

NOTICE OF NSA DECISION



www.multco.us/landuse ■ Email: land.use.planning@multco.us ■ Phone: (503) 988-3043

Case File: T2-2025-0063

Applicant: Don Titus

Proposal: Request for a National Scenic Area (NSA) Site Review to construct an accessory structure (septic tank) and a Major Variance to establish an accessory building within the side yard setback that was not previously reviewed by the County.

Location: 2060 E Hist Columbia River Hwy, Troutdale

Property ID # R287121

Map, Tax lot: 1N4E31BC -01300

Alt. Acct. # R831303450

Base Zone: Gorge General Commercial (GGC)

Overlays: None

Key Viewing Areas: Historic Columbia River Highway (including the Historic Columbia River Highway State Trail) and Sandy River

Landscape Setting: Rural Residential

Decision: Approved with Conditions

This decision is final at the close of the appeal period, unless appealed. The deadline for filing an appeal is Tuesday, August 25, 2026 at 4:00 pm.

Opportunity to Review the Record: The complete case file and all evidence associated with this application is available for review by contacting LUP-comments@multco.us. Paper copies of all documents are available at the rate of \$0.71/page.

Opportunity to Appeal: The appeal form is available at www.multco.us/landuse/application-materials-and-forms. Email the completed appeal form to LUP-submittals@multco.us. An appeal requires a \$250.00 fee and must state the specific legal grounds on which it is based. This decision is not appealable to the Columbia River Gorge Commission until all local appeals are exhausted.

Issued by:

A handwritten signature in black ink, appearing to read "Rithy Khut", written over a horizontal line.

Digitally signed by Rithy Khut
DN: cn=Rithy Khut, o=Multnomah
County, ou=Department of Community
Services, email=rithy.khut@multco.us,
c=US

Rithy Khut, Senior Planner

For: Megan Gibb,
Planning Director

Date: Tuesday, August 11, 2026

Instrument Number for Recording
Purposes: # 95-062719

N ↑



Administration and Procedures: MCC 38.0560 Code Compliance and Applications

NSA Site Review Criteria: MCC 38.7015 Application for NSA Site Review, MCC 38.7035 GMA Scenic Review Criteria, MCC 38.7045 GMA Cultural Resource Review Criteria, MCC 38.7053 GMA Water Resources Review Criteria, MCC 38.7065 GMA Wildlife Review Criteria, MCC 38.7070 GMA Rare Plant Review Criteria, MCC 38.7080 GMA Recreation Resource Review Criteria

Variances: MCC 38.7600 Variance Approval Criteria, MCC 38.7605 Variance Classification

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

Conditions of Approval

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. **Permit Expiration** – This land use permit shall expire as follows:

- a. Within **two (2) years** of the date of the final decision when construction has not commenced. [MCC 38.0690(B)]
 - i. For the purposes of 1.a, commencement of construction shall mean actual construction of the foundation or frame of the approved structure, a septic tank. For utilities and developments without a frame or foundation, commencement of construction shall mean actual construction of support structures for an approved development or actual excavation of trenches for an approved underground utility or development.
 - ii. For purposes of 1.a, notification of commencement of construction shall be given to Multnomah County Land Use Planning Division a minimum of seven (7) days prior to the date of commencement. Notification shall be sent via email to LUP-submittals@multco.us with the case no. T2-2025-0063 referenced in the subject line. [MCC 38.0660(A)]
- b. Within **two (2) years** of the date of commencement of construction when the structure has not been completed. [MCC 38.0690(B)]
 - i. For the purposes of 1.b, completion of the structure shall mean completion of the exterior surface(s) of the structure and compliance with all conditions of approval in the land use approval.
 - ii. For purposes of 1.b, the property owner shall provide building permit status in support of completion of exterior surfaces of the structure and demonstrate compliance with all conditions of approval. The written notification and documentation of compliance with the conditions shall be sent to LUP-submittals@multco.us with the case no. T2-2025-0063 referenced in the subject line. [MCC 38.0660(A)]

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

2. Approval of this land use permit is based on the submitted written narrative(s) and plan(s). No work shall occur under this permit this is inconsistent with these documents. It shall be the responsibility of the property owner(s) to comply with these documents and the limitations of approval described herein. [MCC 38.0660(B)]
3. This permit authorizes the following development that occurred without review by the County:
 - a. Establishment of an accessory building labeled as “existing garage” in Exhibit A.3 and A.13.

4. **Prior to submitting Building Plans for Zoning Review**, the property owners or their representative shall:
- a. Record pages 1 through 7 and Exhibit A.13 and B.7 of this Notice of 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 shall be filed with the Land Use Planning Division. Recording shall be at the applicant's expense. [MCC 38.0670]
 - b. Acknowledge in writing that they have read and understand the conditions of approval and intend to comply with them. A Letter of Acknowledgement has been provided to assist you. The signed document shall be submitted and uploaded when submitting Building Plans for Zoning Review and Review of Conditions of Approval. [MCC 38.0660(A) & (B)]
 - c. Prepare building plan(s) for the accessory building to show and describe:
 - i. The exterior building materials of the roof:
 1. The roof shall be either coated/textured or replaced, so the roof is either non-reflective or have low reflectivity as recommended in *Building in the Scenic Area: Scenic Resources Implementation Handbook*. [MCC 38.7035(B)(8)]
 2. The roof color shall be a color that matches Row A, B, or C in the *Building in the Scenic Area: Scenic Resources Implementation Handbook*. [MCC 38.7035(B)(10)]
 - ii. The exterior building materials of the garage doors:
 1. The garage doors shall be either coated/textured or replaced so the garage doors are either non-reflective or have low reflectivity as recommended in *Building in the Scenic Area: Scenic Resources Implementation Handbook*. [MCC 38.7035(B)(8)]
 2. The garage door color shall be a color that matches Row A, B, or C in the *Building in the Scenic Area: Scenic Resources Implementation Handbook*. [MCC 38.7035(B)(10)]
5. **When submitting Building Plans for Zoning Review**, the property owner(s) or their representative shall:
- a. Provide a Letter of Acknowledgement and recorded Notice of Decision as required in Condition 3.a through 3.b.
 - b. Submit final design plans of the accessory building.
 - i. Any changes to the final design plan of the exterior of the accessory building shall meet the recommendations of the *Building in the Scenic Area: Scenic Resources Implementation Handbook*.
 1. If changes to the materials used for the exterior are proposed, the materials shall be composed of non-reflective materials or materials with low reflectivity. [MCC 38.7035(B)(8)]
 2. If changes to the exterior colors of the accessory building are proposed, the color shall match Row A, B, or C in the *Building in the Scenic Area: Scenic Resources Implementation Handbook*. [MCC 38.7035(B)(10)]
 3. If exterior lighting is proposed, the exterior lighting shall be directed downward and sited, limited in intensity, shielded, or hooded in a manner that prevents lights from being highly visible from Key Viewing Areas and

from noticeably contrasting with the surrounding landscape setting. The shielding and hooding materials shall be composed of nonreflective, opaque materials. [MCC 38.7035(B)(9)]

- c. Demonstrate compliance with the County's Ground Disturbing Activity regulations by obtaining an Erosion and Sediment Control Permit or Minimal Impact Project Permit. [MCC 38.0560 and MCC 39.6210]

Note: Land Use Planning must sign off on and stamp the building plans before you can go to the Building Department.

6. Prior to and during construction, the property owner(s) or their representative shall:

- a. Put into action the following procedures, if any Cultural Resources and/or Archaeological Resources are located or discovered on the property during this project, including but not limited to finding any evidence of historic campsites, old burial grounds, implements, or artifacts. Additionally, all survey and evaluation reports and mitigation plans shall be submitted to the Planning Director and the SHPO. Native American tribal governments shall also receive a copy of all reports and plans if the cultural resources are prehistoric or otherwise associated with Native Americans:
 - i. Halt Construction - All construction activities within 100 feet of the discovered cultural resource shall cease. The cultural resources shall remain as found; further disturbance is prohibited.
 - ii. Notification - The project applicant shall notify the County Planning Director and the Gorge Commission within 24 hours of the discovery. If the cultural resources are prehistoric or otherwise associated with Native Americans, the project applicant shall also notify the Native American tribal governments within 24 hours. Procedures required in MCC 38.7045(L) shall be followed.
 - iii. Survey and Evaluation - The Gorge Commission will survey the cultural resources after obtaining written permission from the landowner and appropriate permits from Oregon State Historic Preservation Office (SHPO) (see ORS 358.905 to 358.955). It will gather enough information to evaluate the significance of the cultural resources. The survey and evaluation will be documented in a report that generally follows the standards in MCC 38.7045(C)(2) and MCC 38.7045(E).
 - iv. Mitigation Plan - Mitigation plans shall be prepared according to the information, consultation, and report standards of MCC 38.7045(J). Construction activities may recommence when the conditions in the mitigation plan have been executed. [MCC 38.7050(H)]
- b. Put into action the following procedures, if human remains are discovered during excavation or construction (human remains means articulated or disarticulated human skeletal remains, bones, or teeth, with or without attendant burial artifacts):
 - i. Halt Activities - All survey, excavation, and construction activities shall cease. The human remains shall not be disturbed any further.
 - ii. Notification - Local law enforcement officials, the Multnomah County Planning Director, the Gorge Commission, and the Native American tribal governments shall be contacted immediately.
 - iii. Inspection - The State Medical Examiner shall inspect the remains at the project site and determine if they are prehistoric/historic or modern. Representatives from the Indian tribal governments shall have an opportunity to monitor the inspection.

- iv. Jurisdiction - If the remains are modern, the appropriate law enforcement officials will assume jurisdiction and the cultural resource protection process may conclude.
- v. Treatment - Prehistoric/historic remains of Native Americans shall generally be treated in accordance with the procedures set forth in Oregon Revised Statutes, Chapter 97.740 to 97.760.
 - 1. If the human remains will be reinterred or preserved in their original position, a mitigation plan shall be prepared in accordance with the consultation and report standards of MCC 38.7045(I).
 - 2. The plan shall accommodate the cultural and religious concerns of Native Americans. The cultural resource protection process may conclude when the conditions set forth in the standards of MCC 38.7045(J) are met and the mitigation plan is executed. [MCC 38.7050(H)]

7. **As an on-going condition**, the property owner(s) shall:

- a. Be responsible for the proper maintenance and survival of existing vegetation as shown in Exhibit B.7. [MCC 38.7035(A)(4); MCC 38.7035(B)(2), (5), and (6); and MCC 38.7035(C)(3)]
 - i. If trees or shrubs are removed due to death, disease, or safety purposes (i.e. to prevent or mitigate significant loss or damage to life, health, property, or essential public services), they shall be replaced at a ratio of 1:1.
 - 1. If more than one tree or shrub is removed, for all newly planted trees or shrubs:
 - a. At least half of any trees or shrubs planted for screening purposes shall be a species native to the setting or species identified in the *Building in the Scenic Area: Scenic Resources Implementation Handbook*.
 - b. At least half of any trees planted for screening purposes shall be coniferous to provide winter screening.
 - 2. Any trees and shrubs planted shall meet the minimum recommended sizes outlined in *Building in the Scenic Area: Scenic Resources Implementation Handbook* for tree and shrub plantings (based on average growth rates expected for recommended species).
 - 3. If replacement trees or shrubs do not survive, they shall be replaced in the next growing season.

Note: Land Use Planning must sign off on the building plans before you can go to the Building Department. When ready to submit Building Plans for Zoning Review, complete the following steps:

- 1. Read your land use decision, the conditions of approval and modify your plans, if necessary, to meet any condition that states, “Prior to submitting Building Plans for Zoning Review...”. Be ready to demonstrate compliance with the conditions.
- 2. You will need to provide a copy of your Oregon Department of Transportation (ODOT) permit or other authorization with your building plans. If you have not yet received sign-off, visit the following webpage for instructions on how to request a review of your plans: <https://www.oregon.gov/odot/Engineering/Pages/Access-Management.aspx>. Failure to obtain a permit or other authorization will result in delaying your zoning review.

3. Contact the City of Portland Permitting & Development: On-site Sanitation at 503-823-6892 or e-mail septic@portlandoregon.gov for information on completing the Septic Permit or Evaluation process for the proposed development. All existing and/or proposed septic system components (including septic tank and drainfield) must be accurately shown on the site plan.
4. Visit <https://www.multco.us/landuse/submitting-building-plan> for instructions regarding the submission of your building plans for zoning review and review of conditions of approval. Please ensure that any items required under, “When submitting Building Plans for Zoning Review...” are ready for review. Land Use Planning collects additional fees at the time of zoning review.

Once you have obtained an approved zoning review, application for building permits may be made with the City of Troutdale.

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

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

Findings of Fact

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

1.0 Project Description:

Staff: The applicant requests a National Scenic Area (NSA) Site Review to construct an accessory structure (septic tank), establish an accessory building (“garage”) that was not previously reviewed by the County, and conduct associated ground disturbance. A Major Variance is requested to establish the accessory building within the side yard setback.

2.0 Property Description & History:

Staff: This application is for 2060 E Hist Columbia River Hwy, Troutdale. The subject property is located on the east side of the Historic Columbia River Highway within the Columbia River Gorge National Scenic Area (NSA). The subject property is inside the City of Troutdale and inside Metro’s Urban Growth Boundary (UGB) and. The subject property is zoned Gorge General Commercial (GGC) and has no environmental overlays.

The property is occupied by single-family dwelling with covered patio and attached garage and a detached garage according to the County Assessor. The dwelling was first assessed in 1938. The subject property is approximately 18,000 sq. ft (0.41 acres). The most current aerial photo shows a partially forested property with one or two structures/buildings located in the middle portion of the property (Exhibit B.3). This is the previous land use/building permits associated with the property.

Permit No.	Date	Description
#26605	May 3, 1962	Addition to single-family dwelling
BA 107-62	May 4, 1962	Yard variance for an addition to the single-family dwelling
T2-2024-0105	May 15, 2025	Lot of Record verification

3.0 Public Comment:

Staff: Staff mailed a notice of application and invitation to comment on the proposed application to the required parties pursuant to MCC 38.0530 (Exhibit C.5). Staff did receive comments during the 21-day comment period and did receive comments regarding Cultural Resources during the 30-day comment period.

3.1 Cultural Resource Survey Determination from Luciano Legnini, Archaeologist on behalf of the United States Department of Agriculture: Forest Service (“USFS”) - Columbia River Gorge National Scenic Area (Exhibit D.1)

Staff: Luciano Legnini sent a Cultural Resource Survey Determination on behalf of the USFS on January 8, 2026. The Survey stated that, “A Cultural Resource Survey is: Not Required” and “A Historic Survey is: Not Required.”

3.2 Cultural Resource Survey Determination from Luciano Legnini, Archaeologist on behalf of the United States Department of Agriculture: Forest Service (“USFS”) - Columbia River Gorge National Scenic Area (Exhibit D.2)

Staff: Luciano Legnini re-sent a Cultural Resource Survey Determination on behalf of the USFS on July 11, 2026. The Survey restated that, “A Cultural Resource Survey is: Not Required” and “A Historic Survey is: Not Required.”

3.3 Letter from Steven D. McCoy, Staff Attorney, Friends of the Columbia Gorge (Exhibit D.3)

Comment: Steven D. McCoy submitted a letter on July 28, 2026 on behalf of the Friends of the Columbia Gorge (“Friends”). The letter contained comments intended to identify application requirements, procedural requirements, resource protection standards, provide recommendations to the County and the public regarding legal requirements, and contained recommended conditions of approval. The letter also highlighted that the development potentially requires a separate variance from the Historic Columbia Highway.

Staff: The highlighted requirements is discussed in Section 8.1.4 under MCC 38.7035(D). As required, the accessory building must be a minimum of 100 feet from the edge of pavement to the Scenic Travel Corridor roadway. As measured the accessory building is more 100 feet from the roadway as shown in Exhibit A.13.

4.0 Code Compliance and Applications Criteria:

4.1 § 38.0560 CODE COMPLIANCE AND APPLICATIONS.

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

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

(1) It results in the property coming into full compliance with all applicable provisions of the Multnomah County Code. This includes sequencing of permits or other approvals as part of a voluntary compliance agreement; or

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(4) It brings a non-conforming structure or on-conforming use into compliance with current regulations; or

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Staff: This standard provides that the County shall not make a land use decision approving development for a property that is not in full compliance with County Code or previously issued County approvals, except in the following instances: approval will result in the property coming into full compliance, approval is necessary to protect public safety, or the approval is for work related to or within a valid easement.

This standard codified in the Columbia River Gorge National Scenic Area Code chapter related to land use application procedures and, by its terms, expressly applies to the application review process. Importantly, a finding of satisfaction of this standard does not mean that a property is in full compliance with the Zoning Code and all prior permit approvals (and, accordingly, does not preclude future enforcement actions relating to uses and structures existing at the time the finding is made). Instead, a finding of satisfaction of this standard simply means that there is not substantial evidence in the record affirmatively establishing one or more specific instances of noncompliance.

As such, an applicant has no initial burden to establish that all elements of the subject property are in full compliance with the Zoning Code and all previously approved permits; instead, in the event of evidence indicating or establishing one or more specific instances of noncompliance on the subject property, the applicant bears the burden to either rebut that evidence or demonstrate satisfaction of one of the exceptions in MCC 38.0560.

Staff identified a compliance issue relating to an accessory building that was not previously reviewed by the County. This issue was described during a pre-file meeting, PF-2024-0015 on May 2, 2024 and again during pre-application meeting, PA-2024-0008 on February 27, 2025 (Exhibit B.4 and B.5).

The applicant responded by submitting this application for review of a National Scenic Area (NSA) Site Review and Variance to address the above compliance issues. Additionally, this application seeks to permit an accessory structure. This application, a Type II application is the first part of a sequencing of permits needed to resolve the code compliance issues relating to non-permitted development. This application will also result in a non-conforming structure coming into compliance with current regulations. In completing the required Conditions of Approval, the applicant will return the subject property into full compliance with Multnomah County Code. *As conditioned, criterion met.*

5.0 Parcel Criteria:

5.1 § 38.0015 DEFINITIONS

Parcel:

- (a) Any unit of land legally created by a short division, partition, or subdivision, that was legally recognized under all state laws and local ordinances in effect on November 17, 1986. A unit of land that is eligible for consolidation as provided in the Management Plan shall not be considered a parcel.**
- (b) Any unit of land legally created and separately described by deed, or sales contract, or record of survey prior to November 17, 1986, if the unit of land complied with all planning, zoning, and land division ordinances or regulations applicable at the time of creation and up through November 16, 1986.**
- (c) A unit of land legally created and separately described by deed or sales contract after November 17, 1986 if the unit was approved under the Final Interim Guidelines or a land use ordinance consistent with the Management Plan, or by the U.S. Forest Service Office prior to the Final Interim Guidelines.**
- (d) A unit of land shall not be considered a separate parcel simply because it:**
 - 1. Is a unit of land created solely to establish a separate tax account;**
 - 2. Lies in different counties;**
 - 3. Lies in different sections or government lots;**
 - 4. Lies in different zoning designations; or**
 - 5. Is dissected by a public or private road.**

Staff: The property identified as 1N4E31BC -01300 was previously found to be a Lot of Record in land use case, T2-2024-0105 (Exhibit A.14). As the property has not been subject to a subsequent boundary reconfiguration since those findings were written, the property continues to satisfy all applicable planning, zoning, and land division ordinances or regulations applicable at the time of creation. The property is a “Parcel” as defined in MCC 38.0015. *Criteria met.*

6.0 Existing Uses and Discontinued Uses Criteria:

6.1 § 38.0030 EXISTING USES AND DISCONTINUED USES

(A) Right to Continue Existing Uses and Structures: Any existing use or structure may continue so long as it is used in the same manner and for the same purpose, except as otherwise provided.

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

(1) The replacement structure shall have the same use as the original structure.

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

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

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

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(D) Changes to Existing Uses and Structures: Except as otherwise provided, any change to an existing use or modification to the exterior of an existing structure shall be subject to review and approval pursuant to this Management Plan.

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Staff: The proposal includes one existing accessory structure, a septic tank that will be replaced. The septic tank is accessory to the single-family dwelling that was established in 1938. The single-family dwelling has not been discontinued as the building is still present and may continue as it is being used in the same manner and for the same purpose as when it was established. However, as required above, the replacement of the septic tank is subject to review and approval to this Management Plan, including, but not limited to, guidelines for land use designations and scenic, cultural, recreation and natural resources. Those policies, guidelines, and Multnomah County Code requirements are discussed below.

7.0 Commercial - GGC Criteria:

7.1 § 38.3225 REVIEW USES

The following review uses may be allowed on lands designated GGC, pursuant to the provisions of MCC 38.0045 and MCC 38.7300:

* * * * *

(C) Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed as accessory buildings larger than 200 square feet in area or 10 feet in height.

Staff: The applicant is requesting a new accessory structure, a septic tank that will connect into an existing septic system (Exhibit A.5). The development is subject to the NSA Site Review standards which are discussed in Section 8.0.

(D) Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel, subject to the following standards:

- (1) The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.**
- (2) The height of any individual accessory building shall not exceed 24 feet**

Staff: The applicant is requesting review of an accessory building, labeled “existing garage” that was not previously reviewed by the County. Based on aerial photo review, it appears that building was constructed at some point between 1977 and 1986. To establish the building, it must be reviewed as if the building was being proposed today. The accessory building is approximately 1000 square feet to the eaves of the roof and approximately 15 feet in height to the top of the roof (Exhibit A.3 and A.13). Lastly, the development is subject to the NSA Site Review standards, which are discussed in Section 8.00

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7.2 § 38.3260 DIMENSIONAL REQUIREMENTS

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(C) Minimum Yard Dimensions - Feet

Front	Side	Street Side	Rear
30	10	30	30

Maximum Structure Height – 35 feet

Minimum Front Lot Line Length – 50 feet.

(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: The front yard is along the western lot line that is located most parallel to E. Historic Columbia River Highway. The rear yard is along the opposite lot line (i.e. the eastern line) that is opposite front lot line. The side yards are the north and south lot lines (Exhibit B.2). The Oregon Department of Transportation did not indicate that there is insufficient right-of-way width; therefore, no addition yard width is required (Exhibit A.6).

The applicant’s site plan shows the location of the accessory building and accessory structure on the property. The accessory building is located more than 30 from the front and rear lot lines. The building is also located more than 10 feet from the northern side lot line. The building, however, is located approximately 2 feet and 7½ inches from the southern side lot line (Exhibit A.3 and A.13). As the building has an insufficient yard, the applicant is requesting a Variance as discussed in Section 9.0.

The accessory structure is not subject to the yard requirements as it is low to the ground and underground.

The elevation plans for the accessory building indicate that it is less than 35 feet in height (Exhibit A.3 and A.13). Lastly, the front lot line length is greater than 50 feet. *Criteria met.*

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7.3 § 38.3290 ACCESS

Any lot in this district shall abut a street or shall have other access determined by the approval authority to be safe and convenient for pedestrians and passenger and emergency vehicles.

Staff: The subject property abuts E. Historic Columbia River Highway. *Criterion met.*

8.0 National Scenic Area (NSA) Site Review Criteria:

8.1 § 38.7035 GMA SCENIC REVIEW CRITERIA

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

Staff: As discussed in Section 6.0 and 7.0, this application involves changes to existing structures and a new Review Use. Staff addresses relevant GMA Scenic Review Criteria below.

8.1.1 (A) All Review Uses and Conditional Uses:

(1) New development shall be sited and designed to retain the existing topography and to minimize grading activities to the maximum extent practicable.

Staff: The new development includes the replacement of an accessory structure (septic tank) with a new septic tank and review of an accessory building that has been on the property as early as 1977. The new septic tank will require some grading activities to place the tank underground. The applicant's plans indicate the area of grading is in a flat area that is currently used for residential uses and landscaping (Exhibit A.3 and A.13). A minimum of approximately 80 square feet ground disturbance with approximately 11 cubic yards of excavation will occur (Exhibit A.5). In using these areas on the property, grading will be minimized and the existing topography will be retained. *Criterion met.*

(2) New buildings and expansion of existing development shall be compatible with the general scale of similar buildings that exist nearby (e.g. dwellings to dwellings). For purposes of applying this standard, the term nearby generally means buildings within ¼ mile of the parcel on which development is proposed. New buildings that are 1,500 square feet or less are exempt from this requirement. Findings addressing this requirement shall include but are not limited to:

* * * * *

Staff: The applicant is requesting a new accessory structure and review of an accessory building that was not previously reviewed by the County. The septic tank is a structure is not a building. The accessory building is approximately 1,008 square feet (Exhibit A.3 and A.13). The building is exempt from the requirement above; therefore, the criterion is not applicable. *Criterion not applicable.*

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

Staff: The subject property has existing vehicular access to the Scenic Travel Corridor. The access was established as early as 1938. The existing driveway was reviewed by ODOT (Exhibit A.6). *Criterion met.*

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

Staff: As discussed below, vegetation is required to be retained as part of this application as shown in Exhibit B.7; therefore, a condition will be required that the landowners shall be responsible for the proper maintenance and survival of any required vegetation. *As conditioned, criterion met.*

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8.1.2 (B) All Review Uses and Conditional Uses topographically visible from Key Viewing Areas:
(1) Each development shall be visually subordinate to its setting as visible from Key Viewing Areas. New development shall be sited to achieve visual subordination from key viewing areas, unless the siting would place such development in a buffer specified for protection of wetlands, riparian corridors, rare plants, or sensitive wildlife sites or would conflict with guidelines to protect cultural resources. In such situations, new development siting shall comply with this guideline to the maximum extent practicable.

Staff: The new development includes the replacement of an accessory structure (septic tank) with a new septic tank, review of an accessory building that has been on the property as early as 1977, and associated ground disturbance is in an area that is potentially topographically visible from the following KVAs: Historic Columbia River Highway (including the Historic Columbia River Highway State Trail) and Sandy River. The development will need to meet the “visually subordinate” standard. As defined, to meet the standard:

“The development must not noticeably contrast with the surrounding landscape, as viewed from a specified vantage point (generally a Key Viewing Area). Structures which are visually subordinate may be partially visible, but are not visually dominant in relation to their surroundings.”

Using the Key Viewing Area Visual Analysis tool, the proposed development is in the Foreground (0- ½) Distance Zone. Development in the Foreground is more visible from KVAs due to their proximity to the KVA. As was previously discussed, the site is generally flat with few hills or ridges to obscure the development (Exhibit A.3 and B.6). Both KVAs are located west of the property. In consideration of these factors, the development is located on the opposite side of the existing dwelling and is at a distance that is the maximum extent possible based on the configuration of the property. However, to ensure the development meets the Scenic Review criteria additional conditions will be required as discussed below. *As conditioned, criterion met.*

(2) A determination of the potential visual impact of a new development or use shall include written findings addressing the following factors: 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), and other factors the reviewing agency determines relevant in consideration of the potential visual impact. The extent and type of conditions applied to a proposed development to achieve visual subordination

to its landscape setting shall be proportionate to its potential visual impacts as visible from key viewing areas. Conditions may include, and shall be applied using the following priorities:

- (a) Screening by topography.
- (b) Siting (location of development on the subject property, building orientation, and other elements).
- (c) Retention of existing vegetation on the applicant's property.
- (d) Design and building materials (color, reflectivity, size, shape, height, architectural and design details and other elements).
- (e) New landscaping on the applicant's property.
- (f) New berms or other recontouring on the applicant's property, where consistent with other applicable provisions.

Staff: As discussed previously and will be discussed, an analysis of the potential visual impact has considered the factors as listed above. The development is potentially topographically visible from two (2) KVAs to the west. The applicant has provided a narrative, plans, and photographs describing and showing siting and design consideration for the development (Exhibit A.2, A.3, A.5, A.7, A.8, and A.13). The plans show vegetation that will be retained with no vegetation proposed to be removed. Photographs show the exterior design details. In totality, the application materials that have been provided reduce the potential visual impact of the development; however, various conditions of approval will be required to achieve visual subordination requirements in relation to the landscape setting as discussed below. *As conditioned, criteria met.*

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

Staff: The cumulative effects (i.e. the combined impacts of the past, present, and reasonably foreseeable future) of the proposed development on the visual effects and compliance with visual subordination is minor. The existing impacts of the past include an already built environment that includes dwellings, accessory buildings, and accessory structures in the immediate vicinity. That development is generally located in a residential corridor along the Highway. There are a mix of residential uses mixed with forested areas. The impact of this development and potential future development is minor as this property is already developed. The accessory building was constructed in the 1970/80s and has minimal impact. The septic tank supports an existing septic system that has already been constructed. As discussed in this section, the proposal will require various conditions of approval to ensure visual subordination is met. As there is little potential future development of this property or other properties within the vicinity, the future impacts will be minimal. *Criterion met.*

(4) In addition to the site plan requirements in MCC 38.0045 (A) applications for all buildings visible from key viewing areas shall include 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).

Staff: The narrative, plans, and photographs describing and showing the design of the accessory building were provided as described and shown in Exhibit A.2, A.3, A.7, A.8, and A.13). *Criterion met*

(5) New development shall be sited using existing topography and existing vegetation as needed to achieve visual subordination from key viewing areas.

Staff: As discussed above, the development is potentially topographically visible from KVAs. The development is designed and sited to using existing topography and vegetation to achieve visual subordination. The building site for the accessory building utilizes an area that is generally flat and is vegetatively screen from the two closest KVAs (Exhibit A.2, A.3, A.13, and B.6). A condition will be required that existing vegetation will be required to be retained as shown in Exhibit B.7. *As conditioned, criterion met.*

(6) Existing tree cover screening proposed development from key viewing areas shall be retained as specified in MCC 38.7035(C).

Staff: The applicant's narrative, plans, and aerial photos discuss and show a forested area west of the proposed development (Exhibit A.2, A.33, A.13, and B.6). No trees are slated to be removed. A condition will be required that trees as shown in Exhibit B.7 be retained for screening purposes. Additionally, if trees are removed due to death, disease, or to prevent an emergency/disaster (as defined) then for each tree removed at least one tree shall be planted as a replacement. If more than one tree is removed, for all newly planted trees at least half of any trees planted for screening purposes shall be coniferous to provide winter screening. Lastly, at least half of any trees planted shall be species native to the either the Rural Residential landscape setting. Any trees planted shall meet the minimum recommended sizes outlined in *Scenic Resources Implementation Handbook* for tree plantings (based on average growth rates expected for recommended species). *As conditioned, criterion met.*

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

Staff: The development will not require the creation of cut banks or fill slopes. The property already contains a private driveway that will not be altered. The building was constructed in the 1970/80s and not require new cut banks or fill slopes. Lastly, the development is in an area of relative gentle slope that is approximately 150 feet from the nearest KVA and contains areas with trees. *Criterion met.*

(8) The exterior of buildings on lands seen from Key Viewing Areas shall be composed of non-reflective materials or materials with low reflectivity. Continuous surfaces of glass shall be limited to ensure visual subordination. The Scenic Resources Implementation Handbook includes a list of recommended exterior materials and screening methods.

Staff: The applicant provided a narrative, plans, and photos to show that the exterior of the accessory building. The exterior surfaces of the accessory building are wooden vertical siding with wood trim and metal doors as shown in Exhibit A.7. Metal is reflective; therefore, a condition will be required that the door be replaced with either a non-reflective or low reflective material or coated to reduce the reflectivity. Additionally, no information was provided about the roof. An additional condition is required that when submitting building plans for Zoning Plan Review, that information about the roof be provided demonstrating that the roof is either non-reflective or low reflective. *As conditioned, criterion met.*

(9) Any exterior lighting shall be directed downward and sited, limited in intensity, shielded, or hooded in a manner that prevents lights from being highly visible from Key Viewing Areas and from noticeably contrasting with the surrounding landscape

setting, except for road lighting necessary for safety purposes. Shielding and hooding materials shall be composed of non-reflective, opaque materials.

Staff: The applicant indicates that there is no exterior lighting on the accessory building; therefore, this criterion is not applicable. *Criterion not applicable.*

(10) Unless expressly exempted by other provisions in this chapter, colors of structures on sites visible from key viewing areas shall be dark earth-tones found at the specific site or in the surrounding landscape. The specific colors approved by the reviewing agency shall be included as a condition of approval.

Staff: The applicant provided a narrative, plans, and photos to show the accessory building exterior colors. The building is mixture of dark brown, which match the dark earth tones found in the *Scenic Resources Implementation Handbook*. Aerial photos would indicate that the roof is a mixture of white and black; which is not a dark earth tone color (Exhibit B.3). A condition will be required that the roof be painted a dark earth tone color to demonstrate compliance with the above. *As conditioned, criterion met.*

* * * * *

(13) The silhouette of new buildings shall remain below the skyline of a bluff, cliff or ridge as visible from Key Viewing Areas.

Staff: The silhouette of the accessory building is below the skyline of a bluff or ridge as seen from the KVAs. There is a ridge directly east of the development with SE Woodward Road over 100 feet higher and then NE Seidl Road over 400 feet higher than the development (Exhibit B.6). The location of the dwelling ensures that the silhouette of the building is below the skyline. *Criterion met.*

(14) The following standards shall apply to new landscaping used to screen development from key viewing areas:

* * * * *

Staff: As discussed above in MCC 38.7035(B)(1), (2), (5) and (6), the potential visual impact of the new development will not require new landscaping to screen the development from the KVA to the west as there is existing vegetation. Additionally, the applicant is utilizing various other means, including siting considerations, to make the development visually subordinate from the KVAs; therefore, these criteria are not applicable. *Criteria not applicable.*

* * * * *

(21) 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 footprint shall be utilized.

Staff: As previously discussed, the building is in an area of relative gentle slope that is less than 10% (Exhibit B.6). *Criterion met.*

* * * * *

8.1.3 (C) All Review Uses and Conditional Uses within the following landscape settings, regardless of visibility from KVAs:

* * * * *

(3) Rural Residential

Staff: The accessory building and accessory structure are in the Rural Residential landscape setting as discussed below.

(a) 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.

Staff: As previously discussed, the development will not require removal trees for site development purposes (Exhibit A.2, A.3, A.5 and A.13). *Criterion met.*

(b) In portions of this setting visible from Key Viewing Areas, the following standards shall be employed to achieve visual sub-ordinance 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 species identified in the Scenic Implementation Handbook as appropriate for the area.**
- 3. At least half of any trees planted for screening purposes shall be coniferous to provide winter screening.**

Staff: As previously discussed, the development will not require vegetation removal for site development purposes. No additional trees will be planted for screening purposes (Exhibit A.2, A.3, A.5 and A.13). As discussed in Section 8.1.2, a condition will be required that existing vegetation will be required to be retained as shown in Exhibit B.7. *As conditioned, criteria met.*

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

Staff: The applicant is not proposing any resource-based recreation uses as part of this application; therefore, this criterion is not applicable. *Criterion not applicable.*

* * * * *

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

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

Staff: The property is located within one-quarter mile from the edge of pavement of the Historic Columbia River Highway, but not I-84. As measured, the property is adjacent to the edge of pavement; therefore, these standards are discussed below.

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

Staff: The applicant's site plan shows the location of the accessory building on the property. The building is more than 100 feet from the edge of pavement of the Scenic Travel Corridor (Exhibit A.3 and A.13). The applicant is not proposing new parking lots or expansions of existing parking lots (Exhibit A.2). *Criterion met.*

(3) Additions to existing buildings or expansion of existing parking lots located within 100 feet of the edge of pavement of a Scenic Travel Corridor roadway except in a GGRC, shall comply with subsection (2) above to the maximum extent practicable.

Staff: The applicant is not proposing an addition to an existing building or expansion of an existing parking lot; therefore, this criterion is not applicable. *Criterion not applicable.*

* * * * *

8.2 § 38.7045 GMA CULTURAL RESOURCE REVIEW CRITERIA

8.2.1 (A) Cultural Resource Reconnaissance Surveys

Each proposed use or element of a proposed use within an application shall be evaluated independently to determine whether a reconnaissance survey is required; for example, an application that proposes a land division and a new dwelling would require a reconnaissance survey if a survey would be required for the dwelling.

(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, except:

* * * * *

Staff: Luciano Legnini, Archeologist sent an e-mail with a Cultural Resource Survey Determination on behalf of the USFS on January 8, 2026 and a second Cultural Resource Survey Determination on July 22, 2026 (Exhibit D.1 and D.2). The Survey stated that, "A Cultural Resource Survey is: Not Required" as the proposed development:

- Would occur on a site that has been determined to be located within a low probability zone
 - is not within 100 feet of a high probability zone
- Does not occur within 500 feet of a known archaeological site.

Criteria met.

* * * * *

(4) A historic survey shall be required for all proposed uses that would alter the exterior architectural appearance of buildings and structures that are 50 years old or older, or compromise features of the surrounding area that are important in defining the historic or architectural character of the buildings or structures that are 50 years old or older.

Staff: Luciano Legnini, Archeologist sent an e-mail with a Cultural Resource Survey Determination on behalf of the USFS on January 8, 2026 and a second Cultural Resource Survey Determination on July 22, 2026 (Exhibit D.1 and D.2). The Survey stated that, "A Historic Survey is: Not Required" as the proposed development:

- Would not alter the exterior architectural appearance of significant buildings and structures that are 50 years old or older.
- Would not compromise features of the surrounding area that are important in defining the historic or architectural character of significant buildings or structures that are 50 years old or older.

Criteria met.

8.2.2 (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: The cultural resource review has been satisfied, as the project is exempted by MCC 38.7045(A)(1) above and not substantiated comment was received during the comment period in MCC 38.0530(B); therefore, these the remaining criteria are not applicable except for MCC 38.7045(L) and (M). Those criteria are required to be met as a condition. *As conditioned, criteria met.*

8.2.3 (L) Cultural Resources Discovered After Construction Begins

* * * * *

Staff: A condition requires the property owner to follow the procedures of MCC 38.7045(L), if cultural resources are discovered during construction. *As conditioned, criteria met.*

8.2.4 (M) Discovery of Human Remains

* * * * *

Staff: A condition requires the property owner to follow the procedures of MCC 38.7045(M), if human remains are discovered after construction begins. *As conditioned, criteria met.*

8.3 § 38.7053 GMA WATER RESOURCES REVIEW CRITERIA

WATER RESOURCES: WETLANDS, STREAMS, PONDS, LAKES, AND RIPARIAN AREAS

* * * * *

(G) WATER RESOURCES BUFFER ZONES

(1) All water resources shall, in part, be protected by establishing undisturbed buffer zones as specified below.

Staff: As discussed below, based on the USFS maps and Department of State Lands (DSL) Statewide Wetland Inventory Map, the property does not contain any water resources and no water resource buffer zones encroach onto the property. *Criterion not applicable.*

(2) Buffer zones shall be measured outward from the bank full flow boundary for streams, the high water mark for ponds and lakes, and the normal pool elevation for the Columbia River, and the wetland delineation boundary for wetlands on a horizontal scale that is perpendicular to the water resource boundary. On the main stem of the Columbia River above the Bonneville Dam, buffer zones shall be measured landward from the normal pool elevation of the Columbia River. The following buffer widths shall be required:

(a) The width of wetlands, lakes, and ponds buffer zones shall be based on the dominant vegetation community that exists in a buffer zone. The following buffer zone widths shall be required:

Forest communities: 75 feet

* * * * *

1. The dominant vegetation community in a buffer zone is the vegetation community that covers the most surface area of that portion of the buffer zone that lies between the proposed activity and the affected wetland. Vegetation communities are classified as forest, shrub, or herbaceous.

2. A forest vegetation community is characterized by trees with an average height equal to or greater than 20 feet, accompanied by a shrub layer; trees must form a canopy cover of at least 40 percent and shrubs must form a canopy cover of at least 40 percent. A forest community without a shrub component that forms a canopy cover of at least 40 percent shall be considered a shrub vegetation community for purposes of the Management Plan.

* * * * *

* * * * *

(c) Streams used by anadromous or resident fish (tributary fish habitat), special streams, intermittent streams that include year-round pools, and perennial streams: 100 feet.

* * * * *

Staff: Based on the USFS maps and Department of State Lands (DSL) Statewide Wetland Inventory Map, the property does contain water resources. According to DSL, the nearest water resource is a perennial creek/riverine wetland located north of the property. The larger of the two types of buffers would be the perennial stream buffer of 100 feet. The subject property is located more than 150 feet from the stream. *Criteria not applicable.*

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8.4 § 38.7065 GMA WILDLIFE REVIEW CRITERIA

Wildlife Habitat Site Review shall be required for any project within 1,000 feet of Priority Habitat and sensitive wildlife areas and sensitive wildlife sites (i.e., sites used by sensitive wildlife species). If Multnomah County discovers a new protected wildlife location during the review process, the County shall submit this information to the appropriate state agency to be updated in their species databases.

* * * * *

Staff: Based on the United State Forest Service maps for Sensitive Wildlife, there are no Priority Habitats, sensitive wildlife areas, or sensitive wildlife sites within 1,000 feet of the property. Additionally, the application was sent to Gorge Commission and state wildlife agencies who did not provide comments about if the development would adversely affect any priority habitats or sensitive wildlife sites.

As no additional consultation with Oregon Department of Fish and Wildlife is required, there does not appear to be active sensitive wildlife sites and/or the development would not compromise the integrity of the Priority Habitat within the buffer area. *Criteria not applicable.*

8.5 § 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 rare plant species.

* * * * *

Staff: Based on United State Forest Service maps for Sensitive Plans, there does not appear to be any endemic plants or sensitive plant species within 1,000 feet of the property. Additionally, no comments were provided from the Oregon Biodiversity Information Center about potential endemic or rare plant species. *Criteria not applicable.*

8.6 § 38.7080 GMA RECREATION RESOURCE REVIEW CRITERIA

The following uses are allowed, subject to compliance with MCC 38.7080 (E) and (F).

* * * * *

Staff: The property is located within the Recreation Intensity Class 2. The applicant is not proposing any recreation-based uses. *Criteria not applicable.*

9.0 Variances Criteria:

9.1 § 38.7600- VARIANCE APPROVAL CRITERIA

(A) The Approval Authority may permit and authorize a variance from the dimensional requirements of 38.2060 (C), 38.2260 (C), 38.2460 (E), 38.2660 (C), 38.2860 (C), 38.3060 (C), and 38.3260 (C) only when there are practical difficulties in the application of the Chapter. A Major Variance shall be granted only when all of the following criteria are met. A Minor Variance shall met criteria (3) and (4).

Staff: The applicant is requesting a reduction of the minimum yards requirement within MCC 38.3260(C). As proposed, the applicant is proposing to reduce the distance between the accessory building as measured from the eaves of the roof and the southern side property line to 2 feet and 7½ inches (Exhibit A.2, A.3, and A.13). The applicant will need to demonstrate that the proposal meets the approval criteria as discussed below.

(1) A circumstance or condition applies to the property or to the intended use that does not apply generally to other property in the same vicinity or district. The circumstance or condition may relate to the size, shape, natural features and topography of the property or the location or size of physical improvements on the site or the nature of the use compared to surrounding uses.

Staff: For the County to be able to consider a Variance request, the applicant must demonstrate that a circumstance or condition applies to the property that does not apply generally to other property in the same vicinity or zoning district. When the dwelling and private driveway was established in 1938, the dwelling was placed towards the middle of the property within what is now required to be a yard setback (Exhibit A.3 and A.13).

As a very narrow property, accommodating both the dwelling and private driveway utilized most of the area on the property. Within the vicinity, the subject property is narrower than other surrounding properties (Exhibit A.2). This left a small portion of the front of the property and a larger area near the rear of the property available for further development.

When the accessory building was constructed in the 1970/80s, the accessory building was placed east of the dwelling. The location was likely selected as the rear of the property was a larger portion of the property available for development. The rear of the property is also located in a flatter portion of the property and directly adjacent to the dwelling. The property contains steep slopes near the rear lot line, which would not accommodate the development (Exhibit B.6).

In comparing properties surrounding this property, this property is unique in shape. The property is smaller than neighboring properties and the development area is greatly reduced due to the slopes on the east side of the property. Most of the development on surrounding properties are located adjacent to the Highway whereas this property pushes development towards the rear furthest away from the Highway. As the flat areas are located on a small portion of the property and the existing development of the dwelling and private driveway, the accessory building is placed in the only location that is suitable. Due to these unique circumstances that do occur on other property in the same vicinity and district, the accessory building contains a circumstance and condition that is unique to this property. *Criterion met.*

(2) The zoning requirement would restrict the use of the subject property to a greater degree than it restricts other properties in the vicinity or district.

Staff: The accessory building was constructed after the single-family dwelling and private driveway in 1970/80s. To meet the dimensional requirements, more than a quarter of the building would need to be demolished and removed. Alternatively, due to the small size of the property, if the outbuilding were moved so the side setback was met, the accessory building would be placed in an area that is already developed with a private driveway (Exhibit A.2, A.3, and A.13). The relocation would also result in the removal of two trees near the north property line and the accessory building becoming potentially visible from the Highway, as it is currently fully screened by the dwelling. The relocation would thus require additional planting of vegetation to screen the development. The yard requirement limits the buildable area available to the property in comparison to other properties in the vicinity. *Criterion met.*

(3) The authorization of the variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or district in which the property is located, or adversely affects the appropriate development of adjoining properties.

Staff: The subject properties are adjacent to lands zoned Gorge General Commercial (GGC) and Gorge General Residential (GGR-2). Based on current aerial photos, the properties the properties appear to contain residential uses (Exhibit B.3). The land use pattern in the area is predominately single-family dwellings with patches of forested areas.

The accessory building has been in its current location since the 1980s adjacent to the property to the south. It is currently buffered from neighboring properties to the south with vegetation. The location of the accessory building does not adversely affect the neighboring property to the south as the property is large with most of the residential development occurring in the southern portions of the property. *Criterion met.*

(4) The granting of the variance will not adversely affect the realization of the Management Plan nor will it establish a use which is not listed in the underlying zone.

Staff: The granting of the variance will not adversely affect the realization of the Management Plan because the applicant is proposing uses that are typically allowed within GGC zone. The purpose of Management Plan is, "to protect and provide for the enhancement of the scenic, cultural, recreational, and natural resources of the Columbia Gorge...where development and

recreation are carefully placed in a manner that protects resources...”. As proposed the accessory building is in an area that protects the other resources of the Scenic Area. Located furthest away and obscured from KVAs, the scenic resources are protected. As discussed in Section 8.2, the Forest Service is not requiring either a Cultural Resource Reconnaissance Survey or Historic Survey; thereby protecting cultural resources (Exhibit D.1 and D.2). Lastly, in granting the variance for the accessory building to reduce the side yard, it would provide the applicant a use that is listed in the underlying zone. *Criterion met.*

9.2 § 38.7605 VARIANCE CLASSIFICATION

(A) A Major Variance is one that is in excess of 25 percent of an applicable dimensional requirement. A Major Variance must be found to comply with MCC 38.7600 (A).

Staff: As discussed in Section 7.2, the applicant is seeking a variance that is in excess of 25 percent of the dimensional standard. As discussed above, the approval criteria in MCC 38.7600(A) are discussed in Section 9.1.

(1) A Major Variance must be approved at a public hearing except when all owners of record of property within 100 feet of the subject property grant their consent to the variance according to the procedures of MCC 38.7605 (B) (1) and (2).

Staff: The applicant has provided documentation that all owners of record of the properties within 100 feet of the subject property have granted their consent to the variance (Exhibit A.4, A.15, and A.16). The applicant is eligible to submit this application subject to the procedures of MCC 38.7605(B)(1) and (2). *Criterion met.*

* * * * *

(C) Notwithstanding (B) above, an applicant may seek approval of a variance to a dimensional requirement as a Major Variance, subject to the standards of this section.

Staff: As discussed above, the applicant is seeking approval of a variance and is subject to the standards of this section. Those standards are discussed in 9.1 and 9.2.

10.0 Conclusion

Based on the findings and other information provided above, the applicant has carried the burden necessary for the National Scenic Area (NSA) Site Review and Major Variance in the Gorge General Commercial (GGC) zone for the development described below:

1. Authorize the following development that has occurred:
 - a. Establish an Accessory Building (“garage”)
2. Authorize the following development that has yet to occur:
 - a. Construct an accessory structure (“septic tank”)
 - b. Ground disturbance associated with the accessory structure.
 - c. Alteration of garage to comply with GMA Scenic Review Criteria.

This approval is subject to the conditions of approval established in this report.

11.0 Exhibits

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

Exhibits with an ‘*’ have been reduced in size and included with the mailed decision. All exhibits are available for digital review by sending a request to LUP-comments@multco.us.

Exhibit #	# of Pages	Description of Exhibit	Date Received / Submitted
A.1	3	Application Form and Letter of Authorization	11/12/2025
A.2	6	Narrative	11/12/2025
A.3	4	Plans ▪ A0.1 Cover Sheet & Site Plan ▪ A2.1 Garage Floor Plan ▪ A5.1 North & West Exterior Elevations ▪ A5.2 South & East Exterior Elevations	11/12/2025
A.4	2	Property Owner Consent of Variance Request	11/12/2025
A.5	3	Septic Review	11/12/2025
A.6	2	ODOT Review	11/12/2025
A.7	6	Property Photos	11/12/2025
A.8	3	Accessory Building Registration Form	11/12/2025
A.9	1	Accessory Building Registration Form Signatures	11/12/2025
A.10	6	Deed of Trust	11/12/2025
A.11	2	Letter of Authorization	11/12/2025
A.12	6	Fire Service Provider Review	11/12/2025
A.13*	4	Additional Plans ▪ A0.1 Cover Sheet & Site Plan ▪ A2.1 Garage Floor Plan ▪ A5.1 North & West Exterior Elevations ▪ A5.2 South & East Exterior Elevations	11/12/2025
A.14	6	Notice of NSA Decision, Land Use Case No. T2-2024-0105	11/12/2025
A.15	2	Property Owner Consent of Variance Request	03/04/2026
A.16	1	Letter from Charles Buchanan	03/04/2026
‘B’	#	Staff Exhibits	Date
B.1	2	Assessment and Taxation Property Information for 1N4E31BC - 01300 (Alt Acct #R831303450 / Property ID #R287121)	11/12/2025
B.2	1	Current Tax Map for 1N4E31BC	11/12/2025

B.3	1	Aerial Photo taken on June 12, 2026	07/27/2026
B.4	9	Pre-application Meeting Notes, PA-2024-0008	07/27/2026
B.5	9	Pre-filing Meeting Summary Notes, PF-2024-0015	07/27/2026
B.6	1	Map showing contours provided from Metro	07/27/2026
B.7*	1	Vegetation Plan showing required screening	07/27/2026
‘C’	#	Administration & Procedures	Date
C.1	53	Agency Review	12/22/2025
C.2	5	Incomplete letter	01/09/2026
C.3	1	Applicant’s acceptance of 180-day clock	01/12/2026
C.4	2	Complete letter (day 1)	03/12/2026
C.5	8	Opportunity to Comment	07/07/2026
C.6	32	Decision	08/11/2026
‘D’	#	Comments	Date
D.1	4	Cultural Resource Survey Determination from Luciano Legnini, Archaeologist, USDA: Forest Service - Columbia River Gorge National Scenic Area	01/08/2026
D.2	4	Cultural Resource Survey Determination from Luciano Legnini, Archaeologist, USDA: Forest Service - Columbia River Gorge National Scenic Area	07/22/2026
D.3	8	Letter from Steven D. McCoy, Staff Attorney, Friends of the Columbia Gorge	07/28/2026

2060 E HISTORIC COLUMBIA RIVER HWY TROUTDALE OR 97060

INDEX OF DRAWINGS

- A0.1 COVER SHEET & SITE PLAN
A2.1 GARAGE FLOOR PLAN
A5.1 NORTH & WEST EXTERIOR ELEVATIONS
A5.2 SOUTH & EAST EXTERIOR ELEVATIONS

VICINITY MAP



SITE LEGEND

- • — PROPERTY LINE
- - - - - SETBACK LINE

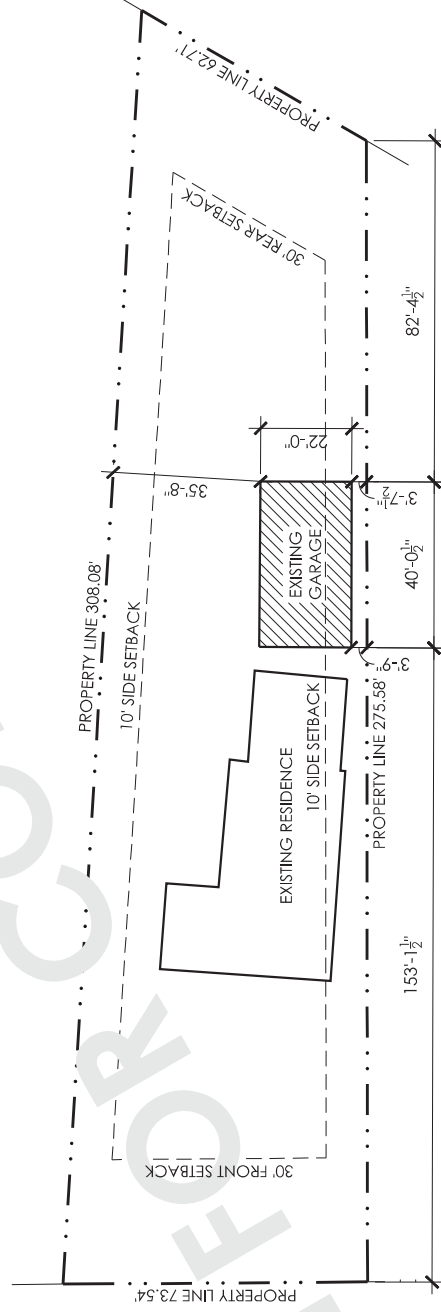
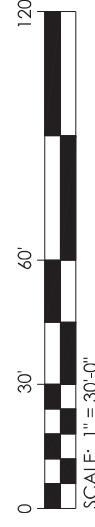
SITE INFORMATION

2060 E HISTORIC COLUMBIA RIVER HWY
TROUTDALE OR 97060
R287121
N44E31BC 1300
0.41 ACRE (18,000 SF)

SITE PLAN

1	A0.1
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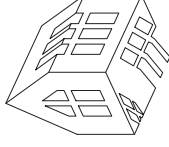
SCALE: 1"=30'-0"



120'



SCALE: 1" = 30'-0"



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TYPE II APPLICATION

HELD GARAGE

SETBACK VARIANCE APPLICATION
2060 E HISTORIC COLUMBIA RIVER HWY
TROUTDALE OR 97060

REVISIONS

NO.	DESCRIPTION / DATE
DRAWN BY: DRT	
PROJECT NO: 24-003	
DATE:	04 MAY 2024

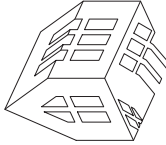
AO.1

COVER SHEET
& SITE PLAN

SHEET SIZE 11x17

FLOOR PLAN
KEYNOTES

- 1. EXISTING WALL, TYPICAL
- 2. 12'-0" W x 10'-8" H OVERHEAD DOOR
- 3. 16'-0" W x 8'-0" H OVERHEAD DOOR
- 4. EDGE OF ROOF OVERHANG ABOVE SHOWN
DASHED, TYPICAL



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TYPE II APPLICATION

HELD GARAGE
SETBACK VARIANCE APPLICATION
2060 E HISTORIC COLUMBIA RIVER HWY
TROUTDALE OR 97060

REVISIONS

NO.	DESCRIPTION / DATE
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DRAWN BY: DT
PROJECT NO: 24-003
DATE: 04 MAY 2024

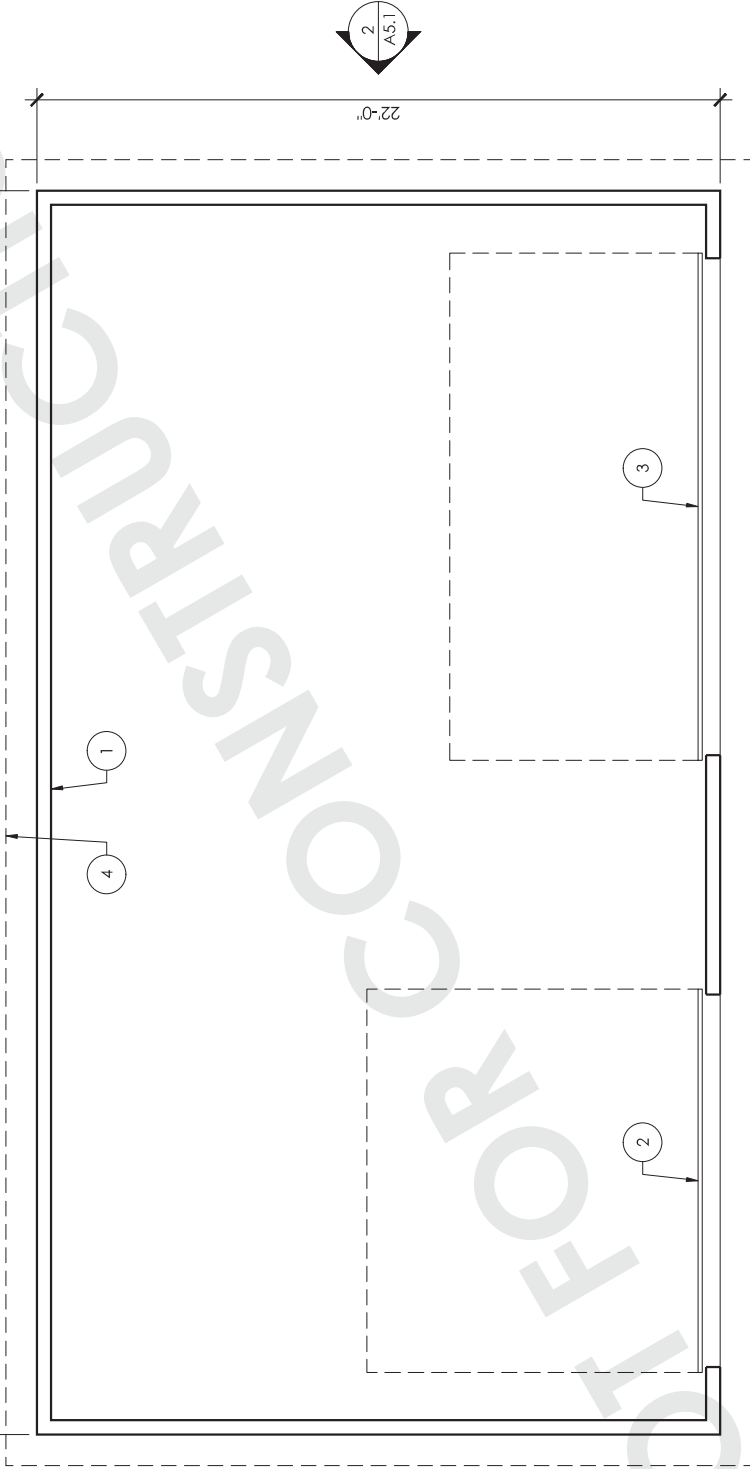
A2.1

**GARAGE
FLOOR PLAN**

SHEET SEE 11A17



40'-0¹/₂"

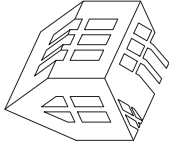


GARAGE FLOOR PLAN



SCALE: 1/4" = 1'-0"

1
A2.1



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TYPE II APPLICATION

HELD GARAGE
SETBACK VARIANCE APPLICATION
2060 E HISTORIC COLUMBIA RIVER HWY
TROUTDALE OR 97060

REVISIONS

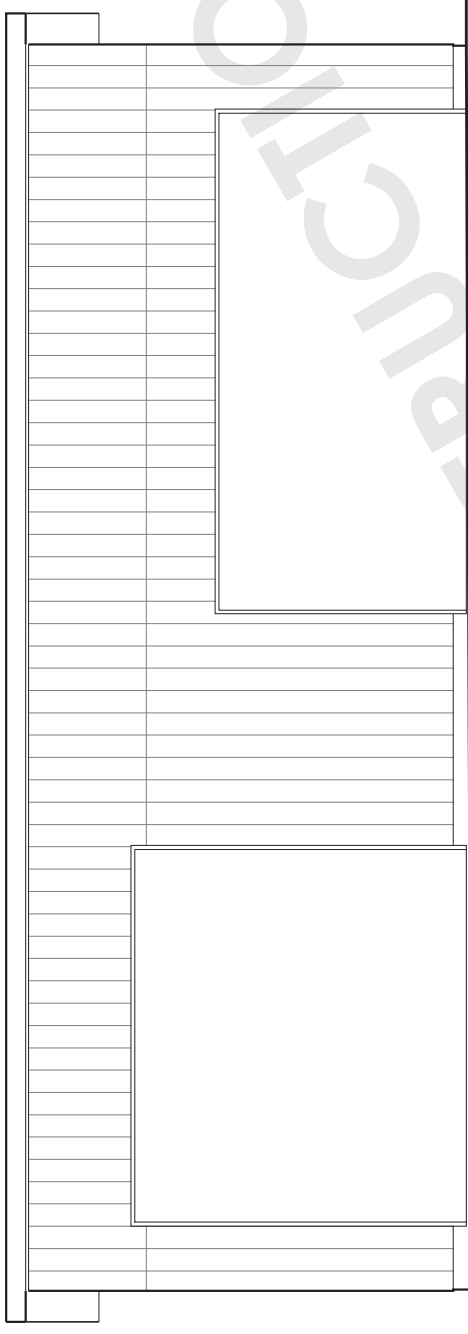
NO.	DESCRIPTION / DATE
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DRAWN BY: DRT
PROJECT NO: 24-003
DATE: 04 MAY 2024

A5.1

**NORTH & WEST
EXTERIOR ELEVATIONS**

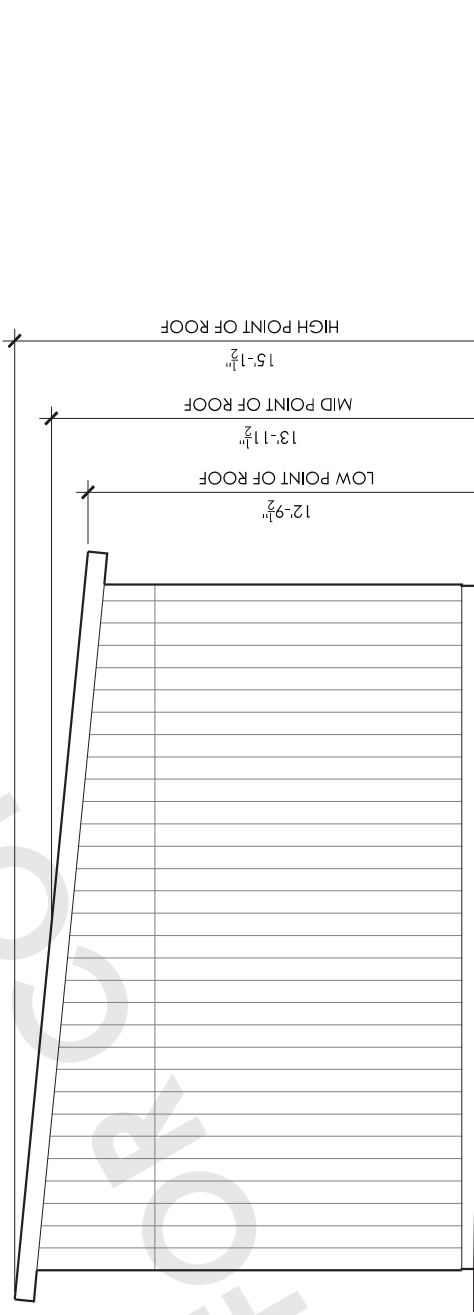
SHEET SIZE 11x17



1 NORTH ELEVATION

A5.1

SCALE: 1/4"=1'-0"



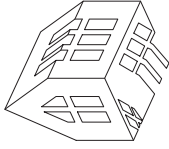
2 WEST ELEVATION

A5.1

SCALE: 1/4"=1'-0"

SCALE: 1/4"=1'-0"





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TYPE II APPLICATION

HELD GARAGE
SETBACK VARIANCE APPLICATION
2060 E HISTORIC COLUMBIA RIVER HWY
TROUTDALE OR 97060

REVISIONS

NO.	DESCRIPTION / DATE
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DRAWN BY: DRT

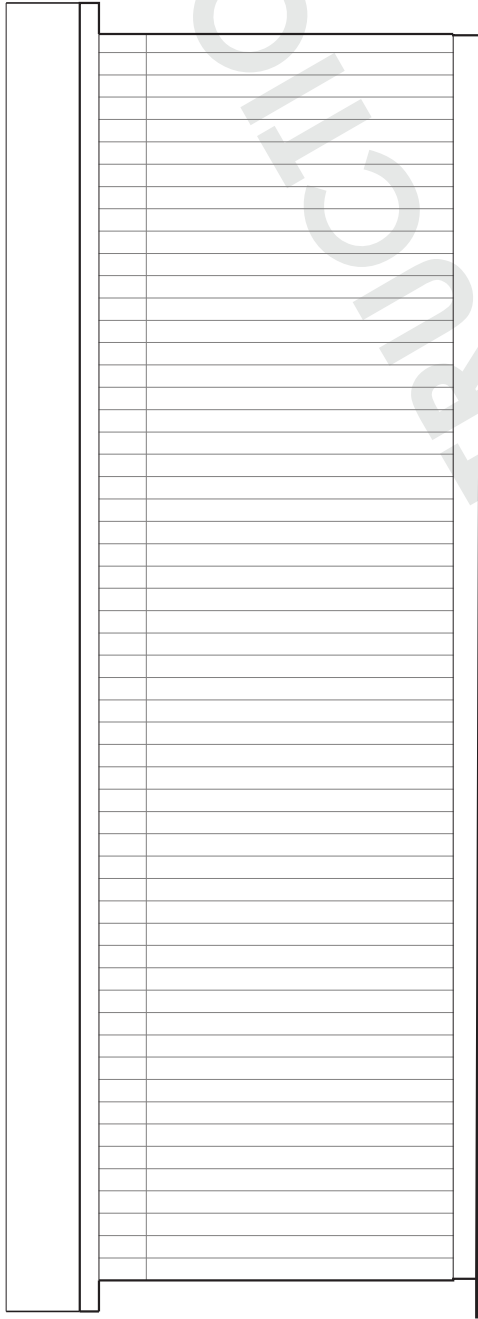
PROJECT NO: 24-003

DATE: 04 MAY 2024

A5.2

**SOUTH & EAST
EXTERIOR ELEVATIONS**

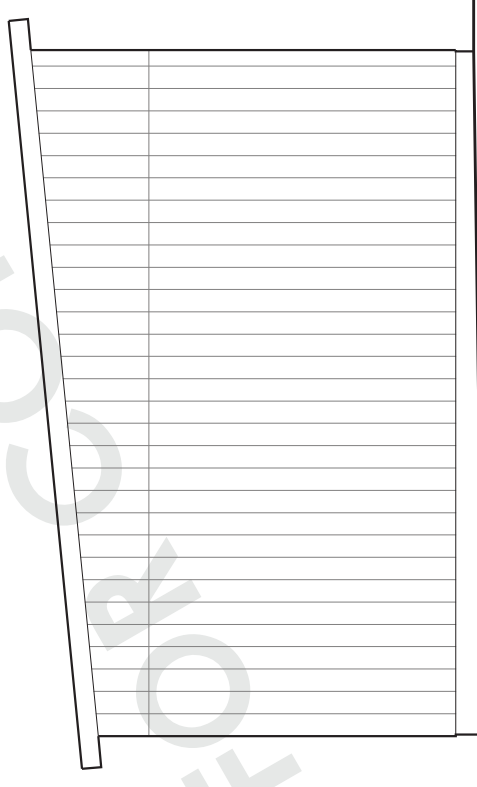
SHEET SIZE 11x17



1 SOUTH ELEVATION

A5.2

SCALE: 1/4"=1'-0"



2 EAST ELEVATION

2

A5.2

SCALE: 1/4"=1'-0"



SCALE: 1/4" = 1'-0"

2060 E HISTORIC COLUMBIA RIVER HWY TROUTDALE OR 97060



TYPE II APPLICATION

REVISIONS

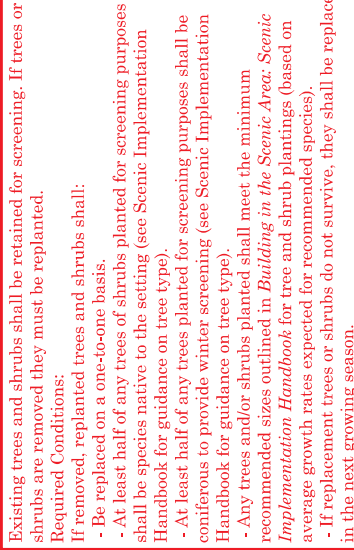
AO.1

COVER SHEET
& SITE PLAN

SHEET SIZE 11x17

Exhibit B.7

NOT TO SCALE



- POWER POLY

