Department of Community Services
Land Use Planning Division
www.multco.us/landuse

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Staff Report

For June 24, 2019 Continued Hearing

Conditional Use Permit, National Scenic Area Site Review,
Variance, Replat, Hillside Development Permit, Road Rules Variance

Case File: T3-2018-9967

Scheduled before one of the following County Hearings Officers:
- Liz Fancher - Dan Olsen - Joe Turner

Hearing Date, Time, & Place:
The hearing is to be held on **Monday, June 24, 2019** at **9:30 AM** or soon thereafter, in Board Room at the Multnomah Building located at 501 SE Hawthorne Boulevard, Portland, OR 97214.

Location: Property 1: 40301 E Larch Mountain Road
Tax Lot 1600, Section 30CC, Township 1 North, Range 5 East, W.M.
Tax Account #R832300010 Property ID #R287200
- and -
Property 2: Adjacent property to the east of Property 1 across NE Columbia Ave.
Tax Lot 1500, Section 30CC, Township 1 North, Range 5 East, W.M.
Tax Account #R832301940 Property ID # R287215

Applicants: Keith Daily, Emerick Architects

Property Owner: Property 1: HSF, LLC (Registered agent: Sheron Fruehauf)
Property 2: Heiner and Sheron Fruehauf

Summary: The applicant is requesting to establish a special use in two historic buildings, a parking lot, and a new single-family dwelling. The special use would be a Wellness Retreat Facility in the building that was previously the View Point Inn and an associated accessory building. The applicant is proposing to add square footage of floor area to the existing historic structure, reconstruct a damaged accessory building, and establish parking on the adjacent property. The Wellness Retreat Facility will contain five guest rooms to accommodate overnight guests, a restaurant, spa facilities, and a health assessment center. To establish the use, a Conditional Use Permit, National Scenic Area Site Review, Variance, Hillside Development Permit, Replat and Road Rules Variance will be required.

Base Zone: Gorge General Forestry – 40 (GGF-40) **Landscape Setting:** Pastoral

Site Size: Property 1: 1.00 acre
Property 2: 0.20 acre

This staff report replaces the County's Staff Report listed as Exhibit C.7.

Vicinity Map **N↑**

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Applicable Approval Criteria:

Multnomah County Code (MCC): General Provisions: MCC 38.0015 Definitions, MCC 38.0030 Existing Uses and Discontinued Uses, MCC 38.0045 Review and Conditional Use Applications – Submittal Requirements, MCC 38.0060 Agricultural Buffer Zones

Administration and Procedures: MCC 38.0560 Code Compliance and Applications

Forest District – GGF: MCC 38.2025(A)(1), (4), (22), and (25) Review Uses, MCC 38.2030(A)(10) Conditional Uses, MCC 38.2060 Dimensional Requirements, MCC 38.2085 Off-Street Parking and Loading, MCC 38.2090 Access

Off-Street Parking and Loading: MCC 38.4100 through MCC 38.4205, more specifically MCC 38.4105 General Provisions, 38.4125 Use of Space, MCC 38.4130 Location of Parking and Loading Spaces, MCC 38.4135 Improvements Required, MCC 38.4145 Joint Parking or Loading Facilities, MCC 38.4165 Design Standards: Scope, MCC 38.4170 Access, MCC 38.4175 Dimensional Standards, MCC 38.4180 Improvements, MCC 38.4185 Lighting, MCC 38.4190 Signs, MCC 38.4195 Design Standards: Setbacks, MCC 38.4205 Minimum Required Off-Street Parking Spaces

Hillside Development: MCC 38.5515 Application Information Required, MCC 38.5520 Grading and Erosion Control Standards

National Scenic Area Site Review - Approval Criteria: MCC 38.7035 GMA Scenic Review Criteria, MCC 38.7045 GMA Cultural Resource Review Criteria, 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, MCC 38.7070 GMA Rare Plant Review Criteria, MCC 38.7080 GMA Recreation Resource Review Criteria

Special Uses - Approval Criteria and Submittal Requirements: MCC 38.7300 Review and Conditional Uses, MCC 38.7305 Fire Protection in Forest Zones, MCC 38.7315 Siting of Dwellings on Forest Land, MCC 38.7380 Special Uses in Historic Buildings

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

Land Divisions: MCC 38.7794 Consolidation of Lots, MCC 38.7797 Replatting of Partition and Subdivision Plats, MCC 38.7935 Easements, MCC 38.7950 Water Systems, MCC 38.7955 Sewage Disposal, MCC 38.7960 Surface Drainage, MCC 38.7985 Water System, MCC 38.7990 Sewage Disposal, MCC 38.7995 Surface Drainage and Storm Sewer Systems

Multnomah County Road Rules (MCRR): MCRR 4.000 Access to County Roads, MCRR 5.000 Transportation Impact, MCRR 6.000 Improvement Requirements, MCRR 16.000 Variance from County Standards and Requirements, MCRR 18.000 Right-of-Way Use Permits

Recommended Hearing Officer Decision:

Staff recommends that the Hearings Officer **approve** the application request for a Conditional Use Permit, National Scenic Area Site Review, Variance, Replat, Hillside Development Permit, and Road Rules Variance to establish special uses in historic buildings (View Point Inn building and accessory

building)), establish a parking lot, and establish a new single-family dwelling in the Gorge General Forestry (GGF-40) zone.

If the Hearings Officer finds the proposed application is approvable, staff recommends the following Conditions 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.

The conditions listed below would be 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. Permit Expiration
    a. This land use permit shall expire as follows:
        i. Within two (2) years of the date of the decision becomes final if construction of all of the improvements authorized by this approval has not commenced, or; [MCC 38.0690(B)]
        ii. Within two (2) years of the date of commencement of construction, if all of the structures authorized by this approval have not been completed, or; [MCC 38.0690(B)]
        iii. Within one (1) year of the date the View Point Inn building is completed (as defined in MCC 38.0690(B)(4)), if operation of the business has not begun, or; [MCC 38.0690(D)]
        iv. Within five (5) years of the date of the final decision if the first progress report is not submitted to the County as required by MCC 38.7380(E). The progress report will documents the progress made in implementing the "Protection and Enhancement Plan", the steps being carried out towards completing the scheduled actions specified in the Plan, and compliance with these specified conditions of approval of this authorization, starting at the date this decision becomes final. [MCC 38.0690(D) and MCC 38.7380(E)]
    b. For purposes of Condition 2.a.i, notification of commencement of construction will be given to Multnomah County Land Use Planning Division a minimum of seven (7) days prior to date of commencement. Once notification is given, Multnomah County will schedule a site visit for verification and inspection of erosion control measures. Work may commence once notice is completed. Commencement of construction shall mean actual construction of the foundation or frame of the approved structure. For roads, commencement of construction shall mean actual grading of the roadway. [MCC 38.5520(C)]
    c. For purposes of Condition 2.a.ii, completion of the structure shall mean the completion of the exterior surface(s) of the structure and compliance with all conditions of approval in the land use approval.
    d. For purposes of Condition 2.a.iii, operation of the business shall mean operating the Wellness Retreat Facility in compliance with all proposed actions within the Operational Plan provided by Applicant (Exhibit I.5).

e. The property owner may request to extend the timeframe within which this permit is valid, as provided under MCC 38.0700, as applicable. The request for a permit extension must be submitted prior to the expiration of the approval period. [MCC 38.0700]

2. Within 30 days of the date that this decision becomes final the applicant(s), owner(s), or their representative(s) shall:
    a. Record the Hearings Officer Decision, pages 1 through the conditions of approval, and Exhibit I.5, I.6 and I.8 with the County Recorder for both properties, tax lot 1500 and 1600. The Hearings Officer Decision shall run with the land and the conditions shall be met by the current and all future property owners unless amended through a later decision by the authorized authority. Proof of recording shall be submitted to Multnomah County Land Use Planning prior to land use review for signing off the building permit. Recording shall be at the applicant's expense. [MCC 38.0670]
    b. Record in the deed records for the county for both properties, tax lot 1500 and 1600, a declaration signed by the landowner specifying that the owners, successors, heirs and assigns of both subject properties 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 38.7300(B)(2), MCC 38.7300(D)(2), MCC 38.7380(F)(4)(c), MCC 38.7380(G)(5), and MCC 38.7600(A)(3)]
3. Prior to land use sign-off for building plan check, the property owners or their representative shall:
    a. Retain a surveyor to complete the instructions as described in "Finishing a Land Division" handout (Exhibit B.17) and submit to the County Surveyor a plat in accordance with the requirements of ORS 92. [MCC 38.7797(D)(6)]
    b. Submit two (2) blue-line copies of the plat to the Planning Director. The Planning Director will determine whether the plat conforms to this decision and the conditions of approval contained herein. At such time, as the plat complies with this decision, a letter of zoning compliance will be provided by the Land Use Planning Division to the Multnomah County Surveyor. [MCC 38.7797(D)(6)]
        i. The replat of a portion of a recorded plat shall not act to vacate any recorded covenants or restrictions. [MCC 38.7797(C)]
        ii. The replat shall provide a five-foot utility easement along the front property line abutting a street and the easement shall not be placed within one foot of a survey monument location noted on a subdivision or partition plat. [MCC 38.7935(A)]

        After the Planning Director and County Surveyor have signed off on the Partition Plat, the property owners or their representative shall record the plat with the County Recorder's Office. [MCC 38.7797(D)(6)]

        Note: State law requires that property taxes be paid before a plat can be recorded.

        Note: The County Surveyor has a separate process and fee for their review. The County Recorder also has rules and a fee for recording documents.
    c. Record deed restrictions for both properties, tax lot 1500 and 1600, with the County Recorder's Office, committing the property owner to participate in future right of way improvements costs. A non-remonstrance agreement, or deed restriction, will require the property owner to participate in standard road improvements along the site's East

Larch Mountain Road frontage that are not completed as a part of the site's required interim improvements. [MCRR 6.000 and 9.000]

d. Apply for driveway permits to address all accesses of the subject properties. This will be for three accesses from Parcel R832300010 (one on Larch Mountain and two on NE Columbia avenue) and two accesses from Parcel R832301940 for accesses onto NE Columbia. This must be as part of construction permit for paving NE Columbia Avenue (see Condition of Approval #6). [MCRR 18.250]

4. At the time of building permit sign-off, the property owner or their representative shall:
    a. Submit a site plan indicating the location of the replacement trees that will offset the removal of trees on the site. The location of the replacement trees shall be west of the Retreat Facility to provide screening from the Women's Forum State Park [MCC 38.7035(A)(4), MCC 38.7035(B)(7), and MCC 38.7035(B)(8)]
    b. Submit a site plan showing the location of traffic directions in the parking area. [MCC 38.4170(A)]
    c. Provide a sample of the copper roof and gutters to ensure that it matches the photo sample in Exhibit I.9, is not highly reflective, and matches the top two rows (A and B) or C14, C15, C16 of the third row of the from the Columbia River Gorge Commission *Scenic Resources Implementation Handbook* Color Chart. [MCC 38.7035(B)(10)]
    d. Submit a new building and elevation plan for the View Point Inn building and accessory building near the north property line that will be rebuilt. The exterior colors of the accessory building and second story addition, which contains the single-family dwelling, shall be dark earth-tones found at the specific site or in the surrounding landscape and match the top two rows (A and B) or C14, C15, C16 of the third row of the from the Columbia River Gorge Commission *Scenic Resources Implementation Handbook* Color Chart. [MCC 38.7035(B)(12)]
    e. Submit a building plan that indicates that fireplace and attic openings, soffit vents, foundation louvers, and other ventilation openings are screened with no coarser than 1¼-inch mesh metal screen that is noncombustible and corrosion resistant. The chimney shall be equipped with a spark arrestor. [MCC 38.7305(H)]
    f. Submit a building plan that indicates the type and material being used and whether it conforms as fire resistant as specified in the Uniform Building Code. [MCC 38.7305(I)]
    g. Submit a building plan and provide cut/specification showing all exterior lighting supporting the subject property. The exterior lighting shall be fully shielded with opaque materials and directed downwards.
        i. "Fully shielded" means no light is emitted above the horizontal plane located at the lowest point of the fixture's shielding.
        ii. Shielding must be permanently attached.
        iii. The exterior lighting shall be contained within the boundaries of the parcel on which it is located so as not to shine outside the boundaries of the parcel. [MCC 38.7035(B)(11) and MCC 38.4185]
5. After building permit sign-off is completed, the property owner or their representative shall:
    a. Plant two (two) deciduous and/or coniferous trees to replace the removal of two (2) existing trees between the View Point Inn building and the Accessory Building. A minimum of one (1) trees shall be coniferous. The trees shall be planted towards the northern and western property lines to provide screening from the Women's Forum State Park to the single-family dwelling located above the converted garage. The trees

to be planted shall be a minimum of 50 feet from all buildings. The trees planted shall be of sufficient size to make the single-family dwelling visually subordinate within five years or less of commencement of construction and shall be installed as soon as practicable prior to the View Point Inn building being completed as defined in MCC 38.0690(B)(4). [MCC 38.7035(A)(4), MCC 38.7035(B)(7), MCC 38.7035(B)(8), MCC 38.7035(B)(17), and MCC 38.7035(B)(18)]

6. Prior to issuance of the Certificate of Occupancy, the property owner(s) or their representative(s) shall:
    a. Apply for a construction permit to pave NE Columbia Avenue the length of the frontage of tax lot 1600 (R#832300010) (from the intersection of NE Columbia Ave/East Larch Mountain). The construction permit must include engineered plans that meet Manual on Uniform Traffic Control Devices and be approved by Multnomah County Engineer. Any proposed crossing of Columbia Ave shall also be reviewed as part of this process and shall meet safety and traffic standards. [MCRR 6.000 and 11.000]
        i. As part of the construction permit, a site distance analysis must be conducted for the intersection of NE Columbia Avenue and East Larch Mountain Road to determine any additional mitigation to improve site distance and safety at this intersection of two county roads if it is found that sight distance standards are not met. [MCRR 4.100, 4.500]
        ii. Any alteration of storm water drainage to the existing discharge to Larch Mountain Road or Columbia Ave needs to be reviewed and permitted by the County prior to Certificate of Occupancy. [MCRR 26.000]
    b. Submit and obtain approval from Multnomah County Transportation Division for all encroachments impacting the Larch Mountain and Columbia Avenue right of ways. [MCRR 18.250]
7. Prior to issuance of Certificate of Occupancy and the commencement of business operations of the Wellness Retreat Facility, the property owner(s) or their representative(s) shall:
    a. Provide evidence in form of photos and schedule a site visit with Multnomah County Land Use Planning Division staff to show that all improvements related to the parking areas are completed. [MCC 38.4135]
8. Prior to and during construction, the property owner(s) or their representative(s) shall ensure that:
    a. Any development related manipulation of the site prior to issuance of a permit shall be corrected as recommended by the Geotechnical Report to ensure safety of the proposed development. [MCC 38.5515(F)]
    b. All work required by an approved Geotechnical Report shall be conducted in accordance with that Report and observed by a Certified Engineering Geologist or Geotechnical Engineer. [MCC 38.5515(F)]
    c. All Erosion and sediment control measures are installed. Erosion and sediment control measures shall be installed prior to any ground disturbance. During construction, erosion and sediment control measures shall be in proper working order. The property owner and project engineer shall monitor the erosion and sediment control measures to ensure the measures are in proper working order. Additional measures shall be immediately installed to remedy the problem if sediment is determined to be escaping the development area. [MCC 38.5520(A)(2)(a), MCC 38.5520(A)(2)(g), MCC 38.5520(A)(2)(h), MCC 38.5520(A)(2)(k), and MCC 38.5520(A)(2)(l)]

d. All disturbed soil areas are reseeded with grass seed as soon as possible once it is warm enough for the seed to germinate. Until there is permanent vegetative cover, disturbed soil area shall be mulched with straw to prevent sediment runoff. The applicant shall inspect the site after all large rain events to determine that the erosion control is working and that no sediment is leaving the property. If there is any evidence that the installed erosion control silt fencing is not properly working and sediment is leaving the property, the applicant shall immediately reinstall the silt fence to prevent any further sediment from leaving the property. [MCC 38.5520(A)(2)(a), MCC 38.5520(A)(2)(c), MCC 38.5520(A)(2)(d), MCC 38.5520(A)(2)(e), MCC 38.5520(A)(2)(f), MCC 38.5520(A)(2)(g) ,MCC 38.5520(A)(2)(k), MCC 38.5520(A)(2)(l),and MCC 38.5520(B)]

e. Spoil material or stockpiled topsoil associated with the development shall be prevented from eroding by installing protective plastic covering. [MCC 38.5520(A)(2)(l)]

f. Spoil material or stockpiled topsoil associated with the development shall be removed to an approved disposal site. [MCC 38.5520(A)(1) and MCC 38.5520(A)(2)(l)]

g. Non-erosion pollution associated with construction such as pesticides, fertilizers, petrochemicals, solid wastes, construction chemicals, or wastewaters are prevented from leaving the construction site through proper handling, disposal, continuous site monitoring, and clean-up activities. On-site disposal of construction debris is not authorized under this permit. This permit does not authorize dumping or disposal of hazardous or toxic materials, synthetics (i.e. tires, polyethylene, etc.), petroleum-based materials, or other solid wastes which may cause adverse leachates or other off-site water quality effects. [MCC 38.5520(A)(2)(m) and MCC 38.5520(B)]

h. Any sedimentation caused by development activities be removed from all neighboring surfaces and/or drainage systems. If any features within the adjacent public right-of-way are disturbed, the property owner shall be responsible for returning such features to their original condition or a condition of equal quality. [MCC 38.5520(B)]

i. If any Cultural Resources and/or Archaeological Resources are located or discovered on the property during this project, including but not limited to finding any evidence of historic campsites, old burial grounds, implements, or artifacts, the following procedures shall be implemented:

    i. Halt Construction – All construction activities within 100 feet of the discovered cultural resource shall cease. The cultural resources shall remain as found; further disturbance is prohibited.

    ii. Notification – The project applicant shall notify the County Planning Director and the Gorge Commission within 24 hours of the discovery. If the cultural resources are prehistoric or otherwise associated with Native Americans, the project applicant shall also notify the Native American tribal governments within 24 hours. Procedures required in MCC 38.7045(L) shall be followed.

    iii. Survey and Evaluation – The Gorge Commission will survey the cultural resources after obtaining written permission from the landowner and appropriate permits from Oregon State Historic Preservation Office (SHPO) (see ORS 358.905 to 358.955). It will gather enough information to evaluate the significance of the cultural resources. The survey and evaluation will be documented in a report that generally follows the standards in MCC 38.7045(C)(2) and MCC 38.7045(E).

iv. Mitigation Plan – Mitigation plans shall be prepared according to the information, consultation, and report standards of MCC 38.7045(J). Construction activities may recommence when the conditions in the mitigation plan have been executed. [MCC 38.7045(L)]

All survey and evaluation reports and mitigation plans for Condition 9.i shall be submitted to the Planning Director and the SHPO. Native American tribal governments shall also receive a copy of all reports and plans if the cultural resources are prehistoric or otherwise associated with Native Americans. [MCC 38.7045(M)]

j. 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):

i. Halt Activities – All survey, excavation, and construction activities shall cease. The human remains shall not be disturbed any further.

ii. Notification – Local law enforcement officials, the Multnomah County Planning Director, the Gorge Commission, and the Native American tribal governments shall be contacted immediately.

iii. Inspection – The State Medical Examiner shall inspect the remains at the project site and determine if they are prehistoric/historic or modern. Representatives from the Indian tribal governments shall have an opportunity to monitor the inspection.

iv. Jurisdiction – If the remains are modern, the appropriate law enforcement officials will assume jurisdiction and the cultural resource protection process may conclude.

v. Treatment – Prehistoric/historic remains of Native Americans shall generally be treated in accordance with the procedures set forth in Oregon Revised Statutes, Chapter 97.740 to 97.760.

- 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)]

9. As an on-going condition, the property owner(s) or their representative(s) shall:

a. Submit a progress report to the County once every five (5) years from the date the original approval was issued. On an interval of every five (5) years, a new progress report shall be submitted to the County. The progress report will document the progress made in implementing the "Protection and Enhancement Plan," the steps being carried out towards completing the scheduled actions specified in the Plan, and compliance with the specified conditions of approval of this authorization, starting at the date this decision becomes final. This progress report shall be submitted no later than five years from the date of this approval becoming final. Report submittal to the County shall be required until the implantation of all actions within the "Protection and Enhancement Plan" is complete and Land Use Planning has officially released the site from further reports. [MCC 38.7380(E)]

b. Have an ongoing operation and maintenance contract with a certified sewage disposal maintenance provider. [MCC 38.7955 and MCC 38.7990]

c. Maintain the tree density along the northern and western portions of subject property. The tree canopy will be maintained and if trees die or are removed they will be replaced on a one-to-one basis of a similar species or a coniferous species. The replaced trees shall be a minimum of 2-inch caliper size or greater and planted in the same general area as to provide screening from the Women's Forum State Park. [MCC 38.7035(A)(4), MCC 38.7035(B)(7), MCC 38.7035(B)(8), and MCC 38.7035(B)(17)]

d. Be 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)(7), MCC 38.7035(B)(8), and MCC 38.7035(B)(17)]

e. Notify all owners of land within 500 feet of the perimeter of the subject property and Multnomah County Land Use Planning Division. The notice shall be in writing and shall be mailed at least seven calendar days before each of the proposed educational lectures, seasonal dinners, and holiday party. The notice shall contain information relating to the event including, but not limited to, the date, time, hours of operation, and contact person for the event. [MCC 38.7300(B)(2) and MCC 38.7300(D)(2)]

f. Ensure that customers, employees, contractors, caterers, or delivery vehicles are not parked in the public right of way. [MCC 38.4130]

g. Ensure loading vehicles back into the loading space from the public right of way. At no time shall vehicle use for loading purposes back into the right-of-way of a public street. [MCC 38.4165]

h. Ensure that required parking spaces are available for the parking of vehicles of customers, occupants, and employees without charge or other consideration. [MCC 38.4125]

i. Ensure that no parking of trucks, equipment, materials, structures, or signs or the conducting of any business activity is permitted on any required parking space. [MCC 38.4125]

j. Ensure that all required loading spaces 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. [MCC 38.4125]

k. Ensure that all vehicles concerned with the transportation of goods or services that utilize the loading space back into the space. At no time shall such a vehicle back into the right-of-way of a public street. [MCC 38.4165(B)]

l. Not store or accumulate equipment, material, or goods in a loading space in a manner that would render such loading space temporarily or permanently incapable of immediate use for loading operations. [MCC 38.4125]

10. As an on-going condition, the special use in a historic building shall be limited as follows:

a. A total of 5 rooms for overnight accommodation and 10 overnight guests. [MCC 38.7380(C)(2)]

b. A maximum of 20 day visitors per day. [MCC 38.7380(C)(3) and MCC 38.7380(C)(6)]

c. A maximum of eight (8) educational lectures, six (6) seasonal dinners, and one (1) holiday party per calendar year. At any point that an educational lecture, seasonal dinner, or holiday party occurs, the Wellness Retreat Facility shall be closed to day visitors coming for a wellness appointment. [MCC 38.7380(C)(3)]

d. A maximum of 40 guests for any educational lecture or seasonal dinner. At any point that an educational lecture or seasonal dinner occurs, the Wellness Retreat Facility shall be closed to day visitors and the subject property will be limited to a maximum of 50 total visitors or guests on the subject property (e.g., the sum of 40 event guests and 10 overnight visitors). [MCC 38.7380(C)(3) and MCC 38.7380(C)(6)]

e. The holiday party can have a maximum of 75 people, which includes guests, staff, serving staff, or any contractors. At any point the holiday party occurs, the Wellness Retreat Facility shall be closed to day visitors and overnight guests and will be limited to a maximum of 75 people, which includes guest, staff, serving staff, or any contractors on the subject property. [MCC 38.7380(C)(3) and MCC 38.7380(C)(6)]

f. The hours of operation for the restaurant and visitation by day visitors are limited to 9:00 am to 6:00 pm, seven days per week. Educational lectures, seasonal dinners, and the holiday party will conclude by 10:00 pm. [MCC 38.7300(B)(2), MCC 38.7300(D)(2), and MCC 38.7380(G)]

g. For all outdoor uses associated with the overnight accommodation and commercial events, the hours of operation will be limited to 7:00 am to 7:00 pm or sunset, whichever is later. The outdoor use of the property may extend to as late as 10:00 pm between Memorial Day and Labor Day. [MCC 38.7300(B)(2), MCC 38.7300(D)(2), and MCC 38.7380(G)]

h. The use of sound amplification equipment outdoors is prohibited. All amplification must be contained within the historic building associated with the use. [MCC 38.7300(B)(2), MCC 38.7300(D)(2), and MCC 38.7380(F)(4)(c)]

i. All areas for the parking and maneuvering of vehicles shall be marked and such marking shall be continually maintained. [MCC 38.4180(C)]

Findings of Fact

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

1.0 Project Description:

Staff: The applicant is requesting to establish a single-family dwelling through the provisions listed in MCC 38.2025(A)(1) and a Retreat Facility through the Special Uses in Historic Buildings provisions listed in MCC 38.2030(A)(10) and associated MCC 38.7380. The Wellness Retreat Facility (View Point Inn and Wellness Center) will be located in the building formerly known as the View Point Inn. The View Point Inn building will contain a health spa for guests that include health monitoring, naturopathy, spa treatments, educational talks on healthy living, and excursions into the Gorge National Scenic Area. One of the current property owners, Dr. Heiner Fruehauf, has a professional background in Chinese medicine who specializes in the treatment and prevention of chronic, difficult, and recalcitrant diseases with Chinese herbs.

The Wellness Retreat Facility will be using the building that is referred to as the View Point Inn, which was damaged by fire in 2011. The applicant proposes to utilize this existing historic building to establish the Wellness Retreat Facility reestablish a restaurant for overnight guests and day visitors seeking treatment. The Wellness Retreat Facility will primarily be located within the basement and first floor of the historic building. The restaurant space will be located on the ground floor and on the second floor of the historic building; the five rooms traditionally associated with lodging at the View Point Inn would be utilized for the same purpose in this proposal. As part of the Wellness Retreat Facility, the applicant also proposes various commercial events. The commercial events will include a maximum of eight (8) educational lectures, six (6) seasonal dinners and one (1) Holiday Party per calendar year.

The View Point Inn building will also be expanded to create additional space. The newly expanded areas to the building will create additional spaces for treatment rooms, reception space, and spa treatment areas, in addition to a new single-family dwelling. To accomplish this addition and conversion of the building into a Wellness Retreat Facility and new single-family dwelling, the basement will be excavated and the attached garage will be converted and expanded to two stories. The total size of the expanded View Point Inn building will be 10,368 square feet of floor area, of which 896 square feet of floor area will be created as new spaces that will be excavated for the Wellness Retreat Facility and 689 square feet will be created for the single-family dwelling above the converted garage.

Figure 1 - Floor Areas

	Existing (Sq. Ft.)[1]	Proposed (Sq. Ft.)
View Point Inn and Wellness Retreat Facility		
Basement (Finished Area)	1,098	3,916
Basement (Crawlspace)	1,922	
Basement Total:	**3,020**	**3,916**
First Floor	3,237	3,912
Garage	834	

First Floor Total:	**4,071**	**3,912**
Second Floor Total:	**2,516**	**1,851**
Total Floor Area:	**9,7607**	**9,679**
Single-Family Dwelling		
Second Floor (Single-Family Dwelling)	N/A	689

[1]Based on measurements from Exhibit B.14

A separate historic accessory building ("shed") which was damaged in 2016 when a tree fell on it, will also be rebuilt for a spa room near the northeast corner of the property within the front and side yard setback. On the 0.20-acre (tax lot 1500) property to the east, the applicant is proposing to construct a 27-space parking lot to serve the proposed Wellness Retreat Facility.

To achieve the proposed development on the 1-acre (tax lot 1600) and 0.20-acre (tax lot 1500) properties, the applicant is requesting to consolidate lots 1 and 2 in Block 1 of the Thor's Heights Replat. Additionally, the applicant is requesting the following variances for encroachments into the yards:

Figure 2 – Yard Encroachments for tax lot 1600

	Yard Requirement	**Distance from Property Line**	**Encroachment**
Building containing View Point Inn and single-family dwelling			
Front (adjacent to NE Columbia Ave.)	40'	0'	40'
Street side (adjacent to E. Larch Mountain Road.)	30'	24'	6'
Accessory Building			
Front (adjacent to NE Columbia Ave.	40'	4'	36'
Side (north property line)	10'	5'	5'

Figure 3 – Yard Encroachments for tax lot 1500

	Yard Requirement	**Distance from Property Line**	**Encroachment**
Parking Lot Curb			
Front (adjacent to NE Columbia Ave.	40'	0'	40'
Street side (adjacent to E. Larch Mountain Road.)	30'	3'6"	26'6"

Rear (east property line)	30’	5’	25’
Side (north property line)	10’	3’6”	6’6”
North Trellis			
Front (adjacent to NE Columbia Ave.	40’	7”	39’3’’
Side (north property line)	10’	3’6”	6’6”
Middle Trellis			
Front (adjacent to NE Columbia Ave.	40’	7”	39’3’’
South Trellis			
Front (adjacent to NE Columbia Ave.	40’	7”	39’3’’
Street side (adjacent to E. Larch Mountain Road.)	30’	3’6”	26’6”

To reestablish the buildings, construct a new addition, and establish the new uses, a Conditional Use Permit, National Scenic Area Site Review, Variance, Hillside Development Permit, Replat, and a Road Rules Variance will be required to be approved.

2.0 Property Description & History:

Staff: The proposed Special Use in a Historic building (Special Uses) is proposed on a property that is on E. Larch Mountain Road within the Gorge General Forest (GGF-40) zoning district in the Columbia River Gorge National Scenic Area. Multnomah County Department of Assessment, Records, and Taxation indicates that HSF, LLC, a Limited Liability Company, owns that 1-acre (tax lot 1600) property, which contains the View Point Inn building and its attached garage, a pond/fountain, an on-site sewage disposal system, and a tree-damaged accessory structure “shed”. The Registered Agent for HSF, LCC is Sheron Fruehauf, one of the applicants. This property is Lot 1 and 2 of the Thor’s Heights Replat, and the current owner came into possession in 2016.

The applicant is also proposing to use an adjacent property to the east located across NE Columbia Ave for a parking lot to serve the Special Uses. The adjacent property also fronts onto E. Larch Mountain Road within the Gorge General Forest (GGF-40) zoning district. Heiner and Sheron Fruehauf own this second property directly, and the property is currently vacant but is graveled. This is Lot 2 of the Thor’s Heights Replat, and the current owner came into possession in 2016.

The View Point Inn building was first taxed in 1925 as shown from Multnomah County Department of Assessment, Records and Taxation (DART) records. The property has had an extensive permit history. Below are the land use and building permits that are on record for the subject properties:

Case Number	Year	Description
Permit No. 811575	1981	Foundation under and around porch
MC 283	1987	Replace existing walls of garage
NSA 23-97	1997	Non-profit educational facility for training people with disabilities
T2-02-009	2002	NSA permit request for a planning director's determination
T3-06-006	2006	Conditional use permit to establish historic use of an inn and restaurant, public viewing, interpretive displays, and gift shop. A variance request from the 50' R-O-W requirement in the GGF-40 zone district.
T2-07-014	2007	Expedited review request for exterior lighting for a parking lot in the GGA-40/GGF-40 zone district.
T3-2012-2421	2012	Application for revocation of case T3-06-006 per MCC 38.7380(E)(3).
BP-2013-2734	2013	Minor demo building permit - maintenance project for temporary stabilization plan approved by SHPO to remove burnt ends of roof rafters so a black tarp can be installed to protect the structure from weather and allow it to dry out.
T2-2013-2769	2013	NSA site review, existing structure rebuild due to fire, new use single-family dwelling, alteration of garage, shed and landscape and new pool.
BP-2013-2864	2013	DEQ LUCS for additional septic system
BP-2013-3064	2013	Building Permit for the View Point Inn

The most recent land use case, T2-2013-2769 and BP-2013-3064, authorized the structure to be used as a single-family dwelling after a fire occurred on July 10, 2011. However, due to the current state of the building, it does not appear that the work was done to repair the building and use the structure as authorized in T2-2013-2769 and BP-2013-3064.

In 2017, a compliance case, UR-2017-9720 was opened relating to work that was occurring in the building without County review. It was later found that work was continuing to occur after a Stop Work Order was posted, at which point zoning violation ZV-2017-9820 was opened. This violation (ZV-2017-9820) is currently unresolved. This unpermitted work reconstructed the roof and enclosed the building from the elements. The current property owners were cited for this unpermitted work on the building. This permit request, if approved, will work towards moving the property towards full compliance.

On December 14, 2018, a hearing was opened concerning this land use case (T3-2018-9967). The applicant requested continuance of the hearing to a date and time certain of March 18, 2019 at 9:00 AM to submit additional documents for Staff to review. Prior to the second Hearing, the applicant requested another continuance of the hearing to submit additional materials for Staff to consider. The second Hearing was further continued to a time-certain date of June 24, 2019. Prior to this Hearing, the applicant submitted significant revisions to their proposal and a new site plan and building plan in response to the Staff Report dated December 14, 2018 listed as Exhibit C.7.

The revised application is substantially changed and scaled back. The applicant is now proposing to limit the excavation to the basement and garage between the foundation walls. Additionally, the applicant requested review of a new single-family dwelling to be located above the converted garage space. The landscaping was also altered by removing stone benches on the View Point Inn building property and adding trellises on the western portions of the parking lot property.

Because of the significant changes to the application since Staff issued its original Staff Report in December, Staff prepared this new Staff Report to address the revised application. This new Staff Report incorporates findings from the prior Staff Report as appropriate, but also analyzes the new information provided, and therefore replaces what was previously issued.

3.0 Public Comment:

3.1 Comments from Chris Donnermeyer, United States Forest Service – Columbia River Gorge Scenic Area Heritage Resources Program Manager

Staff: Chris Donnermeyer submitted a Cultural Resource Survey Determination on February 13, 2018 stating that "A Cultural Resource Reconnaissance Survey is: Not required" and "A Historic Survey is: Required." The Historic Survey was required because, "the proposed project is classified as a large-scale use since it is a commercial development." (Exhibit B.8). A second Cultural Resource Survey Determination was submitted on March 7, 2018 providing additional comments regarding the Cultural Resource Reconnaissance Survey not being required (Exhibit B.9).

On March 29, 2018, a third letter was received discussing the National Register of Historic Places (NRHP). Chris Donnermeyer reviewed the Oregon SHPO Clearance Form, prepared by Jessica Engeman, Historic Preservation Specialist, Venerable Group, Inc. and concurred with the assessment of "No Adverse effect" for "all proposed repairs and rehabilitation, construction of the addition, and landscape work" (Exhibit B.12)

Findings in Section 8.0 address Cultural and Historic Resource Criteria**.**

3.2 Comments from Dennis Griffin, Ph.D., Register of Professional Archaeologist – State of Oregon Parks and Recreation Department State Historic Preservation Office State Archaeologist

Staff: Dennis Griffin, Ph.D., Register of Professional Archaeologists submitted a letter discussing the statewide archaeological database and whether there is a probability of the site possessing archaeological sites and/or buried human remains. The letter states, "The project area lies within an area generally perceived to have a high probability of possessing archaeological sites and/or buried human remains." (Exhibit B.10).

Findings in Section 8.0 address Historic Resource Criteria in regards to archaeological sites and/or buried human remains.

3.3 Jessica Gabriel, Historian, State of Oregon Parks and Recreation Department State Historic Preservation Office

Staff: Jessica Gabriel, Historian, submitted a letter concurring that the property maintains its eligibility for listing in the National Register of Historic Places and the finding of no adverse effect for the proposed project (Exhibit B.11).

Findings in Section 8.0 address Historic Resource Criteria.

3.4 Joy Sears, Restoration Specialist, State of Oregon Parks and Recreation Department State Historic Preservation Office

Staff: Joy Sears, Restoration Specialist, submitted three (3) letters and clarifying email further concurring that the property is still listed in the National Register of Historic Places and the finding of no adverse effect for the proposed project (Exhibit B.18, I.1, and I.16). The third letter contained an opinion that the shed referenced in the National Register nomination was incorrectly described. In the 1985 nomination the shed was described as 10' x 20', however based on the aerial photos provided by the applicant, SHPO considers the shed to match the current size as it exists today, which is closer to 13' x 31'.

Findings in Section 8.0 address Historic Resource Criteria.

3.5 Gary and Victoria Purvine, Residents of Corbett

Staff: Gary and Victoria Purvine submitted a letter in opposition to the proposed project. Their opposition was in regards to insufficient transportation infrastructure and law enforcement.

Findings in Section 7.0 and 12.0 address Transportation concerns and Exhibit A.18 addresses law enforcement concerns.

4.0 Code Compliance and Applications Criteria:

4.1 § 38.0560 CODE COMPLIANCE AND APPLICATIONS.

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

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

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

(2) It is necessary to protect public safety; or

(3) It is for work related to and within a valid easement over, on or under an affected property.

(B) For the purposes of this section, Public Safety means the actions authorized by the permit would cause abatement of conditions found to exist on the property that endanger the life, health, personal property, or safety of the residents or public. Examples of that situation include but are not limited to issuance of permits to

replace faulty electrical wiring; repair or install furnace equipment; roof repairs; replace or repair compromised utility infrastructure for water, sewer, fuel, or power; and actions necessary to stop earth slope failures.

Staff: In 2011, the building known as the View Point Inn was severely damaged by fire. The fire removed a large portion of the roof exposing the rafters/trusses to the elements. A land use decision was issued to repair the building in 2013, the decision was not implemented in a timely fashion, and it expired. In 2017, the current property owners made unpermitted improvements to the roof structure. The County opened a compliance case, UR-2017-9720 relating to the unpermitted work that occurred in and on the exterior of the building without County review. It was later found that work was continuing to occur after a Stop Work Order was posted. At that time, a zoning violation case, ZV-2017-9820, was opened. The applicant seeks to resolve this compliance case and zoning violation through the submittal of this application. This permit request if approved and implemented completely will bring the property into full compliance with the County's zoning code consistent with the authority provided within MCC 38.0560(A)(1)

5.0 Existing Uses and Discontinued Uses Criteria:

5.1 § 38.0030 EXISTING USES AND DISCONTINUED USES

(E) Discontinuance of Existing Uses and Structures: Except as provided in (C) and (C)(6) above, any use or structure that is discontinued for one (1) year or more shall not be considered an existing use or structure. Proof of intent to abandon is not required to determine that an existing use or use of an existing structure has been discontinued.

(1) Multiple Uses: An existing use or structure with more than one legally established use may discontinue one of the uses without discontinuing the others.

(2) Change in Use: An existing use or structure shall become discontinued if the use or use of the structure changes.

(F) Discontinued Uses and Structures: Re-establishment or replacement of any use or structure that has been discontinued shall be subject to all applicable policies and guidelines in the Management Plan, including, but not limited to, guidelines for land use designations and scenic, cultural, recreation and natural resources.

Staff: The View Point Inn building was damaged by fire on July 10, 2011. Subsequently, land use case T3-2012-2421 revoked the prior special use in the historic building and use of the nearby property as a parking lot. An application was then submitted on March 5, 2013 as land use case, T2-2013-2769 to establish a single-family dwelling in the damaged building and to convert the accessory building into a pool house. The land use case and building permit, BP-2013-3064 authorized the damaged building to be converted into a single-family dwelling and other modifications to accessory structures on the property.

The County has no record that work was done to repair the building or use the structures as authorized in T2-2013-2769 and BP-2013-3064. A single-family dwelling was never established in the View Point Inn building or the accessory building. No documentation was provided showing that the buildings associated with the View Point Inn were occupied or are currently being used with a lawful use. As required by MCC 38.0030(E), any use or structure that is discontinued for one (1) year or more shall not be considered an existing use or structure. Due to the use and structures being discontinued, MCC 38.0030(F) requires that the application

to reestablish any use or structure that has been discontinued to be subject to all applicable policies and guidelines in the Management Plan, including, but not limited to, guidelines for land use designations and scenic, cultural, recreation and natural resources. Those policies, guidelines, and Multnomah County Code requirements are discussed below in this report.

6.0 Gorge General Forestry District – GGF Criteria

6.1 § 38.2025 REVIEW USES

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

(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.

Staff: The applicant is proposing to establish a single-family dwelling above the garage attached to the View Point Inn building. The subject property is zoned as Gorge General Forest (GGF-40), which allows the establishment of a single-family dwelling on a legally created parcel upon enrollment in the State's forest assessment program. However, upon a showing that a parcel cannot qualify, a single-family dwelling can still be established on the parcel.

The View Point Inn building property is a legally created parcel. The property is comprised of Lot 1 and 2 of Block 1 of Thor's Heights Replat. As defined in part in MCC 38.0015, a parcel is:

> **Any unit of land legally created by a short division, partition, or subdivision, that was legally recognized under all state laws and local ordinances in effect on November 17, 1986.**

Lot 1 and 2 of Block 1 of Thor's Heights Replat were originally subdivided on December 2, 1913 and replatted on November 3, 1917. Additionally, as part of this application the applicant is proposing to consolidate the two lots into one lot, which is discussed in Section 12.

The applicant has also provided documentation about enrollment in the state's forest assessment program. According to the Timber Tax Program under the Oregon Department of Revenue, to qualify for enrollment in the state's forest assessment program, the area to be designated must be at least two contiguous acres with the same ownership (Exhibit I.4). Together, the subject properties are 1.2 acres and therefore cannot qualify. Therefore, the parcel is entitled to one single-family dwelling, even though it is not enrolled in the state's forest assessment program.

As discussed below, the location of the proposed single-family dwelling will need to comply with MCC 38.7305 and MCC 38.7315. Those standards relate to fire protection in forest zones and the siting of dwellings on forestland. Those standards are discussed in 7.0.

Lastly, a condition will be required that 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. *As conditioned, this criterion is met.*

> **(4) Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation, and/or natural resources, subject to MCC 38.7345. These projects may include new structures (e.g. fish ladders, sediment barriers) and/or activities (e.g. closing and revegetating unused roads, recontouring abandoned quarries).**

Staff: The applicant discusses in their narrative that the proposed project qualifies as a resource enhancement project as provided above because the View Point Inn is an historic building that therefore is a cultural resource. In MCC 38.0015, cultural resource, recreation resource, and natural resource are defined as follows:

> **Cultural resource: "Evidence of human occupation or activity that is important in the history, architecture, archaeology or culture of a community or region. Cultural resources include, but are not limited to:**
> **(a) Archaeological resources**
> **1. Physical evidence or ruins of human occupation or activity at least 50 years old located on or below the surface of the ground.**
> **2. Archaeological resources include, but are not limited to, the remains of houses, villages, camp and fishing sites and cave shelters; rock art such as petroglyphs and pictographs; artifacts such as arrowheads, utensils, tools, fragments of tools and utensils, obsidian flakes, or other material by-products from tool and utensil making activities; and graves, human remains and associated artifacts.**
> **(b) Historic buildings and structures**
> **1. Standing or aboveground buildings and structures that are at least 50 years old.**
> **2. Historic buildings and structures include, but are not limited to, log cabins, barns, canals, flumes, pipelines, highways and tunnels.**
> **(c) Traditional cultural properties**
> **1. Locations, buildings, structures, or objects associated with the cultural beliefs, customs or practices of a living community; rooted in and important for maintaining the continued cultural identity of that community.**
> **2. Traditional cultural properties include, but are not limited to, locations or structures associated with the traditional beliefs of a Native American group regarding its origins or cultural history; a location where a Native American group has traditionally carried out artistic or other cultural practices important in maintaining its historical identity; or, a location where Native American religious practitioners have historically gone, and continue to go, to perform ceremonial activities. Objects may include**

petroglyphs, pictographs, rock cairns or other rock structures, trees and rock outcrops

Natural resources: "Naturally occurring features such as land, water, air, plants, animals, including fish, plant and animal habitat, and scenery."

Recreation resources: "Areas and facilities that provide recreation opportunities and experiences. Recreation resources include semi-primitive areas with few facilities and developed sites."

There is no definition of scenic resources in MCC 38.0015. Within MCC 38.0015, definitions are also provided for what enhancement entails for natural resources:

Enhancement (natural resource): "A human activity that increases one or more functions of an existing wetland, stream, lake, riparian area, or other sensitive area. Enhancement is generally limited to a wetland, stream, lake, riparian, or other sensitive area that is degraded. Enhancement of an area currently in good or excellent condition may reduce biological diversity and eliminate other natural functions; therefore, and may not be desirable."

There is no definition for what qualifies as enhancement for scenic, cultural, or recreation resources. Instead as stated in the above standard, a listing of projects that may be undertaken is described as, "New structures (e.g. fish ladders, sediment barriers) and/or activities (e.g. closing and revegetating unused roads, recontouring abandoned quarries)." While the examples are not exhaustive, the examples provide the intent of what projects and activities should be undertaken to support the resource enhancement projects. The structures and activities are focused on natural resource enhancement projects or the returning of land to mimic functions that are more natural. These types of natural resource activities, like creating fish ladders, or revegetating unused roads, can enhance natural resources on property with a cultural use.

Although historic buildings and structures are considered as cultural resources, the uses sought by the applicant, retreat facilities, restaurant, overnight lodging, and commercial events not listed as resource enhancement activities. Therefore, staff does not believe that the use as proposed can be established under these provisions. *This criterion is not applicable.*

(22) Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building.

Staff: In order to utilize this provision, the addition must be to an existing building. The applicant has applied for a Conditional Use permit proposing to use a building as a Wellness Retreat Facility. The Wellness Retreat Facility will be located in the historic building that was previously known as the View Point Inn. As discussed in Section 5.0, the use and structure was discontinued; therefore, the building is not considered as existing. In order to utilize this provision, the addition to the building must be to an existing building. *This criterion is not applicable.*

(25) Consolidation of Parcels and Lots pursuant to MCC 38.7794 and Replatting of Partition and Subdivision Plats pursuant to MCC 38.7797.

Staff: The View Point Inn building is located on the subdivision line of Lot 1 and 2 of Block 1 of Thor's Heights Replat. If the conditional use is authorized as proposed, the building cannot be located on a property line. Therefore, the applicant is proposing to consolidate Lot 1 and 2 into a single parcel. To authorize the consolidation, the applicant has submitted a request to replat the subdivision lots, which is discussed in Section 12.0.

6.2 § 38.2030 CONDITIONAL USES

(A) The following conditional uses may be allowed on lands designated GGF, pursuant to the provisions of MCC 38.0045 and 38.7300:

(6) Expansion of existing non-profit group camps, retreat or conference center.

Staff: To meet this criterion, applicant would have to show there was an existing group camp, retreat or conference center run by a non-profit. As discussed in Section 5.0, there is no existing use on the property because prior uses were revoked or discontinued. In addition, the applicant has stated that the proposed Wellness Retreat Facility is not a non-profit. The property owner HSF, LLC, a Limited Liability Company is not registered as a non-profit (Exhibit B.4). *This criterion is not applicable.*

(10) Special uses in historic buildings, subject to MCC 38.7380.

Staff: The applicant has applied for a Conditional Use permit for the proposal as previously described. As was stated previously, all uses and structures on the property have been discontinued. Therefore, the applicant is required to meet all applicable policies and guidelines in the Management Plan, including, but not limited to, guidelines for land use designations and scenic, cultural, recreation and natural resources.

To establish this use, it must be determined that the building is defined as a historic building and is subject to MCC 38.7300, MCC 38.7380, and the criteria found in this report. These criteria are discussed in Section 7.4.

6.3 § 38.2060 DIMENSIONAL REQUIREMENTS

(A) Except as provided in subsections MCC 38.2030 (A) (3) and (4), the minimum lot size shall be according to the short-title zone district designation on the Zoning Map, as follows:

GGF-20	**20 acres**
GGF-40	**40 acres**
GGF-80	**80 acres**
GSF-40	**Not Applicable**

(B) That portion of a street which would accrue to an adjacent lot if the street were vacated shall be included in calculating the area of such lot.

Staff: This application does not propose the creation of a lot. The application does propose a replat of subdivision lot 1 and 2 of block 1 of Thor's Heights Replat; these requirements do not apply. *These criteria are not applicable.*

(C) Minimum Yard Dimensions - Feet

Front	Side	Street Side	Rear
30	10	30	30

Maximum Structure Height – 35 feet
Minimum Front Lot Line Length – 50 feet.

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

Staff: A yard is the open, unobstructed space between a building or structure and the property line. The minimum yard requirements must be increased when the yard abuts a street that has insufficient right-of-way to serve the area. As required in Table 2 of MCC 29.571, the County requires 50 feet of right of way along local access roads that are not maintained by the County, but are accessible to the public.

The subject properties are bisected by Columbia Avenue, a local access road, *i.e.*, a local access road abuts the front yard of both properties. As shown on Multnomah County Department of Assessment, Records and Taxation maps and the survey provided by the applicant, the right-of-way for NE Columbia Avenue is currently 30 feet wide, which is less than the required 50 feet and therefore is insufficient (Exhibit B.3 and A.9). As required by MCC 38.2060(D), the Front Yard requirement shall be increased. As the right-of-way is currently 30 feet wide and the minimum requirement is 50 feet, the front yard will be increased to 40 feet along both properties in order to allow for future expansion of the right-of-way for NE Columbia Avenue.

The applicant is also proposing to consolidate subdivision lots 1 and 2 of block 1 of Thor's Heights Replat by replatting (consolidating) the lots into one parcel. After consolidation of the lots into one parcel, which is discussed in Section 12.0, the buildings and structures on the newly consolidated parcel, as measured on the site plan are as follows:

Figure 4– Yard dimensions and encroachments for tax lot 1600

	Yard Requirement	Distance from building/structure to Property Line	Encroachment
View Point Inn building with single-family dwelling above garage			
Front (adjacent to NE Columbia Ave.)	40'	0'	40'
Street side (adjacent to E. Larch Mountain Road.)	30'	24'	6'
Rear (west property line)	30'	127'	0'
Side (north property line)	10'	68'	0'
Accessory Building (Shed)			

Front (adjacent to NE Columbia Ave.	40’	4’	36’
Street side (adjacent to E. Larch Mountain Road.)	30’	170’	0’
Rear (east property line)	30’	150’	0’
Side (north property line)	10’	5’	5’

Based on the measurements, the View Point Inn building has an insufficient front yard and street side yard. The accessory building has an insufficient front yard and side (north) yard.

Property 2 is currently vacant of structures, but is graveled. The proposed parking plan indicates that a 4” tall parking curb will be constructed around the entirety of the property except those areas for vehicles to enter and leave the property. Additionally three trellis structures are proposed to be constructed adjacent to the front property line. As proposed, the curb and trellises will encroach into the yard as follows:

Figure 5 – Yard dimensions and encroachments for tax lot 1500

Yard	Yard Requirement	Distance from building/structure to Property Line	Encroachment
Curb			
Front (adjacent to NE Columbia Ave.	40’	0’	40’
Street side (adjacent to E. Larch Mountain Road.)	30’	3’6”	26’6”
Rear (east property line)	30’	5’	25’
Side (north property line)	10’	3’6”	6’6”
Trellis (north trellis)			
Front (adjacent to NE Columbia Ave.	40’	7”	39’3”
Street side (adjacent to E. Larch Mountain Road.)	30’	74’8”	0’
Rear (east property line)	30’	94’	0’
Side (north property line)	10’	3’6”	6’6”
Trellis (middle trellis)			
Front (adjacent to NE Columbia Ave.	40’	7”	39’3”
Street side (adjacent to E. Larch Mountain Road.)	30’	39’	0’
Rear (east property line)	30’	94’	0’
Side (north property line)	10’	38’2”	0
Trellis (south trellis)			
Front (adjacent to NE Columbia Ave.	40’	7”	39’3”
Street side (adjacent to E. Larch Mountain Road.)	30’	3’6”	26’6”
Rear (east property line)	30’	94’	0’

Side (north property line)	10’	74’10”	0’

The View Point Inn building, accessory building, and parking accessory structures have multiple encroachments into the required yards. The applicant is requesting multiple variances to accommodate the View Point Inn building, accessory building, and new parking lot. The Variance requirements and findings are discussed in Section 11.0.

If all requested variances to the Minimum Yard Dimensions within MCC 38.2060 are granted, the yard requirements will be met. If all requested variances are not granted, the proposed improvements will fail to meet the Minimum Yard Dimensions as proposed.

(E) Structures such as barns, silos, windmills, antennae, chimneys, or similar structures may exceed the height requirement if located at least 30 feet from any property line.

Staff: The applicant is not proposing any structures such as barns, silos, windmills, antennae, chimneys, or similar structures. Therefore, these requirements are not applicable. *This criterion is not applicable.*

6.4 § 38.2085 OFF-STREET PARKING AND LOADING

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

Staff: The proposed uses within a historic building will be required to meet off-street parking and loading requirements in MCC 38.4100 through MCC 38.4215. Those approval criteria are discussed in Section 9.0.

6.5 § 38.2090 ACCESS

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

Staff: The proposed special uses in a historic building are located on lots that abut E. Larch Mountain Road and NE Columbia Ave., which are both public streets. *This criterion is met.*

7.0 Special Uses – Approval Criteria and Submittal Requirements Criteria

7.1 § 38.7300- REVIEW AND CONDITIONAL USES

7.1.1 (B) Forestry

7.1.1.1 (1) The owners of land designated GGF or GGA within 500 feet of the perimeter of the subject parcel have been notified of the land use application and have been given at least 10 days to comment prior to a final decision;

Staff: A Hearing Notice as required in MCC 38.0530 was sent on November 15, 2018. The Notice was sent 29 days prior to the date of the Hearing. A second Hearing Notice was sent on

June 4, 2019. The second notice was sent 20 days prior to the date of the continuance Hearing. *This criterion is met.*

7.1.1.2 (2) The use will not interfere seriously with accepted forest or agricultural practices on nearby lands devoted to resource use;

Staff: The subject properties are adjacent to lands zoned, Gorge Special Forestry (GSF) and Gorge Special Agriculture (GSA). Based on an aerial photo from 2017, it does not appear that the properties zoned GSF are actively being managed for forest practices (Exhibit B.13). A majority of the GSF zoned properties are owned by the United States Forest Service and has direct access to E. Larch Mountain Road. Immediately to the north and west, there are similar sized parcels in the Thor Heights and Thor Heights Replat. Those are in private ownership with property sizes ranging from 13,939 square feet to 2.66 acres (multiple small lots). The land use pattern for those properties is predominately single-family homes.

The properties to the south along NE Salzman Road and east along E. Larch Mountain Road are zoned Gorge Special Agriculture (GSA). Those properties are a mixture of single-family dwellings and agricultural fields. The aerial photo appears to indicate that farming practices are occurring on a few of the properties along NE Salzman Road.

It is not expected that the proposed single-family dwelling will interfere seriously with accepted forest or agricultural practices on nearby lands. Based on an aerial photo from 2017, many of the properties surrounding the subject properties do not appear to be actively managed for forest practices or farming practices (Exhibit B.13). For the properties in private ownership, the land use pattern is predominately single-family homes.

The applicant has provided a narrative and Operational Plan for the Wellness Retreat Facility. The narrative and plan describe how the proposed special use in historic buildings will not interfere with accepted forest or agricultural practices (Exhibit I.3 and I.5). The applicant's proposal will have overnight guests, day visitors, and events throughout the year. The Operational Plan identifies that there will be a maximum of 10 overnight guests and a maximum of 20 day visitors per day. The hours of operation for visits by day visitors or the restaurant will be from 9:00 am to 6:00 pm. In addition, the Operational Plan also identified various commercial events: up to 8 educational lectures and 6 seasonal dinners per calendar year, that will each have a maximum of 40 guests and 1 Holiday Party per calendar year that will have a maximum of 75 guests, inclusive of staff and caters. Those commercial events will conclude by 10:00 pm. Any outdoor activities associated with those commercial events will conclude by 7 pm or sunset, whichever is later. For events between Memorial Day and Labor Day, those outdoor events will conclude by 10 pm.

The increase of individuals visiting the site for the Wellness Retreat Facility and single-family dwelling could potentially generate impacts that could seriously interfere with agricultural practices. These impacts include creating congestion along E. Larch Mountain Road due to the residential occupation of the single-family dwelling and an increase in visitation by Wellness Retreat Facility visitors, guests, and employees. While on the subject property, Wellness Retreat Facility visitors and guests as well as residents living on the property could interfere with agricultural practices due to complaints of dust and pesticide application by farmers. To mitigate potential complaints that will interfere with accepted agricultural practices, conditions of approval will be required.

Mitigation strategies will require conditions that will limit and change the scope of what will be allowed by the Special Use. As discussed later in this report, MCC 38.7380(D) requires all special uses in historic buildings to abide by the following requirements. These requirements will modify the Operational Plan as follows:

- The owner of the subject property shall notify all owners of land within 500 feet of the perimeter of the subject property for all commercial events (Educational Lectures, Seasonal Dinners, and Holiday Party) at least seven days in advance.
- Outdoor use of the property by guests for overnight accommodation, educational lectures, seasonal dinners, and the Holiday party shall be limited to the hours of 7:00 am to 7:00 pm or sunset, whichever is later, except that between Memorial Day and Labor Day afternoon activities may extend to as late as 10:00 pm.
- The use of outdoor amplification of sound is prohibited at all times.

By requiring the above changes to the Operations Plan, the outdoor use of the property and events will be limited to mitigate impacts to farming and forest practices. The notification will also allow neighbors to prepare for potential additional traffic along E. Larch Mountain Road. In addition, the cap on the number of day visitors, overnight guests, and those attending commercial events will help limit traffic impacts. These measures will limit the impact of visitors to the site because the outdoor events will be limited in scope and duration and the other uses proposed will occur indoors.

Lastly, the property owner shall sign and record in the deed records for the county a declaration signed by the landowner 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. *As conditioned, this criterion is met.*

7.1.1.3 (3) The use will be sited in such a way as to minimize the loss of forest or agricultural land and to minimize the chance of interference with accepted forest or agricultural practices on nearby lands; and

Staff: The View Point Inn building has been on the property since 1924 and the building will not be relocated to another area on the property. The property is not currently being utilized for production of crops, livestock, or forest products because of the size and historical usage of the property. The subject property is 1.21 acres when you include both the View Point Inn building property and the parking lot property. The property is quite small compared to the surrounding properties to the south and west. Immediately to the north and west, there are similar sized parcels in the Thor Heights and Thor Heights Replat. Those in private ownership have property sizes ranging from 13,939 square feet to 2.66 acres (multiple small lots).

The previous finding describes the limited forest and agricultural practices occurring on nearby lands. To mitigate the chance of interference with those practices, a condition of approval has been recommended that the property owner shall sign and record in the deed records for the county, a declaration specifying that the landowner, and the landowner's successors, heirs and assigns 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. That measure, along with the measures described in the previous finding, will limit the impact of

visitors to the site – and in turn, minimize the chance of interference with nearby forest and agricultural practices – because the outdoor events will be limited in scope and duration and the other uses proposed will occur indoors with a limited number of guests and attendees. *As conditioned, this criterion is met.*

7.1.1.4 (4) The use will not significantly increase fire hazard, fire suppression costs or risks to fire suppression personnel and will comply with MCC 38.0085.

Staff: The applicant has included a Fire Service Agency Review form completed by Corbett Rural Fire District #14 (Exhibit A.16). The Corbett Rural Fire District #14 stated that the proposed use is adequately serviced thereby not increasing the fire hazard, fire suppression cost, or risk to fire suppression personnel. Additionally, the standard above references MCC 38.0085, which was renumbered to MCC 38.7305 in Ordinance 1064 (2005). Although this cross-reference was not updated at that time, the intent was for this section to refer to renumbered MCC 38.7305. The criteria in MCC 38.7305 are discussed below in Section 7.2. *This criterion is met.*

7.1.2 (C) Residential

7.1.2.1 (1) The proposed use would be compatible with the surrounding area. Review of compatibility shall include impacts associated with the visual character of the area, traffic generation, effects of noise, dust and odors.

Staff: As discussed previously, the residential use and the commercial use are potentially compatible with the surrounding area. The subject properties are adjacent to lands zoned Gorge Special Forestry (GSF) and Gorge Special Agriculture (GSA). Immediately to the north and west, there are similar sized parcels in the Thor Heights and Thor Heights Replat. The land use pattern for those properties is predominately single-family homes. The properties to the south along NE Salzman Road and east along E. Larch Mountain Road are zoned Gorge Special Agriculture (GSA). Those properties are a mixture of single-family dwellings and agricultural fields.

As designed, the commercial use and the residential use will be located within the same building. The View Point Inn building has been on the property since 1924 and has been long established as part of the visual landscape of the area. Additional findings in Section 8.3 discuss National Scenic Area Site Review requirements that relate to the visual character of the area in relation to the proposed use. As discussed in that section, portions of the building will be painted and designed to match the historical design and exterior color as was described in the building's nomination for the National Register. The new single-family dwelling portion of the building will meet visual subordinance requirements ensuring that it is compatible with the surrounding area.

Additionally, both uses will result in an increase of individuals visiting the site creating congestion along E. Larch Mountain Road. As discussed previously, the applicant has provided an Operational Plan for the Wellness Retreat Facility. The plan will limit the operational hours, amount of visitation, and total amount of events permitted for the commercial use. A condition will also require that the property owner notify surrounding neighbors about events, and prohibits the use of sound amplification equipment outdoors. These limitations and conditions of approval will ensure that the propose uses will be compatible with the surrounding area. *This criterion is met.*

7.1.2.2 (2) The proposed use will not require public services other than those existing or approved for the area.

Staff: Public services are those services provided by the County or another collectively funded entity for the benefit of the community, such as fire protection, police protection, and water services. The applicant has included a Fire Service Agency Review form completed by Rural Fire District #14, Police/Sheriff Services Review from Multnomah County Sheriff, and Certification of Water Service from the Corbett Water District. (Exhibit A.16, A.17, and A.18) Each of those agencies state that the proposed use can be adequately serviced.

More specifically, the Corbett Rural Fire District #14 reviewed the proposed use and building alterations to ensure compliance with Oregon Fire Code. The Fire Service Review Form found that the proposed development complies with the fire apparatus access standards of the Oregon Fire Code standards and the minimum fire flow and flow duration is available. The Sheriff and the Corbett Water District also found that there is adequate service for the proposed use. *This criterion is met.*

7.1.3.3 (3) If the subject parcel is located within 500 feet of lands designated GGA or GGF, new buildings associated with the proposed use shall comply with MCC 38.0060.

Staff: The subject parcel is located within 500 feet of lands designated GGA and GGF. As required by MCC 38.0060, all buildings will need to meet agricultural buffers, if agricultural uses are being conducted on adjacent properties. The properties to the south are zoned Gorge Special Agriculture (GSA) and some of the properties contain agricultural fields. The aerial photo appears to indicate that the land is being used for pasture and grazing farming practices. (Exhibit B.13). As required, an agricultural buffer of 15 feet to 100 feet is required. As designed, the new single-family dwelling located above the converted garage is located more than 100 feet from the properties to the south. By locating the proposed single-family dwelling in this location, the new building complies with MCC 38.0060. *This criterion is met.*

7.1.3.4 (4) If the subject parcel is located within 500 feet of lands designated GGF, new buildings associated with the proposed use shall comply with MCC 38.7305.

Staff: The subject parcel is located within 500 feet of lands designated GGF. The requirements of MCC 38.7305 are discussed in Section 7.2.

7.1.3 (D) Commercial

7.1.3.1 (1) The proposal is limited to 5,000 square feet of floor area per building or use; and

Staff: The proposed special use in a historic building is a commercial use that will be located in two buildings on tax lot 1600. The main building that was once the View Point Inn and its attached garage has a floor area of approximately 9,607 square feet, which exceeds the 5,000 square foot limit to commercial uses listed above (Exhibit B.14). The applicant is proposing to increase the floor area of the building for the proposed commercial use to 9,679 square feet (Exhibit I.8 – A2.1 through A2.3).

Figure 6 - Floor Areas

	Existing (Sq. Ft.)[1]	Proposed (Sq. Ft.)
View Point Inn and Wellness Retreat Facility		
Basement (Finished Area)	1,098	3,916
Basement (Crawlspace)	1,922	
Basement Total:	**3,020**	**3,916**
First Floor	3,237	3,912
Garage	834	
First Floor Total:	**4,071**	**3,912**
Second Floor Total:	**2,516**	**1,851**
Total Floor Area:	**9,607**	**9,679**

[1]Based on measurements from Exhibit B.14

To be able to exceed the 5,000 square foot limit for commercial uses listed above7, the applicant is proposing to utilize the provisions within MCC 38.7380 that authorize the establishment of special uses in historic buildings. As explained below, the County previously approved expanded commercial use of the building under that provision.

The proposed Wellness Retreat Facility activities include lodging, restaurant facilities, and commercial events. To authorize these uses under MCC 38.7380, the building must either be eligible for or on the National Register of Historic Places as discussed in Section 7.4.1. The building is currently listed on the National Register of Historic Places (Exhibit A.23, I.1). Built in 1924, the footprint of the building remains mostly unchanged. The View Point Inn building was in operation until 1962 offering overnight accommodation, selling of food and beverage, and hosting commercial events (Exhibit A.23). After closing, the building served primarily as a residence (Exhibit A.42). Then in 2006, an application was submitted to authorize the special uses in historic buildings. The permit requested to establish the following uses within the 6,139 square foot historic building: interpretive displays, a restaurant, a small inn, and a parking lot on tax lot 1500. The land use case T3-06-006 was approved with conditions on November 9, 2006 (Exhibit B.15).

The building and use were previously approved under land use case T3-06-006 to be able to exceed the 5,000 square foot limit established by this criterion. Staff believes that MCC 38.7380 takes precedence over this criterion limiting the commercial use of the historic building to 5,000 square feet because this standard is more specific. The authorization of the historic building and the unique nature of the building's status on the National Register indicate that these special uses are allowed in the entirety of the building (9,607 square feet).

The second building proposed to be used is an accessory building (shed) located north of the main building. As part of the Nomination in 1985 for listing on the National Register of Historic Places, this building was found to not be contributing to the historic significance of the View Point Inn building (Exhibit A.23). The accessory building was formerly a storage shed and will be converted into a spa room. In the last approved site plan in 2006, the accessory building was measured at 31' x 13' or 403 square feet (Exhibit B.14). The proposed structure will be rebuilt to floor area of 372 square feet and will contain a spa room with sink and shower (Exhibit I.8 - A3.5). The accessory building is less than 5,000 square feet. This spa room is not

a separate business, but part of the Wellness Retreat Facility. The use of this building would add 372 square feet of floor area to the proposed use.

Based upon the restrictions of 5,000 square feet for a commercial building or use and the fact that the proposed use is commercial, staff recommends that the hearings officer limit the square footage of commercial activity to the floor area within the historic building as it existed on January 1, 2006.

7.1.3.2 (2) The proposed use would be compatible with the surrounding areas including review for impacts associated with the visual character of the area, traffic generation and the effects of noise, dust and odors.

Staff: As discussed earlier in this report, the subject properties are adjacent to lands zoned Gorge Special Forest (GSF) and Gorge Special Agriculture (GSA). Based on an aerial photo from 2017, it does not appear that the properties zoned GSF are actively being managed for forest practices (Exhibit B.13). A majority of those GSF zoned properties are owned by the United States Forest Service or Oregon Department of Transportation. Those properties not owned by the United States Forest Service and Oregon Department of Transportation that are located in the Thor's Height Replat are privately owned and between 0.20 acres and 3.2 acres. The land use pattern for those properties is predominately single-family homes. Planning staff has not reviewed historic permits issued on surrounding properties to verify that trees cannot be harvested pursuant to land use conditions. It is possible that selective harvesting could occur on these private lands.

The properties to the south along NE Salzman Road and east along E. Larch Mountain Road are zoned Gorge Special Agriculture (GSA). Those properties are a mixture of single-family dwellings and agricultural fields. The aerial photo appears to indicate that farming practices are occurring on a few of the properties along NE Salzman Road (Exhibit B.13).

As provided by the applicant, an Operations Plan ensures that the use will not interfere with accepted forest or agricultural practices. The applicant's proposal will have overnight guests, day visitors, and events throughout the year. The Operational Plan identifies that there will be a maximum of 10 overnight guests and a maximum of 20 day visitors per day. The hours of operation for visits by day visitors or the restaurant will be from 9:00 am to 6:00 pm. In addition, the Operational Plan also identified commercial events for each calendar year of up to 8 educational lectures and 6 seasonal dinners that will each have a maximum of 40 guests, and 1 Holiday Party that will have a maximum of 75 people including guests, staff, and caterers. Events are proposed to conclude by 10:00 pm during the summer season and 7 pm or sunset, whichever is later, the remaining days of the year (Exhibit I.5). The increase of individuals visiting the site has the potential to generate impacts that could seriously interfere with agricultural practices including creating congestion along E. Larch Mountain Road and complaints by guests of dust and pesticide application by farmers.

To mitigate potential complaints from visitors and guest that will interfere with accepted agricultural practices, conditions of approval will be required. As previously discussed in this report, all special uses in historic buildings are required to abide by the following requirements. These requirements will modify the Operational Plan as follows:

- The owner of the subject property shall notify all owners of land within 500 feet of the perimeter of the subject property for all special events (Educational Lectures, Seasonal Dinners, and Holiday Party) at least seven days in advance.
- Outdoor use of the property by guests for overnight accommodation, educational lectures, special events, and the Holiday party shall be limited to the hours of 7:00 am to 7:00 pm or sunset, whichever is later, except that between Memorial Day and Labor Day afternoon activities may extend to as late as 10:00 pm.
- The use of outdoor amplification of sound is prohibited at all times.

Additionally, the property owner shall sign and record in the deed records for the county a declaration 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. .

These measures will limit the impact of visitors to the site because the outdoor events will be limited in scope and duration and the other uses proposed will occur indoors. In addition, the number of guests and visitors is limited. *As conditioned, this criterion is met.*

7.2 § 38.7305 FIRE PROTECTION IN FOREST ZONES

7.2.1 (A) All buildings shall be surrounded by a maintained fuel break of 50 feet. Hazardous fuels shall be removed within the fuel break area. Irrigated or fire resistant vegetation may be planted within the fuel break. This could include green lawns and low shrubs (less than 24 inches in height). Trees should be spaced greater than 15 feet between the crowns and pruned to remove dead and low (less than 8 feet) branches. Accumulated leaves, needles, and other dead vegetation shall be removed from beneath trees.

Staff: The applicant is proposing to establish a new single-family dwelling in the GGF zone. As required by MCC 38.2025(A) and MCC 38.7305(A), a new single-family dwelling is required to be surrounded by a maintained fuel break of 50 feet. The applicant is requesting a variance to the fuel break. Those findings are discussed in Section 11.0. For the areas surrounding the building outside of the variance request, a condition of approval will be required that those areas be maintained as follows:

- Hazardous fuels shall be removed within the fuel break area.
- Irrigated or fire resistant vegetation may be planted within the fuel break.
- Trees should be spaced greater than 15 feet between the crowns and pruned to remove dead and low (less than 8 feet) branches.
- Accumulated leaves, needles, and other dead vegetation shall be removed from beneath trees.

These measures will ensure that there is adequate fire protection surrounding the building. *As conditioned, this criterion is met.*

7.2.2 (B) Buildings with plumbed water systems shall install at least one standpipe a minimum of 50 feet from the structure.

Staff: The building plan indicates that the View Point Inn building will contain a plumbed water system (Exhibit I.8). Therefore, to ensure compliance with this requirement, a condition

will be required that at least one standpipe be installed that is a minimum of 50 feet from the structure. *As conditioned, this criterion is met.*

7.2.3 (C) For properties located outside of a fire district, a pond, stream, tank or sump with storage of not less than 1,000 gallons, or a well or water system capable of delivering 20 gallons per minute shall be provided. If a well pump is located on-site, the electrical service shall be separate from the dwelling.

Staff: The subject properties are located within the Corbett Rural Fire District #14. The applicant has included a Fire Service Agency Review form completed by Fire District (Exhibit A.16). Because the property is not located outside a fire district, this criterion is not applicable. *This criterion is not applicable.*

7.2.4 (D) Access drives shall be constructed to a minimum of 12 feet in width and not exceed a grade of 12 percent. Turnouts shall be provided at a minimum of every 500 feet. Access drives shall be maintained to a level that is passable to fire equipment. Variances to road standards may be made only after consultation with the local rural fire district and the Oregon Department of Forestry.

Staff: The applicant has included a site plan, which shows all access drives. The site plan indicates that all access drives are a minimum of 12 feet in width, are less than 12 percent grade, and do not exceed 500 feet in length (Exhibit I.8 – G0.1 and C1.0). *This criterion is met.*

7.2.5 (E) Within one year of the occupancy of a dwelling, the Planning Director shall conduct a review of the development to assure compliance with these standards.

Staff: As required above, the Planning Director shall conduct a review of the development to ensure compliance with Fire Protection standards of this Section. To ensure compliance with this requirement, a condition will be required. *As conditioned, this criterion is met.*

7.2.6 (F) Telephone and power supply systems shall be underground whenever possible.

Staff: The applicant does not indicate that new telephone and power supply systems will be constructed as part of this application. Therefore, this standard is not applicable. *This criterion is not applicable.*

7.2.7 (G) Roofs of structures should be constructed of fire-resistant materials such as metal, fiberglass shingle or tile. Roof materials such as cedar shake and shingle should not be used.

Staff: In this standard, the use of cedar shake roofing is discouraged, but not prohibited. The applicant proposes to use cedar shingles for the roof of the buildings. Although the use of cedar is discouraged, the applicant is not prohibited from using cedar. In addition, the applicant is proposing to have an automatic fire sprinkler system be installed within the View Point Inn building to ensure that adequate fire protection is provided within the structure. *This criterion is met.*

7.2.8 (H) Any chimney or stovepipe on any structure for use with a woodstove or fireplace should be screened with no coarser than 1¼ inch mesh metal screen that is noncombustible and corrosion resistant and should be equipped with a spark arrestor.

Staff: The building plans indicate that a fireplace will be located within the building as showed in Exhibit I.8 – A2.1 through A2.3. As required in this standard, the fireplace should be screened with no coarser than 1¼-inch mesh metal screen that is noncombustible and corrosion resistant and the chimney should be equipped with a spark arrestor. To ensure compliance with this requirement, a condition of approval will be required. *As conditioned, this criterion is met.*

7.2.9 (I) All structural projections such as balconies, decks and roof gables should be built with fire resistant materials equivalent to that specified in the Uniform Building Code.

Staff: A condition of approval will be required that prior to building permit review by Land Use Planning staff, the applicant shall modify their building plans to indicate type and material being used and whether it conforms as fire resistant as specified in the Uniform Building Code. *As conditioned, this criterion is met.*

7.2.10 (J) Attic openings, soffit vents, foundation louvers or other ventilation openings on dwellings and accessory structures should be screened with no coarser than 1¼ inch mesh metal screen that is noncombustible and corrosion resistant.

Staff: A condition of approval will be required that attic openings, soffit vents, foundation louvers and other ventilation openings shall be screened with no coarser than 1¼ inch mesh metal screen that is noncombustible and corrosion resistant. *As conditioned, this criterion is met.*

7.3 § 38.7315 SITING OF DWELLINGS ON FOREST LAND

7.3.1 The approval of new dwellings and accessory structures on forest lands shall comply with the following standards:
(A) The dwelling and structures shall be sited on the parcel so that they will have the least impact on nearby or adjoining forest operations. Dwellings shall be set back at least 200 feet from adjacent properties unless locating the proposed development closer to existing development on adjacent lands would minimize impacts on nearby or adjacent forest operations;

Staff: The proposed single-family dwelling will be located above the converted garage. The applicant has applied for multiple variances to reestablish the View Point Inn building, converted garage that will be beneath the proposed single-family dwelling, and accessory structure. The dimensions of the subject property are 210 feet by 190.7 feet; therefore, it is impossible to locate any structure at least 200 feet from adjacent properties. As proposed, the single-family dwelling is located in an area that already contains a discontinued building. Further, as described in Section 7.1, the land use characteristics of the nearby and adjacent forests is predominately single-family dwellings and land that is owned by the United States Forest Service. Due to the fragmented nature of the nearby and adjacent forest areas, the location of the dwelling will have very little impact to adjoining forest operations.

As provided by subsection (D), a variance to the siting standards may be granted pursuant to the provisions of MCC 38.0065. The applicant has requested a variance to these standards, which is discussed in Section 11.0

7.3.2 (B) The amount of forest land used to site dwellings, structures, access roads and service corridors shall be minimized. The dwelling shall be located on that portion of the lot having the lowest productivity characteristics for the proposed primary use, subject to the limitations of subsection (A), above; and

Staff: As discussed in subsection (A), the proposed single-family dwelling will be located in an area that would minimize impacts on nearby and adjacent forest operations. The subject property is 210 feet by 190.7 feet. The proposed single-family dwelling is located in an area that already contains a discontinued building. The discontinued building was originally established on the property in 1924 and has been on the land since that time. As a building has existed on this portion of the property, there are no productivity characteristics for the growing and harvesting of forestland. If the application is approved, the View Point Inn building will be reestablished and the location of the single-family dwelling will be in an area that is already developed. *This criterion is met.*

7.3.3 (C) Dwellings shall be located to minimize the risks associated with fire. Dwellings should be located on gentle slopes and in any case not on slopes which exceed 40 percent. Narrow canyons and draws should be avoided. Dwellings should be located to minimize the difficulty in gaining access to the structure in the case of fire. Dwellings should be located to make the access roads as short and flat as possible.

Staff: As discussed previously, the dwelling is located above an area that already has a structure and has been developed. With the single-family dwelling being located directly on NE Columbia Avenue, the location will minimize the risk associated with fire because this area is easily accessible to Fire Service in the case of a fire (Exhibit I.8 – A.01). Further, as shown in the survey completed by Columbia River Surveying and Mapping on March 17, 2017, the survey indicates that the proposed single-family dwelling is located in an area that is gently sloped and does not contain slopes in excess of 40 percent. The slopes will ensure that there will be no difficulty in gaining access to the structure in case of fire (Exhibit A.9). *This criterion is met.*

7.3.4 (D) A variance to the siting standards of this subsection may be granted pursuant to the provisions of MCC 38.0065.

Staff: The applicant has requested a variance to the standard in subsection (A), which requires that the single-family dwelling be setback at least 200 feet from adjacent properties. The variance to the siting standards is discussed in Section 11.0

7.4 § 38.7380 SPECIAL USES IN HISTORIC BUILDINGS

7.4.1 (C) The following uses may be allowed as established in each zone on a property with a building either on or eligible for the National Register of Historic Places and that was 50 years old or older as of January 1, 2006 subject to compliance with the standards of MCC 38.7000-38.7085, MCC 38.7300 and parts (D), (E), (F), and (G) of this section.

Staff: The applicant is proposing to establish special uses (Wellness Retreat Facility) in the building known as the View Point Inn and an associated accessory structure. The View Point Inn was listed on the National Register of Historic Buildings on February 28, 1985 (Reference number #85000367). The applicant has included the Nomination form listed as Exhibit A.23. The building with attached garage and accessory building was built in 1924. On January 1, 2006, the building and accessory building were 82 years old.

In the National Register of Historic Places Inventory – Nomination Form, the building is described as an "inn [that] measures 62' x 30'…with a garage projection." Further, "the ground floor interior contains approximately 2,320 square feet…the upper level of the inn contains approximately 1,683 square feet with four bedrooms and two bathrooms." The building contained one bedroom in the attic. The Nomination Form also included a 10' x 20' shed (Exhibit A.23).

The inn was in operation until 1962 offering overnight accommodation, selling of food and beverage, and hosting special events. After closing, the building served primarily as a residence. Then in 2006, an application was submitted to authorize the special uses in historic buildings. The permit requested to re-establish uses that were formerly authorized which included the following uses: interpretive displays, a restaurant, a small inn, and a parking lot on tax lot 1500. The use was approved with conditions on November 9, 2006 under land use case # T3-06-006 (Exhibit B.15).

Subsequently, the View Point Inn building was damaged by fire on July 10, 2011. Then land use case T3-2012-2421 revoked the prior special use in the historic building and use of the nearby property as a parking lot. An application was then submitted on March 5, 2013 as land use case, T2-2013-2769 to establish a single-family dwelling in the damaged building and convert the accessory building into a pool house. The land use case and building permit, BP-2013-3064 authorized the damaged building to be converted into a single-family dwelling and other modifications to accessory structures on the property. The County has no record that work was done to repair the building or use the structures as authorized in T2-2013-2769 and BP-2013-3064. A single-family dwelling was never established in the View Point Inn building or the accessory building. No documentation was provided showing that the buildings associated with the View Point Inn were occupied or is currently being used with a lawful use.

This application proposes to utilize the historic building to establish the Wellness Retreat Facility and Health Spa and reestablish a restaurant for overnight guests and day visitors seeking treatment. One of the current property owners, Dr. Heiner Fruehauf, has a professional background in Chinese medicine. Dr. Fruehauf specializes in the treatment and prevention of chronic, difficult, and recalcitrant diseases with Chinese herbs. Therefore, the applicant is proposing to establish a Wellness Retreat Facility that will contain a health spa for guests that includes health monitoring, naturopathy, spa treatments, educational talks on healthy living, and excursions into the Gorge National Scenic Area. Additionally, the applicant proposes to reestablish the restaurant within the historic building for overnight guests and day visitors seeking treatment. The Wellness Retreat Facility will primarily be located in the newly excavated basement space, the ground floor, and within the converted basement. The restaurant space will primarily be located in the historic building on the ground floor. On the second floor of the historic building, the five rooms traditionally associated with lodging at the View Point Inn will be reduced to four rooms and utilized for the same purpose.

As discussed, the View Point Inn building and accessory building are on or eligible for the National Register of Historic Places and were at least 50 years old or older as of January 1, 2006. This criterion is met.

7.4.1.1 (1) Establishment selling food and/or beverages, limited to historic buildings that originally had kitchen facilities. The seating capacity of such an establishment shall be limited to the building, as the building existed as of January 1, 2006, including any decks, terraces or patios also existing as of that date. Banquets, private parties and other special events that take place entirely within an approved establishment selling food and/or beverages shall be considered a part of the approved use.

Staff: The applicant proposes to reestablish a restaurant within the View Point Inn building. As demonstrated in the previous Notice of Hearings Officer Decision and Staff Report for land use case T3-06-006 in 2006, there is sufficient evidence indicating that the historic building operated as a restaurant and contained kitchen facilities (Exhibit B.15). As adopted by the Hearings Officer, on page 38 of staff report T3-06-006 (Exhibit B.15), staff found that, "the history of the View Point Inn as a roadhouse inn and restaurant is well documented in the regional newspaper and magazine articles submitted by the applicant." The newspaper and magazine articles submitted included: Memories of Old Inn Still Linger by Dennis McCarthy published in Oregon Journal on November 14, 1972 and Country Lodge's Glory all in Past by Tom Brennan published in the Oregonian on January 3, 1980.

The Operational Plan indicates that a health food restaurant for registered guests will be located in the great room. A maximum of 10 overnight guests and a maximum of 20 day guests will have access to the restaurant daily. It has been documented that upwards of 175 guests per day were accommodated prior to 1962 and in the 2006 application, the applicant at that time had requested 125 guests per day (Exhibit B.15). As discussed in Section 7.4.4, the applicant is proposing a maximum of 40 guests for events other than the holiday party, which is limited to 75 people. During events, the day guest spa facilities will be closed and the estimated amount of 50 total guests will be on the subject property (10 overnight guests plus 40 special events guests). The 50 total guests is less than what was previously approved and will be limited to that amount. Further, the seating will be limited to the building, as it existed as of January 1, 2006. *As conditioned, this criterion is met.*

7.4.1.2 (2) Overnight accommodations. The room capacity of such accommodations shall be limited to the total number of lawfully existing rooms in the historic building as of January 1, 2006.

Staff: The applicant proposes to reestablish the five rooms that were traditionally associated with the View Point Inn. As described in the National Register of Historic Places Inventory – Nomination Form, the building is described as an, "inn [that] measures 62' x 30'…with a garage projection" (Exhibit A.23). Additionally, contained in the Notice of Hearings Officer Decision and Staff Report for land use case T3-06-006, staff found that, "the history of the View Point Inn as a roadhouse inn and restaurant is well documented in the regional newspaper and magazine articles, submitted by the applicant." As adopted by the Hearings Officer, on page 40 of staff report T3-06-006 (Exhibit B.15), staff found that as of January 1, 2006 the View Point Inn building historically offered five rooms overnight accommodation.

The applicant has provided a building plan showing that the rooms will be located within the existing historical building (Exhibit A.10). They are proposing to use five rooms within the building that will contains one queen bed for each room. The rooms will accommodate a maximum of 10 overnight guests. A condition of approval will be required that limits overnight accommodation to five rooms and a maximum of 10 people. *As conditioned, this criterion is met.*

7.4.1.3 (3) Commercial events in the building or on the subject property, incidental and subordinate to the primary use of the property.

Staff: The applicant proposes to host a maximum of eight (8) educational community lectures per calendar year, a maximum of six (6) special menu dinners per calendar year, and one (1) annual Holiday party per calendar year. County Code, MCC 38.7380(D)(1) explicitly defines commercial events as including, "weddings, receptions, parties, and other gatherings." Staff finds that the lectures, dinners and party all qualify as commercial events regulated by this criterion.

The applicant proposes that a portion of the Wellness Retreat Facility use (restaurant for overnight accommodations) will continue to operate during the proposed events. Allowing overnight guests to have access to the restaurant during events will ensure that the events are incidental and subordinate to the primary use as a Wellness Retreat Facility and place of overnight accommodation. Further, the frequency of the proposed events, on average, is less than one per week and the day guests will be welcome to the site on all days when an event will be hosted, prior to the event. To ensure that the standard is met, a condition of approval will be required that limits the number of events to a maximum of eight (8) educational community lectures, six (6) special menu dinners, and one (1) Holiday Party per calendar year. Each event will be limited to no more than 40 people, except the Annual Holiday Party, which is permitted to have up to 70 people, as proposed in the Operational Plan (Exhibit A.40). Additionally, at no time shall the amount of day visitors or people attending events exceed 75 people including staff. *As conditioned, this criterion is met.*

7.4.1.4 (6) A conference and/or retreat facility within a historic building, as the building existed as of January 1, 2006.

Staff: The applicant proposes to convert the View Point Inn building and accessory building into a Wellness Retreat Facility and Health Spa. Merriam-Webster does not contain a definition of "retreat facility." The common definition of "retreat" from Merriam-Webster is:

> "An act or process of withdrawing especially from what is difficult, dangerous, or disagreeable"

Merriam-Webster defines "facility" as:

> "Something that is built, installed, or established to serve a particular purpose"

Staff finds that a retreat facility is:

> "Something that is built, installed, or established to serve in the act or process of withdrawing especially from what is difficult"

As proposed, the View Point Inn and Wellness Center will utilize the two buildings on the site for the proposed retreat facility. The center will contain a health spa for guests that include

health monitoring, naturopathy, spa treatments, educational talks on healthy living, and excursions into the Gorge National Scenic Area. Owned and operated by Dr. Heiner Fruehauf, the center looks to provide a space that provides opportunities for "withdrawing from the day-to-day difficulties of life" (Exhibit I.4).

Based on the information provided, the proposed health spa can be considered a retreat facility.

Based on the second requirement above, the applicant is required to locate the conference and/or retreat facilities within the historic building, as the building existed as of January 1, 2006. To compare which areas were historic and existing on January 1, 2006, Staff reviewed the previous site plan that was authorized under T3-06-006 and reviewed on December 21, 2006. As of that date, the View Point Inn building contained the following floor areas as described in Figure 7 (Exhibit B.14: SP1 and B.15).

Figure 7 – Floor Areas

	Existing (Sq. Ft.)[1]	Proposed (Sq. Ft.)
View Point Inn and Retreat Facility		
Basement (Finished Area)	1,098	3,916
Basement (Crawlspace)	1,922	
Basement Total:	**3,020**	**3,916**
First Floor	3,237	3,912
Garage	834	
First Floor Total:	**4,071**	**3,912**
Second Floor Total:	**2,516**	**1,851**
Total Floor Area:	**9,607**	**9,679**

The applicant is proposing to expand the View Point Inn building from 9,607 square feet of floor area to 9,679 square feet of floor area (Exhibit I.8 – A0.1, A2.1, A2.2, and A2.3). The expansion areas are mainly located in the basement through the excavation of the crawl space to the full extent of the foundation walls. The basement and main floor will contain spa treatment areas, lounges, changing rooms, bathrooms, office spaces, storage area, a kitchen, staff areas, and reception areas that will support the retreat facility activities.

To determine if the addition of additional floor area to the View Point Inn building is allowed, the definition of building is important to consider. As defined in MCC 38.0015, a "building" is:

> **Building: A structure used or intended to support or shelter any use or occupancy. Buildings have a roof supported by columns or walls. They include, but are not limited to, dwellings, garages, barns, sheds and shop buildings.**

As building is defined, the extent of any additional floor area must occur within the outer extent of the walls and roof, as the building existed as of January 1, 2006. Based on comparison between the last approved building plan for the View Point Inn in 2006 and the proposed plans, the extent of the building in 2006 and as proposed today are of similar measurement (Exhibit B.14 and Exhibit I.8 – A0.1, A2.1, A2.2, and A2.3).

In the areas where the floor area will be increased, the applicant proposes to excavate the basement and crawlspace below the first floor of the View Point Inn building and attached garage. Using the definition of "building," the proposal would extend the usable space in the building to the outer extent of the foundation walls. The basement floor plan indicates that 3,916 square feet of floor area will be excavated to provide spa treatment areas, a lounge, changing rooms, bathroom, office, storage area, and staff areas (Exhibit I.8 - A2.1). The expansion of the floor area from 3,020 square feet to 3,916 square feet is accomplished through the excavation of the basement crawlspace to the full extent of the building's foundation walls.

The applicant contends that this excavation is supported by the definition of "building" and the legislative intent during the creating of these code provisions. The applicant's narrative states:

> "The intent [of the code] was to allow commercial uses in historic buildings to make feasible the substantial costs associated with restoration and that a building's footprint to be used as the limitation to restrict the scale of commercial uses, rather than other measures such as square footage. The legislative history fleshes out this 'existing building' limitation as follows:
>
> - "[The legislative history] discuss[es] limiting new commercial uses to the existing building. This ensures that the commercial activities occurred indoors. By locating the retreat use in the finished basement, the applicant's proposal ensures the new commercial uses will remain indoors.
> - "Comment from Senior Planner Brian Litt in [the history] discusses how this limitation will restrict commercial activities to occur 'within the existing building footprint.' With respect to the applicant's proposal, the finished basement area will not alter the existing building footprint. The Cambridge Dictionary defines footprint as: 'the shape on the ground that is covered by something such as a building.' This implies an outer edge or physical limit to the shape rather than to a particular square footage. If the intent of the Management Plan was to limit special uses to the square footage that existed within a building as of January 1, 2006, it would have said as much.
> - "Early draft proposals reference this limitation as: 'A conference and/or retreat facility within a historic building, as it existing as of January 1, 2006. ['] During the adoption process, the 'it' was replaced with the term 'building.' This reinforces that the commercial use limitation is determined by the term 'building,' as it is defined in MCC 38.[0]005, to include an area of a 'building sheltered by a roof' that would, by definition, include an unfinished basement providing crawlspace and building footings. At the View Point Inn, the basement and crawlspace are sheltered by the roof and therefore, the proposed finished basement area is part of the building as it existed in 2006. Rec 42. See MC 38.00[0]5 and Scenic Area Plan Glossary.
> - "Nothing in the legislative record suggests that this limitation ('the historic building, as the building existed as of January 1, 2006') would serve to restrict interior modifications or improvements necessary to accommodate the new uses as long as those new uses were indoors and contained within the existing building footprint. If there is no limit to interior modifications, then there is no basis to restrict finishing unimproved building space." (Exhibit I.4).

Staff agrees with the analysis set forth in the applicant's narrative because the only expansion will be within the outer extent of the walls and roof, as they existed on January 1, 2006. Therefore, the use will be contained within the historic building, as it existed on January 1, 2006.

No addition or expansion is proposed on the first or second floor. On the first floor, the floor plan indicates that the proposed floor area will be reduced by 159 square feet of floor area when compared to the 2006 floor plan. However, based on comparison between the last approved building plan in 2006 and the proposed plans, the floor areas and dimensions are of similar measurement (Exhibit B.14 and Exhibit I.8 – A0.1 and A2.2). The apparent reduction can partly be due to how the plans in 2006 were drawn. In addition to the restaurant within the historic building, the first floor will include an office, workroom, bathroom, reception area, and an ADA accessible guest room (Exhibit I.8 – A2.2).

Upstairs on the second floor, the floor plan indicates that this floor will be reduced by 665 square feet for a total of 1,851 square feet of floor area when compared to the 2006 floor plan. However, based on comparison between the last approved building plan in 2006 and the proposed plans, the floor areas and building dimensions are of similar measurement (Exhibit B.14 and Exhibit I.8 – A2.3). Again, the apparent reduction can partly be accounted for by how the plans in 2006 were drawn. In addition to the four overnight rooms within the historic second floor, the newly created space will contain additional office space (Exhibit I.8 – A2.3).

Based on the floor plan provided by the applicant in comparison to the last approved building plan from 2006, the proposed retreat facility use can be considered to occur within the View Point Inn building, as the building existed as of January 1, 2006.

The applicant also proposes additional development and improvements on the property. The site plans indicate that the accessory building (shed) will be converted into a spa room and extensive landscaping will be done on the subject property. The accessory building (shed) was damaged and will be rebuilt to 29'4" x 12' 8" or 371.56 square feet. As it was first described in the Nomination Form in 1985, the shed was measured at 10' x 20' or 200 square feet (Exhibit A.23). At present, a 403 square feet accessory building appears to be located in the same area. A letter was provided by Joy Sears, Restoration Specialist, State of Oregon Parks and Recreation Department State Historic Preservation Office that contained an opinion that the shed referenced in the National Register nomination was incorrectly described (Exhibit I.16). SHPO considers the shed to match the current size as it exists today, which is closer to what was permitted in land use case T2-06-006 at 13' x 31' or 403 square feet (Exhibit B.15).

The applicant is proposing some uses that may be allowed in an historic building, i.e., a building that is on the National Register of Historic Places. The View Point Inn and associated accessory structure are both on the National Register of Historic Places. The applicant is also proposing to excavate the basement to the full extent of the foundation walls beneath the first floor. Based on the legislative intent and definition of "building," the excavation to allow for the full utilization of the basement within the crawl space areas can be considered a use within a historic building, as the building existed as of January 1, 2006. This criterion is met.

7.4.1.5 (10) Parking areas on the subject property to support any of the above uses.

Staff: The applicant proposes to utilize a vacant adjacent property (tax lot 1500) on the opposite side of NE Columbia Avenue to accommodate needed parking for the proposed use. As defined in MCC 38.7380, the term "subject property" refers to the group of parcels in common ownership that have been historically used in conjunction with an historic building.

As noted, the proposed Wellness Retreat Facility use will be located on tax lot 1600, which is owned by HSF, LLC (Sheron Fruehauf, registered agent). The parking is proposed to be located on tax lot 1500, which is owned by Heiner and Sheron Fruehauf. Because Sheron Fruehauf has an interest in both properties, the properties are in common ownership.

In addition, both properties have been historically used in conjunction with the View Point Inn. In the previous Hearings Officer Decision and Staff Report for land use case, T3-06-006, the Staff Report stated on Page 19:

> "Staff research of County records show that Tax Lot 1500 has been used as a parking area. The County staff report written for NSA 23-97 notes that, 'the parking area associated with the existing structure is directly visible from Larch Mountain Road…' At a June 27, 2006 site visit, staff observed that Tax Lot 1500 contains gravel surfacing appropriate for a parking area." (Exhibit B.15).

Based on the finding above, in addition to extra comments provided by local residents, the Hearings Officer found that parking did exist on tax lot 1500. The Hearings Officer stated on Page 7 of the Decision:

> "Parking, as it existed, may occur on the subject site. * * * Several local residents did testify, however, that they had often seen parking in that area where the applicant proposes parking spaces, and that parking occurred there when guest were present for weekend events[.]" (Exhibit B.15).

This criterion is met.

7.4.2 (D) Uses allowed by parts (B)(3) and (C)(3) of this section shall include all information required for the "Operational Plan for Commercial Events" as specified in MCC 38.7380(F)(1)(b)(iv). The following apply to commercial events at historic properties:

(1) Commercial events include weddings, receptions, parties and other gatherings that are incidental and subordinate to the primary use on a parcel.

(2) The owner of the subject property shall notify the reviewing agency and all owners of land within 500 feet of the perimeter of the subject property of each event. The notice shall be in writing and shall be mailed at least seven calendar days before an event.

Staff: In the Operational Plan, the applicant proposes to have commercial events. As proposed, the events include a maximum of eight (8) educational lectures per calendar year, a maximum of six (6) seasonal special menu dinners per calendar year, and a maximum of one (1) Holiday Party per calendar year (Exhibit I.5). As previously noted, all of those events are similar to the types of commercial events contemplated in MCC 38.7380(D)(1). In order to assure conformance with MCC 38.7380(D)(2), a condition of approval will require the owner of the subject property to notify Multnomah County and all owners of land within 500 feet of the

perimeter of the subject property of each event. The notice shall be in writing and shall be mailed at least seven calendar days before each event. *As conditioned, these criteria are met*

7.4.3 (E) Land use approvals for Special Uses in Historic Buildings shall be subject to review every five years from the date the original approval was issued.

(1) As part of this review, the applicant shall submit documentation on the progress made in implementing the "Protection and Enhancement Plan" required by MCC 38.7380(F)(1)(b).

(2) The County shall submit a copy of the applicant's documentation to the State Historic Preservation Office (SHPO). The SHPO shall have 30 calendar days from the date this information is mailed to submit written comments. If the County's determination contradicts comments from the SHPO, the County shall justify how it reached an opposing conclusion.

(3) The County shall revoke the land use approval if the owner has failed to substantially implement the actions described in the "Protection and Enhancement Plan" according to the schedule for completing such actions in this plan or if the property has not been used in compliance with applicable County rules or conditions of approval. The County may, however, allow such a use to continue for up to one additional year from the date the County determines the applicant has failed to implement the actions if the applicant submits a written statement describing:

(a) unforeseen circumstances that prevented the applicants from completing the specified actions according to the approved schedule;

(b) what progress the applicants have made towards completing such actions; and

(c) a proposed revised schedule for completing such actions.

Staff: These criteria can be met with a condition requiring the applicant to submit documentation on the progress made in implementing the Protection and Enhancement Plan that is included within Exhibit I.6. *As conditioned, these criteria are met.*

7.4.4 (F) The following criteria apply to all proposed Special Uses in Historic Buildings in addition to the Site Review Criteria of MCC 38.7000-38.7085.

7.4.4.1 (1) Cultural Resources.

(a) All applications for uses listed in MCC 38.7380(C) shall include a historic survey and evaluation of eligibility for the National Register of Historic Places, to be prepared by a qualified professional hired by the applicant. The evaluation of eligibility shall not be required for buildings previously determined to be eligible. For such properties, documentation of a prior eligibility determination shall be included in the application. The historic survey shall meet the requirements specified in MCC 38.7045(D)(3). The evaluation of eligibility shall follow the process and include all information specified in the National Register Bulletin "How to Apply the National Register Criteria for Evaluation" [National Park Service, National Register Bulletin #15].

Eligibility determinations shall be made by the County, based on input from the State Historic Preservation Office (SHPO). The local government shall submit a copy of any historic survey and evaluation of eligibility to the SHPO. The SHPO shall have 30 calendar days from the date this

information is mailed to submit written comments on the eligibility of the property to the local government. If the County's determination contradicts comments from the SHPO, the County shall justify how it reached an opposing conclusion.

Staff: As required above, the applicant is required to include a historic survey and evaluation of eligibility for the National Register of Historic Places. As defined in MCC 38.0015 a Historic survey is as follows:

> **Historic Survey: Actions that document the form, style, integrity, and physical condition of historic buildings and structures. Historic surveys may include archival research, architectural drawings, and photographs.**

Included in this application are historic photos of the interior and exterior, a narrative describing and a Protection Plan and Enhancement Plan that documents the form, style, integrity, and physical condition of the historic building and structures (Exhibit A.2, A.4, A.28, A.43, I.4, I.6, and I.9).

Based on the information provided by the applicant, a historic survey has been included as part of this application.

The application is also required to submit an evaluation of eligibility for the National Register of Historic Places. However as provided above, the evaluation shall not be required for buildings previously determined to be eligible. The View Point Inn building and accessory structure we previously determined to be eligible and are listed on the National Register of Historic Places. In the National Register of Historic Places Inventory – Nomination Form, the building is described as an, "inn [that] measures 62' x 30'…with a garage projection." Further, "the ground floor interior contains approximately 2,320 square feet…the upper level of the inn contains approximately 1,683 square feet with four bedrooms and two bathrooms." The building contained one bedroom in the attic. The Nomination Form in 1985 also described the shed accessory building that was measured at 10' x 20' or 200 square feet (Exhibit A.23).

In consultation with Jessica Gabriel, Historian, State of Oregon Parks and Recreation Department State Historic Preservation Office, and Chris Donnermeyer, United States Forest Service – Columbia River Gorge Scenic Area Heritage Resources Program Manager, they both concurred that the property maintains its eligibility to be on the National Register of Historic Places (Exhibit B.11 and B.12). Therefore, the evaluation of eligibility is not required for the existing historic building due to this previous listing on the National Register of Historic Places. *These criteria are met*

> **(b) Applications for Special Uses in Historic Buildings shall include a "Protection and Enhancement Plan" which shall include the following:**
>
> **(i) A description of how the proposed use will significantly contribute to the protection and enhancement of the historic resource, including specific actions that will be taken towards restoration, protection and enhancement, and adequate maintenance of the historic resource, and a proposed schedule for completion of such actions.**

(ii) A statement addressing consistency of the proposed use with the Secretary of the Interior's Standards for Rehabilitation of Historic Properties and the Secretary of the Interior's Standards for Preservation of Historic Properties.
(iii) Detailed architectural drawings and building plans that clearly illustrate all proposed exterior alterations to the building associated with the proposed use. Any exterior additions to the building or outdoor components of the proposed use (e.g. parking areas, site for temporary structures, interpretive displays) shall be shown on the site plan.
(iv) Any proposal for commercial events at a historic property shall include an Operation Plan for Commercial Events, to be incorporated into the "Protection and Enhancement Plan". The Operational Plan shall include sufficient information to demonstrate how the commercial events will remain incidental and subordinate to the primary use of the property, and shall, at minimum, address:

- **Number of events to be held annually.**
- **Maximum size of events, including number of guests and vehicles at proposed parking area.**
- **Provision for temporary structures, including location and type of structures anticipated.**
- **How the proposed commercial events will contribute to protection and enhancement of the historic resource.**

Staff: The applicant has included a Protection and Enhancement Plan and an Operational Plan. The Operational Plan, listed as Exhibit I.5, describes the proposed overnight accommodation, restaurant, day use activities, and commercial events that will be a part of the View Point Inn and Wellness Center. To operate the uses in the View Point Inn building, restoration and enhancement of the buildings is required. The applicant proposes the following work as part of the Protection and Enhancement Plan, which is listed as Exhibit I.6:

- Reroofing and residing the building with wood shingles to match the historic condition.
- Installing new historically-compatible windows and doors throughout the building including replacing the non-historic metal-frame porch enclosure with wood windows that are consistent with the historic condition.
- Restoring the grounds and retaining historic features such as the rock-faced piers and pond.
- Restoring all interior finishes including the great room fireplace, wood paneling, wood floors, wall and ceiling finishes.
- Rebuilding the historic staircase.
- Finishing the five guest rooms. including construction of new en-suite bathrooms.
- Excavating a basement under the entirety of the building to be used as a retreat center.
- Re-demising the attached garage.
- Adding dormers and new windows to the garage.
- All new mechanical, electrical, and plumbing throughout the building.
- Constructing a parking lot per the submitted plans.

Additionally, the applicant has included building plans, building elevations, and material samples documenting the interior and exterior materials that will be used as part of this project.

The building plans and building elevations describe the location of various areas of restoration and areas of exterior alterations. The materials sample documentation includes pictures of the cedar shingle roof, seam copper roof, cedar shingle siding and roughhewn wood trim (Exhibit I.8 and I.9).

The applicant states that these measures will meet the Secretary of the Interior's Standards for Rehabilitation of Historic Properties and the Secretary of the Interior's Standards of the Preservation of Historic Properties. Standard #1 reads:

> "A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment."

The applicant argues that:

> "Some types of historic rehabilitation projects struggle to meet Standard #1… [However] by retaining the building's use as an inn, the character of the building can be restored to its historic condition."

The applicant also states that the basement expansion is consistent with the Secretary's Standards and has been reviewed by SHPO. A letter provided by Joy Sears is included as an exhibit that provides concurrence and a finding of no adverse impact (Exhibit I.1).

The applicant has also included timeline for the completion of the project. The project schedule anticipates starting work in 2020 with the competition date in 2021. As required by the above criteria a proposed schedule for completion of such actions for the restoration, protection, enhancement, and adequate maintenance of the historic resource has been supplied. To ensure that these measures are undertaken, a condition will be required that the timeline be followed. Additionally, if the timeline is unable to be met a revised schedule will be required to be submitted to the Land Use Planning Division. *As conditioned, these criteria are met.*

> **(c) The local government shall submit a copy of the "Protection and Enhancement Plan" to the State Historic Preservation Office (SHPO). The SHPO shall have 30 calendar days from the date this information is mailed to submit written comments to the local governments. The SHPO comments shall address consistency of the proposed use with the Secretary of the Interior's Standards for Rehabilitation of Historic Properties and the Secretary of the Interior's Standards for Preservation of Historic Properties, and the effect of the proposed use on the historic resource.**

Staff: Staff submitted a copy of the applicant's "Projection and Enhancement Plan" and other relevant application materials to the Oregon State Historic Preservation Office (SPHO) on February 8, 2018 and October 12, 2018 (Exhibit C.1 and C.5). No comments were provided specifically addressing whether the "Protection and Enhancement Plan" is consistent with Secretary of the Interior's Standards for Rehabilitation of Historic Properties and the Secretary of the Interior's Standards for Preservation of Historic Properties, and the effect of the proposed use on the historic resource. The County submitted the Protection and Enhancement Plan as required and no formal response was received by SHPO. *This criterion is met.*

> **(d) Any alterations to the building or surrounding area associated with the proposed [sic] must be determined by the local government to be consistent**

with the Secretary of the Interior's Standards for Rehabilitation of Historic Properties and the Secretary of the Interior's Standards for Preservation of Historic Properties. If the County's final decision contradicts the comments submitted by the State Historic Preservation Office, the County shall justify how it reached an opposing conclusion.

Staff: Any alterations to the building or surrounding area must be consistent with the Secretary of Interior's Standards for Rehabilitation of Historic Properties and the Secretary of the Interior's Standards for Preservation of Historic Properties. To conduct this review, staff supplied the application and supporting materials (listed as Exhibit C.5, which included Exhibit A.1, A.3, A.4, A.5, A.6, A.7, and A.8) to agency partners for their technical review. Based on the expert opinion of State of Oregon Parks and Recreation Department State Historic Preservation Office and United States Forest Service – Columbia River Gorge Scenic Area Heritage Resources Program, they found that there would be no adverse effect for the proposed rehabilitation of the original View Point Inn and the historic shed project (Exhibit I.1). The finding of no adverse effect indicates that the alterations of the building and surrounding area are consistent with Secretary of the Interior's Standards for Rehabilitation of Historic Properties and the Secretary of the Interior's Standards for Preservation of Historic Properties. As the local government, staff agrees with this determination. *This criterion is met.*

(e) The proposed use must be determined by the County to have no effect or no adverse effect on the historic character of the property, including features of the property contributing to its historic significance. If the County's final decision contradicts the comments submitted by the State Historic Preservation Office, the County shall justify how it reached an opposing conclusion.

Staff: Information and comments from SPHO and the United State Forest Service found the proposed use would have no adverse effect on the historic character of the property (Exhibit B.11, B.12, and I.1). Staff agrees with their finding and concurs that no adverse effect on the historic character of the property will occur based on the proposed use. *This criterion is met.*

7.4.4.2 (2) Scenic Resources.

(a) New parking areas associated with the proposed use shall be located on the subject property as it existed as of January 1, 2006. Such parking areas may be developed using paving blocks, gravel, or other pervious surfaces; asphalt, concrete and other impervious materials are prohibited.
(b) Parking areas associated with the proposed use shall be visually subordinate from Key Viewing Areas, and shall to the maximum extent practicable, use existing topography and existing vegetation to achieve visual subordinance.

Staff: As discussed in Section 7.4.1.5, the applicant is proposing to utilize a vacant adjacent property on the opposite side of NE Columbia Avenue to accommodate needed parking for the proposed use. As discussed in Section 5.0, the parking area will be developed using gravel. As discussed in Section 8.3.2, the parking areas will be required to be visually subordinate for Key Viewing Areas.

(c) Temporary structures associated with a commercial event (e.g. tents, canopies, portable restrooms) shall be placed on the subject property no sooner than two days before the event and removed within two days after the event. Alternatively, temporary structures may remain in place for up to 90 days in one calendar year if the County determines that they will be visually subordinate from Key Viewing Areas.

Staff: The applicant is not proposing to use temporary structures as part of the commercial events described in the Operational Plan. If approved, staff recommends a condition of approval that prohibits utilizing temporary structures on the property without authorization from the County. *As conditioned, this criterion is met.*

7.4.4.3 (3) Recreation Resources. The proposed use shall not detract from the use and enjoyment of existing recreation resources on nearby lands.

Staff: Recreation resources in the area include the Portland Women's Forum State Park and the Vista House. The latter is separated by terrain such that there is no clear line of site. The property is highly visible from the Women's Forum State Park; however, a majority of the proposed use is to occur indoors and within the parking areas that are screened by the View Point Inn building itself. These uses should not detract from the views from the park. The proposed uses may also have a positive impact on these recreation resources since people visiting the subject property may also visit these venues as well and vice versa. *This criterion is met.*

7.4.4.4 (4) Agricultural and Forest Lands.

(a) The proposed use shall be compatible with and will not interfere with accepted forest or agricultural practices on nearby lands devoted to such uses.

Staff: As discussed in findings made earlier in this report, the subject properties are adjacent to lands zoned Gorge Special Forest (GSF) and Gorge Special Agriculture (GSA) and only limited forest or agricultural practices occur on those nearby properties. This report includes conditions of approval that will help ensure that the use is able to exist harmoniously with these properties. As discussed in findings earlier in this report, the scale of the use, noise, traffic generation, and hours of operation are conditioned to ensure that the use will be compatible with the surrounding uses. *As conditioned, this criterion is met.*

(b) The proposed use will be sited to minimize the loss of land suitable for production of crops, livestock or forest products.

Staff: The subject property is 1.21 acres, which includes both the View Point Inn building property and the parking lot property. The properties that would accommodate the proposed use are quite small in comparison to local properties used for agricultural or forest use. The property is not currently being utilized for production of crops, livestock, or forest products, likely because of the size of the property. The View Point Inn building has been on the property since 1924 and will not be relocated to another area on the property. The proposed additions to the View Point Inn building on site, including the addition of a single family dwelling, do encroach into areas that are currently used for the production of crops, livestock, or forest products. The size of the subject properties relative to the size necessary to support the

commercial production of crops, livestock, or forest products makes the future conversion of the property unlikely. *This criterion is met.*

(c) A declaration has been signed by the landowner and recorded into county deeds and records specifying that the owners, successors, heirs and assigns of the subject property are aware that adjacent and nearby operators are entitled to carry on accepted agriculture or forest practices on nearby lands.

Staff: This criterion can be met with a condition of approval requiring the recordation of such a declaration on the deeds on each of the subject properties. *As conditioned, this criterion is met.*

7.4.5 (G) The following standards address health, safety, and potential impacts to surrounding properties and apply to all proposed Special Uses in Historic Buildings.

(1) Outdoor uses shall be limited to the hours of 7:00 am to 7:00 pm or sunset, whichever is later, except that between Memorial Day and Labor Day afternoon activities may extend to as late as 10:00 pm.

(2) The use of outdoor amplification in conjunction with a use authorized under this section is prohibited. All amplification must be contained within the historic building associated with the use.

Staff: These criteria are proposed to be met with conditions of approval that limit the hours of the outdoor uses, prohibit the ability to have amplified sounds outside of the structure, and require the applicant to contain all amplified sound within the historic structure. *As conditioned, these criteria are met.*

7.4.5.1 (3) Parking shall be provided in accordance with the Minimum Required Off-Street Parking Spaces in MCC 38.4205. Existing off street parking and loading areas on a historic property shall be allowed to be used in their current configuration. New parking areas or expansions to existing parking areas shall meet the design and improvement standards of MCC 38.4100-38.4215 with the following exceptions.

MCC 38.4130(B) and (C) shall not apply to Special Uses in Historic Buildings. All required parking associated with the use shall be provided on the subject property. Additionally, the surfacing requirements of MCC 38.4180(A) shall not apply. Instead, the surfacing requirements of MCC 38.7380(F)(2)(a) shall be employed.

Staff: The applicant is proposing a special use in an historic building and therefore must provide all parking on the subject property. As discussed in Section 7.4.1.5, the subject property is both tax lot 1500 and 1600. The applicant is proposing to utilize a vacant adjacent property on the opposite side of NE Columbia Avenue to accommodate needed parking for the proposed use. The applicant will be required to meet the Minimum Required Off-Street Parking Spaces in MCC 38.4205, which is addressed below. Additionally, because the use has been discontinued as found in Section 5.0, the proposal will need to be reviewed as a new parking area and will be required to meet the requirements of MCC 38.4100 through 38.4215. These findings are discussed in Section 9.0.

7.4.5.2 (4) Business identification or facility entry signs located on the premises may be allowed, subject to the provisions of MCC 38.0080.

Staff: The applicant is not proposing a business identification or facility entry sign. If they decide to add a sign to the business in the future, it will need to be reviewed at that time. *This criterion is not applicable.*

7.4.5.3 (5) The proposed use shall be compatible with the surrounding area. Review of compatibility shall include but not be limited to impacts associated with the scale of the use, effects of noise, traffic generation, and hours of operation.

Staff: As discussed earlier findings in this report in Section 7.3.2 and 7.7.3, the subject properties are adjacent to lands zoned Gorge Special Forest (GSF) and Gorge Special Agriculture (GSA). This report includes conditions of approval that will help ensure that the use is able to be compatible with these properties. The scale of the use, noise, traffic generation, and hours of operation are conditioned to ensure that the use will be compatible with the surrounding uses. *As conditioned, this criterion is met.*

7.4.5.4 (6) The proposed use shall not create hazardous conditions.

Staff: Hazardous conditions are circumstances that create a risk of loss or harm to people or property. Potential hazardous conditions that could expose one to risk include an increase in traffic that could cause crash or injury between other vehicles and between vehicles and pedestrians, inadequate ability to dispose of sewage, and potential fire danger. To address some of these potential hazardous conditions, the applicant has provided information regarding septic review, fire service review, and Transportation Planning Review. The septic and fire service review are discussed below, and the Transportation Division addresses traffic concerns to and from the site in Section 13.0.

The applicant has also provided a Septic Review form from the Department of Environmental Quality (DEQ) discussing the suitability of utilizing the existing septic system for the management of effluent. DEQ finds the existing on-site sewage disposal system suitable for the proposed use. The Corbett Rural Fire District #14 has also reviewed the proposed use and building alterations to ensure compliance with Oregon Fire Code. The Fire Service Review Form found that the proposed development complies with the fire apparatus access standards of the Oregon Fire Code standards and the minimum fire flow and flow duration is available. (Exhibit A.2, A.16, A.19, A.28, A.34, A.35, A.38, and A.39).

The applicant has also provided an Alternative Parking Plan and site plans for the parking area. As currently designed, the parking area does not meet the minimum dimensional standards as required in MCC 39.4175. In the proposed Alternative Parking Plan, the site plan indicates that the applicant has reduced the size of the parking spaces to meet City of Portland and Clackamas County standards (Exhibit I.8 - A0.1). The reduced size, as provided from the alternative jurisdictions, meets the County's size dimensions of a "compact" space. Therefore, the applicant is essentially proposing that all of the spaces be of the "compact" space type (Exhibit I.13). As proposed, the minimum dimensional standards will provide safe passage of vehicles in the parking area and will not create a risk of loss or harm to people or property for staff and visitors coming to the Wellness Retreat Facility. *This criterion is met.*

7.4.5.5 (7) The proposed use shall not require public services other than those existing or approved in the area.

Staff: Public services are those services provided by the County or another collectively funded entity for the benefit of the community, such as fire protection, police protection, and water services. The applicant has included a Fire Service Agency Review form completed by Rural Fire District #14, Police/Sheriff Services Review from Multnomah County Sheriff, and Certification of Water Service from the Corbett Water District. (Exhibit A.16, A.17, and A.18) Each of those agencies state that the proposed use can be adequately serviced.

More specifically, the Corbett Rural Fire District #14 reviewed the proposed use and building alterations to ensure compliance with Oregon Fire Code. The Fire Service Review Form found that the proposed development complies with the fire apparatus access standards of the Oregon Fire Code standards and the minimum fire flow and flow duration is available. The Sheriff and the Corbett Water District also found that there is adequate service for the proposed use. *This criterion is met.*

7.4.5.6 (8) If private services will be used, the applicant shall demonstrate the private service is or can be made adequate to serve the use.

Staff: The applicant is not proposing to utilize private services for any of the required public services that are required for the area. As discussed in previous section, fire protection, police protection, and water services will be provided by public entities. Public services for wastewater and sewage are not available in the area and will instead be handled on-site using a septic system (Exhibit A.34). *This criterion is met.*

8.0 National Scenic Area Site Review Approval Criteria

8.1 § 38.7035 GMA SCENIC REVIEW CRITERIA

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

8.2 (A) All Review Uses and Conditional Uses:

(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.

(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.

(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 applicant is not proposing to construct new buildings. However, the applicant is proposing to expand the existing View Point Inn building. As proposed by the applicant, the two buildings on the site, the View Point Inn building and the accessory building are proposed to be altered (Exhibit I.8). The View Point Inn will increase in floor area by 1,787 square feet. The alteration is an expansion over the garage to establish a new single-family dwelling, as well as excavation of the basement for the Wellness Retreat Facility. As a result, 689 square feet of floor area will be located above the garage. The accessory building will be rebuilt after

sustaining damage and have a footprint of 459.55 square feet and a floor area of 372 square feet. Due to the expansion of the View Point Inn building, the proposals will be required to be compatible with the general scale (height, dimensions, and visible mass) of similar buildings that exist nearby to the maximum extent practicable. Within a ¼ mile of the subject property, there are no historic buildings or buildings used for commercial purposes.

To conduct an analysis, it would be more appropriate to use similar buildings that contain commercial or institutional uses, many of which are located within the Gorge Rural Center zoning district. The Gorge Rural Center is located approximately 1.5 miles from the subject property. Within the zoning district, more buildings are used for commercial or institutional uses. The use of the View Point Inn building will be more similar to those uses because it will primarily be a retreat center, restaurant, and overnight accommodation. As such, the proposed building should not be compared to residential or farm structures, which dominate the immediate ¼ mile vicinity.

As proposed, the building will have a basement, main floor and a second floor. Using data provided by the Multnomah County Department of Assessment, Records, and Taxation, the square footage of the commercial and institutional uses in the vicinity are:

Figure 8 – Buildings within ¼ mile for comparison

Alternative Account #	Address	Use	Height	Floors	Square Footage
Proposed View Point Inn Building					
R832300010	40301 E. Larch Mountain Road	Commercial Business	33’ 3” feet	Basement Floor 1 Floor 2 **Total:**	4,194 4,458 2,872 **11,524**
Existing buildings used for comparison					
R944350160	36901 E. Historic Columbia River Hwy	Interpretive Center / Coffee Shop / Gift Shop	37 feet (estimate)	Daylight Basement Floor 1 Vaulted Ceiling **Total:**	1,728 4,032 1,152 **6,912**
R944351130	36740 E. Historic Columbia River Hwy	Commercial Business	25 feet (estimate)	Floor 1 Floor 2 **Total:**	4,608 1,564 **6,172**
R944350270	36801 E. Historic Columbia River Hwy	Commercial Business	20 feet (estimate)	Main Floor	4,105
R665600200	36930 E Historic Columbia River Hwy	Fire Station (Institutional)	15 feet (estimate)	Main Floor	6,100

R944340110	36039 E. Historic Columbia River Hwy	Commercial Business	40 feet (estimate)	Basement Main Floor **Total:**	1,049 7,454 **8,503**

The visible mass of a building are floors above ground, which can be seen. For the visible mass of the comparable commercial and institutional buildings, they range between 4,105-7,454 square feet and 15-40 feet in height. The average visible mass of the comparison sample, after removing basements in the calculation because they are not visible, is a mean of 6,149 square feet and the median is 6,172. The standard deviation is 1,271 square feet.

The proposed View Point Inn building is 5,763 square feet (after removing the square footage of the basement, which is not visible), which is within one standard deviation of all the five buildings analyzed and is therefore comparable in visible mass. The View Point Inn building is also below the 35 foot height limitations of the base zone. Further, if the calculation includes the single-family dwelling, which is 689 square feet in size that is proposed above the garage, the View Point Inn building has a floor area of 6,452 square feet, which is also within one standard deviation. Therefore, the expansion of the View Point Inn is compatible with the general scale (height, dimensions and visible mass) of similar buildings that exist nearby.

There are no changes to the vehicular access point to the Scenic Travel Corridor. *These criteria are met.*

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

Staff: This criterion is intended to ensure that landscaping planted to screen development is properly maintained. As discussed elsewhere in this report, there is required vegetation on the property. The applicant is proposing to remove three trees located to the north of the View Point Inn building (Exhibit I.8: L0.01). MCC 38.7035(B)(14) only exempts the rehabilitation of or modifications to existing significant historic structures from visual subordinance requirements for lands seen from Key Viewing Areas, however the applicant is proposing an expansion that includes a new single-family dwelling, which would be seen from KVAs. Therefore, a condition will require that those trees be replaced in a location to offset the screening lost from their removal. Additionally, a condition will require that the tree density be maintained to the north and west. If trees die or are removed they shall be replaced. *As conditioned, this criterion is met.*

(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 applicant has provided a site plan containing the necessary information to determine the compatibility with the Pastoral landscape setting, which is discussed in Section 8.4 (Exhibit I.8 and I.9). *This criterion is met.*

8.3 (B) All Review Uses and Conditional Uses topographically visible from Key Viewing Areas:

8.3.1 (1) Each development shall be visually subordinate to its setting as seen from Key Viewing Areas.

As required above, each development shall be visually subordinate to its setting as seen from Key Viewing Areas. As defined in MCC 38.0015, the subject properties and proposed development are potentially visible from the following Key Viewing Areas: Columbia River, Historic Columbia River Highway, Highway I-84, Larch Mountain, Larch Mountain Road, Portland Women's Forum State Park, Sandy River, and Washington State Route 14.

As allowed in MCC 38.7035(B)(14), "the rehabilitation of or modifications to existing significant historic structures shall be exempted from visual subordinance requirements for lands seen from Key Viewing Areas." As discussed previously in Section 5.0, the use, and the View Point Inn building and accessory structure have been discontinued, and therefore are not considered "existing." However, for purposes of the rehabilitation and modification exemption, the word "existing" modifies the phrase "significant historic structures," and therefore takes on a different meaning. In the context of the exemption, the question is whether the building has retained its status as a "significant historic structure," or stated differently, whether its status as a significant historic structure still "exists." In this case, because the View Point Inn and accessory building remain listed on the National Register of Historic Places, those buildings are "existing significant structures" subject to the exemption (Exhibit A.23 and I.1)

As proposed by the applicant, the proposal will seek to rehabilitate and modify the View Point Inn building and accessory structure; however, the rehabilitation and modification will extend further than making a limited change or restoration of something damaged because the proposal includes the new development to accommodate a new use. The new use, a single-family dwelling, will be located above the converted garage. The single-family dwelling is visible from multiple Key Viewing Areas as it will be located on the second story. The new development and can be seen from the Women's Forum State Park, as shown in the rendering provided by the applicant (Exhibit I.9 Renderings: New View from Women's Forum). Therefore, as required above, the new development of a second story single-family dwelling is not within the exemption and will be required to be visually subordinate as seen from Key Viewing Areas.

The applicant also proposes to rebuild the accessory building (shed or spa building) to the north of the View Point Inn building. As proposed, the accessory building will be rebuilt by removing all of the existing walls and rebuilding the building. The replacement, while using the same footprint of the once existing building is not a modification or rehabilitation. In rebuilding the building, it will also be required to be visually subordinate as seen from Key Viewing Areas.

Lastly, the parking curb, trellises, and parking area will be required to be visually subordinate. The applicant is proposing this development as entirely new. Utilizing the adjacent lot to the east for parking of vehicles, the improvements to the parking area will also be required to be visually subordinate as seen from Key Viewing Areas.

The View Point Inn building as described in the National Register of Historic Places Inventory – Nomination Form is not required to be visually subordinate as allowed in MCC 38.7035(B)(14). The parking lot, rebuilt accessory building, and single-family dwelling above the garage are seen from KVAs and must be visually subordinate. The discussion about how

each development shall be visually subordinate to its setting as seen from Key Viewing Areas is discussed below.

8.3.2 **(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 subject properties and proposed development are potentially visible from the following Key Viewing Areas (KVAs). As defined in MCC 38.0015 the KVAs which the subject property and development are potentially visible from are as follows: Columbia River, Historic Columbia River Highway, Highway I-84, Larch Mountain, Larch Mountain Road, Portland Women's Forum State Park, Sandy River, and Washington State Route 14. The subject properties are located in relation to the KVAs as follows:

- Larch Mountain Road and Historic Columbia River Highway are adjacent to the subject properties.
- The Portland Women's Forum State Park is located approximately 2,900 feet (.5 miles) away.
- The south bank of the Columbia River is approximately 4,200 feet (.8 miles) away,
- Washington State Route 14 is approximately 9,514 feet (1.8 miles) away, and
- Larch Mountain is approximately 41,131 feet (7.9 miles) away

At an elevation of 1,400 feet, the subject properties and the View Point Inn building and accessory structure are potentially topographically viewable from Columbia River, Historic Columbia River Highway, Larch Mountain, Larch Mountain Road, the Portland Women's Forum State Park, and State Route 14. Vegetative screening and distance prevents the subject property from being viewable from the Columbia River, Larch Mountain, and State Route 14. The slope from the Historic Columbia River Highway prevents the subject property and buildings from being visible. However, the slopes and lack of vegetative screening expose the subject property to the south and west ensuring that the building massing is clearly visible from Larch Mountain Road and Portland Women's Forum State Park.

As discussed previously in Section 8.3.1, the applicant is proposing to rehabilitate and modify the historic structure, which exempts the structure from the visual subordinance requirements. Areas outside the scope of the exemption include the parking area, where new curbs and trellises are proposed to be constructed, the single-family dwelling expansion of the View Point Inn building above the garage, and the rebuilding of the accessory building.

The single-family dwelling will be located above the attached garage. To establish the single-family dwelling, the View Point Inn building will be expanded to two stories in height. From Larch Mountain Road, the likelihood that the single-family dwelling can be seen is minimal due to the massing of trees along Larch Mountain Road and the historic structure. The single-family dwelling will be seen from the Women's Forum State Park (Exhibit I.9 – Renderings: New View from Women's Forum). The applicant proposes to use a cedar shingle left in its natural finish. However, as seen from the rendering, the earth tone color of the single-family addition is highly visible. As required by MCC 38.7035(B)(12), a condition will require that the exterior of the single-family dwelling (e.g. second story) shall be painted a dark earth tone color that matches the top two rows (A and B) or C14, C15, C16 of the third row of the from the Columbia River Gorge Commission *Scenic Resources Implementation Handbook* Color Chart. Additionally, the tree density shall be maintained to the north and west. Over time, the trees will continue to grow, which will lessen the visual impacts of the expanded building. Another condition will require that if trees die or are removed they shall be replaced with coniferous vegetation. Lastly, to accommodate this new development, the applicant is proposing to remove three (3) trees. Two of these trees are located in an area that help screen the existing garage from the Women's Forum State Park. Therefore, to ensure that new development achieves visual subordinance, conditions will be required that those trees be replaced along the western portion of the property.

The proposed parking area, trellises, curbs are on the eastern side of the View Point Inn building. This area and the proposed structures are screened from the Women's Forum State Park by existing vegetation and the View Point Inn building to the north and west. The likelihood that the parking area, trellises, and curbs would be seen through the narrow gaps between the historic structure and the existing vegetation to the west is very low. However, they are all topographically visible from Larch Mountain Road.

The applicant is proposing to plant various shrubs and ground cover to achieve visual subordinance. The Planting Plan indicates that the following plants and shrubs, *arctostaphylos columbiana, myrica californica,* and *mahonia repens* will be planted along the southern border of the parking area (Exhibit I.8 – L2.01). According to City of Portland Plant List Handbook, a mature *arctostaphylos columbiana* can grow to a height 6 to 8 feet and *mahonia repens* can grow to a height of 2 feet. A mature *myrica californica* can grow to height of 10 to 30 feet. At maturity, the shrubs and ground cover will provide vegetative screening from Larch Mountain Road.

For the trellises, the applicant is proposing to construct them out of cedar. Natural cedar is not typically a dark earth tone color. Therefore, to ensure that the cedar posts are visually subordinate, they will be required to be painted a dark earth tone color.

Additionally, to ensure that the parking lot is continuously visually screened from Larch Mountain Road, vegetation under the property owner's control shall be required to be planted and maintained as described in the Planting Plan along the southern property line to screen the parking area from the KVA. *As conditioned, this criterion is met.*

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

Staff: The cumulative effects for this development relates to the combined effects of two or more activities, which collectively result in significant actions taking place over a period of time. As development occurs, the cumulative effect of development could result in scenic standards being degraded over time. As proposed, the applicant is will be modifying the View Point Inn building, constructing a new single-family dwelling, and creating a new parking area on the subject properties. Each of these proposed developments could result in additional visual impacts; therefore, to limit those cumulative effects this Staff Report recommends that additional vegetative cover, replacement of trees and dark earth tone paint colors be used as art of the development activities. These measures will ensure that the cumulative effect of the proposed development will be mitigated and limited. *This criterion is met.*

8.3.4 **(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 applicant has provided information for all buildings, including the View Point Inn building and accessory structure. The information includes the proposed building(s)' height, shape, color, exterior building materials, exterior lighting, and landscaping details in Exhibit I.8 and I.9. The applicant has met the burden of proof required by this standard. *This criterion is met.*

8.3.5 **(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 applicant is proposing to expand the garage to establish a new single-family dwelling. As shown on the floor plan, the garage will be converted and a second story expansion is proposed (Exhibit I.8 – A2.3). Since the applicant is constructing an addition to contain a new use above the attached garage, the addition is considered as new development.

As proposed, the newly constructed addition and accessory building will be located in the least visible portion of the site. Due to the location of the View Point Inn building, expansion of the building can only be accomplished by extending towards the north or west. Renderings show the historic building already protrudes and is visible along the eastern tree line, as one looks from the Women's Forum State Park KVA (Exhibit I.9 - Existing View from Women's Forum). The accessory structure is not visible. The addition will add massing to that protrusion in a manner that mimics the historic structure (Exhibit I.9 - New View from Women's Forum). As proposed and designed, the new addition will not look out of place to the historic building and the accessory building will not be visible. Additionally, the distance to KVAs and existing vegetative cover on the property will limit the potential impacts to ensure compliance with this criterion to the maximum extent practical.

The parking area, curb, and trellises are on the eastern side of the View Point Inn building are also considered new development. They are screened by existing vegetation and the View Point Inn building to the north and west. The likelihood that the parking area, curb, and trellises would be seen from the Women's Forum State Park KVA through the narrow gaps between the historic structure and the vegetation is limited. Additionally, as discussed in Section 9.8, the parking area is required to be of a minimum size to accommodate the special use. Therefore, staff does not find that imposing conditions related to siting of the proposed parking area, curb, and trellises are necessary because it already is sited to minimize visibility from Key View Areas. *This criterion is met.*

8.3.6 (7) New development shall be sited using existing topography and/or existing vegetation as needed to achieve visual subordinance from key viewing areas.

Staff: As discussed in Section 8.3.5, the applicant is proposing new development. To accommodate this new development, the applicant is proposing to remove three (3) trees, a Norway maple and two red alders. The two red alders are located between the View Point Inn building and the accessory building and are needed to help screen the proposed single-family dwelling from the Women's Forum State Park. As discussed previously, the siting of the single-family dwelling and the accessory building are in an area where development has already occurred, therefore, to ensure that new development achieves visual subordinance, conditions will be required that those two trees be replaced along the western portion of the property. Additionally, a condition will require that the tree density be maintained to the north and west. If trees die or are removed they shall be required to be replaced.

The parking area, trellises, and curb are on the eastern side of the View Point Inn building. They are screened from the Women's Forum State Park KVA by existing vegetation and the View Point Inn building to the north and west; however, the parking area is visible from East Larch Mountain Road. To ensure that the parking area is screened, the applicant is proposing to plant *arctostaphylos columbiana, myrica californica, and mahonia repens*. The planting of shrubs and ground cover should provide screening and will be required as a condition of approval. *As conditioned, this criterion is met.*

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

Staff: The applicant is proposing to remove two (2) trees that currently provide screening as discussed in Section 8.3.6. The two red alders are located directly between the garage and the Women's Forum State Park KVA. A condition of approval is recommended that those trees be replaced in an area west of the View Point Inn building to provide screening from KVAs. Additionally, if additional trees are removed in the future due to disease, the trees shall be replaced immediately with similar tree species, species native to the setting, or species commonly found in the area. The replacement tree species shall be a minimum of 2-inch caliper size or greater and located in the same area as the tree that was removed. *As conditioned, this criterion is met.*

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

Staff: The applicant is not proposing any cut banks or fill slopes, as part of the application driveway or building. The applicant included a proposed grading plan within Exhibit I.8 that shows proposed grading activity on site is limited to excavation of the basement area beneath the View Point Inn Building. The parking lot will be used as a fill storage area and then graded to ensure a level surface for the parking lot. Any excess fill will be removed from the site. *This criterion is met.*

8.3.9 **(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 subordinance. Recommended square footage limitations for such surfaces are provided for guidance in the Implementation Handbook.**

Staff: As discussed in Section 8.3.2, 8.3.5, and 8.3.6, the View Point Inn building is exempt from the visual subordinance requirements; however, the accessory building and single-family dwelling addition above the attached garage of the View Point Inn building are required to be visually subordinate. The rendering provided by the applicant shows that the buildings will not be fully screened from the Women's Forum State Park KVA (I.9 - New View from Women's Forum). The single-family dwelling addition and accessory building will be required to use nonreflective materials or materials with low reflectivity because, as discussed above, neither building is fully screened from all Key Viewing Areas by existing topographic features.

The applicant has included samples of the materials proposed to be utilized on the View Point Inn building expansion. The exterior materials include a wood cedar shake roof, wood cedar shingle siding, and dark wood trim. These exterior materials are non- or low-reflective. The applicant also proposes to install pre-patinaed copper gutter and three windows in the single-family dwelling addition. The windows, "Ultimate Push Out French Casement Windows with a LoE^3-366 glass" have an external reflectance of 11%. As recommended by the Columbia River Gorge Scenic Resources Implementation Handbook an external reflectance of 11% or less is recommended. The applicant has not included a sample to confirm the reflectivity of the copper gutter; therefore, the applicant will be required to provide a sample of the copper gutter to ensure that the copper is consistent with the Implementation Handbook. Additionally, a condition will be required that the windows have a reflectivity rating of 11 – 13% or less.

The samples included for the accessory building are similar in style and color of the View Point Inn building. As proposed, the exterior of the building will be similar to the View Point Inn building expansion. As submitted, the applicant is proposing to use the same LoE^3-366 glass and copper gutter. Therefore, a similar condition will be required for the accessory building. *As conditioned, this criterion is met.*

8.3.10 **(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: The Site Plan, Sheet L1.01: Materials Plan and the Elevations of Exhibit I.8, Sheet A3.1 through A3.5 show the locations of the proposed lighting for the property and buildings. The applicant is proposing to use Hinkley "Adair" exterior wall lanterns, Bega Bollard Pathway Lighting, and Bega Pole-Top Luminaire (Exhibit I.9). The "Adair" wall lanterns are not directed downward or shielded to not be highly visible from KVAs. The "Adair" lighting fixtures emit light along the horizontal plane and could potentially be visible from KVAs. A condition will be required that fixtures shall be changed to be directed downward and sited, hooded and shielded. The applicant will be required to provide cut sheets/specifications to ensure compliance. *As conditioned, this criterion is met.*

8.3.11 **(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: As discussed in Section 8.3.13, the View Point Inn building and accessory building to the north are both included on the National Register of Historic Places Nomination (Exhibit A.23). The applicant is proposing to rehabilitate and modify the historic structure of the View Point Inn building; therefore, MCC 38.7035(B)(14) exempts those portions of the structure from the visual subordinance requirement that requires colors of the structure to be dark earth-tone colors, if they are visible from KVAs. Additionally, as discussed in Section 8.3.2 and 8.3.12, the exterior colors of the proposed addition that are visible from KVAs are required to be dark earth-tones found at the specific site or in the surrounding landscape. The addition is smaller in total square area than the View Point Inn building; however, because the addition is located on a non-contributing historical garage and for an entirely different use than the commercial use associated with the property, the new addition will be required to be dark earth tones to ensure visual subordinance. This is further supported by the applicant in the discussion about the Protection & Enhancement Plan. The plan states, "with respect to the basement and garage, these are not considered important historic spaces and therefore more significant modifications to these spaces are acceptable within the context of meeting the Secretary's Standards" (Exhibit I.6).

As discussed 8.3.1 and 8.3.2, the accessory building near the north property line is being rebuilt. The walls of the building are slated to be removed and replaced with new walls, Therefore, this new development will be required to be dark earth tones found at the specific site or in the surrounding landscape. To ensure compliance with this requirement a condition will be needed. *As conditioned, this criterion is met.*

8.3.12 **(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: As discussed above in Section 8.3.2, 8.3.5, 8.3.6, and 8.3.11, the applicant is proposing an addition to the View Point Inn building. The addition will be located on the north side of the View Point Inn building and will placed above the garage. The addition will be 762 square feet, which is smaller in total square area than the View Point Inn building; however, because the addition is located on a non-contributing historical garage and for an entirely different use than the commercial use associated with the property, the new addition will be required to be dark earth tones to ensure visual subordinance. This is further supported by the applicant in the discussion about the Protection & Enhancement Plan. The plan states, "with respect to the basement and garage, these are not considered important historic spaces and therefore more significant modifications to these spaces are acceptable within the context of meeting the Secretary's Standards" (Exhibit I.6). *As conditioned, this criterion is met.*

8.3.13 **(14) Rehabilitation of or modifications to existing significant historic structures shall be exempted from visual subordinance 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: As discussed in Section 8.3.1, the View Point Inn building and accessory structure have been discontinued, and therefore are not considered "existing." However, because the View Point Inn building and accessory building have retained their status as a "significant historic structures," the two buildings are eligible for this exemption (Exhibit A.23 and I.1). As discussed in the Protection & Enhancement Plan, the rehabilitation of and modifications to such historic structures shall be consistent with National Park Service regulations for historic structures. The Plan states, ""with respect to the basement and garage, these are not considered important historic spaces and therefore more significant modifications to these spaces are acceptable within the context of meeting the Secretary's Standards."

This criterion is met for the building known as the View Point Inn and is not met for the addition above the garage that will contain the single-family dwelling, the accessory building ("shed"), and the structures located in the parking area.

8.3.14 **(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: As discussed above, due to the location of the View Point Inn building, expansion of the building can only occur towards the north or west. As shown in the rendering, the historic building already protrudes above the tree line, but is below the skyline of the ridge (Exhibit I.9). The addition will add additional massing to the protrusion in a manner that mimics the historic structure, which will remain below the skyline of the cliff ridge. The accessory building is only one story tall and will remain below the skyline as seen from the KVAs. *This criterion is met.*

8.3.15 (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 View Point Inn building and accessory building were built in 1924 and do not protrude above the skyline of the bluff, cliff, or ridge as shown in the rendering provided by the applicant (Exhibit I.9). The proposed alteration does protrude above the tree line, but is below the skyline of the ridge (Exhibit I.9). *These criteria are met.*

8.3.16 (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 subordinance. 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 subordinance.

(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. [sic] 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: As proposed, new landscaping is required because there is no other means to make the development visually subordinate from KVAs. The View Point Inn building and associated development cannot utilize alternative sites, as discussed in Section 7.3 and 11. Therefore, the applicant is utilizing new landscaping to screen development from KVAs. As discussed in Section 8.3.1, the applicant is proposing new development, including a new addition above the converted attached garage of the View Point Inn building, a new accessory building, and parking improvements that must be visually subordinate to its setting as seen from KVAs.

As discussed in Section 8.3.6 and 8.3.7, the applicant is also proposing to remove two (2) trees that provide screening from KVAs, which will be needed to help achieve visual subordinance. New landscaping will be required to help screen the proposed expansion from KVAs as a condition of approval. The two (2) proposed trees to be removed will be required to be replaced with evergreen trees and planted to the north and west portions of the property to screen the

View Point Inn addition and the new accessory building as required in Section 8.3.6 and 8.3.7. The replacement trees will need to be of sufficient size to make the development visually subordinate within five years of the commencement of construction. The replacement trees will need to be planted as soon as practicable and prior to project completion. Additionally, an ongoing condition will require that the tree density to the north and west be maintained and that if trees die or are removed that they be replaced. These conditions will ensure that the new development is screened from KVAs.

The parking area, trellises, and curb on the adjacent property will also require new landscaping used to screen development from key viewing areas. The parking area is visible from East Larch Mountain Road KVA. To ensure that the parking area is screened, the applicant is proposing to plant *arctostaphylos columbiana, myrica californica, and mahonia repens*. The planting of shrubs and ground cover should provide screening and will be required as a condition of approval. *As conditioned, these criteria are met.*

8.3.17 (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).

Staff: The new developments are located on land designated GMA Forest. Therefore, the applicant is requesting a variance to the fuel break requirements of MCC 38.7305(A) as discussed in Section 11.0. If the variance is granted, the applicant will only need to meet the fuel break requirements, which relate to spacing standards of newly planted trees and the location of those plantings. As discussed in Section 7.2, the newly planted vegetation will require that the trees be planted a minimum of 50 feet from all buildings. If trees are planted within 50 feet from a building, the trees shall be spaced greater than 14 feet between crowns, and pruned to remove dead and low (less than 9 feet from the ground) branches. *As conditioned, this criterion is met.*

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

Staff: As discussed above in Section 8.3.2, 8.3.5, and 8.3.6, the applicant is proposing an addition to the View Point Inn building and a new accessory building. The addition to the View Point Inn building and the accessory building are located on the northern portion of tax lot 1600. The area of expansion is flat and does not contain slopes in excess of 30 percent as shown in the survey completed by Columbia River Surveying and Mapping on March 17, 2017 (Exhibit I.8 – G0.1). *This criterion is met.*

8.3.19 (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. The grading plan shall include the following:

(a) A map of the site, prepared at a scale of 1 inch equals 200 feet (1:2,400), or a scale providing greater detail, with contour intervals of at least 5 feet, including:

1. Existing and proposed final grades;
2. Location of all areas to be graded, with cut banks and fill slopes delineated; and
3. Estimated dimensions of graded areas.

(b) A narrative description (may be submitted on the grading plan site map and accompanying drawings) of the proposed grading activity, including:

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

Staff: The applicant has submitted grading information as part of the Hillside Development Permit requirements as discussed in Section 10.0. The applicant has submitted a grading plan and Hillside Development Worksheet, which are included as Exhibit I.8 - C1.0, I.10, I.11, and I.12 consistent with this requirement. *These criteria are met.*

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

8.4.1 (1) Pastoral

(a) Accessory structures, outbuildings and accessways shall be clustered together as much as possible, particularly towards the edges of existing meadows, pastures and farm fields.

Staff: The applicant is proposing to remove an existing 403 square foot shed and construct a new shed that has a floor area of 372 square feet and a roof area of 460 square feet. Described as a 10-ft by 20-ft "shed" in the National Register of Historic Places Inventory – Nomination Form, the applicant has provided historical aerial photos and a letter from SHPO concluding that the 200 square foot "shed" was incorrectly described in the nomination (Exhibit I.9 – Historic Photos and I.16). The building was previously measured at 403 square feet of floor area as indicated on the site plan approved by the County on December 21, 2006 (Exhibit B.14).

The proposed 372 square foot floor area is less than the 403 square foot in the 2006 site plan, but the roof is larger than the historical measurement. The accessory building is new and is located approximately 25 feet from the proposed View Point Inn building and addition. It is separated from the View Point Inn building by a proposed loading zone but it is still clustered to the extent possible. *This criterion is met.*

(b) In portions of this setting visible from Key Viewing Areas, the following standards shall be employed to achieve visual subordinance for new development and expansion of existing development:

1. Except as is necessary for site development or safety purposes, the existing tree cover screening the development from Key Viewing Areas shall be retained.
2. Vegetative landscaping shall, where feasible, retain the open character of existing pastures and fields.
3. At least half of any trees planted for screening purposes shall be species native to the setting or commonly found in the area. Such species include fruit trees, Douglas fir, Lombardy poplar (usually in rows), Oregon white oak, bigleaf maple, and black locust (primarily in the eastern Gorge). The Scenic Resources Implementation Handbook includes recommended minimum sizes.
4. At least one-quarter of any trees planted for screening shall be coniferous for winter screening.

Staff: As discussed in Section 8.3.1 the applicant is proposing new development. The addition north of the View Point Inn building, the accessory building and the parking area must be visually subordinate to its setting as seen from KVAs through the use of existing trees along the north and western property lines. As discussed in Section 8.3.6 and 8.3.7, the applicant is also proposing to remove two (2) trees that provide screening from KVAs, which will be needed to help achieve visual subordinance for the addition and new accessory building.

The applicant is proposing new landscaping to help screen the proposed expansion, accessory building, and parking area from KVAs. The subject properties do not contain existing pastures and fields, so the applicant will be required to plant trees to replace the trees that will be removed. Additional landscaping will also be required to screen the parking area. A condition will require additional trees be planted to the north and west portions of the property and for these trees to be coniferous. Another condition will also require that the tree density to the north and west be maintained and that if trees die or are removed that they be replaced with a similar species or coniferous tree. *As conditioned, these criteria are met.*

(c) Compatible recreation uses include resource-based recreation uses of a very low or low-intensity nature, occurring infrequently in the landscape.

Staff: No recreational uses are proposed or exist on the site. *This criterion is met.*

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

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

Staff: The subject lots are both located within one-quarter mile of Historic Columbia River Highway. Therefore, they are located in the foreground of the Scenic Travel Corridor.

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

Staff: The Historic Columbia River Highway is the only Scenic Travel Corridor within the immediate area. The highway is located adjacent to property where the View Point Inn building is located. The distance from the edge of the Historic Columbia River Highway to the View Point Inn building, new single-family dwelling, and accessory structure are more than 100 feet as shown in Exhibit I.9 - A0.1. The location of all proposed parking areas located on tax lot 1500 are greater than 100 feet from the edge of pavement as shown in Exhibit I.9 - A0.1. *This criterion is met.*

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

Staff: As discussed above in Section 8.5.2, the proposed addition to the View Point Inn building with an addition to the north of the building is not located within 100 feet of the edge of pavement of Historic Columbia River Highway and the proposed parking area is located more than 100 feet of the edge of pavement as shown on Exhibit A.10: A0.1. *This criterion is met.*

8.5.4 (4) All proposed vegetation management projects in public rights-of-way to provide or improve views shall include the following:

(a) An evaluation of potential visual impacts of the proposed project as seen from any Key Viewing Area;

(b) An inventory of any rare plants, sensitive wildlife habitat, wetlands or riparian areas on the project site. If such resources are determined to be present, the project shall comply with applicable standards to protect the resources.

Staff: The applicant is not proposing any vegetation management projects in the public right-of-way to provide or improve views. The applicant is proposing to plant *mahonia repens* along the property line adjacent to the public right-of-way. The proposed vegetation is not designed to improve views; rather the planting will be installed to provide decorative vegetation and screening to delineate the property and parking areas from the right-of-way. *This criterion is not applicable.*

8.6 § 38.7045 GMA CULTURAL RESOURCE REVIEW CRITERIA

8.6.1 (A) Cultural Resource Reconnaissance Surveys

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

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

Staff: The applicant is proposing to modify and add an addition to the View Point Inn building and also reconstruct and replace a shed accessory building to the north of the View Point Inn building. As allowed above, the proposed uses occurring in areas that have a low probability of containing cultural resources will not require a cultural reconnaissance survey. The United States Forest Service has determined that the uses proposed to be established within an historic

building are exempt and a reconnaissance survey is not required because the site is in a low probability zone and is not within 500 feet of an archaeological site (Exhibit B.9). Therefore, no Cultural Reconnaissance Survey is required. *This criterion is met.*

(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 applicant is proposing to modify and add an addition to View Point Inn building and reconstruct/replace an accessory building to the north of the View Point Inn building. Both buildings are described and included on the National Register of Historic Places Inventory - Nomination (Exhibit A.23). The View Point Inn building and accessory building were constructed in 1924. As discussed in Section 8.4.1, the accessory "shed" building was described in the National Register of Historic Places Inventory – Nomination Form as being 10-ft by 20-ft (Exhibit A.23). At present, a 403 square feet accessory building appears to be located in the same area. A letter was provided by Joy Sears, Restoration Specialist, State of Oregon Parks and Recreation Department State Historic Preservation Office that contained an opinion that the shed referenced in the National Register nomination was incorrectly described (Exhibit I.16). SHPO considers the shed to match the current size as it exists today, which is closer to what was permitted in land use case T2-06-006 at 13' x 31' or 403 square feet (Exhibit B.15).

Both buildings are over 50 years in age; therefore, an historic survey shall be required and is discussed in Section 8.7.

A historic survey shall be required because the proposed uses would alter the exterior architectural appearance of buildings and structures that are 50 years old or older.

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

8.7.1 (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: As part of the project, the applicant hired Jessica Engeman, Historic Preservation Specialist with Venerable Group, Inc. to conduct the historical survey and submit a report. In reviewing the proposal, a letter from Joy Sears, Restoration Specialist, Oregon State Historic Preservation Office was provided regarding aboveground historic resources and whether the proposed project complies with Section 106 of the National Historic Preservation Act. In SHPO's determination, they state:

> "Even though the building suffered fire damage back in July 2011 and went without a roof until relatively recently, the State Historic Preservation Office determined that the resource retained enough historic integrity to remain listed in the National Register of Historic Places. The proposed rehabilitation meets the Secretary of the Interior's Standards for Rehabilitation and is taking advantage of the preservation tax incentives to help with the restoration. We also concur with the finding of no effect for the proposed project. This letter refers to above-ground historic resources only. Comments pursuant to a review for archaeological resources, if applicable, will be sent separately. Unless there are changes to the project, this concludes the requirement for consultation with our office under Section 106 of the National Historic Preservation Act (per 36 CFR Part 800) for above-ground historic properties" (Exhibit B.18)

Subsequently, another letter was provided by Joy Sears that contained an opinion that the shed referenced in the National Register nomination was incorrectly described and the shed that is currently on the subject property is the same shed from the original nomination (Exhibit I.16).

The finding of no effect ensures that the proposed use would not compromise the historic or architectural character of the affected View Point Inn building or compromise the features of the site that are important in defining the overall historic characters of the affected buildings or structures. *These criteria are met.*

8.8 (D) Reconnaissance and historic surveys, evaluations, assessments and mitigation plans shall be performed by professionals whose expertise reflects the type of cultural resources that are involved. Principal investigators shall meet the professional standards published in 36 Code of Federal Regulations (CFR) Part 61 and Guidelines for Evaluating and Documenting Traditional Cultural Properties (Parker and King n.d.). A survey shall consist of the following:

8.8.1 (2) Reconnaissance Survey for Large Scale Uses
For the purposes of this section, large-scale uses include residential development involving two or more new dwellings; recreation facilities; commercial and industrial development; public transportation facilities; electric facilities, lines, equipment, and appurtenances that are 33 kilovolts or greater; and communications, water and sewer, and natural gas transmission (as opposed to distribution) lines, pipes, equipment, and appurtenances.

Reconnaissance surveys for Large Scale Uses shall consist of the following:

(a) A written description of the survey shall be submitted to and approved by the Gorge Commission's designated archaeologist.

(b) Reconnaissance surveys shall reflect the physical characteristics of the project area and the design and potential effects of the proposed use. They shall meet the following standards:

1. Archival research shall be performed prior to any field work. It should entail a thorough examination of tax records; historic maps, photographs, and drawings; previous archaeological, historic, and ethnographic research; cultural resource inventories and records maintained by federal, state, and local agencies; and primary historic accounts, such as diaries, journals, letters, and newspapers.

2. Surface surveys shall include the entire project area, except for inundated areas and impenetrable thickets.

3. Subsurface probes shall be placed at intervals sufficient to document the presence or absence of cultural resources.

4. Archaeological site inventory forms shall be submitted to SHPO whenever cultural resources are discovered.

(c) A confidential report that includes:

1. A description of the proposed use, including drawings and maps.

2. A description of the project area, including soils, vegetation, topography, drainage, past alterations, and existing land use.

3. A list of the documents and records examined during the archival research and a description of any prehistoric or historic events associated with the project area.

4. A description of the fieldwork methodology used to identify cultural resources, including a map that shows the project area, the areas surveyed, and the location of subsurface probes. The map shall be prepared at a scale of 1 inch equals 100 feet (1:1,200), or a scale providing greater detail.

5. An inventory of the cultural resources that exist in the project area, including a written description, photographs, drawings, and a map. The map shall be prepared at a scale of 1 inch equals 100 feet (1:1,200), or a scale providing greater detail.

6. A summary of all written comments submitted by Indian tribal governments and other interested persons.

7. A preliminary assessment of whether the proposed use would or would not have an effect on cultural resources. The assessment shall incorporate concerns and recommendations voiced during consultation meetings and information obtained through archival and ethnographic research and field surveys.

(d) The applicant shall be responsible for reconnaissance surveys for large-scale uses.

(e) The Gorge Commission will conduct and pay for all Evaluations of Significance and Mitigation Plans for cultural resources discovered during construction of large-scale uses.

Staff: Chris Donnermeyer, United State Forest Service has reviewed the proposed project and has determined that this project is classified as a large-scale use in a letter submitted to

Multnomah County Land Use Planning on February 13, 2018 (Exhibit B.8). Subsequently, in a second letter, submitted to Multnomah County Land Use Planning on March 7, 2018, Chris Donnermeyer wrote:

> "While this is a large-scale undertaking, a reconnaissance survey is not required for the reasons stated above including the fact that the proposal is modification and also since it is within a low probability zone and is not within 500 ft. of an archaeological site. Additionally, the project type is not one of the types listed in the CRGNSA Management Plan, I-2-5 (6), (a) through (e) which are project types that always require a reconnaissance survey" (Exhibit B.9).

Based on this letter, the applicant is not required to submit a reconnaissance survey. *These criteria are met.*

(3) Historic Surveys

(a) Historic surveys shall document the location, form, style, integrity, and physical condition of historic buildings and structures. They shall include:

1. Original photographs;

2. Original maps; and

3. Archival research, blueprints, and drawings as necessary.

(b) Historic surveys shall describe any uses that will alter or destroy the exterior architectural appearance of the historic buildings or structures, or compromise features of the site that are important in defining the overall historic character of the historic buildings or structures

(c) The project applicant shall provide detailed architectural drawings and building plans that clearly illustrate all proposed alterations.

Staff: The applicant has hired Jessica Engeman, Historic Preservation Specialist with Venerable Group, Inc. to conduct the historical survey and submit a report. The report is a combination of documents that include an Operational Plan, Protection and Enhancement Plan, Material Samples documenting the interior and exterior materials that will be used as part of this project (Exhibit I.5, I.6, I.8, and I.9). Also included was the National Register of Historic Places Inventory – Nomination Form (Exhibit A23). Together these materials satisfy the requirements for documentation for a Historical Survey because the documents include historic photographs, maps, and other research document that define the historic characteristics of the location, form, style, integrity, and physical condition of historic buildings and structures.

The documents that comprise the historic survey describe that the applicant is proposing excavate beneath the View Point Inn building, alter the garage, and rebuild an accessory building. The Protection and Enhancement Plan notes, "with respect to the basement and garage," these are not considered important historic spaces and therefore more significant modifications to these spaces are acceptable within the context of meeting the Secretary's Standards." As for the accessory building, it was damaged in 2016 when a tree fell on it therefore will be required to be rebuilt. *These criteria are met.*

8.9 (L) Cultural Resources Discovered After Construction Begins

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: To ensure that these criteria are met, a condition will be added that addresses the procedures that shall occur if cultural resources are discovered during construction activities. *As conditioned, these criteria are met.*

8.10 (M) Discovery of Human Remains

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: To ensure that these criteria are met, a condition will be added that addresses the procedures that shall occur if human remains are discovered during construction activities. *As conditioned, these criteria are met.*

8.11 § 38.7055 GMA WETLAND REVIEW CRITERIA

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

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

(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 project site is not within an identified wetland or wetland buffer zone, on hydric soils, or adjacent to the main stem of the Columbia River, therefore these criteria are not applicable. *These criteria are not applicable.*

8.12 § 38.7060 GMA STREAM, LAKE AND RIPARIAN AREA REVIEW CRITERIA

(A) The following uses may be allowed in streams, ponds, lakes and riparian areas when approved pursuant to the provisions of MCC 38.0045, MCC 38.7060 (C), and reviewed under the applicable provisions of MCC 38.7035 through 38.7085:

Staff: The project site is not within stream, lake, or riparian area, therefore these criteria are not applicable. *These criteria are not applicable.*

8.13 § 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).

Staff: The project site is not within 1,000 feet of sensitive wildlife areas or sensitive wildlife sites, therefore these criteria are not applicable. *These criteria are not applicable.*

8.14 § 38.7070 GMA RARE PLANT REVIEW CRITERIA

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

Staff: The project site is not within 1,000 feet of endemic plants and sensitive plant species, therefore these criteria are not applicable. *These criteria are not applicable.*

8.15 § 38.7080 GMA RECREATION RESOURCE REVIEW CRITERIA

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

Staff: The applicant is not proposing any uses that are allowed in Recreation Intensity 1 through 4, therefore these criteria are not applicable. *These criteria are not applicable.*

9.0 Off-Street Parking and Loading Criteria

9.1 § 38.4105 GENERAL PROVISIONS

In the event of the erection of a new building or an addition to an existing building, or any change in the use of an existing building, structure or land which results in an intensified use by customers, occupants, employees or other persons, off-street parking and loading shall be provided according to the requirements of this Section.

Staff: The applicants have applied for a permit to establish special uses in a historic building, which would include overnight accommodation, a restaurant, commercial events, and retreat facilities. As the property has had no commercial use since 2011, the proposed uses of the site would result in an intensified use by adding the additional guests and business to the property. The Operational Plan listed as Exhibit I.5 indicates:

- Overnight guests: 10 overnight guest within five rooms
- Daily visitors to the retreat/spa/wellness center: Maximum of 20 guests/day
- Commercial events (8 educational community lectures per calendar year, maximum of 6 special menu dinners per calendar year, and an annual Holiday party): Maximum of 75 people including staff and any event contractors for the Holiday party and up to 40 people for other commercial events.

The applicant is also proposing a new single-family dwelling above the converted garage space. Due to the proposed uses, the application must be reviewed pursuant to MCC 38.4100 et al.

9.2 § 38.4125 USE OF SPACE

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

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

Staff: The applicant does not propose to charge for the parking spaces and a condition will ensure that the applicant cannot charge for parking or use the parking spaces in a manner prohibited by this standard. The applicant is also proposing a loading area between the newly expanded View Point Inn building and the accessory building to the north and a parking area on the adjacent property known as tax lot 1500 (Exhibit I.8 - A0.1). A condition will be required that this loading space shall be available for loading and unloading of vehicles for the transportation of goods or services for the use associated with the loading space. In addition, a condition will ensure that loading areas will be used only for loading and unloading and will not be used to store or accumulate equipment, material, or goods. *As conditioned, these criteria are met.*

9.3 § 38.4130 LOCATION OF PARKING AND LOADING SPACES

(A) Parking spaces required by this Section shall be provided on the lot of the use served by such spaces.
(B) Exception – The Planning Director may authorize the location of required parking spaces other than on the site of the primary use, upon a written finding by the Director that:

(1) Parking use of the alternate site is permitted by this Ordinance;
(2) The alternate site is within 350 feet of the use;
(3) There is a safe and convenient route for pedestrians between the parking area and the use;
(4) Location of required parking other than on the site of the use will facilitate satisfaction of one or more purposes or standards or requirements of this Chapter; and,
(5) There is assurance in the form of a deed, lease, contract or other similar document that the required spaces will continue to be available for off-street parking use according to the required standards.

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

Staff: The applicants are requesting an exception to locating the parking spaces on the lot of the use. As proposed, the applicant will locate the required parking spaces for the View Point Inn building and use on an adjacent lot, tax lot 1500, across NE Columbia Avenue, which is owned by the property owners, Heiner and Sheron Fruehauf. The use of the adjacent lot as a parking area is allowed under MCC 38.7380 because together tax lot 1500 and 1600 are considered as the subject property. As indicated on the site plan, the adjacent lot is located approximately 30 feet from the View Point Inn building. The applicant proposes to install paving markers to

delimitate crossing areas from the parking lot to the View Point Inn building (Exhibit I.8 – L1.01). The street NE Columbia Avenue is a local street with very little traffic as there are approximately five single-family dwellings past the subject property. The applicant is also proposing a crossing that should help facilitate a safe and convenient place to cross.

Lastly, as shown on the site plan, the applicant is proposing to locate loading spaces on the property with the View Point Inn building (Exhibit I.8).

This decision will contain a condition that requires that the required spaces will continue to be available for off-street parking use in perpetuity of the proposed use on tax lot 1600. As required in MC 38.0670, a copy of this decision will be required to be recorded with the County Recorder's Office, which will provide assurance that this requirement will be met. *As conditioned, these criteria are met.*

9.4 § 38.4135 IMPROVEMENTS REQUIRED

(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.
(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: To ensure that the improvements are completed, a condition will be required that parking and loading areas shall be improved and placed in condition for use before the grant of a Certificate of Occupancy. *As conditioned, these criteria are met.*

9.5 § 38.4145 JOINT PARKING OR LOADING FACILITIES

(A) In the event different uses occupy the same lot or structure, the total off-street parking and loading requirements shall be the sum of the requirements for each individual use.
(B) Owners of two or more adjoining uses, structures, or parcels of land may utilize jointly the same parking or loading area, when approved by the Planning Director, upon a finding by the Director that the hours of operation do not overlap and provided satisfactory legal evidence is presented to the Director in the form of a deed, lease, contract or similar document, securing full access to such parking or loading areas for all the parties jointly using them.

Staff: The applicant is proposing a special use in a historic building and a new single-family dwelling. The Operational Plan indicates that the commercial use will entail:

- Overnight guests: 10 overnight guest
- Daily visitors for the spa/wellness center: Maximum of 20 guests/day

- Commercial events (8 educational community lectures per calendar year, maximum of 6 special menu dinners per calendar year, and an annual Holiday party): Maximum of 75 people including staff and any event contractors for Holiday party, and maximum of 40 people for other commercial events. (Exhibit I.5)

As discussed in Section 9.12, the proposed use will require 27 parking spaces total. The combination of uses (personal service, overnight accommodation, and a single-family dwelling) is limited by the proposed Operational Plan. The Operational Plan will limit the hours of operation for daily visitors and limit the total amount of overnight guests, in addition to limiting the use of the restaurant to registered guests. The daily visitors and commercial events will not have the potential to overlap as the Wellness Center will not be open during times when educational community lectures, seasonal dinners, or the Holiday Party are occurring (Exhibit I.5). As outlined in the Operational Plan and Parking Plan, a condition will be required that the Wellness Center be closed for day visitors when a commercial event is occurring and the restaurant be only open to registered guests. *As conditioned, these criteria are met.*

9.6 § 38.4165 DESIGN STANDARDS: SCOPE

(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.
(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: The applicant is proposing a Commercial Use in a historic building and accessory structure; therefore as required, the design standards of this section apply to the proposed use. The applicant has provided a site plan that shows all parking and loading areas. The View Point Inn building site will contain one parking space for loading. As designed, the loading space will meet the loading space dimensions. The vehicle utilizing the loading space will need to back into the space from the public right-of-way. To ensure that the loading area does not back into the right-of-way of a public street, a condition will be required that all loading vehicles back into the loading area from the public right of way and at no time shall a vehicle back out of the space into the public right-of-way..

The remaining parking spots are located on the adjacent property to the east. Vehicles will enter and exit the parking lot via NE Columbia Ave. As discussed in Section 9.8 the parking spaces are of adequate size and provide for the turning, maneuvering, and parking of all vehicles on the lot. The parking area also does not require that a vehicle back into the right-of-way of a public street. *As conditioned, these criteria are met.*

9.7 § 38.4170 ACCESS

(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 driveway 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 parking and loading areas abut NE Columbia Avenue, which is a public street. As required above, the applicant shall modify the site plan to indicate traffic directions, which will be plainly marked. *As conditioned, this criterion is met.*

(C) 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: The applicant is not proposing any parking and loading spaces in a public street. *This criterion is met.*

9.8 § 38.4175 DIMENSIONAL STANDARDS

(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.

(3) For parallel parking, the length of the parking space shall be 23 feet.

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

(B) Aisle width shall be not less than:

(1) 25 feet for 90 degree parking,

(2) 20 feet for less than 90 degree parking, and

(3) 12 feet for parallel parking.

(4) Angle measurements shall be between the center line of the parking space and the center line of the aisle.

(C) Loading spaces shall meet the following requirements:

(1)

District	Minimum Width	Minimum Depth
All	12 Feet	25 Feet

(2) Minimum vertical clearance shall be 13 feet.

Staff: The applicant has provided a site plan that shows all parking and loading areas. The site plan shows one loading space that is adjacent to the View Point Inn building. The total paved area of the loading space is 18 feet by 28 feet (Exhibit I.8 – A0.1). The minimum dimensions of a loading space should be a width of 12 feet and a depth 25 feet. If the loading area were constructed as designed, a vehicle would need to back into the right-of-way, which is prohibited under MCC 38.4165. Therefore, to ensure that the loading space is of adequate size for turning and maneuvering, a condition will be required that any vehicles utilizing the loading space will back into the space from the public right of way. Additionally, vehicles will be prohibited from backing into the right of way.

The remaining parking area is proposed to be located on the adjacent property, tax lot 1500. As shown in the site plan, the parking dimensions do not the meet the dimensional standards as described above. The applicant is proposing an alternative design as discussed in the Alternative Parking Study and allowed under MCC 38.4205(G). Under MCC 38.4205(G), Multnomah County code allows for "a different amount or type of parking." The applicant has provided dimensional standards from the City of Portland, Wasco County, Clackamas County, and the City of Camas located in the State of Washington as alternative types of parking (Exhibit I.13).

Figure 9 – Dimensional Standards Comparison

	Multnomah County	City of Portland	Wasco County	Clackamas County	Camas, WA
Stall Width	9'	8'6"	Minimum gross area available for parking of a standard American automobile	8'6"	9'
Stall Depth	18'	16'		16"	18'
Aisle Width (90 degree)	25'	20'		No specific size	15' One-Way

As discussed in Section 9.5 and 9.12, the applicant will be required to provide 27 parking spaces. As allowed above, 70 percent of the parking spaces must be of 9 feet by 18 feet (regular size) and 30 percent of the parking spacing can be 8 feet 6 inches by 16 feet (compact).

Figure 10 – Dimensional Standards and Parking Space Comparison

	Width	Length
Required		
19 (70% of parking spaces)	9'	18'
8 (30% of parking spaces)	8'6"	16'
Aisle	25'	
Proposed		
19 parking spaces	9'	16'
8 parking spaces	8'6"	16'
Aisle	20'	

The site plan shows 19 parking spaces with a width of 9 feet and a length of 16 feet and 8 parking spaces with a width of 8 feet 6 inches and a length of 16 feet (Exhibit I.8 – A0.1). Of those spaces, 21 spaces use a portion of the planting area that extends past the curb as part of their measurement. Multnomah County does not provide a basis of how parking spaces should be measured, however, as discussed in the revised Alternative Parking Study; the applicant requests the utilization of the measurement standard from the City of Portland's code, which allows for the use of the landscaping strip. The applicant states, "Measurement of the 16 foot stall depth with curb and overhang successfully integrates with landscape screening areas in front of the parking stall" (Exhibit I.19).

Based on the site plan, the proposed parking design layout utilizing the Alternative Parking Study can be considered to meet the need for the "compact" parking type all of the parking spaces, which is appropriate as the required parking for the proposed uses.

The proposed parking design does meet the length requirement and aisle requirements as alternatively suggested above. This criterion is met.

9.9 § 38.4180 IMPROVEMENTS

(A) Surfacing

(1) Unless as otherwise provided in either this section or MCC 38.7380 for Special Uses in Historic Buildings; all areas used for parking, loading or maneuvering of vehicles, including the driveway, shall be surfaced with at least gravel or two inches of blacktop on a four inch crushed rock base or at least six inches of Portland cement, unless a design providing additional load capacity is required by the fire service provider, building official or County Engineer, as applicable.

Staff: As provided in MCC 38.7380 for Special Uses in Historic Buildings, the applicant is proposing that the parking area associated with the primary use will be developed using gravel. *This criterion is met.*

(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 site plan indicates that curbing will be constructed that is at least four inches in height and is 3 feet 6 inches from the north and south lot line and 5 feet from the eastern lot line (Exhibit I.8 - A0.1). This curbing will act as a permanent barrier against unchanneled motor vehicle access and egress. *This criterion is met.*

(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: The site plan indicates that markings will be in place to delineate parking spaces within the parking area (Exhibit I.8 – A0.1), however no marking were shown to indicate the direction of travel. A condition will be required that markings indicating direction of travel be indicated on the plan and that all markings be continually maintained. *As conditioned, this criterion is met.*

(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 is proposing to surface the parking area with gravel and construct a 4" thick curb to prevent unchanneled motor vehicle access and egress. As a pervious surface, the

surface water on the lot will drain and be disposed of within the lot via natural infiltration. *This criterion is met.*

9.10 § 38.4185 LIGHTING

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: The Site Plan L1.01: Materials Plan and the Elevations show the locations of the lighting for the property and buildings. The applicant is proposing to use Bega Bollard Pathway Lighting, and Bega Small Scale Floodlights. The Bollard Pathway Lighting fixtures emit light along the horizontal plane and could potentially be visible from KVAs. The floodlights have the potential to also be directed along the horizontal plane. A condition will be required that fixtures are to be changed to 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. *As conditioned, this criterion is met.*

9.11 § 38.4195 DESIGN STANDARDS: SETBACKS

(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.
(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 applicant has applied for a variance to the yard requirements to locate the curb structure within the front yard along NE Columbia Ave, street side yard along E. Larch Mountain Road, the rear yard, and the side yard. The curb will encroach as follows:

Figure 11 – Yard Encroachments for tax lot 1500

Yard	Yard Requirement	Distance from Property Line	Encroachment
Front (adjacent to NE Columbia Ave.	40’	0’	40’
Street side (adjacent to E. Larch Mountain Road.)	30’	3’6”	26’4”
Rear (east property line)	30’	5’	25’
Side (north property line)	10’	3’6”	6’4”

Each of the encroachments requires approval of a variance. If the variances are granted for the curb, the required yards will be reduced to the distance between the property line and the curb. In granting the variance, it will allow the parking space to be located entirely outside of the modified yards. The variance criteria are discussed in Section 11.0.

The applicant does not propose to pave the yard, instead opting to landscape the area between the property line and the curb. The Planting Plan indicates that *arctostaphylos columbiana, myrica californica,* and *mahonia repens* will be planted along the border of the parking lot. These plantings will ensure that the yard will not be paved.

If the variance is granted, the yard dimensional requirements will be reduced to no yard for the front yard, a 3 foot 6 inch yard along the street side yard and side yard, and a 5 foot rear yard. The reduction of the minimum dimensional standards will allow parking to be located outside of the yard because the yards have been reduced to accommodate the variance.

9.12 § 38.4205 MINIMUM REQUIRED OFF-STREET PARKING SPACES

(A) Residential Uses

(1) Single Family Dwelling – Two spaces for each dwelling unit.

(C) Retail, Office and Commercial Uses

(1) Store, and Personal Service Shop – One space for each 400 square feet of gross floor area

(4) Restaurant, Coffee Shop, Tavern or Bar – One space for each 100 square feet of gross floor area.

(6) Overnight Accommodations – One space per guest room or suite plus extra spaces for dining rooms, ballrooms or meeting rooms as required by this section where the capacity of such areas exceeds the capacity of the guest rooms or suites.

(7) Commercial Events – One space for every three guests allowed within the maximum event size plus one space for each two employees

(8) Conference or Retreat Facilities – These shall be treated as combinations of uses such as overnight accommodations, restaurant, auditorium, etc., and the required spaces for each separate use shall be provided.

(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.

(G) Alternative Parking Standards

Alternatively, where a mixture of uses is proposed or where the applicant asserts that a different amount or type of parking is appropriate as the required parking, the applicant may submit a parking and loading study. Such a study will include estimates of parking and off-street loading demand based on recommendations of the Institute of Traffic Engineers (ITE), or other acceptable estimates, and should include other reliable data collected from uses or combinations of uses that are the same as or comparable with the proposed use. The study will document the source of data used to develop the recommendations for identification of the use's required parking.

Staff: The applicants have applied for permits to establish special uses in a historic building, which would include overnight accommodation, a restaurant, commercial events, and retreat facilities, and a new single-family dwelling. The special use in a historic building would result in an intensified use by adding the additional guests to the property. The Operational Plan indicates that the commercial use will entail:

- Overnight guests: 10 overnight guests

- Daily visitors for the spa/wellness center: Maximum of 20 guests/day
- Commercial events (8 educational community lectures per calendar year, maximum of 6 special menu dinners per calendar year, and an annual Holiday party): Maximum of 75 people including staff and any event contractors for the Holiday party, and 40 people for other commercial events. (Exhibit I.5)

The applicant has provided diagrams of the proposed locations of each use. The amount of off-street parking is calculated based on proposed square footage of the proposed use, as shown in Figure 12.

Figure 12 – Minimum Required Off-Street Parking Spaces Calculations

	Proposed (Sq. Ft.)	Guests / Guestrooms	Employees	Ratio	Total Required Parking Spaces
Commercial uses and single-family dwelling use					
Restaurant	1,679	n/a	n/a	1 space / 100 sf	**16 spaces**
Overnight Accommodations	n/a	5	n/a	1 space / guest room	**5 spaces**
Personal Services (Basement)	3,916	n/a	n/a	1 space / 400 sf	**10 spaces**
Personal Services (First Floor)	1,877	n/a	n/a	1 space / 400 sf	**4 spaces**
Personal Services (Shed)	372	n/a	n/a	1 space / 400 sf	**1 space**
Single-Family Dwelling	383	n/a	n/a	2 spaces / dwl unit	**2 spaces**
				Total	**38 spaces**
Commercial events and single-family dwelling use					
Commercial Events	n/a	75 (includes guests and employees)		1 space / 3 guest	**25 spaces**
Single-Family Dwelling	383	n/a	n/a	2 spaces / dwl unit	**2 spaces**
				Total	**27 spaces**

The View Point Inn building can be seen as providing a combination of restaurant, overnight accommodation, and personal services, as shown in the top portion of Figure 12. The spa and wellness center components will primarily be located in the basement and first floor, the restaurant will be located on the first floor, and the overnight accommodation will be limited to the first and second floors.

Rather than providing the 38 spaces outlined above, the applicant is proposing an alternative parking standard as allowed in subsection (G) based on the Operations Plan and an alternative parking study. The Operation Plan and Alternative Parking Study request that only the 27 spaces as calculated in the bottom of Figure 12 be required. To reduce the number of spaces needed, the plans indicate that the restaurant use will be limited to overnight guests and day

visitors, which would remove the restaurant space calculation because it would be accounted for in the other uses. The restaurant will not open to the public without a reservation (Exhibit I.5 and I.13). In removing the restaurant from the parking calculations and only including the personal services and overnight accommodations, the combined uses would only require 20 spaces. Additionally, the applicant is proposing as part of the operational plan to close the facility for the Annual Holiday Party event, which has an estimated attendance of 75 guests and employees. Under MCC 38.4205(C)(7), the Annual Holiday Party event would require 25 spaces (one space for every 3 guests plus one space for each two employees). Since the parking requirements for the party are larger than the requirements for personal services, the combined uses will require the larger total of 25 spaces. Further, under MCC 38.4205(A)(1), the single-family dwelling will require 2 additional spaces for a total of 27 spaces that will be required for the combined uses.

Based on the information provided in the Alternative Parking Study and further limited by the Operations Plan, the minimum required off-street parking required for the use will be 1 loading space and 27 parking spaces.

10.0 Hillside Development Criteria

10.1 § 38.5515 APPLICATION INFORMATION REQUIRED

An application for development subject to the requirements of this subdistrict shall include the following:

(A) A map showing the property line locations, roads and driveways, existing structures, trees with 8-inch or greater caliper or an outline of wooded areas, watercourses and include the location of the proposed development(s) and trees proposed for removal.

(B) An estimate of depths and the extent and location of all proposed cuts and fills.

(C) The location of planned and existing sanitary drainfields and drywells.

(D) Narrative, map or plan information necessary to demonstrate compliance with MCC 38.5520 (A). The application shall provide applicable supplemental reports, certifications, or plans relative to: engineering, soil characteristics, stormwater drainage, stream protection, erosion control, and/or replanting.

(E) A Hillside Development permit may be approved as a Type II decision only after the applicant provides:

(1) Additional topographic information showing that the proposed development to be on land with average slopes less than 25 percent, and located more than 200 feet from a known landslide, and that no cuts or fills in excess of 6 feet in depth are planned. High groundwater conditions shall be assumed unless documentation is available, demonstrating otherwise; or

(2) A geological report prepared by a Certified Engineering Geologist or Geotechnical Engineer certifying that the site is suitable for the proposed development; or,

(3) An HDP Form– 1 completed, signed and certified by a Certified Engineering Geologist or Geotechnical Engineer with his/her stamp and signature affixed indicating that the site is suitable for the proposed development.

(a) If the HDP Form– 1 indicates a need for further investigation, or if the Director requires further study based upon information

contained in the HDP Form– 1, a geotechnical report as specified by the Director shall be prepared and submitted.

Staff: The applicant has provided the following documents:

- A map showing the above requirements (Exhibit I.8 – G0.1, C1.0, and A.01)
- Hillside Development Permit (HDP) Worksheet completed by Humber Design Group, Inc. on January 19, 2018 (Exhibit A.20)
- HDP Form- 1 completed, signed, and certified by a George A. Freitag, Certified Engineering Geologist (Exhibit A.21)
- A revised HDP Form -1 completed by Wesley Spang, Registered Professional Engineer on May 23, 2019 (Exhibit I.10)
- A Geotechnical Consultation reviewing the Hillside Development Permit (HDP) Worksheet completed by Humber Design Group, Inc. on January 19, 2018 by Wesley Spang, Registered Professional Engineer on May 23, 2019 (Exhibit I.11)
- Geotechnical Engineering Investigation completed by Wesley Spang, Registered Professional Engineer and Geotechnical Engineer on December 5, 2018 (Exhibit I.12)

The subject property is located in the Hillside Development overlay. The View Point Inn building is not within the overlay as the overlay covers the western portion of the property. The eastern portion of the property is relatively flat as shown in the Survey completed by Columbia River Surveying and Mapping (Exhibit A.9 – G.01 and I.8 – G.01). The western portions of the subject property is somewhat flat, except a cliff that leads down to the Historic Columbia River Highway exists on the far western portion of the property. Additionally, a historic landslide exists off the subject property on the opposite side of the Historic Columbia River Highway.

The applicant is proposing grading and altering the contours of the western lawn to add additional ornamental plantings, paving for walkways, walls, a fire pit, and hammocks. The development will occur within 200 feet of a known landside.

The HDP Form- 1 indicated the need for further investigation. The applicant included a Geotechnical Engineering Investigation and Report (Exhibit I.11 and I.12). These reports are required in order to determine if the proposed project meets the requirements of the Hillside Development Permit. *These criteria are met.*

(F) Geotechnical Report Requirements

(1) A geotechnical investigation in preparation of a Report required by MCC 38.5515 (E) (3) (a) shall be conducted at the applicant's expense by a Certified Engineering Geologist or Geotechnical Engineer. The Report shall include specific investigations required by the Director and recommendations for any further work or changes in proposed work which may be necessary to ensure reasonable safety from earth movement hazards.

(2) Any development related manipulation of the site prior to issuance of a permit shall be subject to corrections as recommended by the Geotechnical Report to ensure safety of the proposed development.

(3) Observation of work required by an approved Geotechnical Report shall be conducted by a Certified Engineering Geologist or Geotechnical

Engineer at the applicant's expense; the geologist's or engineer's name shall be submitted to the Director prior to issuance of the Permit.
(4) The Director, at the applicant's expense, may require an evaluation of (a) If the HDP Form– 1 or the Geotechnical Report by another Certified Engineering Geologist or Geotechnical Engineer.

Staff: The HDP Form- 1 completed, signed, and certified by a George A. Freitag, Certified Engineering Geologist, and Hillside Development Permit Worksheet completed by Humber Design Group outline and detail specific information about the property to ensure reasonable safety from earth movement hazards. (Exhibit A.20 and A.21). The HDP Form- 1 discusses the general topography of the property and whether proposed earthwork or development will cause potential stability problems. The HDP Form- 1 indicated that there were no concerns, but the form indicated that additional geotechnical engineering investigation should be completed. The applicant included a Geotechnical Engineering Investigation and Report (Exhibit I.11 and I.12).

The initial Hillside Development Permit Worksheet discusses the proposed disturbance area, excavation/fill, compaction methods, vegetation management, and erosion control measures. The main work will be the excavation of the basement area. The worksheet was not stamped by Certified Engineering Geologist or Geotechnical Engineer as required above. Due to the worksheet not being stamped, the applicant subsequently submitted a Geotechnical Consultation reviewing the Hillside Development Permit (HDP) Worksheet completed by Humber Design Group, Inc. on January 19, 2018 by Wesley Spang, Registered Professional Engineer and Geotechnical Engineer on May 23, 2019 (Exhibit I.11).

The Hillside Development Permit Worksheet indicates that ground disturbance, cut and filling and vegetation removal will be required to prepare the site. The applicant proposes to disturb 28,850 square feet of surface area. The disturbance will result in a cut of 334 cubic yards and a fill of 299 cubic yards. Some of the soil will be stockpiled on the adjacent property while any excess spoils will be removed from the subject properties. The vegetation that will be removed will be replaced with various types of new landscape plantings. The stripping of vegetation and excavation will be surrounded by erosion control measures prior to breaking ground. The Geotechnical Engineering Investigation also recommends that all construction operations dealing with earthwork and foundations should be observed by a GRI representative (Exhibit I.12). Therefore, if approved, to ensure that those recommendations are met, a condition will be required. *These criteria are met.*

(G) Development plans shall be subject to and consistent with the Design Standards for Grading and Erosion Control in MCC 38.5520 (A) through (D). Conditions of approval may be imposed to assure the design meets those standards.

Staff: The applicant shall be subject to the requirements of the Design Standards for Grading and Erosion Control as discussed in Section 9.2 below.

10.2 § 38.5520 GRADING AND EROSION CONTROL STANDARDS

Approval of development plans on sites subject to a Hillside Development Permit shall be based on findings that the proposal adequately addresses the following standards. Conditions of approval may be imposed to assure the design meets the standards:

10.2.1 (A) Design Standards for Grading and Erosion Control

10.2.2 (1) Grading Standards

(a) Fill materials, compaction methods and density specifications shall be indicated. Fill areas intended to support structures shall be identified on the plan. The Director or delegate may require additional studies or information or work regarding fill materials and compaction;

(b) Cut and fill slopes shall not be steeper than 3:1 unless a geological and/or engineering analysis certifies that steep slopes are safe and erosion control measures are specified;

(c) Cuts and fills shall not endanger or disturb adjoining property;

(d) The proposed drainage system shall have adequate capacity to bypass through the development the existing upstream flow from a storm of 10-year design frequency;

(e) Fills shall not encroach on natural watercourses or constructed channels unless measures are approved which will adequately handle the displaced streamflow for a storm of 10-year design frequency;

Staff: The HDP Form- 1 completed, signed, and certified by a George A. Freitag, Certified Engineering Geologist, and Hillside Development Permit Worksheet was completed by Humber Design Group (Exhibit A.20 and A.21). The HDP Form- 1 and worksheet outlines and details specific information about the property including soil composition, fill materials compaction methods, and recommended cut and fill slopes. The applicant subsequently submitted a Geotechnical Consultation reviewing the Hillside Development Permit (HDP) Worksheet completed by Humber Design Group, Inc. on January 19, 2018 by Wesley Spang, Registered Professional Engineer and Geotechnical Engineer on May 23, 2019 (Exhibit I.11).

The applicant is proposing to disturb approximately 28,850 square feet of surface area on the subject properties. The disturbance will result in a cut of 334 cubic yards and a fill of 299 cubic yards. There are no natural watercourses or constructed channels on the subject property, so none of the 299 cubic yards of fill will encroach. The majority of soil disturbance will be in relation to the excavation of the basement beneath the View Point Inn building. All fill brought to the site will be compacted to 95% of the maximum dry density with either a sheepsfoot, a vibratory roller, or a vibratory plate. The applicant has also indicated that some of the soil will be stockpiled on the southwest corner of tax lot 1500 (Exhibit I.8 – C1.0). However, it is unknown where the remaining cut soil will be placed. Therefore, if approved, a condition will be required that any excess spoil material on the subject property be removed to an approved disposal site. The applicant is not proposing any cut or fills slopes steeper than 33% and the HDP Form- 1 confirms that cuts and fills will not endanger or disturb adjoining property.

To control for potential stormwater, a Stormwater Report was created by Humber Design Group, Inc. and certified by Martha Williamson, Registered Professional Engineer. The report recommends that the stormwater from the buildings be conveyed into a drywell and existing soakage trench on the north side of the property (Exhibit A.22 and I.14).

Based on information from the HDP- 1 form, Hillside Development Permit Worksheet, and Stormwater Report, a condition will be required to ensure that those recommendations are followed and met. *As conditioned, these criteria are met*.

10.2.3 (2) Erosion Control Standards

(a) Stripping of vegetation, grading, or other soil disturbance shall be done in a manner which will minimize soil erosion, stabilize the soil as quickly as practicable, and expose the smallest practical area at any one time during construction;

Staff: The applicant included a site plan and Hillside Development Permit Worksheet that discusses the proposed stripping of vegetation, grading, or other soil disturbance. The majority of soil disturbance will be in relation to the excavation of the basement beneath the View Point Inn building. The worksheet also indicates that soil will be stockpiled in the parking lot area and new pathways and the parking area will be cleared of scrub and graveled.

The site plan indicates that a sediment fence will be installed around the perimeter of the northern, western, and southern property line. The fence will limit soil movement off the site for the creation of the new footpaths. The plan also shows a stockpiling of soil on the adjacent property, where the parking lot will be located. The stockpile will be covered with a plastic sheeting.

To ensure that these actions occur a condition will be required that erosion control measures be installed prior to any land disturbing activities and that disturbed areas be either graveled or seeded as quickly as practicable. *As conditioned, this criterion is met.*

(b) Development Plans shall minimize cut or fill operations and ensure conformity with topography so as to create the least erosion potential and adequately accommodate the volume and velocity of surface runoff;

Staff: The Development Plans indicate that a majority of soil disturbance will be in relation to the excavation of the basement beneath the View Point Inn building. The work sheet also indicates that soil will be stockpiled in the parking lot area and new pathways and the parking area will be cleared of scrub and graveled. To ensure that bare soil is stabilized, a condition will be required that temporary vegetation and/or gravel shall be used to protect exposed areas during development. *As conditioned, this criterion is met*.

(c) Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development;

Staff: This standard can be met with a condition that will require that temporary vegetation and/or mulching be used to protect exposed areas during development. *As conditioned, this criterion is met*.

(d) Whenever feasible, natural vegetation shall be retained, protected, and supplemented;

1. A 100-foot undisturbed buffer of natural vegetation shall be retained from the top of the bank of a stream, or from the ordinary high watermark (line of vegetation) of a water body, or within 100-feet of a wetland;

2. The buffer required in 1. may only be disturbed upon the approval of a mitigation plan which utilizes erosion and stormwater control features designed to perform as effectively as those prescribed in the currently adopted edition of the "Erosion Prevention & Sediment Control Plans Technical Guidance Handbook (1994)" and the "City of Portland Stormwater Quality Facilities, A Design Guidance Manual (1995)" and which is consistent with attaining equivalent surface water quality standards as those established for the Tualatin River Drainage Basin in OAR 340;

Staff: The subject property is not within 100 feet of the top of bank of a stream or waterbody and there are no indications of wetlands on the subject property. *This criterion is not applicable met.*

(e) Permanent plantings and any required structural erosion control and drainage measures shall be installed as soon as practical;
(f) Provisions shall be made to effectively accommodate increased runoff caused by altered soil and surface conditions during and after development. The rate of surface water runoff shall be structurally retarded where necessary;
(g) Sediment in the runoff water shall be trapped by use of debris basins, silt traps, or other measures until the disturbed area is stabilized;
(h) Provisions shall be made to prevent surface water from damaging the cut face of excavations or the sloping surface of fills by installation of temporary or permanent drainage across or above such areas, or by other suitable stabilization measures such as mulching or seeding;

Staff: The site plan indicates that a sediment fence will be installed around the perimeter of the northern, western, and southern property line. The fence will limit soil movement off the site for the creation of the new footpaths. The plan also shows a stockpiling of soil on the adjacent property, where the parking lot will be located. The stockpile will be covered with a plastic sheeting.

After the footpaths and graveling of the parking area, extensive landscaping will occur. The applicant is proposing to plant over 20 types of plants and shrubs to compliment the Wellness Retreat Facility activities.

To ensure that these actions occur a condition will be required that erosion control measures be installed prior to any land disturbing activities to accommodate increased runoff caused by altered soil and surface conditions. The disturbed areas shall be either graveled or seeded as quickly as practicable and permanent plantings shall be installed soon afterwards. *As conditioned, this criterion is met.*

(i) All drainage provisions shall be designed to adequately carry existing and potential surface runoff to suitable drainageways such

as storm drains, natural watercourses, drainage swales, or an approved drywell system;

Staff: A Stormwater Report was created by Humber Design Group, Inc. and certified by Martha Williamson, Registered Professional Engineer. The report recommends that the stormwater from the buildings be conveyed into a drywell and existing soakage trench on the north side of the property (Exhibit A.22 and I.14). These measures are designed to a 100-year/24 hour storm event. *This criterion is met.*

(j) Where drainage swales are used to divert surface waters, they shall be vegetated or protected as required to minimize potential erosion;

Staff: An existing soakage trench along the north property line is currently vegetated and forested. No vegetation or tree removal is proposed for this area. Therefore, this area will continue to be vegetated to minimize potential erosion. *This criterion is met.*

(k) Erosion and sediment control devices shall be required where necessary to prevent polluting discharges from occurring. Control devices and measures which may be required include, but are not limited to:

1. Energy absorbing devices to reduce runoff water velocity;
2. Sedimentation controls such as sediment or debris basins. Any trapped materials shall be removed to an approved disposal site on an approved schedule;
3. Dispersal of water runoff from developed areas over large undisturbed areas.

Staff: As discussed previously, a sediment fence will be installed around the perimeter of the northern, western, and southern property line. The fence will limit soil movement off the site and prevent polluting discharges from occurring. Any trapped materials shall be removed to an approved disposal site on an approved schedule. If at any time the sediment fences fail, the applicant will be required to return the fence into working order. To ensure that these actions occur, a condition will be required that erosion control measures be installed prior to any land disturbing activities to accommodate increased runoff caused by altered soil and surface conditions. Additionally, if at any time the sediment fences fail, the applicant will be required to return the fence into working order. *As conditioned, this criterion is met.*

(1) Disposed spoil material or stockpiled topsoil shall be prevented from eroding into streams or drainageways by applying mulch or other protective covering; or by location at a sufficient distance from streams or drainageways; or by other sediment reduction measures;

Staff: The site plan indicates that there will be stockpiled soil within the development area in the parking area (Exhibit I.8 – C1.0). To ensure that the soil does not erode into streams or drainageways, a condition will be required that disposed spoil material or stockpiled topsoil shall be prevented from eroding into streams or drainageways by applying protective covering. *As conditioned, this criterion is met*.

(m) Such non-erosion pollution associated with construction such as pesticides, fertilizers, petrochemicals, solid wastes, construction chemicals, or wastewaters shall be prevented from leaving the construction site through proper handling, disposal, continuous site monitoring and clean-up activities.

Staff: A condition will be required that non-erosion pollution associated with construction such as pesticides, fertilizers, petrochemicals, solid wastes, construction chemicals, or wastewaters shall be prevented from leaving the construction site through proper handling, disposal, continuous site monitoring and clean-up activities. *As conditioned, this criterion is met.*

10.2.4 (B) Responsibility

(1) Whenever sedimentation is caused by stripping vegetation, regrading or other development, it shall be the responsibility of the person, corporation or other entity causing such sedimentation to remove it from all adjoining surfaces and drainage systems prior to issuance of occupancy or final approvals for the project;

(2) It is the responsibility of any person, corporation or other entity doing any act on or across a communal stream watercourse or swale, or upon the floodplain or right-of-way thereof, to maintain as nearly as possible in its present state the stream, watercourse, swale, floodplain, or right-of-way during such activity, and to return it to its original or equal condition.

Staff: A condition will be required that whenever sedimentation is caused by stripping vegetation, regrading or other development, it shall be the responsibility of the person, corporation or other entity causing such sedimentation to remove it from all adjoining surfaces and drainage systems prior to issuance of occupancy or final approvals for the project. *This criterion is met.*

11.0 Variance Criteria

11.1 § 38.0065 VARIANCES FROM SETBACKS AND BUFFERS WITHIN THE GENERAL MANAGEMENT AREA

Variances from setbacks and buffers within the General Management Area, except those required by MCC 38.7080, shall be classified and processed pursuant to MCC 38.7600, subject to the following approval criteria:

(B) A setback or buffer specified for protection of scenic, cultural, natural, recreation, agricultural or forestry resources may be varied in order to allow a residence to be built on a parcel of land upon a demonstration that:

Staff: The applicant proposes a new single-family dwelling, as allowed in MCC 38.2025(A)(1). As required by MCC 38.2025(A)(1), a new single-family dwelling is required to meet MCC 38.7305(A), which requires that the single-family dwelling be surrounded by a maintained fuel break of 50 feet. The fuel break is considered a buffer designed for the protection of forestry resources. As allowed by MCC 38.0065, a variance from fire protection buffer shall be classified and processed pursuant to MCC 38.7600, which is discussed below and in Section 11.2.

Additionally, the applicant is requesting another variance for MCC 38.7315(A) for the siting of a dwelling on forestland. As allowed by MCC 38.7315(D), a dwelling can be sited on forestland if the applicant is able to demonstrate compliance with MCC 37.0060. Within MCC 37.0060, a variance to the agricultural buffers zone can granted if the applicant meets the requirements of MCC 37.0065. As allowed by MCC 38.0065, a variance from agricultural buffer shall be classified and processed pursuant to MCC 38.7600, which is also discussed below and in Section 11.2.

(1) The land use designation otherwise authorizes a residence on the tract;

Staff: The applicant proposes a new single-family dwelling in the Gorge General Forest zone, which is allowed as a Review Use in MCC 38.2025. *This criterion is met.*

(2) No site exists on the tract (all contiguous parcels under the same ownership) on which a residence could be placed practicably in full compliance with the setback or buffer;

Staff: No site exists on either the View Point Inn property or the adjacent property to the east on which a residence could be placed practicably. As proposed, the single-family dwelling will be located above the converted garage in the View Point Inn building (Exhibit I.8 – A2.2 and A2.3). If the single-family dwelling were located on another portion of the property, the dwelling would have to be located in a separate building that would be located in the middle of the property and would be highly visible from the Women's Forum KVA, conflicting with scenic protections. Additionally, the septic system and drainfield is located underneath the landscaped portions of the site (Exhibit I.8 – A0.1). In order to not impact the septic system and drain lines, it is more practical to convert the garage and place the single-family dwelling above the converted garage.

The single-family dwelling would not be able to be located on the adjacent property to the east. The adjacent property to the east is approximately 100 feet by 92 feet, which could not accommodate a 50 foot buffer surrounding the single-family dwelling (Exhibit I.8 – G0.1). *This criterion is met.*

(3) The variance from the specified setback or buffer is the minimum necessary to allow the residence.

Staff: The applicant is required to maintain a buffer around the single-family dwelling for fire protection and to buffer the residential use from adjacent agricultural activities. The 50-foot fuel break surrounding the single-family dwelling can be established and maintained to the north, south, and west. The fuel break cannot be maintained to the east due to the single-family dwelling being located above the converted garage of the View Point Inn building. The area directly to the east is NW Columbia Ave, which is a public right-of-way designed and dedicated to vehicular travel. The public right-of-way should be free of any fuels and essentially provides a firebreak. *This criterion is met*.

11.2 § 38.7600- VARIANCE APPROVAL CRITERIA

(A) The Approval Authority may permit and authorize a variance from the dimensional requirements of 38.2060 (C), 38.2260 (C), 38.2460 (E), 38.2660 (C), 38.2860 (C), 38.3060

(C), and 38.3260 (C) only when there are practical difficulties in the application of the Chapter. A Major Variance shall be granted only when all of the following criteria are met. A Minor Variance shall met criteria (3) and (4).

Staff: The applicant is requesting multiple variances for the buffer requirements in MCC 38.7305 and the dimensional requirements of MCC 38.2060(C) for the View Point Inn building, new single-family dwelling, and accessory building located on tax lot 1600 and the proposed parking improvements on tax lot 1500. In total, there are fourteen (14) variance requests. One of the variances is for a buffer that is required for fire protection and the remaining thirteen (13) variances in the figure below are for yard encroachments of the various buildings and structures:

Figure 13 – Variance Requests and Encroachments

	Yard Requirement	Distance from Property Line	Encroachment	% of dimensional requirement variance	Variance Requested
Building containing View Point Inn and single-family dwelling					
Front (adjacent to NE Columbia Ave.)	40’	0’	40’	100%	Yes
Street side (adjacent to E. Larch Mountain Road.)	30’	24”	6’	20%	Yes
Accessory Building					
Front (adjacent to NE Columbia Ave.	40’	4’	36’	90%	Yes
Side (north property line)	10’	5’	5’	50%	Yes
Parking Lot Curb					
Front (adjacent to NE Columbia Ave.	40’	0’	40”	100%	Yes
Street side (adjacent to E. Larch Mountain Road.)	30’	3’6”	26’6”	88%	Yes
Rear (east property line)	30’	5’	25’	83%	Yes
Side (north property line)	10’	3’6”	6’6”	65%	Yes
North Trellis					
Front (adjacent to NE Columbia Ave.	40’	7”	39’3”	98%	Yes
Side (north property line)	10’	3’6”	6’6”	65%	Yes
Middle Trellis					
Front (adjacent to NE Columbia Ave.	40’	7”	39’3”	98%	Yes
South Trellis					

Front (adjacent to NE Columbia Ave.	40’	7”	39’3”	98%	Yes
Street side (adjacent to E. Larch Mountain Road.)	30’	3’6”	26’6”	88%	Yes

For the subject property, Multnomah County Code requires 50 feet of right-of-way for local access roads that are not maintained by the County, but are accessible to the public. The local access road, NE Columbia Avenue, is not maintained by the County but is accessible to the public. The current right-of-way is 30 feet wide. The Multnomah County Transportation Division indicated that the property owner may need to provide a dedication of 20 feet in the future in order for the road to meet the County’s minimum road standards (Exhibit B.16). To account for the insufficient right-of-way, an additional 10 feet will need to be added to the 30-foot yard dimensional requirement for a total yard requirement of 40 feet where the subject property fronts on NE Columbia Avenue.

The View Point Inn building was built prior to the adoption of a County zoning ordinance. Multnomah County Code Chapter 38 does not contain provisions for non-conforming buildings and structures. Alternatively, as provided in MCC 38.0030(E), any use or structure that is discontinued for one (1) year or more shall not be considered an existing use or structure. Due to the use and structures being discontinued, MCC 38.0030(F) requires that any use or structures that have been discontinued shall be subject to all applicable policies and guidelines in the Management Plan, including, but not limited to, guidelines for land use designations and scenic, cultural, recreation and natural resources.

In order to reestablish the use or structures on the subject properties, the applicant must request a variance to establish the location of the View Point Inn building, accessory building, and accessory structures. Currently, the View Point Inn building is located within the right of way of NE Columbia Boulevard. As part of this application, the applicant has sought a Transportation variance for the encroachment of the building into the right of way, which is discussed in Section 12.3. The proposal will convert the attached garage and construct a new single-family dwelling and will not alter the last surveyed location of the exterior extent of the building (Exhibit I.8 – G0.1). The site plan indicates that the View Point Inn building and single-family dwelling encroach 40 feet into the front yard and 6 feet into the street side yard.

The replaced accessory building to the north, adjacent to the north property line, also encroaches into the front and side yard. The building is 3.5 feet from the eastern property line and 6 feet from the northern property line. With the insufficient right-of-way, the accessory building encroaches 36 feet into the front yard. The accessory building encroaches 6 feet in the side yard between the northern property line and the accessory building.

On the adjacent property, where the parking area will be located, Multnomah County Code requires improvements that will also encroach into the yard along both NE Columbia Avenue and E. Larch Mountain Road. The applicant is required to provide a bumper rail or curbing at least four inches in height to prevent vehicles from leaving the parking area. The applicant is also proposing three trellises that are not required by the criteria for off-street parking and loading.

As defined in MCC 38.0015, a structure is:

> **"That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner. This includes, but is not limited to buildings, walls, fences, roads, parking lots, signs and additions/alterations to structures. All buildings are structures."**

Both the curb and trellises are pieces of work artificially built up. The trellises are also composed of parts, in this case wood, joined together. The curb is proposed to be located on the eastern property line, three feet six inches from street side and side property lines and five feet from the rear property line. The curbs are thereby encroaching 40 feet into the front yard, 26 feet 6 inches into the street side yard, 25 feet into the rear, and 6 feet 6 inches into the side yard. The trellises are all located approximately 7 inches from the front property line. The north trellis is 3 feet six inches from the side property line and the south trellis is 3 feet 6 inches from the side street property line. The trellises all encroach 39 feet 3 inches from the front property line. The north trellis encroaches 6 feet 6 inches from the side yard and the south trellis encroaches 26 feet 6 inches into the street side yard.

The remaining variance request is required to establish the single-family dwelling. The variance relates to the fire protection in forest zones. As discussed in previously in Section 11.1, MCC 38.7305 requires that the single-family dwelling be surrounded by a maintained fuel break of 50 feet. The fuel break is considered a buffer designed for the protection of forestry resources and therefore a variance to the buffer can be granted pursuant to MCC 38.0065. Although the standard above does not permit the approval authority to authorize a variance to MCC 37.7305, the standard is contradicted by MCC 38.0065, which states, "Variances from setbacks and buffers within the General Management Area, except those required by MCC 38.7080, shall be classified and processed pursuant to MCC 38.7600.

As described in Figure 13 and MCC 38.0065, only those variances listed in the Figure and are discussed in Section 11.1 qualify for consideration of a variance.

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

Staff: For the County to be able to entertain a Variance request, the applicant must demonstrate that a circumstance or condition applies to the property that does not apply generally to other property in the same vicinity or zoning district. The applicant is proposing to use the View Point Inn building as a retreat center that contains a restaurant, overnight accommodation, and commercial activities. The View Point Inn building is one of the few buildings in the Columbia River Gorge National Scenic Area that is on the National Register of Historic Places (Exhibit A.23). It is because of this listing that the applicant is able to request the ability to allow for the special uses, which otherwise would not be permitted in the zone.

The uses are proposed to be located within the original historic building that was listed in the National Register of Historic Places, excavated areas in the basement and a new single-family dwelling located above the converted garage. The applicant contends that the proposed alterations to the building are required for the viability of maintaining the historic structure and

that the expansion areas are the viable locations for the new structures. Jessica Engeman, Historic Preservation Specialist provided a letter illustrating the cost of maintaining the structure as proposed and as either an Inn and restaurant, inn and spa, and as a single-family dwelling. The letter also discusses the return on investment of having the project as proposed and what return is the minimum accepted based on risk (Exhibit A.47). As described above, the circumstance or condition may relate to the size, shape, natural features and topography of the property or the location or size of physical improvements on the site or the nature of the use compared to surrounding uses. Therefore, the viability and cost of maintaining the historic structure is not considered as a circumstance or condition.

Although the View Point Inn building and accessory structure have been discontinued, if a use were established within the buildings then the buildings would need to meet the dimensional standards under MCC 38.2060(C). The proposed special use in two historic buildings are only permissible on a property with a building either on or eligible for the National Register of Historic Places and that was 50 years old or older as of January 1, 2006. The View Point Inn building and accessory structure are on the National Register and they were older than 50 years old as of January 1, 2006. This circumstance does not apply generally to other buildings on other properties. Further, the View Point Inn building and attached garage encroach into the front yard, as they are located over the property line and extend into NE Columbia Ave (Exhibit I.8 – A0.1). The shed proposed to be rebuilt also encroaches into the front and side yard.

On the adjacent property, as required by the MCC 38.4100 et al, the applicant is required to have 27 of parking spaces. The size and quantity of parking spaces and the areas of maneuvering, turning, and parking cannot be accommodated on the site without utilizing the entirety of tax lot 1500. If the minimum dimensional standards, as required by MCC 38.2060 were applied, it would leave a parking area that is 30 feet by 50 feet, which could accommodate five parking spots. The applicant has not applied for an Exception from required off-street parking or loading spaces as provided in MCC 38.4215 to reduce the number of parking spaces. As tax lot 1500 is part of the subject property and has traditionally been used as a parking area, the area can continue to operate in this manner.

Compared to surrounding uses, the use of the buildings and parking area is unique due to the buildings' listing on the National Register, as well as the fact it was developed to accommodate commercial uses. The size of the site, the location of the View Point Inn building and accessory building that will be reauthorized for special uses, and the parking requirements associated with the special use are all circumstances unique to this property and use. *This criterion is met.*

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

Staff: The View Point Inn building was constructed in 1924 and as a building listed on the National Register of Historic Places can be authorized to establish special uses in historic buildings. This special use is not allowed on other subject properties within this zoning district unless those properties have a building that is eligible or on the National Register of Historic Places. The unique historic status of the building allows for a more expansive list of uses that could be established on the properties than properties in the vicinity or district.

The View Point Inn building currently has dimensional setbacks that encroach into the front, and street side yards; the accessory structure also currently has dimensional setbacks that encroach into the front and side yards. If the special use in a historic building is authorized, the buildings will continue to encroach into the yards. The application of the dimensional standards would limit the ability of the applicant to utilize the full extent of the building. To meet the dimensional requirements, more than half the building would need to be demolished and removed. The demolished sections would include the kitchen, overnight accommodation, the garage, and the proposed single-family dwelling (Exhibit I.8 – A0.1).

Alternatively, if the building were moved to another site on the property so the setbacks were met, the building would be unable to meet other zoning requirements. As discussed in Section 8.1, buildings and structures are required to meet Scenic requirements, if located within Key Viewing Areas. If the building were relocated on the property to meet all dimensional standards, the only portion of the property that would be able to accommodate the building would be the center of the property. The relocation of the building would result in the building becoming more visually dominate on the landscape, which would limit the use due to the requirement of adding additional trees for screening.

The accessory building (formerly a storage shed) will be converted into a spa room. In the last approved site plan in 2006, the accessory building was setback 13 feet from the front property line and 16 feet from the side property line (Exhibit B.14). The survey provided by the applicant indicates that the building is 5 feet from the front property line and 10 feet from the side property line (Exhibit I-8: G0.1). The proposed site plan shows the accessory building will be setback 4 feet from the front property line and 5 feet from the side property line (Exhibit I.8 - A0.1). As proposed, the applicant is reconstructing the accessory building due to a tree falling through the roof. As required in MCC 38.7380(C)(6), the retreat facility functions must be located within a historic building, as the building existed as of January 1, 2006. Using the surveyed position, the reconstructed accessory building would match the building, as it existed on January 1, 2006. Similarly to what was discussed above concerning the main View Point Inn building, the accessory building would be limited in use, if it were required to be moved or relocated.

For the parking area, the dimensional requirements would create a condition that would limit the use of the property. The property is approximately 100’ by 90’, which is much smaller than any of the properties within the district and within the vicinity of the Thor Height’s Subdivision. If applied, the dimensional requirements would leave a 30’ x 50’ area where development could be permitted. This area would be too small for the required parking that is needed for the subject property. If the variance were not allowed it would restrict the use of tax lot 1600 to a greater degree than other properties in the district and vicinity. *This criterion is met.*

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

Staff: The subject properties are adjacent to lands zoned Gorge Special Forest (GSF) and Gorge Special Agriculture (GSA). Based on an aerial photo from 2017, it does not appear that the properties zoned GSF are actively being managed for forest practices (Exhibit B.13). Those

properties are located in the Thor's Height Replat and are all relatively small in size (i.e. less than 1 acre). The land use pattern in the area is predominately single-family dwellings. The properties to the south along NE Salzman Road and east along E. Larch Mountain Road are zoned GSA. Those properties are a mixture of single-family dwellings and agricultural fields. The aerial photo appears to indicate that farming practices are occurring on a few of the properties along NE Salzman Road.

To authorize the variance to locate the View Point Inn building within the yards additional mitigation measures to limit the detrimental aspects of having a commercial use located within a zone for farm and forestry uses will be required. Additionally, the applicant has requested a Road Rules variance for the encroachment of the building within the right of way. The road rules variance requirements are discussed in Section 13.

The applicant has proposed mitigations strategies to include the following:

- The owner of the subject property shall notify all owners of land within 500 feet of the perimeter of the subject property for all events at least seven days in advance.
- Outdoor uses shall be limited to the hours of 7:00 am to 7:00 pm or sunset, whichever is later, except that between Memorial Day and Labor Day afternoon activities may extend to as late as 10:00 pm.
- The use of outdoor amplification is prohibited.

The property owner shall also sign and record in the deed records for the county a declaration 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. All of the measures described above will ensure that the variance is not materially detrimental to the public welfare or injurious to nearby properties.

The applicant requires a variance to authorize the location of the curbs in the parking area. The curbs are required to physically separate vehicles from public streets or adjoining property. The curbs also define the outer extent of the parking area. As currently designed, the curbs provide a boundary to ensure that vehicles will not leave the property in inappropriate areas. Constructing the curbs will ensure that injury will not occur to the public or other property. *This criterion is met.*

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

Staff: The granting of the variance will not adversely affect the realization of the Management Plan because the applicant is proposing uses that are allowed within a building that is listed in the National Register of Historic Places. The purpose of Management Plan is, "to protect and provide for the enhancement of the scenic, cultural, recreational, and natural resources of the Columbia Gorge." As a historic resource, the restoration of the View Point Inn building would protect and enhance the resource and provide for additional recreational opportunities of individuals visiting the Columbia Gorge.

In granting the variance for the View Point Inn, the accessory building, the parking lot and the single-family dwelling, it would establish a two uses, which are listed in the underlying zone. The two uses are a Special Use in a Historic Building and a single-family dwelling. As discussed above and required in MCC 38.7380(C)(6), the retreat facility functions must be located within a historic building, as the building existed as of January 1, 2006. The applicant is seeking variances to allow for the rehabilitation, repair, and reconstruction to locate special uses in areas that did exist on January 1, 2006. By granting the variances and allowing the addition to the View Point Inn building and accessory building to be established, it would provide the applicant a use that is listed in the underlying zone. *This criterion is met.*

11.3 § 38.7605 VARIANCE CLASSIFICATION

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

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

(B) A Minor Variance is one that is within 25 percent of an applicable dimensional requirement. The Approval Authority is authorized to grant a Minor Variance in accordance with the following conditions:

(1) Application shall be accompanied by the written consent of the owner or owners of each lot adjoining and across any street from the subject property;

(2) The form to be presented to each owner must include the zoning requirement, the amount of relief requested by the applicant and a declaration by the owner that the granting of the variance shall not harm the value and livability of his property.

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

Staff: As discussed above and shown in Figure 13, the applicant is requesting multiple variances. The variance request for the street side (adjacent to E. Larch Mountain Road) yard is less than 25 percent and is considered a minor variance. All of the other variance requests are in excess of 25 percent, thereby classifying them as major variance. The application is to be reviewed at a public hearing and the property owners within 100 feet of the subject property have granted their consent to the variance as set forth in MCC 38.7605(A)(1) and B(1) above (Exhibit A.33). *This criterion is met.*

12.0 Land Division Criteria

12.1 § 38.7794 CONSOLIDATION OF PARCELS AND LOTS

This section states the procedures and requirements for removing property lines between adjacent parcels or lots in the same ownership in order to create one parcel or lot. The act of parcel or lot consolidation does not, in itself, remove prior conditions of land use approvals. A property owner may also choose to consolidate parcels or lots as part of a land division application. The parcel and lot consolidation process described in this section is different from (and does not replace) the process used by the County Assessment and Taxation Program to consolidate parcels and lots under one tax account.

Consolidation of parcels and lots may be approved under the applicable descriptions and approval criteria given in subsection (A) for parcels created by "metes and bounds" deed descriptions and subsection (B) for parcels and lots that were created by a Partition or Subdivision Plat.

(B) Consolidation of parcels within a Partition Plat or lots within a Subdivision Plat (Parcel and Lot Line Vacation) may be approved with a replat.

Staff: The applicant is requesting to consolidate Lot 1 and 2 of Block 1 of Thor's Heights Subdivision. Both lots proposed to be consolidated were created via subdivision plat and therefore a replat process must be used which will result in the recordation of a one parcel partition plat if approved.

12.2 § 38.7797 REPLATTING OF PARTITION AND SUBDIVISION PLATS

(A) This section states the procedures and requirements for reconfiguring parcels, lots, and public easements within a recorded plat as described in ORS 92.180 through 92.190 (2006). This provision shall be utilized only in those zoning districts in which replatting is a Review Use. Nothing in this section is intended to prevent the utilization of other vacation actions in ORS chapters 271 or 368.

(B) As used in this subsection, "replat" and "replatting" shall mean the act of platting the parcels, lots and easements in a recorded Partition Plat or Subdivision Plat to achieve a reconfiguration of the existing Partition Plat or Subdivision Plat or to increase or decrease the number of parcels or lots in the Plat.

(C) Limitations on replatting include, but are not limited to, the following: A replat shall only apply to a recorded plat; a replat shall not vacate any public street or road; and a replat of a portion of a recorded plat shall not act to vacate any recorded covenants or restrictions.

Staff: Replatting is allowed within the Gorge General Forest zoning district as a Review Use. The applicant has applied for the consolidation of two (2) subdivision lots through a replat. The property owners have not proposed a vacation of public streets or vacating any recorded covenants or restrictions. *This criterion is met.*

(D) The Planning Director may approve a replatting application under a Type II Permit Review upon finding that the following are met:

(1) In accordance with MCC 37.0550 or 38.0550, an application and fee shall be submitted to the Land Use Planning office. The contents of the tentative plan shall include those maps, written information and supplementary material listed for contents of a Category 3 tentative plan that are determined by the Planning Director to be adequate to demonstrate compliance with the applicable approval criteria;

Staff: The applicant has applied for, paid the required fee, and submitted a site plan (Exhibit I.8 - A0.1). No tentative plan map has been submitted. The site plan has most of the items required by MCC 38.7860; however, if this application is found to be approvable, the applicant will be required to submit in a tentative plan map. *As conditioned, this criterion is met.*

(2) Reconfiguration of the parcels or lots shall not result in an increase in the number of "buildable parcels or lots" over that which exist prior to

reconfiguration. "Buildable parcels or lots," as used in this approval criteria, shall mean that there is confidence that a building and sanitation permit could be approved on the parcel or lot. A replat resulting in an increase in the number of "buildable parcels or lots" shall be reviewed as a land division as defined in this Chapter;

Staff: The proposal will combine two subdivision lots into one parcel. The consolidation will erase the internal lot lines between lots 1 and 2 in Block 1 of re-plat of Thor's Heights to create one parcel. The consolidation will not result in an increase in the number of buildable properties. The replat, if approved, will not result in an increase in the number of buildable parcels. *This criterion is met.*

(3) Parcels or lots that do not meet the minimum lot size of the zoning district shall not be further reduced in lot area in the proposed replat;

Staff: The two lots are below the minimum lot size. The consolidation will result in the half-acre lots being consolidated into a 1.00-acre parcel. The proposed lot size is increased, not reduced in size. *This criterion is met.*

(4) The proposed reconfiguration shall meet the approval criteria given in the land division code sections on easements, water systems, sewage disposal, and surface drainage;

Staff: The proposed reconfiguration has been determined to be able to meet all of the approval criteria as described below in Section 12.3, 12.4, 12.6, 12.7, 12.8, and 12.9. A few approval criteria will require additional action by the applicant in order to demonstrate compliance with all of the applicable approval criteria. *As conditioned, this criterion is met.*

(5) All reconfigured parcels and lots shall have frontage on a public street except as provided for alternative access in the access requirement sections of each zoning district; and

Staff: The plan indicates that the reconfigured lots will have frontage on both NE Columbia Avenue and E. Larch Mountain Road, which are both public streets (Exhibit B.3). *This criterion is met.*

(6) The applicant shall submit a Partition Plat or Subdivision Plat to the Planning Director and County Surveyor in accordance with the requirements of ORS 92 and which accurately reflects the approved tentative plan map and other materials.

Staff: To insure compliance with this criterion, a condition of approval shall require that the applicant submit a Partition Plan to the Planning Director and County Surveyor, in accordance with the requirements of ORS 92, which accurately reflects the approved tentative plan map and other materials. The applicant will be required to follow the instructions as described in Exhibit B.17, Applicant's and Surveyor's Finishing a Land Division. *As conditioned, this criterion is met.*

12.3 § 38.7935 EASEMENTS

Easements shall be provided and designed according to the following:

(A) Along the front property line abutting a Street, a five foot utility easement shall be required. The placement of the utility easement may be modified as requested by a public or private utility provider. Utility infrastructure may not be placed within one foot of a survey monument location noted on a subdivision or partition plat.

(B) Where a tract is traversed by a water course such as a drainage way, channel or stream, a storm water easement or drainage right-of-way adequate to conform substantially with the lines of the water course shall be provided. In a drainage district or water control district, such easement or right-of-way shall be approved by the district board, in accordance with ORS 92.110. If not within such District, approval shall be by the County Engineer.

(C) Easements for pedestrian paths and bikeways shall be not less than 10 feet in width.

Staff: A five (5) foot wide utility easement adjacent to the eastern property line of tax lot 1600 is required. The View Point Inn building is currently 3.5 feet from that property line, so the easement can only be provided where the building does not encroach. The accessory building is also proposed to be 3.5 feet from the eastern property line. The applicant is requesting a variance to the Front Yard for this building. If the hearing officer finds that the applicant has not met the approval criteria for a variance for this building or that the above requirement of (A) cannot be varied, the accessory building could be moved back so that a five-foot easement and yard could be accommodated. To insure compliance with this criterion, a condition of approval should be included so that this requirement is met, as it is not presently shown on the plans.

The property does not contain a watercourse so no storm water easement will be necessary. The subject properties are also located within the rural areas of Multnomah County, where no facilities for pedestrian paths and/or bikeways are planned or being planned. *As conditioned, this criterion is met.*

12.4 § 38.7950 WATER SYSTEM

The provision of domestic water to every lot or parcel in a land division shall comply with the requirements of subsections (4) (a), (b), or (c) of ORS 92.090 and MCC 38.7985 of this Chapter.

Staff: The subject properties currently have a domestic water source provided by the Corbett Water District (Exhibit A.17). The domestic water source provided by the Corbett Waster District meets the requirements of ORS 92.090(4)(a), which requires that the applicant provide a certification by a city-owned domestic water supply system that water will be available to the lot line of each and every lot depicted in the proposed subdivision plat. Compliance with MCC 38.7985 is addressed below in 12.7. *This criterion is met.*

12.5 § 38.7955 SEWAGE DISPOSAL

The provision for the disposal of sewage from every lot or parcel in a land division shall comply with the requirements of subsection (5) (c) of ORS 92.090 and MCC 38.7990 of this Chapter.

Staff: Under ORS 92.090(5)(c), the applicant can provide a statement that no sewage disposal facility will be provided where the Oregon Department of Environmental Quality has approved an alternative method for sewage disposal. The applicant owner has submitted a Site Evaluation Report from the Dan Wiltse, Oregon Department of Environmental Quality for the property (Exhibit A.34). The lot was previously approved for a sewage disposal system in 1998 and can utilize the previous approval as part of this application. As part of the report, the applicant will be required to apply for a construction permit that outlines projected wastewater flow data and have an ongoing operation and maintenance contract with a certified maintenance provider. Compliance with MCC 38.7990 is addressed in 12.8 below. *As conditioned, this criterion is met.*

12.6 § 38.7960 SURFACE DRAINAGE

Surface drainage and storm sewer systems shall be provided as required by section 38.7995. The County Engineer may require on-site water disposal or retention facilities adequate to insure that surface runoff volume after development is no greater than that before development.

Staff: A Stormwater Report was created by Humber Design Group, Inc. and certified by Martha Williamson, Registered Professional Engineer. The report recommends that the stormwater from the buildings be conveyed into a drywell and existing soakage trench on the north side of the property (Exhibit A.22). These measures are designed to a 100-year/24 hour storm event. *This criterion is met.*

12.7 § 38.7985 WATER SYSTEM

Water mains, service and fire hydrants shall meet the requirements of the Water District and shall be located as follows:

(A) In a public street — in accordance with the Street Standards Code and Rules; and

(B) In a private street — as approved by the approval authority.

Staff: The subject properties currently have a domestic water source provided by the Corbett Water District (Exhibit A.17). The applicant is not proposing to construct any water mains, service, or fire hydrants, nor is the Corbett Water District requesting any facilities be provided as part of the application. *This criterion is met.*

12.8 § 38.7990 SEWAGE DISPOSAL

(A) A sewage disposal system approved by the State Department of Environmental Quality shall be provided. All lots or parcels in a proposed land division which will utilize private subsurface sewage disposal system shall apply for and obtain approval of a Land Feasibility Study confirming the ability to utilize the system prior to tentative plan approval. In such cases, the approval authority may require that a sanitary sewer line,

with branches to the right-of-way line for connection to a future sewer system, be constructed and sealed.

Staff: As discussed previously, the applicant owner has submitted a Site Evaluation Report from the Dan Wiltse, Oregon Department of Environmental Quality for the property (Exhibit A.34). The lot was previously approved for a sewage disposal system in 1998, which currently exists on the subject property. As part of the report, the applicant will be required to apply for a construction permit that outlines projected wastewater flow data and have an ongoing operation and maintenance contract with a certified maintenance provider. *As conditioned, this criterion is met.*

12.9 § 38.7995 SURFACE DRAINAGE AND STORM SEWER SYSTEMS

Drainage facilities shall be constructed as follows:

(A) In a public street — in accordance with the Street Standards Code and Rules; and

(B) In a private street and on lots or parcels — in accordance with the plans prepared by an Oregon licensed and registered professional engineer and approved by the approval authority.

Staff: As discussed previously, a Stormwater Report was created by Humber Design Group, Inc. and certified by Martha Williamson, Registered Professional Engineer. The report recommends that the stormwater from the buildings be conveyed into a drywell and existing soakage trench on the north side of the property (Exhibit A.22). These measures are designed to a 100-year/24 hour storm event. Because the applicant is using existing drainage facilities, there will be no new construction of facilities. *This criterion is not applicable.*

13.0 Transportation Standards

13.1 MCRR 4.000 Access to County Roads

13.1.1 MCRR 4.100 Required Information: Applicants for a new or reconfigured access onto a road under County Jurisdiction may be required to provide all of the following:

A. Site Plan;

B. Traffic Study-completed by a registered traffic engineer;

C. Access Analysis-completed by a registered traffic engineer;

D. Sight Distance Certification from a registered traffic engineer; and

E. Other site-specific information requested by the County Engineer.

Staff: The applicant is proposing to use the existing accesses to E. Larch Mountain Road, a Rural Collector road under County Jurisdiction and NE Columbia Avenue, a local access road (a public road that Multnomah County has jurisdiction over). Tax lot 1600 (Alternative Account #R832300010), west of NE Columbia Avenue has a horseshoe drive that is part of the historic configuration of the parcel and are shown on the site plan to remain in place. Tax lot 1500 (Alterative Account #R832301940), east of NE Columbia Avenue has two driveways that both access NE Columbia Avenue. The site plan shows these two driveways will be reconfigured to reduce the width from 24 feet to 20 feet, creating greater distance between the two driveways onto NE Columbia while maintaining the same setback from E. Larch Mountain Road. All four access points were permitted in 1996 (Permit number 65292). The applicant is

proposing a third access from NE Columbia to Tax lot 1600 (Alternative Account #R832300010) for the purpose of loading and unloading supplies only.

An access is considered reconfigured when it will be physically altered, or when a change in the development that it serves has a Transportation Impact as defined in section 6.000 of the Multnomah County Road Rules. Based on the definition, the accesses are subject to requirements under 4.000. The applicant is applying for a road rules variance to the required number and location of the accesses.

13.1.2 MCRR 4.200 Number: Reducing the number of existing and proposed access points on Arterials and Collectors and improving traffic flow and safety on all County roads will be the primary consideration when reviewing access proposals for approval. One driveway access per property will be the standard for approval. Double frontage lots will be limited to access from the lower classification street. Shared access may be required in situations where spacing standards cannot be met or where there is a benefit to the transportation system.

Staff: Subject property is made up of two tax lots, both with dual frontage on E. Larch Mountain Road and NE Columbia Avenue. The tax lots are separated by NE Columbia Ave. The applicant has submitted an application to obtain a Road Rules Variance to be able to continue to have four (4) previously permitted driveways on both tax lots and one new driveway onto Tax lot 1600 (Alternative Account #R832300010). The applicant proposes keeping the horseshoe drive on parcel Tax lot 1600 (Alternative Account #R832300010) for historic purposes, but does not intend to use it. Applicant proposes adding driveway onto NE Columbia from the northern end of the parcel for loading/unloading. The applicant intends to modify and continue to use the two (2) accesses onto Tax lot 1500 (Alterative Account #R832301940) to increase efficiency and ease of movement in the parking lot. *As conditioned, this criterion is met.*

13.1.3 MCRR 4.300 Location: All new access points shall be located so as to meet the access spacing standards laid out in the Design and Construction Manual.

Staff: For a road classified as a Rural Collector (E. Larch Mountain Road), the spacing standard is 100 feet. The minimum distance is applied to both driveways on the same side of the street as well as driveways opposite to the site. For a local access road, (NE Columbia Avenue) the minimum spacing standard is 50 feet. The driveway spacing is less than the required spacing distance; however, applicant proposes to keep driveways in same location as previously permitted with the exception of reducing the width of both driveways onto NE Columbia from Tax lot 1500 (Alterative Account #R832301940). This review is being done as part of the road rules variance. *As conditioned, this criterion is met.*

13.1.4 MCRR 4.500 Sight Distance: All new access points to roads under the County's jurisdiction must have a minimum sight distance equal to the standards in the Design and Construction Manual and AASHTO's A Policy on Geometric Design of Highways and Streets.

Staff: Multnomah County Road Rules Section 4.500 states that access points to roads under the County's jurisdiction must have a minimum sight distance equal to the standards in the County Design and Construction Manual or AASHTO's A Policy on Geometric Design of Highway

and Streets. The applicant has submitted for the review of the County Transportation Division a sight distance certification from a registered traffic engineer, which provides an assessment of sight distance at the intersection in question consistent with AASHTO standards.

Permit number 65292 includes the following provision: Permittees or their successor in title shall be responsible for maintaining adequate sight distance at the most westerly driveway connection to E. Larch Mountain Road and at the E. Larch Mountain Road/NE Columbia Avenue. To fulfill this provision, a new permit will be required with the condition that a sight distance analysis is required prior to construction permit. Any additional mitigation will be show and included in construction permit. *As conditioned, this criterion is met.*

13.2 MCRR 5.000 Transportation Impact

13.2.1 MCRR 5.100 To determine if a Transportation Impact is caused by a proposed development, the County Engineer will determine the number of new trips generated by a site by one of the following methods:

A. Calculations from the most recent edition of the Institute of Transportation Engineers' Trip Generation (ITE); or

B. A site development transportation impact study conducted by a professional engineer registered in the State of Oregon and accepted by the County.

MCRR 5.200 The County Engineer will use the information obtained pursuant to sub-section 5.100 and/or the frontage length of the subject property to determine the pro-rata share of the requirements set forth in Section 6.000.

MCRR 5.300 Except where special circumstances require the County Engineer to make an alternate determination, any new construction or alteration which will increase the number of trips generated by a site by more than 20 percent, by more than 100 trips per day or by more than 10 trips in the peak hour shall be found to have a Transportation Impact. A minimum increase of 10 new trips per day is required to find a transportation impact.

Staff: The Multnomah County Road Rules defines a Transportation Impact as the effect of any new construction or alteration, which will increase the number of trips generated by a site by more than 20 percent, by more than 100 trips per day or by more than 10 trips in the peak hour [MCRR 3.000]. A minimum increase of 10 new trips per day is required to find a transportation impact.

Based on the operational plan provided in the application, the new use will result in a transportation impact. The property owner will need record deed restrictions with County Records, committing the property owner to participate in future right of way improvements costs. A non-remonstrance agreement, or deed restriction, will require that the property owner to participate in standard road improvements along the site's E. Larch Mountain Road frontage that are not completed as a part of the site's required interim improvements. Additionally, pavement upgrades from the intersection of NE Columbia Ave/E. Larch Mountain Road through the frontage of the property will be required to mitigate for the additional use that will result as part of this project where this portion of NE Columbia Ave is currently gravel. *As conditioned, these criteria are met.*

13.3 MCRR 6.000 Improvement Requirements

13.3.1 MCRR 6.100 Site Development: The owner of the site or the applicant for a proposed development, which is found to cause a Transportation Impact will be responsible for improvements to the right-of-way as follows:

A. Dedication Requirement***

Staff: The existing right of way width on East Larch Mountain Road is at this location is 60 feet. No dedication is required on East Larch Mountain Road. The right of way width on NE Columbia Avenue is 30 feet. A dedication of 10 feet on each parcel adjacent to the road would be required. Applicant has requested a Road Rules Variance to the required right of way width and construction requirements. Variance is requested due to location of historic structures adjacent to right of way. *As conditioned, this criterion is met.*

13.3.2 B. Frontage Improvement Requirements***

Staff: Applicant will need to construct frontage improvements to NE Columbia Avenue to meet minimum requirements for a local access road. Applicant will need record deed restrictions with County Records, committing the property owner to participate in future right of way improvements costs. A non-remonstrance agreement, or deed restriction, will require that the property owner to participate in standard road improvements along the site's East Larch Mountain Road frontage that are not completed as a part of the site's required interim improvements. *As conditioned, this criterion is met.*

13.4 MCRR 16.000 Variance from County Standards and Requirements

Staff: The applicant is applying for a variance to the County's standards for driveway number [MCRR 4.200] and location [MCRR 4.300]. Applicant is applying for a variance to Local Access Road requirements.

13.4.1 16.200 General Variance Criteria: In order to be granted a variance, the applicant must demonstrate that:

A. Special circumstances or conditions apply to the property or intended use that do not apply to other property in the same area. The circumstances or conditions may relate to the size, shape, natural features and topography of the property or the location or size of physical improvements on the site or the nature of the use compared to surrounding uses;

Applicant: The View Point Inn was originally constructed in 1924 and the building and site have been on the National Register of Historic Places since 1985. The building was constructed long before the Multnomah County Code or Multnomah County Road Rules were ever established, and the historic nature of the property creates a special circumstance that does not apply to other properties in the area. Additionally, the property is located within the GGF-40 zone, which is for parcels that are 40 acres in size. The main View Point Inn property is approximately 1 acre in size and the adjacent parking property is less than ¼ acre in size. In such, the dimensional standards required by both the MCC and MCRR place an undue burden on lots due to their small size.

Staff: The historic nature of the parcel creates special circumstances that do not apply to other property in the same area. The use of the site is unique to the area that will provide a retreat center and accommodations in an area that is largely resource or residential uses. *As conditioned, this criterion is met.*

13.4.2 B. The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant and extraordinary hardship would result from strict compliance with the standards;

Applicant: With the building and site being a nationally registered historic landmark, preservation of this site carries great importance. As noted in the variance request documentation above, strict compliance with the standards would necessitate the removal of some historic elements of the building and site if the variances were not granted, which contradicts the notion of historic preservation. Additionally, strict adherence to the right-of-way dimensional standards would create an unsafe pedestrian environment and would essentially make the parking parcel and unusable lot.

Staff: Due to the historic nature of the structures adjacent to NE Columbia Avenue and the prior permitting of existing driveways, the underlying use as an historic lodge, strict compliance with the standards for local access road right of way and driveway spacing and number would result in hardship. *As conditioned, this criterion is met.*

13.4.3 C. The authorization of the variance will not be materially detrimental to the public welfare or injurious to other property in the vicinity, or adversely affect the appropriate development of adjoining properties;

Applicant: Authorization of the variance would not be detrimental to the public welfare or other property in the vicinity, or adversely affect the development of adjoining properties. As previously stated, Columbia Avenue only serves a handful of residential and undeveloped forest lots. Currently, Columbia Avenue is not an improved, gravel roadway. Authorizing the requested variances will allow improvements to occur along the subject property, which will ultimately improve access to the properties along Columbia Avenue. Additionally, the View Point Inn building sits in a state of decay and disrepair, a condition that is not favorable to the welfare of the surrounding properties. Authorizing development to restore this building as a contributing piece of the community will only have a positive effect on the development of adjoining properties.

Staff: Applicant notes that the current condition of the site is poor and that structure are in decay and disrepair. NE Columbia Avenue is currently a public gravel road providing access to East Larch Mountain for parcels north of the Subject Parcel. Required improvements will benefit users of this road as well as reduce wear and tear on E Larch Mountain caused by gravel accesses. No comments were received raising transportation concerns. *This criterion is met.*

13.4.4 D. The circumstances of any hardship are not of the applicant's making.

Applicant: The View Point Inn was originally constructed in 1924 and the building and site have been on the National Register of Historic Places since 1985. The building was constructed long before the Multnomah County Code or Multnomah County Road Rules were ever established. The circumstances of these hardships are due to the historic nature of the building, site, and surrounding conditions and are not of the applicant’s making.

Staff: As noted by applicant, the condition of NE Columbia Avenue and four of the driveways were in place prior to the applicant purchasing the property. The ability to use the View Point Inn is predicated on the ability to use the driveways for circulation and parking on Tax lot 1500

(Alternative Account #R832301940), the driveways on Tax lot 1600 (Alternative Account #R832300010) (which the applicant proposes not using) are to be left in place to maintain the historic site layout. *As conditioned, this criterion is met.*

13.5 18.000 Right-of-Way Use Permits

13.5.1 18.250 Access/Encroachment Permit:

A. An Access/ Encroachment Permit (A/E Permit) may be required for the following activities within the right-of-way:

1. New or altered access to roads under County jurisdiction. An access is considered altered when a change in the development that it serves has a Transportation Impact as defined in section 6.000 of these rules;

2. New or reconstructed driveway approaches, private road approaches, curb cuts, or sidewalks;

3. Structures in the right-of-way, such as signs, posts, fences, flags, nonstandard mailboxes, etc.; or

4. Any other minor physical alteration of the County right-of-way, including but not limited to any altered landscape design, vegetation planting or placement.

B. Unless otherwise provided in the special provisions of the permit, any work authorized pursuant to an access/encroachment permit shall be initiated within ninety days from the date the permit issued and completed within a reasonable time thereafter as determined by the County Engineer.

Staff: The applicant is proposing to keep two driveways from parcel. *As conditioned, this criterion is met.*

14.0 Conclusion

Staff recommends that the Hearings Officer **approve** the application request for a Conditional Use Permit, National Scenic Area Site Review, Variance, Replat, Hillside Development Permit, and Road Rules Variance to establish special uses (retreat facility, restaurant, and overnight accommodation) in historic buildings (View Point Inn building and accessory building), a parking lot, and a single-family dwelling in the Gorge General Forestry (GGF-40) zone, with the recommended conditions listed above.

15.0 Exhibits

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

Exhibits with a "✱"after the exhibit # have been included as part of the mailed decision. All other exhibits are available for review in Case File T3-2018-9967 at the Land Use Planning office.

Exhibit #	# of Pages	Description of Exhibit	Date Received / Submitted
A.1	2	General Application Form	01/26/2018
A.2	21	Narrative	01/26/2018
A.3	2	Operational Plan	01/26/2018
A.4	2	Protection and Enhancement Plan	01/26/2018
A.5	17	Site Plans and Elevations (reduced to 8.5" x 11") - G0.0: Drawing Index, Project Information, Vicinity Map - G0.1: Survey - C1.0: Grading and Erosion Control Plan - C2.0: Utility Plan - C3.0 Sediment and Erosion Control Notes and Details - L0.01: Tree Removal and Protection Plan - L1.01: Materials Plan - L2.01: Planting Plan - A0.1: Site Plan - A2.1: Basement Floor Plan – Proposed - A2.2: First Floor Plan – Proposed - A2.3: Second Floor Plan – Proposed - A3.1: West Elevation – Proposed - A3.2: North Elevation – Proposed - A3.3: East Elevation – Proposed - A3.4: South Elevation – Proposed - A3.5: Accessory Building	01/26/2018
A.6	4	Renderings (reduced to 8.5" x 11"): - Rendered West Elevation - Existing View from Women's Forum - New View from Women's Forum - Key Viewing Areas	01/26/2018
A.7	2	Historic Photos (reduced to 8.5" x 11"): - Historic Photos – Exterior - Historic Photos – Interior	01/26/2018

A.8	5	Materials - Samples (reduced to 8.5" x 11"): - Exterior Materials (Photo Examples) - Exterior Specifications - Exterior Lighting (Photo Examples) - Interior Materials page 1 (Existing Photos) - Interior Materials page 2 (Existing Photos)	01/26/2018
A.9	1	Unrecorded Record of Survey completed by Columbia River Surveying and Mapping on March 17, 2017 (18" x 24")	01/26/2018
A.10	17	Site Plans and Elevations (24" x 36") - G0.0: Drawing Index, Project Information, Vicinity Map - G0.1: Survey - C1.0: Grading and Erosion Control Plan - C2.0: Utility Plan - C3.0 Sediment and Erosion Control Notes and Details - L0.01: Tree Removal and Protection Plan - L1.01: Materials Plan - L2.01: Planting Plan - A0.1: Site Plan - A2.1: Basement Floor Plan – Proposed - A2.2: First Floor Plan – Proposed - A2.3: Second Floor Plan – Proposed - A3.1: West Elevation – Proposed - A3.2: North Elevation – Proposed - A3.3: East Elevation – Proposed - A3.4: South Elevation – Proposed - A3.5: Accessory Building	01/26/2018
A.11	4	Renderings (11" x 17"): - Rendered West Elevation - Existing View from Women's Forum - New View from Women's Forum - Key Viewing Areas	01/26/2018
A.12	2	Historic Photos (11" x 17"): - Historic Photos – Exterior - Historic Photos – Interior	01/26/2018
A.13	5	Materials - Samples (11" x 17"): - Exterior Materials (Photo Examples) - Exterior Specifications - Exterior Lighting (Photo Examples) - Interior Materials page 1 (Existing Photos) - Interior Materials page 2 (Existing Photos)	01/26/2018
A.14	11	Pre-Application Conference Notes	01/26/2018
A.15	1	Property Owner Consent of Variance Request	01/26/2018
A.16	7	Fire Service Agency Review	01/26/2018

A.17	1	Certification of Water Service	01/26/2018
A.18	1	Police / Sheriff Services Review	01/26/2018
A.19	6	Transportation Planning Review	01/26/2018
A.20	4	Hillside Development Permit (HDP) Application: Geotechnical Reconnaissance and Stability Preliminary Study completed by Wesley Spang, Registered Professional Engineer and George A. Freitag, Certified Engineering Geologist on January 25, 2018	01/26/2018
A.21	6	Hillside Development Permit (HDP) Worksheet) completed by prepared by Humber Design Group, Inc. on January 19, 2018	01/26/2018
A.22	16	Stormwater Management Facilities: Private Stormwater Report prepared by Humber Design Group, Inc. and certified by Martha Williamson, Registered Professional Engineer on January 18, 2018	01/26/2018
A.23	37	United States Department of the Interior National Park Service: National Register of Historic Places Inventory – Nomination Form	01/26/2018
A.24	16	Ticor Title Report for 40301 E Larch Mountain Road including Bargain and Sale Deed recorded as Instrument #2016-155958 on December 14, 2016	01/26/2018
A.25	1	Statutory Warranty Deed recorded as Instrument #2016-120971 on August 27, 2016	01/26/2018
A.26	1	Statutory Warranty Deed recorded as Instrument #2016-120979 on August 27, 2016	01/26/2018
A.27	1	Previously approved site plan by the City of Gresham	01/26/2018
A.28	2	Updated Narrative	07/11/2018
A.29	4	Incomplete Letter	07/11/2018
A.30	1	Letter from Jessica Gabriel, dated March 22, 2018 regarding above-ground historic resources (SHPO Case No. 18-0249)	07/11/2018
A.31	9	Oregon SHPO Clearance Form	07/11/2018
A.32	5	Letter and E-mail from Chris Donnermeyer, Heritage Program Manager, Columbia River Gorge National Scenic Area (CRGNSA) regarding Oregon SHPO Clearance Form	07/11/2018
A.33	3	Property Owner Consent of Variance Request and Mailing List	07/11/2018
A.34	9	Letter from Dan Wiltse, REHS, Natural Resource Specialist, Oregon Department of Environmental Quality, dated May 25, 2018 regarding Site Evaluation for onsite wastewater treatment	07/11/2018
A.35	2	Temporary Road Closure Narrative	07/11/2018

A.36	1	Letter of Support from Brian and Cynthia Winter	07/11/2018
A.37	1	Letter of Support from Sara Grigsby	07/11/2018
A.38	3	Updated Narrative concerning Transportation Division requirements	11/09/2018
A.39	9	Updated Narrative concerning Transportation Division requirements	11/16/2018
A.40	2	Updated Operational Plan	11/16/2018
A.41	1	Revised Building Plan (Reduced to 11" x 17") - A2.1: Basement Floor Plan – Proposed	11/16/2018
A.42	6	Supplemental Narrative addressing MCC 38.7300 and MCC 38.7380	11/16/2018
A.43	3	Supplemental Narrative Adaptive Reuse	11/16/2018
A.44	1	Supplemental Narrative Area Calculations	11/16/2018
A.45	1	Basement Floor Plan (Reduced to 11" x 17") - A1.1: Basement Floor Plan – Existing	11/16/2018
'B'	#	Staff Exhibits	Date
B.1	2	Department of Assessment, Records and Taxation (DART): Property Information for 1 North, 5 East, Section 30CC, tax lot 1600	01/26/2018
B.2	2	Department of Assessment, Records and Taxation (DART): Property Information for 1 North, 5 East, Section 30CC, tax lot 1500	01/26/2018
B.3	1	Department of Assessment, Records and Taxation (DART): Map for 1 North, 5 East, Section 30CC, tax lot 1500 and 1600	01/26/2018
B.4	2	Business Registry for HSF, LLC	01/26/2018
B.5	1	HSF, LLC 2017 Annual Report from Secretary of State	01/26/2018
B.6	5	National Scenic Area Agency Review for Oregon State Historic Preservation Office and SHPO Submittal Form	02/08/2018
B.7	1	Oregon State Historic Preservation Office Response assigning Case Number 18-0249	02/13/2018
B.8	2	Columbia River Gorge National Scenic Area Cultural Resources Survey Determination from Chris Donnermeyer, Heritage Resources Program Manager, Columbia River Gorge National Scenic Area	02/13/208

B.9	2	Revised Columbia River Gorge National Scenic Area Cultural Resources Survey Determination from Chris Donnermeyer, Heritage Resources Program Manager, Columbia River Gorge National Scenic Area	03/07/2018
B.10	1	Letter from Dennis Griffin, Ph.D., RPA, State Archaeologist Oregon State Historic Preservation Office regarding archaeological resources	03/07/2018
B.11	1	Letter from Jessica Gabriel, Historian, Oregon State Historic Preservation Office regarding above-ground historic resources	03/22/2018
B.12	1	Letter from Chris Donnermeyer, Heritage Resources Program Manager, Columbia River Gorge National Scenic Area regarding United States Department of Agricultural Forest Survey: Columbia River Gorge National Scenic Area Heritage Review	03/29/2018
B.13	1	Aerial Photo from Google Earth taken on July 18, 2017	09/01/2018
B.14	1	Site Plan and Building Plans previously approved by Multnomah County Land Use Planning on December 21, 2006 - SP1 – Site Plan - Sheet 1 – Floor Plan First Floor and Restroom Elevations - Sheet 2 – Ceiling/Lighting Plan, First Floor Kitchen Plan, and Basement Plan - Sheet 3 – Second Floor Plan - Sheet 4 – Roof and Elevation Plan	09/01/2018
B.15	111	Notice of Hearings Officer Decision and Staff Report for land use case T3-06-006	09/01/2018
B.16	4	Letter from Jessica Berry, Senior Transportation Planner, Multnomah County requesting additional information regarding Road Rules Variance requirements	09/10/2018
B.17	2	Applicant's and Surveyor's Finishing a Land Division	11/20/2018
B.18	3	Letter from Joy Sears, Restoration Specialist, submitted a letter and clarifying email further concurring that the property is still listed in the National Register of Historic Places and the finding of no adverse effect for the proposed project	11/28/2018
'C'	#	Administration & Procedures	Date
C.1	2	Agency Review & E-mail	02/08/2018
C.2	7	Incomplete letter	02/23/2018
C.3	1	Applicant's acceptance of 180 day clock	03/02/2018
C.4	1	Complete letter (day 1)	07/27/2018

C.5	34	Letter to Oregon State Historic Preservation Office requesting review as required in MCC 38.7380		10/12/2018
C.6	16	Notice of Public Hearing & mailing list		11/15/2018
C.7	102	Staff Report		12/14/2018
'H'	#	Hearing Exhibits (submitted at the first hearing)		Date
H.1	2	Email from Carrie Richter		12/11/18
H.2	2	Letter emailed from Gary & Victoria Purvine		12/12/18
H.3	1	Hearing sign-in sheet		12/14/18
'I'	#	Hearing Exhibits (submitted after the first hearing)	Submitter	Date
I.1	1	Letter from Joy Sears, Restoration Specialist, Oregon State Historic Preservation Office regarding the View Point Inn building listing in the National Register of Historic Places and the finding of no adverse effect for the proposed project	Oregon State Historic Preservation Office	05/15/2019
I.2	1	Coversheet	Applicant	05/24/2019
I.3	10	Applicant Summary Memo	Applicant	05/24/2019
I.4	32	Applicant Narrative	Applicant	05/24/2019
I.5	2	Operation Plan	Applicant	05/24/2019
I.6	6	Protraction & Enhancement Plan	Applicant	05/24/2019

I.7	20	Land Use Drawings: Site Plans and Elevations (reduced to 1212" x 1818") - G0.0: Drawing Index, Project Information, Vicinity Map - G0.1: Survey - C1.0: Grading and Erosion Control Plan - C2.0: Utility Plan - C3.0: Paving Plan - C4.0: Site Details - C4.2: Erosion Control Notes and Details - L0.01: Tree Removal and Protection Plan - L1.01: Materials Plan - L2.01: Planting Plan - A0.1: Site Plan - A.1.11: Existing Elevations - A2.1: Basement Floor Plan – Proposed - A2.2: First Floor Plan – Proposed - A2.3: Second Floor Plan – Proposed - A3.1: West Elevation – Proposed - A3.2: North Elevation – Proposed - A3.3: East Elevation – Proposed - A3.4: South Elevation – Proposed - A3.5: Accessory Building	Applicant	05/24/2019
I.8	20	Land Use Drawings: Site Plans and Elevations (24" x 36") - G0.0: Drawing Index, Project Information, Vicinity Map - G0.1: Survey - C1.0: Grading and Erosion Control Plan - C2.0: Utility Plan - C3.0: Paving Plan - C4.0: Site Details - C4.2: Erosion Control Notes and Details - L0.01: Tree Removal and Protection Plan - L1.01: Materials Plan - L2.01: Planting Plan - A0.1: Site Plan - A.1.11: Existing Elevations - A2.1: Basement Floor Plan – Proposed - A2.2: First Floor Plan – Proposed - A2.3: Second Floor Plan – Proposed - A3.1: West Elevation – Proposed - A3.2: North Elevation – Proposed - A3.3: East Elevation – Proposed - A3.4: South Elevation – Proposed - A3.5: Accessory Building	Applicant	05/24/2019

I.9	16	Land Use Imagery (12” x 18”): Renderings:: 1. Rendered West Elevation 2. Existing View from Women’s Forum 3. New View from Women’s Forum 4. Key Viewing Areas Historic Photos:: 5. Historic Aerial Photos 6. Historic Photos – Exterior 7. Historic Photos – Interior Materials - Samples:: 8. Exterior Materials (Photo Examples) 9. Exterior Specifications 10. Exterior Lighting and Trellis (Photo Examples) 11. Windows and Glazing Plan Use Diagrams 12. Basement 13. First Floor 14. Second Floor Materials - Samples:: 15. Interior Materials (Photo Examples) 16. Interior Materials 2 (Photo Examples)	Applicant	05/24/2019
I.10	4	HDP-1 Form completed by Wesley Spang, Registered Professional Engineer on May 23, 2019	Applicant	05/24/2019
I.11	11	A Geotechnical Consultation reviewing the Hillside Development Permit (HDP) Worksheet completed by Humber Design Group, Inc. on January 19, 2018 by Wesley Spang, Registered Professional Engineer on May 23, 2019	Applicant	05/24/2019
I.12	38	Geotechnical Engineering Investigation completed by Wesley Spang, Registered Professional Engineer and Geotechnical Engineer on December 5, 2018	Applicant	05/24/2019
I.13	2	Alterative Parking Study	Applicant	05/24/2019
I.14	13	Revised Stormwater Management Facilities: Private Stormwater Report prepared by Humber Design Group, Inc. and certified by Martha Williamson, Registered Professional Engineer on May 19, 2019	Applicant	05/24/2019
I.15	1	Tree Removal and planting Approach Memo	Applicant	05/24/2019

I.16	1	Letter from Joy Sears, Restoration Specialist, Oregon State Historic Preservation Office regarding the accessory building size	Oregon State Historic Preservation Office	05/29/2019
I.17	1	Responses to MCC 38.0065(B)	Applicant	05/31/2019
I.18	15	Notice of Public Hearing & mailing list	Staff	06/04/2019
I.19	3	Alternative Parking Study (revised)	Applicant	06/10/2019
I.20	3	View Point Inn landscaping at drain field areas	Applicant	06/10/2019
I.21	10	Sight Distance Analysis completed by Daniel Stumpf, Registered Professional Engineer and Melissa Webb, Registered Professional Engineer on June 7, 2019	Applicant	06/10/2019
I.22	3	Land Use Drawings: Site Plans and Elevations (reduced to 12” x 18”) - L0.01: Tree Removal and Protection Plan - L2.01: Planting Plan - A0.1: Site Plan	Applicant	06/10/2019
I.23	3	Land Use Drawings: Site Plans and Elevations (24” x 36”) - L0.01: Tree Removal and Protection Plan - L2.01: Planting Plan - A0.1: Site Plan	Applicant	06/10/2019