
NOTICE OF NSA DECISION


Case File: T2-2018-10407
Permit: National Scenic Area Site Review
Applicant: Dale Burkholder **Owners:** Jay Wells
Location: 32795 NE Chamberlain Rd
Tax lot 900, Sec 28C, Township 1 North, Range 4 East, W.M.
Tax Account #R944280240 Property ID #R322342
Zoning: Gorge Special Agriculture – 40 (GSA-40) / Gorge Special Open Space (GSO)
Landscape Setting: Pastoral
Proposal Summary: The applicant requests a National Scenic Area Site Review for a proposal to construct a 30' x 50' x 24' accessory building (pole building) on the subject property.

Decision: Approved with Conditions

This decision is final and effective at the close of the appeal period, unless appealed. The deadline for filing an appeal is Monday, January 7, 2019, at 4:00 pm.

Opportunity to Review the Record: The complete case file, including the Planning Director Decision containing Findings, Conclusions, Conditions of Approval, and all evidence associated with this application is available for review at the Land Use Planning office. Copies of all documents are available at the rate of \$0.30/per page. For further information, contact Chris Liu, Staff Planner at 503-988-2964 or at chris.liu@multco.us.

Opportunity to Appeal: 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 office at 1600 SE 190th Avenue (Phone: 503-988-3043). This decision is not appealable to the Land Use Board of Appeals until all local appeals are exhausted.

Issued By: 
Chris Liu, Assistant Planner

For: Michael Cerbone, AICP
Planning Director

Date: Monday, December 24, 2018

Instrument Number for Recording
Purposes: #2011098078



Applicable Approval Criteria: Multnomah County Code (MCC): MCC 38.0015 Definitions, Parcel, MCC 38.0560 Code Compliance, MCC 38.2225(B)(7) Review Uses – Accessory Structures, MCC 38.2260 Dimensional Requirements, MCC 38.7040 SMA Scenic Review Criteria, MCC 38.7050 SMA Cultural Review Criteria, MCC 38.7075 SMA Natural Resource Review Criteria, MCC38.7085 SMA Recreation Resource Review Criteria.

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 <http://multco.us/landuse/zoning-codes> under the link titled *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. This land use permit shall **expire**, pursuant to MCC 38.0690, 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. For utilities and developments without a frame or foundation, commencement of construction shall mean actual development or actual excavation of trenches for an approved underground utility or development, 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 completion of the exterior surface(s) of the structure and compliance with all conditions of approval in the land use approval. [MCC 38.0690]

Note: The property owner may request to extend the timeframe within which this permit is valid, as provided under MCC 38.0700, as applicable. A request for extension of the timeframe shall be submitted in writing before the applicable expiration date.

3. Prior to land use sign-off for building plan check, the property owners or their representative shall:
 - a. Record pages 1 through 4 of this Notice of Decision with the County Recorder as well as the site plan (Exhibit A.13) and planting plan (Exhibit B.5). The Notice of Decision shall run with the land. Proof of recording shall be made prior to the issuance of any permits and shall be filed with the Land Use Planning Division. Recording shall be at the applicant's expense. [MCC 38.0670]
4. Prior to land use sign off for building plan check, the approved colors and materials for the proposed accessory building shall be listed on the building plan sets. [MCC 38.7040(A)(10) & (A)(11)].
5. Prior to land use sign off for building plan check, the applicant shall show the proposed lighting on the building plans. The lighting material shall be the Hampton Bay *Cann River* exterior wall lantern (Exhibit A.15) painted black with a matte finish. [MCC 38.7040(A)(12)]
6. Prior to installation, the proposed metal roofing for the accessory building shall be painted Dura Coat *Gun Metal* (matte finish), the proposed body shall be painted Dura Coat *Hunter Green* (matte finish), and the proposed trim for the accessory building shall be painted with Dura Coat *Gotham Patina* (matte finish). Any changes to the proposed colors require approval by the Land Use Planning office. Any windows installed in the building shall have a visible light reflectivity rating of 11 to 13% or less for the glass. [MCC 38.7040(A)(11)]
7. Prior to land use sign off for building plan check, the property owner or his representative shall:
 - a. Plant three evergreen trees to the north of the proposed accessory building as designated on the planting plan (Exhibit B.5). If mature trees are not utilized, the selected trees must be a minimum of 3-ft in height at time of planting in order to screen the building within 5 years of this decision.
 - b. Plant all trees to the south of the proposed accessory building as designated on the planting plan (Exhibit B.5) and the site plan (Exhibit A.13). All planted trees shall be a minimum of 3-ft in height at the time of planting.
8. 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 B.5. Any of these trees damaged or destroyed by inclement weather or disease to the extent that they no longer screen the development shall be replaced with the same tree species within the next planting season. Replacement tree shall be at least 6-ft tall at the time of planting and shall be placed in the same general location. [MCC 38.7040(A)(3), (4) and (7)]
9. Prior to and during construction, the property owner(s) or their representative(s) shall ensure that:
 - a. 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:

- i. 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.
 - ii. Notification – The project applicant shall notify the County Planning Director and the U.S. Forest Service.
- b. 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):
 - i. Halt Activities – All survey, excavation, and construction activities shall cease. The human remains shall not be disturbed any further.
 - ii. Notification – Immediately notify the U.S. Forest Service, the State Medical Examiner, appropriate Local law enforcement officials, and the Multnomah County Planning Director.
- c. If the U.S. Forest Service determines that the cultural resource is not significant or does not respond within 30 days, the cultural resource review process shall be complete and work may continue.
- d. If the U.S. Forest Service determines that the cultural resource is significant, the cultural resource professional shall recommend measures to protect and/or recover the resource pursuant to MCC 38.7050(G)(4) and (5).

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 by land use planning, the applicant shall complete the following steps:

1. Read your land use decision, the conditions of approval and modify your plans, if necessary, to meet any condition that states, “Prior to land use sign-off for building plan check...” Be ready to demonstrate compliance with the conditions.
2. Contact Right-of-Way Permits at row.permits@multco.us, or schedule an appointment at <https://multco.us/transportation-planning/webform/right-way-appointment-request/>, or at 503-988-3582 for an appointment to review your plans and satisfy any other requirements. Failure to make an appointment with County Right-of-Way will result in delaying your building plan review and obtaining building permits.
3. Contact Chris Liu, Planner, at 503-988-2964 or chris.liu@multco.us for an appointment for review of the conditions of approval and the building permit plans.

Land Use Planning must sign off on the plans and authorize the building permit before you can go to the Building Department. At the time of this review, three (3) sets each of the site plan and building plans are needed and 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.

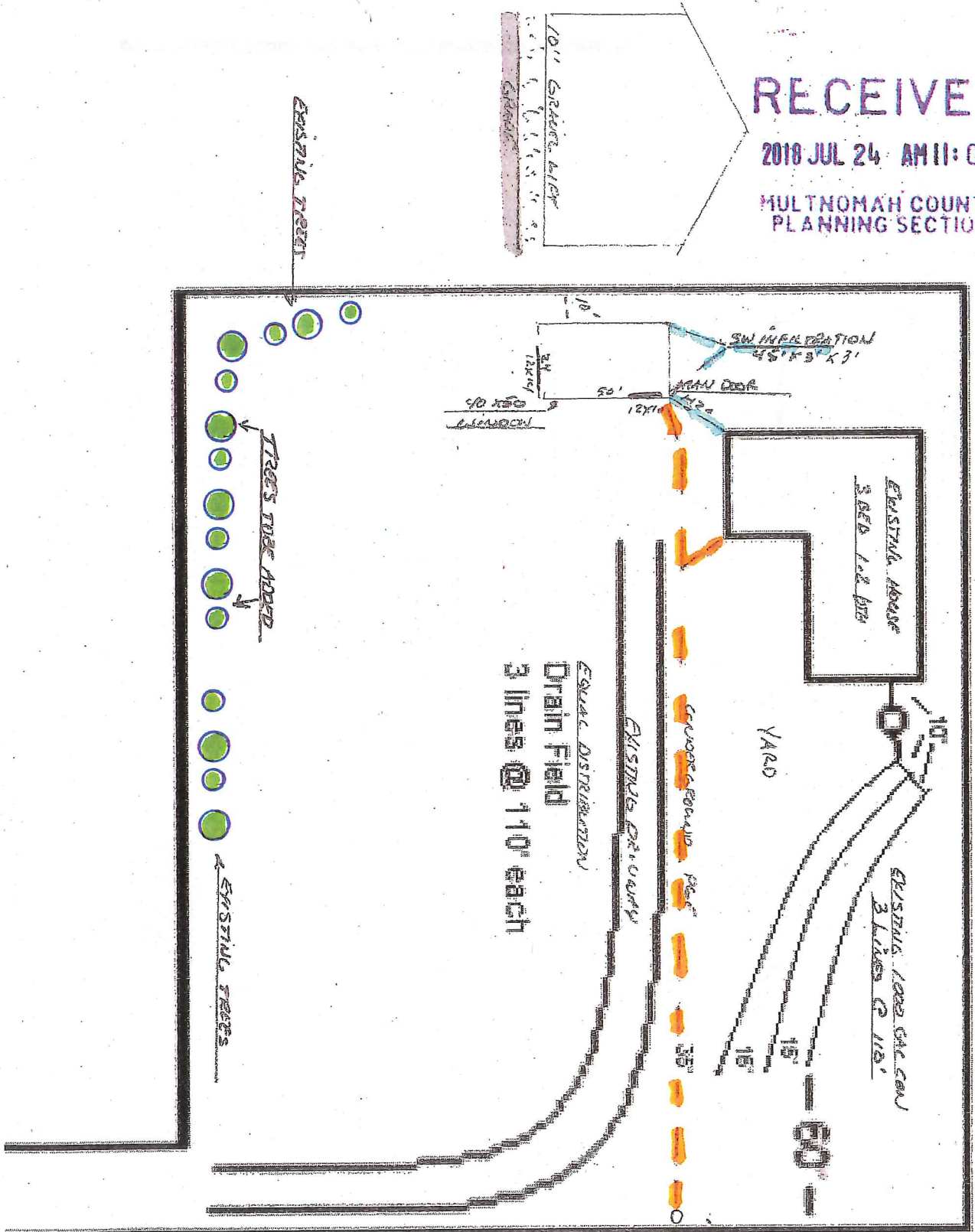
FILE F1011

32795 NE Chamberlain Rd

RECEIVED

2018 JUL 24 AM 11:00

MULTNOMAH COUNTY
PLANNING SECTION



N ↑

Scale

60'

SEE 28C MAP RE 400

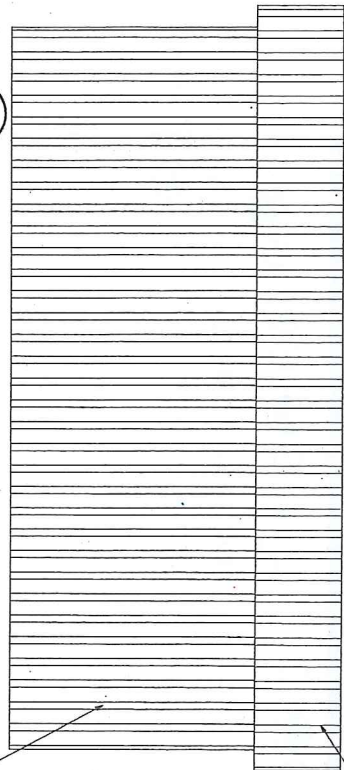
PEC OR CONNECTION
TO BE CHANGED TO 400

EXHIBIT

A.13

tabbles

2 REAR ELEVATION

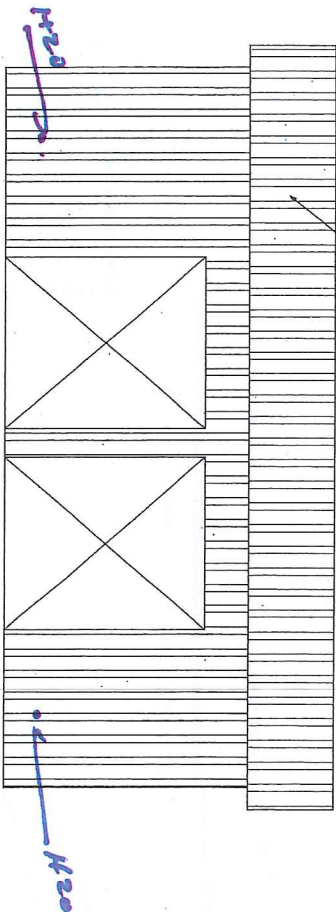


VAL3 METAL ROOFING
PER GENERAL NOTES,
SEE NOTE #1 FOR
FASTENER SCHEDULE,
TYPICAL ENTIRE ROOF

VAL3 METAL SIDING PER GENERAL NOTES,
SEE NOTE #1 FOR FASTENER SCHEDULE,
TYPICAL ENTIRE WALL

VAL3 METAL ROOFING PER GENERAL NOTES,
SEE NOTE #1 FOR FASTENER SCHEDULE,
TYPICAL ENTIRE ROOF

1 FRONT ELEVATION



- NOTE:
1. METAL SIDING/ROOFING ATTACHMENT TO BE #9 1 1/2" LONG SCREWS 9" O/C ON ONE SIDE OF EACH MAJOR RIB ENTIRE LENGTH OF PANEL AND 12" O/C AT TERMINATING EDGES.
 2. REFER TO SHEET N1 AND S5 FOR TYPICAL GIRT AND PURLIN CONNECTION AND SIZES.
 3. REFER TO FLOOR/POST LOCATION PLAN FOR DOOR SIZES AND LOCATIONS.
 4. REFER TO SHEETS D1 AND D2 FOR DOOR FRAMING INFORMATION.

PROJECT NAME
WELLS POLE BARN
GENERAL NOTES

TURNER
ENGINEERING & DESIGN

Office/Cell: (503) 970-8807
Email: rturner.teanddinc@gmail.com
P.O. BOX 220
EAGLE CREEK, OREGON 97022

ENGINEERS STAMP



Exp DATE: 06-30-18

ISSUE

CD

DESIGNED BY

RJT

DRAWN BY

JSR

CHECKED BY

RJT

DATE

10/25/2017

PROJECT NO.

R17420

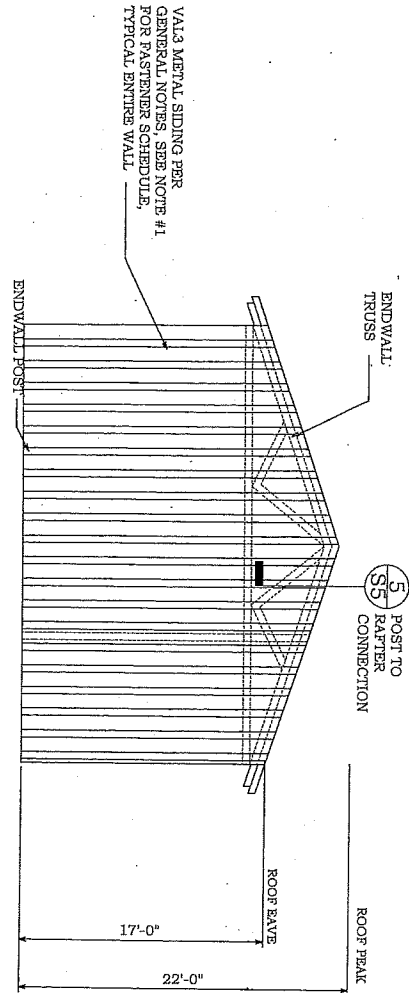
SHEET NO.

S2

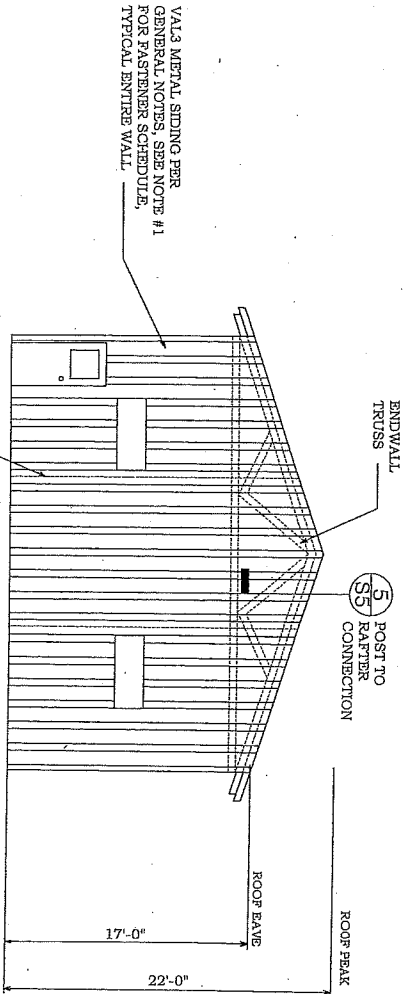
EXHIBIT

A.4

abbey



2 LEFT EXTERIOR ELEVATION



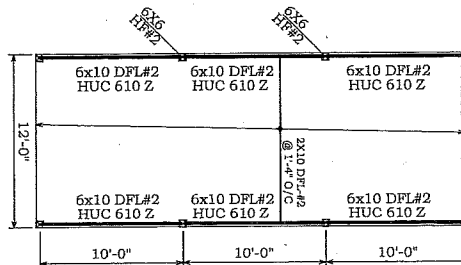
1 RIGHT EXTERIOR ELEVATION

- NOTE:
1. METAL SIDING, ROOFING ATTACHMENT TO BE #9 1 1/2" LONG SCREWS 9" O/C ON ONE SIDE OF EACH MAJOR RIB ENTIRE LENGTH OF PANEL AND 12" O/C AT TERMINATING EDGES.
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PROJECT NAME		WELLS POLE BARN	
GENERAL NOTES			

ENGINEER'S STAMP		TURNER ENGINEERING & DESIGN Office/Cell: (503) 970-8807 Email: rturner.teanddinc@gmail.com P.O. BOX 220 EAGLE CREEK, OREGON 97022	
REGISTERED PROFESSIONAL ENGINEER 58848PE OREGON 5/17/15 2035 RICHARD J. TURNER		EXPIRATION DATE: 06-30-18 CD DESIGNED BY RJT DRAWN BY JSR CHECKED BY RJT DATE 10/25/2017 PROJECT NO. R17420	
SHEET NO.		S3	

PROJECT NAME
WELLS POLE BARN
GENERAL NOTES



UPPER LOFT FRAMING PLAN

- NOTE:
1. TYP. INTERIOR HEADER TO BE 4X8 DFL #2 (MAX. SPAN 4'-0").
 2. ATTACH JOIST TO BEAMS WITH SIMPSON LUG210 HANGER, TYP.
 3. INTERIOR WALL STUDS TO BE 2X4 DFL #2 @ 24" O.C., TYPICAL U.N.O.
 4. FLOOR SHEATHING TO BE 3/4" APA RATED CDX SHEATHING OR OSB, SPACE 84 NAILS MAXIMUM 6" O.C. ALONG PANEL EDGES, FOR OTHER CONDITIONS, SPACE 84 NAILS MAXIMUM 12" O.C. ON INTERMEDIATE SUPPORTS.
 5. FOR NAIL SIZES REFER TO BELOW.
 6. FOR PRESSURE TREATED MATERIAL, TREAT FASTENERS, POST CAP, POST BASE, AND HANGER PER MANUFACTURER'S REQUIREMENTS.
 7. HANGERS TO BE:

6X10: HUC610Z (NOTE #7 ABOVE)

NAIL	6d	8d	10d	16d
Ø	.113"	.131"	.148"	.162"
LENGTH	2"	2 1/2"	3"	3 1/2"

PROJECT NAME

WELLS POLE BARN
GENERAL NOTES

TURNER
ENGINEERING & DESIGN

Office/Cell: (503) 970-8807
Email: rturner.teanddino@gmail.com
P.O. BOX 220
EAGLE CREEK, OREGON 97022

ENGINEER'S STAMP



EXP. DATE: 06-30-18

ISSUE

CD

DESIGNED BY

RJT

DRAWN BY

JSF

CHECKED BY

RJT

DATE

10/25/2017

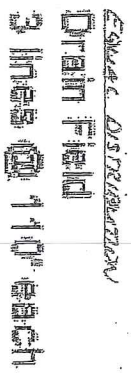
PROJECT NO.

R17420

SHEET NO.

S1.1

Planting Plan



Set 2000

EXHIBIT

B. 5

tabbles.

Δ = New Evergreen Trees

$\square =$ Area where Eucalyptus Trees shall be planted

 = Area where arbovitae shall be planted.

O = Arboretum

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*.

1.0 Project Description:

Staff: The applicant proposes to construct a 30’ x 50’ x 24’ accessory building (pole building) on the property for storage of vehicles and similar uses. The proposed building will have an open floor plan on the main level and an open floor plan for the storage loft.

2.0 Property Description & History:

Staff: The proposed improvements are located on the subject property at 32795 NE Chamberlain Rd. within the Gorge Special Agricultural - 40 (GSA-40) zoning district in the Columbia River Gorge National Scenic Area. A small portion of the NW corner of the property overlaps with the Gorge Special Open Space (GSO) zone. At 2.52 acres, development on the property is currently limited to a single-family dwelling.

3.0 Administration & Procedures

3.1 Code Compliance and Applications

MCC 38.0560: Except as provided in subsection (A), the County shall not make a land use decision approving development, including land divisions and property line adjustments, or issue a building permit for any property that is not in full compliance with all applicable provisions of the Multnomah County Land Use Code and/or any permit approvals previously issued by the County.

(A) A permit or other approval, including building permit applications, may be authorized if:

- (1) It results in the property coming into full compliance with all applicable provisions of the Multnomah County Code. This includes sequencing of permits or other approvals as part of a voluntary compliance agreement; or
- (2) It is necessary to protect public safety; or
- (3) It is for work related to and within a valid easement over, on or under an affected property.

(B) For the purposes of this section, Public Safety means the actions authorized by the permit would cause abatement of conditions found to exist on the property that endanger the life, health, personal property, or safety of the residents or public. Examples of that situation include but are not limited to issuance of permits to replace faulty electrical wiring; repair or install furnace equipment; roof repairs; replace or repair compromised utility infrastructure for water, sewer, fuel, or power; and actions necessary to stop earth slope failures.

Staff: The subject property does not have any associated active code compliance issues; therefore, the County has the authority to issue this land use decision. *Criteria met.*

4.0 Gorge Special Agricultural – 40 Zone Criteria:

4.1 MCC 38.0015 Definitions.

As used in this Chapter, unless the context re-quires otherwise, the following words and their derivations shall have the meanings provided below.

“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 parcel complied with all planning, zoning, and land division ordinances or regulations applicable at the time of legal creation via land use case # BA 186-68 prior to November 17, 1986; therefore, the tax lot is a legally created parcel.

4.2. Review Uses

MCC 38.2225: (B) The following uses may be allowed on lands designated GSA-40 pursuant to MCC 38.0530 (B), provided that the use or development will be sited to minimize the loss of land suitable for the production of agricultural crops or livestock and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7085 have been satisfied:

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

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

(b) The height of any individual accessory building shall not exceed 24 feet

Staff: The proposal is to construct a two-story 30' x 50' x 24' accessory building (pole building) on the 2.52 acre subject property ("parcel"). The first floor will be 1,500 sq. ft. and the second floor is 360 square feet (Exhibit A.4). There are no other accessory buildings on the parcel (Exhibit A.13). The building is for storage related to the residential use on the subject property. After the construction of the new two-story accessory building, the parcel will have a single accessory building whose footprint will not exceed 1,500 square feet in ground coverage.

The subject property is not currently in farm deferral. It is being used for residential purposes. The amount of land to be used for the accessory building, driveway, existing single-family dwelling and other physical improvements is approximately 5000 square feet. Approximately 2.39 acres remains available to be used for farm use with the adjacent 46.65 acres of which 18.6 acres are in farm deferral. The location of the accessory building utilizes the existing driveway and minimizes the loss of land suitable for farm use. The proposed application has demonstrated compliance with the NSA Site Review standards of MCC 38.7000 through MCC 38.7085 as discussed in Sections 5.0 - 6.0. *Criteria met.*

4.3

Dimensional Requirements

MCC 38.2260(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.

Staff: The proposed accessory building will be 24-ft in height and will be located approximately 110-ft from the north parcel line, 10-ft from the west parcel line, approximately 130-ft from the south parcel line and approximately 330 ft. from the east parcel line. The proposed accessory building meets the required minimum yard dimensions. *Standards met.*

5.0

NSA Site Review Approval Criteria

5.1

SMA Scenic Review Criteria

MCC 38.7040(A)(1): New developments and land uses shall be evaluated to ensure that the scenic standard is met and that scenic resources are not adversely affected, including cumulative effects, based on the degree of visibility from Key Viewing Areas.

Staff: The subject property is topographically visible from nine key viewing areas: Bridal Veil, Columbia River, Crown Point, Historic Columbia River Hwy. (HCRH), I-84, Larch Mtn. Rd., Rooster Rock, SR-14, and Sandy River. Findings addressing the scenic review standards for the proposed accessory building are in sections 5 - 6.

The proposed building materials will be painted with dark earthtone colors (matte finish) ensuring low reflectivity (Exhibit A.8 and A.14). Required plantings to the north and south of the proposed building assist in achieving visual subordination. The ground coverage of the proposed building meets the maximum allowable threshold of 1500 square feet, ensuring that the building adheres to the customary size of accessory buildings in the plan area. Therefore, the proposed dwelling will not increase the cumulative effects of development in the area. *Criteria met.*

5.1.1

MCC 38.7040(A)(2): The required SMA scenic standards for all development and uses are summarized in the following table.

LANDSCAPE SETTING	LAND USE DESIGNATION	SCENIC STANDARD
Pastoral	Forest, Agriculture, Public Recreation, Open Space	VISUALLY SUBORDINATE

Staff: The subject parcel is in the landscape use designation of Gorge Special Agriculture – 40 (GSA-40) and Gorge Special Open Space (GSO) and is located in the Pastoral Landscape Setting. The proposed accessory building must meet the scenic standard of visually subordinate to gain approval. Subsequent findings for visual subordination and findings for the pastoral landscape setting are discussed in section 5. *Criteria met.*

5.1.2

MCC 38.7040(A)(3): In all landscape settings, scenic standards shall be met by blending new development with the adjacent natural landscape elements rather than with existing development.

Staff: Per the applicant's narrative, the proposed accessory building will be screened by proposed vegetation and the building will use dark earthtone colors (Exhibit A.14). The applicant proposes to plant additional trees as indicated on the submitted site plan in order to increase the natural vegetative screening near the proposed accessory building location (Exhibit A.13). In addition, staff has included a condition to add three evergreen trees to the north of the proposed accessory building. *Criterion met.*

5.1.3

MCC 38.7040(A)(4): Proposed developments or land use shall be sited to achieve the applicable scenic standards. Development shall be designed to fit the natural topography and to take advantage of vegetation and land form screening, and to minimize visible grading or other modifications of landforms, vegetation cover,

and natural characteristics. When screening of development is needed to meet the scenic standard from key viewing areas, use of existing topography and vegetation shall be given priority over other means of achieving the scenic standard such as planting new vegetation or using artificial berms.

Staff: The proposed building site is relatively flat. Additional vegetation will be planted to the north and south of the proposed building location to provide screening of the structure from key viewing areas (Exhibit A.13). Earth disturbance will be minimal and limited to the proposed building site per the applicant's narrative.
Criterion met.

5.1.4

MCC 38.7040(A)(5): The extent and type of conditions applied to a proposed development or use to achieve the scenic standard shall be proportionate to its degree of visibility from key viewing areas.

Staff: The subject site is topographically visible from nine key viewing areas. Per the applicant's narrative, the proposed building height is the maximum for accessory buildings at 24 feet. The building will be clustered with the existing dwelling, and will be painted dark earthtone colors and use dark roofing materials.

As described above, additional plantings to the south will increase and enhance the existing evergreen or deciduous vegetative screening on the property. Staff has conditioned that three additional evergreen trees be added to the north of the building to break up the building elevation should the trees not under the property owners control on the Union Pacific Railroad property be removed or destroyed. Conditions requiring the survival and maintenance of those additional plantings are included in this decision. *Criterion met.*

5.1.5

MCC 38.7040(A)(6): Sites approved for new development to achieve scenic standards shall be consistent with guidelines to protect wetlands, riparian corridors, sensitive plant or wildlife sites and the buffer zones of each of these natural resources, and guidelines to protect cultural resources.

Staff: There are no mapped wetlands, riparian corridors, or sensitive plant/wildlife sites on the subject property. *This criterion is not applicable.*

5.1.6

MCC 38.7040(A)(7): Proposed developments shall not protrude above the line of a bluff, cliff, or skyline as seen from Key Viewing Areas.

Staff: The land rises up from I-84 to the top of the bluff. There is a 260 ft. elevation change from I-84 and the Union Pacific Railroad line to the bluff. The terrain then flattens for the entire parcel. The terrain again begins to rise after approximately 1000+ feet. With the steep terrain from I-84 to the subject parcel and the proposed building location approximately 120 ft. from the northern property line should keep the building from protruding above the bluff line.

Staff is conditioning that three evergreen trees be added between the bluff and the new building to break up any roof line that could potentially be visible from I-84 and other northern Key Viewing Areas. With existing and proposed plantings, there is adequate vegetation to provide additional screening. *Criterion met.*

5.1.7

MCC 38.7040(A)(8): Structure height shall remain below the average tree canopy height of the natural vegetation adjacent to the structure, except if it has been demonstrated that compliance with this standard is not feasible considering the function of the structure.

Staff: There is no existing tree canopy on the subject property adjacent to the proposed structure. A condition of approval requires new plantings that will provide screening north and south of the proposed building. *Criterion met.*

5.1.8

MCC 38.7040(A)(9): The following guidelines shall apply to new landscaping used to screen development from key viewing areas:

(a) New landscaping (including new earth berms) to achieve the required scenic standard from key viewing areas shall be required only when application of all other available guidelines in this chapter is not sufficient to make the development meet the scenic standard from key viewing areas. Development shall be sited to avoid the need for new landscaping wherever possible.

(b) If new landscaping is necessary to meet the required standard, existing onsite vegetative screening and other visibility factors shall be analyzed to determine the extent of new landscaping, and the size of new trees needed to achieve the standard. Any vegetation planted pursuant to this guideline shall be sized to provide sufficient screening to meet the scenic standard within five years or less from the commencement of construction.

(c) Landscaping shall be installed as soon as practicable, and prior to project completion. Applicants and successors in interest for the subject parcel are responsible for the proper maintenance and survival of planted vegetation, and replacement of such vegetation that does not survive.

(d) The Scenic Resources Implementation Handbook shall include recommended species for each landscape setting consistent with the Landscape Settings Design Guidelines in this chapter, and minimum recommended sizes of new trees planted (based on average growth rates expected for recommended species).

Staff: The subject property contains limited vegetation; hence, new tree plantings are required. Staff determined that three evergreen trees shall be planted to the north of the proposed building. The applicant proposed planting six additional arborvitae trees to the South of the proposed building.

A condition of approval requires the owner to complete the plantings prior to commencement of construction activities and that the owner and all future owners maintain the survivability of the required tree plantings for the life of the proposed building. Per the Scenic Resources Implementation Handbook recommendations for Pastoral settings, Evergreen trees will be planted to the north of the proposed building. *Criteria met through a condition of approval.*

5.1.9

MCC 38.7040(A)(10): 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 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 as dark or darker than the colors in the shadows of the natural features surrounding each landscape setting.

Staff: A condition of approval (Condition #6) lists the required paint colors for the proposed roofing, body, and trim for the proposed building. The applicant provided a paint swatch from Metallion Industries and indicated the proposed colors for the proposed building (Exhibit A.8). Staff reviewed the choices and found that the colors did not match the dark earthtone colors on color chart A & B in the Scenic Resources Implementation Handbook.

The applicant subsequently provided samples of the revised proposed paint colors and metal siding material for the roof and trim (Exhibit A.14). The applicant also selected a darker color (*Hunter Green*) for the body from the original paint swatch submission (Exhibit A.8). Staff compared the revised choices to color chart A & B in the Scenic Resources Implementation Handbook and found that the proposed colors matched the dark earthtone colors in the handbook. *Criteria met through a condition of approval.*

5.1.10

MCC 38.7040(A)(11): The exterior of structures on lands seen from key viewing areas shall be composed of non-reflective materials or materials with low reflectivity. The Scenic Resources Implementation Handbook will include a recommended list of exterior materials. These recommended materials and other materials may be deemed consistent with this guideline, including those where the specific application meets approval 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 meeting the scenic standard. Recommended square footage limitations for such surfaces will be provided for guidance in the Implementation Handbook.

Staff: The applicant provided physical samples of the proposed metal material for the roof and body of the building in the respective proposed colors (Exhibit A.8 and A.14). These metal materials will be coated with an extremely non-reflective characteristic. This paint is after market or put on by Medallion industries. Staff found that proposed paint colors and metal material have low reflectivity when held under lighting. A condition of approval (Condition #6) lists the required paint colors that the applicant shall paint the proposed materials. *Criteria met through a condition of approval.*

5.1.11

MCC 38.7040(A)(12): Any exterior lighting shall be sited, limited in intensity, shielded or hooded in a manner that prevents lights from being highly visible from Key Viewing Areas and from noticeably contrasting with the surrounding landscape setting except for road lighting necessary for safety purposes.

MCC 38.7040(A)(13): Seasonal lighting displays shall be permitted on a temporary basis, not to exceed three months duration.

Staff: The applicant proposes to utilize a Hampton Bay *Cann River* exterior wall lantern for exterior lighting on the proposed building (Exhibit A.15). The lantern design contains a hood directed downward to ensure lights are limited in visibility from key viewing areas. A condition of approval (Condition #5) ensures that the

lighting detailed above is included in the building plans prior to land use planning completing building plan check. No seasonal lighting display is proposed. *Criteria met.*

5.2 MCC 38.7040(B): The following shall apply to all lands within SMA landscape settings regardless of visibility from KVAs (includes areas seen from KVAs as well as areas not seen from KVAs):

(4) Pastoral: Pastoral areas shall retain the overall appearance of an agricultural landscape. The use of plant species common to the landscape setting shall be encouraged. The use of plant species in rows as commonly found in the landscape setting is encouraged.

Staff: The subject parcel is relatively small compared to customary agricultural lands. The adjacent parcel is a large vacant agricultural property and there is a lack of any distinguishable division between the two parcels from a landscape perspective. Staff included a condition of approval requiring the planting of three evergreen trees north of the proposed building and additional arborvitae will create a row of trees to the south of the proposed building. Therefore, the overall pastoral landscape setting is maintained. *Criteria met.*

5.3 MCC 38.7040 (C) & (D)

Staff: These sections are not applicable to this development request. *Criteria not applicable.*

6.0 Resource Review Criteria

6.1 SMA Cultural Resource Review Criteria

MCC 38.7050(A): The cultural resource review criteria shall be deemed satisfied, except MCC 38.7050 (H), if the U.S. Forest Service or Planning Director does not require a cultural resource survey and no comment is received during the comment period provided in MCC 38.0530 (B).

MCC 38.7050(D): All cultural resource information shall remain confidential, according to the Act, Section 6(a)(1)(A). Federal agency cultural resource information is also exempt by statute from the Freedom of Information Act under 16 USC 470 hh and 36 CFR 296.18.

Staff: Chris Donnermeyer, Heritage Program Manager for the U.S. Forest Service, conducted a Cultural Resource Reconnaissance Survey and Review (Exhibit B.2). In the August 21, 2018 confidential report, Donnermeyer found that the proposed development will have no effect on significant cultural resources. *Criteria met.*

6.3 MCC 38.7050 (H) Discovery During Construction:

All authorizations for new developments or land uses shall be conditioned to Require immediate notification of the Planning Director in the event of the inadvertent discovery of cultural resources during construction or development.

(1) In the event of the discovery of cultural resources, work in the immediate area of discovery shall be suspended until a cultural resource professional can evaluate the potential significance of the discovery pursuant to MCC 38.7050(G)(3).

(2) If the discovered material is suspected to be human bone or a burial, the following procedure shall be used:

(a) Stop all work in the vicinity of the discovery.

(b) The applicant shall immediately notify the U.S. Forest Service, the applicant's cultural resource professional, the State Medical Examiner, and appropriate law enforcement agencies.

(c) The U.S. Forest Service shall notify the tribal governments if the discovery is determined to be an Indian burial or a cultural resource.

(d) A cultural resource professional shall evaluate the potential significance of the discovery pursuant to MCC 38.7050(G)(3) and report the results to the U.S. Forest Service which shall have 30 days to comment on the report.

(3) If the U.S. Forest Service determines that the cultural resource is not significant or does not respond within the 30 day response period, the cultural resource review process shall be complete and work may continue.

(4) If the U.S. Forest Service determines that the cultural resource is significant, the cultural resource professional shall recommend measures to protect and/or recover the resource pursuant to MCC 38.7050 (G)(4) and (5)

Staff: A condition of approval (Condition #8) of this decision outlines requirements to follow in the event a cultural resource and/or human remains are found during construction activities. *These criteria met through a condition of approval.*

6.4

SMA Natural Resource Review Criteria

MCC 38.7075: All new developments and land uses shall be evaluated using the following standards to ensure that natural resources are protected from adverse effects. Proposed uses and development within wetlands, streams, ponds, lakes, riparian areas and their buffer zones shall be evaluated for cumulative effects to natural resources and cumulative effects that are adverse shall be prohibited. Comments from state and federal agencies shall be carefully considered.

Staff: The proposed development is not located within a wetland, stream, pond, lake, riparian area or riparian buffer zone. *These criteria are not applicable.*

6.5

SMA Recreation Resource Review Criteria

MCC 38.7085 (A) & (B)

Staff: These criteria do not apply as the proposed development is not within a classified recreation area. *These criteria are not applicable.*

7.0 Agency Review and Public Comment

- 7.1 Chris Donnermeyer, Heritage Resources Program Manager, United States Forest Service submitted a Cultural Resource Survey Determination stating that “A Cultural Resource Reconnaissance Survey is: Required” and “A Historic Survey is: Not Required” (Exhibit B.2).
- 7.2 Letter from Steven D. McCoy, Staff Attorney, Friends of the Columbia Gorge detailing code sections that require a finding. Findings under Sections 3, 4, and 5 of this decision and conditions of approval address concerns raised in letter.

8.00 Conclusion

Based on the findings and other information provided above, the applicant has carried the burden necessary for the National Scenic Area Site Review to establish a 30' x 50' x 24' accessory building (pole building) in the Gorge Special Agriculture – 40 (GSA-40) zone. This approval is subject to the conditions of approval established in this report.

9.00 Exhibits

- 'A' Applicant's Exhibits
- 'B' Staff Exhibits
- 'C' Procedural Exhibits
- 'D' Comments Received

Exhibits with a “*” after the exhibit # have been included as part of the mailed decision. All other exhibits are available for review in Case File T2-2018-10407 at the Land Use Planning office.

Exhibit #	# of Pages	Description of Exhibit	Date Received/ Submitted
A.1	1	NSA Application Form	5.8.2018
A.2	9	Narrative	5.8.2018
A.3	1	Site Plan	5.8.2018
A.4*	10	Building Plans	5.8.2018
A.5	16	Structural Calculations	5.8.2018
A.6	8	Permit Record card and supplemental information for case # BA 186-68	5.8.2018
A.7	7	Title Report by Chicago Title Company	5.8.2018
A.8	1	Paint samples of proposed paint colors	5.8.2018
A.9	3	Septic Review Certification	5.8.2018
A.10	11	Stormwater Certificate and Calculations	5.8.2018
A.11	4	Fire Service Agency Review	5.8.2018
A.12	7	Site Photos	6.29.2018

A.13*	2	Revised Site Plan & Applicant Follow-up	7.24.2018
A.14	3	Revised proposed building material and paint samples	11.1.2018
A.15	1	Proposed exterior lighting details	12.18.2018
'B'	#	Staff Exhibits	Date
B.1	2	Department of Assessment, Records, and Taxation (DART): Property Information for 1N4E28C -00900 (#R944280240)	5.8.2018
B.2	8	Columbia River Gorge National Scenic Area Cultural Resources Survey Determination dated August 21, 2018. *Confidential – not for public distribution*	8.21.2018
B.3	1	Oregon State Historic Preservation Office (SHPO) Clearance Form	6.12.2018
B.4	1	Letter from Dennis Griffin, Ph.D., RPA, State Archaeologist	10.26.2018
B.5*	1	Planting Plan	7.24.2018
'C'	#	Administration & Procedures	Date
C.1	2	Agency Review	5.16.2018
C.2	3	Incomplete Letter	6.5.2018
C.3	1	Applicant's Acceptance of 180 Day Clock	6.12.2018
C.4	1	Complete Letter (Day 1)	9.7.2018
C.5	2	Opportunity to Comment	9.17.2018
C.6	15	Administrative Decision	12.24.2018
'D'	#	Comments Received	Date
D.1	1	Friends of the Columbia River Gorge (via e-mail)	9.28.2018