



**MULTNOMAH COUNTY**  
**LAND USE AND TRANSPORTATION PROGRAM**  
1600 SE 190<sup>TH</sup> Avenue Portland, OR 97233  
PH: 503-988-3043 FAX: 503-988-3389  
<http://www.multco.us/landuse>

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## NOTICE OF DECISION

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

**Case File:** T2-2012-2251

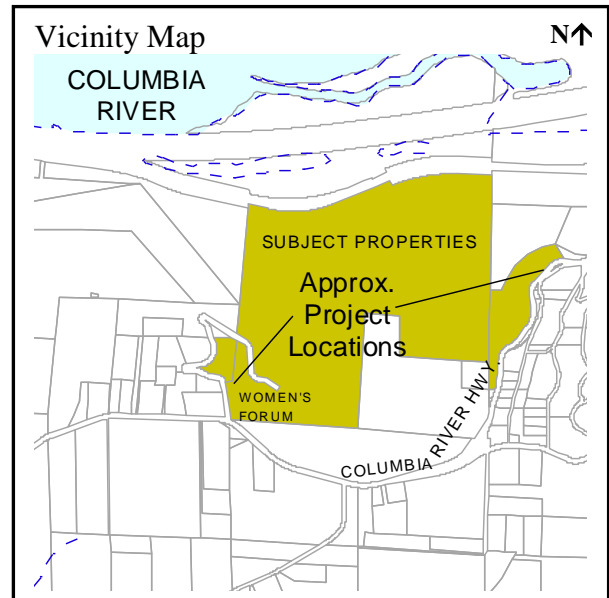
**Permit:** National Scenic Area Site Review

**Location:** Women's Forum and Historic Columbia River Highway near Crown Point  
Tax Lot 200, Section 25D, &  
Tax Lot 1300, Section 25CD  
Township 1 North, Range 4 East, W.M.  
& Tax Lot 700 Section 30C  
Township 1 North, Range 5 East, W.M.

**Applicants:** Oregon Dept. of Transportation

**Owners:** Oregon Parks and Recreation Department

**Base Zone:** Gorge Special Open Space



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**Summary:** Restore historic scenic views from the Women's Forum and along Historic Columbia River Highway near Crown Point within the Gorge Special Open Space (GSO) Zone District with on-going minor vegetative maintenance at the subject sites.

**Decision:** Approved with Conditions

Unless appealed, this decision is effective August 10, 2012, at 4:00 PM.

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Issued by:

By: \_\_\_\_\_  
George A. Plummer, Planner

For: Karen Schilling- Planning Director

Date: July 27, 2012

**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 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 August 10, 2012, at 4:00 PM.**

**Applicable Approval Criteria:** Multnomah County Code (MCC) and Multnomah County Road Rules (MCRR): MCC 38.7000: SMA Site Review Criteria and MCC 38.7345: Resource Enhancement Projects

Copies of the referenced Multnomah County Code (MCC) and Multnomah County Road Rules (MCRR) 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> or <http://web.multco.us/transportation-planning>.

### **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; action has not been initiated by that date. 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. The applicant shall ensure the project follows the narrative and plan submitted (Exhibit A.2, and Exhibit A.3, Applicant's Appendix A) with the revision the US Forest Service has placed on the project outlined in Exhibit A.2, and Exhibit A.3, Applicant's Appendix B. As required by ODFW, the project work period shall begin no sooner than August 1<sup>st</sup> to avoid impacts on nesting migratory birds. The project is scheduled to be done during the fall to limit impact on nesting birds. On on-going minor vegetative maintenance at the subject sites shall occur in not prior to August 1<sup>st</sup> of the year and shall

be limited to maintaining the views through managing the understory vegetation and tree saplings at the specific sites approved through this decision (Exhibit A.2 and Exhibit A.3, Applicant's Appendices A and B). Any soil disturbed shall be seeded with native grass seed mix when the project is complete [MCC 38.7075 and MCC 38.7345(B)(3)]

2. Due to invasive plant species, garlic mustard weed being located in the area, the applicant shall implement best management practices and seek advice about controlling the spread of garlic mustard weed from the East County Soil and Water Conservation District as well as implementing that advice to prevent the spread of this invasive plant species. [MCC 38.7075 and MCC 38.7075(H)]

**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

**Note on 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:** The proposal is to restore historic scenic views from the Women’s Forum and along Historic Columbia River Highway near Crown Point within the Gorge Special Open Space (GSO) Zone District. The project involves removal of minimal amount of vegetation in these locations and then maintaining the views through minor vegetative management on an on-going basis. The vegetation to be removed is obscuring historic scenic views from the locations, the Women’s Forum State Park View-Point and the north side of the Historic Columbia River Highway approach to Crown Point. The project is thoroughly described in the applicant’s submittal included as Exhibits A.1 through A.4, and in locational detail in Exhibit A.3, Applicant’s Appendices A and B.

The first phase for project includes vegetation management will entail the removal of trees and shrubs to provide an opening for the historic views. Thereafter, vegetation management will become part of a routine maintenance plan to maintain the open view at these sites as described in detail in Exhibit A.3, Appendices A and B.

### **2. PROPERTY DESCRIPTION & HISTORY:**

**Staff:** Following is the applicant’s general description of the sites and proposed project:

The Columbia River Highway, America's first scenic highway, was an engineering feat when it was built in the 1920's. When the road was first installed it was a one of a kind recreational opportunity that was specifically designed to connect visitors to the majestic views as one drove from Portland to The Dalles. The Historic views of the Columbia River Gorge included geologic features such as Cape Horn, iconic buildings such as the Vista House, waterfalls, the pastoral and mountain landscapes. In the last 90 years, the grand views have disappeared behind tall trees and understory shrubs. Many of the classic views captured in historic photos, postcards, and held in people's memories cannot be seen today. In order to bring back the views, Oregon Department of Transportation is collaborating with US Forest Service, Oregon Parks and Recreation Department, and the HCRR Advisory Committee in the assessment and documentation of the cultural and scenic qualities of the viewsheds.

The Scenic Area Management Plan specifically addresses scenic enhancement strategies in Chapter 3 -Enhancement Strategies by stating:

*2. Improve the visual and recreational quality of the scenic travel corridors by implementing the recommendations in the Corridors Visual Inventory (April 1990) and the highway corridor strategies for Washington Route 14, Interstate 84, the Historic Columbia River Highway.*

*(7) Create or restore openings in vegetation along Washington State Route 14, Interstate 84, and the Historic Columbia River Highway to provide or improve views of the Columbia River and the walls of the Gorge in a manner that does not adversely affect scenic, cultural, natural, or recreation resources along the Scenic Area.*

The intent of this viewshed management project is to identify viewshed locations, provide treatments, and implement vegetation management in multiple phases. View shed assessment was initially based on cultural and scenic qualities and followed by an assessment for environmental impacts, maintenance, and

safety. Of the 45 viewsheds that were initially examined, the following three pilot study locations were selected:

- 1) Women's Forum -North (IN4E25CD Tax Lot: 1300)
- 2) Women's Forum -South (IN4E25D Tax Lot: 200)
- 3) Approach to Crown Point (IN5E30C Tax Lot: 700)

The sites are located with Slope Hazard overlay however the proposed project does not require a Hillside Development permit because given the proposed project is not development and includes minor selective tree removal (not clearing) leaving the roots in place with minimal ground disturbance related to removal of understory vegetation it does not meet the threshold for requiring a Hillside Development permit.

### **3. BASE ZONE CRITERIA**

#### **3.1. Review Uses**

**MCC 38.2625(D):** The following uses may be allowed on lands designated GSO, pursuant to MCC 38.0530(B), when consistent with an open space plan approved by the U.S. Forest Service and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7085 have been satisfied:

- (2) **Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation and/or natural resources, subject to MCC 38.7345. These projects may include vegetation management and forest practices (subject to MCC 38.7370 for the restoration of forest health, new structures (e.g., fish ladders, sediment barriers) and/or activities (e.g., closing and revegetating unused roads, recontouring abandoned quarries).**

**Staff:** The proposed project is a resource enhancement project for the purpose of enhancing scenic resources. The portion of the project near Crown Point has been determined to be consistent with the open space plan by the U.S Forest Service (Exhibit C.9). The Women's Forum area appears to not be included in a U.S. Forest Service Open space plan. That area is directly adjacent to the Crown Point open space area and shares most of the physical and biological characteristics of the that area. Given the proposed action is not a new land use or development and involves a minor amount of vegetation removal to re-establish historic views per the *Columbia River Gorge National Scenic Area Management Plan*, this project is consistent with the open space designation. Following are the findings for the NSA Site Review criteria and standards of MCC 38.7000 through 38.7085 and MCC 38.7345 demonstrating these criteria and standards have been met for the project.

### **4. SMA SITE REVIEW**

#### **4.1. 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:**

- 4.1.1. MCC 38.7040(A): All Review Uses visible from KVAs. This section shall apply to proposed development on sites topographically visible from KVAs:**

**MCC 38.005: Definitions – Development – Any mining, dredging, filling, grading, paving, excavation, land division, or structure, including but not limited to new construction of a building or structure.**

**Staff:** The proposed project is to remove vegetation that is obscuring historic views at locations described in detail in Exhibit A.2, Applicant's Appendix A, the Women's Forum State Park View-Point and the north side of the Historic Columbia River Highway approach to Crown Point. The proposed project does not meet the definition of development. The criteria and standards in MCC 38.7040(A) are for review of development. *Thus the standards under MCC 38.7040(A) are not applicable.*

- 4.1.2. MCC 38.7040(B): The following shall apply to all lands within SMA landscape settings regardless of visibility from KVAs (includes areas seen from KVAs as well as areas not seen from KVAs):**

\* \* \*

**MCC 38.7040(B)(2): Coniferous Woodlands and Oak-Pine Woodland: Woodland areas shall retain the overall appearance of a woodland landscape. New developments and land uses shall retain the overall visual character of the natural appearance of the Coniferous and Oak/Pine Woodland landscape.**

**Staff:** The proposed project is in the Coniferous Woodlands SMA Landscape Setting. The proposed project does not meet the definition of development nor is it a land use. *Thus the standards under MCC 38.7040(B)(2) are not applicable.*

- 4.1.3. MCC 38.7040(C): SMA Requirements for KVA Foregrounds and Scenic Routes**

\* \* \*

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

**Staff:** The portion of the project at the Women's Forum is not right-of-way. The portion of the project for the approach to Crown Point is partially in the right-of-way. The proposal for that site will include removal of a big leaf maple tree, some saplings and shrubs. The removal of the tree and the other vegetation will not negatively impact the views from Key Viewing Areas because the dense vegetative growth on both sides along the highway. The roadside vegetation management will enhance views out from the highway, it will create a small opening to provide a vista of Crown Point Vista House as well a other spectacular views of the Columbia River Gorge as seen from the highway. *This standard is met.*

## **5. SMA CULTURAL RESOURCE REVIEW CRITERIA**

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

**Finding:** A Cultural Resource Survey Determination from Margaret L. Dryden, Heritage Resource Program Manager, USFS, Columbia River Gorge National Scenic Area states, "A

Cultural Resource Reconnaissance Survey is: Not Required” and “A Historic Survey is: Not Required”. We received a letter of comment from Dennis Griffin, Ph.D., RPA, State Archeologist, states a general concern for archeological resources given there has been no previous cultural resource survey of the area, stating that caution should be used for ground disturbing activities. The project does not include soil disturbance other than some minor amount associated with limited root removal of understory vegetation (larger tree roots are to remain in-place). No substantive comment of specific knowledgeable concern of the project related to cultural resources was received. Given the determination by Ms Dryden the cultural resource review criteria shall be deemed satisfied. *This standard is met.*

## **6. SMA NATURAL RESOURCE REVIEW CRITERIA**

**MCC 38.7075: All new developments and land uses shall be evaluated using the following standards to ensure that natural resources are protected from adverse effects. Comments from state and federal agencies shall be carefully considered.**

**Staff:** The proposed view shed restoration (vegetation removal) project is not new development or land use. We have carefully considered comments submitted by the state and federal agencies and will include a condition of approval addressing these comments (Exhibits C.3 and C.8). *This standard is met through a condition.*

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

**Staff:** The project is not located in a buffer zone of a wetland, stream, lake, or pond. *This standard is met.*

- 6.2. MCC 38.7075(H): Protection of sensitive wildlife/plant areas and sites shall begin when proposed new developments or uses are within 1000 feet of a sensitive wildlife/plant site and/or area. Sensitive Wildlife Areas are those areas depicted in the wildlife inventory and listed in Table 2 of the Management Plan titled “Types of Wildlife Areas and Sites Inventoried in the Columbia Gorge”, including all Priority Habitats Table. Sensitive Plants are listed in Table 3 of the Management Plan, titled “Columbia Gorge and Vicinity Endemic Plant Species.” The approximate locations of sensitive wildlife and/or plant areas and sites are shown in the wildlife and rare plant inventory.**

**Staff:** The proposed view shed restoration (vegetation removal) project is not new development or land use. The project is located more than 1000 feet from sensitive wildlife/plant areas and sites, as confirmed by the Pam Porter, Biologist, ODOT (Exhibit A.2). Thus the project does not activate the protective process for the protection of sensitive wildlife/plant areas and sites.

In addition the applicant has worked with USFS biologists to ensure there are no negative impacts to sensitive wildlife species. Robin Dobson, Ecologist, USFS has submitted an email, dated July 5, 2012 (Exhibit C.8) stating that limitations have been placed on the proposed project to limit the number of trees and bushes removed. Mr. Dobson states, “We were careful to ensure that the project would be consistent with protection of the scenic and natural resources as required through the Management Plan.” In an email dated May 21, 2012, Elizabeth J. Ruther, Habitat Conservation Biologist, ODFW (Exhibit C.3) requested that the vegetation removal be scheduled “after August

1<sup>st</sup> would lessen impact to nesting migratory birds.” The project is scheduled to be done during the fall to limit impact on nesting birds. A condition will require that they follow the plan worked out with the USFS and that the project be done during the fall.

In addition to the comments detail above it has come to our attention that these areas are infested with the invasive plant species, garlic mustard weed. This weed is very tenuous and spreads easily through seeds and improper disposal. Best management practices as detailed thought the East County Soil and Water Conservation District can prevent the spread of this weed, a condition will require this. *This standard is met through a condition.*

## **7. SMA RECREATION RESOURCE REVIEW CRITERIA**

**MCC 38.7085(A): The following shall apply to all new developments and land uses.**

**Staff:** The proposed view shed restoration (vegetation removal) project is not new development or land use. *These standards are not applicable.*

## **8. RESOURCE ENHANCEMENT PROJECTS**

- 8.1. MCC 38.7345(A): Applications for resource enhancement projects must describe the goals and benefits of the proposed enhancement project. They must also thoroughly document the condition of the resource before and after the proposed enhancement project.**

**Staff:** The applicant’s submittal describes the goals and benefits of the proposed enhancement project as well as documenting the condition of the resource before and after the proposed enhancement project. *This standard is met.*

- 8.2. MCC 38.7345(B): In addition to other provisions that protect scenic, cultural, recreation, and natural resources, quarry enhancement projects shall comply with the following provisions:**

**Staff:** See findings below. *These standards are met.*

- 8.2.1. MCC 38.7345(B)(1): Application Requirements. In addition to other applicable requirements, land use applications for quarry enhancement projects shall include perspective drawings of the site as seen from key viewing areas and a reclamation plan that shall include:**

- (a) A map of the site, at a scale of 1 inch equals 200 feet (1:2,400) or a scale providing greater detail, with 10-foot contour intervals or less, showing pre-reclamation existing grades and post-reclamation final grades; locations of topsoil stockpiles for eventual reclamation use; location of catch basins or similar drainage and erosion control features employed for the duration of the use; and the location of storage, processing, and equipment areas employed for the duration of the use.**
- (b) Cross-sectional drawings of the site showing pre-reclamation and post-reclamation grades.**
- (c) Descriptions of the proposed use, in terms of estimated quantity and type of material removed, estimated duration of the use, processing activities, etc.**
- (d) Description of drainage/erosion control features to be employed for the duration of the use.**



- (e) **A landscaping plan providing for revegetation consistent with the vegetation patterns of the subject landscape setting, indicating species, number, size, and location of plantings for the final reclaimed grade, as well as a description of irrigation provisions or other measures necessary to ensure the survival of plantings.**

**Staff:** The applicant's submittal included the required information. *This standard is met.*

\* \* \*

**8.2.2. MCC 38.7345(B)(3): Natural Resource Standard. Sites shall be replanted using native plants found in the landscape setting or ecoregion to the maximum extent practicable.**

**Staff:** No replanting is needed for this vegetation removal project, other than seeding with native grass the minor soil disturbance from understory vegetation removal. Most of the understory vegetation will remain except for some bushes that will be cut back or removed. *This standard is met through a condition.*

## **9. CCOMMENTS**

**Staff:** We have received emails and letters commenting on the proposal from four neighborhood property owners, Sara Grigsby (Exhibit C.1), Brian & Cynthia Winter (Exhibit C.5), and Frank C. Motley (Exhibit C.6), as well as Rick Till, Friends of the Columbia Gorge (Exhibit C.2).

The comments include a concern about the existence of garlic mustard weed and the potential for its spread. Given the significant impact in the area of this non-native invasive plant and its prolific ability to spread when disturbed, we will include a condition that the East County Soil and Water Conservation District be consulted prior to the beginning of the project to include a plan to prevent the spread of garlic mustard weed due to the project.

A summary of other comments includes concerns about removing trees, possible danger of open views for the highway related to driving safety, removing tree overhanging highway instead and removing the fence at Women's Forum to provide better views. Re-establishing some of the historic views was adopted as a goal of the Columbia River Gorge National Scenic Area Management Plan. The tree removal has been kept to a few trees to provide some of the historic views from these areas. This proposal has been reviewed according to the County Code for this type of project. While there are other issues of concern that were included in these comments those will need to be resolved in the proper forums for those issues and may require a NSA Site Review. However this application is specific to what is described in Exhibit A.3, Appendices A and B and can not be amended by County Land Use Planning to include other projects.

The letter from the Friends of the Columbia Gorge addressed code sections to review for this permit as well as concern about invasive species. We have addressed the applicable code sections for this permit and included a condition to address garlic mustard weed.

We have also received emails and a letter from interested agency staff people including, Dennis Griffin, Ph.D., RPA, State Archeologist, SHPO, (Exhibit C.4); Elizabeth J. Ruther, Habitat Conservation Biologist, ODFW, (Exhibit C.3); Margaret L. Dryden, Heritage Resource Program Manager, USFS, (Exhibit C.7); Robin Dobson, Ecologist, USFS (Exhibit C.8) and Lynn Burditt, Area Manager, USFS (Exhibit C.9). These comments have been previously cited and discussed in the findings in the previous section of this decision.

## 10. CONCLUSION

Based on the findings and other information provided above, the applicant has carried the burden necessary for the NSA Site Review to remove vegetation to re-establish views in the GSO Zone. This approval is subject to the conditions of approval established in this report.

## 11. 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	4/12/12
A.2	27	Narrative addressing code	4/12/12
A.3	61	Applicant’s Narrative Appendix A through E	4/12/12
A.4	2	Aerial Photos of project areas	4/12/12
‘B’	#	Staff Exhibits	Date
B.1	6	A&T Property Information	NA
B.2	3	A&T Tax Map with Property Highlighted	NA
B.3	1	2010 Aerial Photo of project areas	NA
‘C’	#	Comments Received	Date
C.1	1	Email from Sara Grigsby	5/19/12
C.2	14	Email with attached letter from Rick Till, Friends of the Columbia Gorge	5/21/12
C.3	1	Email from Elizabeth J. Ruther, ODFW	5/21/12
C.4	1	Letter from Dennis Griffin, Ph.D., RPA, State Archeologist	5/23/12
C.5	1	Letter from Brian & Cynthia Winter	5/23/12
C.6	1	Letter from Frank C. Moss	5/23/12
C.7	1	Email from Margaret L. Dryden, Heritage Resource Program Manager, USFS, with Cultural Resource Survey Determination attached	5/25/12
C.8	1	Email from Robin Dobson, USFS	7/5/12
C.9	1	Letter submitted July 27, 2012 by Lynn Burditt, USFS Area Manager	7/27/12