

# NOTICE OF NSA DECISION



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**Case File:** T2-2025-0009

**Applicant:** Cascadia Investing Syndicate LLC

**Proposal:**

1. Request for a Property Line Adjustment between Parcel 1 and Parcel 2;
2. An NSA Site Review to install a new septic system for the dwelling on Parcel 1; and
3. A Major Variance to authorize an existing garage and retaining wall intruding into the required yard on Parcel 1 constructed by a prior property owner.

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**Location:**

**Parcel 1:** 36723 E. Hist. Columbia River Hwy, Corbett

**Property ID #** R322711

**Map, Tax lot:** 1N4E35BA-01400

**Alt. Acct. #** R944350280

**Parcel 2:** 36817 E. Hist. Columbia River Hwy, Corbett

**Property ID #** R322732

**Map, Tax lot:** 1N4E35BA-01000

**Alt. Acct. #** R944350520

**Base Zone:** Gorge General Rural Center (GGRC)

**Overlays:** None

**Key Viewing Areas:** Larch Sherrard, Larch Mtn Rd, Hist. Columbia River Hwy, State Route 14

**Landscape Setting:** Village

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**Decision:**

1. The Property Line Adjustment is Approved with Conditions.
2. The NSA Site Review is Approved with Conditions.
3. The Major Variance is Approved.

**This decision is final at the close of the appeal period, unless appealed. The deadline for filing an appeal is Tuesday, December 23, 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:**

*Lisa Estrin*

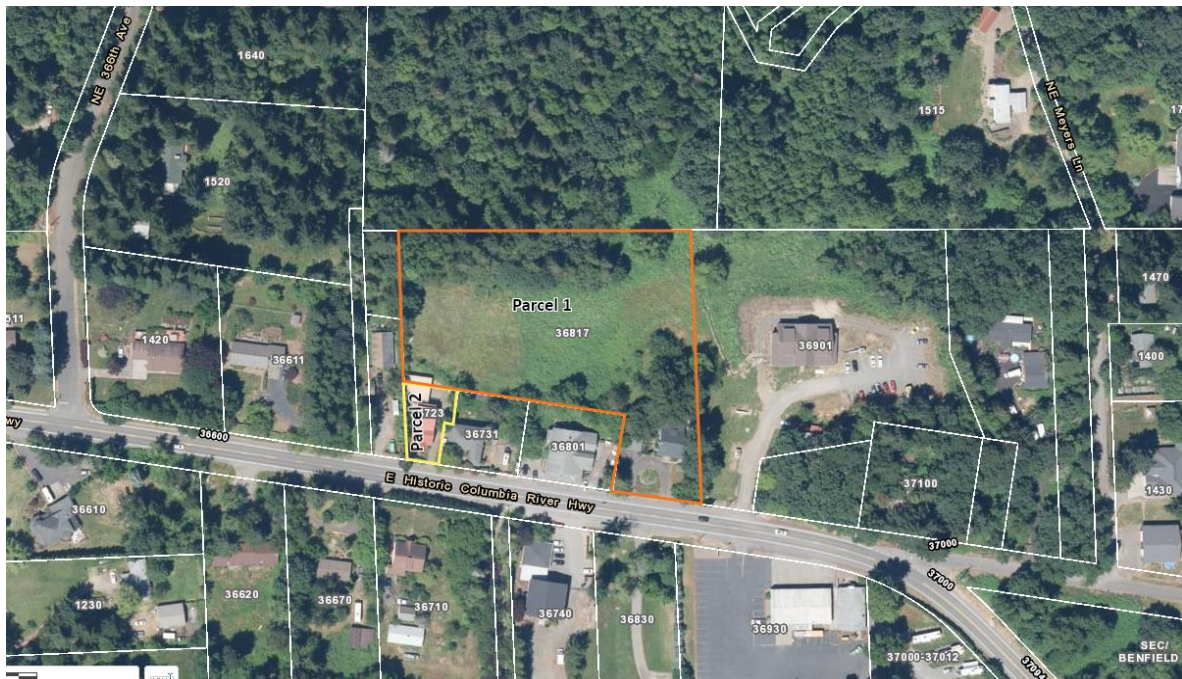
Lisa Estrin, Senior Planner

**For:** Megan Gibb,  
Planning Director

**Date:** Tuesday, December 9, 2025

Instrument Number for Recording  
Purposes: #2024-028662

## Vicinity Map



### **APPLICABLE APPROVAL CRITERIA** [Multnomah County Code (MCC)]:

General Provisions: MCC 38.0560 Code Compliance and Applications, MCC 38.0015 Definitions – Parcel, MCC 38.0110 Tribal Treaty Rights and Consultation.

Gorge General Rural Center (GGRC): MCC 38.2425(B) Accessory structures, (J) Property line adjustments, (N) Additions to existing buildings, MCC 38.2460(E) Dimensional Requirements.

NSA Site Review Criteria: MCC 38.7015 Application for NSA Site Review, MCC 38.7035 GMA Scenic Review Criteria, MCC 38.7045 GMA Cultural Resource Review Criteria, MCC 38.7053 GMA Water Resources 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, MCC 38.7090.

Major Variance: MCC 38.7600 Variance Approval Criteria, MCC 38.7605 Variance Classification.

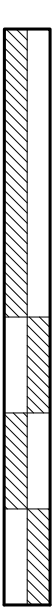
Copies of the referenced Multnomah County Code sections are available by contacting our office at (503) 988-3043 or by visiting our website at <https://multco.us/landuse/zoning-codes/> under the link **Chapter 38: Columbia River Gorge National Scenic Area**

### **CONDITIONS OF APPROVAL**

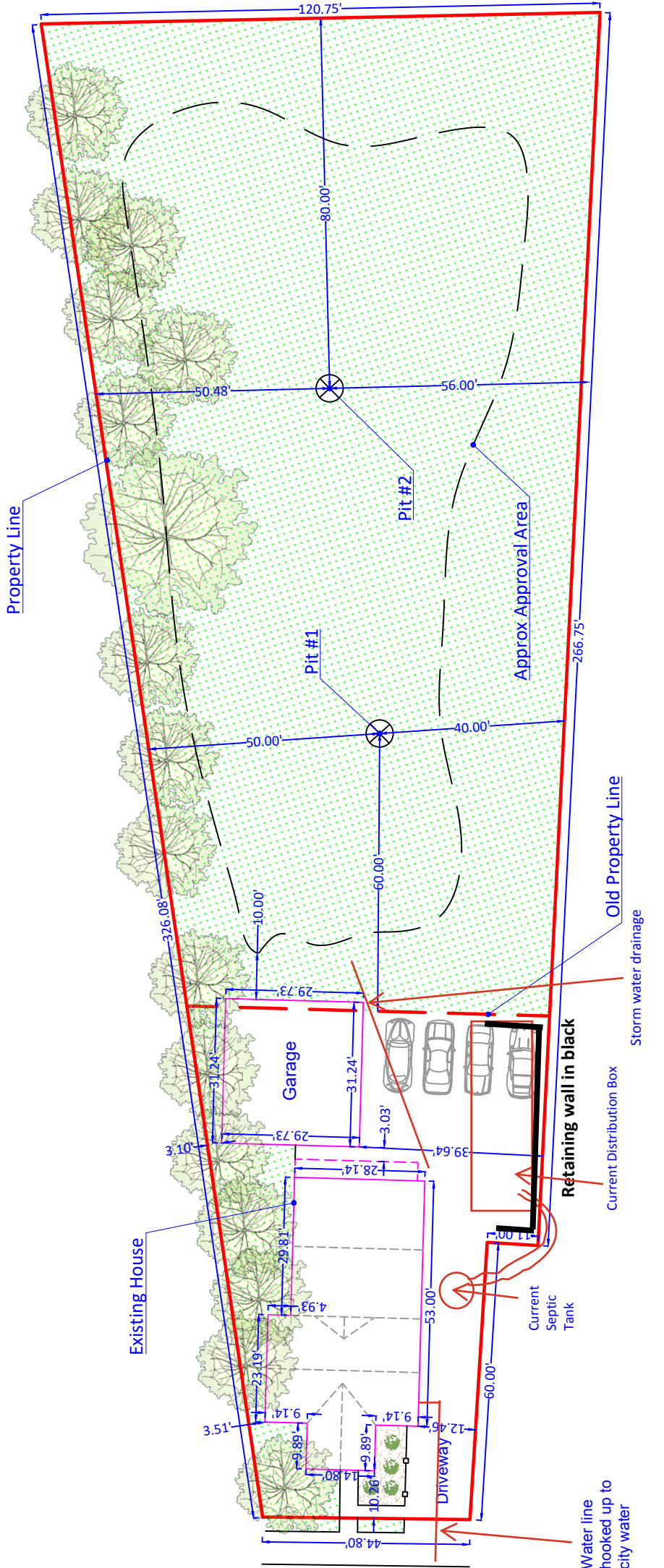
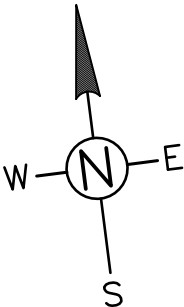
The conditions listed are necessary to ensure that approval criteria for this land use permit are satisfied. Where a condition relates to a specific approval criterion, the code citation for that criterion follows in parenthesis.

1. **Permit Expiration** – The land use permit for the property line adjustment shall expire if all deeds completing the property line adjustment are not recorded within **two years** of this decision becoming final. [MCC 38.0690(A)]
2. **Permit Expiration** – The land use permit for the garage addition and retaining wall shall expire within **two (2) years** of the date of the final decision when building permits, for the garage addition and retaining wall are not obtained and the permits are made final. [MCC 38.0690(D)]

# SITE PLAN



0 15 30 UNIT: FEET 90



Historic Columbia River Hwy

Parcel No. (APN) 1N4E35BA 01400  
Land Use RESIDENTIAL  
SINGLE FAMILY RESIDENCE  
Lot Area 28,061.64 SF

**ADDRESS:** 36723 Historic Columbia River Hwy  
Corbett, OR 97019  
Scale: 1"=30'

**THIS IS NOT A LEGAL SURVEY, NOR IS IT INTENDED TO BE OR REPLACE ONE**  
This work product represents only generalized locations of features, objects or boundaries and should not be relied upon as being legally authoritative for the precise location of any feature, object or boundary.



3. **Permit Expiration** – The land use permit for the installation of the replacement on-site sewage disposal system shall expire within two years. [MCC 38.0690(D)]

**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]

4. 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)]
5. **Prior to recording deeds with updated Legal Descriptions with the County Recorder**, the property owner(s) or their representatives shall:
  - a. Submit a request for PLA Final Review (Type I) with a copy of the deeds with metes and bounds legal description that will be recorded to complete the Property Line Adjustment (PLA). [MCC 38.0660(A) & (B)]
6. **When submitting deeds for the Type I Application for a PLA Final Review**, the property owner(s) or their representatives shall:
  - a. Submit an Application Form requesting a PLA Final Review, a copy of the 3 deeds with metes and bounds legal descriptions that will be recorded to complete the PLA. [MCC 38.7970(A)(1)(a)]
    - i. **Transferring the Property:** The draft deed and metes and bounds legal description for the area of land to be transferred from Tract 2 and Tract 1.
    - ii. **Tract 1 (increased):** The draft deed and the metes and bounds legal description for Tract 1 after the transfer and reconfiguration. The legal description shall include the words: This new legal description is to complete the Property Line Adjustment approval in land use case no. T2-2025-0009.
    - iii. **Tract 2 (reduced):** The draft deed and the metes and bounds legal description for Tract 2 after the transfer and reconfiguration. The legal description shall include the words: This new legal description is to complete the Property Line Adjustment approval in land use case no. T2-2025-0009.
7. **After the PLA Final Review**, the property owner(s) or their representative(s) shall:
  - a. Record, at the County Recorder's Office, the reviewed deeds that contain the stamped legal descriptions by Land Use Planning. The deeds shall be recorded in the following order [MCC 39.4255(A)(3) and 39.9300(D)]:
    - i. **Transferring the Property:** Area of land to be transferred from Tract 2 to Tract 1.
    - ii. **Tract 1:** Tract 1 after the transfer and reconfiguration.
    - iii. **Tract 2:** Tract 2 after the transfer and reconfiguration.
8. **Prior to submitting Building Plans for Zoning Review**, the property owners or their representative shall:
  - a. Record pages 1 through 5 and Exhibit A.17 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. Finish the Property Line Adjustment by recording the required deeds as specified in Conditions #6 & 8.

9. **When submitting Building Plans for Zoning Review**, the property owner(s) or their representative shall:
- Provide copies of the 3 recorded deeds to demonstrate that the property line adjustment has been completed correctly.
  - A Zoning Plan Review shall be submitted for the replacement drainfield, retaining wall and garage addition. The plans shall include information on erosion control and comply with the Minimal Impact Project permit requirements (see MCC 39.6220).
10. **Prior to and during construction**, the property owner(s) or their representative shall:
- Not remove any existing shrubs or trees along the western property line of the property to install the replacement drainfield without first obtaining permission from Land Use Planning.
11. 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.:
- 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.
  - 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.
  - 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)]
12. 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):
- Halt Activities** - All survey, excavation, and construction activities shall cease. The human remains shall not be disturbed any further.
  - Notification** - Local law enforcement officials, the Multnomah County Planning Director, the Gorge Commission, and the Native American tribal governments shall be contacted immediately.

- g. 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.
- h. Jurisdiction - If the remains are modern, the appropriate law enforcement officials will assume jurisdiction and the cultural resource protection process may conclude.
- i. 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.
- j. 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).
- k. 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)]

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

- a. The portion of land transferred from Tract 2 to Tract 1 shall not exist as a separate unit of land or tax lot after the property line adjustment is completed. No additional lot or parcel shall be created through this property line adjustment process. If either of these occurs, it shall be a violation of this approval. If not resolved prior to the expiration of this case, a new application will be required to correct the situation. [MCC 38.7970(A)(1)(a)]
- c. No trees or shrubs along the western property line and within the 30-ft front yard adjacent to the Historic Columbia River Highway may be removed without first obtaining permission from Land Use Planning. Any trees or shrubbery removed shall be replaced during the next planting season with native trees or native shrubs. Landowners shall be responsible for the proper maintenance and survival of any required vegetation. [MCC 38.7035(A)(4) & (B)(6)]
- d. The area where the replacement drainfield is being installed shall be re-seeded with vegetation (grasses) to match existing. The ground where the drainfield is installed shall be returned to its original ground level. Ground disturbance shall be minimized during installation of the drainfield. [MCC 38.7035(A)(1)]

**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:

1. 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.
2. Contact the City of Portland, Bureau of Development Services, On-site Sanitation at 503-823-6892 or e-mail [septic@portlandoregon.gov](mailto:septic@portlandoregon.gov) 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.
3. 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 and with the Sanitarian for the installation of the replacement drainfield.

## 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 has requested the following:

1. Request for a Property Line Adjustment between Parcel 1 and Parcel 2;
2. An NSA Site Review to install a new septic system for the dwelling on Parcel 1; and
3. A Major Variance to authorize an existing garage and retaining wall intruding into the required yard on Parcel 1 constructed by a prior property owner.

### 2.0 Property Description & History:

**Staff:** This application is for a property line adjustment between 36817 E. Historic Columbia River Hwy (Parcel 2) and 36723 E. Historic Columbia River Hwy (Parcel 1). Additional applications have been requested for Parcel 1 to allow a new septic system after the property line adjustment is completed and to authorize an unpermitted encroachment of an outbuilding and a retaining wall within required yards.

Both Parcel 1 and Parcel 2 are located in unincorporated east Multnomah County outside of Metro’s Urban Growth Boundary (UGB) and inside the Columbia River Gorge National Scenic Area (NSA). Both Parcel 1 and Parcel 2 are zoned Gorge General Rural Center (GGRC) and are located in the Village Landscape Setting.

The site plan (Exhibit A.17) shows that Parcel 1 is occupied by a single-family dwelling, detached outbuilding, and retaining wall to flatten an area for parking.

Assessment & Taxation records state that Parcel 2 is occupied by a single-family dwelling, and three outbuildings. The Lot Line Adjustment plan (Exhibit A.6) shows only one detached building.

### 3.0 Public Comment:

- 3.0** Staff mailed a notice of application and invitation to comment on the proposed application to the required parties pursuant to MCC 38.0530 (Exhibit C.5). Staff received comments during the 21-day comment period and also received comments regarding Cultural Resources during the 30-day comment period.
- 3.1** **State Historic Preservation Office (SHPO)** provided comments that there are no identified archaeological objects or site and no Native American areas in or adjacent to the project area (Exhibit D.1).
- 3.2** **US Forest Service (USFS)** provided comments that no cultural resource reconnaissance survey or historic survey is required (Exhibit D.2).
- 3.3** **Oregon Department of Transportation (ODOT)** provided the comment that they have determined the project will not have any significant impacts on the Historic Highway and that no additional State review is required (Exhibit D.3).
- 3.4** **Friends of the Columbia Gorge**, a non-profit organization dedicated to protecting the Columbia River Gorge, provided comments regarding the applicable code requirements and materials that need to be provided for the application (Exhibit D.4).

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

### **4.1 § 38.0560 CODE COMPLIANCE AND APPLICATIONS.**

Except as provided in subsection (A), the County shall not make a land use decision approving development, including land divisions and property line adjustments, or issue a building permit 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:

- (1) It results in the property coming into full compliance with all applicable provisions of the Multnomah County Code. This includes sequencing of permits or other approvals as part of a voluntary compliance agreement; or
- (2) It is necessary to protect public safety; or
- (3) It is for work related to and within a valid easement over, on or under an affected property.
- (4) It brings a nonconforming structure or nonconforming use into compliance with current regulations; or
- (5) The Planning Director determines the development qualifies as a minor project.

\* \* \*

**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. 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).

The subject property has an existing building over its northern property line. The garage building and eaves extend 5+ feet over the property. In addition, a retaining wall near the eastern property line encroaches into the side yard and has not been approved through a NSA Site Review. The permits requested will resolve these issues. *Through this decision and any required conditions of approval, the code compliance hold will be resolved.*

## **5.0 Parcel Criteria:**

### **5.1 § 38.0015 DEFINITIONS**

As used in this Chapter, unless the context requires otherwise, the following words and their derivations shall have the meanings provided below.

**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: Parcel 1:** In 2018, the adjacent property owner to the east (1N4E35BA-01200) completed a Lot Consolidation application and recorded a deed to consolidate an area of land that had been illegally partitioned from Parcel 1 in 1978. By consolidating the area of land, the adjacent property corrected a land division problem with Parcel 1. Parcel 1 qualifies as a Parcel pursuant to MCC 38.0015.

**Parcel 2:** In land use case, T3-2014-3714, the Hearings Officer found that Parcel 2 was lawfully created by property line adjustment, T2-2011-1859. Parcel 2 qualifies as a Parcel pursuant to MCC 38.0015.

*Criterion met.*

## **6.0 Gorge General Rural Center Criteria:**

### **6.1 § 38.2425 REVIEW USES**

The following uses may be allowed on lands designated GGRC, 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:

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

(C) 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:

- (1) 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.
- (2) The height of any individual accessory building shall not exceed 24 feet.

(J) Property line adjustments that would result in the potential to create additional parcels through subsequent land divisions, subject to 38.7970.

**Staff:** Criteria (B) & (C): The application seeks to authorize 66+/- ft long by 10-ft tall high (28-inch interior) retaining wall that was installed to create a flat parking area east of the existing dwelling and a 531 sq. ft. addition to an existing accessory building that was completed by a prior property owner. The square footage of the accessory structure (garage) with its addition is 931.12+/- sq. ft. The subject accessory building is a single story (Exhibit A.4). No other accessory building exists on the site. The accessory building is 11 ft in one section and 14 ft in another section. In addition, the applicant is proposing to install a new/replacement drainfield within the area being added to Parcel 1 (Exhibit A.17).

Criteria (J): Parcel 1 is currently 6,532 sq. ft. and will increase in size to 28,190 sq. ft. to allow for a new drainfield to be installed for the dwelling. It remains below the 1-acre minimum lot size for division to allow the construction of a new single family dwelling [MCC 38.2460(A)].

Parcel 2 is currently 2.61 acres and will be reduced to 2.11 acres after the property line adjustment is completed. The property line adjustment is being reviewed as part of the NSA Site Review instead of an expedited review case due to the existing code compliance issues on the site. Once this decision is approved and the conditions met, the open code compliance issues should be corrected.

## 6.2 § 38.2460 DIMENSIONAL REQUIREMENTS

**(A) The minimum lot size for a single family dwelling shall be one acre.**

**(E) 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 dwelling and detached garage currently have the following setbacks (yards):

Building	Front Yard	East Side Yard	West Side Yard	Rear Yard
Dwelling	10.26 ft	12.46 ft	3.51 ft	32+/- ft
Garage	80 ft	39.64 ft	3.10 ft	-1.88 ft

The setbacks for the dwelling are an Existing Use pursuant to MCC 39.0030. The garage was shown on the site plan to be 10 ft from the western side yard (Exhibit B.5) during a dwelling addition. The proposed building was 20 ft by 20 ft. The building has been enlarged into the western side yard and over the rear property line. The property line adjustment (PLA) will fix the rear yard encroachment. The rear yard for the garage and dwelling will be over 200 ft after the PLA. The applicant has applied for a Major Variance in order to authorize the garage building and retaining wall at their present location. *Minimum yards will be met through a major variance approval.*

## 7.0 Property Line Adjustment Criteria:

### 7.1 § 38.7970 PROPERTY LINE ADJUSTMENT (LOT LINE ADJUSTMENT)

**(A) In the General Management Area:**

**(1) Lot line adjustments for parcels in all land use designations except Open Space, Commercial (GGC), Public Recreation (GG-PR, GS-PR), or Commercial Recreation (GG-CR) shall comply with the following standards:**

**Staff:** The two properties involved in the Property Line Adjustment (PLA) are zoned GGRC (Gorge General Management Rural Center).

**(a) The lot line adjustment shall not result in the creation of any new parcel(s).**

**Staff:** The proposed Property Line Adjustment plan (Exhibit A.12) shows the intention to enlarge Parcel 1 and to reduce Parcel 2. No new parcel is proposed. A condition of approval has been included to ensure compliance with this condition.

**(b) The lot line adjustment shall not result in the potential to create a new parcel(s) or residential development in excess of the minimum density allowed by the land use designation(s) for the affected parcels.**

**Staff:** The minimum lot size for a single-family dwelling in the GGRC zone is 1 acre. Parcel 1 is currently 6,532 sq. ft. and will be enlarged to 28,190 sq. ft. Parcel 1 currently is occupied by an existing single-family dwelling and after the PLA will remain too small for another dwelling or creation of a duplex [(MCC 38.2460(A) & (B))]. Parcel 2 is currently 2.61 acres and is occupied by an existing single-family dwelling (Exhibit B.2). It would be feasible to divide the property into a second parcel. After the PLA, Parcel 2 will be 2.11 acres. It would remain dividable or capable of having a duplex. The proposed PLA does not increase the residential density for the two parcels. *Criterion met.*

**(c) The lot line adjustment shall not allow a parcel that is equal to or larger than the minimum parcel size before the lot line adjustment to become less than the minimum parcel size after the lot line adjustment, except to allow a public or non-profit entity to acquire land for the purpose of protecting and enhancing scenic, cultural, recreation or natural re-sources, provided the land to be acquired would be protected by a conservation easement or other similar property restriction that precludes future land divisions and development.**

**Staff:** Parcel 1 is smaller than the minimum 1-acre lot size for the GGRC. After the completion of the PLA, Parcel 2 will be 2.11 acres. *Criterion met.*

**(d) The lot line adjustment shall not allow a parcel that is smaller than the minimum parcel size to be reduced in size, except to accomplish one of the following purposes:**

**1. Resolve boundary disputes, correct physical encroachments, pro-vide reasonable access, or meet buffer or set back requirements, provided:**

**a. The parcel to be enlarged would not become eligible for a subsequent land division and**

**b. The amount of land transferred would be the minimum necessary to resolve the issue.**

**2. Allow a public or non-profit entity to acquire land for the purpose of protecting and enhancing scenic, cultural, recreation or natural re-sources, provided the land to be acquired would be protected by a conservation easement or other similar property restriction that precludes future land divisions and development.**

**Staff:** Parcel 2 is the unit of land being reduced. It is currently 2.61 acres. After the PLA, it will be 2.11 acres. The minimum parcel size in the GGRC zone is 1 acre. *Criterion met.*

**(e) The lot line adjustment shall not allow the boundary of a parcel designated Large-Scale Agriculture (GGA-40), Commercial Forest Land (GGF-40 or GGF-80), or Open Space to be extended into another land use designation for the purpose of establishing a dwelling under less stringent provisions (e.g., ex-tending a parcel designated GMA Large-Scale Agriculture [GGA-40] into a parcel designated Rural Center [GGRC] or Residential [GGR, GSR]).**

**Staff:** Both properties are zoned GGRC and contain a dwelling. *Criterion met.*

**(f) The lot line adjustment shall not allow previously approved parcels or developments to violate conditions of approval or become out of compliance or further out of compliance with existing land use and resource protection provisions, including, but not limited to, requirements for buffer zones and landscaping.**

**Staff:** Parcel 1 has the previous NSA case, NSA 18-96 (Exhibit B.4) associated with it. No continuing conditions of approval exist for that decision. Parcel 2 is associated with an Expedited NSA decision, T2-2011-1859 (Exhibit B.6) for a PLA with R944350160 (36901 E. Historic Columbia River Hwy). No on-going conditions exist with this decision. *Criterion met.*

**(g) The lot line adjustment shall not result in a parcel that cannot comply with existing land use and resource protection provisions, including, but not limited to requirements for buffer zones and landscaping.**

**Staff:** Parcel 1 is being enlarged from 6,532 sq. ft. to 28,190 sq. ft. It should be better able to meet any land use or resource protection provisions after the PLA. Parcel 2 will remain 2.11 acres and will continue to be able to meet the land use and resource protection provisions, if necessary, in the future (Exhibit A.6 & A.12). *Criterion met.*

**(2) Lot line adjustments for parcels designated Open Space shall comply with the following standards:**

**(a) The lot line adjustment may be allowed upon demonstration that it is necessary to facilitate efforts to protect and enhance scenic, cultural, natural, or recreation resources. (Note: There is no specified minimum parcel size for parcels designated Open Space.)**

**(b) The lot line adjustment shall comply with provisions (A)(1)(a), (b), (e), (f), and (g) above.**

**Staff:** The two properties are both zoned GGRC (Gorge General Rural Center). *Criteria not applicable.*

**(3) Lot line adjustments for parcels designated Commercial shall comply with provisions (A)(1)(a), (b), (e), (f), and (g) above.**

**Staff:** The two properties are both zoned GGRC (Gorge General Rural Center). *Criteria not applicable.*

**(4) Lot line adjustments for parcels designated Public Recreation (GG-PR, GS-PR) or Commercial Recreation (GG-CR) shall comply with the following standards:**

**(a) The lot line adjustment may be allowed upon demonstration that it is necessary to facilitate, enhance, or otherwise improve recreation uses on the parcel. (Note: There are no specified minimum parcel sizes for parcels designated Public Recreation [GG-PR, GS-PR] or Commercial Recreation [GG-CR].)**

**(b) The lot line adjustment shall comply with provisions (A)(1)(a), (b), (e), (f), and (g) above.**

**Staff:** The two properties are both zoned GGRC (Gorge General Rural Center). *Criteria not applicable.*

## **8.0 NSA Site Review Criteria:**

### **8.1 § 38.7035 GMA SCENIC REVIEW CRITERIA**

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

**(A) All Review Uses and Conditional Uses:**

**(1) New development shall be sited and designed to retain the existing topography and to minimize grading activities to the maximum extent practicable.**

**Staff:** The applicant is requesting approval of an addition to an existing detached garage, an existing retaining wall and a new replacement drainfield for the dwelling on Parcel 1 (subject property) (Exhibit A.1). No improvements are being reviewed for Parcel 2. The garage is located behind the dwelling (Exhibit A.17). The retaining wall is to the east of the garage on adjacent to the eastern property line (Exhibit A.17). Both the garage improvement and retaining wall were constructed in the past without permit(s), so no ground disturbance is proposed at this time. Some filling may occur adjacent to the retaining wall to complete the parking area it retains (Exhibit A.15). The replacement drainfield will be installed underground and the disturbed area returned to its original level and vegetation (Exhibit A.17). A condition of approval has been included to ensure the ground disturbance is minimized for the drainfield installation.

**(2) New buildings and expansion of existing development shall be compatible with the general scale of similar buildings that exist nearby (e.g. dwellings to dwellings). 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:**

**(a) Application of the landscape setting design requirements, if applicable.**

**(b) A defined study area surrounding the development that includes at least ten existing buildings, not including existing buildings within urban areas or outside the National Scenic Area.**

**(c) Individual evaluations of scale for each separate proposed building in the application and each separate building in the study area, including:**

- 1. All finished above ground square footage;**
- 2. Total area of covered decks and porches;**
- 3. Attached garages;**
- 4. Daylight basements;**
- 5. Breezeways, if the breezeway shares a wall with an adjacent building; and**
- 6. Dimensions, based on information from the application or on Assessor's records.**

**(d) An overall evaluation demonstrating the proposed development's compatibility with surrounding development. Buildings in the vicinity of the proposed development that are significantly larger in size than the rest of the buildings in the study area should be removed from this evaluation.**

**Staff:** The garage building totals 931.12+/- sq. ft (Exhibit A.18 & A.17). The retaining wall is 66+/- ft long and does not constitute a building, but does qualify as development. The replacement drainfield will be underground and not visible upon its completion. *Criteria met.*

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

**Staff:** The subject property has one existing driveway (Exhibit A.17). No additional access points are proposed. *Criterion met.*

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

**Staff:** The vegetation along the western property line helps to screen the garage building from the KVA. A condition of approval has been included that the vegetation on the western property line (Exhibit A.17) and in the front yard be maintained to screen the garage, retaining



wall and parking area from the KVA. *A condition of approval will be included to ensure compliance with this criterion.*

**(5) For all exploration, development (extraction and excavation), production of mineral resources and expansion of existing quarries, a reclamation plan is required to restore the site to a natural appearance that blends with and emulates distinctive characteristics inherent to its landscape setting to the maximum extent practicable. At mini-mum, such reclamation plans shall include:**

\* \* \*

**Staff:** The project does not include mineral resource production. *Criterion not applicable.*

**(6) All reclamation plans for new quarries or expansion of existing quarries shall be sent to the appropriate state reclamation permitting agency for review and comment. The Planning Director may request technical assistance from state agencies on reclamation plans for proposed mining not within the state agency's jurisdiction. The state agency shall have 30 calendar days from the date a reclamation plan is mailed to submit written comments on the proposal. State agency comments shall address the following:**

\* \* \*

**Staff:** The project does not include mineral resource production. *Criterion not applicable.*

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

**(1) Each development shall be visually subordinate to its setting as visible from Key Viewing Areas. New development shall be sited to achieve visual subordination from key viewing areas, unless the siting would place such development in a buffer specified for protection of wetlands, riparian corridors, rare plants, or sensitive wildlife sites or would conflict with guidelines to protect cultural resources. In such situations, new development siting shall comply with this guideline to the maximum extent practicable.**

**Staff:** The subject property fronts onto the Historic Columbia River Hwy, a Key Viewing Area (KVA). No protection buffers exist on the adjusted parcel (after PLA). The garage is situated behind the existing dwelling constructed in 1925 and located at the front of the small lot (Exhibit A.17). Significant vegetation is shown along the western property boundary which the garage is located near. The retaining wall is setback over 60-ft from the front property line and is approximately 1 ft wide when it is looked at straight on. Existing vegetation exists along the front property line, screens it from the Historic Highway (Exhibit A.17). The replacement drainfield will be installed underground and after the area is revegetated will not be visible. *Criterion met.*

**(2) A determination of the potential visual impact of a new development or use shall include written findings addressing the following factors: the amount of area of the building site exposed to Key Viewing Areas, the degree of existing vegetation providing screening, the distance from the building site to the Key Viewing Areas it is visible from, the number of Key Viewing Areas it is visible from, and the linear distance along the Key Viewing Areas from which the building site is visible (for linear Key Viewing Areas, such as roads), and other factors the reviewing agency determines relevant in consideration of the potential visual impact. The extent and type of conditions applied to a proposed development to achieve visual subordination to its landscape setting shall be proportionate to its potential visual impacts as visible from key viewing areas. Conditions may include, and shall be applied using the following priorities:**

**(a) Screening by topography.**

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

**(c) Retention of existing vegetation on the applicant's property.**

**(d) Design and building materials (color, reflectivity, size, shape, height, architectural and design details and other elements).**

**(e) New landscaping on the applicant's property.**

**(f) New berms or other recontouring on the applicant's property, where consistent with other applicable provisions.**

**Staff:** The closest KVA is the Historic Highway. The property is also topographically visible from Larch Sherrard, Larch Mtn Rd, and State Route 14 which are significant distances from the subject property. The property is beneath the minimum lot size and most improvement exist with mature vegetation on the western property line and along the front except the existing driveway area. *Criterion met.*

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

**Staff:** The subject garage has existed on the site since 1996, but at a smaller size. Based on aerials in the County's archives, the garage was enlarged between 2008 and 2010. The retaining wall was constructed in the year 2010. There is significant vegetation to screen these two improvements from the Historic Highway KVA. The potential visual effects from these two improvements are limited due to existing screening vegetation (Exhibit A.17). The proposed replacement drainfield will be installed below the surface of the field and will not be visible once the vegetation is restored. There will be minimal effects by the proposed development. *Criterion 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 plant-ed for screening purposes).**

**Staff:** The applicant has provided the necessary information in Exhibits A.17, A.18, and A.19. *Criterion met.*

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

**Staff:** The site plan (Exhibit A.17) shows existing vegetation along the western property line and the front yard. The garage and the retaining wall are screened by the vegetation and existing dwelling. The proposed replacement drainfield will be installed below the surface of the ground and once the area is revegetated, it will not be visible. *Criterion met.*

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

**Staff:** No existing vegetation has been proposed to be removed as part of the project. *Criterion met.*

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

**Staff:** The driveway, dwelling, garage and retaining wall are all existing. The replacement drainfield will follow the existing contour of the field. No cut banks or fill slopes will be created by its installation. *Criterion met.*

**(8) The exterior of buildings on lands seen from Key Viewing Areas shall be composed of non-reflective materials or materials with low reflectivity. Continuous surfaces of glass**

**shall be limited to ensure visual subordination. The *Scenic Resources Implementation Handbook* includes a list of recommended exterior materials and screening methods.**

**Staff:** The garage is sided with hardi-plank siding. It has limited windows that are vinyl. The roofing is EPDM “rubber” roofing (Exhibit A.18 & A.19). The materials have a low-reflectivity. The building is screened from the west by vegetation along the west property line. The garage is screened from the east by the dwelling on the property (Exhibit A.17). *Criterion met.*

**(9) Any exterior lighting shall be directed downward and 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. Shielding and hooding materials shall be composed of non-reflective, opaque materials.**

**Staff:** The applicant states there are three LED exterior light fixtures located on the front soffit of the garage above each garage door. The fixtures are recessed into the soffit and pointed downwards. The soffit shields the light from shining outwards and prevents it from being visible from the Historic Highway (Exhibit A.19). *Criterion met.*

**(10) Unless expressly exempted by other provisions in this chapter, colors of structures on sites visible from key viewing areas shall be dark earthtones found at the specific site or in the surrounding landscape. The specific colors approved by the reviewing agency shall be included as a condition of approval.**

**Staff:** The garage is exempt from the color requirements by MCC 38.7035(C)(1)(a).

**(11) 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 earthtone colors found at the specific site or in the surrounding landscape. The specific colors approved by the reviewing agency shall be included as a condition of approval.**

**Staff:** The garage in 1996 was shown to be 400 sq. ft. on the approved site plan for the house addition. The proposed addition is 531+/- sq. ft. The building is a beige/tan color and is exempt from the dark earthtone requirements pursuant to MCC 38.7035(C)(6)(a). *Criterion met.*

**(12) Rehabilitation of or modifications to existing significant historic structures shall be exempted from visual subordination requirements for lands visible 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 house, garage and retaining wall are not significant historic structures. The proposed physical improvements must meet the approval criteria for visual subordination. *Criterion not applicable to the development.*

**(13) The silhouette of new buildings shall remain below the skyline of a bluff, cliff or ridge as visible from Key Viewing Areas.**

**Staff:** The subject property is adjacent to the Historic Highway in Corbett. Its terrain is relatively flat and the structures are a significant distance from any bluffs or ridge lines. The garage addition is the only building involved in the permit and it is 14-ft tall remains below any nearby ridgeline (Exhibit A.?). *Criterion met.*

**(14) 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 sub-ordination. 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. If after five years the vegetation has not achieved a size sufficient to screen the development, additional screening may be required by Multnomah County to make the development visually subordinate.**

**(d) Landscaping shall be installed as soon as practicable, and prior to project completion. The property owner(s), and their successor(s) in interest are responsible for the proper maintenance and survival of planted vegetation, and re-placement 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:** No new landscaping is proposed to screen the garage addition or retaining wall. The only vegetation proposed is to reseed the field area where the replacement drainfield will be installed. No new landscaping is needed for the garage expansion or retaining wall as the existing vegetation shown on the site plan (Exhibit A.17) screens these uses. *Criterion met.*

**(15) Conditions regarding new landscaping or retention of existing vegetation for new developments on land designated GGF-80, GGF-40 and GGF-20 shall meet both scenic guidelines and the fuel break requirements of MCC 38.7305(B).**

**Staff:** The subject property is zoned GGRC. *Criterion not applicable.*

**(16) 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.**

**Staff:** No new transmission lines are proposed as part of the subject application. *Criterion not applicable.*

**(17) 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.**

**Staff:** No new communication facilities are proposed as part of this application. *Criterion not applicable.*

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

**(a) The facility is necessary for public service;**

**(b) The break in the skyline is visible only in the background; and**

**(c) The break in the skyline is the minimum necessary to provide the service.**

**Staff:** No new communication facilities are proposed as part of this application. *Criterion not applicable.*

**(19) 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:**

**(a) The facility is necessary for public service;**

**(b) The break in the skyline is the minimum necessary to provide the service.**

**Staff:** No highway improvements are proposed as part of this application. *Criterion not applicable.*

**(20) 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 improvements are not adjacent to the Columbia River. *Criterion not applicable.*

**(21) 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 footprint shall be utilized.**

**Staff:** Contour information places slopes at less than 25%. *Criterion met.*

**(22) Expansion of existing quarries and exploration, development (extraction and excavation), and production of mineral resources proposed on sites more than 4 miles from the nearest Key Viewing Areas from which it is visible may be allowed upon a demonstration that:**

\* \* \*

**Staff:** The application does not involve an expansion of an existing quarry or development of mineral resources. *Criterion not applicable.*

**(23) Unless addressed by subsection (26) above, exploration, development (extraction and excavation), and production of mineral resources may be allowed upon a demonstration that:**

\* \* \*

**Staff:** The application does not involve an expansion of an existing quarry or development of mineral resources. *Criterion not applicable.*

**(24) An interim time period to achieve compliance with visual subordination requirements for expansion of existing quarries and development of new quarries located more than 4 miles from the nearest visible Key Viewing Area from which it is visible shall be established prior to approval. The interim time period shall be based on site-specific topographic and visual conditions, but shall not exceed 3 years beyond the date of approval.**

**Staff:** The application does not involve an expansion of an existing quarry or development of mineral resources. *Criterion not applicable.*



**(25) An interim time period to achieve compliance with full screening requirements for new quarries located less than 4 miles from the nearest visible Key Viewing Area from which it is visible shall be established prior to approval. The interim time period shall be based on site-specific topographic and visual conditions, but shall not exceed 1 year beyond the date of approval. Quarrying activity occurring before achieving compliance with full screening requirements shall be limited to activities necessary to provide such screening (creation of berms, etc.).**

**Staff:** The application does not involve a new quarry or development of mineral resources. *Criterion not applicable.*

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

**(6) Village**

**(a) New development in this setting is exempt from the color and siting requirements of MCC 38.7035(B).**

**Staff:** The garage is not required to comply with dark earthtone colors. *Criterion met.*

**(b) New commercial buildings shall be limited in size to a total floor area of 5,000 square feet or less, and shall be limited in height to 2 and 1/2 stories or less.**

**Staff:** The application does not involve a commercial building. *Criterion not applicable.*

**(c) For new commercial, institutional (churches, schools, government buildings) or multi-family residential uses on parcels fronting a Scenic Travel Corridor (the Historic Columbia River Highway) and expansion of existing development for such uses, parking shall be limited to rear or side yards of buildings to the maximum extent practicable.**

**Staff:** The application does not involve a commercial building. *Criterion not applicable.*

**(d) New vehicular access points to the scenic travel corridors shall be limited to the maximum extent practicable, and access consolidation shall be required where feasible.**

**Staff:** The driveway for the property exists and no additional is proposed (Exhibit A.17). *Criterion met.*

**(e) New development proposals and expansion of existing development shall be encouraged to follow planned unit development approaches, featuring consolidated access, commonly-shared landscaped open areas, etc.**

**Staff:** The application is for an addition to an existing accessory building, a retaining wall and replacement drainfield. *Criterion not applicable.*

**(f) New commercial, institutional or multi-family residential uses fronting a Scenic Travel Corridor shall comply with the following landscape requirements:**

\* \* \*

**Staff:** The application is for an addition to an existing accessory building, a retaining wall and replacement drainfield. *Criterion not applicable*

**(g) The use of building materials reinforcing the Village Setting's character, such as wood, logs or stone, and reflective of community desires, should be encouraged.**

**Staff:** The siding on the existing garage and addition is hardi-plank siding and an EPDM rubber roof as the roof has a low-slope roof. The building is screened by vegetation and the existing dwelling so it is not easily visible from the Historic Highway. *Criterion met.*

**(h) Architectural styles characteristic of the area (such as 1½ story dormer roof styles in Corbett), and reflective of community desires, should be encouraged. Entry signs should be consistent with such architectural styles.**

**Staff:** The addition to the existing garage utilizes a split shed design to allow for the addition to the existing garage structure. The retaining wall is made of poured concrete. No signage is proposed. *Criterion met.*

**(i) Design features which create a "pedestrian friendly" atmosphere, such as large shop windows on the ground floor of commercial buildings, porches along ground floors with street frontage, etc. should be encouraged.**

**Staff:** The application is for an addition to an existing accessory building, a retaining wall and replacement drainfield. *Criterion not applicable.*

**(j) Pedestrian walkways and bicycle paths should be encouraged and integrated into new development wherever feasible.**

**Staff:** The application is for an addition to an existing accessory building, a retaining wall and replacement drainfield. *Criterion not applicable.*

**(k) Where feasible, existing tree cover of species native to the region or species identified in the *Scenic Implementation Handbook* as appropriate for the area shall be retained when designing new development or expanding existing development.**

**Staff:** No trees or vegetation has been proposed to be removed as part of the project. A condition of approval has been included to remind the applicant of this requirement. *Criterion met.*

**(l) Compatible recreation uses may include community parks serving the recreation needs of local residents, and varying intensities of other recreation uses.**

**Staff:** The application is for an addition to an existing accessory building, a retaining wall and replacement drainfield. *Criterion not applicable*

#### **8.4 (D) All Review Uses and Conditional Uses within scenic travel corridors:**

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

**Staff:** The subject property is adjacent to the Historic Columbia River Hwy. All development will be within ¼ mile

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

**Staff:** The subject property is located in the GGRC zone. *Criterion met.*

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

**Staff:** The garage is setback approximately 80.5 ft from the front property line (90 ft from edge of pavement), but the property is located with the GGRC zone

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

\* \* \*

**Staff:** The application is for an addition to an existing accessory building, a retaining wall and replacement drainfield on private property. *Criterion not applicable*

**(5) When evaluating which locations to consider undergrounding of signal wires or powerlines, railroads and utility companies shall prioritize those areas specifically recommended as extreme or high priorities for undergrounding in the Columbia River Gorge National Scenic Area Corridor Visual Inventory prepared in April, 1990.**

**Staff:** *Criterion not applicable.*

**(6) New exploration, development (extraction or excavation), and production of mineral resources proposed within one-quarter mile of the edge of pavement of a Scenic Travel Corridor may be allowed upon a demonstration that full visual screening of the site from the Scenic Travel Corridor can be achieved by use of existing topographic features or existing vegetation designed to be retained through the planned duration of the proposed project. An exception to this may be granted if planting of new vegetation in the vicinity of the access road to the mining area would achieve full screening. If existing vegetation is partly or fully employed to achieve visual screening, over 75 percent of the tree canopy area shall be coniferous species providing adequate winter screening. Mining and associated primary processing of mineral resources is prohibited within 100 feet of a Scenic Travel Corridor, as measured from the edge of pavement, except for access roads. Compliance with full screening requirements shall be achieved within time frames specified in MCC 38.7035 (B) (25).**

**Staff:** The application is for an addition to an existing accessory building, a retaining wall and replacement drainfield. *Criterion not applicable.*

**(7) Expansion of existing quarries may be allowed pursuant to MCC 38.7035 (B) (21). Compliance with visual subordination requirements shall be achieved within time frames specified in MCC 38.7035 (B) (24).**

**Staff:** The application is for an addition to an existing accessory building, a retaining wall and replacement drainfield. *Criterion not applicable.*

## **8.5 § 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:**

**(a) The modification, expansion, re-placement, or reconstruction of existing buildings and structures.**

\* \* \*

**(e) Proposed uses that would occur on sites that have been adequately surveyed in the past.**

**Staff:** The USFS (US Forest Service) and SHPO (State Historic Preservation Office) have indicated that no cultural resource reconnaissance survey or historic survey is needed for the subject property (Exhibit D.1 & D.2). *Criteria met.*

**8.6 § 38.7053 GMA WATER RESOURCES REVIEW CRITERIA**

**WATER RESOURCES: WETLANDS, STREAMS, PONDS, LAKES, AND RIPARIAN AREAS**

**Staff:** There are no water resources on the project site or in the vicinity. *Criterion met.*

**8.7 § 38.7065 GMA WILDLIFE REVIEW CRITERIA**

**Wildlife Habitat Site Review shall be required for any project within 1,000 feet of Priority Habitat and sensitive wildlife areas and sensitive wildlife sites (i.e., sites used by sensitive wildlife species). If Multnomah County discovers a new protected wildlife location during the review process, the County shall submit this information to the appropriate state agency to be updated in their species databases.**

**Staff:** The project area is located in the GGRC zone in Corbett. No priority habitat or sensitive wildlife areas or sites exist within 1000 ft of the subject property. *Criterion met.*

**8.8 § 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 rare plant species.**

**Staff:** The project area is located in the GGRC zone in Corbett. No endemic plants and/or rare plant species exist within 1000 ft of the subject property. *Criterion met.*

**8.9 38.7080 GMA RECREATION RESOURCE REVIEW CRITERIA**

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

**Staff:** The application is for an addition to an existing accessory building, a retaining wall and replacement drainfield. No recreational activities are proposed. *Criterion met.*

**9.0 Major Variance Criteria:**

**9.1 § 38.7600- VARIANCE APPROVAL CRITERIA**

**(A) The Approval Authority may permit and authorize a variance from the dimensional requirements of 38.2060 (C), 38.2260 (C), 38.2460 (E), 38.2660 (C), 38.2860 (C), 38.3060 (C), and 38.3260 (C) only when there are practical difficulties in the application of the Chapter. A Major Variance shall be granted only when all of the following criteria are met. A Minor Variance shall met criteria (3) and (4).**

**Staff:** The application requests a variance from the minimum 10-ft side yard of MCC 38.2460(E) for the garage addition and the retaining wall. The Practical Difficulty that exists is that the property as it exists is only 6,532 sq. ft. in a zone that requires a 1-acre minimum lot size to establish a new parcel. Even with the property line adjustment approval, the minimum side yard will not be altered so that the building will be able to meet the 10-ft side yard. As for the practical difficulty for the retaining wall location which is in the 10-ft side yard to the east property line, the property owner would not be able to access the garage without the wall to allow fill to create a vehicle maneuvering and parking area.

**(1) A circumstance or condition applies to the property or to the intended use that does not apply generally to other property in the same vicinity or district. The circumstance or condition may relate to the size, shape, natural features and topography of the property or the location or size of physical improvements on the site or the nature of the use compared to surrounding uses.**

**Staff:** The minimum lot size for the GGRC zone is 1 acre. The subject property is currently 6,532 sq. ft. and even after the property line adjustment, it will only be 28,190 sq. ft. As the garage and

its addition is existing, it is not feasible to move the garage to meet the 10-ft minimum side yard. The retaining wall location is needed to be able to access the garage and create a level parking area. *Criterion met.*

**(2) The zoning requirement would restrict the use of the subject property to a greater degree than it restricts other properties in the vicinity or district.**

**Staff:** Most properties in the area are larger than the existing lot size of the property. Properties are allowed to have up to a 1,500 sq. ft. in ground coverage for accessory building(s). The application requests a 931+/- sq. ft. accessory building. Without the variance, the site may not be able to have the accessory building and the vehicle maneuvering and parking area. *Criterion met.*

**(3) The authorization of the variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or district in which the property is located, or adversely affects the appropriate development of adjoining properties.**

**Staff:** The property owner obtained permission from property owners within 100 ft of the subject property for the variance request. The reduction of the side yard is not detrimental to the public welfare as it does not encroach onto the public right-of-way known as the Historic Columbia River Hwy. *Criterion met.*

**(4) The granting of the variance will not adversely affect the realization of the Management Plan nor will it establish a use which is not listed in the underlying zone.**

**Staff:** A detached garage associated with the existing single-family dwelling is an accessory building allowed in the GGRC zone. The subject application has met the approval criteria required to meet the Management Plan; hence it will not adversely affect the realization of it. *Criterion met.*

## **9.2 § 38.7605 VARIANCE CLASSIFICATION**

**(A) A Major Variance is one that is in excess of 25 percent of an applicable dimensional requirement. A Major Variance must be found to comply with MCC 38.7600 (A).**

**(1) A Major Variance must be approved at a public hearing except when all owners of record of property within 100 feet of the subject property grant their consent to the variance according to the procedures of MCC 38.7605 (B) (1) and (2).**

**Staff:** The applicant is requesting a 3.10-ft side yard adjacent to the western property line which would be a 69 percent reduction of the applicable dimensional requirement. The applicant has obtained signatures from the property owners within 100 feet of the subject property (Exhibit A.16). As such, the Planning Director is authorized to review the major variance application without a public hearing. The variance request was found to comply with the approval criteria in MCC 38.7600(A).

## **10.0 Conclusion**

Based on the findings and other information provided above, the applicant has carried the burden necessary for the Property Line Adjustment, NSA Site Review and Major Variance to establish a replacement drainfield for the existing dwelling and authorize already established improvements in the GGRC zone. This approval is subject to the conditions of approval established in this report.

## **11.0 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	2	Application Form	2/25/2025
A.2	6	Purchase Agreement	2/25/2025
A.3	1	Code Narrative	2/25/2025
A.4	1	House and Garage Floor Plans	2/25/2025
A.5	1	36723 E. HCRH Site Plan	2/25/2025
A.6	1	Lot Line Adjustment Plan	2/25/2025
A.7	3	Septic Review Certification	2/25/2025
A.8	2	Stormwater Drainage Control Certificate for 36723 E. HCRH	2/25/2025
A.9	1	Water Service Certification for 36723 E. HCRH	2/25/2025
A.10	3	Fire Service Provider Review for 36723 E. HCRH	2/25/2025
A.11	1	Existing Conditions Survey for 36723 E. HCRH	6/11/2025
A.12	1	Proposed Property Line Adjustment	6/11/2025
A.13	2	Major Variance Narrative	6/11/2025
A.14	4	Narrative Supporting Garage Addition	6/11/2025
A.15	3	Retaining Wall Information	6/11/2025
A.16	8	Property Owner Consent of Variance Request	6/11/2025
A.17	1	Revised Site Plan – 36723 E. HCRH	6/11/2025
A.18	6	Garage Information	6/11/2025
A.19	2	Additional Garage Information	12/03/2025
<b>‘B’</b>	<b>#</b>	<b>Staff Exhibits</b>	<b>Date</b>
B.1	2	Assessment and Taxation Property Information for 1N4E35BA-01400 (Alt Acct# R944350280 / Property ID# R322711)	3/17/2025
B.2	2	Assessment and Taxation Property Information for 1N4E35BA-01000 (Alt Acct# R944350520 / Property ID# R322732)	3/17/2025
B.3	1	Current Tax Map 1N4E35BA	3/19/2025
B.4	6	NSA 18-96 Decision dated 8/29/1996	3/19/2025
B.5	4	Building Permit for House Addition (36723 E. HCRH)	3/19/2025

B.6	6	NSA Lot Line Adjustment Expedited Review T2-2011-1859 dated September 16, 2011	9/24/2025
B.7	37	T3-2014-3714 HO Decision	9/24/25
B.8	3	Parcel Record Card – R944350280	11/26/2025
B.9	3	Parcel Record Card – R944350520	11/26/2025
B.10	1	2008 & 2010 Aerial Photos	12/2/2025
<b>‘C’</b>	<b>#</b>	<b>Administration &amp; Procedures</b>	<b>Date</b>
C.1	6	Agency Review & Plans	2/27/2025
C.2	3	Incomplete letter	3/21/2025
C.3	1	Applicant’s acceptance of 180-day clock	4/11/2025
C.4	1	Complete letter (day 1)	7/10/2025
C.5	5	Opportunity to Comment	7/18/2025
C.6	24	Decision	12/9/2025
<b>‘D’</b>	<b>#</b>	<b>Comments</b>	<b>Date</b>
D.1	1	SHPO Comments	3/3/2025
D.2	2	USFS Cultural Resources Survey Determination	7/23/2025
D.3	3	ODOT Comments	8/7/2025
D.4	6	Friends of the Columbia Gorge Comments	8/8/2025