

NOTICE OF NSA DECISION

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

Case File: T2-2018-10420 **Permit:** National Scenic Area Site Review
Location: 1603 NE Corbett Hill Road
Tax Lot 200, Township 1 North, Range 4 East, Section 27DD, W.M.
Tax Account #R837800010 Property ID #R288143
Applicant: Jan Petter Moen **Owner:** Karen Justice and Jan Petter Moen
Base Zone: Gorge General Residential – 5 (GGR-5) **Landscape Setting:** Rural Residential
Key Viewing Areas: Bridal Veil State Park, Columbia River, Historic Columbia River Highway,
Highway I-84, Larch Mountain Road, Sherrard Point on Larch Mountain,
Sandy River, and Washington State Route 14
Recreation Class: Class 2

Summary: The applicant is requesting retroactive review to permit an unpermitted addition. The applicant is also requesting an expansion of the single-family dwelling and accessory structures, which include three deck areas and a concrete slab.

Decision: **Approved with Conditions**

This decision is final and effective at the close of the appeal period, unless appealed. The deadline for filing an appeal is **Thursday, January 10, 2019, at 4:00 PM.**

Opportunity to Review the Record: The complete case file, including the Planning Director Decision containing Findings, Conclusions, Conditions of Approval, and all evidence associated with this application is available for review, at no cost, at the Land Use Planning office. Copies of all documents may be purchased at the rate of 30-cents per page. For further information on this case, contact Rithy Khut, Staff Planner at 503-988-0176 or at rithy.khut@multco.us.

Opportunity to Appeal: 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.

Issued by:

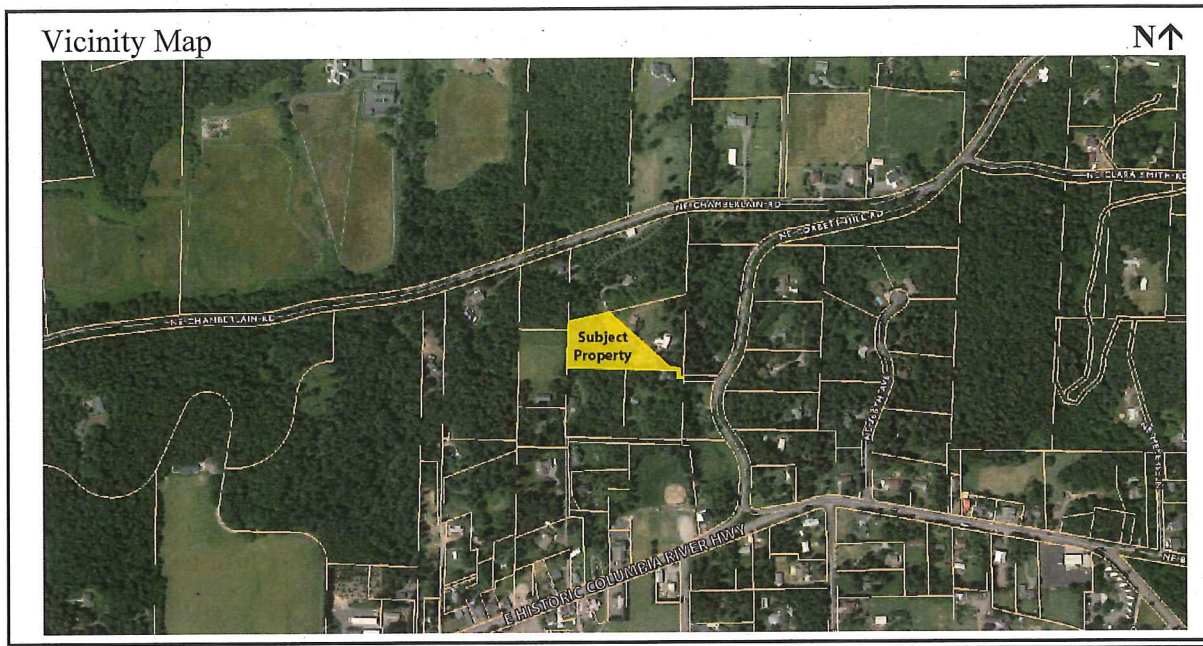
By: 

Rithy Khut, Planner

For: Michael Cerbone, AICP
Planning Director

Date: Thursday, December 27, 2018

Instrument Number for Recording
Purposes: #2017-052981



Applicable Approval Criteria: Multnomah County Code (MCC):

General Provisions: MCC 38.0015 Definitions, MCC 38.0030 Existing Uses and Discontinued Uses,

Administration and Procedures: MCC 38.0560 Code Compliance and Applications

Residential District – GGR: MCC 38.3025 Review Uses, MCC 38.3060 Dimensional Requirements, MCC 38.3090 Access

National Scenic Area Site Review – Approval Criteria: MCC 38.7035 GMA Scenic Review Criteria, MCC 38.7045 GMA Cultural Resource Review Criteria, MCC 38.7055 GMA Wetland Review Criteria, MCC 38.7060 GMA Stream, Lake and Riparian Area Review Criteria, MCC 38.7065 GMA Wildlife Review Criteria, MCC 38.7070 GMA Rare Plant Review Criteria, MCC 38.7080 GMA Recreation Resource Review Criteria

Copies of the referenced Multnomah County Code sections can be obtained by contacting our office or on our website at: <https://multco.us/landuse/zoning-codes/> under the link titled *Chapter 38 - Columbia River Gorge National Scenic Area*.

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. 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. Permit Expiration:
 - a. This land use permit shall expire as follows:
 - i. Within two (2) years of the date of the final decision, if construction has not commenced, or; [MCC 38.0690(B)(1)]
 - ii. Within two (2) years of the date of commencement of construction, if the structure has not been completed. [MCC 38.0690(B)(2)]
 - b. For purposes of Condition 2.a.i, notification of commencement of construction will be given to Multnomah County Land Use Planning Division a minimum of seven (7) days prior to date of commencement. Work may commence once notice is completed. Commencement of construction shall mean actual construction of the foundation or frame of the approved structure. [MCC 38.0690(B)(3)]
 - c. For purposes of Condition 2.a.ii, completion of the structure shall mean the completion of the exterior surface(s) of the structure and compliance with all conditions of approval in the land use approval. [MCC 38.0690(B)(4)]

Note: The property owner may request to extend the timeframe within which this permit is valid, as provided under MCC 38.0700, as applicable. The request for a permit extension must be submitted prior to the expiration of the approval period. [MCC 38.0700]

3. Within 30 days of the final decision the applicant(s), owner(s), or their representative(s) shall:
 - a. Record the Notice of NSA Decision, pages 1 through 5 of this staff report and Exhibit A.3 and A.4 of this decision with the County Recorder. The Notice of Decision shall run with the land and the conditions shall be met by the current and all future property owners unless amended through a later decision by the authorized authority. Proof of recording shall be submitted to Multnomah County Land Use Planning prior to land use review for signing off the building permit. Recording shall be at the applicant's expense. [MCC 38.0670]
4. At the time of building permit sign-off, the property owner or their representative shall:
 - a. Provide a color sample of the stain that will be used for the deck and a sample of the stainless steel cable rail to ensure that they are dark earth tone colors and not highly reflective. The stain and cable shall match the top two rows (A and B) or C14, C15, C16 of the third row of from the Columbia River Gorge Commission *Scenic Resources Implementation Handbook* Color Chart. [MCC 38.7035(B)(1), MCC 38.7035(B)(12)]
 - b. Provide information or cut/specification sheets for the windows located in the expansion/addition. The windows will have a reflectivity rating less than 11%. [MCC 38.7035(B)(10)]
5. If any Cultural Resources and/or Archaeological Resources are located or discovered on the property during this project, including but not limited to finding any evidence of historic campsites, old burial grounds, implements, or artifacts, the following procedures shall be implemented:

- 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 Native American tribal governments within 24 hours. 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(B) and MCC 38.7045(L)]

All survey and evaluation reports and mitigation plans for 5.c and 5.d shall be submitted to the Planning Director and the Oregon State Historic Preservation Office (SHPO). Native American tribal governments shall also receive a copy of all reports and plans if the cultural resources are prehistoric or otherwise associated with Native Americans. [MCC 38.7045(B) and MCC 38.7045(M)]

6. 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 Native American 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.
 - i. 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).
 - ii. 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(B) and MCC 38.7045(M)]

7. As an on-going condition, the property owner(s) or their representative(s) shall:

- a. Maintain the tree density along the northern, western, and southern portions of subject property adjacent to the single-family dwelling. The tree canopy will be maintained and if trees die or are removed that shall be replaced on a one-to-one basis of a similar or coniferous species and shall be a minimum of 2-inch caliper size or greater. [MCC 38.7035(A)(4), MCC 38.7035(B)(3), MCC 38.7035(B)(8), MCC 38.7035(B)(17), and MCC 38.7035(C)(3)]
- b. The exterior lighting shall be continue to be fully shielded with opaque materials and directed downwards. The exterior lighting above the garage will be pointed downward.
 - i. "Fully shielded" means no light is emitted above the horizontal plane located at the lowest point of the fixture's shielding.
 - ii. Shielding must be permanently attached.
 - iii. The exterior lighting shall be contained within the boundaries of the parcel on which it is located. [MCC 38.7035(B)(11)]
- c. Provide a color sample of the paint that will be used for the exterior of the dwelling to the Land Use Planning Division, if the property owner decides to paint the entire dwelling a color that is different from the existing color. The paint sample shall match the top two rows (A and B) or C14, C15, C16 of the third row of from the Columbia River Gorge Commission *Scenic Resources Implementation Handbook* Color Chart [MCC 38.7035(B)(13)].

Note: Once this decision is final, application for Land Use Planning building permit review may be made. When ready to have building permits signed off by Land Use Planning, the applicant shall compete the following steps:

1. Read your land use decision, the conditions of approval and modify your plans, if necessary, to meet any condition that states, "Prior to land use sign-off for building plan check..." Be ready to demonstrate compliance with the conditions.
2. Contact Right-of-Way Permits at row.permits@multco.us, or schedule an appointment at <https://multco.us/transportation-planning/webform/right-way-appointment-request/>, or at 503-988-3582 for an appointment to review your plans, obtain your access permit, and satisfy any other requirements. **Failure to make an appointment with County Right-of-Way will result in delaying your building plan review and obtaining building permits.**
3. Contact Rithy Khut, Planner, at 503-988-0176 or rithy.khut@multco.us, for an appointment for review of the conditions of approval and to sign the building permit plans. Land Use Planning must sign off on the plans and authorize the building permit before you can go to the City of Gresham Building Department. At the time of this review, Land Use Planning will collect additional fees.

The above must be completed before the applicant can obtain building permits from 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.

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

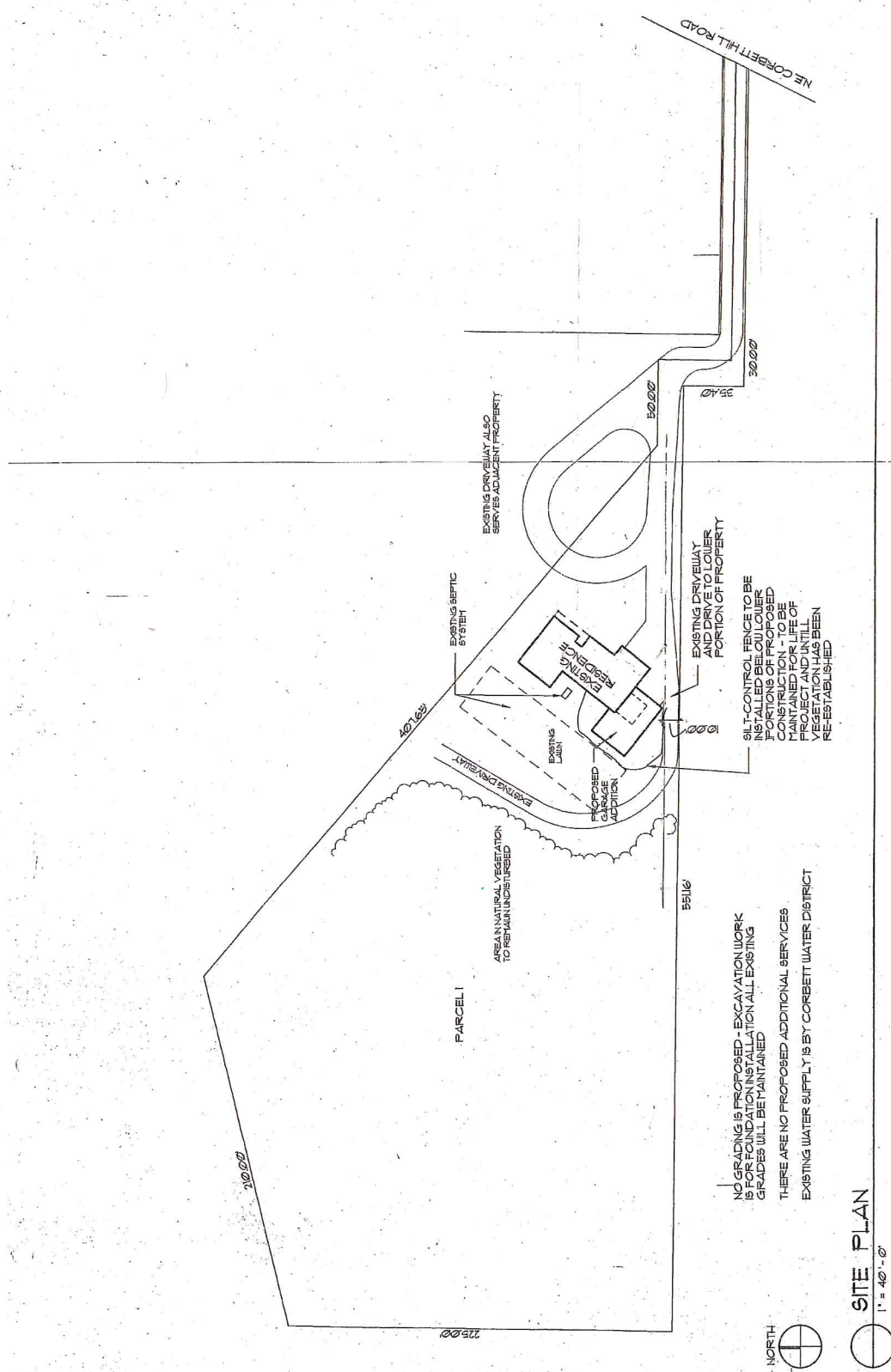
ORS Chapter 215 requires that if you receive this notice it must be promptly forwarded to the purchaser.

ROBERT W. REED
ARCHITECT
4036 SE Lanore Circle
Troutdale, Oregon 97060
Phone: (503) 666-9014
Fax: Same No.



ROSS GARAGE ADDITION
1603 NE CORBETT HILL RD. CORBETT, OREGON

06-05-00



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*.

1.0 Project Description:

Staff: The applicant is requesting retroactive review to permit an unpermitted addition. The applicant is also requesting an expansion of the single-family dwelling and accessory structures, which include three deck areas and a concrete slab.

2.0 Property Description & History:

Staff: The retroactive permit for the unpermitted addition and proposed expansion of the single-family dwelling is located on a property that is on NE Corbett Hill Road within the Gorge General Residential (GGR-5) zoning district in the Columbia River Gorge National Scenic Area.

Multnomah County Department of Assessment, Records, and Taxation indicate that the property is owned by Karen Justice and Jan P. Moen. The current property owners came into possession of Top Cliff Lot 1 in 2015. Lot 1 is 2.25 acres and currently contains a single-family dwelling, a shed, an attached garage, deck, and covered porch. The single-family dwelling was accessed in 1969 as shown from Multnomah County Department of Assessment, Records and Taxation (DART) records.

The property has had an extensive permit history. Below are the land use and building permits that are on record for the subject property:

- March 5, 1968 – M 29-67 – Approval of the proposed plat of Tax Lot “20”
- May 15, 1968 – Approval of Top Cliff Subdivision Plat
- May 29, 1968 – Permit #45559 – New construction of a residence and attached garage
- August 27, 1975 – Permit #751476 – Addition of a family room 12’ x 24’

Based on aerial photos, the dimensions of the single-family dwelling were altered sometime between 1998 and 2002. No permits have been located that indicate that the modifications were reviewed by the County. This permit request, if approved, will result in the property being in full compliance.

3.0 Public Comment:

3.1 Comments from Chris Donnermeyer, United States Forest Service – Columbia River Gorge Scenic Area Heritage Resources Program Manager

Staff: Chris Donnermeyer submitted a Cultural Resource Survey Determination on June 01, 2018 stating that “A Cultural Resource Reconnaissance Survey is: Not required” and “A Historic Survey is: Not required” (Exhibit D.1).

Findings in Section 7.0 address Cultural and Historic Resource Criteria.

3.2 E-mail from Christian Nauer, Archaeologist, Confederated Tribes of the Warm Springs Reservation of Oregon

Staff: Christian Nauer, Archaeologist, Confederated Tribes of the Warm Springs Reservation of Oregon submitted an e-mail commenting on archaeological deposits and human remains (Exhibit D.2).

Findings in Section 7.0 address the likelihood of finding archaeological deposits and human remains. Condition of approval have been added detailing the procedures of the property owner or their representative if archaeological deposits and human remains are found.

3.3 Comments from Steven D. McCoy, Staff Attorney, Friends of the Columbia River Gorge

Staff: Steven D. McCoy, Staff Attorney, Friends of the Columbia River Gorge submitted a letter discussing the applicable approval criteria for this project (Exhibit D.3).

Findings in Section 5.0 address Existing Uses (page 3 of the letter), Section 6.0 discusses Allowed Uses (page 3 of the letter), and Section 7 discusses Scenic, Natural, and Cultural Resource Protection. Additionally, the Conditions of Approval include suggested conditions from page 8 of the letter, which is also required by Multnomah County Code.

4.0 Code Compliance and Applications Criteria:

4.1 § 38.0560 CODE COMPLIANCE AND APPLICATIONS.

Except as provided in subsection (A), the County shall not make a land use decision approving development, including land divisions and property line adjustments, or issue a building permit for any property that is not in full compliance with all applicable provisions of the Multnomah County Land Use Code and/or any permit approvals previously issued by the County.

(A) A permit or other approval, including building permit applications, may be authorized if:

- (1) It results in the property coming into full compliance with all applicable provisions of the Multnomah County Code. This includes sequencing of permits or other approvals as part of a voluntary compliance agreement; or**
- (2) It is necessary to protect public safety; or**
- (3) It is for work related to and within a valid easement over, on or under an affected property.**

(B) For the purposes of this section, Public Safety means the actions authorized by the permit would cause abatement of conditions found to exist on the property that endanger the life, health, personal property, or safety of the residents or public. Examples of that situation include but are not limited to issuance of permits to replace faulty electrical wiring; repair or install furnace equipment; roof repairs; replace or repair compromised utility infrastructure for water, sewer, fuel, or power; and actions necessary to stop earth slope failures.

Staff: Based on aerial photos, the dimensions of the single-family dwelling were altered sometime between 1998 and 2002 (Exhibit B.5 and B.6). No permits have been located that indicate that the modifications were reviewed by the County. The applicant seeks to resolve this compliance case and zoning violation through the submittal of this application. This land

use permit and any associated conditions of approval will result in the property coming into full compliance with all applicable provisions of the Multnomah County Code.

As discussed in this decision, when the applicant meets all of the conditions in this decision, it will result in the property coming into full compliance with all applicable provisions of the Multnomah County Land Use Code.

5.0 Existing Uses and Discontinued Uses Criteria:

5.1 § 38.0030 EXISTING USES AND DISCONTINUED USES

5.1.1 (D) Changes to Existing Uses and Structures: Except as otherwise provided, any change to an existing use or modification to the exterior of an existing structure shall be subject to review and approval pursuant to this Management Plan.

Staff: As required by MCC 38.0030(D), any change to an existing use or modification to the exterior of an existing structure shall be subject to review and approval pursuant to this Management Plan. The original single-family dwelling was established in 1968 and modified again in 1975. There is no indication the modifications made between 1998 and 2002 were reviewed by the County. Therefore, the applicant is seeking approval of the unpermitted addition that was not reviewed by the County. Additionally, the applicant is proposing an expansion of the single-family dwelling outside of the unpermitted area. These changes shall be subject to all applicable policies and guidelines in the Management Plan, including, but not limited to, guidelines for land use designations and scenic, cultural, recreation and natural resources. Those policies, guidelines, and Multnomah County Code requirements are discussed below in this report.

The original single-family dwelling was established in 1968 and modified again in 1975. This single-family dwelling is an existing use. The proposal shall be subject to all applicable policies and guidelines in the Management Plan, including, but not limited to, guidelines for land use designations and scenic, cultural, recreation and natural resources.

6.0 Gorge General Residential Districts – GGR Criteria:

6.1 § 38.3025 REVIEW USES

(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.

(a) If the subject parcel is located adjacent to lands designated GGA or GGF, the use shall comply with the buffer requirements of MCC 38.0060; and

(b) If the subject parcel is located is adjacent to lands designated GGF, the placement of a dwelling shall also comply with the fire protection standards of MCC 38.7305.

Staff: The applicant is requesting to alter and expand an existing single-family dwelling. The original single-family dwelling was established in 1968 and modified again in 1975. Then at some point between 1998 and 2002 aerial photos would indicate that an addition was added to the south side of the existing single-family dwelling (Exhibit B.5 and B.6). There is no

indication that this addition was reviewed by the County at that time. As part of this land use application, that addition will be reviewed as it was proposed today. The applicant also proposes new deck structures and an expansion of the attached garage.

To authorize these proposed expansions, MCC 38.3025(A)(1) allows one single-family dwelling to be established on a legal created parcel. The subject property is described at Lot 1 of Top Cliff Subdivision. The subdivision was approved in 1968 under land use case M 29-67. As defined in MCC 38.0015 a parcel is:

- (a) Any unit of land legally created by a short division, partition, or subdivision, that was legally recognized under all state laws and local ordinances in effect on November 17, 1986. A unit of land that is eligible for consolidation as provided in the Management Plan shall not be considered a parcel.
- (b) Any unit of land legally created and separately described by deed, or sales contract, or record of survey prior to November 17, 1986, if the unit of land complied with all planning, zoning, and land division ordinances or regulations applicable at the time of creation and up through November 16, 1986.
- (c) A unit of land legally created and separately described by deed or sales contract after November 17, 1986 if the unit was approved under the Final Interim Guidelines or a land use ordinance consistent with the Management Plan, or by the U.S. Forest Service Office prior to the Final Interim Guidelines.
- (d) A unit of land shall not be considered a separate parcel simply because it:
 - 1. Is a unit of land created solely to establish a separate tax account;
 - 2. Lies in different counties;
 - 3. Lies in different sections or government lots;
 - 4. Lies in different zoning designations; or
 - 5. Is dissected by a public or private road

As described, Lot 1 of Top Cliff Subdivision was legally created by subdivision and was legally recognized under all state laws and local ordinances in effect on November 17, 1986.

The subject property, described as Lot 1 of Top Cliff Subdivision is a legally created parcel.

The subject property is located in the GGR-5 zone and no additional single-family dwellings are being proposed. The adjacent lands are also zoned GGR-5, therefore the subject parcel is not required to comply with the buffer requirements of MCC 38.006 or the fire protection standards of MCC 38.7305. The applicant is proposing to alter the existing single-family dwelling and if approved, the parcel will continue to contain only one single-family dwelling. Additionally, as discussed below, the proposed alternation of the single-family dwelling will need to meet the requirements of MCC 38.7000 through 38.7085 as discussed in Section 7.0. *These criteria are met.*

(2) Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in (3) below.

Staff: The applicant is proposing to add approximately 737 square feet of accessory structures. The accessory structures include three decks and a concrete slab that will be adjacent and attached to the single-family dwelling. The decks will be located on the rear of the single-family dwelling located next to the master bedroom and on either side of a sitting area adjacent to the living room. The decks are approximately 297 square feet, 171 square feet, and 122

square feet. The concrete slab is approximately 147 square feet. As discussed below, the proposed accessory structures will need to meet the requirements of MCC 38.7000 through 38.7085 as discussed in Section 7.0. *This criterion is met.*

6.2 § 38.3060 DIMENSIONAL REQUIREMENTS

(A) Except as provided in MCC 38.3030 (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

(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.

Staff: This application does not propose the creation of a lot; therefore, requirements do not apply. *These criteria are not applicable.*

(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.

(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: As required in Table 2 of MCC 29.571, the County does list a rural standard for arterials; however, the lesser classification of collectors requires a 60-foot right of way width. After discussions with Transportation Division staff, it has been confirmed that rural arterials and rural collectors have the same right of way width standards. As shown on Multnomah County Department of Assessment, Records, and Taxation maps, the right-of-way for NE Corbett Hill Road is currently 60 feet wide, which is sufficient (Exhibit B.2). As required by MCC 38.2060(D), the Front Yard requirement shall remain at 30 feet.

The configuration of this property contains an area that is considered as a flagpole. As defined a “Flag lot,” means a parcel, which includes a private driveway as a part thereof. Not including the flagpole, as shown on the site plan, the distances from the single-family dwelling and the property line are as follows (Exhibit A.3):

Figure 1 – Yard requirements and distance from the single-family dwelling to property line

	Yard Requirement	Distance from building/structure to Property Line
Front	30'	115'
Rear (west property line)	30'	390
Side (north property line)	10'	20'
Side (south property line)	10'	10'

Based on measurements on the site plan, the existing single-family dwelling and proposed additions all have yard dimensions that exceed the minimum yard dimension requirements. *This criterion is met.*

(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 is not proposing any structures such as barns, silos, windmills, antennae, chimneys, or similar structures; therefore, this requirement is not applicable. *This criterion is met.*

6.3 § 38.3090 ACCESS

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: The proposed alternation of the single-family dwelling and accessory structures are located on lots that abuts NE Corbett Hill Road, which is a public street. *This criterion is met.*

7.0 National Scenic Area Site Review Approval Criteria:

7.1 § 38.7035 GMA SCENIC REVIEW CRITERIA

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

7.1.1 (A) All Review Uses and Conditional Uses:

(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 applicant is requesting to alter and expand an existing single-family dwelling. The original single-family dwelling was established in 1968 and modified again in 1975. Then at some point between 1998 and 2002 aerial photos would indicate that an addition was added to the south side of the existing single-family dwelling (Exhibit B.5 and B.6). There is no indication that this addition was reviewed by the County at that time. As part of this land use application, that addition will be reviewed as it was proposed today. The applicant also proposes new deck structures and an expansion of the attached garage. The decks are not buildings as defined in MCC 38.0015.

The site plan indicates that addition will be a part of the single-family dwelling and no alterations are being made to the topography. The expansion of the footprint of the existing single-family dwelling is limited to the area surrounding the single-family dwelling and only a minor expansion of the attached garage area. *This criterion is met.*

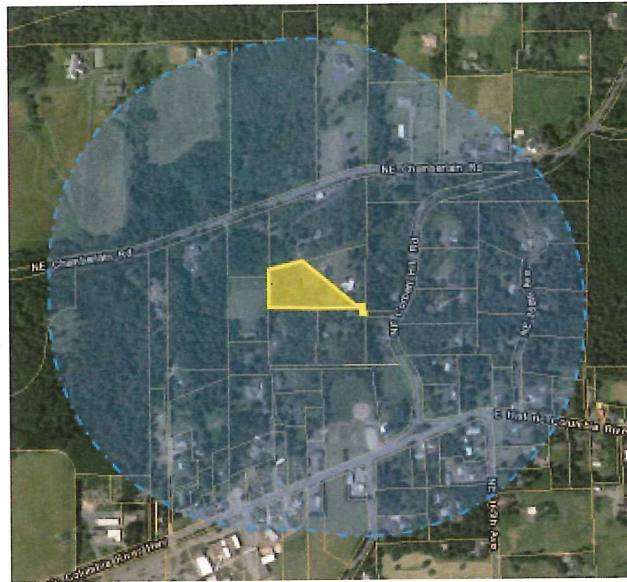
(2) New buildings shall be compatible with the general scale (height, dimensions and visible mass) of similar buildings that exist nearby (e.g. dwellings to dwellings). Expansion of existing development shall comply with this guideline to the maximum extent practicable. For purposes of applying this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

Staff: The applicant is requesting to alter and expand an existing single-family dwelling. The original single-family dwelling was established in 1968 and modified again in 1975. Then at some point between 1998 and 2002 aerial photos would indicate that an addition was added to the south side of the existing single-family dwelling (Exhibit B.5 and B.6). There is no indication that this addition was reviewed by the County at that time. As part of this land use application, that addition will be reviewed as it was proposed today. The applicant also proposes new deck structures and an expansion of the attached garage. For this standard, decks are considered as structures and are not considered as buildings.

To retroactively review the addition, the addition must be reviewed as it is being proposed today. As shown on the site plan, labeled as Exhibit A.3 and A.4, the unpermitted addition added an additional approximately 800 square feet to the single-family dwelling, as it existed during the last land use review in 1975. The applicant is also proposing to expand the attached garage to the south, which will add an additional approximately 148 square feet. In total, the single-family dwelling will be 2,858 square feet.

The expansion of the existing single-family dwelling is required to be compatible with the general scale (height, dimensions, and visible mass) of similar buildings that exist nearby to the maximum extent practicable. To conduct an analysis, single-family dwellings were identified within ¼ of a mile of the subject property in the Gorge General Residential zoning district. The full analysis is found in Exhibit B.8.

Figure 1 – ¼ Mile Radius from the Subject Property



In summary, within the buffer, there are approximately 90 tax lots. Out of the 90 tax lots in the ¼ mile radius, approximately 30 tax lots are zoned Gorge General Residential. A sample of 17 tax lots immediately adjacent to the property and a few other properties on the opposite side of NE Corbett Hill Road were used to compare the general scale of development in the area.

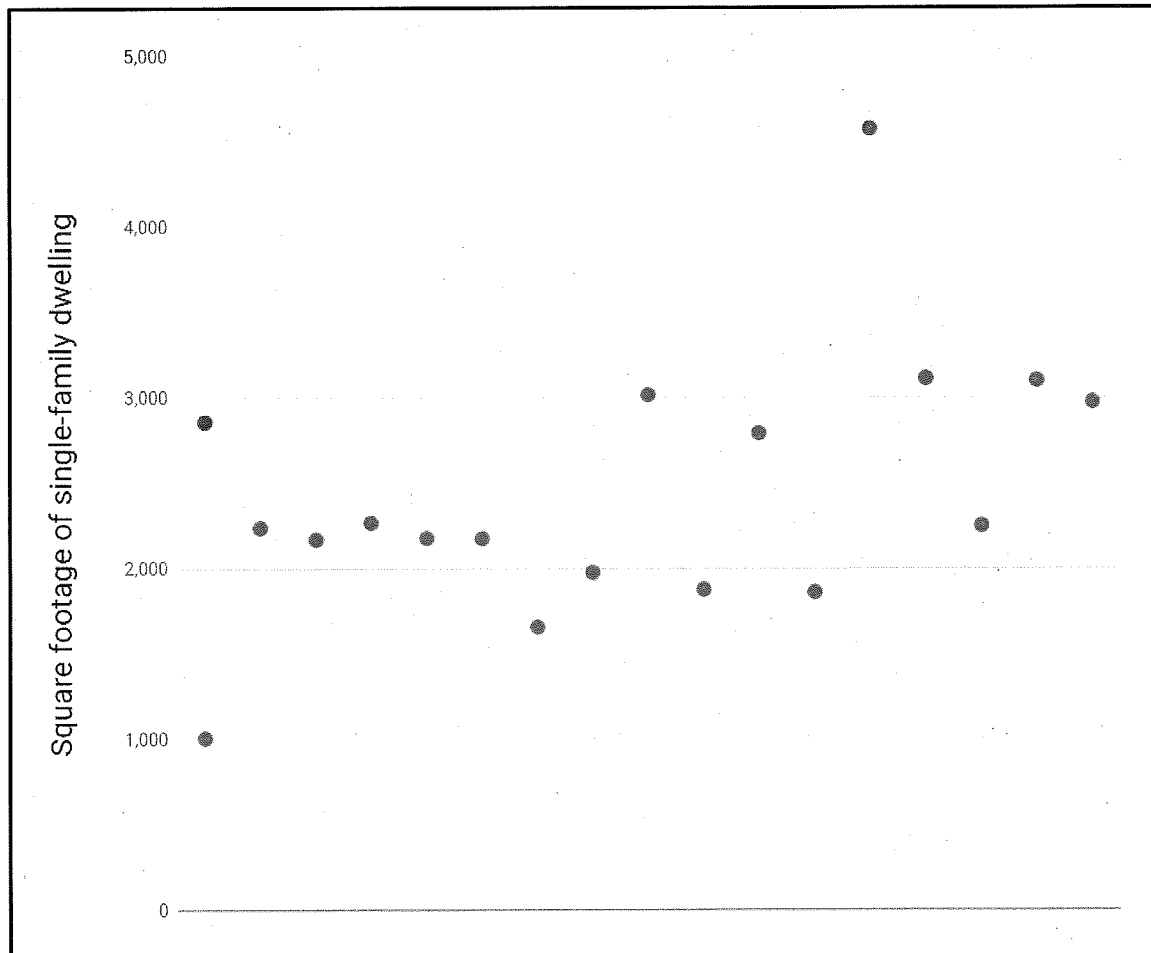
Figure 2 – Single-family dwellings within ¼ mile for comparison

Address	Number of Stories (living areas)	Total Dwelling Areas (sq. ft.)
1603 NE Corbett Hill Road	1	2,858
1525 NE Corbett Hill Road	1	1,008
1547 NE Corbett Hill Road	2	2,238
36027 E Historic Columbia River Highway	2	2,170
36021 E Historic Columbia River Highway	2	2,268
35900 NE Chamberlain Road	1	2,178
36100 NE Chamberlain Road	2	2,176
1605 NE Corbett Hill Road	2	1,658
1609 NE Corbett Hill Road	2	1,976
1800 NE Corbett Hill Road	2	3,016
1710 NE Corbett Hill Road	1	1,876
1682 NE Corbett Hill Road	3	2,792
36377 E Historic Columbia River Highway	2	1,860
36315 NE Chamberlain Road	1	4,574

35800 NE Chamberlain Road	2	3,113
1731 NE 366th Ave	2	2,250
1621 NE 366th Ave	2	3,101
1619 NE 366th Ave	2	2,974

The average visible mass of the comparison sample includes all stories above ground, attached garages, covered decks and a one-half of the area of daylight basements. The average square footage of the 17 single-family dwellings is 2,425 square feet in the area.

Figure 3 – Distribution of Square Footage of Single-Family Dwellings



The single-family dwellings have a range between 1,008-4,574 square feet. As shown in Figure 3, the single-family dwellings are mostly within 2,500 and 3,000 square feet in visible mass. The proposed expansion and addition for single-family dwelling, shown as the red dot, is generally within the range of single-family dwellings. Additionally, when removing the two outliers, the proposed project is within one standard deviation of the mean. *This criterion is met.*

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

Staff: The subject property takes access from NE Corbett Hill Road. That road is not a Scenic Travel Corridor. There are no changes to the vehicular access point to the Scenic Travel Corridor. *These criteria are met.*

(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 and any proposed vegetation. *As conditioned, this criterion is met.*

(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 applicant has provided a site plan containing the necessary information to determine the compatibility with the Rural Residential landscape setting (Exhibit A.3 and Exhibit A.4). The determination of compatibility is discussed in Section 7.1.3. *This criterion is met.*

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

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

Staff: The Key Viewing Areas that are pertinent to the proposed development are located from Bridal Veil State Park, Columbia River, Historic Columbia River Highway, Highway I-84, Larch Mountain Road, Sherrard Point on Larch Mountain, Sandy River, and Washington State Route 14. The proposed development is topographically visible from those KVAs, but is located in an area of significant vegetative screening. As shown in the most current aerial photo, the existing single-family dwelling and proposed addition is surrounded by trees to the east, south, and west (Exhibit B.7). There is a small area to the north between the single-family dwelling and the adjacent neighbor's dwelling that is very narrow. As proposed, there are no changes being proposed for that area of the single-family dwelling.

As discussed below, MCC 38.7035(B)(13) allows for additions to an existing building to be the same color, if the addition is smaller in total square area. The applicant is proposing an expansion of the existing single-family dwelling. As shown on the site plan, the unpermitted addition added approximately 800 square feet to the single-family dwelling, as it existed during the last land use review in 1975. The applicant is also proposing to expand the attached garage, which will add an additional approximately 148 square feet. In total, the single-family dwelling will be expanded by 1,273 square feet. As it existed during the last land use review in 1975, the dwelling was 1,485 square feet.

The building plan also shows three deck structures surrounding the single-family dwelling. The deck structures that are proposed will be made of wood that matches the current deck, ipe wood (Brazilian hardwood) railings, and a stainless steel cable rails. The applicant has not included samples of the materials proposed to be utilized to confirm the color. Therefore, to ensure that the development is visually subordinate to its setting, the rail and deck staining must be a dark earth tone color as shown in the top two rows (A and B) or C14, C15, C16 of the third row of

the from the *Columbia River Gorge Commission Scenic Resources Implementation Handbook* Color Chart.

If done, the existing single-family dwelling and new development will continue to be visually subordinate from KVAs. *As conditioned, this criterion is met.*

(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 subject property and proposed development are visible from the following Key Viewing Areas: Bridal Veil State Park, Columbia River, Historic Columbia River Highway, Highway I-84, Larch Mountain Road, Sherrard Point on Larch Mountain, Sandy River, and Washington State Route 14. The closest KVAs are Columbia River (0.52 miles), Historic Columbia River Highway (0.17 miles), Highway I-84 (0.48 miles), and Washington State Route 14 (2.4 miles) away.

At an elevation of approximately 610 feet, the subject property and the single-family dwelling are not directly viewable from the KVAs. The slopes and vegetative screening help screen the subject property from the east, south, and west. To the north, all KVAs are more than half a mile away from the property. Due to the distance and significant elevation rise from the Columbia River, Highway I-84, and Washington State Route 14, the potential visual impacts should be reduced. Additionally, no changes are being proposed to that portion of the dwelling as it was during the last land use review in 1975. All additions are be proposed for the west and south portions of the single-family dwelling. The modified decks will be required to be painted a dark earth tone color as shown in the top two rows (A and B) or C14, C15, C16 of the third row of the from the *Columbia River Gorge Commission Scenic Resources Implementation Handbook* Color Chart. These measures should ensure that the potential visual impact as seen from Key Viewing Area is minimized. *This criterion is met.*

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

Staff: The cumulative effect of the modification and addition to the single-family dwelling will be minor. The existing single-family dwelling was built in 1968 and last modified in 1975. The modification and addition to the west and south of the dwelling will be located in an area that is screened with vegetation and trees to the closest KVA, the Historic Columbia River Highway. To ensure that this screening is kept, a condition will be required that the property owners shall

be responsible for the proper maintenance and survival of the vegetation. Another condition will also require that the tree density to the east, south, and west be maintained and that if trees die or are removed that they be replaced. *As conditioned, this criterion is met.*

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

Staff: The applicant has provided information including proposed building(s)' height, shape, color, exterior building materials, exterior lighting, landscaping details, and photos in Exhibit A.12. The applicant has met the burden of proof required by this standard. *This criterion is met.*

MCC 38.7030(B)(5), (14), (B)(18), (B)(19), (B)(20), (B)(21), (B)(22), (B)(26), (B)(27), (B)(28).

Staff: The criteria and standards above are not applicable because the applicant and the proposal do not include:

- Mining and associated activities
- Rehabilitation of or modifications to an existing significant historic structure
- Landscaping or retention of existing vegetation for new developments on land designated GMA forest
- New mainlines for the transmission of electricity, gas, oil, other fuels, or communications
- New communications facilities
- Overpasses, safety and directional signs and other road and highway facilities
- Expansion of existing quarries and new production and/or new development of mineral resources
- Production and/or development of mineral resources

These criteria are not applicable.

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

Staff: The applicant is proposing new development to the west and south of the existing single-family dwelling. There are no buffers for the protection of wetlands, riparian corridors, sensitive plants, sensitive wildlife sites or buffers that conflict with the protection of cultural resources on the subject property. The new development will be located in an area that is screened with vegetation and trees to the closest KVA, the Historic Columbia River Highway. To the north, all KVAs are more than half a mile away from the property. Due to the distance

and significant elevation rise from the Columbia River, Highway I-84, and Washington State Route 14, the visibility will be minimized.

(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 applicant is proposing new development to the west and south of the existing single-family dwelling. The addition is attached to the existing single-family dwelling. As discussed previously, the new development will be located in an area that is screened with vegetation and trees to the closest KVA, the Historic Columbia River Highway. To the north, all KVAs are more than half a mile away from the property. Due to the distance and significant elevation rise from the Columbia River, Highway I-84, and Washington State Route 14, the visibility will be minimized thus achieving visual subordination. *This criterion is met.*

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

Staff: The applicant is not proposing to remove any trees as part of the proposed development. However, to ensure existing tree cover is maintained for screening, a condition will be required that the property owners shall be responsible for the proper maintenance and survival of the vegetation. Additionally, the property owner will be required to maintain the tree density to the east, south, and west. If trees die or are removed from those areas, they must be replaced immediately with similar tree species, species native to the setting, or species commonly found in the area. The replacement tree species shall be a minimum of 2-inch caliper size or greater and at least one-quarter of any trees planted for screening shall be coniferous for winter screening as required in MCC 38.7035(C). *As conditioned, this criterion is met.*

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

Staff: The applicant is not proposing any cut banks or fill slopes, in association with a proposed driveway or the alteration of the buildings on site. The applicant is not proposing to alter the driveway as part of this application. *This criterion is met.*

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

Staff: The applicant has provided information about the rear window of the proposed addition. The photos provided by the applicant appear to show that the windows are similar in design to the windows on the existing 1968 single-family dwelling. As a condition, the applicant will be required to provide information of the window type and if no information can be furnished, the

windows will need to be replaced with windows with a reflectivity rating of 11% or less for visible light. *As conditioned, this criterion is met.*

(11) Exterior lighting shall be directed downward and sited, hooded and shielded such that it is not highly visible from Key Viewing Areas. Shielding and hooding materials shall be composed of non-reflective, opaque materials.

Staff: The applicant has provided photos of the exterior lighting on the subject property. All of the exterior lighting is hooded and shielded; however, the light above the garage is not directed downward. Therefore a condition will be required that the light above the garage be directed downward. *As conditioned, this criterion is met.*

(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: As discussed below, MCC 38.7035(B)(13) allows for additions to an existing building to be the same color, if the addition is smaller in total square area. The applicant is proposing an expansion of the existing single-family dwelling. As shown on the site plan, the unpermitted addition added approximately 800 square feet to the single-family dwelling, as it existed during the last land use review in 1975. The applicant is also proposing to expand the attached garage, which will add an additional approximately 148 square feet. In total, the single-family dwelling will be expanded by 1,273 square feet. As it existed during the last land use review in 1975, the dwelling was 1,485 square feet.

The building plan also shows three deck structures surrounding the single-family dwelling. The deck structures that are proposed will be made of wood that matches the current deck, ipe wood (Brazilian hardwood) railings, and a stainless steel cable rails. The applicant has not included samples of the materials proposed to be utilized to confirm the color. Therefore, to ensure that the development is visually subordinate to its setting, the rail and deck staining must be a dark earth tone color as shown in the top two rows (A and B) or C14, C15, C16 of the third row of the from the *Columbia River Gorge Commission Scenic Resources Implementation Handbook Color Chart*.

If done, the existing single-family dwelling and new development will continue to be visually subordinate from KVAs. *As conditioned, this criterion is met.*

(13) Additions to existing buildings smaller in total square area than the existing building may be the same color as the existing building. Additions larger than the existing building shall be of dark earth-tone colors found at the specific site or in the surrounding landscape. The specific colors or list of acceptable colors shall be included as a condition of approval. The Scenic Resources Implementation Handbook will include a recommended palette of colors.

Staff: Additions to an existing building may be the same color, if the addition is smaller in total square area. As discussed previously, the single-family dwelling will be expanded by 1,273 square feet. As it existed during the last land use review in 1975, the dwelling was 1,485 square feet. Due to the addition being smaller than the existing single-family dwelling, the applicant

may use the same color as the existing building. However, if the applicant chooses to paint the addition or the entire dwelling a different color then it must be a dark earth tone color as shown in the top two rows (A and B) or C14, C15, C16 of the third row of the from the *Columbia River Gorge Commission Scenic Resources Implementation Handbook Color Chart*. *As conditioned, this criterion is met.*

(15) The silhouette of new buildings shall remain below the skyline of a bluff, cliff or ridge as seen from Key Viewing Areas. Variances may be granted if application of this standard would leave the owner without a reasonable economic use. The variance shall be the minimum necessary to allow the use, and may be applied only after all reasonable efforts to modify the design, building height, and site to comply with the standard have been made.

Staff: The applicant is proposing an addition to an existing building. The existing building is located on a bluff at an elevation of approximately 610 feet. Based on photos provided by the applicant, the property is surrounded on three sides by trees and other vegetation ensuring that the height of the single-family dwelling is less than the tree line (Exhibit A.12). Since the single-family dwelling is shorter than the tree line, it is also below the skyline of a bluff, cliff, or ridge as seen from Key Viewing Areas. *This criterion is met.*

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

- (a) The altered building, through use of color, landscaping and/or other mitigation measures, contrasts less with its setting than before the alteration; and**
- (b) There is no practicable alternative means of altering the building without increasing the protrusion.**

Staff: The original single-family dwelling was established in 1968 and modified again in 1975. The applicant is proposing an alteration to the building. However, the existing building does not protrude above the skyline of a bluff, cliff, or ridge as discussed in the previous criterion. Therefore, this criterion is not applicable. *This criterion is met.*

(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: The applicant is not proposing to remove any vegetation and no vegetation is required for new landscaping to screen development. However, to ensure existing tree cover is maintained for screening, a condition will be required that the property owners shall be responsible for the proper maintenance and survival of the vegetation. Additionally, the property owner will be required to maintain the tree density to the east, south, and west. If trees die or are removed from those areas, they must be replaced immediately with similar tree species, species native to the setting, or species commonly found in the area. The replacement tree species shall be a minimum of 2-inch caliper size or greater and at least one-quarter of any trees planted for screening shall be coniferous for winter screening as required in MCC 38.7035(C). *As conditioned, these criteria are met.*

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

Staff: The proposed development is located more than 0.5 miles from the Columbia River and more than 610 feet above sea level. Therefore, the development is more than the required 100 feet set back from the ordinary high water mark of the Columbia River. *This criterion is met.*

(24) New buildings shall not be permitted on lands visible from Key Viewing Areas with slopes in excess of 30 percent. A variance may be authorized if the property would be rendered unbuildable through the application of this standard. In determining the slope, the average percent slope of the proposed building site shall be utilized.

Staff: The proposed development is located in an area that generally has a slope of less than 25%. No development is proposed on slopes in excess of 30%. Therefore, this criterion is not applicable. *This criterion is met.*

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

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

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

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

- 1. Its purpose;**

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

Staff: The proposed development requires minimal grading as the addition is already placed upon the ground since part of the NSA Site Review is looking at an addition that was not reviewed by the County. Due to the fact that the building is already built on the property, no grading in excess of 100 cubic yards will occur. *This criterion is met.*

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

(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.

(c) Compatible recreation uses include should be limited to small community park facilities, but occasional low-intensity resource-based recreation uses (such as small scenic overlooks) may be allowed.

Staff: The applicant is requesting to alter and expand an existing single-family dwelling. The original single-family dwelling was established in 1968 and modified again in 1975. Then at some point between 1998 and 2002 aerial photos would indicate that an addition was added to the south side of the existing single-family dwelling (Exhibit B.5 and B.6). There is no indication that this addition was reviewed by the County at that time. As part of this land use application, that addition will be reviewed as it was proposed today. The applicant also proposes new deck structures and an expansion of the attached garage.

As shown on the site plan, the unpermitted addition added approximately 800 square feet to the footprint of the single-family dwelling, as it existed during the last land use review in 1975. The applicant is also proposing to expand the attached garage, which will add an additional approximately 148 square feet. In total, the single-family dwelling will be expanded by 1,273 square feet.

As part of this proposal, the applicant is not proposing to remove any vegetation and no vegetation is required for new landscaping to screen development. However, to ensure existing tree cover is maintained for screening, a condition will be required that the property owners shall be responsible for the proper maintenance and survival of the vegetation. Additionally, the property owner will be required to maintain the tree density to the east, south, and west. If trees die or are removed from those areas, they must be replaced immediately with similar tree species, species native to the setting, or species commonly found in the area. The replacement tree species shall be a minimum of 2-inch caliper size or greater and at least one-quarter of any trees planted for screening shall be coniferous for winter screening as required in MCC 38.7035(C). *As conditioned, these criteria are met.*

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

(1) For the purposes of implementing this section, the foreground of a Scenic Travel Corridor shall include those lands within one-quarter mile of the edge of pavement of the Historic Columbia River Highway and I-84.

Staff: The subject parcel is located within one-quarter mile from the edge of pavement of the Historic Columbia River Highway. At its closest, the parcel is located 0.14 miles from the edge of pavement of the Historic Columbia River Highway.

The land is located in the foreground of the Scenic Travel Corridor and therefore the standards of MCC 38.7035(D)(2) through (7) are applicable.

(2) All new buildings and alterations to existing buildings, except in a GGRC, shall be set back at least 100 feet from the edge of pavement of the Scenic Travel Corridor roadway. A variance to this setback requirement may be granted pursuant to MCC 38.0065. All new parking lots and expansions of existing parking lots shall be set back at least 100 feet from the edge of pavement of the Scenic Travel Corridor roadway, to the maximum extent practicable.

Staff: The closest portion of the subject parcel is located 0.14 miles from the edge of pavement of the Historic Columbia River Highway. As measured using the County's SAIL GIS Map, the single-family dwelling and proposed additions are more than 900 feet from the edge of pavement of the Scenic Travel Corridor. *This criterion is met.*

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

Staff: As discussed previously, the closest portion of the subject parcel is located 0.14 miles from the edge of pavement of the Historic Columbia River Highway. As measured using the County's SAIL GIS Map, the single-family dwelling and proposed additions are more than 900 feet from the edge of pavement of the Scenic Travel Corridor. *This criterion is met.*

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

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

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

Staff: The applicant is not proposing any vegetation management projects in the public right-of-way. Additionally no vegetation is proposed to be removed as part of the development. *This criterion is met.*

MCC 38.7035(B)(5), (D)(6), and (D)(7)

Staff: The applicant is not proposing to underground any signal wires or power lines, proposed new production and/or development of mineral resources, or expand any existing quarries. Therefore, these criteria do not apply. *This criterion is met.*

7.2 § 38.7045 GMA CULTURAL RESOURCE REVIEW CRITERIA

7.2.1 (A) Cultural Resource Reconnaissance Surveys

Each proposed use or element of a proposed use within an application shall be evaluated independently to determine whether a reconnaissance survey is required; for example, an application that proposes a land division and a new dwelling would require a reconnaissance survey if a survey would be required for the dwelling.

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

(a) The modification, expansion, replacement, or reconstruction of existing buildings and structures.

(b) Proposed uses that would not disturb the ground, including land divisions and lot-line adjustments; storage sheds that do not require a foundation; low-intensity recreation uses, such as fishing, hunting, and hiking; installation of surface chemical toilets; hand treatment of brush within established rights-of-way; and new uses of existing structures.

(c) Proposed uses that involve minor ground disturbance, as defined by depth and extent, including repair and maintenance of lawfully constructed and serviceable structures; home gardens; livestock grazing; cultivation that employs minimum tillage techniques, such as replanting pastures using a grassland drill; construction of fences; new utility poles that are installed using an auger, post-hole digger, or similar implement; and placement of mobile homes where septic systems and underground utilities are not involved.

The Gorge Commission will review all land use applications and determine if proposed uses would have a minor ground disturbance.

(d) Proposed uses that occur on sites that have been disturbed by human activities, provided the proposed uses do not exceed depth and extent of existing ground disturbance. To qualify for this exception, a project applicant must demonstrate that land disturbing activities occurred in the project area. Land disturbing activities include grading and cultivation.

Staff: A letter from Chris Donnermeyer, Heritage Resources Program Manager, Columbia River Gorge National Scenic Area has reviewed the proposed project and has determined that this project does not require a Cultural Resource Reconnaissance Survey. The determination found that the proposed development:

“Proposed use would involve the modification, expansion, replacement, or reconstruction of existing buildings and structures,”

and

“Would occur on a site that has been determined to be located within a low probability zone” (Exhibit D.1).

This criterion is met.

7.2.2 (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: As discussed above in Section 7.2.1, this project is exempted by MCC 38.7045(A)(1) because no cultural resources are known to exist in the project area. Additionally, no substantiated comment was received during the comment period provided in MCC 38.0530(B). The requirements of MCC 38.7045(L) and MCC 38.7045(M) will be implemented through a condition. *As conditioned, this criterion is met.*

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

Staff: A letter from Chris Donnermeyer, Heritage Resources Program Manager, Columbia River Gorge National Scenic Area has reviewed the proposed project and has determined that this project does not require a Historic Survey. The determination found that the proposed development:

“Would not alter the exterior architectural appearance of significant buildings and structures that are 50 years old or older,”

and

“Would not compromise features of the surrounding area that are important in defining the historic or architectural character of significant buildings or structures that are 50 years old or older.” (Exhibit B.1).

This criterion is met.

7.2.3 (L) Cultural Resources Discovered After Construction Begins

The following procedures shall be effected when cultural resources are discovered during construction activities. All survey and evaluation reports and mitigation plans shall be submitted to the Planning Director and SHPO. Indian tribal governments also shall receive a copy of all reports and plans if the cultural 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 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: To ensure that these criteria are met, a condition will be added that addresses the procedures that shall occur if cultural resources are discovered during construction activities. *As conditioned, this criterion is met.*

7.2.4 (M) Discovery of Human Remains

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

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

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

(2) **Notification** – Local law enforcement officials, the Planning Director, the Gorge Commission, and the Indian tribal governments shall be contacted immediately.

(3) **Inspection** – The State Medical Examiner shall inspect the remains at the project site and determine if they are prehistoric/historic or modern.

Representatives from the Indian tribal governments shall have an opportunity to monitor the inspection.

(4) Jurisdiction – If the remains are modern, the appropriate law enforcement officials will assume jurisdiction and the cultural resource protection process may conclude.

(5) Treatment – Prehistoric/historic remains of Native Americans shall generally be treated in accordance with the procedures set forth in Oregon Revised Statutes, Chapter 97.740 to 97.760.

(a) If the human remains will be reinterred or preserved in their original position, a mitigation plan shall be prepared in accordance with the consultation and report standards of MCC 38.7045 (I).

(b) The plan shall accommodate the cultural and religious concerns of Native Americans. The cultural resource protection process may conclude when the conditions set forth in the standards of MCC 38.7045 (J) are met and the mitigation plan is executed.

Staff: To ensure that these criteria are met, a condition will be added that addresses the procedures that shall occur if human remains are discovered during construction activities. *As conditioned, this criterion is met.*

7.3 § 38.7055 GMA WETLAND REVIEW CRITERIA

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

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

(2) The soils of the project site are not identified by the Soil Survey of Multnomah County, Oregon (U.S.D.A. Soil Conservation Service, 1983) as hydric soils;

(3) The project site is adjacent to the main stem of the Columbia River.

(4) The project site is not within a wetland buffer zone; and

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

Staff: The project site is not within an identified wetland on the National Wetlands Inventory, soils identified as hydric by the Soil Survey of Multnomah County, adjacent to the main stem of the Columbia River or within a wetland buffer zone. *This criterion is met.*

7.4 § 38.7060 GMA STREAM, LAKE AND RIPARIAN AREA REVIEW CRITERIA

7.4.1 (A) The following uses may be allowed in streams, ponds, lakes and riparian areas, and their buffer zones, when approved pursuant to the provisions of MCC 38.0045, MCC 38.7060 (C), and reviewed under the applicable provisions of MCC 38.7035 through 38.7085:

(1) The modification, expansion, replacement, or reconstruction of serviceable structures, provided that such actions would not:

(a) Increase the size of an existing structure by more than 100 percent,

(b) Result in a loss of water quality, natural drainage, and fish and wildlife habitat, or

(c) Intrude further into a stream, pond, lake, or buffer zone. New structures shall be considered intruding further into a stream, pond, lake, or buffer zone if any portion of the structure is located closer to the stream, pond, lake, or buffer zone than the existing structure.

Staff: The project site is not within streams, ponds, lakes, riparian areas, or within the buffer of those areas. *This criterion is met.*

7.5 § 38.7065 GMA WILDLIFE REVIEW CRITERIA

7.5.1 Wildlife Habitat Site Review shall be required for any project within 1,000 feet of sensitive wildlife areas and sensitive wildlife sites (i.e., sites used by sensitive wildlife species).

Staff: The project site is not within 1,000 feet of sensitive wildlife areas and sensitive wildlife sites. *This criterion is met.*

7.6 § 38.7070 GMA RARE PLANT REVIEW CRITERIA

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

Staff: The project site is not within 1,000 feet of endemic plants and sensitive plant species. *This criterion is met.*

7.7 § 38.7080 GMA RECREATION RESOURCE REVIEW CRITERIA

**7.7.1 The following uses are allowed, subject to compliance with MCC 38.7080 (E) and (F).
(B) Recreation Intensity Class 2**

- (1) All uses permitted in Recreation Intensity Class 1.**
- (2) Parking areas for a maximum of 25 cars, including campground units, to serve any allowed uses in Recreation Intensity Class 2.**
- (3) Simple interpretive signs and displays, not to exceed a total of 100 square feet.**
- (4) Entry name signs not to exceed 20 square feet per sign.**
- (5) Boat ramps, not to exceed two lanes.**
- (6) Campgrounds for 20 units or less, tent sites only.**

Staff: The applicant is not proposing any uses that are permitted in Recreation Intensity Class 1 or Class 2, therefore these criteria are not applicable. *These criteria are met.*

8.0 Conclusion

Based on the findings and other information provided above, the applicant has carried the burden necessary for approval of a National Scenic Area Site Review permit to establish an addition onto the existing dwelling and multiple accessory structures (decks) in the Gorge General Residential (GGR-5) zone. This approval is subject to the conditions of approval established in this report.

9.0 Exhibits

- 'A' Applicant's Exhibits
- 'B' Staff Exhibits
- 'C' Procedural Exhibits
- 'D' Comments Received

Exhibits with a "*" after the exhibit # have been included as part of the mailed decision. All other exhibits are available for review in Case File T2-2018-10420 at the Land Use Planning office.

Exhibit #	# of Pages	Description of Exhibit	Date Received / Submitted
A.1	1	NSA Application Form	05/10/2018
A.2	6	Narrative	05/10/2018
A.3*	1	Site Plan (17" x 24")	05/10/2018
A.4*	1	Floor Plan A1.1 (24" x 36")	05/10/2018
A.5	1	Hand Drawn Floor Plan	05/10/2018
A.6	2	Statutory Warranty Deed recorded as Instrument #2015-079104 on June, 30, 2015	05/10/2018
A.7	1	Top Cliff Subdivision Map	05/10/2018
A.8	5	Septic Review Certification	05/10/2018
A.9	2	Fire Service Agency Review	05/10/2018
A.10	2	Transportation Planning Review	05/10/2018
A.11	1	Google Map of 1603 NE Corbett Hill Road	05/10/2018
A.12	11	Photos of the single-family dwelling, addition, and existing decks	05/10/2018
A.13	5	Photos of the exterior lighting	06/07/2018

'B'	#	Staff Exhibits	Date
B.1	2	Department of Assessment, Records, and Taxation (DART): Property Information for 1 North, 4 East, Section 27DD, tax lot 200	05/10/2018
B.2	1	Department of Assessment, Records, and Taxation (DART): Map for 1 North, 4 East, Section 27DD, tax lot 200	05/10/2018
B.3	7	Pre-Filing Conference Summary Notes	05/10/2018
B.4	1	Top Cliff Subdivision Map (Reduced to 8.5" x 11")	10/29/2018
B.5	1	Aerial Photo from 1998	10/29/2018
B.6	1	Aerial Photo from 2002	10/29/2018

B.7	1	Aerial Photo from 2012	10/29/2018
B.8	2	Spreadsheet containing ¼ mile comparison of dwellings for visible mass	12/12/2018

'C'	#	Administration & Procedures	Date
C.1	2	Agency Review	05/16/2018
C.2	2	Agency Review with OR SHPO Submittal Form	05/16/2018
C.3	1	Corrected Agency Review	05/31/2018
C.4	2	Corrected Agency Review with OR SHPO Submittal Form	05/31/2018
C.5	3	Incomplete Letter	06/07/2018
C.6	1	Applicant's Acceptance of 180 Day Clock	06/07/2018
C.7	1	Complete Letter (Day 1)	06/03/2018
C.8	8	Opportunity to Comment & Mailing list	10/29/2018
C.9		Administrative Decision & Mailing list	

'D'	#	Comments Received	Date
D.1	2	Cultural Resource Survey Determination from Chris Donnermeyer, Heritage Program Resource Manager, Columbia River Gorge National Scenic Area	06/01/2018
D.2	1	E-mail from Christian Nauer, Archaeologist, Confederated Tribes of the Warm Springs Reservation of Oregon addressing potential concerns with the project.	06/05/2018
D.3	8	Letter from Steven D. McCoy, Staff Attorney, Friends of the Columbia River Gorge commenting on the application	11/13/2018