

NOTICE OF NSA DECISION

Case File: T2-2021-14570 **Permit:** NSA Site Review

Applicant: Bonnie Knopf **Owner:** Bonnie & Gregory Knopf

Location: **Address:** 1001 NE Ogden Rd, Troutdale
Map, Tax Lots: 1N4E31A-00700 & 1N4E31A-00600
Alternate Account #: R944310550 & R944310780
Property ID #: R322447 & R322467

Zoning: Gorge General Agriculture – 40 (GGA-40) **Overlays:** N/A

Key Viewing Areas: Historic Columbia River Hwy, Sandy River, and Larch Mtn Road

Landscape Setting: Pastoral

Proposal Summary: Applicant is proposing a National Scenic Area Site Review for a proposed renovation of an existing deck, which will add a roof covering. The proposal also includes a new security gate at the driveway entrance and retroactive review of a greenhouse and pool complex.

Decision: **Approved with Conditions**

This decision is final and effective at the close of the appeal period, unless appealed. The deadline for filing an appeal is **Monday, January 10, 2021, at 4:00 pm.**

Opportunity to Review the Record: The complete case file, including the Planning Director Decision containing Findings, Conclusions, Conditions of Approval, and all evidence associated with this application are available for review by contacting case planner, Lisa Estrin at 503-988-0167 or via email at lisa.m.estrin@multco.us. Copies of all documents are available at the rate of \$0.40/per page.

Opportunity to Appeal: An appeal requires a \$250.00 fee and must state the specific legal grounds on which it is based. To obtain appeal forms or information on the procedure, contact the Land Use Planning office at 1600 SE 190th Avenue (Phone: 503-988-3043). This decision is not appealable to the Columbia River Gorge Commission until all local appeals are exhausted.

Issued By: _____
Lisa Estrin, Senior Planner

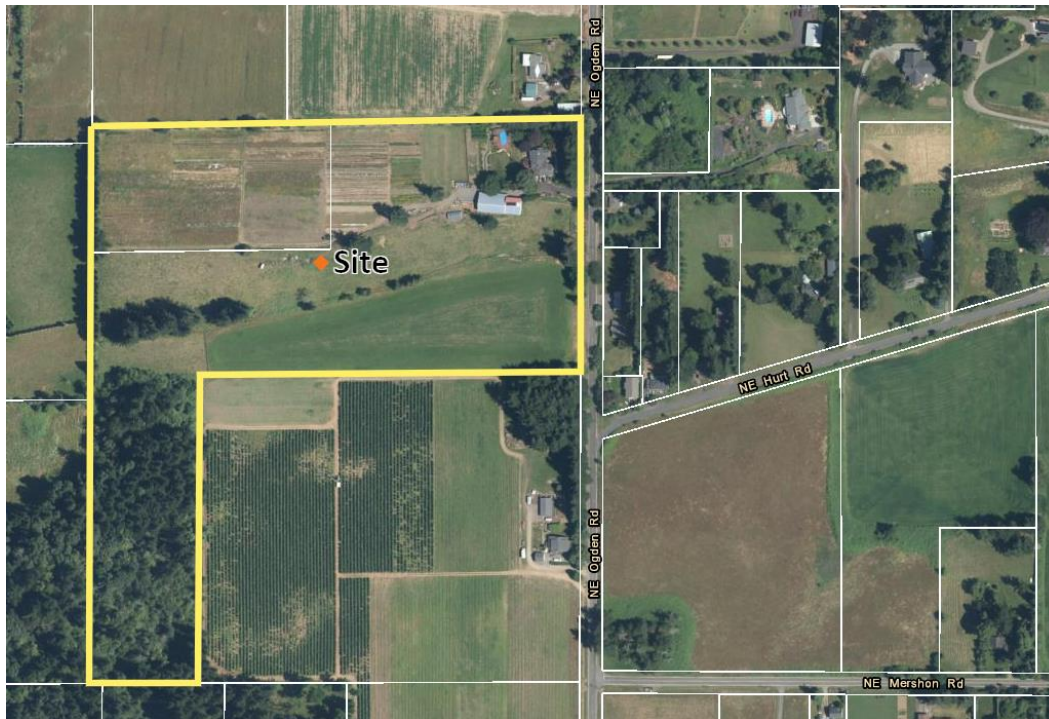
For: Carol Johnson, AICP
Planning Director

Date: Monday, December 27, 2021

Instrument Number for Recording
Purposes: #2012019429

Vicinity Map

N↑



Applicable Approval Criteria:

For this application to be approved, the proposal will need to meet the applicable approval criteria below:

Multnomah County Code (MCC): *General Provisions*: MCC 38.0015 Definitions, MCC 38.0030 Existing Uses and Discontinued Uses, MCC 38.0560 Code Compliance and Applications;

Gorge General Agriculture – 40: MCC 38.2225 Review Uses, (A)(3) Agricultural Buildings, (A)(4) Accessory Structures, (A)(6) Accessory Buildings, (A)(18) Additions to existing buildings, and MCC 38.2260 Dimensional Requirements;

NSA Site Review: MCC 38.7035 GMA Scenic Review Criteria, MCC 38.7045 GMA Cultural Resource Review Criteria, MCC 38.7055 GMA Wetland Review Criteria, MCC 38.7060 GMA Stream, Lake and Riparian Area Review Criteria, MCC 38.7065 GMA Wildlife Review Criteria, MCC 38.7080 GMA Recreation Resource Review Criteria, and MCC 38.7340 Agricultural Buildings.

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

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

1. Permit Expiration – This land use permit shall expire as follows:
 - a. Within two (2) years of the date of the final decision, when construction has not commenced. [MCC 38.0690(B)(1)]
 - i. For purposes of Condition #1.a., commencement of construction shall mean actual construction of the foundation or frame of the approved structure. For utilities and developments without a frame or foundation, commencement of construction shall mean actual construction of support structures for an approved above ground utility, development, or actual excavation of trenches for an approved underground utility or development. For roads, commencement of construction shall mean actual grading of the roadway.
 - ii. Notification of commencement of construction will be given to Multnomah County Land Use Planning Division a minimum of seven (7) days prior to date of commencement. Work may commence once notice is completed. [MCC 38.0690(B)(3)]
 - b. When the structure has not been completed within two (2) years of the date of commencement of construction. [MCC 37.0690(B)(2)]
 - i. For purposes of Condition #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. [MCC 38.0690(B)(4)]

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. Within 30 days after the decision becomes final, the applicant(s), owner(s), or their representative(s) shall:
 - a. Record pages 1 through 4 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]

Note: The Planning Director may grant reasonable extensions for required recording, not to exceed an additional 30 days, in cases of practical difficulty. Failure to sign and record the Notice of Decision within the prescribed period shall void the decision. [MCC 38.0670]

3. **Cultural Resources Discovered After Construction Begins:** The following procedures shall be effected when cultural resources are discovered during construction activities.
 - (1) Halt Construction – All construction activities within 100 feet of the discovered cultural resource shall cease. The cultural resources shall remain as found; further disturbance is prohibited.
 - (2) Notification – The project applicant shall notify the Planning Director and the Gorge Commission within 24 hours of the discovery. If the cultural resources are prehistoric or otherwise associated with Native Americans, the project applicant shall also notify the Indian tribal governments within 24 hours.

(3) Survey and Evaluation – The Gorge Commission will survey the cultural resources after obtaining written permission from the landowner and appropriate permits from SHPO (see ORS 358.905 to 358.955). It will gather enough information to evaluate the significance of the cultural resources. The survey and evaluation will be documented in a report that generally follows the standards in MCC 38.7045 (C) (2) and MCC 38.7045 (E).

(a) The Planning Director shall, based on the survey and evaluation report and any written comments, make a final decision within 10 days of the receipt of the report of the Gorge Commission on whether the resources are significant.

(b) The Planning Director shall require a Mitigation Plan if the affected cultural resources are found to be significant.

(c) Notice of the decision of the Planning Director shall be mailed to those parties entitled to notice by MCC 38.0530 (B).

(d) The decision of the Planning Director shall be final 14 days from the date notice is mailed, unless appealed as provided in MCC 38.0530 (B). Construction activities may recommence if no appeal is filed.

(4) Mitigation Plan – Mitigation plans shall be prepared according to the information, consultation, and report standards of MCC 38.7045 (J). Construction activities may recommence when the conditions in the mitigation plan have been executed.

4. **Discovery of Human Remains:** The following procedures shall be effected when human remains are discovered during a cultural resource survey or during construction.

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

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

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

(3) Inspection – The State Medical Examiner shall inspect the remains at the project site and determine if they are prehistoric/historic or modern. Representatives from the Indian tribal governments shall have an opportunity to monitor the inspection.

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

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

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

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

Note: Once this decision is final, application for building permits may be made with the City of Gresham. When ready to have building permits signed off by land use planning, the applicant shall 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 land use sign-off for building plan check...” Be ready to demonstrate compliance with the conditions.
2. Contact Right-of-Way Permits at row.permits@multco.us, or schedule an appointment at <https://multco.us/transportation-planning/webform/right-way-appointment-request/>, or call 503-988-3582 for an appointment to review your plans, obtain your access permit, and satisfy any other requirements. Failure to make an appointment with County Right-of-Way will result in delaying your building plan review and obtaining building permits.
3. Contact the City of Portland, Bureau of Development Services, On-site Sanitation via e-mail septic@portlandoregon.gov or by phone at 503-823-6892 for information on how to complete the Septic Evaluation or Permit 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.
4. Contact case planner, Lisa Estrin at 503-988-0167 or via email at lisa.m.estrin@multco.us, for an appointment for review of the conditions of approval and to sign the building permit plans. Land Use Planning must sign off on the plans and authorize the building permit before you can go to the Building Department. At the time of this review, Land Use Planning may collect additional fees.

The above must be completed before the applicant can obtain building permits from the City of Gresham. Digital plans must be sent to LUP-submittals@multco.us along with the Request for Building Permit Plan Review form. If paper copies of plans are needed, please contact the case planner to make an arrangement to drop off the plans for review and approval. At the time of building permit review, a fee may be collected and an erosion control inspection fee may be required.

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

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

Findings of Fact

FINDINGS: Written findings are contained herein. The Multnomah County Code (MCC) criteria and Comprehensive Plan Policies are in **bold** font. Staff analysis and comments are identified as ‘**Staff:**’ and address the applicable criteria. Staff comments may include a conclusionary statement in *italic*.

1.0 Project Description:

Staff: The applicant is proposing to construct a patio cover over an existing deck, install an entrance gate across the driveway and authorize existing improvements that have not previously been reviewed. Improvements needing retroactive approval include a greenhouse and a pool, deck around the pool and a small gazebo.

2.0 Property Description & History:

Staff: The subject property consists of two tax lots. Tax lot 1N4E31A-00700 is 21.33 acres and contains the existing dwelling built in 1953 with an attached deck, agricultural building, greenhouse, pool improvements and driveway. Tax lot 1N4E31A-00600 is 4.94 acres and is presently farmed. The subject property is located in the Columbia River Gorge National Scenic Area and is zoned Gorge General Agriculture – 40 (GGA-40).

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 as Exhibited in C.2. Staff received one public comments during the 14-day comment period.

Staff: Friends of the Columbia Gorge commented regarding the approval criteria (Exhibit D.1).

4.0 Code Compliance

§ 38.0560 CODE COMPLIANCE AND APPLICATIONS.

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

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

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

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

Staff: 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 was originally codified in the chapter related to land use application procedures and, by its terms, expressly applies to the application review process. Although now codified in the administration and procedures part of the Columbia River Gorge National Scenic Area Code this standard is remains applicable to the application review process and not to the post-permit-approval enforcement 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. As such, an applicant has no initial burden to establish that all elements of the subject property are in full compliance with the Zoning Code and all previously approved permits; instead, in the event of evidence indicating or establishing one or more specific instances of noncompliance on the subject property, the applicant bears the burden to either rebut that evidence or demonstrate satisfaction of one of the exceptions in MCC 38.0560.

Staff identified the pool and its related improvements and a greenhouse were constructed on the property without needed review. The applicant amended the application to include these improvements. Upon approval and compliance with conditions of approval if applicable to these improvements the physical improvements will be in compliance with the applicable zoning code.

As conditioned, this criterion met.

5.0 Parcel Criteria

§ 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: To qualify as a Parcel, the subject property, when created or reconfigured, must meet the definition of a Parcel as defined in MCC 38.0015. More specifically, the subject property must have (a) satisfied all applicable zoning laws and (b) satisfied all applicable land division laws.

Parcel 1:

The 21.33 acre unit of land known as Tax lot 1N4E31A-00700 was created on June 22, 1951 prior to the implementation of zoning at the County (Exhibit B.8). The County did not commence zoning until 1955. As such, the unit of land satisfied all applicable zoning laws at the time.

In 1951, the process to created or divide a parcel required a deed or sales contract dated and signed by the parties to the transaction. The document needed to be in recordable form or recorded with the County Recorder prior to October 19, 1978. Tax lot 1N4E31A-00700 was created by the recording on a deed on June 22, 1951 (Exhibit B.8). As evidenced by Exhibit B.8, the applicable land division laws were satisfied.

Parcel 2:

The 4.94 acre unit of land known as Tax lot 1N4E31A-00600 was created on June 7, 1968. In 1968, the subject property was zoned F-2 prior to the implementation of zoning at the County (Exhibit B.9). The F-2 zone had a minimum lot size of 2 acres. There was no requirement for road frontage or minimum front lot line length or lot width. As the unit of land is 4.94 acres, it met the minimum lot size for the zone at the time of its creation. As such, the unit of land satisfied all applicable zoning laws at the time.

In 1968, the process to created or divide a parcel required a deed or sales contract dated and signed by the parties to the transaction. The document needed to be in recordable form or recorded with the County Recorder prior to October 19, 1978. Exhibit B.9 states that a Sales Contract was recorded on June 7, 1968. As evidenced by Exhibit B.9, the applicable land division laws were satisfied.

Based upon the above, Parcel 1 and Parcel 2 satisfied all applicable zoning and land division laws when they were created or reconfigured in 1968.

6.0 Gorge General Agriculture – 40 Criteria

6.1 § 38.2225 Review Uses

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

(3) Agricultural buildings in conjunction with current agricultural use and, if applicable, proposed agricultural use that a landowner would initiate within one year and complete within five years, subject to MCC 38.7340.

Staff: The applicant is requesting retroactive approval of a 20-ft wide by 36-ft long (720 sq. ft.) greenhouse that is used for the growing of flowers by the tenant farmer (Exhibit B.3).

6.2 (4) Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in MCC 38.2225 (A)(5) or MCC 38.2225 (A)(6).

Staff: The applicant is requesting retroactive approval of a 15-ft wide by 32-ft long swimming pool, and a surrounding deck adjacent to the pool.

6.3 (6) Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel larger than 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 2,500 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 footprint of any individual accessory building shall not exceed 1,500 square feet.

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

Staff: The applicant is requesting a retroactive approval of a small 120 sq. ft. gazebo cover adjacent to the pool located on the deck. While the gazebo cover is eligible for expedited review, it has been included with this full NSA Site Review so that a separate application is not necessary. There are no other accessory buildings on the subject property. The large outbuilding south of the dwelling is an approved agricultural building. The gazebo is less than 12 feet in height (Exhibit A.10).

6.4 (18) Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building.

Staff: The applicant is requesting to construct an 18.25-ft deep x 23-ft wide roof covering over an existing deck attached to the existing dwelling.

6.5 § 38.2260 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.

(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: Ogden Road is a 60-ft wide public right-of-way. No additional right-of-way is necessary at this time. As such, the minimum yard requirements do not need to be increased over those listed in (C). The setbacks are for the proposed physical improvements are documented in the table below:

Building/Structure	Front Yard Distance	Side Yards Distances	Rear Yard Distance	Building Height
SFD w/Covered Deck	74 ft.	78 ft. (north) 520 ft. (south)	511.45 ft.	23+/- ft.
Greenhouse	318 ft.	238 ft. (north) 409 ft. (south)	310 ft.	12+/- ft.

Pool & Deck	188 ft.	19 ft. (north) 587 ft. (south)	435 ft.	5+/- ft.
Gazebo	219 ft.	37 ft. (north) 618 ft. (south)	435 ft.	12+/- ft.
Gate	30 ft.	185 ft. (north) 463 ft. (south)	642 ft.	6+/- ft.

The proposed physical improvements meet the minimum yard & height requirements (Exhibit A.2, A.10, A.11 & B.3). *Criteria met.*

7.0 Scenic Review Criteria

7.1 § 38.7035 GMA SCENIC REVIEW CRITERIA

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

(A) All Review Uses and Conditional Uses:

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

Staff: The physical improvements are located on the portion of the property that does not exceed 10% slope. The covered deck will be constructed over an existing deck. The gate will be placed across the existing driveway. The pool is mostly above ground with the slightly raised deck around it. The gazebo was placed on the deck. The greenhouse was constructed on flat terrain (Exhibit B.13). No significant grading took place to install the greenhouse, gazebo, pool & deck or will occur to construct the roof cover for the deck. *Criterion met.*

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

Staff: The 18.25-ft deep x 23-ft wide (420 +/- sq. ft.) covered deck will be added to the existing single family dwelling. The visual mass of the existing dwelling is approximately 4,793 sq. ft. As the cover to the deck is over the existing 344 sq. ft. raised deck, the additional visual mass being added is approximately 76 sq. ft. The entire visual mass for the dwelling after construction of the covered deck will be approximately 4,869 sq. ft.

Nearby homes include a 6,381 sq. ft. dwelling, 8,841 sq. ft. dwelling, 4,674 sq. ft. dwelling, and 5,782 sq. ft. dwelling within ¼ mile of the subject property. The small deck cover addition to the existing dwelling at the subject property will allow the dwelling to fit within the general scale of other dwellings in the area (Exhibit B.14).

The 120 sq. ft. gazebo is consistent with the general scale of many small outbuildings within the area.

The 720 sq. ft. greenhouse must be compared to other agricultural buildings within the area, though most properties within a ¼ mile are used for residential purposes. The four agricultural buildings identified within a ¼ mile measure approximately 2,800 sq. ft., 1,800 sq. ft., 1,800 sq. ft. and 3,296 sq. ft. The proposed greenhouse is consistent with the general scale of agricultural buildings within the area (Exhibit B.15). *Criterion met.*

- 7.3 (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 an existing driveway onto Ogden Road. Ogden Road is not a Scenic Travel Corridor. *Criterion met.*

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

Staff: None of the physical improvements being reviewed are topographically visible from a Key Viewing Area. No vegetation has been proposed to be removed and no additional vegetation is necessary to screen the improvements. *Criterion met.*

- 7.5 (5) For all proposed development, the determination of compatibility with the landscape setting shall be based on information submitted in the site plan.**

Staff: The applicant has provided the necessary information (Exhibit A.2 through A.11) for determining the compatibility with the landscape setting findings under Sections 7.8 through 7.10 below. *Criterion met.*

- 7.6 (6) For all new production and/or development of mineral resources and expansion of existing quarries, a reclamation plan is required to restore the site to a natural appearance which blends with and emulates surrounding landforms to the maximum extent practicable.**

* * *

(7) 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 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 application does not include a request for a new quarry or expansion of a quarry. *Criteria not applicable.*

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

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

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

shape, height, architectural and design details and other elements); and new landscaping.

Staff: The subject property only has a few spots that are visible from three Key Viewing Areas (KVAs). The KVAs are the Historic Columbia River Hwy, Larch Mtn Road, Sandy River. None of the physical improvements that we are reviewing fall within these KVAs visibility boundaries as shown in the graphic below:



Blue = Larch Mtn Road **Peach** = Sandy River **Green** = Hist. Columbia River Hwy
Yellow = Physical Improvement Locations

Based upon the above graphic, criteria (B)(1) through (B)(29) are not applicable as they only apply to development that is topographically visible from Key Viewing Areas.

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

(1) Pastoral

(a) Accessory structures, outbuildings and accessways shall be clustered together as much as possible, particularly towards the edges of existing meadows, pastures and farm fields.

Staff: The proposed roof covering will be placed over the existing deck attached to the single family dwelling (Exhibit A.2 & A.11). The pool, deck and gazebo are clustered together in the immediate back yard of the single family dwelling (Exhibit A.10 & A.11). The greenhouse is located near a large farm building southwest of the dwelling (Exhibit B.3). Of the 26.27 acres, only 1-3/4 acres are developed with physical improvements. The remaining 24.5+/- acres are in pasture or being used in commercial flower growing. *Criterion met.*

7.9 (b) In portions of this setting visible from Key Viewing Areas, the following standards shall be employed to achieve visual subordination for new development and expansion of existing development:

1. Except as is necessary for site development or safety purposes, the existing tree cover screening the development from Key Viewing Areas shall be retained.
2. Vegetative landscaping shall, where feasible, retain the open character of existing pastures and fields.
3. At least half of any trees planted for screening purposes shall be species native to the setting or commonly found in the area. Such species include fruit trees, Douglas fir, Lombardy poplar (usually in rows), Oregon white oak, bigleaf maple, and black locust (primarily in the eastern Gorge). The Scenic Resources Implementation Handbook includes recommended minimum sizes.
4. At least one-quarter of any trees planted for screening shall be coniferous for winter screening.

Staff: The applicant is not proposing to remove any of the trees/vegetation surrounding the existing dwelling. The house is screened from the east and north to limit visibility from Ogden Road and neighbors. No new trees are proposed to be planted. *Criterion met.*

- 7.1** (c) Compatible recreation uses include resource-based recreation uses of a very
0 low or low-intensity nature, occurring infrequently in the landscape.

Staff: No public recreational uses are proposed as part of the physical improvements being reviewed. All physical improvements are private and serve the residents. *Criterion met.*

8.0 Resource Review Criteria

8.1 § 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, replacement, or reconstruction of existing buildings and structures.

* * *

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

* * *

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

- (f) Proposed uses occurring in areas that have a low probability of containing cultural resources, except:...

* * *

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

Staff: The roof cover over the deck is a modification of the existing dwelling. The US Forest Service has reviewed the physical improvements and finds that a Cultural Resource Reconnaissance Survey is not required (Exhibit B.7). The existing dwelling was originally constructed in 1953. The proposed roof cover over the deck will alter the exterior of the dwelling. A Historic Survey was conducted (Exhibits B.4, B.5, & B.6). *Criteria met.*

8.2 (B) The cultural resource review criteria shall be deemed satisfied, except MCC 38.7045 (L) and (M), if:

* * *

(3) A historic survey demonstrates that the proposed use would not have an effect on historic buildings or structures because:

(a) SHPO concludes that the historic buildings or structures are clearly not significant, as determined using the criteria in the National Register Criteria for Evaluation ("36 CFR Part 60.4); or

Staff: The US Forest Service completed the necessary studies (Exhibit B.4 & B.5). Multnomah County submitted the documents on July 21, 2021. SHPO acknowledged receipt of the documents on July 22, 2021. No comments were received from SHPO. On December 1, 2021, Multnomah County reached out to SHPO (Exhibit B.12). SHPO responded that Multnomah County could proceed without further consultation about the Historic Survey (Exhibit B.12). The Cultural Resource Review Criteria have been satisfied for the Historic Survey. *Criteria met.*

8.3 (L) Cultural Resources Discovered After Construction Begins

The following procedures shall be effected when cultural resources are discovered during construction activities. All survey and evaluation reports and mitigation plans shall be submitted to the Planning Director and SHPO. Indian tribal governments also shall receive a copy of all reports and plans if the cultural resources are prehistoric or otherwise associated with Native Americans.

(1) Halt Construction – All construction activities within 100 feet of the discovered cultural resource shall cease. The cultural resources shall remain as found; further disturbance is prohibited.

(2) Notification – The project applicant shall notify the Planning Director and the Gorge Commission within 24 hours of the discovery. If the cultural resources are prehistoric or otherwise associated with Native Americans, the project applicant shall also notify the Indian tribal governments within 24 hours.

(3) Survey and Evaluation – The Gorge Commission will survey the cultural resources after obtaining written permission from the landowner and appropriate permits from SHPO (see ORS 358.905 to 358.955). It will gather enough information to evaluate the significance of the cultural resources. The survey and evaluation will be documented in a report that generally follows the standards in MCC 38.7045 (C) (2) and MCC 38.7045 (E).

(a) The Planning Director shall, based on the survey and evaluation report and any written comments, make a final decision within 10 days of the receipt of the report of the Gorge Commission on whether the resources are significant.

(b) The Planning Director shall require a Mitigation Plan if the affected cultural resources are found to be significant.

(c) Notice of the decision of the Planning Director shall be mailed to those parties entitled to notice by MCC 38.0530 (B).

(d) The decision of the Planning Director shall be final 14 days from the date notice is mailed, unless appealed as provided in MCC 38.0530 (B). Construction activities may recommence if no appeal is filed.

(4) Mitigation Plan – Mitigation plans shall be prepared according to the information, consultation, and report standards of MCC 38.7045 (J). Construction activities may recommence when the conditions in the mitigation plan have been executed.

(M) Discovery of Human Remains

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

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

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

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

(3) Inspection – The State Medical Examiner shall inspect the remains at the project site and determine if they are prehistoric/historic or modern. Representatives from the Indian tribal governments shall have an opportunity to monitor the inspection.

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

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

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

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

Staff: The US Forest Service has required that conditions of approval be placed on this decision in case cultural or human remains are discovered (Exhibit B.7). Conditions of approval have been included in case of the discover of cultural resources or human remains after construction commences. *As conditioned, criteria met.*

8.4 § 38.7055 GMA WETLAND REVIEW CRITERIA

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

- (1) The project site is not identified as a wetland on the National Wetlands Inventory (U.S. Fish and Wildlife Service, 1987);
- (2) The soils of the project site are not identified by the Soil Survey of Multnomah County, Oregon (U.S.D.A. Soil Conservation Service, 1983) as hydric soils;
- (3) The project site is adjacent to the main stem of the Columbia River.
- (4) The project site is not within a wetland buffer zone; and
- (5) Wetlands are not identified on the project site during site review.

Staff: The subject property is located at 1001 NE Ogden Road. The site does not have any identified wetlands on it. The soils on site consist of Powell Silt loam (34A & 34D) and Cornelius Silt loam (10b). These two soil types are not hydric soils. The project is not adjacent to the Columbia River. None of the improvements are within a wetland buffer zone. *Criteria met.*

8.5 § 38.7060 GMA STREAM, LAKE AND RIPARIAN AREA REVIEW CRITERIA

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

- (1) The modification, expansion, replacement, or reconstruction of serviceable structures, provided that such actions would not:
 - (a) Increase the size of an existing structure by more than 100 percent,

Staff: The roof covering for the deck will not increase the size of the improvement by more than 25%. There is no identified stream, lake or riparian area on the site. *Criteria met.*

8.6 § 38.7065 GMA WILDLIFE REVIEW CRITERIA

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

Staff: No sensitive wildlife species were identified by any of the reviewing agencies. *Criteria met.*

8.7 § 38.7070 GMA RARE PLANT REVIEW CRITERIA

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

Staff: No sensitive plant species were identified as part of the review. *Criteria met.*

8.8 § 38.7080 GMA RECREATION RESOURCE REVIEW CRITERIA

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

Staff: The subject site consists of a single family dwelling, related accessory buildings and structures, agricultural buildings and farm use. No recreational resources exist in the immediately area. *Criteria met.*

9.0 Agricultural Building Criteria

9.1 § 38.7340 AGRICULTURAL BUILDINGS

(A) The size of proposed agricultural buildings shall not exceed the size needed to serve the current agricultural use and, if applicable, the proposed agricultural use.

(B) To explain how (A) above is met, applicants shall submit the following information with their land use application:

(1) A description of the size and characteristics of current agricultural use.

(2) An agricultural plan for any proposed agricultural use that specifies agricultural use (e.g., crops, livestock, products), agricultural areas and acreages (e.g., fields, pastures, enclosures), agricultural structures (e.g., irrigation systems, wind machines, storage bins) and schedules (e.g., plowing, planting, grazing).

(3) A floor plan showing intended uses of the agricultural building (e.g., space for equipment, supplies, agricultural products, livestock).

Staff: The requested approval of the existing 720 greenhouse is used to grow flowers by the tenant farmer on the subject property. The flower field is approximately 6.29 acres. The tenant farmer uses it to start flowers, store bulbs and some small farming implements. The building has an open floor plan that allows for its intended use of growing plants. Greenhouse is an appropriate size for the flower farming use. *Criteria met.*

10. Conclusion: 0

Based on the findings and other information provided above, the applicant has carried the burden necessary for the NSA Site Review to authorize a pool complex with gazebo, greenhouse and establish covered roof attached to the dwelling over an existing deck in the Gorge General Agriculture - 40 zone. This approval is subject to the conditions of approval established in this report.

11. Exhibits: 0

‘A’ Applicant’s Exhibits

‘B’ Staff Exhibits

‘C’ Procedural Exhibits

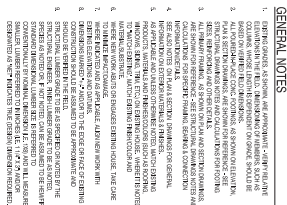
‘D’ Comments Received

Exhibits with a “*” after the exhibit # have been included as part of the mailed decision. Those exhibits have been reduced to a size of 8.5” x 11” for mailing purposes. All other exhibits are available for review in Case File T2-2021-14570 at the Land Use Planning office.

Exhibit #	# of Pages	Description of Exhibit	Date Received / Submitted
A.1	1	NSA Site Review	4/23/21
A.2*	1	Sheet A-101: Cover Sheet & Elevations	4/23/21
A.3	1	Sheet A.201: New Deck Roof & Deck Revisions	4/23/21
A.4	1	Sheet A-301: New Deck Roof & Deck Revisions	4/23/21
A.5	1	Area Plan	4/23/21
A.6	1	Gate Photo	4/23/21
A.7	1	Gate Project Explanation	4/23/21

A.8	1	Gate Details	4/23/21
A.9	2	Project Explanation	4/23/21
A.10*	2	Pool Area and Greenhouse Pictures	5/27/21
A.11*	1	Site Plan	5/27/21
A.12	2	Bargain & Sale Deed recorded February 21, 2012	5/27/21
A.13	3	Personal Representative Deed recorded in Book 1350, Page 2166 – Parcel 1 on May 10, 1979	5/27/21
A.14	3	Title Insurance dated March 5, 1968	5/27/21
A.15	4	Fire Service Agency Review	4/23/21
A.16	10	EP-2021-14607 Driveway Permit	5/11/21
A.17	4	Transportation Planning Review	5/11/21
‘B’	#	Staff Exhibits	Date
B.1	3	Assessment & Taxation Property Information for 1N4E31A-00600 (R944310780 / R322467)	4/23/21
B.2	2	Assessment & Taxation Property Information for 1N4E31A-00700 (R944310550 / R322447)	4/23/21
B.3*	1	Aerial Photo Showing Location of Greenhouse	7/22/21
B.4	1	OR SHPO Submittal Form	7/22/21
B.5	14	Oregon SHPO Clearance Form	7/22/21
B.6	3	Documentation of Submittal of OR SHPO Clearance Form	7/22/21
B.7	1	Cultural Resources Survey Determination	11/30/21
B.8	5	Parcel Record Card for R944310550	11/30/21
B.9	3	Parcel Record Card for R944310780	11/30/21
B.10	1	1960 Zoning Map for 1N4E31A	11/30/21
B.11	3	Exempt Farm Structure Approval	11/30/21
B.12	2	Email from SHPO re: Historic Survey	12/01/21
B.13	1	Contour Information	12/13/21
B.14	8	Dwelling Comparison Properties	12/13/21
B.15	8	Ag Building Comparisons	12/13/21
‘C’	#	Administration & Procedures	Date
C.1	3	Incomplete Letter	5/26/21
C.2	9	Opportunity to Comment and mailing list	7/28/21
C.3	1	Complete Letter (Day 1 – August 21, 2021)	12/1/21
C.4	23	Administrative Decision and mailing list	12/27/21
‘D’	#	Comments Received	Date
D.1	9	Friends of the Columbia River Gorge	8/11/21

<div>OWNER THE ABC COMPANY 123 MAIN STREET, SUITE 500 DOWNTOWN, CA 94011 Phone: (415) 555-1234 Email: info@abc.com</div> <div>ARCHITECT XYZ ARCHITECTS 456 MARKET STREET, 3RD FLOOR SAN FRANCISCO, CA 94102 Phone: (415) 555-5678 Email: hello@xyzarch.com</div> <div>DATE: 2024-10-27 PROJECT NO.: ABC-2024-001 SHEET NO.: 1 OF 1</div> <div>CONTRACTOR ABC CONSTRUCTION 789 BAY AVENUE, 2ND FLOOR SAN FRANCISCO, CA 94111 Phone: (415) 555-9012 Email: contact@abccon.com</div>	<div>1 LOCATION MAP</div> <div><p>PROPERTY BOUNDARY</p><p>PROJECT LOCATION</p></div> <div></div>	<div>SCOPE OF WORK</div> <div>DESIGN & CONSTRUCTION</div> <div>GENERAL NOTES</div> <div>PROJECT INFO, CODE SUMMARY</div>	<div>DRAWING INDEX</div> <table><tr><td>1. SITE PLAN</td><td>2. FLOOR PLAN</td><td>3. SECTION</td><td>4. ELEVATION</td><td>5. DETAIL</td></tr><tr><td>6. EXTERIOR ELEVATION</td><td>7. INTERIOR ELEVATION</td><td>8. ROOF PLAN</td><td>9. FOUNDATION</td><td>10. MECHANICAL</td></tr><tr><td>11. ELECTRICAL</td><td>12. PLUMBING</td><td>13. HVAC</td><td>14. LIGHTING</td><td>15. FINISHES</td></tr><tr><td>16. LANDSCAPE</td><td>17. SIGNAGE</td><td>18. FURNITURE</td><td>19. ACCESSORIES</td><td>20. OTHER</td></tr></table>	1. SITE PLAN	2. FLOOR PLAN	3. SECTION	4. ELEVATION	5. DETAIL	6. EXTERIOR ELEVATION	7. INTERIOR ELEVATION	8. ROOF PLAN	9. FOUNDATION	10. MECHANICAL	11. ELECTRICAL	12. PLUMBING	13. HVAC	14. LIGHTING	15. FINISHES	16. LANDSCAPE	17. SIGNAGE	18. FURNITURE	19. ACCESSORIES	20. OTHER	<div>ARCHITECTURAL SYMBOLS</div> <div><p>WALL TYPES</p><p>DOOR TYPES</p><p>WINDOW TYPES</p><p>STAIR TYPES</p><p>ROOF TYPES</p><p>FOUNDATION TYPES</p><p>MECHANICAL TYPES</p><p>ELECTRICAL TYPES</p><p>PLUMBING TYPES</p><p>HVAC TYPES</p><p>LIGHTING TYPES</p><p>FINISHES TYPES</p><p>LANDSCAPE TYPES</p><p>SIGNAGE TYPES</p><p>FURNITURE TYPES</p><p>ACCESSORIES TYPES</p><p>OTHER TYPES</p></div>
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[illegible]





#7035

maple trees

Site Plan

03/03/2021
1/32" = 1'-0"

SITE PLAN
GREG & BONNIE KNOPF
1001 NE OGDEN ROAD, TROUTDALE, OR 97060

MCA

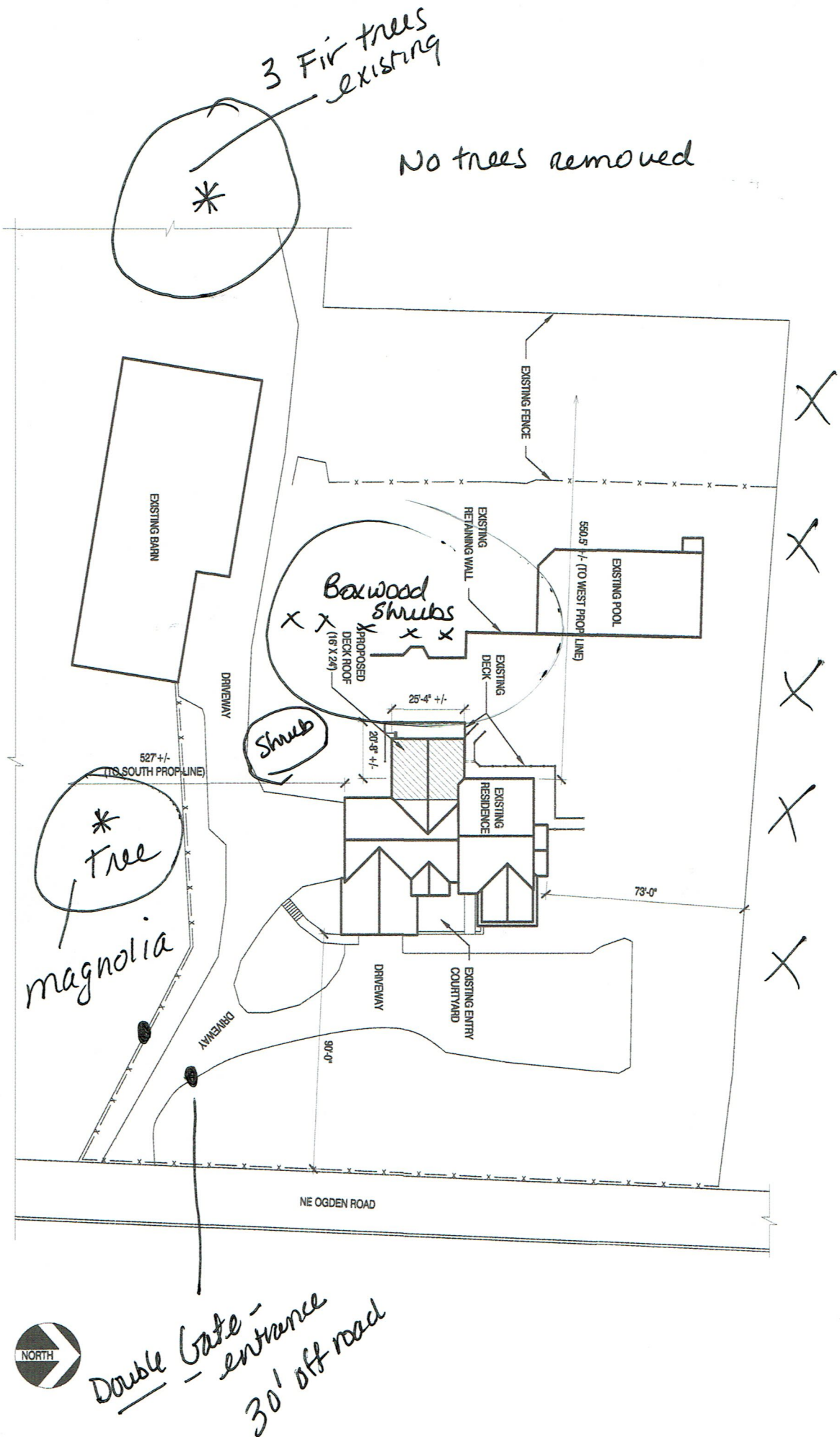




Exhibit B.3