



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

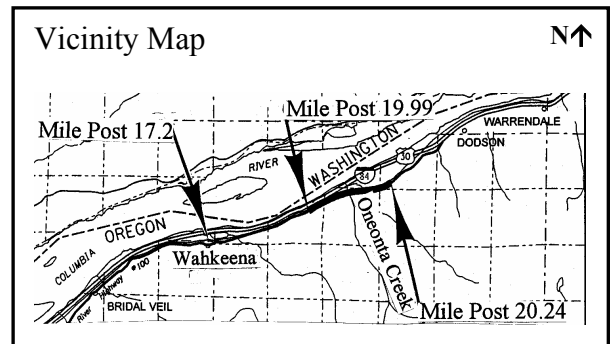
This notice concerns a Planning Director Decision on the land use case(s) cited and described below.

Case File: T2-05-015

Location: Along the Historic Columbia River Highway alignment at the Oneonta Gorge (Mile Post 19.99 to 20.24) and at Wahkeena (Mile Post 17.2)

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



Summary: Restore Historic Features of the Historic Columbia River Highway (HCRH) at Oneonta Gorge (between mile posts 19.99 and 20.24), formalize parking, open the historic tunnel, and provide wheelchair access. Additionally, an historic sign marking the entrance to the National Forest at Wahkeena will be rebuilt at mile post 17.2.

Decision: **Approved with Conditions.**

Unless appealed, this decision is effective Friday, November 11th, 2005, at 4:30 PM.

Issued by:

By: _____
Tammy Boren-King, AICP, Planner

For: Karen Schilling - Planning Director

Date: Friday, October 28, 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 Friday, November 11, 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**; Open Space District (GSO), **MCC 38.2600-38.2695**; SMA Scenic Review Criteria, **MCC 38.7040**; SMA Cultural Resource Review Criteria; **MCC 38.7050**; SMA Natural Resource Review Criteria, **MCC 38.7075**; SMA Recreation Resource Review Criteria, **MCC 38.7085**.

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

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>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.</p>

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 proposed project would restore historic features of the Historic Columbia River Highway (HCRH), formalize or delineate parking, improve egress and ingress, reduce congestion, and enhance aesthetics of the visual and historic landscape adjacent to Oneonta Gorge, which is near milepost (MP) 20.0 of the HCRH. The project would provide new parking areas, pedestrian access, repairs to the original Oneonta Gorge Creek Bridge (No. 04542), restoration of other historic highway structures (e. g., pavement, curbing, gutter, and stairs), native species plantings, and opening of the Oneonta Tunnel for a pedestrian pathway to and from a new parking area east of the bridge.

In the project area, the HCRH was slightly realigned in 1948 to bypass the Oneonta Tunnel, which was closed to provide a wider travelway for the traffic using the highway at that time (the tunnel is only 16 feet wide). A new bridge was constructed over the creek, and the highway and railroad were realigned. In the 1950s, the Oregon Department of Transportation (ODOT) filled the tunnel entrances with rock and soil to avoid the cost of maintaining the tunnel in a safe condition for public use. However, the tunnel remains intact, as does the original Oneonta Gorge Creek Bridge (No. 04542). The original bridge and the tunnel are historic structures and part of the HCRH National Historic District and National Historic Landmark.

The Oneonta Gorge attracts approximately 15,500 visitors each year to view its unique scenery and geology. Oneonta Creek cuts through a narrow canyon with steep rock cliffs covered in lush vegetation. The project site is at the mouth of the gorge, where views into the gorge are available from the Oneonta Gorge Creek Bridge and banks of the creek. Many visitors walk into the mouth of the gorge to better experience its unique environment and to view a waterfall, which is approximately one-half mile upstream of the bridge.

The purposes of the project are to enhance the recreation experience and meet visitor expectations for high quality facilities along the HCRH, as well as to restore historic features at the site and address safety concerns. The project is needed because, with the recent enhancement of the Angel's Rest, West Oneonta, and Yeon trailheads, Oneonta Gorge is the only popular recreation site that has not been improved along the western end of the HCRH. It does not meet current Americans with Disabilities Act (ADA) standards for easy wheelchair access, and informal access to the creek has led to degradation of the streambank and vegetation, affecting aesthetic quality. Congestion and pedestrian traffic along the HCRH in the area, combined with limited pedestrian connectivity, raise safety concerns. In addition, rockfall is a hazard near the existing parking area. Finally, the project is essential to restoring historic features, such as the

Oneonta Tunnel and the original Oneonta Gorge Creek Bridge, that are part of the HCRH National Historic District and National Historic Landmark.

The project objectives are to:

- Correct the disorganized and informal pedestrian access along the HCRH from the parking area to Oneonta Gorge and into the gorge.
- Address rockfall hazards at the existing parking area by installing a berm to help keep rock debris out of the parking area and pedestrian path
- Provide barrier-free access (easy wheelchair access) from the parking areas to the original Oneonta Bridge
- Improve aesthetics of the site and make the site aesthetics consistent with other popular destinations along the HCRH.
- Provide interpretation of historical and natural (e. g., geological, botanical) site features.
- Restore the historic Oneonta Tunnel and open it for pedestrian use.
- Restore the historic integrity of the original Oneonta Gorge Creek Bridge (No. 04542) and, as an option, strengthen the bridge to allow vehicle access for maintenance and special events.

The project has been revised so that additional interpretive signs will not be provided at Oneonta Gorge. However, a new sign at Wahkeena is proposed as part of the project. The sign will replace a historic sign at the site, which was removed years ago. The historic sign indicated entrance to the Mt. Hood National Forest. The proposed sign will indicate entrance to Forest Service land, but not a specific forest. It will consist of a stone base and a sign, hung from a timber support, bearing the standard Forest Service shield. More detailed information is provided below. A plan for the entrance sign is submitted with this document. Photographs of similar sign designs were submitted previously to the County.

Staff: In addition to the activities described above, the applicant is proposing the restoration of the eastern bank of Oneonta Creek in the vicinity of the bridge. Plans and planting schedules for the stream bank restoration work are included as Exhibit D. Site plans and elevation drawings for the work proposed at highway grade are included as Exhibits C and E respectively. Elevations of the proposed sign at Wahkeena are included as Exhibit F.

2. Site Characteristics

Applicant: The project area comprises approximately 0.8 acres. Parking at the project site is undeveloped and undefined; individual parking spaces are not delineated. Visitors typically park at small pull-off areas on the south side of the HCRH, the largest of which has space for approximately eight vehicles and is on the west side of the Oneonta Gorge Creek bridges. It is adjacent to a rock bluff, and falling rock is of concern. A smaller parking/pull-off area, with space for approximately two vehicles, is east of the bridges. Visitors using this area have difficulty safely entering the highway due to limited sight distance looking east. A third area is east of the tunnel, though it is rarely used. Visitors who park at the pull-off area east of the tunnel must walk along a narrow shoulder between a rock bluff and the highway to reach the

Oneonta Gorge; there is no other pedestrian connection. The site does not meet current ADA standards for easy wheelchair access.

Horsetail Falls is approximately one-quarter mile east of the project site. There is a Forest Service (FS) trail that begins at the HCRH at Horsetail Falls, then goes upslope, west toward Oneonta Gorge, south along the gorge to a footbridge crossing Oneonta Creek, then north and eventually down to reach the Oneonta trailhead just west of the project site. Hikers walk along the shoulders of the HCRH to create a loop, as there is no separate pedestrian pathway or sidewalk along the HCRH.

The project area is along the south side of the HCRH and includes the historic Oneonta Gorge Creek Bridge and Oneonta Tunnel. Other manmade features on the site include a sign (in the style used throughout the CRGNSA) identifying the site, an interpretive sign about the Oneonta Gorge and some of its native vegetation, historic-style guardrail between the original and current HCRH alignments, bollards at both ends of the original bridge, a historic stairway leading into the gorge from the west end of the original bridge, and short trails providing access to Oneonta Creek

There are two bridges over Oneonta Creek. The original Oneonta Gorge Creek Bridge (No. 04542), was constructed in 1914 and carried traffic across Oneonta Creek in the same alignment as the Oneonta Tunnel. In 1948, the tunnel was closed to motor vehicle traffic and a second bridge (No. 07 108A) and new roadway were constructed to route traffic around the tunnel-this is the current route for traffic on the HCRH. For many years, the original bridge remained open to vehicles, and drivers would pull off the main highway to view the Oneonta Gorge. Tour buses would pull onto the bridge and park, allowing tourists to view the gorge. In April 2000, ODOT reviewed the load carrying capacity of the bridge and concluded it could not continue to safely carry truck or bus loads. The bridge was closed to all vehicle traffic at that time.

At present, the original bridge has a load capacity of one ton (ODOT, 2004); a legal load capacity is 36 tons. The one-ton load capacity does not allow the bridge to be opened to any public vehicular traffic.

The Oneonta Tunnel is 125 feet long and was bored through a rock bluff that towers 205 feet above the HCRH (State of Oregon, 1914). Only 18 feet of rock supports the cliff between the tunnel and the present alignment of the HCRH. ODOT filled the tunnel entrances in the 1950s to eliminate maintenance issues and cost. The approaches to both portals of the Oneonta Tunnel are filled with fragmental rock fill up to 20 feet thick. The fill covers all but the crown of the tunnel portals. The condition of the portals is unknown at this time (GRI, 2004).

The tunnel was constructed in 1914. A letter to J. B. Yeon, Roadmaster, from Samuel Lancaster in March 1914 indicates that the tunnel required timbering for it to be safe for travel, as the rock was porous and seamed, "with a considerable amount of water present. " Figure 2 (Exhibit G) is a historic plan for the timber lining and rails in the tunnel. A recent geotechnical reconnaissance supports the earlier conclusions (GRI, 2004). The tunnel is located at the contact between two basalt flows, water was observed seeping and dripping

from the rock, and several major rock fractures were mapped on the exposed rock face and likely intersect the tunnel.

Rocks fall from the near-vertical rock faces in the project area. ODOT maintenance personnel clean rockfall debris from the HCRH adjacent to the tunnel at least once a week during the winter. In 1991, ODOT rated the rockfall hazard to highway users adjacent to the project area and ranked it the 11th most hazardous in ODOT Region 1 (Chandra, pers. comm., 2004). Typical rockfall debris ranges from gravel-size to about four inches in diameter. Two massive rockfall fragments were identified west of the tunnel in the Oneonta Gorge, but the frequency of such large rocks falling is likely on the order of decades to centuries (GRI, 2004). Several rock fragments that appear to be from rockfall were also observed at the edge of the parking area below the cliffs in the western part of the project area.

The project area is used primarily by people viewing and hiking in the Oneonta Gorge. Most visitors stop briefly at the site while touring the "waterfall section " of the HCRH between Larch Mountain Road (MP 8.76) and the highway 's intersection with Interstate 84 (MP 21.63). (Multnomah Falls, which is approximately one mile east of the project area, attracts approximately 1.5 to 2 million visits each year.) Peak use is on weekends during the summer and early fall. Use is not as heavy during the week and declines significantly during the winter.

Visitors access the Oneonta Gorge via a stairway and trail on the west side of Oneonta Creek, as well as by walking down a slope on the east side of the creek. There is no formal trail on the east side, and use of this area to reach the creek has caused damage to the river bank and native vegetation. Most native vegetation on the bank has been displaced by invasive species (see Section 5.1.3).

As noted above, the original Oneonta Gorge Creek Bridge is used for bicycle and pedestrian traffic only.

The Oneonta Tunnel is not in use. Tunnel entrances were blocked decades ago, and vegetation has become established on the slopes of the fill material, obscuring the tunnel entrances.

Staff: Staff concurs with the applicant's description of the site surrounding the Oneonta Tunnel. Staff photos of the project location are included as Exhibit H.

The project also includes the installation of a sign in the public right-of-way near Wahkeena Falls. Wahkeena Falls is in close proximity to Simon Benson State Park. This area contains a large number of historic highway features including masonry guardrails, masonry retaining walls, masonry water fountain, and several masonry sign bases that match the proposed sign. The area surrounding Wahkeena falls contains hiking trails, parking, bathrooms, picnic facilities, and interpretive displays. This area is currently heavily used throughout the majority of the spring, summer, and fall. Waterfalls can be seen from the HCRH and the parking area. As such, many of the people traveling on the HCRH are enticed to stop here to enjoy the scenery and learn more about the Columbia River Gorge.

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 applicant has submitted a deed and copy of an easement, both of which are lengthy and included in the file. These records show that the right-of-way for the HCRH is on land which is owned by the Union Pacific Railroad. A letter signed by a representative of the railroad consenting to this application has been submitted and is included as Exhibit B.

The adjacent land outside of the railroad right-of-way is owned by the United States Forest Service. Diana Ross has signed the application form on behalf of the Forest Service. The application form 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.

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

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 multiple site visits between February 17, 2005 and October 19, 2005 and found no violations of the zoning code during any of the site visits.

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 September 29, 2005 and the comment period was open until 4:30 pm on October 13, 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 Section 12 of this report. Copies of Ms. Dryden's comments are included as Exhibits J and L.
- Friends of the Columbia Gorge (Exhibit N)

The Friends Group provided a letter of support for restoration of the Oneonta Tunnel and associated HCRH components. 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 portions of the proposal which are not “Repair and Maintenance” are reviewed for compliance with the site review criteria in sections 8 through 16 of this report.

Procedure met.

6. The Historic Columbia River 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 HCRH, which opened to public traffic in 1915, is one of only two roads in the United States designated as a National Historic Landmark, a National Scenic Byway (All-American Road), and a National Historic District. Currently, the HCRH primarily serves tourists and local residents, as it did when it first opened to the traveling public, whereas the nearby Interstate 84 carries most of the commercial and through traffic. Much of the HCRH possesses an extraordinary integrity to the period of construction. Nearly all of the 24.3 mile western section, between Troutdale and Warrendale, is on its original alignment, and all the engineering features associated with that portion of the highway are intact (Hadlow, 2000).

Traffic on the HCRH is year-round, with most of the traffic occurring from May through September and generated primarily by recreation in the Columbia River Gorge. The current average daily traffic (ADT) in the project vicinity (i. e., at MP 21.6 near the junction of the HCRH and Interstate 84 east of the Oneonta Gorge) is 930 vehicles (ODOT, 2002).

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. Portions of the proposed activities are 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 incompleteness letter from Multnomah County states that all of the proposed activities that do not meet the definition of "repair and maintenance" are subject to the SMA scenic review standards. Those that do include: reinforcement of the old Oneonta Bridge, striping and restoring pavement of the existing parking area, and replacement of bollards at both ends of the bridge.

During the applicant's follow-up meeting with the County planner on May 6, 2005, it was determined that most proposed activities not considered "repair and maintenance" are considered "rehabilitation or modification of historic structures eligible or on the National Register of Historic Places," and, therefore, are exempt from the scenic review standards (MCC 38.7040, first paragraph). Proposed activities are subject to the SMA scenic review standards: new landscaped areas, new walkways, streambank restoration area, new parking area, and moving the existing interpretive sign to the pedestrian plaza. The applicant is submitting site plans, elevation drawings, landscaping plans, and information on proposed building materials, colors, and plant species. The applicable criteria of MCC 38.7040 are addressed below. Those not subject to the standards include: restoration of the Oneonta Tunnel, replacement of the sign at Wahkeena, the pedestrian plaza (which replicates a parking area historically at the site), and replacement of guardrail.

Staff: The application contains activities that must be reviewed differently. Staff below has categorized each proposed activity based on the type of review that is required.

Repair and Maintenance Activities:

- Reinforcement of the old Oneonta Bridge
- Striping and restoring pavement of the existing parking area
- Replacement of bollards at both ends of the bridge.
- Restoration of Stairs to western creek bank

These activities do not require review under the scenic (MCC 38.7040), natural (MCC 38.7075), or recreation resource standards (MCC 38.7085). Since the HCRH is a structure in excess of 50 years old, the Repair and Maintenance activities do require review under the Cultural Resource Standards of MCC 38.7050 pursuant to MCC

38.7050(G). Findings regarding the Cultural Resource Standards are in section 12 of this report.

Rehabilitation or Modification of Historic Structures Eligible or on the National Register of Historic Places:

- Replacement sign at Wahkeena
- Opening of the Oneonta Tunnel
- Creation of Parking Area
- Creation of Pedestrian Pathways
- Creation of landscaping areas
- Installation of berm to serve as rockfall hazard mitigation
- Installation of white wooden guardrail

These activities are subject to the scenic (MCC 38.7040), cultural (MCC 38.7050), natural (MCC 38.7075), and recreation resource standards (MCC 38.7085). These activities are all modifications to the HCRH, which is an historic structure listed on the National Register of Historic Places. Pursuant to the preamble of MCC 38.7040, modification of such a structure is not subject to the scenic review standards if the modification is in compliance with the national register of historic places guidelines. Findings regarding the historic guidelines can be found in section 12 of this report.

8. Repair and Maintenance is allowed without review in the GSO zone.

Staff: This project is located at two sites- Oneonta and Wahkeena. Both of these sites are zoned Gorge Special Open Space (GSO). Repair and maintenance is allowed outright in the GSO zone pursuant to MCC 38.2620(B)(1).

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

9. The proposed activities which do not meet the definition of Repair and Maintenance are allowed in the GSO zone.

Staff: The portions of the project which are not “Repair and Maintenance” do qualify as changes to an existing use. Finding 6 establishes that the HCRH is an existing use. Changes to an existing use are allowed with review in the GSO zone pursuant to MCC 38.2625(E)(1).

The proposed activities which are changes to the HCRH are allowed in the zone with review.

10. 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 repair and maintenance activities are allowed without review in the GSO zone. As such, those portions of the application are exempt from review under the Scenic, Natural, and Recreational site review standards. 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 project.

The entire project must be reviewed for compliance with the cultural resource criteria of MCC 38.7050. The portions of the project which are not “Repair and Maintenance” must be reviewed for compliance with the scenic (MCC 38.7040), cultural (MCC 38.7050), natural (MCC 38.7075), and recreation resource standards (MCC 38.7085) applicable in the SMA.

11. The subject proposal meets the standards of MCC 38.7040 SMA Scenic Review Criteria.

§ 38.7040 SMA Scenic Review Criteria

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

Staff: The Historic Columbia River Highway has been listed on the National Register of Historic Places since 1983 and was designated as a National Landmark in 2000. All of the proposed changes which are not “Repair and Maintenance” are modification of an historic structure. The modifications have been reviewed for compliance with the National Register of Historic Places guidelines and found to have no adverse effect on the HCRH. Sarah Jalving, Historic Compliance Specialist for the Oregon State Historic Preservation Office, has concurred with the Section 106 findings for the tunnel opening and parking area modifications at Oneonta (Exhibit K) as well as the sign at Wahkeena (Exhibit M). The project is therefore exempt from review under the remainder of this section.

Criteria met.

12. The subject proposal meets the standards of MCC 38.7050 SMA Cultural Review Criteria.

§ 38.7050 SMA Cultural Resource Review Criteria

- 12.1 **(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: 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 project.

- 12.2 **(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(B).

Criteria do not apply.

- 12.3 **(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.**

Applicant: The proposed project is identified for funding under the Public Lands Highway Program, which is financed through the Federal Highway Trust Fund. A "Public Lands Highway" is a selected public road wholly or partly within or adjacent to, and serving public lands. The road is necessary for the protection, administration, and utilization of the Public Land and the use of its resources. In Oregon, the Public Lands Highway Program is administered by the FHWA, USDA Forest Service (FS), and ODOT.

Staff: The project is federally assisted. As such, the standards of MCC 38.7050 apply, not the standards of 38.7045.

The proposal is subject to the SMA Cultural Resource Standards of MCC 38.7050.

- 12.4 **(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: Cultural resource information submitted to the file is not contained in the casefile. This material is marked "Cultural Resource Information, Not For Public Disclosure" and is filed in the Multnomah County land use archives.

Criterion met.

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

Staff: 36 CFR Part 61 is a lengthy portion of the Federal Code which establishes the procedures for state, tribal, and local government historic preservation programs. If the principal investigator meets the Oregon State Historic Preservation Office (SHPO) requirements, the investigator will also meet the requirements of 36 CFR part 61.

The historic and archeological investigations for the portion of the proposal at Oneonta Gorge were conducted by Archaeological Investigations Northwest, Inc. A copy of materials available on this company's website is included as Exhibit O and reads as follows, "*All AINW senior and supervisory staff meet the Professional Qualifications Standards of the Secretary of the Interior Guidelines for Historic Preservation Projects (36 CFR 61, Appendix A) and have completed training in implementation of Section 106 of the National Historic Preservation Act.*"

The principal investigators, AINW, meet the professional standards published in 36 CFR Part 61.

The historic and archeological investigations for the proposed sign at Wahkeena were conducted by David Evans and Associates in consultation with ODOT and the Forest Service. This document was accepted by the State Historic Preservation Office as meeting the requirements of 36 CFR Part 61.

Criterion met.

- 12.6 **(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:

Applicant: Archaeological Investigations Northwest, Inc. (AINW), conducted a cultural resource survey for the project, AINW conducted a literature review, consulted with cultural resource specialists, conducted a field inventory and prepared a report, evaluated significance, assessed potential effects (no adverse), and determined that no mitigation will be necessary. FHWA consulted with local Tribes (Yakama Nation, Confederated Tribes of the Umatilla Indian Reservation, Nez Perce Tribe, and Confederated Tribes of the Warm Springs) regarding the project and cultural sites in and near the project area. A copy of the letter sent to those tribes is submitted with this document (Exhibit P). ODOT and Forest Service cultural resource specialists were also consulted during project development and have provided input and review for the project design. A copy of the letter prepared by Margaret Dryden, Heritage Program Manager, US Forest Service, Columbia River Gorge National Scenic Area, is submitted with this document.

The project will affect historic resources, specifically the HCRH and contributing resources (e. g., Oneonta Bridge and Tunnel). No negative effects will occur; the project is intended to protect, restore, rehabilitate, and/or enhance those resources, as appropriate. A Section 106 Finding of Effect form was completed and submitted to SHPO. A copy of the Section 106 finding is submitted with this document. The Preliminary Finding of Effect is “No Historic Properties Adversely Affected.” The applicant has not yet received SHPO 's response to the finding, but will provide a copy to the County once it is received.

Staff: Staff will first discuss the portion of the project at Oneonta followed by a discussion of the proposed sign at Wahkeena.

Oneonta:

The applicant has provided a cultural resource survey entitled “Oneonta Gorge Parking/Vista Project, Oregon Forest Highway 163-1(11), Cultural Resource Survey and Literature Review, Multnomah County, Oregon” prepared by AINW. This survey was reviewed by Margaret Dryden, the archeologist and Heritage Program Manager for the United States Forest Service National Scenic Area. Ms. Dryden provided a letter included as Exhibit J in which she states the cultural resource survey satisfies the requirements of subparts (G)(1), (G)(2) and (G)(3) this section. Tribal participation in the review process was overseen by Western Federal Lands Highway Division. A copy of the letter sent to the tribes is included as Exhibit P. This consultation meets the requirements of (G)(3)(e). The cultural resource report did indicate the presence of significant cultural resources mainly in the form of the Historic Highway. Since cultural resources are present, subpart (G)(4) requires an assessment of the effect of the proposed project on those cultural resources.

The applicant submitted the cultural resource survey and a Section 106 evaluation to the State Historic Preservation Office for review. Sarah Jalving, Historic Compliance Specialist, has provided a determination that the proposed changes are in compliance with the National Historic Preservation Act and that the proposal will have no adverse affect on historic resources. A copy of this determination is included as Exhibit K. Ms.

Dryden also concludes that the project will have no adverse affect on cultural resources in her letter included as Exhibit J. These two determinations satisfy the requirements of subpart (G)(4). This concludes the cultural resource review under sub-part (G) pursuant to (G)(4)(b). Since the project will have no adverse affect, review under (G)(5)-Mitigation is not required.

Sign at Wahkeena

The sign at Wahkeena was originally proposed as part of case T2-04-086. The sign was removed from that proposal and included in the subject application by the applicant. The cultural resource materials which reviewed the sign were resubmitted. Some of these materials reference case T2-04-086. All of the cultural resource materials that reviewed the sign refer to the larger gutter restoration and retaining wall repair projects in which the sign was originally scheduled for construction. None of the gutter or retaining wall portions of the activity are proposed as part of this permit.

The applicant has provided a cultural resource survey entitled “Historic Columbia River Highway Gutter Restoration Project, Oregon Forest Highway 163-1(6), Multnomah County Mile Post 8.76 to 21.63”. This survey was reviewed by Margaret Dryden, the archeologist and Heritage Program Manager for the United States Forest Service National Scenic Area. Ms. Dryden provided a letter included as Exhibit L in which she states the cultural resource survey satisfies the requirements of subparts (G)(1), (G)(2) and (G)(3) this section. The cultural resource report did indicate the presence of significant cultural resources mainly in the form of the Historic Highway. Since cultural resources are present, subpart (G)(4) requires an assessment of the effect of the proposed project on those cultural resources.

The applicant submitted the cultural resource survey and a Section 106 evaluation to the State Historic Preservation Office for review. Sarah Jalving, Historic Compliance Specialist, has provided a determination that the proposed sign is in compliance with the National Historic Preservation Act and that the proposal will have no adverse affect on historic resources. A copy of this determination is included as Exhibit M. Ms. Dryden also concludes that the proposed sign will have no adverse affect on cultural resources in her letter included as Exhibit L. These two determinations satisfy the requirements of subpart (G)(4). This concludes the cultural resource review under sub-part (G) pursuant to (G)(4)(b). Since the proposed sign will have no adverse affect, review under (G)(5)-Mitigation is not required.

Criteria met.

12.7 (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)

Applicant: In the event that archaeological resources are discovered during project construction, appropriate measures will be followed so that such resources are identified, evaluated and receive proper treatment. ODOT stipulations require contractors to cease work immediately at the site of a discovery and to avoid further damage to a resource. Provisions in the Scenic Area Management Plan will be followed for the treatment of cultural resources or human remains discovered during construction.

Staff: A condition of approval will be included which reads as follows, "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."

Criteria met with condition.

13. The subject proposal meets the standards of MCC 38.7075 SMA Natural Resource Review Criteria.

§ 38.7075 SMA Natural Resource Review Criteria

All new developments and land uses shall be evaluated to ensure that the natural resources on a site, or natural resources in danger of degradation or destruction from individual or cumulative off-site impacts, are protected from adverse effects. The Forest Service will provide the analysis and evaluation for all projects except those sponsored by non-Forest Service federal and state agencies.

13.1 (A) Buffer zones shall be undisturbed unless it has been shown that there are no practicable alternatives pursuant to MCC 38.7055 (F) (1), substituting the name of the resource as appropriate. New developments and uses may only be allowed in the buffer zone upon demonstration in the natural resources mitigation plan required by MCC 38.7075 (B) (6) that there would be no adverse effects.

Applicant: The project area for the Wahkeena sign does not encroach into any buffer zones.

The basic purpose of the project (at Oneonta) is to restore/rehabilitate historic features while preserving and enhancing views of the Oneonta Gorge. Because the historic features (e. g., Oneonta Bridge) are within the buffer zones, work must occur within the buffer zones. Also, the intent of the proposed stream bank restoration is to discourage visitors from accessing the stream via the east stream bank and redirect them to the formal access (stairway and trail) on the west stream bank, thereby protecting and enhancing the stream buffer zone as well as habitat and visual quality in the Oneonta Gorge. The stream bank restoration and other plantings and restoration work will provide mitigation for the buffer zone impacts, as described below.

Staff: No new developments or land uses are proposed. No buffer zones will be impacted by the proposed sign. Activities associated with the subject proposal will be within buffer zones related to Oneonta Creek because the existing improvements which are being restored are within the buffer zone of Oneonta Creek. No analysis was provided by the applicant that specifically addresses the standards of MCC 38.7055(F)(1). However, it is not possible to restore a historic tunnel and bridge without working on the historic tunnel and bridge. There is no alternative to working within the buffer zone for Oneonta Creek that would allow the restoration activities to take place.

Criterion met. There is no alternative to working within the buffer zone of Oneonta Creek that would allow the historic bridge and tunnel to be restored.

13.2 (B) The applicant's site plan shall include the following additional information to facilitate evaluation for compliance with minimum natural resource protection standards:

(1) Location of the following sites and areas. The Forest Service will provide this information to the applicant.

(a) Sites of sensitive wildlife and sensitive plant species.

(b) Location of riparian and wetland areas. The exact location of the wetland boundaries shall be delineated using the procedures specified in the *Federal Manual for Identifying and Delineating Jurisdictional Wetlands* (Federal Interagency Committee for Wetland Delineation, 1989).

Applicant: The applicant conducted a survey for sensitive wildlife and plant species. Results are presented in the project checklist previously submitted to the County. A sensitive plant was identified adjacent to the project area. The plant is on a cliff face, approximately 50 feet above the existing parking area on the west side of Oneonta Creek. It is not shown on the site plans because it is outside of the project area and because project activities will not disturb the cliff face or result in negative effects to the plant.

The applicant also delineated the wetland and riparian area boundaries, as shown on Sheet GN14. The wetland delineation was conducted in accordance with the federal manual specified above.

Staff: The applicant has submitted the information required by this section. A copy of the site plan showing the location of the buffers is included in Exhibit C. A copy of the wetland delineation is included in Exhibit D.

Criteria met.

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

Applicant: A copy of the Erosion and Sediment Control Plan narrative prepared by the applicant is submitted with this document. The plan was included with the Biological Assessment submitted to the National Marine Fisheries Service (NMFS). The applicant is developing more site specific plans, which will be completed prior to construction. The Plan will be implemented as part of the contract specifications for the project.

Staff: The information required by this section has been submitted. A copy of the Erosion Control plan is included as Exhibit Q.

Criterion met.

13.4 (3) Site plans shall be submitted to the Forest Service, and the Oregon Department of Fish and Wildlife. The site plan shall be reviewed by the Forest Service in consultation with the appropriate state or federal agency and reviewed and approved by the Planning Director if appropriate.

Applicant: The applicant has submitted the site plans to the Forest Service and has received feedback from a Forest Service biologist that the plans will provide adequate mitigation for impacts to the stream buffer (see email dated August 5, 2005, submitted with this document). No mitigation is necessary for encroachment into the sensitive plant buffer because the plant is on a cliff approximately 50 feet above the project area and will not be affected by the project. The applicant provided preliminary site plans to and coordinated with ODFW as the project Biological Assessment was being prepared.

Staff: The applicant's site plan was submitted to both ODFW and the Forest Service for review. Chuti Fielder, Fish and Wildlife Biologist for the Columbia River Gorge National Scenic Area (Forest Service) provided an email, a copy of which is included as Exhibit R. This email states that Ms. Fielder has reviewed the plan and determined that the stream bank mitigation proposal is adequate.

Devin Simmons from ODFW reviewed the site plan and agreed that the project will have a positive impact on Oneonta Creek. A copy of Mr. Simmons's letter is included as Exhibit S. Mr. Simmons did recommend two conditions of approval. Mr. Simmons submitted an email on October 26, 2005 retracting those recommendations after further discussion with the applicant. A copy of this email is included as Exhibit U.

Procedure met.

13.5 (4) Review of the site plan shall consider the following:

- (a) Biology and habitat requirements of the flora or fauna of concern.**
- (b) Historic, current, and proposed uses in the vicinity of sensitive species, including cumulative effects.**
- (c) Existing condition of the site and the surrounding habitat and the useful life of the site.**
- (d) Physical characteristics of the subject parcel and vicinity, including topography, vegetation, and soil and hydrological characteristics.**
- (e) Minimum natural resource protection standards including buffer zones.**
- (f) Closure of forest practice roads necessary to protect natural resources.**
- (g) Comments from state and federal agencies.**

Applicant: The applicant expects that the review will consider the above. Project activities will not affect the biology or habitat requirements of the sensitive plant identified near the project area because the plant is approximately 50 feet above the base of the cliff where ground disturbance will occur and is inaccessible from the project area. The project will not expand existing uses within the Oneonta Gorge or the west parking area; expansion will occur east of the gorge, away from sensitive species. The project will enhance existing site conditions by restoring the east streambank, discouraging visitor access to the east bank, and directing visitors to the west side of the creek, where developed access is already available. The project area is constrained by steep bluffs and the HCRH. The applicant has conducted geotechnical, biological, and wetland studies to ensure that project activities are done in a manner that protects existing resources while providing for visitor safety.

The Biological Assessment prepared for the project has been submitted to NMFS for review and concurrence with the determination of "may affect, not likely to adversely affect" listed species. The determination for other listed species (e. g., bald eagle) was "no effect" so review by the US Fish and Wildlife Service is not necessary. The Biological Evaluation for effects to Forest Service sensitive species has been reviewed and approved by the Forest Service.

Staff: The applicant's site plan was submitted to the Oregon Department of Fish and Wildlife and the Forest Service. Staff has included the recommendations of the state biologist in the conditions of approval for this decision. The federal biologist had no concerns with the site plan. These reviews were carried out by the professional biologists in accordance with the requirements of this section. The planning director does not require further review of the site plan.

Criterion met.

13.6 (5) Minimum natural resource protection standards include:

(a) Sites of sensitive wildlife and sensitive plant species.

1. A 200 foot buffer zone shall be created for sensitive plant species.

2. A buffer zone for sites of sensitive wildlife species, such as nesting, roosting and perching sites, as defined by species requirements shall be as determined by the Forest Service biologist in consultation with other state or federal agency biologists.

Applicant: Project activities will occur within the buffer zone for sensitive plant species (shown on Sheet GN-15); however, as described above, no impacts to that species will occur as a result of the project. No sites of sensitive wildlife species were identified in the project area.

Staff: The applicant has identified a sensitive plant species on the rock face above the area where planter bed B and the new gravel pathway will be constructed to the west of the tunnel. This buffer zone is shown on Exhibit C sheet GN-15.

Criteria met.

13.7 **(b) Riparian, Wetlands, Parks, and Lakes.**

1. Adding any fill or draining of wetlands is prohibited.

Applicant: No filling, draining, or removing fill from wetlands is proposed

Staff: Staff concurs.

Criterion met.

13.8 **2. A minimum 200 foot buffer zone shall be created on the landward side of each wetland, pond or lake; or a wider variance from this requirement shall be determined during the site plan analysis of the wetland or riparian area and those species inhabiting the area as determined by the Forest Service biologist in consultation with state and/or federal agencies;**

3. A 200 foot buffer zone shall be created along each fish-bearing and perennial stream.

4. A 50 foot buffer zone shall be created along intermittent streams.

Applicant: The 200-foot buffer from Oneonta Creek and associated wetlands is shown on Sheet GN-15.

Staff: The project site includes Oneonta Creek, which is a perennial stream. No intermittent streams, wetlands, ponds, or lakes exist in the project area. Exhibit C Sheet GN-15 shows the buffer zone extending 200 feet from the top of bank of Oneonta Creek.

Criteria met.

13.7 **5. Revegetation shall use only species native to the Columbia River Gorge, and shall provide and maintain habitat diversity beneficial to the fish, wildlife and native plants.**

Applicant: As shown in the plant schedule on Sheet GN, only species native to the Columbia River Gorge will be used in project plantings. The species list was developed in coordination with the Forest Service.

Staff: The applicant is proposing the revegetation of the west bank of Oneonta Creek. A planting plan showing the proposed plant locations and a planting schedule identifying the plant names are included as Exhibit D. The applicant has stated that all of the plants proposed on this planting plan are native to the Columbia River Gorge.

Criterion met.

- 13.8 **6. Maintenance, repair, reconstruction and realignment of roads and railroads within their rights-of-way shall be exempted from the wetlands and riparian standards upon demonstration of the following:**
- a. The wetland within the right-of-way is a drainage ditch not part of a larger wetland outside of the right-of-way;**
 - b. The wetland is not critical habitat; and**
 - c. Proposed activities within the right-of-way would not adversely affect a wetland adjacent to the right-of-way.**
- 7. There shall be no destruction of wetlands except within roads and railroad rights-of-way as provided in subsection 8 below. There shall be no destruction of riparian areas except for water dependent uses, such as boat ramps, and road construction and reconstruction. Above stated exceptions to riparian destruction policy shall meet minimum natural resource protection standards and be reviewed for meeting resource protection guidelines.**

Applicant: No project activities will occur within the wetlands. The only work proposed within the riparian area consists of revegetation (including removal of non-native plants) and placement of logs on the east stream bank. It is intended to enhance riparian habitat and discourage pedestrian disturbance in that area.

Staff: No proposed activities will occur in wetlands.

Criteria met.

- 13.9 **8. The exact location of wetlands boundaries shall be delineated using the procedures specified in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands *Federal Interagency Committee for Wetland Delineation, 1989*. Changes to this Federal manual would not apply to the Scenic Area unless the National Scenic Area Management Plan has been amended. The approximate location and extent of wetlands in the National Scenic Area is shown on the National Wetlands Inventory (U.S. Fish and Wildlife Service, 1987).**

Applicant: Wetland boundaries were delineated in accordance with this standard. The boundaries are shown on Sheet GN-14 of the plans.

Staff: The applicant has provided a wetland delineation meeting the above standard. A copy of the delineation is included as Exhibit D.

Criterion met.

13.10 **(c) Fish and Wildlife Habitat:**

1. Structures such as bridges, culverts, and utility corridors shall be designed so as not to impede the passage of fish and wildlife.

Applicant: Fish passage is hindered, but not completely obstructed, by the railroad bridge approximately one-quarter mile downstream of the project. No changes to the bridge, owned by Union Pacific Railroad, are proposed at this time. No new bridges, culverts, utilities, or other structures are proposed that would impede fish or wildlife passage in the area.

Staff: No structures that have the ability to impede fish passage are proposed.

Criterion does not apply.

13.11 **2. New developments and uses shall not interfere with fish passage.**

Applicant: None of the proposed activities will interfere with fish passage, which is already limited in the project area. There will be no new development in the creek, and no change in use of the area.

Staff: The proposal is not a new development. The proposal is an expansion of an existing use. Stream bank re-vegetation is proposed and will have no impact on fish passage as no work is planned in the stream itself. The remainder of the work will be associated with the restoration of historic structures and will be at the elevation of the highway, which is substantially higher than the creek as can be seen in the staff photos included as Exhibit H.

Criterion met.

13.12 **3. Filling of shallow water fishery habitat shall be allowed only after an analysis showing that no other practicable sites exist. Filling shall only be considered for water dependent uses and mitigation shall be required.**

Applicant: No fill is proposed.

Staff: Staff concurs.

Criterion does not apply.

- 13.13 **4. New developments and uses shall occur during periods when fish and wildlife are least sensitive to activities. This would include, among others, nesting and brooding periods (from nest building to fledgling of young), and those periods specified in *Oregon Guidelines for Timing of In-Water Work to Protect Fish and Wildlife Resources* (Oregon Dept. of Fish and Wildlife).**

Applicant: No development, uses, or construction activities will occur in the creek. There are no sensitive wildlife sites in the project area, and no sites near the project area that would be affected by the project or its construction.

Staff: No in-water work is planned. The only vegetation removal will be in the right-of-way for the HCRH. Devin Simmons, biologist for the Oregon Department of Fish and Wildlife originally suggested limits on the time of year for vegetation clearing in his letter included as Exhibit S. Mr. Simmons later retracted that comment as shown in Exhibit U. No conditions of approval regarding the timing of the construction activity are required.

Criterion met.

- 13.14 **5. In areas of big game winter range adequate thermal cover shall be maintained as determined by the appropriate state wildlife agency.**

Applicant: The only trees that will be removed are a few growing on the fill slopes at the tunnel entrances. They do not provide thermal cover for big game. Tree removal will be mitigated by proposed plantings.

Staff: The project location is not in one of the mapped Big Game Wintering Areas as shown on the Multnomah County Wildlife Habitat Map included as Exhibit T.

Criterion does not apply.

- 13.15 **6. Forest practices shall maintain the following:**

Applicant: Not applicable

Staff: No forest practices are proposed.

Criteria do not apply.

13.16 **(d) Bio-diversity:**

1. New uses shall avoid disturbance to old-growth forests.

Applicant: There is no old growth within the project area.

Staff: Staff concurs. The project will not disturb old-growth forest.

Criterion met.

13.17 **2. Forest practices shall maintain species composition at existing proportions in the activity area.**

Applicant: Not applicable.

Staff: No forest practices are proposed. There is no old growth within the project area.
Criterion does not apply.

Criterion does not apply.

13.18 **3. Forest practices in areas with existing oak species, shall maintain a minimum of 25 square feet basal area per acre of oak in areas with predominantly oak trees of one foot dbh or more, or maintain a minimum forty percent oak canopy cover per 40 acres in which 10 trees per acre must be of the largest tree size, in areas with predominantly oak trees less than one foot dbh. No area greater than 10 acres in size and supporting existing oak species, shall be devoid of oak trees.**

Applicant: Not applicable.

Staff: No forest practices are proposed. There is no old growth within the project area.
Criterion does not apply.

Criterion does not apply.

13.19 **4. Maintain a mix in age and size of hardwoods in order to provide for vertical diversity and replacement.**

Applicant: Streambank vegetation will enhance vertical diversity- see Sheet GN-8. (Exhibit D).

Staff: The proposed project will remove some trees in the right-of-way in order to construct the new parking area. This will be more than compensated for by the new landscaping and the stream bank mitigation.

Criterion met.

13.20 **5. For revegetation purposes, only plants species native to the Columbia River Gorge shall be encouraged.**

Applicant: As shown on the planting plans, only native species will be planted on the site.

Staff: The applicant's stream bank revegetation plans are included as Exhibit D. The applicant has stated that these plans only involve the planting of species native to the Columbia River Gorge.

Criterion met.

13.21 **(e) Soil productivity:**

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

Applicant: The applicant is preparing an Erosion and Sedimentation Control Plan, which will be implemented during construction to control soil movement within the project area. A copy of the Plan narrative is submitted with this document; more detailed, site specific plans will be developed prior to construction. In addition, earth moving activities will occur primarily during the summer and early fall months, minimizing the likelihood of a sudden and significant storm event that could increase erosion.

Staff: The applicant has developed an Erosion and Sediment Control plan to control all soil movement within the project area. A copy of the plan is included as Exhibit Q. This plan contains conservation measures intended to avoid erosion as well as measures to control erosion and trap sediment should erosion happen. Measures to ensure that machinery does not leak fuel or other chemicals onto the soil are also included.

Criterion met.

13.22 **2. The soil area disturbed by new development or land uses shall not exceed 15 percent of the project area.**

Applicant: Within the buffers, the only new development will be the pedestrian path along the west parking area and the pedestrian plaza. Other "development" will consist of new planting areas and the streambank restoration. The path will be approximately 3,400 square feet. The plaza will be approximately 850 square feet. However, the path and associated planting area will replace an existing paved area (comprising approximately 3,750 square feet) used for parking. Therefore, the net area of new paved (gravel) surfaces within the buffers will be approximately 500 square feet.

Staff: This criterion does not apply to the entire project but to the project area inside natural resource buffers.

As shown on the applicant's site plan, the portion of the project inside resource buffers extends from the western edge of the project eastward 200 feet past Oneonta Creek. In this area, the majority of the project site is already paved. The area of soil disturbance within buffer zones will be approximately 500 square feet as reported by the applicant. As shown on sheet GN-15 of Exhibit C, the total project area inside the buffer zones is approximately 350 feet in length with a width varying between 43 feet (from the north side of the highway to the south side of the tunnel) at the widest to 28 feet at the narrowest plus the stream bank revegetation. Staff does not have a firm number from the applicant regarding the area of the project site inside natural resource buffers. Based on measurements from the site plan, staff estimates that the project area inside the buffer zones has a total area of approximately 15,800 square feet.

500 square feet is approximately 3% of the total project area inside natural resource buffers. The area of soil disturbance does not exceed 15% of the total project area within natural resource buffers.

Criterion met.

- 13.23 **3. Within one year of project completion 80 percent of the project area with surface disturbance shall be established with effective native ground cover species or other soil stabilizing methods to prevent soil erosion until the area has 80 percent vegetative cover.**

Applicant: The Erosion and Sediment Control Plan requires 80 percent coverage of the ground surface.

Staff: The proposal requires paving and gravelling of the majority of the project site. The areas which will not be paved or graveled will be planted with native species. There is no area that will be disturbed which will not be covered with vegetation, pavement, or gravel.

Criterion met.

- 13.24 **4. Forest practices shall maintain the following:**

Applicant: Not applicable.

Staff: No forest practices are proposed. These criteria do not apply.

Criteria do not apply.

- 13.25 **(f) Air and water quality:**

1. Streambank and shoreline stability shall be maintained or restored with natural revegetation.

Applicant: The only work to be conducted on the streambank is revegetation and placement of logs. Only native species will be planted.

Staff: The applicant is proposing the restoration of the stream bank. The restoration plan includes vegetation naturally occurring in the Columbia River Gorge. A copy of the restoration plan is included as Exhibit D.

Criterion met.

13.26 **2. All new developments shall be carried out to comply with state water quality requirements.**

Applicant: During construction, there could be an increase in the amount of soil erosion and sedimentation in downstream drainages and, therefore, a temporary reduction in water quality. The project Erosion and Sediment Control Plan will be implemented to minimize erosion and sedimentation during the construction phase. The plan also includes spill prevention measures. Staging areas will be at least 150 feet from the stream; areas for storing fuels or other potential hazardous materials, and areas for refueling and servicing construction equipment and vehicles will be at least 300 feet from the stream. In the long term, the erosion conditions in the project vicinity will not be negatively affected by the project. Stormwater runoff from new impervious surfaces (approximately 3,125 square feet) will be directed to an existing swale at the east end of the project area and then will follow existing drainage patterns (roadside ditches). The project is covered under an existing National Pollutant Discharge Elimination System (NPDES) permit (Permit 1200-CA), thereby complying with state water quality requirements.

Staff: The proposed project has been authorized through an NPDES 1200-CA permit, which assures compliance with state water quality requirements.

Criterion met.

13.27 **3. Existing levels of air visibility shall not be degraded. The Scenic Area shall be suited for designation as a Class 1 airshed.**

Applicant: During project construction, there will be a short-term increase in dust and equipment emissions, but there will be no long-term effects to air quality or visibility.

Staff: The proposed project does not include any uses that will generate dust or emissions over the life of the project. The project is located along the HCRH, which does carry substantial vehicular traffic. No increase in traffic on the HCRH is anticipated as a

result of the proposed project. The project should not have a noticeable impact on air visibility.

Criterion met.

13.28 **4. County, state and federal regulations for air and water quality and for pesticide use shall be followed.**

Applicant: Project activities are covered under an existing 1200-CA NPDES permit. There will be no effect to air quality and no pesticide use.

Staff: There are no County regulations regarding pesticide use which apply to this project. The County regulations related to air and water quality are all contained within this permit. The applicant has demonstrated compliance with the requirements for a National Scenic Area permit.

The applicant reports that the appropriate state permit has been obtained regarding water quality. The state permit implements the federal water quality regulations. Staff is unaware of state or federal air quality and/or pesticide standards that apply to the proposal.

Criterion met.

13.29 **(6) The applicant shall develop a natural resource mitigation plan for all new developments or uses proposed within a buffer zone. The applicant's mitigation plan shall:**

(a) Include existing natural and cultural features.

Applicant: The applicant has developed a natural resource mitigation plan, which consists of the planting plans (Sheets GN-6 through GN-10) and the Erosion and Sediment Control Plan. The proposed mitigation was developed in concert with the Forest Service biologist and landscape architect.

Staff: The entire HCRH is a cultural feature. Sheet GN-15 of Exhibit C shows the location of natural features and their buffer zones.

Criterion met.

13.30 **(b) Include proposed actions within and adjacent to the buffer zone.**

Applicant: The mitigation will occur within the buffer zone.

Staff: The majority of the proposed activities will occur in buffer zones. These activities include the following:

- Pavement repairs on the existing alignment

- Restoration of the historic bridge
- Restoration of the historic stair
- Restoration of the historic tunnel
- Installation of new planting beds
- Formalization of parking areas
- Installation of new gravel pedestrian path
- Rockfall mitigation
- Streambank restoration

Criterion met.

13.31 (c) Include mitigation measures as necessary to comply with the minimum natural resource protection standards and protect natural resources from adverse effects.

Applicant: The mitigation measures will revegetate the streambank with native species (currently, non-native species dominate streambank vegetation) and create more plant diversity as well as shade along Oneonta Creek. Non-native species will be removed. The streambank planting and log placement should reduce visitors using the streambank, trampling vegetation and compacting the soil. Plantings in other areas will mitigate for the added impervious surfaces and, in the case of planting bed 'E, " replace impervious surface with a vegetated rockery. Erosion, sediment control, and spill prevention measures will mitigate potential water quality impacts.

Staff: The applicant has proposed the revegetation of the east bank of Oneonta Creek as mitigation for the activities which will occur within the buffer zones. Additionally, the applicant has proposed the installation of several landscaping beds along the highway and parking areas. The revegetation of the bank is intended to not only increase biological function along the stream but also to block human access to the east side of the stream. An existing stair case on the west side of the stream provides formal access to the stream. The new improvements are intended to direct pedestrians to this stair. The reduction in human foot traffic on the stream bank should increase water quality and further protect the resource.

The mitigation plan has been reviewed by biologists from both ODFW and the U.S. Forest service and found to be adequate mitigation. The letters from these biologists are included as Exhibits R and S respectively. The ODFW biologist submitted a follow-up email, a copy of which is included as Exhibit U.

Criterion met.

13.32 (d) Be prepared by a natural resource specialist as defined.

Applicant: The planting plan was prepared by a registered Landscape Architect with input from the Forest Service landscape architect and biologist. Erosion, sediment control, and spill prevention measures were reviewed by a professional biologist for

their adequacy to minimize water quality impacts.

Staff: The mitigation plan was prepared by David Evans and Associates, Inc. This firm employs many people who meet the definition of natural resource specialist. The plan has been reviewed by professional biologists at the state and federal level and found to be adequate as evidenced by Exhibits R, S and U.

Criterion met.

- 13.33 **(e) Demonstrate mitigation measures which would offset the adverse effects of the proposed new use or developments and which would ensure protection, long-term viability, and function of the resource being protected by the buffer zone.**

Applicant: See response to (c) above.

Staff: No new uses are proposed but development related to an existing use is proposed. While this development is not anticipated to increase traffic on the HCRH, it may increase visits to the Oneonta Gorge. This may result in an increase in the number of people hiking up Oneonta Creek, which is the resource being protected by the buffer zone. The proposed mitigation is intended to restore the east stream bank and prevent further use of this bank for informal stream access. People will instead be directed to the stairs on the west bank. The mitigation measures will offset any adverse related to increased numbers of people visiting Oneonta Gorge as a result of the tunnel re-opening project.

Criterion met.

- 13.34 **(7) The natural resource mitigation plan shall be reviewed to ensure the proposed mitigation is adequate and for compliance with minimum natural resource protection standards by the Forest Service in consultation with appropriate state or federal agencies and reviewed and approved by the Planning Director if appropriate.**

Applicant: A Forest Service biologist has reviewed and approved the mitigation plan (see email dated August 5, 2005).

Staff: The proposal has been reviewed and found to be adequate by a representative of the Forest Service (Exhibit R).

A representative of the Oregon Department of Fish and Wildlife reviewed the proposal and had two suggestions for improving the proposal (Exhibit S). These suggestions were later retracted after further discussion with the applicant as evidenced by Exhibit U.

Criterion met.

14. The subject proposal meets the standards of MCC 38.7085 SMA Recreation Resource Review Criteria.

§ 38.7085 SMA Recreation Resource Review Criteria

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

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

Applicant: New developments on the site include the eastern parking area, pedestrian paths, and pedestrian plaza. All are consistent with the existing recreational use at Oneonta Gorge. The project will enhance the visual quality and cultural and recreational experiences at the site.

Staff: The project is an expansion of an existing use not a new use. The purpose of the proposal is to allow visitors to make safe use of the hiking trails and view opportunities surrounding the Oneonta Gorge as well as providing ADA Access to the tunnel and historic bridge. The purpose is to provide access to nature and enhance recreational opportunities.

Criterion met.

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

Applicant: The project will enhance accessibility by providing a safe pedestrian connection through the Oneonta Tunnel from the new (east) parking area, by improving safety at the west parking area, by better controlling access to the creek, and by providing wheelchair-accessible pathways. The project will have a beneficial effect on the HCRH by restoring and rehabilitating historic features related to the highway (e. g., Oneonta Tunnel and Bridge). The project will complement other projects intended to rehabilitate historic features of the highway (see County File #T2-04-086).

Staff: The proposed project is intended to have beneficial effects on the recreation resources provided by Oneonta Creek and Oneonta Gorge. Currently a trail head and parking area exists to the west of Oneonta Gorge. There is no formal parking at the Oneonta Gorge itself. People pull off of the highway in the large shoulders or walk up the highway from the trailhead. This informal access can prove difficult for people with mobility impairments and can be dangerous especially when pedestrians are on the roadway in curves with sight distance constraints. The improved parking areas and graveled path from the trail head to the historic bridge will improve upon the existing

recreational use of the site by providing safe access to the Historic Bridge and the Gorge that meets the Americans with Disabilities Act (ADA) requirements.

Additional recreation opportunities will be provided by the re-opening of the tunnel. The Oneonta Gorge itself is a scenic resource but restoring the historic tunnel for use by pedestrians will add additional interest to the site while also restoring historic features of the highway.

As noted by the applicant in finding 6, the HCRH currently has approximately 930 average daily trips at Oneonta. The re-opening of the tunnel is not expected to increase this number. The formalization of parking in an area that meets highway design standards and provides site distance for entering and exiting the roadway should improve the functioning of the HCRH. The formalization of parking in an area that does not have sight distance constrains will allow the vehicle movements entering and exiting the site to be more visible to drivers and thereby avoid accidents. Having an ADA accessible pathway that is separated from the vehicular travel lane will also reduce potential conflicts between vehicles using the highway and pedestrians who are making use of the recreational opportunities surrounding Oneonta Gorge.

Criterion met.

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

Applicant: The pedestrian paths are intended solely for non-motorized vehicles (aside from wheelchairs). Bollards (Sheet 2B-2) will be installed at both ends of the historic HCRH alignment in the project area, as well as at both ends of the historic bridge (Sheets 3 and 4) to keep cars and trucks from entering those areas. On special occasions, the historic Oneonta Bridge and Tunnel may be opened to use by historic automobiles, with prior approval from ODOT.

Staff: There are three portions of the project area that will be used by pedestrians. The first is a graveled pathway in the right-of-way that will serve as a sidewalk between the historic bridge and the trail head to the east. This is a new pathway and it will not be open to motorized vehicles.

The second is a graveled pathway connecting the new parking area to the west of the tunnel to the westerly entrance of the tunnel. This pathway is also new and will not be open to motorized vehicles.

The third portion of the project area that will be open to pedestrians is the tunnel itself. This tunnel was originally constructed as part of the highway. It will be restored for use primarily by pedestrians as part of the recreation available at Oneonta Gorge. This historic alignment may on occasion allow historic vehicles to use the tunnel for special events. This use of the tunnel will be limited by the weight restrictions on the historic bridge. The tunnel is neither a pedestrian trail nor an equestrian trail. It is a portion of

the historic highway alignment that is being restored to its historic condition. While ODOT is not proposing using the historic alignment for regular vehicular use due to safety concern and weight restrictions on the historic bridge, this code criterion would not preclude the use of the historic highway tunnel for motorized vehicles.

Criterion met.

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

Applicant: The project will have beneficial, not adverse, effects on the recreation resource. No mitigation is necessary. The project will enhance visitor access and safety in the project area.

Staff: The proposal is intended to restore a historic tunnel to allow recreational use of the tunnel. This will increase the recreational opportunities on the site and will have a positive effect, not an adverse one. While the tunnel opening itself is not predicted to draw additional visitors to the HCRH, it may cause additional visitors to stop at Oneonta. As mitigation for the potential increase in visitors to this site, formalized parking and landscaping will be provided surrounding the current interpretive site at Oneonta Gorge. This project will provide safe and ADA accessible access between both the new formal parking area to the west of Oneonta Creek and the existing trail head to the east of Oneonta Creek. Pedestrians will have a pathway that is formal and separated from cars in order to reach the Oneonta Gorge. The historic stairway will be renovated which should improve its use by people accessing the banks of Oneonta Creek. A pedestrian plaza will also be built to formalize the area between the eastern entrance to the tunnel and the historic bridge. The proposed project will result in a better recreational experience than is currently available at the site by providing both a tunnel and ADA access.

Criterion met.

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

Applicant: Applicable standards are addressed below.

Staff: The proposal is reviewed for compliance with the facility standards in findings throughout section 14 of this report.

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

Applicant: The project does not include development or reconstruction of a scenic route; changes are not proposed for the HCRH itself .

Staff: No new scenic route is proposed. No development of a new scenic route is proposed.

Criterion does not apply.

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

Applicant: The project site is designated RIG 2, and no variance of parking standards is requested.

Staff: Staff concurs. No variance is requested.

Criteria do not apply.

14.8 (8) Accommodation of facilities for mass transportation (bus parking, etc.) shall be required for all new high-intensity (Recreation Intensity Class 3 or 4) day-use recreation sites, except for sites predominantly devoted to boat access.

Applicant: Not applicable.

Staff: The subject proposal is not a high-intensity day-use recreation site. The subject site is Recreation Intensity Class 2.

Criterion does not apply.

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

Applicant: Not applicable.

Staff: The subject proposal does not include any new interpretive or education facilities or programs.

Criterion does not apply.

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

Applicant: Not applicable.

Staff: The subject proposal does not include a change of recreation intensity class.

Criterion does not apply.

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

Applicant: The project will not introduce a new use into the area and, therefore, will not generate additional traffic or change the traffic mix on the HCRH. By providing more defined and safer parking areas and pedestrian paths, thereby better separating pedestrians and motorists on the HCRH, the project will improve safety in the area.

Staff: The HCRH is a well traveled scenic highway. In finding 6 the applicant states that the HCRH at Oneonta already has 930 average daily trips (ADT). Not all of the vehicles counted in this ADT stop at Oneonta. The project site already contains an interpretive display of both Oneonta Creek and the botany of the area along with informal but well used parking areas. The opening of the tunnel may induce some of the traffic already on the HCRH to stop but will not in and of itself create additional traffic on the HCRH.

Criterion met.

14.12 (B) SMA Recreation Intensity Class Standards

(2) Intensity Class 2

Emphasis is to provide semi-primitive recreation opportunities.

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

Applicant: The proposed improvements will enhance the visual quality of the site, and will improve site access and safety. Access to the creek and associated trails will be maintained. The existing interpretive sign (outdoor learning) will be refurbished and relocated to the pedestrian plaza. New pedestrian paths and opening the tunnel to pedestrians will provide safer access to the site; currently, people who park east of the tunnel must walk along the narrow highway shoulder to reach the Oneonta Gorge. Landscaping and other improvements are intended to enhance the recreation experience

at the site.

Staff: The types of recreation already in existence at Oneonta include hiking, outdoor learning based on the interpretive displays, relaxation from viewing the Oneonta Gorge, and escape from noise and crowds by providing access to a highly scenic stream and slot canyon. The proposal will increase opportunities for outdoor learning and relaxation by making an ADA accessible interpretive plaza and opening the historic tunnel. Physical fitness opportunities may be slightly increased by linking the tunnel to the existing parking area at the Oneonta Trailhead via the proposed gravel pathway. These recreational opportunities will continue to be semi-primitive. Neither bathrooms, potable water facilities, nor the installation of electricity are proposed.

Criterion met.

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

Applicant: With the proposed parking improvements, the site will include 19 parking spaces. Design capacity does not exceed 70 people on-site at one time. For example, the proposed pedestrian plaza will be approximately 13 feet wide and 64 feet long-less than 900 square feet in area.

Staff: Staff concurs.

Criterion met.

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

- 1. Campground with vehicle access.**
- 2. Boat anchorages designed for no more than 10 boats at one time.**
- 3. Swimming areas.**

Applicant: All of the proposed uses are permitted in RIC 1 areas:

- trails and trailheads (pedestrian paths)
- parking areas
- viewpoints and overlooks
- signs

Other uses, including restoration and rehabilitation of historic features, landscaping, and stream bank rehabilitation, will enhance the recreation experience at the site but will not encourage more active forms of recreation.

Staff: The only uses that will be present at Oneonta are allowed in Class 1 by MCC 38.7085(B)(1)(c). None of the additional uses allowed by Class 2 are proposed.

Criteria met.

15. The proposed sign at Wahkeena meets the requirements for signs listed in MCC 38.0080.

§ 38.0080 Signs

15.1 (A) Signs in a GMA shall be allowed pursuant to the following provisions:

Staff: The project is in the SMA. The criteria of this section do not apply.

(B) Signs in an SMA shall be allowed pursuant to the following provisions:

15.2 (1) New signs shall be allowed as specified in the applicable land use designation.

Applicant: The sign will be placed in the Special Management Area and is subject to the following criteria (MCC 38.0080(E)):

Staff: The proposed sign at Wahkeena is intended to replace an historic sign that was destroyed in a traffic accident in the 1990's. Since the sign has not existed for over two years, it cannot be replaced under the existing use provisions and must be reviewed under the current standards as a new sign.

Criterion met.

15.3 (2) No sign shall be erected or placed in such a manner that it may interfere with, be confused with, or obstruct the view of any traffic sign, signal or device.

Applicant: The sign will be on the north side of the HCRH. The nearest traffic control signs are both on the south side of the HCRH: one is approximately 700 feet to the west; the other is approximately 400 feet away to the east. The front edge of the proposed sign will be approximately three feet back from the curb; the point face of the masonry sign base will be approximately six feet back from the curb. The sign will meet this standard.

Staff: The elevation drawings of the proposed sign are included as Exhibit F. This will be a wooden sign with a large masonry base. This sign is substantially different from any traffic control device and will not be confused with a traffic control device. The applicant has stated that the sign location will be several hundred feet from any traffic control device and will not interfere with the view of any traffic control device.

Criterion met.

15.4 (3) Pre-existing signs are allowed to continue provided no changes occur in size, structure, color, or message.

Applicant: The sign is not pre-existing, although it will replace a sign that was historically located at the proposed location and removed after being hit by a vehicle. Some of the original rocks and mortar from the historic sign are still at the site.

Staff: The sign is not pre-existing, though it is intended to replace a destroyed historic sign. The abandonment of the sign for a period in excess of two years means the sign cannot qualify as an existing use.

Criterion does not apply.

15.5 (4) All new signs shall meet the following standards, and be consistent with the Manual for Uniform Traffic Control Devices:

(a) Signs shall be maintained in a neat, clean and attractive condition.

Applicant: The sign is an entrance sign; the MUTCD does not apply. ODOT will have maintenance responsibility for the sign and will maintain the sign as needed.

Staff: The proposed sign is not a traffic control device and is therefore not subject to the Manual for Uniform Traffic Control Devices. ODOT has stated that the sign will be maintained as needed.

Criterion met.

15.6 (b) The character and composition of sign materials shall be harmonious with the landscape and/or related to and compatible with the main structure upon which the sign is attached.

Applicant: The sign will be made of unpainted redwood, routed and scorched with the US Forest Service name and shield, similar to that shown on the Entrance Sign plan. The sign is intended to replicate historic US Forest Service signs found throughout the region. A copy of the specifications for the sign is included with this submittal (Exhibit F).

Staff: The subject sign is designed to be a replica of a destroyed historic sign. Elevation drawings of the proposed sign are included as Exhibit F. Photos of a similar existing sign are included as Exhibit I. The proposal has been reviewed by the State Historic Preservation Office (SHPO) and found to be in compliance with the federal guidelines regarding the design of improvements to structures listed on the National Register of Historic Places (Exhibit M). The sign will be made of stone and wood to match the

historic highway elements and will be compatible with the highway as evidenced by SHPO's approval of the sign.

Criterion met.

15.7 (c) Signs shall be placed flat on the outside walls of buildings, not on roofs or marquees.

Applicant: sign will be stand-alone and not related to any existing building. This criterion is not applicable.

Staff: Staff concurs.

Criterion does not apply.

15.8 (d) Signs shall be unobtrusive and have low contrast with the setting and not result in sign clutter or other negative visual effect.

Applicant: The sign will be designed and placed as described above. Surfaces will be natural (wood, stone). The nearest signs are traffic control signs, 400 and 700 feet away and on the opposite side of the highway.

Staff: The subject sign is intended to be a replica of the historic sign that was constructed with the historic highway. The sign will be made of the same stone and wood that all historic highway elements are made of. Since the sign is intended to replicate a portion of the original structure, it will fit seamlessly into the overall setting and have no negative visual effect. This conclusion is supported by SHPO's approval of the sign as meeting the Section 106 standards for the restoration of structures listed on the National Register of Historic Places.

Criterion met.

15.9 (e) The visual impact of the support structure shall be minimized.

Applicant: The sign base will be constructed of stone masonry, similar to many historic features along the HCRH. The stones will be selected to match existing historic structures. The horizontal sign support will be a 6-inch diameter timber with a hewn chamfer end and is also intended to appear similar to and complement existing historic features along the HCRH.

Staff: The support structure is intended to replicate the destroyed historic sign. It will be made in the same style and of the same materials as the existing historic elements. While the sign base will be massive, it will fit with the overall design character of the HCRH, making it seem less obtrusive than if it was made of modern materials such as steel and reflective paint. Making the sign a replica which is constructed to match the HCRH will minimize the visual impact of the support structure.

Criterion met.

- 15.10 **(f) Outdoor sign lighting shall be used for purposes of illumination only, and shall not be designed for, or used as, an advertising display, except for road safety signs.**

Applicant: The sign will not be illuminated.

Staff: No lighting is proposed.

Criterion met.

- 15.11 **(g) Backs of all signs shall be visually unobtrusive, nonreflective, and blend in with the setting.**

Applicant: The sign is double-sided, having a similar appearance from both sides.

Staff: The sign will not have a “back.” Both sides of the sign will be routed redwood with the entry text as shown on Exhibit F. This wood is nonreflective and will blend with the HCRH as it is the material used for all of the original entry sign.

Criterion met.

- 15.12 **(h) Sign internal illumination or backlighting shall not be permitted except for highway construction, warning or safety.**

Applicant: The sign will not be illuminated.

Staff: No lighting is proposed.

Criterion met.

- 15.13 **(5) Temporary signs shall be permitted without review when in compliance with subsection (4) above and the following:**

Staff: No temporary signs are proposed. The criteria do not apply.

Criteria do not apply.

- 15.14 **(6) Public signs shall meet the following standards in addition to subsections (1) through (5) above:**

(a) The Graphic Sign System provides design standards for public signs in and adjacent to public road rights-of-way. All new and replacement public signs shall conform to the guidelines in this system. Types of signs

addressed include recreation site entry, route marker, interpretive, guide, directional, and urban area entry.

Applicant: The sign does not conform to the Graphic Sign System, primarily because it is intended to replicate a historic sign, marking the National Forest entrance, that was removed years ago. While the sign does not conform to the standards, it is not entirely dissimilar in design, and it will complement other public signs in the Scenic Area. It will have a masonry base, like the sign at Wahkeena Falls, and will incorporate the US Forest Service shield, like other Forest Service signs throughout the Scenic Area. The cantilevered design is also used on public signs in the Scenic Area. SHPO has concurred that the proposed Wahkeena sign would not adversely affect historic resources (see correspondence between SHPO and FHWA submitted with this document).

Staff: The subject sign is a public sign but is not one of the sign types covered in the Graphic Sign System. The Graphic Sign System was never intended to disallow the restoration of destroyed historic features. The proposed entry sign to the National Forest is the replacement for a historic entry marker. Since the Graphic Sign System does not include a similar sign type, the applicant has proposed a replica of the destroyed sign.

Criterion met.

15.15 **(b) Signs located outside public road rights-of-way are encouraged to be designed in such a way as to be consistent with similar purpose signs described in the Graphic Signing System.**

Applicant: The sign will be in the public right-of-way.

Staff: Staff concurs. Criterion does not apply.

Criterion does not apply.

15.16 **(c) Signs posted by governmental jurisdictions giving notice to the public shall be no larger than that required to convey the message intended.**

Applicant: The sign itself will measure approximately 2 feet square; the total height will be 8 feet, 2 inches; the base will be approximately 6 feet wide, and the sign will extend out another 3 feet. The sign size is not dissimilar from other Forest Service signs in the Scenic Area. The intent is to replicate the Forest Service sign that was historically at the same location.

Staff: The sign is an entry sign, not a notice sign. This criterion does not apply.

Criterion does not apply.

15.17 (7) Signs for public and commercial recreation facilities, home occupations, cottage industries, and commercial uses shall meet the following standards in addition to subsections (1) through (5) of this section:

Applicant: The proposed sign is not related to the above-listed uses. This criterion is not applicable.

Staff: The sign marks the entry to the National Forest and is not one of the sign types listed above. Criteria do not apply.

Criteria do not apply.

15.18 (8) Prohibited Signs

(a) Advertising billboards.

(b) Signs that move or give the appearance of moving, except signs used for highway construction, warning or safety.

(c) Portable or wheeled signs, or signs on parked vehicles where the sign is the primary use of the vehicle, except for signs used for highway construction, warning or safety.

(d) Interpretative signs on Interstate 84.

Staff: The sign is not one of the above prohibited sign types.

Criterion met.

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

Staff: Insufficient information regarding the steepness of the slopes and the amount of ground disturbing activity associated with the proposed tunnel re-opening 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.

16. 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 restore historic features of the Historic Columbia River Highway (HCRH) at Oneonta Gorge (between mile posts 19.99 and 20.24), formalize parking, open the historic tunnel, and provide wheelchair access as well as rebuild an historic sign marking the entrance to the National Forest at Wahkeena at mile post 17.2 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. Letter from Union Pacific Railroad authorizing application
- C. Site Plans
- D. Creek Restoration Plans and Wetland Delineation
- E. Tunnel Elevations
- F. Sign Elevations
- G. Historic Tunnel Specifications
- H. Staff Photos
- I. Applicant's photos of signs similar to proposed sign at Wahkeena
- J. Margaret Dryden letter regarding Oneonta proposal
- K. Section 106 Determination regarding Oneonta proposal
- L. Margaret Dryden letter regarding Wahkeen sign proposal
- M. Section 106 Determination regarding Wahkeen sign proposal
- N. Letter from Friends of Columbia Gorge
- O. AINW Qualifications Information
- P. Copy of Letter sent to Tribes regarding Cultural Resources
- Q. Erosion Control Plan
- R. Email from Forest Service Biologist regarding mitigation plan
- S. Letter from ODFW biologist regarding mitigation plan
- T. Multnomah County Wildlife Map
- U. October 26, 2005 email from Devin Simmions retracting suggested conditions