

DEPARTMENT OF COMMUNITY SERVICES

Land Use Planning Division



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

Notice of Hearings Officer Decision

Attached please find notice of the Hearings Officer's decision in the matter of **T3-2025-0001**. The decision is effective on being mailed, and the mailing date is **November 26, 2025**. This notice is being mailed to those persons entitled to receive notice under MCC 38.0530(C).

This notice includes the first page of the Hearings Officer's decision which contains the following information: the street address or location of the subject property along with a brief summary of the decision and the proposed use.

Hearings Officer's Decision is the County's final decision and may be appealed to the Columbia River Gorge Commission by any person or organization that appeared and testified at the hearing, or by those who submitted written testimony into the record. An appeal must be filed with the Columbia River Gorge Commission within thirty days of when the decision is signed by the Hearings Officer. This decision is final at the close of the appeal period unless appealed.

Appeal instructions and forms are available from:

Columbia River Gorge Commission
PO Box 730
1 Town & Country Square
57 NE Wauna Ave
White Salmon, WA 98672

Phone: 509-493-3323
Fax: 509-493-2229
info@gorgecommission.org
www.gorgecommission.org/

For further information call or email the Multnomah County Land Use Planning Division at: 503-988-3043 or LUP-Hearings@multco.us.

**BEFORE THE LAND USE HEARINGS OFFICER
FOR MULTNOMAH COUNTY, OREGON**

In the Matter of a Type III application for a Conditional Use permit and National Scenic Area Site Review to construct and operate a fire station and related uses, including a fire drill tower, on 2.17 acres zoned Gorge General Rural Center (GGRC) within the Columbia Gorge General Management Area in unincorporated Multnomah County, Oregon

FINAL ORDER

Corbett Fire Station

T3-2025-0001

I. Summary:

This Order is the decision of the Multnomah County Land Use Hearings Officer approving with conditions this application for a conditional use permit and National Scenic Area ("NSA") Site Review required to construct and operate a new fire station and related accessory uses on 2.17 acres of land zoned Columbia Gorge General Management Area Rural Center (GGRC).

II. Introduction to the Property and Application:

Applicant..... Peter Finley Fry, AICP
303 NW Uptown Terrace, Suite 1B
Portland, OR 97210

Owner..... Multnomah County Rural Fire Protection District 14
Attn: Dave Flood, Fire Chief
P.O. Box 1
Corbett, OR 97019

Property Legal Description: Tax Lot 2201 in Section 35BA, Township 1 North, Range 4 East of the Willamette Meridian, Property ID: #R661079, Alt. Acct: #R665600200, Street Address: 36930 E Hist Columbia River Hwy in Corbett.

Applicable Laws Multnomah County Code (MCC) 38.0015 (Definitions), MCC 38.0030 (Existing Uses and Discontinued Uses), MCC 38.0060 (Agricultural Buffer Zones), MCC 38.0110 (Tribal Treaty Rights and Consultation), MCC 38.0560 (Code Compliance and Applications), MCC 38.2430(A) (Conditional Uses – Fire Station), MCC 38.2460 (Dimensional Requirements), MCC 38.2485 (Off-Street Parking and Loading), MCC 38.2490 (Access), MCC 38.4105 (General Provisions), MCC 38.4115 (Continuing Obligation), MCC 38.4125 (Use of Space), MCC 38.4130 (Location of Parking and Loading Spaces), MCC 38.4140 (Change of Use), MCC 38.4150 (Existing Spaces), MCC 38.4165 (Design Standards: Scope), MCC 38.4170 (Access), MCC 38.4175 (Dimensional Standards), MCC 38.4180 (Improvements),

MCC 38.4185 (Lighting), MCC 38.4195 (Design Standards: Setbacks), MCC 38.4205 (Minimum Required Off-Street Parking Spaces), MCC 38.4215 (Exceptions from Required Off-Street Parking or Loading Spaces), MCC 38.7035 (GMA Scenic Review Criteria), MCC 38.7045 (GMA Cultural Resource Review Criteria), MCC 38.7053 (GMA Water Resources Review Criteria), MCC 38.7065 (GMA Wildlife Review Criteria), MCC 38.7070 (GMA Rare Plant Review Criteria), MCC 38.7080 (GMA Recreation Resource Review Criteria), MCC 38.7300 (Review and Conditional Uses).

The subject site is a single, 2.17-acre legal lot (TL 2201) zoned GGRC in the Columbia River Gorge NSA that is visible from three Key Viewing Areas: Historic Columbia River Highway (including the Historic Columbia River Highway State Trail), Larch Mountain (including Sherrard Point), Larch Mountain Road. The site is also currently developed with the Corbett Fire Station, an expansive parking and maneuvering area, and this proposal is to construct a new fire station building and an accessory fire drill tower that will be used for fire hose drying and other fire company uses. The proposal will result in a reduction of parking from 40 spaces to 14 spaces, but the current/existing paved area will be used for fire apparatus maneuvering, staging and parking when fires occur and personnel are in the field. This application does not propose an expansion of the site's impervious surface area.

The initial application, design plans and supporting documentation were submitted January 30, 2025 (Exs. A.1 to A.10) and subsequently revised (Exs. A.11 to A.16). The County followed a Type III process to review the application, and issued incomplete letters on February 28 and June 24, 2025 (Exs. C.2 & C.4). The applicant's additional submissions (Exs. A.11 to A.16) made the application complete on July 23, 2025 (Ex. C.5). The County mailed notice of a November 14, 2025 hearing to the owners of property within the 750-foot notice range as required by MCC 38.0530(C) (Ex. C.7) and posted notice on the property. No written public comments were received by the County at or prior to the November 14th public hearing.

III. The Public Hearing Process:

The County's notice for the November 14th public hearing (Ex. C.7) indicated it would be held remotely via a Zoom internet platform, in which everyone participating via video or telephone audio could hear everything that everyone said. At the commencement of the hearing, I made the disclosures and announcements required by ORS 197.763(5) and (6) and 197.796 and disclaimed any *ex parte* contacts, conflict of interest or bias. No one raised any procedural objections or challenged my ability to decide the matter impartially, or otherwise challenged my jurisdiction.

At the November 14th public hearing, Rithy Khut, Land Use Planner for the County, provided a verbal summary of the application and the basis for staff's November 4, 2025 report (Ex. C.8), which recommended conditional approval of all elements of the application. The applicant was represented by several members of its project team, including its planning professional, Peter Finley Fry, Dave Flood, Fire Marshal, and Dave Shannon, Chair of the Fire Board. Mr. Fry explained the proposal and expressed the applicant's acceptance of and agreement with staff's favorable recommendation and proposed conditions of approval.

One person testified in a neutral capacity: Steve McCoy, representing Friends of the Columbia Gorge, who testified that the fire drill tower was not allowed as an “accessory use” under MCC 38.2425(B), which allows: “Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in (C) below.” Staff responded that MCC 38.2425(B) and this allowance for uses accessory to dwellings is not one of the applicable criteria. As staff explained, MCC 38.2425 provides the Review Uses in the Rural Center (GGRC) zone; whereas, this proposal is for a Conditional Use allowed and regulated under MCC 38.2430(A). Staff’s position is further supported by the definition of Accessory Use in MCC 38.0015, which applies generally in the NSA is not limited to residential accessory uses but is robust enough to include uses accessory to commercial, institutional and industrial uses, including this fire station, which is conditionally allowed in the zone. I interpret these code provisions – MCC 38.0015 and 38.2430(A) – to allow fire stations and their accessory uses, such as the fire tower, as Conditional Uses in the GGRC zone. I agree that MCC 38.2425, cited by Mr. McCoy is not applicable, and that his argument is not well founded.

No one else requested the opportunity to testify, and no one requested that the record remain open or that the hearing be continued. I closed the record at the conclusion of the November 14th public hearing.

IV. Findings:

Only issues and approval criteria raised in the course of the application, during the hearing or before the close of the record are discussed in this section. All approval criteria and issues not raised by staff, the applicant or a party to the proceeding have been waived as contested issues, and no argument with regard to these issues can be raised in any subsequent appeal. I find those criteria to be met, even though they are not specifically addressed in these findings, and I adopt and incorporate herein by this reference the staff report (Ex. C.8) to augment the following findings:

Generally Applicable Provisions:

1. MCC 38.0560 Code Compliance and Applications. MCC 38.0560 prohibits the County from issuing or otherwise approving permits for any property that is not in full compliance with all applicable provisions of Multnomah County Zoning Code. As written, this provision could be construed to impose an impossible burden on every applicant to prove a negative – to prove there is nothing about the property and all uses thereon that is contrary to the Zoning Code or any previously issued permit. Staff takes the position in the report (Ex. C.8) that MCC 38.0560, in fact, does not impose such a burden on applicants, but only requires that an applicant respond to any specific allegations or known instances of a violation on the property. Absent any argument to the contrary, I accept staff’s interpretation and note there is no evidence or allegation of a code violation in this record, which is apparently enough to satisfy this provision.
2. MCC 38.0015 Definition of “Parcel.” MCC 38.0015 defines parcel as a legally created lot of record, which is a prerequisite for this or any other development application. The subject property was created as part of a hearings officer decision in land use case no. T3-2011-2014. A Subdivision Plat was recorded in Book 1305, Page 20-21 on April 3, 2014 (Ex. B.5). The subject property, Lot 4 of Poffenberger

subdivision has not been subject to a subsequent boundary reconfiguration and/or land division since those findings were written; therefore, it remains a Parcel in its current configuration. From this, I conclude that the subject property satisfied all applicable zoning and land division laws when it was created or reconfigured in 2014, and is a “Parcel” as defined in MCC 38.0015 Definitions.

3. MCC 38.0030 Existing Uses and Discontinued Uses. The subject property contains an existing Fire Station use consisting of 2 buildings, accessory structures (AC units, diesel tank, flagpole, hydrant, monument, septic system with drainfield, sign, and transformer), and paved areas used for off-street parking and loading. The property was last reviewed in 2010. The use and buildings have not been discontinued or otherwise abandoned and are still used and present. The applicant now proposes a new building, a new accessory structure (a drill tower), and alteration of paved areas for off-street parking and loading. Both buildings and the modifications to the paved areas are associated with, and accessory to, the existing Fire Station use. As required, the new buildings and changes to off-street parking and loading are subject to conditional use review and approval under the Management Plan, including, but not limited to, guidelines for land use designations and scenic, cultural, recreation and natural resources. The existing buildings and accessory structures; however, are not subject to compliance with setbacks or buffers as no alteration of the footprint of these buildings or structures are proposed. I discuss the applicable policies, guidelines, and Multnomah County Code requirements below.

Gorge General Rural Center (GGRC) Criteria:

1. MCC 38.2430 Conditional Uses. Fire Stations and their accessory uses are conditionally allowed on land designated GGRC, pursuant to MCC 38.0045 and 38.7300. The applicant requests a Fire Station. The existing Fire Station has an extensive permitting history discussed in the staff report (Ex. C.8). The Fire Station use already exists, and the property contains various accessory buildings and structures that are also preexisting and presumptively allowed. The applicant seeks to expand that Fire Station use to add a new building, a new accessory drill tower structure, and to alter paved areas for off-street parking and loading (Exs. A.14 & A.15). The building will contain areas to store fire engines and a weight room. The drill tower is used for training fire personnel and meets the definition of Accessory Use in MCC 38.0015. It is accessory to the fire station, and is therefore allowed as part of the conditional use. The conditional use criteria require review of Parking, Loading, and Circulation, and the NSA Site Review criteria and Special Use criteria, all of which are discussed below.
2. MCC 38.2460 Dimensional Requirements. The following dimensional requirements apply to development in the GGRC zone:

Minimum front yard	30 feet
Minimum side yard.....	10 feet
Minimum street side yard.....	30 feet
Minimum rear yard.....	30 feet
Maximum height	35 feet
Minimum front lot line length	50 feet

The minimum dimensional requirements may be increased where the yard abuts a street having insufficient right-of-way width to serve the area. The right-of-way (ROW) adjacent to this property is East Historic Columbia River Highway (HCRH), which is managed by the Oregon Department of Transportation (ODOT) with a typical width of 60 feet. As such, no additional right-of way width is needed, and the yard does not need to be increased (Ex. B.2). The front lot line is the line parallel to HCRH, and the rear lot line is the south property line furthest from the front lot line. All other lot lines are side lot lines. As measured from the site plan, the new building and tower meet the minimum yard requirements relative to all lot lines (Exs. A.14 & A.15). The building elevations show the height of the new fire station building is less than 35 feet (Ex. A.14). The height of the new tower is 38 feet, which exceeds the height maximum; however, as allowed under MCC 38.2460(G), the height of the tower can exceed the 35-foot height requirement for primary structures. On this basis, I find these standards are met.

MCC 38.2460(G) allows structures such as barns, silos, windmills, antennae, chimneys, or similar structures to exceed the height requirement if located at least 30 feet from any property line. The new tower is 38 feet tall, which exceeds the height maximum in MCC 38.2460(E). I find that the tower is like a barn, silo, windmill, etc.; therefore, its height may exceed 35 feet if located at least 30 feet from property lines. As measured on the site plan, the tower is more than 30 feet from any property line, and from this I find the criterion is met.

3. MCC 38.2485 Off-Street Parking and Loading. Off-street parking and loading shall be provided as required by MCC 38.4100 through 38.4215. The application requests a modification to a Fire Station use. As required, off-street parking and loading shall be provided, and MCC 38.4100 through MCC 38.4215 are discussed below.
4. MCC 38.2490 Access. MCC 38.2490 requires all lots in the GGRC district to abut a street or have other legal access that is safe and convenient for pedestrians and passenger and emergency vehicles. This property abuts East Historic Columbia River Highway (HCRH), which satisfies this criterion.

Off-Street Parking and Loading Criteria:

1. MCC 38.4105 & 38.4115 General Provisions, on-going obligations. These sections require off-street parking and loading to serve customers, occupants, employees or other persons and impose this as an on-going obligation. The Fire Station use proposed here will result in an intensified use by occupants and employees. Although the existing Fire Station is empty most of the time, this application seeks an expansion to erect a new building and accessory structure. The details of required parking are addressed below.
2. MCC 38.4130 Location of Parking and Loading Spaces. This section imposes a functional but unquantified on-site parking requirement to meet the needs of the users of the building. The application proposes 14 parking spaces, all of which are located on the property (Exs. A.14 & A.15). No loading spaces are required or proposed.
3. MCC 38.4140 Change of Use. Any alteration of an existing use that increases the demand for parking shall provide that additional parking, based on the new/enlarged

use. The parking and loading requirements for the existing Fire Station use were previously reviewed under land use case T3-2010-875. At that time, the applicant requested 43 parking spaces. The applicant is now requesting a reduction of spaces from 40+ spaces to 14 spaces, which is permissible based on actual parking demand of this use.

4. MCC 38.4150 Existing Spaces. This section allows off-street parking or loading spaces existing prior to February 6, 1993 to be included in calculating the number of spaces necessary to meet new parking requirements in the event of an enlargement of the structure or change of use. The application requests a reduction of parking spaces from 40+ spaces to 14 spaces. Those parking spaces will be required to meet the design and improvement standards of this section. As such, I find the requirements of this section are met.
5. MCC 38.4156 & 38.4170 Design Standards and Access. These sections collectively impose particular design standards on on-site parking and loading spaces and requires access for those spaces. The application requests a Fire Station modification, which does not meet the exceptions in these sections. The use will need to meet the design standards, which are discussed below. As shown in the site plan, the application does not propose locating or constructing 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. The parking areas are located entirely on the property, which is directly adjacent to Historic Columbia River Highway, a public street. From this, I find these standards are not applicable.
6. MCC 38.4175 Dimensional Standards. At least 70% of the required off-street parking spaces shall have a minimum width of 9 feet, a minimum length of 18 feet, and a minimum vertical clearance of 6 feet, 6 inches. Aisle width shall be not less than 25 feet for 90 degree parking. Angle measurements shall be between the center line of the parking space and the center line of the aisle. The applicant proposes 14 parking spaces, one providing ADA access and 13 standard parking spaces. No loading spaces are required or proposed. All the parking spaces have a minimum width of 9 feet and a minimum length of 19 feet. There are no obstructions above the parking spaces. No spaces are designed for parallel parking (Exs. A.14 & A.15). Lastly, the aisle width exceeds the 25 feet minimum. From this, I find these standards are met.
7. MCC 38.4180 Improvements. This section requires the parking areas to be hard-surfaced and that there be wheel bumpers or curbs, at least 4 inches tall, that define the outer boundaries of the parking area at least 3 feet from the outer property boundary. The areas used for parking, loading, and maneuvering of vehicles are separated from public street and adjoining properties with yards and extensive curbing (Exs. A.14 & A.15). The plans show landscaped strips on the south and west of the property and use of wheel stop bumper rails for the parking spaces. Additionally, parking spaces and maneuvering areas shall be marked in accordance with a plan approved under MCC 38.4120, and the marking shall be maintained. The areas used for parking and maneuvering of vehicles are marked as required above (Exs. A.14 & A.15). A condition is warranted that requires the parking and maneuvering area marking be continually maintained. As conditioned, this criterion will be met. Finally, parking and maneuvering areas shall be graded and drained to provide for the collection and disposal of all surface water from the lot. The

application's Stormwater Drainage Control Certificate and Plans, certified by Evan Eykelbosch, PE, describe and show how disposal of surface water will occur on the property. The report recommends that "[a]ll the runoff associated with this redevelopment will either sheet-flow to the south, or be collected and routed to the south and discharge into the field" (Ex. A.17). The civil plans show that the parking area will be graded and drained using a gentle slope (Ex. A.15). These plans satisfy these requirements.

8. MCC 38.4185 Lighting. Any artificial lighting 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. The application did not provide information on the location or type of exterior lighting that will be used to support the use. A condition is therefore warranted that requires building plans for Zoning Plan Review to demonstrate detailed compliance with these lighting standards. A lighting plan must be included that demonstrates compliance with these requirements. As conditioned, I conclude this standard will be met.
9. MCC 38.4195 Design Standards – Setbacks. This section prohibits any required yards from being used for parking, maneuvering or vehicle access, and also prohibits paving the required yards except for sidewalks. There is sufficient space in the vehicle maneuvering area to accommodate the required front yard of 30 feet. The front yard is used connect directly to the street. No parking space, loading space, vehicle maneuvering area, or access drive are proposed for the required yard areas. As an existing use, the required yard is currently paved, and the application does not propose to alter that space.
10. MCC 38.4205 Minimum Required Off-Street Parking Spaces. This section impose a host of parking requirements, but a Fire Station use does not have a specified minimum required off-street parking requirement. The application proposes 14 parking spaces adjacent to the Fire Station buildings (Exs. A.14 & A.15). At peak usage, the parking spaces will be utilized for Corbett Fire board meetings for 12 to 15 people (Ex. A.16). The rest of the time, the parking spaces will be utilized by volunteer firefighters who come to the site on an as-needed basis to maintain the fire equipment and during an emergency. These plans and use for the existing and planned impervious portions of the site are allowed and compliant with these requirements, to the extent they apply at all.

National Scenic Area (NSA) Site Review Criteria:

MCC 38.7035 – GMA Scenic Review Criteria Generally. This section sets forth in numerous subsections the substantive site plan review criteria for development, such as this Fire Station proposal in the NSA. Fire Stations are specifically listed as conditional uses, which by implication also includes accessory uses, such as parking and maneuvering areas and the drill tower.

- 1a MCC 38.7035(A)(1). This section requires conditional uses to be sited and designed to retain the existing topography and to minimize grading activities to the maximum extent practicable. The new building, a new drill tower, and alteration of paved areas for off-street parking and loading will require grading activities. The areas of grading are generally in a flat area (1% to 5.6% slopes) that are designed and sited to retain

the existing topography (Ex. A.15). The area of work begins at an elevation of 667 feet and ends at an elevation of 673 feet over the span of approximately 140 feet. The civil plans do not indicate that amount of excavation that will occur; however, as the site was previously development the amount of excavation should be minimal. Most of the excavation will be for foundation of the new building and applying new asphalt and heavy concrete for the driveway areas. From this evidence, I conclude this criterion is met.

- 1b MCC 38.7035(A)(2). This section requires new buildings and expansions of existing development to be compatible with the general scale of similar buildings that exist nearby (e.g. dwellings to dwellings). For purposes of applying this standard, the term nearby generally means buildings within ¼ mile of the parcel on which development is proposed. The applicant is requesting a new building associated with the Fire Station use. As required the new building must be found to be compatible with the general scale of similar buildings that exist nearby. The applicant's narrative discusses other buildings utilized by utilities like the Post Office, Corbett Water Districts, and Cascade Utilities; however, no comparison was provided.

Based on the required study area parameters, Staff used zoning maps and Assessor data to define the study area. In a ¼ mile radius within the same GGRC zoning designation there are 39 properties. Limiting the search to buildings that provide a public service or are a governmental entity, there is only one property that contains a building with a "Public Bldg" designation. Broadening the uses, to include any institutional, governmental, and commercial buildings results in two additional properties with three buildings. As there are insufficient similar buildings, the radius is increased to the full GGRC corridor as it contains a larger mix of commercial, governmental, and instructional buildings. Using all properties within the elongated corridor along the HRCH in the GGRC zone results in a study area with 13 existing buildings. Two of the buildings were multiple magnitudes larger than the average. Those buildings were omitted from the study. Using the study area as described results in an average square footage of the nearby buildings of 3,401 sf; with a minimum of 1,150 sf and a maximum of 7,454 sf (Ex. B.12). As proposed the new building will be 4,368 sf (Exs. A.14 & A.15). The building size is within one standard deviation and can be considered as within the range of similar buildings in the study area (Ex. B.6). From this evidence, I conclude this criterion is met.

- 1c MCC 38.7035(A)(3). This section limits new vehicular access points to the Scenic Travel Corridors shall be limited to the maximum extent practicable, and access consolidation required where feasible. The applicant is not requesting a new vehicular access point to the Historic Columbia River Highway, a Scenic Travel Corridor. The vehicular access points have been established and is existing as discussed above. From the evidence in the application, I conclude this criterion is met.
- 1d MCC 38.7035(A)(4). This section makes landowners responsible for the proper maintenance and survival of any required vegetation. As discussed below, vegetation will be retained as part of this use; therefore, a condition is warranted making the landowners responsible for the proper maintenance and survival of the required vegetation. From the evidence in the application and as conditioned, I conclude this criterion is met.

- 2a MCC 38.7035(B)(1). This section requires conditional uses visible from Key Viewing Areas to be visually subordinate to its setting as visible from Key Viewing Areas. New development shall be sited to achieve visual subordination from key viewing areas, unless the siting would place such development in a buffer specified for protection of wetlands, riparian corridors, rare plants, or sensitive wildlife sites or would conflict with guidelines to protect cultural resources. In such situations, new development siting shall comply with this guideline to the maximum extent practicable. The new building, drill tower, and alteration of paved areas for off-street parking and loading are in areas that are potentially topographically visible from the following KVAs: Historic Columbia River Highway (including the Historic Columbia River Highway State Trail), Larch Mountain (including Sherrard Point), Larch Mountain Road. The development is required to meet the “visually subordinate” standard, which means the development must not noticeably contrast with the surrounding landscape, as viewed from a specified vantage point (generally a Key Viewing Area). Structures which are visually subordinate may be partially visible, but are not visually dominant in relation to their surroundings. Additionally, the development is in the Village landscape setting. The criteria for the village landscape setting exempts color and siting requirements. Therefore, to be visually subordinate, the new structures need to be subordinate to its landscape setting.

The proposed development is potentially topographically visible from all the identified KVAs. From Larch Mountain (including Sherrard Point), there is a significant distance of over 9.4 miles. From Larch Mountain Road, there is 1.45 miles between the KVA and the property. For both KVAs, the development will not noticeably contrast with the surrounding landscape or be visually dominant in relation to their surroundings as the distance between the development and KVA is quite far.

For the last KVA, the Historic Columbia River Highway (including the Historic Columbia River Highway State Trail), the development is susceptible to being visible. As the development must be visually subordinate to the Village landscape setting that would mean that the development should not contrast to the existing building pattern and design of the surrounding properties. Further, the new building and drill tower are located behind the existing buildings shielding them from the HCRH. For the development along the HCRH, that generally means that the buildings tend to be closer to the public road and easily visible. As discussed elsewhere in this opinion, additional conditions are warranted to ensure the development is visually subordinate. From the evidence in the application and as conditioned, I conclude this criterion is met.

- 2b MCC 38.7035(B)(2). Under this section a determination of the potential visual impact of a new development or use shall include written findings addressing the following factors: the amount of area of the building site exposed to Key Viewing Areas, the degree of existing vegetation providing screening, the distance from the building site to the Key Viewing Areas it is visible from, the number of Key Viewing Areas it is visible from, and the linear distance along the Key Viewing Areas from which the building site is visible (for linear Key Viewing Areas, such as roads), and other factors the reviewing agency determines relevant in consideration of the potential visual impact. The extent and type of conditions applied to a proposed development to achieve visual subordination to its landscape setting shall be proportionate to its potential visual impacts as visible from key viewing areas. Conditions may include, and shall be applied using the following priorities:

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

As discussed previously an analysis of the potential visual impact has considered the factors as listed above. The development is potentially topographically visible from various KVAs to the north, east, and west. The application includes a narrative and plans describing and showing siting and design consideration for the development, which I find to be convincing and credible on this issue. The site plan also shows vegetation that will be retained. The application also included material samples and building materials, which convince me that the actual and potential visual impact of the development will be reduced. Nonetheless, several conditions are warranted to achieve the visual subordination requirements in relation to the landscape setting as discussed below. From the evidence in the application and as conditioned, I conclude this criterion is met.

2c MCC 38.7035(B)(3). Under this section a determination of the potential visual impact effects and compliance with visual subordination policies shall include consideration of the cumulative effects of proposed developments. I find that the cumulative effects (i.e. the combined impacts of the past, present, and reasonably near future) of the proposed development on the visual effects and compliance with visual subordination is minor. The existing impacts of the improvements currently on the property include an already built environment that includes governmental buildings, commercial buildings, dwellings, accessory buildings, and accessory structures in the immediate vicinity. The development is in a cleared area and complies with visual subordination policies. The impact of this development and potential future development is also minor as this proposed development is located on a property that has existing buildings. As discussed in this section, several conditions are warranted to ensure visual subordination is met. As there is little potential future development of other properties in the vicinity, future impacts will be minimal. From the evidence in the application and as conditioned, I conclude this criterion is met.

2d MCC 38.7035(B)(4). In addition to the site plan requirements in MCC 38.0045(A), this section requires that new all buildings visible from key viewing areas 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). The narrative, building plans, and renderings discuss and show the design of the new building, drill tower and alteration of paved areas for off-street parking and loading (Exs. A.2, A.14, A.15, & A.16). From the evidence in the application and as conditioned, I conclude this criterion is met.

2e MCC 38.7035(B)(5). This section requires new development to be sited using existing topography and existing vegetation as needed to achieve visual

subordinance from key viewing areas. As discussed above, the development is potentially topographically visible from KVAs. While the development does not need to meet the siting requirements above, the applicant is designing and siting the new building and drill tower to use existing topography and vegetation to achieve visual subordinance. The new building is over 90 feet from the front property adjacent to the KVA and drill tower is over 200 feet (Exs. A.14 & A.15). Additionally, the western portions of the property contain existing vegetation that will be retained. These measures will reduce the visibility of the visual massing of the development. A condition is warranted requiring that existing vegetation be retained as shown in Exhibit B.7. From the evidence in the application and as conditioned, I conclude this criterion is met.

2f MCC 38.7035(B)(6). This section requires that existing tree cover screening proposed development from key viewing areas shall be retained as specified in MCC 38.7035(C). A condition is warranted requiring that existing vegetation be retained as shown in Exhibit B.7. For any tree removed in the retention area at least one tree shall be planted in its place. For all newly planted trees, at least half of any trees planted for screening purposes shall be coniferous to provide winter screening. Further, at least half of any trees planted shall be species native to the Village landscape setting and meet the minimum recommended sizes for tree plantings (based on average growth rates expected for recommended species) in the *Scenic Resources Implementation Handbook*. From the evidence in the application and as conditioned, I conclude this criterion is met.

2g MCC 38.7035(B)(7). This section requires that driveways and buildings shall be designed and sited to minimize visibility of cut banks and fill slopes from Key Viewing Areas. The development is designed and sited to minimize visibility of cut banks and fill slopes. The slope of the property is relatively flat so the need for cut banks and fill slopes generally not required except to prepare the foundation of the building and drill tower (Exs. A.14 & A.15). Cut banks and fill slopes will also not be required for the driveway as the driveway is existing. Lastly, the development of the new building and drill tower is obscured from the HCRH KVA by an existing building and more than 1.45 miles from the two KVAs to the east. With the existing buildings and distance, if there are any visible cut bank and fill slopes their visibility is minimized. From the evidence in the application, I conclude this criterion is met.

2h MCC 38.7035(B)(8). This section requires the exterior of buildings on lands seen from Key Viewing Areas to be composed of non-reflective materials or materials with low reflectivity. Continuous surfaces of glass shall be limited to ensure visual subordinance. The Scenic Resources Implementation Handbook includes a list of recommended exterior materials and screening methods. The applicant provided a narrative, building plan, and material samples to show that the exterior of the new building and drill tower. The exterior surfaces of the new building as described and shown in Exhibit A.14 are as follows:

1. Siding – Board and Batten Siding
2. Roof – Steelscape Standard Kynar 500
3. Doors – Wayne Dalton C-24 Steel Door with Full-view Lites Windows

Further, the architectural plans show no continuous surfaces of glass windows. For the drill tower, the tower will build using high-strength carbon steel with a galvanized finish. A condition is warranted that when submitting building plans for Zoning Plan

Review, the proposed building plan be finalized demonstrating compliance with the above. From the evidence in the application and as conditioned, I conclude this criterion is met.

- 2i MCC 38.7035(B)(9). This section requires any exterior lighting to be directed downward and sited, limited in intensity, shielded, or hooded in a manner that prevents lights from being highly visible from Key Viewing Areas and from noticeably contrasting with the surrounding landscape setting, except for road lighting necessary for safety purposes. Shielding and hooding materials shall be composed of non-reflective, opaque materials. The applicant did not provide plans showing the location of exterior lighting or any specifications of the exterior lighting. If exterior lighting will be installed the lighting shall meet these requirements. A condition is warranted requiring building plans for Zoning Plan Review to include a final lighting plan demonstrating compliance with these requirements. From the evidence in the application and as conditioned, I conclude this criterion is met.
- 2j MCC 38.7035(B)(10). Unless expressly exempted by other provisions in MCC Chapter 38, this section requires the colors of structures on sites visible from key viewing areas to be dark earth-tones found at the specific site or in the surrounding landscape. The specific approved colors shall be included as a condition of approval. The development is expressly exempted by other provisions in this chapter; however, the applicant has provided a narrative, building plan, and material samples to show that the exterior color of the new building and drill tower. The exterior surfaces of the building as described and shown in Exhibit A.14 are as follows:
1. Siding – Dark Brown
 2. Roof – Dark Bronze
 3. Doors – Brown

The drill tower will have a galvanized finish, and a condition is warranted requiring that, when submitting building plans for Zoning Plan Review, the proposed building plan be finalized. From the evidence in the application and as conditioned, I conclude this criterion is met.

- 2k MCC 38.7035(B)(13). This section requires that the silhouette of new buildings remain below the skyline of a bluff, cliff or ridge as visible from Key Viewing Areas. The silhouette of the new building and drill tower will be below the skyline of a bluff or ridge as seen from the KVAs. For the closest KVA, the HCRH runs along the crest of the gorge. The development is west of the height point of the crest which is at the end of NE Benfield Road. The new building is less than 35' tall, and the drill tower is approximately 38' tall, neither of them breaking the skyline of the crest (Ex. A.14). From the evidence in the application, I conclude this criterion is met.
- 2l MCC 38.7035(B)(14). This section imposes requirements on new landscaping used to screen development from key viewing areas. As previously noted, however, the applicant is not proposing new landscaping. Existing landscaping will provide the required screening to meet the visual subordination requirements. A condition is warranted requiring that existing landscaping along the western property line be maintained. From the evidence in the application and as conditioned, I conclude this criterion is met.

- 2m MCC 38.7035(B)(21). This section requires that new buildings shall not be permitted on lands visible from Key Viewing Areas with slopes in excess of 30%. A variance may be authorized if the property would be rendered unbuildable through the application of this standard. In determining the slope, the average percent slope of the proposed building footprint shall be utilized. As discussed above, the building is in an area of relatively gentle slopes that is less than 10% (Exs. A.14 & A.15). From the evidence in the application and as conditioned, I conclude this criterion is met.
- 3a MCC 38.7035(C)(6)(a). This section imposes certain color and siting requirements on new buildings, but expressly exempts new buildings in a Village setting from the MCC 38.7035(B) color requirements. Nonetheless, this development must be visually subordinate to the landscape setting. The combined use of darker colors, low reflectivity, and vegetation are tools that can be employed to achieve the visual subordination requirements in the landscape. The application provided siting information, specifications of exterior materials used for the development, and colors that will be painted on the exterior of the building and structure. From the evidence in the application and as conditioned, I conclude this criterion is met.
- 3b MCC 38.7035(C)(6)(c). This section requires that for new commercial, institutional (churches, schools, government buildings) or multi-family residential uses on parcels fronting a Scenic Travel Corridor (the Historic Columbia River Highway) and expansion of existing development for such uses, limit parking to rear or side yards of buildings to the maximum extent practicable. The HCRH is a Scenic Travel Corridor, but the application does not propose changes to the existing parking located between the HCRH and buildings located closest to the highway. All of the new parking proposed is limited to the rear (Exs. A.14 & A.15). From the evidence in the application and as conditioned, I conclude this criterion is met.
- 3c MCC 38.7035(C)(6)(d). This section requires that new vehicular access points to the scenic travel corridors be limited to the maximum extent practicable, and access consolidation shall be required where feasible. The application does not propose new vehicular access point to the Scenic Travel Corridor of the HCRH as the property has existing access points that was discussed above (Exs. A.14 & A.15). From the evidence in the application, I conclude this criterion is met.
- 3d MCC 38.7035(C)(6)(e). This section requires that proposals for new development and expansion of existing development be encouraged to follow planned unit development approaches, featuring consolidated access, commonly-shared landscaped open areas, etc. This property has existing development as discussed previously. The application proposes a new building and drill tower that are clustered to existing development (Exs. A.14 & A.15). Additionally, the parking areas and landscaped areas are all located in one area of the property. Using this development approach is similar to a planned unit development, which I find satisfies this criterion.
- 3e MCC 38.7035(C)(6)(f). This section requires that new commercial, institutional or multi-family residential uses fronting a Scenic Travel Corridor comply with the following landscape requirements:
1. Parking or loading areas for 10 or more spaces shall include a landscaped strip at least 5 feet in width between the new use and the Scenic Travel Corridor roadway.

2. The landscape strip required in subsection (f)1 above shall include shrubs, vegetative ground cover and, at minimum, one tree spaced as appropriate to the species and not to exceed 25 feet apart on the average.

The existing Fire Station use already contains a 30-foot wide landscape strip between the HCRH and the parking areas. However, trees are not appropriate due to the location of the driveway access to the property. I agree and conclude this criterion is satisfied, to the extent it applies.

- 3f MCC 38.7035(C)(6)(g). This section requires me to encourage the use of building materials reinforcing the Village Setting's character, such as wood, logs or stone, and reflective of community desires. As previously discussed, the application proposes to use board and batten siding, which is similar to wood. A condition is warranted requiring that building plans for Zoning Plan Review finalize the use of board and batten siding. From the evidence in the application and as conditioned, I conclude this criterion is met.
- 3g MCC 38.7035(C)(6)(h). This section requires me to encourage use of the architectural styles characteristic of the area (such as 1½ story dormer roof styles in Corbett), and reflective of community desires. Entry signs should be consistent with such architectural styles. While an architectural style characteristic of the area is encouraged, the applicant is instead opting to use board and batten siding on all the buildings on the property to make them consistent with each other. In replacing the siding and roofing, it will create a cohesive design for the property. Seeing that the Fire District site has a cohesive design will make it easier for the community to quickly identify the Fire Station during an emergency, plus, the architectural style of the existing building helps establish the community's style. In any event, I find that the proposed architectural design and style satisfy this criterion.
- 3h MCC 38.7035(C)(6)(i). This section requires me to encourage design features that create a "pedestrian friendly" atmosphere, such as large shop windows on the ground floor of commercial buildings, porches along ground floors with street frontage, etc. While a "pedestrian friendly" design is encouraged, it is not required. The plans show that there is a small walkway for pedestrians to walk internally through the buildings (Exs A.14 & A.15), which I find satisfies this criterion.
- 3i MCC 38.7035(C)(6)(j). This section requires me to encourage pedestrian walkways and bicycle paths integrated into new development wherever feasible. The plans show that there is a small walkway for pedestrians to pass internally through the buildings (Exs. A.14 & A.15), which I find satisfies this criterion.
- 3j MCC 38.7035(C)(6)(k). This section requires that, where feasible, existing tree cover of species native to the region or species identified in the Scenic Implementation Handbook as appropriate for the area be retained when designing new development or expanding existing development. As discussed above, existing tree cover will be retained (Ex. B.7), and a condition is warranted requiring that existing landscaping along the western property line be maintained. From the evidence in the application and as conditioned, I conclude this criterion is met.

- 4a MCC 38.7035(D)(1). This section requires that for all conditional uses within scenic travel corridors, to consider the immediate foreground of a Scenic Travel Corridor to include those lands within ¼ mile of the edge of pavement of the Historic Columbia River Highway. This property is located within ¼ mile from the edge of pavement of the Historic Columbia River Highway. Because the entire site qualifies as land in the foreground of the Scenic Travel Corridor, the standards of MCC 38.7035(D)(2) through (7) are applicable and are discussed below.

GMA Cultural Resource Review Criteria:

- 1 MCC 38.7045(A) – Cultural Resource Reconnaissance Surveys. This section requires each proposed use or element of a proposed use within an application to be evaluated independently to determine whether a reconnaissance survey is required. A cultural reconnaissance survey shall be required for all proposed uses, except, among other things, proposed uses occurring in areas that have a low probability of containing cultural resources. 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.

Luciano Legnini provided a February 11, 2025 Cultural Resource Survey Determination on behalf of the U.S. Forest Service (Ex. D.1), that stated that, “A Cultural Resource Survey is: Not Required” as the proposed development:

1. Would occur on a site that has been determined to be located within a low probability zone; ... is not within 100 feet of a high probability zone; and
2. Does not occur within 500 feet of a known archeological site. (Ex. D.1)

The Survey also stated that, “Historic Survey Required” as the development would:

1. Would alter the exterior architectural appearance of buildings and structures that are 50 years old or older;
2. Would 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.

A Historic Survey will be required to meet the MCC 38.7045(B) as discussed below.

- 2 MCC 38.7045(B)(1). The cultural resource review criteria shall be deemed satisfied, except MCC 38.7045 (L) and (M), if ...[t]he project is exempted by MCC 38.7045 (A)(1), no cultural resources are known to exist in the project area, and no substantiated comment is received during the comment period provided in MCC 38.0530(B). The comment period in MCC 38.0530(B) is 20 days following notice of application and is an invitation to comment is provided to agencies. As a Type III decision, this application does not follow the comment period requirements in MCC 38.0530(B). To ensure proper review by partner agencies, the County notified those agencies of the application before the application was deemed to be complete (Ex. C.1). In response to the notice, Kirsten Lopez, Special Projects Archaeologist submitted comments on behalf of Oregon Parks and Recreation Department (OPRD): Oregon Heritage/State Historic Preservation Office (SHPO) on March 7, 2025 requesting an archeological survey. In further follow up between Staff, Kirsten

Lopez, and Luciano Legnini from the Forest Service, the following information was provided:

1. The isolated find...was outside the 500 feet requirement and was recommended as not eligible in the report.
2. [There is an] 1870's map showing a structure, south of the surveyed property. Historic aerial images however, did not show any indication a structure existing at the firehouse location.
3. [The] area that has had previous disturbance from human activity, and was fully graveled in the 1980s then bladed and paved over in the 2000s.

Based on this information, there is no credible evidence in this record of cultural resources known to exist in the project area. A condition is warranted, however, that the applicant meet the requirements in MCC 38.7045(L) & (M). From the evidence in the application and as conditioned, I conclude this criterion is met.

- 2 MCC 38.7045(B)(2). A historic survey demonstrates that the proposed use would not have an effect on historic buildings or structures. To demonstrate that the proposed use would not have an effect on historic buildings or structures, the historic survey must satisfy one of the guidelines in MCC 38.7045(B)(2). A Historic Survey (Oregon SHPO Clearance Form) was drafted by Luciano Legnini, Archaeologist on behalf of United State Forest Service – Columbia River Gorge National Scenic Area (CRGNSA) that stated under the Determination of Eligibility that “[t]he property is considered Not Eligible at this time because it:
 - a. is less than 50 years old or is 50 years or older but there have been major alterations to key features
 - b. is known to have no significance, based on National Register-level documentation and evaluation

The Determination of Effect (Ex. D.3) stated that “[t]he project has NO EFFECT on historic properties, either because there is no eligible property involved or because the property will not be impacted physically or visually.” From this, I conclude that this requirement is satisfied.

- 3 MCC 38.7045(D). This section provides that reconnaissance and historic surveys, evaluations, assessments and mitigation plans shall be performed by qualified 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 components listed in MCC 38.7045(C). As previously discussed, a Historic Survey (Oregon SHPO Clearance Form) was drafted by Luciano Legnini, Archaeologist on behalf of United State Forest Service – Columbia River Gorge National Scenic Area (CRGNSA). The survey documented the location, form, style, integrity, and physical condition of historic buildings and structures on the property (Ex. D.3). The applicant provided the required architectural drawings and building plans illustrating the proposed changes (Exhibit A.14). This satisfies the requirements of this criterion.
- 4 MCC 38.7045(E)(1). This section provides that the Planning Director shall submit a copy of all cultural resource survey reports to the Gorge Commission, SHPO, the tribal governments, the Cultural Advisory Committee, and any party who submitted

substantiated comment during the comment period provided in MCC 38.0530(B), except that sensitive tribal information may be redacted by an appropriate tribal representative. Survey reports may include measures to avoid affected cultural resources, such as a map that shows a reasonable buffer area. All parties notified shall have 30 calendar days from the date a survey report is mailed to submit written comments to the Planning Director. The Planning Director shall record and address all written comments in the Site Review analysis. Staff mailed a copy of the Historic Survey to the Gorge Commission, SHPO, the tribal governments, the Cultural Advisory Committee, and any party who submitted substantiated comment during the comment period provided in MCC 38.0530(B) on October 23, 2025 (Ex. C.6). Staff did not receive additional written comments before this report was issued prior to the Hearing. These procedures satisfy the requirements of this section.

- 4 MCC 38.7045(E)(2). This section provides that the Planning Director shall require an evaluation of significance if the reconnaissance or historic survey or substantiated comment received indicate that the proposed use might affect any of the following:
 - (a) Cultural resources
 - (b) Archaeological resources
 - (c) Traditional cultural properties
 - (d) Historic buildings or structures

As previously discussed, a Determination of Eligibility and Determination of Effect was provided prior to the comment period above (Ex. D.3), but no comments were received prior to or at the hearing. These measures satisfy the requirements of this subsection.

- 5 MCC 38.7045(E)(3), (4) & (5). The Planning Director shall deem the cultural resource review process complete if no substantiated comment is received during the 30 day comment period and the reconnaissance or historic survey indicate that the proposed use would have no effect on the items listed in subsection (2)(a) through (d) of this section. Notice of the decision of the Planning Director shall be mailed to those parties entitled to notice by MCC 38.0530(B) within 10 days of the expiration of the 30 day comment period. The decision of the Planning Director on an application for cultural resource review shall be final 14 days from the date notice is mailed, unless appealed as provided in MCC 38.0530(B). The comment period closed at the end of the November 14, 2025 public hearing, with no new relevant comments being submitted. This satisfies the requirements of this subsection.
- 6 MCC 38.7045(F). Evaluations of significance shall meet the standards in Subsections MCC 38.7045(F)(1) – (5). As previously discussed, an evaluation of significance was provided in a Historic Survey (Oregon SHPO Clearance Form) drafted by Luciano Legnini, Archaeologist on behalf of United State Forest Service – Columbia River Gorge National Scenic Area (CRGNSA). The survey meets these standards (Ex. D.3), which satisfies the requirements of this subsection.
- 7 MCC 38.7045(G). If the Evaluation of Significance demonstrates that the affected cultural resources are not significant, the Planning Director shall submit a copy of all cultural resource survey reports to the Gorge Commission, SHPO, the tribal governments, the Cultural Advisory Committee, and any party who submitted substantiated comment during the comment period provided in MCC 38.7045(E)(1). In those circumstances, SHPO and the tribal governments are provided this copy for

their concurrence. The Planning Director shall deem the cultural resource review process complete if no substantiated comment is received during the 30 day comment period and the Evaluation of Significance indicates the effected cultural resources are not significant. Notice of the decision of the Planning Director shall be mailed to those parties entitled to notice by MCC 38.7045 (E) within 10 days of the expiration of the 30 day comment period. The Director's decision on an application for cultural resource review shall be final 14 days from the date notice is mailed, unless appealed as provided in MCC 38.0530(B). As previously discussed, the Historic Survey (Oregon SHPO Clearance Form) stated that the cultural resource is not significant, and the development will have no effect. The survey was submitted to the Gorge Commission, SHPO, the tribal governments, the Cultural Advisory Committee for their concurrence (Ex. C.6). Staff did not receive any comments prior issuance of the staff report (Ex. C.8), or prior to or at the November 14th public hearing. The County's compliance with these procedures, with no substantive comments being received means that the Director's determination is final and satisfies the requirements of this subsection.

- 8 MCC 38.7045(H). An Assessment of Effect shall meet the standards in subsections MCC 38.7045(H)(1), (2) & (3). As previously discussed, the Historic Survey (Oregon SHPO Clearance Form) stated the cultural resource is not significant, and that the development will have no effect (Ex. D.3). The Survey was prepared as required above and this satisfies these requirements.
- 9 MCC 38.7045(I). If the Assessment of Effect concludes that the proposed use would have no effect or no adverse effect on significant cultural resources, the Planning Director shall submit a copy of the assessment to the Gorge Commission, SHPO, the tribal governments, the Cultural Advisory Committee, and any party who submitted substantiated comment during the comment period provided in MCC 38.7045(E)(1). As discussed above, the Historic Survey (Oregon SHPO Clearance Form) stated the cultural resource is not significant, and the development will have no effect. The survey was sent to the Gorge Commission, SHPO, the tribal governments, the Cultural Advisory Committee, and any party who submitted a substantiated comment during the comment for their concurrence (Ex. C.6). Staff did not receive concurrence before its report (Ex. C.8) prior to the Hearing. As the comment period is now complete with no substantive comments being submitted, the cultural resource review process is also complete.
- 10 MCC 38.7045(J). If a mitigation plan is required, it shall meet the standards of this section. No comments were received before or during the public hearing, which means the original finding of nonsignificance is unchallenged. Consequently, no mitigation plan is required, and this section is not applicable.
- 11 MCC 38.7045(K). If a mitigation plan is required, the Planning Director shall submit a copy to the Gorge Commission, SHPO, the tribal governments, the Cultural Advisory Committee, and any party who submitted a substantiated comment during the comment period. However, because no comments were received before or at the public hearing, and the record is now closed, no mitigation plan is required, and this section is not applicable.
- 12 MCC 38.7045(L) Cultural Resources Discovered After Construction Begins. The procedures of this section shall be followed when cultural resources are discovered

during construction activities, and shall be included as conditions of approval for all review uses. All survey and evaluation reports and mitigation plans shall be submitted to the Planning Director and SHPO. Tribal governments also shall receive a copy of all reports and plans if the cultural resources are precontact or otherwise associated with Native Americans. A condition is warranted that requires the property owner to follow the procedures of MCC 38.7045(L) if cultural resources are discovered during construction. With this condition, I conclude this criterion is met.

- 13 MCC 38.7045(M) Discovery of Human Remains. The procedures of this section shall be followed when human remains are discovered during a cultural resource survey or during construction, and shall be included as a condition of approval for all review uses. A condition is warranted that requires the property owner to follow the procedures of MCC 38.7045(M) if human remains are discovered during construction. With this condition, I conclude this criterion is met.

GMA Water Resources Review Criteria:

- 1 MCC 38.7053(B) & (G) – Uses in Water Resource and Buffer Zones. This section applies to development proposed in a designated water resource area or a related buffer zone. In this case US Forest Service maps for wetlands and Department of State Lands Statewide Wetland Inventory Map show that the property does not contain any wetlands or buffers, nor any streams identified by the Environmental Protection Agency, streams used by anadromous or resident fish (tributary fish habitat), special streams, intermittent streams that include year-round pools, perennial streams, or intermittent streams. Therefore, this section is inapplicable.

GMA Wildlife Review Criteria:

- 1 MCC 38.7065. Wildlife Habitat Site Review is required for any project within 1,000 feet of Priority Habitat and sensitive wildlife areas and sensitive wildlife sites (i.e., sites used by sensitive wildlife species). Based on the United State Forest Service maps for Sensitive Wildlife, there are no Priority Habitats, sensitive wildlife areas, or sensitive wildlife sites within 1,000 feet of the property. Therefore, this section is inapplicable.

GMA Rare Plant Review Criteria:

- 1 MCC 38.7070. A Rare Plant Site Review is required for any project within 1,000 feet of endemic plants and rare plant species. Based on United State Forest Service maps for Sensitive Plans, no endemic plants or sensitive plant species are within 1,000 feet of the property. Therefore, this section is inapplicable.

GMA Recreation Resource Review Criteria:

- 1 MCC 38.7080. Compliance with MCC 38.7080(E) and (F) is required if the use is proposed within a recreation resource area. While this property is located within the Recreation Intensity Class 4, the applicant is not proposing any recreation-based uses. Therefore, this section is inapplicable.

Special Uses Review Criteria:

- 1 MCC 38.7300(A)(1) & (2) Agriculture. This section requires a determination that the proposed use is compatible with agricultural uses and would not force a change in or significantly increase the cost of accepted agricultural practices on nearby lands devoted to agricultural use. Also, that the use will be sited to minimize the loss of land suitable for the production of crops or livestock. This property is not adjacent to any lands zoned, Gorge General Agriculture or Gorge Special Agriculture. Based on an aerial photo, it does not appear that the properties are actively being managed for agricultural practices (Ex. B.3). The closest properties that appear to be in agriculture are approximately 0.10 miles to the east at the end of NE Benfield Road. The land use pattern of the area is predominately single-family homes, not agriculture.

The proposed Fire Station use is not expected to interfere with accepted agricultural practices on nearby lands, and there is no evidence that the existing fire station operation has ever interfered with agricultural uses. The narrative discusses how the Fire Station use will be utilized, and at peak usage, the station will host Corbett Fire board meetings for 12 to 15 people (Ex. A.16). The rest of the time, the station will be utilized by volunteer firefighters who come to the site on an as-needed basis to maintain the fire equipment and during an emergency. While, the staff and public visiting the site could generate impacts by creating congestion along HRCH, the site already have an existing Fire Station use that has shown to not force a change in or significantly increase the cost of accepted agricultural practices on nearby lands devoted to agricultural use. Additionally, while staff visiting the site could interfere with agricultural practices due to complaints of dust and pesticide application by farmers, a condition is warranted requiring the property owner 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.

The Fire Station use has been on the property since as early as 1966 and the existing buildings will not be relocated to another area on the property. The new building and drill tower are clustered near the existing development (Exs. A.14. & A.15). The property is not currently being utilized for production of crops or livestock because of the size and historical usage of the property. The subject property is approximately 2.17 acres located in the Gorge General Rural Center (GGRC) zone. The property is quite small compared to properties that are zoned for agriculture to the east. By continuing the Fire Station use at this site, it will ensure that land suitable to produce crops or livestock is kept intact. As conditioned, I conclude these criteria are met.

- 2 MCC 38.7300(B)(1) & (2) Forestry. These sections collectively require a finding that 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. Also, that the use will not interfere seriously with accepted forest or agricultural practices on nearby lands devoted to resource use. Staff mailed a Notice of Public Hearing regarding the proposed application to owners of land designated GGF or GGA within 500 feet of the perimeter of the subject parcel (Ex. C.7). The owners had a minimum of 20 days to comment prior to Hearing, but none did so. I find that this procedural requirement is satisfied.

As discussed above, I conclude the Fire Station use will not interfere with agricultural practices on nearby lands. The same is true for nearby lands devoted to forest practices. The property is not adjacent to any lands zoned Gorge General Forestry or Gorge Special Forestry. Based on an aerial photo, it does not appear that the properties are actively being managed for forest practices (Ex. B.3). The closest properties that appear to be engaged in forestry are approximately 0.38 miles to the east at the end of NE Clara Smith Road and the end of Crestview Lane.

Similar to agricultural practices, the site already has an existing Fire Station use that has shown to not force a change in or significantly increase the cost of accepted forest practices on nearby lands devoted to forestry use. A condition was warranted requiring that the property owner sign and record in the deed records for the county that adjacent and nearby operators are entitled to carry on accepted farm or forest practices. As conditioned, I conclude these criteria are met.

- 3 MCC 38.7300(B)(3) & (4) Forestry. These sections collectively require a finding that 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. Also, that the use will not significantly increase fire hazard, fire suppression costs or risks to fire suppression personnel and will comply with MCC 38.7305. As discussed above, Fire Station use has been on the property since as early as 1966, and the existing buildings will not be relocated to another area on the property. The new building and drill tower are clustered near the existing development (Exs. A.14. & A.15). The property is not currently being utilized for forest operations and is too small for production trees. By continuing the use this site as a Fire Station, it will ensure that lands suitable for forestry are kept intact.

The applicant requests the continuation of a Fire Station use that has been on the property since as early as 1966. The purpose of this use is to decrease fire hazard and reduce fire suppression costs/risks to this property and the surrounding area. As the property is not zoned GGF, it does not need to comply with the requirements of MCC 38.7305. As conditioned, I conclude these criteria are met.

- 4 MCC 38.7300(C)(1) Residential. This criterion requires a finding that 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. As explained in this section, I find that the proposed Fire Station use is compatible with the surrounding residential area. As discussed above, the new building and drill tower meet the scenic requirements of the NSA as it relates to visual characteristics of the area.

The property is in the Gorge General Rural Center (GGRC) and is adjacent to lands zoned Gorge General Residential (GGR). The land use pattern for the surrounding properties is, and has for many decades been, predominately single-family homes with a smaller mix of commercial and institutional/governmental buildings. As designed, the Fire Station use has been on the property since as early as 1966, and the location of the Fire Station has been long established as part of the visual landscape of the area.

The record is sufficient to convince me that the new building and drill tower will not result in an increase of individuals visiting the site creating congestion along HRCH. At peak usage, the station will host Corbett Fire board meetings for 12 to 15 people (Ex. A.16). The rest of the time, the station will be utilized by volunteer firefighters who come to the site on an as-needed basis to maintain the fire equipment and during an emergency. This use pattern will limit the amount of traffic generation, noise, dust, and odor. On this basis, I conclude this criterion is met.

- 5 MCC 38.7300(C)(2), (3) & (4) Residential. These criteria collectively require a finding that the proposed use will not require public services other than those existing or approved for the area. 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. 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. 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 and Certification of Water Service from the Corbett Water District (Ex. A.8 & A.9). Each agency state that the proposed use can be adequately serviced.

The subject property is located within 500 feet of GGA zoned lands but not lands zoned GGF or Gorge Special Agriculture. As required, the new building associated with the Fire Station use must comply with MCC 38.0060. Based on an aerial photo, the closest properties that appear to be engaged in agriculture are east of the subject property at the end of NE Benfield Road (Ex. B.3). The land use pattern appears to be pasture, which would then require a 100-foot setback. However, there is a natural vegetation barrier reducing the setback to 15 feet. As measured the new building is more than 15 feet from the property line to the east. (Exs. A.14 & A.15). Finally, this property is not located within 500 feet of lands zoned, GGF. On this basis, I find these criteria are satisfied.

- 6 MCC 38.7300(D)(1) & (2) Commercial. Commercial uses must be limited to 5,000 sf of floor area per building or use. This size limitation does not apply for a building or use authorized through the Special Uses in Historic Buildings provisions of MCC 38.7380. Because the proposal is not for a commercial use, this criterion is inapplicable. Also, the proposed use must be compatible with the surrounding areas considering impacts to the visual character of the area, traffic generation and the effects of noise, dust and odors. As discussed above under the Residential impact standards, the Fire Station use is equally compatible with the surrounding area as it relates to commercial uses. The subject property is in the Gorge General Rural Center (GGRC) and is adjacent to GGRC zoned lands. As was previously discussed, the existing land use pattern, the fact that the Fire Station as an existing use, that its potential nuisance impacts (noise, dust, and odor) and traffic flow are not expected to change, and the absence of any nuisance complaints in this record, all militate in favor of a finding of compatibility. On this basis, I find these requirements are satisfied.

V. Decision and Conditions:

Based on the foregoing Findings, I hereby approve the applicant's request to construct and operate a new fire station, the associated/accessory fire drill tower and related improvements as described in the application materials (Exs. A.1 to A.16), subject to the following conditions. These conditions 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 is included. Approval of this land use permit is based on the applicant's submitted narrative, plans and other representations made to the County. No work shall occur under this permit other than what is described in these documents and approved in this Final Order. While the property owners are responsible for compliance with these requirements and adhering to the limitations of approval described herein, these conditions may be fulfilled by the property owner's contractor(s), engineer(s) or other agents. Nonetheless, the property owners remain responsible for ensuring that these conditions are fully satisfied.

1. What is Approved. Approval of this land use permit is based on the application materials, plans and all other documents provided by or behalf of the applicant. No work shall occur under this permit except that which is specified in those documents. It shall be the responsibility of the property owner(s) to comply with these documents and the limitations of approval and conditions described herein.
2. Permit Expiration and Vesting. This land use permit shall automatically expire and be null and void upon the occurrence of either of the following two circumstances (2a or 2b):
 - a. Within two years of the date of this Final Order if construction has not commenced (MCC 38.0690.B).
 - (1) For the purposes of 2.a, commencement of construction shall mean actual construction of the foundation of the building approved for fire station use.
 - (2) For purposes of Condition 2.a, the developer shall provide notification of commencement of construction to Multnomah County Land Use Planning Division a minimum of 7 days prior to date of commencement. Work may commence once notice is completed. Commencement of construction shall mean actual construction of the foundation of the approved fire station structure. Notice shall be sent via e-mail to LUP-submittals@multco.us with the case no. T3-2025-0001 referenced in the subject line (MCC 38.0660.A).
 - b. Within 2 years of the date of commencement of construction if the structure has not been completed (MCC 38.0690.B).
 - (1) For the purposes of this Condition 2.b, "completion of the structure" shall mean completion of the fire station structure's exterior surfaces and compliance with all conditions of approval in this land use approval.
 - (2) For purposes of this Condition 2.b, the developer shall provide building permit status in support of completion of exterior surfaces of the fire station structure and demonstrate compliance with all conditions of approval. Notice and documentation of compliance with the conditions shall be sent via e-mail to LUP-submittals@multco.us with the case no. T3-2025-0001 referenced in the subject line (MCC 38.0660.A).

If construction on the fire station structure commences and is completed, along with fulfillment of all conditions of approval as described herein, rights accorded under this permit vest and run with title to the property from that point forward. If

Circumstance 2a or 2b occurs and this land use approval automatically expires, the County's failure to give notice of permit expiration as described herein shall not affect the expiration. The property owner may request one 12-month extension to the timeframe within which this permit may remain valid as provided under MCC 38.0700. Any request for permit extension must be submitted prior to expiration of the approval period. MCC 38.0700.

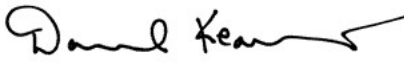
3. Prior to submitting building plans for zoning review, the property owner or its representative shall complete/perform all of the following:
 - a. Acknowledge in writing that they have read and understand the conditions of approval and intend to comply with them. A Letter of Acknowledgement has been provided to assist you. The signed document shall be submitted and uploaded when submitting Building Plans for Zoning Review and Review of Conditions of Approval. MCC 38.0660(A) & (B).
 - b. Record the Hearing's Officer Decision and Exhibits A.14, A.15 (Sheet C1.0, C2.0-C4.0, and C6.0), and B.7 of the Staff Report with the County Recorder. The Hearing's Officer 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.
 - c. Record a covenant with the County Recorder specifying that the owners, successors, heirs and assigns of the subject parcel are aware that adjacent and nearby operators are entitled to carry on accepted farm or forest practices on lands designated GGF-20, GGF-40, GGF-80, GGA-20, and GGA-40. MCC 38.7300(A)(1) & (B)(2).
 - d. Prepare a Lighting Plan and provide technical specifications showing the location and type of exterior lighting that will be used on the subject property. Exterior lighting shall be limited in intensity, shielded, and hooded, and the shielding and hooding materials shall be composed of non-reflective, opaque materials. MCC 38.7035(B)(9) & MCC 38.4183.
4. When submitting Building Plans for Zoning Review, the property owner or its representative shall:
 - a. Provide a Letter of Acknowledgement, recorded Notice of Decision, and covenants, and other documents as required in Condition 3.a through 3.d.
 - b. Submit final design plans of all buildings associated with the Fire Station use. Plans shall include the exterior surfaces of the buildings described and shown in Exhibit A.14. Any changes to the exterior colors of the buildings shall be earth tone or dark earth tone as shown in the *Building in the Scenic Area - Scenic Resources Implementation Handbook*. Any other changes to the final design plan of the exterior of the buildings shall meet the recommendations of the *Handbook*. MCC 38.7035(B)(8), (B)(10) & MCC 38.7035(C)(6)(g).
5. During construction, the property owner shall implement or otherwise comply with the following procedures in the event cultural resources, artifacts, or human remains are discovered during any project work. MCC 38.7045(L).
 - a. Put into action the following procedures, if any Cultural Resources and/or Archaeological Resources are located or discovered on the property during this project, including but not limited to finding any evidence of historic campsites, old burial grounds, implements, or artifacts. Additionally, all survey and evaluation

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

- i. Halt Construction - All construction activities within 100 feet of the discovered cultural resource shall cease. The cultural resources shall remain as found; further disturbance is prohibited.
 - ii. Notification - The project applicant shall notify the County Planning Director and the Gorge Commission within 24 hours of the discovery. If the cultural resources are prehistoric or otherwise associated with Native Americans, the project applicant shall also notify the Native American tribal governments within 24 hours. Procedures required in MCC 38.7045(L) shall be followed.
 - iii. Survey and Evaluation - The Gorge Commission will survey the cultural resources after obtaining written permission from the landowner and appropriate permits from Oregon State Historic Preservation Office (SHPO) (see ORS 358.905 to 358.955). It will gather enough information to evaluate the significance of the cultural resources. The survey and evaluation will be documented in a report that generally follows the standards in MCC 38.7045(C)(2) and MCC 38.7045(E).
 - iv. Mitigation Plan - Mitigation plans shall be prepared according to the information, consultation, and report standards of MCC 38.7045(J). Construction activities may recommence when the conditions in the mitigation plan have been executed. MCC 38.7050(H).
- b. Put into action the following procedures if human remains are discovered during excavation or construction (human remains means articulated or disarticulated human skeletal remains, bones, or teeth, with or without attendant burial artifacts):
- i. Halt Activities - All survey, excavation, and construction activities shall cease. The human remains shall not be disturbed any further.
 - ii. Notification - Local law enforcement officials, the Multnomah County Planning Director, the Gorge Commission, and the Native American tribal governments shall be contacted immediately.
 - iii. Inspection - The State Medical Examiner shall inspect the remains at the project site and determine if they are prehistoric/historic or modern. Representatives from the Indian tribal governments shall have an opportunity to monitor the inspection.
 - iv. Jurisdiction - If the remains are modern, the appropriate law enforcement officials will assume jurisdiction and the cultural resource protection process may conclude.
 - v. Treatment - Prehistoric/historic remains of Native Americans shall generally be treated in accordance with the procedures in ORS 98.740 to 98.760.
 - vi. 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).

- vii. The plan shall accommodate the cultural and religious concerns of Native Americans. The cultural resource protection process may conclude when the conditions set forth in the standards of MCC 38.7045(J) are met and the mitigation plan is executed. MCC 38.7050(H).
- 6. On-going Requirements. As an on-going condition and throughout the construction and operation of the use, the property owner shall fulfill or otherwise comply with the following:
 - a. Be responsible for the proper maintenance and survival of existing vegetation (trees and shrubs) as showed in Exhibit B.7. Existing trees and shrubs may be removed, if the vegetation meet the definition of hazard tree. Removed trees shall be replaced on a 1-to-1 basis in the next growing season with a native species, a species common to the area, or a similar species to the tree that was removed. The vegetation shall also meet the requirements in the *Scenic Resources Implementation Handbook* for planting size and spacing. MCC 38.7035(A)(4); MCC 38.7035(B)(1)-(2), (5)-(6) & (B)(14) and MCC 38.7035(C)(6)(k).
 - b. Ensure that any exterior lighting be directed downward, shielded, and hooded. The shielding and hooding materials shall be continuously maintained. The exterior lighting shall not shine into adjoining dwellings or other types of living units. The exterior lighting shall not to create a hazard to the traveling public on any street. MCC 38.7035(B)(9) & MCC 38.4183.
 - c. Maintain all areas for the parking and maneuvering of vehicles. The areas for parking and maneuvering of vehicles shall be marked in accordance with the approved plan as shown in Exhibit A.14 and A.15, which shall be continually maintained. MCC 38.4180(C).
 - d. Provide for and maintain all off-street parking facilities without charge or other considerations to users. MCC 38.4115 & MCC 38.4125(A).
 - e. Not park trucks, equipment, materials, structures, signs, or conduct any Fire Station activities in any required parking space. MCC 38.4125(B).
 - f. Not store or accumulate equipment, material, or goods in an off-street parking space in a manner which would render such space temporarily or permanently incapable of immediate use for loading operations. MCC 38.4125(E).

Date of Decision: November 20, 2025.


By: _____
Daniel Kearns,
Land Use Hearings Officer

Notice of Appeal Rights

This is the County's final decision on this application. Anyone with standing may appeal any aspect of this decision under MCC 38.0530, to the Columbia River Gorge Commission within 30 days after the decision is final, which is the date signed above.

**Exhibit List for T3-2025-0001
(Corbett Fire Station)**

A	Application Materials	Date
A.1	Application Form and Letter of Authorization	01/30/2025
A.2	Narrative – Conditional Use	01/30/2025
A.3	Narrative – Parcel	01/30/2025
A.4	Site Plan	01/30/2025
A.5	Plans: <ul style="list-style-type: none"> ▪ Sheet 000 – Cover ▪ Sheet 001 – Site Plan ▪ Sheet 002 – Floor Plans ▪ Sheet 003 – Roof Plans ▪ Sheet 004 – Exterior Elevations ▪ Sheet 005 – Exterior Elevations ▪ Sheet 006 – Exterior Elevations ▪ Sheet 007 – Building Sections ▪ Sheet 008 – Colors and Materials ▪ Sheet 009 – Impervious Areas 	01/30/2025
A.6	Civil Plans: <ul style="list-style-type: none"> ▪ Sheet C1.00 – General Notes ▪ Sheet C1.01 – Existing Conditions ▪ Sheet C1.02 – Demolition Plan ▪ Sheet C2.00 – Site Plan ▪ Sheet C3.00 – Grading Plan ▪ Sheet C4.00 – Utility Plan ▪ Sheet C5.00 – Details ▪ Sheet C6.00 – Erosion Control Plan and Details 	01/30/2025
A.7	Warranty Deed recorded in Book 755, Page 1610 on October 10, 1970	01/30/2025
A.8	Fire Service Provider Review	01/30/2025
A.9	Water Service Certification	01/30/2025
A.10	Pre-Application Meeting Notes, PA-2024-0005	01/30/2025
A.11	Additional Narrative	05/26/2025
A.12	Tower Plans - Sheet 010 – Fire Drill Tower	05/26/2025
A.13	Septic Review Certification	05/26/2025

A.14	Revised Plans: <ul style="list-style-type: none"> Sheet 000 – Cover Sheet 001 – Site Plan Sheet 002 – Floor Plans Sheet 003 – Roof Plans Sheet 004 – Exterior Elevations Sheet 005 – Exterior Elevations Sheet 006 – Exterior Elevations Sheet 007 – Building Sections Sheet 008 – Colors and Materials Sheet 010 – Fire Drill Tower 	05/26/2025
A.15	Revised Civil Plans: <ul style="list-style-type: none"> Sheet C1.0 – General Notes Sheet C1.1 – Existing Conditions Sheet C1.2 – Demolition Plan Sheet C2.0 – Site Plan Sheet C3.0 – Grading Plan Sheet C4.0 – Utility Plan Sheet C5.0 – Details Sheet C6.0 – Erosion and Soil Control Plan 	05/26/2025
A.16	Stormwater Report prepared by Evan Eykelbosch, PE	07/09/2025
B	Staff Exhibits	Date
B.1	Assessment and Taxation Property Information for 1N4E35BA - 02201 (Alt Acct # R665600200 / Property ID # R661079)	01/30/2025
B.2	Current Tax Map for 1N4E35BA	01/30/2025
B.3	Aerial Photo taken in April 2025	01/30/2025
B.4	Survey #63600	01/30/2025
B.5	Poffenberger Subdivision Plat recorded in Book 1305, Page 20-21 on April 3, 2014	01/30/2025
B.6	Visual Mass Compatibility Calculations	10/16/2025
B.7	Vegetation Maintenance Plan	10/21/2025
C	Administration & Procedures	Date
C.1	Agency Review	02/07/2025
C.2	Incomplete letter	02/28/2025
C.3	Applicant's acceptance of 180-day clock	03/22/2025
C.4	Incomplete letter #2	06/24/2025
C.5	Complete letter (day 1)	07/23/2025
C.6	Cultural Resource Survey Notice	10/23/2025
C.7	Hearing Notice	10/23/2025

C.8	Staff Report	11/04/2025
D	Agency and Public Comments	Date
D.1	Cultural Resources Survey Determination from Luciano Legnini, Archaeologist on behalf of United State Forest Service – Columbia River Gorge National Scenic Area (CRGNSA)	02/11/2025
D.2	Comment from Kirsten Lopez, Special Projects Archaeologist on behalf of Oregon Parks and Recreation Department (OPRD): Oregon Heritage/State Historic Preservation Office (SHPO)	03/07/2025
D.3	Historic Survey from Luciano Legnini, Archaeologist on behalf of United State Forest Service – Columbia River Gorge National Scenic Area (CRGNSA)	06/05/2025