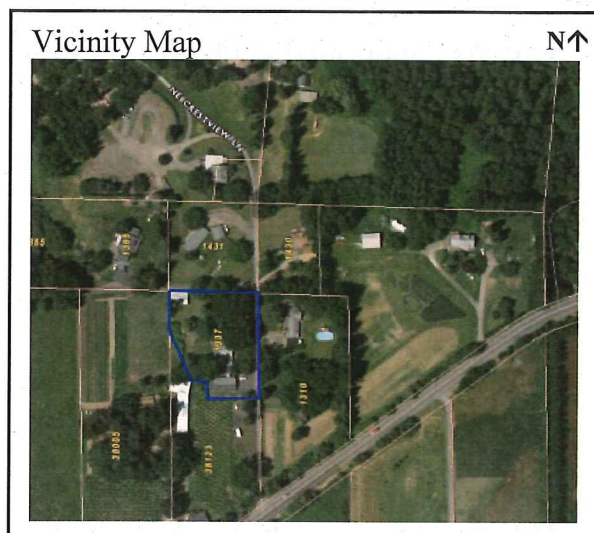


1600 SE 190<sup>th</sup> Avenue, Portland OR 97233-5910 • PH. (503) 988-3043 • Fax (503) 988-3389

## NOTICE OF DECISION

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

**Case File:** T2-2018-10143  
**Permit:** National Scenic Area Site Review  
**Location:** 1337 NE Crestview Lane  
Tax Lot 500, Section 35, Township 1  
North, Range 4 East, W.M.  
Alternative Account #R944350240  
Property Id. # R322707  
**Applicant/  
Owner:** Tom and Mary Lash  
**Base Zone:** Gorge General Residential – 5 (GGR-5)  
**Landscape  
Setting:** Pastoral



**Summary:** An approximately 496 sq. ft. bedroom addition to an existing single family dwelling.

**Decision:** Approved with conditions

**Unless appealed, this decision is effective Thursday September 6, 2018, at 4:00 PM.**

Issued by:

By:   
Katie Skakel, Senior Planner

For: Michael Cerbone, AICP  
Planning Director

Date: Thursday, August 23, 2018

**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 Katie Skakel, Senior Planner at [katie.skakel@multco.us](mailto:katie.skakel@multco.us) or (503) 988-0213 (8 am to 4 pm Tuesday through Friday).

**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 Thursday September 6, 2018 at 4:00 pm.**

**Applicable Approval Criteria:** Multnomah County Code (MCC): MCC 38.3025(A)(13): GGR-5 Review Uses, MCC 38.3060 and MCC 38.7035, MCC 38.7045, MCC 38.7055, MCC 38.7060, MCC 38.7070, MCC 38.7080, 38.0560 Code Compliance.

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 <https://www.multco.us/landuse/> under the link *Chapter 38 – Columbia River Gorge National Scenic Area*.

## **Conditions of Approval**

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

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

Expiration under (a) or (b) above is automatic. Failure to give notice of expiration shall not affect the expiration of a Type II or III approval. 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. The property owners shall ensure the proposed development is built as proposed in the application submittal. The addition shall be sided on the exterior with wood or composite board planks. The

roofing shall be asphalt composite shingles. The addition exterior body and trim shall be painted either to match the existing colors on the dwelling or 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. [MCC 38.7035(B)(1), MCC 38.7035(B)(4), MCC 38.7035(B)(10) and MCC 38.7035(B)(12)]

4. Any new 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)]

**Note:** This needs to be added to the building plans before we sign off and new lighting location and details shown in the plan.

5. New windows will need to have a reflectivity rating 11 percent or less for visible light. [MCC 38.7035(B)(1)]
6. All present and future property owners shall be responsible for the proper maintenance and survival of screening vegetation shown and labeled on the site plan included as Exhibit (A.3). Any of these trees damaged or destroyed by inclement weather or disease to the extent that they are no longer able to screen the development shall be replaced with the same tree species within the next planting season. Replacement tree shall be at least 6ft tall a time of planting and shall be placed in the same general location. [MCC 38.7040(A)(3), (4) and (7)]
7. If any Cultural Resources and/or Archaeological Resources are located or discovered on the property during this project, including finding any evidence of historic campsites, old burial grounds, implements, or artifacts, the following procedures shall be implemented: [MCC 38.7045 (L)]
  - (a) Halt Construction – All construction activities within 100 feet of the discovered cultural resource shall cease. The cultural resources shall remain as found; further disturbance is prohibited.
  - (b) Notification – The project applicant shall notify the County Planning Director and the Gorge Commission within 24 hours of the discovery. If the cultural resources are prehistoric or otherwise associated with Native Americans, the project applicant shall also notify the Indian tribal governments within 24 hours. This includes the Yakama Nation, contact Cultural Specialist for the Cultural Resources Program at: (509) 865-5121 extension 4720; FAX number (509) 865-4664. Procedures required in MCC 38.7045 (L) shall be followed.
  - (c) Survey and Evaluation – The Gorge Commission will survey the cultural resources after obtaining written permission from the landowner and appropriate permits from the State Historic Preservation office (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)]

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.

8. 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)]

**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 complete the following steps:

1. Modify the plans to meet the Conditions of Approval and show the storm water and erosion control practices to be employed.
2. Contact the City of Portland, Bureau of Development Services, Onsite Wastewater (Septic) Program at 503-823-6892 to complete the Sanitation Permit process for installation of the on-site sewage disposal system.
3. Contact Right-of-Way Permits at 503-988-3582, or email [row.permits@multco.us](mailto:row.permits@multco.us) for an appointment to review the plans for building plan check and to sign the building permit form. Failure to make an appointment can result in delay in entering building plan check or obtaining building permits.
4. Contact staff planner Katie Skakel, at 503-988-0213, or email [katie.skakel@multco.us](mailto:katie.skakel@multco.us) for an appointment for review and approval of the conditions and to sign the building permit plans.

Please note, the above three agencies must review and sign off on the plans before the applicant can obtain building permits at 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, Land Use Planning will collect additional fees.

**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. Project Description:**

**Staff:** The applicant is proposing to construct an approximate 496 sq. ft. bedroom addition to an existing single family dwelling. The addition is proposed for the north side of the dwelling in an area that is a relatively shallow slope of about two to three percent. No trees will need to be removed to construct the addition.

### **2. Property Description & History & Code Compliance:**

**Staff:** The 1.04 acre subject property was created prior to 1966. (The existing dwelling was built in 1929 prior to Multnomah County's Land Use Program and the requirement of building permits. Due to the year of the single-family residence, the Forest Service and State Historic Preservation office (SHPO) conducted a Historic Survey. Additional findings on the historical significance of the dwelling can be found in Section 5 of this report. A Property Line Adjustment was recorded on March 5, 1998 to establish the current configuration of the subject parcel (Exhibit B.1). There are no code compliance issues known for the property.

### **3. GORGE GENERAL RESIDENTIAL – 5 ZONE:**

#### **3.1. Review Uses & Existing 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:**

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

**Staff:** The proposal is for a 496 square foot addition to the existing single family dwelling. The application includes the information required for a Review application as outlined in MCC 38.0045. The application has been processed as a Type II decision as required by MCC 38.0530(B). Findings for MCC 38.7000 through 38.7085 for the General Management Area criteria have been addressed in Sections 4 through 7 of this decision. *The proposal meets 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 will be built on the north side of the dwelling. The house and the addition are 96' from the northern property line (side), 58'6" from the eastern property line

(front), 134'2" from the western property line (side) and 62' from the south property line (side). All of the minimum setback are met (Exhibit A.3). After the addition, the dwelling will exceed the minimum rear, side and front yard requirements listed above. The existing dwelling and the proposed addition are 13'10" at the ridgeline. *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, is a review use in the GGR-5 Zone District. The findings addressing the scenic review standards for the proposed development are in the following findings in this section.

##### 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 proposal is a 496 sq ft addition onto an existing single-family dwelling (Exhibit A.3). 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 is not a new building; however, the dwelling with the addition will be compatible with the general scale (height, dimensions and visible mass) of similar buildings that exist nearby.

The existing dwelling with the attached garage is 1,502 square feet. The dwelling with the addition, including the attached garage, will be 1,998 square feet. The proposed dwelling size is less than 9 out of 15 of the nearby dwellings' sizes on which we gathered data as shown in the table below. *The dwelling with the addition meets this criterion.*

EXISTING NEARBY DWELLING SIZES					
<i>Address</i>	<i>Year Built</i>	<i>Number of stories (living area)</i>	<i>Living<sup>1</sup> Area in Sq. Ft</i>	<i>Additional Area Attached to Dwelling<sup>2</sup></i>	<i>Total dwelling Area.</i>
<b>1337 NE Crestview Ln (subject site)</b>	<b>1929</b>	<b>1</b>	<b>1210</b>	<b>440</b>	<b>1650<sup>3</sup></b>
1431 Crestview Ln.	1980		1782		1782
1365 NE Crestview Ln.	1988		2516		2416
37710 NE Clara Smith Rd	1943		1556		1556
1525 NE Crestview Ln	1994		3659		3659

38123 E. Hist Columbia River Hwy	1975		960		960
E. Historic Col River Hwy	1900		2630		2630
37920 E. Hist Columbia River Hwy	1977	1	1056		1056
38006 E. Hist Columbia River Hwy	1974		1232		1232
38110 E. Hist Columbia River Hwy	1967				1967
38360 E. Columbia River Hwy	1974				960
38500 E. Hist Columbia River Hwy	2016		430		430
1310 NE Crestview Ln	1950	0	2153		2153
1430 NE Crestview Ln.	1920	0	3085		3085
1600 NE Crestview Ln	1900		1423		1423
E. Hist Columbia River Hwy	1998		1698		1698

**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 Crestview Lane, which is not a Scenic Travel Corridor. *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 existing vegetation. *This criteria 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. See Section 4.3 for additional findings. *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 addition to the existing dwelling area is topographically visible from the Historic Columbia River Highway and the Columbia River.

The proposed addition to the dwelling will be built in an area that has significant existing trees and vegetation to aid with visual subordination. The submitted site plan shows adequate vegetative (trees) screening (Exhibit A.3), and will be built with low reflective building materials with wood siding and composite shingles. A condition of approval will require windows with a reflectivity rating 11 percent or less for visible light. Given the proposal is for a minor addition (less than half the area) the requirement for dark earth tone colors exterior colors is not required. The color can

match the existing dwelling. However, if the property owner chooses to paint the addition or the entire dwelling a different color then it must be a dark earthtone color as represented on the Columbia River Gorge Commission Color Chart, Rows A and B and C14 – C16. There is existing screening vegetation on the property to the north toward the Historic Columbia River Highway.

*Given low reflective building materials, existing trees and vegetation, and distance to KVAs with 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 and hooded lighting. These conditions are applied to the proposed development to achieve compliance with the scenic resource criteria; the conditions for the development will 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 no cumulative impact given the minor size of the addition, low reflective materials, and the fact that the dwelling is existing. The existing vegetation on the subject property provides significant screening of the existing building as well as with the proposed addition from the KVAs to the north (Exhibits A.3). In the surrounding area, there is significant vegetative cover on other nearby properties, which provides additional screening. Given that the proposed development will be 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 provide a description of proposed addition. The narrative states that the same building material will be used on the addition as the existing dwelling. The existing dwelling has wooden siding and composite shingle roofing. The exterior colors of the existing dwelling are white with white trim and black shutters. Given the addition is



less than half the size of the existing dwelling, the exterior color for the addition can match the existing dwelling. However, if the property owner chooses to paint the addition or the entire dwelling a different color, then it must be a dark earthtone color as represented on the Columbia River Gorge Commission Color Chart, Rows A and B and C14 – C16. *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 addition is sited on the north portion of the property with significant trees 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 proposal is for an addition, which will be attached to the existing dwelling. The addition can only be sited within this location. The existing topography and vegetation are used to achieve visual subordination from key viewing areas. *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 addition is located in the north portion of the property, which has significant existing vegetation. 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:** A condition will require exterior lighting 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:** Given the addition is less than half the size of the existing dwelling, the exterior color for the addition can match the existing dwelling. However, if the property owner chooses to paint the addition or the entire dwelling a different color, then it must be a dark earthtone color as represented on the Columbia River Gorge Commission, *Scenic Resources Implementation Handbook*, Color Chart, Rows A and B and C14 – C16 (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 if they are painting the dwelling a color other than the existing color. *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.*

**4.2.13. 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 dwelling is painted a white color with white trim and black shutters, staff has reviewed the submittal and finds the addition is sufficiently screened as seen from the Historic Columbia River Highway. A condition will require retention of existing vegetation. *These criteria are met through conditions.*

**4.2.14. 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 area is less than 10 percent. *This criterion is met.*

**4.2.15. 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 relatively shallow sloped area and will require minor excavation for the small addition. *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)(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. 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:** Given the relatively small nature of the addition and limited need for additional screening, staff is not requiring additional trees. If the owner would like to plant some additional non-native trees, that would be fine. Conifers will provide for year round screening and native trees will have a better chance of survival. 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:** Chris Donnermeyer, Heritage Resource Program Manager, Columbia River Gorge NSA, USFS submitted a Cultural Resource Survey Determination on May 30, 2018 (Exhibit C.1).

In the Cultural Resources Survey Determination, Mr. Donnermeyer stated, "A cultural resources reconnaissance survey is: "Not Required" and "A Historic Survey is: "Required." (Exhibit C.1)

Mr. Donnermeyer conducted a Historic Survey and made a finding of "No Effect" (Exhibit C.2). Mr. Donnermeyer submitted an Oregon SHPO Clearance Form to SHPO on June 28, 2018.

Ian Johnson, M.A., State Historic Preservation Office (SHPO) issued a letter of concurrence with the Donnermeyer "No Effect" finding on July 25, 2018 (Exhibit C.3).

Finding of “A cultural resources reconnaissance survey is: Not Required” and Historic Survey finding of “No Effect” with SHPO concurrence demonstrate no cumulative impacts to cultural resources.

The cultural resource review criteria is deemed satisfied given the findings above and information submitted in Exhibits C.1 through C.3. Except MCC 38.7045 (L) and (M) will be included as conditions. *These criteria have been met and MCC 38.7045 (L) and (M) will be met through implementing conditions of approval.*

## **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. No cumulative impacts to wetlands. *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. No cumulative impacts streams, lakes or riparian areas. *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 1,000-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. No cumulative impacts to wildlife. *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 1,000-feet of the subject site according to maps listing such areas and sites provided to Multnomah County by the Columbia River Gorge Commission. No cumulative impacts to rare plants. *Criterion is met.*

## **7. RECREATION RESOURCE REVIEW CRITERIA**

**Staff:** The proposed development, an addition to an existing single family dwelling, 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 cumulative impacts to recreation. No Recreation Resource Review is required.

## **8. CONCLUSION**

Based on the findings and other information provided above, the applicant has carried the burden necessary for the approval of the NSA Site Review Permit to establish an addition onto the existing

dwelling in the GGR-5 zone. This approval is subject to the conditions of approval established in this report.

## 9. EXHIBITS

‘A’ Applicant’s Exhibits

‘B’ Staff Exhibits

‘C’ Comments Received

Exhibit #	# of Pages	Description of Exhibit	Date Received/ Submitted
A.1	1	Application	3/15/18
A.2	2	Bargain and Sale Deed	3/15/18
A.3	5	Narrative and photos	3/15/18
A.4	1	Site plan	8/17/18
A.4a	5	Site plan & Elevation Drawings & Landscape Plan	3/15/18
A.5	2	Fire Service Agency Review	1/08/18
A.6	4	Septic Review Certification with site plan and floor plans signed	3/15/18
‘B’	#	Staff Exhibits	Date
B.1	13	Property Line Adjustment NSA 20-98	NA
B.2	1	Completeness Letter Sent (Day 1)	8/22/18
B.3	5	Opportunity to Comment	NA
‘C’	#	Comments Received	Date
C.1	2	Chris Donnermeyer, Heritage Resource Program Manager, Columbia River Gorge NSA, USFS submitted a Cultural Resource Survey Determination	C.1
C.2	2	Chris Donnermeyer, Heritage Resource Program Manager, Columbia River Gorge NSA, USFS submitted an Oregon SHPO Clearance Form submitted	C.2
C.3	1	Letter from Ian Johnson, M.A. SHPO	C.3
C.4	8	Steven McCoy, Friends of the Gorge	C.4