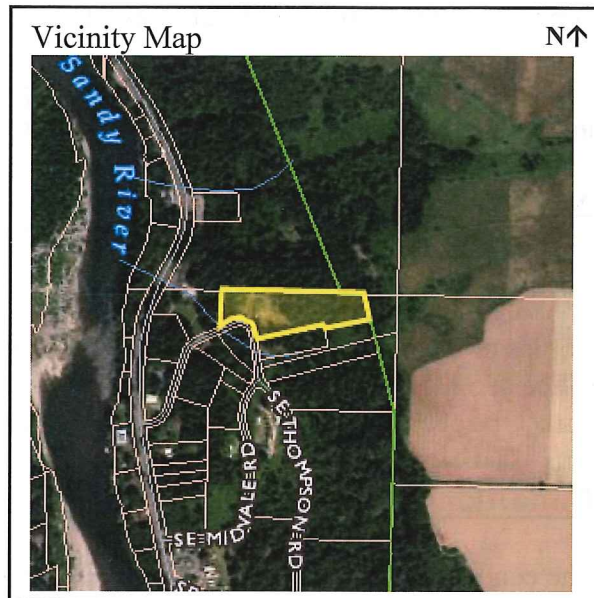


1600 SE 190th Avenue, Portland OR 97233-5910 • PH. (503) 988-3043 • Fax (503) 988-3389

NOTICE OF NSA DECISION

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

Case File: T2-2016-5106
Permit: NSA Site Review
Location: 1983 SE Thompson Road, Troutdale
Tax Lot 200, Section 31BB, Township:
1 North, Range: 4 East, W.M.
Tax Account #R831300200
Applicant: Gerald Lambert
Owner: Gerald and Therese Lambert
Zoning: Gorge General Residential - 2 (GGR -
2)
Landscape Setting: Rural Residential



Summary: The applicant is proposing to construct a new single family dwelling, a detached garage and related physical improvements in the Gorge General Residential- 2 (GGR-2) zone.

Decision: Approved with Conditions.

Unless appealed, this decision is effective Wednesday, March 8, 2017, at 4:00 PM.

Issued by:

By: 
Lisa Estrin, Planner

For: Michael Cerbone, AICP
Planning Director

Date: Wednesday, February 22, 2017

Instrument Number for Recording Purposes: #2005-023311

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-Friday 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 Wednesday, March 8, 2017 at 4:00 pm.

Applicable Approval Criteria: Multnomah County Code (MCC): MCC 38.0060, MCC 38.3025(A)(1) & (3), MCC 38.3060, MCC 38.3085, MCC 38.7035, MCC 38.7045, MCC 38.7055, MCC 38.7060, MCC 38.7065, MCC 38.7070, MCC 38.7080

Copies of the referenced Multnomah County Code (MCC) sections can be obtained by contacting our office at 503-988-3043 or by visiting our website at multco.us/landuse/zoning-codes under the link Chapter 38 – Columbia River Gorge National Scenic Area.

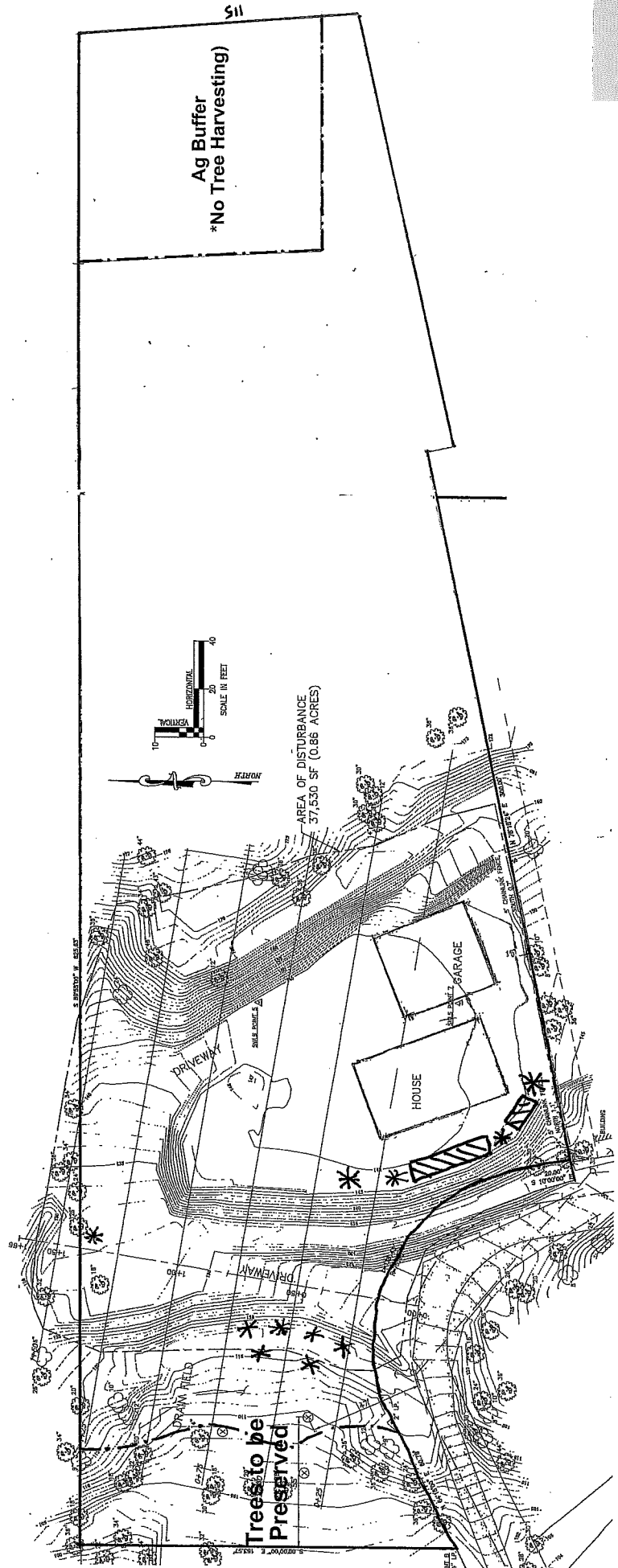
Conditions of Approval

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 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. The project shall be implemented as shown on the site plan included as Exhibit A.37 and staff amended landscape plan as required in Condition 3. 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 approval expires as follows:
 - (a) When construction has not commenced within two years of the date the final decision.
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.
 - (b) When the structure has not been completed within two years of the date of commencement of construction. 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.
 - (c) Expiration under (a) or (b) above is automatic.

* Douglas or Cedar Trees 5-6-ft tall at time of planting

Evergreen Shrubs 1 gallon or more at time of planting



The property owner may request to extend the timeframe within which this permit is valid, as provided under MCC 37.0700, as applicable. The request for an extension must be submitted prior to the expiration of the approval period.

3. Prior to land use sign-off for the building permit, the property owner shall record with the County Recorder the Notice of Decision including the Conditions of Approval of this decision (pages 1 through 5) and Exhibit B.2. The Notice of Decision shall run with the land and the conditions shall be met by the current and all future property owners unless amended through a later decision by an authorized authority. Proof of recording shall be submitted to Multnomah County Land Use Planning office prior to the issuance of any permits. Recording shall be at the applicant's expense. [MCC 38.0670]
4. Prior to land use sign-off for building plan check, the property owner shall:
 - a. Add a fire sprinkler plan meeting Section 903.1.3 (NFPA13D) of the Oregon Fire Code;
 - b. Finalize the planting for the landscape plan shown in Exhibit B.2.
 - c. Add materials and colors to be used on to the building elevation plans.
 - d. Add the 100-ft agricultural buffer zone adjacent to the north-eastern edge of the property to the site plan.
 - e. Add to the site plan the location of all exterior lighting to be installed on the property.
 - f. Add the lighting details (Exhibit A.24) to the building plan sets.
5. The dwelling and accessory building shall utilize Hardi-plank type siding, windows with a reflectivity rating of 11% or less, and asphalt composition shingles. Within 2 years of this permit becoming final, the exterior of the dwelling and accessory building shall be treated as follows:

Feature	Color	Exhibit
Roof	Teak (dark brown) ¹	A.28
Siding	Rawhide*	A.27
Trim	Rain Barrel*	A.27
Window Frames	Beige**	A.26
Front & Rear Door	Brown or Rain Barrel*	A.25

¹Owen Corning Duration Shingles

*Miller Paint Historic Colour Collection

**PlyGem Windows – 400 Series Windows

***Alliance Door Products Therma-Tru Doors

The above colors or paint colors from on the Columbia River Gorge Commission *Scenic Resources Implementation Handbook* Color Chart Row A or B or Numbers 13 through 16 of Row C colors shall be used for the dwelling and accessory building. [MCC 38.0660, MCC 38.7035(B)(1), (B)(2), (B)(4), (B)(10) and (B)(12)]

6. Pursuant to Exhibit B.2, no trees shall be cut or harvested within the 100-ft agricultural buffer zone. [MCC 38.0060]

7. The required planting areas shown in Exhibit B.2 shall be installed within 2 years of this permit becoming final. [MCC 38.7035(B)(1)]
8. The property owners shall maintain the existing trees and required plantings as shown in Exhibit B.2 in living condition and shall replace any dead or damaged tree or required vegetation if they do not survive. Invasive species will need to be removed and controlled. The property owner is responsible for the retention and health of the trees to maintain the existing density on the property in perpetuity. [MCC 38.7035(B)(2) and (B)(8)]
9. All 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 nonreflective, opaque materials. [MCC 38.7035(B)(11)]
10. If any Cultural Resources and/or Archaeological Resources are located or discovered on the property during this project, including but not limited to finding any evidence of historic campsites, old burial grounds, implements, or artifacts, the following procedures shall be implemented:
 - (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 Native American tribal governments within 24 hours. 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)]
11. 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 Native American 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.

- 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).
- 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.

All survey and evaluation reports and mitigation plans shall be submitted to the Planning Director and the Oregon State Historic Preservation Office (SHPO). Native American tribal governments shall also receive a copy of all reports and plans if the cultural resources are prehistoric or otherwise associated with Native Americans. [MCC 38.7045 (M)]

Note: Once this decision is final, application for building permits may be made with the City of Troutdale. When ready to have building permits signed off, the applicant shall call the Staff Planner, Lisa Estrin, at (503) 988-0167 or email lisa.m.estrin@multco.us, 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 Troutdale. 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.

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

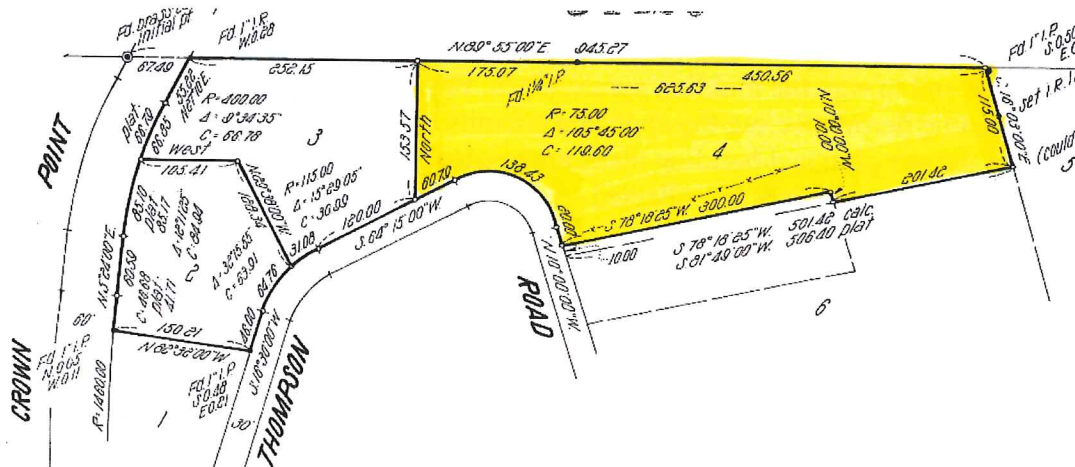
FINDINGS: Written findings are contained herein. The Multnomah County Code (MCC) criteria and Comprehensive Plan Policies are in **bold** font. Staff analysis and comments are identified as ‘**Staff:**’ and address the applicable criteria. Staff comments may include a conclusionary statement in *italic*.

1.00 Project Description:

Staff: The applicant is proposing to construct a new single family dwelling, a detached garage and related physical improvements in the Gorge General Residential – 2 zone. The proposed dwelling will be 1,448 sq. ft. in size and be a 18-ft in height. The detached garage will be 1,440 sq. ft. and 22-ft in height. A limited amount of grading will occur with the proposal as significant grading was completed previously without National Scenic Area review. This previous ground disturbance for the construction of the driveway will be reviewed as part of this land use application.

2.00 Property Description & History:

Staff: The 2.05 acre property (highlighted) is an irregular shaped lot running from west to east adjacent to Thompson Road as shown below.



The western third of the property has been cleared and graded in the 1990's to preliminary construct the driveway and development area (Exhibit A.33 through A.36). The remainder of the site remains forested. The proposed dwelling and accessory building will be placed on a constructed bench that is accessed via a 210 foot long driveway.

3.00 Gorge General Residential Criteria:

3.01 MCC 38.3025(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.

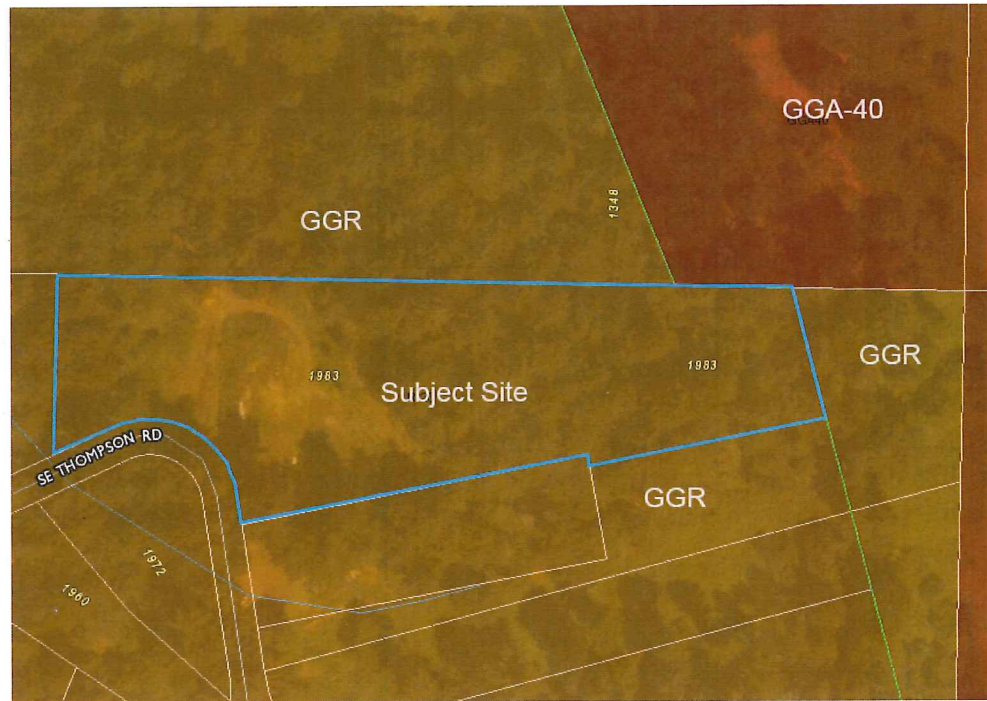
Staff: MCC 38.0530(B) requires a Type II Land Use /Review process for the proposed single family dwelling and detached accessory building. This review meets that standard. Findings for the NSA Site Review standards of MCC 38.7000 through 38.7085 are addressed in Sections 4 and 5 of this decision (below). *Criteria met.*

3.02 MCC 38.3025(A)(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 property was created in its current 2.05 acre size and configuration in July 1961 when 10 feet adjacent to the southern property line was transferred to the parcel to the south (Exhibit B.3). At the time the property was zoned F-2 (Agricultural District) which had a 2-acre minimum lot size. The adjacent properties to the east, west, south and a large portion of the north is zoned Gorge General Residential (GGR). A 99-ft strip of Gorge General Agriculture 40 (GGA40) exists along the northeast property line (see photo below).



Planning staff has reviewed the proposed development for MCC 38.0060 (Agricultural Buffer) in Section 3.04 below. No Gorge General Forestry (GGR) zoned property is adjacent to the subject parcel, so the findings of MCC 38.7305 are not applicable. The subject property is adjacent to Agriculture – 40. Thus, the buffer requirements of MCC 38.0060 will be required. Findings for MCC 38.0060 addressed below in Section 3.2. There is no adjacent property that is designated GGF. *Criteria met.*

3.03 MCC 38.3025(A)(3) Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel are subject to the following additional standards:

- (a) The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.**
- (b) The height of any individual accessory building shall not exceed 24 feet.**

Staff: The applicant is proposing a 40-ft by 36-ft (1,440 sq. ft) accessory building (Exhibit A.9). According to Exhibit A.8 the height will be 22 feet. No other accessory building is proposed or exists on the property. *Criteria met.*

3.04 Agricultural Buffer Zones

MCC 38.0060 All buildings, as specified, shall satisfy the following setbacks when proposed

to be located on a parcel which is adjacent to lands designated GGA- 20 or GGA- 40:

Type of Agriculture		Type of Buffer	
Open or fenced		Natural or created vegetation barrier	8 foot berm or terrain barrier
Orchards	250'	100'	75'
Row crops/vegetables	300'	100'	75'
Livestock grazing pasture, haying	100'	15'	20'
Grains	200'	75'	50'
Berries, vineyards	150'	50'	30'
Other	100'	50'	30'

Staff: The property to the northeast of the subject site is designated as GGA-40 zone. The GGA-40 zoned area of land is currently being used as forest and has steep slopes on it. The proposed construction is over 240+feet from the GGA zoned land. Between the new construction and the agricultural land area, a natural vegetative buffer exists. A condition of approval has been included with this decision that at least a 100-ft buffer of trees be maintained between the agricultural zoned property and the proposed construction. *As conditioned, criterion can be met.*

3.05 MCC 38.2260(C) Minimum Yard Dimensions - Feet

Front	Street Side	Side	Rear
30	30	10	30

Maximum Structure Height – 35 feet

Staff: The proposed dwelling and detached garage will be located as shown in the table below:

Dwelling Setbacks		Garage Setbacks
Front Yard	30 feet	75 feet
South Side Yard	20 feet	15 feet
West Side Yard	170 feet	220 feet
East Side Yard	410+ feet	360+ feet
North Rear Yard	110 feet	120 feet

The latest submitted plan shows the height of the dwelling as 18 feet (Exhibit A.5). According to Exhibit A.8 and the applicant, the height of the garage will be 22 feet. *Criteria met.*

4.00 Site Review Criteria

- 4.01 MCC 38.7035(A)(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 subject property had a driveway and home site area graded into the hillside in the mid 1990's (Exhibit A.33 through A.37). The proposed dwelling and garage will be constructed on the terrace previously constructed on the site. At present, only limited grading will need to occur to construct the buildings. The proposed development will retain the existing topography thus minimizing grading activities to the maximum extent possible for constructing the development. *Criterion met.*

4.02 MCC 38.7035(A)(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: Scaled elevation drawings were submitted and included as Exhibit A.5 and A.8. The proposed dwelling will be 1,448 sq. ft and a single-story (18-ft in height). The detached garage will be 1,440 sq. ft and a single-story (22-ft in height).

Planning staff reviewed the following properties within the immediate area to determine size of the existing dwelling and accessory buildings:

Address	Dwlg Stories	Dwelling Area (Sq. Ft.) Per Applicant	Dwelling Area (Sq. Ft.) Per Taxation	Detached Accessory Bldg (Sq. Ft.)
1409 E. HCRH* (Exhibit A.18)	2	1,872	3,024	n/a
1348 E. HCRH* (Exhibit A.19)	2	2,648	2,648	1,440
1486 E. HCRH* (Exhibit A.20)	1	1,300	1,188	60
1819 E. HCRH* (Exhibit A.21)	1	2,230	3,728	n/a
1960 SE Thompson Rd (Exhibit A.22)	2	1,448	2,120	283
1853 SE Thompson Rd	2	n/a	1,336	1,728
1870 SE Thompson Rd	2	n/a	2,447	n/a

*Historic Columbia River Hwy

The average size of the dwellings reviewed in the above table is 2,356 sq. ft. The proposed 1,440 sq. ft dwelling is in the lower range of dwelling sizes located within the immediate vicinity. Of the seven properties reviewed, only two had detached accessory buildings of a significant size. Three of the properties have no detached accessory buildings. Two properties have very small outbuildings and two have buildings that are similar in size to the one being proposed. The proposed dwelling and detached accessory building are compatible with the general scale (height, dimensions and visible mass) of similar buildings that exist in the nearby area. *Criteria met.*

4.03 MCC 38.7035(A)(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 will be accessed from Thompson Road. There are no access points to a Scenic Travel Corridor. *Criterion met.*

4.04 MCC 38.7035(A)(4): Property owners shall be responsible for the proper maintenance and survival of any required vegetation.

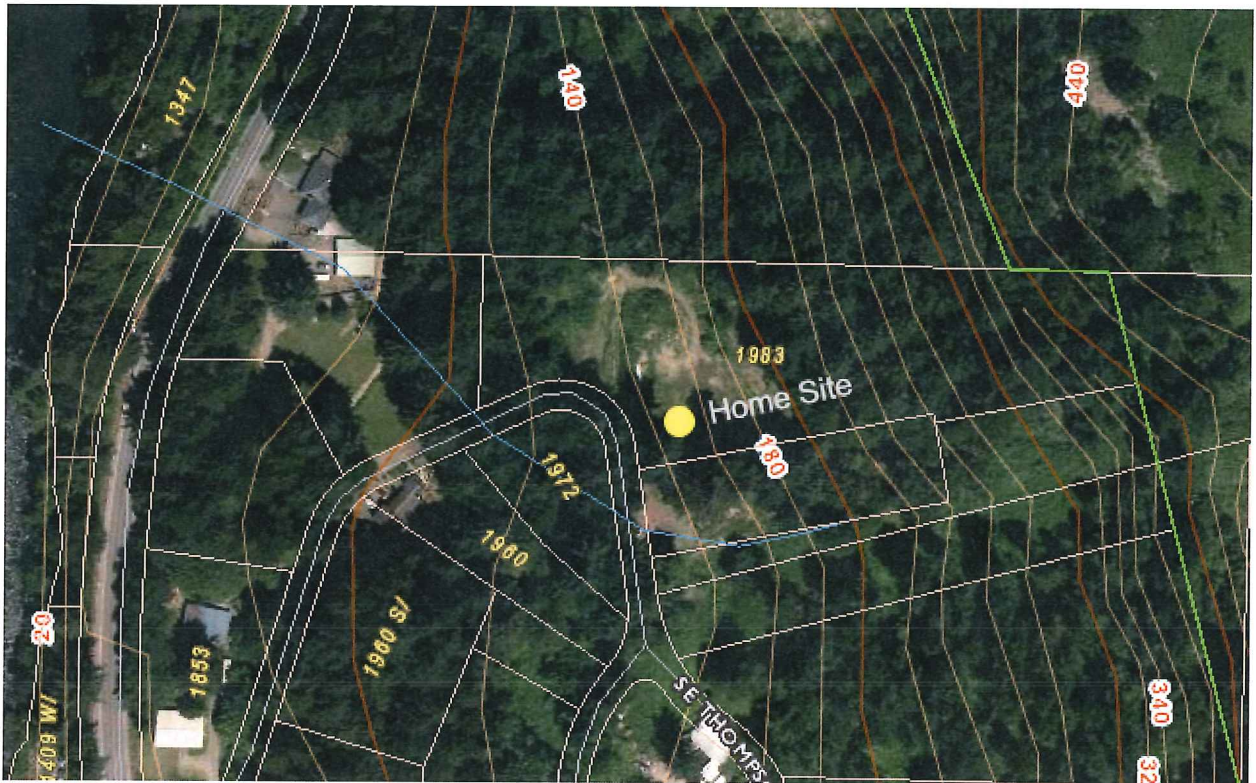
Staff: The applicant has stated that “No removal of trees or shrubs required” (Exhibit A.2 and Exhibit A.3). The property owner will be required to maintain the existing trees in living condition to screen the proposed dwelling and accessory buildings from the Historic Columbia River Highway and the Sandy River. If any trees are removed, new trees must be planted to maintain the vegetative screen from the two key viewing areas. *Through a condition, this criterion can be met.*

4.05 MCC 38.7035(A)(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 findings for compatibility with the landscape setting are based on information submitted in the site plans. See Section 4.24 for findings of compliance with landscape setting criteria. *Criterion met.*

4.06 MCC 38.7035(B): All Review Uses topographically visible from Key Viewing Areas:

Staff: The proposed buildings are topographically visible from the Historic Columbia River Highway and the Sandy River Key Viewing Areas. The following criteria must be met.



4.07 MCC 38.7035(B)(1): Each development shall be visually subordinate to its setting as seen from Key Viewing Areas.

Staff: The proposed dwelling and accessory building are to be built with low reflectivity materials: Hardi-plank siding, low-reflectivity windows and asphalt composition shingles. The

proposed colors for the two buildings are as follows:

Feature	Color	Exhibit
Roof	Teak (dark brown) ¹	A.28
Siding	Rawhide*	A.27
Trim	Rain Barrel*	A.27
Window Frames	Beige**	A.26
Front & Rear Door	Rain Barrel***	A.25

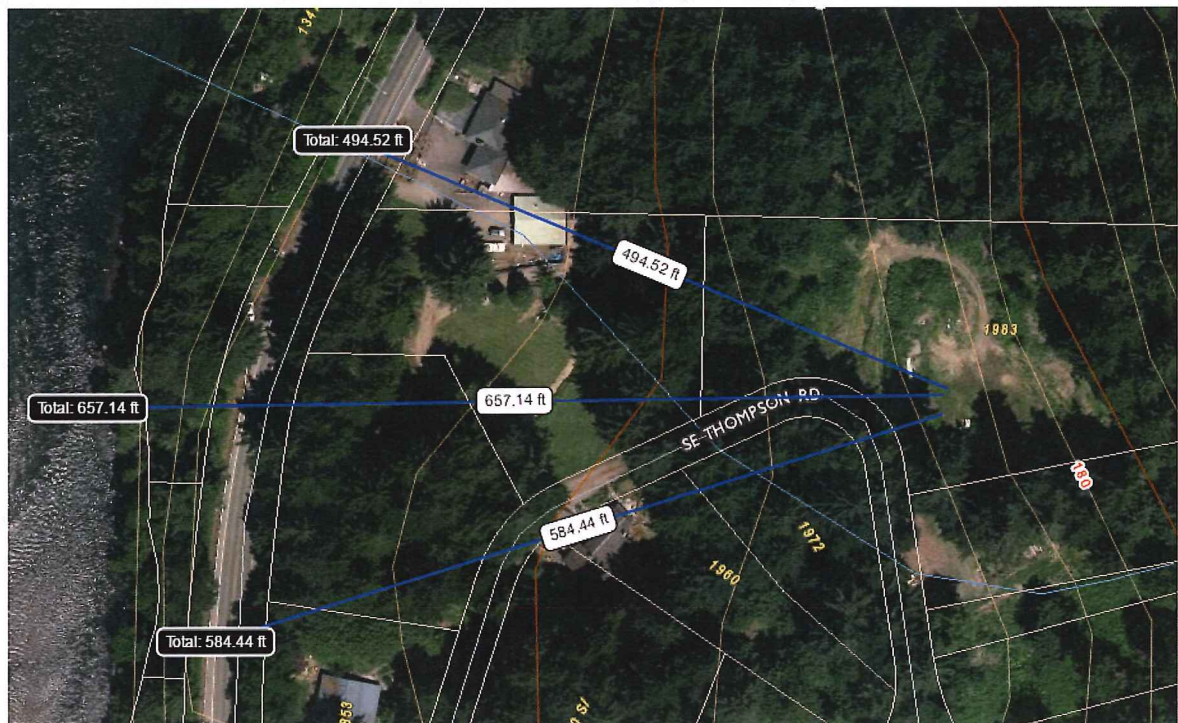
¹Owen Corning Duration Shingles

*Miller Paint Historic Colour Collection

**PlyGem Windows – 400 Series Windows

***Alliance Door Products Therma-Tru Doors

The proposed dwelling and accessory building will be located within 429 to 584 ft of the Historic Columbia River Highway (Highway). The development site is approximately 629 feet from the Sandy River (River). The terrain falls way from the development site down to the Highway and River.



Between the proposed development and the River and Highway, the property has a significant number of large trees that the applicant has indicated will remain (Exhibit A.27). These trees are of significant size with trunks ranging in circumference from 10-inches to 36-inches at breast-height. Closer to the home site location, vegetation is limited to chiefly blackberries. If re-vegetation was to occur along the driveway, a second layer of smaller shrubs would assist in screening the proposed development as the trees continue to lose branches as they grow. This vegetation should be mainly evergreen shrubs and smaller evergreen trees that range in size from 10 to 30 feet in height at maturity. Planning staff has crafted a preliminary landscape plan with

boundaries for the applicant. A condition of approval has been included requiring that the plan be finalized and implemented. The use of dark earthtone treatments and vegetation will help the dwelling and accessory building achieve visual subordination from the Historic Columbia River Highway and the Sandy River Key Viewing Areas.

- 4.08 MCC 38.7035(B)(2): The extent and type of conditions applied to a proposed development or use to achieve the scenic standard shall be proportionate to its potential visual impacts as seen from Key Viewing Areas. Decisions shall include written findings addressing the factors influencing potential visual impact including but not limited to: the amount of area of the building site exposed to Key Viewing Areas, the degree of existing vegetation providing screening, the distance from the building site to the Key Viewing Areas it is visible from, the number of Key Viewing Areas it is visible from, and the linear distance along the Key Viewing Areas from which the building site is visible (for linear Key Viewing Areas, such as roads). Conditions may be applied to various elements of proposed developments to ensure they are visually subordinate to their setting as seen from key viewing areas, including but not limited to siting (location of development on the subject property, building orientation, and other elements); retention of existing vegetation; design (color, reflectivity, size, shape, height, architectural and design details and other elements); and new landscaping.**

Staff: This decision includes written findings addressing the factors that influence potential visual impact. Conditions will be required for the proposed building to be built as represented in the application using the material proposed and will require the existing tree density be maintained in a living condition. Conditions are applied to various elements of proposed developments to ensure proposed development meets the visually subordinate criterion.

Criterion met.

- 4.09 MCC 38.7035(B)(3): Determination of potential visual effects and compliance with visual subordination policies shall include consideration of the cumulative effects of proposed developments.**

Staff: There will be no cumulative effects of proposed developments because the proposed buildings will be screened from the KVA's by existing trees, additional planting, the use of dark earthtone colors and the use of low-reflectivity materials. The dwelling size is similar to other dwellings in the area and will not increase the potential for larger dwellings to be built in the future within the area. The accessory building is similar in size to others within the immediate vicinity and is less than 1,500 sq. ft. The dwelling and accessory building blend in with the landscape when seen from a distance. *Criterion met.*

- 4.10 MCC 38.7035(B)(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 application included the required information (Exhibits A.37, A.25, A.26, A.27, A.28, A.5, and A.8). *Criterion met.*

- 4.11 MCC 38.7035(B)(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 dwelling and accessory building are sited in an area that will be well screened from the KVA's by existing trees and additional plantings on the property. *Criterion met.*

4.12 MCC 38.7035(B)(7): New development shall be sited using existing topography and/or existing vegetation as needed to achieve visual subordination from key viewing areas.

Staff: There is no location on the property where the buildings can be screened from the key viewing areas by topography. The property slopes up from the Historic Highway and continues to rise past the home site. The eastern portion of the property is fairly steep and development does not encroach into that area. The home site and driveway is located in a flatter portion of the site with original slopes of approximately 16%. The existing vegetation will help to achieve visual subordination along with some new plantings so that the development will achieve visual subordination. *Criterion met.*

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

Staff: The applicant has stated that they will not be cutting any additional trees for the proposed project (Exhibit A.16, page 6). A condition will require that all existing trees as well as newly planted vegetation be maintained in living condition or replaced if they are removed or die. *Through a condition, this criterion will be met.*

4.14 MCC 38.7035(B)(9): Driveways and buildings shall be designed and sited to minimize visibility of cut banks and fill slopes from Key Viewing Areas.

Staff: The driveway and the home site were cut into the property around 1993. The applicant has indicated that all significant grading has previously occurred. No new cut banks should be visible from the Key Viewing Areas. *Criterion met.*

4.15 MCC 38.7035(B)(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 siding for proposed buildings will be Hardi-plank cement composite board siding and the roofing will be asphalt composite shingles (Exhibit A.16 and A.28). A condition will require the windows to meet low visible light reflectivity level of 11 percent or less. *Through a condition, this criterion will be met.*

4.16 MCC 38.7035(B)(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 nonreflective, opaque materials.

Staff: The applicant has submitted three lighting details (Exhibit A.24) for the project. The information indicates that all are dark sky compliant. Two of the three lights are clearly shielded, hooded and directed downwards. A condition will require that if any exterior lighting is installed that it meets the above requirement and be shown on the building elevations or a

manufacture's brochure submitted with the plans at the zoning review for the building permit signoff. *Through a condition, this criterion can be met.*

- 4.17 MCC 38.7035(B)(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 exterior colors of the dwelling and accessory building are as follows:

Feature	Color	Exhibit
Roof	Teak (dark brown) ¹	A.28
Siding	Rawhide*	A.27
Trim	Rain Barrel*	A.27
Window Frames	Beige**	A.26
Front & Rear Door	Rain Barrel***	A.25

¹Owen Corning Duration Shingles

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**PlyGem Windows – 400 Series Windows

***Alliance Door Products Therma-Tru Doors

The color “Rawhide” is a dark brown color that clearly qualifies as a dark earthtone. The color “Rain Barrel” is a medium tan color that will be used on the trim and doors. Staff reviewed it in relation to the Gorge Commission’s Color Chart and feels it falls between a dark earthtone and just an earthtone color. As the color is used just for the trim and doors, it should be adequate. A condition of approval has been included requiring these or darker earthtone colors be used for the dwelling. *Through a condition, this criterion can be met.*

- 4.18 MCC 38.7035(B) (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.**

Staff: The single-story dwelling and accessory building will remain below the skyline as seen from the KVA’s (Historic Highway and Sandy River). The proposed buildings are located towards the center of the property. The terrain rises from west to east and the terrain rises significantly to the east of the dwelling (Exhibit A.37) keeping these buildings below the ridge line. *Criterion met.*

- 4.19 MCC 38.7035(B)(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:...**

* * *

Staff: The proposed project does not involve existing buildings. *Criterion not applicable.*

- 4.20 MCC 38.7035(B)(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: The proposed development will utilize existing and new vegetation along with materials and colors to achieve visual subordination. Two areas of new landscaping will be added to the site to create a layered vegetation screening. *As conditioned, these criteria will be met.*

4.21 MCC 38.7035(B)(18), (B)(19), (B)(20), (B)(21), (B)(22), (B)(23), (B)(26), (B)(27), (B)(28) and (B)(29).

Staff: The above listed criteria are not applicable to the proposed development. *Criteria not applicable.*

4.22 MCC 38.7035(B)(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 east of the development site exceed 30%. The home site and driveway is located in a flatter portion of the site with original slopes of approximately 16% (Exhibit A.33 through A.37). *Criterion met.*

4.23 MCC 38.7035(B)(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 driveway and the home site were cut into the property around 1993. The applicant has indicated that all significant grading has previously occurred. No new cut banks should be visible from the Key Viewing Areas. Finish grading will not involve more than 100 cubic yards of ground disturbance. *Criterion is not applicable.*

4.24 MCC 38.7035(C)(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.

Staff: The proposal is to basically maintain the existing landscape except removal of the northern hedge row next to the dwelling location and removal a large pine in the dwelling location. The rest of the existing trees and the hedge to the south of the dwelling site will remain. A condition will be required trees not proposed to be removed be retained on the property. A condition will require maintaining the existing trees and hedgerow labeled on the landscape plan on the property in living condition (Exhibits A.13 and B4). *This standard is met through a condition.*

4.25 MCC 38.7035(C)(3)

(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 remaining existing trees on the property will screen the proposed dwelling along with planting five additional conifer trees. A condition will require maintaining the existing trees and hedge row labeled as remaining. The property owner is responsible for the retention and health of the trees to maintain the existing density on the property in perpetuity. The proposed accessory building needs some additional vegetative screening. A condition will require planting five additional native conifer trees or a mix of 10 trees native conifer and other native species should the property owner prefer to plant some additional screening trees of other species. *This criterion is met through a condition.*

4.26 MCC 38.7035(C)(3)

(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 proposed development is for a residential use. *Criterion not applicable.*

4.27 MCC 38.7035(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 500 feet of the Historic Highway and these standards apply.

4.28 MCC 38.7035(D) (2) All new buildings and alterations to existing buildings, except in a GGRC, shall be set back at least 100 feet from the edge of pavement of the Scenic Travel Corridor roadway. A variance to this setback requirement may be granted pursuant to MCC 38.0065. All new parking lots and expansions of existing parking lots shall be set back at least 100 feet from the edge of pavement of the Scenic Travel Corridor roadway, to the maximum extent practicable.

Staff: At the closest point between the dwelling, accessory building and the Historic Highway is approximately 494 feet. *Criterion met.*

- 4.29 MCC 38.7035(D)(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 subject property is currently vacant. No parking lot is proposed. *Criterion not applicable.*

- 4.30 MCC 38.7035(D)(4) All proposed vegetation management projects in public rights-of-way to provide or improve views shall include the following:**

(a) An evaluation of potential visual impacts of the proposed project as seen from any Key Viewing Area;

(b) An inventory of any rare plants, sensitive wildlife habitat, wetlands or riparian areas on the project site. If such resources are determined to be present, the project shall comply with applicable standards to protect the resources.

MCC 38.7035(D)(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.

MCC 38.7035(D)(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).

MCC 38.7035(D)(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 development is for a single family dwelling and outbuilding. No vegetation management projects are proposed. No undergrounding of utility companies services are proposed. No mineral production is proposed. *Criteria not applicable.*

5.00 Resource Review Criteria

5.01 Cultural Resource Reconnaissance Surveys

MCC 38.7045(A) (1) A cultural reconnaissance survey shall be required for all proposed uses, except:

* * *

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

Areas that have a low probability of containing cultural resources will be identified using the results of reconnaissance surveys conducted by the Gorge Commission, the U.S. Forest Service, public agencies, and private archaeologists.

MCC 38.7045(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: Margaret L. Dryden, Heritage Resource Program Manager, Columbia River Gorge National Scenic Area, US Forest Service (USFS) assessed likelihood or not of cultural resources within the proposed project area and found the project area to have low probability of impacts. Ms. Dryden, submitted a Cultural Resources Survey Determination on June 27, 2016 (Exhibit D.1.). In the Cultural Resources Survey Determination Ms. Dryden, USFS, stated, "A cultural resources reconnaissance survey is: Not Required" and "A Historic Survey is: "Not Required" (Exhibit C.1.).

Dennis Griffin, Ph.D, RPA, State Archaeologist, State Historic Preservation Office in a letter dated July 27, 2016 (Exhibit D.2) expressed concerns that if cultural resources are located during excavation that the proper procedures be implemented. A condition of approval has been included to ensure that the proper procedures be utilized in that event. *Through a condition, these criteria can be met.*

5.02 GMA Wetlands

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);**

Staff: The subject site does not have an identified wetland listed on the National Wetland Inventory maps. Staff did not see any indication of wetlands during the site visit. *Criterion met.*

5.03 GMA Streams, Lakes or Riparian Areas

MCC 38.7060(A): The following uses may be allowed in streams, ponds, lakes and riparian areas...

Staff: There is an intermittent stream that is approximately 75 or more feet to the south. Intermittent streams have a 50-ft stream buffer. The proposed development is outside the stream buffer. *Criteria met.*

5.04 GMA Wildlife Review Criteria

MCC 38.7065: Wildlife Habitat Site Review shall be required for any project within 1,000 feet of sensitive wildlife areas and sensitive wildlife sites

Staff: There are no known sensitive wildlife areas or sites within 1000-feet of the subject site according to maps listing such areas and sites provided to Multnomah County by the Columbia River Gorge Commission. This property is not in the big game winter area. *Criteria met.*

5.05 GMA Rare Plant Review Criteria

MCC 38.7070: Rare Plant Site Review shall be required for any project within 1,000 feet of endemic plants and sensitive plant species.

Staff: There are no known rare plant species within 1000-feet of the subject site according to maps listing such areas and sites provided to Multnomah County by the Columbia River Gorge Commission. *Criteria met.*

5.06 GMA Recreation Resource Review

MCC 38.7080(E): Approval Criteria for Recreation Uses

Staff: The proposed use is on private property and does not have a recreation use component. *The Recreation Resource Review is not applicable.*

8.00 Conclusion

Based on the findings and other information provided above, the applicant has carried the burden necessary for the National Scenic Area Site Review to establish a single family dwelling and detached garage in the Gorge General Residential (GGR-2) 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 T2-2016-5106 at the Land Use Planning office.

Exhibit #	# of Pages	Description of Exhibit	Date Received/ Submitted
A.1	1	NSA Application Form	6/15/2016
A.2	1	Site Plan	6/15/2016
A.3	1	Vegetation Map	6/15/2016
A.4	1	Main Floor Plan Sheet 1	6/15/2016
A.5	2	Dwelling Building Elevations Sheets 2 & 3	6/15/2016
A.6	1	Foundation Plan – Sheet 4	6/15/2016
A.7	1	Construction Details – Sheet5	6/15/2016
A.8	1	Garage Building Elevations	6/15/2016
A.9	1	Garage Floor Plan	6/15/2016
A.10	8	Goodman Sanitation Proposal	6/15/2016
A.11	4	Fire Service Agency Review	6/15/2016
A.12	2	Transportation Planning Review	6/15/2016
A.13	6	State of Oregon Water Supply Well Report	6/15/2016

A.14	1	Storm Water Certificate (not required)	6/15/2016
A.15	1	New Address Assignment	6/15/2016
A.16	22	Narrative	6/15/2016
A.17	1	Photo of Site	6/15/2016
A.18	1	Photo of 1409 E. Historic Columbia River Hwy (1,872 sq. ft.)	6/15/2016
A.19	1	Photo of 1348 E. Historic Columbia River Hwy (2,648 sq. ft.)	6/15/2016
A.20	1	Photo of 1486 E. Historic Columbia River Hwy (1,300 sq. ft.)	6/15/2016
A.21	1	Photo of 1819 E. Historic Columbia River Hwy (2,230 sq. ft.)	6/15/2016
A.22	1	Photo of 1960 SE Thompson Rd (1,448 sq. ft.)	6/15/2016
A.23	16	First American Title Company of Oregon for R287077 (1 page)	6/15/2016
		a. Statutory Quitclaim Deed – Instrument #2005-023311 Recorded 02/09/2005 (1 page)	
		b. Contract – Book 2528, Page 1642 - 1643, Recorded 04/10/1992 (3 pages)	
		c. Statutory Warranty Deed – Book 2413, Page 875 & 876 Recorded 05/14/1991 (2 pages)	
		d. Quitclaim Deed – Instrument #2002-217911, Recorded 11/27/2002 (2 pages)	
		e. Warranty Deed – Book 791, Page 144, Recorded 06/02/1971 (1 pages)	
		f. Warranty Deed – Book 1225, Page 213 & 214, Recorded 12/02/1947 (2 pages)	
		g. Older legal descriptions (4 pages)	
A.24	4	Lighting Detail Product #P565072	6/15/2016
		a. 16-inch Outdoor Wall Light - Product #95003	
		b. Bronze Cylinder Outdoor Wall Down Light – Product # 379055	
		c. Outdoor Wall Light in Oil Rubbed Bronze Finish – Product #P85403765	
A.25		Therma Tru Doors Brochure	6/15/2016
A.26		Ply Gem 400 Series Windows Brochure	6/15/2016
A.27		Color Chips for Exterior and Trim	6/15/2016
A.28		Roofing Brochure	6/15/2016
A.29	1	Site Evaluation #16-233562-SE	9/28/2016
A.30	1	Firwood Design Group Cover Letter dated 09-23-16	9/28/2016
A.31	2	Incomplete Letter with information added by Applicant	9/28/2016
A.32	1	Existing Conditions Sheet 1 of 5	9/28/2016

A.33	1	Centerline and Sections Sheet 2 of 5	9/28/2016
A.34	1	Cross-Sections Sheet 3 of 5	9/28/2016
A.35	1	Cross-Sections Sheet 4 of 5	9/28/2016
A.36	1	Cross-Sections Sheet 5 of 5	9/28/2016
A.37*	1	Revised Site Plan Detail (Sheet 2 of 5)	2/02/2017
'B'	#	Staff Exhibits	Date
B.1	2	A&T Property Information for 1N4E31BB - 00200	6/15/2016
B.2*	1	Preliminary Landscape Plan	2/21/2017
B.3	1	Survey #16861 for 1961 Property Line Adjustment	2/21/2017
'C'	#	Administration & Procedures	Date
C.1	2	Incomplete Letter	7/14/2016
C.2	1	Applicant's Acceptance of 180 Day Clock	7/28/2016
C.3	17	Opportunity to Comment	11/03/2016
C.4	21	Administrative Decision	2/22/2017
Application Complete			10/28/2016
'D'	#	Comments Received	Date
D.1	1	Cultural Resource Survey	6/27/2016
D.2	1	SHPO Comments	7/27/2016
D.3	8	Friends of the Columbia Gorge Comments	11/16/2016