

1600 SE 190<sup>th</sup> 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:** T2-2017-8459

**Permit:** National Scenic Area Site Review and Hillside Development Permit

**Location:** NE Hurt Road  
Tax Lot 2200, Section 32B, Township 1 North, Range 4 East, W.M.  
Tax Account #R053501970

**Applicant/Owner:** Richard Ray

**Base Zone:** Gorge General Residential – 10 (GGR-10)

**Landscape Setting:** Rural Residential in Pastoral

**Summary:** The applicant is proposing to construct a new single family dwelling with attached garage and a detached accessory building in the GGR-10 zone.

**Decision:** Approved with Conditions

This decision is final at the close of the appeal period, unless appealed. The deadline for filing an appeal is Tuesday, January 2, 2018 at 4:00 pm.

**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.

Issued by:

By:   
Lisa Estrin, Planner

For: Michael Cerbone, AICP  
Planning Director

Date: Tuesday, December 19, 2017

Instrument Number for Recording Purposes: #BP25222655

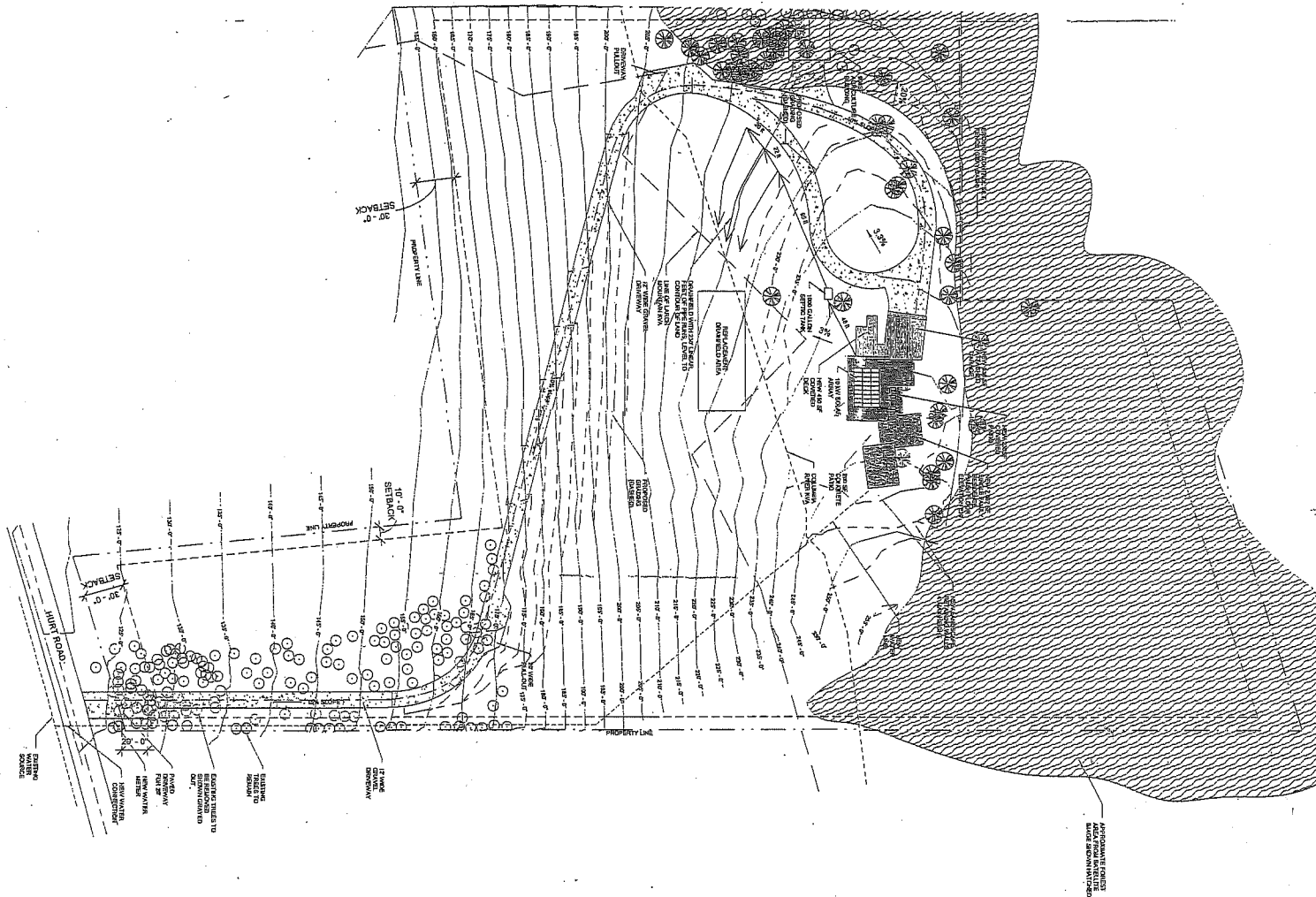


**Opportunity to Review the Record:** A copy of the Planning Director Decision, and all evidence submitted associated with this application, is available for inspection, at no cost, at the Land Use Planning office (*Tuesday-Friday 8am-4pm*). Copies of all documents may be purchased at the rate of 30-cents 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.

**Applicable Approval Criteria:** Multnomah County Code (MCC): MCC 38.0060, MCC 38.3025(A)(1) and (A)(3), MCC 38.3060(C), MCC 38.5500 through MCC 38.5525, MCC 38.7035, MCC 38.7045, MCC 38.7055, MCC 38.7060, MCC 38.7065, MCC 38.7070, and MCC 38.7080.

Multnomah County Road Rules (MCRR): MCRR 4.000 through MCRR 4.500, MCRR 5.000 through MCRR 5.300, MCRR 6.000 and MCRR 6.100.

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 [www.multco.us/landuse/zoning-codes](http://www.multco.us/landuse/zoning-codes) under the link *Chapter 38 – Columbia River Gorge National Scenic Area*. Multnomah County Road Rule sections can be obtained at [www.multco.us/transportation-planning](http://www.multco.us/transportation-planning).



SITE PLAN  
NSA REVIEW

04 AUGUST 2017

Exhibit

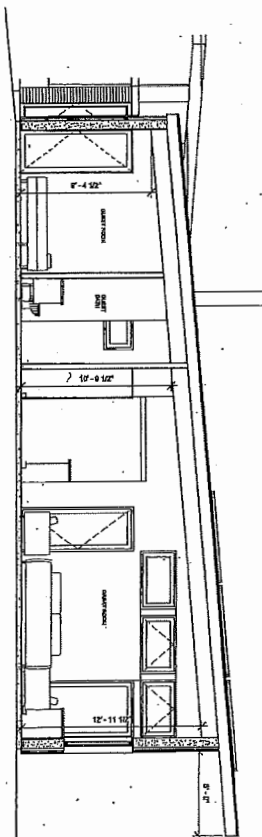
## Ray + Philipsborn Residence



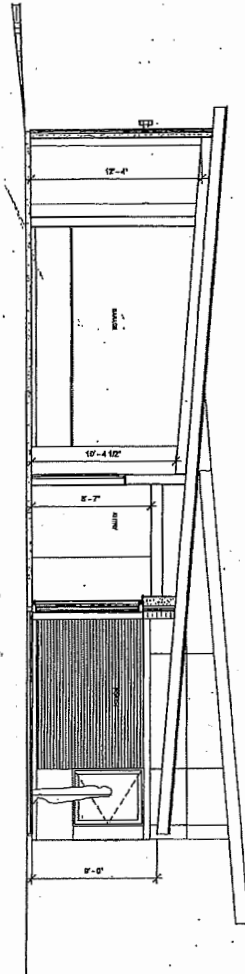
1323 SE 6TH AVENUE, PORTLAND, OR 97214  
(P) 503.804.1748 (F) 503.232.7824  
www.greenhammer.com

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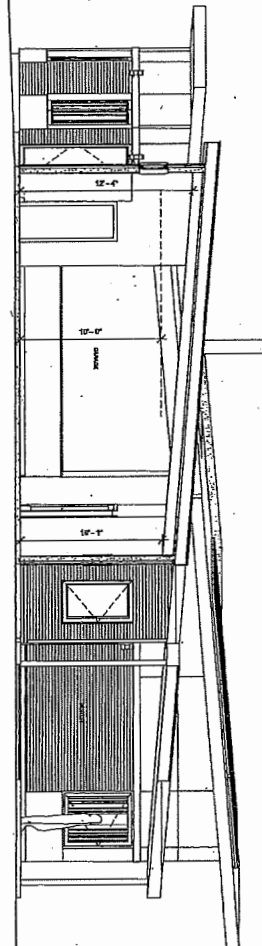
③ 01 GUEST ROOM AND GREAT ROOM  
1/4" = 1'-0"



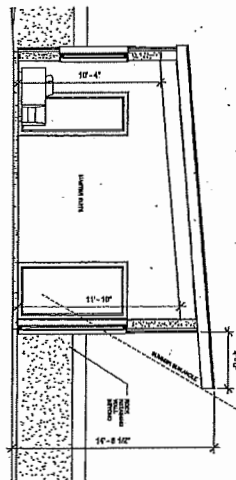
② 02 GARAGE AND ENTRY  
1/4" = 1'-0"



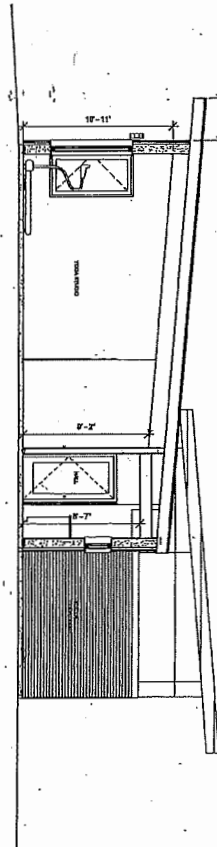
① 03 GARAGE AND PORCH  
1/4" = 1'-0"



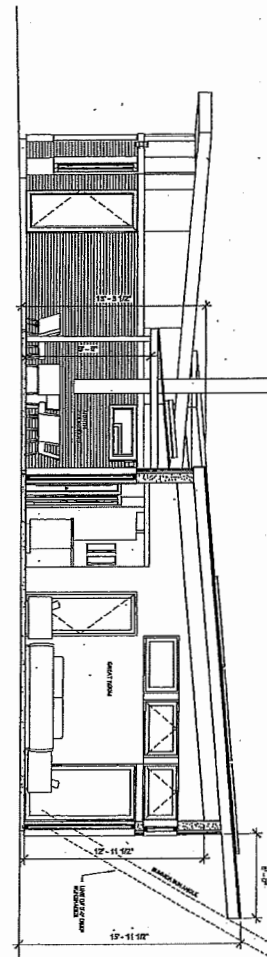
③ MASTER SUITE  
1/4" = 1'-0"



② GREAT STUDIO AND HALL  
1/4" = 1'-0"

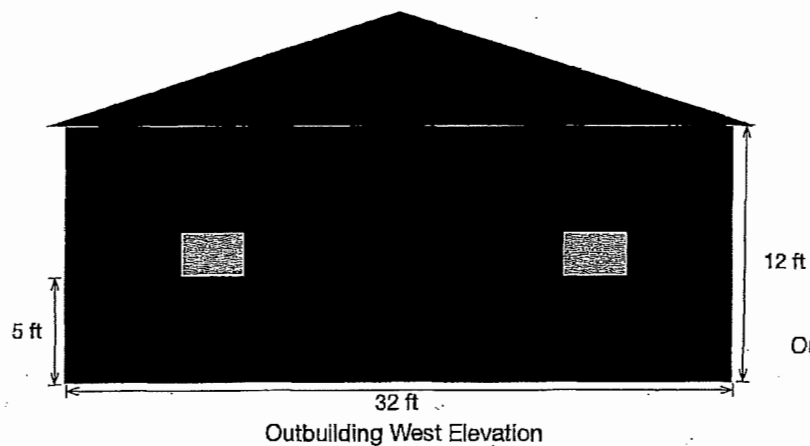
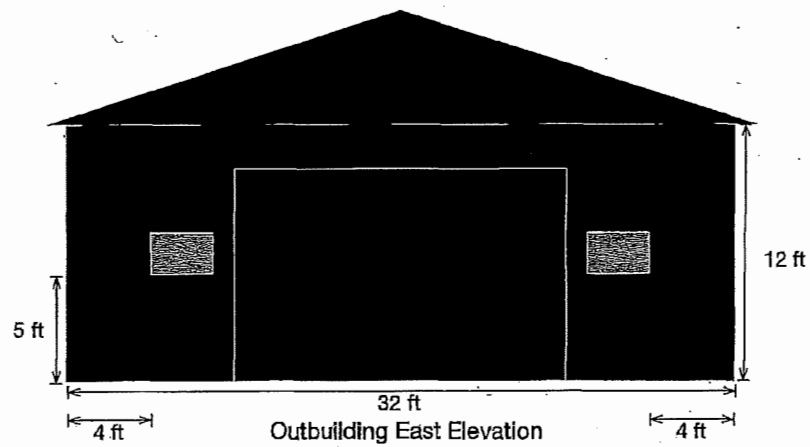
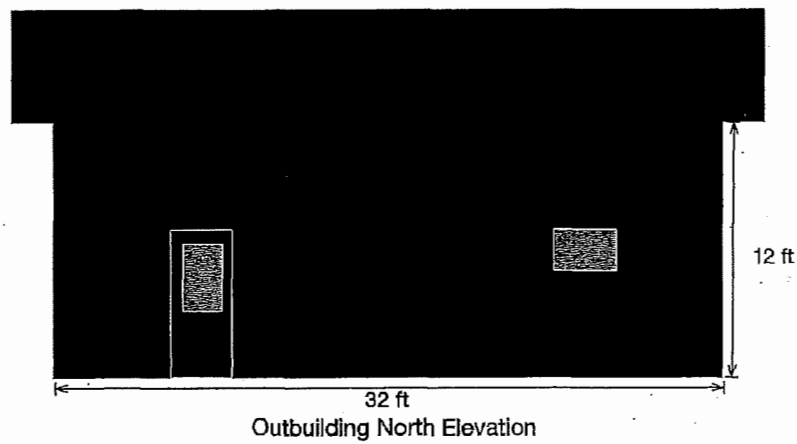
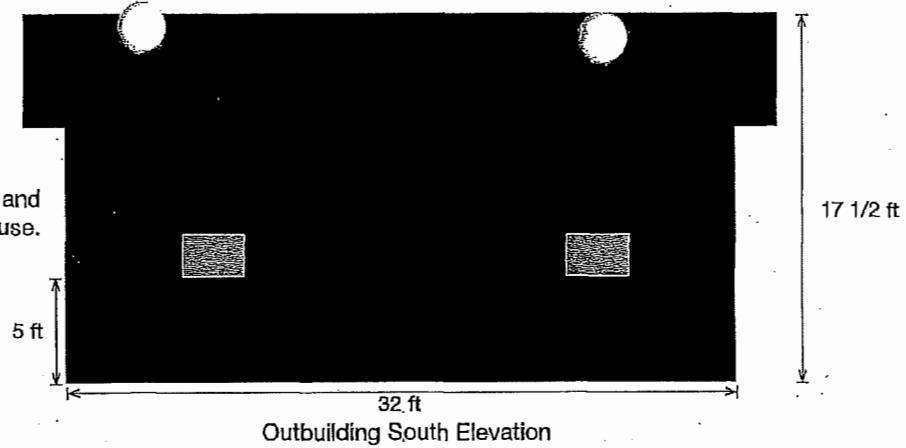


① GREAT ROOM AND NORTH COURTYARD  
1/4" = 1'-0"



Flat (matte)  
metal roofing  
to match house

Metal siding color and  
finish to match house.



Outbuilding Elevations  
1/8" = 1 ft.  
Richard A. Ray  
July 2017

## **Conditions of Approval**

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

1. Approval of this land use permit is based on the submitted written narrative(s) and plan(s). No work shall occur under this permit other than that which is specified within these documents. It shall be the responsibility of the property owner(s) to comply with these documents and the limitations of approval described herein.
2. **Pursuant to MCC 38.0690, this land use permit shall expire as follows:**
  - a. **When construction of the structure has not commenced within two years from the date the decision is final. Commencement of construction shall mean actual construction of the foundation or frame of the approved structure. 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.**

**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.**

3. Prior to land use sign-off for the building permit, the property owner shall record with the County Recorder the Notice of Decision including the Conditions of Approval of this decision (pages 1 through 7). The Notice of Decision shall run with the land and the conditions shall be met by the current and all future property owners unless amended through a later decision by an authorized authority. Proof of recording shall be submitted to Multnomah County Land Use Planning office prior to the issuance of any permits. Recording shall be at the applicant's expense. [MCC 38.0670]
4. **Prior to land use approval for building plan check:**
  - a. The property owners shall apply with Land Use Planning for an Address Assignment. [MCC 37.1560 and MCC 37.1575]
  - b. The site plan shall be revised to show the location and size of the soakage trench north/northeast of the dwelling. The layout of the soakage trench shall not disturb or remove any of the existing trees in this area. The soakage trench plans shall disturb the root zones of the trees as little as possible. [MCC 38.0045 and MCC 38.5515]
  - c. The site plan shall be revised to show the location of all culverts on the driveway and the location of the soakage trench or detention pond for the stormwater generated from the driveway improvements. The outfall improvement for the driveway shall not direct stormwater to the public right-of-way unless authorization is granted from Multnomah County Transportation. [MCC 38.0045, MCC 38.5515, MCRR 5.000]
  - d. The location of the chicken coop shall be added to the plans at its new location east of the proposed dwelling or the building added to the plans and marked to be demolished. [MCC 38.0560 and MCC 38.0045]



- e. A third vine maple shall be added to the site plan. Three Austrian Pines and three vine maples shall be installed to improve screening from the Columbia River KVA. [MCC 38.7035(C)(3)]
  - f. The property owners shall obtain a revised Stormwater Certificate from a licensed professional engineer to determine the sizing necessary for these physical improvements. In addition, the engineer shall certify and stamp that the plans will not redistribute water from the subject property to adjacent lands that would not normally accept this quantity of water prior to site development. [MCC 38.5520(A)(1)(d)]
  - g. The property owners shall contact the geo-technical engineer to have him determine a density specification for the various fill areas. [MCC 38.5520(A)(1)]
  - h. The property owners shall have an erosion control plan be developed by a Certified Professional in Erosion and Sediment Control (CPESC), a Certified Erosion and Sediment Control Lead or licensed professional engineer knowledgeable about erosion control. The erosion control plan shall include:
    - i. Proper erosion and sediment control measures for the proposed improvements,
    - ii. Division of the proposed improvements into at least two phases for to expose the smallest practical area to erosion or sedimentation at any one time during construction,
    - iii. Utilize temporary vegetation or mulching until final grading of an improvement is completed.
    - iv. Specify specific timelines and methodology for replanting of disturbed areas with permanent vegetation.
    - v. Specify specific vegetation to be used in and/or around soakage trenches or drainage ponds and the driveway ditch(s) to minimize potential erosion; and
    - vi. Specify the location of all designated stockpile areas on the plan and that protective coverings shall be used to reduce potential movement. [MCC 38.5520(A)(2)(a), (b), (e), (f), (g), (h), (i), (j), (k), and (l)]
5. The proposed dwelling shall be completed using the materials and colors as listed in the table below:

Feature	Materials	Color
Roof	Pac Clad Snap On Standing Seam 12" roof panels	Dark Bronze (matte finish)
Primary Siding	Metal Sales US T10-C wall panel	Benjamin Moore Dragon's Breath, #1547 (matte finish)
Secondary Siding	James Hardie Smooth Panel siding	Benjamin Moore Dragon's Breath, #1547 (matte finish)
Accent Siding #1	Weathered Steel panel	Treated to be a medium matte brown
Accent Siding #2	Cedar Ship Lap siding	Timber Pro Semi-Transparent Series Teak#104
Trim	Cedar Ship Lap siding or metal	Benjamin Moor Mopboard Black, #CW-680 (matte finish)



Soffits	Cedar Ship Lap siding	Timber Pro Semi-Transparent Series, Bark#152
Windows	Zola THERMOuPVC/ Window Reflectivity of 15% or less.	Very Dark Brown

- a. Prior to land use sign off for building plan check, the colors and materials shall be listed on the building plan sets. [MCC 38.7035]
6. The proposed metal roofing and siding for the accessory building shall be painted with Benjamin Moore Dragon's Breath, #1547 (matte finish) prior to its installation. Any windows installed in the building shall have a dark brown frame and a reflectivity rating of 15% or less for the glass. [MCC 38.7035(B)(10)]
7. The overall height of solar energy systems shall not exceed the peak of the roof of the dwelling. [MCC 3025(A)(17)]
8. The property owners shall maintain the existing trees and required plantings as shown in Exhibit 37 in living condition and shall replace any dead or damaged tree or required vegetation if they do not survive. Invasive species will need to be removed and controlled. The property owner is responsible for the retention and health of the trees to maintain the existing density on the property in perpetuity. [MCC 38.7035(B)(2) and (B)(8)]
9. 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)]
10. The following procedures shall be in effect if human remains are discovered during excavation or construction (human remains means articulated or disarticulated human skeletal remains, bones, or teeth, with or without attendant burial artifacts):
  - a. Halt Activities – All survey, excavation, and construction activities shall cease. The human remains shall not be disturbed any further.

- b. Notification – Local law enforcement officials, the Multnomah County Planning Director, the Gorge Commission, and the 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.
    - i. If the human remains will be reinterred or preserved in their original position, a mitigation plan shall be prepared in accordance with the consultation and report standards of MCC 38.7045 (I).
    - ii. The plan shall accommodate the cultural and religious concerns of Native Americans. The cultural resource protection process may conclude when the conditions set forth in the standards of MCC 38.7045 (J) are met and the mitigation plan is executed.
11. 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)]
12. The property owner or representative shall install erosion control measures consistent with the revised erosion control plan required by Condition No. 4.h. The property owner is responsible for maintaining best erosion control practices through all phases of development. Erosion control measures are to include the installation of sediment fences/barriers at the toe of all disturbed areas and post construction re-establishment of ground cover. Straw mulch, erosion blankets, or 6-mil plastic sheeting shall be used as a wet weather measure to provide erosion protection for exposed soils. All erosion control measures are to be implemented as prescribed in the current edition of the City of Portland's Erosion Control Manual, copies of which are available for purchase at our office, or through the City of Portland. The property owner shall verify that all erosion control measures are properly installed and in working order prior to initiating grading activities.
- a. If sedimentation is caused by stripping vegetation, regrading or other development, it shall be the responsibility of the property owners and their contractor to immediately improve the erosion control measures to stop said sedimentation from occurring and to remove it from all adjoining surfaces and drainage systems. [MCC 38.5520(B)(1)]
13. The County may supplement described erosion control techniques if turbidity or other down slope erosion impacts results from on-site grading work. The Gresham Building Bureau (Special Inspections Section), the local Soil and Water Conservation District, or the U.S. Soil Conservation Service can also advise or recommend measures to respond to unanticipated erosion effects. [MCC 29.345(C)(2)]
14. At the time the driveway is constructed, the engineer for Geotechnical Consultants Northwest shall immediately review through a site inspection the graded driveway to verify the soil conditions and determine if any modifications are necessary to ensure stability. A written report shall be submitted to Land Use Planning within 10 working days of review of the site indicating that the driveway was constructed to the proposed final grades or if modifications were necessary. If modifications were necessary, plans shall be submitted as part of the report showing deviation from the original plan set. [MCC 38.5515(F)(3)]

15. On-site disposal of construction debris is not authorized under this permit. Any spoil materials removed off-site shall be taken to a location approved for the disposal of such material by applicable Federal, State and local authorities. This permit does not authorize dumping or disposal of hazardous or toxic materials, synthetics (i.e. tires), petroleum-based materials, or other solid wastes which may cause adverse leachates or other off-site water quality effects. [MCC 38.5520(A)(2)(m)]
16. The property owner is responsible for removing any sedimentation caused by development activities from all neighboring surfaces and/or drainage systems. If any features within adjacent public right-of-way are disturbed, the property owner shall be responsible for returning such features to their original condition or a condition of equal quality. [MCC 29.345(B)(1)]
17. **Prior to Transportation Planning's approval for building plan check:**
  - a. The property owners will need to record deed restrictions (provided by County Transportation) with County Records, committing the property owner to participate in future right-of-way improvements costs. This non-remonstrance agreement or "deed restriction" will require that the property owners to participate in standard rural local road improvements along the site's frontage that are not completed as a part of the site's required interim improvements.
    - i. Multnomah County Transportation will furnish the documents for the property owners to sign. Please contact Pat Hinds at (503) 988-3712 to complete the deed restrictions. These documents will need to be completed and recorded prior to sign off.
  - b. Acquire a driveway permit for the site's access onto Hurt Road and provide a 20-ft paved approach to the County road. The driveway shall be 12-25 feet in width. All driveway accesses to County roads require a driveway permit. The paved approach will be measured from the edge of pavement of Hurt Road. It must not create any drainage problems along the County road. This paved approach standard will help to protect the County road from debris from the new driveway, and will improve the safety of this access.

**\*Note:** A \$1,000 deposit is required for the paved approach. The driveway permit and paved approach will be a condition of approval for the new dwelling and will need to be completed prior to sign off.
  - c. The property owners shall demonstrate that the stormwater collected and channeled by the new driveway will not direct water to the public right-of-way known as NE Hurt Road. Increased run-off to incorporated Multnomah County could negatively impact the roadway system. The County currently accepts Portland Stormwater Manual methodology, which can be found on their website. Once the site plan and stormwater certificate is updated as required by Land Use Planning under Condition No. 4 above, please submit a copy to Transportation Planning.
    - i. If it is determined that the stormwater systems will discharge water to the public right-of-way, the property owners must obtain a Discharge Permit. Please contact Transportation Planning at 503.988.3582 to obtain information for submitting a Discharge Permit. [MCRR 18.750(E), MCRR 6.100(B)(6), and DCM Section 5 Drainage]

**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 2,862 sq. ft. single family dwelling with an attached 836 sq. ft. garage, and two covered patio/deck (236 sq. ft. patio and 450 sq. ft. deck) and a separate 900 sq. ft. outbuilding on the subject property. The dwelling will take access off of NE Hurt Road via a newly constructed driveway.

### **2.00 Property Description & History:**

**Staff:** The subject property is 7.71 acres in size. It fronts onto NE Hurt Road. The subject property currently has a small (7-ft by 9-ft) building that is used for a chicken coop. This small building will remain and will be relocated to the east of the dwelling (Exhibit B.2).

### **3.00 General Provisions:**

#### **3.01 § 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 fenced	Natural or created vegetation barrier	8 foot berm or terrain barrier
Orchard	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 properties to the south are zoned GGA-40 zone and appear to be used for hay or pasture. The Agricultural Buffer zones apply to this subject property. The distance between the proposed dwelling and the agricultural fields are over 500 feet. The proposed dwelling meets the 100 ft. buffer requirement as listed above. *Criterion met.*

#### **4.00 Gorge General Residential – 10 (GGR-10) Criteria:**

##### **4.01 § 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:**

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

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

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

**Staff:** The applicant is requesting approval of a new single family dwelling in the GGR-10 zone. Staff has found the subject tax lot, 1N4E32B – 02200 is a legally created parcel as discussed in Section 4.02. The parcels south of the subject property are zoned GGA – 40. The proposed dwelling will comply with the buffer requirements of MCC 38.0060. The site is surrounded by the GGR-10 district on its west, north and east sides. The fire protection standards of MCC 38.7305 are not applicable to this application. *Criteria met.*

##### **4.02 § 38.0015 Definitions - Parcel:**

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

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

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

**(d) A unit of land shall not be considered a separate parcel simply because it:**

- 1. Is a unit of land created solely to establish a separate tax account;**
- 2. Lies in different counties;**

3. Lies in different sections or government lots;
4. Lies in different zoning designations; or
5. Is dissected by a public or private road.

**Staff:** The subject parcel was created in 1991 when a property line adjustment (LE 2-90) was granted between tax lot 1N4E32B – 02300 and 1N4E32B – 02200 (subject site) (Exhibit B.3 and B.4). *Criterion met.*

4.03

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

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

**Staff:** The applicant is proposing to construct a single accessory building of 900 sq. ft. No other outbuildings will be located on the parcel. The proposed building will be 17.5 feet in height after its construction. In addition, a 7-ft by 9-ft (63 sq. ft.) chicken coop will remain on the site in a new location. The total square footage of accessory building will be 963 sq. ft. *Criteria met.*

4.04

**(17) Solar, photovoltaic and wind turbine alternative energy production facilities accessory to uses permitted in the zoning district provided that:**

**(a) For all systems:**

1. They are not a commercial power generating facility such as a utility;
2. The system meets all special district requirements;
3. The system is mounted to a ground mount, to the roof of the dwelling or accessory structure, or to a wind tower;

**(b) The overall height of solar energy systems shall not exceed the peak of the roof of the building on which the system is mounted;**

**Staff:** The applicant is requesting approval of a roof-mounted photovoltaic system on the attached garage and covered deck attached to the single family dwelling (Exhibit A.43). The panels will face south so that they do not face the Columbia River KVA. The dwelling location is on the edge of this KVA. The system will generate 12 kW to be used chiefly for the dwelling's energy needs (Exhibit A.44). The system will be installed parallel to the plane of the roof and will be a 5 inch separation between the roof and the bottom of the panel. A Condition of Approval will require that the panels do not exceed the peak of the garage roof. *Through a Condition, these criterion will be met.*

4.05

## **§ 38.3060 DIMENSIONAL REQUIREMENTS**

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

Front	Side	Street Side	Rear
30	10	30	30

**Maximum Structure Height – 35 feet**



**Minimum Front Lot Line Length – 50 feet.**

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

**Staff:** The NE Hurt right-of-way is currently 60-ft in width along the length of the subject property. Pursuant to Transportation Planning, no additional right-of-way is needed at this time. The standard Yard Dimensions apply to the application.

The closest distance between the existing property lines and the proposed dwelling is 30 feet (Exhibit A.37). The proposed accessory building is 10 feet from the west property line (side), and over 100+ feet to all other property lines (Exhibit A.37). The proposed dwelling and accessory building meet the minimum yard dimensions of MCC 38.3060(C).

The proposed height of dwelling will be approximately 16 feet (Exhibit A.39). The height of the accessory building will be 17.5 feet (Exhibit A.21). *Criteria met.*

**5.00 Site Review Criteria**

**5.01 § 38.7035 GMA SCENIC REVIEW CRITERIA**

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

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

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

**Staff:** The site's terrain varies from 15% to 32% (Exhibit A.37). As the driveway leaves the right-of-way, it will travel up a 15% slope for the first 300 feet of the property. Then the driveway will cut across a 32% slope for approximately 245 feet. The driveway will cross this area at a 10% slope. The terrain then changes back to a 15% slope which leads up to the home site. The home will be built in an area with a 7% slope. Two, 4-ft tall or less retaining walls will be built east of the home site to cut back the slope for the dwelling. The largest area of slope modification is in the area to be constructed for the driveway turnaround. The existing 9 to 11% slope will be reduced to 3.3% over a 140-ft long area. At the western edge of the driveway the terrain will be steepened to 20% over a 30 to 40-ft area.

The proposed dwelling with the attached garage is approximately 130 feet in length. While the dwelling is located in the flatter area of the property, it will still require some grading to establish it and the fire truck turn-around in the driveway. The proposed accessory building is located in an area that only needs to be graded to establish access to the building. The proposed grading for the dwelling is minimized to the maximum extent practicable for the property. *Criterion met.*

**5.02 (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 proposed building square footage and visible mass for the dwelling is 4,384 sq. ft. The dwelling portion of the structure is 2,862 sq. ft. In addition, the dwelling will have two covered areas – a 236 sq. ft. covered patio and a 450 sq. ft. covered deck. The attached garage will be 836 sq. ft. in size. The dwelling building will be approximately 16 feet. In addition to the dwelling, the applicant is proposing a 900 sq. ft. accessory building and a 63 sq. ft. chicken coop (936 sq. ft. accessory buildings). The applicant provided building size information for nearby properties. Planning staff reviewed this information and compared it to County Assessment and Taxation information to determine sizes of the similar buildings within a quarter mile of the property:

Address	Dwlg Stories	Square Footage <sup>1</sup>	
		Dwelling	Acc. Bldgs.
<b>Proposed Site</b>	<b>1</b>	<b>4,384</b>	<b>900</b>
30225 NE Hurt Rd	1	1,428	824
30649 NE Hurt Rd	1	1,391	1,732
30515 NE Hurt Rd	2	1,677	720
30600 NE Lampert Rd	1	1,304	672
30421 NE Hurt Rd	2	2,210	1,344
30925 NE Hurt Rd	2	2,394	N/A
30315 NE Hurt Rd	1	2,182	1,500
30915 NE Hurt Rd	2	2,992	N/A
30811 NE Hurt Rd	2	4,674	N/A
1334 NE Ogden Rd	1	8,841	200
1112 NE Ogden Rd	2	6,381	2,562
30945 NE Hurt Rd	2	3,398	440
1408 NE Ogden Rd	2	6,280	N/A
30485 NE Hurt Rd	2	8,106	1,948
1010 NE Ogden Rd	2	5,782	838

<sup>1</sup>The square footage considered for a dwelling or accessory building is dependent on it being visible mass. If the dwelling contains a basement that is not day-lighted, it is not considered in the square footage.

The average size of the dwellings reviewed in the above table is 3,936 sq. ft. The largest dwelling in the area is 8,841 sq. ft. There are five dwellings over 5,000 sq. ft. The proposed 4,384 sq. ft. dwelling (3,548 sq. ft.) and attached garage (836 sq. ft.) will be the seventh largest dwelling within neighborhood within the boundaries of the National Scenic Area. The proposed dwelling with attached garage is compatible with the general scale of dwellings in the National Scenic Area within the immediate area.

The proposed 963 sq. ft. of accessory buildings is less than the 1,500 sq. ft. allowed for properties of this size. It falls within the middle of the range of accessory square footage.

*Criterion met.*

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

**Staff:** The subject property has road frontage on NE Hurt Road. Hurt Road is not a Scenic Travel Corridor. *Criterion met.*

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

**Staff:** The applicant has accepted responsibility for the maintenance and survival of existing vegetation. A condition of approval has been included requiring the present and future property owner to maintain all screening vegetation (as shown below). *Through a condition, this criterion will be met.*



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

**Staff:** The findings for compatibility with the landscape setting are based on information submitted in the site plans. See Sections 5.18 through 5.20 for findings of compliance with landscape setting criteria. *Criterion met.*

- 5.06** (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 property is topographically visible from three Key Viewing Areas (KVA) – Historic Columbia River Hwy (HCRH), Columbia River, and Larch Mountain Road. The proposed dwelling will be located on the edge of the Columbia River KVA view-shed boundary. The driveway will be topographically visible from the Larch Mountain Road and HCRH KVA view-shed boundaries. The dwelling and accessory buildings will be screened from the Columbia River KVA by the existing trees to the north and southwest of the buildings. Once the graded area for driveway is revegetated, it will not affect the view due to its distance from the Larch Mountain KVA. *Criterion met.*

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

**Staff:** There is no location on the property where the buildings can be screened from the key viewing areas by topography. Existing vegetation is available to screen the buildings from the Columbia River KVA. The buildings are outside of Larch Mountain KVA view-shed. The existing vegetation will be used to achieve visual subordination. The applicant is proposing to plant 5 trees to the north of the dwelling and driveway to help replace trees lost from grading activities and support visual subordination from the Columbia River KVA. *Criterion met.*

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

**Staff:** A condition of approval will be included so that all existing trees as well as newly planted vegetation be maintained in living condition or be replaced if it is removed or dies. *Through a condition of approval, this criterion will be met.*

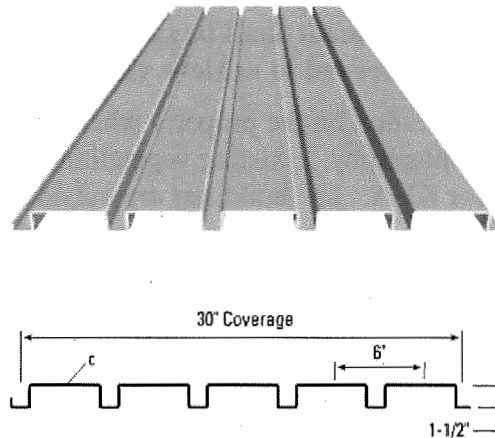
**5.09 (9) Driveways and buildings shall be designed and sited to minimize visibility of cut banks and fill slopes from Key Viewing Areas.**

**Staff:** The first 400 feet of driveway will be screened by existing tree cover and cut across the terrain to minimize cut banks. After this vegetated area, the driveway will cut across a 32% slope at a 10% grade and travel up to the home site. Once the graded area is revegetated with grasses, it should blend in with the surrounding terrain as seen from the Larch Mountain KVA view-shed due to distance. The ground disturbance in the area to be used for the driveway's fire truck turn-around and the dwelling will be screened from the Columbia River KVA by existing and proposed trees (Exhibit A.37). *Criterion met.*

**5.10 (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 applicant is proposing some very interesting siding and roofing for the proposed dwelling. For the roof materials, the applicant is proposing Pac Clad Snap On Standing Seam 12" roof panels prefinished in Dark Bronze. The applicant has provided a sample of the Pac Clad metal roofing and a piece of standard metal roofing for comparison. The proposed Pac Clad roof panels are a matte finish and have a low reflectivity effect. The material qualifies as a non-reflective or low reflective material. The applicant is proposing four different sidings for the dwelling. The Primary Siding to be used is listed as a Metal Sales US T10-C wall panel. The panel has the following profile detail and will be pre-finished with a dark matte paint (Benjamin Moore Dragon's Breath, #1547):



The Secondary Siding will be a James Hardie Smooth Panel siding painted the same as the Primary Siding. One of the proposed Accent Siding will be a Weathered Steel panel (medium flat brown). The other Accent Siding will be a Cedar Ship Lap Siding which will be stained with a semi-transparent teak color (Timber Pro Semi-Transparent Series Teak#104). The trim for the dwelling will be painted a dark brown-black (Benjamin Moor Mopboard Black, #CW-680). The soffits will utilize the Cedar Ship Lap siding that will be stained in a medium brown (Timber Pro Semi-Transparent Series, Bark#152). The siding and roofing materials and treatments meet the requirements for low-reflectivity.

The windows will have a very dark brown frame. It appears from the window cut sheets that the windows will have a reflectivity rating of 15.3%. A condition of approval has been included requiring that the windows have a reflectivity rating of 15% or less.

The outbuilding is proposed to use Web Steel Building's metal roofing and siding in Dark Brown. The materials appear to be highly reflective. It would be possible to treat it like the house siding with the Benjamin Moor Dragon's Breath, #1547 to make the siding have a low-reflectivity. A Condition of Approval has been included requiring the outbuilding's materials treatment. *Through conditions, the criterion will be met.*

5.11

**(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 has shown the location of all proposed lighting on the floor plan and on the dwelling's building elevations (Exhibit A.38 and A.39). The exterior lighting are shown to be can-lights in soffits and wall-mounted down-lights. Both types of lighting shield the lights from shining out and are directed downwards. *Criterion met.*

5.12

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

**Staff:** The proposed dwelling will be painted with dark brown tones (Exhibit A.41). The roof material will be a dark brown (Exhibit A.41). *Criterion met.*

5.13

**(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 proposed single family dwelling is a single story and does not extend above the surrounding terrain (Exhibit A.37 and A.39). *Criterion met.*

5.14

**(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).**

**(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 applicant has sited the dwelling to utilize existing vegetation to limit its visibility from Key Viewing Areas. The proposed dwelling and accessory outbuilding will be topographically visible from the Columbia River KVA. The applicant has proposed to install three new Austrian Pine and two new Vine Maples to the property to add to the screening of

the proposed development. The Austrian Pine does not seem to be a native tree. The Vine Maple is a native. A condition of approval has been included requiring three vine maples and three Austrian Pines be installed to improve screening from the Columbia River KVA.

*Through a condition, this criterion can be met.*

- 5.15**      **MCC 38.7035(B)(5), (B)(13), (B)(14), (B)(16), (B)(18), (B)(19), (B)(20), (B)(21), (B)(22), (B)(23), (B)(26), (B)(27), (B)(28) and (B)(29).**

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

- 5.16**      **(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 does have areas with over 30% slope. The driveway will cross this area. The proposed dwelling and accessory building will be located on the portion of the property that is approximately 7 to 11%. *Criterion met.*

- 5.17**      **(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 applicant indicates that the grading for the project involves approximately 3,032 cubic yards or 27,093 sq. ft. of disturbed area. The application materials (Exhibit A.37, A.7, A.8 and A.9) provide the required materials. *Criterion met.*

5.18

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

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

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

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

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

**Staff:** The applicant has demonstrated compliance with the Rural Residential and Pastoral landscape setting as discussed below in Section 5.19 and 5.20. No recreational uses are proposed or exist on the subject site. *Criteria met.*

5.19

**(3) Rural Residential**

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

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

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

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

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

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

**Staff:** The only vegetation to be removed will be those trees that will be removed by the grading of the proposed project. The site will remain significantly treed between the Columbia River KVA and the dwelling. A significant number of trees will also remain along the driveway adjacent to NE Hurt Road in the first 300 feet of the property. The applicant is proposing to install three, non-native Austrian Pines and two, native Vine Maples. Planning

staff has included a condition of approval that at least three Vine Maples and three Austrian Pines be planted. The Austrian Pines are evergreen. No recreational uses are proposed or exist on the site. *Through conditions, the criteria will be met.*

5.20

**(1) Pastoral**

**(a) Accessory structures, outbuildings and accessways shall be clustered together as much as possible, particularly towards the edges of existing meadows, pastures and farm fields.**

**(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. Vegetative landscaping shall, where feasible, retain the open character of existing pastures and fields.**
- 3. At least half of any trees planted for screening purposes shall be species native to the setting or commonly found in the area. Such species include fruit trees, Douglas fir, Lombardy poplar (usually in rows), Oregon white oak, bigleaf maple, and black locust (primarily in the eastern Gorge). The Scenic Resources Implementation Handbook includes recommended minimum sizes.**
- 4. At least one-quarter of any trees planted for screening shall be coniferous for winter screening.**

**(c) Compatible recreation uses include resource-based recreation uses of a very low or low-intensity nature, occurring infrequently in the landscape.**

**Staff:** The proposed outbuilding is adjacent to the proposed driveway and will be constructed adjacent to the western property line. The driveway cuts across an open field. The chicken coop will be moved to the east of the dwelling and will remain on the edge of the pasture. Most trees existing on the site will remain after the construction of the driveway and buildings. The existing pasture will remain after the driveway crosses it and the grading is returned to fields. Three Vine Maples will be installed so that half of the proposed plantings are native. Half of the trees to be planted are Austrian Pine and are evergreen for winter screening. No recreational uses are proposed or exist on the site. *Through a condition, these criteria will be met.*

**6.00 Resource Review Criteria:**

**6.01 § 38.7045 GMA CULTURAL RESOURCE REVIEW CRITERIA**

**(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:** The USFS determined that a cultural resource survey and a historic survey are not necessary (Exhibit B.5). SHPO has also found that a cultural review is not necessary at this time (Exhibit B.6). *Criterion met.*

**6.02 § 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:** The project site is not on the NWI maps. The soils are Mershon silt loam and Haplumbrepts. Both soils are well drained. The property is located on NE Hurt Road near Ogden Road. It is not adjacent to the main stem of the Columbia River. No wetlands were identified on the project site during the site review process. *Criterion met.*

**6.03 § 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:**

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

**Staff:** No lakes, streams or riparian areas exist on the subject site. *Criterion met.*

**6.04 § 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).**

**Staff:** During the completeness review process, the Oregon Department of Fish and Wildlife was notified. No comments were received that the project was within 1,000 feet of a sensitive wildlife area or site. *Criterion met.*

**6.05 § 38.7070 GMA RARE PLANT REVIEW CRITERIA**

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

**Staff:** During the completeness review process, the PSU/Institute for Natural Resources was notified. No comments were received that the project was within 1,000 feet of a sensitive wildlife area or site. *Criterion met.*

**6.06 § 38.7080 GMA RECREATION RESOURCE REVIEW CRITERIA**

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

**\* \* \***

**Staff:** The proposed development is for a single family dwelling. No recreational uses exist on or near the site or are proposed. *Criterion not applicable.*

**7.00 Hillside Development Criteria:**

**7.01 § 38.5505 PERMITS REQUIRED**

**Hillside Development Permit:** All persons proposing development, construction, or site clearing (including tree removal) on property located in hazard areas as identified on the "Slope Hazard Map", or on lands with average slopes of 25 percent or more shall obtain a Hillside Development Permit as prescribed by this subdistrict, unless specifically exempted by MCC 38.5510.

**Staff:** The applicant has requested approval of a Hillside Development permit (Exhibit A.1).

**7.02 § 38.5515 APPLICATION INFORMATION REQUIRED**

**An application for development subject to the requirements of this subdistrict shall include the following:**

- (A)** A map showing the property line locations, roads and driveways, existing structures, trees with 8-inch or greater caliper or an outline of wooded areas, watercourses and include the location of the proposed development(s) and trees proposed for removal.
- (B)** An estimate of depths and the extent and location of all proposed cuts and fills.
- (C)** The location of planned and existing sanitary drainfields and drywells.
- (D)** Narrative, map or plan information necessary to demonstrate compliance with MCC 38.5520 (A). The application shall provide applicable supplemental reports, certifications, or plans relative to: engineering, soil characteristics, stormwater drainage, stream protection, erosion control, and/or replanting.

**Staff:** The applicant has provided the above required materials in Exhibits A.37, A.7, A.8 and A.9. *Criterion met.*

**7.03 (E) A Hillside Development permit may be approved as a Type II decision only after the applicant provides:**

- (1)** Additional topographic information showing that the proposed development to be on land with average slopes less than 25 percent, and located more than 200 feet from a known landslide, and that no cuts or fills in excess of 6 feet in depth are planned. High groundwater conditions shall be assumed unless documentation is available, demonstrating otherwise; or
- (2)** A geological report prepared by a Certified Engineering Geologist or Geotechnical Engineer certifying that the site is suitable for the proposed development; or,
- (3)** An HDP Form– 1 completed, signed and certified by a Certified Engineering Geologist or Geotechnical Engineer with his/her stamp and

signature affixed indicating that the site is suitable for the proposed development.

(a) If the HDP Form- 1 indicates a need for further investigation, or if the Director requires further study based upon information contained in the HDP Form- 1, a geotechnical report as specified by the Director shall be prepared and submitted.

**Staff:** The applicant has hired Geo Consultants Northwest, Inc. to complete a HDP Form – 1. The engineer finds that no further investigation is warranted and that the site is suitable for the proposed development (Exhibit A.7, A.8 and A.9).

#### 7.04 (F) Geotechnical Report Requirements

(1) A geotechnical investigation in preparation of a Report required by MCC 38.5515 (E) (3) (a) shall be conducted at the applicant's expense by a Certified Engineering Geologist or Geotechnical Engineer. The Report shall include specific investigations required by the Director and recommendations for any further work or changes in proposed work which may be necessary to ensure reasonable safety from earth movement hazards.

(2) Any development related manipulation of the site prior to issuance of a permit shall be subject to corrections as recommended by the Geotechnical Report to ensure safety of the proposed development.

(3) Observation of work required by an approved Geotechnical Report shall be conducted by a Certified Engineering Geologist or Geotechnical Engineer at the applicant's expense; the geologist's or engineer's name shall be submitted to the Director prior to issuance of the Permit.

(4) The Director, at the applicant's expense, may require an evaluation of (a) if the HDP Form- 1 or the Geotechnical Report by another Certified Engineering Geologist or Geotechnical Engineer.

**Staff:** No ground disturbance has occurred prior to the submittal of the land use application other than test pits. The engineer notes that they should observe the final grade for the driveway at the completion of construction to verify solid conditions and revise work recommendations, if necessary. A Condition of Approval has been included requiring this inspection upon completion of the grading for the driveway. *Through a condition, these criteria will be met.*

#### 7.05 § 38.5520 GRADING AND EROSION CONTROL STANDARDS

Approval of development plans on sites subject to a Hillside Development Permit shall be based on findings that the proposal adequately addresses the following standards. Conditions of approval may be imposed to assure the design meets the standards:

##### (A) Design Standards For Grading and Erosion Control

##### (1) Grading Standards

(a) Fill materials, compaction methods and density specifications shall be indicated. Fill areas intended to support structures shall be identified on the plan. The Director or delegate may require additional studies or information or work regarding fill materials and compaction;

**Staff:** The applicant's response to this criterion is as follows: "All fill areas to be less than 4 feet deep, with slopes less than 20% (landscape fill). No structures will be built on fill, and

fill to be compacted as per code. General fill area is to be west of the home site.” A condition of approval has been included requiring the applicant to contact the geo-tech engineer to specify the density specification for the fill areas. *Though a condition, this criterion will be met.*

- 7.06 **(b) Cut and fill slopes shall not be steeper than 3:1 unless a geological and/or engineering analysis certifies that steep slopes are safe and erosion control measures are specified;**

**Staff:** The HDP work sheet indicates that the altered slopes will be less than 20% when completed (Exhibit A.9).

- 7.07 **(c) Cuts and fills shall not endanger or disturb adjoining property;**

**Staff:** All cut and fill slopes will be setback at least 10 feet from all property line and the engineer has indicated in the HDP form – 1 that the proposed earthwork will not create potential stability problems for the site (Exhibit A.7 and A.9).

- 7.08 **(d) The proposed drainage system shall have adequate capacity to bypass through the development the existing upstream flow from a storm of 10-year design frequency;**

**Staff:** The Stormwater Certificate (Exhibit A.26) and attached notes (Exhibit A.27) indicate that the site can handle the created stormwater on-site and that a drainage control system is not required. The detached garage will utilize gutters, downspouts and splash blocks. The applicant has stated that the water from the dwelling will be piped away from the dwelling to the north/northeast of the dwelling and deposited into a non-engineered swale. Depending on the location of the swale and its size, it could redirect water that would not naturally flow to an northern or western property that does not currently receive this water from the site. In addition, the soakage trench would be built in an area of trees and could create disease issues with these required trees. A condition of approval has been included requiring the applicant to obtain a revised Stormwater Certificate from the engineer that the proposed soakage trench will not redistribute water from this property to adjacent lands that would not normally accept this water. In addition, a condition has been included that an exact design for the trench be produced and that no trees will be removed, damaged or flooded for its construction. In addition, a condition of approval has been included that no stormwater be directed from the driveway to the public right-of-way without a permit. *Through conditions, this criterion will be met.*

- 7.09 **(e) Fills shall not encroach on natural watercourses or constructed channels unless measures are approved which will adequately handle the displaced streamflow for a storm of 10-year design frequency;**

**Staff:** There are no known natural watercourses on the subject parcel. The applicant in the HDP worksheet states that a drainage system consisting of a driveway ditch and culverts has been designed to handle all stormwater run-off from the driveway and the portion of the site up slope that will drain to the driveway ditch. This water may not be funneled into the public right-of-way without permission from Transportation. *Through a condition, this criterion will be met.*

- 7.10 **(2) Erosion Control Standards**

**(a) Stripping of vegetation, grading, or other soil disturbance shall be done in a manner which will minimize soil erosion, stabilize the soil as quickly as practicable, and expose the smallest practical area at any one time during construction;**

**Staff:** The applicant states for this criterion that "There are no trees on the portion of the property with a slope in excess of 25%, so no trees will be removed from that area. As soon as grading is complete, grass will be replanted in disturbed areas." This answer does not answer the criterion. This criterion is about phasing grading so that the entire construction site is not open to erosion at one time. In addition, the grading plan shows one silt fence to be installed. This is inadequate to minimize soil erosion. A condition of approval has been included that the applicant hire a professional erosion control specialist or a licensed engineer to design an erosion control plan that includes phasing, full utilization of erosion control measures and a replanting schedule. *Through a condition, this criterion will be met.*

7.11

**(b) Development Plans shall minimize cut or fill operations and ensure conformity with topography so as to create the least erosion potential and adequately accommodate the volume and velocity of surface runoff;**

**Staff:** In order to gain access to the flatter portion of the property, the driveway will need to excavate a driveway across the 30% slope. The total disturbed surface area will be 27,093 sq. ft. A condition has been required that the erosion control plan be improved so to minimize the volume and velocity of surface run-off until such time as the site is stabilized with vegetation. *Through a condition, this criterion will be met.*

7.12

**(c) Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development;**

**Staff:** The applicant states that the disturbed areas will be immediately replanted with grasses after grading is complete. A condition of approval requiring a better erosion control plan. The statement "after grading is complete" could leave that site open for a long period of time before finish grading is completed. *Through a condition, this criterion will be met.*

7.13

**(d) Whenever feasible, natural vegetation shall be retained, protected, and supplemented;**

**1. A 100-foot undisturbed buffer of natural vegetation shall be retained from the top of the bank of a stream, or from the ordinary high watermark (line of vegetation) of a water body, or within 100-feet of a wetland;**

**2. The buffer required in 1. may only be disturbed upon the approval of a mitigation plan which utilizes erosion and stormwater control features designed to perform as effectively as those prescribed in the currently adopted edition of the "Erosion Prevention & Sediment Control Plans Technical Guidance Handbook (1994)" and the "City of Portland Stormwater Quality Facilities, A Design Guidance Manual (1995)" and which is consistent with attaining equivalent surface water quality standards as those established for the Tualatin River Drainage Basin in OAR 340;**

**Staff:** The proposed plans minimize the removal of existing tree cover for the construction of the driveway and proposed dwelling. The largest area disturbed is currently in pasture and will be reseeded with grass. No streams exist on the subject site.

7.14

**(e) Permanent plantings and any required structural erosion control and drainage measures shall be installed as soon as practical;**



**Staff:** The applicant states that the “Disturbed areas will be planted with grass immediately after grading is complete.” A condition of approval has been included specifying a more definitive timeline. *Through a condition, criterion will be met.*

- 7.15 (f) Provisions shall be made to effectively accommodate increased runoff caused by altered soil and surface conditions during and after development. The rate of surface water runoff shall be structurally retarded where necessary;**

**Staff:** The applicant states “The only area with increased runoff will be where the driveway traverses the stepper portion of the property. Through the use of culverts, this runoff will be dispersed on undisturbed areas the property and will not leave the property.” Provisions also must control increase runoff during the construction period. A condition of approval has been included requiring a complete erosion control plan be crafted to reduce surface water runoff during construction. *Through a condition, criterion will be met.*

- 7.16 (g) Sediment in the runoff water shall be trapped by use of debris basins, silt traps, or other measures until the disturbed area is stabilized;**

**Staff:** The applicant states “The flatter area below the proposed hillside development is the property owner’s pastureland and forest. Run-off will be discharged to a vegetated filter strip approximately 300 feet long for infiltration and sediment removal before reaching the public right of way.” The construction of the driveway across steeper slopes must utilize erosion control until such time as the disturbed areas are stabilized and the grasses re-established. A condition of approval has been included requiring an improved erosion control plan be submitted prior to land use planning’s approval of a building permit. *Through a condition, this criterion will be met.*

- 7.17 (h) Provisions shall be made to prevent surface water from damaging the cut face of excavations or the sloping surface of fills by installation of temporary or permanent drainage across or above such areas, or by other suitable stabilization measures such as mulching or seeding;**

**Staff:** The construction of the driveway across steeper slopes must utilize erosion control until such time as the disturbed areas are stabilized and the grasses re-established. A condition of approval has been included requiring a improved erosion control plan be submitted prior to land use planning’s approval of a building permit. *Through a condition, this criterion will be met.*

- 7.18 (i) All drainage provisions shall be designed to adequately carry existing and potential surface runoff to suitable drainageways such as storm drains, natural watercourses, drainage swales, or an approved drywell system;**

**Staff:** The applicant has indicated that no drainage improvements are associated with the development. This is confusing as the applicant has also indicated in the plans (Exhibit A.37) and HDP worksheet (Exhibit A.9) that a system will be installed along the driveway. Its exact location of discharge is uncertain. A condition of approval has been included requiring detailed information as to the exact location of the outfalls be identified and that the site handle the water appropriately. *Through a condition, criterion will be met.*

- 7.19 (j) Where drainage swales are used to divert surface waters, they shall be vegetated or protected as required to minimize potential erosion;**

**Staff:** A drainage swale will be used north of the dwelling for the water generated by the house’s gutter system (Exhibit A.33). A driveway ditch will also be constructed along the driveway (Exhibit A.37 and A.9). A condition of approval has been included requiring that

these swales be vegetated or rocked for protection. *Through a condition, criterion will be met.*

- 7.20                    **(k) Erosion and sediment control devices shall be required where necessary to prevent polluting discharges from occurring. Control devices and measures which may be required include, but are not limited to:**

- 1. Energy absorbing devices to reduce runoff water velocity;**
- 2. Sedimentation controls such as sediment or debris basins. Any trapped materials shall be removed to an approved disposal site on an approved schedule;**
- 3. Dispersal of water runoff from developed areas over large undisturbed areas.**

**Staff:** Staff identified one erosion control silt fence to be installed on the plans (Exhibit A.37). A condition of approval has been included requiring an improved erosion control plan be crafted by a Certified Professional in Erosion and Sediment Control (CPESC) individual, a Certified Erosion and Sediment Control Lead or licensed professional engineer knowledgeable about erosion control. *Through a condition, criterion will be met.*

- 7.21                    **(1) Disposed spoil material or stockpiled topsoil shall be prevented from eroding into streams or drainageways by applying mulch or other protective covering; or by location at a sufficient distance from streams or drainageways; or by other sediment reduction measures;**

**Staff:** The applicant states that the stockpiled materials will be covered. Staff is uncertain where the spoil materials will be stored. A condition of approval has been included requiring designation of stockpile areas on the plan. *Through a condition, criterion will be met.*

- 7.22                    **(m) Such non-erosion pollution associated with construction such as pesticides, fertilizers, petrochemicals, solid wastes, construction chemicals, or wastewaters shall be prevented from leaving the construction site through proper handling, disposal, continuous site monitoring and clean-up activities.**

**Staff:** The applicant states "We do not plan to use pesticides, fertilizers, petrochemicals, or wastewaters. Solid wastes and construction chemicals will be disposed off-site." A condition of approval has been included requiring a note be added to the plans to ensure that the contractor follow this requirement. *Through a condition, criterion will be met.*

- 7.23                    **(B) Responsibility**

- (1) Whenever sedimentation is caused by stripping vegetation, regrading or other development, it shall be the responsibility of the person, corporation or other entity causing such sedimentation to remove it from all adjoining surfaces and drainage systems prior to issuance of occupancy or final approvals for the project;**
- (2) It is the responsibility of any person, corporation or other entity doing any act on or across a communal stream watercourse or swale, or upon the floodplain or right-of-way thereof, to maintain as nearly as possible in its present state the stream, watercourse, swale, floodplain, or right-of-way during such activity, and to return it to its original or equal condition.**

**Staff:** A condition of approval has been included to remind construction personnel of these requirements.

**8.00 Transportation Criteria**

**8.01 MCRR 4.000 Access to County Roads**

**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 applicant has proposed to construct a new access onto Hurt Road under County Jurisdiction. The road is classified as a Rural Local facility. The new access is shown on the applicant's site plan. All required information has been submitted.

**8.02 MCRR 4.200 Number: Reducing the number of existing and proposed access points on Arterials and Collectors and improving traffic flow and safety on all County roads will be the primary consideration when reviewing access proposals for approval. One driveway access per property will be the standard for approval. Double frontage lots will be limited to access from the lower classification street. Shared access may be required in situations where spacing standards cannot be met or where there is a benefit to the transportation system.**

**Staff:** The subject property is served by one driveway.

**8.03 MCRR 4.300 Location: All new access points shall be located so as to meet the access spacing standards laid out in the Design and Construction Manual.**

**Staff:** For a road classified as a *Rural Local facility*, there is no spacing standard for a residential use.

**8.04 MCRR 4.400 Width: Driveway and Accessway widths shall conform to the dimensions laid out in the Design and Construction Manual.**

**Staff:** For a single family use, a new or reconfigured driveway must be 12 – 25 feet wide. The new driveway shall be sized within this standard. *As conditioned, this standard is met.*

**8.05 MCRR 4.500 Sight Distance: All new access points to roads under the County's jurisdiction must have a minimum sight distance equal to the standards in the Design and Construction Manual and AASHTO's A Policy on Geometric Design of Highways and Streets.**

**Staff:** Multnomah County Road Rules Section 4.500 states that access points to roads under the County's jurisdiction must have a minimum sight distance equal to the standards in the County Design and Construction Manual or AASHTO's A Policy on Geometric Design of Highway and Streets. In reviewing the site, staff finds that there are no sight distance concerns. The applicant shall maintain vegetation from the access point to ensure sight distance is preserved.

## 8.06 MCRR 5.000 Transportation Impact

**MCRR 5.100** To determine if a Transportation Impact is caused by a proposed development, the County Engineer will determine the number of new trips generated by a site by one of the following methods:

A. Calculations from the most recent edition of the Institute of Transportation Engineers' Trip Generation (ITE); or

B. A site development transportation impact study conducted by a professional engineer registered in the State of Oregon and accepted by the County.

**MCRR 5.200** The County Engineer will use the information obtained pursuant to subsection 5.100 and/or the frontage length of the subject property to determine the pro-rata share of the requirements set forth in Section 6.000.

**MCRR 5.300** Except where special circumstances require the County Engineer to make an alternate determination, any new construction or alteration which will increase the number of trips generated by a site by more than 20 percent, by more than 100 trips per day or by more than 10 trips in the peak hour shall be found to have a Transportation Impact. A minimum increase of 10 new trips per day is required to find a transportation impact.

**Staff:** The Multnomah County Road Rules defines a Transportation Impact as the affect of any new construction or alteration which will increase the number of trips generated by a site by more than 20 percent, by more than 100 trips per day or by more than 10 trips in the peak hour [MCRR 3.000]. A minimum increase of 10 new trips per day is required to find a transportation impact.

According to the ITE Manual, 8<sup>th</sup> Edition, a *single family use* generates 10 trips per day. The property is currently vacant. Therefore, a transportation impact will be caused by the proposed development since trips generated by the site will be increased by more than 20 percent. Deed restrictions will be required to address the impact. *As conditioned this standards is met.*

## 8.07 MCRR 6.000 Improvement Requirements

**MCRR 6.100 Site Development:** The owner of the site or the applicant for a proposed development, which is found to cause a Transportation Impact will be responsible for improvements to the right-of-way as follows:

A. Dedication Requirement\*\*\*

B. Frontage Improvement Requirements\*\*\*

**Staff:** The County standard right of way width for a rural local facility is 60 feet. Hurt Road is currently a 60 foot wide right-of-way this standard is met and no dedications are required. The driveway serving the site must have a 20-ft wide paved approach to *Hurt Road*, a county road. This paved approach will be measured from the edge of pavement of *Hurt Road*. It must not create any drainage problems along the County Road. This paved approach will help to protect the County Road from debris from the new driveway, and will improve the safety of this access. No other frontage improvements are required, but a deed restriction is required to mitigate this. A non-remonstrance agreement or "deed restriction" will require that the property owner to participate in standard rural local road improvements along the site's frontage that are not completed as a part of the site's required interim improvements.

**\*\*NOTE:** A deposit will be required for the paved approach. Please contact Right of Way at (503) 988-3582 regarding this requirement.

## 9.00 Conclusion

Based on the findings and other information provided above, the applicant has carried the burden necessary for the NSA Site Review and Hillside Development Permit to establish a single family dwelling with attached garage and two accessory buildings in the GGR-10 zone. This approval is subject to the conditions of approval established in this report.

## 10.00 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 T2-2017-8459 at the Land Use Planning office.

Exhibit #	# of Pages	Description of Exhibit	Date Received/ Submitted
A.1	1	NSA Application Form	8/4/2017
A.2	7	Narrative	8/4/2017
A.3	2	Letter to Ron Sunseri, 20/20 Properties Regarding Lots 19 and 12 Banner Acres dated September 30, 1987	8/4/2017
A.4	1	Map of Lot 12 and a Portion of Lot 19, Banner Acres from First American Title Insurance Company of Oregon	8/4/2017
A.5	2	Contract recorded in Book 681, Pages 1837 & 1838 on June 11, 1969	8/4/2017
A.6	2	Contract recorded in Book 1625, Page 734 & 735 on October 27, 1982	8/4/2017
A.7	4	Geotechnical Reconnaissance and Stability Preliminary Study prepared by Paul Crenna CEG	8/4/2017
A.8	2	Cover Letter for HDP Form – 1 from Geo Consultants Northwest dated August 3, 2017	8/4/2017
A.9	6	Hillside Development Permit Work Sheet	8/4/2017
A.10	1	Existing Conditions Plan - Sheet 1 of 4	8/4/2017
A.11	1	Proposed Conditions Plan - Sheet 2 of 4	8/4/2017
A.12	1	Details - Sheet 3 of 4	8/4/2017
A.13	1	Profile Plan – Sheet 4 of 4	8/4/2017
A.14	1	Exhibit C: Compatible Scale for Dwellings and Outbuildings	8/4/2017
A.15	1	Exhibit D: Columbia River KVA	8/4/2017
A.16	1	Exhibit E: Historic Columbia River Highway KVA	8/4/2017

A.17	1	Exhibit F: Larch Mountain KVA	8/4/2017
A.18	2	KVA Study: Columbia River <sup>6</sup>	8/4/2017
A.19	1	Nearby Metal Buildings	8/4/2017
A.20	1	Outbuilding Floorplan	8/4/2017
A.21	1	Outbuilding Elevations	8/4/2017
A.22	1	Roofing Samples	8/4/2017
A.23	4	THERMOuPVC Window Information	8/4/2017
A.24	1	Vertical Seam Striated Brochure	8/4/2017
A.25	1	Verti-Line Series T10-C Wall Panel Brochure	8/4/2017
A.26	1	Storm Water Certificate (No stamped site plan or calculations)	8/4/2017
A.27	1	Notes on Stormwater Permit from Property Owner	8/4/2017
A.28	1	Transportation Planning Review	8/4/2017
A.29	1	Sheriff Services Review	8/4/2017
A.30	1	School District Review	8/4/2017
A.31	1	Certification of Water Service	8/4/2017
A.32	3	Fire Service Agency	8/4/2017
A.33	4	Septic Review Certification	8/4/2017
A.34	1	Exhibit A: Site Slopes	8/4/2017
A.35	1	Exhibit B: Development Along Natural Ridgeline	8/4/2017
A.36	1	Cover Sheet	8/4/2017
A.37	1	Site Plan	8/4/2017
A.38	1	Floor Plan	8/4/2017
A.39	1	Exterior Elevations	8/4/2017
A.40	2	Building Sections	8/4/2017
A.41	1	Sample Board	8/4/2017
A.42	1	Standard Metal Roofing and Proposed Metal Roofing Sample	8/4/2017
A.43	1	Revised Location for Photovoltaic Panels	12/7/2017
A.44	1	Email from R. Ray regarding Photovoltaic System	12/7/2017
<b>'B'</b>	<b>#</b>	<b>Staff Exhibits</b>	<b>Date</b>
B.1	2	A&T Information for property	8/4/2017
B.2	1	Chicken Coop Location	12/14/2017
B.3	1	LA 2-90 Property Line Adjustment Survey	12/14/2017
B.4	1	LA 2 – 90 Legal Descriptions	12/14/2017

B.5	2	Cultural Resource Survey Determination	8/28/2017
B.6	1	SHPO Response Letter	10/27/2017
B.7	1	Tax Map 1N4E32B	12/14/2017
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'C'	#	Administration & Procedures	Date
C.1	1	Complete Letter (Day 1 – August 30, 2017)	9/1/2017
C.2	6	Opportunity to Comment	10/11/2017
C.3	32	Administrative Decision	12/19/2017
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'D'	#	Comments Received	Date
D.1	2	Jung Comments	10/26/2017
D.2	9	Friends of the Columbia Gorge Comments	10/25/2017
D.3	1	Mr. Leipert Comments	10/24/2017