



Oregon

Tina Kotek, Governor

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November 7, 2023

Marisol Cervates
1600 SE 190th Ave.
Portland, OR 97233

Dear Marisol Cervates and the Multnomah County Land Use Planning Division:

Thank you for your response to our land use permit application for Rooster Rock State Park (the property located at LEVY CODE 203 also known as tax-lot 1N5E-01000) regarding the electric vehicle charging stations from May 2023. This letter is our submission of the amendments you asked for in your incomplete letter from June 23, 2023.

In this letter are responses to the Type I application amendments and Type III Conditional Use permit application amendments. This also requests to close our original Type II Legal Parcel Determination application and to transfer its fees to the current Type III application.

Applicant Response to Case #T3-2023-16947 Addendum OPRD Rooster Rock EV Charging Project

Please accept this addendum with additional information and materials as requested on the letter on June 23, 2023, regarding Rooster Rock State Park (LEVY CODE 203, also known as tax-lot 1N5E-01000).

“1. In your application submittal you requested a legal parcel determination as a separate Type II application and not combined with the Type III Conditional Use permit. You have three options on how to move forward as discussed below:

a. Option 1: Amend the current Type III Conditional Use permit to include the legal parcel determination as part of this application. Our office can transfer the fees paid for the Type II Legal Parcel Determination application to the current Type III application and we can close the Type II application. If you elect this option you will have one Type III that includes the legal parcel determination and then your separate Type I Erosion Control Permit, essentially two applications for this specific project instead of having three applications open.”

For request number 1, we are pursuing option 1 to amend the current Type III Conditional Use permit to include the legal parcel determination as part of this application. Please have the Multnomah County Land Use Planning Division office transfer the fees paid for the Type II Legal Parcel Determination application to the current Type III application and close the Type II application. This way we will have the one Type III that includes the legal parcel determination and then the separate Type I Erosion Control Permit. The legal parcel determination is displayed in the title plant

record report and associated titles as displayed in **Appendix B** of the application narrative report.

“2. Agency Review Comments:

a. Staff sent notice of this application to the relevant agencies. In order to deem the application complete, staff will need to receive a formal comment from the Heritage Program Manager for the Columbia River Gorge National Scenic Area. The Heritage Program Manager will confirm whether or not a Cultural Resource Reconnaissance Survey or Historic Survey will be required. No action is required by the applicant at this time regarding the Agency Review comments.”

For request number 2, there is no action required by us at this time.

“3. Per the SMA criteria you will need to provide a color sample for the EV charging stations. The SMA criteria requires new development to be a dark earth tone to match the scenic area. The proposed white color is not a listed color under the recommended color chart (scenic handbook). Please revise the proposed color to be used for the EV charging stations and provide a color sample. [MCC 38.7040(A)(10)]”

For request number 3, we are including photos and color samples for the EV charging stations to a dark earth tone to match the scenic area. The originally proposed white color for the EV charging station pedestals will be replaced with natural materials to provide the proper color as outlined in MCC 38.7040(A)(10).

The amended plan for the EV charging stations will be mounted on wooden posts as pictured on the cover of the attached amended narrative. The photo is from Yosemite National Park. The charger is actually a dark earth tone resembling A16 on page 18-19 from the Recommended Colors Chart of the [Building in the Scenic Area](#) Scenic Resources Implementation Handbook.

“4. Lastly please revise your narrative as some responses state “do not apply,” please explain how the proposed criteria is not applicable. Additionally some responses stated “will follow code criteria.” In the NSA we the applicant needs to address ‘how’ and ‘why’ your proposed development meets the criteria. Simply repeating the code or stating “will meet code criteria” is not sufficient information to determine if the proposed development will meet code.”

For request number 4, we have amended the application narrative, “Amended Application for NSA Type III Conditional Use Permit, Type I Erosion and Sediment Control,” and replaced the insufficient responses with more detail and references.

Applicant’s Response Case #T1-2023-16944 Addendum OPRD Rooster Rock EV Charging Project

Please accept this addendum with additional information and materials as requested on the letter on June 23, 2023.

“1. Please revise the current site plan or submit a separate site plan showing the locations of the EV charging stations to include erosion control measures. Although the

proposed ground disturbance is not extensive any form of ground disturbance is required to have erosion control measures in place. Examples of erosion control measures can be slit fencing, straw wattles etc. Please revise your site plan and re-submit.

2. Additionally please explain how the proposed sediment run-off will be minimal and contained. How will the run-off be contained on-site during construction? Please revise your response to criteria MCC 39.6225(B)(14) to provide more detailed information.”

For the above requests, please see the attached revised site plan that shows the erosion control measures. Work area will be constructed and maintained in such condition that in the event of rain, the site will always be drained. Erosion and sediment control measures will be following state, federal and local laws. Temporary erosion control practices such as small check dams and diversion berms could be used. Silt fencing or sediment barriers around the construction site will be used to trap sediment and prevent it from flowing into nearby waterways or bodies.

We have also revised our response to criteria MCC 39.6225(B)(14)

“(B) An Erosion and Sediment Control (ESC) permit shall not be issued unless the application for such permit establishes compliance with MCC 39.6210 and satisfaction of the following standards: (14) Sediment in the runoff water shall be trapped by use of debris basins, silt traps, or other measures until the disturbed area is stabilized.”

The project will be utilizing best management practice for sediment control fencing and silt screening such as sandbags and other silt fencing or sediment barriers until disturbed areas are stabilized as noted. Subsheet C4 Site Details, number 8 shows a close-up detail of the Silt Fence Detail. The silt fence fabric and tamp backfill over the silt fence fabric will attach to help grab sediment as the flow goes down the grade of the land.

Thank you for your review. Please contact me, Jo Niehaus, Policy Advisor at Oregon Parks and Recreation Department with any follow up questions. You can reach me at jo.niehaus@opr.d.oregon.gov or 503-580-9210.

Sincerely,

Jo Niehaus
Policy Advisor

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