



## **MULTNOMAH COUNTY OREGON**

### **LAND USE AND TRANSPORTATION PROGRAM**

1600 SE 190<sup>TH</sup> Avenue Portland, OR 97233

PH: 503-988-3043 FAX: 503-988-3389

[http://www.co.multnomah.or.us/dbcs/LUT/land\\_use](http://www.co.multnomah.or.us/dbcs/LUT/land_use)

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# NOTICE OF DECISION

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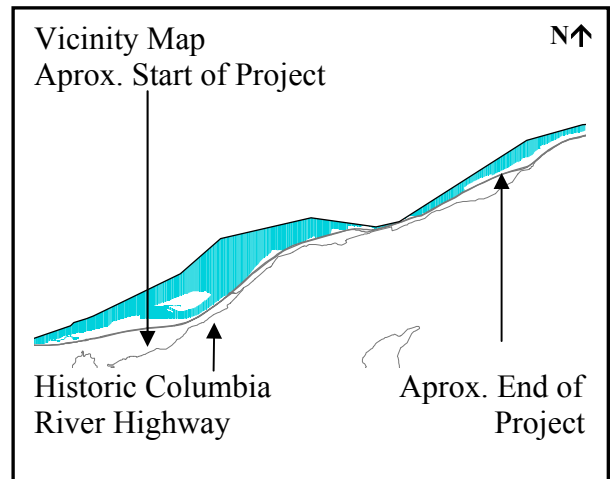
This notice concerns a Planning Director Decision on the land use case(s) cited and described below.

**Case File:** T2-04-086

**Location:** Historic Columbia River Highway from Latourell Falls (Mile Post 11.9) to the Oneonta Trail parking area at Mile Post 20.00

**Applicant:** Western Federal Lands Highway Division  
610 East Fifth Street  
Vancouver, WA 98661

**Owner:** Oregon Department of Transportation  
123 NW Flanders St.  
Portland, OR 97209



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**Summary:** Rehabilitate and restore the original roadway drainage gutters and curbing; Repair failing retaining walls; Reduce pavement edge drop-offs by milling pavement; Place new pavement overlays.

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

Unless appealed, this decision is effective May 25<sup>th</sup>, 2005, at 4:30 PM.

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Issued by:

By: \_\_\_\_\_  
Tammy Boren-King, Planner

For: Karen Schilling - Planning Director

Date: May 11, 2005

**Opportunity to Review the Record:** A copy of the Planning Director Decision, and all evidence submitted associated with this application, is available for inspection, at no cost, at the Land Use Planning office during normal business hours. Copies of all documents may be purchased at the rate of 30-cents per page. The Planning Director's Decision contains the findings and conclusions upon which the decision is based, along with any conditions of approval. For further information on this case, contact Tammy Boren-King, Staff Planner at 503-988-3043.

**Opportunity to Appeal:** This decision may be appealed within 14 days of the date it was rendered, pursuant to the provisions of **MCC 38.0640**. An appeal requires a \$250.00 fee and must state the specific legal grounds on which it is based. To obtain appeal forms or information on the procedure, contact the Land Use Planning offices at 1600 SE 190th Avenue (Phone: 503-988-3043). This decision cannot be appealed to the Columbia River Gorge Commission until all local appeals are exhausted.

**This decision is final at the close of the appeal period, unless appealed. The deadline for filing an appeal is May 25, 2005 at 4:30 pm.**

**Applicable Approval Criteria:** Multnomah County Code (MCC): Columbia River Gorge National Scenic Area General Provisions; **MCC 38.0000 – 38.0110**, Administration and Enforcement- **MCC 38.0510 –38.0800**; Existing Uses- **MCC 38.0030**; Forest Districts (GSF-40); **MCC 38.2000**, Open Space Districts (GSO); **MCC 38.2600**, Recreational Districts (GS-PR); **MCC 38.2800**, Recreational Districts (GGR & GSR); **MCC 38.3000**, GMA Cultural Resource Review Criteria; **MCC 38.7045**, SMA Cultural Resource Review Criteria; **MCC 38.7050**

Copies of the referenced Multnomah County Code sections can be obtained by contacting our office at 503-988-3043 or by visiting our website at [http://www.co.multnomah.or.us/dbcs/LUT/land\\_use/index.shtml](http://www.co.multnomah.or.us/dbcs/LUT/land_use/index.shtml)

### **Scope of Approval**

- 1. Approval of this land use permit is based on the submitted written narrative(s) and plan(s). No work shall occur under this permit other than that which is specified within these documents. It shall be the responsibility of the property owner(s) to comply with these documents and the limitations of approval described herein.**
- 2. Pursuant to MCC 38.0690, this land use permit expires two years from the date the decision is final if; (a) development action has not been initiated; (b) building permits have not been issued; or (c) final survey, plat, or other documents have not been recorded, as required. The property owner may request to extend the timeframe within which this permit is valid, as provided under MCC 38.0700. Such a request must be made prior to the expiration date of the permit.**

## **Conditions of Approval**

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

- 1. If, during construction, cultural or historic resources are discovered, the applicant/owner shall immediately cease development activities and inform the Multnomah County Land Use Planning Division, Columbia River Gorge Commission, and the U.S. Forest Service of any discovery pursuant to MCC 38.7045(L) & (M) and MCC 38.7050(H). Once halted, construction activities shall not resume until the standards of MCC 38.7045(L) & (M) and/or the standards of MCC 38.7050(H) have been satisfied.**
- 2. Prior to commencement of ground disturbing activities, the applicant must apply for and obtain approval of the appropriate development permit- either a Minimal Impact Project (MCC 29.333), a Grading and Erosion Control Permit (MCC 29.336-29.345), or a Hillside Development permit (MCC 38.5500-38.5525). Contact planner Tammy Boren-King at 503-988-3043 for more information regarding the submission of an application for a development permit.**

<p><b>Notice to Mortgagee, Lien Holder, Vendor, or Seller:</b> <b>ORS Chapter 215 requires that if you receive this notice it must be promptly forwarded to the purchaser.</b></p>
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## **Findings of Fact**

Formatting Note: Written findings are contained herein. The Multnomah County Code criteria and Comprehensive Plan Policies are in **bold** font. Applicant comments are identified as **Applicant:** and follow. Staff comments and analysis are identified as **Staff:** and follow. Staff comments include a conclusionary statement in *italic*.

### **1. Project Description**

**Applicant:** The primary purpose of the project is to preserve and restore the historic integrity of the remaining segments of the HCRH through rehabilitation, restoration, and documentation of the original roadway drainage gutters and curbing and by repairing failing retaining walls. The project is also intended to enhance public safety through reduction of pavement edge drop-offs; and to extend pavement life through placement of pavement overlays. The restoration of these design features are interrelated and therefore need to be addressed as one project, not as a series of individual repairs.

The project objectives are to:

- Implement Oregon Revised Statute 366.550, which states in part "to rehabilitate, restore, maintain and preserve all original roadway and highway-related structures on the intact and usable highway (i.e., HCRH) segments."
- Develop informed consent through comprehensive public involvement and agency coordination. Prepare a historic site document of the gutter, curbing and retaining walls for the Oregon State Historic Preservation Office (SHPO) and for Section 106 compliance with the National Historic Preservation Act of 1966.
- Where appropriate, restore sections of the historic gutter to a serviceable condition by uncovering buried sections, repairing damage, and adjusting the road profile to a grade that minimizes edge of pavement drop-offs.
- Where restoration of the gutter is not appropriate, reconstruct the historic gutter by constructing a replica of the original gutter that is consistent with the Secretary of the Interior Standards and Guidelines for restoration of historic landmarks.
- Restore damaged sections of curbing and replace missing sections of curbing with new curbing that matches the original design and materials. Where appropriate, adjust the road profile to reestablish the curb height.
- Repair failing retaining walls and the guard rocks associated with the wall.
- Where appropriate, overlay the existing pavement to extend the pavement life.

The Preferred Alternative (proposed project) would restore the historic gutter and curb in those areas where the pavement overlay would occur. Restoration would consist of repairing damaged areas of the gutter and curb and constructing replicas where the gutter and curb are missing or too badly damaged to repair. Areas where the gutter has been filled with aggregate or debris would be cleaned out, and the gutter would be reconditioned. Cracks would be sealed, and broken areas would be repaired. Where the gutter and curb are replicated, the design would match that of the adjacent existing gutter and curb. Gutter and curb would not be replicated except in areas where they historically existed. Typical sections are shown on Figure 3. (Exhibit E)

The existing pavement would be milled in areas where the gutter and curb are to be restored and adjacent to other historic features. This would be done to reestablish the relationship of the road to those features and to reduce the pavement edge drop-offs adjacent to the gutter. Where feasible (and approved by ODOT), superelevations in curves would be reduced to further minimize the pavement edge dropoff. This would only be done in areas where safety would not be compromised.

In areas where there is a high potential for a vehicle to drop a wheel into the gutter, such as on curves and where the pavement edge drop-off is considered unsafe, mitigation measures (e. g., installing grate over the gutter, filling the gutter with aggregate) would be implemented to reduce the potential for accidents. If the gutters would be filled with aggregate, provisions would be made to ensure a functioning drainage system.

Under the Preferred Alternative (proposed project), the historic gutter and curb would be restored as nearly as possible to their original condition and function. Inlets at culverts would be repaired, but the culverts would be left as is. Historic structures would be protected from damage during construction, and their relationship to the road (i. e., height of stone railing compared to the road) would more closely resemble their original condition. Historic inlet caps with writing and the original 1916 date would be treated to prevent possible theft. Treatment of the inlet caps may include removing the caps and storing them in a secure location such as the Vista House for display. If the original caps are removed, a replica of the cap with a current date stamp would be installed. Work would also include adjusting the height of the wooden guardrail where changes in the road grade affect its ability to function properly. At road intersections and private drives, aggregate and/or pavement would be placed to ensure a smooth entrance. In areas where the existing cut slope has encroached into the gutter, minor excavations at the toe of the slope would occur to expose the gutter. Such excavations would be stabilized using vegetation and bioengineering treatments to stabilize the slope.

Milling of the pavement would result in some loss of pavement structural section. However, the structural section remaining after milling would be evaluated to make sure the road would adequately support traffic loads. Existing road width and cross-slopes that do not meet modern standards would remain. The curb and gutter would not be restored in areas where the pavement condition is good and a pavement overlay is not required. Specifically, restoration of gutter and curb would not occur in segments 1, 2, and 6.

ODOT is contributing maintenance funds to the project for application of a pavement overlay to those areas where the pavement condition is in fair to poor condition. The work would apply to segments 3, 4 and 5. Work would consist of patching severely distressed areas of the pavement, placing approximately two inches of new pavement, and reshaping the roadway shoulder and ditches. The roadway would not be widened. Where historic curbing, gutter, and structures exist, the features would be treated as described above.

The geotechnical reconnaissance conducted for the project indicated that two retaining walls at MP 13 (Shepperd 's Dell)and MP 19 (Multnomah Falls east viaduct) require immediate repair. Both walls would be reconstructed as part of the project. The guard rocks on top of the failing wall at MP 13 would also be reset.

Wall reconstruction would require road closures of up to one month in duration and, therefore, traffic detours. For the wall at MP 13, the road would be closed to through traffic between Latourell Falls (MP 11.73)and the Bridal Veil junction (MP 14.83). Access turnarounds would be available at the Latourell Falls and Bridal Veil Falls parking areas. For the wall at MP 19, access to Multnomah Falls would be via the Bridal Veil exit on Interstate 84. The road would also be closed to all traffic from just east of Multnomah Falls to the Oneonta Trailhead parking area (MP 20). FHWA will coordinate with the public, local residents and businesses, the Corbett school district, and local service providers to identify preferred timing for the road closures.

**Staff:** The proposal being reviewed for approval includes “Alternative B” for restoration and/or replication of historic gutters along the Historic Columbia River Highway (HCRH) as well as the repair and/or reconstruction of two historic retaining walls that support the highway. Drawings of the proposed gutter restoration and/or replication work are included as Exhibit E. Drawings of the proposed retaining wall work are included as Exhibits F and G.

## **2. Site Characteristics**

**Applicant:** To facilitate analysis of the road section under study and to develop project alternatives that meet the stated purpose of "preserving and restoring the pavement and historic drainage features and reducing pavement edge dropoffs," the road section was divided into six segments. See Figure 2. (Exhibit C)

Segment 1 starts at the intersection of HCRH with Larch Mountain Road at MP 8.76 and extends to Crown Point at MP 9.08. In segment 1, the pavement is in good condition and varies in width from 22 to 24 feet. Much of the historic gutter is missing. The little curb and gutter that remains is found near the Larch Mountain Road intersection and at Crown Point. Where the gutter does exist, pavement edge drop-offs vary from 3 to 12 inches to the top of the gutter.

Segment 2 starts just beyond Crown Point and extends to the west end of the Latourell Falls Bridge at MP 11.93. In segment 2, the pavement is in good condition and averages 22 feet in width. Much of the historic curb and gutter is intact and in good condition except in areas adjacent to degrading rock cut slopes where rockfall has damaged the gutter. Pavement edge drop-offs vary from 0 to 10 inches (ODOT, 1990).

Segment 3 starts at the east end of the Latourell Falls Bridge and extends to Bridal Veil junction at MP 14.83. In segment 3, the pavement is in fair to poor condition and averages 22 feet in width, except where the road narrows over historic structures. Most of the historic curb and gutter is intact and in good condition, except in the area adjacent to

Latourell Falls where it was removed or buried during construction of the parking areas. Pavement edge drop-offs vary from 0 to 8 inches.

Segment 4 starts at the Bridal Veil junction and extends to the Multnomah Falls Bridge at MP 17.88. In segment 4, the pavement is in fair to poor condition, except at the West Multnomah Falls Viaduct and Multnomah Falls parking areas where it is in good condition. The pavement width averages 22 feet, except over historic structures where the road narrows to 18 feet, making it difficult to maneuver past oncoming vehicles and resulting in vehicles impacting the viaduct structures. Little or no historic gutter exists in segment 4, but there are long sections of existing curb that are in good condition.

Segment 5 starts at the Multnomah Falls Bridge and extends to the Oneonta Trail parking area at MP 20.00. In segment 5, the pavement is in fair to poor condition, except at the East Multnomah Falls Viaduct and Oneonta Trailhead parking area where it is in good condition. In 2000, the FS completed a project at the Oneonta Trailhead that included new pavement on the HCRH. The pavement width averages 22 feet, except over the historic viaduct structures where the road narrows to 18 feet. The gutter runs almost continuously through segment 5, and there are long sections of curbing adjacent to rock retaining walls. At those walls, the road narrows, and the gutter has been filled with aggregate. Pavement edge drop-offs vary from 1 to 8 inches.

Segment 6 starts at Oneonta Trailhead parking area and extends to the HCRH's junction with Interstate 84 at MP 21.63. In segment 6, the pavement is in good condition and averages 24 feet in width. There is no historic curb or gutter in this segment, and there are no pavement edge drop-offs.

### **3. Proof of Ownership and Initiation of Action**

**Staff:** Applications for National Scenic Area Site Review permits are classified as Type II permit applications (**MCC 38.0530**). As such, they may only be initiated upon written consent of the property owner or contract purchaser (**MCC 38.0550**). The application from was signed by Charles Sciscione on behalf of ODOT and by David Sell on behalf of the Western Federal Lands Highway Division of the Federal Highway Administration. A copy of the signed application form is included as Exhibit A. In email correspondence with staff, Mr. Sciscione gave the consulting team from David Evans and Associates the authority to serve as the applicant's representative on the subject application. A copy of this email is included as Exhibit B.

The application was initiated upon the written consent of the property owner.

*Criteria met.*

### **4. The subject property is in full compliance.**

**MCC 38.0560 Code compliance and applications.**

**The County shall not approve any application for a permit or other approval, including building permit applications, for any property that is not in full compliance with all applicable provisions of the Multnomah County Land Use Code and/or any permit approvals previously issued by the County. A permit or other approval, including building permit applications, may be authorized if it results in the parcel coming into full compliance with all applicable provisions of the Multnomah County Code.**

**Staff:** There are no active violation cases or active complaints currently pending on the subject property. Staff completed a site visit on Monday March 21, 2005 and found no violations of the zoning code.

*The property is in full compliance.*

## **5. The County Adhered To The Required Notification Procedures**

### **§ 38.0530 Summary Of Decision Making Processes.**

**Upon receipt of a complete application, notice of the application and an invitation to comment was mailed to the Gorge Commission, the U.S. Forest Service, the Indian tribal governments, the State Historic Preservation Office, the Cultural Advisory Committee, and property owners within 750 feet of the subject tract (MCC 38.0530(B)). The Planning Director accepts comments for 14 days after the notice of application is mailed and accepts comments on cultural resources for 20 days after the notice is mailed (MCC 38.0530(B)). Written comments were received from the following agencies and individuals:**

**Staff:** Prior to the application being accepted as complete the County mailed copies of a completeness review request to the tribes, the Gorge Commission, the U.S. Forest Service, the State Historic Preservation Office, Oregon Department of Parks and Recreation, Oregon Department of Transportation, and the Oregon Department of Fish and Wildlife.

After the application was accepted as complete, a public notice and opportunity to comment was mailed to all property owners within 750 and the following agencies:

United States Forest Service  
United States Forest Service Heritage Program Manager  
East Multnomah County Soil and Water Conservation District  
Corbett Community Association  
Corbett Together  
Oregon Department of Transportation  
State of Oregon Historic Preservation Office  
Nez Perce Tribe  
Friends of the Columbia Gorge  
Oregon Department of Fish and Wildlife



Columbia River Gorge Commission/ Cultural Advisory Committee  
Oregon Parks and Recreation  
Yakima Indian Nation  
Confederated Tribes of Warm Springs  
Confederated Tribes of the Umatilla Indian Reservation  
Crown Point Historical Society

A copy of the full mailing list is included in the file. The notice and opportunity to comment letter was mailed on April 5, 2005 and the comment period was open until 4:30 pm on April 19, 2005. Comments were received from the following agencies/individuals:

- Margaret Dryden, Heritage Program Manager for the Columbia River Gorge National Scenic Area, United States Forest Service. Ms. Dryden's comments focus on cultural resources and are addressed in Sections 10 and 11 of this report. A copy of Ms. Dryden's comments are included as Exhibits L and M.
- Fiends of the Columbia Gorge (Exhibit N)
- Gary Miller, President of Bridal Veil Lakes recreation facility (Exhibit O)
- Monica Yoshinaga, local resident (Exhibit P)

The Friends Group provided a letter of support for restoration of the HCRH that is consistent with the Management Plan for the scenic area. They noted that any activity which extends beyond "Repair and Maintenance" of the existing facilities must be reviewed for compliance with the scenic, natural, cultural, and recreation resource guidelines. Staff analysis of the proposed activities and whether or not they constitute "Repair and Maintenance" are contained in Section 7 of this decision.

The letters from Mr. Miller and Ms. Yoshinaga both raise concerns regarding closure of the HCRH during construction. Both Mr. Miller and Ms. Yoshinaga access their properties from the HCRH and are concerned that they will encounter difficulties in reaching their properties when the road is closed. There are no code standards applicable to the subject request that regulate the timing or extent of road closures. As such, these comments are not applicable to the approval or denial of the subject permit. Staff forwarded the comments from Mr. Miller and Ms. Yoshinaga to the applicant for a response.

The applicant responded in an email on May 4, 2005. This response reads as follows:

*Local access will remain open to residents and businesses. The HCRH will remain open from the Bridal Veil on/off ramps west to the retaining wall at approximately MP 13, as well as from the Corbett on/off ramps east to approximately MP 13. The road closures and related work on the retaining wall is not scheduled to occur during the winter months of December and January. Work on the retaining wall is scheduled to begin in September 2006. The FHWA will coordinate with the property owners/residents before the road closures, so they will have more specific information about when the road will be closed.*

No specific construction schedule has been developed to date. When a specific construction schedule is developed, the Federal Highways Administration and/or the Oregon Department of Transportation will work with the surrounding property owners regarding access to individual properties. The applicant has verbally indicated to staff that construction related to this project is likely to occur near the end of summer in 2006.

## **6. The highway is an Existing Use under MCC 38.0030**

### **§ 38.0030 Existing Uses**

**Except as otherwise provided below, existing uses may continue, notwithstanding the provisions of MCC 38.0000 through 38.0110, 38.2000 through 38.3295, and 38.7000 through 38.7085.**

**(A) Any use or structure existing on February 6, 1993 may continue so long as it is used in the same manner and for the same purpose as on that date.**

**Applicant:** The original Columbia River Highway was a marvel of engineering and road construction when it was dedicated in 1916, and it is still one of the most scenic highways in the country. Grading for the highway began in October 1913 at Chanticleer Point. The original construction consisted of an 18-foot-wide macadam surface. The design of the highway resulted in a route of continuous curves that provides an ever-changing view of the scenic Columbia River Gorge.

Traffic on the HCRH is year-round; with most of the traffic occurring from May through September and being mostly generated by people recreating in the Columbia River Gorge. The current Average Daily Trips (are) displayed (below):

<i><b>Mile Point</b></i>	<i><b>Location/Intersection</b></i>	<i><b>ADT</b></i>
8.81	Larch Mountain Road	920
11.65	Latourell Road	730
12.14	Alex Barr Road	720
13.94	Half-mile west of Bridal Veil	750
14.83	Interstate 84 (east of)	1,000
21.60	Interstate 84 (west of)	930

The highway provides access to numerous recreation areas in the Gorge as well as residences and a few businesses. The HCRH is the only road providing access to the communities of Corbett and Springdale. Traffic in the Springdale and Corbett area is approximately 4,000 ADT. The HCRH provides access for local traffic including service vehicles (school buses and garbage trucks) as well as emergency vehicles responding to situations such as fire suppression and search and rescue.

**Staff:** The proposed activities are associated with the Historic Columbia River Highway. The Historic Columbia River Highway was constructed between 1913 and 1922 as a public highway. Zoning was first established in Multnomah County in 1953; The National Scenic Area Act was adopted in 1986. The highway pre-dates both the National Scenic Area and local zoning. Since no land use regulations were in place at the time of the original construction, no permits or land use approvals were required to authorize the original construction. The Historic Columbia River Highway is a lawfully established use. The highway was in existence prior to February 6, 1993 and has been in continual use as a highway since its construction.

*The use is an existing use.*

## **7. The proposed activity is Repair and Maintenance.**

### **§ 38.0015 Definitions**

**(R)(7) Repair and maintenance: An activity that restores the size, scope, configuration, and design of a serviceable structure to its previously authorized and undamaged condition. Activities that change the size, scope, and configuration of a structure beyond its original design are not included.**

**Applicant:** The primary purpose of the project is to preserve and restore the historic integrity of the remaining segments of the HCRH through rehabilitation, restoration, and documentation of the original roadway drainage gutters and curbing and by repairing failing retaining walls. The project is also intended to enhance public safety through reduction of pavement edge drop-offs; and to extend pavement life through placement of pavement overlays.

**Staff:** The Historic Columbia River Highway is currently a serviceable structure. The intent of the proposed project is to maintain the highway and repair areas that have deteriorated in order to keep the highway serviceable.

The activities proposed by the applicant are all intended to restore the highway to its original configuration. Please refer to Section 1 and 2 of this decision for a specific description of the proposed activities. These activities are referred to as “Alternative B” throughout the applicant’s materials and also include the repair of two retaining walls. No activities are proposed which will change the size, scope or configuration of the highway beyond its original design.

*The proposed activities meet the definition of “Repair and Maintenance.”*

## **8. Repair and Maintenance is allowed without review in each of the zones in which activity is proposed.**

**Staff:** Since this project is on a linear feature, multiple zones are involved. The applicant submitted Exhibit D, which contains three maps showing the zoning and the

specific location of the project. The table below summarizes the zones in which the proposed work will occur and the code citation that allows Repair and Maintenance in each of the zones. Please note that the references to Segments 1, 2, and 3 on the zoning maps do not match the applicant's description of segments in which work will occur. The area where work will occur ends at mile post 20.00, just past the retaining wall noted at mile post 19.3 on the Segment 3 Zoning sheet supplied by the applicant.

<u>Zone</u>	<u>Citation Allowing Repair and Maintenance without review.</u>
GSF-40	MCC 38.2020(B)(2)
GSO	MCC 38.2620(B)(1)
GSPR	MCC 38.2820(B)(2)
GGR-5	MCC 38.3020(B)(2)

*The proposed Repair and Maintenance activities are allowed in each zone without review except as described below.*

## **9. Required Findings for National Scenic Area Site Review under MCC 38.7020**

**A decision on an application for NSA Site Review shall be based on findings of consistency with the criteria for approval specified in MCC 38.7035 through 38.7085 or 38.7090 as applicable.**

**Staff:** The proposed activities are allowed without review in each zone they will be conducted in. As such, the application is exempt from review under the Scenic, Natural, and Recreational site review standards. The Cultural Resource Review standards of the GMA require review of any proposal that will alter the exterior architectural appearance of buildings and structures that are 50 years old or older pursuant to MCC 38.7045(A)(3). Since the highway is over 50 years old, review is required under the cultural resource standards for the portion in the GMA. The SMA cultural resource standards in MCC 38.7050(A) require review of a proposal if substantive comment is received or if the Forest Service and/or Planning Director require a cultural resource survey. Since the proposed project will alter a National Landmark and will occur in a National Historic District, the Planning Director has determined that a cultural resource survey is needed for the portions of the project in the SMA.

*The entire project must be reviewed for compliance with the cultural resource criteria of MCC 38.7045 and 38.7050. The project is exempt from review under the Scenic, Natural, and Recreation resource criteria contained in MCC 38.7035 through 38.7090.*

## **10. The subject proposal meets the standards of MCC 38.7045 GMA Cultural Review Criteria.**

### **10.1 § 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.**

**Staff:** The proposed activity is the modification of an existing structure. No cultural reconnaissance survey is required.

*Criterion met.*

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

**Staff:** The subject application was forwarded to Marge Dryden, Heritage Resources Program Manager for the Columbia River Gorge National Scenic Area. Ms. Dryden reviewed the application and provided the cultural resource survey determination included as Exhibit M. On page 2 of Exhibit M, Ms. Dryden states that the proposed project does not occur within 500 feet of a known archeological site and that no cultural reconnaissance survey is required.

*Criterion met.*

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

**Staff:** The proposed activity will alter a structure that is in excess of 50 years of age. As such, a historic survey is required. In Exhibit M, Ms. Marge Dryden, the Cultural Resources Program Manager for the Columbia River Gorge National Scenic Area determined that a historic survey had been completed for the subject property.

*Criterion met.*

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

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

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

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

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

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

**Staff:** The Historic Columbia River Highway is a significant structure. The applicant prepared materials such as site plans, drawings, and photos to document the proposed modification to the highway. These materials were forwarded by the applicant to the State Historic Preservation Office (SHPO) for review.

In a letter dated June 25, 2004 George M. Fekaris requested concurrence from SHPO with a recommendation of No Adverse Effect for the activities described within the letter. A copy of Mr. Fekaris's letter is included as Exhibit H. Sarah Jalving, Historic Compliance Specialist with SHPO replied in a letter dated July 23, 2004, a copy of which is included as Exhibit I. Ms. Jalving's letter states that the gutter restoration work identified as Alternative B in the Mr. Fekaris's letter will not adversely affect any historic properties. Mr. Fekaris's description of Alternative B reads as follows:

*Alternative B would restore the historic gutter and curb in those areas where the pavement overlay would occur. This alternative also repairs two sections of dry stone embankment.*

*Damaged areas of the gutter and curb would be restored, and replicated where the gutter and curb are missing or too badly damaged to be repaired. Gutter sections filled with aggregate (Figure 2) would be cleaned out. Sections of the*

*gutter to be reconditioned would be repaired by sealing cracks and repairing broken areas (Figure 3, 4).*

*The existing pavement would be milled in areas where the gutter and curb are to be restored, as well as adjacent to other historic features, to reestablish the relationship of the road to those features. The historic gutter and curb would be restored as nearly as possible to their original condition and function. Inlets at culverts would be repaired, but the culverts would be left as is.*

*Overall, the objective is to restore the appearance and function of the gutters, as well as their relationship to the road. It would not upgrade the road to meet standards or restore other historic features such as viaducts; existing road width and cross-slopes that do not meet modern standards would remain. The curb and gutter would not be restored in areas where the pavement condition is good (Larch Mountain to Latourell Bridge).*

This description and subsequent concurrence by SHPO includes the gutter work and pavement work but does not include the repair or reconstruction of retaining walls.

Mr. Fekaris sent a second letter dated December 13, 2004 to SHPO requesting concurrence with his recommendation of No Adverse Effect for the proposed retaining wall work at Shepperd's Dell and West of Oneonta Gorge. A copy of this letter is included as Exhibit J. The walls are identified by mile post in this letter and do not correspond to the mile post numbers used in the applicant's narrative. This discrepancy is explained by the two different numbering systems currently employed on the HCRH. The historic numbering system starts near downtown Portland and is reflected by the mile post markers actually in place along the highway. These are the mile post numbers cited by Mr. Fekaris. The current numbering system employed by ODOT and used in the application starts in Troutdale. The distance between the starting points of these two numbering systems account for the approximate 14 mile difference.

Ms. Jalving replied on January 4, 2005 and concurred that no historic properties would be adversely affected by the retaining wall work. A copy of this letter is included as Exhibit K.

SHPO has determined the proposed activities (Alternative B for gutter restoration and the repair of two retaining walls) will not compromise the character of the affected structure or compromise features of the site that are important in defining the overall historic character of the affected structure.

*Criteria met.*

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

**The following procedures shall be effected when cultural resources are discovered during construction activities. All survey and evaluation reports and**

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

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

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

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

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

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

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

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

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

**Staff:** A condition of this approval requires that the applicant/owner shall immediately cease development activities and inform the Multnomah County Land Use Planning Division, Columbia River Gorge Commission, and the U.S. Forest Service if any cultural



or historic resources are discovered during construction. Once halted, construction activities shall not resume until the standards of MCC 38.7045(L) & (M) and/or the standards of MCC 38.7050(H) have been satisfied. This condition minimizes any impacts to unknown resources in the development area and meets the requirements of MCC 38.7045(L).

*Criterion met with condition.*

#### **10.6 (M) Discovery of Human Remains**

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

- (1) Halt Activities – All survey, excavation, and construction activities shall cease. The human remains shall not be disturbed any further.**
- (2) Notification – Local law enforcement officials, the Planning Director, the Gorge Commission, and the Indian tribal governments shall be contacted immediately.**
- (3) Inspection – The State Medical Examiner shall inspect the remains at the project site and determine if they are prehistoric/historic or modern. Representatives from the Indian tribal governments shall have an opportunity to monitor the inspection.**
- (4) Jurisdiction – If the remains are modern, the appropriate law enforcement officials will assume jurisdiction and the cultural resource protection process may conclude.**
- (5) Treatment – Prehistoric/historic remains of Native Americans shall generally be treated in accordance with the procedures set forth in Oregon Revised Statutes, Chapter 97.740 to 97.760.**
  - (a) If the human remains will be reinterred or preserved in their original position, a mitigation plan shall be prepared in accordance with the consultation and report standards of MCC 38.7045 (I).**
  - (b) The plan shall accommodate the cultural and religious concerns of Native Americans. The cultural resource protection process may conclude when the conditions set forth in the standards of MCC 38.7045 (J) are met and the mitigation plan is executed.**

**Staff:** A condition of this approval requires that the applicant/owner shall immediately cease development activities and inform the Multnomah County Land Use Planning Division, Columbia River Gorge Commission, and the U.S. Forest Service if any cultural or historic resources are discovered during construction. Once halted, construction activities shall not resume until the standards of MCC 38.7045(L) & (M) and/or the standards of MCC 38.7050(H) have been satisfied. This condition minimizes any impacts to unknown resources in the development area and meets the requirements of MCC 38.7045(M).

*Criterion met with condition.*

**11. The subject proposal meets the standards of MCC 38.7050 SMA Cultural Resource Review Criteria**

**11.1 § 38.7050 SMA Cultural Resource Review Criteria**

**(A) The cultural resource review criteria shall be deemed satisfied, except MCC 38.7050 (H), if the 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).**

**Staff:** The proposed activity will alter the Historic Columbia River Highway, which is designated as both a National Landmark and a National Historic District. Due to the national significance of this structure, the Planning Director does require a cultural resource survey to document the effects on historic resources.

*The project must be reviewed under the cultural resource review criteria.*

**11.2 (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.**

**Staff:** No comments regarding cultural resources were received during the comment period provided in MCC 38.7025.

*Criterion met.*

- 11.3 **(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.**

**Staff:** The proposed project includes funding from the Federal Highways Administration. This means the project is federally assisted and not eligible for review under the procedures of MCC 38.7045.

*The project must meet the Cultural Resource Review criteria of MCC 38.7050.*

- 11.4 **(D) All cultural resource information shall remain confidential, according to the Act, Section 6(a)(1)(A). Federal agency cultural resource information is also exempt by statute from the Freedom of Information Act under 16 USC 470 hh and 36 CFR 296.18.**

**Staff:** The information in the land use planning file is a matter of public record. No specific information regarding cultural resources other than the above-ground portions of the Historic Columbia River Highway is included in this file. The determination regarding the absence of cultural resources made by Ms. Dryden in Exhibit M was made based on confidential information not included in the planning file.

*Criterion met.*

- 11.5 **(E) Principal investigators shall meet the professional standards published in 36 CFR part 61.**

**Staff:** Title 36 of the Code of Federal Regulations covers Parks, Forests, and Public Property. Part 61 of this Title establishes procedures for State, Tribal, and Local Government Historic Preservation Programs. The determinations regarding the affect of the proposed project on cultural resources were made by Ms. Marge Dryden, Heritage Resources Program Manager for the Columbia River Gorge National Scenic Area and Ms. Sarah Jalving, Historic Compliance Specialist for the Oregon State Historic Preservation Office. Both of these individuals are highly qualified to review cultural resource issues and meet the standards published in 36 CFR part 61.

*Criterion met.*

- 11.6 **(F) The Forest Service will provide for doing (1) through (5) of subsection (G) below for forest practices and National Forest system lands.**

**(G) If the Forest Service or Planning Director determines that a cultural resource survey is required for a new development or land use on all Federal lands, federally assisted projects and forest practices, it shall consist of the following:**

### **(1) Literature Review and Consultation**

**(a) An assessment of the presence of any cultural resources, listed on the National Register of Historic Places at the national, state or county level, on or within the area of potential direct and indirect impacts.**

**(b) A search of state and county government, National Scenic Area/Forest Service and any other pertinent inventories, such as archives and photographs, to identify cultural resources, including consultation with the State Historic Preservation Office (SHPO) and tribal governments.**

**(c) Consultation with cultural resource professionals knowledgeable about the area.**

**(d) If the Forest Service determines that there no recorded or known cultural resource, after consultation with the tribal governments on or within the immediate vicinity of a new development or land use, the cultural resource review shall be complete.**

**(e) If the Forest Service determines that there is the presence of a recorded or known cultural resources, including those reported in consultation with the tribal governments on or within the immediate vicinity of a new development or land use, a field inventory by a cultural resource professional shall be required.**

**Staff:** The subject application was forwarded to Marge Dryden, Heritage Resources Program Manager for the Columbia River Gorge National Scenic Area, a division of the Forest Service. Ms. Dryden reviewed the application and provided the cultural resource survey determination included as Exhibit M. In this determination, Ms. Dryden states that a Historic Survey is Required.

*A cultural resource survey is required.*

### **11.7 (2) Field Inventory**

**(a) Tribal representatives shall be invited to participate in the field inventory.**

**(b) The field inventory shall consist of one or the other of the following standards, as determined by the cultural resource professional:**

**1. Complete survey: the systematic examination of the ground surface through a controlled procedure, such as walking an area in evenly-**

spaced transects. A complete survey may also require techniques such as clearing of vegetation, angering or shovel probing of subsurface soils for the presence of buried cultural resources.

**2. Sample survey:** the sampling of an area to assess the potential of cultural resources within the area of proposed development or use. This technique is generally used for large or difficult to survey parcels, and is generally accomplished by a stratified random or non-stratified random sampling strategy. A parcel is either stratified by variables such as vegetation, topography or elevation, or by non-environmental factors such as a survey grid.

Under this method, statistically valid samples are selected and surveyed to indicate the probability of presence, numbers and types of cultural resources throughout the sampling strata. Depending on the results of the sample, a complete survey may or may not subsequently be recommended.

**(c) A field inventory report is required, and shall include the following:**

**1. A narrative integrating the literature review of subsection (1) above with the field inventory of subsection (2) (b) above.**

**2. A description of the field inventory methodology utilized under subsection (2) (b) above, describing the type and extent of field inventory, supplemented by maps which graphically illustrate the areas surveyed, not surveyed, and the rationale for each.**

**3. A statement of the presence or absence of cultural resources within the area of the new development or land in use.**

**4. When cultural resources are not located, a statement of the likelihood of buried or otherwise concealed cultural resources shall be included. Recommendations and standards for monitoring, if appropriate, shall be included.**

**(d) Report format shall follow that specified by the Oregon State Historic Preservation Office.**

**(e) The field inventory report shall be presented to the Forest Service for review.**

**(f) If the field inventory determines that there are no cultural resources within the area of the new development or land use, the cultural resource review shall be complete.**

**Staff:** The applicant prepared a field inventory and submitted it to Ms. Marge Dryden of the Forest Service for review. In Exhibit L, Ms. Dryden states that the document entitled "Historic Columbia River Highway Gutter Restoration Project, Oregon Forest Highway 163-1(6), Multnomah County Mile Post 8.76 to 21.63" prepared by David Evans and Associates, Inc. in April of 2004 satisfies the cultural resource survey requirements. A copy of this document is included in the file and contains field inventory data required by this section.

*Criteria met.*

#### 11.8 (3) Evaluations of Significance

**(a) When cultural resources are found within the area of the new development or land use, an evaluation of significance shall be completed for each cultural resource relative to the criteria of the National Register of Historic Places (36 CFR 60.4).**

**Staff:** The structure to be altered is a cultural resource listed on the National Register of Historic Places. As such cultural resources may be affected and an assessment of effect is required by this section.

*The proposal requires an assessment of effect.*

#### 11.9 (4) Assessment of Effect

**(a) For each significant (i.e., National Register eligible) cultural resource inventoried within the area of the proposed development or change in use, assessments of effect shall be completed, using the criteria outlined in 36 CFR 800.9 Assessing Effects. Evidence of consultation with tribal governments and individuals with knowledge of the cultural resources of the project area shall be included for subsections (b) through (d) below. The Forest Service shall review each determination for adequacy and appropriate action.**

**(b) If the proposed development or change in use will have "No Adverse Effect" (36 CFR 800.8) to a significant cultural resource, documentation for that finding shall be completed, following the "Documentation Requirements" of 36 CFR 800.8(a).**

**(c) If the proposed development or change in use will have an "Adverse Effect" as defined by 36 CFR 800.9(b) to a cultural resource, the type and extent of "Adverse Effect" upon the qualities of the property that make it eligible to the National Register shall be documented. This documentation shall follow the process outlined under 36 CFR 800.5(e).**

**(d) If the "effect" appears to be beneficial (i.e., an enhancement to cultural resources), documentation shall be completed for the recommendation of that effect upon the qualities of the significant cultural resource that make it eligible to the National Register. This documentation shall follow the process outlined under 36 CFR 800.8 Documentation Requirements.**

**Staff:** In order to assess the effect of the proposed alterations, the applicant prepared materials including site plans, drawings, and photos to document the proposed modification to the highway. These materials were forwarded by the applicant to the State Historic Preservation Office (SHPO) for review.

In a letter dated June 25, 2004 George M. Fekaris requested concurrence from SHPO with a recommendation of No Adverse Effect for the activities described within the letter. A copy of Mr. Fekaris's letter is included as Exhibit H. Sarah Jalving, Historic Compliance Specialist with SHPO replied in a letter dated July 23, 2004, a copy of which is included as Exhibit I. Ms. Jalving's letter states that the gutter restoration work identified as Alternative B in Mr. Fekaris's letter will not adversely affect any historic properties. Mr. Fekaris's description of Alternative B reads as follows:

*Alternative B would restore the historic gutter and curb in those areas where the pavement overlay would occur. This alternative also repairs two sections of dry stone embankment.*

*Damaged areas of the gutter and curb would be restored, and replicated where the gutter and curb are missing or too badly damaged to be repaired. Gutter sections filled with aggregate (Figure 2) would be cleaned out. Sections of the gutter to be reconditioned would be repaired by sealing cracks and repairing broken areas (Figure 3, 4).*

*The existing pavement would be milled in areas where the gutter and curb are to be restored, as well as adjacent to other historic features, to reestablish the relationship of the road to those features. The historic gutter and curb would be restored as nearly as possible to their original condition and function. Inlets at culverts would be repaired, but the culverts would be left as is.*

*Overall, the objective is to restore the appearance and function of the gutters, as well as their relationship to the road. It would not upgrade the road to meet standards or restore other historic features such as viaducts; existing road width and cross-slopes that do not meet modern standards would remain. The curb and gutter would not be restored in areas where the pavement condition is good (Larch Mountain to Latourell Bridge).*

This description and subsequent concurrence by SHPO includes the gutter work and pavement work but does not include the repair or reconstruction of retaining walls.

Mr. Fekaris sent a second letter dated December 13, 2004 to SHPO requesting concurrence with his recommendation of No Adverse Effect for the proposed retaining wall work at Shepperd's Dell and West of Oneonta Gorge. A copy of this letter is included as Exhibit J. The walls are identified by mile post in this letter and do not correspond to the mile post numbers used in the applicant's narrative although they are discussing the same retaining walls. This discrepancy is explained by the two different numbering systems currently employed on the highway. The historic numbering system starts near downtown Portland and is reflected by the mile post markers actually in place along the highway. These are the mile post numbers cited by Mr. Fekaris. The current numbering system employed by ODOT and used in the application starts in Troutdale. The distance between the starting points of these two numbering systems account for the approximate 14 mile difference.

Ms. Jalving replied on January 4, 2005 and concurred that no historic properties would be adversely affected by the retaining wall work. A copy of this letter is included as Exhibit K.

SHPO has determined the proposed activities (Alternative B for gutter restoration and the repair of two retaining walls) will have no adverse effect on the Historic Columbia River Highway.

*Criteria met.*

#### 11.10 (5) Mitigation

**(a) If there will be an effect on cultural resources, measures shall be provided for mitigation of effects. These measures shall address factors such as avoidance of the property through project design or modification and subsequent protection, burial under fill, data recovery excavations, or other measures which are proposed to mitigate effects.**

**Staff:** Ms. Dryden has determined that no cultural resources other than historic resources exist in the project area in Exhibit M. As determined by SHPO in Exhibits I and K, there will be no adverse effect on historic resources. No mitigation is required.

*Criterion met.*

#### 11.11 (H) Discovery During Construction

**All authorizations for new developments or land uses shall be conditioned to require the immediate notification of the Planning Director in the event of the inadvertent discovery of cultural resources during construction or development.**



**(1) In the event of the discovery of cultural resources, work in the immediate area of discovery shall be suspended until a cultural resource professional can evaluate the potential significance of the discovery pursuant to MCC 38.7050 (G) (3).**

**(2) If the discovered material is suspected to be human bone or a burial, the following procedure shall be used:**

**(a) Stop all work in the vicinity of the discovery.**

**(b) The applicant shall immediately notify the Forest Service, the applicant's cultural resource professional, the State Medical Examiner, and appropriate law enforcement agencies.**

**(c) The Forest Service shall notify the tribal governments if the discovery is determined to be an Indian burial or a cultural resource.**

**(d) A cultural resource professional shall evaluate the potential significance of the discovery pursuant to MCC 38.7050 (G) (3) and report the results to the Forest Service which shall have 30 days to comment on the report.**

**(3) If the Forest Service determines that the cultural resource is not significant or does not respond within the 30 day response period, the cultural resource review process shall be complete and work may continue.**

**(4) If the Forest Service determines that the cultural resource is significant, the cultural resource professional shall recommend measures to protect and/or recover the resource pursuant to MCC 38.7050 (G) (4) and (5)**

**Staff:** A condition of this approval requires that the applicant/owner shall immediately cease development activities and inform the Multnomah County Land Use Planning Division, Columbia River Gorge Commission, and the U.S. Forest Service if any cultural or historic resources are discovered during construction. Once halted, construction activities shall not resume until the standards of MCC 38.7045(L) & (M) and/or the standards of MCC 38.7050(H) have been satisfied. This condition minimizes any impacts to unknown resources in the development area and meets the requirements of MCC 38.7050(H).

*Criteria met with condition.*

**12. The proposal is subject to the Development Standards of the Multnomah County Code related to grading and other ground disturbing activities.**

**Staff:** The subject proposal is exempt from review under the National Scenic Area Site Review standards except for cultural resources. This does not make the proposal exempt

from the Grading, Erosion Control, or Hillside Development Permit standards of the Multnomah County Code.

Insufficient information regarding the steepness of the slopes and the amount of ground disturbing activity associated with the proposed retaining wall repairs has been provided to allow staff to determine which type of development permit is required. There are three types of development permits in the Multnomah County Code that regulate grading activities. These are the Minimal Impact Project (MCC 29.333), the Grading and Erosion Control Permit (MCC 29.336-29.345), and the Hillside Development permit (MCC 38.5500-38.5525).

Prior to commencement of ground disturbing activities, the applicant must apply for and obtain approval of the appropriate development permit.

### **13. Conclusion**

Based on the findings and other information provided above, the applicant has carried the burden necessary for the proposed National Scenic Area Site Review. The applicant's request to repair and restore portions of the Historic Columbia River Highway in the NSA is approved subject to the conditions of approval established in this report.

### **Exhibits**

All materials submitted by the applicant, prepared by county staff, or provided by public agencies or members of the general public relating to this request are hereby adopted as exhibits hereto and may be found as part of the permanent record for this application. Exhibits referenced herein are enclosed, and brief description of each are listed below:

#### **List of Exhibits**

- A. Signed Application Form
- B. Email authorizing David Evans and Associates to work as the owner's representative
- C. Applicant's map of highway segments to be restored
- D. Zoning maps provided by applicant showing the location of proposed work (3 pages)
- E. Section drawing of proposed gutter
- F. Elevation and section drawing of proposed retaining wall work at Shepard's Dell (Mile Post 13.1)
- G. Elevation and section drawing of proposed retaining wall work west of Oneonta Gorge (Mile Post 19.3)
- H. George Fekaris letter dated 6-25-04 (4 pages)
- I. Sarah Jalving letter dated 7-24-04
- J. George Fekaris letter dated 12-13-04 (3 pages)
- K. Sarah Jalving letter dated 1-4-05
- L. Concurrence letter from Marge Dryden dated 10-26-04

- M. Cultural Resources Survey Determination from Marge Dryden (2 pages)
- N. Letter of Comment from Glenn Fullilove, Friends of the Columbia Gorge (2 pages)
- O. Letter of Comment from Gary Miller, President of Bridal Veil Lakes recreation facility
- P. Letter of Comment from Monica Yoshinaga, local resident