
NOTICE OF NSA DECISION

Case File: T2-2019-11401
Permit: National Scenic Area Site Review
Applicant(s): Michael Wilson **Owner(s):** Michael Wilson and Nell Hingley
Location: 2815 NE Brower Rd
Tax Lot 00500, Section 27, Township 1N, Range 5E, W.M.
Tax Account: R945270440 Property ID: R323006
Zoning: Gorge Special Forestry (GSF-40)
Landscape Setting: Coniferous Woodlands
Proposal Summary: Applicant is requesting to replace an existing manufactured dwelling with a new single family dwelling in a different location on the property including new septic system and other utilities.

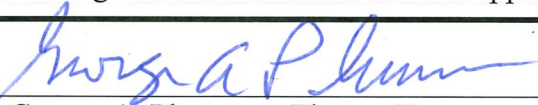
Decision: **Approved with Conditions**

This decision is final and effective at the close of the appeal period, unless appealed. The deadline for filing an appeal is **Monday, January 27, 2020, 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 Katie Skakel, Staff Planner at 503-988-0213 or at katie.skakel@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 Columbia River Gorge Commission until all local appeals are exhausted.

Issued By:


George A. Plummer, Planner II

For: Carol Johnson, Director

Date: Monday, January 13, 2020

Instrument # Instrument Number for Recording 97135844

Applicable Approval Criteria:

For this application to be approved, the proposal will need to meet the applicable approval criteria below:

Multnomah County Code (MCC): General Provisions; MCC 38.0015 Definitions; MCC 38.0030 Existing Uses and Discontinued Uses; MCC 38.0045 Review and Conditional Use Applications – submittal; MCC 38.2060 Dimensional Requirements; MCC 38.7040 SMA Scenic Area Review Criteria; MCC 38.7050 SMA Cultural Resource Review; MCC 38.7075 SMA Natural Resource Criteria; MCC 38.7085 SMA Recreation Resource Criteria; MCC 38.7305 Fire Protection in Forest Zones; and MCC 38.7315 Siting of Dwellings on Forest Land.

Administration and Procedures: MCC 38.0560 Code Compliance and Applications

Copies of the referenced Multnomah County Code sections are available by contacting our office at (503) 988-3043 or by visiting our website at <https://multco.us/landuse/zoning-codes/> under the link Chapter 38: Columbia River Gorge National Scenic Area

Conditions of Approval

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. 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. Permit Expiration – This land use permit shall expire as follows:
 - a. Within two (2) years of the date of the final decision, when construction has not commenced. [MCC 38.0690(B)(1)]

- i. For purposes of Condition 1, commencement of construction shall mean actual construction of the foundation or frame of the approved structure. For utilities and developments without a frame or foundation, commencement of construction shall mean actual construction of support structures for an approved above ground utility, development, or actual excavation of trenches for an approved underground utility or development. For roads, commencement of construction shall mean actual grading of the roadway.
 - ii. Notification of commencement of construction will be given to Multnomah County Land Use Planning Division a minimum of seven (7) days prior to date of commencement. Work may commence once notice is completed. [MCC 38.0690(B)(3)]
- b. When the structure has not been completed within two (2) years of the date of commencement of construction. [MCC 37.0690(B)(2)]
 - i. For purposes of Condition #1, 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(B)(4)]

Note: Expiration of the permit is automatic. Failure to give notice of expiration shall not affect the expiration of this approval. The property owner may request one (1) 12-month extension to the timeframe within which this permit is valid, as provided under MCC 38.0700, as applicable. The request for a permit extension must be submitted prior to the expiration of the approval period. [MCC 38.0700]

2. Prior to County Land Use Planning signing-off for the Building Permit, the property owner(s), shall record the Notice of Decision [MCC 38.0670] as follows:
 - a. Record pages 1 through 5 of this Notice of Decision with the County Recorder. The Notice of Decision shall run with the land.
 - b. Proof of recording shall be made prior to the issuance of any permits and shall be filed with the County Land Use Planning Office. Recording shall be at the applicant's expense.
3. Approval of this land use permit is based on the submitted written narrative(s) and plan(s) and as approved through this decision including implementing conditions of approval. No work shall occur under this permit other than that which is specified within these documents or as conditioned by this decision. It shall be the responsibility of the property owner(s) to comply with these documents and the limitations of approval described herein, and ensure the conditions of approval are met. {MCC 38.0580, MCC 38.0660}
4. The proposed dwelling shall be constructed as proposed on the submitted plans included as Exhibits A.3 and A.4. The exterior of the dwelling shall be built with the materials and colors proposed submitted in the application and as conditioned (Exhibits A.5, A.22 and A.27). Any change of exterior colors in the future shall meet the dark earth tone colors shown in the Gorge Commission Scenic Resources Implementation Handbook, Color Chart matching or similar to colors in rows A and B of the Color Chart (copy available for review at the County Land Use Planning Office). [MCC 38.7040(A)(1), (5), (10), (11)]
5. All windows of the dwelling shall be composed of low-reflective glass (i.e., glass with a light reflectivity rating 11% or less). Prior to County Land Use Planning sign-off on the Building Permit the property owner shall submit the window manufacturers brochure show the visible light reflectivity rating. [MCC 38.7040(A)(1), and (11)]

6. The use of the original dwelling shall be considered discontinued if a complete land use application for a replacement structure is not submitted within the one year time frame of its removal. The property owner shall ensure that the original dwelling is removed prior to obtaining final building occupancy. [MCC 38.0030(B)(4)]
7. To provide screening of the proposed dwelling from Key Viewing Area (KVAs), the property owners shall maintain the tree density in an area between 50 feet and 200 feet extending out from the dwelling (surrounding the dwelling with a donut like shape as shown on Exhibit B.6). If trees in this area parish, then native trees will need to be planted in the area to replace the dead trees and maintain the tree density. [MCC 38.7040(A)(1) and (3)]
8. The property owners shall ensure all exterior lighting will be sited, shielded or hooded, and limited in intensity in a manner that prevents lights from being highly visible from Key Viewing Areas and from noticeably contrasting with the surrounding area. [MCC 38.7040(A)(12)]
9. The property owners shall ensure any seasonal lighting displays will not exceed three months duration. [MCC 38.7040(A)(130)]
10. Cultural Resource Discovery During Construction [MCC 38.7050(H)]:

The property owner shall immediately notify the Planning Director in the event of the inadvertent discovery of cultural resources (archaeological artifacts or human bone or a burial) during construction or development.

- (1) In the event of the discovery of cultural resources (archaeological artifacts), 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).
11. The property owners shall maintain a fuel break of 50 feet surrounding the dwelling as shown on Exhibit B.5. Hazardous fuels shall be removed within the fuel break area. Irrigated or fire resistant vegetation may be planted within the fuel break. This could include green lawns and low shrubs (less than 24 inches in height). Trees should be spaced greater than 15 feet between the crowns and pruned to re-move dead and low (less than 8 feet) branches. Accumulated leaves, needles, and other dead vegetation shall be removed from beneath trees. [MCC 38.7305(A)]

12. The property owners shall install at least one standpipe a minimum of 50 feet from the structure. [MCC 38.7305(B)]
13. The property owners shall maintain the driveway to a minimum of 12 feet in width. Turnouts shall be provided at a minimum of every 500 feet. Access drives shall be maintained to a level that is passable to fire equipment. [MCC 38.7305(D)]
14. Telephone and power supply systems shall be underground whenever possible unless preexisting line. [MCC 38.7305(F)]
15. The roof of dwelling shall be constructed of fire-resistant asphalt shingles if available. [MCC 38.7305(G)]
16. The property owners shall ensure any chimney or stovepipe on the dwelling for use with a woodstove or fireplace be screened with no coarser than 1¼ inch mesh metal screen that is noncombustible and corrosion resistant and be equipped with a spark arrestor. [MCC 38.7305(H)]
17. The property owners shall ensure all structural projections such as eave, balconies, decks and roof gables should be built with fire resistant materials equivalent to that specified in the Uniform Building Code. [MCC 38.7305(I)]
18. The property owners shall ensure attic openings, soffit vents, foundation louvers or other ventilation openings on dwellings and accessory structures be screened with no coarser than 1¼ inch mesh metal screen that is noncombustible and corrosion resistant. [MCC 38.7305(J)]

Notice to Mortgagee, Lien Holder, Vendor, or Seller:

ORS Chapter 215 requires that if you receive this notice it must be promptly forwarded to the purchaser.

Note: Once this decision is final, application for building permits may be made with the City of Gresham. When ready to have building permits signed off 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, obtain your access permit, 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 the City of Portland, Bureau of Development Services, On-site Sanitation at e-mail septic@portlandoregon.gov or by phone at 503-823-6892 or for information on how to complete the Septic Evaluation or Permit process for the proposed development. All existing and/or proposed septic system components (including septic tank and drainfield) must be accurately shown on the site plan.
4. Contact George Plummer via email at george.a.plummer@multco.us or phone (503) 988-0202 or (503) 988-3043 for Planner on Counter Duty, office hours 8 am to 4 pm Tuesday through Friday for an appointment for review of the conditions of approval and to sign the building permit plans. Land Use Planning must sign off on three sets of plans (site plan on front of each set) and authorize the building permit before you can go to the Building Department. At the time of this review, Land Use Planning will collect additional fees.

The above must be completed before the applicant can obtain building permits from the City of Gresham. Three sets each of the site plan (front of each set) and building plans are needed for the county Land Use Planning building permit sign off. At the time of building permit review, a fee will be collected. In addition, an erosion control inspection fee will be required.

Findings of Fact

FINDINGS: Written findings are contained herein. The Multnomah County Code (MCC) criteria and Comprehensive Plan Policies are in **bold** font. Staff analysis and comments are identified as '**Staff:**' and address the applicable criteria. Staff comments may include a conclusionary statement in *italic*.

1. PROJECT DESCRIPTION

Staff: Applicant is requesting to replace an existing manufactured dwelling with a new single family dwelling in a different location on the property within the NSA Gorge Special Forest Zone (GSF). The proposed location for the new dwelling is 25 feet south of an existing 40 by 75 foot pole barn. The applicants state that, "The existing pole barn will be removed." The project also includes utility connections and installation of a septic system. The project area is in an area of existing development on the property encompassing approximately one acre. The existing manufactured dwelling will be removed after completion of the proposed dwelling as required by Condition 6.

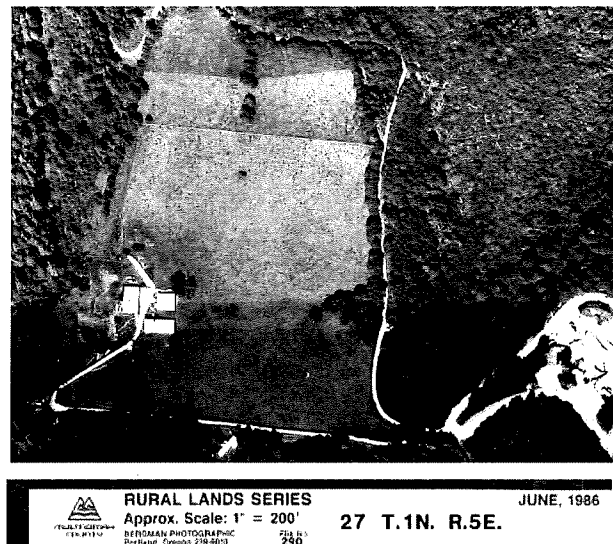
2. PROPERTY DESCRIPTION AND HISTORY

Staff: The subject property is a 38.02 acre of land located on Map: 1N 5E Section 27 Tax Lot 500. The property is located on the west of NE Brower Road and with access from that road. The proposed dwelling location is about 80 feet short of a mile southwest of the Columbia

River. The surrounding properties are mostly zoned Gorge Special Forest-40 (GSF-40) with a couple properties to the north and northeast split zone with some area in the Gorge Special OpenSpace (GSO) Zone. One property, the quarry is zoned Gorge General Forest – 20 (GGF-20). Two abutting properties, to the west and north, are owned by the United States of America, with the other abutting properties privately owned. Only one of the adjacent properties has a dwelling, however there are several dwellings within a half mile to the south of the property (Exhibit B.2).

Multnomah County Department of Assessment, Records, and Taxation (DART) data indicates that the subject property is owned by Michael R. Wilson and Nell D. Hingley. The property has had a manufactured home since 1980 (Exhibit B.1).

There are three existing sheds on the subject property that existed in 1986 as well as the manufactured home (bottom of photo), all are shown on the June 1986 aerial photo below. 1986 is the same year the Columbia River Gorge National Scenic Area was adopted. At that time the property was farmed as shown on the aerial photo. Agricultural sheds/barns didn't require a building permit and it was common for these buildings to be built without any zoning review.



Sheds used for agriculture were considered lawful if they met zoning setbacks, which the sheds meet, making them an existing use. The dwelling was lawfully established a 1979 Building Permit for placement of the manufactured home (Exhibit B). The application is a request to replace the existing dwelling with a new single family dwelling in a different location on the property (Exhibit A.)

3. GENERAL PROVISIONS

3.1 Definitions – Parcel

MCC 38.0015 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;

Staff: The property was created through Land Division Case, LD 6-80 which approved the creation of three parcels of which the subject property was of the parcels (Exhibit B.4). The parcel is a legally created lot. *This standard is met.*

3.2 Review and Conditional Use Applications – Submittal Requirements

MCC 38.0045 (A) The following additional information shall be submitted for all review and conditional uses:

Staff: The applicant submitted the required application information as shown in Exhibits A.1 – A.28. *This standard is met.*

3.3 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...

Staff: There are no known compliance issues related to the subject property.

4. GORGE SPECIAL FOREST

4.1. Review Uses

MCC 38.2025(B) The following uses may be allowed on lands designated GSF pursuant to MCC 38.0530 (B) when the use or development will be sited to minimize the loss of land suitable for the production of forest products and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7085 have been satisfied:

* * *

- (6) One single family dwelling on a parcel of 40 contiguous acres or larger if an approved Forest Management Plan demonstrates that such dwelling shall be necessary for and accessory to forest uses. The Forest Management Plan shall demonstrate the following:
 - (a) The dwelling will contribute substantially to the growing, propagation, and harvesting of trees. The principal purpose for allowing a dwelling on forest lands is to enable the resident to conduct efficient and effective management. This

requirement shall indicate a relationship between ongoing forest management and the need for dwelling on the subject property.

Staff: The proposed single family dwelling on the subject parcel would not be allowed in the Gorge Special Forest -40 (GSF-40) Zone on a property less than 40 acres, unless it is a replacement of a lawfully established dwelling. The proposed dwelling is reviewed through the “existing uses” criteria as a replacement dwelling with findings in the following section of this decision (Section 5). The dwelling must also meet NSA Site Review standards of MCC 38.7000 through 38.7085 (see findings in Sections 6 through 9 of this decision).

4.2. Dimensional Requirements

MCC 38.2060: (C) Minimum Yard Dimensions - Feet

Front	Side	Street	Rear
30 ft.	10 ft.	30 ft.	30 ft.

Maximum Structure Height – 35 feet

Staff: As shown on submitted site plan (Exhibit A.3), the proposed dwelling will be sited more than 600 feet from the north side yard property line; over 200 feet from the nearest south side property line; and more than 200 feet from the rear yard property line (*east*). As shown, the dwelling complies with the above setback requirements.

The proposed location of the new single family dwelling is 25 feet south of an existing 40’ by 75’ pole barn. The pole barn will be removed. The location of the proposed house is 4’ lower in elevation than the existing pole barn. The dwelling is proposed to be built partially in the footprint of the existing barn (covering 25 of the 75 foot long dimension of the existing barn.) The dwelling is shifted south 50 feet with respect to the existing barn to take advantage of existing screening which will partially screen the dwelling from key viewing areas.

According to the application submittal elevation drawings of the proposed dwelling (Exhibit A.4), the maximum height of the dwelling will be approximately 22.4 feet at its highest point above the existing grade, which complies with the applicable height requirement. The proposal meets the minimum yard setbacks and the maximum building height. *These standards are met.*

5. EXISTING USES

MCC 38.0030 (B) Replacement of Existing Structures Not Damaged or Destroyed by Disaster: Except as provided in (C) below, an existing structure may be replaced if a complete land use application for a replacement structure is submitted to the reviewing agency within one year of the date the use of the original structure was discontinued. The replacement structure shall comply with the following standards:

5.1. (1) The replacement structure shall be used in the same manner and for the same purpose as the original structure.

Staff: The applicant request is for the construction of a single family dwelling. The proposed dwelling will replace an existing manufactured home on the property that was permitted in 1979 (Exhibit B.5). The proposal includes extension of utilities, construction of a new septic

system, and other related improvements that will be accessory to the proposed residence. Staff finds this development is consistent with this provision. *This standard is met.*

- 5.2. (2) The replacement structure may have a different size and/or location than the original structure. An existing mobile home may be replaced with a framed residence and an existing framed residence may be replaced with a mobile home.**

Staff: The replacement dwelling is proposed as a framed residence located in a different area on the property and will be a different size than the existing manufactured home (Exhibit A.3 and A.4). *This standard is met.*

- 5.3. (3) The replacement structure shall be subject to the scenic, cultural, recreation and natural resources provisions; the treaty rights provisions; and the land use designations provisions involving agricultural buffer zones, approval criteria for fire protection, and approval criteria for siting of dwellings on forest land.**

Staff: The applicants propose to replace the existing manufactured dwelling with a new single family dwelling. The replacement dwelling is subject to review pursuant to the SMA (Special Management Area) criteria for scenic, cultural, natural, and recreational resource requirements as well as approval criteria for siting dwellings on forest land, which are addressed in the following section of this decision. *This standard is met.*

- 5.4. (4) The use of the original structure shall be considered discontinued if a complete land use application for a replacement structure is not submitted within the one year time frame.**

Staff: To ensure compliance with this standard, a condition will require that the existing manufactured home be removed from the property prior to obtaining final building occupancy. *With condition of approval, criteria met.*

6. SMA SCENIC RESOURCE REVIEW CRITERIA

MCC 38.7040: The following scenic review standards shall apply to all Review in the Special Management Area of the Columbia River Gorge National Scenic Area:

6.1. All Review Uses ... visible from KVAs

(A) This section shall apply to proposed development on sites topographically visible from KVAs:

Finding: The Gorge Commission computer topographic based analysis indicates that the proposed dwelling building site is topographically visible from the following KVAs: Cape Horn, Columbia River, Highway I-84, Historic Columbia River Highway, Rooster Rock, Sandy River, and Washington State Route 14.

- 6.1.1. (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 applicant is proposing a new single family dwelling (to replace an existing manufactured home) in a different location. The proposed location is located 25 feet south of an existing barn (which will be demolished). The proposed site location is topographically lower

than the existing barn, which will aid in screening the proposed structure from KVAs. The new septic system will be installed southwest of the dwelling. Following are findings evaluating the proposed dwelling replacement 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. Given the dwelling is site to take advantage of screening of existing vegetation (trees) that will be conditioned to be maintained and through low reflective materials, and dark earth tone exterior colors there will be no cumulative adverse effects on scenic resource, based on the degree of visibility from Key Viewing Areas. *This criterion is met through implementation of conditions of approval.*

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

REQUIRED SMA SCENIC STANDARDS		
LANDSCAPE SETTING	LAND USE DESIGNATION	SCENIC STANDARD
Coniferous Woodland, Oak-Pine Woodland	Forest, Agriculture, Residential, Public Recreation	Visually Subordinate

Staff: The subject property is located within the SMA Coniferous Woodland Landscape with a “Forest” (GSF-40) Land Use Designation thus the Scenic Standard is visually subordinate.

6.1.3. (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.

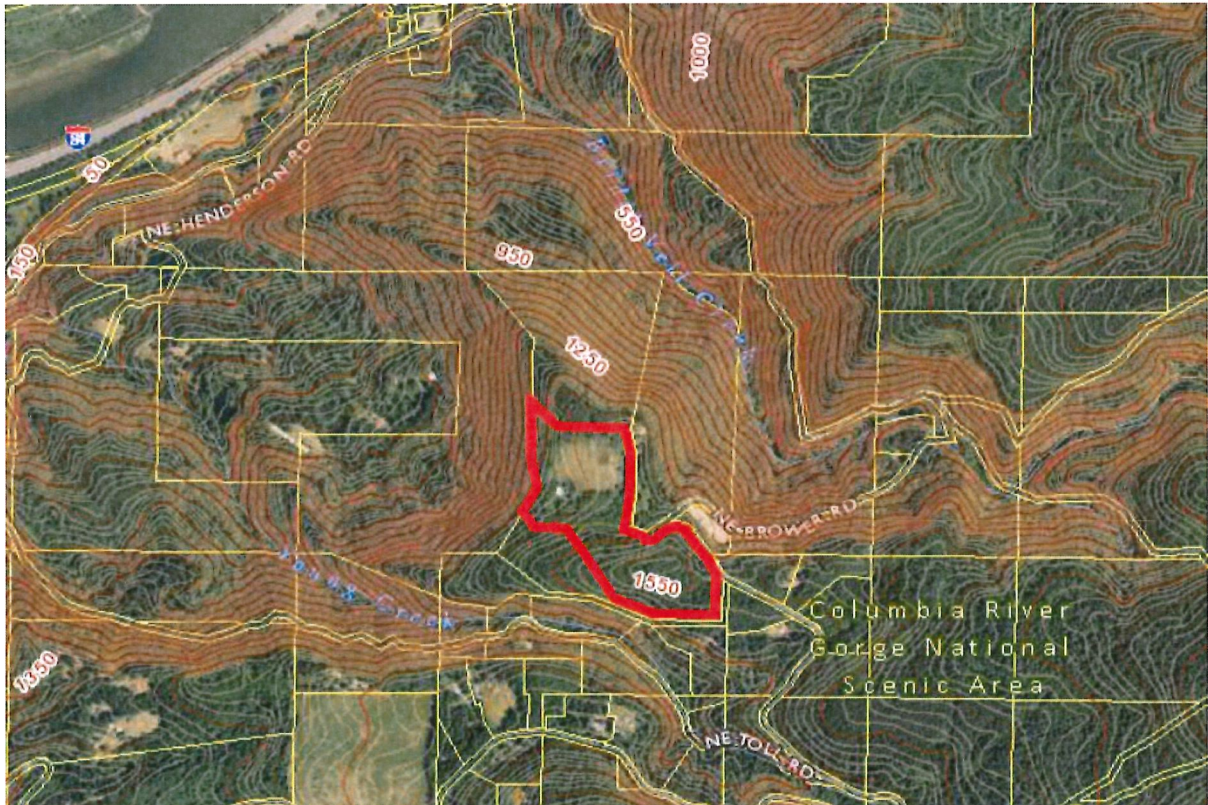
Staff: Most of the trees west of proposed dwelling site are located on the perimeter of the property, which allows development of the parcel without removing many of the trees on the property (see aerial photo below). The applicants have attempted to preserve onsite trees to the maximum extent practicable, which is complies with the purpose of this setting.

The following 2018 aerial photo shows the northern three-fourths of subject property with 10 foot topographic lines as well as showing the cleared and forested areas on the property outlined in red (Exhibit B.7) . The proposed dwelling site is just south of the white rectangle shed on the aerial photo.



The subject property topography is a relatively shallow sloped point with between eight and ten percent slopes. The slopes drop-off steeply on the adjacent properties to the west, to the north and to east. Much of the shallow sloped area is a cleared area that was farmed in the past and appears as a meadow now.

The following aerial photo shows the subject property and topography down to the Columbia River with the building site just south of the little white rectangle that is the shed to be removed.

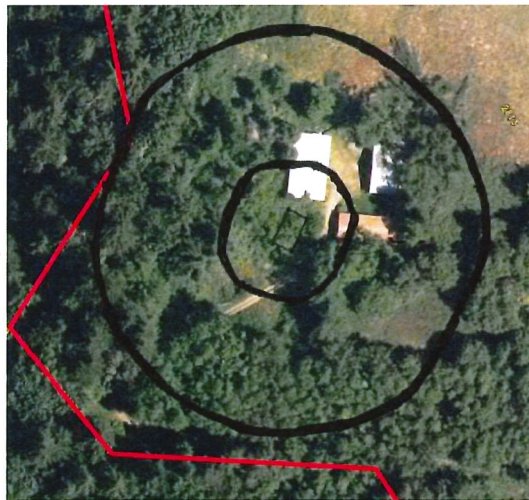


To the west there is increase in steepness of slope dropping-off starting at about 250 feet west of the proposed dwelling location. To the north is a steeply sloped ravine, with the steep slopes dropping-off at about 450 feet to the northwest about 450 feet from the proposed dwelling and about to the north about 1200 feet from the proposed dwelling. To the east of the proposed dwelling for about 700 feet the property gains about 50 feet in elevation until after another 100 feet on the adjacent property the slope drops rapidly down into the Bridal Veil Creek ravine. To the south topography gains elevation to a knob on the property that is 120 feet above the dwelling site elevation. Follow is a 2019 aerial photo showing the subject property is red and topography to the Columbia River with the building site just south of the little white rectangle that is the shed to be removed.

To the east of the proposed dwelling for about 700 feet the property gains about 50 feet in elevation until after another 100 feet on the adjacent property the slope drops rapidly down into the Bridal Veil Creek ravine. To the south topography gains elevation to a knob on the property that is 120 feet above the dwelling site elevation. Follow is a 2019 aerial photo showing the subject property is red and topography to the Columbia River with the building site just south of the little white rectangle that is the shed to be removed.

To the west and northwest the property drops-off about 20 feet in 250 feet. This area has several existing trees that will provide very good screening for the proposed dwelling location as seen from KVAs to the west and northwest. To the north, after the shed is removed, a few trees will provide screening the proposed dwelling from the northern KVAs in addition to topography screening from the shallow sloped point area reaching out to the north. To the east the KVA is Larch Mountain (east-southeast) from which the dwelling will be screened by significant existing clusters trees to on the property to the east and to the east-southeast and southeast.

Forestry operations in the GSF-40 require an NSA Site Review. To meet the visual subordination standard, staff finds that a condition of approval to require maintaining the existing tree density for the area measured 50 feet from the dwelling surrounding the dwelling to 200 feet surrounding the dwelling (area between 50 and 200 feet from the dwelling forming a donut like shape). The area within fifty feet surrounding the dwelling is required to be maintained as a fire break (maintain fuel break) as conditioned. Staff has shown this area on an aerial photo include as Exhibit B.6 with the area closet to the dwelling the 50 foot fire break surround the dwelling. The area between 50 feet and 200 feet (the outer ring) is the area which the tree density is conditioned to be maintained to provide screening of the proposed dwelling. Below is a snipped portion of Exhibit B.5 showing the two conditioned areas. This criteria is met through implementation of conditions of approval.



- 6.1.4 (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: As discussed under the previous finding the dwelling is proposed to be sited in an area that will be well screened by existing trees. The proposed dwelling is a two story dwelling in height. While the slope drops about 20 feet to the western property line to the west, mature trees will screen the two story dwelling from KVAs (Exhibit B.7). The existing trees will screen the two story dwelling from the other directions as well. The proposal uses existing topography and vegetation as methods to meet the visual subordination standard. *This criterion is met through implementation of conditions of approval.*

6.1.5. (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.

(a) Decisions shall include written findings addressing the Primary factors influencing the degree of visibility, including but not limited to:

- 1. The amount of area of the building site exposed to key viewing areas,**
- 2. The degree of existing vegetation providing screening,**
- 3. The distance from the building site to the key viewing areas from which it is visible,**
- 4. The number of key viewing areas from which it is visible, and**
- 5. The linear distance along the key viewing areas from which the building site is visible (for linear key viewing areas, such as roads).**

(b) Conditions may be applied to various elements of proposed developments to ensure they meet the scenic standard for their setting as seen from key viewing areas, including but not limited to:

- 1. Siting (location of development on the subject property, building orientation, and other elements),**
- 2. Retention of existing vegetation,**
- 3. Design (color, reflectivity, size, shape, height, architectural and design details and other elements), and**
- 4. New landscaping.**

Staff: The proposed development area for the new dwelling and for the existing buildings (minus the large shed 40 by 75 feet to be removed) equals about an acre of developed area of the 38.07 acre site. As noted earlier in this report, the subject parcel is located in the Gorge Special Forest – 40 with a Coniferous Woodland Landscape Setting. Most of the trees are located on the perimeter of the property, which allows development of the parcel without removing many of the trees on the property. Staff finds that the applicants have attempted to preserve onsite trees to the maximum extent practicable, which complies with the purpose of this setting.

In this setting, existing tree cover is to be retained to meet the condition of approval as discussed in the previous two findings. With the condition existing vegetation will screen the proposed dwelling except possibly some minor visibility of the dwelling from KVAs. Given the distance from KVAs with low reactivity proposed building materials rough stucco (Exhibit A.22 and A.23) to be green and asphalt (composite) roofing shingles that will be dark earth tone colors

The applicants are proposing to use dark earth-tone colors on other exterior parts of the dwelling as well (Exhibit A.24) such as doors and eaves, including various shades of green and brown. The application includes specific color samples were provided with the application and are found to be compliant with the Gorge Commission Scenic Resources Implementation Handbook, Color Chart matching or similar to colors in row A and B. These dark earth tone colors will assist in visual subordination. A condition will require that proposed colors be used of that the colors match the Color Chart color in Rows A and B. The proposed dwelling has several windows, with the substantial tree vegetative (trees) screening and a condition requiring low-reflective glass (i.e., glass with a light reflectivity rating 11% or less), the dwelling will meet the visual subordination standard. *This criterion is met through implementation of conditions of approval.*

- 6.1.6. (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 is no indication of wetlands in the proposed development site are or on the property, and given the topography any possibly of wetlands is very unlikely.

Given Gorge Commission inventory maps indicate that that there are no sensitive wildlife sites or areas within 1,000 feet of the proposed project site. Oregon Department of Fish and Wildlife (ODFW) was notified of the proposed application, but provided no comments of concern. The inventory maps indicate that there are no rare plants within 1,000 feet of the proposed project site.

Based on the above information, staff finds that the proposed project will not adversely impact significant natural resources in the area. *This criterion is met.*

- 6.1.7. (7) Proposed developments shall not protrude above the line of a bluff, cliff, or skyline as seen from Key Viewing Areas.**

Staff: The proposed development does not protrude above the line of a bluff, cliff, or skyline as seen from Key Viewing Areas. *This criterion is met.*

- 6.1.8. (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: The proposed dwelling will be two stories with a height will be below the average tree canopy height of the natural vegetation adjacent to the structure (Exhibit A.4). *This criterion is met.*

- 6.1.9. (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 on-site 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: No new landscaping will be required. *This criterion is not applicable.*

- 6.1.10. (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: The application submittal indicates the exterior of the proposed dwelling will be dark greens and browns, dark earth tone colors that will blend into the natural landscape and shadows in that landscape (Exhibits A.23 and A.24). The proposed dwelling is conditioned to be the dark earth tone colors as proposed or matching the Gorge Commission Scenic Resources Implementation Handbook, Color Chart color in Rows A and B. *This criterion is met through implementation of conditions of approval.*

- 6.1.11. (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 building materials are discussed in previous findings and have low reflectivity. , include a rough stucco siding (Exhibit A.12), asphalt (composite) shingle roofing (Exhibit A.27) and low reflectivity rated windows (11% or less visible light reflectivity) There are no continuous surfaces of glass unscreened from key viewing areas. *This criterion is met through implementation of conditions of approval.*

- 6.1.12. (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.**

Staff: The application included a hooded light fixture that the bulb is recessed would meet the standard. *This criterion is met through implementation of conditions of approval.*

- 6.1.14. (13) Seasonal lighting displays shall be permitted on a temporary basis, not to exceed three months duration.**

Staff: There is no mention of seasonal lighting display in the application. *This criterion is met through implementation of conditions of approval.*

6.2 SMA Landscape Settings

(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):

* * *

(2) **Coniferous Woodlands and Oak-Pine Woodland:** Woodland areas shall retain the overall appearance of a woodland landscape. New developments and land uses shall retain the overall visual character of the natural appearance of the Coniferous and Oak/Pine Woodland landscape.

(a) **Buildings in the Coniferous Woodland landscape setting shall be encouraged to have a vertical overall appearance and a horizontal overall appearance in the Oak-Pine Woodland landscape setting.**

(b) **Use of plant species native to the landscape setting shall be encouraged. Where non-native plants are used, they shall have native appearing characteristics.**

Staff: The proposal will only remove vegetation in the proposed dwelling footprint and within fifty feet of the dwelling for the fire break which does not include any mature trees. This criteria encourages a vertical overall appearance for the dwelling, but does not require it. The dwelling will be two stories thus somewhat vertical but is more horizontal. The dwelling which will be well screened by existing tree vegetation. There are no additional plant species proposed to be planted. This criterion is met through the maintaining the forested areas on the property and through screening of the dwelling. *This criteria is met.*

6.3 KVA Foregrounds and Scenic Routes

(C) **SMA Requirements for KVA Foregrounds and Scenic Routes**

(1) **All new developments and land uses immediately adjacent to the Historic Columbia River Highway, Interstate 84, and Larch Mountain Road shall be in conformance with**

Staff: The proposed development is not immediately adjacent to Historic Columbia River Highway, Interstate 84, and Larch Mountain Road. *This criterion is not applicable.*

6.4. Termination of Scenic Resources Review

Staff: Given the findings above proposed replacement dwelling will meets the Scenic Resources criteria though the proposal and implementing conditions of approval, thus the Scenic Resources review is terminated.

7. SMA CULTURAL RESOURCE REVIEW CRITERIA

7.1. Cultural Resource Determination

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).

Staff: County Land Use planning received an email on January 23, 2019 from Christian Nauer, Archaeologist, Confederated Tribes of the Warm Springs Reservation of Oregon Branch of Natural Resources (Exhibit C.1) expressing concerns with “potential effect to historic properties or cultural resources within the Project Area of Potential Effects (APE).”

Chris Donnermeyer, Heritage Resources Program Manager, US Forest Service Columbia River Gorge National Scenic Area, USDA submitted a Cultural Resources Survey Determination (Exhibit C.2.) on January 30, 2019 finding that a “History Survey is Not Required” and also a finding that a “Cultural Resource Reconnaissance Survey is Required.”

Chris Donnermeyer submitted a Columbia River Gorge National Scenic Area Heritage Resource Inventory Report Cultural Resources Survey Determination (Exhibit C.3) on April 26, 2019 with a finding that “the proposed development will have no effect to significant cultural resources” per MCC 38.7050 (H). Mr. Donnermeyer also requested including procedures regarding incidental discovery of cultural material and human remains be included as a condition of the permit.

With the findings of “No Effect” for both historic and cultural resources, the review for the proposed project is deemed satisfied, except MCC 38.7050 (H). Given the findings of no effect, there will be no cumulative adverse impacts on cultural resources.

To address any future incidental discovery of cultural material and human remains related to the project a condition of approval will require implementing the procedures per MCC 38.7050 (H) if such a discovery happens. *This criterion is met through implementation of conditions of approval.*

7.2 Cultural Resource Discovery

MCC 38.7050 (H) Discovery During Construction

All authorizations for new developments or land uses shall be conditioned to require the immediate notification of the Planning Director in the event of the inadvertent discovery of cultural re-sources 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: These requirements are included as a condition of approval. *These criteria are met through conditions.*

7.3. Termination of Cultural Resource Review

Staff: Given the findings of “no effect” by Chris Donnermeyer, there will be no cumulative impacts on cultural resources and the conditions of approval requirements should there be discovery of cultural resources, staff terminates the Cultural Resources review.

8. 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.

8.1. Water Resources Review (wetlands, streams, lakes and ponds)

(A) All Water Resources shall, in part, be protected by establishing undisturbed buffer zones as specified in MCC 38.7075(A)(2)(a) and (2)(b). These buffer zones are measured horizontally from a wetland, stream, lake, or pond boundary as defined in MCC 38.7075(A)(2)(a) and (2)(b).

- (1) All buffer zones shall be retained undisturbed and in their natural condition, except as permitted with a mitigation plan.
- (2) Buffer zones shall be measured outward from the bank full flow boundary for streams, the high water mark for ponds and lakes, the normal pool elevation for the Columbia River, and the wetland delineation boundary for wetlands on a horizontal scale that is perpendicular to the wetlands, stream, pond or lake boundary. On the main stem of the Columbia River above Bonneville Dam, buffer zones shall be measured landward from the normal pool elevation of the Columbia River. The following buffer zone widths shall be required:
 - (a) A minimum 200 foot buffer on each wetland, pond, lake, and each bank of a perennial or fish bearing stream, some of which can be intermittent.
 - (b) A 50-foot buffer zone along each bank of intermittent (including ephemeral), non-fish bearing streams.

Staff: More than 1000 feet from stream, lake or wetland. *These criteria are met.*

* * *

8.2. Sensitive Wildlife/Plant Areas and Sites Review

(H) Protection of sensitive wildlife/plant areas and sites shall begin when proposed new developments or uses are within 1000 feet of a sensitive wildlife/plant site and/or area. Sensitive Wildlife Areas are those areas depicted in the wildlife inventory and listed in Table 2 of the Management Plan titled “Types of Wildlife Areas and Sites Inventoried in the Columbia Gorge”, including all Priority Habitats Table. Sensitive Plants are listed in

Table 3 of the Management Plan, titled “Columbia Gorge and Vicinity Endemic Plant Species.” The approximate locations of sensitive wildlife and/or plant areas and sites are shown in the wildlife and rare plant inventory.

Staff: The proposed dwelling site is substantially more than 1000 feet from any known sensitive wildlife/plant areas and is about a 1000 feet from border of the Shepard’s Dell State Natural Area. ODFW was notified of the proposal and did not provide any comments. Given current information available, there will be no cumulative impacts on natural resources resulting from the dwelling replacement. *These criteria are met.*

8.3. Termination of Natural Resource Review

Staff: Given that there are no known listed protected natural resources within 1000 feet of the proposed dwelling, there will be no cumulative adverse effect or impacts resulting from the replacement dwelling. Given the finding above the Natural Resource Review is deemed satisfied and is terminated.

9. SMA RECREATION RESOURCE REVIEW CRITERIA

MCC 38.7080(E) All proposed recreation projects outside of GG– PR or GG– CR districts shall satisfy the following...

Staff: No recreational project is proposed. The property is privately owned. The Approval Criteria for Recreation Uses are not applicable for the proposed development. The Recreation Review is not applicable. There will be no cumulative adverse effect or impacts resulting from the replacement dwelling on recreation resource. Recreation Resource Review is deemed satisfied and is terminated.

10. FIRE PROTECTION IN FOREST ZONES

MCC 38.7305 Fire Protection

- 10.1. (A) All buildings shall be surrounded by a maintained fuel break of 50 feet. Hazardous fuels shall be removed within the fuel break area. Irrigated or fire resistant vegetation may be planted within the fuel break. This could include green lawns and low shrubs (less than 24 inches in height). Trees should be spaced greater than 15 feet between the crowns and pruned to re-move dead and low (less than 8 feet) branches. Accumulated leaves, needles, and other dead vegetation shall be removed from beneath trees.**

Staff: A condition of approval requires that the dwelling be surrounded by a maintained fuel break of 50 feet as described above (Exhibit B.6). *This criterion is met through implementation of conditions of approval.*

- 10.2. (B) Buildings with plumbed water systems shall install at least one standpipe a minimum of 50 feet from the structure.**

Staff: A condition of approval requires that the one standpipe be installed a minimum of 50 feet from the proposed dwelling. *This criterion is met through implementation of conditions of approval.*

- 10.3. (C) For properties located outside of a fire district, a pond, stream, tank or sump with storage of not less than 1,000 gallons, or a well or water system capable of delivering 20 gallons per minute shall be provided. If a well pump is located on-site, the electrical service shall be separate from the dwelling.**

Staff: The application included a Fire District Review for that verified that the subject property is within the Corbett Fire District (Exhibit A.8). *This criterion is met.*

- 10.4. (D) Access drives shall be constructed to a minimum of 12 feet in width and not exceed a grade of 12 percent. Turnouts shall be provided at a minimum of every 500 feet. Access drives shall be maintained to a level that is passable to fire equipment. Variances to road standards may be made only after consultation with the local rural fire district and the Oregon Department of Forestry.**

Staff: The application included a Fire District Review which confirms that the driveway meets fire apparatus access standards of the Oregon Fire Code. *This criterion is met.*

- 10.5. (E) Within one year of the occupancy of a dwelling, the Planning Director shall conduct a review of the development to assure compliance with these standards.**

Staff: County Land Use Planning will need to conduct a review of the development to assure compliance with these standards a year after occupancy.

- 10.6. (F) Telephone and power supply systems shall be underground whenever possible.**

Staff: A condition of approval requires that telephone and power supply systems shall be underground unless preexisting. *This criterion is met through implementation of conditions of approval.*

- 10.7. (G) Roofs of structures should be constructed of fire-resistant materials such as metal, fiberglass shingle or tile. Roof materials such as cedar shake and shingle should not be used.**

Staff: The proposed roofing is asphalt composite shingles because metal is highly reflective. asphalt composite shingles are fire-resistant materials. *This criterion is met through implementation of conditions of approval.*

- 10.8. (H) Any chimney or stovepipe on any structure for use with a woodstove or fireplace should be screened with no coarser than 1¼ inch mesh metal screen that is noncombustible and corrosion resistant and should be equipped with a spark arrestor.**

Staff: A condition of approval requires any chimney or stovepipe on any structure for use with a woodstove or fireplace should be screened with no coarser than 1¼ inch mesh metal screen that is noncombustible and corrosion resistant and should be equipped with a spark arrestor. *This criterion is met through implementation of conditions of approval.*

- 10.9 (I) All structural projections such as balconies, decks and roof gables should be built with fire resistant materials equivalent to that specified in the Uniform Building Code.**

Staff: A condition of approval requires eaves be built with fire resistant materials equivalent to that specified in the Uniform Building Code. *This criterion is met through implementation of conditions of approval.*

- 10.10. (J) Attic openings, soffit vents, foundation louvers or other ventilation openings on dwellings and accessory structures should be screened with no coarser than 1¼ inch mesh metal screen that is noncombustible and corrosion resistant.**

Staff: A condition of approval requires eaves be built with Attic openings, soffit vents, foundation louvers or other ventilation openings on dwellings and accessory structures should be screened with no coarser than 1¼ inch mesh metal screen that is noncombustible and corrosion resistant. *This criterion is met through implementation of conditions of approval.*

11. SITING OF DWELLINGS ON FOREST LAND

MCC 38.7315 The approval of new dwellings and accessory structures on forest lands shall comply with the following standards:

- 11.1. (A) The dwelling and structures shall be sited on the parcel so that they will have the least impact on nearby or adjoining forest operations. Dwellings shall be set back at least 200 feet from adjacent properties unless locating the proposed development closer to existing development on adjacent lands would minimize impacts on nearby or adjacent forest operations;**

Staff: The proposed dwelling will be clustered with existing buildings on the property. The proposal includes removing a large barn reducing impacts. The adjacent property is in the SMA limiting forest operation to thinning. The Adjacent property is owned by the US Forest Service and is managed to protect the scenic views and natural resources of the Columbia River Gorge National Scenic Area. That adjacent to the subject property is on a very steep slope and given the NSA protection goals there it is very unlikely that a forest operation would be impacted by the dwelling given the dwelling must meet the forest fire protection standards. Moving the proposed dwelling to another site on the property would result in increased forest impacts or possibly impacts to the Shepard's Dell State Natural Area. The proposed site will have the least impacts on forest lands. *This criterion is met.*

- 11.2. (B) The amount of forest land used to site dwellings, structures, access roads and service corridors shall be minimized. The dwelling shall be located on that portion of the lot having the lowest productivity characteristics for the pro-posed primary use, subject to the limitations of subsection (A), above; and**

Staff: The proposed dwelling will be clustered with existing buildings on the property, with existing driveway, in on the edge of a long standing cleared area. The proposal includes removing a large barn reducing impacts. The site will result in minimum vegetation removal. Given fire breaks and existing development on-site the proposed dwelling site will have the least impact on forested areas and is in the lowest forest productivity area due to the site being cluster with other existing buildings. *This criterion is met.*

- 11.3. (C) Dwellings shall be located to minimize the risks associated with fire. Dwellings should be located on gentle slopes and in any case not on slopes which exceed 40 percent. Narrow canyons and draws should be avoided. Dwellings should be located to minimize the**

difficulty in gaining access to the structure in the case of fire. Dwellings should be located to make the access roads as short and flat as possible.

Staff: The proposed dwelling location is on a relatively shallow slope of less than 10 percent area that is set back from by over 200 feet back from the cliff. The driveway is also relatively shallow slope of less than 10 percent and meets the Oregon Fire Code standards as verified by the Corbett Fire District (Exhibits A.8 and B.7). The reducing the access driveway would result in a location that would be a significant impact on the forestland on the property. *This criterion is met.*

11.4. (D) A variance to the siting standards of this subsection may be granted pursuant to the provisions of MCC 38.0065.

Staff: A variance is not needed to site single family dwelling.

12. LETTERS OF COMMENT

- 12.1.** County Land Use planning received an email on January 23, 2019 from Christian Nauer, Archaeologist, Confederated Tribes of the Warm Springs Reservation of Oregon Branch of Natural Resources expressing concerns with “potential effect to historic properties or cultural resources within the Project Area of Potential Effects (APE)” (Exhibit C.1).

Staff: These concerns were evaluated by Chris Donnermeyer, Heritage Resources Program Manager, US Forest Service Columbia River Gorge National Scenic Area. Mr. Donnermeyer issued Cultural Resources Survey Determination (Exhibit C.2) with a finding that “History Survey is Not Required” and did a more detail archeologic review and issued a is Cultural Resources Survey Determination with “No Effect” finding with Cultural Resource Reconnaissance Survey. He did state that we should include conditions for required procedures if the is a discovery of cultural resources during the proposed project as detail in MCC 38.7050 (H) and in the condition of approval.

- 12.2.** Email from Chris Donnermeyer, Heritage Resources Program Manager, US Forest Service Columbia River Gorge National Scenic Area, USDA with attached Cultural Resources Survey Determination with a finding that “History Survey is Not Required” and also a finding that a “Cultural Resource Reconnaissance Survey is Required” (Exhibit C.2)

Staff: See findings in Section 7 of this decision.

- 12.3.** Email from Chris Donnermeyer, Heritage Resources Program Manager, US Forest Service Columbia River Gorge National Scenic Area with attached is Cultural Resources Survey Determination with “No Effect” finding with Cultural Resource Reconnaissance Survey (Exhibit C.3).

Staff: See findings in Section 7 of this decision.

- 12.4.** Email from Steven D. McCoy, Staff Attorney. Friends of the Columbia Gorge with letter attached that detailed code and addressed concerns about meeting the no adverse cumulative impacts on the NSA protected resources standard (Exhibit C.4).

13. CONCLUSION

Based on the findings and other information provided above, the applicant has carried the burden necessary for the NSA Site Review to establish a new single family dwelling as a replacement dwelling in the GSF-40 zone. This approval is subject to the conditions of approval established in this report.

14. EXHIBITS

‘A’ Applicant’s Exhibits

‘B’ Staff Exhibits

‘C’ Comments Received Procedural Exhibits

Exhibit #	# of Pages	Description of Exhibit	Date Received / Submitted
A.1	1	NSA Application form	1/8/19
A.2	5	Application Contents page and Narrative	1/8/19
A.3	1	Site Plan	1/8/19
A.4	7	Site Plan and Elevation Drawings	1/8/19
A.5	3	Applicant narrative	1/8/19
A.6	6	Copy of Contract recorded on August 10, 1979 with County Records in Book 1373 on Pages 2571 – 2576	1/8/19
A.7	10	Columbia River Gorge NSA Heritage Resource Inventory Report	1/8/19
A.8	6	Fire Service Agency Review Form (Corbett Fire)	1/8/19
A.9	6	City of Portland – Bureau of Development Services	1/8/19
A.10	9	Transportation study by Lancaster Engineering	1/8/19
A.11	12	Planting Plan with species identified and marked on plan	7/2/19
A.12	5	Color samples stuccos sides of house, doors, windows and eaves	7/2/19
A.13	3	Lighting fixtures for dark sky	7/2/19
A.14	1	Existing Conditions plan with topography	7/2/19
A.15	2	Photographs of existing manufactured home exterior and an room	7/2/19
A.16	6	Transportation Planning Review Form	7/2/19
A.17	10	Strom Water Drainage Control Certificate completed, stamped and signed by Chuck Edward Gregory, P.E. with site plan and calculations attached.	7/2/19
A.18	4	Uncompleted and unrecorded Declaration of Deed Restriction for County Transportation	7/2/19
A.19	6	Photographs from KVAs	7/2/19
A.20	1	Email submitted by applicant addressing proposed metal roofing	9/2/19
A.21	8	Metal roofing material and email and permalock roofing brochure	9/2/19
A.22	4	Photographs showing stucco siding roughness	unknown

A.23	1	Sample of siding	unknown
A.24	1	Paint chip samples for colors of trim for doors, windows & eves.	unknown
A.25	1	Email submitted by applicant addressing contacting Christian Nauer related to cultural resources.	4/5/19
A.26	1	Email submitted by applicant addressing building materials	5/29/19
A.27	1	Email submitted by applicant addressing roofing proposal changing to asphalt shingles.	9/12/19
A.28	1	Email submitted by applicant tolling the clock for 30 days from 11/27/19	11/27/19
'B'	#	Staff Exhibits	Date
B.1	2	County Assessment record for subject property	NA
B.2	1	County Assessment Tax Lot Map with subject property noted	NA
B.3	3	County Assessment, Cartographic Unit, Parcel Record Card with attached warranty deed recorded September 4, 1992 in Book 2584, on Pages 2353 -2355.	NA
B.4		Land Division Case Review Case LD 6-80	NA
B.5		County Land Use Planning Building Permit Index Card for documenting August 8, 1979 Building Permit (791617) for placement of manufactured on the subject property with attached Building Permit #791617 form documenting Zoning signoff and noting LFS: 206:77 (septic approval) and SEC Permit 17-79.	NA
B.6	1	Aerial Photo showing proposed dwelling site with 50 foot required fire break surrounding dwelling and 50 to 200 foot area to maintain tree density surrounding the dwelling.	NA
B.7	1	2018 Aerial Photo showing 10 foot contours	NA
'C'	#	Comments Received	Date
C.1	1	Email from Christian Nauer, Archaeologist, Confederated Tribes of the Warm Springs Reservation of Oregon Branch of Natural Resources .	1/23/19
C.2		Email from Chris Donnermeyer, Heritage Resources Program Manager, US Forest Service Columbia River Gorge National Scenic Area, USDA with attached Cultural Resources Survey Determination.	1/30/19
C.3		Email from Chris Donnermeyer, Heritage Resources Program Manager, US Forest Service Columbia River Gorge National Scenic Area with attached is Cultural Resources Survey Determination with "No Effect" finding with Cultural Resource Reconnaissance Survey.	4/26/19
C.4	9	Email from Steven D. McCoy, Staff Attorney. Friends of the Columbia Gorge with letter attached.	8/5/19