

Keith  
1005

# MULTNOMAH COUNTY, OREGON PROPERTY RECORDS

Property Information

Property  
InformationTax  
SummaryAssessment  
HistoryImprovement  
InformationNew  
SearchSearch  
ResultsPrintable  
Summary

Logoff

## Search Results for R287200

## Pay Now

## Owner Name

HSF LLC

## Property ID Number

R287200

## Owner Address

PO BOX 70  
CORBETT, OR 97019

## Situation Address

40301 E LARCH MOUNTAIN RD  
CORBETT, OR 97019

## Alternate Account Number

R832300010

## Neighborhood

R010

## Map Tax Lot

1N5E30CC -01600

Levy Code Area - Taxing Districts

074

## Portland Maps

[Click to Open Map](#)

## Information on Ordering Copies

[Click to Open Order Form](#)3 ft. major  
variance

## Property Description

## Exemption

(24H2) HISTORIC PROPERTY 2 TERM

## Expiration Date

2023

## Tax Roll Description

THORS HTS & RPLT, BLOCK 1, LOT 1, LOT 2 EXC PT IN HWY,  
HISTORIC PROPERTY, POTENTIAL ADDITIONAL TAX

## Map Number

301N5E 1N5E30CC  
-01600

## Parcel

cu  
NSA Site  
Lot Consol.  
H.D.

## Account Status

A - Active

## Property Use

B - RESIDENTIAL IMPROVED

Year  
Built

1925

## Acreage

## Related Accounts

P437717, P466485, P466486, P620769, P624936

Linked  
Accounts

## Split/Merge Account

Split/Merge  
Account  
Message

## Special Account Information

## Sales Information

Deed	Grantor (Seller)	Grantee (Buyer)	Instrument	Date	Consideration Amount
BSD	FRUEHAUF, HEINER &	HSF LLC	<u>2016155958</u>	12/14/16	\$0
WD	THOMPSON, GEOFFREY	FRUEHAUF, HEINER &	<u>2016120979</u>	09/27/16	\$577,150

**EXHIBIT  
B.1**

J &amp;

QCD	SIMIONE,DONN A &	THOMPSON,GEOFFREY J &	<u>2011068357</u>	06/15/11	\$0
BSD	SIMIONE,DONN A	SIMIONE,DONN A &	<u>2007128510</u>	07/17/07	\$0
BSD	THOMPSON,GEOFFREY	SIMIONE,DONN A	<u>2007124401</u>	07/11/07	\$0
BSD	SIMIONE,DONN A	SIMIONE,DONN A &	<u>2006157945</u>	08/24/06	\$0
BSD	SIMIONE,DONN A &	SIMIONE,DONN A	<u>2006155720</u>	08/21/06	\$0
BSD	SIMIONE,DONN A &	SIMIONE,DONN A &	<u>2006099486</u>	05/31/06	\$0
BSD	SIMIONE,DONN A	SIMIONE,DONN A &	<u>2004207149</u>	11/16/04	\$0
BSD	GABLE,JAN	SIMIONE,DONN A &	<u>2005021874</u>	02/08/05	\$0
WD	GABLE,JANET L &	SIMIONE,DONN A	<u>2004179124</u>	09/30/04	\$650,000
BSD	GABLE,JAN	GABLE,JANET L &	<u>2004109246</u>	06/17/04	\$0
WD	W B OREGON INC	GABLE,JAN	<u>2004098929</u>	06/02/04	\$450,600
QCD	WATSON,DOUGLAS T	GABLE,JAN	<u>2004098926</u>	06/02/04	\$0
QCD	WATSON,KAREN A	GABLE,JAN	<u>2004098924</u>	06/02/04	\$0
BSD	PNW LLC	W B OREGON INC	<u>2004098928</u>	06/02/04	\$0
EXD	MULTNOMAH COUNTY SHERIFF	PNW LLC	<u>2004098927</u>	06/02/04	\$600,000
QCD	WATSON,DOUGLAS T	PNW LLC	<u>2004098925</u>	06/02/04	\$0
QCD	WATSON,KAREN A	PNW LLC	<u>2004098923</u>	06/02/04	\$0
OTH	MULTNOMAH COUNTY SHERIFF	PNW LLC	<u>2004018509</u>	02/05/04	\$600,000
INST	WATSON,DOUGLAS T &	WATSON,DOUGLAS T &	BP15490376		\$0

## 2018 Land Information (Unedited and Uncertified)

ID	Type	Acres	Sq Ft
L1	RES - RESIDENTIAL LAND	1.00	43560

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**MULTNOMAH COUNTY, OREGON  
PROPERTY RECORDS**

Property Information

Property  
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SummaryAssessment  
HistoryImprovement  
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SearchSearch  
ResultsPrintable  
Summary

Logoff

**Search Results for R287215****Pay Now****Owner Name**FRUEHAUF, HEINER &  
FRUEHAUF, SHERON**Property ID Number**

R287215

**Owner Address**PO BOX 70  
CORBETT, OR 97019**Situs Address**NE COR/ LARCH MOUNTAIN & NE COLUMBIA AVE  
CORBETT, OR 97019**Alternate Account Number**

R832301940

**Neighborhood**

R010

**Map Tax Lot**

1N5E30CC -01500

**Levy Code Area - Taxing Districts**

074

**Portland Maps**[Click to Open Map](#)**Information on Ordering Copies**[Click to Open Order Form](#)**Property Description****Exemption****Expiration Date****Tax Roll Description****Map Number**

THORS HTS &amp; RPLT, BLOCK 2, LOT 2

301N5E

1N5E30CC -01500

**Parcel****Account Status**

A - Active

**Property Use**

A - VACANT LAND

**Year Built****Acreage****Related Accounts****Linked Accounts****Split/Merge Account****Split/Merge Account Message**

**Special Account Information****Sales Information**

Deed	Grantor (Seller)	Grantee (Buyer)	Instrument	Date	Consideration Amount
WD	SERAFINI, STEPHEN	FRUEHAUF, HEINER &	<u>2016120971</u>	09/27/16	\$55,000
TRD	SIMIONE, DONN A &	SERAFINI, STEPHEN	<u>2011110799</u>	10/06/11	\$247,059

**EXHIBIT  
B.2**

BSD	SIMIONE,DONN A	SIMIONE,DONN A &	<u>2007043528</u>	03/13/07	\$0
BSD	SIMIONE,DONN A &	SIMIONE,DONN A	<u>2006155720</u>	08/21/06	\$0
BSD	SIMIONE,DONN A &	SIMIONE,DONN A &	<u>2006099486</u>	05/31/06	\$0
BSD	GABLE,JAN	SIMIONE,DONN A &	<u>2005021874</u>	02/08/05	\$0
WD	W B OREGON INC	GABLE,JAN	<u>2004098929</u>	06/02/04	\$450,600
QCD	WATSON,DOUGLAS T	GABLE,JAN	<u>2004098926</u>	06/02/04	\$0
QCD	WATSON,KAREN A	GABLE,JAN	<u>2004098924</u>	06/02/04	\$0
BSD	PNW LLC	W B OREGON INC	<u>2004098928</u>	06/02/04	\$0
EXD	MULTNOMAH COUNTY SHERIFF	PNW LLC	<u>2004098927</u>	06/02/04	\$600,000
QCD	WATSON,DOUGLAS T	PNW LLC	<u>2004098925</u>	06/02/04	\$0
QCD	WATSON,KAREN A	PNW LLC	<u>2004098923</u>	06/02/04	\$0
INST	WATSON,KAREN A &	WATSON,KAREN A &	BP15571711		\$0

**2018 Land Information (Unedited and Uncertified)**

ID	Type	Acres	Sq Ft
L1	RES - RESIDENTIAL LAND	0.21	9000

INFORMATION SUBJECT TO DISCLAIMER - SEE [HOME PAGE](#)© 2018 [Tyler Technologies, Inc.](#) - The Software Group Division

THIS MAP WAS PREPARED FOR  
ASSESSMENT PURPOSE ONLY

SW1/4 SW1/4 SEC. 30 T.1N. R.5E. W.M.  
MULTNOMAH COUNTY

IN 5E 30CC

1" = 100'

SEE MAP IN SE 30CB



SEE MAP IN SE 31

IN 5E 30CC

EXHIBIT  
B.3

## Business Registry Business Name Search

[New Search](#)

## Business Entity Data

09-06-2018

10:21

Registry Nbr	Entity Type	Entity Status	Jurisdiction	Registry Date	Next Renewal Date	Renewal Due?
1274602-93	DLIC	ACT	OREGON	12-13-2016	12-13-2018	
Entity Name	HSF, LLC					
Foreign Name						

[New Search](#)

## Associated Names

Type	PPB	PRINCIPAL PLACE OF BUSINESS		
Addr 1	40301 E LARCH MOUNTAIN RD			
Addr 2				
CSZ	CORBETT	OR	97019	Country UNITED STATES OF AMERICA

Please click [here](#) for general information about registered agents and service of process.

Type	AGT	REGISTERED AGENT	Start Date	11-15-2017	Resign Date	
Name	SHERON	FRUEHAUT				
Addr 1	39420 SE GORDON CREEK RD					
Addr 2						
CSZ	CORBETT	OR	97019	Country	UNITED STATES OF AMERICA	

Type	MAL	MAILING ADDRESS		
Addr 1	PO BOX 70			
Addr 2				
CSZ	CORBETT	OR	97019	Country UNITED STATES OF AMERICA

Type	MEM	MEMBER		Resign Date	
Not of Record	FRUEHAUF FAMILY TRUST				
Addr 1	PO BOX 70				
Addr 2					
CSZ	CORBETT	OR	97019	Country	UNITED STATES OF AMERICA

Type	MEM	MEMBER		Resign Date	
Name	SHERON	FRUEHAUF			
Addr 1	PO BOX 70				
Addr 2	39420 SE GORDON CREEK RD				
CSZ	CORBETT	OR	97019	Country	UNITED STATES OF AMERICA

Type	MGR	MANAGER		Resign Date	
Name	SHERON	FRUEHAUF			

EXHIBIT  
B.4

<b>Addr 1</b>	PO BOX 70				
<b>Addr 2</b>	39420 SE GORDON CREEK RD				
<b>CSZ</b>	CORBETT	OR	97019	<b>Country</b>	UNITED STATES OF AMERICA

<b>Type</b>	MGR	MANAGER		<b>Resign Date</b>	
<b>Not of Record</b>	FRUEHAUF FAMILY TRUST				
<b>Addr 1</b>	PO BOX 70				
<b>Addr 2</b>					
<b>CSZ</b>	CORBETT	OR	97019	<b>Country</b>	UNITED STATES OF AMERICA

[New Search](#)



## Name History

Business Entity Name	<a href="#">Name Type</a>	<a href="#">Name Status</a>	Start Date	End Date
HSF, LLC	EN	CUR	12-13-2016	

Please [read](#) before ordering [Copies](#).

[New Search](#)

## Summary History

Image Available	Action	Transaction Date	Effective Date	<a href="#">Status</a>	Name/Agent Change	Dissolved By
	AMENDED ANNUAL REPORT	11-15-2017		FI	Agent	
	ARTICLES OF ORGANIZATION	12-13-2016		FI	Agent	

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Secretary of State  
Corporation Division  
255 Capitol Street NE, Suite 151  
Salem, OR 97310-1327

Phone: (503) 986-2200  
www.filinginoregon.com

## 2017 ANNUAL REPORT

Registry Number: 1274602-93

Date of Organization: 12/13/2016

Fee: \$100.00

Due Date: 12/13/2017

Type: DOMESTIC LIMITED LIABILITY COMPANY

00831  
HSF, LLC  
PO BOX 70  
CORBETT OR 97019

**FILED**

**NOV 15 2017**

**OREGON  
SECRETARY OF STATE**

Name of Domestic Limited Liability Company  
HSF, LLC

Jurisdiction: OREGON

The following information is required by statute. Please complete the entire form. If any of the information is incorrect, you can make changes on this form. Failure to submit this Annual Report and fee by the due date may result in inactivation on our records.

### Registered Agent

~~TREVOR ROBINS~~  
~~230 NW DIVISION ST~~  
~~GRESHAM OR 97030~~

→ Sheron Fruehauf  
P. 39420 SE  
Gordon Creek Rd.  
Corbett, OR 97019

If the Registered Agent has changed, the new Agent has consented to the appointment. Oregon street address required.

*\* changed*

### 1) Type of Business

Rental Property

### 2) Principal Place of Business (Str. address, city, state, zip)

40301 E Larch Mountain Rd.  
Corbett, OR 97019

### 3) Mailing Address (Address, city, state, zip)

PO BOX 70  
CORBETT OR 97019

### 4) ☒ Member or ☒ Manager (Name & Address)

FRUEHAUF FAMILY TRUST  
PO BOX 70  
CORBETT OR 97019

### 5) ☒ Member or ☒ Manager (Name & Address)

Sheron Fruehauf  
P.O. Box 70, 39420 SE Gordon Creek  
Corbett, OR 97019

### 6) Signature

### 8) Date

11/6/17

### 7) Printed Name

Sheron Fruehauf

### 9) Daytime Phone Number

503-695-2955

Make check payable to "Corporation Division" and mail con  
Corporation Division, 255 Capitol ST NE Suite 151, Salem, C  
Note: You can also fax to (503) 378-4381. Filing fees may be pa  
and expiration date on a separate page for your protection.

HSF, LLC



127460293-18464902

RENANA

**EXHIBIT  
B.5**





Kathy FISHER <kathy.fisher@multco.us>

---

## NSA Agency Review

1 message

---

Kathy FISHER <kathy.fisher@multco.us>

To: orshpo.clearance@oregon.gov

Thu, Feb 8, 2018 at 2:04 PM

Thank you.

Kathy Fisher, Admin Assistant  
Multnomah County Land Use Planning Division  
1600 SE 190th Ave, Ste 116  
Portland OR 97233  
(503) 988.0187  
kathy.fisher@multco.us



**T3-2018-9967 SHPO Submittal.pdf**  
2414K

**EXHIBIT**  
**B.6**

# OR SHPO SUBMITTAL FORM 1

RESPONSE REQUIRED IN ALL SECTIONS

## WHY

This submittal is (Select One)

- ☒ the First Initiation of Consultation and no SHPO Case # exists  
☐ a Response to SHPO Request for more information on existing SHPO Case # provided below  
☐ New Information for review on existing SHPO Case # provided below  
Existing SHPO Case #

## WHAT

Your Project Name NSA Agency Review

Your Project Number T3-2018-9967

Extremely Brief Project/Undertaking Description

Request a Conditional Use Permit, National Scenic Area (NSA) Review, a Hillside Development Permit, a Major Variance, and a Lot Consolidation to authorize and establish a retreat facility (wellness center) with overnight accommodations in a historic building commonly known as the Viewpoint Inn

## WHERE

Project Location

County(s) Multnomah

Street Address 40301 E Larch Mountain Rd

City Corbett

OR Legal Description T/R/S

OR Long/Lat (decimal degrees to 4 decimal places)

Long

Lat

## WHO RECEIVES SHPO CORRESPONDENCE

Formal Contact

Name Rithy Khut

Org Multnomah County Land Use Division

Address 1600 SE 190th Ave Ste 116

Address

City/ST/Zip Portland OR 97233

Phone 503.988.0176

Email rithy.khut@multco.us

Working Project Contact (cc'd on all formal correspondence to Formal Contact)

Name Same

Org

Address

Address

City/St/Zip

Phone

Email

## HOW

Is there a federal nexus for the project (funding, permitting, licensing, etc.)?

☐ Yes

☒ No

Ownership of Project Land?

☒ Private

☐ Public

☐ Both

Additional Comments (Optional)

## SUBMITTED TO SHPO FOR

- ☐ Built Environment Review  
☐ Archaeology Review  
☒ Both Built and Archaeology Review

## ADDITIONAL ATTACHMENTS (Select All that Apply)

- ☒ Cover Letter  
☒ Map(s) (Required for Archaeology if not included in a Report)  
☐ Oregon SHPO Clearance Form (Built Environment)  
☐ 106 Documentation Form (Built Environment)  
☐ Built Environment Only Report  
☐ Archaeology Report with State of Oregon Report Cover Sheet  
☐ Combined Arch & Built Report with State of Oregon Report Cover Sheet  
☐ BLM or USFS Archaeology Site  
☐ Spatial Data  
☐ Other 1 (Name It)  
☐ Other 2 (Name It)  
☐ Other 3 (Name It)

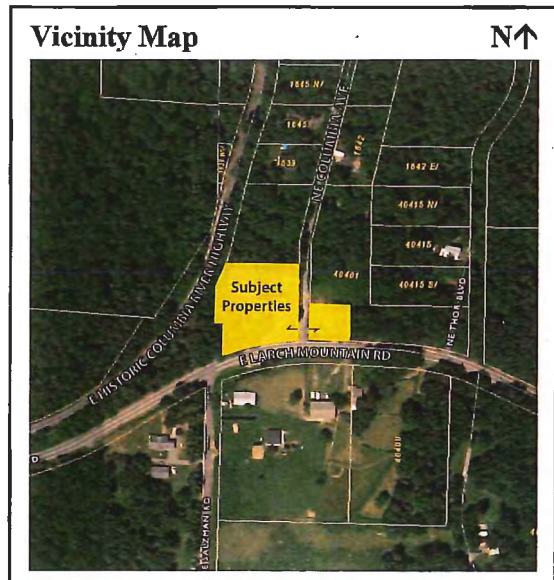
## AGENCY REVIEW

Attached is a site review permit application (as submitted). Please evaluate and comment on these materials so that we can incorporate your feedback into our completeness review. This is not a substitute for public notice of a complete application. Once we determine the application is complete an additional notice will be mailed (with any revised information), offering you the opportunity to comment or informing you of a date for public hearing, as appropriate.

### National Scenic Area Site Review

- To:
- ☒ Gorge Commission/Cultural Advisory Committee
  - ☒ U.S. Forest Service NSA Office
  - ☒ Confederated Tribes of Warm Springs
  - ☒ Confederated Tribes of the Umatilla Indian Reservation
  - ☒ Nez Perce Tribe
  - ☒ Yakama Indian Nation
  - ☒ State Historic Preservation Office
  - ☐ Oregon Department of Transportation
  - ☒ Multnomah County Transportation Division
  - ☒ PSU/Institute for Natural Resources
  - ☒ Oregon Department of Fish and Wildlife

From: Rithy Khut, Planner



Case File: T3-2018-9967

Location: 40301 E. Larch Mountain Road, Corbett

Proposal: Request a Conditional Use Permit, National Scenic Area (NSA) Review, a Hillside Development Permit, a Major Variance, and a Lot Consolidation to authorize and establish a retreat facility (wellness center) with overnight accommodations in a historic building commonly known as the Viewpoint Inn

Your written comments are needed no later than **4:00 p.m., Friday, February 23, 2018.**

Zoning: Gorge General Forestry – 40 (GGF-40)

☒ GMA ☐ SMA

National Scenic Area resources that may be impacted by this project include:

- |  |   |  |
|--|---|--|
| <input checked="" type="checkbox"/> Key Viewing Areas        | <input checked="" type="checkbox"/> Cultural Resource | <input type="checkbox"/> Wetland/Stream/Lake Buffer    |
| <input type="checkbox"/> Sensitive Wildlife Habitat          | <input type="checkbox"/> Rare Plants                  | <input type="checkbox"/> Deer/Elk Wintering Range      |
| <input checked="" type="checkbox"/> Historic Uses/Structures | <input type="checkbox"/> Natural Area                 | <input type="checkbox"/> Adjacent to Recreational Uses |

Enclosures



**Li Use Planning Division**  
1600 SE 190<sup>th</sup> Ave, Ste 116  
Portland OR 97233  
Ph: 503-988-3043 Fax: 503-988-3389  
multco.us/landuse

**GENERAL APPLICATION FORM**

11:57AM 000001 #8645  
0005 JACKIE  
PERMITS-TYPE 1 \$259.00  
PERMITS-TYPE 3 \$1055.00  
PERMITS-TYPE 3 \$3204.00  
PERMITS-TYPE 2 \$15.45  
R/W \$49.00  
PERMITS-TYPE 2 \$1529.55  
CR CARD \$6112.00

**PROPERTY IDENTIFICATION**

Property Address 40301 E. Larch Mountain Road, Corbett, OR 97019

State Identification 1N-5E-30CC, Tax Lot 1600 Site Size 1 acre

A&T Alternate Account Number R# R832300010

**OTHER PARCEL (if applicable)**

Property Address \_\_\_\_\_

State Identification 1N-5E-30CC, Tax Lot 1500 Site Size 0.2 acre

A&T Alternate Account Number R# R832301940

**PROPERTY OWNER(S) ☒ OR CONTRACT PURCHASER(S) ☐**

Name HSF, LLC

Mailing Address PO Box 70

City Corbett State OR Zip Code 97019 Phone# \_\_\_\_\_

I authorize the applicant below to make this application.

Hannah F. HSF

Property Owner Signature #1

[Signature]  
Property Owner Signature #2

NOTE: By signing this form, the property owner or property owner's agent is granting permission for Planning Staff to conduct site inspections on the property.

If no owner signature above, a letter of authorization from the owner is required. ☐

**APPLICANT'S NAME AND SIGNATURE**

Applicant's Name Keith Daily

Mailing Address 321 SW Fourth Ave, #200

City Portland State OR Zip Code 97204 Phone # 503-235-9400

Fax \_\_\_\_\_ E-mail keith@emerick-architects.com

[Signature]  
Applicant's Signature

**GENERAL DESCRIPTION OF APPLICATION (REQUIRED)**

Please provide a brief description of your project.

The View Point Inn and Wellness Center is a rehabilitation and expansion of a historic landmark on the National Register of Historic Places. The proposed use is for a wellness retreat center with accommodations for overnight guests. There will be five guest rooms with a small restaurant, spa facilities and health assessment center to provide the supporting amenities necessary for the retreat center.

Note: This application for Conditional Use Permit & Hillside Development Permit

**For Staff Use**

**CASE NUMBER**

13.2018-9967

505203 505202  
**LAND USE PERMIT(S)**

CU, NSA Site Review

Lot Consol. 505201

Variance 505205

Hillside Develop.

**DATE SUBMITTED**

505206  
1/26/2018

Compliance

Related ☒

Potential  
Transportation  
Impact ☒

PF/PA No.

21-2017-9820

Related Case No.

Related Case No.

**ZONING**

Zoning District

Zoning Overlay







Kathy FISHER <kathy.fisher@multco.us>

**RE: NSA Agency Review**

1 message

T3-2018-9967

**CLEARANCE ORSHPO \* OPRD** <ORSHPO.Clearance@oregon.gov>

Tue, Feb 13, 2018 at 12:06 PM

To: Kathy FISHER <kathy.fisher@multco.us>



Click with Caution - Be Suspicious of Attachments, Links, and Requests for Payment or Login Information.

THIS E-MAIL CONFIRMS RECEIPT OF AN ELECTRONIC SUBMISSION FOR AN HISTORIC RESOURCE/106 REVIEW

.....THIS E-MAIL DOES NOT REPRESENT CONCLUSION OF THE REVIEW/106 CONSULTATION.....

We received a clearance submission on your above referenced project.

The assigned SHPO Case Number is 18-0249. Refer to this case number on all future correspondence.

This case has been placed in the appropriate Review Staff queue.

Do not respond to this email.

**From:** Kathy FISHER [mailto:kathy.fisher@multco.us]

**Sent:** Thursday, February 08, 2018 2:04 PM

**To:** CLEARANCE ORSHPO \* OPRD

**Subject:** NSA Agency Review

Thank you.

Kathy Fisher, Admin Assistant

Multnomah County Land Use Planning Division

1600 SE 190th Ave, Ste 116

Portland OR 97233

(503) 988.0187

kathy.fisher@multco.us

**EXHIBIT  
B.7**

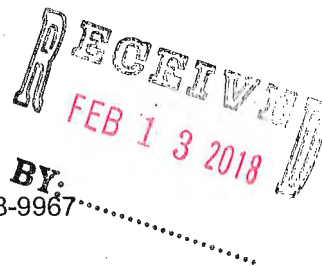
COLUMBIA RIVER GORGE NATIONAL SCENIC AREA

USDA Forest Service  
Multnomah County

Cultural Resources Survey Determination

**Applicant(s):** Heiner and Sheron Fruehauf  
PO Box 70  
Corbett, OR 97019

**File No:** T3-2018-9967



**Property Owner(s):** Same as Applicant

**Type of Undertaking:** Addition to and rehabilitation of National Register-listed building for commercial development

**Location of Undertaking:** View Point Inn  
40301 E. Larch Mountain Road  
Corbett, OR 97019

Section 30CC T1N, R5E Tax Lot(s) 1600

Quadrangle: Bridal Veil, OR/WA, 7/5' series, 1994, WM.

I have reviewed the proposed undertaking and area of potential effect as stated on the development review application, against the National Scenic Area records and inventories. These inventories include the cultural resource site inventory maintained by the State Historic Preservation Office. Based upon the information provided in these inventories and the requirements of the Gorge Commission's Land Use Ordinances, it is recommended that:

A Cultural Resource Reconnaissance Survey is: **Not Required**

A Historic Survey is: **Required**

**The proposed project is classified as a large-scale use since it is commercial development.**

A handwritten signature in black ink, appearing to read "CD".

2/13/2018

**Chris Donnermeyer**  
Heritage Resources Program Manager  
Columbia River Gorge National Scenic Area

**DATE**

**EXHIBIT  
B.8**

### Reconnaissance Survey Not Required

Commission Land Use Ordinances specify when a reconnaissance survey must be conducted before a proposed development can be approved. My evaluation and review indicates that a reconnaissance is not required. This determination complies with the ordinance because the proposed development:

- ☒ Proposed use would involve the modification, expansion, replacement, or reconstruction of existing buildings and structures
- ☐ Would not disturb the ground and would involve a lot-line adjustment or partition
- ☐ Would involve minor ground disturbance
- ☐ Proposed use would occur on sites that have been disturbed by human activities
- ☐ Would occur on a site that has been adequately surveyed in the past
- ☒ 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
- ☒ Does not occur within 500 feet of a known archaeological site

#### Supporting Information:

- ❖ The Management Plan for the Columbia River Gorge National Scenic Area does not require a reconnaissance survey for projects that involve the modification, expansion, replacement, or reconstruction of existing buildings and structures (Chapter 2 – Cultural Resources, Section 6. A. (1)).
- ❖ The Management Plan for the Columbia River Gorge National Scenic Area does not require a reconnaissance survey for projects that occur in areas that have a low probability of containing cultural resources as long as they do not occur within 500-feet of an archaeological site or within 100-feet of a high probability area (Chapter 2 – Cultural Resources, Section 6. A. (6)).

### Historic Survey Required

The Commission's Land Use Ordinance guidelines specify when a historic survey must be conducted before a proposed development can be approved. This determination complies with the ordinance because the proposed development:

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

The proposed project is part of a commercial development for a wellness retreat center. This classifies the project as a large-scale use as defined in the CRGNSA Management Plan. Therefore, an architectural historian will need to be hired by the applicant to conduct a historic survey, assessment the effects of the project, and consult with the OR SHPO on this assessment.

#### Supporting Information:

As there is always the possibility that historic or pre-contact cultural materials may be discovered during activities associated with this undertaking, such discoveries are to be reported immediately. The applicant is required to cease work within the immediate vicinity of the discovery and immediately notify the Columbia River Gorge Commission as well as the Washington Department of Archaeology and Historic Preservation. This condition is intended to protect newly discovered cultural resources.

#### New Discovery Telephone Numbers:

Columbia River Gorge Commission (509) 493-3323  
Oregon State Historic Preservation Office (503) 986-0793



**COLUMBIA RIVER GORGE NATIONAL SCENIC AREA**

**USDA Forest Service  
Multnomah County**

**Cultural Resources Survey Determination**

**Applicant(s):** Heiner and Sheron Fruehauf  
PO Box 70  
Corbett, OR 97019

**File No:** T3-2018-9967

**Property Owner(s):** Same as Applicant

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**Location of Undertaking:** View Point Inn  
40301 E. Larch Mountain Road  
Corbett, OR 97019

Section 30CC T1N, R5E Tax Lot(s) 1600

Quadrangle: Bridal Veil, ORWA, 7/5' series, 1994, WM.

I have reviewed the proposed undertaking and area of potential effect as stated on the development review application, against the National Scenic Area records and inventories. These inventories include the cultural resource site inventory maintained by the State Historic Preservation Office. Based upon the information provided in these inventories and the requirements of the Gorge Commission's Land Use Ordinances, it is recommended that:

A Cultural Resource Reconnaissance Survey is: **Not Required**

A Historic Survey is: **Required**

**The proposed project is classified as a large-scale use since it is commercial development.**



2/13/2018

---

**Chris Donnermeyer** **DATE**  
Heritage Resources Program Manager  
Columbia River Gorge National Scenic Area

**EXHIBIT  
B.9**

### Reconnaissance Survey Not Required

Commission Land Use Ordinances specify when a reconnaissance survey must be conducted before a proposed development can be approved. My evaluation and review indicates that a reconnaissance is not required. This determination complies with the ordinance because the proposed development:

- ☒ Proposed use would involve the modification, expansion, replacement, or reconstruction of existing buildings and structures
- ☐ Would not disturb the ground and would involve a lot-line adjustment or partition
- ☐ Would involve minor ground disturbance
- ☐ Proposed use would occur on sites that have been disturbed by human activities
- ☐ Would occur on a site that has been adequately surveyed in the past
- ☒ 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
- ☒ Does not occur within 500 feet of a known archaeological site

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

#### Supporting Information:

- ❖ The Management Plan for the Columbia River Gorge National Scenic Area does not require a reconnaissance survey for projects that involve the modification, expansion, replacement, or reconstruction of existing buildings and structures (Chapter 2 -- Cultural Resources, Section 6. A. (1)).
- ❖ The Management Plan for the Columbia River Gorge National Scenic Area does not require a reconnaissance survey for projects that occur in areas that have a low probability of containing cultural resources as long as they do not occur within 500-feet of an archaeological site or within 100-feet of a high probability area (Chapter 2 -- Cultural Resources, Section 6. A. (6)).

### Historic Survey Required

The Commission's Land Use Ordinance guidelines specify when a historic survey must be conducted before a proposed development can be approved. This determination complies with the ordinance because the proposed development:

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

The proposed project is part of a commercial development for a wellness retreat center. This classifies the project as a large-scale use as defined in the CRGNSA Management Plan. Therefore, an architectural historian will need to be hired by the applicant to conduct a historic survey, assessment the effects of the project, and consult with the OR SHPO on this assessment.

#### Supporting Information:

As there is always the possibility that historic or pre-contact cultural materials may be discovered during activities associated with this undertaking, such discoveries are to be reported immediately. The applicant is required to cease work within the immediate vicinity of the discovery and immediately notify the Columbia River Gorge Commission as well as the Washington Department of Archaeology and Historic Preservation. This condition is intended to protect newly discovered cultural resources.

#### New Discovery Telephone Numbers:

Columbia River Gorge Commission (509) 493-3323  
Oregon State Historic Preservation Office (503) 986-0793



# Oregon

Kate Brown, Governor

## Parks and Recreation Department

State Historic Preservation Office

725 Summer St NE Ste C

Salem, OR 97301-1266

Phone (503) 986-0690

Fax (503) 986-0793

[www.oregonheritage.org](http://www.oregonheritage.org)



March 7, 2018

Mr. Rithy Khut  
Multnomah County  
Land Use Planning Division  
1600 SE 190th Avenue  
Suite 116  
Portland, OR 97233

RE: SHPO Case No. 18-0249  
MULTCO T3-2018-9967, View Point Inn Retreat Facility  
Retreat facility  
40301 E Larch Mountain Road, Corb, Multnomah County

Dear Mr. Khut:

Our office recently received a request to review your application for the project referenced above. In checking our statewide archaeological database, it appears that there have been no previous surveys completed near the proposed project area. However, the project area lies within an area generally perceived to have a high probability for possessing archaeological sites and/or buried human remains. In the absence of sufficient knowledge to predict the location of cultural resources within the project area, extreme caution is recommended during project related ground disturbing activities. Under state law (ORS 358.905 and ORS 97.74) archaeological sites, objects and human remains are protected on both state public and private lands in Oregon. If archaeological objects or sites are discovered during construction, all activities should cease immediately until a professional archaeologist can evaluate the discovery. If you have not already done so, be sure to consult with all appropriate Indian tribes regarding your proposed project. If the project has a federal nexus (i.e., federal funding, permitting, or oversight) please coordinate with the appropriate lead federal agency representative regarding compliance with Section 106 of the National Historic Preservation Act (NHPA). If you have any questions about the above comments or would like additional information, please feel free to contact our office at your convenience. In order to help us track your project accurately, please reference the SHPO case number above in all correspondence.

This letter refers to archaeological resources only. Comments pursuant to a review for above-ground historic resources will be sent separately.

Sincerely,

Dennis Griffin, Ph.D., RPA  
State Archaeologist  
(503) 986-0674  
[dennis.griffin@oregon.gov](mailto:dennis.griffin@oregon.gov)

**EXHIBIT  
B.10**



# Oregon

Kate Brown, Governor

## Parks and Recreation Department

State Historic Preservation Office

725 Summer St NE Ste C

Salem, OR 97301-1266

Phone (503) 986-0690

Fax (503) 986-0793

[www.oregonheritage.org](http://www.oregonheritage.org)



RECEIVED  
MAR 23 2018

BY: .....

March 22, 2018

Mr. Rithy Khut  
Multnomah County  
Land Use Planning Division  
1600 SE 190th Avenue  
Suite 116  
Portland, OR 97233

RE: SHPO Case No. 18-0249  
MULTCO T3-2018-9967, View Point Inn Retreat Facility  
Retreat facility  
40301 E Larch Mountain Road, Corb, Multnomah County

Dear Mr. Khut:

We have reviewed the materials submitted on the MULTCO T3-2018-9967, View Point Inn Retreat Facility project referenced above and we concur with the determination that the View Point Inn is eligible for listing in the National Register of Historic Places. We also concur with the finding of no adverse effect for the proposed project.

This letter refers to above-ground historic resources only. Comments pursuant to a review for archaeological resources have been sent separately.

Unless there are changes to the project, this concludes the requirement for consultation with our office under Section 106 of the National Historic Preservation Act (per 36 CFR Part 800) for above-ground historic resources. Local regulations, if any, still apply and review under local ordinances may be required. Please feel free to contact me if you have any questions, comments or need additional assistance.

Sincerely,

Jessica Gabriel  
Historian  
(503) 986-0677  
[Jessica.Gabriel@oregon.gov](mailto:Jessica.Gabriel@oregon.gov)

cc: Chris Donnermeyer, CRGNSA

EXHIBIT  
B.11



United States  
Department of  
Agriculture

Forest  
Service

Columbia River Gorge  
National Scenic Area

902 Wasco Ave., Suite 200  
Hood River, OR 97031  
541-308-1700  
FAX 541-386-1916

File Code: 2360-3  
Date: March 29, 2018

To: Rithy Khut  
Multnomah County  
Land Use Planning Division  
1600 SE 190<sup>th</sup> Ave., Suite 116  
Portland, OR 97233

MAR 29 2018

From: Chris Donnermeyer, Heritage Program Manager  
Columbia River Gorge National Scenic Area (CRGNSA)

Re: Multnomah County Permit File No: T3-2018-9967 – View Point Inn Rehabilitation and Addition

Dear Rithy,

I have reviewed the Oregon SHPO Clearance Form, prepared by Jessica Engeman, Historic Preservation Specialist with Venerable Group, Inc., in regards to the planned rehabilitation and construction of an addition to the View Point Inn for use as a wellness retreat facility. The View Point Inn was listed on the National Register of Historic Places (NRHP) in 1985. The document discusses the historic significance and character-defining features of the property, extensive damage resulting from a 2011 fire, as well as an argument for retention of integrity despite negative effects of the fire. The form also assesses potential effects to the property for a proposed project to repair fire damage, conduct other necessary rehabilitation of the structure, as well as construct an addition on the rear (north) elevation.

Engeman argues that the 2011 fire did not result in loss of integrity for several reasons including: 1) the original form and spatial arrangement remained intact, 2) the fire damage is repairable as long as any repairs and rehabilitation adheres to the *Secretary of Interior's Standards for the Rehabilitation of Historic Properties*, and 3) the "building's important relationship with its site, road, and the landscape of the Columbia Gorge remains intact." I concur that the fire did not result in a loss of integrity to the structure and, therefore, did not warrant de-listing.

Lastly, Engeman describes the project details and makes an assessment of "No adverse effect" (36 CFR 800.5 (b)) including all proposed repairs and rehabilitation, construction of the addition, and landscape work. I concur with this finding.

This letter concludes the CRGNSA Heritage review for this project. Please feel free to contact me via email at [cjdonnermeyer@fs.fed.us](mailto:cjdonnermeyer@fs.fed.us) or by phone at 541-308-1711 with any questions or concerns.

Sincerely,

Chris Donnermeyer  
Heritage Program Manager

CC: Robin Shoal (USFS)  
Jessica Gabriel (OR SHPO)

EXHIBIT  
B.12

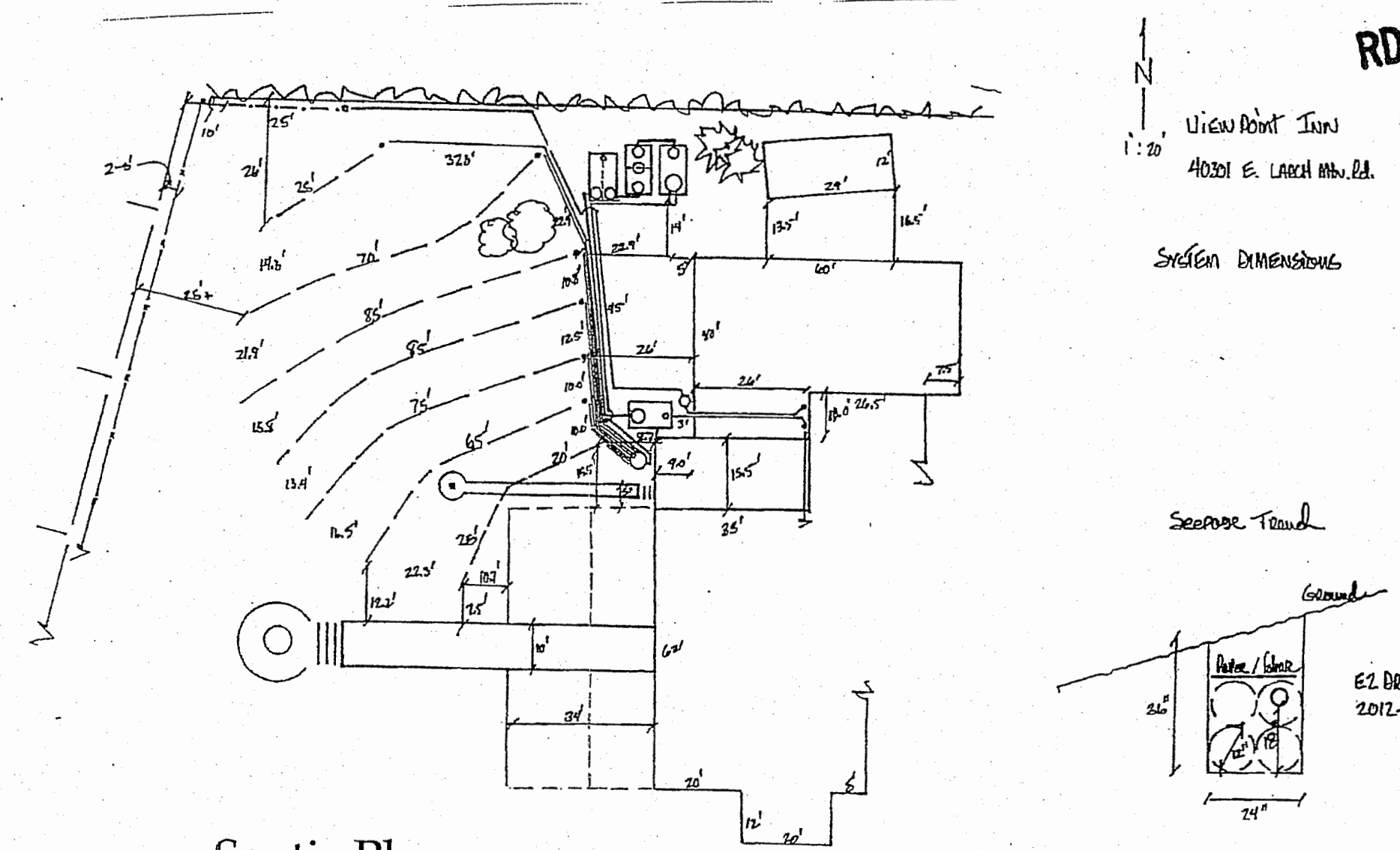






**EXHIBIT  
B.13**





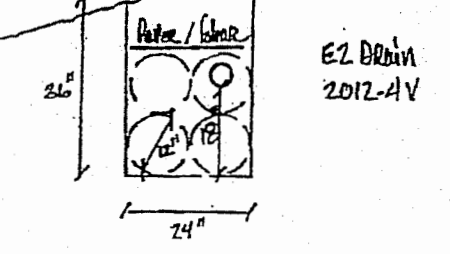
Septic Plan

RDC

View Point Inn  
40301 E. Larch Mountain Rd.

Section Dimensions

Seepage Trench



Area Calculations:

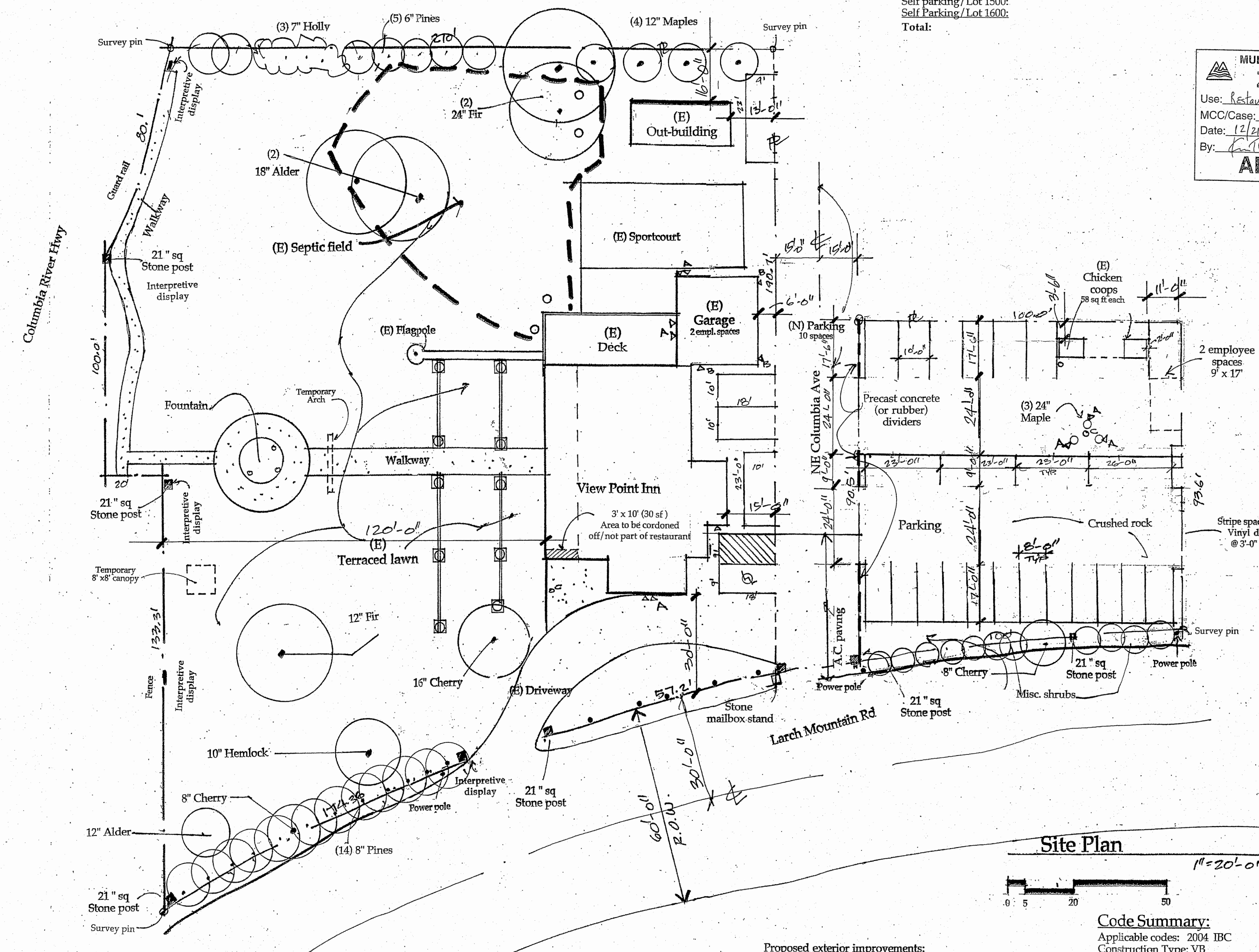
Dining:	1,260 sf
Veranda / dining:	570 sf
Kitchen:	469 sf
Lobby:	140 sf
Rest rooms:	198 sf
<b>Total restaurant gross floor area:</b>	<b>2,638 sf</b>

Parking Calculations:

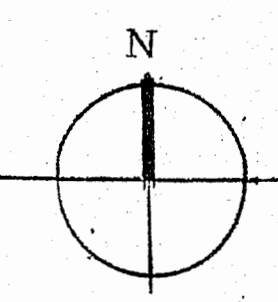
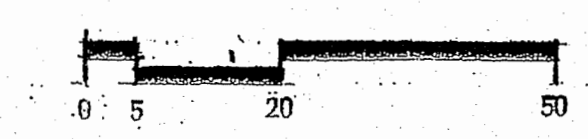
<b>Required:</b>	
Restaurant: 1 space per 100 sq ft of floor area:	2,638 sq ft / 100 sq ft = 26 spaces
Lodging: 1 space per room:	5 rooms = 5 spaces
<b>Total:</b>	<b>31 spaces</b>
<b>Provided:</b>	
Self parking / Lot 1500:	24 spaces
Self parking / Lot 1600:	7 spaces
<b>Total:</b>	<b>31 spaces</b>



MULTNOMAH COUNTY  
**ZONING**  
Use: Restaurant, Inn, wedding venue  
MCC/Case: T3-06-006  
Date: 12/21/06  
By: [Signature]  
**APPROVAL**



Site Plan



- Light Fixture Schedule (all lights existing):
- ▷ A Wall-mounted flood
  - ▷ B Wall-mounted lantern
  - C Ground-mounted up light

- Proposed exterior improvements:
- Replace existing roof shakes with #1 cedar shingles per original building.
  - Replace existing windows as required per original building.

**Legal Description:**  
TL 1600, Sec 30 CC, T1N, R5E/Tax Account# R832300010  
TL 1500, Sec 30 CC, T1N, R5E/Tax Account# R832301940

Code Summary:

Applicable codes:	2004 IBC
Construction Type:	VB
Proposed use of space:	Restaurant & Inn
Occupancy group:	A2
Building Area:	4,002 sf
Seating:	125 seats
Occupant loading:	Dining: 2,031/15 = 135 occupants Kitchen: 610/200 = 4 occupants
<b>Total:</b>	<b>139 occupants</b> 2 exits req'd (2 prov'd)

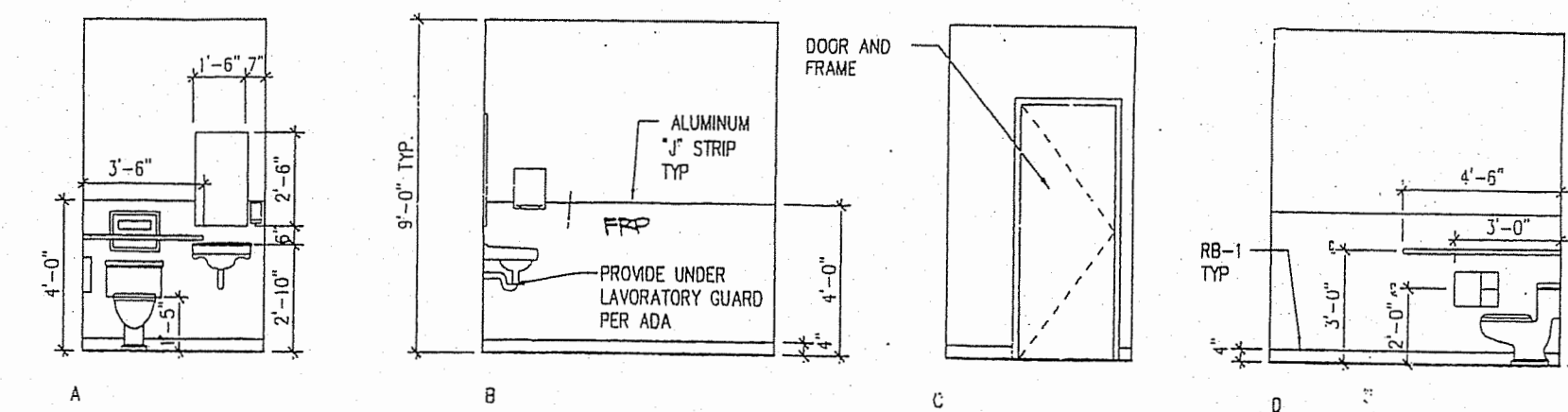
Case Design Group  
Date: 7/5/06  
Scale:  
Drawn:  
Job:  
**SP 1**  
Sheets

**The Viewpoint Inn**  
40301 E Larch Mountain Road  
Corbett, Or

8/14/06  
9/15/06  
10/9/06  
12/8/06  
12/14/06

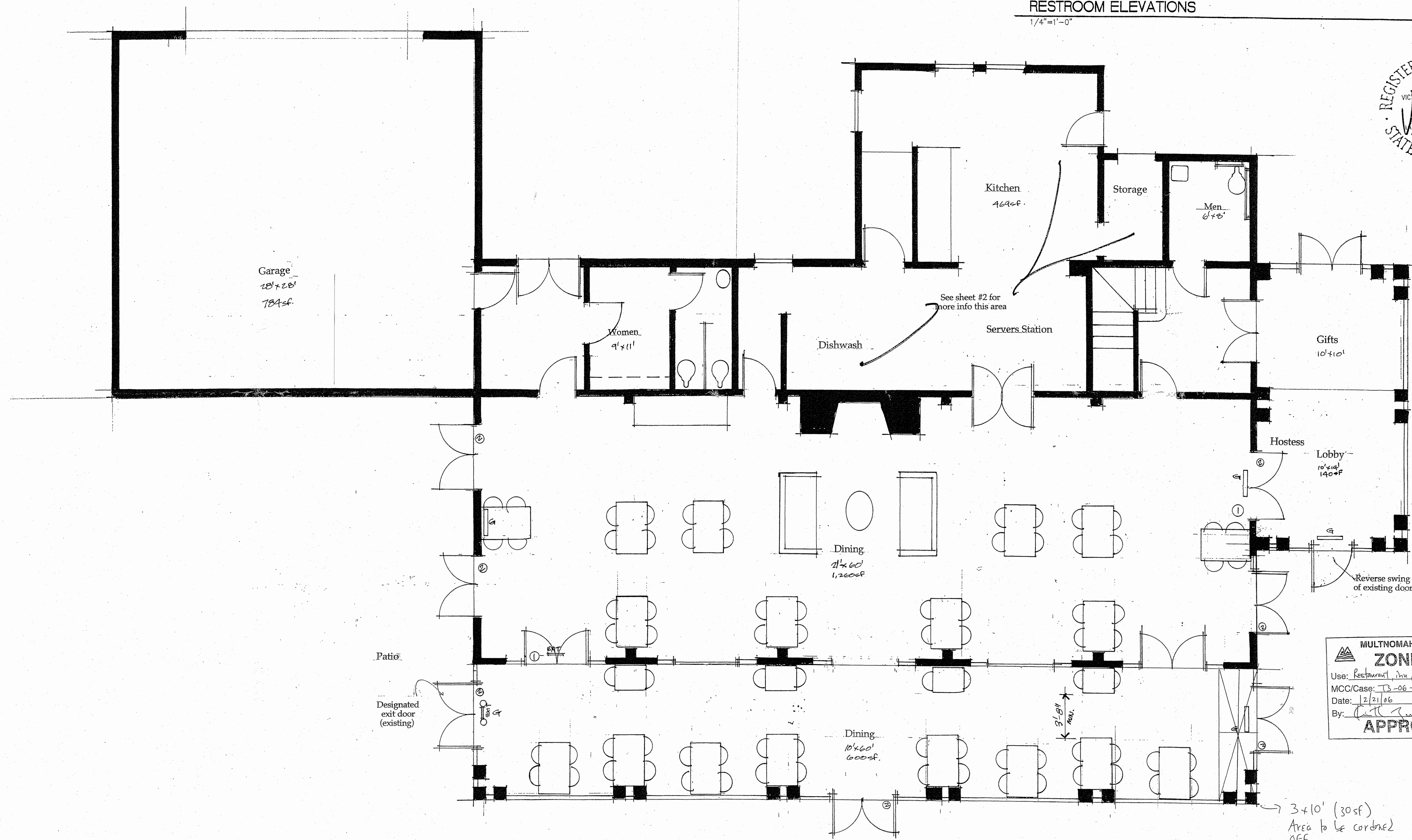
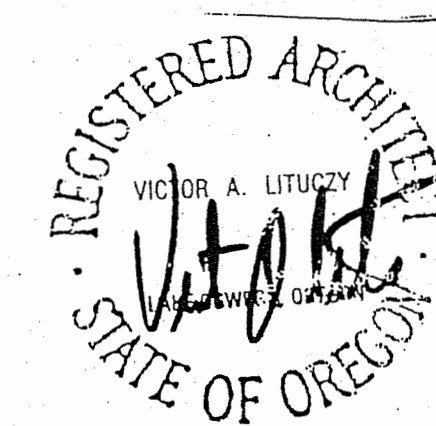


REVISIONS	BY



RESTROOM ELEVATIONS

1/4"=1'-0"



MULTNOMAH COUNTY  
**ZONING**  
Use: Restaurant, Inn, wedding venue  
MCC/Case: TS-06-006  
Date: 12/21/06  
By: [Signature]  
**APPROVAL**

- ① Doors to remain open during business hours
- ② Add panic hardware
- G Exit sign/Emergency lighting with battery backup

Floor Plan

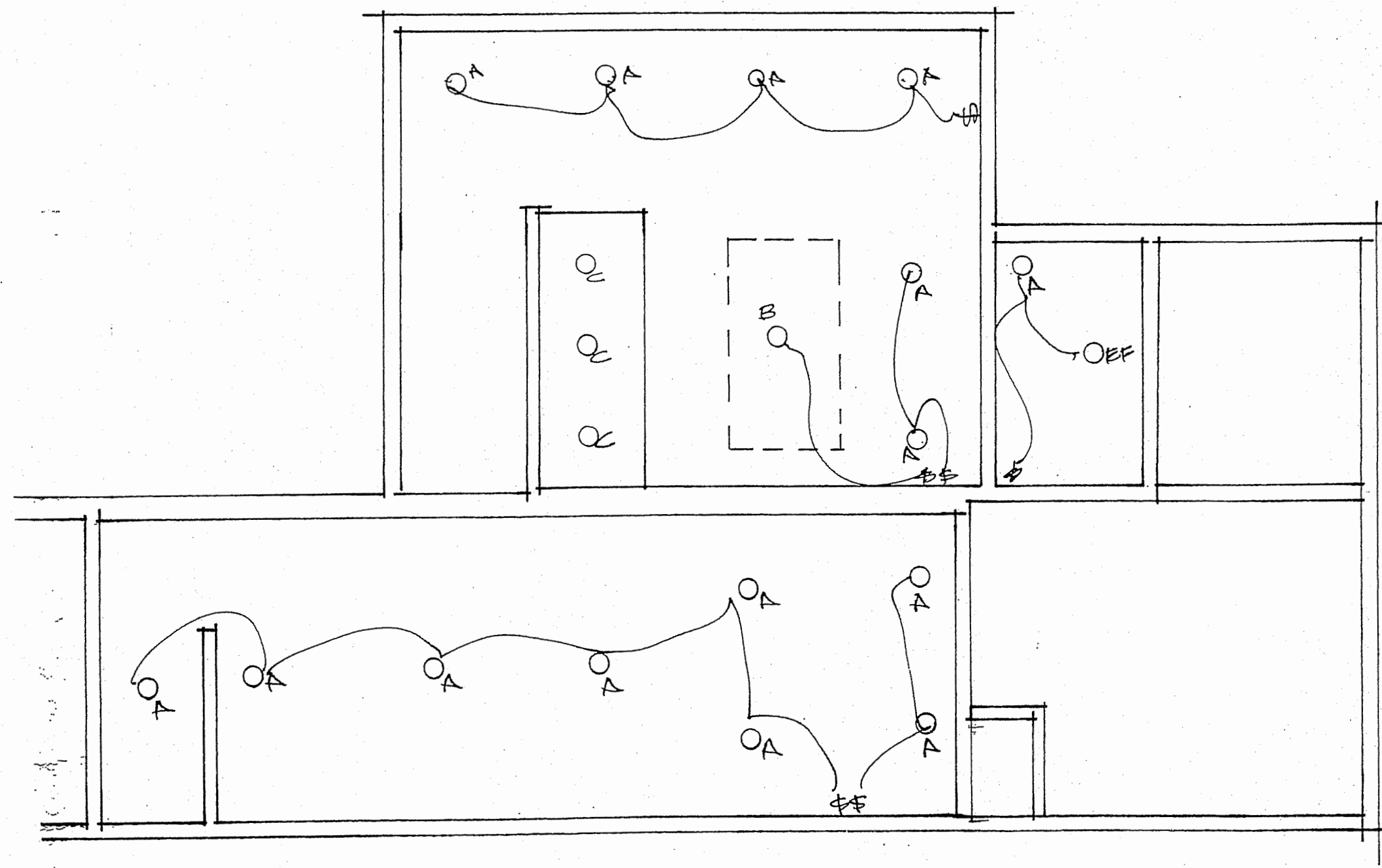
1/4"=1'-0"

**The Viewpoint Inn**  
40301 E Larch Mountain Road  
Corbett, Or

Cage Design Group  
Buildings  
Interiors  
Planning  
1314 NW Irving #203  
Portland, Or 97209  
503 223 3835  
503 546 0946 fax

Date 9/12/06  
Scale  
Drawn  
Job  
Sheet 1  
Of Sheets





#### Light Fixture Schedule:

- A Recessed can: Halo 310P w/60 watt PAR 38
- B Hanging pendant
- C Light in hood by others
- G Emergency lighting with battery backup
- X Exit sign
- EF Exhaust fan

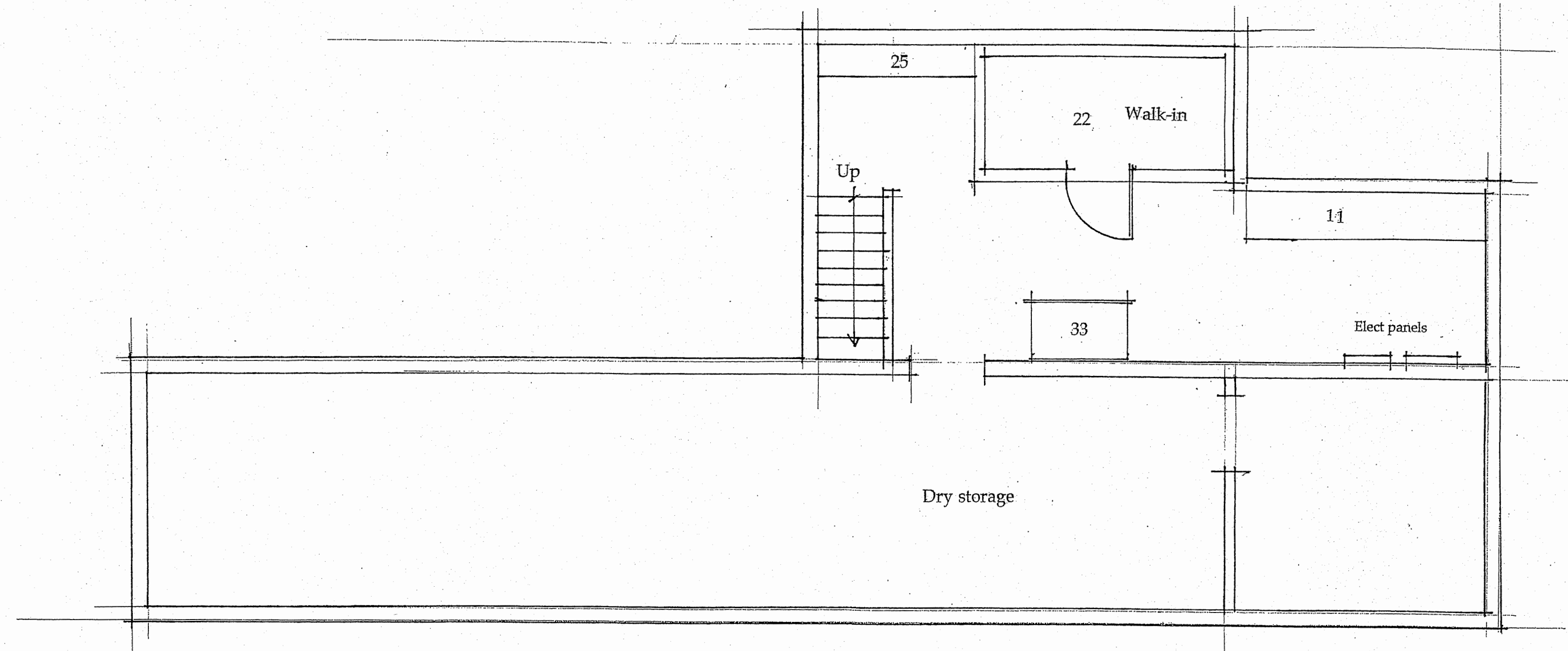
A & B all on dimmers

#### Ceiling/Lighting Plan

1/4" = 1'-0"

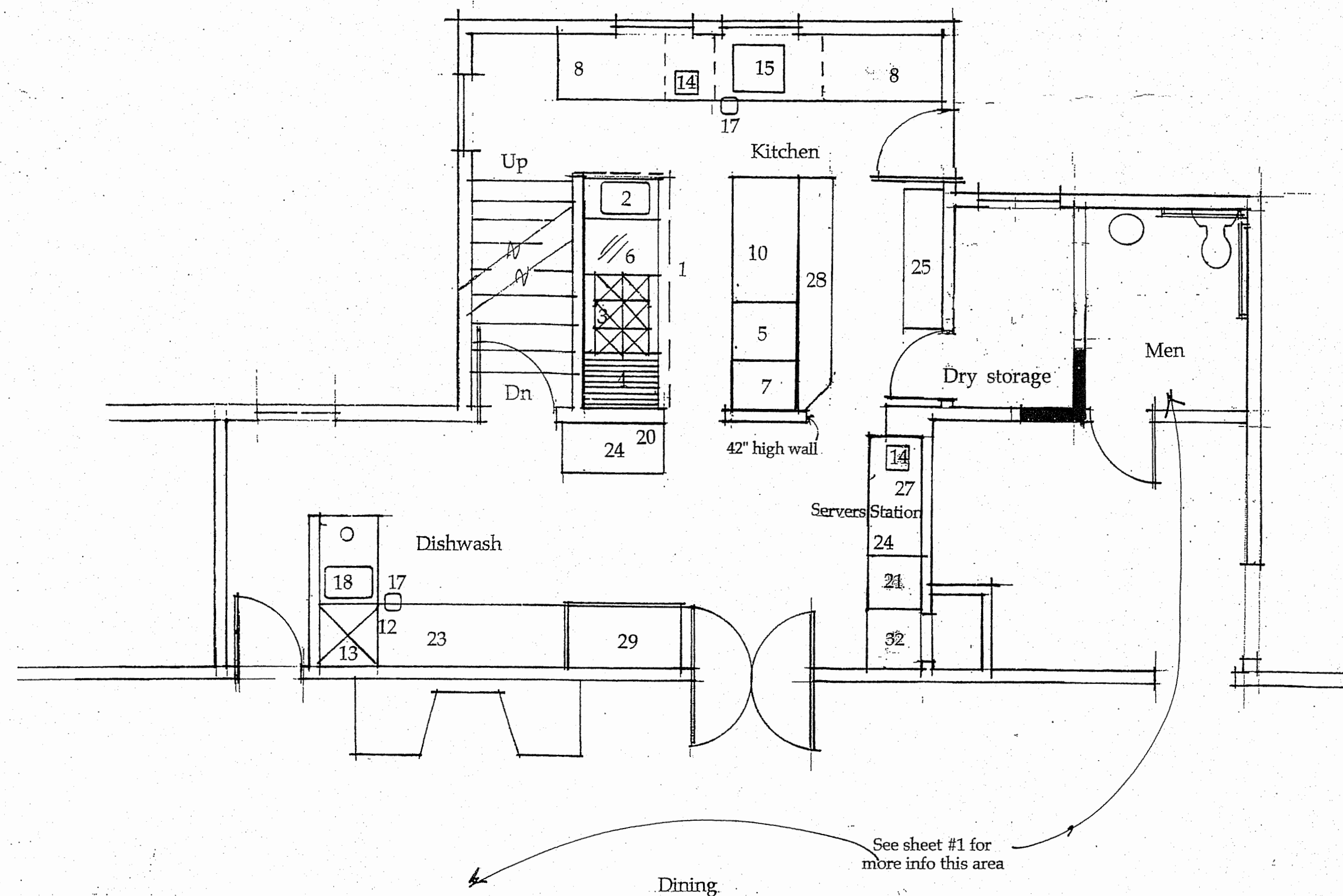
#### Equipment Schedule

#	Description	Elect	Gas	Water
1	Class I hood	120 V 1ph 20 amp		
2	Gas fryer		3/4" / 122,000 btu	
3	6 open burners		3/4" / 250,000 btu	
4	Char broiler		3/4" / 122,000 btu	
5	Steam table			
6	Griddle			
7	Aalto sham			
8	Undercounter refrigerator			
9	Undercounter freezer			
10	Prep table	110 V 6 amp		
11	Stainless steel table			
12	Class II hood			1/2" cw 1/2" hw
13	Dishwasher	115 V 16 amp		1/2" cw 1/2" hw
14	Hand sink			1/2" cw 1/2" hw
15	Prep sink			2" waste
16	Mop sink			1/2" cw 1/2" hw
17	Floor sink			
18	Pre-rinse sink			
19	Espresso machine	120 V 20 amp		
20	Cash register/POS	110 V 6 amp dedicated		
21	Ice maker	115 V 20 amp		1/2" cw
22	Walk-in refer	115 V 20 amp		
23	Grease trap			
24	Cabinet			
25	Wire shelving			
26	Fountain	120 V 6 amp		
27	Coffee maker	120 V 20 amp		
28	Chopping block			
29	Reach in refrigerator			
30	Beverage cooler			
31	Tilt racks above			
32	Chest freezer			
33				



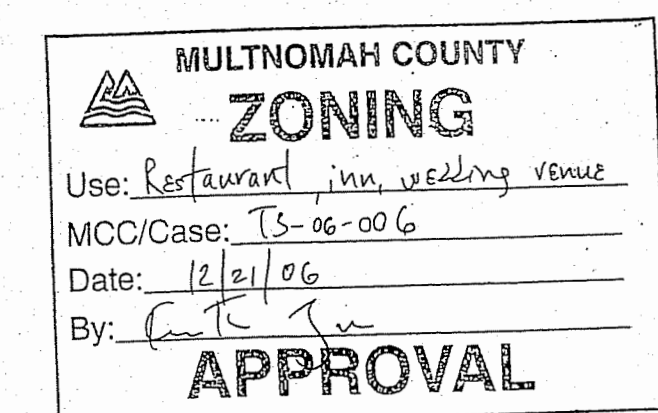
#### Basement Plan

1/4" = 1'-0"



#### Floor Plan

1/4" = 1'-0"



APPROVED  
SUBJECT TO PROVISIONS IN LETTER  
DATED 8/22/06  
BY [Signature]  
LOG NUMBER 06-185

REVISIONS	BY

The Viewpoint Inn  
40301 E Larch Mountain Road  
Corbett, Or

Case Design Group  
Buildings  
Interiors  
Planning  
1314 NW Irving #203  
Portland, OR 97209  
503.223.8555  
503.223.8761 fax

Date 8/7/06  
Scale  
Drawn  
Job  
Sheet 2  
Of Sheets

REVISIONS	BY

The Viewpoint Inn  
40301 E Larch Mountain Road  
Corbett, Or



MULTNOMAH COUNTY  
**ZONING**  
Use: Restaurant, bar, wedding venue  
MCC/Case: CS-06-006  
Date: 12/2/06  
By: [Signature]  
**APPROVAL**

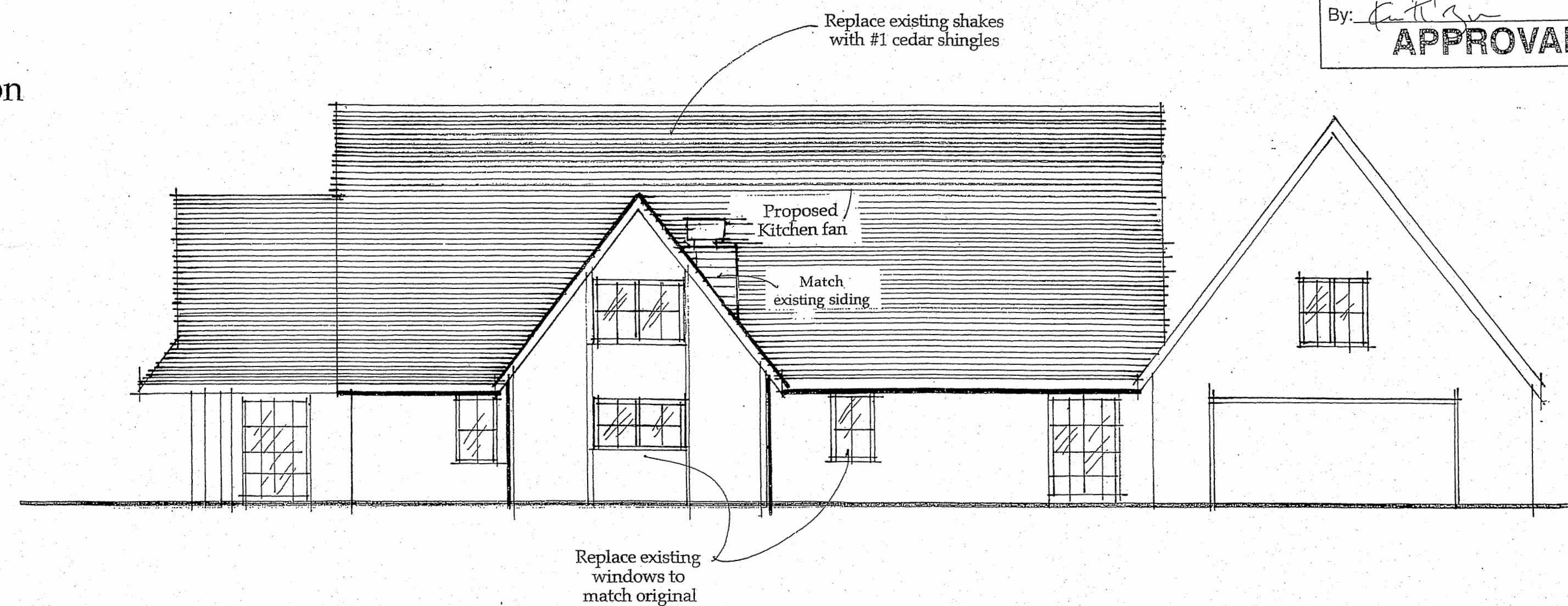
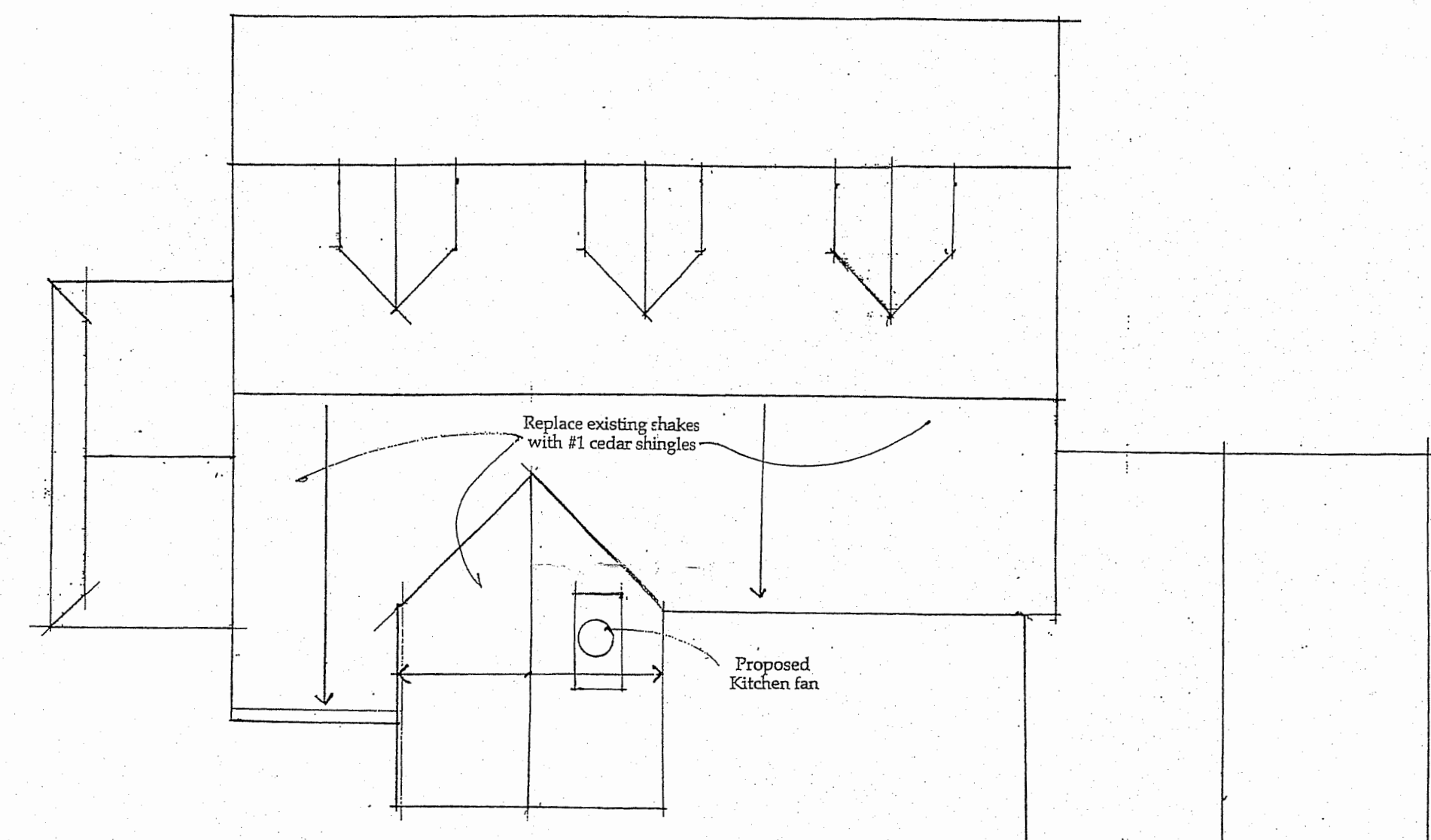
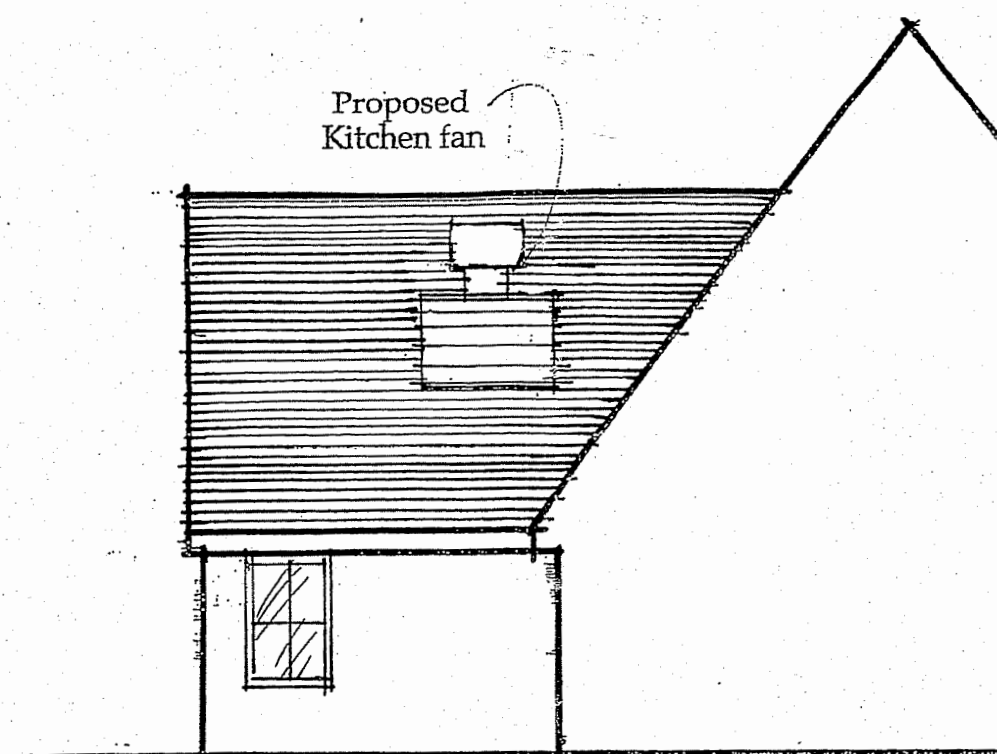
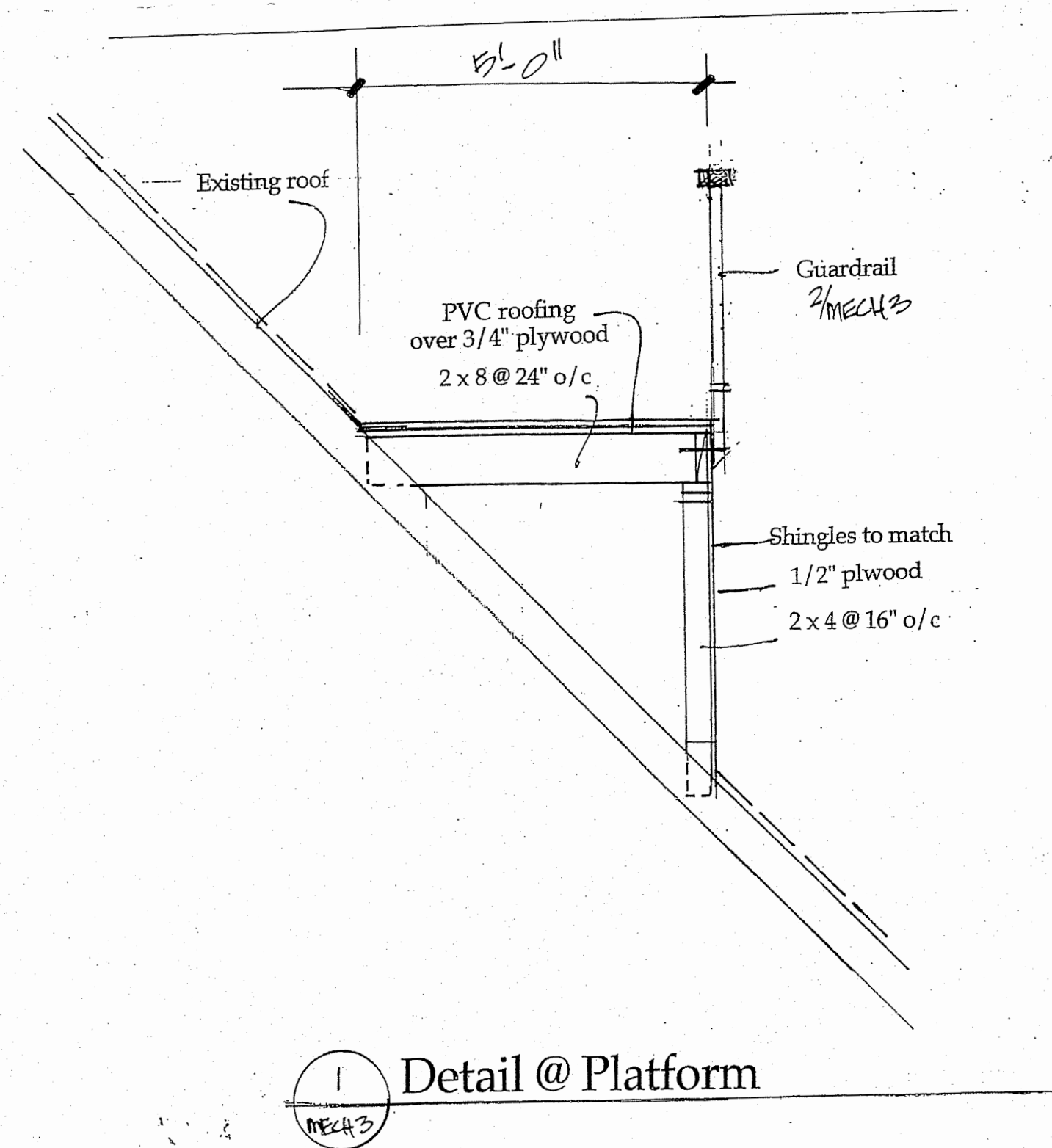
Second Floor Plan  
1/4" = 1'-0"

AS BUILT  
←

Case Design Group  
Buildings  
Interiors  
Planning  
1314 NW Irving #203  
Portland, OR 97209  
503.223.3805  
503.940.0566 fax

Date	9/12/06
Scale	
Drawn	
Job	
Sheet	3
Of	





MULTNOMAH COUNTY  
ZONING

Use: Restaurant, inn, wedding venue

MCC/Case: 13-06-006

Date: 12/21/06

By: [Signature]

APPROVAL

REVISIONS		B

**The Viewpoint Inn**  
40301 E Larch Mountain Road  
Corbett, Or

Case Design Group  
1314 NW Irving #203  
Portland, Or 97209  
503.223.3855  
503.546.0946 fax

Date	
Scale	
Drawn	
Job	
Sheet	4
Of	Sheets



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

_____	Notices
<u>33</u>	Decision Notices
mailed on	<u>November 13, 2006</u>
by	<u>VC</u>

## Notice of Hearings Officer Decision

Attached please find notice of the Hearing Officer's decision in the matter of **T3-06-006**. This notice is being mailed to those persons entitled to receive notice under MCC 38.0660(D) and to other persons who have requested the same.

The Hearing Officer's Decision is the County's final decision and may be appealed to 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 Hearing Officer. This decision is final at the close of the appeal period unless appealed.

Instructions and forms are available from the Columbia River Gorge Commission at 288 Jewett Avenue, PO Box 730, White Salmon, Washington 98672 Phone: 509-493-3323 FAX: 509-493-2229 E-mail: [crgc@gorge.net](mailto:crgc@gorge.net)

For further information call the Multnomah County Land Use Planning Division at 503-988-3043.



**FILE**

MULTNOMAH COUNTY OREGON  
LAND USE AND TRANSPORTATION PROGRAM  
1600 SE 190TH Avenue Portland, OR 97233  
PH: 503-988-3043 FAX: 503-988-3389  
[http://www.co.multnomah.or.us/dbcs/LUT/land\\_use](http://www.co.multnomah.or.us/dbcs/LUT/land_use)

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## FINDINGS AND DECISION OF THE LAND USE HEARINGS OFFICER FOR MULTNOMAH COUNTY, OREGON

---

### Application for a Conditional Use Permit and Variance

---

**Case File:** T3-06-006

**Proposal:** A request for a Conditional Use Permit and Variance for the:

- Establishment of the Viewpoint Inn as a restaurant with a capacity of 125 guests and 12 employees, and five-room inn;
- Opening the historic building and public viewing; presentation of five interpretive displays; and associated gift shop no larger than 100 square feet in size;
- Holding wedding events in the building and on the subject property, limited to 125 guests and 12 employees; and the hosting of private parties, conventions and banquets within the restaurant facility;
- A variance from the 50' right-of-way requirement for a local access road.

**Location:** 40301 E. Larch Mountain Road  
Corbett, OR 97019  
TL 1600, Sec 30 CC, T1N, R5E  
Tax Account # R832300010  
&  
TL 1500, Sec 30CC, T1N, R5E  
Tax Account # R832301940

**Applicant/Owner:** Geoff Thompson/Angelo Simione

**Site Size:** TL 1600 - 1 ac; TL 1500 - 0.21 ac

**Zoning:** Gorge General Forestry-40 (GGF-40); Gorge General Agriculture-40 (GGA-40)

**Approval Criteria:** Multnomah County Code (MCC):  
§ 38.0000 - 38.0110: GENERAL PROVISIONS  
§ 38.2000 - 38.2095: FOREST DISTRICTS - GGF  
§ 38.2200 - 38.2295: AGRICULTURAL DISTRICTS - GGA  
§ 38.4100 - 38.4205: OFF-STREET PARKING  
§ 38.7000 - 38.7070: APPROVAL CRITERIA  
§ 38.7380: Special Uses in Historic Buildings  
§ 38.7600 - 38.7605 PART 8 - VARIANCES  
Sec. 1.000 - 22.000 MC ROAD RULES  
PARTS 1 - 2: MC DESIGN & CONSTRUCTION MANUAL

## **FINDINGS OF FACT AND CONCLUSIONS OF LAW:**

Findings herein address Multnomah County ordinance requirements. Headings for each finding are underlined. **Unless explicitly noted otherwise, the Hearings Officer adopts and incorporates as findings for this decision the Staff comments and analysis set forth in the Staff Report attached hereto.**

In the Staff Report (SR), Multnomah County Code requirements are referenced using a bold font. Planning staff comments and analysis may follow applicant comments. Where this occurs, the notation "Staff" precedes staff comments. The notation "Applicant" precedes the applicant's comments.

### **1.0 Project Description:**

The Applicants' description of the project, SR 6-7, provides the necessary information.

### **2.0 Site and Vicinity Characteristics:**

The Applicants' narrative and Staff analysis at SR 7-10 describe physical features of the Viewpoint Inn and its surroundings, and also relate the designations of the subject site and vicinity under the Multnomah County Code and the Columbia River Gorge National Scenic Area Management Plan. Staff states that the site is within the General Management Area (GMA) boundary, and because the Special Management Area (SMA) ordinance has been suspended for the subject properties, review of these applications is pursuant to the GMA ordinances.

The Friends of the Columbia Gorge objects that the property is still within the SMA boundary. The County responds that the County adopted GMA zoning for this property with Ordinance 1064, and is bound by the GMA code designation established by that ordinance. Duffy Letter at 8.

The County is correct. The GMA designation was applied to this property, and has not been overturned on appeal. These proceedings will apply the provisions of the GMA ordinance.

### **3.0 Procedural Requirements.**



## **A. Public Hearing Record.**

The application was filed on July 20, 2006, and was deemed complete by the County on September 8, 2006.

The public hearing was scheduled for October 3, 2006, at the County land use offices. When the hearing opened, it was apparent that insufficient seating was available anywhere in the building to accommodate the number of people who had come to participate in the hearing. After some discussion, and testimony by Frieda O'Neill in support of the applicant, the hearing adjourned for the day, and was continued until 2:00 p.m. the following day at the hearing room of the Multnomah County Board of Commissioners on SE Grand Ave and Hawthorne St., Portland. The hearing reconvened on October 4, in accordance with the continuance. No person objected to the continuance.

At the close of the hearing on October 4, 2006, pursuant to requests from the parties, the Hearings Officer announced that the record would be left open for 7 days for any person to submit evidentiary materials or argument, and then for an additional 7 days for any person to submit responses to the materials submitted during the first week. The applicants were given a final 7-day period, pursuant to ORS 197.763(6) for submittal of final closing argument, and was cautioned that no new evidence would be accepted during their "last word" period.

After the record closed to the public on October 21, 2006, the Hearings Officer received from one of the participants in the hearing an e-mail in support of the applicants. That e-mail was not accepted into the record, and the Hearings Officer will disregard its arguments.

On October 25, 2006, the applicants submitted their final materials to the County. Attached to a letter from Mr. Groen were several items that constituted new evidence.. Mr. Groen's October 25 letter objected to an allegation set forth in the Friends of the Columbia Gorge submittal dated October 11, 2006, on the grounds that it was new evidence, and asserted that a portion of the applicants' new evidence of October 25, 2006, was a response to the Friends' new evidence. The Friends of the Columbia Gorge and Gary Kahn, attorney representing several individual opponents, requested either the opportunity to respond to Mr. Groen's new evidence, or that the Hearings Officer reject the evidence as untimely.

ORS 197.763(6) permits the hearings officer to keep the record open for 7 days for persons to submit new or responsive material, for another 7 days for submittal of responsive material only, and for a final 7 days, during which the applicant alone may submit final argument, but no new evidence, into the record. The Hearings Officer explicitly repeated the substance of this statute at the hearing when making arrangements for the open record period.

Rather than reopening the record to further exchanges of record materials, in the interests of expeditious decision-making, the new evidence submitted by the applicants during the final 7 days of the open record period will not be accepted into the record, and will not be considered by the Hearings Officer in making the decision. The rejected material includes the attachments to Mr. Groen's letter of October 25, the discussion of that material in the first two paragraphs of page 3 of the October 25 letter, and the discussion of alder removal on pages 7 and 8 of that letter.

Likewise, the sentence from page 2 of the letter of the Friends of the Columbia Gorge complained of by Mr. Groen is not accepted into the record, and will not be considered by the Hearings Officer.

**B. Impartiality of Hearings Officer.**

At the beginning of the public hearing on October 3, 2006, and again when the hearing reconvened on October 4 the Hearings Officer announced that she had no financial interest in the outcome of the proceedings, had no personal or financial relationship with any of the parties that would affect her ability to render a fair and impartial decision, and had had no site visit or ex parte contacts with any person other than an experience on the site several years ago. The experience on the site was described, as follows, and the Hearings Officer invited responses and rebuttal to her disclosure.

The Hearings Officer was a guest at a wedding reception held some years ago at the Viewpoint Inn, probably in the late 1990's. I was not aware at the time that there was any controversy concerning the property, and did not view it with an eye toward land use issues. In addition, my two small children were also in attendance, and they required attention that might otherwise have been devoted to the surroundings.

My impressions of the site from that visit are consequently somewhat hazy. I do recall that the food and the party were excellent, and that the view was incredible. We parked our car on the street, but I did not notice what street it was. Finally, I could not give a good estimate of the total number present at the reception.

I stated both days at the hearing that I did not think that my experience at the subject site would interfere with my ability to make an unbiased decision. No person offered any comment regarding these facts and impressions, and no person challenged my ability to make a fair and impartial decision based upon the applicable criteria and the evidence in the record.

**C. Applicants' Due Process Challenge.**

The applicants' attorney John Groen asserted several times during the hearing that he had not been given adequate time to present the applicants' case. Mr. Groen did not make any more specific legal argument regarding due process either during the public hearing, or in the three weeks that followed, when he had the opportunity to submit unlimited legal argument supporting the applicants. Furthermore, the applicants could have submitted any relevant non-oral evidence to the record before or during the public hearing, and had two weeks after the hearing to submit evidence to the record. For these reasons the Hearings Officer cannot conclude that any prejudice to the applicants' due process rights occurred in connection with the public hearing and decision-making on the application. Their opportunity to present their case was more than adequate to address the issues related to their application.

In addition, Mr. Groen is incorrect that the applicants did not have sufficient time at the hearing, or a sufficient opportunity before, during and after the hearing, to present evidence and argument supporting the application. Mr. Groen objected to the limitation on his time for initial presentation, which the Hearings Officer initially set at 20-30 minutes, and then extended to 45



minutes. In fact, he spoke for 50 minutes, according to the County staff person who timed all speakers at the hearing. See letter dated October 11, 2006 from Assistant Multnomah County Attorney Sandra Duffy (Duffy Letter), who was present at the hearing. Subsequently, although the time for the applicants' presentation was theoretically over, both Geoff Thompson and Angelo Simone spoke, for a total of 14 minutes during the time for public testimony. Finally, Mr. Groen and his clients spoke for at least 15 minutes during their rebuttal period after all other testimony had been concluded.

Mr. Groen complained that the Staff Report, which had been available to all parties for 7 days before the hearing first convened on October 3, was so long that he needed more time at the hearing to respond to it. The Staff Report is 83 pages long, which although lengthy, is within the normal range for land use hearings involving more than one type of application (CUP and Variance), and several issues. Written materials of any length were accepted into the record at the hearing and after the hearing. Mr. Groen did not indicate that he was inexperienced or unfamiliar with public land use proceedings, or why he could not have prepared written materials in response to the Staff Report or an oral presentation adequate to make his clients' case. He did not explain why he could not adequately present his clients' position.

The applicants have been given a full and fair hearing. The complaint that the applicants were not afforded due process of law was not well-founded.

#### **D. Public Testimony.**

Oral testimony presented at the public hearing was recorded on audio-tape, which is available from the County.

Ken Born, AICP, presented the Staff Report. Derrick Tokos and Sandra Duffy also spoke on the County's behalf.

The following persons testified at the hearing on behalf or in support of the applicants: John Groen, Geoff Thompson, Angelo Simone, Frieda O'Neill, Jan Franz, Jean Motley, Keri Baird, Iran Parker, Bernard Younker, Rita Swyer, Bobbie Miller, Connie Darcy, Phyllis Theimann, Kathie Freund, Carnetta Boyd, Ed Theimann, Bob Leipper, Jason Reynolds, Derwood Davis, Mildred Davis, Ana Maria Summervielle, Lee Grayson, Brian Rabe, Robert Johnson, Victor Schmidt, Judy Swenson, Doris Flint and Louis Flint (who also presented a video).

The following persons testified at the hearing in opposition to the application: Michael Lang of Friends of the Columbia Gorge; Nathan Baker, attorney representing Friends of the Columbia Gorge; Kelly Beamer, reading a letter on behalf of Ann Putnam; Gary Kahn, attorney representing 11 individuals.

In addition, the record contains numerous comments, letters, photos, maps, copies of historical materials, and other submittals from individuals and organizations that are interested in these proceedings and have expressed either support for or opposition to the application.

#### **E. Conclusion.**

As noted in SR 10-11, the Type III Case Procedures of MCC 38.0530( C) have been followed. Other procedural requirements to protect the interests of the applicants and the public have also been correctly addressed.

#### **4.0 Proof of Ownership**

The Hearings Officer concurs with the conclusion at SR 11-12.

#### **5.0 Code Compliance**

No land use decision or permit may issue for any property that is not in full compliance with the Multnomah County Land Use Code and any previously issued land use approvals. MCC 38.0560.

Staff asserts at SR 12 that no zoning code violations have been found on the subject property. Friends of the Columbia Gorge, Mr. Kahn, and certain individual testimony vigorously contend that zoning violations are repeated and ongoing at the subject site. The history of this particular site and the relationship between the owners, the public, and the County is long and acrimonious, and the identity of the historian is the major force in how the history is viewed. Certainly, the past history of the property did include code violations, and the operations of the View Point Inn in violation of the law during the 1990's were ended by the County and the Inn was closed. Mssrs. Thompson and Simone have stated that despite the past, they now work within the requirements of the law, and wish to preserve the Inn, and open and operate it in accordance with governing standards.

The opponents presented evidence that weddings and other events have been advertised and have occurred at the property for monetary donations tantamount to commercial fees, that unpermitted structures have been built, that the parking lot has been constructed or altered, that signage has been posted and remained up, and that traffic and on-street parking have occurred, all contrary to ordinance.

Evidence in the record indicates that the County has been informed of these alleged violations, sometimes as the events complained of are ongoing. The County states that complainants have not shown that events were actually commercial, rather than private, and the applicants respond that events have not been held on a commercial basis. The applicants acknowledge that they have "opened their doors" to their many friends and family for events including parties, weddings, charity benefits, and a memorial service. They assert that they may hold private parties as they choose, as may any other property owner. Although they have not "charged" anyone to hold these events, they have accepted donations in connection with these events, which have been accepted, although the donations have not been sufficient to defray their costs.

The difference between a commercial event and a non-commercial event is not whether it is lucrative enough for the host to break even or generate a profit. Furthermore, even some decidedly commercial establishments provide free use of their properties, from time to time, for functions to benefit charities, or for other private purposes. However, the opponents in this case lack corroboration from the County that events on the property are violating the code. The County enforcement file on the property was closed last summer, because it was determined that no violations existed. In fact, the SR states that no violations exist on the property. Based upon the

Staff conclusion that no code violations are occurring on the property, which I find more persuasive than the complaints by the opponents, I conclude that no code violations are occurring by reason of the large, but private, events that the applicants hold at the Viewpoint property.

The structures that appear to have generated complaints are chicken coops, which are less than 60 square feet each, small enough to be exempted from permitting requirements.

The County asserts that parking has existed on the lot across Columbia from the Inn at least since the adoption of Ordinance 1074, on May 4, 2006, which is the relevant date for "existing parking" pursuant to the code.

Because there has been so much communication between the County and the various parties about the Viewpoint Inn, including complaints of code violations, yet the County staff which once shut down the Inn believes that no code violations exist, I conclude that the property is currently in compliance with the code, or will be brought into compliance by approval of this permit and compliance with the requirements of the Conditions of Approval.

**6.0 Special Uses in Historic Buildings May Be Allowed in the Gorge General Forestry (GGF) Zoning District and Gorge General Agriculture (GGA) Zoning District, as a Conditional Use.**

The Hearings Officer concurs with Staff at SR 13.

**7.1 Gorge General Forestry (GGF) Zoning District and Gorge General Agricultural (GGA) Dimensional Requirements.**

Staff concludes at SR 14 that the dimensional requirements are satisfied. I concur.

**7.2 The Subject Properties Abut a Street Having Insufficient Right of Way.**

The applicants must satisfy the requirements for a variance, which they have requested, from the increased yard requirements because of the substandard right of way for Columbia Avenue.

**8.1 Parking**

Parking, as it existed, may occur on the subject site. Evidence in the record is not entirely clear just how much parking space existed on TL 1600 north of Inn, off Columbia Avenue. Several local residents did testify, however, that they had often seen parking in that area where the applicant proposes parking spaces, and that parking occurred there when guests were present for weekend events, even though the spaces were not paved or graveled. It is reasonable to believe that these spaces, directly adjoining the street in this rural setting, and primarily used by the owners or employees for inn operations or their convenience, were not graded, paved or graveled. Although the applicant has not shown precisely what number of spaces were available in this area, county Staff describes the "existing parking" requirement as setting up a "bubble," a boundary within which parking did occur, and so may occur pursuant to this approval.

In addition to the material noted in SR 14-23, and the testimony by the applicants, the public

and Staff at the public hearing, Staff submitted a memorandum dated October 18, 2006 from Ken Born and Bikram Raghubansh, Senior Civil Engineer (Traffic). This memorandum states that the parking arrangement proposed on the revised site plan does not comply with the ITE Traffic Engineering Handbook (TH) , and ultimately, that staff has not found that a parking arrangement with three rows of 90-degree stalls, and two-way aisles, as proposed for self parking, can be configured in a way that is consistent with TH standards. The County is concerned that a parking arrangement that is itself unsafe, difficult, or merely inconvenient, will lead drivers to park onstreet or offsite, which would be hazardous.

Pursuant to the Traffic Management Plan (TMP), which will be required as a condition of approval, and which must be approved by the County, the Viewpoint Inn may use parking that on the area where it existed. The TMP and final site plans must demonstrate that safe parking will be adequate for the scale of the approved use, a requirement which is also addressed by a condition of approval. It is clear that a certain amount of parking existed, is permissible and can be accommodated onsite to ensure safety. It is less clear precisely how many parking spaces can be accommodated, and that number and the means to accommodate it appears to be the major point of dispute between the County and the applicants regarding parking. By satisfaction of conditions 3, 26 and 27, which is feasible, the applicants' can demonstrate compliance with the parking requirements for the uses at the Viewpoint Inn.

Lee Grayson, with whom the applicants have contracted for valet parking services over the past year, testified at the public hearing, that he would be able to provide safe valet parking, on TL 1500 and adjacent to Columbia Ave. on TL 1600, with drop-off at the drive for the main entrance of the restaurant and inn. His operations on the property could follow a plan which would specify the location of parking and procedures to keep the cars on-site and avoid a hazard on Columbia Ave. or Larch Mountain Road. A condition of approval requires the applicants to submit a plan to the county prior to land use sign-off for building permits. As conditioned, the criterion is satisfied for valet parking.

## **8.2    Access**

This criterion has been met.

## **9.1    GMA Scenic Review Criteria**

MCC 38.7035(A)(1)-(3) are inapplicable.

## **9.2    Vegetation Maintenance**

MCC 38.7035(A)(4) is inapplicable.

## **9.3    The Proposal is Located in the Pastoral Landscape Setting**

The Hearings Officer concurs with Staff.

## **9.4    Parking areas, temporary structures and interpretative signage are subject to KVA Visual Subordination Requirements**

MCC 38.7035(B)(1) is satisfied with respect to the temporary structures that will be set up for some wedding events. In addition, pursuant to a condition of approval, these structures must be removed within 2 days of an event, further lessening their visual impact.

A condition of approval ensures compliance with this requirement for the interpretive displays, which must be located according to the final site plan, and which must match in appearance the example in Exhibit A.15.

Finally, parking has been proposed for areas that will largely be screened from the KVAs to the west and northwest of the property. Conditions of approval require that parking occur in these areas only, and therefore the self-parking areas where the mass of vehicles will be located the majority of the time, will be visually subordinate from KVAs.

**9.5 Visual impact of parking areas, temporary structures, and interpretative signage on KVAs**

No further conditions of approval are necessary to ensure visual subordination from KVAs. See SR 24-27.

**9.6 Cumulative effects of proposal**

The Hearings Officer conclusion that the criterion is satisfied. The evidence and argument to the contrary, presented by opponents, was not persuasive that the Inn and events held there would be other than visually subordinate from KVAs. The vegetative cover, the sheer scale of the topography as compared to the relatively small mass of the development development and area occupied by events at the Inn, renders the impact subordinate.

**9.7 Building Height, Shape Color, Materials, Lighting and Landscaping**

This criterion is not applicable.

**9.8 The Proposal Minimizes Visibility with Key Viewing Areas**

**9.9 The Proposal Uses Existing Topography and Vegetation**

**9.10 Screening Vegetation**

**9.11 Reflectivity**

**9.12 No New Exterior Lighting has Been Proposed**

The criteria at 9.8 and 9.9 are met. As conditioned, the criterion at 9.10 is met. The criteria at 9.11 and 9.12 are met.

**9.13 Proposed Temporary Structures are not of a Dark Earth-tone Color; Interpretive Structures are of a Dark Earth-tone Color**

With respect to the interpretive signage, the requirement that structures visible from KVA's be of a dark, earth-tone color is met upon compliance with the condition of approval. The temporary structures for use at weddings will not be of the required colors, but the applicant has stated that they will be placed and removed on the same day as a wedding event. This criterion is met.

- 9.14 **No additions to existing buildings are proposed.**  
9.15 **Proposed rehabilitation and modification to the historic structure is exempt from visual subordination requirements.**

There is no requirement for additions to existing buildings, because no additions are proposed. As an historic structure, the Inn is not subject to visual subordination requirements in connection with the number of proposed rehabilitation and modification actions, because it has been included on the National Register of Historic Places.

9.16. **Screening Landscaping is not Required.**

The Hearings Officer concurs with Staff.

- 9.17 **The proposal is compatible with the Pastoral landscaped setting.**  
9.18 **The proposal is located within the foreground of a Scenic Travel Corridor**  
9.19 **Vegetation management is needed to improve sight distance, not views.**

The Hearings Officer concurs with Staff, that to the extent MCC 38.7035( C) and (D) apply, they are satisfied.

10.1 **A cultural reconnaissance survey is not required.**

The Hearings Officer concurs.

10.2 **A Protection and Enhancement Plan is required in lieu of a historic survey.**

The Hearings Officer concurs that compliance with the requirement of MCC 38.7380(F)(1) for a Protection and Enhancement Plan will satisfy this review criterion, as there is no question that the building has important historic features and character. See SR 34.

10.3 **The cultural resource review criteria has been deemed satisfied.**

As conditioned, these requirements are met. SR 35-37.

11.0 **The proposed uses are allowed in buildings included on the National Register of Historic Places.**

Evidence in the record indicates that the Inn is listed on the National Register of Historic Places, and that it historically utilized the restaurant and all five guest rooms.

11.1 **The applicant has proposed to establish a restaurant at the View Point Inn.**

Much evidence in the record demonstrates that the View Point Inn historically operated as a renowned restaurant and Inn, and that it was one of the roadhouses that served the Historic Columbia River Highway. It was constructed with kitchen and restroom facilities to serve the restaurant. The building, enclosed porch and deck, but not the outside landscaping or walkways, are located within the limits of the building as of January 1, 2006, so the restaurant use can be permitted inside the

structure and on the deck.

Private parties, banquets, wedding events, and so forth, that occur within the limits of the building are to be considered part of this restaurant use.

Restaurant use at the View Point Inn may be reestablished pursuant to MCC 38.7380(B)(2).

**11.2 The applicant has proposed to establish a five-room inn at the View Point Inn.**

The applicants have provided historical materials including brochures and old articles, and supporters' testimony, to the effect that a five-room inn operated at the View Point Inn. A floor plan depicts five existing rooms that were used for overnight stays. This use will be allowed to the extent it occurred historically, for five rooms, and no more. A condition of approval will limit overnight accommodations to a maximum of five rooms.

**11.3 The applicant has proposed to host commercial wedding events at the View Point Inn.**

The restaurant use pursuant to MCC 38.7380(B)(2) is expected to include banquets, parties, and other special events taking place entirely within the limits of the building. The applicants propose to allow formal wedding ceremonies to occur outdoors. Pursuant to MCC 38.7380(B)(2), outdoor events of this nature would not be permissible as part of the restaurant use, but could be permitted pursuant to MCC 38.7380(B)(3).

These events are proposed to occur no more than 52 times a year, and are intended to connect with receptions and parties that will occur indoors at the restaurant. I concur that events that may not occur more than one day of seven, on average, are subordinate to the primary use of the inn as a restaurant with overnight accommodations. As conditioned by limitations on number of events, number of guests, hours during which events may occur, noise, and visual intrusion, 52 outdoor "exchange of vows" events a year may be permitted on the View Point property as "commercial events". MCC 38.7380(D)(1).

**11.4 The applicant has proposed to establish a 100-foot gift shop at the View Point Inn.**

As conditioned to limit the proposed shop to 100 square feet, the use will be incidental and subordinate to the primary restaurant and inn use. MCC 38.7830(C)(8) will be satisfied upon compliance with the condition of approval.

**11.5 The applicant has proposed to establish five interpretive displays at the View Point Inn.**

The proposed displays are shown in an artist's rendition at Exhibit A.14.

**11.6 The applicant has proposed to establish parking areas at the View Point Inn to support the restaurant, inn, wedding events, gift shop and other visitors.**

Parking areas exist on the property and are shown on the applicant's site plan.

**11.7 The applicant is required to notify the County and neighbors of special events.**

A condition of approval requires notification of neighboring property owners and of the County seven days in advance of a proposed event. As conditioned, MCC 38.7380(D)(2) is satisfied.

**11.8 The County and SHPO must review the Protection and Enhancement Plan every five years.**

A condition of approval requires compliance with the requirements of MCC 38.7380(E)(1)-(2). As conditioned, this criterion is satisfied.

**11.9 The County may revoke the permit if the Protection and Enhancement Plan has not been implemented.**

The County will review the applicants' or property owners' progress toward implementing the Plan as well as compliance with the conditions of approval herein, every five years. If the Plan has not been implemented or the conditions are not met, Type III proceedings will be used for any permit revocation determination. As conditioned, MCC 38.7380(E)(3) is met.

Friends of the Columbia Gorge have urged that if enforcement proceedings are undertaken regarding the use of the property, the permit be stayed and if a violation is found, that the permit be automatically revoked, without further land use proceedings. Revocation without process would be inconsistent with the County's ordinance at MCC 38.0760, and would deprive the property owners of their due process rights. Duffy Letter at 7. This suggestion must be rejected.

**11.10 The Protection and Enhancement Plan describes actions taken toward restoration, protection and enhancement of the View Point Inn.**

A Protection and Enhancement Plan was submitted on July 20, 2006, and is described at SR 45-53. MCC 38.7380(F)(1)(b)(i) is satisfied.

**11.11 Detailed architectural drawings.**

MCC 38.7380(F)(1)(b)(iii) requires submittal of detailed architectural drawings that clearly illustrate all proposed exterior alterations to the View Point Inn in connection with the use. "Alteration" is not defined in Chapter 38 of the county code, and the applicants argue that they will undertake no exterior alterations. The term is defined in Chapters 33-36 of the county code, however, to include "a change in construction...intended to apply to any change, addition, or modification in construction." SR 53-55. The applicants plan to replace the roof of the Inn, and also will install kitchen equipment in connection with the restaurant use that will necessitate alteration of the roof line. These changes and modifications should be viewed as "alterations" as that term is used in MCC 38.7380(F)(1)(b)(iii). It is feasible for the applicants to provide these drawings, though they have not yet done so. A condition of approval requires submittal of the drawings, and as conditioned, the criterion is satisfied.

**11.12 The applicants have submitted an Operation Plan for Commercial Events.**

See SR 55-56. This criterion is satisfied.



**11.13 The County submitted a copy of the Protection and Enhancement Plan to SHPO.**

This criterion is satisfied.

**11.14 The proposed alterations must be consistent with the Standards for Rehabilitation and Preservation of Historic Properties and will have no adverse effect on the historic character of the View Point Inn.**

The applicant is required to submit architectural drawings that illustrate the proposed alterations to the applicants' roofline. MCC 38.7380(F) contemplates an active role by SHPO in reviewing an applicant's plans. It also requires that the County make a finding to the effect that any alterations are consistent with the standards of the Secretary of the Interior, that the County justify any contradictions with SHPO's comments, and that the use have no adverse effects on the historic character of the property. SR 58. These determinations cannot be met before SHPO reviews and comments on the drawings to be submitted by the applicants. A condition of approval requires that SHPO make its determination based upon all of the applicants' materials, and as conditioned, this criterion is satisfied.

**11.15 Parking areas are proposed on the subject property. Surfacing is not proposed.**

Parking areas are shown on the applicants' site plans, and are to be shown on the final site plan. All are existing parking areas. No new parking areas are proposed.

**11.16 Parking areas are visually subordinate from KVAs.**

See findings at 9.4. MCC 38.7380(2)(b) is satisfied.

**11.17. Temporary structures will be place less than two days before an event, and removed less than two days after the event.**

The applicants have propose to erect two temporary structures, a small canopy and a decorative arch, for use in some weddings. They propose to remove the structures within two hours after each ceremony. A condition of approval requires that they be erected less than two days before the event, and removed less than two days after the event. As conditioned, MCC 38.7380(2)(c) is satisfied.

**11.18 Recreational resources will not be impacted.**

MCC 38.7380(F)(3) states: "The proposed use shall not detract from the use and enjoyment of existing recreation resources on nearby lands."

A number of opponents have stated that the quality of their recreational experiences will be adversely impacted by the use of the View Point Inn. This may be the case for those individuals, and the Hearings Officer recognizes the legitimacy of their preference for uninterrupted views of the Gorge, and no interference whatever with the scenic, pastoral setting. MCC 38.7380(3) must be considered in the context to which it is applied. It cannot be construed to prohibit uses that may be annoying, distasteful, or even offensive to some because of its existence rather than its operations,

and based to some extent upon its history. Rather, this criterion should be applied according to actual impacts.

Staff concludes that the criterion is satisfied, and the Hearings Officer agrees that adverse impacts will be limited so as not to detract from the use and enjoyment of the Women's Forum State Park or the Vista House. See SR 60. The conditions of approval and the applicants' submittals upon which this decision is based limit the times, duration, noise, locations, traffic, parking, visual impacts, scale, and other impacts of the use. In addition, the rehabilitation and continued maintenance of the historic structure, and the reestablishment of the uses as a restaurant and inn should enhance recreational enjoyment of the area for some visitors. If the plans for historic protection and preservation adopted in connection with this decision are not implemented, and if the conditions of approval that limit impacts are not followed, the decision contemplates two mechanisms, standard County enforcement proceedings and the 5-year review, to address those problems. On balance, I conclude that this criterion is satisfied.

**11.19 Agriculture and forest lands will not be impacted.**

Based upon the information in the record concerning nearby lands, including testimony at the public hearing, upon the analysis at SR 61, and upon the condition of approval requiring the applicants to sign and record the specified declaration, MCC 38.7380(F)(4) is satisfied.

**11.20 All proposed outdoor uses will be limited to daylight hours only.**

A condition of approval requires compliance with MCC 38.7830(G)(1), which is also feasible, given that most uses associated with the proposal will occur within the limits of the building. As conditioned, the criterion is met.

**11.21 Outdoor amplification is neither proposed nor allowed.**

As conditioned, the decision requires that amplification occur within the building. This criterion must be construed to require that amplification occur only within fully enclosed areas, or it would have little effect on the impacts of the use. As conditioned, MCC 38.7380(G)(2) is satisfied.

**11.22 Parking is addressed under Finding 8.1.**

The Staff analysis at SR 62 is correct, but the Hearings Officer has concluded under Finding 8.1 that further analysis since the public hearing supports a finding that the parking requirements of MCC 38.4205, which require adequate and safe parking areas, are met as conditioned. As conditioned, MCC 38.7380(G)(3) is satisfied.

**11.23 Signage is addressed under Finding 12.0**

Compliance with MCC 38.0080 is addressed in Finding 12.0. In accordance with those findings, MCC 38.7380(G)(4) is satisfied.

**11.24 The proposed uses are compatible with the surrounding area.**

At SR 62-63, Staff concludes that the proposed uses are not compatible because of the failure of the applicants to comply with parking requirements, and thus assure safety at the Inn and on nearby roads. As addressed in Finding 8.1, concerns related to parking have been addressed, and compliance with conditions of approval related to parking will alleviate the issues concerning safety.

Attorney Gary Kahn, The Friends of the Columbia Gorge, and individual witnesses have submitted written and oral testimony expressing their belief that the use is not compatible with the surrounding area. Their suggestions include, among others, that the scale of the use be reduced from 125 people, and from 52 to 36 events a year, that the hours be reduced, that no amplification be allowed inside the building and no music whatever outside the building. In part, the concerns of these participants appears to arise from their conviction that the Inn is currently in violation of a variety of MCC provisions.

Surrounding properties include a mixture of residential, agricultural, forest, recreational, open space, and transportation uses. See SR 63-64. Although, as Staff relates, the Inn must be operated to be harmonious with all these uses, compatibility is a relative concept, and the more different uses are in the vicinity, the more relative it must be. Background noise and traffic already exist in the area, and the requirement in MCC 38.7380(G)(5) that the use be compatible cannot be construed to mean that no increase whatever in the impacts of these conditions will occur.

The record contains a great deal of information regarding the operations of the View Point Inn before it closed prior to the enactment of the National Scenic Act. The uses allowed in this decision will be less intensive in terms of the numbers of guests than were documented, historic uses. SR 63. There is no evidence in the record that the use, prior to closure of the Inn, was incompatible with the surrounding area. Testimony from many witnesses, both nearby neighbors and others, states that they find – and would find – the Inn's uses compatible with nearby uses.

Ann Putnam testified that she encountered an extreme safety hazard while driving past the Inn, and others have expressed similar concerns. The requirements that parking be established and operated according to an approved Traffic Management Plan will address that problem.

Friends of the Columbia Gorge testify about a nearby U-Pick blueberry operation, but do not state how the Inn's uses will be incompatible with that operation.

Noise emanating from the property will be limited by the requirement that amplification occur only within the building, by the limitations on the number of events, by the nature of planned events, and by the number of guests and employees present on the property. The restaurant is to close at 10:00 p.m., which means that amplified sound should cease by then. The restaurant will be entirely closed during events, so as to prevent any impacts from being increased by operation of both uses at once.

On balance, the uses as proposed and conditioned in this decision will be compatible with the various uses of the surrounding areas. MCC 38.7380(G)(5) is satisfied, as this approval is conditioned.

#### **11.25 The proposed use will not create hazardous conditions.**

Staff identified potential hazardous conditions related to parking and sewage disposal. The traffic concerns stated by the public are primarily related to event parking. The traffic and parking concerns are addressed as noted in Finding 8.1. Sewage disposal is addressed in Finding 11.27, below. As this approval is conditioned, MCC 38.7380(G)(6) is satisfied.

**11.26 The proposed use will not require additional public services.**

MCC 38.7380(G)(7) is satisfied. See SR 64.

**11.27 The applicants have demonstrated that private services can be made adequate to serve the use.**

The requirement of MCC 38.7380(G)(8) is satisfied pursuant to condition of approval 20. See SR at 65-67, October 18 letter from Ken Born and Bikram Raghubansh, Letter from John Groen dated October 11, 2006.

**12.0 All Proposed Signage Meets NSA Sign Criteria.**

Pursuant to condition of approval 7, and the discussion and analysis at SR 67-70, MCC 38.0080(D)(1) is satisfied.

**12.1 Business identification or facility entry signs are proposed.**

This signage is encompassed within the discussions at SR 67-70.

**12.2 Public signs are not proposed.**

MCC 38.0080(D)(4) is inapplicable.

**12.3 Signage must be removed if the proposed use is discontinued.**

A condition of approval requires that signs be removed if the business proposed is discontinued for 30 days. MCC 38.0080(5) is satisfied.

**12.4 Sign clutter and excessive sign use is addressed by condition.**

Condition of approval 23 requires that the owners inform event holders that signage regarding the event is not permitted, and also requires that owners to remove any signage that is nonetheless posted. MCC 38.0080(6) is satisfied.

**13. Multnomah County Road Rules (MCRR)**

**13.1 Access to a County Road will be reconfigured.**

See SR 71-73. The Hearings Officer concurs with the conclusion that conditions of approval will satisfy the rules at MCRR 4.000, 4.100, 4.200, 4.300, 4.400, and 4.500.

**13.2 The proposal will cause a transportation impact.**

See SR 73-73. The applicant submitted a traffic study (Exhibits A.4 and A.5), as well as revised studies on July 14, 2006 and August 30, 2006. The proposal will increase the weekday trips by 260 trips and Saturday trips by 311 trips, and will increase peak hour trips by 21 trips and Saturday peak hour trips by 34 trips. Therefore there will be a traffic impact as defined by MCCR 5.300.

**13.3 The applicants are required to bring right-of-ways up to current County standard.**

The applicants have applied for a variance from these requirements. See Findings 13.4.

**13.4 The applicant has requested a variance from the right-of-way standards, and will need a variance from the access standards.**

See the criteria, narrative, analysis, and conclusions at SR 75-78. The Hearings Officer concurs.

**13.5 A condition applies to the property and the intended use that does not apply to other uses.**

MCCR 16.200(A) requires a finding that special circumstances or conditions apply to the property or intended use that do not apply to other property in the same area. Staff analysis on SR 78 points out that this property is listed on the National Register of Historic Places, and is itself a resource that needs protection. Compliance with the right-of-way and access requirements could negatively impact this historic structure. The reestablishment of the historic uses, and the establishment of outdoor event uses requires adequate parking, which must be accommodated onsite. Compliance with the access and right-of-way criteria would reduce available parking. These are special circumstances and conditions that apply to this property, but not generally to other properties in the same area. The criterion is satisfied.

**13.6 The variance is necessary for the preservation and enjoyment of a substantial property right.**

See SR 78-79. Without the necessary use of the parking areas, the substantial property rights enjoyed by the owners of this historic property would not be permitted. MCCR 16.200(B) is satisfied.

**13.7 Authorizing the variance will not be detrimental to the public welfare.**

See SR 79-80. The Hearings Officer concurs with Staff. MCCR 16.200(C) is satisfied.

**13.8 The applicant has not created this hardship.**

The Hearings Officer concurs with Staff at SR 80. Application for a use is not creation of a hardship. The parking areas, historic structure, and right of way were in place long before the applicants acquired the property, and the proposed uses will not alter the locations of these features. An exaction of parking areas or of a portion of the historic structure should be avoided in this case.

MCCR 16.200(D) is satisfied.

**DECISION:**

**Based upon the evidence in the record, the applicable approval criteria, and the findings, analysis, and conclusions in this decision, including those incorporated from the Staff Report, and subject to the conditions of approval herein, the Conditional Use Permit and Variance are hereby approved.**

**CONDITIONS OF APPROVAL:**

1. This approval is based on the submitted written narrative(s) and site plan. No development activities shall occur under this permit other than that which is specified within these documents. It shall be the responsibility of the property owner to comply with these documents and the limitations of approval described herein.
2. Application for additional permits may be made with the City of Gresham and the County Health Department after the close of the appeal period for this decision. When ready to have plans signed off, the applicant shall call the Staff Planner, Ken Born, AICP, at (503) 988-3043 ext. 29397, for an appointment for review and approval of compliance with conditions and to sign the building permit plans. Please note, Multnomah County must review and sign off the building permits before the applicant submits building permits to the City of Gresham. Five (5) sets each of the site plan and building plan are needed for building permit sign-off.
3. Prior to sign off by the Land Use Planning Division on building permits, a Traffic Management Plan (TMP) shall be submitted to Multnomah County detailing how traffic during events will be managed on and off site to prevent impacts to the right of way, including the both Larch Mountain Road and the Columbia Avenue rights of way. The TMP will be consistent with the site plans to be submitted pursuant to Condition of Approval 26. Valet parking in accordance with the TMP will be used during all events at the Viewpoint Inn. The TMP will not permit parking to occur on Larch Mountain Road or Columbia Avenue, and all parking shall be provided on the subject property. [MCRR 7.100; MCC 38.7380( C)(10), (G)(3), (G)(5), (G)(6)]
4. Prior to sign off by the Land Use Planning Division on building permits, a sight distance certification shall be submitted to Multnomah County demonstrating that the required sight distance is met at the intersection of Columbia Avenue and Larch Mountain Road. Once sight distance is met, the property owner will maintain any vegetation to retain the necessary sight distance. [MCRR 4.100]
5. An access/encroachment permit must be obtained for any work in a right of way. Contact Multnomah County ROW Permits Specialist, Alan Young, at (503) 988-3582 to obtain an access/encroachment permit. [MCRR 18.00]
6. All present and future property owners shall be responsible for the retention of required existing trees that provide screening from Key Viewing Areas. These

- include three (3) 18" alder, two (2) 24" fir, 10" hemlock, and a 16" cherry tree located on Tax Lot 1600. The applicant shall indicate all vegetation which provides screening on the final site plans. [MCC 38.7035(A)(4)]
7. The interpretive displays placed on the property shall be in the locations shown on the final site plan, and must match the appearance of the example provided in Exhibit A.15.
  8. If, during construction, new cultural or historic resources are uncovered, the property owner(s) shall immediately cease development activities and inform the Multnomah County Land Use Planning Division, the Columbia River Gorge Commission, and the U.S. Forest Service of any discovery. [MCC 38.7050(H)]
  9. No more than five rooms shall be used for overnight lodging. [MCC 38.7380(F)(4)(C)]
  10. The area within the building that is used for a gift shop shall not exceed 100 square feet. [MCC 38.7380(C)(8)(B)]
  11. The property owner shall notify the County and all owners of land within 500 feet of the perimeter of the subject properties seven days in advance of any proposed event. This notification must include the size of the event to be held. [MCC 38.7380(D)(2)]
  12. The property owner shall submit a progress report to the County once every five years which documents steps made towards completing scheduled actions specified in the Protection and Enhancement Plan, and compliance with these Conditions of Approval of this authorization, starting in November 2011. This County will review the five years of scheduled work. The progress report shall be submitted no later than five years from the date this approval becomes final. [MCC 38.7380(E)(3)]
  13. Temporary structures approved under this authorization (8' by 8' canopy and decorative arch) shall be placed on the subject property no more than two days prior to the event and removed no later than two days after the completion of the event. [MCC 38.7380(F)(2)(c)]
  14. Before sign off by the Land Use Planning Division on building permit plans, the applicant will submit a signed and recorded declaration acknowledging that adjacent and nearby operators are entitled to carry on accepted agriculture or forest practices on nearby lands. [MCC 38.7380(F)(4)(C)]
  15. Outdoor events shall be limited to the hours of 7 a.m. to 7:00 p.m. or sunset, whichever is later, except that between Memorial Day and Labor Day, afternoon event activities may extend to as late as 10:00 p.m. [MCC 38.7380(G)(1)]
  16. Hours of operation for the restaurant shall be limited as follows:  
Monday-Saturday – 11:00 a.m. to 2:00 p.m. (lunch); 4:00 p.m. to 10:00 p.m. (dinner);  
Sunday – 9:00 a.m. to 2:00 p.m.;  
The restaurant shall be closed during all events.
  17. The restaurant use shall be contained within the limits of the historic structure and deck.



[MCC 38.7380(B)(1)]

18. No more than 52 outdoor events or gatherings shall be held at the Viewpoint Inn during each calendar year. [MCC 38.7380( C)(3), 38.73(D)(1), 38.7380(F)(1)(b)(iv)].
19. Use of outdoor amplification equipment is prohibited. [MCC 38.7380(G)(2)]
20. The applicant or property owner shall obtain any needed approval and permits from DEQ, or further permits from the Sanitarian, prior to the expiration of the temporary approval authorized by the Sanitarian. [MCC 38.7380(G)(8)]
21. The directional signage proposed as part of this application shall meet standards listed in the Manual for Uniform Traffic Control Devices. [MCC 38.0080]
22. All signage relating to the Viewpoint Inn shall be removed if the business is discontinued for a period of 30 consecutive days. [MCC 38.0080]
23. The applicant or property owner shall inform parties who reserve or plan events at the Viewpoint Inn that they may not post signs relating to the event or the Viewpoint Inn. The applicant or property owner shall remove any signage that is nevertheless posted relating to an event at the Viewpoint Inn within 24 hours of the event. [MCC 38.7380(G)(5)]
24. Parking stalls and barriers around the perimeter of the parking area shall be marked to delineate parking spaces and to define points of ingress and egress. [MCC 38.7380(G)(6)]
25. Within 30 days of this decision becoming final and prior to building permit sign-off, the applicant shall record the Notice of Decision with the County Recorder. The Notice of Decision shall run with the land. Proof of recording shall be made prior to the issuance of any permits and a copy of the recorded document shall be submitted to the Land Use Planning Division. Recording shall be at the applicant's expense. Failure to sign and record the Notice of Decision within the prescribed 30-day time period may void the decision. [MCC 38.0670]
26. Prior to sign off by the Land Use Planning Division on building permits, the applicant shall submit a final site plan for both the proposed self-parking lot and valet parking lot which is consistent with recognized dimensional standards to ensure safety, such as those in the Transportation Engineering Handbook. [MCRR 7.100; MCC 38.7380( C)(10), (G)(3), (G)(5), (G)(6)]
27. The site plan shall demonstrate that sufficient parking exists on the subject property pursuant to the TMP, for the scale of the use, for both self parking and valet parking. If the parking cannot accommodate both the size of the restaurant (in square feet) and the number of rooms at the Inn, the applicants may reduce either the size of the restaurant or the number of rooms, or both, so that the number of required parking spaces will be reduced sufficient to accommodate the use, and the scale of the approved use will be limited by the resulting reductions. [MCRR 7.100; MCC 38.7380( C)(10), (G)(3), (G)(5), (G)(6)]

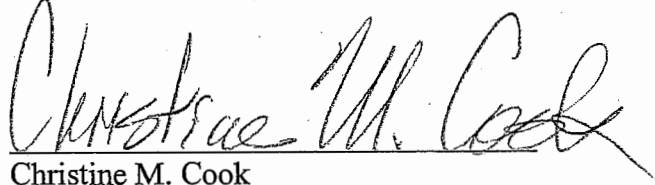
28. Prior to land use sign off for building permits, the applicant shall submit detailed architectural drawings that clearly illustrate all proposed exterior alterations to the building associated with the proposed use, including changes to the roof line of the historic structure. [MCC 38.7380(F)(1)(b)(iii)]
29. Prior to land use sign off for building permits, the State Historical Preservation Office shall make a written determination, based upon submittals by the applicants in the Protection and Enhancement Plan and all other application materials, that proposed alterations to the building are consistent with the Secretary of the Interior's Standards for Rehabilitation of Historic Properties and for Preservation of Historic Properties, and that the proposed use with alterations shall have no adverse effect on the historic character of the View Point Inn, including features contributing to its historic significance. [MCC 38.7380(F)(1)(d)-(e)].

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Dated November 9, 2006.



Christine M. Cook

Multnomah County Hearings Officer



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

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## Staff Report

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### Conditional Use Application

Case File: T3-06-006

Scheduled Before: One of the following four County Hearings Officer's:

Joan Chambers  
Liz Fancher  
Chris Cook  
Bruce White

Hearing Date, Time, & Place: Tuesday, October 3, 2006, at 1:00 PM or soon thereafter  
1600 SE 190<sup>th</sup> Ave., Portland, OR 97214

Proposal: A request for a Conditional Use Permit and Variance for the:

- Establishment of the View Point Inn as a restaurant with a capacity of 125 guests and 12 employees, and five-room inn;
- Opening the historic building for public viewing; presentation of five interpretive displays; and associated gift shop no larger than 100 square feet in size;
- Holding wedding events in the building and on the subject property, limited to 125 guests and 12 employees; and the hosting of private parties, conventions and banquets within the restaurant facility.
- A variance from the 50' right-of-way requirement for a local access road.

Location: 40301 E. Larch Mountain Road  
Corbett, OR 97019  
TL 1600, Sec 30 CC, T1N, R5E  
Tax Account # R832300010  
&  
TL 1500, Sec 30CC, T1N, R5E  
Tax Account # R832301940

Applicant/Owner: Geoff Thompson / Angelo Simone

Site Size: TL 1600 – 1 ac / TL 1500 – 0.21 ac

Present Zoning: Gorge General Forestry-40 (GGF-40) / Gorge General Agriculture-40

Approval Criteria:	§ 38.0000 – 38.0110: GENERAL PROVISIONS
	§ 38.2000 – 38.2095: FOREST DISTRICTS - GGF
	§ 38.2200 – 38.2295: AGRICULTURAL DISTRICTS - GGA
	§ 38.4100 – 38.4205: OFF-STREET PARKING
	§ 38.7000 – 38.7070: APPROVAL CRITERIA
	§ 38.7300: SPECIAL USES
	§ 38.7380: Special Uses in Historic Buildings
	§ 38.7600 – 38.7605: PART 8 - VARIANCES
	Sec. 1.000 – 22.000 MC ROAD RULES
	PARTS 1 – 2: MC DESIGN & CONSTRUCTION MANUAL

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### **Recommended Hearing Officer Decision:**

The application cannot be approved as proposed because the applicant has failed to demonstrate that:

1. The proposed parking areas will not create hazardous conditions [MCC 38.7380(G)(6)];
2. The existing on-site sewage disposal system is or can be made adequate to serve the use [MCC 38.7380(G)(7)];
3. The State Historic Preservation Office (SHPO) has reviewed and determined that all proposed alterations to the historic structure are consistent with the Secretary of the Interior's Standards for Rehabilitation of Historic Properties and the Secretary of the Interior's Standards for Preservation of Historic Properties. [MCC 38.7380 (F)(1)(c)]

Findings of fact contained herein explain how this application has or has not satisfied approval requirements. Conditions of approval are enclosed in the event that the applicant provides information sufficient to address deficiencies in the application prior to a decision being rendered. This required information is summarized on page five (5).

### **Conditions:**

1. This approval is based on the submitted written narrative(s) and site plan. No development activities shall occur under this permit other than that which is specified within these documents. It shall be the responsibility of the property owner to comply with these documents and the limitations of approval described herein.
2. Application for additional permits may be made with the City of Gresham and County Health Department after the close of the appeal period for this decision. When ready to have plans signed off, the applicant shall call the Staff Planner, Ken Born, AICP, at (503) 988-3043 ext. 29397, for an appointment for review and approval of the conditions and to sign the building permit plans. Please note, Multnomah County must review and sign off the building permits before the applicant submits building permits to the City of Gresham. Five (4) sets each of the site plan and building plan are needed for building permits sign off.

3. Prior to issuance of building permits, a Traffic Management Plan shall be submitted to Multnomah County detailing how traffic during events will be managed on and off site to prevent the impacts to the right of way, including both Larch Mountain Road and Columbia Avenue rights of way. [MCRR 7.100]
4. Prior to issuance of building permits, a sight distance certification shall be submitted to Multnomah County demonstrating that the required sight distance is met at the intersection of Columbia Avenue and Larch Mountain Road. Once sight distance is met, the applicant will be required to maintain any vegetation to retain the necessary sight distance. [MCRR 4.100]
5. An access/encroachment permit must be obtained for any work in the right of way. Contact Multnomah County ROW Permits Specialist, Alan Young, at (503) 988-3582 to obtain an access/encroachment permit. [MCRR 18.00]
6. All present and future property owners shall be responsible for the retention of required existing trees which provide screening from Key Viewing Areas. These include three (3) 18" alder, two (2) 24" fir, 10" hemlock, and a 16" cherry tree located on Tax Lot 1600. The applicant shall indicate all vegetation which provides screening on final site plans. [MCC 38.7035(A)(4)]
7. The interpretive displays placed on the property shall be in the locations as shown on the final site plan, and must match the appearance of the example provided in Exhibit A.15.
8. If, during construction, new cultural or historic resources are uncovered, the property owner(s) shall immediately cease development activities and inform the Multnomah County Land Use Planning Division, Columbia River Gorge Commission, and the U.S. Forest Service of any discovery. [MCC 38.7050(H)]
9. No more than five rooms shall be used for overnight lodging. [MCC 38.7380 (F)(4)(C)]
10. Area within the building used for a gift shop shall not exceed 100 square feet. [MCC 38.7380 (C)(8)(B)]
11. The applicant shall notify the County and all owners of land within 500 feet of the perimeter of the subject properties seven days in advance of any proposed event. This notification must include the size of the event to be held. [MCC 38.7380 (D)(2)]
12. The applicant shall submit a progress report to the County once every five years which documents steps made towards completing scheduled actions specified in the Protection and Enhancement Plan, and compliance with these specified conditions of approval of this authorization, starting in October 2011. This County will review the first five years of scheduled work. The progress report shall be submitted no later than five years from the date this approval becomes final. [MCC 38.7380 (E)(3)]

13. Temporary structures approved under this authorization (8' x 8' canopy and decorative arch) shall be placed on the subject property no more than two days prior to the event, and removed no later than two days after the completion of the event. [MCC 38.7380 (F)(2)(C)]
14. The applicant is required to submit a signed and recorded declaration acknowledging that adjacent and nearby operators are entitled to carry on accepted agriculture or forest practices on nearby lands. [MCC 38.7380 (F)(4)(C)]
15. Outdoor events shall be limited to the hours of 7:00 am to 7:00 pm or sunset, whichever is later, except that between Memorial Day and Labor Day afternoon activities may extend to as late as 10:00 pm. [MCC 38.7380 (G)(1)]
16. Hours of operation for the restaurant use shall be limited to those applied for by the applicant:
  - Monday-Saturday – 11:00 AM to 2:00 PM (lunch); 4:00 to 10:00 PM (dinner);
  - Sunday - 9:00 AM to 2:00 PM;
  - The restaurant shall be closed during all events.
17. The restaurant use shall be contained within the limits of the historic structure and deck. [MCC 38.7380(B)(1)].
18. No more than 52 events shall be held at the View Point Inn per calendar year. [MCC 38.7380(D)(1)]
19. Use of sound amplification equipment is prohibited. [MCC 38.7380 (G)(2)]
20. The applicant shall obtain any needed approval and permits from the DEQ prior to the expiration of the temporary approval authorized by the Sanitarian. [MCC 38.7380 (G)(8)]
21. The directional signage proposed as part of this application shall meet standards listed in the Manual for Uniform Traffic Control Devices. [MCC 38.0080]
22. All signage relating to the View Point Inn shall be removed if the business is discontinued for a period of 30 consecutive days. [MCC 38.0080]
23. Parking stalls and barriers around perimeter of the parking area of shall be marked to delineate parking spaces and to define points of ingress/egress points. [MCC 38.7380 (G)(6)]
24. Within 30 days of this decision becoming final and prior to building permit sign-off, the applicant shall record the Notice of Decision (pages 1-5 of this decision and the Site Plan – Exhibit A.29) with the County Recorder. The Notice of Decision shall run with the land. Proof of recording shall be made prior to the issuance of any permits, and a copy of the recorded document shall be submitted to the Land Use Planning Division. Recording shall be at the applicant's expense. Failure to sign and record the Notice of Decision within the above 30 day time period may void the decision. [MCC 38.0670]

**Information Needed Prior to Approval:**

25. Prior to final approval, the applicant shall provide a final site plan for both the proposed self-parking lot and valet parking lot which is consistent with recognized dimensional standards to ensure safety, such as the Transportation Engineering Handbook. Any conditions imposed by the Hearings Officer need to be specific in terms of when valet parking is to be used, ensuring valet parking is tied to a traffic management plan, and if necessary, that the maximum capacity of the restaurant and events be limited to available parking.
26. Prior to final approval, the applicant shall submit documentation from the Oregon Department of Environmental Quality establishing that the existing on-site sewage disposal system is suitable "as is," or that it is feasible to modify the system such that it is adequate for the proposed use. [MCC 38.7380 (G)(8)]
27. Prior to final approval, the County must receive record that SHPO has reviewed all of the applicant's documentation submitted on behalf of this application, including architectural drawings and building plans that clearly illustrate all proposed exterior alterations. [MCC 38.7380 (F)(1)(b)(iii)]



## **Findings of Fact**

**Note:** Staff as necessary to address Multnomah County ordinance requirements provides Findings referenced herein. Headings for each finding are underlined. Multnomah County Code requirements are referenced using a **bold** font. Written responses by the applicant, demonstrating compliance with code criteria, are *italicized*. Planning staff comments and analysis may follow applicant responses. Where this occurs, the notation "Staff" precedes such comments.

### **1.0 Project Description:**

***Applicant (Exhibit A.2 – 7/20/06):** The application pertains to an historic property known as the View Point Inn and Restaurant. In 1985, the property was accepted to the National Register of Historic Places and therefore is recognized under the Multnomah County Code and the Columbia River Gorge National Scenic Areas Act as "significant cultural resource."*

*Along with historical importance and distinctive architecture, the site offers panoramic scenic views. Although in private ownership, the landowners seek to make this unique property available for public enjoyment and appreciation. In addition, the landowners seek to protect and enhance the cultural resource.*

*The proposal is to open the property for public viewing and interpretive displays combined with re-establishing the historic use of the facility as a restaurant and small inn. The commercial uses will provide the revenue for a protection and enhancement plan that will enable further restoration and preservation of the cultural resource.*

*This proposal does not seek any new construction.*

*The complete vision is to return the property to its original grandeur including furnishings and décor that invite guests to step back to an earlier period of time. The applicant has contacts with many people in the Corbett area who desire to contribute artifacts, furnishings, photographs, original paintings, and other memorabilia from the 1920's and 30's era when the automobile was gaining in popularity and many "road houses" along the Columbia River Highway served the touring public. As one of the last remaining and best preserved of these resorts and inns, and as recognized by its status on the National Register of Historic Places, the View Point Inn is uniquely positioned to provide an experience and perspective otherwise not available in the Scenic Area.*

*As an interpretive facility, the View Point Inn will provide an opportunity for the public to learn an important aspect of the history of the Columbia River Gorge and the Historic Columbia River Highway. While strolling the grounds and touring the structure the visitor would encounter a variety of interpretive display exhibits. The primary exhibits would provide a history of the Columbia River Highway and its tourist roadhouses and inns. Another primary display would provide the particular story of the View Point Inn and its architectural features. The visitors could also enjoy the furnishings, paintings, photographs, perhaps a Ford Model "T" automobile, and other exhibits presented to enhance the visitor's understanding and appreciation of this historic site and its role in the history of the Columbia River Gorge. The view rail on the west edge of the property also provides an outstanding new public viewpoint and opportunity to photograph and enjoy spectacular sunsets. See Appendices B and C (Exhibit A.17).*

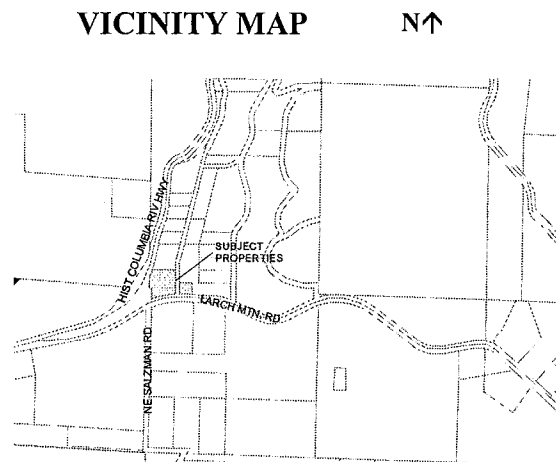
*To preserve the integrity of character and design, the parcel would also return to its originally intended use as an inn and restaurant with facilities for private parties and banquets. Restoring this historic uses, as is preferred under federal standards for preserving historic properties, will also provide revenue necessary for preservation of the facility and for supporting the interpretive amenities.*

*A key element of this proposal is the Protection and Enhancement Plan designed to preserve and enhance the historic cultural resource. That Plan is provided at Appendix D (Exhibit A.3).*

*The View Point Inn will provide an easy access experience that all can enjoy. Many of the recreation opportunities in the Scenic Area are physically demanding activities that are not possible for many people including some elderly, disabled, or the very young. The cultural, scenic and recreation opportunity presented by the View Point Inn can be accessed and appreciated by all.*

## **2.0 Site and Vicinity Characteristics:**

***Applicant (Exhibit A.2 – 7/20/06):*** *The distinctive View Point Inn and Restaurant is situated on the Thor's Heights promontory near the juncture of the Historic Columbia River Highway and Larch Mountain Road. A vicinity map is provided at Appendix E (Exhibit A.8). At an elevation of 1125 feet above the Columbia River, the View Point Inn sites 392 feet higher than the Vista House at Crown Point.*



*Constructed in 1924, the View Point Inn was built in response to the rise of automobile touring and the development of the Columbia River Gorge Highway. Among the jewels of the highway was the Vista House situated on the Crown Point promontory. A galaxy of resort inns were built near Crown Point, including the Chanticleer Inn located on the site of what is now the Portland Women's Forum Park. Most of these inns and roadhouses are now gone. The View Point Inn remains as the best preserved example of that era.*

*Designed by noted Oregon architect Carl L. Linde, the large wooden structure exhibits elements of the Tudor style but is more aptly identified as an example of the Arts and Crafts style architecture. The building has a prominent gabled roof, gabled roof dormers and gabled wings. All porches, exterior walls, and the interior first floor walls are heavy timber construction. Photographs of the exterior are provided at Appendix G (Exhibit A.17). Additional photographs are found in Appendix H (Exhibit A.21) which is a reproduction of an article in the Columbia Gorge Magazine about the facility.*

*On the west, the lower portion of the large sloping roof covers a 10 foot wide x 61 foot long veranda. The veranda has five bays with triple posts at each corner and paired posts between bays. The veranda was historically used as additional dining area and for scenic viewing. Photographs of the veranda are provided at Appendix I (Exhibit A.17).*

*The primary interior feature is the great hall, or dining room. This room faces west toward the veranda and the view. To maximize the western view of the river, Linde provided the five 15-light French doors with sidelights between the veranda and the great hall. See Appendix (Exhibit A.21). Each bay contains a pendant light fixture designed by Oregon lighting expert Fred Baker. These original light fixtures are circular with six candles attached to a wrought iron rim and suspended with black chain. See Appendix J (Exhibit A.21). Two other original wall sconces are located in the two center exterior bays leading to the veranda.*

*The dining hall measures 60 feet x 21 feet, with a 14 foot high ceiling. The hall contained approximately 30 dining tables to seat 125 patrons.*

*In the center of the east wall is large arched fireplace constructed of river and volcanic rock. A photograph of the fireplace is provided at Appendix K (Exhibit A.21). To the right of the fireplace are original double doors leading to the serving room and kitchen.*

*The upper level contains four guest rooms and a sitting room featuring a fireplace and an expansive view of the western gorge slope. A fifth guest room is also located on the upper level and is accessed by stairs on the east side of the building near the kitchen.*

#### *B. Landscape features*

*The orientation of the building and its complimentary landscaping draws attention to the western view. Rather than facing the road, the front of the building focuses across the Columbia River Gorge. Within this orientation, the landscaping is semi-circular, reaching from the western exposure of the inn to the edge of the Thor's Heights ridge.*

*From the western facing veranda, a walkway leads down two rock-faced terraces to a large circular stone-faced pond and fountain. The walkway circles the fountain and continues on the opposite side to the view rail. The walkway then extends along the view rail. Photographs are provided at Appendix L (Exhibit A.21). An excellent picture of the view rail is also found at page 4 of Appendix H (Exhibit A.21).*

*The effect achieved by architect Linde by the building orientation and landscape design is described by Rebecca Ettlin as follows:*

*Approaching the property the orientation of the building is unusual. The back of the building faces the road, with its solarium double entry door at one end and the front of the building oriented toward the opposite side of the road, focusing across the Columbia River Gorge. The grounds at the back are laid out in the formal symmetrical European tradition used a public gardens and sites. The large curved site is focused on a fountain at the midpoint, then the view rail at the edge of the gorge. The overall effect is definitely that of hotel, where...the visitor is set up to view the magnificent panorama as framed by the portal of the Inn. This element of controlling the view, involving setting up the visitor for the surprise, is also a European tradition.*

#### *C. Historic Use*

*Originally named the Palmer Place, the inn opened on June 4<sup>th</sup>, 1925. It operated as a restaurant (specializing in chicken dinners) and use for private parties. In 1927, the property was acquired by William Moessner, the chef de cuisine from the Benson Hotel in Portland. Moessner renamed the property and began to draw many guests, including famous visitors.*

*Moessner kept the View Point Inn open year round and served breakfast, lunch, and dinner. An enlarged copy of Mr. Moessner's business card from 1934 (from Troutdale Historical Society) is provided at Appendix N (Exhibit A.18). The advertisement includes an illustration of the "View Point Hotel" and informs that the restaurant serves "banquets and private parties."*

*The View Point Inn was quite luxurious and in the 1930's guests paid as high or higher rates than at the Columbia Gorge Hotel, Cloud Cap Inn, and Timberline Lodge. Guest book records include Prince Friedrich of Potsdam (son of the former Crown Prince of Germany), Baron and Baroness Blixens-Feniche of Denmark, Baroness Ellen of Sweden, Lily Pons, Charlie Chaplin, Andre Kostelanetz, Thomas Dewey and President Franklin Roosevelt.*

*The property is currently approved for a residential use. This application seeks to reestablish the historic and intended use as a restaurant and small hotel.*

#### *D. National Register of Historic Places*

*Prior to the passage of the National Scenic Act, the property was nominated and accepted to the National Register of Historic Places. Certification on the national register was approved on February 28, 1985.*

**Staff:** The subject properties are located on the northeast corner of the intersection of Larch Mountain Road and the Historic Columbia River Highway, both of which are Key Viewing Areas (KVAs) pursuant to the Columbia River Gorge National Scenic Area Management Plan. The property is also visible from three additional KVAs: the Portland Women's Forum State Park, Columbia River and State Route 14. Columbia Avenue, a local access road, bisects the subject property, and provides access to Larch Mountain Road. The subject properties are split zoned, the northern half is zoned Gorge General Foresty-40, the southern half zoned Gorge General Agriculture-40.

The property (TL 1600) is developed with a structure that is included in the National Register of Historic Places, according to the State Historic Preservation Office. The 3,800 square foot, five bedroom structure was completed in 1925 and functioned as a restaurant and inn until 1962. The building has served primarily as a residence since that date. Tax Lot 1600 also contains a 336 square foot shed located 16 feet from the rear property line at the northwest corner; a 1150 square foot paved "sport court," and a 544 square foot deck attached to the north side of the historic structure. There is an original parking area (TL 1500) that is screened from view of the road by vegetation.

The property is within the General Management Area (GMA) boundary, and is adjacent to the Special Management Area (SMA) boundary. As such, the proposal will need to address provisions in the County Code which pertain to the GMA. The US Forest Service is responsible for the delineation of the GMA and SMA boundary. Under the Section 8(o), the SMA land use ordinance which had previously applied to the subject properties has been suspended. Lands for which SMA

ordinances are suspended are subject to relevant General Management Area (GMA) ordinances. It should be noted that Larch Mountain Road is a Key Viewing Area in the Special Management Area only.

According to County and Gorge Commission maps, previous staff reports, and a site visit conducted by staff, the subject properties are not within a wildlife area, have no known natural areas or protected plant and wildlife species, and do not contain wetlands, streams, lakes, ponds or riparian areas.

Surrounding properties are sparsely developed and utilized for agricultural and residential purposes. All of the property to the north is within the Thor's Heights subdivision, an 83 lot development platted in 1913. Only nine of those lots are developed with dwellings.

### **3.0 Procedural Requirements**

#### **MCC 38.0530(C): Type III Case Procedures**

**(C) Type III decisions involve the greatest amount of discretion and evaluation of subjective approval criteria, yet are not required to be heard by the Board. Applications evaluated through this process primarily involve conditional uses and some land divisions applications. Notice of the application and Hearings Officer hearing is published and mailed to the applicant, recognized neighborhood association and property owners 750 feet of the subject tract. The Planning Director shall notify the four Indian tribal governments, SHPO, the Gorge Commission, and the U.S. Forest Service of all applications for Conditional Uses. Notice must be issued at least 20 days pre-hearing, and the staff report must be available at least 7 days pre-hearing. The Hearings Officer shall accept into the record all testimony and evidence relevant to the matter, prior to the close of the hearing. The Hearings Officer decision is the County's final decision and is appealable to the Columbia River Gorge Commission within 30 days after the decision is final. The decision is final the day the decision is signed by the Hearings Officer.**

**Staff:** A Completeness Review Notice was mailed July 25, 2006 to the four Indian tribal governments, SHPO, the Gorge Commission, and the U.S. Forest Service. A notice of the application and Hearings Officer hearing was published and mailed to the applicant, recognized neighborhood association and property owners 750 feet of the subject tract on September 8, 2006. The staff report was made available to the applicant and all interested parties on September 26, 2006.

A brief summary of comments received prior to the hearing are listed below.

#### **Multnomah County Transportation Program**

In a memo dated June 29, 2006, County transportation staff indicated the following:

- The minimum right of way for a Rural Local facility in the County is 50 feet, and currently, 30 feet of right of way exists at NE Columbia Ave.
- Multnomah County Road Rules limit access to one driveway per property.

- An access analysis and parking study needs to be conducted to determine transportation impact of proposal.
- Right-of-way improvements may be required.

#### Columbia River Gorge Commission

In his letter dated August 8, 2006 in response to the Completeness Review Notice, Tom Ascher noted that the Operation Plan submitted by the applicant is “not very clear about the number of commercial events that will be held each year.” He also suggests that the “plan would be clearer if a more detailed timeline matching the proposed sequence of protection and enhancement actions was developed.”

#### Friends of the Columbia Gorge

In his letter dated August 8, 2006, Mr. Till referenced several sections of the County’s zoning ordinance that he believes not to be fully addressed. This letter was in response to the applicant’s initial application submittal.

#### State Historic Preservation Office (SHPO)

In an August 14, 2006 letter, Stephen Poyser stated that information contained within the Protection and Enhancement Plan, coupled with comments provided by the applicants, correspond to the Standards for Rehabilitation and Preservation of Historic Properties. He also suggests that the applicant enroll in the SHPO Special Assessment Program to ensure protection of the historic resource.

#### City of Portland Sanitation/Environmental Soils

Michael Ebling, Senior Environmental Soils Inspector with the City of Portland, indicated in a letter received on September 18, 2006 that he has authorized a temporary 12-month approval to use the existing on-site sewage disposal system for a restaurant, with a maximum discharge of 2,250 g.p.d. He also stated that the owner is required to “obtain a WPCF permit for DEQ before my temporary authorization expires.”

#### Collyn Baldwin

A letter dated September 21, 2006 written by Collyn Baldwin expresses concern over and opposition to the applicant’s proposal. Nine conditions of approval have been recommended to “ensure that the proposal is compatible with existing uses in the Corbett community.”

### **4.0 Proof of Ownership**

#### **MCC 38.0550 Initiation of Action**

**Except as provided in MCC 38.0760, Type I – IV applications may only be initiated by written consent of the owner of record or contract purchaser. PC (legislative) actions may only be initiated by the Board of Commissioners, Planning Commission, or Planning Director.**

**Staff:** The proposed project is located on Tax Lot 1500 and Tax Lot 1600, Section 30CC, Township: 1N, Range 5E. Assessment & Taxation records show that the land is owned by Donn Simone and Geoffrey Thompson (Exhibit B.1). The property owners are the applicant’s in this case,

with Geoff Thompson having signed the National Scenic Area Application Form (Exhibit A.1). *This criterion has been met.*

## **5.0 Code Compliance**

### **MCC 38.0560 Code Compliance and Applications.**

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

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

- (1) It results in the property coming into full compliance with all applicable provisions of the Multnomah County Code. This includes sequencing of permits or other approvals as part of a voluntary compliance agreement; or
- (2) It is necessary to protect public safety; or
- (3) It is for work related to and within a valid easement over, on or under an affected property.

(B) For the purposes of this section, Public Safety means the actions authorized by the permit would cause abatement of conditions found to exist on the property that endanger the life, health, personal property, or safety of the residents or public. Examples of that situation include but are not limited to issuance of permits to replace faulty electrical wiring; repair or install furnace equipment; roof repairs; replace or repair compromised utility infrastructure for water, sewer, fuel, or power; and actions necessary to stop earth slope failures.

**Staff:** County staff completed a site visit on June 27, 2006, and found no violations of the zoning code. *This criterion has been met.*

## **6.0 Special Uses in Historic Buildings May Be Allowed In The Gorge General Forestry (GGF) Zoning District and Gorge General Agriculture (GGA) Zoning District as a Conditional Use**

### **38.2030 Conditional Uses**

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

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

### **38.2230 Conditional Uses**

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

**(23) Special uses in historic buildings, subject to MCC 38.7380**

**Staff:** The property is encumbered by both the Gorge General Forestry and Gorge General Agriculture District. The applicant submitted a conditional use permit application on July 20, 2006 to establish special uses on property containing a building listed on the National Register of Historic Places. Special Uses in Historic Buildings may be allowed in the Gorge General Forestry (GGF) and Gorge General Agriculture (GGA) zone as a Conditional Use.

**7.1 Gorge General Forestry (GGF) Zoning District and Gorge General Agriculture (GGA) Dimensional Requirements**

**§ 38.2060      Dimensional Requirements**

**§ 38.2260      Dimensional Requirements**

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

<b>GGF-40</b>	<b>40 acres</b>
<b>GGA-40</b>	

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

**(C) Minimum Yard Dimensions - Feet**

<b>Front</b>	<b>Side</b>	<b>Street Side</b>	<b>Rear</b>
<b>30</b>	<b>10</b>	<b>30</b>	<b>30</b>

**Maximum Structure Height – 35 feet**

**Minimum Front Lot Line Length – 50 feet.**

**Staff:** The existing historic structure is located approximately 31 feet from the front (south) property line of Tax Lot 1600, more than 80 feet from the back (north) property line, about 120 feet from the west property line (side), and about 17 feet from east (side) property line. The structure was built prior to the adoption of a County zoning ordinance.

Adjacent to the historic structure, a garage is sited seven feet from the easterly side property line of Tax Lot 1600, and 70 feet from the northerly property line. To the north of the garage, a paved sport court is located ten feet from the side property line, and 40 feet from the northerly property line. And to the north of the sport court, an outbuilding is sited 14 feet from the side property line, and 11 feet from the northerly line.



A chicken coop is sited at the northeastern corner of Tax Lot 1500, five feet from the northerly side property line and 12 feet from the easterly rear lot line. (Exhibit A.29)

*This criterion has been met.*

## **7.2     The Subject Properties Abut a Street Having Insufficient Right-of-Way**

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

**Staff:** The County Code requires 50 feet of right-of-way for local access roads that are not maintained by the County but are accessible to the public. The subject properties are bisected by Columbia Avenue, which is a local access road. 30 feet of right-of-way exists. Multnomah County's Transportation Planning Section has indicated that the property in the future may need to provide a dedication of 20 feet in order for the road to meet the County's minimum road standards (Exhibit D.2). The applicant is requesting a variance, under Section 16.300 of the Multnomah County Road Rules and MCC 38.7600. As part of the variance request, the applicant must show that a circumstance or condition applies to the property or intended use that does not apply generally to other properties in the same vicinity or district. Refer to Finding 13.4.

## **8.1     Parking**

### **§ 38.2085     Off-Street Parking and Loading**

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

### **§ 38.4175     Dimensional Standards**

**(A) Parking spaces shall meet the following requirements:**

**(1) At least 70% of the required off-street parking spaces shall have a minimum width of nine feet, a minimum length of 18 feet, and a minimum vertical clearance of six feet, six inches.**

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

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

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

**(B) Aisle width shall be not less than:**

- (1) 25 feet for 90 degree parking,
- (2) 20 feet for less than 90 degree parking, and
- (3) 12 feet for parallel parking.
- (4) Angle measurements shall be between the center line of the parking space and the center line of the aisle.

**(C) Loading spaces shall meet the following requirements:**

**(1)**

District	Minimum Width	Minimum Depth
All	12 Feet	25 Feet

- (2) Minimum vertical clearance shall be 13 feet.

**§ 38.4205 Minimum Required Off-Street Parking Spaces**

**(C) Retail, Office and Commercial Uses**

- (1) Store, and Personal Service Shop – One space for each 400 square feet of gross floor area.
- (4) Restaurant, Coffee Shop, Tavern or Bar – One space for each 100 square feet of gross floor area.
- (6) Overnight Accommodations- One space per guest room or suite plus extra spaces for dining rooms, ballrooms or meeting rooms as required by this section where the capacity of such areas exceeds the capacity of the guest rooms or suites.
- (7) Commercial Events- One space for every three guests allowed within the maximum event size plus one space for each two employees
- (8) Conference or Retreat Facilities- These shall be treated as combinations of uses such as overnight accommodations, restaurant, auditorium, etc., and the required spaces for each separate use shall be provided.

**(F) Unspecified Uses**

Any use not specifically listed above shall have the requirements of the listed use or uses deemed most nearly equivalent by the Planning Director.

**(G) Alternative Parking Standards**

Alternatively, where a mixture of uses is proposed or where the applicant asserts a different amount of parking shall be required, the applicant may submit a parking and

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

*Applicant (Exhibit A.2 – 7/20/06): The subject property includes the adjacent parcel (Tax Lot 1500) on the east side of Columbia Boulevard. This parcel is covered with gravel and is currently used as a parking area for the View Point Inn. The northeast corner of the parking area also has a chicken coop.*

*As an existing off-street parking area, this parcel is authorized for continued use in its current configuration. MCC 38.7380(G)(3). The attached site plan shows 24 self-park spaces on Tax Lot 1500. The applicant will designate these spaces will either painted lines, spike markers, or similar ground level demarcation.*

*In addition to the parking lot on the east side of Columbia Blvd., existing off-street parking is also provided on the west side of Columbia Blvd on Tax Lot 1600. These off-street parking areas are also authorized for continued use. The attached site plan shows the 10 parking spaces on that parcel.*

*The total provided parking of 34 spaces meets the requirements of the Multnomah County Code. For restaurant use, MCC 38.4205(C)(4) requires 1 parking space for every 100 square feet of gross floor area. The total restaurant gross floor area is 2660 square feet. This calculates to a rounded up parking need of 27 spaces.*

*For overnight accommodations, MCC 38.4205(C)(6) requires 1 parking space for each guest room. The applicant proposes five guest rooms and therefore five parking spaces will be required.*

*Accordingly, the total required parking for the combined restaurant and inn use is 32 spaces. This requirement is exceeded since the proposal provides 34 self-park spaces.*

*The applicants also utilize a parking configuration that meets the code requirements for commercial events. For commercial events, one parking space is required for every three guests, and one space for every two employees. MCC 38.7380(C)(7). If a commercial event is held at the View Point Inn, the maximum proposed capacity is 125 guests. This calculates to a rounded up requirement of 42 parking spaces. In addition, under the code, eight employees would require 4 additional spaces. Accordingly, for a commercial event a total of 46 parking spaces would be required.*

*Attached at page 2 of Appendix O (Exhibit A.8 (withdrawn)) is the site plan with the valet parking configuration. With valet parking, a total of 47 parking spaces are provided. Again, this exceeds the number of required on-site parking per the code.*

*The applicants also understand that existing County rules prohibit parking on the shoulder of Larch Mountain Road. Because the applicants are limiting the number of guests to 125 and the proposal provides sufficient on-site parking for those guests, there should be no impact on Larch Mountain*

Road. Nevertheless, the applicants support having additional signage erected by the County advising motorists that parking along Larch Mountain Road is prohibited. In addition, the applicants will monitor their guests and insure that visitors to the View Point Inn do not attempt to park along Larch Mountain Road. Finally, if there is ever a situation where the on-site parking spaces are fully occupied, and additional guests nevertheless seek to park their vehicles, the applicants will provide a shuttle service from a parking area outside of the Scenic Area.

All parking areas are visually subordinate from Key Viewing Areas. Indeed, the parking areas are fully screened from view from any KVA by the main structure and existing vegetation.

**Applicant (Exhibit A.5 – 8/30/06):** Vehicles arriving at the View Point Inn will enter at the westerly site driveway. Vehicles leaving the site during self-parking/restaurant events will leave at the E Larch Mountain/Columbia Avenue intersection. Vehicles leaving during wedding events or special events will leave at the westerly driveway.

A site plan showing the parking layout for self-parking/restaurant events is shown in Figure 1b. During restaurant events 44 parking spaces will be available. Thirty-two spaces are required by the county code. The View Point Inn has a gravel parking lot and discussions with the applicant have indicated that the parking stalls will be painted.

During special events, such as weddings, valet parking will be available. Approximately 64 spaces will be available for valet parking and 48 spaces are required by county code for an event with 125 guests and 12 employees.

**Applicant (Exhibit A.7 – 8/30/06):** Valet parking will be required for all special events. At other times, a parking attendant will be available to assist restaurant patrons as needed.

The following describes how the valet parking will work. Vehicles will enter the property off Larch Mountain Road at the west driveway. The two existing rock pillars will each have a permanent sign mounted to the pillars directing vehicles to enter at that location. In addition, valet attendants will direct arriving vehicles with hand motions to enter at that driveway. Attendants will then direct arriving vehicles down the driveway to the easternmost point available on the driveway without entering on the Columbia Avenue right of way. The guests will then stop, exit the vehicle, and walk a few steps in the building entrance. The attendant will park the vehicle in the lot across Columbia Avenue or in available spaces adjacent to the west side of Columbia as shown on the site plan.

The queuing area for valet parking will be the entire length of the driveway. According to the traffic engineer, this provides 110 feet of vehicle storage which he observed was more than adequate for the wedding events held on August 12, 2006.

In addition to the empirical observations by the traffic engineer, it may be helpful for the County to consider how arrivals and departures for weddings at the View Point Inn have actually worked. There have been numerous private weddings held at the View Point Inn over the years. The consistent pattern is that people greatly vary their arrival times. Some guests arrive an hour or more early, and others barely make it in time for the exchange of vows, and of course, some show up even later. Many factors explain this variety, but one factor is the nature of the property.

*Because the View Point Inn is an attractive place to linger, people will often arrive early just to enjoy being on the property.*

***Applicant (Exhibit A.7):*** *In our earlier submissions, we may not have been clear in explaining that when the restaurant is reserved for a wedding reception (or similar special event), no other dining reservations will be accepted. Accordingly, if a wedding is booked for a Saturday, the restaurant will be close that entire day to any other customers. As with the restaurant, all wedding events will have a maximum capacity of 125 people.*

***Applicant (Exhibit A.7):*** *Submitted with this letter is a revised site plan. Part of the revision was to match the parking layout on the site plan to the actual configuration that has been utilized for many years by the owners of the View Point Inn. Although angled parking as shown on the original site plan has some benefits, that is not the way the parking configuration has actually been utilized. The applicant notes that under MCC 38.7380, the existing off street parking "shall be allowed to be used their current configuration." Accordingly, the revised site plan shows the existing configuration for parking as has been utilized by the View Point Inn for a number of years. The View Point Inn will simply continue to park vehicles in the same manner as they have in the past.*

*Accordingly the revised, site plan shows the parking layout with 32 spaces in the large parking area across Columbia Avenue. Rather than angled parking and a drive through design, the parking layout is simply three rows of vehicles with two aisles in between. This is the parking configuration that the owner has always utilized.*

*An additional 12 parking spaces are located on the west side of Columbia Avenue. These are also spaces that have long been utilized by the applicants.*

*Accordingly, for self parking, a total of 44 spaces are available (32 in the lot and 12 on the west side of Columbia). Generally, employees will utilize the spaces on the west side of Columbia and thereby leave the main parking lot available for guests. The spaces in the lot will be marked with discs, chalk or paint.*

*When valet parking is being utilized, the attendants will follow the same parking configuration as set forth on the revised site plan. However, larger vehicles will generally be parked in the spaces adjacent to the north boundary of the parking area and next to the chicken coop. In addition, as necessary, attendants will park vehicles in the lot (10 per aisle) for a total of 52 vehicles.*

*Accordingly, for valet parking, a grant total of 64 spaces are comfortably available (52 in the lot and 12 on the west side of Columbia). This is consistent with the historical practice. The owners have often parked more than 64 vehicles for numerous private, noncommercial special events that they have hosted, including weddings. Although attendants can creatively park more than 64 vehicles, the owners seek approval for 64 vehicles. That is more than adequate on-site parking for events that have a maximum of 125 guests.*

*The Revised TIS reports that for the wedding held on August 12, 2006, 44 vehicles were parked by valet attendants and there was easily room to accommodate another 20 vehicles. This observation by the traffic engineer is also consistent with the historical practice. The traffic engineer also*

*reports that the valet operation functioned smoothly and there was no lining up or stacking on Larch Mountain Road.*

*Because the actual practice of the View Point Inn with valet parking has been to park as many as 70 vehicles, and have often parked 64 vehicles, the applicants hereby amend the valet parking plan to allow valet parking of up to 64 vehicles. Accordingly, the prior submission of site plan with a 47 space valet plan is withdrawn.*

**Staff:** To address health, safety and impacts to nearby properties, MCC 38.7380(G)(3) requires that a certain number of parking spaces be provided based on the type of use proposed, in accordance with the parking standards listed in MCC 38.4205. It also allows off-street parking and loading areas on an historic property to be used in their current configuration, and as such, do not have to meet the design and improvement standards of MCC 38.4100-38.4215. New parking areas or expansions to existing parking areas must meet those design standards, however.

Additionally, to protect scenic resources, MCC 38.7830(F)(2)(a) requires that parking areas associated with the proposed uses be located on the subject property as it existed as of January 1, 2006.

#### Existing Parking Areas

Existing off street parking areas on the property are allowed to be used in their current configuration [MCC 38.7380(G)(3)]. The current configuration of the parking area refers to the relative arrangement of parking areas to other structures and uses which exist on the subject properties. The applicant has indicated the proposed parking areas is a "*parking configuration that has been utilized by the View Point Inn for a number of years.*" However, evidence supporting this claim has not been provided for parking areas west of Columbia Avenue.

The applicant's site plan shows 11 spaces west of Columbia Avenue, on Tax Lot 1600. While it is clear the two parking spaces available within the garage on Tax Lot 1600 have existed over time, no evidence has been provided showing that the other areas have been used for parking vehicles. Nine of the parking spaces are currently grassed, and lack gravel surfacing, which is not an indicator of parking usage. Further a site plan of the subject properties submitted on behalf of an application for a nonprofit educational facility (NSA 23-97) does not show these spaces located on Tax Lot 1600.

Staff research of County records shows that Tax Lot 1500 has been used as a parking area. The County staff report written for NSA 23-97 notes that, "the parking area associated with the existing structure is directly visible from Larch Mountain Road..." At a June 27, 2006 site visit, staff observed that Tax Lot 1500 contains gravel surfacing appropriate for a parking area. Staff also noted that a recently built chicken coop had been constructed in the property's northeastern corner. A parking configuration has been proposed that would accommodate 32 or 52 spaces in Tax Lot 1500, depending on whether self-parking or valet parking would be used.

Parking along the Larch Mountain Road and Columbia Avenue right-of-way is not allowed. County Transportation staff had indicated that additional parking prohibitory signs will be posted along the shoulders of these roads.

Refer to Finding 9.4 for discussion on the visual subordination of these parking areas.

#### Minimum Required Parking Spaces – Restaurant, Inn, Gift Shop, Interpretive Facility

These uses are subject to the off-street parking standards of MCC 38.4205. The standards require that a certain number of parking spaces be provided based on the type of use proposed. Restaurants require one parking space for each 100 square feet of floor area. Overnight accommodations require one space per guest room. Consistent with MCC 38.7380(B)(1), gift shops and interpretive facilities are not subject to parking limits.

Table 1 summarizes the parking spaces required by MCC 38.4205 for a restaurant and inn, and the parking spaces proposed by the applicant for these uses:

**Table 1**

<b>Parking Requirements – Restaurant and Inn</b>				<b>Proposed Self-Parking Spaces (Exhibit A.29)</b>	
<b>MCC</b>	<b>Proposed Use</b>	<b>Proposed Capacity</b>	<b>Parking Spaces Required</b>	<b>Location of Parking Spaces</b>	<b>Parking Spaces Proposed</b>
38.4205(C)(4)	Restaurant	2560 square feet	26 spaces	TL 1500	31
38.4205(C)(6)	Inn	5 rooms	5 spaces	TL 1600	11
<b>Total Spaces Required:</b>			<b>31 spaces</b>	<b>Total Spaces Proposed:</b>	<b>42 spaces</b>

The applicant proposes an adequate number of parking spaces to meet off-street parking and loading standards for the restaurant and inn use. However, staff is unable to verify whether the 9 spaces on Tax Lot 1600 are within an existing parking area. The County Code requires new parking areas be separated from an access road, so the location of these parking areas cannot be authorized if they are new. Also, as discussed below, staff is unable to verify whether the number of parking spaces proposed for Tax Lot 1500 will not create hazardous conditions [MCC 38.7380(G)(6)].

#### Minimum Required Parking Spaces – Events

Events are also subject to off-street parking standards. The ratio is different for this type of land use because traffic is drawn to the site more or less at one time, rather than throughout the day. The code requires one space for every three guests allowed within the maximum event size plus one space for each two employees. The applicant is proposing to make valet parking services will be available for all events. Application materials indicate that the restaurant will not accept reservations on days when wedding events will be hosted. No information was provided on whether the inn or other uses will be closed during wedding events as well. Staff interprets this to mean that the restaurant will not be open at all when an event is booked, irrespective of its size.

Table 2 summarizes the parking spaces required by MCC 38.4205 for the wedding events and the inn, and the parking spaces proposed by the applicant for these uses:

**Table 2**

<b>Parking Requirements – Weddings and Inn</b>				<b>Proposed Valet Parking Spaces</b>	
<b>MCC</b>	<b>Proposed Use</b>	<b>Proposed Capacity</b>	<b>Parking Spaces Required</b>	<b>Location of Parking Spaces</b>	<b>Parking Spaces Proposed</b>
38.4205(C)(7)	Wedding Events	125 guests 12 employees	48 spaces	TL 1500	52
38.4205(C)(6)	Inn	5 rooms	5 spaces	TL 1600	12
<b>Total Spaces Required:</b>		<b>53 spaces</b>		<b>Total Spaces Existing/ Proposed:</b>	<b>64 spaces</b>

The applicant proposes an adequate number of parking spaces to meet off-street parking and loading standards for the wedding events and inn use. However, since the applicant has not provided a plan showing how they can fit this number of vehicles within existing parking areas, staff is unable to verify that this is a realistic number. It is also unclear whether the number of parking spaces proposed on Tax Lot 1500 is at a capacity that will not create hazardous conditions.

#### ADA Compliance

The City of Gresham building department (Exhibit D.6) is expected to require compliance with the Americans with Disabilities Act (ADA), which will demand one dedicated parking space to accommodate persons with disabilities. Compliance with ADA requirements has not been addressed in the application materials received to date.

#### Parking Dimensions – Self-Parking Area (for Restaurant, Gift Shop, Inn and Interpretive Facility)

The expansion to established parking areas would need to meet the parking design and improvement standards of MCC 38.4100-38.4215 [MCC 38.7380(G)(3)]. The applicant has not addressed these design standards in application materials submitted to date since they assert that all parking areas proposed have existed on-site.

The design of all existing and new parking areas must not result in the creation of hazardous conditions [MCC 38.7380(G)(6)]. The County must be able to verify that parking areas will operate and function in a safe manner.

A key indicator of a safe parking lot is its design. Parking design standards ensure safety of vehicles maneuvering within a parking lot. The application did not include evidence relating to parking safety. Staff referenced the general parking layout dimension guidelines listed in the ITE Traffic Engineering Handbook, Chapter 14 – Parking and Terminals (Exhibit B.7), and has reviewed the applicant's parking plan (Exhibit A.29) against the stall width, stall depth, and aisle width dimensions recommended in the Handbook for large-size and small-size vehicles. To note, the County's design standards are more stringent than those indicated in the Handbook.



For a self parking, the applicant is proposing to provide 31 spaces on Tax Lot 1500, accessed by two driveways located at the eastside of Columbia Avenue. Circulation areas or cross aisles to allow for internal circulation within the parking lot are not provided. Accordingly, vehicles which enter a driveway must exit from the same driveway. In order to facilitate this configuration, two-way driveway aisles must be assumed.

Table 3 below summarizes the dimensional guidelines for parking areas consisting of 90° stall angle and two way driveway aisles. Consistent with the Handbook, the applicant is proposing parking spaces with appropriate stall widths and depths. However, the proposed aisle widths are not appropriate for two-way driveway aisles for both a large-size parking and small-size parking layout.

**Table 3**

	<b>Stall Angle</b>	<b>Stall Width</b>	<b>Stall Depth</b>	<b>Aisle Width</b>
ITE Traffic Engineering Handbook – General Parking Dimensions (pg. 535 – Large-Size Parking Layout)	90°	8.25 – 9 ft	17.5 ft	26 ft
ITE Traffic Engineering Handbook – General Parking Dimensions (pg. 537 – Small-Size Parking Layout)	90°	7.5-8 ft	15 ft	21 ft
Proposed/Existing Parking (Restaurant, Gift Shop and Inn Uses)	90°	8.0 ft	18 – 20 ft	18 ft

Additionally, the Traffic Engineering Handbook does not provide guidelines for parking areas consisting of one-way aisles and stall angles at 90°, since this design appears to be discouraged by the ITE: “Two-way circulation is generally allowed with 90-degree stalls, whereas one-way circulation is generally used with stall angles less than 90 degrees.” The parking aisle shown on the applicant’s site plan providing access to stalls adjacent to the northerly property boundary of Tax Lot 1500 is defined as a partial module (an aisle that serves a single one-side row of parking). The Handbook, referring to partial modules state: “This inefficient arrangement should be avoided where possible.” This applicant’s proposed driveway aisle also contains three 24’ maple trees located 68’ from the entrance of the northern driveway aisle on Tax Lot 1500 (Exhibit A.26). These trees consume 10’ of the 18’ driveway aisle width. The location of these trees, when considered in conjunction with the recently constructed chicken coop on Tax Lot 1500, makes this area impractical for the use of parking.

The applicant has not demonstrated that the design of the self-parking areas will avoid creation of hazardous conditions [MCC 38.7380(G)(6)]. The aisle widths shown on the site plan are at least three to six feet narrower than what has been deemed safe by the Institute of Traffic Engineers. The applicant has not shown that parking areas are large enough to accommodate the number of spaces proposed. If the applicant can show on its site plan that the required number of spaces can be provided consistent with a recognized dimensional standard to ensure safety, such as the Handbook, MCC 38.7380 could be met with conditions. These conditions include delineating self-parking spaces and ingress/egress point clearly.

### Parking Dimensions – Valet-Parking Area (for Weddings, Gift Shop, Inn)

The applicant has withdrawn a previously submitted site plan illustrating the location of proposed valet parking areas. This site plan showed the availability of 37 parking spaces in Tax Lot 1500 when valet parking is in use. The applicant now proposes that 52 parking spaces be accommodated in this lot. The Traffic Engineering Handbook does not provide design guidelines for valet parking areas, but does state that “Commercial parking attendants can park large cars in stalls less than 8.0 feet wide.”

The applicant has not demonstrated that the design of the valet-parking areas will avoid creation of hazardous conditions [MCC 38.7380(G)(6)]. A traffic management plan and site plan are needed to ensure a consistent approach to valet parking on the subject properties.

### Conclusion – Parking

The applicant has not provided enough evidence that the proposed self-parking and valet-parking arrangements will avoid hazardous conditions. If parking areas provided by the applicant are both unsafe, and generate congestion, vehicles arriving at the site will look for easier alternatives, such as on-street. On-street parking along Larch Mountain Road and Columbia Avenue is not safe and is prohibited by the recent amendment to Chapter 38 of the County Code [MCC 38.7380 (F)(2)(a)]. The County made a commitment to its constituents when adopting this code that it would require applicants demonstrate that on-site parking is sufficient for the scale of use proposed and provide flexibility, as long as an applicant supports their plan with substantial evidence [MCC 38.4205(G)]. For the reasons noted, the materials submitted by the applicant do not satisfy these requirements.

## **8.2     Access**

### **MCC 38.3090 Access**

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

**Staff:** The subject property fronts onto two public rights-of-way – East Larch Mountain Road and Columbia Avenue. Both of these rights-of-way qualify as streets. The fire official for the Corbett Fire District has determined the proposed uses to be adequate for access by fire apparatus. *This criterion has been met.*

## **9.1     GMA Scenic Review Criteria**

### **MCC 38.7035 GMA Scenic Review Criteria**

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

#### **(A) All Review Uses and Conditional Uses:**

- (1) New buildings and roads shall be sited and designed to retain the existing topography and reduce necessary grading to the maximum extent practicable.**

**(2) New buildings shall be generally consistent with the height and size of existing nearby development.**

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

**Staff:** The development of new buildings, roads or vehicular access point to a Scenic Travel Corridor is not part of the applicant's proposal. *This criterion is not applicable.*

## **9.2 Vegetation Maintenance**

**(4) Project applicants shall be responsible for the proper maintenance and survival of any required vegetation.**

*Applicant (Exhibit A.7 – 8/30/06): The applicants also propose improving site distance to meet County Standards at the intersection of Columbia and Larch Mountain Road. This would be done by relocation the mailboxes on the west side of Columbia and by trimming the vegetation on the east side of Columbia.*

**Staff:** This criterion is intended to ensure that landscaping planted to screen development is properly maintained. No new vegetation is required for screening purposes. *This criterion is not applicable.*

## **9.3 The Proposal is located in the Pastoral Landscape Setting**

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

**Staff:** The applicant has provided a site plan containing the necessary information to determine compatibility with the Pastoral landscape setting. Please see additional findings under MCC 38.7035(C) below. *This criterion has been met.*

## **9.4 Parking areas, temporary structures and interpretative signage are subject to KVA Visual Subordination Requirements**

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

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

*Applicant (Exhibit A.3 – 7/20/06): Both of these structures are very small and will only be set up for some weddings. Because they are so small and will be set up on the lawn areas in front of the main structure, anyone looking to site from the Portland Women's Forum Park will see and focus on the dominant large structure (the inn itself). Accordingly, the temporary structures are visually*

*subordinate as viewed from the Portland Women's Forum and do not adversely impact views of the Gorge.*

***Applicant (Exhibit A.7 – 8/30/06):*** *Trimming the vegetation will have no impact on visual subordination requirements. The property is regulated as a General Management Area parcel and Larch Mountain Road is not a key viewing area in this vicinity. The parking lot is not visible from any key viewing areas.*

**Staff:** The structures referred to in the applicant's narrative are a decorative arch and 8' x 8' canopy. These structures, improvements to the parking areas, and interpretative signage along the walkway are development as the term is used in the scenic area [MCC 38.0015]. These actions are subject to the visual subordination requirements for lands seen from Key Viewing Areas. Actions involved in the rehabilitation of or modifications to existing significant historic structures are exempted from visual subordination requirements (Finding 9.15).

MCC 38.7380(F)(2)(c) allows for the placement of temporary structures which have been determined by the County to not be visually subordinate from Key Viewing Areas as long as they are placed in their proposed locations no sooner than two days before a commercial event and removed within two days after the event. If the County deems the temporary structures to be visually subordinate, they may remain in place for up to 90 days.

After reviewing the submitted materials, maps and topography, staff has determined that temporary structures and interpretative signage will be constructed in a topographically visible location as viewed from the Portland Women's Forum State Park, Columbia River, and State Route 14 Key Viewing Areas. The subject property can be seen from these KVAs when viewed from the west and northwest of Tax Lot 1600. A site visit by staff on June 27, 2006 confirmed that the proposed site for placement of temporary structures will be partially visible from these KVAs. However, due to their small size, the structures will not be visually dominant in relation to their surroundings. Further, the 8' x 8' canopy and decorative arch will only be erected temporarily. The applicant has proposed to erect the structures only on the day of the wedding event, and has committed to removing them within two hours after the completion of the wedding ceremony (Exhibit A.2). These factors combined will minimize the visual impact of the temporary structures and interpretative signage as seen from Key Viewing Areas. Existing structures restrict visibility of the parking area from KVAs to the west and northwest. The mass of parked vehicles cannot be seen if they are parked in the areas shown on the site plan by the applicant. The self-parking areas will be visually subordinate from Key Viewing Areas.

## **9.5 Visual impact of parking areas, temporary structures and interpretative signage on KVAs**

**(2) The extent and type of conditions applied to a proposed development or use to achieve the scenic standard shall be proportionate to its potential visual impacts as seen from Key Viewing Areas. Decisions shall include written findings addressing the factors influencing potential visual impact including but not limited to: the amount of area of the building site exposed to Key Viewing Areas, the degree of existing vegetation providing screening, the distance from the building site to the Key Viewing Areas it is visible from, the number of Key Viewing Areas it is visible from, and the**

**linear distance along the Key Viewing Areas from which the building site is visible (for linear Key Viewing Areas, such as roads). Conditions may be applied to various elements of proposed developments to ensure they are visually subordinate to their setting as seen from key viewing areas, including but not limited to siting (location of development on the subject property, building orientation, and other elements); retention of existing vegetation; design (color, reflectivity, size, shape, height, architectural and design details and other elements); and new landscaping.**

**Staff:**

Number of Key Viewing Areas the Site is Visible From

The subject property is visible from three KVAs: Portland Women's Forum State Park, Columbia River, and State Route 14.

Distance from the Proposed Use to Key Viewing Areas it is Visible From

The distance from the subject properties to the Portland Women's Forum State Park is approximately 2,500 feet; the river's south bank is approximately 4,600 feet, Washington State Route 14 is an estimated 11,100 feet away.

Linear Distance along Key Viewing Areas from which the Proposed Use is Visible

Staff did not have an opportunity to go out to the Portland Women's Forum State Park, Columbia River or State Route 14 to determine the linear distance the property is visible from the KVA. Staff performed a site visit on June 27, 2006 the subject property. Staff is estimating the site becomes visible, based on what was visible from the property and county maps, for an estimated 12,000 feet along both the Columbia River and State Route 14.

Amount of Area Exposed to Key Viewing Areas/Degree of Existing Vegetation Providing Screening

At an elevation over 1400 feet, the subject properties are exposed to Portland Women's Forum State Park, Columbia River and State Route 14. Steep slopes prevent the property from being viewed from the Historic Columbia River Highway. The gentle slopes of the landscaped yard area provide open westerly and northwesterly views towards the Columbia River. Vegetation, topography and structures provide an adequate degree of screening in all directions visible from KVAs apart from the western aspect.

The temporary structures and interpretative signage will be exposed principally by its situation on the open landscaped yard. The terrain descends sharply to the west and north, exposing all unscreened areas to gentler sloping lands which lie down slope toward the river basin, and to escarpments of comparably equal elevation to the west. Existing vegetation does not provide screening to the temporary structures and interpretative signage.

There is no area devoted to parking that is exposed to Key Viewing Areas. Existing vegetation buffers the northerly, southerly and easterly perimeter of the proposed parking area on Tax Lot 1500. The majority of this vegetation exists outside of the subject properties, so the applicant would not be able to manage this vegetation for visual subordination purposes. Existing structures restrict the visibility of the parking area from the north and west. The potential that they might be found

through narrow gaps between the historic structure and adjacent sport court and out-building is limited.

Staff does not find that imposing conditions related to ensuring the visual subordination of proposed parking areas, temporary structures or interpretive signage is necessary.

#### **9.6 Cumulative effects of proposal**

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

**Staff:** This criterion requires staff to determine visual impacts resulting from the incremental impact of an action when added to other past, present, and reasonably foreseeable future actions. The criterion cannot be applied beyond the immediate property because it is the subject of the application. Given the distance to KVAs, existing vegetative cover, and the absence of additional building mass proposed, there should be minor cumulative effect if any. Conditions of approval will require existing trees which provide screening from KVAs which provide screening to be maintained. *This criterion has been met.*

#### **9.7 Building Height, Shape, Color, Materials, Lighting and Landscaping**

**(4) In addition to the site plan requirements in MCC 38.0045 (A) applications for all buildings visible from key viewing areas shall include a description of the proposed building(s)' height, shape, color, exterior building materials, exterior lighting, and landscaping details (type of plants used; number, size, locations of plantings; and any irrigation provisions or other measures to ensure the survival of landscaping planted for screening purposes).**

**Staff:** A building is defined under MCC 38.0015 as "a structure used or intended to support or shelter any use or occupancy. Buildings have a roof supported by columns or walls. They include, but are not limited to, dwellings, garages, barns, sheds and shop buildings." The applicant is not proposing construction of new buildings. Rehabilitation or modification of the historic structure is exempt from visual subordination requirements. *This criterion is not applicable.*

#### **9.8 The Proposal Minimizes Visibility with Key Viewing Areas**

**(6) New development shall be sited on portions of the subject property which minimize visibility from Key Viewing Areas, unless the siting would place such development in a buffer specified for protection of wetlands, riparian corridors, sensitive plants, sensitive wildlife sites or conflict with the protection of cultural resources. In such situations, development shall comply with this standard to the maximum extent practicable.**

**Staff:** The parking areas are sited on a portion of the subject property which minimizes visibility from all nearby KVAs. Existing structures and vegetation restrict the visibility of the parking areas in all directions. The placement of temporary structures (decorative arch, 8' x 8' canopy) adjacent to the walkway and yard area, and installation of interpretative signage along the walkway have the potential to be sited on portions of the property which would make them less or not visible from Key Viewing Areas. However, these measures are proposed by the applicant as part of a plan to protect and enhance a historic resource. The temporary structures and interpretive displays are listed as uses in Chapter 38 allowable in order to help protect said resource. The small size of the temporary structures and signage relative to the distance away from KVAs ensures compliance with this criterion to the maximum extent practicable. *This criterion has been met.*

## **9.9 The Proposal Uses Existing Topography and Vegetation**

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

**Staff:** The applicant's site plan shows that the parking areas, which are to be striped and signed, are located on the easternmost side of the property providing the maximum amount of distance between the features and KVA's. The decorative arch and canopy are temporary features expressly provided for in MCC 38.7380(F)(2)(C). Interpretive displays are allowed under MCC 38.7380(C)(9). The proposal would not alter existing topography or existing vegetation that provides screening from KVAs. *This criterion has been met.*

## **9.10 Screening Vegetation**

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

**Staff:** A condition of approval is recommended to require the retention of all on-site trees which provide screening from KVAs. These include three (3) 18" alder, two (2) 24" fir, 10" hemlock, and a 16" cherry tree located on Tax Lot 1600. If removed due to disease, the trees shall be replaced immediately with similar tree species of 2-inch caliper size or greater. Active management of vegetation along the south side of TL 1500 will be required to improve sight distance at the intersection of Columbia Ave and Larch Mountain Road. All trees on the subject property must be shown on the final site plan. *As conditioned, this criterion is met.*

## **9.11 Reflectivity**

**(10) The exterior of buildings on lands seen from Key Viewing Areas shall be composed of nonreflective materials or materials with low reflectivity, unless the structure would be fully screened from all Key Viewing Areas by existing topographic features. The *Scenic Resources Implementation Handbook* includes a list of recommended exterior materials. These recommended materials and other materials may be deemed consistent with this code, including those that meet recommended thresholds in the "visibility and Reflectivity Matrices" in the Implementation**

**Handbook. Continuous surfaces of glass unscreened from key viewing areas shall be limited to ensure visual subordination. Recommended square footage limitations for such surfaces are provided for guidance in the Implementation Handbook.**

**Staff:** A building is defined under MCC 38.0015 as “a structure used or intended to support or shelter any use or occupancy. Buildings have a roof supported by columns or walls. They include, but are not limited to, dwellings, garages, barns, sheds and shop buildings.” The applicant is not proposing construction of new buildings. Rehabilitation or modification of the historic structure is exempt from visual subordination requirements. *This criterion is not applicable.*

**9.12 No new exterior lighting has been proposed.**

**(11) Exterior lighting shall be directed downward and sited, hooded and shielded such that it is not highly visible from Key Viewing Areas. Shielding and hooding materials shall be composed of non-reflective, opaque materials.**

**Staff:** The applicant is not proposing new exterior lighting associated with the development of parking areas, temporary structures or interpretative displays. *This criterion is not applicable.*

**9.13 Proposed temporary structures are not of a dark earth-tone color; interpretative displays are of a dark earth-tone color.**

**(12) Unless expressly exempted by other provisions in this chapter, colors of structures on sites visible from key viewing areas shall be dark earth-tones found at the specific site or in the surrounding landscape. The specific colors or list of acceptable colors shall be included as a condition of approval. The *Scenic Resources Implementation Handbook* will include a recommended palette of colors.**

**Staff:** A structure is defined under MCC 38.0015 as “that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner. This includes, but is not limited to buildings, walls, fences, roads, parking lots, signs and additions/alterations to structures. All buildings are structures.” Under this definition the proposed parking areas, placement of temporary structures (decorative arch, 8’ x 8’ canopy) on the walkway and yard area, and installation of interpretative signage along the walkway is defined as a structure for the purposes of this Code provision. Rehabilitation or modification of the historic structure is exempt from visual subordination requirements.

The applicant has provided a photograph of an interpretative display (Exhibit A.15) similar in appearance to those proposed on the subject property. The example photo shows a low profile dark stone support structure. The exhibit panel appears to use black and grey lettering colors with an off-white background. The back of the interpretive sign is not shown on the photograph since the panel is set at an approximate 30 degree angle. The material used appears to be fiberglass, which is less obtrusive and reflective than porcelain or laminated alternatives. The color of the interpretive signage shown on the photograph consists of dark earth-tones found at the specific site or in the



surrounding landscape. A conditional of approval is needed requiring the interpretive displays to be substantially equivalent to the example provided.

The applicant has also provided a photograph of the decorative arch (Exhibit A.17). The decorative arch is white, which is not a dark earth-tone color. A photograph has not been provided of the proposed 8' x 8' canopy. It is assumed the color will be white as well. However, the temporary structures may not need to comply with this provision since they will be placed and removed on the same day of a wedding event. *This criterion has been met.*

**9.14 No additions to existing buildings are proposed.**

**(13) Additions to existing buildings smaller in total square area than the existing building may be the same color as the existing building. Additions larger than the existing building shall be of colors specified in the landscape setting for the subject property.**

**Staff:** An addition is defined under MCC 38.0015 as “an extension or increase in the floor area or height of an existing building.” Additions to existing buildings are not proposed as part of this application. *This criterion is not applicable.*

**9.15 Proposed rehabilitation and modification of the historic structure is exempt from visual subordination requirements.**

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

**Staff:** The historic structure has been included on the National Register of Historic Places since 1985. As such, all proposed actions specific to the rehabilitation or modification of the historic structure are exempt from the visual subordination requirements of MCC 38.7035(B).

This exemption is specific to the rehabilitation or modification to the historic structure itself. It does not exempt improvements to other areas of the subject property, including the proposed parking area. This application details a number of proposed rehabilitation and modifications actions within a Protection and Enhancement Plan (Exhibit A.3), including repair and replacement of the roof, chimney and windows. Proposed temporary structures and parking improvements remain subject to visual subordination requirements for lands seen from Key Viewing Areas since these actions do not involve the historic structure itself.

**9.16 Screening landscaping is not required.**

**(17) The following standards shall apply to new landscaping used to screen development from key viewing areas:**

- (a) New landscaping (including new earth berms) shall be required only when there is no other means to make the development visually subordinate from key viewing areas. Alternate sites shall be considered prior to using new landscaping to achieve visual subordination. Development shall be sited to avoid the need for new landscaping wherever possible.**
- (b) If new landscaping is required, it shall be used to supplement other techniques for achieving visual subordination.**
- (c) Vegetation planted for screening purposes shall be of sufficient size to make the development visually subordinate within five years or less of commencement of construction.**
- (d) Landscaping shall be installed as soon as practicable, and prior to project completion. Applicant. The property owner(s), and their successor(s) in interest are responsible for the proper maintenance and survival of planted vegetation, and replacement of such vegetation that does not survive.**
- (e) The Scenic Resources Implementation Handbook includes recommended species for each landscape setting consistent with MCC 38.7035(C) and the minimum recommended sizes for tree plantings (based on average growth rates expected for recommended species).**

**Staff:** This application does not require new landscaping to screen development from key viewing areas. *This criterion is not applicable.*

**9.17 The proposal is compatible with the Pastoral landscaped setting**

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

**(1) Pastoral**

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

**Staff:** No new accessory structures, outbuildings or accessways are proposed as part of this application. *This criterion is not applicable.*

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

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

**Staff:** The planting of trees is not needed to achieve visual subordination for new development or expansion of new development. *This criterion has been met.*

**9.18 The proposal is located within the foreground of a Scenic Travel Corridor**

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

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

**Staff:** The subject parcels are both located within one-quarter mile of Historic Columbia River Highway. As such, the uses are proposed within the foreground of a Scenic Travel Corridor.

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

**Staff:** The distance from the edge of the Historic Columbia River Highway to the side property line of Tax Lot 1600 is approximately 50 feet. No new buildings and no alterations to existing buildings will be within 100 feet from the edge of pavement of the Historic Columbia River Highway. The location of all proposed parking areas are greater than 100 feet from the edge of pavement as well. *This criterion has been met.*

**9.19 Vegetation management is needed to improve sight distance, not views.**

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

- (a) An evaluation of potential visual impacts of the proposed project as seen from any Key Viewing Area;**
- (b) An inventory of any rare plants, sensitive wildlife habitat, wetlands or riparian areas on the project site. If such resources are determined to be present, the project shall comply with applicable standards to protect the resources.**

*Applicant (Exhibit A.7 – 8/30/06): The applicants also propose improving site distance to meet County Standards at the intersection of Columbia and Larch Mountain Road. This would be done by relocation the mailboxes on the west side of Columbia and by trimming the vegetation on the east side of Columbia.*

*Trimming the vegetation will have no impact on visual subordination requirements. The property is regulated as a General Management Area parcel and Larch Mountain Road is not a key viewing area in this vicinity. The parking lot is not visible from any key viewing areas.*

**Staff:** The applicant is proposing to maintain vegetation along the southerly boundary of Tax Lot 1500 for the purpose of improving sight distance at the intersection of Columbia Avenue and Larch Mountain Road. The location of this vegetation in relation to the public right-of-way or property line was not provided on the applicant's site plan or other application materials. Staff is unable to verify whether the proposed vegetation management is in the public right of way. However, since vegetation management is needed to improve sight distance, and not scenic views, an inventory of rare plants, sensitive wildlife habitat, wetlands or riparian areas in the vegetation management area is not needed. *This criterion has been met.*

**10.1 A cultural reconnaissance survey is not required**

**§ 38.7045 GMA Cultural Resource Review Criteria**

**(A) Cultural Resource Reconnaissance Surveys**

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

- (a) The modification, expansion, replacement, or reconstruction of existing buildings and structures.**
- (b) Proposed uses that would not disturb the ground, including land divisions and lot-line adjustments; storage sheds that do not require a foundation; low-intensity recreation uses, such as fishing, hunting, and hiking; installation of surface**

**chemical toilets; hand treatment of brush within established rights-of-way; and new uses of existing structures.**

**(2) A reconnaissance survey shall be required for all proposed uses within 500 feet of a known cultural resources, including those listed above in MCC 38.7045 (A) (1) (a) through (f). The location of known cultural resources are shown in the cultural resource inventory.**

**Staff:** A cultural reconnaissance survey is not required under MCC 38.7045(A)(1)(b) since the proposal involves new uses of an existing structure. *This criterion is not applicable.*

## **10.2 A Protection and Enhancement Plan is required in lieu of a historic survey**

**(3) A historic survey shall be required for all proposed uses that would alter the exterior architectural appearance of buildings and structures that are 50 years old or older, or compromise features of the surrounding area that are important in defining the historic or architectural character of the buildings or structures that are 50 years old or older.**

**1. The historic survey conducted by the Gorge Commission may provide sufficient information to satisfy these standards. If it does not, architectural and building plans, photographs, and archival research may be required. The project applicant shall be responsible for providing information beyond that included in the survey conducted by the Gorge Commission.**

**2. The historic survey and report must demonstrate that these standards have been clearly and absolutely satisfied. If SHPO or the Planning Director question whether these standards have been satisfied, the project applicant shall conduct an Evaluation of Significance.**

**Staff:** The proposal involves the alteration of the exterior architectural appearance of a structure that is more than 50 years old. The purpose of the historic survey required under this Code provision is to provide sufficient information to the State Historic Preservation Office to make a determination on whether a proposed use would compromise the historic or architectural character of the affected buildings or structures, or compromise features of the site that are important in defining the overall historic character of the affected buildings or structures, as determined by the guidelines and standards in The Secretary of the Interior's Standards for Rehabilitation (U.S. Department of the Interior 1990) and The Secretary of the Interior's Standards for Historic Preservation Projects (U.S. Department of the Interior 1983).

MCC 38.7380(F)(1) requires a Protection and Enhancement for any application to establish a special use in a historic building. This document serves as the historic survey required under this criterion. This document was forwarded to the State Historic Preservation Office (SHPO) for their review on July 24, 2006 (Exhibit B.5).

Refer to Finding #11.14 for discussion on the potential effect of the proposed uses on the historic resource, and consistency of the proposed use with the Secretary of the Interior's Standards for Rehabilitation and Preservation (Exhibit B.4).

**10.3    The cultural resource review criteria has been deemed satisfied**

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

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

**(2) The proposed use would avoid archaeological resources and traditional cultural resources that exist in the project area. To meet this standard, a reasonable buffer zone must be established around the affected resources or properties; all ground disturbing activities shall be prohibited within the buffer zone.**

**(a) Buffer zones must preserve the integrity and context of cultural resources. They will vary in width depending on the eventual use of the project area, the type of cultural resources that are present, and the characteristics for which the cultural resources may be significant. A deed covenant, easement, or other appropriate mechanism shall be developed to ensure that the buffer zone and the cultural resources are protected.**

**(b) An Evaluation of Significance shall be conducted if a project applicant decides not to avoid the affected cultural resource. In these instances, the Reconnaissance Survey and survey report shall be incorporated into the Evaluation of Significance.**

**(3) A historic survey demonstrates that the proposed use would not have an effect on historic buildings or structures because:**

**(a) SHPO concludes that the historic buildings or structures are clearly not significant, as determined using the criteria in the *National Register Criteria for Evaluation* ("36 CFR Part 60.4); or**

**(b) The proposed use would not compromise the historic or architectural character of the affected buildings or structures, or compromise features of the site that are important in defining the overall historic character of the affected buildings or structures, as determined by the guidelines and standards in *The Secretary of the Interior's Standards for Rehabilitation* (U.S. Department of the Interior 1990) and *The Secretary of the Interior's Standards for Historic Preservation Projects* (U.S. Department of the Interior 1983).**

**1. The historic survey conducted by the Gorge Commission may provide sufficient information to satisfy these standards. If it does not, architectural and building plans, photographs, and archival research may be required. The project applicant shall be responsible for providing information beyond that included in the survey conducted by the Gorge Commission.**

**2. The historic survey and report must demonstrate that these standards have been clearly and absolutely satisfied. If SHPO or the Planning Director question whether these standards have been satisfied, the project applicant shall conduct an Evaluation of Significance.**

**Staff:** Refer to Finding #11.14 for discussion on the potential effect of the proposed uses on the historic resource, and consistency of the proposed use with the Secretary of the Interior's Standards for Rehabilitation and Preservation (Exhibit B.4).

#### **(L) Cultural Resources Discovered After Construction Begins**

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

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

**(2) Notification – The project applicant shall notify the Planning Director and the Gorge Commission within 24 hours of the discovery. If the cultural resources are prehistoric or otherwise associated with Native Americans, the project applicant shall also notify the Indian tribal governments within 24 hours.**

**(3) Survey and Evaluation – The Gorge Commission will survey the cultural resources after obtaining written permission from the landowner and appropriate permits from SHPO (*see* ORS 273.705 and ORS 358.905 to 358.955). It will gather enough information to evaluate the significance of the cultural resources. The survey and evaluation will be documented in a report that generally follows the standards in MCC 38.7045 (C) (2) and MCC 38.7045 (E).**

**(a) The Planning Director shall, based on the survey and evaluation report and any written comments, make a final decision within 10 days of the receipt of the report of the Gorge Commission on whether the resources are significant.**

**(b) The Planning Director shall require a Mitigation Plan if the affected cultural resources are found to be significant.**

**(c) Notice of the decision of the Planning Director shall be mailed to those parties entitled to notice by MCC 38.0530 (B).**

**(d) The decision of the Planning Director shall be final 14 days from the date notice is mailed, unless appealed as provided in MCC 38.0530 (B). Construction activities may recommence if no appeal is filed.**



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

**Staff:** A condition of approval will require that work be halted if a new cultural resource is discovered during construction activities within 100 feet of the development area. The process outlined above shall be followed. *These criteria are met through conditions of approval.*

**(M) Discovery of Human Remains**

**The following procedures shall be effected when human remains are discovered during a cultural resource survey or during construction. Human remains means articulated or disarticulated human skeletal remains, bones, or teeth, with or without attendant burial artifacts.**

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

**(2) Notification – Local law enforcement officials, the Planning Director, the Gorge Commission, and the Indian tribal governments shall be contacted immediately.**

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

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

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

**(a) If the human remains will be reinterred or preserved in their original position, a mitigation plan shall be prepared in accordance with the consultation and report standards of MCC 38.7045 (I).**

**(b) The plan shall accommodate the cultural and religious concerns of Native Americans. The cultural resource protection process may conclude when the conditions set forth in the standards of MCC 38.7045 (J) are met and the mitigation plan is executed.**

**Staff:** A condition of approval will require all survey, excavation, and construction activities to cease if human remains are discovered during construction. This condition will require any unearthed human remains to not be disturbed any further, and the procedures outline above be followed. *These criteria are met through conditions of approval.*

**11.0 The proposed uses are allowed in buildings included on the National Register of Historic Places**

**§ 38.7380 Special Uses in Historic Buildings**

**(B) As established in each zone, the following uses shall be allowed on properties with buildings included on the National Register of Historic Places. All uses authorized under this section shall be subject to the provisions of MCC 38.7000-38.7085 and MCC 38.7300.**

**(1) The properties shall be permitted to be open for public viewing, interpretive displays, and an associated gift shop that is no larger than 100 square feet and incidental and subordinate to the primary use of the property, subject to compliance with 38.7380(G) and 38.7380(F) except 38.7380(F)(1)(a), 38.7380(F)(1)(b)(iii) and 38.7380(F)(1)(b)(iv). This use is not subject to the parking limits and associated "Facility Design Guidelines" in MCC 38.7080.**

**Voluntary donations and/or fees to support maintenance, preservation and enhancement of the cultural resource may be accepted by the landowner.**

**(2) Properties which were former restaurants and/or inns shall be permitted to re-establish these former uses, subject to compliance with MCC 38.7380(G) and 38.7380(F) except 38.7380(F)(1)(a), 38.7380(F)(1)(b)(iii) and 38.7380(F)(1)(b)(iv).**

**The capacity of restaurant use and overnight accommodations shall be limited to that existing in the former use, and the former use shall be contained within the limits of the building as of January 1, 2006. The capacity of the use may include any decks, terraces, or patios that were used as part of the former use and that existed on January 1, 2006. Banquets, private parties and other special events that take place entirely within an approved restaurant facility shall be considered a restaurant use allowed under this section.**

**Staff:** The applicants provided a 1972 *Oregon Journal* article as evidence that the inn formerly utilized all five rooms to provide accommodations to overnight occupants as required by MCC 38.7380(B)(2). (Exhibit A.19)

**(3) Properties shall be permitted to hold commercial events, subject to compliance with MCC 38.7000-38.7085, MCC 38.7380(G) and MCC 38.7380(F) except 38.7380(F)(1)(a).**

**11.1 The applicant has proposed to establish a restaurant at the View Point Inn.**

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

**(1) Establishment selling food and/or beverages, limited to historic buildings that originally had kitchen facilities. The seating capacity of such an establishment shall be limited to the building, as the building existed as of January 1, 2006, including any decks, terraces or patios also existing as of that date. Banquets, private parties and**

**other special events that take place entirely within an approved establishment selling food and/or beverages shall be considered a part of the approved use.**

***Applicant (Exhibit A.3 – 7/20/06):** The capacity of the restaurant will be limited to 125 guests. Although the historical proprietor had as many as 175 guests for banquets and other functions (see Appendix R), the applicants believe a capacity of 125 is adequate to generate sufficient revenue for implementing the protection and enhancement plan. This is also consistent with the historic use where Mr. Moessner would typically have 20 tables set up for 125 guests. Conditional Use application at Appendix F, page 3 and at Appendix R.*

*Because the View Point Inn was designed and built as a commercial restaurant, there is already a kitchen facility. However, modern equipment will need to be installed. This includes a dishwasher, refrigeration, shelving, range hood and ovens to accommodate propane cooking (natural gas is not available), and related kitchen requirements.*

*This will be a basic kitchen that will be implemented to reestablish use. A second phase “Dream Kitchen” will be undertaken during a remodel in later years. This Phase One kitchen will be utilized to generate the necessary capital to fund later improvements. The “Dream kitchen” is too costly to implement at this early stage.*

*The estimated cost to establish the restaurant kitchen is \$75,000.00.*

*A key component of the restaurant business will be hosting banquets, receptions, private parties and similar functions. This use of the restaurant facility is consistent with the historic use of hosting private parties, conventions, and banquets. Conditional use permit at Appendix F at page 6; Appendix N. Such events (which may include weddings) that take place within the restaurant facility are expressly recognized under the code as benign included within the restaurant use. MCC 38.7380(B)(2). Accordingly, they are not commercial events and do not need separate approval under MCC 38.7380, subsection (B)(3).*

*The landscaped area which includes the terraces, walkway, fountain, view rail, and grounds were historically a significant part of the restaurant facility. Indeed, these features were designed for the enjoyment of the guests who came to the property. The walkway and view rail were designed to invite the guests to stroll the grounds and enjoy the scenic panorama. Accordingly, the landscaped grounds are undeniably a critical component of the restaurant facility.*

*Although weddings, banquets, and other events that take place indoors are clearly authorized, the applicants want to be certain that they can provide the option to wedding couples to have their formal ceremony (i.e. the exchange of vows) outdoors. Accordingly, in the alternative, the applicants seek approval for outdoor wedding ceremonies pursuant to MCC 38.7380(B)(3).*

**Staff:** The applicant proposes to reestablish a restaurant at the View Point Inn. Sufficient evidence has been provided indicating that the historic building operated as a restaurant, and had originally contained kitchen facilities. The history of the View Point Inn as a roadhouse inn and restaurant is well documented in the regional newspaper and magazine articles submitted by the applicant (Exhibits A.19, A.20, A.21).

The subject property contains an 864 square foot enclosed porch and 544 square foot deck, where restaurant seating may be utilized. A condition of approval will require all seating associated with the restaurant be accommodated within the historic structure and deck.

The applicant asserts that "All private parties, banquets, wedding events, etcetera, will take place within the "restaurant facility" and therefore are part of the restaurant use. MCC 38.7380(B)(2). Accordingly, these are not commercial events under the code," and asks the County "to recognize that the landscaped terraces, walkway, fountain, view rail and grounds" as part of the restaurant use.

Staff finds that the 864 square foot enclosed porch and 544 square foot deck are located within the limits of the building as of January 1, 2006. Staff cannot find that the landscaped terraces, walkway, fountain, view rail and grounds can be considered to be within the limits of the building. The term "building" is defined as a structure used or intended to support or shelter any use or occupancy. Buildings have a roof supported by columns or walls [MCC 38.0015]. Features in the landscaped yard are beyond the scope of this definition. In addition, the Code explicitly defines commercial events as including "weddings, receptions, parties or other gatherings" [MCC 38.7380(D)(1)]. Weddings event must be considered a commercial event under the Code when hosted outside the limits of the building [MCC 38.7380(D)(1)].

#### **11.2 The applicant has proposed to establish a five-room inn at the View Point Inn.**

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

*Applicant (Exhibit A.3 – 7/20/06): The View Point Inn will ultimately offer five overnight lodging suites, as was historically offered. Three of the five guest rooms are ready for use. A substantial amount of decorating and furnishing has already taken place.*

*All of the original colors and textures in the rooms have been located and documented. As capital is generated, the two additional rooms will be restored to their original colors and character and become available for use.*

**Staff:** The applicant is proposing to operate a five-room inn. They have provided a floor plan showing that the rooms presently exist within the building (Exhibit A.28). A condition of approval will require that overnight accommodations be limited to five rooms. *As conditioned, this criterion has been met.*

#### **11.3 The applicant has proposed to host commercial wedding events at the View Point Inn.**

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

*Applicant (Exhibit A.2 – 7/20/06): Commercial events must be distinguished from restaurant use. As part of the restaurant use, the applicants intend to market the facility as a place to host banquets, private parties and other special events. This use of the restaurant facility is consistent with the historic use of hosting private parties, conventions, and banquets. Appendix F at page 6;*

*Appendix N. Such events (which may include weddings) that take place within the restaurant facility are expressly recognized under the code as being included within the restaurant use. MCC 38.7380(B)(2). Accordingly, they are not commercial events and do not need separate approval under subsection (B)(3).*

*The landscaped area which includes the terraces, walkway, fountain, view rail, and grounds were historically a significant part of the restaurant facility. Indeed, these features were designed for the enjoyment of the guests who came to the property. The walkway and view rail were designed to invite the guests to stroll the grounds and enjoy the scenic panorama. Accordingly, the landscaped grounds are undeniably a critical component of the restaurant facility.*

*Although weddings, banquets, and other events that take place indoors are clearly authorized, the applicants want to be certain that they can provide the option to wedding couples to have their formal ceremony (i.e. the exchange of vows) outdoors. Accordingly, in the alternative, the applicants seek approval for outdoor wedding ceremonies pursuant to MCC 38.7380(B)(3).*

**Staff:** The Code explicitly defines commercial events as including “weddings, receptions, parties or other gatherings” [MCC 38.7380(D)(1)]. The applicant asserts that the restaurant and inn use will be the primary use of the property, and the hosting of wedding events will be incidental and subordinate. The applicant estimates that 52 wedding events will be held at the View Point Inn every year. The restaurant will be open for lunch between 11:00 am to 2:00 pm and dinner from 4:00 to 10:00 pm Monday thru Saturday. Sunday brunch will be from 9:00 am to 2:00 pm. It is assumed the restaurant and inn will operate year round. It is also assumed that the wedding events will have a restaurant function.

Due to the proposed frequency of wedding events (an average of one per week), it is expected that this use will be incidental and subordinate to the restaurant and inn proposed to operate all days when no wedding event will be hosted (an average of six days per week). To make certain of this, the approval will be conditioned to limit the number of events to 52 per year, as proposed by the applicant. *As conditioned, this criterion can be met.*

**11.4 The applicant has proposed to establish a 100 square foot gift shop at the View Point Inn.**

**(8) A gift shop within a historic building, as the building existed as of January 1, 2006 that is:**

- (a) incidental and subordinate to another approved use included in Guideline 1 of “Additional Review Uses for Historic Buildings”; and**
- (b) no larger than 100 square feet in area.**

***Applicant (Exhibit A.3 – 7/20/06):*** *The applicants have applied to operate a gift shop not to exceed 100 square feet. The gift shop will be incidental and subordinate to the primary use of the property as a restaurant and small hotel. The gift shop will provide high quality items consistent with the quality and character of the Inn. The shop will also provide an additional source of revenue to help meet the financial costs of restoration and on-going maintenance.*

***Applicant (Exhibit A.6 – 8/4/06):** The specific location of the gift shop is not yet determined. The applicant seeks approval to locate the gift shop in either of two locations. One alternative is place the gift ship within an existing structure located along the north side of property. If this structure is used, an interior removable barrier (not a wall) will be erected to limit the size of the shop to 100 square feet. The alternative location is to use a portion of the solarium entrance on the south side of the main structure.*

*The gift shop, which is limited to 100 square feet, will be located within the solarium lobby area on the south side of the main structure.*

**Staff:** The gift shop is shown on Exhibit A.25 as encompassing 100 square feet of the building's lobby area. To ensure that the use will be incidental and subordinate, a condition of approval will require the gift shop to not exceed 100 square feet. The condition will allow the gift shop to be altered within the building as long as it doesn't exceed 100 square feet. The floor plan the applicant provided showed it is feasible to locate the gift shop in the building in conjunction with other uses. This limitation of the gift shop size is expected to ensure the gift shop is incidental and subordinate to the restaurant and inn use.

Compliance with 38.7380(G) and 38.7380(F) is addressed in Finding 11.19 and 11.20 below.

**11.5 The applicant has proposed to establish five interpretive displays at the View Point Inn.**

**(9) Interpretive displays, picnic areas or other resource-based recreational day use activities on the subject property. This use is not subject to the parking limits and associated "Facility Design Guidelines" in MCC 38.7080.**

***Applicant (Exhibit A.3 – 7/20/06):** The proposal is to open the property for public viewing and interpretive displays combined with re-establishing the historic use of the facility as a restaurant and small inn. The commercial uses will provide the revenue for a protection and enhancement plan that will enable further restoration and preservation of the cultural resource.*

*As an interpretive facility, the View Point Inn will provide an opportunity for the public to learn an important aspect of the history of the Columbia River Gorge and the Historic Columbia River Highway. While strolling the grounds and touring the structure the visitor would encounter a variety of interpretive display exhibits. The primary exhibits would provide a history of the Columbia River Highway and its tourist roadhouses and inns. Another primary display would provide the particular story of the View Point Inn and its architectural features. The visitors could also enjoy the furnishings, paintings, photographs, perhaps a Ford Model "T" automobile, and other exhibits presented to enhance the visitor's understanding and appreciation of this historic site and its role in the history of the Columbia River Gorge. The view rail on the west edge of the property also provides an outstanding new public viewpoint and opportunity to photograph and enjoy spectacular sunsets. See Appendices B and C (Exhibit A.17).*

*The applicant has applied to Multnomah County for approval to install five outdoor interpretive displays. Each display will measure approximately 24" x 30" and the proposed locations are identified on the site plan submitted with the conditional use permit. The displays will be*

*approximately three feet in height. Attached at P to the conditional use permit is a graphic representation of the location of four of the displays as seen from the west-facing veranda of the main structure. The fifth display will be located near the south entrance to the Inn as shown on the site plan.*

*The applicant anticipates having the displays built by Interpretive Exhibits Inc., which is the same company that produced the displays for the Oregon Department of Transportation at various sties along the Historic Columbia River Highway. Attached at Appendix Q to the application for conditional use permit is a photograph of the display at Portland Women's Forum. The displays for the View Point Inn will be identical in design, or the substantial equivalent.*

*The displays will provide historic information and tribute to the nearby inns and road houses that no longer exist, primarily Crown Point Chalet and the Chanticleer Inn. There will also be interpretive displays pertaining to the Columbia River, the View Point Inn, and architect Carl Linde. An indoor display will be created honoring local artist/painter Charles Post.*

*The written content will be drafted with the assistance of qualified historians and the Crown Point Country Historical Society.*

**Staff:** An artist's rendition visualizing how the displays would appear in relation to the surrounding setting of the yard, view rail, viewing public, and Columbia River Gorge is included as Exhibit A.14.

**11.6 The applicant has proposed to establish parking areas at the View Point Inn to support the restaurant, inn, wedding events, gift shop and other visitors.**

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

**Staff:** Existing parking areas are illustrated on the applicant's site plan. These areas are to be used by patrons of these uses as discussed in Findings 8.1, 11.15, 11.16, 11.22, 11.24, and 11.25.

**11.7 The applicant is required to notify the County and neighbors of special events.**

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

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

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



**Staff:** A condition of approval shall require the applicant to notify the County and all owners of land within 500 feet of the perimeter of the subject properties seven days in advance of a proposed event. This notification must include the size of the event to be held. *As conditioned, this criterion is met.*

**11.8 The County and SHPO must review the Protection and Enhancement Plan every five years.**

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

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

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

**Staff:** A condition of approval shall require the applicant to submit documentation on the progress made in implementing the Protection and Enhancement by October 2011. The condition will also note that County must submit a copy of this documentation to SHPO for their review. *As conditioned, this criterion is met.*

**11.9 The County may revoke the permit if the Protection and Enhancement Plan has not been implemented.**

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

- (a) unforeseen circumstances that prevented the applicants from completing the specified actions according to the approved schedule;**
- (b) what progress the applicants have made towards completing such actions; and**
- (c) a proposed revised schedule for completing such actions.**

**Staff:** The County will review progress made towards completing scheduled actions specified in the applicant's Protection and Enhancement Plan, and compliance with the specified conditions of approval of this authorization, once every five years. *This criterion will be met.*

**11.10 The Protection and Enhancement Plan describes actions taken toward restoration, protection and enhancement of the View Point Inn.**

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

**(1) Cultural Resources.**

**(b) Applications for Special Uses in Historic Buildings shall include a "Protection and Enhancement Plan" which shall include the following:**

**(i) A description of how the proposed use will significantly contribute to the protection and enhancement of the historic resource, including specific actions that will be taken towards restoration, protection and enhancement, and adequate maintenance of the historic resource, and a proposed schedule for completion of such actions.**

***Applicant (Exhibit A.3 – 7/20/06):***

***Enhancement of the Historic Resource***

*Under the Code of Federal Regulations, an adverse effect on a historic property is found when an undertaking alters the historic characteristics of the property by diminishing the integrity of the location, design, setting, materials, workmanship, feeling or association. 36 CFR 800.5(1). An example is a "change of the character of the property's use: 36 CFR 800.5(2) iv).*

*Unfortunately, the historic use as a restaurant and inn was stopped and in the early 1980's the approved use became residential. As a private residence, the historical character of property is greatly diminished. Indeed, the previous owners made alterations contrary to historic preservation standards such as painting over walls, installing drywall and texture, and remodeling the restroom. Restoration regarding those alterations will be discussed below.*

*However, at a more fundamental level, this proposal seeks to restore the originally intended use as a restaurant and inn. This restoration of the historic use is the preferred use under the Secretary of Interior's Standards for Treatment of Historic Properties. 36 DFR 68.4(f). "Every reasonable effort shall be made to use a property for its originally intended purpose."*

*Accordingly, re-establishment of the historic and originally intended use as a restaurant and inn is the most significant enhancement measure that can be taken. That step will allow recapturing of the historic character of the property.*

*Significantly, the applicants will go much further in their efforts to enhance this historic resource. The complete vision is to return the property to its original grandeur including furnishings and décor that invite guests to step back to an earlier period of time. The applicant has contacts with many people in the Corbett area who desire to contribute artifacts, furnishings, photographs, original paintings, and other memorabilia from the 1920's and 30's era when the automobile was gaining popularity and many "road houses" along the Columbia River Highway served the touring public. As one of the last remaining and best preserved of these resorts and inns, and as recognized by its status on the national Register of historic Places, the View Point Inn is uniquely positioned to provide an experience and perspective otherwise not available in the Scenic Area.*

*The View Point Inn will provide an opportunity for the public to learn an important aspect of the history of the Columbia River Highway. While strolling the grounds and touring the structure the*

visitor would encounter a variety of interpretive display exhibits. The primary exhibits would provide a history of the Columbia River Highway and its tourist roadhouses and inns. Another primary display would provide the particular story of the View Point Inn and its architectural features. The visitor could also enjoy the furnishings, paintings, photographs, perhaps a Model "T" automobile, and other exhibits presented to enhance the visitor's understanding and appreciation of this historic site and its role in the history of the Columbia River Gorge. The view rail on the west edge of the property also provides an outstanding public viewpoint and opportunity to photograph and enjoy spectacular sunsets.

The View Point Inn will provide an easy access experience that all can enjoy. Many of the recreation opportunities in the Scenic Area are physically demanding activities that are not possible for many people including some elderly, disabled, or the very young. The cultural, scenic, and recreation opportunity presented by the View Point Inn can be assessed and appreciated by all.

In short, the vision for the View Point Inn is one that provides for significant protection and enhancement of the cultural resource.

### Restoration of the Historic Resource

The owners, Geoff Thompson and Angelo Simone, are dedicated to the preservation and restoration of the property's historic character, both in function and architecture. They are dedicated to restoration of the aesthetic qualities envisioned by the original architect. Preservation of the architecture and its accompanying landscape design will be through careful repair and ongoing maintenance following the guidelines set forth in the Secretary of Interior's Standards for Treatment of Historic Properties. The specific steps are set forth in the following section on implementation.

### Implementation Plan for First Five Years

#### *Phase One: Re-establishing Historic Use*

This critical first step is to reestablish the historic use as a restaurant and inn. Not only does this substantially restore the historic character of the property, but will also provide necessary revenue to finance long-term restoration and preservation of The View Point Inn.

##### *1. Restaurant use*

The capacity of the restaurant will be limited to 125 guests. Although the historical proprietor had as many as 175 guests for banquets and other functions (see Appendix R), the applicants believe a capacity of 125 is adequate to generate sufficient revenue for implementing the protection and enhancement plan. This is also consistent with the historic use where Mr. Moessner would typically have 20 tables set up for 125 guests. Conditional Use application at Appendix F, page 3 and at Appendix R.

Because the View Point Inn was designed and built as a commercial restaurant, there is already a kitchen facility. However, modern equipment will need to be installed. This includes a dishwasher, refrigeration, shelving, range hood and ovens to accommodate propane cooking (natural gas is not

available), and related kitchen requirements.

*This will be a basic kitchen that will be implemented to reestablish use. A second phase "Dream Kitchen" will be undertaken during a remodel in later years. This Phase One kitchen will be utilized to generate the necessary capital to fund later improvements. The "Dream kitchen" is too costly to implement at this early stage.*

*The estimated cost to establish the restaurant kitchen is \$75,000.00.*

*A key component of the restaurant business will be hosting banquets, receptions, private parties and similar functions. This use of the restaurant facility is consistent with the historic use of hosting private parties, conventions, and banquets. Conditional use permit at Appendix F at page 6; Appendix N. Such events (which may include weddings) that take place within the restaurant facility are expressly recognized under the code as benign included within the restaurant use. MCC 38.7380(B)(2). Accordingly, they are not commercial events and do not need separate approval under MCC 38.7380, subsection (B)(3).*

*The landscaped area which includes the terraces, walkway, fountain, view rail, and grounds were historically a significant part of the restaurant facility. Indeed, these features were designed for the enjoyment of the guests who came to the property. The walkway and view rail were designed to invite the guests to stroll the grounds and enjoy the scenic panorama. Accordingly, the landscaped grounds are undeniably a critical component of the restaurant facility.*

*Although weddings, banquets, and other events that take place indoors are clearly authorized, the applicants want to be certain that they can provide the option to wedding couples to have their formal ceremony (i.e. the exchange of vows) outdoors. Accordingly, in the alternative, the applicants seek approval for outdoor wedding ceremonies pursuant to MCC 38.7380(B)(3).*

## *2. Lodging*

*The View Point Inn will ultimately offer five overnight lodging suites, as was historically offered. Three of the five guest rooms are ready for use. A substantial amount of decorating and furnishing has already taken place.*

*All of the original colors and textures in the rooms have been located and documented. As capital is generated, the two additional rooms will be restored to their original colors and character and become available for use.*

## *3. Fire and Safety*

*The applicants are not aware of any structural alterations that have to be made to accommodate restaurant and hotel use.*

*The applicants anticipate that electric emergency exit signs will need to be installed. The exit doors were previously updated to meet current code in 1997 with simple hardware.*

## *4. Handicap Access*

*The first floor of The View Point Inn is entirely handicap accessible and has been since its construction in 1924. Parking and the grounds outside are also fully handicapped accessible. The second floor is only accessible by stairs. With that limitation, the applicants goal is to ensure that the inn and viewing areas are available to ALL people regardless of their abilities.*

#### *5. Parking*

*The property includes Tax Lot 1500 which is located on the east side of Columbia Avenue. A site plan showing the parking spaces is provided at Appendix O to the conditional use permit application submitted to the County. All parking is located on the east side of the main building and therefore is not visible to guests strolling the grounds or dining in the main hall. Accordingly, the parking layout does not detract from the historic character of the property. Of course, this was an inn that served the touring public and therefore has always been a destination accessed by vehicles.*

#### *6. Septic sanitation*

*Re-establishment of historic use will require potential modifications to the existing septic system. The applicant's consultant, Brian T. Rage of Cascade Earth Sciences, will monitor the flow level and waste strength of restaurant use and, based on the data, will design modifications to meet sanitation needs for the property. It is possible that the existing sports court will need to be removed to accommodate some septic modifications. If that step is needed, it will not be detrimental to the integrity of the historic uses. The sports court, which is located on the north side of the main structure, is a feature added for residential use by prior owners. Accordingly, its removal would actually be a step that is consistent with restoration of the historical integrity of the property.*

#### *7. Heating system*

*The original wood fired boiler is still on premises. It is being maintained for historic purposes, however it does NOT work and was decommissioned in 1982.*

*In 1982 an oil fired boiler was installed to operate the original radiator heating system. This radiator system WILL be maintained and continue to be utilized. However, a new boiler is required.*

*A cold snap in January 2005 caused pipes to freeze and burst. In addition, four of the original radiators were damaged. The four damaged radiators have been kept for historic purposes and, when funds are available, will be copied and replaced.*

*The estimated costs to replace the boiler and damaged radiators is approximately \$50,000.00.*

#### *8. Interpretive Displays*

*The applicant has applied to Multnomah County for approval to install five outdoor interpretive displays. Each display will measure approximately 24" x 30" and the proposed locations are*

*identified on the site plan submitted with the conditional use permit. The displays will be approximately three feet in height. Attached at P to the conditional use permit is a graphic representation of the location of four of the displays as seen from the west-facing veranda of the main structure. The fifth display will be located near the south entrance to the Inn as shown on the site plan.*

*The applicant anticipates having the displays built by Interpretive Exhibits Inc., which is the same company that produced the displays for the Oregon Department of Transportation at various sties along the Historic Columbia River Highway. Attached at Appendix Q to the application for conditional use permit is a photograph of the display at Portland Women's Forum. The displays for the View Point Inn will be identical in design, or the substantial equivalent.*

*The displays will provide historic information and tribute to the nearby inns and road houses that no longer exist, primarily Crown Point Chalet and the Chanticleer Inn. There will also be interpretive displays pertaining to the Columbia River, the View Point Inn, and architect Carl Linde. An indoor display will be created honoring local artist/painter Charles Post.*

*The written content will be drafted with the assistance of qualified historians and the Crown Point Country Historical Society.*

*These displays will greatly enhance the public's appreciation of the cultural resource. The estimated cost of creating and installing these displays is \$25,000.00.*

#### *9. Gift Shop*

*The applicants have applied to operate a gift shop not to exceed 100 square feet. The gift shop will be incidental and subordinate to the primary use of the property as a restaurant and small hotel. The gift shop will provide high quality items consistent with the quality and character of the Inn. The shop will also provide an additional source of revenue to help meet the financial costs of restoration and on-going maintenance.*

*The specific location of the gift shop is not yet determined. The applicant seeks approval to locate the gift shop in either of two locations. One alternative is place the gift ship within an existing structure located along the north side of property. If this structure is used, an interior removable barrier (not a wall) will be erected to limit the size of the shop to 100 square feet. The alternative location is to use a portion of the solarium entrance on the south side of the main structure.*

#### *10. Roof & Chimney*

*The roof and chimney will be the first major repairs to be undertaken. In its present condition, there are two layers of roofing material on the structure. First, there is the original #1 grade cedar shingle that matches the siding of the inn. The second layer of material is a #2 grade cedar shake that was applied in 1982 by prior residential owners. Both layers of material must be removed. The owners will then install a new #1 grade cedar shingle material to match the original roof. This is a critical step because the roof design is a major architectural feature.*

*The original brick chimney is in need of substantial repair. First, the applicants will have the chimney dismantled brick by brick to below the roof line. The original brick will then be cleaned and reused to rebuild the chimney in the same manner as it was originally constructed.*

*The estimated costs of these repairs is \$100,000.00.*

#### *11. Electrical*

*Most of the electrical system was updated in 1982 by prior owners. Unfortunately, some architectural integrity was sacrificed regarding certain fixtures and switches.*

*The owners will completely update the electrical system with all new wiring. To the full extent possible, all light switches will be matching reproductions of the original push switches.*

*The majority of the original Fred Baker designed lighting is in place. However, the original bathroom lighting was replaced during a remodel by prior owners. Fortunately, there is one original fixture that will be used as a basis for creating matching reproductions that will be installed in the mens' and womens' lounges.*

#### *12. Windows*

*Many of the original windows and exterior doors are still in place and functioning well. But, in 1982 a number of windows and doors were replaced to be more energy friendly. Unfortunately these replaced windows and doors are NOT architecturally friendly or appropriate.*

*The original windows are French windows that open outwardly with custom made screens that open inwardly. The owners will work with Pella Corporation, or similar professionals, to reproduce windows and doors that will match and function exactly like the originals yet be more energy efficient.*

*The approximate cost is estimated to be \$80,000.00 to \$100,000.00.*

#### *Phase Five: Lawn, Garden, Fencing, River Rock and On Going Maintenance*

*The landscaped grounds have not substantially change since 1924. The original fountain is made of concrete and is in desperate need of repair. The fountain needs the surface refinished to stop leaks and continued deterioration. The owners will also have the fountain replumbed.*

*The river rock pillars that anchor the white board fencing and create the garden borders and steps area also in desperate need of being rebuilt. As with the chimney, the original river rock will be dismantled, cleaned and reused to rebuild stone surfaces.*

*The original cistern system on the north end of the inn will be repaired to capture rain water that will be utilized for watering the grounds and flower gardens during the summer months.*

*An underground sprinkler system will be installed for exterior watering needs. This will reduce the amount of water used and be far more efficient for maintaining the grounds.*

*The approximate cost for landscape repairs is estimated to be \$100,000.00.*

*In addition to these repairs, the landscaping requires full time lawn, garden and grounds maintenance. This will have a monthly cost of estimated to be \$2,500.00.*

*On-going interior maintenance and housekeeping is also required. There are over 1,000 individual panels of glass, a significant amount of wood work and many other detail oriented elements that require on going attention for the continued maintenance and preservation of this great property. Estimated monthly cost for full-time interior maintenance is \$5,000.00.*

#### *Summary of Implementation of Phases One through Five*

*Phases one through five will be completed within the first five years after approval is secured to re-establish the historic use of the property. After completion of the first five years, an evaluation will be made, and a new protection and enhancement plan for the next five years will drafted. Depending on revenue generated by the View Point Inn, the next phases of protection and enhancement will be prioritized and implemented.*

#### *VI. Implementation Plan After the First Five Years*

*Although not part of the initial restoration and enhancement plan, the following additional phase provide a general guide as to future efforts to restore and enhance the inn. These phases are expected to be the core items that will be presented in the second protection and enhancement plan to be implemented after the first five years of operation.*

##### *A. Phase Six: Commercial Dream Kitchen*

*Depending on revenue generation, implementation of the "dream kitchen" will be a true work of art. The kitchen will be functional yet impeccably respectful of the time period of 1924. This renovation will create an illusion so that when one first views the kitchen it will appear to be the original kitchen and hardware from 1924.*

*Every detail from the cabinetry, counter surfaces, lighting, refrigeration, ovens and stoves will be reproductions that create a step back in time, yet are fully functional as a modern commercial kitchen.*

*Our goal with this renovation, as with all the renovations of The View Point Inn, is to document the time period for historic posterity and character, and maximize the public interest in the View Point Inn.*

*The estimated cost of the dream kitchen is \$250,000.00*

##### *B. Phase Seven: Interior Painting*

*As previously mentioned, all the original colors and textures at the View Point Inn have been painstakingly uncovered. With this knowledge, the applicants intend to have highly skilled local*



*faux artists bring the original character of the Inn back to life so that it appears just as it did in 1924.*

*Most of the walls and ceilings on the ground floor were dry walled over in 1982. A modern spray texture was then applied to the drywall surfaces. Revenue, allowing the owners intend uncover and expose wherever possible the original plaster finishes. Where it is not possible to expose the original plaster surfaces, they will apply a sand texture to match the original texture and technique.*

*All surfaces will be painted in the original colors then slightly aged to create the illusion that this is the actual original paint finish that has been well maintained since 1924. This phase of the protection and enhancement plan will truly be the most remarkable in bringing the visitor back in time.*

*The reader should note that in 1982 many of the original colors were painted over with hot pink, turquoise, powder blue and mint green. With great anticipation, the owners will return the beautiful natural hues of earth tones, vibrant greens and rich dark wood finishes that reflect an amazing era of color and style unique to The Columbia River Gorge.*

*The approximate cost of this phase is \$150,000.00.*

#### *C. Phase Eight: Exterior Painting*

*The View Point Inn still maintains its original exterior colors, black and off white.*

*The View Point Inn was last brush painted in 2002. The white that was used was more of a blue white that does not match the original. As this paint has aged, it has dirtied and gives the appearance of off white.*

*Original paint samples have been meticulously archived for future use. With modern color matching technology, the next exterior paint job will match the original colors from 1924.*

*Approximate cost: \$100,000.00.*

#### *D. Phase Nine: Update Interior*

*During this phase all interior fabrics, linens, drapes, and upholstery will be updated. This phase will provide designers and historians the opportunity to bring to life the fabrics and textiles that represent an era gone by.*

*Approximate cost: \$100,000.00*

#### *E. Phase Ten: Furnishings and Antiques*

*During this phase, antique furnishings will be acquired that best represent how the View Point Inn would have been furnished in 1924. This phase is expected to include acquisition of dining room chairs and tables that match the style shown in archived photographs of the dining hall.*

*Approximate cost will be \$100,000.00.*

*F. Summary: Phases Six-Ten*

*Phase six through ten will be the subject of the second protection and enhancement plan that will be drafted after the first five years of operation.*

***Applicant (Exhibit A.7 – 8/30/06):*** *There is no need for further detail of schedule for the proposed Protection and Enhancement Plan. The five year plan is consistent with the County code. Your request for more specific dates for exactly when various steps will take place is unreasonable because the View Point Inn needs to begin generating revenue to know how quickly the steps in the plan can be paid for. It is imperative that there be flexibility in the plan to allow sufficient time for generating revenue to know how quickly the steps in the plan can be paid for. The five year plan is based on a reasonable period of time to generate sufficient revenue to cover the costs of the enhancement steps laid out in the plan. In five years, when the County reviews how the View Point Inn performed over the five year span, there will be a track record o accomplishments that the County can compare to the projections made in the plan. It is further noted that adequacy o the Protection and Enhancement Plan, including the projected timing of improvements, is primarily the jurisdiction of State Historic Preservation Office.*

***Applicant:*** *This restoration of the historic use is the preferred use under the Secretary of Interior's Standards for Treatment of Historic Properties. 36 DFR 68.4(f). "Every reasonable effort shall be made to use a property for its originally intended purpose." (Protection and Enhancement Plan, pg. 4, paragraph 7).*

*The owners, Geoff Thompson and Angelo Simone, are dedicated to the preservation and restoration of the property's historic character, both in function and architecture. They are dedicated to restoration of the aesthetic qualities envisioned by the original architect. Preservation of the architecture and its accompanying landscape design will be through careful repair and ongoing maintenance following the guidelines set forth in the Secretary of Interior's Standards for Treatment of Historic Properties. The specific steps are set forth in the following section on implementation. (Protection and Enhancement Plan, pg. 6, paragraph 1).*

***Staff:*** *A Protection and Enhancement Plan was submitted on July 20, 2006. It describes how the applicant feels the proposed uses will contribute to the protection and enhancement of the historic resource, and outlines proposed restoration, protection, enhancement and maintenance measures. A schedule for completion is addressed in five year increments. This criterion has been met.*

**11.11 Detailed architectural drawings have not been provided.**

**(iii) Detailed architectural drawings and building plans that clearly illustrate all proposed exterior alterations to the building associated with the proposed use. Any exterior additions to the building or outdoor components of the proposed use (e.g. parking areas, site for temporary structures, interpretive displays) shall be shown on the site plan.**

**Applicant (Exhibit A.7 – 8/30/06):** *The owners will be making NO ALTERATIONS to the building structure. Steps to repair and enhance the historic building are set forth in the Protection and Enhancement Plan. The repairs and enhancements are not alterations. This was discussed and agreed to at our pre-application meeting. As used in the code, alterations are changes to a building such as adding a room, or building a new porch in a different style or design that previously existed, or moving a rock pillar to a new location. Those steps would be alterations as contrasted with repairs and maintenance. The repairs and maintenance, and other enhancement steps, will be done in accordance to the Protection and Enhancement Plan submitted for SHPO review. If the County disagrees with SHPO's review of the Protection and Enhancement Plan, the County must justify how it reached a contrary decision.*

**Staff:** The applicant has not provided architectural drawings or building plans that illustrate proposed exterior alterations. The term "alteration" is not defined in Chapter 38 (NSA) of the County Code. It is however, defined in Chapters 33, 34, 35 and 36 (which address other rural areas of unincorporated Multnomah County) as, "May be a change in construction or a change of occupancy. When the term is applied to a change in construction, it is intended to apply to any change, addition, or modification in construction. When the term is used in connection with a change of occupancy, it is intended to apply to change of occupancy from one trade or use to another or from one division of trade or use to another."

Staff interprets "exterior alterations" referred to in this Code provision as applying to any change, addition, or modification in the exterior construction of a structure.

The Protection and Enhancement Plan describes actions pertaining to the replacement of the Inn's roof. This involves removing the original shingle layer, and a second layer made of a #2 grade cedar shake. The new roof will use a #1 grade cedar shingle material to match the original roof. The Plan specifies that the original brick chimney will be dismantled above the roof line. The bricks to will be removed will be restored, and used again in the reassembly of the chimney. The Plan also indicates that doors and windows installed in 1982 which do not match original doors and windows, and will be replaced with windows that exactly match the originals. Like type re-roofing and chimney reconstruction is not a change or modification in construction, and as such, is not an exterior alteration.

Staff coordinated with the City of Gresham Building Department throughout the land use review process. By telephone, building staff indicated that exterior alterations will need to occur in order to ensure compliance with its commercial building code, including the installation of a commercial kitchen exhaust and make-up air unit system. This action would necessitate an alteration of the structure's roof line. A September 14, 2006 email sent by Bob Moore (Exhibit D.6), the Assistant Building Official/Inspection Services Supervisor for the City of Gresham, clarified expected building code requirements:

1. New commercial Kitchen Hood and a fire suppression system installation.
2. Paved van accessible parking stall including posting of sign.
3. One unisex accessible restroom. (grab bars, accessible toilet and door hardware installation)
4. County Health may require some items which may require plumbing permits to be issued.
5. New boiler installation (permit from the State of Oregon) Understanding the existing boiler doesn't work. Must provide heating for the business to operate.

Exterior additions to outdoor components of the proposed use, including parking areas, site for temporary structures, interpretive displays are shown on the site plan (Exhibit A.29).

#### **11.12 The applicant has submitted an Operation Plan for Commercial Events.**

(iv) Any proposal for commercial events at a historic property shall include an Operation Plan for Commercial Events, to be incorporated into the "Protection and Enhancement Plan". The Operational Plan shall include sufficient information to demonstrate how the commercial events will remain incidental and subordinate to the primary use of the property, and shall, at minimum, address:

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

*Applicant (Exhibit A.2 – 7/20/06): Included as part of the Protection and Enhancement Plan, the following Operation Plan for Commercial Events is proposed.*

- 1. No outdoor commercial events are sought for authorization other than wedding ceremonies as set forth in this operation plan.*
- 2. The maximize size of weddings will be 125 guests. This matches the number of guests allowed for restaurant use.*
- 3. The number of vehicles allowed at the site will be 47. These vehicles will be parked on-site by a valet service according to the parking plan provided on the site plan at page 2 of Appendix o. This number of parking spaces complies with the County code requirement of 46 spaces for events of this size.*
- 4. If a temporary structure (such as a canopy) is utilized, the structure will not be erected until the day of the event. In addition, any such structure will be removed within two hours after the completion of the wedding ceremony. The location of a temporary structure will be adjacent to and east of the fountain. A photograph of the typical set up for an outdoor wedding ceremony is provided at Appendix L.*
- 5. This authorization seeks only to have the option available for couples to have the formal wedding ceremony (the exchange of vows) take place outdoors. All related wedding activities after the formal exchange of vows (such as the reception banquet, cake cutting, toast, first dance, etcetera) will take place within the indoor area of the restaurant. Those activities are clearly part of the restaurant use as a "banquet, private party or special event" and do not need separate approval as a commercial event.*

6. *Folding chairs that are set up for guests to witness the outdoor wedding ceremony will be one hour. Pursuant to Multnomah County Code, there will be no sound amplification.*
7. *The number of outdoor wedding ceremonies that will take place is uncertain. It will depend on weather and the desire of the particular wedding couple.*
8. *The option of having outdoor exchange of vows will contribute to the protection and enhancement of the property. Weddings are a highly effective way to bring in revenue and to market the restaurant. There are many potential wedding couples that desire to have an outdoor exchange of vow while having their reception and other wedding activities take place indoors. Indeed, the scenic panorama provides a spectacular location for such an important moment in life. Accordingly, the applicants believe that the option of having wedding ceremonies will greatly enhance the financial viability of this project. Of course, without sufficient revenue, the protection and enhancement plan for further restoration and preservation of the historic structure cannot be accomplished.*

***Applicant (Exhibit A.7 – 8/30/06):*** *It remains very difficult to predict with any accuracy the number of special events that will be booked at the restaurant. Of course, only those events that include an outdoor exchange of vows is even harder to predict. Nevertheless, for purposes of providing the County with a number, the owners will state that there will be no more than 52 outdoor exchange of vows per year.*

***Applicant (Exhibit A.5 – 8/30/06):*** *The View Point Inn will serve lunch between approximately 11:00 am to 2:00 pm and dinner from 4:00 to 10:00 pm Monday thru Saturday. Sunday brunch will be from 9:00 am to 2:00 pm. When the restaurant is reserved for special events there will be no other private dining or reservations.*

**Staff:** An Operation Plan for Commercial Events was submitted as part of the applicant's Protection and Enhancement Plan (Exhibit A.3). It specifies that no more than 52 commercial events will be held at the historic property. The events are proposed to accommodate no more than 125 guests and 12 employees. Valet parking would be provided on the subject properties. The applicant states that 64 parking spaces can be provided to accommodate the employees and guests. The applicant is proposing to make use of temporary structures. The location and type of these structures have been described and illustrated. The Protection and Enhancement Plan describes how the applicant expects the proposed wedding events to contribute to protection and enhancement of the historic resource. A portion of the anticipated revenue generated by the weddings will be earmarked for protection and enhancement measures proposed by the applicant. Without the wedding event revenue, the applicant asserts these measures cannot be funded. *This criterion has been met.*

#### **11.13 The County submitted a copy of the Protection and Enhancement Plan to SHPO.**

**(c) The local government shall submit a copy of the "Protection and Enhancement Plan" to the State Historic Preservation Office (SHPO). The SHPO shall have 30 calendar days from the date this information is mailed to submit written comments to the local governments. The SHPO comments shall address consistency of the**

**proposed use with the Secretary of the Interior's Standards for Rehabilitation of Historic Properties and the Secretary of the Interior's Standards for Preservation of Historic Properties, and the effect of the proposed use on the historic resource.**

**Staff:** Staff submitted a copy of the applicant's Protection and Enhancement Plan (Exhibit A.3), and other relevant application materials to the Oregon State Historic Preservation Office (SHPO) on July 24, 2006 (Exhibit B.5). As part of that submittal, staff requested that SHPO make a determination if the uses being proposed were consistent with the Secretary of the Interior's Standards for Rehabilitation of Historic Properties and the Secretary of the Interior's Standards for Preservation of Historic Properties (Exhibit B.4), and if the proposed uses would have an effect on the historic resource.

In a letter dated August 14, 2006, the SHPO provided the following response:

*The proposed uses for this historic resource are presented in a protection and enhancement plan provided by the owners to SHPO prior to the August 8<sup>th</sup> visit. Information contained within this plan complied with comments provided by the owners and their architect during the August 8, 2006 site visit, suggest that the proposed work plan and treatments for the Viewpoint Inn correspond to the Secretary of the Interior's Standards for Rehabilitation and Preservation of Historic Properties. SHPO suggests that periodic monitoring of progress be made during the course of the proposed protection and enhancement plan to ensure that any changes correspond to the plan. The owners have indicated that they will apply for tax benefits under SHPO's Special Assessment Program. Participation in this program requires that applicants submit a detailed work plan prior to commencement, and that progress be monitored periodically. Therefore, the SHPO feels that this should be sufficient to ensure protection of this historic resource.*

On August 29, 2006, staff requested that the SHPO provide additional information on the Special Assessment Program, and a supplemental letter which specifically addresses the effect of the proposed uses on the historic resource, based on the information contained within the applicant's application (Refer to Finding 11.14 below). On September 7, 2006, staff also forwarded additional application materials submitted by the applicant between July 24 and September 7, 2006.

**11.14 The proposed alterations are consistent with the Standards for Rehabilitation and Preservation of Historic Properties, and will have no adverse effect on the historic character of the View Point Inn.**

**(d) Any alterations to the building or surrounding area associated with the proposed must be determined by the local government to be consistent with the Secretary of the Interior's Standards for Rehabilitation of Historic Properties and the Secretary of the Interior's Standards for Preservation of Historic Properties. If the County's final decision contradicts the comments submitted by the State Historic Preservation Office, the County shall justify how it reached an opposing conclusion.**

**(e) The proposed use must be determined by the County to have no effect or no adverse effect on the historic character of the property, including features of the property contributing to its historic significance. If the County's final decision**

**contradicts the comments submitted by the State Historic Preservation Office, the County shall justify how it reached an opposing conclusion.**

**Staff:** Any alterations to the building or surrounding area must be consistent with the Secretary of Interior's Standards for Rehabilitation of Historic Properties and the Secretary of the Interior's Standards for Preservation of Historic Properties, and have not adverse effect on the historic character of the property, it is necessary to review the full details of all proposed interior and exterior alterations, including proposed roof and chimney repairs, window replacements, and the installation of new lighting fixtures, commercial kitchen modifications, etc. The purpose of this Code provision is to make sure that modifications to the historic structure do not compromise its historic integrity. The submittal of this information is required under MCC 38.7380. Additional information with regard to these proposed alterations, including drawings, photographs, sample materials, etc. were requested on August 9, 2006 (Exhibit C.2). These materials were not provided by the applicant.

On September 18, 2006, staff met with Gresham Building Department building department staff, the applicants, and SHPO staff by conference call, in order to better understand the alterations that would be required under the building code, and its impact on this provision of the Code. At this meeting, the applicants agreed to provide the SHPO with additional plans which show required alterations. They include a new commercial kitchen hood, fire suppression system, paved ADA parking stall and accessible restroom, and boiler. SHPO committed to providing a supplemental determination that these alterations are consistent with the Standards for Preservation and Rehabilitation, and will not affect the historic resource.

SHPO's initial response (Exhibit D.5) addressed consistency of the proposed use with the Secretary of the Interior's Standards for Rehabilitation of Historic Properties and the Secretary of the Interior's Standards for Preservation of Historic Properties based on materials submitted on July 24, 2006. A determination on consistency with these Standards based on all application materials provided by the applicant has not been received. Staff coordination with SHPO continued subsequent to receiving SHPO's August 14<sup>th</sup> letter, particularly in regard to the Special Assessment Program cited above. While enrollment by the applicant in the Special Assessment Program can be encouraged by the County, the Code does not require participation in the program. Additionally, staff is not aware of other state or federal requirements which would mandate participation, and the applicant has not submitted supplemental application materials providing evidence indicating that they intend to enroll in the Program.

Staff finds that SHPO's determination that enrollment in its Special Assessment Program "be sufficient to ensure protection of this historic resource" to not clearly meet the requirement under MCC 38.7380(E)(2), which requires the SHPO to address the effect of the proposed use on the historic resource. Staff requested a supplemental letter from SHPO to ensure their determination on the effect of the proposed uses on the historic resource was based wholly on information contained in the Protection and Enhancement Plan, and other application materials received subsequent to staff's original coordination letter. Staff recommends that the Hearings Officer obtain this determination from SHPO on all alterations before making a determination for the County that the proposal is consistent with the Standards for Rehabilitation and Preservation, and will have no effect or no adverse effect on the historic character of the property.



**11.15 Parking areas are proposed on the subject property. Surfacing is not proposed.**

**(2) Scenic Resources.**

(a) New parking areas associated with the proposed use shall be located on the subject property as it existed as of January 1, 2006. Such parking areas may be developed using paving blocks, gravel, or other pervious surfaces; asphalt, concrete and other impervious materials are prohibited.

**Staff:** The parking areas for use by the restaurant, inn, gift shop and tourists are shown the site plan Exhibit A.7. All of these are identified as existing parking areas. No new parking areas are proposed.

**11.16 Parking areas are visually subordinate from KVAs.**

(b) New parking areas associated with the proposed use shall be visually subordinate from Key Viewing Areas, and shall to the maximum extent practicable, use existing topography and existing vegetation to achieve visual subordination. New screening vegetation may be used if existing topography and vegetation are insufficient to help make the parking area visually subordinate from Key Viewing Areas, if such vegetation would not adversely affect the historic character of the building's setting.

**Staff:** Finding 9.4 provides a staff determination on issues involving the visual subordination of proposed parking areas from Key Viewing Areas. *This criterion has been met.*

**11.17 Temporary structures will be placed less than two days before an event, and removed less than two days after the event.**

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

*Applicant (Exhibit A.2 – 07/20/06): If a temporary structure (such as a canopy) is utilized, the structure will not be erected until the day of the event. In addition, any such structure will be removed within two hours after the completion of the wedding ceremony. The location of a temporary structure will be adjacent to and east of the fountain. A photograph of the typical set up for an outdoor wedding ceremony at Appendix L.*

*Folding chairs that are set up for guests to witness the outdoor exchange of vows shall be removed from the landscaped area within two hours after the wedding ceremony.*

*Applicant (Exhibit A.6 – 8/4/06): To clarify, there will be no use of tents or similar coverings. All that is contemplated is a small decorative "arch" (see photo at Appendix L of the Narrative) to*



*focus attention on the bride and groom, and from time to time a small canopy (approx. 8' x 8') for use to cover a musician (e.g. a harpist a violinist) during an outdoor exchange of vows. Any such arch or canopy would be erected the day of the ceremony, and removed within two hours after the ceremony. The applicants are voluntarily being much more restrictive than the code provisions which otherwise allow temporary structures to be in place two days prior to the event and removed within two days after the event.*

**Applicant (Exhibit A.7 – 8/30/06):** *The proposed location for a temporary decorative arch that may be used by some wedding couples is shown on the site (just east of the fountain, spanning the walkway). The location is also shown in a photograph at Appendix L to the original narrative submission.*

*The proposed location for a temporary 8' x 8' canopy for use during some weddings is also shown on the revised site plan.*

*Both of these structures are very small and will only be set up for some weddings. Because they are so small and will be set up on the lawn area in front of the main structure, anyone looking to the site from the Portland Women's Forum Park will see and focus on the dominant large structure (the inn itself). Accordingly, the temporary structures are visually subordinate as viewed from the Portland Women's Forum and do not adversely impact views of the Gorge.*

**Staff:** The applicant is proposing to erect two temporary structures (8' x 8' canopy and decorative arch) on the day of the ceremony, which would be removed within two hours after the ceremony. A condition of approval will require that the structures be placed on the subject property no sooner than two days before the event and removed within two days after the event. *As conditioned, this criterion is met.*

#### **11.18 Recreation resources will not be impacted.**

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

**Staff:** Recreation resources in the area include the Portland Women's Forum State Park and the Vista House. The latter is separated by terrain such that there is not a clear line of site. It also has a separate access. The property is highly visible from Women's Forum State Park; however, since the majority of the activities are to occur indoors and the parking areas are screened by the Inn itself, it should not detract from views from this overlook. The proposed uses may also have a positive impact on these recreation resources since people visiting the View Point Inn may also visit these venues as well. It is not anticipated that the proposed uses will detract from the use and enjoyment of existing recreation resources on nearby lands. *This criterion has been met.*

#### **11.19 Agriculture and forest lands will not be impacted.**

**(4) Agricultural and Forest Lands.**

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

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

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

**Staff:** The proposed use will not impact forest or agricultural practices or land suitable for production of crops, livestock or forest products. A 2002 aerial photograph of the area shows farming operations are occurring on nearby properties to the south of Larch Mountain Road, and along NE Salzman Road (Exhibit B.6). These uses may generate impacts associated with routine agricultural practices, including dust and noise. The proposed uses will not interfere with these farms since outdoor events will be limited in scope and duration, and all other uses proposed will occur indoors. GGF zoning on properties to the north of the View Point Inn allows for forest practices. The scenic visibility of these lands makes active harvesting unlikely. A condition of approval shall require the applicant to submit a signed declaration acknowledging that adjacent and nearby operators are entitled to carry on accepted agriculture or forest practices on nearby lands. *As conditioned, this criterion is met.*

**11.20 All proposed outdoor uses will be limited to daylight hours only.**

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

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

**Staff:** The applicant has indicated that the outdoor component of wedding events will be restricted to the exchange of vows only. The proposed hours of the interpretive facility function has not been specified. A condition of approval will limit outdoor uses authorized under this permit be limited to the hours specified in this Code provision. *As conditioned, this criterion is met.*

**11.21 Outdoor amplification is not proposed or allowed.**

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

**Applicant (Exhibit A.2 – 7/20/06):** *Pursuant to Multnomah County Code, there will be no sound amplification.*

**Staff:** Outdoor amplification is not proposed. A condition of approval will specify that the use of outdoor amplification is prohibited. *As conditioned, this criterion is met.*

#### **11.22 Parking is addressed under Finding 8.1**

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

**MCC 38.4130(B) and (C) shall not apply to Special Uses in Historic Buildings. All required parking associated with the use shall be provided on the subject property.**

**Additionally, the surfacing requirements of MCC 38.4180(A) shall not apply. Instead, the surfacing requirements of MCC 38.7380(F)(2)(a) shall be employed**

*Applicant (Exhibit A.7 – 8/30/06): It is not necessary for the self-parking plan to meet County standards because under MCC 38.7380(G)(3), the existing parking is permitted to continue to be used in its current configuration. The revised site plan shows the parking configuration that has been utilized by the View Point Inn for a number of years.*

**Staff:** The number of parking spaces must be provided in accordance with MCC 38.4205. While the criterion above exempts existing parking from design and improvement standards, it does not exempt the project from meeting requirements on the number of spaces needed to accommodate the proposed use and that it be accomplished in a safe manner. Finding 8.1 explains that these requirements have not been satisfied.

#### **11.23 Signage is addressed under Finding 12.0**

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

**Staff:** The applicant is proposing to make use of business identification and facility entry signs. Compliance with MCC 38.0080 is addressed in Finding 12.0 below. *This criterion has been met.*

#### **11.24 The proposed uses are not compatible with the surrounding area.**

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

*Applicant (Exhibit A.2 – 7/20/06f): MCC 38.7380(G)(5) requires that the proposed use compatible with the surrounding area. This requirement is satisfied. First, the proposal is to re-establish the historic use of the View Point Inn. For decades, the View Point Inn operated as a restaurant and inn and there is no evidence that this historic use was not compatible with the neighbors.*

*Second, the neighbors who are potentially the most impacted by this proposal are those who live on Columbia Avenue. All of those neighbors are in full support of this proposal. Signed letters of support from every one of these immediate neighbors are attached at Appendix T.*

*Third, the proposed use is less than was historically common. The original proprietor, Mr. Moessner, would provide cots and shared rooms to accommodate as many as 26 overnight guests. In contrast, the current proposal is to offer only five private overnight guests. Likewise, for restaurant use, this proposal limits occupancy to 125 guests. While that was the normal seating for the restaurant, Mr. Moessner historically would host special events up to 175 guests. In contrast, special events and banquets under this proposal will be limited to 125 guests, as with normal restaurant use.*

*Fourth, this proposal is not seeking to have any loud outdoor special events. The primary concern expressed by some people during the planning commission hearings was the idea that outdoor concerts, outdoor parties, and other loud events would disrupt the surrounding area. However, this proposal does not seek approval for any such event. All special events and banquets will take place within the building itself. This limitation on the use of the subject property is to accommodate those who expressed concerns about the potential impact of outdoor concerts and the like. Even for weddings, the option of having the exchange of vows take place outside is very benign. The wedding ceremony is inherently a quiet time when the guests are listening to the vows. When the ceremony is complete, other wedding reception activities will all take place indoors. Indeed, the impact of this use will be less than what is allowed at the nearby Vista House at Crown Point which allows weddings and other events but does not have sufficient or safe parking opportunities and does not have other limitations which are proposed here by the applicants.*

*Fifth, the limitation on hours of operation provided by the code further ensures compatibility with the surrounding area. That was point of including such limitation within the ordinance itself.*

*Sixth, with respect to allowing the public to stroll the grounds, read interpretative displays, and appreciate the vista at the view rail, such use is very benign and does not conflict with the area. Indeed, nearby are two other viewpoints where similar activity occurs (the Vista House at Crown Point, the Portland Women's Forum Park). Such use at the View Point Inn is benign and is compatible with the surrounding area.*

*Overall, the limitation on the number of guests, the availability of adequate on-site parking for all guests, the limited hours of operation, the agreement to not propose outside commercial events (other than the exchange of vows portion of a wedding), and the prohibition on outdoor amplification of any kind, all operate together to ensure that this proposal is compatible with the surrounding area.*

**Applicant (Exhibit A.5 – 8/30/06):** *The View Point Inn will serve lunch between approximately 11:00 am to 2:00 pm and dinner from 4:00 to 10:00 pm Monday thru Saturday. Sunday brunch will be from 9:00 am to 2:00 pm. When the restaurant is reserved for special events there will be no other private dining or reservations.*

**Staff:** *Surrounding properties are devoted to a mixture of residential, agricultural, forest and open space land uses. This decision must include conditions of approval that will help to ensure that the*

proposed use is able to exist harmoniously with these properties. The scale of the use, noise, traffic generation and hours of operation will be compatible with the surrounding area. Noise impacts will be mitigated by restricting outdoor uses after 10:00 pm in summer months (Memorial Day to Labor Day), and after 7:00 pm during the rest of the year. Amplification prohibitions will also minimize noise impact.

Parking must be provided consistent with County parking space standards, partly to avoid congestion and minimize disruption to traffic flows in the neighborhood surrounding the View Point Inn. The applicant has not demonstrated that the parking areas, and the number of parking spaces proposed, can function in a way that avoids creating conflicts with adjacent roadways and surrounding residential uses. Parking areas should be limited to a capacity which meets minimum accepted design standards.

**11.25 The proposed uses may create hazardous conditions.**

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

*Applicant (Exhibit A.5 – 8/30/06): Accident records were obtained from the Oregon State Department of Transportation for the three year time period between July 1, 2003 and July 1, 2006. Based on the available data no accidents have occurred at the westerly site driveway or E Larch Mountain Road/Columbia Avenue intersection.*

**Staff:** Staff has identified the potential for hazardous conditions in the following two areas: parking and sewage disposal. Discussion of these issues in relation to the proposed uses is addressed in Findings 8.1 and 11.27.

**11.26 The proposed uses will not require additional public services.**

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

**Staff:** Public services are those services provided by the County or another collectively funded entity for the benefit of the community, such as fire protection, police protection, and water related services.

The applicant has submitted two service provider letters signed by a representative of the Fire District #14 stating that fire access and fire fighting water supply are both adequate to serve the proposed use. The Corbett Water District also provided documentation which states that the proposed use will not require water system improvements. Provided that applicant adequately will be able to address the parking issues outlined in Finding 8.1, staff does not find that demand on the sheriff's office for traffic control, crime prevention or law enforcement will be impacted as a result of this proposal. *This criterion has been met.*

**11.27 The applicant has not demonstrated that private services can be made adequate to serve the use.**

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

***Applicant (Exhibit A.2 – 7/20/06):** Re-establishment of historic use will require potential modifications to the existing septic system. The applicant's consultant, Brian T. Rage of Cascade Earth Sciences, will monitor the flow level and waste strength of restaurant use and, based on the data, will design modifications to meet sanitation needs for the property. It is possible that the existing sports court will need to be removed to accommodate some septic modifications. If that step is needed, it will not be detrimental to the integrity of the historic uses. The sports court, which is located on the north side of the main structure, is a feature added for residential use by prior owners. Accordingly, its removal would actually be a step that is consistent with restoration of the historical integrity of the property.*

***Applicant (Exhibit A.7 – 8/30/06):** With regard to the septic system, the City of Portland has already approved a temporary limited authorization to use the existing septic system for the proposed use so that a field study of the actual demands on the system can be completed. Our septic consultant, Brian T. Rabe of Cascade Earth Sciences, will conduct the testing to determine the optimal design based on the actual demands placed on the system for this use.*

*It should be noted that Land Use Planning has no jurisdiction over the approval of the septic design. That is a matter handled by the City of Portland.*

**Staff:** Since public sewer lines are not available to serve the proposed use, the applicant must provide an adequate private sewage treatment system that distributes wastewater to an underground storage area and relies on bacterial action to decompose solid waste matter on the subject property.

Approval of any land use involving a new or expanded use or the creation of a new parcel requires authorization by the Sanitarian. On July 27, 2006, a Certification of On-Site Sewage Disposal Form (alongside an Authorization Notice for Connection to an Existing Subsurface System, site plan and 1998 inspection card) (Exhibit A.11) signed by Mike Ebling, City of Portland Sanitarian, was submitted by the applicant. Based on the format of the Form, the signature of the Sanitarian provides acknowledgement that the proposed uses can be served in the form of a septic system in the form of a septic tank and drainfield. The signature on the Form does not, in it of itself, demonstrate that the on-site sewage disposal system is or can be made *adequate* to serve the use.

According to the materials submitted, the existing sewage disposal system was installed in May of 1998, consisting of a 5,000 gallon septic tank and a drainfield made up of three 150 foot long seepage trenches. The design flow authorized for this system was 1,350 gallons per day. This system was installed for the purposes of accommodating a nonprofit educational facility approved by the County under Case #NSA-23-97, which had also been authorized an accessory restaurant use with a 40 person capacity.

Based on the Certification Form, site plan and written narrative provided by the applicant on July 20, 2006, staff does not have enough evidence to find the septic system is or can be made adequate to serve the use. It was also unclear to staff whether the system had adequate capacity to avoid the potential to create a hazardous condition [MCC 38.7380(G)(6)]. A drainfield that fills with water, backs-up into the structure, or overflows onto the ground would create a hazardous condition.

On August 9, 2006, staff requested that the applicant provide additional information relating to how much additional capacity would be needed to accommodate the proposed uses, what alterations are needed to provide additional capacity, and when the applicant was planning to carry out these changes (Exhibit C.1). This information was not provided.

Staff has coordinated with the Sanitarian office to obtain supporting information on the nature of the temporary authorization and the relationship between this temporary authorization and Oregon Department of Environmental Quality (DEQ) permitting requirements. The DEQ has jurisdiction over the permitting of sewage disposal systems with flows greater than 2500 gallons per day.

An email from the City of Portland Environmental Soils Section staff received on September 5, 2006 (Exhibit D.7) provides the following clarification:

Once we (Environmental Soils Section) establish the exact flows and the Fats, Oils, Greases (FOGs), and the Biological Oxidation and Demand (BOD), as well as other constituents of their waste stream, it will be determined that the restaurant's permit will need to be transferred to a DEQ WPCF permit, which will be managed & approved by the DEQ. However, in order to get the process going so that they can move forward, Mike (Ebling, Sanitarian) has determined that the system is adequate at this time, and will be evaluated over a year's period to determine what will be needed in their application to DEQ. Basically, this is a temporary approval until such time as a WPCF permit is applied for. The existing system was approved for a conditional use permit for their intended waste stream. This system is no longer approvable under current rules.

On September 18, 2006, Mike Ebling provided correspondence (Exhibit D.8) which further clarifies the nature of the temporary authorization provided to the applicant, and the role of the DEQ:

My office reviews and approves private waste disposal systems for unincorporated Multnomah County in accordance with a Memorandum of Agreement (MOA) between the County and DEQ that requires the County ensure the systems comply with state administrative rules. Those rules authorize me to grant the owners of the View Point Inn temporary approval to use their existing system for a restaurant use (OAR 340-071-0130 (15)(b)(A). Specifically, my sign-off authorizes a maximum discharge to the system of 2,250 g.p.d., which can accommodate a 125-seat restaurant. The approval is valid for a period of 12 months from the time of operation.

OAR 340-071-0130(15)(b)(B) requires the owner obtain a WPCF permit from DEQ before my temporary authorization expires. It has been my experience that DEQ will require modifications to a system such as the one that exists on this property and I am aware that the View Point Inn owners have hired a consultant to work out how the system can be retrofitted. Ultimately, the DEQ must determine if the changes the applicant proposes are acceptable and that it is feasible to construct a system on this property that is suitable for the desired use.

This correspondence makes it clear that DEQ, not the Sanitarian, must determine if it is feasible to construct improvements to the septic system on the property. Staff has shared this information with



the applicant and has requested that they obtain a feasibility letter from DEQ that this is the case. If this is provided, the approval can be conditioned requiring the permit be obtained prior to the temporary authorization expiring. If not, then the Hearings Officer cannot find the standard is satisfied because there is no evidence that it is feasible DEQ will issue a permit.

The applicant has suggested the sports court located on the Tax Lot 1600 may need to be removed to make room for septic system improvements. The scope of this work needs to be captured in the DEQ sign-off, or a subsequent NSA Site Review process may be needed.

## **12.0 All Proposed Signage Meets NSA Sign Criteria**

### **§ 38.0080 Signs**

**(D) Signs in a General Management Area shall be permitted under an expedited review process pursuant to the following provisions:**

**(1) All new signs must meet the following standards unless they conflict with the Manual for Uniform Traffic Control Devices for public safety, traffic control or highway construction signs. In such cases, the standards in the Manual for Uniform Traffic Control Devices shall supersede these standards.**

**(a) The support structure shall be unobtrusive and have low visual impact.**

**(b) Lettering colors with sufficient contrast to provide clear message communication shall be allowed. Colors of signs shall blend with their setting to the maximum extent practicable.**

**(c) Backs of all signs shall be unobtrusive, non-reflective, and blend in with the setting.**

**(d) Spot lighting of signs may be allowed where needed for night visibility. Backlighting is not permitted for signs.**

*Applicant (Exhibit A.2 – 7/20/06): The applicant proposes five outdoor interpretive displays. This use is specifically authorized by MCC 38.7380(B)(1). Each display will measure approximately 24" x 30" and the proposed locations are identified on the site plan. The displays will be approximately three feet in height. Attached at Appendix P is a graphic representation of the location of four of the displays as seen from the west-facing veranda of the main structure. The fifth display will be located near the south entrance to the Inn as shown on the site plan.*

*The applicant anticipates having the displays built by Interpretive Exhibits Inc., which the same company that produced the displays for the Oregon Department of Transportation at various sites along the Historic Columbia River Highway. Attached at Appendix Q is a photograph of the display at Portland Women's Forum. The displays for the View Point Inn will be identical in design, or the substantial equivalent.*



*The displays will provide historic information and tribute to the nearby inns and road houses that no longer exist, primarily Crown Point Chalet and the Chanticleer Inn. There will also be interpretive displays pertaining to the Columbia River, the View Point Inn, and architect Carl Linde. An indoor display will be created honoring local artist/painter Charles Post.*

*The written content will be drafted with the assistance of qualified historians and the Crown Point County Historical Society.*

**Applicant (Exhibit A.7 – 8/30/06):** *Vehicles will enter the property off Larch Mountain Road at the west driveway. The two existing rock pillars will each have a permanent sign mounted to the pillars directing vehicles to enter at that location.*

*When valet service is not being used, a temporary sign will be placed on the left side of the driveway so that guests entering at the west driveway will readily see the sign. The sign will state "Self Parking" and have a directional arrow pointing to the parking lot across Columbia Avenue.*

*The only other sign proposed by the applicants will be a sign mounted in the grass area next to the west driveway. The sign will identify the site as the View Point Inn. It will be identical to the existing sign mounted on the southwest corner of the building. The sign will be oval and measure 38" wide by 23" high.*

*The Revised TIS does not recommend any new signage with advisory speeds for Larch Mountain Road. The Revised TIS does not recommend any directional signs to the View Point Inn.*

**Staff:** The applicant is proposing a mixture of interpretative, directional and commercial signage at various locations on Tax Lot 1600. Table 4 summarizes the ten signs which are proposed:

**Table 4**

<b>Proposed Sign</b>	<b>Location</b>	<b>Function</b>	<b>Appearance</b>
Interpretive Displays (4)	Western edge of walkway and lawn area	To provide historic information on area highway roadhouses, View Point Inn, architect Carl Linde, and Columbia River.	24" x 30" Exhibit A.14/A.15
Interpretive Display (1)	Adjacent to westerly driveway off Larch Mountain Rd See Exhibit A.9	See above	24" x 30" Exhibit A.14/A.15
Commercial Sign (1)	Grass area next to the west driveway	Business identification	Oval, measuring 38" wide by 23" high

			Exhibit A.21
Commercial Sign (1)	Mounted on the southwest corner of the building	Business identification	Oval, measuring 38" wide by 23" high Exhibit A.21
Directional Signs (2) (permanent)	Mounted to rock pillars at entrance to Columbia Ave. See Exhibit A.21	Directs vehicles to enter at westerly driveway	Unknown
Directional Sign (1) (temporary)	Left side of the westerly driveway	To direct traffic entering westerly driveway to self - parking lot	"Self Parking"

In an August 9<sup>th</sup> Incompleteness Letter drafted by staff, the County requested that the applicant submit a signage plan as part of their application, in order to better understand how proposed signage complies with MCC 38.0080, to ensure signs work in concert and in support of historic protection goals, and to help assure that signs are routinely maintained and promptly replaced as required.

The applicant has provided a photograph (Exhibit A.15) of what they consider to be comparable interpretative signage used at Portland Women's Forum State Park. The application states that this example sign was produced by the same company the applicant anticipates using for the production of interpretative displays at the View Point Inn. The display shown in the photograph demonstrates a base consisting of a frame, which holds the exhibit panel, and a single leg, which hold the frame and panel in its viewing position. A low profile dark stone support structure blends into the surrounding landscape making it unobtrusive and maintaining a low visual impact. The example appears to use black and grey lettering colors that sufficiently contrast with the off-white background to provide a clear message. When considering the combination of the grey stone support structure, green panel bordering, dark tone lettering colors, the sign blends with its setting to the maximum extent practicable. The back of the interpretive sign is not shown on the photograph since the panel is set at an approximate 30 degree angle. The material used appears to be fiberglass, which is less obtrusive and reflective than porcelain or laminated alternatives. The applicant did not indicate whether spot lighting or backlighting is planned in conjunction with proposed interpretative signs.

A photograph of one of the commercial signs to be used in identifying the View Point Inn is included in Exhibit A.21. The applicant asserts that the other proposed sign will be identical to the existing sign. The picture was presumably taken as it hanged from the southwest corner of the building on two hooks, located in one of the two locations proposed for onsite commercial signage. The hooks are small, making them unobtrusive with a low visual impact. The applicant did not provide information on how the proposed commercial sign located on the grass area next to the west driveway will be supported. The lettering is white, and of a script type face, which contrasts sufficiently with the black base color of the sign. The colors of the commercial sign aim to match the whites and black used for the historical building. A description or photograph of the back of the

commercial signage was not provided by the applicant. The applicant did not indicate whether spot lighting or backlighting is planned in conjunction with proposed commercial signs.

The applicant is proposing to locate two directional signs at the westerly entrance to the View Point Inn, which would be affixed to the stone pillars that separate the driveway. The signs would face outward toward Larch Mountain Road, and direct vehicles traveling east to enter the property at that location. A temporary sign is proposed to serve vehicles entering the property when valet service is not available which would alert drivers to pull ahead to the parking areas located on Tax Lot 1500 and 1600. The sign would consist of a directional arrow and would read "Self Parking." No information has been provided with regard to the appearance of the proposed directional signage.

The proposed commercial and interpretative signage meets the signage standards listed in MCC 38.0080. A condition of approval will require all directional signage to meet standards listed in the Manual for Uniform Traffic Control Devices. *As conditioned, this criterion is met.*

**12.1 Business identification or facility entry signs are proposed.**

**(2) Business identification or facility entry signs located on the premises may be allowed, subject to MCC 38.0080 (A) (1).**

**Staff:** Proposed business identification and facility entry signage is discussed under Finding 12.0 above. MCC 38.0080(A)(1) addresses election signs, and is not applicable to this proposal.

**12.2 Public signs are not proposed.**

**(4) Public signs shall meet the following standards in addition to subsections (1) through (3) above:**

**(a) The Graphic Sign System provides design standards for public signs in and adjacent to public road rights-of-way. All new and replacement public signs, except those transportation, regulatory, guide and warning signs allowed outright shall conform to the guidelines in this system. Types of signs addressed include recreation site entry, interpretive, specific service signs, destination and distance signs, variable message signs, or signs that bridge or are cantilevered over the road surface.**

**(b) Signs located outside public road rights-of-way are encouraged to be designed in such a way as to be consistent with similar purpose signs described in the Graphic Signing System.**

**Staff:** The signage proposed by the applicant is not public in nature. *This criterion is not applicable.*

**12.3 Signage must be removed if the proposed use is discontinued.**

**(5) Signs for public and commercial recreation facilities, home occupations, cottage industries, and commercial uses shall meet the following standards in addition to subsections (1) through (3) of this section:**

**(a) Any sign advertising or relating to a business which is discontinued for a period of 30 consecutive days shall be presumed to be abandoned and shall be removed within 30 days thereafter, unless permitted otherwise by the jurisdictional authority.**

**(b) Any signs relating to, or advertising, a business shall be brought into conformance with these sign standards prior to any expansion or change in use which is subject to review.**

**Staff:** If approved, a condition of approval will require all signage relating to the View Point Inn be removed if the business is discontinued for a period of 30 consecutive days. *As conditioned, this criterion is met.*

**12.4 Sign clutter and excessive signage is not an issue requiring action.**

**(6) Sign clutter and other negative visual effects from excessive signs along all roads and highways, and at parking lots and recreation facilities, shall be reduced.**

*Applicant (Exhibit A.5 – 8/30/06): East Larch Mountain Road is a 22-foot wide paved roadway with intermittent gravel/grass shoulders. There are no posted or advisory speed limit signs on E. Larch Mountain Road. An advance cross road sign is located to the west alerting drivers to the presence of the E Larch Mountain Road/Salzman Road intersection and the possibility of entering or turning traffic.*

*The E Larch Mountain Road/Columbia Avenue intersection and westerly site driveway have no stop signs or other traffic control devices. The existing lane configuration for the intersection and site driveway are show in Figure 2.*

**Staff:** Staff conducted a site visit to the subject property on June 27, 2006 and observed no evidence of sign clutter or other negative visual effects from excessive signage along Larch Mountain Road or Columbia Avenue. *This criterion has been met.*

**13. Multnomah County Road Rules (MCRR)**

**13.1 Access to a County Road will be reconfigured**

**4.000 Access to County Roads**

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

- A. Site Plan;**
- B. Traffic Study-completed by a registered traffic engineer;**
- C. Access Analysis-completed by a registered traffic engineer;**
- D. Sight Distance Certification from a registered traffic engineer; and**

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

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

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

**4.400 Width:** Driveway and Accessway widths shall conform to the dimensions laid out in the Design and Construction Manual.

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

*Applicant (Exhibit A.5): Sight distance was measured at the westerly site driveway and was found to be over 610 feet when looking towards the east and the west. East Larch Mountain Road has no posted speed limit to base the sight measurements on, however a distance of over 610 feet is adequate if the sight distance is based on a speed limit of 55 mph and the criteria in A Policy on Geometric Design of Highways and Streets, AASHTO, 2004. Therefore, the sight distance requirement is met.*

*Sight distance was also measured at the E Larch Mountain Road/Columbia Avenue intersection. The intersection sight distance when looking towards the east and west was limited by shrubbery and mailboxes at the entrance to Columbia Avenue. The relocation of the mailboxes and trimming/removal of the shrubbery would provide adequate sight distance of over 550 feet.*

*The intersection sight distance measurements were based on a driver's height of 3.5 feet measured 15 feet back from the outside travel lane on E. Larch Mountain Road. The object height was assumed to be a height of 3.5 feet.*

**Staff:** Multnomah County Road Rules (MCRR) are authorized under MCC 29.500. The purpose of the rules is to provide a link between the County's ordinance provisions authorizing road rules and the County's Design and Construction Manual adopted under the provisions of the road rules [MCRR 2.000].

MCRR allows the County to require applicants for a new or reconfigured access onto a County road to provide a site plan, complete a traffic study, provide an access analysis and a sight distance certification from a registered traffic engineer and to provide such other site-specific information as may be requested by the County Engineer [MCRR 4.000]. This section must be read in conjunction with MCRR 18.250, relating to Access Permits, which defines an "altered" access to be one where a change in the development it serves has a Transportation Impact as defined in Section 6.000 of the road rules [MCRR 18.250(A)(1)].

Staff is not aware of previous access permits issued for this property from the County. Some of these driveway accesses are thought to be pre-existing driveway accesses, but none of them have been permitted.

The applicant has submitted a site plan (Exhibit A.29), a Transportation Impact Study (Exhibit A.5) which addresses access and sight distance. A condition of approval will require the applicant to submit a sight distance certification which demonstrates that the sight distance at the intersection of Larch Mountain Road and Columbia Avenue has been met. Multiple access points are proposed, which does not meet the County's standard. Refer to Finding 13.4 for discussion on the variance required to address this issue. *As conditioned, these rules can be met.*

### **13.2 The proposal will cause a transportation impact.**

#### **5.000 Transportation Impact**

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

- A. Calculations from the most recent edition of the Institute of Transportation Engineers' Trip Generation (ITE); or**
- B. A site development transportation impact study conducted by a professional engineer registered in the State of Oregon and accepted by the County.**

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

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

*Applicant (Exhibit A.5 – 8/30/06): To determine the trip generation rates for the View Point Inn rates were derived from the ITE Trip Generation Manual, 7<sup>th</sup> edition. Based on the Trip Generation Manual the site will generate approximately 270 trips on a weekday and 318 trips on a Saturday. Twenty-two trips will occur during the weekday PM peak hour and 35 trips will occur during the Saturday time period between approximately 1:30 to 2:30 pm.*

*The directional distribution of traffic generated by the development was assigned to the westerly site driveway and E Larch Mountain Road/Columbia Avenue intersection. This distribution was based on observations of traffic flow patterns in the area. The site traffic distribution is show in Figure 4. The site traffic assignment is shown in Figure 5.*

*Traffic volumes. The traffic counts in this report were conducted from 1:30 to 2:30 pm on Saturday July 8, 2006 and 4:00 to 6:00 pm on Tuesday July 11, 2006 at the E Larch Mountain Road/Columbia Avenue intersection. In addition a traffic survey was conducted from 3:30 to 4:30*

*pm on August 12, 2006 for a wedding held at 4:30 pm. The weekday PM peak hour occurred between approximately 4:30 to 5:30 pm at the westerly site driveway and E Larch Mountain Road/Columbia Avenue. The existing traffic volumes are shown in Figure 3. The raw traffic count data is shown in Appendix A.*

**Staff:** Under Section 5.000, a transportation impact occurs when any new construction or alteration would increase the number of trips generated by a site by more than 20 percent, by more than 100 trips per day or by more than 10 trips in the peak hour [MCRR 5.300].

In this case, the County required the applicant to submit a traffic study (Exhibits A.4 and A.5). The applicant submitted a Transportation Impact Study dated July 14, 2006 (a Revised Study was also submitted, dated August 30, 2006) indicating that during a typical Saturday peak hour (found to be 1:30 pm to 2:30 pm), the proposed uses would generate 35 additional trips; and all day Saturday, an additional 318 trips would be generated. During the same peak hour on a weekday, 22 additional trips are expected; with 270 trips generated all day. According to ITE, A single family residence produces approximately 10 trips day on an average weekday and approximately 7 trips a day on an average Saturday, with one trip occurring in the peak hour for both Saturday and weekdays. The proposal will increase the weekday trips by 260 trips and the Saturday trips by 311 trips. The weekday peak hour trips will increase by 21 trips and the Saturday peak hours trips will increase by 34 trips. Under these facts, the proposed uses have a transportation impact, which triggers the dedication and frontage improvement requirements of MCRR 6.100(A). The applicant will need a variance from these improvement standards.

### **13.3 The applicant is required to bring right-of-ways up to current County standard**

#### **6.000 Improvement Requirements**

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

**A. Dedication Requirement:** The owner is responsible for a pro-rata share, as determined by the County Engineer, of right-of-way and easement dedications necessary to bring the affected, existing, created or planned public streets and other facilities within and abutting the development to the current County standard. The dedication of the required easements and right-of-way may be conditions of approval of Design Review or any other development permit related to the proposal.

**B. Frontage Improvement Requirements:** In addition to easement and right-of-way dedication requirements, a pro-rata share may include half-street improvements along all of the site's County Road frontage(s). Improvements shall satisfy the standards of the County Design and Construction Manual based upon the functional classification of the road(s). The commitment to improve the affected streets or other facilities to the required standards shall be conditions of approval of Design Review or any other development permit related to the proposal. Half-street improvements can include all of the following:

1. Street widening/improvement
2. Utility cut restoration
3. Curb and sidewalk
4. Driveway relocation/replacement/removal
5. Traffic controls



6. Drainage facilities
7. Lighting facilities
8. Bicycle facilities
9. ADA ramp construction/reconstruction
10. Signal conduit facilities
11. Street trees
12. Other appropriate facility requirements

**Staff:** The applicant is requesting to obtain a variance from the improvement standards in the Design and Construction Manual for a Local Access Road. Refer to Finding 13.4.

**13.4 The applicant has requested a variance from the right-of-way standard, and will need to allow for a variance from access standards.**

**16.000 Variance from County Standards and Requirements**

**16.100 Variance Requirements:**

A. Multnomah County Code 29.507 provides for a variance by the County Engineer from County standards and requirements when written documentation substantiates that the requested variance is in keeping with the intent and purpose of County Code and adopted rules, and the requested variance will not adversely affect the intended function of the County road system or related facilities. A variance approval may include mitigation measures as conditions of approval.

B. All requests for a variance to these Road Rules that are part of a development that requires approval of that development as a "land use decision" or "limited land use decision," as defined in ORS 197.015, shall be submitted to the County Engineer at the time that application for the land use review is submitted to the applicable planning office having land use jurisdiction. The County Engineer's decision on the variance to these Road Rules shall not become effective until the date that the associated land use decision becomes effective.

C. For properties within unincorporated areas of Multnomah County for which Multnomah County has not contracted for planning and zoning services, the Hearings Officer shall be the final County decision maker for all applications for variances to these Rules that are in conjunction with applications for development classified as a "Type III" or an appeal of a "Type II" land use permit application under MCC Chapter 37 or the corresponding code parts in MCC Chapter 38, as applicable.

**16.225 Access Variance Standards:** Exceptions to access standards may be made by the County Engineer when spacing or other safety considerations make non-standard access acceptable. In addition to the variance requirements of Section 16.200 of these Rules, the applicant will be required to demonstrate that the proposed variance will not negatively impact the safety or capacity of the transportation system for a variance to be granted. The following are examples of variances that may be considered along with specific criteria that must be addressed before such a variance can be granted.

A. **Multiple Access Points:** The County Engineer may allow multiple access points when all spacing standards can be met, or when the additional access(es) will not negatively impact the safety or functionality of the transportation system and a single access point cannot

reasonably serve a site. Movement restrictions, such as right-in, right-out, may be placed on accesses to protect the safety and/or functionality of the transportation system.

**B. Access Spacing:** If it is not feasible to access a site and meet the access spacing standards, access may be located so as to provide the best access spacing possible. The County Engineer may require additional measures to mitigate sub-standard access spacing, such as a median or other restrictions.

**C. Sight Distance:** If it is not feasible to provide enough sight distance to meet County/AASHTO standards, the site's access must be located so as to provide the most sight distance possible. The County Engineer may require additional measures to mitigate sub-standard sight distance.

**16.250 Local Access Roads Variance Standards:** The County Engineer will consider a variance from the improvement standards for a Local Access Road in the Design and Construction Manual if the topography or other features of the site make compliance with the improvement standards infeasible. Any variance issued under this Section must meet the criteria of section 16.200 of these rules as well as the minimum requirements of the local police, fire and emergency service providers, any applicable Building Code Requirements, any applicable Land Use Code requirements and meet any other applicable environmental requirements.

**16.400 County Engineer Initiated Variance:** The County Engineer may initiate and establish a variance which is in keeping with the intent and purpose of the Code and adopted Rules and meets all the criteria of this section. The nature of the variance and written justification for the action will be included as a part of the County's records.

*Applicant (Exhibit A.2 – 7/20/06): This conditional use application includes an application for a variance from minimum right of way requirements for Columbia Avenue. At the pre-application meeting, and pursuant to a memorandum dated June 29, 2006, by Alison Winter, the applicants were informed that Multnomah County Code requires a 50 foot right of way for Columbia Avenue.*

*According to the June 29, 2006 memorandum, Larch Mountain Road is a rural collector facility with an existing right of way of 60 feet. This existing right of way meets standard. The right of way is currently developed as a two-lane road with pavement width of 22 feet, plus intermittent gravel/grass shoulders.*

*Columbia Avenue is designated by the County as a local access road. It currently has a 30 foot right of way, however it is developed only to a width of approximately 10 feet. It is a dead end gravel/dirt road, privately maintained, and serves only 4 houses beyond the subject property. The County has indicated that it has no intent of making improvements to Columbia or providing maintenance.*

*Applicant (Exhibit A.7 – 8/30/06): Contrary to your assertion, there is no authority for needing any variances for existing driveways and parking areas. The View Point Inn is not proposing any construction or development of any kind. All driveways are existing. All parking areas are existing.*

*You state that we propose "two driveways" on tax lot 1500 which lies on the east side of Columbia. Under MCC 38.7380(G)(3) provided: "Existing off street parking and loading areas on a historic property shall be allowed to be used in their current configuration." Accordingly, the View Point Inn is entitled to use the existing parking area in its current configuration. The current configuration has always provided for vehicles to pull off Columbia and enter into the parking area. The View Point Inn is not proposing any new "driveway." By marking the spaces and showing them on the revised site plan, the applicants are simply trying to meet the County's desire to understand how parking and access work at the site.*

*Likewise, the County has no authority to require a variance for vehicles to pull off Columbia into the existing garage, or other traditional parking spaces on the west side of Columbia. If you have a different interpretation of MCC 38.7380(G)(3), which unequivocally states that existing parking areas may continue to be used in their current configuration, please advise me of that interpretation so I may respond.*

*I further note that while I cannot find in the code any definition of "driveway," the code does implicitly recognize that off-street parking that abuts directly to a street is not a driveway. This is evident from MCC 38.4170, which provides that "Where a parking or loading area does not abut directly on a public or private street... there shall be provided an unobstructed paved driveway not less than 20 feet in width." Obviously, for parking that does abut a street, there is no need or place for a driveway. Accordingly, there is no basis for your suggestion that we seek multiple variances for "driveways" for these parking spaces*

**Staff:** MCRR 4.000 allows the County to regulate the following aspects of access: the number of accesses [MCRR 4.200], the location of access [MCRR 4.300], access width [MCRR 4.400] and sight distance [MCRR 4.500].

MCRR 16.250 require that minimum yard requirements be increased if a yard abuts a street having insufficient right-of-way width to serve the area. The County Design and Construction Manual requires 50' feet of right-of-way for local access roads that are not maintained by the County but are accessible to the public. The subject properties are bisected by Columbia Avenue, which is a local access road. 30 feet of right-of-way exists. The applicant is requesting a variance, pursuant to Section 16.300 of the Multnomah County Road Rules. As part of the variance request, the applicant must show that a circumstance or condition applies to the property or to the intended use that does not apply generally to other property in the same vicinity or district.

MCRR 4.200 restricts access to arterials and collectors to one driveway access per property. In this case, the applicant submitted a site plan (Exhibit A.9) showing two driveways on Columbia Avenue for Tax Lot 1500 (one ingress and one egress) and approximately ten driveways on Tax Lot 1600 (one on Larch Mountain Road, one on Columbia Avenue next to Larch Mountain Road, one for the garage on Columbia Avenue, and seven for parking spaces on Columbia Avenue) to provide parking access. The applicants may exceed the one access per property limit if they are able to obtain a variance pursuant to MCRR 16.000 and MCC 38.7600. The applicant asserts that a variance from driveway standards is not needed. If they are able to demonstrate that the parking configuration shown on the submitted site plan (Exhibit A.29) are established parking areas pursuant to [MCC 38.7380(G)(3), the applicant will be entitled to use them. If they are not established parking areas,

the variance issue is moot, since these spaces could not be provided if the County's design standards were applied [MCC 38.7380(G)(3)].

The applicant is requesting to obtain a variance from the right-of-way improvement standards in the Design and Construction Manual for a Local Access Road. A variance is also needed to review the request for multiple access points for both Tax Lots 1500 and 1600. Compliance with the variance approval criteria is addressed in Finding 13.5 – 13.8.

**13.5 A condition applies to property and intended use that does not apply to other uses.**

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

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

*Applicant (Exhibit A.2 – 7/20/06): The variance criteria are satisfied. First, special circumstances apply to this property that do not apply to other properties in the area. Specifically, this property is listed on the National Register of Historic Places and therefore is required to be preserved as a significant cultural resource. This is a very special and unique circumstance in that there is no other privately owned property in the National Scenic Area that is listed on the National Register.*

*Very importantly, there are two existing rock pillars that preclude any widening of Columbia Avenue at its intersection with Larch Mountain Road. Those pillars are located at the edge of the existing 30 foot right of way. Those pillars are an integral part of the landscape theme for the View Point Inn and are protected under the National Scenic Area Act and other federal law governing properties listed on the National Register of Historic Places. 36 CFR 800.5. Accordingly, these physical features preclude the ability to utilize additional right of way beyond the existing 30 feet.*

**Staff:** The View Point Inn is listed on the National Register of Historic Places, and is a resource that necessitates protection. Requiring additional right-of-way and restricting multiple access points has the potential to negatively impact this resource. The applicant is proposing to protect and enhance the historic structure by way of the revenue generated from establishing commercial uses on the subject properties. In order for the commercial uses to be viable, adequate parking capacity needs to be accommodated for. These are circumstances that apply to the subject property and proposed use that does not apply generally to other property in the same vicinity or district. *This criterion has been met.*

**13.6 The variance is necessary for the preservation and enjoyment of a substantial property right.**

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

**Applicant (Exhibit A.2 – 07/20/06):** *Second, the variance is necessary to preserve a substantial property right and avoid extraordinary hardship. Removal of the rock pillars to allow for additional widening of Columbia Avenue would violate the National Scenic Area policies that require protection and enhancement of historic properties. The alternative of withdrawing this application would destroy the right of the applicants to re-establish historic use as is preferred under the Multnomah County policy and the National Scenic Area Act. The hardship to the applicants is matched by the hardship to the public which would be deprived of the opportunity to have a significant cultural resource preserved and be made available for public enjoyment.*

**Staff:** The subject property is the only property in the vicinity where commercial uses can be established. Surrounding properties are devoted to a mixture of residential, agricultural, forest and open space uses. Properties which contain commercial uses have site development needs that are not necessarily applicable to the development of other uses in the vicinity, including parking. The 50 foot right of way standard, and restriction on multiple driveway access points, would result in a smaller parking area needed to accommodate the proposed commercial uses. Additionally, a portion of the historic structure itself is located in an area that would likely be exacted if the local access standard was applied. The use of the existing parking areas is a substantial property right [MCC 39.7380 (B)(10)]. This would restrict the use of the property to a greater degree than it restricts other properties in the district.

### **13.7 Authorizing the variance will not be detrimental to public welfare.**

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

**Applicant (Exhibit A.2 – 7/20/06):** *Third, granting the variance will not be detrimental to the public or injurious to the nearby properties. Requiring a 50 foot right of way would not materially improve traffic flow or safety on Columbia Avenue. Indeed, the existing 30 foot right of way is not being fully utilized. If any improvements are needed to Columbia Avenue, those can easily be accommodated within the existing 30 foot right of way. The applicants note that even Larch Mountain Road, which is a much more heavily traveled road, is only developed with 22 feet of pavement and intermittent grass/gravel shoulders. Moreover, the traffic study conducted by Kelly Engineering concludes that requiring additional right of way would serve no purpose. Based on extremely low traffic volume and the need to preserve the historical pillars, Kelly Engineering recommends that the variance application should be granted. Likewise, all of the neighbors who utilize Columbia Avenue support the variance request. See accompany Property Owner Consent of Variance Request. Indeed, requiring improvements or widening of Columbia Avenue would be detrimental to the neighbors because it would change the character of the quiet, dead-end street. A wider and improved Columbia Avenue would likely entice tourists and the curious to drive down the road and interfere with the residents' quiet enjoyment of their property. The unanimous view of the residents of Columbia Avenue is that it should remain in its current configuration and that the applicants' variance request should be granted.*

**Staff:** Columbia Avenue currently serves four residences to the north of the View Point Inn. Traffic volumes along Columbia Avenue are low. Development potential is severely limited, since a majority of parcels which the roadway provides access are owned by the US Forest Service As

such, the appropriate development of adjoining properties will not be affected by allowing Columbia Avenue to remain 30 feet wide adjacent to Tax Lots 1500 and 1600, or by authorizing multiple access points. Any potential impact to public welfare as a result of the proposed use will not result from allowing a granting of the variance from the local access standard.

### **13.8 The applicant has not created the hardship.**

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

*Applicant (Exhibit A.2 – 7/20/06): Fourth, the applicants did not create the hardship discussed here. The subdivision was created in the early 1900's and the 30 foot right of way was established at that time. The applicants also did not establish the rules requiring preservation of historic properties, although they fully support those rules. Clearly, the applicants did not create this situation.*

*Finally, the applicants note that any condition requiring dedication of private property for additional right of way cannot be justified as a constitutional exaction under Nollan v. California Coastal Commission and Dolan v. City of Tigard. This application does not create a transportation need for a 50 foot right of way. Accordingly, the variance should be granted to avoid an unconstitutional taking of private property.*

**Staff:** The property owners acquired the property after the historic structures and Columbia Avenue right-of-way were constructed. Further limitations in parking capacity have the potential to negatively affect the viability of the commercial use. Additionally, a portion of the historic structure itself is located in an area that would likely be exacted if the local access standard was applied. The circumstances of the hardship are not of the applicant's making. *This criterion has been met.*

### **Conclusion**

The applicant has satisfied most of the approval criteria applicable to this application. As outlined in this report, more evidence is needed before the following criteria can be deemed satisfied: MCC 38.4205, 38.7380 (F)(1)(b)(iii), (F)(1)(d),(F)(1)(e),(G)(3)(G)(5),(G)(6),(G)(8). If this information is provided to the Hearings Officer, the application should be authorized, subject to the conditions of approval of pages two through four.

The Hearings Officer Decision may be appealed to the Columbia River Gorge Commission by any person or organization that appears and testifies at the hearing, or by those who submit written testimony into the record. An appeal must be filed with the County Planning Division within seven days after the Hearings Officer issues a signed decision.

### **Exhibits**

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

Exhibit	# of	Description of Exhibit	Date Received/
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#	Pages		Submitted
A.1	1	NSA Application Form	07/20/06
A.2	15	Application Narrative	07/20/06
A.3	13	Protection and Enhancement Plan / Operation Plan for Commercial Events	07/20/06
A.4	30	Transportation Impact Study (Kelly Engineering)	07/20/06
A.5	32	Transportation Impact Study – revised (Kelly Engineering)	08/30/06
A.6	4	Application Clarification/Amendment Letter (John Groen, esq.)	08/03/06
A.7	11	Response to Incompleteness Letter (John Groen, esq.)	08/30/06
A.8	1	Site Plan w/ valet parking configuration (withdrawn)	07/20/06
A.9	1	Site Plan w/ self parking configuration (withdrawn)	07/20/06
A.10	1	Property Owner Consent of Variance Request	07/20/06
A.11	13	Service Provider Forms <ul style="list-style-type: none"> <li>a. Fire District Review Access</li> <li>b. Fire District Review Fire Flow Requirements</li> <li>c. Certification of Water Service</li> <li>d. Certification of On-Site Sewage Disposal</li> </ul>	07/20/06 07/27/06 07/20/06 07/27/06
A.12	13	Deed Information <ul style="list-style-type: none"> <li>a. Bargain and Sale Deed recorded February 8, 2005</li> </ul>	07/20/06
A.13	9	National Register of Historic Places Inventory – Nomination Form	07/20/06
A.14	1	Artist Rendering showing View Point Inn grounds w/ three interpretive displays	07/20/06
A.15	1	Sample Interpretive Display Photo	07/20/06
A.16	1	Bridal Veil Quad Map (T1N R5E) w/ subject property	07/20/06
A.17	7	Event and site photos	07/20/06
A.18	1	View Point Inn Hotel - 1940s business card	07/20/06
A.19	1	McCarthy, Dennis. “Memories of Old Inn Still Linger.” <u>Oregon Journal</u> . November 14, 1972.	07/20/06
A.20	1	Brennan, Tom. “Country Lodge’s Glory All in Past.” <u>The Oregonian</u> . January 3, 1980.	07/20/06
A.21	5	“From the Publisher’s Viewpoint.” <u>Columbia River</u>	07/20/06



		<u>Gorge Magazine</u> October 2004.	
A.22	1	Letter Supporting View Pt. Inn as Visitor Center dated November 22, 2004 (Crown Point Historical Society)	07/20/06
A.23	4	Letter Supporting View Pt. Inn as commercial entity dated December 1, 2004 (Rebecca Ettlin Interior Design)	07/20/06
A.24	6	Petitions Supporting View Pt. Inn as Commercial Entity, dated 09/17/04 <ul style="list-style-type: none"> <li>a. signed by Richard Davis</li> <li>b. signed by Larry Franz</li> <li>c. signed by Jean &amp; Frank Motley</li> <li>d. signed by Dominic &amp; Shawn O'Dierno</li> <li>e. signed by Chris Snide</li> <li>f. signed by Mike &amp; Diane Scovell</li> </ul>	07/20/06
A.25	1	Site Plan w/ self parking configuration (withdrawn)	08/04/06
A.26	1	Site Plan w/ valet parking configuration (withdrawn)	08/04/06
A.27	1	Site Plan w/ self parking configuration (withdrawn)	08/31/06
A.28	2	Floor Plans	08/31/06
A.29	1	Site Plan w/ self parking configuration	09/18/06
A.30	6	Petitions Supporting View Pt. Inn Parking Arrangement and Outdoor Weddings, dated 08/16/06 <ul style="list-style-type: none"> <li>a. signed by Larry Franz</li> <li>b. signed by Richard Davis</li> <li>c. signed by John Rooke</li> <li>d. signed by Richard Davis</li> <li>e. signed by Geoff Thompson</li> <li>f. signed by Jean Motley</li> </ul>	09/18/06
'B'		Staff Exhibits	Date
B.1	4	A&T Property Information	N/A
B.2	3	Site Photographs	06/27/06
B.3	1	Zoning Map	N/A
B.4	6	Secretary of Interior's Standards for Rehabilitation of Historic Properties and the Secretary of the Interior's Standards for Preservation of Historic Properties	N/A
B.5	2	Letter to SHPO requesting review of Protection and Enhancement Plan	7/24/06

B.6	1	Aerial photo with 10 ft contours	N/A
B.7	20	ITE Traffic Engineering Handbook, Chapter 14 – Parking and Terminals	N/A
B.8	4	Judge Hauer, preliminary injunction ruling	9/23/99
B.9	2	NSA 23-97, pg 3	9/17/97
'C'		Administration & Procedures	Date
C.1	2	Completeness Review	07/25/06
C.2	7	Incompleteness Letter	08/09/06
C.3	3	Complete Letter – Day 1	09/08/06
C.4	1	Notice of Public Hearing	09/08/06
'D'		Comments Received	Date
D.1	2	Multnomah County Transportation Planning	06/27/06
D.2	2	Multnomah County Transportation Planning	06/29/06
D.3	1	Columbia River Gorge Commission	08/08/06
D.4	4	Friends of the Columbia River Gorge	08/08/06
D.5	1	Stephen Poyser, Oregon State Historic Preservation Office	08/14/06
D.6	1	Robert Moore, City of Gresham Building Department (email)	09/14/06
D.7	1	Tina Wilson, City of Portland Environmental Soils Section (email)	09/05/06
D.8	1	Mike Ebling, City of Portland Environmental Soils Section	09/18/06
D.9	2	Collyn Baldwin	09/21/06
D.10	1	Claudia Curran and Phillip Pizanelli (email)	09/21/06
D.11	1	Dixie Stevens (email)	09/25/06
D.12	167	Friends of the Columbia River Gorge	09/25/06

'HH'	Pgs.	Open Record Exhibits (October 4-11, 2006)	Date
HH.1	1	Comment Letter: Stuart and Keri Barid	10/09/06
HH.2	2	Comment Letter: Frank Tarsia	10/09/06
HH.3	1	Revised Site Plan	10/11/06
HH.4	6	Geoff Thompson Fax <ul style="list-style-type: none"> <li>a. Comment Letter: Geoff Thompson</li> <li>b. Comment Letter: Stuart and Keri Barid</li> <li>c. Comment Letter: Rosie McGee</li> <li>d. Wozniacka, Gosia "County puts gorge inn in limbo." <u>The Oregonian</u>. October 6, 2006.</li> <li>e. "Turnout forces delay in hearing on Viewpoint Inn." <u>The Oregonian</u>. October 4, 2006.</li> <li>f. Comment Letter: Bob Leipper</li> </ul>	10/11/06
HH.5	1	Comment Letter: Diana McKeel, West Columbia Gorge Chamber of Commerce	10/11/06
HH.6	1	Comment Letter: Kimberlee Thorsell	10/11/06
HH.7	1	Comment Letter: Clair Clock	10/11/06
HH.8	2	Comment Letter: Brian and Cynthia Winter	10/11/06
HH.9	1	Comment Letter: Dixie Stevens	10/11/06
HH.10	1	Comment Letter: Danny Layton	10/11/06
HH.11	1	Comment Letter: Richard Miller	10/11/06
HH.12	2	Comment Letter: Aubrey Russell	10/11/06
HH.13	1	Comment Letter: Rita Swyers	10/11/06
HH.14	3	Angelo Simione Fax <ul style="list-style-type: none"> <li>a. Comment Letter: Angelo Simione</li> <li>b. Simione, Angelo "Delays are killing last gorge inn." <u>Gresham Outlook Opinion</u>. October 12, 2005.</li> </ul>	10/11/06
HH.15	23	Post Hearing Submission: Office of Multnomah County Attorney, Sandy Duffy	10/11/06
HH.16	52	Post Hearing Submission: John Groen <ul style="list-style-type: none"> <li>a. Letter</li> <li>b. Attachments A-O</li> </ul>	10/11/06
HH.17	8	Post Hearing Submission: Gary Kahn	10/11/06

		a. Letter b. Exhibits 1-4	
H.18	23	Post Hearing Submission: Nathan Baker, Friends of the Columbia Gorge a. Letter b. Exhibits GG-PP	10/11/06

'HHH'	Pgs.	Open Record Exhibits (October 12-18, 2006)	Date
HHH.1	1	Comment Letter: Lennart and Donita Swenson	10/16/06
HHH.2	1	Comment Letter: Collyn Baldwin	10/17/06
HHH.3	2	Comment Letter: Phil and Claudia Curran	10/18/06
HHH.4	4	Comment Letter: Claudia Curran a. Letter b. Photos (6)	10/18/06
HHH.4	51	Post Hearing Submission: Nathan Baker, Friends of the Columbia Gorge a. Letter b. Exhibits QQ-MMM	10/18/06
HHH.5	3	Post Hearing Submission: Gary Kahn	10/18/06
HHH.6	23	Post Hearing Submission: John Groen a. Letter b. Attachments Q-V	10/18/06
HHH.7	3	Post Hearing Submission: Multnomah County Staff	10/18/06

'HHHH'	Pgs.	Open Record Exhibits (October 18-25, 2006)	Date
HHHH.1	14	Applicant's Rebuttal, John Groen	10/25/06

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TO: Keith Daily, Emerick Architects

CC: Joanna Valencia, Planning and Development Manager, Multnomah County  
Rithy Khut, Land Use Planner, Multnomah County

FROM: Jessica Berry, Senior Transportation Planner, Multnomah County

DATE: September 10, 2018

SUBJECT: EP-2018-10017/ T3-2018-6697 (EP-2016-6073/PA-2016-6044) Heiner Fruehauf

Based on the application that was submitted for the subject project, the following information is required to make a final determination. I've highlighted the areas where the variance language will need to be addressed. You will find the variance language starting on page 3 of this memo. Some of the sections listed under section 16.250 may have been addressed already in other parts of the land use application. If so, please reference the part of the application that it was addressed in.

**Access (MCRR 4.000)**

Access requirements will need to be met. Even though there is a permit on file. The permit is written for the previous owner. Will need to be submitted as new driveway permit application.

**The following are the access standards the applicant will need to request a variance from:**

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

The application exceeds the number of driveways allowed. Variance will be required.

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

Spacing standard on a Rural Collector is 100 feet. Spacing requirement is not met. Variance is required.

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

Please provide site distance analysis.



**Right of way dedication (MCRR 6.000; 6.100 Site development. Dedication requirement)**

A right of way dedication of 10 feet on either side of the existing 30 foot right of way is required. If the right of way is dedicated the Historic structure will be in the right of way. It is in the interest of the applicant to submit a variance to this standard.

Variance is required in order to dedicate less than 10 feet of right of way on either side of Columbia Avenue.

**Deed restriction and Frontage Improvements (MCRR 9.000 Compliance method)**

1. Property owner will need to enter into deed restriction for future improvements on Larch Mountain Road. This will be required as a condition of approval of the land use.
2. Frontage Improvements County will require driveway(s) to be paved to reduce impacts caused by increase in vehicular use. This will be required as a condition of approval of the land use.

**Local Access Road Improvement Requirement (MCRR 11.000 Local Access Roads Improvement requirement; 16.250 Local Access Road )**

Local access roads are required to be built to County Local Road standard which includes 20 feet paved road with 5 foot shoulders. Variance will be required for applicant to build anything smaller than this. A paved approach from Columbia to Larch Mountain Road will be required.

**Construction and Encroachment Permits (MCRR 18.000)**

Any work within the Multnomah County right of way requires an encroachment or construction permit. Construction permit is required for Columbia Ave improvements. All improvements will need to meet MUTCD and ADA requirements.

### Variance Request Procedure

For the County Engineer to consider a variance request, it must be submitted in writing with the appropriate fee to the County prior to the issuance of any development permit. The written variance request shall be signed by a person with the authority to bind the applicant and shall include the following information as applicable:

A. Applicant name, telephone/fax number(s), email address, mailing address,

**Applicant Response:**

B. Property location and zoning;

**Applicant Response:**

C. Current or intended use of the property;

**Applicant Response:**

D. The nature and a full description of the requested variance;

**Applicant Response:**

E. Site plan, sight distance, pedestrian traffic, intersection alignment, traffic generation, vehicle mix, traffic circulation including impact on through traffic, and other similar traffic safety considerations;

**Applicant Response:**

F. Existing right-of-way or improvement limitations, and utility considerations;

**Applicant Response:**

G. Adjacent land uses, their types, access requirements, and impact of traffic on them;

**Applicant Response:**

H. Topography, grade, side hill conditions, and soil characteristics;

**Applicant Response:**

I. Drainage characteristics and problems;

**Applicant Response:**

J. Fire Department access requirements within a public right-of-way and their written approval of the proposed modification;

**Applicant Response:**

K. Natural and historic features including but not limited to trees, shrubs or other significant vegetation, water courses, wetlands, rock outcroppings, development limitation, areas of significant environmental concern, etc;

**Applicant Response:**

L. Multnomah County Comprehensive Plan policies applicable to the particular parcel or location.

**Applicant Response:**

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

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

**Applicant Response:**

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

**Applicant Response:**

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

**Applicant Response:**

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

**Applicant Response:**



Land Use Planning Division  
1600 SE 190<sup>th</sup> Ave, Ste 116  
Portland OR 97233  
Ph: 503-988-3043 Fax: 503-988-3389  
[multco.us/landuse](http://multco.us/landuse)

## ***Applicant's Instructions for Finishing a Land Division***

1. Apply for and obtain approval of the Tentative Plan Map for your land division.
2. Retain a surveyor (licensed by the State of Oregon) to:
  - Survey the lots or parcels as approved on the Tentative Plan Map.
  - Prepare a Final Plat using the *Surveyor's Instructions for Finishing a Land Division* and the *Multnomah County Surveyor's Office Instructions*. The surveyor should provide you with two Mylar originals and three paper prints.
3. Submit one paper copy of the plat to the case planner. Within 10 business days of filing, the case planner will determine whether the plat complies with the approved land division decision and the zoning ordinance. Once the plat is deemed in compliance, the case planner will provide a letter and attach a copy of the approved plat to the Multnomah County Surveyor stating the plat complies with all zoning requirements. The Surveyor's Office will, then, check and approve the plat.
4. Once the Surveyors' Office review of the plat has been completed, ask your surveyor to submit the final two Mylar originals to the Surveyor's Office. The Mylar will then be signed by the Surveyor's Office and the case planner. On a subdivision plat, the approval signature of the Chair of the Board of County Commissioners or the Chair's delegate is required. The Surveyor's Office will retain one Mylar. The case planner will make a paper copy of the plat and keep it in the case file.
5. Take your signed Final Plat (original Mylar and one print) as well as a copy of your general application form to the Assessment and Taxation office at **501 SE Hawthorne Blvd.** Go to the **Records Management** office in **Suite 175**. The Records Management staff will add their department's certification to the documents. After you receive their certification, you will need to take all original documents to recording, also in Room 175. They will keep and file one print of the certified plat and then record the Final Plat for you. There will be a fee for recording.
6. To obtain Land Use Planning Division approval on a building permit on one of the new lots, provide a copy of the recorded Final Plat. The documents are recorded if they contain a book and page number, Recorder's Office seal and recording date. If you need recorded copies, they are available from the County Recorder's office and from some title companies.

*Note: No building permits will be issued, nor shall any of the parcels or lots be sold, transferred or assigned until the Final Plat has been signed by the Planning Director and County Surveyor and has been recorded with the Multnomah County Recorder's office.*





**Land Use Planning Division**  
1600 SE 190<sup>th</sup> Ave, Ste 116  
Portland OR 97233  
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## ***Surveyor's Instructions for Finishing a Land Division***

If you are a surveyor who is being retained by the applicant for a land division in Multnomah County, you will perform the following services:

1. Survey the total site into lots or parcels as shown on the approved Tentative Plan Map.
2. Prepare a Final Plat showing all new lots and parcels. The Plat must be 18" x 24" in size and should contain the information required by Chapter 92 of Oregon Revised Statutes as amended by Oregon Laws, Chapter 772. For further details refer to *the Multnomah County Surveyor's Office Instructions*. After the Land Use Planning Division and Surveyor's Office have reviewed and approved the preliminary paper copy, provide two mylar originals of the Final Plat and three prints to the applicant.
3. **IMPORTANT:** To be accepted for recording, copies of the Final Plat must be of good quality with sharp contrast and with no dark background. All signatures must be in black, permanent type ink - no ballpoint pens.



# Oregon

Kate Brown, Governor

## Parks and Recreation Department

State Historic Preservation Office

725 Summer St NE Ste C

Salem, OR 97301-1266

Phone (503) 986-0690

Fax (503) 986-0793

[www.oregonheritage.org](http://www.oregonheritage.org)



November 28, 2018

Mr. Rithy Khut  
Multnomah County  
Land Use Planning Division  
1600 SE 190th Avenue  
Suite 116  
Portland, OR 97233

RE: SHPO Case No. 18-0249  
MULTCO T3-2018-9967, View Point Inn Retreat Facility  
Retreat facility  
40301 E Larch Mountain Road, Corbett, Multnomah County

Dear Mr. Khut:

We have reviewed the materials submitted on the project referenced above, and we concur with the determination that the property is eligible for listing in the National Register of Historic Places. Even though the building suffered fire damage back in July 2011 and went without a roof until relatively recently, the State Historic Preservation Office determined that the resource retained enough historic integrity to remain listed in the National Register of Historic Places. The proposed rehabilitation meets the Secretary of the Interior's Standards for Rehabilitation and is taking advantage of the preservation tax incentives to help with the restoration. We also concur with the finding of no effect for the proposed project. This letter refers to above-ground historic resources only. Comments pursuant to a review for archaeological resources, if applicable, will be sent separately. Unless there are changes to the project, this concludes the requirement for consultation with our office under Section 106 of the National Historic Preservation Act (per 36 CFR Part 800) for above-ground historic properties. Local regulations, if any, still apply and review under local ordinances may be required. Please feel free to contact me if you have any questions, comments or need additional assistance.

Sincerely,

Joy Sears  
Restoration Specialist  
(503) 986-0688  
[Joy.Sears@state.or.us](mailto:Joy.Sears@state.or.us)

**EXHIBIT  
B.18**





Rithy KHUT &lt;rithy.khut@multco.us&gt;

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**SHPO Case Nbr SHPO Case No.: 18-0249, MULTCO T3-2018-9967, View Point Inn Retreat Facility**

3 messages

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**SEARS Joy \* OPRD** <Joy.Sears@oregon.gov>  
To: "rithy.khut@multco.us" <rithy.khut@multco.us>

Wed, Nov 28, 2018 at 3:49 PM

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Please find the SHPO's response to your request for comment on cultural resources at the above-identified project. This attachment serves as your file copy. If you have any questions, please feel free to contact me.

Joy Sears  
Restoration Specialist

Oregon State Historic Preservation Office (SHPO)  
725 Summer Street NE, Suite C  
Salem OR 97301

Phone 503-986-0688  
Email: [Joy.Sears@oregon.gov](mailto:Joy.Sears@oregon.gov)  
Website: [www.oregonheritage.org](http://www.oregonheritage.org)

"it is better to preserve than to restore and better to restore than to reconstruct"  
- A. N. Didron 1839

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 **SHPO Response Letter Case Nbr SHPO Case No.\_ 18-0249.pdf**  
31K

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**Rithy KHUT** <rithy.khut@multco.us>  
To: SEARS Joy \* OPRD <Joy.Sears@oregon.gov>

Thu, Nov 29, 2018 at 9:27 AM

Hello Joy,

I have received your response. But I do have a question. I don't quite understand this comment, "We have reviewed the materials submitted on the project referenced above, and we concur with the determination that the property *is eligible* for listing in the National Register of Historic Places." Isn't the View Point Inn already listed on the register? So wouldn't that sentence be more like, "*the property maintains its status in*" or "*continues its eligibility*".

Thanks for any help on the matter,

---  
Rithy Khut  
Land Use Planner  
(503) 988-0176 | <https://multco.us/landuse/>

Preferred pronouns: (he / him / his)

**Multnomah County**  
Department of Community Services  
Land Use Planning Division  
1600 SE 190th Ave.



12/3/2018

Multnomah County Mail - SHPO Case Nbr SHPO Case No.: 18-0249, MULTCO T3-2018-9967, View Point Inn Retreat Facility

Portland OR 97233

[Quoted text hidden]

**SEARS Joy \* OPRD** <Joy.Sears@oregon.gov>  
To: Rithy KHUT <rithy.khut@multco.us>

Thu, Nov 29, 2018 at 10:58 AM



**External Sender** - Be Suspicious of Attachments, Links, and Requests for Payment or Login Information.

Hello Rithy,

Sorry, I am trying to help the office with Review and Compliance case load since this is a project I am dealing with through tax incentives. I was using the letter template provided that I forgot to change to wording in this case. Yes, the correct wording should have been the property maintains its listing in the National Register of Historic Places.

Again, sorry for the confusion. I hope that helps.

Take care,

Joy

**Joy Sears**

**Restoration Specialist**

Oregon State Historic Preservation Office (SHPO)

725 Summer Street NE, Suite C

Salem OR 97301

Phone 503-986-0688

Email: [Joy.Sears@oregon.gov](mailto:Joy.Sears@oregon.gov)

Website: [www.oregonheritage.org](http://www.oregonheritage.org)

*"it is better to preserve than to restore and better to restore than to reconstruct"*

- A. N. Didron 1839


**From:** Rithy KHUT [mailto:[rithy.khut@multco.us](mailto:rithy.khut@multco.us)]

**Sent:** Thursday, November 29, 2018 9:28 AM

**To:** SEARS Joy \* OPRD

**Subject:** Re: SHPO Case Nbr SHPO Case No.: 18-0249, MULTCO T3-2018-9967, View Point Inn Retreat Facility

[Quoted text hidden]

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