

OPRD Rooster Rock EV Charging Project

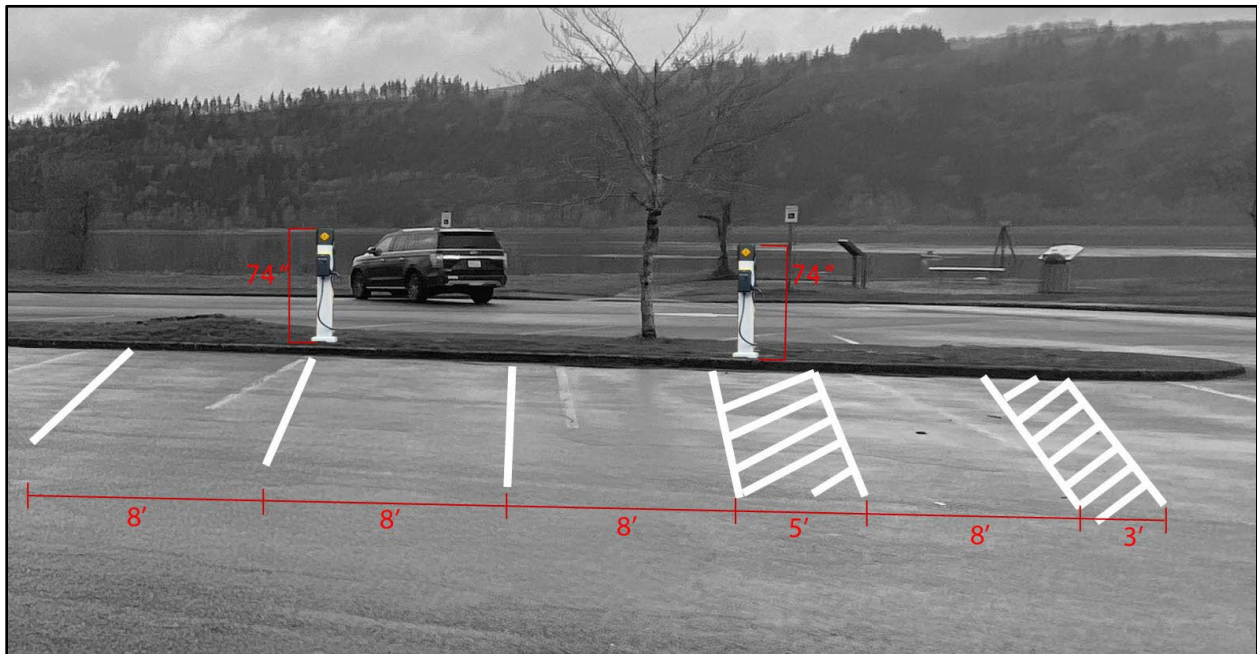


Figure 1 Above is a digital mockup of the proposed Electric Vehicle (EV) charging stations and parking stall striping.



Application for NSA Conditional Use Permit, Type I MIP Permit, Type II Parcel Determination Permit

May 18, 2023

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Introduction

The following application narrative has been developed based on the pre-filing meeting summary notes associated with Meeting #: PA-2023-16621.

The proposed improvements associated with the project consist of installing four electric vehicle charging parking stalls in the existing Rooster Rock State Park Day-Use parking lot, which currently has 1450 parking stalls. This will include installing two standing pedestals in the parking lot that will have two level 2 charging stations mounted on each pedestal. It will take space from 5 existing parking stalls and turning them into 4 charging parking stalls with one stall having access aisles on either side.

The design plans for the project are included in detail on **Appendix A** of this document. Although the pre-filing meeting notes detail that the location of the project is visible from multiple viewing areas and the landscape setting is within River Bottomlands, this application details that the project footprint and the charging stations will be too small to be visible from most of the key viewing areas and the landscape setting does not accurately portray the project setting.

Rooster Rock EV Charging is one of eight selected pilot project sites for bringing public electric vehicle charging to Oregon Parks and Recreation Department (OPRD) in order to increase access to recreation and help the state reach its carbon emission reduction goals.

This project aligns with the goals and strategies outlined in the Columbia River Gorge National Scenic Area's [Climate Change Action Plan 2023-2025](#) (CCAP) that was adopted in December 13, 2022. One of the key commission priorities for climate change adaption and mitigation is to implement EV infrastructure along the Gorge. Action examples for Strategy 1 of their goals for EV Infrastructure clearly state: "Support pilot projects and innovation to reduce fossil fuel and hydroelectric power draw from EVs" (pg 10, CCAP). In addition, this CCAP mitigation emphasis is clearly highlighted, "Utilize policies and implementation measures to promote EV infrastructure. Leverage and generate partnerships to pilot and build EV charging, rideshares, and transit. Promote inclusive, proactive planning for EV infrastructure and opportunities" (pg 39, CCAP).

OPRD is asking Multnomah County to grant a continual use permit in the National Scenic Area to install small electric vehicle charging stations to better provide service to the public as part of its ongoing utility maintenance and improvements.

Background

This pilot project began with the passage of House Bill 2290 in 2021 where the Oregon Legislature directed the agency to plan and allow for public charging. With the help of a non-profit fundraising partner, Adopt-A-Charger (AAC), OPRD was able to receive generous donations to start this project. AAC brought on Rivian to donate the planning, engineering, design, equipment and 10 years of maintenance for level 2 charging stations at 8 state park sites. AAC was also able to bring in dollars from Entec Polymers to subsidize the cost of public charging for the duration of the pilot project.

Goals

The goals of this project are:

1. Accommodate and encourage visitor use of electric vehicles to support the long-term viability of state park destinations.
2. Address state and global goals to reduce greenhouse gas emissions.
3. Help the agency plan for future park infrastructure needs.

The first goal speaks to the increasing sales and availability of electric vehicle models in the market today and looking toward the future. Car manufacturers have announced more and more EV models and less internal

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combustion fuel engines for the coming years. In December 2022, Oregon's Environmental Quality Commission voted to ban the sale of new gas-powered vehicles in the state by 2035. EV market for both new and used vehicles are in high demand and drivers are having to navigate the limited available public charging as they make decisions about where they travel and where they recreate. This pilot project looks to gather data about visitor use and viability of these charging stations as technology continues to improve and EV use becomes more widespread.

The second goal highlights the continual effort by the agency and the state to minimize negative impacts to the environment through innovation and increased access. The analysis of this pilot project will show how the investments made into this pilot project offset carbon impacts in our parks by our visitors.

The third goal is also to help the agency better understand future planning requirements and take into consideration the lessons learned from this pilot. Undoubtedly, EV charging amenities will become more in demand and park infrastructures will need to see updates.

Rooster Rock

The Rooster Rock EV Charging site was selected for its high recreation use, large parking lot and ample availability of spots, minimal cultural and natural resource impacts, available infrastructure and proximity to park office for maximum security benefits.

The current design and plan will take 5 existing parking stalls and turn them into 4 electric vehicle charging parking with one of the spots having access aisles on both sides. These will all be level 2 charging with two chargers on each pedestal. The two pedestals will be located between two parking stalls. The charging parking stalls will be along the west end of the parking area, east of the bathrooms and park office. 204 feet from panel to parking stalls. There is a pole south of the office building with a meter and breaker box. New striping will place to show 3 standard charging stalls and one stall with access aisles on either side.

OPRD conducted significant project studies including impact to natural resources, cultural resources, historic resources, and tribal consultations.

OPRD's Valley Region Archaeologist confirmed that there are no constraints to construction and no Satter Historic Preservation Office consultation is required at this site. This previously disturbed site and parking lot has no known and recorded sites to reference. However, the archaeologist did reach out to the tribes (Grand Ronde, Siletz, Warm Springs, Umatilla, Nez Pierce and Yakama) for consultation and shared the project's Inadvertent Discovery Plan.

No impact to ground and vegetation disturbance nor threatened and endangered species were noted by OPRD's natural resource specialist.

Historic impacts include the Natural Scenic Area designation, leading to this pre-application. However, the installations of these charging stations are in a highly developed area and are similar to that of any functional and use upgrades to the parking lot's normal utility.

Construction is complete and all charging stations at the 7 other pilot project sites are live as of February 8, 2023. For more information on the project and other sites, please visit:

<https://stateparks.oregon.gov/index.cfm?do=v.page&id=124>

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Applicable Code Summary

Gorge Special - Public Recreation (GS-PR) Zone & Code Section

MCC 38.0015 - Definitions, Parcel

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.

RESPONSE: The subject parcel is within Rooster Rock State Park, public lands managed by Oregon Parks and Recreation Department (OPRD). Lands for the park were purchased from private land owners between 1937 and 1985 to provide public river access and protection of the Columbia River Gorge.

The property deeds from 1946 deeding land to the state (Oregon Department of Transportation (ODOT) which preceded OPRD) and a later transfer document from 1979 from ODOT to OPRD. See **Appendix B** of this document for deed and parcel information available for Rooster Rock State Park.

MCC 38.0045 - Conditional Use Applications - Submittal Requirements

REVIEW AND CONDITIONAL USE APPLICATIONS - SUBMITTAL REQUIREMENTS (A) The following additional information shall be submitted for all review and conditional uses: (1) A list of Key Viewing Areas from which the proposed use would be visible. (2) A map of the project area. The map shall be drawn to scale. The scale of the map shall be large enough to allow the reviewing agency to determine the location and extent of the proposed use and evaluate its effects on scenic, cultural, natural, and recreation resources. The map shall be prepared at a scale of 1 inch equals 100 feet (1:1,200), or a scale providing greater detail. If a parcel is very large, the map does not have to show the entire parcel. Rather, it may show only those portions of the parcel affected by the proposed use. The map shall include the following elements: (a) North arrow; (b) Map scale; (c) Boundaries, dimensions, and size of the subject parcel; (d) Significant terrain features or landforms; (e) Groupings and species of trees and other vegetation on the parcel; (f) Location and species of vegetation that would be removed or planted; (g) Bodies of water and watercourses; 1-25 (S-1 2022) (h) Location and width of existing and proposed roads, driveways, and trails; (i) Location and size of existing and proposed structures; (j) Location of existing and proposed services, including wells or other water supplies, sewage disposal systems, power and telephone poles and lines, and outdoor lighting; and (k) Location and depth of all proposed grading and ditching. (l) Proposed uses in streams, ponds, lakes, and their buffer zones shall include the exact boundary of the ordinary high water-mark or normal pool elevation and the prescribed buffer zone; and a description of actions that would alter or destroy the stream, pond, lake, or riparian area. (m) Proposed uses in water resources or their buffer zones shall include the exact boundary of the water resource, ordinary high water mark, or normal pool elevation, and their buffer zone; and a description of actions that would affect the water resource. (n) Proposed uses on parcels contiguous to established recreation sites shall provide a buffer between the proposed use and recreation site sufficient to insure that the proposed use will not detract from the use or enjoyment of the recreation site. (o) New uses located in, or providing recreation river access to, the Columbia River or its fish bearing tributaries shall include the following supplemental information: 1. The site plan shall show adjacent river areas at least 1/2 mile upstream and downstream from the project site, the locations at which river access is planned, and the locations of all tribal fishing sites known to the project applicant. 2. The site plan text shall include an assessment of the potential effects that new uses may have on Indian treaty rights. The assessment shall: a. Describe the type of river access and uses proposed, estimated period when the development would be used, and anticipated levels of use (people, boats, and other uses) during peak-use periods. b. List tribal commercial fishing seasons in the project vicinity, as established by the four Columbia River treaty tribes. c. List tribal ceremonial fishing seasons in the project vicinity. d. Based on the above factors, assess the potential effects that the proposed uses may have on Indian treaty rights. (3) Elevation drawings shall show the appearance of proposed structures and shall include natural grade, finished grade, and the geometrical exterior of at least the length and width of structures as seen from a horizontal view. Elevation drawings shall be drawn to scale. (4) The following applications for structural development shall include a grading plan: (a) Applications involving more than 100 cubic yards of grading with slopes greater than 10 percent shall include a grading plan, except applications for trails in the SMAs. (b) Applications involving more than 200 cubic yards of grading on sites visible from key viewing areas. This plan shall be reviewed by Multnomah County for compliance with key viewing area policies. 1-26 Multnomah County – Chapter 38 – Columbia River Gorge National Scenic Area (S-1 2023) (c) Grading plans shall include the following: 1. A map of the site, prepared at a scale of 1 inch equals 200 feet (1:2, 400) or a scale providing greater detail, with contour intervals of at least 5 feet, including: i. Existing and proposed final grades. ii. Location of all areas to be graded, with cut banks and fill slopes delineated. iii. Estimated dimensions of graded areas. 2. A narrative description (may be submitted on the grading plan site map and accompanying drawings) of the proposed grading activity, including: i. Its purpose. ii. An estimate of the total volume of material to be moved. iii. The height of all cut banks and fill slopes. iv. Provisions to be used for compactions, drainage, and stabilization of graded areas. (Preparation of this information by a licensed engineer or engineering geologist is recommended.) v. A description of all plant materials used to revegetate exposed slopes and banks, including the species, number, size, and location of plants, and a description of irrigation provisions or other measures necessary to ensure the survival of plantings. vi. A description of any other interim or permanent erosion control measures to be used. (B) Supplemental information will be required for: (1) Forest practices in the Special Management Areas, (2) Production and development of mineral resources in the General Management Area, (3) Proposed uses visible from Key Viewing Areas, (4) Proposed uses located near cultural resources,

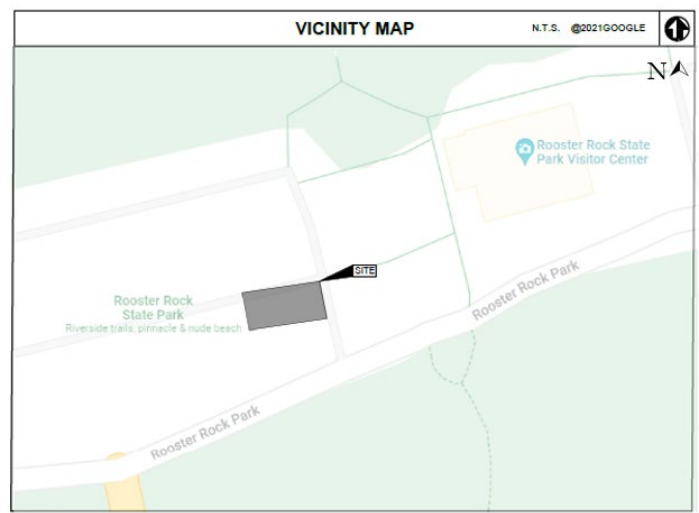
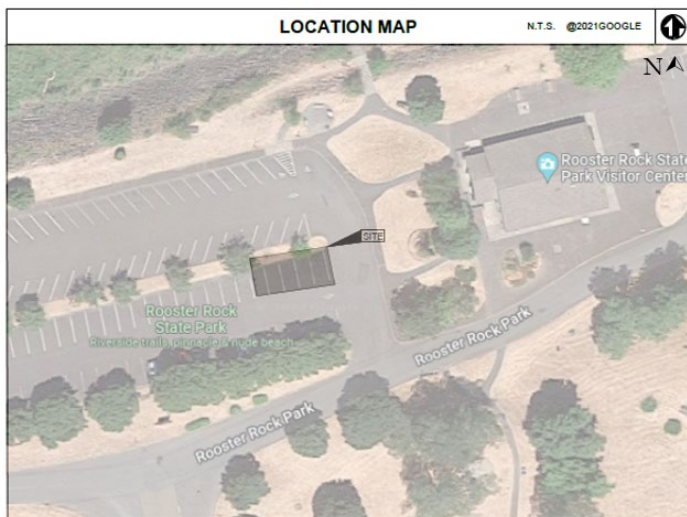
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wetlands, streams, ponds, lakes, riparian areas, sensitive wildlife habitat, and rare and sensitive plant sites. (C) The Planning Director may require some or all required application materials in (1) through (4) above to be submitted electronically.

RESPONSE: Pre-application noted the following key viewing areas: Columbia River, Crown Point, Historic Columbia River Highway, Interstate – 84, Larch Mountain Road, Larch Sherrard, Portland Women’s Forum, Rooster Rock, State Route – 14, the Sandy River.

However, further assessment by OPRD staff narrowed the visibility from to these Key Viewing Areas: Columbia River (Potentially from the river if on a tall enough boat or platform). The specific project is not visible from: Crown Point (No), Historic Columbia River Highway (No), Interstate – 84 (No), Larch Mountain Road (No), Larch Sherrard (No), Portland Women’s Forum (No), Rooster Rock State Park (Yes, is the location), State Route – 14, the Sandy River (No).

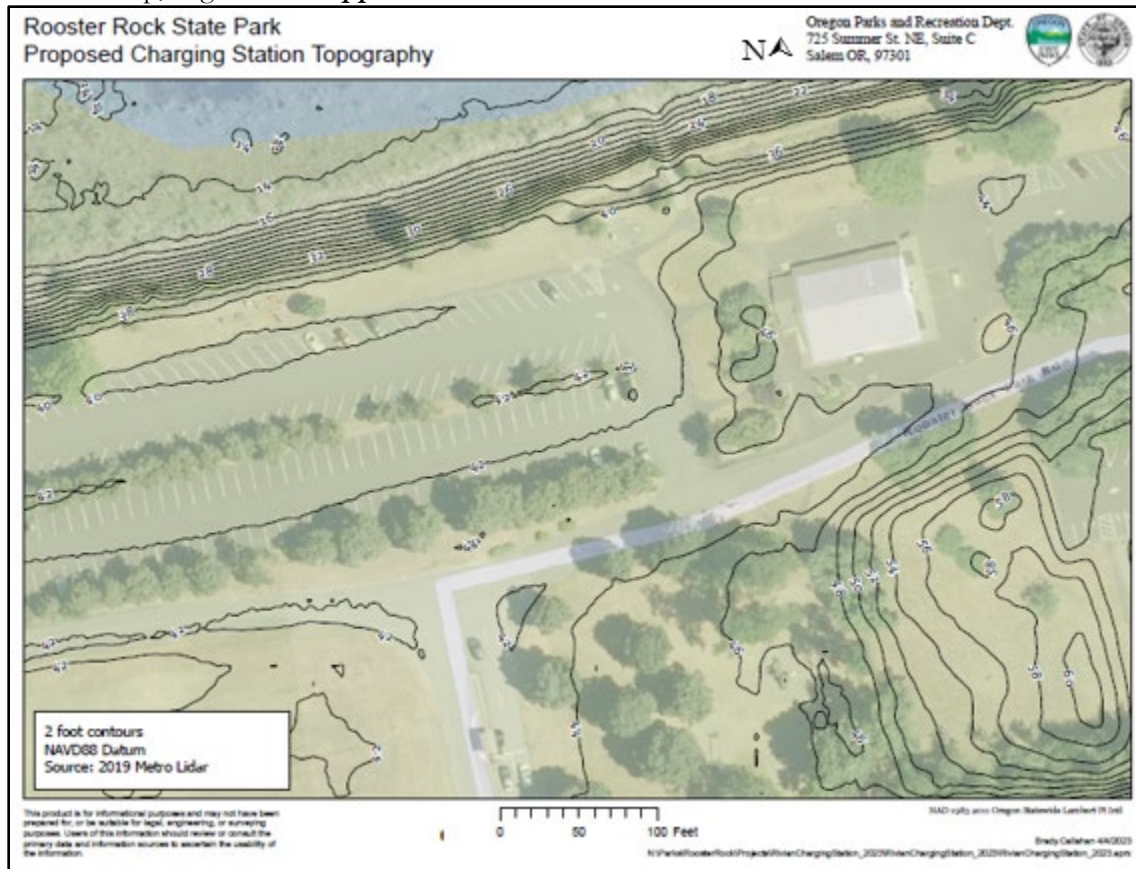
(2) The projected area is included below:



(Location of the proposed chargers identified in red.)

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(3) Elevation map, larger file on **Appendix D**.



(4) This application does not involve grading.

(B) Supplemental information is not presented for (1) Forest practices (2) Production and development of mineral resources in the General Management Area, nor (3) Proposed uses visible from Key viewing Areas as they are not applicable to this project.

Appendix E of this document contains the Inadvertent Discovery Plan (IDP) for Cultural Resources to satisfy the code under: (4) Proposed uses located near cultural resources, wetlands, streams, ponds, lakes, riparian areas, sensitive wildlife habitat, and rare and sensitive plant sites.

MCC 38.0560 - Code Compliance and Violations

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 or zoning review approval of development or any other approvals authorized by this code for any property that is not in full compliance with all applicable provisions of the Multnomah County 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. (4) It brings a non-conforming structure or on-conforming use into compliance with current regulations; or (5) The Planning Director determines the development qualifies as a minor project. For purposes of this provision, a minor project is defined as small in scale, located outside a Flood Hazard zone or Geologic Hazard overlay, intended for the primary benefit of the residents, farm uses, or natural habitat on the subject property and will meet all other applicable zoning and building regulations. A minor project shall qualify under at least one of the following categories: (a) Request for trade permits (such as electrical, mechanical and/or plumbing) that does not change the use of a structure or property; or (b) Free standing renewable energy and heating systems including, but not limited to solar (including solar panels), geothermal and wind generated systems; or (c) Roof mounted solar renewable energy (including solar panels) and solar heating systems not exceeding the size of a structure's roof area, or roof height; or Chapter 38 - Columbia River Gorge National Scenic Area 3-5 (S-1 2023) (d) Mechanical equipment such as heating and air conditioning units, heat pumps, ventilation and air filtration systems, electrical boxes, back-up power generators, energy storage systems, water pumps, and similar equipment; or (e) Heating oil, propane and similar tanks; or (f) Development requests to protect or enhance natural resources, such as but not limited to water quality or wildlife habitat. (B) For the purposes of this section, Public Safety means the

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actions authorized by the permit would cause abatement of conditions found to exist on the property that endanger the life, health, personal property, or safety of the residents or public. Examples of that situation include but are not limited to issuance of permits to replace faulty electrical wiring; repair or install furnace equipment; roof repairs; replace or repair compromised utility infrastructure for water, sewer, fuel, or power; and actions necessary to stop earth slope failures.

RESPONSE: The Oregon Parks and Recreation Department is submitting this application for land use decision to approve this pilot project for its conditional use permit. Under this subsection, this permit can be authorized (A)(5) with the determination from the Planning Director as a “minor project.” This project qualifies as such as it meets the following categories:

(a) Request for trade permits that does not change the use of a structure or property. Rooster Rock State Park will continue to be a public state park with recreation and stewardship in mind. The parking lot’s purpose will not change but further allow for increased access to a wider spectrum of visitors, thereby increasing service to the public the agency serves.

(f) Development requests to protect or enhance natural resources, such as but not limited to water quality or wildlife habitat. The installation of these EV chargers will encourage public use and welcome more non-internal combustion engine transportation into the parks, reducing greenhouse gases and effectively helping the state achieve cleaner air quality in this scenic area. Improved air quality can help with the local wildlife, plants and overall benefit the local ecosystem.

MCC 38.0110(B) Tribal Treaty Rights...

(B) Tribal Treaty Rights and Consultation in the Special Management Area (SMA) (1) The Forest Service is responsible for consulting with tribal governments at the government-to-government level. The purpose of this process is to ensure that management activities will not affect treaty rights, and to provide meaningful participation in the identification, evaluation and protection of cultural resources. (2) Section 17 (Savings Provisions) of the National Scenic Area Act contains several provisions regarding the need to avoid potential effects on treaty rights. Treaty rights are defined by the treaties of 1855 between Congress and tribal governments. These rights are not subject to negotiation. Potential effects to treaty rights must be avoided. The Forest Service has no authority to interpret or negotiate in the area of treaty rights. (3) Cultural resources are protected by the National Scenic Area Act and the Historic Preservation Act of 1966. Tribal governments are identified as parties to be consulted during the inventory, evaluation, and protection of cultural resources.

RESPONSE: OPRD worked with the tribes from the early stages of this pilot project, beginning with an introduction of the pilot project at the Tribal Culture Cluster meeting on December 7, 2021. Since then and tribes were notified via a tribal mailing list for the projects and were updated every few months on the project’s progression. For specific sites, tribes were invited for government to government consultation in May of 2022. OPRD’s Valley Region Archaeologist sent out emails to the following tribes for feedback on the four sites in the Valleys Region including Rooster Rock State Park on May 2, 2022. The email also contained an Inadvertent Discovery Plan (IDP) with the area of potential effects (APE). The tribes consulted include: Confederated Tribes of the Grand Ronde, Confederated Tribes of Siletz Indians of Oregon, Confederated Tribes of the Warm Springs Reservation of Oregon, Confederated Tribes of the Umatilla Indian Reservation, Nez Perce Tribe and Yakama Nation. Copies were also sent to the Oregon State Police, Legislative Commission on Indian Services and the State Historic Preservation Office. OPRD did not receive any comments or requests for consultation in the 30-day review period from any of the tribes. The IDP is contained on **Appendix E** of this document.

In addition, the project contractor has subcontracted with PaleoWest, a cultural resource management firm to oversee all required archaeology work for each site. Work could include monitoring and testing. They completed work at 7 out of the 8 sites associated with this pilot project.

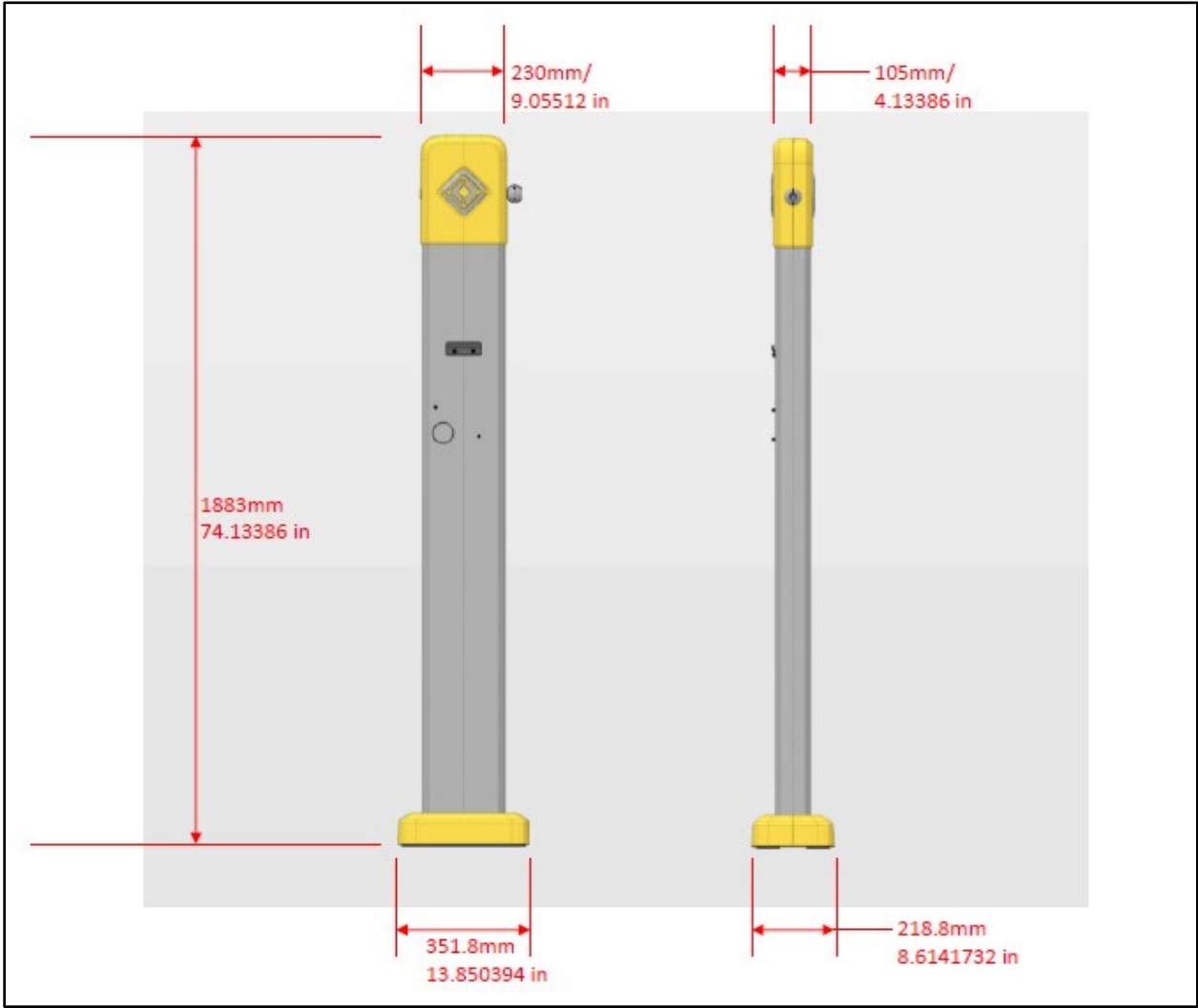
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MCC 38.2860 (C) & (D) Dimensional Requirements

Front	Side	Street Side	Rear
30	10	30	30

(C) Minimum Yard Dimensions - Feet Front Side Street Side Rear 30 10 30 30 Maximum Structure Height – 35 feet Minimum Front Lot Line Length – 50 feet. 4-44 Multnomah County – Chapter 38 - Columbia River Gorge National Scenic Area (S-1 2022) (D) The minimum yard requirement shall be increased where the yard abuts a street having insufficient right-of-way width to serve the area. The Planning Commission shall determine the necessary right-of-way widths and additional yard requirements not otherwise established by ordinance.

RESPONSE:



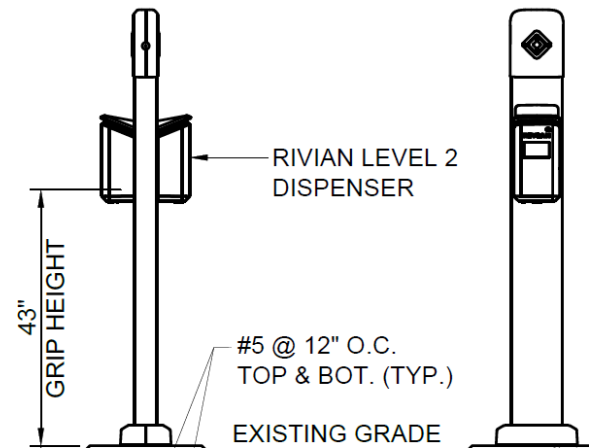
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(C)The proposed charging stations pedestals are noted above. They are about 6'1" in height.

There are two pedestals, each with two waypoints charging stations mounted on either side for this project location. Each charging station pedestal is well under the maximum structure height of 35 feet.

The waypoints charging stations are:

Height: 41.6 cm (16.4 in), Width: 19.63 cm (7.7 in), Depth: 14.45 cm (5.8 in) and they are mounted on either side of the wider side of the pedestals.



(D) Minimum yard requirements do not apply in this project. The parking stall dimensions do not change in reference to the existing right-of-way in the parking lot.

MCC 38.2885 Off-Street Parking and Loading

Off-street parking and loading shall be provided as required by MCC 38.4100 through 38.4215.

The current project is to modify five of the existing parking stalls to four electric vehicle charging parking stalls. This parking lot currently has 1450 stalls. Off-street parking and loading do not apply to this project.

Conditional Use - Required Lane Use Permits (Type III Process²)

MCC 38.2830 Conditional Use, (C)(3) Utility facilities for public service

(C) The following conditional uses may be allowed on lands designated GS- PR, pursuant to the provisions of MCC 38.0045 and 38.7085:

(3) Utility facilities for public service upon a showing that: (a) There is no alternative location with less adverse effect on Public Recreation land. (b) The size is the minimum necessary to provide the service.

RESPONSE: (C)(3)(a) Upon review of Rooster Rock State Park, there are no alternative locations other than the existing parking lot to install electric vehicle charging parking spots that would have a less adverse effect on Public Recreation land.

(b)The presented size in the plans is the minimum size necessary to provide service based on the size of the existing parking lot and the number of visitations this site receives on an annual basis. Rooster Rock State Park has almost a million visitors per year and four electric vehicle parking stalls are a small but important start to a pilot project in the area.

MCC 38.4100 - 38.4215 ... Parking and Loading

§ 38.4100- PURPOSES The purposes of these off-street parking and loading regulations are to reduce traffic congestion associated with residential, commercial, and other land uses; to protect the character of neighborhoods; to protect the public's investment in streets and arterials and to provide standards for the development and maintenance of off-street parking and loading areas. (Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000) § 38.4105 GENERAL PROVISIONS In the event of the erection of a new building or an addition to an existing building, or any change in the use of an existing building, structure or land which results in an intensified use by customers, occupants, employees or other persons, off-street parking and loading shall be provided according to the requirements of this Section. (Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000) § 38.4115 CONTINUING OBLIGATION The provision for and maintenance of off-street parking and loading facilities without charge to users shall be a continuing obligation of the property owner. No building or any other required permit for a structure or use under this or any other applicable rule, ordinance or regulation shall be issued until satisfactory evidence in the form of a site development plan, plans of existing parking and loading improvements, a deed, lease, contract or similar document is presented demonstrating that the property is and will remain available for the designated use as a parking or loading facility. (Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000) § 38.4120 PLAN REQUIRED A plot plan showing the dimensions, legal description, access and circulation layout for vehicles and pedestrians, space markings, the grades, drainage, setbacks, landscaping and abutting land uses in respect to the off-street parking area and such other information as shall be required, shall be submitted in duplicate to the Planning Director with each application for approval of a building or other required permit, or for a change of classification to O-P. (Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000) § 38.4125 USE OF SPACE (A) Required parking spaces shall be available for the parking of vehicles of customers,