



MULTNOMAH COUNTY
LAND USE AND TRANSPORTATION PROGRAM
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Decision of Hearings Officer

National Scenic Area Conditional Use and Site Review

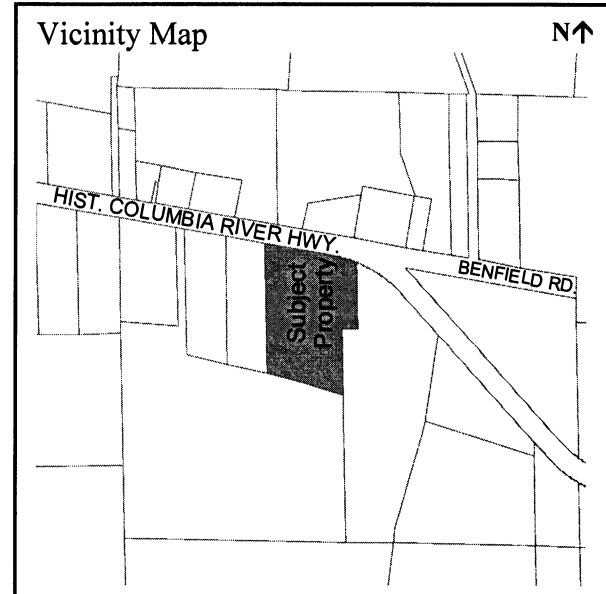
Case File: T3-2010-875

Hearings Officer: Liz Fancher

Hearing Date: April 8, 2011

Applicant: Thomas Layton

Property Owner: Multnomah County Rural Fire
Protection District #14



Location: 36930 E. Historic Columbia River Highway
Tax Lot 2200, Sec 35BA, Township 1 North, Range 4 East, W.M.
Tax Account R944350560

Summary: The application request is for a Conditional Use and National Scenic Area Site Review Permit to remodel and expand an existing Fire Station in the Gorge General Rural Center Zone District of Corbett. Phase A is a new Fire Station building adjacent to the existing apparatus bay building and includes the demolition of the existing meeting hall building. Phase B is an addition to the existing apparatus bay building.

Base Zone: Gorge General Rural Center (GGRC)

Overlay Zones: N/A

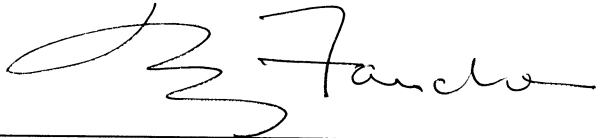
Site Size: 2.18 acres

Applicable Approval Criteria: Multnomah County Code (MCC): MCC 38.0030: Existing Uses and Discontinued Uses, MCC 38.2400 et. al: Rural Center, MCC 38.0050: Conditional Uses and MCC 38. Part 6 Approval Criteria for GMA and MCC 38.4100 et. al: Off-Street Parking And Loading

HEARINGS OFFICER'S DECISION:

The Hearings Officer approves, subject to compliance with the conditions of approval listed below, the applicant's request for a Conditional Use and National Scenic Area Site Review Permit to remodel and expand an existing Fire Station in the Gorge General Rural Center zoning district, including: Phase A, a new Fire Station building adjacent to the existing apparatus bay including the demolition of the existing meeting hall building, and Phase B, an addition to the existing apparatus bay building.

Dated this 17th day of May, 2011.



Liz Fancher, Hearings Officer

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. Prior to building permit sign-off, the property owner shall record with the County Recorder the Notice of Decision including the Conditions of Approval of this decision and a final set of the approved site plans. The Notice of Decision shall run with the land and the conditions shall be met by the current and future property owner and successor property owner(s) unless amended through a later decision by an authorized authority. Proof of recording shall be submitted to Multnomah County Land Use Planning prior to the issuance of any permits. Recording shall be at the applicant's expense.
2. Pursuant to MCC 38.0690, this land use permit expires two years from the date the decision is final if; (a) development action has not been initiated; (b) building permits have not been issued; or (c) final survey, plat, or other documents have not been recorded, as required. The property owner may request to extend the time frame 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.
3. Approval of this land use permit is based on the materials submitted including written narrative(s) and plan(s). No work shall occur under this permit other than that which is specified within these documents using the most current submittal of plans included as Exhibits H.7 (H.14-duplicate; replaces A.52), H. 8 (H.13-duplicate; replaces A.53), H.10 (replaces A.7), H.11, H.5 (H.12-duplicate) and A.54 (as supplemented by later plans) and other site plan documents that address other features of the building and development (to the extent consistent with the plans shown on the listed 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]
4. The proposed development shall be as represented in the revised narrative (Exhibits A.31 and A.49) and on the submitted revised site plans (*see*, Condition 3) and the elevations (Exhibit A.38 through A.43) or as revised by these conditions. The building materials used shall be as represented in the most current submittals and shown on Exhibits A.44, A.48, A.50 and H.4. For Phase B the siding shall be wood, cement compost boards, or stone siding and the roofing shall be the same as proposed for Phase A as shown on Exhibit A.48. [MCC 38.7035(B)(1), MCC 38.7035(B)(2), MCC 38.7035(B)(4), MCC 38.7035(B)(10), and MCC 38.7035(C)(6)(g)]

5. New conifer trees shall be a minimum of six to eight feet in height at the time of planting and other vegetation as shown on the approved plans. Landscaping shall be installed as soon as practicable during the soonest planting season, and prior to project completion. 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. The property owner and their successor(s) in interest are responsible for the proper maintenance and survival of planted vegetation, and replacement of such vegetation that does not survive. [MCC 38.7035(A)(4), MCC 38.7035(B)(17)]
6. 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. Brochure(s) representing the type of outdoor lighting fixtures, demonstrating this condition is met, shall be submitted prior to zoning review signoff for the Building Permit. [MCC 38.7035 (B)(11)]
7. The provision for and maintenance of off-street parking and loading facilities without charge to users shall be a continuing obligation of the property owner. Parking spaces shall be located as shown on the final, approved site plans. The property owner shall maintain the parking areas with stripes and labels showing parking spaces, handicap space(s), loading space, ingress and egress directional arrows. Required parking spaces shall be available for the parking of vehicles of visitors, occupants, and employees without charge or other consideration. No parking of trucks, equipment, materials, structures or signs or the conducting of any business activity shall be permitted on any required parking space. All pre-existing parking spaces must comply with all current off-street parking design and improvement requirements of the current County code. [MCC 38.4115, MCC 38.4125(A), MCC 38.4125(B), MCC 38.4125(C), MCC 38.4125(D), MCC 38.4125(E), MCC 38.4150; MCC 38.4175(A), MCC 38.4170(B) and MCC 38.4170 (C)]
8. The outer boundary of a parking or loading area shall be provided with a bumper rail or curbing at least four inches in height. All areas for the parking and maneuvering of vehicles and the off-site access aisle shall be marked in accordance with the approved plans required under MCC 38.4120 and in accordance with MCC 38.4170(A), and such marking shall be continually maintained. [MCC 38.4170(A), MCC 38.4180(B) and MCC 38.4180(C)].
9. All areas used for parking, loading or maneuvering of vehicles shall be surfaced with a minimum of two inches of blacktop on a four inch crushed rock base or six inches of portland cement or other material providing a durable surface capable of carrying a wheel load of 4,000 pounds. [MCC 38.4180(A)] This obligation applies to the off-site driveway located in the easement area described on Exhibit H.15.
10. Any artificial lighting which may be provided shall be shielded or deflected so as to not shine into adjoining dwellings or other types of living units, and so as not to create a hazard to the traveling public on any street. Parking lot lights shall meet Condition Number 6. [MCC 38.7035 (B)(11) and MCC 38.4185]
11. Required parking and loading areas, including the off-site driveway described on Exhibit H.15, shall be improved and placed in condition for use before the grant of a Certificate of Occupancy or a Performance Bond in favor of Multnomah County equivalent to the cost of completing such improvements shall be filed with the Planning Director. Any such bond shall include the condition that if the improvement has not been completed within one year after issuance of the Certificate of

Occupancy, the bond shall be forfeited. Any bond filed hereunder shall be subject to the approval of the Planning Director and the County Attorney. [MCC 38.4135 (A) and MCC 38.4135 (B)]

12. The vertical clearance of parking spaces shall comply with MCC 38.4175 (A)(1) and (2).
13. The property owner shall ensure that the general contractor signs the affidavit included as Exhibit B.7 and that a copy of the affidavit is submitted to Multnomah County Land Use Planning Office prior to any excavation or grading work on the property. [MCC 38.7045 (L) and (M)]
14. 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)]
15. 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)]

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*. Applicant's statements may also be included in *italic* with quotation marks. Staff's comments serve as findings of the hearings officer. In places, staff findings have been revised by the hearings officer. In places, the hearings officer has provided additional findings preceded by the '**Hearings Officer:**' identifier.

1. PROJECT DESCRIPTION

Staff: The application request is for a Conditional Use and National Scenic Area Site Review Permit to remodel and expand an existing Fire Station located in the Gorge General Rural Center Zone District (Exhibit B.3). Phase A is a proposed new Fire Station building adjacent to existing apparatus bay. The existing meeting hall building will be demolished. Phase B is a proposed addition to the back of the existing apparatus bay building. The signs for the fire station are existing signs and will continue to be used. The proposed project will be used to provide emergency service to the greater Corbett area.

2. PROPERTY AND VICINITY DESCRIPTION

Staff: The property is located adjacent to and south of the Historic Columbia River Highway in the unincorporated Village of Corbett (Exhibit B.2). Access to the property is from the Historic Columbia River Highway (a state highway) as well as through an access easement on the east side of the property (Exhibit A.52 through A.54; H.15). The property is surrounded, predominately, by residential development. There is some commercial development nearby such as the Corbett Country Market and the RV Park adjacent to the east (Exhibit B.4). The 2.18-acre property has a relatively shallow slope toward the south.

3. COMMENTS

During the completeness review phase of this application the County received the following comments:

- A faxed letter from Daniel T. Harkenrider, NSA Manager, US Forest Service, dated September 23, 2010 addressing the proposed projects building materials (Exhibit D.1).
- Cultural Resource Survey Determination submitted by Margaret L Dryden, Heritage Resource Program Manager NSA, USFS (Exhibit D.2) stating "A cultural resources reconnaissance survey is: Not Required" and "A Historic Survey is: Not Required."
- Email from Julie Osborn, preservation Specialist, Oregon State Historic Preservation Office addressing a need for more information for their review (Exhibit D.3).

Hearings Officer: Additional comments, listed in the Exhibit List, were received later and considered by the Hearings Officer.

4. GORGE GENERAL RURAL CENTER ZONE

4.1. Existing Uses and Discontinued Uses

MCC 38.0030 (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.

Staff: The proposal includes an addition and remodel of the existing apparatus bay building. The addition and exterior work requires a site review per Chapter 38, Part 6 GMA Site Review Criteria.

4.2. Conditional Uses

MCC 38.2430: The following conditional uses may be allowed on lands designated GGRC, pursuant to the provisions of MCC 38.0045:

(A) Fire stations

MCC 38.0045(A)(4) In the General Management Area, all applications for structural development involving more than 100 cubic yards of grading with slopes greater than 10 percent shall include a grading plan. In the Special Management Area, all applications for structural development involving more than 100 cubic yards of grading with slopes greater than 10 percent (except trails) shall include a grading plan.

Staff: The proposed use is a remodel and expansion of an existing Fire Station as described in Section 1 of this document. The proposed project requires a Conditional Use Permit. The proposed structural development does not involve more than 100 cubic yards of grading nor are the slopes greater than 10 percent thus MCC 38.0045(A)(4) does not apply.

4.3. Dimensional Requirements

4.3.1. MCC 38.2460 (C): The minimum lot size for a conditional use permitted pursuant to MCC 38.2430, shall be based upon:

- (1) The site size needs of the proposed use;**
- (2) The nature of the proposed use in relation to the impacts on nearby properties; and**
- (3) Consideration of the purposes of this district.**

Staff: No new parcel (lot) will be created and the proposed development will be accommodated on the existing 2.18 acre property. The property is large enough to support the proposed changes to the existing fire station and not increase the impacts on nearby properties (Exhibits A.25 and A.29). The development is served by approved on-site septic system. The district is the Rural Center Zone District which provides allowance for government buildings. The purpose of the district is provide service center and gathering place and allow uses compatible with the commercial, rural residential, and public facility and service character of the community. *This standard is met.*

4.3.2. MCC 38.2460 (E): Minimum yard dimensions – in feet

Front and Rear	Side	Street Side
30	10	30

Maximum Structure Height – 35 feet

Staff: The proposed development meets the required minimum yards as shown on the revised site plans. The proposed development meets the maximum height requirement. *This standard is met.*

4.4. Off-Street Parking and Loading

MCC 38.2485: Off-street parking and loading shall be provided as required by MCC 38.4100 through 38.4215.

Staff: Off-Street Parking requirements are addressed in Section 9 of this document.

5. CONDITIONAL USE PERMIT

5.1. Conditional Uses

MCC 38.0050: The following Conditional Uses may be permitted when allowed by the district and found by the Approval Authority, pursuant to the provisions of MCC 38.0045, to satisfy MCC 38.7000 through 38.7085.

Staff: The provisions of MCC 38.0045 are application submittal requirements. The applicant has submitted sufficient information to make the findings necessary to issue a decision for application request (Exhibits A.1 through A.54). The findings addressing the General Management Area (GMA) Site Review Criteria under MCC 38.7000 through 38.7085 are in the next three sections (Sections 6, 7 and 8) of this document. There are no additional criteria for a Condition Use Permit for a fire station other than those under for the GMA Site Review criteria listed in MCC 38.7000 through 38.7085 and the standards required by the GGRC Zone District including Off-Street Parking addressed in Section 9.

6. GMA SCENIC REVIEW CRITERIA

6.1. All Review Uses and Conditional Uses

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: The proposed new building and the proposed addition are sited and designed to retain the existing topography thus minimizing grading activities to the maximum extent possible for siting the proposed development. The property has a relatively shallow slope which will be maintained by the proposed development. *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: The proposed Phase A two-story building will be approximately 8,150 square feet of area and the Phase B addition to the apparatus building will add approximately 2,400 square feet to the existing 4,000 square foot building. Given there are few government buildings in the area, staff finds that the nearby radius should be expanded to the entire local GGRC Zone District Area. That

area includes the Corbett School campus which includes the high school, middle school and grade school buildings (Exhibit B.6). The Corbett School Campus includes several buildings that are larger than the proposed buildings, with largest being about ten times the size of the proposed buildings. Additionally, there are several two-story buildings in the nearby vicinity of the property. The new building and the apparatus bay building with the addition, the complex as a whole, is compatible with the general scale (height, dimensions and visible mass) of similar buildings that exist nearby. *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: The proposed use will continue to use the existing access points to the Historic Columbia River Highway (HCRH). The proposed accesses include the westernmost access for the fire hall and parking areas to the west-side and back of the building as well as a shared access through easement for the eastside parking area access. A wide center located access, in the front of the apparatus bay building, is used for emergency equipment access for storage of that equipment in that building and the need for quick exits during emergency events.

Access consolidation has not been required because the existing access points are necessary given the layout of the existing development and the emergency facility nature of the development. For safety reasons the emergency apparatus bay building requires a separate wide access for rapid deployment of emergency vehicles during an emergency event. Separate accesses for the rapid arrival of volunteers responding to emergencies. The separation of the fire fighting and emergency vehicle apparatus access from the other access points is essential for safety reasons. It is not feasible to consolidate the accesses for this use.

The HCRH is a state highway under the jurisdiction of the Oregon Department of Transportation (ODOT). The proposed development including the access points have been approved by the issuance of an ODOT State highway Approach Permit with some mitigation required which called for the removal of roadside vegetation within the HCRH right-of-way (Exhibits A.32 and A.33). The applicant informed ODOT that the existing vegetation was not within the right-of-way. ODOT responded they keep the vegetation in the right-of-way trimmed back. That is a requirement of the ODOT Approach Permit and need not be included in this permit. *This criterion is met.*

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 applicant states, "*We are providing irrigation in the larger planter beds to help facilitate proper maintenance and survival of required vegetation.*" This requirement applies after approval of this application. *A condition of approval also assures compliance with this code requirement.*

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 findings for compatibility with the landscape setting are based on information submitted in the site plans. See Subsection 6.3 for landscape setting finding. *This criterion is met.*

6.2. All Review Uses and Conditional Uses topographically visible from Key Viewing Areas

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 proposed development is in the village landscape setting. The criteria for the village landscape setting state under MCC 38.7035(C)(6)(a) that “[n]ew development in this setting is exempt from the color and siting requirements of MCC 38.7035(B).” New development must blend into the village setting and be visually subordinate to that setting. For the proposed development, the Key Viewing Areas for which the proposed development is topographically visible from are the Historic Columbia River Highway (HCRH) directly adjacent to the property and Larch Mountain a substantial distance of nine plus miles to the east. The applicant’s submitted revised plans and elevation drawings to meet this and other criteria prior to and following the land use hearing.

For Phase A, the proposed two-story fire station building will use a combination of wood siding stained a brown color and stone siding that is made up of gray and tan colors. These are low reflective materials. The proposed low visible light reflectance windows (Exhibit A.50) are to be separated by areas of siding to break up the window mass. The roof lines of the two-story building are broken up by a variety of levels and other architectural features so the building does not appear as one large boxy mass and blends better with the nearby residential dominate village setting. The proposed roofing is a metal sheeting with small stones are predominately dark earth tone colors affixed to the outer surface that very similar low reflective surface as asphalt shingles (Exhibit A.48).

The proposed materials for Phase B, the addition on the back side of the apparatus building, are metal siding and roofing matching the existing building and painted to match the existing building. Smaller additions to buildings can be the same color as the existing building, and village setting does not have color standards [MCC 38.7035(C)(6)(a)]. However, the addition must be visually subordinate as viewed from KVAs. The east side of the building is visible for a short distance from the HCRH.

Hearings Officer: In the Staff Report, Staff commented that “[i]f the addition were sided with wood, cement compost boards, or stone siding and painted to match existing building, it could be made visual subordinate with these changes and planting of six conifer trees, that have dense growth on low branches, planted along the eastern side of the apparatus bay building. The trees need to be large enough to screen the building within five years from the HCRH, thus staff recommends a condition of the trees being a minimum of six foot in height at time of planting. Given these trees are to the side of the building an area only visible for a short stretch of the HCRH, thus they need not be native species.” In response to this comment, the applicant’s architect submitted revised landscaping plans that add 12 arborvitae trees and 4 rhododendrons along the east side of the Phase B addition.¹ If Phase B is built first, this landscaping will be retained for Phase A. County staff did not object to the new plan. The Hearings Officer implies approval of the changes from staff’s silence on the topic. Also, the Hearings Officer finds, based on photographs included in the record, that the proposed landscaping will achieve the aim of making the proposed development visually subordinate to its setting.

¹ The revised plans submitted by the applicant say that this landscaping is being added to the west side of the site. The Hearings Officer has referred to the side of the site plan where this landscaping is proposed as the east side of the site based on the north arrow indicated on Exhibit H-3.

Staff: To prevent reflectivity from the roofing, the roof needs be the same materials as the roofing samples submitted for Phase A (Exhibit A.48).

The applicant is proposing vegetative plantings area between access points and in front the proposed new building in the front yard area as well as along the side of the existing apparatus bay building and it proposed addition. The trees proposed for planting are predominately deciduous thus will not screen the building much from the HCRH during the winter months.

Hearings Officer: The applicant submitted revised landscaping plans to address this concern. Staff did not offer comments on the enhanced plan implying that the revisions addressed staff concerns. As revised, the site plan meets the visually subordinate standard.

- 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 of approval are designed to achieve visual subordination from the HCRH and Larch Mountain Key Viewing Areas (KVAs) with findings addressing the factors influencing potential visual impact including but not limited to: the amount of area of the building site exposed to KVAs, the degree of existing vegetation providing screening, the distance from the building site to the KVA it is visible from, the number of KVAs from which it is visible, and the linear distance along the KVAs from which the building site is visible (for linear KVAs, such as roads). *This criterion is met by the site plan and recommended conditions of approval.*

- 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: Given the proposed building will be visually subordinate to the village setting there will not be any cumulative impacts. *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 the required materials. A recommended condition requires measures to ensure the survival of landscaping planted for screening purposes. *This criterion is met through conditions of approval.*

- 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: Siting criteria do not apply in the village landscape setting per MCC 38.7035(C)(6)(a).

- 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 development will be sited using the existing topography and existing vegetation. *This criterion is met.*

Hearings Officer: This criterion is not applicable to the review of this application according to MCC 38.7035 (C)(6)(a).

- 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: Existing tree cover screening proposed development from key viewing areas is to be retained. *This criterion is met.*

- 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: There will be no cut banks or fill slopes for the driveways. *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: This criterion is addressed in finding for MCC 38.7035(B)(1) in Subsection 5.2.1. *This criterion is met through conditions 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 non-reflective, opaque materials.

Staff: A staff recommended condition will require exterior lighting be directed downward and sited, hooded and shielded such that it is not highly visible from Key Viewing Areas and shielding and hooding materials composed of non-reflective, opaque materials. *This criterion is met through recommended condition.*

- 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: While the village landscape setting under MCC 38.7035(6)(a) exempts colors and a review criteria the proposed development must be visually subordinate to the landscape setting. Darker colors, low reflectivity and vegetation combined are tools that be employed to achieves visual subordination in the landscape. Proposed Phase A uses natural colors. Phase B proposes to match the existing color. *This criterion is not an applicable approval criterion.*

- 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 village landscape setting under MCC 38.7035(6)(a) exempts colors from the review criteria.

- 6.2.13 (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 existing structures are not significant historic structures (Exhibits A.34 and D.2). *This criterion is not applicable.*

- 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: The proposed development is below the skyline as seen from the applicable KVAs. *This criterion is met*

- 6.2.15. MCC 38.7035 (B) (16):** An alteration to a building built prior to November 17, 1986, which already protrudes above the skyline of a bluff, cliff or ridge as seen from a Key Viewing Areas, may itself protrude above the skyline if:
- (a) The altered building, through use of color, landscaping and/or other mitigation measures, contrasts less with its setting than before the alteration; and
 - (b) There is no practicable alternative means of altering the building without increasing the protrusion.

Staff: The proposed development is below the skyline as seen from the applicable KVAs. *This criterion is not applicable.*

- 6.2.16. 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. 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: The new landscaping is supplemental to other techniques being proposed for achieving visual subordination. A condition that planted vegetation for screening purposes will be of sufficient size to make the development visually subordinate within five years or less of commencement of construction has been included to assure compliance with this subsection of the County's code. Landscaping shall be installed as soon as practicable, and prior to project completion. A condition has also been included that states that the property owner 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. *This criterion is met through recommended condition.*

- 6.2.16. MCC 38.7035 (B) (25):** All proposed structural development involving more than 100 cubic yards of grading on sites visible from Key Viewing Areas shall include submittal of a grading plan. This plan shall be reviewed by the Planning Director for compliance with Key Viewing Area policies.

Staff: The proposed structural development does not involve more than 100 cubic yards of grading. *This criterion is not applicable.*

6.3. Landscape Setting

MCC 38.7035 (C): All Review Uses and Conditional Uses within following landscape settings, regardless of visibility from KVAs.

Staff: The subject property is located in the Village Landscape Setting with criteria under MCC 38.7035 (C) (6). Findings for this Code subsection are provided below.

6.3.1. MCC 38.7035 (C) (6) (a): New development in this setting is exempt from the color and siting requirements of MCC 38.7035(B).

Staff: While the village landscape setting under MCC 38.7035(6)(a) exempts colors and siting criteria, however, the proposed development must be visually subordinate to the landscape setting. Darker colors, low reflectivity and vegetation combined are tools that can be employed to achieve visual subordination in the landscape. Proposed Phase A uses natural colors. Phase B proposes to match the existing building color.

* * *

6.3.2. MCC 38.7035 (C) (6) (c): For new commercial, institutional (churches, schools, government buildings) or multifamily residential uses on parcels fronting a Scenic Travel Corridor (the Historic Columbia River Highway) and expansion of existing development for such uses, parking shall be limited to rear or side yards of buildings to the maximum extent practicable.

Staff: The HCRH is a Scenic Travel Corridor. The proposed parking is limited to the rear or side yards of buildings except for three emergency use spaces in front of the Phase A building, which will be used for temporary parking of personal vehicles that the drivers of the emergency vehicles arrive on site in during an emergency. These parking spots are only to be used for volunteers arriving during an emergency to gain quicker access to the emergency apparatus bay to response more quickly to an emergency which staff finds as acceptable and not in conflict with this criterion. The use of the area in front will allow the emergency vehicle drivers quicker dispatch times which are very important in emergencies. This criterion envisions more continuous use parking areas. Additionally, the criterion requires compliance to the maximum extent practicable. The applicant has shown compliance to the maximum extent practicable. *This criterion is met to the maximum extent practicable.*

6.3.3. MCC 38.7035 (C) (6) (d): New vehicular access points to the scenic travel corridors shall be limited to the maximum extent practicable, and access consolidation shall be required where feasible.

Staff: The proposed use will continue to use the existing access points to the Historic Columbia River Highway (HCRH). See the finding for MCC 38.7035(A)(3) under Subsection 5.1.3 of this document. Access consolidation is not feasible or necessary. *This criterion is met.*

6.3.4. MCC 38.7035 (C) (6) (e): New development proposals and expansion of existing development shall be encouraged to follow planned unit development approaches, featuring consolidated access, commonly-shared landscaped open areas, etc.

Staff: The expanded development is for a fire station not a residential type of development (planned unit development). One of the access points is a shared access. *This criterion is not applicable.*

- 6.3.5. MCC 38.7035 (C) (6) (f): New commercial, institutional or multifamily residential uses fronting a Scenic Travel Corridor shall comply with the following landscape requirements:**
- 1. Parking or loading areas for 10 or more spaces shall include a landscaped strip at least 5 feet in width between the new use and the Scenic Travel Corridor roadway.**
 - 2. The landscape strip required in subsection (f) 1. above shall include shrubs, vegetative ground cover and, at minimum, one tree spaced as appropriate to the species and not to exceed 25 feet apart on the average.**

Staff: The proposed project includes three 30-foot wide landscaped strips between the HCRH right-of-way and parking areas meeting this criterion. *This criterion is met.*

- 6.3.6. MCC 38.7035 (C) (6) (g): The use of building materials reinforcing the Village Setting's character, such as wood, logs or stone, and reflective of community desires, should be encouraged.**

Staff: As discussed in finding for MCC 38.7035(B)(1) Subsection 6.2.1 the materials for Phase A include wood siding and stone. Staff recommends a condition the siding for Phase B also be wood, concrete fiber board (mimics wood), or stone. *This criterion is met through a condition of approval imposed to achieve compliance with MCC 38.7035(B)(1).*

- 6.3.7. MCC 38.7035 (C) (6) (h): Architectural styles characteristic of the area (such as 1½ story dormer roof styles in Corbett), and reflective of community desires, should be encouraged. Entry signs should be consistent with such architectural styles.**

Staff: The proposed style of the Phase A building is Cascadian style and includes a dormer style look with multiple level roof line. This guidance would not be practical for the Phase B addition. This criterion is encourage to be met and is not required. *This criterion is met by the Phase A proposed design.*

Hearings Officer: This code section is advisory rather than mandatory. As a result, the fact that Phase B will not comply with the recommendations of this section does not require the County to deny the application.

- 6.3.8. MCC 38.7035 (C) (6) (i): Design features which create a "pedestrian friendly" atmosphere, such as large shop windows on the ground floor of commercial buildings, porches along ground floors with street frontage, etc. should be encouraged.**

Staff: The site plans shows walkway for pedestrians with an outdoor covered area. *This standard is met by the proposed design.*

- 6.3.9. MCC 38.7035 (C) (6) (j): Pedestrian walkways and bicycle paths should be encouraged and integrated into new developments wherever feasible.**

Staff: The site plans shows walkway for pedestrians with an outdoor covered area. *This standard is met by the proposed design.*

- 6.3.10. MCC 38.7035 (C) (6) (k): Where feasible, existing tree cover of species native to the region or commonly found in the area shall be retained when designing new development or expanding existing development.**

Staff: All exiting trees on the site are preserved. *This standard is met.*

7. GMA CULTURAL RESOURCE REVIEW CRITERIA

7.1. Cultural Resource Reconnaissance Surveys

MCC 38.7045(A) (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.**
- (f) Proposed uses occurring in areas that have a low probability of containing cultural resources.**

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

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

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

MCC 38.7045(C)

(C) If comment is received during the comment period provided in MCC 38.0530(B), the applicant shall offer to meet with the interested persons within 10 calendar days. The 10 day consultation period may be extended upon agreement between the project applicant and the interested persons.

Staff: Margaret L. Dryden, Heritage Resource Program Manager, Columbia River Gorge National Scenic Area, US Forest Service submitted a Cultural Resources Survey Determination on September 24, 2010 (Exhibit D.2). In the Cultural Resources Survey Determination Ms. Dryden, USFS, stated, "A cultural resources reconnaissance survey is: Not Required" and "A Historic Survey is: Not Required."

The comment period provided in MCC 38.0530(B) is a period of 20 days following notice of application and an invitation to comment is provided to agencies by the Planning Director. This notice is to be sent after an application is complete. In this case, the County notified agencies of the application before it was complete. The County provided a second notice to agencies on March 17, 2011 at least 20 days prior to the hearing. **Exhibits C.3 and C.4** as required by MCC 8.0530(C) for Type III reviews. The subsection (B) process applies to Type II applications but is the process specifically referenced by MCC 38.7045(B)(1) so is the process that is relevant to a determination of compliance with the cultural resources criteria.

In response to the 20-day notice, Dennis Griffin, Ph.D., RPA of the Oregon Parks and Recreation Department filed a comment with the County on March 30, 2011, within the 20-day comment

period. The record contains no evidence to show that the applicant offered to meet with Dr. Griffin with 10 days of March 30, 2011.

The quoted code sections and other provisions of the cultural resource criteria appear to be in conflict. Subsection (A) provides an exemption from cultural resources survey requirements that are found in MCC 38.7045(B). MCC 38.7045(B) says that the codes cultural resource requirements except (L) and (M), are satisfied if the project is both exempt under Subsection (A) and other conditions are met. MCC 38.7045 includes survey requirements and other consultation obligations. It appears, from the text and its context that survey exempt projects under Subsection (A) are only exempt if they also meet the exemption requirements contained in Subsection (B). As a result, I must determine whether cultural resources are known to exist in the area and whether “substantiated comment” was received during the comment period to determine if the applicant should have complied with Subsections (B) through (K), including survey requirements.

Dr. Griffin’s letter says that the subject property is “generally perceived to have a high probability for possessing archaeological sites and/or buried human remains.” He then notes that he lacks “sufficient knowledge to predict the likelihood of cultural resources being within [the] project area.” These statements fall short of demonstrating that cultural resources are “known” to exist on the subject property. Dr. Griffin’s comments are credible. His claims are not, however, specifically substantiated by resource materials or prior surveys. According to Dr. Griffin, the statewide cultural database shows no record of any previous cultural resource survey near the subject property. As a result, the applicant is not required to provide a resource survey or to comply with the requirements of Subsections (B) through (K) of MCC 38.7045.

7.2. Cultural Resources Discovered After Construction Begins

MCC 38.7045 (L) The following procedures shall be effected (*sic*) 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 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).

(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 requirements can be addressed through conditions that would include the language in this criterion. A copy of to affidavit including the condition is included as Exhibit B.7. *This criterion is met through conditions of approval.*

7.3. 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 requirements can be addressed through conditions that would include the language in this criterion. A copy of to affidavit including the condition is included as Exhibit B.7. *This criterion is met through conditions of approval.*

8. GMA NATURAL RESOURCE REVIEW CRITERIA

8.1. GMA Wetland Review Criteria

MCC 38.7055 (A): The wetland review criteria shall be deemed satisfied if:

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

- (1) The project site is not identified as a wetland on the National Wetlands Inventory (U.S. Fish and Wildlife Service, 1987);
- (2) The soils of the project site are not identified by the Soil Survey of Multnomah County, Oregon (U.S.D.A. Soil Conservation Service, 1983) as hydric soils;
- (3) The project site is adjacent to the main stem of the Columbia River.
- (4) The project site is not within a wetland buffer zone; and
- (5) Wetlands are not identified on the project site during site review.

Staff: The subject site does not have an identified wetland listed on the National Wetland Inventory maps. Staff did not see any indication of wetlands during the site visit to the property on February 11, 2011. *Criterion is met.*

8.2. GMA Streams, Lakes Or Riparian Areas Review Criteria

MCC 35.7060 (A): The following uses may be allowed in streams, ponds, lakes and riparian areas...

Staff: There are no streams, lakes or riparian areas near this property meeting MCC 38.7060 requirements. *Criterion is met.*

8.3. GMA Wildlife Review Criteria

MCC 38.7065: Wildlife Habitat Site Review shall be required for any project within 1,000 feet of sensitive wildlife areas and sensitive wildlife sites

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

8.4. GMA Rare Plant Review Criteria

MCC 38.7070: Rare Plant Site Review shall be required for any project within 1,000 feet of endemic plants and sensitive plant species.

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

9. OFF-STREET PARKING

9.1. Continuing Obligation

MCC 38.4115 The provision for and maintenance of off-street parking and loading facilities without charge to users shall be a continuing obligation of the property owner. No building or any other required permit for a structure or use under this or any other applicable rule, ordinance or regulation shall be issued until satisfactory evidence in the form of a site development plan, plans of existing parking and loading improvements, a deed, lease, contract or similar document is presented demonstrating that the property is and will remain available for the designated use as a parking or loading facility.

Staff: Proposed parking is shown on the site plans included as Exhibits A.52, A.53, and A.54. Staff recommends that this continuing obligation requirement for parking be included as a condition. *This standard can be met through a condition.*

9.2. Use of Space

- 9.2.1. MCC 38.4125 (A) Required parking spaces shall be available for the parking of vehicles of customers, occupants, and employees without charge or other consideration.**

Hearings Officer: *This standard is met through a condition of approval.*

- 9.2.2. MCC 38.4125 (B) No parking of trucks, equipment, materials, structures or signs or the conducting of any business activity shall be permitted on any required parking space.**

Staff: The parking spaces are located to the west and east sides as well as the back of the buildings. The fire fighting and emergency vehicles are parked in the emergency apparatus building. Staff recommends that this requirement be included as a condition. *This standard is met through a condition of approval.*

- 9.2.3. MCC 38.4125 (C) A required loading space shall be available for the loading and unloading of vehicles concerned with the transportation of goods or services for the use associated with the loading space.**

Staff: The applicant has not designated a loading and unloading area however there is enough area behind (south) the apparatus building. Staff recommends a condition of approval that the loading and unloading area be designated on the plans submitted for the zoning review approval for the Building Permit and that the loading area be labeled on site. *This standard can be met through a condition.*

Hearings Officer: The applicant has stated that loading related to the proposed use occurs in another, remote location and that it should not be required to provide a loading space. This code section requires that a "required" loading space be available for loading and unloading vehicles associated with the proposed use. I read this code to mean that if a loading space is required, it must be kept available for use by vehicles that transport goods or services to the use proposed by the applicant. I have searched the County's parking and loading requirements. I located parking space requirements but find no provision that impose a numerical requirement for loading spaces or an express requirement that states when or where a loading area must be provided. As a result, I have not required the applicant to provide a loading area.

- 9.2.4. MCC 38.4125 (D) Except for residential and local commercial districts, loading areas shall not be used for any purpose other than loading or unloading.**

Hearings Officer: This requirement does not apply as no loading area is required.

- 9.2.5. MCC 38.4125 (E) In any district, it shall be unlawful to store or accumulate equipment, material or goods in a loading space in a manner which would render such loading space temporarily or permanently incapable of immediate use for loading operations.**

Hearings Officer: This requirement does not apply as no loading area has been required.

9.3. Location of Parking And Loading Spaces

9.3.1 MCC 38.4130 (A) Parking spaces required by this Section shall be provided on the lot of the use served by such spaces.

Staff: The minimum necessary parking spaces determined by staff are 37 spaces. The plans provide more than 37 spaces. *This standard is met.*

* * *

9.3.2 MCC 38.4130 (C) Loading spaces and vehicle maneuvering area shall be located only on or abutting the property served.

Staff: The vehicle maneuvering area is shown to be located on the property and within the easement on the adjacent property to the east. *This standard is met.*

Hearings Officer: A loading area is not required.

9.4. Improvements Required

9.4.1. MCC 38.4135 (A): Required parking and loading areas shall be improved and placed in condition for use before the grant of a Certificate of Occupancy or a Performance Bond in favor of Multnomah County equivalent to the cost of completing such improvements shall be filed with the Planning Director.

Staff: A condition of approval can require that the required parking and loading areas be improved and placed in condition for use before the grant of a Certificate of Occupancy or a Performance Bond in favor of Multnomah County equivalent to the cost of completing such improvements shall be filed with the Planning Director. Staff recommends this requirement be conditioned. *This standard is met through a condition of approval.*

Hearings Officer: The applicant proposes to use an easement on an adjoining property as a part of its parking area. The adjoining property will provide backing areas and an access aisle for the facilities' parking area. As a result, this area must also be improved and maintained to the standards required by the County code for improvements on the subject property. *A condition of approval has been imposed to assure compliance with this requirement.*

9.4.2. MCC 38.4135 (B): Any such bond shall include the condition that if the improvement has not been completed within one year after issuance of the Certificate of Occupancy, the bond shall be forfeited. Any bond filed hereunder shall be subject to the approval of the Planning Director and the County Attorney.

Staff: Staff recommends this requirement be conditioned. *This standard is met through a condition of approval.*

9.5. Change of Use

9.5.1. MCC 38.4140 (A): Any alteration of the use of any land or structure under which an increase in the number of parking or loading spaces is required by this Section shall be unlawful unless the additional spaces are provided.

Staff: The proposed plans include more than the minimum required parking spaces. *This standard is met.*

- 9.5.2. MCC 38.4140 (B):** In case of enlargement or change of use, the number of parking or loading spaces required shall be based on the total area involved in the enlargement or change in use.

Staff: The number of minimum required spaces for the existing and proposed uses was calculated using area of the existing and proposed uses. *This standard is met.*

9.6. Existing Spaces

MCC 38.4150: Off-street parking or loading spaces existing prior to February 6, 1993 may be included in calculating the number of spaces necessary to meet these requirements in the event of subsequent enlargement of the structure or change of use to which such spaces are accessory. Such spaces shall meet the design and improvement standards of this Section.

Staff: The proposed parking plans include pre-existing spaces. Recommended conditions can require all the spaces meet the design and improvement standards of this Section. *This standard is met through conditions of approval.*

9.7. Interpretation

MCC 38.4155: Off-street parking or loading requirements for structures or uses not specifically listed in MCC 38.4205 shall be determined by written decision of the Planning Director. The Director shall base such requirements on the standards for parking or loading of similar uses.

Staff: Staff determined, for the Director, the minimum required parking spaces using similar uses as discussed in Finding 9.16 (below) of this document. The minimum required number of parking spaces is 37. The proposed plans met this standard (Exhibits A.52, A.53 and A.54). *This standard is met.*

9.8. Standards of Measurement

- 9.8.1. MCC 38.4160 (A):** Square feet means square feet of floor or land area devoted to the functioning of the particular use and excluding space devoted to off-street parking and loading.

Staff: This standard was used in the calculation of minimum required parking spaces. *This standard is met.*

- 9.8.2. MCC 38.4160 (B):** When a unit or measurement determining the number of required off-street parking or off-street loading spaces results in a requirement of a fractional space, any fraction up to and including one-half shall be disregarded, and any fraction over one-half shall require one off-street parking or off-street loading space.

Staff: This standard was used in the calculation in minimum required parking spaces. *This standard is met.*

9.9. Design Standards: Scope

- 9.9.1. MCC 38.4165 (A):** The design standards of this section shall apply to all parking, loading, and maneuvering areas except those serving a single or two-family residential dwelling or mobile home on an individual lot.

Staff: The design standards apply to the proposed development. *This standard is met.*

- 9.9.2. MCC 38.4165 (B):** All parking and loading areas shall provide for the turning, maneuvering and parking of all vehicles on the lot. After February 6, 1993 it shall be unlawful to locate or construct any parking or loading space so that use of the space requires a vehicle to back into the right-of-way of a public street.

Staff: All parking areas provide for the turning, maneuvering and parking of all vehicles is on the property lot or the easement labeled private drive to the eastside of the property. None of the parking spaces requires a vehicle to back into the right-of-way of a public street. *This standard is met.*

Hearings Officer: A loading area is not required.

9.10. Access

- 9.10.1 MCC 38.4170 (A):** Where a parking or loading area does not abut directly on a public street or private street approved under MCC 38.7700 et seq., the Land Division Chapter, there shall be provided an unobstructed paved drive not less than 20 feet in width for two-way traffic, leading to a public street or approved private street. Traffic directions therefore shall be plainly marked.

Staff: The proposed plan for Phase A provides an unobstructed paved drive of 25 feet in width for two-way traffic, leading to a public street. For Phase B the easement access is 20 feet wide. A recommended condition can require traffic direction to be plainly marked on the access drive. *This standard is met.*

- 9.10.2. MCC 38.4170 (B):** Parking or loading space in a public street shall not be counted in fulfilling the parking and loading requirements of this section. Required spaces may be located in a private street when authorized in the approval of such private street.

Staff: No on-street parking or loading areas have been counted to fulfill the parking and loading requirements. *This standard is met.*

9.11. Dimensional Standards

- 9.11.1. MCC 38.4175 (A):** Parking spaces shall meet the following requirements:

- (1) At least 70% of the required off-street parking spaces shall have a minimum width of nine feet, a minimum length of 18 feet, and a minimum vertical clearance of six feet, six inches.
- (2) Up to 30% of the required off-street parking spaces may have a minimum width of eight-and-one-half feet, a minimum length of 16 feet, and a vertical clearance of six feet if such spaces are clearly marked for compact car use.

* * *

(4) Space dimensions shall be exclusive of access drives, aisles, ramps or columns.

Staff: All the parking spaces shown on the submitted site plans appears to be 18 feet in length. The plans show the width of the parking space to be nine feet wide meeting the width requirement. A condition can require the vertical clearance of six feet, six inches be met. Space dimensions have been measure exclusive of access drives, aisles, ramps or columns. *This standard can be met through a condition.*

9.11.2. MCC 38.4175 (B): Aisle width shall be not less than:

(1) 25 feet for 90 degree parking,

Staff: The aisle width on the submitted plans is shown at no less than 25 feet.

9.12. Improvements

9.12.1. MCC 38.4180 (A): Surfacing

- (1) All areas used for parking, loading or maneuvering of vehicles shall be surfaced with either gravel or two inches of blacktop on a four inch crushed rock base or six inches of portland cement or other material providing a durable surface capable of carrying a wheel load of 4,000 pounds.**

Staff: This requirement can be included as a condition. *This standard can be met through a condition.*

9.12.2. MCC 38.4180 (B): Curbs and Bumper Rails

- (1) All areas used for parking, loading, and maneuvering of vehicles shall be physically separated from public streets or adjoining property by required landscaped strips or yards or in those cases where no landscaped area is required, by curbs, bumper rails or other permanent barrier against unchanneled motor vehicle access or egress.**
- (2) The outer boundary of a parking or loading area shall be provided with a bumper rail or curbing at least four inches in height and at least three feet from the lot line or any required fence.**

Staff: The proposed plans show the parking, loading, and maneuvering of vehicles is physically separated from the HCRH landscaped strips. The eastern parking area abuts an access easement that is located on the adjacent property which acts as the aisle for this parking area. For the eastern lot the parking and maneuvering of vehicles is physically separated from the HCRH a landscaped strip. The plans show an outer boundary curb for the western parking area, however the plans do not include a curb for the outer boundary of the southern parking area. This requirement can be included as a condition. *This standard can be met through a condition.*

9.12.3. MCC 38.4180 (C): Marking – All areas for the parking and maneuvering of vehicles shall be marked in accordance with the approved plan required under MCC 38.4120, and such marking shall be continually maintained.

Staff: This requirement can be included as a condition. *This standard can be met through a condition.*

9.12.4. MCC 38.4180 (D): Drainage – All areas for the parking and maneuvering of vehicles shall be graded and drained to provide for the disposal of all surface water on the lot.

Staff: The applicant has submitted a drainage plan designed by Todd R. Knepper to meet the drainage requirements. This standard has been met.

9.13. Lighting

MCC 38.4185: Any artificial lighting which may be provided shall be shielded or deflected so as to not shine into adjoining dwellings or other types of living units, and so as not to create a hazard to the traveling public on any street.

Staff: This requirement can be included as a condition. *This standard can be met through a condition.*

Hearings Officer: Neighbor Sara Grigsby expressed concern that the lighting of the expanded fire station may result in light shining into her nearby dwelling. The applicant's compliance with this code standard should have the related effect of preventing light from shining into Ms. Grigsby's home. This requirement applies to the subject property during the entire life of the proposed expansion.

9.14. Signs

MCC 38.4190: Signs, pursuant to the provisions of MCC 38.0080.

Staff: The applicant has stated that it will continue to use the existing signs.

Hearings Officer: This code section is not currently applicable. New signs, if any, must comply with the requirements of MCC 38.4190.

9.15. Design Standards: Setbacks

MCC 38.4195 (A): Any required yard which abuts upon a street lot line shall not be used for a parking or loading space, vehicle maneuvering area or access drive other than a drive connecting directly to a street.

MCC 38.4195 (B): A required yard which abuts a street lot line shall not be paved, except for walkways which do not exceed 12 feet in total width and not more than two driveways which do not exceed the width of their curb cuts for each 150 feet of street frontage of the lot.

Staff: The proposed a parking or loading space and vehicle maneuvering areas meet the 30 foot front yard requirement. The loading area can be conditioned to meet this requirement. The require yard is not paved except for the existing emergency apparatus access driveway and the west station access driveway. There are two driveways for the property and a third easement access on the adjacent property to the east. The existing emergency apparatus access driveway need not meet this standard. *This standard is met.*

9.16. Minimum Required Off-Street Parking Spaces

MCC 38.4205 (B) Public and Semi-Public Buildings and Uses

- (1) Auditorium or Meeting Room (except schools) – One space for each 60 square feet of floor area in the auditorium or, where seating is fixed to the floor, one space for each four seats or eight feet of bench length.

* * *

- (4) Club or Association – These shall be treated as combinations of uses such as overnight accommodation, restaurant, auditorium etc., and the required spaces for each separate use shall be provided.

(C) Retail, Office and Commercial Uses

* * *

- (2) Service and Repair Shop – One space for each 600 square feet of gross floor area.

- (3) Bank or Office, including Medical and Dental – One space for each 300 square feet of gross floor area.

(D) Recreation Uses

- (1) Gymnasium (except Schools) – One space for each 100 square feet of floor area.

- (F) Unspecified Uses -- Any use not specifically listed above shall have the requirements of the listed use or uses deemed most nearly equivalent by the Planning Director.

Staff: The proposed use does not have a specifically listed in the Code thus staff has used a variety of the uses listed above to determine how many parking spaces are required. For the meeting and training rooms we used the one space per four seats resulting in 18 parking spaces, for the office spaces area two parking spaces, for the exercise area eight spaces, one space for the kitchen, for the apparatus bay there are seven vehicle thus seven parking spaces required for operators, for the shop area one space required. The total number of minimum parking spaces determined to be required for the proposed Phase A and Phase B are 37 spaces. The plans provide more than 37 spaces. The plans exceed the minimum necessary parking spaces. *This standard is met.*

10. APPLICATION PROCEDURES

Staff: The application was submitted on August 31, 2010 (Exhibit A.1). Staff sent a letter to the applicant finding the application incomplete was sent on September 30, 2010 (Exhibit C.1). The applicant agreed to provide additional information submitting a form indicating that on October 7, 2010 (Exhibit A.30). Additional information was submitted and a second letter to the applicant finding the application incomplete was sent on February 8, 2011 (Exhibit C.2). Additional information was submitted and staff sent a letter to the applicant finding the application complete on February 10, 2011 (Exhibit C.3). The public hearing was noticed to the Oregonian and to the property owner within 750 feet of the subject property as well as interested parties, organizations, agencies and tribes on March 17, 2011 (Exhibit C.4). On the day of the hearing, the application is on Day 58 and the 150th day falls on Sunday, July 10, 2011.

11. CONCLUSION

Based on the findings and other information provided above, staff finds the applicant has carried the burden necessary for the Conditional Use Permit, NSA Site Review and Off-Street Parking review to establish Phase A and Phase B in the Gorge General Rural Center Zone District. Staff recommends approval of this application request subject to the recommended conditions of approval listed in this document.

12. Exhibits

‘A’ Applicant’s Exhibits

'B' Staff Exhibits
 'C' Procedural Exhibits
 'D' Comments Received

Exhibits are available for review in Case File T3-2010-875 at the Land Use Planning office.

Exhibit #	# of Pages	Description of Exhibit	Date Received/ Submitted
A.1	1	NSA Application Form	8/31/2010
A.2	25	Narrative Statements	8/31/2010
A.3	1	Existing Photos (Sheet P1)	8/31/2010
A.4	1	Existing Site Plan (Sheet ES)	8/31/2010
A.5	1	Existing Floor Plan (Sheet EP)	8/31/2010
A.6	1	Site Plan – Phase A (Sheet S1)	8/31/2010
A.7	1	Site Plan – Phase B (Sheet S2)	8/31/2010
A.8	1	Site Plan – Phase A&B (Sheet S3)	8/31/2010
A.9	1	Landscape Plan (Sheet L1)	8/31/2010
A.10	1	First Floor Plan – Phase A (Sheet A1)	8/31/2010
A.11	1	Second Floor Plan – Phase A (Sheet A2)	8/31/2010
A.12	1	First Floor Plan – Phase B (Sheet A3)	8/31/2010
A.13	1	First Floor Plan – Phase A&B (Sheet A4)	8/31/2010
A.14	1	Elevation – East & West – Phase A (Sheet E1)	8/31/2010
A.15	1	Elevation – North & South Phase A (Sheet E2)	8/31/2010
A.16	1	Elevation – East & West – Phase B (Sheet E3)	8/31/2010
A.17	1	Color Elevations – North (Sheet E4)	8/31/2010
A.18	1	Color Elevations – West (Sheet E5)	8/31/2010
A.19	1	Materials Legend (Sheet M1)	8/31/2010
A.20	1	Materials Legend (Sheet M2)	8/31/2010
A.21	1	Materials Board (Sheet M3)	8/31/2010
A.22	2	Grading and Erosion Control Information	8/31/2010
A.23	7	Preliminary Storm Drainage Concept <ul style="list-style-type: none"> a. Cover b. General c. Existing Conditions d. Proposed Conditions e. Methodology f. Storm Water Certificate g. Preliminary Storm Concept h. Existing Impervious Areas i. Proposed Impervious Areas 	8/31/2010
A.24	4	Preliminary Title Report	8/31/2010
A.25	2	Certificate of On-Site Sewage Disposal	8/31/2010
A.26	1	Fire District Access Review	8/31/2010
A.27	4	Fire District Review – Fire Flow Requirements	8/31/2010
A.28	1	Certification of Water Service	8/31/2010
A.29	5	Certification of On-Site Sewage Disposal Addendum	8/31/2010
A.30	1	Applicant's Response (180 day submittal form)	10/7/2010
A.31	4	Addendum Narrative Statement	1/20/2011
A.32	6	ODOT Findings for Application for an Approach	1/20/2011

A.33	3	ODOT Mitigation Required for Insurance of Stat Highway Approach Permit	1/20/2011
A.34	2	Oregon SHPO Clearance Form	1/20/2011
A.35	1	Revised Site Plan – Phase A (Sheet S1)	1/20/2011
A.36	1	Revised Site Plan – Phase A&B (Sheet S3)	1/20/2011
A.37	1	Revised Landscape Plan (Sheet L1)	1/20/2011
A.38	1	Revised Elevation – East & West – Phase A (Sheet E1)	1/20/2011
A.39	1	Revised Elevation – North & South Phase A (Sheet E2)	1/20/2011
A.40	1	Revised Elevation – East & West – Phase B (Sheet E3)	1/20/2011
A.41	1	Revised Color Elevations – North West Corner (Sheet E6)	1/20/2011
A.42	1	Revised Color Elevations – North & West (Sheet E7)	1/20/2011
A.43	1	Revised Color Elevations – South West Corner (Sheet E8)	1/20/2011
A.44	1	Materials Board (M4)	1/20/2011
A.45	1	Second Revision Site Plan – Phase A (Sheet S1)	2/1/2011
A.46	1	Second Revision Site Plan – Phase A&B (Sheet S3)	2/1/2011
A.47	1	Second Revision Landscape Plan (Sheet L1)	2/1/2011
A.48	1	Samples of metal roofing with small stones	2/4/2011
A.49	1	Second Addendum Narrative Statement	2/10/2011
A.50	2	Guardian SunGuard Windows brochure	2/10/2011
A.51	1	Email from Applicant Architect following email from Michael Keyes dated 9/30/2010 addressing vegetation in ODOT Right-of-Way	2/10/2011
A.52	1	Third Revision Site Plan – Phase A (Sheet S1)	3/23/2011
A.53	1	Third Revision Site Plan – Phase A&B (Sheet S3)	3/23/2011
A.54	1	Third Revision Landscape Plan (Sheet L1)	3/23/2011
Exhibit #	# of Pages	Description of Exhibit	
B.1	2	County Assessment Tax Lot Record for Subject Property	NA
B.2	1	County Assessment Tax Lot Map Subject Property	NA
B.3	1	Current Zoning Map Subject Property Labeled	NA
B.4	1	2008 Aerial Photo Showing Subject Property	NA
B.5	1	Columbia River Gorge Commission <i>Recommended Plants for Screening</i> handout	NA
B.6	1	2008 Aerial Photo Showing Corbett School	NA
B.7	2	Affidavit to be Signed by General Contractor Responsible for the Grading and Excavation	NA
Exhibit #	# of Pages	Description of Exhibit	Date
C.1	2	Completeness Review Letter Deeming Application Incomplete	9/30/2010
C.2	2	Second Completeness Review Letter Deeming Application Incomplete	2/8/2011
C.3	2	Completeness Review Letter Deeming Application Complete as of February 10, 2011	2/16/2011
C.4	7	Notice of Public Hearing	3/17/2011
Exhibit #	# of Pages	Comments Received	Date Received/Submitted

D.1	3	A faxed letter from Daniel T. Harkenrider, NSA Manager, US Forest Service, dated September 23, 2010	9/23/2010
D.2	2	Cultural Resource Survey Determination submitted by Margaret L Dryden, Heritage Resource Program Manager NSA, USFS	9/24/10
D.3	1	Email from Julie Osborn, preservation Specialist, Oregon State Historic Preservation Office	9/14/10
Exhibit #	# of Pages	Comments Received	Date Received/ Submitted
H.1	1	Sign-In Sheet	4/8/11
H.2	1	March 28, 2011 Letter from Dennis Griffin, Ph.D., RPA to George Plummer	3/30/11
H.3	1	Aerial Photograph of Subject Property and Area	4/8/11
H.4	1	Materials Board (Sheet M3)(this exhibit is also labeled Exhibit A.21)	8/31/10 & 4/8/11
H.5	1	Sheet E9, Vegetation + Materials	4/8/11
H.6	1	Sheet S4, Site Plan/Phase A+B (superimposed on aerial photo)	4/8/11
H.7	1	Sheet L1.1, Site Plan/Proposed Landscape	4/8/11
H.8	1	Sheet S3.1, Site Plan/Phase A+B	4/8/11
H.9		April 15, 2011 Letter from Jerry Conduff, AIA to George A. Plummer	4/15/11
H.10	1	Sheet S2, Site Plan Phase B	4/15/11
H.11	1	Sheet S2.1, Site plan Phase B/Visibility of Addition from KVA	4/15/11
H.12	1	Sheet E9, Vegetation + Materials	4/15/11
H.13	1	Sheet S3.1, Site Plan/Phase A+B	4/15/11
H.14	1	Sheet L1.1, Site Plan/Proposed Landscape	4/15/11
H.15	3	Agreement for Easement and unlabeled drawing of easement	4/15/11
H.16	1	Memorandum from George A. Plummer, Planner to Liz Fancher, Multnomah County Hearings Officer	4/28/11