

Vicinity Map



Applicable Approval Criteria:

Multnomah County Code (MCC): General Provisions: MCC 38.0015 Definitions, MCC 38.0030 Existing Uses and Discontinued Uses, MCC 38.0110 Tribal Treaty Rights and Consultation

Administration and Procedures: MCC 38.0560 Code Compliance and Applications

Gorge Special Open Space (GSO) Zone: MCC 38.2625 Review Uses, (D)(1) Changes in existing uses including reconstruction, replacement and expansion of existing structures and transportation facilities

NSA Site Review Criteria: MCC 38.7015 Application for NSA Site Review, MCC 38.7040 SMA Scenic Review Criteria, MCC 38.7050 SMA Cultural Resource Review Criteria, MCC 38.7075 SMA Natural Resource Review Criteria, MCC 38.7085 SMA Recreation Resource Review Criteria

Copies of the referenced Multnomah County Code sections are available by contacting our office at (503) 988-3043 or by visiting our website at <https://multco.us/landuse/zoning-codes/> under the link **Chapter 38: Columbia River Gorge National Scenic Area**

Conditions of Approval

The conditions listed are necessary to ensure that approval criteria for this land use permit are satisfied. Where a condition relates to a specific approval criterion, the code citation for that criterion follows in parenthesis.

1. **Permit Expiration** – This land use permit shall expire as follows:
 - a. For a use or development that does not include a structure shall expire **two (2) years** after the date of the final decision, unless the use or development was established according to all specifications and conditions of approval in the land use approval. [MCC 38.0690(A)]
 - i. For the purposes of 1.a, expiration of an approval means that a new application is required for uses that are not established during the approval period.
 - ii. For purposes of 1.a, the property owner shall provide notification of the establishment of the use or development and demonstrate compliance with all specifications and conditions of approval. The written notification and documentation of compliance with the conditions shall be sent to LUP-submittals@multco.us with the case no. T2-2025-0055 referenced in the subject line. [MCC 38.0660(A)]

Note: Expiration of the permit is automatic. Failure to give notice of expiration shall not affect the expiration of this approval. The property owner may request one (1) 12-month extension to the timeframe within which this permit is valid, as provided under MCC 38.0700, as applicable. The request for a permit extension must be submitted prior to the expiration of the approval period. [MCC 38.0700]

2. 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 complies with this approval and is consistent with supporting documents. It shall be the responsibility of the property owner(s) to comply with these documents and the limitations of approval described herein. [MCC 38.0660(B)]
3. **Prior to construction or conducting ground disturbing activity**, the property owners or their representative shall:
 - a. Acknowledge in writing that they have read and understand the conditions of approval and intend to comply with them. A Letter of Acknowledgement has been provided to assist you. The signed document shall be sent to Izze Liu at isabella.liu@multco.us. [MCC 38.0660(A) & (B)]
 - b. Install erosion and sediment control measures so that no visible or measurable erosion shall occur on-site and no visible or measurable sediment shall exit the site, enter the public right-of-way, or be deposited into any water body or storm drainage system. [MCC 38.7075(P)].
4. **During construction or conducting ground disturbing activity**, the property owner(s) or their representative shall:
 - a. Utilize erosion and sediment control measures so that no visible or measurable erosion shall occur on-site and no visible or measurable sediment shall exit the site, enter the public right-of-way, or be deposited into any water body or storm drainage system. [MCC 38.7075(P)].
 - b. Put into action the following procedures, if any Cultural Resources and/or Archaeological Resources are located or discovered on the property during this project, including but not limited to finding any evidence of historic campsites, old burial grounds, implements, or artifacts. Additionally, all survey and evaluation reports and mitigation plans shall be submitted to the Planning Director and the SHPO. Native American tribal governments shall also receive a copy of all reports and plans if the cultural resources are prehistoric or otherwise associated with Native Americans:
 - i. Halt Construction - All construction activities within 100 feet of the discovered cultural resource shall cease. The cultural resources shall remain as found; further disturbance is prohibited.
 - ii. Notification - The project applicant shall notify the County Planning Director and the Gorge Commission within 24 hours of the discovery. If the cultural resources are prehistoric or otherwise associated with Native Americans, the project applicant shall also notify the Native American tribal governments within 24 hours. Procedures required in MCC 38.7045(L) shall be followed.
 - iii. Survey and Evaluation - The Gorge Commission will survey the cultural resources after obtaining written permission from the landowner and appropriate permits from Oregon State Historic Preservation Office (SHPO) (see ORS 358.905 to 358.955). It will gather enough information to evaluate the significance of the cultural resources. The survey and evaluation will be documented in a report that generally follows the standards in MCC 38.7045(C)(2) and MCC 38.7045(E).

- iv. Mitigation Plan - Mitigation plans shall be prepared according to the information, consultation, and report standards of MCC 38.7045(J). Construction activities may commence when the conditions in the mitigation plan have been executed. [MCC 38.7050(H)]
- c. Put into action the following procedures, if human remains are discovered during excavation or construction (human remains means articulated or disarticulated human skeletal remains, bones, or teeth, with or without attendant burial artifacts):
 - i. Halt Activities - All survey, excavation, and construction activities shall cease. The human remains shall not be disturbed any further.
 - ii. Notification - Local law enforcement officials, the Multnomah County Planning Director, the Gorge Commission, and the Native American tribal governments shall be contacted immediately.
 - iii. Inspection - The State Medical Examiner shall inspect the remains at the project site and determine if they are prehistoric/historic or modern. Representatives from the Indian tribal governments shall have an opportunity to monitor the inspection.
 - iv. Jurisdiction - If the remains are modern, the appropriate law enforcement officials will assume jurisdiction and the cultural resource protection process may conclude.
 - v. Treatment - Prehistoric/historic remains of Native Americans shall generally be treated in accordance with the procedures set forth in Oregon Revised Statutes, Chapter 97.740 to 97.760.
 - 1. If the human remains will be reinterred or preserved in their original position, a mitigation plan shall be prepared in accordance with the consultation and report standards of MCC 38.7045(I).
 - 2. The plan shall accommodate the cultural and religious concerns of Native Americans. The cultural resource protection process may conclude when the conditions set forth in the standards of MCC 38.7045(J) are met and the mitigation plan is executed. [MCC 38.7050(H)]
- 5. **After construction or ground disturbance activity are completed**, the property owner(s) or their representatives shall:
 - a. Implement and complete the proposed mitigation plan according to the submitted Biological and Water Resources Memo that identifies the minimization and mitigation measures used during the project (Exhibit A.6). [MCC 38.7075(Z)]
 - i. A final monitoring report shall be submitted to the Planning Director for review upon completion of construction or ground disturbance activity. This monitoring report shall document successes, problems encountered, resource recovery, status of any rare wildlife/plant species and shall demonstrate the success of restoration or enhancement actions as outlined in Biological and Water Resources Memo.
 - 1. For purposes of 1.a, the property owner shall provide notification of the establishment of the use or development and demonstrate compliance with all specifications and conditions of approval. The written notification and documentation of compliance with the conditions shall be sent to LUP-submittals@multco.us with the case no. T2-2025-0055 referenced in the subject line. [MCC 38.0660(A)]

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*.

1.0 Project Description:

Staff: The applicant requests a National Scenic Area Site Review for geotechnical exploration boreholes for the future replacement of the westbound Moffett Creek Bridge. Five geotechnical borings, 60 to 100 feet deep, will be necessary for the assessment.

2.0 Property Description & History:

Staff: The subject property is zoned Gorge Special Open Space (GSO) and located within the following Key Viewing Areas: Beacon Rock, Columbia River, Historic Columbia River Highway (including the Historic Columbia River Highway State Trail), Highway I-84 (including rest stops), Pacific Crest, Washington State Route 14.

3.0 Public Comment:

Staff: Staff mailed a notice of application and invitation to comment on the proposed application to the required parties pursuant to MCC 38.0530 (Exhibits C.2 & C.3). Staff did receive comments during the 21-day comment period and did receive comments regarding Cultural Resources during the 30-day comment period.

3.1 State Historic Preservation Office (Exhibit D.1)

The State Historic Preservation Office (SHPO) provided confirmation that there are no identified archaeological objects or sites and no Native American cairn, burial, human remains, sacred objects and objects of patrimony in or adjacent to the project area. If archaeological artifacts are found during construction, all activity in the area should cease and the applicant should contact SHPO. In addition, SHPO recommends having an Inadvertent Discovery Plan (IDP) in place during construction.

3.2 U.S. Forest Service (Exhibit D.2)

Luciano Legnini, Archaeologist, submitted the following comment:

I have reviewed the proposed undertaking and area of potential effect as stated on the development review application, against the National Scenic Area records and inventories. These inventories include the cultural resource site inventory maintained by the State Historic Preservation Office. Based upon the information provided in these inventories and the requirements of the Gorge Commission’s Land Use Ordinances, it is recommended that:

A Cultural Resource Reconnaissance Survey is: Not Required

A Historic Survey is: Not Required

3.3 Friends of the Columbia River Gorge (Exhibit D.2)

The Friends provided written comments to ensure that they will obtain a full written decision when issued. No specific concerns were addressed.

4.0 Code Compliance and Applications Criteria:

4.1 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 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:

* * *

(B) For the purposes of this section, Public Safety means the 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.

Staff: This standard provides that the County shall not make a land use decision approving development for a property that is not in full compliance with County Code or previously issued County approvals, except in the following instances: approval will result in the property coming into full compliance, approval is necessary to protect public safety, or the approval is for work related to or within a valid easement.

This standard codified in the Columbia River Gorge National Scenic Area Code chapter related to land use application procedures and, by its terms, expressly applies to the application review process. Importantly, a finding of satisfaction of this standard does not mean that a property is in full compliance with the Zoning Code and all prior permit approvals (and, accordingly, does not preclude future enforcement actions relating to uses and structures existing at the time the finding is made). Instead, a finding of satisfaction of this standard simply means that there is not substantial evidence in the record affirmatively establishing one or more specific instances of noncompliance.

For purposes of the current application, there are no known open compliance cases associated with the subject property, and there is no evidence in the record of any specific instances of noncompliance on the subject property. *This criterion is met.*

5.0 Gorge Open Space (GSO) Criteria:

5.1 MCC 38.2625 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:

- (1) Changes in existing uses including reconstruction, replacement, and expansion of existing structures and transportation facilities, except for commercial forest practices.

Staff: ODOT has determined that the existing bridge needs to be replaced because the deck and substructure are in poor condition. In addition, the bridge is not consistent with current seismic and other roadway or bridge standards (Exhibit A.2). The proposed geotechnical exploration is in preparation for the future replacement of the bridge.

6.0 National Scenic Area (NSA) Site Review Criteria:

6.1 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:

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

- (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	Open Space	NOT VISUALLY EVIDENT

(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 geotechnical exploration area falls within the River Bottomlands Landscape Setting. The applicant states that the subsurface geotechnical exploration boreholes are temporary in nature and will not be visible from any of the KVAs (Exhibit A.2). *These criteria are met.*

(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: Due to the subterranean nature of the project, the temporary boreholes will not be visible from the KVAs. The project does not involve the development of any structures. ODOT will conduct the geotechnical exploration approximately 2 weeks in duration. Access to the boring sites will be from existing right-of-way and from temporary access routes. The temporary access routes will be remediated after the work is complete (Exhibit A.2). *This criterion is met.*

(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.

* * *

Staff: No structures or buildings are proposed for this project. Conditions to achieve the scenic standards are not necessary for the temporary boreholes. *This criterion is not applicable.*

(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: ODOT prepared a Biological and Water Resources Memo that describes the project impacts and mitigation of those impacts to priority habitat, water resources, and plant and wildlife species regulated in the Columbia River Gorge National Scenic Area (Exhibits A.2 & A.6). In regards the existing conditions,

the applicant described the project area as highly disturbed. The temporary access road and boring locations are located along the old alignment of the Historic Columbia River Highway, and at the toe of the existing I-84 road embankment. ODOT is proposing to remove trees within the project area to allow space for the drill rig to access the proposed boring locations. No wetlands, streams or other water resources are within the project area. For mitigation, ODOT proposes to minimize impacts to existing vegetation and trees by maneuvering the drill rig around as many trees as possible to access the boring locations. After the drill operation has been completed, the applicant is proposing to restore and reseed the area with the approved CRGNSA seed mix (Exhibit A.6). *This criterion is met.*

(7) Proposed development shall not protrude above the line of a bluff, cliff, or skyline as visible from Key Viewing Areas.

(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: No structures or buildings are proposed as part of this project. The geotechnical exploration is sub-surface only (Exhibit A.2). *These criteria are met.*

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

* * *

Staff: The applicant is not proposing new landscaping to screen the development as the boreholes will not be visible from any of the key viewing areas (Exhibit A.2). *These criteria are not applicable.*

(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 as or darker than the colors in the shadows of the natural features surrounding each landscape setting.

(11) The exterior of structures on lands seen from key viewing areas shall be composed of non-reflective materials or materials with low reflectivity. Continuous surfaces of glass shall be limited to ensure meeting the scenic standard. The Scenic Resources Implementation Handbook includes a list of recommended exterior materials and screening methods.

Staff: No structures are proposed. *These criteria are not applicable.*

(12) Any exterior lighting shall be directed downward and sited, limited in intensity, and 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. Shielding and hooding materials shall be composed of non-reflective, opaque materials.

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

Staff: No exterior lighting is proposed. *These criteria are not applicable.*

(14) New building shall be compatible with the general scale of existing nearby development. Expansion of existing development shall comply with this guideline to the maximum extent practicable. New buildings that are 1,500 square feet or less are exempt from this provision. Findings addressing this provision shall include but are not limited to:

* * *

Staff: No buildings are proposed. *These criteria are not applicable.*

(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.

(a) Buildings shall have an overall horizontal appearance in areas with little tree cover.

(b) Use of plant species native to the landscape setting. Examples of native species are identified in the Scenic Implementation Handbook as appropriate to the area shall be encouraged. Where non-native plants are used, they shall have native-appearing characteristics.

Staff: No buildings are proposed. The applicant is proposing to re-seed any vegetation impacts resulting from the temporary access route with plant species native to the landscape setting (Exhibit A.2). *These criteria are met.*

(C) SMA Requirements for KVA Foregrounds and Scenic Routes

(1) All new developments and land uses immediately adjacent to the Historic Columbia River Highway, Interstate 84, and Larch Mountain Road shall be in conformance with state or county scenic route standards.

Staff: Earth-moving activities are considered “development” pursuant to MCC 38.0015. The proposed geotechnical exploration is adjacent to Interstate – 84. The scenic route standards are addressed further below. *This criterion is met.*

(2) The following guidelines shall apply only to development within the immediate foregrounds of key viewing areas. Immediate foregrounds are defined as within the developed prism of a road or trail KVA or within the boundary of the developed area of KVAs such as Crown Pt. and Multnomah Falls. They shall apply in addition to MCC 38.7040(A).

* * *

Staff: The proposed development is not located within the immediate foreground of the KVAs. *These criteria do not apply.*

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

Staff: The applicant is proposing to re-seed any vegetation impacts resulting from the temporary access route with plant species native to the landscape setting (Exhibit A.2). *This criterion is met.*

(4) Encourage existing and require new road maintenance warehouse and stockpile areas to be screened from view from Key Viewing Areas.

Staff: The proposal does not include a road maintenance warehouse or stockpile areas. *This criterion is not applicable.*

(5) Development along Interstate 84 and the Historic Columbia River Highway shall be consistent with the scenic corridor strategies developed for these roadways.

Staff: The applicant is not proposing any development along Interstate-84 or the Historic Columbia River Highway. *This criterion is not applicable.*

(D) SMA Requirements for areas not seen from KVAs

(1) Unless expressly exempted by other provisions in MCC 38.7040, colors of structures on sites not visible from key viewing areas shall be earth-tones found at the specific site. The specific colors or list of acceptable colors shall be approved as a condition of approval, drawing from the recommended palette of colors included in the Scenic Resources Implementation Handbook.

Staff: No structures are proposed. *This criterion is not applicable.*

(2) New buildings shall be compatible with the general scale of existing nearby development. Expansion of existing development shall comply with this guideline to the maximum extent practicable. New buildings that are 1,500 square feet or less are exempt from this provision. Findings addressing this provision shall include but are not limited to:

* * *

Staff: No buildings are proposed. *These criteria are not applicable.*

6.2 MCC 38.7050 SMA Cultural Resource Review Criteria

(A) The cultural resource review criteria shall be deemed satisfied, except MCC 38.7050 (H), if the U.S. Forest Service or Planning Director does not require a cultural resource survey and no comment is received during the comment period provided in MCC 38.0530 (B).

(B) If comment is received during the comment period provided in MCC 38.0530 (B), the applicant shall offer to meet with the interested persons within 10 calendar days. The 10 day consultation period may be extended upon agreement between the project applicant and the interested persons.

(1) Consultation meetings should provide an opportunity for interested persons to explain how the proposed use may affect cultural resources. Recommendations to avoid potential conflicts should be discussed.

(2) All written comments and consultation meeting minutes shall be incorporated into the reconnaissance or historic survey report. In instances where a survey is not required, all such information shall be recorded and addressed in a report that typifies a survey report; inapplicable elements may be omitted.

Staff: Luciano Legnini, Columbia River Gorge Scenic Area Archaeologist, submitted a Cultural Resource Survey Determination stating that the Cultural Resource Reconnaissance Survey and Historic Survey are not required (Exhibit D.2). *These criteria are met.*

(C) The procedures of MCC 38.7045 shall be utilized for all proposed developments or land uses other than those on all Federal lands, federally assisted projects and forest practices.

Staff: The proposed project is funded with federal dollars (Exhibit A.2). *This criterion is not applicable.*

(D) All cultural resource information shall remain confidential, according to the Act, Section 6(a)(1)(A). Federal agency cultural resource information is also exempt by statute from the Freedom of Information Act under 16 USC 470 hh and 36 CFR 296.18.

(E) Principal investigators shall meet the professional standards published in 36 CFR part 61.

(F) The U.S. Forest Service will provide for doing (1) through (5) of subsection (G) below for forest practices and National Forest system lands.

(G) If the U.S. Forest Service or Planning Director determines that a cultural resource survey is required for a new development or land use on all Federal lands, federally assisted projects and forest practices, it shall consist of the following:

* * *

Staff: As stated previously, Luciano Legnini, Columbia River Gorge Scenic Area Archaeologist, submitted a Cultural Resource Survey Determination stating that a Cultural Resource Reconnaissance Survey is not required. *These criteria are not applicable.*

(H) Discovery During Construction

All authorizations for new developments or land uses shall be conditioned to require the immediate notification of the Planning Director in the event of the inadvertent discovery of cultural resources during construction or development.

- (1) In the event of the discovery of cultural resources, work in the immediate area of discovery shall be suspended until a cultural resource professional can evaluate the potential significance of the discovery pursuant to MCC 38.7050 (G) (3).**
- (2) If the discovered material is suspected to be human bone or a burial, the following procedure shall be used:**
 - (a) Stop all work in the vicinity of the discovery.**
 - (b) The applicant shall immediately notify the U.S. Forest Service, the applicant's cultural resource professional, the State Medical Examiner, and appropriate law enforcement agencies.**
 - (c) The U.S. Forest Service shall notify the tribal governments if the discovery is determined to be an Indian burial or a cultural resource.**
 - (d) A cultural resource professional shall evaluate the potential significance of the discovery pursuant to MCC 38.7050 (G) (3) and report the results to the U.S. Forest Service which shall have 30 days to comment on the report.**
- (3) If the U.S. Forest Service determines that the cultural resource is not significant or does not respond within the 30 day response period, the cultural resource review process shall be complete and work may continue.**
- (4) If the U.S. Forest Service determines that the cultural resource is significant, the cultural resource professional shall recommend measures to protect and/or recover the resource pursuant to MCC 38.7050 (G) (4) and (5)**

Staff: *As conditioned, these criteria are met.*

6.3 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. Proposed uses and development within wetlands, streams, ponds, lakes, riparian areas and their buffer zones shall be evaluated for cumulative effects to natural resources and cumulative effects that are adverse shall be prohibited. Comments from state and federal agencies shall be carefully considered.

(A) All Water Resources shall, in part, be protected by establishing undisturbed buffer zones as specified in MCC 38.7075(A)(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(A)(2)(a) and (2)(b).

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

(a) 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.

Staff: ODOT prepared a Biological and Water Resources Memo that describes the project impacts and mitigation (Exhibits A.2 & A.6). No wetlands, streams or other water resources are within the project area. The temporary access road and boring locations are located along the old alignment of the Historic Columbia River Highway, and at the toe of the existing I-84 road embankment. ODOT is proposing to remove trees within the project area to allow space for the drill rig to access the proposed boring locations. For mitigation, ODOT proposes to minimize impacts to existing vegetation and trees by maneuvering the drill rig around as many trees as possible to access the boring locations. After the drill operation has been completed, the applicant is proposing to restore and reseed the area with the approved CRGNSA seed mix (Exhibit A.6). *This criterion is met.*

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

Staff: No intermittent streams are within the project area (Exhibit A.2).

* * *

(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: In order to gather geotechnical information for the future replacement of the McCord Creek Bridge, temporary boreholes are required within the buffer zones. After the drill operation has been completed, the applicant is proposing to restore and reseed the area with the approved CRGNSA seed mix (Exhibit A.6). *This criterion is met.*

(C) The applicant shall be responsible for identifying all water resources and their appropriate buffers.

Staff: ODOT prepared a Biological and Water Resources Memo that identifies the appropriate buffers within the project area (Exhibit A.6). *This criterion is met.*

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

* * *

Staff: There are no wetlands within the project area. *These criteria are not applicable.*

(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.

(F) Multnomah County 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, Multnomah County 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: There are no streams, ponds or lakes within the project area. *These criteria are not applicable.*

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

(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 applicant states that the buffer disturbances have been minimized to the maximum extent possible for the proposed geotechnical exploration project. The impacts are temporary and associated with developing access routes to the boring locations which are not accessible from existing roads or trails (Exhibit A.12). The access road to reach the proposed boring locations will have temporary impacts to 0.018 acres within the wetland buffer but no direct disturbance within a water body. *This criterion is met.*

(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:

(a) 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.

(c) The proposed project minimizes the impacts to the wetland.

(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: The applicant is not proposing to fill or drain wetlands. Disturbance within the buffer areas will be restored and reseeded with the approved CRGNSA seed mix (Exhibit A.6). *These criteria are met.*

(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.

* * *

(M) If the above measures fail to eliminate the adverse effects, 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: The project is within 1,000 feet of the Columbia River and Moffett Creek which both contain sensitive wildlife. No sensitive plants were identified within 1,000 feet of the project (Exhibits A.2 & A.6). Staff sent notice to all appropriate agencies (Exhibits C.2 & C.3). The sensitive wildlife found in Moffett Creek and the Columbia River were identified in the table below. No impacts are anticipated to the species identified below because the project does not impact either waterway.

Resource	Sensitive Wildlife
Moffett Creek	Coho Summer Steelhead Winter Steelhead Fall Chinook Spring Chinook

	Coastal Cutthroat Trout
Columbia River	Chinook Salmon Columbia River Chum Salmon Lower Columbia River Coho Salmon Snake River Sockeye Salmon Steelhead Green Sturgeon Pacific Eulachon

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

- (1) 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: ODOT is proposing to employ erosion control measures and will follow standard Best Management Practices for construction (Exhibit A.2). *As conditioned, these criteria are met.*

(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:

- (1) 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, or wildlife or plant areas 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, or wildlife or plant areas or sites.**
- (3) Reasonable attempts were made to remove 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: The applicant is requesting approval for the exploration to gather data to inform how to replace the existing Moffett Creek bridge. The project site cannot be moved due to the location of the existing I-84 alignment. The applicant states that blasting and cliff wall modifications within priority habitat areas would be required to move the location of the bridge which also introduces safety and alignment concerns on I-84 (Exhibit A.2). The applicant is not proposing a Management Plan amendment. *These criteria are met.*

(R) The Mitigation Plan shall be prepared when:

- (1) 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).

(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).

* * *

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

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

(1) Describe the biology and function of the protected resources (e.g. Wildlife/plant species, or wetland) that will be affected by a proposed use. An ecological assessment of the protected resource and the condition of the resource that will result after restoration shall 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 protected 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 protected resources and their surrounding habitat that will not be altered (for examples, delineation of core habitat of the rare 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 creation measures will be applied to ensure that the proposed use results in minimum feasible impacts to protected resources, their buffer zones, and associated habitats.

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

(X) At a minimum, a project applicant shall provide to the Planning Director 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 Planning Director for review upon completion of the restoration, enhancement, created or replacement activity. This monitoring report shall document successes, problems encountered, resource recovery, status of any rare wildlife/plant species and shall demonstrate the success of restoration or enhancement actions. The Planning Director shall submit copies of the monitoring report to the U.S. Forest Service; who shall offer technical assistance to Multnomah County 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.

(Z) Mitigation measures to offset impacts to resources and buffers shall result in no net loss of water quality, natural drainage, fish/wildlife/plant habitat, and water resources by addressing the following:

- (1) Restoration and enhancement efforts shall be completed no later than one year after the protected resource or buffer zone has been altered, 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 shall survive. All plantings shall 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, substrata, and structures, such as large woody debris and boulders.**
- (4) If this standard is not feasible or practical because of technical constraints, a protected resource of equal or greater benefit may be substituted, provided that no net loss of protected resource functions occurs and provided the County, in consultation with the appropriate state and federal agency, determine that such substitution is justified.**
- (5) Rare plants that will be altered 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.**
 - (a) 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).**
 - (c) 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 shall be located outside of stream, pond, and lake buffer zones.**
 - (h) Streambank and shoreline stability shall be maintained or restored with natural revegetation.**

(i) The size of restored, enhanced, and created 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.

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 Planning Director to ensure compliance. The U.S. Forest Service, in consultation with appropriate state agencies, shall extend technical assistance to the County 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: As mentioned in prior findings, ODOT provided a Biological and Water Resources Memo that identifies the bank cliff habitat and water resource buffer areas, project impacts, and the appropriate mitigation (Exhibit A.6). No wetlands, streams or other water resources are within the project impact area. ODOT is proposing to remove a maximum of 40 trees to allow space for the drill rig to access the proposed boring locations, and the intent is to avoid as many trees as possible. Impacts to sensitive biological resources will be avoided, and no impacts to endemic or State and Federally listed species are anticipated. The access path and the first drilling location overlap with the buffers for Moffett Creek and the west bank cliff habitat. Cliff habitat buffer impacts have a total area of 792 square feet, stream habitat buffer impacts total 577 square feet. The total buffer impacts equal to 792 square feet since the cliff and stream buffer impacts overlap entirely. ODOT is proposing to restore and reseed the area with an approved CRGNSA seed mix (Exhibit A.6). *As conditioned, these criteria are met.*

6.4 MCC 38.7085 SMA Recreation Resource Review Criteria

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

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

* * *

Staff: Staff finds the proposed geotechnical exploration work is consistent with the existing use on the subject property and the applicant is not proposing any recreational uses. *These criteria are not applicable.*

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

(1) Intensity Class 1

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

(a) 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.

(c) The following uses may be permitted:

- 1. Trails and trailheads.**
- 2. Parking areas.**
- 3. Dispersed campsites accessible only by a trail.**
- 4. Viewpoints and overlooks.**
- 5. Picnic areas.**
- 6. Signs.**
- 7. Interpretive exhibits and displays.**
- 8. Rest-rooms.**

Staff: The subject property is located within the Recreation Intensity Class 1; however, the applicant is not proposing any recreation-based uses. *These criteria are met.*

7.0 Conclusion

Based on the findings and other information provided above, the applicant has carried the burden necessary for the National Scenic Area Site Review for geotechnical exploration in the GSO zone. This approval is subject to the conditions of approval established in this report.

8.0 Exhibits

- ‘A’ Applicant’s Exhibits
- ‘B’ Staff Exhibits
- ‘C’ Procedural Exhibits
- ‘D’ Comments Received

Exhibits with an ‘*’ have been reduced in size and included with the mailed decision. All exhibits are available for digital review by sending a request to LUP-comments@multco.us.

Exhibit #	# of Pages	Description of Exhibit	Date Received / Submitted
A.1	2	Application Form	10.27.2025
A.2	16	Narrative	10.27.2025
A.3	2	Site Plan	10.27.2025
A.4	5	ODOT Cultural Resources Memo	10.27.2025
A.5	2	Archaeology Internal Peer to Peer Quality Control Review Checklist	10.27.2025
A.6	6	Biological and Water Resources Memo	10.27.2025
‘B’	#	Staff Exhibits	Date
B.1	1	Current Tax Map for 2N7E	10.27.2025
‘C’	#	Administration & Procedures	Date
C.1	1	Complete Letter	11.26.2025
C.2	33	Agency Review	12.02.2025

C.3	27	Opportunity to Comment	03.12.2026
C.4	19	Decision	07.01.2026
'D'	#	Comments	Date
D.1	2	State Historic Preservation Office Comments	12.02.2025
D.2	2	U.S. Forest Service Comments	12.09.2025
D.3	5	Friends of the Columbia Gorge Comments	04.02.2026