

WASCO COUNTY PLANNING COMMISSION HEARING

Application Number: PLASAR-15-01-0004

Applicant: Union Pacific Railroad

September 6, 2016

The Columbia Gorge Discovery Center & Museum

The Dalles, Oregon



If you wish to provide comment:

- Please:
 - **Sign up to provide comment**
 - Come to the waiting area when your name is called
 - State your name for the record
 - Limit your comments to 3 minutes
 - Be respectful of one another and the process

It is important that as many people are able to speak as possible, please be respectful in your time management.

Hearing Format

- Public hearing begins at 3:00pm
- The hearing will be conducted in the following order:
 - The Planning Commission Chair will open the hearing
 - Staff will provide a presentation
 - The applicant has an opportunity to speak
 - Testimony from those in favor, then those opposed
 - Board to deliberate and decide next steps

STAFF PRESENTATION

Application Number: PLASAR-15-01-0004

Applicant: Union Pacific Railroad

Landowners: UPRR, ODOT, OPRD, Schacht

Read the full Staff Summary online at:
<http://co.wasco.or.us/planning/UPRR.html>



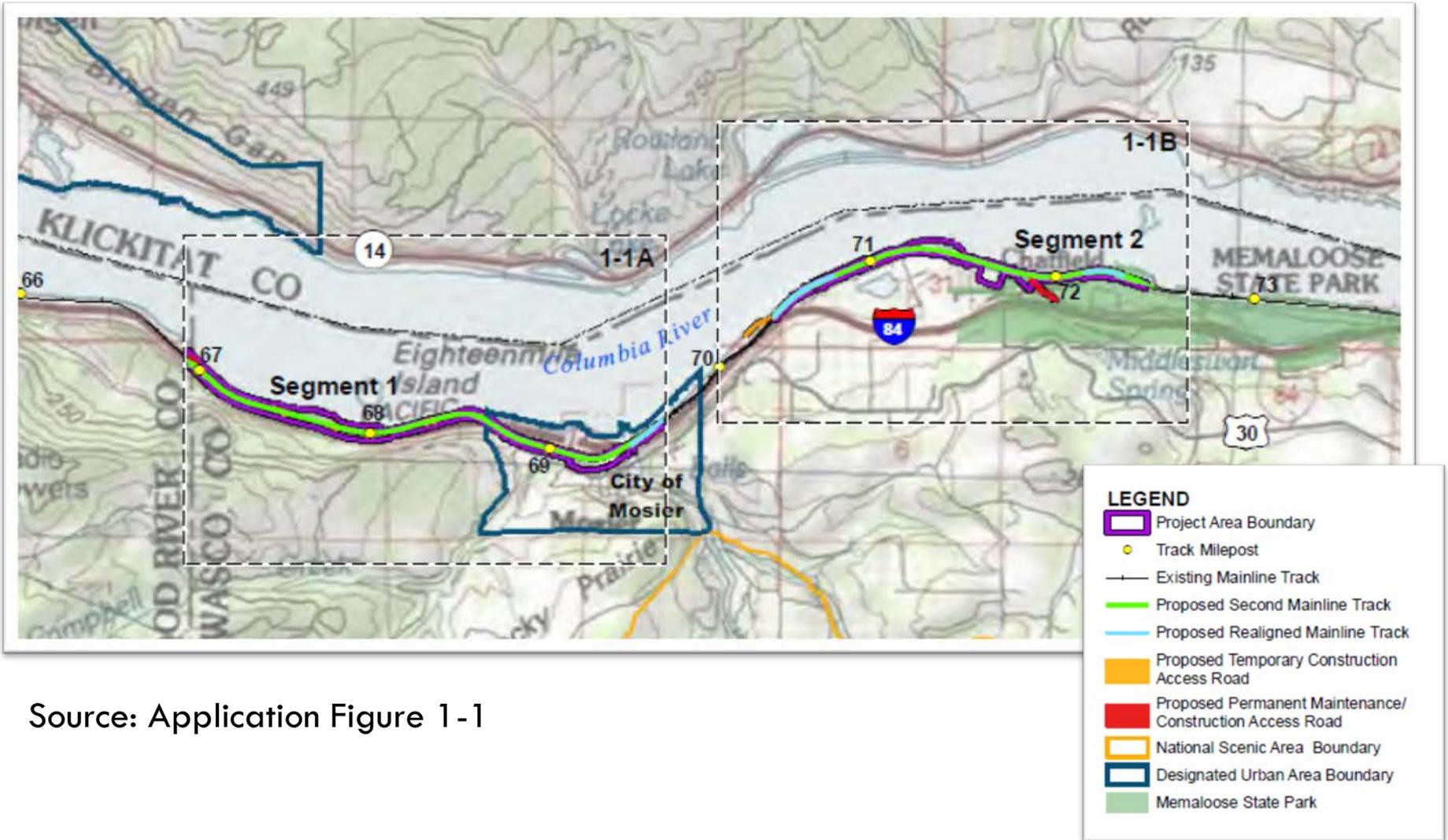
Proposed Development:

- Expand an existing railroad siding to create 4.02 miles of second mainline track
- Replace 5 equipment buildings and associated equipment
- Install drainage structures
- Fill wetlands and remove vegetation for new ballast
- Blast out a rock wall
- 170-foot long, 25-foot tall concrete retaining wall
- 12 new signal lights
- Required safety signage
- Remove telephone poles
- 5 new monopole wireless communication poles
- Modify existing utilities
- Clearing of vegetation for construction of temporary landing zones
- Improve access roads (grade and gravel)
- Off-site wetland mitigation

Location and Zoning

- Only those portions located outside of the Mosier Urban Area are subject to the National Scenic Area Act, the Management Plan for the Columbia River Gorge National Scenic Area and the requirements of the Wasco County NSA Ordinance.
- General Management Area Large-Scale and Small-Scale Agriculture, Open Space, and Water; and Special Management Area Public Recreation, Agriculture, and Open Space.

Site Plan / Vicinity Map



Source: Application Figure 1-1

Applicable Rules

- The proposed development is subject to compliance with the:
 - *Management Plan for the Columbia River Gorge National Scenic Area*, and the
 - Wasco County National Scenic Area Land Use and Development Ordinance (NSALUDO)
- NSALUDO Chapters that apply:
 - Chapter 1 – Introductory Provisions
 - Chapter 2 – Development Approval Procedures
 - Chapter 3 – Basic Zoning Provisions
 - Chapter 5 – Conditional Use Review
 - Chapter 6 – Variance Criteria
 - Chapter 11 – Fire Safety Standards
 - Chapter 14 – Scenic Area Review

Wasco County Staff prepared a staff summary and recommendation to consider the proposal's consistency with the applicable rules.

These documents can be viewed in at:
<http://co.wasco.or.us/planning/UPRR.html>

Chapter 3: Basic Zoning

Proposed Use: Railroad construction, reconstruction, replacement, and expansion		
Zone:	Listed as allowed review use?	Applicable Section NSALUDO:
GMA Large Scale Agriculture	Yes, subject to full review	Section 3.120(E)(20)
SMA Agriculture	Yes, subject to full review	Section 3.120(E)(18)
GMA Small Scale Agriculture	Yes, subject to full review	Section 3.130(E)(14)
GMA Open Space	Yes, subject to full review	Section 3.180(D)(2)
SMA Open Space	Yes, subject to full review	Section 3.180(D)(3)
SMA Public Recreation	Yes, subject to full review	Section 3.170(E)(27)
GMA Water	There are no uses listed for GMA Water. Consistent with past policy, the proposed use is subject to compliance with Chapter 14.	

Chapter 5: Conditional Use Criteria

- Must be consistent with the MP and NSALUDO
- Must be compatible with the surrounding area
- Must not significantly burden public service, including Fire & EMS
- Must not impair traffic flow or safety
- Must minimize noise, dust, odor, in all phases
- Must not reduce or impair sensitive habitat or cause erosion
- Must not adversely effect air, water, or land
- Must not detract from the visual character
- Must preserve historic value and cultural significance
- Must be compatible with agriculture
- Must not significantly increase fire hazard, suppression costs, or risks to personnel

{ Failure to comply with any conditions of approval = revocation of CUP permit }

Conditional Use Criteria – Conditions

- Staff Recommends the following conditions of approval:
 - Non-compliance (at any time) = revoke permit
 - Coal cars shall be covered
 - Adhere to all FRA safety standards, including any safety improvements that are optional
 - Stay within existing range of 20 to 30 trains per day
 - A Spill Response Plan must be prepared prior to construction
 - Provide regular training to Gorge fire departments included in the Mid-Columbia Five County Mutual Aid Agreement
 - UPRR solicit feedback about local needs for combatting a railroad related fire incident and make a good faith effort to assist in meeting those needs.
 - Must comply with agriculture resource protections
 - Temporary traffic impacts must be coordinated with ODOT, Wasco County Public Works, and OPRD
 - Grading, excavation, vegetation removal must be minimized where possible and revegetated as soon as possible. BMPs shall be implemented at all times.

Chapter 6: Variances

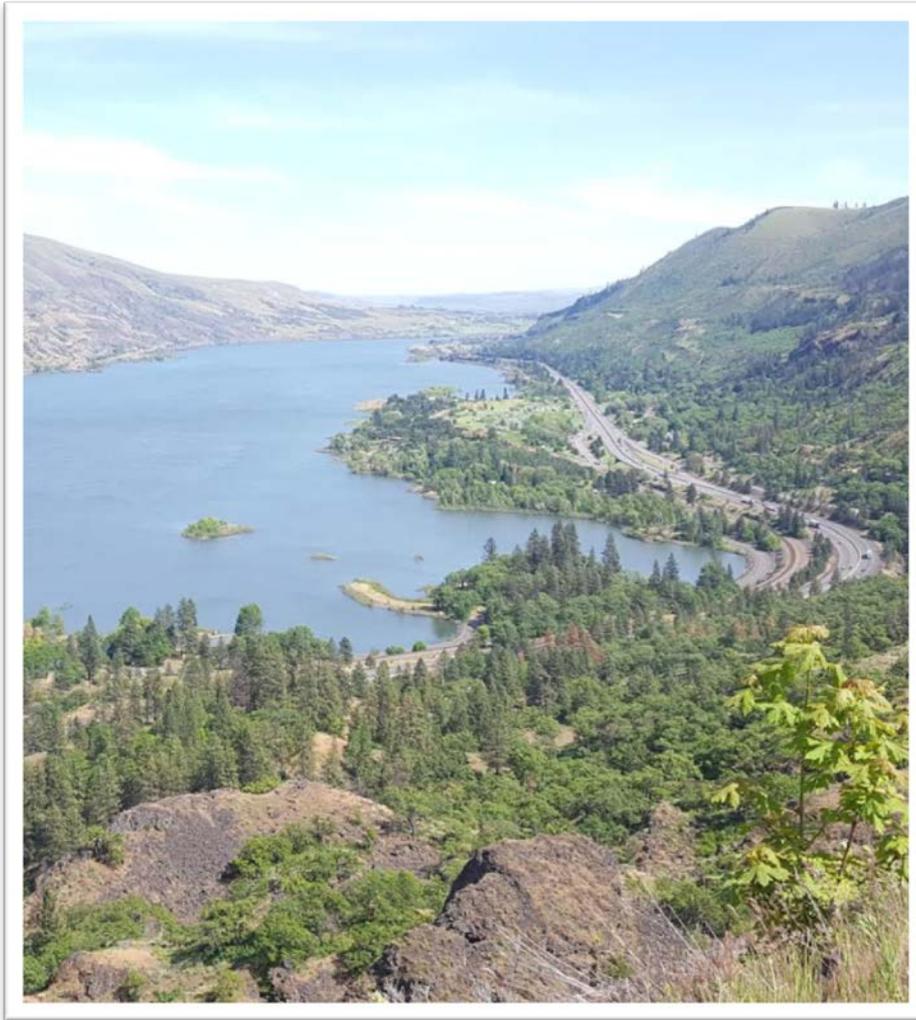
- Requested Planning Commission Variances:
 - Columbia River development setback standards
 - Scenic Travel Corridor (I-84) setback standard
 - Wetland buffer standards
 - Sensitive plant buffer zones

{ Planning Commission Variance = more than 50% variance is requested by the applicant }

Chapter 11: Fire Safety Standards

- Fire Safety Standard Self-Certification Checklist to confirm compliance with requirements of Chapter 11.
- No concerns were expressed by local or regional fire or emergency services during staff consultation.
- **Condition of approval** to require the development of a Spill Response Plan , provide regular training to Gorge fire departments included in the Mid-Columbia Five County Mutual Aid Agreement, and UPRR to solicit feedback about local needs for combatting a railroad related fire incident and make a good faith effort to assist in meeting those needs.

Chapter 14 - Scenic Area Review



- Scenic
- Cultural
- Natural
- Recreation
- Treaty Rights
- GMA and SMA rules are applied throughout.

Chapter 14: Scenic Resources

- Key viewing areas:
 - State Route 14; Columbia River; I-84; and the Historic Columbia River Highway
 - Foreground, middle ground and background views
 - Scenic Standards: visually subordinate & visually not evident
- Landscape settings
 - Pastoral landscape setting in the GMA, the Oak Pine Woodland Landscape Setting in the SMA, River Bottomlands Landscape Setting in the GMA and SMA, the Gorge Walls, and the Canyonlands and Wildlands Landscape Setting in the GMA.
- Scenic travel corridors:
 - I-84 and the Historic Columbia River Highway

Scenic – Anticipated Impacts

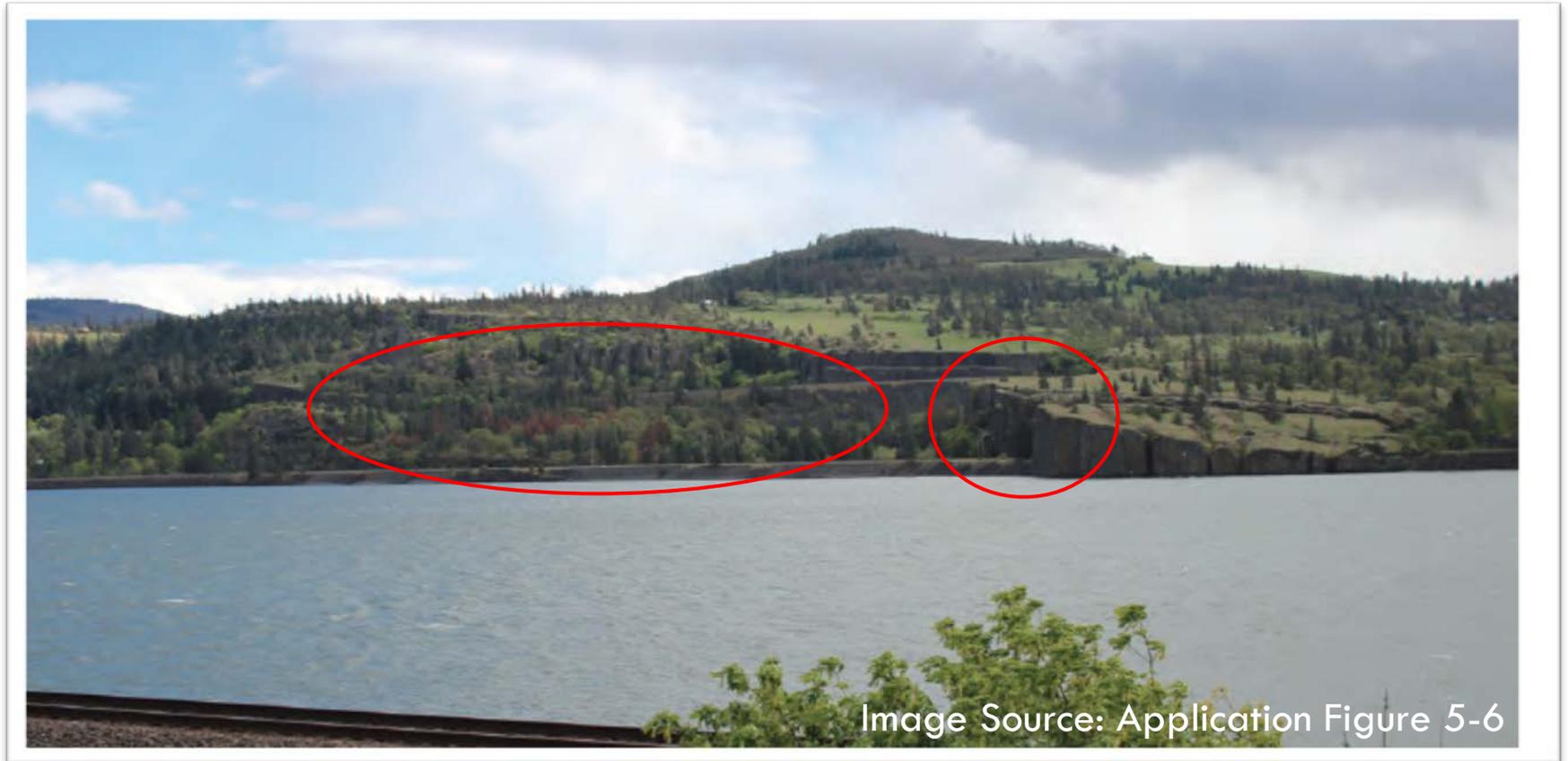
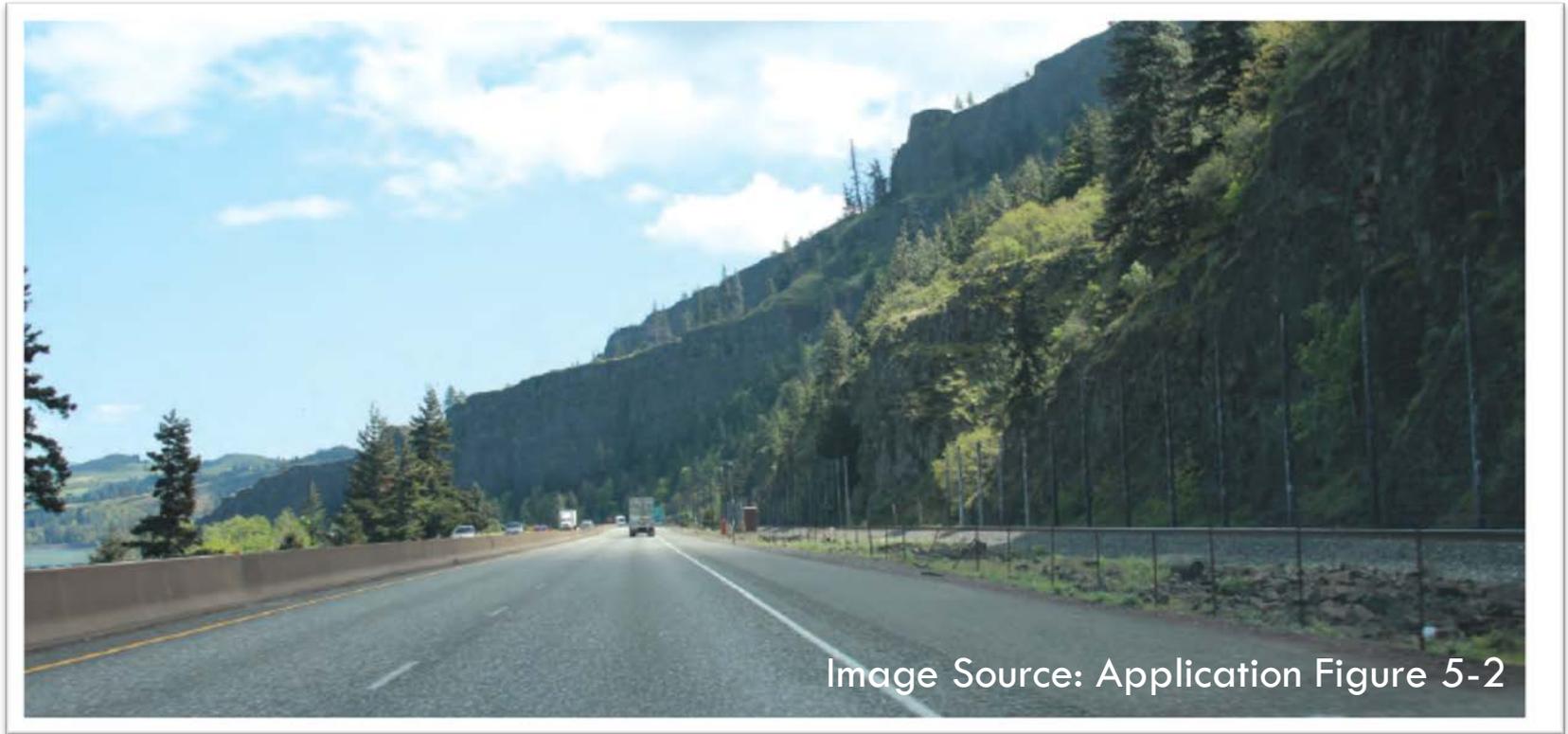


Image Source: Application Figure 5-6

View from SR14 and Columbia River; foreground and middle ground
Red circles (added by staff) indicate areas of blasting and vegetation clearing

Scenic – Anticipated Impacts



View from I-84; foreground

Anticipated impact = Second track and vegetation clearing as needed construction

Scenic – Recommended Conditions

- ❑ Prohibit the clearing of 6.62acre Open Space site east of rock blasting site (scenic and natural)
- ❑ Retain all vegetation to the maximum extent practicable
- ❑ Rock blasting must occur in natural appearing, irregular patterns to emulate a natural cut face
- ❑ Retaining wall must be a basalt rock pattern color treated to blend with surrounding rock wall colors, shadows, and patterns
- ❑ Revegetate all disturbed areas immediately with native seed mixes
- ❑ All new structures, buildings and signage shall comply with the color and material requirements of the I-84 Corridor Strategy, a plan developed for infrastructure in the NSA
- ❑ Buildings must be treated for non-reflective finish
- ❑ New lighting shall not cause visual pollution or create a hazard
- ❑ Guardrail replacement shall be in-kind to ensure a continuous aesthetic, consistent with the I-84 Corridor Strategy

Chapter 14: Cultural Resources

- There are three types of cultural resources protected in the NSA:
 - Archaeological
 - Traditional Cultural Properties
 - Historic
- A survey was prepared, shared, and amended based on feedback.
- There are no anticipated impacts
- Conditions of approval to cease development upon discovery during construction

Chapter 14: Natural Resources

- **Waterbodies** – will impact wetlands and lakes; mitigation plan approved by USACE, NMFS, NFW, ODFW, USFS NSA.
- **Wildlife habitat** – deer and turkey range, shallow water habitat; mitigation plan approved by ODFW
- **Rare plant** populations – 3 plant species will be affected; mitigation plan approved by ORBIC
- **SMA Priority Habitats** – USFS expressed concerns regarding Oregon white oak impacts and the high quality Priority Habitat areas proposed to be affected

Table 1
Wetland and Water Body Disturbance

Wetland ID	GMA/SMA	Approx. Milepost(s)	Total Wetland/ Waterbody Area (acres)	Open Water Permanent Impacts (acres)	Vegetated Wetland Permanent Impacts (acres)	Total Buffer Zone Impact (acres)
Wetland 7	SMA	72.28 – 72.34	0.17	0	0.17	
Wetland 9	SMA	71.46 – 71.51	0.24	0	0	1.59 ¹
Wetland 9B	SMA	71.47 – 71.51	1.78	0	0	
Wetland 11	GMA	70.72 – 70.95	1.15	0.00	0.25	
Lake 11	GMA	70.78 – 70.94	1.86	0.14	0.00	1.01 ¹
Wetland 12	GMA	70.69 – 70.72	0.14	0	0.03	
Wetland 17	GMA	68.55 – 68.57	0.08 ²	0.00	0.06 ²	
Wetland 18	GMA	68.56 – 68.58	0.09 ²	0	0	0.20 ¹
Lake 18	GMA	68.56 – 68.58	1.21 ³	0	0	
Wetland 20	GMA	66.97 – 67.12	0.15	0	0	0.55
Lake 20	GMA	66.97 – 67.12	1.66	0.02	0	
Columbia River/Bonneville Reservoir	GMA/SMA	North of project area for full project length	-	0.00 ³	0	5.58 ⁴
Total Impacts to Wetlands, Waterbodies & Buffers				0.41	0.75	Temp: 3.52 Perm: 8.75

¹ The buffer zones of adjacent wetlands and/or waterbodies overlap in some cases, necessitating buffer disturbance to be reported as a combined acreage.

² A portion of Wetlands 17 and 18 are located within the NSA-designated Urban Area; the total wetland/waterbody and impact areas provided in this table constitute only the portions within the NSA and outside of the designated Urban Area.

³ No permanent disturbance to the Columbia River/Bonneville Reservoir will result from the project; however, approximately 0.01 acres will be temporarily affected during the installation of two culverts proposed to mitigate for potential impacts to fish habitat.

⁴ Acreage excludes Columbia River buffer impact areas that intersect with wetland buffers accounted for in above calculations.



Wetland impacts and mitigation proposals:



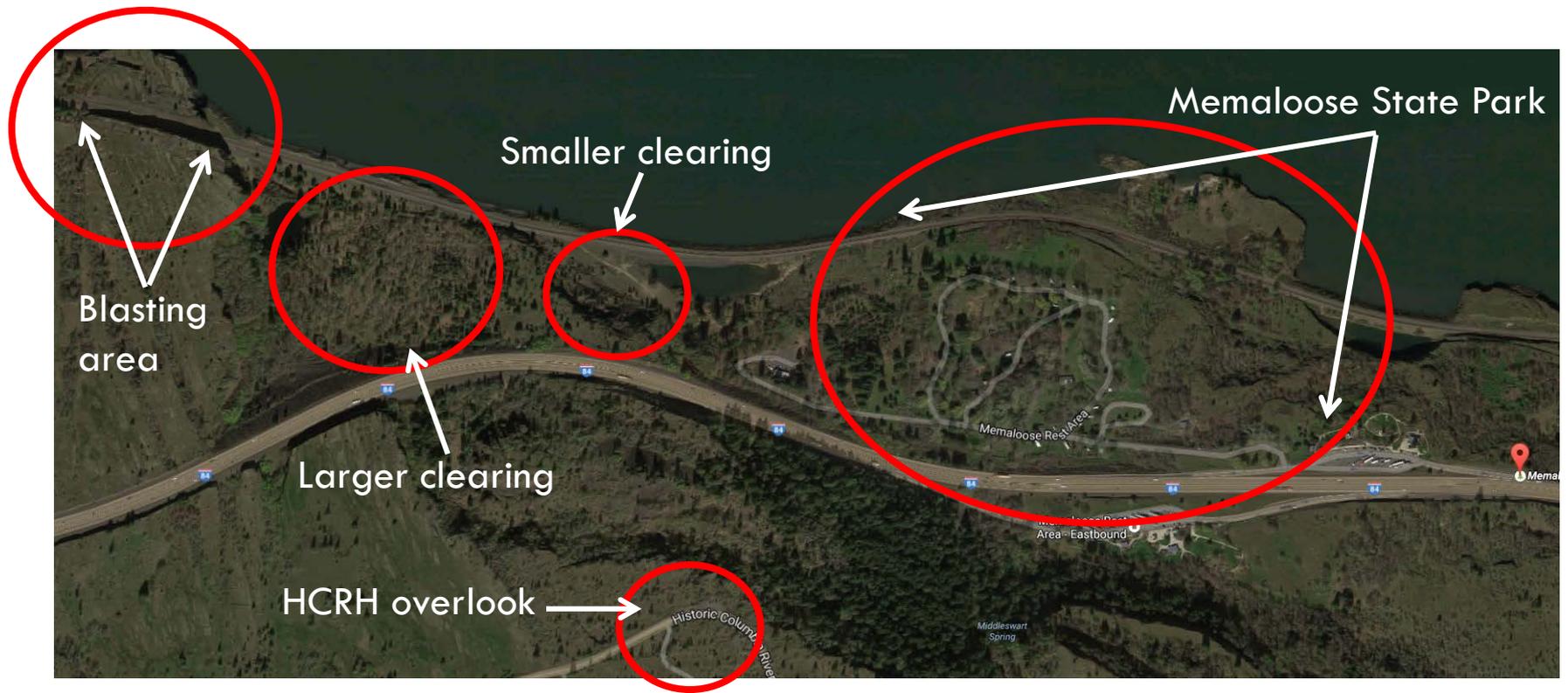
Natural – Recommended Conditions

- ❑ Prohibit 6.62acre Open Space clearing
- ❑ Implement the Tooley Lake Wetland Mitigation Plan
- ❑ Implement the Sensitive Species and Wildlife Habitat Protection and Rehabilitation Plan
- ❑ Remove blasted materials for off-site crushing
- ❑ Avoid areas of identified special-status plant populations, priority habitats, sensitive wildlife and plant areas, and their buffer areas to the maximum extent practicable.
- ❑ Implement micro-siting of development during construction to avoid habitat where practicable
- ❑ Remove and conserve, and immediately replant plants that will be directly affected
- ❑ Implement weed control procedures to prevent the spread of noxious weeds
- ❑ Require the SMA Oregon white oak replacement ratio of 8:1 (*please note this would be a correction to the staff summary*)

Chapter 14: Recreation Resources

- Established recreation sites within vicinity of development: Memaloose State Park & Historic Columbia River Highway State Trail
- Comments from OPRD cite impacts of noise, disconnection from park properties, and resource impact concerns at Memaloose as well as the Gorge region of state parks properties.
- Recommended conditions of approval:
 - (1) to develop a Columbia River access feasibility study to ensure long term impacts of the railroad do not impact established recreation uses or sites. Improved access from State Parks properties to the Columbia River shall be the outcome of this study and any resulting action items. And,
 - (2) minimize impacts of construction to recreation users

Recreation - proximity



Oregon State Parks properties are cut by railroad

Image source: Google Maps

Chapter 14: Treaty Rights

- Comments received from the Confederated Tribes of the Umatilla Indian Reservation:
 - ▣ River access and fisherman safety while crossing
 - ▣ Significant natural resource impacts
 - ▣ Cultural resource impacts
- Government to government consultation with the USACE
- Anticipated impacts: decreased safety in crossing tracks
- REQUIRED condition to add at least 2 safe crossings
- **Failure to comply = denial of this development request**

Chapter 23: Sign Provisions

- Proposed signage is required by FRA for safety
- Proposed signage is allowed without review; however Staff recommends condition of approval to require compliance with this chapter through the Interstate 84 Corridor Strategy
- *Staff recommends a correction to the Staff Summary to accurately reflect the applicability of this chapter.*

New Information

Received After 8/30/2016 Staff Summary & Recommendation was prepared.

- ❑ Many more public comments expressing concern via email
- ❑ Letter from Mosier Volunteer Fire and Rescue citing capacity concerns, requesting clarification of risks, and a fire mitigation plan.
- ❑ Letter from Mosier City Council opposing project for public health and safety reasons, river access concerns, noise, and wetland impacts.
- ❑ Letter from ODOT requesting structural analysis for seismic stability and expressing support for improved recreation access condition of approval
- ❑ Letter from OPRD describing regional context of recreation disconnection, noise and resource impacts
- ❑ Letter from Columbia Gorge Windsurfing Association expressing opposition to the proposed development
- ❑ Letter from the Confederated Tribes of the Umatilla requesting a study to analyze the impacts on tribal fishing (note this would be a required condition).
- ❑ Several large items from the Friends of the Gorge

Opportunity for Applicant to Speak



Public Hearing – Rules of Conduct

If you'd like to comment, please sign up for comment

- ❑ Come to the waiting area when your name is called
- ❑ State your name for the record
- ❑ Limit your comments to 3 minutes

To provide time for as many people as possible to speak, please:

- ❑ No applause
- ❑ No calling out comments or questions from the audience
- ❑ No demonstrations

Please be respectful of all speakers.

Planning Commission

- At the end of the hearing,
 - Continue or close the public hearing?
 - If the hearing is continued, please specify the date, time and location.
 - If the hearing is closed, the Commission will deliberate at a future public meeting. Please specify the date, time and location.

For additional information:



Wasco County Planning Department
2705 East Second Street, The Dalles, Oregon 97058
(541) 506-2560

Materials related to this case can be viewed online at
<http://co.wasco.or.us/planning/UPRR.html>

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