NOTICE OF NSA DECISION



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Case File:	T2-2024-0054Applicant:Ben Green								
Proposal:	-	Request for a National Scenic Area (NSA) Site Review to construct a new detached accessory building ("workshop")							
Location:	on:40650 E Historic Columbia River Hwy., CorbettProperty ID # R287235Map, Tax lot: 1N5E30CB -00600Alt. Acct. # R832304400								
Base Zone:	Gorge S	Special Forestry (GSF-40)							
Overlays :	Geologic Hazard (GH)								
Key Viewinş	g Areas:	Bridal Veil State Park, Columbia River, Crown Point, Historic Columbia River Highway (including the Historic Columbia River Highway State Trail), Highway I - 84 (including rest stops), Larch Mountain Road, Larch Mountain (including Sherrard Point), Portland Women's Forum State Park, Rooster Rock State Park, Washington State Route – 14, Sandy River							
Landscape S	Setting:	Coniferous Woodlands							

Decision: Approved with Conditions

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

Issued by:

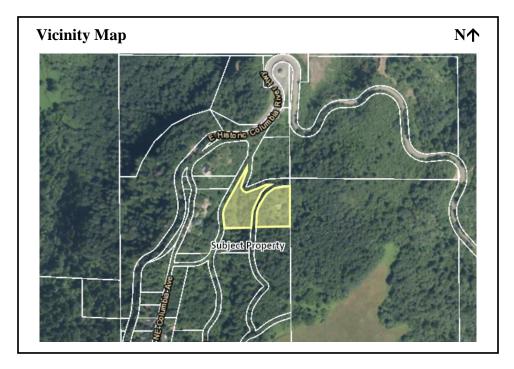
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Izze Liu, Planner

- For: Megan Gibb, Planning Director
- **Date:** April 18, 2025

Instrument Number for Recording Purposes: # 2019-035126 **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. 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-materialsand-forms. Email the completed appeal form to 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.



Applicable Approval Criteria:

Multnomah County Code (MCC): <u>General Provisions</u>: 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

<u>GSF Zone</u>: MCC 38.2025 Review Uses, (B)(8) Accessory Buildings, MCC 38.2060 Dimensional Requirements

Geologic Hazards: MCC 38.5510 Exemptions

<u>NSA Site Review</u>: MCC 38.7040 SMA Scenic Review Criteria, MCC 38.7050 SMA Cultural Resource Review Criteria, MCC 38.7075 SMA Natural Resource Review Criteria, MCC 38.7085 SMA 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 <u>https://multco.us/landuse/zoning-codes/</u> 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 <u>two (2) years</u> 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 <u>LUP-submittals@multco.us</u> with the case no. T2-2024-0054 referenced in the subject line. [MCC 38.0660(A)]
 - b. Within <u>two (2) years</u> 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 <u>LUP-submittals@multco.us</u> with the case no. T2-2024-0054 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 5 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. 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 submitted and uploaded when submitting Building Plans for Zoning Review and Review of Conditions of Approval. [MCC 38.0660(A) & (B)]
- 4. When submitting Building Plans for Zoning Review, the property owner(s) or their representative shall:
 - a. Provide the recorded Notice of Decision and Letter of Acknowledgement as required in Condition 3.a and 3.b.

- b. Demonstrate compliance with the County's Ground Disturbing Activity and Stormwater regulations of MCC 39.6200 through 39.6235. [MCC 38.0560 and MCC 39.6210]
- c. Submit final building plans and elevation plans for the accessory building. The exterior of the structure shall be composed of non-reflective materials as described in Exhibit A.2 and shown in Exhibit A.4. The siding and trim shall be textured board and batten cedar, the windows shall utilize glass that has less than 11% exterior visible light reflectivity rating, and the roof shall be asphalt shingle as outlined in the Columbia River Gorge Commission Scenic Resources Implementation Handbook. [MCC 38.7040(A)(5)(b) and (11)]
- d. Submit final paint samples for the accessory building as described in Exhibit A.2 and shown in Exhibit A.4. The paint samples shall match the dark earth tone colors in Row A, B, or C of the Columbia River Gorge Commission Scenic Resources Implementation Handbook. [MCC 38.7040(A)(5)(b) and (10)]
- 5. The property owner(s) or their representative shall put into action the following procedures, 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. Additionally, all survey and evaluation reports and mitigation plans shall be submitted to the Planning Director and the 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:
 - 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 Oregon State Historic Preservation Office (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).
 - 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 38.7050(H)]
- 6. The property owner(s) or their representative shall put into action the following procedures, 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.
- f. 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).
- g. 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 38.7050(H)]

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

a. The property owner shall maintain the existing vegetation that will screen the proposed development from the KVAs as shown on Exhibit B.3. For vegetation that is removed due to public safety (i.e. endangers the life, health, personal property, or safety of the residents or public), death, or disease; the vegetation shall be replaced in the next growing season on a one-to-one basis with a similar native species as recommended in the *Columbia River Gorge Commission Scenic Resources Implementation Handbook – Recommended Plants for Screening*. [MCC 38.7040(A)(1), (A)(3), and (B)(2)]

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:

- 8. 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.
- 9. 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: <u>https://www.multco.us/planreview</u>. Failure to obtain TPR sign-off of your plans will result in delaying your zoning review.
- 10. Contact the City of Portland, Bureau of Development Services, On-site Sanitation at 503-823-6892 or e-mail <u>septic@portlandoregon.gov</u> for information on completing the Septic Permit or Evaluation process for the proposed development. All existing and/or proposed septic system components (including septic tank and drainfield) must be accurately shown on the site plan.
- 11. Visit <u>https://www.multco.us/landuse/submitting-building-plan</u> 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.

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.

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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 a 912-square-foot detached accessory building (workshop).

2.0 **Property Description & History:**

Staff: The subject property is zoned Gorge Special Forestry (GSF) and is topographically visible from the following key viewing areas: Bridal Veil, Columbia River, Crown Point, Historic Columbia River Highway, Interstate 84 (I-84), Larch Mountain Road, Larch Sherrard, Portland Women's Forum, Rooster Rock, State Route 14 (SR-14), and the Sandy River. According to the Assessor's data, the subject property is developed with a single-family dwelling that was built in 1932.

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.3). 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>State Historic Preservation Office (Exhibit D.1)</u>

The State Historic Preservation Office (SHPO) provided confirmation that there are no identified archaeological objects or sites and no Native American cairn, burial, human remains, sacred objects and objects of patrimony in or adjacent to the project area but a Cultural Resources Survey was recommended as there is no prior record of a survey. If archaeological artifacts are found during construction, all activity in the area should cease and the applicant should contact SHPO. In addition, SHPO recommends having an Inadvertent Discovery Plan (IDP) in place during construction. A template is available on the Oregon Legislative Commission for Indian Services website.

3.2 Friends of the Columbia River Gorge (Exhibit D.2)

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

3.3 U.S. Forest Service (Exhibit D.3)

Chris Donnermeyer, MA, RPA, Heritage Program Manager, submitted the following comment:

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

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:

(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.

Staff: The subject tax lot consists of Block 3, Lots 19-21, and Block 5, Lots 5 and 6 of the Thors Heights Subdivision. These lots are in the same configuration as shown on the original subdivision plat; therefore, these lots remain separate legal parcels. According to the submitted site plan, the entirety of the proposed development will be located on Lot 5 (Exhibit A.4).

6.0 Gorge Special Forestry Criteria:

6.1 MCC 38.2025 Review Uses

(B) The following uses may be allowed on lands designated GSF pursuant to MCC 38.0530(B) when the use or development will be sited to minimize the loss of land suitable for the production of forest products and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7085 have been satisfied:

* * *

(8) Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel less than or equal to 10 acres in size 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 subject parcel (Lot 5, Block 5, Thor's Heights) is approximately 1.13 acres in size and is developed with a single-family dwelling. There are no other accessory buildings developed on the subject property. The applicant is proposing to construct a 912-square-foot detached accessory building to be used as a workshop. The proposed workshop will be 20 feet and 9 inches in height (Exhibit A.2). The NSA Site Review standards are addressed below. *These criteria are met*.

6.2 MCC 38.2060 Dimensional Requirements

(C) Minimum Yard Dimensions - Feet

Front	Side	Street Side	Rear
30	10	30	30

Maximum Structure Height – 35 feet

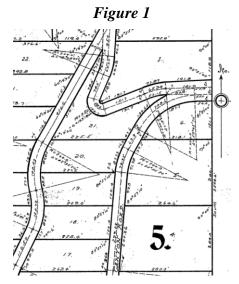
Minimum Front Lot Line Length – 50 feet.

Staff: The subject property (Lot 5) is irregular in shape. Based on the County's definitions of front yard, rear yard, and side yard, the western property boundary is the front yard, the eastern property boundary is the rear yard, and the southern and northern property boundaries are the side yards. Based on the submitted site plan, the detached accessory building will meet the required setbacks (Exhibit A.9). The

proposed detached accessory building is 20 feet and 9 inches in height (Exhibit A.2). *These criteria are met.*

(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 rural standard for local streets is a 50-foot right-of-way width. Based on the Thor's Heights subdivision plat, the subject property abuts Canyon Road along the subject property's western boundary (see Figure 1 below).



The right-of-way width of Canyon Road is 40 feet. As shown on the submitted site plan (Exhibit A.9), the proposed development will be clustered near the southeastern corner of the subject property. The building site is located more than 100 feet from the western property boundary that abuts Canyon Road. Given the significant distance of the building site from Canyon Road, staff finds this criterion is met.

6.3 MCC 38.2090 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 subject property has direct access onto Canyon Road which connects to East Historic Columbia River Highway. The applicant has obtained a right-of-way permit through the Transportation Division (Exhibit A.6). *This criterion is met*.

7.0 Geologic Hazards (GH) Criteria:

7.1 MCC 38.5505 Permits Required

Unless exempt under this code; no development, or ground disturbing activity shall occur (1) on land located in hazard areas as identified on the Geologic Hazards Overlay map, or (2) where the disturbed area or the land on which the development will occur has average slopes of 25 percent or more, except pursuant to a Geologic Hazards permit (GH).

Staff: The subject property is located in hazard areas as identified on the Geologic Hazards Overlay map. The applicant is requesting an Exemption as provided in MCC 38.5510, which is discussed below.

7.2 MCC 38.5510 Exemptions

Ground disturbing activity occurring in association with the following uses is exempt from GH permit requirements:

* * *

(L) Uses not identified in subsections (A) through (K) that meet all of the following requirements:

(1) Natural and finished slopes will be less than 25 percent; and,

Staff: The natural and finished slopes of the proposed building area will have a maximum slope of 5.5% (Exhibits A.2 & A8). *Criterion met.*

(2) The disturbed or filled area is 20,000 square feet or less; and,

Staff: The total disturbed area is 912 square feet (Exhibits A.2 & A.8). Criterion met.

(3) The volume of soil or earth materials to be stored is 50 cubic yards or less; and,

Staff: The total volume of soil to be stored is approximately 5 cubic yards (Exhibits A.2 & A.8). *Criterion met.*

(4) Rainwater runoff is diverted, either during or after construction, from an area smaller than 10,000 square feet; and,

Staff: Rainwater runoff will be diverted during and after construction from a maximum area of 2,116 square feet (Exhibits A.2 & A.7). *Criterion met*.

(5) Impervious surfaces, if any, of less than 10,000 square feet are to be created; and,

Staff: A total of 912 square feet of impervious surfaces will be created (Exhibits A.2 & A.7). *Criterion met.*

(6) No drainageway is to be blocked or have its stormwater carrying capacities or characteristics modified.

Staff: The applicant provided a Stormwater Drainage Control Certificate that requires the use of a gutter, downspout, and splash block drainage control system (Exhibit A.7). *Criterion met*.

8.0 National Scenic Area (NSA) Site Review Criteria:

8.1 MCC 38.7040 SMA Scenic Review Criteria

The following scenic review standards shall apply to all Review and Conditional Uses in the Special Management Area of the Columbia River Gorge National Scenic Area with the exception of rehabilitation or modification of historic structures eligible or on the National Register of Historic Places when such modification is in compliance with the national register of historic places guidelines:

(A) All Review Uses and Conditional Uses visible from KVAs. This section shall apply to proposed development on sites topographically visible from KVAs:

(1) New developments and land uses shall be evaluated to ensure that the scenic standard is met and that scenic resources are not adversely affected, including cumulative effects, based on the degree of visibility from Key Viewing Areas.

Staff: The location of the proposed accessory building is topographically visible from the Historic Columbia River Hwy and State Route 14. The subject property is densely covered in vegetation that screens the location of the proposed accessory building from these KVAs. The subject property sits 75 feet above the Historic Columbia River Highway and there is a forest of trees that climb that elevation. From every section of the road adjacent to the property, the existing vegetation prevents visibility (Exhibit

A.2). On the south side of SR-14, dense vegetation in front of the building prevents visibility from SR-14 (Exhibit A.2). *Criterion met*.

REQUIRED SN	MA SCENIC STAN	DARDS	
LANDSCAPE SETTING	LAND USE DESIGNATION	SCENIC STANDARD	
Coniferous Woodland, Oak-Pine Woodland	Forest, Agriculture, Residential, Public Recreation	VISUALLY SUBORDINATE	

(2) The required SMA scenic standards for all development and uses are summarized in the following table.

Staff: The landscape setting of the subject property is Coniferous Woodland. The property is zoned Gorge Special Forestry-40 (GSF-40). The proposed development will be evaluated against the standard of "Visually Subordinate". The SMA scenic standards are addressed below.

(3) In all landscape settings, scenic standards shall be met by blending new development with the adjacent natural landscape elements rather than with existing development.

(4) Proposed developments or land use shall be sited to achieve the applicable scenic standards. Development shall be designed to fit the natural topography and to take advantage of vegetation and land form screening, and to minimize visible grading or other modifications of landforms, vegetation cover, and natural characteristics. When screening of development is needed to meet the scenic standard from key viewing areas, use of existing topography and vegetation shall be given priority over other means of achieving the scenic standard such as planting new vegetation or using artificial berms.

Staff: Based on staff's review of the aerial images, the location of the detached accessory building is surrounded by a dense coverage of vegetation. In addition to the location that provides significant vegetative screening from the KVAs, the applicant is proposing to finish the exterior of the detached accessory building with dark earth-tones to blend in with the adjacent natural landscape elements (Exhibit A.2). *These criteria are met.*

(5) The extent and type of conditions applied to a proposed development or use to achieve the scenic standard shall be proportionate to its degree of visibility from key viewing areas.

(a) Decisions shall include written findings addressing the Primary factors influencing the degree of visibility, including but not limited to:

1. The amount of area of the building site exposed to key viewing areas,

2. The degree of existing vegetation providing screening,

Staff: According to the KVA overlay maps, the subject development is in an area that is topographically visible from the HCRH and SR-14. As demonstrated in the application materials, the building site is surrounded by a dense cover of vegetation which provides full screening from the KVAs.

3. The distance from the building site to the key viewing areas from which it is visible,

Staff: According to the map provided in the narrative, the building site is approximately 1.56 miles from SR-14 and approximately 592 feet from the HCRH (Exhibit A.2).

4. The number of key viewing areas from which it is visible, and

5. The linear distance along the key viewing areas from which the building site is visible (for linear key viewing areas, such as roads).

Staff: As stated in a previous finding, the development site is in an area that is topographically visible from the HCRH and SR-14. The HCRH is the closest KVA. Topographically, the development area is visible from approximately 1,600+ feet. The subject property is also partially topographically visible from the following KVAs: Columbia River, I-84, Larch Mountain Road, Bridal Veil, and Larch Sherrard. Due to the existing dense vegetation surrounding the building site, the development will be screened from the HCRH and SR-14.

(b) Conditions may be applied to various elements of proposed developments to ensure they meet the scenic standard for their setting as seen from key viewing areas, including but not limited to:

1. Siting (location of development on the subject property, building orientation, and other elements),

2. Retention of existing vegetation,

3. Design (color, reflectivity, size, shape, height, architectural and design details and other elements), and

4. New landscaping.

Staff: The location of the proposed development ensures that it is screened by existing, mature vegetation. A condition of approval has been included requiring that the property owner maintain the vegetation screening the development from the KVAs. The accessory building will use similar materials as the existing dwelling which mimics the woodland landscape by having steep pitched roofs and overall vertical appearance. No new landscaping is proposed. Staff finds that additional landscaping related to the screening of the building site from KVAs is not necessary due to the proposed location of the development, use of dark earth tones, and existing dense vegetation that surrounds the building site.

(6) Sites approved for new development to achieve scenic standards shall be consistent with guidelines to protect wetlands, riparian corridors, sensitive plant or wildlife sites and the buffer zones of each of these natural resources, and guidelines to protect cultural resources.

Staff: The subject property does not contain wetlands, riparian corridors, sensitive plant or wildlife sites. *This criterion is not applicable*.

(7) Proposed developments shall not protrude above the line of a bluff, cliff, or skyline as seen from Key Viewing Areas.

Staff: The applicant states that the elevation of the building site is 822 feet above the gorge floor and the terrain continues to rise to a height of 1,000 feet behind the existing dwelling (Exhibit A.2). The proposed detached accessory building will not protrude above the skyline as seen from the KVAs. *This criterion is met.*

(8) Structure height shall remain below the average tree canopy height of the natural vegetation adjacent to the structure, except if it has been demonstrated that compliance with this standard is not feasible considering the function of the structure.

Staff: According to the applicant, the subject property contains a mix of Douglas fir, maple, and hemlock trees that surround the existing and proposed building site. These trees range from 40 to 120 feet in height (Exhibit A.2). The proposed detached accessory building will be 20 feet and 9 inches in height (Exhibit A.2). *This criterion is met.*

(9) The following guidelines shall apply to new landscaping used to screen development from key viewing areas:

(a) New landscaping (including new earth berms) to achieve the required scenic standard from key viewing areas shall be required only when application of all other available guidelines in this chapter is not sufficient to make the development meet the scenic standard from key viewing areas. Development shall be sited to avoid the need for new landscaping wherever possible.

(b) If new landscaping is necessary to meet the required standard, existing on-site vegetative screening and other visibility factors shall be analyzed to determine the extent of new landscaping, and the size of new trees needed to achieve the standard. Any vegetation planted pursuant to this guideline shall be sized to provide sufficient screening to meet the scenic standard within five years or less from the commencement of construction.

(c) Landscaping shall be installed as soon as practicable, and prior to project completion. Applicants and successors in interest for the subject parcel are responsible for the proper maintenance and survival of planted vegetation, and replacement of such vegetation that does not survive.

(d) The Scenic Resources Implementation Handbook shall include recommended species for each landscape setting consistent with the Landscape Settings Design Guidelines in this chapter, and minimum recommended sizes of new trees planted (based on average growth rates expected for recommended species).

Staff: Staff finds that the existing dense coverage of vegetation that surrounds the building site will fully screen the entire development from the KVAs, therefore; additional landscaping is not required. *These criteria are not applicable*.

(10) 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 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 as dark or darker than the colors in the shadows of the natural features surrounding each landscape setting

Staff: The applicant is proposing to finish the detached accessory building in colors that match the existing single-family dwelling which is consistent with the colors found in the surrounding landscape. Based on the submitted exterior specifications, the siding, fascia, and man doors on the proposed accessory building will be made of wood and finished in black paint. The siding, doors, and trim on the detached accessory building will also be wood painted black (Exhibit A.2). The proposed roofing for the detached accessory building will be black asphalt shingles (Exhibit A.2). *This criterion is met*.

(11) The exterior of structures on lands seen from key viewing areas shall be composed of non-reflective materials or materials with low reflectivity. The *Scenic Resources Implementation Handbook* will include a recommended list of exterior materials. These recommended materials and other materials may be deemed consistent with this guideline, including those where the specific application meets approval 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 meeting the scenic standard. Recommended square footage limitations for such surfaces will be provided for guidance in the *Implementation Handbook*.

Staff: The detached accessory building will be composed of low-reflectivity materials such as textured board and cedar siding and trim, and asphalt roof shingles. The applicant states that the proposed

development does not have continuous surfaces of glass and will be screened behind the existing dwelling and surrounding landscape (Exhibit A.2). *This criterion is met*.

(12) Any exterior lighting shall be sited, limited in intensity, shielded or hooded in a manner that prevents lights from being highly visible from Key Viewing Areas and from noticeably contrasting with the surrounding landscape setting except for road lighting necessary for safety purposes.

(13) Seasonal lighting displays shall be permitted on a temporary basis, not to exceed three months duration.

Staff: The applicant is not proposing exterior lighting as part of this proposal.

(B) The following shall apply to all lands within SMA landscape settings regardless of visibility from KVAs (includes areas seen from KVAs as well as areas not seen from KVAs):

* * *

(2) Coniferous Woodlands and Oak-Pine Woodland: Woodland areas shall retain the overall appearance of a woodland landscape. New developments and land uses shall retain the overall visual character of the natural appearance of the Coniferous and Oak/Pine Woodland landscape.

(a) Buildings in the Coniferous Woodland landscape setting shall be encouraged to have a vertical overall appearance and a horizontal overall appearance in the Oak-Pine Woodland landscape setting.

Staff: The subject property is located within the Coniferous Woodland landscape setting. The detached accessory building was designed to have a vertical overall appearance (Exhibit A.2). *This criterion is met.*

(b) Use of plant species native to the landscape setting shall be encouraged. Where nonnative plants are used, they shall have native appearing characteristics.

Staff: The applicant is not proposing or required to plant additional vegetation within the building site.

(C) SMA Requirements for KVA Foregrounds and Scenic Routes

(1) All new developments and land uses immediately adjacent to the Historic Columbia River Highway, Interstate 84, and Larch Mountain Road shall be in conformance with state or county scenic route standards.

Staff: The proposed development is not immediately adjacent to the HCRH, I-84 or Larch Mountain Road. *This criterion does not apply*.

(2) The following guidelines shall apply only to development within the immediate foregrounds of key viewing areas. Immediate foregrounds are defined as within the developed prism of a road or trail KVA or within the boundary of the developed area of KVAs such as Crown Pt. and Multnomah Falls. They shall apply in addition to MCC 38.7040(A).

* * *

Staff: The proposed development is not located within the immediate foreground of the KVAs. *These criteria do not apply*.

(3) Right-of-way vegetation shall be managed to minimize visual impact of clearing and other vegetation removal as seen from Key Viewing Areas. Roadside vegetation management should enhance views out from the highway (vista clearing, planting, etc.).

Staff: The applicant is not proposing to remove or disturb any vegetation adjacent to the right-of-way.

(4) Encourage existing and require new road maintenance warehouse and stockpile areas to be screened from view from Key Viewing Areas.

Staff: The proposal does not include a road maintenance warehouse or stockpile areas.

(5) Development along Interstate 84 and the Historic Columbia River Highway shall be consistent with the scenic corridor strategies developed for these roadways.

Staff: The applicant is not proposing any development along I-84 or the HCRH.

(D) SMA Requirements for areas not seen from KVAs

Unless expressly exempted by other provisions in MCC 38.7040, colors of structures on sites not visible from key viewing areas shall be earth-tones found at the specific site. The specific colors or list of acceptable colors shall be approved as a condition of approval, drawing from the recommended palette of colors included in the Scenic Resources Implementation Handbook.

Staff: The proposed development site is topographically visible from two KVAs. As stated in a previous finding, the detached accessory building will be finished in a dark earth-tone to match the existing development and constructed using textured board and cedar siding and trim, and asphalt roof shingles (Exhibit A.2). In addition, the entire building site will be screened from the KVAs due to the topography and existing dense coverage of vegetation surrounding the site. *This criterion is met.*

8.2 MCC 38.7050 SMA Cultural Resource Review Criteria

(A) The cultural resource review criteria shall be deemed satisfied, except MCC 38.7050 (H), if the U.S. Forest Service or Planning Director does not require a cultural resource survey and no comment is received during the comment period provided in MCC 38.0530 (B).

(B) If comment is received during the comment period provided in MCC 38.0530 (B), the applicant shall offer to meet with the interested persons within 10 calendar days. The 10 day consultation period may be extended upon agreement between the project applicant and the interested persons.

(1) Consultation meetings should provide an opportunity for interested persons to explain how the proposed use may affect cultural resources. Recommendations to avoid potential conflicts should be discussed.

(2) All written comments and consultation meeting minutes shall be incorporated into the reconnaissance or historic survey report. In instances where a survey is not required, all such information shall be recorded and addressed in a report that typifies a survey report; inapplicable elements may be omitted.

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 and a Historic Survey are not required. *These criteria are met.*

(C) The procedures of MCC 38.7045 shall be utilized for all proposed developments or land uses other than those on all Federal lands, federally assisted projects and forest practices.

Staff: The standards of MCC 38.7045 were addressed in previous findings. This criterion is met.

(D) All cultural resource information shall remain confidential, according to the Act, Section 6(a)(1)(A). Federal agency cultural resource information is also exempt by statute from the Freedom of Information Act under 16 USC 470 hh and 36 CFR 296.18.

(E) Principal investigators shall meet the professional standards published in 36 CFR part 61.

(F) The U.S. Forest Service will provide for doing (1) through (5) of subsection (G) below for forest practices and National Forest system lands.

(G) If the U.S. Forest Service or Planning Director determines that a cultural resource survey is required for a new development or land use on all Federal lands, federally assisted projects and forest practices, it shall consist of the following:

* *

Staff: As stated previously, 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. *These criteria are not applicable*.

(H) Discovery During Construction

All authorizations for new developments or land uses shall be conditioned to require the immediate notification of the Planning Director in the event of the inadvertent discovery of cultural resources during construction or development.

(1) In the event of the discovery of cultural resources, work in the immediate area of discovery shall be suspended until a cultural resource professional can evaluate the potential significance of the discovery pursuant to MCC 38.7050 (G) (3).

(2) If the discovered material is suspected to be human bone or a burial, the following procedure shall be used:

(a) Stop all work in the vicinity of the discovery.

(b) The applicant shall immediately notify the U.S. Forest Service, the applicant's cultural resource professional, the State Medical Examiner, and appropriate law enforcement agencies.

(c) The U.S. Forest Service shall notify the tribal governments if the discovery is determined to be an Indian burial or a cultural resource.

(d) A cultural resource professional shall evaluate the potential significance of the discovery pursuant to MCC 38.7050 (G) (3) and report the results to the U.S. Forest Service which shall have 30 days to comment on the report.

(3) If the U.S. Forest Service determines that the cultural resource is not significant or does not respond within the 30 day response period, the cultural resource review process shall be complete and work may continue.

(4) If the U.S. Forest Service determines that the cultural resource is significant, the cultural resource professional shall recommend measures to protect and/or recover the resource pursuant to MCC 38.7050 (G) (4) and (5)

Staff: As conditioned, these criteria are met.

8.3 MCC 38.7075 SMA Natural Resource Review Criteria

All new developments and land uses shall be evaluated using the following standards to ensure that natural resources are protected from adverse effects. Proposed uses and development within wetlands, streams, ponds, lakes, riparian areas and their buffer zones shall be evaluated for cumulative effects to natural resources and cumulative effects that are adverse shall be prohibited. Comments from state and federal agencies shall be carefully considered.

(A) All Water Resources shall, in part, be protected by establishing undisturbed buffer zones as specified in MCC 38.7075(A)(2)(a) and (2)(b). These buffer zones are measured

horizontally from a wetland, stream, lake, or pond boundary as defined in MCC 38.7075(A)(2)(a) and (2)(b).

* * *

Staff: The subject property does not contain wetlands, streams, ponds, lakes, or riparian areas. *These criteria are met.*

(H) Protection of sensitive wildlife/plant areas and sites shall begin when proposed new developments or uses are within 1000 feet of a sensitive wildlife/plant site and/or area. Sensitive Wildlife Areas are those areas depicted in the wildlife inventory and listed in Table 2 of the Management Plan titled "Types of Wildlife Areas and Sites Inventoried in the Columbia Gorge", including all Priority Habitats Table. Sensitive Plants are listed in Table 3 of the Management Plan, titled "Columbia Gorge and Vicinity Endemic Plant Species." The approximate locations of sensitive wildlife and/or plant areas and sites are shown in the wildlife and rare plant inventory.

* * *

Staff: Based on the maps provided by the United States Forest Service, the subject property is located more than 1,000 feet from a sensitive wildlife or plant site. *These criteria are not applicable*.

8.4 MCC 38.7085 SMA Recreation Resource Review Criteria

(A) The following shall apply to all new developments and land uses:

(1) New developments and land uses shall be natural resource-based and not displace existing recreational use.

* * *

Staff: The subject property is developed for residential use. The applicant is proposing to construct a detached accessory building to be used as a accessory building. Staff finds the proposed development is consistent with the existing residential use on the subject property and the applicant is not proposing any recreational uses. The development has been determined to meet the scenic standard of visual subordinance and is screened from the HCRH and Crown Point. *These criteria are not applicable*.

9.0 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 detached accessory building in the Gorge Special Forestry zone. This approval is subject to the conditions of approval established in this report.

10.0 Exhibits

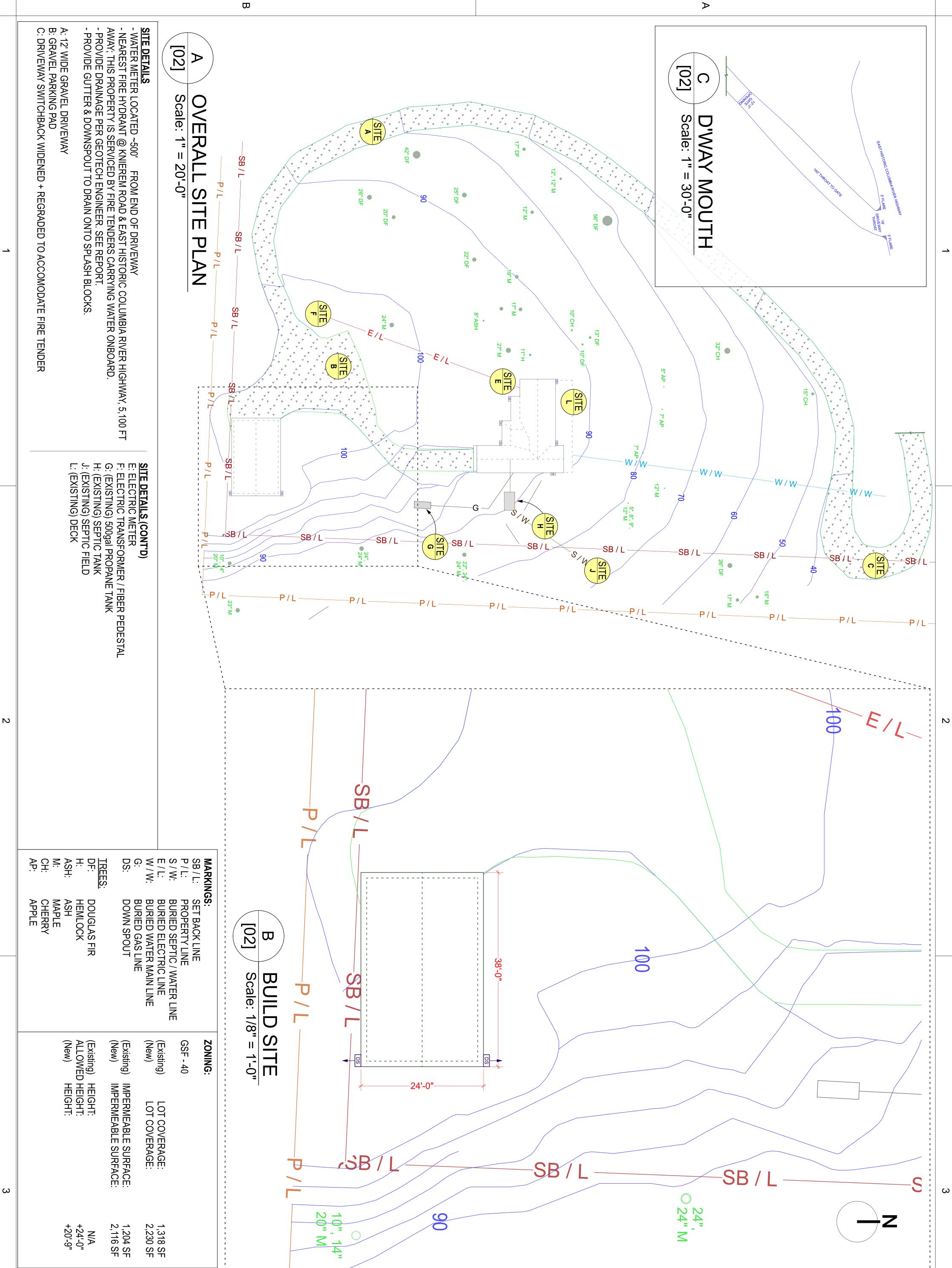
'A' Applicant's Exhibits

- '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 <u>LUP-comments@multco.us</u>.

Exhibit	# of	Description of Exhibit	Date Received /		
#	Pages		Submitted		
A.1	2	Application form	05.23.2024		

A.2	25	Narrative	05.23.2024
A.3	3	Warranty Deed	05.23.2024
A.4*	8	Septic Review Certification	05.23.2024
A.5	4	Fire Service Agency Review	05.23.2024
A.6	1	Multnomah Co. Transportation Correspondence	05.23.2024
A.7	1	Stormwater Drainage Control Certificate	05.23.2024
A.8	22	Geotechnical Report	05.23.2024
A.9*	9	Site Plan	05.23.2024
'B'	#	Staff Exhibits	Date
B.1	2	Assessment and Taxation Property Information for 1N5E30CB -00600 (Alt Acct# R832304400)	05.23.2024
B.2	1	Current Tax Map for 1N5E30CB -00600	05.23.2024
B.3	1	Site Plan showing area of vegetation maintenance	04.10.2025
'C'	#	Administration & Procedures	Date
C.1	34	Agency Review	07.10.2024
C.2	1	Complete Letter	06.26.2024
C.3	10	Opportunity to Comment	11.29.2024
C.4	17	Decision	04.18.2025
ʻD'	#	Comments	Date
D.1	2	State Historic Preservation Office Comments	08.07.2024
D.2	6	Friends of the Gorge Comments	12.18.2024
D.3	2	U.S. Forest Service Comments	12.21.2024



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[02]	SITE P	DRAWN BY: BEG	DATE: 1/8/24	SCALE: AS NOTED	FILE: Crown Point Lodg	B 1/8/24 Updated	12/11 Up	NO Data Nota	DETAC GAR/	40650 EAST HIST CORBETT, OR 970		MBIA RIVER HIGHWAY,	
	JAN			Ö	e Model BG no util.vwx	ed Plan	ed Door Size	visions	AGE	<u>HOMEOWNERS:</u> TRAVIS HAGENBUCH BEN GREEN	(310) 913-5145 (401) 573-2275	travis.h@me.com bengreenLD@gmail.com	

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ONSITE SANITATION City of Portland – Bureau of Development Services 1900 SW 4th Avenue, Portland, Oregon 97201 – 503-823-7300 – <u>septic@portlandoregon.gov</u> **SEPTIC REVIEW CERTIFICATION**

A signed Septic Review Certification from the City of Portland / Multnomah County Septic Sanitarian is required for proposed development, any change in use, and the creation of a new parcel or property line adjustment.

	P
STEP 1- Complete the following:	A
Address of Proposed Work: 40650 Historic Columbia River Highway Corbett, OR 97019	Q
Property Map & Tax Lot #: Alternate Acct #: R 832304400	Pe Pe
Description of proposed work for this Septic Planning Review Build new detached garage	bb-SE
Change in number of bedrooms? Yes V No # existing bedrooms 2 # bedrooms at completion 2 Applicant's Name Goodman Sanitation	-/ -
Applicant E-mail dispatch@axiompdx.com Phone 503-666-2280	_
STEP 2- Submit: This form with all required submittals listed on page 2. Separate properties require individual applications. Refer to the current <u>Septic Evaluation Application</u> for fees.	(N
Submit complete Septic Review Certification submittal package via:	4
 E-mail <u>septic@portlandoregon.gov</u>. Information will be provided to make payment online OR - Mail completed submittal package and check payable to City of Portland to: City of Portland, BDS, Site Development, 1900 SW 4th Ave., Portland, OR 97201 	Date
STEP 3- Review: After submittal and payment, allow up to 20 business days for plan review	
STEP 4- Site Visit: Sanitarian will contact you with any questions and/or site visit requirements	
STEP 5- Sign Off: Based on present knowledge of the area and current regulations of the State of Oregon	1

Department of Environmental Quality (DEQ), the Sanitarian hereby finds that the above proposal is:

Approved – will not impact the existing system. The following is **REQUIRED** prior to Building Permit issuance:

Septic Installation Permit

□ Authorization Notice

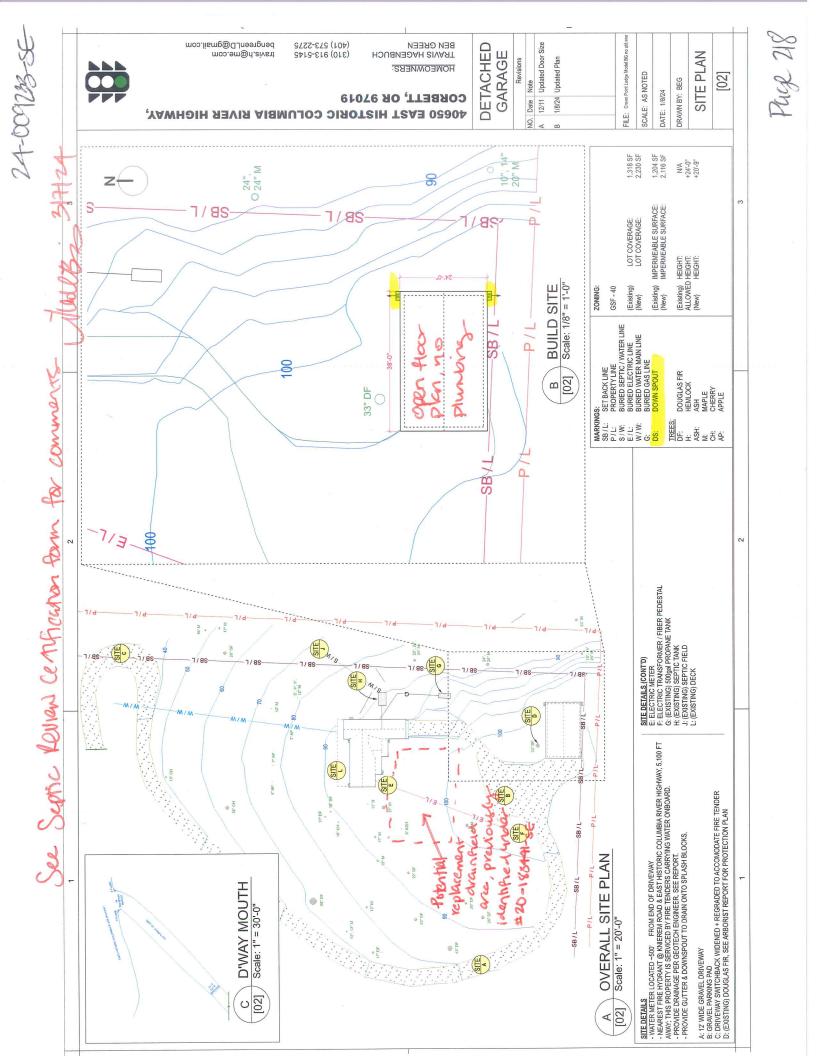
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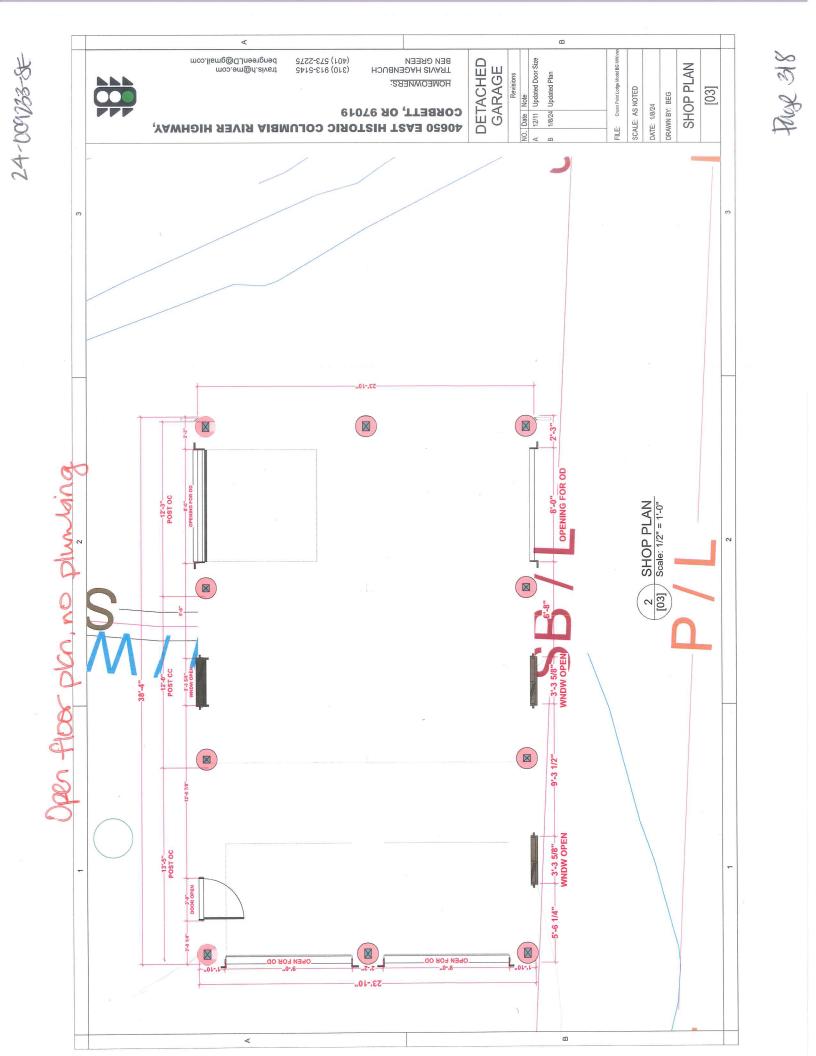
Multnomah County Sanitarian

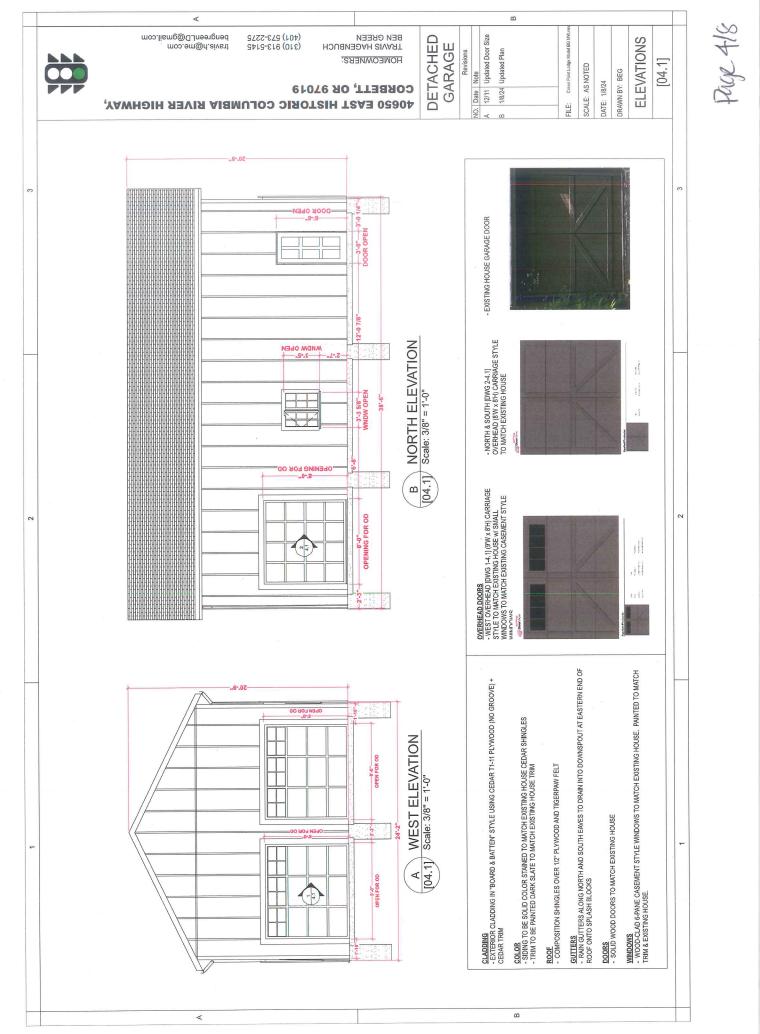
37-12024-Date

STEP 6- Return: to Multnomah County Land Use Planning with this signed form and site plan (floor plans if applicable)

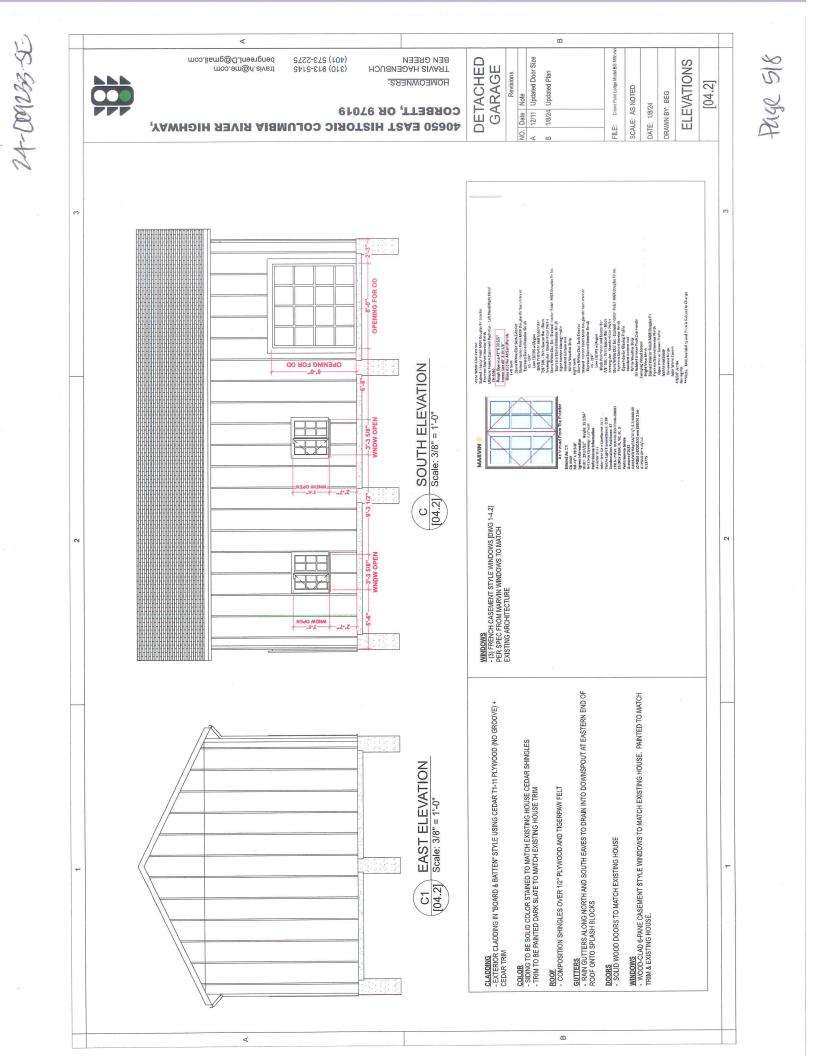
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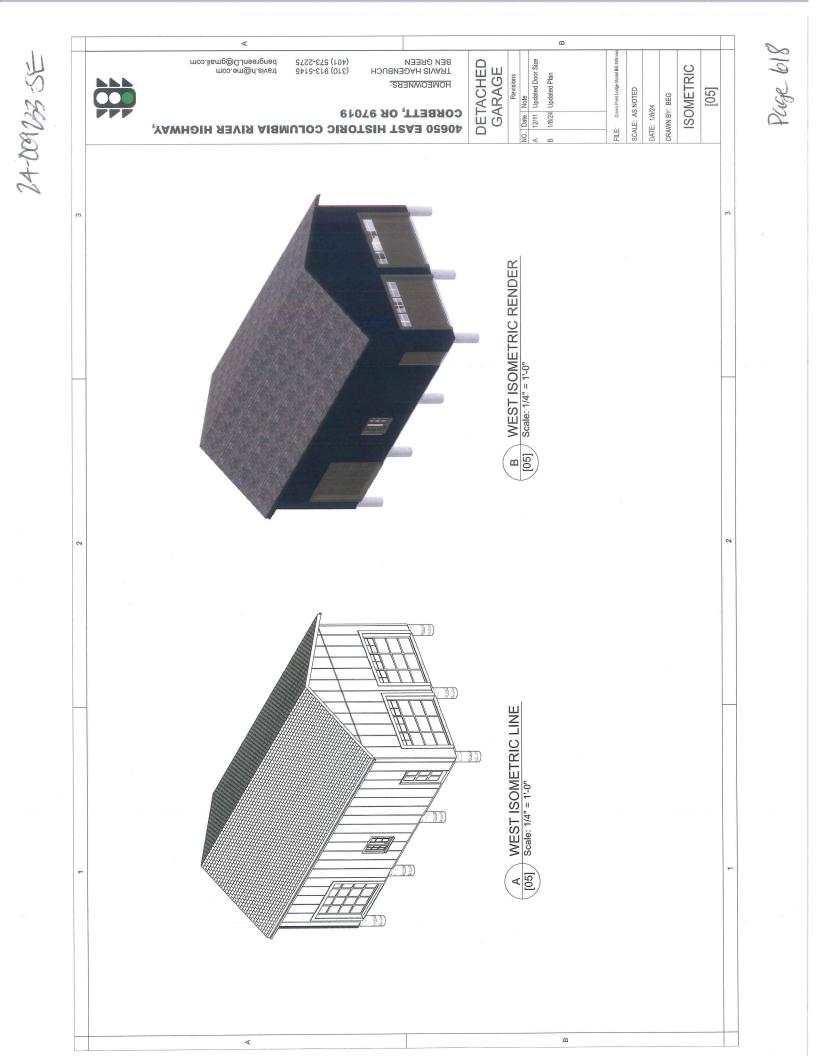


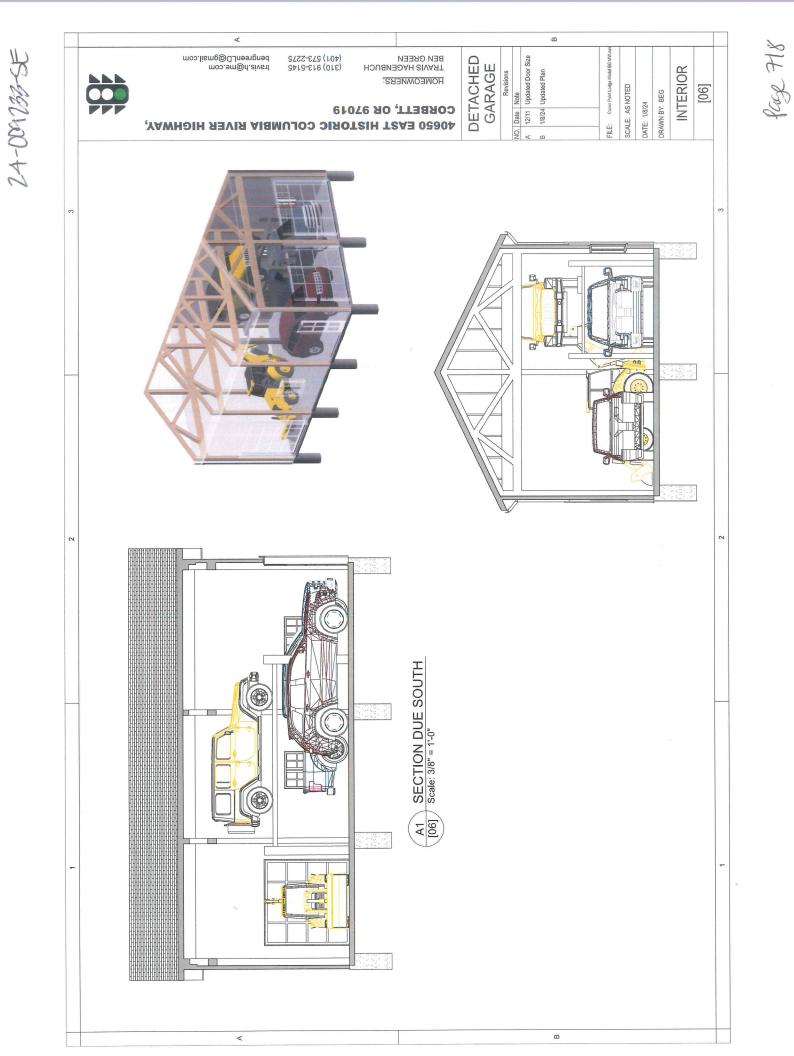




24-00-11% - E







24-009233

STORMWATER DRAINAGE CONTROL CERTIFICATE



Land Use Planning Division

www.multco.us/landuse = Email: land.use.planning@multco.us = Phone: (503) 988-3043

> 500 SQUARE FEET OF NEW / REPLACED IMPERVIOUS SURFACES

NOTE TO PROPERTY OWNER/APPLICANT: Please have an Oregon Licensed Professional Engineer fill out this Certificate and attach a signed site plan, stamped and signed storm water system details, and stamped and signed storm water calculations used to support the conclusion. Please note that replacement of existing structures does not provide a credit to the square footage threshold.

Property Address or Legal Description: 40650 E Historic Columbia River Hwy

Description of Project: New shop/pole buildinging

The following stormwater drainage control system will be required:



Natural Infiltration Process: or

Construction of an on-site storm water drainage control system.

The rate of stormwater runoff attributed to the new/replaced development for a 10-year/24-hour storm event will be no greater than that which existed prior to any development as measured from the property line or from the point of discharge into a water body with the use of the designated system [MCC 39.6235].

I certify the attached signed site plan <u>showing the areas needed for the chosen system type</u>, stamped and signed <u>storm water system design details</u>, and stamped and signed <u>calculations</u> dated ______ will meet the requirements listed above.

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Signature:
Print Name: Mia Mahedy, PE GE
Business Name: Rapid Soil Solutions Inc
Address: 3915 SW Plum Street
Phone #: 503-816-3689
Email: mia@rapidsoilsolutions.com
Date: 1/11/24



NOTE TO ENGINEER: Please check one box above. Multnomah County does not use the City of Portland's storm water ordinance. As part of your review, MCC 39.6235 requires that you must consider all new, replaced, and existing structures and impervious areas and determine that the newly generated stormwater from the new or replaced impervious surfaces is in compliance with Multnomah County Code for a 10-year/24-hour storm event. This Storm Water Drainage Control Certificate does not apply to shingle or roof replacement on lawfully established structures.

Page 1 of 2