

NOTICE OF NSA DECISION

Case File: T2-2021-14506 **Permit:** National Scenic Area Site Review

Applicant: Anne DeWolf **Owners:** Travis Hagenbuch & Benjamin Green

Location: **Address:** 40650 East Historic Columbia River Highway, Corbett
Map, Tax Lot: 1N5E30CB -00600
Alternate Account #: R832304400 **Property ID #:** R287235

Zoning: Gorge Special Forestry (GSF-40)

Overlays: Geologic Hazard (GH)

Key Viewing Areas: Bridal Veil, Columbia River, Crown Point, Historic Columbia River Highway, Interstate 84 (I-84), Larch Mountain Road, Larch Sherrard, Portland Women's Forum, Rooster Rock, State Route 14 (SR-14), Sandy River

Landscape Setting: Coniferous Woodlands

Proposal Summary: National Scenic Area Site Review for an addition to an existing single-family dwelling and new detached accessory structure (workshop).

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 **Friday, April 15, 2022, 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 Izze Liu, Staff Planner via email at isabella.liu@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: _____
Izze Liu, Planner

For: Carol Johnson, AICP
Planning Director

Date: Friday, April 1, 2022

Instrument Number for Recording
Purposes: #2019035126

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 38.0560 Code Compliance and Applications

GSF Zone: MCC 38.2025 Review Uses, (B)(8) Accessory Buildings & (B)(11) Additions, MCC 38.2060 Dimensional Requirements

NSA Site Review: MCC 38.7040 SMA Scenic Review Criteria, MCC 38.7050 SMA Cultural Resource Review Criteria, MCC 38.7075 SMA Natural Resource Review Criteria, MCC 38.7085 SMA Recreation Resource Review Criteria.

Geologic Hazards: MCC 38.5510 Exemptions

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 and shall state the date of commencement. Notification shall be given in writing and emailed to *isabella.liu@multco.us* and reference the case number. [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 5 in 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. Prior to land use sign-off for zoning plan review, the property owners or their representative shall:
 - a. Obtain land use approval for the proposed ground disturbing activities related to the construction of the dwelling addition and detached accessory building and demonstrate compliance with the County's Ground Disturbing Activity and Stormwater regulations of MCC 39.6200 through 39.6235. The Stormwater Drainage Control Site Plan, Certificate and Calculations shall be included in the set of plans for building permit plan check (Exhibit A.9 through A.11). [MCC 38.0670]

4. Ongoing Conditions:

- a. The height of the dwelling addition shall not exceed 18 feet from finished garage to the highest point of the roof. [MCC 38.2060(C)]
 - b. The height of the detached accessory building (workshop) shall not exceed 17 feet and 4 inches in height from finished grade to the highest point of the roof. [MCC 38.2025(b)(9)(c)]
 - c. All buildings, including the eaves or roof line, shall meet the Minimum Yard Dimensions as specified in MCC 38.2060(C).
 - d. Exterior lighting shall be directed downward and sited, hooded and shielded such that it is not highly visible from Key Viewing Areas. Shielding and hooding materials shall be composed of non-reflective, opaque materials. [MCC 38.7040(A)(12)]
 - e. The property owner shall maintain the existing vegetation that will screen the proposed development from the KVAs. [MCC 38.7040(A)(1) & (A)(3)]
5. 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 local government and the SHPO. Indian tribal governments also shall receive a copy of all reports and plans if the cultural resources are pre-contact or otherwise associated with Native Americans.
- A. In the event of the discovery of cultural resources, work in the immediate area of discovery shall be suspended until a cultural resource professional can evaluate the potential significance of the discovery pursuant to MCC 38.7050 (G) (3).
 - B. If the discovered material is suspected to be human bone or a burial, the following procedure shall be used:
 - (a) Stop all work in the vicinity of the discovery.
 - (b) The applicant shall immediately notify the U.S. Forest Service, the applicant's cultural resource professional, the State Medical Examiner, and appropriate law enforcement agencies.
 - (c) The U.S. Forest Service shall notify the tribal governments if the discovery is determined to be an Indian burial or a cultural resource.
 - (d) A cultural resource professional shall evaluate the potential significance of the discovery pursuant to MCC 38.7050 (G) (3) and report the results to the U.S. Forest Service which shall have 30 days to comment on the report.

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. Building plans and related condition of approval documents shall be sent digitally to LUP-submittals@multco.us along with the Request for Zoning Plan Review form. If paper plans will be used, please contact Izze Liu, Planner, at isabella.liu@multco.us, for an appointment to drop off the building plans and for review of the conditions of approval. Please ensure that any items required under, "Prior to land use sign-off for building plan check..." are ready for land use planning review. Land Use Planning must sign off on the plans before you can go to the Sanitation Division.

The above must be completed before the applicant can obtain building permits from the City of Gresham. If paper plans will be used, three (3) sets each of the site plan and building plans are needed for building permit sign off. At the time of building permit review, a fee 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 requests a National Scenic Area Site Review to construct a 633-square-foot addition onto the existing dwelling and a 1,060-square-foot detached accessory building (workshop).

2.0 Property Description & History:

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

3.0 Public Comment:

Staff mailed a notice of application and invitation to comment on the proposed application to the required parties per MCC 38.0530 as Exhibited in C.1 and C.3. Staff received one agency comment and one public comment during the 14-day comment period. Staff summarizes the comments below.

1. U.S. Forest Service (Exhibit D.1)

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

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

A Cultural Resource Reconnaissance Survey is: Not Required

A Historic Survey is: Required

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

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

4.0 Administrative Procedures Criteria:

4.1 MCC 38.0560 Code Compliance and Applications

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

For purposes of the current application, staff is not aware of any open compliance cases on the subject property, and there is no evidence in the record of any specific instances of noncompliance on the subject property. *This criterion is met.*

4.2 MCC 38.0015 Definitions

Parcel:

(a) Any unit of land legally created by a short division, partition, or subdivision, that was legally recognized under all state laws and local ordinances in effect on November 17, 1986. A unit of land that is eligible for consolidation as provided in the Management Plan shall not be considered a parcel.

(b) Any unit of land legally created and separately described by deed, or sales contract, or record of survey prior to November 17, 1986, if the unit of land complied with all planning, zoning, and land division ordinances or regulations applicable at the time of creation and up through November 16, 1986.

(c) A unit of land legally created and separately described by deed or sales contract after November 17, 1986 if the unit was approved under the Final Interim Guidelines or a land use ordinance consistent with the Management Plan, or by the U.S. Forest Service Office prior to the Final Interim Guidelines.

(d) A unit of land shall not be considered a separate parcel simply because it:

- 1. Is a unit of land created solely to establish a separate tax account;**
- 2. Lies in different counties;**
- 3. Lies in different sections or government lots;**
- 4. Lies in different zoning designations; or**
- 5. Is dissected by a public or private road.**

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

5.0 Gorge Special Forestry Criteria:

5.1 MCC 38.2025 Review Uses

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

* * *

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

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

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

Staff: The subject parcel (Lot 5, Block 5, Thor's Heights) is approximately 1.13 acres in size and is developed with a single-family dwelling. There are no other accessory buildings developed on the subject property. The applicant is proposing to construct a 1,060-square-foot detached accessory building to be used as a workshop. The proposed detached workshop is 17 feet and 4 inches in height (Exhibit A.2). The NSA Site Review standards are addressed below. *These criteria are met.*

* * *

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

Staff: The applicant is also proposing to construct a 633-square-foot addition onto the southern portion of the existing single-family dwelling (Exhibit A.2). The NSA Site Review standards are addressed below.

5.2 MCC 38.2060 Dimensional Requirements

(C) Minimum Yard Dimensions - Feet

Front	Side	Street Side	Rear
30	10	30	30

Maximum Structure Height – 35 feet

Minimum Front Lot Line Length – 50 feet.

Staff: The subject property (Lot 5) is irregular in shape. Based on the County's definitions of front yard¹, rear yard², and side yard³ in Chapter 39 of the Multnomah County Code, the western property boundary is the front yard, the eastern property boundary is the rear yard, and the southern and northern property boundaries are the side yards.

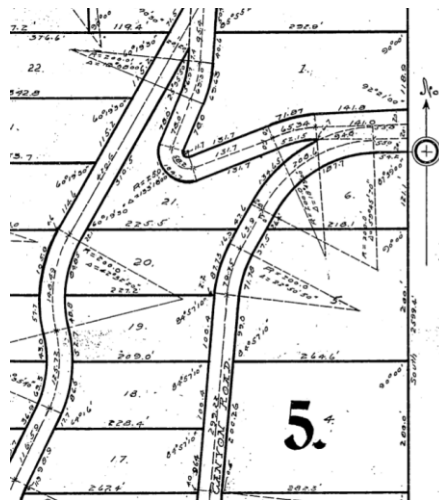
Based on the submitted site plan, the detached workshop will be located 32 feet and 8 inches from the eastern property line, 11 feet and 6.5 inches from the southern property line, more than 10 feet from the northern property line, and more than 30 feet from the western property line (Exhibit A.4). The proposed detached workshop is 17 feet and 4 inches in height (Exhibit A.8).

The proposed dwelling addition will be located on the southern portion of the existing dwelling. The addition will be located more than 30 feet from the eastern property line, more than 30 feet from the western property line, and more than 10 feet from the southern and northern property lines (Exhibit A.4). The addition is 18 feet in height (Exhibit A.7). *These criteria are met.*

(D) The minimum yard requirement shall be increased where the yard abuts a street having insufficient right-of-way width to serve the area. The Planning Commission shall determine the necessary right-of-way widths and additional yard requirements not otherwise established by ordinance.

Staff: As required in Table 2 of MCC 29.571, the rural standard for local streets is a 50-foot right-of-way width. Based on the Thor's Heights subdivision plat, the subject property abuts Canyon Road along the subject property's western boundary (see Figure 1 below).

Figure 1



The right-of-way width of Canyon Road is 40 feet. As shown on the submitted site plan (Exhibit A.4), the proposed development will be clustered near the southeastern corner of the subject property. The

¹ Yard (Front) – A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto on the lot. [MCC 39.2000]

² Yard (Rear) – A yard extending across the full width of the lot between the most rear building other than an accessory building and the rear lot line. The depth of the required rear yard shall be measured horizontally from the nearest point of the rear lot line toward the nearest part of the building. Where there is no rear lot line, the depth of the rear yard shall be the distance from a ten foot line parallel to the front lot line, measured from one side line to the other.

³ Yard (Side) – A yard between any building and the side lot line, extending from the front yard to the rear yard, or front lot line to rear lot line where no front yard or rear yard is required. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line to the nearest part of the building.

building site is located more than 100 feet from the western property boundary that abuts Canyon Road. Given the significant distance of the building site from Canyon Road, staff finds this criterion is met.

5.3 MCC 38.2090 Access

Any lot in this district shall have a street or shall have other access determined by the approval authority to be safe and convenient for pedestrians and passenger and emergency vehicles.

Staff: The subject property has direct access onto Canyon Road which connects to East Historic Columbia River Highway. The applicant has obtained a right-of-way permit (permit no. 84142) through the Transportation Division for access onto East Historic Columbia River Highway (Exhibit A.15). *This criterion is met.*

6.0 National Scenic Area (NSA) Site Review Criteria:

6.1 MCC 38.7040 SMA Scenic Review Criteria

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

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

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

Staff: The location of the existing single family dwelling and proposed accessory building is topographically visible from the Historic Columbia River Hwy and State Route 14. The entirety of the tax lot is visible from additional KVAs, but the development area is only visible from the two. Between the two KVAs and the development area, the site is heavily forested. The applicant has indicated that all existing vegetation will remain except for one maple tree due to the construction of the new accessory building (Exhibit A.4). With the maintenance of the vegetation, the cumulative effects to the KVAs is minimized. The KVAs will not be adversely affected. *Criterion met.*

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

REQUIRED SMA SCENIC STANDARDS		
LANDSCAPE SETTING	LAND USE DESIGNATION	SCENIC STANDARD
Coniferous Woodland, Oak-Pine Woodland	Forest, Agriculture, Residential, Public Recreation	VISUALLY SUBORDINATE

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

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

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

Staff: Based on staff's review of the aerial images and the exterior photos included on the site plan (Exhibit A.4), the subject property appears to be densely vegetated except in the area of the building site for both projects. The proposed addition will be constructed on the southern portion of the existing dwelling and the proposed detached workshop will be located further south of the dwelling addition. The applicant has indicated that both areas are relatively flat and that minimal grading will be necessary. As part of the construction of the workshop, one tree will be removed but the rest of the surrounding vegetation will be maintained to ensure that the existing and proposed development remains visually subordinate from the KVAs (Exhibit A.4). In addition to the location that provides significant vegetative screening from the KVAs, the applicant is proposing to paint the addition and detached workshop to match the black exterior of the existing dwelling and to blend in with the adjacent natural landscape elements (Exhibit A.19). *These criteria are met.*

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

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

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

Staff: According to the KVA overlay maps, the subject development is in an area that is topographically visible from the HCRH and SR-14. Portions of the subject property is also topographically visible from the following KVAs: Columbia River, I-84, Larch Mountain Road, Bridal Veil, and Larch Sherrard. Approximately 12,000 sq. ft. of development area is exposed to the two KVAs. Based on the submitted street view photos from the HCRH and SR-14 (Exhibit A.18), the both building sites will be screened due to the existing dense vegetation surrounding them and the positioning on the parcel.

2. The degree of existing vegetation providing screening,

Staff: As shown on the site plan (Exhibit A.4), and exterior images of the existing dwelling (Exhibit A.17), the building site is surrounded by a dense cover of vegetation which provides full screening from the KVAs.

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

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

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

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

Staff: As stated in a previous finding, the development site is in an area that is topographically visible from the HCRH and SR-14. The HCRH is the closest KVA. Topographically, the development area is

visible from approximately 1,600+ feet. The subject property is also partially topographically visible from the following KVAs: Columbia River, I-84, Larch Mountain Road, Bridal Veil, and Larch Sherrard. Due to the existing dense vegetation surrounding the building site, the development will be screened from any of the two KVAs.

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

- 1. Siting (location of development on the subject property, building orientation, and other elements),**
- 2. Retention of existing vegetation,**
- 3. Design (color, reflectivity, size, shape, height, architectural and design details and other elements), and**
- 4. New landscaping.**

Staff: The location of the proposed development ensures that it is screened by existing, mature vegetation. A condition of approval has been included requiring that the property owner maintain the vegetation screening the development from the KVAs. The applicant states that the proposed addition to the dwelling will be painted black to match the existing dwelling and will use similar siding to the existing dwelling. The siding will have a rough texture so it will not have a high reflectivity rating. The roof materials used will match the existing asphalt shingles on the house and is black color. The accessory building will use similar materials as the existing dwelling. The design and materials for both the house addition and accessory building can be found in Exhibits A.2, A.7, A.8, and A.19. No new landscaping is proposed. Staff finds that additional landscaping related to the screening of the building site from KVAs is not necessary due to the proposed location of the development, use of dark earth tones, and existing dense vegetation that surrounds the building site.

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

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

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

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

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

Staff: According to the applicant, the subject property contains a mix of Douglas fir, maple, and hemlock trees that surround the existing and proposed building site. These trees range from 40 to 120 feet in height (Exhibit A.2). The proposed detached workshop will be 17 feet and 4 inches in height (Exhibit A.8) and the addition will be 18 feet in height (Exhibit A.7). *This criterion is met.*

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

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

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

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

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

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

(10) Unless expressly exempted by other provisions in this chapter, colors of structures on sites visible from key viewing areas shall be dark earth-tones found at the specific site or the surrounding landscape. The specific colors or list of acceptable colors shall be included as a condition of approval. The *Scenic Resources Implementation Handbook* will include a recommended palette of colors as dark or darker than the colors in the shadows of the natural features surrounding each landscape setting

Staff: The applicant is proposing to finish the dwelling addition and detached workshop in colors that match the existing single-family dwelling which is consistent with the colors found in the surrounding landscape. Based on the submitted exterior specifications, the siding, fascia, and main doors on the proposed addition will be made of wood and finished in black paint. The garage door on the proposed addition will be finished in a dark walnut color and the windows will be tinted grey (Exhibit A.7 and A.19). The siding, doors, and trim on the detached workshop will also be wood painted black (Exhibit A.6). The proposed roofing for the addition and detached workshop will be black asphalt shingles (Exhibit A.19). *This criterion is met.*

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

Staff: Both the dwelling addition and detached workshop will be composed of low-reflectivity materials such as textured lap siding and asphalt roof shingles. The exterior of both structures are predominantly

black except the dark walnut garage doors on the dwelling addition. The applicant states that the proposed development does not have continuous surfaces of glass and will be screened behind the existing dwelling and surrounding landscape (Exhibit A.3). *This criterion is met.*

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

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

Staff: The applicant is proposing one type of exterior light fixture which is a hooded downlight fixture finished in black (Exhibit A.2, page 13). *This criterion is met.*

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

* * *

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

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

Staff: The subject property is located within the Coniferous Woodland landscape setting. The applicant is proposing to retain all but one maple tree in the building site to ensure that the overall appearance of a woodland landscape is preserved. The applicant states that the dwelling addition and detached workshop were designed to have a vertical overall appearance (Exhibit A.2). *This criterion is met.*

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

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

(C) SMA Requirements for KVA Foregrounds and Scenic Routes

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

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

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

* * *

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

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

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

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

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

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

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

(D) SMA Requirements for areas not seen from KVAs

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

Staff: The proposed development site is topographically visible from two KVAs. As stated in a previous finding, the siding, fascia, and man doors on the proposed addition will be made of wood and finished in black paint. The garage door on the proposed addition will be finished in a dark walnut color and the windows will be tinted grey (Exhibit A.7 and A.19). The siding, doors, and trim on the detached workshop will also be wood painted black (Exhibit A.6). The proposed roofing for the addition and detached workshop will be black asphalt shingles (Exhibit A.19). The color and materials chosen by the applicant are dark earth tones that will blend in with the natural landscape. In addition, the entire building site will be screened from the KVAs due to the topography and existing dense coverage of vegetation surrounding the site. *This criterion is met.*

6.2 MCC 38.7050 SMA Cultural Resource Review Criteria

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

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

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

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

Staff: Chris Donnermeyer, Columbia River Gorge Scenic Area Heritage Resources Program Manager, submitted a Cultural Resource Survey Determination stating that a Cultural Resource Reconnaissance Survey is not required but a Historic Survey is required. According to the survey determination, a Historic Survey is required because “the proposed development would alter the exterior architectural

appearance of significant buildings and structures that are 50 years old or older” and “would compromise features of the surrounding area that are important in defining the historic or architectural character of significant buildings or structures that are 50 years or older” (Exhibit D.1).

The Historic Survey was prepared by Mr. Donnermeyer after conducting field work on the subject property. In the report, Mr. Donnermeyer indicates that the property is not eligible for the National Register of Historic Places, and the proposed development has no effect on an eligible property. The Historic Survey was submitted to the State Historic Preservation Office (SHPO) on November 12, 2021 (Exhibit B.2). Staff did not receive any comments from SHPO with concerns about the eligibility determination in the report. *These criteria are met.*

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

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

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

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

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

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

* * *

Staff: As stated previously, Chris Donnermeyer, Columbia River Gorge Scenic Area Heritage Resources Program Manager, submitted a Cultural Resource Survey Determination stating that a Cultural Resource Reconnaissance Survey is not required. *These criteria are not applicable.*

(H) Discovery During Construction

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

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

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

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

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

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

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

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

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

Staff: *As conditioned, these criteria are met.*

6.3 MCC 38.7075 SMA Natural Resource Review Criteria

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

(A) All Water Resources shall, in part, be protected by establishing undisturbed buffer zones as specified in MCC 38.7075(A)(2)(a) and (2)(b). These buffer zones are measured horizontally from a wetland, stream, lake, or pond boundary as defined in MCC 38.7075(A)(2)(a) and (2)(b).

* * *

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

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

* * *

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

6.4 MCC 38.7085 SMA Recreation Resource Review Criteria

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

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

* * *

Staff: The subject property is developed for residential use. The applicant is proposing to construct an addition onto the existing single-family dwelling and a detached accessory building to be used as a workshop. Staff finds the proposed development is consistent with the existing residential use on the subject property and the applicant is not proposing any recreational uses. The development has been

determined to meet the scenic standard of visual subordination and is screened from the HCRH and Crown Point. *These criteria are not applicable.*

7.0 Conclusion

Based on the findings and other information provided above, the applicant has carried the burden necessary for the National Scenic Area Site Review to establish a dwelling addition and detached accessory building in the Gorge Special Forestry zone. This approval is subject to the conditions of approval established in this report.

8.0 Exhibits

‘A’ Applicant’s Exhibits

‘B’ Staff Exhibits

‘C’ Procedural Exhibits

‘D’ Comments Received

Exhibits with a “*” after the exhibit # have been included as part of the mailed decision. 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 T2-2021-14506 at the Land Use Planning office.

Exhibit #	# of Pages	Description of Exhibit	Date Received / Submitted
A.1	1	Application Form	04.06.2021
A.2	20	Narrative	04.06.2021
A.3	1	Cover Page	04.06.2021
A.4	1	Site Plan	04.06.2021
A.5	7	Addition Floor Plan	04.06.2021
A.6	1	Workshop Details	04.06.2021
A.7	4	Dwelling Addition Elevations	04.06.2021
A.8	1	Workshop Elevations	04.06.2021
A.9	1	Stormwater Drainage Control Certificate	04.06.2021
A.10	7	Stormwater Drainage Control Calculations	04.06.2021
A.11	1	Stormwater Drainage Control Site Plan	04.06.2021
A.12	11	Septic Review Certification	04.06.2021
A.13	8	Fire Service Agency Review	04.06.2021
A.14	13	Transportation Review	04.06.2021
A.15	18	Right-of-Way Permit	04.06.2021
A.16	3	Deed	04.06.2021
A.17	4	Dwelling Exterior Photographs	04.06.2021
A.18	5	Google Street View (HCRH & SR-14)	04.06.2021
A.19	28	Exterior Specifications	04.06.2021
A.20	42	Ingenuity Window Brochure	04.06.2021
A.21	2	1936 Warranty Deed	11.05.2021
‘B’	#	Staff Exhibits	Date
B.1	2	Division of Assessment, Recording, and Taxation (DART): Property Information for 1N5E30CB -00600 (R832304400)	04.06.2021

B.2	20	Historic Survey	11.12.2021
‘C’	#	Administration & Procedures	Date
C.1	36	Agency Review	08.20.2021
C.2	1	Complete Letter	05.06.2021
C.3	18	Opportunity to Comment and mailing list	08.20.2021
C.4	19	Administrative Decision and mailing list	04.01.2022
‘D’	#	Comments Received	Date
D.1	3	USFS Comment	09.01.2021
D.2	7	Friends of the Columbia Gorge Comment	09.03.2021