

CASE STATUS LETTER

Land Use Planning Division



1600 SE 190th Ave. Portland, OR 97233-5910 ▪ Phone (503) 988 – 3043 ▪ www.multco.us/landuse

June 23, 2023

Jo Niehaus
725 Summer St. NE, Ste C
Salem, OR 97301

RE: Application for a Conditional Use permit in the National Scenic Area for 4 EV charging stations to be located at Rooster Rock State Park. (Case #T3-2023-16947)

Dear Jo Niehaus:

Thank you for submitting the land use application for the property located at Rooster Rock State Park (LEVY CODE 203) also known as tax-lot **1N5E-01000**. As is common with applications subject to multiple approval criteria, additional information is needed in order to process your application. At this time, your application has been deemed **Incomplete** as of **June 23, 2023**.

Information and Materials Requested:

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. OR
 - b. Option 2: Keep the Type III Conditional Use Permit incomplete until the Type II Legal Parcel Determination is approved. You do run the risk of not deeming the Type III application complete by 180 days for this application if the Type II decision is not issued in time. OR
 - c. Option 3: You withdraw the Type III Conditional Use Permit until you receive approval for the Type II Legal Parcel Determination and then reapply for the Type III Conditional Use Permit. Please let me know how you would like to proceed.

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.

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)]
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.

You can elect to provide this missing information by **November 20, 2023**. We recommend you provide the additional information within the 180-day period, because without it, we may not be able to approve the application.

Once you gather all of the requested information, you will need to submit all items as **a single packet**. If you are unable to make your application complete within the 180-day period, we will close your application, return a copy of your materials, and you will forfeit your application fees.

The attached ‘Applicant’s Response’ form needs to be returned to me via email by **July 23, 2023**. Please contact me at (503) 988-9452 or Marisol.Cervantes@multco.us, if you have any questions.

Sincerely,

Marisol Cervantes
Planner

Enclosure: Applicant’s Response

cc: File

APPLICANT'S RESPONSE

Land Use Planning Division



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Application #: T3-2023-16947
Case Planner: Marisol Cervantes

Return by July 23, 2023

I intend to provide the additional information identified in the attached letter from Multnomah County Planning with the 180-day period. I understand that if I do not make my application complete by **November 20, 2023 from when application was submitted** my application will be closed and I will forfeit my application fees.

I decline to provide the additional information identified in the attached letter from Multnomah County Planning and deem my application complete. I understand that my application will be processed with the supplied information. I am aware that failure to meet the applicable code requirements is grounds for denial of my application.

Signed and Acknowledged (Applicant)

Printed Name (Applicant)

Date