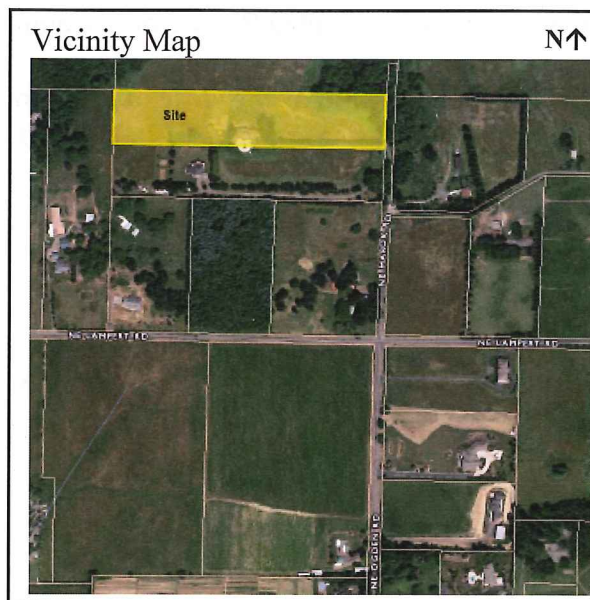


1600 SE 190th Avenue, Portland OR 97233-5910 • PH. (503) 988-3043 • Fax (503) 988-3389

NOTICE OF NSA DECISION

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

Case File: T2-2016-5199
Permit: NSA Site Review
Location: 1903 NE Marok Dr, Troutdale
Tax Lot 100, Section 30D, Township 1
North, Range 4 East, W.M.
Tax Account #R944300230
Applicant: Dan & Ligia Mates
Owner: Dan & Ligia Mates
Zoning: Gorge General Residential – 10
(GGR-10)
**Landscape
Setting:** Rural Residential



Summary: The applicant is proposing to construct a new 1,000 sq. ft. pole building and authorize a 168 sq. ft. tool shed and a 229 sq. ft. chicken coop and feed storage building through a National Scenic Area Site Review in the GGR-10 zone.

Decision: Approved with conditions.

Unless appealed, this decision is effective Monday, April 24, 2017, at 4:00 PM.

Issued by:

By: 
Lisa Estrin, Planner

For: Michael Cerbone, AICP
Planning Director

Date: Monday, April 10, 2017

Instrument Number for Recording Purposes: # 2012159791

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 Monday, April 24, 2017 at 4:00 pm.

Applicable Approval Criteria: Multnomah County Code (MCC): MCC 38.0560, MCC 38.0060, MCC 38.3025(A)(1) & (A)(3), MCC 38.3060(C) & (D), MCC 38.7035(A), (B) and (D), 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. 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.
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

X-New trees to be planted

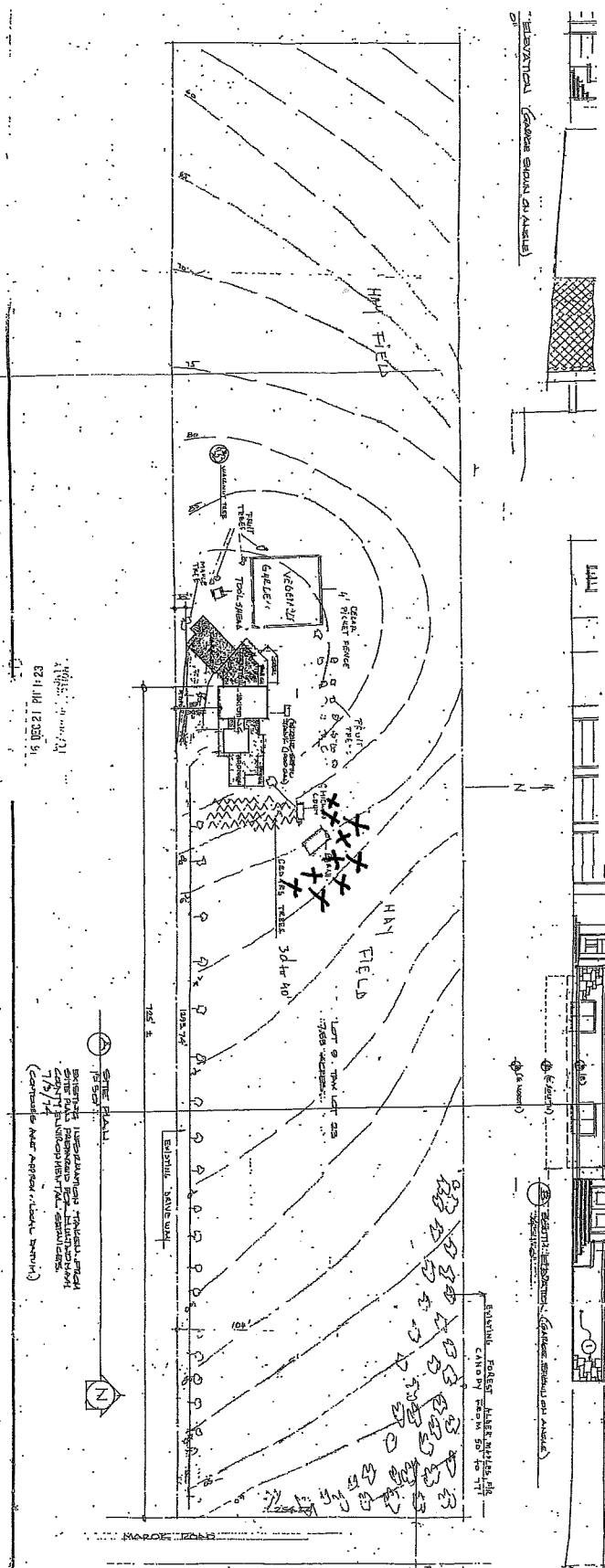


Exhibit B.2

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. By April 1, 2018, the property owner shall install two (2) evergreen (Douglas fir and/or cedar) trees to the north of the chicken coop & food storage building as shown on Exhibit B.2. The two evergreen trees shall be at least five to six feet in height at time of planting. [MCC 38.7035(C)(3)]
5. By April 1, 2019, the property owners shall install eight (8) evergreen (Douglas fir and/or cedar) trees to the north and north east of the accessory building as shown on Exhibit B.2. The evergreen trees shall be at least five to six feet in height at time of planting. [MCC 38.7035(C)(3)]
6. The property owners shall maintain the new trees and the existing trees and vegetation 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. Any and all vegetation required by T2-03-063 & T2-04-017 shall be maintained as conditioned by those decisions. [MCC 38.7035(B)(2) and (B)(8)]
7. The 1,000 sq. ft accessory building and the 229 sq. ft. chicken coop & feed shed shall obtain building permits and obtain all final inspections. [MCC 38.0560]
8. Prior to land use sign off for building plan check, the property owner shall:
 - a. Modify the 1,000 sq. ft. accessory building elevations so that the building will be no more than 24 ft in height from finished ground level to the highest point of the building as required by MCC 38.3025(A)(3)(b) and as defined in MCC 38.0015 Definitions, Height of Building.
 - b. Pick a dark earth tone paint colors for the existing tool shed, chicken coop and feed shed and proposed accessory building. The color choices shall code from the Gorge Commission Color Chart rows A.1 through A.16 and B.1, B.5 through B.16. [MCC 38.7035(B)(4) & MCC 38.7035(B)(12)]
 - i. The color choices for the proposed accessory building shall be added to the building elevations before land use sign off for building plan check.
 - ii. The color choices for the tool shed and chicken coop and feed shed shall be put into a written document signed by the property owner. The property owner shall provide a set deadline in 2017 by which the buildings will be painted.
9. The tool shed, chicken coop & feed shed, and 1,000 sq. ft. accessory building has been constructed with the following exterior materials:

Building	Siding	Roofing
Tool Shed	Hardi-plank siding	Cedar Roofing
Chicken Coop & Feed Storage	Hardi-plank siding	30-lb felt Black or Brown Roofing, or Brown Asphalt Roofing Shingles
Accessory Building	Board & Batten Siding with Plywood Doors	Brown Asphalt Roofing Shingles

10. After authorization of this land use permit, the property has been approved for the following improvements as shown on Exhibit A.13: one single family dwelling with attached garage, 168 sq. ft. tool shed, garden fencing, 229 sq. ft. chicken coop & feed storage building, and 1,000 sq. ft. accessory building. No other outbuilding shall exist on the property after May 1, 2019 unless any necessary land use applications have been applied for and approved. No more than 103 sq. ft. of additional accessory building may be constructed as specified in MCC 38.3025(A)(3)(a).
 - a. By June 1, 2019, the property owners shall contact Code Compliance and request a site inspection to verify that the site is in compliance with this land use permit. [MCC 38.0560]
11. If the vegetation and/or trees comprising the screening buffer as shown in Exhibit B.2 or as required by T2-03-063 or T2-04-017 becomes damaged or die, they shall be replaced with comparable vegetation in height, girth, and foliage. Pruning of the trees and vegetation may take place to ensure the health of the vegetation but shall not include denuding the trees or creating gaps in the vegetative cover that would render the structures visible from Key Viewing Areas. The vegetative buffers shall be continuous at all times. [MCC 38.7035(A)(4); MCC 38.7035(B)(2); MCC 38.7035(B)(7); MCC 38.7035(C)(3)].
12. No exterior lighting has been approved as part of this land use application. If the property owner must install or wants to install exterior lighting on the tool shed, chicken coop & food storage building or 1,000 sq. ft. accessory building, the lighting shall be reviewed pursuant to current NSA procedure and shall meet the requirements of MCC 38.7035(B)(11).
13. All windows used in the any of the approved outbuildings (tool shed, chicken coop or accessory building) shall have a reflectivity rating of 13% or less. This requirement shall be added to the building permit plans for the chicken coop and accessory building. [MCC 38.7035(B)(10)]
14. 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)]
15. 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 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 to construct a new 25-ft by 40-ft (1,000 sq. ft.) accessory building and to authorize a number of improvements constructed without prior land use approval. These improvements include fencing around a vegetable garden, a 168 sq. ft. tool shed, 229 sq. ft. chicken coop & feed storage building, and the existing circular driveway.

2.00 Property Description & History:

Staff: The subject 7.56 acre property is zoned Gorge General Residential – 10 (GGR-10). The property is currently occupied by a single family dwelling that was originally constructed in 1975. In the T2-03-063 land use decision, a 2,765 sq. ft. addition to the single family dwelling was approved along with a 2,400 sq. ft. accessory building. The addition was constructed to the dwelling in 2004. The accessory building was not started in a timely manner and the land use decision T2-03-063 expired. In June 2012, the County commenced a code compliance action regarding the construction of various improvements without land use approval. This application will correct the various unauthorized improvements along with review for the new 1,000 sq. ft. accessory building.

3.00 GGR-10 Criteria:

3.01 § 38.3025 REVIEW USES

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

(2) Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in (3) below.

Staff: The applicant is proposing to authorize a 168 sq. ft. tool shed on the subject property. The building is approximately 11 feet in height. In addition, approximately 289 feet of 4-ft picket fencing has been installed around a garden area and must be reviewed through the NSA Site Review process as it does not qualify as an expedited use.

3.02 (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 proposed application is to authorize a 229 sq. ft. chicken coop & feed building, a 168 sq. ft. tool shed and a 1,000 sq. ft. accessory building. The total square footage of accessory structures would be 1,397 sq. ft. No other accessory buildings are shown on the plans. This will leave the property owner with 103 sq. ft. available for accessory buildings in the future. As the applicant has constructed a portion of a previously approved building, staff

will be including a condition of approval that all partially constructed buildings or buildings that have not been shown on the plans be demolished unless the building is less than 103 sq. ft and a new expedited review application is applied for and approved.

The existing chicken coop & feed storage building is 11 feet tall (Exhibit A.3). Also, the tool shed is approximately 11 feet (Exhibit A.6). The applicant is proposing to construct a 25-ft by 40-ft accessory building. The applicant's drawings (Exhibit A.11) show the building will range in height from 20-ft to 28-ft in height due to sloping terrain. MCC 38.0015 Definitions defines "Height of Building" as "The greatest vertical distance between the point of lowest finished grade adjoining any exterior wall of a building and the highest point of the roof, such as the highest coping or parapet of a flat roof, the highest deck line of a mansard roof, or the highest ridge of a hip, gable, gambrel, shed or other pitched roof." The proposed accessory building can be modified to be less than 24-ft in height. A condition of approval has been included requiring its height be reduced to meet this standard.

Through conditions, these criteria can be met.

3.03 § 38.3060 DIMENSIONAL REQUIREMENTS

(C) Minimum Yard Dimensions – Feet

Front	Side	Street Side	Rear
30	10	30	30

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

Staff: Marok Road is currently a 40-ft public right-of-way. It is classified as a Local Access Road in the County's Transportation Functional Roadway Plan. The preferred right-of-way width for a Local Access Road is 60 feet. In the future a 10-ft right-of-way dedication may be required when a transportation impact occurs. This increases the front yard dimension from 30-ft to 40-ft in depth. Based on Exhibit A.13, the proposed accessory buildings have the following proposed setbacks from the property line:

Building	Front	South Side	North Side	Rear
Min. Yard Dim.	40-Ft	10-Ft	10-Ft	30-Ft
25 x 40 Acc Bldg	570-ft	110-ft	117-ft	690+/- ft
Chicken Coop	600-ft	105-ft	140-ft	666+/- ft
Tool Shed	763-ft	30-ft	201+/- ft	510-ft

Criterion met.

3.04 § 38.0060 AGRICULTURAL BUFFER ZONES

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	Natural or	8 foot

	fenced	created vegetation barrier	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'

(A) Earth berms may be used to satisfy, in part, the setbacks. The berm shall be a minimum of 8 feet in height, and contoured at 3:1 slopes to appear natural. Shrubs, trees and/or grasses shall be employed on the berm to control erosion and achieve a finished height of 15 feet.

(B) The planting of a continuous vegetative screen may be used to satisfy, in part, the setback standards. Trees shall be at least 6 feet high when planted and reach an ultimate height of at least 15 feet. The vegetation screen shall be planted along the appropriate parcel line(s), and be continuous.

(C) The necessary berming and/or planting must be completed during the first phase of development and maintained in good condition.

(D) If several crops or crop rotation is involved in the adjacent operation, the greater setback shall apply.

(E) A variance to buffer setbacks may be granted upon a demonstration that the standards of MCC .0065 have been satisfied.

Staff: The tax lot to the north (1N4E -00400) is zoned Gorge Special Agriculture – 40. The site appears to be used for pasture or haying. The three buildings are all at least 100 ft from the north property line and the area is used for pasture or hay. *Criterion 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: No new roads are proposed. The tool shed building and chicken coop are small buildings that required minimal grading to construct them. The areas where all the buildings

are located have slopes of 10% or less (Exhibit A.13). *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 tool shed building is 168 sq. ft. The chicken coop & feed shed is 229 sq. ft. The proposed 25-ft by 40-ft accessory building will be 1,000 sq. ft. Planning staff reviewed the size of accessory structures within a ¼ mile of the development site. Based on the tax records, there are three buildings over 1,500 sq. ft.; one building over 1,200 sq. ft., four buildings between 800 to 960 sq. ft., and the remaining four buildings are 676 sq. ft. or less (Exhibit B.2). The proposed buildings are compatible with the general scale of accessory buildings 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: No new access points are proposed. The site is served by one driveway connecting onto Marok Road. Marok Road is not a Scenic Travel Corridor. *Criterion met.*

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

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

Staff: A condition of approval has been included reminding the property owners that they are responsible for the proper maintenance and survival of landscaping. Planning staff's determination of compatibility with the landscape setting is based on applicant's exhibits A.2 through A.13. See Sections 4.26 through 4.28 below for additional findings.

- 4.05 (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.

Staff: Topographically, the property is visible from the Columbia River, Historic Columbia River Highway (HCRH), Interstate-84 (I-84), Larch Mtn Road, State Route -14 (SR-14). The location of the tool shed and the garden fencing are just barely within the topographically visible areas. The tool shed is located behind existing vegetation and the house. The garden fence is natural wood color and 4-ft tall. The tool shed and garden fencing is visually subordinate from the key viewing areas.

The chicken coop and the proposed 1,000 sq. ft. accessory building are topographically visible and do not have on-site vegetation to screen them. The chicken coop exists in its proposed location. The proposed accessory building could be moved but the property owner does not want to relocate it based on his use of the property. The property owner has stated that he would be willing to plant trees between the key viewing areas and the two buildings. Planning staff has crafted a vegetation plan for the applicant to screen the proposed coop and accessory building (Exhibit B.2). *As conditioned, these buildings can achieve visual subordination.*

- 4.06 (2) The extent and type of conditions applied to a proposed development or use to**

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

Staff: The Columbia River is less than a mile away from the subject site. I-84 is less than a half mile. It is likely that topographically the distance before the site is visible is greater than the short distance between the key viewing areas. The property is visible from five key viewing areas. The use of vegetation to shield the improvements and the use of color will help these buildings achieve visual subordination. *Conditions of approval have been included to help the proposed development achieve visual subordination.*

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

Staff: The applicant's proposal is for less than 1,500 sq. ft. of accessory structures. By screening the various buildings from the key viewing areas, the cumulative effects of the proposed development are minimized through the use of vegetation (Exhibit A.2, A.13 and B.2) to screen them from the key viewing areas. *Criterion met.*

- 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 building elevations for each of the proposed buildings (Exhibit A.3, A.6, and A.11). The tool shed has hardi-plank siding and cedar roofing. The chicken coop & feed storage building has hardi-plank siding and a 30-lb felt roof. The proposed accessory building will have board and batten siding, plywood doors, and brown asphalt roofing shingles. The applicant has indicated that the structures will be painted or use earthtone colors. Planning staff has included a condition of approval requiring the applicant to choose the earth tone colors from the Gorge Commission Color Chart. *As conditioned, criterion will be met.*

- 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 as part of this project. *Criterion 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 subject property does not have any buffer zones for wetlands, streams, plants, wildlife or cultural resources. The tool shed, chicken coop and garden fencing are all existing and fairly small. The applicant has agreed to screen the proposed 1,000 sq. ft. accessory building with planted trees so that it will not be visible from key viewing areas (Exhibit B.2). In addition, the small structures are screened via existing vegetation and new vegetation will be used to screen the coop (Exhibit A.13 and Exhibit B.2). *As conditioned, this criterion can be 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.

Staff: The existing tool shed is screened by existing vegetation and the existing dwelling. The garden fence is only 4-ft in height and its distance from key viewing areas limits its visual impact. The proposed 1,000 sq. ft. accessory building can be placed on the property where it is topographically screened from the five key viewing areas. A condition of approval has been included requiring the building be moved. *As conditioned, this criterion can be met.*

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

Staff: The subject site has existing tree cover that has been required to remain by case T2-03-063 and T2-04-017. A condition of approval has been included requiring that all of the existing vegetation shown in Exhibit A.13 and Exhibit B.2 remain on-site in living condition.

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

Staff: The applicant has not indicated that a driveway extension is necessary for any of the buildings. The design of the proposed 1,000 sq. ft. accessory building utilizes a pole framework so that it can work with the terrain and reduce the need for cuts and fills. No grading is shown on the plans. *Criterion met.*

- 4.14** (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 tool shed has one window but the building is screened by the existing dwelling. The chicken coop has one small window. The proposed 1,000 sq. ft. accessory building has three windows. A condition of approval has been included that the windows on the accessory building have a reflectivity rating of 13% or less. The tool shed has hardi-plank siding and

cedar roofing. The chicken coop & feed storage building has hardi-plank siding and a 30-lb felt roof. The proposed accessory building will have board and batten siding, plywood doors, and brown asphalt roofing shingles. The applicant has indicated that the structures will be painted or use earthtone colors. Planning staff has included a condition of approval requiring the applicant to choose the earth tone colors from the Gorge Commission Color Chart.

- 4.15** **(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 applicant states that no exterior lighting is proposed (Exhibit A.2). A condition of approval has been included that no exterior lighting is to be installed on the tool shed, chicken coop or proposed accessory building without land use review of the light fixtures. *Through a condition, criterion can be met.*

- 4.16** **(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 applicant has indicated that the buildings will be or are painted brown or earthtone. A condition of approval has been included requiring that the applicant choose a color from the recommended palette and paint the buildings that color. *Through a condition, this criterion will be met.*

- 4.17** **(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.**

Staff: The tool shed, chicken coop and 1,000 sq. ft. accessory building are all new buildings. No additions are proposed. *Criterion not applicable.*

- 4.18** **(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 tool shed, chicken coop and 1,000 sq. ft. accessory building are all new buildings. *Criterion not applicable.*

- 4.19** **(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 subject property is relatively flat in relation to surrounding terrain. The proposed

buildings will not protrude above the skyline as seen from Key Viewing Areas. *Criterion met.*

- 4.20 **(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 three buildings are new. No additions to existing buildings are proposed. *Criterion not applicable.*

- 4.21 **(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. 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 tool shed is screened from the key viewing areas by the existing dwelling (Exhibit A.13). The existing chicken coop is set in front of an area of existing trees and will be painted a dark earthtone. The addition of two evergreen trees north of the coop will screen the existing structure and help achieve visual subordination for the structure (Exhibit B.2). The proposed 1,000 sq. ft. accessory building can be screened by new vegetation to the north and northeast of the building (Exhibit B.2). A condition of approval has been included that all new vegetation be evergreen trees (Douglas fir or cedar) and be at least 4-ft tall at time of installation. *Through a condition, these criteria will be met.*

- 4.22 **(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 site and surrounding properties are not in the forest zones. Landscaping is not subject to fuel break requirements. *Criterion not applicable.*

- 4.23 **(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) through (23)**

* * *

Staff: No new main lines or communication facilities are proposed as part of this project. *Criteria not applicable.*

- 4.24 **(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 subject site has slopes range from 1 to 10% based on information supplied by the applicant and County contour information [Exhibit A.13]. *Criterion met.*

- 4.25 **(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 tool shed and chicken coop exist in relatively flat areas. The proposed accessory building will utilize poles as its framework so significant grading is not required. Ground disturbance will not exceed 100 cubic yards. *Criterion met.*

- 4.26 **(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.**

Staff: No trees will be removed to construct the proposed accessory building. No trees were removed for placement of the tool shed or chicken coop. *Criterion met.*

- 4.27 **(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: A condition of approval has been included as part of this decision that existing vegetation shown on Exhibits A.2 and A.13 shall be maintained. In addition, prior conditions from T2-03-063 and T2-04-017 require its maintenance. The chicken coop and proposed 1,000 sq. ft. accessory building is visible from various key viewing areas. The placement of two evergreen trees to the north the coop will help the building achieve visual subordination. A number of new trees will be planted to the north and northeast of the new accessory building. A condition of approval has been included requiring the planting and maintenance of these trees. *Through a condition, this criterion will be met.*

- 4.28 (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 public recreational facilities are proposed as part of this application.

5.00 Resource Review Criteria

5.01 § 38.7045 GMA CULTURAL RESOURCE REVIEW CRITERIA

(A) Cultural Resource Reconnaissance Surveys

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

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

Staff: The USFS has completed a cultural review of the proposed development site. No additional studies are required. *Criterion met.*

5.02 § 38.7055 GMA WETLAND REVIEW CRITERIA

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

(1) The project site is not identified as a wetland on the National Wetlands Inventory (U.S. Fish and Wildlife Service, 1987);

(2) The soils of the project site are not identified by the Soil Survey of Multnomah County, Oregon (U.S.D.A. Soil Conservation Service, 1983) as hydric soils;

(3) The project site is adjacent to the main stem of the Columbia River.

(4) The project site is not within a wetland buffer zone; and

(5) Wetlands are not identified on the project site during site review.

Staff: Planning staff has reviewed the National Wetlands Inventory and did not see any wetlands identified on the parcel. No wetlands were identified onsite during the site visit. The soils on the site (Powell silt loam) are not identified as hydric soils. The site is not adjacent to the main stem of the Columbia River. *Criterion met.*

5.03 § 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:

Staff: No streams, lakes, or riparian areas have been identified on the site or adjacent to the sites of development. *Criterion met.*

5.04 § 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: No sensitive wildlife areas or sites have been identified. The Oregon Fish & Wildlife Service received notice and no comments were received. No endemic plants or sensitive plant species were identified on the site. No comments were received from Institute for Natural Resources. *Criterion met.*

5.05 § 38.7080 GMA RECREATION RESOURCE REVIEW CRITERIA

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

Staff: No recreational resources are adjacent to the subject development site. No recreational proposals are included as part of this application. *Criterion 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 permit to establish a garden fence, tool shed, chicken coop & feed shed and 1,000 sq. ft. accessory building in the 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 T2-2016-5199 at the Land Use Planning office.

Exhibit #	# of Pages	Description of Exhibit	Date Received/ Submitted
A.1	1	NSA Application Form	6/24/2016
A.2	1	Existing Screening Trees and Vegetation Map	6/24/2016
A.3	1	Chicken Coop Elevations and Floor Plan	6/24/2016
A.4	1	Vegetation Photo with labels	6/24/2016
A.5	2	Narrative	6/24/2016
A.6	1	Tool Shed Elevations and Floor Plan	6/24/2016
A.7	3	Septic Review Certification	6/24/2016
A.8	1	Lease Agreement for Driveway Encroachment	6/24/2016

A.9	2	Fire Service Agency Review	6/24/2016
A.10	1	Picture of Garden Fence	12/21/2016
A.11	3	Mates Barn	12/21/2016
A.12	1	Mates Barn Floor Plan	12/21/2016
A.13	1	Site Plan	12/21/2016
'B'	#	Staff Exhibits	Date
B.1	2	A&T Property Record for 1N4E30D – 00100	6/24/2016
B.2	1	Planting Plan	3/30/2017
B.3	37	T2-03-063 Decision	3/30/2017
B.4	9	T2-04-017 Decision	3/30/2017
B.5	1	Surrounding Accessory Building Chart	3/30/2017
'C'	#	Administration & Procedures	Date
C.1	2	Incomplete Letter	7/22/2016
C.2	9	Opportunity to Comment	3/6/2017
C.3	17	Administrative Decision	4/5/2017
'D'	#	Comments Received	Date
D.1	9	Friends Comments	3/17/2017