

**MULTNOMAH COUNTY****LAND USE AND TRANSPORTATION PROGRAM**1600 SE 190<sup>TH</sup> Avenue Portland, OR 97233

PH: 503-988-3043 FAX: 503-988-3389

<http://www.co.multnomah.or.us/landuse>


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## NOTICE OF DECISION

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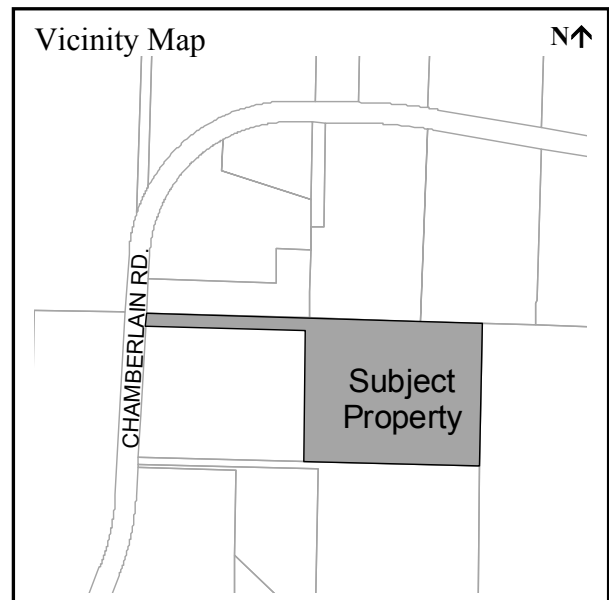
This notice concerns a Planning Director Decision on the land use case(s) cited and described below.

**Case File:** T2-05-077

**Permit:** National Scenic Area (NSA) Site Review

**Location:** 32850 Chamberlain Rd  
TL 100, Sec 33BA, T1N, R4E, W.M.  
Tax Account #R944330540

**Applicant/** James Collin  
**Owner:** 32850 NE Chamberlain Rd.  
Corbett, OR 97019



**Summary:** Request for an after the fact NSA Site Review for existing 450 square foot carport with a 165 square foot greenhouse, a 144 square foot storage shed and a 128 square foot chicken house as accessory buildings. The subject property is in located in the Gorge General Residential – 10 (GGR-10) Zone District.

**Decision:** Approved with conditions

Unless appealed, this decision is effective April 14, 2006, at 4:30 PM.

Issued by:

By: \_\_\_\_\_  
George A. Plummer, Planner

For: Karen Schilling- Planning Director

Date: Friday, March 31, 2006

Instrument Number for Recording Purposes: 01145128

**Opportunity to Review the Record:** A copy of the Planning Director Decision, and all evidence submitted associated with this application, is available for inspection, at no cost, at the Land Use Planning office during normal business hours. Copies of all documents may be purchased at the rate of 30-cents per page. The Planning Director'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 George A. Plummer, Staff Planner at 503-988-3043.

**Opportunity to Appeal:** This decision may be appealed within 14 days of the date it was rendered, pursuant to the provisions of MCC 38.0640. An appeal requires a \$250.00 fee and must state the specific legal grounds on which it is based. To obtain appeal forms or information on the procedure, contact the Land Use Planning offices at 1600 SE 190th Avenue (Phone: 503-988-3043). This decision cannot be appealed to the Columbia River Gorge Commission until all local appeals are exhausted.

**This decision is final at the close of the appeal period, unless appealed. The deadline for filing an appeal is April 14, 2006 at 4:30 pm.**

**Applicable Approval Criteria:** Multnomah County Code (MCC): Chapter 38 including but not limited to MCC 38.0015: Definitions, MCC 38.0045 Review Use Applications, MCC 38.3000 et. al: Residential Districts and MCC 38.7000 et. al: Site Review

Copies of the referenced Multnomah County Code sections can be obtained by contacting our office at 503-988-3043 or by visiting our website at [http://www.co.multnomah.or.us/dbcs/LUT/land\\_use](http://www.co.multnomah.or.us/dbcs/LUT/land_use).

### **Scope of Approval**

1. Approval of this land use permit is based on the submitted written narrative(s) and plan(s). No work shall occur under this permit other than that which is specified within these documents. It shall be the responsibility of the property owner(s) to comply with these documents and the limitations of approval described herein.
2. **Pursuant to MCC 38.0690, this land use permit 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. Such a request 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 and prior to building permit sign-off, the applicant shall record the Notice of Decision including the Conditions of Approval (pages 1-5) of this decision) 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 Multnomah County Land Use Planning. Recording shall be at the applicant's expense. Failure to record the Notice of Decision within the above 30 day time period shall void the decision (MCC 38.0670).**

2. The property owner shall maintain the existing tree cover of the growth of trees to the northwest of the development area as marked on the 2004 aerial photo included as Exhibit 2.6, to screen the subject buildings from KVAs. If existing trees die or are removed by any manner, they shall be replaced to the tree cover currently existing. If tree cover is reduced impacting the visual subordination of the subject accessory buildings as seen from the KVAs, the trees will need to be replaced to reestablish the current tree cover level as shown on Exhibit 2.6. The trees to the east and southeast of the development shall be maintained at a density such that the silhouette of the subject buildings remains below the skyline as seen from Key Viewing Areas. [MCC 38.7035(A)(4), 38.7035(B)(2), 38.7035(B)(7), 38.7035 (B)(15), 38.7035(C)(1)(c), 38.7035(C)(3)(b), and 38.7035(C)(3)(c)].
3. The upper portion of the west-side, outside wall and east-side inside wall of the carport shall be painted a dark green or dark brown color as shown in rows “A” and “B” on the Gorge Commission Recommended Colors chart available for review at the County Land Use Planning Office [MCC 38.7035(B)(1), (9) and 38.7035(C)(3)(c)].
4. Exterior lighting shall be hooded and shielded directing light downward. Shielding and hooding materials shall be composed of non-reflective, opaque materials [MCC 38.7035(B)(10)].

**Note:** Once this decision is final, application for building permits may be made with the City of Gresham. When ready to have building permits signed off, the applicant shall call the Staff Planner, George Plummer, at (503) 988-3043 ext 29152, for an appointment for review and approval of the conditions and to sign the building permit plans. Please note, Multnomah County must review and sign off the building permits before the applicant submits building plans to the City of Gresham. Four sets plan and three set of the 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.

## 1. PROJECT DESCRIPTION

**Applicant:** *Requesting a NSA site review to obtain building permit for existing structures in order to become compliant with code. Carport, storage shed, animal shelter.*

*The purpose of this request for a NSA review is to become compliant with the existing codes. These buildings are accessory structures already on the property. There will be no earthwork, utility work or any type of clearing. The structures are shielded from any view, ..., by the indigenous trees (alder, maple, wild cherry and fir) and the slope of the land.*

**Staff:** The applicant requested a site review for the following existing unpermitted buildings on the property. These include a 450 square foot carport, a 144 square foot storage shed, and a 128 square foot chicken house as stated by the applicant. The applicant also desires this review include a 165 square foot greenhouse attached to the carport. This review will include all of these buildings.

## 2. SITE AND VICINITY CHARACTERISTICS

**Staff:** The property is accessed from Chamberlain Road just south of the 90 degree bend in the road. The property is a flag lot located east of the road. The topography rises steeply along the existing driveway to a shallower sloped area where a dwelling and the accessory buildings are located. The development area slope drops to the southwest. The property is substantially forested, however, a clearing to the northwest of the dwelling allows a limited view of the Columbia River, about a mile to the northwest, from the development area on the property. The subject buildings are down-slope from the ridgeline where the river is most visible. The buildings are below the skyline due to the tree cover behind the buildings.

The property is located in a pocket of residentially zoned land north of Mershon Road and south and east of Chamberlain Road. Properties to the east and northwest are zoned Gorge General Agriculture-40 (GGA-40) and are used mostly for agricultural purposes. Other adjacent properties are zoned GGR-10 and most contain dwellings. The area in the vicinity of the subject property is substantially forested, and has moderate to severe slopes that drop in elevation going toward the Chamberlain Road to the north and west. The slope of the area generally drops towards the Columbia River which is located about a half mile to the north.

## 3. INITIATION OF ACTION BY PROPERTY OWNER

**MCC 38.0550:** Except as provided in MCC 38.0760, Type I - III applications may only be initiated by written consent of the owner of record or contract purchaser. PC (legislative) actions may only be initiated by the Board of Commissioners, Planning Commission, or Planning Director.

**Staff:** Multnomah County Assessment shows James Collins as the property owner. The application is signed by Mr. Collins (Exhibit 1.1).

## 4. ADMINISTRATIVE PROCEDURES

### 4.1 Administrative Procedures for a Type II Case)

**MCC 38.0530(B) Type II decisions involve the exercise of some interpretation and discretion in evaluating approval criteria. Applications evaluated through this process are typically assumed to be allowable in the underlying zone. County Review typically focuses on what form the use will take, where it will be located in relation to other uses, and it's relationship to scenic, natural, cultural and recreational resources of the area. However, an application shall not be approved unless it is consistent with the applicable siting standards and in compliance with approval requirements. Upon receipt of a complete application, notice of application and an invitation to comment is mailed to the Gorge Commission; the U.S. Forest Service; the Indian tribal governments; the State Historic Preservation Office; the Cultural Advisory Committee; and property owners within 750 feet of the subject tract. The Planning Director accepts comments for 14 days after the notice of application is mailed, except for comments regarding Cultural Resources, which will be accepted for 20 days after the notice is mailed. The Planning Directors decision is appealable to the Hearings Officer. If no appeal is filed the Planning Directors decision shall become final at the close of business on the 14th day after the date on the decision. If an appeal is received, the Hearings Officer decision is the County's final decision and is appealable to the Columbia River Gorge Commission within 30 days after the decision is final. The decision is final the day the decision is signed by the Hearings Officer.**

**Staff:** This decision is a review of the proposed development pursuant to MCC 38.0530(B). The application was submitted on July 21, 2005 (Exhibit 1.1). A Completeness Review notice was sent on July 29, 2005 to interested agencies and Tribes. The application was deemed complete on January 6, 2006. A 14 Day Opportunity to Comment notice was mailed by staff on January 13, 2006 to property owners within 750 feet of the subject tract, the Gorge Commission, the US Forest Service, and the Tribal Governments and other agencies and interested parties. One letter of comment was received addressing the proposal and is summarized below. This decision was drafted and will be mailed in accordance with MCC 38.0660.

The following document was received during the completeness review: An email with an attached Heritage Resource Inventory Report dated August 12, 2005, from Margaret L. Dryden, Heritage Resource Program Manager, Columbia River Gorge National Scenic Area, US Forest Service (Exhibit 3.1). The following letter of comment was received: A letter dated January 26, 2006 from David Richardson, Land Use Law Clerk, Friends of the Columbia Gorge, (Exhibit 3.2).

In her email Ms. Dryden, stated, "A cultural resources reconnaissance survey is: Not Required" and "A Historic Survey is: Not Required. In his letter Mr. Richardson, listed several Code sections that are related to the proposed development. Findings related to comments will be addressed in the following sections of this decision.

## **5. NATIONAL SCENIC AREA SITE REVIEW REQUIRED**

### **5.1 Applicability**

**MCC 38.7010: With the exception of Primary Uses, no building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in the Columbia River Gorge National Scenic Area except when approved pursuant to MCC 38.0530 (B) or (C) or 38.7090.**

\* \* \*

**MCC 38.7015: An application for NSA Site Review shall address the applicable criteria for approval, under MCC 38.7035 through 38.7090.**

\* \* \*

**MCC 38.7020: A decision on an application for NSA Site Review shall be based upon findings of consistency with the criteria for approval specified in MCC 38.7035 through 38.7085 or 38.7090 as applicable.**

**Staff:** The proposed uses are listed as a review use in the GGR-10 zoning district. Therefore, a National Scenic Area Site Review is required. Findings addressing consistency have been made for the applicable criteria, under MCC 38.7035 through 38.7090.

## **5.2. Use Is Allowed As a Review Use In The GGR-5 Zoning District**

**5.2.1. MCC 38.3025(A) The following uses may be allowed on lands designated GGR, pursuant to MCC 38.0530 (B) and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7085 have been satisfied:**

\* \* \*

**(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.**

**Staff:** The subject property has an existing single family dwelling established in 1955 (Exhibit 2.1). The proposal is a site review for existing unpermitted buildings on the property: a 450 square foot carport with a 144 square foot attached storage shed, a 165 square foot greenhouse, and a 128 square foot animal shelter. The following sections of this decision include the findings for the NSA Site Review standards of MCC 38.7000 through 38.7085.

## **5.3 GGA Dimensional Requirements**

### **5.3.1 MCC 38.3060(C) Minimum Yard Dimensions - Feet**

Front	Side	Street Side	Rear
30	10	30	30

### **Maximum Structure Height – 35 feet**

**Staff:** The reviewed structures exceed the yard requirements with the setback distances of at least 90 feet for the front (west) yard, more than 100 for the north side yard, more than 300 for the back (east) yard and more than 150 for the south side yard (Exhibit 1.2). All required minimum yard requirements are met by the proposal. The structures are all single story ranging between ten and eight feet in height (Exhibits 1.2 and 1.4). The proposed buildings meet the maximum height requirements.

**5.3.2. MCC 38.3060 (D) The minimum yard requirement shall be increased where the yard abuts a street having insufficient right-of-way width to serve the area. The Planning Commission shall determine the necessary right-of-way widths and additional yard requirements not otherwise established by ordinance.**

**Staff:** In an email dated January 23, 2006, Alison Winter, County Transportation Planning Specialist (Exhibit 2.4), stated that, "Transportation does not have any issues with the NSA Site Review for the existing carport, storage shed and animal shelter a 32850 NE Chamberlain Road." The road classification of NE Chamberlain is "Rural Local" with a minimum desired right-of-way width of 50 feet which is exceeded by the existing 60-foot right-of-way. No increase in the yard requirement is needed. The standard is met.

#### **5.4. Review and Conditional Use Applications**

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

- (1) A list of Key Viewing Areas from which the proposed use would be visible.**
- (2) A map of the project area. The map shall be drawn to scale. The scale of the map shall be large enough to allow the reviewing agency to determine the location and extent of the proposed use and evaluate its effects on scenic, cultural, natural, and recreation resources. The map shall be prepared at a scale of 1 inch equals 100 feet (1:1,200), or a scale providing greater detail. If a parcel is very large, the map does not have to show the entire parcel. Rather, it may show only those portions of the parcel affected by the proposed use. The map shall include the following elements (listed in MCC 38.0045(A)(2)(a) through (o).**

**Staff:** The information required that is applicable for the proposed use has been submitted.

#### **6. NSA SITE REVIEW FOR SCENIC REVIEW CRITERIA FOR GMA**

##### **6.1 MCC 38.7035(A) 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:**

**Staff:** The subject property is in the General Management Area of the Columbia River Gorge National Scenic Area thus the GMA criteria are the applicable criteria.

##### **6.1.1 MCC 38.7035(A)(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:** *There will be no grading or movement of existing ground. The buildings are in place, as they were built by previous tenants..*

**Staff:** The locations of the buildings required a minor amount of grading to prepare the surface for proposed building sites only. The driveway to this area was developed when the dwelling was built. This criterion is met.

##### **6.1.2. MCC 38.7035(A)(2) New buildings shall be generally consistent with the height and size of existing nearby development.**

**Applicant:** *The buildings we are concerned with are similar to out buildings on neighboring land. Please see pictures below.*

**Staff:** This review is for the following existing unpermitted accessory buildings: a 450 square foot

carport with a 165 square foot greenhouse, a 144 square foot storage shed, and a 128 square foot chicken house. The buildings are single story ranging between ten and eight feet in height (Exhibits 1.2 and 1.4). The applicant has included photographs of a shed/carport combination accessory building at 32862 NE Chamberlain Road and a carport at 33000 NE Chamberlain Road.

- 32862 NE Chamberlain Road, shed is 320 square feet with an attached carport that is 510 sq ft.
  - 33000 NE Chamberlain Road, carport is attached to the dwelling and County assessment has not detailed its size, however, there is a shed\* on the property that is 2475 sq ft.
  - 32820 NE Chamberlain Road, detached garage is 4000 sq ft.
  - 32734 NE Chamberlain Road, two sheds\* at 312 sq ft and 1728 sq ft
- \* These buildings are listed as farm building by County Assessment but there is no farm deferral tax status for these properties.

The properties on the above list are located within a quarter mile of the subject property and for this review are determined to be nearby development. These properties are in the GGR-10 zone district and the Rural Residential in Pastoral Landscape Designation, as is the subject property. As evidenced by the submitted photograph of the two story accessory building at 32862 NE Chamberlain Road (Exhibit 1.3), there are accessory buildings that exceed the height of the buildings under review. The largest of the subject buildings, the carport with attached greenhouse, at 615 square feet is well within the size range of other accessory buildings in the area. Given the size and height of the buildings within a quarter mile, the buildings under review are generally consistent with the height and size of existing nearby development.

**6.1.3 MCC 38.7035(A)(3) New vehicular access points to the Scenic Travel Corridors shall be limited to the maximum extent practicable, and access consolidation required where feasible.**

**Applicant:** *There will be no new vehicular access.*

**Staff:** The site is accessed by a driveway off of Chamberlain Road, which is not listed as a Scenic Travel Corridor. The criterion has been met.

**6.1.4. MCC 38.7035(A)( 4) Property owners shall be responsible for the proper maintenance and survival of any required vegetation.**

**Applicant:** *No vegetation will be affected by the outbuildings.*

**Staff:** The tree growth to the north, northwest and northeast of the development area will need to be maintained in living condition, at the density that is current shown on Exhibit 2.6, for screening the development area from the Columbia River KVA. A condition can require the property owner to be responsible for the proper maintenance and survival of the trees to provide continuance of the current density of trees in the cited areas to provide for screening of the subject building from the applicable KVA.

**6.1.5. MCC 38.7035(A)(5) For all proposed development, the determination of compatibility with the landscape setting shall be based on information submitted in the site plan.**

**Applicant:** *A site plan has been included with this application.*

**Staff:** Information from the submitted site plan was used to determine the compatibility with the landscape setting as required.



## 6.2 All GMA Review Uses visible from Key Viewing Areas:

### 6.2.1. MCC 38.7035 (B) (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 outbuildings in question are not able to be seen from any key viewing area. They have been painted in order to blend with the site location.*

*Amendment: Trees and foliage prevent these buildings from being seen from any key viewing area. The small (12x12x8) storage shed is placed behind the carport, so can only be seen from this property. The chicken house (8x16x8) sits in a small valley below the house and is surrounded by trees, making it seen from only this property. The two buildings are constructed of wood and painted the same green color as the house at 32844 NE Chamberlain Rd. This color blends well with the natural surroundings. Please see pictures.*

*The carport's open face is exposed to the river side of the property. The carport is constructed of steel I-beam supports and partially covered with green metal siding, the same siding used on the shop approved in 1986. The carport is 10' at the peak which would provide a minimal view if there were no foliage, since it is behind the slope of the driveway.*

**Staff:** After reviewing the submitted materials, maps, topography and a January 6, 2006 site visit we have determined that upper portion of a couple of the subject buildings are in a partially visible location as viewed from the Columbia River KVA to the northwest. The topography, vegetation, and distance screen from the river nearly all of the subject buildings except a portion of the roof of the chicken house and the upper couple of feet of the walls facing west of the carport (western outside wall and the eastern inside wall). The rest of the accessory buildings are screened by topography or the tree cover on the property.

The chicken house is roofed with predominately black-brown asphaltic shingles with some light specks. The roofing on the chicken house, the potentially visible portion of the building is black-brown asphaltic shingles which are low reflectivity. Given the small size of the structure, distance to the visible portion of the river being about a mile and the dark color of the roof, the visible portion of this building will blend into the background as a shadow. This building is visually subordinate.

While the carport is partially sided with metal, only the upper couple of feet of the carport is topographically visible. The roof is slanted away from the KVA, thus not visible. The structure is shaded from the sun by the surrounding trees substantially reducing the light source for reflectivity. The *Building in the Scenic Area*, Gorge Commission Handbook includes metal as in the highly reflective category. The carport is sided with light green metal siding with white paint on the inside upper walls. The north side open face of the carport faces the north. The upper few feet of the western side wall and the east-side, inside wall of the carport appear to be potentially visible from the river. The rest of the building is screened by topography. This west-side wall of the carport and the east-side inside wall, the visible portions of the carport, will need to be painted a dark green or brown to blend into the shadows of this site. Given the distance to the river, building orientation, the topography screening most of the building and the small amount of the building that may be visible, if the siding on the north-side of the carport is painted a dark brown or green, this building will be visually subordinate from the KVA.

This criterion is met through a condition.

- 6.2.2 MCC 38.7035 (B)(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:** *These buildings are shielded from any key viewing areas by the topography of the land and house.*

*Amendment: The buildings in question are not visible from any key viewing area, with the possible exception of the carport. The small storage shed is screened by the carport, and the chicken house is screened by the house and foliage. The upper most part of the open face of the carport could possibly be seen from the river. The impact would be extremely minimal.*

**Staff:** The potentially visible portions of the subject buildings are small upper portions of two of the buildings, the roof on one and the upper few feet siding of the other. The Columbia River KVA area from which these buildings are potentially visible from is about a mile or more from the property. Given the small area of potential visual impacts and the distance to the KVA, the subject buildings result in proportionately small impacts. The conditions of approval will require painting of the potentially visible portions of the carport, and maintenance of the trees to the current density. Painting the carport walls will be a minor burden and maintaining the existing tree density, which the applicant has expressed a desire to do, present little burden. The conditions of approval will be proportionate to the visual impacts as seen from Key Viewing Areas. This criterion is met.

- 6.2.3 MCC 38.7035 (B)(3) Determination of potential visual effects and compliance with visual subordination policies shall include consideration of the cumulative effects of proposed developments.**

**Applicant:** *These buildings are not visible from any area except the property itself.*

*Amendment: I believe that these buildings impose no detrimental effects to the scenic aesthetics concerned by their presents.*

**Staff:** Due to the small size of these buildings, the topographic and vegetative screening and the distance to the applicable KVA, the cumulative effects of these buildings is very minor. This criterion is met.

- 6.2.4 MCC 38.7035 (B)(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:**

**(a) For buildings, a description of the proposed building(s)' height, shape, color, exterior building materials, exterior lighting, and landscaping details (type of plants used, number, size, locations of plantings, and any irrigation provisions or other measures to ensure the survival of landscaping planted for screening purposes); and**

**(b) Elevation drawings showing the appearance of proposed building(s) when built and surrounding final ground grades, for all buildings over 400 square feet in area.**

**Applicant:** *These buildings are not visible from any area except the property itself.*

*Amendment: There is no mining activity associated with the buildings in question. The site plan included has the dimensions, number of buildings, foliage, and layout of the area location. There are no buildings over 400 sq. ft.*

**Staff:** In Section 6.2.1. of this decision addressing MCC 38.7035(B)(1) we found that the property is visible from the Columbia River KVA to the northwest. The finding in Section 6.2.1. of this decision addressing MCC 38.7035 (B)(1) outlines the building materials and colors for the visible portions of the buildings. The applicant has submitted enough information (including photographs) regarding building materials, colors, building descriptions, height, and shape for the subject buildings to be able to make the required findings. This criterion is met.

\* \* \*

**6.2.5 MCC 38.7035 (B)(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:** *These buildings are not visible from any area except the property itself.*

*Amendment: There are no new roads intended. The buildings are in place and have been situated so that they have minimal impact on any key viewing areas. The natural foliage as well as the surrounding land topography screens the buildings and the driveway leading to the carport was approved on the plans for the house built in 1990.*

**Staff:** The buildings have been clustered around the existing development on the property. They have been sited down slope from the ridgeline on the property resulting in topographic screening of all but small upper portions of two of the buildings. The subject buildings meet this criterion.

**6.2.6 MCC 38.7035 (B)(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:** *These buildings are not visible from any area except the property itself.*

*Amendment: Existing topography and vegetation has been used to screen the buildings as much as*

*possible. There is no new screening planned.*

**Staff:** The buildings were sited in areas where existing topography and vegetation screens all but minimal portions of two of the buildings. This criterion is met.

**6.2.7 MCC 38.7035 (B)(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:** *These buildings are not visible from any area except the property itself.*

*Amendment: There is no new grading planned. The driveway was approved on the plans for the house (1990) and the smaller buildings are set on concrete pier blocks at their constructed site.*

**Staff:** The driveway existed when the dwelling was established, only minor grading was necessary to site this buildings. The criterion is met.

**6.2.8 MCC 38.7035 (B)(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:** *These buildings are not visible from any area except the property itself.*

*Amendment: The small buildings are painted with flat latex, which has a low reflectivity. These two buildings are well screened by vegetation. The carport is partially sided with a green metal siding (approved for use on the shop in 1986), but the front is completely open. The very top portion of the front may possibly be a key viewing area concern, but it is well secluded by the driveway and the surrounding topography. The back part of the carport has a glass enclosed greenhouse that is completely shielded from any key viewing area be surrounding vegetation.*

**Staff:** The roofing on the chicken house, the potentially visible portion of the building is black-brown asphaltic shingles which are low reflectivity. While the carport is sided in metal, only the upper couple of feet of the carport exterior western wall may be visible. The *Building in the Scenic Area*, Gorge Commission Handbook includes metal as in the highly reflective category. The roof while it is metal is slanted away from the KVA, thus not visible.

While this criterion requires exteriors be low reflectivity, the exterior of this building which is visible, is small area. Given the shading of the existing trees, the topographic and vegetative screening of the building, the distance to KVA there is little potential for any impact. To meet the requirements of MCC 38.7035 (B)(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,” we find that allowing this minor amount of metal siding to remain with a condition it be paint a dark brown or green meets the intent of the code.

**6.2.9 MCC 38.7035 (B)(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:** *These buildings are not visible from any area except the property itself.*

*Amendment: The outside lighting is shielded by reflective cones and directed in such a way as not to be visible from any key viewing areas.*

**Staff:** A condition can require any exterior lighting meet this criterion.

\* \* \*

**6.2.11. MCC 38.7035 (B)(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 small shed and the chicken house and behind other buildings, and vegetative screening, therefore not viewable from any key area. The very top part of the car port might be a consideration, but I believe that it is behind the skyline of the local land berm following the contours of the driveway.*

**Staff:** The submitted photographs (Exhibit 1.4) and the staff site visit confirmed that the subject buildings do not protrude above the skyline. This criterion is met.

\* \* \*

**6.2.12. MCC 38.7035 (B)(20)** New buildings shall not be permitted on lands visible from Key Viewing Areas with slopes in excess of 30 percent. A variance may be authorized if the property would be rendered unbuildable through the application of this standard. In determining the slope, the average percent slope of the proposed building site shall be utilized.

**Staff:** No slopes in the area of the buildings are in excess of 30 percent (Exhibit 1.2 and 2.3). The criterion is met.

**6.2.13. MCC 38.7035 (B)(21)** All proposed structural development involving more than 100 cubic yards of grading on sites visible from Key Viewing Areas and which slope between 10 and 30 percent shall include submittal of a grading plan. This plan shall be reviewed by the Planning Director for compliance with Key Viewing Area policies. The grading plan shall include the following:

- (a) A map of the site, prepared at a scale of 1 inch equals 200 feet (1:2,400), or a scale providing greater detail, with contour intervals of at least 5 feet, including:
  - 1. Existing and proposed final grades;
  - 2. Location of all areas to be graded, with cut banks and fill slopes delineated; and
  - 3. Estimated dimensions of graded areas.
- (b) A narrative description (may be submitted on the grading plan site map and accompanying drawings) of the proposed grading activity, including:
  - 1. Its purpose;
  - 2. An estimate of the total volume of material to be moved;
  - 3. The height of all cut banks and fill slopes;

4. Provisions to be used for compaction, drainage, and stabilization of graded areas (preparation of this information by a licensed engineer or engineering geologist is recommended);
5. A description of all plant materials used to revegetate exposed slopes and banks, including type of species, number of plants, size and location, and a description of irrigation provisions or other measures necessary to ensure the survival of plantings; and
6. A description of any other interim or permanent erosion control measures to be utilized.

**Staff:** Only minor grading was necessary to site the buildings. The criterion has been met

**6.3 MCC 38.7035(C) All Review Uses within the following landscape setting: MCC 38.7035(C)(4) Rural Residential in Conifer Woodland or Pastoral**

- (a) New development in this setting shall meet the design standards for both the Rural Residential setting and the more rural setting with which it is combined (either Pastoral or Coniferous Woodland), unless it can be demonstrated that compliance with the standards for the more rural setting is impracticable. Expansion of existing development shall comply with this standard to the maximum extent practicable.
- (b) In the event of a conflict between the standards, the standards for the more rural setting (Coniferous Woodland or Pastoral) shall apply, unless it can be demonstrated that application of such standards would not be practicable.

**Staff:** The proposed development is reviewed for the standards for both the Rural Residential and the Pastoral landscape settings in the following sections of this decision. The findings in Sections 6.4, and 6.5 of this report demonstrate the accessory buildings comply with the standards to the maximum extent practicable.

**6.4. MCC 38.7035(C)(3) Rural Residential**

**Staff:** The subject property is in the Rural Residential in Pastoral Landscape Setting. The subject property is in a rural area with a characteristic blend of residential uses amongst pastoral and woodland settings.

**6.4.1. MCC 38.7035(C)(3)(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:** *Height and dimensions are consistent with the surrounding properties.*

**Staff:** This review is for the following existing unpermitted accessory buildings: a 450 square foot carport with a 165 square foot greenhouse, a 144 square foot storage shed, a and a 128 square foot chicken house The buildings are single story ranging between ten and eight feet in height (Exhibits 1.2 and 1.4). Findings under Section 6.1.2: (MCC 38.7035(A)(2)) in this decision address the subject buildings consistency with development in the nearby vicinity, four properties within a quarter mile. This analysis compared the general scale of development on these properties with the existing buildings listed above. The findings under Section 6.1.2 are adopted as findings for this criterion.

The bulleted information presenting County Assessor's data and findings in Section 6.1.2 that show the buildings are smaller in general scale than that of existing accessory structures in the vicinity. Given these findings, staff finds the subject buildings are compatible with the general scale of development in the vicinity. The criterion has been met. The finding also addresses MCC 38.7035(C)(1)(a).

**6.4.2. MCC 38.7035(C)(3)(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:** *The existing tree cover is to remain intact.*

**Staff:** The applicant states no trees will be removed. A condition of approval will require the tree density to the northwest, north and northeast be maintained. The criteria will be met through a condition.

**6.4.3 MCC 38.7035(C)(3)(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.**
- 2. At least half of any trees planted for screening purposes shall be species native to the setting or commonly found in the area.**
- 3. At least half of any trees planted for screening purposes shall be coniferous to provide winter screening.**
- 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:** *These buildings are not visible from any area except the property itself.*

*Amendment:*

*(1)The existing vegetation was retained when these buildings were built. No grading or clearing was required for their placement.*

*(2)There were no new trees planted for screening purposes. All trees are native.*

*(3)There were no new trees planted, but there is a natural mix which includes conifers and evergreens.*

*(4)The roofing material on the storage shed is of a dark color. The sheds themselves are painted a medium green flat latex that blends well into the surrounding vegetation. This same green color is found on the house at 32844 NE Chamberlain Rd. The carport is partially sided with a darker green metal siding which was approved for use on the shop in approximately 1986. This type of siding can also be seen on the carport/garage at 32862 NE Chamberlain Rd. Please see following photographs.*

**Staff:** No trees are proposed to be removed. A condition of approval will require the tree density to the northwest, north and northeast be maintained. No trees will be required to be planted. The chicken house is roofed with predominately black-brown asphaltic shingles with some light specks. Given the small size of the structure, distance to the visible portion of the river being about a mile and the dark color of the roof, the visible portion of this building will blend into the background as a shadow. This building is visually subordinate.

The carport is sided with light green metal siding. The upper few feet of the northwest corner of the carport appears to be potentially visible from the river. The north open-face of the carport

faces the river. The rest of the building is screened by topography. The west-side of the carport will need to be painted a dark green or brown to blend into the shadows of this site. Given the distance to the river, building orientation, the topography screening most of the building and the small amount of the building that may be visible, if the siding on the north-side of the carport is painted a dark brown or green, this building will be visually subordinate from the KVA. This criterion will be met through a condition.

## **6.5. MCC 38.7035(C)(1) Pastoral**

### **6.5.1 MCC 38.7035(C)(1)(b) Accessory structures, outbuildings and accessways shall be clustered together as much as possible, particularly towards the edges of existing meadows, pastures and farm fields.**

**Applicant:** *Design standards are in compliance with surrounding properties.*

**Staff:** The accessory structures being reviewed are clustered with the existing development on the property. The criterion has been met.

### **6.5.2. MCC 38.7035(C)(1)(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.**
- 2. Vegetative landscaping shall, where feasible, retain the open character of existing pastures and fields.**
- 3. At least half of any trees planted for screening purposes shall be species native to the setting or commonly found in the area. Such species include fruit trees, Douglas fir, Lombardy poplar (usually in rows), Oregon white oak, bigleaf maple, and black locust (primarily in the eastern Gorge). The *Scenic Resources Implementation Handbook* includes recommended minimum sizes.**
- 4. At least one-quarter of any trees planted for screening shall be coniferous for winter screening.**

**Applicant:** *There is no conflict.*

**Staff:** The applicant states no trees will be removed. A condition of approval will require the tree density to the northwest, north and northeast be maintained. The criteria will be met through a condition.

## **7. THE PROPOSAL MEETS NSA GMA SITE REVIEW FOR CULTURAL RESOURCE REVIEW CRITERIA**

### **7.1 MCC 38.7045(A) Cultural Resource Reconnaissance Surveys**

- (1) A cultural reconnaissance survey shall be required for all proposed uses, except:**

\* \* \*

**(f) Proposed uses occurring in areas that have a low probability of containing cultural resources**



**Areas that have a low probability of containing cultural resources will be identified using the results of reconnaissance surveys conducted by the Gorge Commission, the U.S. Forest Service, public agencies, and private archaeologists.**

**MCC 38.7045(B) The cultural resource review criteria shall be deemed satisfied, except MCC 38.7045 (L) and (M), if:**

**(1) The project is exempted by MCC 38.7045 (A) (1), no cultural resources are known to exist in the project area, and no substantiated comment is received during the comment period provided in MCC 38.0530 (B).**

**Staff:** Margaret L. Dryden, Heritage Resource Program Manager, Columbia River Gorge National Scenic Area, US Forest Service submitted a cultural resources report on August 12, 2005 (Exhibit 3.1).

In her email Ms. Dryden, USFS, stated, "A heritage resource inventory of this project revealed no prehistoric or historic-period archaeological resources within the areas of effect."

These criteria are met.

\* \* \*

**8. THE SITE DOES NOT CONTAIN GMA WETLANDS**

**MCC 38.7055 GMA Wetland Review Criteria**

**(A) The wetland review criteria shall be deemed satisfied if:**

**(1) The project site is not identified as a wetland on the *National Wetlands Inventory* (U.S. Fish and Wildlife Service, 1987);**

**Staff:** The subject site does not have an identified wetland listed on the National Wetland Inventory maps. Staff did not see any indication of wetlands during the site visit. Criterion is met.

**9 THE SUBJECT SITE DOES NOT CONTAIN GMA STREAMS, LAKES OR RIPARIAN AREAS**

**Staff:** There are no streams, lakes or riparian areas near this property. Criterion is met.

**10 THERE ARE NO KNOWN SENSITIVE WILDLIFE WITHIN 1000-FEET OF THE SITE**

**MCC 38.7065 GMA Wildlife Review Criteria**

**Wildlife Habitat Site Review shall be required for any project within 1,000 feet of sensitive wildlife areas and sensitive wildlife sites**

**Staff:** There are no known sensitive wildlife areas or sites within 1000-feet of the subject site according to maps listing such areas and sites provided to Multnomah County by the Columbia River Gorge Commission. Criterion is met.

**11. THERE ARE NO KNOWN RARE PLANT SPECIES WITHIN 1000-FEET OF THE SITE**

## **MCC 38.7070 GMA Rare Plant Review Criteria**

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

**Staff:** There are no known rare plant species within 1000-feet of the subject site according to maps listing such areas and sites provided to Multnomah County by the Columbia River Gorge Commission. Criterion is met.

### **12 CONCLUSION**

Based on the findings, narrative, and other information provided herein, the applicable approval criteria have been met or can be met through conditions as required for Site Review in the National Scenic Area. This application is approved with conditions.

### **13 EXHIBITS**

#### **13.1 Exhibits submitted by the Applicant:**

- Exhibit 1.1: NSA application form submitted 7/21/05 (1 page);
- Exhibit 1.2: Site plan submitted 7/21/05 (1 page);
- Exhibit 1.3: Revised narrative with two photographs of nearby development submitted 11/23/05 (5 pages);
- Exhibit 1.4: Photograph of the subject buildings submitted 7/21/05 (3 pages);
- Exhibit 1.5: Sample of the metal siding and roofing submitted 1/6/06 (1 pages);
- Exhibit 1.6: Sample of wooden siding and paint color submitted 1/6/06 (block of wood).

#### **13.2 Exhibits included by County:**

- Exhibit 2.1: County Assessment Record for the subject property (1 page);
- Exhibit 2.2: County Zoning Map with subject property labeled (1 page);
- Exhibit 2.3: 2004 Aerial Photo showing subject property and vicinity;
- Exhibit 2.4: Email dated January 17, 2006 from Alison Winter, County Transportation Specialist (1 pages);
- Exhibit 2.5: County Assessment Record for the nearby properties (8 pages).

#### **13.3 Exhibits submitted by other parties:**

- Exhibit 3.1: Email dated August 12, 2005 with attachment from Margaret L. Dryden, Heritage Resource Program Manager, Columbia River Gorge National Scenic Area, US Forest Service Heritage Resource Inventory Report (4 pages);
- Exhibit 3.2: Email dated January 26, 2006 with letter attached from David Richardson, Land Use Law Clerk, Friends of the Columbia Gorge (7 pages).