

**MULTNOMAH COUNTY****LAND USE AND TRANSPORTATION PROGRAM**1600 SE 190TH Avenue Portland, OR 97233

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

<http://www.multco.us/landuse>

NOTICE OF DECISION

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

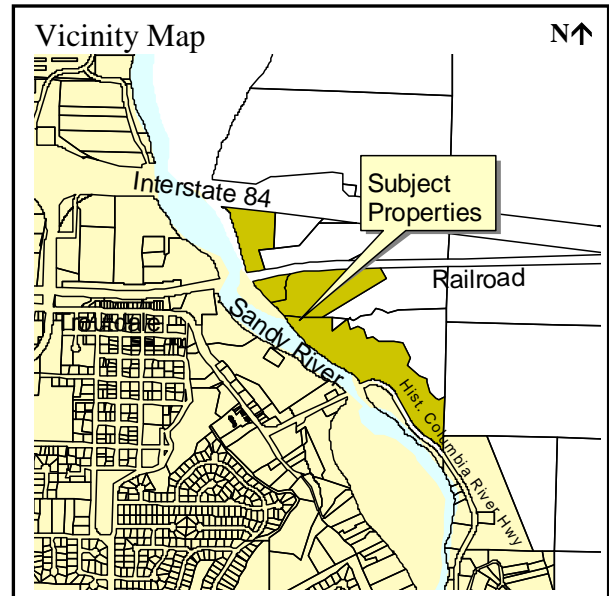
Case File: T2-2013-2768

Permit: National Scenic Area Site Review

Location: Along the Sandy River and Jordan Road
just south of Interstate-84
Tax Lots 300, 700, 800, 900, Section 25,
Township 1N, Range 3E, W.M.
R943250280, R943251320,
R943251310 and R943252260

Applicant: OTAK, Incorporated
Oregon State Department of Parks and
Recreation

Owner: Oregon State Department of Parks and
Recreation



Summary: Construct a pedestrian/bicycle path adjacent to the Sandy River as part of the Lewis and Clark State Recreation Site

Decision: Approved with Conditions

Unless appealed, this decision is effective Tuesday, July 9, 2013, at 4:00 PM.

Issued by:

By: _____
Don Kienholz, Planner

For: Karen Schilling- Planning Director

Date: Tuesday, June 25, 2013

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 Don Kienholz, Staff Planner at 503-988-3043, ext. 29270.

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 Tuesday, July 9, 2013 at 4:00 pm.

Applicable Approval Criteria: Multnomah County Code (MCC): 38.0015 Definitions; 38.0030 Existing Uses; 38.0560 Code Compliance; 38.2625(D)(3); 38.7040 SMA Scenic Review Criteria; 38.7050 Cultural Review Criteria (If US Forest Service Requires it); 38.7075 SMA Natural Resource Review Criteria; 38.7085 SMA Recreation Resource Review Criteria

Copies of the referenced Multnomah County Code (MCC) sections can be obtained by contacting our office at 503-988-3043 or by visiting our website at <http://www.multco.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; (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 brackets.

1. **A professional archeologist shall monitor all ground disturbing activities during construction of the trail to ensure no cultural, historic or archeologically significant resources are disturbed [MCC 38.7040(A)(6)].**

- 2. In the event of inadvertent discovery of cultural resources during construction or development, work shall immediately stop and the procedures of MCC 38.7050(H) shall be implemented.**
- 3. All new vegetation and plantings shall be native species [MCC 38.7075(B)].**
- 4. The owners shall provide a progress report on the mitigation plan's progress and survival rates for three years. Reports shall be due to Land Use Planning within the first week of January beginning in 2014. This monitoring report shall document successes, problems encountered, resource recovery, status of any sensitive wildlife/plant species and shall demonstrate the success of restoration and/or enhancement actions. If the restoration and enhancement efforts have failed, the monitoring process shall be extended until the owner satisfies the restoration and enhancement guidelines [MCC 38.7075(X) and (Y)].**
- 5. The owners shall follow the mitigation plan prescribed by Environmental Sciences and Assessment, LLC (Exhibit A.13) [MCC 38.7075(Z)].**
- 6. No motorized uses are permitted to use the trail, except for emergency services [MCC 38.7085(A)(3)].**

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*.

1.00 Project Description:

Staff: The applicant is seeking to construct a roughly 1,500-foot long pedestrian/bicycle path adjacent to the Sandy River as part of the Lewis and Clark State Recreation Site in the Gorge Special Open Space (GSO) and Gorge Special Public Recreation (GSPR) zones. The path would start just north of Interstate 84 and run south to the boat ramp across from the parking lot of the Lewis and Clark State Park. The project consists of a varying width (between 6 and 11-foot wide) at-grade asphalt path and two trail spurs. Two short retaining walls will be constructed at two locations to provide a level surface area for the path.

2.00 Property Description & History:

Staff: The subject site is made up of four parcels along the east bank of the Sandy River. According to the applicant’s request statement on the application form (Exhibit A.1), the general purpose of the trail is to move pedestrians from walking along the roadway and onto the path out of vehicular traffic. The area is a popular summer recreation spot for swimming, running and utilizing the Lewis and Clark State Park. The trail is part of an overall comprehensive park plan by the Oregon Department of Parks and Recreation.

The area comprising the park was given to the State by Multnomah County in 1936 (Page 22 Park Comprehensive Plan Exhibit A.3). Additional land was added to the park system in 1951 and 1961 and has been in continual park use.

3.00 Public Comments:

Staff: On April 15, 2013, staff mailed out an Opportunity to Comment on the application to surrounding property owners within 750-feet of the properties lines, recognized neighborhood organizations, and those eligible for noticing under MCC 38.0205. One comment was received during the comment period.

The Friends of the Columbia River Gorge submitted a letter of comment on April 29, 2013 (Exhibit C.1). The letter contained comments on the application requirements, site plan requirements, and the requirement that the approval criteria be satisfied.

4.00 Code Compliance:

MCC 38.0560 CODE COMPLIANCE AND APPLICATIONS.

Except as provided in subsection (A), the County shall not make a land use decision approving development, including land divisions and property line adjustments, or issue a building permit 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) A permit or other approval, including building permit applications, may be authorized if:

- (1) It results in the property coming into full compliance with all applicable provisions of the Multnomah County Code. This includes sequencing of permits or other approvals as part of a voluntary compliance agreement; or**
- (2) It is necessary to protect public safety; or**
- (3) It is for work related to and within a valid easement over, on or under an affected property.**

Staff: There are no known code compliance issues or complaints on the involved properties. The park site has been in continuous use since prior to zoning and is an existing use under MCC 38.0030.

Criteria met.

4.00 Legal Parcel:

MCC 38.0015 Definitions

Parcel:

- (a) Any unit of land legally created by a short division, partition, or subdivision, that was legally recognized under all state laws and local ordinances in effect on November 17, 1986. A unit of land that is eligible for consolidation as provided in the Management Plan shall not be considered a parcel.**
- (b) Any unit of land legally created and separately described by deed, or sales contract, or record of survey prior to November 17, 1986, if the unit of land complied with all planning, zoning, and land division ordinances or regulations applicable at the time of creation and up through November 16, 1986.**
- (c) A unit of land legally created and separately described by deed or sales contract after November 17, 1986 if the unit was approved under the Final Interim Guidelines or a land use ordinance consistent with the Management Plan, or by the U.S. Forest Service Office prior to the Final Interim Guidelines.**
- (d) A unit of land shall not be considered a separate parcel simply because it:**
 - 1. Is a unit of land created solely to establish a separate tax account;**
 - 2. Lies in different counties;**
 - 3. Lies in different sections or government lots;**
 - 4. Lies in different zoning designations; or**
 - 5. Is dissected by a public or private road.**

Staff: The four subject properties, known commonly as Tax Lots 300, 700, 800 and 900, are part of a block of parcels making up the Lewis and Clark park site. The applicant's submitted a deed recorded on February 6, 1998 (Exhibit A.10) that conveyed the properties from the State of Oregon Department of

Transportation to the State of Oregon Parks and Recreation Department. The legal description demonstrates that the parcels were owned by the Oregon State Highway Commission in their current configurations in 1936 (when Multnomah County transferred the majority of the area to the State) and 1940. The parcels were also conveyed to the State from other state agencies and private owners in 1942, 1946 and 1951 (Page 22, Exhibit A.3). Zoning was adopted east of the Sandy River, including the subject properties, in 1958 and designated F-2. Since the parcels were in existence in their present configuration prior to the adoption of zoning, all subject parcels met the zoning and land division requirements at the time.

The subject parcels are Legal Parcels.

6.00 Base Zone Uses:

A. MCC 38.2625 GSO Review Uses

(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:

(3) Low intensity recreation uses and developments including educational and interpretive facilities, consistent with MCC 38.7085.

Staff: The proposed use, an at-grade pedestrian and bicycle trail, is a low intensity recreation use. Findings addressing 38.7085 are included further below in this staff report. The applicant has noted in the submitted materials that the project had been sent to the US Forest Service for review and the US Forest Service acknowledged the trail as part of the 1995 Sandy River Delta Plan that includes an open space plan (Exhibit B.6).

Criterion met.

B. MCC 38.2825 GSPR Review Uses

© The following uses are allowed on all lands designated GS– PR pursuant to MCC 38.0530 (B) and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7085 have been satisfied:

(2) Public trails, consistent with MCC 38.7085.

Staff: Trails are a use allowed in the GSPR zoning district.

Criterion met.

7.00 National Scenic Area Site Review Criteia:

A. MCC 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:

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

B (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.

(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 Bottomlands	Forest, Agriculture, Public Recreation	VISUALLY SUBORDINATE

Staff: The proposed development site is within the River Bottomlands landscape setting and in a Public Recreation land use designation, therefore the scenic standard for the project is Visually Subordinate.

b. (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: The proposed project consists of an at-grade paved trail with the addition of two short retaining walls to level the grade in some locations. The at-grade path will naturally be visually subordinate as it is an aggregate material that is not elevated above the natural landscape. Pre-cast curbs will be installed along portions of the trail where it is close to the as traveled road. The curbs will have color additive to make them Kailua 677 (Exhibit B.20), a medium brown earth tone common in the area that provides blending. The retaining walls will be constructed of heavy loose riprap boulders which blend with the natural cobble and rocks in the vicinity of the river.

Criterion met.

c. (4) Proposed developments or land use shall be sited to achieve the applicable scenic standards. Development shall be designed to fit the natural topography and to take advantage of vegetation and land form screening, and to minimize visible grading or other modifications of landforms, vegetation cover, and natural characteristics. When screening of development is needed to meet the scenic standard from key viewing areas, use of existing topography and vegetation shall be given priority over other means of achieving the scenic standard such as planting new vegetation or using artificial berms.

Staff: The at-grade path is low lying tied to the existing topography so that it will not stand out as seen from the Key Viewing Areas of: the Sandy River, which is lower in elevation than the path; the Historic Columbia River Highway, which is roughly 1200-feet to the south (intersects with the bridge into Troutdale over the Sandy River) of the path; and Interstate 84, which is elevated over the trail on a bridge but has traffic traveling at high rates of speed who tend to look at the river for scenic value rather than the banks. The location of the trail is limited due to the roads in the vicinity and width of the bank of the river. The proposal includes two small retaining walls consisting of rip rap that will mimic the natural surroundings, curbs that are painted brown to blend in with the surrounding landscaping, and the asphalt path itself. Vegetation exists along the trail's location that will also help obscure any view of the trail as seen from the Key Viewing Areas. Additional vegetation will also be planted for increased visual subordination.

Criterion met.

- d. **(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.**

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

B The amount of area of the building site exposed to key viewing areas,

B The degree of existing vegetation providing screening,

B The distance from the building site to the key viewing areas from which it is visible,

B 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:

B Siting (location of development on the subject property, building orientation, and other elements),

B Retention of existing vegetation,

B Design (color, reflectivity, size, shape, height, architectural and design details and other elements), and

B New landscaping.

Staff: Any conditions of approval will be proportionate to the project and the need to ensure visual subordination as seen from Key Viewing Areas. Findings on the project are made throughout the staff report documenting how the criteria are satisfied.

Criterion met.

- e. **(6) Sites approved for new development to achieve scenic standards shall be consistent with guidelines to protect wetlands, riparian corridors, sensitive plant or wildlife sites and the buffer zones of each of these natural resources, and guidelines to protect cultural resources.**

Staff: The proposed development is within the roadbed prism of NE Jordan Road over most of the course of the trail. The area is within the stream buffer of the Sandy River and sensitive wildlife, plants, and riparian areas are addressed under subsequent findings in this staff report. An archeologist from the Oregon State Historic Preservation Office submitted a letter (Exhibit A.12) noting that state databases indicate there is a reported cultural site in the vicinity of the proposed trail and requested that a professional archeologist examine the development site prior to land disturbance. Subsequently, the Oregon Department of Parks and Recreation's professional Archeologist visited to the site and in a letter dated December 17, 2012 noted that there were no known sites in the immediate vicinity of the proposed trail. However, the archeologist did suggest all ground disturbing work be monitored by the archeologist. That shall be a condition of approval.

An environmental assessment of the project site was conducted by Jack Dalton of Environmental Science and Assessment LLC (Exhibit A.13) to determine the extent and conditions of the natural resources around the project site. The assessment identified habitat, riparian areas, wetlands, flood plain, and mitigation measures for the project. Mitigation, as recommended in the assessment document on pages 5 and 6 (Exhibit A.13) include replanting of native plantings, removal of invasive understory species, restoring native cover and reseeding with native riparian mix seed and herbaceous cover. Staff finds that the mitigation plan is consistent with the guidelines of the standard.

Criterion met.

- f. **(7) Proposed developments shall not protrude above the line of a bluff, cliff, or skyline as seen from Key Viewing Areas.**

Staff: The proposed project does not include any buildings and will not protrude above any bluff, cliff or break the skyline.

Criterion met.

- g. **(8) Structure height shall remain below the average tree canopy height of the natural vegetation adjacent to the structure, except if it has been demonstrated that compliance with this standard is not feasible considering the function of the structure.**

Staff: The only structures that extend beyond the at-grade level of the pedestrian and bicycle trail are the curbs. The two retaining walls will be below grade. None of the proposed structures will extend beyond the tree canopy.

Criterion met.

- h. **(9) The following guidelines shall apply to new landscaping used to screen development from key viewing areas:**

B New landscaping (including new earth berms) to achieve the required scenic standard from key viewing areas shall be required only when application of all other available guidelines in this chapter is not sufficient to make the development meet the scenic standard from key viewing areas. Development shall be sited to avoid the need for new landscaping wherever possible.

(b) If new landscaping is necessary to meet the required standard, existing on-site vegetative screening and other visibility factors shall be analyzed to determine the extent of new landscaping, and the size of new trees needed to achieve the standard. Any vegetation planted pursuant to this guideline shall be sized to provide sufficient screening to meet the scenic standard within five years or less from the commencement of construction.

© Landscaping shall be installed as soon as practicable, and prior to project completion. Applicants and successors in interest for the subject parcel are responsible for the proper maintenance and survival of planted vegetation, and replacement of such vegetation that does not survive.

(d) The Scenic Resources Implementation Handbook shall include recommended species for each landscape setting consistent with the Landscape Settings Design Guidelines in this chapter, and minimum recommended sizes of new trees planted (based on average growth rates expected for recommended species).

Staff: The applicant asserts that the proposed landscaping is not necessary to achieve visual subordination but rather to enhance the area of the proposed trail. Staff agrees. The at-grade trail is proposed to be sited such that it blends in with the already established road, shoulder vegetation and existing contours of the development site.

Criterion met.

- B (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 applicant has noted the paved at-grade path will be dull gray, as found in the surrounding road prism, underpass and nearby vicinity. The proposed curbs will be a medium brown common in the immediate vicinity as well.

Criterion met.

- j. **(11) The exterior of structures on lands seen from key viewing areas shall be composed of non-reflective materials or materials with low reflectivity. The Scenic Resources Implementation Handbook will include a recommended list of exterior materials. These recommended materials and other materials may be deemed consistent with this guideline, including those where the specific application meets approval thresholds in the “Visibility and Reflectivity Matrices” in the Implementation Handbook. Continuous surfaces of glass unscreened from key viewing areas shall be limited to ensure meeting the scenic standard. Recommended square footage limitations for such surfaces will be provided for guidance in the Implementation Handbook.**

Staff: No buildings are proposed as part of the project. The asphalt trail will be dull gray, the retaining walls will be aggregate materials, and the curbing will be concrete – all non reflective materials.

Criterion met.

- k. **(12) Any exterior lighting shall be sited, limited in intensity, shielded or hooded in a manner that prevents lights from being highly visible from Key Viewing Areas and from noticeably contrasting with the surrounding landscape setting except for road lighting necessary for safety purposes.**

Staff: No lights are proposed as part of the project.

Criterion met.

- l. **(13) Seasonal lighting displays shall be permitted on a temporary basis, not to exceed three months duration.**

Staff: No seasonal lighting is proposed but is not prohibited provided it complies with this standard.

Criterion met.

- B **(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):**

(3) River Bottomlands: River bottomland shall retain the overall visual character of a floodplain and associated islands.

B Buildings should have an overall horizontal appearance in areas with little tree cover.

(b) Use of plant species native to the landscape setting shall be encouraged. Where non-native plants are used, they shall have native appearing characteristics.

Staff: No buildings are proposed as part of the project. The applicant has proposed native plantings for vegetation (Exhibit A.13).

Criteria met.

B. MCC 38.7050 SMA CULTURAL RESOURCE REVIEW CRITERIA

B 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 38.0530 (B).

Staff: The US Forest Service provided a Cultural Resources Survey Determination (confidential) noting that a Cultural Resource Reconnaissance Survey is not required nor is a Historic Survey.

Criteria met.

C. MCC 38.7075 SMA NATURAL RESOURCE REVIEW CRITERIA

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.

B (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 entire project is located within the 200-foot buffer zone.

B (1) All buffer zones shall be retained undisturbed and in their natural condition, except as permitted with a mitigation plan.

Staff: The proposed trail is mostly located in the existing disturbed areas of the road prism associated with NE Jordan Road and Interstate-84. The applicant submitted an environmental assessment (Exhibit A.13) that took into account wildlife habitat and recommends plantings to improve riparian and habitat areas. Since the project cannot be placed outside of the buffer area, a mitigation plan is required. The plantings are part of the applicant's mitigation plan.

Criterion met.

- b. **(2) Buffer zones shall be measured outward from the bank full flow boundary for streams, the high water mark for ponds and lakes, the normal pool elevation for the Columbia River, and the wetland delineation boundary for wetlands on a horizontal scale that is perpendicular to the wetlands, stream, pond or lake boundary. On the main stem of the Columbia River above Bonneville Dam, buffer zones shall be measured landward from the normal pool elevation of the Columbia River. The following buffer zone widths shall be required:**

B A minimum 200 foot buffer on each wetland, pond, lake, and each bank of a perennial or fish bearing stream, some of which can be intermittent.

(b) A 50-foot buffer zone along each bank of intermittent (including ephemeral), non-fish bearing streams.

© Maintenance, repair, reconstruction and realignment of roads and railroads within their rights-of-way shall be exempted from the wetlands and riparian guidelines upon demonstration of all of the following:

B 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.

B Proposed activities within the right-of-way would not adversely affect a wetland adjacent to the right-of-way.

Staff: The proposed project is within the 200-foot buffer zone described in (a) above.

- c. **(3) The buffer width shall be increased for the following:**

B When the channel migration zone exceeds the recommended buffer width, the buffer width shall extend to the outer edge of the channel migration zone.

(b) When the frequently flooded area exceeds the recommended riparian buffer zone width, the buffer width shall be extended to the outer edge of the frequently flooded area.

© When an erosion or landslide hazard area exceeds the recommended width of the buffer, the buffer width shall be extended to include the hazard area.

Staff: The entirety of the project is already located in the 200-foot buffer. An extension of the buffer is immaterial to the project.

Criterion met.

- d. **(4) Buffer zones can be reconfigured if a project applicant demonstrates all of the following:**

B The integrity and function of the buffer zones is maintained.

(b) The total buffer area on the development proposal is not decreased.

© The width reduction shall not occur within another buffer.

(d) The buffer zone width is not reduced more than 50% at any particular location. Such features as intervening topography, vegetation, man made features, natural plant or wildlife habitat boundaries, and flood plain characteristics could be considered.

Staff: The entirety of the project is already located in the 200-foot buffer. A reconfiguration of the buffer is immaterial to the project.

Criterion met.

- e. **(5) Requests to reconfigure buffer zones shall be considered if an appropriate professional (botanist, plant ecologist, wildlife biologist, or hydrologist), hired by the project applicant (1) identifies the precise location of the sensitive wildlife/plant or water resource, (2) describes the biology of the sensitive wildlife/plant or hydrologic condition of the water resource, and (3) demonstrates that the proposed use will not have any negative effects, either direct or indirect, on the affected wildlife/plant and their surrounding habitat that is vital to their long-term survival or water resource and its long term function.**

Staff: The applicant is not requesting a reconfiguration of the buffer zone.

- f. **(6) The local government shall submit all requests to reconfigure sensitive wild-life/plant or water resource buffers to the U.S. Forest Service and the appropriate state agencies for review. All written comments shall be included in the project file. Based on the comments from the state and federal agencies, the local government will make a final decision on whether the reconfigured buffer zones are justified. If the final decision contradicts the comments submitted by the federal and state agencies, the local government shall justify how it reached an opposing conclusion.**

Staff: The applicant is not requesting a reconfiguration of the buffer zone.

B (B) When a buffer zone is disturbed by a new use, it shall be replanted with only native plant species of the Columbia River Gorge.

Staff: The trail is a new use. The trail is being located mostly within the existing disturbed road prism. That said, the applicant is still proposing to providing new plantings. Those plants will be conditioned to be native of the Gorge.

Criterion met.

B © The applicant shall be responsible for identifying all water resources and their appropriate buffers.

Staff: The applicant has provided a delineation of the buffer zone. Environmental Science and Assessment LLC conducted the delineation and noted the entire project is within the 200-foot buffer zone. The identified water resource is the Sandy River.

Criterion met.

B (D) Wetlands Boundaries shall be delineated using the following:

B The approximate location and extent of wetlands in the Scenic Area is shown on the National Wetlands Inventory (U. S. Department of the Interior 1987). In addition, the list of hydric soils and the soil survey maps shall be used as an indicator of wetlands.

(2) Some wetlands may not be shown on the wetlands inventory or soil survey maps. Wetlands that are discovered by the local planning staff during an inspection of a potential project site shall be delineated and protected.

(3) The project applicant shall be responsible for determining the exact location of a wetlands boundary. Wetlands boundaries shall be delineated using the procedures specified in the '1987 Corps of Engineers Wetland Delineation Manual (on-line Edition)'.

(4) All wetlands delineations shall be conducted by a professional who has been trained to use the federal delineation procedures, such as a soil scientist, botanist, or wetlands ecologist.

Staff: No wetlands were identified within the project area.

5. **(E) Stream, pond, and lake boundaries shall be delineated using the bank full flow boundary for streams and the high water mark for ponds and lakes. The project applicant shall be responsible for determining the exact location of the appropriate boundary for the water resource.**

Staff: It has been determined the entire project area is within the 200-foot buffer zone.

B (F) The local government may verify the accuracy of, and render adjustments to, a bank full flow, high water mark, normal pool elevation (for the Columbia River), or wetland boundary delineation. If the adjusted boundary is contested by the project applicant, the local government shall obtain professional services, at the project applicant's expense, or the

county will ask for technical assistance from the U.S. Forest Service to render a final delineation.

Staff: With the entire project area within the buffer zone, there is no need to verify the boundary.

B (G) Buffer zones shall be undisturbed unless the following criteria have been satisfied:

B (1) The proposed use must have no practicable alternative as determined by the practicable alternative test. Those portions of a proposed use that have a practicable alternative will not be located in wetlands, stream, pond, lake, and riparian areas and/or their buffer zone.

Staff: The trail is proposed to be alongside the established NE Jordan Road and mostly within the disturbed road prism. The area of the proposed paved pedestrian trail is already used by the public as an informal trail in order to stay out of the roadway. There are no other locations to provide the trail facility in the area due to the narrow width of the bank and land between the road and the river that people congregate to. The area proposed for the trail will be used by the public with or without the proposed trail but the proposed trail offers safety measures to help keep the public safe. As such, there is no practicable alternative to the location of the trail.

Criterion met.

b. (2) Filling and draining of wetlands shall be prohibited with exceptions related to public safety or restoration/enhancement activities as permitted when all of the following criteria have been met:

B A documented public safety hazard exists or a restoration/enhancement project exists that would benefit the public and is corrected or achieved only by impacting the wetland in question.

(b) Impacts to the wetland must be the last possible documented alternative in fixing the public safety concern or completing the restoration/enhancement project.

© The proposed project minimizes the impacts to the wetland.

Staff: The proposal does not include the draining or filling of any wetlands.

Criterion met.

c. (3) Unavoidable impacts to wetlands and aquatic and riparian areas and their buffer zones shall be offset by deliberate restoration and enhancement or creation (wetlands only) measures as required by the completion of a mitigation plan.

Staff: No wetlands are in the vicinity of the proposed project. The majority of the project will take place in the prism of the existing roadway in previously disturbed areas. There will be no impact to aquatic or riparian areas.

Criterion met.

- B (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: Sensitive wildlife habitat is within 1000-feet of the proposed project.

- 9. **(I) The local government shall submit site plans (of uses that are proposed within 1,000 feet of a sensitive wildlife and/or plant area or site) for review to the U.S. Forest Service and the appropriate state agencies (Oregon Department of Fish and Wildlife for wildlife issues and by the Oregon Natural Heritage Program for plant issues).**

Staff: Notification of the proposed project and its proximity to wildlife habitat have been sent to all appropriate agencies, including the Oregon Department of Fish and Wildlife and the US Forest Service.

Criterion met.

- 10. **(J) The U.S. Forest Service wildlife biologists and/or botanists, in consultation with the appropriate state biologists, shall review the site plan and their field survey records. They shall:**

- B Identify/verify the precise location of the wildlife and/or plant area or site.**

- (2) Determine if a field survey will be required.**

- (3) Determine, based on the biology and habitat requirements of the affected wildlife/plant species, if the proposed use would compromise the integrity and function of or result in adverse affects (including cumulative effects) to the wildlife or plant area or site. This would include considering the time of year when wildlife or plant species are sensitive to disturbance, such as nesting, rearing seasons, or flowering season.**

- (4) Delineate the undisturbed 200 ft buffer on the site plan for sensitive plants and/or the appropriate buffer for sensitive wildlife areas or sites, including nesting, roosting and perching sites.**

B Buffer zones can be reconfigured if a project applicant demonstrates all of the following: (1) the integrity and function of the buffer zones is maintained, (2) the total buffer area on the development proposal is not decreased, (3) the width reduction shall not occur within another buffer, and (4) the buffer zone width is not reduced more than 50% at any particular location. Such features as intervening topography, vegetation, man made features, natural plant or wildlife habitat boundaries, and flood plain characteristics could be considered.

(b) Requests to reduce buffer zones shall be considered if an appropriate professional (botanist, plant ecologist, wildlife biologist, or hydrologist), hired by the project applicant, (1) identifies the precise location of the sensitive wildlife/plant or water resource, (2) describes the biology of the sensitive wildlife/plant or hydrologic condition of the water resource, and (3) demonstrates that the proposed use will not have any negative effects, either direct or indirect, on the affected wildlife/plant and their surrounding habitat that is vital to their long-term survival or water resource and its long term function.

© The local government shall submit all requests to reconfigure sensitive wildlife/plant or water resource buffers to the U.S. Forest Service and the appropriate state agencies for review. All written comments shall be included in the record of application and based on the comments from the state and federal agencies, the local government will make a final decision on whether the reduced buffer zones is justified. If the final decision contradicts the comments submitted by the federal and state agencies, the local government shall justify how it reached an opposing conclusion.

Staff: Notification went to the required agencies listed above. No field surveys were required. The proposal will not compromise the integrity and function of, or result in adverse affects to the wildlife in the area. The buffer zone has been delineated and has not been requested to be reconfigured or reduced.

Criteria met.

- 11. (K) The local government, in consultation with the State and federal wildlife biologists and/or botanists, shall use the following criteria in reviewing and evaluating the site plan to ensure that the proposed developments or uses do not compromise the integrity and function of or result in adverse affects to the wildlife or plant area or site:**

B Published guidelines regarding the protection and management of the affected wildlife/plant species. Examples include: the Oregon Department of Forestry has prepared technical papers that include management guidelines for osprey and great blue heron; the Washington Department of Wildlife has prepared similar guidelines for a variety of species, including the western pond turtle, the peregrine falcon, and the Larch Mountain salamander (Rodrick and Milner 1991).

- (2) Physical characteristics of the subject parcel and vicinity, including topography and vegetation.**
- (3) Historic, current, and proposed uses in the vicinity of the sensitive wildlife/plant area or site.**
- (4) Existing condition of the wildlife/plant area or site and the surrounding habitat and the useful life of the area or site.**
- (5) In areas of winter range, habitat components, such as forage, and thermal cover, important to the viability of the wildlife must be maintained or, if impacts are to occur, enhancement must mitigate the impacts so as to maintain overall values and function of winter range.**
- (6) The site plan is consistent with the “Oregon Guidelines for Timing of In-Water Work to Protect Fish and Wildlife Resources” (Oregon Department of Fish and Wildlife 2000).**
- (7) The site plan activities coincide with periods when fish and wildlife are least sensitive to disturbance. These would include, among others, nesting and brooding periods (from nest building to fledgling of young) and those periods specified.**
- (8) The site plan illustrates that new developments and uses, including bridges, culverts, and utility corridors, shall not interfere with fish and wildlife passage.**
- (9) Maintain, protect, and enhance the integrity and function of Priority Habitats (such as old growth forests, talus slopes, and oak woodlands) as listed in the Priority Habitats Table. This includes maintaining structural, species, and age diversity, maintaining connectivity within and between plant communities, and ensuring that cumulative impacts are considered in documenting integrity and function.**

Staff: State and Federal officials received information on the proposed project, had an opportunity to review the project and potential impacts and did not require any additional requirements above and beyond what the applicant has proposed. As such, staff finds that the project will not adversely impact the integrity and function of, or result in adverse affects to the wildlife in the Sandy River.

Criterion met.

- 12. **(L) The wildlife/plant protection process may terminate if the local government, in consultation with the U.S. Forest Service and state wildlife agency or Heritage program, determines (1) the sensitive wildlife area or site is not active, or (2) the proposed use is not within the buffer zones and would not compromise the integrity of the wildlife/plant area or site, and (3) the proposed use is within the buffer and could be easily moved out of the buffer by simply modifying the project proposal (site plan modifications). If the project applicant accepts these recommendations, the local**

government shall incorporate them into its development review order and the wildlife/plant protection process may conclude.

Staff: No action is required. The low intensity nature of the proposed project will have no adverse impact to the wildlife within the Sandy River. The US Forest Service, Oregon Department of Fish and Wildlife, and State Historic Preservation Order have reviewed the proposal and have not required any additional work other than what the applicant has proposed.

Criteria met.

13. **(M) If the above measures fail to eliminate the adverse affects, the proposed project shall be prohibited, unless the project applicant can meet the Practicable Alternative Test and prepare a mitigation plan to offset the adverse effects by deliberate restoration and enhancement.**

Staff: Staff finds there will be no adverse affects resulting from the proposed project.

Criterion met.

14. **(N) The local government shall submit a copy of all field surveys (if completed) and mitigation plans to the U.S. Forest Service and appropriate state agencies. The local government shall include all comments in the record of application and address any written comments submitted by the state and federal wildlife agency/heritage programs in its development review order. Based on the comments from the state and federal wildlife agency/heritage program, the local government shall make a final decision on whether the proposed use would be consistent with the wildlife/plant policies and guidelines. If the final decision contradicts the comments submitted by the state and federal wildlife agency/heritage program, the local government shall justify how it reached an opposing conclusion.**

Staff: All comments were received by reviewing agencies have been incorporated into the land use decision. The proposal is consistent with the wildlife policies and guidelines of the NSA Management Plan.

Criterion met.

15. **(O) The local government shall require the project applicant to revise the mitigation plan as necessary to ensure that the proposed use would not adversely affect a sensitive wildlife/plant area or site.**

Staff: The proposed project will not adversely affect sensitive wildlife as proposed.

Criterion met.

16. **(P) Soil productivity shall be protected using the following guidelines:**

B A description or illustration showing the mitigation measures to control soil erosion and stream sedimentation.

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

(3) The soil area disturbed by new development or land uses, except for new cultivation, shall not exceed 15 percent of the project area.

(4) Within 1 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.

Staff: The project consists of paving an at-grade pedestrian trail in a previously disturbed road shoulder/road prism. A grading and erosion control and flood development permit is required prior to commencing construction of the project. Significant revegetation and plantings shall occur following the recommendations of the environmental report produced by Environmental Science and Assessment, LLC.

Criterion met.

17. **(Q) An alternative site for a proposed use shall be considered practicable if it is available and the proposed use can be undertaken on that site after taking into consideration cost, technology, logistics, and overall project purposes. A practicable alternative does not exist if a project applicant satisfactorily demonstrates all of the following:**

B The basic purpose of the use cannot be reasonably accomplished using one or more other sites in the vicinity that would avoid or result in less adverse effects on wetlands, ponds, lakes, riparian areas, wildlife or plant areas and/or sites.

(2) The basic purpose of the use cannot be reasonably accomplished by reducing its proposed size, scope, configuration, or density, or by changing the design of the use in a way that would avoid or result in less adverse effects on wetlands, ponds, lakes, riparian areas, wildlife or plant areas and/or sites..

(3) Reasonable attempts were made to re-move or accommodate constraints that caused a project applicant to reject alternatives to the proposed use. Such constraints include inadequate infrastructure, parcel size, and land use designations. If a land use designation or recreation intensity class is a constraint, an applicant must request a Management Plan amendment to demonstrate that practicable alternatives do not exist.

Staff: No alternative site is available for the proposed 1,500-foot long pedestrian and bicycle path.

Criteria met.

18. **© The Mitigation Plan shall be prepared when:**

B The proposed development or use is within a buffer zone (wetland, pond, lakes, riparian areas, wildlife or plant areas and/or sites).

(2) There is no practicable alternative as determined by MCC 38.7075 (Q).

Staff: A mitigation plan including replanting and revegetation has is include with the proposal as described by Jack Dalton of Environmental Science and Assessment, LLC (Exhibit A.13).

Criterion met.

19. **(S) In all cases, Mitigation Plans are the responsibility of the applicant and shall be prepared by an appropriate professional (botanist/ecologist for plant sites, a wildlife/fish biologist for wildlife/fish sites, and a qualified professional for water resource sites).**

Staff: The mitigation has been prepared by Jack Dalton of Environmental Science and Assessment, LLC and landscape architect David Haynes of Otak, Inc.

Criterion met.

20. **(T) The primary purpose of this information is to provide a basis for the project applicant to redesign the proposed use in a manner that protects sensitive water resources, and wildlife/plant areas and sites, that maximizes his/her development options, and that mitigates, through restoration, enhancement, and replacement measures, impacts to the water resources and/or wildlife/plant area or site and/or buffer zones.**

Staff: The applicant has taken appropriate measures to ensure the integrity of the wildlife habitat areas nearby.

Criterion met.

21. **(U) The applicant shall submit the mitigation plan to the local government. The local government shall submit a copy of the mitigation plan to the U.S. Forest Service, and appropriate state agencies. If the final decision contradicts the comments submitted by the state and federal wildlife agency/heritage program, the local government shall justify how it reached an opposing conclusion.**

Staff: A mitigation plan has been submitted by the application and reviewed by the appropriate agencies.

Criterion met.

22. **(V) A project applicant shall demonstrate sufficient fiscal, technical, and administrative competence to successfully execute a mitigation plan involving wetland creation.**

Staff: The companies involved in the mitigation plan have the appropriate expertise to construct an adequate and functioning mitigation plan.

Criterion met.

23. **(W) Mitigation plans shall include maps, photographs, and text. The text shall:**

B Describe the biology and/or function of the sensitive resources (e.g. Wildlife/plant species, or wetland) that will be affected by a proposed use. An ecological assessment of the sensitive resource to be altered or destroyed and the condition of the resource that will result after restoration will be required. Reference published protection and management guidelines.

(2) Describe the physical characteristics of the subject parcel, past, present, and future uses, and the past, present, and future potential impacts to the sensitive resources. Include the size, scope, configuration, or density of new uses being proposed within the buffer zone.

(3) Explain the techniques that will be used to protect the sensitive resources and their surrounding habitat that will not be altered or destroyed (for examples, delineation of core habitat of the sensitive wildlife/plant species and key components that are essential to maintain the long-term use and integrity of the wildlife/plant area or site).

(4) Show how restoration, enhancement, and replacement (creation) measures will be applied to ensure that the proposed use results in minimum feasible impacts to sensitive resources, their buffer zones, and associated habitats.

(5) Show how the proposed restoration, enhancement, or replacement (creation) mitigation measures are NOT alternatives to avoidance. A proposed development/use must first avoid a sensitive resource, and only if this is not possible should restoration, enhancement, or creation be considered as mitigation. In reviewing mitigation plans, the local government, appropriate state agencies, and U.S. Forest Service shall critically examine all proposals to ensure that they are indeed last resort options.

Staff: The mitigation plan included the required elements listed above and demonstrated compliance with the approval criteria.

Criteria met.

24. **(X) At a minimum, a project applicant shall provide to the local government a progress report every 3-years that documents milestones, successes, problems, and contingency actions. Photographic monitoring stations shall be established and photographs shall be used to monitor all mitigation progress.**

(Y) A final monitoring report shall be submitted to the local government for review upon completion of the restoration, enhancement, or replacement activity. This monitoring report shall document successes, problems encountered, resource recovery, status of any sensitive wildlife/plant species and shall demonstrate the success of restoration and/or enhancement actions. The local government shall

submit copies of the monitoring report to the U.S. Forest Service; who shall offer technical assistance to the local government in helping to evaluate the completion of the mitigation plan. In instances where restoration and enhancement efforts have failed, the monitoring process shall be extended until the applicant satisfies the restoration and enhancement guidelines.

Staff: Conditions of Approval will ensure these standards are satisfied.

Criteria met with Conditions of Approval.

25. **(Z) Mitigation measures to offset impacts to resources and/or buffers shall result in no net loss of water quality, natural drainage, fish/wildlife/plant habitat, and water resources by addressing the following:**
- B Restoration and enhancement efforts shall be completed no later than one year after the sensitive resource or buffer zone has been altered or destroyed, or as soon thereafter as is practicable.**
 - (2) All natural vegetation within the buffer zone shall be retained to the greatest extent practicable. Appropriate protection and maintenance techniques shall be applied, such as fencing, conservation buffers, livestock management, and noxious weed control. Within five years, at least 75 percent of the replacement vegetation must survive. All plantings must be with native plant species that replicate the original vegetation community.**
 - (3) Habitat that will be affected by either temporary or permanent uses shall be rehabilitated to a natural condition. Habitat shall be replicated in composition, structure, and function, including tree, shrub and herbaceous species, snags, pool-riffle ratios, sub-strata, and structures, such as large woody debris and boulders.**
 - (4) If this standard is not feasible or practical because of technical constraints, a sensitive resource of equal or greater benefit may be substituted, provided that no net loss of sensitive resource functions occurs and provided the County, in consultation with the appropriate State and Federal agency, determine that such substitution is justified.**
 - (5) Sensitive plants that will be destroyed shall be transplanted or replaced, to the maximum extent practicable. Replacement is used here to mean the establishment of a particular plant species in areas of suitable habitat not affected by new uses. Replacement may be accomplished by seeds, cuttings, or other appropriate methods. Replacement shall occur as close to the original plant site as practicable. The project applicant shall ensure that at least 75 percent of the replacement plants survive 3 years after the date they are planted**
 - (6) Nonstructural controls and natural processes shall be used to the greatest extent practicable.**

B Bridges, roads, pipeline and utility corridors, and other water crossings shall be minimized and should serve multiple purposes and properties.

(b) Stream channels shall not be placed in culverts unless absolutely necessary for property access. Bridges are preferred for water crossings to reduce disruption to hydrologic and biologic functions. Culverts shall only be permitted if there are no practicable alternatives as determined by MCC .38.7075 (Q).

© Fish passage shall be protected from obstruction.

(d) Restoration of fish passage should occur wherever possible.

(e) Show location and nature of temporary and permanent control measures that shall be applied to minimize erosion and sedimentation when riparian areas are disturbed, including slope netting, berms and ditches, tree protection, sediment barriers, infiltration systems, and culverts.

(f) Groundwater and surface water quality will not be degraded by the proposed use. Natural hydrologic conditions shall be maintained, restored, or enhanced in such a manner that replicates natural conditions, including current patterns (circulation, velocity, volume, and normal water fluctuation), natural stream channel and shoreline dimensions and materials, including slope, depth, width, length, cross-sectional profile, and gradient.

(g) Those portions of a proposed use that are not water-dependent or that have a practicable alternative will be located outside of stream, pond, and lake buffer zones.

(h) Streambank and shoreline stability shall be maintained or restored with natural revegetation.

B The size of restored, enhanced, and replacement (creation) wetlands shall equal or exceed the following ratios. The first number specifies the required acreage of replacement wetlands, and the second number specifies the acreage of wetlands altered or destroyed.

Restoration: 2: 1

Creation: 3: 1

Enhancement: 4: 1

(7) Wetland creation mitigation shall be deemed complete when the wetland is self-functioning for 5 consecutive years. Self-functioning is defined by the expected function of the wetland as written in the mitigation plan. The monitoring report shall be submitted to the local government to ensure compliance. The U.S. Forest Service, in consultation with appropriate state agencies, shall extend technical assistance to the local government to help

evaluate such reports and any subsequent activities associated with compliance.

(8) Wetland restoration/enhancement can be mitigated successfully by donating appropriate funds to a non-profit wetland conservancy or land trust with explicit instructions that those funds are to be used specifically to purchase protection easements or fee title protection of appropriate wetlands acreage in or adjacent to the Columbia River Gorge meeting the ratios given above in MCC 38.7075 (Z) (6) (i). These transactions shall be explained in detail in the Mitigation Plan and shall be fully monitored and documented in the monitoring report.

Staff: If the mitigation plan proposed by Environmental Sciences and Assessment, LLC, is followed, there should be no net loss of water quality, natural drainage, fish/wildlife/plant habitat, or water resources as a result of the project.

Criteria met with Condition of Approval.

D. MCC 38.7085 SMA RECREATION RESOURCE REVIEW CRITERIA

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

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

Staff: The proposed pedestrian trail is based on use of Sandy River and Lewis and Clark Recreation Site – both natural resources. The proposed use will enhance the existing recreational uses of the area and will not displace any recreational use.

Criterion met.

b. (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.

Staff: Recreation resources will be enhanced by the construction of the pedestrian and bicycle trail.

Criterion met.

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

Staff: The new pedestrian trail is separated from the road system and is intended only for pedestrians and bicycles. A condition of approval shall prohibit motorized vehicles.

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

Staff: Staff finds the trail will enhance the recreation resource.

Criterion met.

- e. **(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.**

Staff: The proposed trail is exempted from this criterion. That said, the trail is considered a Class I intensity recreation resource and is within proximity to the Lewis and Clark Recreation Site. .

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

Staff: The proposed trail is not part of a reconstruction project for a scenic route. That said, the trail is intended for bicycle use as well as pedestrians.

Criterion met.

- g. **(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:**

Staff: The proposed trail is a Recreation Intensity Class I facility.

Criterion met.

- h. **(8) New interpretive or education programs and/or facilities shall follow recommendations of the Interpretive Strategy for the Columbia River Gorge National Scenic Area.**

Staff: No interpretive or education programs are included in the proposal.

Criterion met.

- i. **(9) Proposals to change the Recreation Intensity Class of an area to a different class shall require a Plan Amendment pursuant to MCC 38.0100.**

Staff: The proposal does not include a request to change the Recreation Intensity Class.

Criterion met.

- j. **(10) 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.**

Staff: The area of the proposed trail is already used in an unofficial capacity by pedestrians utilizing the Sandy River beaches and the Lewis and Clark Recreation Site across the street. The proposed project will not increase the amount of visitors or traffic already being generated by the recreation uses in the vicinity. Rather, the proposal will increase the safety of those already using the facilities.

Criterion met.

- B **(B) SMA Recreation Intensity Class Standards. The recreation intensity classes are designed to protect recreation resources by limiting land development and land uses.**

B **Intensity Class 1**

Emphasis is to provide opportunities for semi-primitive recreation opportunities.

- B **Uses permitted are those in which people participate in outdoor activities to realize experiences such as solitude, tension reduction, and nature appreciation.**

(b) Maximum site design capacity shall not exceed 35 people at one time on the site. Maximum design capacity for parking areas shall be 10 vehicles.

- © **The following uses may be permitted:**

B **Trails and trailheads.**

Staff: The proposal is considered a Intensity Class 1 recreation use.

8.00 Conclusion

Based on the findings and other information provided above, the applicant has carried the burden necessary for the National Scenic Area Site Review to establish a 1,500-foot long at-grade pedestrian and bicycle path along NE Jordan Road in the GSO and GSPR zones. This approval is subject to the conditions of approval established in this report.

9.00 Exhibits

‘A’ Applicant’s Exhibits

‘B’ Staff Exhibits

‘C’ Comments Received

Exhibits with a “*” after the exhibit # have been included as part of the mailed decision. All other exhibits are available for review in Case File T2-2013-2768 at the Land Use Planning office.

Exhibit #	# of Pages	Applicant of Exhibit
A.1	1	NSA Application Form
A.2	40	March 5, 2013 Narrative
A.3	76	2001 Lewis and Clark State Recreation Site Comprehensive Plan
A.4	1	Sheet C01 Site Plan Cover Sheet
A.5	1	Sheet C02 Key Viewing Areas Plan
A.6	1	Sheet C03 Existing Conditions and Demo Plan
A.7*	1	Sheet L01 Site Plan, Grading Plan
A.8*	1	Sheet L02 Planting Plan, Notes and Details
A.9	1	Sheet L03 Site Details Page
A.10	2	Deeds for Subject Properties, Including Evidence of Prior Deeds
A.11	1	December 17, 2012 Letter from Nancy J. Nelson, Oregon Parks and Recreation Department Archeologist
A.12	1	April 11, 2010 Letter From Dennis Griffin, State Archeologist, State Historic Preservation Office
A.13	9	January 16, 2013 Environmental Assessment and Mitigation Plan Prepared by Jack Dalton of Environmental Science and Assessment, LLC
A.14	2	Existing Conditions Site Plans Prepared by Environmental Sciences & Assessment, LLC
A.15	3	Applicant's Site Photographs
A.16	5	Applicant's Copy of PF 2012-2622 Notes
A.17	1	Police Services Review Form – Multnomah County Sheriff
A.18	1	Police Service Review Form – Troutdale Police
A.19	2	Updated Retaining Wall Section Plans
A.20	1	Davis Color Chart – Kailua 677
'B'	#	Staff Exhibits
B.1	8	A&T Property Information
B.2	2	Assessment and Taxation Maps Indicating Subject Properties
B.3	2	Agency Completeness Review Notification
B.4	6	April 15, 2013 Opportunity to Comment and Mailing List
B.5	2	1962 Zoning Maps
B.6	4	Email from US Forest Service Documenting the Open Space Plan Approval

'C'	#	Comments Received
C.1	6	Friends of the Columbia Gorge Comment Letter
C.2	3	Cultural Resources Survey Determination (Confidential)