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## NOTICE OF NSA DECISION

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**Case File:** T2-2019-12327      **Permit:** National Scenic Area (NSA) Site Review  
**Applicant(s):** Richard Brooks      **Owner(s):** Trails Club of Oregon  
**Location:** No Situs Address, located 4 miles east of Multnomah Falls  
Tax Lot 200, Township 1 North, Range 6 East, Section 08, W.M.  
Tax Account #R946080040      Property ID #R323237  
**Zoning:** Gorge Special Forest (GSF-40) and Gorge Special Open Space (GSO)  
**Key Viewing Areas:** Beacon Rock, Cape Horn, Columbia River, Historic Columbia River Highway,  
Highway I-84, Pacific Crest Trail, Washington State Route 14  
**Landscape Setting:** Gorge Walls, Canyonlands, and Wildlands  
**Recreation Intensity:** Recreation Class 1 and Class 3  
**Proposal Summary:** Request is for a National Scenic Area (NSA) review for the replacement of a  
dormitory, two (2) privies (vault toilet outhouses), and a tool storage structure that  
were destroyed in the Eagle Creek Fire that began on September 2, 2017

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**Decision:** **Approved with Conditions**

This decision is final and effective at the close of the appeal period, unless appealed. The deadline for filing an appeal is **Friday, March 20, 2020, at 4:00 pm.**

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**Opportunity to Review the Record:** The complete case file, including the Planning Director Decision containing Findings, Conclusions, Conditions of Approval, and all evidence associated with this application is available for review at the Land Use Planning office. Copies of all documents are available at the rate of \$0.30/per page. For further information, contact Rithy Khut, Staff Planner at 503-988-0176 or at [rithy.khut@multco.us](mailto:rithy.khut@multco.us)

**Opportunity to Appeal:** An appeal requires a \$250.00 fee and must state the specific legal grounds on which it is based. To obtain appeal forms or information on the procedure, contact the Land Use Planning office at 1600 SE 190th Avenue (Phone: 503-988-3043). This decision is not appealable to the Columbia River Gorge Commission until all local appeals are exhausted.

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**Issued By:**



Rithy Khut, Planner

**For:** Carol Johnson, AICP  
Planning Director

**Date:** Friday, March 6, 2020

Instrument Number for Recording  
Purposes: #Book 907, Page 86-87

## Vicinity Map

N↑



### **Applicable Approval Criteria:**

For this application to be approved, the proposal will need to meet the applicable approval criteria below:

**Multnomah County Code (MCC):** General Provisions: MCC 38.0015 Definitions, MCC 38.0030(C) Existing Uses and Discontinued Uses

Administration and Procedures: MCC 38.0560 Code Compliance and Applications

Forest Districts - GGF and GSF: MCC 38.2060 Dimensional Requirements, MCC 38.2090 Access

Hillside Development Criteria: MCC 38.5505 Permits Required, MCC 38.5510 Exempt Land Uses and Activities

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

**Chapter 38: Columbia River Gorge National Scenic Area**

## **Conditions of Approval**

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 are necessary to ensure that approval criteria for this land use permit are satisfied. Where a condition relates to a specific approval criterion, the code citation for that criterion follows in brackets.

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

- a. Within two (2) years of the date of the final decision, when construction has not commenced. [MCC 38.0690(B)(1)]
  - i. For purposes of Condition #1.a, commencement of construction shall mean actual construction of the foundation or frame of the approved structure.
  - ii. 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. Work may commence once notice is completed. [MCC 38.0690(B)(3)]
- b. When the structure has not been completed within two (2) years of the date of commencement of construction. [MCC 37.0690(B)(2)]
  - i. For purposes of Condition #1.b, completion of the structure shall mean completion of the exterior surface(s) of the structure and compliance with all conditions of approval in the land use approval. [MCC 38.0690(B)(4)]

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

2. Within 30 days after the decision becomes final, the applicant(s), owner(s), or their representative(s) shall:
  - a. Record pages 1 through 6 and Exhibit A.15 (reduced to 8.5" x 11") of this Notice of Decision with the County Recorder. The Notice of Decision shall run with the land. Proof of recording shall be made prior to the issuance of any permits and shall be filed with the Land Use Planning Division. Recording shall be at the applicant's expense. [MCC 38.0670]

**Note:** The Planning Director may grant reasonable extensions for required recording, not to exceed an additional 30 days, in cases of practical difficulty. Failure to sign and record the Notice of Decision within the prescribed period shall void the decision. [MCC 38.0670]

3. At the time of land use sign-off for building plan check, the property owner(s) or their representative(s) shall:
  - a. Provide an updated Pit Toilet Details Plan to include the color of the privy buildings and the Tool storage structure. The exterior of the privy buildings and tool storage structure shall be comprised of non-reflective materials. The exterior colors of the privy buildings and tool storage structure shall be a dark earth tone colors as outlined in 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 38.0030(C)(4)(a)]

- b. Provide an updated Plan and Elevations Plan showing the dormitory window frames are constructed with non-reflective materials. The use of metal is not allowed. The window frames can be painted with a flat paint or other treatment so that they are not reflective and must be a dark earth tone colors as outlined in 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 38.0030(C)(4)(a)]
  - c. Provide a sample or cut/specification information of the windows of the dormitory building to ensure that the frame is non-reflective and the windows have a reflectivity rating of less than 11%. [MCC 38.0030(C)(4)(a)]
4. The proposed dormitory building shall use board and batten siding and shall be painted with “Forest” and “Espresso” as shown in Exhibit A.8. The roof will be constructed of a composition shingle roof that will be charcoal gray. [MCC 38.0030(4)(a)]
5. Prior to and during construction, the property owner(s) or their representative(s) shall ensure that:
- a. 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. Additionally all survey and evaluation reports and mitigation plans shall be submitted to the Planning Director and the SHPO. Native American tribal governments shall also receive a copy of all reports and plans if the cultural resources are prehistoric or otherwise associated with Native Americans.:
    - i. Halt Construction – All construction activities within 100 feet of the discovered cultural resource shall cease. The cultural resources shall remain as found; further disturbance is prohibited.
    - ii. Notification – The project applicant shall notify the County Planning Director and the Gorge Commission within 24 hours of the discovery. If the cultural resources are prehistoric or otherwise associated with Native Americans, the project applicant shall also notify the Native American tribal governments within 24 hours. Procedures required in MCC 38.7045(L) shall be followed.
    - iii. Survey and Evaluation – The Gorge Commission will survey the cultural resources after obtaining written permission from the landowner and appropriate permits from Oregon State Historic Preservation Office (SHPO) (see ORS 358.905 to 358.955). It will gather enough information to evaluate the significance of the cultural resources. The survey and evaluation will be documented in a report that generally follows the standards in MCC 38.7045(C)(2) and MCC 38.7045(E).
    - iv. Mitigation Plan – Mitigation plans shall be prepared according to the information, consultation, and report standards of MCC 38.7045(J). Construction activities may recommence when the conditions in the mitigation plan have been executed. [MCC 38.7045(L) and Comments 3.01, 3.02, 3.03, and 3.05]

- b. 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.
    - 1. If the human remains will be reinterred or preserved in their original position, a mitigation plan shall be prepared in accordance with the consultation and report standards of MCC 38.7045(I).
    - 2. The plan shall accommodate the cultural and religious concerns of Native Americans. The cultural resource protection process may conclude when the conditions set forth in the standards of MCC 38.7045(J) are met and the mitigation plan is executed. [MCC 38.7045(M) and Comments 3.01, 3.02, 3.03, and 3.05]
- 6. Within 10 years from the commencement of construction, the property owner or their representatives shall:
  - a. Provide evidence that the scenic standard of not visually evident has been achieved through the growth of the seven (7) trees north of the dormitory as shown on the Plans and Elevations Plan (Exhibit A.15). The Douglas-fir shall be a minimum height of 3 to 4 feet bare-root or of similar size. [MCC 38.0030(C)(4)(d)]
- 7. As an on-going condition, the property owner(s) or their representative(s) shall:
  - a. Be responsible for the proper maintenance and survival of any required planted vegetation. If any of the seven (7) proposed trees become diseased, die, or are removed; a replacement tree that is of similar type shall be planted. If the replacement tree is a Douglas-fir or western redcedar, the tree shall be a minimum height of 3 to 4 feet bare-root or of similar size. If the replacement tree is a big leaf maple, the tree shall be a minimum planting height of 3 to 4 feet (2 gallon) or of similar size. [MCC 38.0030(C)(4)(d)]

**Note:** Once this decision is final, application for building permits may be made with the City of Gresham. When ready to have building permits signed off by land use planning, the applicant shall complete the following steps:

1. Read your land use decision, the conditions of approval and modify your plans, if necessary, to meet any condition that states, "Prior to land use sign-off for building plan check..." Be ready to demonstrate compliance with the conditions.
2. Contact the City of Portland, Bureau of Development Services, On-site Sanitation at e-mail [septic@portlandoregon.gov](mailto:septic@portlandoregon.gov) or by phone at 503-823-6892 or for information on how to complete the Septic Evaluation or Permit process for the proposed development. All existing and/or proposed septic system components (including septic tank and drainfield) must be accurately shown on the site plan.
3. Contact Staff Planner, Rithy Khut at 503-988-0176 or [rithy.khut@multco.us](mailto:rithy.khut@multco.us), for an appointment for review of the conditions of approval and to sign the building permit plans. Land Use Planning must sign off on the plans and authorize the building permit before you can go to the Building Department. At the time of this review, Land Use Planning will collect additional fees.

The above must be completed before the applicant can obtain building permits from the City of Gresham. Three (3) sets each of the site plan and building plans are needed for building permit sign off. At the time of building permit review, a fee will be collected.

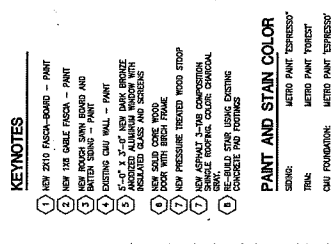
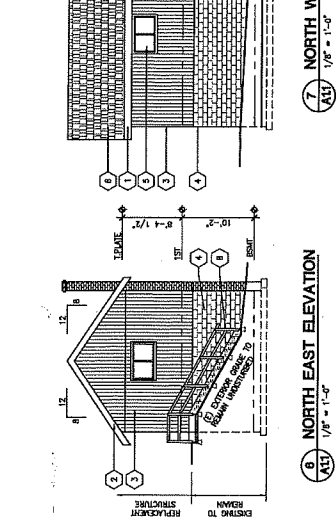
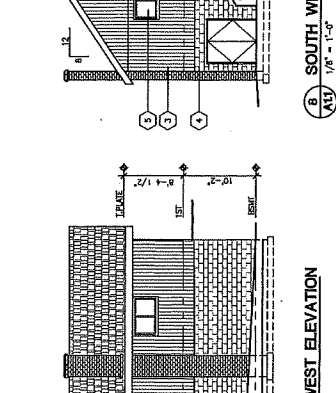
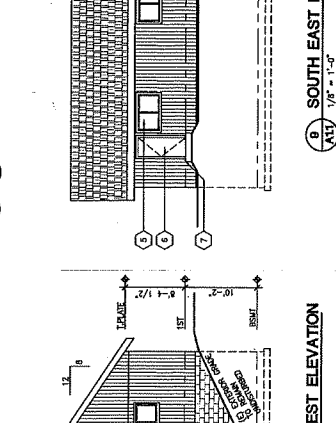
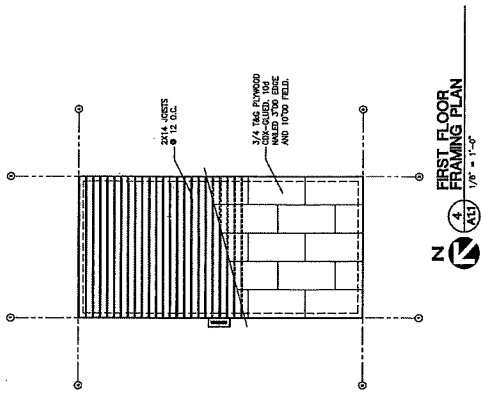
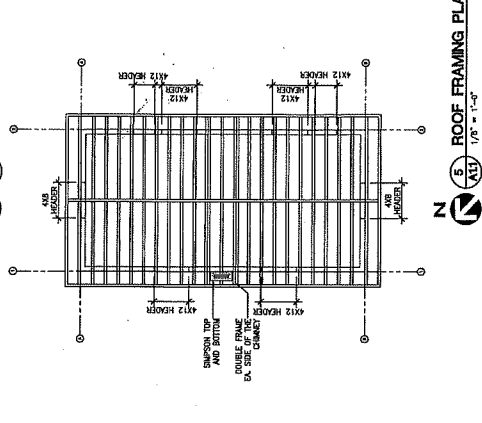
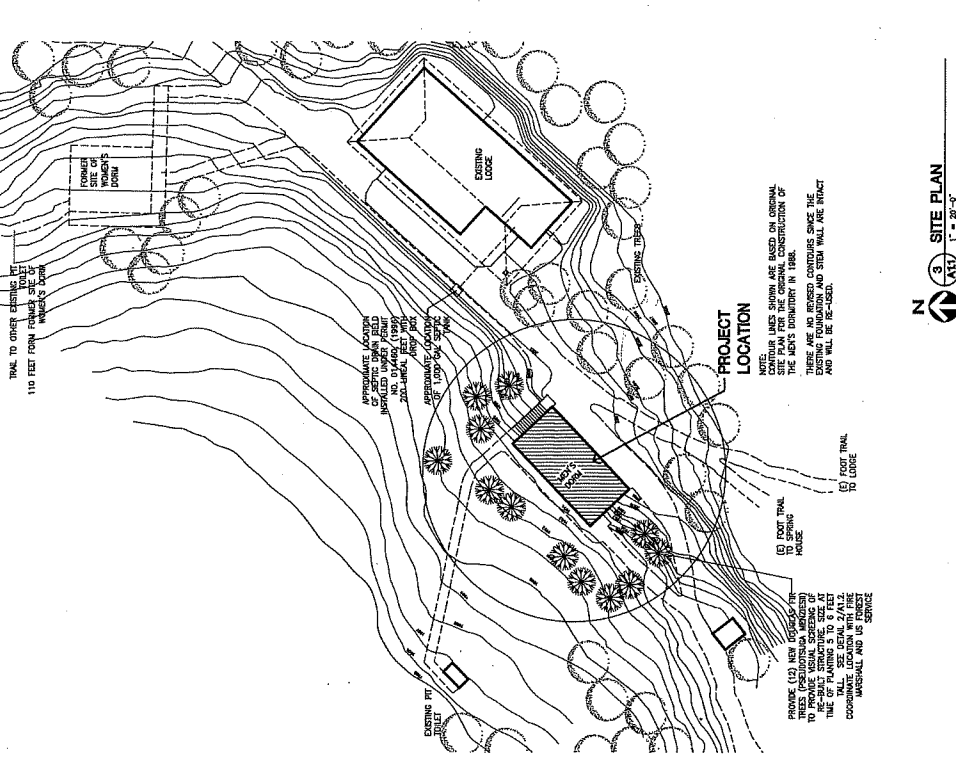
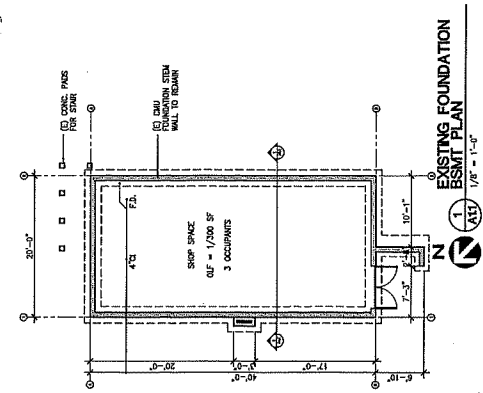
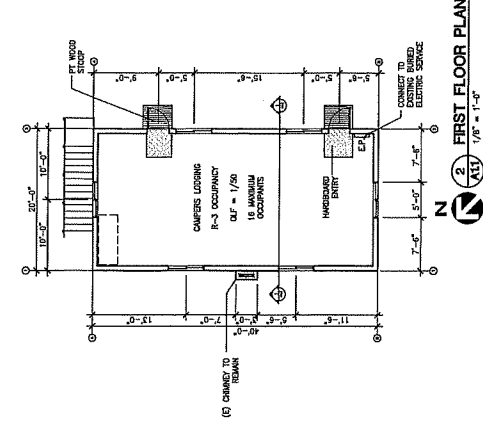
**Notice to Mortgagee, Lien Holder, Vendor, or Seller:**

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

**NOTES:**  
THE SCOPE OF THIS PROJECT INCLUDES THE REPLACEMENT OF AN EXISTING STRUCTURE THAT WAS BURNED DOWN DURING THE EAGLE CREEK FIRE. THE EXISTING FOUNDATION WILL REMAIN IN THE EXACT SIZE AND PROPORTIONS OF THE OLD STRUCTURE. THE EXISTING FOUNDATION WILL BE RE-USED.

**NOTES:** GROSS SECTION 310.5, LIVING VOLUMES WITH NO MORE THAN 5 GUEST ROOMS AND WHERE THE TOTAL NUMBER OF GUESTS DOES NOT EXCEED 16 PEOPLE ARE PERMITTED TO COMPLY WITH THE GREEN RESIDENTIAL CODE.

**NOTE:** BUILDING WILL NOT BE MECHANICALLY OR ELECTRICALLY COOLED. THEREFORE NOT TO BE CONSIDERED CONDITIONED SPACE.



**PAIN'T AND STAIN COLOR**

SIDING:	METRO PAINT "ESPRESSO"
TRIM:	METRO PAINT "FOREST"
CLAU FOUNDATION:	METRO PAINT "ESPRESSO"



CONSULTANT LOGO

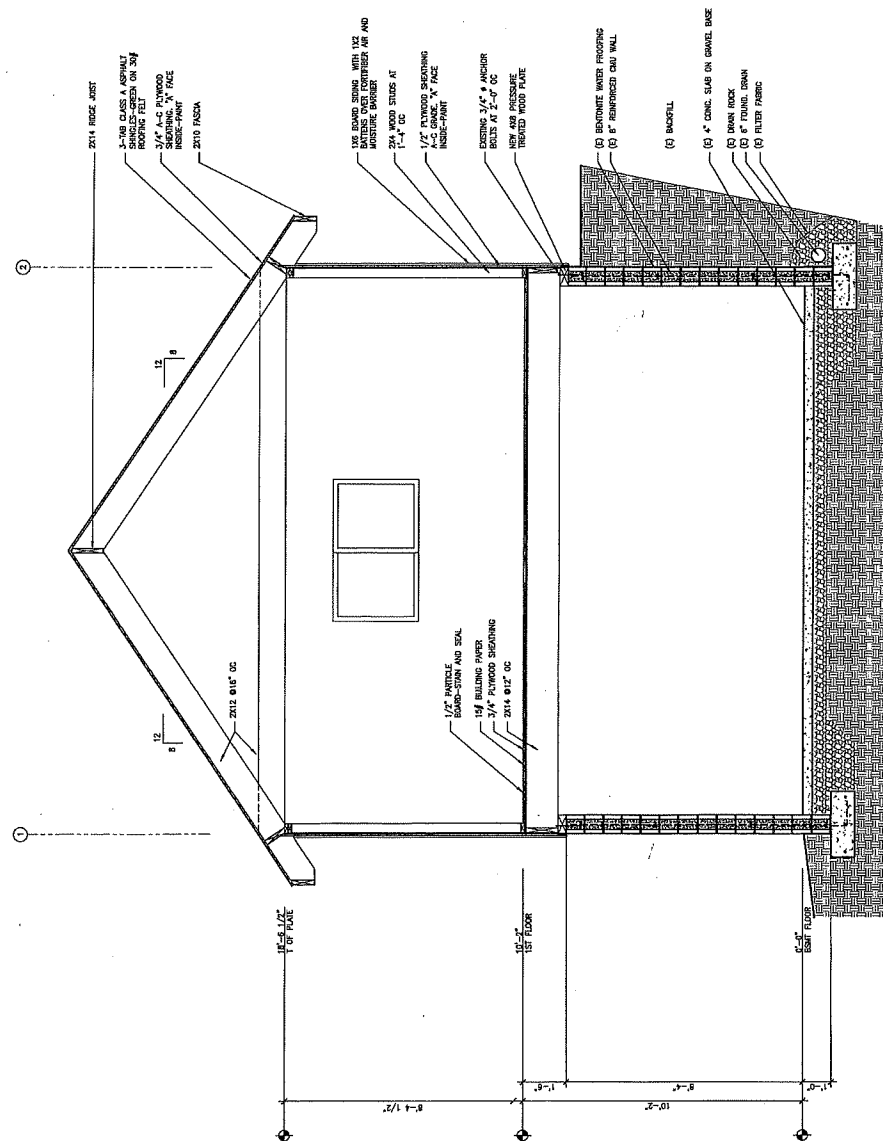
1. PRELIMINARY DESIGN 10/18/2019  
2. PERMIT SUBMITTAL SET 12/18/2019  
3. PLAN UPDATES 08/12/2019

ISSUED DATE

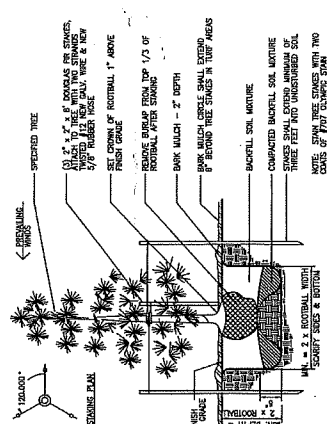
**CIDA**  
COMMERCIAL  
DESIGN  
ARCHITECTS  
PLANNERS  
INTERIORS  
1000 NE 10TH AVE, SUITE 200  
PORTLAND, OREGON 97232  
TEL: 503.228.1389  
FAX: 503.228.1390  
WWW.CIDA10.COM

**NESKA LODGE - MEN'S DORM**  
FREE LOSS RECONSTRUCTION FOR TRIALS CLUB OF OREGON  
CASCADE LOCKS, MULTNOMAH COUNTY, OREGON  
LATITUDE 45° 34' 49" N - LONGITUDE 122° 5' 8" W

BUILDING SECTION  
A12  
JOB NO. 180216.01  
© 2019 CIDA 10, INC. ALL RIGHTS RESERVED



1. BUILDING SECTION  
1/2" = 1'-0"



2. TYPICAL CONIFEROUS TREE PLANTING DETAIL  
1/4" = 1'-0"





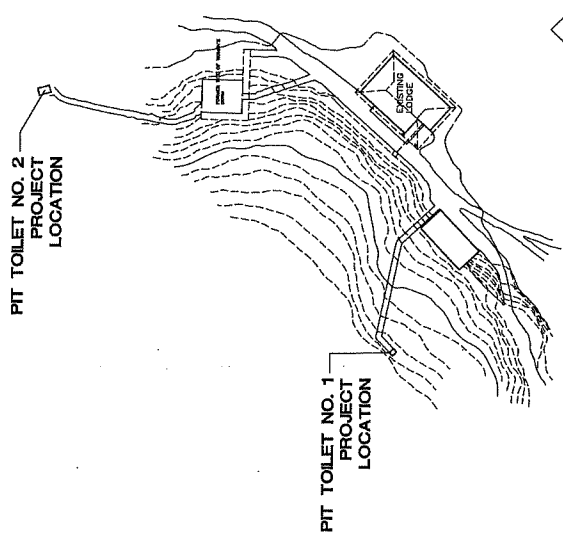
1. PIT TOILET DETAILS 09.15.2019  
2. SECOND PIT TOILET DETAILS 09.25.2019  
3. SWANMAN REQUIRED REVISIONS 09.27.2019

CONSULTANT LOGO

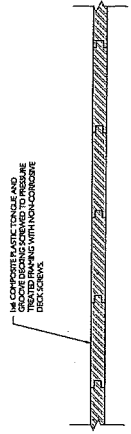


DESIGNER: CIDA  
PROJECT: MESIKA LODGE - MEN'S DORM  
LOCATION: CASCADE LOCKS, MULTNOMAH COUNTY, OREGON  
LATITUDE: 46° 34' N - LONGITUDE: 122° 5' W

PROJECT NO. 10026.01  
DATE: 09.15.2019



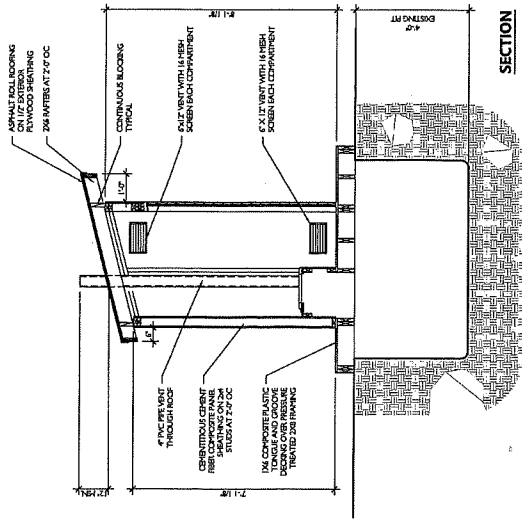
SITE PLAN - NOT TO SCALE



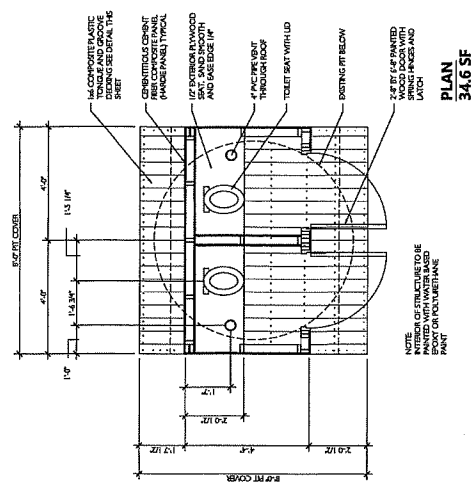
DECKING DETAIL  
1.1.1 2\"/>

348-271-0462  
Pit Toilets and "Pit Toilets" Toilet Stations  
(1) Pit Toilets and "Pit Toilets" Toilet Stations shall be constructed in accordance with the following general requirements:  
(2) Pit Toilets and "Pit Toilets" Toilet Stations shall be constructed of 1/4\"/>

1. PIT TOILET DETAILS  
1.1.1 12\"/>

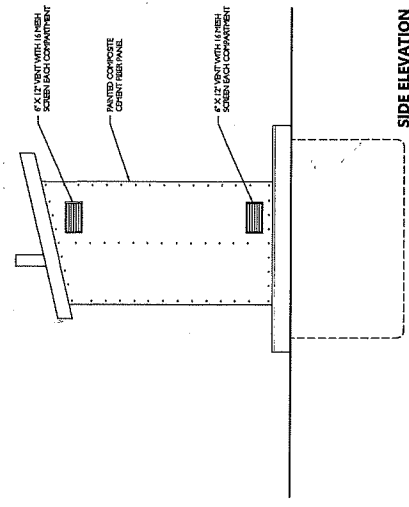


SECTION

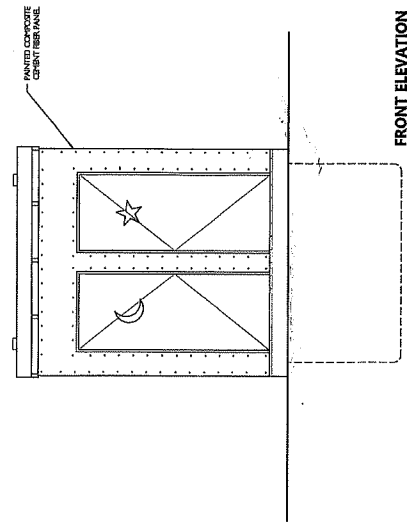


PLAN  
34.5 SF

NOTE:  
INTERIOR OF STRUCTURE TO BE  
PAINTED ON POLYURETHANE  
PAINT



SIDE ELEVATION



FRONT ELEVATION

## **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*.

### **1.00 Project Description:**

**Staff:** The applicant is requesting a National Scenic Area (NSA) review for the replacement of a dormitory, two (2) privies (vault toilet outhouses), and a tool storage structure that were destroyed in the Eagle Creek Fire that began on September 2, 2017.

### **2.00 Property Description & History:**

**Staff:** The NSA site review application is for one tax lot that does not have a situs address. The project is located at Tax lot 800, Section 08, 1 North, 6 East, W.M. The property is accessed through Forest Service owned property via a trail that begins approximately 4 miles east of Multnomah Falls. The property is 40.00 acres and is located on the south of the Historic Columbia River Highway. The property is split zoned with both Gorge Special Forest (GSF-40) and Gorge Special Open Space (GSO) zoning in the Columbia River Gorge National Scenic Area (CRGNSA). The location of the development is located within the Gorge Special Forest (GSF-40) zoning district. The entire property is also located within the Geologic Hazards (GH) overlay where slopes were determined to be greater than 25%.

Multnomah County Department of Assessment, Recording, and Taxation (DART) data indicates that the subject property is owned by Trails Club of Oregon. According to DART records, the subject property contains a single-family dwelling. The dwelling is actually a lodge, known as Nesika Lodge. The single-family dwelling that operates as a lodge for the club was first accessed in 1937, although the Trails Club maintains the Lodge was built in 1923. After 60 years of use, the original lodge was replaced in 1997. DART data reflects that change as the property was reassessed to show improvements being assessed as of 1997. Aerial photo comparison between 2016 and 2008 would indicate that the some of the accessory structures (dormitories and privies) to the lodge were destroyed by the Eagle Creek Fire that occurred in September 2017.

The subject property has an extensive history of land use permits or building permits. The permit history is shown below:

<b>Land Use Case / Build Permit #</b>	<b>Determination Date</b>	<b>Description</b>
OS 1-75	March 4, 1975	Zone change classifying the land as “Open Space” land
NC 1-79	February 18, 1975	Non-Conforming Use
DR 88-05-06	May 06, 1988	[Nesika] Camp Improvements - Reconstruct Existing Buildings
Building Permit	June 01, 1988	Reconstruction of Existing Men’s Dorm
SEC 3-88	June 09, 1988	Reconstruction of Men’s Dormitory and Lodge

<b>Land Use Case / Build Permit #</b>	<b>Determination Date</b>	<b>Description</b>
MC-441	March 22, 2002	Reconstruction of Existing Men's Dorm
MC-719	January 08, 2003	Addition of meeting hall to lodge

### **3.00 Public Comment:**

#### **3.01 Comments from Chris Donnermeyer, Heritage Resources Program Manager, Columbia River Gorge National Scenic Area**

**Staff:** Chris Donnermeyer submitted a Cultural Resource Survey Determination on August 21, 2019 stating that "A Cultural Resource Reconnaissance Survey is: Not Required" and "A Historic Survey is: Not Required" (Exhibit D.1).

The reconnaissance survey was not required because:

- Proposed use would involve the modification, expansion, replacement, or reconstruction of existing buildings and structures
- Would occur on a site that has been determined to be located within low probability zone
- Is not within 100 feet of a high probability zone
- Does not occur within 500 feet of a known cultural resource

The Historic Survey is not required because:

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

The comments did also include that a request that if historic or pre-contact cultural materials are found that the applicant or their agents cease work and notify the Columbia River Gorge Commission as well as the Oregon State Historic Preservation Office. That request is incorporated as a Condition of Approval.

#### **3.02 Comments from Shane P. James, SHPO Archaeologist, Oregon Parks and Recreation Department - State Historic Preservation Office**

**Staff:** Shane P. James submitted an e-mail and letter on September 16, 2019 raising concerns about archaeological sites and/or buried human remains. The letter stated, "the project area lies within an area generally perceived to have a high probability for possessing archaeological sites and/or buried human remains" (Exhibit D.2). The letter highlights the requirements under ORS 358.905 and ORS 97.74 and discusses the procedural requirements if archaeological objects or sites are discovered. The requirements of Oregon Revised Statutes are incorporated as a Condition of Approval.

#### **3.03 Comments from Tracy Schwartz, Historic Preservation Specialist, Oregon Parks and Recreation Department - State Historic Preservation Office**

**Staff:** Tracy Schwartz submitted an e-mail and letter on September 17, 2019 discussing the Secretary of the Interior's Standards and Guidelines for Reconstruction. The Letter did not discuss any requirements unless the Nesika Lodge Men's Dormitory building was historic. Based on the permitting history of the site, the dormitory buildings are not historic as they were built in 1988 (Exhibit D.3).

### **3.04 Comments from Steven D. McCoy, Staff Attorney, Friends of the Columbia Gorge**

**Staff:** Steven D. McCoy submitted an e-mail and letter on February 14, 2020 outlining various concerns about the project. The letter discusses the application requirements, what is allowed as an existing use, what is allowed as an allowed use, and resource impact reviews that need to be completed, if the proposed project is not permitted under MCC 38.0030 (Exhibit D.4).

Findings in Section 5.00 and 6.00 address the concerns from the letter. The recommended condition of approval has also been incorporated into this decision.

### **3.05 Comments from Jamie French, SHPO Archaeologist, Oregon Parks and Recreation Department - State Historic Preservation Office**

**Staff:** Jamie French submitted an e-mail and letter on February 25, 2020 raising concerns about archaeological sites and/or buried human remains. The letter stated, "There have been no previous archaeological surveys conducted in the project area. Future ground disturbing activities may reveal the presence of buried cultural resources" (Exhibit D.5). The letter discusses the procedural requirements if archaeological objects or sites are discovered. The procedural requirements are incorporated as a Condition of Approval.

## **4.00 Code Compliance and Application Criteria**

### **4.01 § 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:** As required, the County shall not make a land use decision approving development 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. To be in full compliance means that there is no active code compliance cases open or active complaints currently pending. At this time, there are no active code compliance cases open or active complaints. Additionally, in reviewing the previous three permit approvals, the project is in compliance with those approvals issued by the County.

*These criteria are met and the County can make a land use decision approving development.*

## **5.00 Existing Uses and Discontinued Uses Criteria**

### **5.01 § 38.0030 EXISTING USES AND DISCONTINUED USES**

. . .

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

**Staff:** The applicant is requesting to replace one of two dormitories and two pit toilet (privies) buildings that were destroyed by disaster. The site plan also shows another building that was not identified in the narrative, but was previously approved to contain tools as being replaced. Prior to the fire, the subject property contained a lodge, two dormitories, two privies, a tool building, and a generator. The lodge was undamaged during the fire; however, aerial photos would indicate that the dorms, privies, generator, and tool building were destroyed in Eagle Creek Fire that began on September 4, 2017 (Exhibit B.4).

As required above, an existing structure that is damaged or destroyed by fire may be replaced, if a complete land use application for the replacement structure is submitted within two years of the date of the original structure was damaged or destroyed. The Eagle Creek Fire began on September 4, 2017. This application was submitted on August 8, 2019, which is 1 year, 11 months, and 4 days after the date the original structures were damaged or destroyed (Exhibit A.1). *This criterion is met.*

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

**Staff:** The applicant is requesting to replace one of two dormitories, two privy buildings, and a tool storage structure that were destroyed by disaster. As described in SEC 3-88, the dormitory “provide[s] a sheltered sleeping quarters for male members of the club. The intent is to maintain the rustic nature of such a facility, providing only the barest of accessories, that being a wood stove, a bunk, and a place for cold-water washing” (Exhibit B.6). The proposal



indicates that the dormitory will be used in the same manner. The dorm will provide shelter for Oregon Trails Club members. The same can be said for the privy buildings and the tool storage structure. The privy buildings were reviewed by Lindsey Reschke, Multnomah County Sanitarian at the City of Portland – Bureau of Development Services: On Site Sanitation (Exhibit A.9). The review discussed and confirmed the existence of the unlined pit vaults with privies. The Septic Review Certification approved their continued use. *This criterion is met.*

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

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

**Staff:** The site plan indicates that the replacement structures, dormitory, privy buildings, and tool structure will be located in the same location, as they existed prior to their destruction. In the Plans and Elevations Plan drawn by Richard S. Brooks, Registered Architect, the location of the burned dormitory is drawn on the map (Exhibit A.15 – Page A1.1). In comparing the proposal to the site plan in DR 88-05-06, the replacement dormitory, privy buildings, and tool structure are located in the same location as they were previously approved (Exhibit B.5). Additionally, the applicant proposes to use the same concrete foundation and basement stem walls to ensure that the replacement dormitory is in the same location as the original. *This criterion is met.*

**(3) The replacement structure shall be the same size and height as the original structure, provided:**

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

**Staff:** The site plan indicates that the replacement structures will be the same size and height as the original structure. In the Plans and Elevations Plan drawn by Richard S. Brooks, Registered Architect, the replacement dormitory will be 41 feet by 20 feet (Exhibit A.15 – Page A1.1). As the applicant proposes to use the same concrete foundation and basement stem walls, the replacement structure will be the same size as the original structure. In comparing the proposed plans to the plans provided in DR 88-05-06, the original building was approximately 28 feet in height (Exhibit B.5). The proposed replacement structure will be 27 feet in height.

The privy buildings were previously measured as 12 feet by 7 feet in DR 88-05-06. The privy buildings shown in the Plans and Elevations Plan are 9 feet by 5 feet. This measurement is different from the Pit Toilet Details – Page A1.3, which indicate that the privy buildings will be 8 feet by 8 feet (Exhibit A.15 – Page A1.3). In either case, the both measurements are within the 10 percent threshold of enlargement.

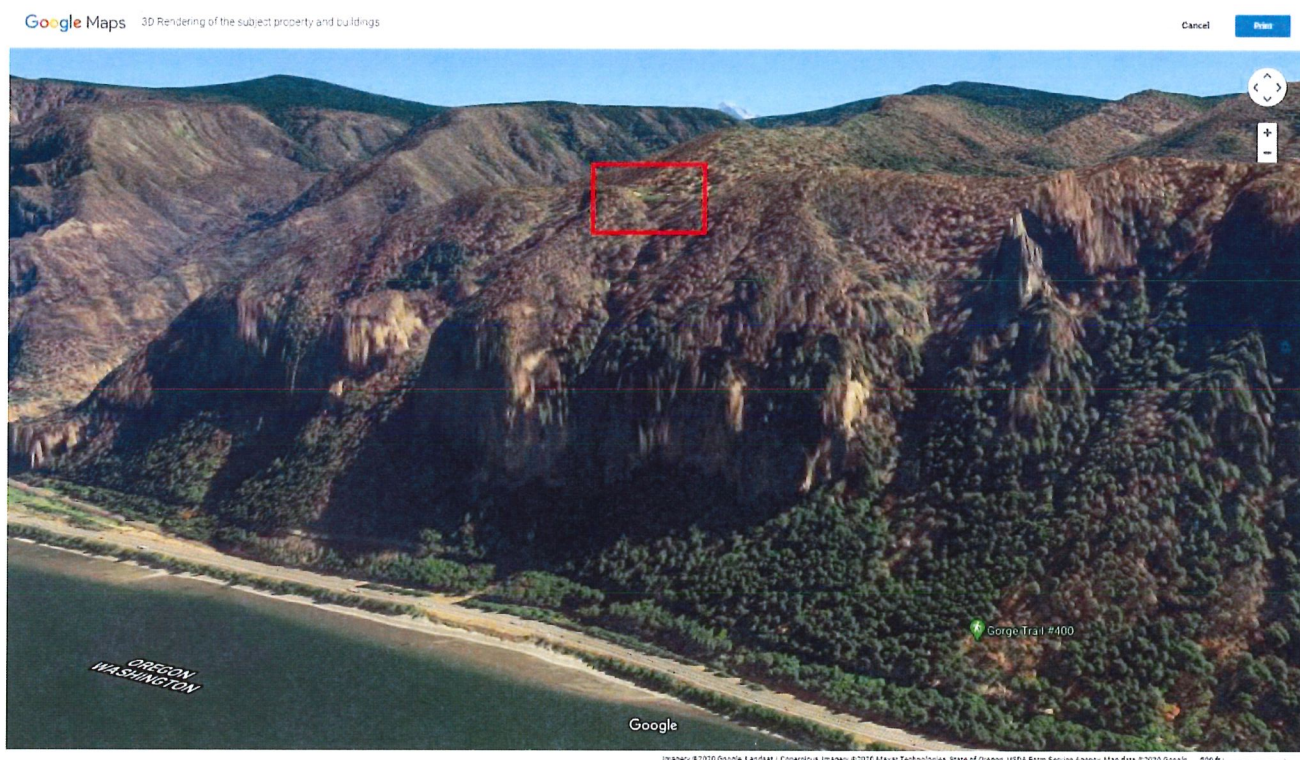
The tool structure previously measured as 9.5 feet by 7.5 feet in DR 88-05-06. The tool structure shown in the Plans and Elevations Plan is 10 feet by 8 feet. As proposed, the tool structure is within the 10 percent threshold of enlargement. *This criterion is met.*

**(4) The replacement structure shall only be subject to the following scenic resources standards:**

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

**Staff:** The subject property is visible from the following Key Viewing Areas (KVAs): Beacon Rock, Cape Horn, Columbia River, Historic Columbia River Highway, Highway I-84, Pacific Crest Trail, and Washington State Route 14. The proposed replacement structure is visible from the Columbia River, the Pacific Crest Trail, and Washington State Route 14. Therefore, the building will be required to be not visually evident to the maximum extent practicable. To meet the not visually evident scenic standard, the proposed replacement structure will need to achieve a visual quality standard that is not visually noticeable to the casual visitor. As shown in the Google Maps 3D Rendering below, the lodge, dormitory, and other structures sit high above the KVAs from the north (Exhibit B.7).

**Figure 1 – Google Maps 3D Rendering with site in Red Box**



As the buildings are located in a topographically visible area that could be visible to casual visitors, the buildings will need to use low reflective building materials and dark earth tone exterior colors to help the building blend into the surrounding landscape. These measures are especially important, as the site was subject to a large forest fire and the screening from trees is yet to fully reestablish.

As described in the narrative and plans, the applicant is proposing the following to ensure that the proposed replacement structure will meet the applicable scenic standards. For the dormitory, the applicant is proposing to use board and batten siding that will be painted in dark earth tone colors (Exhibit A.15 – Page A1.1). The paint colors provided indicate that “Forest” will be used for the body of the building and “Espresso” will be used for the trim (Exhibit A.8). Both colors appear to be dark earth tone when compared to the color samples in the *Scenic Resources Implementation Handbook*. The plans indicate that the roof will be an asphalt 3-tab composition shingle roof that will be charcoal gray. Lastly, the applicant proposes to use a dark bronze anodized aluminum window frame and insulated glass. Aluminum is typically not allowed to be used, as it is highly reflective. Additionally, the applicant did not provide the specifications for the windows. Windows with a visible light reflectivity of 11 percent or less are considered as a low reflectivity building material. Therefore, two conditions will be required, the first will be the window be changed to use a non-reflective material and second, the window glass have a reflectivity rating of 11 percent or less.

For the privy buildings, the building materials are shown on the Pit Toilet Details. The applicant is proposing to use composite cement fiber paneling on the exterior of the privy buildings (Exhibit A.15 – Page A1.3). The applicant did not indicate a color scheme. The applicant also did not include a color scheme for the tool structure. Therefore a condition will be required that the exterior of the privy buildings and the tool structure be constructed of non-reflective material and a dark earth tone color. *As conditioned, this criterion is met.*

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

**Staff:** The original dormitory structure contained an outdoor staircase that will be rebuilt. The Plans and Elevations Plan indicates that the rebuilt staircase will be similar to the original structure and not enclosed (Exhibit A.15 – Page A1.1). *This criterion is met.*

. . .

**(d) In the Special Management Area, the replacement structure shall comply with the scenic resources provisions regarding landscaping. These provisions shall be applied to achieve the applicable scenic standard (visually subordinate or not visually evident) to the maximum extent practicable, provided:**

- 1. The Scenic Resources Implementation Handbook shall be utilized to determine approvable species and minimum approvable sizes of new trees planted (based on average growth rates expected for approvable species).**
- 2. The height of any new trees shall not be required to exceed 5 feet.**

**3. The time frame for achieving the applicable scenic standard (visually subordinate or not visually evident) shall be 10 years.**

**Staff:** As required above, the replacement structure shall comply with the scenic resource provisions regarding landscaping. The landscaping will need to achieve the scenic standard of not visually evident to the maximum extent practicable. To meet the not visually evident scenic standard, the proposed replacement structure will need to achieve a visual quality standard that is not visually noticeable to the casual visitor. As shown in a Google Maps rendering, the buildings sit on a ridge, therefore the applicant will be required to ensure that the seven trees located to the north of the dormitory continue to thrive and survive (Exhibit B.7 and A.15 – Page A1.1). These trees will ensure that the replacement structures will achieve the not visually evident scenic standard. Additionally, as required above, if the trees die, new trees shall be planted in the same general location to replace the dead tree. The trees shall be of size and type of a coniferous native tree from the Recommended Plants for Screening in the *Scenic Resources Implementation Handbook*. Lastly, the time frame for achieving the applicable scenic standard (not visually evident) shall be 10 years. *As conditioned, these criteria are met.*

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

**Staff:** As discussed above, the applicant has demonstrated compliance with (C)(2) and (C)(3) and therefore not subject to (B)(1), (B)(2), and (B)(3). *This criterion is met.*

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

**Staff:** The applicant has submitted a complete land use application for a replacement structure within two years of the date that the original structure was destroyed. Therefore, the original structure is not considered discontinued and an applicant can be reviewed under the provisions of MCC 38.0030(B). *This criterion is met.*

**6.00 Forest Districts - GGF and GSF Criteria**

**6.01 § 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:**

<b>GGF-20</b>	<b>20 acres</b>
<b>GGF-40</b>	<b>40 acres</b>
<b>GGF-80</b>	<b>80 acres</b>
<b>GSF-40</b>	<b>Not Applicable</b>

**(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. As the subject property is 40 acres and the GSF-40 zone district does not have a minimum lot size, these requirements are not applicable. *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.**

**Staff:** The subject property does not abut a street. As the subject property does not abut a street, there is no Front Yard, Street Side Yard, or Rear Yard. The applicable Yard is the Side Yard, which needs to be a minimum of 10 feet. All of the buildings are more than 100 feet from any of the lot lines. Additionally, all of the replacement structures, the dormitory, privy buildings, and tool structure are all less than 35 feet in height. The proposed replacement dormitory will be 27 feet in height and the privy buildings will be approximately 9.75 feet (Exhibit A.15 – Page A1.1 and A1.3) *These criteria are met.*

. . .

**6.02 § 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 subject property does not abut a street; therefore, access must be determined to be safe and convenient for pedestrians and passenger and emergency vehicles. Currently the subject property is primarily accessed via a trail off the East Historic Columbia River Highway. The property also has a secondary access that is accessed via Palmer Mill Road and Forest Road Number 1520 A1520-129. The applicant provided a USDA Forest Service Permit for Use of Roads, Trails, or Areas Restricted by Regulation or Order (Exhibit A.13). *This criterion is met.*

**7.00 Hillside Development (HD) Criteria**

**7.01 § 38.5505 PERMITS REQUIRED**

**Hillside Development Permit: All persons proposing development, construction, or site clearing (including tree removal) on property located in hazard areas as identified on the "Slope Hazard Map", or on lands with average slopes of 25 percent or more shall obtain a Hillside Development Permit as prescribed by this subdistrict, unless specifically exempted by MCC 38.5510.**

**Staff:** As required above, all persons proposing development, construction, or site clearing (including tree removal) on property located in hazard areas as identified on the "Slope Hazard



Map,” or on lands with average slopes of 25 percent or more shall obtain a Hillside Development Permit. The subject property is entirely within the Slope Hazard Map as shown below.

**Figure 2 – Slope Hazard Overlay and Contours of the Subject Property**



As the project is located within in hazard areas as identified on the "Slope Hazard Map," the applicant is required to obtain a Hillside Development (HD) Permit unless the project qualifies as an Exempt Land Use.

**7.02 § 38.5510 EXEMPT LAND USES AND ACTIVITIES**

The following are exempt from the provisions of this Chapter:

. . .

**(B) General Exemptions – All land-disturbing activities outlined below shall be undertaken in a manner designed to minimize earth movement hazards, surface runoff, erosion, and sedimentation and to safeguard life, limb, property, and the public welfare. A person performing such activities need not apply for a permit pursuant to this subdistrict, if:**

- (1) Natural and finished slopes will be less than 25 percent; and,**
- (2) The disturbed or filled area is 20,000 square feet or less; and,**
- (3) The volume of soil or earth materials to be stored, in conjunction with the project, is 50 cubic yards or less; and,**
- (4) Rainwater runoff is diverted, either during or after construction, from an area smaller than 10,000 square feet; and,**
- (5) Impervious surfaces, if any, of less than 10,000 square feet are to be created; and,**
- (6) No drainageway is to be blocked or have its stormwater carrying capacities or characteristics modified.**

**Staff:** The applicant has included plans, a narrative, and a Hillside Development Permit (HDP) Work Sheet to demonstrate that the project meets the General Exemptions listed above. In the Plans and Elevations Plan drawn by Richard S. Brooks, Registered Architect, the natural and finished slope of development areas are all less than 25 percent. The natural and finished slope of the dormitory area is approximately 23 percent, the privy buildings are approximately 10 percent, and the tool storage structure is 22.5 percent (Exhibit A.15 – Page A1.1). Additionally, the applicant is not proposing to disturb or generate fill areas, store any soil or earth materials, or block any drainageways. No new impervious surfaces are proposed to be created and the rainwater runoff that is diverted will be less than 10,000 square feet (Exhibit A.12). In total, the buildings being rebuilt are 980 square feet in total impervious surface.

*As proposed, the project qualifies for the General Exemption provided in MCC 38.5510(B). These criteria are met.*

## 8.00 Conclusion

Based on the findings and other information provided above, the applicant has carried the burden necessary for the NSA Site Review to establish the Replacement of Existing Structures Damaged or Destroyed by Disaster. The replacement structures are a dormitory, two privy buildings, and a tool storage building in the Gorge Special Forest (GSF-40) zone. This approval is subject to the conditions of approval established in this report.

## 9.00 Exhibits

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

Exhibits with a “\*” after the exhibit # have been reduced to 8.5” to 11” in size and included as part of the mailed decision. All other exhibits are available for review in Case File T2-2019-12327 at the Land Use Planning office.

Exhibit #	# of Pages	Description of Exhibit	Date Received/ Submitted
A.1	1	General Application Form	08/08/2019
A.2	1	NSA Application Form	08/08/2019
A.3	7	Narrative	08/08/2019
A.4	3	Site Plan – (reduced to 11” x 17”) <ul style="list-style-type: none"> <li>• Cover Sheet</li> <li>• Plans and Elevations (Page A1.1)</li> <li>• Building Section (Page A1.2)</li> </ul>	08/08/2019
A.5	4	City of Portland Bureau of Development Services Septic Check Sheet	08/08/2019
A.6	2	Fire Service Agency Review	08/08/2019

A.7	1	Certification of Water Service	08/08/2019
A.8	1	Oregon Metro Paint Brochure	08/08/2019
A.9	3	Septic Review Certification	09/10/2019
A.10	1	Transmittal Sheet	10/18/2019
A.11	8	Revised Narrative	10/18/2019
A.12	6	Hillside Development Permit (HDP) Worksheet	10/18/2019
A.13	4	Permit for Use of Roads, Trails, or Areas Restricted by Regulation or Order	10/18/2019
A.14	3	Revised Site Plan – (reduced to 11” x 17”) <ul style="list-style-type: none"> <li>Plans and Elevations (Page A1.1)</li> <li>Building Section (Page A1.2)</li> <li>Pit Toilet Details (Page A1.3)</li> </ul>	10/18/2019
A.15*	3	Revised Site Plan – (24” x 36”) <ul style="list-style-type: none"> <li>Plans and Elevations (Page A1.1)</li> <li>Building Section (Page A1.2)</li> <li>Pit Toilet Details (Page A1.3)</li> </ul>	10/18/2019
<b>‘B’</b>	<b>#</b>	<b>Staff Exhibits</b>	<b>Date</b>
B.1	2	Department of Assessment, Records, and Taxation (DART) Property Information for 1N6E08 -00200 (#R946080040)	08/08/2019
B.2	1	Department of Assessment, Records, and Taxation (DART) Property Information Map with 1N6E08 -00200 (#R946080040) highlighted	08/08/2019
B.3	5	Pre-Filing Meeting Notes	08/08/2019
B.4	1	Aerial Photo from 2018	02/04/2020
B.5	11	Land Use Case DR 88-05-06	02/11/2020
B.6	13	Land Use Case SEC 3-88	02/11/2020
B.7	1	Google Maps 3D Rendering	02/11/2020
B.8	2	Bargain and Sale Deed recorded in Book 907, Page 86-87 on November 14, 1922	03/03/2020
<b>‘C’</b>	<b>#</b>	<b>Administration &amp; Procedures</b>	<b>Date</b>
C.1	4	Agency Review	08/20/2019
C.2	4	Incomplete Letter	09/05/2019
C.3	1	Applicant’s Acceptance of 180 Day Clock	09/13/2019
C.4	1	Incomplete Letter #2	09/26/2019
C.5	1	Complete Letter (Day 1)	11/15/2019
C.6	4	Opportunity to Comment and Mailing List	01/31/2020
C.7	19	Administrative Decision	

<b>'D'</b>	<b>#</b>	<b>Comments Received</b>	<b>Date</b>
D.1	3	E-mail and Letter from Columbia River Gorge National Scenic Area – Cultural Resources Survey Determination submitted by Chris Donnermeyer, Heritage Resources Program Manager, Columbia River Gorge National Scenic Area	08/21/2019
D.2	2	E-mail and Letter from Shane P. James, Archaeologist, State Historic Preservation Office, Oregon Parks and Recreation Department	09/16/2019
D.3	2	E-mail and Letter from Tracy Schwartz, Historic Preservation Specialist, State Historic Preservation Office, Oregon Parks and Recreation Department	09/17/2019
D.4	8	E-mail and Letter from Steven D. McCoy, Staff Attorney, Friends of the Columbia Gorge	02/14/2020
D.5	8	E-mail and Letter from Jamie French, SHPO Archaeologist, Oregon Parks and Recreation Department - State Historic Preservation Office	02/14/2020