

# NOTICE OF NSA DECISION



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**CASE FILE:** T2-2022-15401

**APPLICANT:** Kelli Jung

**PROPOSAL:** Request for a Property Line Adjustment between the properties identified below. The request also includes a National Scenic Area (NSA) Site Review to authorize the transfer of the existing house and outbuildings from Parcel 1 to the reconfigured Parcel 2, and authorize a new single-family dwelling and two agricultural buildings on the reconfigured Parcel 1.

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**LOCATION:** **Parcel 1:** 30811 NE Hurt Road, Troutdale

**Property ID #** R111618

**Map, Tax lot:** 1N4E32B -02400

**Alt. Acct. #** R053501130

**Parcel 2:** No Situs Address

**Property ID #** R707366

**Map, Tax lot:** 1N4E32B -02501

**Alt. Acct. #** R649922050

**BASE ZONE:** Gorge General Residential (GGR-10)

**KEY VIEWING AREAS:** Columbia River, Historic Columbia River Highway, Larch Mountain Road, and the Sandy River

**LANDSCAPE SETTING:** Rural Residential in Pastoral

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**DECISION:** **Property Line Adjustment: Approved with Conditions**  
**NSA Site Review: Approved with Conditions**

**This decision is final at the close of the appeal period, unless appealed. The deadline for filing an appeal is Wednesday, June 20, 2023 at 4:00 pm.**

**Opportunity to Review the Record:** The complete case file and all evidence associated with this application is available for review by contacting Izze Liu via email at [isabella.liu@multco.us](mailto:isabella.liu@multco.us). Paper copies of all documents are available at the rate of \$0.40/per page.

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

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**Issued By:**

**For:**

Scot Siegel, FAICP  
Planning Director

**Date:**

Wednesday, June 6, 2023



### **Applicable Approval Criteria:**

Multnomah County Code (MCC): General Provisions: MCC 38.0015 Definitions, MCC 38.0030 Existing Uses and Discontinued Uses

Administration and Procedures: MCC 38.0560 Code Compliance and Applications

GGR-10 Zone: MCC 38.3025 Review Uses, (A)(11) Agricultural structures in conjunction with agricultural use, MCC 38.3060 Dimensional Requirements

Property Line Adjustment: MCC 38.7970 Property Line Adjustment (Lot Line Adjustment)

NSA Site Review: MCC 38.7035 GMA Scenic Review Criteria, MCC 38.7045 GMA Cultural Resource Review Criteria, MCC 38.7055 GMA Wetland Review Criteria, MCC 38.7060 GMA Stream, Lake and Riparian Area Review Criteria, MCC 38.7065 GMA Wildlife Review Criteria, MCC 38.7070 GMA Rare Plant Review Criteria, MCC 38.7080 GMA Recreation Resource Review Criteria

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

### **Chapter 38: Columbia River Gorge National Scenic Area**

### **Conditions of Approval**

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

1. Permit Expiration – This land use permit shall **expire** as follows:
  - a. The Property Line Adjustment authorization shall expire Two (2) years after the date of the final decision, unless the Property Line Adjustment was established according to all specifications and conditions of approval in the land use approval. [MCC 39.1185(A)]

- i. For the purposes of Condition #1.a, “established” means the final deeds or plat has been recorded with the county recorder. All deeds shall be recorded within the two year approval period contained in Condition No. 1 or the property line adjustment approval is void.
- b. The NSA Site Review authorization shall expire 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.b, commencement of construction shall mean actual construction of the foundation or frame of the approved structure.
  - ii. Notification of commencement of construction shall 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 emailed to [LUP-submittals@multco.us](mailto:LUP-submittals@multco.us) and reference the case number. [MCC 38.0690(B)(3)]
- c. The NSA Site Review authorization shall expire 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.c, 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. 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 Exhibits A.3 through A.14, A.16 through A.25 and any modifications established by the conditions. It shall be the responsibility of the property owner(s) to comply with these documents and the limitations of approval described herein. [MCC 38.0660]
3. Within 30 days after the decision becomes final, the property owner(s) or their representative(s) shall:
  - a. Acknowledge in writing that they have read and understand the conditions of approval and intend to comply with them. A Letter of Acknowledgement has been provided to assist you. The signed document shall be sent to Izze Liu at [isabella.liu@multco.us](mailto:isabella.liu@multco.us). [MCC 39.1170(A) & (B)]
  - b. Record pages 1 through 7 and Exhibits A.24 and A.25 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]

4. **Prior to beginning the steps to complete the Property Line Adjustment** referenced in condition no. 5.a below, the property owner(s) or their representative(s) shall:

- a. Remove the outbuilding that is located on the reconfigured parcel identified as ‘Parcel 1’ on the preliminary plat included as Exhibit A.23. Upon removal of the outbuilding, contact [lut.compliance@multco.us](mailto:lut.compliance@multco.us) to schedule a site visit to verify the removal. [MCC 38.0560]
5. **Prior to zoning review of the building plans**, the property owner(s) or their representative(s) shall:
  - a. Finish the property line adjustment in compliance with the current version(s) of the County’s forms regarding the completion of a Property Line Adjustment.
  - b. Obtain an Erosion and Sediment Control permit for the proposed ground disturbance associated with the construction of the proposed new single-family dwelling and two agricultural buildings [MCC 39.6210]
  - c. Amend the construction drawings and plans to show:
    - i. The color options for the main door and garage doors on the proposed agricultural buildings. The proposed colors must be a dark earth tone. Examples of acceptable dark earth tones can be found in the Scenic Resources Implementation Handbook.
    - ii. The authorized color for the proposed agricultural buildings roof, exterior walls, and exterior trim, which is charcoal gray (similar to C1 in the Scenic Resources Implementation Handbook). The authorized color for exterior siding, which is black. Any changes to the authorized colors must be authorized by County Land Use Planning. [MCC 38.7035(B)]
    - iii. The authorized colors for the proposed dwelling. Authorized colors for the siding are a combination of black siding and red brick that closely matches colors A15 and B15 in the Scenic Resources Implementation Handbook. The authorized color for the composite roof, exterior doors, exterior trim, exterior window trim, garage door, and gutter system is black. Any changes to the authorized colors must be authorized by County Land Use Planning. [MCC 38.7035(B)]
    - iv. The proposed exterior lighting on the proposed dwelling and two agricultural buildings. The lighting detail (picture and model #) shall also be added to the construction drawings. [MCC 38.7035(B)(4)]
    - v. The removal of the existing accessory building located on the northern portion of ‘Parcel 1’ of the preliminary plat included as Exhibit A.23. [MCC 38.0560]
6. The existing vegetation shown on Exhibits A.24 and A.25 shall be maintained in a healthy state for the life of the existing and proposed buildings / structures authorized by this decision. [MCC 38.7035(B)(2)]
7. **Cultural Resources Discovered After Construction Begins:** The following procedures shall be effected when cultural resources are discovered during construction activities.
  - a. Halt Construction – All construction activities within 100 feet of the discovered cultural resource shall cease. The cultural resources shall remain as found; further disturbance is prohibited.
  - b. Notification – The project applicant shall notify the 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.

- c. 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).
  - i. 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.
  - ii. The Planning Director shall require a Mitigation Plan if the affected cultural resources are found to be significant.
  - iii. Notice of the decision of the Planning Director shall be mailed to those parties entitled to notice by MCC 38.0530 (B).
  - iv. 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.
  - v. 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.

8. **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.
- b. Halt Activities – All survey, excavation, and construction activities shall cease. The human remains shall not be disturbed any further.
- c. Notification – Local law enforcement officials, the Planning Director, the Gorge Commission, and the Indian tribal governments shall be contacted immediately.
- d. 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.
- e. Jurisdiction – If the remains are modern, the appropriate law enforcement officials will assume jurisdiction and the cultural resource protection process may conclude.
- f. 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.
- g. 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).
- h. 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:** Land Use Planning must sign off on the building plans before you can go to the Building Department. When ready to submit building plans for zoning review, complete the following steps:

1. Read your land use decision, the conditions of approval and modify your plans, if necessary, to meet any condition that states, “Prior to submitting building plans for zoning review...” Be ready to demonstrate compliance with the conditions.
2. Satisfy the requirements outlined in the Transportation Planning Review (Exhibit A.9) any other County Right-of-Way requirements. Failure to obtain County Right-of-Way sign-off of your plans will result in delaying your zoning review.
3. Contact the City of Portland, Bureau of Development Services, On-site Sanitation at 503-823-6892 or e-mail [septic@portlandoregon.gov](mailto:septic@portlandoregon.gov) for information on completing the Septic Permit or Evaluation process for the proposed development. All existing and/or proposed septic system components (including septic tank and drainfield) must be accurately shown on the site plan.
4. Visit <https://www.multco.us/landuse/submitting-building-plan> for instructions regarding the submission of your building plans for zoning review and review of conditions of approval. Please ensure that any items required under, “When submitting building plans for zoning review...” are ready for review. Land Use Planning collects additional fees at the time of zoning review.

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

**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 authorization of the following:

Property Line Adjustment (PLA) – The requested PLA is between Tax Lot 2400 (“Parcel 1”) and Tax Lot 2501 (“Parcel 2”). As proposed, Parcel 1 would decrease from 6.87 acres to 4.70 acres and Parcel 2 would increase from 4.70 acres to 6.87 acres (Exhibit A.23). Once the PLA is completed, the existing dwelling and two outbuildings that are currently located on Parcel 1 would be within the boundaries of the reconfigured Parcel 2.

National Scenic Area (NSA) Site Review - The requested NSA Site Review would authorize:

- A. The transfer of the use of the existing single-family dwelling and two agricultural buildings currently located on Parcel 1 to the reconfigured Parcel 2 (Exhibits A.24 & A.25).
- B. A new single-family dwelling and two agricultural buildings on the reconfigured Parcel.

### **2.0 Property Description & History:**

**Staff:** The subject properties are zoned Gorge General Residential – 10 (GGR-10) within the Columbia River Gorge National Scenic Area and located within the following key viewing areas: Columbia River, Historic Columbia River Highway, Larch Mountain Road, and the Sandy River. According to the County Assessor’s data, Parcel 1 is developed with a single-family dwelling and two detached agricultural buildings. Parcel 2 contains a non-permitted outbuilding that the applicant proposes to remove.

### **3.0 Public Comment:**

**Staff:** Staff mailed a notice of application and invitation to comment on the proposed application to the required parties pursuant to MCC 38.0530 (Exhibits C.1 and C.5). Staff received the following comments during the 14-day comment period which are summarized below.

#### **3.1 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: Not Required*

#### **3.2 Toby & Kathy Anderson, community members, provided an e-mail comment on January 11, 2023 (Exhibit D.2)**

**Staff:** The community members expressed concerns related to the reconfiguration of the property boundaries to create a new parcel for development as well as an accessory building located on the Tax Lot 2501 that was not included in the proposal. Staff informed the community members that the property line adjustment is between two existing parcels, does not result in the creation of a new parcel, and the current NSA regulations do not allow the subject parcels to be divided. The property owner is not

requesting retroactive approval for the accessory building and staff included a condition of approval that requires the existing accessory building to be removed or demolished.

**3.3 Mary Blankevoort and Dale Siefert, community members, provided an e-mail comment on January 11, 2023 (Exhibit D.3)**

**Staff:** The community members expressed concerns related to the reconfiguration of the property boundaries to create a new parcel for development as well as an accessory building located on the Tax Lot 2501 that was not included in the proposal. Staff informed the community members that the property line adjustment is between two existing parcels, does not result in the creation of a new parcel, and the current NSA regulations do not allow the subject parcels to be divided. The property owner is not requesting retroactive approval for the accessory building and staff included a condition of approval that requires the existing accessory building to be removed or demolished.

**3.4 Robert Leipper, community member, provided an e-mail comment on January 12, 2023 (Exhibit D.4)**

**Staff:** The community member expressed concerns related to the reconfiguration of the property boundaries to create a new parcel for development as well as an accessory building located on the Tax Lot 2501 that was not included in the proposal. Staff informed the community member that the property line adjustment is between two existing parcels, does not result in the creation of a new parcel, and the current NSA regulations do not allow the subject parcels to be divided. The property owner is not requesting retroactive approval for the accessory building and staff included a condition of approval that requires the existing accessory building to be removed or demolished.

**3.5 Richard Ray and Anne Philipsborn, community members, provided an e-mail comment on January 12, 2023 (Exhibit D.5)**

**Staff:** The community members expressed concerns related to the reconfiguration of the property boundaries to create a new parcel for development as well as an accessory building located on the Tax Lot 2501 that was not included in the proposal. Staff informed the community members that the property line adjustment is between two existing parcels, does not result in the creation of a new parcel, and the current NSA regulations do not allow the subject parcels to be divided. The property owner is not requesting retroactive approval for the accessory building and staff included a condition of approval that requires the existing accessory building to be removed or demolished.

**3.6 Jordis Yost, community member, provided an e-mail comment on January 11, 2023 (Exhibit D.6)**

**Staff:** The community member expressed concerns related to the reconfiguration of the property boundaries to create a new parcel for development as well as an accessory building located on the Tax Lot 2501 that was not included in the proposal. Staff informed the community member that the property line adjustment is between two existing parcels, does not result in the creation of a new parcel, and the current NSA regulations do not allow the subject parcels to be divided. The property owner is not requesting retroactive approval for the accessory building and staff included a condition of approval that requires the existing accessory building to be removed or demolished.

**3.7 Richard Ray, community member, provided an e-mail comment on January 26, 2023 (Exhibit D.7)**

**Staff:** The community member expressed concerns related to the reconfiguration of the property boundaries to create a new parcel for development as well as an accessory building located on the Tax Lot 2501 that was not included in the proposal. Staff informed the community member that the property line adjustment is between two existing parcels, does not result in the creation of a new parcel, and the current NSA regulations do not allow the subject parcels to be divided. The property owner is not



requesting retroactive approval for the accessory building and staff included a condition of approval that requires the existing accessory building to be removed or demolished.

#### **4.0 General Provisions:**

##### **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**

**\* \* \***

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

Importantly, a finding of satisfaction of this standard does not mean that a property is in full compliance with the Zoning Code and all prior permit approvals (and, accordingly, does not preclude future enforcement actions relating to uses and structures existing at the time the finding is made). Instead, a finding of satisfaction of this standard simply means that there is not substantial evidence in the record affirmatively establishing one or more specific instances of noncompliance.

For purposes of the current application, staff is not aware of any open compliance cases on the subject property, but staff is aware of a non-permitted accessory building on Tax Lot 2501. As a condition of approval, the applicant is required to remove or demolish the accessory building. *As conditioned, these criteria are met.*

##### **4.2 MCC 38.0015 Definitions Parcel**

**Parcel:**

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

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

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

\* \* \*

**Staff:** Parcel 1 and Parcel 2 were recognized as separate legal lots in prior land use decisions. Parcel 1 was recognized as a legally created parcel in land use case nos. T2-2018-10987 and T1-2018-10765. Parcel 2 was lawfully created as “Parcel 1” of Partition Plat no. 2020-52, which was recorded on August 18, 2020 (Exhibit A.18).

#### **4.3 MCC 38.0030 Existing Uses...**

**(A) Right to Continue Existing Uses and Structures:** Any existing use or structure may continue so long as it is used in the same manner and for the same purpose, except as otherwise provided.

\* \* \*

**(D) Changes to Existing Uses and Structures:** Except as otherwise provided, any change to an existing use or modification to the exterior of an existing structure shall be subject to review and approval pursuant to this Management Plan.

\* \* \*

**Staff:** As shown on the preliminary plat map (Exhibit A.23), following the proposed Property Line Adjustment, the single-family dwelling and two outbuildings currently located on Parcel 1 would be within the boundaries of the reconfigured Parcel 2. The applicant proposes to use the single-family dwelling and two outbuildings in the same manner on Parcel 2. In 2001, the County authorized the single-family dwelling via land use case number T2-01-101.

As Parcel 2 does not have any permitted uses or structures, using the single-family dwelling and two outbuildings for Parcel 2 is considered under (D) above. Staff addresses relevant site review criteria for what from this point forward is referred to as the ‘Existing SFD’ and ‘Existing Outbuildings’ in Sections 5.0 through 7.0 of this decision.

### **5.0 Property Line Adjustment Criteria:**

#### **5.1 MCC 38.7970 Property Line Adjustment (Lot Line Adjustment)**

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

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

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

**Staff:** The proposed lot line adjustment is a reconfiguration of the shared common boundary between two properties identified as Parcel 1 and Parcel 2 above. Parcel 2 is also known as “Parcel 1” of Partition Plat 2020-52. The adjustment does not result in the creation of a new parcel. *This criterion is met.*

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

**Staff:** Parcel 1 and Parcel 2 are both located within the Gorge General Residential (GGR-10) zone. In the GGR-10 zone, the minimum lot size is 10 acres, and both tax lots are currently under the minimum lot size. Parcel 1 is currently 6.87 acres in size and Parcel 2 is currently 4.7 acres (Exhibits A.23 and B.2). As both properties are currently under the minimum lot size, these properties are not eligible to be divided under current NSA regulations. *This criterion is met.*

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

**Staff:** The subject properties are both currently under the minimum lot size of 10 acres. *This criterion is not applicable.*

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

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

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

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

\* \* \*

**Staff:** Parcel 1 is currently 6.87 acres in size (Exhibit B.2). Parcel 2 is currently 4.7 acres in size (Exhibit A.18). After the adjustment, the reconfigured Parcel 1 will be 4.7 acres in size and the reconfigured Parcel 2 will be 6.87 acres in size. Parcel 1 is already below the minimum parcel size and although the reconfigured Parcel 1 would be smaller, the proposed lot line adjustment provides reasonable access for the reconfigured Parcel 1 and reconfigured Parcel 2 via an existing private driveway. Parcel 2 is below the minimum lot size and the reconfigured Parcel 2 would remain below the minimum lot size. As the reconfigured Parcel 2 would remain below the minimum lot size, the reconfigured Parcel 2 would not be eligible for a subsequent land division under the current NSA regulations. *These criteria are met.*

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

**Staff:** The subject properties are located within the GGR-10 zone. *This criterion is not applicable.*

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

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

**Staff:** Following the proposed Property Line Adjustment, the Existing SFD and Existing Outbuildings will be located within the boundaries of the reconfigured Parcel 2 (Exhibit A.24). A condition of approval requires the property owner(s) to remove the non-permitted outbuilding that will be located within the boundaries of the reconfigured Parcel 1. As shown on the site plan for the reconfigured Parcel 2 (Exhibit

A.24), the trees required as part of the land use approval for case number T2-01-101 are proposed to remain in the same location. A condition of approval requires that the property owner and all future property owners maintain these trees for the life of the existing and proposed development. There are no known applicable buffer zone requirements for the subject properties; therefore, there are no known applicable buffer zone requirements for the reconfigured Parcel 1 or reconfigured Parcel 2. Staff addressed resource protection provisions in section 7 of this decision. *As conditioned, these criteria are met.*

## **6.0 Gorge General Residential Criteria:**

### **6.1 MCC 38.3025 Review Uses**

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

**(1) One single-family dwelling per legally created parcel.**

**(a) If the subject parcel is located adjacent to lands designated GGA or GGF, the use shall comply with the buffer requirements of MCC 38.0060; and**

**(b) If the subject parcel is located is adjacent to lands designated GGF, the placement of a dwelling shall also comply with the fire protection standards of MCC 38.7305.**

**Staff:** The applicant is proposing to construct a new single-family dwelling and two agricultural buildings on the reconfigured Parcel 1 which is referred to as “Parcel 1” in sections 6 and 7 below (Exhibit A.25). Parcel 1 is not adjacent to lands designated GGA or GGF. *This criterion is met.*

\* \* \*

**(11) Agricultural structures in conjunction with agricultural use, including new cultivation.**

**Staff:** The applicant is proposing to construct two detached agricultural buildings on Parcel 1, to be used as horse barns. One of the agricultural buildings is 864 square feet and the other is 576 square feet in size. The total square footage is 1,440 (Exhibit A.23). Both agricultural buildings will be 15 feet in height (Exhibit A.22). As stated in an earlier finding, an existing accessory building on the northern portion of the property is required to be removed or demolished as a condition of approval.

### **6.2 MCC 38.3060 Dimensional Requirements**

**(C) Minimum Yard Dimensions – Feet**

Front	Side	Street Side	Rear
30	10	30	30

**Maximum Structure Height – 35 feet**

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

**(E) Structures such as barns, silos, windmills, antennae, chimneys, or similar structures may exceed the height requirement if located at least 30 feet from any property line.**

**Staff:** According to the submitted site plans (Exhibits A.24 and A.25) and elevation drawings (Exhibits A.12 and A.22), the structure height and yard dimensions for the proposed and existing development are as follows:

Property	Structure	Front Yard	Side Yard (East)	Side Yard (West)	Rear Yard	Structure Height
<i>Parcel 1</i>	New Single-Family Dwelling	100 feet	57 feet	100 feet	More than 30 feet	26 feet
<i>Parcel 1</i>	Barn 1	More than 30 feet	More than 10 feet	40 feet	More than 30 feet	15 feet
<i>Parcel 1</i>	Barn 2	More than 30 feet	More than 10 feet	30 feet	More than 30 feet	15 feet
<i>Parcel 2</i>	Existing SFD	More than 30 feet	30 feet	More than 10 feet	More than 30 feet	29 feet
<i>Parcel 2</i>	Existing Outbuildings	More than 30 feet	More than 10 feet	60 – 72 feet	More than 30 feet	15 feet

As shown in the table above, the applicable criteria are met. *These criteria are met.*

## 7.0 National Scenic Area Criteria:

### 7.1 MCC 38.7035 GMA Scenic Review Criteria

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

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

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

**Staff:** Parcel 1 generally slopes from the northeast corner of the property to the southwest. The slopes in this area range from 18% to 22% (Exhibit A.10). The applicant is proposing to construct a new single-family dwelling and two agricultural buildings on the southern portion of Parcel 1. The building envelope is relatively flat and includes an existing driveway along the eastern property boundary, a retaining wall north of the dwelling, and a stormtech chamber infiltration system or an open infiltration pond in the southwest corner of the property (Exhibits A.10 and A.23). The selected flat location of the building envelope and utilizing the existing driveway should minimize the need for extensive grading.

According to the County's GIS data and the photographs provided by the applicant, the building envelope does not contain any trees that will need to be removed (Exhibits A.16 and A.25). The northern portion of Parcel 1 is densely covered in vegetation. The newly configured eastern property boundary for Parcel follows an existing driveway which will be utilized for the proposed development (Exhibit A.25). *This criterion is met.*

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

**Staff:** The applicant provided a list of ten properties within a quarter-mile of Parcel 1 (Exhibit A.14). Based on County Assessment & Taxation Property Information, the average size of the dwellings on these properties is approximately 5,748 square feet. The applicant's proposed dwelling is approximately 3,808 square feet in size (Exhibit A.11). In regards to the two proposed agricultural buildings, one structure is 864 square feet and the other is 576 square feet in size. *This criterion is met.*

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

**Staff:** Parcel 1 is located on NE Hurt Road, which is not a Scenic Travel Corridor as defined in MCC 38.0015. *This criterion is not applicable.*

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

**Staff:** The property owner will not be required to plant additional vegetation for the proposed development. The land use decision that approved the Existing SFD did not require additional vegetation as part of the approval. Staff has confirmed that the existing vegetation around the Existing SFD has been maintained since the construction of the dwelling by reviewing the County's aerial images and comparing the aerial images to the submitted site plan (Exhibit A.24). *This criterion is met.*

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

**Staff:** Parcel 1 is located within the Rural Residential in Pastoral Landscape setting. The compatibility of the proposed dwelling and two agricultural buildings in this landscape setting are discussed below.

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

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

**(2) The extent and type of conditions applied to a proposed development or use to achieve the scenic standard shall be proportionate to its potential visual impacts as seen from Key Viewing Areas...**

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

**Staff:** Parcel 1 is identified as being topographically visible from the following Key Viewing Areas (KVA): Columbia River, Historic Columbia River Highway, Larch Mountain Road, and the Sandy River.

The Columbia River and Historic Columbia River Highway are located approximately a mile to the north of Parcel 1. The Sandy River is located approximately a mile south and west of the subject property. Larch Mountain Road is approximately three miles to the east. The northern portion of the property is densely covered in vegetation. On the southern portion of the property, there are existing trees along the southern, western, and newly created eastern property boundaries (Exhibit A.16). Parcel 1 generally slopes from the northeast corner of the property to the southwest, and the slopes range from 18% to 22% (Exhibit A.10).

Based on the distance from the KVA and the topographical features of the property, the existing vegetation on the property is adequate to obtain visual subordination. Conditions of approval require the ongoing retention and maintenance of the existing vegetation and use of the proposed exterior paint colors / materials. *As conditioned, these criteria are met.*

**(4) In addition to the site plan requirements in MCC 38.0045 (A) applications for all buildings visible from key viewing areas shall include a description of the proposed building(s)' height, shape, color, exterior building materials, exterior lighting, and landscaping details (type of plants used; number, size, locations of plantings; and any irrigation provisions or other measures to ensure the survival of landscaping planted for screening purposes).**

**Staff:** The applicant is proposing to construct a single-family dwelling and two agricultural buildings in the southern portion of Parcel 1. The applicant provided photographs of the property from the building envelope which shows the existing trees along the property boundaries (Exhibit A.16). The applicant also provided a site plan for Parcels 1 and 2 which includes the landscape details for each parcel (Exhibits A.24 and A.25). As mentioned in earlier findings, a condition requires the ongoing retention and maintenance of the existing trees.

The proposed dwelling will be constructed with a combination of black siding and red brick that closely matches colors A15 and B15 in the Scenic Resources Implementation Handbook. The composite roof will be black, and the exterior doors, trim, window trim, garage door, and rain gutter system will all be painted black (Exhibit A.13). A condition of approval requires the construction plans to be updated to show these proposed exterior colors for the proposed dwelling.

The proposed agricultural buildings will be painted charcoal gray that is similar to C1 in the Scenic Resources Implementation Handbook. The roof and wall will be charcoal gray, and the trim will be black. Conditions of approval require the construction plans to be updated to show these proposed exterior colors for the proposed agricultural buildings, and the color options for the exterior doors on the proposed agricultural buildings.

In addition, a condition of approval has been included requiring the location of all proposed exterior light fixtures on the dwelling and two agricultural buildings to be identified on the construction plans. *As conditioned, this criterion is met.*

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

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

**(6) New development shall be sited on portions of the subject property which minimize visibility from Key Viewing Areas, unless the siting would place such development in a buffer specified for protection of wetlands, riparian corridors, sensitive plants, sensitive wildlife sites or conflict with the protection of cultural resources. In such situations, development shall comply with this standard to the maximum extent practicable.**

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

**Staff:** As mentioned in earlier findings, the proposed development will be sited using existing topography and vegetation to minimize visibility from KVAs. Parcel 1 generally slopes from the northeast corner of the property to the southwest, and the slopes range from 18% to 22% (Exhibit A.10).

The proposed single-family dwelling and two agricultural buildings will be sited on the southern portion of the subject property which is relatively flat. The proposed development does not require the removal of any trees. A condition of approval requires the ongoing retention and maintenance of the existing trees. *As conditioned, these criteria are met.*

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

**Staff:** Parcel 1 contains a dense coverage of vegetation on the northern portion of the property. There are also existing trees along the property boundaries on the southern portion of the property (Exhibits A.16 and A.25). The applicant is not proposing to remove any of the existing trees on the subject properties. A condition of approval requires the ongoing retention and maintenance of the existing trees. *As conditioned, this criterion is met.*

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

**Staff:** The subject properties will utilize the existing driveway along the eastern property boundary. The applicant is not proposing to remove any trees and there are no cuts or fill proposed. *This criterion is met.*

**(10) The exterior of buildings on lands seen from Key Viewing Areas shall be composed of non-reflective materials or materials with low reflectivity, unless the structure would be fully screened from all Key Viewing Areas by existing topographic features. The Scenic Resources Implementation Handbook includes a list of recommended exterior materials. These recommended materials and other materials may be deemed consistent with this code, including those that meet recommended thresholds in the “visibility and Reflectivity Matrices” in the Implementation Handbook. Continuous surfaces of glass unscreened from key viewing areas shall be limited to ensure visual subordination. Recommended square footage limitations for such surfaces are provided for guidance in the Implementation Handbook**

**Staff:** The proposed dwelling will be constructed with a combination of black siding and red brick that closely matches colors A15 and B15 in the Scenic Resources Implementation Handbook. The composite roof will be black, and the exterior doors, trim, window trim, garage door, and gutter system will all be painted black (Exhibit A.13).

The proposed agricultural buildings will be painted charcoal gray that is similar to C1 in the Scenic Resources Implementation Handbook. The roof and wall will be charcoal gray, and the siding will be black. *This criterion is met.*

**(11) Exterior lighting shall be directed downward and sited, hooded and shielded such that it is not highly visible from Key Viewing Areas. Shielding and hooding materials shall be composed of non-reflective, opaque materials.**

**Staff:** The exact location of the proposed lighting fixtures were not shown for the proposed dwelling or the proposed agricultural buildings. A condition of approval requires the location of the fixtures be added to the plan in addition to the lighting details. *As conditioned, this criterion is met.*

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



**Staff:** The proposed dwelling and two agricultural buildings will be finished with dark earth-tones. The proposed dwelling will be constructed with a combination of black siding and red brick that closely matches colors A15 and B15 in the Scenic Resources Implementation Handbook. The composite roof will be black, and the exterior doors, trim, window trim, garage door, and gutter system will all be painted black (Exhibit A.13). A condition of approval requires the construction plans to be updated to show the proposed dark earth-tone colors for the proposed dwelling.

The proposed agricultural buildings will be painted charcoal gray that is similar to C1 in the Scenic Resources Implementation Handbook. The roof and wall will be charcoal gray, and the siding will be black. A condition of approval has been included to address the colors of the doors on the agricultural buildings. *As conditioned, these criteria are met.*

**(13) Additions to existing buildings smaller in total square area than the existing building may be the same color as the existing building. Additions larger than the existing building shall be of dark earth-tone colors found at the specific site or in the surrounding landscape. The specific colors or list of acceptable colors shall be included as a condition of approval. The *Scenic Resources Implementation Handbook* will include a recommended palette of colors.**

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

**Staff:** The applicant is not proposing an addition to an existing building or to rehabilitate or modify an existing historic structure. *These criteria do not apply.*

**(15) The silhouette of new buildings shall remain below the skyline of a bluff, cliff or ridge as seen from Key Viewing Areas. Variances may be granted if application of this standard would leave the owner without a reasonable economic use. The variance shall be the minimum necessary to allow the use, and may be applied only after all reasonable efforts to modify the design, building height, and site to comply with the standard have been made.**

**(16) An alteration to a building built prior to November 17, 1986, which already protrudes above the skyline of a bluff, cliff or ridge as seen from a Key Viewing Area, may itself protrude above the skyline if: ...**

**Staff:** Parcel 1 generally slopes from the northeast corner of the property to the southwest, and the slopes range from 18% to 22% (Exhibit A.10). The building envelope is located on the southern portion of the property and is relatively flat (A.16). The proposed dwelling will be approximately 26 feet in height (Exhibit A.12). The proposed agricultural buildings will be 15 feet in height (Exhibit A.22). Using existing topography and existing vegetation, the silhouette of the proposed development will remain below the skyline of a bluff, cliff or ridge as seen from the KVAs. *This criterion is met.*

**(17) The following standards shall apply to new landscaping used to screen development from key viewing areas:**

**(a) New landscaping (including new earth berms) shall be required only when there is no other means to make the development visually subordinate from key viewing areas. Alternate sites shall be considered prior to using new landscaping**

to achieve visual subordination. Development shall be sited to avoid the need for new landscaping wherever possible.

(b) If new landscaping is required, it shall be used to supplement other techniques for achieving visual subordination.

(c) Vegetation planted for screening purposes shall be of sufficient size to make the development visually subordinate within five years or less of commencement of construction.

(d) Landscaping shall be installed as soon as practicable, and prior to project completion. Applicant, the property owner(s), and their successor(s) in interest are responsible for the proper maintenance and survival of planted vegetation, and replacement of such vegetation that does not survive.

(e) The Scenic Resources Implementation Handbook includes recommended species for each landscape setting consistent with MCC 38.7035(C) and the minimum recommended sizes for tree plantings (based on average growth rates expected for recommended species).

**Staff:** Additional landscaping is not required. Parcel 1 contains existing trees along the property boundaries and a dense coverage of trees on the northern portion of the property. The applicant is not proposing to remove any trees for the proposed development. *These criteria are not applicable.*

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

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

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

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

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

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

**Staff:** The applicant is proposing a new single-family dwelling and two agricultural buildings. *These criteria are not applicable.*

**(23) Except for water-dependent development and for water-related recreation development, development shall be set back 100 feet from the ordinary high water mark of the Columbia River below Bonneville Dam, and 100 feet from the normal pool**

**elevation of the Columbia River above Bonneville Dam, unless the setback would render a property unbuildable. In such cases, variances to the setback may be authorized.**

**Staff:** The proposed development is not water dependent and is located more than a mile from the Columbia River. *This criterion is met.*

**(24) New buildings shall not be permitted on lands visible from Key Viewing Areas with slopes in excess of 30 percent. A variance may be authorized if the property would be rendered unbuildable through the application of this standard. In determining the slope, the average percent slope of the proposed building site shall be utilized.**

**Staff:** The slopes on the subject property range from 18% to 22% (Exhibit A.10). *This criterion is not applicable.*

**(25) All proposed structural development involving more than 100 cubic yards of grading on sites visible from Key Viewing Areas shall include submittal of a grading plan. This plan shall be reviewed by the Planning Director for compliance with Key Viewing Area policies. The grading plan shall include the following:...**

**Staff:** The proposed building envelope is relatively flat. As mentioned in earlier findings, the proposed development will be sited in a location that minimizes grading activities to the maximum extent possible. Obtaining an Erosion and Sediment Control permit is a condition of approval. *This criterion is not applicable.*

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

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

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

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

\* \* \*

### **(3) Rural Residential**

**(a) Existing tree cover shall be retained as much as possible, except as is necessary for site development, safety purposes, or as part of forest management practice**

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

**1. Except as is necessary for site development or safety purposes, the existing tree cover screening the development from Key Viewing Areas shall be retained.**

**2. At least half of any trees planted for screening purposes shall be species native to the setting or commonly found in the area.**

**3. At least half of any trees planted for screening purposes shall be coniferous to provide winter screening.**

**Staff:** The applicant has provided photographs of the subject property from the building envelope on the southern portion of the subject property (Exhibit A.16). The applicant is not proposing to remove any

trees as part of the proposed development. A condition of approval requires the ongoing retention and maintenance of the existing tree cover for the subject properties. *As conditioned, these criteria are met.*

**(c) Compatible recreation uses include should be limited to small community park facilities, but occasional low-intensity resource-based recreation uses (such as small scenic overlooks) may be allowed.**

**Staff:** The applicant is not proposing a recreational use. *This criterion is not applicable.*

**(4) Rural Residential in Conifer Woodland or Pastoral**

**(a) New development in this setting shall meet the design standards for both the Rural Residential setting and the more rural setting with which it is combined (either Pastoral or Coniferous Woodland), unless it can be demonstrated that compliance with the standards for the more rural setting is impracticable. Expansion of existing development shall comply with this standard to the maximum extent practicable.**

**(b) In the event of a conflict between the standards, the standards for the more rural setting (Coniferous Woodland or Pastoral) shall apply, unless it can be demonstrated that application of such standards would not be practicable.**

**(c) Compatible recreation uses should be limited to very low and low-intensity resource-based recreation uses, scattered infrequently in the landscape.**

**Staff:** As noted above, the proposed development will be designed to meet both the Rural Residential and Pastoral setting standards. No public recreation use exists or is proposed. *These criteria are met.*

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

**(A) Cultural Resource Reconnaissance Surveys**

**Each proposed use or element of a proposed use within an application shall be evaluated independently to determine whether a reconnaissance survey is required; for example, an application that proposes a land division and a new dwelling would require a reconnaissance survey if a survey would be required for the dwelling.**

**(1) A cultural reconnaissance survey shall be required for all proposed uses, except:**

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

\* \* \*

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

**Staff:** Chris Donnermeyer, Columbia River Gorge Scenic Area Heritage Resources Program Manager, submitted a Cultural Resource Survey Determination. The letter stated that a historic survey is not required because the proposal “Would not alter the exterior architectural appearance of significant buildings and structures that are 50 years old or older” and “Would not compromise features of the surrounding area that are important in defining the historic or architectural character of significant

buildings or structures that are 50 years old or older.” (Exhibit D.1). Therefore, a historic survey is not required. *These criteria are not applicable.*

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

**(1) The project is exempted by MCC 38.7045 (A) (1), no cultural resources are known to exist in the project area, and no substantiated comment is received during the comment period provided in MCC 38.0530 (B).**

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

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

\* \* \*

**(M) Discovery of Human Remains** The following procedures shall be effected when human remains are discovered during a cultural resource survey or during construction. Human remains means articulated or disarticulated human skeletal remains, bones, or teeth, with or without attendant burial artifacts.

\* \* \*

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

### **7.3 MCC 38.7055 GMA Wetland Review Criteria**

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

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

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

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

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

\* \* \*

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

#### **7.5 MCC 38.7065 GMA Wildlife Review Criteria**

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

\* \* \*

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

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

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

\* \* \*

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

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

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

##### **(A) Recreation Intensity Class 1**

\* \* \*

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

### **8.0 Conclusion:**

Based on the findings and other information provided above, the applicant has carried the burden necessary for the following in the GGR-10 zone:

- A. The proposed Property Line Adjustment to adjust the common boundary between Parcel 1 and Parcel 2.
- B. The National Scenic Area Site Review to transfer the use of the Existing SFD and Existing Agricultural Buildings currently located on Parcel 1 to the reconfigured Parcel 2.
- C. The National Scenic Area Site Review to establish a new single-family dwelling and two agricultural buildings on the reconfigured Parcel 1.

This approval is subject to the conditions of approval established in this report.

### **9.0 Exhibits**

‘A’ Applicant’s Exhibits

‘B’ Staff Exhibits

‘C’ Procedural Exhibits

‘D’ Comments Received

Exhibits with 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 by contacting Izze Liu via email at [isabella.liu@multco.us](mailto:isabella.liu@multco.us).

<b>Exhibit #</b>	<b># of Pages</b>	<b>Description of Exhibit</b>	<b>Date Received / Submitted</b>
A.1	1	Application Form	01.06.2022
A.2	1	Narrative	01.06.2022
A.3	1	Topographic Map	01.06.2022
A.4	2	Deed - R707367 Huddleston to MacGregor	01.06.2022
A.5	2	Deed 30811 NE Hurt Rd	01.06.2022
A.6	2	Deed APN R707367 Steve to Kelli	01.06.2022
A.7	3	Fire Service Agency Review	01.06.2022
A.8	3	Certification of Water Service	01.06.2022
A.9	5	Transportation Planning Review	01.06.2022
A.10	21	Stormwater Drainage Control Certificate	01.06.2022
A.11	14	Septic Review Certification	01.06.2022
A.12	2	Dwelling Elevation Drawings	01.06.2022
A.13	7	Dwelling Exterior Colors	01.06.2022
A.14	17	Similar structures nearby	01.06.2022
A.15	3	Preliminary Plat	01.06.2022
A.16	5	Photographs of the property	01.06.2022
A.17	15	Supplemental Narrative	06.07.2022
A.18	3	Partition Plat No. 2020-52	06.07.2022
A.19	2	Accessory Building Specifications	06.07.2022
A.20	6	Existing Barn Photographs	06.07.2022
A.21	1	Supplemental Narrative	01.27.2023
A.22	1	Revised Elevation and Exterior Colors for Accessory Buildings	01.27.2023
A.23*	1	Revised Preliminary Plat	03.06.2023
A.24*	1	Site Plan A	04.20.2023
A.25*	1	Site Plan B	04.20.2023
<b>‘B’</b>	<b>#</b>	<b>Staff Exhibits</b>	<b>Date</b>

B.1	2	Division of Assessment, Recording, and Taxation (DART): Property Information for 1N4E32B -02400 (Alt Acct# R053501130)	01.06.2022
B.2	1	Division of Assessment, Recording, and Taxation (DART): Map with 1N4E32B -02501 (Alt Acct#R649922050) highlighted	01.06.2022
B.3	1	Survey No. 54914	01.06.2022
B.4	8	Existing SFD Elevation Drawings (T1-01-101)	01.06.2022
<b>‘C’</b>	<b>#</b>	<b>Administration &amp; Procedures</b>	<b>Date</b>
C.1	52	Agency Review	02.01.2021
C.2	4	Incomplete Letter	02.04.2021
C.3	1	Applicant’s Acceptance of 180 Day Clock	02.11.2021
C.4	1	Complete Letter (Day 1)	07.05.2022
C.5	5	Opportunity to Comment	12.29.2022
C.6	24	Decision	06.06.2023
<b>‘D’</b>	<b>#</b>	<b>Comments</b>	<b>Date</b>
D.1	2	USFS Comment	02.10.2022
D.2	2	Anderson Comment	01.11.2023
D.3	2	Blankenvoort & Siefert Comment	01.12.2023
D.4	1	Leipper Comment	01.12.2023
D.5	2	Ray & Philipsborn Comment	01.12.2023
D.6	2	Yost Comment	01.11.2023
D.7	2	Ray Comment	01.26.2023



# EXISTING CONDITIONS AND TENTATIVE PLAN FOR A PROPOSED PARTITION PLAT OF PARCEL 1, PARTITION PLAT NO. 2020-52 AND DEED DOCUMENT NO. 2006-193717 PORTION OF LOT 11, "BANNER ACRES" SITUATED IN THE S.W. 1/4 OF SECTION 32, T.1N., R.4E., W.M. MULTNOMAH COUNTY, OREGON

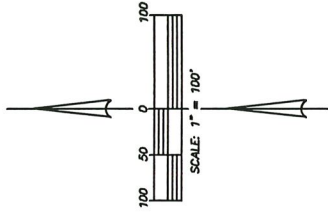
**MARY ASSOCIATES**  
18515 E. BURNSIDE STREET  
PORTLAND, OR 97233  
TEL: 503-667-5550  
FAX: 503-668-8686  
EMAIL: DON@MARYASSOCIATES.NET

DATE DRAWN: MARCH 31, 2021  
ACCOUNT NO. 21014  
ACCOUNT NO. 21014EXC  
REVISED: JUNE 3, 2022

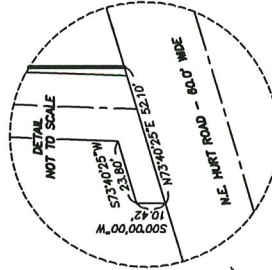
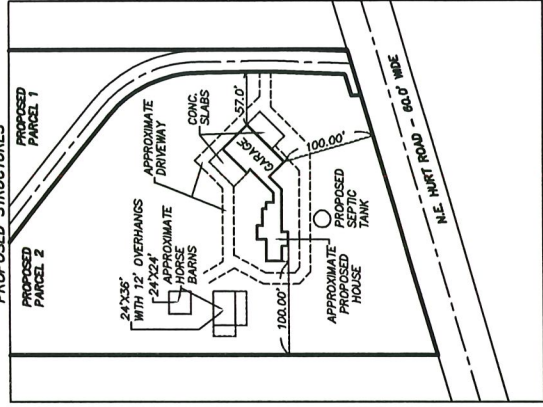
**NOTES:**  
1. SITE CONTAINS 503,956 SQUARE FEET - 11.569 ACRES.  
(PARTITION PLAT NO. 2020-52 + DOCUMENT NO. 2006-193717)

**LEGEND:**  
1. "●" DENOTES MONUMENT FOUND, DATA AS SHOWN IN THE "FOUND MONUMENT TABLE."  
2. "○" DENOTES 5/8" X 30" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "MARY ASSOC. SET FTTTTTTTTTTTTT."  
3. "70°" DENOTES PARTITION PLAT NO. 2020-52, MULTNOMAH COUNTY PLAT RECORDS.  
"72°" DENOTES SN 54914, MULTNOMAH COUNTY SURVEY RECORDS.  
"71°" DENOTES DOCUMENT NO. 2021-014070, MULTNOMAH COUNTY DEED RECORDS.  
"72°" DENOTES DOCUMENT NO. 2021-014071, MULTNOMAH COUNTY DEED RECORDS.  
"X" DENOTES WIRE FENCE.  
"A" DENOTES ADJACENT PARCEL.  
"MFC" DENOTES MEASURED VALUE.  
"N" DENOTES MEASURED VALUE.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR  
**THOMAS P. BEINHÄUER**  
(ELECTRONIC SIGNATURE)  
OREGON  
JULY 17, 1984  
THOMAS P. BEINHÄUER  
#26554  
EXPIRES 12-31-2023

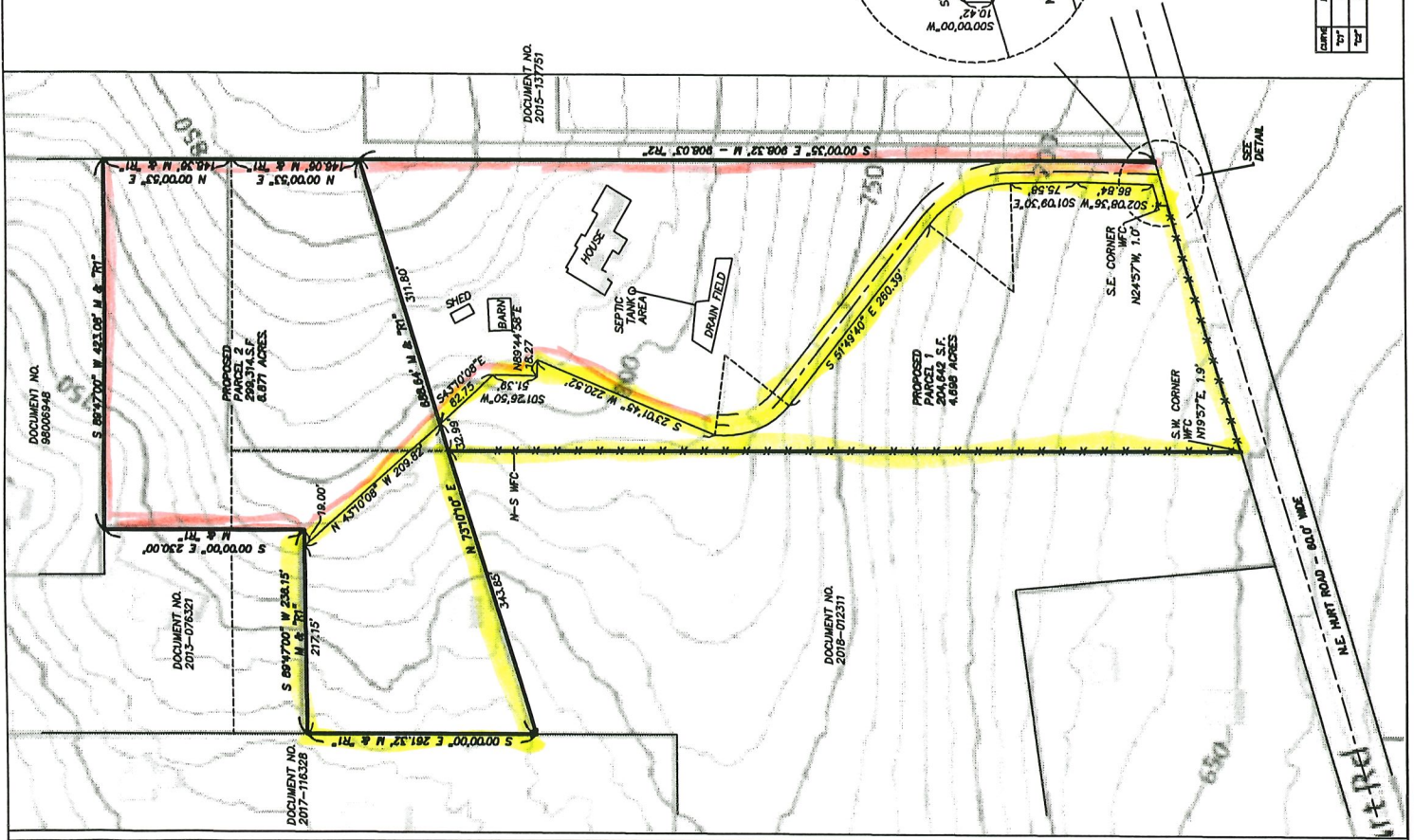


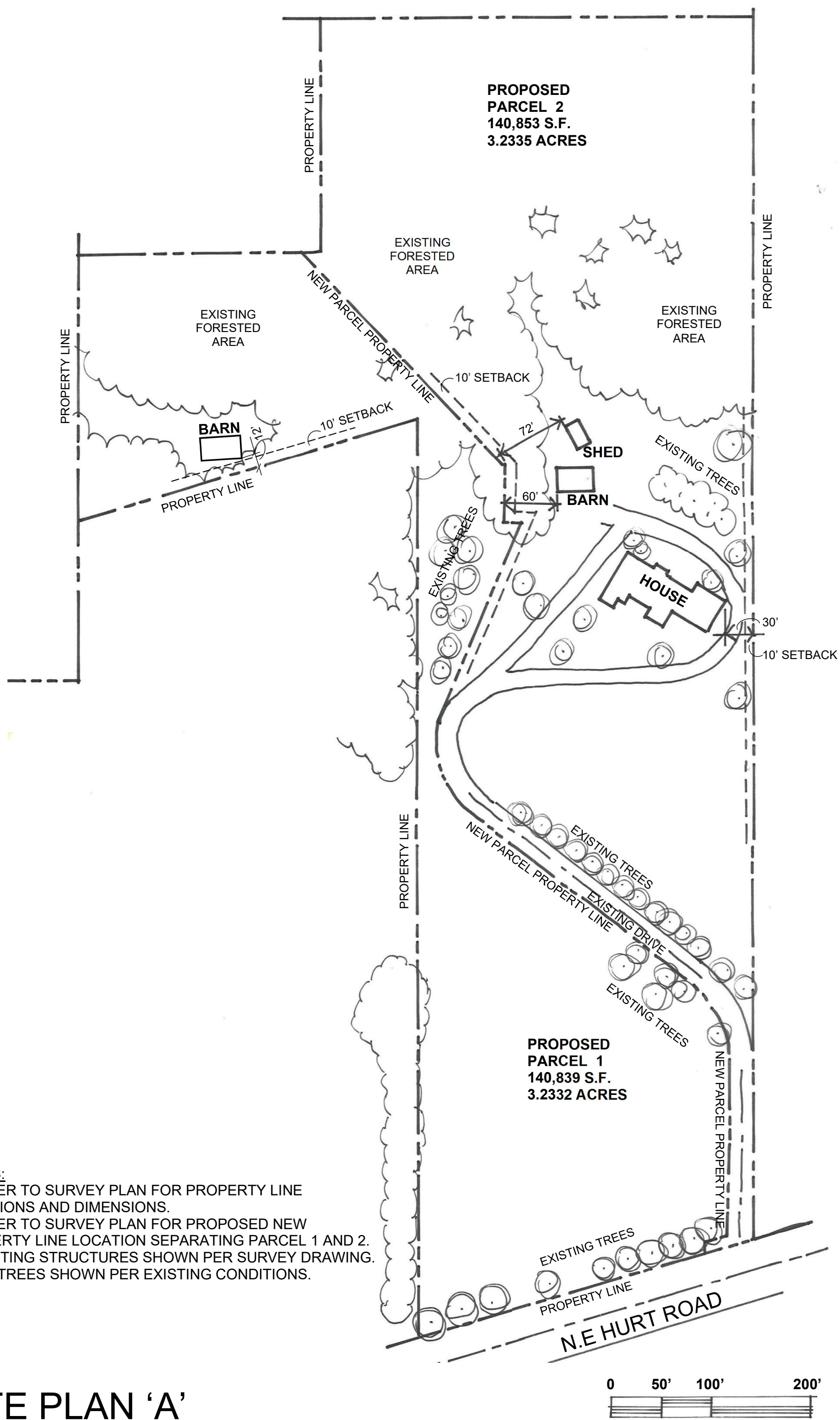
## DETAIL TO SHOW APPROXIMATE PROPOSED STRUCTURES



## CURVE DATA

CURVE	LENGTH	RADIUS	DELTA	CHORD
1	86.77'	13.00'	59.00°	52.74'±
2	107.38'	13.40'	59.00°	52.74'±



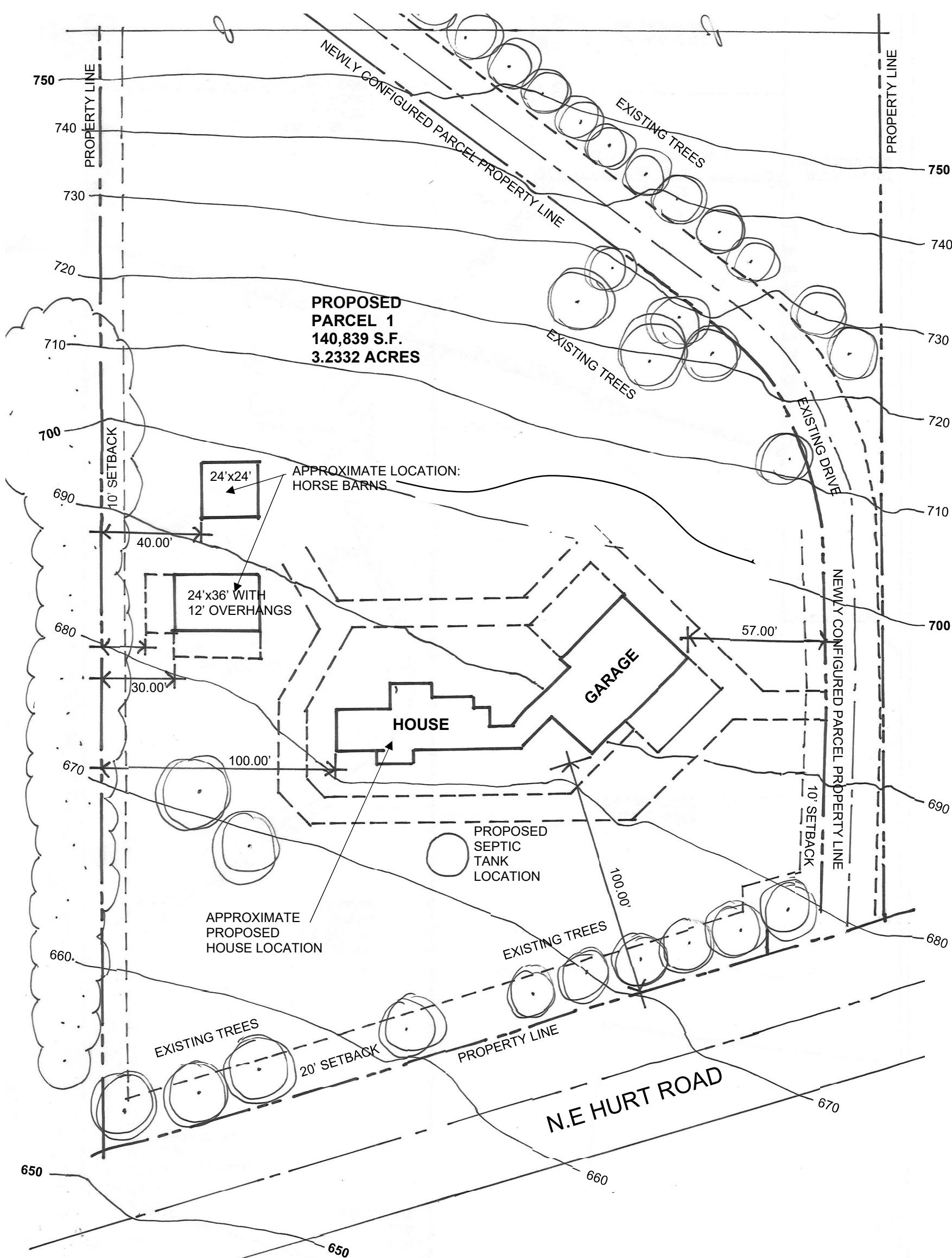


- NOTES:**
- 1. REFER TO SURVEY PLAN FOR PROPERTY LINE LOCATIONS AND DIMENSIONS.
  - 2. REFER TO SURVEY PLAN FOR PROPOSED NEW PROPERTY LINE LOCATION SEPARATING PARCEL 1 AND 2.
  - 3. EXISTING STRUCTURES SHOWN PER SURVEY DRAWING.
  - 4. ALL TREES SHOWN PER EXISTING CONDITIONS.

# SITE PLAN 'A'



- NOTES:
- 1. REFER TO SURVEY PLAN FOR PROPERTY LINE LOCATIONS AND DIMENSIONS.
  - 2. REFER TO SURVEY PLAN FOR PROPOSED NEW PROPERTY LINE LOCATION SEPARATING PARCEL 1 AND 2.
  - 3. PROPOSED DWELLING/BARN LOCATIONS ARE APPROXIMATE.
  - 4. GRADING IS APPROXIMATE AND WILL BE FINALIZED AT TIME OF GROUND DISTURBANCE PERMIT APPLICATION.
  - 5. ALL TREES SHOWN PER EXISTING CONDITIONS.



# SITE PLAN 'B'

