



MULTNOMAH COUNTY
LAND USE AND TRANSPORTATION PROGRAM
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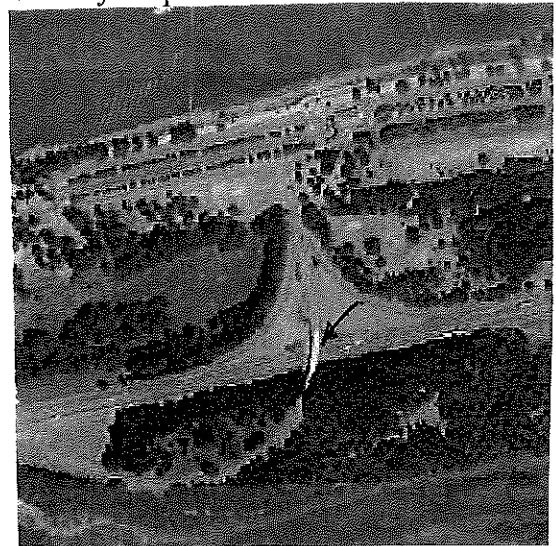
NOTICE OF DECISION

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

Case File: T2-2011-1968
Permit: Administrative Modification of
Conditions Established in Prior Case
Location: Rooster Rock I-84 overcrossing
Township 1 North, Range 5 East, W.M.,
Section 30
**Applicant/
Owner:** Kristen Stallman, ODOT
Base Zone Gorge Special Recreational District

Vicinity Map

N↑



Summary: This request is for Administrative Modification of Conditions Established in Prior Case to amended Case T2-2011-1676 Condition Number 2 to allow the protective screens for the Rooster Rock overcrossing to be painted "Gauntlet Gray" and allow the nine inches added to the support columns to be left as unpainted concrete or be painted "Gauntlet Gray" instead of "Dapper Brown".

Decision: **Approved with Conditions** to allow the protective screen to be painted "Gauntlet Gray" and the nine inches added to the support columns to be left as unpainted concrete.

Unless appealed, this decision is effective **January 6, 2012 at 4:00 PM.**

Issued by:

By: /
George A. Plummer, Planner

For: Karen Schilling- Planning Director

Date: December 23, 2011

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 George Plummer, Staff Planner at 503-988-3043 ext 29152.

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 January 6, 2012 at 4:00 PM..

Applicable Approval Criteria: Multnomah County Code (MCC): MCC 38.7040: SMA Site Review
Applicable sections for this limited review.

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/landuse>.

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 as required. The property owner may request to extend the timeframe within which this permit is valid, as provided under MCC 38.0690 and 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. The proposed screen shall be painted "Gauntlet Gray" as outlined by the I-84 Corridor Strategy. The additional nine inches added to the existing concrete support columns is allowed to be left as unpainted concrete. [MCC 38.7040(A)(1) & (3) and MCC 38.7040(C)(2) & (5)]

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.

Findings of Fact

FINDINGS: Written findings are contained herein. The Multnomah County Code (MCC) criteria and Comprehensive Plan Policies are in **bold** font. Staff analysis and comments are identified as '**Staff:**' and address the applicable criteria. Staff comments may include a conclusionary statement in *italic*.

1. PROJECT DESCRIPTION

Staff: Administrative Modification of Conditions Established in Prior Case to amended Case T2-2011-1676 Condition Number 2 to allow the protective screens for the Rooster Rock overcrossing to be painted "Gauntlet Gray" and allow the nine inches added to the support columns to be left as unpainted concrete or be painted "Gauntlet Gray" instead of "Dapper Brown" required by Condition Number 2 of Case T2-2011-1676.

Case T2-2011-1676 approved a proposal is to raise the Roster Rock overcrossing nine inches (adding to support columns) to improve clearance for traffic traveling on I-84 and to add protective eight foot tall, protective screens required by federal highway regulations on both side of overcrossing approximately 100 feet long tapering at the ends. The site is within the Gorge Special Recreational District and within the River Bottomlands Landscape Setting (Exhibit B.2).

The request is only to modify condition Number 2 of Case T2-2011-1676 thus this decision will only include findings address the Multnomah County Code section that apply to that condition.

2. SITE DESCRIPTION

Staff: The project for Case T2-2011-1676 is located on an existing I-84 overcrossing. Currently the overcrossing is the lowest along I-84 in the Columbia River Gorge. The overcrossing has been hit by over-height trucks in the past. Currently over-height trucks can not pass under this overcrossing. These trucks have to exit the highway, travel into Rooster Rock State Park parking area and turn around to re-enter the highway. The project for Case T2-2011-1676 project will remedy this problem. This overcrossing currently does not have screening installed. The Federal Highway Administration requires that when an overcrossing is modified that safety screening be installed to prevent objects being tossed on to traffic below (Exhibit B.3). This case is to modify condition Number 2 of Case T2-2011-1676 to allow for the extension to the column to be left as unpainted concrete and the screen be painted "Gauntlet Gray" instead of "Dapper Brown as specified in the I-84 Corridor Strategy.

3. NSA SMA SCENIC SITE REVIEW CRITERIA

3.1. MCC 38.7040(A) All Review Uses and Conditional Uses visible from KVAs. This section shall apply to proposed development on sites topographically visible from KVAs:

Staff: The proposed use is visible the following KVAs: I-84, Rooster Rock State Park, Crown Point, the Columbia River, SR14, and Larch Mountain. The proposed development is located in the immediate foreground of I-84, as part of the I-84 infrastructure, and is located within the I-84 scenic corridor. For I-84 development proposals MCC 38.7040(C)(2) applies and allows the use if the development can not meet the criterion under MCC 38.7040(A).

3.1.1. MCC 38.7040(A)(1): New developments and land uses shall be evaluated to ensure that the scenic standard is met and that scenic resources are not adversely affected, including cumulative effects, based on the degree of visibility from Key Viewing Areas.

Staff: The applicable scenic standard is “visually subordinate.” The development cannot fully meet this standard, because it is located directly above I-84 on a highway overcrossing which would not allow for screening vegetation. The proposed development is located in the immediate foreground of I-84, as part of the I-84 infrastructure, and is located within the I-84 scenic corridor (MCC 38.7040(C)(5). For I-84 development proposals in the immediate foreground, within the roadway prism, code section MCC 38.7040(C)(2) applies and allows the use if the development can not meet the criterion under MCC 38.7040(A).

The proposed development is designed and sited to meet the applicable scenic standards, to the degree possible from the foreground of the KVA. The development uses low-reflective materials and design to reduce reflectivity. The screening, which is the most potentially visible component of the project, is proposed to be painted “Gauntlet Gray”. The gray color is designated for this use in the I-84 corridor plan because it blends in better to the back ground of the sky as seen from the highway. The protective screening will be visible for a short period of time for those traveling along I-84 with the sky predominately in the background. The proposed screening meets the provisions adopted in the I-84 corridor strategy for design and color (Exhibit A.2, and B.3).

The additional nine inches to be added to the existing overcrossing support columns is proposed to be natural cement color blending with the nature cement color of the existing columns. The columns are also located within the foreground of the subject KVA and will only be visible from the highway while passing under the overcrossing. The unpainted concrete meets the requirements of MCC 38.7040(C)(2) for development in the foreground of a KVA (See findings for MCC 38.7040(C) under Section 3.2 of this decision).

At the distance from the other listed KVAs the screening will blend into the surrounding natural environment and will be visually subordinate. The proposed development is designed to meet the I-84 Corridor Strategy standards and given the gray earth tone color for the screen and the grayish nature cement color and shaded location for the addition to the existing support columns under the overcrossing, the development will not have cumulative effects the KVAs. *This criterion is met for all applicable KVAs except for I-84 which is allowed through MCC 38.7040(C)(2) and the I-84 Corridor Strategy.*

3.1.2. MCC 38.7040(A)(2) The required SMA scenic standards for all development and uses are summarized in the following table.

REQUIRED SMA SCENIC STANDARDS		
LANDSCAPE SETTING	LAND USE DESIGNATION	SCENIC STANDARD
River Bottom	Forest, Agriculture, Public Recreation	Visually Subordinate

Staff: The site is within the Gorge Special Recreational District and within the River Bottomlands Landscape Setting. This application is evaluated using the “Visually Subordinate” scenic standard. *This criterion is met.*

3.1.3. MCC 38.7040(A)(3) In all landscape settings, scenic standards shall be met by blending new development with the adjacent natural landscape elements rather than with existing development.

Staff: For this project it is not possible to fully blend the new development with the natural landscape because it is highway infrastructure, however by using “Gauntlet Gray” an earth tone color as provided in the I-84 Corridor Strategy from a distance the screening will blend in into the background vegetation or shadows as seen from the KVAs other than I-84 KVA.

The additional nine inches to be added to the existing overcrossing support columns is proposed to be natural cement color blending with the nature cement color of the existing columns. The columns are also located within the foreground of the subject KVA and will only be visible from the highway as the vehicle passes under the overcrossing. The proposed unpainted concrete meets the requirements of MCC 38.7040(C)(2) for development in the foreground of a KVA.

This criterion is partially met for all applicable KVAs except for I-84 which is allowed through MCC 38.7040(C)(2) and the I-84 Corridor Strategy.

3.1.4. MCC 38.7040(A)(5) The extent and type of conditions applied to a proposed development or use to achieve the scenic standard shall be proportionate to its degree of visibility from key viewing areas.

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

- 1. The amount of area of the building site exposed to key viewing areas,**
- 2. The degree of existing vegetation providing screening,**
- 3. The distance from the building site to the key viewing areas from which it is visible,**
- 4. The number of key viewing areas from which it is visible, and**
- 5. The linear distance along the key viewing areas from which the building site is visible (for linear key viewing areas, such as roads).**

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

- 1. Siting (location of development on the subject property, building orientation, and other elements),**
- 2. Retention of existing vegetation,**
- 3. Design (color, reflectivity, size, shape, height, architectural and design details and other elements), and**
- 4. New landscaping.**

Staff: These elements were used when feasible for writing the conditions and per MCC 38.7040(C)(2) and the elements of the I-84 Corridor Strategy were also used when writing conditions. *This criterion is met.*

3.1.5. MCC 38.7040(A)(10) Unless expressly exempted by other provisions in this chapter, colors of structures on sites visible from key viewing areas shall be dark earth-tones found at the specific site or the surrounding landscape. The specific colors or list of acceptable colors shall be included as a condition of approval. The Scenic Resources Implementation Handbook will include a recommended palette of colors as dark or darker than the colors in the shadows of the natural features surrounding each landscape setting.

Staff: The proposed fencing will be an earth tone color, “Gauntlet Gray”, as outlined in the I-84 Corridor Strategy (Exhibit A.2). The nine inch additions to the columns, proposed to be natural cement color, will blend with the existing columns which are located within the foreground of I-84 KVA and in the shaded area under the overcrossing. The proposed unpainted concrete meets the

requirements of MCC 38.7040(C)(2) for development in the foreground of a KVA. *This criterion is partially met for all applicable KVAs except for I-84 which is allowed through MCC 38.7040(C)(2) and the I-84 Corridor Strategy.*

3.2. MCC 38.7040(C) SMA Requirements for KVA Foregrounds and Scenic Routes

3.2.1. MCC 38.7040(C)(1) All new developments and land uses immediately adjacent to the Historic Columbia River Highway, Interstate 84, and Larch Mountain Road shall be in conformance with state or county scenic route standards.

Staff: The proposed development is in compliance with the I-84 Corridor Strategy thus it is in conformance with state scenic route standards. *This criterion is met.*

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

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

(b)Findings must evaluate the following:

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

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

- 1. Form and Line-Design of the development shall minimize changes to the form of the natural landscape. Development shall borrow form and line from the landscape setting and blend with the form and line of the landscape setting. Design of the development shall avoid contrasting form and line that unnecessarily call attention to the development.**
- 2. Color-Color shall be found in the project's surrounding landscape setting. Colors shall be chosen and repeated as needed to provide unity to the whole design.**
- 3. Texture-Textures borrowed from the landscape setting shall be emphasized in the design of structures. Landscape textures are generally rough, irregular, and complex rather than smooth, regular, and uniform.**
- 4. Design-Design solutions shall be compatible with the natural scenic quality of the Gorge. Building materials shall be natural or natural appearing. Building materials such as concrete, steel, aluminum, or plastic shall use form, line color and texture to harmonize with the natural environment. Design shall balance all design elements into a harmonious whole, using repetition of elements and blending of elements as necessary.**

Staff: The proposed development is located in the immediate foreground of I-84, as part of the I-84 infrastructure, and is located within the I-84 Corridor Strategy area. For such a development MCC 38.7040(C)(2) applies and allows the use if the development can not meet criteria under MCC 38.7040(A), see Sections under 4.1 above for the findings. There are some criteria under MCC 38.7040(A) that could not be fully met for all visible KVAs, applicable KVAs, as well as for the I-84 KVA but are partially met for the applicable KVAs. The proposed development is designed and sited to meet the applicable scenic standards as best it can and to meet the standards from the foreground of the I-84 KVA the best it can while still being able function as designed in a safe manner.

The development cannot fully meet the scenic criteria standards of MCC 38.7040(A) because the project is located directly above I-84 on an overcrossing which would not allow for vegetative screening. The project can not be reduced in size because the size is designed to accommodate vehicle height of vehicles using I-84 and the height of the other overcrossing along the highway. The screen fencing is required by federal regulation to the height proposed for highway safety. The project is site specific to the location, the Rooster Rock overcrossing, thus alternative siting is not an option. The screening curvature design reduces reflectivity to a low level. The screen is proposed to be painted "Gauntlet Gray" an earth tone color, that is the I-84 Corridor Strategy selected color to apply to overpass screening. The project does not include any large areas of smooth texture, regular, uniform textures. The additional nine inches of support column, located in the shaded area directly under the bridge, is proposed to be the natural cement color generally matching the existing column thus not drawing attention to it, in its shaded location. The project is designed to meet the standard as much as possible. *The project meets these criteria using the guidelines.*

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3.2.3. MCC 38.7040(C)(5) Development along Interstate 84 and the Historic Columbia River Highway shall be consistent with the scenic corridor strategies developed for these roadways.

Staff: The proposed development meets the I-84 Corridor Strategy through the design and the "Gauntlet Gray" color of the screening and the existing color of the cement for the additional nine inches of support column. *This criterion is met.*

4. Letters of Comment Received

Staff: We received the following comments:

- An email with attached letter submitted by Marge L. Dryden, Heritage Program Manager, US Forest Service stating that a cultural resources survey is not required for the proposed modifications (Exhibit C.1).
- An email with attached letter from Richard Till, Conservation Legal Advocate, Friends of the Columbia Gorge which outlines the criteria which we must address in this decision. The findings in the previous sections of this decision address the applicable criteria (Exhibit C.3).

5. Conclusion

Based on the findings and other information provided above, the applicant has carried the burden necessary for the Administrative Modification of Conditions Established in Prior Case to amended Case T2-2011-1676 Condition Number 2 to allow the protective screen for the Rooster Rock overcrossing to be painted "Gauntlet Gray" and allow the nine inches added to the support columns

to be left as unpainted concrete on the Rooster Rock Overcrossing in the Gorge Special Recreation Zone District. This approval is subject to the conditions of approval established in this report.

6. Exhibits

‘A’ Applicant’s Exhibits

‘B’ Staff Exhibits

‘C’ Comments Received

Exhibit #	# of Pages	Description of Exhibit	Date Received/ Submitted
A.1	1	Application form	11/2/11
A.2	2	Narrative and addendums including I-84 Corridor Strategy color chart	11/2/11
‘B’	#	Staff Exhibits	Date
B.1	1	A&T Tax Map with site highlighted	NA
B.2	1	Zoning Map	NA
B.3	1	Drawing representing approved screen design	NA
‘C’	#	Comments Received (if needed)	Date
C.1	5	An email with attached letter submitted by Marge L. Dryden, Heritage Program Manager, US Forest Service	11/18/11
C.2	2	An email with attached letter from Richard Till, Conservation Legal Advocate, Friends of the Columbia Gorge.	12/14/11