

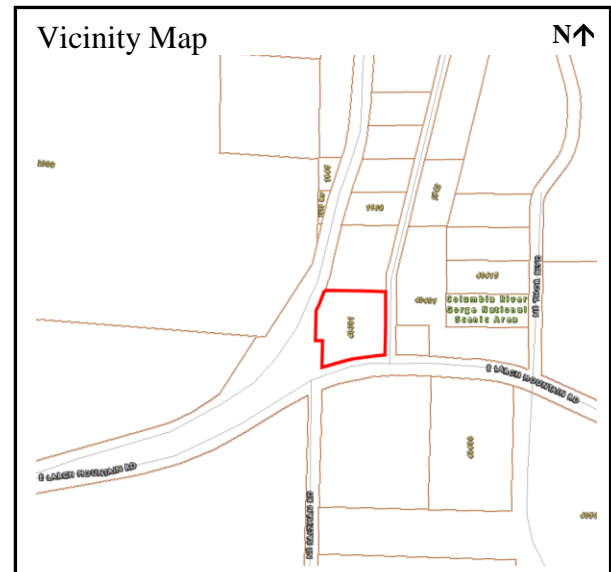


MULTNOMAH COUNTY
LAND USE AND TRANSPORTATION PROGRAM
1600 SE 190TH Avenue Portland, OR 97233
PH: 503-988-3043 FAX: 503-988-3389
<http://www.multco.us/landuse>

NOTICE OF DECISION

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

Case File: T2-2013-2769
Permit: National Scenic Area Review
Location: 40301 E. Larch Mountain Road
TL 01600, Section 30CC,
Township 1 North, Range 5 East, W.M.
Tax Account #R832300010
Applicant: Geoff Thompson
Owner: Geoff Thompson
Zoning: Gorge General Forest -40 (GGF-40)



Summary: Request to rebuild/repair/restore the fire damaged View Point Inn historic building and to establish a single family dwelling use in the building. Proposal includes converting the attached garage to living space with exterior and interior changes including a home bar downstairs and addition of a bedroom upstairs. The proposal also includes a new outdoor, in-ground pool; remodeling a shed to convert it into a pool house use; minor landscaping changes; an addition of a wood fence to screen utility facilities; and a septic system modification necessary for a single family dwelling use.

Decision: Approved with Conditions

Unless appealed, this decision is effective August 15, 2013, at 4:00 PM.

Issued by:

George A. Plummer, Planner

For: Karen Schilling- Planning Director

Date: Friday, August 1, 2013

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 Decision contains the findings and conclusions upon which the decision is based, along with any conditions of approval. For further information on this case contact George Plummer, Planner at 503-988-3043, ext. 29152.

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

This decision is final at the close of the appeal period, unless appealed. The deadline for filing an appeal is August 15, 2013, at 4:00 PM.

Applicable Approval Criteria: Multnomah County Code (MCC): MCC 38.0030: Existing Uses and Discontinued Uses, MCC 38.2000- 38.2095: GGF Zone, MCC 38.7035, 38.7045, & 38.7055-38.7070: GMA Site Review Criteria and MCRR 4.000: Road Rules.

Copies of the referenced Multnomah County Code (MCC) sections can be obtained by contacting our office at 503-988-3043 or by visiting our website at <http://www.multco.us/landuse>.

Scope of Approval

Approval of this land use permit is based on the submitted written narrative(s) and plan(s). No work shall occur under this permit other than that which is specified within these documents. It shall be the responsibility of the property owner(s) to comply with these documents and the limitations of approval described herein.

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. Pursuant to MCC 38.0690, this land use permit expires two years from the date the decision is final if; (1) development action has not commenced with building permits issued when required or (2) when the structure has not been completed within two years of the date of commencement of construction. The property owner may request to extend the timeframe within which this permit is valid, as provided under MCC 38.0690 and 38.0700. Such a request must be made prior to the expiration date of the permit.
2. Approval of this land use permit is based on the materials submitted including written narratives and plans included as exhibits to this decision. No work shall occur under this permit other than that which is specified within these documents and has been approved by SHPO, and as required by these conditions using the most current submittal of plans (approved by SHPO) included as applicant's exhibits. It shall be the responsibility of the property owner to comply with these documents and the limitations of approval described herein. The development and use shall be as represented in the narrative and on the plans. The building materials used shall be as represented in the submittals and

shown or described in the narrative and plans. The new fence shall be wooden and painted or stained a dark brown color. New windows shall meet the low visible reflectivity rating of 13% or less. [MCC 38.0530, MCC 38.0580, MCC 38.7035 and MCC 38.7045]

3. The septic system repairs allowed through this decision are for only those necessary for a single family dwelling. The property owner shall obtain the proper permits for the septic system repair. [MCC 38.2025(1)]
4. This decision approves the use of the View Point Inn building and attached “garage area” as a single family dwelling use. The former garage area is approved as part of the single family dwelling use for personal non-commercial bar downstairs and a new bedroom upstairs. A kitchen shall not be installed in the former garage and it shall not be used as a separate dwelling unit. To ensure that the garage is not converted to a dwelling unit with a cooking area or kitchen, the property owner shall record a covenant as shown in Exhibit B.7. [MCC 38.2025(1)]
5. Property owner shall be responsible for the proper maintenance and survival of the existing trees on the property as shown on the site plan (Exhibit A.17). The property owners shall take measures during the construction phase to protect the existing tree root systems from damage to ensure their survival. If any of the trees do not survive, a tree of the same species shall be planted on the property. [MCC 38.7035(A)(4) and MCC 38.7035(B)(8)]
6. Any new 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. Prior to County zoning signoff on building plans the property owners shall submit an exterior lighting brochure of proposed outdoor lighting that meets this requirement if any new exterior lighting to be install. [MCC 38.7035(B)(11)]
7. If any Cultural Resources and/or Archaeological Resources are located or discovered on the property during this project, including finding any evidence of historic campsites, old burial grounds, implements, or artifacts, the following procedures shall be implemented [MCC 38.7045 (L)]:

All survey and evaluation reports and mitigation plans shall be submitted to the Planning Director and SHPO. Indian tribal governments also shall receive a copy of all reports and plans if the cultural resources are prehistoric or otherwise associated with Native Americans.

- (a) 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.
- (b) 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 Indian tribal governments within 24 hours. This includes the Yakama Nation, contact Cultural Specialist for the Cultural Resources Program at: (509) 865-5121 extension 4720; FAX number (509) 865-4664. Procedures required in MCC 38.7045 (L) shall be followed.
- (c) Survey and Evaluation – The Gorge Commission will survey the cultural resources after obtaining written permission from the landowner and appropriate permits from SHPO (see ORS 273.705 and 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).
- (d) 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 38.7045 (L)]

8. The following procedures shall be in effect 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):
- (a) Halt Activities – All survey, excavation, and construction activities shall cease. The human remains shall not be disturbed any further.
 - (b) Notification – Local law enforcement officials, the Multnomah County Planning Director, the Gorge Commission, and the Indian tribal governments shall be contacted immediately.
 - (c) 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.
 - (d) Jurisdiction – If the remains are modern, the appropriate law enforcement officials will assume jurisdiction and the cultural resource protection process may conclude.
 - (e) 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.
 - 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).
 - 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 38.7045 (M)]

Note: Once this decision is final, application for building permits may be made with the City of Gresham. When ready to have building permits signed off, the applicant shall call the Staff Planner, George Plummer, at (503) 988-3043 ext. 29152, for an appointment for review and approval of the conditions and to sign the building permit plans. Please note, Multnomah County must review and sign off on the building permits before the applicant submits building plans to the City of Gresham. Three (3) sets each of the site plan and building plans are needed for building permit sign off. At the time of building permit review, a fee of \$61 will be collected. In addition, an erosion control inspection fee of \$82 may be required.

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. PROJECT DESCRIPTION

Staff: Request to rebuild/repair/restore the fire damaged View Point Inn historic building and to establish a single family dwelling use in the building. Proposal includes converting the attached garage to living space with exterior and interior changes including a home bar downstairs and addition of a bedroom upstairs. The proposal also includes a new outdoor, in-ground pool; remodeling a shed to convert it into a pool house use; minor landscaping changes; an addition of a wood fence to screen utility facilities; and a septic system modification necessary for a single family dwelling use. (Exhibits A.1 through A.21).

This decision includes a review for “Replacement of Existing Structures Damaged or Destroyed by Disaster” to rebuild/repair/restore fire damage to the View Point Inn historic building including a cultural review component. The review includes establishing the use of the building as a single family dwelling.

The Existing Structure review includes changes to the existing attached garage including adding a home, non-commercial bar on the ground level and new upstairs bedroom with bathroom bathing facilities, changing the roof design for minor increase in height of the room and to match the inn’s roof design, adding windows and replacing the garage doors with a different designed doors with windows in the doors.

This decision also includes a NSA Site Review addressing scenic, cultural, and natural resource criteria for the following proposed changes to the site:

- Changing a shed accessory storage building into a pool house with minor changes to the exterior design of the building.
- Installation of an outdoor, in-ground swimming pool.
- Removal of the previously existing pond and fountain.
- Establishing a new configuration for walkway in previous fountain area.
- Installation of two new fountains.
- Minor changes to landscaping including planting of shrubs and flower gardens.
- Modification to the on-site sewage disposal septic system.
- Addition of a fence on the east side of the inn building to screen on-site utility facilities.

2. PROPERTY DESCRIPTION & HISTORY

Staff: The subject property abuts the Historic Columbia River Highway (a Key Viewing Area), East Larch Mountain Road and NE Columbia Avenue with access from Larch Mountain Road (Exhibit B.2 – B.4). The property was created as Lot 1 of Block 1 of Thor’s Heights Subdivision (Exhibit B.5). The topography of the property is relatively flat. At the western edge of the property the topography drops steeply with a basaltic escarpment down to the Historic Highway. There are a few residentially developed properties to the north, forested area to the northeast and east, forested area to the west and residential farmland to the south.

Oregon Historic preservation league states on their webpage:

“The View Point Inn is historically significant as the best preserved example of 1920s tourist inns remaining along the lower section of the historic Columbia River Scenic Highway. Located at the junction of Larch Mountain Road and the Columbia River Scenic Highway, the Inn was constructed in 1924 in direct response to the rise of automobile touring along the Scenic Highway.”

“The building was constructed by notable architect Carl Linde in the Arts and Crafts architectural style with Tudor Revival style elements. The property operated as an inn from its construction until 1962, and then again from 2007 until 2011. Set 1125 feet above the Columbia River, the property provides expansive views of the Columbia River Gorge...”

In a previous Case T3-06-006 the View Point Inn was approved for as for the use as a five guest room inn and restaurant including weddings and banquet gatherings and a small gift shop. The use approved in Case T3-06-006 was determined to be expired through Case T3-2012-2421 after the use was discontinued for more than a year.

Currently there are no known code compliance issues for the subject property.

3. COMMENTS

3.1. Comments from Margaret Dryden, USFS Archaeologist/Heritage Program Manager

Staff: We received numerous emails from Margaret Dryden, USFS Archaeologist/Heritage Program Manager addressing the cultural resources and historic resources (Exhibits D.1 – D.5, D.7, D.8, D.10, D.15, and D.17). Findings in Section 7 address cultural and historic resource criteria.

3.2. Comments from SHPO Staff

Staff: We received five emails, letters and other documents from SHPO addressing Historic Resources (Exhibits D.6, D.8, D.9, D.12, and D.18). Findings in Section 7 address historic resource criteria.

3.3. Comments from Richard Till, Friends of the Columbia Gorge Conservation Legal Advocate

Staff: We received two letters of comment from Richard Till, Friends of the Columbia Gorge Conservation Legal Advocate addressing the MCC sections that need to be met (Exhibits D.13 and D.19). Findings in Sections 4, 5, 6, 7 and 8 address these concerns.

3.4. Comments from Jennifer Bal Kaden, Gorge Commission Senior Regional Planner

Staff: We received two letters of comment from Jennifer Bal Kaden, Gorge Commission Senior Regional Planner addressing completeness review issues including historic review and addressing to proposed single family dwelling use (Exhibits D.11 and D.20). Findings in Sections 4, 5, 6 and 7 address these concerns.

3.5. Comments from Stayce Blume a Neighbor

Staff: We received a letter from Stayce Blume, neighbor, stating support for the building use as single family dwelling (Exhibit D.21). Findings under Section 4 address the single family dwelling use.

3.6. Comments from Matthew Wand, Attorney, representing Stephen Serafini, Neighboring Property Owner

Staff: We received a letter from Matthew Wand, Attorney, representing Stephen Serafini, Neighboring Property Owner objecting to the proposal (Exhibit D.22). First objection is that the Opportunity to Comment notice vicinity map included Mr. Serafini's property located across NE Columbia Avenue. Mr. Serafini's property use to be owned by the owner of the View Point Inn and was used for parking in the past. Staff erred when including that property in the notice. That property is not included as part of this application proposal. The proposal is limited to property described as Lot 1, Block 1 of Thor's Heights Subdivision also described a County Assessment Tax Lot 01600, Section 30CC, Township 1 North, Range 5 East, W.M. or Alternative Tax Account # R832300010. Mr. Serafini property is not included in any way as part of this proposal or decision.

Mr. Wand's second and third objections address timeliness application for a decision involving a Replacement of Existing Structures Damaged or Destroyed by Disaster and the single family dwelling use. He is concerned with the number of kitchens and concern that the building not be used as a restaurant or hotel if approved as single family dwelling. The issues are addressed in the findings under the next section of this decision, Section 4 and 5.

3.7. Comments from Michael E. Keyes, Access Management Coordinator, ODOT

Staff: We received an email from Michael E. Keyes, Access Management Coordinator, ODOT, stating concern about the map showing proposed septic system facilities (tanks) located within the highway right-of-way (Exhibit D.23). The email states an objection to that use in the right-of-way. This issue is addressed in the findings in the next section of this decision, Section 4.

4. GORGE GENERAL FOREST – 20 (GGF-20)

4.1. Review Uses

4.1.1 MCC 38.2025(1): On lands designated GGF– 20 and GGF– 40, one single-family dwelling on a legally created parcel upon enrollment in the state's forest assessment program. Upon a showing that a parcel cannot qualify, a parcel is entitled to one single-family dwelling. In either case, the location of a dwelling shall comply with MCC 38.7305 and MCC 38.7315. A declaration shall be signed by the landowner and recorded into county deed records specifying that the owners, successors, heirs and assigns of the subject parcel are aware that adjacent and nearby operators are entitled to carry on accepted farm or forest practices on lands designated GGF– 20, GGF– 40, GGF– 80, GGA– 20 and GGA– 40.

MCC 38.0015: Definition - Duplex: A building containing two dwelling units and designed for occupancy by two families.

MCC 38.0015: Definition - Dwelling, single-family: A detached building containing one dwelling unit and designed for occupancy by only one family.

MCC 38.0015: Dwelling unit: Definition - A single unit designed for occupancy by one family and having not more than one cooking area or kitchen.

Staff: The proposal is to establish a single family dwelling use for the View Point Inn building. The proposed restoration and repair of the structure has been reviewed per MCC 38.0030(C) Replacement of Existing Structures Damaged or Destroyed by Disaster criteria. However the proposed single family dwelling use will need to meet the standards and criteria for that use.

The applicant has submitted a copy of an Oregon Department of Revenue, Special Assessment Programs for Forestland brochure addressing the minimum acreage forestry deferral (Exhibit A.20). The brochure states that the minimum size for a parcel to be enrolled in the state's forest assessment program is two acres. The subject property is one acre, therefore too small to qualify for the program. The property qualifies for a single family dwelling.

Submitted plans demonstrate extensive septic system repairs, some of which may be related for a potential future proposal for commercial use of the building which is not proposed in this application (Exhibit A.18). The septic system repairs authorized through this decision are only those necessary for a single family dwelling (Exhibit A.9). Additionally septic system components can not be located in the right-of-way unless approved for that location by the right-of-way jurisdictional authority. A condition of approval can limit the septic system repairs to only those necessary for a single family dwelling.

The plans (Exhibit A.17) show that the proposed attached garage conversion to living space includes a bar with a wet-bar double sink on the first floor and a bedroom with bathroom with bathing facilities on the second floor. A personal non-commercial bar for a single family dwelling use can be allowed. To assure that the garage is not converted to a dwelling unit with a cooking area or kitchen, condition will requiring that the property owner record a covenant as shown in Exhibit B.7 stating the building is to be used as a single family dwelling.

These standards have been met through conditions of approval for the review of a single family dwelling.

4.1.2. MCC 38.2025(8): Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in (9) or (10).

Staff: The in-ground swimming pool, the new configuration for the walkway, the two new fountains, the modification to septic system and the new fence are new or modified accessory structures requiring a NSA Site Review (Exhibit A.17). The findings for that review are in Sections 6, 7 and 8 of this decision.

4.1.3. MCC 38.2025(9): Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel less than or equal to 10 acres in size are subject to MCC 38.7305 and MCC 38.7315 and the following additional standards:

(a) 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 re-view, existing buildings and proposed buildings.

(b) The height of any individual accessory building shall not exceed 24 feet.

Staff: The changes to the storage shed to convert it to a new use as a pool house require a NSA Site Review (Exhibit A.17). The proposed pool house will be 358 square feet with a height of about 13 feet. This is the only accessory building thus the building meets the requirement of not exceeding 1,500 square feet and does not exceed the 24 feet in height limitation. The findings for the Site Review are in Sections 6, 7 and 8 of this decision.

5. NSA EXISTING USES

Replacement of Existing Structures Damaged or Destroyed by Disaster

MCC 38.0030(C): An existing structure damaged or destroyed by fire, flood, landslide or other similar disaster may be replaced if a complete land use application for a replacement structure is submitted to the reviewing agency within two years of the date the original structure was damaged or destroyed. The replacement structure shall comply with the following standards:

Staff: The View Point Inn building was damaged by fire on July 10, 2011. The application for rebuilding and restoring the building was submitted on March 5, 2013 within the two year period allowed for this type of review (Exhibit A.1). The findings below address the standards of this section for the inn building. Other proposed changes to the site are subject to the NSA GMA Site Review Criteria with findings in Sections 6, 7 and 8 of this decision. *This standard is met.*

- 5.1. MCC 38.0030(C)(1): The replacement structure shall be used in the same manner and for the same purpose as the original structure. An existing mobile home may be replaced with a framed residence.**

Staff: The View Point Inn has most recently been used as an inn. However, the structure has historically been used as both an inn and a single family dwelling. Staff finds that the proposed single family dwelling use meets the standard of “used in the same manner and for the same purpose as the original structure.” Additionally a single family dwelling use is a permitted (review) use in the GGF-40 zone. *This standard is met.*

- 5.2. MCC 38.0030(C)(2): The replacement structure shall be in the same location as the original structure. An exception may be granted and the replacement structure may be sited in a different location if the following conditions exist:**

- (a) A registered civil engineer, registered geologist, or other qualified and licensed professional hired by the applicant demonstrates the disaster made the original building site physically unsuitable for reconstruction.**
- (b) The new building site is no more visible from key viewing areas than the original building site. An exception may be granted if a registered civil engineer, registered geologist, or other qualified and licensed professional hired by the applicant demonstrates the subject parcel lacks alternative building sites physically suitable for construction that are no more visible from key viewing areas than the original building site.**
- (c) The new building site complies with the cultural resources, natural resources, and treaty rights protection provisions.**

Staff: The proposal is to rebuild/restore the original building as it was prior to the fire with minor changes to the garage. Given the project is to restore the original building, the proposed work on the building will meet natural resources and treaty rights protection provisions. For the cultural resources protection the Oregon State Historic Protection Office (SHPO) and the US Forest Service Cultural Resource Manager have approved the project (Exhibit D.10 and D.18). For more detailed cultural resource findings see Section 7 of this decision. *This standard is met.*

5.3. MCC 38.0030(C)(3): The replacement structure shall be the same size and height as the original structure, provided:

- (a) The footprint of the replacement structure may be up to 10 percent larger than the footprint of the original structure.**
- (b) The walls of the replacement structure shall be the same height as the walls of the original structure unless a minor increase is required to comply with standards in the current jurisdictional building code.**

Staff: The restored structure will be the same size and height of the original structure except for the proposed changes to the attached garage area. The proposal includes utilizing the upstairs for an additional bedroom which will require a minor increase in height of the garage roof to meet standards for building code. The walls of the garage will remain the same height. The proposed change of the garage roof will result in the roof design matching the roof design of the inn (Exhibit A.17). *This standard is met.*

5.4. MCC 38.0030(C)(4): The replacement structure shall only be subject to the following scenic resources standards:

Staff: For this decision the review for the restoration of the structure has been limited to the following scenic resources standards. *This standard is met.*

5.4.1. (a): The replacement structure shall comply with the scenic resources provisions regarding color and reflectivity. These provisions shall be applied to achieve the applicable scenic standard (visually subordinate or not visually evident) to the maximum extent practicable.

Staff: Due to the historic status of the structure per MCC 38.7035(B)(14) it is exempt from the visually subordinate standard.

5.4.2. (b): Decks, verandas, balconies and other open portions of the original structure shall not be rebuilt as enclosed (walls and roof) portions of the replacement structure.

Staff: The proposal does not include enclosing any decks, verandas balconies and other open portions. *This standard is met.*

5.4.3. (c): In the General Management Area, the replacement structure shall comply with the scenic resources provisions regarding landscaping. These provisions shall be applied to achieve the applicable scenic standard (visually subordinate) to the maximum extent practicable, provided:

- 1. Except as provided in 2. below, the percent of the replacement structure screened by vegetation as seen from key viewing areas shall not exceed the percent of the original structure that was screened by vegetation as seen from key viewing areas. Coniferous vegetation shall be replaced with coniferous vegetation and deciduous vegetation shall**

- be replaced with deciduous vegetation unless the applicant chooses to use all coniferous vegetation.
2. In situations where the original structure was approved under Scenic Area regulations (e.g., Final Interim Guidelines, land use ordinance), the percent of the replacement structure screened by vegetation shall comply with any conditions of approval that required a landowner to preserve existing vegetation and/or plant and maintain new vegetation to screen the original structure as seen from key viewing areas.
 3. To help determine how much vegetation may be required under 1. and 2. above, land use applications shall include all available documentation (photographic or otherwise) on the amount and type of vegetation that screened the original structure from key viewing areas. At a minimum, development review decisions shall include findings that address the following:
 - a. The percent of original structure facing each key viewing area that was screened by coniferous vegetation, for each key viewing area from which the structure was visible.
 - b. The percent of original structure facing each key viewing area that was screened by deciduous vegetation, for each key viewing area from which the structure was visible.
 - c. Elevation drawings showing the replacement structure and the amount of coniferous and deciduous vegetation that would screen the structure from key viewing areas in 10 years.
 4. The height of any new trees shall not be required to exceed 5 feet.
 5. The time frame for achieving visual subordination shall be 10 years or less from the commencement of construction.

Staff: There are no proposed major changes to landscaping vegetation or trees. The proposal includes minor changes to the landscaping that will not impact visibility of the structure from any key viewing area. No additional screening vegetation is proposed. *This standard is met.*

* * *

- 5.4.4 MCC 38.0030(C)(5):** The replacement structure shall be subject to (B)(1), (B)(2), and (B)(3) above if it would not comply with (C)(2) and (C)(3) above.

Staff: The proposed restoration complies with (C)(2) and (C)(3) above. *This standard is met.*

- 5.5. MCC 38.0030(C)(6):** The original structure shall be considered discontinued if a complete land use application for a replacement structure is not submitted within the two year time frame.

Staff: The View Point Inn building was damaged by fire on July 10, 2011. The application for rebuilding and restoring the building as a single family dwelling was submitted on March 5, 2013 within the two year period for this type of review (Exhibit A.1). *This standard is met.*

6. GMA SCENIC RESOURCES SITE REVIEW

6.1. All Review Uses

Staff: This decision also includes a NSA Site Review addressing scenic, cultural, natural and recreation resource criteria for the following proposed changes to the site (Exhibit A.17):

- Converting an accessory storage shed into a pool house with minor changes to the exterior design of the building.
- Installation of an outdoor, in-ground swimming pool.
- Removal of the existing pond and previously existing fountain.
- Establishing a new configuration for walkway in the previous fountain area.
- Installation of two new fountains.
- Minor changes to landscaping including new shrubs and flower gardens.
- Modification to the on-site sewage disposal septic system (Exhibit A.9 and A.18).
- Addition of a fence on the east side of the inn building to screen on-site utility facilities.

6.1.1. MCC 38.7035(A)(1): New buildings and roads shall be sited and designed to retain the existing topography and to minimize grading activities to the maximum extent practicable.

Staff: There are neither new buildings nor changes to the existing topography. The proposed grading and excavation will be minimized to that which is necessary to the installation of the swimming pool and septic system repair. *This criterion is met.*

6.1.2. MCC 38.7035(A)(2): New buildings shall be compatible with the general scale (height, dimensions and visible mass) of similar buildings that exist nearby (e.g. dwellings to dwellings). Expansion of existing development shall comply with this guideline to the maximum extent practicable. For purposes of applying this standard, the term nearby generally means buildings within ¼ mile of the parcel on which development is proposed.

Staff: There are no new buildings proposed. *This criterion is met.*

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

Staff: There are no new vehicular access points proposed.

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

Staff: The proposal does not include any removal of existing trees, the previous a condition in the previous Case T3-06-006 listed seven trees that screen the property from key viewing areas. The landscape plan (Exhibit A.17) shows two alder trees, two fir trees, a cheery tree, a spruce tree and nine pines in a row along the southern property line (some of these may in the right-of-way) (Exhibit B.4). These trees that are on the property must be maintained as living trees on the property. A condition will require they be protected during on-site construction, be maintained living condition and replacement if they die. *This criterion met through a condition.*

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

Staff: The determination of compatibility with the landscape setting has been based on information submitted in the site plan. *This criterion is met.*

6.2. Review Uses Topographically Visible from Key Viewing Areas

All Review Uses and Conditional Uses topographically visible from Key Viewing Areas:

Staff: The property is topographically visible from Columbia River, Interstate – 84, Historic Columbia River Highway, Larch Mountain, Women’s Forum, and State Route – 14 Key Viewing Areas (KVA).

6.2.1. MCC 38.7035(B)(1): Each development shall be visually subordinate to its setting as seen from Key Viewing Areas.

Staff: The proposal includes minor changes to the existing storage shed to convert the shed to a pool house use with exterior changes including a new foundation, replacing existing windows, removing an existing doorway and installing a new doorway and door. The applicant submitted a brochure for windows with low visible light reflectivity (Exhibit A.19). A condition of approval can require the new windows to meet low visible light reflectivity of 13% or less. Given the shed is existing it can remain the existing color (white with brown trim) per MCC 38.7035(B)(13) (Exhibit D.15).

The proposal includes a new fence located on the east side of the inn building to screen the utility facilities from close range view. A condition can require the fence to be stained or painted a dark earth tone color preferably a dark brown that matches the trim of the inn building.

The proposed outdoor pool will be in-ground and will not be visible from any KVA.

The proposed new fountains are a small size and will be visually subordinate to the setting given their size and blending into the landscape (Exhibit A.11 and A.17). Other changes to the landscape will blend in and be visually subordinate. Changes to the septic system will not be visible to any key viewing area. *This criterion is met through conditions.*

6.2.2. MCC 38.7035(B)(2): The extent and type of conditions applied to a proposed development or use to achieve the scenic standard shall be proportionate to its potential visual impacts as seen from Key Viewing Areas. Decisions shall include written findings addressing the factors influencing potential visual impact including but not limited to: 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). Conditions may be applied to various elements of proposed developments to ensure they are visually subordinate to their setting as seen from key viewing areas, including but not limited to siting (location of development on the subject property, building orientation, and other elements); retention of existing vegetation; design (color, reflectivity, size, shape, height, architectural and design details and other elements); and new landscaping.

Staff: The conditions applied take into account the potential impact to scenic impacts to key viewing area and are proportional to those impacts. *This criterion is met.*

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

Staff: The fire damaged existing and historic structure is exempt from this standard. The proposed new development, the changes to the shed, the new pool, new walkway and fountains and new

fence have very minimal visual impacts if any at all and there will be no cumulative effects of proposed new developments. *This criterion is met.*

- 6.2.4. MCC 38.7035(B)(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 application included enough detail to make the findings (Exhibits A.1 through A.20). *This criterion is met.*

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- 6.2.5. MCC 38.7035(B)(6): 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.**

Staff: The proposed new structures on the site (the fence, pool, landscape changes and the alteration to the septic system) are sited on a portion of the property that has minimize visibility from Key Viewing Areas. The fence is placed on the east side of the inn building potentially visible to only one of the KVAs, Larch Mountain. Given the distance to Larch Mountain (about 7.5 miles) if the fence can be seen, with it being wood and painted or stained a dark brown it will blend into the environment from that distance appearing as a shadow. A condition can require the fence to be built using wood and painted or stained a dark brown. *This criterion is met through a condition of approval.*

- 6.2.6. MCC 38.7035(B)(7): New development shall be sited using existing topography and/or existing vegetation as needed to achieve visual subordination from key viewing areas.**

Staff: The proposed new development as described in earlier findings uses the existing topography and existing vegetation. *This criterion is met.*

- 6.2.7. MCC 38.7035(B)(8): Existing tree cover screening proposed development from key viewing areas shall be retained as specified in MCC 38.7035(C).**

Staff: No existing trees are proposed to be removed. A condition can require maintaining the existing trees. *This criterion is met through a condition of approval.*

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

Staff: No new driveway or buildings are proposed. *This criterion is met.*

- 6.2.9. MCC 38.7035(B)(10): 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. The Scenic Resources Implementation Handbook includes a list of recommended**

exterior materials. These recommended materials and other materials may be deemed consistent with this code, including those that meet recommended thresholds in the “visibility and Reflectivity Matrices” in the Implementation Handbook. Continuous surfaces of glass unscreened from key viewing areas shall be limited to ensure visual subordination. Recommended square footage limitations for such surfaces are provided for guidance in the Implementation Handbook.

Staff: The proposed modifications to the shed for the proposed pool house includes a new wood door, windows and wood fence. The proposed materials are nonreflective materials or materials with low reflectivity. A condition can require materials that are nonreflective materials or materials with low reflectivity. *This criterion is met through a condition of approval.*

6.2.10. MCC 38.7035(B)(11): 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 nonreflective, opaque materials.

Staff: A condition can required that any new exterior lighting on site be directed downward and sited, hooded and shielded such that it is not highly visible from Key Viewing Areas with shielding and hooding materials shall be composed of nonreflective, opaque materials. *This criterion is met through conditions.*

6.2.11. MCC 38.7035(B)(12): 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 or list of acceptable colors shall be included as a condition of approval. The Scenic Resources Implementation Handbook will include a recommended palette of colors.

Staff: The proposed new fence is potentially visible from a KVA. The fence will be wood and will need to be painted or stained dark brown. A condition can require the fence be painted or stained dark brown. *This criterion is met through a condition of approval.*

6.2.12. MCC 38.7035(B)(13): 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 dark earth-tone colors found at the specific site or in the surrounding landscape. The specific colors or list of acceptable colors shall be included as a condition of approval. The Scenic Resources Implementation Handbook will include a recommended palette of colors.

Staff: The proposed minor exterior changes to the existing shed to convert it to a pool house are considered to be additions to an existing building. The pool house can remain the existing white with brown trim exterior colors (Exhibits A.17 and D.15). *This criterion is met.*

6.2.13. MCC 38.7035(B)(14): Rehabilitation of or modifications to existing significant historic structures shall be exempted from visual subordination requirements for lands seen from Key Viewing Areas. To be eligible for such exemption, the structure must be included in, or eligible for inclusion in, the National Register of Historic Places or be in the process of applying for a determination of significance pursuant to such regulations. Rehabilitation of or modifications to such historic structures shall be consistent with National Park Service regulations for historic structures.

Staff: The rebuilding restoration of the View Point Inn building including the conversion of garage to living space were reviewed under Replacement of Existing Structures Damaged or Destroyed by Disaster [MCC 38.0030(C)]. The property is exempt from visual subordination standard due to being included on the National Register of Historic Places.

- 6.2.14. MCC 38.7035(B)(15):** 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.

Staff: There are no new buildings. *This criterion is not applicable.*

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- 6.2.15. MCC 38.7035(B)(17):** The following standards shall apply to new landscaping used to screen development from key viewing areas:

- (a) 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.
- (b) If new landscaping is required, it shall be used to supplement other techniques for achieving visual subordination.
- (c) 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.
- (d) Landscaping shall be installed as soon as practicable, and prior to project completion. Applicant. 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.
- (e) 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).

Staff: No new vegetation is required. *This criterion is not applicable.*

- 6.2.16. MCC 38.7035(B)(18):** Conditions regarding new landscaping or retention of existing vegetation for new developments on land designated GMA Forest shall meet both scenic guidelines and the fuel break requirements of MCC 38.7305(A). Key Viewing Areas. To be eligible for such exemption, the structure must be included in, or eligible for inclusion in, the National Register of Historic Places or be in the process of applying for a determination of significance pursuant to such regulations. Rehabilitation of or modifications to such historic structures shall be consistent with National Park Service regulations for historic structures.

Staff: The property is exempt due to being included on the National Register of Historic Places. *This criterion is not applicable.*

6.3. Rural Residential in Conifer Woodland Landscape

All Review Uses and Conditional Uses within the following landscape settings, regardless of visibility from KVAs.

6.3.1. MCC 38.7035(C)(4): Rural Residential in Conifer Woodland or Pastoral

- (a) New development in this setting shall meet the design standards for both the Rural Residential setting and the more rural setting with which it is combined (either Pastoral or Coniferous Woodland), unless it can be demonstrated that compliance with the standards for the more rural setting is impracticable. Expansion of existing development shall comply with this standard to the maximum extent practicable.**
- (b) In the event of a conflict between the standards, the standards for the more rural setting (Coniferous Woodland or Pastoral) shall apply, unless it can be demonstrated that application of such standards would not be practicable.**
- (c) Compatible recreation uses should be limited to very low and low-intensity resource-based recreation uses, scattered infrequently in the landscape.**

Staff: The findings for design standards for Rural Residential and Coniferous Woodland landscapes setting follow this finding. This proposal is for a single family dwelling with no recreational component. *These standards are met.*

6.3.2. MCC 38.7035(C)(2): Coniferous Woodland

- (a) Structure height shall remain below the forest canopy level.**
- (b) In portions of this setting visible from Key Viewing Areas, the following standards shall be employed to achieve visual subordination for new development and expansion of existing development:**
 - 1. Except as is necessary for construction of access roads, building pads, leach fields, etc., 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. Such species include: Douglas fir, grand fir, western red cedar, western hemlock, big leaf maple, red alder, ponderosa pine and Oregon white oak, and various native willows (for riparian areas). The Scenic Resources Implementation Handbook includes recommended minimum sizes.**
 - 3. At least half of any trees planted for screening purposes shall be coniferous to provide winter screening.**
- (c) Compatible recreation uses include resource-based recreation uses of varying intensities. Typically, outdoor recreation uses should be low-intensity, and include trails, small picnic areas and scenic viewpoints. Some more intensive recreation uses, such as campgrounds, may occur. They should be scattered, interspersed with large areas of undeveloped land and low-intensity uses.**

Staff: Structures are below the forest canopy. No additional vegetation is required. *These standards are met.*

6.3.3. MCC 38.7035(C)(3): Rural Residential

- (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.**

- (b) In portions of this setting visible from Key Viewing Areas, the following standards shall be employed to achieve visual subordination for new development and expansion of existing development:
 1. Except as is necessary for site development or safety purposes, the existing tree cover screening the development from Key Viewing Areas shall be retained.
 2. At least half of any trees planted for screening purposes shall be species native to the setting or commonly found in the area.
 3. At least half of any trees planted for screening purposes shall be coniferous to provide winter screening.
- (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 proposal includes retaining the existing trees. No new tree will be required. *These standards are met.*

7. GMA CULTURAL RESOURCES SITE REVIEW

7.1. MCC 38.7045(A): Cultural Resource Reconnaissance Surveys

- (1) A cultural reconnaissance survey shall be required for all proposed uses, except:
 - (a) The modification, expansion, replacement, or reconstruction of existing buildings and structures.
 - (b) Proposed uses that would not disturb the ground, including land divisions and lot-line adjustments; storage sheds that do not require a foundation; low-intensity recreation uses, such as fishing, hunting, and hiking; installation of surface chemical toilets; hand treatment of brush within established rights-of-way; and new uses of existing structures.
 - (c) Proposed uses that involve minor ground disturbance, as defined by depth and extent, including repair and maintenance of lawfully constructed and serviceable structures; home gardens; live-stock grazing; cultivation that employs minimum tillage techniques, such as re-planting pastures using a grassland drill; construction of fences; new utility poles that are installed using an auger, post-hole digger, or similar implement; and placement of mobile homes where sep-tic systems and underground utilities are not involved.
The Gorge Commission will review all land use applications and determine if proposed uses would have a minor ground disturbance.
 - (d) Proposed uses that occur on sites that have been disturbed by human activities, provided the proposed uses do not exceed depth and extent of existing ground disturbance. To qualify for this exception, a project applicant must demonstrate that land disturbing activities occurred in the project area. Land disturbing activities include grading and cultivation.
 - (e) Proposed uses that would occur on sites that have been adequately surveyed in the past.
 1. The project applicant must demonstrate that the project area has been adequately surveyed to qualify for this exception.
 2. Past surveys must have been conducted by a qualified professional and must include a surface survey and subsurface testing.
 3. The nature and extent of any cultural resources in the project area must be adequately documented.

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

- 1. Residential development that involves two or more new dwellings for the same project applicant;**
- 2. Recreation facilities that contain parking areas for more than 10 cars, overnight camping facilities, boat ramps, and visitor information and environmental education facilities;**
- 3. Public transportation facilities that are outside improved rights-of-way;**
- 4. Electric facilities, lines, equipment, and appurtenances that are 33 kilovolts or greater; and**
- 5. Communications, water and sewer, and natural gas transmission (as opposed to distribution) lines, pipes, equipment, and appurtenances.**

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

*** * ***

- (2) A reconnaissance survey shall be required for all proposed uses within 500 feet of a known cultural resources, including those listed above in MCC 38.7045 (A) (1) (a) through (f). The location of known cultural resources are shown in the cultural resource inventory.**
- (3) 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: The proposal includes modification, expansion, replacement, or reconstruction of existing buildings and structures that are older than 50 years old and a historic (on the National Registry). The proposal includes ground disturbance, including repair and maintenance of lawfully constructed and serviceable structures, new landscaping, new fence and new pool.

Exhibit D.10 a Cultural Resource Survey Determination submitted by Margaret Dryden, USFS Archaeologist/Heritage Program Manager states that the “A Cultural Resource Reconnaissance Survey is: Not Required” and that “A Historic Survey is: Required”.

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

- (1) The project is exempted by MCC 38.7045 (A) (1), no cultural resources are known to exist in the project area, and no substantiated comment is received during the comment period provided in MCC 38.0530 (B).**
- (2) The proposed use would avoid archaeological resources and traditional cultural resources that exist in the project area. To meet this standard, a reasonable buffer zone must be established around the affected resources or properties; all ground disturbing activities shall be prohibited within the buffer zone.**
 - (a) Buffer zones must preserve the integrity and context of cultural resources. They will vary in width depending on the eventual use of the project area, the type of cultural resources that are present, and the characteristics for which the cultural resources may be significant. A deed covenant, easement, or other appropriate mechanism shall be developed to ensure that the buffer zone and the cultural resources are protected.**

- (b) An Evaluation of Significance shall be conducted if a project applicant decides not to avoid the affected cultural resource. In these instances, the Reconnaissance Survey and survey report shall be incorporated into the Evaluation of Significance.
- (3) A historic survey demonstrates that the proposed use would not have an effect on historic buildings or structures because:
 - (a) SHPO concludes that the historic buildings or structures are clearly not significant, as determined using the criteria in the National Register Criteria for Evaluation ("36 CFR Part 60.4); or
 - (b) The proposed use would not compromise the historic or architectural character of the affected buildings or structures, or compromise features of the site that are important in defining the overall historic character of the affected buildings or structures, as determined by the guidelines and standards in The Secretary of the Interior's Standards for Rehabilitation (U.S. Department of the Interior 1990) and The Secretary of the Interior's Standards for Historic Preservation Projects (U.S. Department of the Interior 1983).
 - 1. The historic survey conducted by the Gorge Commission may provide sufficient information to satisfy these standards. If it does not, architectural and building plans, photographs, and archival research may be required. The project applicant shall be responsible for providing information beyond that included in the survey conducted by the Gorge Commission.
 - 2. The historic survey and report must demonstrate that these standards have been clearly and absolutely satisfied. If SHPO or the Planning Director question whether these standards have been satisfied, the project applicant shall conduct an Evaluation of Significance.

Staff: The cultural resource review criterion is satisfied for archaeological resources through Ms. Dryden's finding that "A Cultural Resource Reconnaissance Survey is: Not Required" (Exhibit D.10).

The historic survey by SHPO and the USFS demonstrates that the proposed use would not have an effect on historic buildings or structures as stated in a letter dated May 7, 2013 to Margret Dryden from Jason Allen, MA, Historic Preservation Specialist, SHPO (Exhibit D.18) a finding of "no adverse effect for the proposed project, as described."

* * *

7.3. Cultural Resources Discovered After Construction Begins

MCC 38.7045(L): The following procedures shall be effected when cultural resources are discovered during construction activities. All survey and evaluation reports and mitigation plans shall be submitted to the Planning Director and SHPO. Indian tribal governments also shall receive a copy of all reports and plans if the cultural resources are prehistoric or otherwise associated with Native Americans.

- (1) **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.
- (2) **Notification** – The project applicant shall notify the 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 Indian tribal governments within 24 hours.

- (3) **Survey and Evaluation** – The Gorge Commission will survey the cultural resources after obtaining written permission from the landowner and appropriate permits from 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).
- (a) The Planning Director shall, based on the survey and evaluation report and any written comments, make a final decision within 10 days of the receipt of the report of the Gorge Commission on whether the resources are significant.
 - (b) The Planning Director shall require a Mitigation Plan if the affected cultural resources are found to be significant.
 - (c) Notice of the decision of the Planning Director shall be mailed to those parties entitled to notice by MCC 38.0530 (B).
 - (d) The decision of the Planning Director shall be final 14 days from the date notice is mailed, unless appealed as provided in MCC 38.0530 (B). Construction activities may recommence if no appeal is filed.
- (4) **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.

Staff: These standards can be met through following a condition of approval. *This criterion is met through a condition of approval.*

7.4. Discovery of Human Remains

MCC 38.7045 (M) The following procedures shall be effected when human remains are discovered during a cultural resource survey or during construction.

Human remains means articulated or disarticulated human skeletal remains, bones, or teeth, with or without attendant burial artifacts.

- (1) **Halt Activities** – All survey, excavation, and construction activities shall cease. The human remains shall not be disturbed any further.
- (2) **Notification** – Local law enforcement officials, the Planning Director, the Gorge Commission, and the Indian tribal governments shall be contacted immediately.
- (3) **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.
- (4) **Jurisdiction** – If the remains are modern, the appropriate law enforcement officials will assume jurisdiction and the cultural resource protection process may conclude.
- (5) **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.
 - (a) 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).
 - (b) 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.

Staff: These standards can be met through following a condition of approval. *This criterion is met through a condition of approval.*

8. GMA NATURAL RESOURCES SITE REVIEW

MCC 38.7055 GMA Wetland Review Criteria

MCC 38.7060 GMA Stream, Lake And Riparian Area Review Criteria

MCC 38.7065 GMA Wildlife Review Criteria

Wildlife Habitat Site Review shall be required for any project within 1,000 feet of sensitive wildlife areas and sensitive wildlife sites (i.e., sites used by sensitive wildlife species).

MCC 38.7070 GMA Rare Plant Review Criteria

Staff: There are no wetlands, stream, lake or riparian areas located on the property. For the GMA Wildlife Review a finding must be made as to whether the project is within 1,000 feet of sensitive wildlife areas and sensitive wildlife sites. If so, Wildlife Habitat Site Review must be conducted. Staff consulted maps provided by the Columbia River Gorge Commission and made a site visit to the property. There are no known sensitive wildlife areas or sensitive wildlife sites. This property is not within the Oregon Department of Fish and Wildlife (ODFW) designated Big Game Habitat Area (important elk habitat) nor is it designated as deer and elk winter range. Staff noticed ODFW of this pending decision and did not receive any comments address any concerns. No further Natural Resources review is necessary. *These criteria are met.*

9. TRANSPORTATION STANDARDS

MCRR 4.000 Access to County Roads

Staff: The proposed single family dwelling use will not result in any increased impact over the previously approved use. *These standards are met.*

10. CONCLUSION

Staff: Based on the findings and other information provided above, the applicant has carried the burden necessary for the National Scenic Area Site Review Permit approval to rebuild/repair/restore the fire damaged View Point Inn historic building and to establish a single family dwelling use in the building, converting the attached garage to living space with exterior and interior changes including a home bar downstairs and addition of a bedroom upstairs; a new outdoor, in-ground pool; remodeling a shed to convert it into a pool house use; minor landscaping changes; an addition of a wood fence to screen utility facilities; and a septic system modification necessary for a single family dwelling use on property in the GGF -40 zone. This approval is subject to the conditions of approval established in this report.

11. EXHIBITS

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

All exhibits are available for review in file for Case T2-2013-2769 at the Land Use Planning office.

Exhibit #	# of Pages	Description of Exhibit	Date Received/ Submitted
A.1	1	Application form	3/5/13
A.2	1	Site (not to scale)	3/5/13
A.3	10	Full set of plans includes site plan, elevations, floor plans (not to scale)	3/5/13
A.4	10	Full size set of plans includes site plan, elevations, floor plans (to scale)	3/5/13
A.5	2	Narrative	3/5/13
A.6	1	Copy of deed for subject property filed with County Records under instrument number 2011-068357 on 06/15/2011	3/5/13
A.7	7	Surveys for the subject property	3/5/13
A.8	3	Photos of the View Point Inn prior to fire	3/5/13
A.9	9	Certificate of On-Site Sewage Disposal with sanitarian signed plans (not to scale)	3/5/13
A.10	3	Addendum to narrative (addressing in-ground pool)	3/22/13
A.11	1	Photo of proposed fountains	3/22/13
A.12	1	Addendum On-Site Sewage Disposal sanitarian signed site plan (not to scale)	3/22/13
A.13	1	On-Site Sewage Disposal plan submitted to DEQ for proposed modifications if needed designed for future commercial use	3/22/13
A.14	3	Addendum to narrative (addresses existing structure)	4/19/13
A.15	2	Addendum to narrative (addresses misc. on-site development)	4/19/13
A.16	3	Addendum to narrative (addresses changes to the garage)	4/19/13
A.17	9	Amended full size set of plans includes site plan, elevations, floor plans (to scale)	4/19/13
A.18	1	Amended On-Site Sewage Disposal plan submitted to DEQ for proposed modifications if needed designed for future commercial use.	4/19/13
A.19	4	Window reflectivity specification	4/19/13
A.20	4	Oregon Department of Revenue, Special Assessment Programs for Forestland brochure addressing the minimum acreage forestry deferral	4/19/13
'B'	#	Staff Exhibits	Date
B.1	2	County Assessment Property Information	
B.2	1	County Assessment map with subject property labeled	
B.3	1	Current Zoning Map	

B.4	1	2010 Aerial Photo	
B.5	1	Thor's Heights Subdivision plat map signed by County Commissioners October 31, 1917	
B.6	1	Staff amended On-Site Sewage Disposal plan submitted to DEQ for proposed modifications if needed designed for future commercial use show part of system is located off the property	
'C'	#	Administration & Procedures	Date
C.1	4	Incomplete Letter	4/4/13
C.2	1	Applicant's Acceptance of 180 Day Clock	4/10/13
C.3	4	Complete Letter (Day 1 is May 7, 2013)	5/17/13
C.4		Opportunity to Comment	
'D'	#	Comments Received	Date on Exhibit
D.1	2	Email from Margaret Dryden, USFS Archaeologist/Heritage Program Manager with attached letter	3/18/13
D.2	2	Email from Margaret Dryden, USFS Archaeologist/Heritage Program Manager	3/19/13
D.3	3	Email from Margaret Dryden, USFS Archaeologist/Heritage Program Manager with attached letter	3/19/13
D.4	3	Email from Margaret Dryden, USFS Archaeologist/Heritage Program Manager	3/19/13
D.5	2	Email from Margaret Dryden, USFS Archaeologist/Heritage Program Manager	3/20/13
D.6	1	Email from Joy Sears, SHPO Restoration Specialist	3/20/13
D.7	4	Email from Margaret Dryden, USFS Archaeologist/Heritage Program Manager to Joy Sears, SHPO Restoration Specialist	3/20/13
D.8	6	Email exchanged between Joy Sears, SHPO Restoration Specialist and Margaret Dryden, USFS Archaeologist/Heritage Program Manager	3/20/13
D.9	2	Email from Joy Sears, SHPO Restoration Specialist to Margaret Dryden, USFS Archaeologist/Heritage Program Manager	3/21/13
D.10	4	Email from Margaret Dryden, USFS Archaeologist/Heritage with attached email from Joy Sears, SHPO Restoration Specialist and Cultural Resource Survey Determination of Cultural Resource Reconnaissance Survey: "Not Required and Historic Survey: "Required"	3/20/13
D.11	2	Letter from Jennifer Bal Kaden, Gorge Commission Senior Regional Planner	3/21/13

D.12	75	Letter from Susan Q. Haylock, SHPO Preservation Specialist, with attached copy of application for Special Assessment of Historic Property including numerous photos of fire damage structure	3/25/13
D.13	8	Letter from Richard Till, Friends of the Columbia Gorge Conservation Legal Advocate	3/27/13
D.14	15	Email from Margaret Dryden, USFS Archaeologist/Heritage with attached Oregon SHPO Clearance Form including numerous photos of fire damage structure	4/8/13
D.15	6	Margaret Dryden, USFS Archaeologist/Heritage Program Manager with attached Cultural Resource Survey Determination of Cultural Resource Reconnaissance Survey: "Not Required and Historic Survey: "Required" and photos taken by Ms Dryden during 4/4/13 site visit of shed proposed for pool house	4/8/13
D.16	5	Letter from Susan Q. Haylock, SHPO Preservation Specialist, with attached copy of SHPO approval of participation in Special Assessment of Historic Property Program	5/2/13
D.17	7	Margaret Dryden, USFS Archaeologist/Heritage Program Manager with attached emails from SHPO staff	5/7/13
D.18	1	Letter dated May 7, 2013 to Margret Dryden from Jason Allen, MA, Historic Preservation Specialist, SHPO and SHPO Clearance Form	5/7/13
D.19	16	Email with attached letter from Richard Till, Friends of the Columbia Gorge Conservation Legal Advocate	6/5/13
D.20	2	Letter from Jennifer Bal Kaden, Gorge Commission Senior Regional Planner	6/5/13
D.21	1	Letter from Stayce Blume, neighbor	6/5/13
D.22	4	Letter from Matthew Wand, Wand Maddoux Preston Attorneys	6/5/13
D.23	1	Email Michael E. Keyes, ODOT District 2C Assess Management Coordinator	5/2/13