

# NOTICE OF NSA DECISION



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**Case File:** T2-2024-0046

**Applicant:** Ben Byers

**Proposal:** Request to remove five trees, construct two detached accessory buildings (storage building and covered deck), and place two rainwater cisterns on the subject property.

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**Location:** 710 NE 365<sup>th</sup> Ave., Corbett

**Property ID #** R322752

**Map, Tax lot:** 1N4E35BC -00300

**Alt. Acct. #** R944350700

**Base Zone:** Gorge General Residential (GGR-5)

**Overlays:** None

**Key Viewing Areas:** Historic Columbia River Highway

**Landscape Setting:** Rural Residential

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**Decision:** **Approved with Conditions**

**This decision is final at the close of the appeal period, unless appealed. The deadline for filing an appeal is Thursday, January 2, 2025 at 4:00 pm.**

**Opportunity to Review the Record:** The complete case file and all evidence associated with this application is available for review by contacting [LUP-comments@multco.us](mailto:LUP-comments@multco.us). Paper copies of all documents are available at the rate of \$0.46/page.

**Opportunity to Appeal:** The appeal form is available at [www.multco.us/landuse/application-materials-and-forms](http://www.multco.us/landuse/application-materials-and-forms). Email the completed appeal form to [LUP-submittals@multco.us](mailto:LUP-submittals@multco.us). An appeal requires a \$250.00 fee and must state the specific legal grounds on which it is based. This decision is not appealable to the Columbia River Gorge Commission until all local appeals are exhausted.

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Issued by:

A handwritten signature in black ink, appearing to read "Izza Liu".

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Izza Liu, Planner

For: Megan Gibb,  
Planning Director

Date: December 19, 2024

Instrument Number for Recording  
Purposes: #2021127291

## Vicinity Map



## Applicable Approval Criteria:

**Multnomah County Code (MCC):** General Provisions: MCC 38.0015 Definitions, MCC 38.0030 Existing Uses and Discontinued Uses, MCC 38.0110 Tribal Treaty Rights and Consultation

Administration and Procedures: MCC 38.0560 Code Compliance and Applications

Gorge General Residential Zone: MCC 38.3025 Review Uses, (A)(2) Accessory structures..., (A)(3) Accessory buildings..., MCC 38.3060 Dimensional Requirements

NSA Site Review: 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 are available by contacting our office at (503) 988-3043 or by visiting our website at <https://multco.us/landuse/zoning-codes/> under the link **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 parenthesis.

1. Permit Expiration – This land use permit shall expire as follows:
  - a. Within two (2) years of the date of the final decision when construction has not commenced. [MCC 38.0690(B)]
    - i. For the purposes of 1.a, commencement of construction shall mean actual construction of the foundation or frame of the approved structure.
    - ii. For purposes of 1.a.i, notification of commencement of construction shall be given to Multnomah County Land Use Planning Division a minimum of seven (7) days prior to the date of commencement. Notification shall be sent via email to LUP-

submittals@multco.us with the case no. T2-2024-0046 referenced in the subject line.  
[MCC 38.0660(A)]

- b. Within two (2) years of the date of commencement of construction when the structure has not been completed. [MCC 38.0690(B)]
  - i. For the purposes of 1.b, completion of the structure shall mean completion of the exterior surface(s) of the structure and compliance with all conditions of approval in the land use approval.
  - ii. For purposes of 1.b.i, the property owner shall provide building permit status in support of completion of exterior surfaces of the structure and demonstrate compliance with all conditions of approval. The written notification and documentation of compliance with the conditions shall be sent to LUP-submittals@multco.us with the case no. T2-2024-0046 referenced in the subject line.  
[MCC 38.0660(A)]

**Note:** Expiration of the permit is automatic. Failure to give notice of expiration shall not affect the expiration of this approval. The property owner may request one (1) 12-month extension to 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]

2. 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. [MCC 38.0660(B)]
3. Prior to submitting Building Plans for Zoning Review, the property owners or their representative shall:
  - a. Record pages 1 through 3 and Exhibit A.11 of this Notice of Decision with the County Recorder. The Notice of Decision shall run with the land. Proof of recording shall be made prior to the issuance of any permits and shall be filed with the Land Use Planning Division. Recording shall be at the applicant's expense. [MCC 38.0670]
  - b. The property owners shall acknowledge in writing that they have read and understand the conditions of approval and intend to comply with them. A Letter of Acknowledgement has been provided to assist you. The signed document shall be sent to Izze Liu at isabella.liu@multco.us. [MCC 38.0660(A) & (B)]
4. When submitting Building Plans for Zoning Review, the property owner(s) or their representative shall:
  - a. Identify the specific colors for the proposed buildings on the construction drawings and plans.
    - i. Label the color options for the exterior window trim, exterior doors, trim, siding, and roof. The proposed colors must be an earth tone and a dark earth tone is recommended. Examples of acceptable earth tones can be found in the *Scenic Resources Implementation Handbook*. [MCC 38.7035(B)]
  - b. Obtain approval for the necessary ground disturbance permit based on the scope of work: Erosion & Sediment Control (ESC) or Minimal Impact Project (MIP) permit.

**Note:** Land Use Planning must sign off on the building plans before you can go to the Building Department. When ready to submit Building Plans for Zoning Review, complete the following steps:

5. Read your land use decision, the conditions of approval and modify your plans, if necessary, to meet any condition that states, "Prior to submitting Building Plans for Zoning Review..." Be ready to demonstrate compliance with the conditions.

6. You will need to provide a copy of your Transportation Planning Review (TPR) sign-off with your building plans. If you have not yet received sign-off, visit the following webpage for instructions on how to request a review of your plans: <https://www.multco.us/planreview>. Failure to obtain TPR sign-off of your plans will result in delaying your zoning review.
7. Visit <https://www.multco.us/landuse/submitting-building-plan> for instructions regarding the submission of your building plans for zoning review and review of conditions of approval. Please ensure that any items required under, “When submitting Building Plans for Zoning Review...” are ready for review. Land Use Planning collects additional fees at the time of zoning review.

Once you have obtained an approved zoning review, application for building permits may be made with the City of Gresham.

## 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 requests a National Scenic Area Site Review to construct an 800-square-foot detached accessory building for storage, a 240-square-foot covered deck, two 420-gallon above ground rainwater cisterns, and to remove five trees.

### 2.0 Property Description & History:

**Staff:** The subject property is zoned Gorge General Residential (GGR-5) and located within the Key Viewing Area of the Historic Columbia River Highway. According to the County Assessor’s data, the subject property is developed with a single-family dwelling which was approved under permit no. 772687 on December 13, 1977. The dwelling was altered twice under land use case nos. T2-2012-2184 and T2-2014-334. The subsequent building permits were issued under BP-2014-3346 and BP-2012-2242.

### 3.0 Public Comment:

**Staff:** Staff mailed a notice of application and invitation to comment on the proposed application to the required parties pursuant to MCC 38.0530 (Exhibits C.1 & C.6). Staff did receive comments during the 21-day comment period and did receive comments regarding Cultural Resources during the 30-day comment period.

- 3.1 U.S. Forest Service (Exhibit D.1) Chris Donnermeyer, MA, RPA, Heritage Program Manager, submitted the following comment on March 18, 2024:

*I have reviewed the proposed undertaking and area of potential effect as stated on the development review application, against the National Scenic Area records and inventories. These inventories include the cultural resource site inventory maintained by the State Historic Preservation Office. Based upon the information provided in these inventories and the requirements of the Gorge Commission’s Land Use Ordinances, it is recommended that:*

*A Cultural Resource Reconnaissance Survey is: Not Required*

*A Historic Survey is: Not Required*

- 3.2 State Historic Preservation Office (Exhibit D.2) Stacy Scott, Special Projects Archaeologist, submitted a comment on March 29, 2024.

**Staff:** The State Historic Preservation Office (SHPO) confirmed that there were no identified archaeological objects or sites, and no Native American cairn, burial, human remains, sacred objects and objects of cultural

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patrimony in or adjacent to the project area. SHPO further confirmed that they have no concerns with the project proceeding as planned. Staff includes Conditions of Approval related to the discovery of objects and human remains during construction.

**3.3** Friends of the Columbia Gorge (Exhibit D.3) submitted a comment on August 30, 2024.

**Staff:** The Friends provided written comments to ensure that they will obtain a full written decision when issued. No specific concerns were addressed.

## **4.0 Code Compliance and Applications Criteria:**

### **4.1 MCC 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 or zoning review approval of development or any other approvals authorized by this code for any property that is not in full compliance with all applicable provisions of the Multnomah County 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:**

\* \* \*

**(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:** This standard provides that the County shall not make a land use decision approving development for a property that is not in full compliance with County Code or previously issued County approvals, except in the following instances: approval will result in the property coming into full compliance, approval is necessary to protect public safety, or the approval is for work related to or within a valid easement.

This standard codified in the Columbia River Gorge National Scenic Area Code chapter related to land use application procedures and, by its terms, expressly applies to the application review process. Importantly, a finding of satisfaction of this standard does not mean that a property is in full compliance with the Zoning Code and all prior permit approvals (and, accordingly, does not preclude future enforcement actions relating to uses and structures existing at the time the finding is made). Instead, a finding of satisfaction of this standard simply means that there is not substantial evidence in the record affirmatively establishing one or more specific instances of noncompliance.

For purposes of the current application, there are no known open compliance cases associated with the subject property, and there is no evidence in the record of any specific instances of noncompliance on the subject property. *This criterion is met.*

## **5.0 Parcel Criteria:**

### **5.1 MCC 38.0015 Definitions Parcel**

**Parcel:**

**(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.

\* \* \*

**Staff:** The subject property was recognized as a legally created parcel in land use case no. T2-2014-3346. *These criteria are met.*

## 6.0 Gorge General Residential Criteria:

### 6.1 MCC 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:

\* \* \*

(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 establish two above-ground 420-gallon rainwater cisterns and fencing (Exhibits A.10, A.11 & A.12).

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

(a) The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

(b) The height of any individual accessory building shall not exceed 24 feet.

**Staff:** The applicant is proposing to construct a detached 240-square-foot covered deck with a maximum height of 12 feet and 3 inches and a detached 800-square-foot detached accessory building for storage with a maximum height of 16 feet (Exhibit A.10). There are no existing accessory buildings on the subject property. *These criteria are met.*

### 6.2 MCC 38.3060 Dimensional Requirements

(C) Minimum Yard Dimensions – Feet

Front	Side	Street Side	Rear
30	10	30	30

Maximum Structure Height – 35 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.

(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 proposed storage building will be located 14 feet from the northern property boundary (side), 153 feet from the western property boundary (front), 158 feet from the southern property boundary (side), and more than 30 feet from the eastern property boundary (rear). The proposed storage building is 16 feet in height (Exhibits A.10 & A.11).

The proposed covered deck will be located 50 feet from the northern property boundary, 148 feet from the western property boundary, 143 feet from the southern property boundary, and more than 30 feet from the eastern property boundary. The proposed covered deck is 12 feet and three inches in height (Exhibits A.10 & A.11).

The rainwater cisterns will be located on the east side of the storage building and meets all of the required setbacks (Exhibit A.10). The cisterns are approximately 5 feet in height. *These criteria are met.*

## **7.0 National Scenic Area (NSA) Site Review Criteria:**

### **7.1 MCC 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:**

#### **(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 location of the proposed storage building requires ground disturbance for the removal of five trees. The five trees were identified as a hazard due to base rot and the proximity to the dwelling (Exhibit A.10). No other trees will be removed for the proposed development and slopes do not exceed 10% within the development area (Exhibit A.11). In addition, the existing driveway does not need to be modified to serve the proposed accessory buildings which minimizes ground disturbance (Exhibit A9). *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. New buildings that are 1,500 square feet or less are exempt from this requirement. Findings addressing this requirement shall include but are not limited to:**

\* \* \*

**Staff:** The proposed storage building is 800 square feet and the covered deck is 240 square feet. *This criterion is not applicable.*

**(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 does not take access from a Scenic Travel Corridor. *This criterion does not apply.*

**(4) Property owners shall be responsible for the proper maintenance and survival of any required vegetation.**

**Staff:** The proposed building envelope is not visible from the highway due to the distance and changes in topography between the highway and the subject property (Exhibit A.10). Based on staff's assessment of the subject property and the proposed development, additional vegetation will not be required to be planted on the subject property to demonstrate compliance with the scenic resource criteria. The proposed development will not be visible from the Historic Columbia River Highway which is the only Key Viewing

Area identified for the subject property. Staff addresses the scenic view standards further below. *This criterion is not applicable.*

**(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 subject property is within the Rural Residential landscape setting. The compatibility of the proposed detached accessory structures in this landscape setting are discussed below.

**(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.**

**(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...**

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

**Staff:** Based on staff's review of the County's GIS data, the identified KVA is approximately a quarter mile north of the subject property. The subject property is identified as being topographically visible from the Historic Columbia River Highway. The applicant has demonstrated that the building envelope for the proposed development is not visible from the highway due to the distance and changing topography between the highway and the subject property. The applicant provided street view photographs from the Historic Columbia River Highway facing the subject property as well as photographs from the subject property facing the highway (Exhibit A.10). In addition, the applicant provided elevation drawings to demonstrate that the subject property is situated in an area that is lower in elevation than the Historic Columbia River Highway (Exhibit A.10). The eastern half of the subject property has a moderate coverage of vegetation which provides additional screening of the property from the east. *These criteria are 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:** As demonstrated in the finding above, the proposed development will not be visible from the Historic Columbia River Highway. To further ensure the development blends in with the surrounding landscape, the applicant is proposing to finish the exterior of the proposed buildings with earth tones (Exhibit A.10). A Condition of Approval has been included requiring the applicant to label the proposed exterior colors for the accessory buildings on the construction plans. *As conditioned, this criterion is met.*

**(5) For proposed mining and associated activities on lands visible from Key Viewing Areas, in addition to submittal of plans and information pursuant to MCC 38.7035 (A) (6) and subsection (4) above, project applicants shall submit perspective drawings of the proposed mining areas as seen from applicable Key Viewing Areas.**

**Staff:** The applicant is not proposing mining or any associated activities on the subject properties. *This criterion does not apply.*

**(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.**



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

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

**Staff:** The Historic Columbia River Highway is located approximately a quarter-mile to the north of the subject property. The proposed building envelope is not visible from the highway due to the distance and changes in topography as shown in the photographs submitted by the applicant (Exhibit A.10). In addition, the subject property has a moderate coverage of trees along the northern property boundary and on the eastern half of the property. The applicant is proposing to remove five trees within the footprint of the proposed storage building which has been described as a hazard due to base rot and the proximity to the existing dwelling. No other trees are proposed to be removed for the development. *These criteria are 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 modifications to the existing driveway. *This criterion is met.*

**(10) The exterior of buildings on lands seen from Key Viewing Areas shall be composed of non-reflective materials or materials with low reflectivity, unless the structure would be fully screened from all Key Viewing Areas by existing topographic features. 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:** As mentioned in previous findings, the building envelope is not visible from the Historic Columbia River Highway but the applicant is proposing to finish the exterior of the building using matte earth tone colors (Exhibit A.10). *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 is not proposing any exterior lighting (Exhibit A.10). *This criterion is not applicable.*

**(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:** The applicant provided color samples for the proposed storage building and covered deck that closely matches the colors identified as C1, D5, and E1 in the *Scenic Resources Implementation Handbook* (Exhibit A.10). The proposed rainwater cisterns closely match the color identified as C5 in the handbook which is a dark earth tone (Exhibit A.12). As a Condition of Approval, the applicant will be required to label the proposed colors for the roof, siding, window trim, and doors on the construction plans. *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:** The applicant is not proposing an addition to an existing building. *This criterion is not applicable.*

**(14) Rehabilitation of or modifications to existing significant historic structures shall be exempted from visual sub-ordinance requirements for lands seen from Key Viewing Areas. To be eligible for such exemption, the structure must be included in, or eligible for inclusion in, the National Register of Historic Places or be in the process of applying for a determination of significance pursuant to such regulations. Rehabilitation of or modifications to such historic structures shall be consistent with National Park Service regulations for historic structures.**

**Staff:** The applicant is not proposing to modify an existing significant historic structure. The State Historic Preservation Office does not have any concerns with the proposed development (Exhibit D.2). *This criterion does not apply.*

**(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.**

**(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: ...**

**Staff:** The Historic Columbia River Highway is located at a higher elevation than the subject property (Exhibit A.10). The subject property is approximately 100 feet below the highway and located over a quarter-mile from the highway. The proposed storage building is 16 feet in height and the covered deck is 12 feet and three inches in height (Exhibits A.10 & A.11). *These criteria are 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:** Additional landscaping is not required to screen the proposed development from the KVA. *These criteria are not applicable.*

**(18) Conditions regarding new landscaping or retention of existing vegetation for new developments on land designated GMA Forest shall meet both scenic guidelines and the fuel break requirements of MCC 38.7305(A).**

**Staff:** The subject property is zoned Gorge General Residential (GGR). The existing vegetation does not need to comply with the fuel break requirements. *This criterion is not applicable.*

**(19) New main lines on lands visible from Key Viewing Areas for the transmission of electricity, gas, oil, other fuels, or communications, except for connections to individual users or small clusters of individual users, shall be built in existing transmission corridors unless it can be demonstrated that use of existing corridors is not practicable. Such new lines shall be underground as a first preference unless it can be demonstrated to be impracticable.**

**(20) New communication facilities (antennae, dishes, etc.) on lands visible from Key Viewing Areas, which require an open and unobstructed site shall be built upon existing facilities unless it can be demonstrated that use of existing facilities is not practicable.**

**(21) New communications facilities may protrude above a skyline visible from a Key Viewing Area only upon demonstration that: ...**

**(22) Overpasses, safety and directional signs and other road and highway facilities may protrude above a skyline visible from a Key Viewing Area only upon a demonstration that: ...**

**Staff:** The applicant is proposing a storage building, covered porch and rainwater cisterns. *These criteria are not applicable.*

**(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 not water dependent and is located more than a mile from 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 slopes within the development area range from 0% to 10%. *This criterion is not applicable.*

**(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:...**

**Staff:** The development area is relatively flat as slopes range from 0% to 10%. As mentioned in earlier findings, the overall development will be sited in a location that minimizes grading activities to the maximum extent possible. Obtaining an Erosion and Sediment Control permit is a condition of approval. *This criterion is not applicable.*

**(26) Expansion of existing quarries and new production and/or development of mineral resources proposed on sites more than 3 miles from the nearest Key Viewing Areas from which it is visible may be allowed upon a demonstration that:...**

**(27) Unless addressed by subsection (26) above, new production and/or development of mineral resources may be allowed upon a demonstration that:...**

**Staff:** The applicant is not proposing these uses. *These criteria are not applicable.*

**(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 practice**

**(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:** The applicant is proposing to remove five trees that are not necessary for screening the development because the subject property is not visible from the KVA. These five trees are located within the proposed footprint of the storage building and were identified as a hazard due to base rot and proximity to the existing dwelling. *These criteria are met.*

**(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 not proposing a recreational use. *This criterion is not applicable.*

**7.2 MCC 38.7045 GMA Cultural Resource Review Criteria**

**(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:**

**Staff:** Chris Donnermeyer, Columbia River Gorge Scenic Area Heritage Resources Program Manager, submitted a Cultural Resource Survey Determination stating that “A Cultural Resource Reconnaissance Survey is: Not required” as the proposed use or element of the propose use, “would occur on a site that has been determined to be located within a low probability zone”, “is not within 100 feet of a high probability zone”, and “Does not occur within 500 feet of a known archaeological site” (Exhibit D.1). *These criteria are 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:** Chris Donnermeyer, Columbia River Gorge Scenic Area Heritage Resources Program Manager, submitted a Cultural Resource Survey Determination. The letter stated that a historic survey is not required because the proposal “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 D.1). Therefore, a historic survey is not required. *These criteria are not applicable.*

**(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 stated above, according to the USFS determination (Exhibit D.1) a cultural resource review is not required. *This criterion is met.*

**(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.

\* \* \*

**(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.

\* \* \*

**Staff:** Conditions of approval require the property owner(s) to comply with the procedures outlined in (L) and (M) above. *As conditioned, these criteria are met.*

### **7.3 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);**
- (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:** According to County’s GIS data, there are no wetlands or hydric soils on the subject property. The subject property is also not located adjacent to the main stem of the Columbia River. The project site is not located in a wetland buffer zone as this and no wetlands were identified during this NSA Site Review by planning staff. *These criteria are met.*

### **7.4 MCC 38.7060 GMA Stream, Lake and Riparian Review Criteria**

**(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:**

\* \* \*

**Staff:** According to County’s GIS data, the subject property does not contain streams, ponds, lakes, and riparian areas. *These criteria are not applicable.*

**7.5 MCC 38.7065 GMA Wildlife Review Criteria**

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

\* \* \*

**Staff:** According to County’s GIS data, there does not appear to be any sensitive wildlife areas and sensitive wildlife sites within 1,000 feet of the subject property. *These criteria are not applicable.*

**7.6 MCC 38.7070 GMA Rare Plant Review Criteria**

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

\* \* \*

**Staff:** According to County’s GIS data, there does not appear to be any endemic plants and sensitive plant species within 1,000 feet of the subject property. *These criteria are not applicable.*

**7.7 MCC 38.7080 GMA Recreation Resource Review Criteria**

**The following uses are allowed, subject to compliance with MCC 38.7080 (E) and (F).**

**(A) Recreation Intensity Class 1**

\* \* \*

**Staff:** The subject property is located within the Recreation Intensity Class 1; however, the applicant is not proposing any recreation-based uses. *These criteria are not applicable.*

**8.0 Conclusion**

Based on the findings and other information provided above, the applicant has carried the burden necessary for the National Scenic Area Site Review to establish a storage building, covered deck and two rainwater cisterns in the GGR 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

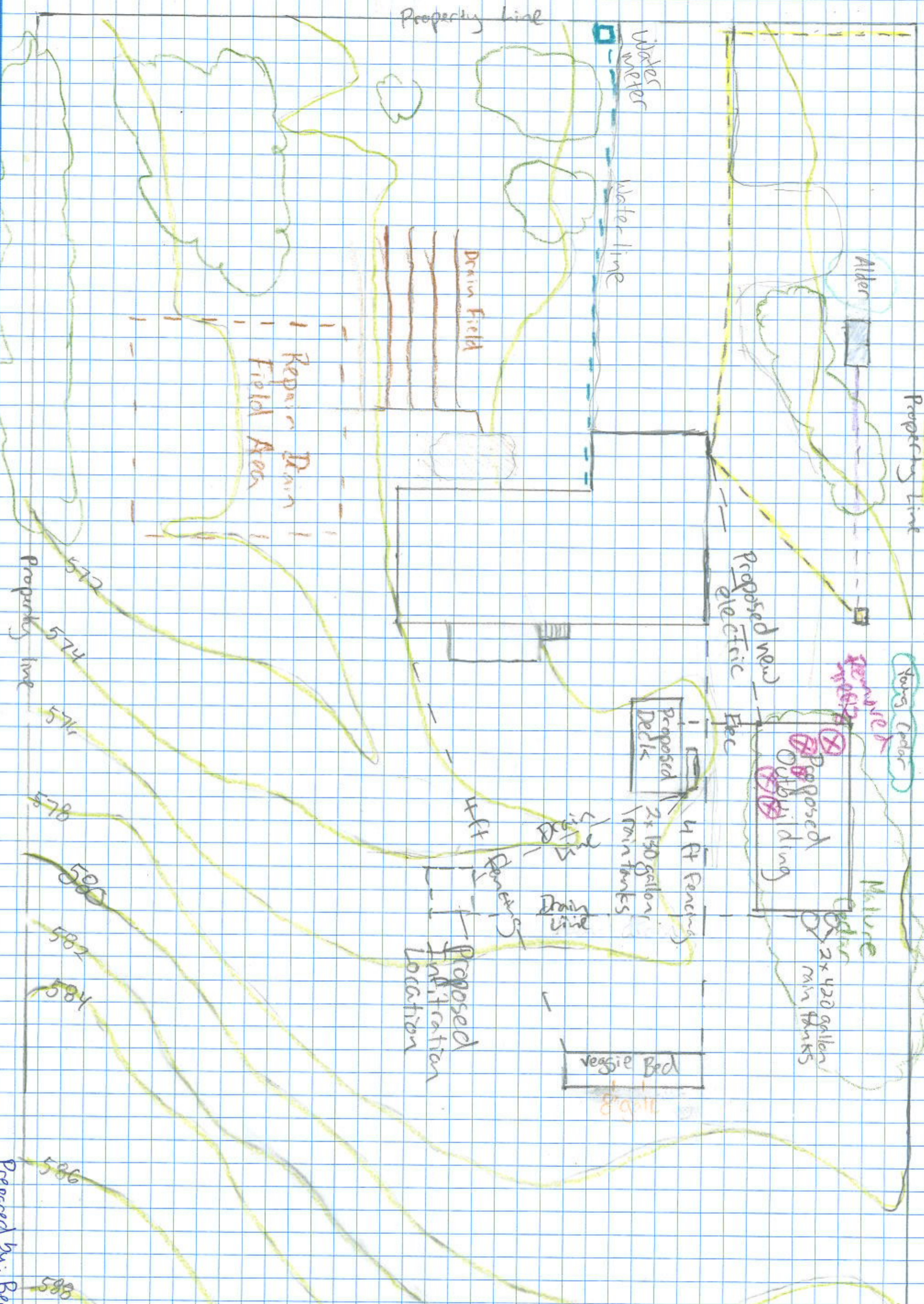
Exhibits with an ‘\*’ have been reduced in size and included with the mailed decision. All exhibits are available for digital review by sending a request to [LUP-comments@multco.us](mailto:LUP-comments@multco.us).

Exhibit #	# of Pages	Description of Exhibit	Date Received / Submitted
A.1	1	Application	11.28.2023
A.2	9	Narrative	11.28.2023
A.3	1	Site Plan	11.28.2023
A.4	1	Floor Plan	11.28.2023

A.5	21	Evaluation of Stream	11.28.2023
A.6	19	Stormwater Drainage Control Certificate	11.28.2023
A.7	8	Septic Review Certification	11.28.2023
A.8	2	Fire Service Agency Review	11.28.2023
A.9	23	Transportation Planning Review	11.28.2023
A.10	12	Narrative	02.01.2023
A.11*	1	Site Plan	02.01.2023
A.12	8	Rainwater Collection System Details	02.27.2023
<b>'B'</b>	<b>#</b>	<b>Staff Exhibits</b>	<b>Date</b>
B.1	2	Assessment and Taxation Property Information for 1N4E35BC -00300 (Alt Acct# R944350700/ Property ID#R322752 )	11.28.2023
B.2	1	Current Tax Map for 1N4E35BC -00300	11.28.2023
B.3	1	Google Earth Aerial	11.28.2023
B.4	11	Pre-Filing Meeting Notes (PF-2022-16025)	11.28.2023
<b>'C'</b>	<b>#</b>	<b>Administration &amp; Procedures</b>	<b>Date</b>
C.1	1	Agency Review	02.29.2024
C.2	6	Incomplete Letter	12.20.2023
C.3	1	Applicant Incomplete Response	12.26.2023
C.4	3	2 <sup>nd</sup> Incomplete Letter	02.26.2024
C.5	1	Complete Letter	04.23.2024
C.6	4	Opportunity to Comment	08.19.2024
C.7	15	Decision	12.19.2024
<b>'D'</b>	<b>#</b>	<b>Comments</b>	<b>Date</b>
D.1	2	U.S. Forest Service Comments	03.18.2024
D.2	2	State Historic Preservation Office Comments	03.29.2024
D.3	8	Friends of the Gorge Comments	08.30.2024

51  
Each line represents 2' of elevation

Property line



Legend  
N ↑

- Proposed Tank
- Generator
- Proposed Septic Tank
- Proposed 2 lines
- Proposed Nature Cedar
- Existing Underground Electrical
- Proposed Underground Pipe

Prepared by: Ben Byers 8/15/2023