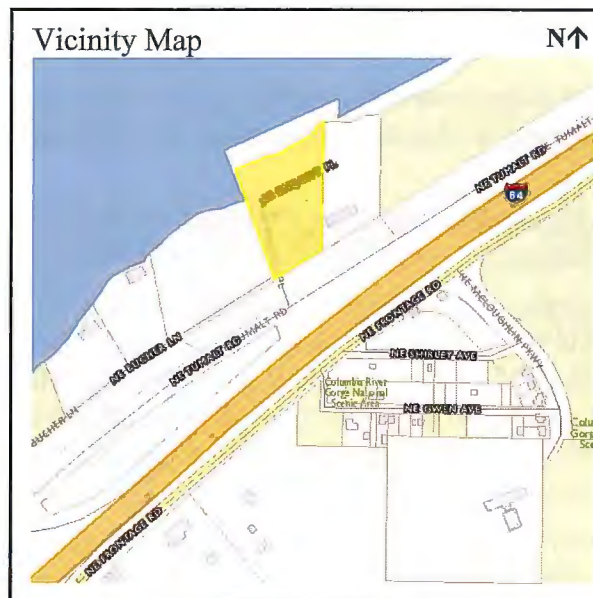


1600 SE 190th Avenue, Portland Oregon 97233-5910 • PH. (503) 988-3043 • Fax (503) 988-3389

NOTICE OF DECISION

This notice concerns a Planning Director Decision on the land use case(s) cited and described below.

Case File: T2-2015-4662
Permit: NSA Site Review
Location: 60758 – 60790 NE Enquist Place
Tax Lot 200, Section 35, Township 2
North, Range 6 East, W.M.
Tax Account #R956350030
Applicant: Mark Leasor
Rainbow Valley Design & Construction,
Inc.
Owner: Ken Beer
Zoning: Gorge General Commercial Recreation
(GGCR)
**Landscape
Setting:** Rural Residential



Summary: The applicant has requested a NSA Site Review application to authorize four small additions to an existing dwelling which was constructed in the year 1900.

Decision: Approved with Conditions.

Unless appealed, this decision is effective Monday, September 12, 2016, at 4:00 PM.

Issued by:

By: 
Lisa Estrin, Planner

For: Michael Cerbone, Planning Director

Date: Monday, August 29, 2016

Instrument Number for Recording Purposes: # 99093225

Opportunity to Review the Record: A copy of the Planning Director Decision, and all evidence submitted associated with this application, is available for inspection, at no cost, at the Land Use Planning office (*Tuesday-Thursday 8am-4pm*). Copies of all documents may be purchased at the rate of 30-cents per page. The Planning Director Decision contains the findings and conclusions upon which the decision is based, along with any conditions of approval. For further information on this case, contact Lisa Estrin, Staff Planner at 503-988-0167.

Opportunity to Appeal: This decision may be appealed within 14 days of the date it was rendered, pursuant to the provisions of MCC 38.0640. 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 offices at 1600 SE 190th Avenue (Phone: 503-988-3043). This decision cannot be appealed to the Columbia River Gorge Commission until all local appeals are exhausted.

This decision is final at the close of the appeal period, unless appealed. The deadline for filing an appeal is Monday, September 12, 2016, at 4:00 pm.

Applicable Approval Criteria: Multnomah County Code (MCC): Gorge General Commercial Recreation: MCC 38.2825(B)(1)(h), MCC 38.2860: Dimensional Requirements;

Approval Criteria for Site Review: MCC 38.7035(A) and (B) et. al: GMA Scenic Review Criteria, and MCC 38.7035(C)(3) Rural Residential, MCC 38.7045 GMA Cultural Resource Review Criteria, MCC 38.7055 GMA Wetland Review Criteria, MCC 38.7060 GMA Stream, Lake and Riparian 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, and MCC 38.7300 Review and Conditional Uses.

Copies of the referenced Multnomah County Code (MCC) sections can be obtained by contacting our office at 503-988-3043 or at *multco.us/landuse/zoning-code* 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 brackets.

1. 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.
2. **Pursuant to MCC 38.0690, this land use permit expires two years from the date the decision is final if; (1) When construction has not commenced within two years of the date the final decision, or (2) When the structure has not been completed within two years of the date of commencement of construction.**
 - a. **As used in (1), 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 or 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.**

5. The building materials shall be as represented in the application. The building siding shall remain 6-inch cedar lap siding and 1 x 4 inch wood trim and roofing shall be black composition asphalt shingles, as submitted and labeled as Exhibit A.9. The exterior doors shall be Wood French Doors that have a window reflectivity rating of 11% or less or be treated to reduce reflectivity. The siding and trim paint colors shall be Jungle Cover #0347 or a color from the top two rows of the Handbook Color Chart. The chosen color shall be listed on the building elevation plans. [MCC 38.7035 (B)(10) and (12)]
6. All new exterior lighting shall be recessed light fixtures and limited to the entry covers over the door ways. All existing metal security lighting shall be removed from the exterior of the building. [MCC 38.7035(B)(11)]
7. All new exterior windows on all four building elevations shall have a visible light reflectivity rating of 11% or less. The skylight windows shall have a reflectivity rating of 11% or less and have the proposed film (Exhibit A.9) applied to their exterior to reduce the reflectivity further. The skylights shall have motorized room darkening shades with remote control. The control shall be linked to a light sensor to automatically close the shades when it is dark outside. [MCC 38.7035(B)(10)]
8. All ground disturbance shall be within 15 feet of the exterior of the existing dwelling. No other ground disturbance shall occur or is authorized by this permit. [MCC 38.7045(B)]
9. If any Cultural Resources and/or Archaeological Resources are located or discovered on the property during this project, including finding any evidence of historic campsites, old burial grounds, implements, or artifacts, the following procedures shall be implemented: [MCC 38.7045 (L)]
 - a. Halt Construction – All construction activities within 100 feet of the discovered cultural resource shall cease. The cultural resources shall remain as found; further disturbance is prohibited.
 - b. Notification – The project applicant shall notify the County Planning Director and the Gorge Commission within 24 hours of the discovery. If the cultural resources are prehistoric or otherwise associated with Native Americans, the project applicant shall also notify the Indian tribal governments within 24 hours. This includes the Yakama Nation, contact Cultural Specialist for the Cultural Resources Program at: (509) 865-5121 extension 4720; FAX number (509) 865-4664. Procedures required in MCC 38.7045 (L) shall be followed.
 - c. Survey and Evaluation – The Gorge Commission will survey the cultural resources after obtaining written permission from the landowner and appropriate permits from SHPO (see ORS 273.705 and 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).
 - d. Mitigation Plan – Mitigation plans shall be prepared according to the information, consultation, and report standards of MCC 38.7045 (J). Construction activities may recommence when the conditions in the mitigation plan have been executed. [MCC 38.7045 (L)]
 - e. 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.
10. The following procedures shall be in effect if human remains are discovered during excavation or construction (human remains means articulated or disarticulated human skeletal remains, bones, or teeth, with or without attendant burial artifacts):

- a. Halt Activities – All survey, excavation, and construction activities shall cease. The human remains shall not be disturbed any further.
- b. Notification – Local law enforcement officials, the Multnomah County Planning Director, the Gorge Commission, and the Indian tribal governments shall be contacted immediately.
- c. Inspection – The State Medical Examiner shall inspect the remains at the project site and determine if they are prehistoric/historic or modern. Representatives from the Indian tribal governments shall have an opportunity to monitor the inspection.
- d. Jurisdiction – If the remains are modern, the appropriate law enforcement officials will assume jurisdiction and the cultural resource protection process may conclude.
- e. Treatment – Prehistoric/historic remains of Native Americans shall generally be treated in accordance with the procedures set forth in Oregon Revised Statutes, Chapter 97.740 to 97.760.
 - i. 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).
 - ii. The plan shall accommodate the cultural and religious concerns of Native Americans. The cultural resource protection process may conclude when the conditions set forth in the standards of MCC 38.7045 (J) are met and the mitigation plan is executed. [MCC 38.7045 (M)]

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, the applicant shall call the Staff Planner, Lisa Estrin, at (503) 988-0167, for an appointment for review and approval of the conditions and to sign the building permit plans. Please note, Multnomah County must review and sign off the building permits before the applicant submits building plans to the City of Gresham. 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 will be collected. In addition, 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*.

1.00 Project Description:

Staff: The applicant is proposing four additions to an existing single family dwelling on the private recreational site known as *The Fishery* located at 60765 NE Enquist Place, Cascade Locks. The additions include the following:

- 65 sq. ft. dormer on the second floor to add a bathroom on the second floor;
- The enclosure of an existing 75 sq. ft. covered porch on the first floor to add a second bathroom on the first floor;
- The addition of a 50 sq. ft. covered deck surrounded by a 450 sq. ft. uncovered deck; and
- A 45 sq. ft. second story covered deck off.

In addition, all exterior windows and doors will be replaced. The existing metal framed windows will be changed to Milgard Montecito Vinyl windows with Espresso colored frames. The existing exterior doors with small windows will be changed to French door(s) with multiple glass windows. The house will be re-roofed and painted. Three skylights are proposed. The applicant is proposing to treat the skylights’ with coating to reduce the skylights reflectivity. The applicant has proposed an earth tone color called Jungle Cover (O347) for the trim and a lighter earth tone color for the body. The new roof will be a black architectural shingle (Exhibit A.9). All ground disturbance for new footings or foundations will be dug by hand. No machinery will be used. (Exhibit A.4).

2.00 Property Description & History:

Staff: The Fishery has been a fishing resort since the 1940’s. The site is located near the small rural area known as “Dodson”. It is located on the banks of the Columbia River, north of Highway I-84 and the Union Pacific railroad tracks. Tax lot 2N6E35CD – 00200 (subject property) contains two houses, a garage (accessory building), tackle shop/triplex, parking areas, a boat ramp and various other minor improvements.

3.00 Gorge General Commercial Recreational (GG-CR) Criteria:

3.01 § 38.2825 Review Uses

(B) The following uses are allowed on all lands designated GG– CR 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) The following uses may be allowed, subject to compliance with MCC 38.7300 (F) and the standards of MCC 38.7000 through 38.7085:

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

Staff: The applicant is proposing four additions and various exterior improvements to an existing single family dwelling.

3.02 § 38.2860 DIMENSIONAL REQUIREMENTS

(C) Minimum Yard Dimensions - Feet

Front	Side	Street Side	Rear
30	10	30	30

Maximum Structure Height – 35 feet

* * *

Staff: The existing dwelling with its four additions will be 60 ft to the south property line (front), 80 ft to west property line (side), 110 ft to the east property line (side), 360 ft to the north property line (rear). The height of the dwelling will not be increased by the additions. It height will remain at 35 ft. *Criteria met.*

4.00 Site Review Criteria

4.01 § 38.7035 GMA SCENIC REVIEW CRITERIA

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

(A) All Review Uses and Conditional Uses:

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

Staff: The proposed modifications are to an existing dwelling. All ground disturbances will be limited to the footprint of the new additions and will be dug by hand. No machinery will be used. No re-grading of the area surrounding the dwelling will occur. *Criterion met.*

4.02 (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 existing dwelling is currently 2,197 sq. ft. (1,446 sq. ft. 1st Floor, 751 sq. ft. 2nd Floor). The proposed additions will add approximately 685 sq. ft. to the dwelling. After all work is complete, the dwelling will be approximately 2,882 sq. ft. in size overall.

Houses in the immediate area range in size as shown in the table below:

Address	House Size
60505 NE Bucher Ln	3667
60403 NE Bucher Ln	3339
60309 NE Bucher Ln	1400

The proposed dwelling size is within the range of the development within the area. *Criterion met.*

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

Staff: The property currently has one access point onto NE Tumalt Road. No new access is proposed. *Criterion met.*

4.04

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

Staff: The site plan (Exhibit A.4) shows a number of trees to the north and the southeast of the dwelling being modified. In addition, the March 31, 2016 aerial photo included below shows significant vegetation between the dwelling and the Scenic Travel Corridor and Interstate 84 (a key viewing area). Vegetation also exists to the north of the dwelling to screen it from the Columbia River. A condition of approval has been included requiring the maintenance and replacement of this vegetation shown on Exhibit A.4 and in the photo included below as designated.



4.05

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

Staff: The landscape setting for the property is Rural Residential. Staff has determined that the proposed development is in compliance with the landscape setting as discussed in Section 4.24.
Criterion met.

4.06

(6) For all new production and/or development of mineral resources and expansion of existing quarries, a reclamation plan is required to restore the site to a natural appearance which blends with and emulates surrounding landforms to the maximum extent practicable. At minimum, such reclamation plans shall include:

* * *

(7) All reclamation plans for new quarries or expansion of existing quarries shall be sent to the appropriate state reclamation permitting agency for review and comment. The state agency shall have 30 calendar days from the date a reclamation plan is mailed to submit written comments on the proposal. State agency comments shall address the following:

* * *

* * *

Staff: No production or development of mineral resources or quarrying is proposed. *Criterion not applicable.*

4.07

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

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

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

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

Staff: The property is topographically visible from Beacon Rock, Cape Horn, Pacific Crest, Columbia River, SR 14, Hist. Columbia River Highway and Interstate 84. The dwelling is approximately 381 feet from edge of pavement of Interstate 84 and approximately 345 feet from the Columbia River. The development on the subject property has the potential to visually impact two key viewing areas. The property is vegetated well but the proposed improvements to the dwelling will not utilize dark earthtone for the siding color and increases the amount of glass facing the Columbia River. The color proposed for the trim would qualify as a dark earth tone and would help to ensure that the building will blend into the shadows and borders of the vegetation. The applicant or property owner could either paint the body of the house the same

color as the trim or choose a new color for the trim from the approved color chart. The elevation facing the Columbia River will have two new French doors added to it. One on the second floor and one on the first floor. The new 1st floor door replaces a similar sized window. The 2nd floor door replaces a very small window and creates access to a new second story covered deck. The use of the cover over the door will probably ensure that the glass is not reflecting light for most of the day. In addition to the new French doors, the proposal adds three new skylights to the east side of the roof. The skylights will be treated with a coating to reduce the reflectivity rating of the glass. Conditions of approval have been included requiring the maintenance of the existing vegetation, modification of house color and treatment of glass on the skylight. These conditions are necessary to insure that the building achieves visually subordination.

- 4.08** **(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 has provided the above information in the materials submitted as part of this application. See Exhibits A.2 through A.9 for documentation.

- 4.09** **(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: No mining is proposed. *Criterion is not applicable.*

- 4.10** **(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.**

Staff: The proposed additions and physical improvements are to an existing building that cannot be moved. *Criterion met.*

- 4.11** **(7) New development shall be sited using existing topography and/or existing vegetation as needed to achieve visual subordination from key viewing areas.**
(8) Existing tree cover screening proposed development from key viewing areas shall be retained as specified in MCC 38.7035(C).

Staff: The proposed improvements will utilize existing vegetation to help screen them from the Columbia River, Interstate 84 and other key viewing areas. A condition of approval has been included requiring the vegetation maintenance and replacement as needed. *As conditioned, criterion met.*

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

Staff: No modifications to the driveways are proposed as part of this project. All ground disturbances will be limited to new footings immediately adjacent to the dwelling and will be

hand-dug. No cut banks or fill slopes will be created. *Criterion met.*

- 4.13 **(10) The exterior of buildings on lands seen from Key Viewing Areas shall be composed of nonreflective 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 building is not topographically screened from the key viewing areas. The glass on the doors, windows and skylights will have a reflectivity rating of 11% or less. In addition, the skylights will have a treatment to reduce the reflectivity rating of the smooth glass.

- 4.14 **(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 existing metal security lighting will be replaced by recessed light fixtures at the entry porches (Exhibit A.9). *Criterion met.*

- 4.15 **(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.**

(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 subordination 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 site is visible from a number of key viewing areas, including the Columbia River and Interstate 84. The existing dwelling is undergoing rehabilitation and four small additions. The color of the house body is changing. After the rehabilitation of the structure, the building will not be eligible for inclusion in the National Register of Historic Places. The new paint colors for the dwelling will need to be dark earth-tones. The applicant's paint chip Jungle Cover (Exhibit A.9) qualifies as a dark earth tone. The other color choice “Upon Reflection” does not qualify as a dark earth tone. A condition of approval has been included requiring that a new house color be chosen from the recommended color choices. The house body can be

painted Jungle Cover or another dark earth tone as listed in the condition. *As conditioned, criteria met.*

- 4.16 **(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 Areas, may itself protrude above the skyline if:**
- (a) The altered building, through use of color, landscaping and/or other mitigation measures, contrasts less with its setting than before the alteration; and**
 - (b) There is no practicable alternative means of altering the building without increasing the protrusion.**

Staff: The subject property has an eight percent slope rising towards Interstate – 84. The Interstate is approximately 20 to 30 feet higher in elevation than the home site. The proposed addition does not add onto the height of the building. The silhouette of the structure will remain below the freeway height. *Criterion met.*

- 4.17 **(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: No new landscaping is proposed.

- 4.18 **(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 GG-CR (Gorge General Commercial Recreational).
Criterion not applicable.

- 4.19 **(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 proposed project is a rehabilitation and addition to an existing single family dwelling. *Criterion not applicable.*

- 4.20 **(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 additions to the single family dwelling are location dependent. The existing dwelling is setback over 100 feet from the ordinary high water mark of the Columbia River (Exhibit A.4). The property is located below Bonneville Dam. *Criterion met.*

- 4.21 **(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 property do not exceed 8% where the building is located. *Criterion met.*

- 4.22 **(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: Ground disturbance and grading is limited to around the existing dwelling and will be completed by hand. No grading plan is required. *Criterion met.*

4.23 (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:

* * *

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

(29) An interim time period to achieve compliance with full screening requirements for new quarries located less than 3 miles from the nearest visible Key Viewing Area shall be established prior to approval. The interim time period shall be based on site-specific topographic and visual conditions, but shall not exceed 1 year beyond the date of approval. Quarrying activity occurring prior to achieving compliance with full screening requirements shall be limited to activities necessary to provide such screening (creation of berms, etc.).

Staff: The proposed project is for the rehabilitation and addition to an existing single family dwelling. *Criterion not applicable.*

4.24 (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 practices.

(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.

(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: No trees have been proposed for removal as part of this development. All existing tree cover is conditioned to remain. No new trees are proposed. While the dwelling exists on a

commercial recreational site, it does not expand the commercial facilities. *Criterion met.*

4.25 (D) All Review Uses and Conditional Uses within scenic travel corridors:

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

Staff: The subject property is within one quarter mile of the edge of Interstate – 84.

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

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

Staff: The house is setback approximately 358 feet from edge of Interstate – 84. *Criterion met.*

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

*** * ***

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

*** * ***

(6) New production and/or development of mineral resources proposed within one-quarter mile of the edge of pavement of a Scenic Travel Corridor may be allowed upon a demonstration that full visual screening of the site from the Scenic Travel Corridor can be achieved by use of existing topographic features or existing vegetation designed to be retained through the planned duration of the proposed project. An exception to this may be granted if planting of new vegetation in the vicinity of the access road to the mining area would achieve full screening. If existing vegetation is partly or fully employed to achieve visual screening, over 75 percent of the tree canopy area shall be coniferous species providing adequate winter screening. Mining and associated primary processing of mineral resources is prohibited within 100 feet of a Scenic Travel Corridor, as measured from the edge of pavement, except for access roads. Compliance with full screening requirements shall be achieved within time frames specified in MCC 38.7035 (B) (29).

(7) Expansion of existing quarries may be allowed pursuant to MCC 38.7035 (B) (26). Compliance with visual subordination requirements shall be achieved within time frames specified in MCC 38.7035 (B) (28).

Staff: The proposed project involves the rehabilitation and addition to an existing single family

dwelling. *Criteria not applicable.*

5.00 Cultural Resource Review Criteria

5.01 § 38.7045 GMA CULTURAL RESOURCE REVIEW CRITERIA

(A) Cultural Resource Reconnaissance Surveys

(2) A reconnaissance survey shall be required for all proposed uses within 500 feet of a known cultural resources, including those listed above in MCC 38.7045 (A) (1) (a) through (f). The location of known cultural resources are shown in the cultural resource inventory.

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

Staff: The proposed project modifies an existing dwelling constructed on or around the year 1900. The USFS determined that the proposed project was within 500 feet of a known cultural resource and completed a Heritage Resource Inventory Report for the Beer Renovation Project (Exhibit B.2). *Both surveys are required and were completed.*

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

(2) The proposed use would avoid archaeological resources and traditional cultural resources that exist in the project area. To meet this standard, a reasonable buffer zone must be established around the affected resources or properties; all ground disturbing activities shall be prohibited within the buffer zone.

(a) Buffer zones must preserve the integrity and context of cultural resources. They will vary in width depending on the eventual use of the project area, the type of cultural resources that are present, and the characteristics for which the cultural resources may be significant. A deed covenant, easement, or other appropriate mechanism shall be developed to ensure that the buffer zone and the cultural resources are protected.

Staff: All ground disturbance proposed for the subject project is restricted to within 15 feet of the existing dwelling. This limitation is outside of the buffer area for the archaeological resources. A condition of approval has been included that if archaeological or cultural resources are discovered during the construction of the project, all work is to cease. The traditional cultural resources review is complete.

5.03 (C) 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.

Staff: SHPO determined that the existing dwelling was significant, possibly eligible for the National Register but degraded due to past remodels. The property owner and applicant met

with Marge Dryden, USFS and staff planner Lisa Estrin. SHPO was unable to attend. Ms. Dryden relayed SHPO's concerns to the property owner. SHPO presented two options to the property owner: alter some aspects of the project or mitigate for the adverse effects. The property owner chose to mitigate for the adverse effects.

- 5.04 (D) Reconnaissance and historic surveys, evaluations, assessments and mitigation plans shall be performed by professionals whose expertise reflects the type of cultural resources that are involved. Principal investigators shall meet the professional standards published in 36 Code of Federal Regulations (CFR) Part 61 and Guidelines for Evaluating and Documenting Traditional Cultural Properties (Parker and King n.d.). A survey shall consist of the following:**

(3) Historic Surveys

(a) Historic surveys shall document the location, form, style, integrity, and physical condition of historic buildings and structures. They shall include:

- 1. Original photographs;**
- 2. Original maps; and**
- 3. Archival research, blueprints, and drawings as necessary.**

(b) Historic surveys shall describe any uses that will alter or destroy the exterior architectural appearance of the historic buildings or structures, or compromise features of the site that are important in defining the overall historic character of the historic buildings or structures

(c) The project applicant shall provide detailed architectural drawings and building plans that clearly illustrate all proposed alterations.

(J) Mitigation plans shall meet the following standards:

(1) Mitigation Plans shall be prepared in consultation with persons who have concerns about or knowledge of the affected cultural resources, including Indian tribal governments, Native Americans, local governments whose jurisdiction encompasses the project area, and SHPO.

(3) Mitigation plans shall incorporate the results of the reconnaissance or historic survey, the evaluation of significance, and the assessment of effect, and shall provide the documentation required in 36 CFR Part 800.11, including, but not limited to:

(a) A description and evaluation of any alternatives or mitigation measures that the project applicant proposes for reducing the effects of the proposed use;

(b) A description of any alternatives or mitigation measures that were considered but not chosen and the reasons for their rejection;

(c) Documentation of consultation with SHPO regarding any alternatives or mitigation measures;

(d) A description of the project applicant's efforts to obtain and consider the views of Indian tribal governments, interested persons, and local governments; and

(e) Copies of any written recommendations submitted to the Planning Director or project applicant regarding the effects of the proposed use on

cultural resources and alternatives to avoid or reduce those effects.

(4) The applicant shall be responsible for Mitigation Plans.

Staff: The property owner has hired Donovan & Associates to complete the Architectural and Historical Documentation report as the mitigation plan (Exhibit A.21). SHPO felt that the documentation of the building before it was modified by the proposed improvements would mitigate for the alteration to the exterior of the building (Exhibit A.20). *Criteria met.*

6.00 Natural Resource Criteria

6.01 § 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.**

Staff: The subject property is immediately adjacent to the main stem of the Columbia River. *Criterion met.*

6.02 § 38.7060 GMA STREAM, LAKE AND RIPARIAN AREA REVIEW CRITERIA

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

- (1) The modification, expansion, replacement, or reconstruction of serviceable structures, provided that such actions would not:**
 - (a) Increase the size of an existing structure by more than 100 percent,**
 - (b) Result in a loss of water quality, natural drainage, and fish and wildlife habitat, or**
 - (c) Intrude further into a stream, pond, lake, or buffer zone. New structures shall be considered intruding further into a stream, pond, lake, or buffer zone if any portion of the structure is located closer to the stream, pond, lake, or buffer zone than the existing structure.**

Staff: The existing dwelling is a serviceable structure. Currently, the existing structure is 2,197 sq. ft. The addition will add 685 sq. ft. which is approximately 31% of the current size of the dwelling. *Criterion met.*

6.03 § 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).

§ 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: During completeness review, the Institute for Natural Resources and Oregon Department of Fish and Wildlife were contacted. No comments were received indicating sensitive wildlife or rare plants in the area. *Criteria met.*

7.00 Special Use Approval Criteria

7.01 § 38.7300- REVIEW AND CONDITIONAL USES

(F) Non-Recreation Uses in GG– CR

(1) The proposed use will not interfere with existing or approved commercial recreation uses on the subject property or adjacent lands. Mitigation measures to comply with this criterion may include onsite buffers, seasonal or temporary closures during peak recreation use periods, etc.

(2) The proposed use will not permanently commit the majority of the site to a non-recreational use. Careful siting and design of structure and other improvements may be utilized to comply with this criterion.

(3) Land divisions may be allowed upon a demonstration that the proposed land division is necessary to facilitate, enhance or otherwise improve recreational uses on the site.

Staff: The proposed additions are to the single family dwelling on the property. No alterations to the commercial establishment are proposed. The additions will add 685 sq. ft. to the dwelling. The majority of the 3.74 acre site will remain available for recreational use (Exhibit A.4). No land division is proposed at this time. *Criteria met.*

8.00 Conclusion

Based on the findings and other information provided above, the applicant has carried the burden necessary for the NSA Site Review to complete four additions to an existing single family dwelling in the GGCR zone. This approval is subject to the conditions of approval established in this report.

9.00 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. All other exhibits are available for review in Case File T2-2015-4662 at the Land Use Planning office.

Exhibit #	# of Pages	Description of Exhibit	Date Received/ Submitted
A.1	1	NSA Application Form	11/20/2015
A.2	2	Narrative	11/20/2015
A.3	1	Comparable Buildings	11/20/2015
A.4	1	Site Plan – Sheet 1 of 7	11/20/2015
A.5	1	Site Plan / Key Viewing Areas – Sheet 2 of 7	11/20/2015
A.6	1	Floor Plan – Sheet 3 of 7	11/20/2015
A.7	1	Existing Building Elevations – Sheet 4 of 7	11/20/2015
A.8	2	Proposed Building Elevations – Sheets 5 & 6 of 7	11/20/2015
A.9	1	Materials Page – Sheet 7 of 7	11/20/2015
A.10	5	Septic Review Certification	11/20/2015

A.11	2	Fire Service Agency	11/20/2015
A.12	1	Statutory Special Warranty Deed recorded at 99-101079 on May 19, 1999	11/20/2015
A.13	1	Special Warranty Deed recorded at 99-093225 on May 7, 1999	11/20/2015
A.14	1	Electrical Service Statement (undated)	11/20/2015
A.15	5	Photographs of the Dwelling	11/20/2015
A.16	4	Landmark Pro Designer Roof Shingles Brochure	11/20/2015
A.17	14	Milgard Window Brochure	11/20/2015
A.18	13	Velux Skylights Brochure	11/20/2015
A.19	1	Electric Bill for Dwelling	2/25/2016
A.20	3	Memorandum of Agreement between The Fishery, Inc. and Oregon State Historic Preservation Officer	6/3/2016
A.21	49	Architectural and Historical Documentation – McGowan Cannery Residence No. 1	7/12/2016
'B'	#	Staff Exhibits	Date
B.1	2	A&T Property Records for 2N6E35CD - 00200	11/20/2015
B.2	51	Heritage Resource Inventory Report for the Beer Renovation Project	2/1/2016
B.3	1	Vegetation Retention Map	n/a
'C'	#	Administration & Procedures	Date
C.1	4	Incomplete Letter	12/18/2015
C.2	7	Opportunity to Comment	3/28/2016
C.3	20	Administrative Decision	7/15/2016
'D'	#	Comments Received	Date
D.1	1	SHPO Archaeological Investigations Letter	3/28/2016
D.2	1	The Confederated Tribes of the Warm Springs Reservation of Oregon	4/6/2016
D.3	7	Friends Comments	4/11/2016
D.4	1	SHPO Eligibility for Listing in the National Register of Historic Places Letter	4/21/2016
D.5	1	SHPO Satisfaction of Requirement Letter	8/23/2016