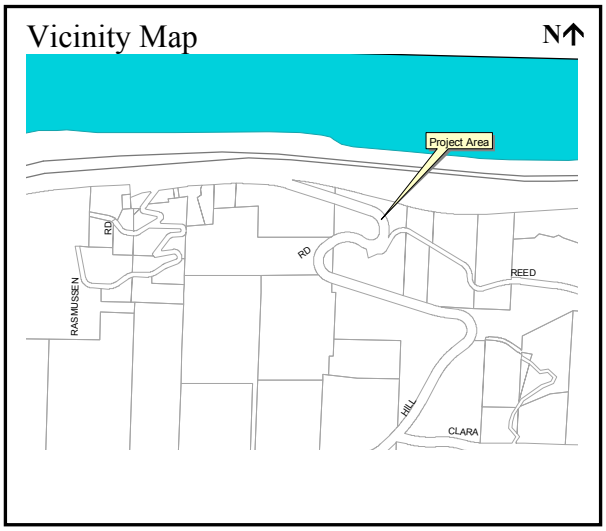
MULTNOMAH COUNTY OREGON
LAND USE AND TRANSPORTATION PROGRAM
1600 SE 190TH Avenue Portland, OR 97233
PH: 503-988-3043 FAX: 503-988-3389
http://www.co.multnomah.or.us/dbcs/LUT/land_use

NOTICE OF DECISION

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



Case File: T2-04-093

Permit: National Scenic Area Site Review, Hillside Development and Flood Development Permit

Location: North shoulder of Corbett Hill Road near I-84; Sec 26BC, T1N, R4E, W.M.

Applicant: Harold Maxa
Multnomah County Transportation
1600 SE 190th Ave
Portland, Oregon 97233

Owner: Multnomah County
1600 SE 190th Ave
Portland, Oregon 97233

Summary: Reconstruction of a failing concrete viaduct/log retaining wall structure along the north shoulder of Corbett Hill Road. The proposed replacement concrete panel soldier tieback retaining wall will be 168-feet long, 7 to 22-feet tall and has been designed to mimic dark grey basalt. The project is located between stations 54+50 and 56+50 along Corbett Hill Road roughly ½ mile east of the I-84 and Corbett Hill Road interchange.

Decision: **Approved with conditions.**

Unless appealed, this decision is effective March 4, 2005, at 4:30 PM.

Issued by:

By: _____
Adam Barber, Planner

For: Karen Schilling - Planning Director

Date: February 18, 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 Adam Barber, 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 office at 1600 SE 190th Avenue (Phone: 503-988-3043). This decision cannot be appealed to the Columbia River Gorge Commission (CRGC) 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 March 4, 2005, at 4:30 pm.

Applicable Approval Criteria: Columbia River Gorge National Scenic Area General Provisions; **MCC 38.0000 – 38.0110**, Administration and Enforcement; **MCC 38.0510 –38.0800**, Columbia River Gorge National Scenic Area General Gorge Residential (GGR) Districts; **MCC 38.3000 – 38.3095**, Site Review for General Management Areas (GMA); **MCC 38.7000 – MCC 38.7090**, Hillside Development; **MCC 38.5500 – 38.5525.**

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/dscd/landuse.

SCOPE OF APPROVAL

1. **The property owner shall record a copy of the Notice of Decision cover sheet and conditions of approval, pages 1 through 4 of this decision, with the Multnomah County Recorder within 30 days of the date this decision becomes final. A copy of the recorded document shall be submitted to the Land Use Planning Office prior to the building permit sign-off (MCC 38.0670).**

2. 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.

3. **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 this 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 brackets.

1. The applicant is required to use one of two specific dark grey colors for both the concrete wall paneling and paneling covering the steel support beams. The colors shall be either a dark grey color (Federal Standard Color 36081, 36173 or an equivalent of either). The exterior of the concrete wall paneling and paneling covering the steel support beams shall be textured using the Scott System©,Inc. "Oregon Basalt" texturing (#175) or an equivalent form. The applicant shall not vary from these colors and materials without advance written confirmation from Multnomah County Land Use Planning that the alternate method of treatment involves the use of dark natural or dark earth-tone materials **(MCC 38.7035(B)(1), (2), and (C)(3)(c)).**

2. Stockpiled earth material shall be covered with plastic sheeting to prevent erosion **(MCC 38.5520(A)(2l)).** Erosion control in the form of a sediment fence shall be installed downhill of the wall prior to ground disturbing activities All inlets accepting runoff from the construction area shall be protected by Bio Filter Bags around each inlet. All sediment barriers shall be inspected and cleaned (if necessary) once a month and after each significant rain event **(MCC 38.5520(A)(2)(g)).**

3. Unless otherwise specified, compliance with the approval conditions listed herein shall occur within two (2) years of the date this decision becomes final **(MCC 38.7035(B)(26)).**

4. Only non-reflective or low reflective building materials are to be used in the construction of the exterior of the structure **(MCC 38.7035(B)(9)).**

5. The County may supplement described erosion control techniques if turbidity or other down slope erosion impacts result from on-site grading work. The Portland Building Bureau (Special Inspections Section), the local Soil and Water Conservation District, or the U.S. Soil Conservation Service can also advise or recommend measures to respond to unanticipated erosion effects.

6. If, during construction, cultural or historic resources are uncovered the applicant/owner shall immediately cease development activities and inform the Multnomah County Planning Director, Columbia River Gorge Commission, and U.S. Forest Service of their discovery **(MCC 38.7045(L) & MCC 38.7045(M)).**

7. The property owner shall maintain best erosion control practices through all phases of development. The property owner is responsible for any sedimentation caused by stripping vegetation, regrading or other development. Any sedimentation leaving the site shall be removed by the applicant from all adjoining surfaces and drainage systems before motorized construction equipment leaves the site **(MCC 38.5520(B)).** Sediment fencing, or similar filtering barriers, shall be installed downhill of all disturbed areas prior to the initiation of ground disturbance.

8. The County may supplement described erosion control techniques if turbidity or other down slope erosion impacts results from on-site grading work. The Portland Building Bureau (Special Inspections Section), the local Soil and Water Conservation District, or the U.S. Soil Conservation Service can also advise or recommend measures to respond to unanticipated erosion effects.

9. On-site disposal of construction debris is not authorized under this permit. Spoil materials removed off-site shall be taken to a location approved for the disposal of such material by applicable Federal, State and local authorities. This permit does not authorize dumping or disposal of hazardous or toxic materials, synthetics (i.e.tires), petroleum-based materials, or other solid wastes which may cause adverse leachates or other off-site water quality effects.

10. The Western red cedars illustrated in the Landscaping Plan (Exhibit A7) should be planted during winter months when the trees are dormant to increase chances of survival.

Note

Once this decision becomes final, applications for building permits may be made with the City of Gresham. When ready to have building permits signed off, call the Staff Planner, Adam Barber, at (503)-988-3043 for an appointment to review with you the Conditions of Approval and to provide the building permit plan signoff. Multnomah County must review and sign off building permit applications before they are submitted to the City of Gresham. Four (4) sets each of the site plan and building plans are required at the building permit sign-off.

Notice to Mortgagee, Lien Holder, Vendor, or Seller:
ORS Chapter 215 requires that if you receive this notice it must be promptly forwarded to the purchaser.

DECISION OF THE PLANNING DIRECTOR

(Formatting Note: As necessary to address Multnomah County ordinance requirements; Staff provides Findings referenced here. Headings for each finding are underlined. Multnomah County Code requirements are referenced using a **bold** font. Written responses by the applicant or their representative are *italicized*. Planning staff comments and analysis may follow applicant responses. Where this occurs, the notation "Staff" precedes such comments.)

Comments from Other Agencies/Individuals

Upon receipt of a complete application, notice of application and an invitation to comment is 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. Notice of the applicant's request was mailed to the following agencies and individuals:

Columbia River Gorge Commission/Cultural Advisory Committee
Confederated Tribes of the Umatilla Indian Reservation
Confederated Tribes of the Warm Springs
Nez Perce Tribe
U.S. Forest Service National Scenic Area Office
Yakima Indian Nation
Friends of the Gorge
Corbett Together
Corbett Community Association
Northeast Multnomah County Community Association
East Multnomah Soil and Water Conservation District
Oregon Department of Fish and Wildlife
Multnomah County Transportation
State Historic Preservation Office
Oregon Department of Transportation
Oregon Parks and Recreation
Crown Point Historical Society
Skamania County Department of Planning
Surrounding property owners

FINDINGS OF FACT

1.0 Project Summary

Staff: Multnomah County is proposing reconstruction of a failing concrete viaduct and log retaining wall structure along the north shoulder of Corbett Hill Road roughly ½ mile east of the Corbett Hill Road/Interstate I-84 interchange. The concrete viaduct structure was built in the early 1950's as a cast in place column/abutment structure placed directly on the exposed bedrock. The structure has reached the end of its useful design life and is in need of replacement. Weight restrictions have been imposed on Corbett Hill Road due to the stability concerns with the viaduct structure. Multiple designs were evaluated in light of the range of approval criteria prior to selecting the proposed soldier pile tie back wall. Other designs considered early in the project included an embankment retained by an MSE wall, soil nails, cast-in-place concrete wall and new viaduct structure. The applicant believes the proposed soldier pile tie back wall best meets the needs of this project while meeting the relevant approval standards.

Multnomah County is proposing to replace the 120-foot long viaduct and log retaining wall structure with a 168-feet long concrete panel soldier tieback retaining wall ranging in height from 7 to 22-feet tall. The wall has been designed to mimic dark grey basalt commonly exposed in cliffs throughout the Columbia River Gorge. An existing drainage culvert passing under the viaduct will be enlarged and incorporated into the proposed retaining wall design. There will be no change to the drainage inlet or outlet location passing through the project area.

2.0 Vicinity Description

Staff: Construction will occur within the northern right-of-way shoulder of Corbet Hill Road owned by Multnomah County. All work will occur within the road right-of-way meaning no privately owned property is involved in this request. Vegetated hillside, railroad tracks, Interstate-84 and the Columbia River characterize the surrounding lanscape as seen on an August, 2002 aerial photograph (Exhibit A1). The zoning of the construction area is Gorge General Residential-5 (GGR-5). Gorge General Public Recreation (GG-RP) zoned land is located to the northwest and Gorge General Commercial (GGC) land is located to the west of the project area (Exhibit A2). The community of Corbett is located approximately 1/3rd of one mile to the south.

The construction area is steeply sloping to the north in the 50 – 100 percent range and is mapped as "visible" on the Key Viewing Area (KVA) map for the Columbia River Gorge National Scenic Area. The slopes immediately downhill of the viaduct are vegetated with heavy brush and deciduous trees up to 18-inch diameter. The ground near the base of the viaduct is heavily compacted, void of vegetation and exhibits a thin to absent soil horizon with basaltic bedrock exposed under and adjacent to the existing viaduct footings.

3.0 Review Uses

3.1 The following review uses may be allowed on lands designated Gorge General Residential (GGR), pursuant to MCC 38.0045: "Construction or reconstruction of roads (MCC 38.3025(A)(4))."

Staff: The proposal involves reconstructing a viaduct supporting Corbett Hill Road on Gorge General Residential 5 land. This is a type of road reconstruction project falling under the review use provisions of **MCC 38.3025(A)(4).** The project will be reviewed pursuant to **MCC 38.0045.**

4.0 Proof of Ownership

Staff: Proof of ownership must be demonstrated to process any land use application **(MCC 38.0550).** A signature provided by Michael Phillips of the Multnomah County Land Use and Transportation Program provides adequate authorization for the County to perform work within the Corbett Hill Road right-of-way (Exhibit A3).

5.0 Dimensional Requirements

The required setbacks from property lines must be met for this proposal. As outlined in MCC 38.3060(C), the minimum yard dimensions and maximum structure heights are as follows:

- **Front (30-ft), Side (10-ft), Street Side (30-ft), Rear (30-ft)**

- **Maximum Structure Height – 35 feet**

Staff: Setbacks apply to buildings. A retaining wall is not a building. These criteria are not applicable.

6.0 Required Site Review Information

An application for NSA Site Review shall address the applicable criteria for approval, under MCC 38.7035 through 38.7090. A decision on an application for NSA Site Review shall be based upon findings of consistency within the criteria for approval specified in MCC 38.7035 through 38.7085 or 38.7090 as applicable. Criteria outlined in MCC 38.0045 pertain to review and conditional use applications.

6.1 As outlined in MCC 38.0045(A)(1), a list of Key Viewing Areas from which the proposed use would be visible shall be provided.

Applicant: "As illustrated in Key Viewing Areas Site Line Map, the project site is partially visible from I-84, the Columbia River, Highway 14 - all Key Viewing Areas in the Columbia River Gorge National Scenic Area. This site is a steep hillside above the rail road track, vegetated with heavy brush and deciduous trees of about 18 in. in diameter. In summer, the leaves cover 80% of the site from views in this view cone. During winter month, the site is visible through the tree trunks and branches. All of the tree cover shall be retained."

Staff: Staff concurs that the project is visible from I-84, the Columbia River and State Route 14. All three locations are Key Viewing Areas in the Columbia River Gorge National Scenic Area.

6.2 As outlined in MCC 38.0045(A)(2)(a) through (k), a map of the project area shall be provided by the applicant in order to accurately outline what types of activates are proposed, what extent of development is proposed and where those activities are to occur on the property. The map must be drawn to a scale that is 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 include the following elements:

- **North arrow;**
- **Map scale;**
- **Boundaries, dimensions, and size of the subject parcel;**
- **Significant terrain features or landforms;**
- **Groupings and species of trees and other vegetation on the parcel;**
- **Location and species of vegetation that would be removed or planted;**
- **Bodies of water and watercourses;**
- **Location and width of existing and proposed roads, driveways, and trails;**
- **Location and size of existing and proposed structures;**
- **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**
- **Location and depth of all proposed grading and ditching.**

Applicant: "Refer to Site Plan, Habitat Assessment, Wetland Determination, Geotechnical Investigation, and Wall Plan and Profile for articles (a) trough (o). No vegetation will be removed beyond the retaining wall footing. No trees will be removed."

Staff: The applicant has provided the required information listed in **MCC 38.0045(A)(2)(a)** through **(k).** This information is presented as Exhibit A4.

7.0 <u>Scenic Review Criteria for the General Management Area</u>

The following scenic review standards shall apply to all Review and Conditional Uses in the General Management Area of the Columbia River Gorge National Scenic Area (MCC 38.7035):

7.1 New buildings and roads shall be sited and designed to retain the existing topography and reduce necessary grading to the maximum extent practicable (MCC 38.7035(A)(1)).

Applicant: "There will be no new buildings in the proposed project."

Staff: The applicant is not proposing construction of a new building or a new road, therefore this standard does not apply.

7.2 New buildings shall be generally consistent with the height and size of existing nearby development (MCC 38.7035(A)(2)).

Applicant: "This does not apply."

Staff: No new buildings are proposed.

7.3 As stated in MCC 38.7035(B)(1), the size, height, shape, color, reflectivity, landscaping, siting or other aspects of proposed development shall be evaluated for all review and conditional uses visible from Key Viewing areas, to ensure that such development is visually subordinate to its setting as seen from Key Viewing Areas.

Applicant: "The proposed retaining wall will replace a concrete viaduct. The retaining wall will be 168 ft long. The height will vary from 7 ft to 22 ft. Average height of the wall is 15 ft. The wall construction utilizes a Tied-Back Soldier Pile Wall design with concrete panels inserted between drilled steel pilings. This Tied-Back Wall will form the foundation for a Mechanically Stabilized Earth (MSE) Wall with cast-in-place concrete facing. All concrete surfaces will resemble split basalt and colored dark grey to match local basalt formations. (See also Wall Plan and Profile & wall texture examples.)"

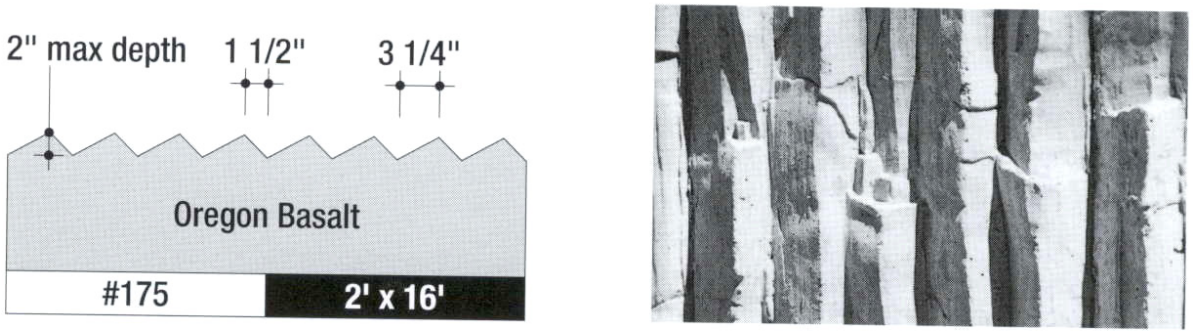
Staff: The closest Key Viewing Area, I-84, is located roughly 200-feet to the north. Since the retaining wall faces north, it will be visible from Key Viewing Areas to the north. The retaining wall will be visible from I-84, the Columbia River and State Route 14 - all located to the north of the project (Exhibit A6). The views from KVA's to the east (Women's Forum, Larch Mountain, Beacon Rock, Crown Point and Rooster Rock) are not a concern as the wall runs east-west – roughly parallel to the line of sight from these local KVA's. The project will not be visible from KVA's located east of the project.

The structure can not be re-located to a less visible location as the retaining wall must be located

as proposed to support the existing road traversing a small ravine. Vegetation currently obscures portions of the viaduct structure, although the structure is better screened in summer months as tree cover between the viaduct and KVA's is deciduous. The current viaduct structure is difficult to see through the thick deciduous canopy during summer months as seen in Exhibit A6.

Roughly 12 deciduous cottonwood and alder trees are located below the structure which almost completely obscures the structure during summer months (Exhibit A6). Mr. Allen Bell, with the Columbia River Gorge Commission, provided comment concurring that the existing vegetation does not completely screen the existing structure during winter months (Exhibit A5). The numerous tree trunks and branches crossing the face of the structure will help break up the mass of the wall during winter months as viewed from Key Viewing Areas.

The applicant has proposed using a dark grey concrete hardened faux columnar basalt form liner. The resulting columnar texturing will appear similar to that seen in the natural cliffs exposed throughout the Columbia River Gorge National Scenic Area. As seen in the figure below, the highly textured surface will create shadows across the wall as the sun rises and sets during summer months - when the sun is in the northern hemisphere. Keep in mind that during summer months, the wall will also be obscured by vegetative cover. A rendered example of how the retaining wall will look is presented as Exhibit A8.



The figure above shows the "Oregon Basalt" wall texturing (#175) proposed by the applicant (taken from Scott System©, Inc. marketing materials). Notice the shadows created along the textured surface due to the 2-inch deep relief.

A basalt texturing pattern will be placed in front of the steel support I-beams to hide the beams from view, unlike what is seen in the rendered example in Exhibit AX. The steel beams will actually be hidden from view with the additional paneling placed in front of the beams.

After visiting the site, Staff found using a dark grey color for the concrete would be most appropriate when attempting to mimic local basalt and shadows of the area. The grey color proposed for the entire structure will be either federal color # 36081 or # 36173. Staff has found both colors to be dark, natural, earth-toned grey colors appropriate for this application. After considering the dark colors and natural looking materials proposed, Staff finds the 7 – 22 foot wall will not noticeably contrast with the surrounding hillside and therefore will be visually subordinate. In fact, this retaining wall will most likely blend into the surrounding hillside quite well as hillsides in the Columbia River Gorge often contain linear basalt exposures showing flows of similar height to the retaining wall.

In the attempt to further screen the proposed structure as viewed from the north during winter, the

applicant has submitted a Western red cedar planting plan along the base of the wall in locations where existing deciduous vegetative screening is sparse (Exhibit A7). The applicant will be planting eight cedars at least 12-feet tall near the base of the wall but still within the road right-of-way. Although staff finds the project is visually subordinate without the cedar plantings, Staff sees no reason to object to the plantings. The chance of survival for the Cedar trees is questionable as the project area is currently void of evergreen vegetation and exposed bedrock is common throughout the project area. There simply may not be adequate soil to grow healthy trees.

In summary, the structure will be a dark, highly textured, natural looking wall designed to mimic an exposed basalt flow. Existing tree cover downhill of the wall completely obscures the project area during summer months and will help break up the mass of the wall during winter months. The combination of vegetation, proposed materials and colors selected will create a visually subordinate structure as viewed from the closest Key Viewing Area – Interstate I-84 located roughly 200-feet to the north. The structure will be more difficult to see from the Columbia River and State Route 14 to the north due to the increased sight distance. Staff finds the wall will be visually subordinate from these other vantage points as well. This standard is met.

7.4 The extent and type of conditions applied to a proposed development to achieve visual subordinance should be proportionate to its potential visual impacts as seen from Key Viewing Areas (MCC 38.7035(B)(2)).

Staff: The closest Key Viewing Area, I-84, is located roughly 200-feet to the north. Since the retaining wall faces north, it will be visible from Key Viewing Areas to the north. The retaining wall will be visible from I-84, the Columbia River and State Route 14 - all located to the north of the project (Exhibit A6). The views from KVA's to the east (Women's Forum, Larch Mountain, Beacon Rock, Crown Point and Rooster Rock) are not a concern as the wall runs east-west, roughly parallel to the line of sight from these local KVA's. The project will not be visible from KVA's located east of the project. The wall will be 168-feet long and range in height from 7 to 22-feet tall. The entire wall surface will not be visible as it is almost complete obscured by vegetation during summer months and partially blocked by tree trunks and branches during winter months.

The structure can not be re-located to a less visible location as the retaining wall must be positioned as proposed to support the existing road traversing a small ravine. Roughly 12 deciduous cottonwood and alder trees are located below the structure which almost completely obscures the structure during summer months (Exhibit A6).

Due to the wall's exposure and the proximity to the Key Viewing Areas, the applicant is required to use one of two specific dark grey colors for both the concrete wall paneling and paneling covering the steel support beams. The colors are required to be either a dark grey color (Federal Standard Color 36081, 36173 or an equivalent of either). The exterior of the concrete wall paneling and paneling covering the steel support beams will be textured using the Scott System©,Inc. "Oregon Basalt" texturing (#175) or an equivalent form. Staff believes conditioning the use of these specific materials and colors is critical considering the amount of exposure and proximity to I-84 and the Columbia River. Staff also finds that these conditions are proportionate to the impact of the project as a poorly designed wall (flat, light grey concrete wall, for example) would be noticeable in this location and could dominate the view.

7.5 Determination of potential visual effects and compliance with visual subordinance policies shall include consideration of the cumulative effects of proposed developments (MCC 38.7035(B)(3)).

Staff: Retaining walls and viaduct structures are common throughout the west end of the Columbia River Gorge National Scenic area as roads often traverse steep terrain and ravines. Replacing an existing viaduct structure with a retaining wall will not have any measurable cumulate effect on the area as essentially one road related structure will be replaced with another. In essence, there will not be a cumulative gain in road related structures after the project is completed. The wall has also been designed to mimic a natural basalt cliff unlike most typical transportation related retaining wall designs. The use of a dark, highly textured wall will have less cumulative visual impact on the surrounding area than if the design utilized a typical, flat or ribbed light grey concrete structure. Staff finds this standard is met.

7.6 As outlined in MCC 38.7035(B)(4)(a) & (b), a description of the proposed building(s)' height, shape, color, exterior building materials, exterior lighting, and landscaping details (type of plants used, number, size, locations of plantings, and any irrigation provisions or other measures shall be provided to ensure the survival of landscaping planted for screening purposes) as well as elevation drawings showing the appearance of the proposed building;

Applicant: "This does not apply."

Staff: All required information has been provided.

7.7 New buildings or roads shall be sited on portions of the subject property which minimize visibility from Key Viewing Areas, unless the siting would place such development in a buffer specified for protection of wetlands, riparian corridors, sensitive plants, sensitive wildlife sites or conflict with the protection of cultural resources. In such situations, development shall comply with this standard to the maximum extent practicable (MCC 38.7035 (B)(6)).

Staff: No new buildings and roads are proposed. This project involves increasing the stability of an existing road.

7.8 In siting new buildings and roads, use of existing topography and vegetation to screen such development from Key Viewing Areas shall be prioritized over other means of achieving visual subordinance, such as planting of new vegetation or use of artificial berms to screen the development from Key Viewing Areas (MC 38.7035 (B)(7)).

Staff: The siting of new buildings and roads is not proposed.

7.9 Driveways and buildings shall be designed and sited to minimize grading activities and visibility of cut banks and fill slopes from Key Viewing Areas (MCC 38.7035 (B)(8)).

Staff: New driveways or buildings are not proposed.

7.10 The exterior of buildings on lands seen from Key Viewing Areas shall be composed of nonreflective materials or materials with low reflectivity, unless the structure would be fully screened from all Key Viewing Areas by existing topographic features (MCC 38.7035(B)(9)).

Staff: This standard applies only to buildings. A retaining wall is not a building.

7.11 Exterior lighting shall be directed downward and sited, hooded and shielded such that it is not highly visible from Key Viewing Areas. Shielding and hooding materials shall be composed of non-reflective, opaque materials (MCC 38.7035(B)(10)).

Staff: Exterior lighting is not proposed.

7.12 The silhouette of new buildings shall remain below the skyline of a bluff, cliff or ridge as seen from Key Viewing Areas. Variances may be granted if application of this standard would leave the owner without a reasonable economic use. The variance shall be the minimum necessary to allow the use, and may be applied only after all reasonable efforts to modify the design, building height, and site to comply with the standard have been made (MCC 38.7035(B)(13)).

Staff: This standard applies only to buildings which are not proposed.

7.13 All proposed structural development involving more than 100 cubic yards of grading on sites visible from Key Viewing Areas and which slope between 10 and 30 percent shall include submittal of a grading plan. This plan shall be reviewed by the Planning Director for compliance with Key Viewing Area policies. The grading plan shall include the following: A map of the site, prepared at a scale of 1 inch equals 200 feet (1:2,400), or a scale providing greater detail, with contour intervals of at least 5 feet, including (MCC 38.7035(B)(21)(a)(1)-(3)).

1. **Existing and proposed final grades;**
2. **Location of all areas to be graded, with cut banks and fill slopes delineated; and**
3. **Estimated dimensions of graded areas**

Applicant: "See Wall Plan & Profile Sheet, Detail Sheet, and Site Plan. Applicant: "All fill material on this project will consist of approximately 850 yd^3 of 1"-0 crushed rock structural back fill, placed in 6" lifts and compacted with a mechanical compactor to 95% density."

Staff: A grading plan has been submitted as required (Exhibit A9). A planting plan is presented as Exhibit A7.

7.14 A narrative description (may be submitted on the grading plan site map and accompanying drawings) of the proposed grading activity, including (MCC 38.7035(B)(21)(b)):

Staff: The geotechnical report prepared by GRI Geotechnical & Environmental Consultants on July 22, 2003 functions as the narrative describing construction activities (Exhibit A10).

7.14.1 Its purpose (MCC 38.7035(B)(21)(b)(1));

Applicant: "The purpose of this project is to replace a failing viaduct/ bridge located on a County road with a retaining wall structure."

Staff: The geotechnical report prepared by GRI Geotechnical & Environmental Consultants on July 22, 2003 explains the purpose of the proposed project (Exhibit A10). The applicant also has succinctly stated the purpose of this project above.

7.14.2 An estimate of the total volume of material to be moved (MCC 38.7035(B)(21)(b)(2));

Applicant: "This is an embankment project, involving filling the volume beneath the viaduct with crushed rock. All fill material on this project will consist of approximately 850 yd^3 of 1"-0 crushed rock structural back fill, placed in 6" lifts and compacted with a mechanical compactor to 95% density."

Staff: Measurable cuts are not proposed, although an estimated 850 cubic yards of crushed rock will be used as backfill behind the proposed retaining wall.

7.14.3 The height of all cut banks and fill slopes (MCC 38.7035(B)(21)(b)(3));

Applicant: "There are no cut banks or fill slopes an this project."

Staff: Cut banks are not proposed. The proposed retaining wall, which will be backfilled with compacted gravel lifts will reach 22 feet in height at its maximum, although the majority of the wall will be shorter.

7.14.4 Provisions to be used for compaction, drainage, and stabilization of graded areas (preparation of this information by a licensed engineer or engineering geologist is recommended) (MCC 38.7035(B)(21)(b)(4));

Applicant: "This is a Multnomah County project jointly design by David Evans and Associates and the County under the County Engineer. Wall backfill will be machine compacted."

Staff: Two Oregon Licensed Professional Engineers with GRI have prepared the geotechnical recommendations. The recommendations are presented in a report prepared by GRI on July 22, 2003 (Exhibit A10).

7.14.5 A description of all plant materials used to revegetate exposed slopes and banks, including type of species, number of plants, size and location, and a description of irrigation provisions or other measures necessary to ensure the survival of plantings (MCC 38.7035(B)(21)(b)(5)); and

Applicant: "Disturbance to the slope - a rocky ravine - will be limited to a narrow strip adjacent to the new retaining wall. Class 100 riprap will be placed randomly at the base of the wall."

Staff: A planting plan presented as Exhibit A7 illustrates the size, type and location of all proposed plantings. This planting plan is not required to make the project visually subordinate but has been proposed by the applicant to aid screening in winter months. The applicant is proposing planting eight 12-foot tall Western red cedar trees at the base of the retaining wall. Western red cedars are native trees that are most appropriate for the shaded base of the retaining wall.

7.14.6 A description of any other interim or permanent erosion control measures to be utilized (MCC 38.7035(B)(21)(b)(6)).

Applicant: "Erosion and sediment control will be done according to Section 00280 of the 2002 ODOT Standard Specifications for Construction."

Staff: A sediment fence will be placed below the work area to capture any mobilized sediment during construction. The majority of the project involves importation and compaction of 1-inch crushed rock behind the retaining wall which is not an activity typically associated with erosion risk.

7.15 All Review Uses and Conditional Uses within the Rural Residential landscape setting must demonstrate that new development in this setting shall meet the design standards for the Rural Residential setting, unless it can be demonstrated that compliance with the standards for the more rural setting is impracticable. New development shall be compatible with the general scale of development in the vicinity (MCC 38.7035(C)(3)(a)).

Applicant: "*The proposed retaining wall will be compatible with the rural residential setting due to the architectural treatment that mimics local basalt walls and slopes."*

Staff: For this report, the project vicinity is defined as the surrounding 1,000-feet. This radius of study was selected as it incorporates the zoning of the development area (GGR-5) and includes GG-PR zoned land to the northwest and a GGC property to the west as seen on the zoning map presented as Exhibit A2. The topography within the study area ranges from open water, flood plain and interstate north of the project. Low-density residential development on moderately to heavily forested properties defines areas to the south. One homogenous landscape does not define the local area which is a transition zone from residential development to an interstate/rail corridor adjacent to a large river system.

The development in the area consists of single family residential houses approximately 25-feet tall on average, railroad tracks, intermediate arterials and an interstate highway. Since the retaining wall will essentially become part of the hillside and will not rise above the grade of Corbett Hill Road, Staff finds the development will be compatible with the scale of development in the vicinity.

7.16 Existing tree cover shall be retained as much as possible, except as is necessary for site development, safety purposes, or as part of forest management practices (MCC 38.7035 (C)(3) (b)).

Applicant: "No trees will be removed by this project."

Staff: No trees will be removed during construction. This standard is met.

7.17 In portions of this setting visible from Key Viewing Areas, the following standards shall be employed to achieve visual subordinance for new development and expansion of existing development (MCC 38.7035(C)(3)(c)):

7.17.1 Except as is necessary for site development or safety purposes, the existing tree cover screening from Key Viewing Areas shall be retained (MCC 38.7035(C)(3)(c)(1)).

Applicant: "No trees will be removed by this project."

Staff: All existing trees will be protected and remain.

7.17.2 At least half of any trees planted for screening purposes shall be species native to the setting or commonly found in the area (MCC 38.7035(C)(3)(c)(2)).

Staff: The planting of trees is not required for screening purposes, although the applicant has proposed plantings seen in Exhibit A7. All trees planted for screening purposes will be native to the Columbia River Gorge.

7.17.3 At least half of any trees planted for screening purposes shall be coniferous to provide winter screening (MCC 38.7035(C)(3)(c)(3)).

Staff: All eight trees on the landscaping plan are Western red cedars which are coniferous.

7.17.4 Structures' exteriors shall be dark and either natural or earth tone colors unless specifically exempted by MCC 38.7035(B)(11) and (12), [(MCC 38.7035(C)(3)(c)(4)].

Applicant: "*This site is visible from some Key Viewing Areas. Trees and vegetation will remain. The entire wall will be faced will concrete mimicking dark gray fractured basalt found in the surrounding area.*"

Staff: The structure's exterior will be painted with either federal color # 36081 or # 36173. Both colors are dark grey earth-toned colors similar to locally exposed basalt.

8.0 Cultural Resource Review Criteria

A reconnaissance level cultural investigation was performed as outlined in MCC 38.7045 (A). As stated in MCC 38.7045 (B), the cultural resource review criteria shall be considered satisfied if no cultural resources are known to exist in the project area, and no substantiated comment is received during the comment period provided in MCC 38.7025 (B).

Staff: Margaret Dryden, Heritage Program Manager for the Columbia River Gorge, conducted a literature review of the project area. On November 23, 2004 Ms. Dryden provided comment to the Multnomah County Planning Department stating neither a cultural resource reconnaissance survey nor a historic survey were required as the proposed use would occur in a low probability area for cultural resources and would not alter the exterior appearance of a structure over 50-years (Exhibit A12). Mr. Dennis Griffin (SHPO Archaeologist) indicated that the project lies in an area generally perceived to have a high probability for processing archaeological sites and/or buried human remains and that if any cultural material is discovered during construction activities, that all work should cease immediately until a professional archaeologist can assess the discovery. A copy of Mr. Griffin's comment letter is presented as Exhibit A13.

Considering the responses from Ms. Dryden and Mr. Griffin, Staff finds the cultural resource review criteria to be satisfied except **MCC 38.7045 (L) & (M)** that discuss procedures for cultural resource and human remain discovery after construction begins. These procedures have been addressed as a condition of approval. This standard is met.

9.0 Wetland Review Criteria

A wetland review is required for a proposal if criteria of MCC 38.7055(A) are not satisfied.

Staff: The criteria of **MCC 38.7055(A)** have been satisfied. A Wetland Determination prepared by David Evans and Associates, Inc. confirms that no wetlands are located within the project area (Exhibit A16). This standard is met.

10.0 Stream, Lake and Riparian Area Review Criteria

A stream, lake and riparian area review is required for a proposals within stream, pond and lake buffer zones as determined by MCC 38.7060.

Applicant: "There are no encroachments on natural water courses on this project."

Staff: A small intermittent drainage flows through a culvert under the existing viaduct. The work proposed involves enlarging and extending the existing culvert through the proposed retaining wall structure which will be in the same location as the existing viaduct structure. All work proposed is structural in nature and does not involve encroachment into a stream, lake or riparian area. The Stream, Lake and Riparian Area standards are not applicable to this request.

11.0 Wildlife Review Criteria

A wildlife habitat site review shall be required for any project within 1,000 feet of sensitive wildlife areas (MCC 38.7065).

Staff: Mr. Allen Bell with the Columbia River Gorge Commission provided comment that the "Habitat Assessment" submitted by the applicant should evaluated for consistency with the NSA wildlife review criteria. A copy of the Habitat Assessment is presented as Exhibit A14. A copy of the entire land use application, including the Habitat Assessment submitted by the applicant, was forwarded to the Oregon Department of Fish and Wildlife (ODFW) by county staff. Multnomah County requested ODFW to review the proposal in light of the NSA wildlife review criteria and make a determination as to the effects and measures that would be required to eliminate effects on the sensitive wildlife area. In this case, the sensitive wildlife area is the Columbia River located roughly 200-feet to the north of the project area.

After reviewing the proposal, Mr. Alsbury (ODFW) stated he did not believe the project would cause harm to threatened, endangered, or sensitive fish and wildlife and therefore did not require or recommend modifications to the proposal. Considering the determination by Mr. Alsbury, Staff finds the Wildlife Review Criteria of MCC 38.7065 satisfied. Mr. Alsbury's comments are presented in Exhibit A15.

12.0 Rare Plant Review

A rare plant site review shall be required for any project within 1,000 feet of endemic plants and sensitive plant species (MCC 38.7070).

Staff: Mr. Allen Bell of the Columbia River Gorge Commission indicated the applicant should be required to submit a plant field survey as required by **MCC 38.7070(B)(3)**, (Exhibit A5). This standard references transportation facilities outside improved rights-of-way. This project will be located within the Corbett Hill Road right-of-way and will not extend outside the right-of-way.

Staff determined from the Multnomah County rare plant map provided to the County by the Columbia River Gorge Commission that the project site is not within 1,000 feet of a known rare plant. As a result, a rare plant review was not required. The Wetland Determination submitted by the applicant (Exhibit A16) catalogues the species of plants distributed throughout the project area and makes no mention of a rare plant. This standard is met.

13.0 Hillside Development

All persons proposing development, construction, or site clearing (including tree removal) on property located in hazard areas as identified on the "Slope Hazard Map", or on lands with average slopes of 25 percent or more shall obtain a Hillside Development Permit as prescribed by this subdistrict, unless specifically exempted by MCC 38.5510 (MCC 38.5505).

Staff: This project involves construction on slopes with average grades of 25 percent or more. The exemptions outlined in **38.5510** do not apply to this proposal. As a result, the Hillside Development provisions of **38.5505 – 5520** are applicable and are addressed below.

13.1 An application for development subject to the requirements of this subdistrict shall include the following: A map showing the property line locations, roads and driveways, existing structures, trees with 8-inch or greater caliper or an outline of wooded areas, watercourses and include the location of the proposed development(s) and trees proposed for removal, An estimate of depths and the extent and location of all proposed cuts and fills, The location of planned and existing sanitary drain fields and drywells, Narrative, map or plan information necessary to demonstrate compliance with MCC 38.5520 (A). The application shall provide applicable supplemental reports, certifications, or plans relative to: engineering, soil characteristics, storm water drainage, stream protection, erosion control, and/or replanting (MCC 38.5515(A)-(D)).

Staff: All required information has been provided by the applicant.

13.2 A Hillside Development permit may be approved as a Type II decision only after the applicant provides: Additional topographic information showing that the proposed development to be on land with average slopes less than 25 percent, and located more than 200 feet from a known landslide, and that no cuts or fills in excess of 6 feet in depth are planned. High groundwater conditions shall be assumed unless documentation is available, demonstrating otherwise; or A geological report prepared by a Certified Engineering Geologist or Geotechnical Engineer certifying that the site is suitable for the proposed development; or, an HDP Form– 1 completed, signed and certified by a Certified Engineering Geologist or Geotechnical Engineer with his/her stamp and signature affixed indicating that the site is suitable for the proposed development (MCC 38.5515(E)).

Staff: The required information has been submitted. The HDP Form 1 is presented as Exhibit A17. Narrative statements to the approval criteria are presented as Exhibit A18. Engineering plans detailing the proposed work area presented as Exhibit A4, A7 and A9.

13.3 Fill materials, compaction methods and density specifications shall be indicated. Fill areas intended to support structures shall be identified on the plan. The Director or delegate may require additional studies or information or work regarding fill materials and compaction (MCC 38.5520(A)(1)(a));

Applicant: "All fill material on this project will consist of approximately 850 yd^3 of 1"-0 crushed rock structural back fill, placed in 6" lifts and compacted with a mechanical compactor to 95% density."

Staff: Fill areas are shown on the construction plans presented as Exhibit A4. The applicant has stated the fill methods proposed in the statement above.

13.4 Cut and fill slopes shall not be steeper than 3:1 unless a geological and/or engineering analysis certifies that steep slopes are safe and erosion control measures are specified (MCC 38.5520(A)(1)(b));

Applicant: "There are no cut or fills slopes on this project."

Staff: An Oregon licensed Professional Engineer has verified in the Hillside Development Permit Form-1 Geotechnical Reconnaissance Survey that the proposed earthwork will not cause stability problems (Exhibit A17). The purpose of this project is to alleviate an existing stability problem.

13.5 Cuts and fills shall not endanger or disturb adjoining property (MCC 38.5520(A)(1)(c));

Applicant: "There are no cut or fills slopes on this project."

Staff: An Oregon licensed Professional Engineer has verified in the Hillside Development Permit Form-1 Geotechnical Reconnaissance Survey that the proposed earthwork will not create stability problems for adjacent properties (Exhibit A17). All work is proposed in the road right-of-way.

13.6 The proposed drainage system shall have adequate capacity to bypass through the development the existing upstream flow from a storm of 10-year design frequency (MCC 38.5520(A)(1)(d));

Applicant: "The project will upgrade the existing 18" CMP to 24" concrete pipe. The new pipe's capacity will far exceed the capacity of the 18" CMP culvert. (For location see Wall Plan & Profile Sheet)."

Staff: The applicant has verified the drainage is designed to handle storm water during the 10-year storm event. A copy of an email sent January 18th, 2005 from the applicant who is an Oregon licensed Professional Engineer is contained in the case file. This verifies the drainage has been designed to convey the 10-year, 24-hour storm flow through the culvert to be enlarged.

13.7 Fills shall not encroach on natural watercourses or constructed channels unless measures are approved which will adequately handle the displaced stream flow for a storm of 10-year design frequency (MCC 38.5520(A)(1)(e));

Applicant: "There are no encroachments on natural water courses on this project."

Staff: Fill encroachment on natural watercourses or channels is not proposed.

13.8 Stripping of vegetation, grading, or other soil disturbance shall be done in a manner which will minimize soil erosion, stabilize the soil as quickly as practicable, and expose the smallest practical area at any one time during construction (MCC 38.5520(A)(2)(a));

Applicant: "Excavation for this project is limited to create a flat footing (1"-0 crushed aggregate) where the concrete pre-cast wall panels will contact the grade."

Staff: As the applicant states above, soil disturbance will only occur directly under the retaining wall panels. The vast majority of the project involves importing and compacting granular fill behind the wall. According to the GRI geotechnical report, the "soil" in the project area consists

of sandy decomposed bedrock. It is Staff's opinion that sandy colluvium would not be expected to create significant erosion problems as sand sized materials are difficult to mobilize during a storm event. In the event mobilization of sediment does occur, the applicant is proposing the installation of a sediment fence below the project area and sediment barriers around the drainage inlet south of the existing viaduct and at the culvert outfall as illustrated in Exhibit A9. Because the applicant has chosen a design that will occupy a similar footprint as the existing structure, the project has been designed to disturb the smallest area during construction.

13.9 Development Plans shall minimize cut or fill operations and ensure conformity with topography so as to create the least erosion potential and adequately accommodate the volume and velocity of surface runoff (MCC 38.5520(A)(2)(b));

Applicant: "There will be no change in the existing topography."

Staff: The proposed retaining wall will be slightly longer than the existing viaduct structure but will not extend much further down the hill than the existing structure. This will result in almost no change to the existing topography minus the addition of granular fill behind the retaining wall. A number of other geotechnical designs were considered including an unsupported earthen retaining wall that would have significantly altered the topography. This design was abandoned in light of this standard. The applicant has proposed a design that will utilize the existing footprint to the maximum extent while increasing the stability of the road and minimizing alterations to the topography. This project will result in a minimal erosion risk as the concrete wall panels will be pre-cast and the backfilled material will compose of imported crushed rock rather than on-site soils.

13.10 Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development (MCC 38.5520(A)(2)(c));

Applicant: "The construction plans will include a fully developed erosion control plan as required by Multnomah County. Also see Site Plan for site specific erosion control measures…"Any soil exposed by the construction activities will be permanently seeded at the end of the project."

Staff: The work area is very steep ranging from 50 to 100% grade and consists of partially exposed bedrock. This means that much of the "disturbed area" under the pre-cast walls is either currently bedrock or will likely be brought down to bedrock prior to construction of the wall. These areas will be covered by the structure and need not be revegetated. Areas outside the wall footings will not be disturbed and will not need to be revegetated. Although this project will not leave critical areas exposed after construction, the applicant has stated that any disturbed areas will be reseeded with grasses after construction. In the event sediment is mobilized during construction, the applicant has proposed installation of a sediment fence downhill of the project.

13.11 Whenever feasible, natural vegetation shall be retained, protected, and supplemented; A 100-foot undisturbed buffer of natural vegetation shall be retained from the top of the bank of a stream, or from the ordinary high watermark (line of vegetation) of a water body, or within 100-feet of a wetland (MCC 38.5520(A)(2)(d)(1));

Applicant: "Only vegetation within the limit of the retaining wall footing will be removed. There is no Streambed or wetland on this site."

Staff: Vegetation under and immediately adjacent to the footprint of the viaduct will be disturbed during construction of the new wall. This is unavoidable. Much of the areas at the base of the existing structure consist of bedrock and compacted soil void of vegetation. The majority of any existing vegetation is invasive blackberry which will be advantageous to remove. No trees will be removed during construction.

13.12 Permanent plantings and any required structural erosion control and drainage measures shall be installed as soon as practical (MCC 38.5520(A)(2)(e));

Applicant: "Any soil exposed by the construction activities will be permanently seeded at the end of the project."

Staff: Erosion control measures will be installed prior to the commencement of construction. The planting of the cedar trees will occur after the project has concluded during winter months when the trees are dormant. This will assure the most likely survival rates for the trees. Planting the trees in the locations proposed prior to construction will most likely result in the destruction of the trees. Staff finds planting the trees after the wall is constructed during winter months is as soon as in practical in this case.

13.13 Provisions shall be made to effectively accommodate increased runoff caused by altered soil and surface conditions during and after development. The rate of surface water runoff shall be structurally retarded where necessary (MCC 38.5520(A)(2)(f));

Applicant: "There will be no increase in runoff during or after construction of the retaining wall. A silt fence and sediment barriers will be installed before on site work begins."

Staff: These improvements are not anticipated to increase local storm water runoff above current levels to any measurable level. The applicant has designed a larger culvert than currently exists under the viaduct structure to better convey flow through the project area in the future. Flow consists of both ditch water and a small tributary cascading down the hillside above the road. These two sources of flow converge at the upper end of the viaduct structure, pass under the structure in the culvert and free fall onto riprap on the slope downhill of the viaduct structure. The future flow will continue to fall onto the riprap downhill of the viaduct structure.

13.14 Sediment in the runoff water shall be trapped by use of debris basins, silt traps, or other measures until the disturbed area is stabilized (MCC 38.5520(A)(2)(g));

Applicant: "See Site Plan."

Staff: The applicant has proposed installing inlet protection above the project, a sediment barrier at the point of culvert discharge and a sediment fence below the project to capture any sediment in runoff waters.

13.15 Provisions shall be made to prevent surface water from damaging the cut face of excavations or the sloping surface of fills by installation of temporary or permanent drainage across or above such areas, or by other suitable stabilization measures such as mulching or seeding (MCC 38.5520(A)(2)(h));

Applicant: "This does not apply."

Staff: Excavating cut faces is not proposed. Granular fills behind the new retaining wall are not expected to be sloping steeply as lifts are typically compacted in a level layer cake fashion.

13.16 All drainage provisions shall be designed to adequately carry existing and potential surface runoff to suitable drainage ways such as storm drains, natural watercourses, drainage swales, or an approved drywell system (MCC 38.5520(A)(2)(i));

Applicant: "The existing drainage conditions will not be changed."

Staff: The applicant has designed a larger culvert than currently exists under the viaduct structure to better convey flow through the project area. Flow consists of both ditch water and a small drainage cascading down the hillside above the road. These two sources of flow converge at the upper end of the viaduct structure, pass under the structure in the culvert and free fall onto riprap on the slope downhill of the viaduct structure. The future flow will continue to fall onto the riprap downhill of the viaduct structure.

13.17 Where drainage swales are used to divert surface waters, they shall be vegetated or protected as required to minimize potential erosion (MCC 38.5520(A)(2)(j));

Applicant: "This does not apply."

Staff: New drainage swales are not proposed.

13.18 Erosion and sediment control devices shall be required where necessary to prevent polluting discharges from occurring. Control devices and measures which may be required include, but are not limited to: Energy absorbing devices to reduce runoff water velocity; Sedimentation controls such as sediment or debris basins. Any trapped materials shall be removed to an approved disposal site on an approved schedule and dispersal of water runoff from developed areas over large undisturbed areas (MCC 38.5520(A)(2)(k)(1)-(3));.

Applicant: "See Site Plan."

Staff: The applicant has proposed installing inlet protection above the project, a sediment barrier below the point of culvert discharge and a sediment fence below the project to capture any sediment in runoff waters. These best management practices are appropriate for the type, scale and location of this project.

13.19 Disposed spoil material or stockpiled topsoil shall be prevented from eroding into streams or drainage ways by applying mulch or other protective covering; or by location at a sufficient distance from streams or drainage ways; or by other sediment reduction measures (MCC 38.5520(A)(2)(l));

Applicant: "Any excavated material will be removed from the site. No soils will be stock piled on this project."

Staff: Stockpiled topsoil will not be stored in the project area.

13.20 Such non-erosion pollution associated with construction such as pesticides, fertilizers, petrochemicals, solid wastes, construction chemicals, or wastewaters shall be prevented from

leaving the construction site through proper handling, disposal, continuous site monitoring and clean-up activities (MCC 38.5520(A)(2)(m)).

Applicant: "The contractor will be required to handle all non-erosion pollutants according to ODOT/AWPA Specifications Section 00290, which will prevent any pollutants from entering a stream or water course."

Staff: The discharge of pollutants listed above is not proposed in association with this project. This approval is conditioned such that disposal of hazardous or toxic materials, synthetics (i.e.tires), petroleum-based materials, or other solid wastes which may cause adverse leachates or other off-site water quality effects is not allowed.

13.21 Whenever sedimentation is caused by stripping vegetation, regrading or other development, it shall be the responsibility of the person, corporation or other entity causing such sedimentation to remove it from all adjoining surfaces and drainage systems prior to issuance of occupancy or final approvals for the project (MCC 38.5520(B)(1));

Staff: A condition of this report assigns responsibility to the applicant to make sure this standard is met.

COMMENTS RECEIVED

Upon receipt of a complete application, notice of the application and an invitation to comment is mailed to the Gorge Commission, Oregon Department of Fish and Wildlife, 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 38.0540(B))**. The Planning Director accepts comments for 30 days after the notice of application is mailed **(MCC 38.0540(B))**. Written comments were received from the following agencies and individuals:

The following individuals submitted comment on the proposal. Any significant issues raised were discussed within the relevant code section of this decision.

- Marge Dryden, Heritage Resources Program Manager - USDA Forest Service (Exhibit A12).
- Dennis Griffin - SHPO Archaeologist (Exhibit A13).
- Allen Bell, Senior Planner – Columbia River Gorge Commission (Exhibit A5).
- Glen Fullilove, Land Use Legal Assistant – Friends of the Columbia River Gorge (Exhibit A11).
- Todd Alsbury, Oregon Department of Fish and Wildlife (Exhibit A15)

CONCLUSIONS

Based on the findings and other information provided above, the applicant has carried the burden necessary for the proposed National Scenic Area Site Review and Hillside Development Permit. The applicant's request for reconstruction of a retaining wall along the northern shoulder of Corbett Hill Road 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:

Exhibit A1	1 p	Vicinity map
Exhibit A2	1 p	Zoning map
Exhibit A3	1 p	General application form
Exhibit A4	6 p	Construction plans
Exhibit A5	4 p	Comments from Allen Bell, Columbia River Gorge Commission
Exhibit A6	3 p	Views of the viaduct from local Key Viewing Areas
Exhibit A7	1 p	Planting plan
Exhibit A8	2 p	Rendering of retaining wall
Exhibit A9	2 p	Erosion Control Plan
Exhibit A10	12 p	GRI geotechnical report
Exhibit A11	4 p	Comments from Glen Fullilove, Friends of the Columbia River Gorge
Exhibit A12	2 p	Comments from Marge Dryden, Heritage Resources Program Manager - USDA Forest Service
Exhibit A13	1 p	Comments from Dennis Griffin, SHPO Archaeologist
Exhibit A14	14 p	Wildlife habitat assessment – David Evans and Associates
Exhibit A15	1 p	Comments from Todd Alsbury, Oregon Department of Fish and Wildlife
Exhibit A16	17 p	Wetland determination – David Evans and Associates
Exhibit A17	4 p	Hillside Development Permit Form-1
Exhibit A18	22 p	Applicants narrative