



MULTNOMAH COUNTY OREGON
LAND USE AND TRANSPORTATION PROGRAM
1600 SE 190TH Avenue Portland, OR 97233
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http://www.co.multnomah.or.us/dbcs/LUT/land_use

NOTICE OF DECISION

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

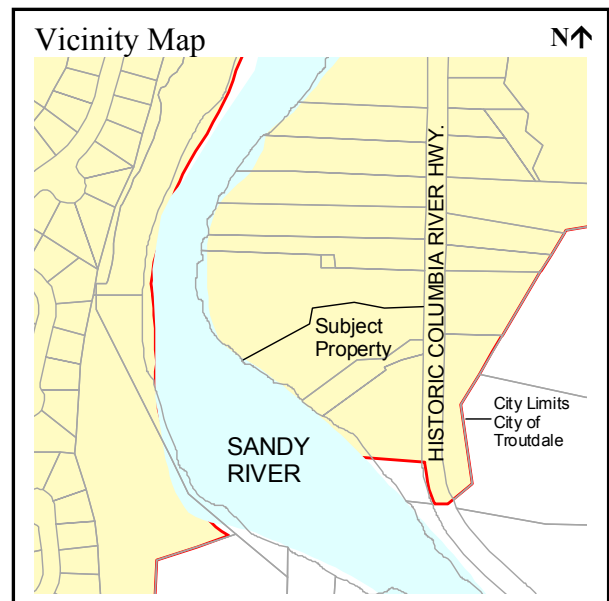
Case File: T2-05-016

Permit: National Scenic Area Site Review for a detached accessory structure

Location: 2187 E. Historic Columbia River Hwy.
TL 700, Sec 31B, T1N, R4E, W.M.
Tax Account #R83130-2890

Applicant: Jill Anderson
4926 SW Northwood
Portland, OR 97239

Owner: Jill Anderson and Jeffrey Gerry
4926 SW Northwood
Portland, OR 97239



Summary: Build a 3-car detached garage (1,440 sq. ft.) to the east of the existing house.

Decision: Approved with Conditions.

Unless appealed, this decision is effective May 27, 2005 at 4:30 PM.

Issued by:

By: _____
Tammy Boren-King, Planner

For: Karen Schilling - Planning Director

Date: May 13, 2005

Instrument Number: 2004231796

Opportunity to Review the Record: A copy of the Planning Director Decision, and all evidence submitted in support of the application, is available for inspection at no cost at the Land Use Planning office during normal business hours. Copies of all documents may be purchased at the rate of 30-cents per page. The Planning Director's Decision contains the findings and conclusions upon which the decision is based, along with any conditions of approval. For further information on this case, contact Tammy Boren-King, Staff Planner at 503-988-3043.

Opportunity to Appeal: This decision may be appealed within 14 days of the date it was mailed pursuant to the provisions of MCC 38.0640. An appeal requires a \$250.00 fee, and must state the specific legal grounds on which it is based. To obtain appeal forms or information on the procedure, contact the Land Use Planning offices at 1600 SE 190th Avenue (Phone: 503-988-3043).

This decision is final at the close of the appeal period, unless appealed. The deadline for filing an appeal is May 27, 2005, at 4:30 pm.

Applicable Approval Criteria: Multnomah County Code (MCC):

38.3025(A), Review Uses-GGR District

38.3060, GGR Dimensional Standards

38.7035, General Management Area Scenic Review Criteria

38.7045 General Management Area Cultural Resource Review Criteria

38.7055 General Management Area Wetland Review Criteria

38.7060 General Management Area Stream, Wetland, and Riparian Area Review Criteria

38.7065 General Management Area Wildlife Review Criteria

38.7070 General Management Area Rare Plant Review Criteria

Scope of Approval

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

Conditions of Approval

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

1. Within 30 days of this decision becoming final or prior to building permit sign-off, whichever happens first, the applicant shall record the Notice of Decision (pages 1-3 of this decision and the planting plan in Exhibit S) with the County Recorder. The Notice of Decision shall run with the land. Proof of recording shall be made prior to the issuance of any permits and filed with the Land Use Planning Division. Recording shall be at the applicant's expense. Failure to sign and record the Notice of Decision within this time frame shall void the decision pursuant to MCC 38.0670.
2. The applicant shall use the colors and exterior materials proposed in Exhibit G. The roofing and exterior siding shall be DuraTech Delta Rib in either Forest Green or Weathered Copper as shown on Exhibit G. The garage doors shall be painted or colored to match. (MCC 38.7040(A)(2))
3. The applicant shall only remove the six trees identified for removal on Exhibit S. The remainder of the existing trees shall be maintained and shall not be removed unless diseased or dying. If removed due to disease, the trees shall be replaced immediately with similar trees of 2-inch caliper size or greater. (MCC 38.7040(A)(1))
4. Eighteen Douglas Fir Trees shall be planted as indicated on Exhibit S. The applicant shall submit photographic documentation showing the installed trees to this office within thirty (30) days of final inspection of the structure. (MCC 38.7065(D)(4))
5. The applicant shall follow the tree protection methods proposed by the applicant's arborist in paragraph one under the heading "Site Evaluation" in the letter included as Exhibit T. (MCC 38.7065(D)(4))
6. Exterior lighting fixtures shall only be installed on the locations indicated on the exterior elevations included as Exhibit E. The only exterior light fixtures used shall be the fixtures depicted in Exhibit F. (MCC 38.7040(A)(6))
7. If, during construction, cultural or historic resources are uncovered, the applicant/owner shall immediately cease development activities and inform the Multnomah County Land Use Planning Division, Columbia River Gorge Commission, and the U.S. Forest Service of any discovery pursuant to MCC 38.7050(H).

Once this decision is final, application for building permits may be made. When ready to have building permits signed off, the applicant shall call the Staff Planner, Tammy Boren-King, at (503) 988-3043, to schedule an appointment for review and approval of the conditions and to sign the building permit plans. Please note, Multnomah County must review and sign off the building permits before the applicant submits building plans to the City of Gresham. Four (4) sets each of the site plan and building plans are needed for building permits signed off.

Notice to Mortgagee, Lien Holder, Vendor, or Seller: ORS Chapter 215 requires that if you receive this notice it must be promptly forwarded to the purchaser.

FINDINGS: (Formatting Note: Staff provides the Findings included here as necessary to address Multnomah County ordinance requirements. Multnomah County Code requirements are referenced using a **bold** font. Written responses to code criteria prepared by or on behalf of the applicant are identified as “**Applicant:**”. Planning staff comments and analysis may follow applicant responses. Where this occurs, the notation “**Staff:**” precedes the comments.)

1. Project Description

Applicant: The 2.1 acre site is located west of the Historic Columbia River Highway and east of the Sandy River. The site is within the City of Troutdale and the Columbia River Gorge National Scenic Area.

Existing on-site development consists of a 2-story single family residence, built in the 1942, and a ramshackle shed/pump house. The site is accessible from the Historic Columbia River Highway via a paved driveway, the first 110 feet of which is located on the adjacent lot to the north and is shared.

The majority of the site is covered with trees and shrubs, with an area of lawn to the south and west of the existing residence. The site is relatively flat, sloping gently from the top of the bank to the river, and with a slightly elevated area to the east of the existing residence that is above 100 year floodplain. (No area of the site exceeds 25% slope over a horizontal distance greater than 20 feet.) The floodplain elevation for the site is 42 feet.

We propose to build a detached 3-car garage to be used for parking and storage of a classic car, a boat and trailer and hobby workspace. The existing attached garage for the residence does not meet these needs due to its low clearance and insufficient depth for parking the previously mentioned vehicles and offers insufficient workspace. In addition, access to the existing garage was compromised by the recent lot line adjustment which cut-off access to the property via the northerly section of the driveway, moving the northerly lot line close to the north facing entrance of the existing attached garage.

Adjacent properties are comparably sized or smaller lots. Accessory structures of similar and larger sizes exist in the vicinity on lots approximately one-half the size of the subject property. Several properties in the vicinity have multiple accessory structures with a combined area exceeding that of the proposed structure. (Please see survey of accessory structures in the vicinity, Exhibit 10)

The proposed garage is 1440 square feet with a peak roof height of 18.5 feet. There will be no water/plumbing to the structure. Stormwater from the roof will be directed to downspouts on the south corner of the building, where there is substantial area of trees and vegetation with sandy soil with minimal slope, permitting complete absorption with no runoff onto neighboring properties or to the river.

The proposed building location, as shown on the site plan (Exhibit 4), was selected to utilize existing topography and vegetation to minimize visibility of the proposed structure from the Columbia River Highway and from the Sandy River, as well as to place the

structure above the 100 year flood elevation, eliminate the need for fill and minimize necessary tree removal. The proposed location, to the east of the existing house, is the only location on the property that will place the building above the base flood elevation. It will be necessary to remove 6 trees in order to construct the proposed structure in this location. Other possible locations for the building, to the south or southeast of the existing house, require the removal of fewer trees, however would not be feasible for the following reasons. These locations would place the building within the 100 year flood plain and require fill in order to meet the minimum floor elevation requirements. The City of Troutdale places stringent restrictions and requirements on development, excavation, fill and vegetation removal within the flood plain (TDC Ch. 4.6). In the alternate locations, the building would also be in full view from the Sandy River. In the proposed location, the building will be fully screened from view from the Sandy River and Historic Columbia River Highway by existing topography, vegetation and structures, as demonstrated by visual perspective diagrams (Exhibit 12) and site photographs (Exhibit 11). The proposed building location meets or exceeds all City of Troutdale and NSA setbacks requirements and Vegetation Corridor buffer requirements.

A certified arborist has prepared an Arborist Report and Tree Removal Plan (Exhibit 9). Most of the site will remain in its current condition, with riverside vegetation undisturbed. Silt fences will be used along the northerly property line during construction to prevent any runoff onto the neighboring property. A construction fence will be erected around the building site, as recommended in the Arborist Report, to protect adjacent trees and vegetation.

The garage will be constructed using materials and finishes that have been selected to fit into the site and reduce visibility of the structure. Samples of paint and materials are provided (Exhibit 17) and described in Exhibit 5.

A land use review and dimensional variance application for this project has been submitted to the City of Troutdale for approval (Troutdale File # 04-116).

Staff: The applicant's description of the project is accurate.

2. The county adhered to the required notification procedures.

Staff: An Opportunity to Comment was sent out to the County's list of property owners within 750-feet of the subject property and to the required Agencies, Confederated Tribes, and Recognized Neighborhood Associations pursuant to MCC 38.0530(B). The Opportunity to Comment was mailed on April 11, and was open for 14 days.

Comments were received from the following agencies:

- USDA Forest Service in the form of a Cultural Resources Survey Determination and a Section 106 Documentation Form (Exhibits O and P)
- State Historic Preservation Office in the form of a Section 106 Determination (Exhibit Q)

- State Historic Preservation Office letter from Dennis Griffin, Lead Archeologist (Exhibit V)
- Oregon Natural Heritage Program (Exhibit N)
- Oregon Department of Fish and Wildlife. (Exhibits R and U)

These comments are directed at code criteria related to various aspects of the National Scenic Area site review and are addressed in sections 9 through 13 of this report.

Additional comments were received from the following agencies and are addressed in this section.

- Columbia River Gorge Commission (Exhibit W)
- Friends of the Columbia Gorge (Exhibit X)
- City of Troutdale (Exhibit Y)
- Multnomah County Transportation Planning (Exhibit AA)

The letter from the Columbia River Gorge Commission was authored by Tom Ascher and is included as Exhibit W. This letter raises only one concern related to the exterior building material. Mr. Ascher is concerned that the metal exterior will be reflective no matter what color the building is. He suggests the use of siding or shingles for the exterior building material. Staff made findings related to the reflectivity of the structure in finding 7.14. These findings address the concern raised by Mr. Ascher.

The letter from the Friends group was authored by Glenn Fullilove. Mr. Fullilove identified the standards of the Multnomah County Code he understands to be applicable to the subject request. He states that the proposed location will likely lead to the building being visually subordinate but only if the County requires the retention of on-site vegetation and the replacement of any trees that are lost or removed. Conditions of approval 5, 6 and 7 have been attached to ensure the preservation of trees and the replacement of trees removed as part of the proposed project.

The letter of comment from the City of Troutdale states that the City's comments are included in the decision they rendered on this action in City case 04-116. The City's letter and a copy of the City's notice of decision are included as Exhibit Y.

An email from Multnomah County Transportation Planning staff notes that the County's Transportation division has no issues with the subject proposal. A copy of the email is included as Exhibit AA. This is accompanied by Exhibit Z, which is a letter from the applicant's engineer certifying the adequacy of the driveway to withstand loads commonly associated with fire trucks.

3. Proof of ownership and initiation of action

Staff: Applications for National Scenic Area Site Review permits are classified as Type II permit applications (MCC 38.0530). As such, they may only be initiated upon written consent of the property owner or contract purchaser (MCC 38.0550). County Assessment

Records included as Exhibit B and deed records included as Exhibit C show the property is owned by Jill Anderson and Jeffrey Gerry. Jill Anderson and Jeffrey Gerry have signed the application form providing the necessary consent to process this request. A copy of the signed application form is included as Exhibit A.

4. The subject property meets the definition of “Parcel.”

Applicant: The legal creation of this lot has been confirmed by a legal lot of record determination conducted by Multnomah County during a recently approved lot line adjustment (Case T2-04-071). This lot line adjustment was also reviewed and approved by the City of Troutdale.

Staff: The property was found to meet the definition of “Parcel” in casefile T2-04-071. This casefile approved the property line adjustment putting the property into its current configuration on November 19, 2004. The property remains in the same configuration as approved in T2-04-074. The property continues to meet the definition of “Parcel.”

Criterion met.

5. The proposal is allowed in the GGR District.

38.3025 Review Uses

(A) The following uses may be allowed on lands designated GGR, pursuant to MCC 38.0530 (B) and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7085 have been satisfied:

(2) Buildings exceeding 60 square feet in area and/or 18 feet in height as measured at the roof peak, which are accessory to a dwelling.

Applicant: The proposed detached garage will be used for parking and storage of a classic car, a boat and trailer and hobby workspace. This use is incidental to the existing house located on the site, which will be used as a primary residence. The area of the existing two-story house is 2900 square feet. The proposed 1440 square foot garage is less than half the area of the existing house and would thus be subordinate to the dwelling. The proposed building meets the definition of an accessory structure as defined by MCC 38.0015.A.2 : “*A building or structure, the use of which is incidental and subordinate to that of the main use of the property, which is located on the same parcel as the main building or use.*”

Staff: MCC. 38.3025(A)(6) allows residential accessory buildings as a review use in the GGR district pursuant to the provisions of MCC 38.700 through 38.7085. The proposal is reviewed for compliance with MCC 38.7000 through 38.7085 in Sections 8 through 13 of this report.

The applicant has stated the proposed detached garage will house both a classic car and a boat with a trailer. Additionally, the structure will provide hobby workspace for the residents of the home. The primary use of the property is as a single family dwelling. The dwelling provides for the cooking, eating, sleeping, and sanitation needs of the residents. All of these primary functions remain inside the dwelling. The storage and hobby-related activities to be housed inside the garage are incidental and accessory to the residential use of the property.

Criteria met.

6. The proposal meets the applicable dimensional standards of the GGR zone (MCC 38.3060).

- 6.1 **Staff:** The dimensional standards of the GGR zone include standards for lot size, lot length, setbacks and height limits. The only portion of this section applicable to the subject request is sub-part (C), which establishes setback and height limit requirements.

(C) Minimum Yard Dimensions – Feet

Front	Side	Street Side	Rear
30	10	30	30

Maximum Structure Height – 35 feet

Minimum Front Lot Line Length – 50 feet

- 6.2 **Applicant:** - The proposed structure will be approximately 175 feet from the front (street side) property line. The proposed structure will be 12 feet from the northerly (side) property line and approximately 127 feet from the southerly (side) property line. The proposed structure will be approximately 340 feet from the rear property as measured from the mean high water line of the Sandy River and 100 feet from the section of westerly property line measuring 40.04 feet in length. The proposed structure will be 18.5 feet high as measured at the roof peak.

Staff: The proposal meets the setbacks and is in compliance with the height limit.

Criteria met.

7. The proposal meets the GMA Scenic Review Criteria of MCC 38.7035.

§ 38.7035 GMA Scenic Review Criteria

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

(A) All Review Uses and Conditional Uses:

7.1 (1) New buildings and roads shall be sited and designed to retain the existing topography and reduce necessary grading to the maximum extent practicable.

Applicant: The proposed building site is located on a slightly elevated portion of the property that is above the 100 year floodplain elevation. This location eliminates the need for fill in order to meet the required floor elevation (at least 1 foot above the floodplain elevation). Little or no grading will occur in the proposed building area. A foundation will be excavated into the site (less than 20 inches). The existing topography of the site will remain unchanged.

Staff: The only proposed grading is a 20 inch excavation for the floor slab and building foundation. No other site preparation work, fill, or removal of materials is proposed. The applicant has selected a location on the site that will require minimal grading because it is nearly flat, is outside the flood plain, and will preserve the existing topography to the maximum extent practicable.

Criterion met.

7.2 (2) New buildings shall be generally consistent with the height and size of existing nearby development.

Applicant: Accessory buildings of similar size and height exist in the nearby vicinity. A survey of accessory structures in the vicinity is provided in Exhibit I. Information for these properties was obtained from the Multnomah County Assessor records unless otherwise indicated. The area used for this survey consists of properties along approximately one-half mile of the Historic Columbia River Highway adjacent to the subject property. Photos of many of the accessory structures listed in this survey and a map showing their locations are also included in Exhibits J and H. In most cases these structures are clearly visible from the Historic Columbia River Highway.

The proposed garage is 1440 square feet in area and 18.6 feet high the roof peak. Four accessory structures in the vicinity meet or exceed this size and are built on lots approximately one-half the size of the subject property. NSA approval was recently given to convert a nearby existing structure (currently a combined dwelling and garage) into a 1440 square foot accessory structure in conjunction with approval to build a new home at 1969 E. Historic Columbia River Highway. (NSA Case T2-04-024, approved January 5, 2005) This structure is within 400 feet of the proposed garage. Many other properties in the vicinity have multiple accessory structures with a combined area exceeding that of the proposed garage. All but one of these buildings are on lots much smaller than the subject property.

Information on the height of existing accessory structures in the vicinity is not available in the county records. Based on visual inspection, the height and overall mass of the proposed garage is consistent with the height of other accessory structures in the vicinity. (Please see building photos, Exhibit J)

Staff: Three exhibits prepared by the applicant are included to support compliance with the criterion. Exhibit I is a chart showing assessment information for 41 properties within ½ mile of the subject lot fronting on the Historic Columbia River Highway. This chart shows which properties contain houses, which contain residential accessory buildings, what size each building is, and the total square footage of accessory buildings on each property. Staff verified this data for each property using information from the County’s assessment database. Copies of the assessment printouts are included in the case file. In this chart, the applicant identifies 13 properties with accessory buildings of similar size and height as the proposed building. Exhibit J contains photographs of accessory buildings within the study area which are similar in height and size to the proposed structure. Exhibit H is a map showing which property contains each of the structures of which photos were submitted.

The area of analysis used by the applicant consists of a section of properties along approximately one-half mile of the Historic Columbia River Highway (HCRH). This area has common elements of dwellings on both sides of the road, a flat road grade, and a nearly straight road alignment. The northern boundary of the study area was chosen due to both a curve in the HCRH and the lack of residential land inside the city limits north of the study area. North of the study area, the terrain is very steep directly adjacent to the HCRH making the northern boundary of the study area the first point where enough land is present adjacent to the highway to foster any development potential. The south end of the study area is defined by the city limits. Together, these elements define both “nearby” for purposes of this standard, and the “vicinity” for analysis under the Landscape Setting criterion in MCC 38.7035(C)(3)(a).

The applicant’s exterior elevation and site plan for the proposed structure establish the height and size of the structure. The new structure is a single story, 1,440 square foot structure, with a peak building height of 18 feet, 6 inches. The applicant has identified 13 accessory structures which are all highly visible from the HCRH. All of the photos included in Exhibit J were taken from the HCRH. Four of the 13 accessory structures listed in the report meet or exceed the size of the proposed structure, one at 2,480 square feet (2016 SE Historic Columbia River Hwy), one at 1,728 square feet (1853 SE Thompson Rd.) and the other two at 1,440 square feet (1348 and 1969 SE Historic Columbia River Hwy). Five others are in the 1,000 square foot range. At 18 feet, six inches, the building height of the proposed structure is typical for single story construction. The proposed structure appears very similar to the structure at 1853 SE Thompson Rd, identified as structure number 2 in the applicant’s materials. The main difference between the structure 2 and the proposed structure is that the proposed structure will be smaller by one bay (the bay with the man-door in photo 2 on Exhibit J). The height and building style are nearly identical. Other accessory structures identified by the applicant that have a similar floor area and equal or larger overall mass include the structures in photos 1, 2, 4, and 5.

Since the size of the proposed structure falls within the range of what currently exists in the area, and the surrounding properties contain highly visible structures with a similar height and similar or larger overall mass, the proposed structure is generally consistent with that of existing nearby developments.

Criterion met.

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

Applicant: No new vehicular access points are proposed.

Staff: The applicant currently shares a consolidated access point with the property to the north. No new access points are proposed.

Criterion met.

7.4 (4) Project applicants shall be responsible for the proper maintenance and survival of any required vegetation.

Applicant: Any required vegetation stipulated as a condition of approval will be properly maintained. In addition, all existing vegetation on the property will be retained, other than that within the building site (noted on the Site Plan, Exhibit 4) and properly maintained.

Staff: As discussed in Finding 10, in order to meet the wildlife protection requirements of MCC 38.7065, the applicant is proposing the installation of 18 new Douglas Fir trees. The majority of the on-site trees will be retained in order to screen the proposed structure. A condition of approval has been attached requiring the proper maintenance of both the existing on-site vegetation and new vegetation to be planted.

Criterion met.

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

Applicant: A licensed arborist was consulted and involved in determining the placement of the building in order to minimize necessary tree removal and preserve the larger trees near the building site. (Please see arborist report, Exhibit 9)

The proposed building site is surrounded by mature Douglas Fir and Cedar trees and an understory of maple saplings. The area is also densely vegetated with ferns and shrubs. English Ivy, which has invaded the area, will be removed from the existing trees and vegetation.

Staff: The applicant provided sufficient information in two site plans (Exhibits D and S) to determine compatibility with the landscape setting.

Criterion met.

7.6 (6) For all new production and/or development of mineral resources and expansion of existing quarries, a reclamation plan is required to restore the site to a natural appearance which blends with and emulates surrounding landforms to the maximum extent practicable.

Applicant: Production or development of mineral resources is not proposed.

Staff: No new production or development of mineral resources or expansion of existing quarries is proposed.

Criterion does not apply.

(B) All Review Uses and Conditional Uses visible from Key Viewing Areas:

7.7 (1) Size, height, shape, color, reflectivity, landscaping, siting or other aspects of proposed development shall be evaluated to ensure that such development is visually subordinate to its setting as seen from Key Viewing Areas.

Applicant: The subject property is adjacent to two key viewing areas: The Sandy River and the Historic Columbia River Highway. There is no view corridor or Key Viewing Area between the Sandy River and the Historic Columbia River Highway. The river is not viewable from the highway or vice versa in this area. Thus there is no cross viewing associated with this site. The proposed garage will be fully screened from view from these two viewing areas by existing vegetation and structures, as described below.

Color & Reflectivity:

The proposed garage will be constructed using materials and finishes that have been selected to fit into the site and reduce visibility of the structure. A dark matte finished color has been selected. The building has no reflective surfaces (no windows). Samples of paint color and materials are provided (Exhibit 17) and described in Exhibit 5.

Landscaping & Siting:

The proposed location for the building, as shown on the site plan, was selected to utilize existing topography and vegetation to minimize visibility of the proposed garage from the Historic Columbia River Highway (HCRH) and from the Sandy River.

The building will be located approximately 175 feet from the HCRH. Numerous large fir and cedar trees exist between the HCRH and the building site. These mature trees, along with existing shrubs and under story will fully screen the building from direct and diagonal views from the HCRH. Please see photos depicting views from the HCRH, Exhibit 11.

The proposed building site is approximately 340 feet from the Sandy River, as measured from the mean high water line. The existing two-story house (height: ~21'3") along with existing trees and vegetation block direct views of the building from the Sandy River. Diagonal views from downriver (north) are also blocked by numerous mature trees and dense vegetation. Diagonal views from upstream (south) are blocked by the river bank along with existing trees and a neighboring home. Existing vegetation between the building site and the river will not be disturbed. Please see photos depicting views from the Sandy River and the HCRH, Exhibit 11. For these photos, four red flags were placed at the corner locations of the proposed building at eave height (14 feet) and three flags were placed along the location of the building peak, at 18.5 feet high. Photos were then taken from various points along the HCRH and the Sandy River, as

noted on the reference map included in Exhibit 11, in order to depict visibility of the proposed building. In addition, visual perspective (cross section) diagrams are provided in Exhibit 13, depicting visibility from various points from the Sandy River and the riverbank. These photos and diagrams clearly demonstrate that the proposed building will be fully screened from view.

Other locations on the property were evaluated as potential building sites. Locations to the south and southeast of the existing house, that would require the removal of fewer trees, would place the building in full view from the Sandy River and place the building within the 100 year flood plain. The City of Troutdale development code places stringent restrictions on development within the flood plain. This along with the NSA's visual subordination criteria, eliminates these locations as feasible options. The site selected is the only location on the property above the base flood elevation and maximally screens the proposed building from view using existing vegetation, topography and existing structures.

Size, Height, & Shape:

The proposed 1440 square foot 3-car garage in the proposed location will be fully screened from view from the adjacent key viewing areas. The height, 18.5 feet, is lower than the existing 2-story house (height: 21'3") that is located to the east of the proposed garage, screening it from view from the Sandy River. The size and height of the proposed building is the minimum necessary to accommodate the intended, permitted use. Decreasing the size or height of the proposed building in the current location would not impact its visual subordination, as it will not be visible from the key viewing areas at its proposed size. As previously discussed, the proposed garage is consistent in size with other accessory buildings in the vicinity.

We considered building two smaller buildings to accommodate the intended use. This option was not feasible for several reasons. Constructing two smaller buildings rather than one large building would nearly double the construction cost, making this option financially impracticable. It would also require the removal of many additional trees from the site, in order to locate the buildings in the area of the property above the flood plain elevation. This would eliminate existing vegetation necessary to screen the structures from view. Locating one or both buildings in the open area on the property, in order to retain existing trees, would place the building within the floodplain as well as in full view from the Sandy River. The proposed 40 ft x 36 ft building is the only option fulfilling requirements for the intended use, while maximizing retention of existing trees, avoiding construction within the floodplain and achieving visual subordination using existing vegetation.

Staff: The applicant's property is between two linear key viewing areas, the Historic Columbia River Highway (HCRH) and the Sandy River. Due to the heavily vegetated nature of the site, the River is not visible from the HCRH. Due to topography changes and intervening vegetation, the HCRH is not visible from the river. The applicant has chosen a building site that will be fully screened from both of these key viewing areas. Staff has presented the discussion below in two parts, each addressing the view from one Key Viewing Area.

AS SEEN FROM SANDY RIVER

The subject site has direct frontage on the Sandy River. The applicant has submitted photos in Exhibit K and constructed elevations in Exhibit M establishing the relationship between the proposed building site and the river.

As can be seen in the photos in Exhibit K, the proposed building site will be screened from view from the river by the existing house and existing vegetation. The proposed structure is shorter than the house and will be sited entirely behind the house as shown in the site plan attached as Exhibit D. Since the river curves along the applicant's frontage, the view will change as you move along the river from northwest to southeast. The applicant has prepared three elevations showing how this changes. Elevation A is viewed from the river directly in front of the existing house. As shown in this elevation, the line of sight from both the shore and the river intersect the existing house, eliminating any view of the proposed garage. This drawing is verified by photo E in Exhibit K.

Elevation B shows the view from the southeast curve in the river. This view hits the edge of the single story portion of the existing house. This will allow the house to partially block the view of the proposed structure. The existing on-site trees will block the remainder of the view as shown in the Elevation B and verified in photo D in Exhibit K.

Elevation C shows the view from the northeast across the neighboring property. As viewed from this vantage point, the proposed structure will be behind the existing pump house. Mature vegetation currently blocks the view of the pump house as shown in both Elevation C and photos G and F in Exhibit K. While the structure will be taller than the pump house, it will remain well below the existing tree canopy. The existing tree cover fully screen the structure from view as seen from the northeast on Sandy River.

The existing structure and existing vegetation will fully screen the building from view as seen from the Sandy River.

AS SEEN FROM THE HISTORIC COLUMBIA RIVER HIGHWAY (HCRH)

The subject site has direct frontage on the HCRH. The applicant has submitted photos in Exhibit K and staff has included photos in Exhibit L establishing the relationship between the proposed building site and the HCRH.

As shown in the site plan included as Exhibit D, the proposed building site is approximately 175 feet from the HCRH. The land area between the HCRH and the proposed building site is heavily vegetated as shown in Exhibit S and the photos A, B, and C of Exhibit K. The existing house is fully screened from view by the existing vegetation. The new structure will be closer to the HCRH than the existing structure, but will remain fully screened. In addition to the existing vegetation, the applicant is planting 18 Douglas Fir trees in the locations shown on Exhibit S in order to meet the wildlife protection standards of MCC 38.7065. Eleven (11) of these trees will be scattered on the site between the proposed structure and the HCRH. These trees will make the site a dense forest, blocking even the small potential for viewing presented by the existing conditions. The existing tree cover coupled with the proposed Douglas Fir trees will fully screen the building from view as seen from the Historic Columbia River Highway.

In addition to the screening provided by the existing house, the existing vegetation, and the proposed vegetation, the applicant has made several other decisions that work to keep the structure visually subordinate. The applicant has proposed the use of light fixtures to illuminate the exterior of the building as shown on the elevations included as Exhibit E. Exhibit F shows the fixtures proposed for use. These fixtures will limit the amount of light emitted at night and direct it only downward, not up or out. The proposed building material is corrugated metal painted a dark earth tone color and given a matte finish. The dark colors proposed by the applicant will blend easily into the on-site vegetation. The proposed building material and colors are shown in Exhibit G. As discussed at length in Finding 7.14, the proposed building material is a material with low reflectivity, reducing the visual impact of the structure.

The combination of building height and location, the screening effect of the existing vegetation and existing structures, the proposed vegetation, the proposed building colors and the proposed building materials will make the structure visually subordinate as viewed from both Key Viewing Areas. The applicant will be required to build the structure in accordance with the submitted plans and materials specifications to ensure compliance with this finding.

One additional condition of approval will have a positive affect on screening though the main purpose for applying the condition is not the protection of scenic resources. Condition 6 requires the applicant to plant the eighteen Douglas Fir trees proposed on Exhibit S. While these trees are required to meet the natural resource protection standards of MCC 38.7065, they will also provide year-round screening for the proposed structure as seen from the HCRH.

Criterion met with conditions.

- 7.8 **(2) The extent and type of conditions applied to a proposed development to achieve visual subordination should be proportionate to its potential visual impacts as seen from Key Viewing Areas. Primary factors influencing the degree of potential visual impact include: the amount of area of the building site exposed to Key Viewing Areas, the degree of existing vegetation providing screening, the distance from the building site to the Key Viewing Areas it is visible from, the number of Key Viewing Areas it is visible from, and the linear distance along the Key Viewing Areas from which the building site is visible (for linear Key Viewing Areas, such as roads). Written reports on determination of visual subordination and final conditions of approval shall include findings addressing each of these factors.**

Applicant: As described above and depicted in Exhibits K and M, visual subordination is achieved through screening provided by existing vegetation and structures. The distance from the proposed building to the river and highway also minimize its visibility. These setbacks greatly exceed Multnomah County and Columbia River Gorge standards. Any additional conditions stipulated by County Staff in order to improve visual subordination will be met.

Staff: The following analysis is broken down into the subject areas required by the above criterion.

NUMBER OF KEY VIEWING AREAS SITE IS VISIBLE FROM

The subject property is visible from two key viewing areas- the Historic Columbia River Highway (HCRH) and the Sandy River.

DISTANCE FROM BUILDING SITE TO KEY VIEWING AREAS IT IS VISIBLE FROM

As shown on the applicant's site plan (Exhibit D), the structure will be 175 feet from the HCRH and approximately 315 feet from the mean high water mark of the Sandy River.

LINEAR DISTANCE ALONG KEY VIEWING AREAS FROM WHICH THE BUILDING SITE IS VISIBLE

The building site is not visible from the HCRH due to the presence of mature vegetation. The following information for visibility from the HCRH is based on staff's assessment from a site visit conducted on 3-11-05 in a County truck. Traveling north bound, the eastern edge of the subject property is visible from the HCRH from the curve in the road just south of the City Limits to the end of the property, a distance of approximately 600 feet. Traveling south bound, the eastern edge of the subject property is visible from the HCRH from just south of the intersection with Woodard Rd. to the end of the property, a distance of approximately 1,200 feet. No matter where you are on the HCRH, the view into the property is blocked by substantial existing vegetation shown in Exhibits K and L.

Staff did not go out onto the Sandy River in a boat to determine when the property is visible from the River. Staff performed a site visit on 3-11-05 and walked along the eastern bank of the Sandy River to determine where the property is visible from. Staff could walk along the river banks to the north, but not to the south. Staff is estimating when the site becomes visible when traveling northbound based on what was visible from the property. Staff stood at the property line in an orange safety vest and waived to passing boaters. The first point at which the passing boaters were able to see staff and waive back is the point at which staff estimates the site is first visible from the south. The subject site sits at the apex of a bend in the river, making it difficult to see from the north except when inside the bend. Travelling up-river (southbound) the property is visible starting at 2051 E. Historic Columbia River Highway and ending when you pass the property, a distance of approximately 820 feet. Traveling down-river (northbound), the bend is much less severe. The property first becomes visible near the house on the west side of the river at 32 NE Sandy Dell Road and is no longer visible when it has been passed, a distance of approximately 1,700 feet. While the property itself is visible from the River, the proposed building site is heavily screened by the location of the existing house and existing vegetation. As explained below, the proposed building site is not visible from the Sandy River.

AMOUNT OF AREA OF BUILDING EXPOSED TO KEY VIEWING AREAS/DEGREE OF EXISTING VEGETATION PROVIDING SCREENING.

The existing tree cover coupled with the proposed Douglas Fir trees will fully screen the building from view as seen from the Historic Columbia River Highway. The subject site has direct frontage on the HCRH. The applicant has submitted photos in Exhibit K and staff has included photos in Exhibit L showing the amount of existing on-site vegetation. The applicant's site plan (Exhibit D) shows only the on-site trees over six-inches in diameter at breast height. As shown in the applicant's photos in Exhibit K and staff's photos in Exhibit L, many more trees and shrubs exist on site than are shown on the applicant's site plan. The site is heavily vegetated.

Six mature trees will be removed as part of the proposed construction. As shown on the applicant's site plan (Exhibit D), 48 trees over six inches in diameter at breast height will remain on the site. The smaller trees and shrubs outside of the building's footprint will be retained and continue to provide screening.

As shown in the site plan included as Exhibit D, the proposed building site is approximately 175 feet from the HCRH. The land area between the HCRH and the proposed building site is heavily vegetated as shown in Exhibit S and the photos A, B, and C of Exhibit K. The existing house is fully screened from view by the existing vegetation. The new structure will be closer to the HCRH than the existing structure, but will remain fully screened. In addition to the existing vegetation, the applicant is planting 18 Douglas Fir trees in the locations shown on Exhibit S. Eleven (11) of these trees will be scattered on the site between the proposed structure and the HCRH. These trees will make the site a dense forest, blocking even the small potential for viewing presented by the existing conditions.

As can be seen in the photos in Exhibit K, the proposed building site will be fully screened from view from the river by the existing house and existing vegetation. The proposed structure is shorter than the house and will be sited entirely behind the house as shown in the site plan attached as Exhibit D. Since the river curves along the applicant's frontage, the view will change as you move along the river from northwest to southeast. The applicant has prepared three elevations showing how this changes. Elevation A is viewed from the river directly in front of the existing house. As shown in this elevation, the line of sight from both the shore and the river intersect the existing house, eliminating any view of the proposed garage. This drawing is verified by photo E in Exhibit K.

Elevation B shows the view from the southeast curve in the river. This view hits the edge of the single story portion of the existing house. This will allow the house to partially block the view of the proposed structure. The existing on-site trees will block the remainder of the view as shown in the Elevation B and verified in photo D in Exhibit K.

Elevation C shows the view from the northeast across the neighboring property. As viewed from this vantage point, the proposed structure will be behind the existing pump house. Mature vegetation currently blocks the view of the pump house as shown in both Elevation C and photos G and F in Exhibit K. While the structure will be taller than the pump house, it will remain well below the existing tree canopy. The existing tree cover fully screens the structure from view as seen from the northeast on Sandy River.

Three conditions of approval have been included to ensure compliance with the visual subordination standards. Condition 4 requires the applicant to use the building design, materials, and colors proposed. Condition 5 requires the applicant to retain all on-site trees other than those marked for removal on Exhibit S. This condition also requires the applicant to maintain the remaining trees and to replace them if lost to disease. Condition 7 requires the applicant to only install light fixtures where proposed on Exhibit E and to use the fixtures proposed in Exhibit F.

One additional condition of approval will have a positive affect on screening though the main purpose for applying the condition is not the protection of scenic resources. Condition 6 requires the applicant to plant the eighteen Douglas Fir trees proposed on Exhibit S. While these trees are required to meet the natural resource protection standards of MCC 38.7065, they will also provide year-round screening for the proposed structure as seen from the HCRH.

This level of conditioning of the approval is proportionate to the potential visual impact of the project as seen from Key Viewing Areas.

Criterion met with conditions.

7.9 (3) Determination of potential visual effects and compliance with visual subordination policies shall include consideration of the cumulative effects of proposed developments.

Applicant: Many of the existing homes and accessory buildings in the vicinity are clearly visible from the Sandy River and/or the Historic Columbia River Highway and contrast with the surrounding natural environment. The proposed building will blend into its surrounding environment and have little or no visual impact.

Staff: The subject property is inside the City of Troutdale. The majority of the other properties fronting on the HCRH inside the city limits are developed with houses and accessory buildings in clear view from the HCRH as shown in Exhibits H, I and J. This stretch of the HCRH has an urban character due to the residential development and commercial development such as Tad's Chicken and Dumplings which are set close to the edge of the HCRH and provided with no screening. The proposed structure will be visually subordinate as seen from the HCRH and the Sandy River as discussed in Finding 7.7. The proposal will have no visual affect on the already urban character of the area.

Criterion met.

7.10 (4) For all buildings, roads or mining and associated activities proposed on lands visible from Key Viewing Areas, the following supplemental site plan information shall be submitted in addition to the site plan requirements in MCC 38.0045 (A) (2) and 38.7035 (A) (5) for mining and associated activities

(5) For proposed mining and associated activities on lands visible from Key Viewing Areas, in addition to submittal of plans and information pursuant to MCC 38.7035 (A) (5) and subsection (4) above, project applicants shall submit perspective drawings of the proposed mining areas as seen from applicable Key Viewing Areas.

Applicant: Mining is not proposed.

Staff: No mining activities are proposed. These two criteria do not apply.

Criteria do not apply.

7.11 (6) New buildings or roads shall be sited on portions of the subject property which minimize visibility from Key Viewing Areas, unless the siting would place such development in a buffer specified for protection of wetlands, riparian corridors, sensitive plants, sensitive wildlife sites or conflict with the protection of cultural resources. In such situations, development shall comply with this standard to the maximum extent practicable.

Applicant: The proposed building is sited on the portion of the property that provides maximal screening utilizing existing vegetation and structures. Given existing constraints (the existing house, septic system, driveway, well, and pump house) this is the only location on the property where a new structure to be fully screened from view from the Key Viewing Areas.

Staff: The applicant has proposed the structure on the portion of the site which meets the City of Troutdale's floodplain development standards (Exhibit Y), is outside of the buffer zone for the Sandy River required by MCC 38.0060(F)(1)(a), and allows the existing house and vegetation to provide maximum screening. There are other portions of the site on which the structure could be placed without the need to remove as many trees but these portions of the site are in clear view from the Sandy River. The proposed location was chosen because it is the location with the least visibility from both the HCRH and the Sandy River.

Criterion met.

7.12 (7) In siting new buildings and roads, use of existing topography and vegetation to screen such development from Key Viewing Areas shall be prioritized over other means of achieving visual subordination, such as planting of new vegetation or use of artificial berms to screen the development from Key Viewing Areas.

Applicant: As previously described, the proposed building is sited on the property such that it is fully screened from view from the adjacent Key Viewing Areas by existing vegetation and topography. No berms are required for this project and the existing topography of the site will not be modified. The natural slope of the river bank along with existing vegetation and structures, screens the building from view from the Sandy River. Existing vegetation is utilized to screen the building from the Historic Columbia River Highway. (Exhibits K and M)

Staff: The site is relatively flat between the HCRH and the top of bank of the Sandy River. No substantial topography is present on the site that could provide screening for the proposed structure.

The applicant has chosen to locate the structure on the portion of the property that will allow existing trees and the existing house to screen the building from view from Key Viewing Areas. Additional trees are being planted to offset the impact to wildlife of the proposed tree removal. These additional trees will be coniferous and will add to the screening potential of the already heavy amount of vegetation on site. While the trees to be planted will have a positive impact on screening the structure, the primary purpose of planting the trees is to provide for nesting bird habitat as requested by the Oregon Department of Fish and Wildlife in Exhibit R.

The applicant has prioritized the use of existing vegetation to screen the house over other means of achieving visual subordination.

Criterion met.

7.13 (8) Driveways and buildings shall be designed and sited to minimize grading activities and visibility of cut banks and fill slopes from Key Viewing Areas.

Applicant: The proposed building is sited on a slightly elevated portion of the property in order to minimize grading. There are no cut banks or fill slopes associated with the proposed development.

Staff: There are small changes in elevation on the site between the HCRH and the top of bank. The proposed building location is the highest point on the lot, making it the point that is above the flood elevation identified by the City of Troutdale. As explained on pages 8 through 10 of the City of Troutdale's approval included as Exhibit Y, the floor level of the structure must be at least one foot above the base flood elevation. Locating the structure on the portion of the site which is above the base flood elevation eliminates the need to engage in a cut and fill operation that would raise the building site above the flood elevation while still preserving the flood capacity of the site. The proposed location allows the applicant to only excavate 20 inches for the foundation. No other site work is required.

By choosing to site the building on the portion of the property which is already above the 100 year base flood elevation, the applicant has chosen the location on the property which minimizes the amount of grading required.

Criterion met.

7.14 (9) The exterior of buildings on lands seen from Key Viewing Areas shall be composed of nonreflective materials or materials with low reflectivity, unless the structure would be fully screened from all Key Viewing Areas by existing topographic features.

Applicant: The entire building is composed of nonreflective materials. No windows are present in the proposed structure. The siding and roofing materials are nonreflective metal and will be a dark matte finished color.

Staff: Existing Topographic features will not fully screen the proposed structure from all Key Viewing Areas. The structure's exterior must be composed of nonreflective materials or materials with low reflectivity.

The proposed building material and color is shown in Exhibit G. The proposed structure will be constructed of corrugated metal painted dark earth-tone colors with a matte finish. Samples of the exterior building material are included in the file. The samples are flat metal whereas the building will be constructed of corrugated metal. These samples are effective at showing both

the color and the matte finish of the proposed material. No windows or other glass features are proposed as part of this structure. The applicant asserts this material will have low reflectivity.

Staff evaluated the samples of the building material outside (i.e. under sun light) to determine whether or not the material has low reflectivity. The materials were evaluated in comparison to an existing weathered wood structure, low-reflectivity glass, standard window glass, the exterior of an existing metal building (both light colored and dark colored portions) and concrete. The proposed building material is much less reflective than regular glass or low-reflectivity glass and is less reflective than the light and dark painted metal to which it was compared. The concrete to which the proposed material was compared had a rough finish. As such, it was not shiny but did still reflect quite a lot of light. The concrete reflected more light and produced more glare than the proposed building material. The weathered wood was not reflective. The metal did have more reflectivity than weathered wood, but was greatly less reflective than other building materials to which it was compared. Staff's visual assessment of the material is that it is a material having low reflectivity.

In order to try to quantify how much reflectivity the proposed material may have, staff conducted research regarding the reflectivity of metal building materials painted a dark color and found the study included as Exhibit EE. This study was conducted by the Florida Solar Energy Center, which is a research center based at the University of Central Florida. The research center focuses on sustainable energy use and finding ways to either reduce energy use or produce passive energy, such as solar energy. The purpose of the study attached as Exhibit EE was to test roofing materials to find a material that will reflect heat without reflecting so much light that it produces high amounts of glare. This was conducted to determine appropriate building materials to reduce the need to cool buildings in southern climates.

The study used a spectrophotometer in a laboratory to take the reflectance readings throughout the electromagnetic spectrum for several different kinds of roofing materials including various colors of metal roofing and various colors of composition shingles. The color samples of materials used were available on-line and a print-out of the colors for the metal materials that were tested is included as Exhibit FF.

This study broke the data down into visible light and non-visible light. Page 3 of this study shows the types of data presented for each material that was tested. The data charts throughout the report refer to VIS data, which is "Integrated visible reflectance of the above (materials) from 410-724 nm. Staff verified that this is a commonly accepted range of the electro-magnetic spectrum. Attachment GG is a chart prepared by the National Aeronautic and Space Administration (NASA) that defines the various types of light wave and classifies visible light wavelengths as between 400 and 700 nanometers.

These tests found that several colors of dark metal roofing only reflect between 5.2% (matte black) and 14.3% (musket grey) of the visible light that hits them. In comparison, they tested two colors of black composition shingles; One reflected 3.5% of visible light and the other reflected 5.3% of visible light. Aspen Gray composition shingles reflected 19.5% of visible light. The data presented in this study shows that metal painted a dark color reflects approximately the same amount of visible light as dark colored composition shingles.

The applicant has proposed the use of metal building materials painted “Weathered Copper” and “Forest Green” as shown in Exhibit G. The “Forest Green” color is most similar to the “Matte Black” shown on Exhibit FF. The “Weathered Copper” color is between the “Matte Black” and “Burgundy” colors shown on Exhibit FF. Page 6 of Exhibit EE states that metal roofing painted “Matte Black” reflects 5.2 percent of visible light and that metal roofing painted “Burgundy” reflects 8 percent of visible light. Both of the proposed colors have a matte finish and are in colors similar enough to the tested colors to draw the conclusion that their reflectivity will be in the same range as the reflectivity of the tested dark colors.

Based on the information presented in Exhibits EE, FF, and GG, metal building materials can have low reflectivity if painted in dark colors. Staff’s visual assessment of the samples of the proposed building material conducted under sun light concluded that the proposed materials do indeed have low reflectivity.

The applicant is proposing the use of a building material with low reflectivity.

Criterion met.

- 7.15 **(10) Exterior lighting shall be directed downward and sited, hooded and shielded such that it is not highly visible from Key Viewing Areas. Shielding and hooding materials shall be composed of non-reflective, opaque materials.**

Applicant: One outdoor security light will be located on the south side of the building. The proposed fixture is shielded and directed downward. Please see Exhibit 5 for fixture specifications and photos. (Alternatives will be considered.)

Staff: The applicant has provided exterior building elevations that show two light fixtures being installed on the exterior of the building. The building elevations are included as Exhibit E and the proposed light fixtures are included as Exhibit F. Proposed light fixture number 1 is proposed over the man-door and is a fully shielded and hooded fixture. Proposed light fixture number 2 is proposed over the center overhead garage door and is a fully shielded and hooded fixture. Both fixtures will direct light downward only and are made of opaque materials, painted to reduce reflectivity. Both of the proposed fixtures are recommended for use by the International Dark Sky Association, a non-profit organization that works to reduce light pollution and provide third-party certification for light fixtures which minimize glare and light-trespass and do not pollute the night sky.

Criterion met.

- 7.16 **(11) Additions to existing buildings smaller in total square area than the existing building may be the same color as the existing building. Additions larger than the existing building shall be of colors specified in the landscape setting for the subject property.**

(12) Rehabilitation of or modifications to existing significant historic structures shall be exempted from visual subordination requirements for lands seen from Key Viewing Areas. To be eligible for such exemption, the structure must be included in, or eligible for inclusion in, the National Register of Historic Places or be in the process of applying for a determination of significance pursuant to such regulations. Rehabilitation of or modifications to such historic structures shall be consistent with National Park Service regulations for historic structures.

Applicant: No additions or modifications to existing buildings are proposed.

Staff: The proposal does not include the modification of any structure.

Criteria do not apply.

7.17 **(13) The silhouette of new buildings shall remain below the skyline of a bluff, cliff or ridge as seen from Key Viewing Areas. Variances may be granted if application of this standard would leave the owner without a reasonable economic use. The variance shall be the minimum necessary to allow the use, and may be applied only after all reasonable efforts to modify the design, building height, and site to comply with the standard have been made.**

Applicant: The silhouette of the proposed building will not be visible from Key Viewing Areas. A large bluff exists to the west of the site (directly across the river) and the building will not be silhouetted as viewed from the Historic Columbia River Highway. As viewed from the Sandy River, the silhouette of the building is not visible due to screening by existing vegetation and structures. There is also a large bluff to the east of the site, across the Historic Columbia River Highway.

Staff: The subject property is on a flat bench of land next to the Sandy River. To the east of the property, the topography rises steeply. The subject property is at an elevation of approximately 42 feet above sea level as shown on the applicant's site plan. USGS Topographic maps of the area show the hill to the west cresting at 620 feet above sea level. The proposed structure will be over 560 feet below the skyline of the nearby bluff.

Criterion met.

7.18 **(14) An alteration to a building built prior to November 17, 1986, which already protrudes above the skyline of a bluff, cliff or ridge as seen from a Key Viewing Areas, may itself protrude above the skyline if:**

Staff: The standards of sub-parts (14) through (25) of this section deal with existing structures, utility facilities, new communication facilities, roadway facilities, structural development involving more than 100 cubic yards of grading, and quarries. The subject proposal does not include any of the uses regulated by sub-parts (14) through (25). These criteria do not apply to the subject proposal.

Criteria 14 through 25 do not apply.

- 7.19 **(26) Compliance with specific approval conditions to achieve visual subordination (such as landscaped screening), except mining and associated activities, shall occur within a period not to exceed 2 years after the date of development approval.**

Applicant: Any approval conditions required to achieve visual subordination will be met within the allotted timeframe.

Staff: The applicant will be required to use the materials and colors proposed in this application at the time the building is constructed. The applicant has proposed the planting of eighteen Douglas Fir trees to meet the wildlife resource protection standards. These trees will have an incidental positive impact on visual subordination. Staff has included a condition of approval requiring the applicant to submit documentation proving the replacement trees have been planted within 30 days of the final inspection of the proposed structure.

Criterion met with condition.

(C) All Review Uses and Conditional Uses within the following landscape settings:

(3) Rural Residential

- 7.20 **(a) New development shall be compatible with the general scale (height, dimensions and overall mass) of development in the vicinity. Expansion of existing development shall comply with this standard to the maximum extent practicable.**

Applicant: Accessory buildings of similar size and height exist in the nearby vicinity. A survey of accessory structures in the vicinity is provided in Exhibit I. Information for these properties was obtained from the Multnomah County Assessor records, unless otherwise indicated. The area used for this survey consists of properties along approximately one-half mile of the Historic Columbia River Highway adjacent to the subject property. Photos of many of the accessory structures listed in this survey and a map showing their locations are also included in Exhibits J and H. In most cases these structures are clearly visible from the Historic Columbia River Highway.

The proposed garage is 1440 square feet in area and 18.6 feet high the roof peak. Four accessory structures in the vicinity meet or exceed this size and are built on lots approximately one-half the size of the subject property. NSA approval was recently given to convert a nearby existing structure (currently a combined dwelling and garage) into a 1440 square foot accessory structure in conjunction with approval to build a new home at 1969 E. Historic Columbia River Highway. (NSA Case T2-04-024, approved January 5, 2005) This structure is within 400 feet of the proposed garage.

Information on the height of existing accessory structures in the vicinity is not available in the county records. Based on visual inspection, the height and overall mass of the proposed garage is

consistent with the height of other accessory structures in the vicinity. (Please see photos of accessory structures in the vicinity, Exhibit J.)

Many other properties in the vicinity have multiple accessory structures with a combined area exceeding that of the proposed garage. All but one of these buildings is on lots much smaller than the subject property. We considered building two smaller buildings to accommodate the intended use. This option was not feasible for several reasons. Constructing two smaller buildings rather than one large building would nearly double the construction cost making this option financially impracticable. It would also require the removal of many additional trees from the site, in order to locate the buildings in the area of the property above the flood plain elevation. This would eliminate existing vegetation necessary to screen the structures from Key Viewing Areas. Locating one or both buildings in the open area on the property, in order to retain exiting trees, would place the building within the floodplain as well as in full view from the Sandy River. The proposed 40 ft x 36 ft building is the only option fulfilling requirements for the intended use, while maximizing retention of existing trees, avoiding construction within the floodplain and achieving visual subordination using existing vegetation and it is compatible with the general scale of other buildings in the vicinity.

Staff: Staff concurs. Staff previously addressed this topic in Finding 7.2 and found the proposed structure to be compatible with the general scale of development in the vicinity. See Finding 7.2 for further information.

Criterion met.

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

Applicant: Only trees necessary for development of the site, as determined by a licensed arborist (Exhibit T), will be removed. All other trees will be retained. Following a site visit and project review, City of Troutdale planning staff concluded that “removal of the trees would still be necessary even if the garage were only 1,000 square feet in area”. (February 9, 2005 City of Troutdale Planning Commission Staff Report, page 11, File #04-116)

Staff: The applicant has proposed a building location that will minimize grading and provide the most protection to scenic resources through the use of existing vegetation. In order to use this site, six trees will need to be removed. The determination of which trees need to be removed was made by a licensed arborist in a letter included as Exhibit T. The rest of the on-site trees will be retained. As a replacement for the six trees lost to development, the applicant will plant eighteen Douglas Fir trees.

The existing tree cover will be retained except as necessary for site development.

A condition of approval has been attached requiring the applicant to only remove the six trees designated for removal on Exhibit S. The remainder of on-site trees are required to be

maintained and shall not be removed unless diseased or dying. If removed due to disease, the trees shall be replaced immediately with similar trees of 2-inch caliper size or greater.

Criterion met with condition.

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

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

Applicant: Only trees necessary for development of the site, as determined by a licensed arborist (Exhibit 9), will be removed. All other trees will be retained.

Staff: As determined in finding 7.21, the existing tree cover will be retained except as necessary for development. A condition of approval has been included requiring the retention of all trees not specifically slated for removal on the applicant's site plan included as Exhibit S.

Criterion met with condition.

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

Staff: The applicant has not proposed the planting of any new trees for screening purposes. The existing tree cover is sufficient to screen the proposed building from Key Viewing Areas.

Eighteen Douglas Fir trees are proposed to be installed as replacement for the trees to be removed. The purpose of planting these trees is to provide for nesting bird habitat as requested by the Oregon Department of Fish and Wildlife in Exhibit R. Douglas Fir trees are native to the setting and commonly found in the area.

Criterion met.

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

Staff: The applicant has not proposed the planting of any new trees for screening purposes. The existing tree cover is sufficient to screen the proposed building from Key Viewing Areas.

Eighteen Douglas Fir trees are proposed to be installed as replacement for the trees to be removed. The purpose of planting these trees is to provide for nesting bird habitat as requested by the Oregon Department of Fish and Wildlife in Exhibit R. Douglas Fir trees are coniferous.

Criterion met.

- 7.25 **4. Structures’ exteriors shall be dark and either natural or earth-tone colors unless specifically exempted by MCC 38.7035 (B) (11) and (12).**

Applicant: The exterior of the proposed structure will be dark green or brown. (Please see color samples, Exhibit 17.)

Staff: The applicant has proposed the use of either the “Forest Green” or the “Weathered Copper” color produced by ASC Building Products as shown on Exhibit G. Both of these colors are dark earth-tones.

Criterion met.

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

Staff: No recreational uses are proposed.

Criterion does not apply.

(D) All Review Uses and Conditional Uses within scenic travel corridors:

- 7.27 **(1) For the purposes of implementing this section, the foreground of a Scenic Travel Corridor shall include those lands within one-quarter mile of the edge of pavement of the Historic Columbia River Highway and I– 84.**

Staff: The subject property is adjacent to the HCRH and is therefore subject to the Scenic Travel Corridor standards. Subsection (2) of the Scenic Travel Corridor standards is the only subsection applicable to the proposed use.

- 7.28 **(2) All new buildings and alterations to existing buildings, except in a GGRC, shall be set back at least 100 feet from the edge of pavement of the Scenic Travel Corridor roadway. A variance to this setback requirement may be granted pursuant to MCC 38.0065. All new parking lots and expansions of existing parking lots shall be set back at least 100 feet from the edge of pavement of the Scenic Travel Corridor roadway, to the maximum extent practicable.**

Staff: As shown on the applicant’s site plan, the proposed structure is located 175 feet from the applicant’s property line adjacent to the HCRH, which is a Scenic Travel Corridor roadway. The structure will be at least 100 feet from the edge of pavement of the HCRH.

Criterion met.

8. The proposal meets the GMA Cultural Resource Review Criteria of MCC 38.7045.

Staff: The subject site was reviewed for both cultural and historic resources in two separate documents prepared by Margaret Dryden, the Archaeologist and Heritage Program Manager for the Columbia River Gorge National Scenic Area. These documents are a Heritage Resource Inventory included as Exhibit O and a Section 106 Documentation Form, included as Exhibit P.

The Heritage Resource Inventory reviewed the site and the existing house and determined that no reconnaissance survey is required. This determination satisfies the requirements of MCC 38.7045(A)(1)(f) and concludes the required cultural resource review with the exception of historic resources. The house on the property is over 50 years old, requiring an historic survey under MCC 38.7045(A)(3) to ensure modifications to the site will not adversely impact the integrity of the structure's setting. The Section 106 Report contained in Exhibit P is the Historic Survey and meets the requirements of MCC 38.7045(D)(3). This survey determined that the structure has been modified dramatically to the extent that it no longer has historical integrity. This finding was forwarded to Sarah Jalving, the Historic Preservation Compliance Specialist at the State Historic Preservation Office. Ms. Jalving concurred that the structure has irretrievable integrity loss. Her response is included as Exhibit Q. As such, no further review of the structure or its surrounding area is required under the cultural resource provisions of this section.

While no substantiated comment regarding specific cultural resources was received during the opportunity to comment period required by MCC 38.0530(B), one general letter of comment was received. This letter came from Dennis Griffin, the Lead Archeologist with the State Historic Preservation Office. Mr. Griffin states that the subject site is in an area with a high probability for possessing archaeological sites. He suggests exercising extreme caution during ground disturbing activities and ceasing construction related activity if cultural resources are uncovered. A copy of Mr. Griffin's letter is included as Exhibit V. A condition of approval has been attached requiring the owner to monitor the site for cultural resources during construction and to immediately cease activity and contact this department if cultural resources are uncovered during construction.

Pursuant to MCC 38.7045(E)(3), the cultural resource review process is complete.

MCC 38.7045(L) contains requirements for handling cultural resources that are discovered after construction begins. Pursuant to MCC 38.7045(L), a condition of approval is attached requiring the applicant to immediately halt construction if cultural or historic resources are uncovered and immediately inform the Multnomah County Land Use Planning Division, Columbia River Gorge Commission, and the U.S. Forest Service of any discovery.

Criteria met.

9. The proposal meets the GMA Wetland Review Criteria of MCC 38.7055.

Staff: The project site is not identified as containing wetlands on the National Wetland Inventory. The soils on the project site are identified as Dabnery Loamy Sand in the Multnomah County Soil Survey published by the USDA Natural Resource Conservation Service (NRCS). Page 7 of the Hydric Soils List for Multnomah County prepared by the USDA NRCS indicates that Dabnery Loamy Sand is not Hydric. A copy of the soil map and hydric soils information is

included in the casefile. No wetlands have been identified on the project site by County staff, the applicant, or any of the public agencies or private individuals who received notice of the application.

Pursuant to MCC 38.7055(A), the wetland review criteria are satisfied.

Criteria met.

10. The proposal meets the GMA Wildlife Review criteria of MCC 38.7065.

Staff: MCC 38.7065 requires Wildlife Site Review for any project within 1,000 feet of sensitive wildlife areas. The proposed structure will be within 1,000 feet of the Sandy River, which provides habitat for several species of threatened and endangered fish. As such, the proposal was forwarded to Todd Alsbury of the Oregon Department of Fish and Wildlife as required by MCC 38.7065(D)(1).

Mr. Alsbury replied on March 18, 2005 and indicated that the proposal does not pose a direct threat to fish and wildlife but that the proposed removal of six trees could have an impact on nesting birds. Mr. Alsbury proposed tree replacement numbers and species in this letter, a copy of which is included as Exhibit R. The applicant provided a revised site plan showing the location and species of replacement trees (Exhibit S). While the number of replacement trees was consistent with Mr. Alsbury's letter, the tree species differed from the recommendation. As such, the planting plan was forwarded to Mr. Alsbury for review. He responded in an email dated April 1, 2005, a copy of which is included as Exhibit U. Mr. Alsbury approved the planting plan and determined that with the replacement trees, the proposal will have no adverse effect on fish and wildlife.

Four conditions of approval are attached addressing these requirements. First, the applicant may only remove the six trees indicated for removal on the site plan included as Exhibit S. These include five Douglas Fir trees and one Big Leaf Maple, all of which are over 25 inches in diameter at breast height. The remainder of the existing trees shall be maintained and shall not be removed unless diseased or dying. If removed, the trees shall be replaced immediately with similar trees of 2-inch caliper size or greater. The second condition of approval requires the applicant to follow the tree protection method of fencing around all remaining trees near the disturbance area as proposed by the applicant's arborist in the letter included as Exhibit T. The third condition requires the applicant to plant eighteen Douglas Fir trees that are at least two years old. These trees shall be planted in accordance with the locations indicated on the site plan included as Exhibit S. The third condition requires the applicant to water and maintain the newly planted trees to ensure their survival.

Criteria met with conditions.

11. The proposal meets the GMA Rare Plant Review criteria of MCC 38.7070.

Staff: MCC 38.7070 requires the review of any proposed use within 1,000 feet of a mapped sensitive plant species. The subject property is mapped as being within 1,000 feet of a rare plant

which is on the far side of the Sandy River. As such, the application was forwarded to Sue Vrilakas at the Oregon Natural Heritage Program for review as required by MCC 38.7070(D)(1). Ms. Vrilakas responded in an email on March 11, 2005. In this email, she stated that her response has not changed from the last time she reviewed the property, which was on October 19, 2004. A copy of her responses is included as Exhibit N.

On October 19, 2004, Ms. Vrikalas indicated that two delphiniums are located approximately 0.5 miles away from the subject property on the opposite side of the Sandy River. This is well outside of the 200 foot buffer zone required by MCC 38.7070(D)(1). All proposed activities will be located outside of a sensitive plant buffer area.

Pursuant to MCC 38.7070(D)(2), the rare plant protection process is concluded.

Criteria met.

12. The proposal meets the GMA Stream, Lake, and Riparian Area Review Criteria of MCC 38.7060.

Applicant: There is no proposed development within the required 100-foot buffer along the Sandy River. The proposed garage is located approximately 340 feet from the mean high water line of the Sandy River, as shown on the Site Plan, Exhibit D. No disturbance will occur within the 100 -foot buffer area along the river.

Staff: MCC 38.7060(F) establishes buffer zones around streams, lakes, and riparian areas. The subject property is adjacent to the Sandy River and is subject to these buffer zone requirements. The Sandy River is used by anadromous fish. Pursuant to MCC 38.7060(F)(1)(a), a 100 foot buffer zone measured landward from the ordinary high water-mark is required.

The property was surveyed in July of 2004 by Kermit H. Carlile, a Registered Professional Surveyor. At that time elevations throughout the property were determined in order to comply with the City of Troutdale's flood plain development requirements. These elevations are included on the applicant's site plan included as Exhibit D. On this site plan, the applicant indicates the location of the mean high water mark based on elevation data prepared by Mr. Carlile.

The proposed garage will be located 340 feet landward of the mean high water mark, which is the same as the ordinary high water mark. No activities are proposed within 100 feet of the mean high water mark of the river. All construction related activities will be located outside of the buffer zone for the Sandy River.

Criteria met.

Conclusion

Based on the findings, site plan, and other information provided herein, this application, as conditioned, satisfies the applicable approval criteria required for Site Review in the National Scenic Area.

Exhibits

- A. Signed Application Form
- B. Assessment Information showing property ownership
- C. Deed transferring property to Jill Anderson and Jeffery Gerry
- D. Site Plan
- E. Building elevations
- F. Proposed light fixtures
- G. Proposed building material and color (2 pages)
- H. Applicant's map of comparison area
- I. Applicant's chart of accessory building sizes in comparison area
- J. Applicant's photos of accessory buildings in comparison area (5 pages)
- K. Applicant's photos of site (5 pages)
- L. Staff photos of site
- M. Applicant's visual perspective diagrams (4 pages)
- N. Emailed comments from Sue Vrilakas of Oregon Natural Heritage Program (2 pages)
- O. Heritage Resource Inventory prepared by Margaret Dryden (9 pages)
- P. Section 106 Documentation prepared by Margaret Dryden (8 pages)
- Q. Section 106 comments by Sarah Jalving of State Historic Preservation Office
- R. 3-18-2005 letter from Todd Alsbury of Oregon Dept. of Fish and Wildlife (ODFW)
- S. Applicant's planting plan
- T. 12-15-2004 letter from Arbor Pro, Inc. regarding tree removal (2 pages)
- U. 5-1-05 email from Todd Alsbury of ODFW approving applicant's planting plan
- V. Letter of comment from Dennis Griffin, Oregon Parks and Recreation Department
- W. Letter of comment from Tom Ascher, Columbia River Gorge Commission
- X. Letter of comment from Glenn Fullilove, Friends of the Columbia Gorge (5 pages)
- Y. Letter of comment from Elizabeth McCallum, City of Troutdale Planning and copy of City approval for proposed structure (21 pages)
- Z. 1-25-2005 letter from Redmond & Associates certifying fitness of applicant's driveway
- AA. Letter of comment from Alison Winter, County Transportation Planning Specialist
- BB. Fire District Review Form
- CC. Certification of On-Site Sewage Disposal
- DD. Certification of Water Service
- EE. "Laboratory Testing of the Reflectance Properties of Roofing Materials" study by the Florida Solar Energy Center (13 pages)
- FF. Colored metal roofing samples used in study in Exhibit EE
- GG. "Regions of the Electromagnetic Spectrum" chart downloaded from NASA website.