Areas

MCC 38.7060(A): The following uses may be allowed in streams, ponds, lakes and riparian areas...

Staff: There are no streams, lakes or riparian buffer areas near this development thus MCC 38.7060 requirements is met. No cumulative impacts streams, lakes or riparian areas. *Criterion is met.*

6.3. GMA Wildlife Review Criteria

MCC 38.7065: Wildlife Habitat Site Review shall be required for any project within 1,000 feet of sensitive wildlife areas and sensitive wildlife sites

Staff: There are no known sensitive wildlife areas or sites within 1000-feet of the subject site according to maps listing such areas and sites provided to Multnomah County by the Columbia River Gorge Commission. This property is not in the big game winter area. No cumulative impacts to wildlife. *Criterion is met.*

6.4. GMA Rare Plant Review Criteria

MCC 38.7070: Rare Plant Site Review shall be required for any project within 1,000 feet of endemic plants and sensitive plant species.

Staff: There are no known rare plant species within 1000-feet of the subject site according to maps listing such areas and sites provided to Multnomah County by the Columbia River Gorge Commission. No cumulative impacts to rare plants. *Criterion is met.*

7. RECREATION RESOURCE REVIEW CRITERIA

Staff: The proposed addition to the existing single family dwelling is located on private property and there is no recreational component proposed on the property. The proposed development will have no impacts on any existing recreation development on other properties. No cumulative impacts to recreation. No Recreation Resource Review is required.

8. COMMENTS

8.1. Staff: Matt Diederich, MAIS, SHPO Archaeologist submitted a letter addressing archaeological resources potential related to excavation (Exhibit C.3). The decision addresses his concern through Condition of Approval Number 4.

8.2. Staff: Letter from Jessica Gabriel, Historian, SHPO addressing historic resource related to the existing development on the property issuing a finding of concurrence with the US Forest Service of "No Effect" (Exhibit C.4).

- 8.3. Staff:** Letter from Steven McCoy, Staff Attorney, Friends of the Columbia Gorge detailing the code that must be met for an approval of the application request (Exhibit C.5). Findings in this decision address the applicable code sections. Mr. McCoy called out a concern of whether the proposed dwelling addition would be visually subordinate from KVAs. Findings in Section 4 of this decision address the Scenic Review Criteria, finding they are met. Findings are made in Section 5, 6, and 7 for Cultural, Natural and Recreational Resource Criteria which indicate the criteria is met.

8. CONCLUSION

Based on the findings and other information provided above, the applicant has carried the burden necessary for the approval of the NSA Site Review Permit to establish an addition onto the existing dwelling in the GGR-10 zone. This approval is subject to the conditions of approval established in this report.

9. EXHIBITS

‘A’ Applicant’s Exhibits

‘B’ Staff Exhibits

‘C’ Comments Received

Exhibit #	# of Pages	Description of Exhibit	Date Received/ Submitted
A.1	1	Application	3/23/18
A.2	1	Site plan & Landscape Plan,	3/23/18
A.3	5	Narrative	3/23/18
A.4	2	Elevational Drawings	3/23/18
A.5	1	Fire Service Agency Review	3/23/18
A.6	2	Transportation Planning Review	3/23/18
A.7	6	Transportation Right-of-Way Access Permit	3/23/18
A.8	5	Septic Review Certification with site plan and floor plans signed	4/18/18
A.9	4	Authorization allowing increase sewage flow with attached narrative	4/18/18
‘B’	#	Staff Exhibits	Date
B.1	2	County Assessment Property Information	NA
B.2	1	County Assessment Map with property labeled	NA
B.3	1	1999 Zoning Map shows the current zoning of the area	NA
B.4	1	2016 Aerial Photo showing subject property	NA
B.5	1	Building Permit Index Card	NA
B.6	1	1966 County Assessment Map	NA
B.7	1	MCC 11.15 Agriculture F-2 Zone minimum parcel size in effect	NA

		1958-1975	
B.8	12	Oregon SHPO Clearances Form completed by Chris Donnermeyer, Heritage Program with photo of dwelling attached	5/8/18
B.9	1	Oregon State Historic Preservation Office letter of concurrence	6/5/18
B.10	14	County Assessment records for nearby property with dwelling size information	7/18/18
'C'	#	Comments Received	Date
C.1	2	Chris Donnermeyer, Heritage Resource Program Manager, Columbia River Gorge NSA, USFS submitted a Cultural Resource Survey Determination	4/10/18
C.2	11	Chris Donnermeyer, Heritage Resource Program Manager, Columbia River Gorge NSA, USFS submitted an Oregon SHPO Clearance Form submitted	5/8/18
C.3	1	Letter from Matt Diederich, MAIS, SHPO Archaeologist addressing archaeological resources potential	5/9/18
C.4	1	Letter from Jessica Gabriel, Historian, SHPO addressing historic concurrence	6/5/18
C.5	8	Letter from Steven McCoy, Staff Attorney, Friends of the Columbia Gorge addressing the application	6/29/18