



MULTNOMAH COUNTY OREGON
LAND USE AND TRANSPORTATION PROGRAM
1600 SE 190TH Avenue Portland, OR 97233
PH: 503-988-3043 FAX: 503-988-3389
<http://www.co.multnomah.or.us/landuse>

NOTICE OF DECISION

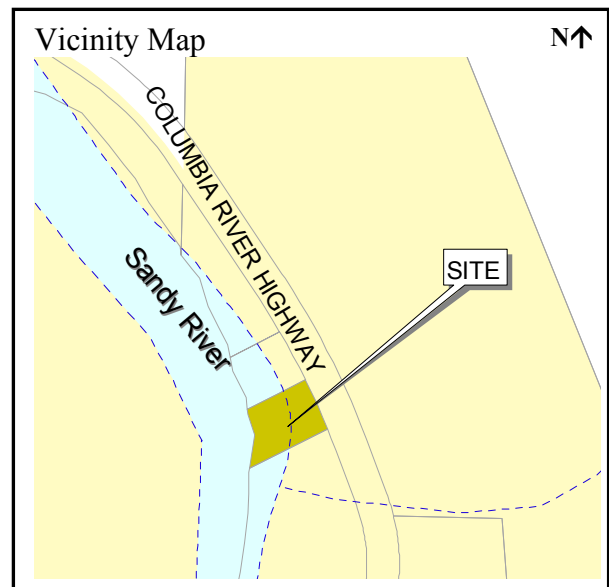
This notice concerns a Planning Director Decision on the land use case(s) cited and described below.

Case File: T2-06-039

Permit: National Scenic Area Site Review

Location: 1283 E. Historic Columbia River Hwy
1N 4E Section 30, TL 500
R#94430-0130

**Applicant/
Owner:** Patrick and Sharon Shaw
PO Box 219
Corbett, OR 97019



Summary: Applicant wishes to retroactively have approved an enclosure of an existing 400 square foot carport and alteration to previously approved rear deck picket materials from steel cables to wooden pickets. All structural improvements discussed in this decision have been completed.

Decision: **Approved with conditions.**

Unless appealed, this decision is effective **August 11, 2006, at 4:30 PM.**

Issued by:

By: _____
Adam Barber, Planner

For: Karen Schilling - Planning Director

Date: July 28th, 2006

Instrument Number for Recording Purposes: 2006077850

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 Adam Barber, Staff Planner at 503-988-3043 x 22599.

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 office at 1600 SE 190th Avenue (Phone: 503-988-3043). This decision cannot be appealed to the Columbia River Gorge Commission (CRGC) 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 August 11, 2006, at 4:30 pm.

Applicable Approval Criteria: Columbia River Gorge National Scenic Area General Provisions; **MCC 38.0000 – 38.0110**, Administration and Procedures; **MCC 38.0510 – 38.0850**, Columbia River Gorge National Scenic Area General Gorge Residential (GGR) Districts; **MCC 38.3000 – 38.3095**, Site Review for General Management Areas (GMA); **MCC 38.7000 – MCC 38.7100**.

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/landuse>

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 38.0700**. Such a request must be made prior to the expiration date of this 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 brackets.

1. **The property owner shall record a copy of the Notice of Decision cover sheet and conditions of approval with the Multnomah County Recorder within 30 days of the date this decision becomes final.** A copy of the recorded document shall be submitted to the Land Use Planning Office prior to the building permit sign-off (MCC 38.0670).

2. Unless otherwise specified, compliance with the approval conditions listed herein shall occur within two (2) years of the date this decision becomes final **(MCC 38.7035(B)(26))**.
3. The property owner may not alter the color or building materials of the existing attached garage in the future without land use authorization **(MCC 38.7035(B)(9))**.
4. The property owner shall complete installation of the Landscape plan, presented as Exhibit A14, within 2-years of the date the retroactive building permit is issued for the garage.
5. The property owner(s), and their successor(s) in interest are responsible for the proper maintenance and survival of the required planted vegetation, and replacement of such vegetation that does not survive **(MCC 38.7035(B)(17)(d))**.
6. Prior to building permit signoff, the property owner must demonstrate the landscaping conditions outlined in a letter by Michael Keyes of ODOT (Exhibit A15) have been fulfilled to the satisfaction of an ODOT representative **(MCC 38.0560)**.

Note

Once this decision becomes final, applications for building permits may be made with the City of Troutdale. When ready to have building permits signed off, call the Staff Planner, Adam Barber, at (503)-988-3043 for an appointment to review with you the Conditions of Approval and to provide the building permit plan signoff. Multnomah County must review and sign off building permit applications before they are submitted to the City of Troutdale. The applicant shall bring enough plans sets for the County to retain one copy.

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.

DECISION OF THE PLANNING DIRECTOR

(Formatting Note: As necessary to address Multnomah County ordinance requirements; Staff provides Findings referenced here. Headings for each finding are underlined. Multnomah County Code requirements are referenced using a **bold** font. Written responses by the applicant or their representative are *italicized*. Planning staff comments and analysis may follow applicant responses. Where this occurs, the notation “Staff” precedes such comments.) Narrative submitted by the applicant in response to the approval criteria is presented as Exhibit A1 to this report.

Scope of Review

This review is limited to the applicable standards of the Columbia River Gorge National Scenic Area contained within Multnomah County Code Chapter 38.

FINDINGS OF FACT

1.0 SUMMARY OF PROPOSAL

The applicant is requesting to retroactively have approved a 400 square foot enclosure of an existing carport and alteration to previously approved rear deck picket materials from steel cables to wooden pickets. An open carport and steel deck cables were approved by National Scenic Area permit T2-03-030 which approved the construction of a single family dwelling on the subject property. Over the last year, the new owner of 1283 East Historic Columbia River highway converted the open carport to an enclosed garage to better protect his personal items from theft and altered the rear deck picket materials in an effort to create a more natural looking structure. The new landowner has approached the county planning department to have this work retroactively permitted through an approved National Scenic Area application. The work involved in this request did not expand beyond the footprint of the previously approved home and required no ground disturbance to complete.

2.0 VICINITY AND PROPERTY DESCRIPTION

The property is within the City of Troutdale and the Columbia River Gorge National Scenic Area. The Gorge Management Plan zoning designation is R-2, General Management Area-Residential with a two acre minimum parcel size. The provisions of the National Scenic Area Act are applied through the corresponding Multnomah County Zoning ordinance provisions of Gorge General Residential 2 zoning ordinance.

The subject property is 0.66 acres in size and is bounded by the Historic Columbia River Highway to the east and the Sandy River to the west. A vacant lot is located to the immediate north and a commercial restaurant (Tad's) is located to the immediate south of the subject property (Exhibit A2 & A3). Roughly speaking, the western half of the property is within the Sandy River riparian area with the eastern half consisting of slopes predominantly over 60% grade. A narrow flat bench is found along the eastern side of the property which is where the home is located. Maps showing the property configuration are presented in Exhibit A4. As illustrated on an assessment map, the property appears to have an average lot depth of 288 feet (Exhibit A2). In reality, only approximately 73-feet of dry property is located between the 2000 high water line and the eastern property boundary according to a survey presented in Exhibit A4.

3.0 REVIEW USE

Staff: According to Review Uses listed in **MCC 38.3025(A)(13)**, the following uses may be allowed on lands designated Gorge General Residential (GGR) with an approved scenic area permit: *“Additions to existing buildings greater than 200 square feet in area.”* A National Scenic Area review is required to approve the garage enclosure because this work added 400 square feet of enclosed space to the home and altered the appearance of the home towards the north end. Altering the decking material from what was previously approved also requires scenic area review because the changes altered the appearance of the previously approved rear deck (**MCC 38.3015**).

4.0 COMPLIANCE

No application for use or development of land shall be approved for any property that is not in full compliance with all applicable provisions of county code and/or any previous permit approvals (MCC 38.0560).

Staff: The applicant has altered the existing single family dwelling without land use approval as previously described. The applicant has submitted this review use application in an effort to rectify these zoning violations. Approval of this application will bring the property back into full compliance with county zoning code which will satisfy this standard if approved. The applicant is in the process of obtaining building permits for the unpermitted work through the City of Troutdale Building Department.

a complaint was filed with the City of Troutdale towards the conclusion of this land use review indicating tall trees were planted by the landowner within the road right-of-way that created line of sight problems from the south. Multnomah County was made aware of this complaint in a July 14th email from Elizabeth McCallum, City of Troutdale Senior Planner. Michael Keyes, the ODOT Access Management Coordinator, investigated the complaint and confirmed that trees had been planted within the ODOT right-of-way along the highway frontage and that these trees created an un-safe condition (Exhibit A15). Mr. Keyes required that the landscaping be removed from the road right-of-way no later than August 17th, 2006 and that a permit be obtained from ODOT for any landscaping to remain in the road right-of-way. Complying with ODOT's request is required for this approval to be valid.

The applicant has proposed to simply relocate the non-compliant landscaping closer to the home out of the right-of-way and onto the private property which will not impact the ability for this vegetation to continue to screen the home when viewed from the highway. Evidence of ODOT's approval of this concept is provided by Michael Keyes signature on the relocated landscape plan (Exhibit A16). A detailed landscaping plan showing the relocated landscaping in relation to the property line is presented as Exhibit A14.

Case T2-03-030 found the property to be a legal parcel. The applicant has indicated that no changes to the parcel configuration have occurred since the previous approval. Staff finds the property is still a legal parcel eligible for this retroactive development request.

5.0 PROOF OF OWNERSHIP

Type II applications may only be initiated by written consent of the owner of record (MCC 38.0550).

Staff: County Assessment and Taxation records list Shaw Industries, Inc. as the owner of the subject parcel. Signatures provided on the General Application Form by Patrick and Sharon Shaw provide the necessary authorization to process this request.

6.0 COMMENTS RECEIVED

Upon receipt of a complete application, notice of the application and an invitation to comment is mailed to the Gorge Commission, Oregon Department of Fish and Wildlife, 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 (MCC 38.0530(B)). The Planning Director accepts comments for 30 days after the notice of application is mailed (MCC 38.0530(B)). Written comments were received from the following agencies and individuals. The relevant comments will be addressed within the appropriate approval criterion outlined in this report.

- Margaret L. Dryden, Heritage Program Manager, for Columbia River Gorge NSA (Exhibit A6).
- Richard Till, Land Use Law Clerk, Friends of the Columbia River Gorge (Exhibit A7)
- Elizabeth McCallum, Senior Planner, City of Troutdale (Exhibit A8).
- Devin Simmons, Oregon Department of Fish and Wildlife Habitat Biologist (Exhibit A9).

In general, Mr. Till outlined the relevant County codes that apply to this proposal and Ms. McCallum confirmed that the garage enclosure was completed without the necessary City of Troutdale permits which are required to be obtained from the City. Ms. McCallum also indicated that the garage enclosure work was not in conflict with the City's approved variance and site and design review (City File 98-106). This further supports Staff's claim made later in this decision that the garage enclosure did not expand the footprint of the previously approved carport. In general, the comments from Mr. Simmons confirmed that the garage enclosure will not negatively impact fish and wildlife, or their associated habitat but that bamboo has been established in the riparian areas and should be removed.

In addition to comments submitted by these professionals, the following neighbors submitted general letters of support for the approval of this project:

- Douglas Briggs, Neighbor (Exhibit A10).
- Lane Desmet, Neighbor (Exhibit A11).
- Brian and Kami Olszewski, Neighbors (Exhibit A12).

7.0 DIMENSIONAL REQUIREMENTS

The required setbacks from property lines in the base zoning code must be met for this proposal. As outlined in MCC 38.3060(C), the minimum yard dimensions and maximum structure heights are as follows:

- **Front (30-ft), Side (10-ft), Street Side (30-ft), Rear (30-ft)**
- **Maximum Structure Height – 35 feet**

Staff: Permit number T2-03-030 approved placement of the dwelling and attached carport within the 30-foot front yard setback by authorizing a variance to this requirement. Elizabeth McCallum, City of Troutdale Senior Planner, indicated the modifications in question are not in conflict with the City's approved variance and site design for the house (City File, 98-106). The enclosure of the carport did not extend beyond the footprint of the carport structure closer to either the front, side or rear property lines, nor did the work increase the height of the structure. With respect to the decking picket material, one type of material was used instead of another resulting in no further encroachment outward into any of the setback areas. Staff finds these dimensional requirements are met because the un-permitted work did not extend beyond the construction extents previously approved through variances to Multnomah County and City of Troutdale codes.

8.0 APPROVAL CRITERIA – GENERAL MANAGEMENT AREA

The following scenic review standards shall apply to all Review Uses in the General Management Area of the Columbia River Gorge National Scenic Area (MCC 38.7035):

8.1 New buildings and roads shall be sited and designed to retain the existing topography and reduce necessary grading to the maximum extent practicable (MCC 38.7035(A)(1)).

Applicant: "As shown on the engineer's topographical drawing, submitted with the original permit request, the home sits on a flat ledge next to the highway. Behind the home, the property slopes to the river. The new home and deck was built on the same flat ledge within the original footprint with no impact to the slope."

Staff: No grading was required to accomplish the work. The areas under the garage walls were already flat, consisting of a concrete slab associated with the carport. The alterations to the decking material occurred on the deck above the ground surface. The site's topography was not altered in any way to accomplish these design changes. This standard is met.

8.2 New buildings shall be compatible with the general scale of similar buildings that exist nearby. Expansion of existing development shall comply with this guideline to the maximum extent practicable (MCC 38.7035(A)(2)).

Applicant: "The neighboring property to the north is vacant. The property to the south has a one-story building used as a restaurant, Tad 's Chicken 'n' Dumplings. The height is the same as Mr. Shaw's home; the restaurant building covers about three times the river frontage as Mr. Shaw's home. Enclosing the garage and constructing the residence within the original footprint is consistent with the height and size of existing nearby development. The average size of the homes in the neighborhood is 2048.43 square feet with Shaw's home being 2071 square feet including the garage. This makes the Shaw home consistent in size with the other homes in the neighborhood See attached table."

Staff: Including the enclosed carport, the subject residence consists of 2,071 square feet of enclosed visible area. The nearest seven residences within ¼ mile of the subject size were evaluated to determine whether or not enclosing the carport resulted in a home larger than others in the area. According to county assessment records, although the 2,071 square foot home in question is now a bit larger than the average 2,048 square foot home in the area, it is still 578 square foot smaller than the largest home in the area and therefore, Staff finds it is compatible with the size of other homes in the area. This standard is met.

ALTERNATE ACCOUNT #	SITE ADDRESS	ASSESSED ENCLOSED AREA (SF) - RESIDENCE
R944300100	1325 E Hist. Riv. Hwy	N/A - Restaurant
R831300200	None	Vacant
R831302120	2080 SE MIDVALE RD	1680
R831301550	1870 E Hist. Riv. Hwy	2487
R831301770	None	Vacant
R831301510	1428 E Hist. Riv. Hwy	1602
R831302370	1461 E Hist. Riv. Hwy	1570
R831302340	1409 E Hist. Riv. Hwy	2334
R831300010	1853 SE THOMPSON RD	2017
R831300100	None	Vacant
R944300120	1348 E Hist. Riv. Hwy	2649
SUBJECT SITE	1283 E. Hist. Riv. Hwy	2071 (with enclosed carport)
Maximum Size (SF)		2649
Minimum Size (SF)		1570
Average Size (SF)		2048.43

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

Applicant: "ODOT engineers have visited the site and have approved driveway, garage and the new trees planted in the front yard (highway visibility) as it exists today. No further changes will be needed."

Staff: No new vehicular access points are proposed. The existing vehicular access points were approved through National Scenic Area permit T2-03-030. Cars will continue to be parked in the garage, as was occurring in the carport. This standard is met.

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

Applicant: "No changes from the original approved application."

Staff: Requiring on-going landscaping maintenance is condition of this permit approval.

8.5 As stated in MCC 38.7035(B)(1), Each development shall be visually subordinate to its setting as seen from Key Viewing Areas.

Applicant: "The home has been colored and textured to blend into the hillside as depicted in the pictures. Proposed landscaping is being installed to further camouflage the home as shown in the photographs. 2x2 cedar pickets were used instead of the stainless wire to further shadow the home into the hillside. Non-reflective glass has been used to further avoid drawing attention to the home. From the river, the home is visually subordinate. From the highway, the home cannot be completely camouflaged on the north end in part for safety reasons expressed by the Oregon Department of Transportation; Visibility needs to be maintained to enter and exit the driveway. Trees in front of the structure have been planted to camouflage the front of the house without obstructing highway visibility as shown in the photographs."

Staff: Staff would like to begin the analysis of this standard by extracting quotes from various letters submitted by the neighbors in the area:

“...One of the features we like best is how well the home blends in with the natural landscape. The attached garage, subtle paint color, and stone façade all blend well to give a compact and uniform look” (Brian and Kami Olszewski, Neighbors – Exhibit A12)

“It is a well built home that blends extremely well with its natural surroundings. Enclosing the carport is a major factor in making the residence blend so well. In my opinion an open carport tends to look abstract cluttered and messy. A garage on the other hand allows the structure to appear complete, with a neat and tidy outward appearance. Using natural wood tones, planting trees, rocks and shrubs further help to blend the home into its natural landscape from all sides” (Lane Desmet, Neighbor – Exhibit A11)

“On the visibility issue, the current construction with solid walls and a closed garage door does provide a uniform appearance with a dark upper color and natural looking river rock lower portion. In my opinion, the solid façade and the landscaping achieve ‘visually subordination’ from both the HCRH and from the river.” (Douglas Briggs, Neighbor – Exhibit A10).

It appears from the submitted comments that many of the neighbors are in support of the project because they feel the design meets the requirement of visual subordination. Staff did not receive any comments in opposition to the changes in any way. The applicant used the same colors and materials for the garage exterior that were approved for the home which was found to be visually subordinate through NSA permit T2-03-030. After visiting the site and seeing the completed work first hand, Staff believes the very dark brown exterior color of the garage walls, garage door and rafters as well as the lower rock façade towards the base of the walls help the one story structure blend into the site dominated by dark green and brown hues. The board and batten pattern used for the garage’s exterior walls and roll up door help break up the mass of the structure through the creation of texture and shadows mimicking the linear nature of the surrounding tree trunks and limbs.

As illustrated in the photos of the garage in Exhibit A13, the garage foundation wall is covered in a rock texturing which helps it blend into the rocky riverbank below. This cobble facade, in combination with the low roof pitch, helps reduce the profile of the structure and helps reduce visual bulk as viewed from the two local key viewing areas – the Sandy River and the Historic Columbia River Highway.

Two foot roof overhangs will shade the upper portion of the garage exterior, including the new window in the garage wall facing the highway to the east and the river to the west. The applicant indicated the same types of windows were used in the garage as the approved home. The windows approved for the home only displayed a 9% reflectivity rating which is acceptable. The garage door contains no windows and is also painted dark brown to match the home. As discussed in finding 8.14 of this report, all exterior lighting on the garage is downward directed, shielded and very low wattage (15-watt) to minimize stray light projecting towards either one of the key viewing areas. The existing landscaping on the site also helps break up views of the garage as viewed from the Sandy River and portion of the Historic Columbia River Highway directly to the east and south of the home. Direct views of the garage occur from the Highway to the north which can not be obstructed with vegetation because the views occur directly down the driveway which must remain clear for vehicular travel. Because views down the driveway could not be obscured with landscaping, the applicant used dark earth toned colors, low reflective materials and

hooded lights of very low wattage to help the home blend into the forested backdrop. Staff believes this was accomplished.

The use of cedar decking pickets rather than the previously approved steel cable is acceptable because the cedar is a more natural material that will blend into the site better and potentially help create vertical shadows along the exterior wall of the structure helping the structure blend into the natural vegetated hillside.

The applicant has recently established an extensive landscaping plan on the property in an attempt to further screen the home and garage from both key viewing areas. This landscaping is above and beyond the landscaping required to construct the home in the previous land use decision. The following tables provide a summary of the size and type of existing vegetation the applicant has recently planted around the development:

Between the garage/home and the highway

Type	Height	Quantity
Douglas Fir	12 -14 feet	2
Western red cedar	10 – 12 feet	6
George Washington cedar	5 – 6 feet	2
Cedar Deodora	10 – 12 feet	4
Incense Cedar	7 – 8 feet	2
Weeping Alaskan Cedar	5 – 6 feet	3
Assorted Azaleas	Vary (approx 2-feet)	14
Dogwood	5 – 6 feet	4
Hemlock	14 – 15 feet	2

Between the garage/home and the river

Type	Height	Quantity
Western red cedar	10 – 12 feet	1
Incense Cedar	7 – 8 feet	1
Red leaf plum	14 feet	1
Hinoki cypress	6-feet	1
Dogwood (proposed planter box north of garage)	5 – 6 feet	3
Arborvitae	4 feet	4

In addition to the recently installed landscaping outlined above, 5 alders, 1 poplar and 1 maple help screen the garage as viewed from the Sandy River below. The applicant has planted sizable, evergreen landscaping between the garage and river/highway wherever feasible on the site (Exhibit A14). For instance, landscaping could not be planted to the direct north of the garage within the concrete driveway area and therefore the garage is visible from the Historic Columbia River Highway to the north. In order to achieve visual subordination from this angle, the applicant has used dark, earth toned colors, natural looking building materials and very low wattage lighting for the garage design as previously discussed in this finding. Staff believes the garage is visually subordinate as defined by County code.

In conclusion, Staff agrees with the applicant that the proposed design, colors, material choices, existing and supplemental landscaping recently planted by the applicant achieve visual

subordinance to the maximum extent possible considering the lack of development options on this small, steep site.

8.6 The extent and type of conditions applied to a proposed development to achieve the scenic standard should be proportionate to its potential visual impacts as seen from Key Viewing Areas (MCC 38.7035(B)(2)).

Applicant: "The home has been colored and textured to blend into the hillside as depicted in the photographs provided. Proposed landscaping is planned to further camouflage the home as shown in the pictures. 2x2 cedar pickets were used instead of the stainless wire to further shadow the home into the hillside. Non-reflective glass has been used to further avoid drawing attention to the home. From the river, the home is visually subordinate. From the highway, the home is visually subordinate."

Staff: Requiring the additional landscaping that was planted by the applicant to be retained is appropriate in this case because of the close proximity of the development to two key viewing areas. The garage construction is already finished and therefore it is not necessary to require that it be constructed in a certain way in the future.

8.7 Determination of potential visual effects and compliance with visual subordinance policies shall include consideration of the cumulative effects of proposed developments (MCC 38.7035(B)(3)).

Applicant: "No changes from the original approved application."

Staff: The potential cumulative effects of development in an area is evaluated and determined through the drafting and adoption of the National Scenic Area Management Plan and the resulting zoning ordinances. A residential zoning district was applied not only to this property, but to other properties in the area along the Historic Columbia River Highway in an effort to responsibly promote residential uses in the area. The small modifications to the existing residential structure are consistent with the primary purpose of this residential zoning district and visually consistent with the existing development on the site. Staff finds this proposal will not measurably change the feel or look of the area and therefore will have no cumulative effect that needs to be considered. Compliance with visual subordinance policies was verified within section 8.5 of this report. This standard is met.

8.8 As outlined in MCC 38.7035(B)(4), the following should be submitted: 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 shall be provided to ensure the survival of landscaping planted for screening purposes) as well as elevation drawings showing the appearance of the proposed building;

Staff: All required information has been presented to the permanent case record.

8.9 New development shall be sited on portions of the subject property which minimize visibility from Key Viewing Areas, unless the siting would place such development in a buffer specified for protection of wetlands, riparian corridors, sensitive plants, sensitive wildlife sites or conflict with the protection of cultural resources. In such situations, development shall comply with this standard to the maximum extent practicable (MCC 38.7035(B)(6)).

Applicant: "No changes from the original approved application."

Staff: There is no portion of this narrow, steep property that is completely screened from both the Sandy River and the Historic Columbia River Highway, both of which are Key Viewing Areas. This is also no portion of this property free from either a buffer designed to protect the Sandy River or the Historic Columbia River Highway travel corridor because the buffer zones cover the entire property, overlapping over the majority of the property. The only feasible development locations on this property tend to be obvious because of the lack of options.

Topographic constraints control where construction can occur and where it can not. For instance, it would not be feasible for the applicant to construct a garage anywhere in the western half of the property because of the steep slopes down to the river and the presence of the flood plain. The majority of the eastern half of the property is occupied by the home. Placing the garage adjacent to the home at the terminus of the driveway was the obvious and only feasible location for the garage. This makes the most sense when once realizes that a carport and garage serve the same function except that one is enclosed. Because the applicant only had one location available that would safely allow a garage to be accessed from the site entrance, Staff finds the garage location meets this standard.

8.10 New development shall be sited using existing topography and/or existing vegetation as needed to achieve visual subordination from Key Viewing Areas (MCC 38.7035(B)(7)).

Applicant: "No changes from the original approved application."

Staff: For reasons explained in the previous finding, topography could not be used to screen the development from both Key Viewing Areas. The applicant has proposed landscaping and the use of muted non-reflective colors and materials to achieve visual subordination because topographic screening was not available on this site.

8.11 Existing tree cover screening potential development from key viewing areas shall be retained (MCC 38.7035(B)(8)).

Applicant: "Existing trees have been retained (see landscape drawing for additional tree plantings)."

Staff: No trees were cut down during the unpermitted construction. This standard is met.

8.12 Driveways and buildings shall be designed and sited to minimize visibility of cut banks and fill slopes from Key Viewing Areas (MCC 38.7035 (B)(9)).

Applicant: "No changes from the original approved application."

Staff: No cut banks or fill slopes were created as a result of the work. This standard is met.

8.13 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 (MCC 38.7035(B)(10)).

Applicant: "No changes from the original approved application."

Staff: The existing home, including enclosed carport and altered decking materials are not fully screened from the Historic Columbia River Highway or from the Sandy River. The same dark earth toned, low reflective materials were used to complete the garage that was approved under the previous National Scenic Area permit in an attempt to create an architecturally continuous and visually subordinate structure.

The wood siding of the carport was painted dark brown with a typical low reflective exterior paint (Cattail Behr 3B12-6) with a dark green, non-reflective trim color (Miller Metropolis #8586A). The foundation walls used for the approved home were extended around the garage using a natural rock texturing found in the previous decision to have natural looking grooves and angles. The external windows used in the garage are the same as those approved for the home – those being a low reflection glass (9%). The rear deck pickets used are brown wood and are low-reflective.

Staff finds the exterior building materials and colors used for the garage and rear decking materials consist of low reflective materials that meet this standard.

8.14 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 (MCC 38.7035(B)(11)).

Applicant: "Exterior lighting is down lighting from the approved list and 15 watt fluorescent low watt bulbs were used to limit the light output (down light only) one additional recessed can light was installed in the entryway and one down light was installed on either side of the garage door to provide minimal safe light for entry and exit from the building during evening hours see attached photo."

Staff: The applicant added three lights to the outside of the enclosed carport, all of which use a 15-watt bulb and are downward directed. One light is recessed inside the entry alcove ceiling along the east side of the garage, and two are located at each building corner at the north side of the garage. These two lights use opaque hoods to direct light downward and shield views from both the Sandy River and Historic Columbia River Highway. The use of shielding and the abnormally low wattage was used to assure the lighting would not be highly visible from either key viewing area. This standard is met.

8.15 Unless expressly exempted by other provisions in this chapter, colors of structures on sites visible from Key Viewing Areas shall be dark earth-tones found at the specific site or in the surrounding landscape (MCC 38.7035(B)(12)).

Applicant: "The previous approved color has been used."

Staff: The exact dark earth toned colors used for the garage exterior and decking materials have been previously described. These colors replicate the dark colors found in the site's shadows. This standard is met.

8.16 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 (MCC 38.7035(B)(13)).

Staff: The addition created by enclosing the carport is smaller than the existing building. The applicant decided to use the same body and trim color for the garage walls that were used for the home. Staff believes the end result is an attractive, continuous and coherent design. The home's colors are dark, earth toned colors approved through National Scenic Area permit T2-03-030.

- 8.17 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 (MCC 38.7035(B)(15)).**

Staff: A topographical analysis of the area was conducted by Staff in the previous land use review for the home (case T2-06-039) which found the dwelling would not skylight above the back dropping terrain as viewed from the Sandy River or the Historic Columbia River Highway. Because the garage enclosure does not increase the height of the home, Staff finds the previous findings on this issue still hold true. This standard is met.

- 8.18 The following standards shall apply to new landscaping used to screen development from key viewing areas: New landscaping (including new earth berms) shall be required only when there is no other means to make the development visually subordinate from key viewing areas. Alternate sites shall be considered prior to using new landscaping to achieve visual subordination. Development shall be sited to avoid the need for new landscaping wherever possible (MCC 38.7035(B)(17)(a)).**

Applicant: "The existing trees have been retained (see landscape drawing for additional tree plantings). Adding the additional foliage to the existing landscape will allow maximum screening. New plantings will be native and approximately 70% evergreen."

Staff: The applicant has established additional screening above and beyond what was required by NSA permit T2-03-030 for construction of the home and attached carport. An existing landscaping plan is presented as Exhibit A14. The following tables provide a summary of the size and type of existing vegetation the applicant has recently planted around the development:

Between the garage/home and the highway

Type	Height	Quantity
Douglas Fir	12 -14 feet	2
Western red cedar	10 – 12 feet	6
George Washington cedar	5 – 6 feet	2
Cedar Deodora	10 – 12 feet	4
Incense Cedar	7 – 8 feet	2
Weeping Alaskan Cedar	5 – 6 feet	3
Assorted Azaleas	Vary (approx 2-feet)	14
Dogwood	5 – 6 feet	4
Hemlock	14 – 15 feet	2

Between the garage/home and the river

Type	Height	Quantity
Western red cedar	10 – 12 feet	1

Incense Cedar	7 – 8 feet	1
Red leaf plum	14 feet	1
Hinoki cypress	6-feet	1
Dogwood (proposed planter box north of garage)	5 – 6 feet	3
Arborvitae	4 feet	4

In addition to the recently installed landscaping outlined above, 5 alders, 1 poplar and 1 maple help screen the garage as viewed from the Sandy River below. The applicant has planted sizable, evergreen landscaping between the garage and river/highway wherever feasible on the site (Exhibit A14).

Staff believes this screening helps create a visually subordinate garage structure because of the close proximity to the key viewing areas. The use of alternative methods of screening, such as earth berms, is not practical in this case due to the limited site space between the garage and highway to the east and because the steep topography drop off from the garage to the Sandy River to the west which would render an earthen berm hardly effective while disturbing a riparian area. The applicant is proposing to plant three dogwood trees in a planter box at the western edge of the driveway to help screen views of the garage from the river below. This planter will function much like an earthen berm by raising the elevation of the plantings in front of the garage as viewed from the river below but the planter box will not disturb the riparian area because they are placed on the driveway asphalt. The use of alternative sights for the garage was not feasible due to the limited development options on this small and steep site as previously discussed. In addition, separating the garage from the house would un-necessarily disturb more of the riparian area site if a garage could be built on another portion of the site which would not meet other National Scenic Area standards designed to minimize construction disturbance. Staff finds that the applicant has met this standard.

8.19 If new landscaping is required, it shall be used to supplement other techniques for achieving visual subordination (MCC 38.7035(B)(17)(b)).

Applicant: “The existing trees have been retained (see landscape drawing for additional tree plantings). Adding the additional foliage to the existing landscape will allow maximum screening. New plantings will be native and approximately 70% evergreen.”

Staff: Visual subordination will be mainly achieved through the use of existing vegetation, low garage profile (i.e. one story) dark earth toned colors and natural materials such as the faux rock facing at the base of the garage wall. In an attempt to assure visual subordination would be achieved, the applicant has proposed additional plantings, mainly of evergreen trees where possible around the garage as previously discussed. It should be noted that the proposed development does not change the location of the previously approved carport or increase the height of the carport, it simply encloses the approved space to better protect private property. Staff finds the additional plantings will help supplement other techniques and conditions and that it is not the primary path to visual subordination for this development.

8.20 Vegetation planted for screening purposes shall be of sufficient size to make the development visually subordinate within five years or less of commencement of construction (MCC 38.7035(B)(17)(c)).

Staff: The size of the existing landscaping on the site is outlined within section 8.8 of this report. Staff finds the various trees planted around the one story garage currently ranging in height from 5 to 14 feet will be tall enough in five years to achieve visual subordination. This standard is met.

- 8.21 Landscaping shall be installed as soon as practicable, and prior to project completion. The property owner(s), and their successor(s) in interest are responsible for the proper maintenance and survival of planted vegetation, and replacement of such vegetation that does not survive (MCC 38.7035(B)(17)(d)).**

Staff: The required landscaping has already been installed on the site and the project completed. The survival component to this standard has been incorporated into a specific condition of this approval. This standard is met.

- 8.22 The Scenic Resources Implementation Handbook includes recommended species for each landscape setting consistent with MCC 38.7035(C) and the minimum recommended sizes for tree plantings (based on average growth rates expected for recommended species) - (MCC 38.7035(B)(17)(e)).**

Staff: The applicant utilized the referenced handbook to help design the existing site landscaping with respect to the appropriate native and evergreen landscaping species, the appropriate size and environmental conditions.

- 8.23 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 (MCC 38.7035(B)(24)).**

Staff: The development area was a flat concrete carport pad. No ground disturbance was required to enclose the carport. The deck pickets constructed were located off the ground and therefore required no ground disturbance. This standard does not apply.

- 8.24 All proposed structural development involving more than 100 cubic yards of grading on sites visible from Key Viewing Areas shall include submittal of a grading plan (MCC 38.7035(B)(25)).**

Staff: No ground disturbance was required to enclose the carport or alter the deck picket materials.

- 8.25 All Review Uses within the Rural Residential landscape setting must demonstrate that 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 (MCC 38.7035 (C)(3)(a)).**

Applicant: "Existing trees have been retained (see landscape drawing for additional tree plantings)."

Staff: No trees were removed to finish the work the applicant is trying to retroactively have approved. This standard is met.

- 8.26 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: Except as is necessary for site development or safety purposes, the existing tree cover screening from Key Viewing Areas shall be retained (MCC 38.7035(C)(b)(1)).**

Applicant: "Existing trees have been retained (see landscape drawing for additional tree plantings)."

Staff: Staff concurs with the applicant's statement. This standard is met.

- 8.27 At least half of any trees planted for screening purposes shall be species native to the setting or commonly found in the area (MCC 38.7035(C)(b)(2)).**

Applicant: "Existing trees have been retained (see landscape drawing for additional tree plantings)."

Staff: Some of the landscaping outlined in Exhibit A14 was installed for ornamental purposes rather than specifically for screening to meet scenic area standards. In an effort to help break up views of the garage from the highway and river, the applicant has planted the following trees around the garage for screening purposes. The species native and commonly found in the area are in bold preceded by an asterisk:

<i>Type</i>	<i>Quantity</i>
* Douglas Fir	2
* Western red cedar	7
George Washington cedar	2
Cedar Deodora	4
Incense Cedar	3
Weeping Alaskan Cedar	3
* Dogwood	7
* Hemlock	2
Red leaf plum	1
Hinoki cypress	1
Arborvitae	4

The applicant is proposing 18 species native to the National Scenic Area and 18 tree species that are not which meets this standard (i.e. 50% native). If Arborvitae is considered a shrub rather than a small tree, the applicant is proposing planting more than 50% native trees for screening purposes. Either way, this standard is met.

- 8.28 At least half of any trees planted for screening purposes shall be coniferous to provide winter screening (MCC 38.7035(C)(b)(3)).**

Applicant: "New plantings will be native and approximately 70% evergreen."

Staff: After reviewing the applicant's landscape plan in Exhibit A14, Staff agrees with the applicant that more than half of the trees are evergreen. This standard is met.

- 8.29 All Uses Under Prescribed Conditions and Conditional Uses within scenic travel corridors (MCC 38.7035(D)): 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: This site falls within the Historic Columbia River Highway Scenic Travel Corridor.

- 8.30 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.**

Applicant: "No changes are needed on the original approved variance."

Staff: Although the carport is located within 100-feet from the edge of pavement, a variance is not needed in this case because enclosure of the carport resulted in no further encroachment into the setback area. A variance authorizing the carport location was approved by Multnomah County through NSA permit T2-03-030.

A comment submitted by Richard Till with the Columbia River Gorge Commission indicated the County should confirm that a variance was also issued by the City of Troutdale for the home's location (Exhibit A7). A letter from the Senior Planner at the City of Troutdale has confirmed the home's location was approved through the City's variance and site and design review process (Exhibit A8). Deck picket materials were located in the same location as the previous materials approved and therefore this work requires no variance.

9.0 CULTURAL RESOURCE CRITERIA

A reconnaissance level cultural investigation shall be performed as required by MCC 38.7045 (A). As stated in MCC 38.7045 (B), the cultural resource review criteria shall be considered satisfied if 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).

Applicant: "Applicant: No change from the original approved application."

Staff: No ground disturbance resulted from the work the applicant is trying to retroactively have permitted which eliminates any risk of impacting cultural resources. Ground disturbance related to the construction of the existing dwelling was reviewed during the previous land use review which found the cultural resource criteria satisfied. After reviewing this application, Margaret Dryden (Columbia River Gorge Heritage Resources Program Manager), indicated that a cultural resource reconnaissance survey is not required and that a historic survey is not required. Considering that no substantiated comment was received during the comment period related to potential cultural resource impacts, Staff finds these cultural resource standards are satisfied.

10.0 WETLAND CRITERIA

A wetland review is required for a proposal if criteria of MCC 38.7055(A) are not satisfied.

Staff: No ground was disturbed for this project. Criteria within MCC 38.7055(A) have been satisfied.

11.0 STREAM, LAKE AND RIPARIAN AREA CRITERIA

A stream, lake and riparian area review is required for a proposals within stream, pond and lake buffer zones as determined by MCC 38.7060. Uses not listed in MCC 38.7060(A) and (B) may be allowed in riparian areas when approved pursuant to MCC 38.7060(E) and reviewed under the applicable provisions of MCC 38.7035 through 38.7085.

Applicant: "Applicant: No change from the original approved application."

Staff: The stream, lake and riparian area review is not required because the work did not encroach beyond the previously structural footprint approved by NSA permit T2-03-030.

12.0 WILDLIFE CRITERIA

A wildlife habitat site review shall be required for any project within 1,000 feet of sensitive wildlife areas (MCC 38.7065).

Staff: The property is located within 1,000 feet of the Sandy River which is a sensitive wildlife area. A request was sent to Oregon Department of Fish and Wildlife (ODFW) requesting review of the project because of its proximity to the Sandy River. Mr. Devin Simmons, ODFW Habitat Biologist, indicated *"it is our belief that this development will not negatively impact fish and wildlife, or their associated habitat."* However, Mr. Simmons recommended that on-site bamboo planted near the Sandy River should be removed because it is an invasive species that can degrade habitat within riverine corridors (Exhibit A9).

The wildlife habitat site review process can conclude if it is determined the proposed use would not compromise the integrity of the wildlife area or site (**MCC 38.70654(A)(3)**). It is clear from Mr. Simmons letter that the proposed use will not impact on-site wildlife or habitat and therefore staff finds the wildlife site review standards are satisfied. Staff has no authority to condition that the bamboo be removed as part of this approval because the existing bamboo is unrelated to the proposed alterations to the dwelling and because the Chapter 38 standards do not require non-native species to be removed from a site in order to receive approval for an un-related action on that site.

It should be noted that the applicant has indicated to Staff that he intends to remove the bamboo in the future but first wants to allow the vegetation that was required to be planted for the 2003 approval between the home and river to mature into a fuller screen first. The applicant has indicated that although he understands the bamboo is invasive, it helps screen views of the home from the Sandy River. In conclusion, Staff finds the Wildlife Review Criteria of **MCC 38.7065** have been satisfied and that the bamboo is not required to be removed as a condition of this approval but is highly recommended to be removed as soon as possible.

13.0 RARE PLANT CRITERIA

A rare plant site review shall be required for any project within 1,000 feet of endemic plants and sensitive plant species (MCC 38.7070).

Staff: Staff reviewed the Multnomah County rare plant map provided to the County by the Columbia River Gorge Commission. Staff determined from this map that the project site (TL 500,

Section 30CC, T1N-4E) is not within 1,000 feet of a known rare plant. The closest rare plant is located 1.4 miles to the northeast, which is greater than 1,000-feet away. Staff finds a formal rare plant review is not required.

CONCLUSIONS

Based on the findings and other information provided above, the applicant has carried the burden necessary for this National Scenic Area Site Review. The applicant's request to have approved an enclosure of an existing carport and alteration to previously approved rear deck picket materials at 1283 East Historic Columbia River Highway is approved subject to the conditions of approval established in this report.

EXHIBITS

All materials submitted by the applicant, prepared by county staff, or provided by public agencies or members of the general public relating to this request are hereby adopted as exhibits hereto and may be found as part of the permanent record for this application. Exhibits referenced herein are enclosed, and brief description of each are listed below:

EXHIBIT	PAGES	CONTENT
Exhibit A1	7	Applicant's Narrative
Exhibit A2	1	Plat Map
Exhibit A3	1	2004 Aerial Photo
Exhibit A4	3	Development Plan
Exhibit A5	0	Not used
Exhibit A6	1	Comments – Marge Dryden, Columbia River Gorge National Scenic Area Heritage Program Manager
Exhibit A7	5	Comments – Richard Till, Friends of the Columbia River Gorge Land Use Law Clerk
Exhibit A8	1	Comments – Elizabeth McCallum, City of Troutdale Senior Planner
Exhibit A9	1	Comments – Devin Simmons, Oregon Department of Fish and Wildlife Habitat Biologist
Exhibit A10	1	Comments – Douglas Briggs, Neighbor
Exhibit A11	1	Comments – Land Desmet, Neighbor
Exhibit A12	1	Comments – Brian and Kami Olszewski, Neighbors
Exhibit A13	3	Site Photos
Exhibit A14	2	Landscaping Plan and plant key
Exhibit A15	1	ODOT letter related to non-compliant landscaping
Exhibit A16	1	ODOT approved landscape relocation concept