



MULTNOMAH COUNTY
 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/landuse>

COMPLETENESS REVIEW

Attached is a NSA 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
 - ☒ Oregon Parks and Recreation Department
 - ☒ Confederated Tribes of Warm Springs
 - ☒ Confederated Tribes of the Umatilla Indian Reservation
 - ☒ Nez Perce Tribe
 - ☒ Yakima Indian Nation
 - ☒ State Historic Preservation Office
 - ☒ Oregon Department of Transportation
 - ☐ Oregon Natural Heritage Program
 - ☐ Oregon Department of Fish and Wildlife

From: George Plummer, Planner

Vicinity Map

N ↑



Case File: T2-2011-1676

Location: Rooster Rock I-84 overcrossing
 Township 1 North, Range 5 East, W.M., Section 30

Proposal: Raise Rooster Rock overcrossing nine inches to improve vertical clearance on I-84 and add protective screening on overcrossing (100 ft. long by 8 ft ht above road surface tapering at ends.

Your written comments are needed no later than **4:00 p.m., June 17, 2011.**

Zoning:

☐ GMA ☒ SMA

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

- | | | |
|---|--|---|
| <input checked="" type="checkbox"/> Key Viewing Areas | <input 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 type="checkbox"/> Historic Uses/Structures | <input type="checkbox"/> Natural Area | <input checked="" type="checkbox"/> Adjacent to Recreational Uses |



NSA
Application
Form

05/24/2011 10:59AM 000001 #0694

0011 KATHY

PERMITS-TYPE 2 \$710.00

Property Address 1-24- Rooster Rock
 State Identification# _____
 Site Size _____
 A&T Alternate Account Number R# _____

CASE NUMBER

T2-2011-1676

501984

LAND USE PERMIT(S)
NSA Site Review

Name Kristen Stallman, ODOT
Street Address 123 NW Flanders
City Portland State OR Zip Code 97209 Phone# _____

I authorize the applicant below to make this application.

Property Owner Signature #1

Property Owner Signature #2

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

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.

DATE SUBMITTED

5/24/11

Compliance
Related ☐

Potential
Transportation
Impact? ☐

PF-2011-1495

PFYPA No.

Applicant's Name ODOT
Mailing Address same
City _____ State _____ Zip Code _____ Phone # _____
Fax _____ e-mail Kristen.stallman@odot.state.or.us

Applicant's Signature

Please provide a brief description of your project.

Raise overcrossing 9" to improve
vertical clearance on I-84 and add
a protective screen 100' long - 85' plus two 8' tapers higher
bt. 8'-ft. above road surface.

ZONING

GSPR

Zoning District

Zoning Overlay.

KEY VIEWING AREAS: Check all the following sites from which your property can be seen.

- | | | |
|---|--|---|
| <input type="checkbox"/> Cape Horn | <input type="checkbox"/> Historic Columbia River Highway | <input type="checkbox"/> Sandy River |
| <input checked="" type="checkbox"/> Crown Point | <input type="checkbox"/> Portland's Women's Forum State Park | <input type="checkbox"/> Pacific Crest Trail |
| <input type="checkbox"/> Larch Mountain | <input checked="" type="checkbox"/> Highway I-84, including rest stops | <input type="checkbox"/> Larch Mountain Road (SMA only) |
| <input type="checkbox"/> Multnomah Falls | <input type="checkbox"/> Rooster Rock State Park | <input type="checkbox"/> Sherrard Point on Larch Mountain |
| <input type="checkbox"/> Columbia River | <input type="checkbox"/> Bonneville Dam Visitor Centers | (if in SMA) |
| <input type="checkbox"/> Beacon Rock | <input type="checkbox"/> Washington State Route 14 | |

**MULTNOMAH COUNTY ZONING
ORDINANCE**

**CHAPTER 38: COLUMBIA RIVER GORGE
NATIONAL SCENIC AREA PERMIT
APPLICATION**

I-84 Rooster Rock Vertical Clearance Project

May 23, 2011

RECEIVED
11 MAY 24 AM 10:13
MULTNOMAH COUNTY
PLANNING SECTION

Oregon Department of TransportationMultnomah County

National Scenic Area Application:

I-84: Rooster Rock Overcrossing

General Project Description:

The Rooster Rock overcrossing provides access to Rooster Rock State Park from I-84 Eastbound. It is located at Exit 25 on I-84. It was constructed in 1956. The interchange and the park are built on fill from the Columbia River.

The Rooster Rock Vertical Clearance Projects is an important project for the freight community. The overpass was initially constructed to provide 16.79' of vertical clearance for the I-84 eastbound and westbound lanes.

Since initial construction, pavement overlays have reduced the vertical clearance from I-84 to the current height of 16 feet 1 inch. A recent measurement showed that the vertical clearance is 4 inches less than ODOT had believed it to be.

It is now the lowest bridge in the Columbia River Gorge. Over-dimension trucks traveling westbound now have to exit at the park off-ramp, turn around in the parking area, and then access the freeway on-ramp in order to continue traveling westbound. The bridge has been hit by over-height trucks that did not adhere to this sequence. A visual inspection noted many scrapes and minor damage to the underside of the overpass.

ODOT engineers determined in July, 2010 that lowering the highway in this section through pavement milling would be the preferred option. However, it was revealed through further inspection that this would require a much wider project footprint than initially anticipated. Furthermore, project consultants determined that raising the overpass structure by 9 inches would be easier to construct, quicker to construct, and provide a narrower project footprint.

This project will raise the structure 9". Essentially, the bridge columns will be cut and spliced. The plan is to saw cut the end diaphragm from the pile caps to free the superstructure. Sheet pilings will be used to support the earth around the end bents of the structure. The pilings will be in place long enough to allow the concrete to cure. The contractor will install jacks to raise the structure. Sheet piles will be used for support when the bridge is raised the 9". The approach to the bridge will need to be excavated to meet the higher elevation. 1" of vertical requires 50' of horizontal run.

It will be necessary that the columns be splice. The splice is illustrated below.

ODOT plans to put the project out to bid in December 2011. Construction is expected to begin in early spring 2012. Project completion will occur before Memorial Day 2012.

ODOT is coordinating closely with the Oregon Parks and Recreation Department on this project. Access to the park will be compromised during construction. An 18 mile detour will be required for eastbound traffic entering Rooster Rock State Park. Eastbound traffic attempting to access the Park will be directed to turn around at Ainsworth Exit 35. There park users can safely access I-84 Westbound and return back towards Rooster Rock. Westbound access to the Park will remain open. This detour will be in effect for approximately 5 days starting on Sunday PM and ending on Saturday AM.

The project will not affect I-84 through traffic. Construction will be limited to the shoulders of I-84, and all through lanes will remain open during the entirety of the project.

Existing guardrail is in good condition and will be uninstalled and reinstalled after construction. New protective screening will be required as part of the project, in compliance with Oregon State Law. This protective screening is aimed at preventing objects and debris from falling onto the I-84 roadway from the overcrossing.

The protective screening that has been proposed is consistent with the screening an fence detail proposed on the Sandy River Bridge, on the Wyeth UPRR Railroad crossing and similar design elements are included in ODOT's Application for the Historic Highway State Trail between JB Yeon State Park and Moffett Creek.

There will be no changes to drainage.

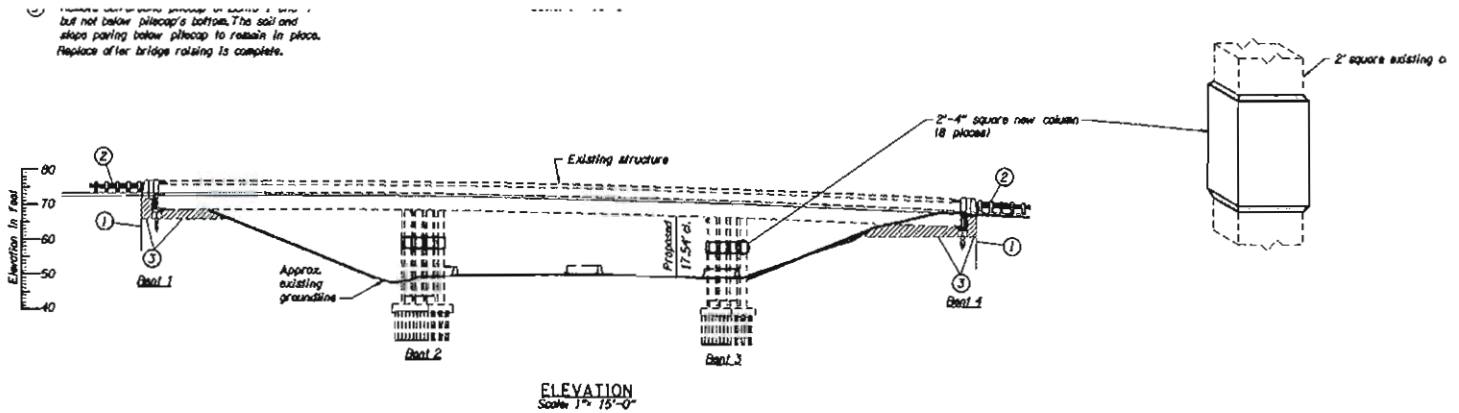
Approximately 200' of pavement adjacent to the structure on the approach will be removed down to the base and repaved. On the remaining section, pavement will be placed over existing pavement.

Applicant Findings

38.0000 Purposes

38.0005 Area Affected

MCC Chapter 38 shall apply to all lands within the Columbia River Gorge National Scenic Area as designated by the Columbia River Gorge National Scenic Area Act.



Applicant Findings: The I-84 Rooster Rock Vertical Clearance Project is located within the Columbia River Gorge National Scenic Area.

38.0010 Uses

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged, including those proposed by state or federal agencies, in the Columbia River Gorge National Scenic Area except for the uses listed in MCC 38.1000 through 38.3295; when considered under the applicable approval provisions of this Chapter.

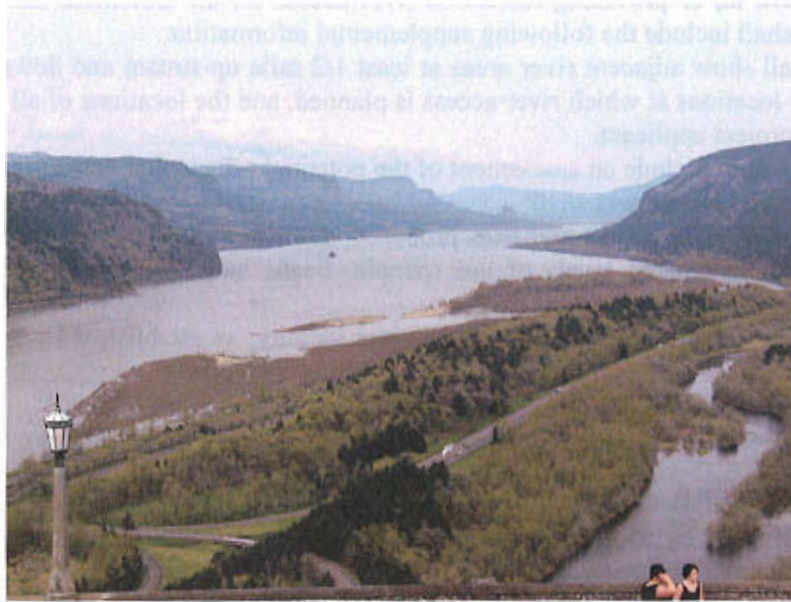
Applicant Findings: A NSA Permit is required as per George Plummer, Senior Planner.

38.0045 Review and Conditional Use Applications - Submittal Requirements

(A) The following additional information shall be submitted for all review and conditional uses:

(1) A list of Key Viewing Areas from which the proposed use would be visible.

Applicant Findings: Key viewing areas include I-84 and Crown Point.



*A view from Crown Point northeast towards the Columbia River.
The Rooster Rock overcrossing is visible.*

(2) A map of the project area. The map shall be drawn to scale. The scale of the map shall be large enough to allow the reviewing agency to determine the location and extent of the proposed use and evaluate its effects on scenic, cultural, natural, and recreation resources. The map shall be prepared at a scale of 1 inch equals 100 feet (1:1,200), or a scale providing greater detail. If a parcel is very large, the map does not have to show the entire parcel. Rather, it may show only those portions of the parcel affected by the proposed use. The map shall include the following elements:

- (a) North arrow;
 - (b) Map scale;
 - (c) Boundaries, dimensions, and size of the subject parcel;
 - (d) Significant terrain features or land-forms;
 - (e) Groupings and species of trees and other vegetation on the parcel;
 - (f) Location and species of vegetation that would be removed or planted;
 - (g) Bodies of water and watercourses;
 - (h) Location and width of existing and proposed roads, driveways, and trails;
 - (i) Location and size of existing and proposed structures;
 - (j) Location of existing and proposed services, including wells or other water supplies, sewage disposal systems, power and telephone poles and lines, and outdoor lighting; and
 - (k) Location and depth of all proposed grading and ditching.
- (1) Proposed uses in streams, ponds, lakes, and their buffer zones shall include the exact boundary of the ordinary high water-mark or normal pool elevation and the prescribed buffer zone; and a description of actions that would alter or destroy the stream, pond, lake, or riparian area.

(m) Proposed uses in wetlands or wet-lands buffer zones shall include the exact boundary of the wetland and the wetlands buffer zone; and a description of actions that would alter or destroy the wetland.

(n) Proposed uses on parcels contiguous to established recreation sites shall provide a buffer between the proposed use and recreation site sufficient to insure that the proposed use will not detract from the use or enjoyment of the recreation site.

(o) New uses located in, or providing recreation river access to, the Columbia River or its fish bearing tributaries shall include the following supplemental information:

1. The site plan shall show adjacent river areas at least 1/2 mile up-stream and downstream from the project site, the locations at which river access is planned, and the locations of all tribal fishing sites known to the project applicant.

2. The site plan text shall include an assessment of the potential effects that new uses may have on Indian treaty rights. The assessment shall:

a. Describe the type of river access and uses proposed, estimated period when the development would be used, and anticipated levels of use (people, boats, and other uses) during peak-use periods.

b. List tribal commercial fishing seasons in the project vicinity, as established by the four treaty tribes.

c. List tribal ceremonial fishing seasons in the project vicinity.

d. Based on the above factors, assess the potential effects that the proposed uses may have on Indian treaty rights.

Applicant Findings: The site plans for the project area have been completed and submitted (see Appendix A)

(3) Elevation drawings shall show the appearance of proposed structures and shall include natural grade, finished grade, and the geometrical exterior of at least the length and width of structures as seen from a horizontal view. Elevation drawings shall be drawn to scale.

Applicant Findings: Elevation, section, and plan view drawings have been provided in Appendix A.

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

Applicant Findings: Not applicable. There is less than 100 cubic yards of grading required.

(B) Supplemental information will be required for:

(1) Forest practices in the Special Management Area,

(2) Production and development of mineral resources in the General Management Area,

(3) Proposed uses visible from Key Viewing Areas, and

Applicant Findings: The overcrossing is, and will continue to be, visible from the Key Viewing Areas of Crown Point and I-84. However, the modifications proposed will have negligible impacts. Modifications will be limited to the overpass height, and there will be no modifications to the column design or overpass guardrail. The additional 9 inches in overpass height will not be noticeable from either of the Key Viewing Areas. The proposed screening will be visible from key viewing areas. However, the design of the screen is consistent with other screen/fence elements found along the I-84 Corridor Strategy. The screen will be painted brown.

(4) Proposed uses located near cultural resources, wetlands, streams, ponds, lakes, riparian areas, sensitive wildlife habitat, and sensitive plant sites.

Applicant: Not applicable, no new uses are being proposed. The existing overcrossing footprint will not change, and project staging areas will be limited to within the existing ODOT right of way.

38.0080 Signs

(A) The following signs may be permitted with-out review in the General Management Area, and in the Special Management Area subject to MCC 38.0080 (E):

(1) Election signs which are not displayed for more than 60 days. Removal must be accomplished within 30 days of election day.

(2) "For Sale" signs not greater than 12 square feet. Removal must be accomplished within 30 days of close of sale.

(3) Temporary construction site identification, public service company, safety or information signs not greater than 32 square feet. Exceptions may be granted for public highway signs necessary for public safety and consistent with the Manual for Uniform Traffic Control Devices. Removal must be accomplished within 30 days of project completion.

Applicant Findings: Temporary safety and information signs may be posted along Interstate 84 during construction. These signs will be consistent with the Manual for Uniform Traffic Control Devices. Several no parking signs will be removed during construction then reinstalled. There will be no signs permanently added in the project area.

38.0570 Pre-application conference meeting

(A) A pre-application conference is optional for uses eligible for Type II expedited review. For all other Type II or Type III applications, the applicant shall schedule and attend a pre-application conference with County staff to discuss the proposal. The pre-application conference shall follow the procedure set forth by the Planning Director and may include a filing fee, notice to neighbors, neighborhood organizations, and other organizations and agencies.

Applicant Findings: ODOT employees Kristen Stallman and Rick Keene met with Multnomah County Land Use Planner George Plummer for a pre-application conference on March 18, 2011. According to George, the application review fee is \$710. No grading and erosion control permit is needed. See Appendix D – Pre filing meeting minutes.

38.0580 Application requirements for Type II or Type III applications

All permit applications must be submitted at the Land Use Planning Division office on the most current form provided by the county, along with the appropriate fee and all necessary supporting documentation and information, sufficient to demonstrate compliance with all applicable approval criteria. The applicant has the burden of demonstrating with evidence that all applicable approval criteria are, or can be met.

Applicant Findings: A Multnomah County General Application Form has been submitted. (See front page)

38.0850 Fees

Fees shall be imposed for land use services provided pursuant to MCC Chapter 38. The amount of the fees will be set by resolution.

(Ord. 1025, Add, 01/15/2004)

Applicant Findings: According to the pre-filing meeting minutes from March 18, 2011 between ODOT employees Kristen Stallman and Rick Keene and Multnomah County Planner George Plummer (see Appendix 17) the application fee for the CRGNSA is \$710.

§ 38.2825 REVIEW USES

(C) The following uses are allowed on all lands designated GS– PR pursuant to MCC 38.0530 (B) and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7085 have been satisfied:

(5) Road and railroad construction and re-construction.

Applicable: The I-84 Rooster Rock Vertical Clearance project is an allowed use in the GS-PR zone as it relates to road reconstruction. The existing overcrossing will be raised 9 inches.

38.7040 SMA Scenic Review Criteria

The following scenic review standards shall apply to all Review and Conditional Uses in the Special Management Area of the Columbia River Gorge National Scenic Area with the exception of rehabilitation or modification of historic structures eligible or on the National Register of Historic Places when such modification is in compliance with the national register of historic places guidelines:

(A) All Review Uses and Conditional Uses visible from KVAs. This section shall apply to proposed development on sites topographically visible from KVAs:

(1) New developments and land uses shall be evaluated to ensure that the scenic standard is met and that scenic resources are not adversely affected, including cumulative effects, based on the degree of visibility from Key Viewing Areas.

(2) The required SMA scenic standards for all development and uses are summarized in the following table.

REQUIRED SMA SCENIC STANDARDS		
LANDSCAPE SETTING	LAND USE DESIGNATION	SCENIC STANDARD
Coniferous Woodland, Oak-Pine Woodland	Forest (National Forest Lands), Open Space	NOT VISUALLY EVIDENT
River Bottomlands	Open Space	NOT VISUALLY EVIDENT
Gorge Walls, Canyonlands, Wildlands	Forest, Agriculture, Public Recreation, Open Space	NOT VISUALLY EVIDENT
Coniferous Woodland, Oak-Pine Woodland	Forest, Agriculture, Residential, Public Recreation	VISUALLY SUBORDINATE
Residential	Residential	VISUALLY SUBORDINATE
Pastoral	Forest, Agriculture, Public Recreation, Open Space	VISUALLY SUBORDINATE
River Bottomlands	Forest, Agriculture, Public Recreation	VISUALLY SUBORDINATE

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PLANNING SECTION

Applicant Findings: The proposed project is located within the River Bottomlands Setting. The scenic standard for this project is "Not visually evident".

(1) In all landscape settings, scenic standards shall be met by blending new development with the adjacent natural landscape elements rather than with existing development.

Applicant Findings: Applicable. The existing overcrossing will be raised 9". This will not be a noticeable change in the landscape.

4) Proposed developments or land use shall be sited to achieve the applicable scenic standards. Development shall be designed to fit the natural topography and to take advantage of vegetation and land form screening, and to minimize visible grading or other modifications of landforms, vegetation cover, and natural characteristics. When screening of development is needed to meet the scenic standard from key viewing areas, use of existing topography and vegetation shall be given priority over other means of achieving the scenic standard such as planting new vegetation or using artificial berms.

Applicant Findings: Applicable. Upon project completion the overcrossing will look essentially the same with an addition of a protective screen. The screen is required by state law.

(5) The extent and type of conditions applied to a proposed development or use to achieve the scenic standard shall be proportionate to its degree of visibility from key viewing areas.

Applicant Findings: Applicable. The overcrossing will meet the "not visibly evident" standard that is proportionate to its limited visibility from I-84, Crown Point and Historic Columbia River Highway. The overcrossing will look essentially the same with an addition of a protective screen. The screen is required by state law. The screen will be painted brown and its design is consistent with other screens and fencing within the I-84 Corridor.

(a) Decisions shall include written findings addressing the Primary factors influencing the degree of visibility, including but not limited to:

1. The amount of area of the building site exposed to key viewing areas,

Applicant Findings: Applicable. An additional 9" of height will not be noticeable from the key viewing areas. The overcrossing will look essentially the same with an addition of a protective screen. The screen is required by state law. The screen will be painted brown and its design is consistent with other screens and fencing within the I-84 Corridor.

2. The degree of existing vegetation providing screening,

Applicant Findings: Not Applicable. Little vegetation exists today. A stand of fir trees located on the south side of the structure will not be disturbed. See photos below.



Looking north towards the Columbia River.



Looking south towards Mirror Lake.

3. The distance from the building site to the key viewing areas from which it is visible,

Applicant Findings: Applicable. The proposed project is immediately adjacent to I-84, a Key Viewing Area. The project is approximately 2,500 feet from Crown Point. (see appendix X)

4. The number of key viewing areas from which it is visible, and

Applicant Findings: The proposed project is immediately adjacent to I-84, a Key Viewing Area. The project is approximately 2,500 feet from Crown Point. (see appendix X)

5. The linear distance along the key viewing areas from which the building site is visible (for linear key viewing areas, such as roads).

The linear distance from KVAs

*Interstate 84
Historic Columbia River Highway
Crown Point*

*Immediately adjacent
Approx. 2,500 ft*

(b) Conditions may be applied to various elements of proposed developments to ensure they meet the scenic standard for their setting as seen from key viewing areas, including but not limited to:

1. Siting (location of development on the subject property, building orientation, and other elements),

Applicant Findings: Not applicable. No new development is being sited.

2. Retention of existing vegetation,

Applicant Findings: Not Applicable. Little vegetation exists today. A stand of fir trees located on the south side of the structure will not be disturbed.

3. Design (color, reflectivity, size, shape, height, architectural and design details and other elements), and

Applicant Findings:

Applicant Findings: Applicable. The overcrossing will look essentially the same with an addition of a protective screen. The screen is required by state law. The screen will be painted brown and its design is consistent with other screens and fencing within the I-84 Corridor.

4. New landscaping.

Applicant Findings: No new landscaping is proposed.

(6) Sites approved for new development to achieve scenic standards shall be consistent with guidelines to protect wetlands, riparian corridors, sensitive plant or wildlife sites and the buffer zones of each of these natural resources, and guidelines to protect cultural resources.

Applicant Findings: Applicable. No natural resources will be impacted. (see Appendix X, No Effect Memorandum)

(7) Proposed developments shall not protrude above the line of a bluff, cliff, or skyline as seen from Key Viewing Areas.

Applicant findings: Not applicable. The overcrossing will look essentially the same with an addition of a protective screen. The screen is required by state law. The screen will be painted brown and its design is consistent with other screens and fencing within the I-84 Corridor.

(8) Structure height shall remain below the average tree canopy height of the natural vegetation adjacent to the structure, except if it has been demonstrated that compliance with this standard is not feasible considering the function of the structure.

Applicant findings: Not applicable. All the bridge will be well below the average tree canopy.

(9) The following guidelines shall apply to new landscaping used to screen development from key viewing areas:

(a) New landscaping (including new earth berms) to achieve the required scenic standard from key viewing areas shall be required only when application of all other available guidelines in this chapter is not sufficient to make the development meet the scenic standard from key viewing areas. Development shall be sited to avoid the need for new landscaping wherever possible.

Applicant Findings: Not applicable. No new landscaping is proposed.

(b) If new landscaping is necessary to meet the required standard, existing on-site vegetative screening and other visibility factors shall be analyzed to determine the extent of new landscaping, and the size of new trees needed to achieve the standard. Any vegetation planted pursuant to this guideline shall be sized to provide sufficient screening to meet the scenic standard within five years or less from the commencement of construction.

Applicant Findings: Not applicable. No new landscaping required.

(c) Landscaping shall be installed as soon as practicable, and prior to project completion. Applicants and successors in interest for the subject parcel are responsible for the proper maintenance and survival of planted vegetation, and replacement of such vegetation that does not survive.

Applicant Findings: Not applicable. No new landscaping required.

(d) The Scenic Resources Implementation Handbook shall include recommended species for each landscape setting consistent with the Landscape Settings Design Guidelines in this chapter, and minimum recommended sizes of new trees planted (based on average growth rates expected for recommended species).

Applicant Findings: Not applicable. No new landscaping is proposed.

(10) 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 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 as dark or darker than the colors in the shadows of the natural features surrounding each landscape setting

Applicant Findings: Not applicable. No changes will be made to the existing overpass color.

(11) The exterior of structures on lands seen from key viewing areas shall be composed of non-reflective materials or materials with low reflectivity. The *Scenic Resources Implementation Handbook* will include a recommended list of exterior materials. These recommended materials

and other materials may be deemed consistent with this guide-line, including those where the specific application meets approval 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 meeting the scenic standard. Recommended square footage limitations for such surfaces will be provided for guidance in the *Implementation Handbook*.

Applicant Findings: *Not applicable. New materials will not be added to the exterior of the bridge. The guardrails and concrete face will remain the same. The overcrossing will look essentially the same with an addition of a protective screen. The screen is required by state law. The screen will be painted brown and its design is consistent with other screens and fencing within the I-84 Corridor.*

(12) Any exterior lighting shall be sited, limited in intensity, shielded or hooded in a manner that prevents lights from being highly visible from Key Viewing Areas and from noticeably contrasting with the surrounding landscape setting except for road lighting necessary for safety purposes.

Applicant Findings: *Not applicable. No new exterior lighting is proposed.*

(13) Seasonal lighting displays shall be permitted on a temporary basis, not to exceed three months duration.

Applicant Findings: *Not applicable. No seasonal lighting displays are proposed.*

(B) The following shall apply to all lands within SMA landscape settings regardless of visibility from KVAs (includes areas seen from KVAs as well as areas not seen from KVAs):

(1) Gorge Walls, and Canyonlands and Wildlands: New developments and land uses shall retain the overall visual character of the natural appearing landscape.

(a) Structures, including signs, shall have a rustic appearance, use non-reflective materials, and have low contrast with the surrounding landscape and be of a Cascadian architectural style.

Applicant Findings: *Not applicable. The project is not in a Gorge Walls, Canyon lands or Wildlands area.*

(b) Temporary roads shall be promptly closed and revegetated.

Applicant Findings: *Not applicable. The project is not in a Gorge Walls, Canyon lands or Wildlands area.*

(c) New utilities shall be below ground surface, where feasible.

Applicant Findings: *Not applicable. The project is not in a Gorge Walls, Canyon lands or Wildlands area.*

(d) Use of plant species non-native to the Columbia River Gorge shall not be allowed.

Applicant Findings: *Not applicable. The project is not in a Gorge Walls, Canyon lands or Wildlands area.*

(2) Coniferous Woodlands and Oak-Pine Woodland: Woodland areas shall retain the overall appearance of a woodland landscape. New developments and land uses shall retain the overall visual character of the natural appearance of the Coniferous and Oak/Pine Woodland landscape.

(a) Buildings in the Coniferous Wood-land landscape setting shall be encouraged to have a vertical overall appearance and a horizontal overall appearance in the Oak-Pine Woodland landscape setting.

Applicant Findings: Not applicable. The project is not in a Coniferous Woodlands or Oak-Pine Woodland area.

(b) Use of plant species native to the landscape setting shall be encouraged. Where non-native plants are used, they shall have native appearing characteristics.

Applicant Findings: Not applicable. The project is not in a Coniferous Woodlands or Oak-Pine Woodland area.

(3) River Bottomlands: River bottomland shall retain the overall visual character of a floodplain and associated islands.

(a) Buildings should have an overall horizontal appearance in areas with little tree cover.

Applicant Findings: Not applicable. No buildings are proposed for this project.

(b) Use of plant species native to the landscape setting shall be encouraged. Where non-native plants are used, they shall have native appearing characteristics.

Applicant Findings: Not applicable. No landscaping is proposed for this project.

(4) Pastoral: Pastoral areas shall retain the overall appearance of an agricultural landscape.

Applicant Findings: Not applicable. No pastoral areas are located within the project area.

The use of plant species common to the landscape setting shall be encouraged. The use of plant species in rows as commonly found in the landscape setting is encouraged.

Applicant Findings: Not applicable. No pastoral areas are located within the project area.

(5) Residential: The Residential setting is characterized by concentrations of dwellings.

Applicant Findings: Not applicable. The project is not in a residential area.

(a) At Latourell Falls, new buildings shall have an appearance consistent with the predominant historical architectural style.

Applicant Findings: Not applicable. The project is not in a residential area.

(b) Use of plant species native to the landscape setting shall be encouraged. Where non-native plants are used, they shall have native appearing characteristics.

Applicant Findings: Not applicable. The project is not in a residential area.

(C) SMA Requirements for KVA Foregrounds and Scenic Routes

(1) All new developments and land uses immediately adjacent to the Historic Columbia River Highway, Interstate 84, and Larch Mountain Road shall be in conformance with state or county scenic route standards.

Applicant Findings: Not Applicable. The project does not include any new developments. Project activities are in conformance with State and Federal highway standards.

(2) The following guidelines shall apply only to development within the immediate foregrounds of key viewing areas. Immediate foregrounds are defined as within the developed prism of a road or trail KVA or within the boundary of the developed area of KVAs such as Crown Pt. and Multnomah Falls. They shall apply in addition to MCC 38.7040(A).

Applicant Findings: Applicable. The project is within the developed prism of I-84.

(a) The proposed development shall be designed and sited to meet the applicable scenic standard from the foreground of the subject KVA. If the development cannot meet the standard, findings must be made documenting why the project cannot meet the requirements of 38.7040(A) and why it cannot be redesigned or wholly or partly relocated to meet the scenic standard.

Applicant Findings: Applicable. The proposed project meets the scenic requirements of 38.7040(A).

(b) Findings must evaluate the following:

1. The limiting factors to meeting the required scenic standard and/or applicable provisions of 38.7040(A),
2. Reduction in project size;
3. Options for alternative sites for all or part of the project, considering parcel configuration and on-site topographic or vegetative screening;
4. Options for design changes including changing the design shape, configuration, color, height, or texture in order to meet the scenic standard.

Applicant Findings: Not Applicable. The proposed project meets the scenic requirements of 38.7040(A).

(c) Form, line, color, texture, and design of a proposed development shall be evaluated to ensure that the development blends with its setting as seen from the foreground of key viewing areas:

Applicant Findings: Not Applicable. The proposed project does not include any changes to the form, line, color, texture or design of the existing bridge. The overcrossing will look essentially the same with an addition of a protective screen. The screen is required by state law. The screen will be painted brown and its design is consistent with other screens and fencing within the I-84 Corridor.

1. Form and Line - Design of the development shall minimize changes to the form of the natural landscape. Development shall borrow form and line from the landscape setting and blend with the form and line of the landscape setting. Design of the development shall avoid contrasting form and line that unnecessarily call attention to the development.

2. Color - Color shall be found in the project's surrounding landscape setting. Colors shall be chosen and repeated as needed to provide unity to the whole design.

3. Texture - Textures borrowed from the landscape setting shall be emphasized in the design of structures. Landscape textures are generally rough, irregular, and complex rather than smooth, regular, and uniform.

4. Design - Design solutions shall be compatible with the natural scenic quality of the Gorge. Building materials shall be natural or natural appearing. Building materials such as concrete, steel, aluminum, or plastic shall use form, line color and texture to harmonize with the natural environment. Design shall balance all design elements into a harmonious whole, using repetition of elements and blending of elements as necessary.

(3) Right-of-way vegetation shall be managed to minimize visual impact of clearing and other vegetation removal as seen from Key Viewing Areas. Roadside vegetation management should enhance views out from the highway (vista clearing, planting, etc.).

Applicant Findings: Not Applicable. No vegetation removal will be required

(4) Encourage existing and require new road maintenance warehouse and stockpile areas to be screened from view from Key Viewing Areas.

Applicant Findings: Not applicable. No road maintenance, warehouse, or stockpile areas are proposed. Construction staging will be limited to non-vegetated sections immediately adjacent to I-84. (See appendix X)

(5) Development along Interstate 84 and the Historic Columbia River Highway shall be consistent with the scenic corridor strategies developed for these roadways.

Applicant Findings: Applicable. The proposed project complies with the I-84 Corridor Strategy Design Guidelines. The I-84 Corridor Strategy Team reviewed the proposal of February 3, 2011. The overcrossing will look essentially the same with an addition of a protective screen. The screen is required by state law. The screen will be painted brown and its design is consistent with other screens and fencing within the I-84 Corridor. This screen type was previously reviewed by and approved by the I-84 Corridor Strategy team.

Excerpt from I-84 CST meeting minutes related to the Rooster Rock Overcrossing Discussion:

I-84 Corridor Strategy Team

February 3, 2011

9:30 AM – 12:00

ODOT District 2C offices, Troutdale

Attending: Kristen Stallman, ODOT Scenic Area Coordinator; Rick Keene, ODOT Rooster Rock Overcrossing Project Leader; Mark Stevenson, OPRD Columbia Gorge Unit Manager; Rich Watanabe, ODOT Area Manager; Pat Cimiotti, Region 4 Area Manager; Joanna Valencia,

Multnomah County Planner; Christine Plourde, USFS Landscape Architect; Jennifer Kaden, Gorge Commission Planner; Sam Haffner, ODOT Planning; Ed Shoaps, OBDP Public Involvement; Tova Peltz, ODOT Geotechnical Engineer; Fred Gullixson, ODOT Engineering Geologist; Steve Narkiewicz, Oregon Bridge Delivery Unit; Wayman Bolly, Oregon Bridge Delivery Unit Project Manager; Jeff Graham, Federal Highway Administration; Susan Hanson, ODOT Community Affairs; Larry Olson, ODOT 2C Maintenance Manager

Rooster Rock Overcrossing, Rick Keene

Rick provided some background on the project:

- The structure was built 50 years ago, 9" lower than it is today
- Vertical clearance has been compromised
- The structure is one of the lowest bridges in the Gorge
- Large trucks cannot go under bridge. Trucks must detour into park
- ODOT spent a couple months exploring lowering the bridge
- The columns are so close to travel lanes – impossible to keep 4 lanes open during construction
- Construction industry confirmed that the bridge could be raised
- This project is a high priority for the trucking industry
- Construction timelines must meet the windmill projects in the Gorge
- Bid out in 12/11. Go to construction in March 2012. Complete in May 2012
- We are getting 9" of vertical clearance
- Approaches 400-500 feet will be raised – tapered to meet new bridge height
- No impacts to mobility on I-84
- Detour to Park for 1 week during construction. During the bridge lift park access from I-84 east bound would be closed. There would be a detour on the east bound exit via exit 35. Construction would occur Sunday to Friday.

Questions:

- How will it affect the appearance of the bridge? Not much. The bridge columns cut mid height, splicing, a different color. Additional strength in the columns not sure what it will look like at this point. There will be a bulge.
- NSA permits? Changing original form shape of the structure will require a NSA permit. ODOT will be meeting with Multnomah County shortly. Not a very complicated permit. Need to know what the splices will look like.

- The structure is presently unpainted concrete that is aged. May have been painted originally.
- As the plans develop does the I84 CST need to see this project? DAP in a couple of weeks.
- The road approaches will match new elevation. The roads will taper down 400-500 to make up the 9" vertical. The first 100 feet will be completely dug out. The rest will be overlay.
- The taper will not impact park side of the bridge. We able to match grade before you impact the park itself.

Action: Rick and Kristen to send image to group for email consensus. Kristen emailed the group. The I-84 Corridor Strategy Team did not have comments on the proposal.

(D) SMA Requirements for areas not seen from KVAs

Unless expressly exempted by other provisions in MCC 38.7040, colors of structures on sites not visible from key viewing areas shall be earth-tones found at the specific site. The specific colors or list of acceptable colors shall be approved as a condition of approval, drawing from the recommended palette of colors included in the Scenic Resources Implementation Handbook.

Applicant Findings: Not Applicable. The entirety of the proposed project is visible from the I-84 and Crown Point KVA's.

(Ord. 1125, Amended, 12/11/2008; Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

11 MAY 24 AM 10:47
MULTNOMAH COUNTY
PLANNING SECTION

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.

Applicant Findings: Applicable. The proposed project is, in its entirety, a modification of an existing structure.

(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.

(c) Proposed uses that involve minor ground disturbance, as defined by depth and extent, including repair and maintenance of lawfully constructed and serviceable structures; home gardens; live-stock grazing; cultivation that employs minimum tillage techniques, such as replanting pastures using a grassland drill; construction of fences; new utility poles that are installed using an auger, post-hole digger, or similar implement; and placement of mobile homes where septic systems and underground utilities are not involved.

The Gorge Commission will review all land use applications and determine if proposed uses would have a minor ground disturbance.

(d) Proposed uses that occur on sites that have been disturbed by human activities, provided the proposed uses do not exceed depth and extent of existing ground disturbance. To qualify for this exception, a project applicant must demonstrate that land disturbing activities occurred in the project area. Land disturbing activities include grading and cultivation.

(e) Proposed uses that would occur on sites that have been adequately surveyed in the past.

1. The project applicant must demonstrate that the project area has been adequately surveyed to qualify for this exception.

2. Past surveys must have been conducted by a qualified professional and must include a surface survey and subsurface testing.

3. The nature and extent of any cultural resources in the project area must be adequately documented.

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

1. Residential development that involves two or more new dwellings for the same project applicant;
2. Recreation facilities that contain parking areas for more than 10 cars, overnight camping facilities, boat ramps, and visitor information and environmental education facilities;
3. Public transportation facilities that are outside improved rights-of-way;
4. Electric facilities, lines, equipment, and appurtenances that are 33 kilovolts or greater; and
5. Communications, water and sewer, and natural gas transmission (as opposed to distribution) lines, pipes, equipment, and appurtenances.

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

The Gorge Commission, after consulting Indian tribal governments and state historic preservation officers, will prepare and adopt a map showing areas that have a low probability of containing cultural resources. This map will be adopted within 200 days after the Secretary of Agriculture concurs with the Management Plan. It will be refined and revised as additional reconnaissance surveys are conducted. Areas will be added or deleted as warranted. All revisions of this map shall be reviewed and approved by the Gorge Commission.

(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.

***Applicant Findings:** Applicable. ODOT Cultural Resources Program Coordinator Chris Bell reviewed the proposed project on July 29, 2010 and identified no cultural or historic resources in the project area that would be affected by this project. See Appendix B for the Programmatic Agreement Memo related to Historic Resources.*

(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.

***Applicant Findings:** Not Applicable. The proposed project will not alter the exterior architectural appearance of the bridge. Furthermore, ODOT Sr. Historian Bob Hadlow, has confirmed that projects within the Interstate are exempt from consideration as an historic property. See Appendix B for the Programmatic Agreement Memo related to Historic Resources.*

(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.

Applicant Findings: Not applicable. Sites will be avoided and no impacts will occur.

(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

Applicant Findings: The proposed undertaking is exempt from formal SHPO review under Stipulation E.5 (correcting substandard roadway geometrics) of the existing Programmatic Agreement.

(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.

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

(1) Consultation meetings should provide an opportunity for interested persons to explain how the proposed use may affect cultural resources. Recommendations to avoid potential conflicts should be discussed.

(2) All written comments and consultation meeting minutes shall be incorporated into the reconnaissance or historic survey report. In instances where a survey is not required, all such information shall be recorded and addressed in a report that typifies a survey report; inapplicable elements may be omitted.

(3) A project applicant who is proposing a large-scale use shall conduct interviews and other forms of ethnographic research if interested persons submit a written request for such research. All requests must include a description of the cultural resources that may be affected by the proposed use and the identity of knowledgeable informants. Ethnographic research shall be conducted by qualified specialists. Tape recordings, maps, photographs, and minutes shall be used when appropriate.

(4) All written comments, consultation meeting minutes and ethnographic research shall be incorporated into the reconnaissance or historic survey report. In instances where a survey is not required, all such information shall be recorded and addressed in a report that typifies a survey report.

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

(1) Reconnaissance Survey for Small-Scale Uses

Applicant Findings: Not applicable. A reconnaissance survey is not required as per MCC 38.7045(A)(2)

Reconnaissance surveys for small scale uses shall consist of the following:

(a) A surface survey of the project area, except for inundated areas and impenetrable thickets.

(b) Subsurface testing shall be conducted if the surface survey reveals that cultural resources may be present. Subsurface probes will be placed at intervals sufficient to determine the absence or presence of cultural resources.

(c) A confidential report that includes:

1. A description of the fieldwork methodology used to identify cultural resources, including a description of the type and extent of the reconnaissance survey.

2. A description of any cultural resources that were discovered in the project area, including a written description and photographs.

3. A map that shows the project area, the areas surveyed, the location of subsurface probes, and, if applicable, the approximate boundaries of the affected cultural resources and a reasonable buffer area.

(d) The Gorge Commission will conduct and pay for all reconnaissance or historic surveys, and for Evaluations of Significance and Mitigation Plans for cultural resources discovered during construction of small-scale uses.

(2) Reconnaissance Survey for Large Scale Uses

Applicant Findings: Not applicable. A reconnaissance survey is not required as per MCC 38.7045(A)(2)

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

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

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

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

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

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

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

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

(c) A confidential report that includes:

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

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

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

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

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

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

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

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

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

(3) Historic Surveys

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

Applicant Findings: Not Applicable. Robert Hadlow, ODOT Sr. Historian, has confirmed that projects within the Interstate are exempt from consideration as an historic property. This project takes place entirely within the I-84 Right of Way.

1. Original photographs;

2. Original maps; and

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

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

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

(E) The Planning Director shall submit a copy of all cultural resource survey reports to the Gorge Commission, SHPO, the Indian tribal governments, the Cultural Advisory Committee, and any party who submitted substantiated comment during the comment period provided in MCC 38.0530 (B). Survey reports may include measures to avoid affected cultural resources, such as a map that shows a reasonable buffer area.

(1) All parties notified shall have 30 calendar days from the date a survey report is mailed to submit written comments to the Planning Director. The Planning Director shall record and address all written comments in the Site Review analysis.

(2) The Planning Director shall require an Evaluation of Significance if the Reconnaissance or Historic Survey or substantiated comment received indicate that the proposed use might affect any of the following:

(a) Cultural resources

(b) Archaeological resources

(c) Traditional cultural properties

(d) Historic buildings or structures

(3) The Planning Director shall deem the cultural resource review process complete if no substantiated comment is received during the 30 day comment period and the Reconnaissance or Historic Survey indicate that the proposed use would have no affect on the items listed in subsection (2)(a) through (d) above.

Applicant Findings: Robert Hadlow, ODOT Sr. Historian, has confirmed that projects within the Interstate are exempt from consideration as an historic property. This project takes place entirely within the I-84 Right of Way.

(4) Notice of the decision of the Planning Director shall be mailed to those parties entitled to notice by MCC 38.0530 (B) within 10 days of the expiration of the 30 day comment period.

(5) The decision of the Planning Director on an application for cultural resource review shall be final 14 days from the date notice is mailed, unless appealed as provided in MCC 38.0530 (B).

(F) Evaluations of Significance shall meet the following standards:

(1) Evaluations of Significance shall follow the procedures in *How to Apply the National Register Criteria for Evaluation* (U.S. Department of the Interior, n.d.) and *Guidelines for the Evaluation and Documentation of Traditional Cultural Properties* (Parker and King, n.d.). They shall be presented within local and regional contexts and shall be guided by previous research and current research designs that are relevant to specific research questions for the Columbia River Gorge.

(2) To evaluate the significance of cultural resources, the information gathered during the reconnaissance or historic survey may have to be supplemented. Detailed field mapping, subsurface testing, photographic documentation, laboratory analysis, and archival research may be required.

(3) The project applicant shall contact Indian tribal governments and interested persons, as appropriate. Ethnographic research shall be undertaken as necessary to fully evaluate the significance of the cultural resources.

(4) The Evaluation of Significance shall follow the principles, guidelines, and report format recommended by Oregon SHPO (Oregon State Historic Preservation Office 1990). It shall

incorporate the results of the reconnaissance or historic survey and shall illustrate why each cultural resource is or is not significant. Findings shall be presented within the context of relevant local and regional research.

(5) All documentation used to support the evaluation of significance shall be cited. Evidence of consultation with Indian tribal governments and other interested persons shall be presented. All comments, recommendations, and correspondence from Indian tribal governments and interested persons shall be appended to the Evaluation of Significance.

(6) The applicant shall be responsible for Evaluations of Significance.

(G) If the Evaluation of Significance demonstrates that the affected cultural resources are not significant, the Planning Director shall submit a copy of all cultural resource survey reports to the Gorge Commission, SHPO, the Indian tribal governments, the Cultural Advisory Committee, and any party who submitted substantiated comment during the comment period provided in MCC 38.7045 (E) (1).

(1) All parties notified shall have 30 calendar days from the date the evaluation of significance is mailed to submit written comments to the Planning Director. The Planning Director shall record and address all written comments in the Site Review analysis.

(2) The Planning Director shall find the cultural resources significant and require an Assessment of Effect if the Evaluation of Significance or comments received indicate either of the following:

(a) The cultural resources are included in, or eligible for inclusion in, the National Register of Historic Places. The criteria for use in evaluating the eligibility of cultural resources for the National Register of Historic Places appear in the "National Register Criteria for Evaluation" (36 CFR 60.4). Cultural resources are eligible for the National Register of Historic Places if they possess integrity of location, design, setting, materials, workmanship, feeling, and association. In addition, they must meet one or more of the following criteria:

1. Association with events that have made a significant contribution to the broad patterns of the history of this region;

2. Association with the lives of persons significant in the past;

3. Embody the distinctive characteristics of a type, period, or method of construction, or represent the work of a master, or possess high artistic values, or represent a significant and distinguishable entity whose components may lack individual distinction; or

4. Yield, or may be likely to yield, information important in prehistory or history.

(b) The cultural resources are determined to be culturally significant by a Indian tribal government, based on criteria developed by that Indian tribal government and filed with the Gorge Commission.

(3) The Planning Director shall deem the cultural resource review process complete if no substantiated comment is received during the 30 day comment period and the Evaluation of Significance indicates the effected cultural resources are not significant.

(4) Notice of the decision of the Planning Director shall be mailed to those parties entitled to notice by MCC 38.7045 (E) within 10 days of the expiration of the 30 day comment period.

(5) The decision of the Planning Director on an application for cultural resource review shall be final 14 days from the date notice is mailed, unless appealed as provided in MCC 38.0530 (B).

(H) An Assessment of Effect shall meet the following standards:

(1) The Assessment of Effect shall be based on the criteria published in *Protection of Historic Properties* (36 CFR Part 800.5) and shall incorporate the results of the Reconnaissance or Historic Survey and the Evaluation of Significance. All documentation shall follow the requirements listed in 36 CFR Part 800.11.

(a) Proposed uses have an effect on cultural resources when they alter or destroy characteristics of the resources that make them significant [36 CFR Part 800.5].

(b) Proposed uses are considered to have an adverse effect when they may diminish the integrity of the cultural resource's location, design, setting, materials, workmanship, feeling, or association [36 CFR Part 800.5]. Adverse effects on cultural resources include, but are not limited to:

1. Physical destruction, damage, or alteration of all or part of the cultural resource;
2. Isolation of the cultural resource from its setting or alteration of the character of the resource's setting when that character contributes to the resource's qualification as being significant;
3. Introduction of visual, audible, or atmospheric elements that are out of character with the cultural resource or its setting;
4. Neglect of a significant cultural resource resulting in its deterioration or destruction except as described in 36 CFR 800.5.

(2) The Assessment of Effect shall be prepared in consultation with Indian tribal governments and interested persons, as appropriate. The concerns and recommendations voiced by Indian tribal governments and interested persons shall be recorded and addressed in the assessment.

(3) The effects of a proposed use that would otherwise be determined to be adverse may be considered to not be adverse in the following instances:

(a) The cultural resources are of value only for their potential contribution to archaeological, historical, or architectural research, and when such value can be substantially preserved through the conduct of appropriate research before development begins, and such research is conducted in accordance with applicable professional standards and guide-lines;

(b) The undertaking is limited to the rehabilitation of buildings and structures, and is conducted in a manner that preserves the historical and architectural character of affected cultural resources through conformance with *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); or

(c) The proposed use is limited to the transfer, lease, or sale of cultural resources, and adequate restrictions or conditions are included to ensure preservation of the significant features of the resources.

(4) The applicant shall be responsible for the Assessment of Effect.

Applicant Findings: Not Applicable. Projects within the Interstate are exempt from Section 106 through Section 6007 of SAFETEA-LU by adding a new subparagraph, 103(c)(5)(A), to exempt the bulk of the Interstate Highway System from consideration as a historic property.

(I) If the Assessment of Effect concludes that the proposed use would have no effect or no adverse effect on significant cultural resources, the Planning Director shall submit a copy of the assessment to the Gorge Commission, SHPO, the Indian tribal governments, the Cultural Advisory Committee, and any party who submitted substantiated comment during the comment period provided in MCC 38.7045 (E) (1).

Applicant Findings: Not Applicable. Projects within the Interstate are exempt from Section 106 through Section 6007 of SAFETEA-LU by adding a new subparagraph, 103(c)(5)(A), to exempt the bulk of the Interstate Highway System from consideration as a historic property.

(1) All parties notified shall have 30 calendar days from the date the Assessment of Effect is mailed to submit written comments to the Planning Director. The Planning Director shall record and address all written comments in the Site Review analysis.

(2) The Planning Director shall require the applicant to prepare a Mitigation Plan if the Assessment of Effect or substantiated comment received during the 30 day comment period indicates the proposed use would have an effect or an adverse effect on significant cultural resources.

(3) The Planning Director shall deem the cultural resource review process complete if no comment is received during the 30 day comment period and the Assessment of Effect indicates the proposed use would have no effect or no adverse effect on significant cultural resources.

(4) Notice of the decision of the Planning Director shall be mailed to those parties entitled to notice by MCC 38.7045 (E) within 10 days of the expiration of the 30 day comment period.

(5) The decision of the Planning Director on an application for cultural resource review shall be final 14 days from the date notice is mailed, unless appealed as provided in MCC 38.0530 (B).

(J) Mitigation plans shall meet the following standards:

(1) Mitigation Plans shall be prepared in consultation with persons who have concerns about or knowledge of the affected cultural resources, including Indian tribal governments, Native Americans, local governments whose jurisdiction encompasses the project area, and SHPO.

Applicant Findings: Not applicable. The proposed project does not require a mitigation plan for cultural resources.

(2) Avoidance of cultural resources through project design and modification is preferred. Avoidance may be effected by reducing the size, scope, configuration, and density of the proposed use.

(a) Alternative mitigation measures shall be used only if avoidance is not practicable. Alternative measures include, but are not limited to, burial under fill, stabilization, removal of the cultural resource to a safer place, and partial to full excavation and recordation.

(b) If the mitigation plan includes buffer areas to protect cultural resources, a deed covenant, easement, or other appropriate mechanism must be developed and recorded in county deeds and records.

(3) Mitigation plans shall incorporate the results of the reconnaissance or historic survey, the evaluation of significance, and the assessment of effect, and shall provide the documentation required in 36 CFR Part 800.11, including, but not limited to:

(a) A description and evaluation of any alternatives or mitigation measures that the project applicant proposes for reducing the effects of the proposed use;

(b) A description of any alternatives or mitigation measures that were considered but not chosen and the reasons for their rejection;

(c) Documentation of consultation with SHPO regarding any alternatives or mitigation measures;

(d) A description of the project applicant's efforts to obtain and consider the views of Indian tribal governments, interested persons, and local governments; and

(e) Copies of any written recommendations submitted to the Planning Director or project applicant regarding the effects of the proposed use on cultural resources and alternatives to avoid or re-duce those effects.

(4) The applicant shall be responsible for Mitigation Plans.

Applicant Findings: Not applicable.

(K) The Planning Director shall submit a copy of the Mitigation Plan to the Gorge Commission, SHPO, the Indian tribal governments, the Cultural Advisory Committee, and any party who submitted substantiated comment during the comment period provided in MCC 38.7045 (E) (1).

(1) All parties shall have 30 calendar days from the date the mitigation plan is mailed to submit written comments to the Planning Director. The Planning Director shall record and address all written comments in the Site Review analysis.

(2) If substantiated comment is received during the 30 day comment period, the Planning Director shall place the matter on the next available Planning Commission agenda. The Planning Commission shall determine if the adverse effect identified in the Assessment of Effect is reduced to no effect or no adverse effect.

(3) The Planning Director shall deem the cultural resource review process complete if the Mitigation Plan indicates that the impact of the proposed use is reduced to no effect or no adverse effect and no substantiated comment is received during the 30 day comment period.

(a) Notice of the decision of the Planning Director shall be mailed to those parties entitled to notice by MCC 38.7045 (E) within 10 days of the expiration of the 30 day comment period.

(b) The decision of the Planning Director on an application for cultural resource review shall be final 14 days from the date notice is mailed, unless appealed as provided in MCC 38.0530 (B).

(4) The proposed use shall be prohibited when acceptable mitigation measures fail to reduce an adverse effect to no effect or no adverse effect.

Applicant Findings: Not applicable.

(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 re-sources are prehistoric or otherwise associated with Native Americans.

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

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

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

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

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

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

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

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

(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 pre-pared 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.

(Ord. 1125, Amended, 12/11/2008; Ord. 997, Repealed and Re-placed, 10/31/2002; Ord. 994, Amended, 09/26/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

38.7050 SMA Cultural Resource Review Criteria

(A) The cultural resource review criteria shall be deemed satisfied, except MCC 38.7050 (H), if the U.S. Forest Service or Planning Director does not require a cultural resource survey and no comment is received during the comment period provided in MCC 38.7025 (B).

(B) If comment is received during the comment period provided in MCC 38.7025 (B), the applicant shall offer to meet with the interested persons within 10 calendar days. The 10 day consultation period may be extended upon agreement between the project applicant and the interested persons.

(1) Consultation meetings should provide an opportunity for interested persons to explain how the proposed use may affect cultural resources. Recommendations to avoid potential conflicts should be discussed.

(2) All written comments and consultation meeting minutes shall be incorporated into the reconnaissance or historic survey report. In instances where a survey is not required, all such information shall be recorded and addressed in a report that typifies a survey report; inapplicable elements may be omitted.

(C) The procedures of MCC 38.7045 shall be utilized for all proposed developments or land uses other than those on all Federal lands, federally assisted projects and forest practices.

Applicant Findings: None of the proposed project is located on Federal Lands.

38.7075 SMA Natural Resource Review Criteria

All new developments and land uses shall be evaluated using the following standards to ensure that natural resources are protected from adverse effects. Comments from state and federal agencies shall be carefully considered.

(A) All Water Resources shall, in part, be protected by establishing undisturbed buffer zones as specified in MCC 38.7075 (2)(a) and (2)(b). These buffer zones are measured horizontally from a wetland, stream, lake, or pond boundary as defined in MCC 38.7075 (2)(a) and (2)(b).

Applicant Findings: Not applicable. The proposed project is exempted from the wetland and riparian guidelines under MCC 38.7075(2)(c)

(1) All buffer zones shall be retained undisturbed and in their natural condition, except as permitted with a mitigation plan.

Applicant Findings: Not applicable. The proposed project is exempted from the wetland and riparian guidelines under MCC 38.7075(2)(c)

(2) Buffer zones shall be measured outward from the bank full flow boundary for streams, the high water mark for ponds and lakes, the normal pool elevation for the Columbia River, and the wetland delineation boundary for wetlands on a horizontal scale that is perpendicular to the wetlands, stream, pond or lake boundary. On the main stem of the Columbia River above Bonneville Dam, buffer zones shall be measured landward from the normal pool elevation of the Columbia River. The following buffer zone widths shall be required:

(a) A minimum 200 foot buffer on each wetland, pond, lake, and each bank of a perennial or fish bearing stream, some of which can be intermittent.

(b) A 50-foot buffer zone along each bank of intermittent (including ephemeral), non-fish bearing streams.

(c) Maintenance, repair, reconstruction and realignment of roads and railroads within their rights-of-way shall be exempted from the wetlands and riparian guidelines upon demonstration of all of the following:

1. The wetland within the right-of-way is a drainage ditch not part of a larger wetland outside of the right-of-way.
2. The wetland is not critical habitat.
3. Proposed activities within the right-of-way would not adversely affect a wetland adjacent to the right-of-way.

Applicant Findings: Not applicable. The proposed project is exempted from the wetland and riparian guidelines under MCC 38.7075(2)(c). The project is within in the right of way and will

not adversely affect a wetland adjacent to the right of way. No construction or drainage changes will occur as part of this project.

(3) The buffer width shall be increased for the following:

Applicant Findings: Not applicable. The proposed project is exempted from the wetland and riparian guidelines under MCC 38.7075(2)(c)

(a) When the channel migration zone exceeds the recommended buffer width, the buffer width shall extend to the outer edge of the channel migration zone.

(b) When the frequently flooded area exceeds the recommended riparian buffer zone width, the buffer width shall be extended to the outer edge of the frequently flooded area.

(c) When an erosion or landslide hazard area exceeds the recommended width of the buffer, the buffer width shall be extended to include the hazard area.

(4) Buffer zones can be reconfigured if a project applicant demonstrates all of the following:

(a) The integrity and function of the buffer zones is maintained.

(b) The total buffer area on the development proposal is not decreased.

(c) The width reduction shall not occur within another buffer.

(d) The buffer zone width is not reduced more than 50% at any particular location. Such features as intervening topography, vegetation, man made features, natural plant or wildlife habitat boundaries, and flood plain characteristics could be considered.

(5) Requests to reconfigure buffer zones shall be considered if an appropriate professional (botanist, plant ecologist, wildlife biologist, or hydrologist), hired by the project applicant (1) identifies the precise location of the sensitive wildlife/plant or water resource, (2) describes the biology of the sensitive wildlife/plant or hydrologic condition of the water resource, and

Applicant Findings: Not applicable. No buffer zones will be reconfigured by this project.

(3) demonstrates that the proposed use will not have any negative effects, either direct or indirect, on the affected wildlife/plant and their surrounding habitat that is vital to their long-term survival or water resource and its long term function.

Applicant Findings: Not applicable. No buffer zones will be reconfigured by this project.

(6) The local government shall submit all requests to reconfigure sensitive wildlife/plant or water resource buffers to the U.S. Forest Service and the appropriate state agencies for review. All written comments shall be included in the project file. Based on the comments from the state and federal agencies, the local government will make a final decision on whether the reconfigured

buffer zones are justified. If the final decision contradicts the comments submitted by the federal and state agencies, the local government shall justify how it reached an opposing conclusion.

Applicant Findings: Not applicable. No buffer zones will be reconfigured by this project.

(B) When a buffer zone is disturbed by a new use, it shall be replanted with only native plant species of the Columbia River Gorge.

Applicant Findings: Not applicable. The proposed project is exempted from the wetland and riparian guidelines under MCC 38.7075(2)(c)

(C) The applicant shall be responsible for identifying all water resources and their appropriate buffers.

Applicant Findings: Not applicable. The proposed project is exempted from the wetland and riparian guidelines under MCC 38.7075(2)(c)

(D) Wetlands Boundaries shall be delineated using the following:

(1) The approximate location and extent of wetlands in the Scenic Area is shown on the National Wetlands Inventory (U. S. Department of the Interior 1987). In addition, the list of hydric soils and the soil survey maps shall be used as an indicator of wetlands.

(2) Some wetlands may not be shown on the wetlands inventory or soil survey maps. Wetlands that are discovered by the local planning staff during an inspection of a potential project site shall be delineated and protected.

(3) The project applicant shall be responsible for determining the exact location of a wetlands boundary. Wetlands boundaries shall be delineated using the procedures specified in the '1987 Corps of Engineers Wetland Delineation Manual (on-line Edition)'.

(4) All wetlands delineations shall be conducted by a professional who has been trained to use the federal delineation procedures, such as a soil scientist, botanist, or wetlands ecologist.

(E) Stream, pond, and lake boundaries shall be delineated using the bank full flow boundary for streams and the high water mark for ponds and lakes. The project applicant shall be responsible for determining the exact location of the appropriate boundary for the water resource.

Applicant Findings: Not applicable. The proposed project is exempted from the wetland and riparian guidelines under MCC 38.7075(2)(c)

(F) The local government may verify the accuracy of, and render adjustments to, a bank full flow, high water mark, normal pool elevation (for the Columbia River), or wetland boundary delineation. If the adjusted boundary is contested by the project applicant, the local government shall obtain professional services, at the project applicant's expense, or the county will ask for technical assistance from the U.S. Forest Service to render a final delineation.

Applicant Findings: Not applicable. The proposed project is exempted from the wetland and riparian guidelines under MCC 38.7075(2)(c)

(G) Buffer zones shall be undisturbed unless the following criteria have been satisfied:

(1) The proposed use must have no practicable alternative as determined by the practicable alternative test. Those portions of a proposed use that have a practicable alternative will not be located in wetlands, stream, pond, lake, and riparian areas and/or their buffer zone.

Applicant Findings: Not applicable. The proposed project is exempted from the wetland and riparian guidelines under MCC 38.7075(2)(c)

(2) Filling and draining of wetlands shall be prohibited with exceptions related to public safety or restoration/enhancement activities as permitted when all of the following criteria have been met:

Applicant Findings: Not applicable. The proposed project is exempted from the wetland and riparian guidelines under MCC 38.7075(2)(c)

(a) A documented public safety hazard exists or a restoration/ enhancement project exists that would benefit the public and is corrected or achieved only by impacting the wetland in question.

(b) Impacts to the wetland must be the last possible documented alternative in fixing the public safety concern or completing the restoration/enhancement project.

(c) The proposed project minimizes the impacts to the wetland.

Applicant Findings: Not applicable. The proposed project is exempted from the wetland and riparian guidelines under MCC 38.7075(2)(c)

(H) Protection of sensitive wildlife/plant areas and sites shall begin when proposed new developments or uses are within 1000 feet of a sensitive wildlife/plant site and/or area. Sensitive Wildlife Areas are those areas depicted in the wildlife inventory and listed in Table 2 of the Management Plan titled "Types of Wildlife Areas and Sites Inventoried in the Columbia Gorge", including all Priority Habitats Table. Sensitive Plants are listed in Table 3 of the Management Plan, titled "Columbia Gorge and Vicinity Endemic Plant Species." The approximate locations of sensitive wildlife and/or plant areas and sites are shown in the wildlife and rare plant inventory.

Applicant Findings: Applicable. ODOT acting as an agent of FHWA, determines that the listed species, designated critical habitat, will not be impacted by this project. The area of project impact does not overlap with listed species, critical habitation essential fish habitat. This is documented in the ESA determination of NO EFFECT KN16983 1:84: Rooster Rock Vertical Clearance - see Appendix C.. The work will be done within the disturbed right of way.

(I) The local government shall submit site plans (of uses that are proposed within 1,000 feet of a sensitive wildlife and/or plant area or site) for review to the U.S. Forest Service and the appropriate state agencies (Oregon Department of Fish and Wildlife for wildlife issues and by the Oregon Natural Heritage Program for plant issues).

Applicant Findings: Applicable. Multnomah County will submit plans to the USFS Service. ORNHIC data base was consulted., See ESA determination of NO EFFECT KN16983 1:84: Rooster Rock Vertical Clearance memo in Appendix C.

(J) The U.S. Forest Service wildlife biologists and/or botanists, in consultation with the appropriate state biologists, shall review the site plan and their field survey records. They shall:

(1) Identify/verify the precise location of the wildlife and/or plant area or site.

Applicant Findings: Applicable. USFS wildlife biologists and botanists have been consulted prior to application submittal to Multnomah County. Additionally, ORNHIC records of special status species were queried within a five-mile radius of the project area. See ESA determination of NO EFFECT KN16983 1:84: Rooster Rock Vertical Clearance memo in Appendix C.

(2) Determine if a field survey will be required.

Applicant Findings: Applicable. A cursory field survey was conducted. See ESA determination of NO EFFECT KN16983 1:84: Rooster Rock Vertical Clearance memo in Appendix C.

(3) Determine, based on the biology and habitat requirements of the affected wildlife/plant species, if the proposed use would compromise the integrity and function of or result in adverse affects (including cumulative effects) to the wildlife or plant area or site. This would include considering the time of year when wildlife or plant species are sensitive to disturbance, such as nesting, rearing seasons, or flowering season.

Applicant Findings: Not applicable. The work will be done within the disturbed right of way.

(4) Delineate the undisturbed 200 ft buffer on the site plan for sensitive plants and/or the appropriate buffer for sensitive wildlife areas or sites, including nesting, roosting and perching sites.

Applicant Findings: Not applicable. No sensitive plans have been identified within the project area.

(a) Buffer zones can be reconfigured if a project applicant demonstrates all of the following: (1) the integrity and function of the buffer zones is maintained, (2) the total buffer area on the development proposal is not decreased, (3) the width reduction shall not occur within another buffer, and (4) the buffer zone width is not reduced more than 50% at any particular location. Such features as intervening topography, vegetation, manmade features, natural plant or wildlife habitat boundaries, and flood plain characteristics could be considered.

Applicant Findings: Not applicable. No buffer zones will be reconfigured by this project.

(b) Requests to reduce buffer zones shall be considered if an appropriate professional (botanist, plant ecologist, wildlife biologist, or hydrologist), hired by the project applicant, (1) identifies the precise location of the sensitive wildlife/plant or water resource, (2) describes the biology of the sensitive wildlife/plant or hydrologic condition of the water resource, and (3) demonstrates that the proposed use will not have any negative effects, either direct or indirect, on the affected wildlife/plant and their surrounding habitat that is vital to their long-term survival or water resource and its long term function.

Applicant Findings: Not applicable. No buffer zones will be reconfigured by this project.

(c) The local government shall submit all requests to reconfigure sensitive wildlife/plant or water resource buffers to the U.S. Forest Service and the appropriate state agencies for review. All written comments shall be included in the record of application and based on the comments from the state and federal agencies, the local government will make a final decision on whether the reduced buffer zones is justified. If the final decision contradicts the comments submitted by the federal and state agencies, the local government shall justify how it reached an opposing conclusion.

Applicant Findings: Not applicable. No buffer zones will be reconfigured by this project.

(K) The local government, in consultation with the State and federal wildlife biologists and/or botanists, shall use the following criteria in reviewing and evaluating the site plan to ensure that the proposed developments or uses do not compromise the integrity and function of or result in adverse affects to the wildlife or plant area or site:

Applicant Findings: See ESA determination of NO EFFECT KN16983 1:84: Rooster Rock Vertical Clearance memo in Appendix C.

(1) Published guidelines regarding the protection and management of the affected wildlife/plant species. Examples include: the Oregon Department of Forestry has prepared technical papers that include management guidelines for osprey and great blue heron; the Washington Department of Wildlife has prepared similar guidelines for a variety of species, including the western pond turtle, the peregrine falcon, and the Larch Mountain salamander (Rodrick and Milner 1991).

(2) Physical characteristics of the subject parcel and vicinity, including topography and vegetation.

(3) Historic, current, and proposed uses in the vicinity of the sensitive wildlife/plant area or site.

(4) Existing condition of the wildlife/plant area or site and the surrounding habitat and the useful life of the area or site.

(5) In areas of winter range, habitat components, such as forage, and thermal cover, important to the viability of the wildlife must be maintained or, if impacts are to occur, enhancement must mitigate the impacts so as to maintain overall values and function of winter range.

(6) The site plan is consistent with the "Oregon Guidelines for Timing of In-Water Work to Protect Fish and Wildlife Resources" (Oregon Department of Fish and Wildlife 2000).

Applicant Findings: Applicable. The project is consistent with "Oregon Guidelines for Timing of In-Water Work to Protect Fish and Wildlife Resources".

(7) The site plan activities coincide with periods when fish and wildlife are least sensitive to disturbance. These would include, among others, nesting and brooding periods (from nest building to fledgling of young) and those periods specified.

Applicant Findings: See ESA determination of NO EFFECT KN16983 1:84: Rooster Rock Vertical Clearance memo in Appendix C.

(8) The site plan illustrates that new developments and uses, including bridges, culverts, and utility corridors, shall not interfere with fish and wildlife passage.

Applicant Findings: See ESA determination of NO EFFECT KN16983 1:84: Rooster Rock Vertical Clearance memo in Appendix C.

(9) Maintain, protect, and enhance the integrity and function of Priority Habitats (such as old growth forests, talus slopes, and oak woodlands) as listed in the Priority Habitats Table. This includes maintaining structural, species, and age diversity, maintaining connectivity within and between plant communities, and ensuring that cumulative impacts are considered in documenting integrity and function.

Applicant Findings: See ESA determination of NO EFFECT KN16983 1:84: Rooster Rock Vertical Clearance memo in Appendix C.

(L) The wildlife/plant protection process may terminate if the local government, in consultation with the U.S. Forest Service and state wildlife agency or Heritage program, determines (1) the sensitive wildlife area or site is not active, or (2) the proposed use is not within the buffer zones and would not compromise the integrity of the wildlife/plant area or site, and (3) the proposed use is within the buffer and could be easily moved out of the buffer by simply modifying the project proposal (site plan modifications). If the project applicant accepts these recommendations, the local government shall incorporate them into its development review order and the wildlife/plant protection process may conclude.

Applicant Findings: ODOT understands that the wildlife/plant protection process may terminate per consultation between the CRGNSA and Multnomah County.

(M) If the above measures fail to eliminate the adverse affects, the proposed project shall be prohibited, unless the project applicant can meet the Practicable Alternative Test and prepare a mitigation plan to offset the adverse effects by deliberate restoration and enhancement.

(N) The local government shall submit a copy of all field surveys (if completed) and mitigation plans to the U.S. Forest Service and appropriate state agencies. The local government shall include all comments in the record of application and address any written comments submitted by the state and federal wildlife agency/heritage programs in its development review order. Based on the comments from the state and federal wildlife agency/heritage program, the local government shall make a final decision on whether the proposed use would be consistent with the wildlife/plant policies and guidelines. If the final decision contradicts the comments submitted by the state and federal wildlife agency/heritage program, the local government shall justify how it reached an opposing conclusion.

(O) The local government shall require the project applicant to revise the mitigation plan as necessary to ensure that the proposed use would not adversely affect a sensitive wildlife/plant area or site.

(P) Soil productivity shall be protected using the following guidelines:

(1) A description or illustration showing the mitigation measures to control soil erosion and stream sedimentation.

(2) New developments and land uses shall control all soil movement within the area shown on the site plan.

(3) The soil area disturbed by new development or land uses, except for new cultivation, shall not exceed 15 percent of the project area.

(4) Within 1 year of project completion, 80 percent of the project area with surface disturbance shall be established with effective native ground cover species or other soil-stabilizing methods to prevent soil erosion until the area has 80 percent vegetative cover.

Applicant Findings: No new landscaping is proposed.

(Q) An alternative site for a proposed use shall be considered practicable if it is available and the proposed use can be undertaken on that site after taking into consideration cost, technology, logistics, and overall project purposes. A practicable alternative does not exist if a project applicant satisfactorily demonstrates all of the following:

(1) The basic purpose of the use cannot be reasonably accomplished using one or more other sites in the vicinity that would avoid or result in less adverse effects on wetlands, ponds, lakes, riparian areas, wildlife or plant areas and/or sites.

(2) The basic purpose of the use cannot be reasonably accomplished by reducing its proposed size, scope, configuration, or density, or by changing the design of the use in a way that would avoid or result in less adverse effects on wetlands, ponds, lakes, riparian areas, wildlife or plant areas and/or sites.

(3) Reasonable attempts were made to remove or accommodate constraints that caused a project applicant to reject alternatives to the proposed use. Such constraints include inadequate infrastructure, parcel size, and land use designations. If a land use designation or recreation intensity class is a constraint, an applicant must request a Management Plan amendment to demonstrate that practicable alternatives do not exist.

(R) The Mitigation Plan shall be prepared when:

Applicant Findings: Not applicable. Not mitigation plan required.

(1) The proposed development or use is within a buffer zone (wetland, pond, lakes, riparian areas, wildlife or plant areas and/or sites).

(2) There is no practicable alternative as determined by MCC 38.7075 (Q).

(S) In all cases, Mitigation Plans are the responsibility of the applicant and shall be prepared by an appropriate professional (botanist/ecologist for plant sites, a wildlife/fish biologist for wildlife/fish sites, and a qualified professional for water resource sites).

(T) The primary purpose of this information is to provide a basis for the project applicant to redesign the proposed use in a manner that protects sensitive water resources, and wildlife/plant areas and sites, that maximizes his/her development options, and that mitigates, through restoration, enhancement, and replacement measures, impacts to the water resources and/or wildlife/plant area or site and/or buffer zones.

(U) The applicant shall submit the mitigation plan to the local government. The local government shall submit a copy of the mitigation plan to the U.S. Forest Service, and appropriate state agencies. If the final decision contradicts the comments submitted by the state and federal wildlife agency/heritage program, the local government shall justify how it reached an opposing conclusion.

(V) A project applicant shall demonstrate sufficient fiscal, technical, and administrative competence to successfully execute a mitigation plan involving wetland creation.

(W) Mitigation plans shall include maps, photographs, and text. The text shall:

(1) Describe the biology and/or function of the sensitive resources (e.g. Wildlife/plant species, or wetland) that will be affected by a proposed use. An ecological assessment of the sensitive resource to be altered or destroyed and the condition of the resource that will result after restoration will be required. Reference published protection and management guidelines.

(2) Describe the physical characteristics of the subject parcel, past, present, and future uses, and the past, present, and future potential impacts to the sensitive resources. Include the size, scope, configuration, or density of new uses being proposed within the buffer zone.

(3) Explain the techniques that will be used to protect the sensitive resources and their surrounding habitat that will not be altered or destroyed (for examples, delineation of core habitat of the sensitive wildlife/plant species and key components that are essential to maintain the long-term use and integrity of the wildlife/plant area or site).

(4) Show how restoration, enhancement, and replacement (creation) measures will be applied to ensure that the proposed use results in minimum feasible impacts to sensitive resources, their buffer zones, and associated habitats.

(5) Show how the proposed restoration, enhancement, or replacement (creation) mitigation measures are NOT alternatives to avoidance. A proposed development/use must first avoid a sensitive resource, and only if this is not possible should restoration, enhancement, or creation be considered as mitigation. In reviewing mitigation plans, the local government, appropriate state agencies, and U.S. Forest Service shall critically examine all proposals to ensure that they are indeed last resort options.

(X) At a minimum, a project applicant shall provide to the local government a progress report every 3-years that documents milestones, successes, problems, and contingency actions. Photographic monitoring stations shall be established and photographs shall be used to monitor all mitigation progress.

(Y) A final monitoring report shall be submitted to the local government for review upon completion of the restoration, enhancement, or replacement activity. This monitoring report shall document successes, problems encountered, resource recovery, status of any sensitive wildlife/plant species and shall demonstrate the success of restoration and/or enhancement actions. The local government shall submit copies of the monitoring report to the U.S. Forest Service; who shall offer technical assistance to the local government in helping to evaluate the completion of the mitigation plan. In instances where restoration and enhancement efforts have failed, the monitoring process shall be extended until the applicant satisfies the restoration and enhancement guidelines.

(Z) Mitigation measures to offset impacts to resources and/or buffers shall result in no net loss of water quality, natural drainage, fish/wildlife/plant habitat, and water resources by addressing the following:

(1) Restoration and enhancement efforts shall be completed no later than one year after the sensitive resource or buffer zone has been altered or destroyed, or as soon there-after as is practicable.

(2) All natural vegetation within the buffer zone shall be retained to the greatest extent practicable. Appropriate protection and maintenance techniques shall be applied, such as fencing, conservation buffers, live-stock management, and noxious weed control. Within five years, at least 75 percent of the replacement vegetation must survive. All plantings must be with native plant species that replicate the original vegetation community.

(3) Habitat that will be affected by either temporary or permanent uses shall be rehabilitated to a natural condition. Habitat shall be replicated in composition, structure, and function, including tree, shrub and herbaceous species, snags, pool-riffle ratios, sub-strata, and structures, such as large woody debris and boulders.

(4) If this standard is not feasible or practical because of technical constraints, a sensitive resource of equal or greater benefit may be substituted, provided that no net loss of sensitive resource functions occurs and provided the County, in consultation with the appropriate State and Federal agency, determine that such substitution is justified.

(5) Sensitive plants that will be destroyed shall be transplanted or replaced, to the maximum extent practicable. Replacement is used here to mean the establishment of a particular plant species in areas of suitable habitat not affected by new uses. Replacement may be accomplished by seeds, cuttings, or other appropriate methods. Re-placement shall occur as close to the original plant site as practicable. The project applicant shall ensure that at least 75 percent of the replacement plants survive 3 years after the date they are planted

Applicant Findings: No sensitive plants were found in the project area

(6) Nonstructural controls and natural processes shall be used to the greatest extent practicable.

Applicant Findings: No structural controls are proposed outside the disturbed right of way.

(a) Bridges, roads, pipeline and utility corridors, and other water crossings shall be minimized and should serve multiple purposes and properties.

(b) Stream channels shall not be placed in culverts unless absolutely necessary for property access. Bridges are preferred for water crossings to reduce disruption to hydrologic and biologic functions. Culverts shall only be permitted if there are no practicable alternatives as determined by MCC .38.7075 (Q).

(c) Fish passage shall be protected from obstruction.

Applicant Findings: No activities associated with the project will result in impacts to fish passage.

(d) Restoration of fish passage should occur wherever possible.

Applicant Findings: No change in fish passage is involved.

(e) Show location and nature of temporary and permanent control measures that shall be applied to minimize erosion and sedimentation when riparian areas are disturbed, including slope netting, berms and ditches, tree protection, sediment barriers, infiltration systems, and culverts.

Applicant Findings: No in water work is proposed.

(f) Groundwater and surface water quality will not be degraded by the proposed use. Natural hydrologic conditions shall be maintained, restored, or enhanced in such a manner that replicates natural conditions, including current patterns (circulation, velocity, volume, and normal water fluctuation), natural stream channel and shoreline dimensions and materials, including slope, depth, width, length, cross-sectional profile, and gradient.

Applicant Findings: No changes to drainage proposed.

(g) Those portions of a proposed use that are not water-dependent or that have a practicable alternative will be located outside of stream, pond, and lake buffer zones.

Applicant Findings: Not applicable. There is no practicable alternative for the project. .

(h) Streambank and shoreline stability shall be maintained or restored with natural revegetation.

Applicant Findings: Not applicable. No impacts will occur on account of the proposed project.

(i) The size of restored, enhanced, and replacement (creation) wetlands shall equal or exceed the following ratios. The first number specifies the required acreage of replacement wetlands, and the second number specifies the acreage of wetlands altered or destroyed.

Restoration: 2: 1

Creation: 3: 1

Enhancement: 4: 1

(7) Wetland creation mitigation shall be deemed complete when the wetland is self-functioning for 5 consecutive years. Self-functioning is defined by the expected function of the wetland as written in the mitigation plan. The monitoring report shall be submitted to the local government to ensure compliance. The U.S. Forest Service, in consultation with appropriate state agencies, shall extend technical assistance to the local government to help evaluate such reports and any subsequent activities associated with compliance.

(8) Wetland restoration/enhancement can be mitigated successfully by donating appropriate funds to a non-profit wetland conservancy or land trust with explicit instructions that those funds are to be used specifically to purchase protection easements or fee title protection of appropriate wetlands acreage in or adjacent to the Columbia River Gorge meeting the ratios given above in MCC 38.7075 (Z) (6) (i). These transactions shall be explained in detail in the Mitigation Plan and shall be fully monitored and documented in the monitoring report.

(Ord. 1125, Amended, 12/11/2008; Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

38.7085 SMA Recreation Resource Review Criteria

(A) The following shall apply to all new developments and land uses:

Applicant findings: No new land uses are proposed.

(1) New developments and land uses shall be natural resource-based and not displace existing recreational use.

(2) Protect recreation resources from adverse effects by evaluating new developments and land uses as proposed in the site plan. An analysis of both on and off site cumulative effects such as site accessibility and the adverse effects on the Historic Columbia River Highway shall be required.

(3) New pedestrian or equestrian trails shall not have motorized uses, except for emergency services.

(4) Mitigation measures shall be provided to preclude adverse effects on the recreation resource.

(5) The facility standards contained herein are intended to apply to individual recreation facilities. For the purposes of these standards, a recreation facility is considered a cluster or grouping of recreational developments or improvements located in relatively close proximity to one another. Recreation developments or improvements to be considered a separate facility from other developments or improvements within the same Recreation Intensity Class must be separated by at least one-quarter mile of undeveloped land (excluding trails, pathways, or access roads) from such developments or improvements.

(1) New development and reconstruction of scenic routes (see Part III, Chapter 1 of the Management Plan) shall include provisions for bicycle lanes.

Applicant findings: Not applicable. New development is not proposed.

(7) The Planning Director may grant a variance of up to 10 percent to the standards of Recreation Intensity Class 4 for parking and campground units upon demonstration that:

Applicant findings: Not Applicable.

(a) Demand and use levels for the proposed activity(s), particularly in the area where the site is proposed, are high and expected to remain so and/or increase. Statewide Comprehensive Outdoor Recreation Plan (SCORP) data and data from National Scenic Area recreation demand studies shall be relied upon to meet the criterion in the absence of current applicable studies.

(b) The proposed use is dependent on re-sources present at the site.

(c) Reasonable alternative sites, including those in Urban Areas, offering similar opportunities have been evaluated and it has been demonstrated that the proposed use cannot be adequately accommodated elsewhere.

(d) The proposed use is consistent with the goals, objectives, and policies in the Management Plan, Part I, Chapter 4.

(e) Through site design and/or mitigation measures, the proposed use can be implemented without adversely affecting scenic, natural or cultural resources, and adjacent land uses.

(f) Through site design and/or mitigation measures, the proposed use can be implemented without affecting treaty rights.

(g) Mass transportation has been considered and implemented, if feasible.

(8) New interpretive or education programs and/or facilities shall follow recommendations of the *Interpretive Strategy for the Columbia River Gorge National Scenic Area*.

(9) Proposals to change the Recreation Intensity Class of an area to a different class shall require a Plan Amendment pursuant to MCC 38.0100.

Applicant findings: Not Applicable. The proposal does not require changes to the Recreation Intensity Class.

(10) A demonstration that the proposed project or use will not generate traffic, either by type or volume, which would adversely affect the Historic Columbia River Highway, shall be required prior to approval.

Applicant findings: Not Applicable. The proposal does not adversely impact the Historic Columbia River Highway.

(B) SMA Recreation Intensity Class Standards. The recreation intensity classes are designed to protect recreation resources by limiting land development and land uses.

(1) Intensity Class 1

(a) Uses permitted are those in which people participate in outdoor activities to realize experiences such as solitude, tension reduction, and nature appreciation.

(b) Maximum site design capacity shall not exceed 35 people at one time on the site. Maximum design capacity for parking areas shall be 10 vehicles.

(c) The following uses may be permitted:

1. Trails and trailheads.
2. Parking areas.
3. Dispersed campsites accessible only by a trail.
4. Viewpoints and overlooks.
5. Picnic areas.

6. Signs.

7. Interpretive exhibits and displays.

8. Rest-rooms.

(2) Intensity Class 2

Emphasis is to provide semi-primitive recreation opportunities.

(a) Permitted uses are those that provide settings where people can participate in activities such as physical fitness, outdoor learning, relaxation, and escape from noise and crowds.

(b) The maximum site design capacity shall not exceed 70 people at one time on the site. The maximum design capacity shall be 25 vehicles.

(c) All uses permitted in Class 1 are permitted in Class 2. The following uses may also be permitted:

1. Campground with vehicle access.

2. Boat anchorages designed for no more than 10 boats at one time.

3. Swimming areas.

(3) Intensity Class 3

Emphasis is on facilities with design themes emphasizing the natural qualities of the area. Developments are complementary to the natural landscape, yet can accommodate moderate numbers of people.

(a) Permitted uses are those in which people can participate in activities to realize experiences such as group socialization, nature appreciation, relaxation, cultural learning, and physical activity.

(b) Maximum site design capacity shall not exceed 250 people at on the site. The maximum design capacity shall be 50 vehicles. The GMA vehicle capacity level of 75 vehicles would be approved if enhancement or mitigation measures for scenic, cultural, or natural resources are approved for at least 10 percent of the site.

(c) Accommodation of facilities for mass transportation (bus parking, etc.) shall be required for all new (Recreation Intensity Class 3) day-use recreation sites, except for sites predominantly devoted to boat access.

(d) All uses permitted in Classes 1 and 2 are permitted in Class 3. The following uses may also be permitted:

1. Campgrounds improvement may include water, power, sewer, and sewage dump stations.

2. Boat anchorages designed for not more than 15 boats.

3. Public visitor, interpretive, historic, and environmental education facilities.

4. Full service rest-rooms, may include showers.

5. Boat ramps.

6. Riding stables.

(4) Intensity Class 4

Applicant findings: Applicable. The proposal provides access to Rooster Rock State Park.

Emphasis is for providing roaded natural, rural, and suburban recreation opportunities with a high level of social interaction.

(a) Permitted uses are those in which people can participate in activities to realize experiences such as socialization, cultural and natural history appreciation, and physical activity.

(b) The maximum design capacity shall not exceed 1000 people at one time on the site. The maximum design capacity for parking areas shall be 200 vehicles. The GMA vehicle capacity level of 250 vehicles shall be allowed if enhancement or mitigation measures of scenic, cultural, or natural resources are approved for at least 20 percent of the site.

(c) Accommodation of facilities for mass transportation (bus parking, etc.) shall be required for all new (Recreation Intensity Class 4) day-use recreation sites, except for sites predominantly devoted to boat races.

(d) All uses permitted in Classes 1, 2, and 3 are permitted in Class 4.

(Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Re-placed, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)



Oregon

Theodore R. Kulongoski, Governor

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Appendix B

11 MAY 24 AM 10:47

MULTNOMAH COUNTY
PLANNING SECTION

Department of Transportation
Transportation Building
355 Capitol St. NE
Salem, Oregon 97301

DATE: July 29, 2010

FILE CODE:

TO: Interdepartmental Memo to the File
Historic Resources

FROM: Chris Bell, Cultural Resources Program Coordinator

7-29-10

SUBJECT: Programmatic Agreement Memo, Stipulation E.5
I-84: Rooster Rock Park - Vertical Clearance
Multnomah County, Oregon
Key Number: 16983
Federal Aid Number: S002(119)PE

The Oregon Department of Transportation (ODOT) proposes to make improvements to the Rooster Rock exit along Interstate 84 (Figure attached). The vertical clearance at the Rooster Rock Park exit was recently measured using a vehicle mounted laser measurement system. The results show the clearance westbound is four inches lower than ODOT had believed it to be. Four inches is the height of the "buffer" between the recorded vertical clearance and the height of vehicles - 15' 9" - that are permitted to travel under structures. A visual inspection noted many scrapes and minor damage to the underside of the bridge.

The allowable height for permitted loads effectively closes West Bound I-84 to mobile home traffic and other over dimensional loads. Currently the over-height loads must exit westbound at Rooster Rock Stat Park, turn around in the park and then utilize the westbound on ramp to continue on I-84. The vertical clearance can be increased by either: lowering the highway or raising the structure. Lowering the highway is the preferred option.

Chris Bell, Cultural Resource Program Coordinator, reviewed this project on July 29, 2010, and identified that no historic resources in the project area will be affected by this project. No right-of-way will be purchased for this project. Bob Hadlow, who reviews projects in the Columbia River Gorge Scenic Area, confirmed that this project will not effect the scenic qualities of the Gorge. Projects within the Interstate have also been exempt from Section 106 through Section 6007 of SAFETEA-LU by adding a new subparagraph, 103(c)(5). 103(c)(5)(A), to exempt the bulk of the Interstate Highway System from consideration as a historic property. This area is not an exception to the exemption.

According to the Programmatic Agreement among the Federal Highway Administration, the Oregon Department of Transportation, the Oregon State Historic Preservation Officer, and the Advisory Council on Historic Preservation Regarding the Implementation of Minor Transportation projects, signed October 15, 2001, the proposed project does not require formal SHPO review (Stipulation E).

The ODOT Environmental Section Cultural Resources Staff, who meet the qualifications of 36 CFR Part 61 Appendix A in the fields of architectural history and history, internally reviewed the project using the standards set out in Section 106 of the National Historic Preservation Act (16 U.S.C. 470f) to address possible effects to potentially eligible National Register resources.

The proposed undertaking is exempt from formal SHPO review under Stipulation E.5 (correcting substandard roadway geometrics) of the existing Programmatic Agreement. For more information please feel free to contact Chris Bell at (503) 986-3853.

Copies to:

Christopher Bell, ODOT Cultural Resources Program Coordinator
Teresa Brasfield, ODOT Region Environmental Coordinator
Key No. 16983, File Type E: Cultural Resources
SHPO PA Tracking File

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11 MAY 24 AM 10:47

MULTNOMAH COUNTY
PLANNING SECTION

No Effect Memorandum (3-2-10 update)

ESA Determination of NO EFFECT

KN16983 I-84: Rooster Rock Park Conn, Vertical Clearance

Fed Aid No. -- S002(119)PE

07/26/10

Project Type: Lower travel lanes of Interstate 84

Location: Interstate 84 MP 24.72 to MP 25.18

Township/Range/Section(s): T1N, R5E, Sec. 30

Lat/Long: 45°32'41.177"N, 122°14'9.253"W

City: N/A

County: Multnomah

HUC6: 170800010606

Project Topography: Flat to gently sloping

Surrounding Environment: Douglas fir dominated uplands, open grassland, interstate freeway

Check one of the following:

☒ No, the Area of Project Impact (API) does not overlap with listed species, critical habitat or EFH. (No Effect because of an absence determination)

☐ Yes, the API does overlap with listed species, critical habitat or EFH.

If "YES" is checked above, check all protected resources below that overlap with the API:

☐ USFWS Listed Species

☐ NMFS Listed Species

☐ EFH

☐ USFWS Critical Habitat

☐ NMFS Critical Habitat

☐ USFWS Proposed Species/CH

☐ NMFS Proposed Species/CH

Check if applicable:

☐ This No Effect document is in addition to a separate Biological Assessment (BA) that covers species/habitats that may be affected by the project.

Provide the following in table format:

(A) All listed Species likely to be within the API: None

(B) All designated Critical Habitat within the API: None

(C) All essential Fish Habitat (EFH) within the API: None

Data Sources and Survey Method(s) Utilized: (Check all that apply; do NOT attach information.)

- | | |
|---|-------------------|
| <input type="checkbox"/> NMFS Staff Contacted <i>[Include name(s)]</i> | Date(s): |
| <input type="checkbox"/> USFWS Staff Contacted <i>[Include name(s)]</i> | Date(s): |
| <input type="checkbox"/> Species List – NMFS Website | Date(s): |
| <input type="checkbox"/> Species List – USFWS Website | Date(s): |
| <input type="checkbox"/> Federal Register | Date(s): |
| <input checked="" type="checkbox"/> ORNHIC Database | Date(s): 07/22/10 |
| <input type="checkbox"/> StreamNet | Date(s): |
| <input type="checkbox"/> ODOT TransGIS Environmental | Date(s): |
| <input checked="" type="checkbox"/> Field Survey (Cursory) | Date(s): 07/23/10 |
| <input type="checkbox"/> Field Survey – Sample | Date(s): |
| <input type="checkbox"/> Other <i>[Provide references if appropriate]</i> | Date(s): |

NOTE: Attach **API map** with survey/clearance area(s) and location(s) of closest water resources highlighted.

Field Survey Technique(s): Conducted a cursory botanical survey of the project area.

Provide Brief Project Description: (1-2 paragraphs)

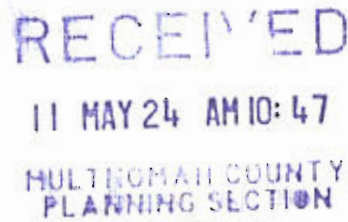
Lower travel lanes to provide for a minimum vertical clearance of 16' 8" in the westbound direction of Interstate 84.

Finding of Effect:

- ODOT, acting as an agent of FHWA (*or other federal agency*), determines that the listed species, designated critical habitat, and EFH covered under this document will not be affected by the project because **there is no reason to believe that listed species are present in the Area of Project Impact (API) based on data sources queried and species/habitat absence confirmation during the field visit.**
- This No Effect determination is based on the project as defined in the Design Acceptance Package (DAP). Changes in project scope or scale following DAP may invalidate this No Effect determination.

Avoidance measures will be implemented to prevent effects on: (*Check all that apply.*)

- ☐ Listed species covered under this document. (Complete **Section A** below.)
- ☐ Designated critical habitat covered under this document. (Complete **Section B** below.)
- ☐ EFH covered under this document. (Complete **Section C** below.)



Required Avoidance Measures.

For each applicable section below:

Section A – Listed Species: None

Section B – Designated Critical Habitat: None

Section C – Essential Fish Habitat: None

Additional Supportive Information: Botanical Clearance Report. According to the ORNHIC Database, white rock larkspur (*Delphinium leucophaeum*) is located within five miles of the project area. However, the site is disturbed, frequently mowed and is dominated by non-native grasses and forbs. Habitat for the plant is described by the Oregon Natural Heritage Information Center as dry bluffs, open ground and rock basalt cliffs.

Required Signatures. (Include signatures, printed names, *and* administrative units and/or organizations. A Biologist Qualified by ODOT under its ESA Effects Determination Program must sign this document and ensure its quality before it is submitted to the federal nexus agency.)

Individuals Responsible for the No Effect Determination:

Randall K. Davis 7-27-10
[Signature] Date
Randall Davis
Region 4 Environmental Manager, ODOT

James S. Barnes 7/26/10
[Signature] Date
James Barnes
Qualified Biologist
ODOT Region 4 Geo-Bridge Environmental
05/27/2010
Date of last ODOT ESA Effects
Determination Training

Individuals Responsible for Ensuring Implementation of Avoidance Measures: N/A

why no signature
blocks here?



MULTNOMAH COUNTY
 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/landuse>

Pre-Filing Meeting Summary Notes

Meeting #: PF 2011-1495 **Address:** No site address. Interstate 84, Rooster Rock Interchange
Map, Tax Lot: N/A **Alt. Acct #** N/A **Contact:** Kristen Stallman
Zoning: Gorge Special Public Recreation (GS-PR)
Proposal: I-84/Rooster Rock Overcrossing

INTRODUCTION

We understand you would like information about County permits that are required for the project listed above. Below you will find a brief description for each of the required permits, key issues that we have identified, and a summary of the applicable land use rules and fees. Also, at the end of these notes, we have provided a submittal checklist to assist you in preparing your applications.

REQUIRED PERMITS

Permit	Description
National Scenic Area Site Review	The purpose of the National Scenic Area Site Review is to ensure that new development does not compromise the scenic, natural, cultural and recreational resources of the Columbia River Gorge National Scenic Area. Applicants are typically focused on scenic and natural resource criteria, as outside agencies provide assistance on cultural and recreational resource issues as part of the County's review process. Detailed site plan and building elevations are required for this type of application, and the County will be looking at specific design details such as the location, orientation, color and materials of structures to ensure that they blend with the surrounding natural landscape. You will need to demonstrate that the scenic area standards are met. The County has detailed handouts explaining how that can be achieved.

Permit	Description
Grading and Erosion Control	The purpose of the Grading and Erosion Control Permit is to minimize grading (excavation/fill) to the amount necessary for the proposed development, prevent erosion, control stormwater discharges and prevent damage to properties and streams from erosion or stormwater runoff. You will need to provide a site plan showing where erosion control measures will be placed and, if adding more than 500 square feet of impervious surfaces, you will need to hire an engineer to evaluate how the stormwater will be managed.

KEY ISSUES

- The design will need to be consistent with the design standards in the I-84 corridor strategy guidelines
- The project will need to meet the SMA Site Review Approval Criteria in Chapter 38, Part 6.
- The standard for GSPR is visually subordinant.
- Recreation Intensity Class IV (MCC 38.7085(B)(4).

- The project may require a Grading and erosion Control Permit unless it does require a GEC per Chapter 29 - MCC 29.336 then a minimal impact review is required in which you submit the erosion control plans and we stamp them without the need for a GEC Permit.

SUMMARY OF APPLICABLE PERMITS, CODES, POLICIES & FEES

These Multnomah County Code (MCC) sections can be found under the link titled [Columbia River Gorge National Scenic Area](http://www.co.multnomah.or.us/landuse) on our webpage at: www.co.multnomah.or.us/landuse

Permits	Code Section	Fees
National Scenic Area Site Review	MCC 38.2800 et. al (Gorge Recreation District (GSPR)); Chapter 38 Part 6 (Approval Criteria (SMA criteria)).	\$710.00
Grading and Erosion Control Permit	MCC 29.330 et. al: GEC MCC 29.345: Grading and Erosion Control Permit Standards (address in narrative and supporting docs)	\$224.00

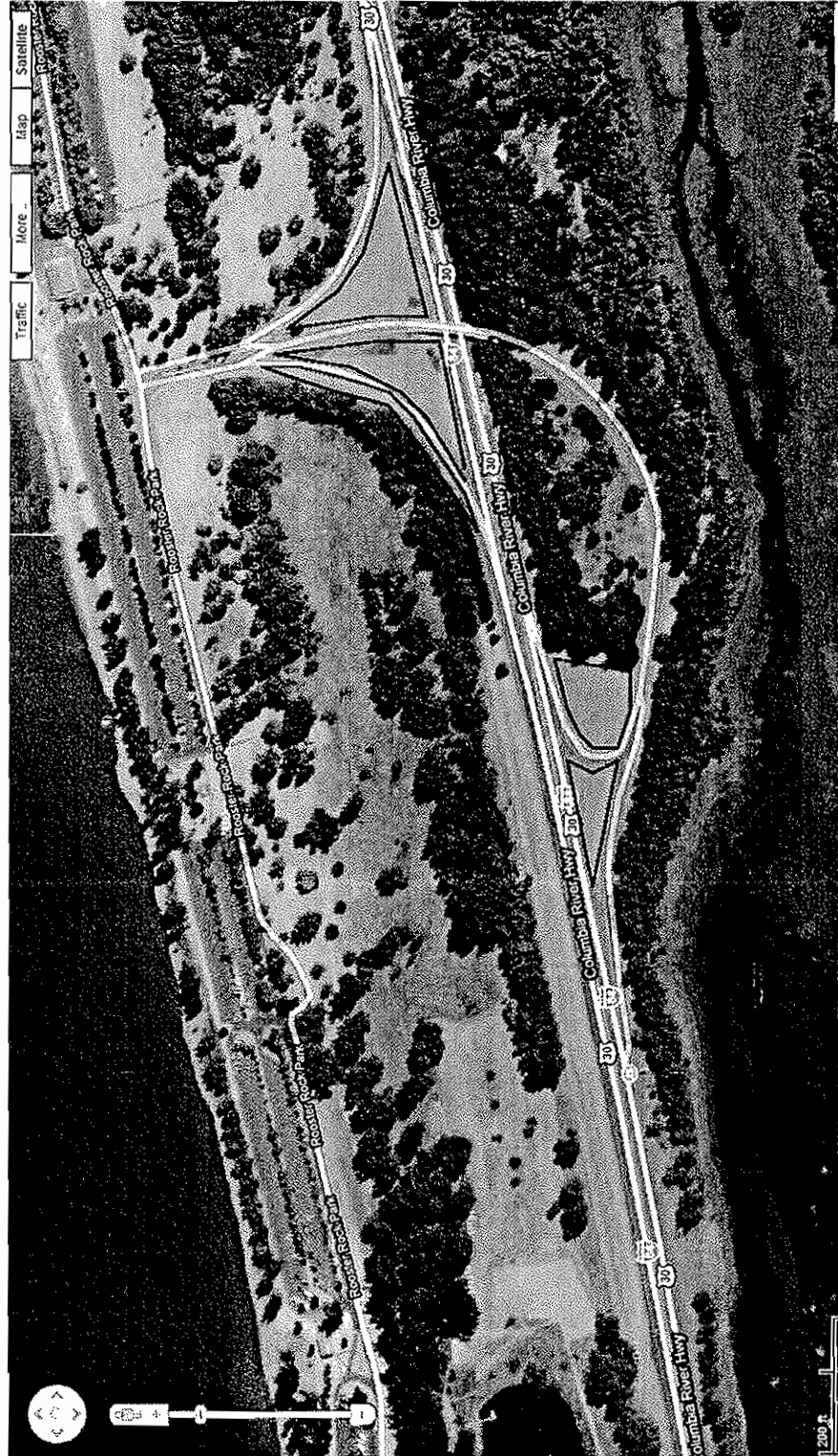
ADDITIONAL ASSISTANCE

Please contact George Plummer at (503) 988-3043 x29152 with any questions. Scheduling an appointment is necessary to see your case planner. The planner on duty can also help answer questions at 503.988.3043 (press 7) in the event your case planner is unavailable. Hours for the planner on duty are Tuesday – Friday, 8:00 AM – 4:00 PM. Please note a \$53 building permit plan check fee and \$77 erosion control inspection fee may be required at building plan signoff after the conclusion of the land use review process. These fees do not need to be paid at the time of land use application submittal.

* * *

Notwithstanding any representations by County staff at a pre-file meeting, staff is not authorized to waive any requirements of the County Code. Any omission or failure by staff to recite to an applicant all relevant applicable land use requirements shall not constitute a waiver by the county of any standard or requirement [MCC 37.0570(C)]

16983 I84: Rooster Rock Park Conn, Vertical Clearance I84 MP 24.72 – MP 25.18; T1N R5E Section 30, Bridal Veil Quad



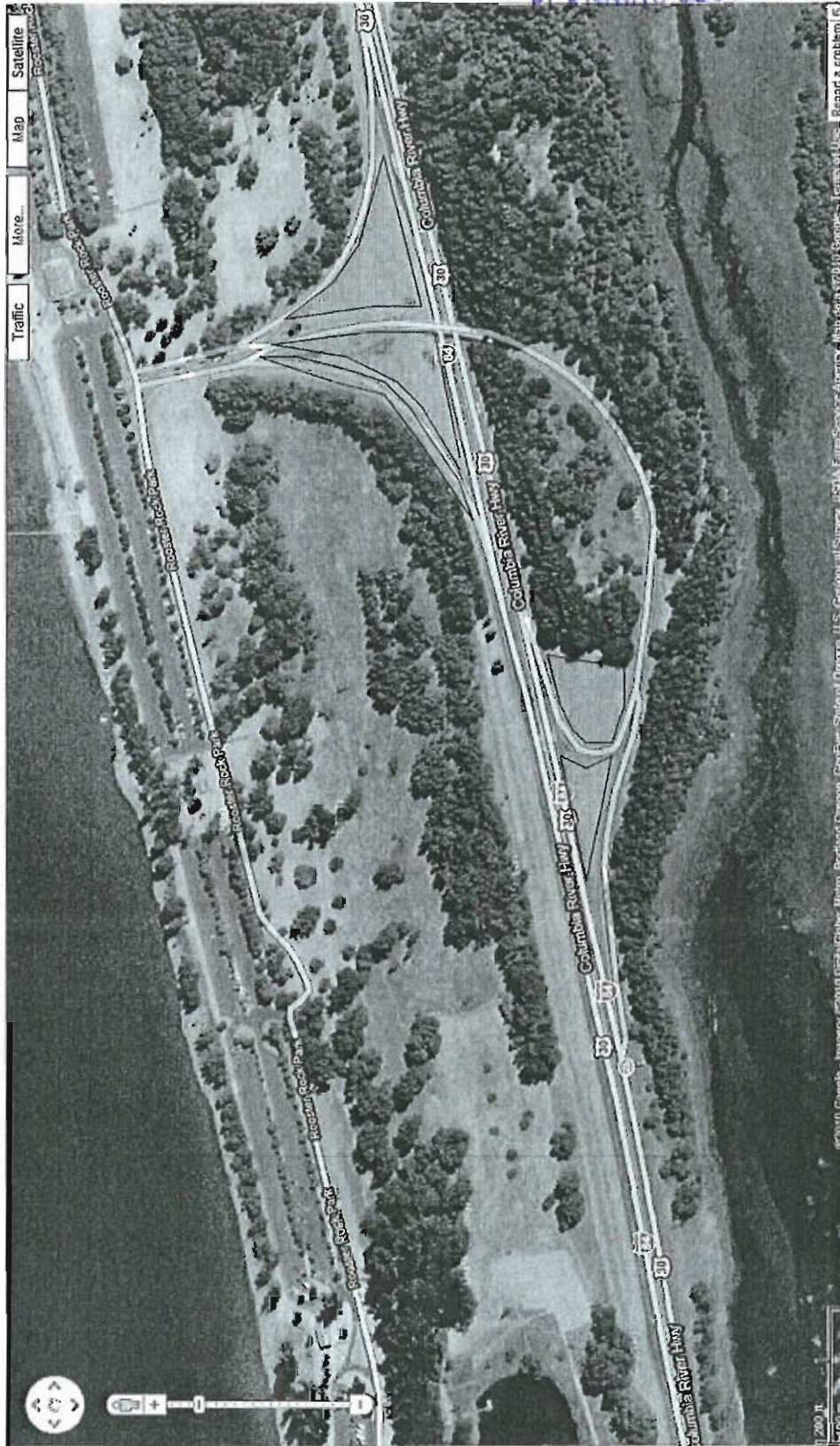
The project involves lowering the grade of I84 to increase the vertical clearance beneath the interchange bridge. All work will occur within existing ODOT right of way.

□ = Potential staging areas/impact areas needing environmental surveys

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MULTNOMAH COUNTY
PLANNING SECTION



Oregon Department of Transportation

Technical Services Branch
63034 O.B. Riley Road
Bend, Oregon 97701

KN16983 I-84: Rooster Rock Park Conn, Vertical Clearance

Location Map & API

T. 1N., R. 5E., Sec. 30

Interstate 84 (M.P. 24.72 - 25.18)

Not to Scale



Looking South towards Mirror Lake from Overcrossing



Looking North towards Columbia River



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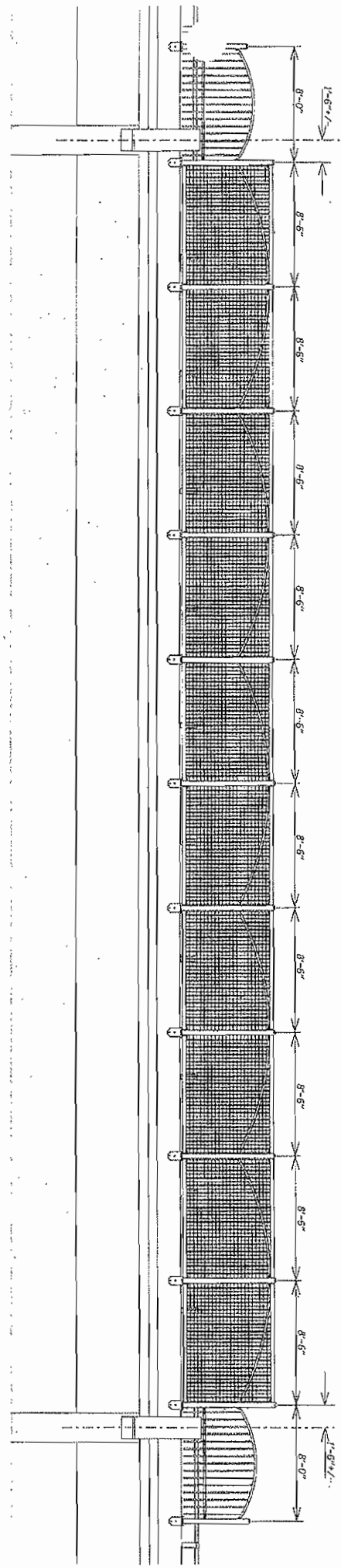
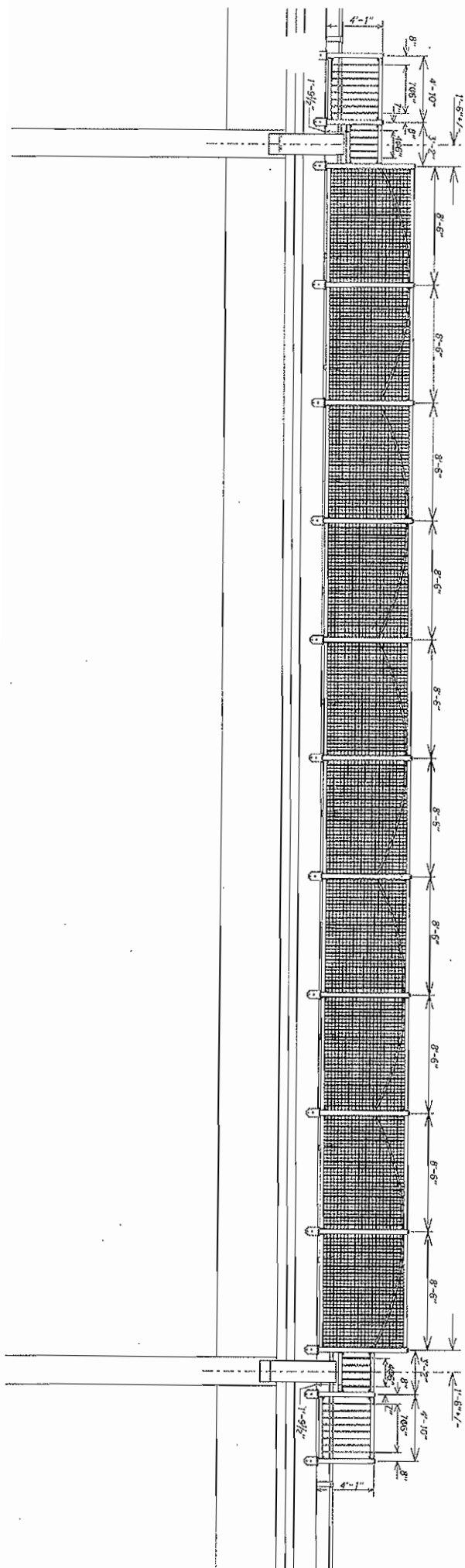
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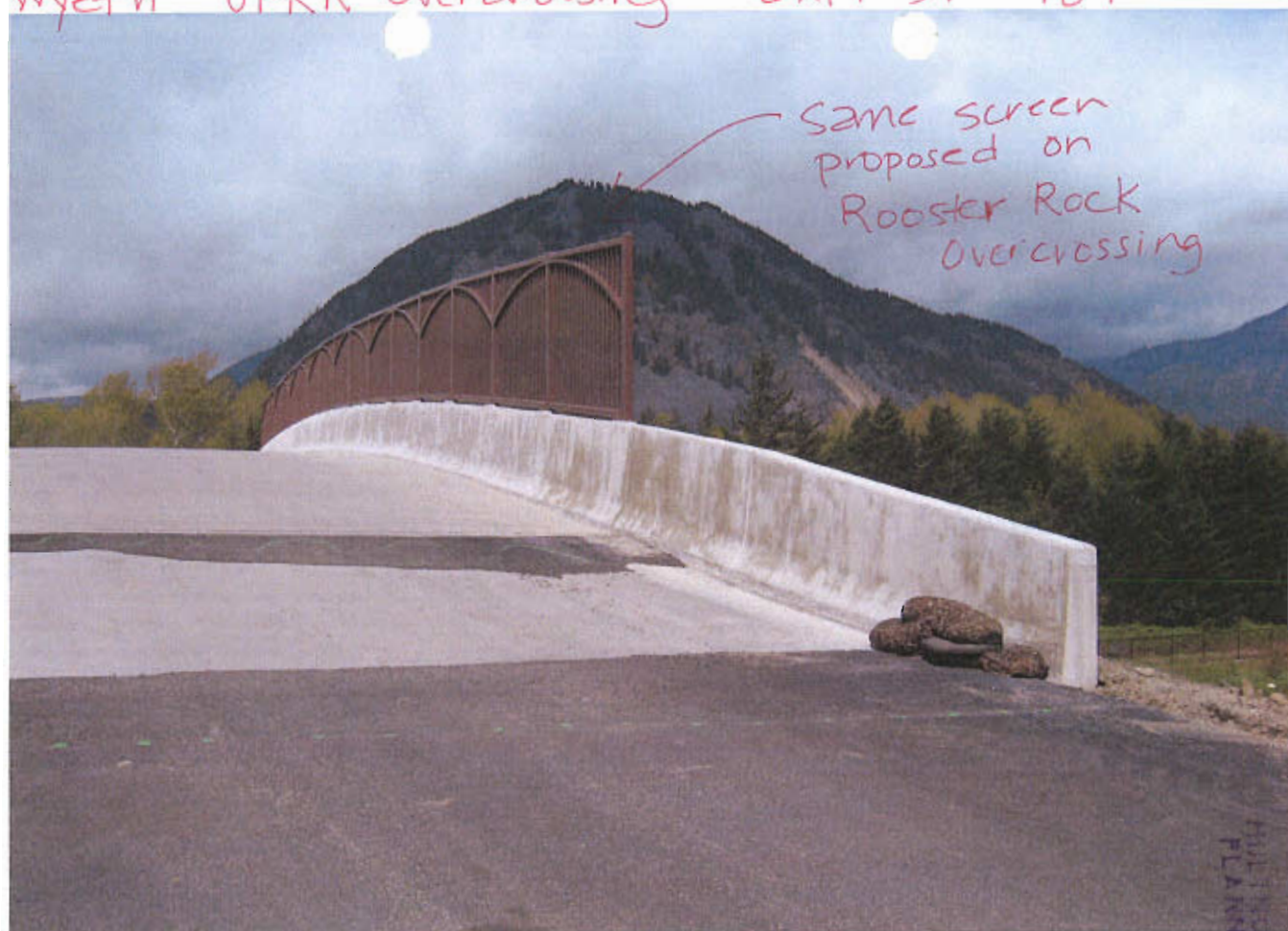
UTAH COUNTY
HIGHWAY SECTION



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MULLENHALL COUNTY
PLANNING SECTION



Wyeth UPRR Overcrossing - EXIT 51 - 184



Same screen
proposed on
Rooster Rock
Overcrossing

HULL COUNTY
PLANNING SECTION

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Wyeth UPRR Overcrossing - Exit 51 - 104



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MILLER COUNTY
PLANNING SECTION



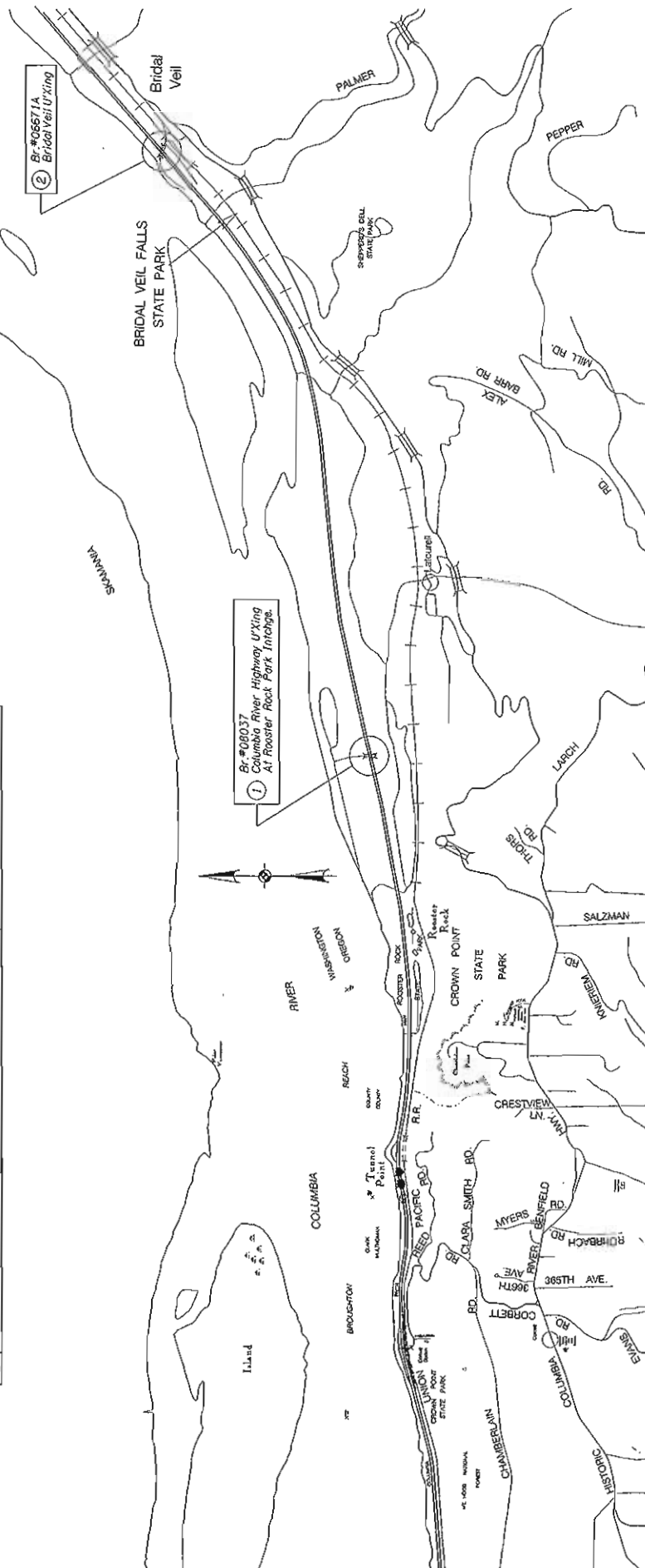
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MULTNOMAH COUNTY
PLANNING SECTION

Vicinity Map

STRUCTURE DRAWING INDEX			
NO.	MILE POINT	BRIDGE NO.	STRUCTURE NAME
			General Plan and Drawing Index
1	24.59	08037	Columbia River Highway Ux'ing At Rooster Rock Park Intchgs.
2	28.03	06671A	Bridal Veil U'x'ing

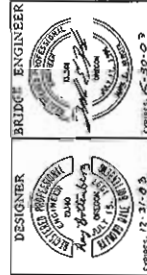


VICINITY MAP
No Scale

P.M.: Mark Beeson

DATE	REVISION	BY
9-6-07	As Constructed	JAM

DESIGNED BY: Tom. Herdendorf
 CHECKED BY: Richard E. Hart
 REVIEWED BY: Scott L. Linsinger



BRIDGE ENGINEER
 OREGON DEPARTMENT OF TRANSPORTATION
 BRIDGE ENGINEERING SECTION
 ACCOMPANIED BY DWGS. 60826 - 60831
 CORRECTION 12-21-03

BRIDGE NO. 08037
 DATE 05-JUN-2002
 CALC. BOOK 6957

NOTE: All dimensions are in millimeters (mm) except as noted.

CORBETT INTCHGE. - MULTNOMAH FALLS STRUCTURES
 CORBETT INTCHGE. - MULTNOMAH FALLS SEC.
 Columbia River Highway (I-84) Multnomah County
 VICINITY MAP
 PROJECT NUMBER 60824



SHEET 1 OF 1
 DRAWING NO. 60824

MULTNOMAH COUNTY
 BRIDGE SECTION

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Map showing
distance from KVAs



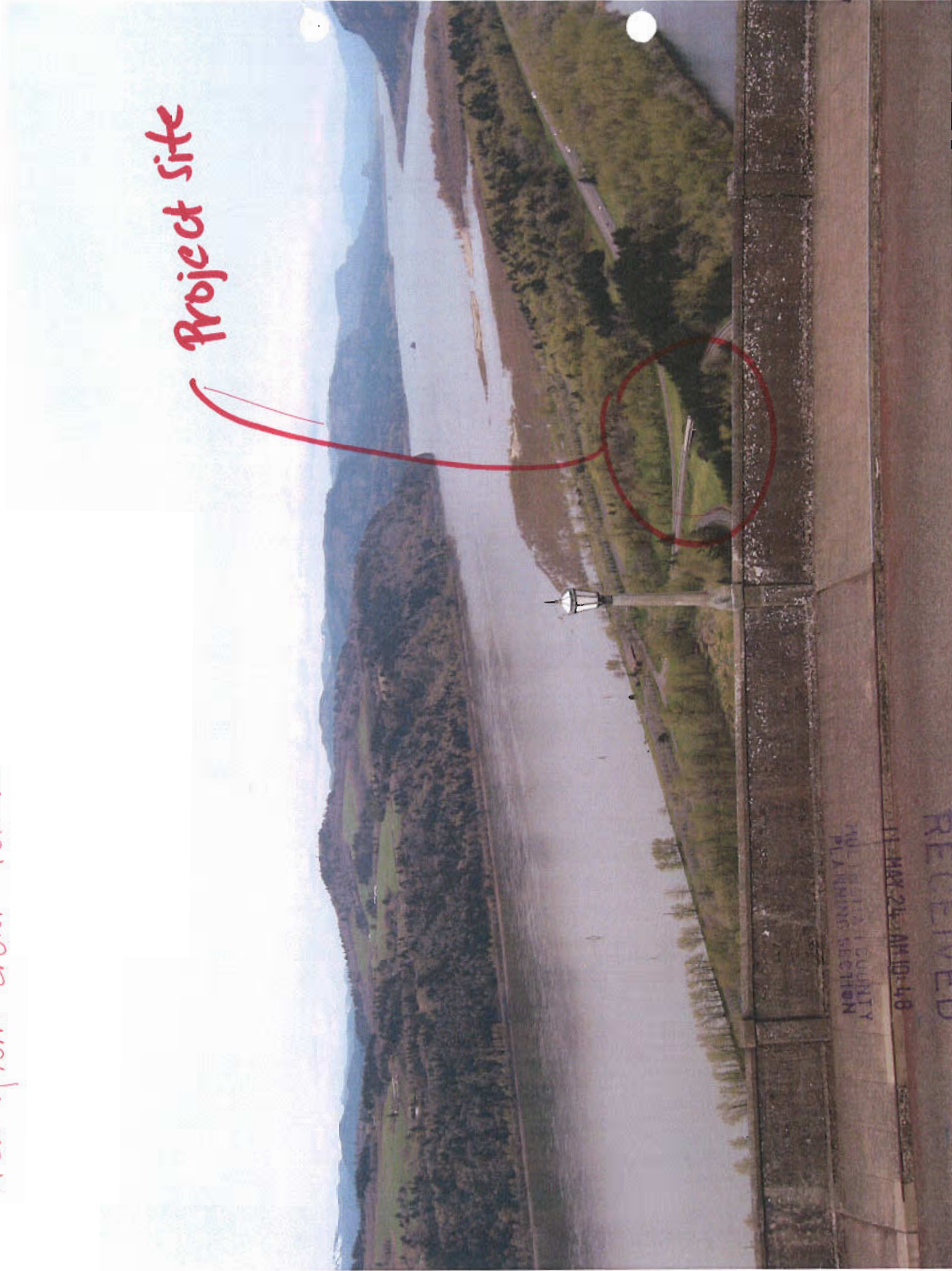
- The proposed project is immediately adjacent to I-84, a Key Viewing Area.
- The Rooster Rock overpass is located approximately 2,500 feet from Crown Point, a Key Viewing Area.

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MULTNOMAH COUNTY
PLANNING SECTION

View from Crown Point.

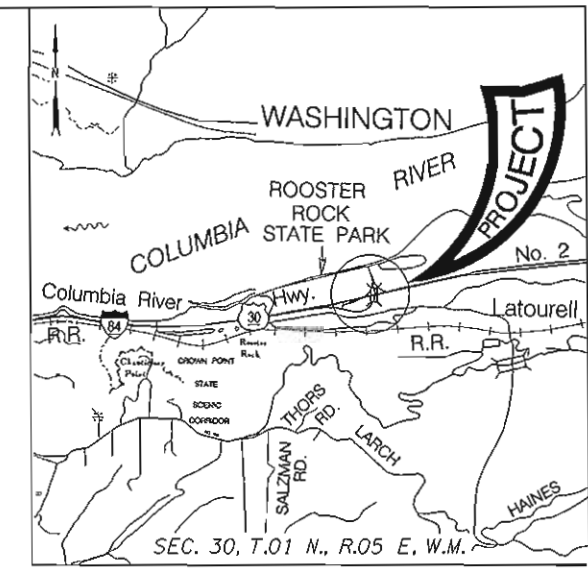
Project site

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POLICE & COUNTY
PLANNING SECTION

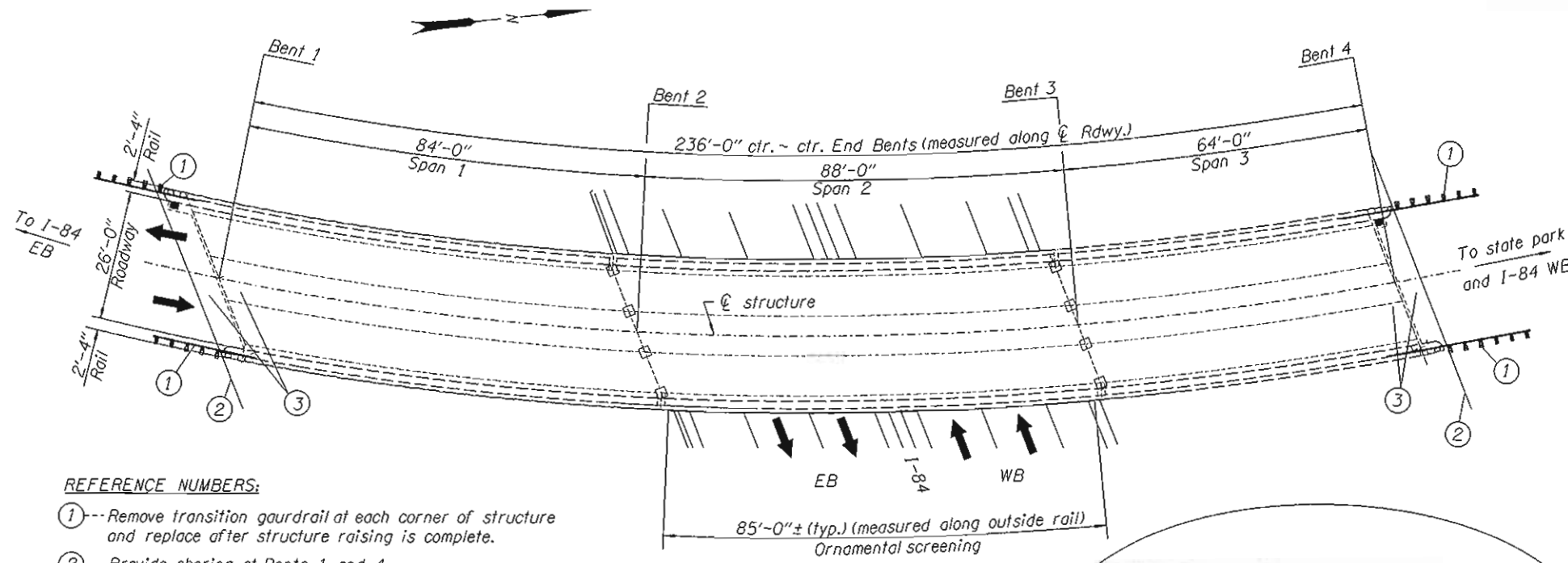


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Appendix A
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MULTNOMAH COUNTY
PLANNING SECTION



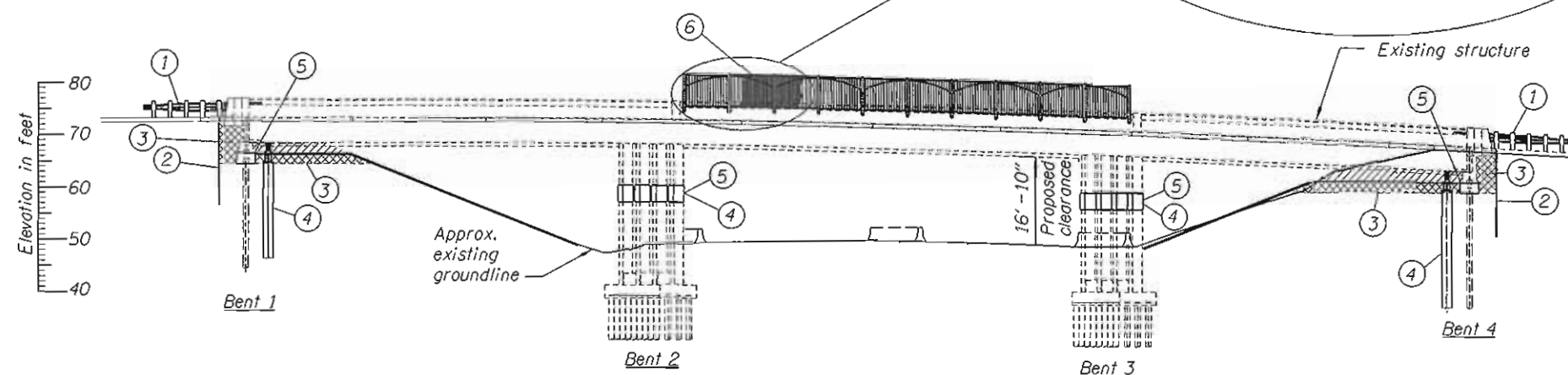
LOCATION MAP
No Scale



REFERENCE NUMBERS:

- 1---Remove transition gaurdail at each corner of structure and replace after structure raising is complete.
- 2---Provide shoring at Bents 1 and 4.
- 3---Remove soil around pilecaps at Bents 1 and 4 (as shown). Backfill after structure raising is complete and repair and replace slope paving.
- 4---Temporary falsework to lift Bents 1, 2, 3, and 4.
- 5---Form, reinforce and pour concrete at Bents 1, 2, 3, and 4.
- 6---Ornamental Screening

PLAN
Scale: 1"= 15'-0"



ELEVATION
Scale: 1"= 15'-0"

GENERAL NOTES:

- Provide all materials and perform all work according to the Oregon Standard Specifications for Construction 2008.
- Raise bridge 9 inches.
- Provide reinforcing steel according to ASTM Specification A706, or AASHTO M31 (ASTM A615) Grade 60. (Provide field bent stirrups according to ASTM Specification A706.) Use the following splice lengths (unless shown otherwise):

REINFORCING SPLICE LENGTHS (CLASS B) GRADE 60								
Bar Size	#3	#4	#5	#6	#7	#8	#9	#10
Uncoated	1'-0"	1'-4"	1'-8"	2'-0"	2'-9"	3'-7"	4'-6"	5'-9"

- Place bars 2" clear of the nearest face of concrete (unless shown otherwise).
- Provide Class 3300 - 1 1/2 or 3/4 for all concrete.
- Provide structural steel that meets ASTM A36 Specification.
- Unless noted otherwise, concrete anchors are 5/8" diameter AASTHO 314, Gr. 36 (ASTM A307) resin bonded anchors with a minimum pullout strength of 350 kips. Install anchors according to manufacturer's instructions. Embed anchors so required strength is achieved, but not less than 6". See ODOT Specifications subsection 00535.4 for construction requirements.
- Jacking method may be used as shown or an alternate method may be proposed. Prior to commencement of work, submit to the Engineer for review complete plans prepared and signed by an Engineer registered in the State of Oregon presenting the method and procedure for bridge raising. Include complete proposed calculations, restraints and bracing of structure during raising operation.
- Provide jacks and temporary supports that support 1.5 times the total dead load. Design temporary supports so that a failure of the jacking system will not result in a failure of the temporary supports.
- Provide temporary bracing to prevent transverse and longitudinal movement at bents. Calculate the horizontal force for bracing not less than 5% of the required vertical jacking capacity.
- Field verify existing dimensions and elevations for fit.

SCALE WARNING
If scale bar doesn't measure one inch then drawing is not to scale

DATE	REVISION	BY	DRAFTER: Eugene Leon	DESIGNER: Albert Nako	CHECKER: Thiet Nguyen	REVIEWER: Antony P. Stratis	STRUCTURE NO. 08037	DATE February 2011	CALC. BOOK 0000	ROOSTER ROCK PARK CONN OVER HWY 2 FFO I-84:Rooster Rock Park Conn Vert Clearance Columbia R Hwy (Hwy 2) MP 24.99 Multnomah Co	SHEET 1 OF 00	DRAWING NO. 00000
ACCOMPANIED BY DWGS. 00000-00000 Drawings for information only: 12722-12725, 12085 and S-226							BRIDGE ENGINEERING HEADQUARTERS 4040 Fairview Industrial Drive SE Salem, OR 97302-1142 (503) 986-4200					