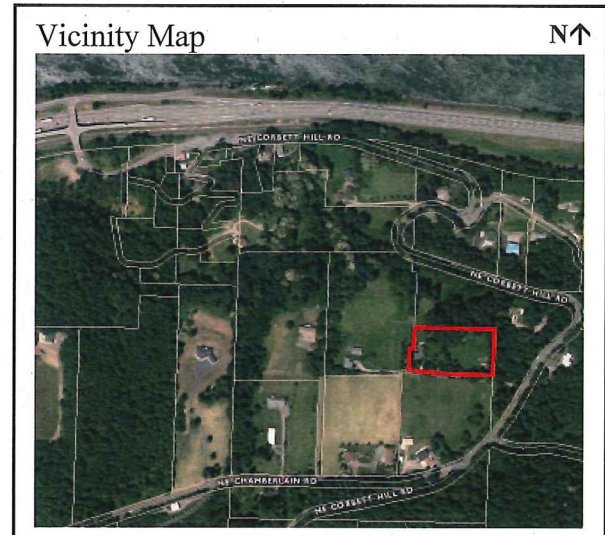


1600 SE 190th Avenue, Portland OR 97233-5910 • PH. (503) 988-3043 • Fax (503) 988-3389

NOTICE OF DECISION

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

Case File: T2-2016-6080
Permit: National Scenic Area Site Review
Location: 2131 NE Corbett Hill Road
Tax Lot 600, Section 26CB,
Township 1 North, Range 4 East, W.M.
Tax Account #R944260970 (R322293)
Applicant: Christian Storck
Owners: Christian D. Storck &
Cari A. Nyland

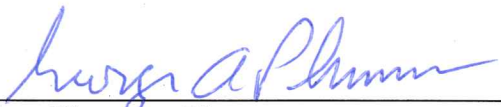


Summary: Request for NSA Site Review to legalize conversion of old barn into an addition to the existing dwelling and to remove horse barn and replace with new barn in different location. Permit also legalizes two sheds that are 130 square feet and 126 square feet. The property is located within the Gorge General Residential – 5.

Decision: Approved with Conditions.

Unless appealed, this decision is effective July 25, 2017, at 4:00 PM.

Issued by:



George Plummer, Planner

For: Michael Cerbone, AICP
Planning Director

Date: Tuesday, July 11, 2017

Instrument Number for Recording Purposes: #95130785

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 during normal business hours. 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 George Plummer, planner at (503) 988-0202 or george.a.plummer@multco.us.

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 July 25, 2017, at 4:00 PM at 4:00 pm.

Applicable Approval Criteria: Multnomah County Code (MCC): Multnomah County Code (MCC): MCC 38.3000-38.3090: GGR-5, MCC 38.0030: Existing Uses, MCC 38.7000-38.7080: GMA Site Review and Multnomah County Road Rules MCRR 4.000 – 16.000. Copies of the referenced Multnomah County Code sections can be obtained by contacting our office or by visiting our website at multco.us/landuse/zoning-codes under the link Chapter 38: Columbia River Gorge National Scenic Area. The Multnomah County Road Rules can be obtained by contacting our office or online at multco.us/transportation-planning/plans-and-documents under the link Multnomah County Road Rules.

Scope of Approval

1. Approval of this land use permit is based on the submitted written narrative(s) and plan(s). No work shall occur under this permit other than that which is specified within these documents. It shall be the responsibility of the property owner(s) to comply with these documents and the limitations of approval described herein.
2. **Pursuant to MCC 38.0690, this land use permit expires two years from the date the decision is final if; (a) development action has not been initiated; (b) building permits have not been issued; or (c) final survey, plat, or other documents have not been recorded, as required. The property owner may request to extend the timeframe within which this permit is valid, as provided under MCC 38.0700. Such a request must be made prior to the expiration date of the permit.**

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. Prior to building permit sign-off, the property owner shall record with the County Recorder the Notice of Decision including the Conditions of Approval of this decision (pages 1 through 4) and site plan labeled Exhibit A.15. The Notice of Decision shall run with the land and the conditions shall be met by the current and all future property owners and successor property owner(s) unless amended through a later decision by an authorized authority. Proof of recording shall be submitted to Multnomah

County Land Use Planning prior to the issuance of any permits. Recording shall be at the applicant's expense. [MCC 38.0670]

2. The property owners shall ensure the proposed development is built using the materials as proposed in the application submittal. The accessory building shall be sided on the exterior with wood or composite board planks. The roofing shall be asphalt composite shingles that have a dark earth tone color. The accessory building exterior body and trim shall be painted dark earth tone colors that match the top two rows (A and B) or C14, C15, C16 of the third row of the Gorge Commission Color Chart. The property owner shall paint the exteriors of the two small sheds dark earth tone colors. [MCC 38.7035(B)(1), MCC 38.7035(B)(4), MCC 38.7035(B)(10) and MCC 38.7035(B)(12)]
3. Any exterior lighting fixtures shall be placed so that the light is shielded such that it is not highly visible from Key Viewing Areas and the shielding and hooding materials shall be composed of non-reflective, opaque materials. [MCC 38.7035(B)(11)]
4. The property owners shall ensure that existing tree density as shown on Exhibit B.4 is retained at the current density except for any trees needed to be removed to site the accessory building. If this forested area density is reduced, the property owners shall be responsible for replacing trees during the next planting season to screen the development in the property so as to achieve visual subordination for the development on the property as soon as possible as determined by Multnomah County Land Use Planning. [MCC 38.7035(A)(4), MCC 38.7035(B)(1), MCC 38.7035(B)(8), MCC 38.7035(B)(17), and MCC 38.7035(C)].
5. If any Cultural Resources and/or Archaeological Resources are located or discovered on the property during this project, including finding any evidence of historic campsites, old burial grounds, implements, or artifacts, the following procedures shall be implemented: [MCC 38.7045 (L)]

All survey and evaluation reports and mitigation plans shall be submitted to the Planning Director and SHPO. Indian tribal governments also shall receive a copy of all reports and plans if the cultural resources are prehistoric or otherwise associated with Native Americans.

- (a) Halt Construction – All construction activities within 100 feet of the discovered cultural resource shall cease. The cultural resources shall remain as found; further disturbance is prohibited.
- (b) Notification – The project applicant shall notify the County Planning Director and the Gorge Commission within 24 hours of the discovery. If the cultural resources are prehistoric or otherwise associated with Native Americans, the project applicant shall also notify the Indian tribal governments within 24 hours. This includes the Yakama Nation, contact Cultural Specialist for the Cultural Resources Program at: (509) 865-5121 extension 4720; FAX number (509) 865-4664. Procedures required in MCC 38.7045 (L) shall be followed.
- (c) Survey and Evaluation – The Gorge Commission will survey the cultural resources after obtaining written permission from the landowner and appropriate permits from SHPO (see ORS 273.705 and ORS 358.905 to 358.955). It will gather enough information to evaluate the significance of the cultural resources. The survey and evaluation will be documented in a report that generally follows the standards in MCC 38.7045 (C) (2) and MCC 38.7045 (E).
- (d) Mitigation Plan – Mitigation plans shall be prepared according to the information, consultation, and report standards of MCC 38.7045 (J). Construction activities may recommence when the conditions in the mitigation plan have been executed. [MCC 38.7045 (L)]

6. The following procedures shall be in effect if human remains are discovered during excavation or construction (human remains means articulated or disarticulated human skeletal remains, bones, or teeth, with or without attendant burial artifacts):
- (a) Halt Activities – All survey, excavation, and construction activities shall cease. The human remains shall not be disturbed any further.
 - (b) Notification – Local law enforcement officials, the Multnomah County Planning Director, the Gorge Commission, and the Indian tribal governments shall be contacted immediately.
 - (c) Inspection – The State Medical Examiner shall inspect the remains at the project site and determine if they are prehistoric/historic or modern. Representatives from the Indian tribal governments shall have an opportunity to monitor the inspection.
 - (d) Jurisdiction – If the remains are modern, the appropriate law enforcement officials will assume jurisdiction and the cultural resource protection process may conclude.
 - (e) Treatment – Prehistoric/historic remains of Native Americans shall generally be treated in accordance with the procedures set forth in Oregon Revised Statutes, Chapter 97.740 to 97.760.
 - 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. [MCC 38.7045 (M)]

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.

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 contact George Plummer, planner at (503) 988-0202 or george.a.plummer@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 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.

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. Project Description:

Staff: Request for NSA Site Review to legalize conversion of old barn into an addition to the existing dwelling and to remove horse barn and replace with new barn in different location. Permit also legalizes two shed that are less are 130 square feet and 126 square feet. The property is located within the Gorge General Residential – 5.

2. Property Description & History (if needed):

Staff: The subject property does not abut a road. It is accessed via an easement from Corbett Hill Road with the eastern property about 160 feet west of Corbett Hill Road. Most of the properties in this area of lower Corbett Hill Road are developed with residential uses. The majority of properties in the area continue to be heavily forested except for the clearings around the homestead buildings (Exhibit B.4). In this residential zone district area, there are few properties that are not developed with a residence. The subject property has an existing dwelling established in 1990 and an old barn near the dwelling, which has been attached to the dwelling as an addition in 1996. This review is to legalize that work and to permit a new accessory building and two sheds established in the 2000s.

The terrain in the vicinity generally slopes downward towards the Columbia River as is shown on a 2016 aerial photo with 10 foot contour line included by staff as Exhibit B.5. In the area along Corbett Hill Road, the landform appears as a natural terraced formation (i.e. large steps or benches), likely formed by the Missoula Floods. The steepness of the slopes alternate between the steps is relatively steep slopes of 50 to 60 percent to relatively shallow slope benches or steps in that range from a few percent to about 15 percent slope. Most of the dwellings in the vicinity are located in the shallower sloped land areas. Like many properties in the vicinity, the subject property includes a relatively shallow sloped area dropping at about four to six percent to the north including around the dwelling site. To the north of the dwelling the slope drops at a steeper rate (Exhibit B.5).

When the property owners purchased the property in 1995 the existing dwelling and barn were located close together, about two feet apart (Exhibit A.3). They connected the dwelling and the barn. They replaced the metal roof with cedar shake, and resided the barn with dark weathered cedar. The barn had been a split level and they removed the lower level barn. In 1996 they removed a collapsed horse barn. The property owners planted over 200 trees on the property, with

half being conifers. The applicant submitted a site plan that shows existing tree vegetation (Exhibit A.4). Additionally the 2016 Aerial Photo included as Exhibit A.4 also shows existing tree cover.

3. GORGE GENERAL RESIDENTIAL – 5 ZONE:

3.1. Review Uses

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:

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

* * *

(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 proposal is to legalize an addition to the existing dwelling by connecting the existing barn creating the single family dwelling. The subject property was determined to be legally created in a previous Case T2-2014-3586 and also as shown on the map for LE 1-83 (B-7). *The proposed single family dwelling meets these standards.*

The proposed 28 by 40 foot (1120 sq. ft) accessory building together with two other unpermitted small sheds that are 130 square feet and 126 square feet meet the 1,500 square foot cumulative maximum for accessory buildings. The buildings under 200 feet are reviewed in the decision instead of a separate expedited decision. All three of the buildings meet the 24 foot maximum height limitation. *The proposed accessory buildings meet these standards.*

3.2. Dimensional Requirements

MCC 38.3060 (C) Minimum Yard Dimensions

Front Yard: 30 Feet

Rear Yard: 30 Feet

Side Yard: 10 Feet

Maximum Structure Height – 35 feet

Staff: The proposed dwelling addition maintains the existing setbacks meeting the minimum side yard setback requirements (Exhibit A.2). The proposed accessory building as well as the two small sheds meet the 10 foot minimum side yard setbacks and are single story meeting the maximum height limit requirements. *The proposed development meets these standards.*

4. GMA SCENIC REVIEW CRITERIA

4.1. All Review Uses

MCC 38.7035(A): The following scenic review standards shall apply to all Review Uses in the General Management Area of the Columbia River Gorge National Scenic Area.

Finding: The proposed addition to the single family dwelling, removal of old barn and new accessory buildings are review uses in the GGR-5 Zone District. The findings addressing the scenic review standards for the proposed development are in the following findings.

4.1.1. 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 plan is designed to use the existing topography with some minor grading to site the development. The grading is minimized to the maximum extent practicable to site the development. *This criterion is met.*

4.1.2. 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: The proposed addition which connects the existing two story dwelling to an old barn with a loft in the barn (Exhibit A.6) will result in a 2630 square foot dwelling. The proposed accessory building will be 1120 square feet. For this finding, staff analyzed data from the County Assessment Records for existing residential development within a quarter-mile of the property. The following data tables show the area of the proposed and existing dwellings in the area obtained from County Assessment Records (Exhibit B.6) organized by address.

For this dwelling compatibility analysis of nearby dwellings, staff reviewed County Assessment records of existing dwellings, some with attached garages within one-quarter of a mile along Corbett Hill, Chamberlain, Clara Smith and Reed Roads (Exhibit B.4 and B.6). Staff selected ten dwellings located nearby (within a quarter mile) for comparison (Exhibit A.15). The applicant included 11 houses in his analysis. This area includes seven dwelling that are larger than the subject dwelling. There are six dwellings nearby the dwelling include attached garages or built in garages. Our analysis always includes all covered space included with the dwelling such as attached garages, built in garages and covered porches, porticles, or decks. The dwellings in the nearby area are predominately larger than the subject dwelling in area.

NEARBY EXISTING DWELLINGS					
Address	Year Built	Number of stories (living area)	Living ¹ Area in Sq. Ft	Dwelling Area in Sq. Ft. ²	Garage & Other Accessory Buildings in Sq. Ft.
2131 NE Corbett Hill Road ¹	1900/1996	2	2630	2630	1120
2139 NE Corbett Hill Road	1978	2	3024	3024	1640
2207 NE Corbett Hill Road	1982	1	1534	2015	864
2172 NE Corbett Hill Road	1980	1	2004	2124	768
2510 NE Corbett Hill Road	2003		2820 ³	3454	
36375 NE Chamberlain Rd.	1997	1	2966	3848	
36505 NE Chamberlain Rd.	2012	2	2384	3009	1440

36411 NE Chamberlain Rd.	1995	2	2755	3039	2960
36315 NE Chamberlain Rd.	1998	1	2664	4124	1920
36911 NE Clara Smith Rd.	2016	1	2762	3004	1008
36750 NE Reed Road	1989	2	4120	5824	

¹ Proposed dwelling size and accessory building size.

² Includes covered decks and attached garages.

³ the finished basement is nearly all above ground except for the south wall, thus count that whole floor and considering as a two story dwelling with the garage built in.

Many of the larger dwellings are two stories, as is the subject dwelling. The proposed accessory building will be 1120 square feet. There are three larger accessory building in the nearby area. The proposed building is in the mid-range size.

In summary, the dwelling is compatible with the general scale (height, dimensions and visible mass) of dwellings with that exist nearby. The accessory buildings are compatible with the general scale (height, dimensions and visible mass) of accessory building that exist nearby.

This criterion is met.

4.1.3. 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 proposed development has an existing access point on Corbett Road. *This criterion is met.*

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

Staff: A condition will require proper maintenance and survival of required vegetation. *This criterion is met through a condition.*

4.1.5. 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 determination of compatibility with the landscape setting is based on information submitted in the site plan. *This criterion is met.*

4.2. All Review Uses Topographically Visible from Key Viewing Areas

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

Staff: The proposed dwelling will be topographically visible from the Columbia River, Interstate 84, Larch Mountain and State Route 14. The addition to the dwelling is located behind the barn addition and is only potentially visible from Larch Mountain. Larch Mountain is about 10 miles to the east-southeast, the small addition joining the two buildings would not be seen at that distance, given the colors are brown and natural earth tone shades and the existing vegetation on the property to the east (Exhibit A. 2, A.3, A.4, A.13 and B4).

The proposed accessory building will be built in an area that has significant vegetative (trees) screening (Exhibit A.4), and will be built with low reflective building materials, with dark earth tone colors, so the proposed building will be visually subordinate. The applicant proposes non-

reflective building materials and exterior of non-specific brown and natural wood shades. Wood or composite siding and asphalt composite shingle roofing are considered meeting low-reflective standard per MCC 38.7035(B)(10) which assists in achieving the visual-subordination standard and are approved for the accessory building. Exterior colors must be dark earth tone colors as required per MCC 38.7035(B)(12). Natural wood tone colors do not always meet the dark earth tone standard. A condition will require dark earth-tones exterior colors for the accessory building, that match the top two rows (rows A and B) or C14, C15 or C16 (row three) of dark earth tone colors (on pages 18 and 19) on the Gorge Commission *Scenic Resources Implementation Handbook* colors chart.

The two small existing buildings can be allowed with the existing materials due to the small size, however if the exterior colors are not dark earth colors there is a condition that will require them to be painted. A condition will require they match a color in the top two rows (rows A and B) of dark earth tone colors on the Gorge Commission *Scenic Resources Implementation Handbook* colors chart.

Given low reflective building materials, dark earth tone colors, and conditions of approval, the proposed development will be visually subordinate. This criterion is met through conditions.

- 4.2.2. 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: The conditions require using low reflective building materials, dark earth tone colors, and hooded lighting. These conditions are applied to the proposed development to achieve the scenic standard that the development be proportionate to its potential visual impacts as seen from KVAs. *This criterion is met through conditions.*

- 4.2.3. 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 is significant vegetation existing on the subject property providing significant screen of the existing building with the small addition, and the accessory building (Exhibit A.4). In the surrounding area there is significant vegetative cover and distance between existing development on other properties and the subject property (Exhibit B.5). Given that the GGR-5 Zone District minimum lot size for creating new lots is five acres, there is little potential for land divisions on adjacent properties as few are large enough to divide. Thus, density of residential development in the area will remain about the same as what exists. Given the dwelling visible mass is less than dwellings in all directions, there is no cumulative effect in regards to the comparable analysis.

There are a couple of vacant properties, but as discussed earlier, the dense vegetation in the area and distance between developments mitigate potential cumulative effect. Given that the proposed development is visually subordinate, there is no cumulative impact. *The criterion is met.*

- 4.2.4. 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 narrative and exhibits address proposed building height, shape, color, low reflective building materials. The narrative is a bit sparse on building material description and exterior colors stating "brown, natural wood and earth tone" exterior color to be used. The landscape plan shows extensive trees that screen the development (Exhibit A.4). A condition will require existing tree density of the property be retained and maintain. Additional tree planting is not needed. (Exhibit A.10 and B.4). *This criterion is met through conditions.*

- 4.2.5. 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: There are no buffers as described for the property. The proposed dwelling is sited in the southeast portion of the property with significant tree grove to the north between the KVAs and the dwelling. *This criterion is met.*

- 4.2.6. 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: The proposed dwelling is sited in the southeast portion of the property with a significant tree grove to the north between the KVAs and the dwelling. *This criterion is met.*

- 4.2.7. 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 proposed dwelling is sited in the southeast portion of the property with a significant tree grove to the north between the KVAs and the dwelling. A condition will require retention of existing tree density on the property to screen the proposed development from KVAs. *This criterion is met through a condition.*

- 4.2.8. 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 has existed for many years, and no work is proposed to change the driveway. *This criterion is met.*

- 4.2.9. 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: Finding 4.2.1 details the proposed building materials and low reflectivity materials. A condition will require the use of low visible light reflectivity. *This criterion is met through a condition.*

4.2.10. 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 states there will be no new exterior lighting. A condition will require this criterion be met if any exterior lighting was installed when the dwelling was connected to the barn. A condition will require exterior lighting shall be directed downward and sited, hooded and shielded such that it is not highly visible from Key Viewing Areas and that the shielding and hooding materials be composed of nonreflective, opaque materials. *This criterion is met through a condition.*

4.2.11. 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 applicant proposes painting the exterior of the dwelling a dark brown and to have natural wood tones and earth tones. Natural wood tones are often too light as are just earth tones to meet this criterion. The exterior colors for the siding, trim and roofing colors need to be dark earth tone such as dark brown, dark gray, or dark green as shown on the Gorge Commission *Scenic Resources Implementation Handbook* colors chart, colors any colors matching the top two rows (rows A and B) or C14, C15 or C16 row three of dark earth tone colors (on pages 18 and 19). A condition will allow the property owner to use these colors and submit the color chips or samples prior to building permit sign-off. *This criterion is met through a condition.*

* * *

4.2.12. 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.

Staff: The silhouette of the proposed dwelling will be below the skyline of a bluff as seen from Key Viewing Areas. *This criterion is met.*

* * *

4.2.14. 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: Given the existing tree density on the property shown on Exhibit B.4, staff has determined that with the existing tree density maintained, the screening needs are met for visual subordination. *These criteria are met through conditions.*

* * *

4.2.15. 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.

Staff: The slope in the proposed development areas is less than 10 percent. *This criterion is met.*

4.2.16. 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:

- (a) A map of the site, prepared at a scale of 1 inch equals 200 feet (1:2,400), or a scale providing greater detail, with contour intervals of at least 5 feet, including:
 - 1. Existing and proposed final grades;
 - 2. Location of all areas to be graded, with cut banks and fill slopes delineated; and
 - 3. Estimated dimensions of graded areas.
- (b) A narrative description (may be submitted on the grading plan site map and accompanying drawings) of the proposed grading activity, including:
 - 1. Its purpose;
 - 2. An estimate of the total volume of material to be moved;
 - 3. The height of all cut banks and fill slopes;
 - 4. Provisions to be used for compaction, drainage, and stabilization of graded areas (preparation of this information by a licensed engineer or engineering geologist is recommended);
 - 5. A description of all plant materials used to revegetate exposed slopes and banks, including type of species, number of plants, size and location, and a description of irrigation provisions or other measures necessary to ensure the survival of plantings; and

6. A description of any other interim or permanent erosion control measures to be utilized.

Staff: the proposed dwelling is located in a relative shallow sloped area and will require minor excavation. *This criterion is not applicable.*

4.3. Landscape Setting

MCC 38.7035(C): All Review Uses and Conditional Uses within the following landscape settings, regardless of visibility from KVAs:

4.3.1 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.
- (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 will require existing tree cover (density) shall be retained. *These criteria are met through conditions.*

5. Cultural Resource Review Criteria

5.1. 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

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 submitted a Cultural Resources Survey Determination on December 5, 2016 (Exhibit 3.2).

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.”

5.2. Cultural Resources Discovered After Construction Begins

MCC 38.7045 (L) The following procedures shall be effected when cultural resources are discovered during construction activities. All survey and evaluation reports and mitigation plans shall be submitted to the Planning Director and SHPO. Indian tribal governments also shall receive a copy of all reports and plans if the cultural resources are prehistoric or otherwise associated with Native Americans.

(1) **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.

(2) **Notification** – The project applicant shall notify the Planning Director and the Gorge Commission within 24 hours of the discovery. If the cultural resources are prehistoric or otherwise associated with Native Americans, the project applicant shall also notify the Indian tribal governments within 24 hours.

(3) **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).

(a) The Planning Director shall, based on the survey and evaluation report and any written comments, make a final decision within 10 days of the receipt of the report of the Gorge Commission on whether the resources are significant.

(b) The Planning Director shall require a Mitigation Plan if the affected cultural resources are found to be significant.

(c) Notice of the decision of the Planning Director shall be mailed to those parties entitled to notice by MCC 38.0530 (B).

(d) The decision of the Planning Director shall be final 14 days from the date notice is mailed, unless appealed as provided in MCC 38.0530 (B). Construction activities may recommence if no appeal is filed.

(4) **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.

Staff: These requirements can be addressed through conditions that includes the language in this criterion, requiring the outlined requirements to be met. *This criterion is met through conditions.*

6. NATURAL RESOURCE REVIEW CRITERIA

6.1. 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. There are not indications of wetlands on the property. *Criterion is met.*

6.2. 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 are no streams, lakes or riparian buffer areas near this development thus MCC 38.7060 requirements is met. *Criterion is met.*

6.3. 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. *Criterion is met.*

6.4. 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. *Criterion is met.*

7. RECREATION RESOURCE REVIEW CRITERIA

Staff: The proposed development, a dwelling and accessory structure(s), is located on private property and there is no recreational component proposed on the property. The proposed development will have no impacts on any existing recreation development on other properties. No Recreation Resource Review is required.

8. Transportation Standards

8.1. Access to County Roads

8.1.1 MCRR 4.100 Required Information: Applicants for a new or reconfigured access onto a road under County Jurisdiction may be required to provide all of the following:

- A. Site Plan;
- B. Traffic Study-completed by a registered traffic engineer;
- C. Access Analysis-completed by a registered traffic engineer;
- D. Sight Distance Certification from a registered traffic engineer; and

E. Other site-specific information requested by the County Engineer.

Staff: The property has an existing access to Corbett Hill Road via an easement on the existing driveway across an adjacent property. The property obtained a Right-of-Way Access Permit #72497 on August 8, 2016. *All County Transportation standards have been met.*

9. Comments

- 9.1. Jessica Gabriel, Historian, Oregon State Historic Preservation Office submitted a letter concurring that the property is not eligible for listing in the National Register of Historic Places (Exhibit C.1).
- 9.2. Margaret L. Dryden, Heritage Resources program Manager, USFS submitted a Cultural Resource Survey Determination stating that “A Cultural Resource Reconnaissance Survey is: Not Required” and “A Historic Survey is: Not Required.”
- 9.3. Letter from Dennis Griffin, Ph.D. RPA, State Archaeologist, State Historic Preservation Office addressing concerns that caution should be used when excavating and proper procedures be followed in any cultural artifact. Finding 5.1 and Conditions of Approval 5 and 6 addresses this concerns raised in the letter.
- 9.4. Letter from Steven D. McCoy, Staff Attorney, Friends of the Columbia Gorge detailing code sections that require finding. Findings under Sections 4, 5 and 6 of this decision and conditions of approval address concerns raised in letter.

10. Conclusion

Based on the findings and other information provided above, the applicant has carried the burden necessary for the approval with conditions of the NSA Site Review to legalize an addition to the existing single family dwelling, to legalize placement of two small sheds and to build an accessory building in the Gorge General Residential – 5 zone. This approval is subject to the conditions of approval established in this report.

11. Exhibits

‘A’ Applicant’s Exhibits

‘B’ Staff Exhibits

“C” Comments submitted by other parties

All other exhibits are available for review in Case File T2-2016-6080 at the Land Use Planning office.

Exhibit #	# of Pages	Description of Exhibit	Date Received/ Submitted
A.1	1	Application	10/11/16
A.2	1	Site plan,	10/11/16
A.3	2	Narrative	10/11/16
A.4	2	Site plan showing existing trees	10/11/16
A.5	1	Vicinity map	10/11/16
A.6	3	Elevation drawings and floor plans for the dwelling with the old	10/11/16

		barn attached as an addition.	
A.7	3	Elevation drawings for proposed barn	10/11/16
A.8	5	Site Evaluation for septic system	10/11/16
A.9	2	Fire Service Agency Review with attached site plan both signed by Fire District official	10/11/16
A.10	1	Storm Water Certificate stamped and signed by Scott Edwman, P.E.	10/11/16
A.11	1	Email from Corbett Waster District confirming water service	10/11/16
A.12	8	Right-of-Way Permit	10/11/16
A.13	5	Floor plan and elevation drawings	10/11/16
A.14	6	Septic Review Certification with attached site plan signed by a County Sanitarian	3/15/17
A.15	1	List of dwellings and accessory building within quarter mile including area size.	3/15/17
'B'	#	Staff Exhibits	Date
B.1	2	A&T Property Information	
B.2	1	County Assessment Map with property labeled	
B.3	1	Zoning Map show the current zoning of the area	
B.4	1	2016 Aerial Photo showing subject property	
B.5	1	2016 Aerial Photo showing the vicinity and the 10 foot contours	
B.6	7	County Assessment records for nearby properties	
B.7	1	Map included in Case LE 1-83 showing property	
'C'	#	Comments Received	Date
C.1	1	Letter dated from Jessica Gabriel, Historian, Oregon State Historic Preservation Office	10/28/16
C.2	2	Findings on cultural resources submitted by Margaret Dryden Heritage Resources Program Manager USFS	12/5/16
C.3	2	Letter from Dennis Griffin, Ph.D., RPA State Archaeologist, SHPO	12/5/16
C.4	8	Letter from Steve McCoy, Staff Attorney, Friends of the Columbia Gorge	4/10/17