BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 1302

Amending Multnomah County Chapter 38 Zoning Code and the Multnomah County Comprehensive Plan in response to federally mandated revisions to the Management Plan for the Columbia River Gorge National Scenic Area approved by the Columbia River Gorge Commission and other amendments to Chapter 38 Code and the Comprehensive Plan not related to the Management Plan revisions.

(Language ~~stricken~~ is deleted; underlined language is new.)

The Multnomah County Board of Commissioners Finds:

a. Periodically, there is a need to amend County land use policies or regulations to address a change in law or circumstance; to implement elements of the Multnomah County Comprehensive Plan; or to make technical corrections for, among other things, clarification and consistency (commonly referred to as "housekeeping amendments"). Having identified such need, the Multnomah County Planning Commission recommended the adoption of this ordinance to the Board of County Commissioners. The Planning Commission made such recommendation through adoption of the resolution described below and pursuant to its authority in MCC 38.0340 and in ORS 215.110.

b. Following a three-year public planning process, the Columbia River Gorge Commission adopted revisions to the Management Plan for the Columbia River Gorge National Scenic Area (Management Plan) on October 13, 2020 as part of the National Scenic Area Act requirement to review and update the Management Plan as needed roughly every ten years. The Management Plan contains the land use and resource protection goals, objectives, policies and guidelines necessary to protect and enhance scenic, cultural, recreational and natural Columbia River Gorge resources and to protect and support the economy of the Columbia River Gorge area.

c. This ordinance amends Multnomah County Code Chapter 38 and amends the Columbia River Gorge National Scenic Area Rural Area Plan (an element of the Multnomah County Comprehensive Plan) to implement at the local level federally mandated revisions to the Management Plan approved by the Columbia River Gorge Commission. The ordinance also addresses housekeeping measures correcting errors and simplifying and clarifying provisions within the Chapter 38 Zoning Code and the County Comprehensive Plan, as further explained in Board Exhibit 4.

d. Multnomah County is mandated by the National Scenic Area Act to adopt land use code amendments and any necessary Comprehensive Plan amendments consistent with the Management Plan revisions by December 11, 2021 (270 days from the date the revised

Management Plan was transmitted to Multnomah County). Failure to adopt the amendments within the required time period may result in the Columbia River Gorge Commission setting land use standards for the area.

e. The Planning Commission held a public hearing on October 4, 2021, which was continued until November 1, 2021. Both hearings provided an opportunity for all interested persons to appear and be heard. Notice of the Planning Commission's October hearing was published in the Oregonian newspaper, as required by law, and notice of both hearings were published on the website of the Multnomah County Land Use Planning Program. In addition, the written individual notice required in ORS 215.503 (commonly referred to as "Ballot Measure 56 notice") was mailed on September 10, 2021. An updated hearing notice was mailed September 28, 2021 to owners of certain forest zoned properties (GGF-40 and GGF-80 zoning districts) clarifying code amendments were proposed eliminating certain development opportunities in these zones as required by the Management Plan.

f. The Planning Commission's recommendation within Planning Commission Resolution No. PC 2021-14505 (Board Exhibit 3) is sound and derives from the proper execution of its duties and authority.

g. A copy of the written record of the Planning Commission hearings is incorporated as Board Exhibit 4.

Multnomah County Ordains as Follows:

Section 1. Multnomah County Code Chapter 38 is amended in the form set forth in Board Exhibit 1.

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Section 2. The Columbia River Gorge National Scenic Area Rural Area Plan (an element of the Multnomah County Comprehensive Plan) is amended in the form set forth in Board Exhibit 2.

FIRST READING: December 2, 2021

SECOND READING AND ADOPTION: December 16, 2021

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Deborah Kafoury, Chair

REVIEWED:
JENNY M. MADKOUR, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Katherine Thomas, Assistant County Attorney

SUBMITTED BY: Jamie Waltz, Director, Department of Community Services

Board Exhibit 1

§§:

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PART 1 - GENERAL PROVISIONS

§ 38.0000- PURPOSES

The purposes of the Columbia River Gorge National Scenic Area Districts are to protect and provide for the enhancement of the scenic, cultural, recreational, and natural resources of the Columbia River Gorge, and to protect and support the economy of the Columbia River Gorge by encouraging growth to occur in existing urban areas and by allowing future economic development in a manner that protects and enhances the scenic, cultural, recreational, and natural resources of the Gorge.

(Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0005 AREA AFFECTED

MCC Chapter 38 shall apply to all lands within the Columbia River Gorge National Scenic Area as designated by the Columbia River Gorge National Scenic Area Act.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 994, Amended, 09/26/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0010 USES AND RELATED DEVELOPMENT STANDARDS

(A) No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged, including those proposed by state or federal agencies, in the Columbia River Gorge National Scenic Area except for the uses listed in MCC 38.1000 through 38.3295~~;~~ when considered under the applicable approval provisions of this Chapter.

(B) Except as otherwise authorized in MCC 38.5500 to 38.5520 (Geologic Hazards), ground disturbing activity (as defined by MCC 39.2000) within the Columbia River Gorge National Scenic Area is subject to and must comply with MCC 39.6200 to 39.6225. The definitions provided in MCC 39.2000 and 39.6205 shall be used when applying MCC 39.6200 to 39.6225 in the Columbia River Gorge National Scenic Area. Agricultural Fills and Large Fills, as referenced in MCC 39.6210(A) and defined in MCC 39.2000, are not allowed in the Columbia River Gorge National Scenic Area.

(C) Stormwater drainage control within the Columbia River Gorge National Scenic Area is subject to and must comply with MCC 39.6235. The definitions provided in MCC 39.2000 and 39.6205 shall be used when applying MCC 39.6235 in the Columbia River Gorge National Scenic Area.

(D) Development within areas of special flood hazard (as defined by MCC 39.5005) in the Columbia River Gorge National Scenic Area, including alterations, modifications or relocations to any watercourse, is subject to and must comply with MCC 39.5000 – 39.5055 (Floodplain Development Permit). The definitions provided in MCC 39.2000 and 39.5005 shall be used when applying MCC 39.5000 to 39.5055 in the Columbia River Gorge National Scenic Area.

(Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0015 DEFINITIONS

As used in this Chapter, unless the context requires otherwise, the following words and their derivations shall have the meanings provided below.

Accepted agricultural practice: A mode of operation that is common to farms or ranches of similar nature, necessary for the operation of such farms or ranches to obtain a profit in money, and customarily utilized in conjunction with agricultural use.

Accessible: In compliance with the Federal accessibility guidelines and standards. Accessible sites and facilities do not contain barriers limiting their use by people with disabilities.

Accessory ~~Alternative Energy System –~~renewable energy system: ~~-~~A system accessory to a primary structure or allowed use on the parcel that converts energy into a usable form such as electricity or heat, and conveys that energy to ~~uses allowed on the premises~~ the allowed structure or use. An ~~Accessory Alternative Energy System~~ accessory renewable energy system is a solar thermal, photovoltaic or wind turbine structure, or group of structures designed to offset all or part of the annual energy requirements of the ~~property~~ primary use on the subject parcel.

Accessory structure~~/~~or accessory building: A structure or detached building whose use is incidental and subordinate to that of the main use of the property, and that is located on the same parcel as the main building or use. The term "detached" means that the main building and accessory building do not share a common wall. An accessory building connected to the main building by a breezeway is a detached building.

Accessory use: A use or activity that is a subordinate part of a primary use and that clearly is incidental to a primary use on a site.

Active wildlife site: A wildlife site that has been used within the past five years by a sensitive wildlife species.

Addition: An extension or increase in the floor area or height of an existing building.

Adversely Affect or Adversely Affecting: A reasonable likelihood of more than moderate adverse consequence~~s~~ for the scenic, cultural, recreation or natural resources of the National ~~s~~Scenic ~~a~~Area, the determination of which is based on:

(a) The context of a proposed action;

(b) The intensity of a proposed action, including the magnitude and duration of an impact and the likelihood of its occurrence;

(c) The relationship between a proposed action and other similar actions which are individually insignificant but which may have cumulatively significant impacts; and

(d) Proved mitigation measures which the proponent of an action will implement as part of the proposal to reduce otherwise significant effects to an insignificant level.

(S-1 2006)

Agency official: The federal, state, or local agency head or designee who has authority over a proposed project.

Agricultural specialist (Special Management Area): A person such as a county extension agent with a demonstrated knowledge of farming operations, and a demonstrated ability to interpret and recommend methods to implement regulations pertaining to agriculture. Such abilities are usually obtained through a combination of higher education and experience.

Agricultural ~~structure/~~**building:** A ~~structure or~~ building located on a farm or ranch and used in the operation for the storage, repair and maintenance of farm equipment, and supplies, or for the raising ~~and/~~or storage of crops and livestock. ~~This includes, but is~~ These include, but are not limited to: barns, silos, workshops, equipment sheds, greenhouses, ~~orchard wind machines,~~ and processing facilities~~, storage bins and structures~~.

Agricultural structure: A structure (not including buildings) located on a farm or ranch and used in the operation for the storage, repair, and maintenance of farm equipment and supplies or for the raising and/or storage of crops and livestock. These include, but are not limited to: wind machines (orchards), storage bins, fences, trellises, and irrigation systems.

Agricultural use: The current employment of land for the primary purpose of obtaining a profit in money by the raising, harvesting and selling of crops, or by the feeding, breeding, management and sale of livestock, poultry, fur-bearing animals or honeybees, or dairying and the sale of dairy products, or any other agricultural or horticultural use including Christmas trees. Agricultural use does not include livestock feedlots, the boarding of horses or non-profit horse rescue facility and their accessory uses. Current employment of land for agricultural use includes:

(a) The operation or use of farmland subject to any government agricultural program;

(b) Land lying fallow for one year as a normal and regular requirement of good agricultural management;

(c) Land planted to orchards or to other perennial crops prior to maturity; and

(d) Land under buildings supporting accepted agricultural practices.

Air: The mixture of gases ~~compromising~~ comprising the Earth's atmosphere.

Anadromous fish: Species of fish that migrate upstream to freshwater after spending part of their life in saltwater.

Anaerobic: A condition in which molecular oxygen is effectively absent from the environment.

Animal-unit-month: The amount of forage or feed required to feed one horse, one cow/calf pair, 5 sheep/ 5 goats, 4 llamas/alpacas or other livestock for 30 days.

Aquiculture: The cultivation, maintenance and harvesting of aquatic species.

Aquatic area: The water area of a stream, pond, or lake measured at the ordinary high water mark.

Archaeological resource: See cultural resource.

Archival research: Research in primary documents that is likely to yield information regarding human occupation of the area in question, including, but not limited to, deed, census, cartographic, and judicial records.

Background: One of three main visibility distance zones used to determine relative sensitivity of a development, structure, or use based on its distance from the viewer. Background is represented in the space from four miles to the horizon.

Bed and breakfast inn: An owner occupied and operated establishment located in a structure designed as a single-family dwelling where from two to six rooms are rented on a daily basis. The bed and breakfast use is clearly incidental to the use of the structure as a single-family dwelling, operated as traveler ~~transient~~ accommodations, not as a rooming or boarding house.

Best ~~management practices~~ Management Practices (BMPs)**:** Conservation techniques and management measures that (1) control soil loss and reduce water quality degradation caused by nutrients, animal waste, toxins, and sediment; (2) minimize adverse ~~affects~~ effects to groundwater and surface-water flow and circulation patterns; and (3) maintain the chemical, biological, and physical characteristics of wetlands, ponds, streams, and riparian areas.

Bio-diversity (Special Management Area): A diversity of biological organisms at the genetic, species, ecosystem, and landscape levels.

Boarding of Horses (GMA): The stabling, feeding and grooming for a fee, or the renting of stalls and related facilities, such as training arenas, corrals and exercise tracks, for the care of horses not belonging to the owner of the property. The leasing, renting or use of a pasture for horses by an individual or family does not constitute the boarding of horses provided the use of the pasture is for a single individual or family's animals.

Boat landing: A structure or cleared area used to facilitate launching or retrieving watercraft.

Buffer area: A setback area established and managed to protect sensitive natural or cultural resources from human disturbance or conflicting uses, or an area to protect recreational, agricultural, or forest resources from conflicting uses. In instances involving a wetland, stream, or pond, the buffer area includes all, or a portion, of the riparian area.

Building: A structure used or intended to support or shelter any use or occupancy. Buildings have a roof supported by columns or walls. They include, but are not limited to, dwellings, garages, barns, sheds and shop buildings.

Business Operator: The person who obtains approval to conduct a Type A home occupation, home occupation ~~or cottage industry~~, holds a majority ownership interest in the business, lives full-time in the registered dwelling unit on the parcel, and is responsible for strategic decisions and day-to-day operations of the home occupation ~~or cottage industry~~.

Camping or recreational vehicle: A vacation trailer, camper or self-propelled vehicle equipped with wheels for transport and equipped with plumbing, a sink or a toilet intended for recreational, but not for residential purposes. A camping or recreational vehicle shall be considered a dwelling unit if it is (1) connected to a septic tank or other sewer system, water and electrical lines, or (2) is occupied on the same parcel for more than 60 days in any consecutive 12 month period.

(S-1 2006)

Campsite: Single camping unit, usually consisting of a cleared, level area for a tent, and may include a parking spur, fire ring, table or other amenities.

Canopy closure (Special Management Area): For forest practices, the percentage measuring the degree to which one layer of a tree canopy blocks sunlight or obscures the sky as measured from below.

Capability: The ability of land to produce forest or agricultural products based on characteristics of the land such as soil, slope, exposure or other natural factors.

Cascadian architecture: (Special Management Area): A style of building design typically characterized by exterior use of native rock, exposed log or rough hewn timbers, steep roof pitches, and rustic appearing ornamentation and materials.

Catastrophic situation (SMA): A situation resulting from forces such as fire, insect and disease infestations and earth movements.

Child care center: A facility providing day care to three or more children, but not including the provision of:

(a) Care that is primarily educational unless provided to a preschool child for more than 4 hours a day;

(b) Care that is primarily supervised training in a specific subject, including, but not limited to, dance, gymnastics, drama, music or religion;

(c) Short term care in connection with group athletic or social activities.

(d) Day care in the living quarters of the home of the provider for less than 13 children.

Cidery: See winery.

Columbia River Gorge National Scenic Area Graphic Signing System: Sign design standards developed for the National Scenic Area for public signs in and adjacent to public road rights-of-way.

Columbia River treaty tribes: See Indian tribes.

Commercial development~~/~~ or use: Any facility or use of land or water whose function is primarily retail buying or selling of goods or services or both, but not including fruit ~~or~~ and produce stands.

Commercial event: An organized gathering at an allowed commercial development. Such events include weddings, receptions, indoor concerts, and farm dinners, and are incidental and subordinate to the primary use on a parcel.

Commercial forest product: Timber used for lumber, pulp, and fire wood for commercial purposes.

Commercial recreation: Any non-governmental recreational activity or facility on privately owned land, excluding non-profit facilities, but not including a public recreation facility operated by a private vendor.

Community facilities: Basic utilities and services necessary to support public service needs, including, but not limited to water and power utilities, sanitation facilities, public micro-wave stations and communication facilities, schools, roads and highways, but not including sanitary landfills.

Consulting parties (cultural resources): Organizations or individuals who submit substantive written comments to the County in a timely manner because they are concerned with the effects of a proposed use on cultural resources.

Contiguous land: Parcels or other lands that are under the same ownership and have a common boundary, regardless of whether portions of the parcels have separate tax lot numbers, lie in different counties, lie in different sections or government lots, lie in different zoning designations, or are separated by a public or private road. Contiguous land does not include parcels which meet only at a single point.

Corner Lot: See lot (corner).

County Road: A public road that is maintained by the County and has been designated as a county road under ORS 368,016.

Created opening (Special Management Area): A created forest opening with less than 40 percent average canopy closure of overstory trees and less than 60 percent average canopy closure of understory trees averaging less than 5 inches diameter at breast height for coniferous forests and less than 25 percent total canopy cover for oak woodlands. This definition does not include agricultural fields.

Creation (wetland): A human activity that converts an upland into a wetland. This definition presumes that the area to be converted has not been a wetland within the past 200 years).

Cultivation: Any soil turning, breaking, or loosening activity that prepares land for raising crops, including plowing, harrowing, leveling, and tilling.

~~**Cultural resource:** Evidence of human occupation or activity that is important in the history, architecture, archaeology or culture of a community or region. Cultural resources include, but are not limited to:~~

~~(a) *Archaeological resources*~~

~~1. Physical evidence or ruins of human occupation or activity at least 50 years old located on or below the surface of the ground.~~

~~2. Archaeological resources include, but are not limited to, the remains of houses, villages, camp and fishing sites and cave shelters; rock art such as petroglyphs and pictographs; artifacts such as arrowheads, utensils, tools, fragments of tools and utensils, obsidian flakes, or other material by-products from tool and utensil making activities; and graves, human remains and associated artifacts.~~

~~(b) *Historic buildings and structures*~~

~~1. Standing or aboveground buildings and structures that are at least 50 years old.~~

~~2. Historic buildings and structures include, but are not limited to, log cabins, barns, canals, flumes, pipelines, highways and tunnels.~~

~~(c) *Traditional cultural properties*~~

~~1. Locations, buildings, structures, or objects associated with the cultural beliefs, customs or practices of a living community; rooted in and important for maintaining the continued cultural identity of that community.~~

~~2. Traditional cultural properties include, but are not limited to, locations or structures associated with the traditional beliefs of a Native American group regarding its origins or cultural history; a location where a Native American group has traditionally carried out artistic or other cultural practices important in maintaining its historical identity; or, a location where Native American religious practitioners have historically gone, and continue to go, to perform ceremonial activities. Objects may include petroglyphs, pictographs, rock cairns or other rock structures, trees and rock outcrops.~~

Cultural resource: The objects, features, sites and places that have meaning and significance for specific human groups and cultures. Cultural resources support the cohesive bonds of the communities that recognize and comprehend their significance. Cultural resources can be divided into four types: Archaeological Resources, Historic Buildings, Traditional Cultural Properties and Traditional Use Areas.

(a) Archaeological resources: The artifacts and features left in the landscape of early American Indian activities and the historic activities of early settlers. Artifacts are human-manufactured items and the waste material from manufacture. Features are the human alterations in the landscape. Artifacts include arrowheads and the stone waste flakes from making them and historic cans, bottles, ceramics and wooden and metal objects left in dumps or scattered in the landscape. Features include human-made pits in talus slopes, stacked rocks, rock walls, blazed and scarred trees, ditches, railroad grades, wagon roads, cabin foundations and other human modifications of the natural landscape.

(b) Historic buildings and structures: Standing structures and their associated features. Often, they are still in use but can be abandoned and deteriorating. They are distinct from historic archaeological resources by being above ground and not collapsed to the level of the surrounding landscape.

(d) Traditional cultural properties: Monumental sites, sacred places, legendary areas, mythical locations, traditional gathering areas, and landscapes and landscape features that are identified by the specific communities that hold meaning for them. They maintain and perpetuate values and practices of the group that attach significance to them. They provide spiritual cohesion to the community.

(e) Traditional Use Areas: Procurement and processing sites in the landscape for every kind of resource a society needs to perpetuate its specific culture. They are the sources for food, medicine, fibers and tools that provide subsistence for a specific group's culture.

Culturally significant foods: Natural resources used by Native Americans for subsistence, medicine and ceremony, including: water, fish, big game, roots, and berries.

Culturally significant plants and wildlife: Native plant and animal species essential to the culture of a Native American group.

Cumulative effects: The combined effects of two or more activities. The effects may be related to the number of individual activities, or to the number of repeated activities on the same piece of ground. Cumulative effects can result from individually minor but collectively significant actions taking place over a period of time.

Customer: Has its common meaning and includes a client as well as each person visiting the premises of a business for business reasons that is not an employee of the business.

Cut: An area where soil or earth are excavated or removed in conjunction with development activities and includes:

(a) An excavation;

(b) The difference between a point on the original ground surface and the point of lowest elevation on the final grade;

(c) The material removed in excavation work.

Daily Care – Daily care includes but is not limited to bathing, grooming, eating, medication management, walking and transportation. Daily care does not include financial management or the improvement or maintenance of property.

Dedicated site: An area actively devoted to the current use as delineated on the site plan.

Deer and elk winter range: An area normally or potentially used by deer and elk from December through April.

Destruction of a wetland: The filling, draining, contaminating or any other action which adversely effects the functioning of a wetland**.**

Developed recreation: Recreational opportunities characterized by high-density use on specific sites requiring facilities installation. Density of use, amount of site development, and type of recreation site can vary widely across the spectrum of recreation activities.

Developed road prism (Special Management Area): The area of the ground associated with a particular road and containing the road surface, ditch, shoulder, retaining walls, or other developed features. Does not include the natural appearing portions of cut and fill slopes.

Development: ~~Any mining, dredging, filling, grading, paving, excavation, land division, or structure, including but not limited to new construction of a building or structure.~~ Any land division or new construction or modification of buildings, structures and roads, and any earth-moving activity, including, but not limited to, mining, dredging, filling, grading, paving, and excavation.

Diameter at breast height (dbh): The diameter of a tree as measured at breast height.

Distance zone: Distance zones (see Background, Middleground, and Foreground) are used to determine relative sensitivity of a development, structure, or use based on its distance from the viewer. Generally, the closer a development is to the area it is being viewed from, the more attention will need to be given

to site placement, design features, and mitigations to ensure the development blends with the landscape.

Driveway: See private driveway.

Duplex: A building containing two dwelling units and designed for occupancy by two families.

~~**Dwelling, single-family:** A detached building containing one dwelling unit and designed for occupancy by only one family.~~

Dwelling unit: A single self-contained unit ~~designed for occupancy by one family and having not more than one cooking~~ with minimum facilities for meeting the needs of daily living. Such facilities shall include, but are not limited to, a food preparation area or kitchen, sleeping area, and a bathroom consisting of a toilet, hand washing basin and shower and/or bathtub.

Earth materials: Any rock, natural soil or any combination thereof. Earth materials do not include non-earth or processed materials, including, but not limited to, construction debris (e.g., concrete, asphalt, wood), organic waste (e.g., cull fruit, food waste) and industrial byproducts (e.g., slag, wood waste).

Effect on Treaty Rights: To bring about a change in, to influence, to modify, or to have a consequence to Indian treaty or treaty related rights in the Treaties of 1855, executed between the individual Indian tribes and the Congress of the United States as adjudicated by the Federal courts, with the Nez Perce Tribe, the Confederated Tribes of the Umatilla Indian Reservation, The Confederated Tribes of the Warm Springs, and the Confederated Tribes and Bands of the Yakama Nation ~~tribes~~.

Emergency/Disaster: A sudden unexpected occurrence, either the result of human or natural forces, necessitating immediate action to prevent or mitigate significant loss or damage to life, health, property, essential public services, or the environment.

Emergency/Disaster Response: Actions involving any development (such as new structures, grading, or excavation) or vegetation removal that must be taken immediately in response to an emergency/disaster event (as defined above). Emergency/disaster response actions not involving any structural development or ground-disturbance (such as use of emergency transport vehicles, communications activities or traffic control measures) are not included in this definition and are not affected by these provisions.

Employee: Has its common meaning in addition to which each participant in the promotion of a business constitutes one employee, whether participating full-time or part-time and whether a resident or non-resident of a dwelling unit authorized for a Type A home occupation, and home occupation ~~and cottage industries~~.

Endemic: Plant and animal species found only in the vicinity of the Columbia River Gorge area.

Enhancement (natural and scenic resources): A human activity that increases or makes greater the value, desirability or attractiveness of one or more functions of an existing sensitive area. For riparian areas, such as wetlands, streams, and lakes, enhancement is generally limited to the area that is degraded. Enhancing a sensitive natural resource area that is in good or excellent condition may reduce biological diversity and eliminate other natural functions and may not be desirable.

~~**Enhancement (natural resource):** A human activity that increases one or more functions of an existing wetland, stream, lake, riparian area, or other sensitive area. Enhancement is generally limited to a wetland, stream, lake, riparian, or other sensitive area that is degraded. Enhancement of an area currently in good or excellent condition may reduce biological diversity and eliminate other natural functions; therefore, and may not be desirable.~~

Ephemeral streams (Special Management Area): Streams that contain flowing water only during, and for a short duration after, precipitation events.

Equitable recreation: Development and services that are equally accessible and available to all people regardless of income level, ethnicity, gender, ability, or age.

Ethnography: The descriptive and analytic study of the culture of a particular group by an ethnographer. An ethnographer seeks to understand a group through interviews with its members and often through living in and observing it.

Existing use or structure: Any use or structure that was legally established and that has continued to operate lawfully and has not been discontinued. "Legally established" means:

(a) the landowner or developer obtained applicable land use and building permits and complied with land use regulations and other laws that were in effect at the time the use or structure was established, or that were in effect at the time the landowner or developer corrected an improperly established use or structure;

(b) the use or structure was initially operated or constructed according to those applicable permits, land use regulations and other laws, or has been operated or constructed according to permits obtained to correct an improperly established use or structure; and

(c) any changes to the original use or structure must comply with all applicable permit requirements, land use regulations and other laws that were in effect at the time the change was established.

Exploration, extraction, excavation, and production of mineral resources: All or any part of the process of surface, underground or submerged mining of mineral resources, and transportation of mineral resources from the site. Minerals include soil, coal, clay, stone, sand, gravel, metallic ore, oil and gases and any other material or substance excavated for commercial, industrial or construction use. This includes all exploration and mining, regardless of area disturbed or volume mined. Production of mineral resources means the use of portable crushing, on-site stockpiling, washing, milling, screening, or sorting equipment, or other similar methods of initial treatment of a mineral resource and~~to~~ transport to another site for use or further processing. Secondary processing such as concrete or asphalt batch plants are considered industrial uses.

Fill: The placement, deposition or stockpiling of sand, sediment or other earth materials to create new uplands or an elevation above the existing surface.

Finished grade: See "grade, finished"

Fire break: A break in ground cover fuels, adjacent to and surrounding buildings.

Floor area: The area included within the surrounding exterior walls of a building or portion thereof. The floor area of a building or a portion thereof, not provided with surrounding exterior walls shall be the area under the horizontal projection of the roof or floor above.

Footprint: The area that falls directly beneath and shares the same perimeter as a structure. This includes covered porches**.**

Forbs: Broad-leaved herbs, in contrast to ferns, fern allies, and grasses and grasslike plants.

Foreground ~~(SMA)~~**:** ~~One-half mile either side of a traveled road or trail.~~ One of three main visibility distance zones used to determine relative sensitivity of a development, structure, or use based on its distance from the viewer. Foreground is represented in the space from zero (the viewer) up to one-half mile.

Forest health (SMA): A measure of the robustness of forest ecosystems. Forests are deemed healthy when they have capacity across the landscape for renewal, for the maintenance of wildlife habitats, for recovery from a wide range of disturbances, and for retention of their resilience.

Forest practice (SMA): Any activity conducted on or directly pertaining to forested land and relating to forest ecosystem management including but not limited to growing, thinning, or removing live or dead forest tree or shrub species, road and trail construction, reforestation, fertilizing, brush control, prevention of wildfire, and suppression of diseases and insects. The removal of hazardous trees is excluded. Uses that include establishment, management or harvest of Christmas trees, nursery stock, or fiber producing tree species requiring intensive cultivation (irrigation, fertilization, etc.) and a harvest rotation of 12 years or less are considered agricultural uses.

Forest practices (General Management Area): Those activities related to the growing and harvesting of forest tree species as defined by the Oregon Forest Practices Act.

Forest products: Commodities harvested from a forest, including, but not limited to, timber products, boughs, mushrooms, pine cones, and huckleberries.

Forest Service: The United States Department of Agriculture Forest Service – National Scenic Area Office.

Forest stand structure (Special Management Area): The number, types and spacing of tree species, tree sizes, and canopy layers contained in a stand of trees.

Forest use: The growing, propagation and harvesting of forest tree species and other forest products.

Front Lot Line: See lot line (front).

Front Yard: See yard (front).

Fruit and produce stand: A venue on a farm or ranch selling produce and agricultural products primarily grown on the subject farm or ranch. Associated incidental agricultural products from the local region and associated incidental marketing materials shall not make up more than 25% of the sales at the stand. Incidental products may include processed foods like jams and jellies. Foods prepared for consumption on the premises are not permitted. Fruit and produce stands are not a commercial use.

Fully screened: ~~The relative visibility of a structure when that structure is not visible as viewed from a specified vantage point (generally a Key Viewing Area).~~ A description used when determining compliance with the scenic standards (visually subordinate and not visually evident), where a structure, development or use is not visible as viewed from a specified vantage point (generally a key viewing area, for the purpose of the Management Plan). See Scenic Resources Implementation Handbook for more information regarding screening for development in the National Scenic Area.

Gorge Commission: The Columbia River Gorge Commission.

Grade, natural: The undisturbed elevation of the ground level of a property before any excavation or construction operations.

Grade, finished (Grade, ground level): ~~The final elevation of the ground level of a property after construction is completed~~ The average elevation of the finished ground elevation as defined by the International Building code.

Grading: Any excavating or filling of earth materials or any combination thereof, including the land in its excavated or filled condition.

Hazard tree (SMA): A tree with a structural defect that will predictably result in whole or partial failure within 1.5 tree lengths of a road or maintained development. A defective tree is hazardous only when its failure could result in danger to people or damage to structures, vehicles, or other property.

Health Hardship – A specific person's need for daily supervision due to cognitive impairment and/or a specific person's need for assistance with daily care as a result of age, physical impairment and/or poor health.

Height of building: The greatest vertical distance between the point of lowest finished grade adjoining any exterior wall of a building and the highest point of the roof, such as the highest coping or parapet of a flat roof, the highest deck line of a mansard roof, or the highest ridge of a hip, gable, gambrel, shed or other pitched roof.

Herbaceous: A plant with no persistent woody stem above the ground, or a plant with characteristics of an herb.

Herbs: Herbaceous plants, including grasses and grasslike plants, forbs, ferns, fern allies, and nonwoody vines. Seedlings of woody plants less than 3 feet tall shall be considered part of the herbaceous layer.

Highway: Any road or highway designated as such by law or by the Oregon Transportation Commission; includes both primary and secondary state highways.

Historic buildings and structures: See cultural resource.

Historic survey: Actions that document the form, style, integrity, and physical condition of historic buildings and structures. Historic surveys may include archival research, architectural drawings, and photographs.

Home Occupation: A small-scale commercial use conducted in a legal single-family dwelling or accessory structure, employing the residents of the dwelling and up to three outside employees. Periodic use of

home offices, studios, and other work areas used only by the residents of the dwelling are not a home occupation.

Hydric soil: A soil that is saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part.

Immediate Foreground for scenic corridors: A subset of one of the three main visibility distance zones used to determine relative sensitivity of a development, structure, or use based on its distance from the viewer. Immediate foreground is represented in the space from zero (the viewer) up to one-quarter mile. For scenic travel corridors in the GMA, immediate foreground also includes lands within one-quarter mile of the edge of pavement. In the SMAs, immediate foreground includes the developed prism of a road or trail KVA or within the boundary of the developed area of KVAs (such as Crown Point or Multnomah Falls).

In-lieu or treaty fishing access sites: Sites acquired by the Army Corps of Engineers and transferred to the Bureau of Indian Affairs for treaty fishing, in lieu of those usual and accustomed fishing areas lost by inundation from reservoir construction. These sites were acquired under the provisions of Public Law 79-14 and Public Law 100– 581, Section 401.

~~**Indian tribal government:** The governing bodies of the Nez Perce Tribe (Nez Perce Tribal Executive Committee), the Confederated Tribes of the Umatilla Indian Reservation (Board of Trustees), the Confederated Tribes of the Warm Springs Reservation of Oregon (Tribal Council), and the Confederated Tribes and Bands of the Yakama Indian Nation (Tribal Council).~~

Indian tribes: The Nez Perce Tribe, the Confederated Tribes and Bands of the Yakama ~~Indian~~ Nation, the Confederated Tribes of ~~the~~ Warm Springs ~~Reservation of Oregon~~, and the Confederated Tribes of the Umatilla Indian Reservation.

Industrial uses: Any use of land or water primarily involved in:

(a) Assembly or manufacture of goods or products;

(b) Processing or reprocessing of raw materials, processing of recyclable materials or agricultural products not produced within a constituent farm unit;

(c) Storage or warehousing, handling or distribution of manufactured goods or products, raw materials, agricultural products, forest products or recyclable materials for purposes other than retail sale and service; or

(d) Production of electric power for commercial purposes.

Interpretive displays: Signs and structures which provide for the convenience, education, and enjoyment of visitors, and intended to help them understand and appreciate their relationship to natural and cultural resources.

Key components: The attributes that are essential to maintain the long-term use and productivity of a wildlife site. The key components vary by species and wildlife site. Examples include fledgling and perching trees, watering sites, and foraging habitat.

Key viewing area: Those portions of identified important public roads, parks or other vantage points within the National Scenic Area from which the public views National Scenic Area landscapes. Such portions include gathering points, rest areas, roads and trails that provide primary access to the area, parking lots, and associated recreation areas. Identified areas ~~They~~ include:

(a) General Management Area and Special Management Area:

Beacon Rock
Bonneville Dam Visitor Centers
Bridal Veil State Park
Cape Horn
Columbia River
Cook-Underwood Road
Crown Point
Dog Mountain Trail
Historic Columbia River Highway (including the Historic Columbia River Highway State Trail)
Highway I– 84, including rest stops
Larch Mountain (including Sherrard Point)
Multnomah Falls
Oregon Highway 35
Pacific Crest Trail
Panorama Point Park
Portland Women's Forum State Park
Rooster Rock State Park
Rowena Plateau and Nature
Conservancy Viewpoint
Sandy River
Washington State Route 14
Washington State Route 141
Washington State Route 142

(b) Special Management Area only:

Larch Mountain Road
Old Highway 8 (previously known as Old Washington State Route 14 ~~(~~and County Road 1230)
~~Sherrard Point on Larch Mountain~~
Wyeth Bench Road (also known as Wyeth Road)

Land division: The division or re-division of contiguous land(s) into tracts, parcels, sites or divisions, regardless of the proposed parcel or tract size or use. A land division includes, but is not limited to partitions and subdivisions. Land division does not include the creation of cemetery plots.

Landscape setting: The combination of land use, and cultural features, landform pattern and features, ~~and~~ vegetation ~~patterns~~ and waterform which distinguish an area from other portions of the National Scenic Area.

Livestock feedlot: Stockyards and commercial livestock finishing yards for cattle, sheep, swine and fur bearers. Feedlots do not include winter pasture or winter hay-feeding grounds.

(S-1 2006)

Lot Area – The total horizontal area within the lot lines of a lot, but not including the private driveway area of a flag lot.

Lot (Corner) – A lot which occupies an interior angle of less than 135 degrees, formed by the intersection of two streets or a street and an accessway.

Lot Lines – The lines bounding a lot, but not the lines bounding the private driveway portion of a flag lot.

Lot line adjustment: See "property line adjustment."

Lot Line (Front) – In the case of an interior lot, a line separating the lot from the street or accessway; in the case of a corner lot, a line separating the narrowest frontage of the lot from a street or accessway; and in the case of a flag lot, the lot line closest to and most nearly parallel with the street which serves the lot. A minimum front lot line length is a dimensional requirement to assure that a parcel or lot has sufficient street frontage and lot width near the street to accommodate a safe access driveway and reasonable building area after considering the required side yards.

Lot Line (Rear) – The line dividing one lot from another and on the opposite side of the lot from the front lot line; and in the case of an irregular or triangular shaped lot, a line ten feet in length within the lot, parallel to and at the maximum distance from the front lot line.

Lot Line (Side) – Any lot line not a front or rear lot line.

Lot Width – The horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines.

Maintenance: Ordinary upkeep or preservation of a serviceable structure affected by wear or natural elements. Maintenance does not change the original size, scope, configuration or design of a structure.

Maintenance includes, but is not limited to, painting and refinishing, regrouting masonry, patching roofs, grading gravel roads and road shoulders, cleaning and armoring ditches and culverts, filling potholes, controlling vegetation within rights-of-way, removing trees and other roadside hazards within rights-of-way, and testing and treating utility poles**.**

Management Plan: The most recent version of the document entitled Management Plan for the Columbia River Gorge National Scenic Area ~~adopted February 6, 1993~~.

Managerial Setting: The on-site controls (signs, regulations, or other regimentation) and types of facilities recreationists could expect when visiting recreation sites.

Middleground: One of three main visibility distance zones used to determine relative sensitivity of a development, structure, or use based on its distance from the viewer. Middleground is represented in the space between the foreground and the background. The area located from one-half mile up to four miles from the viewer.

Mitigation: The use of any or all of the following actions, in the following order of priority:

(a) Avoiding the impact altogether by not taking a certain action or parts of an action;

(b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation;

(c) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment; ~~or~~

(d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action~~.~~;

(e) Offsetting impacts by creating or enhancing affected resources; or

(f) Monitoring the result of mitigation actions and taking appropriate corrective actions.

Mosaic (SMA): The dispersal of overstory and understory leave trees in irregularly spaced clumps of varying sizes throughout an irregularly shaped created forest opening.

Multi-family dwelling: A dwelling constructed or modified into two or more dwelling units.

Native species: Species that naturally inhabit an area.

National Scenic Area: The Columbia River Gorge National Scenic Area.

Natural grade: see "grade, natural."

Natural resources (GMA & SMA)**:** ~~Naturally occurring features such as land, water, air, plants, animals, including fish, plant and animal habitat, and scenery.~~ Wetlands, streams, ponds and lakes, riparian areas, wildlife and wildlife habitat, rare plants, and natural areas.

Natural resource specialist: A person with professional qualifications such as an academic degree or sufficient professional experience in the subject matter the specialist is being asked to analyze or evaluate.

Natural resource-based recreation (SMA): Recreation activities, uses or facilities that essentially depend on the unique natural, scenic, or cultural resources found within the National Scenic Area. Campgrounds, trails, boating and ~~windsurfing~~ windsports facilities, swimming beaches, picnic sites, viewpoints, interpretive parks, and similar outdoor recreation facilities are considered resource-based; whereas, golf courses, tennis courts, and rental cabins are not.

Navigable (river or lake): Those waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

New cultivation: Any operation that would cultivate land that has not been cultivated or has lain idle for more than 5 years.

Non-profit Horse Rescue Facility (GMA): The stabling, feeding, grooming, and provision of care for sick, abandoned, or rescued horses, operated by a non-profit organization to facilitate the rehabilitation, adoption, and permanent placement of abused, neglected or unwanted horses.

Non-profit organization: An organization whose non-profit status has been approved by the U.S. Internal Revenue Service.

Not visually evident (Special Management Area): ~~A visual quality standard that provides for development or uses that are not visually noticeable to the casual visitor. Developments or uses shall~~ (S-1 2006)

~~only repeat form, line, color, and texture that are frequently found in the natural landscape, while changes in their qualities of size, amount, intensity, direction, pattern, etc., shall not be noticeable.~~ One of the two scenic standards applicable within the National Scenic Area. A description of the relative visibility of a development, structure or use that provides for developments, structures or uses that are not visually noticeable to the casual visitor and the defining landscape setting characteristics appear intact. Deviations may be present but must repeat form, line, color, texture and pattern common to the natural landscape setting so completely and at such scale, proportion intensity, direction, pattern, etc., that it not be noticeable.

Old growth (Special Management Area): A forest stand usually at least 180-220 years old with moderate to high canopy closure; a multi-layered, multi-species canopy dominated by large overstory trees; high incidence of large trees, some with broken tops and other indications of old and decaying wood (decadence); numerous large snags, and heavy accumulations of wood, including large logs on the ground.

Open Spaces: unimproved lands not designated as agricultural lands or forest lands by the Management Plan and designated as open space by the Management Plan. Open spaces include:

(a) Scenic, cultural, and historic areas;

(b) Fish and wildlife habitat;

(c) Lands which support plant species that are endemic to the National Scenic Area ~~scenic area~~ or which are listed as rare, threatened or endangered species pursuant to State or Federal Endangered Species Acts;

(d) Ecologically and scientifically significant natural areas;

(e) Outstanding scenic views and sites;

(f) Water areas and wetlands;

(g) Archaeological sites, ~~Indian burial grounds~~ and village sites, historic trails and roads and other areas which are culturally or historically significant;

(h) Potential and existing recreation resources; and

(i) Federal and State wild, scenic, and recreation waterways.

Open Space Plan: A plan, prepared by the primary managing agency or land owner prior to any new land uses or development, which includes the following:

(a). Direction for resource protection, enhancement, and management.

(b). Review of existing uses to determine compatibility with open space values.

(c). Consultation with members of the public, and agency and resource specialists.

Operational (Special Management Area): For new agricultural use, an agricultural use shall be deemed operational when the improvements and investments described in the Stewardship Plan are in place on the parcel.

Ordinary high water mark: The mark on all streams, ponds, and lakes where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a vegetative character distinct from that of the abutting upland. In any area where the ordinary high water mark cannot be found, the line of mean high water shall substitute.

Operational (Special Management Area): For new agricultural use, an agricultural use shall be deemed operational when the improvements and investments described in the Stewardship Plan are in place on the parcel.

Overnight accommodations (GMA): The rental of one or more rooms located in legal single-family dwelling on a daily or weekly basis. Overnight accommodations are clearly incidental to the use of a structure as a single-family dwelling and are owner-operated.

Overstory (Special Management Area): For forest practices, the tall or mature trees that rise above the shorter or immature understory trees.

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.

Park-Model Recreational Vehicle – A recreational vehicle built on a single chassis, mounted on wheels, and designed to facilitate movement from time to time but not intended to be towed on a regular basis and that does not exceed 400 square feet when in the set-up mode and designed to provide

recreational seasonal or temporary living quarters which may be connected to utilities necessary for the operation of installed fixtures and appliances.

Parking area: Any public or private area, under or outside of a structure, designed and used for the standing, maneuvering, and circulation of motor vehicles including parking lots, garages, private driveways, and legally designated areas of private streets.

Physical Settings: The physical quality of the landscape at a recreation site, and how rustic recreation facilities may appear. Physical setting is distinct and not to be confused with landscape settings and landscape setting character descriptions.

Planning Director: The Director of the Division of Planning and Development or the Director's delegate.

Practicable: Able to be done, considering technology and cost.

Preexisting: Existing prior to ~~February 6, 1993, the date of adoption of the~~ the first Columbia River Gorge National Scenic Area Management Plan on October 15, 1991.

Previously disturbed: An area of land where the natural surface has been graded, excavated, paved ~~and/~~or graveled.

Priority Habitat: Areas that provide habitat for sensitive wildlife determined by Forest Service, Oregon Department of Fish & Wildlife, or Washington Department of Fish & Wildlife.

Primary structure: A structure or combination of structures of chief importance or function on a site. In general, the primary use of the site is carried out in a primary structure.

Primary use: An activity or combination of activities of chief importance on the site. The main purpose for which the land or structures is intended, designed, or ordinarily used. A site may have more than one primary use.

Private driveway: a private street which is a part of and provides access only to one lot or parcel.

Project area: The geographic area or areas within which new development and uses may cause changes in the character or use of cultural resources, if any such resources exist.

Property line adjustment: The transfer of a portion of a parcel from one owner to the owner of an adjacent parcel resulting in no increase in the number of parcels.

Public dock: A dock constructed, maintained and operated by a federal, state, local, or tribal government entity to provide public access to a water body.

Public use facility: A recreation development meeting the definition of "recreation facility" which is open for use by the general public. Private clubs and other facilities limited to members or otherwise restricted in availability shall not be considered public use facilities.

~~**Rare plant species:** Refers to various categories of sensitive plants cited in federal and state programs.~~

Rare plant species: Various categories of plants and plant communities cited in federal and state programs. Rare plants and rare plant ecosystems are:

(a) Endemic to the Columbia River Gorge and vicinity,

(b) Listed as endangered or threatened pursuant to federal or state endangered species acts, or

(c) Designated global or state status rank 1, 2, or 3 by the Oregon Biodiversity Information Center or Washington Natural Heritage Program.

In the SMAs, rare plant species also include plant species recognized by the Regional Forester as needing special management to prevent them from being placed on federal or state endangered species lists.

Rare wildlife species: Wildlife species that are;

(a) Listed as endangered or threatened pursuant to federal or state endangered species acts,

(b) Listed as endangered, threatened, sensitive, or candidate by the Washington Wildlife Commission,

(c) Listed as sensitive by the Oregon Fish and Wildlife Commission, or

(d) Considered to be of special interest to wildlife management authorities and the public (great blue heron, osprey, golden eagle, peregrine falcon, and prairie falcon).

In the SMAs, rare wildlife species also include animal species recognized by the Regional Forester as needing special management to prevent them from being placed on federal or state endangered species lists.

Rear Lot Line: See lot line (rear).

Rear Yard: See yard (rear).

Reconnaissance survey: Actions conducted to determine if archaeological resources that would be affected by a proposed use are present in an area. Reconnaissance surveys may include archival research, surface surveys, subsurface testing, and ethnographic research.

Recreation facility: A cluster or grouping of recreational developments or improvements which are not separated in distance by more than one-quarter mile of land not containing any such recreational developments or improvements, except for roads and/or pathways.

Recreation Opportunity Spectrum (ROS): A means of classifying areas in relation to the types of recreation opportunities and experiences they provide or are appropriate for. The spectrum ranges from primitive (wilderness areas) to urban (highly modified areas).

(a) *Primitive:* Remote, inaccessible areas with a high degree of solitude and with resources essentially unmodified.

(b) *Semiprimitive:* Areas accessible only by primitive transportation routes, with low to moderately infrequent human encounters and with only subtle modifications to the natural setting.

(c) *Roaded Natural:* Roaded areas with moderately frequent human encounters and with resource modifications evident.

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(d) *Rural*: Roaded areas with moderate to highly frequent human encounters and with the natural setting dominated by cultural modifications.

(e) *Suburban:* Areas representing the rural-urban interface, with urban-like roads, structures, highly frequent human encounters, and dominant resource modifications encroaching into the rural landscape.

(f) *Urban:* Highly accessible, roaded areas dominated by human encounters and human-related structures.

Recreation resources: Areas and facilities that provide recreation opportunities and experiences. Recreation resources include semi-primitive areas with few facilities and developed sites.

Recreation Setting: The tool for managing recreation development and opportunities based on the sites social, physical, and managerial setting.

Recreational Vehicle – A vehicle as defined in ORS 446.003 and specifically includes camping trailers, camping vehicles, motor homes, recreational park trailers, bus conversions, van conversions, tent trailers, travel trailers, truck campers, combination vehicles which include a recreational vehicle use, and any vehicle converted for use or partial use as a recreational vehicle. Recreational Vehicles contain eating and sleeping facilities and are equipped with one or more of the following:

(a) Holding tank(s);

(b) Liquid petroleum gas; or

(c) A 110 to 240 volt electrical systems.

Reflective surface: Providing a reflection; capable of reflecting light or other radiation.

Regularly maintained: An area of land that has been previously disturbed and where periodic actions have been taken to:

(a) keep the area clear of vegetation (e.g., shoulders, utility yards),

(b) limit the height and type of vegetation (e.g., utility rights-of-way), ~~and/~~or

(c) establish and retain non-native vegetation (e.g., landscaped medians, rest area grounds).

Rehabilitation (natural resource): A human activity that returns a wetland, stream, buffer area, or other sensitive area disturbed during construction of a permitted use to its natural or preconstruction condition.

Remnant old forest (Special Management Area): Large trees in the overstory that are well into the mature growth state (older than 180 years).

Repair: Replacement or reconstruction of a part of a serviceable structure after damage, decay or wear. A repair returns a structure to its original and previously authorized and undamaged condition. It does not change the original size, scope, configuration or design of a structure, nor does it excavate beyond the depth of the original structure. Up to a 10 percent increase in the original size of a portion of a

building to be repaired is allowed if required to comply with building codes, provided it does not require additional excavation.

Repair includes, but is not limited to, ~~reproofing~~ reroofing a building, replacing damaged guardrails, reconstructing a rotten deck or porch, replacing a broken window or door, replacing a utility pole and associated anchors, replacing a section of broken water or sewer line, replacing a damaged or defective utility line, reconstructing a portion of a building damaged by fire or a natural event, and replacing railroad ties or rails.

Resource-based recreation: Those recreation uses which are essentially dependent upon, and do not adversely affect, the natural, scenic or cultural resources of the National Scenic Area.

Restoration: A human activity that returns a resource from a disturbed or altered condition to a previous, less disturbed or less altered condition. This definition does not modify or eliminate the definition Restoration (wetlands) which applies only to wetlands.

Restoration (wetlands): A human activity that converts a former wetland back into a wetland.

Riparian area: The area immediately adjacent to streams, ponds, lakes, and wetlands that directly contributes to the water quality and habitat components of the water body. This may include areas with high water tables and soils and vegetation that exhibit characteristics of wetness, as well as upland areas immediately adjacent to the water body that directly contribute shade, nutrients, cover, or debris, or that directly enhance water quality within the water body.

Road: The entire right-of-way of any public or private way that provides ingress to, or egress from property by vehicles or other means, or provides travel between places by means of vehicles. "Road" includes, but is not limited to:

(a) Ways described as streets, highways, throughways, or alleys;

(b) Road-related structures, such as tunnels, culverts, or similar structures, that are in the right-of-way; and

(c) Structures such as bridges that provide for continuity of the right-of-way.

~~**Scenic Area:** The Columbia River Gorge National Scenic Area.~~

Scenery Management System: The overall framework for the orderly inventory, analysis, and management of scenery developed in coordination with the Forest Service.

Scenic travel corridor: Those portions of Interstate 84, the Historic Columbia River Highway, Oregon Highway 35, and Washington State Routes 14, 141, and 142 located in the National Scenic Area, specifically designated to be managed as scenic and recreational travel routes.

Secretary: The U.S. Secretary of Agriculture.

~~**Sensitive plant species:** Plant species that are:~~

~~(a) Endemic to the Columbia River Gorge and vicinity,~~

~~(b) Listed as endangered or threatened pursuant to federal or state endangered species acts, or~~

~~(c) Listed as endangered, threatened or sensitive by the Oregon.~~

~~(d) In the Special Management Area, sensitive plant species also include plant species recognized by the Regional Forester as needing special management to prevent them from being placed on federal or state endangered species lists.~~

~~**Sensitive wildlife species:** Animal species that are:~~

~~(a) Listed as endangered or threatened pursuant to federal or state endangered species acts,~~

~~(b) Listed as sensitive by the Oregon Fish and Wildlife Commission, or~~

~~(c) The great blue heron, osprey, mountain goat, golden eagle, and prairie falcon.~~

~~(d) In the Special Management Area, sensitive wildlife species also include animal species recognized by the Regional Forester as needing special management to prevent them from being placed on federal or state endangered species lists.~~

Service station: A business operated for the purpose of retailing and delivering motor vehicle fuel into the fuel tanks of motor vehicles.

Serviceable: Presently usable.

Shall: Action is mandatory.

Should: Action is encouraged.

Shrub: A woody plant usually greater than 3 feet but less than 20 feet tall that generally exhibits several erect, spreading, or prostrate stems and has a bushy appearance. Seedlings of woody plants less than 3 feet tall shall be considered part of the herbaceous layer.

Side Lot Line: See lot line (side).

Side Yard: See yard (side).

Sign: Any placard, poster, billboard, advertising structure or inscribed surface, pattern or artificial lighting, pictorial or-symbolic ornament, emblematic structure, banner, fluttering apparatus, statue, model, ornamental figure, or other visually communicative or expressive device that is visible from an out-of-doors position and is used to advertise or call attention to any public, business, commercial, industrial, recreational or any other activity, object for sale or lease, person or place, or to bear any kind of message. It includes any surface on which a name, text, device, signal, ornament, logotype, or advertising matter is made visible, or any frame or support structure erected specifically to bear or uphold a sign. Sign shall also include any device satisfying this definition, but currently in disuse.

Significant cultural resource (SMA): A cultural resource that is included in, or eligible for inclusion in, the National Register of Historic Places. The criteria for evaluating the eligibility of properties for the National Register of Historic Places appears in *National Register Criteria for Evaluation (36 CFR 60).*

Single-family dwelling: A detached building containing one dwelling unit and designed for occupancy by one family only.

Skyline: ~~The line which represents the place at which a landform, such as a bluff, ridge, or the top of a cliff meets the sky, as viewed from a specified vantage point (generally a Key Viewing Area). In areas with thick, unbroken tree cover, the skyline is formed by the top of the vegetative canopy. In treeless areas or areas with more open tree cover, the skyline is formed by the surface of the ground.~~ The line that represents the place at which a landform, such as a cliff, bluff or ridge, meets the sky, and is topographically visible from a specified vantage point (generally a key viewing area, for the purpose of the Management Plan). The skyline is formed where the surface of the earth meets the sky except in existing densely forested landscapes with thick, unbroken coniferous tree cover characteristic to its setting, the skyline may be formed by the top of the vegetative canopy.

Social Settings: Identifies the opportunities for solitude as well as quantity and type of encounters visitors could experience when visiting a recreation site or area.

Soil Capability Class: The U.S. Soil Conservation Service classification system which groups soils according to their capability for agricultural use.

Special habitat area: Wetlands, mudflats, shallow water, and riparian vegetation that have a high value for waterfowl, shorebirds, raptors, songbirds, upland game, and reptiles.

Special streams: Streams that are primary water supplies for fish hatcheries and rearing ponds.

Stand: A group of trees possessing uniformity with respect to type, age, vigor, or size.

Story: A single floor level of a structure as defined by the ~~Uniform~~ International Building Code.

Streams:

(a) Areas where surface water produces a defined channel or bed, including bedrock channels, gravel beds, sand and silt beds, springs and defined-channel swales. The channel or bed does not have to contain water year-round. They do not include irrigation ditches, canals, storm or surface-water runoff structures, or other artificial watercourses unless they are used to convey streams naturally occurring prior to construction in such watercourses.

(b) Streams are categorized into two classes: perennial streams and intermittent or ephemeral streams. A perennial stream is one that flows year-round during years of normal precipitation. An intermittent stream flows only part of the year, or seasonally (ephemeral), during years of normal precipitation.

Structure: That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner. This includes, but is not limited to buildings, walls, fences, roads, parking lots, signs, patios, driveways and additions/alterations to structures, including repaving or resurfacing roads, driveways, and patios. All buildings are structures.

Submit: To deliver a document (e.g., land use application, written comment) to a reviewing agency's office by personal delivery, commercial delivery, mail, fax, or E-mail. When a document must be

submitted within a specified period, it must arrive at the reviewing agency's office by the close of business on the last day of the specified period.

Subsurface testing: Any procedure that removes material from beneath the ground surface for the purpose of identifying cultural resources, such as shovel tests, posthole digger tests, and auger borings.

Suitability (Suitable): The appropriateness of land for production of agricultural or forest products, or for recreation, considering its capability for production; whether the land is committed by development to another land use that does not allow for agricultural use; surrounding uses and features associated with development; compatibility with scenic, cultural, natural and recreation resources; compatibility among uses; and other cultural factors, such as roads, power lines, dwellings and size of ownership.

Temporary Dwelling – A detached dwelling allowed to be placed on a lot or parcel for a limited amount of time in addition to the permanent, existing dwelling. A temporary dwelling shall be removed upon the expiration of the land use permit authorizing it.

Thinning (Special Management Area): A forest practice intended to create favorable conditions for the continued growth of trees within an existing stand of trees. A thinning becomes a forest opening in coniferous forests when the average canopy closure of the overstory layer is zero or less than 40 percent and the understory layer is less than 60 percent average canopy closure of trees averaging less than 5 inches diameter at breast height. A thinning becomes a forest opening in oak woodlands when the total average canopy closure is less than 25 percent.

Topographic Visibility (Topographically Visible): Refers to areas that can be seen (generally from a key viewing area, for the purpose of the Management Plan) if all vegetation were to be removed.

Total canopy closure (Special Management Area): For forest practices, the percentage measuring the degree to which all layers of the tree canopy combine together to block sunlight or obscure the sky as measured from below.

Traditional foods: Natural and cultural resources that Native Americans rely on for sustenance, based on history, culture and tradition.

Trail Characteristics: Tools to describe the types of trail conditions that recreationists should expect when visiting a recreation resource.

Travel Trailer – A non-motorized, towable recreational trailer which contains an Oregon Insignia of Compliance as a recreational vehicle. Motor homes, converted buses, van conversions, slide-in truck campers and folding camper trailers ("pop-up" campers) are not considered a travel trailer.

~~**Travelers accommodations:** Any establishment having rooms rented or kept for rent on a daily or weekly basis to travelers or transients for a charge or fee paid or to be paid for rental use or use of facilities.~~

Tribal government: The governing bodies of the Nez Perce Tribe (Nez Perce Tribal Executive Committee), the Confederated Tribes of the Umatilla Indian Reservation (Board of Trustees), the Confederated Tribes of Warm Springs (Tribal Council), and the Confederated Tribes and Bands of the Yakama Nation (Tribal Council).

Treatment (Special Management Area): For forest practices, a site-specific operation that carries out the forest management objectives for an area.

Treaty rights or other rights: Rights reserved by the Indian tribes through the Treaties of 1855. These include the right of fishing at all usual and accustomed places, as well as the privilege of pasturing livestock and hunting and gathering on open and unclaimed lands in common with the citizens of the state.

Tributary fish habitat: Streams that are used by anadromous or resident fish for spawning, rearing ~~and/~~or migration.

Unobtrusive: When a structure does not intrude or visually dominate the scene of a landscape and for which the introduced forms, lines, colors, textures, and patterns mimic the native environment.

Understory (Special Management Area): For forest practices, the shorter or immature trees below the tall or mature overstory trees.

Undertaking: Any project, activity, program or development, or change in land use that can result in changes in the character or use of a cultural resource, if any such cultural resource is located in the area of potential effects. For federal undertakings, the project, activity, or program must be under the direct or indirect jurisdiction of a federal agency, or licensed or assisted by a federal agency. Undertakings include new and continuing projects, activities, or programs and any of their elements.

Unimproved lands: Lands that do not have developments such as buildings or structures.

Upland: Any area that does not qualify as a wetland because the associated hydrologic regime is not sufficiently wet to elicit development of vegetation, soils ~~and/~~or hydrologic characteristics associated with wetlands.

Utility facility: Any structure which provides for the transmission or distribution of water, sewer, fuel, electricity, or communications.

Vested right: The right to develop or continue to develop a use, development or structure that was reviewed and approved pursuant to this Management Plan.

Viewshed: A landscape unit ~~seen~~ visible from a Key Viewing Area.

~~**Visual Quality Objective (VQO):** A set of visual management goals established by the U.S. Forest Service to achieve a desired visual objective. These objectives include retention and partial retention, and others in the Mt. Hood and Gifford Pinchot National Forest Plans.~~

Visually subordinate: ~~The relative visibility of a structure or use where that structure or use does not noticeably contrast with the surrounding landscape, as viewed from a specified vantage point (generally a Key Viewing Area). Structures which are visually subordinate may be partially visible, but are not visually dominant in relation to their surroundings. Visually subordinate forest practices in the Special Management Area shall repeat form, line, color, or texture common to the natural landscape, while changes in their qualities of size, amount, intensity, direction, pattern, etc., shall not dominate the natural landscape setting.~~ One of the two scenic standards applicable in the National Scenic Area. A description of the relative visibility of a development, structure or use where that development,

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structure or use does not noticeably contrast with the defining landscape setting characteristics, as viewed from a specified vantage point (generally a key viewing area, for the Management Plan), and the setting appears only slightly altered (distinctive characteristics of that setting remain dominant). As opposed to development, structures or uses that are fully screened, structures that are visually subordinate may be partially visible but would be difficult to discern to the common viewer. Visually subordinate development, structures, or uses as well as forest practices in the SMAs shall repeat form, line, color, or texture common to the natural landscape, while changes in their qualities of scale, proportion, intensity, direction, pattern, etc., shall not dominate the natural landscape setting.

Water-dependent: Uses that absolutely require, and cannot exist without, access or proximity to, or siting within, a water body to fulfill their basic purpose. Water-dependent uses include, but are not limited to, docks, wharfs, piers, dolphins, certain fish and wildlife structures, boat launch facilities, and marinas. Dwellings, parking lots, spoil and dump sites, roads, restaurants, trails and paths, trailer parks, resorts, and motels are not water-dependent.

Water-related: Uses not directly dependent upon access to a water body, but whose presence facilitates public access to and enjoyment of a water body. In the General Management Area, water-related uses shall be limited to boardwalks, trails and paths, observation decks, and interpretative aids, such as kiosks and signs.

Wetlands: Areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to normally support a prevalence of vegetation typically adapted for life in saturated soil conditions. This does not include riparian areas, rivers, streams, and lakes. The exact location of wetlands boundaries shall be delineated.

Wetlands functions: The beneficial roles that wetlands serve, including storage, conveyance, and attenuation of floodwaters and stormwaters; groundwater recharge and discharge; protection of water quality and reduction of sediment and erosion; production of waterfowl, game and nongame birds, mammals, and other living resources; protection of habitat for endangered, threatened, and sensitive species; food chain support for a broad range of wildlife and fisheries; educational, historical, and archaeological value protection; and scenic, aesthetic, and recreational amenities.

Wildlife Habitat Conservation and Management Plan: ORS 215.800 to 215.802 and ORS 215.806 to 215.808. (Note: A proposed single-family residential dwelling in conjunction with a wildlife habitat conservation and management plan is not authorized by this section.)

Winery (or cidery): An agricultural ~~facility~~ building used for processing ~~grapes~~ fruit into wine or cider, including laboratories, processing areas, offices, and storage areas. A winery or cidery is distinct from a wine or cider sales~~/~~ and tasting room; each of these uses must be explicitly reviewed and approved.

Wine or cider sales~~/~~ and tasting room: A facility that is accessory to a winery or cidery and used for tasting and retail sales of wine or cider, including interior space (e.g., wine bar, sitting room) and exterior space (e.g., patio, veranda). A wine or cider sales~~/~~ and tasting room shall not be used for preparing or serving meals or hosting weddings, receptions or other commercial events. A wine or cider sales~~/~~and tasting room is distinct from a winery or cidery; each of these uses must be explicitly reviewed and approved.

Woody plant: A gymnosperm or angiosperm that develops persistent, hard, fibrous tissues.

Yard – An open space, on a lot with a building and bounded on one or more sides by such building, such space being unoccupied and unobstructed from 30 inches above the ground upward, except as otherwise specified in the base zone. A yard satisfying the yard requirement for one building shall not satisfy the yard requirement for another building. The purpose of yards between buildings and property lines is to provide space, light, air circulation, and safety from fire hazards.

Yard (Front) – A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto on the lot.

Yard (Rear) – A yard extending across the full width of the lot between the most rear building other than an accessory building and the rear lot line. The depth of the required rear yard shall be measured horizontally from the nearest point of the rear lot line toward the nearest part of the building. Where there is no rear lot line, the depth of the rear yard shall be the distance from a ten foot line parallel to the front lot line, measured from one side line to the other.

Yard (Side) – A yard between any building and the side lot line, extending from the front yard to the rear yard, or front lot line to rear lot line where no front yard or rear yard is required. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line to the nearest part of the building.

(Ord. 1254, Amended, 03/22/2018; Ord. 1197, Amended, 02/16/2013; Ord. 1192, Amended, 05/17/2012; Ord. 1186, Amended, 10/13/2011; Ord. 1176, Amended, 03/03/2011; Ord. 1128, Amended, 01/29/2009; Ord. 1125, Amended, 12/11/2008; Ord. 1079, Amended, 07/27/2006; Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 994, Amended, 09/26/2002; Ord. 977, Amended, 02/07/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0020 EXEMPT LAND USES AND ACTIVITIES

MCC Chapter 38 shall not apply to:

(A) Any use, activity or other right of Indian tribes provided by treaty.

(B) Lands held in trust by the Secretary of the Interior for Indian tribes or for individual members of Indian tribes, and lands acquired by the Army Corps of Engineers and administered by the Secretary of the Interior for the benefit of Indian tribes or of individual members of Indian tribes. This exemption shall extend to lands selected by the Army Corps of Engineers as *in lieu* or treaty fishing access sites pursuant to Public Law 79-14 and Public Law 100-581 before or after the effective date of the Management Plan. For those *in lieu* or treaty fishing access sites chosen after ~~February 6, 1993,~~ the effective date of the Management Plan, the exemption shall commence upon selection by the Army Corps of Engineers.

(C) Rights to surface or ground water.

(D) Water transportation activities on the Columbia River or its tributaries. The term *activities* includes those facilities necessary for navigation.

(E) The operation, maintenance and modification of existing transmission facilities of the Bonneville Power Administration.

(F) Hunting or fishing.

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(G) The operation, maintenance and improvement of navigation facilities at Bonneville Dam pursuant to federal law, except for the offsite disposal of excavation material.

(H) In the General Management Area, the rights and responsibilities of non-federal timber landowners under the Oregon Forest Practices Act, or under the Management Plan or county regulations or the Gorge Commission pursuant to the National Scenic Area Act ~~which supersede that Act~~.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 994, Amended, 09/26/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0025 PROHIBITED LAND USES AND ACTIVITIES

The following land uses and activities shall not be allowed within the Columbia River Gorge National Scenic Area:

(A) Solid waste disposal sites or sanitary landfills within the Special Management Area.

(B) New industrial development outside of the ~~U~~urban ~~A~~areas as designated by the Columbia River Gorge National Scenic Area Act.

(C) Marijuana Business, private or public research of cannabis, or laboratory for the testing of marijuana items.

(1) The term "Marijuana Business" and its derivations means an enterprise authorized by state law involving medical or recreational marijuana production, medical or recreational marijuana processing, recreational marijuana wholesaling, medical marijuana dispensing, or retailing of recreational marijuana.

(D) Production of electrical power, including, but not limited to wind and solar production, for commercial purposes is considered an industrial use and is prohibited.

(Ord. 1232, Amended, 03/31/2016; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0030 EXISTING USES AND DISCONTINUED USES

(A) Right to Continue Existing Uses and Structures: Any existing use or structure may continue so long as it is used in the same manner and for the same purpose, except as otherwise provided.

(B) Replacement of Existing Structures Not Damaged or Destroyed by Disaster: Except as provided in (C) below, an existing structure may be replaced if a complete land use application for a replacement structure is submitted to the reviewing agency within one year of the date the use of the original structure was discontinued. The replacement structure shall comply with the following standards:

(1) The replacement structure shall ~~be used in the same manner and for the same purpose~~ have the same use as the original structure.

(2) The replacement structure may have a different size ~~and/~~or location than the original structure. An existing ~~mobile~~ manufactured home may be replaced with a framed residence and an existing framed residence may be replaced with a ~~mobile~~ manufactured home.

(3) The replacement structure shall be subject to the scenic, cultural, recreation and natural resources provisions; the treaty rights provisions; and the land use designations provisions involving agricultural buffer zones, approval criteria for fire protection, and approval criteria for siting of dwellings on forest land.

(4) The use of the original structure shall be considered discontinued if a complete land use application for a replacement structure is not submitted within the one-year time frame.

(C) Replacement of Existing Structures Damaged or Destroyed by Disaster: An existing structure damaged or destroyed by fire, flood, landslide or other similar disaster may be replaced if a complete land use application for a replacement structure is submitted to the reviewing agency within two years of the date the original structure was damaged or destroyed. The replacement structure shall comply with the following standards:

(1) The replacement structure shall ~~be used in the same manner and for the same purpose~~ have the same use as the original structure. An existing ~~mobile~~ manufactured home may be replaced with a framed residence.

(2) The replacement structure shall be in the same location as the original structure. An exception may be granted and the replacement structure may be sited in a different location if all the following conditions exist:

(a) A registered civil engineer, registered geologist, or other qualified and licensed professional hired by the applicant demonstrates the disaster made the original building site physically unsuitable for reconstruction.

(b) The new building site is no more visible from key viewing areas than the original building site. An exception may be granted if a registered civil engineer, registered geologist, or other qualified and licensed professional hired by the applicant demonstrates the subject parcel lacks alternative building sites physically suitable for construction that are no more visible from key viewing areas than the original building site.

(c) The new building site complies with the cultural resources, natural resources, and treaty rights ~~protection~~ provisions.

(3) The replacement structure shall be the same size and height as the original structure, provided:

(a) The footprint of the replacement structure may be up to 10 percent larger than the footprint of the original structure. The footprint of a structure includes any covered decks and porches, attached garages, and breezeways that share a wall with the structure.

(b) The walls of the replacement structure shall be the same height as the walls of the original structure unless a minor increase is required to comply with standards in the current jurisdictional building code.

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(4) The replacement structure shall only be subject to the following scenic resources standards:

(a) The replacement structure shall comply with the ~~scenic resources~~ provisions regarding color and reflectivity. These provisions shall be applied to achieve the applicable scenic standard (visually subordinate or not visually evident) to the maximum extent practicable.

(b) Decks, verandas, balconies and other open portions of the original structure shall not be rebuilt as enclosed (walls and roof) portions of the replacement structure.

(c) In the General Management Area, the replacement structure shall comply with the ~~scenic resources~~ GMA provisions regarding landscaping. These provisions shall be applied to achieve the applicable scenic standard (visually subordinate) to the maximum extent practicable.~~, provided:~~

~~1. Except as provided in 2. below, the percent of the replacement structure screened by vegetation as seen from key viewing areas shall not exceed the percent of the original structure that was screened by vegetation as seen from key viewing areas. Coniferous vegetation shall be replaced with coniferous vegetation and deciduous vegetation shall be replaced with deciduous vegetation unless the applicant chooses to use all coniferous vegetation.~~

~~2. In situations where the original structure was approved under Scenic Area regulations (e.g., Final Interim Guidelines, land use ordinance), the percent of the replacement structure screened by vegetation shall comply with any conditions of approval that required a landowner to preserve existing vegetation and/or plant and maintain new vegetation to screen the original structure as seen from key viewing areas.~~

~~3. To help determine how much vegetation may be required under 1. and 2. above, land use applications shall include all available documentation (photographic or otherwise) on the amount and type of vegetation that screened the original structure from key viewing areas. At a minimum, development review decisions shall include findings that address the following:~~

~~a. The percent of original structure facing each key viewing area that was screened by coniferous vegetation, for each key viewing area from which the structure was visible.~~

~~b. The percent of original structure facing each key viewing area that was screened by deciduous vegetation, for each key viewing area from which the structure was visible.~~

~~c. Elevation drawings showing the replacement structure and the amount of coniferous and deciduous vegetation that would screen the structure from key viewing areas in 10 years.~~

~~4. The height of any new trees shall not be required to exceed 5 feet.~~

~~5. The time frame for achieving visual sub-ordinance shall be 10 years or less from the commencement of construction.~~

(d) In the Special Management Area, the replacement structure shall comply with the ~~scenic resources~~ SMA provisions regarding landscaping. These provisions shall be applied to achieve the applicable scenic standard (visually subordinate or not visually evident) to the maximum extent practicable, provided:

1. ~~The Scenic Resources Implementation Handbook shall be utilized to determine approvable~~ Use of plant species appropriate for the area and minimum ~~approvable~~ sizes of new trees ~~planted~~ needed to achieve the standard (based on average growth rates expected for ~~approvable~~ the recommended species) are required. Examples of native specific species are identified in the Scenic Resources Implementation Handbook as appropriate to the area.

2. The height of any new trees shall not be required to exceed 5 feet.

3. The time frame for achieving the applicable scenic standard (visually subordinate or not visually evident) shall be 10 years.

(5) The replacement structure shall be subject to (B)(1), (B)(2), and (B)(3) above if it would not comply with (C)(2) and (C)(3) above.

(6) The original structure shall be considered discontinued if a complete land use application for a replacement structure is not submitted within the two-year time frame.

(D) Changes to Existing Uses and Structures: Except as otherwise provided, any change to an existing use or modification to the exterior of an existing structure shall be subject to review and approval pursuant to this Management Plan.

(1) Expansion of Existing Commercial and Multifamily Residential Uses: In the Special Management Area, existing commercial and multi-family residential uses may expand as necessary for successful operation on the Dedicated Site, subject to MCC 38.0045. Expansion beyond the Dedicated Site is prohibited.

(2) Conversion of Existing Industrial Uses in the General Management Area: In the General Management Area, existing industrial uses may convert to less intensive uses, subject to MCC 38.0045. A less intensive use is a commercial, recreation or residential use with fewer adverse effects upon scenic, cultural, natural and recreation resources.

~~(3) Existing Development or Production of Mineral Resources in the General Management Area: In the General Management Area, existing development or production of mineral resources may continue unless the Gorge Commission determines that the uses adversely affect the scenic, cultural, natural or recreation resources of the Scenic Area. These uses will be considered discontinued and subject to MCC 38.0000 through 38.0110, 38.1000 through 38.3295, and 38.7000 through 38.7085 if:~~

~~(a) The mined land has been reclaimed naturally or artificially to a point where it is revegetated to 50 percent of its original cover (considering both basal and canopy) or has reverted to another beneficial use, such as grazing. Mined land shall not include terrain which was merely leveled or cleared of vegetation; or~~

~~(b) The site has not maintained a required state permit; or~~

~~(c) The site has not operated legally within 5 years prior to February 6, 1993, the date of adoption of the Management Plan.~~

(34) Uses involving the exploration, development or production of sand, gravel or crushed rock in the Special Management Areas may continue when:

(a) The sand, gravel, or crushed rock is used for construction or maintenance of roads used to manage or harvest forest products in the Special Management Areas; and

(b) A determination by the U.S. Forest Service finds that the use does not adversely affect the scenic, cultural, natural or recreation resources.

(E) Discontinuance of Existing Uses and Structures: Except as provided in (C) and (C)(6) above, any use or structure that is discontinued for one (1) year or more shall not be considered an existing use or structure. Proof of intent to abandon is not required to determine that an existing use or use of an existing structure has been discontinued.

(1) Multiple Uses: An existing use or structure with more than one legally established use may discontinue one of the uses without discontinuing the others.

(2) Change in Use: An existing use or structure shall become discontinued if the use or use of the structure changes.

(F) Discontinued Uses and Structures: Re-establishment or replacement of any use or structure that has been discontinued shall be subject to all applicable policies and guidelines in the Management Plan, including, but not limited to, guidelines for land use designations and scenic, cultural, recreation and natural resources.

(Ord. 1179, Amended, 04/21/2011; Ord. 1125, Amended, 12/11/2008; Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0035 EXPEDITED REVIEW USE APPLICATIONS - SUBMITTED REQUIREMENTS

Applications for uses eligible for expedited review shall include:

(A) The information required for review and conditional use applications listed in MCC 38.0045(A)(1) and (2) and (B).

(B) Elevation drawings if the proposed development would be visible from a key viewing area. The 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.

(Ord. 1064, Add, 06/23/2005)

§ 38.0045 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;

(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 ~~wetlands~~ water resources or ~~wetlands~~ their buffer zones shall include the exact boundary of the ~~wetland and the wetlands buffer zone~~ water resource, ordinary high water mark, or normal pool elevation, and their buffer zone; and a description of actions that would affect ~~alter or destroy~~ the ~~wetland~~ 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) ~~In the General Management Area, all~~ 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. ~~In the Special Management Areas, all applications for structural development involving more than 100 cubic yards of grading with slopes greater than 10 percent (except trails) shall include a grading plan~~.

(c) Grading plans shall include the following:

1.~~(a)~~ 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~~1~~. ~~Natural and finished grades~~ Existing and proposed final grades.

ii~~2~~. Location of all areas to be graded, with cut banks and fill slopes delineated.

iii~~3~~. Estimated dimensions of graded areas.

2.~~(b)~~ A narrative description (may be submitted on the grading plan site map and accompanying drawings) of the proposed grading activity, including:

i~~1~~. Its purpose

ii2. An estimate of the total volume of material to be moved.

iii3. The height of all cut banks and fill slopes.

iv4. 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.)

v5. 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.

vi6. 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, and

(4) Proposed uses located near cultural resources, wetlands, streams, ponds, lakes, riparian areas, sensitive wildlife habitat, and rare and sensitive plant sites.

(Ord. 1125, Amended, 12/11/2008; Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0050 CONDITIONAL USES

The following Conditional Uses may be permitted when allowed by the district and found by the Approval Authority, pursuant to the provisions of MCC 38.0045, to satisfy MCC 38.7000 through 38.7085:

(A) Land Divisions – All Type I Category 1 Land Divisions processed pursuant to MCC 38.7700 through 38.8035.

(B) Cluster Development in the General Management Area.

(1) A land division in the General Management Area may create parcels smaller than the designated minimum size and may include a bonus, as specified below, in order to cluster new dwellings. Approval of cluster development shall be contingent upon submission of plans specifying dwelling sites and areas of permanent, undeveloped open land. To approve a cluster development, it must be found that clustering new dwellings will provide an opportunity not available through conventional parcel-by-parcel development to site new dwellings:

(a) In areas with screening vegetation or other features which reduce visibility of development as seen from Key Viewing Areas; or

~~(b) To avoid significant landscape features; or~~

~~(c) To protect the existing character of the landscape setting; or~~

~~(d) To reduce interference with movement of deer or elk in winter range; or~~

~~(e) To avoid areas of known cultural resources; or~~

~~(f) To consolidate road access, septic drainfields or other development features in order to reduce impacts associated with grading or ground disturbance; or~~

~~(g) To reduce adverse effects to riparian areas, wetlands, natural areas, rare plants, sensitive wildlife sites or other natural resources; or~~

~~(h) To increase the likelihood of agricultural or forest management on the undeveloped land left by the cluster development.~~

~~(2) Following cluster development, there may be no further division of any resulting parcel for residential purposes until the subject parcel is included within the boundary of an Urban Area. Approval of a cluster development shall include provisions for the permanent protection of open areas. No parcel in a cluster development may be smaller than 1 acre in a GGR– 5 or GGR–10 or 2 acres in a GGA– 20 or GGF– 20.~~

~~(3) Cluster development may create up to 25 percent more parcels (rounded to the nearest whole number) than otherwise allowed by the minimum parcel size on lands designated GGR– 5 or GGR– 10 and up to 50 percent more parcels (rounded to the nearest whole number) on lands designated GGA– 20, GGF– 20, or GGF-40.~~

~~(4) At least 75 percent of land subject to a cluster development shall be permanently protected as undeveloped land.~~

~~(5) Contiguous parcels in the same ownership or in separate ownership may be consolidated and re-divided to take advantage of cluster development bonuses.~~

~~(C)~~(B) Home Occupations ~~and Cottage Industries~~ processed pursuant to MCC 38.7330.

~~Home occupations and cottage industries may be established as authorized in various districts consistent with the following:~~

~~(1) A home occupation may employ only residents of the home.~~

~~(2) A cottage industry may employ up to three outside employees.~~

~~(3) No more than 25 percent of the total actual living space of the dwelling may be utilized for the home occupation or cottage industry.~~

~~(4) No more than 500 square feet of an accessory structure may be utilized for a home occupation or cottage industry.~~

~~(5) There shall be no outside, visible evidence of the home occupation or cottage industry, including outside storage.~~

~~(6) Exterior structural alterations to the residence for the home occupation or cottage industry shall not be permitted. New structures shall not be constructed for the primary purpose of housing a home occupation or cottage industry.~~

~~(7) No retail sales may occur on the premises, except incidental sales at lodging authorized establishments.~~

~~(8) One non-animated, non-illuminated sign, not exceeding 2 square feet in area may be permitted on the subject structure or within the yard containing the home occupation or cottage industry.~~

~~(9) Parking not associated with residential use shall be screened from Key Viewing Areas.~~

~~(10) A bed and breakfast lodging establishment which is two bedrooms or less is considered a home occupation and shall meet the standards of MCC 38.7335.~~

~~(D)~~(C) Bed and Breakfast Inns processed pursuant to MCC 38.7335.

~~Bed and breakfast inns may be established as authorized in various districts subject to the following:~~

~~(1) Guests may not occupy a facility for more than 14 consecutive days.~~

~~(2) One non-animated, non-illuminated sign not exceeding 4 square feet in area may be permitted on the structure or within the yard containing the structure.~~

~~(3) Parking areas shall be screened so as to not be visible from Key Viewing Areas.~~

~~(E) Alteration or expansion of pre-existing uses shall affect the surrounding area to a lesser negative extent than the current unlisted use, considering:~~

~~(1) The character and history of the use and of development in the surrounding area;~~

~~(2) The comparable degree of noise, vibration, dust, odor, fumes, glare or smoke detectable at the property line;~~

~~(3) The comparative numbers and kinds of vehicular trips to the site;~~

~~(4) The comparative amount and nature of outside storage, loading and parking;~~

~~(5) The comparative visual appearance;~~

~~(6) The comparative hours of operation;~~

~~(7) The comparative effect on existing vegetation;~~

~~(8) The comparative effect on water drainage;~~

~~(9) The degree of service or other benefit to the area; and~~

~~(10) Other factors which tend to reduce conflicts or incompatibility with the character or needs of the area.~~

(Ord. 1270, Amended, 3/14/2019; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0060 AGRICULTURAL BUFFER ZONES

All buildings, as specified, shall satisfy the following setbacks when proposed to be located on a parcel which is adjacent to lands designated GGA– 20 or GGA– 40 and are currently used for agricultural use:

Type of Agriculture	Type of Buffer		
	Open or fenced	Natural or created vegetation barrier	8 foot berm or terrain barrier
Orchards	250’	100’	75’
Row crops/vegetables	300’	100’	75'
Livestock grazing pasture, haying	100’	15’	20’
Grains	200’	75’	50’
Berries, vineyards	150’	50’	30’
Other	100’	50'	30'

(A) New buildings adjacent to lands designated GGA-20 or GGA-40 that are suitable, but currently not used for agriculture, shall use the open or fenced setback associated with the dominant type of agriculture in the vicinity. If a vegetation barrier, 8-foot berm, or terrain barrier exists, the corresponding setback shall apply. If more than one type of agriculture is dominant, the setback shall be the larger width.

(B)~~(A)~~ Earth berms may be used to satisfy, in part, the setbacks. The berm shall be a minimum of 8 feet in height, and contoured at 3:1 slopes to appear natural. Shrubs, trees and/or grasses shall be employed on the berm to control erosion and achieve a finished height of 15 feet.

(C)~~(B)~~ The planting of a continuous vegetative screen may be used to satisfy, in part, the setback standards. Trees shall be at least 6 feet high when planted and reach an ultimate height of at least 15 feet. The vegetation screen shall be planted along the appropriate parcel line(s), and be continuous.

(D)~~(C)~~ The necessary berming ~~and/~~or planting must be completed during the first phase of development and maintained in good condition.

(E)~~(D)~~ If several crops or crop rotation is involved in the adjacent operation, the greater setback shall apply.

(F)~~(E)~~ A variance to buffer setbacks may be granted upon a demonstration that the standards of MCC .0065 have been satisfied.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0065 VARIANCES FROM SETBACKS AND BUFFERS WITHIN THE GENERAL MANAGEMENT AREA

Variances from setbacks and buffers within the General Management Area, except those required by MCC 38.7080, shall be classified and processed pursuant to MCC 38.7600, subject to the following approval criteria:

(A) When setbacks or buffers for the protection of scenic, cultural, natural, recreation, agricultural or forestry resources overlap or conflict, the setbacks or buffers may be varied upon a demonstration that:

(1) A setback or buffer specified to protect one resource would cause the proposed use to fall within a setback or buffer specified in the plan to protect another resource; and

(2) Variation from the specified setbacks or buffer would, on balance, best achieve the protection of the affected resources.

(B) A setback or buffer specified for protection of scenic, cultural, natural, recreation, agricultural or forestry resources may be varied in order to allow a residence to be built on a parcel of land upon a demonstration that:

(1) The land use designation otherwise authorizes a residence on the tract;

(2) No site exists on the tract (all contiguous parcels under the same ownership) on which a residence could be placed practicably in full compliance with the setback or buffer;

(3) The variance from the specified setback or buffer is the minimum necessary to allow the residence.

(4) The variance shall not be used to permit an addition to a building (including, but not limited to, decks and stairs), when the addition would be within the setback, except where the building is wholly within the setback, in which case, the addition may only be permitted on the portion of the building that does not encroach any further into the required setback.

(C) The Approval Authority may grant a variance to the General Management Area setback and buffer requirements of MCC 38.7080, upon a finding that the following conditions exist:

(1) The proposed project is a public use, resource-based recreation facility providing or supporting either recreational access to the Columbia River and its tributaries, or recreational opportunities associated with a Scenic Travel Corridor;

(2) All reasonable measures to redesign the proposed project to comply with required setbacks and buffers have been explored, and application of those setbacks and buffers would prohibit a viable recreation use of the site as proposed;

(3) Resource impacts have been mitigated to less than adverse levels through design provisions and mitigation measures; and

(4) The variance is the minimum necessary to accommodate the use.

(S-1 2006)

(D) The Approval Authority may grant a variance of up to 10 percent to the standards of General Management Area Recreation Intensity Class 4 for parking and campground units upon demonstration that:

(1) Demand and use levels for the proposed activity~~(s)~~, or activities particularly in the area where the site is proposed, are high and expected to remain so ~~and/~~or increase. Statewide Comprehensive Outdoor Recreation Plan (SCORP) data and data from ~~Scenic Area recreation demand studies~~ the National Visitor Use Monitoring Program shall be relied upon to meet this criterion in the absence of current applicable studies.

(2) The proposed use is dependent on resources present at the site.

(3) Reasonable alternative sites, including those in nearby ~~Urban Areas~~ urban areas, offering similar opportunities have been evaluated and it has been demonstrated that the proposed use cannot be adequately accommodated elsewhere.

(4) The proposed use is consistent with the goals, objectives and policies in the Management Plan.

(5) Through site design and~~/or~~ mitigation measures, the proposed use can be implemented without adversely affecting scenic, natural or cultural resources, and adjacent land uses.

(6) Through site design and~~/or~~ mitigation measures, the proposed use can be implemented without affecting or modifying treaty rights.

(Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0080 SIGNS

(A) The following signs may be permitted without review in the General Management Area, and in the Special Management Area subject to MCC 38.0080 (E):

(1) Election signs which are not displayed for more than 60 days. Removal must be accomplished within 30 days of election day.

(2) "For Sale" signs not greater than 12 square feet. Removal must be accomplished within 30 days of close of sale.

(3) Temporary construction site identification, public service company, safety or information signs not greater than 32 square feet. Exceptions may be granted for public highway signs necessary for public safety and consistent with the Manual on ~~for~~ Uniform Traffic Control Devices (2012 or most recent version). Removal must be accomplished within 30 days of project completion.

(4) Signs posted on private property warning the public against trespassing, danger from animals, the private nature of a road, driveway or premise, or signs prohibiting or otherwise controlling fishing or hunting, provided:

(a) signs are not greater than 6 square feet in the General Management Area.

(b) signs are not greater than 2 square feet in all Special Management Areas ~~zones~~.

(5) Temporary signs advertising civil, social, or political gatherings and activities not exceeding 12 square feet. Removal must be accomplished within 30 days of the close of the event.

(6) Signs posted by governmental jurisdictions giving notice to the public. Such signs shall be no larger than that required to convey the message intended.

(7) In the General Management Area, signs associated with the use of a building or buildings shall be placed flat on the outside walls of buildings, not on roofs or marquees.

(B) All other signs not listed in MCC 38.0080(A) or prohibited as listed in MCC 38.0080(C) may be permitted under an expedited review process subject to MCC 38.0080(D) in the General Management Area and (E) in the Special Management Area.

(C) Prohibited Signs

(1) Except for signs along public highways necessary for public safety, traffic control or road construction which are consistent with the Manual ~~for~~ on Uniform Traffic Control Devices (2012 or most recent version), the following signs are prohibited in the General Management Area:

(a) Luminous signs or those with intermittent or flashing lights. These include neon signs, fluorescent signs, light displays and other signs which are internally illuminated, exclusive of seasonal holiday light displays.

(b) New billboards.

(c) Signs with moving elements.

(d) Portable or wheeled signs, or signs on parked vehicles where the sign is the primary use of the vehicle.

(2) The following signs are prohibited in the Special Management Area:

(a) Advertising billboards.

(b) Signs that move or give the appearance of moving, except signs used for highway construction, warning or safety.

(c) Portable or wheeled signs, or signs on parked vehicles where the sign is the primary use of the vehicle, except for signs used for highway construction, warning or safety.

(d) Interpretative signs on Interstate 84.

(D) Signs in a General Management Area shall be permitted under an expedited review process pursuant to the following provisions:

(1) All new signs must meet the following standards unless they conflict with the Manual ~~for~~ on Uniform Traffic Control Devices (2012 or most recent version) for public safety, traffic control or

highway construction signs. In such cases, the standards in the Manual ~~for~~ on Uniform Traffic Control Devices (2012 or most recent version) shall supersede these standards.

(a) The support structure shall be unobtrusive and have low visual impact.

(b) Lettering colors with sufficient contrast to provide clear message communication shall be allowed. Colors of signs shall blend with their setting to the maximum extent practicable.

(c) Backs of all signs shall be unobtrusive, non-reflective, and blend in with the setting.

(d) Spot lighting of signs may be allowed where needed for night visibility. Backlighting is not permitted for signs.

(2) Business identification or facility entry signs located on the premises may be allowed, subject to MCC 38.0080 (D)(1).

(E) Signs in ~~an~~ a Special Management Area shall be permitted under an expedited review process pursuant to the following provisions:

(1) No sign shall be erected or placed in such a manner that it may interfere with, be confused with, or obstruct the view of any traffic sign, signal or device.

(2) ~~Pre-existing~~ Preexisting signs are allowed to continue, provided no changes occur in size, structure, color, or message.

(3) Except for signs allowed without review, all new signs shall meet the following standards, and be consistent with the Manual ~~for~~ on Uniform Traffic Control Devices (2012 or most recent version):

(a) Signs shall be maintained in a neat, clean and attractive condition.

(b) The character and composition of sign materials shall be harmonious with the landscape and~~/or~~ related to and compatible with the main structure upon which the sign is attached.

(c) Signs shall be placed flat on the outside walls of buildings, not on roofs or marquees.

(d) Signs shall be unobtrusive and have low contrast with the setting and not result in sign clutter or other negative visual effect.

(e) The visual impact of the support structure shall be minimized.

(f) Outdoor sign lighting shall be used for purposes of illumination only, and shall not be designed for, or used as, an advertising display, except for road safety signs.

(g) The backs ~~Backs~~ of all signs shall be visually unobtrusive, non-reflective, and blend in with the setting.

(h) Sign internal illumination or backlighting shall not be permitted except for highway construction, warning or safety.

(4) Public signs shall meet the following standards in addition to subsections (1) through (3) above:

(a) The Graphic Sign System provides design standards for public signs in and adjacent to public road rights-of-way. All new and replacement public signs, except those transportation, regulatory, guide and warning signs allowed outright shall conform to the guidelines in this system. Types of signs addressed include recreation site entry, interpretive, specific service signs, destination and distance signs, variable message signs, or signs that bridge or are cantilevered over the road surface.

(b) Signs located outside public road rights-of-way are encouraged to be designed in such a way as to be consistent with similar purpose signs described in the Graphic Signing System.

(c) Signs posted by governmental jurisdictions giving notice to the public shall be no larger than that required to convey the message intended.

(5) Signs located outside public road rights-of-way are encouraged to be designed in a way that is consistent with similar-purpose signs described in the Graphic Signing System.

(~~5~~6) Signs for public and commercial recreation facilities, home occupations, ~~cottage industries,~~ and commercial uses shall meet the following standards in addition to subsections (1) through (3) of this section:

(a) Any sign advertising or relating to a business which is discontinued for a period of 30 consecutive days shall be presumed to be abandoned and shall be removed within 30 days thereafter, unless permitted otherwise by the jurisdictional authority.

(b) Any signs relating to, or advertising, a business shall be brought into conformance with these sign standards prior to any expansion or change in use which is subject to review.

(c) Off-site and on-site directional signs on approach roads to recreational facilities may be permitted. Name and interpretive signs may be permitted on-site, but should be kept to the minimum required to achieve the purpose(s) of the facilities.

(d) Commercial recreation businesses approved in conjunction with a recreational facility may have a name sign not exceeding 16 square feet.

(e) Recreation developments may be permitted one on-premise name sign at each principal entrance. Such signs are encouraged to be of a low profile, monument type, and shall conform to the Graphic Sign System.

(~~6~~7) Sign clutter and other negative visual effects from excessive signs along all roads and highways, and at parking lots and recreation facilities, shall be reduced.

(F) Any sign in the General Management Area which does not conform with subsections (A) and (D) and has existed prior to adoption of the Management Plan shall be considered existing and subject to the following:

(1) Alteration of existing signs shall comply with MCC 38.0080(A) and (D).

(2) Any existing sign used by a business must be brought into conformance concurrent with any expansion or change in use which requires a development permit.

(Ord. 1270, Amended, 03/14/2019; Ord. 1125, Amended, 12/11/2008; Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0100 PLAN AMENDMENTS

Proposals to add or delete allowable uses within the various zones in the Columbia River Gorge National Scenic Area, change Plan map designations, or modify approval criteria shall require a plan amendment, pursuant to Policies 1 through 4 in *Amendment of the Management Plan* (Management Plan, Part IV, Chapter 1, Gorge Commission Role).

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0110 ~~INDIAN~~ TRIBAL TREATY RIGHTS AND CONSULTATION

(A) Tribal Treaty Rights and Consultation in the General Management Area (GMA)

(1) Tribal Government Notice and Comment Period

(a) The Planning Director shall send a notice to the governments of the four Columbia River treaty tribes for all new review uses, requesting comments, recommendations, or concerns relating to the protection of treaty rights, including rights to access, hunt, fish, and gather.

(b) The notice to the tribal governments shall request comments, recommendations, or concerns relating to the protection of treaty rights, including rights to access, hunt, fish, and gather, and shall include a site plan and may include supplemental information and a proposed treaty rights protection plan.

(c) Proposed new review uses and development located in, providing recreation river access to, or on parcels that adjoin the Columbia River or its fishbearing tributaries shall include the following supplemental information:

1. The site plan map 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. A description of 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.

3. Proposed treaty rights protection measures that will be used to avoid effects to Indian treaty or other rights. These measures may include reducing the size and modifying the location or design of the proposed uses, seasonal closures, stringent onsite monitoring, information signs, and highly visible buoys or other markers delineating fishing net locations.

(d) At the same time that the county sends notice, the county shall offer to meet with or consult with the tribal government prior to making a decision on the proposed development. Offers to meet or consult with a tribal government shall include phone calls or electronic communication

to tribal government chairs, chief administrative officers, and natural and cultural resource staff. The county shall make more than one attempt to contact a tribal government.

(e) Tribal governments shall have 30 calendar days from the date a notice is mailed to request that the county consult with the tribal government regarding potential effects or modifications to treaty or other rights of the tribe. All substantive comments, recommendations, or concerns expressed by tribal governments during the consultation meeting shall be summarized by the county, subject to the following confidentiality standards:

1. The county shall keep confidential and may not disclose to any person or party who is not the applicant, the applicant's representative or the necessary county planning staff and decision makers the tribal government's comments, recommendations, and concerns, and notes of the consultation and other information related to protection of treaty rights, unless the tribal government expressly authorizes disclosure.

2. The confidential information shall be submitted to the Gorge Commission for review in the event of an appeal, and shall remain confidential and not subject to disclosure to any person or party other than the applicant, the applicant's representative, the appellant, the appellants representative or the necessary Gorge Commission staff and Gorge Commission members unless the tribal government expressly authorizes disclosure.

(f) Any time periods specified in a county ordinance to review an application shall stop when a tribal government requests consultation and shall not start again until the county meets with all tribal governments that requested consultation and the county receives all additional information and actions from the project applicant necessary to avoid effects to treaty rights to the satisfaction of the tribal governments that requested consultation.

(g) A tribal government's choice to consult with the county shall, in no way, be interpreted as a waiver of the tribe's sovereign immunity or waiver of any claim that the proposed use affects or modifies a treaty right or other tribal rights.

(h) All substantive comments, recommendations, or concerns expressed by tribal governments during the consultation meeting shall be resolved by the county or project applicant through revisions to the project application, conditions of approval, and, if necessary in a treaty rights protection plan. The protection plan shall include measures to avoid effects or modifications to treaty and other rights of any Indian tribe.

(2) Conclusion of the Treaty Rights Protection Process

(a) The final decision shall integrate findings of fact that address the county's effort to meet with or consult with the tribal governments and any revisions and treaty rights protection plan resolving the tribal governments' comments, recommendations, or concerns.

(b) The treaty rights protection process may conclude if Multnomah County determines that the proposed uses would not affect or modify treaty or other rights of any Indian tribe. Uses that would affect or modify such rights shall be prohibited.

(c) A finding by Multnomah County that the proposed uses would not affect or modify treaty or other rights, or a failure of an Indian tribe to comment or consult on the proposed uses as

provided in these guidelines, in no way shall be interpreted as a waiver by the Indian tribe of a claim that such uses affect or modify treaty or other tribal 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.

~~(A) If a substantive written comment regarding tribal rights is received during the comment period provided in MCC 38.0530 (B) or (C) from an~~ Indian ~~tribal government, the applicant shall offer to meet with the affected tribal government within 10 calendar days. The 10 day consultation period may be extended upon agreement between the project applicant and the tribal government. If a substantive written comment is received on an expedited review preliminary decision, then the application will be reviewed using the full Type II process and is no longer eligible for expedited review.~~

~~(1) Consultation meetings should provide an opportunity for the project applicant and tribal representatives to identify potential conflicts and explore options to eliminate them. The project applicant must demonstrate that the proposed use would not affect or modify treaty or other rights of any Indian tribe.~~

~~(2) Any substantive comments, recommendations, or concerns expressed by~~ Indian ~~tribal governments during the consultation meeting shall be recorded and addressed by the project applicant in a Treaty Rights Protection Plan. The protection plan shall include measures to avoid effects to treaty and other rights of any Indian tribe. These measures may include reducing the size and modifying the location or design of the proposed uses, seasonal closures, stringent onsite monitoring, information signs, and highly visible buoys or other markers delineating fishing net locations.~~

~~(3) The Planning Director shall submit all protection plans to the~~ Indian ~~tribal governments.~~

~~(a)~~ Indian ~~t~~~~T~~~~ribal governments shall have 30 calendar days from the date a protection plan is mailed to submit written comments to the Planning Director.~~

~~(b) If substantiated comment is received during the 30 day comment period from an~~ Indian ~~tribal government indicating that the protection plan is inadequate and the proposed use would affect or modify any treaty or other rights of the tribe, the Planning Director shall place the matter on the next available Hearings Officer agenda.~~

1. The Hearings Officer shall determine whether the proposed uses would affect or modify any treaty or other rights of any Indian tribe.

2. The decision of the Hearings Officer shall integrate findings of fact that address any substantive comments, recommendations, or concerns expressed by Indian tribal governments.

3. If the decision of the Hearings Officer contradicts the comments, recommendations, or concerns of Indian tribal governments, the Hearings Officer must justify how an opposing conclusion was reached.

4. Uses that would affect or modify tribal treaty rights shall be prohibited.

(B) The Planning Director shall deem the Treaty Rights Protection Plan process complete if no substantiated comment is received during the 30 day comment period and the Treaty Rights Protection Plan and/or site plan indicate that the proposed uses would not affect or modify treaty or other rights of any Indian tribe.

(1) Notice of the decision of the Planning Director shall be mailed to those parties entitled to notice by MCC 38.0530 (B) or (C) within 25 days of the expiration of the 30 day comment period.

(2) The decision of the Planning Director regarding treaty or other rights of any Indian tribe shall be final 14 days from the date notice is mailed, unless appealed as provided in MCC 38.0530 (B) or (C).

(3) A finding by the Planning Director that the proposed uses would not affect or modify treaty or other rights, or a failure of an Indian tribe to comment or consult on the proposed uses as provided in this subsection, in no way shall be interpreted as a waiver by the Indian tribe of a claim that such uses adversely affect or modify treaty or other tribal rights.

(Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 994, Amended, 09/26/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

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PART 2 - PLANNING AUTHORITY

GENERAL PROVISIONS

§ 38.0200- DEFINITIONS.

As used in this chapter, unless the context requires otherwise:

Board means Board of County Commissioners of Multnomah County, Oregon.

Commission means the Planning Commission established under this chapter.

Comprehensive plan or *plan* shall have the meaning set forth in subsection (4) of ORS 197.015; shall be directed to the elements listed in the statewide use planning goals opted pursuant to ORS 197.240; shall include framework, development and operational plans based on an inventory and cultural data; shall be prepared under the supervision of the Director of the Land Use Planning Division and may include maps, a text, or both.

Gorge Commission means Columbia River Bi-State Gorge Commission.

(Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0205 POLICY AND PURPOSE.

(A) The Board of County Commissioners of Multnomah County, Oregon, recognized that planning for county and community development is vital to:

(1) Protect the citizenry from fire, flood, pollution and other health or safety hazards;

(2) Prevent overcrowding and inefficient use of land;

(3) Safeguard natural resources;

(4) Provide communities and neighborhoods with a variety of living choices, adequate housing, amenities, stores, schools, parks and other public and private facilities;

(5) Provide a transportation system meeting the needs of all citizens;

(6) Provide for the location of industry and the creation of new and varied employment opportunities; and

(7) Provide a framework and process in which decisions by individuals and governmental agencies can be coordinated and made in the best interests of the general public.

(B) Therefore, in accordance with ORS chapter 197 and 215 and the County Charter, the Board has determined that all decisions made by Multnomah County with respect to County development shall be predicated upon a comprehensive plan adopted and revised in the manner described in this chapter.

(1) The Rural Area Plan is an element of the Multnomah County Comprehensive Framework Plan, and together with the Management Plan, provides the policy basis for Multnomah County Code Chapter 38.

(2) Multnomah County shall amend Chapter 38, Columbia River Gorge National Scenic Area, of the Multnomah County Code as needed to be consistent with the Management Plan.

(3) Multnomah County shall adopt provisions that vary from the Management Plan when it deems that the provisions are more protective of the resources in the National Scenic Area.

(C) Multnomah County recognizes the Gorge Commission's responsibility for revising the Management Plan and its authority to serve as the appeals board for Multnomah County National Scenic Area land use decisions.

(D) Multnomah County recognizes the authority of the U.S. Forest Service to manage National Forest System lands in the National Scenic Area according to the Management Plan and the Land and Resource Management Plan for the Mt. Hood National Forest.

(E) Multnomah County recognizes the authority of the U.S. Forest Service to determine consistency with the Management Plan for all projects on federal lands in the National Scenic Area.

(F) Multnomah County shall notify the four ~~Indian~~ tribal governments when new uses are proposed on lands where tribal members exercise treaty or other rights.

(G) Multnomah County recognizes that the Oregon State Legislative Assembly and the Department of Land Conservation and Development consider the Management Plan to achieve, on balance, the objectives of the Statewide Planning Goals.

(H) Multnomah County shall review development in the National Scenic Area portion of the City of Troutdale for consistency with the Management Plan by applying the standards, criteria, and procedures in Multnomah County Code Chapter 38, until such time that the City of Troutdale adopts an ordinance to implement the Management Plan or the City and County enter into an agreement that establishes how the Management Plan is to be implemented in this portion of the City.

(Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0207 AUTHORITY

Multnomah County must regulate land uses for compliance with the Columbia River Gorge National Scenic Area Act. The National Scenic Area Act gives certain federal, ~~Indian tribe~~ Columbia River tribes, state, and local agencies authority in the National Scenic Area, and considering provisions of the Act, ORS chapter 196, 197 and 215, the County Charter, the Board understands those authorities to be as follows:

(A) Gorge Commission:

(1) The Gorge Commission has authority to develop and adopt land use and resource protection policy through the Management Plan.

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(2) The Gorge Commission has authority to serve as the appeals board for National Scenic Area land use decisions issued by Multnomah County.

(3) The Gorge Commission has authority to disapprove a land use ordinance enacted by Multnomah County if the ordinance is inconsistent with the Management Plan.

(4) The Gorge Commission has authority to enact a land use ordinance that sets standards for the use of non-federal land if the County fails to enact land use ordinances consistent with the Management Plan.

(B) U.S. Forest Service:

(1) The U.S. Forest Service has authority to review and issue a determination of consistency with the Management Plan for projects on federal lands. The U.S. Forest Service has authority to review land use and development actions of federal agencies for consistency with the Management Plan. The U.S. Forest Service shall provide copies of applications for projects on federal land to Multnomah County for comment.

(2) Federal resource specialists shall provide resource review for projects on federal lands.

(3) The U.S. Forest Service has authority to consult with ~~Indian~~ tribal governments at the government-to-government level to determine the effect of all new development or uses in the Special Management Area on treaty rights. The U.S. Forest Service notifies the County of the determination as part of the review process.

(4) The U.S. Forest Service has authority to continue to acquire Special Management Area and Dodson/Warrendale Special Purchase Unit land through purchase, donation, or land exchange.

(5) The U.S. Forest Service provides fish and wildlife resource information to counties and the Gorge Commission.

(6) The U.S. Forest Service provides historic resource information to counties and the Gorge Commission.

(C) ~~Indian Tribes~~ Tribal Governments:

(1) The ~~Indian~~ tribal governments exercise inherent sovereign powers, as limited by treaty or act of Congress.

(2) ~~Indian t~~Tribal governments shall have an opportunity to review and comment on new uses that are proposed on lands, or in waters, where tribal members exercise treaty or other rights.

(3) Proposed uses that would adversely affect treaty or other rights of any ~~Indian tribe~~ tribal government shall be prohibited.

(D) Multnomah County:

(1) Multnomah County has the authority to implement the Management Plan for National Scenic Area lands within its jurisdiction.

(2) Multnomah County has authority from the Act to adopt ordinances with provisions that vary from the policies and guidelines in the Management Plan as long as the ordinances provide greater protection for the scenic, cultural, natural, and recreation resources of the National Scenic Area (with concurrence by the Gorge Commission and by the Secretary of Agriculture in the Special Management Area).

(3) Multnomah County shall review and decide upon applications for all permits relating to the use of non-federal land within the Multnomah County portion of the National Scenic Area. These permits include all form of land divisions, land use, and legislative enactments and amendments to the Multnomah County Comprehensive Plan and Multnomah County Code.

(4) Multnomah County shall review all development proposals on non-federal land in the National Scenic Area for consistency with the Management Plan for the Columbia River Gorge National Scenic Area by applying the standards, criteria, and procedures in Multnomah County Code Chapter 38.

(5) The County may adopt provisions in its land use ordinance that are not required by a policy or guideline in the Management Plan for the Columbia River Gorge National Scenic Area when it deems they are necessary to protect general health, safety, and welfare or to implement state or federal laws not regulated by the Columbia River Gorge National Scenic Area Act. Such provisions shall not conflict with the Act.

(6) The County has the authority to deny any permit or otherwise refuse to take any action that is inconsistent with the purposes and standards of the Management Plan.

(7) Multnomah County has authority to review applications for developments or uses on non-federal land with the National Scenic Area. Multnomah County shall provide a copy of the application to The U.S. Forest Service for comment.

(8) The City of Troutdale has not enacted an ordinance to implement the Management Plan, and until the City of Troutdale enacts such regulations, Multnomah County is directed by the Act to enforce its implementing ordinance in those portions of the city within the National Scenic Area.

(Ord. 1064, Add, 06/23/2005)

§ 38.0210 SEVERABILITY.

If any subsection, subdivision, phrase, clause, sentence or word in this chapter shall for any reason be held invalid or unconstitutional by a court of competent jurisdiction, that holding shall not invalidate the remainder of this chapter, but shall be confined to the subsection, subdivision, clause, sentence or word held invalid or unconstitutional.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

PLANNING COMMISSION

(Ord. 1192, Add, 05/17/2012)

§ 38.0300- PLANNING COMMISSION ESTABLISHED.

The Planning Commission is designated as the land use planning advisory body to the Board and shall have the powers and duties described in this chapter and such other powers and duties as may be imposed on it by state, federal or local law, rule or regulation.

(Ord. 1192, Add, 05/17/2012)

§ 38.0305 MEMBERSHIP OF COMMISSION.

(A) The Commission shall consist of nine members, who shall be appointed pursuant to law and the charter of Multnomah County to fill designated positions numbered 1 through 9.

(B) Members of the Commission shall be residents of the various geographic areas of the county and shall serve without compensation, except for reimbursement for duly authorized expenses.

(C) A member who ceases to be a resident of Multnomah County shall then cease to be a member of the Commission.

(D) No more than two members of the Commission shall be engaged principally, whatever be the form of doing business, in the buying, selling or developing of real estate for profit. No more than two members shall be engaged in the same kind of business, trade or profession.

(Ord. 1192, Add, 05/17/2012)

§ 38.0310 TERMS OF OFFICE OF COMMISSION MEMBERS.

(A) Terms of office of Commission members shall be a maximum of four years, and the term of no more than three Commission members shall expire in any year. The term of a Commissioner may continue until a successor is appointed. The term of a newly appointed Commissioner shall be designated such that a staggered term expiration scheme is maintained.

(B) No Commission member shall serve more than two consecutive terms excluding completion of an unexpired term of less than two years, unless otherwise provided by unanimous concurrence of the Board.

(C) Appointments to uncompleted terms shall be limited to the remainder of the expiring Commissioner's term.

(Ord. 1192, Add, 05/17/2012)

§ 38.0315 VACANCIES AND REMOVAL OF COMMISSION MEMBERS.

(A) Upon resignation, permanent disqualification or removal of any member of the Commission, the Chair of the Board shall, pursuant to the County Charter, appoint a successor to fill the remainder of the term.

(B) After a hearing, the Board or the Planning Commission may remove any member for cause, which may include misconduct or nonperformance of duty. Nonperformance may include lack of attendance, as defined by three consecutive absences from Commission meetings, or five absences total during a calendar year.

(Ord. 1192, Add, 05/17/2012)

§ 38.0320 OFFICERS AND STAFF.

(A) The Commission shall, at or before its first meeting in April each year, elect and install from among its members a chair and vice-chair. The Commission may elect and install from among its members a second vice-chair. If there is a vacancy in any officer position, the Commission shall fill such vacancy by appointing an officer at the first regular meeting following the vacancy.

(B) The Planning Director shall serve as staff for the Commission and its committees and shall provide such administrative and technical assistance as may be required.

(Ord. 1192, Add, 05/17/2012)

§ 38.0325 COMMITTEES.

The presiding officer of the Commission shall appoint advisory and other subcommittees as considered appropriate or as directed by the Commission or the Board.

(Ord. 1192, Add, 05/17/2012)

§ 38.0330 ADMINISTRATION.

(A) The conduct of meetings of the Commission shall be according to rules of order adopted by the Commission and filed with the Planning Director. The rules shall be effective 15 days after filing.

(B) The Planning Director shall maintain an accurate and permanent record of all proceedings before the Commission, including a verbatim recording of such proceedings. Failure to maintain an accurate and permanent record does not invalidate any action taken by the Commission except as otherwise provided at law.

(C) Five members of the Commission shall constitute a quorum for the conduct of business. Notwithstanding a lack of quorum, the Commission may act to continue a hearing or matter to a time and date certain for consideration by a quorum.

D) The affirmative vote of at least five members of the Commission is required for approval of motions relating to a matter classified in MCC 38.0530 as a Type IV or PC matter or a matter concerning a proposal to name or rename a street. Except as otherwise provided, the affirmative vote of the majority of those members of the Commission present is required for all other action by the Commission. A member of the Commission that abstains or is disqualified from participating or voting in a matter before the commission is not “present” for purposes of determining the number of votes required to take action on a matter.

(Ord. 1192, Add, 05/17/2012)

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§ 38.0333 MEETINGS.

(A) The Commission shall schedule meetings on a regular monthly basis. The Planning Commission may schedule special meetings at the request of the Planning Director. Any meeting may be cancelled for lack of quorum or agenda item. All meetings are open to the public, except executive sessions, and notice shall be given as required by law or rule. Failure to provide an open meeting or notice as required by law or rule does not invalidate any action taken by the Commission except as otherwise provided at law.

(B) The Commission may continue any proceeding. A proceeding continued to a date certain requires no additional notice unless additional notice is required by law or rule or is ordered by the Commission.

(C) The Commission may meet in executive session in accordance with state law. At the beginning of each executive session, the statutory authority for the meeting must be stated. The Commission will require that representatives of the news media and all other attendees are specifically directed not to disclose specified information that is the subject of the executive session.

(Ord. 1192, Add, 05/17/2012)

§ 38.0335 COORDINATION.

(A) The Commission shall advise and cooperate with other planning commissions, hearings officers, agencies or bodies within the state, and shall, upon request or on its own initiative, make available advice or reports to the state or federal government or any regional association of governments, city, county, public officer or department on any problem comprehended within its powers and duties.

(B) All County officials, departments and agencies having information, maps and data considered by the Commission to be pertinent to its powers and duties shall make that information available for the use of the Commission upon request.

(Ord. 1192, Add, 05/17/2012)

§ 38.0340 POWERS AND DUTIES OF COMMISSION.

The Commission shall:

(A) Recommend to the Board the adoption, revision or repeal of a comprehensive plan or portions thereof;

(B) Report and recommend to the Board the adoption, revision, amendment or repeal of zoning, subdivision, and other regulatory ordinances and regulations, intended to carry out part or all of a plan adopted by the board,

(C) Where appropriate, initiate actions under MCC Chapter 38 Part 3 – Administration and Procedures as amended;

(D) On request, provide written advisory opinions to the Board and Hearings Officer on the application of the Comprehensive Plan, zoning ordinance or other matter or regulation within the jurisdiction of the Commission to any proposed action before the Board or the Hearings Officer;

(E) Recommend to the Board the institution of injunction, mandamus, abatement or other appropriate proceedings to prevent, temporarily or permanently enjoin, abate or remove any existing or proposed unlawful location, construction, maintenance, repair, alteration or use of any building or structure or the existing or proposed unlawful subdivision or other unlawful partitioning or use of any land;

(F) Enter upon any land and make examinations and surveys and place and maintain the necessary monuments and markers on the land, as required to perform its functions;

(G) Consult with advisory committees, as appropriate, in regard to any matter within the powers and duties of the Commission; and

(H) Exercise such other powers and perform such other duties as may be given to the Commission by federal or state law or by this chapter or other ordinance.

(Ord. 1192, Add, 05/17/2012)

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PART 3 - ADMINISTRATION AND PROCEDURES

§ 38.0510- PURPOSE AND SCOPE.

This chapter provides the procedures by which Multnomah County reviews and decides upon applications for all permits relating to the use of land in Multnomah County within the Columbia River Gorge National Scenic Area and those other permits processed through the Multnomah County Land Use Planning Division. These permits include all form of land divisions, land use, and legislative enactment's and amendments to the Multnomah County Comprehensive Plan and Multnomah County Code. An applicant may elect to consolidate applications for two or more related permits needed for a single development project.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0530 SUMMARY OF DECISION MAKING PROCESSES.

The following decision making processes chart shall control the County's review of the indicated permits:

APPROVAL PROCESS					
Permit Type	**I**	**II**	**II Expedited**	**III**	**PC**
Initial Approval Body:	(Not a "land use decision")	(Planning Director)	(Planning Director)	(Hearings Officer)	(Legislative)
Allowed Uses[1]	**X**				
Expedited Uses			**X**		
Review Uses		**X**			
Conditional Uses				**X**	
Zone Code Text Changes (Initiated by County only)					**X**
Variance		**X**		**X**	
Extension of Decision	**X**				
Property Line Adjustments		**X**			
Planned Unit Developments				**X**	

APPROVAL PROCESS					
Permit Type	**I**	**II**	**II Expedited**	**III**	**PC**
Initial Approval Body:	(Not a "land use decision")	(Planning Director)	(Planning Director)	(Hearings Officer)	(Legislative)
[Land Divisions] (see Land Division Permit Types below)					
Subdivision				**X**	
Major Partition		**X**			
Minor Partition		**X**			
Lot Consolidation	**X**				
Replat		**X**			
Revocation of Decisions				**X**	
Zoning Code Interpretations		**X**			
Temporary Health Hardship Permit Extension	**X**				
Geologic Hazards Permit		**X**			
Floodplain Development	**X**				
~~Grading and Erosion Control~~ Erosion and Sediment Control	**X**				
Minimal Impact Project	**X**				
Property Addressing	**X**				
Street Naming & Renaming				**X**	

APPROVAL PROCESS					
Permit Type	**I**	**II**	**II Expedited**	**III**	**PC**
Initial Approval Body:	(Not a "land use decision")	(Planning Director)	(Planning Director)	(Hearings Officer)	(Legislative)
Final Plat Approval	**X**				
1 Although an Allowed Use by itself does not require a Type I permit, zoning approval of a building permit application for such a use is a Type 1 review.					

Permit Types

(A) Type I decisions do not require interpretation or the exercise of policy or legal judgment in evaluating approval standards. Type I decisions include, but are not limited to, site plan approval of building or other specialty permits and final subdivision and planned unit development plans where there are no material deviations from the approved preliminary plans. Because no discretion is involved, Type I decisions do not qualify as land use or limited land use decisions. The process requires no notice to any party other than the applicant. The Planning Director's decision is final and not appealable by any party through the normal land use process. Type I decisions may only be appealed through a writ of review proceeding to circuit court.

(B) Type II decisions involve the exercise of some interpretation and discretion in evaluating approval criteria. Applications evaluated through this process are typically assumed to be allowable in the underlying zone. County Review typically focuses on what form the use will take, where it will be located in relation to other uses, and ~~it's~~ its relationship to scenic, natural, cultural and recreational resources of the area. However, an application shall not be approved unless it is consistent with the applicable siting standards and in compliance with approval requirements.

(1) For development eligible for Expedited Review, upon receipt of a complete application, the Planning Director issues a preliminary decision and sends the application including the decision and an invitation to comment to the Gorge Commission; U.S. Forest Service; the ~~Indian tribal~~ governments of the four Columbia River treaty tribes; and property owners within 750 feet of the subject tract. The Planning Director accepts comments for 14 days. If no comments are received, the Planning Director's decision shall become final at the close of business on the 14th day after the date on the preliminary decision. Comments received by a tribal government at any time during the expedited review process shall be considered, to ensure that the proposed development or use does not affect or modify the treaty or other rights of that tribe. If substantive written comments are received, the Planning Director shall either modify the decision to address the comments and re-issue it for a 14-day appeal period or re-direct the application to full review in MCC 38.0530 (B) (2) if comments establish that the proposed development is not eligible for expedited review for reasons listed under MCC 38.7100. The Planning Director's decision is appealable to the County Hearings Officer. If an appeal is received, the Hearings Officer decision is the County's final decision and is appealable to the Columbia River Gorge Commission within 30 days after the decision is final. The decision is final the day the decision is signed by the Hearings Officer.

(2) For all permit types except development eligible for expedited review, upon receipt of a complete application, notice of application and an invitation to comment are mailed to the Gorge Commission; the U.S. Forest Service; the ~~Indian~~ tribal governments; the State Historic Preservation Office; the Cultural Advisory Committee; and property owners within 750 feet of the subject tract. The Planning Director accepts comments for ~~14~~ 21 days after the notice of application is mailed, except for comments regarding Cultural Resources, which will be accepted for ~~20~~ 30 days after the notice is mailed. The Planning Director's decision is appealable to the Hearings Officer. If no appeal is filed the Planning Director's decision shall become final at the close of business on the 14th day after the date on the decision. If an appeal is received, the Hearings Officer decision is the County's final decision and is appealable to the Columbia River Gorge Commission within 30 days after the decision is final. The decision is final the day the decision is signed by the Hearings Officer.

(C) Type III decisions involve the greatest amount of discretion and evaluation of subjective approval criteria, yet are not required to be heard by the Board. Applications evaluated through this process primarily involve conditional uses and some land divisions applications. Notice of the application and Hearings Officer hearing is published and mailed to the applicant, recognized neighborhood association and property owners 750 feet of the subject tract. The Planning Director shall notify the four ~~Indian~~ tribal governments, SHPO, the Gorge Commission, and the U.S. Forest Service of all applications for Conditional Uses. Notice must be issued at least 20 days pre-hearing, and the staff report must be available at least 7 days pre-hearing. The Hearings Officer shall accept into the record all testimony and evidence relevant to the matter, prior to the close of the hearing. The Hearings Officer decision is the County's final decision and is appealable to the Columbia River Gorge Commission within 30 days after the decision is final. The decision is final the day the decision is signed by the Hearings Officer.

(D) PC reviews are limited to legislative actions which involve the adoption or amendment of textual language to the County's National Scenic Area (NSA) land use regulations. Within the NSA the Columbia River Gorge Commission has the authority to adopt amendments to the Management Plan and Land Use Designations Maps that are directly applicable to County actions. For this reason, PC reviews only involve limited discretion and evaluation of new or revised subjective approval criteria and revised maps, and must be referred by the Planning Commission onto the Board for final action prior to adoption by the County. Upon adoption by the Board of County Commissioners, the ordinance shall be promptly submitted to the Columbia River Gorge Commission for their review and approval.

(Ord. 1270, Amended, 03/14/2019; Ord. 1192, Amended, 05/17/2012; Ord. 1186, Amended, 10/13/2011; Ord. 1103, Amended, 11/29/2007; Ord. 1097, Amended, 07/26/2007; Ord. 1064, Amended, 06/23/2005; Ord. 1007, Amended, 02/06/2003; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 994, Amended, 09/26/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0540 ASSIGNMENT OF DECISION MAKERS.

The following County entity or official shall decide the following types of applications:

(A) Type I Decisions. The Planning Director shall render all Type I decisions. The Planning Director's decision is the County's final decision on a Type I application.

(B) Type II Decisions. The Planning Director shall render the initial decision on all Type II permit applications. The Planning Director's decision is the County's final decision unless appealed to the Hearings Officer. The Hearing Officer decision on such an appeal is the County's final decision on a Type II application and is appealable to the Columbia River Gorge Commission.

(C) Type III Decisions. The Hearings Officer shall render all Type III decisions. The Hearings Officer decision is the County's final decision on a Type III application and is appealable to the Columbia River Gorge Commission.

(D) PC Actions. The Planning Commission shall review all PC actions. If the Planning Commission adopts a resolution to recommend an action, the Planning Commission refers the resolution to the Board for final action. The ordinance becomes effective after approval by the Columbia River Gorge Commission and, if necessary, concurrence by the Secretary of Agriculture.

(Ord. 1192, Amended, 05/17/2012; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 994, Amended, 09/26/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0550 INITIATION OF ACTION.

Except as provided in MCC 38.0702, Type I - III applications may only be initiated by written consent of the owner of record or contract purchaser. PC (legislative) actions may only be initiated by the Board of Commissioners, Planning Commission, or Planning Director.

(Ord. 1176, Amended, 03/03/2011; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 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 for any property that is not in full compliance with all applicable provisions of the Multnomah County Land Use 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.

(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.

(Ord. 1187, Amended, 11/17/2011; Ord. 1031, Amended, 05/06/2004; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0570 PRE-APPLICATION CONFERENCE MEETING.

(A) A pre-application conference is optional for uses eligible for Type II expedited review. For all other Type II or Type III applications, the applicant shall schedule and attend a pre-application conference with County staff to discuss the proposal. The pre-application conference shall follow the procedure set forth by the Planning Director and may include a filing fee, notice to neighbors, neighborhood organizations, and other organizations and agencies.

(B) To schedule a pre-application conference, the applicant shall contact the Land Use Planning Division and pay the appropriate conference fee. The purpose of the pre-application conference is for the applicant to provide a summary of the applicant's development proposal to staff and in return, for staff to provide feedback to an applicant on likely impacts, limitations, requirements, approval standards, fees and other information that may affect the proposal. The Planning Director

may provide the applicant with a written summary of the pre-application conference within 10 days after the pre-application conference.

(C) Notwithstanding any representations by County staff at a pre-application conference, staff is not authorized to waive any requirements of the County Code. Any omission or failure by staff to recite to an applicant all relevant applicable land use requirements shall not constitute a waiver by the county of any standard or requirement.

(D) A pre-application conference shall be valid for a period of 6 months from the date it is held. If no application is filed within 6 months of the conference or meeting, the applicant must schedule and attend another conference before the County will accept a permit application. The Planning Director may waive the pre-application requirements if, in the Director's opinion, the development does not warrant these steps.

(Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0580 APPLICATION REQUIREMENTS FOR TYPE I – III APPLICATIONS.

All permit applications must be submitted at the Land Use Planning Division office on the most current form provided by the county, along with the appropriate fee and all necessary supporting documentation and information, sufficient to demonstrate compliance with all applicable approval criteria. The applicant has the burden of demonstrating, with evidence, that all applicable approval criteria are, or can be met. An application shall not be approved unless it meets the applicable approval criteria.

(Ord. 1262, Amended, 08/30/2018; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0590 COMPLETENESS REVIEW – TYPE I APPLICATIONS.

(A) Upon submission of a Type I application, the Planning Director shall date stamp the application form and verify that the appropriate application fee has been submitted. The Planning Director will then review the application and evaluate whether the application is complete. Within 30 days of receipt of the application, the Planning Director shall complete the initial review and issue to the applicant a completeness letter indicating whether the application is complete. If not complete, the Planning Director shall advise the applicant what information must be submitted to make the application complete.

(B) Upon receipt of a letter indicating the application is incomplete, the applicant has 180 days from the original application submittal date within which to submit the missing information or the application shall be void and all materials returned to the applicant. If the applicant submits the requested information within the 180-day period, the Planning Director shall again verify whether the application, as augmented, is complete. Each such review and verification shall follow the procedure in subsection (A) of this section. If the Planning Director determines the application is complete, the County may begin processing it.

(C) The approval criteria and standards which control the County’s review and decision on a complete application are those which were in effect on the date the application was first submitted.

(Ord. 1262, Added, 08/30/2018)

§ 38.0600 COMPLETENESS REVIEW.

(A) Type II or Type III applications shall be reviewed according to the standards in effect on the date an applicant submits a complete land use application to the County. Incomplete applications shall not be reviewed. A complete application is one that the County determines meets the requirements of this Chapter for:

(1) a complete application form,

(2) a complete site plan showing the proposed site (site plans with alternative sites or building envelopes are not sufficient), and

(3) all applicable information specified in this Chapter.

(B) Upon submission of a Type II or Type III application, the Planning Director shall date stamp the application form and verify that the appropriate application fee has been submitted. Within 30 days of receipt of the application, for all Type II and III permits except development eligible for expedited review, the Planning Director should review the application, evaluate whether the application is sufficiently complete to mail out for comment, and issue to the applicant a completeness letter. For permits processed with expedited review, County staff should review the application and evaluate whether the application is sufficiently complete at the time the application is submitted. If not sufficiently complete, the Planning Director shall advise the applicant what information must be submitted to make the application sufficiently complete.

(C) For all Type II and III permits except development eligible for expedited review, upon receipt of a letter indicating the application is not sufficiently complete, the applicant has 180 days from the original application submittal date within which to submit the missing information or the application shall be rejected and all materials returned to the applicant. If the applicant submits the requested information within the 180 day period, the Planning Director shall again verify whether the application, as augmented, is complete. For permits processed with expedited review, County staff should review the application and evaluate whether the application is sufficiently complete at the time the application is submitted. Each such review and verification shall follow the procedure in subsection (B) of this section.

(D) For all Type II and III permits except those reviewed with the expedited process, an applicant shall file within 30 days of the mailing of the initial completeness letter, a statement accepting the 180 day time period to complete the application. Failure of an applicant to accept the 180 day time period to complete the application within 30 days of the mailing of the completeness letter will constitute a refusal to complete the application. Where an applicant refuses to complete an application the County will take no action, reject the application and return all materials to the applicant.

(E) The approval criteria and standards which control the County's review and decision on a complete application are those which were in effect on the date the application was first submitted.

(Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 994, Amended, 09/26/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0605 REPEALED BY ORD. 1262.

§ 38.0610 HEARINGS PROCESS - TYPE II APPEALS, TYPE III APPLICATIONS.

All public hearings on Type II or Type III applications shall be quasi-judicial and comply with the procedures of this section.

(A) Once the Planning Director determines that an application for a Type III decision is complete, or once an appeal of a Planning Director's decision on a Type II application has been properly filed, the Land Use Planning Division shall schedule a hearing.

(B) Notice of the hearing shall be issued in accordance with MCC 38.0620.

(C) The property subject to a Type III application shall be posted in accordance with MCC 38.0630.

(D) The Planning Director shall prepare a staff report on the application which lists the applicable approval criteria, describes the application and the applicant's proposal, summarizes all relevant County department, agency and public comments, describes all other pertinent facts as they relate to the application and the approval criteria, and makes a recommendation as to whether each of the approval criteria are met.

(E) At the beginning of the initial public hearing authorized under these procedures, a statement shall be announced to those in attendance, that:

(1) Lists the applicable substantive criteria;

(2) The hearing will proceed in the following general order: staff report, applicant's presentation, testimony in favor of the application, testimony in opposition to the application, rebuttal, record closes, deliberation and decision;

(3) That all testimony and evidence submitted, orally or in writing, must be directed toward the applicable approval criteria. If any person believes that other criteria apply in addition to those addressed in the staff report, those criteria must be listed and discussed on the record. The decision maker may reasonably limit oral presentations in length or content depending upon time constraints. Any party may submit written materials of any length while the public record is open;

(4) Any party wishing a continuance or to keep open the record must make that request while the record is still open;

(5) That the decision maker shall disclose any ex parte contacts, conflicts of interest or bias before the beginning of each hearing item and provide an opportunity for challenge. Advised parties must raise challenges to the procedures of the hearing at the hearing and raise any issue relative to ex parte contacts, conflicts of interest or bias, prior to the start of the hearing.

(F) Requests for continuances and to keep open the record. The decision maker(s) may continue the hearing from time to time to allow the submission of additional information or for deliberation without additional information. New notice of a continued hearing need not be given so long as the decision maker(s) establishes a time certain and location for the continued hearing. Similarly, the decision maker may close the hearing but keep open the record for the submission of additional

written material or other documents and exhibits. The decision maker(s) may limit the factual and legal issues that may be addressed in any continued hearing or open-record period.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0620 HEARINGS NOTICE - TYPE II APPEALS OR TYPE III APPLICATIONS.

Notice for all public hearings for Type III application or an appeal of a Type II application shall conform to the requirements of this section. At least 20 days prior to the hearing, the County shall prepare and send, by first class mail, notice of the hearing to all owners of record, based upon the most recent Multnomah County records, of property within 750 feet of the subject tract and to the Gorge Commission, the U.S. Forest Service, and the governments of the ~~Indian~~ four Columbia River treaty tribes ~~tribal governments~~. Notice shall also be sent to the State Historic Preservation Office, and the Cultural Advisory Committee, unless the appeal is of a decision subject to expedited review. The County shall further provide notice to those persons who have identified themselves in writing as aggrieved or potentially aggrieved or impacted by the decision prior to the required mailing of such notice. The County shall also publish notice in a newspaper of general circulation within the County. For all Type II and III hearings except development reviewed with the expedited process, the County shall mail and publish notice of hearing at least 20 days prior to hearing. For development reviewed with the expedited process, the County shall mail and publish notice of the hearing at least 14 days prior to the hearing. Notice of the hearing shall include the following information:

(A) The time, date and location of the public hearing;

(B) Street address or other easily understood location of the subject property and County assigned case file number;

(C) A description of the applicant's proposal, along with a list of citations of the approval criteria that the County will use to evaluate the proposal;

(D) A statement that any interested party may testify at the hearing or submit written comments on the proposal at or prior to the hearing, and that a staff report will be prepared and made available to the public at least 7 days prior to the hearing;

(E) A statement that any issue which is intended to provide a basis for an appeal to the Columbia River Gorge Commission must be raised before the close of the public record. Issues must be raised and accompanied by statements or evidence sufficient to afford the County and all parties to respond to the issue;

(F) A statement that the application and all supporting materials and evidence submitted in regard to the application may be inspected at no charge, and that copies may be obtained at cost, at the Multnomah County Land Use Planning Division during normal business hours; and

(G) The name and telephone number of the planning staff person responsible for the application and who is otherwise available to answer questions about the application.

(H) Notice published in a newspaper shall include the information in (A), (B) and (G) above, along with a brief description of the applicant’s proposal, and a statement that all interested parties may testify at the hearing or submit written comments on the proposal at, or prior to the hearing.

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(Ord. 1098, Amended, 08/16/2007; Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 994, Amended, 09/26/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0630 POSTING NOTICE REQUIREMENTS - TYPE III HEARINGS.

The requirements of this subsection shall apply to Type III hearings.

(A) The County shall supply all of the notices which the applicant is required to post on the subject property, and shall specify the dates the notices are to be posted.

(B) The applicant must place the notice along the frontage of the subject property. If a property's frontage exceeds 300 feet, the applicant shall post one copy of the notice for each 300 feet or fraction thereof, not to exceed four signs. Notices shall be posted within 10 feet of the right of way and shall be clearly visible to pedestrians and motorists. To the extent practicable, all signs shall be equally spaced. Notices shall not be posted within the public right of way nor on trees. The applicant shall remove all signs within 10 days following the event announced in the notice.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0640 APPEALS.

Appeals of any decisions of the County must comply with the requirements of this section.

(A) Type I decisions by the Planning Director are not appealable to any other decision maker within the County.

(B) A Notice of Appeal of a Type II decision by the Planning Director must be received in writing by the Land Use Planning Division within 14 calendar days from the date notice of the challenged decision is provided to those entitled to notice. If the County's notice of decision is mailed, any appeal must be received by and at the Land Use Planning Division within 14 calendar days from the date of mailing. Late or improperly filed appeals shall be deemed a jurisdictional defect and will result in the automatic rejection of any appeal so filed.

(C) The following must be included as part of the Notice of Appeal:

(1) The County’s case file number and date the decision to be appealed was rendered.

(2) The name, mailing address and daytime telephone number for each appellant.

(3) A statement of how each appellant has an interest in the matter and standing to appeal.

(4) A statement of the specific grounds for the appeal.

(5) The appropriate appeal fee. Failure to include the appeal fee within appeal period is deemed to be a jurisdictional defect and will result in the automatic rejection of any appeal so filed.

(D) Standing to Appeal. Those who are entitled to appeal a Type II decision include those who are entitled to notice under MCC 38.0620.

(E) The Land Use Planning Division shall issue notice of the appeal hearing to all parties entitled to notice had the initial decision been subject to a hearing under MCC 38.0620. Notice of the appeal hearing shall contain the following information:

(1) The case file number and date of the decision being appealed;

(2) The time, date and location of the public hearing;

(3) The name of the applicant, owner and appellant (if different);

(4) The street address or other easily understood location of the subject property;

(5) A description of the permit requested and the applicant's development proposal;

(6) A brief summary of the decision being appealed and the grounds for appeal listed in the Notice of Appeal;

(7) A general explanation of the requirements for participation and the County's hearing procedures.

(F) Appeal hearing, scope of review. Appeal hearings shall comply with the procedural requirements of MCC 38.0610. Appeal hearings shall be de novo, as if new, and all issues relevant to the applicable approval criteria may be considered.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 994, Amended, 09/26/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0650 REAPPLICATION LIMITED.

If an application is denied, or withdrawn following the close of the public hearing or the end of the appeal period, no reapplication for the same or substantially similar proposal may be made for one year following the date of final decision denying the permit or the date of withdrawal.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 994, Amended, 09/26/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0660 CONDITIONS OF APPROVAL AND NOTICE OF DECISION.

(A) All County decision makers have the authority to impose reasonable conditions of approval designed to ensure that all applicable approval standards are, or can be, met.

(B) The applicant retains the burden of demonstrating that applications comply with the approval criteria or can and will comply with the approval criteria through the imposition of conditions of approval. Further, the applicant must file evidence demonstrating that an approval criteria can be met with the imposition of conditions as well as demonstrate a commitment to comply with conditions of approval.

(C) Failure to comply with any condition of approval shall be grounds for revocation of the permit(s) and grounds for instituting code enforcement proceedings pursuant to the county code.

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(D) Notice of decision for Type II and Type III decisions except expedited review decisions. The County shall send, by first class mail, a notice of all decisions rendered under a Type II or Type III process. For Type II or Type III decisions, to those who submitted written comment, requested the decision in writing or provided oral testimony at a hearing on the matter, and to the Gorge Commission. The notice of decision shall include the following information:

(1) The file number and effective date of decision;

(2) The name of the applicant, owner and appellant (if different);

(3) The street address or other easily understood location of the subject property;

(4) A brief summary of the decision, and if an approval, a description of the permitted use approved;

(5) A statement that the decision is final at the close of the appeal period unless appealed, and description of the requirements for perfecting an appeal;

(6) A statement that a person receiving notice cannot appeal a Type II decision directly to the Columbia River Gorge Commission unless all local appeals are exhausted;

(7) The contact person, address and a telephone number whereby a copy of the final decision may be inspected or copies obtained.

(E) For all decisions on development eligible for Expedited review, the preliminary decision becomes final at the close of business on the 14th day after the date on the preliminary decision if no comments are received. The notice of decision shall include the following information:

(1) The file number and effective date of decision;

(2) The name of the applicant, owner and appellant (if different);

(3) The street address or other easily understood location of the subject property;

(4) A brief summary of the decision, and if an approval, a description of the permitted use approved;

(5) A statement that a person receiving comment has 14 days to make comment which must be directed to the applicable approval criteria. Failure to provide comments during this period will preclude a right to appeal.

(6) A statement that the decision is final at the close of the comment period unless comments are received;

(F) If comments are received on a preliminary decision on development eligible for Expedited review, the Planning Director may modify the preliminary decision and issue a notice. The notice of decision shall include, in addition to §38.0660 (E) (1)–(6), response to comments and a description of how the decision has been modified based on the comments.

(1) The file number and effective date of decision;

(2) The name of the applicant, owner and appellant (if different);

(3) The street address or other easily understood location of the subject property;

(4) A brief summary of the decision, and if an approval, a description of the permitted use approved;

(5) A statement that the decision is final at the close of the appeal period unless appealed, and description of the requirements for perfecting an appeal;

(6) A statement that a person receiving notice cannot appeal a Type II decision directly to the Columbia River Gorge Commission unless all local appeals are exhausted.

(G) Modification of Conditions. Any request to modify a condition of permit approval shall be processed in the same manner, and shall be subject to the same standards, as was the original application provided the standards and criteria used to approve the decision are consistent with the current code. However, the decision maker may at its sole discretion, consider a modification request and limit its review of the approval criteria to those issues or aspects of the application that are proposed to be changed from what was originally approved.

(Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0670 RECORDING OF DECISION.

The County may impose as a condition of final approval of a Type II, ~~or~~ Type III, or Type IV decision, the requirement that the applicant record with the County the Notice of Decision. The Notice of Decision shall run with the land and shall be placed in the county deed records prior to the issuance of any permits or development activity pursuant to the approval. Proof of recording shall be made prior to the issuance of any permits and filed with the Land Use Planning Division. Recording shall be at the applicant's expense. ~~Any recording required under this section shall be properly signed and executed within 30 days after the decision becomes final; provided, however, that the Planning Director may grant reasonable extensions, not to exceed an additional 30 days, in cases of practical difficulty. Failure to sign and record the Notice of Decision within the prescribed period shall void the decision.~~

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0680 PERFORMANCE GUARANTEES.

When conditions of permit approval require the applicant to construct certain improvements, the County may allow the applicant to submit a financial guarantee in order to postpone construction, or to guarantee construction to certain standards. Financial guarantees shall be governed by this section.

(A) Form of guarantee. Guarantees shall be in a form approved by the County Attorney, including an irrevocable stand-by letter of credit issued by a recognized lending institution to the benefit of the County, a certified check, dedicated bank account or allocation of a construction loan held in reserve by the lending institution for the benefit of the County. The guarantee shall be filed with the Land Use Planning Division.

(B) Amount of guarantee. The amount of the performance guarantee shall be equal to at least 110% of that estimated cost of constructing the improvement in question. The amount of the performance guarantee may be larger than 110% if deemed necessary by the Planning Director. The cost estimate substantiating the amount of the guarantee must be provided by the applicant supported by either an engineer's or architect's estimate or written estimates by three contractors with their names and addresses. The estimates shall separately itemize all materials, labor, and other costs.

(C) Duration of the guarantee. The guarantee shall remain in effect until the improvement is actually constructed and accepted by~~.~~ the County. Once the County has inspected and accepted the improvement, the County shall release the guarantee to the applicant. If the improvement is not completed to the County's satisfaction within the time limits specified in the permit approval or the guarantee, the Director may draw upon the guarantee and use the proceeds to construct or complete construction of the improvement and for any related administrative and legal costs incurred by the County. Once constructed and approved by the County, any remaining funds shall be refunded to the applicant.

(D) If the applicant elects to defer construction of improvements by using a financial guarantee, the applicant shall agree to construct those improvements upon written notification by the County, or at some other mutually agreed-to time. If the applicant fails to commence construction of the required improvements within 6 months of being instructed to do so, the County may, without further notice, undertake the construction of the improvements and draw upon the applicant's performance guarantee to pay those costs as provided in paragraph (C) above.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0685 EXPIRATION AND EXTENSION OF A TYPE I DECISION.

(A) Type I permits issued pursuant to this Chapter shall expire six years after the date the permit was issued, unless the use or development was established according to all specifications and conditions of approval in the permit. The decision maker may specify an expiration period in the permit that is shorter than 6 years in order to align with the expiration period for another permit associated with the same use or development or for any other reason determined by the decision maker. Expiration of a Type I permit means that a new application is required for uses that are not established within the approval period.

(B) Extension of a Type I permit is permitted only when the use or development to be established under the Type I permit is contingent a Type II, III, or IV permit associated with the same use or development. However, a Type I permit shall not be granted an extension beyond the expiration period of the Type II, III, or IV permit associated with the same use or development. An extension request for a Type I permit is not a land use decision, and is not subject to appeal as a land use decision. The extension request may be approved provided:

(1) An applicant makes a written request for an extension of the approval period.

(2) The request is submitted to the county prior to the expiration of the approval period.

(3) The requested extension aligns with and does not extend beyond the expiration period of a Type II, III, or IV permit associated with the same use or development.

(C) Expiration under (A) above is automatic. Failure to give notice of expiration shall not affect the expiration of a Type I permit.

(D) If a permit decision is appealed, the expiration period shall not begin until all appeals have been completed, including any remand proceedings.

(E) The laws of the State of Oregon concerning vested rights shall not apply in the Columbia River Gorge National Scenic Area. A person has a vested right for as long as the permit does not expire.

(Ord. 1262, Added, 08/30/2018)

§ 38.0690 EXPIRATION OF A TYPE II OR TYPE III DECISION.

(A) Any Type II or Type III land use approval issued pursuant to this Chapter for a use or development that does not include a structure shall expire two 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. For land divisions, "established' means the final deed or plat has been recorded with the county recorder or auditor.

(B) Any Type II or Type III land use approval issued pursuant to this Chapter for a use or development that includes a structure shall expire as follows:

(1) When construction has not commenced within two years of the date the final decision, or

(2) When the structure has not been completed within two years of the date of commencement of construction.

(3) As used in (B)(1), commencement of construction shall mean actual construction of the foundation or frame of the approved structure. For utilities and developments without a frame or foundation, commencement of construction shall mean actual construction of support structures for an approved above ground utility or development or actual excavation of trenches for an approved underground utility or development. For roads, commencement of construction shall mean actual grading of the roadway.

(4) As used in (B)(2), completion of the structure shall mean:

(a) completion of the exterior surface(s) of the structure and

(b) compliance with all conditions of approval in the land use approval.

(C) Expiration under (A) or (B) above is automatic. Failure to give notice of expiration shall not affect the expiration of a Type II or III approval.

(D) Consistent with subsection (A) of this section, the decision maker may set forth in a written decision, specific instances or time periods when a permit expires.

(E) New application required. Expiration of an approval shall require a new application for any use on the subject property that is not otherwise allowed outright.

(F) Deferral of the expiration period due to appeals. If a permit decision is appealed beyond the jurisdiction of the County, the expiration period shall not begin until all subsequent appeals are resolved. The expiration period provided for in this section will begin to run on the date of final disposition of the case (the date when an appeal may no longer be filed).

(G) The laws of the State of Oregon concerning vested rights shall not apply in the Columbia River Gorge National Scenic Area. A person has a vested right for as long as the land use approval does not expire.

(Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0691 EXPIRATION OF PRIOR LAND USE DECISIONS.

All land use decisions authorized prior to March 19, 2001 (Ord. No. 953 & Ord. 997) shall expire on March 19, 2003, unless a different timeframe was specifically included in the decision.

(Ord. 1176, Renum38.0750, 03/03/2011; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 994, Amended, 09/26/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0692 EXPIRATION OF PRIOR TYPE I PERMITS.

All Type I permits issued prior to September 29, 2018 (Ord. 1262) shall expire on September 29, 2024, unless a different timeframe was specifically included in the permit or the use or development has been established according to all specifications and conditions of approval in the permit by September 29, 2024. Expiration of a Type I permit means that a new application is required for uses that are not established within the approval period.

(Ord. 1262, Added, 08/30/2018)

§ 38.0700 EXTENSION OF TYPE II OR TYPE III DECISIONS.

(A) Any request for an extension shall be reviewed and decided upon by the Planning Director as a Type I decision.

(B) A request for extension of the time frames in §38.0700 (D)(1), (D)(2), and (E) shall be submitted in writing before the applicable expiration date.

(C) Approval or denial of a request for extension shall state the reason why events beyond the control of the applicant warrant an extension.

(D) The Planning Director may grant one 12-month extension to any approved decision if it determines that events beyond the control of the applicant prevented:

(1) The commencement of the use or development within two years of the decision for a land use approval that does not include a structure; or

(2) commencement of construction within two years of the decision for a land use approval issued for a use or development that includes a structure.

(E) The Planning Director may also grant one 12-month extension if it determines that events beyond the control of the applicant prevented the completion of the structure within two years of the date of the commencement of construction for a land use approval that includes a structure, when the structure has been commenced.

(Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0702 REVOCATION OF DECISIONS.

In the event an applicant, or the applicant's successor in interest, fails to fully comply with all conditions of approval or otherwise does not comply fully with the County's approval, the County may institute a revocation or modification proceeding under this section.

(A) All Type I, Type II or Type III decisions may be revoked or modified if the Planning Director determines a substantial likelihood that any of the following situations exists:

(1) One or more conditions of the approval have not been implemented or have been violated; or

(2) The activities of the use, or the use itself, are substantially different from what was approved or represented by the applicant.

(B) Revocation or modification shall be processed as a Type III decision. The Land Use Planning Division or any private complaining party shall have the burden of proving, based on substantial evidence in the whole record, that the applicant or the applicant's successor has in some way violated the County's approval.

(C) Possible actions at the revocation hearing. Depending on the situation, the Hearings Officer may take any of the actions described below. The Hearings Officer may not approve the new use or a use that is more intense than originally approved unless the possibility of this change has been stated in the public notice. Uses or development which are alleged to have not fulfilled conditions, violate conditions or the use is not consistent with the County's approval may be subject to the following actions:

(1) The Hearings Officer may find that the use or development is complying with the conditions of the approval or is as approved by the county. In this case, the use or development shall be allowed to continue;

(2) The Hearings Officer may modify the approval if the Officer finds that the use or development does not fully comply with the conditions of approval, that the violations are not substantial enough to warrant revocation, and that the use can comply with the original approval criteria if certain conditions are met. In this case, the Hearings Officer may modify the existing conditions, add new conditions to ensure compliance with the approval criteria, or refer the case to the code compliance officer for enforcement of the existing conditions;

(3) The Hearings Officer may revoke the approval if the Officer finds there are substantial violations of conditions or failure to implement land use decisions as represented by the

applicant in the decision approved, such that the original approval criteria for the use or development are not being met.

(D) Effect of revocation. In the event that the permit approval is revoked, the use or development becomes illegal. The use or development shall be terminated within thirty days of the date the revocation final order is approved by the Hearings Officer, unless the decision provides otherwise. In the event the decision maker's decision on a revocation request is appealed, the requirement to terminate the use shall be stayed pending a final, unappealed decision.

(Ord. 1262, Amended, 08/30/2018; Ord. 1176, Renum38.0760, 03/03/2011; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0710 (PC) LEGISLATIVE HEARING PROCESS.

(A) Purpose. Legislative actions involve the adoption or amendment of County land use or development regulations. Legislative actions which affect land use must begin with a public hearing before the Planning Commission.

(B) Planning Commission Review:

(1) Hearing Required. The Planning Commission shall hold at least one public hearing before adopting a recommendation on a proposal for legislative action. Any interested person may provide written or oral testimony on the proposal at or prior to the hearing.

(2) Planning Director's Report. The Planning Director shall prepare and make available a staff report on the proposal for legislative action at least 7 days prior to the hearing described in paragraph (B)(1) of this section.

(3) Planning Commission Recommendation. At the conclusion of the hearing on a proposal for legislative action, the Planning Commission shall adopt a recommendation to the Board of Commissioners on the proposal. The Planning Commission may recommend adoption of the proposal as presented to or modified by the Planning Commission or rejection of the proposal. If the Planning Commission recommends adoption of some form of the proposal, the Planning Commission shall prepare and forward to the Board of Commissioners a report and recommendation to that effect.

If the Planning Commission recommends rejection of the proposal, the matter is terminated and may not be appealed unless otherwise provided by law. If the Board of Commissioners has initiated the proposal, the Planning Commission shall prepare and forward to the Board of Commissioners a report and recommendation of rejection.

(C) Board of Commissioners Review:

Board of Commissioners Action. Upon a recommendation from the Planning Commission on a proposal for legislative action, the Board of Commissioners shall hold at least one public hearing on a proposed action to amend the County’s land use regulations, comprehensive plan, official zoning maps or some component of any of these documents. Any interested person may provide written or oral testimony on the proposal at or prior to the hearing. At the conclusion of the hearing, the Board of Commissioners may adopt, modify or reject the proposal, or it may remand the matter to the Planning Commission for further consideration. If the Board of Commissioners adopts at least some

form of the proposal, the proposal shall be enacted as an ordinance and shall be promptly submitted to the Columbia River Gorge Commission for review and approval and/or concurrence per Sections 7 and 8 of the National Scenic Area Act. The legislative proposal will become effective after approval by the Gorge Commission and, if necessary, concurrence by the Secretary of Agriculture. Any person adversely affected by such a legislative proposal may appeal the action per Section 15 of the National Scenic Area Act.

(Ord. 1192, Amended, 05/17/2012; Ord. 1179, Amended, 04/21/2011; Ord. 998, Amended, 11/07/2002; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 994, Amended, 09/26/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0720 NOTICE OF LEGISLATIVE HEARINGS.

(A) Notice of the date, time, place and subject of a legislative hearing before the Planning Commission shall be published in a newspaper of general circulation within the County at least 20 days prior to the hearing and as required by law. The Planning Director shall also notify the Gorge Commission, the US Forest Service, the ~~Indian~~ tribal governments, the State Historic Preservation Office, and the Cultural Advisory Committee.

(B) Notice of the date, time, place and subject of a legislative hearing before the Board of Commissioners shall be published in a newspaper of general circulation within the County at least 10 days prior to the hearing and as required by law.

(C) Individual notice of a legislative hearing before the Planning Commission that amends the Comprehensive Plan, adopts a new Comprehensive Plan, or rezones property shall be mailed at least 20 days but not more than 40 days prior to the hearing to the owners of all affected properties. Such notice shall adhere to the format provided in ORS 212.503.

(D) For the purpose of this section, property is rezoned when the County:

(1) Changes the base zoning classification of the property; or

(2) Adopts or amends an ordinance in a manner that limits or prohibits land uses previously allowed in the affected zone.

(E) The provisions of subsection (2) above do not apply to legislative acts by the County resulting from action by the Legislative Assembly or the Land Conservation and Development Commission for which notice is provided under ORS 197.047.

(Ord. 1140, Amended, 06/18/2009; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0730 CONTINUANCE OF PC HEARINGS.

The decision maker(s) may continue the hearing from time to time to allow the submission of additional information or for deliberation without additional information. New notice of a continued hearing need not be given so long as the decision maker establishes a time certain and location for the continued hearing. Similarly, the decision maker may close the hearing but keep open the record for the submission of additional written material or other documents and exhibits. The decision maker(s) may limit the factual and legal issues that may be addressed in any continued hearing or open-record period.

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(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0740 INTERPRETATIONS.

(A) The Planning Director shall have the authority to decide all questions of interpretation or applicability to specific properties within Multnomah County of any provision of the Management Plan for the Columbia River Gorge National Scenic Area (Management Plan), rural area plan, or other land use code. Any interpretation of a provision of the Management Plan, rural area plan or other land use code shall consider applicable provisions of the Management Plan, rural area plan, and the purpose and intent of the ordinance adopting the particular code section in question. The Planning Director shall strive to apply the land use code in a uniform manner and interpret the code and the Management Plan in a way that is consistent with how the language is applied throughout the National Scenic Area, except when the County has adopted more restrictive provisions. A request for an interpretation shall be processed as a Type II application.

(B) The Planning Director may refuse to accept an application for an interpretation if:

(1) The Planning Director determines that the question presented can be decided in conjunction with approving or denying a pending land use action application or if in the Planning Director's judgment the requested determination should be made as part of a decision on an application for a quasi-judicial land use or zone change permit not yet filed; or

(2) The Planning Director determines that there is an enforcement case pending in which the same issue necessarily will be decided.

(C) The Planning Director determination to not accept an application under this section is not a land use decision and shall be the county's final decision.

(Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0765 APPLYING NEW LESS-STRINGENT REGULATIONS TO DEVELOPMENT APPROVED UNDER PRIOR MCC CHAPTER 38 REGULATIONS

A landowner may submit a land use application to alter conditions of approval for an existing use or structure approved under prior National Scenic Area regulations, subject to the following standards:

(A) The applicant shall apply for the same development that was reviewed in the original decision.

(B) The development shall remain in its current location.

(C) The County shall review the land use application under the same process (Type II or Type III) as the original decision and send notice of the application to agencies and other parties entitled to receive notice under the current MCC Chapter 38 regulations.

(D) The County shall review the entire development to ensure that it would fully comply with all the current MCC Chapter 38 standards.

(E) The County shall issue a new decision that supersedes the original decision.

(F) The new decision may remove or revise original conditions of approval or add new conditions of approval to ensure full compliance with the current MCC Chapter 38 regulations.

(Ord. 1064, Add, 06/23/2005)

§ 38.0770 TRANSFER OF APPROVAL RIGHTS.

Unless otherwise stated in the County's decision, any approval granted under this code runs with the land and is transferred with ownership of the land. Any conditions, time limits or other restrictions imposed with a permit approval shall bind all subsequent owners of the property for which the permit was granted.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0780 EX PARTE CONTACT, CONFLICT OF INTEREST AND BIAS.

The following rules and procedures govern a decision maker's participation in a quasi-judicial or legislative proceeding or action affecting land use:

(A) Ex Parte Contacts. Any factual information obtained by a decision maker from anyone other than staff outside the context of a quasi-judicial hearing shall be deemed an ex parte contact. Prior to the close of the record in any particular matter, any decision maker that has obtained any material factual information through an ex parte contact shall declare the content of that contact and allow any interested party to rebut the substance of that contact. This paragraph does not apply to legislative proceedings or contacts between county staff and the decision maker.

(B) Conflict of Interest.

(1) Planning Commission. A member of the Planning Commission shall not participate in any Commission proceeding or action in which any of the following has a direct or substantial financial interest: the member or the spouse, brother, sister, child, parent, father-in-law, mother-in-law of the member; any business in which the member is then serving or has served within the previous two years; or any business with which the member is negotiating for or has an arrangement or understanding concerning prospective partnership or employment. Any actual or potential interest shall be disclosed at the meeting of the Planning Commission where the action is being taken.

(2) Board of Commissioners. With respect to a potential or actual conflict of interest, a member of the Board of Commissioners shall participate in Board proceedings and actions in accordance with the Rules for Board Meetings.

(C) Bias. All decisions in quasi-judicial matters shall be fair, impartial and based on the applicable approval standards and the evidence in the record. Any decision maker who is unable to render a decision on this basis in any particular matter shall refrain from participating in the deliberation or decision on that matter. This paragraph does not apply to legislative proceedings.

(Ord. 1179, Add, 04/21/2011)

§ 38.0790 PROCEDURAL OBJECTIONS.

Any party who objects to the procedure followed in a quasi-judicial or legislative proceeding or action affecting land use must make a procedural objection prior to the County's rendering a final decision. Procedural objections may be raised at any time prior to a final decision, after which they are deemed waived. In making a procedural objection, the objecting party must identify the procedural requirement that was not properly followed and identify how the alleged procedural error harmed that person's substantial rights. No decision or action of the Planning Commission or Board of Commissioners shall be voided solely by reason of the failure of a member thereof to disclose an actual or potential conflict of interest.

(Ord. 1179, Amended, 04/21/2011; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0800 APPLICABILITY IN THE EVENT OF CONFLICTS.

As applied to lands within the Columbia River Gorge National Scenic Area, the provisions of MCC 38.0510 through 38.0800 supersede all conflicting provisions in the Multnomah County Code.

(Ord. 1270, Amended, 03/14/2019; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0850 FEES.

Fees shall be imposed for land use services provided pursuant to MCC Chapter 38. The amount of the fees will be set by resolution.

(Ord. 1025, Add, 01/15/2004)

VIOLATIONS AND ENFORCEMENT

§ 38.0910- VIOLATIONS AND ENFORCEMENT

Multnomah County Code Chapter 39, Part 1 provides the enforcement procedures and fines for violation of any provision of this chapter, state law~~;~~,the Management Plan for the Columbia River Gorge National Scenic Area, the Columbia River Gorge National Scenic Area Act, LCDC goals and rules applicable to the County under ORS 197.646 or the terms and conditions of any permit issued under any County code. A "violation," as defined in MCC 39.1505, includes any act or failure to act that is prohibited or not allowed, including any failure to take any required action, under any provision of Chapter 38, a permit issued under Chapter 38, the Management Plan for the Columbia River Gorge National Scenic Area, the Columbia River Gorge National Scenic Area Act. Under MCC 39.1510, any use of land, land division, adjustment to property boundaries, work within a County right-of-way, or other activity by a person in violation of any provision of Chapter 38, a permit issued under Chapter 38, the Management Plan for the Columbia River Gorge National Scenic Area, the Columbia River Gorge National Scenic Area Act may be subject to enforcement and fines as provided in Chapter 39.

(Ord. 1264, Amended, 10/25/2018; Ord. 1032, Amended, 05/06/2004; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0920 SAVINGS CLAUSE

If the article, section, subsection, subdivision, phrase, clause, sentence or work in the ordinance shall for any reason be held invalid or unconstitutional by a court of competent jurisdiction, it shall not nullify the remainder of this ordinance, but shall be confined to the article, section, subsection, subdivision, phrase, clause, sentence or work held invalid or unconstitutional.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

STREET NAMING AND PROPERTY NUMBERING

§ 38.0980- STREET NAMING AND PROPERTY NUMBERING PROCEDURES

The Street Naming and Property Numbering Procedures set forth in MCC 39.9905 through 39.9985 shall apply in the Columbia River Gorge National Scenic Area.

(Ord. 1264, Amended, 10/25/2015; Ord. 1103, Add, 11/29/2007)

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PART 4 - ZONING DISTRICTS

(Ord. 1064, Add, 06/23/2005)

§ 38.1000- GENERAL MANAGEMENT AREA AND SPECIAL MANAGEMENT AREA

The Columbia River Gorge National Scenic Area Act ("Act") divides the Columbia River Gorge National Scenic Area into two categories of land: General Management Area (GMA) and Special Management Area (SMA). The Act authorizes the Columbia River Gorge Commission to plan for the GMA and U.S. Department of Agriculture, Forest Service to plan for the SMA. GMA lands are shown on Multnomah County zoning maps with the prefix "GG" and SMA lands are shown as "GS". These prefixes are followed by a letter and/or numerals identifying the specific type of zoning (e.g. GGA-20 for GMA Agriculture, GSO for SMA Open Space, etc.)

(Ord. 1064, Add, 06/23/2005)

§ 38.1005 ALLOWED USES

(A) The following uses may be allowed without review in all zone districts except General Management Area Open Space (GGO, GGO-GW, and GGO-SP) and Special Management Area Open Space (GSO) zone districts.

(1) In the General Management Area, agricultural uses except new cultivation. Any operation that would cultivate land that has not been cultivated, or has lain idle, for more than 5 years shall be considered new cultivation. For this guideline, cultivation and vegetation removal may be allowed in conjunction with a home garden.

(2) In the Special Management Area~~s~~, agricultural uses within previously disturbed and regularly worked fields or areas.

(3) Forest practices in the General Management Area that do not violate conditions of approval for other approved uses and development~~s~~.

(4) Accessory structures 60 square feet or less in area and 10 feet or less in height, unless within the buffer zone of a wetland, stream, pond, lake or riparian area. This category does not include signs, fences, outdoor lights, retaining walls, flagpoles, roads, transportation facilities, or utility facilities. Only one free standing renewable energy structure is allowed per parcel pursuant to this provision provided that the panels and hardware are non-reflective and black.

(5) Wire-strand or woven-wire fences used for gardens, yards, livestock, and similar uses less than or equal to 500 feet in length and less than or equal to 10 feet in height that are accessory to an existing dwelling, provided woven-wire fences (posts and wire) are brown or black if visible from key viewing areas. Height is measured from the ground to the top wire.

(6) Wire-strand fences less than or equal to 48 inches in height that are outside deer and elk winter range as delineated in the Gorge Commission and/~~U.S.~~ Forest Service natural resource ~~inventories~~ data or determined by an appropriate federal or state agency. Height is measured from the ground to the top wire. This category does not include fences associated with transportation facilities or utility facilities.

(7) Flagpoles that are accessory to the principal building on a parcel, provided the height of the flagpole is less than or equal to the height of the highest ridge line or parapet of the principal building.

(8) In the General Management Area, wind machines for frost control in conjunction with agricultural use.

(B) The following uses may be allowed without review in all zone districts:

(1) Repair, maintenance and operation of existing structures, including, but not limited to, dwellings, agricultural structures, trails, roads, railroads, and utility facilities. This does not include trail, road, and railroad expansions.

(2) Replace existing safety or protective structures, including but not limited to guardrails, access control fences and gates, barriers, energy attenuators, safety cables, rockfall structures, and traffic signals and controllers, provided the replacement structures are (a) the same location and size as the existing structures and (b) the same building materials as the existing structures, or building materials that are dark brown with a flat, non-reflective finish, or building materials consistent with the Historic Columbia River Highway Master Plan for the Historic Columbia River Highway or a scenic highway corridor strategy for Interstate 84 prepared according to the General Management Area policies in ~~the section of the Scenic Resources chapter of the Management Plan titled~~ "Scenic Travel Corridors."

(3) Replace existing traffic detection devices, vehicle weighing devices, and signal boxes, provided the replacement structures are:

(a) the same location and size as the existing structures and

(b) the same building materials as the existing structures, or building materials that are dark brown with a flat, non-reflective finish, or building materials consistent with the Historic Columbia River Highway Master Plan for the Historic Columbia River Highway or a scenic highway corridor strategy for Interstate 84 prepared according to the General Management Area policies in ~~the section of the Scenic Resources chapter of the Management Plan titled~~ "Scenic Travel Corridors."

(4) New raised pavement markers, guide posts, object markers, inlay markers, and pavement markings and striping.

(5) Permanent public regulatory, guide, and warning signs, except those excluded below, provided:

(a) the signs comply with the Manual ~~for~~ on Uniform Traffic Control Devices (2012 or most recent version) and

(b) the support structures and backs of all signs are dark brown with a flat, non-reflective finish. This category does not include specific service signs; destination and distance signs; variable message signs; or signs that bridge or are cantilevered over the road surface.

(6) Extensions of existing guardrails or traffic barriers less than or equal to 50 feet in length and new guardrail ends for existing guardrails, provided the guardrails and guardrail ends are

(a) located inside rights-of-way that have been disturbed in the past and

(b) constructed of materials that match the existing structure, natural wood, weathering steel (e.g., Corten), or materials consistent with the Historic Columbia River Highway Master Plan for the Historic Columbia River Highway or a scenic highway corridor strategy for Interstate 84 prepared according to the General Management Area policies in ~~the section of the Scenic Resources chapter of the Management Plan titled~~ "Scenic Travel Corridors."

(7) New ~~guardrails~~ traffic barriers and guardrail ends (this category does not include jersey barriers), provided the structures are:

(a) located inside rights-of-way that have been disturbed in the past and

(b) are constructed of natural wood, weathering steel (e.g., Corten), or materials consistent with the Historic Columbia River Highway Master Plan for the Historic Columbia River Highway or a scenic highway corridor strategy for Interstate 84 prepared according to the General Management Area policies in ~~the section of the Scenic Resources chapter of the Management Plan titled~~ "Scenic Travel Corridors."

(8) In the General Management Area, replacement ~~and/~~or ~~expand~~ expansion of existing culverts, provided the entity or person owning or operating the culvert shall obtain all necessary federal and state permits that protect water quality and fish and wildlife habitat before construction.

(9) In the Special Management Areas, replacement ~~and/~~or ~~expand~~ expansion of existing culverts for ephemeral streams or ditches, provided the visible ends of culverts shall be dark and non-reflective. The entity or person owning or operating the culvert shall obtain all necessary federal and state permits that protect water quality and fish and wildlife habitat before construction.

(10) ~~Resurface or overlay~~ Maintenance of existing railroad track and paved roads, provided the activity does not (a) increase the width of a road or railroad, or (b) disturb the toe of adjacent embankments, slopes or cut banks~~, or (c) change existing structures or add new structures~~.

(11) Apply dust abatement products to non-paved road surfaces.

(12) Grade and gravel existing road shoulders, provided the activity does not

(a) increase the width of a road, or

(b) disturb the toe of adjacent embankments, slopes or cut banks.~~, or~~

~~(c) change existing structures or add new structures.~~

(13) Replace the superstructure of bridges (e.g., decks, beams) for bridges less than or equal to 30 feet in length and less than or equal to 1,000 square feet in area. This category does not include guardrails, traffic barriers, or the substructure of bridges (e.g., foundations, abutments).

(14) Replace or modify existing underground utility facilities located inside road, utility or railroad rights-of-way or easements that have been disturbed in the past or co-locate new underground utility facilities with existing underground facilities located inside road, utility or

railroad rights-of-way or easements that have been disturbed in the past, provided no excavation would extend beyond the depth and extent of the original excavation.

(15) Replace or modify existing underground utility facilities located inside road, utility or railroad rights-of-way or easements that have been disturbed in the past or co-locate new underground utility facilities with existing underground facilities located inside road, utility or railroad rights-of-way or easements that have been disturbed in the past, provided

(a) no excavation would extend more than 12 inches beyond the depth and extent of the original excavation,

(b) no ditch for linear facilities would be more than 24 inches wide,

(c) no excavation for non-linear facilities would exceed 10 cubic yards, and

(d) no recorded archaeological site is located within 500 feet of the development. To comply with ~~(d)~~ this provision, the entity or person undertaking the development shall contact the Oregon State Historic Preservation Office and obtain a letter or other document stating no recorded archaeological site is located within 500 feet of the development.

(16) Replace existing aboveground and overhead utility facilities including towers, pole/tower-mounted equipment, cables and wires, anchors, pad-mounted equipment, service boxes, pumps, valves, pipes, water meters, and fire hydrants, provided the replacement facilities would have:

(a) the same location and size as the existing facilities and

(b) the same building materials as the existing facilities, or building materials that are dark brown with a flat, non-reflective finish, or building materials consistent with the Historic Columbia River Highway Master Plan for the Historic Columbia River Highway or a scenic highway corridor strategy for Interstate 84 prepared according to the General Management Area policies in ~~the section of the Scenic Resources chapter of the Management Plan titled~~ "Scenic Travel Corridors."

(17) Replace existing utility poles, provided the replacement poles are

(a) located within 5 feet of the original poles,

(b) no more than 5 feet taller and 6 inches wider than the original poles, and

(c) constructed of natural wood, weathering steel (e.g., Corten), materials that match the original poles, or materials that are dark brown with a flat, non-reflective finish.

(18) New whip antennas for public service less than or equal to 8-feet in height and less than or equal to 2 inches in diameter, cables, wires, transformers, and other similar equipment, provided all such structures are on existing utility poles or towers.

(Ord. 1125, Amended, 12/11/2008; Ord. 1064, Add, 06/23/2005)

§ 38.1010 EXPEDITED USES.

(A) The following development may be reviewed using the expedited process listed in MCC 38.0530(B), and are permitted when found to satisfy the applicable approval criteria pursuant to the provisions of MCC 38.7100.

(1) Except in Open Space zoning districts, accessory structures between 60 and 200 square feet in area and 10 feet or less in height. This includes free standing structures for the purpose of generating solar or other renewable energy power for approved uses, provided the proposal complies with the applicable renewable energy production provisions of MCC 38.7390. Only one accessory building, or one free standing renewable energy structure, per parcel may be allowed under this guideline, regardless of whether the parcel already includes an accessory building(s) or renewable energy structure(s). Additional accessory buildings or structures shall be subject to full review. This category does not include signs, decks, fences, outdoor lights, retaining walls, transportation facilities, or utility facilities.

(2) Additions and covered decks for existing buildings, provided the existing building is at least 500 square feet in area and the addition or covered deck is no larger than 200 square feet in area and no taller than the height of the existing building. Only one addition and one covered deck per parcel may be allowed under this guideline, regardless of whether the parcel already includes an addition or covered deck.

(3) Rail, solid or semi-solid fences accessory to existing dwellings less than or equal to 6 feet in height and less than or equal to 100 feet in length.

(4) Wire-strand fences other than those allowed outright, provided the fence complies with MCC 38.7065 (F) if it is inside deer and elk winter range as delineated in the Gorge Commission and~~/U.S.~~ Forest Service natural resource ~~inventories~~ data or determined by an appropriate federal or state agency.

(5) In the General Management Area, woven-wire fences for agricultural use that would enclose 80 acres or less.

(6) Decks that are (a) uncovered, (b) attached and accessory to existing dwellings, and (c) 500 square feet or less in area and 30 inches or less in height above existing grade.

(7) Road closure gates.

(8) Signs, other than those allowed outright.

(9) Outdoor lights.

(10) Air, weather, water and other similar research and monitoring facilities, provided the facilities are attached to existing structures or are less than or equal to 120 square feet in size and less than or equal to 12 feet in height.

(11) Property line adjustments in General Management Area zoning districts, except GGO, GG-PR, and GG-CR that would not result in the potential to create additional parcels through subsequent land divisions, subject to MCC 38.7970. All other property line adjustments shall be reviewed through the full development review process.

(12) Property line adjustments in the Special Management Areas, subject to MCC 38.7970.

(13) Removal/demolition of structures that are less than 50 years old, including wells, septic tanks and fuel tanks.

(14) Decommission non-paved roads, including ripping the road surface, barriers, and revegetation.

(15) Trail reconstruction involving up to 1,000 feet of trail re-route.

(16) The following transportation facilities, provided they are not a part of larger construction or reconstruction projects (which shall be reviewed as a whole):

(a) New ~~guardrails~~ traffic barriers and guardrail ends, other than those allowed outright, and new wire-strand and woven-wire access control fences. This category does not include jersey barriers.

(b) New traffic detection devices, vehicle weighing devices, and signal boxes less than or equal to 120 square feet in size and less than or equal to 12 feet in height. This category does not include signs.

(c) Pave existing dirt and gravel roads, provided the activity does not increase the width of the road or disturb the toe of adjacent embankments, slopes or cut banks.

(d) New weather, air, traffic or other monitoring equipment attached to existing structures or that are less than or equal to 120 square feet in size and less than or equal to 12 feet in height.

(17) Except in the Gorge Special Agriculture districts, ~~New~~ new underground utility facilities located inside road, utility or railroad rights-of-way or easements that have been disturbed in the past, provided:

(a) No ditch for linear facilities would be more than 36 inches wide

(b) No excavation for non-linear facilities would exceed 20 cubic yards

(18) Modify existing aboveground and overhead utility facilities or develop new aboveground and overhead utility facilities including building and equipment foundations, poles, transformers, conduit, fencing, pumps, valves, pipes, and water meters, provided the development would be less than or equal to 120 square feet in area and less than or equal to 12 feet in height.

(19) Replace existing aboveground and overhead utility facilities including building and equipment foundations, poles, transformers, conduit, fencing, pumps, valves, pipes, and water meters, provided the replacement facilities would be in the same location as and no more than 15 percent larger than the physical size of the existing facilities.

(20) New antennas and associated support structures necessary for public service on existing wireless communication poles and towers other than those allowed outright, provided the size is the minimum necessary to provide the service.

(21) Replace an existing mobile home in a mobile home space within a mobile home park, provided:

(a) The mobile home to be replaced, the mobile home space and the mobile home park are existing uses, as defined in MCC 38.0015;

(b) The replacement mobile home shall be in the same location as the mobile home to be replaced;

(c) The height of the replacement mobile home shall be no more than 20 percent greater than the mobile home to be replaced, and

(d) The mass and footprint of the replacement mobile home shall be no more than 100 percent greater than a single-wide mobile home to be replaced or no more than 25 percent greater than a double-wide mobile home to be replaced.

(22) Retaining walls accessory to existing dwellings less than or equal to 2 feet in height (of exposed surface area) and less than or equal to 100 feet in length.

(23) In Special Management Areas ~~zoning districts~~, wind machines for frost control in conjunction with agricultural use.

(24) Except in Open Space zoning districts, additions, including roof mounted solar panels, no larger than 200 square feet to existing buildings or structures for the purpose of generating solar or other renewable energy power for approved uses, provided the proposal complies with the applicable renewable energy production provisions of MCC 38.7390. This category does not include free-standing solar arrays (or other free-standing renewable energy structures) which is considered a new accessory structure.

(25) Renewals of Overnight Accommodations permits pursuant to MCC 38.7337.

(Ord. 1125, Amended, 12/11/2008; Ord. 1079, Amended, 07/27/2006; Ord. 1064, Add, 06/23/2005)

FOREST DISTRICTS - GGF and GSF

(Ord. 1064, Amended, 06/23/2005)

§ 38.2000- PURPOSES

The purposes of the Gorge General Forestry and Gorge Special Forestry districts are to protect and enhance ~~forest land within the Columbia River Gorge National Scenic Area for forest uses. Forest lands are those~~ lands which are used for or suitable for the production of forest products.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2005 AREA AFFECTED

MCC 38.2000 through 38.2095 shall apply to those areas designated GGF and GSF on the Multnomah County Zoning Map.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2015 USES

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this district except for the uses listed in MCC 38.2015 through 38.2030.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2020 ALLOWED USES

The uses listed in MCC 38.1005 are allowed on land designated GGF and GSF without review.

(Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 994, Amended, 09/26/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2023 EXPEDITED USES

The uses listed in MCC 38.1010 may be allowed on land designated GGF and GSF, pursuant to MCC 38.7100.

(Ord. 1064, Add, 06/23/2005)

§ 38.2025 REVIEW USES

(A) The following uses may be allowed on lands designated GGF, pursuant to MCC 38.0530 (B) and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7085 have been satisfied:

(1) On lands designated GGF– 20 ~~and GGF– 40~~, one single-family dwelling on a legally created and existing parcel upon enrollment in the state's forest assessment program. Upon a showing that a parcel cannot qualify, a parcel is entitled to one single-family dwelling. In either case, the

location of a dwelling shall comply with MCC 38.7305 and MCC 38.7315. A declaration shall be signed by the landowner and recorded into county deed records specifying that the owners, successors, heirs and assigns of the subject parcel are aware that adjacent and nearby operators are entitled to carry on accepted farm or forest practices on lands designated GGF– 20, GGF– 40, GGF– 80, GGA– 20 and GGA– 40.

(2) One single-family dwelling on lands designated GGF-20 if found to be in conjunction with and substantially contributing ~~would substantially contribute~~ to the current agricultural use of a farm pursuant to MCC 38.2225 (A) (5). The siting of the dwelling shall comply with MCC 38.7305.

(3) The following Temporary Uses:

(a) Temporary on-site structures which are auxiliary to and used during the term of a particular forest operation. "Auxiliary" means a use or alteration of a structure or land which provides help or is directly associated with the conduct of a particular forest practice. An auxiliary structure shall be located on-site, temporary in nature, and not designed to remain for the forest's entire growth cycle from planting to harvesting. An auxiliary use must be removed when the particular forest practice for which it is approved has concluded.

(b) Temporary portable facilities for the primary processing of forest products grown on a parcel or contiguous parcels in the same ownership where the facility is to be located. The facility shall be removed upon completion of the harvest operation.

(c) On lands designated GGF– 80, a temporary manufactured ~~mobile~~ home, tiny house on a trailer, or similar structure, in conjunction with a timber operation, upon a finding that security personnel are required to protect equipment associated with a harvest operation or to protect the subject forest land from fire. The manufactured ~~mobile~~ home, tiny house on a trailer, or similar structure must be removed upon completion of the subject harvest operation or the end of the fire season. The placement of the mobile home is subject to MCC 38.7305 and 38.7315.

(4) Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation, and~~/or~~ natural resources, subject to MCC 38.7345. These projects may include new structures (e.g. fish ladders, sediment barriers) and~~/or~~ activities (e.g. closing and revegetating unused roads, re-contouring abandoned quarries).

(5) Agricultural structures, except buildings, in conjunction with agricultural use, as defined in MCC 38.0015~~,~~ and including new cultivation, subject to the standards of MCC 38.7305.

(6) Agricultural buildings in conjunction with current agricultural use, and, if applicable, proposed agricultural use that a landowner would initiate within one year and complete within five years, subject to the standards of MCC 38.7305 and MCC 38.7340.

(7) A temporary dwelling for health hardship, pursuant to MCC 38.7320, MCC 38.7305 and MCC 38.7315. A finding shall be made in the GGF-80 and GGF-40 zones that the primary dwelling was legally established and not discontinued.

(8) Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in (9) or (10).

(9) Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel less than or equal to 10 acres in size are subject to MCC 38.7305 and MCC 38.7315 and the following additional standards:

(a) The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

(b) The height of any individual accessory building shall not exceed 24 feet.

(10) Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel larger than 10 acres in size are subject to MCC 38.7305 and MCC 38.7315and the following additional standards:

(a) The combined footprints of all accessory buildings on a single parcel shall not exceed 2,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

(b) The footprint of any individual accessory building shall not exceed 1,500 square feet.

(c) The height of any individual accessory building shall not exceed 24 feet.

(11) A second single-family dwelling on land designated GGF-20 for a farm operator's relative, subject to MCC 38.2225 (A) (8), MCC 38.7305 and 38.7315.

(12) Private roads serving a residence on the subject parcel, subject to MCC 38.7305 and 38.7315.

(13) Recreation development, subject MCC 38.7080 and The Recreation Development Plan (Management Plan, Part III, Chapter 1).

(14) Construction or reconstruction of roads or modifications not in conjunction with forest use or practices upon a finding that:~~.~~

(a) There is no practicable alternative location with less adverse effect on forest lands, and

(b) The size is the minimum necessary to provide the service.

(15) Agricultural labor housing upon a showing that:

(a) The proposed housing is necessary and accessory to a current agricultural use on the subject farm.

(b) The housing shall be seasonal unless it is shown that an additional full-time dwelling is necessary to the current agricultural use of the subject agricultural unit. Seasonal use shall not exceed nine months.

(c) The housing will be located to minimize the conversion of lands capable of production of farm crops and livestock and will not force a significant change in or significantly increase the cost of accepted agricultural practices employed on nearby lands devoted to agricultural use.

(d) The housing is subject to MCC 38.7315 and MCC 38.7305.

(16) New cultivation, subject to compliance with MCC 38.7045, ~~38.7055, 38.7060~~, 38.7053, 38.7065 and 38.7070.

(17) The following uses when found to comply with MCC 38.7310:

(a) Utility facilities and railroads necessary for public service upon a showing that:

1. There is no practicable alternative location with less adverse effect on agricultural and forest lands, scenic, cultural, natural and recreation resources and

2. The size is the minimum necessary to provide the service.

(b) Fruit and produce stands~~, upon a showing that sales will be limited to agricultural products raised on the subject farm and other farms in the local region~~.

(c) Wineries and cideries, in conjunction with an on-site ~~viticulture~~ vineyard or orchard, upon a showing that processing of wine or cider is from ~~grapes grown~~ fruits harvested on the subject farm ~~or in~~ and the local region.

(d) Wine or cider sales and~~/~~tasting rooms, in conjunction with an on-site winery or cidery.

(e) Agricultural product processing and packaging, upon a showing that the processing will be limited to products grown primarily on the subject farm and sized to the subject operation.

(f) Aquiculture.

(g) Boarding of horses or non-profit horse rescue facility, subject to MCC 38.7385.

(h) Temporary portable asphalt/batch plants related to public road projects, not to exceed 6 months.

(18) Placement of Structures necessary for continued public safety, or the protection of essential public services or protection of private or public existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements damaged during an emergency/disaster event. This includes replacement of temporary structures erected during such events with permanent structures performing an identical or related function. Land use proposals for such structures shall be submitted within 12 months following an emergency/disaster event. Applicants are responsible for all other applicable local, state and federal permitting requirements.

(19) Land divisions on lands designated GGF– 80 when all resultant lots satisfy a minimum lot size of 80 acres and it is found:

(a) The land division will facilitate forest management, or

(b) The land division will facilitate protection of scenic, cultural, natural or recreational resources.

(20) Land divisions on lands designated GGF– 20 when all resultant lots satisfy a minimum lot size of 20 acres and on lands designated GGF-40 when all resultant lots satisfy a minimum lot size of 40 acres.

(21) Property line adjustments that would result in the potential to create additional parcels through subsequent land divisions, subject to MCC 38.7970.

(22) Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building.

(23) Docks and boat houses, subject to MCC 38.7325.

(24) Removal/demolition of structures that are 50 or more years old, including wells, septic tanks, and fuel tanks.

(25) Consolidation of Parcels and Lots pursuant to MCC 38.7794 and Replatting of Partition and Subdivision Plats pursuant to MCC 38.7797.

(26) Solar, photovoltaic and wind turbine alternative energy production facilities accessory to uses permitted in the zoning district provided that the applicable renewable energy production provisions of 38.7390 are met, and:

(a) For all systems:

1. They are not a commercial power generating facility such as a utility;

2. The system meets all special district requirements;

3. The system is mounted to a ground mount, to the roof of the dwelling or accessory structure, or to a wind tower;

(b) The overall height of solar energy systems shall not exceed the peak of the roof of the building on which the system is mounted;

(c) For wind turbine systems:

1. They are set back to all property lines a distance equal to or greater than the combined height of the turbine tower and blade length. Height is measured from grade to the top of the wind generator blade when it is at its highest point. There is no height restriction for a wind turbine provided the wind turbine meets the NSA Site Review Criteria of MCC 38.7035 through 38.7080;

2. No lighting on wind turbine towers is allowed except as required by the Federal Aviation Administration or other federal or state agency and is consistent with the NSA Site Review approval criteria of MCC 38.7035 through 38.7080.

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3. The land owner signs and records a covenant stating they are responsible for the removal of the system if it is abandoned. In the case of a sale or transfer of property, the new property owner shall be responsible for the use and/or removal of the system. Systems unused for one consecutive year are considered abandoned.

(27) A Type A home occupations in an existing dwelling unit, pursuant to MCC 38.7331 and MCC 38.7310.

(B) The following uses may be allowed on lands designated GSF pursuant to MCC 38.0530 (B) when the use or development will be sited to minimize the loss of land suitable for the production of forest products and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7085 have been satisfied:

(1) Any use listed in MCC 38.2225 (B).

(2) Forest practices in accordance with a site plan for forest practices application approved by the Oregon Department of Forestry, or other designated forest practices review agency, including the requirements in MCC 38.7370.

(3) Railroads, road construction or reconstruction upon a finding that:~~.~~

(a) There is no alternative location with less adverse effect on forest land, and

(b) The size is the minimum necessary to provide the service.

(4) Silvicultural nurseries.

(5) Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation, and~~/or~~ natural resources, subject to MCC 38.7345. These projects may include new structures (e.g. fish ladders, sediment barriers) and~~/or~~ activities (e.g. closing and revegetating unused roads, re-contouring abandoned quarries.

(6) One single family dwelling on a parcel of 40 contiguous acres or larger if an approved Forest Management Plan demonstrates that such dwelling shall be necessary for and accessory to forest uses. The Forest Management Plan shall demonstrate the following:

(a) The dwelling will contribute substantially to the growing, propagation, and harvesting of trees. The principal purpose for allowing a dwelling on forest lands is to enable the resident to conduct efficient and effective management. This requirement shall indicate a relationship between ongoing forest management and the need for dwelling on the subject property.

(b) The subject parcel ~~has been~~ is enrolled in the state's forest assessment program.

(c) A plan for management of the parcel ~~has been~~ is approved by the Oregon Department of Forestry and the county. The plan must indicate the condition and productivity of lands to be managed; the operations the owner will carry out (thinning, harvest, planting, etc.); a chronological description of when the operations will occur; estimates of yield, labor, and expenses; and how the dwelling will contribute towards the successful management of the property.

(d) There are no other dwellings on the parcel which are vacant or currently occupied by persons not engaged in forest management of the subject parcel.

(e) Complies with the applicable building code and fire protection standards.

(f) A declaration ~~has been~~ is signed by the landowner and recorded into county deed records specifying that the owners, successors, heirs, and assigns of the subject property are aware that adjacent and nearby operations are entitled to carry on accepted agricultural or forest practices.

(7) Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in MCC 38.2025 (B)(8) or MCC 38.2025 (B)(9).

(8) Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel less than or equal to 10 acres in size are subject to the following additional standards:

(a) The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

(b) The height of any individual accessory building shall not exceed 24 feet.

(9) Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel larger than 10 acres in size are subject to the following additional standards:

(a) The combined footprints of all accessory buildings on a single parcel shall not exceed 2,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

(b) The footprint of any individual accessory building shall not exceed 1,500 square feet.

(c) The height of any individual accessory building shall not exceed 24 feet.

(10) On a parcel of 40 acres or greater with an existing dwelling, a temporary dwelling for health hardship, pursuant to the guidelines for hardship dwellings in MCC 38.7320, MCC 38.7305 and MCC 38.7315.

(11) Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building.

(12) Docks and boathouses, subject to MCC 38.7325.

(13) Removal/demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks.

(14) Clearing trees for new agricultural use, subject to MCC 38.7365.

(15) Temporary portable facility for the processing of forest products.

(16) Placement of Structures necessary for continued public safety, or the protection of essential public services or protection of private or public existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements damaged during an emergency/disaster event. This includes replacement of temporary structures erected during such events with permanent structures performing an identical or related function. Land use proposals for such structures shall be submitted within 12 months following an emergency/disaster event. Applicants are responsible for all other applicable local, state and federal permitting requirements.

(17) Consolidation of Parcels and Lots pursuant to MCC 38.7794 and Replatting of Partition and Subdivision Plats pursuant to MCC 38.7797.

(18) Solar, photovoltaic and wind turbine alternative energy production facilities accessory to uses permitted in the zoning district provided that the applicable renewable energy production provisions of 38.7390 are met, and:

(a) For all systems:

1. They are not a commercial power generating facility such as a utility;

2. The system meets all special district requirements;

3. The system is mounted to a ground mount, to the roof of the dwelling or accessory structure, or to a wind tower;

(b) The overall height of solar energy systems shall not exceed the peak of the roof of the building on which the system is mounted

(c) For wind turbine systems:

1. They are set back to all property lines a distance equal or greater than the combined height of the turbine tower and blade length. Height is measured from grade to the top of the wind generator blade when it is at its highest point. There is no height restriction for a wind turbine provided the wind turbine meets the NSA Site Review Criteria of MCC 38.7040 et al.;

2. No lighting on wind turbine towers is allowed except as required by the Federal Aviation Administration or other federal or state agency and is consistent with the NSA Site Review approval criteria of MCC 38.7040 et al.

3. The land owner signs and records a covenant stating they are responsible for the removal of the system if it is abandoned. In the case of a sale or transfer of property, the new property owner shall be responsible for the use and/or removal of the system. Systems unused for one consecutive year are considered abandoned.

(19) A Type A home occupation in an existing dwelling unit, pursuant to MCC 38.7331 and MCC 38.7310.

(C) As used in Subsection (B), the following terms shall have the following meanings:

Necessary for – As applied to forest management dwellings, the principal purpose for locating the dwelling is to enable the resident(s) to contribute substantially to the effective and efficient management of the forest land. A resident contributes substantially when the resident spends an extensive amount of time performing forest management activities which increase timber yields, quality or productivity, and which are recognized by the Forest Practices Act. Necessary for precludes a dwelling which simply "enhances" forest management. Necessary for also does not demand that a dwelling be absolutely required for forest management or that the production of trees is physically possible only with a dwelling.

Accessory to – As applied to forest management dwellings, a dwelling that is incidental and subordinate to the main forest use.

(Ord. 1197, Amended 02/16/2013; Ord. 1192, Amended, 05/17/2012; Ord. 1186, Amended, 10/13/2011; Ord. 1176, Amended, 03/03/2011; Ord. 1125, Amended, 12/11/2008; Ord. 1097, Amended, 07/26/2007; Ord. 1064, Amended, 06/23/2005; Ord. 1007, Amended, 02/06/2003; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 994, Amended, 09/26/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2030 CONDITIONAL USES

(A) The following conditional uses may be allowed on lands designated GGF, pursuant to the provisions of MCC 38.0045 and 38.7300:

(1) Structures associated with hunting and fishing operations.

(2) Towers and fire stations for forest fire protection.

~~(3) On parcels 40 acres in size or larger in a GGF– 20 or 80 acres in size or larger in a GGF– 40, a land division creating parcels smaller than the designated minimum parcel size, subject to the provisions of MCC 38.7360.~~

(3)~~(4)~~ Life Estates, in GGF-20 only, pursuant to MCC 38.7355.

(4)~~(5)~~ The following uses when found to comply with MCC 38.7310:

(a) Home occupations ~~or cottage industries~~ in an existing dwelling unit or accessory building, pursuant to MCC 38.7330.

(b) Bed and breakfast inns in single-family dwellings, pursuant to MCC 38.7335, and provided that the residence:

1. Is included in the National Register of Historic Places; or

2. Is identified and protected under local landmark status as approved pursuant to Oregon state land use regulations protecting historic structures.

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(5)~~(6)~~ Expansion of existing non-profit group camps, retreat or conference center.

(6)~~(7)~~ Non-profit, environmental learning or research facilities.

(7)~~(8)~~ Disposal sites managed and operated by the Oregon Department of Transportation or the Multnomah County Public Works Department for earth materials and any intermixed vegetation generated by routine or emergency/disaster public road maintenance activities within the National Scenic Area, subject to compliance with MCC 38.7350.

(8)~~(9)~~ Exploration, development, and production of mineral and geothermal resources, subject to MCC 38.7035.

(9)~~(10)~~ Special uses in historic buildings, subject to MCC 38.7380.

(B) The following conditional uses may be allowed on lands designated GSF, pursuant to the provisions of MCC 38.0045.

(1) Exploration, development, and production of sand, gravel, or crushed rock for the construction, maintenance, or reconstruction of roads used to manage or harvest commercial forest products.

(2) Utility facilities for public service upon a finding that:

(a) There is no alternative location with less adverse effect on Forest Land, and

(b) The size is the minimum necessary to provide the service.

(3) Fish hatcheries and aquiculture facilities.

(4) Public recreation, commercial recreation, interpretive and educational development~~s~~ and uses consistent with MCC 38.7085.

(5) Towers and fire stations for forest fire protection.

(6) Community facilities and non-profit facilities related to forest resource management.

(7) Expansion of existing non-profit group camps, retreats, conference or education centers, for the successful operation on the dedicated site. Expansion beyond the dedicated site shall be prohibited.

(8) Home occupations ~~or cottage industries~~ in an existing dwelling unit or accessory building, pursuant to MCC 38.7330.

(9) Disposal sites managed and operated by the Oregon Department of Transportation or the Multnomah County Public Works Department for earth materials and any intermixed vegetation generated by routine or emergency/disaster public road maintenance activities within the National Scenic Area, subject to MCC 38.7350.

(10) Agricultural product processing and packaging, upon a demonstration that the processing will be limited to products produced primarily on or adjacent to the property. “Primarily” means a clear majority of the products as measured by volume, weight, or value.

(11) Bed and breakfast inns in structures that are included in, or eligible for inclusion in, the National Register of Historic Places approved under MCC 38.7335. The use or development shall be compatible with agricultural use. Buffer zones should be considered to protect agricultural practices from conflicting uses.

(Ord. 1125, Amended, 12/11/2008; Ord. 1074, Amended, 05/04/2006; Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2060 DIMENSIONAL REQUIREMENTS

(A) Except as provided in subsections MCC 38.2030 (A) (3) ~~and (4)~~, the minimum lot size shall be according to the short-title zone district designation on the Zoning Map, as follows:

GGF-20	20 acres
GGF-40	40 acres
GGF-80	80 acres
GSF-40	Not Applicable

(B) That portion of a street which would accrue to an adjacent lot if the street were vacated shall be included in calculating the area of such lot.

(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.

(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.

(E) Structures such as barns, silos, windmills, antennae, chimneys, or similar structures may exceed the height requirement if located at least 30 feet from any property line.

(Ord. 1197. Amended 02/16/2013; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2085 OFF-STREET PARKING AND LOADING

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

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(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2090 ACCESS

Any lot in this district shall abut a street or shall have other access determined by the approval authority to be safe and convenient for pedestrians and passenger and emergency vehicles.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2095 SIGNS

Signs, pursuant to the provisions of MCC 38.0080.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

AGRICULTURAL DISTRICTS - GGA and GSA

§ 38.2200- PURPOSES

The purposes of the Gorge General Agriculture and Gorge Special Agriculture districts are to protect and enhance ~~agricultural land within the Columbia River Gorge National Scenic Area for agricultural uses. Agricultural lands are those~~ lands ~~which~~ that are used for or suitable for agricultural use.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2205 AREA AFFECTED

MCC 38.2200 through 38.2295 shall apply to those areas designated GGA and GSA on the Multnomah County Zoning Map. County GGA-20 zoning implements Small-Scale Agriculture 20-acre and 40-acre land use designations shown on Gorge ~~Commisscion~~ Commission maps or established pursuant to Section 8(o) of the Columbia River Gorge National Scenic Area Act.

(Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2215 USES

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this district except for the uses listed in MCC 38.2200 through 38.2230.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2220 ALLOWED USES

The uses listed in MCC 38.1005 are allowed on land designated GGA and GSA without review.

(Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 977, Amended, 02/07/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2223 EXPEDITED USES

The uses listed in MCC 38.1010 may be allowed on land designated GGA and GSA, pursuant to MCC 38.7100.

(Ord. 1064, Add, 06/23/2005)

§ 38.2225 REVIEW USES

(A) The following uses may be allowed on lands designated GGA pursuant to the provisions of MCC 38.0530 (B) and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7085 have been satisfied:

(1) New cultivation, including actions implementing a Wildlife Habitat Conservation and Management Plan involving ground disturbing activity, subject to compliance with MCC

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38.7045, ~~38.7055, 38.7060~~, 38.7053, 38.7065, and 38.7070, and upon demonstration that the landowner has sufficient water to support the use.

(2) Agricultural structures~~, except buildings~~ in conjunction with agricultural use, including new cultivation.

(3) Agricultural buildings in conjunction with current agricultural use and, if applicable, proposed agricultural use that a landowner would initiate within one year and complete within five years, subject to MCC 38.7340.

(4) Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in MCC 38.2225 (A)(5) or MCC 38.2225 (A)(6).

(5) Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel less than or equal to 10 acres in size are subject to the following additional standards:

(a) The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

(b) The height of any individual accessory building shall not exceed 24 feet.

(6) Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel larger than 10 acres in size are subject to the following additional standards:

(a) The combined footprints of all accessory buildings on a single parcel shall not exceed 2,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

(b) The footprint of any individual accessory building shall not exceed 1,500 square feet.

(c) The height of any individual accessory building shall not exceed 24 feet.

(7) A temporary dwelling for health hardship, pursuant to MCC 38.7320 and MCC 38.0060.

(8) On lands designated GGA– 40, a single family dwelling in conjunction with agricultural use, upon a demonstration that:

(a) No other dwellings exist on the subject farm or ranch, including all of its constituent parcels, contiguous or otherwise, which are vacant or currently occupied by persons not directly engaged in farming or working on the subject farm or ranch and which could be used as the principal agricultural dwelling;

(b) The farm or ranch upon which the dwelling will be located is currently devoted to agricultural use, as defined in MCC 38.0015, where the day-to-day activities of one or more

residents of the agricultural dwelling will be principally directed to the agricultural use of the land. Current use includes a minimum area which would satisfy subsection (8) (c) 4. below; and

(c) The farm or ranch is a commercial agricultural enterprise as determined by an evaluation of the following factors:

1. Size of the entire farm or ranch, including all land in the same ownership;

2. Type(s) of agricultural uses (crops, livestock) and acreage;

3. Operational requirements for the particular agricultural use common to area agricultural operations; and

4. Annual income. The farm or ranch, and all its constituent parcels, must ~~is capable of producing~~ produce at least $~~40,000~~ 80,000 in gross annual income in 2020 dollars. This gross annual income amount shall be indexed for inflation on an annual basis using Consumer Price Index data from the US Bureau of Labor Statistics, and the new adjusted amount for each calendar year (calculated from 2020 dollars) will be posted on the Gorge Commission website by January 15 of each year. This determination shall be made using the following formula:

(A)(B)(C) = I

A = Average yield of the commodity per acre, or unit of production

B = Average price of the commodity

C = Total acres suitable for production, or total units of production that can be sustained, on the subject farm or ranch

I = ~~Income Capability~~ Annual Income

(9) On lands designated GGA– 40, a second single-family dwelling in conjunction with agricultural use when the dwelling would replace an existing dwelling which is included in, or is eligible for inclusion in, the National Register of Historic Places based on the criteria for use in evaluating the eligibility of cultural resources contained in the *National Register Criteria for Evaluation* (36 CFR Part 60.4), and it meets one or more of the following:

(a) The dwelling has had association with events that have made a significant contribution to the broad patterns of the history of this region;

(b) The dwelling has had association with the lives of persons significant in the past;

(c) The dwelling embodies the distinctive characteristics of a type, period, or method of construction, or represent the work of a master, or possess high artistic values, or represent a significant and distinguishable entity whose components may lack individual distinction; or

(d) The dwelling will yield, or may be likely to yield, information important in prehistory or history.

(10) On lands designated GGA– 20, a single family dwelling on any legally created and existing parcel.

(11) On lands designated GGA– 40, a single family dwelling for an agricultural operator's relative provided that:

(a) The dwelling would be occupied by a relative of the agricultural operator or of the agricultural operator's spouse who will be actively engaged in the management of the farm or ranch. Relative means grandparent, grandchild, parent, child, brother or sister;

(b) The dwelling would be located on the same parcel as the dwelling of the principal operator; and

(c) The operation is a commercial enterprise as determined by MCC 38.2225 (A) (5) (c).

(12) Construction, reconstruction or modifications of roads not in conjunction with agriculture upon a finding that:~~.~~

(a) There is no practicable alternative location with less adverse effect on agricultural lands, and

(b) The size is the minimum necessary to provide the service.

(13) Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation and~~/or~~ natural resources, subject to MCC 38.7345. Those projects may include new structures (e.g. fish ladders, sediment barriers) ~~and/~~or activities (e.g. closing and revegetating unused roads, recontouring abandoned quarries).

(14) Agricultural labor housing upon a showing that:

(a) The proposed housing is necessary and accessory to a current agricultural use;

(b) The housing shall be seasonal unless it is shown that an additional full-time dwelling is necessary to the current agricultural use of the subject farm or ranch unit. Seasonal use shall not exceed 9 months.

(c) The housing will be located to minimize the conversion of lands capable of production of farm crops or livestock and will not force a significant change in or significantly increase the cost of accepted agricultural practices employed on nearby lands devoted to agricultural use.

(15) Land divisions when all resulting parcels satisfy the minimum lot size standards of MCC 38.2260.

(16) Placement of Structures necessary for continued public safety, or the protection of essential public services or protection of private or public existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements damaged during an emergency/disaster

event. This includes replacement of temporary structures erected during such events with permanent structures performing an identical or related function. Land use proposals for such structures shall be submitted within 12 months following an emergency/disaster event. Applicants are responsible for all other applicable local, state and federal permitting requirements.

(17) Property line adjustments that would result in the potential to create additional parcels through subsequent land divisions, subject to MCC 38.7970.

(18) Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building.

(19) Docks and boathouses, subject to MCC 38.7325.

(20) Removal/demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks.

(21) Consolidation of Parcels and Lots pursuant to MCC 38.7794 and Replatting of Partition and Subdivision Plats pursuant to MCC 38.7797.

(22) Solar, photovoltaic and wind turbine alternative energy production facilities accessory to uses permitted in the zoning district provided that the applicable renewable energy production provisions of 38.7390 are met, and:

(a) For all systems:

1. They are not a commercial power generating facility such as a utility;

2. The system meets all special district requirements;

3. The system is mounted to a ground mount, to the roof of the dwelling or accessory structure, or to a wind tower;

(b) The overall height of solar energy systems shall not exceed the peak of the roof of the building on which the system is mounted;

(c) For wind turbine systems:

1. They are set back to all property lines a distance equal to or greater than the combined height of the turbine tower and blade length. Height is measured from grade to the top of the wind generator blade when it is at its highest point. There is no height restriction for a wind turbine provided the wind turbine meets the NSA Site Review Criteria of MCC 38.7035 through 38.7080;

2. No lighting on wind turbine towers is allowed except as required by the Federal Aviation Administration or other federal or state agency and is consistent with the NSA Site Review approval criteria of MCC 38.7035 through 38.7080.

3. The land owner signs and records a covenant stating they are responsible for the removal of the system if it is abandoned. In the case of a sale or transfer of property, the new property owner shall be responsible for the use and/or removal of the system. Systems unused for one consecutive year are considered abandoned.

(23) A Type A home occupation in an existing dwelling unit, pursuant to MCC 38.7331.

(B) The following uses may be allowed on lands designated GSA– 40 pursuant to MCC 38.0530 (B), provided that the use or development will be sited to minimize the loss of land suitable for the production of agricultural crops or livestock and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7085 have been satisfied:

(1) New cultivation or new agricultural use outside of previously disturbed and regularly worked fields or areas. Clearing trees for new agricultural use is subject to MCC 38.7365.

(2) Forest uses and practices as allowed in MCC 38.2025 (B).

(3) A single-family dwelling on a parcel of 40 or more contiguous acres when necessary for and accessory to agricultural use as determined by MCC 38.2225 (A) (8) (a) through (c).

(4) Agricultural structures, except buildings, in conjunction with agricultural use.

(5) Agricultural buildings in conjunction with current agricultural use and, if applicable, proposed agricultural use that a landowner would initiate within one year and complete within five years, subject to MCC 38.7340.

(6) Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in 38.2225 (B)(7) or 38.2225(B)(8) below.

(7) Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel less than or equal to 10 acres in size are subject to the following additional standards:

(a) The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

(b) The height of any individual accessory building shall not exceed 24 feet.

(8) Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel larger than 10 acres in size are subject to the following additional standards:

(a) The combined footprints of all accessory buildings on a single parcel shall not exceed 2,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

(b) The footprint of any individual accessory building shall not exceed 1,500 square feet.

(c) The height of any individual accessory building shall not exceed 24 feet.

(9) Farm labor housing on a parcel with an existing dwelling upon a showing that:

(a) The proposed housing is necessary and accessory to a current agricultural use and a showing that the operation is a commercial agricultural enterprise as determined by MCC 38.2225 (A) (8) (c).

(b) The housing shall be seasonal unless it is shown that an additional full-time dwelling is necessary for the current agricultural use. Seasonal use shall not exceed nine months.

(c) The housing shall be located to minimize the conversion of lands capable of production of farm crops and livestock, and shall not force a significant change in or significantly increase the cost of accepted agricultural uses employed on nearby lands devoted to agricultural use.

(10) Fruit ~~stands~~ and produce stands ~~upon a showing that sales will be limited to agricultural products raised on the property and other agriculture properties in the local region~~.

(11) Aquiculture.

(12) Temporary asphalt/batch plant operations related to public road projects, not to exceed six months.

(13) Road and railroad construction and reconstruction upon a finding that:~~.~~

(a) There is no alternative location with less adverse effect on agricultural land, and

(b) The size is the minimum necessary to provide the service.

(14) Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation and/or natural resources, subject to MCC 38.7345. Those projects may include new structures (e.g. fish ladders, sediment barriers) and/or activities (e.g. closing and revegetating unused roads, recontouring abandoned quarries).

(15) Placement of Structures necessary for continued public safety, or the protection of essential public services or protection of private or public existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements damaged during an emergency/disaster event. This includes replacement of temporary structures erected during such events with permanent structures performing an identical or related function. Land use proposals for such structures shall be submitted within 12 months following an emergency/disaster event. Applicants are responsible for all other applicable local, state and federal permitting requirements.

(16) On a parcel of 40 acres or greater with an existing dwelling, a temporary dwelling for health hardship, pursuant to MCC 38.7320.

(17) Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building.

(18) Docks and boathouses, subject to MCC 38.7325.

(19) Removal/demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks.

(20) Consolidation of Parcels and Lots pursuant to MCC 38.7794 and Replatting of Partition and Subdivision Plats pursuant to MCC 38.7797.

(21) Solar, photovoltaic and wind turbine alternative energy production facilities accessory to uses permitted in the zoning district provided that the applicable renewable energy production provisions of 38.7390 are met, and:

(a) For all systems:

1. They are not a commercial power generating facility such as a utility;

2. The system meets all special district requirements;

3. The system is mounted to a ground mount, to the roof of the dwelling or accessory structure, or to a wind tower;

(b) The overall height of solar energy systems shall not exceed the peak of the roof of the building on which the system is mounted

(c) For wind turbine systems:

1. They are set back to all property lines a distance equal or greater than the combined height of the turbine tower and blade length. Height is measured from grade to the top of the wind generator blade when it is at its highest point. There is no height restriction for a wind turbine provided the wind turbine meets the NSA Site Review Criteria of MCC 38.7040 et. al.;

2. No lighting on wind turbine towers is allowed except as required by the Federal Aviation Administration or other federal or state agency and is consistent with the NSA Site Review approval criteria of MCC 38.7040 et al.

3. The land owner signs and records a covenant stating they are responsible for the removal of the system if it is abandoned. In the case of a sale or transfer of property, the new property owner shall be responsible for the use and/or removal of the system. Systems unused for one consecutive year are considered abandoned.

(22) A Type A home occupation in an existing dwelling unit, pursuant to MCC 38.7331.

(Ord. 1270, Amended, 03/14/2019; Ord. 1197, Amended 02/16/2013; Ord. 1192, Amended, 05/17/2012; Ord. 1186, Amended, 10/13/2011; Ord. 1176, Amended, 03/03/2011; Ord. 1125, Amended, 12/11/2008; Ord. 1097, Amended, 07/26/2007; Ord. 1064, Amended, 06/23/2005; Ord. 1007, Amended, 02/06/2003; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 994, Amended, 09/26/2002; Ord. 977, Amended, 02/07/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2230 CONDITIONAL USES

(A) The following conditional uses may be allowed on lands designated GGA, pursuant to the provisions of MCC 38.0045 and 38.7300.

(1) Fruit and produce stands~~, upon a showing that sales will be limited to agricultural products raised on the subject farm and other farms in the local region~~.

(2) Wineries and cideries, in conjunction with an on-site ~~viticulture~~ vineyard or orchard, upon a showing that processing of wine or cider is from ~~grapes grown~~ fruits harvested on the subject farm ~~or in~~ and the local region.

(3) Wine or cider sales and~~/~~tasting rooms, in conjunction with an on-site winery or cidery.

(4) Agricultural product processing and packaging, upon a showing that the processing will be limited to products grown primarily on the subject farm and sized to the subject operation.

(5) Exploration, development and production of mineral and geothermal resources subject to MCC 38.7035.

(6) Personal-use airstrips including associated accessory structures such as a hangar. A personal-use airstrip is an airstrip restricted, except for aircraft emergencies, to use by the owner and on an infrequent and occasional basis, by invited guests, and by commercial aviation activities in connection with agricultural operations. No aircraft may be based on a personal use airstrip other than those owned or controlled by the owner of the airstrip.

(7) Aquiculture.

(8) Recreation development, subject to MCC 38.7080 and The Recreation Development Plan (Management Plan, Part III, Chapter 1).

(9) Boarding of horses or non-profit horse rescue facility, subject to MCC 38.7385.

(10) Temporary portable asphalt/batch plants related to public road projects, not to exceed six months.

(11) Non-profit, environmental learning or research facilities.

(12) Expansion of existing schools or places of worship.

~~(13) Cluster Developments, pursuant to MCC 38.7360.~~

(13)~~(14)~~ Structures associated with hunting and fishing operations.

(14)~~(15)~~ Towers and fire stations for forest fire protection.

(15)~~(16)~~ On lands designated GGA– 40, on a parcel which was legally created and existed prior to November 17, 1986, a single-family dwelling not in conjunction with agricultural use upon a demonstration that:

(a) The dwelling will not force a change in or increase the cost of accepted agricultural practices on surrounding lands;

(b) The subject parcel is predominantly unsuitable for the production of farm crops and livestock, considering soils, terrain, location and size of the parcel. Size alone shall not be used to determine whether a parcel is unsuitable for agricultural use. An analysis of suitability shall include the capability of the subject parcel to be utilized in conjunction with other agricultural operations in the area;

(c) The dwelling shall be set back from any abutting parcel designated GGA, as required in MCC 38.0060, or any abutting parcel designated GGF, as required in MCC 38.7315;

(d) A declaration has been signed by the landowner and recorded into county deeds and records specifying that the owners, successors, heirs and assigns of the subject property are aware that adjacent and nearby operators are entitled to carry on accepted agriculture or forest practices on lands designated GGA or GGF; and

(e) All owners of land in areas designated GGA or GGF within 500 feet of the perimeter of the subject parcel on which the dwelling is proposed to be located have been notified and given at least 10 days to comment prior to a decision.

(16)~~(17)~~ Disposal sites managed and operated by the Oregon Department of Transportation, or the Multnomah County public works department for earth materials and any intermixed vegetation generated by routine or emergency/disaster public road maintenance activities with the National Scenic Area, subject to compliance with MCC 38.7350.

~~(18) On parcels 40 acres or larger in GGA– 20 or 80 acres or larger in GGA– 40, a land division creating parcels smaller than the designated minimum parcel size, subject to MCC 38.7360.~~

(17)~~(19)~~ Life estates, pursuant to MCC 38.7355.

(18)~~(20)~~ Utility facilities and railroads necessary for public service upon a finding that:

(a) There is no practicable alternative location with less adverse effect on agricultural or forest lands, and

(b) The size is the minimum necessary to provide the service.

(19)~~(21)~~ Home occupations ~~or cottage industries~~ in existing dwelling unit or accessory building, subject to MCC 38.7330.

(20)~~(22)~~ Bed and breakfast inns in single-family dwellings, subject to MCC 38.7335 and provided that the residence:

(a) Is included in the National Register of Historic Places; or

(b) Is identified and protected under local landmark status as approved pursuant to Oregon state land use regulations protecting historic structures.

(21)~~(23)~~ Special uses in historic buildings, subject to MCC 38.7380.

(B) The following conditional uses may be allowed on lands designated GSA, pursuant to the provisions of MCC 38.0045 and 38.7300.

(1) Exploration, development, and production of sand, gravel, and crushed rock for the construction, maintenance, or reconstruction of roads used to manage or harvest commercial forest products on lands within the Special Management Areas.

(2) Utility facilities necessary for public service upon a showing that:

(a) There is no alternative location with less adverse effect on Agriculture lands.

(b) The size is the minimum necessary to provide the service.

(3) Community facilities and non-profit facilities related to agricultural resource management.

(4) Expansion of existing non-profit group camps, retreats, and conference or education centers for the successful operation on the dedicated site. Expansion beyond the dedicated site is prohibited.

(5) Public recreation, commercial recreation, interpretive and educational developments and uses consistent with MCC 38.7085.

(6) Agricultural product processing and packaging, upon demonstration that the processing will be limited to products produced primarily on or adjacent to the property. "Primarily" means a clear majority of the product as measured by volume, weight, or value.

(7) Home occupations ~~and cottage industries~~ in an existing dwelling unit or accessory building pursuant to MCC 38.7330. The use or development shall be compatible with agricultural use. Buffer zones should be considered to protect agricultural practices from conflicting uses.

(8) Bed and breakfast inns in structures that are included in, or eligible for inclusion in, the National Register of Historic Places approved under MCC 38.7335. The use or development shall be compatible with agricultural use. Buffer zones should be considered to protect agricultural practices from conflicting uses.

(9) Disposal sites managed and operated by the Oregon Department of Transportation, or the Multnomah County public works department for earth materials and any intermixed vegetation generated by routine or emergency/disaster public road maintenance activities with the National Scenic Area, subject to compliance with MCC 38.7350.

(10) Fish hatcheries and aquiculture facilities.

(11) Towers and fire stations for forest fire protection.

(Ord. 1197, Amended 02/16/2013; Ord. 1125, Amended, 12/11/2008; Ord. 1074, Amended, 05/04/2006; Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2260 DIMENSIONAL REQUIREMENTS

(A) Except as provided in MCC 38.2230 (A) ~~(16) and (17)~~ (15) and (16), the minimum lot size shall be according to the short-title zone district designation on the Zoning Map, as follows:

GGA-20	20 acres when not within deer and elk winter range. Otherwise, the minimum lot size is 40 acres.
GGA-40	40 acres
GSA-40	Not Applicable

(B) That portion of a street which would accrue to an adjacent lot if the street were vacated shall be included in calculating the area of such lot.

(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.

(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.

(E) Structures such as barns, silos, windmills, antennae, chimneys, or similar structures may exceed the height requirement if located at least 30 feet from any property line.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2285 OFF-STREET PARKING AND LOADING

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

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2290 ACCESS

Any lot in this district shall abut a street or shall have other access determined by the approval authority to be safe and convenient for pedestrians and passenger and emergency vehicles.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2295 SIGNS

Signs, pursuant to the provisions of MCC 38.0080.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

RURAL CENTER - GGRC

§ 38.2400- PURPOSES

The purposes of the Gorge General Rural Center district are to protect and support the economy of the Columbia River Gorge National Scenic Area by recognizing the Corbett community as a service center and gathering place and allow uses compatible with the commercial, rural residential, and public facility and service character of that community.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2405 AREA AFFECTED

MCC 38.2405 through 38.2495 shall apply to those areas designated GGRC on the Multnomah County Zoning Map.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2415 USES

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this district except for the uses listed in MCC 38.2420 through 38.2495.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2420 ALLOWED USES

The uses listed in MCC 38.1005 are allowed on land designated GGRC with review.

(Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2423 EXPEDITED USES

The uses listed in MCC 38.1010 may be allowed on land designated GGRC, pursuant to MCC 38.7100.

(Ord. 1064, Add, 06/23/2005)

§ 38.2425 REVIEW USES

The following uses may be allowed on lands designated GGRC, pursuant to MCC 38.0530 (B) and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7085 have been satisfied:

(A) A single-family dwelling on a legally created and existing parcel.

(B) Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in (C) below.

(C) Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel are subject to the following additional standards:

(1) The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

(2) The height of any individual accessory building shall not exceed 24 feet.

(D) A temporary dwelling for health hardship, pursuant to MCC 38.7320.

(E) Duplexes.

(F) New cultivation, subject to compliance with MCC 38.7045, ~~38.7055, 38.7060~~, 38.7053, 38.7065 and 38.7070.

(G) Land divisions, subject to MCC 38.2460.

(H) Rural service commercial and tourist commercial uses limited to 5,000 square feet of floor area per building or use.

(1) Grocery stores

(2) Variety and hardware stores

(3) Shops, offices and repair shops

(4) Personal services such as barber and beauty shops

(5) Restaurants

(6) Taverns and bars

(7) Gas stations

(8) Gift shops

(I) Placement of Structures necessary for continued public safety, or the protection of essential public services or protection of private or public existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements damaged during an emergency/disaster event. This includes replacement of temporary structures erected during such events with permanent structures performing an identical or related function. Land use proposals for such structures shall be submitted within 12 months following an emergency/disaster event. Applicants are responsible for all other applicable local, state and federal permitting requirements.

(J) Property line adjustments that would result in the potential to create additional parcels through subsequent land divisions, subject to 38.7970.

(K) Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation and~~/or~~ natural resources, subject to MCC 38.7345. These projects may include new structures (e.g., fish ladders, sediment barriers) ~~and/~~or activities (e.g., closing and revegetating unused roads, re-contouring abandoned quarries).

(L) Agricultural structures, ~~except buildings,~~ in conjunction with agricultural use, including new cultivation.

(M) Agricultural buildings in conjunction with current agricultural use and, if applicable, proposed agricultural use that a landowner would initiate within one year and complete within five years, subject to MCC 38.7340.

(N) Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building.

(O) Removal/demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks.

(P) Consolidation of Parcels and Lots pursuant to MCC 38.7794 and Replatting of Partition and Subdivision Plats pursuant to MCC 38.7797.

(Q) Solar, photovoltaic and wind turbine alternative energy production facilities accessory to uses permitted in the zoning district provided that the applicable renewable energy production provisions of 38.7390 are met, and:

(1) For all systems:

(a) They are not a commercial power generating facility such as a utility;

(b) The system meets all special district requirements;

(c) The system is mounted to a ground mount, to the roof of the dwelling or accessory structure, or to a wind tower;

(2) The overall height of solar energy systems shall not exceed the peak of the roof of the building on which the system is mounted;

(3) For wind turbine systems:

(a) They are set back to all property lines a distance equal to or greater than the combined height of the turbine tower and blade length. Height is measured from grade to the top of the wind generator blade when it is at its highest point. There is no height restriction for a wind turbine provided the wind turbine meets the NSA Site Review Criteria of MCC 38.7035 through 38.7080;

(b) No lighting on wind turbine towers is allowed except as required by the Federal Aviation Administration or other federal or state agency and is consistent with the NSA Site Review approval criteria of MCC 38.7035 through 38.7080.

(c) The land owner signs and records a covenant stating they are responsible for the removal of the system if it is abandoned. In the case of a sale or transfer of property, the new property owner shall be responsible for the use and/or removal of the system. Systems unused for one consecutive year are considered abandoned.

(R) A Type A home occupation in an existing dwelling unit, pursuant to MCC 38.7331.

(S) Overnight accommodations in single family dwellings, pursuant to MCC 38.7337.

(Ord. 1197, Amended 02/16/2013; Ord. 1192, Amended, 05/17/2012; Ord. 1186, Amended, 10/13/2011; Ord. 1176, Amended, 03/03/2011; Ord. 1097, Amended, 07/26/2007; Ord. 1064, Amended, 06/23/2005; Ord. 1007, Amended, 02/06/2003; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 994, Amended, 09/26/2002)

§ 38.2430 CONDITIONAL USES

The following conditional uses may be allowed on lands designated GGRC, pursuant to the provisions of MCC 38.0045 and 38.7300:

(A) Fire stations

(B) Libraries

(C) Government buildings

(D) Community centers and meeting halls

(E) Schools

(F) Accredited child care centers

(G) Utility facilities, roads and railroads

(H) Recreation development, subject to MCC 38.7080.

(I) Places of worship

(J) Planned Developments pursuant to the provisions of MCC 38.4300 through 38.4370.

(K) ~~Travelers accommodations, bed~~ Bed and breakfast inns pursuant to MCC 38.7335.

(L) Home occupations ~~or cottage industries~~ in an existing dwelling unit or accessory building, pursuant to MCC 38.7330.

(M) Special uses in historic buildings, subject to MCC 38.7380.

(Ord. 1197, Amended 02/16/2013; Ord. 1074, Amended, 05/04/2006; Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2460 DIMENSIONAL REQUIREMENTS

(A) The minimum lot size for a single family dwelling shall be one acre.

(B) The minimum lot size for a duplex dwelling shall be two acres.

(C) The minimum lot size for a conditional use permitted pursuant to MCC 38.2430, shall be based upon:

(1) The site size needs of the proposed use;

(2) The nature of the proposed use in relation to the impacts on nearby properties; and

(3) Consideration of the purposes of this district.

(D) That portion of a street which would accrue to an adjacent lot if the street were vacated shall be included in calculating the area of such lot.

(E) 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.

(F) 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.

(G) Structures such as barns, silos, windmills, antennae, chimneys, or similar structures may exceed the height requirement if located at least 30 feet from any property line.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2485 OFF-STREET PARKING AND LOADING

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

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2490 ACCESS

Any lot in this district shall abut a street or shall have other access determined by the approval authority to be safe and convenient for pedestrians and passenger and emergency vehicles.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2495 SIGNS

Signs, pursuant to the provisions of MCC 38.0080.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

OPEN SPACE - GGO and GSO

§ 38.2600- PURPOSES

The purposes of the Gorge General Open Space and Gorge Special Open Space districts are to protect ~~those~~ the most significant and sensitive scenic, cultural, natural and recreation resources on unimproved lands from conflicting uses through avoidance, and enhance the~~m~~ resources where appropriate.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2605 AREA AFFECTED

MCC 38.2600 through 38.2695 shall apply to those areas designated GGO and GSO on the Multnomah County Zoning Map.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2615 USES

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this district except for the uses listed in MCC 38.2620 through 38.2695.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2620 ALLOWED USES

The uses listed in MCC 38.1005(B) are allowed on all lands designated GGO, GGO-GW, GSO and GGO-SP without review:

(Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2623 EXPEDITED USES

The uses listed in MCC 38.1010 may be allowed on land designated GGO, GGO-GW, GSO, AND GSO-SP, pursuant to MCC 38.7100.

(Ord. 1064, Add, 06/23/2005)

§ 38.2625 REVIEW USES

(A) The following uses may be allowed on lands designated GGO, pursuant to MCC 38.0530 (B) and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7085 have been satisfied:

(1) Low intensity recreation, subject MCC 38.7080~~; and~~.

(2) Land divisions to facilitate efforts to protect and enhance scenic, cultural, natural or recreation resources.

(3) ~~Repair, maintenance, operation, and improvement~~ Improvement, not including expansion, of existing structures (such as adding gutters, railings, shutters or solar or photovoltaic panels to the structure), trails, roads, railroads, utility facilities, and hydroelectric facilities.

(4) Placement of Structures necessary for continued public safety, or the protection of essential public services or protection of private or public existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements damaged during an emergency/disaster event. This includes replacement of temporary structures erected during such events with permanent structures performing an identical or related function. Land use proposals for such structures shall be submitted within 12 months following an emergency/disaster event. Applicants are responsible for all other applicable local, state and federal permitting requirements.

(5) Removal of timber, rocks or other materials for purposes of public safety or placement of structures for public safety.

(6) Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation, and~~/or~~ natural resources, subject to MCC 38.7345. These projects may include new structures (e.g., fish ladders, sediment barriers) ~~and/~~or activities (e.g., closing and revegetating unused roads, re-contouring abandoned quarries).

(7) Removal/demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks.

(8) Property line adjustments, subject to 38.7970.

(9) Consolidation of Parcels and Lots pursuant to MCC 38.7794 and Replatting of Partition and Subdivision Plats pursuant to MCC 38.7797.

(B) The following uses are allowed on land designated GGO-GW, pursuant to MCC 38.0530 (B) and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7085 have been satisfied:

(1) Livestock grazing;

(2) Fish and wildlife management uses conducted by federal, state or tribal resource agencies;

(3) Soil, water or vegetation uses performed in accordance with a conservation plan approved by a county conservation district;

(4) Harvesting of wild crops; and

(5) Educational or scientific research.

(6) Placement of Structures necessary for continued public safety, or the protection of essential public services or protection of private or public existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements damaged during an emergency/disaster

event. This includes replacement of temporary structures erected during such events with permanent structures performing an identical or related function. Land use proposals for such structures shall be submitted within 12 months following an emergency/disaster event. Applicants are responsible for all other applicable local, state and federal permitting requirements.

(7) Removal of timber, rocks or other materials for purposes of public safety or placement of structures for public safety.

(8) ~~Repair, maintenance, operation, and improvement~~ Improvement, not including expansion of existing structures (such as adding gutters, railings, shutters or solar or photovoltaic panels to the structure),~~,~~ trails, roads, railroads, utility facilities, and hydroelectric facilities.

(9) Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation, and~~/or~~ natural resources, subject to MCC 38.7345. These projects may include new structures (e.g., fish ladders, sediment barriers) ~~and/~~or activities (e.g., closing and revegetating unused roads, re-contouring abandoned quarries).

(10) Removal/demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks.

(11) Property line adjustments, subject to 38.7970.

(12) Continued operation of existing quarries, if they are determined to be consistent with guidelines to protect scenic, cultural, natural, and recreation resources.

(13) Consolidation of Parcels and Lots pursuant to MCC 38.7794 and Replatting of Partition and Subdivision Plats pursuant to MCC 38.7797.

(C) The following uses are allowed on land designated GGO-SP, pursuant to MCC 38.0530 (B) and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7085 have been satisfied:

(1) Fish and wildlife management uses conducted by federal, state or tribal agencies;

(2) Soil, water or vegetation uses performed in accordance with a conservation plan approved by a local conservation district;

(3) Harvesting of wild crops;

(4) Educational or scientific research.

(5) Placement of Structures necessary for continued public safety, or the protection of essential public services or protection of private or public existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements damaged during an emergency/disaster event. This includes replacement of temporary structures erected during such events with permanent structures performing an identical or related function. Land use proposals for such structures shall be submitted within 12 months following an emergency/disaster event.

Applicants are responsible for all other applicable local, state and federal permitting requirements.

(6) Removal of timber, rocks or other materials for purposes of public safety or placement of structures for public safety.

(7) Repair, maintenance, operation, and improvement of existing structures (such as adding gutters, railings, shutters or solar or photovoltaic panels to the structure),~~,~~ trails, roads, railroads, utility facilities, and hydroelectric facilities.

(8) Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation and/or natural resources, subject to MCC 38.7345. These projects may include new structures (e.g., fish ladders, sediment barriers) and/or activities (e.g., closing and revegetating unused roads, re-contouring abandoned quarries).

(9) Removal/demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks.

(10) Property line adjustments, subject to 38.7970.

(11) Consolidation of Parcels and Lots pursuant to MCC 38.7794 and Replatting of Partition and Subdivision Plats pursuant to MCC 38.7797.

(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.

(2) Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation ~~and/~~or natural resources, subject to MCC 38.7345. These projects may include vegetation management and forest practices (subject to MCC 38.7370 for the restoration of forest health, new structures (e.g., fish ladders, sediment barriers) ~~and/~~or activities (e.g., closing and revegetating unused roads, re-contouring abandoned quarries).

(3) Low intensity recreation uses and development~~s~~ including educational and interpretive facilities, consistent with MCC 38.7085.

(4) Utility facilities for public service upon a showing that:

(a) There is no alternative location with less adverse effect on land designated GSO;

(b) The size is the minimum necessary to provide the service.

(5) Placement of Structures necessary for continued public safety, or the protection of essential public services or protection of private or public existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements damaged during an emergency/disaster event. This includes replacement of temporary structures erected during such events with permanent structures performing an identical or related function. Land use proposals for such

structures shall be submitted within 12 months following an emergency/disaster event. Applicants are responsible for all other applicable local, state and federal permitting requirements.

(6) Removal/demolition of structures that are 50 or more years old, including wells, septic tanks, and fuel tanks.

(7) Treatment of noxious weeds shall be permitted without completion of an SMA Open Space plan when the following criteria have been met:

(a) Noxious weed infestation is new and eradication is still viable.

(b) Delayed or deferred treatment could have widespread or major adverse impacts to one or more of the following resources:

1. Displacement of native and traditionally gathered plants;

2. Degradation of wildlife habitat and forage;

3. Degradation or loss of agricultural uses of land, such as cropland or livestock forage;

4. Limitation of recreational use.

(8) Consolidation of Parcels and Lots pursuant to MCC 38.7794 and Replatting of Partition and Subdivision Plats pursuant to MCC 38.7797.

(E) For federal land, treatment effects have been thoroughly evaluated in an environmental assessment.

(Ord. 1176, Amended, 03/03/2011; Ord. 1125, Amended, 12/11/2008; Ord. 1097, Amended, 07/26/2007; Ord. 1064, Amended, 06/23/2005; Ord. 1007, Amended, 02/06/2003; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 994, Amended, 09/26/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2660 DIMENSIONAL REQUIREMENTS

(A) There is no minimum lot size for properties designated GGO or GSO.

(B) That portion of a street which would accrue to an adjacent lot if the street were vacated shall be included in calculating the area of such lot.

(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.

(S-1 2013)

(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.

(E) Structures such as barns, silos, windmills, antennae, chimneys, or similar structures may exceed the height requirement if located at least 30 feet from any property line.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2685 OFF-STREET PARKING AND LOADING

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

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2690 ACCESS

Any lot in this district shall abut a street or shall have other access determined by the approval authority to be safe and convenient for pedestrians and passenger and emergency vehicles.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2695 SIGNS

Signs, pursuant to the provisions of MCC 38.0080.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

RECREATIONAL DISTRICTS - GG-PR, GG-CR and GS-PR

§ 38.2800- PURPOSES

The purposes of the Gorge Recreation districts are to protect and enhance opportunities for publicly-owned, moderate and high-intensity resource based recreation uses ~~within the Columbia River Gorge National Scenic Area~~ on lands most suitable for ~~recreation~~ such uses.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2805 AREA AFFECTED

MCC 38.2800 through 38.2895 shall apply to those areas designated GG– PR, GG– CR and GS– PR on the Multnomah County Zoning Map.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2815 USES

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this district except for the uses listed in MCC 38.2820 through 38.2895.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2820 ALLOWED USES

The uses listed in MCC 38.1005 are allowed on land designated GG-PR, GG-CR and GS-PR without review.

(Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2823 EXPEDITED USES

The uses listed in MCC 38.1010 may be allowed on land designated GG-PR, GS-PR, and GG-CR, pursuant to MCC 38.7100.

(Ord. 1064, Add, 06/23/2005)

§ 38.2825 REVIEW USES

(A) The following uses are allowed on all lands designated GG– PR pursuant to MCC 38.0530 (B) and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7085 have been satisfied:

(1) The following uses may be allowed, subject to compliance with MCC 38.7300, and the standards of MCC 38.7000 through 38.7085:

(a) One single-family dwelling for each existing parcel legally created prior to adoption of the first Management Plan on October 15, 1991. Exceptions may be considered only upon demonstration that more than one residence is necessary for management of a public park.

(b) Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in (c) below.

(c) Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel are subject to the following additional standards:

1. The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

2. The height of any individual accessory building shall not exceed 24 feet.

(d) Agricultural structures~~, except buildings,~~ in conjunction with agricultural use.

(e) Agricultural buildings in conjunction with current agricultural use and, if applicable, proposed agricultural use that a landowner would initiate within one year and complete within five years, subject to MCC 38.7340.

(f) Utility transmission, transportation, communication and public works facilities.

(g) Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation ~~and/~~or natural resources, subject to MCC 38.7345. These projects may include new structures (e.g., fish ladders, sediment barriers) ~~and/~~or activities (e.g., closing and revegetating unused roads, re-contouring abandoned quarries).

(h) Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building.

(i) Docks and boathouses, subject to MCC 38.7325.

(j) Removal/demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks.

(2) Land divisions, subject to compliance with MCC 38.7300 (E) (3).

(3) Property line adjustments, subject to MCC 38.7970.

(4) Placement of Structures necessary for continued public safety, or the protection of essential public services or protection of private or public existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements damaged during an emergency/disaster event. This includes replacement of temporary structures erected during such events with permanent structures performing an identical or related function. Land use proposals for such structures shall be submitted within 12 months following an emergency/disaster event. Applicants are responsible for all other applicable local, state and federal permitting requirements.

(5) Consolidation of Parcels and Lots pursuant to MCC 38.7794 and Replatting of Partition and Subdivision Plats pursuant to MCC 38.7797.

(6) Solar, photovoltaic and wind turbine alternative energy production facilities accessory to uses permitted in the zoning district provided that the applicable renewable energy production provisions of 38.7390 are met, and:

(a) For all systems:

1. They are not a commercial power generating facility such as a utility;

2. The system meets all special district requirements;

3. The system is mounted to a ground mount, to the roof of the dwelling or accessory structure, or to a wind tower;

(b) The overall height of solar energy systems shall not exceed the peak of the roof of the building on which the system is mounted;

(c) For wind turbine systems:

1. They are set back to all property lines a distance equal to or greater than the combined height of the turbine tower and blade length. Height is measured from grade to the top of the wind generator blade when it is at its highest point. There is no height restriction for a wind turbine provided the wind turbine meets the NSA Site Review Criteria of MCC 38.7035 through 38.7080;

2. No lighting on wind turbine towers is allowed except as required by the Federal Aviation Administration or other federal or state agency and is consistent with the NSA Site Review approval criteria of MCC 38.7035 through 38.7080.

3. The land owner signs and records a covenant stating they are responsible for the removal of the system if it is abandoned. In the case of a sale or transfer of property, the new property owner shall be responsible for the use and/or removal of the system. Systems unused for one consecutive year are considered abandoned.

(B) The following uses are allowed on all lands designated GG – CR pursuant to MCC 38.0530 (B) and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7085 have been satisfied:

(1) The following uses may be allowed, subject to compliance with MCC 38.7300 (F) and the standards of MCC 38.7000 through 38.7085:

(a) One single-family dwelling for each ~~lot or~~ existing parcel legally created prior to adoption of the first Management Plan on October 15, 1991.

(b)Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in (c) below.

(c) Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel are subject to the following additional standards:

1. The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

2. The height of any individual accessory building shall not exceed 24 feet.

(d) Agricultural structures, ~~except buildings,~~ in conjunction with agricultural use.

(e) Agricultural buildings in conjunction with current agricultural use and, if applicable, proposed agricultural use that a landowner would initiate within one year and complete within five years, subject to MCC 38.7340.

(f) Utility transmission, transportation and communication facilities.

(g) Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation ~~and/~~or natural resources, subject to MCC 38.7345. These projects may include new structures (e.g., fish ladders, sediment barriers) ~~and/~~or activities (e.g., closing and revegetating unused roads, re-contouring abandoned quarries).

(h) Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building.

(i) Docks and boathouses, subject to MCC 38.7325.

(j) Removal/demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks.

(2) Land divisions, subject to compliance with MCC 38.7300 (E).

(3) Placement of Structures necessary for continued public safety, or the protection of essential public services or protection of private or public existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements damaged during an emergency/disaster event. This includes replacement of temporary structures erected during such events with permanent structures performing an identical or related function. Land use proposals for such structures shall be submitted within 12 months following an emergency/disaster event. Applicants are responsible for all other applicable local, state and federal permitting requirements.

(4) Property line adjustments, subject to MCC 38.7970.

(5) Consolidation of Parcels and Lots pursuant to MCC 38.7794 and Replatting of Partition and Subdivision Plats pursuant to MCC 38.7797.

(6) Solar, photovoltaic and wind turbine alternative energy production facilities accessory to uses permitted in the zoning district provided that the applicable renewable energy production provisions of 38.7390 are met, and:

(a) For all systems:

1. They are not a commercial power generating facility such as a utility;

2. The system meets all special district requirements;

3. The system is mounted to a ground mount, to the roof of the dwelling or accessory structure, or to a wind tower;

(b) The overall height of solar energy systems shall not exceed the peak of the roof of the building on which the system is mounted;

(c) For wind turbine systems:

1. They are set back to all property lines a distance equal to or greater than the combined height of the turbine tower and blade length. Height is measured from grade to the top of the wind generator blade when it is at its highest point. There is no height restriction for a wind turbine provided the wind turbine meets the NSA Site Review Criteria of MCC 38.7035 through 38.7080;

2. No lighting on wind turbine towers is allowed except as required by the Federal Aviation Administration or other federal or state agency and is consistent with the NSA Site Review approval criteria of MCC 38.7035 through 38.7080.

3. The land owner signs and records a covenant stating they are responsible for the removal of the system if it is abandoned. In the case of a sale or transfer of property, the new property owner shall be responsible for the use and/or removal of the system. Systems unused for one consecutive year are considered abandoned.

(C) The following uses are allowed on all lands designated GS– PR pursuant to MCC 38.0530 (B) and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7085 have been satisfied:

(1) Uses and practices in the Gorge Special Forestry (GSF) district as allowed in MCC 38.2025 (B), except (B)(8) and (B)(9).

(2) Public trails, consistent with MCC 38.7085.

(3) Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in (4) below.

(4) Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel are subject to the following additional standards:

(a) The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

(b) The height of any individual accessory building shall not exceed 24 feet.

(5) Road and railroad construction and reconstruction.

(6) Resource enhancement projects for the purpose of enhancing scenic, cultural,~~,~~ recreation, ~~an/~~or natural resources subject to MCC 38.7345. Those projects may include new structures

(e.g., fish ladders, sediment barriers) or activities (e.g., closing and revegetating unused roads, recontouring abandoned quarries).

(7) Uses in the gorge Special Agriculture (GSA) district as allowed in MCC 38.2225(B), except (B)(7) and B(8).

(8) Placement of Structures necessary for continued public safety, or the protection of essential public services or protection of private or public existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements damaged during an emergency/disaster event. This includes replacement of temporary structures erected during such events with permanent structures performing an identical or related function. Land use proposals for such structures shall be submitted within 12 months following an emergency/disaster event. Applicants are responsible for all other applicable local, state and federal permitting requirements.

(9) On a parcel of 40 acres or greater with an existing dwelling, ~~the temporary use of~~ a temporary dwelling ~~mobile home~~ in the case of a family hardship, subject to MCC 38.7320.

(10) Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building.

(11) Removal/demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks.

(12) Docks and boathouses, subject to MCC 38.7325.

(13) Consolidation of Parcels and Lots pursuant to MCC 38.7794 and Replatting of Partition and Subdivision Plats pursuant to MCC 38.7797.

(14) Solar, photovoltaic and wind turbine alternative energy production facilities accessory to uses permitted in the zoning district provided that the applicable renewable energy production provisions of 38.7390 are met, and:

(a) For all systems:

1. They are not a commercial power generating facility such as a utility;

2. The system meets all special district requirements;

3. The system is mounted to a ground mount, to the roof of the dwelling or accessory structure, or to a wind tower;

(b) The overall height of solar energy systems shall not exceed the peak of the roof of the building on which the system is mounted

(c) For wind turbine systems:

1. They are set back to all property lines a distance equal or greater than the combined height of the turbine tower and blade length. Height is measured from grade to the top of the wind generator blade when it is at its highest point. There is no height restriction

for a wind turbine provided the wind turbine meets the NSA Site Review Criteria of MCC 38.7040 et. al.;

2. No lighting on wind turbine towers is allowed except as required by the Federal Aviation Administration or other federal or state agency and is consistent with the NSA Site Review approval criteria of MCC 38.7040 et al.

3. The land owner signs and records a covenant stating they are responsible for the removal of the system if it is abandoned. In the case of a sale or transfer of property, the new property owner shall be responsible for the use and/or removal of the system. Systems unused for one consecutive year are considered abandoned.

(15) A Type A home occupation in an existing dwelling unit, pursuant to MCC 38.7331.

(Ord. 1197, Amended 02/16/2013; Ord. 1192, Amended, 05/17/2012; Ord. 1176, Amended, 03/03/2011; Ord. 1125, Amended, 12/11/2008; Ord. 1097, Amended, 07/26/2007; Ord. 1064, Amended, 06/23/2005; Ord. 1007, Amended, 02/06/2003; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 994, Amended, 09/26/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2830 CONDITIONAL USES

(A) The following conditional uses may be allowed on lands designated GG– PR, pursuant to the provisions of MCC 38.0045, 38.7300 (E) and 38.7080 (E) (1) and (3) through (7):

(1) Publicly-owned, resource-based recreation uses consistent with MCC 38.7080.

(2) Commercial uses and non-resource based recreation uses which are part of an existing or approved, resource-based public recreation use consistent with policies, guidelines and conditional use criteria for such uses contained in this section.

(3) New cultivation, subject to compliance with MCC 38.7045, ~~38.7055, 38.7060,~~ 38.7053, 38.7065 and 38.7070.

(4) Special uses in historic buildings, subject to MCC 38.7380.

(B) The following conditional uses may be allowed on lands designated GG– CR, pursuant to the provisions of MCC 38.0045, 38.7300 (E) and 38.7080 (E) (1) and (3) through (7):

(1) Commercially-owned, resource-based recreation uses.

(2) Overnight recreation accommodations which are part of a commercially-owned resource-based recreation use, where such resource-based recreation use occurs on the subject site or is accessed through the site on adjacent lands, and which meet the following standards:

(a) Buildings containing individual units are no larger than 1,500 square feet in total floor area and no higher than two and one-half stories.

(b) Buildings containing more than one unit are no larger than 6,000 square feet in total floor area and no higher than two and one-half stories.

(c) The total number of individual units shall not exceed 25, unless the proposed development complies with standards for clustered accommodations in subsection (d) below.

(d) Clustered overnight ~~travelers~~ recreation accommodations meeting the following standards may include up to 35 individual units:

1. Average total floor area of all units is 1,000 square feet or less per unit;

2. A minimum of 50 percent of the project site is dedicated to undeveloped, open areas (not including roads or parking areas);

3. The facility is in an area classified ~~for high intensity recreation~~ in the Management Plan as ~~(~~Recreation Intensity Class 4~~)~~.

(3) Commercial uses, including restaurants sized to accommodate overnight visitors and their guests, and non-resource-based recreation uses which are part of an existing or approved resource-based commercial recreation use consistent with the policies, guidelines and conditional use criteria for such uses contained in this section.

(4) New cultivation, subject to compliance with MCC 38.7045, ~~38.7055, 38.7060,~~ 38.7053, 38.7065 and 38.7070.

(5) Special uses in historic buildings, subject to MCC 38.7380.

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

(1) Public natural resource-based recreational facilities, consistent with 38.7085.

(2) Public non-profit group camps, retreats, conference or educational centers, and interpretive facilities.

(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.

(4) One single family residence on a parcel 40 contiguous acres or larger, when found to be necessary for the management of:

(a) An agricultural use pursuant to MCC 38.2225 (B) (3);

(b) A forest use pursuant to MCC 38.2025 (B) (6); or

(c) A public recreation site.

(5) Home occupations ~~and cottage industries~~ in an existing dwelling unit or accessory building, pursuant to MCC 38.7330.

(6) Exploration, development, and production of sand, gravel, or crushed rock for the construction, maintenance, or reconstruction of roads used to manage or harvest commercial forest products.

(7) Fish hatcheries and aquiculture facilities.

(8) Towers and fire stations for forest fire protection.

(9) Community facilities and non-profit facilities related to forest resource management or agricultural resource management.

(10) Expansion of existing non-profit group camps, retreat or conference center.

(11) Bed and Breakfast inns in single-family dwellings, pursuant to MCC 38.7335, and provided that the residence is included in, or eligible for inclusion in, the National Register of Historic Places. The use or development shall be compatible with agricultural use. Buffer zones should be considered to protect agricultural practices from conflicting uses.

(12) Agricultural product processing and packaging, upon demonstration that the processing will be limited to products produced primarily on or adjacent to the property. "Primarily" means a clear majority of the product as measured by volume, weight, or value.

(Ord. 1197, Amended 02/16/2013; Ord. 1074, Amended, 05/04/2006; Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2860 DIMENSIONAL REQUIREMENTS

(A) There is no minimum lot size for properties designated GG– PR, GG– CR, and GS– PR.

(B) That portion of a street which would accrue to an adjacent lot if the street were vacated shall be included in calculating the area of such lot.

(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.

(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.

(E) Structures such as barns, silos, windmills, antennae, chimneys, or similar structures may exceed the height requirement if located at least 30 feet from any property line.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2885 OFF-STREET PARKING AND LOADING

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

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2890 ACCESS

Any lot in this district shall abut a street or shall have other access determined by the approval authority to be safe and convenient for pedestrians and passenger and emergency vehicles.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2895 SIGNS

Signs, pursuant to the provisions of MCC 38.0080.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

RESIDENTIAL DISTRICTS - GGR and GSR

§ 38.3000- PURPOSES

The purposes of the Gorge General Residential and Gorge Special Residential districts are to ~~protect and enhance the character of existing residential areas, and to~~ ensure ~~new~~ that residential development outside urban areas does not adversely affect the scenic, cultural, natural and recreation resources of the Columbia River Gorge National Scenic Area and to ensure that residential development outside of urban areas protects agricultural and forest land for agricultural and forest uses.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.3005 AREA AFFECTED

MCC 38.3000 through 38.3095 shall apply to those areas designated GGR and GSR on the Multnomah County Zoning Map.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.3015 USES

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this district except for the uses listed in MCC 38.3020 through 38.3095.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.3020 ALLOWED USES

The uses listed in MCC 38.1005 are allowed on land designated GGR and GSR without review.

(Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002)

§ 38.3023 EXPEDITED USES

The uses listed in MCC 38.1010 may be allowed on land designated GGR and GSR, pursuant to MCC 38.7100.

(Ord. 1064, Add, 06/23/2005)

§ 38.3025 REVIEW USES

(A) The following uses may be allowed on lands designated GGR, pursuant to MCC 38.0530 (B) and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7085 have been satisfied:

(1) One single-family dwelling per legally created and existing parcel.

(a) If the subject parcel is located adjacent to lands designated GGA or GGF, the use shall comply with the buffer requirements of MCC 38.0060; and

(b) If the subject parcel is located is adjacent to lands designated GGF, the placement of a dwelling shall also comply with the fire protection standards of MCC 38.7305.

(2) Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in (3) below.

(3) Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel are subject to the following additional standards:

(a) The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

(b) The height of any individual accessory building shall not exceed 24 feet.

(4) A temporary dwelling for health hardship, pursuant to MCC 38.7320.

(5) Construction or reconstruction of roads.

(6) New cultivation, subject to compliance with MCC 38.7045, ~~38.7055, 38.7060,~~ 38.7053, 38.7065 and 38.7070.

(7) Land divisions, pursuant to the provisions of MCC 38.7725 (A).

(8) Placement of Structures necessary for continued public safety, or the protection of essential public services or protection of private or public existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements damaged during an emergency/disaster event. This includes replacement of temporary structures erected during such events with permanent structures performing an identical or related function. Land use proposals for such structures shall be submitted within 12 months following an emergency/disaster event. Applicants are responsible for all other applicable local, state and federal permitting requirements.

(9) Property line adjustments that would result in the potential to create additional parcels through subsequent land divisions, subject to 38.7970.

(10) Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation and~~/or~~ natural resources, subject to MCC 38.7345. These projects may include new structures (e.g., fish ladders, sediment barriers) ~~and/~~or activities (e.g., closing and revegetating unused roads, recontouring abandoned quarries).

(11) Agricultural structures~~, except buildings,~~ in conjunction with agricultural use, including new cultivation.

(12) Agricultural buildings in conjunction with current agricultural use and, if applicable, proposed agricultural use that a landowner would initiate within one year and complete within five years, subject to MCC 38.7340.

(13) Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building.

(14) Docks and boathouses, subject to MCC 38.7325.

(15) Removal/demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks.

(16) Consolidation of Parcels and Lots pursuant to MCC 38.7794 and Replatting of Partition and Subdivision Plats pursuant to MCC 38.7797.

(17) Solar, photovoltaic and wind turbine alternative energy production facilities accessory to uses permitted in the zoning district provided that the applicable renewable energy production provisions of 38.7390 are met, and:

(a) For all systems:

1. They are not a commercial power generating facility such as a utility;

2. The system meets all special district requirements;

3. The system is mounted to a ground mount, to the roof of the dwelling or accessory structure, or to a wind tower;

(b) The overall height of solar energy systems shall not exceed the peak of the roof of the building on which the system is mounted;

(c) For wind turbine systems:

1. They are set back to all property lines a distance equal to or greater than the combined height of the turbine tower and blade length. Height is measured from grade to the top of the wind generator blade when it is at its highest point. There is no height restriction for a wind turbine provided the wind turbine meets the NSA Site Review Criteria of MCC 38.7035 through 38.7080;

2. No lighting on wind turbine towers is allowed except as required by the Federal Aviation Administration or other federal or state agency and is consistent with the NSA Site Review approval criteria of MCC 38.7035 through 38.7080.

3. The land owner signs and records a covenant stating they are responsible for the removal of the system if it is abandoned. In the case of a sale or transfer of property, the new property owner shall be responsible for the use and/or removal of the system. Systems unused for one consecutive year are considered abandoned.

(18) A Type A home occupation in an existing dwelling unit, pursuant to MCC 38.7331.

(19) Overnight accommodations in single family dwellings in GGR-5 and GGR-10 zones only, pursuant to MCC 38.7337.

(B) The following uses may be allowed on lands designated GSR, pursuant to MCC 38.0530 (B) and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7085 have been satisfied:

(1) One single-family dwelling per legally created lot or consolidated parcel 40 acres in size or larger, subject to the standards of MCC 38.7305.

(2) Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in (3) below.

(3) Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel are subject to the following additional standards:

(a) The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

(b) The height of any individual accessory building shall not exceed 24 feet.

(4) Road and railroad construction and reconstruction.

(5) Forest practices, pursuant to the provisions of MCC 38.2025 (B).

(6) Placement of Structures necessary for continued public safety, or the protection of essential public services or protection of private or public existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements damaged during an emergency/disaster event. This includes replacement of temporary structures erected during such events with permanent structures performing an identical or related function. Land use proposals for such structures shall be submitted within 12 months following an emergency/disaster event. Applicants are responsible for all other applicable local, state and federal permitting requirements.

(7) Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation and~~/or~~ natural resources, subject to MCC 38.7345. These projects may include new structures (e.g., fish ladders, sediment barriers) ~~and/~~or activities (e.g., closing and revegetating unused roads, re-contouring abandoned quarries).

(8) On a parcel of 40 acres or greater with an existing dwelling, a temporary dwelling for health hardship, pursuant to MCC 38.7320.

(9) Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building.

(10) Removal/demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks.

(11) Docks and boathouses, subject to MCC 38.7325.

(12) New cultivation or new agricultural use outside of previously disturbed and regularly worked fields or areas. Clearing trees for new agricultural use is subject to MCC 38.7365.

(13) Consolidation of Parcels and Lots pursuant to MCC 38.7794 and Replatting of Partition and Subdivision Plats pursuant to MCC 38.7797.

(14) Solar, photovoltaic and wind turbine alternative energy production facilities accessory to uses permitted in the zoning district provided that the applicable renewable energy production provisions of 38.7390 are met, and:

(a) For all systems:

1. They are not a commercial power generating facility such as a utility;

2. The system meets all special district requirements;

3. The system is mounted to a ground mount, to the roof of the dwelling or accessory structure, or to a wind tower;

(b) The overall height of solar energy systems shall not exceed the peak of the roof of the building on which the system is mounted

(c) For wind turbine systems:

1. They are set back to all property lines a distance equal or greater than the combined height of the turbine tower and blade length. Height is measured from grade to the top of the wind generator blade when it is at its highest point. There is no height restriction for a wind turbine provided the wind turbine meets the NSA Site Review Criteria of MCC 38.7040 et. al.;

2. No lighting on wind turbine towers is allowed except as required by the Federal Aviation Administration or other federal or state agency and is consistent with the NSA Site Review approval criteria of MCC 38.7040 et al.

3. The land owner signs and records a covenant stating they are responsible for the removal of the system if it is abandoned. In the case of a sale or transfer of property, the new property owner shall be responsible for the use and/or removal of the system. Systems unused for one consecutive year are considered abandoned.

(15) A Type A home occupation in an existing dwelling unit, pursuant to MCC 38.7331.

(Ord. 1270, Amended, 03/14/2019; Ord. 1197, Amended 02/16/2013, Ord. 1192, Amended, 05/17/2012; Ord. 1186, Amended, 10/13/2011; Ord. 1176, Amended, 03/03/2011; Ord. 1125, Amended, 12/11/2008; Ord. 1097, Amended, 07/26/2007; Ord. 1064, Amended, 06/23/2005; Ord. 1007, Amended, 02/06/2003; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 994, Amended, 09/26/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.3030 CONDITIONAL USES

(A) The following conditional uses may be allowed on lands designated GGR, pursuant to the provisions of MCC 38.0045 and MCC 38.7300 (C):

(1) An accredited child care center on land designated GGR– 2.

(2) A child care center on land designated GGR– 5 or GGR– 10 within an existing church or community building.

(3) A school within an existing church or community building.

(4) Expansion of existing primary or middle schools on land purchased prior to June 8, 1999. For purposes of this section, existing schools means public schools that existed prior to adoption of the original Management Plan on October 15, 1991.

(5) Utility facilities, and railroads.

(6) Fire stations.

(7) Recreation development, subject to the Recreation Intensity Classes of MCC 38.7080.

(8) Community parks and playgrounds, ~~, consistent with the standards of the National Park and Recreation Society regarding the need for such facilities~~.

~~(9) On parcels 10 acres or larger designated GGR– 5, or 20 acres or larger designated GGR– 10, a land division creating new parcels smaller than the designated minimum parcel size, subject to the provisions of MCC 38.7360.~~

(9)~~(10)~~ Home occupations ~~and cottage industries~~ in an existing dwelling unit or accessory building pursuant to MCC 38.7330.

(10)~~(11)~~ Bed and breakfast inns in single family dwellings on lands designated GGR– 5 or GGR– 10, pursuant to 38.7335.

(11)~~(12)~~ Wineries and cideries, in conjunction with an on-site ~~viticulture~~ vineyard or orchard, upon a showing that processing of wine or cider is from ~~grapes grown~~ fruits harvested on the subject farm ~~or in~~ and the local region.

(12)~~(13)~~ Wine or cider sales and~~/~~tasting rooms in conjunction with an on-site winery or cidery, under the following conditions:

(a) The use shall comply with MCC 38.7330, with the following exceptions:

1. The use may employ an unlimited number of outside employees.

2. The wine or cider sales and~~/~~tasting room may include interior and~~/or~~ exterior space, provided the combined interior and exterior spaces shall not exceed 1,000 square feet.

3. The interior space may be located in an existing building or in a new building or addition to an existing building constructed for the primary purpose of housing the wine or cider sales and~~/~~tasting room.

4. The exterior space may be a veranda, patio, or other similar type of structure.

(13)~~(14)~~ Special uses in historic buildings, subject to MCC 38.7380.

(14)~~(15)~~ Boarding of horses or non-profit horse rescue facility on lands designated GGR-10, subject to MCC 38.7385.

(15)~~(16)~~ Small-Scale Fishing Support and Fish Processing Operations pursuant to MCC 38.7332.

(B) The following conditional uses may be allowed on lands designated GSR, pursuant to the provisions of MCC 38.0045 and 38.7300 (C):

(1) New utility facilities.

(2) Fire stations.

(3) Community parks and playgrounds.

(4) Home occupations ~~and cottage industries~~ in an existing dwelling unit or accessory building pursuant to MCC 38.7330.

(5) Bed and breakfast inns in structures that are included in, or eligible for inclusion in, the National Register of Historic Places, pursuant to 38.7335.

(Ord. 1197, Amended 02/16/2013; Ord. 1179, Amended, 04/21/2011; Ord. 1125, Amended, 12/11/2008; Ord. 1074, Amended, 05/04/2006; Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.3060 DIMENSIONAL REQUIREMENTS

(A) Except as provided in MCC 38.3030 (A) (8), the minimum lot size shall be according to the short-title zone district designation on the Zoning Map, as follows:

GGR-2	2 acres
GGR-5	5 acres
GGR-10	10 acres
GSR	The size of all contiguous, individually owned parcels, as of November 17, 1986

(B) That portion of a street which would accrue to an adjacent lot if the street were vacated shall be included in calculating the area of such lot.

(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.

(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.

(E) Structures such as barns, silos, windmills, antennae, chimneys, or similar structures may exceed the height requirement if located at least 30 feet from any property line.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.3085 OFF-STREET PARKING AND LOADING

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

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.3090 ACCESS

Any lot in this district shall abut a street or shall have other access determined by the approval authority to be safe and convenient for pedestrians and passenger and emergency vehicles.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.3095 SIGNS

Signs, pursuant to the provisions of MCC 38.0080.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

COMMERCIAL - GGC

§ 38.3200- PURPOSES

The purposes of the Gorge General Commercial district are to protect and support the economy of the Columbia River Gorge National Scenic Area by encouraging commercial activities in areas where the topography and proximity to transportation, commercial and industrial facilities and other amenities make them suited for commercial uses.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.3205 AREA AFFECTED

MCC 38.3200 through 38.3295 shall apply to those areas designated GGC on the Multnomah County Zoning Map.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.3215 USES

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this district except for the uses listed in MCC 38.3220 through 38.3295.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.3220 ALLOWED USES

The uses listed in MCC 38.1005 are allowed on all lands designated GGC without review:

(Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.3223 EXPEDITED USES

The uses listed in MCC 38.1010 may be allowed on land designated GGC, pursuant to MCC 38.7100.

(Ord. 1064, Add, 06/23/2005)

§ 38.3225 REVIEW USES

The following review uses may be allowed on lands designated GGC, pursuant to the provisions of MCC 38.0045 and MCC 38.7300:

(A) One single-family dwelling on a legally created and existing parcel, pursuant to MCC 38.0530 (B) and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7085 have been satisfied.

(B) Placement of Structures necessary for continued public safety, or the protection of essential public services or protection of private or public existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements damaged during an emergency/disaster

event. This includes replacement of temporary structures erected during such events with permanent structures performing an identical or related function. Land use proposals for such structures shall be submitted within 12 months following an emergency/disaster event. Applicants are responsible for all other applicable local, state and federal permitting requirements.

(C) Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed as accessory buildings larger than 200 square feet in area or 10 feet in height.

(D) Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel, subject to the following standards:

(1) The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

(2) The height of any individual accessory building shall not exceed 24 feet

(E) Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation ~~and/~~or natural resources, subject to MCC 38.7345. These projects may include new structures (e.g., fish ladders, sediment barriers) ~~and/~~or activities (e.g., closing and revegetating unused roads, re-contouring abandoned quarries).

(F) Property line adjustments that would result in the potential to create additional parcels through subsequent land divisions, subject to MCC 38.7970.

(G) Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building.

(H) Docks and boathouses, subject to MCC 38.7325.

(I) Removal/demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks.

(J) Consolidation of Parcels and Lots pursuant to MCC 38.7794 and Replatting of Partition and Subdivision Plats pursuant to MCC 38.7797.

(K) Solar, photovoltaic and wind turbine alternative energy production facilities accessory to uses permitted in the zoning district provided that the applicable renewable energy production provisions of 38.7390 are met, and:

(1) For all systems:

(a) They are not a commercial power generating facility such as a utility;

(b) The system meets all special district requirements;

(c) The system is mounted to a ground mount, to the roof of the dwelling or accessory structure, or to a wind tower;

(2) The overall height of solar energy systems shall not exceed the peak of the roof of the building on which the system is mounted;

(3) For wind turbine systems:

(a) They are set back to all property lines a distance equal to or greater than the combined height of the turbine tower and blade length. Height is measured from grade to the top of the wind generator blade when it is at its highest point. There is no height restriction for a wind turbine provided the wind turbine meets the NSA Site Review Criteria of MCC 38.7035 through 38.7080;

(b) No lighting on wind turbine towers is allowed except as required by the Federal Aviation Administration or other federal or state agency and is consistent with the NSA Site Review approval criteria of MCC 38.7035 through 38.7080.

(c) The land owner signs and records a covenant stating they are responsible for the removal of the system if it is abandoned. In the case of a sale or transfer of property, the new property owner shall be responsible for the use and/or removal of the system. Systems unused for one consecutive year are considered abandoned.

(L) A Type A home occupation in an existing dwelling unit pursuant to MCC 38.7331.

(M) Overnight Accommodations in single family dwellings pursuant to MCC 38.7337.

(Ord. 1197, Amended 02/16/2013, Ord. 1192, Amended, 05/17/2012; Ord. 1176, Amended, 03/03/2011; Ord. 1097, Amended, 07/26/2007; Ord. 1064, Amended, 06/23/2005; Ord. 1007, Amended, 02/06/2003; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 994, Amended, 09/26/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.3230 CONDITIONAL USES

The following conditional uses may be allowed on lands designated GGC, pursuant to the provisions of MCC 38.0045 and MCC 38.7300:

(A) ~~Travelers accommodations, bed~~ Bed and breakfast inns, subject to MCC 38.7335.

(B) Restaurants

(C) Gift shops

(D) Utility facilities, roads, and railroads.

(E) Home occupations ~~or cottage industries~~ in an existing dwelling unit or accessory building, pursuant to MCC 38.7330.

(F) Special uses in historic buildings, subject to MCC 38.7380.

(Ord. 1197, Amended 02/16/2013; Ord. 1074, Amended, 05/04/2006; Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.3260 DIMENSIONAL REQUIREMENTS

(A) There is no minimum lot size for properties designated GGC.

(B) That portion of a street which would accrue to an adjacent lot if the street were vacated shall be included in calculating the area of such lot.

(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.

(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.

(E) Structures such as barns, silos, windmills, antennae, chimneys, or similar structures may exceed the height requirement if located at least 30 feet from any property line.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.3285 OFF-STREET PARKING AND LOADING

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

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.3290 ACCESS

Any lot in this district shall abut a street or shall have other access determined by the approval authority to be safe and convenient for pedestrians and passenger and emergency vehicles.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.3295 SIGNS

Signs, pursuant to the provisions of MCC 38.0080.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

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PART 5 - SPECIAL DISTRICTS - OFF-STREET PARKING; PLANNED DEVELOPMENT; HILLSIDE DEVELOPMENT

OFF-STREET 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, occupants, and employees without charge or other consideration.

(B) No parking of trucks, equipment, materials, structures or signs or the conducting of any business activity shall be permitted on any required parking space.

(C) A required loading space shall be available for the loading and unloading of vehicles concerned with the transportation of goods or services for the use associated with the loading space.

(D) Except for residential and local commercial districts, loading areas shall not be used for any purpose other than loading or unloading.

(E) In any district, it shall be unlawful to store or accumulate equipment, material or goods in a loading space in a manner which would render such loading space temporarily or permanently incapable of immediate use for loading operations.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.4130 LOCATION OF PARKING AND LOADING SPACES

(A) Parking spaces required by this Section shall be provided on the lot of the use served by such spaces.

(B) Exception – The Planning Director may authorize the location of required parking spaces other than on the site of the primary use, upon a written finding by the Director that:

(1) Parking use of the alternate site is permitted by this Ordinance;

(2) The alternate site is within 350 feet of the use;

(3) There is a safe and convenient route for pedestrians between the parking area and the use;

(4) Location of required parking other than on the site of the use will facilitate satisfaction of one or more purposes or standards or requirements of this Chapter; and,

(5) There is assurance in the form of a deed, lease, contract or other similar document that the required spaces will continue to be available for off-street parking use according to the required standards.

(C) Loading spaces and vehicle maneuvering area shall be located only on or abutting the property served.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.4135 IMPROVEMENTS REQUIRED

(A) Required parking and loading areas shall be improved and placed in condition for use before the grant of a Certificate of Occupancy or a Performance Bond in favor of Multnomah County equivalent to the cost of completing such improvements shall be filed with the Planning Director.

(B) Any such bond shall include the condition that if the improvement has not been completed within one year after issuance of the Certificate of Occupancy, the bond shall be forfeited.

Any bond filed hereunder shall be subject to the approval of the Planning Director and the County Attorney.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 994, Amended, 09/26/2002)

§ 38.4140 CHANGE OF USE

(A) Any alteration of the use of any land or structure under which an increase in the number of parking or loading spaces is required by this Section shall be unlawful unless the additional spaces are provided.

(B) In case of enlargement or change of use, the number of parking or loading spaces required shall be based on the total area involved in the enlargement or change in use.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.4145 JOINT PARKING OR LOADING FACILITIES

(A) In the event different uses occupy the same lot or structure, the total off-street parking and loading requirements shall be the sum of the requirements for each individual use.

(B) Owners of two or more adjoining uses, structures, or parcels of land may utilize jointly the same parking or loading area, when approved by the Planning Director, upon a finding by the Director that the hours of operation do not overlap and provided satisfactory legal evidence is presented to the Director in the form of a deed, lease, contract or similar document, securing full access to such parking or loading areas for all the parties jointly using them.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.4150 EXISTING SPACES

Off-street parking or loading spaces existing prior to February 6, 1993 may be included in calculating the number of spaces necessary to meet these requirements in the event of subsequent enlargement of the structure or change of use to which such spaces are accessory. Such spaces shall meet the design and improvement standards of this Section.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.4155 INTERPRETATION

Off-street parking or loading requirements for structures or uses not specifically listed in MCC 38.4205 shall be determined by written decision of the Planning Director. The Director shall base such requirements on the standards for parking or loading of similar uses.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 994, Amended, 09/26/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.4160 STANDARDS OF MEASUREMENT

(A) *Square feet* means square feet of floor or land area devoted to the functioning of the particular use and excluding space devoted to off-street parking and loading.

(B) When a unit or measurement determining the number of required off-street parking or off-street loading spaces results in a requirement of a fractional space, any fraction up to and including one-half shall be disregarded, and any fraction over one-half shall require one off-street parking or off-street loading space.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.4165 DESIGN STANDARDS: SCOPE

(A) The design standards of this section shall apply to all parking, loading, and maneuvering areas except those serving a single or two-family residential dwelling or mobile home on an individual lot.

(B) All parking and loading areas shall provide for the turning, maneuvering and parking of all vehicles on the lot. After February 6, 1993 it shall be unlawful to locate or construct any parking or loading space so that use of the space requires a vehicle to back into the right-of-way of a public street.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.4170 ACCESS

(A) Where a parking or loading area does not abut directly on a public street or private street approved under MCC 38.7700 et seq., the Land Division Chapter, there shall be provided an unobstructed driveway not less than 20 feet in width for two-way traffic, leading to a public street or approved private street. Traffic directions therefore shall be plainly marked.

(B) The Approval Authority may permit and authorize a deviation from the dimensional standard in paragraph (A) of this section upon finding that all the following standards in subparagraphs (1) through (4) are met:

(1) The authorized provider of structural fire protection services verifies that the proposed deviation complies with such provider's fire apparatus access standards, or, if there is no such service provider, the building official verifies that the proposed deviation complies with the Oregon Fire Code;

(2) The County Engineer verifies that the proposed deviation complies with the County Road Rules and the County Design and Construction Manual Standards;

(3) Application of the dimensional standard would present a practical difficulty, subject the property owner to unnecessary hardship, or adversely affect one or more scenic, natural, cultural or recreational resources of the National Scenic Area; and

(4) Authorization of the proposed deviation would not:

(a) be materially detrimental to the public welfare. Material detriment to the public welfare includes, but is not limited to, authorization of a deviation that would adversely affect one or more scenic, natural, cultural or recreational resources of the National Scenic Area;

(b) be injurious to property in the vicinity or the zoning district in which the property is located; or

(c) adversely affect the appropriate development of adjoining properties.

(C) Parking or loading space in a public street shall not be counted in fulfilling the parking and loading requirements of this section. Required spaces may be located in a private street when authorized in the approval of such private street.

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(Ord 1210, Amended, 9/4/2014; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.4175 DIMENSIONAL STANDARDS

(A) Parking spaces shall meet the following requirements:

(1) At least 70% of the required off-street parking spaces shall have a minimum width of nine feet, a minimum length of 18 feet, and a minimum vertical clearance of six feet, six inches.

(2) Up to 30% of the required off-street parking spaces may have a minimum width of eight-and-one-half feet, a minimum length of 16 feet, and a vertical clearance of six feet if such spaces are clearly marked for compact car use.

(3) For parallel parking, the length of the parking space shall be 23 feet.

(4) Space dimensions shall be exclusive of access drives, aisles, ramps or columns.

(B) Aisle width shall be not less than:

(1) 25 feet for 90 degree parking,

(2) 20 feet for less than 90 degree parking, and

(3) 12 feet for parallel parking.

(4) Angle measurements shall be between the center line of the parking space and the center line of the aisle.

(C) Loading spaces shall meet the following requirements:

(1)

District	Minimum Width	Minimum Depth
All	12 Feet	25 Feet

(2) Minimum vertical clearance shall be 13 feet.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.4180 IMPROVEMENTS

(A) Surfacing

(1) Unless as otherwise provided in either this section or MCC 38.7380 for Special Uses in Historic Buildings; all areas used for parking, loading or maneuvering of vehicles, including the driveway, shall be surfaced with at least gravel or two inches of blacktop on a four inch crushed rock base or at least six inches of Portland cement, unless a design providing additional load capacity is required by the fire service provider, building official or County Engineer, as applicable.

(2) The Approval Authority may permit and authorize a deviation from the surfacing standard in paragraph (A)(1) of this section and thereby authorize alternate surfacing systems that provide a durable and dustless surface, including gravel. A deviation under this paragraph may be permitted and authorized only upon finding that each parking area supporting the existing and proposed development meets the following standards in subparagraphs (a) and (b) and, for parking areas of four or more required spaces, also meets the following standards in subparagraphs (c) and (d):

(a) The authorized provider of structural fire protection services verifies that the proposed deviation complies with such provider's fire apparatus access standards, or, if there is no such service provider, the building official verifies that the proposed deviation complies with the Oregon Fire Code;

(b) The County Engineer verifies that the proposed deviation complies with the County Road Rules and the County Design and Construction Manual Standards. Alternative surfacing can be considered for all areas used for parking, loading and maneuvering, including the driveway; however, approaches to paved public rights-of-way shall be paved for a minimum distance of 21 feet from the fog line, or for a greater distance when required by the County Engineer;

(c) Authorization of the proposed deviation would not:

1. be materially detrimental to the public welfare. Material detriment to public welfare includes, but is not limited to, authorizing a proposed deviation that would adversely affect one or more scenic, natural, cultural or recreational resources of the National Scenic Area;

2. be injurious to property in the vicinity or the zoning district in which the property is located; or

3. adversely affect the appropriate development of adjoining properties; and

(d) Any impacts resulting from the proposed surfacing are mitigated to the extent practical. Mitigation may include but is not limited to such considerations as provision for pervious drainage capability, drainage runoff control and dust control. A dust control plan is required when a dwelling, excluding any dwelling served by the driveway, is located within 200-feet of any portion of the driveway for which gravel or other similar surfacing materials is proposed. Common dust control measures include, but are not limited to, reduced travel speeds, gravel maintenance planning, establishment of windbreaks and use of binder agents.

(B) Curbs and Bumper Rails

(1) All areas used for parking, loading, and maneuvering of vehicles shall be physically separated from public streets or adjoining property by required landscaped strips or yards or in those cases where no landscaped area is required, by curbs, bumper rails or other permanent barrier against unchanneled motor vehicle access or egress.

(2) The outer boundary of a parking or loading area shall be provided with a bumper rail or curbing at least four inches in height and at least three feet from the lot line or any required fence.

(C) Marking – All areas for the parking and maneuvering of vehicles shall be marked in accordance with the approved plan required under MCC 38.4120, and such marking shall be continually maintained.

(D) Drainage – All areas for the parking and maneuvering of vehicles shall be graded and drained to provide for the disposal of all surface water on the lot.

(Ord. 1210, Amended, 9/4/2014; Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.4185 LIGHTING

Any artificial lighting which may be provided shall be shielded or deflected so as to not shine into adjoining dwellings or other types of living units, and so as not to create a hazard to the traveling public on any street.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.4190 SIGNS

Signs, pursuant to the provisions of MCC 38.0080.

(Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.4195 DESIGN STANDARDS: SETBACKS

(A) Any required yard which abuts upon a street lot line shall not be used for a parking or loading space, vehicle maneuvering area or access drive other than a drive connecting directly to a street.

(B) A required yard which abuts a street lot line shall not be paved, except for walkways which do not exceed 12 feet in total width and not more than two driveways which do not exceed the width of their curb cuts for each 150 feet of street frontage of the lot.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.4205 MINIMUM REQUIRED OFF-STREET PARKING SPACES

(A) Residential Uses

(1) Single Family Dwelling – Two spaces for each dwelling unit.

(2) Two Family Dwelling – Two spaces for each dwelling unit.

(B) Public and Semi-Public Buildings and Uses

(1) Auditorium or Meeting Room (except schools) – One space for each 60 square feet of floor area in the auditorium or, where seating is fixed to the floor, one space for each four seats or eight feet of bench length.

(2) Church – One space for each 80 square feet of floor area in the main auditorium or, where seating is fixed to the floor, one space for each four seats or eight feet of bench length.

(3) Church Accessory Use – In addition to spaces required for the church, one space for each ten persons residing in such building.

(4) Club or Association – These shall be treated as combinations of uses such as overnight accommodation, restaurant, auditorium etc., and the required spaces for each separate use shall be provided.

(5) Library – One space for each 100 square feet of reading room.

(6) Senior High School and Equivalent Private and Parochial School – One space for each 56 square feet of floor area in the auditorium or, where seating is fixed to the floor, one space for each eight seats or 16 feet of bench length, or one space for each ten seats in classrooms, whichever is greater.

(7) Primary, Elementary, or Junior High and Equivalent Private or Parochial School – One space for 84 square feet of floor area in the auditorium, or one space for each 12 seats or 24 feet of bench length, whichever is greater.

(8) Kindergarten, Day Nursery, or Equivalent Private or Parochial School – One driveway, designed for continuous flow of passenger vehicles for the purpose of loading and unloading children plus one parking space for each two employees.

(9) Campground – One space for each campsite.

(C) Retail, Office and Commercial Uses

(1) Store, and Personal Service Shop – One space for each 400 square feet of gross floor area.

(2) Service and Repair Shop – One space for each 600 square feet of gross floor area.

(3) Bank or Office, including Medical and Dental – One space for each 300 square feet of gross floor area.

(4) Restaurant, Coffee Shop, Tavern or Bar – One space for each 100 square feet of gross floor area.

(5) Mortuary – One space for each four chapel seats or eight feet of bench length.

(6) Overnight Accommodations – One space per guest room or suite plus extra spaces for dining rooms, ballrooms or meeting rooms as required by this section where the capacity of such areas exceeds the capacity of the guest rooms or suites.

(7) Commercial Events – One space for every three guests allowed within the maximum event size plus one space for each two employees

(8) Conference or Retreat Facilities – These shall be treated as combinations of uses such as overnight accommodations, restaurant, auditorium, etc., and the required spaces for each separate use shall be provided.

(D)Recreation Uses

(1) Gymnasium (except Schools) – One space for each 100 square feet of floor area.

(2) Moorage (Boat) – One space for each two boat berths.

(3) Stadium – One space for each eight seats or 16 feet of bench length.

(4) Swimming Pool – One space for each 100 square feet of water surface.

(5) Tennis Court or Racquet Club – One space for each court.

(E) Storage

(1) Storage – One space for each 5,000 square feet of storage area for the first 20,000 square feet, plus one additional space for each additional 50,000 square feet.

(F) Unspecified Uses

Any use not specifically listed above shall have the requirements of the listed use or uses deemed most nearly equivalent by the Planning Director.

(G) Alternative Parking Standards

Alternatively, where a mixture of uses is proposed or where the applicant asserts that a different amount or type of parking is appropriate as the required parking, the applicant may submit a parking and loading study. Such a study will include estimates of parking and off-street loading demand based on recommendations of the Institute of Traffic Engineers (ITE), or other acceptable estimates, and should include other reliable data collected from uses or combinations of uses that are the same as or comparable with the proposed use. The study will document the source of data used to develop the recommendations for identification of the use's required parking.

(Ord. 1187, Amended, 11/17/2011; Ord. 1074, Amended, 05/04/2006; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.4215 EXCEPTIONS FROM REQUIRED OFF-STREET PARKING OR LOADING SPACES

(A) As part of Site Review the Planning Director may grant an exception with or without conditions for up to 30% of the required number of off- street parking or loading spaces, upon a finding by the Director that there is substantial evidence that the number of spaces required is inappropriate or unneeded for the particular use, based upon:

(1) A history of parking or loading use for comparable developments;

(2) The age, physical condition, motor vehicle ownership or use characteristics or other circumstances of residents, users or visitors of the use; or

(3) The availability of alternative transportation facilities; and

(4) That there will be no resultant on-street parking or loading or interruptions or hazards to the movement of traffic, pedestrians or transit vehicles.

(B) The Director shall file with the application for the building or other required permit, findings in support of any exception, including any conditions of approval.

(C) An exception in excess of 15% of the required number of spaces shall include a condition that a plan shall be filed with the application, showing how the required number of spaces can be provided on the lot in the future.

(1) The Director may order the revocation, in whole or in part, of any exception under this section, upon a finding of on-street parking or loading use or of interruptions in or hazards to the movement of traffic, pedestrians or transit vehicles caused by the absence of off-street parking or loading spaces.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

PLANNED DEVELOPMENT

§ 38.4300- PURPOSES

The purposes of the Planned Development provisions are to provide a means of creating planned environments through the application of flexible and diversified land development standards; to encourage the application of new techniques and new technology to community development which will result in superior living or development arrangements; to use land efficiently and thereby reduce the costs of housing, maintenance, street systems and utility networks; to promote energy conservation and crime prevention; to relate developments to the natural environment and to inhabitants, employers, employees, customers, and other users in harmonious ways.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.4305 AREAS AFFECTED

The Planned Development provisions may only be applied in the GGRC district.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.4310 CONDITIONS

(A) Within one year after the final County decision, the owner shall prepare and file with the Planning Director a Final Development Plan and Program, unless the action on the Preliminary Development Plan and Program shall have specified a different period.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.4315 DEVELOPMENT PLAN AND PROGRAM CONTENTS

(A) The preliminary Development Plan and Program shall consist of plans, maps or diagrams drawn in sufficient detail to indicate the nature of the plan elements and a written narrative descriptive of the program elements.

(1) Plan Elements.

(a) Proposed land uses and residential densities.

(b) Means of access, circulation and parking.

(c) Building types and locations.

(d) Parks, playgrounds, paths and open spaces.

(e) A land division plan if the land is to be divided.

(2) Program Elements.

(a) A narrative statement of the goals and objectives of the planned development.

(b) Tables showing overall density of any proposed residential development and showing density by dwelling types and intensity of any supporting commercial uses.

(c) A narrative statement indicating how the proposed planned development complies with the applicable Management Plan Policies.

(d) A general timetable of development.

(e) The proposed ownership pattern.

(f) An operation and maintenance proposal.

(Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.4320 CRITERIA FOR APPROVAL

(A) Action on the Preliminary Development Plan and Program shall be based on findings that the following are satisfied:

(1) The applicable provisions of MCC 38.7700 et seq., the Land Division Sub-Chapter;

(2) That any exceptions from the standards or requirements of the underlying district are warranted by the design and amenities incorporated in the Development Plan and Program, as related to the purposes stated in MCC 38.4300;

(3) That the system of ownership and the means of developing, preserving and maintaining open space is suitable to the purposes of the proposal;

(4) The provisions of MCC 38.4340;

(5) That the proposed development can be substantially completed within four years of the approval or according to the development stages proposed under MCC 38.4355;

(6) The Development Standards of MCC 38.4335, 38.4345 and 38.4350;

(7) The purposes stated in MCC 38.4300; and

(8) That modifications or conditions of approval are necessary to satisfy the purposes stated in MCC 38.4300.

(B) Approval by the Planning Director of the Final Development Plan and Program shall be based on the final Plan and Program being consistent with the approved Preliminary Development Plan and Program and the modifications or conditions attached thereto by the Approval Authority.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.4330 DEVELOPMENT STANDARDS

The Development Standards stated in MCC 38.4335 through 38.4350 shall apply to an approved Planned Development. In the case of a conflict between a standard of the underlying district and that of the Planned Development, the standard of the Planned Development shall apply.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.4335 MINIMUM SITE SIZE

A Planned Development shall be established only on a parcel of land found by the Approval Authority to be suitable for the proposed development and of sufficient size to be planned and developed in a manner consistent with the purposes stated in MCC 38.4300.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.4340 RELATIONSHIP OF THE PLANNED DEVELOPMENT TO ENVIRONMENT

(A) The Development Plan and Program shall indicate how the proposal will be compatible with the natural environment.

(B) The elements of the Development Plan and Program shall promote the conservation of energy, and may include such factors as the location and extent of site improvements, the orientation of buildings and usable open spaces with regard to solar exposure and climatic conditions, the types of buildings and the selection of building materials in regard to the efficient use of energy and the degree of site modification required in the proposal.

(C) The Development Plan and Program shall be designed to provide freedom from hazards and to offer appropriate opportunities for residential privacy and for transition from public to private spaces.

(D) The location and number of points of access to the site, the interior circulation patterns, the separations between pedestrians and moving and parked vehicles, and the arrangement of parking areas in relation to buildings, structures and uses shall be designed to maximize safety and convenience and be compatible with neighboring road systems, buildings, structures and uses.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.4345 OPEN SPACE

Open space in a Planned Development means the land area used for scenic, landscaping or open recreational purposes within the development.

(A) Open space shall not include street rights-of-way, driveways or open parking areas.

(B) Locations, shapes and sizes of open space shall be consistent with the proposed uses and purposes of the Planned Development.

(C) Open spaces shall be suitably improved for intended use. Open spaces containing natural features worthy of preservation may be left unimproved or may be improved to assure protection of the features.

(D) The development schedule shall provide for coordination of the improvement of open spaces with the construction of other site improvements proposed in the Development Plan and Program.

(E) Assurance of the permanence of open spaces may be required in the form of deeds, covenants or the dedication of development rights to Multnomah County or other approved entity.

(F) The Approval Authority may require that instruments of conveyance provide that in the event an open space is permitted to deteriorate or is not maintained in a condition consistent with the approved plan and program, the County may at its option cause such maintenance to be done and assess the costs to the affected property owners. Any instruments guaranteeing the maintenance of open spaces shall be reviewed as to form by the County Attorney.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.4350 DENSITY COMPUTATION FOR RESIDENTIAL DEVELOPMENTS

In order to preserve the integrity of the Management Plan and relate a residential Planned Development to it, the number of dwelling units permitted shall be determined by dividing the total site area by the minimum lot area per dwelling unit required by the underlying district or districts in which the Planned Development is located.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.4355 STAGING

(A) The applicant may elect to develop the site in successive stages in a manner indicated in the Development Plan and Program. Each such stage shall satisfy the requirements of this Chapter.

(B) In acting to approve the Preliminary Development Plan and Program, the Approval Authority may require that development be completed in specific stages if public facilities are not otherwise adequate to service the entire development.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.4360 PERMITTED USES

In the GGRC district, the following uses may be permitted in a Planned Development:

(A) Housing types may include only duplexes and single family detached or attached dwellings.

(B) A related commercial use which is designated to serve the development of which it is a part, upon approval by the Approval Authority.

(C) A use or structure customarily accessory or incidental to a permitted or approved use.

(Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

GEOLOGIC HAZARDS

§ 38.5500- PURPOSES

The purpose of this subdistrict is to regulate ground disturbing activity within the Geologic Hazards Overlay in order to promote public health, safety and general welfare and to minimize the following risks potentially arising from ground disturbing activity or the establishment or replacement of impervious surfaces: public and private costs; expenses and losses; environmental harm; and human-caused erosion, sedimentation or landslides.

(Ord. 1271, Amended, 3/14/2019; Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 994, Amended, 09/26/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.5503 DEFINITIONS

As used in this Subsection, unless the context requires otherwise, the following terms and their derivations shall have the meanings provided below:

Best Management Practices – Methods that have been determined to be the most effective, practical means of preventing or reducing erosion, sedimentation or landslides including but not limited to: use of straw bales, slash windrows, filter fabric fences, sandbags, straw cover and jute netting.

Certified Engineering Geologist – Any person who has obtained certification by the State of Oregon as an engineering geologist.

Cut – When used in the context of ground disturbing activity:

(1) An excavation;

(2) The difference between a point on the original ground surface and the point of lowest elevation on the final grade;

(3) The material removed in excavation work.

Development – An act requiring a permit stipulated by Multnomah County Ordinances as a prerequisite to the use or improvement of any land, including but not limited to, a building, land use, occupancy, sewer connection, or other similar permit, and any associated ground disturbing activity or removal of vegetation. As the context allows or requires, the term “development” may be synonymous with the term “use” and the terms “use or development” and “use and development.”

Development Area – The total area of alteration of the naturally occurring ground surface resulting from construction activities whether permanent or temporary.

Disturbed Area – When used in reference to ground disturbing activity, the area where ground disturbing activity is occurring or has, will or is proposed to occur.

Drainage Area – The subject property together with the watershed (acreage) contributing water runoff to and receiving water runoff from the subject property.

Drainageway – Any natural or artificial stream, swale, creek, river, ditch, channel, canal or other open water body.

Erosion – The wearing away of the ground surface or other earth layer, whether dry, submerged or submersible, due to the movement of wind, water, ice, gravity, or other element.

Excavation – The motorized removal of earth material or other motorized activity resulting in the exposure of the ground surface or other earth layer to wind, water, ice, gravity, or other element, including, but not limited to, cutting, digging, grading, stripping, trenching, dredging, bulldozing, benching, terracing, mining or quarrying, and vegetation or tree removal. Hydrologic scour attributed to development is also a form of excavation. Work conducted by hand without the use of motorized equipment is not excavating.

Farming Practice – As defined in ORS 30.930.

Fill – The deposit (noun or verb) of any earth materials by motorized means for any purpose, including, but not limited to, stockpiling, storage, dumping, raising elevation or topography, and tracking material, such as mud onto a road surface with vehicle tires. Work conducted by hand without the use of motorized equipment is not filling.

Geological Hazards Overlay Map – A series of maps adopted by the Multnomah County Board of Commissioners.

Geotechnical Engineer - A Civil Engineer, licensed to practice in the State of Oregon, who by training, education and experience is competent in the practice of geotechnical or soils engineering practices.

Geotechnical Report – Any information required in addition to GHP Form 1 which clarifies the geotechnical conditions of a proposed development site. Examples of this would be reports on test hole borings, laboratory tests or analysis of materials, or hydrologic studies.

Gravel – Aggregate composed of hard and durable stones or pebbles, crushed or uncrushed, more than half of which is retained on a No. 4 sieve (2 mm).

Ground Disturbing Activity – Any excavating or filling or combination thereof.

GHP Form– 1 – The form required for specified developments subject to the Geologic Hazards Overlay. It contains a geotechnical reconnaissance and stability questionnaire which must be filled out and certified by a Certified Engineering Geologist or Geotechnical Engineer.

Hydrologic Scour - Evidence of concentrated flows of water over bare soils or evidence of on-site erosion such as rivulets on bare soil slopes, where the flow of water is not filtered or captured on site.

Landslide – Any downward slope movement of earth material, including, but not limited to, soil, creep, debris flow, mudflow, earth flow, mudslide, rock slide, rotational slide, slide, slump, block failure, rock fall, fall, topple, and spread.

Mulch – Organic materials, such as straw, bark, jute, coconut fibers, or nut shells spread over the surface of the ground, especially freshly graded or exposed soils, to prevent physical damage from

erosive agents such as stormwater, precipitation or wind, and which shield soil surfaces until vegetative cover or other stabilization measures can take effect.

Ordinary High Watermark – Features found by examining the bed and banks of a stream and ascertaining where the presence and action of waters are so common and usual, and so long maintained in all ordinary years, as to mark upon the land a character distinct from that of the abutting upland, particularly with respect to vegetation. For streams where such features cannot be found, the channel bank shall be substituted. In braided channels and alluvial fans, the ordinary high watermark shall be measured to include the entire stream feature.

Sedimentation (sediment) – The deposit in a waterbody of any earthen material by wind, water, ice, gravity, or other element.

Slope -

(1) Any ground whose surface makes an angle from the horizontal; or

(2) The face of an embankment or cut section.

Spoil Material – Any rock, sand, gravel, soil or other earth material removed by ground disturbing activity.

Stream – Areas where surface waters flow sufficient to produce a defined channel or bed. A defined channel or bed is indicated by hydraulically sorted sediments or the removal of vegetative litter or loosely rooted vegetation by the action of moving water. The channel or bed need not contain water year-round. This definition is not meant to include irrigation ditches, canals, stormwater runoff devices or other entirely artificial water bodies unless they are used to convey Class 1 or 2 streams naturally occurring prior to construction. Those topographic features resembling streams but which have no defined channels (e.g. swales) shall be considered streams when hydrologic and hydraulic analyzes performed pursuant to a development proposal predict formation of a defined channel after development.

Stream Protection – Activities or conditions which avoid or lessen adverse water quality and turbidity effects to a stream.

Topographic Information – Surveyed elevation information which details slopes, contour intervals and water bodies. Topographic information shall be prepared by a registered Land Surveyor or a registered Professional Engineer qualified to provide such information and represented on maps with a contour interval not to exceed 10 feet.

Topsoil – The top organic and mineral rich layer of soil that provides nutrients to growing plants.

Vegetation – All plant growth, especially trees, shrubs, grasses and mosses.

Vegetative Protection – Stabilization of erosive or sediment-producing areas by covering the soil with:

(1) Permanent seeding, producing long-term vegetative cover;

(2) Short-term seeding, producing temporary vegetative cover;

(3) Sodding, producing areas covered with a turf or perennial sod-forming grass; or

(4) Netting with seeding if the final grade has not stabilized.

Water Body – Any surface or ground water, or wetland of the state or the United States, including but not limited to, rivers, streams, creeks, sloughs, drainageways, swales, seeps, springs, watercourses, canals, drainages, ponds, lakes, bays, aquifers, coastal waters, impounding reservoirs, estuaries, marshes, and inlets, regardless of whether perennial, intermittent, ephemeral, or otherwise, and regardless of whether natural or human-made.

(Ord. 1271, Amended, 03/14/2019; Ord. 1061, Amended, 05/26/2005, eff. 7/1/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.5505 PERMITS REQUIRED

Unless exempt under this code; no development, or ground disturbing activity shall occur (1) on land located in hazard areas as identified on the Geologic Hazards Overlay map, or (2) where the disturbed area or the land on which the development will occur has average slopes of 25 percent or more, except pursuant to a Geologic Hazards permit (GH).

(Ord. 1271, Amended, 03/14/2019; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.5510 EXEMPTIONS

Ground disturbing activity occurring in association with the following uses is exempt from GH permit requirements:

(A) An excavation below finished grade for basements and footings of a building, retaining wall, or other structure authorized by a valid building permit. This shall not exempt any fill made with the material from such excavation, nor exempt any excavation having an unsupported finished depth greater than four feet.

(B) Cemetery graves, but not cemetery soil disposal sites.

(C) Excavations for wells.

(D) Farming practices other than filling or the placement of structures.

(E) Residential gardening disturbing less than 5,000 square feet of ground surface area and landscape maintenance disturbing less than 10,000 square feet of ground surface area when either activity is at least 100 feet from the top of the bank of any watercourse located at a lower elevation to and in the surface drainage path of the ground disturbing activity. Landscape maintenance includes normal planting, transplanting, and replacement of trees and vegetation. Landscape maintenance does not include preparatory ground disturbing activity for a development project.

(F) Emergency response activities conducted according to MCC 38.7090.

(G) Forest Practices.

(H) Ground disturbing activities attributed to routine road maintenance when undertaken by an organization operating under Limit 10, Section 4d of the Endangered Species Act.

(I) Decommissioning or replacing an underground storage tank(s), such as a septic, oil, or other similar tank(s), but not including a sanitary drainfield, provided that:

(1) Any contaminated excavated material is handled in accordance with law, whether through treatment, being transported to and deposited at an off-site facility certified and willing to accept the material, or other direction from the Oregon Department of Environmental Quality, and

(2) Any replacement tank(s) is placed in the same location as the tank(s) being replaced.

(J) Placement and replacement of mailbox posts, fence posts, sign posts, utility posts or poles, and similar support structures, but not including any post or pole that provides structural support to a building requiring a structural building permit.

(K) Boring for utilities in a public road right-of-way, provided such activity does not occur within 100-feet of a water body and is completed within 48-hours of commencement. Completion includes final compaction of earthen materials within any trench and removal and lawful disposal or deposit of any excess excavation or fill material from the site of the activity.

(L) Uses not identified in subsections (A) through (K) that meet all of the following requirements:

(1) Natural and finished slopes will be less than 25 percent; and,

(2) The disturbed or filled area is 20,000 square feet or less; and,

(3) The volume of soil or earth materials to be stored is 50 cubic yards or less; and,

(4) Rainwater runoff is diverted, either during or after construction, from an area smaller than 10,000 square feet; and,

(5) Impervious surfaces, if any, of less than 10,000 square feet are to be created; and,

(6) No drainageway is to be blocked or have its stormwater carrying capacities or characteristics modified.

(M) Placement of gravel or asphalt for the maintenance of existing driveways, roads and other travel surfaces.

(Ord. 1271, Amended, 03/14/2019; Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.5515 GEOLOGIC HAZARDS PERMIT APPLICATION INFORMATION REQUIRED

An application for a Geologic Hazards permit shall include two copies of each of the following:

(A) A scaled site plan showing the following, both existing and proposed;

(1) Property lines;

(2) Buildings, structures, driveways, roads and right-of-way boundaries;

(3) Location of wells, utility lines, site drainage provisions, stormwater disposal system, sanitary tanks and drainfields (primary and reserve);

(4) Trees and vegetation proposed for removal and planting and an outline of wooded areas;

(5) Water bodies;

(6) Boundaries of ground disturbing activities;

(7) Location and height of unsupported finished slopes;

(8) Location for washout and cleanup of concrete equipment;

(9) Storage location and proposed handling and disposal methods for potential sources of non-erosion pollution including pesticides, fertilizers, petrochemicals, solid waste, construction chemicals, and wastewaters;

(10) Soil types;

(11) Ground topography contours (contour intervals no greater than 10-feet); and

(12) Erosion and sediment control measures.

(B) Calculations of the total area of proposed ground disturbance (square feet), volume of proposed cut and fill (cubic yards), and existing and proposed slopes in areas to be disturbed (percent slope);

(C) Written findings, together with any supplemental plans, maps, reports, or other information necessary to demonstrate compliance of the proposal with all applicable provisions of the Geologic Hazards standards in MCC 38.5520 (A). Necessary reports, certifications, or plans may pertain to: engineering, soil characteristics, stormwater drainage control, stream protection, erosion and sediment control, and replanting. The written findings and supplemental information shall include:

(1) With respect to fill:

(a) Description of fill materials, compaction methods, and density specifications (with calculations). The planning director may require additional studies or information or work regarding fill materials and compaction.

(b) Statement of the total daily number of fill haul truck trips, travel timing, loaded haul truck weight, and haul truck travel route(s) to be used from any fill source(s) to the fill deposit site.

(2) A description of the use that the ground disturbing activity will support or help facilitate.

(3) One of the following:

(a) Additional topographic information showing that the proposed development to be on land with average slopes less than 25 percent, and located more than 200 feet from a known landslide, and that no cuts or fills in excess of 6 feet in depth are planned. High

groundwater conditions shall be assumed unless documentation is available, demonstrating otherwise; or

(b) A geological report prepared by a Certified Engineering Geologist or Geotechnical Engineer certifying that the site is suitable for the proposed development; or,

(c) An GHP Form– 1 completed, signed and certified by a Certified Engineering Geologist or Geotechnical Engineer with their stamp and signature affixed indicating that the site is suitable for the proposed development.

(i) If the GHP Form– 1 indicates a need for further investigation, or if the Director requires further study based upon information contained in the GHP Form– 1, a geotechnical report as specified by the director shall be prepared and submitted.

[a] A geotechnical investigation in preparation of a geotechnical report shall be conducted at the applicant's expense by a Certified Engineering Geologist or Geotechnical Engineer. The report shall include specific investigations required by the director and recommendations for any further work or changes in proposed work which may be necessary to ensure reasonable safety from landslide hazards.

[b] Any development related manipulation of the site prior to issuance of a permit shall be subject to corrections as recommended by the geotechnical report to ensure safety of the proposed development.

[c] Observation of work required by an approved geotechnical report shall be conducted by a Certified Engineering Geologist or Geotechnical Engineer at the applicant's expense; the geologist's or engineer's name shall be submitted to the director prior to issuance of the permit.

[d] The director, at the applicant's expense, may require an evaluation of GHP Form– 1 or the geotechnical report by another Certified Engineering Geologist or Geotechnical Engineer.

(4) Documentation of approval by each governing agency having authority over the matter of any new stormwater discharges into public right-of-way.

(5) Documentation of approval by the City of Portland Sanitarian and any other agency having authority over the matter of any new stormwater surcharges to sanitary drainfields.

(Ord. 1271, Amended, 03/14/2019; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.5520 GEOLOGIC HAZARDS PERMIT STANDARDS

(A) A Geologic Hazards (GH) permit shall not be issued unless the application for such permit establishes compliance with MCC 39.6210 and satisfaction of the following standards:

(B) Fill shall be composed of earth materials only.

(C) Cut and fill slopes shall not exceed 33 percent grade (3 Horizontal: 1 Vertical), unless a Certified Engineering Geologist or Geotechnical Engineer certifies in writing that a grade in writing that a

grade in excess of 33 percent is safe (including, but not limited to, not endangering or disturbing adjoining property) and suitable for the proposed development.

(D) Unsupported finished cuts and fills greater than 1 foot in height and less than or equal to 4 feet in height at any point shall meet a setback from any property boundary of a distance at least twice the height of the cut or fill, unless a Certified Engineering Geologist or Geotechnical Engineer certifies in writing that the cuts or fills will not endanger or disturb adjoining property. All unsupported finished cuts and fills greater than 4 feet in height at any point shall require a Certified Engineering Geologist or Geotechnical Engineer to certify in writing that the cuts or fills will not endanger or disturb adjoining property.

(E) Fills shall not encroach on any water body unless an Oregon licensed Professional Engineer certifies that the altered portion of the water body will continue to provide equal or greater flood carrying capacity for a storm of 10-year design frequency.

(F) Stripping of vegetation, ground disturbing activities, or other soil disturbance shall be done in a manner which will minimize soil erosion, stabilize the soil as quickly as practicable, and expose the smallest practical area at any one time during construction.

(G) Development Plans shall minimize cut or fill operations and ensure conformity with topography so as to create the least erosion potential and adequately accommodate the volume and velocity of surface runoff.

(H) Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development;

(I) Whenever feasible, natural vegetation shall be retained, protected, and supplemented;

(1) A 100-foot undisturbed buffer of natural vegetation shall be retained from the top of the bank of a stream, or from the ordinary high watermark (line of vegetation) of a water body, or within 100-feet of a wetland;

(2) The buffer required in (I)(1) may only be disturbed upon the approval of a mitigation plan which utilizes erosion, sediment and stormwater control measures designed to perform as effectively as those prescribed in the most recent edition of the City of Portland Erosion and Sediment Control Manual and the City of Portland Stormwater Management Manual and which is consistent with attaining equivalent surface water quality standards as those established for the Tualatin River Drainage Basin in OAR 340-041-0345(4).

(J) Permanent plantings and any required structural erosion control and drainage measures shall be installed as soon as practical.

(K) Provisions shall be made to effectively accommodate increased runoff caused by altered soil and surface conditions during and after development. The rate of surface water runoff shall be structurally retarded where necessary.

(L) Sediment in the runoff water shall be trapped by use of debris basins, silt traps, or other measures until the disturbed area is stabilized.

(M) Provisions shall be made to prevent surface water from damaging the cut face of excavations or the sloping surface of fills by installation of temporary or permanent drainage across or above such areas, or by other suitable stabilization measures such as mulching or seeding.

(N) All drainage measures shall be designed to avoid erosion and adequately carry existing and potential surface runoff to suitable drainageways such as storm drains, natural water bodies, drainage swales, or an approved drywell system.

(O) Where drainage swales are used to divert surface waters, they shall be vegetated or protected as required to minimize potential erosion.

(P) Erosion and sediment control measures must be utilized such 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. Control measures which may be required include, but are not limited to:

(1) Energy absorbing devices to reduce runoff water velocity;

(2) Sedimentation controls such as sediment or debris basins. Any trapped materials shall be removed to an approved disposal site on an approved schedule;

(3) Dispersal of water runoff from developed areas over large undisturbed areas.

(Q) Disposed spoil material or stockpiled topsoil shall be prevented from eroding into water bodies by applying mulch or other protective covering; or by location at a sufficient distance from water bodies; or by other sediment reduction measures.

(R) Such non-erosion pollution associated with construction such as pesticides, fertilizers, petrochemicals, solid wastes, construction chemicals, or wastewaters shall be prevented from leaving the construction site through proper handling, disposal, continuous site monitoring and clean-up activities.

(S) Ground disturbing activities within a water body shall use instream best management practices designed to perform as prescribed in the City of Portland Erosion and Sediment Control Manual. To the extent that there is a conflict between the Manual and the requirements of the National Scenic Area (NSA) Permit, the requirements in the NSA will apply; and

(T) The total daily number of fill haul truck trips shall not cause a transportation impact (as defined in the Multnomah County Road Rules) to the transportation system or fill haul truck travel routes, unless mitigated as approved by the County Transportation Division.

(U) Fill trucks shall be constructed, loaded, covered, or otherwise managed to prevent any of their load from dropping, sifting, leaking, or otherwise escaping from the vehicle. No fill shall be tracked or discharged in any manner onto any public right-of-way.

(V) No compensation, monetary or otherwise, shall be received by the property owner for the receipt or placement of fill.

(Ord. 1271, Amended, 03/14/2019; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

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PART 6 - APPROVAL CRITERIA

(Ord. 1064, Amended, 06/23/2005)

§ 38.7000- PURPOSES

This part of the code contains approval criteria for development subject to review in the National Scenic Area. The purposes of these criteria are to ensure that development is undertaken in a manner that protects or provides for the enhancement of the scenic, natural, cultural and recreational values of the Columbia River Gorge National Scenic Area.

(Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7010 APPLICABILITY

With the exception of Primary Uses, no building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in the Columbia River Gorge National Scenic Area except when approved pursuant to MCC 38.0530 (B) or (C) or 38.7090.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 994, Amended, 09/26/2002)

§ 38.7015 APPLICATION FOR NSA SITE REVIEW AND CONDITIONAL USE REVIEW

An application for NSA Expedited Development Review, Site Review or Conditional Use Review shall address the applicable criteria for approval, under MCC 38.7035 through 38.7100.

(Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7020 REQUIRED FINDINGS

A decision on an application for NSA Expedited Development Review, Site Review or Conditional Use Review shall be based upon findings of consistency with the criteria for approval specified in MCC 38.7035 through 38.7100 as applicable.

(Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7035 GMA SCENIC REVIEW CRITERIA

The following scenic review standards shall apply to all Review and Conditional Uses in the General Management Area of the Columbia River Gorge National Scenic Area:

(A) All Review Uses and Conditional Uses:

(1) New ~~buildings and roads~~ development shall be sited and designed to retain the existing topography and to minimize grading activities to the maximum extent practicable.

(2) New buildings and expansion of existing development shall be compatible with the general scale ~~(height, dimensions and visible mass)~~ of similar buildings that exist nearby (e.g. dwellings

to dwellings). ~~Expansion of existing development shall comply with this guideline to the maximum extent practicable.~~ For purposes of applying this standard, the term nearby generally means buildings within ¼ mile of the parcel on which development is proposed. New buildings that are 1,500 square feet or less are exempt from this requirement. Findings addressing this requirement shall include but are not limited to:

(a) Application of the landscape setting design requirements, if applicable.

(b) A defined study area surrounding the development that includes at least ten existing buildings, not including existing buildings within urban areas or outside the National Scenic Area.

(c) Individual evaluations of scale for each separate proposed building in the application and each separate building in the study area, including:

1. All finished above ground square footage;

2. Total area of covered decks and porches;

3. Attached garages;

4. Daylight basements;

5. Breezeways, if the breezeway shares a wall with an adjacent building; and

6. Dimensions, based on information from the application or on Assessor's records.

(d) An overall evaluation demonstrating the proposed development's compatibility with surrounding development. Buildings in the vicinity of the proposed development that are significantly larger in size than the rest of the buildings in the study area should be removed from this evaluation.

(3) New vehicular access points to the Scenic Travel Corridors shall be limited to the maximum extent practicable, and access consolidation required where feasible.

(4) ~~Property owners~~ Landowners shall be responsible for the proper maintenance and survival of any required vegetation.

~~(5) For all proposed development, the determination of compatibility with the landscape setting shall be based on information submitted in the site plan.~~

(~~6~~5) For all exploration, ~~new production and/or~~ development (extraction and excavation), production of mineral resources and expansion of existing quarries, a reclamation plan is required to restore the site to a natural appearance ~~which~~ that blends with and emulates distinctive characteristics inherent to its landscape setting ~~surrounding landforms~~ to the maximum extent practicable. At minimum, such reclamation plans shall include:

(a) A map of the site, at a scale of 1 inch equals ~~100~~ 200 feet (1:~~1,200~~ 2,400), or a scale providing greater detail, with 10-foot contour intervals or less, showing pre-mining existing grades and post-mining~~,~~ final grades; locations of topsoil stockpiles for eventual reclamation use; location of catch-basins or similar drainage and erosion control features employed for

the duration of the use; and the location of storage, processing and equipment areas employed for the duration of the use;

(b) Cross-sectional drawings of the site showing pre-mining and post-mining grades;

(c) Descriptions of the proposed use, in terms of estimated quantity and type of material removed, estimated duration of the use, processing activities, etc.;

(d) Description of drainage/erosion control features to be employed for the duration of the use; and

(e) A landscaping plan providing for revegetation consistent with the vegetation patterns of the subject landscape setting, indicating the species, number, size and location of plantings for the final reclaimed grade, as well as a description of irrigation provisions or other measures necessary to ensure the survival of plantings.

(f) If the site is visible from key viewing areas, the applicant shall also submit perspective drawings of the proposed mining areas as visible from applicable key viewing areas.

(~~7~~6) All reclamation plans for new quarries or expansion of existing quarries shall be sent to the appropriate state reclamation permitting agency for review and comment. The Planning Director may request technical assistance from state agencies on reclamation plans for proposed mining not within the state agency's jurisdiction. The state agency shall have 30 calendar days from the date a reclamation plan is mailed to submit written comments on the proposal. State agency comments shall address the following:

(a) Whether the proposed mining is subject to state reclamation permit requirements;

(b) If subject to state jurisdiction, whether an application has been received for a state reclamation permit, and if, so, the current status of the application; and

(c) For uses subject to state jurisdiction, any issues or concerns regarding consistency with state reclamation requirements, or any suggested modifications to comply with state reclamation requirements.

~~The Planning Director may request technical assistance from state agencies on reclamation plans for proposed mining not within the state agency's jurisdiction.~~

(B) All Review Uses and Conditional Uses topographically visible from Key Viewing Areas:

(1) Each development shall be visually subordinate to its setting as ~~seen~~ visible from Key Viewing Areas. New development shall be sited to achieve visual subordinance from key viewing areas, unless the siting would place such development in a buffer specified for protection of wetlands, riparian corridors, rare plants, or sensitive wildlife sites or would conflict with guidelines to protect cultural resources. In such situations, new development siting shall comply with this guideline to the maximum extent practicable.

(2) ~~The extent and type~~ A determination of ~~conditions applied to~~ the potential visual impact of a ~~proposed~~ new development or use ~~to achieve the scenic standard shall be proportionate to its potential visual impacts as seen from Key Viewing Areas. Decisions~~ shall include written findings

addressing the following factors ~~influencing potential visual impact including but not limited to~~: the amount of area of the building site exposed to Key Viewing Areas, the degree of existing vegetation providing screening, the distance from the building site to the Key Viewing Areas it is visible from, the number of Key Viewing Areas it is visible from, and the linear distance along the Key Viewing Areas from which the building site is visible (for linear Key Viewing Areas, such as roads), and other factors the reviewing agency determines relevant in consideration of the potential visual impact. The extent and type of conditions ~~Conditions may be~~ applied to ~~various elements of~~ a proposed development~~s~~ to ~~ensure they are visually subordinate~~ achieve visual subordinance to ~~their~~ its landscape setting shall be proportionate to its potential visual impacts as ~~seen~~ visible from key viewing areas~~, including but not limited to siting (location of development on the subject property, building orientation, and other elements); retention of existing vegetation; design (color, reflectivity, size, shape, height, architectural and design details and other elements); and new landscaping~~. Conditions may include, and shall be applied using the following priorities:

(a) Screening by topography.

(b) Siting (location of development on the subject property, building orientation, and other elements).

(c) Retention of existing vegetation on the applicant's property.

(d) Design and building materials (color, reflectivity, size, shape, height, architectural and design details and other elements).

(e) New landscaping on the applicant's property.

(f) New berms or other recontouring on the applicant's property, where consistent with other applicable provisions.

(3) Determination of potential visual effects and compliance with visual subordinance policies shall include consideration of the cumulative effects of proposed developments.

(4) In addition to the site plan requirements in MCC 38.0045 (A) applications for all buildings visible from key viewing areas shall include a description of the proposed building(s)' height, shape, color, exterior building materials, exterior lighting, and landscaping details (type of plants used; number, size, locations of plantings; and any irrigation provisions or other measures to ensure the survival of landscaping planted for screening purposes).

~~(5) For proposed mining and associated activities on lands visible from Key Viewing Areas, in addition to submittal of plans and information pursuant to MCC 38.7035 (A) (6) and subsection (4) above, project applicants shall submit perspective drawings of the proposed mining areas as seen from applicable Key Viewing Areas.~~

~~(6) New development shall be sited on portions of the subject property which minimize visibility from Key Viewing Areas, unless the siting would place such development in a buffer specified for protection of wetlands, riparian corridors, sensitive plants, sensitive wildlife sites or conflict with the protection of cultural resources. In such situations, development shall comply with this standard to the maximum extent practicable.~~

(~~7~~5) New development shall be sited using existing topography and~~/or~~ existing vegetation as needed to achieve visual subordinance from key viewing areas.

(~~8~~6) Existing tree cover screening proposed development from key viewing areas shall be retained as specified in MCC 38.7035(C).

(~~9~~7) Driveways and buildings shall be designed and sited to minimize visibility of cut banks and fill slopes from Key Viewing Areas.

(~~10~~8) The exterior of buildings on lands seen from Key Viewing Areas shall be composed of non-reflective materials or materials with low reflectivity~~, unless the structure would be fully screened from all Key Viewing Areas by existing topographic features~~. Continuous surfaces of glass shall be limited to ensure visual subordinance. The *Scenic Resources Implementation Handbook* includes a list of recommended exterior materials and screening methods. ~~These recommended materials and other materials may be deemed consistent with this code, including those that meet recommended thresholds in the "visibility and Reflectivity Matrices" in the Implementation Handbook. Continuous surfaces of glass unscreened from key viewing areas shall be limited to ensure visual subordinance. Recommended square footage limitations for such surfaces are provided for guidance in the Implementation Handbook~~

(~~11~~9) Any ~~E~~exterior lighting shall be directed downward and sited, ~~hooded and~~ limited in intensity, shielded ~~such~~, or hooded in a manner that ~~it is not~~ prevents lights from being highly visible from Key Viewing Areas~~. Shielding and hooding materials shall be composed of non-reflective, opaque materials.~~ 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.

(~~12~~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 in the surrounding landscape. The specific colors ~~or list of acceptable colors~~ approved by the reviewing agency shall be included as a condition of approval. ~~The Scenic Resources Implementation Handbook will include a recommended palette of colors.~~

(~~13~~11) Additions to existing buildings smaller in total square area than the existing building may be the same color as the existing building. Additions larger than the existing building shall be of dark earth-tone colors found at the specific site or in the surrounding landscape. The specific colors ~~or list of acceptable colors~~ approved by the reviewing agency shall be included as a condition of approval. ~~The Scenic Resources Implementation Handbook will include a recommended palette of colors.~~

(~~14~~12) Rehabilitation of or modifications to existing significant historic structures shall be exempted from visual sub-ordinance requirements for lands ~~seen~~ visible from Key Viewing Areas. To be eligible for such exemption, the structure must be included in, or eligible for inclusion in, the National Register of Historic Places or be in the process of applying for a determination of significance pursuant to such regulations. Rehabilitation of or modifications to such historic structures shall be consistent with National Park Service regulations for historic structures.

(~~15~~13) The silhouette of new buildings shall remain below the skyline of a bluff, cliff or ridge as ~~seen~~ visible from Key Viewing Areas. ~~Variances may be granted if application of this standard~~

~~would leave the owner without a reasonable economic use. The variance shall be the minimum necessary to allow the use, and may be applied only after all reasonable efforts to modify the design, building height, and site to comply with the standard have been made.~~

~~(16) An alteration to a building built prior to November 17, 1986, which already protrudes above the skyline of a bluff, cliff or ridge as seen from a Key Viewing Areas, may itself protrude above the skyline if:~~

~~(a) The altered building, through use of color, landscaping and/or other mitigation measures, contrasts less with its setting than before the alteration; and~~

~~(b) There is no practicable alternative means of altering the building without increasing the protrusion.~~

(~~17~~14) The following standards shall apply to new landscaping used to screen development from key viewing areas:

(a) New landscaping (including new earth berms) shall be required only when there is no other means to make the development visually subordinate from key viewing areas. Alternate sites shall be considered prior to using new landscaping to achieve visual sub-ordinance. Development shall be sited to avoid the need for new landscaping wherever possible.

(b) If new landscaping is required, it shall be used to supplement other techniques for achieving visual sub-ordinance.

(c) Vegetation planted for screening purposes shall be of sufficient size to make the development visually subordinate within five years or less of commencement of construction. If after five years the vegetation has not achieved a size sufficient to screen the development, additional screening may be required by Multnomah County to make the development visually subordinate.

(d) Landscaping shall be installed as soon as practicable, and prior to project completion. Applicant. The property owner(s), and their successor(s) in interest are responsible for the proper maintenance and survival of planted vegetation, and replacement of such vegetation that does not survive.

(e) The Scenic Resources Implementation Handbook includes recommended species for each landscape setting consistent with MCC 38.7035(C) and the minimum recommended sizes for tree plantings (based on average growth rates expected for recommended species).

(~~18~~15) Conditions regarding new landscaping or retention of existing vegetation for new developments on land designated ~~GMA Forest~~ GGF-80, GGF-40 and GGF-20 shall meet both scenic guidelines and the fuel break requirements of MCC 38.7305~~(A)~~(B).

(~~19~~16) New main lines on lands visible from Key Viewing Areas for the transmission of electricity, gas, oil, other fuels, or communications, except for connections to individual users or small clusters of individual users, shall be built in existing transmission corridors unless it can be demonstrated that use of existing corridors is not practicable. Such new lines shall be underground as a first preference unless it can be demonstrated to be impracticable.

(~~20~~17) New communication facilities (antennae, dishes, etc.) on lands visible from Key Viewing Areas, which require an open and unobstructed site shall be built upon existing facilities unless it can be demonstrated that use of existing facilities is not practicable.

(~~21~~18) New communications facilities may protrude above a skyline visible from a Key Viewing Area only upon demonstration that:

(a) The facility is necessary for public service;

(b) The break in the skyline is ~~seen~~ visible only in the background; and

(c) The break in the skyline is the minimum necessary to provide the service.

(~~22~~19) Overpasses, safety and directional signs and other road and highway facilities may protrude above a skyline visible from a Key Viewing Area only upon a demonstration that:

(a) The facility is necessary for public service;

(b) The break in the skyline is the minimum necessary to provide the service.

(~~23~~20) Except for water-dependent development and for water-related recreation development, development shall be set back 100 feet from the ordinary high water mark of the Columbia River below Bonneville Dam, and 100 feet from the normal pool elevation of the Columbia River above Bonneville Dam, unless the setback would render a property unbuildable. In such cases, variances to the setback may be authorized.

(~~24~~21) New buildings shall not be permitted on lands visible from Key Viewing Areas with slopes in excess of 30 percent. A variance may be authorized if the property would be rendered unbuildable through the application of this standard. In determining the slope, the average percent slope of the proposed building ~~site~~ footprint shall be utilized.

~~(25) All proposed structural development involving more than 200 cubic yards of grading on sites visible from Key Viewing Areas shall include submittal of a grading plan. This plan shall be reviewed by the Planning Director for compliance with Key Viewing Area policies. The grading plan shall include the following:~~

~~(a) 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:~~

~~1. Existing and proposed final grades;~~

~~2. Location of all areas to be graded, with cut banks and fill slopes delineated; and~~

~~3. Estimated dimensions of graded areas.~~

~~(b) A narrative description (may be submitted on the grading plan site map and accompanying drawings) of the proposed grading activity, including:~~

~~1. Its purpose;~~

~~2. An estimate of the total volume of material to be moved;~~

~~3. The height of all cut banks and fill slopes;~~

~~4. Provisions to be used for compaction, drainage, and stabilization of graded areas (preparation of this information by a licensed engineer or engineering geologist is recommended);~~

~~5. A description of all plant materials used to revegetate exposed slopes and banks, including type of species, number of plants, size and location, and a description of irrigation provisions or other measures necessary to ensure the survival of plantings; and~~

~~6. A description of any other interim or permanent erosion control measures to be utilized.~~

(~~26~~22) Expansion of existing quarries and exploration, development (extraction and excavation), and ~~new~~ production ~~and/or development~~ of mineral resources proposed on sites more than ~~3~~4 miles from the nearest Key Viewing Areas from which it is visible may be allowed upon a demonstration that:

(a) The site plan requirements for such proposals pursuant to this chapter have been met;

(b) The area to be mined and the area to be used for primary processing, equipment storage, stockpiling, etc. associated with the use would be visually subordinate as seen from any Key Viewing Areas; and

(c) A reclamation plan to restore the site to a natural appearance ~~which~~ that blends with and emulates distinctive characteristics of the designated landscape setting ~~surrounding landforms~~ to the maximum extent practicable has been approved. At minimum, a reclamation plans shall comply with MCC 38.7035 (A)(5) and (6); and

(d) A written report on a determination of visual subordinance has been completed, with findings addressing the extent of visibility of proposed mining activities from Key Viewing Areas, including:

1. A list of Key Viewing Areas from which exposed mining surfaces (and associated facilities/activities) would be visible;

2. An estimate of the surface area of exposed mining surfaces which would be visible from those Key Viewing Areas;

3. The distance from those Key Viewing Areas and the linear distance along those Key Viewing Areas from which proposed mining surfaces are visible;

4. The slope and aspect of mining surfaces relative to those portions of Key Viewing Areas from which they are visible;

5. The degree to which potentially visible mining surfaces are screened from Key Viewing Areas by existing vegetation, including winter screening considerations.

6. The degree to which potentially visible mining surfaces would be screened by new plantings, berms, etc. and appropriate time frames to achieve such results, including winter screening considerations.

(~~27~~23) Unless addressed by subsection (26) above, exploration, development (extraction and excavation), and ~~new~~ production ~~and/or development~~ of mineral resources may be allowed upon a demonstration that:

(a) The site plan requirements for such proposals pursuant to this chapter have been met;

(b) The area to be mined and the area used for primary processing, equipment storage, stockpiling, etc. associated with the use would be fully screened from any Key Viewing Area; and

(c) A reclamation plan to restore the area to a natural appearance which blends with and emulates surrounding landforms to the maximum extent practicable has been approved. At minimum, the reclamation plan shall comply with MCC 38.7035 (A) ~~(6) and (7)~~ (5) and (6).

(~~28~~24) An interim time period to achieve compliance with visual subordinance requirements for expansion of existing quarries and development of new quarries located more than ~~3~~4 miles from the nearest visible Key Viewing Area from which it is visible shall be established prior to approval. The interim time period shall be based on site-specific topographic and visual conditions, but shall not exceed 3 years beyond the date of approval.

(~~29~~25) An interim time period to achieve compliance with full screening requirements for new quarries located less than ~~3~~4 miles from the nearest visible Key Viewing Area from which it is visible shall be established prior to approval. The interim time period shall be based on site-specific topographic and visual conditions, but shall not exceed 1 year beyond the date of approval. Quarrying activity occurring ~~prior to~~ before achieving compliance with full screening requirements shall be limited to activities necessary to provide such screening (creation of berms, etc.).

(C) All Review Uses and Conditional Uses within the following landscape settings, regardless of visibility from KVAs:

(1) Pastoral

(a) Accessory structures, outbuildings and accessways shall be clustered together as much as possible, particularly towards the edges of existing meadows, pastures and farm fields.

(b) In portions of this setting visible from Key Viewing Areas, the following standards shall be employed to achieve visual sub-ordinance for new development and expansion of existing development:

1. Except as is necessary for site development or safety purposes, the existing tree cover screening the development from Key Viewing Areas shall be retained.

2. Vegetative landscaping shall, where feasible, retain the open character of existing pastures and fields.

3. At least half of any trees planted for screening purposes shall be species native to the setting. ~~or commonly found in the area. Such~~ Examples of native species ~~include fruit trees, Douglas fir, Lombardy poplar (usually in rows), Oregon white oak, bigleaf maple, and black locust (primarily in the eastern Gorge). The~~ are identified in the Scenic Implementation Handbook ~~Scenic Resources Implementation Handbook includes recommended minimum sizes~~ as appropriate for the area.

4. At least one-quarter of any trees planted for screening shall be coniferous for winter screening. Flexibility may be granted to this provision when development is directly adjacent or adjoining a landscape setting where coniferous trees are not common or appropriate (see Scenic Implementation Handbook for guidance) and tree species ultimately selected for winter screening are natives characteristic to that setting.

(c) Compatible recreation uses include resource-based recreation uses of a very low or low-intensity nature, occurring infrequently in the landscape.

(2) Coniferous Woodland

(a) Structure height shall remain below the forest canopy level.

(b) In portions of this setting visible from Key Viewing Areas, the following standards shall be employed to achieve visual sub-ordinance for new development and expansion of existing development:

1. Except as is necessary for construction of access roads, building pads, leach fields, etc., the existing tree cover screening the development from Key Viewing Areas shall be retained.

2. At least half of any trees planted for screening purposes shall be species native to the setting~~. Such species include: Douglas fir, grand fir, western red cedar, western hemlock, bigleaf maple, red alder, ponderosa pine and Oregon white oak, and various native willows (for riparian areas). The Scenic Resources Implementation Handbook includes recommended minimum sizes~~ (see Scenic Implementation Handbook for guidance).

3. At least half of any trees planted for screening purposes shall be coniferous to provide winter screening.

(c) Compatible recreation uses include resource-based recreation uses of varying intensities. Typically, outdoor recreation uses should be low-intensity, and include trails, small picnic areas and scenic viewpoints. Some more intensive recreation uses, such as campgrounds, may occur. They should be scattered, interspersed with large areas of undeveloped land and low-intensity uses.

(3) Rural Residential

(a) Existing tree cover shall be retained as much as possible, except as is necessary for site development, safety purposes, or as part of forest management practices.

(b) In portions of this setting visible from Key Viewing Areas, the following standards shall be employed to achieve visual sub-ordinance for new development and expansion of existing development:

1. Except as is necessary for site development or safety purposes, the existing tree cover screening the development from Key Viewing Areas shall be retained.

2. At least half of any trees planted for screening purposes shall be species native to the setting or ~~commonly found~~ species identified in the Scenic Implementation Handbook as appropriate for the area.

3. At least half of any trees planted for screening purposes shall be coniferous to provide winter screening.

(c) Compatible recreation uses include should be limited to small community park facilities, but occasional low-intensity resource-based recreation uses (such as small scenic overlooks) may be allowed.

(4) Rural Residential in Conifer Woodland or Pastoral

(a) New development in this setting shall meet the design standards for both the Rural Residential setting and the more rural setting with which it is combined (either Pastoral or Coniferous Woodland), unless it can be demonstrated that compliance with the standards for the more rural setting is impracticable. Expansion of existing development shall comply with this standard to the maximum extent practicable.

(b) In the event of a conflict between the standards, the standards for the more rural setting (Coniferous Woodland or Pastoral) shall apply, unless it can be demonstrated that application of such standards would not be practicable.

(c) Compatible recreation uses should be limited to very low and low-intensity resource-based recreation uses, scattered infrequently in the landscape.

(5) Residential

(a) In portions of this setting visible from Key Viewing Areas, the following standards shall be employed to achieve visual subordinance for new development and expansion of existing development:

1. Except as is necessary for site development or safety purposes, the existing tree cover screening the development from Key Viewing Areas shall be retained.

2. Structures' exteriors shall be non-reflective unless fully screened from Key Viewing Areas with existing vegetation and~~/or~~ topography.

3. At least half of any trees planted for screening purposes shall be species native to the setting ~~or commonly found in the area~~. Examples of native species are identified in the Scenic Resources Implementation Handbook as appropriate to the area.

4. At least half of any trees planted for screening purposes shall be coniferous to provide winter screening.

(b) Compatible recreation uses are limited to community park facilities.

(6) Village

(a) New development in this setting is exempt from the color and siting requirements of MCC 38.7035(B).

(b) New commercial buildings shall be limited in size to a total floor area of 5,000 square feet or less, and shall be limited in height to 2 and 1/2 stories or less.

(c) For new commercial, institutional (churches, schools, government buildings) or multi-family residential uses on parcels fronting a Scenic Travel Corridor (the Historic Columbia River Highway) and expansion of existing development for such uses, parking shall be limited to rear or side yards of buildings to the maximum extent practicable.

(d) New vehicular access points to the scenic travel corridors shall be limited to the maximum extent practicable, and access consolidation shall be required where feasible.

(e) New development proposals and expansion of existing development shall be encouraged to follow planned unit development approaches, featuring consolidated access, commonly-shared landscaped open areas, etc.

(f) New commercial, institutional or multi-family residential uses fronting a Scenic Travel Corridor shall comply with the following landscape requirements:

1. Parking or loading areas for 10 or more spaces shall include a landscaped strip at least 5 feet in width between the new use and the Scenic Travel Corridor roadway.

2. The landscape strip required in subsection (f) 1. above shall include shrubs, vegetative ground cover and, at minimum, one tree spaced as appropriate to the species and not to exceed 25 feet apart on the average.

(g) The use of building materials reinforcing the Village Setting's character, such as wood, logs or stone, and reflective of community desires, should be encouraged.

(h) Architectural styles characteristic of the area (such as 1½ story dormer roof styles in Corbett), and reflective of community desires, should be encouraged. Entry signs should be consistent with such architectural styles.

(i) Design features which create a "pedestrian friendly" atmosphere, such as large shop windows on the ground floor of commercial buildings, porches along ground floors with street frontage, etc. should be encouraged.

(j) Pedestrian walkways and bicycle paths should be encouraged and integrated into new development~~s~~ wherever feasible.

(k) Where feasible, existing tree cover of species native to the region or ~~commonly found in~~ species identified in the Scenic Implementation Handbook as appropriate for the area shall be retained when designing new development or expanding existing development.

(l) Compatible recreation uses may include community parks serving the recreation needs of local residents, and varying intensities of other recreation uses.

(7) River Bottomlands

(a) In portions of this setting visible from Key Viewing Areas, the following standards shall be employed to achieve visual sub-ordinance for new development and expansion of existing development:

1. Except as is necessary for site development or safety purposes, existing tree cover screening the development from Key Viewing Areas shall be retained.

2. At least half of any trees planted for screening purposes shall be species native to the River Bottomland setting. Public recreation development~~s~~ is~~are~~ encouraged to maximize the percentage of planted screening vegetation native to this setting. ~~Such species include: black cottonwood, big leaf maple, red alder, Oregon white ash, Douglas fir, western red cedar and western hemlock (west Gorge) and various native willow species.~~

3. At least one-quarter of any trees planted for screening purposes shall be coniferous for winter screening. Flexibility may be granted to this provision when development is directly adjacent or adjoining a landscape setting where coniferous trees are not common or appropriate (see Scenic Implementation Handbook for guidance) and tree species ultimately selected for winter screening are natives characteristic to that setting.

(b) Compatible recreation uses depend on the degree of natural resource sensitivity of a particular site. In the most critically sensitive River Bottomlands, very low-intensity uses which do not impair wetlands or special habitat requirements may be compatible.

(8) Gorge Walls, Canyons and Wildlands

(a) New development and expansion of existing development shall be screened so as to not be ~~seen~~ visible from Key Viewing Areas to the maximum extent practicable.

(b) All trees planted to screen permitted development and uses from Key Viewing Areas shall be native to the area.

(c) Existing tree cover shall be retained to the maximum extent practicable, except for the minimum necessary to be removed to accommodate facilities otherwise permitted in the underlying land use designation or for safety purposes.

(d) All buildings shall be limited in height to 1 1/2 stories.

(e) All structures' exteriors shall be non-reflective.

(f) ~~Signage~~ Signs shall be limited to natural materials such as wood or stone, ~~and~~ with natural or earth-tone colors found in the surrounding landscape, unless public safety concerns or federal or state highway standards require otherwise.

(g) Compatible recreation uses are limited to very low or low-intensity, resource-based activities which focus on enjoyment and appreciation of sensitive resources. Such uses compatible (such as trails) are generally associated with minimal facility development, if any.

(D) All Review Uses and Conditional Uses within scenic travel corridors:

(1) For the purposes of implementing this section, the immediate foreground of a Scenic Travel Corridor shall include those lands within one-quarter mile of the edge of pavement of the Historic Columbia River Highway and I– 84.

(2) All new buildings and alterations to existing buildings, except in a GGRC, shall be set back at least 100 feet from the edge of pavement of the Scenic Travel Corridor roadway. A variance to this setback requirement may be granted pursuant to MCC 38.0065. All new parking lots and expansions of existing parking lots shall be set back at least 100 feet from the edge of pavement of the Scenic Travel Corridor roadway, to the maximum extent practicable.

(3) Additions to existing buildings or expansion of existing parking lots located within 100 feet of the edge of pavement of a Scenic Travel Corridor roadway except in a GGRC, shall comply with subsection (2) above to the maximum extent practicable.

(4) All proposed vegetation management projects in public rights-of-way to provide or improve views shall include the following:

(a) An evaluation of potential visual impacts of the proposed project as ~~seen~~ visible from any Key Viewing Area;

(b) An inventory of any rare plants, sensitive wildlife habitat, wetlands or riparian areas on the project site. If such resources are determined to be present, the project shall comply with applicable standards to protect the resources.

(5) When evaluating which locations to consider undergrounding of signal wires or powerlines, railroads and utility companies shall prioritize those areas specifically recommended as extreme or high priorities for undergrounding in the Columbia River Gorge National Scenic Area Corridor Visual Inventory prepared in April, 1990.

(6) New exploration, development (extraction or excavation), and production of mineral resources ~~production and/or development of mineral resources~~ proposed within one-quarter mile of the edge of pavement of a Scenic Travel Corridor may be allowed upon a demonstration that full visual screening of the site from the Scenic Travel Corridor can be achieved by use of existing topographic features or existing vegetation designed to be retained through the planned duration of the proposed project. An exception to this may be granted if planting of new vegetation in the vicinity of the access road to the mining area would achieve full screening. If existing vegetation is partly or fully employed to achieve visual screening, over 75 percent of the tree canopy area shall be coniferous species providing adequate winter screening. Mining and associated primary processing of mineral resources is prohibited within 100 feet of a Scenic

Travel Corridor, as measured from the edge of pavement, except for access roads. Compliance with full screening requirements shall be achieved within time frames specified in MCC 38.7035 (B) ~~(29)~~(25).

(7) Expansion of existing quarries may be allowed pursuant to MCC 38.7035 (B) ~~(26)~~ (21). Compliance with visual subordinance requirements shall be achieved within time frames specified in MCC 38.7035 (B) ~~(28)~~ (24).

(Ord. 1125, Amended, 12/11/2008; Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 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 development~~s~~ 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
Coniferous Woodland, Oak-Pine Woodland	Forest (National Forest Lands), Open Space	NOT VISUALLY EVIDENT
River Bottomlands	Open Space	NOT VISUALLY EVIDENT
Gorge Walls, Canyonlands, Wildlands	Forest, Agriculture, Public Recreation, Open Space	NOT VISUALLY EVIDENT

Coniferous Woodland, Oak-Pine Woodland	Forest, Agriculture, Residential, Public Recreation	VISUALLY SUBORDINATE
Residential	Residential	VISUALLY SUBORDINATE
Pastoral	Forest, Agriculture, Public Recreation, Open Space	VISUALLY SUBORDINATE
River Bottomlands	Forest, Agriculture, Public Recreation	VISUALLY SUBORDINATE

(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.

(4) Proposed development~~s~~ 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.

(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.

(a) Decisions shall include written findings addressing the Primary factors influencing the degree of visibility, including but not limited to:

1. The amount of area of the building site exposed to key viewing areas,

2. The degree of existing vegetation providing screening,

3. The distance from the building site to the key viewing areas from which it is visible,

4. The number of key viewing areas from which it is visible, and

5. The linear distance along the key viewing areas from which the building site is visible (for linear key viewing areas, such as roads).

(b) Conditions may be applied to various elements of proposed developments to ensure they meet the scenic standard for their setting as ~~seen~~ visible from key viewing areas, including but not limited to:

1. Siting (location of development on the subject property, building orientation, and other elements),

2. Retention of existing vegetation,

3. Design (form, line, color, texture, reflectivity, size, shape, height, architectural and design details and other elements), and

4. New landscaping.

(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.

(7) Proposed development~~s~~ shall not protrude above the line of a bluff, cliff, or skyline as ~~seen~~ 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.

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

(a) New landscaping (including new earth berms) to achieve the required scenic standard from key viewing areas shall be required only when application of all other available guidelines in this chapter is not sufficient to make the development meet the scenic standard from key viewing areas. Development shall be sited to avoid the need for new landscaping wherever possible.

(b) If new landscaping is necessary to meet the required standard, existing on-site vegetative screening and other visibility factors shall be analyzed to determine the extent of new landscaping, and the size of new trees needed to achieve the standard. Any vegetation planted pursuant to this guideline shall be sized to provide sufficient screening to meet the scenic standard within five years or less from the commencement of construction.

(c) Landscaping shall be installed as soon as practicable, and prior to project completion. Applicants and successors in interest for the subject parcel are responsible for the proper maintenance and survival of planted vegetation, and replacement of such vegetation that does not survive.

(d) The Scenic Resources Implementation Handbook ~~shall~~ includes recommended species for each landscape setting consistent with the Landscape Settings Design Guidelines in this chapter, and minimum recommended sizes of new trees planted (based on average growth rates expected for recommended species).

(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. ~~The Scenic Resources Implementation Handbook will include a recommended list of exterior materials. These recommended materials and other materials may be deemed consistent with this guideline, including those where the specific application meets approval thresholds in the "Visibility and Reflectivity Matrices" in the Implementation Handbook.~~ Continuous surfaces of glass ~~unscreened from key viewing areas~~ shall be limited to ensure meeting the scenic standard. ~~Recommended square footage limitations for such surfaces will be provided for guidance in the~~ *The Scenic Resources Implementation Handbook* includes a list of recommended exterior materials and screening methods.

(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 ~~shall~~ may be permitted on a temporary basis, not to exceed three months duration.

(14) 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:

(a) Application of the landscape setting design guidelines, if applicable.

(b) A defined study area surrounding the development that includes at least ten existing buildings, not including existing buildings within urban areas or outside the National Scenic Area.

(c) Individual evaluations of scale for each separate proposed building in the application and each separate building in the study area, including:

1. All finished above ground square footage;

2. Total area of covered decks and porches;

3. Attached garages;

4. Daylight basements;

5. Breezeways, if the breezeway shares a wall with an adjacent building; and

6. Dimensions, based on information from the application or on Assessor's records.

(d) An overall evaluation demonstrating the proposed development's compatibility with surrounding development. Buildings in the vicinity of the proposed development that are significantly larger in size than the rest of the buildings in the study area should be removed from this evaluation.

(B) The following shall apply to all lands within SMA landscape settings regardless of visibility from KVAs (includes areas ~~seen~~ visible from KVAs as well as areas not ~~seen~~ visible from KVAs):

(1) Gorge Walls, and Canyonlands and Wildlands: New development~~s~~ and land uses shall retain the overall visual character of the natural appearing landscape.

(a) Structures, including signs, shall have a rustic appearance, use non-reflective materials, and have low contrast with the surrounding landscape and be of a Cascadian architectural style.

(b) Temporary roads shall be promptly closed and revegetated.

(c) New utilities shall be below ground surface, where feasible.

(d) Use of plant species non-native to the Columbia River Gorge shall not be allowed.

(2) Coniferous Woodlands and Oak-Pine Woodland: Woodland areas shall retain the overall appearance of a woodland landscape. New developments and land uses shall retain the overall visual character of the natural appearance of the Coniferous and Oak/Pine Woodland landscape.

(a) Buildings in the Coniferous Woodland landscape setting shall be encouraged designed to have a vertical overall appearance and a horizontal overall appearance in the Oak-Pine Woodland landscape setting shall be encouraged.

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

(3) River Bottomlands: River bottomland shall retain the overall visual character of a floodplain and associated islands.

(a) Buildings should 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.

(4) Pastoral: Pastoral areas shall retain the overall appearance of an agricultural landscape.

The use of plant species common native to the landscape setting. Examples of native species are identified in the Scenic Implementation Handbook as appropriate to the area shall be encouraged. The use of agricultural plant species in rows as commonly found in the landscape setting, is also encouraged.

(5) Residential: The Residential setting is characterized by concentrations of dwellings.

(a) At Latourell Falls, new buildings shall have an appearance consistent with the predominant historical architectural style.

(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.

(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.

(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).

(a) The proposed development shall be designed and sited to meet the applicable scenic standard from the foreground of the subject KVA. If the development cannot meet the standard, findings must be made documenting why the project cannot meet the requirements of 38.7040(A) and why it cannot be redesigned or wholly or partly relocated to meet the scenic standard.

(b) Findings must evaluate the following:

1. The limiting factors to meeting the required scenic standard and~~/or~~ applicable provisions of 38.7040(A),

2. Reduction in project size;

3. Options for alternative sites for all or part of the project, considering parcel configuration and on-site topographic or vegetative screening;

4. Options for design changes including changing the design shape, configuration, color, height, or texture in order to meet the scenic standard.

(c) Form, line, color, texture, and design of a proposed development shall be evaluated to ensure that the development blends with its setting as ~~seen~~ visible from the foreground of key viewing areas:

1. Form and Line-Design of the development shall minimize changes to the form of the natural landscape. Development shall borrow form and line from the landscape setting and blend with the form and line of the landscape setting. Design of the development shall avoid contrasting form and line that unnecessarily call attention to the development.

2. Color-Color shall be found in the project's surrounding landscape setting. Colors shall be chosen and repeated as needed to provide unity to the whole design.

3. Texture-Textures borrowed from the landscape setting shall be emphasized in the design of structures. Landscape textures are generally rough, irregular, and complex rather than smooth, regular, and uniform.

4. Design-Design solutions shall be compatible with the natural scenic quality of the Gorge. Building materials shall be natural or natural appearing. Building materials such as concrete, steel, aluminum, or plastic shall use form, line color and texture to harmonize with the natural environment. Design shall balance all design elements into a harmonious whole, using repetition of elements and blending of elements as necessary.

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

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

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

(D) SMA Requirements for areas not ~~seen~~ visible 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 dark 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.

(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:

(a) Application of the landscape setting design guidelines, if applicable.

(b) A defined study area surrounding the development that includes at least ten existing buildings, not including existing buildings within urban areas or outside the National Scenic Area.

(c) Individual evaluations of scale for each separate proposed building in the application and each separate building in the study area, including:

1. All finished above ground square footage;

2. Total area of covered decks and porches;

3. Attached garages;

4. Daylight basements;

5. Breezeways, if the breezeway shares a wall with an adjacent building; and

6. Dimensions, based on information from the application or on Assessor's records.

(d) An overall evaluation demonstrating the proposed development's compatibility with surrounding development. Buildings in the vicinity of the proposed development that are significantly larger in size than the rest of the buildings in the study area should be removed from this evaluation.

(Ord. 1270, Amended, 03/14/2019; Ord. 1125, Amended, 12/11/2008; Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7045 GMA CULTURAL RESOURCE REVIEW CRITERIA

(A) Cultural Resource Reconnaissance Surveys

Each proposed use or element of a proposed use within an application shall be evaluated independently to determine whether a reconnaissance survey is required; for example, an application that proposes a land division and a new dwelling would require a reconnaissance survey if a survey would be required for the dwelling.

(1) A cultural reconnaissance survey shall be required for all proposed uses, except:

(a) The modification, expansion, replacement, or reconstruction of existing buildings and structures.

(b) Proposed uses that would not disturb the ground, including land divisions and lot-line adjustments; storage sheds that do not require a foundation; ~~low-intensity recreation uses, such as fishing, hunting, and hiking~~; installation of surface chemical toilets; hand treatment of brush within established rights-of-way; and new uses of existing structures.

(c) Proposed uses that involve minor ground disturbance, as defined by depth and extent, including repair and maintenance of lawfully constructed and serviceable structures; home gardens; livestock grazing; cultivation that employs minimum tillage techniques, such as replanting pastures using a grassland drill; construction of fences; new utility poles that are installed using an auger, post-hole digger, or similar implement; and placement of ~~mobile~~ manufactured homes where septic systems and underground utilities are not involved.

The Gorge Commission will review all land use applications and determine if proposed uses would have a minor ground disturbance.

(d) Proposed uses that occur on sites that have been disturbed by human activities, provided the proposed uses do not exceed depth and extent of existing ground disturbance. To qualify for this exception, a project applicant must demonstrate that land disturbing activities occurred in the project area. Land disturbing activities include grading and cultivation.

(e) Proposed uses that would occur on sites that have been adequately surveyed in the past.

~~1. The project applicant must demonstrate that the project area has been adequately surveyed to qualify for this exception.~~

~~2~~1. Past surveys must have been conducted by a qualified professional and must include a surface survey and subsurface testing.

~~3~~2. The nature and extent of any cultural resources in the project area must be adequately documented.

(f) Proposed uses occurring in areas that have a low probability of containing cultural resources, except:

1. Residential development that involves two or more new dwellings for the same project applicant;

2. Recreation facilities that contain parking areas for more than 10 cars, overnight camping facilities, boat ramps, and visitor information and environmental education facilities;

3. Public transportation facilities that are outside improved rights-of-way;

4. Electric facilities, lines, equipment, and appurtenances that are 33 kilovolts or greater; and

5. Communications, water and sewer, and natural gas transmission (as opposed to distribution) lines, pipes, equipment, and appurtenances.

Areas that have a low probability of containing cultural resources will be identified using the results of reconnaissance surveys conducted by the Gorge Commission, the U.S. Forest Service, public agencies, and private archaeologists.

The Gorge Commission, after consulting ~~Indian~~ tribal governments and state historic preservation officers, will prepare and adopt a map showing areas that have a low probability of containing cultural resources. ~~This map will be adopted within 200 days after the Secretary of Agriculture concurs with the Management Plan.~~ It will be refined and revised as additional reconnaissance surveys are conducted. Areas will be added or deleted as warranted. All revisions of this map shall be reviewed and approved by the Gorge Commission.

(2) A reconnaissance survey shall be required for all proposed uses within 500 feet of a known cultural resource~~s~~, and all proposed uses within 100 feet of a high probability area, including those listed above in MCC 38.7045 (A) (1) (a) through (f). The ~~location of known cultural resources are shown in the cultural resource inventory~~ Forest Service maintains a map of known cultural resources and a probability map. Both maps are confidential as required by the National Scenic Act, other federal law, and Oregon law.

(3) The Gorge Commission may choose to conduct a reconnaissance survey for proposed uses listed in the exceptions if, in its professional judgment, a reconnaissance survey may be necessary to ensure protection of cultural resources.

(4) A historic survey shall be required for all proposed uses that would alter the exterior architectural appearance of buildings and structures that are 50 years old or older, or compromise features of the surrounding area that are important in defining the historic or architectural character of the buildings or structures that are 50 years old or older.

(B) The cultural resource review criteria shall be deemed satisfied, except MCC 38.7045 (L) and (M), if:

(1) The project is exempted by MCC 38.7045 (A) (1), no cultural resources are known to exist in the project area, and no substantiated comment is received during the comment period provided in MCC 38.0530 (B).

(2) The proposed use would avoid archaeological resources and traditional cultural resources that exist in the project area. To meet this standard, a reasonable buffer zone must be established around the affected resources or properties; all ground disturbing activities shall be prohibited within the buffer zone.

(a) Buffer zones must preserve the integrity and context of cultural resources. They will vary in width depending on the eventual use of the project area, the type of cultural resources that are present, and the characteristics for which the cultural resources may be significant. A deed covenant, easement, or other appropriate mechanism shall be developed to ensure that the buffer zone and the cultural resources are protected.

(b) An Evaluation of Significance shall be conducted if a project applicant decides not to avoid the affected cultural resource. In these instances, the Reconnaissance Survey and survey report shall be incorporated into the Evaluation of Significance.

(3) A historic survey demonstrates that the proposed use would not have an effect on historic buildings or structures. ~~because: (1)~~ To demonstrate that the proposed use would not have an effect on historic buildings or structures, the historic survey must satisfy one of the following guidelines:

(a) SHPO concludes that the historic buildings or structures are clearly not significant, as determined using the criteria in the *National Register Criteria for Evaluation* ("36 CFR Part 60.4); or

(b) The proposed use would not compromise the historic or architectural character of the affected buildings or structures, or compromise features of the site that are important in defining the overall historic character of the affected buildings or structures, as determined by the guidelines and standards ~~in The Secretary of the Interior's Standards for Rehabilitation (U.S. Department of the Interior 1990) and~~ The Secretary of the Interior's Standards for ~~Historic Preservation Projects~~ the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (U.S. Department of the Interior ~~1983~~ 2017 or most recent version).

1. The historic survey conducted by the Gorge Commission may provide sufficient information to satisfy these standards. If it does not, architectural and building plans, photographs, and archival research may be required. The project applicant shall be responsible for providing information beyond that included in the survey conducted by the Gorge Commission.

2. The historic survey and report must demonstrate that these standards have been clearly and absolutely satisfied. If SHPO or the Planning Director question whether these standards have been satisfied, the project applicant shall conduct an Evaluation of Significance.

(C) 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.

(3) A project applicant who is proposing a large-scale use shall conduct interviews and other forms of ethnographic research if interested persons submit a written request for such research. All requests must include a description of the cultural resources that may be affected by the proposed use and the identity of knowledgeable informants. Ethnographic research shall be conducted by qualified specialists. ~~Tape r~~Recordings, maps, photographs, and minutes shall be used when appropriate.

(4) All written comments, consultation meeting minutes and ethnographic research 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.

(D) Reconnaissance and historic surveys, evaluations, assessments and mitigation plans shall be performed by qualified professionals whose expertise reflects the type of cultural resources that are involved. Principal investigators shall meet the professional standards published in *36 Code of Federal Regulations (CFR) Part 61* and *Guidelines for Evaluating and Documenting Traditional Cultural Properties (Parker and King n.d.).* A survey shall consist of the following:

(1) Reconnaissance Survey for Small-Scale Uses

Reconnaissance surveys for small scale uses shall consist of the following:

(a) A surface survey of the project area, except for inundated areas and impenetrable thickets.

(b) Subsurface testing shall be conducted if the surface survey reveals that cultural resources may be present. Subsurface probes will be placed at intervals sufficient to determine the absence or presence of cultural resources.

(c) A confidential report that includes:

1. A description of the fieldwork methodology used to ~~identity~~ identify cultural resources, including a description of the type and extent of the reconnaissance survey.

2. A description of any cultural resources that were discovered in the project area, including a written description and photographs.

3. A map that shows the project area, the areas surveyed, the location of subsurface probes, and, if applicable, the approximate boundaries of the affected cultural resources and a reasonable buffer area.

(d) ~~The Gorge Commission will conduct and~~ Project applicants are responsible for paying for all reconnaissance or historic surveys, and for Evaluations of Significance and Mitigation Plans for cultural resources discovered during construction of small-scale uses.

(2) Reconnaissance Survey for Large Scale Uses

For the purposes of this section, large-scale uses include residential development involving two or more new dwellings; recreation facilities; commercial and industrial development; public transportation facilities; electric facilities, lines, equipment, and appurtenances that are 33 kilovolts or greater; and communications, water and sewer, and natural gas transmission (as opposed to distribution) lines, pipes, equipment, and appurtenances.

Reconnaissance surveys for Large Scale Uses shall consist of the following:

(a) A written description of the survey shall be submitted to and approved by the Gorge Commission's designated archaeologist.

(b) Reconnaissance surveys shall reflect the physical characteristics of the project area and the design and potential effects of the proposed use. They shall meet the following standards:

1. Archival research shall be performed prior to any field work. It should entail a thorough examination of tax records; historic maps, photographs, and drawings; previous archaeological, historic, and ethnographic research; cultural resource inventories and records maintained by federal, state, and local agencies; and primary historic accounts, such as diaries, journals, letters, and newspapers.

2. Surface surveys shall include the entire project area, except for inundated areas and impenetrable thickets.

3. Subsurface probes shall be placed at intervals sufficient to document the presence or absence of cultural resources.

4. Archaeological site inventory forms shall be submitted to SHPO whenever cultural resources are discovered.

(c) A confidential report that includes:

1. A description of the proposed use, including drawings and maps.

2. A description of the project area, including soils, vegetation, topography, drainage, past alterations, and existing land use.

3. A list of the documents and records examined during the archival research and a description of any ~~prehistoric~~ precontact or historic events associated with the project area.

4. A description of the fieldwork methodology used to identify cultural resources, including a map that shows the project area, the areas surveyed, and the location of subsurface probes. The map shall be prepared at a scale that provides accurate and

readable details. In no event shall the scale be less than ~~of~~ 1 inch equals 100 feet (1:1,200)~~, or a scale providing greater detail~~.

5. An inventory of the cultural resources that exist in the project area, including a written description, photographs, drawings, and a map. The map shall be prepared at a scale that provides accurate and readable details. In no event shall the scale be less than ~~of~~ 1 inch equals 100 feet (1:1,200)~~, or a scale providing greater detail~~.

6. A summary of all written comments submitted by ~~Indian~~ tribal governments and other interested persons.

7. A preliminary assessment of whether the proposed use would or would not have an effect on cultural resources. The assessment shall incorporate concerns and recommendations voiced during consultation meetings and information obtained through archival and ethnographic research and field surveys.

(d) The applicant shall be responsible for reconnaissance surveys for large-scale uses.

(e) ~~The Gorge Commission will conduct and~~ Project applicants are responsible for paying for all Evaluations of Significance and Mitigation Plans for cultural resources discovered during construction of large-scale uses.

(3) Historic Surveys

(a) Historic surveys shall document the location, form, style, integrity, and physical condition of historic buildings and structures. They shall include:

1. Original photographs;

2. Original maps; and

3. Archival research, blueprints, and drawings as necessary.

(b) Historic surveys shall describe any uses that will alter or destroy the exterior architectural appearance of the historic buildings or structures, or compromise features of the site that are important in defining the overall historic character of the historic buildings or structures

(c) The project applicant shall provide detailed architectural drawings and building plans that clearly illustrate all proposed alterations.

(E) The Planning Director shall submit a copy of all cultural resource survey reports to the Gorge Commission, SHPO, the ~~Indian~~ tribal governments, the Cultural Advisory Committee, and any party who submitted substantiated comment during the comment period provided in MCC 38.0530 (B), except that sensitive tribal information may be redacted by an appropriate tribal representative. Survey reports may include measures to avoid affected cultural resources, such as a map that shows a reasonable buffer area.

(1) All parties notified shall have 30 calendar days from the date a survey report is mailed to submit written comments to the Planning Director. The Planning Director shall record and address all written comments in the Site Review analysis.

(2) The Planning Director shall require an evaluation of significance if the ~~reconnassiance~~ reconnaissance or historic survey or substantiated comment received indicate that the proposed use might affect any of the following:

(a) Cultural resources

(b) Archaeological resources

(c) Traditional cultural properties

(d) Historic buildings or structures

(3) The Planning Director shall deem the cultural resource review process complete if no substantiated comment is received during the 30 day comment period and the ~~reconnassiance~~ reconnaissance or historic survey indicate that the proposed use would have no effect on the items listed in subsection (2)(a) through (d) above.

(4) Notice of the decision of the Planning Director shall be mailed to those parties entitled to notice by MCC 38.0530 (B) within 10 days of the expiration of the 30 day comment period.

(5) The decision of the Planning Director on an application for cultural resource review shall be final 14 days from the date notice is mailed, unless appealed as provided in MCC 38.0530 (B).

(F) Evaluations of significance shall meet the following standards:

(1) Evaluations of significance shall follow the procedures in How to Apply the National Register Criteria for Evaluation (U.S. Department of the Interior, ~~n.d.~~ 1997 or most recent version) and Guidelines for the Evaluation and Documentation of Traditional Cultural Properties (Parker and King, ~~n.d.~~ 1997 or most recent version). They shall be presented within local and regional contexts and shall be guided by previous research and current research designs that are relevant to specific research questions for the Columbia River Gorge.

(2) To evaluate the significance of cultural resources, the information gathered during the reconnaissance or historic survey may have to be supplemented. Detailed field mapping, subsurface testing, photographic documentation, laboratory analysis, and archival research may be required.

(3) The project applicant shall contact ~~Indian~~ tribal governments and interested persons, as appropriate. Ethnographic research shall be undertaken as necessary to fully evaluate the significance of the cultural resources.

(4) The Evaluation of Significance shall follow the principles, guidelines, and report format recommended by Oregon SHPO (Oregon State Historic Preservation Office ~~1990~~). It shall incorporate the results of the reconnaissance or historic survey and shall illustrate why each cultural resource is or is not significant. Findings shall be presented within the context of relevant local and regional research.

(5) All documentation used to support the evaluation of significance shall be cited. Evidence of consultation with ~~Indian~~ tribal governments and other interested persons shall be presented. All comments, recommendations, and correspondence from ~~Indian~~ tribal governments and interested persons shall be appended to the Evaluation of Significance.

(6) The applicant shall be responsible for Evaluations of Significance.

(G) If the Evaluation of Significance demonstrates that the affected cultural resources are not significant, the Planning Director shall submit a copy of all cultural resource survey reports to the Gorge Commission, SHPO, the ~~Indian~~ tribal governments, the Cultural Advisory Committee, and any party who submitted substantiated comment during the comment period provided in MCC 38.7045 (E) (1). In such circumstances, SHPO and the tribal governments are provided this copy for concurrence.

(1) All parties notified shall have 30 calendar days from the date the evaluation of significance is mailed to submit written comments to the Planning Director. The Planning Director shall record and address all written comments in the Site Review analysis.

(2) The Planning Director shall find the cultural resources significant and require an Assessment of Effect if the Evaluation of Significance or comments received indicate either of the following:

(a) The cultural resources are included in, or eligible for inclusion in, the National Register of Historic Places. The criteria for use in evaluating the eligibility of cultural resources for the National Register of Historic Places appear in the "National Register Criteria for Evaluation" (36 CFR 60.4). Cultural resources are eligible for the National Register of Historic Places if they possess integrity of location, design, setting, materials, workmanship, feeling, and association. In addition, they must meet one or more of the following criteria:

1. Association with events that have made a significant contribution to the broad patterns of the history of this region;

2. Association with the lives of persons significant in the past;

3. Embody the distinctive characteristics of a type, period, or method of construction, or represent the work of a master, or possess high artistic values, or represent a significant and distinguishable entity whose components may lack individual distinction; or

4. Yield, or may be likely to yield, ~~information important in prehistory or history~~ important precontact or historical information.

(b) The cultural resources are determined to be culturally significant by a ~~Indian~~ tribal government, based on criteria developed by that ~~Indian~~ tribal government ~~and filed with the Gorge Commission.~~

(3) The Planning Director shall deem the cultural resource review process complete if no substantiated comment is received during the 30 day comment period and the Evaluation of Significance indicates the effected cultural resources are not significant.

(4) Notice of the decision of the Planning Director shall be mailed to those parties entitled to notice by MCC 38.7045 (E) within 10 days of the expiration of the 30 day comment period.

(5) The decision of the Planning Director on an application for cultural resource review shall be final 14 days from the date notice is mailed, unless appealed as provided in MCC 38.0530 (B).

(H) An Assessment of Effect shall meet the following standards:

(1) The Assessment of Effect shall be based on the criteria published in *Protection of Historic Properties* (36 CFR Part 800.5) and shall incorporate the results of the Reconnaissance or Historic Survey and the Evaluation of Significance. All documentation shall follow the requirements listed in 36 CFR Part 800.11.

(a) Proposed uses have an effect on cultural resources when they alter or destroy characteristics of the resources that make them significant [36 CFR Part 800.5].

(b) Proposed uses are considered to have an adverse effect when they may diminish the integrity of the cultural resource's location, design, setting, materials, workmanship, feeling, or association [36 CFR Part 800.5]. Adverse effects on cultural resources include, but are not limited to:

1. Physical destruction, damage, or alteration of all or part of the cultural resource;

2. Isolation of the cultural resource from its setting or alteration of the character of the resource's setting when that character contributes to the resource's qualification as being significant;

3. Introduction of visual, audible, or atmospheric elements that are out of character with the cultural resource or its setting;

4. Neglect of a significant cultural resource resulting in its deterioration or destruction except as described in 36 CFR 800.5.

(2) The Assessment of Effect shall be prepared in consultation with ~~Indian~~ tribal governments and interested persons, as appropriate. The concerns and recommendations voiced by ~~Indian~~ tribal governments and interested persons shall be recorded and addressed in the assessment.

(3) The effects of a proposed use that would otherwise be determined to be adverse may be considered to not be adverse in the following instances:

(a) The cultural resources are of value only for their potential contribution to archaeological, historical, or architectural research, and when such value can be substantially preserved through the conduct of appropriate research before development begins, and such research is conducted in accordance with applicable professional standards and guidelines;

(b) The undertaking is limited to the rehabilitation of buildings and structures, and is conducted in a manner that preserves the historical and architectural character of affected cultural resources through conformance with ~~The Secretary of the Interior's Standards for Rehabilitation (U.S. Department of the Interior 1990) and~~ *The Secretary of the Interior's Standards for* *the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (U.S. Department of the Interior 2017 or most recent revision).* ~~Historic Preservation Projects (U.S. Department of the Interior 1983); or~~

(c) The proposed use is limited to the transfer, lease, or sale of non-federal lands that contain cultural resources, and adequate restrictions or conditions are included to ensure preservation of the significant features of the resources.

(4) The applicant shall be responsible for the Assessment of Effect.

(I) If the Assessment of Effect concludes that the proposed use would have no effect or no adverse effect on significant cultural resources, the Planning Director shall submit a copy of the assessment to the Gorge Commission, SHPO, the ~~Indian~~ tribal governments, the Cultural Advisory Committee, and any party who submitted substantiated comment during the comment period provided in MCC 38.7045 (E) (1).

(1) All parties notified shall have 30 calendar days from the date the Assessment of Effect is mailed to submit written comments to the Planning Director. The Planning Director shall record and address all written comments in the Site Review analysis.

(2) The Planning Director shall require the applicant to prepare a Mitigation Plan if the Assessment of Effect or substantiated comment received during the 30 day comment period indicates the proposed use would have an effect or an adverse effect on significant cultural resources.

(3) The Planning Director shall deem the cultural resource review process complete if no comment is received during the 30 day comment period and the Assessment of Effect indicates the proposed use would have no effect or no adverse effect on significant cultural resources.

(4) Notice of the decision of the Planning Director shall be mailed to those parties entitled to notice by MCC 38.7045 (E) within 10 days of the expiration of the 30 day comment period.

(5) The decision of the Planning Director on an application for cultural resource review shall be final 14 days from the date notice is mailed, unless appealed as provided in MCC 38.0530 (B).

(J) Mitigation plans shall meet the following standards:

(1) Mitigation Plans shall be prepared in consultation with persons who have concerns about or knowledge of the affected cultural resources, including ~~Indian~~ tribal governments, Native Americans, local governments whose jurisdiction encompasses the project area, and SHPO.

(2) Avoidance of cultural resources through project design and modification is preferred. Avoidance may be effected by reducing the size, scope, configuration, and density of the proposed use.

(a) Alternative mitigation measures shall be used only if avoidance is not practicable. Alternative measures may include, but are not limited to, requiring a monitor during construction, burial under fill, stabilization, removal of the cultural resource to a safer place, and partial to full excavation and recordation.

(b) If the mitigation plan includes buffer areas to protect cultural resources, a deed covenant, easement, or other appropriate mechanism must be developed and recorded in county deeds and records.

(3) Mitigation plans shall incorporate the results of the reconnaissance or historic survey, the evaluation of significance, and the assessment of effect, and shall provide the documentation required in 36 CFR Part 800.11, including, but not limited to:

(a) A description and evaluation of any alternatives or mitigation measures that the project applicant proposes for reducing the effects of the proposed use;

(b) A description of any alternatives or mitigation measures that were considered but not chosen and the reasons for their rejection;

(c) Documentation of consultation with SHPO regarding any alternatives or mitigation measures;

(d) A description of the project applicant's efforts to obtain and consider the views of ~~Indian~~ tribal governments, interested persons, and local governments; and

(e) Copies of any written recommendations submitted to the Planning Director or project applicant regarding the effects of the proposed use on cultural resources and alternatives to avoid or reduce those effects.

(4) The applicant shall be responsible for Mitigation Plans.

(K) The Planning Director shall submit a copy of the Mitigation Plan to the Gorge Commission, SHPO, the ~~Indian~~ tribal governments, the Cultural Advisory Committee, and any party who submitted substantiated comment during the comment period provided in MCC 38.7045 (E) (1).

(1) All parties shall have 30 calendar days from the date the mitigation plan is mailed to submit written comments to the Planning Director. The Planning Director shall record and address all written comments in the Site Review analysis.

(2) If substantiated comment is received during the 30 day comment period, the Planning Director shall place the matter on the next available Planning Commission agenda. The Planning Commission shall determine if the adverse effect identified in the Assessment of Effect is reduced to no effect or no adverse effect.

(3) The Planning Director shall deem the cultural resource review process complete if the Mitigation Plan indicates that the impact of the proposed use is reduced to no effect or no adverse effect and no substantiated comment is received during the 30 day comment period.

(a) Notice of the decision of the Planning Director shall be mailed to those parties entitled to notice by MCC 38.7045 (E) within 10 days of the expiration of the 30 day comment period.

(b) The decision of the Planning Director on an application for cultural resource review shall be final 14 days from the date notice is mailed, unless appealed as provided in MCC 38.0530 (B).

(4) The proposed use shall be prohibited when acceptable mitigation measures fail to reduce an adverse effect to no effect or no adverse effect.

(L) Cultural Resources Discovered After Construction Begins

The following procedures shall be effected when cultural resources are discovered during construction activities, and shall be included as conditions of approval for all review uses. All survey and evaluation reports and mitigation plans shall be submitted to the Planning Director and SHPO. ~~Indian~~ tribal governments also shall receive a copy of all reports and plans if the cultural resources are ~~prehistoric~~ precontact or otherwise associated with Native Americans.

(1) 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.

(2) Notification – The project applicant shall notify the Planning Director and the Gorge Commission within 24 hours of the discovery. If the cultural resources are ~~prehistoric~~ precontact or otherwise associated with Native Americans, the project applicant shall also notify the ~~Indian~~ tribal governments within 24 hours.

(3) Survey and Evaluation – The Gorge Commission will survey the cultural resources after obtaining written permission from the landowner and appropriate permits from 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).

(a) The Planning Director shall, based on the survey and evaluation report and any written comments, make a final decision within 10 days of the receipt of the report of the Gorge Commission on whether the resources are significant.

(b) The Planning Director shall require a Mitigation Plan if the affected cultural resources are found to be significant.

(c) Notice of the decision of the Planning Director shall be mailed to those parties entitled to notice by MCC 38.0530 (B).

(d) The decision of the Planning Director shall be final 14 days from the date notice is mailed, unless appealed as provided in MCC 38.0530 (B). Construction activities may recommence if no appeal is filed.

(4) Mitigation Plan – Mitigation plans shall be prepared according to the information, consultation, and report standards of MCC 38.7045 (J). Construction activities may recommence when the conditions in the mitigation plan have been executed.

(M) Discovery of Human Remains

The following procedures shall be ~~effected~~ used when human remains are discovered during a cultural resource survey or during construction, and shall be included as a condition of approval for all review uses.

Human remains means articulated or disarticulated human skeletal remains, bones, or teeth, with or without attendant burial artifacts.

(1) Halt Activities – All survey, excavation, and construction activities shall cease. The human remains shall not be disturbed any further.

(2) Notification – Local law enforcement officials, the Planning Director, the Gorge Commission, and the ~~Indian~~ tribal governments shall be contacted immediately. Do not contact any other entity other than those listed here.

(3) Inspection – The State Medical Examiner shall inspect the remains at the project site and determine if they are ~~prehistoric~~ precontact/historic or modern. Representatives from the ~~Indian~~ tribal governments shall have an opportunity to monitor the inspection.

(4) Jurisdiction – If the remains are modern, the appropriate law enforcement officials will assume jurisdiction and the cultural resource protection process may conclude.

(5) Treatment – ~~Prehistoric~~ Precontact/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.

(a) 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).

(b) 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.

(Ord. 1270, Amended, 03/14/2019; Ord. 1254, Amend 3/22/18; Ord. 1125, Amended, 12/11/2008; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 994, Amended, 09/26/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 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.

(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.

(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:

(1) Literature Review and Consultation

(a) An assessment of the presence of any cultural resources, listed on the National Register of Historic Places at the national, state or county level, on or within the area of potential direct and indirect impacts.

(b) A search of state and county government, National Scenic Area/U.S. Forest Service and any other pertinent inventories, such as archives and photographs, to identify cultural resources, including consultation with the State Historic Preservation Office (SHPO) and tribal governments.

(c) Consultation with cultural resource professionals knowledgeable about the area.

(d) If the U.S. Forest Service determines that there no recorded or known cultural resource, after consultation with the tribal governments on or within the immediate vicinity of a new development or land use, the cultural resource review shall be complete.

(e) If the U.S. Forest Service determines that there is the presence of a recorded or known cultural resources, including those reported in consultation with the tribal governments on or within the immediate vicinity of a new development or land use, a field inventory by a cultural resource professional shall be required.

(2) Field Inventory

(a) Tribal representatives shall be invited to participate in the field inventory.

(b) The field inventory shall consist of one or the other of the following standards, as determined by the cultural resource professional:

1. Complete survey: the systematic examination of the ground surface through a controlled procedure, such as walking an area in evenly-spaced transects. A complete survey may also require techniques such as clearing of vegetation, angering or shovel probing of subsurface soils for the presence of buried cultural resources.

2. Sample survey: the sampling of an area to assess the potential of cultural resources within the area of proposed development or use. This technique is generally used for large or difficult to survey parcels, and is generally accomplished by a stratified random or non-stratified random sampling strategy. A parcel is either stratified by variables such as vegetation, topography or elevation, or by non-environmental factors such as a survey grid.

Under this method, statistically valid samples are selected and surveyed to indicate the probability of presence, numbers and types of cultural resources throughout the sampling strata. Depending on the results of the sample, a complete survey may or may not subsequently be recommended.

(c) A field inventory report is required, and shall include the following:

1. A narrative integrating the literature review of subsection (1) above with the field inventory of subsection (2) (b) above.

2. A description of the field inventory methodology utilized under subsection (2) (b) above, describing the type and extent of field inventory, supplemented by maps which graphically illustrate the areas surveyed, not surveyed, and the rationale for each.

3. A statement of the presence or absence of cultural resources within the area of the new development or land in use.

4. When cultural resources are not located, a statement of the likelihood of buried or otherwise concealed cultural resources shall be included. Recommendations and standards for monitoring, if appropriate, shall be included.

(d) Report format shall follow that specified by the Oregon State Historic Preservation Office.

(e) The field inventory report shall be presented to the U.S. Forest Service for review.

(f) If the field inventory determines that there are no cultural resources within the area of the new development or land use, the cultural resource review shall be complete.

(3) Evaluations of Significance

(a) When cultural resources are found within the area of the new development or land use, an evaluation of significance shall be completed for each cultural resource relative to the criteria of the National Register of Historic Places (36 CFR 60.4).

(b) Evaluations of cultural resource significance shall be guided by previous and current research designs relevant to specific research questions for the area.

(c) Evaluations of the significance of traditional cultural properties should follow National Register Bulletin 38, *Guidelines for the Evaluation and Documentation of Traditional Cultural Properties*, within local and regional contexts.

(d) Recommendations for eligibility of individual cultural resources under National Register Criteria A through D (36 CFR 60.4) shall be completed for each identified resource. The U.S. Forest Service shall review evaluations for adequacy.

(e) Evidence of consultation with tribal governments and individuals with knowledge of the cultural resources in the project area, and documentation of their concerns, shall be included as part of the evaluation of significance.

(f) If the U.S. Forest Service determines that the inventoried cultural resources are not significant, the cultural resource review shall be complete.

(g) If the determines that the inventoried cultural resources are significant, an assessment of effect shall be ~~required .~~ required.

(4) Assessment of Effect

(a) For each significant (*i.e.*, National Register eligible) cultural resource inventoried within the area of the proposed development or change in use, assessments of effect shall be completed, using the criteria outlined in 36 CFR 800.5 *Assessing Effects*. Evidence of consultation with tribal governments and individuals with knowledge of the cultural resources of the project area shall be included for subsections (b) through (d) below. The U.S. Forest Service shall review each determination for adequacy and appropriate action.

(b) If the proposed development or change in use will have "No Adverse Effect" (36 CFR 800.4) to a significant cultural resource, documentation for that finding shall be completed, following the "Documentation Standards" of 36 CFR 800.11. If the proposed development or change in use will have an effect, then the Resolution of Adverse Effects must be applied (36 CFR 800.5).

(c) If the proposed development or change in use will have an "Adverse Effect" as defined by 36 CFR 800.5 to a cultural resource, the type and extent of "Adverse Effect" upon the qualities of the property that make it eligible to the National Register shall be documented 36 CFR 800.6 “Resolution of Adverse Effects.” This documentation shall follow the process outlined under 36 CFR 800.11 “Failure to Resolve Adverse Effects.”

(d) If the "effect" appears to be beneficial (*i.e.*, an enhancement to cultural resources), documentation shall be completed for the recommendation of that effect upon the qualities of the significant cultural resource that make it eligible to the National Register. This documentation shall follow the process outlined under 36 CFR 800.11 *Documentation Standards*.

(5) Mitigation

(a) If there will be an effect on cultural resources, measures shall be provided for mitigation of effects pursuant to 36 CFR 800.6 “Resolution of Adverse Effects.” These measures shall address factors such as avoidance of the property through project design or modification and subsequent protection, burial under fill, data recovery excavations, or other measures which are proposed to mitigate effects.

(b) Evidence of consultation with tribal governments and individuals with knowledge of the resources to be affected, and documentation of their concerns, shall be included for all mitigation proposals.

(c) The U.S. Forest Service shall review all mitigation proposals for adequacy.

(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 if possible~~/or~~ recover the resource pursuant to MCC 38.7050 (G) (4) and (5)

(Ord. 1125, Amended, 12/11/2008; Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7053 GMA WATER RESOURCES REVIEW CRITERIA

WATER RESOURCES: WETLANDS, STREAMS, PONDS, LAKES, AND RIPARIAN AREAS

(A) SITE PLANS FOR USES IN WATER RESOURCES AND BUFFER ZONES

(1) In addition to the information required in all site plans, site plans for proposed uses in water resources, or their buffer zones, shall include: a site plan map prepared at a scale of 1 inch equals 100 feet (1:1,200), or a scale providing greater detail; the exact boundary of the water resource, ordinary high water mark, or normal pool elevation, and the buffer zone; and a description of actions that would affect the water resource.

(B) USES IN WATER RESOURCES AND BUFFER ZONES

(1) The following uses may be allowed in wetlands, subject to compliance with provisions for the protection of scenic, natural, cultural, and recreation resources and "Approval Criteria for Uses in Wetlands" subsection (C) below.

(a) The modification, expansion, replacement, or reconstruction of serviceable transportation or other public infrastructure (this does not include private road and driveways), if such actions would not;

1. Increase the size of an existing structure by more than 100 percent.

2. Result in a loss of water resource functions.

3. Result in a loss of water quality, natural drainage, and fish and wildlife habitat.

(b) The construction, modification, expansion, replacement, or reconstruction of minor water-related recreation structures that are available for public use. Structures in this category shall be limited to: boardwalks; observation decks; interpretative aids, such as kiosks and signs; and trails and paths, provided their surface is not constructed of impervious materials.

(c) The construction, modification, expansion, replacement, or reconstruction of minor water-dependent structures that are placed on pilings, if the pilings allow unobstructed flow of water and are not placed so close together that they effectively convert an aquatic area to dry land. Structures in this category shall be limited to public and private docks and boat houses, and fish and wildlife management structures that are constructed by federal, state, or tribal government resource agencies.

(2) The following uses may be allowed in water resources (except wetlands), and may be allowed in all water resource buffer zones (including wetlands buffer zones), subject to compliance with provisions for the protection of scenic, natural, cultural, and recreation resources and "Approval Criteria for Modifications to Serviceable Structures and Minor Water-Dependent and Water-Related Structures in Water Resources " in subsection (D) below.

(a) The modification, expansion, replacement, or reconstruction of serviceable structures, if such actions would not;

1. Increase the size of an existing structure by more than 100 percent.

2. Result in a loss of wetlands acreage or functions.

3. Result in a loss of water quality, natural drainage, and fish and wildlife habitat.

4. Intrude further into water resources or water resources buffer zone. New structures shall be considered intruding further into a water resource or associated buffer zone if any portion of the structure is located closer to the water resource or buffer zone than the existing structure.

(b) The construction, modification, expansion, replacement, or reconstruction of minor water-related recreation structures that are available for public use. Structures in this category shall be limited to: boardwalks; observation decks; interpretative aids, such as kiosks and signs; and trails and paths, provided their surface is not constructed of impervious materials.

(c) The construction, modification, expansion, replacement, or reconstruction of minor water-dependent structures that are placed on pilings, if the pilings allow unobstructed flow of water and are not placed so close together that they effectively convert an aquatic area to dry land. Structures in this category shall be limited to public and private docks and boat houses, and fish and wildlife management structures that are constructed by federal, state, or tribal government resource agencies.

(3) Uses that are not allowed outright or in subsections (B)(1) or (2) above, may be allowed in water resources (except wetlands) and in all water resources buffer zones (including wetland buffer zones), subject to compliance with provisions for the protection of scenic, natural, cultural, and recreation resources and "Approval Criteria for Other Uses in Water Resources" in subsection (E) below.

(C) APPROVAL CRITERIA FOR USES IN WETLANDS

(1) The uses identified in subsection (B)(1) under "Uses in Water Resources and Buffer Zones," above, may be allowed only if they meet all the following criteria:

(a) Practicable alternatives for locating the structure outside of the wetland do not exist.

(b) All reasonable measures have been applied to ensure that the use will result in the minimum loss of wetlands and in the minimum degradation of ecological functions, water quality, existing contour, vegetation, fish and wildlife resources, and hydrology.

(c) The use will be constructed using best management practices. Best management practices can include measures to prevent soil erosion, the introduction and spread of invasive plants and aquatic species, and other impacts to plants, wildlife, soil, and water. Boardwalks and observation decks shall be constructed using non-toxic materials to protect water quality.

(d) Areas disturbed during construction of the use will be rehabilitated to the maximum extent practicable.

(e) The use complies with the Approval Criteria for Other Uses in Water Resources below.

(f) Proposed uses in wetlands shall be evaluated for adverse effects, including cumulative effects, and adverse effects shall be prohibited.

(g) The use complies with all applicable federal, state, and local laws.

(D) APPROVAL CRITERIA FOR MODIFICATIONS TO SERVICEABLE STRUCTURES AND MINOR WATER-DEPENDENT AND WATER-RELATED STRUCTURES IN WATER RESOURCES

(1) The uses identified in subsection (B)(2) under "Uses in Water Resources and Buffer Zones," above, may be allowed only if they meet all of the following criteria:

(a) Practicable alternatives for locating the structure outside of the water resource or buffer zone do not exist.

(b) All reasonable measures have been applied to ensure that the structure will result in the minimum alteration or degradation of ecological functions, water quality, existing contour, vegetation, fish and wildlife resources, and hydrology.

(c) The structure will be constructed using best management practices. Best management practices can include measures to prevent soil erosion, the introduction and spread of invasive plants and aquatic species, and other impacts to plants, wildlife, soil, and water. Boardwalks and observation decks shall be constructed using non-toxic materials to protect water quality.

(d) Areas disturbed during construction of the structure will be rehabilitated to the maximum extent practicable.

(e) Proposed uses in water resources and their buffer zones shall be evaluated for adverse effects, including cumulative effects, and adverse effects shall be prohibited.

(f) The structure complies with all applicable federal, state, and local laws.

(E) APPROVAL CRITERIA FOR OTHER USES IN WATER RESOURCES

(1) The uses identified in subsection (B)(3) under "Uses in Water Resources and Buffer Zones," above, may be allowed only if they meet all of the following criteria:

(a) The proposed use is water-dependent or is not water-dependent but has no practicable alternative as determined by the practicable alternative test in this section.

(b) The proposed use is in the public interest as determined by the public interest test in this section.

(c) Measures will be applied to ensure that the proposed use results in the minimum feasible alteration of the resource. As a starting point, the following measures shall be considered when new development and uses are proposed in water resources or buffer zones:

1. Ecological functions, contour, and hydrology shall be maintained. Nonstructural controls and natural processes shall be used to the greatest extent possible.

2. Construction shall occur during periods when fish and wildlife are least sensitive to disturbance. Work in streams, ponds, and lakes shall be conducted during the periods specified in Oregon's published guidelines for in-water work, or as advised by the applicable Department of Fish and Wildlife.

3. All vegetation shall be retained to the greatest extent practicable, including wetland, aquatic, and riparian vegetation.

4. Bridges, roads, pipelines and utility corridors, and other water crossings shall be minimized and should serve multiple purposes and properties.

5. Stream channels shall not be placed in culverts unless absolutely necessary for property access. Bridges are preferred for water crossings to reduce disruption to streams, ponds, lakes, and their banks. When culverts are necessary, oversized culverts with open bottoms that maintain the channel's width and grade should be used. State agencies with permitting responsibility for culverts shall be consulted.

6. Temporary and permanent control measures shall be applied to minimize erosion and sedimentation when water resource areas are disturbed, such as slope netting, berms and ditches, tree protection, sediment barriers, infiltration systems, and culverts.

7. Measures shall be taken to prevent the introduction or spread of invasive plants or aquatic species.

(d) Groundwater and surface-water quality will not be degraded by the proposed use.

(e) Those portions of a proposed use that are not water-dependent or that have a practicable alternative will not be located in water resources or buffer zones.

(f) The proposed use complies with all applicable federal, state, and local laws.

(g) Areas that are disturbed during construction of the proposed use will be rehabilitated. When a project area cannot be completely restored or rehabilitated, such as when a boat launch permanently displaces aquatic and riparian areas, enhancement shall also be required.

(h) Proposed uses in water resources and their buffer zones shall be evaluated for adverse effects, including cumulative effects, and adverse effects shall be prohibited.

(i) Unavoidable impacts to water resources will be offset through the deliberate restoration, creation, or enhancement of impacted resources. Restoration, creation, and enhancement are not alternatives to the provisions listed above; they shall be used only as a last resort to offset unavoidable water resource impacts.

(j) Restoration, creation, and enhancement shall improve water quality, natural drainage, and fish and wildlife habitat of the affected wetland, stream, pond, lake, or buffer zone. When a project area has been disturbed in the past, it shall be rehabilitated to its natural condition to the maximum extent practicable. The following water resource provisions shall apply:

1. Impacts to wetlands shall be offset by restoring or creating new wetlands or by enhancing degraded wetlands. Wetlands restoration shall be the preferred approach when wetlands are impacted.

2. Water resources restoration and enhancement shall be conducted in accordance with a wetlands compensation plan or water resources mitigation plan. Voluntary enhancement project applications shall be encouraged.

3. Water resources shall be replanted with native plant species that replicate the original vegetation community.

4. Natural hydrologic conditions shall be replicated, including current patterns, circulation, velocity, volume, and normal water fluctuation.

5. Natural stream channel and shoreline dimensions shall be replicated, including depth, width, length, cross-sectional profile, and gradient. Riparian areas shall be rehabilitated to their original configuration, including slope and contour.

6. The bed of the affected aquatic area shall be rehabilitated with materials appropriate for the channel and hydrologic features.

7. Fish and wildlife habitat features shall be replicated, including pool-riffle ratios, substrata, and structural habitat features including large woody debris and boulders.

8. Rehabilitation and enhancement efforts shall be completed no later than 90 days after the water resource or buffer zone has been altered, or as soon thereafter as is practicable.

9. The size of replacement 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

10. Replacement wetlands shall replicate the functions of the wetlands that will be altered such that improvement of wetlands functions occurs.

11. Replacement wetlands should replicate the type of wetland that will be altered. If this standard is not feasible or practical because of technical constraints, a wetland type of equal or greater benefit may be substituted, provided that improvement of wetlands functions occurs.

12. Wetlands restoration, creation, or enhancement should occur within 1,000 feet of the affected wetland. If this is not practicable because of physical, or technical constraints, replacement shall occur within the same watershed and as close to the altered wetland as practicable.

13. Restoration, creation, and enhancement efforts should be completed before a water resource is altered. If it is not practicable to complete all restoration, creation, and enhancement efforts before the water resource is altered, these efforts shall be completed before the new use is occupied or used.

14. Five years after a wetland is restored, created, or enhanced, or three years after a stream, pond, lake, or riparian area is restored, at least 75 percent of the replacement vegetation shall survive. The project applicant shall monitor the hydrology and vegetation of the replacement water resource, provide reports, and shall take corrective measures to ensure that it conforms to the approved wetlands compensation plan or water resources mitigation plan and this provision.

(F) RULES FOR DELINEATING WETLANDS BOUNDARIES

(1) The approximate location and extent of wetlands in the National Scenic Area is shown on the National Wetlands Inventory (U.S. Department of the Interior), as well as local wetlands inventories produced by state or local governments. In addition, the list of hydric soils and the soil survey maps shall be used as an indicator of wetlands. Some wetlands may not be shown on the wetlands inventory or soil survey maps. Wetlands that are discovered during an inspection of a potential project site shall be delineated and protected.

(2) The project applicant shall be responsible for using the procedures specified in the Corps of Engineers Wetlands Delineation Manual (Wetlands Research Program Technical Report Y-87-1, on-line edition) and applicable Regional Supplements as may be revised from time to time. All wetlands delineations shall be conducted by a professional who has been trained to use the federal delineation procedures.

(3) The Planning Director may verify the accuracy of, and render adjustments to, a wetlands boundary delineation. If the adjusted boundary delineation is contested by the project applicant, the Planning Director shall obtain professional services to render a final delineation, at the applicant's expense.

(G) WATER RESOURCES BUFFER ZONES

(1) All water resources shall, in part, be protected by establishing undisturbed buffer zones as specified below.

(2) Buffer zones shall be measured outward from the bank full flow boundary for streams, the high water mark for ponds and lakes, and the normal pool elevation for the Columbia River, and the wetland delineation boundary for wetlands on a horizontal scale that is perpendicular to the water resource boundary. On the main stem of the Columbia River above the Bonneville Dam, buffer zones shall be measured landward from the normal pool elevation of the Columbia River. The following buffer widths shall be required:

(a) The width of wetlands, lakes, and ponds buffer zones shall be based on the dominant vegetation community that exists in a buffer zone. The following buffer zone widths shall be required:

Forest communities:	75 feet
Shrub communities:	100 feet
Herbaceous communities:	150 feet

1. The dominant vegetation community in a buffer zone is the vegetation community that covers the most surface area of that portion of the buffer zone that lies between the proposed activity and the affected wetland. Vegetation communities are classified as forest, shrub, or herbaceous.

2. A forest vegetation community is characterized by trees with an average height equal to or greater than 20 feet, accompanied by a shrub layer; trees must form a canopy cover of at least 40 percent and shrubs must form a canopy cover of at least 40 percent. A forest community without a shrub component that forms a canopy cover of at least 40 percent shall be considered a shrub vegetation community for purposes of the Management Plan.

3. A shrub vegetation community is characterized by shrubs and trees that are greater than 3 feet tall and form a canopy cover of at least 40 percent.

4. An herbaceous vegetation community is characterized by the presence of herbs, including grass and grasslike plants, forbs, ferns, and non-woody vines.

(b) The following streams, identified by the Environmental Protection Agency in 2019 as priority cold water refuge fish habitat streams: Sandy River, Wind River, Little White Salmon, White Salmon, Hood River, Klickitat River, and Deschutes River: 200 feet.

(c) Streams used by anadromous or resident fish (tributary fish habitat), special streams, intermittent streams that include year-round pools, and perennial streams: 100 feet.

(d) Intermittent streams provided they are not used by anadromous or resident fish: 50 feet.

(3) Except as otherwise allowed, water resources buffer zones shall be retained in their natural condition. When a buffer zone is disturbed by a new use, it shall be replanted with native plant species.

(4) The project applicant shall be responsible for determining the exact location of the ordinary high watermark or normal pool elevation. The Planning Director may verify the accuracy of, and render adjustments to, an ordinary high watermark or normal pool delineation. If the adjusted boundary delineation is contested by the project applicant, the Planning Director shall obtain professional services to render a final delineation, at the project applicant's expense.

(H) PUBLIC INTEREST TEST

(1) The following factors shall be considered when determining if a proposed use is in the public interest:

(2) The extent of public need for the proposed use. For uses in wetlands, public need is limited to uses necessary to alleviate a current public safety issue supported by evidence establishing the safety issue.

(3) The extent and permanence of beneficial or detrimental effects that the proposed use may have on the public and private uses for which the property is suited.

(4) The functions and size of the water resource that may be affected.

(5) The economic value of the proposed use to the general area.

(6) The ecological value of the water resource and probable effect on public health and safety, fish, plants, and wildlife.

(I) WETLANDS COMPENSATION PLANS

(1) Wetlands compensation plans shall be prepared when a project applicant is required to restore, create, or enhance wetlands. A written plan addressing the provisions in this section is also required for voluntary enhancement projects. All wetlands compensation plans must be approved by Multnomah County, after consultation with federal and state agencies with jurisdiction over wetlands. They shall satisfy the following provisions and any others required by federal and state agencies:

(a) Wetlands compensation plans shall be prepared by a qualified professional hired by the project applicant. They shall provide for land acquisition, construction, maintenance, and monitoring of replacement wetlands.

(b) Wetlands compensation plans shall include an ecological assessment of the wetland that will be altered and the wetland that will be restored, created, or enhanced. The assessment shall include information on flora, fauna, hydrology, and wetlands functions.

(c) Compensation plans shall also assess the suitability of the proposed site for establishing a replacement wetland, including a description of the water source and drainage patterns, topography, wildlife habitat opportunities, and value of the existing area to be converted.

(d) Compensation plans shall provide plan view and cross-sectional, scaled drawings; topographic survey data, including elevations at contour intervals no greater than 1 foot, slope percentages, and final grade elevations; and other technical information in sufficient detail to explain and illustrate:

1. Soil and substrata conditions, grading, and erosion and sediment control needed for wetland construction and long-term survival.

2. Planting plans that specify native plant species, quantities, size, spacing, or density; source of plant materials or seeds; timing, season, water, and nutrient requirements for planting; and where appropriate, measures to protect plants from predation.

3. Water quality parameters, water source, water depths, water control structures, and water level maintenance practices needed to achieve the necessary hydrologic conditions.

(e) A 5-year monitoring, maintenance, and replacement program shall be included in all plans. At a minimum, a project applicant shall provide an annual report that documents milestones, successes, problems, and contingency actions. Photographic monitoring stations shall be established and photographs shall be used to monitor the replacement wetland.

(f) A project applicant shall demonstrate sufficient fiscal, technical, and administrative competence to successfully execute a wetlands compensation plan.

(J) WATER RESOURCES MITIGATION PLANS

(1) Mitigation plans shall be prepared when a project applicant is required to rehabilitate or enhance a stream, pond, lake, or buffer zone. A written plan addressing the provisions in this section is also required for voluntary enhancement projects. Plans shall satisfy the following provisions and any others required by federal and state agencies:

(a) Mitigation plans are the responsibility of the project applicant; they shall be prepared by qualified professionals.

(b) All plans shall include an assessment of the physical characteristics and natural functions of the affected stream, pond, lake, or buffer zone. The assessment shall include hydrology, flora, and fauna.

(c) Plans shall include plan view and cross-sectional, scaled drawings; topographic survey data, including elevations at contour intervals of at least 2 feet, slope percentages, and final grade elevations; and other technical information in sufficient detail to explain and illustrate:

1. Soil and substrata conditions, grading and excavation, and erosion and sediment control needed to successfully rehabilitate and enhance the stream, pond, lake, and buffer zone.

2. Planting plans that specify native plant species, quantities, size, spacing, or density; source of plant materials or seeds; timing, season, water, and nutrient requirements for planting; and where appropriate, measures to protect plants from predation.

3. Water quality parameters, construction techniques, management measures, and design specifications needed to maintain hydrologic conditions and water quality.

(d) A minimum 3-year monitoring, maintenance, and replacement program shall be included in all mitigation plans. At a minimum, a project applicant shall prepare an annual report that documents milestones, successes, problems, and contingency actions. Three years after an aquatic area or buffer zone is rehabilitated or enhanced, at least 75 percent of the replacement vegetation shall survive. The project applicant shall monitor the replacement vegetation and take corrective measures to meet this provision. Photographic monitoring shall be used to monitor all rehabilitation and enhancement efforts.

(e) A project applicant shall demonstrate sufficient fiscal, administrative, and technical competence to successfully execute and monitor a mitigation plan.

~~**§ 38.7055 GMA WETLAND REVIEW CRITERIA**~~

~~(A) The wetland review criteria shall be deemed satisfied if:~~

~~(1) The project site is not identified as a wetland on the *National Wetlands Inventory* (U.S. Fish and Wildlife Service, 1987);~~

~~(2) The soils of the project site are not identified by the *Soil Survey of Multnomah County, Oregon* (U.S.D.A. Soil Conservation Service, 1983) as hydric soils;~~

~~(3) The project site is adjacent to the main stem of the Columbia River.~~

~~(4) The project site is not within a wetland buffer zone; and~~

(5) Wetlands are not identified on the project site during site review.

(B) If the project site is within a recognized wetland or wetland buffer zone, the applicant shall be responsible for determining the exact location of the wetland boundary. Wetlands boundaries shall be delineated using the procedures specified in the *Corps of Engineers Wetland Delineation Manual* (Wetland Research Program Technical Report Y-87-1, on-line edition, updated through March 21, 1997.

All wetlands delineations shall be conducted by a professional, such as a soil scientist, botanist, or wetlands ecologist, who has been trained to use the federal delineation procedures.

The Planning Director may verify the accuracy of, and may render adjustments to, a wetlands boundary delineation. In the event the adjusted boundary delineation is contested by the applicant, the Planning Director shall, at the applicant's expense, obtain professional services to render a final delineation.

(C) The following uses may be allowed in wetlands and wetland buffer zones when approved pursuant to the provisions of MCC 38.0045, MCC 38.7055 (E), and reviewed under the applicable provisions of MCC 38.7035 through 38.7085:

(1) The modification, expansion, replacement, or reconstruction of serviceable structures, if such actions would not:

(a) Increase the size of an existing structure by more than 100 percent,

(b) Result in a loss of wetlands acreage or functions, and

(c) Intrude further into a wetland or wetlands buffer zone.

New structures shall be considered intruding further into a wetland or wetlands buffer zone if any portion of the structure is located closer to the wetland or wetlands buffer zone than the existing structure.

(2) The construction of minor water-related recreation structures that are available for public use. Structures in this category shall be limited to boardwalks; trails and paths, provided their surface is not constructed of impervious materials; observation decks; and interpretative aids, such as kiosks and signs.

(3) The construction of minor water-dependent structures that are placed on pilings, if the pilings allow unobstructed flow of water and are not placed so close together that they effectively convert an aquatic area to dry land. Structures in this category shall be limited to public and private docks and boat houses, and fish and wildlife management structures that are constructed by federal, state, or tribal resource agencies.

(D) Uses not listed in MCC 38.7055 (A) and (C) may be allowed in wetlands and wetlands buffer zones, when approved pursuant to MCC 38.7055 (F) and reviewed under the applicable provisions of MCC 38.7035 through 38.7085.

(E) Applications for modifications to serviceable structures and minor water-dependent and water-related structures in wetlands shall demonstrate that:

~~(1) Practicable alternatives to locating the structure outside of the wetland or wetland buffer zone and/or minimizing the impacts of the structure do not exist;~~

~~(2) All reasonable measures have been applied to ensure that the structure will result in the minimum feasible alteration or destruction of a wetlands function, existing contour, vegetation, fish and wildlife resources, and hydrology;~~

~~(3) The structure will be constructed using best management practices;~~

~~(4) Areas disturbed during construction of the structure will be rehabilitated to the maximum extent practicable; and~~

~~(5) The structure complies with all applicable federal, state, and county laws.~~

~~(F) Applications for all other Review and Conditional Uses in wetlands shall be processed pursuant to the provisions of MCC 38.0045 and shall demonstrate that:~~

~~(1) The proposed use is water-dependent, or is not water-dependent but has no practicable alternative considering all of the following:~~

~~(a) 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;~~

~~(b) The basic purpose of the use cannot be reasonably accomplished by reducing its size, scope, configuration, or density as proposed, or by changing the design of the use in a way that would avoid or result in less adverse effects on wetlands; and~~

~~(c) Reasonable attempts have been made to remove or accommodate constraints that caused a project applicant to reject alternatives to the use as proposed. 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 revision pursuant to MCC 38.0100 to demonstrate that practicable alternatives do not exist.~~

~~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.~~

~~(2) The proposed use is in the public interest as determined by:~~

~~(a) The extent of public need for the proposed use.~~

~~(b) The extent and permanence of beneficial or detrimental effects that the proposed use may have on the public and private uses for which the property is suited.~~

~~(c) The functions and size of the wetland that may be affected.~~

~~(d) The economic value of the proposed use to the general area.~~

~~(e) The ecological value of the wetland and probable effect on public health and safety, fish, plants, and wildlife.~~

~~(3) Measures will be applied to ensure the minimum feasible alteration or destruction of the wetland's functions, existing contour, vegetation, fish and wildlife resources, and hydrology.~~

~~(4) Groundwater and surface-water quality will not be degraded by the proposed use.~~

~~(5) Those portions of a proposed use that are not water-dependent or have a practicable alternative will not be located in wetlands or wetlands buffer zones.~~

~~(6) The proposed use complies with all applicable federal, state, and county laws.~~

~~(7) Areas that are disturbed during construction will be rehabilitated to the maximum extent practicable.~~

~~(8) Unavoidable impacts to wetlands will be offset through restoration, creation, or enhancement of wetlands.~~

~~The following wetlands restoration, creation, and enhancement standards shall apply:~~

~~(a) Impacts to wetlands shall be offset by restoring or creating new wetlands or by enhancing degraded wetlands. Wetlands restoration shall be the preferred alternative.~~

~~(b) Wetlands restoration, creation, and enhancement projects shall be conducted in accordance with a wetlands compensation plan.~~

~~(c) Wetlands restoration, creation, and enhancement projects shall use native vegetation.~~

~~(d) The size of replacement wetlands shall equal or exceed the following ratios.(the first number specifies the acreage of wetlands requiring replacement and the second number specifies the acreage of wetlands altered or destroyed):~~

~~1. Restoration: 2:1~~

~~2. Creation: 3:1~~

~~3. Enhancement: 4:1~~

~~(e) Replacement wetlands shall replicate the functions of the wetland that will be altered or destroyed such that no net loss of wetlands functions occurs.~~

~~(f) Replacement wetlands should replicate the type of wetland that will be altered or destroyed. If this standard is not feasible or practical due to technical constraints, a wetland type of equal or greater benefit may be substituted, pro-vided that no net loss of wetlands functions occurs.~~

~~(g) Wetlands restoration, creation, or enhancement should occur within 1,000 feet of the affected wetland. If this is not practicable due to physical or technical constraints, replacement shall occur within the same watershed and as close to the altered or destroyed wetland as practicable.~~

~~(h) Wetlands restoration, creation, and enhancement efforts should be completed before a wetland is altered or destroyed. If it is not practicable to complete all restoration, creation,~~

and enhancement efforts before the wetland is altered or destroyed, these efforts shall be completed before the new use is occupied or used.

(i) Five years after a wetland is restored, created, or enhanced at least 75 percent of the replacement vegetation must survive. The owner shall monitor the hydrology and vegetation of the replacement wetland and shall take corrective measures to ensure that it conforms with the approved wetlands compensation plan.

(9) Proposed uses in wetlands and wetland buffer zones shall be evaluated for adverse effects, including cumulative effects. Adverse effects shall be prohibited.

(G) Wetlands Buffer Zones

(1) The width of wetlands buffer zones shall be based on the dominant vegetation community that exists in a buffer zone.

(2) The dominant vegetation community in a buffer zone is the vegetation community that covers the most surface area of that portion of the buffer zone that lies between the proposed activity and the affected wetland. Vegetation communities are classified as forest, shrub, or herbaceous.

(a) A forest vegetation community is characterized by trees with an average height equal to or greater than 20 feet, accompanied by a shrub layer; trees must form a canopy cover of at least 40 percent and shrubs must form a canopy cover of at least 40 percent. A forest community without a shrub component that forms a canopy cover of at least 40 percent shall be considered a shrub vegetation community.

(b) A shrub vegetation community is characterized by shrubs and trees that are greater than 3 feet tall and form a canopy cover of at least 40 percent.

(c) A herbaceous vegetation community is characterized by the presence of herbs, including grass and grasslike plants, forbs, ferns, and non-woody vines.

(3) Buffer zones shall be measured outward from a wetlands boundary on a horizontal scale that is perpendicular to the wetlands boundary. The following buffer zone widths shall be required:

(a) Forest communities: 75 feet

(b) Shrub communities: 100 feet

(c) Herbaceous communities: 150 feet

(4) Except as otherwise allowed, wetlands buffer zones shall be retained in their natural condition. When a buffer zone is disturbed by a new use, it shall be replanted with native plant species.

(5) Proposed uses in wetlands and wetland buffer zones shall be evaluated for adverse effects, including cumulative effects. Adverse effects shall be prohibited.

(H) Wetlands Compensation Plans

Wetlands compensation plans shall be prepared when a project applicant is required to restore, create or enhance wetlands and shall satisfy the following:

(1) Wetlands compensation plans shall be prepared by a qualified professional hired by a project applicant. They shall provide for land acquisition, construction, maintenance, and monitoring of replacement wetlands.

(2) Wetlands compensation plans shall include an ecological assessment of the wetland that will be altered or destroyed and the wetland that will be restored, created, or enhanced. The assessment shall include information on flora, fauna, hydrology, and wetlands functions.

(3) Compensation plans shall also assess the suitability of the proposed site for establishing a replacement wetland, including a description of the water source and drainage patterns, topography, wildlife habitat opportunities, and value of the existing area to be converted.

(4) Plan view and cross-sectional, scaled drawings; topographic survey data, including elevations at contour intervals no greater than 1 foot, slope percentages, and final grade elevations; and other technical information shall be provided in sufficient detail to explain and illustrate:

(a) Soil and substrata conditions, grading, and erosion and sediment control needed for wetland construction and long-term survival.

(b) Planting plans that specify native plant species, quantities, size, spacing, or density; source of plant materials or seeds; timing, season, water, and nutrient requirements for planting; and where appropriate, measures to protect plants from predation.

(c) Water-quality parameters, water source, water depths, water-control structures, and water-level maintenance practices needed to achieve the necessary hydrologic conditions.

(5) A 5-year monitoring, maintenance, and replacement program shall be included in all plans. At a minimum, a project applicant shall provide an annual report that documents milestones, successes, problems, and contingency actions. Photographic monitoring stations shall be established and photographs shall be used to monitor the replacement wetland.

(6) A statement indicating sufficient fiscal, technical, and administrative competence to successfully execute the plan.

(Ord. 1254, Amended, 03/22/2018; Ord. 1125, Amended, 12/11/2008; Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 994, Amended, 09/26/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7060 GMA STREAM, LAKE AND RIPARIAN AREA REVIEW CRITERIA

(A) The following uses may be allowed in streams, ponds, lakes and riparian areas, and their buffer zones, when approved pursuant to the provisions of MCC 38.0045, MCC 38.7060 (C), and reviewed under the applicable provisions of MCC 38.7035 through 38.7085:

(1) The modification, expansion, replacement, or reconstruction of serviceable structures, provided that such actions would not:

(a) Increase the size of an existing structure by more than 100 percent,

(b) Result in a loss of water quality, natural drainage, and fish and wildlife habitat, or

(c) Intrude further into a stream, pond, lake, or buffer zone. New structures shall be considered intruding further into a stream, pond, lake, or buffer zone if any portion of the structure is located closer to the stream, pond, lake, or buffer zone than the existing structure.

(2) The construction of minor water-related recreation structures that are available for public use. Structures in this category shall be limited to boardwalks; trails and paths, provided their surface is not constructed of impervious materials; observation decks; and interpretative aids, such as kiosks and signs.

(3) The construction of minor water-dependent structures that are placed on pilings, if the pilings allow unobstructed flow of water and are not placed so close together that they effectively convert an aquatic area to dry land. Structures in this category shall be limited to public and private docks and boat houses, and fish and wildlife management structures that are constructed by federal, state, or tribal resource agencies.

(B) Uses not listed in MCC 38.7060 (A) may be allowed in streams, ponds, lakes, and riparian areas, when approved pursuant to MCC 38.7060 (D) and reviewed under the applicable provisions of MCC 38.7035 through 38.7085.

(C) Applications for modifications to serviceable structures and minor water-dependent and water-related structures in aquatic and riparian areas shall demonstrate that:

(1) Practicable alternatives to locating the structure outside of the stream, pond, lake, or buffer zone and/or minimizing the impacts of the structure do not exist;

(2) All reasonable measures have been applied to ensure that the structure will result in the minimum feasible alteration or destruction of water quality, natural drainage, and fish and wildlife habitat of streams, ponds, lakes, and riparian areas;

(3) The structure will be constructed using best management practices;

(4) Areas disturbed during construction of the structure will be rehabilitated to the maximum extent practicable; and

(5) The structure complies with all applicable federal, state, and local laws.

(D) Applications for all other Review and Conditional Uses in wetlands shall be processed pursuant to the provisions of MCC 38.0045 and shall demonstrate that:

(1) The proposed use is water-dependent, or is not water-dependent but has no practicable alternative as determined by MCC 38.7055 (F) (1), substituting the term stream, pond, lake, or riparian area as appropriate.

(2) The proposed use is in the public interest as determined by MCC 38.7055 (F) (2), substituting the term stream, pond, lake, or riparian area as appropriate.

(3) Measures have been applied to ensure that the proposed use results in minimum feasible impacts to water quality, natural drainage, and fish and wildlife habitat of the affected stream, pond, lake, and/or buffer zone.

As a minimum, the following mitigation measures shall be considered when new uses are proposed in streams, ponds, lakes, and buffer zones:

(a) Construction shall occur during periods when fish and wildlife are least sensitive to disturbance. Work in streams, ponds, and lakes shall be conducted during the periods specified in *Oregon Guidelines for Timing of In-Water Work to Protect Fish and Wildlife Resources* (Oregon Department of Fish and Wildlife, 2000) unless otherwise coordinated with and approved by the Oregon Department of Fish and Wildlife.

(b) All natural vegetation shall be retained to the greatest extent practicable, including aquatic and riparian vegetation.

(c) Nonstructural controls and natural processes shall be used to the greatest extent practicable.

(d) Bridges, roads, pipeline and utility corridors, and other water crossings shall be minimized and should serve multiple purposes and properties.

(e) Stream channels should not be placed in culverts unless absolutely necessary for property access. Bridges are preferred for water crossings to reduce disruption to streams, ponds, lakes, and their banks. When culverts are necessary, oversized culverts with open bottoms that maintain the channel's width and grade should be used.

(f) Temporary and permanent control measures should 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.

(4) Groundwater and surface-water quality will not be degraded by the proposed use.

(5) Those portions of a proposed use that are not water-dependent or have a practicable alternative will be located outside of stream, pond, and lake buffer zones.

(6) The use complies with all applicable federal, state, and county laws.

(7) Unavoidable impacts to aquatic and riparian areas will be offset through rehabilitation and enhancement.

Rehabilitation and enhancement shall achieve no net loss of water quality, natural drainage, and fish and wildlife habitat of the affected stream, pond, lake, and/or buffer zone. When a project area has been disturbed in the past, it shall be rehabilitated to its natural condition to the maximum extent practicable.

When a project area cannot be completely rehabilitated, such as when a boat launch permanently displaces aquatic and riparian areas, enhancement shall also be required.

The following rehabilitation and enhancement standards shall apply:

(a) Rehabilitation and enhancement projects shall be conducted in accordance with a rehabilitation and enhancement plan.

(b) Natural hydrologic conditions shall be replicated, including current patterns, circulation, velocity, volume, and normal water fluctuation.

(c) Natural stream channel and shoreline dimensions shall be replicated, including depth, width, length, cross-sectional profile, and gradient.

(d) The bed of the affected aquatic area shall be rehabilitated with identical or similar materials.

(e) Riparian areas shall be rehabilitated to their original configuration, including slope and contour.

(f) Fish and wildlife habitat features shall be replicated, including pool-riffle ratios, substrata, and structures. Structures include large woody debris and boulders.

(g) Stream channels and banks, shorelines, and riparian areas shall be replanted with native plant species that replicate the original vegetation community.

(h) Rehabilitation and enhancement efforts shall be completed no later 90 days after the aquatic area or buffer zone has been altered or destroyed, or as soon thereafter as is practicable.

(i) Three years after an aquatic area or buffer zone is rehabilitated or enhanced, at least 75 percent of the replacement vegetation must survive. The owner shall monitor the replacement vegetation and take corrective measures to satisfy this standard.

(8) Proposed uses in streams, ponds, lakes, and riparian areas and their buffer zones shall be evaluated for adverse effects, including cumulative effects, and adverse effects shall be prohibited.

(E) Stream, Pond, and Lake Buffer Zones

(1) Buffer zones shall generally be measured landward from the ordinary high water-mark on a horizontal scale that is perpendicular to the ordinary high water-mark. 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) Streams used by anadromous or resident fish (tributary fish habitat), special streams, intermittent streams that include year-round pools, and perennial streams: 100 feet.

(b) Intermittent streams, provided they are not used by anadromous or resident fish: 50 feet.

(c) Ponds and lakes: Buffer zone widths shall be based on dominant vegetative community and shall comply with MCC 38.7055 (G) (3), substituting the term pond or lake as appropriate.

(2) Except as otherwise allowed, buffer zones shall be retained in their natural condition. When a buffer zone is disturbed by a new use, it shall be replanted with native plant species.

(3) Determining the exact location of the ordinary high watermark or normal pool elevation shall be the responsibility of the project applicant. The Planning Director may verify the accuracy of, and may render adjustments to, an ordinary high water-mark or normal pool delineation. In the event the adjusted boundary delineation is contested by the applicant, the Planning Director shall, at the project applicant's expense, obtain professional services to render a final delineation.

(4) Proposed uses in streams, ponds, lakes, and riparian areas and their buffer zones shall be evaluated for adverse effects, including cumulative effects, and adverse effects shall be prohibited.

(F) Rehabilitation and Enhancement Plans

Rehabilitation and enhancement plans shall be prepared when a project applicant is required to rehabilitate or enhance a stream, pond, lake and/or buffer area and shall satisfy the following:

(1) Rehabilitation and enhancement plans are the responsibility of the project applicant; they shall be prepared by qualified professionals, such as fish or wildlife biologists.

(2) All plans shall include an assessment of the physical characteristics and natural functions of the affected stream, pond, lake, and/or buffer zone. The assessment shall include hydrology, flora, and fauna.

(3) Plan view and cross-sectional, scaled drawings; topographic survey data, including elevations at contour intervals of at least 2 feet, slope percentages, and final grade elevations; and other technical information shall be provided in sufficient detail to explain and illustrate:

(a) Soil and substrata conditions, grading and excavation, and erosion and sediment control needed to successfully rehabilitate and enhance the stream, pond, lake, and buffer zone.

(b) Planting plans that specify native plant species, quantities, size, spacing, or density; source of plant materials or seeds; timing, season, water, and nutrient requirements for planting; and where appropriate, measures to protect plants from predation.

(c) Water-quality parameters, construction techniques, management measures, and design specifications needed to maintain hydrologic conditions and water quality.

(4) A 3-year monitoring, maintenance, and replacement program shall be included in all rehabilitation and enhancement plans. At a minimum, a project applicant shall prepare an annual report that documents milestones, successes, problems, and contingency actions. Photographic monitoring shall be used to monitor all rehabilitation and enhancement efforts.

(5) A statement indicating sufficient fiscal, administrative, and technical competence to successfully execute and monitor a rehabilitation and enhancement plan.

(Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7065 GMA WILDLIFE REVIEW CRITERIA

Wildlife Habitat Site Review shall be required for any project within 1,000 feet of Priority Habitat and sensitive wildlife areas and sensitive wildlife sites (i.e., sites used by sensitive wildlife species). If Multnomah County discovers a new protected wildlife location during the review process, the County shall submit this information to the appropriate state agency to be updated in their species databases.

	PRIORITY HABITATS TABLE
Priority Habitats	**Criteria**
Aspen stands	High fish and wildlife species diversity, limited availability, high vulnerability to habitat alteration.
Caves	Significant wildlife breeding habitat, limited availability, dependent species.
Old-growth forest	High fish and wildlife density, species diversity, breeding habitat, seasonal ranges, and limited and declining availability, high vulnerability.
Oregon white oak woodlands	Comparatively high fish and wildlife density, species diversity, declining availability, high vulnerability
Prairies and steppe	Comparatively high fish and wildlife density, species diversity, important breeding habitat, declining and limited availability, high vulnerability.
Riparian	High fish and wildlife density, species diversity, breeding habitat, movement corridor, high vulnerability, dependent species.
Wetlands	High species density, high species diversity, important breeding habitat and seasonal ranges, limited availability, high vulnerability.

Snags and logs	High fish and wildlife density, species diversity, limited availability, high vulnerability, dependent species.
Talus	Limited availability, unique and dependent species, high vulnerability.
Cliffs	Significant breeding habitat, limited availability, dependent species.
Dunes	Unique species habitat, limited availability, high vulnerability, dependent species.
Winter Range	Provides important wintering habitat for deer and elk.

Sensitive Wildlife Areas in the Columbia Gorge
Bald eagle habitat
Deer and elk winter range
Elk habitat
Mountain goat habitat
Peregrine falcon habitat
Pika colony area
Pileated woodpecker habitat
Pine marten habitat
Shallow water fish habitat (Columbia R.)
Special streams
Special habitat area
Spotted owl habitat
Sturgeon spawning area

Tributary fish habitat
~~Turkey habitat~~
Waterfowl area
Western pond turtle habitat

Oregon Endangered, Threatened and Sensitive Species in the Columbia Gorge (1991)

Common Name	**Scientific Name**

Endangered:

Peregrine falcon	*Falco peregrinus**

Threatened:

Bald Eagle	*Haliaeetus leucocephalus***
Northern spotted owl	*Strix occidentalis***
Wolverine	*Gulo gulo*

Sensitive:

Acorn woodpecker	*Melanerpes formicivorus*
Bank swallow	*Riparia riparia*
Barrow's goldeneye	*Bucephala islandica*
Black-backed woodpecker	*Picoides arcticus*
Bufflehead	*Bucephala albeola*
Bull trout	*Salvelinus confluentus+*
California mountain kingsnake	*Lampropeltis zonata*

(S-2 2009)

Cascade frog	*Rana cascadae*
Chinook salmon	*Oncorhynchus tshawytscha*
Chum salmon	*Oncorhynchus keta*
Clouded salamander	*Aneides ferreus*
Coastal cutthroat trout	*Oncorhynchus clarki*
Coho salmon	*Oncorhynchus kisutch*
Common kingsnake	*Lampropeltis getulus*
Cope's giant salamander	*Dicamptodon copei*
Dusky Canada goose	*Branta canadensis occidentalis*
Flammulated owl	*Otus flammeolus*
Fisher	*Martes pennanti*
Foothill yellow-legged frog	*Rana boylii*
Fringed myotis	*Myotis thysanodes*
Grasshopper sparrow	*Ammodramus savannarum*
Great gray owl	*Strix nebulosa*
Greater sandhill crane	*Grus canadensis tabida*
Harlequin duck	*Histrionicas histrionicas*
Larch mountain salamander	*Plethodon larselli+*
Lewis' woodpecker	*Melanerpes lewis*
Marten	*Martes americana*
Northern goshawk	*Accipiter gentilis*
Northern leopard frog	*Rana pipiens*
Northern pygmy-owl	*Glaucidium gnoma*

Olympic salamander	*Phyacotriton olympicus*
Oregon slender salamander	*Batrachoseps wrighti*
Painted turtle	*Chrysemys picta*
Pileated woodpecker	*Dryocopus pileatus*
Purple martin	*Progne subis*
Pygmy nuthatch	*Sitta pygmaea*
Red-legged frog	*Rana aurora*
Sharptail snake	*Contia tenuis*
Spotted frog	*Rana pretiosa*
Tailed frog	*Ascaphus truei*
Three-toed woodpecker	*Picoides tridactylus*
Townsend's big-eared bat	*Plecotus townsendii+*
Tricolored blackbird	*Agelaius tricolor+*
Western bluebird	*Sialia mexicana*
Western pond turtle	*Clemmys marmorata+*
White-headed woodpecker	*Picoides albolarvatus*
White-tailed jackrabbit	*Lepus townsendii*
Williamson's sapsucker	*Sphyrapicus thyroideus*

* Endangered species under U.S. Endangered Species Act

** Threatened species under U.S. Endangered Species Act

+ Candidate species for U.S. Endangered Species Act.

(A) Field Survey

(S-2 2009)

A field survey to identify Priority Habitat or sensitive wildlife ~~areas or~~ sites shall be required for:

(1) Land divisions that create four or more parcels;

(2) Recreation facilities that contain parking areas for more than 10 cars, overnight camping facilities, boat ramps, and visitor information and environmental education facilities;

(3) Public transportation facilities that are outside improved rights-of-way;

(4) Electric facilities, lines, equipment, and appurtenances that are 33 kilovolts or greater; and

(5) Communications, water and sewer, and natural gas transmission (as opposed to distribution) lines, pipes, equipment, and appurtenances and other project related activities, except when all of their impacts will occur inside previously disturbed road, railroad, or utility corridors, or existing developed utility sites, that are maintained annually.

Field surveys shall cover all areas affected by the proposed use or recreation ~~facility~~ development. They shall be conducted by a professional wildlife biologist hired by the project applicant. All Priority Habitat or sensitive wildlife ~~areas and~~ sites discovered in a project area shall be described and shown on the site plan map.

(B) Uses may be allowed within 1,000 feet of a Priority Habitat and sensitive wildlife ~~area or~~ site, when approved pursuant to MCC 38.7065 (C) and reviewed under the applicable provisions of MCC 38.7035 through 38.7085. The approximate locations of sensitive wildlife ~~areas and~~ sites are shown on maps ~~provided to the County by the Gorge Commission~~ maintained by the Gorge Commission, Forest Service, and state wildlife agencies. State wildlife biologists will help determine if a new use would adversely affect a Priority Habitat or sensitive wildlife ~~area or~~ site.

(C) Uses that are proposed within 1,000 feet of a Priority Habitat and sensitive wildlife ~~area or~~ site shall be reviewed as follows:

(1) Site plans shall be submitted to Oregon Department of Fish and Wildlife by the Planning Director. State wildlife biologists will review the site plan and their field survey records. They will:

(a) Identify/verify the precise location of the Priority Habitat and or sensitive wildlife ~~area or~~ site,

(b) Ascertain whether the Priority Habitat or sensitive wildlife ~~area or~~ site is active or abandoned, and

(c) Determine if the proposed use may compromise the integrity of the wildlife habitat ~~area~~ or site or occur during the time of the year when wildlife species are sensitive to disturbance, such as nesting or rearing seasons.

In some instances, state wildlife biologists may conduct field surveys to verify ~~the~~ wildlife data ~~inventory~~ and assess the potential effects of a proposed use.

(2) The following factors may be considered when site plans are reviewed:

(a) Biology of the affected wildlife species.

(b) Published guidelines regarding the protection and management of the affected wildlife species. For example, ~~The~~ the Oregon Department of Forestry has prepared technical papers that include management guidelines for osprey and great blue heron.

(c) Physical characteristics of the subject parcel and vicinity, including topography and vegetation.

(d) Historic, current, and proposed uses in the vicinity of the Priority Habitat or sensitive wildlife ~~area or~~ site.

(e) Existing condition of the Priority Habitat or sensitive wildlife ~~area or~~ site and the surrounding habitat ~~and the useful life of the area or site~~.

(3) The wildlife protection process may terminate if the Planning Director, in consultation with the Oregon Department of Fish and Wildlife, determines:

(a) The sensitive wildlife ~~area or~~ site is not active, or

(b) The proposed use would not compromise the integrity of the Priority Habitat or sensitive wildlife ~~area or~~ site or occur during the time of the year when wildlife species are sensitive to disturbance.

(4) If the Planning Director, in consultation with the Oregon Department of Fish and Wildlife, determines that the proposed use would have only minor effects on the Priority Habitat or sensitive wildlife ~~area or~~ site that could be eliminated through mitigation ~~measures~~ recommended by the state wildlife biologist, or by simply modifying the site plan or regulating the timing of new uses, a letter shall be sent to the applicant that describes the effects and measures needed to eliminate them. If the project applicant accepts these recommendations, the Planning Director will incorporate them into the site review order and the wildlife protection process may conclude.

(5) The project applicant shall prepare a wildlife management plan if the Planning Director, in consultation with the Oregon Department of Fish and Wildlife, determines that the proposed use would adversely affect a Priority Habitat or sensitive wildlife ~~area or~~ site and the effects of the proposed use cannot be eliminated through site plan modifications or project timing.

(6) The Planning Director shall submit a copy of all field surveys and wildlife ~~management~~ mitigation plans to Oregon Department of Fish and Wildlife. The Oregon Department of Fish and Wildlife will have ~~20~~ 30 days from the date that a field survey or management plan is mailed to submit written comments to the Planning Director.

The Planning Director shall record and address any written comments submitted by the Oregon Department of Fish and Wildlife in its site review order.

Based on the comments from the Oregon Department of Fish and Wildlife, the Planning Director will make a final decision on whether the proposed use would be consistent with the wildlife policies and standards. If the final decision contradicts the comments submitted by the Oregon Department of Fish and Wildlife, the Planning Director shall justify how the opposing conclusion was reached.

The Planning Director shall require the applicant to revise the wildlife ~~management~~ mitigation plan to ensure that the proposed use would not adversely affect a Priority Habitat or sensitive wildlife ~~area or~~ site.

(7) Proposed uses within 1,000 feet of a Priority Habitat and sensitive wildlife ~~area or~~ site shall be evaluated for adverse effects, including cumulative effects, and adverse effects shall be prohibited.

(8) Oregon white oak shall not be removed if practicable alternatives exist. If no practicable alternative exists, a wildlife survey and mitigation plan shall be required. This criteria shall not apply to forest practices that are otherwise allowed and that do not violate conditions of approval for other approved uses.

(D) Wildlife ~~Management~~ Mitigation Plans

Wildlife ~~management~~ mitigation plans shall be prepared when a proposed use is likely to adversely affect a Priority Habitat or sensitive wildlife ~~area or~~ site. Their primary purpose is to document the special characteristics of a project site and the habitat requirements of affected wildlife species. This information provides a basis for the project applicant to redesign the proposed use in a manner that protects Priority Habitat and sensitive wildlife ~~areas and~~ sites, maximizes ~~his/her~~ their development options, ~~and~~ mitigates temporary impacts to the sensitive wildlife ~~area or~~ site ~~and/~~or buffer zone, and offsets unavoidable negative impacts to Priority Habitats and sensitive wildlife sites.

Wildlife ~~management~~ mitigation plans shall meet the following standards:

(1) Wildlife ~~management~~ mitigation plans shall be prepared by a professional wildlife biologist hired by the project applicant.

(2) All relevant background information shall be documented and considered, including biology of the affected species, published protection and management guidelines, physical characteristics of the subject parcel, past and present use of the subject parcel, and ~~useful life~~ habitat value of the wildlife ~~area or~~ site.

(3) ~~The~~ Where applicable, core habitat of the rare ~~sensitive~~ wildlife species shall be delineated. It shall encompass the sensitive wildlife ~~area or~~ site and the attributes, or key components, that are essential to maintain the long-term use and integrity of the wildlife area or site.

(4) A wildlife buffer area shall be employed. It shall be wide enough to ensure that the core habitat is not adversely affected by new uses, or natural forces, such as fire and wind. Buffer areas shall be delineated on the site plan map and shall reflect the physical characteristics of the project site and the biology of the affected species.

(5) The size, scope, configuration, or density of new uses within the core habitat and the wildlife buffer area shall be regulated to protect the rare ~~sensitive~~ wildlife species. The timing and duration of all uses shall also be regulated to ensure that they do not occur during the time of the year when wildlife species are sensitive to disturbance. The following shall apply:

(a) New uses shall generally be prohibited within the core habitat. Exceptions may include uses that have temporary and negligible effects, such as the installation of minor

underground utilities or the maintenance of existing structures. ~~Low intensity, non-destructive uses may be conditionally authorized in the core habitat.~~

(b) Intensive uses shall be generally prohibited in wildlife buffer areas. Such uses may be conditionally authorized when a wildlife area or site is inhabited seasonally, provided they will have only temporary effects on the wildlife buffer area and rehabilitation ~~and/~~or enhancement will be completed before a particular species returns.

(6) Rehabilitation ~~and/~~or enhancement shall be required when new uses are authorized within wildlife buffer areas. When a buffer area has been altered ~~or degraded~~ in the past, it shall be rehabilitated to its natural condition to the maximum extent practicable. When complete rehabilitation is not possible, such as when new structures permanently displace wildlife habitat, enhancement shall also be required. Enhancement shall achieve a no net loss of the integrity of the wildlife area or site. Rehabilitation and enhancement actions shall be documented in the wildlife ~~management~~ mitigation plan and shall include a map and text.

(7) The applicant shall prepare and implement a 3 year monitoring plan when the affected ~~wildlife area or~~ Priority Habitat or sensitive wildlife site is occupied by a species that is listed as endangered or threatened pursuant to federal or state wildlife lists. It shall include an annual report and shall track the status of the ~~wildlife area~~ or Priority Habitat site and the success of rehabilitation and/or enhancement actions.

At the end of 3 years, rehabilitation and enhancement efforts may conclude if they are successful. In instances where rehabilitation and enhancement efforts have failed, the monitoring process shall be extended until the applicant satisfies the ~~rehabilitation and enhancement~~ wildlife mitigation plan standards.

(E) New fences in deer and elk winter range

(1) New fences in deer and elk winter range ~~shall~~ may be allowed only when necessary to control livestock or exclude wildlife from specified areas, such as gardens, Priority Habitat or sensitive wildlife sites. The areas fenced shall be the minimum necessary to meet the immediate needs of the project applicant.

(2) New and replacement fences that are allowed in winter range shall comply with the guidelines in the Forest Service document, *Specifications for Structural Range Improvements* (Sanderson, *et. al*. 1990), as summarized below, and may be revised from time to time, unless the applicant demonstrates the need for an alternative design. To allow deer and other wildlife safe passage:

(a) To make it easier for deer to jump over the fence, the top wire shall not be more than 42 inches high.

(b) The distance between the top two wires is critical for adult deer because their hind legs often become entangled between these wires. A gap of at least 10 inches shall be maintained between the top two wires to make it easier for deer to free themselves if they become entangled.

(c) The bottom wire shall be at least 16 inches above the ground to allow fawns to crawl under the fence. It should consist of smooth wire because barbs often injure animals as they crawl under fences.

(d) Stays, or braces placed between strands of wire, shall be positioned between fences posts where deer are most likely to cross. Stays create a more rigid fence, which allows deer a better chance to wiggle free if their hind legs become caught between the top two wires.

(3) Woven wire fences may be authorized only when it is clearly demonstrated that such a fence is required to meet their specific and immediate needs, such as controlling hogs and sheep.

(Ord. 1254, Amended, 03/22/2018; Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7070 GMA RARE PLANT REVIEW CRITERIA

Rare Plant Site Review shall be required for any project within 1,000 feet of endemic plants and ~~sensitive~~ rare plant species.

Columbia Gorge and Vicinity Endemic Plant Species

Scientific Name	**Common Name**
Howell's bentgrass	*Agrostis howellii*
~~Northern wormwood~~	~~*Artemisia campestris var. wormskioldii*~~
Hood River milk-vetch	*Astragalus hoodianus*
~~Howell's reedgrass~~	~~*Calamagrostis howellii*~~
Smooth-leaf douglasia	*Douglasia laevigata var. laevigata*
Howell's daisy	*Erigeron howellii*
Columbia Gorge daisy	*Erigeron oreganus*
Klickitat biscuitroot	*Lomatium klickitatense*
Long-beard hawkweed	*Hieracium longiberbe*
Smooth desert parsley	*Lomatium laevigatum*
Suksdorf's desert parsley	*Lomatium suksdorfii*

~~Columbia Gorge broad-leaf lupine~~	~~*Lupinus latifolius var. thompsonianus*~~
Barrett's penstemon	*Penstemon barrettiae*
~~Pacific bluegrass~~	~~*Poa gracillima var. multnomae*~~
Obscure buttercup	*Panunculus reconditus*
Oregon sullivantia	*Sullivantia oregana*
Columbia kitten tails	*Synthyris stellata*

Rare Plant Species in the Columbia Gorge

Scientific Name	**Common Name**

List 1:

Howell's bentgrass	Agrostis howellii+
Oregon bolandra	Bolandra oregana+
Tall bugbane	*Cimicifuga elata+*
Howell's daisy	*Erigeron howellii*+*
Columbia Gorge daisy	*Erigeron oreganus+*
Branching stickweed	*Hackelia diffusa var. diffusa+*
Suksdorf's desert parsley	*Lomatium suksdoffii**
White meconella	*Meconella oregana+*
Columbia monkey flower	*Mimulus jungermannioides+*
Barrett's penstemon	*Penstemon barrettiae*+*
Obscure buttercup	*Ranunculus reconditus*+*
Columbia yellow cress	*Porippa columbiae*+*

Oregon sullivantia	*Sullivantia oregana*+*

List 2:

Hood River milk-vetch	*Astragalus hoodianus*
Large-awn sedge	*Carex macrochaeta*
Columbia lewisia	*Lewisia columbiana var. columbiana*
Fir clubmoss	*Lycopodium selago*

Wool-grass	*Scirpus cyperinus*
Scribner grass	*Scribneria bolanderi*
Violet suksdorfia	*Suksdorfia violacea*

List 3 (Review):

Cliff paintbrush	*Castilleja rupicola*
Shining flatsedge	*Cyperus bipartitus = C. rivularis*
Nuttall's larkspur	*Delphinium nuttallii*
Smooth douglasia	*Douglasia laevigata*
Baker's linanthus	*Linanthus bakeri*
Western ladies' tresses	*Spiranthes porrifolia*

List 4 (Watch):

Douglas' onion	*Allium douglasii var. nevii*
Cascade rock cress	*Arabis furcata*
The Dalles milk-vetch	*Astragalus sclerocarpus*
Columbia milk-vetch	*Astragalus succumbens*
Virginia grape-fern	*Botrychium virginianum*
Mountain lady's slipper	*Cypripedium montanum*
Branching stickseed	*Hackelia diffusa var. cottonii*
Gooseberry-leaved alumroot	*Heuchera grossulariifolia var. tenuifolia*
Long-beard hawkweed	*Hieracium longiberbe*
Smooth desert parsley	*Lomatium laevigatum**
Columbia Gorge broad-	*Lupinus latifolius*

leaf lupine	*var. thompsonianus*
Branching montia	*Montia diffusa*
Withered bluegrass	*Poa marcida*
Columbia kittentails	*Synthyris stellata*

* Candidate species for U.S. Endangered Species Act.
+ Candidate species for Oregon Endangered Species Act.

Source: Oregon ~~Natural Heritage Program~~ Biodiversity Information Center. *Rare, Threatened and Endangered Plants and Animals of Oregon.* Portland, Oregon: Oregon Natural Heritage Program, 1991.

(A) Field Survey

A field survey to identify ~~sensitive~~ rare plants shall be required for:

(1) Land divisions that create four or more parcels;

(2) Recreation facilities that contain parking areas for more than 10 cars, overnight camping facilities, boat ramps, and visitor information and environmental education facilities;

(3) Public transportation facilities that are outside improved rights-of-way;

(4) Electric facilities, lines, equipment, and appurtenances that are 33 kilovolts or greater; and

(5) Communications, water and sewer, and natural gas transmission (as opposed to distribution) lines, pipes, equipment, and appurtenances. and other project related activities, except when all of their impacts will occur inside previously disturbed road, railroad or utility corridors, or existing developed utility sites that are maintained annually.

Field surveys shall cover all areas affected by the proposed use or recreation facility. They shall be conducted by a person with recognized expertise in botany or plant ecology hired by the project applicant. They shall be conducted when plants are expected to be flowering or most easily detectable. Field surveys shall identify the precise location of the ~~sensitive~~ rare plants and delineate a 200-foot buffer area. The results of a field survey shall be shown on the site plan map and kept confidential by Multnomah County as required by state law.

(B) Uses may be allowed within 1,000 feet of a ~~sensitive~~ rare plant, when approved pursuant to MCC 38.0045, 38.7070 (C), and reviewed under the applicable provisions of MCC 38.7035 through 38.7085. The approximate locations of ~~sensitive~~ rare plants are shown on maps provided to the County by the Gorge Commission. Staff with the Oregon ~~Natural Heritage Program~~ Biodiversity Information Center will help determine if a new use would invade the buffer zone of ~~sensitive~~ rare plants.

(C) Uses that are proposed within 1,000 feet of a ~~sensitive~~ rare plant shall be reviewed as follows:

(1) Site plans shall be submitted to the Oregon ~~Natural Heritage Program~~ Biodiversity Information Center by the Planning Director. The ~~Natural Heritage Program~~ Biodiversity Information Center staff will review the site plan and their field survey records. They will identify the precise location of the affected plants and delineate a 200-foot buffer area on the project applicant's site plan.

If the field survey records of the state heritage program are inadequate, the project applicant shall hire a person with recognized expertise in botany or plant ecology to ascertain the precise location of the affected plants.

(2) The rare plant protection process may conclude if the Planning Director, in consultation with the state heritage program ~~Natural Heritage Program staff~~, determines that the proposed use would be located outside of a ~~sensitive~~ rare plant buffer area.

(3) New uses shall be prohibited within ~~sensitive~~ rare plant ~~species~~ buffer areas, except for those uses that are allowed outright.

(4) If a proposed use must be allowed within a ~~sensitive~~ rare plant buffer area in accordance with formal variance practices, the project applicant shall prepare a ~~protection and rehabilitation plan~~ Rare Plant Mitigation Plan pursuant to MCC 38.7070 (D).

(5) The Planning Director shall submit a copy of all field surveys and protection and rehabilitation plans to the Oregon ~~Natural Heritage Program~~ Biodiversity Information Center. The ~~Natural Heritage Program~~ state heritage program staff will have 20 days from the date that a field survey is mailed to submit written comments to the Planning Director.

The Planning Director shall record and address any written comments submitted by the ~~Natural Heritage Program~~ Biodiversity Information Center staff in the site review order.

Based on the comments from the ~~Natural Heritage Program~~ Biodiversity Information Center staff, the Planning Director will make a final decision on whether the proposed use would be consistent with the rare plant policies and standards. If the final decision contradicts the comments submitted by the ~~Natural Heritage Program~~ Biodiversity Information Center staff, the Planning Director shall justify how the opposing conclusion was reached.

(6) Proposed uses within 1,000 feet of a ~~sensitive~~ rare plant shall be evaluated for adverse effects, including cumulative effects, and adverse effects shall be prohibited.

(D) ~~Protection and Rehabilitation Plans~~ Rare Plant Mitigation Plan

~~Protection and rehabilitation plans~~ Rare Plant Mitigation Plans shall minimize and offset unavoidable impacts that result from a new use that occurs within a ~~sensitive~~ rare plant buffer zone as the result of a variance. All plans shall meet the following standards:

(1) ~~Protection and rehabilitation plans~~ Rare Plant Mitigation Plans shall be prepared by a professional botanist or plant ecologist hired by the project applicant.

(2) Construction, protection, and rehabilitation activities shall occur during the time of the year when ground disturbance will be minimized and protection, rehabilitation, and replacement efforts will be maximized.

(3) ~~Sensitive~~ Rare plants that will be ~~destroyed~~ 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 three years after the date they are planted.

(4) ~~Sensitive~~ Rare plants and their surrounding habitat that will not be altered ~~or destroyed~~ shall be protected and maintained. Appropriate protection and maintenance techniques shall be applied, such as fencing, conservation easements, livestock management, and noxious weed control.

(5) Habitat of a ~~sensitive~~ rare plant that will be affected by temporary uses shall be rehabilitated to a natural condition.

(6) Protection efforts shall be implemented before construction activities begin. Rehabilitation efforts shall be implemented immediately after the plants and their surrounding habitat are disturbed.

(7) ~~Protection and rehabilitation plans~~ Rare Plant Mitigation Plans shall include maps, photographs, and text. The text shall:

(a) Describe the biology of ~~sensitive~~ rare plant species that will be affected by a proposed use.

(b) Explain the techniques that will be used to protect ~~sensitive~~ rare plants and their surrounding habitat that will not be altered ~~or destroyed~~.

(c) Describe the ~~rehabilitation and enhancement~~ mitigation actions that will minimize and offset the impacts that will result from a proposed use.

(d) Include a 3-year monitoring, maintenance, and replacement program. The project applicant shall prepare and submit to ~~the local government~~ the Planning Director an annual report that documents milestones, successes, problems, and contingency actions.

(E) ~~Sensitive~~ Rare Plant Buffer Areas

(1) A 200 foot buffer area shall be maintained around ~~sensitive~~ rare plants. Buffer areas shall remain in an undisturbed, natural condition.

(2) Buffer areas may be reduced if a project applicant demonstrates that intervening topography, vegetation, ~~man-made~~ human-made features, or natural plant habitat boundaries negate the need for a 200 foot radius. Under no circumstances shall the buffer area be less than 25 feet.

(3) Requests to reduce buffer areas shall be considered if a professional botanist or plant ecologist hired by the project applicant:

(a) Identifies the precise location of the ~~sensitive~~ rare plants,

(b) Describes the biology of the ~~sensitive~~ rare plants, and

(c) Demonstrates that the proposed use will not have any negative effects, either direct or indirect, on the affected plants and the surrounding habitat that is vital to their long-term survival.

All requests shall be prepared as a written report. Published literature regarding the biology of the affected plants and recommendations regarding their protection and management shall be cited. The report shall include detailed maps and photographs.

(4) The Planning Director shall submit all requests to reduce ~~sensitive~~ rare plant ~~species~~ buffer areas to the Oregon ~~Natural Heritage Program~~ Biodiversity Information Center. The state heritage program ~~Heritage Program staff~~ will have 20 days from the date that such a request is mailed to submit written comments to the Planning Director.

The Planning Director shall record and address any written comments submitted by the ~~Oregon Natural Heritage Program~~ state heritage program in the site review order.

Based on the comments from the ~~Oregon Natural Heritage Program~~ state heritage program, the Planning Director will make a final decision on whether the reduced buffer area is justified. If the final decision contradicts the comments submitted by the ~~Natural Heritage Program~~ state heritage program ~~staff~~, the Planning Director shall justify how the opposing conclusion was reached.

(Ord. 1254, Amended, 03/22/2018; Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 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.

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

(c) Maintenance, repair, reconstruction and realignment of roads and railroads within their rights-of-way shall be exempted from the wetlands and riparian guidelines upon demonstration of all of the following:

1. The wetland within the right-of-way is a drainage ditch not part of a larger wetland outside of the right-of-way.

2. The wetland is not critical habitat.

3. Proposed activities within the right-of-way would not adversely affect a wetland adjacent to the right-of-way.

(3) The buffer width shall be increased for the following:

(a) When the channel migration zone exceeds the recommended buffer width, the buffer width shall extend to the outer edge of the channel migration zone.

(b) When the frequently flooded area exceeds the recommended riparian buffer zone width, the buffer width shall be extended to the outer edge of the frequently flooded area.

(c) When an erosion or landslide hazard area exceeds the recommended width of the buffer, the buffer width shall be extended to include the hazard area.

(4) Buffer zones can be reconfigured if a project applicant demonstrates all of the following:

(a) The integrity and function of the buffer zones is maintained.

(b) The total buffer area on the development proposal is not decreased.

(c) The width reduction shall not occur within another buffer.

(d) The buffer zone width is not reduced more than 50% at any particular location. Such features as intervening topography, vegetation, ~~man-made~~ human-made features, natural plant or wildlife habitat boundaries, and flood plain characteristics could be considered.

(5) Requests to reconfigure buffer zones shall be considered if an appropriate professional (botanist, plant ecologist, wildlife biologist, or hydrologist), hired by the project applicant (1) identifies the precise location of the ~~sensitive~~ rare wildlife/plant or water resource, (2) describes the biology of the ~~sensitive~~ rare wildlife/plant or hydrologic condition of the water resource, and (3) demonstrates that the proposed use will not have any negative effects, either direct or indirect, on the affected wildlife/plant and their surrounding habitat that is vital to their long-term survival or water resource and its long term function.

(6) ~~The local government~~ The Planning Director shall submit all requests to re-configure ~~sensitive~~ rare wildlife/plant or water resource buffers to the U.S. Forest Service and the

appropriate state agencies for review. All written comments shall be included in the project file. Based on the comments from the state and federal agencies, ~~the local government~~ Multnomah County will make a final decision on whether the reconfigured buffer zones are justified. If the final decision contradicts the comments submitted by the federal and state agencies, ~~the local government~~ Multnomah County shall justify how it reached an opposing conclusion.

(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.

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

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

(1) The approximate location and extent of wetlands in the National Scenic Area is shown on the National Wetlands Inventory (U. S. Department of the Interior ~~1987~~). In addition, the list of hydric soils and the soil survey maps shall be used as an indicator of wetlands.

(2) Some wetlands may not be shown on the wetlands inventory or soil survey maps. Wetlands that are discovered by the local planning staff during an inspection of a potential project site shall be delineated and protected.

(3) The project applicant shall be responsible for determining the exact location of a wetlands boundary. Wetlands boundaries shall be delineated using the procedures specified in the '~~1987~~ Corps of Engineers Wetland Delineation Manual (on-line Edition) and applicable Regional Supplements'.

(4) All wetlands delineations shall be conducted by a professional who has been trained to use the federal delineation procedures~~, such as a soil scientist, botanist, or wetlands ecologist~~.

(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) ~~The local government~~ 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, ~~the local government~~ 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.

(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.

(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 SMA mitigation plan.

(H) Protection of ~~sensitive~~ wildlife/plant areas and sites shall begin when proposed new development~~s~~ or uses are within 1000 feet of a ~~sensitive~~ rare wildlife~~/plant site and/or area~~ or rare plant area or site. ~~Sensitive Wildlife Areas~~ Rare wildlife areas are those areas depicted in ~~the~~ wildlife data ~~inventory and listed in Table 2 of the Management Plan titled "Types of Wildlife Areas and Sites Inventoried in the Columbia Gorge"~~, including all sensitive wildlife sites and 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~~ rare wildlife and~~/or~~ rare plant areas and sites are shown in ~~the~~ wildlife and rare plant data ~~inventory~~.

(I) ~~The local government~~ The Planning Director shall submit site plans (of proposed uses or development proposed within 1,000 feet of a ~~sensitive~~ rare wildlife ~~and/~~or rare plant area or site) for review to the U.S. Forest Service and the appropriate state agencies (Oregon Department of Fish and Wildlife for wildlife issues and by the Oregon ~~Natural Heritage Program~~ Biodiversity Information Center for plant issues).

(J) The U.S. Forest Service wildlife biologists and~~/or~~ botanists, in consultation with the appropriate state biologists, shall review the site plan and their field survey records. They shall:

(1) Identify/verify the precise location of the wildlife ~~and/~~or plant area or site.

(2) Determine if a field survey will be required.

(3) Determine, based on the biology and habitat requirements of the affected wildlife/plant species, if the proposed use would compromise the integrity and function of or result in adverse ~~affects~~ effects (including cumulative effects) to the wildlife and~~or~~ plant area or site. This would include considering the time of year when wildlife and~~or~~ plant species are sensitive to disturbance, such as nesting, rearing seasons, or flowering season. Cumulative effects that are adverse shall be prohibited.

(4) Delineate the undisturbed 200 ft buffer on the site plan for ~~sensitive~~ rare plants ~~and/~~or the appropriate buffer for ~~sensitive~~ rare wildlife areas or sites, including nesting, roosting and perching sites.

(a) Buffer zones can be reconfigured if a project applicant demonstrates all of the following: (1) the integrity and function of the buffer zones is maintained, (2) the total buffer area on the development proposal is not decreased, (3) the width reduction shall not occur within another buffer, and (4) the buffer zone width is not reduced more than 50% at any

particular location. Such features as intervening topography, vegetation, ~~man made~~ human-made features, natural plant or wildlife habitat boundaries, and flood plain characteristics could be considered.

(b) Requests to reduce buffer zones shall be considered if an appropriate professional (botanist, plant ecologist, wildlife biologist, or hydrologist), hired by the project applicant, (1) identifies the precise location of the ~~sensitive~~ rare wildlife/plant or water resource, (2) describes the biology of the ~~sensitive~~ rare wildlife/plant or hydrologic condition of the water resource, and (3) demonstrates that the proposed use will not have any negative effects, either direct or indirect, on the affected wildlife/plant and their surrounding habitat that is vital to their long-term survival or to the water resource and its long term function.

(c) ~~The local government~~ The Planning Director shall submit all requests to re-configure ~~sensitive~~ rare wildlife/plant or water resource buffers to the U.S. Forest Service and the appropriate state agencies for review. All written comments shall be included in the record of application and based on the comments from the state and federal agencies, the ~~local government~~ county will make a final decision on whether the reduced buffer zones is justified. If the final decision contradicts the comments submitted by the federal and state agencies, the ~~local government~~ county shall justify how it reached an opposing conclusion.

(K) ~~The local government~~ Multnomah County, in consultation with the ~~State~~ state and federal wildlife biologists and~~/or~~ botanists, shall use the following criteria in reviewing and evaluating the site plan to ensure that the proposed development~~s~~ or uses do not compromise the integrity and function of or result in adverse ~~affects~~ effects to the wildlife ~~or~~ and plant area or site:

(1) Published guidelines regarding the protection and management of the affected wildlife/plant species. Examples include: the Oregon Department of Forestry ~~has prepared technical papers that include~~ management guidelines for osprey and great blue heron; ~~the~~ Washington Department of Wildlife ~~has prepared similar~~ guidelines for a variety of species, including the western pond turtle, the peregrine falcon, and the Larch Mountain salamander (Rodrick and Milner 1991).

(2) Physical characteristics of the subject parcel and vicinity, including topography and vegetation.

(3) Historic, current, and proposed uses in the vicinity of the ~~sensitive~~ rare wildlife/plant area or site.

(4) Existing condition of the wildlife/plant area or site and the surrounding habitat ~~and the useful life~~ of the area or site.

(5) In areas of winter range, habitat components, such as forage, and thermal cover, important to the viability of the wildlife must be maintained or, if impacts are to occur, enhancement must mitigate the impacts so as to maintain overall values and function of winter range.

(6) The site plan is consistent with published guidance documents such as ~~the~~ "Oregon Guidelines for Timing of In-Water Work to Protect Fish and Wildlife Resources" (Oregon Department of Fish and Wildlife ~~2000~~ 2008 or most recent version).

(7) The site plan activities coincide with periods when fish and wildlife are least sensitive to disturbance. These would include, among others, nesting and brooding periods (from nest building to fledgling of young) and those periods specified.

(8) The site plan illustrates that new development~~s~~ and uses, including bridges, culverts, and utility corridors, shall not interfere with fish and wildlife passage.

(9) Maintain, protect, and enhance the integrity and function of Priority ~~Habitats (such as old growth forests, talus slopes, and oak woodlands)~~ as listed in the Priority Habitats Table. This includes maintaining structural, species, and age diversity, maintaining connectivity within and between plant communities, and ensuring that cumulative impacts are considered in documenting integrity and function.

	PRIORITY HABITATS TABLE
Priority Habitats	Criteria
Aspen stands	High fish and wildlife species diversity, limited availability, high vulnerability to habitat alteration.
Caves	Significant wildlife breeding habitat, limited availability, dependent species.
Old-growth forest	High fish and wildlife density, species diversity, breeding habitat, seasonal ranges, and limited and declining availability, high vulnerability.
Oregon white oak woodlands	Comparatively high fish and wildlife density, species diversity, declining availability, high vulnerability
Prairies and steppe	Comparatively high fish and wildlife density, species diversity, important breeding habitat, declining and limited availability, high vulnerability.
Riparian	High fish and wildlife density, species diversity, breeding habitat, movement corridor, high vulnerability, dependent species.
Wetlands	High species density, high species diversity, important breeding

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	habitat and seasonal ranges, limited availability, high vulnerability.
Snags and logs	High fish and wildlife density, species diversity, limited availability, high vulnerability, dependent species.
Talus	Limited availability, unique and dependent species, high vulnerability.
Cliffs	Significant breeding habitat, limited availability, dependent species.
Dunes	Unique species habitat, limited availability, high vulnerability, dependent species.
Winter Range	Provides important wintering habitat for deer and elk.

(L) The wildlife/plant protection process may terminate if ~~the local government~~ Multnomah County, in consultation with the U.S. Forest Service and state wildlife agency or ~~Heritage~~ heritage program, determines (1) the ~~sensitive~~ rare wildlife area or site is not active, or (2) the proposed use is not within the buffer zones and would not compromise the integrity of the wildlife/plant area or site, and (3) the proposed use is within the buffer and could be easily moved out of the buffer by simply modifying the project proposal (site plan modifications). If the project applicant accepts these recommendations, the l~~ocal government~~ County shall incorporate them into its development review order and the wildlife/plant protection process may conclude.

(M) If the above measures fail to eliminate the adverse ~~affects~~ 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.

(N) ~~The local government~~ The Planning Director shall submit a copy of all field surveys (if completed) and mitigation plans to the U.S. Forest Service and appropriate state agencies. ~~The local government~~ Multnomah County shall include all comments in the record of application and address any written comments submitted by the state and federal wildlife agency/heritage programs in its development review order. Based on the comments from the state and federal wildlife agency/heritage program, the l~~ocal government~~ County shall make a final decision on whether the proposed use would be consistent with the wildlife/plant policies and guidelines. If the final decision contradicts the comments submitted by the state and federal wildlife agency/heritage program, the ~~local government~~ County shall justify how it reached an opposing conclusion.

(O) ~~The local government~~ Multnomah County shall require the project applicant to revise the mitigation plan as necessary to ensure that the proposed use would not adversely affect a ~~sensitive~~ rare wildlife/plant area or site.

(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.

(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 ~~and/~~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 ~~and/~~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~~ Recreation Intensity Class is a constraint, an applicant must request a Management Plan amendment to demonstrate that practicable alternatives do not exist.

(R) The Mitigation Plan shall be prepared when:

(1) The proposed development or use is within a buffer zone (wetland, pond, lakes, riparian areas, or 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~~ 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).

(T) The primary purpose of this information is to provide a basis for the project applicant to redesign the proposed use in a manner that protects the identified ~~sensitive~~ water resources, and rare wildlife/plant areas and sites, that maximizes ~~his/her~~ their development options, and that mitigates,

through restoration, enhancement, creation and replacement measures, impacts to the water resources and~~/or~~ wildlife and~~/~~ plant area or site and~~/or~~ buffer zones.

(U) The applicant shall submit the mitigation plan to ~~the local government~~ the Planning Director. ~~The local government~~ Multnomah County shall submit a copy of the mitigation plan to the U.S. Forest Service, and appropriate state agencies. If the final decision contradicts the comments submitted by the state and federal wildlife agency/heritage program, the ~~local government~~ County shall justify how it reached an opposing conclusion.

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

(5) Show how the proposed restoration, enhancement, or ~~replacement (~~creation~~)~~ mitigation measures are NOT alternatives to avoidance. A proposed development/use must first avoid a ~~sensitive~~ protected resource, and only if this is not possible should restoration, enhancement, or creation be considered as mitigation. In reviewing mitigation plans, ~~the local government~~ 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 local government~~ 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 local government~~ 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 ~~sensitive~~ rare wildlife/plant species and shall demonstrate the success of restoration ~~and/~~or enhancement actions. ~~The local government~~ The Planning Director shall submit copies of the

monitoring report to the U.S. Forest Service; who shall offer technical assistance ~~to the local government~~ 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~~/or~~ 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 ~~sensitive~~ protected resource or buffer zone has been altered ~~or destroyed~~, 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 ~~must~~ shall survive. All plantings ~~must~~ 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 ~~sensitive~~ protected resource of equal or greater benefit may be substituted, provided that no net loss of ~~sensitive~~ protected resource functions occurs and provided the County, in consultation with the appropriate ~~State and Federal~~ state and federal agency, determine that such substitution is justified.

(5) ~~Sensitive~~ Rare plants that will be ~~destroyed~~ 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~~will~~ 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 ~~replacement (creation)~~ 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 ~~or destroyed~~.

Restoration: 2: l

Creation: 3: l

Enhancement: 4: l

(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 local government~~ the Planning Director to ensure compliance. The U.S. Forest Service, in consultation with appropriate state agencies, shall extend technical assistance to the ~~local government~~ 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.

(Ord. 1254, Amended, 03/22/2018; Ord. 1125, Amended, 12/11/2008; Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7080 GMA RECREATION RESOURCE REVIEW CRITERIA

The following uses are allowed, subject to compliance with MCC 38.7080 (E) and (F).

(A) Recreation Intensity Class 1 (Very Low Intensity)

Social Setting: Visitors in this designation have a high chance of finding solitude and opportunities to experience activities that rely on self-reliance, challenge and risk. Encounters with other visitors is low throughout the designation. Perceived crowdedness is low to non-existent away from roads and recreation sites. Visitor encounters and perceived crowdedness is low to moderate at or near (within 1 mile) roads and recreation sites.

Physical and Managerial Setting: Predominately natural/natural appearing landscapes with rustic improvements characterize this designation. Nodes of developed recreation facilities are allowed. Developed recreation site regulations and controls (signing, regulations or other regimentation) are noticeable but harmonize with the natural environment. Away from developed recreation sites there is minimal or subtle control of users.

Trail development is simple and typically accommodate low use levels. Users are highly skilled with a high degree of orienteering skills.

(1) Parking areas ~~for a maximum~~, not to exceed a site-wide capacity of 10 ~~cars for~~ vehicles, when associated with any allowed uses in Recreation Intensity Class 1. Accommodations for mass transportation facilities should be considered where compatible with the social and physical settings.

(2) Trails for hiking, equestrian and mountain biking use.

(3) Pathways for pedestrian and bicycling use.

(4) Trailheads (with provisions for hitching rails and equestrian trailers at trailheads accommodating equestrian use).

(5) Scenic viewpoints and overlooks.

(6) Wildlife/botanical viewing and nature study areas.

(7) River access areas.

(8) Simple interpretive signs and/or displays, not to exceed a total of 50 square feet.

(9) Entry name signs not to exceed 10 square feet per sign.

(10) Boat docks, piers or wharfs.

(11) Picnic areas.

(12) Rest-rooms/comfort facilities.

(B) Recreation Intensity Class 2 (Low Intensity)

Social Setting: RIC 2 is characterized by opportunities to experience relaxation, physical fitness and outdoor learning and where there is a moderate probability to experience solitude. Typically encounters with other visitors throughout the designation is Low to Moderate. Visitor encounters are low to moderate on trails and away from developed recreation sites and roads, and moderate to high near (within 1 mile) recreation sites and roads.

(S-LU-2 2009)

Physical and Managerial Setting: Predominately natural/natural appearing landscapes with rustic improvements characterize this designation. Nodes of highly developed recreation facilities may be allowed. Developed recreation site regulations and controls (signing, regulations or other regimentation) are noticeable but harmonize with the natural environment. Away from developed recreation sites there is minimal or subtle control of users.

Trails are moderately developed (native surface or gravel, trail bridges and other facilities are provided for user convenience). Trail use is typically low to moderate. Trails are suitable for a wide range of users and are challenging and involve intermediate to advance skills.

(1) All uses permitted in Recreation Intensity Class 1.

(2) Parking areas ~~for a maximum~~, not to exceed a site-wide capacity of 25 ~~cars~~ vehicles, when associated with any allowed uses in Recreational Intensity Class 2. Parking spaces for~~, including~~ campground units shall be included in this number~~, to serve any allowed uses in Recreation Intensity Class 2~~. Accommodations for mass transportation facilities should be considered where compatible with the social and physical settings.

(3) Simple interpretive signs and displays, not to exceed a total of 100 square feet.

(4) Entry name signs not to exceed 20 square feet per sign.

(5) Boat ramps, not to exceed two lanes.

(6) Campgrounds for 20 units or less, tent sites only.

(C) Recreation Intensity Class 3 (Moderate Intensity)

Social Setting: A high degree of interaction with other visitors with opportunities to experience relaxation and activities that provide little challenge or risk in a natural appearing environment characterizes this designation. Visitor encounters are moderate to high on trails away from developed recreation sites and roads.

Physical and Managerial Setting: Changes to the natural landscape may be evident but in harmony with characteristics of the landscape setting. Highly developed recreation facilities and trails are constructed for visitor convenience. On-site regulation and controls are noticeable but harmonize with the natural characteristics of the landscape.

Trails typically accommodate moderate to high use and are well developed (native, gravel or paved surfaces, trail facilities such as bridges are provided for convenience). Trails are easily traveled by a wide range of users who have intermediate skill level and minimal orienteering skills.

(1) All uses permitted in Recreation Intensity Classes 1 and 2.

(2) Parking areas ~~for a maximum~~, not to exceed a site-wide capacity of 75 ~~cars~~ vehicles, when associated with any allowed uses in Recreation Intensity Class 3. Parking spaces for campground units shall be included in this number. ~~, including campground units, for any allowed uses in Recreation Intensity Class 3.~~

(3) Accommodation of facilities for mass transportation (bus parking, etc.) shall be required for all new Recreation Intensity Class 3 day-use recreation sites, and improvements to existing Class 3 day-use recreation sites where the improvement would increase the use of the site, except for sites predominantly devoted to boat access. The number and size of the mass transportation facilities shall reflect the physical capacity of the site.

(~~3~~4) Interpretive signs, displays and/or facilities.

(~~4~~5) Visitor information and environmental education signs, displays or facilities.

(~~5~~6) Entry name signs not to exceed 32 square feet per sign.

(~~6~~7) Boat ramps, not to exceed three lanes.

(~~7~~8) Concessions stands, pursuant to applicable policies in this chapter.

(~~8~~9) Campgrounds for 50 individual units or less for tents and~~/or~~ recreational vehicles, with a total density of no more than 10 units per acre (density to be measured based on total size of recreation facility and may include required buffer and setback areas). Class 3 campgrounds may also include one group campsite area, in addition to the individual campground units or parking area maximums allowed as described herein.

(D) Recreation Intensity Class 4 (High Intensity)

Social Setting: This designation is characterized by highly developed facilities where there is little challenge or risk associated with being in the outdoors. There is a high degree of interaction with other visitors. Encounters are high in recreation sites, on roads and trails within in this designation.

Physical and Managerial Setting: Changes to the natural landscape may be evident but in harmony with characteristics of the landscape setting. Highly developed recreation facilities and trails are constructed for a visitor convenience and ease of movement. On-site regulation and controls are noticeable but harmonize with the natural characteristics of the landscape.

The maximum site design capacity for parking areas shall not exceed 250 vehicles for any allowed uses in Recreation Intensity Class 4. Parking spaces for campground units are to be included in this number.

Trails are highly developed (gravel or paved surfaces, trail facilities such as bridges are provided for convenience) and accommodate heavy to intensive use. Users are typically inexperienced with little or no orienteering skills. Trails are easily traveled by a wide range of users.

(1) All uses permitted in Recreation Intensity Classes 1, 2, and 3.

(2) Parking areas, not to exceed a site-wide capacity ~~for a maximum~~ of 250 ~~cars~~ vehicles, when associated with any allowed use in Recreation Intensity Class 4. Parking spaces for campground units shall be included in this number~~, including campground units, for any allowed uses in Recreation Intensity Class 4~~.

(3) Accommodation of facilities for mass transportation (bus parking, etc.) shall be required for all new Recreation Intensity Class 4 day-use recreation sites and improvements to existing Class

4 day-use recreation sites where the improvement would increase the use of the site, except for sites predominantly devoted to boat access. The number and size of the mass transportation facilities shall reflect the physical capacity of the site.

(~~3~~4) Horseback riding stables and associated facilities.

(~~4~~5) Entry name signs, not to exceed 40 square feet per sign.

(~~5~~6) Boat ramps.

(~~6~~7) Campgrounds for 175 individual units or less for tents and~~/or~~ recreation vehicles with a total density of no more than 10 units per acre (density to be measured based on total size of recreation facility and may include required buffer and setback areas). Class 4 campgrounds may also include up to 3 group campsite areas, in addition to individual campsite units or parking area maximums allowed as described herein.

(E) Approval Criteria for Recreation Uses

All proposed recreation projects outside of GG– PR or GG– CR districts shall satisfy the following:

(1) Cumulative effects of proposed recreation projects on landscape settings shall be based on the "compatible recreation use" standard for the landscape setting in which the use is located.

(2) For proposed recreation projects in or adjacent to lands designated GGA– 20, GGA– 40, GGF– 20 and GGF– 40:

(a) The use would not seriously interfere with accepted forest or agricultural practices on surrounding lands devoted to forest or farm uses. Provision of on-site buffers may be used to partially or fully comply with this criterion, depending upon project design and~~/or~~ site conditions.

(b) A declaration has been signed by the project applicant or owner and recorded with county deeds and records specifying that the applicant or owner is aware that operators are entitled to carry on accepted forest or farm practices on lands designated GGA– 20, GGA– 40, GGF– 20 and GGF– 40.

(3) For proposed projects including facilities for outdoor fires for cooking or other purposes or proposed campgrounds:

The project applicant shall demonstrate that a sufficient quantity of water necessary for fire suppression (as determined pursuant to applicable fire codes) is readily available to the proposed facility, either through connection to a community water system or on-site wells, storage tanks, sumps, ponds or similar storage devices. If connection to a community water system is proposed, the project applicant shall demonstrate that the water system has adequate capacity to meet the facility's emergency fire suppression needs without adversely affecting the remainder of the water system with respect to fire suppression capabilities. In addition, in order to provide access for fire-fighting equipment, access drives shall be constructed to a minimum of 12 feet in width and a maximum grade of 12 percent. Access drives shall be maintained to a level that is passable to fire-fighting equipment.

(4) Trail or trailhead projects shall comply with ~~applicable trails policies in the Management Plan.~~ the following:

(a) Where applicable, new trails should incorporate existing segments of older or historic trails, abandoned roads and railroad rights-of-way, and other previously developed areas suitable for recreation use to the maximum extent practicable.

(b) Trails that are intended for multiple user groups shall be required to post signs at trailheads alerting users that multiple user groups may be present on the trail. Trails shall be designed such that user conflicts and safety issues are minimized.

(c) Applications for new trails or trailheads include measures to minimize the potential spread of noxious weeds.

(d) Applications for new trails or trailheads shall consider the potential of fire risk during critical fire hazard periods in developing the physical and managerial setting of the site.

(5) For proposed projects providing ~~boating or windsurfing~~ recreation access to the Columbia River or its tributaries: ~~compliance~~ applicants shall demonstrate that the new facility is consistent with ~~applicable "River Access and Protection of Treaty Rights" objectives in the Management Plan~~ and does not affect or modify tribal treaty rights.

(6) For proposed projects on public lands or proposed projects providing access to the Columbia River or its tributaries: compliance with the guidelines ~~for protection of tribal treaty rights~~ in Part IV, Chapter 3, Indian ~~Tribal~~ Treaty Rights and Consultation in the Management Plan.

(7) For proposed projects which include interpretation of natural or cultural resources:

A demonstration that the interpretive facilities will not adversely affect natural or cultural resources and that appropriate and necessary resource protection measures shall be employed.

(8) ~~For proposed~~ Applications for public recreation development in Recreation Intensity Class 3 or 4 shall demonstrate how the proposed recreation development will be equitable and accessible (regardless of income level, ethnicity, gender, ability or age). Applications for public recreation developments in RIC 1 and 2 shall meet this standard to the maximum extent practicable. ~~projects (except for projects predominantly devoted to boat access):~~

~~A demonstration that the project accommodates provision of mass transportation access to the site. The number and size of the mass transportation facilities shall reflect the physical capacity of the site. This requirement may be waived upon a demonstration that provision of such facilities would result in overuse of the site, either degrading the quality of the recreation experience or adversely affecting other resources at the site.~~

(9) A demonstration that the proposed project or use will not generate traffic, either by type or volume, which would adversely affect the Historic Columbia River Highway, shall be required prior to approval.

(10) Applications shall demonstrate compliance with the social, physical and managerial setting characteristics in the applicable Recreation Intensity Class description.

(S-LU-2 2009)

(F) Facility Design Standards for All Recreation Projects

(1) Recreation facilities which are not resource-based in nature may be included at sites providing resource-based recreation uses consistent with the standards contained herein, as long as such facilities comprise no more than one-third of the total land area dedicated to recreation uses ~~and/~~or facilities. Required landscaped buffers may be included in calculations of total land area dedicated to recreation uses and/or facilities.

(2) The facility design standards contained herein are intended to apply to individual recreation facilities. ~~For the purposes of these standards, a recreation facility is considered a cluster or grouping of recreational developments or improvements located in relatively close proximity to one another.~~

~~To be considered a separate facility from other d~~Developments or improvements within the same Recreation Intensity Class are considered as separate facilities if they are~~, recreation developments or improvements must be~~ separated by at least ~~one-quarter~~ ¼ mile of undeveloped land (excluding trails, pathways, or access roads) ~~from such developments or improvements~~.

~~(3) Parking areas, access roads, and campsites shall be sited and designed to fit into the existing natural contours as much as possible, both to minimize ground-disturbing grading activities and utilize topography to screen parking areas and associated structures. Parking areas, access roads, and campsites shall be sited and set back sufficiently from bluffs so as to be visually subordinate as seen from Key Viewing Areas.~~

(3)~~(4)~~ Existing vegetation, particularly mature trees, shall be maintained to the maximum extent practicable. These trees may be used~~, and utilized~~ to ~~screen parking areas and campsites from Key Viewing Areas and~~ satisfy requirements for perimeter and interior landscaped buffers.

(4)~~(5)~~ Parking areas providing over 50 spaces shall be divided into discrete "islands" separated by unpaved, landscaped buffer areas.

(5)~~(6)~~ Lineal frontage of parking areas and campsite loops to Scenic Travel Corridors shall be minimized to the greatest extent practicable.

(6)~~(7)~~ Ingress/egress points shall be consolidated to the maximum extent practicable, providing for adequate emergency access pursuant to applicable fire and safety codes.

(7)~~(8) Signage~~ Signs shall be limited to ~~that~~ those necessary to provide relevant recreation or facility information, interpretive information, vehicular and pedestrian direction, and for safety purposes.

~~(9) Exterior lighting shall be shielded, designed and sited in a manner which prevents such lighting from projecting off-site or being highly visible from Key Viewing Areas.~~

(8)~~(10)~~ Innovative designs and materials which reduce visual impacts (such as "turf blocks" instead of conventional asphalt paving) shall be encouraged through incentives such as additional allowable parking spaces and reduce required minimum interior or perimeter landscaped buffers. Upon determination that potential visual impacts have been substantially reduced by use of such designs and materials, the Planning Director shall allow either reductions

in required minimum interior or perimeter landscape buffers up to 50 percent of what would otherwise be required, or additional parking spaces not to exceed 10 percent of what would otherwise be permitted.

(9)~~(11)~~ A majority of trees, shrubs and other plants in landscaped areas shall be species native ~~or naturalized~~ to the landscape setting in which they occur (landscape setting descriptions and design standards specify lists of appropriate species). Project applicants that are required to use new landscaping are encouraged to place trees, shrubs and other plants in a manner approximating their natural condition.

~~(12) All structures shall be designed such that height, exterior colors, reflectivity, mass and siting result in the structures blending with and not noticeably contrasting with their setting.~~

~~(13) Landscape buffers around the perimeter of parking areas accommodating more than 10 vehicles shall be provided. Minimum required widths are 5 feet for 20 vehicles or less, 20 feet for 50 vehicles or less, 30 feet for 100 vehicles or less, and 40 feet for 250 vehicles or less.~~

(10)~~(14)~~ For any parking area with over 50 spaces, interior ~~Interior~~ landscaped buffers breaking up continuous areas of parking into discrete "islands" shall be provided ~~for any parking areas over 50 spaces in size~~. The minimum width of interior landscaped buffers between each parking lot of 50 spaces or less shall be 20 feet.

~~(15) Within required perimeter and interior landscaped buffer areas, a minimum of one tree of at least 6 feet in height shall be planted for every 10 lineal feet as averaged for the entire perimeter width. A minimum of 25 percent of planted species in perimeter buffers shall be coniferous to provide screening during the winter. Project applicants are encouraged to place such trees in random groupings approximating natural conditions. In addition to the required trees, landscaping shall include appropriate shrubs, groundcover and other plant materials.~~

~~(16) Minimum required perimeter landscape buffer widths for parking areas or campgrounds may be reduced by as much as 50 percent, at the discretion of the Planning Director, if existing vegetation stands and/or existing topography are utilized such that the development is not visible from any Key Viewing Area.~~

(11)~~(17)~~ Grading or soil compaction within the "drip line" of existing mature trees shall be avoided to the maximum extent practicable, to reduce risk of root damage and associated tree mortality.

~~(18) All parking areas and campsites shall be set back from Scenic Travel Corridors, and the Columbia River and its major tributaries at least 100 feet. Required perimeter landscaped buffers may be included when calculating such setbacks. Setbacks from rivers shall be measured from the ordinary high water mark. Setbacks from Scenic Travel Corridors shall be measured from the edge of road pavements.~~

(12)~~(19)~~ Project applicants shall utilize measures and equipment necessary for the proper maintenance and survival of all vegetation utilized to meet the landscape standards contained herein, and shall be responsible for such maintenance and survival.

(13)~~(20)~~ All parking areas shall be set back from property boundaries by at least 50 feet. All campsites and associated facilities shall be set back from property boundaries by at least 100 feet.

~~(21) All proposed projects at levels consistent with Recreation Intensity Class 4 on lands classified RIC 4 (except for proposals predominantly devoted to boat access) shall comply with MCC 38.7080 (E) (8) regarding provision of mass transportation access.~~

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 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.

(2) Protect recreation resources from adverse effects by evaluating new developments and land uses as proposed in the site plan. An analysis of both on and off site cumulative effects such as site accessibility and the adverse effects on the Historic Columbia River Highway shall be required.

(3) New pedestrian or equestrian trails shall not have motorized uses, except for emergency services.

(4) Mitigation measures shall be provided to preclude adverse effects on the recreation resource.

(5) The ~~facility standards contained herein~~ Facility Design Guidelines are intended to apply to individual recreation facilities. ~~For the purposes of these standards, a recreation facility is considered a cluster or grouping of recreational developments or improvements located in relatively close proximity to one another. Recreation developments or improvements to be considered a separate facility from other developments or improvements within the same Recreation Intensity Class must be separated by at least one-quarter mile of undeveloped land (excluding trails, pathways, or access roads) from such developments or improvements.~~ Developments or improvements within the same Recreation Intensity Class are considered as separate facilities if they are separated by at least 1/4 mile of undeveloped land (excluding trails, pathways, or access roads).

(6) New development and reconstruction of scenic routes ~~(see Part III, Chapter 1 of the Management Plan)~~ shall include provisions for bicycle lanes.

(7) The Planning Director may grant a variance of up to 10 percent to the standards of Recreation Intensity Class 4 for parking and campground units upon demonstration that:

(a) Demand and use levels for the proposed activity(s), particularly in the area where the site is proposed, are high and expected to remain so ~~and/~~or increase. Statewide Comprehensive Outdoor Recreation Plan (SCORP) data and data from the National ~~Scenic Area recreation demand studies~~ Visitor Use Monitoring Program shall be relied upon to meet the criterion in the absence of current applicable studies.

(b) The proposed use is dependent on resources present at the site.

(c) Reasonable alternative sites, including those in ~~Urban Areas~~ urban areas, offering similar opportunities have been evaluated and it has been demonstrated that the proposed use cannot be adequately accommodated elsewhere.

(d) The proposed use is consistent with the goals, objectives, and policies in the Management Plan, Part I, Chapter 4.

(e) Through site design and~~/or~~ mitigation measures, the proposed use can be implemented without adversely affecting scenic, natural or cultural resources, and adjacent land uses.

(f) Through site design and/or mitigation measures, the proposed use can be implemented without affecting or modifying treaty rights.

~~(g) Mass transportation has been considered and implemented, if feasible.~~

(8) New interpretive or education programs and/or facilities shall follow recommendations of the *Interpretive Strategy for the Columbia River Gorge National Scenic Area*.

(9) Proposals to change the Recreation Intensity Class of an area to a different class shall require a Plan Amendment pursuant to MCC 38.0100.

(10) A demonstration that the proposed project or use will not generate traffic, either by type or volume, which would adversely affect the Historic Columbia River Highway, shall be required prior to approval.

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

(1) Intensity Class 1 (Very Low Intensity)

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

Social Setting: Visitors in this designation have a high chance of finding solitude and opportunities to experience activities that rely on self-reliance, challenge and risk. Encounters with other visitors is low throughout the designation. Perceived crowdedness is low to non-existent away from roads recreation sites. Visitor encounters and perceived crowdedness is low to moderate at or near (within 1 mile) roads and recreation sites.

Physical and Managerial Setting: Predominately natural/natural appearing landscapes with rustic improvements characterize this designation. Nodes of developed recreation facilities may be allowed. Developed recreation site regulations and controls (signing, regulations or other regimentation) are noticeable but harmonize with the natural characteristics of the landscape setting. Away from developed recreation sites there is minimal or subtle control of users.

Trail development is simple and typically accommodate low use levels. Users are highly skilled with a high degree of orienteering skills.

~~(a) Uses permitted are those in which people participate in outdoor activities to realize experiences such as solitude, tension reduction, and nature appreciation.~~

(a)~~(b) Maximum site design capacity shall not exceed 35 people at one time on the site~~. The ~~M~~maximum design capacity for parking areas shall be 10 vehicles.

(b)~~(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.

9. Accommodations for mass transportation facilities should be considered where compatible with the social and physical settings.

(2) Intensity Class 2 (Low Intensity)

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

Social Setting: RIC 2 is characterized by opportunities to experience relaxation, physical fitness and outdoor learning, and where there is a moderate probability to experience solitude. Visitor encounters are low to moderate on trails and away from developed recreation sites and roads. Usually and moderate to high near (within 1 mile) recreation sites and roads.

Physical and Managerial Setting: Predominately natural/natural appearing landscapes with rustic improvements characterize this designation. Nodes of highly developed recreation facilities may be allowed. Developed recreation site regulations and controls (signing, regulations or other regimentation) harmonize with the natural characteristics of the landscape setting. Away from developed recreation sites there is minimal or subtle control of users.

Trails are moderately developed (native surface or gravel, trail bridges and other facilities are provided for user convenience). Trail use is typically low to moderate. Trails are suitable for a wide range of users and are challenging and involve intermediate to advance skills.

~~(a) Permitted uses are those that provide settings where people can participate in activities such as physical fitness, outdoor learning, relaxation, and escape from noise and crowds.~~

(a)~~(b) The maximum site design capacity shall not exceed 70 people at one time on the site.~~ The maximum design capacity shall be 25 vehicles.

(b)~~(c)~~ All uses permitted in Class 1 are permitted in Class 2. The following uses may also be permitted:

1. ~~Campground with vehicle access~~ Campgrounds for twenty (20) units or less, tent sites only.

2. Boat anchorages designed for no more than 10 boats at one time.

3. Swimming areas.

4. Accommodations for mass transportation facilities should be considered where compatible with the social and physical settings.

(3) Intensity Class 3 (Moderate Intensity)

~~Emphasis is on facilities with design themes emphasizing the natural qualities of the area. Developments are complementary to the natural landscape, yet can accommodate moderate numbers of people.~~

Social Setting: A high degree of interaction with other visitors with opportunities to experience relaxation and activities that provide little challenge or risk in a natural appearing environment characterizes this designation. Visitor encounters are moderate to high on trails away from developed recreation sites and roads.

Physical and Managerial Setting: Changes to the natural landscape may be evident but in harmony with natural characteristics of the landscape setting. Highly developed recreation facilities and trails are constructed for visitor convenience. On-site regulation and controls are noticeable but harmonize with the natural environment.

Trails typically accommodate moderate to high use and are well developed (native, gravel or paved surfaces, trail facilities such as bridges are provided for convenience). Trails are easily traveled by a wide range of users who have intermediate skill level and minimal orienteering skills.

(a) Permitted uses are those in which people can participate in activities to realize experiences such as group socialization, nature appreciation, relaxation, cultural learning, and physical activity.

(b) ~~Maximum site design capacity shall not exceed 250 people at on the site.~~ The maximum design capacity shall be 50 vehicles. The GMA vehicle capacity level of 75 vehicles would be approved if enhancement or mitigation measures for scenic, cultural, or natural resources are approved for at least 10 percent of the site.

(c) Accommodation of facilities for mass transportation (bus parking, etc.) shall be required for all new (Recreation Intensity Class 3) day-use recreation sites and improvements to existing Class 3 day-use recreation sites where the improvement would increase the use of the site, except for sites predominantly devoted to boat access. The number and size of the mass transportation facilities shall reflect the physical capacity of the site.

(d) All uses permitted in Classes 1 and 2 are permitted in Class 3. The following uses may also be permitted:

1. Campgrounds with improvements that may include vehicle access, water, power, sewer, and sewage dump stations. Campgrounds shall not exceed a combination of 50 single or group campsites (tent or recreational vehicle) and a total design capacity of 250 people at one time.

2. Boat anchorages designed for not more than 15 boats.

3. Public visitor, interpretive, historic, and environmental education facilities.

4. Full service rest-rooms, may include showers.

5. Boat ramps.

6. Riding stables.

(4) Intensity Class 4 (High Intensity)

~~Emphasis is for providing roaded natural, rural, and suburban recreation opportunities with a high level of social interaction.~~

Social Setting: This designation is characterized by highly developed facilities where there is little challenge or risk associated with being in the outdoors. There is a high degree of interaction with other visitors. Encounters are high in recreation sites, on roads and trails within in this designation.

Physical and Managerial Setting: Landscapes with natural appearing backdrop are characterized by this designation. Highly developed recreation facilities and trails are constructed for visitor convenience and ease of movement. On-site regulation and controls are noticeable but harmonize with the natural characteristics of the landscape setting.

Trails are highly developed (gravel or paved surfaces, trail facilities such as bridges are provided for convenience) and accommodate heavy to intensive use. Users are typically inexperienced with little or no orienteering skills. Trails are easily traveled by a wide range of users.

(a) Permitted uses are those in which people can participate in activities to realize experiences such as socialization, cultural and natural history appreciation, and physical activity.

(b) ~~The maximum design capacity shall not exceed 1000 people at one time on the site.~~ The maximum design capacity for parking areas shall be 200 vehicles. The GMA vehicle capacity level of 250 vehicles shall be allowed if enhancement or mitigation measures of scenic, cultural, or natural resources are approved for at least 20 percent of the site.

(c) Accommodation of facilities for mass transportation (bus parking, etc.) shall be required for all new (Recreation Intensity Class 4) day-use recreation sites and improvements to existing Class 4 day-use recreation sites where the improvement would increase the use of

the site, except for sites predominantly devoted to boat ~~races~~ access. The number and size of the mass transportation facilities shall reflect the physical capacity of the site.

(d) All uses permitted in Classes 1, 2, and 3 are permitted in Class 4.

(e) Campgrounds with improvements that may include vehicle access, water, power, sewer, and sewage dump stations. Campgrounds shall not exceed a combination of 100 single or group campsites (tent or recreational vehicle) and a total design capacity of 500 people at one time.

(Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7090 RESPONSES TO AN EMERGENCY/DISASTER EVENT

Responses to an emergency/disaster event are allowed in all zoning districts within the Columbia River Gorge National Scenic Area when in compliance with the following standards:

(A) General standards for all response activities.

(1) Following emergency/disaster response actions, best management practices (BMPs) to prevent sedimentation and provide erosion control shall be utilized whenever disaster response actions necessitate vegetation removal, excavation, ~~and/~~or grading. BMPs may include but are not limited to: use of straw bales, slash windrows, filter fabric fences, sandbags, straw cover, jute netting, etc.

(2) Structures or development installed or erected for a temporary use (e.g. sandbags, check dams, plastic sheeting, chain link fences, debris walls, etc.) shall be removed within one year following an emergency event. If it can be demonstrated that the continued use of these devices is necessary to protect life, property, public services or the environment, an extension of no more than two years may be granted by the Planning Director, or the U.S. Forest Service for federal agency actions.

(3) The new exploration, development (extraction or excavation), and production of mineral resources, used for commercial, private or public works projects, shall not be conducted as an emergency/disaster response activity.

(4) No spoils resulting from grading or excavation activities shall be deliberately deposited into a wetland, stream, pond, lake, or riparian area within the National Scenic Area ~~(NSA)~~ as a part of an emergency/disaster response action. The only exception to this is for construction of a fire line during a wildfire, where avoiding the aquatic area or its buffer zone has been considered and determined to not be possible without further jeopardizing life or property.

(B) Notification Requirements

(1) Actions taken in response to an emergency/disaster event, as defined in MCC 38.0015, are allowed in all GMA and SMA land use designations, subject to the following notification requirements.

(a) Notification of an emergency/disaster response activity shall be submitted either within 48 hours of the commencement of a response action, or by the next business day following the start of such an action, whichever is sooner. Notification shall be submitted by the party conducting an emergency/disaster response activity or their representatives. In the case of multiple responding parties, the first party to respond shall provide the required notification, unless, upon mutual agreement of responding parties, another responder elects to assume this responsibility.

(b) Notification shall be submitted by mail, fax, telephone, e-mail or in person. If notification occurs by telephone, a hard copy of the notification shall be submitted by mail or in person within 7 days.

(c) Notification shall be furnished to the Planning Director, or the U.S. Forest Service for federal agency actions. If the Forest Service is the action agency, it shall provide notice to the Gorge Commission.

(d) At a minimum, the following information shall be required at the time of notification:

1. Nature of emergency/disaster event.

2. Description of emergency/disaster response activities and magnitude of response actions to be taken, if applicable (such as extent of earth movement, erection of structures, etc.).

3. Location of emergency/disaster response activities.

4. Estimated start and duration of emergency/disaster response activities.

5. Contact person and phone number for the parties conducting emergency/disaster response actions.

(e) Repair and maintenance of an existing serviceable structure to its previously authorized and undamaged condition are not subject to the above referenced notification requirements.

(2) Upon notification of an emergency/disaster response action, the Planning Director or the Forest Service shall, as soon as possible:

(a) Review their natural resource ~~inventory~~ data and notify the contact person for the emergency/disaster response actions of all ~~inventoried~~ natural resource sites, and their buffers, that are within or adjacent to the response area or that may be adversely affected by response activities;

(b) Notify the Oregon Department of Fish and Wildlife of all noticed emergency/disaster response actions, to provide that agency an opportunity to consult with responding agencies during the event, and;

(c) Notify the U.S. Forest Service (except when the U.S. Forest Service is the notifying agency), State Historic Preservation Office (SHPO), and the Tribal governments of all emergency/disaster response activities. The U.S. Forest Service will review their cultural

resource ~~inventory~~ data and notify the contact person for the emergency/disaster response action as soon as possible of all inventoried cultural resource sites, or their buffers, that are within, or adjacent to, emergency/disaster response areas.

(3) Upon notification of a response action, the U.S. Forest Service shall, as soon as possible, offer the services of a resource advisor to the agency(ies) conducting the response action. The resource advisor will provide on-site advice to minimize impacts to resources from emergency/disaster response actions.

(C) Post-Emergency/Disaster Response Site Review Application Requirements

(1) Within 30 days following notification, a post-emergency/disaster response application shall be submitted by the party conducting the response action to the Planning Director, or U.S. Forest Service for federal agency actions. In the case of an event with multiple responding parties, the agency providing initial notification as required herein shall submit the application. An exception to this may occur if another responding party, by mutual agreement with the other respondents, elects to submit the application. Requests to extend this submittal deadline may be made in writing and shall include the reason why an extension is necessary. Extensions shall not exceed 30 days in duration ~~and no more than two (2) extensions shall be granted~~.

(2) Post-emergency/disaster response applications shall only address development activities conducted during an emergency/disaster response. Applications shall specify if development placed during an emergency/disaster event is permanent or temporary. The terms “development activities” and “development” include the disposal of any soil materials associated with an emergency/disaster response action. Applicants shall be responsible for operations under their control and that of other responders, upon mutual agreement. Responders not agreeing to have another responder address their actions shall be responsible to submit an application for those actions.

(3) Emergency/disaster response actions not involving structural development or ground disturbance with mechanized equipment are exempt from these requirements, except for those actions within 500 feet of a known cultural resource (as determined in the notification process).

(4) Applications shall include the following information:

(a) Applicant's name and address.

(b) Location of emergency/disaster response.

(c) A written description of the emergency/disaster response, including any structures erected, excavation or other grading activities, or vegetation removal.

(d) A map of the project area drawn to scale, at a scale of 1"=200' or a scale providing greater detail. The map shall include:

1. North arrow and scale.

2. Boundaries, dimensions and size of subject parcel(s).

3. Topography at a contour interval sufficient to describe the terrain of the project site.

4. Bodies of water, watercourses, and significant landforms.

5. Existing roads and structures.

6. New structures placed and any vegetation removal, excavation or grading resulting from the response actions.

(e) An exception to the scale requirements of subsection (4)(d) may be granted for an event encompassing an area greater than one square mile. In such cases, a clear sketch map of the entire response action area shall be provided. In addition, a map of 1"=200' or a scale providing greater detail shall be provided that shows a section of the response area exemplifying the specific actions taken.

(D) Post-Emergency/Disaster Response Site Review

All applications for post-emergency/disaster response Site Review shall be processed pursuant to the procedural provisions of MCC 38.0530 (B) and evaluated for compliance with the standards of MCC 38.7090 (E).

(E) Post-Emergency/Disaster Response Site Review Approval Criteria

Actions taken in all land use designations that are in response to an emergency/disaster event shall be reviewed for compliance with the following standards:

(1) Scenic Resources

(a) Impacts of emergency/disaster response actions shall be evaluated to ensure that scenic resources are not adversely affected. In the GMA, such actions shall be rendered visually subordinate in their landscape setting as ~~seen~~ visible from key viewing areas to the greatest extent practicable, except for actions located in the Corbett Rural Center zoning district. In the SMA~~s~~, such actions shall meet the scenic standard to the greatest extent practicable.

(b) Vegetation shall be used to screen or cover road cuts, structural development, landform alteration, and areas denuded of vegetation, as a result of emergency/disaster response actions.

(c) Areas denuded of vegetation as a result of emergency/disaster response actions shall be revegetated with native plant species to restore the affected areas to its pre-response condition to the greatest extent practicable. Revegetation shall occur as soon as practicable, but no later than one year after the emergency/disaster event. An exception to the one year requirement may be granted upon demonstration of just cause, with an extension of up to one year.

(d) The painting, staining or use of other materials on new structural development shall be used to ensure that the structures are non-reflective, or of low reflectivity, and visually subordinate in their landscape setting as ~~seen~~ visible from key viewing areas, unless the structure is fully screened from key viewing areas by existing topographic features.

(e) Additions to existing structures, resulting from ~~a~~ an emergency/disaster response action, which are smaller in total height, bulk or area than the existing structures may be the same

color as the existing development. Additions larger than the existing development shall be visually subordinate in their landscape setting as ~~seen~~ visible from key viewing areas to the greatest extent practicable.

(f) In the General Management Area, spoil materials associated with grading, excavation and slide debris removal activities in relation to an emergency/disaster response action, shall comply with the following standards:

1. The spoil materials shall either be:

a. Removed from the ~~NSA~~ National Scenic Area or

b. Deposited at a site within the ~~NSA~~ National Scenic Area where such deposition is, or can be, allowed, or

c. Contoured, to the greatest extent practicable, to retain the natural topography, or a topography which emulates that of the surrounding landscape.

2. The County shall decide whether an applicant removes the spoil materials (MCC 38.7090(E)(1)(f) 1.a.), deposits the spoil materials (MCC 38.7090(E)(1)(f) 1.b.), or contours the spoils materials (MCC 38.7090(E)(1)(f)1.c.) The applicant does not make this decision.

3. The County shall select the action in MCC 38.7090(E)(1)(f) 1. that, to the greatest extent practicable, best complies with the provisions in Chapter 38 that protect scenic, cultural, recreation, and natural resources.

4. Disposal sites created according to MCC 38.7090(E)(1)(f)1.b. shall only be used for spoil materials associated with an emergency/disaster response action. Spoil materials from routine road maintenance activities shall not be deposited at these sites.

(g) In the Special Management Areas, spoil materials associated with grading, excavation, and slide debris removal activities in relation to an emergency/disaster response action shall comply with the following standards:

1. The spoil materials shall either be:

a. Removed from the ~~NSA~~ National Scenic Area, or

b. Deposited at a site within the ~~NSA~~ National Scenic Area where such deposition is, or can be, allowed within two years of the emergency.

2. After the spoils materials are removed, the emergency disposal site shall be rehabilitated to meet the scenic standard.

3. All grading (i.e. contouring) shall be completed within 30 days after the spoils materials are removed.

4. Sites shall be replanted using native plants found in the landscape setting or ecoregion to the maximum extent practicable.

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5. All revegetation shall take place within one (1) year of the date an applicant completes the grading.

6. MCC 38.7090 (E) (1) (g) shall take effect on August 3, 2006, or approval of a disposal site, whichever comes first.

(2) Cultural Resources and Treaty Rights

(a) To the greatest extent practicable, emergency/disaster response actions shall not adversely affect cultural resources. Emergency/disaster response actions shall not affect or modify Tribal treaty rights.

(b) The ~~U.S.~~ Forest Service shall determine if a reconnaissance survey or historic survey is necessary within three days after receiving notice that a post-emergency land use application has been received by the Planning Director.

1. Reconnaissance surveys shall be conducted by the ~~U.S.~~ Forest Service and comply with the standards of MCC 38.7045 (D) (1) and (D)(2)(c).

2. Historic surveys shall be conducted by the ~~USDA~~ Forest Service and shall describe any adverse effects to historic resources resulting from an emergency/disaster response action. Historic surveys shall document the location, form, style, integrity, and physical condition of historic buildings and structures. Such surveys shall also include original photographs, if available, and maps, and should use archival research, blueprints, and drawings as necessary.

(c) Following the submittal of a post-emergency land use application, in addition to other public notice requirements that may exist, the Planning Director shall notify the ~~Tribal~~ governments of the four Columbia River treaty tribes when:

1. A reconnaissance survey is required, or

2. Cultural resources exist in the project area.

All such notices shall include a copy of the site plan required by MCC 38.7090 (C) (4) (d).

~~Tribal governments~~ The Columbia River treaty tribes shall have 15 calendar days from the date a notice is sent to submit written comments. Written comments should describe the nature and extent of any cultural resources that exist in the project area or treaty rights that exist in the project area and how they have been affected, and identify individuals with specific knowledge about them. The Planning Director shall send a copy of all comments to the Gorge Commission.

(d) When written comments are submitted in compliance with (C) (2) above, the project applicant shall offer to meet within five calendar days with the interested persons. The five day consultation period may be extended upon agreement between the project applicant and the interested persons. A report shall be prepared by the Planning Director following the consultation meeting. Consultation meetings and reports shall comply with the standards of MCC 38.7045 (C) (1) and (2) and 38.0110 ~~(A)(1) and (2)~~.

(e) If cultural resources are discovered within the area disturbed by emergency response actions, the project applicant shall have a qualified professional conduct a survey to gather enough information to evaluate the significance of the cultural resources and what effects the action had on such resources. The survey and evaluation shall be documented in a report that follows the standards of MCC 38.7045 (D) (2)(c) and, (F).

(f) A mitigation plan shall be prepared by the project applicant if the affected cultural resources are significant. The mitigation plan shall be prepared according to the information, consultation, and report standards of MCC 38.7045 (J).

(g) The Planning Director shall submit a copy of all reconnaissance and historic survey reports and treaty rights protection plans to the SHPO and the ~~Tribal~~ governments of the four Columbia River treaty tribes. Survey reports shall include measures to mitigate adverse effects to cultural resources resulting from emergency/disaster response actions. The SHPO and ~~Tribal~~ governments of the four Columbia River treaty tribes shall have 15 calendar days from the date a survey report is mailed to submit written comments to the Planning Director. The Director shall record and address all written comments in the Site Review decision.

(h) The Planning Director shall make a final decision on whether the emergency/disaster response actions are consistent with the applicable cultural resource goals, policies, and guidelines. If the final decision contradicts the comments submitted by the SHPO, or those submitted by a Tribal government regarding treaty rights, the Director shall justify how an opposing conclusion was reached.

(i) The cultural resource protection process may conclude when it has been determined that Tribal treaty rights have not been affected and one of the following conditions exists:

1. The emergency/disaster response does not require a reconnaissance or historic survey, or a reconnaissance survey demonstrates that no cultural resources are known to exist in the project area, and no substantiated concerns were voiced by interested persons within 15 calendar days of the date that a notice was mailed.

2. The emergency/disaster response action avoided cultural resources that exist in the project area.

3. Adequate mitigation measures to affected cultural resources have been developed and will be implemented.

4. A historic survey demonstrates that emergency/disaster response actions, and associated development, had no effect on historic buildings or structures because:

a. The SHPO concluded that the historic buildings or structures are clearly not eligible, as determined by using the criteria in the *National Register Criteria for Evaluation (36 CFR 60.4)*, or

b. The emergency/disaster response actions did not compromise the historic or architectural character of the affected buildings or structures, or compromise features of the site that are important in defining the overall historic character of the affected buildings or structures, as determined by the guidelines and standards

in The Secretary of the Interior's *Standards for Rehabilitation [U.S. Department of the Interior 1990]* and The Secretary of the Interior's *Standards for Historic Preservation Projects [U.S. Department of the Interior 1983]*.

(3) Natural Resources

(a) To the greatest extent practicable, emergency/disaster response actions shall not adversely affect natural resources.

(b) Buffer zones for ~~wetlands, streams, ponds, riparian areas~~ water resources, Priority Habitats or sensitive wildlife sites ~~or areas~~, and sites containing rare plants, shall be the same as those established in ~~MCC .7060(F)~~ MCC 38.7053.

1. ~~Wetlands, Streams, Ponds, Lakes, Riparian Areas~~ Water Resources

a. Emergency/disaster response actions occurring within a water resources buffer zone ~~of wetlands, streams, pond, lakes or riparian areas~~ shall be reviewed by the Oregon Department of Fish and Wildlife. These areas are also referred to in this section as aquatic areas. State biologists will help determine if emergency/disaster response actions have affected or have a potential to affect these aquatic areas or their buffer zones. ~~State biologists shall respond within 15 days of the date the application is mailed.~~

b. When emergency/disaster response activities occur within ~~wetlands, streams, ponds, lakes, riparian areas, or the~~ water resources or their buffer zones ~~of these areas~~, the applicant shall demonstrate the following:

1) All reasonable measures have been applied to ensure that the response actions have resulted in the minimum feasible alteration or destruction of the functions, existing contours, vegetation, fish and wildlife resources, and hydrology of wetlands, streams, ponds, lakes, or riparian areas.

2) Areas disturbed by response activities and associated development will be rehabilitated to the maximum extent practicable.

c. Impacts to ~~wetlands, streams, ponds, lakes, and riparian areas,~~ water resources and their buffers will be offset through mitigation and restoration to the greatest extent practicable. Mitigation and restoration efforts shall use native vegetation, and restore natural functions, contours, vegetation patterns, hydrology and fish and wildlife resources to the maximum extent practicable.

d. If the Planning Director, in consultation with the Oregon Department of Fish and Wildlife, determines that the emergency/disaster response actions had minor effects on the ~~aquatic area~~ water resource or its buffer zone that could be eliminated with simple modifications, a letter shall be sent to the project applicant that describes the effects and measures that need to be taken to eliminate them. The state biologist~~,~~ or a Forest Service natural resource advisor (as available) in consultation with the state biologist, shall visit the site in order to make this determination. If the project applicant accepts these recommendations, the

Planning Director shall incorporate them into the Site Review decision and the aquatic area protection process may conclude.

e. Unless addressed through d. above, mitigation and restoration efforts shall be delineated in a ~~Rehabilitation Plan~~ Water Resources Mitigation Plan. Water Resources Mitigation ~~Rehabilitation~~ Plans shall satisfy the applicable standards of ~~MCC .7060(F)(1) and (2)~~ MCC 38.7053. Water Resources Mitigation ~~Rehabilitation~~ Plans shall also satisfy the following:

1) Plans shall include a plan view and cross-sectional drawing at a scale that adequately depicts site rehabilitation efforts. Plans will illustrate final site topographic contours that emulate the surrounding natural landscape.

2) Planting plans shall be included that specify native plant species to be used, specimen quantities, and plant locations.

3) The project applicant shall be responsible for the successful rehabilitation of all areas disturbed by emergency/disaster response activities.

2. *Wildlife Habitat*

a. Emergency/disaster response actions occurring within 1,000 feet of a ~~sensitive wildlife area or~~ Priority Habitat or sensitive wildlife site~~,~~ shall be reviewed by the Oregon Department of Fish and Wildlife. State wildlife biologists will help determine if emergency/disaster response actions have affected or have a potential to affect a ~~sensitive wildlife area or~~ Priority Habitat or sensitive wildlife site.

b. Site plans for emergency/disaster response sites shall be submitted by the Planning Director to the Oregon Department of Fish and Wildlife for review as required by MCC 38.7065 (C) (1) and (2). ~~The department shall respond within 15 days of the date the application is mailed.~~

c. The wildlife protection process may terminate if the Planning Director, in consultation with the Oregon Department of Fish and Wildlife, determines:

1) The ~~sensitive wildlife area or~~ Priority Habitat or sensitive wildlife site was not active, or

2) The emergency/disaster response did not compromise the integrity of the ~~wildlife area or~~ Priority Habitat or sensitive wildlife site or occurred at a time when wildlife species are not sensitive to disturbance.

d. If the Planning Director, in consultation with the Oregon Department of Fish and Wildlife, determines that the emergency/disaster response activities had minor effects on the ~~wildlife area or~~ Priority Habitat or sensitive wildlife site that could be eliminated with simple modifications, a letter shall be sent to the project applicant that describes the effects and measures that need to be taken to eliminate them. The state wildlife biologist, or a U.S. Forest Service natural resource advisor (as available) in consultation with the state wildlife biologist, shall visit the site in order to make this determination. If the project applicant accepts these

recommendations, the Planning Director shall incorporate them into the Site Review decision and the wildlife protection process may conclude.

e. If the Planning Director, in consultation with the Oregon Department of Fish and Wildlife, determines that the emergency/disaster response activities had adverse effects on a ~~sensitive wildlife area or~~ Priority Habitat or sensitive wildlife site, the project applicant shall prepare a Wildlife ~~Management~~ Mitigation Plan. Wildlife Management Plans shall satisfy the standards of MCC 38.7065(D). Upon completion of the Wildlife Management Plan, the Planning Director shall:

1) Submit a copy of the Wildlife ~~Management~~ Mitigation Plan to the Oregon Department of Fish and Wildlife for review. The department will have 15 days from the date that a management plan is mailed to submit written comments to the Planning Director;

2) Record any written comments submitted by the Oregon Department of Fish and Wildlife in the Site Review decision. Based on these comments, the Planning Director shall make a final decision on whether the proposed use would be consistent with the wildlife policies and guidelines. If the final decision contradicts the comments submitted by the Oregon Department of Fish and Wildlife, the Director shall justify how an opposing conclusion was reached.

3) Require the project applicant to revise the wildlife ~~management~~ Mitigation plan as necessary to ensure that the proposed use would not adversely affect a ~~sensitive wildlife area or~~ Priority Habitat or sensitive wildlife site.

3. *Deer and Elk Winter Range*

Any fencing permanently erected within deer and elk winter range, as a result of an emergency/disaster response, shall satisfy the standards of MCC 38.7065 (E).

4. *Rare Plants*

a. Emergency/disaster response actions occurring within 1,000 feet of a ~~sensitive~~ rare plant, shall be reviewed by the Oregon ~~Natural Heritage Program~~ Biodiversity Information Center. State heritage staff will help determine if emergency/disaster response actions have occurred within the buffer zone of a rare plant.

b. Site plans for emergency/disaster response sites shall be submitted to the Oregon ~~Natural Heritage Program~~ Biodiversity Information Center by the Planning Director. State ~~natural heritage~~ Biodiversity Information Center staff will, within 15 days from the date the ~~application~~ Rare Plant Mitigation Plan is mailed, identify the location of the affected plants and delineate a 200 foot buffer zone on the applicant's site plan.

c. The rare plant protection process may conclude if the Planning Director, in consultation with the Oregon ~~Natural Heritage Program~~ Biodiversity Information Center, determines that emergency/disaster response activities occurred outside of a rare plant buffer zone.

d. If the Planning Director, in consultation with the Oregon ~~Natural Heritage Program~~ Biodiversity Information Center, determines that the emergency/disaster response activities had minor effects on rare plants or the rare plant buffer zone, a letter shall be sent to the project applicant that describes the effects and measures that need to be taken to eliminate them. The state ~~natural heritage~~ Biodiversity Information Center staff, or a Forest Service natural resources advisor (as available) in consultation with the state ~~natural heritage~~ Biodiversity Information Center staff, shall visit the site in order to make this determination. If the project applicant accepts these recommendations, the Planning Director shall incorporate them into the Site Review decision and the rare plant protection process may conclude.

e. If emergency/disaster response activities occurred within a rare plant buffer zone that had adverse ~~affects~~ effects on rare plants or their buffer zone, the project applicant shall prepare a ~~protection and rehabilitation plan~~ Rare Plant Mitigation Plan, that meets the standards of MCC 38.7070 (D).

f. The Planning Director shall submit a copy of all ~~protection and rehabilitation plans~~ Rare Plant Mitigation Plans to the Oregon ~~Natural Heritage Program~~ Biodiversity Information Center for review. The state ~~natural heritage~~ Biodiversity Information Center program will have 15 days from the date the ~~protection and rehabilitation plan~~ Rare Plant Mitigation Plan is mailed to submit written comments to the Planning Director.

g. The Planning Director shall record any written comments submitted by the Oregon ~~Natural Heritage Program~~ Biodiversity Information Center in the Site Review decision. Based on these comments, the Director shall make a final decision on whether the proposed use would be consistent with the rare plant policies and guidelines. If the final decision contradicts the comments submitted by the Oregon ~~Natural Heritage Program~~ Biodiversity Information Center, the Director shall justify how an opposing conclusion was reached.

h. The Planning Director shall require the project applicant to revise the ~~protection and rehabilitation plan~~ Rare Plant Mitigation Plan as necessary to ensure that the proposed use would not adversely affect a rare plant site.

(4) Recreational Resources

(a) To the greatest extent practicable, emergency/disaster response actions shall not adversely affect recreational resources.

(b) Mitigation measures shall be implemented to mitigate any adverse effects on existing recreation resources caused by emergency/disaster response activities to the maximum extent practicable.

(Ord. 1270, Amended, 03/14/2019; Ord. 1125, Amended, 12/11/2008; Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 994, Amended, 09/26/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

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§ 38.7100 EXPEDITED DEVELOPMENT REVIEW CRITERIA

(A) Proposed developments reviewed using the expedited review process shall comply with the following resource protection guidelines:

(1) Scenic

(a) In the General Management Area, the scenic resource protection provisions MCC 38.7100 (A)(1)(b) through (f) shall not apply to woven-wire fences for agricultural use that would enclose 80 acres or less.

(b) Except signs, the colors of structures topographically 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 approved by the reviewing agency shall be included as a condition of approval. This guideline shall not apply to additions to existing buildings smaller in total square area than the existing building, which may be the same color as the existing building match the color of existing buildings.

(c) Except signs, structures topographically visible from key viewing areas shall use low or non-reflective building materials, including roofing, gutters, vents, and chimneys.

(d) Outdoor lights Any exterior lighting shall be directed downward and sited, limited to no more than 1,000 lumens per fixture, hooded, and shielded such that they are not highly visible from key viewing areas 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.

(e) Signs shall comply with the applicable sign provisions of MCC 38.0080.

(f) Structures within ½-mile of a key viewing area and topographically visible from the key viewing area shall be sited, screened and/or designed to achieve the applicable scenic standard (e.g., visual subordinance, not visually evident).

(2) Cultural

(a) The expedited development review process shall only be used to review proposed development that does not require a reconnaissance survey or historic survey. The GMA Cultural Resources Reconnaissance Survey Criteria in MCC 38.7045(A)(1), (2), and (3) (1)-(4) shall be used to determine if a reconnaissance and/or historic survey is required for a proposed development.

(b) The GMA provisions that protect cultural resources in MCC 38.7045(L) and human remains discovered during construction in MCC 38.7045(M) shall be applied as conditions of approval for all development approved under the expedited development review process.

(3) Recreation

The development shall not detract from the use and enjoyment of established recreation sites on adjacent parcels.

(4) Natural

(a) Water Resources (Wetlands, Streams, ~~Rivers,~~ Ponds, ~~and~~ Lakes, and Riparian Areas)

The development is outside water resources and their buffer ~~zones for wetlands, streams, rivers, ponds, and lakes~~. This guideline shall not apply to lot line adjustments or development located inside road, utility or railroad rights-of-way or easements that have been previously disturbed and regularly maintained.

(b) Sensitive Wildlife and ~~Sensitive~~ Rare Plants

1. The development meets one of the following:

a. The development is at least 1,000 feet from known Priority Habitats or sensitive wildlife ~~areas or~~ sites (excluding sensitive aquatic species, and deer and elk winter range~~, and turkey habitat~~) and known ~~sensitive~~ rare plants; or

b. The development does not disturb the ground or is inside road, utility or railroad rights-of-way or easements or other areas that have been previously disturbed and regularly maintained; or

c. For sensitive wildlife, the development is within 1,000 feet of known Priority Habitats or sensitive wildlife ~~areas or~~ sites (excluding sensitive aquatic species, and deer and elk winter range ~~and turkey habitat~~), but an appropriate federal or state wildlife agency determines:

1) the Priority Habitat or sensitive wildlife ~~area or~~ site is not active; or,

2) the proposed development would not compromise the integrity of the Priority Habitat or sensitive wildlife ~~area or~~ site or occur during the time of the year when wildlife species are sensitive to disturbance.

For ~~sensitive~~ rare plants, the development is within 1,000 feet of known ~~sensitive~~ rare plants, but the Oregon Biodiversity Information Center ~~Natural Heritage Program~~ or a person with recognized expertise in botany or plant ecology hired by the applicant has determined that the development would be at least 200 feet from the ~~sensitive~~ rare plants.

2. Development eligible for expedited review shall be exempt from the field surveys for sensitive wildlife in MCC 38.7065 (A) or ~~sensitive~~ rare plants in MCC 38.7070 (A).

(B) Proposed development~~s~~ reviewed using the expedited review process shall comply with the following treaty rights ~~protection~~ guidelines:

(1) Proposed development~~s~~ shall not adversely affect treaty or other rights of any Indian tribe.

(2) The expedited development review process shall cease and the proposed development shall be reviewed using the full development review process if a tribal government ~~an Indian tribe~~ submits substantive written comments during the comment period that identify the treaty

rights that exist in the project vicinity and explain how they would be affected or modified by the proposed development.

(3) Except as provided in MCC 38.7100(B)(2) above, the GMA and SMA treaty rights, and the consultation process discussed in MCC 38.0110 shall not apply to proposed developments reviewed under the expedited review process.

(C) Renewable energy production qualifying for Expedited Review is subject to the applicable provisions of 38.7390.

(Ord. 1125, Amended, 12/11/2008; Ord. 1064, Add, 06/23/2005)

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PART 7 - SPECIAL USES

APPROVAL CRITERIA AND SUBMITTAL REQUIREMENTS

(Ord. 1064, Add, 06/23/2005)

§ 38.7300- REVIEW AND CONDITIONAL USES

(A) Agriculture

(1) The use is compatible with agricultural uses and would not force a change in or significantly increase the cost of accepted agricultural practices on nearby lands devoted to agricultural use; and

(2) The use will be sited to minimize the loss of land suitable for the production of crops or livestock.

(B) Forestry

(1) The owners of land designated GGF or GGA within 500 feet of the perimeter of the subject parcel have been notified of the land use application and have been given at least 10 days to comment prior to a final decision;

(2) The use will not interfere seriously with accepted forest or agricultural practices on nearby lands devoted to resource use;

(3) The use will be sited in such a way as to minimize the loss of forest or agricultural land and to minimize the chance of interference with accepted forest or agricultural practices on nearby lands; and

(4) The use will not significantly increase fire hazard, fire suppression costs or risks to fire suppression personnel and will comply with MCC 38.7305.

(C) Residential

(1) The proposed use would be compatible with the surrounding area. Review of compatibility shall include impacts associated with the visual character of the area, traffic generation, effects of noise, dust and odors.

(2) The proposed use will not require public services other than those existing or approved for the area.

(3) If the subject parcel is located within 500 feet of lands designated GGA or GGF, new buildings associated with the proposed use shall comply with MCC 38.0060.

(4) If the subject parcel is located within 500 feet of lands designated GGF, new buildings associated with the proposed use shall comply with MCC 38.7305.

(D) Commercial

(1) The proposal is limited to 5,000 square feet of floor area per building or use. This size limitation does not apply for a building or use authorized through the Special Uses in Historic Buildings provisions of 38.7380; and

(2) The proposed use would be compatible with the surrounding areas including review for impacts associated with the visual character of the area, traffic generation and the effects of noise, dust and odors.

(E) Non-Recreation Uses in GG– PR

(1) The proposed use will not interfere with existing or approved public recreation uses on the subject property or adjacent lands. Mitigation measures to comply with this criterion may include onsite buffers, seasonal or temporary closures during peak recreation use periods, *etc*.

(2) The proposed use will not permanently commit the majority of the site to a non-recreational use. Careful siting and design of structure and other improvements may be utilized to comply with this criterion.

(3) Land divisions may be allowed upon a demonstration that the proposed land division is necessary to facilitate, enhance or otherwise improve recreational uses on the site.

(F) Non-Recreation Uses in GG– CR

(1) The proposed use will not interfere with existing or approved commercial recreation uses on the subject property or adjacent lands. Mitigation measures to comply with this criterion may include onsite buffers, seasonal or temporary closures during peak recreation use periods, *etc*.

(2) The proposed use will not permanently commit the majority of the site to a non-recreational use. Careful siting and design of structure and other improvements may be utilized to comply with this criterion.

(3) Land divisions may be allowed upon a demonstration that the proposed land division is necessary to facilitate, enhance or otherwise improve recreational uses on the site.

(Ord. 1270, Amended, 03/14/2019; Ord. 1179, Amended, 04/21/2011; Ord. 1064, Renum38.0075, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7305 FIRE PROTECTION IN FOREST ZONES

(A) All buildings and structural projections such as porches, balconies and decks shall be set back at least 50 feet from slopes exceeding 30 percent grade (excluding slopes located uphill of the building) to minimize the risks associated with wildfire, unless the County approves an alternative pursuant to (A)(1).

(1) An alternative setback may be required and approved by the County if the local fire district, or the building official when there is no such fire service provider, has provided a recommendation stating that an alternative setback (whether greater than or less than 50 feet) is either necessary or sufficient to minimize risks associated with wildfire.

(~~A~~B) All buildings and structural projections such as porches, balconies and decks shall be surrounded by a maintained defensible space fuel break of at least 50 feet to minimize the risks

associated with wildfire, unless the County approves an alternative pursuant to (B)(2) or (B)(3) below. Hazardous fuels shall be removed within the defensible space fuel break area. Irrigated or fire resistant vegetation may be planted within the defensible space fuel break. This could include green lawns and low shrubs (less than 24 inches in height). Trees should be spaced greater than 15 feet between the crowns and pruned to remove dead and low (less than 8 feet) branches. Accumulated leaves, needles, and other dead vegetation shall be removed from beneath trees.

(1) The defensible space fuel break shall be extended farther down the slope pursuant to the slope requirements below to minimize the risks associated with wildfire, unless the County approves an alternative pursuant to (B)(2) or (B)(3).

Percent Slope	**Distance In Feet**
Less than 10	No additional required
Less than 20	30 additional
Less than 25	55 additional
Less than 40	80 additional

(2) An alternative defensible space fuel break, including an alternative defensible space fuel break extension, may be required and approved by the County if the local fire district, or the building official when there is no such fire service provider, has provided a recommendation stating that an alternative defensible space fuel break (whether greater than or less than the requirement) is either necessary or sufficient to minimize risks associated with wildfire; or

(3) An alternative defensible space fuel break, including an alternative defensible space fuel break extension, may be required and approved by the County if the County finds such alternative (whether greater than or less than the requirement) is necessary to protect riparian vegetation required to be preserved by any provision within MCC Chapter 38, or any relevant development standard of MCC Chapter 39 as provided for in MCC 38.0010.

(~~B~~C) Buildings with plumbed water systems shall install at least one standpipe a minimum of 50 feet from the structure. Required standpipes shall utilize a 1-inch NHSP hose connection, unless some other connection specification or design is requested by the local fire district.

(~~C~~D) For properties located outside of a fire district, a pond, stream, tank or sump with storage of not less than 1,000 gallons, or a well or water system capable of delivering 20 gallons per minute shall be provided. If a well pump is located on-site, the electrical service for the well pump shall be ~~separate~~ separated at least 30 feet from ~~the dwelling~~ any building.

(~~D~~E) Access drives shall be constructed to a minimum of 12 feet in width and not exceed a grade of 12 percent. Turnouts shall be provided at a minimum of every 500 feet and at the building site. Access drives shall be maintained to a level that is passable to fire equipment. Variances to road standards may be made only after consultation with the local rural fire district and the Oregon Department of Forestry.

(~~E~~F) Within one year of the occupancy of a dwelling, the Planning Director shall conduct a review of the development to assure compliance with these standards.

(~~F~~G) ~~Telephone and power~~ Utility supply systems shall be underground whenever possible.

(~~G~~H) Roofs of structures ~~should~~ shall be constructed of fire-resistant materials such as metal, fiberglass, or asphalt shingle or tile. Roof materials such as cedar shake and shingle ~~should~~ shall not be used.

(~~H~~I) Any chimney or stovepipe on any structure for use with a woodstove or fireplace should be equipped with a spark arrestor that includes as least one screen~~ed~~ with no coarser than ~~1¼~~ 1/8 inch mesh metal screen that is noncombustible and corrosion resistant and should be equipped with a spark arrestor.

(~~I~~J) All structural projections such as balconies, decks and roof gables should be built with fire resistant materials equivalent to that specified in the ~~Uniform~~ International Building Code.

(~~J~~k) Attic openings, soffit vents, foundation louvers or other ventilation openings on dwellings and accessory structures should be screened with no coarser than ~~1¼~~ 1/8 inch mesh metal screen that is noncombustible and corrosion resistant.

(Ord. 1064, Renum&Amd38.0085, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7310 SPECIFIC USES

Uses identified in MCC 38.2025 (A) (17); MCC 38.2030 (A) ~~(5), (6) and (7)~~ (4), (5) and (6); and MCC 38.2030 (B) (8) may be allowed only if they meet all of the following criteria:

(A) The owners of land designated GGF-20, GGF-40, GGA-20 or GGA-40 within 500 feet of the perimeter of the subject parcel have been notified of the land use application and have been given at least 10 days to comment prior to a final decision;

(B) The use will not interfere seriously with accepted forest or agricultural practices on nearby lands devoted to resource use;

(C) The use will be sited in such a way as to minimize the loss of forest or agricultural land and to minimize the chance of interference with accepted forest or agricultural practices on nearby lands; and

(D) The use will not significantly increase fire hazard, fire suppression costs or risks to fire suppression personnel and will comply with MCC 38.7305.

(Ord. 1064, Renum&Amd38.0090, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7315 SITING OF DWELLINGS AND ACCESSORY STRUCTURES ON FOREST LAND

The approval of new dwellings and accessory structures on forest lands shall comply with the following standards:

(A) The dwelling and structures shall be sited on the parcel so that they will have the least impact on nearby or adjoining forest operations. Dwellings shall be set back at least 200 feet from adjacent properties unless locating the proposed development closer to existing development on adjacent lands would minimize impacts on nearby or adjacent forest operations;

(B) The amount of forest land used to site dwellings, structures, access roads and service corridors shall be minimized. The dwelling shall be located on that portion of the lot having the lowest productivity characteristics for the proposed primary use, subject to the limitations of subsection (A), above; and

(C) Dwellings shall be located to minimize the risks associated with fire. Dwellings should be located on gentle slopes and in any case not on slopes which exceed ~~40~~ 30 percent. Narrow canyons and draws should be avoided. Dwellings should be located to minimize the difficulty in gaining access to the structure in the case of fire. Dwellings should be located to make the access roads as short and flat as possible.

(D) A variance to the siting standards of this subsection may be granted pursuant to the provisions of MCC 38.0065.

(Ord. 1064, Renum&Amd38.0095, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7320 TEMPORARY HEALTH HARDSHIP DWELLING

(A) The purpose of the Temporary Health Hardship Permit is to allow the convenient provision of supervision and/or assistance with daily care to a person or persons with a demonstrated health hardship by allowing the placement of one temporary dwelling on a parcel with a single-family dwelling on a renewable term. This use is temporary in nature and shall not increase the residential density on the subject property.

(B) The Planning Director may grant a Temporary Health Hardship Permit to allow occupancy of a temporary dwelling on a parcel in conjunction with a single-family dwelling allowed in the base zone based on the following findings:

(1) The person with the health hardship is either one of the property owners or is a relative of one of the property owners occupying the principal dwelling. For the purposes of this section a relative is defined as a grandparent, grandchild, parent, child, brother or sister, wife, husband, brother-in-law, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, first cousin, stepparent, stepchild, step-grandparent, or step-grandchild either by blood or legal relationship.

(2) For each person with a health hardship, a written statement by a licensed physician dated within 90 days of submittal of the initial application, verifying the following information:

(a) The person identified in the application has a health hardship as defined in MCC ~~38.0005~~38.0015;

(b) The person needs supervision and/or assistance with daily care as that term is defined in MCC ~~38.0005~~38.0015; and

(c) The proposed care provider is capable of providing the necessary supervision and/or assistance with daily care needed by the person with the health hardship.

(3) Each proposed care provider shall provide a written statement dated within 90 days of submittal of the initial application that the provider understands the physician's determination

of the extent of daily care required and is capable of providing and will provide the necessary supervision and/or assistance during implementation of the Temporary Health Hardship Permit.

(4) The following criteria are satisfied:

(a) The temporary dwelling shall be either a ~~mobile~~ manufactured home, a tiny house on a trailer, ~~or~~ park-model recreational vehicle, or similar structure.

(b) The temporary dwelling shall be located within 100 feet of the single-family dwelling on the subject parcel, unless a variance pursuant to MCC 38.7600 through 38.7605 is approved. This distance shall be measured from the closest portion of each building.

(c) The temporary dwelling shall be connected to the same utilities (on-site sewage disposal, power main, well/water meter) as the single-family dwelling. In addition, the temporary dwelling shall be accessed by the same driveway entrance as the single-family dwelling, although the driveway may be extended.

(d) The temporary dwelling will not require any attached or detached accessory structures other than wheelchair ramps to accommodate the care needs of the proposed occupant.

(e) The temporary dwelling shall not require a permanent foundation.

(C) Prior to installation of the temporary dwelling on the site, the property owner shall:

(1) Obtain the necessary permits to place the temporary dwelling on the site and connect utilities.

(2) The property owner shall record a covenant that states the dwelling is temporary and must be removed as set forth in (G) below and that the Temporary Health Hardship Permit is not transferable to another party.

(D) Expiration of the Temporary Health Hardship Permit. The Temporary Health Hardship Permit expires automatically one year after the date of final approval unless an extension is approved as set forth in (E) below,

(E) Extension of the Temporary Health Hardship Permit. The expiration date of a Temporary Health Hardship Permit may be extended upon satisfaction of the requirements in (B)(1) through (4) above. More than one extension may be granted, but each extension is limited to a one-year period from the date the permit would have otherwise expired. To obtain an extension, the property owner shall use the forms provided by the Planning Director and shall submit the application at least 30 days prior to expiration of the permit. Upon approval of an extension, the Planning Director shall mail notification to the property owners that are contiguous to the subject parcel.

(F) Occupancy of the Temporary Dwelling. Occupancy of the temporary dwelling may occur only while the person or persons for which the Temporary Health Hardship Permit was granted lives on the property.

(G) Removal of Temporary Dwelling. The temporary dwelling shall be removed and utility and septic connections shall be terminated within 30 days of expiration of the Temporary Health Hardship Permit ~~of~~ or end of the health hardship or the provision of supervision or assistance with daily care.

(Ord. 1186, Amended, 10/13/2011; Ord. 1064, Add, 06/23/2005)

§ 38.7325 PRIVATE DOCKS AND BOATHOUSES

New docks and boathouses shall be consistent with applicable standards for protection of scenic, cultural, natural and recreation resources.

(A) New private docks and boathouses serving only one family and one property ~~shall~~ may be allowed up ~~be limited~~ to a maximum of 120 square feet in size.

(B) New private docks and boathouses serving more than one family and property ~~shall~~ may be allowed up ~~be limited~~ to a maximum of 200 square feet in size.

(C) Public docks open and available for public use ~~shall~~ may be allowed.

(D) Boathouses may be allowed under 38.7325 (A) and (B) only when accessory to a dwelling and associated with a navigable river or lake.

(Ord. 1064, Add, 06/23/2005)

§ 38.7330 HOME OCCUPATIONS ~~AND COTTAGE INDUSTRIES~~

Home occupations ~~and cottage industries~~ may be established as authorized in various districts consistent with the following:

(A) ~~A home occupation may~~ May employ ~~only~~ the residents of the home and up to three outside employees.

~~(B) A cottage industry may employ up to three outside employees.~~

(B)~~(C)~~ No more than 25 percent of the total actual living space of the dwelling may be utilized for the home occupation ~~or cottage industry~~.

(C)~~(D)~~ No more than 500 square feet of an accessory structure may be utilized for a home occupation ~~or cottage industry~~.

(D)~~(E)~~ There shall be no outside, visible evidence of the home occupation ~~or cottage industry~~, including outside storage.

(E)~~(F)~~ Exterior structural alterations to the residence for the home occupation ~~or cottage industry~~ shall not be permitted. New structures shall not be constructed for the primary purpose of housing a home occupation ~~or cottage industry~~.

(F)~~(G)~~ No retail sales may occur on the premises~~, except incidental sales at lodging authorized establishments~~.

(G)(~~H)~~ One non-animated, non-illuminated sign, not exceeding 2 square feet in area may be permitted on the subject structure or within the yard containing the home occupation ~~or cottage industry~~.

(H)~~(I)~~ Parking not associated with residential use shall be screened so it is not visible from Key Viewing Areas.

(I)(~~J)~~ A bed and breakfast lodging establishment which is two bedrooms or less is considered a home occupation and shall meet the standards of MCC 38.7335.

(J)~~(K)~~ Each approval issued by the approval authority shall be specific for the particular home occupation ~~or cottage industry~~ and reference the business operator, description of the business operation on and off-site, the hours of operation, frequency and type of deliveries, and any other specific information needed to define the particular application.

(K)~~(L)~~ Notwithstanding the transfer of approval rights in MCC 38.0770, approval of a home occupation ~~or cottage industry~~ does not run with the land and is not transferred with ownership of the land. Approval of a home occupation ~~or cottage industry~~ is personal to the business operator and specific to the authorized parcel. Approval of a home occupation ~~or cottage industry~~ terminates automatically, immediately and without notification if the business operator ceases to reside full-time on the authorized parcel.

(L)~~(M)~~ The home occupation ~~or cottage industry~~ may continue for a period of three years from date of the final decision provided it is in compliance with the approved permit. At the end of the three year period, the right to operate the home occupation ~~or cottage industry~~ from the property expires automatically unless the permit is renewed for an additional three year period pursuant to the following:

(1) The home occupation ~~or cottage industry~~ has been conducted in full compliance with the permit for a preponderance of the time since the prior approval.

(2) Each renewal period shall be for a three year period from the last expiration date. The home occupation ~~or cottage industry~~ may be renewed an unlimited number of times.

(3) To obtain a renewal of the home occupation ~~or cottage industry~~, the business operator shall use the forms provided by the Planning Director and shall submit the application prior to expiration of the permit. Provided the renewal application is submitted on or before its expiration date, the business operator may continue the home occupation pending the County's final decision on the renewal request.

(4) A home occupation ~~or cottage industry~~ renewal shall be processed pursuant to the Type II approval process in MCC 38.0530.

(5) The Planning Director may consider minor modifications to the Hearings Officer's decision and the conditions of approval if requested by the business operator as part of a home occupation ~~or cottage industry~~ renewal application. A minor modification may be approved if it:

(a) Is consistent with the prior approval;

(b) Is consistent with MCC 38.7330 (A) – ~~(K)~~(J); and

(c) Does not increase the intensity of use of the premises.

(Ord. 1197, Amended 02/16/2013; Ord. 1064, Add, 06/23/2005)

§ 38.7331 TYPE A HOME OCCUPATIONS

A Type A home occupation is a lawful commercial activity that is conducted within a dwelling unit by a business operator, is subordinate to the residential use of the dwelling unit, and complies with the following:

(A) No non-resident employees are allowed. No more than two customers may be on the premises at any one time.

(B) No more than 25 percent of the total actual living space of the existing dwelling unit may be utilized. No new buildings or modifications to an existing dwelling shall be allowed to facilitate the use.

(C) No deliveries or pick-ups associated with the home occupation between the hours of 7 p.m. – 7 a.m. are permitted. Deliveries and pick-ups shall occur on the premises only. The road serving the premises may not be used for loading and unloading purposes. No more than two pick-ups or deliveries shall occur on any given day with a maximum of six vehicle trips generated per week.

(D) There shall be no outside, visible evidence of the home occupation, including outside storage or display on the premises, except for parking associated with the use pursuant to (H) below.

(E) No ~~signage~~ signs shall be allowed, including temporary ~~signage~~ signs with the exception of property numbers.

(F) The use shall not generate noise, vibration, glare, flashing lights, dust, smoke, fumes, or odors detectable at the property line. This standard does not apply to vehicles entering or exiting the premises, but does apply to idling vehicles.

(G) No repair or assembly of any motor or motorized vehicles. A motorized vehicle includes any vehicle or equipment with an engine including an automobile, motorcycle, scooter, snowmobile, outboard marine engine, lawn mower, and chain saw.

(H) In additional to the required residential parking, the premises has on-site parking pursuant to MCC 38.4100–38.4215~~.~~ to accommodate the total number of business vehicles and customers. Parking not associated with residential use shall be screened so it is not visible from Key Viewing Areas. The use, parking or storing of any vehicle in excess of a gross vehicle weight of 11,000 is prohibited.

(I) No operation of a dispatch center pursuant to which employees enter the premises for the purpose of being dispatched to other locations is allowed.

(J) All storage, use and disposal of chemicals and materials shall be in conformance with all other applicable state pollution control regulations.

(K) No retail sales may occur on the premises.

(L) Notwithstanding the transfer of approval rights in MCC 38.0770, approval of a Type A home occupation does not run with the land and is not transferred with ownership of the land. Approval of a Type A home occupation is personal to the business operator and specific to the authorized

parcel. Approval of a Type A home occupation terminates automatically, immediately and without notification if the business operator ceases to reside full-time on the authorized parcel.

(Ord. 1197, Added 02/16/2013)

§ 38.7332 SMALL-SCALE FISHING SUPPORT AND FISH PROCESSING OPERATIONS.

Small-scale fishing support and fish processing operations in conjunction with a family-based commercial fishing business may be allowed on parcels designated GGR Residential subject to the following:

(A) In addition to the provisions of the GGR district, the operation shall comply with the guidelines for "Tribal Treaty Rights and Consultation in MCC 38.0110 "Approval Criteria for Fire Protection" in MCC 38.7305, and "Approval Criteria for Siting of Dwellings and Accessory Structures on Forest Land" in MCC 38.7315.

(B) The following fishing support activities may be allowed: maintenance, repair, and storage of boats, nets, fish totes and other commercial fishing equipment that is used in the family-based commercial fishing business; and garaging of fish hauling trucks, trailers and all other related equipment that is used in the family-based commercial fishing business.

(C) The following fish processing activities may be allowed: cleaning, gutting, heading, and icing or freezing of fish that is caught by the family-based commercial fishing business. Other fish processing activities shall not be allowed, including, but not limited to, canning, smoking, salting or brining for wholesale or retail sale.

(D) The operation shall be located on a lawful parcel that is contiguous with and has direct access to the Columbia River.

(E) The subject parcel shall include a lawful dwelling, and the permanent resident of the dwelling shall participate in the fishing support and fish processing operation.

(F) The operation may only employ residents of the dwelling and up to three outside employees.

(G) No more than 25 percent of the total actual living space of the dwelling may be used for the fishing support and fish processing operation.

(H) The operation may take place in an existing or new lawful accessory building or an existing agricultural building on the subject parcel. A new building constructed for the purpose of housing a fishing support and fish processing operation shall be considered an accessory building. An existing agricultural building shall not be expanded and a new agricultural building shall not be constructed for the purpose of housing a fishing support and fish processing operation.

(I) An accessory building used in the fishing support and fish processing operation may be allowed up to 2,500 square feet.

(J) Docks may be allowed as follows:

(1) One dock serving a parcel with an approved fishing support and fish processing operation may be allowed up to 500 square feet in size.

(2) For multiple contiguous parcels each with approved fishing support and fish processing operation, the area of the docks authorized in J(1) above may be combined into one dock, provided the total size of the dock shall not exceed 2,000 square feet.

(K) There shall be no outside visible evidence of the fishing support and fish processing operation, including storage, other than boats and docks.

(L) No retail sales may occur on the parcel.

(M) The operation shall only support and process fish caught by residents of the dwelling and up to three outside employees.

(N) Before beginning the operation, applicants shall demonstrate that they have obtained and complied with federal, state and~~/or~~ local water quality and wastewater permits.

(Ord. 1179, Add, 04/21/2011)

§ 38.7335 BED AND BREAKFAST INNS

Bed and breakfast inns may be established as authorized in various districts subject to the following:

(A) Guests may not occupy a facility for more than 14 consecutive days.

(B) One non-animated, non-illuminated sign not exceeding 4 square feet in area may be permitted on the structure or within the yard containing the structure.

(C) Parking areas shall be screened so as to not be visible from Key Viewing Areas.

(Ord. 1064, Add, 06/23/2005)

§ 38.7337 OVERNIGHT ACCOMMODATIONS

Overnight Accommodations may be established as authorized in various districts subject to the following:

(A) The owner of the subject parcel may rent the dwelling for up to 90 room nights per year.

(B) Parking areas shall be screened so they are not visible from key viewing areas.

(C) The use is incidental and subordinate to the primary use of the property.

(D) The dwelling must be the primary residence of the owner and occupied by the owner during rental.

(E) Commercial events are not permitted at overnight accommodations.

(F) The overnight accommodation may employ up to three employees other than the residents of the dwelling.

(G) Land use approvals for overnight accommodations shall be valid for no more than two years. Landowners must reapply for the use to demonstrate compliance with conditions of approval

through financial and other records. Application for renewal shall be considered through the Expedited Use process, unless otherwise subject to a Review Use process, such as but not limited to certain proposals involving buildings and structures 50 years old or older as outlined in the Expedited Use procedures. Permits shall not be renewed if there have been past violations related to the Overnight Accommodations land use approval, including failure to file a new application.

§ 38.7340 AGRICULTURAL BUILDINGS

(A) The size of proposed agricultural buildings shall not exceed the size needed to serve the current agricultural use and, if applicable, the proposed agricultural use.

(B) To explain how (A) above is met, applicants shall submit the following information with their land use application:

(1) A description of the size and characteristics of current agricultural use.

(2) An agricultural plan for any proposed agricultural use that specifies agricultural use (e.g., crops, livestock, products), agricultural areas and acreages (e.g., fields, pastures, enclosures), agricultural structures (e.g., irrigation systems, wind machines, storage bins) and schedules (e.g., plowing, planting, grazing).

(3) A floor plan showing intended uses of the agricultural building (e.g., space for equipment, supplies, agricultural products, livestock).

(Ord. 1064, Add, 06/23/2005)

§ 38.7345 RESOURCE ENHANCEMENT PROJECTS

(A) Applications for resource enhancement projects must describe the goals and benefits of the proposed enhancement project. They must also thoroughly document the condition of the resource before and after the proposed enhancement project. Applicants shall seek technical assistance from federal, state or county technical experts for assistance in designing voluntary wetland, stream, habitat, plant, and scenic enhancement projects.

(B) In addition to other provisions that protect scenic, cultural, recreation, and natural resources, quarry enhancement projects shall comply with the following provisions:

(1) Application Requirements. In addition to other applicable requirements, land use applications for quarry enhancement projects shall include perspective drawings of the site as ~~seen~~ visible from key viewing areas and a reclamation plan that shall include at a minimum the following:

(a) A map of the site, at a scale of 1 inch equals 200 feet (1:2,400) or a scale providing greater detail, with 10-foot contour intervals or less, showing pre-reclamation existing grades and post-reclamation final grades; locations of topsoil stockpiles for eventual reclamation use; location of catch basins or similar drainage and erosion control features employed for the duration of the use; and the location of storage, processing, and equipment areas employed for the duration of the use.

(b) Cross-sectional drawings of the site showing pre-reclamation-and post-reclamation grades.

(c) Descriptions of the proposed use, in terms of estimated quantity and type of material removed, estimated duration of the use, processing activities, etc.

(d) Description of drainage/erosion control features to be employed for the duration of the use.

(e) A landscaping plan providing for revegetation consistent with the vegetation patterns of the subject landscape setting, indicating species, number, size, and location of plantings for the final reclaimed grade, as well as a description of irrigation provisions or other measures necessary to ensure the survival of plantings.

(2) Scenic Resource Standard. Quarry enhancement projects shall restore the site to a natural appearance that blends with and emulates surrounding landforms to the maximum extent practicable.

(3) Natural Resource Standard. Sites shall be replanted using native plants found in the landscape setting or ecoregion to the maximum extent practicable.

(4) Time Frames. The following time frames shall apply to quarry enhancement projects:

(a) All grading (e.g., excavating, filling and re-contouring) shall be completed within one (1) year of the date an applicant begins on-the-ground work.

(b) All landscaping shall be planted within one (1) year of the date an applicant completes the grading.

(c) An applicant may request one one-year extension to the one-year grading time frame if a project is unexpectedly delayed by adverse weather or emergency/disaster. Such requests shall be considered an administrative action. An applicant shall submit such a request to the reviewing agency after grading has commenced and before the one year grading time frame has expired.

(d) An applicant may also request one six-month extension to the one (1) year landscaping time frame if a project is unexpectedly delayed by adverse weather or emergency/disaster. Such requests shall be considered an administrative action. An applicant shall submit such a request to the reviewing agency after landscaping has commenced and before the one-year landscaping time frame has expired.

(5) Enhancement of wetlands not associated with any other project proposal may be allowed, if such efforts comply with the wetlands provisions in the Management Plan. Enhancement efforts shall be conducted pursuant to a written plan consistent with the provisions under "Wetlands Compensation Plans" MCC 38.7053.

(6) Enhancement of streams, ponds, lakes, and riparian areas not associated with any other development proposal may be allowed, if such efforts comply with the water resource provisions in this Management Plan. Enhancement efforts shall be conducted pursuant to a

written plan consistent with the provisions under "Water Resources Mitigation Plans" MCC 38.7053.

(7) In the SMAs, enhancement of wetlands, streams, ponds, lakes, and riparian areas not associated with any other project proposal may be allowed, if such efforts comply with the wetlands, streams, ponds, lakes, and riparian areas provisions in the Management Plan. Enhancement efforts shall be conducted pursuant to a written plan, consistent with the provisions described in "SMA Policies: Water Resources" MCC 38.7075.

(Ord. 1064, Add, 06/23/2005)

§ 38.7350 DISPOSAL SITES FOR SPOIL MATERIALS FROM PUBLIC ROAD MAINTENANCE ACTIVITIES

(A) Application Requirements. In addition to other applicable requirements, land use applications for disposal sites shall include the same information that applicants are required to submit for expansion of existing quarries and exploration, development (extraction and excavation), and production of mineral resources ~~production and/or development of mineral resources~~ in the GMA, including, but not limited to:

(1) A reclamation plan that includes at a minimum the following:

(a) A map of the site, at a scale of 1 inch equals 200 feet (1:2,400) or a scale providing greater detail, with 10-foot contour intervals or less, showing pre-reclamation existing grades and post-reclamation final grades; locations of topsoil stockpiles for eventual reclamation use; location of catch basins or similar drainage and erosion control features employed for the duration of the use; and the location of storage, processing, and equipment areas employed for the duration of the use.

(b) Cross-sectional drawings of the site showing pre-reclamation and post-reclamation grades.

(c) Descriptions of the proposed use, in terms of estimated quantity and type of material removed, estimated duration of the use, processing activities, etc.

(d) Description of drainage/erosion control features to be employed for the duration of the use.

(e) A landscaping plan providing for revegetation consistent with the vegetation patterns of the subject landscape setting, indicating species, number, size, and location of plantings for the final reclaimed grade, as well as a description of irrigation provisions or other measures necessary to ensure the survival of plantings.

(2) Perspective drawings of the site as ~~seen~~ visible from key viewing areas.

(3) Cultural resource reconnaissance and historic surveys, as required by MCC 38.7045 (A). Disposal sites shall be considered a "large-scale use" according to MCC 38.7045 (D)(2).

(4) Written reports of field surveys to identify Priority Habitat or sensitive wildlife ~~areas or~~ sites and ~~sensitive~~ rare plants.

(a) Field survey reports identifying sensitive wildlife sites shall:

1. Cover all areas affected by the proposed use or recreation facility;

2. Be conducted by a professional wildlife biologist hired by the project applicant;

3. Describe and show all sensitive wildlife areas and sites discovered in a project area on the site plan map.

(b) Field survey reports identifying ~~sensitive~~ rare plant sites shall:

1. Cover all areas affected by the proposed use or recreation facility;

2. Be conducted by a person with recognized expertise in botany or plant ecology hired by the project applicant;

3. Identify the precise location of the ~~sensitive~~ rare plants and delineate a 200-foot buffer zone;

4. Show results on the site plan map.

(B) Siting Standard. The proposed disposal site shall only be approved if the applicant demonstrates it is not practicable to locate the disposal site outside the National Scenic Area or inside an ~~U~~urban ~~A~~area. At a minimum, the applicant shall submit a feasibility and suitability analysis that compares the proposed disposal site to existing or potential disposal sites located both outside the National Scenic Area and inside an ~~U~~urban ~~A~~area.

(C) Scenic Resource Standards. Disposal sites shall comply with the same scenic resources protection standards as expansion of existing quarries and exploration, development (extraction and excavation), and production of mineral resources ~~production and/or development of mineral resources~~ in the GMA, including, but not limited to:

(1) Sites more than 4~~3~~ miles from the nearest key viewing area shall be visually subordinate as ~~seen~~ visible from any key viewing area, according to MCC 38.7035 (B) ~~(26)~~ (22).

An interim period to achieve compliance with this requirement shall be established before approval. The period shall be based on site-specific topographic and visual conditions, but shall not exceed 3 years beyond the start of on-the-ground activities.

(2) Sites less than 4~~3~~ miles from the nearest key viewing area shall be fully screened from any key viewing area, according to MCC 38.7035 (B) ~~(27)~~(23).

An interim period to achieve compliance with this requirement shall be established before approval. The period shall be based on site-specific topographic and visual conditions, but shall not exceed 1 year beyond the start of on-the-ground activities. Disposal activity occurring before achieving compliance with full screening requirements shall be limited to activities necessary to provide such screening (creation of berms, etc.).

(3) Reclamation plans shall restore the site to a natural appearance that blends with and emulates ~~surrounding~~ natural landforms and vegetation patterns characteristic to the landscape setting to the maximum extent practicable.

(Ord. 1270, Amended, 03/14/2019; Ord. 1064, Add, 06/23/2005)

§ 38.7355 LIFE ESTATES

A landowner who sells or otherwise transfers real property on lands designated GGA or GGF-20 may retain a life estate in a dwelling and a tract of land surrounding the dwelling. The life estate tract shall not be considered a parcel as defined in MCC 38.0015. A second dwelling may be allowed on lands designated GGA or GGF-20 subject to compliance with MCC 38.7000 to 38.7085, and upon findings that:

(A) The proposed dwelling is in conjunction with agricultural use as determined by MCC 38.2225 (A) (5) (c); or

~~(B) On lands designated GGF, one single-family dwelling on a legally created parcel upon enrollment in the state's forest assessment program. Upon a showing that a parcel cannot qualify, a parcel is entitled to one single-family dwelling. In either case, the location of the dwelling shall comply with MCC 38.7305 and 38.7315. A declaration shall be signed by the landowner and recorded into county deeds and records specifying that the owners, successors, heirs and assigns of the subject parcel are aware that adjacent and nearby operators are entitled to carry on accepted farm or forest practices on lands designated GGF- 80, GGF- 20, GGA- 40, or GGA- 20.~~

(B)~~(C)~~ Upon termination of the life estate, either the original or second dwelling shall be removed.

(Ord. 1125, Amended, 12/11/2008; Ord. 1064, Renum&Amd38.0070, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

~~**§ 38.7360 CLUSTER DEVELOPMENT**~~

~~(A) A land division in the General Management Area may create parcels smaller than the designated minimum size and may include a bonus, as specified below, in order to cluster new dwellings. Approval of cluster development shall be contingent upon submission of plans specifying dwelling sites and areas of permanent, undeveloped open land. To approve a cluster development, it must be found that clustering new dwellings will provide an opportunity not available through conventional parcel-by-parcel development to site new dwellings:~~

~~(1) In areas with screening vegetation or other features which reduce visibility of development as seen from Key Viewing Areas; or~~

~~(2) To avoid significant landscape features; or~~

~~(3) To protect the existing character of the landscape setting; or~~

~~(4) To reduce interference with movement of deer or elk in winter range; or~~

~~(5) To avoid areas of known cultural resources; or~~

~~(6) To consolidate road access, septic drainfields or other development features in order to reduce impacts associated with grading or ground disturbance; or~~

~~(7) To reduce adverse effects to riparian areas, wetlands, natural areas, rare plants, sensitive wildlife sites or other natural resources; or~~

~~(8) To increase the likelihood of agricultural or forest management on the undeveloped land left by the cluster development.~~

(S-2 2009)

~~(B) Following cluster development, there may be no further division of any resulting parcel for residential purposes until the subject parcel is included within the boundary of an Urban Area. Approval of a cluster development shall include provisions for the permanent protection of open areas. No parcel in a cluster development may be smaller than 1 acre in a GGR–5 or GGR–10 or 2 acres in a GGA–20 or GGF–20.~~

~~(C) Cluster development may create up to 25 percent more parcels (rounded to the nearest whole number) than otherwise allowed by the minimum parcel size on lands designated GGR–5 or GGR–10 and up to 50 percent more on parcels (rounded to the nearest whole number) on lands designated GGA–20, GGF–20, or GGF-40.~~

~~(D) At least 75 percent of land subject to a cluster development shall be permanently protected as undeveloped land.~~

~~(E) Contiguous parcels in the same ownership or in separate ownership may be consolidated and redivided to take advantage of cluster development bonuses.~~

(Ord. 1125, Amended, 12/11/2008; Ord. 1064, Add, 06/23/2005)

§ 38.7365 CLEARING OF TREES FOR AGRICULTURAL USE IN GSF

Clearing of trees for agricultural use in GSF is subject to the following:

(A) A Stewardship Plan, in accordance with MCC 38.7375, shall be submitted and deemed complete by the county and submitted to the U.S. Forest Service for review.

(B) Clearing trees for new agricultural use shall be limited to 15 acres.

(C) If the Stewardship Plan proves that MCC 38.7365 (B) is detrimental to the proposed agricultural use, the final size of the clearing shall be determined by the application of MCC 38.7365 (D) below and subject to MCC 38.7365 (I).

(D) After a 30-day public comment period, the U.S. Forest Service shall review the Stewardship Plan using the following criteria:

(1) MCC 38.7370 (B) (1) and (B) (7).

(2) Applicable Cultural, Natural and Recreational Resource criteria in MCC Chapter 38 Part 6.

(3) The Natural Resource Conservation Service (NRCS) soil unit description shall indicate that soils are suitable for the proposed agricultural use. The woodland management tables shall be used as part of the analysis of suitability for both agricultural and forest uses.

(4) The size, shape and pattern on the landscape of the clearing for the new agricultural use shall blend with the surrounding landscape pattern either because the existing pattern includes agricultural openings or because the new agricultural opening is designed to appear natural.

(E) The U.S. Forest Service shall send the review statement to the appropriate county planning office. The U.S. Forest Service shall state whether or not the new agricultural use should proceed including any conditions that are recommended to be required by the county.

(F) The county will accept an application for new agricultural use on forested lands after receipt of a positive review statement from the U.S. Forest Service.

(G) The forest practice portion of the new agricultural use shall not be approved by the state forestry department or county until a decision on the new agricultural use is issued from the county.

(H) The new agricultural use shall be operational within two years of the time frame described in the approved Stewardship Plan.

(I) New agricultural uses with an approved Stewardship Plan requiring more than 15 acres shall attain the final approved size sequentially. After the first 15 cleared acres is operational, each subsequent clearing shall not occur until the previous clearing is operational.

(Ord. 1064, Add, 06/23/2005)

§ 38.7370 FOREST PRACTICES IN THE SPECIAL MANAGEMENT AREA

(A) Forest practices permitted as Review Uses in the Special Management Area in accordance with an approved forest practices application (see application requirements) and subject to the additional provisions in this chapter.

(1) The following information, in addition to the site plan requirements of MCC 38.0045 (A) (2) shall be required:

(a) Delineate the following on a recent aerial photo or detailed map.

1. The size, shape, and exact location of the proposed treatment area including any clumps of leave trees to remain. If more than one silvicultural prescription is to be used, code each on the photo.

2. Other important natural features of the subject parcel such as steep areas, streams, wetlands, rock outcrops, etc.

3. Road and structure construction ~~and/~~or reconstruction location.

4. Location of proposed rock or aggregate sources.

5. Major skid trails, landings, and yarding corridors.

6. Commercial firewood cutting areas.

7. Protection measures for scenic, cultural, natural, and recreation resources, such as road closures.

(b) Describe the existing forest in terms of species, ages, sizes, landscape pattern (including how it fits into the surrounding landscape pattern) and canopy closure for all canopy layers.

(c) Describe how the forest practice will fit into the existing landscape pattern and how it will meet scenic and natural resource standards in MCC 38.7370 (B) and (C).

(d) Written silvicultural prescriptions with projected post-treatment forest condition specified in terms of species, ages, sizes, landscape pattern (including how it fits into the surrounding landscape pattern) and canopy closure for all canopy layers.

(e) Road and structure construction ~~and/~~or reconstruction design.

(f) Existing and proposed rock pit development plans.

(g) A discussion of slash disposal methods.

(h) A reforestation plan as reviewed by the appropriate state forest practices agency.

(2) As part of the application, flag, stake or mark buffers, any trees or downed wood to be retained or removed (whichever makes the most sense), and areas for placing fill or removing material in preparation for a field visit by the reviewer.

(B) For forest practices in the Special Management Area, the following scenic resource provisions shall apply:

(1) Forest practices shall meet the design guidelines and VQO scenic standards for the applicable landscape setting designated for the management area and zone (See MCC 38.7040(A)).

(2) In the western portion (to White Salmon River) of the SMA Coniferous Woodland Landscape Setting, no more than 8% of the composite KVA viewshed from which the forest practice is topographically visible shall be in created forest openings at one time. Not more than 16% of each total ownership within. The viewshed boundaries shall be delineated by the U.S. Forest Service. The U.S. Forest Service will assist (as available) in calculating and delineating the percentage of the composite KVA viewshed that is in created forest openings at one time.

(3) In the Western portion (to White Salmon River) of the SMA Gorge Walls, Canyonlands and Wildlands Landscape Setting, no more than 4% of the composite KVA viewshed from which the forest practice is topographically visible shall be in created forest openings at one time. The viewshed boundaries shall be delineated by the U.S. Forest Service. The U.S. Forest Service will assist (as available) in calculating and delineating the percentage of the composite KVA viewshed that is in created forest openings at one time.

(4) For all other landscape settings, created forest openings visible at one time shall be within the desired range for the vegetation type as set forth in MCC 38.7370 (C) (1)-(3).

(5) Size, shape, and dispersal of created forest openings shall maintain the desired natural patterns in the landscape as set forth in MCC 38.7370 (C) (1)-(3).

(6) The maximum size of any created forest opening is set forth by the “Desired” vegetation type in the Forest Structure and Pattern Table. The maximum size of any created opening shall be 15 acres. In the foreground of key viewing areas, the maximum size of created opening shall be 5 acres.

(a) If the treatment is proposed to go beyond the above guideline based on forest health or ecosystem function requirements, a Stewardship Plan shall be required.

(b) If the Stewardship Plan proves that the above guideline is detrimental to either forest health or ecosystem function, the size of the created forest opening shall be within the natural range for the vegetation type as listed in the Desired Forest Structure and Pattern Table for each vegetation type, shall not mimic catastrophic fires, and shall maintain scenic standards.

(7) Created forest openings shall not create a break or opening in the vegetation in the skyline as viewed from ~~a key viewing area~~ KVAs.

(C) Forest practices in the Special Management Area shall maintain the following in addition to applicable natural resources criteria in MCC 38.7075.

(1) Silvicultural prescriptions shall maintain the desired natural forest stand structures (tree species, spacing, layering, and mixture of sizes) based on forest health and ecosystem function requirements. Forest tree stand structure shall meet the requirements listed in the Desired Forest Structure and Pattern Table for each vegetation type. Forest tree stand structure is defined as the general structure of the forest in each vegetation type within which is found forest openings.

(2) Created forest openings shall be designed as mosaics not to exceed the limits defined as Desired in the Desired Forest Structure and Pattern Table unless proposed as a deviation as allowed in MCC 38.7370 (B) (6).

(3) Snag and down wood requirements shall be maintained or created as listed in the Desired Forest Structure and Pattern Table for each vegetation type.

(4) If the treatment is proposed to deviate from the snag and down wood requirements based on forest health or ecosystem function requirements, a Stewardship Plan shall be required and shall ~~show and prove~~ demonstrate why a deviation from the snag and down wood requirements is required.

DESIRED FOREST STRUCTURE AND PATTERN						
1	2	3	4	5	6	7
Vegetation Type[#]	Forest Structure (Average % total canopy closure (cc))[*]	Typical Forest Openings Size Disturbance caused Historic (Natural) Desired	Percent Openings at One Time Historic (Natural) Desired	Leave Trees Includes all available remnant old forest	Average Down Wood Pieces 30 ft long per acre (scattered)	Average Snags (Conifers) No. per acre Snags are 20-40 ft in height

DESIRED FOREST STRUCTURE AND PATTERN								
1	2	3		4		5	6	7
West Conifer	60-80% canopy closure Understory layer variable (0-60% of total cc)	Variable sizes with mosaic pattern, irregular shapes Mosaic fire 1-100acres Catastro-phic fire over 100 acres	Retain forested character Allow openings up to 15 acres (up to 5 acres in the foreground of KVAs) All openings 1 acre or less on National Forest land and all Open Space LUD Openings retain 15 - 40 % canopy closure	10%(mosaic fire) up to 55%(cat astro-phic fire) Intense fire return interval is 300 yrs	Not to exceed 8% for West Coniferous Woodland Landscape Setting and not to exceed 4% for Gorge Walls, Canyonlands and Wildlands Landscape Setting Widely dispersed, variable sized mosaic of irregular shapes blending with existing openings.	Leave 15% of existing trees per acre throughout opening and in clumps. Include 3 trees per acre of the largest size trees available	18 - 25 pieces greater than 20” dbh	10 snags at 10” -20” dbh, and 7 snags greater than 20” dbh

DESIRED FOREST STRUCTURE AND PATTERN								
1	2	3		4		5	6	7
East Conifer (Ponderosa Pine/ Douglas fir)	40-80% canopy closure Understory layer less than 25% of total cc	Few Open-ings due to low intensity fires. ¼ to 2 acres	Openings less than 1 acre Openings have 0 - 40% canopy closure Openings widely dispersed	1 -10%	1 - 10% (% by vegetation type)	No leave trees required	3 - 6 pieces greater than 20” dbh	5 snags at 10”-20” dbh and 3 snags greater than 20” dbh

Map available at the U.S. Forest Service National Scenic Area Office

* Does not apply to openings.

Dbh: Diameter at Breast Height

(Ord. 1270, Amended, 03/14/2019; Ord. 1064, Add, 06/23/2005)

§ 38.7375 STEWARDSHIP PLAN REQUIREMENTS

The following information, in addition to the applicable portions of the forest practice application requirements above and general site plan requirements in MCC 38.0045 (A) (2) shall be provided:

(A) Outline the long term goals, proposed operations, and future sustainability of the subject parcel.

(B) Describe the time frame and steps planned to reach the long term goals.

(C) For Forest Practices, describe how the proposed activities fit into the long term goals and sustainability of the parcel and~~/or~~ forest health. The following shall be addressed:

(1) Describe the range of natural conditions expected in the forest in terms of tree species, structure, and landscape pattern.

(2) Describe what the resulting tree species, structure, and landscape pattern will be after the proposed activities.

(3) Give a clear explanation of how a deviation from the applicable provisions may better achieve forest health objectives.

(4) Give a clear explanation of how and why the proposed activities will ~~lead~~ move the forest towards its range of natural variability and result in reaching sustainability, resiliency to disturbances.

(D) For clearing trees for new agricultural use, the following shall be addressed in addition to MCC 38.7375 (A) and (B) above:

(1) Submit NRCS soil unit description and map for each soil unit affected by the proposed clearing or treatment.

(2) Based on the needs of the operation, give a clear explanation as to the exact size of the clearing needed and how it will meet the natural and scenic requirements set forth in MCC 38.7365 (D).

(3) Describe in sufficient detail for evaluation the proposed agricultural use, the improvements needed on the parcel, time line for its establishment, and its marketability.

(4) Show evidence that an agricultural specialist, such as the county extension agent, has examined and found the proposed agricultural use reasonable and viable.

(Ord. 1064, Add, 06/23/2005)

§ 38.7380 SPECIAL USES IN HISTORIC BUILDINGS

(A) Definitions

(1) For the purposes of this section, the term “historic buildings” refers to buildings either on or eligible for the National Register of Historic Places. Eligibility for the National Register shall be determined pursuant to MCC 38.7380(F)(1)(a).

(2) For the purposes of this section, the term "subject property" refers to the parcel or group of parcels in common ownership that have been historically used in conjunction with an historic building.

(B) As established in each zone, the following uses shall be allowed on properties with buildings included on the National Register of Historic Places. All uses authorized under this section shall be subject to the provisions of MCC 38.7000-38.7085 and MCC 38.7300.

(1) The properties shall be permitted to be open for public viewing, interpretive displays, and an associated gift shop that is no larger than 100 square feet and incidental and subordinate to the primary use of the property, subject to compliance with 38.7380(G) and 38.7380(F) except 38.7380(F)(1)(a), 38.7380(F)(1)(b)(iii) and 38.7380(F)(1)(b)(iv). This use is not subject to the parking limits and associated "Facility Design Guidelines" in MCC 38.7080.

Voluntary donations and/or fees to support maintenance, preservation and enhancement of the cultural resource may be accepted by the landowner.

(2) Properties which were former restaurants ~~and/~~or inns shall be permitted to re-establish these former uses, subject to compliance with MCC 38.7380(G) and 38.7380(F) except 38.7380(F)(1)(a), 38.7380(F)(1)(b)(iii) and 38.7380(F)(1)(b)(iv).

The capacity of restaurant use and overnight accommodations shall be limited to that existing in the former use, and the former use shall be contained within the limits of the building as of January 1, 2006. The capacity of the use may include any decks, terraces, or patios that were used as part of the former use and that existed on January 1, 2006. Banquets, private parties and other special events that take place entirely within an approved restaurant facility shall be considered a restaurant use allowed under this section.

(3) Properties shall be permitted to hold commercial events, subject to compliance with MCC 38.7000-38.7085, MCC 38.7380(G) and MCC 38.7380(F) except 38.7380(F)(1)(a).

(C) The following uses may be allowed as established in each zone on a property with a building either on or eligible for the National Register of Historic Places and that was 50 years old or older as of January 1, 2006 subject to compliance with the standards of MCC 38.7000-38.7085, MCC 38.7300 and parts (D), (E), (F), and (G) of this section.

(1) Establishment selling food and~~/or~~ beverages, limited to historic buildings that originally had kitchen facilities. The seating capacity of such an establishment shall be limited to the building, as the building existed as of January 1, 2006, including any decks, terraces or patios also existing as of that date. Banquets, private parties and other special events that take place entirely within an approved establishment selling food and~~/or~~ beverages shall be considered a part of the approved use.

(2) Overnight accommodations. The room capacity of such accommodations shall be limited to the total number of lawfully existing rooms in the historic building as of January 1, 2006.

(3) Commercial events in the building or on the subject property, incidental and subordinate to the primary use of the property

(4) ~~A winery~~ Wineries and cideries, in conjunction with an on-site vineyard or orchard, upon a showing that processing of wine or cider is from ~~grapes~~ fruits ~~grown~~ harvested on the subject parcel ~~or~~ and the local region, within a historic building, as the building existed as of January 1, 2006.

(5) Sales/tasting rooms in conjunction with an on-site winery or cidery, within a historic building, as the building existed as of January 1, 2006.

(6) A conference ~~and/~~or retreat facility within a historic building, as the building existed as of January 1, 2006.

(7) Artist studios and galleries within a historic building, as the building existed as of January 1, 2006.

(8) ~~A gift~~ Gift shops within a historic building, as the building existed as of January 1, 2006 that ~~is~~ are:

(a) incidental and subordinate to another approved use included in Guideline ~~1~~4 of "Additional Review Uses for Historic Buildings"; and

(b) no larger than 100 square feet in area.

(9) Interpretive displays, picnic areas or other resource-based recreational day use activities on the subject property. This use is not subject to the parking limits and associated "Facility Design Guidelines" in MCC 38.7080.

(10) Parking areas on the subject property to support any of the above uses.

(D) Uses allowed by parts (B)(3) and (C)(3) of this section shall include all information required for the "Operational Plan for Commercial Events" as specified in MCC 38.7380(F)(1)(b)(iv). The following apply to commercial events at historic properties:

(1) Commercial events include weddings, receptions, indoor concerts, farm dinners, or events similar in size and activity and must be ~~parties and other gatherings that are~~ incidental and subordinate to the primary use on a parcel.

(2) The owner of the subject property shall notify the reviewing agency and all owners of land within 500 feet of the perimeter of the subject property of each event. The notice shall be in writing and shall be mailed at least seven calendar days before an event.

(E) Land use approvals for Special Uses in Historic Buildings shall be subject to review every five years from the date the original approval was issued.

(1) As part of this review, the applicant shall submit documentation on the progress made in implementing the "Protection and Enhancement Plan" required by MCC 38.7380(F)(1)(b).

(2) The County shall submit a copy of the applicant's documentation to the State Historic Preservation Office (SHPO). The SHPO shall have 30 calendar days from the date this information is mailed to submit written comments. If the County's determination contradicts comments from the SHPO, the County shall justify how it reached an opposing conclusion.

(3) The County shall revoke the land use approval if the owner has failed to substantially implement the actions described in the "Protection and Enhancement Plan" according to the schedule for completing such actions in this plan or if the property has not been used in compliance with applicable County rules or conditions of approval. The County may, however, allow such a use to continue for up to one additional year from the date the County determines the applicant has failed to implement the actions if the applicant submits a written statement describing:

(a) unforeseen circumstances that prevented the applicants from completing the specified actions according to the approved schedule;

(b) what progress the applicants have made towards completing such actions; and

(c) a proposed revised schedule for completing such actions.

(F) The following criteria apply to all proposed Special Uses in Historic Buildings in addition to the Site Review Criteria of MCC 38.7000-38.7085.

(1) Cultural Resources.

(a) All applications for uses listed in MCC 38.7380(C) shall include a historic survey and evaluation of eligibility for the National Register of Historic Places, to be prepared by a qualified professional hired by the applicant. The evaluation of eligibility shall not be required for buildings previously determined to be eligible. For such properties, documentation of a prior eligibility determination shall be included in the application. The historic survey shall meet the requirements specified in MCC 38.7045(D)(3). The evaluation of eligibility shall follow the process and include all information specified in the National Register Bulletin "How to Apply the National Register Criteria for Evaluation" [National Park Service, National Register Bulletin #15].

Eligibility determinations shall be made by the County, based on input from the State Historic Preservation Office (SHPO). ~~The local government~~ The Planning Director shall submit a copy of any historic survey and evaluation of eligibility to the SHPO. The SHPO shall have 30 calendar days from the date this information is mailed to submit written comments on the eligibility of the property to the ~~local government~~ County. If the County's determination contradicts comments from the SHPO, the County shall justify how it reached an opposing conclusion.

(b) Applications for Special Uses in Historic Buildings shall include a "Protection and Enhancement Plan" which shall include the following:

(i) A description of how the proposed use will significantly contribute to the protection and enhancement of the historic resource, including specific actions that will be taken towards restoration, protection and enhancement, and adequate maintenance of the historic resource, and a proposed schedule for completion of such actions.

(ii) A statement addressing consistency of the proposed use with the Secretary of the Interior's Standards for Rehabilitation of Historic Properties and the Secretary of the Interior's Standards for Preservation of Historic Properties.

(iii) Detailed architectural drawings and building plans that clearly illustrate all proposed exterior alterations to the building associated with the proposed use. Any exterior additions to the building or outdoor components of the proposed use (e.g. parking areas, site for temporary structures, interpretive displays) shall be shown on the site plan.

(iv) Any proposal for commercial events at a historic property shall include an Operation Plan for Commercial Events, to be incorporated into the "Protection and Enhancement Plan". The Operational Plan shall include sufficient information to demonstrate how the commercial events will remain incidental and subordinate to the primary use of the property, and shall, at minimum, address:

- Number of events to be held annually.
- Maximum size of events, including number of guests and vehicles at proposed parking area.
- Provision for temporary structures, including location and type of structures anticipated.
- How the proposed commercial events will contribute to protection and enhancement of the historic resource.

(c) ~~The local government~~ The Planning Director shall submit a copy of the "Protection and Enhancement Plan" to the State Historic Preservation Office (SHPO). The SHPO shall have 30 calendar days from the date this information is mailed to submit written comments to ~~the local governments~~ Multnomah County. The SHPO comments shall address consistency of the proposed use with the Secretary of the Interior's Standards for Rehabilitation of Historic Properties and the Secretary of the Interior's Standards for Preservation of Historic Properties, and the effect of the proposed use on the historic resource.

(d) Any alterations to the building or surrounding area associated with the proposed must be determined by ~~the local government~~ Multnomah County to be consistent with the Secretary of the Interior's Standards for Rehabilitation of Historic Properties and the Secretary of the Interior's Standards for Preservation of Historic Properties. If the County's final decision contradicts the comments submitted by the State Historic Preservation Office, the County shall justify how it reached an opposing conclusion.

(e) The proposed use must be determined by the County to have no effect or no adverse effect on the historic character of the property, including features of the property contributing to its historic significance. If the County's final decision contradicts the comments submitted by the State Historic Preservation Office, the County shall justify how it reached an opposing conclusion.

(2) Scenic Resources.

(a) New parking areas associated with the proposed use shall be located on the subject property as it existed as of January 1, 2006. Such parking areas may be developed using paving blocks, gravel, or other pervious surfaces; asphalt, concrete and other impervious materials are prohibited.

(b) Parking areas associated with the proposed use shall be visually subordinate from Key Viewing Areas, and shall to the maximum extent practicable, use existing topography and existing vegetation to achieve visual sub-ordinance.

(c) Temporary structures associated with a commercial event (e.g. tents, canopies, portable restrooms) shall be placed on the subject property no sooner than two days before the event and removed within two days after the event. Alternatively, temporary structures may remain in place for up to 90 days in one calendar year if the County determines that they will be visually subordinate from Key Viewing Areas.

(3) Recreation Resources. The proposed use shall not detract from the use and enjoyment of existing recreation resources on nearby lands.

(4) Agricultural and Forest Lands.

(a) The proposed use shall be compatible with and will not interfere with accepted forest or agricultural practices on nearby lands devoted to such uses.

(b) The proposed use will be sited to minimize the loss of land suitable for production of crops, livestock or forest products.

(c) A declaration has been signed by the landowner and recorded into county deeds and records specifying that the owners, successors, heirs and assigns of the subject property are aware that adjacent and nearby operators are entitled to carry on accepted agriculture or forest practices on nearby lands.

(G) The following standards address health, safety, and potential impacts to surrounding properties and apply to all proposed Special Uses in Historic Buildings.

(1) Outdoor uses shall be limited to the hours of 7:00 am to 7:00 pm or sunset, whichever is later, except that between Memorial Day and Labor Day afternoon activities may extend to as late as 10:00 pm.

(2) The use of outdoor amplification in conjunction with a use authorized under this section is prohibited. All amplification must be contained within the historic building associated with the use.

(3) Parking shall be provided in accordance with the Minimum Required Off-Street Parking Spaces in MCC 38.4205. Existing off street parking and loading areas on a historic property shall be allowed to be used in their current configuration. New parking areas or expansions to existing parking areas shall meet the design and improvement standards of MCC 38.4100-38.4215 with the following exceptions.

MCC 38.4130(B) and (C) shall not apply to Special Uses in Historic Buildings. All required parking associated with the use shall be provided on the subject property.

Additionally, the surfacing requirements of MCC 38.4180(A) shall not apply. Instead, the surfacing requirements of MCC 38.7380(F)(2)(a) shall be employed.

(4) Business identification or facility entry signs located on the premises may be allowed, subject to the provisions of MCC 38.0080.

(5) The proposed use shall be compatible with the surrounding area. Review of compatibility shall include but not be limited to impacts associated with the scale of the use, effects of noise, traffic generation, and hours of operation.

(6) The proposed use shall not create hazardous conditions.

(7) The proposed use shall not require public services other than those existing or approved in the area.

(8) If private services will be used, the applicant shall demonstrate the private service is or can be made adequate to serve the use.

(Ord. 1074, Add, 05/04/2006)

§ 38.7385 BOARDING OF HORSES OR NON-PROFIT HORSE RESCUE FACILITY

(A) The boarding of horses or a non-profit horse rescue facility may be established as authorized in various districts provided the approval authority makes findings on the property characteristics, parcel size and impacts to neighbors and sets a maximum number of horses that may be boarded at any one time based upon those findings.

(B) The applicant shall submit the following information with related supporting evidence to demonstrate compliance with the criteria under (A):

(1) A description of the proposed horse facility with all accompanying accessory uses shall be provided. This shall include the maximum number of horses to be boarded on site, number of employees, accessory uses and services to be provided and hours that the facility will be available to the horse owners. The description shall include a site plan identifying the uses intended for a specific area, and floor plans and building elevations for all proposed buildings.

(2) A Stewardship Plan consisting of an Operations Plan and Maximum Usage Plan shall be created by the applicant in consultation with the Oregon Department of Agriculture, East Multnomah Soil and Water Conservation District or Oregon Extension Service for the proposed site of the horse boarding facility.

(a) The Operation Plan shall include the following:

1. Soil types and its animal-unit-month rating for all pastures to be used as part of the operation;

2. Irrigation techniques, if proposed;

3. Off-stream stock watering;

4. Pasture management;

5. Manure, waste and compost management;

6. Mud, dust and fly control;

7. Dedicated all-weather paddock;

8. Stream bank and riparian vegetation preservation;

9. Capture and reuse rainwater and snowmelt on the site from areas of animal confinement and impervious surfaces.

(b) The Maximum Usage Plan shall specify the maximum number of horses to be boarded based upon the animal-units-month rating of the site.

1. The plan shall:

a. Consider all livestock to be pastured on the site in establishing the number of horses to be boarded.

b. Maintain adequate ground cover and vegetation for all areas to be used as part of the horse boarding use to prevent soil erosion.

c. Provide basic measurements to verify that the operation plan is achieving the necessary impact reductions for erosion & sediment control, dust control and insect control.

(C) The following accessory uses, if proposed, shall be evaluated as part of the boarding of horses use or non-profit horse rescue facility:

(1) Riding arena, covered or uncovered;

(2) Lessons to boarders (minor component)

(3) Training tracks;

(4) Hot walkers, covered or uncovered;

(5) Horse pool, covered or uncovered;

(6) Storage building for hay and grains;

(7) Farrier services & veterinarian services on an intermittent basis provided only for the use of owners of horses boarded at the facility;

(8) Horse trailer storage only for the use of owners of horses boarded at the facility. The area where the horse trailers are to be stored shall be screened by evergreen vegetation or topography from the public road, adjacent properties and from all key viewing areas.

(9) The hosting of fund-raising events for a non-profit horse rescue operation.

(Ord. 1125, Add, 12/11/2008)

§ 38.7390 RENEWABLE ENERGY PRODUCTION

(A) Renewable energy production qualifying for review as an Expedited Use shall be subject to (A)(1)-(6) below, in addition to any other applicable provisions of Chapter 38. Renewable energy production qualifying for review as either a Review Use or Conditional Use shall be subject to (A)(1)-(7) below, in addition to any other applicable provisions of Chapter 38.

(1) Renewable energy production equipment attached to an existing structure shall be considered an addition to the structure on which it is located. Free-standing renewable energy production equipment shall be considered a new accessory structure.

(2) Production of electrical power, including, but not limited to wind and solar production, for commercial purposes is considered an industrial use and is prohibited. Solar, wind and other renewable energy power generation that is accessory to a primary structure or allowed use is not considered an industrial use and may be permitted.

(3) The panels and hardware are non-reflective black or dark earth tone colors.

(4) The panels and hardware do not increase the overall roof height.

(5) The generating equipment may serve only the parcel on which it is located, or an adjacent parcel in the same ownership and used in conjunction with the subject parcel.

(6) Sale of power back to the electrical grid is permitted, provided that it is an occasional event, not ongoing over the course of the year.

(7) The capacity for power generation is limited to the expected annual electrical power need of the structure or use.

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PART 8 - VARIANCES AND LAND DIVISIONS

VARIANCES

(Ord. 1064, Amended, 06/23/2005)

§ 38.7600- VARIANCE APPROVAL CRITERIA

(A) The Approval Authority may permit and authorize a variance from the dimensional requirements of 38.2060 (C), 38.2260 (C), 38.2460 (E), 38.2660 (C), 38.2860 (C), 38.3060 (C), and 38.3260 (C) only when there are practical difficulties in the application of the Chapter. A Major Variance shall be granted only when all of the following criteria are met. A Minor Variance shall met criteria (3) and (4).

(1) A circumstance or condition applies to the property or to the intended use that does not apply generally to other property in the same vicinity or district. The circumstance or condition may relate to the size, shape, natural features and topography of the property or the location or size of physical improvements on the site or the nature of the use compared to surrounding uses.

(2) The zoning requirement would restrict the use of the subject property to a greater degree than it restricts other properties in the vicinity or district.

(3) The authorization of the variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or district in which the property is located, or adversely affects the appropriate development of adjoining properties.

(4) The granting of the variance will not adversely affect the realization of the Management Plan nor will it establish a use which is not listed in the underlying zone.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7605 VARIANCE CLASSIFICATION

(A) A Major Variance is one that is in excess of 25 percent of an applicable dimensional requirement. A Major Variance must be found to comply with MCC 38.7600 (A).

(1) A Major Variance must be approved at a public hearing except when all owners of record of property within 100 feet of the subject property grant their consent to the variance according to the procedures of MCC 38.7605 (B) (1) and (2).

(B) A Minor Variance is one that is within 25 percent of an applicable dimensional requirement. The Approval Authority is authorized to grant a Minor Variance in accordance with the following conditions:

(1) Application shall be accompanied by the written consent of the owner or owners of each lot adjoining and across any street from the subject property;

(2) The form to be presented to each owner must include the zoning requirement, the amount of relief requested by the applicant and a declaration by the owner that the granting of the variance shall not harm the value and livability of ~~his~~ their property.

(C) Notwithstanding (B) above, an applicant may seek approval of a variance to a dimensional requirement as a Major Variance, subject to the standards of this section.

(Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

LAND DIVISIONS

§ 38.7700- TITLE

This part of Chapter 38 shall be known as the Multnomah County Land Division Ordinance and may be so pleaded and referred to.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7705 DEFINITIONS

As used in this Chapter, unless the context requires otherwise, the following words and their derivations shall have the meanings provided below.

Accessway means a private road which is not a part of a lot or parcel and which provides access to more than one lot or parcel.

Applicant means the record owner or owners of a unit, area or tract of land or contiguous units, areas or tracts, proposing subdivision or partitioning and includes the authorized representative of the record owner or owners.

Approval authority means the Hearings Officer, Planning Commission or Planning Director authorized by this Chapter to approve tentative plans or final plans for land divisions.

Board means the Board of County Commissioners of Multnomah County.

Cul-de-sac means a short public street which is open to traffic at one end and is terminated by a vehicle turnaround at the other.

Development permit means any permit required by this or other Multnomah County Ordinances as a prerequisite to the use or improvement of any land and includes a building, land use, occupancy, sewer connection or other similar permit.

Flag lot means a parcel which includes a private driveway as a part thereof.

Frontage street means a minor street substantially parallel and adjacent to an arterial street, providing access to abutting properties and separation from through traffic.

Half street means a portion of the standard width of a street along the boundary of a land division, where the remaining portion of the street width could be provided from the adjoining property.

Hearings Officer means the Hearings Officer of Multnomah County.

Land Division means a subdivision or partition. For the purposes of this Sub-chapter, land divisions are further classified as Category 1, and Category 3 Land Divisions, as provided in this Sub-chapter.

Land Feasibility Study means a Site Evaluation Report which is the first step in obtaining a construction permit for an on-site sewage disposal system.

Lot means a unit of land that is created by a subdivision of land.

Parcel See 38.0015.

Partition means either an act of partitioning land or an area or tract of land partitioned as defined in this Chapter.

Partition land means to divide an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. Partition land does not include:

(1) A division of land resulting from a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots;

(2) An adjustment of a property line by the relocation of a common boundary in accordance with 38.7970; or

(3) A sale or grant by a person to a public agency or public body for state highway, county road, or other right-of-way purposes provided that such road or right-of-way complies, in the case of a county road, with the Street Standards Code and Rules, or, in the case of other right of way, the applicable standards of the agency to which the sale or grant is made. However, any property divided by the sale or grant of property for state highway or county road or other right-of-way purposes shall continue to be considered a single unit of land until such time as the property is further subdivided or partitioned; or

(4) The sale of a lot in a recorded subdivision, even though the lot may have been acquired prior to the sale with other contiguous lots or property by a single owner.

Partition Plat means a final map and other writing containing all the descriptions, locations, specifications, provisions and information concerning a partition.

Pedestrian path and bikeway means a right- of-way or easement for pedestrian, bicycle or other non-motorized traffic.

Person means a natural person, firm, partnership, association, social or fraternal organization, corporation, trust, estate, receiver, syndicate, branch of government, or any group or combination acting as a unit.

Planning Commission means the Planning Commission of Multnomah County.

Planning Director means the Director of the Land Use Planning Division or the Director's delegate.

Plat includes a final subdivision plat or partition plat.

Private driveway means a private means of access to a public road or private road which is part of and provides access only to one lot or parcel.

Private Road means a private accessway built on a separate lot from the lots it serves, connecting more than one property to the local public road system and each lot using the private road for access has an undivided interest in the private road.

Private street —See private road.

Property Line means the division line between two units of land.

Property Line Adjustment means the relocation of a common property line between two abutting properties.

Public Road means a road over which the public has a right of use that is a matter of public record. County roads, city streets, state highways, federal roads and local access roads are all public roads.

Public street—See public road.

Right-of-way means the area between boundary lines of a public street or other area dedicated for pedestrian or vehicular circulation.

Road means the entire right-of-way of any public or private way that provides ingress to, or egress from property by vehicles or other means, or provides travel between places by means of vehicles. "Road" includes, but is not limited to:

(a) Ways described as streets, highways, throughways, or alleys;

(b) Road-related structures, such as tunnels, culverts, or similar structures, that are in the right-of-way; and

(c) Structures such as bridges that provide for continuity of the right-of-way.

Sale or sell includes every disposition or transfer of land in a subdivision or partition or an interest or estate therein.

Sidewalk means a pedestrian walkway with all-weather surfacing.

Street —See road.

Street classifications such as *Arterial, Collector, Minor Arterial*, etc., shall have the meanings stated in the Multnomah County Street Standards Code and Rules.

Street lighting means the total system of wiring, poles, arms, fixtures and lamps, including all parts thereof that are necessary to light a street or pedestrian path and bikeway.

Subdivide land means to divide an area or tract of land into four or more lots within a calendar year when such area or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of such year.

Subdivision means either an act of subdividing land or an area or a tract of land subdivided as defined in this Chapter.

Subdivision Plat means a final map and other writing containing all the descriptions, locations, specifications, provisions and information concerning a subdivision.

Tentative plan means the applicant's proposal for subdivision or partition and consists of the drawings, written information and supplementary material required by this Chapter.

(Ord. 1128, Amended, 01/29/2009; Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7725 COMPLIANCE REQUIRED

No land may be divided in the Columbia River Gorge National Scenic Area except in accordance with this Chapter.

(A) Land Divisions within the NSA shall be classified and found to satisfy the applicable approval criteria specified in MCC 38.7700 through 38.8035, subject to the following:

(1) New land divisions, except lot line adjustments, are not allowed in the Special Management Area, unless the creation of a new parcel will facilitate land acquisition by the federal government to achieve the policies and standards of the Management Plan.

(2) All land divisions must consider consolidation of access in order to reduce adverse effects on scenic, cultural, natural and recreation resources.

(B) No person shall create a street for the purpose of dividing land without the approval of a subdivision or partition as provided by this Chapter.

(C) Except as provided in MCC 38.0560, no development permit shall be issued for the improvement or use of any land divided in violation of the provisions of this Chapter, regardless of whether the permit applicant created the violation. A division of land which is contrary to an approved subdivision plat or partition map is a violation of this Chapter.

(D) The requirements of this Chapter shall apply to the applicant for a land division and to the applicant's successors in interest in the land division or any portion thereof.

(Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7740 UNDEVELOPED SUBDIVISIONS

A unit of land shall be consolidated with adjacent lands in the same ownership if the subdivision within which it is located is undeveloped pursuant to ORS chapter 92.

(Ord. 1064, Add, 06/23/2005)

§ 38.7765 LAND DIVISION CATEGORIES DISTINGUISHED

For the purposes of this Chapter, the land division classifications listed in sections 38.7770 through 38.7775 are established.

(Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7770 CATEGORY 1 LAND DIVISIONS

The following proposals are designated Category 1 Land Divisions:

(A) A Rural Area subdivision;

(B) A Rural Area partition which creates a new street when the Planning Director determines that:

(1) The proposal includes the continuation of an existing or planned street to adjacent property, or,

(2) The proposal either eliminates or makes impractical the continuation of an existing street or the provision of needed access to adjacent property.

(C) A subdivision or partition associated with an application affecting the same property for any action proceeding requiring a public hearing under MCC Chapter 38 or for a variance under the Land Division part of this Chapter; and

(D) Any other land division proposal which, as determined by the Planning Director, will have a substantial impact on the use or development of nearby property such that determination at a public hearing is required, considering:

(1) The nature of nearby land uses or the pattern of existing land divisions in relation to the applicable elements of the Comprehensive Plan;

(2) Plans or programs for the extension of the street or utility systems on or near the proposed division; or

(3) Physical characteristics of the tract or nearby area such as steep slopes, a history of flooding, poor drainage, ~~land slides~~ landslides or other existing or potential hazards.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7775 CATEGORY 3 LAND DIVISIONS

All other land partition proposals are designated Category 3 Land Divisions.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7794 CONSOLIDATION OF PARCELS AND LOTS

This section states the procedures and requirements for removing property lines between adjacent parcels or lots in the same ownership in order to create one parcel or lot. The act of parcel or lot consolidation does not, in itself, remove prior conditions of land use approvals. A property owner may also choose to consolidate parcels or lots as part of a land division application. The parcel and lot consolidation process described in this section is different from (and does not replace) the process used by the County Assessment and Taxation Program to consolidate parcels and lots under one tax account.

Consolidation of parcels and lots may be approved under the applicable descriptions and approval criteria given in subsection (A) for parcels created by “metes and bounds” deed descriptions and subsection (B) for parcels and lots that were created by a Partition or Subdivision Plat.

(A) Consolidation of parcels created by “metes and bounds” deed descriptions may be approved under the standards of either subsections (1) or (2) as follows:

(1) If all the subject parcels proposed for consolidation were created by deed instruments prior to October 19, 1978, (the effective date of Ord. 174), or are Lots of Record created by deed instrument under the "minor partitions exempted" section 1.224 of Ord. 174 and MCC section 11.45.110, then the following shall apply:

(a) Under a Type I Permit Review and in accordance with MCC 39.1115, an application and fee shall be submitted to the Land Use Planning office. The contents of the application shall include maps, copies of all current deeds, a title report, an affidavit signed by the owner that verifies that the owner has the authority to consolidate the parcels, and any supplementary material that is determined by the Planning Director to be necessary and relevant to demonstrate compliance with the standards in (b);

(b) The Planning Director shall verify the following in a written report:

1. The subject parcels are in the same ownership and there are no ownership or financing obstacles to completing the consolidation;

2. The parcels to be consolidated are either existing Lots of Record or the act of consolidation will correct a past unlawful land division;

(c) The applicant shall submit to the Planning Director a copy of an unrecorded deed that conforms to the requirements of the Director's report; and

(d) The applicant shall record the approved deed that accurately reflects the approved parcel consolidation.

(2) If the subject parcels proposed for consolidation include a parcel created by deed instrument as described in (A)(1) above and include a parcel created by Partition Plat or lot within a Subdivision Plat, then the following shall apply:

(a) The application and Planning Director verification requirements are those given in (A)(1)(a)&(b);

(b) Before submittal to the County Surveyor, the applicant shall submit to the Planning Director a copy of a "one parcel" Partition Plat that accurately reflects the requirements of the Director's report; and

(c) The "one parcel" Partition Plat shall meet the technical requirements of ORS Chapter 92 before it is recorded with the County Recorder.

(B) Consolidation of parcels within a Partition Plat or lots within a Subdivision Plat (Parcel and Lot Line Vacation) may be approved with a replat.

(Ord. 1097, Add, 07/26/2007)

§ 38.7797 REPLATTING OF PARTITION AND SUBDIVISION PLATS

(A) This section states the procedures and requirements for reconfiguring parcels, lots, and public easements within a recorded plat as described in ORS 92.180 through 92.190 (2006). This provision shall be utilized only in those zoning districts in which replatting is a Review Use. Nothing in this section is intended to prevent the utilization of other vacation actions in ORS chapters 271 or 368.

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(B) As used in this subsection, "replat" and "replatting" shall mean the act of platting the parcels, lots and easements in a recorded Partition Plat or Subdivision Plat to achieve a reconfiguration of the existing Partition Plat or Subdivision Plat or to increase or decrease the number of parcels or lots in the Plat.

(C) Limitations on replatting include, but are not limited to, the following: A replat shall only apply to a recorded plat; a replat shall not vacate any public street or road; and a replat of a portion of a recorded plat shall not act to vacate any recorded covenants or restrictions.

(D) The Planning Director may approve a replatting application under a Type II Permit Review upon finding that the following are met:

(1) In accordance with MCC 38.0550 or 39.1115, an application and fee shall be submitted to the Land Use Planning office. The contents of the tentative plan shall include those maps, written information and supplementary material listed for contents of a Category 3 tentative plan that are determined by the Planning Director to be adequate to demonstrate compliance with the applicable approval criteria;

(2) Reconfiguration of the parcels or lots shall not result in an increase in the number of "buildable parcels or lots" over that which exist prior to reconfiguration. "Buildable parcels or lots," as used in this approval criteria, shall mean that there is confidence that a building and sanitation permit could be approved on the parcel or lot. A replat resulting in an increase in the number of "buildable parcels or lots" shall be reviewed as a land division as defined in this Chapter;

(3) Parcels or lots that do not meet the minimum lot size of the zoning district shall not be further reduced in lot area in the proposed replat;

(4) The proposed reconfiguration shall meet the approval criteria given in the land division code sections on easements, water systems, sewage disposal, and surface drainage;

(5) All reconfigured parcels and lots shall have frontage on a public street except as provided for alternative access in the access requirement sections of each zoning district; and

(6) The applicant shall submit a Partition Plat or Subdivision Plat to the Planning Director and County Surveyor in accordance with the requirements of ORS 92 and which accurately reflects the approved tentative plan map and other materials.

(Ord. 1264, Amended, 10/25/2018; Ord. 1097, Add, 07/26/2007)

§ 38.7800 CRITERIA FOR APPROVAL: CATEGORY 1 TENTATIVE PLAN

In granting approval of a Category 1 tentative plan, the approval authority shall find that:

(A) The tentative plan is in accordance with the applicable elements of the Management Plan;

(B) Approval will permit development of the remainder of the property under the same ownership, if any, or of adjoining land or of access thereto, in accordance with this and other applicable ordinances;

(C) The tentative plan complies with the applicable provisions, including the purposes and intent of this Chapter;

(D) The tentative plan complies with the Zoning Ordinance;

(E) If a subdivision, the proposed name has been approved by the County Surveyor and does not use a word which is the same as, similar to or pronounced the same as a word in the name of any other subdivision in Multnomah County, except for the words town, city, place, court, addition or similar words, unless the land platted is contiguous to and platted by the same applicant that platted the subdivision bearing that name or unless the applicant files and records the consent of the party that platted the subdivision bearing that name and the block numbers continue those of the plat of the same name last filed;

(F) The streets are laid out and designed so as to conform, within the limits of MCC 38.7905 and 38.7910 and the Street Standards Code and Rules, to the plats of subdivisions and maps of partitions already approved for adjoining property unless the approval authority determines it is in the public interest to modify the street pattern; and,

(G) Streets held for private use are laid out and designed so as to conform with MCC 38.7905 and 38.7910 and the Street Standards Code and Rules, and are clearly indicated on the tentative plan and all reservations or restrictions relating to such private streets, including ownership, are set forth thereon.

(H) Approval will permit development to be safe from known flooding and flood hazards. Public utilities and water supply systems shall be designed and located so as to minimize or prevent infiltration of flood waters into the systems. Sanitary sewer systems shall be designed and located to minimize or prevent:

(1) The infiltration of flood waters into the system; and

(2) The discharge of matter from the system into flood waters.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7805 CONTENTS OF CATEGORY 1 TENTATIVE PLAN

A tentative plan shall consist of maps, written information and supplementary material adequate to provide the information required in MCC 38.7810 through 38.7825.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7810 CATEGORY 1 TENTATIVE PLAN MAP SPECIFICATIONS

The tentative plan map shall be drawn on a sheet 18 x 24 inches or 11 x 17 inches in size or a size approved by the Planning Director. The scale of the map shall be 10, 20, 30, 40, 50, 60, 100 or 200 feet to the inch or multiples of ten of any of these scales. The map shall include one copy of a scaled drawing of the proposed subdivision, on a sheet 8.5 x 11 inches, suitable for reproduction, mailing and posting with the required notices.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7815 CATEGORY 1 TENTATIVE PLAN MAP CONTENTS

The tentative plan map shall indicate the following:

(A) General information:

(1) In the case of a subdivision, the proposed name which shall be in accord with subsection (E) of MCC 38.7800.

(2) Date, north point and scale of drawing.

(3) Description of the proposed land division sufficient to define its location and boundaries.

(4) Identification as a tentative plan map.

(B) Existing conditions:

(1) Streets: the location, name and present width of each street, alley or right-of-way in or serving the tract.

(2) Easements: location, width and nature of any easement of record on or serving the tract.

(3) Utilities: location and identity of all utilities on or serving the tract.

(4) Contour lines at ten foot intervals. The map shall state the source of the contour information.

(5) The location of at least one temporary bench mark within the land division.

(6) Any natural features such as rock outcroppings, marshes, wooded areas, major vegetation, etc., which may affect the proposal.

(7) Water courses on and abutting the tract, including their location, width and direction of flow.

(8) The approximate location of areas subject to periodic inundation and all areas covered by water.

(9) The location of any harbor line.

(10) Scaled location and size of all existing driveways and pedestrian walkways, and the scaled location and size and present use of all existing buildings or other structures, and designation of any existing buildings or structures proposed to remain on the property after division.

(C) Proposed improvements:

(1) Streets: location, proposed name, right-of-way width and approximate radii of curves of each proposed street.

(2) Any proposed pedestrian path or bikeway.

(3) Easements: location, width and nature of all proposed easements.

(4) Lots or parcels: location and approximate dimensions of all lots or parcels, the minimum lot or parcel size and, in the case of a subdivision, the proposed lot and block numbers.

(5) Water supply: the proposed domestic water supply system.

(6) Sewage disposal: the proposed method of sewage disposal.

(7) Drainage: proposed methods for surface water disposal and any proposed drainage easements.

(8) Other utilities: the approximate location and nature of other utilities including the location of street lighting fixtures.

(9) Railroad rights-of-way, if any.

(10) Changes to navigable streams, if any.

(11) A street tree planting plan and schedule.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7820 WRITTEN INFORMATION: CATEGORY 1 TENTATIVE PLAN

Written information shall include:

(A) Name, address and telephone number of the record owner(s), owner's representative, and designer(s) of the proposed land division and the name of the engineer(s) or surveyor(s) and the date of the survey, if any.

(B) Proof of record ownership of the tract and the representative's authorization.

(C) Legal description of the tract.

(D) Present and proposed uses of the tract including all areas proposed to be dedicated to the public.

(E) Statements of the manner in which the criteria for approval listed in MCC 38.7800 are satisfied.

(F) Statement of the improvements to be made or installed, including street tree planting, and the time such improvements are to be made or completed.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7825 SUPPLEMENTARY MATERIAL: CATEGORY 1 TENTATIVE PLAN

The following supplementary material may be required by the Planning Director:

(A) A survey of the tract.

(B) A vicinity map showing existing divided and undivided land adjacent to the proposed land division, the existing uses and structures thereon, and an indication of the manner in which the

proposed streets and utilities may be extended to connect to existing streets and utilities or to serve future land divisions.

(C) Proposed deed restrictions and methods of proposed ownership.

(D) Such other material as the Planning Director deems necessary to assist in the review and assessment of the land division proposal according to the provision of this Chapter.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7855 CRITERIA FOR APPROVAL: CATEGORY 3 TENTATIVE PLAN

In granting approval of a Category 3 tentative plan, the Planning Director shall find that the criteria listed in subsections (B), (C) and (H) of MCC 38.7800 are satisfied and that the tentative plan complies with the area and dimensional requirements of the underlying zoning district.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7860 CONTENTS OF CATEGORY 3 TENTATIVE PLAN

A tentative plan for a Category 3 Land Division shall consist of maps, written information and supplementary material adequate to provide the following:

(A) Category 3 tentative plan map contents. A tentative plan map of a sheet size and scale as specified in MCC 38.7810 shall indicate the following:

(1) Date, north point and scale of drawing.

(2) Description of the proposed land division sufficient to define its location and boundaries.

(3) Identification as a tentative plan map.

(4) Location, names or purpose and width of all streets, rights-of-way or easements on or abutting the tract.

(5) Natural features, water courses or areas covered by water.

(6) The location and use of any buildings or structures proposed to remain after division.

(7) The proposed parcels, their dimensions and areas.

(8) Contiguous property under the same ownership.

(B) Written information; Category 3 tentative plan. Written information shall include:

(1) Name, address and telephone number of the record owner(s), owner's representative, designer(s), engineer(s) or surveyor(s), and the date of survey, if any.

(2) Proof of record ownership of the tract and the representative's authorization.

(3) Legal description of the tract.

(4) Present and proposed uses.

(5) Description of the water supply, methods of sewage disposal and storm water disposal, and the availability of other utilities.

(6) Statements of the manner in which the criteria for approval listed in MCC 38.7855 are satisfied.

(7) Statement of the improvements to be made or installed and the time scheduled therefore.

(C) Supplementary material; Category 3 tentative plan. The Planning Director may require such additional information, listed in sections MCC 38.7805 through 38.7825, as the Director deems necessary to assist in the review and assessment of the land division proposal according to the provisions of this Chapter.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7865 TENTATIVE PLAN APPROVAL TIME LIMITS; STAGED DEVELOPMENT

The time limits for approval of tentative plans and staged development proposals shall be in accordance with MCC 38.7870 through 38.7880.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7870 TIME LIMIT

The final subdivision plat or final partition plat shall be delivered to the Planning Director for approval within two years following the approval of the tentative plan, and shall incorporate any modification or condition required by approval of the tentative plan. The Planning Director may, upon written request by the applicant, and payment of the required fee, grant an extension of the approval period, not to exceed six months, upon a written finding that the facts upon which the approval was based have not changed to an extent sufficient to warrant re-filing of the tentative plan.

(Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7875 STAGED DEVELOPMENT FOR SUBDIVISION

When an applicant desires to record and develop subdivision plats covering portions of an approved tentative plan in stages, the approval authority may authorize a time schedule for platting the various stages in periods of time in excess of one year, but in no case shall the total time period for platting of all stages be greater than five years without re-filing the tentative plan. Each stage so platted and developed shall conform to all applicable requirements of this Chapter.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7880 RE-APPROVAL AFTER EXPIRATION

After the expiration of the approval period, and extension, if any, a tentative plan shall be re-filed and considered as a new application.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7885 APPLICATION OF GENERAL STANDARDS AND REQUIREMENTS

Every land division proposal shall comply with the applicable provisions of MCC 38.7890 through 38.7965.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7890 LAND SUITABILITY

A land division shall not be approved on land found by the approval authority to be both unsuitable and incapable of being made suitable for the intended uses because of any of the following characteristics:

(A) Slopes exceeding 20%;

(B) Severe soil erosion potential;

(C) Within the 100-year flood plain;

(D) A high seasonal water table within 0– 24 inches of the surface for three or more weeks of the year;

(E) A fragipan or other impervious layer less than 30 inches from the surface; or

(F) Subject to slumping, earth slides or movement.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7895 LOTS AND PARCELS

The design of lots and parcels shall comply with the following:

(A) The size, shape, width, orientation and access shall be appropriate:

(1) To the types of development and uses contemplated;

(2) To the nature of existing or potential development on adjacent tracts;

(3) For the maximum preservation of existing slopes, vegetation and natural drainage;

(4) To the need for privacy through such means as transition from public to semi-public to private use areas and the separation of conflicting areas by suitable distances, barriers or screens; and

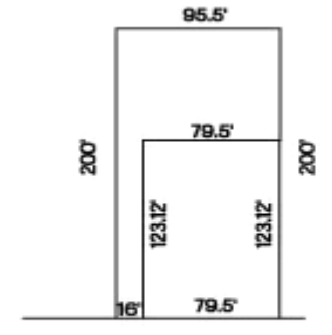
(5) To the climactic conditions including solar orientation and winter wind and rain.

(B) The side lot lines shall be perpendicular to the front lot line or radial to the curve of a street, to the extent practicable.

(C) Double frontage or reverse frontage lots or parcels shall be provided only when essential for separation of land uses from arterials or to overcome specific disadvantages of topography or orientation.

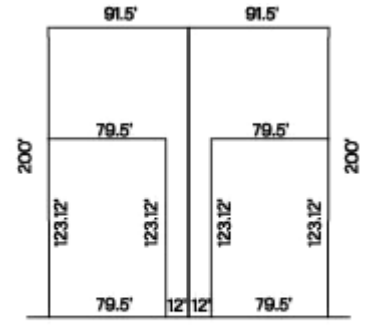
(D) A land division may include creation of a flag lot with a pole that does not satisfy the minimum frontage requirement of the applicable zoning district, subject to the following:

(1) When a flag lot does not adjoin another flag lot, as shown in MCC 38.7895 Figure 1, the pole portion of the flag lot shall be at least 16 feet wide.



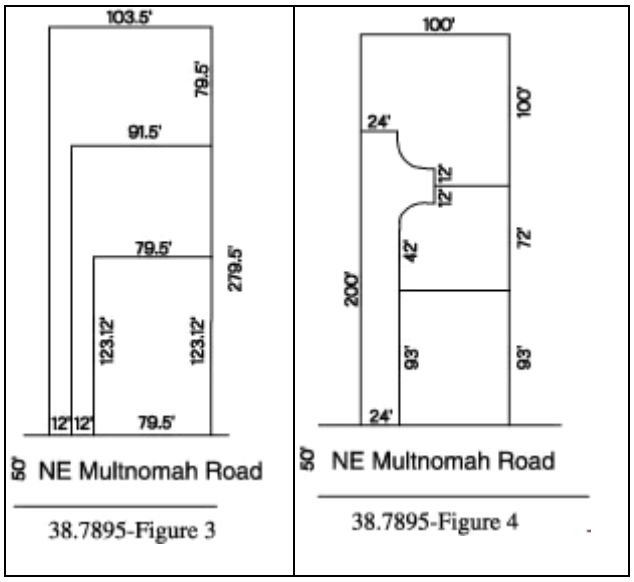
38.7895-Figure 1

(2) Where two flag lots are placed back to back as shown in MCC 38.7895 Figure 2, the pole portion of each flag lot shall be at least 12 feet wide.



38.7895-Figure 2

(E) Within a land division, flag lots shall not be stacked one behind the other as shown in MCC 38.7895 Figure 3. Instead, a private accessway shall be used as shown in MCC 38.7895 Figure 4.



(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7900 ACREAGE TRACTS

Where a tract of land is to be divided into lots or parcels capable of re-division in accordance with this or other ordinance, the approval authority shall require an arrangement of lots, parcels and streets which facilitates future re-division. In such a case, building setback lines may be required in order to preserve future rights-of-way or building sites.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7905 STREET LAYOUT

(A) Except as otherwise provided in subsections (B) and (C) of this section, the arrangement of streets in a land division shall be designed:

(1) To conform to the arrangement established or approved in adjoining land divisions;

(2) To continue streets to the boundary of any adjoining undivided tract where such is necessary to the proper development of the adjoining land;

(3) To assure the maximum possible preservation of existing slopes, vegetation and natural drainage;

(4) To limit unnecessary through traffic in residential areas;

(5) To permit surveillance of street areas by residents and users for maximum safety;

(6) To assure building sites with appropriate solar orientation and protection from winter wind and rain;

(7) To assure storm water drainage to an approved means of disposal; and

(8) To provide safe and convenient access.

(B) Where topography or other conditions make conformance to the existing street pattern or continuance to an adjoining tract impractical, the street layout shall conform to an alternate arrangement authorized by the approval authority.

(C) Where a street layout affecting the proposed land division has been established, the arrangement of streets in the land division shall conform to the established layout.

(D) A half street may be permitted only where appropriate to the future division of adjoining undeveloped property, provided that when possible, additional dedicated right-of-way exceeding one-half of a street may be required to provide adequate width to accommodate two-way vehicle traffic.

(E) When necessary for adequate protection of existing or proposed land uses or to afford separation of through and local traffic, a land division abutting or containing an existing or proposed arterial may be required to include, among other things, a frontage street, reverse frontage lots with extra depth, or screen plantings in a non-access reservation along a property line.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7910 STREET DESIGN

The width, design and configuration of all streets in or abutting the land division shall comply with applicable ordinance standards as follows:

(A) For a public street — in accordance with the Street Standards Code and Rules; and

(B) For a private street — in accordance with the Street Standards Code and Rules, subject to the following additional requirements:

(1) Accessways shall be designed in accordance with Permit Requirements for Accessway Construction published by the Multnomah County Department of Environmental Service. Accessways shall have a maximum length of 300 feet.

(C) A cul-de-sac shall be as short as possible and shall have a maximum length of 400 feet and serve building sites for not more than 18 dwelling units. A cul-de-sac shall terminate with a turnaround having a radius of 50 feet.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7915 STREET RESERVE STRIPS

The land division shall provide for the appropriate extension or widening of streets serving the division or for allocating the improvement costs among future land divisions. A reserve strip or street plug may be required for such purposes. The control and disposition of reserve strips or plugs shall be placed within the jurisdiction of the County.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7920 TEMPORARY TURNAROUNDS

A temporary turnaround shall be provided on any street that is appropriate for continuation, either within the land division or beyond, when the street serves more than six interior lots. However, in the case of a subdivision to be recorded and developed in stages under MCC 38.7875, a temporary turnaround shall not be required on a street to be continued in a subsequent stage. In such case, an appropriate improvement agreement under MCC 38.8010 may be required by the Planning Director to assure that a temporary turnaround will be provided should the subsequent stage not proceed according to the approved schedule.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7925 STREET NAMES

Names for public streets shall conform to the street naming system of Multnomah County. In order to discourage unnecessary traffic, the nature of a private street, a dead end street or a cul-de-sac shall be identified by a sign approved as to design, content and placement by the County Engineer.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7930 SIDEWALKS, PEDESTRIAN PATHS AND BIKEWAYS

(A) A sidewalk shall be required along any private street serving more than six dwelling units.

(B) A pedestrian path located outside a street right-of-way may be substituted for a required sidewalk when it serves the same circulation function.

(C) Where a pedestrian path and bikeway is part of an approved plan for the area or has been approved on adjoining property, the approval authority may require the provision of a pedestrian path or bikeway within the land division.

(D) In order to provide for an appropriate circulation system, the approval authority may require a pedestrian path and bikeway across an unusually long or oddly-shaped block.

(E) The width, design and configuration of sidewalks and pedestrian paths and bikeways shall comply with applicable ordinance standards, as follows:

(1) In a public right-of-way — in accordance with the Street Standards Code and Rules; and

(2) On private property — as approved by the Planning Director in accordance with an approved Site Review.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7935 EASEMENTS

Easements shall be provided and designed according to the following:

(A) Along the front property line abutting a Street, a five foot utility easement shall be required. The placement of the utility easement may be modified as requested by a public or private utility

provider. Utility infrastructure may not be placed within one foot of a survey monument location noted on a subdivision or partition plat.

(B) Where a tract is traversed by a water course such as a drainage way, channel or stream, a storm water easement or drainage right-of-way adequate to conform substantially with the lines of the water course shall be provided. In a drainage district or water control district, such easement or right-of-way shall be approved by the district board, in accordance with ORS 92.110. If not within such District, approval shall be by the County Engineer.

(C) Easements for pedestrian paths and bikeways shall be not less than 10 feet in width.

(Ord. 1114, Amended, 05/29/2008; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7940 STREET TREES

Street trees shall be planted by the applicant according to the street tree planting plan and schedule approved by the County Engineer as an element of the tentative plan. Trees which have not survived for one year after initial planting shall be replaced by the applicant within four months of loss.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7950 WATER SYSTEM

The provision of domestic water to every lot or parcel in a land division shall comply with the requirements of subsections (4) (a), (b), or (c) of ORS 92.090 and MCC 38.7985 of this Chapter.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7955 SEWAGE DISPOSAL

The provision for the disposal of sewage from every lot or parcel in a land division shall comply with the requirements of subsection (5) (c) of ORS 92.090 and MCC 38.7990 of this Chapter.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7960 SURFACE DRAINAGE

Surface drainage and storm sewer systems shall be provided as required by section 38.7995. The County Engineer may require on-site water disposal or retention facilities adequate to insure that surface runoff volume after development is no greater than that before development.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7965 ELECTRICAL AND OTHER WIRES

Wires serving within a land division, including but not limited to electric power, communication, street lighting and cable television wires, shall be placed underground. The approval authority may modify or waive this requirement in acting on a tentative plan upon a finding that underground installation:

(A) Is impracticable due to topography, soil or subsurface conditions;

(B) Would result in only minor aesthetic advantages, given the existence of above-ground facilities nearby; or

(C) Would be unnecessarily expensive in consideration of the need for low-cost housing proposed on the lots or parcels to be served.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7970 PROPERTY LINE ADJUSTMENT (LOT LINE ADJUSTMENT)

(A) In the General Management Area:

(1) Lot line adjustments for parcels in all land use designations except Open Space, Commercial (GGC), Public Recreation(GG-PR, GS-PR), or Commercial Recreation (GG-CR) shall comply with the following standards:

(a) The lot line adjustment shall not result in the creation of any new parcel(s).

(b) The lot line adjustment shall not result in the potential to create a new parcel(s) or residential development in excess of the minimum density allowed by the land use designation(s) for the affected parcels.

(c) The lot line adjustment shall not allow a parcel that is equal to or larger than the minimum parcel size before the lot line adjustment to become less than the minimum parcel size after the lot line adjustment, except to allow a public or non-profit entity to acquire land for the purpose of protecting and enhancing scenic, cultural, recreation or natural resources, provided the land to be acquired would be protected by a conservation easement or other similar property restriction that precludes future land divisions and development.

(d) The lot line adjustment shall not allow a parcel that is smaller than the minimum parcel size to be reduced in size, except to accomplish one of the following purposes:

1. Resolve boundary disputes, correct physical encroachments, provide reasonable access, or meet buffer or set back requirements, provided:

a. The parcel to be enlarged would not become eligible for a subsequent land division and

b. The amount of land transferred would be the minimum necessary to resolve the issue.

2. Allow a public or non-profit entity to acquire land for the purpose of protecting and enhancing scenic, cultural, recreation or natural resources, provided the land to be acquired would be protected by a conservation easement or other similar property restriction that precludes future land divisions and development.

(e) The lot line adjustment shall not allow the boundary of a parcel designated Large-Scale Agriculture (GGA-40), Commercial Forest Land (GGF-40 or GGF-80), or Open Space to be extended into another land use designation for the purpose of establishing a dwelling under

less stringent provisions (e.g., extending a parcel designated GMA Large-Scale Agriculture [GGA-40] into a parcel designated Rural Center [GGRC] or Residential [GGR, GSR]).

(f) The lot line adjustment shall not allow previously approved parcels or development~~s~~ to violate conditions of approval or become out of compliance or further out of compliance with existing land use and resource protection provisions, including, but not limited to, requirements for buffer zones and landscaping.

(g) The lot line adjustment shall not result in a parcel that cannot comply with existing land use and resource protection provisions, including, but not limited to requirements for buffer zones and landscaping.

(2) Lot line adjustments for parcels designated Open Space shall comply with the following standards:

(a) The lot line adjustment may be allowed upon demonstration that it is necessary to facilitate efforts to protect and enhance scenic, cultural, natural, or recreation resources. (Note: There is no specified minimum parcel size for parcels designated Open Space.)

(b) The lot line adjustment shall comply with provisions (A)(1)(a), (b), (e), (f), and (g) above.

(3) Lot line adjustments for parcels designated Commercial shall comply with provisions (A)(1)(a), (b), (e), (f), and (g) above.

(4) Lot line adjustments for parcels designated Public Recreation (GG-PR, GS-PR) or Commercial Recreation (GG-CR) shall comply with the following standards:

(a) The lot line adjustment may be allowed upon demonstration that it is necessary to facilitate, enhance, or otherwise improve recreation uses on the parcel. (Note: There are no specified minimum parcel sizes for parcels designated Public Recreation [GG-PR, GS-PR] or Commercial Recreation [GG-CR].)

(b) The lot line adjustment shall comply with provisions (A)(1)(a), (b), (e), (f), and (g) above.

(B) In the Special Management Area:

(1) The proposed lot line adjustment shall not result in the creation of any new parcel(s).

(2) A lot line adjustment shall not result in a parcel greater than or equal to 40 acres with a dwelling becoming less than 40 acres.

(3) A lot line adjustment shall not result in a parcel less than 40 acres becoming 40 acres or greater.

(4) A parcel that is smaller than 40 acres shall not be reduced in size, except to accomplish one of the following purposes:

(a) Resolve boundary line disputes, correct physical encroachments, provide reasonable access, or meet buffer or set back requirements, provided

1. The parcel to be enlarged would not become 40 acres or greater and

2. The amount of land transferred would be the minimum necessary to resolve the issue.

(b) Allow a public or non-profit entity to acquire land for the purpose of protecting and enhancing scenic, cultural, recreation or natural resources, provided the land to be acquired would be protected by a conservation easement or other similar property restriction that precludes residential development.

(5) The lot line adjustment shall not cause previously approved parcels or development to violate conditions of approval or become out of compliance or further out of compliance with existing land use and resource protection provisions, including, but not limited to, requirements for buffer zones and landscaping.

(6) The lot line adjustment shall not result in a parcel that cannot comply with existing land use and resource protection provisions, including, but not limited to requirements for buffer zones and landscaping.

(Ord. 1125, Amended, 12/11/2008; Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7975 REQUIRED IMPROVEMENTS

Improvements in a land division shall be made in accordance with the provisions of MCC 38.7980 through 38.8000 and 38.8010.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7980 STREETS, PEDESTRIAN PATHS AND BIKEWAYS

Any street, pedestrian path or bikeway shall be improved as follows:

(A) In a public street — in accordance with this Chapter and the Street Standards Code and Rules; and,

(B) In a private street — in accordance with the Street Standards Code and Rules.

(C) Underground utilities and street lighting facilities, storm drains and water mains located in a street shall be installed prior to the surfacing of the street.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7985 WATER SYSTEM

Water mains, service and fire hydrants shall meet the requirements of the Water District and shall be located as follows:

(A) In a public street — in accordance with the Street Standards Code and Rules; and

(B) In a private street — as approved by the approval authority.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7990 SEWAGE DISPOSAL

(A) A sewage disposal system approved by the State Department of Environmental Quality shall be provided. All lots or parcels in a proposed land division which will utilize private subsurface sewage disposal system shall apply for and obtain approval of a Land Feasibility Study confirming the ability to utilize the system prior to tentative plan approval. In such cases, the approval authority may require that a sanitary sewer line, with branches to the right-of-way line for connection to a future sewer system, be constructed and sealed.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7995 SURFACE DRAINAGE AND STORM SEWER SYSTEMS

Drainage facilities shall be constructed as follows:

(A) In a public street — in accordance with the Street Standards Code and Rules; and

(B) In a private street and on lots or parcels — in accordance with the plans prepared by an Oregon licensed and registered professional engineer and approved by the approval authority.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.8000 OTHER UTILITIES

Other utilities, including electric, gas, street lighting and cable television facilities shall be provided as required by this Chapter and as follows:

(A) In a public street — in accordance with the Street Standards Code and Rules; and

(B) In a private street — as approved by the approval authority.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.8005 VARIANCES

(A) A variance from the provisions of MCC 38.7885 through 38.8000 of this Chapter may be authorized by the Hearings Officer or the Planning Commission, as appropriate. Such a variance may be authorized only when substantially all of the following factors exist:

(1) Special circumstances or conditions apply to the property or to the intended use that do not apply to other property in the same vicinity;

(2) The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant and extraordinary hardship would result from strict compliance with the ordinance requirements;

(3) The authorization of the variance will not be materially detrimental to the public welfare or injurious to other property in the vicinity;

(4) The granting of the variance will not adversely affect implementation of the Comprehensive Plan; and

(5) The circumstances of any hardship are not of the applicant's making.

(B) Application for a variance shall be filed with the Planning Director, on the forms provided, at the time of application for tentative plan approval. The application shall be accompanied by the required fee. Notice of the hearing on the tentative plan shall include notice of the proposed variance.

(C) A variance authorized under the provisions of MCC 38.8005 shall expire upon expiration of the tentative plan approval or of the phase of an approved staged development associated therewith.

(D) A variance from the provisions of the Street Standards Code and Rules may be authorized as provided therein.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.8010 IMPROVEMENT AGREEMENT

Prior to approval of a subdivision plat or partition plat by the County Engineer, the applicant shall execute and file with the County Engineer an agreement with the County, which shall include:

(A) A schedule for the completion of required improvements;

(B) Provision that the applicant file with the County Engineer a maintenance bond, on forms provided by the Engineer, guaranteeing the materials and workmanship in the improvements required by this Chapter against defects for a period of 12 months following the issuance of a certificate of acceptance by the County Engineer; and

(C) A surety bond, executed by a surety company authorized to transact business in the State of Oregon, or a certified check or other assurance approved by the County Attorney, guaranteeing complete performance. Such assurance shall be for a sum equal to 110% of the actual costs of the improvements as estimated by the County Engineer.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.8015 FINAL DRAWING AND PRINTS

(A) Two prints of the subdivision or partition plat shall accompany the final drawing, conforming to all applicable requirements as established by the Oregon Revised Statutes (ORS), Chapters 92 and 209.

(B) Notwithstanding optional provisions in ORS Chapter 92, all parcels created shall be surveyed, monumented and platted, regardless of parcel area.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.8020 INFORMATION REQUIRED ON SUBDIVISION PLAT OR PARTITION PLAT

In addition to the information required to be shown on the tentative plan, the following shall be shown on the subdivision plat or partition plat:

(A) Corners of adjoining subdivisions or partitions.

(B) The location, width and centerline of streets and easements abutting the boundaries of the land division.

(C) Any plat that includes land in areas of Special Flood Hazard or includes a water body or watercourse, as those features are described in MCC Chapter 39.5000 through 39.5055 Flood Hazard Regulations, shall contain a plat note indicating that portions of the plat are subject to flooding and/or high water.

(D) The ownership of each private street shall be shown.

(E) Other certifications required by law.

(Ord. 1264, Amended, 10/25/2018; Ord. 1176, Amended, 03/03/2011; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.8025 SUPPLEMENTAL INFORMATION WITH SUBDIVISION PLAT OR PARTITION PLAT

The following shall accompany the subdivision plat or partition plat, as appropriate:

(A) A copy of any deed restrictions applicable to the subdivision or partition.

(B) A copy of any dedication requiring separate documents.

(C) As used in this section, "lot" means a unit of land that is created by a subdivision of land, and a "tract" will be considered a lot, except for street plugs.

(D) A map, prepared by an Oregon licensed surveyor, of the subdivision plan or partition plat that depicts the normal flood plain or high water line for any water body or watercourse and the extent of areas of Special Flood Hazard as defined in MCC 39.5000 through 39.5055.

(Ord. 1264, Amended, 10/25/2018; Ord. 1176, Amended, 03/03/2011; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.8030 TECHNICAL REVIEW AND APPROVAL OF SUBDIVISION PLAT OR PARTITION PLAT

(A) The subdivision plat or partition plat and all required material shall be filed with the Planning Director for final approval. Within 10 business days of filing, the Planning Director shall determine whether the material conforms with the approved tentative plan and with the applicable requirements of this Ordinance. If the Planning Director determines that there is not such conformity, the applicant shall be so advised and afforded an opportunity to make corrections. When the plat is found to be in conformity, it shall be signed and dated by the Planning Director.

(B) On a subdivision plat, the approval signature of the Chair of the Board of County Commissioners or the Chair’s delegate, shall be required to certify that the plat is approved.

(S-3 - LU 2018)

(C) No building permit shall be issued or parcel sold, transferred or assigned until the partition plat has been approved by the Planning Director and County Surveyor and recorded with the public office responsible for public records.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

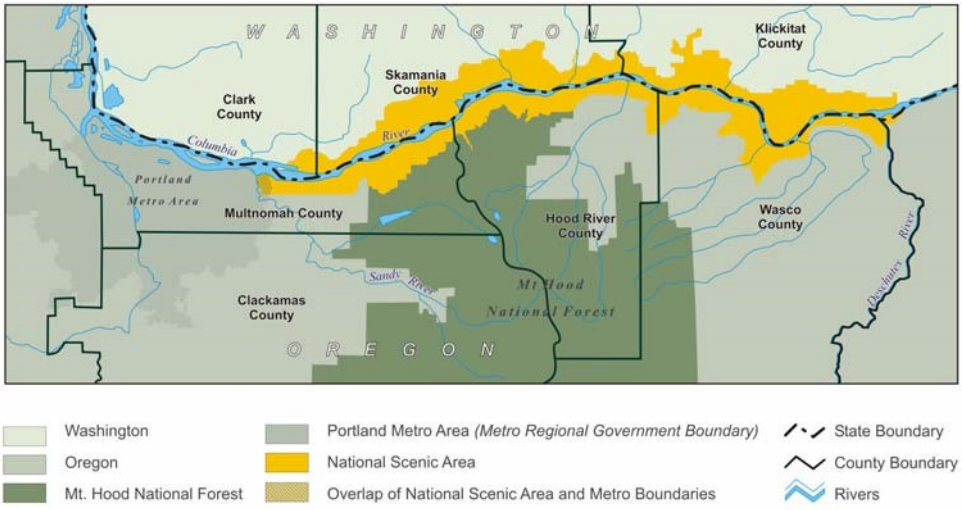
§ 38.8035 FINAL APPROVAL EFFECTIVE

Subdivision and partition approvals shall become final upon the recording of the approved plats, under ORS 92.120, any required street dedications and other required documents with the public office responsible for public records.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

Board Exhibit 2

Columbia River Gorge National Scenic Area
Rural Area Plan Policy Document



~~Prepared for:~~
~~Multnomah County~~
~~Department of Business and Community Services~~
~~Land Use and Transportation Program~~
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~~Prepared by:~~
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~~Oregon Department of~~
~~Land Conservation & Development~~
~~June 2005~~

December 16, 2021

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PURPOSE OF THE RURAL AREA PLAN

The purpose of this Rural Area Plan is to guide decision making regarding land use, capital improvements, and physical development of the Multnomah County portion of the Columbia River Gorge National Scenic Area.

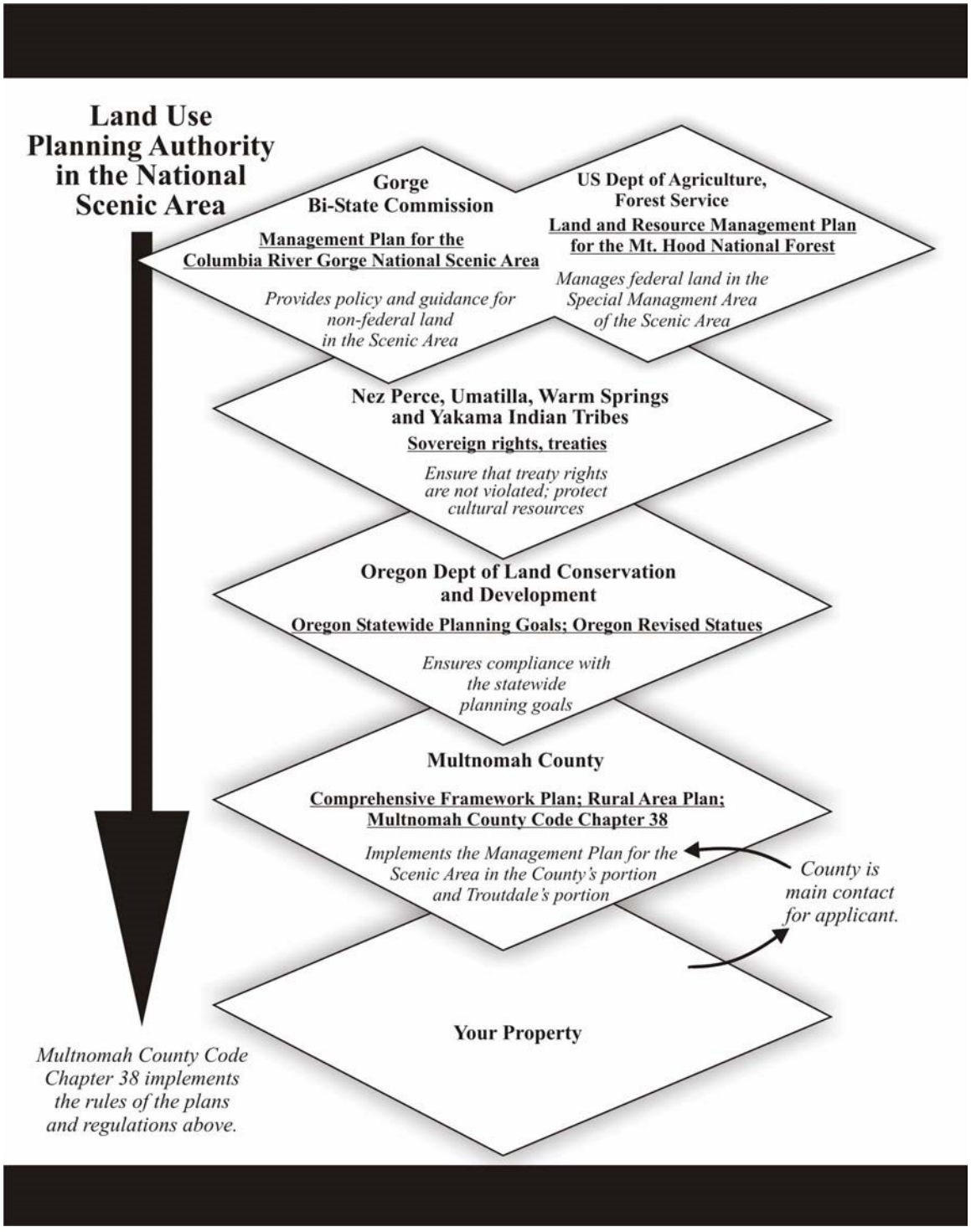
INTRODUCTION TO AND OVERVIEW OF THE RURAL AREA PLAN

Multnomah County recognizes that the Management Plan for the Columbia River Gorge National Scenic Area is the guiding policy document for the NSA portion of the County. The Rural Area Plan is intended to complement the Management Plan for the Columbia River Gorge National Scenic Area and the Multnomah County Comprehensive Framework Plan. The Multnomah County Comprehensive Framework Plan is the guiding land use planning policy document for the County. The Rural Area Plan is an element of the overall Multnomah County Comprehensive Framework Plan. The Rural Area Plan and the Management Plan for the Columbia River Gorge National Scenic Area guide decision making with regard to land use, capital improvements, and physical development of the community.

This Rural Area Plan for the Columbia River Gorge National Scenic Area ("Scenic Area") explains how Multnomah County conducts land use planning in the portion of the Scenic Area within the County. The Scenic Area covers 85 miles along the Columbia River, including portions of Multnomah, Hood River, and Wasco counties in Oregon and Clark, Klickitat, and Skamania counties in Washington, and the Mt. Hood and Gifford Pinchot National Forests.

Rural Area Plan Policy

The purposes of the Columbia River Gorge National Scenic Area Districts are to protect and provide for the enhancement of the scenic, cultural, recreational, and natural resources of the Columbia River Gorge, and to protect and support the economy of the Columbia River Gorge by encouraging growth to occur in existing urban areas and by allowing future economic development in a manner that protects and enhances the scenic, cultural, recreational, and natural resources of the Gorge. The Rural Area Plan explains the various sources for the County's authority to administer land use planning in the Scenic Area and identifies the other agencies the County partners with to manage the Scenic Area. The list below shows the ~~heirarchy~~ hierarchy of authority for land use planning in the Multnomah County portion of the Scenic Area. Agencies are shown in bold, their guiding plans and regulations in *italic*, and their primary responsibility in plain type.



Introduction to the Columbia River Gorge National Scenic Area Act

U.S. Congress established the Scenic Area with Columbia River Gorge National Scenic Area Act ("the Act"—Public Law 99-663) on November 17, 1986. Congress called for the preparation of a management plan that would treat the portions of six counties in the states of Oregon and Washington as a region. The Congress also established a two-tiered management approach that divides responsibility between the U.S. Department of Agriculture, Forest Service (U.S. Forest Service) and the Columbia River Bi-State Gorge Commission. Congress directed the U.S. Forest Service to prepare land use designations and guidelines for the Special Management Areas (SMA). The SMA includes the region's most sensitive lands, concentrated

primarily in the western half of the Scenic Area. Congress authorized the Gorge Commission to plan for General Management Area (GMA) lands, which include agricultural, forestry, and residential uses.

INTRODUCTION TO THE MANAGEMENT PLAN FOR THE COLUMBIA RIVER GORGE NATIONAL SCENIC AREA

The Gorge Commission adopted Federal Interim Guidelines for the Scenic Area in 1988 and adopted the Management Plan for the Columbia River Gorge National Scenic Area on October 15, 1991. The U.S. Secretary of Agriculture gave his concurrence of the Management Plan for the Columbia River Gorge National Scenic Area on February 13, 1992. As part of the National Scenic Area Act, Congress directed the Gorge Commission to conduct a comprehensive review of the Management Plan for the Columbia River Gorge National Scenic Area at least once every 10 years, to determine if it needs to be revised. The Commission started their first 10-year review in the spring of 2001. After public feedback and testimony, the Gorge Commission adopted a revised Plan on April 27, 2004. A similar comprehensive review process concluded on October 13, 2020 following a three year public planning process when the Gorge Commission adopted revisions to the Management Plan. As required under the Act, the U.S. Secretary of Agriculture has since concurred with the revisions and the Gorge Commission transmitted a final version of the Management Plan for the Columbia River Gorge National Scenic Area to Multnomah County on ~~September 8, 2004~~ March 16, 2021. From this date, the County had 60 days to inform the Gorge Commission if it would be revising its codes to implement the changes (which ~~The~~ Multnomah County ~~Board of Commissioners Chair~~ did on ~~October 21, 2004~~March 29, 2021) and ~~9 months to update its plans and ordinances~~ began the local code amendment process implementing the Management Plan revisions. ~~Multnomah County prepared this Rural Area Plan in conjunction with the amendments to Chapter 38 of the Multnomah County Code. As part of the code amendment and Rural Area Plan preparation process, the County held public open houses on December 8, 2004 and March 30, 2005 at the Corbett High School. The County also formed a Citizen's Advisory Committee that met five times in 2005 to provide input on the amendments to the County code and the Rural Area Plan. Meetings were held on January 27, February 10, February 24, March 10, and March 17.~~ The Multnomah County Planning Commission considered ~~the Rural Area Plan~~ proposed revisions to Chapter 38 regulations at a public hearings on ~~May 2, 2005~~ October 4 and November 1, 2021. The Multnomah County Board of Commissioners considered ~~the Rural Area Plan~~ an ordinance amending Chapter 38 and this rural area plan policy document which is a component of the Multnomah County Comprehensive Plan at ~~a~~ public hearings on ~~June 16, 2005~~ December 2 and 9, 2021.

RELATIONSHIP OF THE RURAL AREA PLAN TO OTHER EXISTING PLANS AND REGULATIONS

Management Plan for the Columbia River Gorge National Scenic Area

The Management Plan for the Columbia River Gorge National Scenic Area serves as the overall policy document or comprehensive plan that guides the regulations in Multnomah County Code Chapter 38. The Management Plan for the Columbia River Gorge National Scenic Area regulates land use to ensure that development does not compromise the scenic, cultural, natural, and recreational resources of the Gorge that are of particular value to the nation, and to protect agricultural, forest, and recreation land and open spaces. The Management Plan for the

Columbia River Gorge National Scenic Area applies to all six counties in the Scenic Area. The policies and strategies incorporated into this Rural Area Plan are only applicable to the Multnomah County portion of the Scenic Area. In addition, the Rural Area Plan contains specific policy direction for provisions in the Multnomah County Code that are not provided by the Management Plan for the Columbia River Gorge National Scenic Area. The Rural Area Plan is intended to complement the Management Plan for the Columbia River Gorge National Scenic Area and the Multnomah County Comprehensive Framework Plan.

The Multnomah County Comprehensive Framework Plan is the guiding land use planning policy document for the County. The Rural Area Plan is an element of the overall Multnomah County Comprehensive Framework Plan. The Comprehensive Framework Plan applies to all areas of Multnomah County, both in the Scenic Area and not in the Scenic Area. The plan can be changed only if it goes through the process of an official plan amendment. ~~Policy 41~~ Policy 1.5 of the Comprehensive Framework Plan is to implement the goals, objectives, policies, guideline elements, and maps of the Management Plan for the Columbia River Gorge National Scenic Area.

The Rural Area Plan, as an element of the Comprehensive Framework Plan, and the Management Plan for the Columbia River Gorge National Scenic Area guide decision making with regard to land use, capital improvements, and physical development of the community. It will be used by the County, other governmental agencies, developers and residents of the area. In the event of a conflict between the Comprehensive Framework Plan, Rural Area Plan and the Management Plan, the policies and guidelines of the Management Plan for the Columbia River Gorge National Scenic Area will prevail.

Management Plan for the Columbia River Gorge National Scenic Area Policies

Multnomah County recognizes that the Management Plan for the Columbia River Gorge National Scenic Area, in conjunction with the Rural Area Plan as an element of the Comprehensive Framework Plan, serves as the policy document that guides land use regulation in the Scenic Area.

Multnomah County shall amend Chapter 38, Columbia River Gorge National Scenic Area, of the Multnomah County Code as needed to be consistent with the Management Plan for the Columbia River Gorge National Scenic Area.

Land and Resource Management Plan for the Mt. Hood National Forest

The Management Plan for the Columbia River Gorge National Scenic Area and the Mt. Hood Land and Resource Management Plan guide land management on National Forest System land in the Scenic Area. The Rural Area Plan has no relationship to the Land and Resource Management Plan, as the Rural Area Plan does not guide management of federal land, and the Land and Resource Management Plan does not apply to non-federal land.

Land and Resource Management Plan for the Mt. Hood National Forest Policy

Multnomah County recognizes that the Management Plan for the Columbia River Gorge National Scenic Area and the Land and Resource Management Plan for the Mt. Hood National Forest serve as the policy documents that guide land use management on National Forest System Land in the Scenic Area.

Indian Tribes' Sovereign Rights and Treaties

The four Columbia River Treaty Tribes (The Nez Perce Tribe, the Confederated Tribes of the Umatilla Indian Reservation, the Confederated Tribes of Warm Springs, and the Confederated Tribes and Bands of the Yakama Indian Nation) signed treaties with Congress the United Stated in 1855. These treaties ceded to the United States legal title to millions of acres of land. They also reserved and guaranteed certain aboriginal rights exercised by Indian people since time immemorial. The legally protected sovereign and treaty rights belong to each of the four ~~Indian~~ Columbia River treaty tribes and are regulated and enforced by the respective Indian tribal governments. The Indian tribal governments exercise inherent sovereign powers, as limited by treaty or act of Congress. Multnomah County and the Rural Area Plan must observe these rights.

Indian Tribe's Sovereign Rights and Treaties Policy

Ensure that the Multnomah County Code Chapter 38 and its application do not adversely affect treaty or other rights of any ~~Indian~~ of the four Columbia River treaty tribes.

Oregon Statewide Planning Goals

The foundation of the Oregon land use planning program is a set of 19 Statewide Planning Goals that express the state´s policies on land use and on related topics, such as citizen involvement, housing, and natural resources. Oregon´s statewide goals are achieved through local comprehensive planning. State law requires each city and county to adopt a comprehensive plan and the zoning and land-division ordinances needed to put the plan into effect. The local comprehensive plans must be consistent with the Statewide Planning Goals. Plans are reviewed for such consistency by the state´s Land Conservation and Development Commission. When Land Conservation and Development Commission officially approves a local government´s plan, the plan is said to be ´acknowledged.´ It then becomes the controlling document for land use in the area covered by that plan.

In enacting ORS 196, the Oregon Legislative Assembly found that the Management Plan for the Columbia River Gorge National Scenic Area achieves on balance the purposes of the Statewide Planning Goals (ORS 196.107(1)). Therefore the County applies the Management Plan for the Columbia River Gorge National Scenic Area in the scenic area rather than the Statewide Planning Goals. The Rural Area Plan, as a complement to the Management Plan for the Columbia River Gorge National Scenic Area, does not directly address the Statewide Planning Goals.

Oregon Revised Statutes

The Oregon State Legislature codified the Scenic Area Act in Oregon Revised Statutes Chapter 196. The statutes establish the relationship of the Gorge Commission; Multnomah, Wasco, and Hood River counties; and the Oregon Land Conservation and Development Commission. The statutes also establish the relationship among the Management Plan for the Columbia River Gorge National Scenic Area, Oregon Statewide Planning Goals, and county plans and ordinances.

Oregon Statewide Planning Goals Policy

Multnomah County recognizes that the Oregon State Legislative Assembly and the Department of Land Conservation and Development consider the Management Plan

for the Columbia River Gorge National Scenic Area to achieve, on balance, the objectives of the Statewide Planning Goals.

Multnomah County Comprehensive Framework Plan

The Framework plan establishes goals, policies, and strategies to guide development in the County. Policy ~~41~~1.5: Columbia River Gorge National Scenic Area, states that it is the County's policy to implement the goals, objectives, policies, and guideline elements of the Management Plan for the Columbia River Gorge National Scenic Area. The strategy to implement this policy is to amend and apply the zoning districts and review procedures of the zoning code to implement the Management Plan for the Columbia River Gorge National Scenic Area.

Comprehensive Framework Plan Policy

The Rural Area Plan is an element of the Multnomah County Comprehensive Framework Plan, and together with the Management Plan for the Columbia River Gorge National Scenic Area, provides the policy basis for Multnomah County Code Chapter 38.

AUTHORITY IN THE COLUMBIA RIVER GORGE NATIONAL SCENIC AREA

Columbia River Gorge Commission

Through an inter-state compact, the states of Oregon and Washington established the Columbia River Gorge Commission. The Commission is comprised of 12 volunteers. Each County appoints one Commissioner. The Governors of Washington and Oregon each appoint three. One non-voting member is appointed by the U.S. Secretary of Agriculture. Members serve for a period of four years. The two states share the cost of the Gorge Commission's budget and ~~expeditures~~ expenditures equally.

The Gorge Commission's activities with respect to Multnomah County include:

- Developing and adopting land use and resource protection policy through the Management Plan for the Columbia River Gorge National Scenic Area.
- Serving as the appeals board for Scenic Area land use decisions issued by Multnomah County. This function serves to increase uniformity of implementation through the six counties and two states in the scenic area.
- Working with Multnomah County and the other five Scenic Area counties who administer the land use ordinances that implement Management Plan for the Columbia River Gorge National Scenic Area.

The Gorge Commission's powers with respect to land use in Multnomah County include:

- The power to disapprove a land use ordinance enacted by Multnomah County if the ordinance is inconsistent with the Management Plan for the Columbia River Gorge National Scenic Area.
- The power to enact a land use ordinance that sets standards for the use of non-federal land if the County fails to enact land use ordinances consistent with the Management Plan for the Columbia River Gorge National Scenic Area.

- The power to consider and decide appeals filed by any person or entity adversely affected by a final action or order of the County relating to the implementation of the National Scenic Area Act.

Multnomah County sends land use applications to the Gorge Commission for its review as part of the County's site review process.

Columbia River Gorge Commission Policy

Multnomah County recognizes the Columbia River Gorge Commission's responsibility for revising the Management Plan for the Columbia River Gorge National Scenic Area and its authority to serve as an appeals board for Multnomah County Scenic Area land use decisions.

U.S. Department of Agriculture, Forest Service

The U.S. Forest Service determines the consistency of projects on federal lands with the Management Plan for the Columbia River Gorge National Scenic Area. The U.S. Forest Service administers the National Forest System lands within the special management areas of Multnomah County in accordance with the Act, the Land and Resource Management Plan for Mt. Hood National Forest (1990), and other laws, rules and regulations applicable to the National Forest System. Multnomah County accepts applications for new development and uses in the SMA on non-federal land and forwards them to the U.S. Forest Service for their review and for certain additional resource information. Multnomah County coordinates with the U.S. Forest Service to obtain technical support with respect to cultural resources, anadromous fisheries, oak woodland and wetlands management on non-federal lands. The U.S. Forest Service also maintains and updates a geographic information systems for use by the counties, Gorge Commission, and U.S. Forest Service.

The U.S. Forest Service's other activities and responsibilities include:

- Assuring that actions on all federal lands are consistent with the Act.
- Concurring on consistency of Management Plan for the Columbia River Gorge National Scenic Area amendments with the Act, and concurring on consistency of SMA ordinances with the Management Plan for the Columbia River Gorge National Scenic Area (authority delegated from the Secretary of Agriculture to the Region 6 Regional Forester).
- Consulting with Indian tribal governments at the government-to-government level to determine the effect of all new development or uses in the SMA on treaty rights. The U.S. Forest Service notifies the County of the determination as part of the review process.
- Continue to acquire SMA and Dodson/Warrendale Special Purchase Unit land through purchase, donation, or land exchange.
- Provide fish and wildlife resource information to counties and the Gorge Commission.
- Provide historic resource information to counties and the Gorge Commission.
- Provide technical assistance in SMA forest practices review for consistency with the Management Plan for the Columbia River Gorge National Scenic Area.

U.S. Forest Service Policies

Multnomah County recognizes the authority of the U.S. Forest Service to manage National Forest System lands in the Scenic Area according to the Management Plan

for the Columbia River Gorge National Scenic Area and the Land and Resource Management Plan for the Mt. Hood National Forest.

Multnomah County recognizes the authority of the U.S. Forest Service to determine consistency with the Management Plan for the Columbia River Gorge National Scenic Area for all projects on federal lands in the Scenic Area.

Multnomah County shall foster close cooperation with the U.S. Forest Service in order to coordinate review of development proposals for SMA lands.

Indian Tribes

Four tribal entities with interests in the Scenic Area play an important role in implementing the Management Plan for the Columbia River Gorge National Scenic Area and protecting cultural resources. Tribal trust lands in the Scenic Area are managed by the Nez Perce Tribe, the Confederated Tribes of the Umatilla Indian Reservation, the Confederated Tribes of Warm Springs, and the Confederated Tribes and Bands of the Yakama ~~Indian tribes~~ Nation.

Treaty rights are defined by the treaties of 1855 between Congress and the Indian tribal governments. These treaties reserved and guaranteed certain aboriginal rights exercised by Indian people since time immemorial. These legally protected rights belong to each Indian tribe and are regulated and enforced by the respective Indian tribal governments. The Indian tribal governments exercise inherent sovereign powers, as limited by treaty or act of Congress.

Indian treaty rights must be observed by the Gorge Commission as well as local and state governments, federal agencies, and private citizens. Indian treaty rights guarantee the exclusive right of taking fish in the streams running through and bordering reservations and the privilege of hunting, gathering roots and berries and pasturing their stock on unclaimed lands (all public lands).

Multnomah County coordinates with the four tribal governments on matters respecting the Scenic Area principally through the notification process. Notices and decisions regarding land use applications in the Scenic Area are copied to all four tribal governments.

Indian Tribes Policies

Multnomah County shall notify the four Indian tribal governments when new uses are proposed on lands where tribal members exercise treaty or other rights.

Indian tribal governments shall have an opportunity to review and comment on new uses that are proposed on lands, or in waters, where tribal members exercise treaty or other rights.

Project applicants shall consult Indian tribal governments that submit substantive comments about proposed uses that may affect or modify treaty or other rights.

Proposed uses that would adversely affect treaty or other rights of any Indian tribe shall be prohibited.

Metro Regional Government Jurisdiction Within Scenic Area

The jurisdictional boundary of the regional government Metro extends into the Scenic Area east of the Sandy River to include about four square miles. Metro is a directly elected regional government that serves more than 1.3 million residents in Clackamas, Multnomah and

Washington counties, and the 25 cities in the Portland, Oregon, metropolitan area. Land use related functions which Metro provides are management of the urban growth boundary, regional transportation planning, and development of programs to protect natural resources and water quality. Metro's authority includes the ability to require local government compliance with their adopted programs.

Many of the Metro land use planning functions are implementation of certain Statewide Planning Goals. Examples of those Goals are those that strive to contain sprawl, strive to eliminate barriers to sufficient affordable housing, and developing protections for such "Goal 5" resources as fish and wildlife habitat. In particular Metro has inventoried and mapped the fish and wildlife resources within its jurisdiction, even the area inside the Scenic Area.

To avoid potential conflicting jurisdiction, Multnomah County takes the position that because the Oregon Legislature in ORS 196.107 has determined that the Management Plan achieves the purposes of the Statewide Goals, then the program developed by Metro to protect the fish and wildlife Goal 5 resources under Oregon Administrative Rule 660-023-0080 is not applicable within the Scenic Area.

Metro Jurisdiction Policy

It is the policy of Multnomah County that the Management Plan achieves the purposes of the Statewide Planning Goals, the Management Plan implements the Goal 5 fish and wildlife protection program and Metro ordinances regarding the Goal 5 fish and wildlife protection program do not apply.

Multnomah County

Multnomah County is one of six counties with lands in the Columbia River Gorge Scenic Area. Section 7 of the National Scenic Area Act requires counties to develop land use ordinances consistent with the Management Plan for the Columbia River Gorge National Scenic Area. With adoption of Multnomah County Code Chapter 38 that the Gorge Commission and the Secretary of Agriculture (as delegated to the Regional Forester) for the SMA have found to be consistent with the current Management Plan for the Columbia River Gorge National Scenic Area, the County has the authority to implement the Management Plan for the Columbia River Gorge National Scenic Area for scenic area lands within its jurisdiction. Multnomah County has authority from the Scenic Act to adopt ordinances with provisions that vary from the policies and guidelines in the Management Plan for the Columbia River Gorge National Scenic Area as long as the ordinances provide greater protection for the scenic, cultural, natural, and recreation resources of the Scenic Area (with concurrence by the Gorge Commission and the Secretary of Agriculture for the SMA). The County also has the authority to deny any permit or otherwise refuse to take any action that is inconsistent with the purposes and standards of the Management Plan for the Columbia River Gorge National Scenic Area.

Multnomah County is one of nine counties in the State of Oregon to have a home rule charter. Home rule charters allow voters the power to adopt and amend their own county government organization within certain limits set by the state. An amendment to the Oregon Constitution in 1958 allowed home rule charters. Until that time, counties were considered agents of the state government. The voters of Multnomah County approved a home rule charter on May 24, 1966, which became effective January 1, 1967. The primary organizational change was a

governing body consisting of a board of five full-time county commissioners, which is the policy determining body of the county.

The County's home rule charter recognizes the dual role of the county as a unit of local government and as an agency of the state. The charter allows the County to avail itself of local determination in county affairs to the fullest extent possible under the constitution and laws of the state. Chapter II of the charter confers upon the County general powers. The county has authority over matters of county concern to the fullest extent granted or allowed by the constitutions and laws of the United States and the State of Oregon, as fully as though each particular power comprised in that general authority were specifically listed in the charter. The charter shall be liberally construed, and each power of the county under the charter shall be construed as a continuing power unless the charter or the grant of the power indicates the contrary.

Multnomah County Authority Policies

Multnomah County shall review and decide upon applications for all permits relating to the use of non-federal land within the Multnomah County portion of the Scenic Area. These permits include all form of land divisions, land use, and legislative enactments and amendments to the Multnomah County Comprehensive Plan and Multnomah County Code.

Multnomah County shall review all development proposals on non-federal land in the Scenic Area for consistency with the Management Plan for the Columbia River Gorge National Scenic Area by applying the standards, criteria, and procedures in Multnomah County Code Chapter 38.

Multnomah County may adopt provisions that vary from the Management Plan for the Columbia River Gorge National Scenic Area when it deems that the provisions are more protective of the resources in the scenic area.

The County may adopt provisions that vary from the Management Plan for the Columbia River Gorge National Scenic Area when it deems they are necessary to protect general health, safety, and welfare or to implement state or federal laws not regulated by the Columbia River Gorge National Scenic Area Act, when not inconsistent with the Management Plan for the Columbia River Gorge National Scenic Area.

City of Troutdale

The portion of the City of Troutdale, east of the Sandy River is within the Columbia River Gorge National Scenic Area. The City has not enacted an ordinance to implement the Management Plan for the Scenic Area and until the City of Troutdale enacts such regulations, Multnomah County is directed by the Scenic Area Act to enforce its implementing ordinance in this portion of the City. Development proposals affecting land use in this area are reviewed by Multnomah County staff for compliance with Multnomah County Zoning Code Chapter 38, which has been approved by the Gorge Commission. The City of Troutdale enforces its land use regulations, so that development within the area of the city subject to the National Scenic Area regulations is subject to review by both Multnomah County and the City of Troutdale. Such dual review is a burden to applicants and creates potential for conflicts between City regulations and County regulations. The Management Plan for the Columbia River Gorge National Scenic Area allows counties and cities to enter into agreements so that only one

jurisdiction is applying a land use ordinance: A c*ounty and a city may enter into an agreement to allow the other to implement a land use ordinance that applies to the city and that has been approved or adopted by the Gorge Commission under Section 8 of the Scenic Area Act*. (Part IV – Administration, Chapter 1: Gorge Commission Role, County Ordinances section, Policy 2) Multnomah County supports this concept and may explore the possibility of developing an agreement with the City of Troutdale.

City of Troutdale Policy

Multnomah County shall review development in the Scenic Area portion of the City of Troutdale for consistency with the Management Plan for the Columbia River Gorge National Scenic Area by applying the standards, criteria, and procedures in Multnomah County Code Chapter 38, until such time that the City of Troutdale adopts an ordinance to implement the Management Plan for the Columbia River Gorge National Scenic Area or the City and County enter into an agreement to specify how the Management Plan is to be implemented in this portion of the City.

ISSUES NOT SPECIFICALLY ADDRESSED IN THE MANAGEMENT PLAN FOR THE COLUMBIA RIVER GORGE NATIONAL SCENIC AREA

~~Hillside Development~~ Geologic Hazards

The Management Plan for the Columbia River Gorge National Scenic Area does not specifically address development on hillside areas, but does have thresholds for when ~~a grading~~ an erosion and sediment plan is required, including any necessary geotechnical studies. The main purpose of the Management Plan for the Columbia River Gorge National Scenic Area's standards related to grading are to minimize the visual impact of large-scale grading. The purpose of the geological features inventory performed for the Management Plan for the Columbia River Gorge National Scenic Area was to determine how to protect features and avoid hazards. However, the Management Plan contains no policy guidance for achieving this purpose. Multnomah County's ~~Hillside Development~~ Geologic Hazard District meets fulfills this purpose. The Scenic Area in Multnomah County contains significant geologic resources consisting in many cases of steep and unstable hillsides. Inappropriate grading and ~~hillside~~ development in these areas may further destabilize them, threaten geologic resources, endanger public safety, and create liability issues for the County. Outside the Scenic Area, policy direction for these areas originally derived from the Statewide Planning Goal #7, which covers naturally hazardous areas. Multnomah County has mapped hazardous and steep areas. (The maps are based upon geotechnical analysis prepared by Shannon & Wilson, Inc., dated September 30, 1978 and May 31, 1996.) This document provides policy direction to protect geologic resources and public safety through the application of a ~~Hillside Development~~ Geologic Hazard District. The implementation of grading, ~~hillside~~ development, and erosion control measures in the MCC to protect the resources necessarily differ from the thresholds established by the Management Plan for the Columbia River Gorge National Scenic Area because they implement the Plan's objective to protect geologic features and avoid hazards versus impacts of grading on scenic, or cultural resources.

***~~Hillside Development~~ Geologic Hazard* Policies**

Multnomah County shall endeavor to protect geologic resources in the Scenic Area, particularly to help ensure that grading on unstable and steep slopes does not degrade geologic resources.

Multnomah County shall apply the ~~Hillside Development~~ Geologic Hazard District in the Scenic Area.

Off-Street Parking and Loading

The Management Plan for the Columbia River Gorge National Scenic Area addresses parking in relationship to protecting scenic resources, and primarily deals with setbacks and screening. It does not provide direction on the many specific standards for parking that a jurisdiction typically regulates. Multnomah County needs to fill this gap by enacting additional off-street parking and loading regulations to reduce traffic congestion associated with specific uses, protect the character of neighborhoods and the function of streets, and to ensure uniform and safe standards for parking lot design and layout.

Off-Street Parking and Loading Policy

Multnomah County shall enact standards to reduce traffic congestion associated with specific uses, protect the character of neighborhoods and the function of streets, and to ensure uniform and safe standards for parking lot design and layout. The standards shall regulate the development and maintenance of off-street parking and loading areas, including location, dimensions, design, and minimum number of spaces in the Scenic Area.

Land Divisions

Land divisions in Oregon are governed by Chapter 92—Tentative and Final Approval of Plans; Plats—of the Oregon Revised Statutes (ORS). No land may be subdivided or partitioned except in accordance with ORS 92. Before a plat of any subdivision or partition can be recorded, the county or city having jurisdiction must review and approve the proposed subdivision or partition in accordance with the procedures established by the jurisdiction. The Management Plan for the Columbia River Gorge National Scenic Area provides rules regarding criteria for approving the subdivisions but does not identify how it is to be accomplished. ORS 92 serves this purpose.

The Management Plan for the Columbia River Gorge National Scenic Area regulates land divisions as review uses, so that they must meet the same criteria protecting scenic area resources. New land divisions are not allowed in the Special Management Area, unless the creation of a new parcel will facilitate land acquisition by the federal government to achieve the policies and standards of the Management Plan for the Columbia River Gorge National Scenic Area. Multnomah County's requirements for land divisions ensure that streets connect, lots are developable, pedestrian and bike facilities are provided, utilities are extended logically, and street trees are planted.

Land Divisions Policies

Multnomah County shall enact requirements for land divisions that ensure streets connect, lots are developable, pedestrian and bike facilities are provided, and utilities are extended logically.

The County shall allow the internal lot lines of a group of lots under one ownership to be eliminated and consolidated.

Planned Developments

The Management Plan for the Columbia River Gorge National Scenic Area does not address planned developments. ~~The Management Plan for the Columbia River Gorge National Scenic Area does regulate cluster developments, the purpose of which is to allow creation of lots smaller than the minimum lot size where clustering would provide further protection to resources. Multnomah County needs to provide a means of creating planned environments through the application of flexible and diversified land development standards that will result in better or more efficient development arrangements, make efficient use of resources like energy and land, and of utility networks.~~ Planned developments ~~are broader in scope than cluster developments with respect to conserving a wider~~ conserve range of resources, including the County's investment in infrastructure.

Planned Developments Policy

> *Multnomah County shall allow for planned development projects in the GGRC zone that use flexible and diversified land development standards that will result in better or more efficient development arrangements, and make efficient use of resources like energy, land, and of utility networks.*
>
> *Application of the planned development standards shall be allowed in the Rural Center district (GGRC) for duplexes, single family residences, and limited supporting commercial uses.*

Variances to Dimensional Standards

The Management Plan for the Columbia River Gorge National Scenic Area regulates variances from resource protection setbacks and buffers. The main purpose of allowing variances is to eliminate conflicts between competing resource protections. In addition to these variances, Multnomah County needs to allow variances to dimensional standards in order to provide flexibility for applicants where there are practical difficulties in application of the standards. The Management Plan for the Columbia River Gorge National Scenic Area explicitly allows counties to grant variances to provisions in their land use ordinances that are not required by a policy or guideline in the Management Plan for the Columbia River Gorge National Scenic Area. Policy 3 of the County Ordinances section states: *Counties may grant variances to provisions in their land use ordinances that are not required by a policy or guideline in the Management Plan*. (Part IV – Administration, Chapter 1: Gorge Commission Role)

Variances to Dimensional Standards Policy

> *Multnomah County shall adopt zoning code provisions in Chapter 38 that allow variances to dimensional standards such lot dimensions, setbacks, and building height in order to provide flexibility for applicants where there are practical difficulties in application of the standards.*

Board Exhibit 3

BEFORE THE PLANNING COMMISSION
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. PC 2021-14505

Recommend to the Board of County Commissioners the adoption of one or more ordinances amending Multnomah County Chapter 38 Zoning Code and the Multnomah County Comprehensive Plan in response to federally mandated revisions to the Management Plan for the Columbia River Gorge National Scenic Area approved by the Columbia River Gorge Commission and other amendments to Chapter 38 Code and the Comprehensive Plan not related to the Management Plan revisions.

The Planning Commission Finds:

a. The Planning Commission is authorized by Multnomah County Code Chapter 38.0340 and by ORS 215.110 to recommend to the Board of County Commissioners the adoption of ordinances to amend land use regulations and the County Comprehensive Plan.

b. This recommended amendment to Multnomah County Code Chapter 38 and the Columbia River Gorge National Scenic Area Rural Area Plan (an element of the Multnomah County Comprehensive Plan) implements at the local level federally mandated revisions to the Management Plan for the Columbia River Gorge National Scenic Area (Management Plan). The recommended amendment also proposes to simplify and clarify provisions within the Chapter 38 Zoning Code and Comprehensive Plan.

c. Following a three year public planning process, the Columbia River Gorge Commission adopted revisions to the Management Plan on October 13, 2020 as part of the Columbia River Gorge National Scenic Area Act (National Scenic Area Act) requirement to review and update the Management Plan as needed every ten years. The Management Plan contains the land use and resource protection goals, objectives, policies and guidelines necessary to protect and enhance scenic, cultural, recreational and natural Columbia River Gorge resources and to protect and support the economy of the Columbia River Gorge area.

d. Multnomah County is mandated by the National Scenic Area Act to adopt land use code amendments and any necessary Comprehensive Plan amendments consistent with the Management Plan revisions by December 11, 2021 (270 days from the date the revised Management Plan was transmitted to Multnomah County).

e. The Planning Commission finds the recommended amendments adequately address this federal mandate and also include necessary amendments unrelated to the Management Plan revisions.

f. Property is being "rezoned," as that term is defined in ORS 215.503, and therefore a mailed notice to individual property owners was required and provided ("Ballot

Measure 56" notice). Notice was also published in the Oregonian newspaper and on the Land Use Planning Program website. The Planning Commission held a public hearing on October 4th, 2021, which was continued until November 1st, 2021, where all interested persons were given an opportunity to appear and be heard.

The Planning Commission resolves:

The adoption by the Board of County Commissioners of one or more ordinances amending MCC Chapter 38 and amending the Multnomah County Comprehensive Plan, in a form substantially similar to that approved by the Planning Commission as set forth in the attached staff report, is hereby recommended.

ADOPTED this 1st day of November, 2021

PLANNING COMMISSION
FOR MULTNOMAH COUNTY, OREGON

John Ingle, Chair

Board Exhibit 4

DEPARTMENT OF COMMUNITY SERVICES
LAND USE PLANNING DIVISION
https://multco.us/landuse

1600 SE 190th Avenue, Portland Oregon 97233-5910 • PH. (503) 988-3043 • Fax (503) 988-3389

Planning Commission Agenda

DATE/TIME: **Monday November 1, 2021 @ 6:30p.m.**

PLACE: **The November 1 Planning Commission meeting will be held virtually.**

Instructions for participating in the meeting online, or by phone will be published prior to the meeting on the county Planning Commission webpage:

https://multco.us/landuse/planning-commission

1. Call to Order
2. Roll Call
3. Approval of Meeting Minutes (June 7, 2021 & October 4, 2021 Meeting)
4. Opportunity for Public Comment on Non-Agenda Items
5. Continued Hearing – Amendments To Multnomah County Chapter 38 Zoning Code and the Multnomah County Comprehensive Plan in response to federally mandated revisions to the Management Plan for the Columbia River National Scenic Area approved by the Columbia River Gorge Commission and other amendments to Chapter 38 Code and the Comprehensive Plan not related to the Management Plan revisions (PC-2021-14505)
6. Worksession – Proposed 2022 Planning Commission Work Program
7. Director's Comments

INDIVIDUALS WITH DISABILITIES PLEASE CALL THE PLANNING OFFICE AT (503) 988-3043 OR MULTNOMAH COUNTY TDD PHONE (503) 988-5040 FOR INFORMATION ON AVAILABLE SERVICES AND ACCESSIBILITY.

Monday, December 6, 2021 is the next tentatively scheduled Planning Commission meeting

Planning Commission Hearing
Gorge 2020 Project
PC-2021-14505

November 1, 2021

Carol Johnson, AICP
County Planning Director

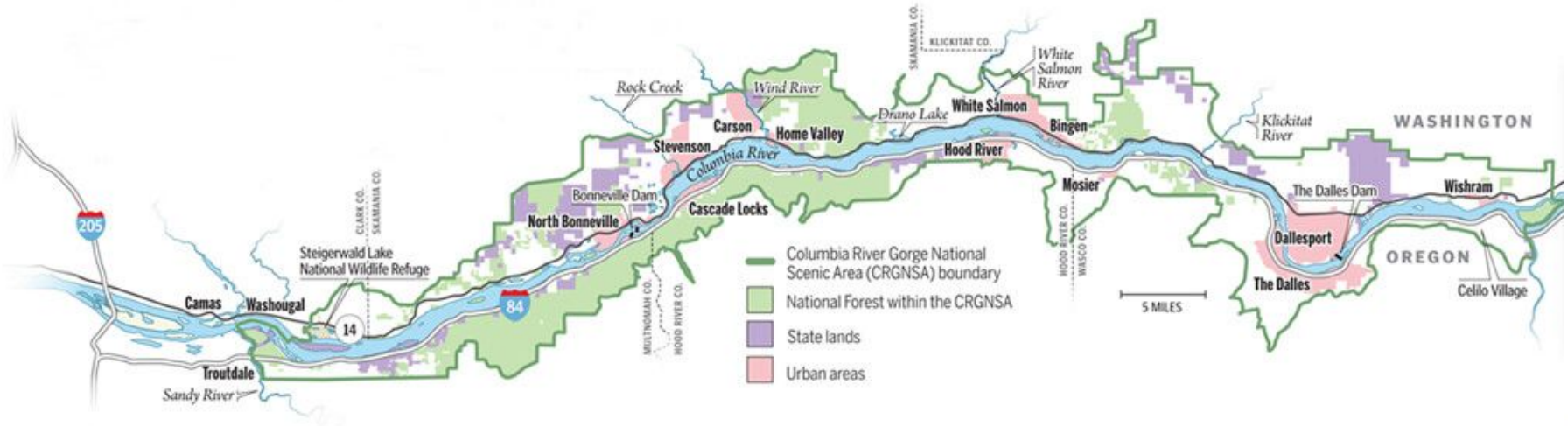
Adam Barber
Deputy Planning Director
County Project Manager

Joanna Kaiserman
Senior Land Use Planner
C. R. Gorge Commission

Dave Flood
Fire Chief
Corbett Fire District #14

Refresher - “Gorge 2020” Project Background

- 1991 - Management Plan Adopted by Columbia River Gorge Commission
    - Protects Scenic, Natural, Cultural, Recreational resources
    - 292,500 ac (6 counties, 2 states)
- Oct. 13, 2020 - Management Plan Revised
- Dec. 11, 2021 - County Adoption Deadline



Refresher - October 4th Staff Presentation

Mandated Code Updates (Topic Areas)

- *Cideries*
- *Overnight accommodation regulations*
- *Renewable Energy Systems*
- *Water sufficiency test*
- *GMA water resource protections*
- *Agricultural dwelling income test*
- *Fire protection standards in all forest zones*
- *Dwelling allowances in GMA forest zones*

Non-Mandated Code Updates (Topic Areas)

- *Clarifying Ch. 39 development std. Applicability*
- *Definitions added*
- *Public comment period extended*
- *Deleting duplicative provisions*

Public testimony provided, record left open

Commission deliberated & continued hearing

Policy Questions Discussed October 4

Should the public comment period for Type 2 NSA applications be expanded from 14 to 21 days, as proposed? *Yes, an additional 7-days for comment should be provided to the public, as proposed.*

Should the property owner be required to occupy the dwelling during rental of an Overnight Accommodation use? *Yes, owner occupancy should be required, as proposed.*

Should 50-foot fire protection setback from steep slopes in forest zones apply to <u>all buildings</u> (as drafted), or should dwellings be exempted from setback requirement as allowed by Management Plan? *Yes, setback should apply to all buildings, as proposed.*

Reporting Back - Additional Questions

Public Testimony - Can the Type 2 appeal period also be extended from 14 to 21 days?

Not recommended. Review of Type 2 Decisions past 4 years suggests this will increase average processing time to 142 days with extension of public comment period.

Planning Commission - Can staff explore adding standard for Overnight Accommodation uses - require access from publicly maintained road?

Not recommended at this time. More time and study required given other similar home based business use categories in code (ex. home occupations). Equity considerations & upcoming deadline.

Public Testimony - Can the definition of 'Dwelling Unit' be amended to replace term *bedrooms* with *sleeping area(s)*? Amended definition:

Dwelling unit: A single self-contained unit with minimum facilities for meeting the needs of daily living. Such facilities shall include, but are not limited to, a food preparation area or kitchen, sleeping area, and a bathroom consisting of a toilet, hand washing basin and shower and/or bathtub.

Reporting Back - Additional Questions

Public Testimony - Can the definition of 'Suitability' be amended to clarify land must be committed "by development" when considered committed to another use? *Amended definition:*

> **Suitability (Suitable):** The appropriateness of land for production of agricultural or forest products, or for recreation, considering its capability for production; whether the land is committed by development to another land use that does not allow for agricultural use; surrounding uses and features associated with development; compatibility with scenic, cultural, natural and recreation resources; compatibility among uses; and other cultural factors, such as roads, power lines, dwellings and size of ownership.

Public Testimony - Can the county add a savings clause stating the Management Plan should be applied if any Plan provision is more restrictive than county code?

> Not recommended. County codes can not be less restrictive than Management Plan.
>
> GC charged with confirmation on adequate resource protection when rules amended. That analysis will occur if approved by Board.

Policy Questions Discussed October 4

Should a path be provided for an *alternative requirement* for slope setbacks, and fire break requirements in the Forest Zones, as proposed (MCC 38.7305)? *More information needed.*

Slope Setback Requirements (summarized)

All buildings and structural projections shall be set back at least 50 feet from any slopes exceeding 30 percent grade.

Alternative setback from slope can be granted by county if local fire or building official recommends an alternative setback and county determines alternative is sufficient to minimize wildfire risks.

Policy Questions Discussed October 4

Fire Break Requirements (summarized)

50-foot fuel break (for buildings and structural projections) shall be extended further down the slope:

Percent Slope	Distance In Feet
Less than 10	*No additional required*
Less than 20	*30 additional*
Less than 25	*55 additional*
Less than 40	*80 additional*

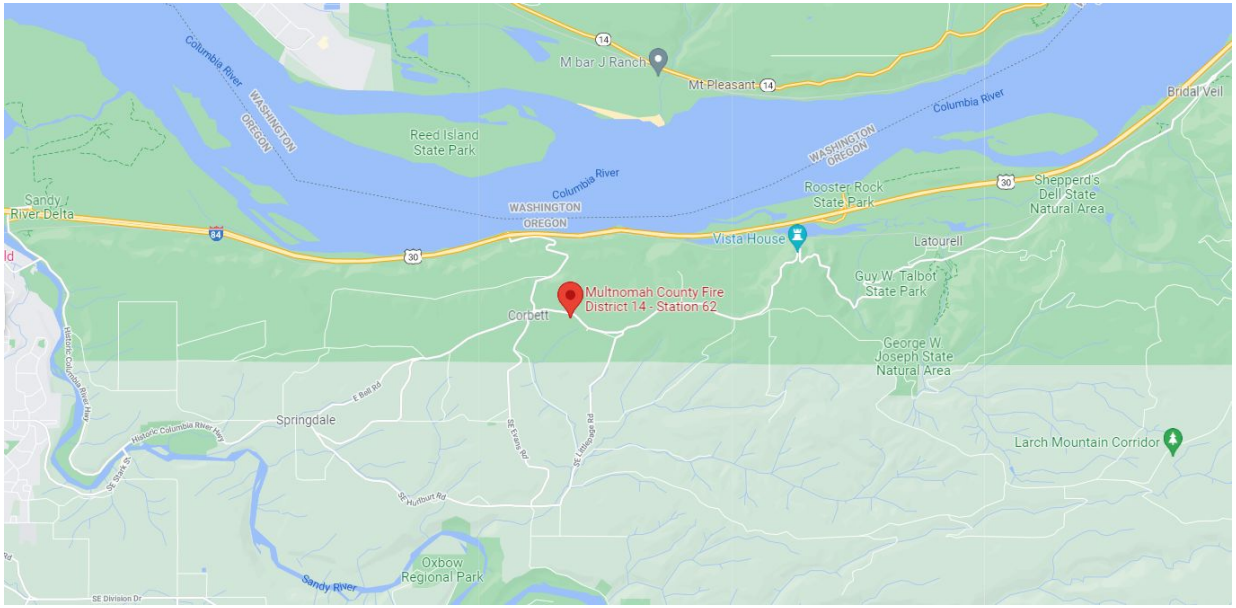
Alternative fuel break can be granted by county if:

local fire or building official recommends an alternative fuel break (less than or greater) and county determines alternative is sufficient to minimize wildfire risks, or if county determines alternative is necessary to protect regulated riparian area vegetation

Alternative Fire Protection Requirements

- Commission undecided on alternative requirement concept
- Some support for added flexibility
- Commission wanted to understand how fire official would conduct assessment
- Types of alternative means and methods that might be recommended?

- Dave Flood, Fire Chief Corbett Fire District



Planning Commission Hearing
Gorge 2020 Project
PC-2021-14505

Questions

BEFORE THE PLANNING COMMISSION
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. PC 2021-14505

Recommend to the Board of County Commissioners the adoption of one or more ordinances amending Multnomah County Chapter 38 Zoning Code and the Multnomah County Comprehensive Plan in response to federally mandated revisions to the Management Plan for the Columbia River Gorge National Scenic Area approved by the Columbia River Gorge Commission and other amendments to Chapter 38 Code and the Comprehensive Plan not related to the Management Plan revisions.

The Planning Commission Finds:

a. The Planning Commission is authorized by Multnomah County Code Chapter 38.0340 and by ORS 215.110 to recommend to the Board of County Commissioners the adoption of ordinances to amend land use regulations and the County Comprehensive Plan.

b. This recommended amendment to Multnomah County Code Chapter 38 and the Columbia River Gorge National Scenic Area Rural Area Plan (an element of the Multnomah County Comprehensive Plan) implements at the local level federally mandated revisions to the Management Plan for the Columbia River Gorge National Scenic Area (Management Plan). The recommended amendment also proposes to simplify and clarify provisions within the Chapter 38 Zoning Code and Comprehensive Plan.

c. Following a three year public planning process, the Columbia River Gorge Commission adopted revisions to the Management Plan on October 13, 2020 as part of the Columbia River Gorge National Scenic Area Act (National Scenic Area Act) requirement to review and update the Management Plan as needed every ten years. The Management Plan contains the land use and resource protection goals, objectives, policies and guidelines necessary to protect and enhance scenic, cultural, recreational and natural Columbia River Gorge resources and to protect and support the economy of the Columbia River Gorge area.

d. Multnomah County is mandated by the National Scenic Area Act to adopt land use code amendments and any necessary Comprehensive Plan amendments consistent with the Management Plan revisions by December 11, 2021 (270 days from the date the revised Management Plan was transmitted to Multnomah County).

e. The Planning Commission finds the recommended amendments adequately address this federal mandate and also include necessary amendments unrelated to the Management Plan revisions.

f. Property is being “rezoned,” as that term is defined in ORS 215.503, and therefore a mailed notice to individual property owners was required and provided (“Ballot

Measure 56” notice). Notice was also published in the Oregonian newspaper and on the Land Use Planning Program website. The Planning Commission held a public hearing on October 4th, 2021, which was continued until November 1st, 2021, where all interested persons were given an opportunity to appear and be heard.

The Planning Commission resolves:

The adoption by the Board of County Commissioners of one or more ordinances amending MCC Chapter 38 and amending the Multnomah County Comprehensive Plan, in a form substantially similar to that approved by the Planning Commission as set forth in the attached staff report, is hereby recommended.

ADOPTED this 1st day of November, 2021

PLANNING COMMISSION
FOR MULTNOMAH COUNTY, OREGON

_____

John Ingle, Chair

Department of Community Services
Land Use Planning Division
www.multco.us/landuse

1600 SE 190th Avenue, Portland Oregon 97233-5910 • PH. (503) 988-3043 • Fax (503) 988-3389

STAFF REPORT FOR THE CONTINUED VIRTUAL PLANNING COMMISSION HEARING

November 1, 2021

AMENDMENTS TO MULTNOMAH COUNTY CHAPTER 38 ZONING CODE AND COMPREHENSIVE PLAN IN RESPONSE TO FEDERALLY MANDATED REVISIONS TO THE MANAGEMENT PLAN FOR THE COLUMBIA RIVER GORGE NATIONAL SCENIC AREA APPROVED BY THE COLUMBIA RIVER GORGE COMMISSION (GORGE 2020 PROJECT) AND OTHER AMENDMENTS TO CHAPTER 38 CODE AND THE COUNTY COMPREHENSIVE PLAN NOT RELATED TO THE MANAGEMENT PLAN REVISIONS

(PC-2021-14505)

Staff Contact:
Adam Barber, Deputy Planning Director
adam.t.barber@multco.us

1.0 INTRODUCTION

The Multnomah County Planning Commission held a public hearing on October 4, 2021 to consider a proposal to amend Multnomah County Chapter 38 Zoning Code and Comprehensive Plan in response to federally mandated revisions to the Management Plan for the Columbia River Gorge National Scenic Area and other amendments to Chapter 38 and the Comprehensive Plan not related to the Management Plan Revisions.

During the October 4th hearing, staff presented a summary of the amendments and the Commission received public testimony. The Planning Commission deliberated on the proposal and voted to keep the public record open and continue the virtual hearing to 6:30pm on November 1, 2021. The next section of this staff report summarizes issues considered by the Commission during the October 4th hearing, reports back on questions raised during the hearing, and summarizes additional revisions proposed since the October 4th hearing.

Please see the October 4, 2021 staff report for a more detailed project description, summary of the proposed amendments and full exhibit list. An updated Exhibit A1 (Chapter 38 Zoning Code Revisions) has been attached to this staff report in response to feedback received during the

October 4th hearing. The new revisions proposed since the October 4th hearing are described below and marked within the revised Exhibit A1 attachment using green background.

2.0 KEY ISSUE SUMMARY

2.1 (Summary of Policy Questions Discussed During the October 4th Hearing)

Staff outlined the following four policy questions for the Commission's consideration during the October 4th hearing. A staff note follows each question explaining how the issue has been addressed.

1. **Should the 50-foot fire protection setback from steep slopes in forest zones apply to all buildings (as drafted), or should dwellings be exempted from setback requirement as allowed by Management Plan (MCC 38.7305)?**

   Staff Note: The Planning Commission supported application of fire protection setbacks to all buildings, including dwellings, as proposed. No further code amendments are necessary to implement this policy direction.

2. **Should a path be provided for an alternative requirement for slope setbacks and fire break requirements in the Forest Zones as proposed (MCC 38.7305)?**

   Staff Note: The Planning Commission was undecided. The majority of Commissioners appeared to support the added flexibility provided for in the proposal but more information was requested on how the fire official would conduct these assessments and what types of alternative means and methods might be suggested by the fire official to satisfy the standards. The Commission recommended that an invitation be extended to a representative of the Corbett Fire District to help address these questions at the continued hearing. Staff forwarded this invitation from the Commission to a representative with the Corbett Fire District.

3. **Should the public comment period for Type 2 NSA applications (except Expedited Uses) be expanded from 14 to 21 days as proposed (MCC 38.0530)?**

   Staff Note: The Planning Commission supported extending the public comment period referenced above from 14 to 21 days, as proposed during the October 4th hearing. A request was made during public testimony by Michael Lang, Friends of the Columbia River Gorge, for the county to also consider extending the local appeal period for Type 2 decisions from 14 to 21 days. The Planning Commission asked staff to explore this proposal and report back at the continued hearing.

   County code currently provides a 30-day appeal period for Type 3 NSA decisions (Type 3 decisions are rendered by a County Hearings Officer) which can be appealed to the Columbia River Gorge Commission. This is why Type 3 decisions were not included in this analysis of whether the appeal period for Type 2 decisions should be extended from 14 to 21 days.

Staff reviewed all Type 2 NSA decisions issued by Multnomah County over the past four years and determined the average timeframe for the county to process these 37 Type 2 decisions was 128 days. Increasing the public comment period from 14 to 21 days for all Type 2 applications, as proposed, would result in the average permit processing timeframe to increase to 135 days (128 days + an additional 7 days = 135).

Multnomah County makes every attempt to process all land use applications within 150-days given this is the time limit referenced in state law for land use decisions outside of the National Scenic Area. It is staff's estimation that increasing both the public comment period and the appeal period from 14 to 21 days as recommended during public testimony would likely raise the average Type 2 NSA permit processing timeline to 142 days (128 days + an additional 14 days = 142). We would expect that the application processing timeframe for a measurable number of applications would exceed 150-days given the 142 days is an average calculation. Such an outcome would not align with the county's internal case processing goal of issuing all land use decisions within 150-days.

In conclusion, staff recommends that the Commission approve the proposed code amendments increasing the public comment period from 14 to 21 days for Type 2 applications but retain the existing 14-day Type 2 decision appeal period without amendment at this time. This opportunity to increase the appeal period can be re-assessed in the future, particularly if average case processing timelines decrease in the NSA due to either additional resources or process efficiencies.

4. **Should the property owner be required to occupy the dwelling during rental of an Overnight Accommodation use (MCC 38.7337)?**

Staff Note: The Commission supported retention of the proposed owner occupancy requirement as reflected in the Management Plan guidelines. The Commission also asked staff to explore the feasibility of establishing a new additional requirement that access to the subject property be from a county maintained road so that local residents are not financially burdened with having to pay for road maintenance repairs related to the Overnight Accommodation business (by vehicles of renters and employees). Staff interpreted this direction as intending to relate to maintenance by any public entity (county or state).

Staff's conclusion after researching this request is that the county should not impose a requirement that Overnight Accommodation uses only take access from a publically maintained road as part of the current set of Code amendments. More questions arose during staff's research than could be resolved as part of this project given the county's December 11, 2021 adoption deadline. It is staff's professional opinion that more study should occur before the county applies different access standards to one home based business use category, but not to other home based businesses such as Home Occupations, for example.

2.2 (Summary of Public Testimony Requesting Specific Amendments)

Definitions

It was recommended by Michael Lang, Friends of the Columbia River Gorge, during the October 4th public testimony that staff further refine the definition of '**Dwelling Unit**' in MCC 38.0015 to delete reference to '*bedrooms*' in the definition and instead replace that term with '*sleeping area(s)*'.

Definition proposed at the October 4, 2021 hearing:

> **Dwelling unit:** A single self-contained unit ~~designed for occupancy by one family and having not more than one cooking~~ with basic facility needs for day-to-day living. Facility needs include, but are not limited to, a food preparation area or kitchen, bedrooms, and a full bathroom.

Mr. Lang provided the following detailed description of the perceived problem to staff after the October 4th hearing to help explain the recommended edit…"*The concern is that the new definition requires a kitchen and multiple bedrooms and a full bathroom to be consider a dwelling. A "dwelling," or second or third dwelling on a single parcel, would not meet the new definition unless it had all three facility needs, including multiple bedrooms. A landowner could potentially get approval for multiple accessory structures because they have one or less formal bedrooms in each. These buildings could then be used as dwellings. Changing the definition to delete "bedrooms" and replace it with "sleeping area(s)" would fix this loophole and include studio and one bedroom dwellings."*

Staff supports Mr. Lang's recommendation. This amendment, and others proposed by staff to this definition, have been made within updated Exhibit A1 for the Commission's consideration. The proposed revised definition would read as follows:

> **Dwelling unit:** A single self-contained unit with minimum facilities for meeting the needs of daily living. Such facilities shall include, but are not limited to, a food preparation area or kitchen, sleeping area, and a bathroom consisting of a toilet, hand washing basin and shower and/or bathtub.

Additionally, Mr. Lang recommended during public testimony at the October 4th hearing that the definition of '**Suitability (Suitable)**' be amended in MCC 38.0015 through the addition of the phrase 'by development' when referring to land committed 'by development' to another land use that does not allow for agricultural use. Again, staff supports this recommendation and the change has also been made to the proposed code within updated Exhibit A1.

Savings Clause

Mr. Lang recommended the addition of the following statement in county code during the October 4th hearing: "*If any provision of the Management Plan is more restrictive than this code,*

Multnomah County shall apply the more restrictive provision of the Management Plan, otherwise the provisions of Chapter 38 apply." Staff's understanding is the intent of this additional language is to avoid a situation where the county applies a less protective standard than required by the Management Plan.

After careful consideration, it is staff's opinion that such a statement is not necessary and could be problematic. Staff agrees with Mr. Lang that the Management Plan requires county codes to provide equal or greater protection of the scenic, cultural, natural, and recreational resources of the NSA. The Gorge Commission is charged with determining consistency with the Plan requirements when a county amends their National Scenic Area zoning regulations and this determination by the Gorge Commission will occur if the Multnomah County Board of Commissioners approves these proposed amendments.

The Gorge Commission will not approve county provisions that do not provide equal or greater protection than the Management Plan and the time to challenge a determination of consistency on any particular provision of code occurs through the Gorge Commission's consistency evaluation process. Adding such a provision to county code, as recommended by Mr. Lang, could create a situation where a challenge on the sufficiency of a county standard could arise during application review after county adoption and approval of consistency by the Gorge Commission of the county land use regulations. Introducing the potential of the county re-opening the Gorge Commission's evaluation of consistency after adoption would also complicate the ability for staff and members of the public to confidently rely on adopted code to make decisions.

2.3 (Additional Revisions)

After the October 4th hearing, staff added a new Expedited Uses category in MCC 38.1010(A)(25) for renewals of Overnight Accommodations permits pursuant to MCC 38.7337. This addition helps clarify that Overnight Accommodation renewals shall be processed as an Expedited Use as stated in MCC 38.7337.

3.0 EXHIBITS TO THIS STAFF REPORT

EXHIBIT A1 Proposed Amendments to Chapter 38 Columbia River Gorge National Scenic Area Zoning Code (Updated 10/22/21)

EXHIBIT A1
PC-2021-14505
Public Draft v.3
(for 11.1.21 Hearing)

TEXT FORMATTING & COLOR KEY FOR REVIEWERS:

(Text Formatting):

~~Strikethrough Text~~ = Proposed for deletion

Double Underlined = Proposed addition

(Text Colors):

Black Text = Existing code. No modifications proposed.

Red Text = Proposed code revisions in response to Management Plan text changes. Most often the proposed red text in the code is proposed verbatim as reflected in the Management Plan, with occasional differences proposed to fit into county code structure or grammatical flow.

Blue Text = Amendments not related to Management Plan Revisions.

Yellow Background = Indicates text language was further developed by county staff, typically to implement a discretionary Management Plan guideline.

Green Background = Indicates text amended after 10.4.21 Hearing

§§:

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Commented [AB1]: The Gorge Commission determined Cottage Industries and Home Occupations were essentially the same land use with near identical requirements. The uses were combined within the Management Plan into Home Occupations with the Cottage Industry guidelines deleted. County code has been updated consistent with the Management Plan revisions.

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PART 1 - GENERAL PROVISIONS

§ 38.0000- PURPOSES

The purposes of the Columbia River Gorge National Scenic Area Districts are to protect and provide for the enhancement of the scenic, cultural, recreational, and natural resources of the Columbia River Gorge, and to protect and support the economy of the Columbia River Gorge by encouraging growth to occur in existing urban areas and by allowing future economic development in a manner that protects and enhances the scenic, cultural, recreational, and natural resources of the Gorge.

(Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0005 AREA AFFECTED

MCC Chapter 38 shall apply to all lands within the Columbia River Gorge National Scenic Area as designated by the Columbia River Gorge National Scenic Area Act.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 994, Amended, 09/26/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0010 USES AND RELATED DEVELOPMENT STANDARDS

(A) No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged, including those proposed by state or federal agencies, in the Columbia River Gorge National Scenic Area except for the uses listed in MCC 38.1000 through 38.3295~~;~~ when considered under the applicable approval provisions of this Chapter.

(B) Except as otherwise authorized in MCC 38.5500 to 38.5520 (Geologic Hazards), ground disturbing activity (as defined by MCC 39.2000) within the Columbia River Gorge National Scenic Area is subject to and must comply with MCC 39.6200 to 39.6225. The definitions provided in MCC 39.2000 and 39.6205 shall be used when applying MCC 39.6200 to 39.6225 in the Columbia River Gorge National Scenic Area. Agricultural Fills and Large Fills, as referenced in MCC 39.6210(A) and defined in MCC 39.2000, are not allowed in the Columbia River Gorge National Scenic Area.

(C) Stormwater drainage control within the Columbia River Gorge National Scenic Area is subject to and must comply with MCC 39.6235. The definitions provided in MCC 39.2000 and 39.6205 shall be used when applying MCC 39.6235 in the Columbia River Gorge National Scenic Area.

(D) Development within areas of special flood hazard (as defined by MCC 39.5005) in the Columbia River Gorge National Scenic Area, including alterations, modifications or relocations to any watercourse, is subject to and must comply with MCC 39.5000 – 39.5055 (Floodplain Development Permit). The definitions provided in MCC 39.2000 and 39.5005 shall be used when applying MCC 39.5000 to 39.5055 in the Columbia River Gorge National Scenic Area.

Commented [AB2]: References have been added to clarify scenarios when county Chapter 39 ground disturbing activity permits, storm water drainage control standards and flood hazard regulations apply within the NSA. This relationship became less clear after certain development standards were relocated from Chapter 29 to Chapter 39 during prior legislative efforts.

(Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0015 DEFINITIONS

As used in this Chapter, unless the context requires otherwise, the following words and their derivations shall have the meanings provided below.

Accepted agricultural practice: A mode of operation that is common to farms or ranches of similar nature, necessary for the operation of such farms or ranches to obtain a profit in money, and customarily utilized in conjunction with agricultural use.

Accessible: In compliance with the Federal accessibility guidelines and standards. Accessible sites and facilities do not contain barriers limiting their use by people with disabilities.

Accessory ~~Alternative Energy System –~~ renewable energy system: ~~-~~A system accessory to a primary structure or allowed use on the parcel that converts energy into a usable form such as electricity or heat, and conveys that energy to ~~uses allowed on the premises~~ the allowed structure or use. An ~~Accessory Alternative Energy System~~ accessory renewable energy system is a solar thermal, photovoltaic or wind turbine structure, or group of structures designed to offset all or part of the annual energy requirements of the ~~property~~ primary use on the subject parcel.

Accessory structure~~/~~or accessory building: A structure or detached building whose use is incidental and subordinate to that of the main use of the property, and that is located on the same parcel as the main building or use. The term "detached" means that the main building and accessory building do not share a common wall. An accessory building connected to the main building by a breezeway is a detached building.

Accessory use: A use or activity that is a subordinate part of a primary use and that clearly is incidental to a primary use on a site.

Active wildlife site: A wildlife site that has been used within the past five years by a sensitive wildlife species.

Addition: An extension or increase in the floor area or height of an existing building.

Adversely Affect or Adversely Affecting: A reasonable likelihood of more than moderate adverse consequence~~s~~ for the scenic, cultural, recreation or natural resources of the National ~~s~~Scenic ~~a~~Area, the determination of which is based on:

(a) The context of a proposed action;

(b) The intensity of a proposed action, including the magnitude and duration of an impact and the likelihood of its occurrence;

(c) The relationship between a proposed action and other similar actions which are individually insignificant but which may have cumulatively significant impacts; and

(d) Proved mitigation measures which the proponent of an action will implement as part of the proposal to reduce otherwise significant effects to an insignificant level.

(S-1 2006)

Agency official: The federal, state, or local agency head or designee who has authority over a proposed project.

Agricultural specialist (Special Management Area): A person such as a county extension agent with a demonstrated knowledge of farming operations, and a demonstrated ability to interpret and recommend methods to implement regulations pertaining to agriculture. Such abilities are usually obtained through a combination of higher education and experience.

Agricultural ~~structure/~~building: A ~~structure or~~ building located on a farm or ranch and used in the operation for the storage, repair and maintenance of farm equipment, and supplies, or for the raising ~~and/~~or storage of crops and livestock. ~~This includes, but is~~ These include, but are not limited to: barns, silos, workshops, equipment sheds, greenhouses, ~~orchard wind machines,~~ and processing facilities~~, storage bins and structures~~.

Agricultural structure: A structure (not including buildings) located on a farm or ranch and used in the operation for the storage, repair, and maintenance of farm equipment and supplies or for the raising and/or storage of crops and livestock. These include, but are not limited to: wind machines (orchards), storage bins, fences, trellises, and irrigation systems.

Agricultural use: The current employment of land for the primary purpose of obtaining a profit in money by the raising, harvesting and selling of crops, or by the feeding, breeding, management and sale of livestock, poultry, fur-bearing animals or honeybees, or dairying and the sale of dairy products, or any other agricultural or horticultural use including Christmas trees. Agricultural use does not include livestock feedlots, the boarding of horses or non-profit horse rescue facility and their accessory uses. Current employment of land for agricultural use includes:

(a) The operation or use of farmland subject to any government agricultural program;

(b) Land lying fallow for one year as a normal and regular requirement of good agricultural management;

(c) Land planted to orchards or to other perennial crops prior to maturity; and

(d) Land under buildings supporting accepted agricultural practices.

Air: The mixture of gases ~~compromising~~ comprising the Earth's atmosphere.

Anadromous fish: Species of fish that migrate upstream to freshwater after spending part of their life in saltwater.

Anaerobic: A condition in which molecular oxygen is effectively absent from the environment.

Animal-unit-month: The amount of forage or feed required to feed one horse, one cow/calf pair, 5 sheep/ 5 goats, 4 llamas/alpacas or other livestock for 30 days.

Aquiculture: The cultivation, maintenance and harvesting of aquatic species.

Aquatic area: The water area of a stream, pond, or lake measured at the ordinary high water mark.

Archaeological resource: See cultural resource.

Archival research: Research in primary documents that is likely to yield information regarding human occupation of the area in question, including, but not limited to, deed, census, cartographic, and judicial records.

Background: One of three main visibility distance zones used to determine relative sensitivity of a development, structure, or use based on its distance from the viewer. Background is represented in the space from four miles to the horizon.

Bed and breakfast inn: An owner occupied and operated establishment located in a structure designed as a single-family dwelling where from two to six rooms are rented on a daily basis. The bed and breakfast use is clearly incidental to the use of the structure as a single-family dwelling, operated as traveler ~~transient~~ accommodations, not as a rooming or boarding house.

Best ~~management practices~~ Management Practices (BMPs)**:** Conservation techniques and management measures that (1) control soil loss and reduce water quality degradation caused by nutrients, animal waste, toxins, and sediment; (2) minimize adverse ~~affects~~ effects to groundwater and surface-water flow and circulation patterns; and (3) maintain the chemical, biological, and physical characteristics of wetlands, ponds, streams, and riparian areas.

Bio-diversity (Special Management Area): A diversity of biological organisms at the genetic, species, ecosystem, and landscape levels.

Boarding of Horses (GMA): The stabling, feeding and grooming for a fee, or the renting of stalls and related facilities, such as training arenas, corrals and exercise tracks, for the care of horses not belonging to the owner of the property. The leasing, renting or use of a pasture for horses by an individual or family does not constitute the boarding of horses provided the use of the pasture is for a single individual or family's animals.

Boat landing: A structure or cleared area used to facilitate launching or retrieving watercraft.

Buffer area: A setback area established and managed to protect sensitive natural or cultural resources from human disturbance or conflicting uses, or an area to protect recreational, agricultural, or forest resources from conflicting uses. In instances involving a wetland, stream, or pond, the buffer area includes all, or a portion, of the riparian area.

Building: A structure used or intended to support or shelter any use or occupancy. Buildings have a roof supported by columns or walls. They include, but are not limited to, dwellings, garages, barns, sheds and shop buildings.

Business Operator: The person who obtains approval to conduct a Type A home occupation, home occupation ~~or cottage industry~~, holds a majority ownership interest in the business, lives full-time in the registered dwelling unit on the parcel, and is responsible for strategic decisions and day-to-day operations of the home occupation ~~or cottage industry~~.

Camping or recreational vehicle: A vacation trailer, camper or self-propelled vehicle equipped with wheels for transport and equipped with plumbing, a sink or a toilet intended for recreational, but not for residential purposes. A camping or recreational vehicle shall be considered a dwelling unit if it is (1) connected to a septic tank or other sewer system, water and electrical lines, or (2) is occupied on the same parcel for more than 60 days in any consecutive 12 month period.

(S-1 2006)

Campsite: Single camping unit, usually consisting of a cleared, level area for a tent, and may include a parking spur, fire ring, table or other amenities.

Canopy closure (Special Management Area): For forest practices, the percentage measuring the degree to which one layer of a tree canopy blocks sunlight or obscures the sky as measured from below.

Capability: The ability of land to produce forest or agricultural products based on characteristics of the land such as soil, slope, exposure or other natural factors.

Cascadian architecture: (Special Management Area): A style of building design typically characterized by exterior use of native rock, exposed log or rough hewn timbers, steep roof pitches, and rustic appearing ornamentation and materials.

Catastrophic situation (SMA): A situation resulting from forces such as fire, insect and disease infestations and earth movements.

Child care center: A facility providing day care to three or more children, but not including the provision of:

(a) Care that is primarily educational unless provided to a preschool child for more than 4 hours a day;

(b) Care that is primarily supervised training in a specific subject, including, but not limited to, dance, gymnastics, drama, music or religion;

(c) Short term care in connection with group athletic or social activities.

(d) Day care in the living quarters of the home of the provider for less than 13 children.

Cidery: See winery.

Columbia River Gorge National Scenic Area Graphic Signing System: Sign design standards developed for the National Scenic Area for public signs in and adjacent to public road rights-of-way.

Columbia River treaty tribes: See Indian tribes.

Commercial development~~/~~ or use: Any facility or use of land or water whose function is primarily retail buying or selling of goods or services or both, but not including fruit ~~or~~ and produce stands.

Commercial event: An organized gathering at an allowed commercial development. Such events include weddings, receptions, indoor concerts, and farm dinners, and are incidental and subordinate to the primary use on a parcel.

Commercial forest product: Timber used for lumber, pulp, and fire wood for commercial purposes.

Commercial recreation: Any non-governmental recreational activity or facility on privately owned land, excluding non-profit facilities, but not including a public recreation facility operated by a private vendor.

Community facilities: Basic utilities and services necessary to support public service needs, including, but not limited to water and power utilities, sanitation facilities, public micro-wave stations and communication facilities, schools, roads and highways, but not including sanitary landfills.

Consulting parties (cultural resources): Organizations or individuals who submit substantive written comments to the County in a timely manner because they are concerned with the effects of a proposed use on cultural resources.

Contiguous land: Parcels or other lands that are under the same ownership and have a common boundary, regardless of whether portions of the parcels have separate tax lot numbers, lie in different counties, lie in different sections or government lots, lie in different zoning designations, or are separated by a public or private road. Contiguous land does not include parcels which meet only at a single point.

Corner Lot: See lot (corner).

County Road: A public road that is maintained by the County and has been designated as a county road under ORS 368,016.

Created opening (Special Management Area): A created forest opening with less than 40 percent average canopy closure of overstory trees and less than 60 percent average canopy closure of understory trees averaging less than 5 inches diameter at breast height for coniferous forests and less than 25 percent total canopy cover for oak woodlands. This definition does not include agricultural fields.

Creation (wetland): A human activity that converts an upland into a wetland. This definition presumes that the area to be converted has not been a wetland within the past 200 years).

Cultivation: Any soil turning, breaking, or loosening activity that prepares land for raising crops, including plowing, harrowing, leveling, and tilling.

~~**Cultural resource:** Evidence of human occupation or activity that is important in the history, architecture, archaeology or culture of a community or region. Cultural resources include, but are not limited to:~~

~~(a) *Archaeological resources*~~

~~1. Physical evidence or ruins of human occupation or activity at least 50 years old located on or below the surface of the ground.~~

~~2. Archaeological resources include, but are not limited to, the remains of houses, villages, camp and fishing sites and cave shelters; rock art such as petroglyphs and pictographs; artifacts such as arrowheads, utensils, tools, fragments of tools and utensils, obsidian flakes, or other material by-products from tool and utensil making activities; and graves, human remains and associated artifacts.~~

~~(b) *Historic buildings and structures*~~

~~1. Standing or aboveground buildings and structures that are at least 50 years old.~~

~~2. Historic buildings and structures include, but are not limited to, log cabins, barns, canals, flumes, pipelines, highways and tunnels.~~

~~(c) *Traditional cultural properties*~~

~~1. Locations, buildings, structures, or objects associated with the cultural beliefs, customs or practices of a living community; rooted in and important for maintaining the continued cultural identity of that community.~~

~~2. Traditional cultural properties include, but are not limited to, locations or structures associated with the traditional beliefs of a Native American group regarding its origins or cultural history; a location where a Native American group has traditionally carried out artistic or other cultural practices important in maintaining its historical identity; or, a location where Native American religious practitioners have historically gone, and continue to go, to perform ceremonial activities. Objects may include petroglyphs, pictographs, rock cairns or other rock structures, trees and rock outcrops.~~

Cultural resource: The objects, features, sites and places that have meaning and significance for specific human groups and cultures. Cultural resources support the cohesive bonds of the communities that recognize and comprehend their significance. Cultural resources can be divided into four types: Archaeological Resources, Historic Buildings, Traditional Cultural Properties and Traditional Use Areas.

(a) Archaeological resources: The artifacts and features left in the landscape of early American Indian activities and the historic activities of early settlers. Artifacts are human-manufactured items and the waste material from manufacture. Features are the human alterations in the landscape. Artifacts include arrowheads and the stone waste flakes from making them and historic cans, bottles, ceramics and wooden and metal objects left in dumps or scattered in the landscape. Features include human-made pits in talus slopes, stacked rocks, rock walls, blazed and scarred trees, ditches, railroad grades, wagon roads, cabin foundations and other human modifications of the natural landscape.

(b) Historic buildings and structures: Standing structures and their associated features. Often, they are still in use but can be abandoned and deteriorating. They are distinct from historic archaeological resources by being above ground and not collapsed to the level of the surrounding landscape.

(d) Traditional cultural properties: Monumental sites, sacred places, legendary areas, mythical locations, traditional gathering areas, and landscapes and landscape features that are identified by the specific communities that hold meaning for them. They maintain and perpetuate values and practices of the group that attach significance to them. They provide spiritual cohesion to the community.

(e) Traditional Use Areas: Procurement and processing sites in the landscape for every kind of resource a society needs to perpetuate its specific culture. They are the sources for food, medicine, fibers and tools that provide subsistence for a specific group's culture.

Culturally significant foods: Natural resources used by Native Americans for subsistence, medicine and ceremony, including: water, fish, big game, roots, and berries.

Culturally significant plants and wildlife: Native plant and animal species essential to the culture of a Native American group.

Cumulative effects: The combined effects of two or more activities. The effects may be related to the number of individual activities, or to the number of repeated activities on the same piece of ground. Cumulative effects can result from individually minor but collectively significant actions taking place over a period of time.

Customer: Has its common meaning and includes a client as well as each person visiting the premises of a business for business reasons that is not an employee of the business.

Cut: An area where soil or earth are excavated or removed in conjunction with development activities and includes:

(a) An excavation;

(b) The difference between a point on the original ground surface and the point of lowest elevation on the final grade;

(c) The material removed in excavation work.

Daily Care – Daily care includes but is not limited to bathing, grooming, eating, medication management, walking and transportation. Daily care does not include financial management or the improvement or maintenance of property.

Dedicated site: An area actively devoted to the current use as delineated on the site plan.

Deer and elk winter range: An area normally or potentially used by deer and elk from December through April.

Destruction of a wetland: The filling, draining, contaminating or any other action which adversely effects the functioning of a wetland**.**

Developed recreation: Recreational opportunities characterized by high-density use on specific sites requiring facilities installation. Density of use, amount of site development, and type of recreation site can vary widely across the spectrum of recreation activities.

Developed road prism (Special Management Area): The area of the ground associated with a particular road and containing the road surface, ditch, shoulder, retaining walls, or other developed features. Does not include the natural appearing portions of cut and fill slopes.

Development: ~~Any mining, dredging, filling, grading, paving, excavation, land division, or structure, including but not limited to new construction of a building or structure.~~ Any land division or new construction or modification of buildings, structures and roads, and any earth-moving activity, including, but not limited to, mining, dredging, filling, grading, paving, and excavation.

Diameter at breast height (dbh): The diameter of a tree as measured at breast height.

Distance zone: Distance zones (see Background, Middleground, and Foreground) are used to determine relative sensitivity of a development, structure, or use based on its distance from the viewer. Generally, the closer a development is to the area it is being viewed from, the more attention will need to be given

to site placement, design features, and mitigations to ensure the development blends with the landscape.

Driveway: See private driveway.

Duplex: A building containing two dwelling units and designed for occupancy by two families.

~~**Dwelling, single family:** A detached building containing one dwelling unit and designed for occupancy by only one family.~~

Dwelling unit: A single self-contained unit ~~designed for occupancy by one family and having not more than one cooking~~ with minimum facilities for meeting the needs of daily living. Such facilities shall include, but are not limited to, a food preparation area or kitchen, sleeping area, and a bathroom consisting of a toilet, hand washing basin and shower and/or bathtub.

Earth materials: Any rock, natural soil or any combination thereof. Earth materials do not include non-earth or processed materials, including, but not limited to, construction debris (e.g., concrete, asphalt, wood), organic waste (e.g., cull fruit, food waste) and industrial byproducts (e.g., slag, wood waste).

Effect on Treaty Rights: To bring about a change in, to influence, to modify, or to have a consequence to Indian treaty or treaty related rights in the Treaties of 1855, executed between the individual Indian tribes and the Congress of the United States as adjudicated by the Federal courts, with the Nez Perce Tribe, the Confederated Tribes of the Umatilla Indian Reservation, The Confederated Tribes of the Warm Springs, and the Confederated Tribes and Bands of the Yakama Nation ~~tribes~~.

Emergency/Disaster: A sudden unexpected occurrence, either the result of human or natural forces, necessitating immediate action to prevent or mitigate significant loss or damage to life, health, property, essential public services, or the environment.

Emergency/Disaster Response: Actions involving any development (such as new structures, grading, or excavation) or vegetation removal that must be taken immediately in response to an emergency/disaster event (as defined above). Emergency/disaster response actions not involving any structural development or ground-disturbance (such as use of emergency transport vehicles, communications activities or traffic control measures) are not included in this definition and are not affected by these provisions.

Employee: Has its common meaning in addition to which each participant in the promotion of a business constitutes one employee, whether participating full-time or part-time and whether a resident or non-resident of a dwelling unit authorized for a Type A home occupation, and home occupation ~~and cottage industries~~.

Endemic: Plant and animal species found only in the vicinity of the Columbia River Gorge area.

Enhancement (natural and scenic resources): A human activity that increases or makes greater the value, desirability or attractiveness of one or more functions of an existing sensitive area. For riparian areas, such as wetlands, streams, and lakes, enhancement is generally limited to the area that is degraded. Enhancing a sensitive natural resource area that is in good or excellent condition may reduce biological diversity and eliminate other natural functions and may not be desirable.

~~**Enhancement (natural resource):** A human activity that increases one or more functions of an existing wetland, stream, lake, riparian area, or other sensitive area. Enhancement is generally limited to a wetland, stream, lake, riparian, or other sensitive area that is degraded. Enhancement of an area currently in good or excellent condition may reduce biological diversity and eliminate other natural functions; therefore, and may not be desirable.~~

Ephemeral streams (Special Management Area): Streams that contain flowing water only during, and for a short duration after, precipitation events.

Equitable recreation: Development and services that are equally accessible and available to all people regardless of income level, ethnicity, gender, ability, or age.

Ethnography: The descriptive and analytic study of the culture of a particular group by an ethnographer. An ethnographer seeks to understand a group through interviews with its members and often through living in and observing it.

Existing use or structure: Any use or structure that was legally established and that has continued to operate lawfully and has not been discontinued. "Legally established" means:

(a) the landowner or developer obtained applicable land use and building permits and complied with land use regulations and other laws that were in effect at the time the use or structure was established, or that were in effect at the time the landowner or developer corrected an improperly established use or structure;

(b) the use or structure was initially operated or constructed according to those applicable permits, land use regulations and other laws, or has been operated or constructed according to permits obtained to correct an improperly established use or structure; and

(c) any changes to the original use or structure must comply with all applicable permit requirements, land use regulations and other laws that were in effect at the time the change was established.

Exploration, extraction, excavation, and production of mineral resources: All or any part of the process of surface, underground or submerged mining of mineral resources, and transportation of mineral resources from the site. Minerals include soil, coal, clay, stone, sand, gravel, metallic ore, oil and gases and any other material or substance excavated for commercial, industrial or construction use. This includes all exploration and mining, regardless of area disturbed or volume mined. Production of mineral resources means the use of portable crushing, on-site stockpiling, washing, milling, screening, or sorting equipment, or other similar methods of initial treatment of a mineral resource and~~to~~ transport to another site for use or further processing. Secondary processing such as concrete or asphalt batch plants are considered industrial uses.

Fill: The placement, deposition or stockpiling of sand, sediment or other earth materials to create new uplands or an elevation above the existing surface.

Finished grade: See "grade, finished"

Fire break: A break in ground cover fuels, adjacent to and surrounding buildings.

Floor area: The area included within the surrounding exterior walls of a building or portion thereof. The floor area of a building or a portion thereof, not provided with surrounding exterior walls shall be the area under the horizontal projection of the roof or floor above.

Footprint: The area that falls directly beneath and shares the same perimeter as a structure. This includes covered porches**.**

Forbs: Broad-leaved herbs, in contrast to ferns, fern allies, and grasses and grasslike plants.

Foreground ~~(SMA)~~**:** ~~One-half mile either side of a traveled road or trail.~~ One of three main visibility distance zones used to determine relative sensitivity of a development, structure, or use based on its distance from the viewer. Foreground is represented in the space from zero (the viewer) up to one-half mile.

Forest health (SMA): A measure of the robustness of forest ecosystems. Forests are deemed healthy when they have capacity across the landscape for renewal, for the maintenance of wildlife habitats, for recovery from a wide range of disturbances, and for retention of their resilience.

Forest practice (SMA): Any activity conducted on or directly pertaining to forested land and relating to forest ecosystem management including but not limited to growing, thinning, or removing live or dead forest tree or shrub species, road and trail construction, reforestation, fertilizing, brush control, prevention of wildfire, and suppression of diseases and insects. The removal of hazardous trees is excluded. Uses that include establishment, management or harvest of Christmas trees, nursery stock, or fiber producing tree species requiring intensive cultivation (irrigation, fertilization, etc.) and a harvest rotation of 12 years or less are considered agricultural uses.

Forest practices (General Management Area): Those activities related to the growing and harvesting of forest tree species as defined by the Oregon Forest Practices Act.

Forest products: Commodities harvested from a forest, including, but not limited to, timber products, boughs, mushrooms, pine cones, and huckleberries.

Forest Service: The United States Department of Agriculture Forest Service – National Scenic Area Office.

Forest stand structure (Special Management Area): The number, types and spacing of tree species, tree sizes, and canopy layers contained in a stand of trees.

Forest use: The growing, propagation and harvesting of forest tree species and other forest products.

Front Lot Line: See lot line (front).

Front Yard: See yard (front).

Fruit and produce stand: A venue on a farm or ranch selling produce and agricultural products primarily grown on the subject farm or ranch. Associated incidental agricultural products from the local region and associated incidental marketing materials shall not make up more than 25% of the sales at the stand. Incidental products may include processed foods like jams and jellies. Foods prepared for consumption on the premises are not permitted. Fruit and produce stands are not a commercial use.

Fully screened: ~~The relative visibility of a structure when that structure is not visible as viewed from a specified vantage point (generally a Key Viewing Area).~~ A description used when determining compliance with the scenic standards (visually subordinate and not visually evident), where a structure, development or use is not visible as viewed from a specified vantage point (generally a key viewing area, for the purpose of the Management Plan). See Scenic Resources Implementation Handbook for more information regarding screening for development in the National Scenic Area.

Gorge Commission: The Columbia River Gorge Commission.

Grade, natural: The undisturbed elevation of the ground level of a property before any excavation or construction operations.

Grade, finished (Grade, ground level): ~~The final elevation of the ground level of a property after construction is completed.~~ The average elevation of the finished ground elevation as defined by the International Building code.

Grading: Any excavating or filling of earth materials or any combination thereof, including the land in its excavated or filled condition.

Hazard tree (SMA): A tree with a structural defect that will predictably result in whole or partial failure within 1.5 tree lengths of a road or maintained development. A defective tree is hazardous only when its failure could result in danger to people or damage to structures, vehicles, or other property.

Health Hardship – A specific person's need for daily supervision due to cognitive impairment and/or a specific person's need for assistance with daily care as a result of age, physical impairment and/or poor health.

Height of building: The greatest vertical distance between the point of lowest finished grade adjoining any exterior wall of a building and the highest point of the roof, such as the highest coping or parapet of a flat roof, the highest deck line of a mansard roof, or the highest ridge of a hip, gable, gambrel, shed or other pitched roof.

Herbaceous: A plant with no persistent woody stem above the ground, or a plant with characteristics of an herb.

Herbs: Herbaceous plants, including grasses and grasslike plants, forbs, ferns, fern allies, and nonwoody vines. Seedlings of woody plants less than 3 feet tall shall be considered part of the herbaceous layer.

Highway: Any road or highway designated as such by law or by the Oregon Transportation Commission; includes both primary and secondary state highways.

Historic buildings and structures: See cultural resource.

Historic survey: Actions that document the form, style, integrity, and physical condition of historic buildings and structures. Historic surveys may include archival research, architectural drawings, and photographs.

Home Occupation: A small-scale commercial use conducted in a legal single-family dwelling or accessory structure, employing the residents of the dwelling and up to three outside employees. Periodic use of

home offices, studios, and other work areas used only by the residents of the dwelling are not a home occupation.

Hydric soil: A soil that is saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part.

Immediate Foreground for scenic corridors: A subset of one of the three main visibility distance zones used to determine relative sensitivity of a development, structure, or use based on its distance from the viewer. Immediate foreground is represented in the space from zero (the viewer) up to one-quarter mile. For scenic travel corridors in the GMA, immediate foreground also includes lands within one-quarter mile of the edge of pavement. In the SMAs, immediate foreground includes the developed prism of a road or trail KVA or within the boundary of the developed area of KVAs (such as Crown Point or Multnomah Falls).

In-lieu or treaty fishing access sites: Sites acquired by the Army Corps of Engineers and transferred to the Bureau of Indian Affairs for treaty fishing, in lieu of those usual and accustomed fishing areas lost by inundation from reservoir construction. These sites were acquired under the provisions of Public Law 79-14 and Public Law 100– 581, Section 401.

~~**Indian tribal government:** The governing bodies of the Nez Perce Tribe (Nez Perce Tribal Executive Committee), the Confederated Tribes of the Umatilla Indian Reservation (Board of Trustees), the Confederated Tribes of the Warm Springs Reservation of Oregon (Tribal Council), and the Confederated Tribes and Bands of the Yakama Indian Nation (Tribal Council).~~

Indian tribes: The Nez Perce Tribe, the Confederated Tribes and Bands of the Yakama ~~Indian~~ Nation, the Confederated Tribes of ~~the~~ Warm Springs ~~Reservation of Oregon~~, and the Confederated Tribes of the Umatilla Indian Reservation.

Industrial uses: Any use of land or water primarily involved in:

(a) Assembly or manufacture of goods or products;

(b) Processing or reprocessing of raw materials, processing of recyclable materials or agricultural products not produced within a constituent farm unit;

(c) Storage or warehousing, handling or distribution of manufactured goods or products, raw materials, agricultural products, forest products or recyclable materials for purposes other than retail sale and service; or

(d) Production of electric power for commercial purposes.

Interpretive displays: Signs and structures which provide for the convenience, education, and enjoyment of visitors, and intended to help them understand and appreciate their relationship to natural and cultural resources.

Key components: The attributes that are essential to maintain the long-term use and productivity of a wildlife site. The key components vary by species and wildlife site. Examples include fledgling and perching trees, watering sites, and foraging habitat.

Key viewing area: Those portions of identified important public roads, parks or other vantage points within the National Scenic Area from which the public views National Scenic Area landscapes. Such portions include gathering points, rest areas, roads and trails that provide primary access to the area, parking lots, and associated recreation areas. Identified areas ~~They~~ include:

(a) General Management Area and Special Management Area:

Beacon Rock
Bonneville Dam Visitor Centers
Bridal Veil State Park
Cape Horn
Columbia River
Cook-Underwood Road
Crown Point
Dog Mountain Trail
Historic Columbia River Highway (including the Historic Columbia River Highway State Trail)
Highway I– 84, including rest stops
Larch Mountain (including Sherrard Point)
Multnomah Falls
Oregon Highway 35
Pacific Crest Trail
Panorama Point Park
Portland Women's Forum State Park
Rooster Rock State Park
Rowena Plateau and Nature
Conservancy Viewpoint
Sandy River
Washington State Route 14
Washington State Route 141
Washington State Route 142

(b) Special Management Area only:

Larch Mountain Road
Old Highway 8 (previously known as Old Washington State Route 14 ~~(~~and County Road 1230)
~~Sherrard Point on Larch Mountain~~
Wyeth Bench Road (also known as Wyeth Road)

Land division: The division or re-division of contiguous land(s) into tracts, parcels, sites or divisions, regardless of the proposed parcel or tract size or use. A land division includes, but is not limited to partitions and subdivisions. Land division does not include the creation of cemetery plots.

Landscape setting: The combination of land use, and cultural features, landform pattern and features, ~~and~~ vegetation ~~patterns~~ and waterform which distinguish an area from other portions of the National Scenic Area.

Livestock feedlot: Stockyards and commercial livestock finishing yards for cattle, sheep, swine and fur bearers. Feedlots do not include winter pasture or winter hay-feeding grounds.

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Lot Area – The total horizontal area within the lot lines of a lot, but not including the private driveway area of a flag lot.

Commented [AB3]: Adding definitions for Lot related terms as defined in Chapter 39 zoning code. Although Chapter 39 defines "Lot Coverage", this is not a term used within Chapter 38 and this term / definition was not carried over in this proposal.

Lot (Corner) – A lot which occupies an interior angle of less than 135 degrees, formed by the intersection of two streets or a street and an accessway.

Lot Lines – The lines bounding a lot, but not the lines bounding the private driveway portion of a flag lot.

Lot line adjustment: See "property line adjustment."

Lot Line (Front) – In the case of an interior lot, a line separating the lot from the street or accessway; in the case of a corner lot, a line separating the narrowest frontage of the lot from a street or accessway; and in the case of a flag lot, the lot line closest to and most nearly parallel with the street which serves the lot. A minimum front lot line length is a dimensional requirement to assure that a parcel or lot has sufficient street frontage and lot width near the street to accommodate a safe access driveway and reasonable building area after considering the required side yards.

Lot Line (Rear) – The line dividing one lot from another and on the opposite side of the lot from the front lot line; and in the case of an irregular or triangular shaped lot, a line ten feet in length within the lot, parallel to and at the maximum distance from the front lot line.

Lot Line (Side) – Any lot line not a front or rear lot line.

Lot Width – The horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines.

Maintenance: Ordinary upkeep or preservation of a serviceable structure affected by wear or natural elements. Maintenance does not change the original size, scope, configuration or design of a structure.

Maintenance includes, but is not limited to, painting and refinishing, regrouting masonry, patching roofs, grading gravel roads and road shoulders, cleaning and armoring ditches and culverts, filling potholes, controlling vegetation within rights-of-way, removing trees and other roadside hazards within rights-of-way, and testing and treating utility poles**.**

Management Plan: The most recent version of the document entitled Management Plan for the Columbia River Gorge National Scenic Area ~~adopted February 6, 1993~~.

Managerial Setting: The on-site controls (signs, regulations, or other regimentation) and types of facilities recreationists could expect when visiting recreation sites.

Middleground: One of three main visibility distance zones used to determine relative sensitivity of a development, structure, or use based on its distance from the viewer. Middleground is represented in the space between the foreground and the background. The area located from one-half mile up to four miles from the viewer.

Mitigation: The use of any or all of the following actions, in the following order of priority:

(a) Avoiding the impact altogether by not taking a certain action or parts of an action;

(b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation;

(c) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment; ~~or~~

(d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action~~.~~;

(e) Offsetting impacts by creating or enhancing affected resources; or

(f) Monitoring the result of mitigation actions and taking appropriate corrective actions.

Mosaic (SMA): The dispersal of overstory and understory leave trees in irregularly spaced clumps of varying sizes throughout an irregularly shaped created forest opening.

Multi-family dwelling: A dwelling constructed or modified into two or more dwelling units.

Native species: Species that naturally inhabit an area.

National Scenic Area: The Columbia River Gorge National Scenic Area.

Natural grade: see "grade, natural."

Natural resources (GMA & SMA)**:** ~~Naturally occurring features such as land, water, air, plants, animals, including fish, plant and animal habitat, and scenery.~~ Wetlands, streams, ponds and lakes, riparian areas, wildlife and wildlife habitat, rare plants, and natural areas.

Natural resource specialist: A person with professional qualifications such as an academic degree or sufficient professional experience in the subject matter the specialist is being asked to analyze or evaluate.

Natural resource-based recreation (SMA): Recreation activities, uses or facilities that essentially depend on the unique natural, scenic, or cultural resources found within the National Scenic Area. Campgrounds, trails, boating and ~~windsurfing~~ windsports facilities, swimming beaches, picnic sites, viewpoints, interpretive parks, and similar outdoor recreation facilities are considered resource-based; whereas, golf courses, tennis courts, and rental cabins are not.

Navigable (river or lake): Those waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

New cultivation: Any operation that would cultivate land that has not been cultivated or has lain idle for more than 5 years.

Non-profit Horse Rescue Facility (GMA): The stabling, feeding, grooming, and provision of care for sick, abandoned, or rescued horses, operated by a non-profit organization to facilitate the rehabilitation, adoption, and permanent placement of abused, neglected or unwanted horses.

Non-profit organization: An organization whose non-profit status has been approved by the U.S. Internal Revenue Service.

Not visually evident (Special Management Area): ~~A visual quality standard that provides for development or uses that are not visually noticeable to the casual visitor. Developments or uses shall~~
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~~only repeat form, line, color, and texture that are frequently found in the natural landscape, while changes in their qualities of size, amount, intensity, direction, pattern, etc., shall not be noticeable.~~ One of the two scenic standards applicable within the National Scenic Area. A description of the relative visibility of a development, structure or use that provides for developments, structures or uses that are not visually noticeable to the casual visitor and the defining landscape setting characteristics appear intact. Deviations may be present but must repeat form, line, color, texture and pattern common to the natural landscape setting so completely and at such scale, proportion intensity, direction, pattern, etc., that it not be noticeable.

Old growth (Special Management Area): A forest stand usually at least 180-220 years old with moderate to high canopy closure; a multi-layered, multi-species canopy dominated by large overstory trees; high incidence of large trees, some with broken tops and other indications of old and decaying wood (decadence); numerous large snags, and heavy accumulations of wood, including large logs on the ground.

Open Spaces: unimproved lands not designated as agricultural lands or forest lands by the Management Plan and designated as open space by the Management Plan. Open spaces include:

(a) Scenic, cultural, and historic areas;

(b) Fish and wildlife habitat;

(c) Lands which support plant species that are endemic to the National Scenic Area ~~scenic area~~ or which are listed as rare, threatened or endangered species pursuant to State or Federal Endangered Species Acts;

(d) Ecologically and scientifically significant natural areas;

(e) Outstanding scenic views and sites;

(f) Water areas and wetlands;

(g) Archaeological sites, ~~Indian burial grounds~~ and village sites, historic trails and roads and other areas which are culturally or historically significant;

(h) Potential and existing recreation resources; and

(i) Federal and State wild, scenic, and recreation waterways.

Open Space Plan: A plan, prepared by the primary managing agency or land owner prior to any new land uses or development, which includes the following:

(a). Direction for resource protection, enhancement, and management.

(b). Review of existing uses to determine compatibility with open space values.

(c). Consultation with members of the public, and agency and resource specialists.

Operational (Special Management Area): For new agricultural use, an agricultural use shall be deemed operational when the improvements and investments described in the Stewardship Plan are in place on the parcel.

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Ordinary high water mark: The mark on all streams, ponds, and lakes where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a vegetative character distinct from that of the abutting upland. In any area where the ordinary high water mark cannot be found, the line of mean high water shall substitute.

Operational (Special Management Area): For new agricultural use, an agricultural use shall be deemed operational when the improvements and investments described in the Stewardship Plan are in place on the parcel.

Overnight accommodations (GMA): The rental of one or more rooms located in legal single-family dwelling on a daily or weekly basis. Overnight accommodations are clearly incidental to the use of a structure as a single-family dwelling and are owner-operated.

Overstory (Special Management Area): For forest practices, the tall or mature trees that rise above the shorter or immature understory trees.

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.

Park-Model Recreational Vehicle – A recreational vehicle built on a single chassis, mounted on wheels, and designed to facilitate movement from time to time but not intended to be towed on a regular basis and that does not exceed 400 square feet when in the set-up mode and designed to provide

recreational seasonal or temporary living quarters which may be connected to utilities necessary for the operation of installed fixtures and appliances.

Parking area: Any public or private area, under or outside of a structure, designed and used for the standing, maneuvering, and circulation of motor vehicles including parking lots, garages, private driveways, and legally designated areas of private streets.

Physical Settings: The physical quality of the landscape at a recreation site, and how rustic recreation facilities may appear. Physical setting is distinct and not to be confused with landscape settings and landscape setting character descriptions.

Planning Director: The Director of the Division of Planning and Development or the Director's delegate.

Practicable: Able to be done, considering technology and cost.

Preexisting: Existing prior to ~~February 6, 1993, the date of adoption of the~~ the first Columbia River Gorge National Scenic Area Management Plan on October 15, 1991.

Previously disturbed: An area of land where the natural surface has been graded, excavated, paved ~~and/~~or graveled.

Priority Habitat: Areas that provide habitat for sensitive wildlife determined by Forest Service, Oregon Department of Fish & Wildlife, or Washington Department of Fish & Wildlife.

Primary structure: A structure or combination of structures of chief importance or function on a site. In general, the primary use of the site is carried out in a primary structure.

Primary use: An activity or combination of activities of chief importance on the site. The main purpose for which the land or structures is intended, designed, or ordinarily used. A site may have more than one primary use.

Private driveway: a private street which is a part of and provides access only to one lot or parcel.

Project area: The geographic area or areas within which new development and uses may cause changes in the character or use of cultural resources, if any such resources exist.

Property line adjustment: The transfer of a portion of a parcel from one owner to the owner of an adjacent parcel resulting in no increase in the number of parcels.

Public dock: A dock constructed, maintained and operated by a federal, state, local, or tribal government entity to provide public access to a water body.

Public use facility: A recreation development meeting the definition of "recreation facility" which is open for use by the general public. Private clubs and other facilities limited to members or otherwise restricted in availability shall not be considered public use facilities.

~~**Rare plant species:** Refers to various categories of sensitive plants cited in federal and state programs.~~

Rare plant species: Various categories of plants and plant communities cited in federal and state programs. Rare plants and rare plant ecosystems are:

(a) Endemic to the Columbia River Gorge and vicinity.

(b) Listed as endangered or threatened pursuant to federal or state endangered species acts, or

(c) Designated global or state status rank 1, 2, or 3 by the Oregon Biodiversity Information Center or Washington Natural Heritage Program.

In the SMAs, rare plant species also include plant species recognized by the Regional Forester as needing special management to prevent them from being placed on federal or state endangered species lists.

Rare wildlife species: Wildlife species that are;

(a) Listed as endangered or threatened pursuant to federal or state endangered species acts,

(b) Listed as endangered, threatened, sensitive, or candidate by the Washington Wildlife Commission,

(c) Listed as sensitive by the Oregon Fish and Wildlife Commission, or

(d) Considered to be of special interest to wildlife management authorities and the public (great blue heron, osprey, golden eagle, peregrine falcon, and prairie falcon).

In the SMAs, rare wildlife species also include animal species recognized by the Regional Forester as needing special management to prevent them from being placed on federal or state endangered species lists.

Rear Lot Line: See lot line (rear).

Rear Yard: See yard (rear).

Reconnaissance survey: Actions conducted to determine if archaeological resources that would be affected by a proposed use are present in an area. Reconnaissance surveys may include archival research, surface surveys, subsurface testing, and ethnographic research.

Recreation facility: A cluster or grouping of recreational developments or improvements which are not separated in distance by more than one-quarter mile of land not containing any such recreational developments or improvements, except for roads and/or pathways.

Recreation Opportunity Spectrum (ROS): A means of classifying areas in relation to the types of recreation opportunities and experiences they provide or are appropriate for. The spectrum ranges from primitive (wilderness areas) to urban (highly modified areas).

(a) *Primitive:* Remote, inaccessible areas with a high degree of solitude and with resources essentially unmodified.

(b) *Semiprimitive:* Areas accessible only by primitive transportation routes, with low to moderately infrequent human encounters and with only subtle modifications to the natural setting.

(c) *Roaded Natural:* Roaded areas with moderately frequent human encounters and with resource modifications evident.

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(d) *Rural*: Roaded areas with moderate to highly frequent human encounters and with the natural setting dominated by cultural modifications.

(e) *Suburban:* Areas representing the rural-urban interface, with urban-like roads, structures, highly frequent human encounters, and dominant resource modifications encroaching into the rural landscape.

(f) *Urban:* Highly accessible, roaded areas dominated by human encounters and human-related structures.

Recreation resources: Areas and facilities that provide recreation opportunities and experiences. Recreation resources include semi-primitive areas with few facilities and developed sites.

Recreation Setting: The tool for managing recreation development and opportunities based on the sites social, physical, and managerial setting.

Recreational Vehicle – A vehicle as defined in ORS 446.003 and specifically includes camping trailers, camping vehicles, motor homes, recreational park trailers, bus conversions, van conversions, tent trailers, travel trailers, truck campers, combination vehicles which include a recreational vehicle use, and any vehicle converted for use or partial use as a recreational vehicle. Recreational Vehicles contain eating and sleeping facilities and are equipped with one or more of the following:

(a) Holding tank(s);

(b) Liquid petroleum gas; or

(c) A 110 to 240 volt electrical systems.

Reflective surface: Providing a reflection; capable of reflecting light or other radiation.

Regularly maintained: An area of land that has been previously disturbed and where periodic actions have been taken to:

(a) keep the area clear of vegetation (e.g., shoulders, utility yards),

(b) limit the height and type of vegetation (e.g., utility rights-of-way), ~~and/~~or

(c) establish and retain non-native vegetation (e.g., landscaped medians, rest area grounds).

Rehabilitation (natural resource): A human activity that returns a wetland, stream, buffer area, or other sensitive area disturbed during construction of a permitted use to its natural or preconstruction condition.

Remnant old forest (Special Management Area): Large trees in the overstory that are well into the mature growth state (older than 180 years).

Repair: Replacement or reconstruction of a part of a serviceable structure after damage, decay or wear. A repair returns a structure to its original and previously authorized and undamaged condition. It does not change the original size, scope, configuration or design of a structure, nor does it excavate beyond the depth of the original structure. Up to a 10 percent increase in the original size of a portion of a

building to be repaired is allowed if required to comply with building codes, provided it does not require additional excavation.

Repair includes, but is not limited to, ~~reproofing~~ reroofing a building, replacing damaged guardrails, reconstructing a rotten deck or porch, replacing a broken window or door, replacing a utility pole and associated anchors, replacing a section of broken water or sewer line, replacing a damaged or defective utility line, reconstructing a portion of a building damaged by fire or a natural event, and replacing railroad ties or rails.

Resource-based recreation: Those recreation uses which are essentially dependent upon, and do not adversely affect, the natural, scenic or cultural resources of the National Scenic Area.

Restoration: A human activity that returns a resource from a disturbed or altered condition to a previous, less disturbed or less altered condition. This definition does not modify or eliminate the definition Restoration (wetlands) which applies only to wetlands.

Restoration (wetlands): A human activity that converts a former wetland back into a wetland.

Riparian area: The area immediately adjacent to streams, ponds, lakes, and wetlands that directly contributes to the water quality and habitat components of the water body. This may include areas with high water tables and soils and vegetation that exhibit characteristics of wetness, as well as upland areas immediately adjacent to the water body that directly contribute shade, nutrients, cover, or debris, or that directly enhance water quality within the water body.

Road: The entire right-of-way of any public or private way that provides ingress to, or egress from property by vehicles or other means, or provides travel between places by means of vehicles. "Road" includes, but is not limited to:

(a) Ways described as streets, highways, throughways, or alleys;

(b) Road-related structures, such as tunnels, culverts, or similar structures, that are in the right-of-way; and

(c) Structures such as bridges that provide for continuity of the right-of-way.

~~**Scenic Area:** The Columbia River Gorge National Scenic Area.~~

Scenery Management System: The overall framework for the orderly inventory, analysis, and management of scenery developed in coordination with the Forest Service.

Scenic travel corridor: Those portions of Interstate 84, the Historic Columbia River Highway, Oregon Highway 35, and Washington State Routes 14, 141, and 142 located in the National Scenic Area, specifically designated to be managed as scenic and recreational travel routes.

Secretary: The U.S. Secretary of Agriculture.

~~**Sensitive plant species:** Plant species that are:~~

~~(a) Endemic to the Columbia River Gorge and vicinity,~~

~~(b) Listed as endangered or threatened pursuant to federal or state endangered species acts, or~~

~~(c) Listed as endangered, threatened or sensitive by the Oregon.~~

~~(d) In the Special Management Area, sensitive plant species also include plant species recognized by the Regional Forester as needing special management to prevent them from being placed on federal or state endangered species lists.~~

~~**Sensitive wildlife species:** Animal species that are:~~

~~(a) Listed as endangered or threatened pursuant to federal or state endangered species acts,~~

~~(b) Listed as sensitive by the Oregon Fish and Wildlife Commission, or~~

~~(c) The great blue heron, osprey, mountain goat, golden eagle, and prairie falcon.~~

~~(d) In the Special Management Area, sensitive wildlife species also include animal species recognized by the Regional Forester as needing special management to prevent them from being placed on federal or state endangered species lists.~~

Service station: A business operated for the purpose of retailing and delivering motor vehicle fuel into the fuel tanks of motor vehicles.

Serviceable: Presently usable.

Shall: Action is mandatory.

Should: Action is encouraged.

Shrub: A woody plant usually greater than 3 feet but less than 20 feet tall that generally exhibits several erect, spreading, or prostrate stems and has a bushy appearance. Seedlings of woody plants less than 3 feet tall shall be considered part of the herbaceous layer.

Side Lot Line: See lot line (side).

Side Yard: See yard (side).

Sign: Any placard, poster, billboard, advertising structure or inscribed surface, pattern or artificial lighting, pictorial or-symbolic ornament, emblematic structure, banner, fluttering apparatus, statue, model, ornamental figure, or other visually communicative or expressive device that is visible from an out-of-doors position and is used to advertise or call attention to any public, business, commercial, industrial, recreational or any other activity, object for sale or lease, person or place, or to bear any kind of message. It includes any surface on which a name, text, device, signal, ornament, logotype, or advertising matter is made visible, or any frame or support structure erected specifically to bear or uphold a sign. Sign shall also include any device satisfying this definition, but currently in disuse.

Significant cultural resource (SMA): A cultural resource that is included in, or eligible for inclusion in, the National Register of Historic Places. The criteria for evaluating the eligibility of properties for the National Register of Historic Places appears in *National Register Criteria for Evaluation (36 CFR 60).*

Single-family dwelling: A detached building containing one dwelling unit and designed for occupancy by one family only.

Skyline: ~~The line which represents the place at which a landform, such as a bluff, ridge, or the top of a cliff meets the sky, as viewed from a specified vantage point (generally a Key Viewing Area). In areas with thick, unbroken tree cover, the skyline is formed by the top of the vegetative canopy. In treeless areas or areas with more open tree cover, the skyline is formed by the surface of the ground.~~ The line that represents the place at which a landform, such as a cliff, bluff or ridge, meets the sky, and is topographically visible from a specified vantage point (generally a key viewing area, for the purpose of the Management Plan). The skyline is formed where the surface of the earth meets the sky except in existing densely forested landscapes with thick, unbroken coniferous tree cover characteristic to its setting, the skyline may be formed by the top of the vegetative canopy.

Social Settings: Identifies the opportunities for solitude as well as quantity and type of encounters visitors could experience when visiting a recreation site or area.

Soil Capability Class: The U.S. Soil Conservation Service classification system which groups soils according to their capability for agricultural use.

Special habitat area: Wetlands, mudflats, shallow water, and riparian vegetation that have a high value for waterfowl, shorebirds, raptors, songbirds, upland game, and reptiles.

Special streams: Streams that are primary water supplies for fish hatcheries and rearing ponds.

Stand: A group of trees possessing uniformity with respect to type, age, vigor, or size.

Story: A single floor level of a structure as defined by the ~~Uniform~~ International Building Code.

Streams:

(a) Areas where surface water produces a defined channel or bed, including bedrock channels, gravel beds, sand and silt beds, springs and defined-channel swales. The channel or bed does not have to contain water year-round. They do not include irrigation ditches, canals, storm or surface-water runoff structures, or other artificial watercourses unless they are used to convey streams naturally occurring prior to construction in such watercourses.

(b) Streams are categorized into two classes: perennial streams and intermittent or ephemeral streams. A perennial stream is one that flows year-round during years of normal precipitation. An intermittent stream flows only part of the year, or seasonally (ephemeral), during years of normal precipitation.

Structure: That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner. This includes, but is not limited to buildings, walls, fences, roads, parking lots, signs, patios, driveways and additions/alterations to structures, including repaving or resurfacing roads, driveways, and patios. All buildings are structures.

Submit: To deliver a document (e.g., land use application, written comment) to a reviewing agency's office by personal delivery, commercial delivery, mail, fax, or E-mail. When a document must be

submitted within a specified period, it must arrive at the reviewing agency's office by the close of business on the last day of the specified period.

Subsurface testing: Any procedure that removes material from beneath the ground surface for the purpose of identifying cultural resources, such as shovel tests, posthole digger tests, and auger borings.

Suitability (Suitable): The appropriateness of land for production of agricultural or forest products, or for recreation, considering its capability for production; whether the land is committed by development to another land use that does not allow for agricultural use;~~,~~ surrounding uses and features associated with development~~,~~; compatibility with scenic, cultural, natural and recreation resources~~,~~; compatibility among uses~~,~~; and other cultural factors, such as roads, power lines, dwellings and size of ownership.

Commented [AB4]: The phrase "by development" added for consistency with the descriptions used in the Management Plan policies.

Temporary Dwelling – A detached dwelling allowed to be placed on a lot or parcel for a limited amount of time in addition to the permanent, existing dwelling. A temporary dwelling shall be removed upon the expiration of the land use permit authorizing it.

Thinning (Special Management Area): A forest practice intended to create favorable conditions for the continued growth of trees within an existing stand of trees. A thinning becomes a forest opening in coniferous forests when the average canopy closure of the overstory layer is zero or less than 40 percent and the understory layer is less than 60 percent average canopy closure of trees averaging less than 5 inches diameter at breast height. A thinning becomes a forest opening in oak woodlands when the total average canopy closure is less than 25 percent.

Topographic Visibility (Topographically Visible): Refers to areas that can be seen (generally from a key viewing area, for the purpose of the Management Plan) if all vegetation were to be removed.

Total canopy closure (Special Management Area): For forest practices, the percentage measuring the degree to which all layers of the tree canopy combine together to block sunlight or obscure the sky as measured from below.

Traditional foods: Natural and cultural resources that Native Americans rely on for sustenance, based on history, culture and tradition.

Trail Characteristics: Tools to describe the types of trail conditions that recreationists should expect when visiting a recreation resource.

Travel Trailer – A non-motorized, towable recreational trailer which contains an Oregon Insignia of Compliance as a recreational vehicle. Motor homes, converted buses, van conversions, slide-in truck campers and folding camper trailers ("pop-up" campers) are not considered a travel trailer.

~~**Travelers accommodations:** Any establishment having rooms rented or kept for rent on a daily or weekly basis to travelers or transients for a charge or fee paid or to be paid for rental use or use of facilities.~~

Tribal government: The governing bodies of the Nez Perce Tribe (Nez Perce Tribal Executive Committee), the Confederated Tribes of the Umatilla Indian Reservation (Board of Trustees), the Confederated Tribes of Warm Springs (Tribal Council), and the Confederated Tribes and Bands of the Yakama Nation (Tribal Council).

Treatment (Special Management Area): For forest practices, a site-specific operation that carries out the forest management objectives for an area.

Treaty rights or other rights: Rights reserved by the Indian tribes through the Treaties of 1855. These include the right of fishing at all usual and accustomed places, as well as the privilege of pasturing livestock and hunting and gathering on open and unclaimed lands in common with the citizens of the state.

Tributary fish habitat: Streams that are used by anadromous or resident fish for spawning, rearing ~~and/~~or migration.

Unobtrusive: When a structure does not intrude or visually dominate the scene of a landscape and for which the introduced forms, lines, colors, textures, and patterns mimic the native environment.

Understory (Special Management Area): For forest practices, the shorter or immature trees below the tall or mature overstory trees.

Undertaking: Any project, activity, program or development, or change in land use that can result in changes in the character or use of a cultural resource, if any such cultural resource is located in the area of potential effects. For federal undertakings, the project, activity, or program must be under the direct or indirect jurisdiction of a federal agency, or licensed or assisted by a federal agency. Undertakings include new and continuing projects, activities, or programs and any of their elements.

Unimproved lands: Lands that do not have developments such as buildings or structures.

Upland: Any area that does not qualify as a wetland because the associated hydrologic regime is not sufficiently wet to elicit development of vegetation, soils ~~and/~~or hydrologic characteristics associated with wetlands.

Utility facility: Any structure which provides for the transmission or distribution of water, sewer, fuel, electricity, or communications.

Vested right: The right to develop or continue to develop a use, development or structure that was reviewed and approved pursuant to this Management Plan.

Viewshed: A landscape unit ~~seen~~ visible from a Key Viewing Area.

~~**Visual Quality Objective (VQO):** A set of visual management goals established by the U.S. Forest Service to achieve a desired visual objective. These objectives include retention and partial retention, and others in the Mt. Hood and Gifford Pinchot National Forest Plans.~~

Visually subordinate: ~~The relative visibility of a structure or use where that structure or use does not noticeably contrast with the surrounding landscape, as viewed from a specified vantage point (generally a Key Viewing Area). Structures which are visually subordinate may be partially visible, but are not visually dominant in relation to their surroundings. Visually subordinate forest practices in the Special Management Area shall repeat form, line, color, or texture common to the natural landscape, while changes in their qualities of size, amount, intensity, direction, pattern, etc., shall not dominate the natural landscape setting.~~ One of the two scenic standards applicable in the National Scenic Area. A description of the relative visibility of a development, structure or use where that development,

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structure or use does not noticeably contrast with the defining landscape setting characteristics, as viewed from a specified vantage point (generally a key viewing area, for the Management Plan), and the setting appears only slightly altered (distinctive characteristics of that setting remain dominant). As opposed to development, structures or uses that are fully screened, structures that are visually subordinate may be partially visible but would be difficult to discern to the common viewer. Visually subordinate development, structures, or uses as well as forest practices in the SMAs shall repeat form, line, color, or texture common to the natural landscape, while changes in their qualities of scale, proportion, intensity, direction, pattern, etc., shall not dominate the natural landscape setting.

Water-dependent: Uses that absolutely require, and cannot exist without, access or proximity to, or siting within, a water body to fulfill their basic purpose. Water-dependent uses include, but are not limited to, docks, wharfs, piers, dolphins, certain fish and wildlife structures, boat launch facilities, and marinas. Dwellings, parking lots, spoil and dump sites, roads, restaurants, trails and paths, trailer parks, resorts, and motels are not water-dependent.

Water-related: Uses not directly dependent upon access to a water body, but whose presence facilitates public access to and enjoyment of a water body. In the General Management Area, water-related uses shall be limited to boardwalks, trails and paths, observation decks, and interpretative aids, such as kiosks and signs.

Wetlands: Areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to normally support a prevalence of vegetation typically adapted for life in saturated soil conditions. This does not include riparian areas, rivers, streams, and lakes. The exact location of wetlands boundaries shall be delineated.

Wetlands functions: The beneficial roles that wetlands serve, including storage, conveyance, and attenuation of floodwaters and stormwaters; groundwater recharge and discharge; protection of water quality and reduction of sediment and erosion; production of waterfowl, game and nongame birds, mammals, and other living resources; protection of habitat for endangered, threatened, and sensitive species; food chain support for a broad range of wildlife and fisheries; educational, historical, and archaeological value protection; and scenic, aesthetic, and recreational amenities.

Wildlife Habitat Conservation and Management Plan: ORS 215.800 to 215.802 and ORS 215.806 to 215.808. (Note: A proposed single-family residential dwelling in conjunction with a wildlife habitat conservation and management plan is not authorized by this section.)

Winery (or cidery): An agricultural ~~facility~~ building used for processing ~~grapes~~ fruit into wine or cider, including laboratories, processing areas, offices, and storage areas. A winery or cidery is distinct from a wine or cider sales~~/~~ and tasting room; each of these uses must be explicitly reviewed and approved.

Wine or cider sales~~/~~ and tasting room: A facility that is accessory to a winery or cidery and used for tasting and retail sales of wine or cider, including interior space (e.g., wine bar, sitting room) and exterior space (e.g., patio, veranda). A wine or cider sales~~/~~ and tasting room shall not be used for preparing or serving meals or hosting weddings, receptions or other commercial events. A wine or cider sales~~/~~and tasting room is distinct from a winery or cidery; each of these uses must be explicitly reviewed and approved.

Woody plant: A gymnosperm or angiosperm that develops persistent, hard, fibrous tissues.

Yard – An open space, on a lot with a building and bounded on one or more sides by such building, such space being unoccupied and unobstructed from 30 inches above the ground upward, except as otherwise specified in the base zone. A yard satisfying the yard requirement for one building shall not satisfy the yard requirement for another building. The purpose of yards between buildings and property lines is to provide space, light, air circulation, and safety from fire hazards.

Commented [AB5]: Adding definitions for Yard related terms as defined in Chapter 39 zoning code.

Yard (Front) – A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto on the lot.

Yard (Rear) – A yard extending across the full width of the lot between the most rear building other than an accessory building and the rear lot line. The depth of the required rear yard shall be measured horizontally from the nearest point of the rear lot line toward the nearest part of the building. Where there is no rear lot line, the depth of the rear yard shall be the distance from a ten foot line parallel to the front lot line, measured from one side line to the other.

Yard (Side) – A yard between any building and the side lot line, extending from the front yard to the rear yard, or front lot line to rear lot line where no front yard or rear yard is required. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line to the nearest part of the building.

(Ord. 1254, Amended, 03/22/2018; Ord. 1197, Amended, 02/16/2013; Ord. 1192, Amended, 05/17/2012; Ord. 1186, Amended, 10/13/2011; Ord. 1176, Amended, 03/03/2011; Ord. 1128, Amended, 01/29/2009; Ord. 1125, Amended, 12/11/2008; Ord. 1079, Amended, 07/27/2006; Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 994, Amended, 09/26/2002; Ord. 977, Amended, 02/07/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0020 EXEMPT LAND USES AND ACTIVITIES

MCC Chapter 38 shall not apply to:

(A) Any use, activity or other right of Indian tribes provided by treaty.

(B) Lands held in trust by the Secretary of the Interior for Indian tribes or for individual members of Indian tribes, and lands acquired by the Army Corps of Engineers and administered by the Secretary of the Interior for the benefit of Indian tribes or of individual members of Indian tribes. This exemption shall extend to lands selected by the Army Corps of Engineers as *in lieu* or treaty fishing access sites pursuant to Public Law 79-14 and Public Law 100-581 before or after the effective date of the Management Plan. For those *in lieu* or treaty fishing access sites chosen after ~~February 6, 1993,~~ the effective date of the Management Plan, the exemption shall commence upon selection by the Army Corps of Engineers.

(C) Rights to surface or ground water.

(D) Water transportation activities on the Columbia River or its tributaries. The term *activities* includes those facilities necessary for navigation.

(E) The operation, maintenance and modification of existing transmission facilities of the Bonneville Power Administration.

(F) Hunting or fishing.

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(G) The operation, maintenance and improvement of navigation facilities at Bonneville Dam pursuant to federal law, except for the offsite disposal of excavation material.

(H) In the General Management Area, the rights and responsibilities of non-federal timber landowners under the Oregon Forest Practices Act, or under the Management Plan or county regulations or the Gorge Commission pursuant to the National Scenic Area Act ~~which supersede that Act~~.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 994, Amended, 09/26/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0025 PROHIBITED LAND USES AND ACTIVITIES

The following land uses and activities shall not be allowed within the Columbia River Gorge National Scenic Area:

(A) Solid waste disposal sites or sanitary landfills within the Special Management Area.

(B) New industrial development outside of the ~~U~~urban ~~A~~areas as designated by the Columbia River Gorge National Scenic Area Act.

(C) Marijuana Business, private or public research of cannabis, or laboratory for the testing of marijuana items.

(1) The term "Marijuana Business" and its derivations means an enterprise authorized by state law involving medical or recreational marijuana production, medical or recreational marijuana processing, recreational marijuana wholesaling, medical marijuana dispensing, or retailing of recreational marijuana.

(D) Production of electrical power, including, but not limited to wind and solar production, for commercial purposes is considered an industrial use and is prohibited.

(Ord. 1232, Amended, 03/31/2016; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0030 EXISTING USES AND DISCONTINUED USES

(A) Right to Continue Existing Uses and Structures: Any existing use or structure may continue so long as it is used in the same manner and for the same purpose, except as otherwise provided.

(B) Replacement of Existing Structures Not Damaged or Destroyed by Disaster: Except as provided in (C) below, an existing structure may be replaced if a complete land use application for a replacement structure is submitted to the reviewing agency within one year of the date the use of the original structure was discontinued. The replacement structure shall comply with the following standards:

(1) The replacement structure shall ~~be used in the same manner and for the same purpose~~ have the same use as the original structure.

(2) The replacement structure may have a different size ~~and/~~or location than the original structure. An existing ~~mobile~~ manufactured home may be replaced with a framed residence and an existing framed residence may be replaced with a ~~mobile~~ manufactured home.

(3) The replacement structure shall be subject to the scenic, cultural, recreation and natural resources provisions; the treaty rights provisions; and the land use designations provisions involving agricultural buffer zones, approval criteria for fire protection, and approval criteria for siting of dwellings on forest land.

(4) The use of the original structure shall be considered discontinued if a complete land use application for a replacement structure is not submitted within the one-year time frame.

(C) Replacement of Existing Structures Damaged or Destroyed by Disaster: An existing structure damaged or destroyed by fire, flood, landslide or other similar disaster may be replaced if a complete land use application for a replacement structure is submitted to the reviewing agency within two years of the date the original structure was damaged or destroyed. The replacement structure shall comply with the following standards:

(1) The replacement structure shall ~~be used in the same manner and for the same purpose~~ have the same use as the original structure. An existing ~~mobile~~ manufactured home may be replaced with a framed residence.

(2) The replacement structure shall be in the same location as the original structure. An exception may be granted and the replacement structure may be sited in a different location if all the following conditions exist:

(a) A registered civil engineer, registered geologist, or other qualified and licensed professional hired by the applicant demonstrates the disaster made the original building site physically unsuitable for reconstruction.

(b) The new building site is no more visible from key viewing areas than the original building site. An exception may be granted if a registered civil engineer, registered geologist, or other qualified and licensed professional hired by the applicant demonstrates the subject parcel lacks alternative building sites physically suitable for construction that are no more visible from key viewing areas than the original building site.

(c) The new building site complies with the cultural resources, natural resources, and treaty rights ~~protection~~ provisions.

(3) The replacement structure shall be the same size and height as the original structure, provided:

(a) The footprint of the replacement structure may be up to 10 percent larger than the footprint of the original structure. The footprint of a structure includes any covered decks and porches, attached garages, and breezeways that share a wall with the structure.

(b) The walls of the replacement structure shall be the same height as the walls of the original structure unless a minor increase is required to comply with standards in the current jurisdictional building code.

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(4) The replacement structure shall only be subject to the following scenic resources standards:

(a) The replacement structure shall comply with the ~~scenic resources~~ provisions regarding color and reflectivity. These provisions shall be applied to achieve the applicable scenic standard (visually subordinate or not visually evident) to the maximum extent practicable.

(b) Decks, verandas, balconies and other open portions of the original structure shall not be rebuilt as enclosed (walls and roof) portions of the replacement structure.

(c) In the General Management Area, the replacement structure shall comply with the ~~scenic resources~~ GMA provisions regarding landscaping. These provisions shall be applied to achieve the applicable scenic standard (visually subordinate) to the maximum extent practicable~~, provided:~~

~~1. Except as provided in 2. below, the percent of the replacement structure screened by vegetation as seen from key viewing areas shall not exceed the percent of the original structure that was screened by vegetation as seen from key viewing areas. Coniferous vegetation shall be replaced with coniferous vegetation and deciduous vegetation shall be replaced with deciduous vegetation unless the applicant chooses to use all coniferous vegetation.~~

~~2. In situations where the original structure was approved under Scenic Area regulations (e.g., Final Interim Guidelines, land use ordinance), the percent of the replacement structure screened by vegetation shall comply with any conditions of approval that required a landowner to preserve existing vegetation and/or plant and maintain new vegetation to screen the original structure as seen from key viewing areas.~~

~~3. To help determine how much vegetation may be required under 1. and 2. above, land use applications shall include all available documentation (photographic or otherwise) on the amount and type of vegetation that screened the original structure from key viewing areas. At a minimum, development review decisions shall include findings that address the following:~~

~~a. The percent of original structure facing each key viewing area that was screened by coniferous vegetation, for each key viewing area from which the structure was visible.~~

~~b. The percent of original structure facing each key viewing area that was screened by deciduous vegetation, for each key viewing area from which the structure was visible.~~

~~c. Elevation drawings showing the replacement structure and the amount of coniferous and deciduous vegetation that would screen the structure from key viewing areas in 10 years.~~

~~4. The height of any new trees shall not be required to exceed 5 feet.~~

~~5. The time frame for achieving visual sub-ordinance shall be 10 years or less from the commencement of construction.~~

(d) In the Special Management Area, the replacement structure shall comply with the ~~scenic resources~~ SMA provisions regarding landscaping. These provisions shall be applied to achieve the applicable scenic standard (visually subordinate or not visually evident) to the maximum extent practicable, provided:

1. ~~The Scenic Resources Implementation Handbook shall be utilized to determine approvable~~ Use of plant species appropriate for the area and minimum ~~approvable~~ sizes of new trees ~~planted~~ needed to achieve the standard (based on average growth rates expected for ~~approvable~~ the recommended species) are required. Examples of native specific species are identified in the Scenic Resources Implementation Handbook as appropriate to the area.

2. The height of any new trees shall not be required to exceed 5 feet.

3. The time frame for achieving the applicable scenic standard (visually subordinate or not visually evident) shall be 10 years.

(5) The replacement structure shall be subject to (B)(1), (B)(2), and (B)(3) above if it would not comply with (C)(2) and (C)(3) above.

(6) The original structure shall be considered discontinued if a complete land use application for a replacement structure is not submitted within the two-year time frame.

(D) Changes to Existing Uses and Structures: Except as otherwise provided, any change to an existing use or modification to the exterior of an existing structure shall be subject to review and approval pursuant to this Management Plan.

(1) Expansion of Existing Commercial and Multifamily Residential Uses: In the Special Management Area, existing commercial and multi-family residential uses may expand as necessary for successful operation on the Dedicated Site, subject to MCC 38.0045. Expansion beyond the Dedicated Site is prohibited.

(2) Conversion of Existing Industrial Uses in the General Management Area: In the General Management Area, existing industrial uses may convert to less intensive uses, subject to MCC 38.0045. A less intensive use is a commercial, recreation or residential use with fewer adverse effects upon scenic, cultural, natural and recreation resources.

~~(3) Existing Development or Production of Mineral Resources in the General Management Area: In the General Management Area, existing development or production of mineral resources may continue unless the Gorge Commission determines that the uses adversely affect the scenic, cultural, natural or recreation resources of the Scenic Area. These uses will be considered discontinued and subject to MCC 38.0000 through 38.0110, 38.1000 through 38.3295, and 38.7000 through 38.7085 if:~~

~~(a) The mined land has been reclaimed naturally or artificially to a point where it is revegetated to 50 percent of its original cover (considering both basal and canopy) or has reverted to another beneficial use, such as grazing. Mined land shall not include terrain which was merely leveled or cleared of vegetation; or~~

~~(b) The site has not maintained a required state permit; or~~

~~(c) The site has not operated legally within 5 years prior to February 6, 1993, the date of adoption of the Management Plan.~~

(34) Uses involving the exploration, development or production of sand, gravel or crushed rock in the Special Management Areas may continue when:

(a) The sand, gravel, or crushed rock is used for construction or maintenance of roads used to manage or harvest forest products in the Special Management Areas; and

(b) A determination by the U.S. Forest Service finds that the use does not adversely affect the scenic, cultural, natural or recreation resources.

(E) Discontinuance of Existing Uses and Structures: Except as provided in (C) and (C)(6) above, any use or structure that is discontinued for one (1) year or more shall not be considered an existing use or structure. Proof of intent to abandon is not required to determine that an existing use or use of an existing structure has been discontinued.

(1) Multiple Uses: An existing use or structure with more than one legally established use may discontinue one of the uses without discontinuing the others.

(2) Change in Use: An existing use or structure shall become discontinued if the use or use of the structure changes.

(F) Discontinued Uses and Structures: Re-establishment or replacement of any use or structure that has been discontinued shall be subject to all applicable policies and guidelines in the Management Plan, including, but not limited to, guidelines for land use designations and scenic, cultural, recreation and natural resources.

(Ord. 1179, Amended, 04/21/2011; Ord. 1125, Amended, 12/11/2008; Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0035 EXPEDITED REVIEW USE APPLICATIONS - SUBMITTED REQUIREMENTS

Applications for uses eligible for expedited review shall include:

(A) The information required for review and conditional use applications listed in MCC 38.0045(A)(1) and (2) and (B).

(B) Elevation drawings if the proposed development would be visible from a key viewing area. The 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.

(Ord. 1064, Add, 06/23/2005)

§ 38.0045 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;

(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 ~~wetlands~~ water resources or ~~wetlands~~ their buffer zones shall include the exact boundary of the ~~wetland and the wetlands buffer zone~~ water resource, ordinary high water mark, or normal pool elevation, and their buffer zone; and a description of actions that would affect ~~alter or destroy~~ the ~~wetland~~ 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) ~~In the General Management Area, all~~ 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. ~~In the Special Management Areas, all applications for structural development involving more than 100 cubic yards of grading with slopes greater than 10 percent (except trails) shall include a grading plan~~.

(c) Grading plans shall include the following:

1.~~(a)~~ 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~~1~~. ~~Natural and finished grades~~ Existing and proposed final grades.

ii~~2~~. Location of all areas to be graded, with cut banks and fill slopes delineated.

iii~~3~~. Estimated dimensions of graded areas.

2.~~(b)~~ A narrative description (may be submitted on the grading plan site map and accompanying drawings) of the proposed grading activity, including:

i~~1~~. Its purpose

ii~~2~~. An estimate of the total volume of material to be moved.

iii~~3~~. The height of all cut banks and fill slopes.

iv~~4~~. 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~~5~~. 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~~6~~. 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, ~~and~~

(4) Proposed uses located near cultural resources, wetlands, streams, ponds, lakes, riparian areas, sensitive wildlife habitat, and rare and sensitive plant sites.

(Ord. 1125, Amended, 12/11/2008; Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0050 CONDITIONAL USES

The following Conditional Uses may be permitted when allowed by the district and found by the Approval Authority, pursuant to the provisions of MCC 38.0045, to satisfy MCC 38.7000 through 38.7085:

(A) Land Divisions – All ~~Type I~~ Category 1 Land Divisions processed pursuant to MCC 38.7700 through 38.8035.

Commented [AB6]: Updating the name of Land Divisions from "Type I" to "Category 1" for consistency as referenced throughout Chapter 38.

~~(B) Cluster Development in the General Management Area.~~

Commented [AB7]: The creation of Cluster Development is no longer allowed by the Management Plan and must be removed from county code. The Gorge Commission's assessment was that few applications were submitted across the NSA in the past and most of those applications were denied, withdrawn or not built. It was also determined by the Gorge Commission that limited opportunities existed for future cluster development so the use was removed from the Plan.

~~(1) A land division in the General Management Area may create parcels smaller than the designated minimum size and may include a bonus, as specified below, in order to cluster new dwellings. Approval of cluster development shall be contingent upon submission of plans specifying dwelling sites and areas of permanent, undeveloped open land. To approve a cluster development, it must be found that clustering new dwellings will provide an opportunity not available through conventional parcel-by-parcel development to site new dwellings:~~

~~(a) In areas with screening vegetation or other features which reduce visibility of development as seen from Key Viewing Areas; or~~

~~(b) To avoid significant landscape features; or~~

~~(c) To protect the existing character of the landscape setting; or~~

~~(d) To reduce interference with movement of deer or elk in winter range; or~~

~~(e) To avoid areas of known cultural resources; or~~

~~(f) To consolidate road access, septic drainfields or other development features in order to reduce impacts associated with grading or ground disturbance; or~~

~~(g) To reduce adverse effects to riparian areas, wetlands, natural areas, rare plants, sensitive wildlife sites or other natural resources; or~~

~~(h) To increase the likelihood of agricultural or forest management on the undeveloped land left by the cluster development.~~

~~(2) Following cluster development, there may be no further division of any resulting parcel for residential purposes until the subject parcel is included within the boundary of an Urban Area. Approval of a cluster development shall include provisions for the permanent protection of open areas. No parcel in a cluster development may be smaller than 1 acre in a GGR– 5 or GGR–10 or 2 acres in a GGA– 20 or GGF– 20.~~

~~(3) Cluster development may create up to 25 percent more parcels (rounded to the nearest whole number) than otherwise allowed by the minimum parcel size on lands designated GGR– 5 or GGR– 10 and up to 50 percent more parcels (rounded to the nearest whole number) on lands designated GGA– 20, GGF– 20, or GGF-40.~~

~~(4) At least 75 percent of land subject to a cluster development shall be permanently protected as undeveloped land.~~

~~(5) Contiguous parcels in the same ownership or in separate ownership may be consolidated and re-divided to take advantage of cluster development bonuses.~~

~~(C)~~(B) Home Occupations ~~and Cottage Industries~~ processed pursuant to MCC 38.7330.

~~Home occupations and cottage industries may be established as authorized in various districts consistent with the following:~~

~~(1) A home occupation may employ only residents of the home.~~

~~(2) A cottage industry may employ up to three outside employees.~~

~~(3) No more than 25 percent of the total actual living space of the dwelling may be utilized for the home occupation or cottage industry.~~

~~(4) No more than 500 square feet of an accessory structure may be utilized for a home occupation or cottage industry.~~

~~(5) There shall be no outside, visible evidence of the home occupation or cottage industry, including outside storage.~~

(S-1 2006)

Commented [AB8]: Deleting duplicative home occupation standards that should have been deleted when home occupation and cottage industries section 38.7330 was updated in 2013 (Ord. 1197).

References to "cottage industries" proposed for deletion throughout Chapter 38 per Management Plan amendments which delete this duplicative phrase given uses allowed through cottage industry provisions are allowed through home occupation provisions as explained in more detail in a prior staff comment.

~~(6) Exterior structural alterations to the residence for the home occupation or cottage industry shall not be permitted. New structures shall not be constructed for the primary purpose of housing a home occupation or cottage industry.~~

~~(7) No retail sales may occur on the premises, except incidental sales at lodging authorized establishments.~~

~~(8) One non-animated, non-illuminated sign, not exceeding 2 square feet in area may be permitted on the subject structure or within the yard containing the home occupation or cottage industry.~~

~~(9) Parking not associated with residential use shall be screened from Key Viewing Areas.~~

~~(10) A bed and breakfast lodging establishment which is two bedrooms or less is considered a home occupation and shall meet the standards of MCC 38.7335.~~

~~(D)~~(C) Bed and Breakfast Inns processed pursuant to MCC 38.7335.

~~Bed and breakfast inns may be established as authorized in various districts subject to the following:~~

Commented [AB9]: Duplicative standards being proposed for deletion. Bed and Breakfast provisions are provided in 38.7335.

~~(1) Guests may not occupy a facility for more than 14 consecutive days.~~

~~(2) One non-animated, non-illuminated sign not exceeding 4 square feet in area may be permitted on the structure or within the yard containing the structure.~~

~~(3) Parking areas shall be screened so as to not be visible from Key Viewing Areas.~~

~~(E) Alteration or expansion of pre-existing uses shall affect the surrounding area to a lesser negative extent than the current unlisted use, considering:~~

Commented [AB10]: Proposed deletion of "pre-existing" use provisions as these provisions are now outdated and a remnant of former county zoning code 11.15. A path for alteration or expansion of "existing" uses is now provided for in the Management Plan under the Existing Use provisions provided for in Multnomah County Code section 38.0030.

~~(1) The character and history of the use and of development in the surrounding area;~~

~~(2) The comparable degree of noise, vibration, dust, odor, fumes, glare or smoke detectable at the property line;~~

~~(3) The comparative numbers and kinds of vehicular trips to the site;~~

~~(4) The comparative amount and nature of outside storage, loading and parking;~~

~~(5) The comparative visual appearance;~~

~~(6) The comparative hours of operation;~~

~~(7) The comparative effect on existing vegetation;~~

~~(8) The comparative effect on water drainage;~~

~~(9) The degree of service or other benefit to the area; and~~

~~(10) Other factors which tend to reduce conflicts or incompatibility with the character or needs of the area.~~

(Ord. 1270, Amended, 3/14/2019; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0060 AGRICULTURAL BUFFER ZONES

All buildings, as specified, shall satisfy the following setbacks when proposed to be located on a parcel which is adjacent to lands designated GGA– 20 or GGA– 40 and are currently used for agricultural use:

Type of Agriculture	Type of Buffer		
	Open or fenced	Natural or created vegetation barrier	8 foot berm or terrain barrier
Orchards	250′	100′	75′
Row crops/vegetables	300′	100′	75'
Livestock grazing pasture, haying	100′	15′	20′
Grains	200′	75′	50′
Berries, vineyards	150′	50′	30′
Other	100′	50'	30'

(A) New buildings adjacent to lands designated GGA-20 or GGA-40 that are suitable, but currently not used for agriculture, shall use the open or fenced setback associated with the dominant type of agriculture in the vicinity. If a vegetation barrier, 8-foot berm, or terrain barrier exists, the corresponding setback shall apply. If more than one type of agriculture is dominant, the setback shall be the larger width.

(B)~~(A)~~ Earth berms may be used to satisfy, in part, the setbacks. The berm shall be a minimum of 8 feet in height, and contoured at 3:1 slopes to appear natural. Shrubs, trees and/or grasses shall be employed on the berm to control erosion and achieve a finished height of 15 feet.

(C)~~(B)~~ The planting of a continuous vegetative screen may be used to satisfy, in part, the setback standards. Trees shall be at least 6 feet high when planted and reach an ultimate height of at least 15 feet. The vegetation screen shall be planted along the appropriate parcel line(s), and be continuous.

(D)~~(C)~~ The necessary berming ~~and/~~or planting must be completed during the first phase of development and maintained in good condition.

(E)~~(D)~~ If several crops or crop rotation is involved in the adjacent operation, the greater setback shall apply.

(F)~~(E)~~ A variance to buffer setbacks may be granted upon a demonstration that the standards of MCC .0065 have been satisfied.

(S-1 2006)

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0065 VARIANCES FROM SETBACKS AND BUFFERS WITHIN THE GENERAL MANAGEMENT AREA

Variances from setbacks and buffers within the General Management Area, except those required by MCC 38.7080, shall be classified and processed pursuant to MCC 38.7600, subject to the following approval criteria:

(A) When setbacks or buffers for the protection of scenic, cultural, natural, recreation, agricultural or forestry resources overlap or conflict, the setbacks or buffers may be varied upon a demonstration that:

(1) A setback or buffer specified to protect one resource would cause the proposed use to fall within a setback or buffer specified in the plan to protect another resource; and

(2) Variation from the specified setbacks or buffer would, on balance, best achieve the protection of the affected resources.

(B) A setback or buffer specified for protection of scenic, cultural, natural, recreation, agricultural or forestry resources may be varied in order to allow a residence to be built on a parcel of land upon a demonstration that:

(1) The land use designation otherwise authorizes a residence on the tract;

(2) No site exists on the tract (all contiguous parcels under the same ownership) on which a residence could be placed practicably in full compliance with the setback or buffer;

(3) The variance from the specified setback or buffer is the minimum necessary to allow the residence.

(4) The variance shall not be used to permit an addition to a building (including, but not limited to, decks and stairs), when the addition would be within the setback, except where the building is wholly within the setback, in which case, the addition may only be permitted on the portion of the building that does not encroach any further into the required setback.

(C) The Approval Authority may grant a variance to the General Management Area setback and buffer requirements of MCC 38.7080, upon a finding that the following conditions exist:

(1) The proposed project is a public use, resource-based recreation facility providing or supporting either recreational access to the Columbia River and its tributaries, or recreational opportunities associated with a Scenic Travel Corridor;

(2) All reasonable measures to redesign the proposed project to comply with required setbacks and buffers have been explored, and application of those setbacks and buffers would prohibit a viable recreation use of the site as proposed;

(3) Resource impacts have been mitigated to less than adverse levels through design provisions and mitigation measures; and

(4) The variance is the minimum necessary to accommodate the use.

(S-1 2006)

(D) The Approval Authority may grant a variance of up to 10 percent to the standards of General Management Area Recreation Intensity Class 4 for parking and campground units upon demonstration that:

(1) Demand and use levels for the proposed activity~~(s)~~, or activities particularly in the area where the site is proposed, are high and expected to remain so ~~and/~~or increase. Statewide Comprehensive Outdoor Recreation Plan (SCORP) data and data from ~~Scenic Area recreation demand studies~~ the National Visitor Use Monitoring Program shall be relied upon to meet this criterion in the absence of current applicable studies.

(2) The proposed use is dependent on resources present at the site.

(3) Reasonable alternative sites, including those in nearby ~~Urban Areas~~ urban areas, offering similar opportunities have been evaluated and it has been demonstrated that the proposed use cannot be adequately accommodated elsewhere.

(4) The proposed use is consistent with the goals, objectives and policies in the Management Plan.

(5) Through site design and~~/or~~ mitigation measures, the proposed use can be implemented without adversely affecting scenic, natural or cultural resources, and adjacent land uses.

(6) Through site design and~~/or~~ mitigation measures, the proposed use can be implemented without affecting or modifying treaty rights.

(Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0080 SIGNS

(A) The following signs may be permitted without review in the General Management Area, and in the Special Management Area subject to MCC 38.0080 (E):

(1) Election signs which are not displayed for more than 60 days. Removal must be accomplished within 30 days of election day.

(2) "For Sale" signs not greater than 12 square feet. Removal must be accomplished within 30 days of close of sale.

(3) Temporary construction site identification, public service company, safety or information signs not greater than 32 square feet. Exceptions may be granted for public highway signs necessary for public safety and consistent with the Manual on ~~for~~ Uniform Traffic Control Devices (2012 or most recent version). Removal must be accomplished within 30 days of project completion.

(4) Signs posted on private property warning the public against trespassing, danger from animals, the private nature of a road, driveway or premise, or signs prohibiting or otherwise controlling fishing or hunting, provided:

(a) signs are not greater than 6 square feet in the General Management Area.

(b) signs are not greater than 2 square feet in all Special Management Areas ~~zones~~.

(5) Temporary signs advertising civil, social, or political gatherings and activities not exceeding 12 square feet. Removal must be accomplished within 30 days of the close of the event.

(6) Signs posted by governmental jurisdictions giving notice to the public. Such signs shall be no larger than that required to convey the message intended.

(7) In the General Management Area, signs associated with the use of a building or buildings shall be placed flat on the outside walls of buildings, not on roofs or marquees.

(B) All other signs not listed in MCC 38.0080(A) or prohibited as listed in MCC 38.0080(C) may be permitted under an expedited review process subject to MCC 38.0080(D) in the General Management Area and (E) in the Special Management Area.

(C) Prohibited Signs

(1) Except for signs along public highways necessary for public safety, traffic control or road construction which are consistent with the Manual ~~for~~ on Uniform Traffic Control Devices (2012 or most recent version), the following signs are prohibited in the General Management Area:

(a) Luminous signs or those with intermittent or flashing lights. These include neon signs, fluorescent signs, light displays and other signs which are internally illuminated, exclusive of seasonal holiday light displays.

(b) New billboards.

(c) Signs with moving elements.

(d) Portable or wheeled signs, or signs on parked vehicles where the sign is the primary use of the vehicle.

(2) The following signs are prohibited in the Special Management Area:

(a) Advertising billboards.

(b) Signs that move or give the appearance of moving, except signs used for highway construction, warning or safety.

(c) Portable or wheeled signs, or signs on parked vehicles where the sign is the primary use of the vehicle, except for signs used for highway construction, warning or safety.

(d) Interpretative signs on Interstate 84.

(D) Signs in a General Management Area shall be permitted under an expedited review process pursuant to the following provisions:

(1) All new signs must meet the following standards unless they conflict with the Manual ~~for~~ on Uniform Traffic Control Devices (2012 or most recent version) for public safety, traffic control or

highway construction signs. In such cases, the standards in the Manual ~~for~~ on Uniform Traffic Control Devices (2012 or most recent version) shall supersede these standards.

(a) The support structure shall be unobtrusive and have low visual impact.

(b) Lettering colors with sufficient contrast to provide clear message communication shall be allowed. Colors of signs shall blend with their setting to the maximum extent practicable.

(c) Backs of all signs shall be unobtrusive, non-reflective, and blend in with the setting.

(d) Spot lighting of signs may be allowed where needed for night visibility. Backlighting is not permitted for signs.

(2) Business identification or facility entry signs located on the premises may be allowed, subject to MCC 38.0080 (D)(1).

(E) Signs in ~~an~~ a Special Management Area shall be permitted under an expedited review process pursuant to the following provisions:

(1) No sign shall be erected or placed in such a manner that it may interfere with, be confused with, or obstruct the view of any traffic sign, signal or device.

(2) ~~Pre-existing~~ Preexisting signs are allowed to continue, provided no changes occur in size, structure, color, or message.

(3) Except for signs allowed without review, all new signs shall meet the following standards, and be consistent with the Manual ~~for~~ on Uniform Traffic Control Devices (2012 or most recent version):

(a) Signs shall be maintained in a neat, clean and attractive condition.

(b) The character and composition of sign materials shall be harmonious with the landscape and~~/or~~ related to and compatible with the main structure upon which the sign is attached.

(c) Signs shall be placed flat on the outside walls of buildings, not on roofs or marquees.

(d) Signs shall be unobtrusive and have low contrast with the setting and not result in sign clutter or other negative visual effect.

(e) The visual impact of the support structure shall be minimized.

(f) Outdoor sign lighting shall be used for purposes of illumination only, and shall not be designed for, or used as, an advertising display, except for road safety signs.

(g) The backs ~~Backs~~ of all signs shall be visually unobtrusive, non-reflective, and blend in with the setting.

(h) Sign internal illumination or backlighting shall not be permitted except for highway construction, warning or safety.

(4) Public signs shall meet the following standards in addition to subsections (1) through (3) above:

(a) The Graphic Sign System provides design standards for public signs in and adjacent to public road rights-of-way. All new and replacement public signs, except those transportation, regulatory, guide and warning signs allowed outright shall conform to the guidelines in this system. Types of signs addressed include recreation site entry, interpretive, specific service signs, destination and distance signs, variable message signs, or signs that bridge or are cantilevered over the road surface.

(b) Signs located outside public road rights-of-way are encouraged to be designed in such a way as to be consistent with similar purpose signs described in the Graphic Signing System.

(c) Signs posted by governmental jurisdictions giving notice to the public shall be no larger than that required to convey the message intended.

(5) Signs located outside public road rights-of-way are encouraged to be designed in a way that is consistent with similar-purpose signs described in the Graphic Signing System.

(~~5~~6) Signs for public and commercial recreation facilities, home occupations, ~~cottage industries,~~ and commercial uses shall meet the following standards in addition to subsections (1) through (3) of this section:

(a) Any sign advertising or relating to a business which is discontinued for a period of 30 consecutive days shall be presumed to be abandoned and shall be removed within 30 days thereafter, unless permitted otherwise by the jurisdictional authority.

(b) Any signs relating to, or advertising, a business shall be brought into conformance with these sign standards prior to any expansion or change in use which is subject to review.

(c) Off-site and on-site directional signs on approach roads to recreational facilities may be permitted. Name and interpretive signs may be permitted on-site, but should be kept to the minimum required to achieve the purpose(s) of the facilities.

(d) Commercial recreation businesses approved in conjunction with a recreational facility may have a name sign not exceeding 16 square feet.

(e) Recreation developments may be permitted one on-premise name sign at each principal entrance. Such signs are encouraged to be of a low profile, monument type, and shall conform to the Graphic Sign System.

(~~6~~7) Sign clutter and other negative visual effects from excessive signs along all roads and highways, and at parking lots and recreation facilities, shall be reduced.

(F) Any sign in the General Management Area which does not conform with subsections (A) and (D) and has existed prior to adoption of the Management Plan shall be considered existing and subject to the following:

(1) Alteration of existing signs shall comply with MCC 38.0080(A) and (D).

(2) Any existing sign used by a business must be brought into conformance concurrent with any expansion or change in use which requires a development permit.

(Ord. 1270, Amended, 03/14/2019; Ord. 1125, Amended, 12/11/2008; Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0100 PLAN AMENDMENTS

Proposals to add or delete allowable uses within the various zones in the Columbia River Gorge National Scenic Area, change Plan map designations, or modify approval criteria shall require a plan amendment, pursuant to Policies 1 through 4 in *Amendment of the Management Plan* (Management Plan, Part IV, Chapter 1, Gorge Commission Role).

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0110 ~~INDIAN~~ TRIBAL TREATY RIGHTS AND CONSULTATION

(A) Tribal Treaty Rights and Consultation in the General Management Area (GMA)

(1) Tribal Government Notice and Comment Period

(a) The Planning Director shall send a notice to the governments of the four Columbia River treaty tribes for all new review uses, requesting comments, recommendations, or concerns relating to the protection of treaty rights, including rights to access, hunt, fish, and gather.

(b) The notice to the tribal governments shall request comments, recommendations, or concerns relating to the protection of treaty rights, including rights to access, hunt, fish, and gather, and shall include a site plan and may include supplemental information and a proposed treaty rights protection plan.

Commented [AB11]: Language with more detail than the Management Plan guideline language is proposed for addition into county code as recommended for county consideration by staff with the Columbia River Gorge Commission.

(c) Proposed new review uses and development located in, providing recreation river access to, or on parcels that adjoin the Columbia River or its fishbearing tributaries shall include the following supplemental information:

1. The site plan map 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. A description of 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.

3. Proposed treaty rights protection measures that will be used to avoid effects to Indian treaty or other rights. These measures may include reducing the size and modifying the location or design of the proposed uses, seasonal closures, stringent onsite monitoring, information signs, and highly visible buoys or other markers delineating fishing net locations.

(d) At the same time that the county sends notice, the county shall offer to meet with or consult with the tribal government prior to making a decision on the proposed development. Offers to meet or consult with a tribal government shall include phone calls or electronic communication

Commented [AB12]: Amended from "and" in the Management Plan language to "or" to align with the intent of the guideline to require counties to either make calls or send email communications to the identified tribal representatives. The intent of the Plan language is not to require counties to submit both phone calls and emails.

to tribal government chairs, chief administrative officers, and natural and cultural resource staff. The county shall make more than one attempt to contact a tribal government.

(e) Tribal governments shall have 30 calendar days from the date a notice is mailed to request that the county consult with the tribal government regarding potential effects or modifications to treaty or other rights of the tribe. All substantive comments, recommendations, or concerns expressed by tribal governments during the consultation meeting shall be summarized by the county, subject to the following confidentiality standards:

1. The county shall keep confidential and may not disclose to any person or party who is not the applicant, the applicant's representative or the necessary county planning staff and decision makers the tribal government's comments, recommendations, and concerns, and notes of the consultation and other information related to protection of treaty rights, unless the tribal government expressly authorizes disclosure.

2. The confidential information shall be submitted to the Gorge Commission for review in the event of an appeal, and shall remain confidential and not subject to disclosure to any person or party other than the applicant, the applicant's representative, the appellant, the appellants representative or the necessary Gorge Commission staff and Gorge Commission members unless the tribal government expressly authorizes disclosure.

(f) Any time periods specified in a county ordinance to review an application shall stop when a tribal government requests consultation and shall not start again until the county meets with all tribal governments that requested consultation and the county receives all additional information and actions from the project applicant necessary to avoid effects to treaty rights to the satisfaction of the tribal governments that requested consultation.

(g) A tribal government's choice to consult with the county shall, in no way, be interpreted as a waiver of the tribe's sovereign immunity or waiver of any claim that the proposed use affects or modifies a treaty right or other tribal rights.

(h) All substantive comments, recommendations, or concerns expressed by tribal governments during the consultation meeting shall be resolved by the county or project applicant through revisions to the project application, conditions of approval, and, if necessary in a treaty rights protection plan. The protection plan shall include measures to avoid effects or modifications to treaty and other rights of any Indian tribe.

(2) Conclusion of the Treaty Rights Protection Process

(a) The final decision shall integrate findings of fact that address the county's effort to meet with or consult with the tribal governments and any revisions and treaty rights protection plan resolving the tribal governments' comments, recommendations, or concerns.

(b) The treaty rights protection process may conclude if Multnomah County determines that the proposed uses would not affect or modify treaty or other rights of any Indian tribe. Uses that would affect or modify such rights shall be prohibited.

(c) A finding by Multnomah County that the proposed uses would not affect or modify treaty or other rights, or a failure of an Indian tribe to comment or consult on the proposed uses as

provided in these guidelines, in no way shall be interpreted as a waiver by the Indian tribe of a claim that such uses affect or modify treaty or other tribal 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.

~~(A) If a substantive written comment regarding tribal rights is received during the comment period provided in MCC 38.0530 (B) or (C) from an~~ Indian ~~tribal government, the applicant shall offer to meet with the affected tribal government within 10 calendar days. The 10 day consultation period may be extended upon agreement between the project applicant and the tribal government. If a substantive written comment is received on an expedited review preliminary decision, then the application will be reviewed using the full Type II process and is no longer eligible for expedited review.~~

~~(1) Consultation meetings should provide an opportunity for the project applicant and tribal representatives to identify potential conflicts and explore options to eliminate them. The project applicant must demonstrate that the proposed use would not affect or modify treaty or other rights of any Indian tribe.~~

~~(2) Any substantive comments, recommendations, or concerns expressed by~~ Indian ~~tribal governments during the consultation meeting shall be recorded and addressed by the project applicant in a Treaty Rights Protection Plan. The protection plan shall include measures to avoid effects to treaty and other rights of any Indian tribe. These measures may include reducing the size and modifying the location or design of the proposed uses, seasonal closures, stringent onsite monitoring, information signs, and highly visible buoys or other markers delineating fishing net locations.~~

~~(3) The Planning Director shall submit all protection plans to the~~ Indian ~~tribal governments.~~

~~(a)~~ Indian-t~~T~~ribal governments shall have 30 calendar days from the date a protection plan is mailed to submit written comments to the Planning Director.

~~(b) If substantiated comment is received during the 30 day comment period from an~~ Indian ~~tribal government indicating that the protection plan is inadequate and the proposed use would affect or modify any treaty or other rights of the tribe, the Planning Director shall place the matter on the next available Hearings Officer agenda.~~

1. The Hearings Officer shall determine whether the proposed uses would affect or modify any treaty or other rights of any Indian tribe.

2. The decision of the Hearings Officer shall integrate findings of fact that address any substantive comments, recommendations, or concerns expressed by Indian tribal governments.

3. If the decision of the Hearings Officer contradicts the comments, recommendations, or concerns of Indian tribal governments, the Hearings Officer must justify how an opposing conclusion was reached.

4. Uses that would affect or modify tribal treaty rights shall be prohibited.

(B) The Planning Director shall deem the Treaty Rights Protection Plan process complete if no substantiated comment is received during the 30-day comment period and the Treaty Rights Protection Plan and/or site plan indicate that the proposed uses would not affect or modify treaty or other rights of any Indian tribe.

(1) Notice of the decision of the Planning Director shall be mailed to those parties entitled to notice by MCC 38.0530 (B) or (C) within 25 days of the expiration of the 30-day comment period.

(2) The decision of the Planning Director regarding treaty or other rights of any Indian tribe shall be final 14 days from the date notice is mailed, unless appealed as provided in MCC 38.0530 (B) or (C).

(3) A finding by the Planning Director that the proposed uses would not affect or modify treaty or other rights, or a failure of an Indian tribe to comment or consult on the proposed uses as provided in this subsection, in no way shall be interpreted as a waiver by the Indian tribe of a claim that such uses adversely affect or modify treaty or other tribal rights.

(Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 994, Amended, 09/26/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

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PART 2 - PLANNING AUTHORITY

GENERAL PROVISIONS

§ 38.0200- DEFINITIONS.

As used in this chapter, unless the context requires otherwise:

Board means Board of County Commissioners of Multnomah County, Oregon.

Commission means the Planning Commission established under this chapter.

Comprehensive plan or *plan* shall have the meaning set forth in subsection (4) of ORS 197.015; shall be directed to the elements listed in the statewide use planning goals opted pursuant to ORS 197.240; shall include framework, development and operational plans based on an inventory and cultural data; shall be prepared under the supervision of the Director of the Land Use Planning Division and may include maps, a text, or both.

Gorge Commission means Columbia River Bi-State Gorge Commission.

(Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0205 POLICY AND PURPOSE.

(A) The Board of County Commissioners of Multnomah County, Oregon, recognized that planning for county and community development is vital to:

(1) Protect the citizenry from fire, flood, pollution and other health or safety hazards;

(2) Prevent overcrowding and inefficient use of land;

(3) Safeguard natural resources;

(4) Provide communities and neighborhoods with a variety of living choices, adequate housing, amenities, stores, schools, parks and other public and private facilities;

(5) Provide a transportation system meeting the needs of all citizens;

(6) Provide for the location of industry and the creation of new and varied employment opportunities; and

(7) Provide a framework and process in which decisions by individuals and governmental agencies can be coordinated and made in the best interests of the general public.

(B) Therefore, in accordance with ORS chapter 197 and 215 and the County Charter, the Board has determined that all decisions made by Multnomah County with respect to County development shall be predicated upon a comprehensive plan adopted and revised in the manner described in this chapter.

(1) The Rural Area Plan is an element of the Multnomah County Comprehensive Framework Plan, and together with the Management Plan, provides the policy basis for Multnomah County Code Chapter 38.

(2) Multnomah County shall amend Chapter 38, Columbia River Gorge National Scenic Area, of the Multnomah County Code as needed to be consistent with the Management Plan.

(3) Multnomah County shall adopt provisions that vary from the Management Plan when it deems that the provisions are more protective of the resources in the National Scenic Area.

(C) Multnomah County recognizes the Gorge Commission's responsibility for revising the Management Plan and its authority to serve as the appeals board for Multnomah County National Scenic Area land use decisions.

(D) Multnomah County recognizes the authority of the U.S. Forest Service to manage National Forest System lands in the National Scenic Area according to the Management Plan and the Land and Resource Management Plan for the Mt. Hood National Forest.

(E) Multnomah County recognizes the authority of the U.S. Forest Service to determine consistency with the Management Plan for all projects on federal lands in the National Scenic Area.

(F) Multnomah County shall notify the four ~~Indian~~ tribal governments when new uses are proposed on lands where tribal members exercise treaty or other rights.

(G) Multnomah County recognizes that the Oregon State Legislative Assembly and the Department of Land Conservation and Development consider the Management Plan to achieve, on balance, the objectives of the Statewide Planning Goals.

(H) Multnomah County shall review development in the National Scenic Area portion of the City of Troutdale for consistency with the Management Plan by applying the standards, criteria, and procedures in Multnomah County Code Chapter 38, until such time that the City of Troutdale adopts an ordinance to implement the Management Plan or the City and County enter into an agreement that establishes how the Management Plan is to be implemented in this portion of the City.

(Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0207 AUTHORITY

Multnomah County must regulate land uses for compliance with the Columbia River Gorge National Scenic Area Act. The National Scenic Area Act gives certain federal, ~~Indian tribe~~ Columbia River tribes, state, and local agencies authority in the National Scenic Area, and considering provisions of the Act, ORS chapter 196, 197 and 215, the County Charter, the Board understands those authorities to be as follows:

(A) Gorge Commission:

(1) The Gorge Commission has authority to develop and adopt land use and resource protection policy through the Management Plan.

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(2) The Gorge Commission has authority to serve as the appeals board for National Scenic Area land use decisions issued by Multnomah County.

(3) The Gorge Commission has authority to disapprove a land use ordinance enacted by Multnomah County if the ordinance is inconsistent with the Management Plan.

(4) The Gorge Commission has authority to enact a land use ordinance that sets standards for the use of non-federal land if the County fails to enact land use ordinances consistent with the Management Plan.

(B) U.S. Forest Service:

(1) The U.S. Forest Service has authority to review and issue a determination of consistency with the Management Plan for projects on federal lands. The U.S. Forest Service has authority to review land use and development actions of federal agencies for consistency with the Management Plan. The U.S. Forest Service shall provide copies of applications for projects on federal land to Multnomah County for comment.

(2) Federal resource specialists shall provide resource review for projects on federal lands.

(3) The U.S. Forest Service has authority to consult with ~~Indian~~ tribal governments at the government-to-government level to determine the effect of all new development or uses in the Special Management Area on treaty rights. The U.S. Forest Service notifies the County of the determination as part of the review process.

(4) The U.S. Forest Service has authority to continue to acquire Special Management Area and Dodson/Warrendale Special Purchase Unit land through purchase, donation, or land exchange.

(5) The U.S. Forest Service provides fish and wildlife resource information to counties and the Gorge Commission.

(6) The U.S. Forest Service provides historic resource information to counties and the Gorge Commission.

(C) ~~Indian Tribes~~ Tribal Governments:

(1) The ~~Indian~~ tribal governments exercise inherent sovereign powers, as limited by treaty or act of Congress.

(2) ~~Indian t~~Tribal governments shall have an opportunity to review and comment on new uses that are proposed on lands, or in waters, where tribal members exercise treaty or other rights.

(3) Proposed uses that would adversely affect treaty or other rights of any ~~Indian tribe~~ tribal government shall be prohibited.

(D) Multnomah County:

(1) Multnomah County has the authority to implement the Management Plan for National Scenic Area lands within its jurisdiction.

(2) Multnomah County has authority from the Act to adopt ordinances with provisions that vary from the policies and guidelines in the Management Plan as long as the ordinances provide greater protection for the scenic, cultural, natural, and recreation resources of the National Scenic Area (with concurrence by the Gorge Commission and by the Secretary of Agriculture in the Special Management Area).

(3) Multnomah County shall review and decide upon applications for all permits relating to the use of non-federal land within the Multnomah County portion of the National Scenic Area. These permits include all form of land divisions, land use, and legislative enactments and amendments to the Multnomah County Comprehensive Plan and Multnomah County Code.

(4) Multnomah County shall review all development proposals on non-federal land in the National Scenic Area for consistency with the Management Plan for the Columbia River Gorge National Scenic Area by applying the standards, criteria, and procedures in Multnomah County Code Chapter 38.

(5) The County may adopt provisions in its land use ordinance that are not required by a policy or guideline in the Management Plan for the Columbia River Gorge National Scenic Area when it deems they are necessary to protect general health, safety, and welfare or to implement state or federal laws not regulated by the Columbia River Gorge National Scenic Area Act. Such provisions shall not conflict with the Act.

(6) The County has the authority to deny any permit or otherwise refuse to take any action that is inconsistent with the purposes and standards of the Management Plan.

(7) Multnomah County has authority to review applications for developments or uses on non-federal land with the National Scenic Area. Multnomah County shall provide a copy of the application to The U.S. Forest Service for comment.

(8) The City of Troutdale has not enacted an ordinance to implement the Management Plan, and until the City of Troutdale enacts such regulations, Multnomah County is directed by the Act to enforce its implementing ordinance in those portions of the city within the National Scenic Area.

(Ord. 1064, Add, 06/23/2005)

§ 38.0210 SEVERABILITY.

If any subsection, subdivision, phrase, clause, sentence or word in this chapter shall for any reason be held invalid or unconstitutional by a court of competent jurisdiction, that holding shall not invalidate the remainder of this chapter, but shall be confined to the subsection, subdivision, clause, sentence or word held invalid or unconstitutional.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

PLANNING COMMISSION

(Ord. 1192, Add, 05/17/2012)

§ 38.0300- PLANNING COMMISSION ESTABLISHED.

The Planning Commission is designated as the land use planning advisory body to the Board and shall have the powers and duties described in this chapter and such other powers and duties as may be imposed on it by state, federal or local law, rule or regulation.

(Ord. 1192, Add, 05/17/2012)

§ 38.0305 MEMBERSHIP OF COMMISSION.

(A) The Commission shall consist of nine members, who shall be appointed pursuant to law and the charter of Multnomah County to fill designated positions numbered 1 through 9.

(B) Members of the Commission shall be residents of the various geographic areas of the county and shall serve without compensation, except for reimbursement for duly authorized expenses.

(C) A member who ceases to be a resident of Multnomah County shall then cease to be a member of the Commission.

(D) No more than two members of the Commission shall be engaged principally, whatever be the form of doing business, in the buying, selling or developing of real estate for profit. No more than two members shall be engaged in the same kind of business, trade or profession.

(Ord. 1192, Add, 05/17/2012)

§ 38.0310 TERMS OF OFFICE OF COMMISSION MEMBERS.

(A) Terms of office of Commission members shall be a maximum of four years, and the term of no more than three Commission members shall expire in any year. The term of a Commissioner may continue until a successor is appointed. The term of a newly appointed Commissioner shall be designated such that a staggered term expiration scheme is maintained.

(B) No Commission member shall serve more than two consecutive terms excluding completion of an unexpired term of less than two years, unless otherwise provided by unanimous concurrence of the Board.

(C) Appointments to uncompleted terms shall be limited to the remainder of the expiring Commissioner's term.

(Ord. 1192, Add, 05/17/2012)

§ 38.0315 VACANCIES AND REMOVAL OF COMMISSION MEMBERS.

(A) Upon resignation, permanent disqualification or removal of any member of the Commission, the Chair of the Board shall, pursuant to the County Charter, appoint a successor to fill the remainder of the term.

(B) After a hearing, the Board or the Planning Commission may remove any member for cause, which may include misconduct or nonperformance of duty. Nonperformance may include lack of attendance, as defined by three consecutive absences from Commission meetings, or five absences total during a calendar year.

(Ord. 1192, Add, 05/17/2012)

§ 38.0320 OFFICERS AND STAFF.

(A) The Commission shall, at or before its first meeting in April each year, elect and install from among its members a chair and vice-chair. The Commission may elect and install from among its members a second vice-chair. If there is a vacancy in any officer position, the Commission shall fill such vacancy by appointing an officer at the first regular meeting following the vacancy.

(B) The Planning Director shall serve as staff for the Commission and its committees and shall provide such administrative and technical assistance as may be required.

(Ord. 1192, Add, 05/17/2012)

§ 38.0325 COMMITTEES.

The presiding officer of the Commission shall appoint advisory and other subcommittees as considered appropriate or as directed by the Commission or the Board.

(Ord. 1192, Add, 05/17/2012)

§ 38.0330 ADMINISTRATION.

(A) The conduct of meetings of the Commission shall be according to rules of order adopted by the Commission and filed with the Planning Director. The rules shall be effective 15 days after filing.

(B) The Planning Director shall maintain an accurate and permanent record of all proceedings before the Commission, including a verbatim recording of such proceedings. Failure to maintain an accurate and permanent record does not invalidate any action taken by the Commission except as otherwise provided at law.

(C) Five members of the Commission shall constitute a quorum for the conduct of business. Notwithstanding a lack of quorum, the Commission may act to continue a hearing or matter to a time and date certain for consideration by a quorum.

D) The affirmative vote of at least five members of the Commission is required for approval of motions relating to a matter classified in MCC 38.0530 as a Type IV or PC matter or a matter concerning a proposal to name or rename a street. Except as otherwise provided, the affirmative vote of the majority of those members of the Commission present is required for all other action by the Commission. A member of the Commission that abstains or is disqualified from participating or voting in a matter before the commission is not “present” for purposes of determining the number of votes required to take action on a matter.

(Ord. 1192, Add, 05/17/2012)

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§ 38.0333 MEETINGS.

(A) The Commission shall schedule meetings on a regular monthly basis. The Planning Commission may schedule special meetings at the request of the Planning Director. Any meeting may be cancelled for lack of quorum or agenda item. All meetings are open to the public, except executive sessions, and notice shall be given as required by law or rule. Failure to provide an open meeting or notice as required by law or rule does not invalidate any action taken by the Commission except as otherwise provided at law.

(B) The Commission may continue any proceeding. A proceeding continued to a date certain requires no additional notice unless additional notice is required by law or rule or is ordered by the Commission.

(C) The Commission may meet in executive session in accordance with state law. At the beginning of each executive session, the statutory authority for the meeting must be stated. The Commission will require that representatives of the news media and all other attendees are specifically directed not to disclose specified information that is the subject of the executive session.

(Ord. 1192, Add, 05/17/2012)

§ 38.0335 COORDINATION.

(A) The Commission shall advise and cooperate with other planning commissions, hearings officers, agencies or bodies within the state, and shall, upon request or on its own initiative, make available advice or reports to the state or federal government or any regional association of governments, city, county, public officer or department on any problem comprehended within its powers and duties.

(B) All County officials, departments and agencies having information, maps and data considered by the Commission to be pertinent to its powers and duties shall make that information available for the use of the Commission upon request.

(Ord. 1192, Add, 05/17/2012)

§ 38.0340 POWERS AND DUTIES OF COMMISSION.

The Commission shall:

(A) Recommend to the Board the adoption, revision or repeal of a comprehensive plan or portions thereof;

(B) Report and recommend to the Board the adoption, revision, amendment or repeal of zoning, subdivision, and other regulatory ordinances and regulations, intended to carry out part or all of a plan adopted by the board,

(C) Where appropriate, initiate actions under MCC Chapter 38 Part 3 – Administration and Procedures as amended;

(D) On request, provide written advisory opinions to the Board and Hearings Officer on the application of the Comprehensive Plan, zoning ordinance or other matter or regulation within the jurisdiction of the Commission to any proposed action before the Board or the Hearings Officer;

(E) Recommend to the Board the institution of injunction, mandamus, abatement or other appropriate proceedings to prevent, temporarily or permanently enjoin, abate or remove any existing or proposed unlawful location, construction, maintenance, repair, alteration or use of any building or structure or the existing or proposed unlawful subdivision or other unlawful partitioning or use of any land;

(F) Enter upon any land and make examinations and surveys and place and maintain the necessary monuments and markers on the land, as required to perform its functions;

(G) Consult with advisory committees, as appropriate, in regard to any matter within the powers and duties of the Commission; and

(H) Exercise such other powers and perform such other duties as may be given to the Commission by federal or state law or by this chapter or other ordinance.

(Ord. 1192, Add, 05/17/2012)

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PART 3 - ADMINISTRATION AND PROCEDURES

§ 38.0510- PURPOSE AND SCOPE.

This chapter provides the procedures by which Multnomah County reviews and decides upon applications for all permits relating to the use of land in Multnomah County within the Columbia River Gorge National Scenic Area and those other permits processed through the Multnomah County Land Use Planning Division. These permits include all form of land divisions, land use, and legislative enactment's and amendments to the Multnomah County Comprehensive Plan and Multnomah County Code. An applicant may elect to consolidate applications for two or more related permits needed for a single development project.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0530 SUMMARY OF DECISION MAKING PROCESSES.

The following decision making processes chart shall control the County's review of the indicated permits:

APPROVAL PROCESS					
Permit Type	**I**	**II**	**II Expedited**	**III**	**PC**
Initial Approval Body:	(Not a "land use decision")	(Planning Director)	(Planning Director)	(Hearings Officer)	(Legislative)
Allowed Uses[1]	**X**				
Expedited Uses			**X**		
Review Uses		**X**			
Conditional Uses				**X**	
Zone Code Text Changes (Initiated by County only)					**X**
Variance		**X**		**X**	
Extension of Decision	**X**				
Property Line Adjustments		**X**			
Planned Unit Developments				**X**	

APPROVAL PROCESS					
Permit Type	**I**	**II**	**II Expedited**	**III**	**PC**
Initial Approval Body:	(Not a "land use decision")	(Planning Director)	(Planning Director)	(Hearings Officer)	(Legislative)
[Land Divisions] (see Land Division Permit Types below)					
Subdivision				**X**	
Major Partition		**X**			
Minor Partition		**X**			
Lot Consolidation	**X**				
Replat		**X**			
Revocation of Decisions				**X**	
Zoning Code Interpretations		**X**			
Temporary Health Hardship Permit Extension	**X**				
Geologic Hazards Permit		**X**			
Floodplain Development	**X**				
~~Grading and Erosion Control~~ Erosion and Sediment Control	**X**				
Minimal Impact Project	**X**				
Property Addressing	**X**				
Street Naming & Renaming				**X**	

Commented [AB13]: Updating reference to existing Erosion and Sediment (ESC) ground disturbing activity permit which formerly was referred to as a Grading and Erosion Control (GEC) permit.

Commented [AB14]: Adding reference to the existing Minimal Impact Project (MIP) ground disturbing activity permit which currently applies within the NSA.

APPROVAL PROCESS					
Permit Type	**I**	**II**	**II Expedited**	**III**	**PC**
Initial Approval Body:	(Not a "land use decision")	(Planning Director)	(Planning Director)	(Hearings Officer)	(Legislative)
Final Plat Approval	**X**				
1 Although an Allowed Use by itself does not require a Type I permit, zoning approval of a building permit application for such a use is a Type 1 review.					

Permit Types

(A) Type I decisions do not require interpretation or the exercise of policy or legal judgment in evaluating approval standards. Type I decisions include, but are not limited to, site plan approval of building or other specialty permits and final subdivision and planned unit development plans where there are no material deviations from the approved preliminary plans. Because no discretion is involved, Type I decisions do not qualify as land use or limited land use decisions. The process requires no notice to any party other than the applicant. The Planning Director's decision is final and not appealable by any party through the normal land use process. Type I decisions may only be appealed through a writ of review proceeding to circuit court.

(B) Type II decisions involve the exercise of some interpretation and discretion in evaluating approval criteria. Applications evaluated through this process are typically assumed to be allowable in the underlying zone. County Review typically focuses on what form the use will take, where it will be located in relation to other uses, and ~~it's~~ its relationship to scenic, natural, cultural and recreational resources of the area. However, an application shall not be approved unless it is consistent with the applicable siting standards and in compliance with approval requirements.

(1) For development eligible for Expedited Review, upon receipt of a complete application, the Planning Director issues a preliminary decision and sends the application including the decision and an invitation to comment to the Gorge Commission; U.S. Forest Service; the ~~Indian tribal~~ governments of the four Columbia River treaty tribes; and property owners within 750 feet of the subject tract. The Planning Director accepts comments for 14 days. If no comments are received, the Planning Director's decision shall become final at the close of business on the 14th day after the date on the preliminary decision. Comments received by a tribal government at any time during the expedited review process shall be considered, to ensure that the proposed development or use does not affect or modify the treaty or other rights of that tribe. If substantive written comments are received, the Planning Director shall either modify the decision to address the comments and re-issue it for a 14-day appeal period or re-direct the application to full review in MCC 38.0530 (B) (2) if comments establish that the proposed development is not eligible for expedited review for reasons listed under MCC 38.7100. The Planning Director's decision is appealable to the County Hearings Officer. If an appeal is received, the Hearings Officer decision is the County's final decision and is appealable to the Columbia River Gorge Commission within 30 days after the decision is final. The decision is final the day the decision is signed by the Hearings Officer.

(2) For all permit types except development eligible for expedited review, upon receipt of a complete application, notice of application and an invitation to comment are mailed to the Gorge Commission; the U.S. Forest Service; the ~~Indian~~ tribal governments; the State Historic Preservation Office; the Cultural Advisory Committee; and property owners within 750 feet of the subject tract. The Planning Director accepts comments for ~~14~~ 21 days after the notice of application is mailed, except for comments regarding Cultural Resources, which will be accepted for ~~20~~ 30 days after the notice is mailed. The Planning Director's decision is appealable to the Hearings Officer. If no appeal is filed the Planning Director's decision shall become final at the close of business on the 14th day after the date on the decision. If an appeal is received, the Hearings Officer decision is the County's final decision and is appealable to the Columbia River Gorge Commission within 30 days after the decision is final. The decision is final the day the decision is signed by the Hearings Officer.

(C) Type III decisions involve the greatest amount of discretion and evaluation of subjective approval criteria, yet are not required to be heard by the Board. Applications evaluated through this process primarily involve conditional uses and some land divisions applications. Notice of the application and Hearings Officer hearing is published and mailed to the applicant, recognized neighborhood association and property owners 750 feet of the subject tract. The Planning Director shall notify the four ~~Indian~~ tribal governments, SHPO, the Gorge Commission, and the U.S. Forest Service of all applications for Conditional Uses. Notice must be issued at least 20 days pre-hearing, and the staff report must be available at least 7 days pre-hearing. The Hearings Officer shall accept into the record all testimony and evidence relevant to the matter, prior to the close of the hearing. The Hearings Officer decision is the County's final decision and is appealable to the Columbia River Gorge Commission within 30 days after the decision is final. The decision is final the day the decision is signed by the Hearings Officer.

(D) PC reviews are limited to legislative actions which involve the adoption or amendment of textual language to the County's National Scenic Area (NSA) land use regulations. Within the NSA the Columbia River Gorge Commission has the authority to adopt amendments to the Management Plan and Land Use Designations Maps that are directly applicable to County actions. For this reason, PC reviews only involve limited discretion and evaluation of new or revised subjective approval criteria and revised maps, and must be referred by the Planning Commission onto the Board for final action prior to adoption by the County. Upon adoption by the Board of County Commissioners, the ordinance shall be promptly submitted to the Columbia River Gorge Commission for their review and approval.

(Ord. 1270, Amended, 03/14/2019; Ord. 1192, Amended, 05/17/2012; Ord. 1186, Amended, 10/13/2011; Ord. 1103, Amended, 11/29/2007; Ord. 1097, Amended, 07/26/2007; Ord. 1064, Amended, 06/23/2005; Ord. 1007, Amended, 02/06/2003; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 994, Amended, 09/26/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0540 ASSIGNMENT OF DECISION MAKERS.

The following County entity or official shall decide the following types of applications:

(A) Type I Decisions. The Planning Director shall render all Type I decisions. The Planning Director's decision is the County's final decision on a Type I application.

(B) Type II Decisions. The Planning Director shall render the initial decision on all Type II permit applications. The Planning Director's decision is the County's final decision unless appealed to the Hearings Officer. The Hearing Officer decision on such an appeal is the County's final decision on a Type II application and is appealable to the Columbia River Gorge Commission.

(C) Type III Decisions. The Hearings Officer shall render all Type III decisions. The Hearings Officer decision is the County's final decision on a Type III application and is appealable to the Columbia River Gorge Commission.

(D) PC Actions. The Planning Commission shall review all PC actions. If the Planning Commission adopts a resolution to recommend an action, the Planning Commission refers the resolution to the Board for final action. The ordinance becomes effective after approval by the Columbia River Gorge Commission and, if necessary, concurrence by the Secretary of Agriculture.

(Ord. 1192, Amended, 05/17/2012; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 994, Amended, 09/26/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0550 INITIATION OF ACTION.

Except as provided in MCC 38.0702, Type I - III applications may only be initiated by written consent of the owner of record or contract purchaser. PC (legislative) actions may only be initiated by the Board of Commissioners, Planning Commission, or Planning Director.

(Ord. 1176, Amended, 03/03/2011; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 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 for any property that is not in full compliance with all applicable provisions of the Multnomah County Land Use 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.

(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.

(Ord. 1187, Amended, 11/17/2011; Ord. 1031, Amended, 05/06/2004; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0570 PRE-APPLICATION CONFERENCE MEETING.

(A) A pre-application conference is optional for uses eligible for Type II expedited review. For all other Type II or Type III applications, the applicant shall schedule and attend a pre-application conference with County staff to discuss the proposal. The pre-application conference shall follow the procedure set forth by the Planning Director and may include a filing fee, notice to neighbors, neighborhood organizations, and other organizations and agencies.

(B) To schedule a pre-application conference, the applicant shall contact the Land Use Planning Division and pay the appropriate conference fee. The purpose of the pre-application conference is for the applicant to provide a summary of the applicant's development proposal to staff and in return, for staff to provide feedback to an applicant on likely impacts, limitations, requirements, approval standards, fees and other information that may affect the proposal. The Planning Director

may provide the applicant with a written summary of the pre-application conference within 10 days after the pre-application conference.

(C) Notwithstanding any representations by County staff at a pre-application conference, staff is not authorized to waive any requirements of the County Code. Any omission or failure by staff to recite to an applicant all relevant applicable land use requirements shall not constitute a waiver by the county of any standard or requirement.

(D) A pre-application conference shall be valid for a period of 6 months from the date it is held. If no application is filed within 6 months of the conference or meeting, the applicant must schedule and attend another conference before the County will accept a permit application. The Planning Director may waive the pre-application requirements if, in the Director's opinion, the development does not warrant these steps.

(Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0580 APPLICATION REQUIREMENTS FOR TYPE I – III APPLICATIONS.

All permit applications must be submitted at the Land Use Planning Division office on the most current form provided by the county, along with the appropriate fee and all necessary supporting documentation and information, sufficient to demonstrate compliance with all applicable approval criteria. The applicant has the burden of demonstrating, with evidence, that all applicable approval criteria are, or can be met. An application shall not be approved unless it meets the applicable approval criteria.

(Ord. 1262, Amended, 08/30/2018; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0590 COMPLETENESS REVIEW – TYPE I APPLICATIONS.

(A) Upon submission of a Type I application, the Planning Director shall date stamp the application form and verify that the appropriate application fee has been submitted. The Planning Director will then review the application and evaluate whether the application is complete. Within 30 days of receipt of the application, the Planning Director shall complete the initial review and issue to the applicant a completeness letter indicating whether the application is complete. If not complete, the Planning Director shall advise the applicant what information must be submitted to make the application complete.

(B) Upon receipt of a letter indicating the application is incomplete, the applicant has 180 days from the original application submittal date within which to submit the missing information or the application shall be void and all materials returned to the applicant. If the applicant submits the requested information within the 180-day period, the Planning Director shall again verify whether the application, as augmented, is complete. Each such review and verification shall follow the procedure in subsection (A) of this section. If the Planning Director determines the application is complete, the County may begin processing it.

(C) The approval criteria and standards which control the County's review and decision on a complete application are those which were in effect on the date the application was first submitted.

(Ord. 1262, Added, 08/30/2018)

§ 38.0600 COMPLETENESS REVIEW.

(A) Type II or Type III applications shall be reviewed according to the standards in effect on the date an applicant submits a complete land use application to the County. Incomplete applications shall not be reviewed. A complete application is one that the County determines meets the requirements of this Chapter for:

(1) a complete application form,

(2) a complete site plan showing the proposed site (site plans with alternative sites or building envelopes are not sufficient), and

(3) all applicable information specified in this Chapter.

(B) Upon submission of a Type II or Type III application, the Planning Director shall date stamp the application form and verify that the appropriate application fee has been submitted. Within 30 days of receipt of the application, for all Type II and III permits except development eligible for expedited review, the Planning Director should review the application, evaluate whether the application is sufficiently complete to mail out for comment, and issue to the applicant a completeness letter. For permits processed with expedited review, County staff should review the application and evaluate whether the application is sufficiently complete at the time the application is submitted. If not sufficiently complete, the Planning Director shall advise the applicant what information must be submitted to make the application sufficiently complete.

(C) For all Type II and III permits except development eligible for expedited review, upon receipt of a letter indicating the application is not sufficiently complete, the applicant has 180 days from the original application submittal date within which to submit the missing information or the application shall be rejected and all materials returned to the applicant. If the applicant submits the requested information within the 180 day period, the Planning Director shall again verify whether the application, as augmented, is complete. For permits processed with expedited review, County staff should review the application and evaluate whether the application is sufficiently complete at the time the application is submitted. Each such review and verification shall follow the procedure in subsection (B) of this section.

(D) For all Type II and III permits except those reviewed with the expedited process, an applicant shall file within 30 days of the mailing of the initial completeness letter, a statement accepting the 180 day time period to complete the application. Failure of an applicant to accept the 180 day time period to complete the application within 30 days of the mailing of the completeness letter will constitute a refusal to complete the application. Where an applicant refuses to complete an application the County will take no action, reject the application and return all materials to the applicant.

(E) The approval criteria and standards which control the County's review and decision on a complete application are those which were in effect on the date the application was first submitted.

(Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 994, Amended, 09/26/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0605 REPEALED BY ORD. 1262.

§ 38.0610 HEARINGS PROCESS - TYPE II APPEALS, TYPE III APPLICATIONS.

All public hearings on Type II or Type III applications shall be quasi-judicial and comply with the procedures of this section.

(A) Once the Planning Director determines that an application for a Type III decision is complete, or once an appeal of a Planning Director's decision on a Type II application has been properly filed, the Land Use Planning Division shall schedule a hearing.

(B) Notice of the hearing shall be issued in accordance with MCC 38.0620.

(C) The property subject to a Type III application shall be posted in accordance with MCC 38.0630.

(D) The Planning Director shall prepare a staff report on the application which lists the applicable approval criteria, describes the application and the applicant's proposal, summarizes all relevant County department, agency and public comments, describes all other pertinent facts as they relate to the application and the approval criteria, and makes a recommendation as to whether each of the approval criteria are met.

(E) At the beginning of the initial public hearing authorized under these procedures, a statement shall be announced to those in attendance, that:

(1) Lists the applicable substantive criteria;

(2) The hearing will proceed in the following general order: staff report, applicant's presentation, testimony in favor of the application, testimony in opposition to the application, rebuttal, record closes, deliberation and decision;

(3) That all testimony and evidence submitted, orally or in writing, must be directed toward the applicable approval criteria. If any person believes that other criteria apply in addition to those addressed in the staff report, those criteria must be listed and discussed on the record. The decision maker may reasonably limit oral presentations in length or content depending upon time constraints. Any party may submit written materials of any length while the public record is open;

(4) Any party wishing a continuance or to keep open the record must make that request while the record is still open;

(5) That the decision maker shall disclose any ex parte contacts, conflicts of interest or bias before the beginning of each hearing item and provide an opportunity for challenge. Advised parties must raise challenges to the procedures of the hearing at the hearing and raise any issue relative to ex parte contacts, conflicts of interest or bias, prior to the start of the hearing.

(F) Requests for continuances and to keep open the record. The decision maker(s) may continue the hearing from time to time to allow the submission of additional information or for deliberation without additional information. New notice of a continued hearing need not be given so long as the decision maker(s) establishes a time certain and location for the continued hearing. Similarly, the decision maker may close the hearing but keep open the record for the submission of additional

written material or other documents and exhibits. The decision maker(s) may limit the factual and legal issues that may be addressed in any continued hearing or open-record period.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0620 HEARINGS NOTICE - TYPE II APPEALS OR TYPE III APPLICATIONS.

Notice for all public hearings for Type III application or an appeal of a Type II application shall conform to the requirements of this section. At least 20 days prior to the hearing, the County shall prepare and send, by first class mail, notice of the hearing to all owners of record, based upon the most recent Multnomah County records, of property within 750 feet of the subject tract and to the Gorge Commission, the U.S. Forest Service, and the governments of the ~~Indian~~ four Columbia River treaty tribes ~~tribal governments~~. Notice shall also be sent to the State Historic Preservation Office, and the Cultural Advisory Committee, unless the appeal is of a decision subject to expedited review. The County shall further provide notice to those persons who have identified themselves in writing as aggrieved or potentially aggrieved or impacted by the decision prior to the required mailing of such notice. The County shall also publish notice in a newspaper of general circulation within the County. For all Type II and III hearings except development reviewed with the expedited process, the County shall mail and publish notice of hearing at least 20 days prior to hearing. For development reviewed with the expedited process, the County shall mail and publish notice of the hearing at least 14 days prior to the hearing. Notice of the hearing shall include the following information:

(A) The time, date and location of the public hearing;

(B) Street address or other easily understood location of the subject property and County assigned case file number;

(C) A description of the applicant's proposal, along with a list of citations of the approval criteria that the County will use to evaluate the proposal;

(D) A statement that any interested party may testify at the hearing or submit written comments on the proposal at or prior to the hearing, and that a staff report will be prepared and made available to the public at least 7 days prior to the hearing;

(E) A statement that any issue which is intended to provide a basis for an appeal to the Columbia River Gorge Commission must be raised before the close of the public record. Issues must be raised and accompanied by statements or evidence sufficient to afford the County and all parties to respond to the issue;

(F) A statement that the application and all supporting materials and evidence submitted in regard to the application may be inspected at no charge, and that copies may be obtained at cost, at the Multnomah County Land Use Planning Division during normal business hours; and

(G) The name and telephone number of the planning staff person responsible for the application and who is otherwise available to answer questions about the application.

(H) Notice published in a newspaper shall include the information in (A), (B) and (G) above, along with a brief description of the applicant’s proposal, and a statement that all interested parties may testify at the hearing or submit written comments on the proposal at, or prior to the hearing.

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(Ord. 1098, Amended, 08/16/2007; Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 994, Amended, 09/26/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0630 POSTING NOTICE REQUIREMENTS - TYPE III HEARINGS.

The requirements of this subsection shall apply to Type III hearings.

(A) The County shall supply all of the notices which the applicant is required to post on the subject property, and shall specify the dates the notices are to be posted.

(B) The applicant must place the notice along the frontage of the subject property. If a property's frontage exceeds 300 feet, the applicant shall post one copy of the notice for each 300 feet or fraction thereof, not to exceed four signs. Notices shall be posted within 10 feet of the right of way and shall be clearly visible to pedestrians and motorists. To the extent practicable, all signs shall be equally spaced. Notices shall not be posted within the public right of way nor on trees. The applicant shall remove all signs within 10 days following the event announced in the notice.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0640 APPEALS.

Appeals of any decisions of the County must comply with the requirements of this section.

(A) Type I decisions by the Planning Director are not appealable to any other decision maker within the County.

(B) A Notice of Appeal of a Type II decision by the Planning Director must be received in writing by the Land Use Planning Division within 14 calendar days from the date notice of the challenged decision is provided to those entitled to notice. If the County's notice of decision is mailed, any appeal must be received by and at the Land Use Planning Division within 14 calendar days from the date of mailing. Late or improperly filed appeals shall be deemed a jurisdictional defect and will result in the automatic rejection of any appeal so filed.

(C) The following must be included as part of the Notice of Appeal:

(1) The County’s case file number and date the decision to be appealed was rendered.

(2) The name, mailing address and daytime telephone number for each appellant.

(3) A statement of how each appellant has an interest in the matter and standing to appeal.

(4) A statement of the specific grounds for the appeal.

(5) The appropriate appeal fee. Failure to include the appeal fee within appeal period is deemed to be a jurisdictional defect and will result in the automatic rejection of any appeal so filed.

(D) Standing to Appeal. Those who are entitled to appeal a Type II decision include those who are entitled to notice under MCC 38.0620.

(E) The Land Use Planning Division shall issue notice of the appeal hearing to all parties entitled to notice had the initial decision been subject to a hearing under MCC 38.0620. Notice of the appeal hearing shall contain the following information:

(1) The case file number and date of the decision being appealed;

(2) The time, date and location of the public hearing;

(3) The name of the applicant, owner and appellant (if different);

(4) The street address or other easily understood location of the subject property;

(5) A description of the permit requested and the applicant's development proposal;

(6) A brief summary of the decision being appealed and the grounds for appeal listed in the Notice of Appeal;

(7) A general explanation of the requirements for participation and the County's hearing procedures.

(F) Appeal hearing, scope of review. Appeal hearings shall comply with the procedural requirements of MCC 38.0610. Appeal hearings shall be de novo, as if new, and all issues relevant to the applicable approval criteria may be considered.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 994, Amended, 09/26/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0650 REAPPLICATION LIMITED.

If an application is denied, or withdrawn following the close of the public hearing or the end of the appeal period, no reapplication for the same or substantially similar proposal may be made for one year following the date of final decision denying the permit or the date of withdrawal.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 994, Amended, 09/26/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0660 CONDITIONS OF APPROVAL AND NOTICE OF DECISION.

(A) All County decision makers have the authority to impose reasonable conditions of approval designed to ensure that all applicable approval standards are, or can be, met.

(B) The applicant retains the burden of demonstrating that applications comply with the approval criteria or can and will comply with the approval criteria through the imposition of conditions of approval. Further, the applicant must file evidence demonstrating that an approval criteria can be met with the imposition of conditions as well as demonstrate a commitment to comply with conditions of approval.

(C) Failure to comply with any condition of approval shall be grounds for revocation of the permit(s) and grounds for instituting code enforcement proceedings pursuant to the county code.

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(D) Notice of decision for Type II and Type III decisions except expedited review decisions. The County shall send, by first class mail, a notice of all decisions rendered under a Type II or Type III process. For Type II or Type III decisions, to those who submitted written comment, requested the decision in writing or provided oral testimony at a hearing on the matter, and to the Gorge Commission. The notice of decision shall include the following information:

(1) The file number and effective date of decision;

(2) The name of the applicant, owner and appellant (if different);

(3) The street address or other easily understood location of the subject property;

(4) A brief summary of the decision, and if an approval, a description of the permitted use approved;

(5) A statement that the decision is final at the close of the appeal period unless appealed, and description of the requirements for perfecting an appeal;

(6) A statement that a person receiving notice cannot appeal a Type II decision directly to the Columbia River Gorge Commission unless all local appeals are exhausted;

(7) The contact person, address and a telephone number whereby a copy of the final decision may be inspected or copies obtained.

(E) For all decisions on development eligible for Expedited review, the preliminary decision becomes final at the close of business on the 14th day after the date on the preliminary decision if no comments are received. The notice of decision shall include the following information:

(1) The file number and effective date of decision;

(2) The name of the applicant, owner and appellant (if different);

(3) The street address or other easily understood location of the subject property;

(4) A brief summary of the decision, and if an approval, a description of the permitted use approved;

(5) A statement that a person receiving comment has 14 days to make comment which must be directed to the applicable approval criteria. Failure to provide comments during this period will preclude a right to appeal.

(6) A statement that the decision is final at the close of the comment period unless comments are received;

(F) If comments are received on a preliminary decision on development eligible for Expedited review, the Planning Director may modify the preliminary decision and issue a notice. The notice of decision shall include, in addition to §38.0660 (E) (1)–(6), response to comments and a description of how the decision has been modified based on the comments.

(1) The file number and effective date of decision;

(2) The name of the applicant, owner and appellant (if different);

(3) The street address or other easily understood location of the subject property;

(4) A brief summary of the decision, and if an approval, a description of the permitted use approved;

(5) A statement that the decision is final at the close of the appeal period unless appealed, and description of the requirements for perfecting an appeal;

(6) A statement that a person receiving notice cannot appeal a Type II decision directly to the Columbia River Gorge Commission unless all local appeals are exhausted.

(G) Modification of Conditions. Any request to modify a condition of permit approval shall be processed in the same manner, and shall be subject to the same standards, as was the original application provided the standards and criteria used to approve the decision are consistent with the current code. However, the decision maker may at its sole discretion, consider a modification request and limit its review of the approval criteria to those issues or aspects of the application that are proposed to be changed from what was originally approved.

(Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0670 RECORDING OF DECISION.

Commented [AB15]: Amendments proposed for consistency to align Chapter 38 with Ch.39 recording requirements.

The County may impose as a condition of final approval of a Type II, ~~or~~ Type III, or Type IV decision, the requirement that the applicant record with the County the Notice of Decision. The Notice of Decision shall run with the land and shall be placed in the county deed records prior to the issuance of any permits or development activity pursuant to the approval. Proof of recording shall be made prior to the issuance of any permits and filed with the Land Use Planning Division. Recording shall be at the applicant's expense. ~~Any recording required under this section shall be properly signed and executed within 30 days after the decision becomes final; provided, however, that the Planning Director may grant reasonable extensions, not to exceed an additional 30 days, in cases of practical difficulty. Failure to sign and record the Notice of Decision within the prescribed period shall void the decision~~.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0680 PERFORMANCE GUARANTEES.

When conditions of permit approval require the applicant to construct certain improvements, the County may allow the applicant to submit a financial guarantee in order to postpone construction, or to guarantee construction to certain standards. Financial guarantees shall be governed by this section.

(A) Form of guarantee. Guarantees shall be in a form approved by the County Attorney, including an irrevocable stand-by letter of credit issued by a recognized lending institution to the benefit of the County, a certified check, dedicated bank account or allocation of a construction loan held in reserve by the lending institution for the benefit of the County. The guarantee shall be filed with the Land Use Planning Division.

(B) Amount of guarantee. The amount of the performance guarantee shall be equal to at least 110% of that estimated cost of constructing the improvement in question. The amount of the performance guarantee may be larger than 110% if deemed necessary by the Planning Director. The cost estimate substantiating the amount of the guarantee must be provided by the applicant supported by either an engineer's or architect's estimate or written estimates by three contractors with their names and addresses. The estimates shall separately itemize all materials, labor, and other costs.

(C) Duration of the guarantee. The guarantee shall remain in effect until the improvement is actually constructed and accepted by. the County. Once the County has inspected and accepted the improvement, the County shall release the guarantee to the applicant. If the improvement is not completed to the County's satisfaction within the time limits specified in the permit approval or the guarantee, the Director may draw upon the guarantee and use the proceeds to construct or complete construction of the improvement and for any related administrative and legal costs incurred by the County. Once constructed and approved by the County, any remaining funds shall be refunded to the applicant.

(D) If the applicant elects to defer construction of improvements by using a financial guarantee, the applicant shall agree to construct those improvements upon written notification by the County, or at some other mutually agreed-to time. If the applicant fails to commence construction of the required improvements within 6 months of being instructed to do so, the County may, without further notice, undertake the construction of the improvements and draw upon the applicant's performance guarantee to pay those costs as provided in paragraph (C) above.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0685 EXPIRATION AND EXTENSION OF A TYPE I DECISION.

(A) Type I permits issued pursuant to this Chapter shall expire six years after the date the permit was issued, unless the use or development was established according to all specifications and conditions of approval in the permit. The decision maker may specify an expiration period in the permit that is shorter than 6 years in order to align with the expiration period for another permit associated with the same use or development or for any other reason determined by the decision maker. Expiration of a Type I permit means that a new application is required for uses that are not established within the approval period.

(B) Extension of a Type I permit is permitted only when the use or development to be established under the Type I permit is contingent a Type II, III, or IV permit associated with the same use or development. However, a Type I permit shall not be granted an extension beyond the expiration period of the Type II, III, or IV permit associated with the same use or development. An extension request for a Type I permit is not a land use decision, and is not subject to appeal as a land use decision. The extension request may be approved provided:

(1) An applicant makes a written request for an extension of the approval period.

(2) The request is submitted to the county prior to the expiration of the approval period.

(3) The requested extension aligns with and does not extend beyond the expiration period of a Type II, III, or IV permit associated with the same use or development.

(C) Expiration under (A) above is automatic. Failure to give notice of expiration shall not affect the expiration of a Type I permit.

(D) If a permit decision is appealed, the expiration period shall not begin until all appeals have been completed, including any remand proceedings.

(E) The laws of the State of Oregon concerning vested rights shall not apply in the Columbia River Gorge National Scenic Area. A person has a vested right for as long as the permit does not expire.

(Ord. 1262, Added, 08/30/2018)

§ 38.0690 EXPIRATION OF A TYPE II OR TYPE III DECISION.

(A) Any Type II or Type III land use approval issued pursuant to this Chapter for a use or development that does not include a structure shall expire two 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. For land divisions, "established' means the final deed or plat has been recorded with the county recorder or auditor.

(B) Any Type II or Type III land use approval issued pursuant to this Chapter for a use or development that includes a structure shall expire as follows:

(1) When construction has not commenced within two years of the date the final decision, or

(2) When the structure has not been completed within two years of the date of commencement of construction.

(3) As used in (B)(1), commencement of construction shall mean actual construction of the foundation or frame of the approved structure. For utilities and developments without a frame or foundation, commencement of construction shall mean actual construction of support structures for an approved above ground utility or development or actual excavation of trenches for an approved underground utility or development. For roads, commencement of construction shall mean actual grading of the roadway.

(4) As used in (B)(2), completion of the structure shall mean:

(a) completion of the exterior surface(s) of the structure and

(b) compliance with all conditions of approval in the land use approval.

(C) Expiration under (A) or (B) above is automatic. Failure to give notice of expiration shall not affect the expiration of a Type II or III approval.

(D) Consistent with subsection (A) of this section, the decision maker may set forth in a written decision, specific instances or time periods when a permit expires.

(E) New application required. Expiration of an approval shall require a new application for any use on the subject property that is not otherwise allowed outright.

(F) Deferral of the expiration period due to appeals. If a permit decision is appealed beyond the jurisdiction of the County, the expiration period shall not begin until all subsequent appeals are resolved. The expiration period provided for in this section will begin to run on the date of final disposition of the case (the date when an appeal may no longer be filed).

(G) The laws of the State of Oregon concerning vested rights shall not apply in the Columbia River Gorge National Scenic Area. A person has a vested right for as long as the land use approval does not expire.

(Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0691 EXPIRATION OF PRIOR LAND USE DECISIONS.

All land use decisions authorized prior to March 19, 2001 (Ord. No. 953 & Ord. 997) shall expire on March 19, 2003, unless a different timeframe was specifically included in the decision.

(Ord. 1176, Renum38.0750, 03/03/2011; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 994, Amended, 09/26/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0692 EXPIRATION OF PRIOR TYPE I PERMITS.

All Type I permits issued prior to September 29, 2018 (Ord. 1262) shall expire on September 29, 2024, unless a different timeframe was specifically included in the permit or the use or development has been established according to all specifications and conditions of approval in the permit by September 29, 2024. Expiration of a Type I permit means that a new application is required for uses that are not established within the approval period.

(Ord. 1262, Added, 08/30/2018)

§ 38.0700 EXTENSION OF TYPE II OR TYPE III DECISIONS.

(A) Any request for an extension shall be reviewed and decided upon by the Planning Director as a Type I decision.

(B) A request for extension of the time frames in §38.0700 (D)(1), (D)(2), and (E) shall be submitted in writing before the applicable expiration date.

(C) Approval or denial of a request for extension shall state the reason why events beyond the control of the applicant warrant an extension.

(D) The Planning Director may grant one 12-month extension to any approved decision if it determines that events beyond the control of the applicant prevented:

(1) The commencement of the use or development within two years of the decision for a land use approval that does not include a structure; or

(2) commencement of construction within two years of the decision for a land use approval issued for a use or development that includes a structure.

(E) The Planning Director may also grant one 12-month extension if it determines that events beyond the control of the applicant prevented the completion of the structure within two years of the date of the commencement of construction for a land use approval that includes a structure, when the structure has been commenced.

(Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0702 REVOCATION OF DECISIONS.

In the event an applicant, or the applicant's successor in interest, fails to fully comply with all conditions of approval or otherwise does not comply fully with the County's approval, the County may institute a revocation or modification proceeding under this section.

(A) All Type I, Type II or Type III decisions may be revoked or modified if the Planning Director determines a substantial likelihood that any of the following situations exists:

(1) One or more conditions of the approval have not been implemented or have been violated; or

(2) The activities of the use, or the use itself, are substantially different from what was approved or represented by the applicant.

(B) Revocation or modification shall be processed as a Type III decision. The Land Use Planning Division or any private complaining party shall have the burden of proving, based on substantial evidence in the whole record, that the applicant or the applicant's successor has in some way violated the County's approval.

(C) Possible actions at the revocation hearing. Depending on the situation, the Hearings Officer may take any of the actions described below. The Hearings Officer may not approve the new use or a use that is more intense than originally approved unless the possibility of this change has been stated in the public notice. Uses or development which are alleged to have not fulfilled conditions, violate conditions or the use is not consistent with the County's approval may be subject to the following actions:

(1) The Hearings Officer may find that the use or development is complying with the conditions of the approval or is as approved by the county. In this case, the use or development shall be allowed to continue;

(2) The Hearings Officer may modify the approval if the Officer finds that the use or development does not fully comply with the conditions of approval, that the violations are not substantial enough to warrant revocation, and that the use can comply with the original approval criteria if certain conditions are met. In this case, the Hearings Officer may modify the existing conditions, add new conditions to ensure compliance with the approval criteria, or refer the case to the code compliance officer for enforcement of the existing conditions;

(3) The Hearings Officer may revoke the approval if the Officer finds there are substantial violations of conditions or failure to implement land use decisions as represented by the

applicant in the decision approved, such that the original approval criteria for the use or development are not being met.

(D) Effect of revocation. In the event that the permit approval is revoked, the use or development becomes illegal. The use or development shall be terminated within thirty days of the date the revocation final order is approved by the Hearings Officer, unless the decision provides otherwise. In the event the decision maker's decision on a revocation request is appealed, the requirement to terminate the use shall be stayed pending a final, unappealed decision.

(Ord. 1262, Amended, 08/30/2018; Ord. 1176, Renum38.0760, 03/03/2011; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0710 (PC) LEGISLATIVE HEARING PROCESS.

(A) Purpose. Legislative actions involve the adoption or amendment of County land use or development regulations. Legislative actions which affect land use must begin with a public hearing before the Planning Commission.

(B) Planning Commission Review:

(1) Hearing Required. The Planning Commission shall hold at least one public hearing before adopting a recommendation on a proposal for legislative action. Any interested person may provide written or oral testimony on the proposal at or prior to the hearing.

(2) Planning Director's Report. The Planning Director shall prepare and make available a staff report on the proposal for legislative action at least 7 days prior to the hearing described in paragraph (B)(1) of this section.

(3) Planning Commission Recommendation. At the conclusion of the hearing on a proposal for legislative action, the Planning Commission shall adopt a recommendation to the Board of Commissioners on the proposal. The Planning Commission may recommend adoption of the proposal as presented to or modified by the Planning Commission or rejection of the proposal. If the Planning Commission recommends adoption of some form of the proposal, the Planning Commission shall prepare and forward to the Board of Commissioners a report and recommendation to that effect.

If the Planning Commission recommends rejection of the proposal, the matter is terminated and may not be appealed unless otherwise provided by law. If the Board of Commissioners has initiated the proposal, the Planning Commission shall prepare and forward to the Board of Commissioners a report and recommendation of rejection.

(C) Board of Commissioners Review:

Board of Commissioners Action. Upon a recommendation from the Planning Commission on a proposal for legislative action, the Board of Commissioners shall hold at least one public hearing on a proposed action to amend the County's land use regulations, comprehensive plan, official zoning maps or some component of any of these documents. Any interested person may provide written or oral testimony on the proposal at or prior to the hearing. At the conclusion of the hearing, the Board of Commissioners may adopt, modify or reject the proposal, or it may remand the matter to the Planning Commission for further consideration. If the Board of Commissioners adopts at least some

form of the proposal, the proposal shall be enacted as an ordinance and shall be promptly submitted to the Columbia River Gorge Commission for review and approval and/or concurrence per Sections 7 and 8 of the National Scenic Area Act. The legislative proposal will become effective after approval by the Gorge Commission and, if necessary, concurrence by the Secretary of Agriculture. Any person adversely affected by such a legislative proposal may appeal the action per Section 15 of the National Scenic Area Act.

(Ord. 1192, Amended, 05/17/2012; Ord. 1179, Amended, 04/21/2011; Ord. 998, Amended, 11/07/2002; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 994, Amended, 09/26/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0720 NOTICE OF LEGISLATIVE HEARINGS.

(A) Notice of the date, time, place and subject of a legislative hearing before the Planning Commission shall be published in a newspaper of general circulation within the County at least 20 days prior to the hearing and as required by law. The Planning Director shall also notify the Gorge Commission, the US Forest Service, the ~~Indian~~ tribal governments, the State Historic Preservation Office, and the Cultural Advisory Committee.

(B) Notice of the date, time, place and subject of a legislative hearing before the Board of Commissioners shall be published in a newspaper of general circulation within the County at least 10 days prior to the hearing and as required by law.

(C) Individual notice of a legislative hearing before the Planning Commission that amends the Comprehensive Plan, adopts a new Comprehensive Plan, or rezones property shall be mailed at least 20 days but not more than 40 days prior to the hearing to the owners of all affected properties. Such notice shall adhere to the format provided in ORS 212.503.

(D) For the purpose of this section, property is rezoned when the County:

(1) Changes the base zoning classification of the property; or

(2) Adopts or amends an ordinance in a manner that limits or prohibits land uses previously allowed in the affected zone.

(E) The provisions of subsection (2) above do not apply to legislative acts by the County resulting from action by the Legislative Assembly or the Land Conservation and Development Commission for which notice is provided under ORS 197.047.

(Ord. 1140, Amended, 06/18/2009; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0730 CONTINUANCE OF PC HEARINGS.

The decision maker(s) may continue the hearing from time to time to allow the submission of additional information or for deliberation without additional information. New notice of a continued hearing need not be given so long as the decision maker establishes a time certain and location for the continued hearing. Similarly, the decision maker may close the hearing but keep open the record for the submission of additional written material or other documents and exhibits. The decision maker(s) may limit the factual and legal issues that may be addressed in any continued hearing or open-record period.

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(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0740 INTERPRETATIONS.

(A) The Planning Director shall have the authority to decide all questions of interpretation or applicability to specific properties within Multnomah County of any provision of the Management Plan for the Columbia River Gorge National Scenic Area (Management Plan), rural area plan, or other land use code. Any interpretation of a provision of the Management Plan, rural area plan or other land use code shall consider applicable provisions of the Management Plan, rural area plan, and the purpose and intent of the ordinance adopting the particular code section in question. The Planning Director shall strive to apply the land use code in a uniform manner and interpret the code and the Management Plan in a way that is consistent with how the language is applied throughout the National Scenic Area, except when the County has adopted more restrictive provisions. A request for an interpretation shall be processed as a Type II application.

(B) The Planning Director may refuse to accept an application for an interpretation if:

(1) The Planning Director determines that the question presented can be decided in conjunction with approving or denying a pending land use action application or if in the Planning Director's judgment the requested determination should be made as part of a decision on an application for a quasi-judicial land use or zone change permit not yet filed; or

(2) The Planning Director determines that there is an enforcement case pending in which the same issue necessarily will be decided.

(C) The Planning Director determination to not accept an application under this section is not a land use decision and shall be the county's final decision.

(Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0765 APPLYING NEW LESS-STRINGENT REGULATIONS TO DEVELOPMENT APPROVED UNDER PRIOR MCC CHAPTER 38 REGULATIONS

A landowner may submit a land use application to alter conditions of approval for an existing use or structure approved under prior National Scenic Area regulations, subject to the following standards:

(A) The applicant shall apply for the same development that was reviewed in the original decision.

(B) The development shall remain in its current location.

(C) The County shall review the land use application under the same process (Type II or Type III) as the original decision and send notice of the application to agencies and other parties entitled to receive notice under the current MCC Chapter 38 regulations.

(D) The County shall review the entire development to ensure that it would fully comply with all the current MCC Chapter 38 standards.

(E) The County shall issue a new decision that supersedes the original decision.

(F) The new decision may remove or revise original conditions of approval or add new conditions of approval to ensure full compliance with the current MCC Chapter 38 regulations.

(Ord. 1064, Add, 06/23/2005)

§ 38.0770 TRANSFER OF APPROVAL RIGHTS.

Unless otherwise stated in the County's decision, any approval granted under this code runs with the land and is transferred with ownership of the land. Any conditions, time limits or other restrictions imposed with a permit approval shall bind all subsequent owners of the property for which the permit was granted.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0780 EX PARTE CONTACT, CONFLICT OF INTEREST AND BIAS.

The following rules and procedures govern a decision maker's participation in a quasi-judicial or legislative proceeding or action affecting land use:

(A) Ex Parte Contacts. Any factual information obtained by a decision maker from anyone other than staff outside the context of a quasi-judicial hearing shall be deemed an ex parte contact. Prior to the close of the record in any particular matter, any decision maker that has obtained any material factual information through an ex parte contact shall declare the content of that contact and allow any interested party to rebut the substance of that contact. This paragraph does not apply to legislative proceedings or contacts between county staff and the decision maker.

(B) Conflict of Interest.

(1) Planning Commission. A member of the Planning Commission shall not participate in any Commission proceeding or action in which any of the following has a direct or substantial financial interest: the member or the spouse, brother, sister, child, parent, father-in-law, mother-in-law of the member; any business in which the member is then serving or has served within the previous two years; or any business with which the member is negotiating for or has an arrangement or understanding concerning prospective partnership or employment. Any actual or potential interest shall be disclosed at the meeting of the Planning Commission where the action is being taken.

(2) Board of Commissioners. With respect to a potential or actual conflict of interest, a member of the Board of Commissioners shall participate in Board proceedings and actions in accordance with the Rules for Board Meetings.

(C) Bias. All decisions in quasi-judicial matters shall be fair, impartial and based on the applicable approval standards and the evidence in the record. Any decision maker who is unable to render a decision on this basis in any particular matter shall refrain from participating in the deliberation or decision on that matter. This paragraph does not apply to legislative proceedings.

(Ord. 1179, Add, 04/21/2011)

§ 38.0790 PROCEDURAL OBJECTIONS.

Any party who objects to the procedure followed in a quasi-judicial or legislative proceeding or action affecting land use must make a procedural objection prior to the County's rendering a final decision. Procedural objections may be raised at any time prior to a final decision, after which they are deemed waived. In making a procedural objection, the objecting party must identify the procedural requirement that was not properly followed and identify how the alleged procedural error harmed that person's substantial rights. No decision or action of the Planning Commission or Board of Commissioners shall be voided solely by reason of the failure of a member thereof to disclose an actual or potential conflict of interest.

(Ord. 1179, Amended, 04/21/2011; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0800 APPLICABILITY IN THE EVENT OF CONFLICTS.

As applied to lands within the Columbia River Gorge National Scenic Area, the provisions of MCC 38.0510 through 38.0800 supersede all conflicting provisions in the Multnomah County Code.

(Ord. 1270, Amended, 03/14/2019; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0850 FEES.

Fees shall be imposed for land use services provided pursuant to MCC Chapter 38. The amount of the fees will be set by resolution.

(Ord. 1025, Add, 01/15/2004)

VIOLATIONS AND ENFORCEMENT

§ 38.0910 VIOLATIONS AND ENFORCEMENT

Multnomah County Code Chapter 39, Part 1 provides the enforcement procedures and fines for violation of any provision of this chapter, state law~~;~~, the Management Plan for the Columbia River Gorge National Scenic Area, the Columbia River Gorge National Scenic Area Act, LCDC goals and rules applicable to the County under ORS 197.646 or the terms and conditions of any permit issued under any County code. A "violation," as defined in MCC 39.1505, includes any act or failure to act that is prohibited or not allowed, including any failure to take any required action, under any provision of Chapter 38, a permit issued under Chapter 38, the Management Plan for the Columbia River Gorge National Scenic Area, the Columbia River Gorge National Scenic Area Act. Under MCC 39.1510, any use of land, land division, adjustment to property boundaries, work within a County right-of-way, or other activity by a person in violation of any provision of Chapter 38, a permit issued under Chapter 38, the Management Plan for the Columbia River Gorge National Scenic Area, the Columbia River Gorge National Scenic Area Act may be subject to enforcement and fines as provided in Chapter 39.

(Ord. 1264, Amended, 10/25/2018; Ord. 1032, Amended, 05/06/2004; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0920 SAVINGS CLAUSE

If the article, section, subsection, subdivision, phrase, clause, sentence or work in the ordinance shall for any reason be held invalid or unconstitutional by a court of competent jurisdiction, it shall not nullify the remainder of this ordinance, but shall be confined to the article, section, subsection, subdivision, phrase, clause, sentence or work held invalid or unconstitutional.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

Commented [AB16]: Amendments clarify that a violation, as defined in 39.1505, includes failure to take action required by Chapter 38, a permit issued under Chapter 38, the Management plan or the Scenic Area Act.

STREET NAMING AND PROPERTY NUMBERING

§ 38.0980- STREET NAMING AND PROPERTY NUMBERING PROCEDURES

The Street Naming and Property Numbering Procedures set forth in MCC 39.9905 through 39.9985 shall apply in the Columbia River Gorge National Scenic Area.

(Ord. 1264, Amended, 10/25/2015; Ord. 1103, Add, 11/29/2007)

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PART 4 - ZONING DISTRICTS

(Ord. 1064, Add, 06/23/2005)

§ 38.1000- GENERAL MANAGEMENT AREA AND SPECIAL MANAGEMENT AREA

The Columbia River Gorge National Scenic Area Act ("Act") divides the Columbia River Gorge National Scenic Area into two categories of land: General Management Area (GMA) and Special Management Area (SMA). The Act authorizes the Columbia River Gorge Commission to plan for the GMA and U.S. Department of Agriculture, Forest Service to plan for the SMA. GMA lands are shown on Multnomah County zoning maps with the prefix "GG" and SMA lands are shown as "GS". These prefixes are followed by a letter and/or numerals identifying the specific type of zoning (e.g. GGA-20 for GMA Agriculture, GSO for SMA Open Space, etc.)

(Ord. 1064, Add, 06/23/2005)

§ 38.1005 ALLOWED USES

(A) The following uses may be allowed without review in all zone districts except General Management Area Open Space (GGO, GGO-GW, and GGO-SP) and Special Management Area Open Space (GSO) zone districts.

(1) In the General Management Area, agricultural uses except new cultivation. Any operation that would cultivate land that has not been cultivated, or has lain idle, for more than 5 years shall be considered new cultivation. For this guideline, cultivation and vegetation removal may be allowed in conjunction with a home garden.

(2) In the Special Management Area~~s~~, agricultural uses within previously disturbed and regularly worked fields or areas.

(3) Forest practices in the General Management Area that do not violate conditions of approval for other approved uses and development~~s~~.

(4) Accessory structures 60 square feet or less in area and 10 feet or less in height, unless within the buffer zone of a wetland, stream, pond, lake or riparian area. This category does not include signs, fences, outdoor lights, retaining walls, flagpoles, roads, transportation facilities, or utility facilities. Only one free standing renewable energy structure is allowed per parcel pursuant to this provision provided that the panels and hardware are non-reflective and black.

(5) Wire-strand or woven-wire fences used for gardens, yards, livestock, and similar uses less than or equal to 500 feet in length and less than or equal to 10 feet in height that are accessory to an existing dwelling, provided woven-wire fences (posts and wire) are brown or black if visible from key viewing areas. Height is measured from the ground to the top wire.

(6) Wire-strand fences less than or equal to 48 inches in height that are outside deer and elk winter range as delineated in the Gorge Commission and/~~U.S.~~ Forest Service natural resource ~~inventories~~ data or determined by an appropriate federal or state agency. Height is measured from the ground to the top wire. This category does not include fences associated with transportation facilities or utility facilities.

(7) Flagpoles that are accessory to the principal building on a parcel, provided the height of the flagpole is less than or equal to the height of the highest ridge line or parapet of the principal building.

(8) In the General Management Area, wind machines for frost control in conjunction with agricultural use.

(B) The following uses may be allowed without review in all zone districts:

(1) Repair, maintenance and operation of existing structures, including, but not limited to, dwellings, agricultural structures, trails, roads, railroads, and utility facilities. This does not include trail, road, and railroad expansions.

(2) Replace existing safety or protective structures, including but not limited to guardrails, access control fences and gates, barriers, energy attenuators, safety cables, rockfall structures, and traffic signals and controllers, provided the replacement structures are (a) the same location and size as the existing structures and (b) the same building materials as the existing structures, or building materials that are dark brown with a flat, non-reflective finish, or building materials consistent with the Historic Columbia River Highway Master Plan for the Historic Columbia River Highway or a scenic highway corridor strategy for Interstate 84 prepared according to the General Management Area policies in ~~the section of the Scenic Resources chapter of the Management Plan titled~~ "Scenic Travel Corridors."

(3) Replace existing traffic detection devices, vehicle weighing devices, and signal boxes, provided the replacement structures are:

(a) the same location and size as the existing structures and

(b) the same building materials as the existing structures, or building materials that are dark brown with a flat, non-reflective finish, or building materials consistent with the Historic Columbia River Highway Master Plan for the Historic Columbia River Highway or a scenic highway corridor strategy for Interstate 84 prepared according to the General Management Area policies in ~~the section of the Scenic Resources chapter of the Management Plan titled~~ "Scenic Travel Corridors."

(4) New raised pavement markers, guide posts, object markers, inlay markers, and pavement markings and striping.

(5) Permanent public regulatory, guide, and warning signs, except those excluded below, provided:

(a) the signs comply with the Manual ~~for~~ on Uniform Traffic Control Devices (2012 or most recent version) and

(b) the support structures and backs of all signs are dark brown with a flat, non-reflective finish. This category does not include specific service signs; destination and distance signs; variable message signs; or signs that bridge or are cantilevered over the road surface.

(6) Extensions of existing guardrails or traffic barriers less than or equal to 50 feet in length and new guardrail ends for existing guardrails, provided the guardrails and guardrail ends are

(a) located inside rights-of-way that have been disturbed in the past and

(b) constructed of materials that match the existing structure, natural wood, weathering steel (e.g., Corten), or materials consistent with the Historic Columbia River Highway Master Plan for the Historic Columbia River Highway or a scenic highway corridor strategy for Interstate 84 prepared according to the General Management Area policies in ~~the section of the Scenic Resources chapter of the Management Plan titled~~ "Scenic Travel Corridors."

(7) New ~~guardrails~~ traffic barriers and guardrail ends (this category does not include jersey barriers), provided the structures are:

(a) located inside rights-of-way that have been disturbed in the past and

(b) are constructed of natural wood, weathering steel (e.g., Corten), or materials consistent with the Historic Columbia River Highway Master Plan for the Historic Columbia River Highway or a scenic highway corridor strategy for Interstate 84 prepared according to the General Management Area policies in ~~the section of the Scenic Resources chapter of the Management Plan titled~~ "Scenic Travel Corridors."

(8) In the General Management Area, replacement ~~and/~~or ~~expand~~ expansion of existing culverts, provided the entity or person owning or operating the culvert shall obtain all necessary federal and state permits that protect water quality and fish and wildlife habitat before construction.

(9) In the Special Management Areas, replacement ~~and/~~or ~~expand~~ expansion of existing culverts for ephemeral streams or ditches, provided the visible ends of culverts shall be dark and non-reflective. The entity or person owning or operating the culvert shall obtain all necessary federal and state permits that protect water quality and fish and wildlife habitat before construction.

(10) ~~Resurface or overlay~~ Maintenance of existing railroad track and paved roads, provided the activity does not (a) increase the width of a road or railroad, or (b) disturb the toe of adjacent embankments, slopes or cut banks~~, or (c) change existing structures or add new structures~~.

(11) Apply dust abatement products to non-paved road surfaces.

(12) Grade and gravel existing road shoulders, provided the activity does not

(a) increase the width of a road, or

(b) disturb the toe of adjacent embankments, slopes or cut banks~~, or~~

~~(c) change existing structures or add new structures.~~

(13) Replace the superstructure of bridges (e.g., decks, beams) for bridges less than or equal to 30 feet in length and less than or equal to 1,000 square feet in area. This category does not include guardrails, traffic barriers, or the substructure of bridges (e.g., foundations, abutments).

(14) Replace or modify existing underground utility facilities located inside road, utility or railroad rights-of-way or easements that have been disturbed in the past or co-locate new underground utility facilities with existing underground facilities located inside road, utility or

railroad rights-of-way or easements that have been disturbed in the past, provided no excavation would extend beyond the depth and extent of the original excavation.

(15) Replace or modify existing underground utility facilities located inside road, utility or railroad rights-of-way or easements that have been disturbed in the past or co-locate new underground utility facilities with existing underground facilities located inside road, utility or railroad rights-of-way or easements that have been disturbed in the past, provided

(a) no excavation would extend more than 12 inches beyond the depth and extent of the original excavation,

(b) no ditch for linear facilities would be more than 24 inches wide,

(c) no excavation for non-linear facilities would exceed 10 cubic yards, and

(d) no recorded archaeological site is located within 500 feet of the development. To comply with ~~(d)~~ this provision, the entity or person undertaking the development shall contact the Oregon State Historic Preservation Office and obtain a letter or other document stating no recorded archaeological site is located within 500 feet of the development.

(16) Replace existing aboveground and overhead utility facilities including towers, pole/tower-mounted equipment, cables and wires, anchors, pad-mounted equipment, service boxes, pumps, valves, pipes, water meters, and fire hydrants, provided the replacement facilities would have:

(a) the same location and size as the existing facilities and

(b) the same building materials as the existing facilities, or building materials that are dark brown with a flat, non-reflective finish, or building materials consistent with the Historic Columbia River Highway Master Plan for the Historic Columbia River Highway or a scenic highway corridor strategy for Interstate 84 prepared according to the General Management Area policies in ~~the section of the Scenic Resources chapter of the Management Plan titled~~ "Scenic Travel Corridors."

(17) Replace existing utility poles, provided the replacement poles are

(a) located within 5 feet of the original poles,

(b) no more than 5 feet taller and 6 inches wider than the original poles, and

(c) constructed of natural wood, weathering steel (e.g., Corten), materials that match the original poles, or materials that are dark brown with a flat, non-reflective finish.

(18) New whip antennas for public service less than or equal to 8-feet in height and less than or equal to 2 inches in diameter, cables, wires, transformers, and other similar equipment, provided all such structures are on existing utility poles or towers.

(Ord. 1125, Amended, 12/11/2008; Ord. 1064, Add, 06/23/2005)

§ 38.1010 EXPEDITED USES.

(A) The following development may be reviewed using the expedited process listed in MCC 38.0530(B), and are permitted when found to satisfy the applicable approval criteria pursuant to the provisions of MCC 38.7100.

(1) Except in Open Space zoning districts, accessory structures between 60 and 200 square feet in area and 10 feet or less in height. This includes free standing structures for the purpose of generating solar or other renewable energy power for approved uses, provided the proposal complies with the applicable renewable energy production provisions of MCC 38.7390. Only one accessory building, or one free standing renewable energy structure, per parcel may be allowed under this guideline, regardless of whether the parcel already includes an accessory building(s) or renewable energy structure(s). Additional accessory buildings or structures shall be subject to full review. This category does not include signs, decks, fences, outdoor lights, retaining walls, transportation facilities, or utility facilities.

(2) Additions and covered decks for existing buildings, provided the existing building is at least 500 square feet in area and the addition or covered deck is no larger than 200 square feet in area and no taller than the height of the existing building. Only one addition and one covered deck per parcel may be allowed under this guideline, regardless of whether the parcel already includes an addition or covered deck.

(3) Rail, solid or semi-solid fences accessory to existing dwellings less than or equal to 6 feet in height and less than or equal to 100 feet in length.

(4) Wire-strand fences other than those allowed outright, provided the fence complies with MCC 38.7065 (F) if it is inside deer and elk winter range as delineated in the Gorge Commission and ~~/U.S.~~ Forest Service natural resource ~~inventories~~ data or determined by an appropriate federal or state agency.

(5) In the General Management Area, woven-wire fences for agricultural use that would enclose 80 acres or less.

(6) Decks that are (a) uncovered, (b) attached and accessory to existing dwellings, and (c) 500 square feet or less in area and 30 inches or less in height above existing grade.

(7) Road closure gates.

(8) Signs, other than those allowed outright.

(9) Outdoor lights.

(10) Air, weather, water and other similar research and monitoring facilities, provided the facilities are attached to existing structures or are less than or equal to 120 square feet in size and less than or equal to 12 feet in height.

(11) Property line adjustments in General Management Area zoning districts, except GGO, GG-PR, and GG-CR that would not result in the potential to create additional parcels through subsequent land divisions, subject to MCC 38.7970. All other property line adjustments shall be reviewed through the full development review process.

(12) Property line adjustments in the Special Management Areas, subject to MCC 38.7970.

(13) Removal/demolition of structures that are less than 50 years old, including wells, septic tanks and fuel tanks.

(14) Decommission non-paved roads, including ripping the road surface, barriers, and revegetation.

(15) Trail reconstruction involving up to 1,000 feet of trail re-route.

(16) The following transportation facilities, provided they are not a part of larger construction or reconstruction projects (which shall be reviewed as a whole):

(a) New ~~guardrails~~ traffic barriers and guardrail ends, other than those allowed outright, and new wire-strand and woven-wire access control fences. This category does not include jersey barriers.

(b) New traffic detection devices, vehicle weighing devices, and signal boxes less than or equal to 120 square feet in size and less than or equal to 12 feet in height. This category does not include signs.

(c) Pave existing dirt and gravel roads, provided the activity does not increase the width of the road or disturb the toe of adjacent embankments, slopes or cut banks.

(d) New weather, air, traffic or other monitoring equipment attached to existing structures or that are less than or equal to 120 square feet in size and less than or equal to 12 feet in height.

(17) Except in the Gorge Special Agriculture districts, ~~New~~ new underground utility facilities located inside road, utility or railroad rights-of-way or easements that have been disturbed in the past, provided:

(a) No ditch for linear facilities would be more than 36 inches wide

(b) No excavation for non-linear facilities would exceed 20 cubic yards

(18) Modify existing aboveground and overhead utility facilities or develop new aboveground and overhead utility facilities including building and equipment foundations, poles, transformers, conduit, fencing, pumps, valves, pipes, and water meters, provided the development would be less than or equal to 120 square feet in area and less than or equal to 12 feet in height.

(19) Replace existing aboveground and overhead utility facilities including building and equipment foundations, poles, transformers, conduit, fencing, pumps, valves, pipes, and water meters, provided the replacement facilities would be in the same location as and no more than 15 percent larger than the physical size of the existing facilities.

(20) New antennas and associated support structures necessary for public service on existing wireless communication poles and towers other than those allowed outright, provided the size is the minimum necessary to provide the service.

(21) Replace an existing mobile home in a mobile home space within a mobile home park, provided:

(a) The mobile home to be replaced, the mobile home space and the mobile home park are existing uses, as defined in MCC 38.0015;

(b) The replacement mobile home shall be in the same location as the mobile home to be replaced;

(c) The height of the replacement mobile home shall be no more than 20 percent greater than the mobile home to be replaced, and

(d) The mass and footprint of the replacement mobile home shall be no more than 100 percent greater than a single-wide mobile home to be replaced or no more than 25 percent greater than a double-wide mobile home to be replaced.

(22) Retaining walls accessory to existing dwellings less than or equal to 2 feet in height (of exposed surface area) and less than or equal to 100 feet in length.

(23) In Special Management Areas ~~zoning districts~~, wind machines for frost control in conjunction with agricultural use.

(24) Except in Open Space zoning districts, additions, including roof mounted solar panels, no larger than 200 square feet to existing buildings or structures for the purpose of generating solar or other renewable energy power for approved uses, provided the proposal complies with the applicable renewable energy production provisions of MCC 38.7390. This category does not include free-standing solar arrays (or other free-standing renewable energy structures) which is considered a new accessory structure.

(25) Renewals of Overnight Accommodations permits pursuant to MCC 38.7337.

(Ord. 1125, Amended, 12/11/2008; Ord. 1079, Amended, 07/27/2006; Ord. 1064, Add, 06/23/2005)

FOREST DISTRICTS - GGF and GSF

(Ord. 1064, Amended, 06/23/2005)

§ 38.2000- PURPOSES

The purposes of the Gorge General Forestry and Gorge Special Forestry districts are to protect and enhance ~~forest land within the Columbia River Gorge National Scenic Area for forest uses. Forest lands are those~~ lands which are used for or suitable for the production of forest products.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2005 AREA AFFECTED

MCC 38.2000 through 38.2095 shall apply to those areas designated GGF and GSF on the Multnomah County Zoning Map.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2015 USES

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this district except for the uses listed in MCC 38.2015 through 38.2030.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2020 ALLOWED USES

The uses listed in MCC 38.1005 are allowed on land designated GGF and GSF without review.

(Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 994, Amended, 09/26/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2023 EXPEDITED USES

The uses listed in MCC 38.1010 may be allowed on land designated GGF and GSF, pursuant to MCC 38.7100.

(Ord. 1064, Add, 06/23/2005)

§ 38.2025 REVIEW USES

(A) The following uses may be allowed on lands designated GGF, pursuant to MCC 38.0530 (B) and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7085 have been satisfied:

(1) On lands designated GGF– 20 ~~and GGF– 40~~, one single-family dwelling on a legally created and existing parcel upon enrollment in the state's forest assessment program. Upon a showing that a parcel cannot qualify, a parcel is entitled to one single-family dwelling. In either case, the

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Commented [AB17]: The Management Plan revisions established new residential development restrictions in the Large Woodland and Commercial Forest Land Use Designations called out in this section of code within the staff comments below.

Staff with the Columbia River Gorge Commission confirmed the following Multnomah County zoning districts equate to each of the GMA Forest Land Use Designation of the Management Plan:

GGF-20 = Small Woodland
GGF-40 = Large Woodland
GGF-80 = Commercial Forest

Commented [AB18]: Implements the Management Plan amendment limiting this provision only to the Small Woodland designation (GGF-20) to prevent conversion of larger forest lots to residential uses.

location of a dwelling shall comply with MCC 38.7305 and MCC 38.7315. A declaration shall be signed by the landowner and recorded into county deed records specifying that the owners, successors, heirs and assigns of the subject parcel are aware that adjacent and nearby operators are entitled to carry on accepted farm or forest practices on lands designated GGF– 20, GGF– 40, GGF– 80, GGA– 20 and GGA– 40.

(2) One single-family dwelling on lands designated GGF-20 if found to be in conjunction with and substantially contributing ~~would substantially contribute~~ to the current agricultural use of a farm pursuant to MCC 38.2225 (A) (5). The siting of the dwelling shall comply with MCC 38.7305.

Commented [AB19]: Implements the Management Plan amendment limiting this provision only to the Small Woodland designation (GGF-20) to prevent conversion of larger forest lots to residential uses.

(3) The following Temporary Uses:

(a) Temporary on-site structures which are auxiliary to and used during the term of a particular forest operation. "Auxiliary" means a use or alteration of a structure or land which provides help or is directly associated with the conduct of a particular forest practice. An auxiliary structure shall be located on-site, temporary in nature, and not designed to remain for the forest's entire growth cycle from planting to harvesting. An auxiliary use must be removed when the particular forest practice for which it is approved has concluded.

(b) Temporary portable facilities for the primary processing of forest products grown on a parcel or contiguous parcels in the same ownership where the facility is to be located. The facility shall be removed upon completion of the harvest operation.

(c) On lands designated GGF– 80, a temporary manufactured ~~mobile~~ home, tiny house on a trailer, or similar structure, in conjunction with a timber operation, upon a finding that security personnel are required to protect equipment associated with a harvest operation or to protect the subject forest land from fire. The manufactured ~~mobile~~ home, tiny house on a trailer, or similar structure must be removed upon completion of the subject harvest operation or the end of the fire season. The placement of the mobile home is subject to MCC 38.7305 and 38.7315.

Commented [AB20]: Management Plan amendments in this section apply to the Commercial Forest designation (GGF-80).

(4) Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation, and~~/or~~ natural resources, subject to MCC 38.7345. These projects may include new structures (e.g. fish ladders, sediment barriers) and~~/or~~ activities (e.g. closing and revegetating unused roads, re-contouring abandoned quarries).

(5) Agricultural structures, except buildings, in conjunction with agricultural use, as defined in MCC 38.0015~~,~~ and including new cultivation, subject to the standards of MCC 38.7305.

(6) Agricultural buildings in conjunction with current agricultural use, and, if applicable, proposed agricultural use that a landowner would initiate within one year and complete within five years, subject to the standards of MCC 38.7305 and MCC 38.7340.

(7) A temporary dwelling for health hardship, pursuant to MCC 38.7320, MCC 38.7305 and MCC 38.7315. A finding shall be made in the GGF-80 and GGF-40 zones that the primary dwelling was legally established and not discontinued.

Commented [AB21]: Management Plan amendment requires an additional finding for this use in the Commercial Forest (GGF-80) and Large Woodland (GGF-40) designations.

(8) Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in (9) or (10).

(9) Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel less than or equal to 10 acres in size are subject to MCC 38.7305 and MCC 38.7315 and the following additional standards:

(a) The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

(b) The height of any individual accessory building shall not exceed 24 feet.

(10) Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel larger than 10 acres in size are subject to MCC 38.7305 and MCC 38.7315and the following additional standards:

(a) The combined footprints of all accessory buildings on a single parcel shall not exceed 2,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

(b) The footprint of any individual accessory building shall not exceed 1,500 square feet.

(c) The height of any individual accessory building shall not exceed 24 feet.

(11) A second single-family dwelling on land designated GGF-20 for a farm operator's relative, subject to MCC 38.2225 (A) (8), MCC 38.7305 and 38.7315.

Commented [AB22]: The Implements Management Plan amendment limiting this provision only to the Small Woodland designation (GGF-20) to prevent conversion of larger forest lots to residential uses.

(12) Private roads serving a residence on the subject parcel, subject to MCC 38.7305 and 38.7315.

(13) Recreation development, subject MCC 38.7080 and The Recreation Development Plan (Management Plan, Part III, Chapter 1).

(14) Construction or reconstruction of roads or modifications not in conjunction with forest use or practices upon a finding that:

Commented [AB23]: A policy decision was made in the Management Plan to regulate all linear facilities in a similar way. Therefore, certain standards of approval previously applying to railroad infrastructure is now applied to certain roads.

(a) There is no practicable alternative location with less adverse effect on forest lands, and

(b) The size is the minimum necessary to provide the service.

(15) Agricultural labor housing upon a showing that:

(a) The proposed housing is necessary and accessory to a current agricultural use on the subject farm.

(b) The housing shall be seasonal unless it is shown that an additional full-time dwelling is necessary to the current agricultural use of the subject agricultural unit. Seasonal use shall not exceed nine months.

(c) The housing will be located to minimize the conversion of lands capable of production of farm crops and livestock and will not force a significant change in or significantly increase the cost of accepted agricultural practices employed on nearby lands devoted to agricultural use.

(d) The housing is subject to MCC 38.7315 and MCC 38.7305.

(16) New cultivation, subject to compliance with MCC 38.7045, ~~38.7055, 38.7060~~, 38.7053, 38.7065 and 38.7070.

(17) The following uses when found to comply with MCC 38.7310:

(a) Utility facilities and railroads necessary for public service upon a showing that:

1. There is no practicable alternative location with less adverse effect on agricultural and forest lands, scenic, cultural, natural and recreation resources and

2. The size is the minimum necessary to provide the service.

(b) Fruit and produce stands~~, upon a showing that sales will be limited to agricultural products raised on the subject farm and other farms in the local region~~.

(c) Wineries and cideries, in conjunction with an on-site ~~viticulture~~ vineyard or orchard, upon a showing that processing of wine or cider is from ~~grapes grown~~ fruits harvested on the subject farm ~~or in~~ and the local region.

(d) Wine or cider sales and~~/~~tasting rooms, in conjunction with an on-site winery or cidery.

(e) Agricultural product processing and packaging, upon a showing that the processing will be limited to products grown primarily on the subject farm and sized to the subject operation.

(f) Aquiculture.

(g) Boarding of horses or non-profit horse rescue facility, subject to MCC 38.7385.

(h) Temporary portable asphalt/batch plants related to public road projects, not to exceed 6 months.

(18) Placement of Structures necessary for continued public safety, or the protection of essential public services or protection of private or public existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements damaged during an emergency/disaster event. This includes replacement of temporary structures erected during such events with permanent structures performing an identical or related function. Land use proposals for such structures shall be submitted within 12 months following an emergency/disaster event. Applicants are responsible for all other applicable local, state and federal permitting requirements.

(19) Land divisions on lands designated GGF– 80 when all resultant lots satisfy a minimum lot size of 80 acres and it is found:

(a) The land division will facilitate forest management, or

(b) The land division will facilitate protection of scenic, cultural, natural or recreational resources.

(20) Land divisions on lands designated GGF– 20 when all resultant lots satisfy a minimum lot size of 20 acres and on lands designated GGF-40 when all resultant lots satisfy a minimum lot size of 40 acres.

(21) Property line adjustments that would result in the potential to create additional parcels through subsequent land divisions, subject to MCC 38.7970.

(22) Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building.

(23) Docks and boat houses, subject to MCC 38.7325.

(24) Removal/demolition of structures that are 50 or more years old, including wells, septic tanks, and fuel tanks.

(25) Consolidation of Parcels and Lots pursuant to MCC 38.7794 and Replatting of Partition and Subdivision Plats pursuant to MCC 38.7797.

(26) Solar, photovoltaic and wind turbine alternative energy production facilities accessory to uses permitted in the zoning district provided that the applicable renewable energy production provisions of 38.7390 are met, and:

(a) For all systems:

1. They are not a commercial power generating facility such as a utility;

2. The system meets all special district requirements;

3. The system is mounted to a ground mount, to the roof of the dwelling or accessory structure, or to a wind tower;

(b) The overall height of solar energy systems shall not exceed the peak of the roof of the building on which the system is mounted;

(c) For wind turbine systems:

1. They are set back to all property lines a distance equal to or greater than the combined height of the turbine tower and blade length. Height is measured from grade to the top of the wind generator blade when it is at its highest point. There is no height restriction for a wind turbine provided the wind turbine meets the NSA Site Review Criteria of MCC 38.7035 through 38.7080;

2. No lighting on wind turbine towers is allowed except as required by the Federal Aviation Administration or other federal or state agency and is consistent with the NSA Site Review approval criteria of MCC 38.7035 through 38.7080.

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3. The land owner signs and records a covenant stating they are responsible for the removal of the system if it is abandoned. In the case of a sale or transfer of property, the new property owner shall be responsible for the use and/or removal of the system. Systems unused for one consecutive year are considered abandoned.

(27) A Type A home occupations in an existing dwelling unit, pursuant to MCC 38.7331 and MCC 38.7310.

(B) The following uses may be allowed on lands designated GSF pursuant to MCC 38.0530 (B) when the use or development will be sited to minimize the loss of land suitable for the production of forest products and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7085 have been satisfied:

(1) Any use listed in MCC 38.2225 (B).

(2) Forest practices in accordance with a site plan for forest practices application approved by the Oregon Department of Forestry, or other designated forest practices review agency, including the requirements in MCC 38.7370.

(3) Railroads, road construction or reconstruction upon a finding that:~~.~~

(a) There is no alternative location with less adverse effect on forest land, and

(b) The size is the minimum necessary to provide the service.

(4) Silvicultural nurseries.

(5) Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation, and~~/or~~ natural resources, subject to MCC 38.7345. These projects may include new structures (e.g. fish ladders, sediment barriers) and~~/or~~ activities (e.g. closing and revegetating unused roads, re-contouring abandoned quarries.

(6) One single family dwelling on a parcel of 40 contiguous acres or larger if an approved Forest Management Plan demonstrates that such dwelling shall be necessary for and accessory to forest uses. The Forest Management Plan shall demonstrate the following:

(a) The dwelling will contribute substantially to the growing, propagation, and harvesting of trees. The principal purpose for allowing a dwelling on forest lands is to enable the resident to conduct efficient and effective management. This requirement shall indicate a relationship between ongoing forest management and the need for dwelling on the subject property.

(b) The subject parcel ~~has been~~ is enrolled in the state's forest assessment program.

(c) A plan for management of the parcel ~~has been~~ is approved by the Oregon Department of Forestry and the county. The plan must indicate the condition and productivity of lands to be managed; the operations the owner will carry out (thinning, harvest, planting, etc.); a chronological description of when the operations will occur; estimates of yield, labor, and expenses; and how the dwelling will contribute towards the successful management of the property.

(d) There are no other dwellings on the parcel which are vacant or currently occupied by persons not engaged in forest management of the subject parcel.

(e) Complies with the applicable building code and fire protection standards.

(f) A declaration ~~has been~~ is signed by the landowner and recorded into county deed records specifying that the owners, successors, heirs, and assigns of the subject property are aware that adjacent and nearby operations are entitled to carry on accepted agricultural or forest practices.

(7) Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in MCC 38.2025 (B)(8) or MCC 38.2025 (B)(9).

(8) Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel less than or equal to 10 acres in size are subject to the following additional standards:

(a) The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

(b) The height of any individual accessory building shall not exceed 24 feet.

(9) Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel larger than 10 acres in size are subject to the following additional standards:

(a) The combined footprints of all accessory buildings on a single parcel shall not exceed 2,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

(b) The footprint of any individual accessory building shall not exceed 1,500 square feet.

(c) The height of any individual accessory building shall not exceed 24 feet.

(10) On a parcel of 40 acres or greater with an existing dwelling, a temporary dwelling for health hardship, pursuant to the guidelines for hardship dwellings in MCC 38.7320, MCC 38.7305 and MCC 38.7315.

(11) Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building.

(12) Docks and boathouses, subject to MCC 38.7325.

(13) Removal/demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks.

(14) Clearing trees for new agricultural use, subject to MCC 38.7365.

(15) Temporary portable facility for the processing of forest products.

(16) Placement of Structures necessary for continued public safety, or the protection of essential public services or protection of private or public existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements damaged during an emergency/disaster event. This includes replacement of temporary structures erected during such events with permanent structures performing an identical or related function. Land use proposals for such structures shall be submitted within 12 months following an emergency/disaster event. Applicants are responsible for all other applicable local, state and federal permitting requirements.

(17) Consolidation of Parcels and Lots pursuant to MCC 38.7794 and Replatting of Partition and Subdivision Plats pursuant to MCC 38.7797.

(18) Solar, photovoltaic and wind turbine alternative energy production facilities accessory to uses permitted in the zoning district provided that the applicable renewable energy production provisions of 38.7390 are met, and:

(a) For all systems:

1. They are not a commercial power generating facility such as a utility;

2. The system meets all special district requirements;

3. The system is mounted to a ground mount, to the roof of the dwelling or accessory structure, or to a wind tower;

(b) The overall height of solar energy systems shall not exceed the peak of the roof of the building on which the system is mounted

(c) For wind turbine systems:

1. They are set back to all property lines a distance equal or greater than the combined height of the turbine tower and blade length. Height is measured from grade to the top of the wind generator blade when it is at its highest point. There is no height restriction for a wind turbine provided the wind turbine meets the NSA Site Review Criteria of MCC 38.7040 et al.;

2. No lighting on wind turbine towers is allowed except as required by the Federal Aviation Administration or other federal or state agency and is consistent with the NSA Site Review approval criteria of MCC 38.7040 et al.

3. The land owner signs and records a covenant stating they are responsible for the removal of the system if it is abandoned. In the case of a sale or transfer of property, the new property owner shall be responsible for the use and/or removal of the system. Systems unused for one consecutive year are considered abandoned.

(19) A Type A home occupation in an existing dwelling unit, pursuant to MCC 38.7331 and MCC 38.7310.

(C) As used in Subsection (B), the following terms shall have the following meanings:

Necessary for – As applied to forest management dwellings, the principal purpose for locating the dwelling is to enable the resident(s) to contribute substantially to the effective and efficient management of the forest land. A resident contributes substantially when the resident spends an extensive amount of time performing forest management activities which increase timber yields, quality or productivity, and which are recognized by the Forest Practices Act. Necessary for precludes a dwelling which simply "enhances" forest management. Necessary for also does not demand that a dwelling be absolutely required for forest management or that the production of trees is physically possible only with a dwelling.

Accessory to – As applied to forest management dwellings, a dwelling that is incidental and subordinate to the main forest use.

(Ord. 1197, Amended 02/16/2013; Ord. 1192, Amended, 05/17/2012; Ord. 1186, Amended, 10/13/2011; Ord. 1176, Amended, 03/03/2011; Ord. 1125, Amended, 12/11/2008; Ord. 1097, Amended, 07/26/2007; Ord. 1064, Amended, 06/23/2005; Ord. 1007, Amended, 02/06/2003; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 994, Amended, 09/26/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2030 CONDITIONAL USES

(A) The following conditional uses may be allowed on lands designated GGF, pursuant to the provisions of MCC 38.0045 and 38.7300:

(1) Structures associated with hunting and fishing operations.

(2) Towers and fire stations for forest fire protection.

~~(3) On parcels 40 acres in size or larger in a GGF- 20 or 80 acres in size or larger in a GGF- 40, a land division creating parcels smaller than the designated minimum parcel size, subject to the provisions of MCC 38.7360.~~

(3)~~(4)~~ Life Estates, in GGF-20 only, pursuant to MCC 38.7355.

Commented [AB24]: Implements Management Plan amendment limiting this provision only to the Small Woodland designation (GGF-20) to prevent conversion of larger forest lots to residential uses.

(4)~~(5)~~ The following uses when found to comply with MCC 38.7310:

(a) Home occupations ~~or cottage industries~~ in an existing dwelling unit or accessory building, pursuant to MCC 38.7330.

(b) Bed and breakfast inns in single-family dwellings, pursuant to MCC 38.7335, and provided that the residence:

1. Is included in the National Register of Historic Places; or

2. Is identified and protected under local landmark status as approved pursuant to Oregon state land use regulations protecting historic structures.

(5)~~(6)~~ Expansion of existing non-profit group camps, retreat or conference center.

(6)~~(7)~~ Non-profit, environmental learning or research facilities.

(7)~~(8)~~ Disposal sites managed and operated by the Oregon Department of Transportation or the Multnomah County Public Works Department for earth materials and any intermixed vegetation generated by routine or emergency/disaster public road maintenance activities within the National Scenic Area, subject to compliance with MCC 38.7350.

(8)~~(9)~~ Exploration, development, and production of mineral and geothermal resources, subject to MCC 38.7035.

(9)~~(10)~~ Special uses in historic buildings, subject to MCC 38.7380.

(B) The following conditional uses may be allowed on lands designated GSF, pursuant to the provisions of MCC 38.0045.

(1) Exploration, development, and production of sand, gravel, or crushed rock for the construction, maintenance, or reconstruction of roads used to manage or harvest commercial forest products.

(2) Utility facilities for public service upon a finding that:

(a) There is no alternative location with less adverse effect on Forest Land, and

(b) The size is the minimum necessary to provide the service.

(3) Fish hatcheries and aquiculture facilities.

(4) Public recreation, commercial recreation, interpretive and educational development~~s~~ and uses consistent with MCC 38.7085.

(5) Towers and fire stations for forest fire protection.

(6) Community facilities and non-profit facilities related to forest resource management.

(7) Expansion of existing non-profit group camps, retreats, conference or education centers, for the successful operation on the dedicated site. Expansion beyond the dedicated site shall be prohibited.

(8) Home occupations ~~or cottage industries~~ in an existing dwelling unit or accessory building, pursuant to MCC 38.7330.

(9) Disposal sites managed and operated by the Oregon Department of Transportation or the Multnomah County Public Works Department for earth materials and any intermixed vegetation generated by routine or emergency/disaster public road maintenance activities within the National Scenic Area, subject to MCC 38.7350.

(10) Agricultural product processing and packaging, upon a demonstration that the processing will be limited to products produced primarily on or adjacent to the property. “Primarily” means a clear majority of the products as measured by volume, weight, or value.

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(11) Bed and breakfast inns in structures that are included in, or eligible for inclusion in, the National Register of Historic Places approved under MCC 38.7335. The use or development shall be compatible with agricultural use. Buffer zones should be considered to protect agricultural practices from conflicting uses.

(Ord. 1125, Amended, 12/11/2008; Ord. 1074, Amended, 05/04/2006; Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2060 DIMENSIONAL REQUIREMENTS

(A) Except as provided in subsections MCC 38.2030 (A) (3) ~~and (4)~~, the minimum lot size shall be according to the short-title zone district designation on the Zoning Map, as follows:

GGF-20	20 acres
GGF-40	40 acres
GGF-80	80 acres
GSF-40	Not Applicable

(B) That portion of a street which would accrue to an adjacent lot if the street were vacated shall be included in calculating the area of such lot.

(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.

(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.

(E) Structures such as barns, silos, windmills, antennae, chimneys, or similar structures may exceed the height requirement if located at least 30 feet from any property line.

(Ord. 1197. Amended 02/16/2013; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2085 OFF-STREET PARKING AND LOADING

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

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(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2090 ACCESS

Any lot in this district shall abut a street or shall have other access determined by the approval authority to be safe and convenient for pedestrians and passenger and emergency vehicles.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2095 SIGNS

Signs, pursuant to the provisions of MCC 38.0080.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

AGRICULTURAL DISTRICTS - GGA and GSA

§ 38.2200- PURPOSES

The purposes of the Gorge General Agriculture and Gorge Special Agriculture districts are to protect and enhance ~~agricultural land within the Columbia River Gorge National Scenic Area for agricultural uses. Agricultural lands are those~~ lands ~~which~~ that are used for or suitable for agricultural use.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2205 AREA AFFECTED

MCC 38.2200 through 38.2295 shall apply to those areas designated GGA and GSA on the Multnomah County Zoning Map. County GGA-20 zoning implements Small-Scale Agriculture 20-acre and 40-acre land use designations shown on Gorge ~~Commisscion~~ Commission maps or established pursuant to Section 8(o) of the Columbia River Gorge National Scenic Area Act.

(Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2215 USES

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this district except for the uses listed in MCC 38.2200 through 38.2230.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2220 ALLOWED USES

The uses listed in MCC 38.1005 are allowed on land designated GGA and GSA without review.

(Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 977, Amended, 02/07/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2223 EXPEDITED USES

The uses listed in MCC 38.1010 may be allowed on land designated GGA and GSA, pursuant to MCC 38.7100.

(Ord. 1064, Add, 06/23/2005)

§ 38.2225 REVIEW USES

(A) The following uses may be allowed on lands designated GGA pursuant to the provisions of MCC 38.0530 (B) and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7085 have been satisfied:

(1) New cultivation, including actions implementing a Wildlife Habitat Conservation and Management Plan involving ground disturbing activity, subject to compliance with MCC

38.7045, ~~38.7055, 38.7060~~, 38.7053, 38.7065, and 38.7070, and upon demonstration that the landowner has sufficient water to support the use.

(2) Agricultural structures~~, except buildings~~ in conjunction with agricultural use, including new cultivation.

(3) Agricultural buildings in conjunction with current agricultural use and, if applicable, proposed agricultural use that a landowner would initiate within one year and complete within five years, subject to MCC 38.7340.

(4) Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in MCC 38.2225 (A)(5) or MCC 38.2225 (A)(6).

(5) Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel less than or equal to 10 acres in size are subject to the following additional standards:

(a) The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

(b) The height of any individual accessory building shall not exceed 24 feet.

(6) Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel larger than 10 acres in size are subject to the following additional standards:

(a) The combined footprints of all accessory buildings on a single parcel shall not exceed 2,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

(b) The footprint of any individual accessory building shall not exceed 1,500 square feet.

(c) The height of any individual accessory building shall not exceed 24 feet.

(7) A temporary dwelling for health hardship, pursuant to MCC 38.7320 and MCC 38.0060.

(8) On lands designated GGA– 40, a single family dwelling in conjunction with agricultural use, upon a demonstration that:

(a) No other dwellings exist on the subject farm or ranch, including all of its constituent parcels, contiguous or otherwise, which are vacant or currently occupied by persons not directly engaged in farming or working on the subject farm or ranch and which could be used as the principal agricultural dwelling;

(b) The farm or ranch upon which the dwelling will be located is currently devoted to agricultural use, as defined in MCC 38.0015, where the day-to-day activities of one or more

residents of the agricultural dwelling will be principally directed to the agricultural use of the land. Current use includes a minimum area which would satisfy subsection (8) (c) 4. below; and

(c) The farm or ranch is a commercial agricultural enterprise as determined by an evaluation of the following factors:

1. Size of the entire farm or ranch, including all land in the same ownership;

2. Type(s) of agricultural uses (crops, livestock) and acreage;

3. Operational requirements for the particular agricultural use common to area agricultural operations; and

4. Annual income. The farm or ranch, and all its constituent parcels, must ~~is capable of producing~~ produce at least $~~40,000~~ 80,000 in gross annual income in 2020 dollars. This gross annual income amount shall be indexed for inflation on an annual basis using Consumer Price Index data from the US Bureau of Labor Statistics, and the new adjusted amount for each calendar year (calculated from 2020 dollars) will be posted on the Gorge Commission website by January 15 of each year. This determination shall be made using the following formula:

(A)(B)(C) = I

A = Average yield of the commodity per acre, or unit of production

B = Average price of the commodity

C = Total acres suitable for production, or total units of production that can be sustained, on the subject farm or ranch

I = ~~Income Capability~~ Annual Income

(9) On lands designated GGA– 40, a second single-family dwelling in conjunction with agricultural use when the dwelling would replace an existing dwelling which is included in, or is eligible for inclusion in, the National Register of Historic Places based on the criteria for use in evaluating the eligibility of cultural resources contained in the *National Register Criteria for Evaluation* (36 CFR Part 60.4), and it meets one or more of the following:

(a) The dwelling has had association with events that have made a significant contribution to the broad patterns of the history of this region;

(b) The dwelling has had association with the lives of persons significant in the past;

(c) The dwelling embodies the distinctive characteristics of a type, period, or method of construction, or represent the work of a master, or possess high artistic values, or represent a significant and distinguishable entity whose components may lack individual distinction; or

(d) The dwelling will yield, or may be likely to yield, information important in prehistory or history.

(10) On lands designated GGA– 20, a single family dwelling on any legally created and existing parcel.

(11) On lands designated GGA– 40, a single family dwelling for an agricultural operator's relative provided that:

(a) The dwelling would be occupied by a relative of the agricultural operator or of the agricultural operator's spouse who will be actively engaged in the management of the farm or ranch. Relative means grandparent, grandchild, parent, child, brother or sister;

(b) The dwelling would be located on the same parcel as the dwelling of the principal operator; and

(c) The operation is a commercial enterprise as determined by MCC 38.2225 (A) (5) (c).

(12) Construction, reconstruction or modifications of roads not in conjunction with agriculture upon a finding that:

(a) There is no practicable alternative location with less adverse effect on agricultural lands, and

(b) The size is the minimum necessary to provide the service.

(13) Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation and/or natural resources, subject to MCC 38.7345. Those projects may include new structures (e.g. fish ladders, sediment barriers) and/or activities (e.g. closing and revegetating unused roads, recontouring abandoned quarries).

(14) Agricultural labor housing upon a showing that:

(a) The proposed housing is necessary and accessory to a current agricultural use;

(b) The housing shall be seasonal unless it is shown that an additional full-time dwelling is necessary to the current agricultural use of the subject farm or ranch unit. Seasonal use shall not exceed 9 months.

(c) The housing will be located to minimize the conversion of lands capable of production of farm crops or livestock and will not force a significant change in or significantly increase the cost of accepted agricultural practices employed on nearby lands devoted to agricultural use.

(15) Land divisions when all resulting parcels satisfy the minimum lot size standards of MCC 38.2260.

(16) Placement of Structures necessary for continued public safety, or the protection of essential public services or protection of private or public existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements damaged during an emergency/disaster

event. This includes replacement of temporary structures erected during such events with permanent structures performing an identical or related function. Land use proposals for such structures shall be submitted within 12 months following an emergency/disaster event. Applicants are responsible for all other applicable local, state and federal permitting requirements.

(17) Property line adjustments that would result in the potential to create additional parcels through subsequent land divisions, subject to MCC 38.7970.

(18) Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building.

(19) Docks and boathouses, subject to MCC 38.7325.

(20) Removal/demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks.

(21) Consolidation of Parcels and Lots pursuant to MCC 38.7794 and Replatting of Partition and Subdivision Plats pursuant to MCC 38.7797.

(22) Solar, photovoltaic and wind turbine alternative energy production facilities accessory to uses permitted in the zoning district provided that the applicable renewable energy production provisions of 38.7390 are met, and:

(a) For all systems:

1. They are not a commercial power generating facility such as a utility;

2. The system meets all special district requirements;

3. The system is mounted to a ground mount, to the roof of the dwelling or accessory structure, or to a wind tower;

(b) The overall height of solar energy systems shall not exceed the peak of the roof of the building on which the system is mounted;

(c) For wind turbine systems:

1. They are set back to all property lines a distance equal to or greater than the combined height of the turbine tower and blade length. Height is measured from grade to the top of the wind generator blade when it is at its highest point. There is no height restriction for a wind turbine provided the wind turbine meets the NSA Site Review Criteria of MCC 38.7035 through 38.7080;

2. No lighting on wind turbine towers is allowed except as required by the Federal Aviation Administration or other federal or state agency and is consistent with the NSA Site Review approval criteria of MCC 38.7035 through 38.7080.

3. The land owner signs and records a covenant stating they are responsible for the removal of the system if it is abandoned. In the case of a sale or transfer of property, the new property owner shall be responsible for the use and/or removal of the system. Systems unused for one consecutive year are considered abandoned.

(23) A Type A home occupation in an existing dwelling unit, pursuant to MCC 38.7331.

(B) The following uses may be allowed on lands designated GSA– 40 pursuant to MCC 38.0530 (B), provided that the use or development will be sited to minimize the loss of land suitable for the production of agricultural crops or livestock and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7085 have been satisfied:

(1) New cultivation or new agricultural use outside of previously disturbed and regularly worked fields or areas. Clearing trees for new agricultural use is subject to MCC 38.7365.

(2) Forest uses and practices as allowed in MCC 38.2025 (B).

(3) A single-family dwelling on a parcel of 40 or more contiguous acres when necessary for and accessory to agricultural use as determined by MCC 38.2225 (A) (8) (a) through (c).

(4) Agricultural structures, except buildings, in conjunction with agricultural use.

(5) Agricultural buildings in conjunction with current agricultural use and, if applicable, proposed agricultural use that a landowner would initiate within one year and complete within five years, subject to MCC 38.7340.

(6) Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in 38.2225 (B)(7) or 38.2225(B)(8) below.

(7) Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel less than or equal to 10 acres in size are subject to the following additional standards:

(a) The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

(b) The height of any individual accessory building shall not exceed 24 feet.

(8) Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel larger than 10 acres in size are subject to the following additional standards:

(a) The combined footprints of all accessory buildings on a single parcel shall not exceed 2,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

(b) The footprint of any individual accessory building shall not exceed 1,500 square feet.

(c) The height of any individual accessory building shall not exceed 24 feet.

(9) Farm labor housing on a parcel with an existing dwelling upon a showing that:

(a) The proposed housing is necessary and accessory to a current agricultural use and a showing that the operation is a commercial agricultural enterprise as determined by MCC 38.2225 (A) (8) (c).

(b) The housing shall be seasonal unless it is shown that an additional full-time dwelling is necessary for the current agricultural use. Seasonal use shall not exceed nine months.

(c) The housing shall be located to minimize the conversion of lands capable of production of farm crops and livestock, and shall not force a significant change in or significantly increase the cost of accepted agricultural uses employed on nearby lands devoted to agricultural use.

(10) Fruit ~~stands~~ and produce stands ~~upon a showing that sales will be limited to agricultural products raised on the property and other agriculture properties in the local region~~.

(11) Aquiculture.

(12) Temporary asphalt/batch plant operations related to public road projects, not to exceed six months.

(13) Road and railroad construction and reconstruction upon a finding that:~~.~~

(a) There is no alternative location with less adverse effect on agricultural land, and

(b) The size is the minimum necessary to provide the service.

(14) Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation and/or natural resources, subject to MCC 38.7345. Those projects may include new structures (e.g. fish ladders, sediment barriers) and/or activities (e.g. closing and revegetating unused roads, recontouring abandoned quarries).

(15) Placement of Structures necessary for continued public safety, or the protection of essential public services or protection of private or public existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements damaged during an emergency/disaster event. This includes replacement of temporary structures erected during such events with permanent structures performing an identical or related function. Land use proposals for such structures shall be submitted within 12 months following an emergency/disaster event. Applicants are responsible for all other applicable local, state and federal permitting requirements.

(16) On a parcel of 40 acres or greater with an existing dwelling, a temporary dwelling for health hardship, pursuant to MCC 38.7320.

(17) Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building.

(18) Docks and boathouses, subject to MCC 38.7325.

(19) Removal/demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks.

(20) Consolidation of Parcels and Lots pursuant to MCC 38.7794 and Replatting of Partition and Subdivision Plats pursuant to MCC 38.7797.

(21) Solar, photovoltaic and wind turbine alternative energy production facilities accessory to uses permitted in the zoning district provided that the applicable renewable energy production provisions of 38.7390 are met, and:

(a) For all systems:

1. They are not a commercial power generating facility such as a utility;

2. The system meets all special district requirements;

3. The system is mounted to a ground mount, to the roof of the dwelling or accessory structure, or to a wind tower;

(b) The overall height of solar energy systems shall not exceed the peak of the roof of the building on which the system is mounted

(c) For wind turbine systems:

1. They are set back to all property lines a distance equal or greater than the combined height of the turbine tower and blade length. Height is measured from grade to the top of the wind generator blade when it is at its highest point. There is no height restriction for a wind turbine provided the wind turbine meets the NSA Site Review Criteria of MCC 38.7040 et. al.;

2. No lighting on wind turbine towers is allowed except as required by the Federal Aviation Administration or other federal or state agency and is consistent with the NSA Site Review approval criteria of MCC 38.7040 et al.

3. The land owner signs and records a covenant stating they are responsible for the removal of the system if it is abandoned. In the case of a sale or transfer of property, the new property owner shall be responsible for the use and/or removal of the system. Systems unused for one consecutive year are considered abandoned.

(22) A Type A home occupation in an existing dwelling unit, pursuant to MCC 38.7331.

(Ord. 1270, Amended, 03/14/2019; Ord. 1197, Amended 02/16/2013; Ord. 1192, Amended, 05/17/2012; Ord. 1186, Amended, 10/13/2011; Ord. 1176, Amended, 03/03/2011; Ord. 1125, Amended, 12/11/2008; Ord. 1097, Amended, 07/26/2007; Ord. 1064, Amended, 06/23/2005; Ord. 1007, Amended, 02/06/2003; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 994, Amended, 09/26/2002; Ord. 977, Amended, 02/07/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2230 CONDITIONAL USES

(A) The following conditional uses may be allowed on lands designated GGA, pursuant to the provisions of MCC 38.0045 and 38.7300.

(1) Fruit and produce stands~~, upon a showing that sales will be limited to agricultural products raised on the subject farm and other farms in the local region~~.

(2) Wineries and cideries, in conjunction with an on-site ~~viticulture~~ vineyard or orchard, upon a showing that processing of wine or cider is from ~~grapes grown~~ fruits harvested on the subject farm ~~or in~~ and the local region.

(3) Wine or cider sales and~~/~~tasting rooms, in conjunction with an on-site winery or cidery.

(4) Agricultural product processing and packaging, upon a showing that the processing will be limited to products grown primarily on the subject farm and sized to the subject operation.

(5) Exploration, development and production of mineral and geothermal resources subject to MCC 38.7035.

(6) Personal-use airstrips including associated accessory structures such as a hangar. A personal-use airstrip is an airstrip restricted, except for aircraft emergencies, to use by the owner and on an infrequent and occasional basis, by invited guests, and by commercial aviation activities in connection with agricultural operations. No aircraft may be based on a personal use airstrip other than those owned or controlled by the owner of the airstrip.

(7) Aquiculture.

(8) Recreation development, subject to MCC 38.7080 and The Recreation Development Plan (Management Plan, Part III, Chapter 1).

(9) Boarding of horses or non-profit horse rescue facility, subject to MCC 38.7385.

(10) Temporary portable asphalt/batch plants related to public road projects, not to exceed six months.

(11) Non-profit, environmental learning or research facilities.

(12) Expansion of existing schools or places of worship.

~~(13) Cluster Developments, pursuant to MCC 38.7360.~~

(13)~~(14)~~ Structures associated with hunting and fishing operations.

(14)~~(15)~~ Towers and fire stations for forest fire protection.

(15)~~(16)~~ On lands designated GGA– 40, on a parcel which was legally created and existed prior to November 17, 1986, a single-family dwelling not in conjunction with agricultural use upon a demonstration that:

(a) The dwelling will not force a change in or increase the cost of accepted agricultural practices on surrounding lands;

(b) The subject parcel is predominantly unsuitable for the production of farm crops and livestock, considering soils, terrain, location and size of the parcel. Size alone shall not be used to determine whether a parcel is unsuitable for agricultural use. An analysis of suitability shall include the capability of the subject parcel to be utilized in conjunction with other agricultural operations in the area;

(c) The dwelling shall be set back from any abutting parcel designated GGA, as required in MCC 38.0060, or any abutting parcel designated GGF, as required in MCC 38.7315;

(d) A declaration has been signed by the landowner and recorded into county deeds and records specifying that the owners, successors, heirs and assigns of the subject property are aware that adjacent and nearby operators are entitled to carry on accepted agriculture or forest practices on lands designated GGA or GGF; and

(e) All owners of land in areas designated GGA or GGF within 500 feet of the perimeter of the subject parcel on which the dwelling is proposed to be located have been notified and given at least 10 days to comment prior to a decision.

(16)~~(17)~~ Disposal sites managed and operated by the Oregon Department of Transportation, or the Multnomah County public works department for earth materials and any intermixed vegetation generated by routine or emergency/disaster public road maintenance activities with the National Scenic Area, subject to compliance with MCC 38.7350.

~~(18) On parcels 40 acres or larger in GGA– 20 or 80 acres or larger in GGA– 40, a land division creating parcels smaller than the designated minimum parcel size, subject to MCC 38.7360.~~

(17)~~(19)~~ Life estates, pursuant to MCC 38.7355.

(18)~~(20)~~ Utility facilities and railroads necessary for public service upon a finding that:

(a) There is no practicable alternative location with less adverse effect on agricultural or forest lands, and

(b) The size is the minimum necessary to provide the service.

(19)~~(21)~~ Home occupations ~~or cottage industries~~ in existing dwelling unit or accessory building, subject to MCC 38.7330.

(20)~~(22)~~ Bed and breakfast inns in single-family dwellings, subject to MCC 38.7335 and provided that the residence:

(a) Is included in the National Register of Historic Places; or

(b) Is identified and protected under local landmark status as approved pursuant to Oregon state land use regulations protecting historic structures.

(21)~~(23)~~ Special uses in historic buildings, subject to MCC 38.7380.

(B) The following conditional uses may be allowed on lands designated GSA, pursuant to the provisions of MCC 38.0045 and 38.7300.

(1) Exploration, development, and production of sand, gravel, and crushed rock for the construction, maintenance, or reconstruction of roads used to manage or harvest commercial forest products on lands within the Special Management Areas.

(2) Utility facilities necessary for public service upon a showing that:

(a) There is no alternative location with less adverse effect on Agriculture lands.

(b) The size is the minimum necessary to provide the service.

(3) Community facilities and non-profit facilities related to agricultural resource management.

(4) Expansion of existing non-profit group camps, retreats, and conference or education centers for the successful operation on the dedicated site. Expansion beyond the dedicated site is prohibited.

(5) Public recreation, commercial recreation, interpretive and educational developments and uses consistent with MCC 38.7085.

(6) Agricultural product processing and packaging, upon demonstration that the processing will be limited to products produced primarily on or adjacent to the property. "Primarily" means a clear majority of the product as measured by volume, weight, or value.

(7) Home occupations ~~and cottage industries~~ in an existing dwelling unit or accessory building pursuant to MCC 38.7330. The use or development shall be compatible with agricultural use. Buffer zones should be considered to protect agricultural practices from conflicting uses.

(8) Bed and breakfast inns in structures that are included in, or eligible for inclusion in, the National Register of Historic Places approved under MCC 38.7335. The use or development shall be compatible with agricultural use. Buffer zones should be considered to protect agricultural practices from conflicting uses.

(9) Disposal sites managed and operated by the Oregon Department of Transportation, or the Multnomah County public works department for earth materials and any intermixed vegetation generated by routine or emergency/disaster public road maintenance activities with the National Scenic Area, subject to compliance with MCC 38.7350.

(10) Fish hatcheries and aquiculture facilities.

(11) Towers and fire stations for forest fire protection.

(Ord. 1197, Amended 02/16/2013; Ord. 1125, Amended, 12/11/2008; Ord. 1074, Amended, 05/04/2006; Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2260 DIMENSIONAL REQUIREMENTS

(A) Except as provided in MCC 38.2230 (A) ~~(16) and (17)~~ (15) and (16), the minimum lot size shall be according to the short-title zone district designation on the Zoning Map, as follows:

GGA-20	20 acres when not within deer and elk winter range. Otherwise, the minimum lot size is 40 acres.
GGA-40	40 acres
GSA-40	Not Applicable

Commented [AB25]: These revisions clarify limitations on parcel sizes allowed by the Management Plan. The minimum lot sizes for lands that include deer and elk winter range applies to lands designated Large-Scale or Small-Scale Agriculture, Commercial Forest, or Large or Small Woodland. New parcels shall be 40 acres or larger in the west end of the National Scenic Area per the Management Plan requirements. Currently, preliminary map analysis suggests none of the GGA-20 tax lots (28 tax lots) are located within deer and elk winter range.

(B) That portion of a street which would accrue to an adjacent lot if the street were vacated shall be included in calculating the area of such lot.

(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.

(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.

(E) Structures such as barns, silos, windmills, antennae, chimneys, or similar structures may exceed the height requirement if located at least 30 feet from any property line.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2285 OFF-STREET PARKING AND LOADING

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

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2290 ACCESS

Any lot in this district shall abut a street or shall have other access determined by the approval authority to be safe and convenient for pedestrians and passenger and emergency vehicles.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2295 SIGNS

Signs, pursuant to the provisions of MCC 38.0080.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

RURAL CENTER - GGRC

§ 38.2400- PURPOSES

The purposes of the Gorge General Rural Center district are to protect and support the economy of the Columbia River Gorge National Scenic Area by recognizing the Corbett community as a service center and gathering place and allow uses compatible with the commercial, rural residential, and public facility and service character of that community.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2405 AREA AFFECTED

MCC 38.2405 through 38.2495 shall apply to those areas designated GGRC on the Multnomah County Zoning Map.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2415 USES

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this district except for the uses listed in MCC 38.2420 through 38.2495.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2420 ALLOWED USES

The uses listed in MCC 38.1005 are allowed on land designated GGRC with review.

(Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2423 EXPEDITED USES

The uses listed in MCC 38.1010 may be allowed on land designated GGRC, pursuant to MCC 38.7100.

(Ord. 1064, Add, 06/23/2005)

§ 38.2425 REVIEW USES

The following uses may be allowed on lands designated GGRC, pursuant to MCC 38.0530 (B) and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7085 have been satisfied:

(A) A single-family dwelling on a legally created and existing parcel.

(B) Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in (C) below.

(C) Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel are subject to the following additional standards:

(1) The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

(2) The height of any individual accessory building shall not exceed 24 feet.

(D) A temporary dwelling for health hardship, pursuant to MCC 38.7320.

(E) Duplexes.

(F) New cultivation, subject to compliance with MCC 38.7045, ~~38.7055, 38.7060~~, 38.7053, 38.7065 and 38.7070.

(G) Land divisions, subject to MCC 38.2460.

(H) Rural service commercial and tourist commercial uses limited to 5,000 square feet of floor area per building or use.

(1) Grocery stores

(2) Variety and hardware stores

(3) Shops, offices and repair shops

(4) Personal services such as barber and beauty shops

(5) Restaurants

(6) Taverns and bars

(7) Gas stations

(8) Gift shops

(I) Placement of Structures necessary for continued public safety, or the protection of essential public services or protection of private or public existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements damaged during an emergency/disaster event. This includes replacement of temporary structures erected during such events with permanent structures performing an identical or related function. Land use proposals for such structures shall be submitted within 12 months following an emergency/disaster event. Applicants are responsible for all other applicable local, state and federal permitting requirements.

(J) Property line adjustments that would result in the potential to create additional parcels through subsequent land divisions, subject to 38.7970.

(K) Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation and~~/or~~ natural resources, subject to MCC 38.7345. These projects may include new structures (e.g., fish ladders, sediment barriers) ~~and/~~or activities (e.g., closing and revegetating unused roads, re-contouring abandoned quarries).

(L) Agricultural structures, ~~except buildings,~~ in conjunction with agricultural use, including new cultivation.

(M) Agricultural buildings in conjunction with current agricultural use and, if applicable, proposed agricultural use that a landowner would initiate within one year and complete within five years, subject to MCC 38.7340.

(N) Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building.

(O) Removal/demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks.

(P) Consolidation of Parcels and Lots pursuant to MCC 38.7794 and Replatting of Partition and Subdivision Plats pursuant to MCC 38.7797.

(Q) Solar, photovoltaic and wind turbine alternative energy production facilities accessory to uses permitted in the zoning district provided that the applicable renewable energy production provisions of 38.7390 are met, and:

(1) For all systems:

(a) They are not a commercial power generating facility such as a utility;

(b) The system meets all special district requirements;

(c) The system is mounted to a ground mount, to the roof of the dwelling or accessory structure, or to a wind tower;

(2) The overall height of solar energy systems shall not exceed the peak of the roof of the building on which the system is mounted;

(3) For wind turbine systems:

(a) They are set back to all property lines a distance equal to or greater than the combined height of the turbine tower and blade length. Height is measured from grade to the top of the wind generator blade when it is at its highest point. There is no height restriction for a wind turbine provided the wind turbine meets the NSA Site Review Criteria of MCC 38.7035 through 38.7080;

(b) No lighting on wind turbine towers is allowed except as required by the Federal Aviation Administration or other federal or state agency and is consistent with the NSA Site Review approval criteria of MCC 38.7035 through 38.7080.

(c) The land owner signs and records a covenant stating they are responsible for the removal of the system if it is abandoned. In the case of a sale or transfer of property, the new property owner shall be responsible for the use and/or removal of the system. Systems unused for one consecutive year are considered abandoned.

(R) A Type A home occupation in an existing dwelling unit, pursuant to MCC 38.7331.

(S) Overnight accommodations in single family dwellings, pursuant to MCC 38.7337.

(Ord. 1197, Amended 02/16/2013; Ord. 1192, Amended, 05/17/2012; Ord. 1186, Amended, 10/13/2011; Ord. 1176, Amended, 03/03/2011; Ord. 1097, Amended, 07/26/2007; Ord. 1064, Amended, 06/23/2005; Ord. 1007, Amended, 02/06/2003; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 994, Amended, 09/26/2002)

§ 38.2430 CONDITIONAL USES

The following conditional uses may be allowed on lands designated GGRC, pursuant to the provisions of MCC 38.0045 and 38.7300:

(A) Fire stations

(B) Libraries

(C) Government buildings

(D) Community centers and meeting halls

(E) Schools

(F) Accredited child care centers

(G) Utility facilities, roads and railroads

(H) Recreation development, subject to MCC 38.7080.

(I) Places of worship

(J) Planned Developments pursuant to the provisions of MCC 38.4300 through 38.4370.

(K) ~~Travelers accommodations, bed~~ Bed and breakfast inns pursuant to MCC 38.7335.

(L) Home occupations ~~or cottage industries~~ in an existing dwelling unit or accessory building, pursuant to MCC 38.7330.

(M) Special uses in historic buildings, subject to MCC 38.7380.

(Ord. 1197, Amended 02/16/2013; Ord. 1074, Amended, 05/04/2006; Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2460 DIMENSIONAL REQUIREMENTS

(A) The minimum lot size for a single family dwelling shall be one acre.

(B) The minimum lot size for a duplex dwelling shall be two acres.

(C) The minimum lot size for a conditional use permitted pursuant to MCC 38.2430, shall be based upon:

(1) The site size needs of the proposed use;

(2) The nature of the proposed use in relation to the impacts on nearby properties; and

(3) Consideration of the purposes of this district.

(D) That portion of a street which would accrue to an adjacent lot if the street were vacated shall be included in calculating the area of such lot.

(E) 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.

(F) 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.

(G) Structures such as barns, silos, windmills, antennae, chimneys, or similar structures may exceed the height requirement if located at least 30 feet from any property line.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2485 OFF-STREET PARKING AND LOADING

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

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2490 ACCESS

Any lot in this district shall abut a street or shall have other access determined by the approval authority to be safe and convenient for pedestrians and passenger and emergency vehicles.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2495 SIGNS

Signs, pursuant to the provisions of MCC 38.0080.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

OPEN SPACE - GGO and GSO

§ 38.2600- PURPOSES

The purposes of the Gorge General Open Space and Gorge Special Open Space districts are to protect ~~those~~ the most significant and sensitive scenic, cultural, natural and recreation resources on unimproved lands from conflicting uses through avoidance, and enhance the~~m~~ resources where appropriate.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2605 AREA AFFECTED

MCC 38.2600 through 38.2695 shall apply to those areas designated GGO and GSO on the Multnomah County Zoning Map.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2615 USES

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this district except for the uses listed in MCC 38.2620 through 38.2695.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2620 ALLOWED USES

The uses listed in MCC 38.1005(B) are allowed on all lands designated GGO, GGO-GW, GSO and GGO-SP without review:

(Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2623 EXPEDITED USES

The uses listed in MCC 38.1010 may be allowed on land designated GGO, GGO-GW, GSO, AND GSO-SP, pursuant to MCC 38.7100.

(Ord. 1064, Add, 06/23/2005)

§ 38.2625 REVIEW USES

(A) The following uses may be allowed on lands designated GGO, pursuant to MCC 38.0530 (B) and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7085 have been satisfied:

(1) Low intensity recreation, subject MCC 38.7080~~; and~~.

(2) Land divisions to facilitate efforts to protect and enhance scenic, cultural, natural or recreation resources.

(3) ~~Repair, maintenance, operation, and improvement~~ Improvement, not including expansion, of existing structures (such as adding gutters, railings, shutters or solar or photovoltaic panels to the structure), trails, roads, railroads, utility facilities, and hydroelectric facilities.

(4) Placement of Structures necessary for continued public safety, or the protection of essential public services or protection of private or public existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements damaged during an emergency/disaster event. This includes replacement of temporary structures erected during such events with permanent structures performing an identical or related function. Land use proposals for such structures shall be submitted within 12 months following an emergency/disaster event. Applicants are responsible for all other applicable local, state and federal permitting requirements.

(5) Removal of timber, rocks or other materials for purposes of public safety or placement of structures for public safety.

(6) Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation, and~~/or~~ natural resources, subject to MCC 38.7345. These projects may include new structures (e.g., fish ladders, sediment barriers) ~~and/~~or activities (e.g., closing and revegetating unused roads, re-contouring abandoned quarries).

(7) Removal/demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks.

(8) Property line adjustments, subject to 38.7970.

(9) Consolidation of Parcels and Lots pursuant to MCC 38.7794 and Replatting of Partition and Subdivision Plats pursuant to MCC 38.7797.

(B) The following uses are allowed on land designated GGO-GW, pursuant to MCC 38.0530 (B) and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7085 have been satisfied:

(1) Livestock grazing;

(2) Fish and wildlife management uses conducted by federal, state or tribal resource agencies;

(3) Soil, water or vegetation uses performed in accordance with a conservation plan approved by a county conservation district;

(4) Harvesting of wild crops; and

(5) Educational or scientific research.

(6) Placement of Structures necessary for continued public safety, or the protection of essential public services or protection of private or public existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements damaged during an emergency/disaster

event. This includes replacement of temporary structures erected during such events with permanent structures performing an identical or related function. Land use proposals for such structures shall be submitted within 12 months following an emergency/disaster event. Applicants are responsible for all other applicable local, state and federal permitting requirements.

(7) Removal of timber, rocks or other materials for purposes of public safety or placement of structures for public safety.

(8) ~~Repair, maintenance, operation, and improvement~~ Improvement, not including expansion of existing structures (such as adding gutters, railings, shutters or solar or photovoltaic panels to the structure),~~,~~ trails, roads, railroads, utility facilities, and hydroelectric facilities.

(9) Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation, and~~/or~~ natural resources, subject to MCC 38.7345. These projects may include new structures (e.g., fish ladders, sediment barriers) ~~and/~~or activities (e.g., closing and revegetating unused roads, re-contouring abandoned quarries).

(10) Removal/demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks.

(11) Property line adjustments, subject to 38.7970.

(12) Continued operation of existing quarries, if they are determined to be consistent with guidelines to protect scenic, cultural, natural, and recreation resources.

(13) Consolidation of Parcels and Lots pursuant to MCC 38.7794 and Replatting of Partition and Subdivision Plats pursuant to MCC 38.7797.

(C) The following uses are allowed on land designated GGO-SP, pursuant to MCC 38.0530 (B) and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7085 have been satisfied:

(1) Fish and wildlife management uses conducted by federal, state or tribal agencies;

(2) Soil, water or vegetation uses performed in accordance with a conservation plan approved by a local conservation district;

(3) Harvesting of wild crops;

(4) Educational or scientific research.

(5) Placement of Structures necessary for continued public safety, or the protection of essential public services or protection of private or public existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements damaged during an emergency/disaster event. This includes replacement of temporary structures erected during such events with permanent structures performing an identical or related function. Land use proposals for such structures shall be submitted within 12 months following an emergency/disaster event.

Applicants are responsible for all other applicable local, state and federal permitting requirements.

(6) Removal of timber, rocks or other materials for purposes of public safety or placement of structures for public safety.

(7) Repair, maintenance, operation, and improvement of existing structures (such as adding gutters, railings, shutters or solar or photovoltaic panels to the structure),~~,~~ trails, roads, railroads, utility facilities, and hydroelectric facilities.

(8) Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation and/or natural resources, subject to MCC 38.7345. These projects may include new structures (e.g., fish ladders, sediment barriers) and/or activities (e.g., closing and revegetating unused roads, re-contouring abandoned quarries).

(9) Removal/demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks.

(10) Property line adjustments, subject to 38.7970.

(11) Consolidation of Parcels and Lots pursuant to MCC 38.7794 and Replatting of Partition and Subdivision Plats pursuant to MCC 38.7797.

(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.

(2) Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation ~~and/~~or natural resources, subject to MCC 38.7345. These projects may include vegetation management and forest practices (subject to MCC 38.7370 for the restoration of forest health, new structures (e.g., fish ladders, sediment barriers) ~~and/~~or activities (e.g., closing and revegetating unused roads, re-contouring abandoned quarries).

(3) Low intensity recreation uses and development~~s~~ including educational and interpretive facilities, consistent with MCC 38.7085.

(4) Utility facilities for public service upon a showing that:

(a) There is no alternative location with less adverse effect on land designated GSO;

(b) The size is the minimum necessary to provide the service.

(5) Placement of Structures necessary for continued public safety, or the protection of essential public services or protection of private or public existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements damaged during an emergency/disaster event. This includes replacement of temporary structures erected during such events with permanent structures performing an identical or related function. Land use proposals for such

structures shall be submitted within 12 months following an emergency/disaster event. Applicants are responsible for all other applicable local, state and federal permitting requirements.

(6) Removal/demolition of structures that are 50 or more years old, including wells, septic tanks, and fuel tanks.

(7) Treatment of noxious weeds shall be permitted without completion of an SMA Open Space plan when the following criteria have been met:

(a) Noxious weed infestation is new and eradication is still viable.

(b) Delayed or deferred treatment could have widespread or major adverse impacts to one or more of the following resources:

1. Displacement of native and traditionally gathered plants;

2. Degradation of wildlife habitat and forage;

3. Degradation or loss of agricultural uses of land, such as cropland or livestock forage;

4. Limitation of recreational use.

(8) Consolidation of Parcels and Lots pursuant to MCC 38.7794 and Replatting of Partition and Subdivision Plats pursuant to MCC 38.7797.

(E) For federal land, treatment effects have been thoroughly evaluated in an environmental assessment.

(Ord. 1176, Amended, 03/03/2011; Ord. 1125, Amended, 12/11/2008; Ord. 1097, Amended, 07/26/2007; Ord. 1064, Amended, 06/23/2005; Ord. 1007, Amended, 02/06/2003; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 994, Amended, 09/26/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2660 DIMENSIONAL REQUIREMENTS

(A) There is no minimum lot size for properties designated GGO or GSO.

(B) That portion of a street which would accrue to an adjacent lot if the street were vacated shall be included in calculating the area of such lot.

(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.

(S-1 2013)

(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.

(E) Structures such as barns, silos, windmills, antennae, chimneys, or similar structures may exceed the height requirement if located at least 30 feet from any property line.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2685 OFF-STREET PARKING AND LOADING

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

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2690 ACCESS

Any lot in this district shall abut a street or shall have other access determined by the approval authority to be safe and convenient for pedestrians and passenger and emergency vehicles.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2695 SIGNS

Signs, pursuant to the provisions of MCC 38.0080.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

RECREATIONAL DISTRICTS - GG-PR, GG-CR and GS-PR

§ 38.2800- PURPOSES

The purposes of the Gorge Recreation districts are to protect and enhance opportunities for publicly-owned, moderate and high-intensity resource based recreation uses ~~within the Columbia River Gorge National Scenic Area~~ on lands most suitable for ~~recreation~~ such uses.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2805 AREA AFFECTED

MCC 38.2800 through 38.2895 shall apply to those areas designated GG– PR, GG– CR and GS– PR on the Multnomah County Zoning Map.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2815 USES

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this district except for the uses listed in MCC 38.2820 through 38.2895.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2820 ALLOWED USES

The uses listed in MCC 38.1005 are allowed on land designated GG-PR, GG-CR and GS-PR without review.

(Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2823 EXPEDITED USES

The uses listed in MCC 38.1010 may be allowed on land designated GG-PR, GS-PR, and GG-CR, pursuant to MCC 38.7100.

(Ord. 1064, Add, 06/23/2005)

§ 38.2825 REVIEW USES

(A) The following uses are allowed on all lands designated GG– PR pursuant to MCC 38.0530 (B) and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7085 have been satisfied:

(1) The following uses may be allowed, subject to compliance with MCC 38.7300, and the standards of MCC 38.7000 through 38.7085:

(a) One single-family dwelling for each existing parcel legally created prior to adoption of the first Management Plan on October 15, 1991. Exceptions may be considered only upon demonstration that more than one residence is necessary for management of a public park.

(b) Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in (c) below.

(c) Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel are subject to the following additional standards:

1. The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

2. The height of any individual accessory building shall not exceed 24 feet.

(d) Agricultural structures~~, except buildings,~~ in conjunction with agricultural use.

(e) Agricultural buildings in conjunction with current agricultural use and, if applicable, proposed agricultural use that a landowner would initiate within one year and complete within five years, subject to MCC 38.7340.

(f) Utility transmission, transportation, communication and public works facilities.

(g) Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation ~~and/~~or natural resources, subject to MCC 38.7345. These projects may include new structures (e.g., fish ladders, sediment barriers) ~~and/~~or activities (e.g., closing and revegetating unused roads, re-contouring abandoned quarries).

(h) Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building.

(i) Docks and boathouses, subject to MCC 38.7325.

(j) Removal/demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks.

(2) Land divisions, subject to compliance with MCC 38.7300 (E) (3).

(3) Property line adjustments, subject to MCC 38.7970.

(4) Placement of Structures necessary for continued public safety, or the protection of essential public services or protection of private or public existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements damaged during an emergency/disaster event. This includes replacement of temporary structures erected during such events with permanent structures performing an identical or related function. Land use proposals for such structures shall be submitted within 12 months following an emergency/disaster event. Applicants are responsible for all other applicable local, state and federal permitting requirements.

(5) Consolidation of Parcels and Lots pursuant to MCC 38.7794 and Replatting of Partition and Subdivision Plats pursuant to MCC 38.7797.

(6) Solar, photovoltaic and wind turbine alternative energy production facilities accessory to uses permitted in the zoning district provided that the applicable renewable energy production provisions of 38.7390 are met, and:

(a) For all systems:

1. They are not a commercial power generating facility such as a utility;

2. The system meets all special district requirements;

3. The system is mounted to a ground mount, to the roof of the dwelling or accessory structure, or to a wind tower;

(b) The overall height of solar energy systems shall not exceed the peak of the roof of the building on which the system is mounted;

(c) For wind turbine systems:

1. They are set back to all property lines a distance equal to or greater than the combined height of the turbine tower and blade length. Height is measured from grade to the top of the wind generator blade when it is at its highest point. There is no height restriction for a wind turbine provided the wind turbine meets the NSA Site Review Criteria of MCC 38.7035 through 38.7080;

2. No lighting on wind turbine towers is allowed except as required by the Federal Aviation Administration or other federal or state agency and is consistent with the NSA Site Review approval criteria of MCC 38.7035 through 38.7080.

3. The land owner signs and records a covenant stating they are responsible for the removal of the system if it is abandoned. In the case of a sale or transfer of property, the new property owner shall be responsible for the use and/or removal of the system. Systems unused for one consecutive year are considered abandoned.

(B) The following uses are allowed on all lands designated GG – CR pursuant to MCC 38.0530 (B) and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7085 have been satisfied:

(1) The following uses may be allowed, subject to compliance with MCC 38.7300 (F) and the standards of MCC 38.7000 through 38.7085:

(a) One single-family dwelling for each ~~lot or~~ existing parcel legally created prior to adoption of the first Management Plan on October 15, 1991.

(b)Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in (c) below.

(c) Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel are subject to the following additional standards:

1. The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

2. The height of any individual accessory building shall not exceed 24 feet.

(d) Agricultural structures, ~~except buildings,~~ in conjunction with agricultural use.

(e) Agricultural buildings in conjunction with current agricultural use and, if applicable, proposed agricultural use that a landowner would initiate within one year and complete within five years, subject to MCC 38.7340.

(f) Utility transmission, transportation and communication facilities.

(g) Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation ~~and/~~or natural resources, subject to MCC 38.7345. These projects may include new structures (e.g., fish ladders, sediment barriers) ~~and/~~or activities (e.g., closing and revegetating unused roads, re-contouring abandoned quarries).

(h) Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building.

(i) Docks and boathouses, subject to MCC 38.7325.

(j) Removal/demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks.

(2) Land divisions, subject to compliance with MCC 38.7300 (E).

(3) Placement of Structures necessary for continued public safety, or the protection of essential public services or protection of private or public existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements damaged during an emergency/disaster event. This includes replacement of temporary structures erected during such events with permanent structures performing an identical or related function. Land use proposals for such structures shall be submitted within 12 months following an emergency/disaster event. Applicants are responsible for all other applicable local, state and federal permitting requirements.

(4) Property line adjustments, subject to MCC 38.7970.

(5) Consolidation of Parcels and Lots pursuant to MCC 38.7794 and Replatting of Partition and Subdivision Plats pursuant to MCC 38.7797.

(6) Solar, photovoltaic and wind turbine alternative energy production facilities accessory to uses permitted in the zoning district provided that the applicable renewable energy production provisions of 38.7390 are met, and:

(a) For all systems:

1. They are not a commercial power generating facility such as a utility;

2. The system meets all special district requirements;

3. The system is mounted to a ground mount, to the roof of the dwelling or accessory structure, or to a wind tower;

(b) The overall height of solar energy systems shall not exceed the peak of the roof of the building on which the system is mounted;

(c) For wind turbine systems:

1. They are set back to all property lines a distance equal to or greater than the combined height of the turbine tower and blade length. Height is measured from grade to the top of the wind generator blade when it is at its highest point. There is no height restriction for a wind turbine provided the wind turbine meets the NSA Site Review Criteria of MCC 38.7035 through 38.7080;

2. No lighting on wind turbine towers is allowed except as required by the Federal Aviation Administration or other federal or state agency and is consistent with the NSA Site Review approval criteria of MCC 38.7035 through 38.7080.

3. The land owner signs and records a covenant stating they are responsible for the removal of the system if it is abandoned. In the case of a sale or transfer of property, the new property owner shall be responsible for the use and/or removal of the system. Systems unused for one consecutive year are considered abandoned.

(C) The following uses are allowed on all lands designated GS– PR pursuant to MCC 38.0530 (B) and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7085 have been satisfied:

(1) Uses and practices in the Gorge Special Forestry (GSF) district as allowed in MCC 38.2025 (B), except (B)(8) and (B)(9).

(2) Public trails, consistent with MCC 38.7085.

(3) Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in (4) below.

(4) Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel are subject to the following additional standards:

(a) The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

(b) The height of any individual accessory building shall not exceed 24 feet.

(5) Road and railroad construction and reconstruction.

(6) Resource enhancement projects for the purpose of enhancing scenic, cultural,~~,~~ recreation, ~~an/~~or natural resources subject to MCC 38.7345. Those projects may include new structures

(e.g., fish ladders, sediment barriers) or activities (e.g., closing and revegetating unused roads, recontouring abandoned quarries).

(7) Uses in the gorge Special Agriculture (GSA) district as allowed in MCC 38.2225(B), except (B)(7) and B(8).

(8) Placement of Structures necessary for continued public safety, or the protection of essential public services or protection of private or public existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements damaged during an emergency/disaster event. This includes replacement of temporary structures erected during such events with permanent structures performing an identical or related function. Land use proposals for such structures shall be submitted within 12 months following an emergency/disaster event. Applicants are responsible for all other applicable local, state and federal permitting requirements.

(9) On a parcel of 40 acres or greater with an existing dwelling, ~~the temporary use of~~ a temporary dwelling ~~mobile home~~ in the case of a family hardship, subject to MCC 38.7320.

(10) Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building.

(11) Removal/demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks.

(12) Docks and boathouses, subject to MCC 38.7325.

(13) Consolidation of Parcels and Lots pursuant to MCC 38.7794 and Replatting of Partition and Subdivision Plats pursuant to MCC 38.7797.

(14) Solar, photovoltaic and wind turbine alternative energy production facilities accessory to uses permitted in the zoning district provided that the applicable renewable energy production provisions of 38.7390 are met, and:

(a) For all systems:

1. They are not a commercial power generating facility such as a utility;

2. The system meets all special district requirements;

3. The system is mounted to a ground mount, to the roof of the dwelling or accessory structure, or to a wind tower;

(b) The overall height of solar energy systems shall not exceed the peak of the roof of the building on which the system is mounted

(c) For wind turbine systems:

1. They are set back to all property lines a distance equal or greater than the combined height of the turbine tower and blade length. Height is measured from grade to the top of the wind generator blade when it is at its highest point. There is no height restriction

for a wind turbine provided the wind turbine meets the NSA Site Review Criteria of MCC 38.7040 et. al.;

2. No lighting on wind turbine towers is allowed except as required by the Federal Aviation Administration or other federal or state agency and is consistent with the NSA Site Review approval criteria of MCC 38.7040 et al.

3. The land owner signs and records a covenant stating they are responsible for the removal of the system if it is abandoned. In the case of a sale or transfer of property, the new property owner shall be responsible for the use and/or removal of the system. Systems unused for one consecutive year are considered abandoned.

(15) A Type A home occupation in an existing dwelling unit, pursuant to MCC 38.7331.

(Ord. 1197, Amended 02/16/2013; Ord. 1192, Amended, 05/17/2012; Ord. 1176, Amended, 03/03/2011; Ord. 1125, Amended, 12/11/2008; Ord. 1097, Amended, 07/26/2007; Ord. 1064, Amended, 06/23/2005; Ord. 1007, Amended, 02/06/2003; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 994, Amended, 09/26/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2830 CONDITIONAL USES

(A) The following conditional uses may be allowed on lands designated GG– PR, pursuant to the provisions of MCC 38.0045, 38.7300 (E) and 38.7080 (E) (1) and (3) through (7):

(1) Publicly-owned, resource-based recreation uses consistent with MCC 38.7080.

(2) Commercial uses and non-resource based recreation uses which are part of an existing or approved, resource-based public recreation use consistent with policies, guidelines and conditional use criteria for such uses contained in this section.

(3) New cultivation, subject to compliance with MCC 38.7045, ~~38.7055, 38.7060,~~ 38.7053, 38.7065 and 38.7070.

(4) Special uses in historic buildings, subject to MCC 38.7380.

(B) The following conditional uses may be allowed on lands designated GG– CR, pursuant to the provisions of MCC 38.0045, 38.7300 (E) and 38.7080 (E) (1) and (3) through (7):

(1) Commercially-owned, resource-based recreation uses.

(2) Overnight recreation accommodations which are part of a commercially-owned resource-based recreation use, where such resource-based recreation use occurs on the subject site or is accessed through the site on adjacent lands, and which meet the following standards:

(a) Buildings containing individual units are no larger than 1,500 square feet in total floor area and no higher than two and one-half stories.

(b) Buildings containing more than one unit are no larger than 6,000 square feet in total floor area and no higher than two and one-half stories.

(c) The total number of individual units shall not exceed 25, unless the proposed development complies with standards for clustered accommodations in subsection (d) below.

(d) Clustered overnight ~~travelers~~ recreation accommodations meeting the following standards may include up to 35 individual units:

1. Average total floor area of all units is 1,000 square feet or less per unit;

2. A minimum of 50 percent of the project site is dedicated to undeveloped, open areas (not including roads or parking areas);

3. The facility is in an area classified ~~for high intensity recreation~~ in the Management Plan as ~~(~~Recreation Intensity Class 4~~)~~.

(3) Commercial uses, including restaurants sized to accommodate overnight visitors and their guests, and non-resource-based recreation uses which are part of an existing or approved resource-based commercial recreation use consistent with the policies, guidelines and conditional use criteria for such uses contained in this section.

(4) New cultivation, subject to compliance with MCC 38.7045, ~~38.7055, 38.7060,~~ 38.7053, 38.7065 and 38.7070.

(5) Special uses in historic buildings, subject to MCC 38.7380.

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

(1) Public natural resource-based recreational facilities, consistent with 38.7085.

(2) Public non-profit group camps, retreats, conference or educational centers, and interpretive facilities.

(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.

(4) One single family residence on a parcel 40 contiguous acres or larger, when found to be necessary for the management of:

(a) An agricultural use pursuant to MCC 38.2225 (B) (3);

(b) A forest use pursuant to MCC 38.2025 (B) (6); or

(c) A public recreation site.

(5) Home occupations ~~and cottage industries~~ in an existing dwelling unit or accessory building, pursuant to MCC 38.7330.

(6) Exploration, development, and production of sand, gravel, or crushed rock for the construction, maintenance, or reconstruction of roads used to manage or harvest commercial forest products.

(7) Fish hatcheries and aquiculture facilities.

(8) Towers and fire stations for forest fire protection.

(9) Community facilities and non-profit facilities related to forest resource management or agricultural resource management.

(10) Expansion of existing non-profit group camps, retreat or conference center.

(11) Bed and Breakfast inns in single-family dwellings, pursuant to MCC 38.7335, and provided that the residence is included in, or eligible for inclusion in, the National Register of Historic Places. The use or development shall be compatible with agricultural use. Buffer zones should be considered to protect agricultural practices from conflicting uses.

(12) Agricultural product processing and packaging, upon demonstration that the processing will be limited to products produced primarily on or adjacent to the property. "Primarily" means a clear majority of the product as measured by volume, weight, or value.

(Ord. 1197, Amended 02/16/2013; Ord. 1074, Amended, 05/04/2006; Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2860 DIMENSIONAL REQUIREMENTS

(A) There is no minimum lot size for properties designated GG– PR, GG– CR, and GS– PR.

(B) That portion of a street which would accrue to an adjacent lot if the street were vacated shall be included in calculating the area of such lot.

(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.

(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.

(E) Structures such as barns, silos, windmills, antennae, chimneys, or similar structures may exceed the height requirement if located at least 30 feet from any property line.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2885 OFF-STREET PARKING AND LOADING

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

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2890 ACCESS

Any lot in this district shall abut a street or shall have other access determined by the approval authority to be safe and convenient for pedestrians and passenger and emergency vehicles.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2895 SIGNS

Signs, pursuant to the provisions of MCC 38.0080.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

RESIDENTIAL DISTRICTS - GGR and GSR

§ 38.3000- PURPOSES

The purposes of the Gorge General Residential and Gorge Special Residential districts are to ~~protect and enhance the character of existing residential areas, and to~~ ensure ~~new~~ that residential development outside urban areas does not adversely affect the scenic, cultural, natural and recreation resources of the Columbia River Gorge National Scenic Area and to ensure that residential development outside of urban areas protects agricultural and forest land for agricultural and forest uses.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.3005 AREA AFFECTED

MCC 38.3000 through 38.3095 shall apply to those areas designated GGR and GSR on the Multnomah County Zoning Map.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.3015 USES

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this district except for the uses listed in MCC 38.3020 through 38.3095.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.3020 ALLOWED USES

The uses listed in MCC 38.1005 are allowed on land designated GGR and GSR without review.

(Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002)

§ 38.3023 EXPEDITED USES

The uses listed in MCC 38.1010 may be allowed on land designated GGR and GSR, pursuant to MCC 38.7100.

(Ord. 1064, Add, 06/23/2005)

§ 38.3025 REVIEW USES

(A) The following uses may be allowed on lands designated GGR, pursuant to MCC 38.0530 (B) and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7085 have been satisfied:

(1) One single-family dwelling per legally created and existing parcel.

(a) If the subject parcel is located adjacent to lands designated GGA or GGF, the use shall comply with the buffer requirements of MCC 38.0060; and

(b) If the subject parcel is located is adjacent to lands designated GGF, the placement of a dwelling shall also comply with the fire protection standards of MCC 38.7305.

(2) Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in (3) below.

(3) Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel are subject to the following additional standards:

(a) The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

(b) The height of any individual accessory building shall not exceed 24 feet.

(4) A temporary dwelling for health hardship, pursuant to MCC 38.7320.

(5) Construction or reconstruction of roads.

(6) New cultivation, subject to compliance with MCC 38.7045, ~~38.7055, 38.7060,~~ 38.7053, 38.7065 and 38.7070.

(7) Land divisions, pursuant to the provisions of MCC 38.7725 (A).

(8) Placement of Structures necessary for continued public safety, or the protection of essential public services or protection of private or public existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements damaged during an emergency/disaster event. This includes replacement of temporary structures erected during such events with permanent structures performing an identical or related function. Land use proposals for such structures shall be submitted within 12 months following an emergency/disaster event. Applicants are responsible for all other applicable local, state and federal permitting requirements.

(9) Property line adjustments that would result in the potential to create additional parcels through subsequent land divisions, subject to 38.7970.

(10) Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation and~~/or~~ natural resources, subject to MCC 38.7345. These projects may include new structures (e.g., fish ladders, sediment barriers) ~~and/~~or activities (e.g., closing and revegetating unused roads, recontouring abandoned quarries).

(11) Agricultural structures~~, except buildings,~~ in conjunction with agricultural use, including new cultivation.

(12) Agricultural buildings in conjunction with current agricultural use and, if applicable, proposed agricultural use that a landowner would initiate within one year and complete within five years, subject to MCC 38.7340.

(13) Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building.

(14) Docks and boathouses, subject to MCC 38.7325.

(15) Removal/demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks.

(16) Consolidation of Parcels and Lots pursuant to MCC 38.7794 and Replatting of Partition and Subdivision Plats pursuant to MCC 38.7797.

(17) Solar, photovoltaic and wind turbine alternative energy production facilities accessory to uses permitted in the zoning district provided that the applicable renewable energy production provisions of 38.7390 are met, and:

(a) For all systems:

1. They are not a commercial power generating facility such as a utility;

2. The system meets all special district requirements;

3. The system is mounted to a ground mount, to the roof of the dwelling or accessory structure, or to a wind tower;

(b) The overall height of solar energy systems shall not exceed the peak of the roof of the building on which the system is mounted;

(c) For wind turbine systems:

1. They are set back to all property lines a distance equal to or greater than the combined height of the turbine tower and blade length. Height is measured from grade to the top of the wind generator blade when it is at its highest point. There is no height restriction for a wind turbine provided the wind turbine meets the NSA Site Review Criteria of MCC 38.7035 through 38.7080;

2. No lighting on wind turbine towers is allowed except as required by the Federal Aviation Administration or other federal or state agency and is consistent with the NSA Site Review approval criteria of MCC 38.7035 through 38.7080.

3. The land owner signs and records a covenant stating they are responsible for the removal of the system if it is abandoned. In the case of a sale or transfer of property, the new property owner shall be responsible for the use and/or removal of the system. Systems unused for one consecutive year are considered abandoned.

(18) A Type A home occupation in an existing dwelling unit, pursuant to MCC 38.7331.

(19) Overnight accommodations in single family dwellings in GGR-5 and GGR-10 zones only, pursuant to MCC 38.7337.

(B) The following uses may be allowed on lands designated GSR, pursuant to MCC 38.0530 (B) and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7085 have been satisfied:

(1) One single-family dwelling per legally created lot or consolidated parcel 40 acres in size or larger, subject to the standards of MCC 38.7305.

Commented [AB26]: Clarifying an existing limitation in the Management Plan that any new dwelling within the SMA Residential land use designation shall be on a parcel of at least 40 acres in size.

(2) Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in (3) below.

(3) Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel are subject to the following additional standards:

(a) The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

(b) The height of any individual accessory building shall not exceed 24 feet.

(4) Road and railroad construction and reconstruction.

(5) Forest practices, pursuant to the provisions of MCC 38.2025 (B).

(6) Placement of Structures necessary for continued public safety, or the protection of essential public services or protection of private or public existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements damaged during an emergency/disaster event. This includes replacement of temporary structures erected during such events with permanent structures performing an identical or related function. Land use proposals for such structures shall be submitted within 12 months following an emergency/disaster event. Applicants are responsible for all other applicable local, state and federal permitting requirements.

(7) Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation and~~/or~~ natural resources, subject to MCC 38.7345. These projects may include new structures (e.g., fish ladders, sediment barriers) ~~and/~~or activities (e.g., closing and revegetating unused roads, re-contouring abandoned quarries).

(8) On a parcel of 40 acres or greater with an existing dwelling, a temporary dwelling for health hardship, pursuant to MCC 38.7320.

(9) Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building.

(10) Removal/demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks.

(11) Docks and boathouses, subject to MCC 38.7325.

(12) New cultivation or new agricultural use outside of previously disturbed and regularly worked fields or areas. Clearing trees for new agricultural use is subject to MCC 38.7365.

(13) Consolidation of Parcels and Lots pursuant to MCC 38.7794 and Replatting of Partition and Subdivision Plats pursuant to MCC 38.7797.

(14) Solar, photovoltaic and wind turbine alternative energy production facilities accessory to uses permitted in the zoning district provided that the applicable renewable energy production provisions of 38.7390 are met, and:

(a) For all systems:

1. They are not a commercial power generating facility such as a utility;

2. The system meets all special district requirements;

3. The system is mounted to a ground mount, to the roof of the dwelling or accessory structure, or to a wind tower;

(b) The overall height of solar energy systems shall not exceed the peak of the roof of the building on which the system is mounted

(c) For wind turbine systems:

1. They are set back to all property lines a distance equal or greater than the combined height of the turbine tower and blade length. Height is measured from grade to the top of the wind generator blade when it is at its highest point. There is no height restriction for a wind turbine provided the wind turbine meets the NSA Site Review Criteria of MCC 38.7040 et. al.;

2. No lighting on wind turbine towers is allowed except as required by the Federal Aviation Administration or other federal or state agency and is consistent with the NSA Site Review approval criteria of MCC 38.7040 et al.

3. The land owner signs and records a covenant stating they are responsible for the removal of the system if it is abandoned. In the case of a sale or transfer of property, the new property owner shall be responsible for the use and/or removal of the system. Systems unused for one consecutive year are considered abandoned.

(15) A Type A home occupation in an existing dwelling unit, pursuant to MCC 38.7331.

(Ord. 1270, Amended, 03/14/2019; Ord. 1197, Amended 02/16/2013, Ord. 1192, Amended, 05/17/2012; Ord. 1186, Amended, 10/13/2011; Ord. 1176, Amended, 03/03/2011; Ord. 1125, Amended, 12/11/2008; Ord. 1097, Amended, 07/26/2007; Ord. 1064, Amended, 06/23/2005; Ord. 1007, Amended, 02/06/2003; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 994, Amended, 09/26/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.3030 CONDITIONAL USES

(A) The following conditional uses may be allowed on lands designated GGR, pursuant to the provisions of MCC 38.0045 and MCC 38.7300 (C):

(1) An accredited child care center on land designated GGR– 2.

(2) A child care center on land designated GGR– 5 or GGR– 10 within an existing church or community building.

(3) A school within an existing church or community building.

(4) Expansion of existing primary or middle schools on land purchased prior to June 8, 1999. For purposes of this section, existing schools means public schools that existed prior to adoption of the original Management Plan on October 15, 1991.

(5) Utility facilities, and railroads.

(6) Fire stations.

(7) Recreation development, subject to the Recreation Intensity Classes of MCC 38.7080.

(8) Community parks and playgrounds, ~~, consistent with the standards of the National Park and Recreation Society regarding the need for such facilities~~.

~~(9) On parcels 10 acres or larger designated GGR– 5, or 20 acres or larger designated GGR– 10, a land division creating new parcels smaller than the designated minimum parcel size, subject to the provisions of MCC 38.7360.~~

(9)~~(10)~~ Home occupations ~~and cottage industries~~ in an existing dwelling unit or accessory building pursuant to MCC 38.7330.

(10)~~(11)~~ Bed and breakfast inns in single family dwellings on lands designated GGR– 5 or GGR– 10, pursuant to 38.7335.

(11)~~(12)~~ Wineries and cideries, in conjunction with an on-site ~~viticulture~~ vineyard or orchard, upon a showing that processing of wine or cider is from ~~grapes grown~~ fruits harvested on the subject farm ~~or in~~ and the local region.

(12)~~(13)~~ Wine or cider sales and~~/~~tasting rooms in conjunction with an on-site winery or cidery, under the following conditions:

(a) The use shall comply with MCC 38.7330, with the following exceptions:

1. The use may employ an unlimited number of outside employees.

2. The wine or cider sales and~~/~~tasting room may include interior and~~/or~~ exterior space, provided the combined interior and exterior spaces shall not exceed 1,000 square feet.

3. The interior space may be located in an existing building or in a new building or addition to an existing building constructed for the primary purpose of housing the wine or cider sales and~~/~~tasting room.

4. The exterior space may be a veranda, patio, or other similar type of structure.

(13)~~(14)~~ Special uses in historic buildings, subject to MCC 38.7380.

(14)~~(15)~~ Boarding of horses or non-profit horse rescue facility on lands designated GGR-10, subject to MCC 38.7385.

(15)~~(16)~~ Small-Scale Fishing Support and Fish Processing Operations pursuant to MCC 38.7332.

(B) The following conditional uses may be allowed on lands designated GSR, pursuant to the provisions of MCC 38.0045 and 38.7300 (C):

(1) New utility facilities.

(2) Fire stations.

(3) Community parks and playgrounds.

(4) Home occupations ~~and cottage industries~~ in an existing dwelling unit or accessory building pursuant to MCC 38.7330.

(5) Bed and breakfast inns in structures that are included in, or eligible for inclusion in, the National Register of Historic Places, pursuant to 38.7335.

(Ord. 1197, Amended 02/16/2013; Ord. 1179, Amended, 04/21/2011; Ord. 1125, Amended, 12/11/2008; Ord. 1074, Amended, 05/04/2006; Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.3060 DIMENSIONAL REQUIREMENTS

(A) Except as provided in MCC 38.3030 (A) (8), the minimum lot size shall be according to the short-title zone district designation on the Zoning Map, as follows:

GGR-2	2 acres
GGR-5	5 acres
GGR-10	10 acres
GSR	The size of all contiguous, individually owned parcels, as of November 17, 1986

(B) That portion of a street which would accrue to an adjacent lot if the street were vacated shall be included in calculating the area of such lot.

(C) Minimum Yard Dimensions – Feet

Front	Side	Street Side	Rear
30	10	30	30

(S-2 - LU 2012)

Maximum Structure Height – 35 feet
Minimum Front Lot Line Length – 50 feet.

(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.

(E) Structures such as barns, silos, windmills, antennae, chimneys, or similar structures may exceed the height requirement if located at least 30 feet from any property line.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.3085 OFF-STREET PARKING AND LOADING

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

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.3090 ACCESS

Any lot in this district shall abut a street or shall have other access determined by the approval authority to be safe and convenient for pedestrians and passenger and emergency vehicles.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.3095 SIGNS

Signs, pursuant to the provisions of MCC 38.0080.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

COMMERCIAL - GGC

§ 38.3200- PURPOSES

The purposes of the Gorge General Commercial district are to protect and support the economy of the Columbia River Gorge National Scenic Area by encouraging commercial activities in areas where the topography and proximity to transportation, commercial and industrial facilities and other amenities make them suited for commercial uses.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.3205 AREA AFFECTED

MCC 38.3200 through 38.3295 shall apply to those areas designated GGC on the Multnomah County Zoning Map.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.3215 USES

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this district except for the uses listed in MCC 38.3220 through 38.3295.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.3220 ALLOWED USES

The uses listed in MCC 38.1005 are allowed on all lands designated GGC without review:

(Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.3223 EXPEDITED USES

The uses listed in MCC 38.1010 may be allowed on land designated GGC, pursuant to MCC 38.7100.

(Ord. 1064, Add, 06/23/2005)

§ 38.3225 REVIEW USES

The following review uses may be allowed on lands designated GGC, pursuant to the provisions of MCC 38.0045 and MCC 38.7300:

(A) One single-family dwelling on a legally created and existing parcel, pursuant to MCC 38.0530 (B) and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7085 have been satisfied.

(B) Placement of Structures necessary for continued public safety, or the protection of essential public services or protection of private or public existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements damaged during an emergency/disaster

event. This includes replacement of temporary structures erected during such events with permanent structures performing an identical or related function. Land use proposals for such structures shall be submitted within 12 months following an emergency/disaster event. Applicants are responsible for all other applicable local, state and federal permitting requirements.

(C) Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed as accessory buildings larger than 200 square feet in area or 10 feet in height.

(D) Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel, subject to the following standards:

(1) The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

(2) The height of any individual accessory building shall not exceed 24 feet

(E) Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation ~~and/~~or natural resources, subject to MCC 38.7345. These projects may include new structures (e.g., fish ladders, sediment barriers) ~~and/~~or activities (e.g., closing and revegetating unused roads, re-contouring abandoned quarries).

(F) Property line adjustments that would result in the potential to create additional parcels through subsequent land divisions, subject to MCC 38.7970.

(G) Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building.

(H) Docks and boathouses, subject to MCC 38.7325.

(I) Removal/demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks.

(J) Consolidation of Parcels and Lots pursuant to MCC 38.7794 and Replatting of Partition and Subdivision Plats pursuant to MCC 38.7797.

(K) Solar, photovoltaic and wind turbine alternative energy production facilities accessory to uses permitted in the zoning district provided that the applicable renewable energy production provisions of 38.7390 are met, and:

(1) For all systems:

(a) They are not a commercial power generating facility such as a utility;

(b) The system meets all special district requirements;

(c) The system is mounted to a ground mount, to the roof of the dwelling or accessory structure, or to a wind tower;

(2) The overall height of solar energy systems shall not exceed the peak of the roof of the building on which the system is mounted;

(3) For wind turbine systems:

(a) They are set back to all property lines a distance equal to or greater than the combined height of the turbine tower and blade length. Height is measured from grade to the top of the wind generator blade when it is at its highest point. There is no height restriction for a wind turbine provided the wind turbine meets the NSA Site Review Criteria of MCC 38.7035 through 38.7080;

(b) No lighting on wind turbine towers is allowed except as required by the Federal Aviation Administration or other federal or state agency and is consistent with the NSA Site Review approval criteria of MCC 38.7035 through 38.7080.

(c) The land owner signs and records a covenant stating they are responsible for the removal of the system if it is abandoned. In the case of a sale or transfer of property, the new property owner shall be responsible for the use and/or removal of the system. Systems unused for one consecutive year are considered abandoned.

(L) A Type A home occupation in an existing dwelling unit pursuant to MCC 38.7331.

(M) Overnight Accommodations in single family dwellings pursuant to MCC 38.7337.

(Ord. 1197, Amended 02/16/2013, Ord. 1192, Amended, 05/17/2012; Ord. 1176, Amended, 03/03/2011; Ord. 1097, Amended, 07/26/2007; Ord. 1064, Amended, 06/23/2005; Ord. 1007, Amended, 02/06/2003; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 994, Amended, 09/26/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.3230 CONDITIONAL USES

The following conditional uses may be allowed on lands designated GGC, pursuant to the provisions of MCC 38.0045 and MCC 38.7300:

(A) ~~Travelers accommodations, bed~~ Bed and breakfast inns, subject to MCC 38.7335.

(B) Restaurants

(C) Gift shops

(D) Utility facilities, roads, and railroads.

(E) Home occupations ~~or cottage industries~~ in an existing dwelling unit or accessory building, pursuant to MCC 38.7330.

(F) Special uses in historic buildings, subject to MCC 38.7380.

(Ord. 1197, Amended 02/16/2013; Ord. 1074, Amended, 05/04/2006; Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.3260 DIMENSIONAL REQUIREMENTS

(A) There is no minimum lot size for properties designated GGC.

(B) That portion of a street which would accrue to an adjacent lot if the street were vacated shall be included in calculating the area of such lot.

(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.

(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.

(E) Structures such as barns, silos, windmills, antennae, chimneys, or similar structures may exceed the height requirement if located at least 30 feet from any property line.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.3285 OFF-STREET PARKING AND LOADING

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

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.3290 ACCESS

Any lot in this district shall abut a street or shall have other access determined by the approval authority to be safe and convenient for pedestrians and passenger and emergency vehicles.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.3295 SIGNS

Signs, pursuant to the provisions of MCC 38.0080.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

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PART 5 - SPECIAL DISTRICTS - OFF-STREET PARKING; PLANNED DEVELOPMENT; HILLSIDE DEVELOPMENT

OFF-STREET 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, occupants, and employees without charge or other consideration.

(B) No parking of trucks, equipment, materials, structures or signs or the conducting of any business activity shall be permitted on any required parking space.

(S-1 2006)

(C) A required loading space shall be available for the loading and unloading of vehicles concerned with the transportation of goods or services for the use associated with the loading space.

(D) Except for residential and local commercial districts, loading areas shall not be used for any purpose other than loading or unloading.

(E) In any district, it shall be unlawful to store or accumulate equipment, material or goods in a loading space in a manner which would render such loading space temporarily or permanently incapable of immediate use for loading operations.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.4130 LOCATION OF PARKING AND LOADING SPACES

(A) Parking spaces required by this Section shall be provided on the lot of the use served by such spaces.

(B) Exception – The Planning Director may authorize the location of required parking spaces other than on the site of the primary use, upon a written finding by the Director that:

(1) Parking use of the alternate site is permitted by this Ordinance;

(2) The alternate site is within 350 feet of the use;

(3) There is a safe and convenient route for pedestrians between the parking area and the use;

(4) Location of required parking other than on the site of the use will facilitate satisfaction of one or more purposes or standards or requirements of this Chapter; and,

(5) There is assurance in the form of a deed, lease, contract or other similar document that the required spaces will continue to be available for off-street parking use according to the required standards.

(C) Loading spaces and vehicle maneuvering area shall be located only on or abutting the property served.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.4135 IMPROVEMENTS REQUIRED

(A) Required parking and loading areas shall be improved and placed in condition for use before the grant of a Certificate of Occupancy or a Performance Bond in favor of Multnomah County equivalent to the cost of completing such improvements shall be filed with the Planning Director.

(B) Any such bond shall include the condition that if the improvement has not been completed within one year after issuance of the Certificate of Occupancy, the bond shall be forfeited.

Any bond filed hereunder shall be subject to the approval of the Planning Director and the County Attorney.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 994, Amended, 09/26/2002)

§ 38.4140 CHANGE OF USE

(A) Any alteration of the use of any land or structure under which an increase in the number of parking or loading spaces is required by this Section shall be unlawful unless the additional spaces are provided.

(B) In case of enlargement or change of use, the number of parking or loading spaces required shall be based on the total area involved in the enlargement or change in use.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.4145 JOINT PARKING OR LOADING FACILITIES

(A) In the event different uses occupy the same lot or structure, the total off-street parking and loading requirements shall be the sum of the requirements for each individual use.

(B) Owners of two or more adjoining uses, structures, or parcels of land may utilize jointly the same parking or loading area, when approved by the Planning Director, upon a finding by the Director that the hours of operation do not overlap and provided satisfactory legal evidence is presented to the Director in the form of a deed, lease, contract or similar document, securing full access to such parking or loading areas for all the parties jointly using them.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.4150 EXISTING SPACES

Off-street parking or loading spaces existing prior to February 6, 1993 may be included in calculating the number of spaces necessary to meet these requirements in the event of subsequent enlargement of the structure or change of use to which such spaces are accessory. Such spaces shall meet the design and improvement standards of this Section.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.4155 INTERPRETATION

Off-street parking or loading requirements for structures or uses not specifically listed in MCC 38.4205 shall be determined by written decision of the Planning Director. The Director shall base such requirements on the standards for parking or loading of similar uses.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 994, Amended, 09/26/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.4160 STANDARDS OF MEASUREMENT

(A) *Square feet* means square feet of floor or land area devoted to the functioning of the particular use and excluding space devoted to off-street parking and loading.

(B) When a unit or measurement determining the number of required off-street parking or off-street loading spaces results in a requirement of a fractional space, any fraction up to and including one-half shall be disregarded, and any fraction over one-half shall require one off-street parking or off-street loading space.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.4165 DESIGN STANDARDS: SCOPE

(A) The design standards of this section shall apply to all parking, loading, and maneuvering areas except those serving a single or two-family residential dwelling or mobile home on an individual lot.

(B) All parking and loading areas shall provide for the turning, maneuvering and parking of all vehicles on the lot. After February 6, 1993 it shall be unlawful to locate or construct any parking or loading space so that use of the space requires a vehicle to back into the right-of-way of a public street.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.4170 ACCESS

(A) Where a parking or loading area does not abut directly on a public street or private street approved under MCC 38.7700 et seq., the Land Division Chapter, there shall be provided an unobstructed driveway not less than 20 feet in width for two-way traffic, leading to a public street or approved private street. Traffic directions therefore shall be plainly marked.

(B) The Approval Authority may permit and authorize a deviation from the dimensional standard in paragraph (A) of this section upon finding that all the following standards in subparagraphs (1) through (4) are met:

(1) The authorized provider of structural fire protection services verifies that the proposed deviation complies with such provider's fire apparatus access standards, or, if there is no such service provider, the building official verifies that the proposed deviation complies with the Oregon Fire Code;

(2) The County Engineer verifies that the proposed deviation complies with the County Road Rules and the County Design and Construction Manual Standards;

(3) Application of the dimensional standard would present a practical difficulty, subject the property owner to unnecessary hardship, or adversely affect one or more scenic, natural, cultural or recreational resources of the National Scenic Area; and

(4) Authorization of the proposed deviation would not:

(a) be materially detrimental to the public welfare. Material detriment to the public welfare includes, but is not limited to, authorization of a deviation that would adversely affect one or more scenic, natural, cultural or recreational resources of the National Scenic Area;

(b) be injurious to property in the vicinity or the zoning district in which the property is located; or

(c) adversely affect the appropriate development of adjoining properties.

(C) Parking or loading space in a public street shall not be counted in fulfilling the parking and loading requirements of this section. Required spaces may be located in a private street when authorized in the approval of such private street.

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(Ord 1210, Amended, 9/4/2014; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.4175 DIMENSIONAL STANDARDS

(A) Parking spaces shall meet the following requirements:

(1) At least 70% of the required off-street parking spaces shall have a minimum width of nine feet, a minimum length of 18 feet, and a minimum vertical clearance of six feet, six inches.

(2) Up to 30% of the required off-street parking spaces may have a minimum width of eight-and-one-half feet, a minimum length of 16 feet, and a vertical clearance of six feet if such spaces are clearly marked for compact car use.

(3) For parallel parking, the length of the parking space shall be 23 feet.

(4) Space dimensions shall be exclusive of access drives, aisles, ramps or columns.

(B) Aisle width shall be not less than:

(1) 25 feet for 90 degree parking,

(2) 20 feet for less than 90 degree parking, and

(3) 12 feet for parallel parking.

(4) Angle measurements shall be between the center line of the parking space and the center line of the aisle.

(C) Loading spaces shall meet the following requirements:

(1)

District	Minimum Width	Minimum Depth
All	12 Feet	25 Feet

(2) Minimum vertical clearance shall be 13 feet.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.4180 IMPROVEMENTS

(A) Surfacing

(1) Unless as otherwise provided in either this section or MCC 38.7380 for Special Uses in Historic Buildings; all areas used for parking, loading or maneuvering of vehicles, including the driveway, shall be surfaced with at least gravel or two inches of blacktop on a four inch crushed rock base or at least six inches of Portland cement, unless a design providing additional load capacity is required by the fire service provider, building official or County Engineer, as applicable.

(2) The Approval Authority may permit and authorize a deviation from the surfacing standard in paragraph (A)(1) of this section and thereby authorize alternate surfacing systems that provide a durable and dustless surface, including gravel. A deviation under this paragraph may be permitted and authorized only upon finding that each parking area supporting the existing and proposed development meets the following standards in subparagraphs (a) and (b) and, for parking areas of four or more required spaces, also meets the following standards in subparagraphs (c) and (d):

(a) The authorized provider of structural fire protection services verifies that the proposed deviation complies with such provider's fire apparatus access standards, or, if there is no such service provider, the building official verifies that the proposed deviation complies with the Oregon Fire Code;

(b) The County Engineer verifies that the proposed deviation complies with the County Road Rules and the County Design and Construction Manual Standards. Alternative surfacing can be considered for all areas used for parking, loading and maneuvering, including the driveway; however, approaches to paved public rights-of-way shall be paved for a minimum distance of 21 feet from the fog line, or for a greater distance when required by the County Engineer;

(c) Authorization of the proposed deviation would not:

1. be materially detrimental to the public welfare. Material detriment to public welfare includes, but is not limited to, authorizing a proposed deviation that would adversely affect one or more scenic, natural, cultural or recreational resources of the National Scenic Area;

2. be injurious to property in the vicinity or the zoning district in which the property is located; or

3. adversely affect the appropriate development of adjoining properties; and

(d) Any impacts resulting from the proposed surfacing are mitigated to the extent practical. Mitigation may include but is not limited to such considerations as provision for pervious drainage capability, drainage runoff control and dust control. A dust control plan is required when a dwelling, excluding any dwelling served by the driveway, is located within 200-feet of any portion of the driveway for which gravel or other similar surfacing materials is proposed. Common dust control measures include, but are not limited to, reduced travel speeds, gravel maintenance planning, establishment of windbreaks and use of binder agents.

(B) Curbs and Bumper Rails

(1) All areas used for parking, loading, and maneuvering of vehicles shall be physically separated from public streets or adjoining property by required landscaped strips or yards or in those cases where no landscaped area is required, by curbs, bumper rails or other permanent barrier against unchanneled motor vehicle access or egress.

(2) The outer boundary of a parking or loading area shall be provided with a bumper rail or curbing at least four inches in height and at least three feet from the lot line or any required fence.

(C) Marking – All areas for the parking and maneuvering of vehicles shall be marked in accordance with the approved plan required under MCC 38.4120, and such marking shall be continually maintained.

(D) Drainage – All areas for the parking and maneuvering of vehicles shall be graded and drained to provide for the disposal of all surface water on the lot.

(Ord. 1210, Amended, 9/4/2014; Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.4185 LIGHTING

Any artificial lighting which may be provided shall be shielded or deflected so as to not shine into adjoining dwellings or other types of living units, and so as not to create a hazard to the traveling public on any street.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.4190 SIGNS

Signs, pursuant to the provisions of MCC 38.0080.

(Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.4195 DESIGN STANDARDS: SETBACKS

(A) Any required yard which abuts upon a street lot line shall not be used for a parking or loading space, vehicle maneuvering area or access drive other than a drive connecting directly to a street.

(B) A required yard which abuts a street lot line shall not be paved, except for walkways which do not exceed 12 feet in total width and not more than two driveways which do not exceed the width of their curb cuts for each 150 feet of street frontage of the lot.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.4205 MINIMUM REQUIRED OFF-STREET PARKING SPACES

(A) Residential Uses

(1) Single Family Dwelling – Two spaces for each dwelling unit.

(2) Two Family Dwelling – Two spaces for each dwelling unit.

(B) Public and Semi-Public Buildings and Uses

(1) Auditorium or Meeting Room (except schools) – One space for each 60 square feet of floor area in the auditorium or, where seating is fixed to the floor, one space for each four seats or eight feet of bench length.

(2) Church – One space for each 80 square feet of floor area in the main auditorium or, where seating is fixed to the floor, one space for each four seats or eight feet of bench length.

(3) Church Accessory Use – In addition to spaces required for the church, one space for each ten persons residing in such building.

(4) Club or Association – These shall be treated as combinations of uses such as overnight accommodation, restaurant, auditorium etc., and the required spaces for each separate use shall be provided.

(5) Library – One space for each 100 square feet of reading room.

(6) Senior High School and Equivalent Private and Parochial School – One space for each 56 square feet of floor area in the auditorium or, where seating is fixed to the floor, one space for each eight seats or 16 feet of bench length, or one space for each ten seats in classrooms, whichever is greater.

(7) Primary, Elementary, or Junior High and Equivalent Private or Parochial School – One space for 84 square feet of floor area in the auditorium, or one space for each 12 seats or 24 feet of bench length, whichever is greater.

(8) Kindergarten, Day Nursery, or Equivalent Private or Parochial School – One driveway, designed for continuous flow of passenger vehicles for the purpose of loading and unloading children plus one parking space for each two employees.

(9) Campground – One space for each campsite.

(C) Retail, Office and Commercial Uses

(1) Store, and Personal Service Shop – One space for each 400 square feet of gross floor area.

(2) Service and Repair Shop – One space for each 600 square feet of gross floor area.

(3) Bank or Office, including Medical and Dental – One space for each 300 square feet of gross floor area.

(4) Restaurant, Coffee Shop, Tavern or Bar – One space for each 100 square feet of gross floor area.

(5) Mortuary – One space for each four chapel seats or eight feet of bench length.

(6) Overnight Accommodations – One space per guest room or suite plus extra spaces for dining rooms, ballrooms or meeting rooms as required by this section where the capacity of such areas exceeds the capacity of the guest rooms or suites.

(7) Commercial Events – One space for every three guests allowed within the maximum event size plus one space for each two employees

(8) Conference or Retreat Facilities – These shall be treated as combinations of uses such as overnight accommodations, restaurant, auditorium, etc., and the required spaces for each separate use shall be provided.

(D)Recreation Uses

(1) Gymnasium (except Schools) – One space for each 100 square feet of floor area.

(2) Moorage (Boat) – One space for each two boat berths.

(3) Stadium – One space for each eight seats or 16 feet of bench length.

(4) Swimming Pool – One space for each 100 square feet of water surface.

(5) Tennis Court or Racquet Club – One space for each court.

(E) Storage

(1) Storage – One space for each 5,000 square feet of storage area for the first 20,000 square feet, plus one additional space for each additional 50,000 square feet.

(F) Unspecified Uses

Any use not specifically listed above shall have the requirements of the listed use or uses deemed most nearly equivalent by the Planning Director.

(G) Alternative Parking Standards

Alternatively, where a mixture of uses is proposed or where the applicant asserts that a different amount or type of parking is appropriate as the required parking, the applicant may submit a parking and loading study. Such a study will include estimates of parking and off-street loading demand based on recommendations of the Institute of Traffic Engineers (ITE), or other acceptable estimates, and should include other reliable data collected from uses or combinations of uses that are the same as or comparable with the proposed use. The study will document the source of data used to develop the recommendations for identification of the use's required parking.

(Ord. 1187, Amended, 11/17/2011; Ord. 1074, Amended, 05/04/2006; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.4215 EXCEPTIONS FROM REQUIRED OFF-STREET PARKING OR LOADING SPACES

(A) As part of Site Review the Planning Director may grant an exception with or without conditions for up to 30% of the required number of off- street parking or loading spaces, upon a finding by the Director that there is substantial evidence that the number of spaces required is inappropriate or unneeded for the particular use, based upon:

(1) A history of parking or loading use for comparable developments;

(2) The age, physical condition, motor vehicle ownership or use characteristics or other circumstances of residents, users or visitors of the use; or

(3) The availability of alternative transportation facilities; and

(4) That there will be no resultant on-street parking or loading or interruptions or hazards to the movement of traffic, pedestrians or transit vehicles.

(B) The Director shall file with the application for the building or other required permit, findings in support of any exception, including any conditions of approval.

(C) An exception in excess of 15% of the required number of spaces shall include a condition that a plan shall be filed with the application, showing how the required number of spaces can be provided on the lot in the future.

(1) The Director may order the revocation, in whole or in part, of any exception under this section, upon a finding of on-street parking or loading use or of interruptions in or hazards to the movement of traffic, pedestrians or transit vehicles caused by the absence of off-street parking or loading spaces.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

PLANNED DEVELOPMENT

§ 38.4300- PURPOSES

The purposes of the Planned Development provisions are to provide a means of creating planned environments through the application of flexible and diversified land development standards; to encourage the application of new techniques and new technology to community development which will result in superior living or development arrangements; to use land efficiently and thereby reduce the costs of housing, maintenance, street systems and utility networks; to promote energy conservation and crime prevention; to relate developments to the natural environment and to inhabitants, employers, employees, customers, and other users in harmonious ways.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.4305 AREAS AFFECTED

The Planned Development provisions may only be applied in the GGRC district.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.4310 CONDITIONS

(A) Within one year after the final County decision, the owner shall prepare and file with the Planning Director a Final Development Plan and Program, unless the action on the Preliminary Development Plan and Program shall have specified a different period.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.4315 DEVELOPMENT PLAN AND PROGRAM CONTENTS

(A) The preliminary Development Plan and Program shall consist of plans, maps or diagrams drawn in sufficient detail to indicate the nature of the plan elements and a written narrative descriptive of the program elements.

(1) Plan Elements.

(a) Proposed land uses and residential densities.

(b) Means of access, circulation and parking.

(c) Building types and locations.

(d) Parks, playgrounds, paths and open spaces.

(e) A land division plan if the land is to be divided.

(2) Program Elements.

(a) A narrative statement of the goals and objectives of the planned development.

(b) Tables showing overall density of any proposed residential development and showing density by dwelling types and intensity of any supporting commercial uses.

(c) A narrative statement indicating how the proposed planned development complies with the applicable Management Plan Policies.

(d) A general timetable of development.

(e) The proposed ownership pattern.

(f) An operation and maintenance proposal.

(Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.4320 CRITERIA FOR APPROVAL

(A) Action on the Preliminary Development Plan and Program shall be based on findings that the following are satisfied:

(1) The applicable provisions of MCC 38.7700 et seq., the Land Division Sub-Chapter;

(2) That any exceptions from the standards or requirements of the underlying district are warranted by the design and amenities incorporated in the Development Plan and Program, as related to the purposes stated in MCC 38.4300;

(3) That the system of ownership and the means of developing, preserving and maintaining open space is suitable to the purposes of the proposal;

(4) The provisions of MCC 38.4340;

(5) That the proposed development can be substantially completed within four years of the approval or according to the development stages proposed under MCC 38.4355;

(6) The Development Standards of MCC 38.4335, 38.4345 and 38.4350;

(7) The purposes stated in MCC 38.4300; and

(8) That modifications or conditions of approval are necessary to satisfy the purposes stated in MCC 38.4300.

(B) Approval by the Planning Director of the Final Development Plan and Program shall be based on the final Plan and Program being consistent with the approved Preliminary Development Plan and Program and the modifications or conditions attached thereto by the Approval Authority.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.4330 DEVELOPMENT STANDARDS

The Development Standards stated in MCC 38.4335 through 38.4350 shall apply to an approved Planned Development. In the case of a conflict between a standard of the underlying district and that of the Planned Development, the standard of the Planned Development shall apply.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.4335 MINIMUM SITE SIZE

A Planned Development shall be established only on a parcel of land found by the Approval Authority to be suitable for the proposed development and of sufficient size to be planned and developed in a manner consistent with the purposes stated in MCC 38.4300.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.4340 RELATIONSHIP OF THE PLANNED DEVELOPMENT TO ENVIRONMENT

(A) The Development Plan and Program shall indicate how the proposal will be compatible with the natural environment.

(B) The elements of the Development Plan and Program shall promote the conservation of energy, and may include such factors as the location and extent of site improvements, the orientation of buildings and usable open spaces with regard to solar exposure and climatic conditions, the types of buildings and the selection of building materials in regard to the efficient use of energy and the degree of site modification required in the proposal.

(C) The Development Plan and Program shall be designed to provide freedom from hazards and to offer appropriate opportunities for residential privacy and for transition from public to private spaces.

(D) The location and number of points of access to the site, the interior circulation patterns, the separations between pedestrians and moving and parked vehicles, and the arrangement of parking areas in relation to buildings, structures and uses shall be designed to maximize safety and convenience and be compatible with neighboring road systems, buildings, structures and uses.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.4345 OPEN SPACE

Open space in a Planned Development means the land area used for scenic, landscaping or open recreational purposes within the development.

(A) Open space shall not include street rights-of-way, driveways or open parking areas.

(B) Locations, shapes and sizes of open space shall be consistent with the proposed uses and purposes of the Planned Development.

(C) Open spaces shall be suitably improved for intended use. Open spaces containing natural features worthy of preservation may be left unimproved or may be improved to assure protection of the features.

(D) The development schedule shall provide for coordination of the improvement of open spaces with the construction of other site improvements proposed in the Development Plan and Program.

(E) Assurance of the permanence of open spaces may be required in the form of deeds, covenants or the dedication of development rights to Multnomah County or other approved entity.

(F) The Approval Authority may require that instruments of conveyance provide that in the event an open space is permitted to deteriorate or is not maintained in a condition consistent with the approved plan and program, the County may at its option cause such maintenance to be done and assess the costs to the affected property owners. Any instruments guaranteeing the maintenance of open spaces shall be reviewed as to form by the County Attorney.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.4350 DENSITY COMPUTATION FOR RESIDENTIAL DEVELOPMENTS

In order to preserve the integrity of the Management Plan and relate a residential Planned Development to it, the number of dwelling units permitted shall be determined by dividing the total site area by the minimum lot area per dwelling unit required by the underlying district or districts in which the Planned Development is located.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.4355 STAGING

(A) The applicant may elect to develop the site in successive stages in a manner indicated in the Development Plan and Program. Each such stage shall satisfy the requirements of this Chapter.

(B) In acting to approve the Preliminary Development Plan and Program, the Approval Authority may require that development be completed in specific stages if public facilities are not otherwise adequate to service the entire development.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.4360 PERMITTED USES

In the GGRC district, the following uses may be permitted in a Planned Development:

(A) Housing types may include only duplexes and single family detached or attached dwellings.

(B) A related commercial use which is designated to serve the development of which it is a part, upon approval by the Approval Authority.

(C) A use or structure customarily accessory or incidental to a permitted or approved use.

(Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

GEOLOGIC HAZARDS

§ 38.5500- PURPOSES

The purpose of this subdistrict is to regulate ground disturbing activity within the Geologic Hazards Overlay in order to promote public health, safety and general welfare and to minimize the following risks potentially arising from ground disturbing activity or the establishment or replacement of impervious surfaces: public and private costs; expenses and losses; environmental harm; and human-caused erosion, sedimentation or landslides.

(Ord. 1271, Amended, 3/14/2019; Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 994, Amended, 09/26/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.5503 DEFINITIONS

As used in this Subsection, unless the context requires otherwise, the following terms and their derivations shall have the meanings provided below:

Best Management Practices – Methods that have been determined to be the most effective, practical means of preventing or reducing erosion, sedimentation or landslides including but not limited to: use of straw bales, slash windrows, filter fabric fences, sandbags, straw cover and jute netting.

Certified Engineering Geologist – Any person who has obtained certification by the State of Oregon as an engineering geologist.

Cut – When used in the context of ground disturbing activity:

(1) An excavation;

(2) The difference between a point on the original ground surface and the point of lowest elevation on the final grade;

(3) The material removed in excavation work.

Development – An act requiring a permit stipulated by Multnomah County Ordinances as a prerequisite to the use or improvement of any land, including but not limited to, a building, land use, occupancy, sewer connection, or other similar permit, and any associated ground disturbing activity or removal of vegetation. As the context allows or requires, the term "development" may be synonymous with the term "use" and the terms "use or development" and "use and development."

Development Area – The total area of alteration of the naturally occurring ground surface resulting from construction activities whether permanent or temporary.

Disturbed Area – When used in reference to ground disturbing activity, the area where ground disturbing activity is occurring or has, will or is proposed to occur.

Drainage Area – The subject property together with the watershed (acreage) contributing water runoff to and receiving water runoff from the subject property.

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Drainageway – Any natural or artificial stream, swale, creek, river, ditch, channel, canal or other open water body.

Erosion – The wearing away of the ground surface or other earth layer, whether dry, submerged or submersible, due to the movement of wind, water, ice, gravity, or other element.

Excavation – The motorized removal of earth material or other motorized activity resulting in the exposure of the ground surface or other earth layer to wind, water, ice, gravity, or other element, including, but not limited to, cutting, digging, grading, stripping, trenching, dredging, bulldozing, benching, terracing, mining or quarrying, and vegetation or tree removal. Hydrologic scour attributed to development is also a form of excavation. Work conducted by hand without the use of motorized equipment is not excavating.

Farming Practice – As defined in ORS 30.930.

Fill – The deposit (noun or verb) of any earth materials by motorized means for any purpose, including, but not limited to, stockpiling, storage, dumping, raising elevation or topography, and tracking material, such as mud onto a road surface with vehicle tires. Work conducted by hand without the use of motorized equipment is not filling.

Geological Hazards Overlay Map – A series of maps adopted by the Multnomah County Board of Commissioners.

Geotechnical Engineer - A Civil Engineer, licensed to practice in the State of Oregon, who by training, education and experience is competent in the practice of geotechnical or soils engineering practices.

Geotechnical Report – Any information required in addition to GHP Form 1 which clarifies the geotechnical conditions of a proposed development site. Examples of this would be reports on test hole borings, laboratory tests or analysis of materials, or hydrologic studies.

Gravel – Aggregate composed of hard and durable stones or pebbles, crushed or uncrushed, more than half of which is retained on a No. 4 sieve (2 mm).

Ground Disturbing Activity – Any excavating or filling or combination thereof.

GHP Form– 1 – The form required for specified developments subject to the Geologic Hazards Overlay. It contains a geotechnical reconnaissance and stability questionnaire which must be filled out and certified by a Certified Engineering Geologist or Geotechnical Engineer.

Hydrologic Scour - Evidence of concentrated flows of water over bare soils or evidence of on-site erosion such as rivulets on bare soil slopes, where the flow of water is not filtered or captured on site.

Landslide – Any downward slope movement of earth material, including, but not limited to, soil, creep, debris flow, mudflow, earth flow, mudslide, rock slide, rotational slide, slide, slump, block failure, rock fall, fall, topple, and spread.

Mulch – Organic materials, such as straw, bark, jute, coconut fibers, or nut shells spread over the surface of the ground, especially freshly graded or exposed soils, to prevent physical damage from

erosive agents such as stormwater, precipitation or wind, and which shield soil surfaces until vegetative cover or other stabilization measures can take effect.

Ordinary High Watermark – Features found by examining the bed and banks of a stream and ascertaining where the presence and action of waters are so common and usual, and so long maintained in all ordinary years, as to mark upon the land a character distinct from that of the abutting upland, particularly with respect to vegetation. For streams where such features cannot be found, the channel bank shall be substituted. In braided channels and alluvial fans, the ordinary high watermark shall be measured to include the entire stream feature.

Sedimentation (sediment) – The deposit in a waterbody of any earthen material by wind, water, ice, gravity, or other element.

Slope -

(1) Any ground whose surface makes an angle from the horizontal; or

(2) The face of an embankment or cut section.

Spoil Material – Any rock, sand, gravel, soil or other earth material removed by ground disturbing activity.

Stream – Areas where surface waters flow sufficient to produce a defined channel or bed. A defined channel or bed is indicated by hydraulically sorted sediments or the removal of vegetative litter or loosely rooted vegetation by the action of moving water. The channel or bed need not contain water year-round. This definition is not meant to include irrigation ditches, canals, stormwater runoff devices or other entirely artificial water bodies unless they are used to convey Class 1 or 2 streams naturally occurring prior to construction. Those topographic features resembling streams but which have no defined channels (e.g. swales) shall be considered streams when hydrologic and hydraulic analyzes performed pursuant to a development proposal predict formation of a defined channel after development.

Stream Protection – Activities or conditions which avoid or lessen adverse water quality and turbidity effects to a stream.

Topographic Information – Surveyed elevation information which details slopes, contour intervals and water bodies. Topographic information shall be prepared by a registered Land Surveyor or a registered Professional Engineer qualified to provide such information and represented on maps with a contour interval not to exceed 10 feet.

Topsoil – The top organic and mineral rich layer of soil that provides nutrients to growing plants.

Vegetation – All plant growth, especially trees, shrubs, grasses and mosses.

Vegetative Protection – Stabilization of erosive or sediment-producing areas by covering the soil with:

(1) Permanent seeding, producing long-term vegetative cover;

(2) Short-term seeding, producing temporary vegetative cover;

(3) Sodding, producing areas covered with a turf or perennial sod-forming grass; or

(4) Netting with seeding if the final grade has not stabilized.

Water Body – Any surface or ground water, or wetland of the state or the United States, including but not limited to, rivers, streams, creeks, sloughs, drainageways, swales, seeps, springs, watercourses, canals, drainages, ponds, lakes, bays, aquifers, coastal waters, impounding reservoirs, estuaries, marshes, and inlets, regardless of whether perennial, intermittent, ephemeral, or otherwise, and regardless of whether natural or human-made.

(Ord. 1271, Amended, 03/14/2019; Ord. 1061, Amended, 05/26/2005, eff. 7/1/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.5505 PERMITS REQUIRED

Unless exempt under this code; no development, or ground disturbing activity shall occur (1) on land located in hazard areas as identified on the Geologic Hazards Overlay map, or (2) where the disturbed area or the land on which the development will occur has average slopes of 25 percent or more, except pursuant to a Geologic Hazards permit (GH).

(Ord. 1271, Amended, 03/14/2019; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.5510 EXEMPTIONS

Ground disturbing activity occurring in association with the following uses is exempt from GH permit requirements:

(A) An excavation below finished grade for basements and footings of a building, retaining wall, or other structure authorized by a valid building permit. This shall not exempt any fill made with the material from such excavation, nor exempt any excavation having an unsupported finished depth greater than four feet.

(B) Cemetery graves, but not cemetery soil disposal sites.

(C) Excavations for wells.

(D) Farming practices other than filling or the placement of structures.

(E) Residential gardening disturbing less than 5,000 square feet of ground surface area and landscape maintenance disturbing less than 10,000 square feet of ground surface area when either activity is at least 100 feet from the top of the bank of any watercourse located at a lower elevation to and in the surface drainage path of the ground disturbing activity. Landscape maintenance includes normal planting, transplanting, and replacement of trees and vegetation. Landscape maintenance does not include preparatory ground disturbing activity for a development project.

(F) Emergency response activities conducted according to MCC 38.7090.

(G) Forest Practices.

(H) Ground disturbing activities attributed to routine road maintenance when undertaken by an organization operating under Limit 10, Section 4d of the Endangered Species Act.

(I) Decommissioning or replacing an underground storage tank(s), such as a septic, oil, or other similar tank(s), but not including a sanitary drainfield, provided that:

(1) Any contaminated excavated material is handled in accordance with law, whether through treatment, being transported to and deposited at an off-site facility certified and willing to accept the material, or other direction from the Oregon Department of Environmental Quality, and

(2) Any replacement tank(s) is placed in the same location as the tank(s) being replaced.

(J) Placement and replacement of mailbox posts, fence posts, sign posts, utility posts or poles, and similar support structures, but not including any post or pole that provides structural support to a building requiring a structural building permit.

(K) Boring for utilities in a public road right-of-way, provided such activity does not occur within 100-feet of a water body and is completed within 48-hours of commencement. Completion includes final compaction of earthen materials within any trench and removal and lawful disposal or deposit of any excess excavation or fill material from the site of the activity.

(L) Uses not identified in subsections (A) through (K) that meet all of the following requirements:

(1) Natural and finished slopes will be less than 25 percent; and,

(2) The disturbed or filled area is 20,000 square feet or less; and,

(3) The volume of soil or earth materials to be stored is 50 cubic yards or less; and,

(4) Rainwater runoff is diverted, either during or after construction, from an area smaller than 10,000 square feet; and,

(5) Impervious surfaces, if any, of less than 10,000 square feet are to be created; and,

(6) No drainageway is to be blocked or have its stormwater carrying capacities or characteristics modified.

(M) Placement of gravel or asphalt for the maintenance of existing driveways, roads and other travel surfaces.

(Ord. 1271, Amended, 03/14/2019; Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.5515 GEOLOGIC HAZARDS PERMIT APPLICATION INFORMATION REQUIRED

An application for a Geologic Hazards permit shall include two copies of each of the following:

(A) A scaled site plan showing the following, both existing and proposed;

(1) Property lines;

(2) Buildings, structures, driveways, roads and right-of-way boundaries;

(3) Location of wells, utility lines, site drainage provisions, stormwater disposal system, sanitary tanks and drainfields (primary and reserve);

(4) Trees and vegetation proposed for removal and planting and an outline of wooded areas;

(5) Water bodies;

(6) Boundaries of ground disturbing activities;

(7) Location and height of unsupported finished slopes;

(8) Location for washout and cleanup of concrete equipment;

(9) Storage location and proposed handling and disposal methods for potential sources of non-erosion pollution including pesticides, fertilizers, petrochemicals, solid waste, construction chemicals, and wastewaters;

(10) Soil types;

(11) Ground topography contours (contour intervals no greater than 10-feet); and

(12) Erosion and sediment control measures.

(B) Calculations of the total area of proposed ground disturbance (square feet), volume of proposed cut and fill (cubic yards), and existing and proposed slopes in areas to be disturbed (percent slope);

(C) Written findings, together with any supplemental plans, maps, reports, or other information necessary to demonstrate compliance of the proposal with all applicable provisions of the Geologic Hazards standards in MCC 38.5520 (A). Necessary reports, certifications, or plans may pertain to: engineering, soil characteristics, stormwater drainage control, stream protection, erosion and sediment control, and replanting. The written findings and supplemental information shall include:

(1) With respect to fill:

(a) Description of fill materials, compaction methods, and density specifications (with calculations). The planning director may require additional studies or information or work regarding fill materials and compaction.

(b) Statement of the total daily number of fill haul truck trips, travel timing, loaded haul truck weight, and haul truck travel route(s) to be used from any fill source(s) to the fill deposit site.

(2) A description of the use that the ground disturbing activity will support or help facilitate.

(3) One of the following:

(a) Additional topographic information showing that the proposed development to be on land with average slopes less than 25 percent, and located more than 200 feet from a known landslide, and that no cuts or fills in excess of 6 feet in depth are planned. High

groundwater conditions shall be assumed unless documentation is available, demonstrating otherwise; or

(b) A geological report prepared by a Certified Engineering Geologist or Geotechnical Engineer certifying that the site is suitable for the proposed development; or,

(c) An GHP Form– 1 completed, signed and certified by a Certified Engineering Geologist or Geotechnical Engineer with their stamp and signature affixed indicating that the site is suitable for the proposed development.

(i) If the GHP Form– 1 indicates a need for further investigation, or if the Director requires further study based upon information contained in the GHP Form– 1, a geotechnical report as specified by the director shall be prepared and submitted.

[a] A geotechnical investigation in preparation of a geotechnical report shall be conducted at the applicant's expense by a Certified Engineering Geologist or Geotechnical Engineer. The report shall include specific investigations required by the director and recommendations for any further work or changes in proposed work which may be necessary to ensure reasonable safety from landslide hazards.

[b] Any development related manipulation of the site prior to issuance of a permit shall be subject to corrections as recommended by the geotechnical report to ensure safety of the proposed development.

[c] Observation of work required by an approved geotechnical report shall be conducted by a Certified Engineering Geologist or Geotechnical Engineer at the applicant's expense; the geologist's or engineer's name shall be submitted to the director prior to issuance of the permit.

[d] The director, at the applicant's expense, may require an evaluation of GHP Form– 1 or the geotechnical report by another Certified Engineering Geologist or Geotechnical Engineer.

(4) Documentation of approval by each governing agency having authority over the matter of any new stormwater discharges into public right-of-way.

(5) Documentation of approval by the City of Portland Sanitarian and any other agency having authority over the matter of any new stormwater surcharges to sanitary drainfields.

(Ord. 1271, Amended, 03/14/2019; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.5520 GEOLOGIC HAZARDS PERMIT STANDARDS

(A) A Geologic Hazards (GH) permit shall not be issued unless the application for such permit establishes compliance with MCC 39.6210 and satisfaction of the following standards:

(B) Fill shall be composed of earth materials only.

(C) Cut and fill slopes shall not exceed 33 percent grade (3 Horizontal: 1 Vertical), unless a Certified Engineering Geologist or Geotechnical Engineer certifies in writing that a grade in writing that a

grade in excess of 33 percent is safe (including, but not limited to, not endangering or disturbing adjoining property) and suitable for the proposed development.

(D) Unsupported finished cuts and fills greater than 1 foot in height and less than or equal to 4 feet in height at any point shall meet a setback from any property boundary of a distance at least twice the height of the cut or fill, unless a Certified Engineering Geologist or Geotechnical Engineer certifies in writing that the cuts or fills will not endanger or disturb adjoining property. All unsupported finished cuts and fills greater than 4 feet in height at any point shall require a Certified Engineering Geologist or Geotechnical Engineer to certify in writing that the cuts or fills will not endanger or disturb adjoining property.

(E) Fills shall not encroach on any water body unless an Oregon licensed Professional Engineer certifies that the altered portion of the water body will continue to provide equal or greater flood carrying capacity for a storm of 10-year design frequency.

(F) Stripping of vegetation, ground disturbing activities, or other soil disturbance shall be done in a manner which will minimize soil erosion, stabilize the soil as quickly as practicable, and expose the smallest practical area at any one time during construction.

(G) Development Plans shall minimize cut or fill operations and ensure conformity with topography so as to create the least erosion potential and adequately accommodate the volume and velocity of surface runoff.

(H) Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development;

(I) Whenever feasible, natural vegetation shall be retained, protected, and supplemented;

(1) A 100-foot undisturbed buffer of natural vegetation shall be retained from the top of the bank of a stream, or from the ordinary high watermark (line of vegetation) of a water body, or within 100-feet of a wetland;

(2) The buffer required in (I)(1) may only be disturbed upon the approval of a mitigation plan which utilizes erosion, sediment and stormwater control measures designed to perform as effectively as those prescribed in the most recent edition of the City of Portland Erosion and Sediment Control Manual and the City of Portland Stormwater Management Manual and which is consistent with attaining equivalent surface water quality standards as those established for the Tualatin River Drainage Basin in OAR 340-041-0345(4).

(J) Permanent plantings and any required structural erosion control and drainage measures shall be installed as soon as practical.

(K) Provisions shall be made to effectively accommodate increased runoff caused by altered soil and surface conditions during and after development. The rate of surface water runoff shall be structurally retarded where necessary.

(L) Sediment in the runoff water shall be trapped by use of debris basins, silt traps, or other measures until the disturbed area is stabilized.

(M) Provisions shall be made to prevent surface water from damaging the cut face of excavations or the sloping surface of fills by installation of temporary or permanent drainage across or above such areas, or by other suitable stabilization measures such as mulching or seeding.

(N) All drainage measures shall be designed to avoid erosion and adequately carry existing and potential surface runoff to suitable drainageways such as storm drains, natural water bodies, drainage swales, or an approved drywell system.

(O) Where drainage swales are used to divert surface waters, they shall be vegetated or protected as required to minimize potential erosion.

(P) Erosion and sediment control measures must be utilized such 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. Control measures which may be required include, but are not limited to:

(1) Energy absorbing devices to reduce runoff water velocity;

(2) Sedimentation controls such as sediment or debris basins. Any trapped materials shall be removed to an approved disposal site on an approved schedule;

(3) Dispersal of water runoff from developed areas over large undisturbed areas.

(Q) Disposed spoil material or stockpiled topsoil shall be prevented from eroding into water bodies by applying mulch or other protective covering; or by location at a sufficient distance from water bodies; or by other sediment reduction measures.

(R) Such non-erosion pollution associated with construction such as pesticides, fertilizers, petrochemicals, solid wastes, construction chemicals, or wastewaters shall be prevented from leaving the construction site through proper handling, disposal, continuous site monitoring and clean-up activities.

(S) Ground disturbing activities within a water body shall use instream best management practices designed to perform as prescribed in the City of Portland Erosion and Sediment Control Manual. To the extent that there is a conflict between the Manual and the requirements of the National Scenic Area (NSA) Permit, the requirements in the NSA will apply; and

(T) The total daily number of fill haul truck trips shall not cause a transportation impact (as defined in the Multnomah County Road Rules) to the transportation system or fill haul truck travel routes, unless mitigated as approved by the County Transportation Division.

(U) Fill trucks shall be constructed, loaded, covered, or otherwise managed to prevent any of their load from dropping, sifting, leaking, or otherwise escaping from the vehicle. No fill shall be tracked or discharged in any manner onto any public right-of-way.

(V) No compensation, monetary or otherwise, shall be received by the property owner for the receipt or placement of fill.

(Ord. 1271, Amended, 03/14/2019; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

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PART 6 - APPROVAL CRITERIA

(Ord. 1064, Amended, 06/23/2005)

§ 38.7000- PURPOSES

This part of the code contains approval criteria for development subject to review in the National Scenic Area. The purposes of these criteria are to ensure that development is undertaken in a manner that protects or provides for the enhancement of the scenic, natural, cultural and recreational values of the Columbia River Gorge National Scenic Area.

(Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7010 APPLICABILITY

With the exception of Primary Uses, no building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in the Columbia River Gorge National Scenic Area except when approved pursuant to MCC 38.0530 (B) or (C) or 38.7090.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 994, Amended, 09/26/2002)

§ 38.7015 APPLICATION FOR NSA SITE REVIEW AND CONDITIONAL USE REVIEW

An application for NSA Expedited Development Review, Site Review or Conditional Use Review shall address the applicable criteria for approval, under MCC 38.7035 through 38.7100.

(Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7020 REQUIRED FINDINGS

A decision on an application for NSA Expedited Development Review, Site Review or Conditional Use Review shall be based upon findings of consistency with the criteria for approval specified in MCC 38.7035 through 38.7100 as applicable.

(Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7035 GMA SCENIC REVIEW CRITERIA

The following scenic review standards shall apply to all Review and Conditional Uses in the General Management Area of the Columbia River Gorge National Scenic Area:

(A) All Review Uses and Conditional Uses:

(1) New ~~buildings and roads~~ development shall be sited and designed to retain the existing topography and to minimize grading activities to the maximum extent practicable.

(2) New buildings and expansion of existing development shall be compatible with the general scale ~~(height, dimensions and visible mass)~~ of similar buildings that exist nearby (e.g. dwellings

to dwellings). ~~Expansion of existing development shall comply with this guideline to the maximum extent practicable.~~ For purposes of applying this standard, the term nearby generally means buildings within ¼ mile of the parcel on which development is proposed. New buildings that are 1,500 square feet or less are exempt from this requirement. Findings addressing this requirement shall include but are not limited to:

(a) Application of the landscape setting design requirements, if applicable.

(b) A defined study area surrounding the development that includes at least ten existing buildings, not including existing buildings within urban areas or outside the National Scenic Area.

(c) Individual evaluations of scale for each separate proposed building in the application and each separate building in the study area, including:

1. All finished above ground square footage;

2. Total area of covered decks and porches;

3. Attached garages;

4. Daylight basements;

5. Breezeways, if the breezeway shares a wall with an adjacent building; and

6. Dimensions, based on information from the application or on Assessor's records.

(d) An overall evaluation demonstrating the proposed development's compatibility with surrounding development. Buildings in the vicinity of the proposed development that are significantly larger in size than the rest of the buildings in the study area should be removed from this evaluation.

(3) New vehicular access points to the Scenic Travel Corridors shall be limited to the maximum extent practicable, and access consolidation required where feasible.

(4) ~~Property owners~~ Landowners shall be responsible for the proper maintenance and survival of any required vegetation.

~~(5) For all proposed development, the determination of compatibility with the landscape setting shall be based on information submitted in the site plan.~~

(~~6~~5) For all exploration, ~~new production and/or~~ development (extraction and excavation), production of mineral resources and expansion of existing quarries, a reclamation plan is required to restore the site to a natural appearance ~~which~~ that blends with and emulates distinctive characteristics inherent to its landscape setting ~~surrounding landforms~~ to the maximum extent practicable. At minimum, such reclamation plans shall include:

(a) A map of the site, at a scale of 1 inch equals ~~100~~ 200 feet (1:~~1,200~~ 2,400), or a scale providing greater detail, with 10-foot contour intervals or less, showing pre-mining existing grades and post-mining~~,~~ final grades; locations of topsoil stockpiles for eventual reclamation use; location of catch-basins or similar drainage and erosion control features employed for

the duration of the use; and the location of storage, processing and equipment areas employed for the duration of the use;

(b) Cross-sectional drawings of the site showing pre-mining and post-mining grades;

(c) Descriptions of the proposed use, in terms of estimated quantity and type of material removed, estimated duration of the use, processing activities, etc.;

(d) Description of drainage/erosion control features to be employed for the duration of the use; and

(e) A landscaping plan providing for revegetation consistent with the vegetation patterns of the subject landscape setting, indicating the species, number, size and location of plantings for the final reclaimed grade, as well as a description of irrigation provisions or other measures necessary to ensure the survival of plantings.

(f) If the site is visible from key viewing areas, the applicant shall also submit perspective drawings of the proposed mining areas as visible from applicable key viewing areas.

(~~7~~6) All reclamation plans for new quarries or expansion of existing quarries shall be sent to the appropriate state reclamation permitting agency for review and comment. The Planning Director may request technical assistance from state agencies on reclamation plans for proposed mining not within the state agency's jurisdiction. The state agency shall have 30 calendar days from the date a reclamation plan is mailed to submit written comments on the proposal. State agency comments shall address the following:

(a) Whether the proposed mining is subject to state reclamation permit requirements;

(b) If subject to state jurisdiction, whether an application has been received for a state reclamation permit, and if, so, the current status of the application; and

(c) For uses subject to state jurisdiction, any issues or concerns regarding consistency with state reclamation requirements, or any suggested modifications to comply with state reclamation requirements.

~~The Planning Director may request technical assistance from state agencies on reclamation plans for proposed mining not within the state agency's jurisdiction.~~

(B) All Review Uses and Conditional Uses topographically visible from Key Viewing Areas:

(1) Each development shall be visually subordinate to its setting as ~~seen~~ visible from Key Viewing Areas. New development shall be sited to achieve visual subordinance from key viewing areas, unless the siting would place such development in a buffer specified for protection of wetlands, riparian corridors, rare plants, or sensitive wildlife sites or would conflict with guidelines to protect cultural resources. In such situations, new development siting shall comply with this guideline to the maximum extent practicable.

Commented [AB27]: A term reflected in Management Plan is proposed to be changed from "sensitive" to "rare" in county code for consistency given this is a GMA standard where the term "rare" is used. Multnomah County understands from conversations with the Gorge Commission staff that adoption of "sensitive" in this particular guideline within the Management Plan was in error.

(2) ~~The extent and type~~ A determination of ~~conditions applied to~~ the potential visual impact of a ~~proposed~~ new development or use ~~to achieve the scenic standard shall be proportionate to its potential visual impacts as seen from Key Viewing Areas. Decisions~~ shall include written findings

addressing the following factors ~~influencing potential visual impact including but not limited to~~: the amount of area of the building site exposed to Key Viewing Areas, the degree of existing vegetation providing screening, the distance from the building site to the Key Viewing Areas it is visible from, the number of Key Viewing Areas it is visible from, and the linear distance along the Key Viewing Areas from which the building site is visible (for linear Key Viewing Areas, such as roads), and other factors the reviewing agency determines relevant in consideration of the potential visual impact. The extent and type of conditions ~~Conditions may be~~ applied to ~~various elements of~~ a proposed development~~s~~ to ~~ensure they are visually subordinate~~ achieve visual subordinance to ~~their~~ its landscape setting shall be proportionate to its potential visual impacts as ~~seen~~ visible from key viewing areas~~, including but not limited to siting (location of development on the subject property, building orientation, and other elements); retention of existing vegetation; design (color, reflectivity, size, shape, height, architectural and design details and other elements); and new landscaping~~. Conditions may include, and shall be applied using the following priorities:

(a) Screening by topography.

(b) Siting (location of development on the subject property, building orientation, and other elements).

(c) Retention of existing vegetation on the applicant's property.

(d) Design and building materials (color, reflectivity, size, shape, height, architectural and design details and other elements).

(e) New landscaping on the applicant's property.

(f) New berms or other recontouring on the applicant's property, where consistent with other applicable provisions.

(3) Determination of potential visual effects and compliance with visual subordinance policies shall include consideration of the cumulative effects of proposed developments.

(4) In addition to the site plan requirements in MCC 38.0045 (A) applications for all buildings visible from key viewing areas shall include a description of the proposed building(s)' height, shape, color, exterior building materials, exterior lighting, and landscaping details (type of plants used; number, size, locations of plantings; and any irrigation provisions or other measures to ensure the survival of landscaping planted for screening purposes).

~~(5) For proposed mining and associated activities on lands visible from Key Viewing Areas, in addition to submittal of plans and information pursuant to MCC 38.7035 (A) (6) and subsection (4) above, project applicants shall submit perspective drawings of the proposed mining areas as~~ seen ~~from applicable Key Viewing Areas.~~

~~(6) New development shall be sited on portions of the subject property which minimize visibility from Key Viewing Areas, unless the siting would place such development in a buffer specified for protection of wetlands, riparian corridors, sensitive plants, sensitive wildlife sites or conflict with the protection of cultural resources. In such situations, development shall comply with this standard to the maximum extent practicable.~~

(~~7~~5) New development shall be sited using existing topography and~~/or~~ existing vegetation as needed to achieve visual subordinance from key viewing areas.

(~~8~~6) Existing tree cover screening proposed development from key viewing areas shall be retained as specified in MCC 38.7035(C).

(~~9~~7) Driveways and buildings shall be designed and sited to minimize visibility of cut banks and fill slopes from Key Viewing Areas.

(~~10~~8) The exterior of buildings on lands seen from Key Viewing Areas shall be composed of non-reflective materials or materials with low reflectivity~~, unless the structure would be fully screened from all Key Viewing Areas by existing topographic features~~. Continuous surfaces of glass shall be limited to ensure visual subordinance. The *Scenic Resources Implementation Handbook* includes a list of recommended exterior materials and screening methods. ~~These recommended materials and other materials may be deemed consistent with this code, including those that meet recommended thresholds in the "visibility and Reflectivity Matrices" in the Implementation Handbook. Continuous surfaces of glass unscreened from key viewing areas shall be limited to ensure visual subordinance. Recommended square footage limitations for such surfaces are provided for guidance in the Implementation Handbook~~

(~~11~~9) Any ~~E~~exterior lighting shall be directed downward and sited, ~~hooded and~~ limited in intensity, shielded ~~such~~, or hooded in a manner that ~~it is not~~ prevents lights from being highly visible from Key Viewing Areas~~. Shielding and hooding materials shall be composed of non-reflective, opaque materials.~~ 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.

(~~12~~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 in the surrounding landscape. The specific colors ~~or list of acceptable colors~~ approved by the reviewing agency shall be included as a condition of approval. ~~The Scenic Resources Implementation Handbook will include a recommended palette of colors.~~

(~~13~~11) Additions to existing buildings smaller in total square area than the existing building may be the same color as the existing building. Additions larger than the existing building shall be of dark earth-tone colors found at the specific site or in the surrounding landscape. The specific colors ~~or list of acceptable colors~~ approved by the reviewing agency shall be included as a condition of approval. ~~The Scenic Resources Implementation Handbook will include a recommended palette of colors.~~

(~~14~~12) Rehabilitation of or modifications to existing significant historic structures shall be exempted from visual sub-ordinance requirements for lands ~~seen~~ visible from Key Viewing Areas. To be eligible for such exemption, the structure must be included in, or eligible for inclusion in, the National Register of Historic Places or be in the process of applying for a determination of significance pursuant to such regulations. Rehabilitation of or modifications to such historic structures shall be consistent with National Park Service regulations for historic structures.

(~~15~~13) The silhouette of new buildings shall remain below the skyline of a bluff, cliff or ridge as ~~seen~~ visible from Key Viewing Areas. ~~Variances may be granted if application of this standard~~

Commented [AB28]: The revised Management Plan eliminated this Variance option and it must be deleted from county code. It was determined by the Gorge Commission to be highly discretionary which increased the potential for inconsistent implementation across the NSA.

~~would leave the owner without a reasonable economic use. The variance shall be the minimum necessary to allow the use, and may be applied only after all reasonable efforts to modify the design, building height, and site to comply with the standard have been made.~~

~~(16) An alteration to a building built prior to November 17, 1986, which already protrudes above the skyline of a bluff, cliff or ridge as seen from a Key Viewing Areas, may itself protrude above the skyline if:~~

Commented [AB29]: Alterations to Pre-Scenic Area Act buildings are no longer allowed by the Management Plan to protrude above the skyline. This deletion in the Plan made the GMA rules consistent with the SMA rules.

~~(a) The altered building, through use of color, landscaping and/or other mitigation measures, contrasts less with its setting than before the alteration; and~~

~~(b) There is no practicable alternative means of altering the building without increasing the protrusion.~~

(~~17~~14) The following standards shall apply to new landscaping used to screen development from key viewing areas:

(a) New landscaping (including new earth berms) shall be required only when there is no other means to make the development visually subordinate from key viewing areas. Alternate sites shall be considered prior to using new landscaping to achieve visual sub-ordinance. Development shall be sited to avoid the need for new landscaping wherever possible.

(b) If new landscaping is required, it shall be used to supplement other techniques for achieving visual sub-ordinance.

(c) Vegetation planted for screening purposes shall be of sufficient size to make the development visually subordinate within five years or less of commencement of construction. If after five years the vegetation has not achieved a size sufficient to screen the development, additional screening may be required by Multnomah County to make the development visually subordinate.

(d) Landscaping shall be installed as soon as practicable, and prior to project completion. Applicant. The property owner(s), and their successor(s) in interest are responsible for the proper maintenance and survival of planted vegetation, and replacement of such vegetation that does not survive.

(e) The Scenic Resources Implementation Handbook includes recommended species for each landscape setting consistent with MCC 38.7035(C) and the minimum recommended sizes for tree plantings (based on average growth rates expected for recommended species).

(~~18~~15) Conditions regarding new landscaping or retention of existing vegetation for new developments on land designated ~~GMA Forest~~ GGF-80, GGF-40 and GGF-20 shall meet both scenic guidelines and the fuel break requirements of MCC 38.7305~~(A)~~(B).

(~~19~~16) New main lines on lands visible from Key Viewing Areas for the transmission of electricity, gas, oil, other fuels, or communications, except for connections to individual users or small clusters of individual users, shall be built in existing transmission corridors unless it can be demonstrated that use of existing corridors is not practicable. Such new lines shall be underground as a first preference unless it can be demonstrated to be impracticable.

(~~20~~17) New communication facilities (antennae, dishes, etc.) on lands visible from Key Viewing Areas, which require an open and unobstructed site shall be built upon existing facilities unless it can be demonstrated that use of existing facilities is not practicable.

(~~21~~18) New communications facilities may protrude above a skyline visible from a Key Viewing Area only upon demonstration that:

(a) The facility is necessary for public service;

(b) The break in the skyline is ~~seen~~ visible only in the background; and

(c) The break in the skyline is the minimum necessary to provide the service.

(~~22~~19) Overpasses, safety and directional signs and other road and highway facilities may protrude above a skyline visible from a Key Viewing Area only upon a demonstration that:

(a) The facility is necessary for public service;

(b) The break in the skyline is the minimum necessary to provide the service.

(~~23~~20) Except for water-dependent development and for water-related recreation development, development shall be set back 100 feet from the ordinary high water mark of the Columbia River below Bonneville Dam, and 100 feet from the normal pool elevation of the Columbia River above Bonneville Dam, unless the setback would render a property unbuildable. In such cases, variances to the setback may be authorized.

(~~24~~21) New buildings shall not be permitted on lands visible from Key Viewing Areas with slopes in excess of 30 percent. A variance may be authorized if the property would be rendered unbuildable through the application of this standard. In determining the slope, the average percent slope of the proposed building ~~site~~ footprint shall be utilized.

~~(25) All proposed structural development involving more than 200 cubic yards of grading on sites visible from Key Viewing Areas shall include submittal of a grading plan. This plan shall be reviewed by the Planning Director for compliance with Key Viewing Area policies. The grading plan shall include the following:~~

~~(a) 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:~~

~~1. Existing and proposed final grades;~~

~~2. Location of all areas to be graded, with cut banks and fill slopes delineated; and~~

~~3. Estimated dimensions of graded areas.~~

~~(b) A narrative description (may be submitted on the grading plan site map and accompanying drawings) of the proposed grading activity, including:~~

~~1. Its purpose;~~

~~2. An estimate of the total volume of material to be moved;~~

~~3. The height of all cut banks and fill slopes;~~

~~4. Provisions to be used for compaction, drainage, and stabilization of graded areas (preparation of this information by a licensed engineer or engineering geologist is recommended);~~

~~5. A description of all plant materials used to revegetate exposed slopes and banks, including type of species, number of plants, size and location, and a description of irrigation provisions or other measures necessary to ensure the survival of plantings; and~~

~~6. A description of any other interim or permanent erosion control measures to be utilized.~~

(~~26~~22) Expansion of existing quarries and exploration, development (extraction and excavation), and ~~new~~ production ~~and/or development~~ of mineral resources proposed on sites more than ~~3~~4 miles from the nearest Key Viewing Areas from which it is visible may be allowed upon a demonstration that:

(a) The site plan requirements for such proposals pursuant to this chapter have been met;

(b) The area to be mined and the area to be used for primary processing, equipment storage, stockpiling, etc. associated with the use would be visually subordinate as seen from any Key Viewing Areas; and

(c) A reclamation plan to restore the site to a natural appearance ~~which~~ that blends with and emulates distinctive characteristics of the designated landscape setting ~~surrounding landforms~~ to the maximum extent practicable has been approved. At minimum, a reclamation plans shall comply with MCC 38.7035 (A)(5) and (6); and

(d) A written report on a determination of visual subordinance has been completed, with findings addressing the extent of visibility of proposed mining activities from Key Viewing Areas, including:

1. A list of Key Viewing Areas from which exposed mining surfaces (and associated facilities/activities) would be visible;

2. An estimate of the surface area of exposed mining surfaces which would be visible from those Key Viewing Areas;

3. The distance from those Key Viewing Areas and the linear distance along those Key Viewing Areas from which proposed mining surfaces are visible;

4. The slope and aspect of mining surfaces relative to those portions of Key Viewing Areas from which they are visible;

5. The degree to which potentially visible mining surfaces are screened from Key Viewing Areas by existing vegetation, including winter screening considerations.

6. The degree to which potentially visible mining surfaces would be screened by new plantings, berms, etc. and appropriate time frames to achieve such results, including winter screening considerations.

(~~27~~23) Unless addressed by subsection (26) above, exploration, development (extraction and excavation), and ~~new~~ production ~~and/or development~~ of mineral resources may be allowed upon a demonstration that:

(a) The site plan requirements for such proposals pursuant to this chapter have been met;

(b) The area to be mined and the area used for primary processing, equipment storage, stockpiling, etc. associated with the use would be fully screened from any Key Viewing Area; and

(c) A reclamation plan to restore the area to a natural appearance which blends with and emulates surrounding landforms to the maximum extent practicable has been approved. At minimum, the reclamation plan shall comply with MCC 38.7035 (A) ~~(6) and (7)~~ (5) and (6).

(~~28~~24) An interim time period to achieve compliance with visual subordinance requirements for expansion of existing quarries and development of new quarries located more than ~~3~~4 miles from the nearest visible Key Viewing Area from which it is visible shall be established prior to approval. The interim time period shall be based on site-specific topographic and visual conditions, but shall not exceed 3 years beyond the date of approval.

(~~29~~25) An interim time period to achieve compliance with full screening requirements for new quarries located less than ~~3~~4 miles from the nearest visible Key Viewing Area from which it is visible shall be established prior to approval. The interim time period shall be based on site-specific topographic and visual conditions, but shall not exceed 1 year beyond the date of approval. Quarrying activity occurring ~~prior to~~ before achieving compliance with full screening requirements shall be limited to activities necessary to provide such screening (creation of berms, etc.).

(C) All Review Uses and Conditional Uses within the following landscape settings, regardless of visibility from KVAs:

(1) Pastoral

(a) Accessory structures, outbuildings and accessways shall be clustered together as much as possible, particularly towards the edges of existing meadows, pastures and farm fields.

(b) In portions of this setting visible from Key Viewing Areas, the following standards shall be employed to achieve visual sub-ordinance for new development and expansion of existing development:

1. Except as is necessary for site development or safety purposes, the existing tree cover screening the development from Key Viewing Areas shall be retained.

2. Vegetative landscaping shall, where feasible, retain the open character of existing pastures and fields.

3. At least half of any trees planted for screening purposes shall be species native to the setting. ~~or commonly found in the area. Such~~ Examples of native species ~~include fruit trees, Douglas fir, Lombardy poplar (usually in rows), Oregon white oak, bigleaf maple, and black locust (primarily in the eastern Gorge). The~~ are identified in the Scenic Implementation Handbook ~~Scenic Resources Implementation Handbook includes recommended minimum sizes~~ as appropriate for the area.

4. At least one-quarter of any trees planted for screening shall be coniferous for winter screening. Flexibility may be granted to this provision when development is directly adjacent or adjoining a landscape setting where coniferous trees are not common or appropriate (see Scenic Implementation Handbook for guidance) and tree species ultimately selected for winter screening are natives characteristic to that setting.

Commented [AB30]: This proposed code amendment purposely avoids the use of the word "variance" as indicated in the Management Plan language given county variance code 38.0065 is prescriptive and only extends to certain dimensional setbacks and buffers which is unrelated to the scope of this tree planting guideline. Language has also been added, as recommended for county consideration by staff with the Gorge Commission, to ensure the Scenic Implementation Handbook is not used as approval criteria.

(c) Compatible recreation uses include resource-based recreation uses of a very low or low-intensity nature, occurring infrequently in the landscape.

(2) Coniferous Woodland

(a) Structure height shall remain below the forest canopy level.

(b) In portions of this setting visible from Key Viewing Areas, the following standards shall be employed to achieve visual sub-ordinance for new development and expansion of existing development:

1. Except as is necessary for construction of access roads, building pads, leach fields, etc., the existing tree cover screening the development from Key Viewing Areas shall be retained.

2. At least half of any trees planted for screening purposes shall be species native to the setting. ~~Such species include: Douglas fir, grand fir, western red cedar, western hemlock, bigleaf maple, red alder, ponderosa pine and Oregon white oak, and various native willows (for riparian areas). The Scenic Resources Implementation Handbook includes recommended minimum sizes~~ (see Scenic Implementation Handbook for guidance).

Commented [AB31]: Guideline language clarified in code to ensure the referenced handbook is not used as an approval criteria.

3. At least half of any trees planted for screening purposes shall be coniferous to provide winter screening.

(c) Compatible recreation uses include resource-based recreation uses of varying intensities. Typically, outdoor recreation uses should be low-intensity, and include trails, small picnic areas and scenic viewpoints. Some more intensive recreation uses, such as campgrounds, may occur. They should be scattered, interspersed with large areas of undeveloped land and low-intensity uses.

(3) Rural Residential

(a) Existing tree cover shall be retained as much as possible, except as is necessary for site development, safety purposes, or as part of forest management practices.

(b) In portions of this setting visible from Key Viewing Areas, the following standards shall be employed to achieve visual sub-ordinance for new development and expansion of existing development:

1. Except as is necessary for site development or safety purposes, the existing tree cover screening the development from Key Viewing Areas shall be retained.

2. At least half of any trees planted for screening purposes shall be species native to the setting or ~~commonly found~~ species identified in the Scenic Implementation Handbook as appropriate for the area.

3. At least half of any trees planted for screening purposes shall be coniferous to provide winter screening.

(c) Compatible recreation uses include should be limited to small community park facilities, but occasional low-intensity resource-based recreation uses (such as small scenic overlooks) may be allowed.

(4) Rural Residential in Conifer Woodland or Pastoral

(a) New development in this setting shall meet the design standards for both the Rural Residential setting and the more rural setting with which it is combined (either Pastoral or Coniferous Woodland), unless it can be demonstrated that compliance with the standards for the more rural setting is impracticable. Expansion of existing development shall comply with this standard to the maximum extent practicable.

(b) In the event of a conflict between the standards, the standards for the more rural setting (Coniferous Woodland or Pastoral) shall apply, unless it can be demonstrated that application of such standards would not be practicable.

(c) Compatible recreation uses should be limited to very low and low-intensity resource-based recreation uses, scattered infrequently in the landscape.

(5) Residential

(a) In portions of this setting visible from Key Viewing Areas, the following standards shall be employed to achieve visual subordinance for new development and expansion of existing development:

1. Except as is necessary for site development or safety purposes, the existing tree cover screening the development from Key Viewing Areas shall be retained.

2. Structures' exteriors shall be non-reflective unless fully screened from Key Viewing Areas with existing vegetation and~~/or~~ topography.

3. At least half of any trees planted for screening purposes shall be species native to the setting ~~or commonly found in the area~~. Examples of native species are identified in the Scenic Resources Implementation Handbook as appropriate to the area.

4. At least half of any trees planted for screening purposes shall be coniferous to provide winter screening.

(b) Compatible recreation uses are limited to community park facilities.

(6) Village

(a) New development in this setting is exempt from the color and siting requirements of MCC 38.7035(B).

(b) New commercial buildings shall be limited in size to a total floor area of 5,000 square feet or less, and shall be limited in height to 2 and 1/2 stories or less.

(c) For new commercial, institutional (churches, schools, government buildings) or multi-family residential uses on parcels fronting a Scenic Travel Corridor (the Historic Columbia River Highway) and expansion of existing development for such uses, parking shall be limited to rear or side yards of buildings to the maximum extent practicable.

(d) New vehicular access points to the scenic travel corridors shall be limited to the maximum extent practicable, and access consolidation shall be required where feasible.

(e) New development proposals and expansion of existing development shall be encouraged to follow planned unit development approaches, featuring consolidated access, commonly-shared landscaped open areas, etc.

(f) New commercial, institutional or multi-family residential uses fronting a Scenic Travel Corridor shall comply with the following landscape requirements:

1. Parking or loading areas for 10 or more spaces shall include a landscaped strip at least 5 feet in width between the new use and the Scenic Travel Corridor roadway.

2. The landscape strip required in subsection (f) 1. above shall include shrubs, vegetative ground cover and, at minimum, one tree spaced as appropriate to the species and not to exceed 25 feet apart on the average.

(g) The use of building materials reinforcing the Village Setting's character, such as wood, logs or stone, and reflective of community desires, should be encouraged.

(h) Architectural styles characteristic of the area (such as 1½ story dormer roof styles in Corbett), and reflective of community desires, should be encouraged. Entry signs should be consistent with such architectural styles.

(i) Design features which create a "pedestrian friendly" atmosphere, such as large shop windows on the ground floor of commercial buildings, porches along ground floors with street frontage, etc. should be encouraged.

(j) Pedestrian walkways and bicycle paths should be encouraged and integrated into new developments wherever feasible.

(k) Where feasible, existing tree cover of species native to the region or ~~commonly found in~~ species identified in the Scenic Implementation Handbook as appropriate for the area shall be retained when designing new development or expanding existing development.

(l) Compatible recreation uses may include community parks serving the recreation needs of local residents, and varying intensities of other recreation uses.

(7) River Bottomlands

(a) In portions of this setting visible from Key Viewing Areas, the following standards shall be employed to achieve visual sub-ordinance for new development and expansion of existing development:

1. Except as is necessary for site development or safety purposes, existing tree cover screening the development from Key Viewing Areas shall be retained.

2. At least half of any trees planted for screening purposes shall be species native to the River Bottomland setting. Public recreation development~~s~~ is~~are~~ encouraged to maximize the percentage of planted screening vegetation native to this setting. ~~Such species include: black cottonwood, big leaf maple, red alder, Oregon white ash, Douglas fir, western red cedar and western hemlock (west Gorge) and various native willow species.~~

3. At least one-quarter of any trees planted for screening purposes shall be coniferous for winter screening. Flexibility may be granted to this provision when development is directly adjacent or adjoining a landscape setting where coniferous trees are not common or appropriate (see Scenic Implementation Handbook for guidance) and tree species ultimately selected for winter screening are natives characteristic to that setting.

Commented [AB32]: See previous comment regarding "variance" vs. "flexibility"

(b) Compatible recreation uses depend on the degree of natural resource sensitivity of a particular site. In the most critically sensitive River Bottomlands, very low-intensity uses which do not impair wetlands or special habitat requirements may be compatible.

(8) Gorge Walls, Canyons and Wildlands

(a) New development and expansion of existing development shall be screened so as to not be ~~seen~~ visible from Key Viewing Areas to the maximum extent practicable.

(b) All trees planted to screen permitted development and uses from Key Viewing Areas shall be native to the area.

(c) Existing tree cover shall be retained to the maximum extent practicable, except for the minimum necessary to be removed to accommodate facilities otherwise permitted in the underlying land use designation or for safety purposes.

(d) All buildings shall be limited in height to 1 1/2 stories.

(e) All structures' exteriors shall be non-reflective.

(f) ~~Signage~~ Signs shall be limited to natural materials such as wood or stone, ~~and~~ with natural or earth-tone colors found in the surrounding landscape, unless public safety concerns or federal or state highway standards require otherwise.

(g) Compatible recreation uses are limited to very low or low-intensity, resource-based activities which focus on enjoyment and appreciation of sensitive resources. Such uses compatible (such as trails) are generally associated with minimal facility development, if any.

(D) All Review Uses and Conditional Uses within scenic travel corridors:

(1) For the purposes of implementing this section, the immediate foreground of a Scenic Travel Corridor shall include those lands within one-quarter mile of the edge of pavement of the Historic Columbia River Highway and I– 84.

(2) All new buildings and alterations to existing buildings, except in a GGRC, shall be set back at least 100 feet from the edge of pavement of the Scenic Travel Corridor roadway. A variance to this setback requirement may be granted pursuant to MCC 38.0065. All new parking lots and expansions of existing parking lots shall be set back at least 100 feet from the edge of pavement of the Scenic Travel Corridor roadway, to the maximum extent practicable.

(3) Additions to existing buildings or expansion of existing parking lots located within 100 feet of the edge of pavement of a Scenic Travel Corridor roadway except in a GGRC, shall comply with subsection (2) above to the maximum extent practicable.

(4) All proposed vegetation management projects in public rights-of-way to provide or improve views shall include the following:

(a) An evaluation of potential visual impacts of the proposed project as ~~seen~~ visible from any Key Viewing Area;

(b) An inventory of any rare plants, sensitive wildlife habitat, wetlands or riparian areas on the project site. If such resources are determined to be present, the project shall comply with applicable standards to protect the resources.

(5) When evaluating which locations to consider undergrounding of signal wires or powerlines, railroads and utility companies shall prioritize those areas specifically recommended as extreme or high priorities for undergrounding in the Columbia River Gorge National Scenic Area Corridor Visual Inventory prepared in April, 1990.

(6) New exploration, development (extraction or excavation), and production of mineral resources ~~production and/or development of mineral resources~~ proposed within one-quarter mile of the edge of pavement of a Scenic Travel Corridor may be allowed upon a demonstration that full visual screening of the site from the Scenic Travel Corridor can be achieved by use of existing topographic features or existing vegetation designed to be retained through the planned duration of the proposed project. An exception to this may be granted if planting of new vegetation in the vicinity of the access road to the mining area would achieve full screening. If existing vegetation is partly or fully employed to achieve visual screening, over 75 percent of the tree canopy area shall be coniferous species providing adequate winter screening. Mining and associated primary processing of mineral resources is prohibited within 100 feet of a Scenic

Travel Corridor, as measured from the edge of pavement, except for access roads. Compliance with full screening requirements shall be achieved within time frames specified in MCC 38.7035 (B) ~~(29)~~(25).

(7) Expansion of existing quarries may be allowed pursuant to MCC 38.7035 (B) ~~(26)~~ (21). Compliance with visual subordinance requirements shall be achieved within time frames specified in MCC 38.7035 (B) ~~(28)~~ (24).

(Ord. 1125, Amended, 12/11/2008; Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 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 development~~s~~ 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
Coniferous Woodland, Oak-Pine Woodland	Forest (National Forest Lands), Open Space	NOT VISUALLY EVIDENT
River Bottomlands	Open Space	NOT VISUALLY EVIDENT
Gorge Walls, Canyonlands, Wildlands	Forest, Agriculture, Public Recreation, Open Space	NOT VISUALLY EVIDENT

Coniferous Woodland, Oak-Pine Woodland	Forest, Agriculture, Residential, Public Recreation	VISUALLY SUBORDINATE
Residential	Residential	VISUALLY SUBORDINATE
Pastoral	Forest, Agriculture, Public Recreation, Open Space	VISUALLY SUBORDINATE
River Bottomlands	Forest, Agriculture, Public Recreation	VISUALLY SUBORDINATE

(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.

(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.

(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.

(a) Decisions shall include written findings addressing the Primary factors influencing the degree of visibility, including but not limited to:

1. The amount of area of the building site exposed to key viewing areas,

2. The degree of existing vegetation providing screening,

3. The distance from the building site to the key viewing areas from which it is visible,

4. The number of key viewing areas from which it is visible, and

5. The linear distance along the key viewing areas from which the building site is visible (for linear key viewing areas, such as roads).

(b) Conditions may be applied to various elements of proposed developments to ensure they meet the scenic standard for their setting as seen visible from key viewing areas, including but not limited to:

1. Siting (location of development on the subject property, building orientation, and other elements),

2. Retention of existing vegetation,

3. Design (form, line, color, texture, reflectivity, size, shape, height, architectural and design details and other elements), and

4. New landscaping.

(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.

(7) Proposed developments shall not protrude above the line of a bluff, cliff, or skyline as seen 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.

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

(a) New landscaping (including new earth berms) to achieve the required scenic standard from key viewing areas shall be required only when application of all other available guidelines in this chapter is not sufficient to make the development meet the scenic standard from key viewing areas. Development shall be sited to avoid the need for new landscaping wherever possible.

(b) If new landscaping is necessary to meet the required standard, existing on-site vegetative screening and other visibility factors shall be analyzed to determine the extent of new landscaping, and the size of new trees needed to achieve the standard. Any vegetation planted pursuant to this guideline shall be sized to provide sufficient screening to meet the scenic standard within five years or less from the commencement of construction.

(c) Landscaping shall be installed as soon as practicable, and prior to project completion. Applicants and successors in interest for the subject parcel are responsible for the proper maintenance and survival of planted vegetation, and replacement of such vegetation that does not survive.

(d) The Scenic Resources Implementation Handbook ~~shall~~ includes recommended species for each landscape setting consistent with the Landscape Settings Design Guidelines in this chapter, and minimum recommended sizes of new trees planted (based on average growth rates expected for recommended species).

(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. ~~The Scenic Resources Implementation Handbook will include a recommended list of exterior materials. These recommended materials and other materials may be deemed consistent with this guideline, including those where the specific application meets approval thresholds in the "Visibility and Reflectivity Matrices" in the Implementation Handbook.~~ Continuous surfaces of glass ~~unscreened from key viewing areas~~ shall be limited to ensure meeting the scenic standard. ~~Recommended square footage limitations for such surfaces will be provided for guidance in the~~ *The Scenic Resources Implementation Handbook* includes a list of recommended exterior materials and screening methods.

(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 ~~shall~~ may be permitted on a temporary basis, not to exceed three months duration.

(14) 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:

(a) Application of the landscape setting design guidelines, if applicable.

(b) A defined study area surrounding the development that includes at least ten existing buildings, not including existing buildings within urban areas or outside the National Scenic Area.

(c) Individual evaluations of scale for each separate proposed building in the application and each separate building in the study area, including:

1. All finished above ground square footage;

2. Total area of covered decks and porches;

3. Attached garages;

4. Daylight basements;

5. Breezeways, if the breezeway shares a wall with an adjacent building; and

6. Dimensions, based on information from the application or on Assessor's records.

(d) An overall evaluation demonstrating the proposed development's compatibility with surrounding development. Buildings in the vicinity of the proposed development that are significantly larger in size than the rest of the buildings in the study area should be removed from this evaluation.

(B) The following shall apply to all lands within SMA landscape settings regardless of visibility from KVAs (includes areas ~~seen~~ visible from KVAs as well as areas not ~~seen~~ visible from KVAs):

(1) Gorge Walls, and Canyonlands and Wildlands: New development~~s~~ and land uses shall retain the overall visual character of the natural appearing landscape.

(a) Structures, including signs, shall have a rustic appearance, use non-reflective materials, and have low contrast with the surrounding landscape and be of a Cascadian architectural style.

(b) Temporary roads shall be promptly closed and revegetated.

(c) New utilities shall be below ground surface, where feasible.

(d) Use of plant species non-native to the Columbia River Gorge shall not be allowed.

(2) Coniferous Woodlands and Oak-Pine Woodland: Woodland areas shall retain the overall appearance of a woodland landscape. New developments and land uses shall retain the overall visual character of the natural appearance of the Coniferous and Oak/Pine Woodland landscape.

(a) Buildings in the Coniferous Woodland landscape setting shall be encouraged designed to have a vertical overall appearance and a horizontal overall appearance in the Oak-Pine Woodland landscape setting shall be encouraged.

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

(3) River Bottomlands: River bottomland shall retain the overall visual character of a floodplain and associated islands.

(a) Buildings should 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.

(4) Pastoral: Pastoral areas shall retain the overall appearance of an agricultural landscape.

The use of plant species common native to the landscape setting. Examples of native species are identified in the Scenic Implementation Handbook as appropriate to the area shall be encouraged. The use of agricultural plant species in rows as commonly found in the landscape setting, is also encouraged.

(5) Residential: The Residential setting is characterized by concentrations of dwellings.

(a) At Latourell Falls, new buildings shall have an appearance consistent with the predominant historical architectural style.

(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.

(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.

(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).

(a) The proposed development shall be designed and sited to meet the applicable scenic standard from the foreground of the subject KVA. If the development cannot meet the standard, findings must be made documenting why the project cannot meet the requirements of 38.7040(A) and why it cannot be redesigned or wholly or partly relocated to meet the scenic standard.

(b) Findings must evaluate the following:

1. The limiting factors to meeting the required scenic standard and~~/or~~ applicable provisions of 38.7040(A),

2. Reduction in project size;

3. Options for alternative sites for all or part of the project, considering parcel configuration and on-site topographic or vegetative screening;

4. Options for design changes including changing the design shape, configuration, color, height, or texture in order to meet the scenic standard.

(c) Form, line, color, texture, and design of a proposed development shall be evaluated to ensure that the development blends with its setting as ~~seen~~ visible from the foreground of key viewing areas:

1. Form and Line-Design of the development shall minimize changes to the form of the natural landscape. Development shall borrow form and line from the landscape setting and blend with the form and line of the landscape setting. Design of the development shall avoid contrasting form and line that unnecessarily call attention to the development.

2. Color-Color shall be found in the project's surrounding landscape setting. Colors shall be chosen and repeated as needed to provide unity to the whole design.

3. Texture-Textures borrowed from the landscape setting shall be emphasized in the design of structures. Landscape textures are generally rough, irregular, and complex rather than smooth, regular, and uniform.

4. Design-Design solutions shall be compatible with the natural scenic quality of the Gorge. Building materials shall be natural or natural appearing. Building materials such as concrete, steel, aluminum, or plastic shall use form, line color and texture to harmonize with the natural environment. Design shall balance all design elements into a harmonious whole, using repetition of elements and blending of elements as necessary.

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

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

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

(D) SMA Requirements for areas not ~~seen~~ visible 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 dark 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.

(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:

(a) Application of the landscape setting design guidelines, if applicable.

(b) A defined study area surrounding the development that includes at least ten existing buildings, not including existing buildings within urban areas or outside the National Scenic Area.

(c) Individual evaluations of scale for each separate proposed building in the application and each separate building in the study area, including:

1. All finished above ground square footage;

2. Total area of covered decks and porches;

3. Attached garages;

4. Daylight basements;

5. Breezeways, if the breezeway shares a wall with an adjacent building; and

6. Dimensions, based on information from the application or on Assessor's records.

(d) An overall evaluation demonstrating the proposed development's compatibility with surrounding development. Buildings in the vicinity of the proposed development that are significantly larger in size than the rest of the buildings in the study area should be removed from this evaluation.

(Ord. 1270, Amended, 03/14/2019; Ord. 1125, Amended, 12/11/2008; Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7045 GMA CULTURAL RESOURCE REVIEW CRITERIA

(A) Cultural Resource Reconnaissance Surveys

Each proposed use or element of a proposed use within an application shall be evaluated independently to determine whether a reconnaissance survey is required; for example, an application that proposes a land division and a new dwelling would require a reconnaissance survey if a survey would be required for the dwelling.

(1) A cultural reconnaissance survey shall be required for all proposed uses, except:

(a) The modification, expansion, replacement, or reconstruction of existing buildings and structures.

(b) Proposed uses that would not disturb the ground, including land divisions and lot-line adjustments; storage sheds that do not require a foundation; ~~low-intensity recreation uses, such as fishing, hunting, and hiking~~; installation of surface chemical toilets; hand treatment of brush within established rights-of-way; and new uses of existing structures.

(c) Proposed uses that involve minor ground disturbance, as defined by depth and extent, including repair and maintenance of lawfully constructed and serviceable structures; home gardens; livestock grazing; cultivation that employs minimum tillage techniques, such as replanting pastures using a grassland drill; construction of fences; new utility poles that are installed using an auger, post-hole digger, or similar implement; and placement of ~~mobile~~ manufactured homes where septic systems and underground utilities are not involved.

The Gorge Commission will review all land use applications and determine if proposed uses would have a minor ground disturbance.

(d) Proposed uses that occur on sites that have been disturbed by human activities, provided the proposed uses do not exceed depth and extent of existing ground disturbance. To qualify for this exception, a project applicant must demonstrate that land disturbing activities occurred in the project area. Land disturbing activities include grading and cultivation.

(e) Proposed uses that would occur on sites that have been adequately surveyed in the past.

~~1. The project applicant must demonstrate that the project area has been adequately surveyed to qualify for this exception.~~

~~2~~1. Past surveys must have been conducted by a qualified professional and must include a surface survey and subsurface testing.

~~3~~2. The nature and extent of any cultural resources in the project area must be adequately documented.

(f) Proposed uses occurring in areas that have a low probability of containing cultural resources, except:

1. Residential development that involves two or more new dwellings for the same project applicant;

2. Recreation facilities that contain parking areas for more than 10 cars, overnight camping facilities, boat ramps, and visitor information and environmental education facilities;

3. Public transportation facilities that are outside improved rights-of-way;

4. Electric facilities, lines, equipment, and appurtenances that are 33 kilovolts or greater; and

5. Communications, water and sewer, and natural gas transmission (as opposed to distribution) lines, pipes, equipment, and appurtenances.

Areas that have a low probability of containing cultural resources will be identified using the results of reconnaissance surveys conducted by the Gorge Commission, the U.S. Forest Service, public agencies, and private archaeologists.

The Gorge Commission, after consulting ~~Indian~~ tribal governments and state historic preservation officers, will prepare and adopt a map showing areas that have a low probability of containing cultural resources. ~~This map will be adopted within 200 days after the Secretary of Agriculture concurs with the Management Plan.~~ It will be refined and revised as additional reconnaissance surveys are conducted. Areas will be added or deleted as warranted. All revisions of this map shall be reviewed and approved by the Gorge Commission.

(2) A reconnaissance survey shall be required for all proposed uses within 500 feet of a known cultural resource~~s~~, and all proposed uses within 100 feet of a high probability area, including those listed above in MCC 38.7045 (A) (1) (a) through (f). The ~~location of known cultural resources are shown in the cultural resource inventory~~ Forest Service maintains a map of known cultural resources and a probability map. Both maps are confidential as required by the National Scenic Act, other federal law, and Oregon law.

(3) The Gorge Commission may choose to conduct a reconnaissance survey for proposed uses listed in the exceptions if, in its professional judgment, a reconnaissance survey may be necessary to ensure protection of cultural resources.

(4) A historic survey shall be required for all proposed uses that would alter the exterior architectural appearance of buildings and structures that are 50 years old or older, or compromise features of the surrounding area that are important in defining the historic or architectural character of the buildings or structures that are 50 years old or older.

(B) The cultural resource review criteria shall be deemed satisfied, except MCC 38.7045 (L) and (M), if:

(1) The project is exempted by MCC 38.7045 (A) (1), no cultural resources are known to exist in the project area, and no substantiated comment is received during the comment period provided in MCC 38.0530 (B).

(2) The proposed use would avoid archaeological resources and traditional cultural resources that exist in the project area. To meet this standard, a reasonable buffer zone must be established around the affected resources or properties; all ground disturbing activities shall be prohibited within the buffer zone.

(a) Buffer zones must preserve the integrity and context of cultural resources. They will vary in width depending on the eventual use of the project area, the type of cultural resources that are present, and the characteristics for which the cultural resources may be significant. A deed covenant, easement, or other appropriate mechanism shall be developed to ensure that the buffer zone and the cultural resources are protected.

(b) An Evaluation of Significance shall be conducted if a project applicant decides not to avoid the affected cultural resource. In these instances, the Reconnaissance Survey and survey report shall be incorporated into the Evaluation of Significance.

(3) A historic survey demonstrates that the proposed use would not have an effect on historic buildings or structures. ~~because: (1)~~ To demonstrate that the proposed use would not have an effect on historic buildings or structures, the historic survey must satisfy one of the following guidelines:

(a) SHPO concludes that the historic buildings or structures are clearly not significant, as determined using the criteria in the *National Register Criteria for Evaluation* ("36 CFR Part 60.4); or

(b) The proposed use would not compromise the historic or architectural character of the affected buildings or structures, or compromise features of the site that are important in defining the overall historic character of the affected buildings or structures, as determined by the guidelines and standards ~~in The Secretary of the Interior's Standards for Rehabilitation (U.S. Department of the Interior 1990) and~~ The Secretary of the Interior's Standards for ~~Historic Preservation Projects~~ the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (U.S. Department of the Interior ~~1983~~ 2017 or most recent version).

1. The historic survey conducted by the Gorge Commission may provide sufficient information to satisfy these standards. If it does not, architectural and building plans, photographs, and archival research may be required. The project applicant shall be responsible for providing information beyond that included in the survey conducted by the Gorge Commission.

2. The historic survey and report must demonstrate that these standards have been clearly and absolutely satisfied. If SHPO or the Planning Director question whether these standards have been satisfied, the project applicant shall conduct an Evaluation of Significance.

(C) 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.

(3) A project applicant who is proposing a large-scale use shall conduct interviews and other forms of ethnographic research if interested persons submit a written request for such research. All requests must include a description of the cultural resources that may be affected by the proposed use and the identity of knowledgeable informants. Ethnographic research shall be conducted by qualified specialists. ~~Tape r~~Recordings, maps, photographs, and minutes shall be used when appropriate.

(4) All written comments, consultation meeting minutes and ethnographic research 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.

(D) Reconnaissance and historic surveys, evaluations, assessments and mitigation plans shall be performed by qualified professionals whose expertise reflects the type of cultural resources that are involved. Principal investigators shall meet the professional standards published in *36 Code of Federal Regulations (CFR) Part 61* and *Guidelines for Evaluating and Documenting Traditional Cultural Properties (Parker and King n.d.).* A survey shall consist of the following:

(1) Reconnaissance Survey for Small-Scale Uses

Reconnaissance surveys for small scale uses shall consist of the following:

(a) A surface survey of the project area, except for inundated areas and impenetrable thickets.

(b) Subsurface testing shall be conducted if the surface survey reveals that cultural resources may be present. Subsurface probes will be placed at intervals sufficient to determine the absence or presence of cultural resources.

(c) A confidential report that includes:

1. A description of the fieldwork methodology used to ~~identity~~ identify cultural resources, including a description of the type and extent of the reconnaissance survey.

2. A description of any cultural resources that were discovered in the project area, including a written description and photographs.

3. A map that shows the project area, the areas surveyed, the location of subsurface probes, and, if applicable, the approximate boundaries of the affected cultural resources and a reasonable buffer area.

(d) ~~The Gorge Commission will conduct and~~ Project applicants are responsible for paying for all reconnaissance or historic surveys, and for Evaluations of Significance and Mitigation Plans for cultural resources discovered during construction of small-scale uses.

(2) Reconnaissance Survey for Large Scale Uses

For the purposes of this section, large-scale uses include residential development involving two or more new dwellings; recreation facilities; commercial and industrial development; public transportation facilities; electric facilities, lines, equipment, and appurtenances that are 33 kilovolts or greater; and communications, water and sewer, and natural gas transmission (as opposed to distribution) lines, pipes, equipment, and appurtenances.

Reconnaissance surveys for Large Scale Uses shall consist of the following:

(a) A written description of the survey shall be submitted to and approved by the Gorge Commission's designated archaeologist.

(b) Reconnaissance surveys shall reflect the physical characteristics of the project area and the design and potential effects of the proposed use. They shall meet the following standards:

1. Archival research shall be performed prior to any field work. It should entail a thorough examination of tax records; historic maps, photographs, and drawings; previous archaeological, historic, and ethnographic research; cultural resource inventories and records maintained by federal, state, and local agencies; and primary historic accounts, such as diaries, journals, letters, and newspapers.

2. Surface surveys shall include the entire project area, except for inundated areas and impenetrable thickets.

3. Subsurface probes shall be placed at intervals sufficient to document the presence or absence of cultural resources.

4. Archaeological site inventory forms shall be submitted to SHPO whenever cultural resources are discovered.

(c) A confidential report that includes:

1. A description of the proposed use, including drawings and maps.

2. A description of the project area, including soils, vegetation, topography, drainage, past alterations, and existing land use.

3. A list of the documents and records examined during the archival research and a description of any ~~prehistoric~~ precontact or historic events associated with the project area.

4. A description of the fieldwork methodology used to identify cultural resources, including a map that shows the project area, the areas surveyed, and the location of subsurface probes. The map shall be prepared at a scale that provides accurate and

readable details. In no event shall the scale be less than ~~of~~ 1 inch equals 100 feet (1:1,200)~~, or a scale providing greater detail~~.

5. An inventory of the cultural resources that exist in the project area, including a written description, photographs, drawings, and a map. The map shall be prepared at a scale that provides accurate and readable details. In no event shall the scale be less than ~~of~~ 1 inch equals 100 feet (1:1,200)~~, or a scale providing greater detail~~.

6. A summary of all written comments submitted by ~~Indian~~ tribal governments and other interested persons.

7. A preliminary assessment of whether the proposed use would or would not have an effect on cultural resources. The assessment shall incorporate concerns and recommendations voiced during consultation meetings and information obtained through archival and ethnographic research and field surveys.

(d) The applicant shall be responsible for reconnaissance surveys for large-scale uses.

(e) ~~The Gorge Commission will conduct and~~ Project applicants are responsible for paying for all Evaluations of Significance and Mitigation Plans for cultural resources discovered during construction of large-scale uses.

(3) Historic Surveys

(a) Historic surveys shall document the location, form, style, integrity, and physical condition of historic buildings and structures. They shall include:

1. Original photographs;

2. Original maps; and

3. Archival research, blueprints, and drawings as necessary.

(b) Historic surveys shall describe any uses that will alter or destroy the exterior architectural appearance of the historic buildings or structures, or compromise features of the site that are important in defining the overall historic character of the historic buildings or structures

(c) The project applicant shall provide detailed architectural drawings and building plans that clearly illustrate all proposed alterations.

(E) The Planning Director shall submit a copy of all cultural resource survey reports to the Gorge Commission, SHPO, the ~~Indian~~ tribal governments, the Cultural Advisory Committee, and any party who submitted substantiated comment during the comment period provided in MCC 38.0530 (B), except that sensitive tribal information may be redacted by an appropriate tribal representative. Survey reports may include measures to avoid affected cultural resources, such as a map that shows a reasonable buffer area.

(1) All parties notified shall have 30 calendar days from the date a survey report is mailed to submit written comments to the Planning Director. The Planning Director shall record and address all written comments in the Site Review analysis.

(2) The Planning Director shall require an evaluation of significance if the ~~reconnassiance~~ reconnaissance or historic survey or substantiated comment received indicate that the proposed use might affect any of the following:

(a) Cultural resources

(b) Archaeological resources

(c) Traditional cultural properties

(d) Historic buildings or structures

(3) The Planning Director shall deem the cultural resource review process complete if no substantiated comment is received during the 30 day comment period and the ~~reconnassiance~~ reconnaissance or historic survey indicate that the proposed use would have no effect on the items listed in subsection (2)(a) through (d) above.

(4) Notice of the decision of the Planning Director shall be mailed to those parties entitled to notice by MCC 38.0530 (B) within 10 days of the expiration of the 30 day comment period.

(5) The decision of the Planning Director on an application for cultural resource review shall be final 14 days from the date notice is mailed, unless appealed as provided in MCC 38.0530 (B).

(F) Evaluations of significance shall meet the following standards:

(1) Evaluations of significance shall follow the procedures in How to Apply the National Register Criteria for Evaluation (U.S. Department of the Interior, ~~n.d.~~ 1997 or most recent version) and Guidelines for the Evaluation and Documentation of Traditional Cultural Properties (Parker and King, ~~n.d.~~ 1997 or most recent version). They shall be presented within local and regional contexts and shall be guided by previous research and current research designs that are relevant to specific research questions for the Columbia River Gorge.

(2) To evaluate the significance of cultural resources, the information gathered during the reconnaissance or historic survey may have to be supplemented. Detailed field mapping, subsurface testing, photographic documentation, laboratory analysis, and archival research may be required.

(3) The project applicant shall contact ~~Indian~~ tribal governments and interested persons, as appropriate. Ethnographic research shall be undertaken as necessary to fully evaluate the significance of the cultural resources.

(4) The Evaluation of Significance shall follow the principles, guidelines, and report format recommended by Oregon SHPO (Oregon State Historic Preservation Office ~~1990~~). It shall incorporate the results of the reconnaissance or historic survey and shall illustrate why each cultural resource is or is not significant. Findings shall be presented within the context of relevant local and regional research.

(5) All documentation used to support the evaluation of significance shall be cited. Evidence of consultation with ~~Indian~~ tribal governments and other interested persons shall be presented. All comments, recommendations, and correspondence from ~~Indian~~ tribal governments and interested persons shall be appended to the Evaluation of Significance.

(6) The applicant shall be responsible for Evaluations of Significance.

(G) If the Evaluation of Significance demonstrates that the affected cultural resources are not significant, the Planning Director shall submit a copy of all cultural resource survey reports to the Gorge Commission, SHPO, the ~~Indian~~ tribal governments, the Cultural Advisory Committee, and any party who submitted substantiated comment during the comment period provided in MCC 38.7045 (E) (1). In such circumstances, SHPO and the tribal governments are provided this copy for concurrence.

(1) All parties notified shall have 30 calendar days from the date the evaluation of significance is mailed to submit written comments to the Planning Director. The Planning Director shall record and address all written comments in the Site Review analysis.

(2) The Planning Director shall find the cultural resources significant and require an Assessment of Effect if the Evaluation of Significance or comments received indicate either of the following:

(a) The cultural resources are included in, or eligible for inclusion in, the National Register of Historic Places. The criteria for use in evaluating the eligibility of cultural resources for the National Register of Historic Places appear in the "National Register Criteria for Evaluation" (36 CFR 60.4). Cultural resources are eligible for the National Register of Historic Places if they possess integrity of location, design, setting, materials, workmanship, feeling, and association. In addition, they must meet one or more of the following criteria:

1. Association with events that have made a significant contribution to the broad patterns of the history of this region;

2. Association with the lives of persons significant in the past;

3. Embody the distinctive characteristics of a type, period, or method of construction, or represent the work of a master, or possess high artistic values, or represent a significant and distinguishable entity whose components may lack individual distinction; or

4. Yield, or may be likely to yield, ~~information important in prehistory or history~~ important precontact or historical information.

(b) The cultural resources are determined to be culturally significant by a ~~Indian~~ tribal government, based on criteria developed by that ~~Indian~~ tribal government ~~and filed with the Gorge Commission.~~

(3) The Planning Director shall deem the cultural resource review process complete if no substantiated comment is received during the 30 day comment period and the Evaluation of Significance indicates the effected cultural resources are not significant.

(4) Notice of the decision of the Planning Director shall be mailed to those parties entitled to notice by MCC 38.7045 (E) within 10 days of the expiration of the 30 day comment period.

(5) The decision of the Planning Director on an application for cultural resource review shall be final 14 days from the date notice is mailed, unless appealed as provided in MCC 38.0530 (B).

(H) An Assessment of Effect shall meet the following standards:

(1) The Assessment of Effect shall be based on the criteria published in *Protection of Historic Properties* (36 CFR Part 800.5) and shall incorporate the results of the Reconnaissance or Historic Survey and the Evaluation of Significance. All documentation shall follow the requirements listed in 36 CFR Part 800.11.

(a) Proposed uses have an effect on cultural resources when they alter or destroy characteristics of the resources that make them significant [36 CFR Part 800.5].

(b) Proposed uses are considered to have an adverse effect when they may diminish the integrity of the cultural resource's location, design, setting, materials, workmanship, feeling, or association [36 CFR Part 800.5]. Adverse effects on cultural resources include, but are not limited to:

1. Physical destruction, damage, or alteration of all or part of the cultural resource;

2. Isolation of the cultural resource from its setting or alteration of the character of the resource's setting when that character contributes to the resource's qualification as being significant;

3. Introduction of visual, audible, or atmospheric elements that are out of character with the cultural resource or its setting;

4. Neglect of a significant cultural resource resulting in its deterioration or destruction except as described in 36 CFR 800.5.

(2) The Assessment of Effect shall be prepared in consultation with ~~Indian~~ tribal governments and interested persons, as appropriate. The concerns and recommendations voiced by ~~Indian~~ tribal governments and interested persons shall be recorded and addressed in the assessment.

(3) The effects of a proposed use that would otherwise be determined to be adverse may be considered to not be adverse in the following instances:

(a) The cultural resources are of value only for their potential contribution to archaeological, historical, or architectural research, and when such value can be substantially preserved through the conduct of appropriate research before development begins, and such research is conducted in accordance with applicable professional standards and guidelines;

(b) The undertaking is limited to the rehabilitation of buildings and structures, and is conducted in a manner that preserves the historical and architectural character of affected cultural resources through conformance with ~~The Secretary of the Interior's Standards for Rehabilitation (U.S. Department of the Interior 1990) and~~ *The Secretary of the Interior's Standards for* *the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (U.S. Department of the Interior 2017 or most recent revision).*~~Historic Preservation Projects (U.S. Department of the Interior 1983); or~~

(c) The proposed use is limited to the transfer, lease, or sale of non-federal lands that contain cultural resources, and adequate restrictions or conditions are included to ensure preservation of the significant features of the resources.

(4) The applicant shall be responsible for the Assessment of Effect.

(I) If the Assessment of Effect concludes that the proposed use would have no effect or no adverse effect on significant cultural resources, the Planning Director shall submit a copy of the assessment to the Gorge Commission, SHPO, the ~~Indian~~ tribal governments, the Cultural Advisory Committee, and any party who submitted substantiated comment during the comment period provided in MCC 38.7045 (E) (1).

(1) All parties notified shall have 30 calendar days from the date the Assessment of Effect is mailed to submit written comments to the Planning Director. The Planning Director shall record and address all written comments in the Site Review analysis.

(2) The Planning Director shall require the applicant to prepare a Mitigation Plan if the Assessment of Effect or substantiated comment received during the 30 day comment period indicates the proposed use would have an effect or an adverse effect on significant cultural resources.

(3) The Planning Director shall deem the cultural resource review process complete if no comment is received during the 30 day comment period and the Assessment of Effect indicates the proposed use would have no effect or no adverse effect on significant cultural resources.

(4) Notice of the decision of the Planning Director shall be mailed to those parties entitled to notice by MCC 38.7045 (E) within 10 days of the expiration of the 30 day comment period.

(5) The decision of the Planning Director on an application for cultural resource review shall be final 14 days from the date notice is mailed, unless appealed as provided in MCC 38.0530 (B).

(J) Mitigation plans shall meet the following standards:

(1) Mitigation Plans shall be prepared in consultation with persons who have concerns about or knowledge of the affected cultural resources, including ~~Indian~~ tribal governments, Native Americans, local governments whose jurisdiction encompasses the project area, and SHPO.

(2) Avoidance of cultural resources through project design and modification is preferred. Avoidance may be effected by reducing the size, scope, configuration, and density of the proposed use.

(a) Alternative mitigation measures shall be used only if avoidance is not practicable. Alternative measures may include, but are not limited to, requiring a monitor during construction, burial under fill, stabilization, removal of the cultural resource to a safer place, and partial to full excavation and recordation.

(b) If the mitigation plan includes buffer areas to protect cultural resources, a deed covenant, easement, or other appropriate mechanism must be developed and recorded in county deeds and records.

(3) Mitigation plans shall incorporate the results of the reconnaissance or historic survey, the evaluation of significance, and the assessment of effect, and shall provide the documentation required in 36 CFR Part 800.11, including, but not limited to:

(a) A description and evaluation of any alternatives or mitigation measures that the project applicant proposes for reducing the effects of the proposed use;

(b) A description of any alternatives or mitigation measures that were considered but not chosen and the reasons for their rejection;

(c) Documentation of consultation with SHPO regarding any alternatives or mitigation measures;

(d) A description of the project applicant's efforts to obtain and consider the views of ~~Indian~~ tribal governments, interested persons, and local governments; and

(e) Copies of any written recommendations submitted to the Planning Director or project applicant regarding the effects of the proposed use on cultural resources and alternatives to avoid or reduce those effects.

(4) The applicant shall be responsible for Mitigation Plans.

(K) The Planning Director shall submit a copy of the Mitigation Plan to the Gorge Commission, SHPO, the ~~Indian~~ tribal governments, the Cultural Advisory Committee, and any party who submitted substantiated comment during the comment period provided in MCC 38.7045 (E) (1).

(1) All parties shall have 30 calendar days from the date the mitigation plan is mailed to submit written comments to the Planning Director. The Planning Director shall record and address all written comments in the Site Review analysis.

(2) If substantiated comment is received during the 30 day comment period, the Planning Director shall place the matter on the next available Planning Commission agenda. The Planning Commission shall determine if the adverse effect identified in the Assessment of Effect is reduced to no effect or no adverse effect.

(3) The Planning Director shall deem the cultural resource review process complete if the Mitigation Plan indicates that the impact of the proposed use is reduced to no effect or no adverse effect and no substantiated comment is received during the 30 day comment period.

(a) Notice of the decision of the Planning Director shall be mailed to those parties entitled to notice by MCC 38.7045 (E) within 10 days of the expiration of the 30 day comment period.

(b) The decision of the Planning Director on an application for cultural resource review shall be final 14 days from the date notice is mailed, unless appealed as provided in MCC 38.0530 (B).

(4) The proposed use shall be prohibited when acceptable mitigation measures fail to reduce an adverse effect to no effect or no adverse effect.

(L) Cultural Resources Discovered After Construction Begins

The following procedures shall be effected when cultural resources are discovered during construction activities, and shall be included as conditions of approval for all review uses. All survey and evaluation reports and mitigation plans shall be submitted to the Planning Director and SHPO. ~~Indian~~ tribal governments also shall receive a copy of all reports and plans if the cultural resources are ~~prehistoric~~ precontact or otherwise associated with Native Americans.

(1) 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.

(2) Notification – The project applicant shall notify the Planning Director and the Gorge Commission within 24 hours of the discovery. If the cultural resources are ~~prehistoric~~ precontact or otherwise associated with Native Americans, the project applicant shall also notify the ~~Indian~~ tribal governments within 24 hours.

(3) Survey and Evaluation – The Gorge Commission will survey the cultural resources after obtaining written permission from the landowner and appropriate permits from 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).

(a) The Planning Director shall, based on the survey and evaluation report and any written comments, make a final decision within 10 days of the receipt of the report of the Gorge Commission on whether the resources are significant.

(b) The Planning Director shall require a Mitigation Plan if the affected cultural resources are found to be significant.

(c) Notice of the decision of the Planning Director shall be mailed to those parties entitled to notice by MCC 38.0530 (B).

(d) The decision of the Planning Director shall be final 14 days from the date notice is mailed, unless appealed as provided in MCC 38.0530 (B). Construction activities may recommence if no appeal is filed.

(4) Mitigation Plan – Mitigation plans shall be prepared according to the information, consultation, and report standards of MCC 38.7045 (J). Construction activities may recommence when the conditions in the mitigation plan have been executed.

(M) Discovery of Human Remains

The following procedures shall be ~~effected~~ used when human remains are discovered during a cultural resource survey or during construction, and shall be included as a condition of approval for all review uses.

Human remains means articulated or disarticulated human skeletal remains, bones, or teeth, with or without attendant burial artifacts.

(1) Halt Activities – All survey, excavation, and construction activities shall cease. The human remains shall not be disturbed any further.

(2) Notification – Local law enforcement officials, the Planning Director, the Gorge Commission, and the ~~Indian~~ tribal governments shall be contacted immediately. Do not contact any other entity other than those listed here.

(3) Inspection – The State Medical Examiner shall inspect the remains at the project site and determine if they are ~~prehistoric~~ precontact/historic or modern. Representatives from the ~~Indian~~ tribal governments shall have an opportunity to monitor the inspection.

(4) Jurisdiction – If the remains are modern, the appropriate law enforcement officials will assume jurisdiction and the cultural resource protection process may conclude.

(5) Treatment – ~~Prehistoric~~ Precontact/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.

(a) 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).

(b) 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.

(Ord. 1270, Amended, 03/14/2019; Ord. 1254, Amend 3/22/18; Ord. 1125, Amended, 12/11/2008; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 994, Amended, 09/26/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 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.

(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.

(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:

(1) Literature Review and Consultation

(a) An assessment of the presence of any cultural resources, listed on the National Register of Historic Places at the national, state or county level, on or within the area of potential direct and indirect impacts.

(b) A search of state and county government, National Scenic Area/U.S. Forest Service and any other pertinent inventories, such as archives and photographs, to identify cultural resources, including consultation with the State Historic Preservation Office (SHPO) and tribal governments.

(c) Consultation with cultural resource professionals knowledgeable about the area.

(d) If the U.S. Forest Service determines that there no recorded or known cultural resource, after consultation with the tribal governments on or within the immediate vicinity of a new development or land use, the cultural resource review shall be complete.

(e) If the U.S. Forest Service determines that there is the presence of a recorded or known cultural resources, including those reported in consultation with the tribal governments on or within the immediate vicinity of a new development or land use, a field inventory by a cultural resource professional shall be required.

(2) Field Inventory

(a) Tribal representatives shall be invited to participate in the field inventory.

(b) The field inventory shall consist of one or the other of the following standards, as determined by the cultural resource professional:

1. Complete survey: the systematic examination of the ground surface through a controlled procedure, such as walking an area in evenly-spaced transects. A complete survey may also require techniques such as clearing of vegetation, angering or shovel probing of subsurface soils for the presence of buried cultural resources.

2. Sample survey: the sampling of an area to assess the potential of cultural resources within the area of proposed development or use. This technique is generally used for large or difficult to survey parcels, and is generally accomplished by a stratified random or non-stratified random sampling strategy. A parcel is either stratified by variables such as vegetation, topography or elevation, or by non-environmental factors such as a survey grid.

Under this method, statistically valid samples are selected and surveyed to indicate the probability of presence, numbers and types of cultural resources throughout the sampling strata. Depending on the results of the sample, a complete survey may or may not subsequently be recommended.

(c) A field inventory report is required, and shall include the following:

1. A narrative integrating the literature review of subsection (1) above with the field inventory of subsection (2) (b) above.

2. A description of the field inventory methodology utilized under subsection (2) (b) above, describing the type and extent of field inventory, supplemented by maps which graphically illustrate the areas surveyed, not surveyed, and the rationale for each.

3. A statement of the presence or absence of cultural resources within the area of the new development or land in use.

4. When cultural resources are not located, a statement of the likelihood of buried or otherwise concealed cultural resources shall be included. Recommendations and standards for monitoring, if appropriate, shall be included.

(d) Report format shall follow that specified by the Oregon State Historic Preservation Office.

(e) The field inventory report shall be presented to the U.S. Forest Service for review.

(f) If the field inventory determines that there are no cultural resources within the area of the new development or land use, the cultural resource review shall be complete.

(3) Evaluations of Significance

(a) When cultural resources are found within the area of the new development or land use, an evaluation of significance shall be completed for each cultural resource relative to the criteria of the National Register of Historic Places (36 CFR 60.4).

(b) Evaluations of cultural resource significance shall be guided by previous and current research designs relevant to specific research questions for the area.

(c) Evaluations of the significance of traditional cultural properties should follow National Register Bulletin 38, *Guidelines for the Evaluation and Documentation of Traditional Cultural Properties*, within local and regional contexts.

(d) Recommendations for eligibility of individual cultural resources under National Register Criteria A through D (36 CFR 60.4) shall be completed for each identified resource. The U.S. Forest Service shall review evaluations for adequacy.

(e) Evidence of consultation with tribal governments and individuals with knowledge of the cultural resources in the project area, and documentation of their concerns, shall be included as part of the evaluation of significance.

(f) If the U.S. Forest Service determines that the inventoried cultural resources are not significant, the cultural resource review shall be complete.

(g) If the determines that the inventoried cultural resources are significant, an assessment of effect shall be ~~required .~~ required.

(4) Assessment of Effect

(a) For each significant (*i.e.*, National Register eligible) cultural resource inventoried within the area of the proposed development or change in use, assessments of effect shall be completed, using the criteria outlined in 36 CFR 800.5 *Assessing Effects*. Evidence of consultation with tribal governments and individuals with knowledge of the cultural resources of the project area shall be included for subsections (b) through (d) below. The U.S. Forest Service shall review each determination for adequacy and appropriate action.

(b) If the proposed development or change in use will have "No Adverse Effect" (36 CFR 800.4) to a significant cultural resource, documentation for that finding shall be completed, following the "Documentation Standards" of 36 CFR 800.11. If the proposed development or change in use will have an effect, then the Resolution of Adverse Effects must be applied (36 CFR 800.5).

(c) If the proposed development or change in use will have an "Adverse Effect" as defined by 36 CFR 800.5 to a cultural resource, the type and extent of "Adverse Effect" upon the qualities of the property that make it eligible to the National Register shall be documented 36 CFR 800.6 “Resolution of Adverse Effects.” This documentation shall follow the process outlined under 36 CFR 800.11 “Failure to Resolve Adverse Effects.”

(d) If the "effect" appears to be beneficial (*i.e.*, an enhancement to cultural resources), documentation shall be completed for the recommendation of that effect upon the qualities of the significant cultural resource that make it eligible to the National Register. This documentation shall follow the process outlined under 36 CFR 800.11 *Documentation Standards*.

(5) Mitigation

(a) If there will be an effect on cultural resources, measures shall be provided for mitigation of effects pursuant to 36 CFR 800.6 “Resolution of Adverse Effects.” These measures shall address factors such as avoidance of the property through project design or modification and subsequent protection, burial under fill, data recovery excavations, or other measures which are proposed to mitigate effects.

(b) Evidence of consultation with tribal governments and individuals with knowledge of the resources to be affected, and documentation of their concerns, shall be included for all mitigation proposals.

(c) The U.S. Forest Service shall review all mitigation proposals for adequacy.

(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 if possible ~~/or~~ recover the resource pursuant to MCC 38.7050 (G) (4) and (5)

(Ord. 1125, Amended, 12/11/2008; Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7053 GMA WATER RESOURCES REVIEW CRITERIA

WATER RESOURCES: WETLANDS, STREAMS, PONDS, LAKES, AND RIPARIAN AREAS

(A) SITE PLANS FOR USES IN WATER RESOURCES AND BUFFER ZONES

(1) In addition to the information required in all site plans, site plans for proposed uses in water resources, or their buffer zones, shall include: a site plan map prepared at a scale of 1 inch equals 100 feet (1:1,200), or a scale providing greater detail; the exact boundary of the water resource, ordinary high water mark, or normal pool elevation, and the buffer zone; and a description of actions that would affect the water resource.

(B) USES IN WATER RESOURCES AND BUFFER ZONES

(1) The following uses may be allowed in wetlands, subject to compliance with provisions for the protection of scenic, natural, cultural, and recreation resources and "Approval Criteria for Uses in Wetlands" subsection (C) below.

(a) The modification, expansion, replacement, or reconstruction of serviceable transportation or other public infrastructure (this does not include private road and driveways), if such actions would not;

1. Increase the size of an existing structure by more than 100 percent.

2. Result in a loss of water resource functions.

3. Result in a loss of water quality, natural drainage, and fish and wildlife habitat.

(b) The construction, modification, expansion, replacement, or reconstruction of minor water-related recreation structures that are available for public use. Structures in this category shall be limited to: boardwalks; observation decks; interpretative aids, such as kiosks and signs; and trails and paths, provided their surface is not constructed of impervious materials.

(c) The construction, modification, expansion, replacement, or reconstruction of minor water-dependent structures that are placed on pilings, if the pilings allow unobstructed flow of water and are not placed so close together that they effectively convert an aquatic area to dry land. Structures in this category shall be limited to public and private docks and boat houses, and fish and wildlife management structures that are constructed by federal, state, or tribal government resource agencies.

(2) The following uses may be allowed in water resources (except wetlands), and may be allowed in all water resource buffer zones (including wetlands buffer zones), subject to compliance with provisions for the protection of scenic, natural, cultural, and recreation resources and "Approval Criteria for Modifications to Serviceable Structures and Minor Water-Dependent and Water-Related Structures in Water Resources " in subsection (D) below.

(a) The modification, expansion, replacement, or reconstruction of serviceable structures, if such actions would not;

1. Increase the size of an existing structure by more than 100 percent.

2. Result in a loss of wetlands acreage or functions.

3. Result in a loss of water quality, natural drainage, and fish and wildlife habitat.

4. Intrude further into water resources or water resources buffer zone. New structures shall be considered intruding further into a water resource or associated buffer zone if any portion of the structure is located closer to the water resource or buffer zone than the existing structure.

(b) The construction, modification, expansion, replacement, or reconstruction of minor water-related recreation structures that are available for public use. Structures in this category shall be limited to: boardwalks; observation decks; interpretative aids, such as kiosks and signs; and trails and paths, provided their surface is not constructed of impervious materials.

(c) The construction, modification, expansion, replacement, or reconstruction of minor water-dependent structures that are placed on pilings, if the pilings allow unobstructed flow of water and are not placed so close together that they effectively convert an aquatic area to dry land. Structures in this category shall be limited to public and private docks and boat houses, and fish and wildlife management structures that are constructed by federal, state, or tribal government resource agencies.

(3) Uses that are not allowed outright or in subsections (B)(1) or (2) above, may be allowed in water resources (except wetlands) and in all water resources buffer zones (including wetland buffer zones), subject to compliance with provisions for the protection of scenic, natural, cultural, and recreation resources and "Approval Criteria for Other Uses in Water Resources" in subsection (E) below.

(C) APPROVAL CRITERIA FOR USES IN WETLANDS

(1) The uses identified in subsection (B)(1) under "Uses in Water Resources and Buffer Zones," above, may be allowed only if they meet all the following criteria:

(a) Practicable alternatives for locating the structure outside of the wetland do not exist.

(b) All reasonable measures have been applied to ensure that the use will result in the minimum loss of wetlands and in the minimum degradation of ecological functions, water quality, existing contour, vegetation, fish and wildlife resources, and hydrology.

(c) The use will be constructed using best management practices. Best management practices can include measures to prevent soil erosion, the introduction and spread of invasive plants and aquatic species, and other impacts to plants, wildlife, soil, and water. Boardwalks and observation decks shall be constructed using non-toxic materials to protect water quality.

(d) Areas disturbed during construction of the use will be rehabilitated to the maximum extent practicable.

(e) The use complies with the Approval Criteria for Other Uses in Water Resources below.

(f) Proposed uses in wetlands shall be evaluated for adverse effects, including cumulative effects, and adverse effects shall be prohibited.

(g) The use complies with all applicable federal, state, and local laws.

(D) APPROVAL CRITERIA FOR MODIFICATIONS TO SERVICEABLE STRUCTURES AND MINOR WATER-DEPENDENT AND WATER-RELATED STRUCTURES IN WATER RESOURCES

(1) The uses identified in subsection (B)(2) under "Uses in Water Resources and Buffer Zones," above, may be allowed only if they meet all of the following criteria:

(a) Practicable alternatives for locating the structure outside of the water resource or buffer zone do not exist.

(b) All reasonable measures have been applied to ensure that the structure will result in the minimum alteration or degradation of ecological functions, water quality, existing contour, vegetation, fish and wildlife resources, and hydrology.

(c) The structure will be constructed using best management practices. Best management practices can include measures to prevent soil erosion, the introduction and spread of invasive plants and aquatic species, and other impacts to plants, wildlife, soil, and water. Boardwalks and observation decks shall be constructed using non-toxic materials to protect water quality.

(d) Areas disturbed during construction of the structure will be rehabilitated to the maximum extent practicable.

(e) Proposed uses in water resources and their buffer zones shall be evaluated for adverse effects, including cumulative effects, and adverse effects shall be prohibited.

(f) The structure complies with all applicable federal, state, and local laws.

(E) APPROVAL CRITERIA FOR OTHER USES IN WATER RESOURCES

(1) The uses identified in subsection (B)(3) under "Uses in Water Resources and Buffer Zones," above, may be allowed only if they meet all of the following criteria:

(a) The proposed use is water-dependent or is not water-dependent but has no practicable alternative as determined by the practicable alternative test in this section.

(b) The proposed use is in the public interest as determined by the public interest test in this section.

(c) Measures will be applied to ensure that the proposed use results in the minimum feasible alteration of the resource. As a starting point, the following measures shall be considered when new development and uses are proposed in water resources or buffer zones:

1. Ecological functions, contour, and hydrology shall be maintained. Nonstructural controls and natural processes shall be used to the greatest extent possible.

2. Construction shall occur during periods when fish and wildlife are least sensitive to disturbance. Work in streams, ponds, and lakes shall be conducted during the periods specified in Oregon's published guidelines for in-water work, or as advised by the applicable Department of Fish and Wildlife.

3. All vegetation shall be retained to the greatest extent practicable, including wetland, aquatic, and riparian vegetation.

4. Bridges, roads, pipelines and utility corridors, and other water crossings shall be minimized and should serve multiple purposes and properties.

5. Stream channels shall not be placed in culverts unless absolutely necessary for property access. Bridges are preferred for water crossings to reduce disruption to streams, ponds, lakes, and their banks. When culverts are necessary, oversized culverts with open bottoms that maintain the channel's width and grade should be used. State agencies with permitting responsibility for culverts shall be consulted.

6. Temporary and permanent control measures shall be applied to minimize erosion and sedimentation when water resource areas are disturbed, such as slope netting, berms and ditches, tree protection, sediment barriers, infiltration systems, and culverts.

7. Measures shall be taken to prevent the introduction or spread of invasive plants or aquatic species.

(d) Groundwater and surface-water quality will not be degraded by the proposed use.

(e) Those portions of a proposed use that are not water-dependent or that have a practicable alternative will not be located in water resources or buffer zones.

(f) The proposed use complies with all applicable federal, state, and local laws.

(g) Areas that are disturbed during construction of the proposed use will be rehabilitated. When a project area cannot be completely restored or rehabilitated, such as when a boat launch permanently displaces aquatic and riparian areas, enhancement shall also be required.

(h) Proposed uses in water resources and their buffer zones shall be evaluated for adverse effects, including cumulative effects, and adverse effects shall be prohibited.

(i) Unavoidable impacts to water resources will be offset through the deliberate restoration, creation, or enhancement of impacted resources. Restoration, creation, and enhancement are not alternatives to the provisions listed above; they shall be used only as a last resort to offset unavoidable water resource impacts.

(j) Restoration, creation, and enhancement shall improve water quality, natural drainage, and fish and wildlife habitat of the affected wetland, stream, pond, lake, or buffer zone. When a project area has been disturbed in the past, it shall be rehabilitated to its natural condition to the maximum extent practicable. The following water resource provisions shall apply:

1. Impacts to wetlands shall be offset by restoring or creating new wetlands or by enhancing degraded wetlands. Wetlands restoration shall be the preferred approach when wetlands are impacted.

2. Water resources restoration and enhancement shall be conducted in accordance with a wetlands compensation plan or water resources mitigation plan. Voluntary enhancement project applications shall be encouraged.

3. Water resources shall be replanted with native plant species that replicate the original vegetation community.

4. Natural hydrologic conditions shall be replicated, including current patterns, circulation, velocity, volume, and normal water fluctuation.

5. Natural stream channel and shoreline dimensions shall be replicated, including depth, width, length, cross-sectional profile, and gradient. Riparian areas shall be rehabilitated to their original configuration, including slope and contour.

6. The bed of the affected aquatic area shall be rehabilitated with materials appropriate for the channel and hydrologic features.

7. Fish and wildlife habitat features shall be replicated, including pool-riffle ratios, substrata, and structural habitat features including large woody debris and boulders.

8. Rehabilitation and enhancement efforts shall be completed no later than 90 days after the water resource or buffer zone has been altered, or as soon thereafter as is practicable.

9. The size of replacement 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

10. Replacement wetlands shall replicate the functions of the wetlands that will be altered such that improvement of wetlands functions occurs.

11. Replacement wetlands should replicate the type of wetland that will be altered. If this standard is not feasible or practical because of technical constraints, a wetland type of equal or greater benefit may be substituted, provided that improvement of wetlands functions occurs.

12. Wetlands restoration, creation, or enhancement should occur within 1,000 feet of the affected wetland. If this is not practicable because of physical, or technical constraints, replacement shall occur within the same watershed and as close to the altered wetland as practicable.

13. Restoration, creation, and enhancement efforts should be completed before a water resource is altered. If it is not practicable to complete all restoration, creation, and enhancement efforts before the water resource is altered, these efforts shall be completed before the new use is occupied or used.

14. Five years after a wetland is restored, created, or enhanced, or three years after a stream, pond, lake, or riparian area is restored, at least 75 percent of the replacement vegetation shall survive. The project applicant shall monitor the hydrology and vegetation of the replacement water resource, provide reports, and shall take corrective measures to ensure that it conforms to the approved wetlands compensation plan or water resources mitigation plan and this provision.

(F) RULES FOR DELINEATING WETLANDS BOUNDARIES

(1) The approximate location and extent of wetlands in the National Scenic Area is shown on the National Wetlands Inventory (U.S. Department of the Interior), as well as local wetlands inventories produced by state or local governments. In addition, the list of hydric soils and the soil survey maps shall be used as an indicator of wetlands. Some wetlands may not be shown on the wetlands inventory or soil survey maps. Wetlands that are discovered during an inspection of a potential project site shall be delineated and protected.

(2) The project applicant shall be responsible for using the procedures specified in the Corps of Engineers Wetlands Delineation Manual (Wetlands Research Program Technical Report Y-87-1, on-line edition) and applicable Regional Supplements as may be revised from time to time. All wetlands delineations shall be conducted by a professional who has been trained to use the federal delineation procedures.

(3) The Planning Director may verify the accuracy of, and render adjustments to, a wetlands boundary delineation. If the adjusted boundary delineation is contested by the project applicant, the Planning Director shall obtain professional services to render a final delineation, at the applicant's expense.

(G) WATER RESOURCES BUFFER ZONES

(1) All water resources shall, in part, be protected by establishing undisturbed buffer zones as specified below.

(2) Buffer zones shall be measured outward from the bank full flow boundary for streams, the high water mark for ponds and lakes, and the normal pool elevation for the Columbia River, and the wetland delineation boundary for wetlands on a horizontal scale that is perpendicular to the water resource boundary. On the main stem of the Columbia River above the Bonneville Dam, buffer zones shall be measured landward from the normal pool elevation of the Columbia River. The following buffer widths shall be required:

(a) The width of wetlands, lakes, and ponds buffer zones shall be based on the dominant vegetation community that exists in a buffer zone. The following buffer zone widths shall be required:

Forest communities:	75 feet
Shrub communities:	100 feet
Herbaceous communities:	150 feet

1. The dominant vegetation community in a buffer zone is the vegetation community that covers the most surface area of that portion of the buffer zone that lies between the proposed activity and the affected wetland. Vegetation communities are classified as forest, shrub, or herbaceous.

2. A forest vegetation community is characterized by trees with an average height equal to or greater than 20 feet, accompanied by a shrub layer; trees must form a canopy cover of at least 40 percent and shrubs must form a canopy cover of at least 40 percent. A forest community without a shrub component that forms a canopy cover of at least 40 percent shall be considered a shrub vegetation community for purposes of the Management Plan.

3. A shrub vegetation community is characterized by shrubs and trees that are greater than 3 feet tall and form a canopy cover of at least 40 percent.

4. An herbaceous vegetation community is characterized by the presence of herbs, including grass and grasslike plants, forbs, ferns, and non-woody vines.

(b) The following streams, identified by the Environmental Protection Agency in 2019 as priority cold water refuge fish habitat streams: Sandy River, Wind River, Little White Salmon, White Salmon, Hood River, Klickitat River, and Deschutes River: 200 feet.

(c) Streams used by anadromous or resident fish (tributary fish habitat), special streams, intermittent streams that include year-round pools, and perennial streams: 100 feet.

(d) Intermittent streams provided they are not used by anadromous or resident fish: 50 feet.

(3) Except as otherwise allowed, water resources buffer zones shall be retained in their natural condition. When a buffer zone is disturbed by a new use, it shall be replanted with native plant species.

(4) The project applicant shall be responsible for determining the exact location of the ordinary high watermark or normal pool elevation. The Planning Director may verify the accuracy of, and render adjustments to, an ordinary high watermark or normal pool delineation. If the adjusted boundary delineation is contested by the project applicant, the Planning Director shall obtain professional services to render a final delineation, at the project applicant's expense.

(H) PUBLIC INTEREST TEST

(1) The following factors shall be considered when determining if a proposed use is in the public interest:

(2) The extent of public need for the proposed use. For uses in wetlands, public need is limited to uses necessary to alleviate a current public safety issue supported by evidence establishing the safety issue.

(3) The extent and permanence of beneficial or detrimental effects that the proposed use may have on the public and private uses for which the property is suited.

(4) The functions and size of the water resource that may be affected.

(5) The economic value of the proposed use to the general area.

(6) The ecological value of the water resource and probable effect on public health and safety, fish, plants, and wildlife.

(I) WETLANDS COMPENSATION PLANS

(1) Wetlands compensation plans shall be prepared when a project applicant is required to restore, create, or enhance wetlands. A written plan addressing the provisions in this section is also required for voluntary enhancement projects. All wetlands compensation plans must be approved by Multnomah County, after consultation with federal and state agencies with jurisdiction over wetlands. They shall satisfy the following provisions and any others required by federal and state agencies:

(a) Wetlands compensation plans shall be prepared by a qualified professional hired by the project applicant. They shall provide for land acquisition, construction, maintenance, and monitoring of replacement wetlands.

(b) Wetlands compensation plans shall include an ecological assessment of the wetland that will be altered and the wetland that will be restored, created, or enhanced. The assessment shall include information on flora, fauna, hydrology, and wetlands functions.

(c) Compensation plans shall also assess the suitability of the proposed site for establishing a replacement wetland, including a description of the water source and drainage patterns, topography, wildlife habitat opportunities, and value of the existing area to be converted.

(d) Compensation plans shall provide plan view and cross-sectional, scaled drawings; topographic survey data, including elevations at contour intervals no greater than 1 foot, slope percentages, and final grade elevations; and other technical information in sufficient detail to explain and illustrate:

1. Soil and substrata conditions, grading, and erosion and sediment control needed for wetland construction and long-term survival.

2. Planting plans that specify native plant species, quantities, size, spacing, or density; source of plant materials or seeds; timing, season, water, and nutrient requirements for planting; and where appropriate, measures to protect plants from predation.

3. Water quality parameters, water source, water depths, water control structures, and water level maintenance practices needed to achieve the necessary hydrologic conditions.

(e) A 5-year monitoring, maintenance, and replacement program shall be included in all plans. At a minimum, a project applicant shall provide an annual report that documents milestones, successes, problems, and contingency actions. Photographic monitoring stations shall be established and photographs shall be used to monitor the replacement wetland.

(f) A project applicant shall demonstrate sufficient fiscal, technical, and administrative competence to successfully execute a wetlands compensation plan.

(J) WATER RESOURCES MITIGATION PLANS

(1) Mitigation plans shall be prepared when a project applicant is required to rehabilitate or enhance a stream, pond, lake, or buffer zone. A written plan addressing the provisions in this section is also required for voluntary enhancement projects. Plans shall satisfy the following provisions and any others required by federal and state agencies:

(a) Mitigation plans are the responsibility of the project applicant; they shall be prepared by qualified professionals.

(b) All plans shall include an assessment of the physical characteristics and natural functions of the affected stream, pond, lake, or buffer zone. The assessment shall include hydrology, flora, and fauna.

(c) Plans shall include plan view and cross-sectional, scaled drawings; topographic survey data, including elevations at contour intervals of at least 2 feet, slope percentages, and final grade elevations; and other technical information in sufficient detail to explain and illustrate:

1. Soil and substrata conditions, grading and excavation, and erosion and sediment control needed to successfully rehabilitate and enhance the stream, pond, lake, and buffer zone.

2. Planting plans that specify native plant species, quantities, size, spacing, or density; source of plant materials or seeds; timing, season, water, and nutrient requirements for planting; and where appropriate, measures to protect plants from predation.

3. Water quality parameters, construction techniques, management measures, and design specifications needed to maintain hydrologic conditions and water quality.

(d) A minimum 3-year monitoring, maintenance, and replacement program shall be included in all mitigation plans. At a minimum, a project applicant shall prepare an annual report that documents milestones, successes, problems, and contingency actions. Three years after an aquatic area or buffer zone is rehabilitated or enhanced, at least 75 percent of the replacement vegetation shall survive. The project applicant shall monitor the replacement vegetation and take corrective measures to meet this provision. Photographic monitoring shall be used to monitor all rehabilitation and enhancement efforts.

(e) A project applicant shall demonstrate sufficient fiscal, administrative, and technical competence to successfully execute and monitor a mitigation plan.

~~**§ 38.7055 GMA WETLAND REVIEW CRITERIA**~~

~~(A) The wetland review criteria shall be deemed satisfied if:~~

~~(1) The project site is not identified as a wetland on the *National Wetlands Inventory* (U.S. Fish and Wildlife Service, 1987);~~

~~(2) The soils of the project site are not identified by the *Soil Survey of Multnomah County, Oregon* (U.S.D.A. Soil Conservation Service, 1983) as hydric soils;~~

~~(3) The project site is adjacent to the main stem of the Columbia River.~~

~~(4) The project site is not within a wetland buffer zone; and~~

(5) Wetlands are not identified on the project site during site review.

(B) If the project site is within a recognized wetland or wetland buffer zone, the applicant shall be responsible for determining the exact location of the wetland boundary. Wetlands boundaries shall be delineated using the procedures specified in the *Corps of Engineers Wetland Delineation Manual* (Wetland Research Program Technical Report Y-87-1, on-line edition, updated through March 21, 1997.

All wetlands delineations shall be conducted by a professional, such as a soil scientist, botanist, or wetlands ecologist, who has been trained to use the federal delineation procedures.

The Planning Director may verify the accuracy of, and may render adjustments to, a wetlands boundary delineation. In the event the adjusted boundary delineation is contested by the applicant, the Planning Director shall, at the applicant's expense, obtain professional services to render a final delineation.

(C) The following uses may be allowed in wetlands and wetland buffer zones when approved pursuant to the provisions of MCC 38.0045, MCC 38.7055 (E), and reviewed under the applicable provisions of MCC 38.7035 through 38.7085:

(1) The modification, expansion, replacement, or reconstruction of serviceable structures, if such actions would not:

(a) Increase the size of an existing structure by more than 100 percent,

(b) Result in a loss of wetlands acreage or functions, and

(c) Intrude further into a wetland or wetlands buffer zone.

New structures shall be considered intruding further into a wetland or wetlands buffer zone if any portion of the structure is located closer to the wetland or wetlands buffer zone than the existing structure.

(2) The construction of minor water-related recreation structures that are available for public use. Structures in this category shall be limited to boardwalks; trails and paths, provided their surface is not constructed of impervious materials; observation decks; and interpretative aids, such as kiosks and signs.

(3) The construction of minor water-dependent structures that are placed on pilings, if the pilings allow unobstructed flow of water and are not placed so close together that they effectively convert an aquatic area to dry land. Structures in this category shall be limited to public and private docks and boat houses, and fish and wildlife management structures that are constructed by federal, state, or tribal resource agencies.

(D) Uses not listed in MCC 38.7055 (A) and (C) may be allowed in wetlands and wetlands buffer zones, when approved pursuant to MCC 38.7055 (F) and reviewed under the applicable provisions of MCC 38.7035 through 38.7085.

(E) Applications for modifications to serviceable structures and minor water-dependent and water-related structures in wetlands shall demonstrate that:

(1) Practicable alternatives to locating the structure outside of the wetland or wetland buffer zone and/or minimizing the impacts of the structure do not exist;

(2) All reasonable measures have been applied to ensure that the structure will result in the minimum feasible alteration or destruction of a wetlands function, existing contour, vegetation, fish and wildlife resources, and hydrology;

(3) The structure will be constructed using best management practices;

(4) Areas disturbed during construction of the structure will be rehabilitated to the maximum extent practicable; and

(5) The structure complies with all applicable federal, state, and county laws.

(F) Applications for all other Review and Conditional Uses in wetlands shall be processed pursuant to the provisions of MCC 38.0045 and shall demonstrate that:

(1) The proposed use is water-dependent, or is not water-dependent but has no practicable alternative considering all of the following:

(a) 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;

(b) The basic purpose of the use cannot be reasonably accomplished by reducing its size, scope, configuration, or density as proposed, or by changing the design of the use in a way that would avoid or result in less adverse effects on wetlands; and

(c) Reasonable attempts have been made to remove or accommodate constraints that caused a project applicant to reject alternatives to the use as proposed. 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 revision pursuant to MCC 38.0100 to demonstrate that practicable alternatives do not exist.

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.

(2) The proposed use is in the public interest as determined by:

(a) The extent of public need for the proposed use.

(b) The extent and permanence of beneficial or detrimental effects that the proposed use may have on the public and private uses for which the property is suited.

(c) The functions and size of the wetland that may be affected.

(d) The economic value of the proposed use to the general area.

(e) The ecological value of the wetland and probable effect on public health and safety, fish, plants, and wildlife.

~~(3) Measures will be applied to ensure the minimum feasible alteration or destruction of the wetland's functions, existing contour, vegetation, fish and wildlife resources, and hydrology.~~

~~(4) Groundwater and surface water quality will not be degraded by the proposed use.~~

~~(5) Those portions of a proposed use that are not water dependent or have a practicable alternative will not be located in wetlands or wetlands buffer zones.~~

~~(6) The proposed use complies with all applicable federal, state, and county laws.~~

~~(7) Areas that are disturbed during construction will be rehabilitated to the maximum extent practicable.~~

~~(8) Unavoidable impacts to wetlands will be offset through restoration, creation, or enhancement of wetlands.~~

~~The following wetlands restoration, creation, and enhancement standards shall apply:~~

~~(a) Impacts to wetlands shall be offset by restoring or creating new wetlands or by enhancing degraded wetlands. Wetlands restoration shall be the preferred alternative.~~

~~(b) Wetlands restoration, creation, and enhancement projects shall be conducted in accordance with a wetlands compensation plan.~~

~~(c) Wetlands restoration, creation, and enhancement projects shall use native vegetation.~~

~~(d) The size of replacement wetlands shall equal or exceed the following ratios.(the first number specifies the acreage of wetlands requiring replacement and the second number specifies the acreage of wetlands altered or destroyed):~~

~~1. Restoration: 2:1~~

~~2. Creation: 3:1~~

~~3. Enhancement: 4:1~~

~~(e) Replacement wetlands shall replicate the functions of the wetland that will be altered or destroyed such that no net loss of wetlands functions occurs.~~

~~(f) Replacement wetlands should replicate the type of wetland that will be altered or destroyed. If this standard is not feasible or practical due to technical constraints, a wetland type of equal or greater benefit may be substituted, pro vided that no net loss of wetlands functions occurs.~~

~~(g) Wetlands restoration, creation, or enhancement should occur within 1,000 feet of the affected wetland. If this is not practicable due to physical or technical constraints, replacement shall occur within the same watershed and as close to the altered or destroyed wetland as practicable.~~

~~(h) Wetlands restoration, creation, and enhancement efforts should be completed before a wetland is altered or destroyed. If it is not practicable to complete all restoration, creation,~~

and enhancement efforts before the wetland is altered or destroyed, these efforts shall be completed before the new use is occupied or used.

(i) Five years after a wetland is restored, created, or enhanced at least 75 percent of the replacement vegetation must survive. The owner shall monitor the hydrology and vegetation of the replacement wetland and shall take corrective measures to ensure that it conforms with the approved wetlands compensation plan.

(9) Proposed uses in wetlands and wetland buffer zones shall be evaluated for adverse effects, including cumulative effects. Adverse effects shall be prohibited.

(G) Wetlands Buffer Zones

(1) The width of wetlands buffer zones shall be based on the dominant vegetation community that exists in a buffer zone.

(2) The dominant vegetation community in a buffer zone is the vegetation community that covers the most surface area of that portion of the buffer zone that lies between the proposed activity and the affected wetland. Vegetation communities are classified as forest, shrub, or herbaceous.

(a) A forest vegetation community is characterized by trees with an average height equal to or greater than 20 feet, accompanied by a shrub layer; trees must form a canopy cover of at least 40 percent and shrubs must form a canopy cover of at least 40 percent. A forest community without a shrub component that forms a canopy cover of at least 40 percent shall be considered a shrub vegetation community.

(b) A shrub vegetation community is characterized by shrubs and trees that are greater than 3 feet tall and form a canopy cover of at least 40 percent.

(c) A herbaceous vegetation community is characterized by the presence of herbs, including grass and grasslike plants, forbs, ferns, and non-woody vines.

(3) Buffer zones shall be measured outward from a wetlands boundary on a horizontal scale that is perpendicular to the wetlands boundary. The following buffer zone widths shall be required:

(a) Forest communities: 75 feet

(b) Shrub communities: 100 feet

(c) Herbaceous communities: 150 feet

(4) Except as otherwise allowed, wetlands buffer zones shall be retained in their natural condition. When a buffer zone is disturbed by a new use, it shall be replanted with native plant species.

(5) Proposed uses in wetlands and wetland buffer zones shall be evaluated for adverse effects, including cumulative effects. Adverse effects shall be prohibited.

(H) Wetlands Compensation Plans

Wetlands compensation plans shall be prepared when a project applicant is required to restore, create or enhance wetlands and shall satisfy the following:

(1) Wetlands compensation plans shall be prepared by a qualified professional hired by a project applicant. They shall provide for land acquisition, construction, maintenance, and monitoring of replacement wetlands.

(2) Wetlands compensation plans shall include an ecological assessment of the wetland that will be altered or destroyed and the wetland that will be restored, created, or enhanced. The assessment shall include information on flora, fauna, hydrology, and wetlands functions.

(3) Compensation plans shall also assess the suitability of the proposed site for establishing a replacement wetland, including a description of the water source and drainage patterns, topography, wildlife habitat opportunities, and value of the existing area to be converted.

(4) Plan view and cross-sectional, scaled drawings; topographic survey data, including elevations at contour intervals no greater than 1 foot, slope percentages, and final grade elevations; and other technical information shall be provided in sufficient detail to explain and illustrate:

(a) Soil and substrata conditions, grading, and erosion and sediment control needed for wetland construction and long-term survival.

(b) Planting plans that specify native plant species, quantities, size, spacing, or density; source of plant materials or seeds; timing, season, water, and nutrient requirements for planting; and where appropriate, measures to protect plants from predation.

(c) Water quality parameters, water source, water depths, water control structures, and water level maintenance practices needed to achieve the necessary hydrologic conditions.

(5) A 5-year monitoring, maintenance, and replacement program shall be included in all plans. At a minimum, a project applicant shall provide an annual report that documents milestones, successes, problems, and contingency actions. Photographic monitoring stations shall be established and photographs shall be used to monitor the replacement wetland.

(6) A statement indicating sufficient fiscal, technical, and administrative competence to successfully execute the plan.

(Ord. 1254, Amended, 03/22/2018; Ord. 1125, Amended, 12/11/2008; Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 994, Amended, 09/26/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7060 GMA STREAM, LAKE AND RIPARIAN AREA REVIEW CRITERIA

(A) The following uses may be allowed in streams, ponds, lakes and riparian areas, and their buffer zones, when approved pursuant to the provisions of MCC 38.0045, MCC 38.7060 (C), and reviewed under the applicable provisions of MCC 38.7035 through 38.7085:

(1) The modification, expansion, replacement, or reconstruction of serviceable structures, provided that such actions would not:

(a) Increase the size of an existing structure by more than 100 percent,

(b) Result in a loss of water quality, natural drainage, and fish and wildlife habitat, or

(c) Intrude further into a stream, pond, lake, or buffer zone. New structures shall be considered intruding further into a stream, pond, lake, or buffer zone if any portion of the structure is located closer to the stream, pond, lake, or buffer zone than the existing structure.

(2) The construction of minor water-related recreation structures that are available for public use. Structures in this category shall be limited to boardwalks; trails and paths, provided their surface is not constructed of impervious materials; observation decks; and interpretative aids, such as kiosks and signs.

(3) The construction of minor water-dependent structures that are placed on pilings, if the pilings allow unobstructed flow of water and are not placed so close together that they effectively convert an aquatic area to dry land. Structures in this category shall be limited to public and private docks and boat houses, and fish and wildlife management structures that are constructed by federal, state, or tribal resource agencies.

(B) Uses not listed in MCC 38.7060 (A) may be allowed in streams, ponds, lakes, and riparian areas, when approved pursuant to MCC 38.7060 (D) and reviewed under the applicable provisions of MCC 38.7035 through 38.7085.

(C) Applications for modifications to serviceable structures and minor water-dependent and water-related structures in aquatic and riparian areas shall demonstrate that:

(1) Practicable alternatives to locating the structure outside of the stream, pond, lake, or buffer zone and/or minimizing the impacts of the structure do not exist;

(2) All reasonable measures have been applied to ensure that the structure will result in the minimum feasible alteration or destruction of water quality, natural drainage, and fish and wildlife habitat of streams, ponds, lakes, and riparian areas;

(3) The structure will be constructed using best management practices;

(4) Areas disturbed during construction of the structure will be rehabilitated to the maximum extent practicable; and

(5) The structure complies with all applicable federal, state, and local laws.

(D) Applications for all other Review and Conditional Uses in wetlands shall be processed pursuant to the provisions of MCC 38.0045 and shall demonstrate that:

(1) The proposed use is water-dependent, or is not water-dependent but has no practicable alternative as determined by MCC 38.7055 (F) (1), substituting the term stream, pond, lake, or riparian area as appropriate.

(2) The proposed use is in the public interest as determined by MCC 38.7055 (F) (2), substituting the term stream, pond, lake, or riparian area as appropriate.

(3) Measures have been applied to ensure that the proposed use results in minimum feasible impacts to water quality, natural drainage, and fish and wildlife habitat of the affected stream, pond, lake, and/or buffer zone.

As a minimum, the following mitigation measures shall be considered when new uses are proposed in streams, ponds, lakes, and buffer zones:

(a) Construction shall occur during periods when fish and wildlife are least sensitive to disturbance. Work in streams, ponds, and lakes shall be conducted during the periods specified in *Oregon Guidelines for Timing of In-Water Work to Protect Fish and Wildlife Resources* (Oregon Department of Fish and Wildlife, 2000) unless otherwise coordinated with and approved by the Oregon Department of Fish and Wildlife.

(b) All natural vegetation shall be retained to the greatest extent practicable, including aquatic and riparian vegetation.

(c) Nonstructural controls and natural processes shall be used to the greatest extent practicable.

(d) Bridges, roads, pipeline and utility corridors, and other water crossings shall be minimized and should serve multiple purposes and properties.

(e) Stream channels should not be placed in culverts unless absolutely necessary for property access. Bridges are preferred for water crossings to reduce disruption to streams, ponds, lakes, and their banks. When culverts are necessary, oversized culverts with open bottoms that maintain the channel's width and grade should be used.

(f) Temporary and permanent control measures should 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.

(4) Groundwater and surface-water quality will not be degraded by the proposed use.

(5) Those portions of a proposed use that are not water-dependent or have a practicable alternative will be located outside of stream, pond, and lake buffer zones.

(6) The use complies with all applicable federal, state, and county laws.

(7) Unavoidable impacts to aquatic and riparian areas will be offset through rehabilitation and enhancement.

Rehabilitation and enhancement shall achieve no net loss of water quality, natural drainage, and fish and wildlife habitat of the affected stream, pond, lake, and/or buffer zone. When a project area has been disturbed in the past, it shall be rehabilitated to its natural condition to the maximum extent practicable.

When a project area cannot be completely rehabilitated, such as when a boat launch permanently displaces aquatic and riparian areas, enhancement shall also be required.

The following rehabilitation and enhancement standards shall apply:

(a) Rehabilitation and enhancement projects shall be conducted in accordance with a rehabilitation and enhancement plan.

(b) Natural hydrologic conditions shall be replicated, including current patterns, circulation, velocity, volume, and normal water fluctuation.

(c) Natural stream channel and shoreline dimensions shall be replicated, including depth, width, length, cross-sectional profile, and gradient.

(d) The bed of the affected aquatic area shall be rehabilitated with identical or similar materials.

(e) Riparian areas shall be rehabilitated to their original configuration, including slope and contour.

(f) Fish and wildlife habitat features shall be replicated, including pool-riffle ratios, substrata, and structures. Structures include large woody debris and boulders.

(g) Stream channels and banks, shorelines, and riparian areas shall be replanted with native plant species that replicate the original vegetation community.

(h) Rehabilitation and enhancement efforts shall be completed no later 90 days after the aquatic area or buffer zone has been altered or destroyed, or as soon thereafter as is practicable.

(i) Three years after an aquatic area or buffer zone is rehabilitated or enhanced, at least 75 percent of the replacement vegetation must survive. The owner shall monitor the replacement vegetation and take corrective measures to satisfy this standard.

(8) Proposed uses in streams, ponds, lakes, and riparian areas and their buffer zones shall be evaluated for adverse effects, including cumulative effects, and adverse effects shall be prohibited.

(E) Stream, Pond, and Lake Buffer Zones

(1) Buffer zones shall generally be measured landward from the ordinary high water mark on a horizontal scale that is perpendicular to the ordinary high water mark. 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) Streams used by anadromous or resident fish (tributary fish habitat), special streams, intermittent streams that include year-round pools, and perennial streams: 100 feet.

(b) Intermittent streams, provided they are not used by anadromous or resident fish: 50 feet.

(c) Ponds and lakes: Buffer zone widths shall be based on dominant vegetative community and shall comply with MCC 38.7055 (G) (3), substituting the term pond or lake as appropriate.

(2) Except as otherwise allowed, buffer zones shall be retained in their natural condition. When a buffer zone is disturbed by a new use, it shall be replanted with native plant species.

(3) Determining the exact location of the ordinary high watermark or normal pool elevation shall be the responsibility of the project applicant. The Planning Director may verify the accuracy of, and may render adjustments to, an ordinary high water-mark or normal pool delineation. In the event the adjusted boundary delineation is contested by the applicant, the Planning Director shall, at the project applicant's expense, obtain professional services to render a final delineation.

(4) Proposed uses in streams, ponds, lakes, and riparian areas and their buffer zones shall be evaluated for adverse effects, including cumulative effects, and adverse effects shall be prohibited.

(F) Rehabilitation and Enhancement Plans

Rehabilitation and enhancement plans shall be prepared when a project applicant is required to rehabilitate or enhance a stream, pond, lake and/or buffer area and shall satisfy the following:

(1) Rehabilitation and enhancement plans are the responsibility of the project applicant; they shall be prepared by qualified professionals, such as fish or wildlife biologists.

(2) All plans shall include an assessment of the physical characteristics and natural functions of the affected stream, pond, lake, and/or buffer zone. The assessment shall include hydrology, flora, and fauna.

(3) Plan view and cross sectional, scaled drawings; topographic survey data, including elevations at contour intervals of at least 2 feet, slope percentages, and final grade elevations; and other technical information shall be provided in sufficient detail to explain and illustrate:

(a) Soil and substrata conditions, grading and excavation, and erosion and sediment control needed to successfully rehabilitate and enhance the stream, pond, lake, and buffer zone.

(b) Planting plans that specify native plant species, quantities, size, spacing, or density; source of plant materials or seeds; timing, season, water, and nutrient requirements for planting; and where appropriate, measures to protect plants from predation.

(c) Water quality parameters, construction techniques, management measures, and design specifications needed to maintain hydrologic conditions and water quality.

(4) A 3-year monitoring, maintenance, and replacement program shall be included in all rehabilitation and enhancement plans. At a minimum, a project applicant shall prepare an annual report that documents milestones, successes, problems, and contingency actions. Photographic monitoring shall be used to monitor all rehabilitation and enhancement efforts.

(5) A statement indicating sufficient fiscal, administrative, and technical competence to successfully execute and monitor a rehabilitation and enhancement plan.

(Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7065 GMA WILDLIFE REVIEW CRITERIA

Wildlife Habitat Site Review shall be required for any project within 1,000 feet of Priority Habitat and sensitive wildlife areas and sensitive wildlife sites (i.e., sites used by sensitive wildlife species). If Multnomah County discovers a new protected wildlife location during the review process, the County shall submit this information to the appropriate state agency to be updated in their species databases.

	PRIORITY HABITATS TABLE
Priority Habitats	**Criteria**
Aspen stands	High fish and wildlife species diversity, limited availability, high vulnerability to habitat alteration.
Caves	Significant wildlife breeding habitat, limited availability, dependent species.
Old-growth forest	High fish and wildlife density, species diversity, breeding habitat, seasonal ranges, and limited and declining availability, high vulnerability.
Oregon white oak woodlands	Comparatively high fish and wildlife density, species diversity, declining availability, high vulnerability
Prairies and steppe	Comparatively high fish and wildlife density, species diversity, important breeding habitat, declining and limited availability, high vulnerability.
Riparian	High fish and wildlife density, species diversity, breeding habitat, movement corridor, high vulnerability, dependent species.
Wetlands	High species density, high species diversity, important breeding habitat and seasonal ranges, limited availability, high vulnerability.

(S-2 2009)

Snags and logs	High fish and wildlife density, species diversity, limited availability, high vulnerability, dependent species.
Talus	Limited availability, unique and dependent species, high vulnerability.
Cliffs	Significant breeding habitat, limited availability, dependent species.
Dunes	Unique species habitat, limited availability, high vulnerability, dependent species.
Winter Range	Provides important wintering habitat for deer and elk.

Sensitive Wildlife Areas in the Columbia Gorge
Bald eagle habitat
Deer and elk winter range
Elk habitat
Mountain goat habitat
Peregrine falcon habitat
Pika colony area
Pileated woodpecker habitat
Pine marten habitat
Shallow water fish habitat (Columbia R.)
Special streams
Special habitat area
Spotted owl habitat
Sturgeon spawning area

(S-2 2018)

Tributary fish habitat
~~Turkey habitat~~
Waterfowl area
Western pond turtle habitat

Commented [AB33]: Removed as this category was determined by Gorge Commission staff to be redundant. Turkey habitat is already captured within protected areas identified as deer and elk winter range and oak habitat.

Oregon Endangered, Threatened and Sensitive Species in the Columbia Gorge (1991)

Common Name	**Scientific Name**

Endangered:

Peregrine falcon	*Falco peregrinus**

Threatened:

Bald Eagle	*Haliaeetus leucocephalus***
Northern spotted owl	*Strix occidentalis***
Wolverine	*Gulo gulo*

Sensitive:

Acorn woodpecker	*Melanerpes formicivorus*
Bank swallow	*Riparia riparia*
Barrow's goldeneye	*Bucephala islandica*
Black-backed woodpecker	*Picoides arcticus*
Bufflehead	*Bucephala albeola*
Bull trout	*Salvelinus confluentus+*
California mountain kingsnake	*Lampropeltis zonata*

(S-2 2009)

Cascade frog	*Rana cascadae*
Chinook salmon	*Oncorhynchus tshawytscha*
Chum salmon	*Oncorhynchus keta*
Clouded salamander	*Aneides ferreus*
Coastal cutthroat trout	*Oncorhynchus clarki*
Coho salmon	*Oncorhynchus kisutch*
Common kingsnake	*Lampropeltis getulus*
Cope's giant salamander	*Dicamptodon copei*
Dusky Canada goose	*Branta canadensis occidentalis*
Flammulated owl	*Otus flammeolus*
Fisher	*Martes pennanti*
Foothill yellow-legged frog	*Rana boylii*
Fringed myotis	*Myotis thysanodes*
Grasshopper sparrow	*Ammodramus savannarum*
Great gray owl	*Strix nebulosa*
Greater sandhill crane	*Grus canadensis tabida*
Harlequin duck	*Histrionicas histrionicas*
Larch mountain salamander	*Plethodon larselli+*
Lewis' woodpecker	*Melanerpes lewis*
Marten	*Martes americana*
Northern goshawk	*Accipiter gentilis*
Northern leopard frog	*Rana pipiens*
Northern pygmy-owl	*Glaucidium gnoma*

(S-2 2018)

Olympic salamander	*Phyacotriton olympicus*
Oregon slender salamander	*Batrachoseps wrighti*
Painted turtle	*Chrysemys picta*
Pileated woodpecker	*Dryocopus pileatus*
Purple martin	*Progne subis*
Pygmy nuthatch	*Sitta pygmaea*
Red-legged frog	*Rana aurora*
Sharptail snake	*Contia tenuis*
Spotted frog	*Rana pretiosa*
Tailed frog	*Ascaphus truei*
Three-toed woodpecker	*Picoides tridactylus*
Townsend's big-eared bat	*Plecotus townsendii+*
Tricolored blackbird	*Agelaius tricolor+*
Western bluebird	*Sialia mexicana*
Western pond turtle	*Clemmys marmorata+*
White-headed woodpecker	*Picoides albolarvatus*
White-tailed jackrabbit	*Lepus townsendii*
Williamson's sapsucker	*Sphyrapicus thyroideus*

* Endangered species under U.S. Endangered Species Act

** Threatened species under U.S. Endangered Species Act

+ Candidate species for U.S. Endangered Species Act.

(A) Field Survey

(S-2 2009)

A field survey to identify Priority Habitat or sensitive wildlife ~~areas or~~ sites shall be required for:

(1) Land divisions that create four or more parcels;

(2) Recreation facilities that contain parking areas for more than 10 cars, overnight camping facilities, boat ramps, and visitor information and environmental education facilities;

(3) Public transportation facilities that are outside improved rights-of-way;

(4) Electric facilities, lines, equipment, and appurtenances that are 33 kilovolts or greater; and

(5) Communications, water and sewer, and natural gas transmission (as opposed to distribution) lines, pipes, equipment, and appurtenances and other project related activities, except when all of their impacts will occur inside previously disturbed road, railroad, or utility corridors, or existing developed utility sites, that are maintained annually.

Field surveys shall cover all areas affected by the proposed use or recreation ~~facility~~ development. They shall be conducted by a professional wildlife biologist hired by the project applicant. All Priority Habitat or sensitive wildlife ~~areas and~~ sites discovered in a project area shall be described and shown on the site plan map.

(B) Uses may be allowed within 1,000 feet of a Priority Habitat and sensitive wildlife ~~area or~~ site, when approved pursuant to MCC 38.7065 (C) and reviewed under the applicable provisions of MCC 38.7035 through 38.7085. The approximate locations of sensitive wildlife ~~areas and~~ sites are shown on maps ~~provided to the County by the Gorge Commission~~ maintained by the Gorge Commission, Forest Service, and state wildlife agencies. State wildlife biologists will help determine if a new use would adversely affect a Priority Habitat or sensitive wildlife ~~area or~~ site.

(C) Uses that are proposed within 1,000 feet of a Priority Habitat and sensitive wildlife ~~area or~~ site shall be reviewed as follows:

(1) Site plans shall be submitted to Oregon Department of Fish and Wildlife by the Planning Director. State wildlife biologists will review the site plan and their field survey records. They will:

(a) Identify/verify the precise location of the Priority Habitat and or sensitive wildlife ~~area or~~ site,

(b) Ascertain whether the Priority Habitat or sensitive wildlife ~~area or~~ site is active or abandoned, and

(c) Determine if the proposed use may compromise the integrity of the wildlife habitat ~~area~~ or site or occur during the time of the year when wildlife species are sensitive to disturbance, such as nesting or rearing seasons.

In some instances, state wildlife biologists may conduct field surveys to verify ~~the~~ wildlife data ~~inventory~~ and assess the potential effects of a proposed use.

(2) The following factors may be considered when site plans are reviewed:

(a) Biology of the affected wildlife species.

(b) Published guidelines regarding the protection and management of the affected wildlife species. For example, ~~The~~ the Oregon Department of Forestry has prepared technical papers that include management guidelines for osprey and great blue heron.

(c) Physical characteristics of the subject parcel and vicinity, including topography and vegetation.

(d) Historic, current, and proposed uses in the vicinity of the Priority Habitat or sensitive wildlife ~~area or~~ site.

(e) Existing condition of the Priority Habitat or sensitive wildlife ~~area or~~ site and the surrounding habitat ~~and the useful life of the area or site~~.

(3) The wildlife protection process may terminate if the Planning Director, in consultation with the Oregon Department of Fish and Wildlife, determines:

(a) The sensitive wildlife ~~area or~~ site is not active, or

(b) The proposed use would not compromise the integrity of the Priority Habitat or sensitive wildlife ~~area or~~ site or occur during the time of the year when wildlife species are sensitive to disturbance.

(4) If the Planning Director, in consultation with the Oregon Department of Fish and Wildlife, determines that the proposed use would have only minor effects on the Priority Habitat or sensitive wildlife ~~area or~~ site that could be eliminated through mitigation ~~measures~~ recommended by the state wildlife biologist, or by simply modifying the site plan or regulating the timing of new uses, a letter shall be sent to the applicant that describes the effects and measures needed to eliminate them. If the project applicant accepts these recommendations, the Planning Director will incorporate them into the site review order and the wildlife protection process may conclude.

(5) The project applicant shall prepare a wildlife management plan if the Planning Director, in consultation with the Oregon Department of Fish and Wildlife, determines that the proposed use would adversely affect a Priority Habitat or sensitive wildlife ~~area or~~ site and the effects of the proposed use cannot be eliminated through site plan modifications or project timing.

(6) The Planning Director shall submit a copy of all field surveys and wildlife ~~management~~ mitigation plans to Oregon Department of Fish and Wildlife. The Oregon Department of Fish and Wildlife will have ~~20~~ 30 days from the date that a field survey or management plan is mailed to submit written comments to the Planning Director.

The Planning Director shall record and address any written comments submitted by the Oregon Department of Fish and Wildlife in its site review order.

Based on the comments from the Oregon Department of Fish and Wildlife, the Planning Director will make a final decision on whether the proposed use would be consistent with the wildlife policies and standards. If the final decision contradicts the comments submitted by the Oregon Department of Fish and Wildlife, the Planning Director shall justify how the opposing conclusion was reached.

The Planning Director shall require the applicant to revise the wildlife ~~management~~ mitigation plan to ensure that the proposed use would not adversely affect a Priority Habitat or sensitive wildlife ~~area or~~ site.

(7) Proposed uses within 1,000 feet of a Priority Habitat and sensitive wildlife ~~area or~~ site shall be evaluated for adverse effects, including cumulative effects, and adverse effects shall be prohibited.

(8) Oregon white oak shall not be removed if practicable alternatives exist. If no practicable alternative exists, a wildlife survey and mitigation plan shall be required. This criteria shall not apply to forest practices that are otherwise allowed and that do not violate conditions of approval for other approved uses.

(D) Wildlife ~~Management~~ Mitigation Plans

Wildlife ~~management~~ mitigation plans shall be prepared when a proposed use is likely to adversely affect a Priority Habitat or sensitive wildlife ~~area or~~ site. Their primary purpose is to document the special characteristics of a project site and the habitat requirements of affected wildlife species. This information provides a basis for the project applicant to redesign the proposed use in a manner that protects Priority Habitat and sensitive wildlife ~~areas and~~ sites, maximizes ~~his/her~~ their development options, ~~and~~ mitigates temporary impacts to the sensitive wildlife ~~area or~~ site ~~and/~~or buffer zone, and offsets unavoidable negative impacts to Priority Habitats and sensitive wildlife sites.

Wildlife ~~management~~ mitigation plans shall meet the following standards:

(1) Wildlife ~~management~~ mitigation plans shall be prepared by a professional wildlife biologist hired by the project applicant.

(2) All relevant background information shall be documented and considered, including biology of the affected species, published protection and management guidelines, physical characteristics of the subject parcel, past and present use of the subject parcel, and ~~useful life~~ habitat value of the wildlife ~~area or~~ site.

(3) ~~The~~ Where applicable, core habitat of the rare ~~sensitive~~ wildlife species shall be delineated. It shall encompass the sensitive wildlife ~~area or~~ site and the attributes, or key components, that are essential to maintain the long-term use and integrity of the wildlife area or site.

(4) A wildlife buffer area shall be employed. It shall be wide enough to ensure that the core habitat is not adversely affected by new uses, or natural forces, such as fire and wind. Buffer areas shall be delineated on the site plan map and shall reflect the physical characteristics of the project site and the biology of the affected species.

(5) The size, scope, configuration, or density of new uses within the core habitat and the wildlife buffer area shall be regulated to protect the rare ~~sensitive~~ wildlife species. The timing and duration of all uses shall also be regulated to ensure that they do not occur during the time of the year when wildlife species are sensitive to disturbance. The following shall apply:

(a) New uses shall generally be prohibited within the core habitat. Exceptions may include uses that have temporary and negligible effects, such as the installation of minor

underground utilities or the maintenance of existing structures. ~~Low intensity, non-destructive uses may be conditionally authorized in the core habitat.~~

(b) Intensive uses shall be generally prohibited in wildlife buffer areas. Such uses may be conditionally authorized when a wildlife area or site is inhabited seasonally, provided they will have only temporary effects on the wildlife buffer area and rehabilitation ~~and/~~or enhancement will be completed before a particular species returns.

(6) Rehabilitation ~~and/~~or enhancement shall be required when new uses are authorized within wildlife buffer areas. When a buffer area has been altered ~~or degraded~~ in the past, it shall be rehabilitated to its natural condition to the maximum extent practicable. When complete rehabilitation is not possible, such as when new structures permanently displace wildlife habitat, enhancement shall also be required. Enhancement shall achieve a no net loss of the integrity of the wildlife area or site. Rehabilitation and enhancement actions shall be documented in the wildlife ~~management~~ mitigation plan and shall include a map and text.

(7) The applicant shall prepare and implement a 3 year monitoring plan when the affected ~~wildlife area or~~ Priority Habitat or sensitive wildlife site is occupied by a species that is listed as endangered or threatened pursuant to federal or state wildlife lists. It shall include an annual report and shall track the status of the ~~wildlife area~~ or Priority Habitat site and the success of rehabilitation and/or enhancement actions.

At the end of 3 years, rehabilitation and enhancement efforts may conclude if they are successful. In instances where rehabilitation and enhancement efforts have failed, the monitoring process shall be extended until the applicant satisfies the ~~rehabilitation and enhancement~~ wildlife mitigation plan standards.

(E) New fences in deer and elk winter range

(1) New fences in deer and elk winter range ~~shall~~ may be allowed only when necessary to control livestock or exclude wildlife from specified areas, such as gardens, Priority Habitat or sensitive wildlife sites. The areas fenced shall be the minimum necessary to meet the immediate needs of the project applicant.

(2) New and replacement fences that are allowed in winter range shall comply with the guidelines in the Forest Service document, *Specifications for Structural Range Improvements* (Sanderson, *et. al*. 1990), as summarized below, and may be revised from time to time, unless the applicant demonstrates the need for an alternative design. To allow deer and other wildlife safe passage:

(a) To make it easier for deer to jump over the fence, the top wire shall not be more than 42 inches high.

(b) The distance between the top two wires is critical for adult deer because their hind legs often become entangled between these wires. A gap of at least 10 inches shall be maintained between the top two wires to make it easier for deer to free themselves if they become entangled.

(c) The bottom wire shall be at least 16 inches above the ground to allow fawns to crawl under the fence. It should consist of smooth wire because barbs often injure animals as they crawl under fences.

(d) Stays, or braces placed between strands of wire, shall be positioned between fences posts where deer are most likely to cross. Stays create a more rigid fence, which allows deer a better chance to wiggle free if their hind legs become caught between the top two wires.

(3) Woven wire fences may be authorized only when it is clearly demonstrated that such a fence is required to meet their specific and immediate needs, such as controlling hogs and sheep.

(Ord. 1254, Amended, 03/22/2018; Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7070 GMA RARE PLANT REVIEW CRITERIA

Rare Plant Site Review shall be required for any project within 1,000 feet of endemic plants and ~~sensitive~~ rare plant species.

Columbia Gorge and Vicinity Endemic Plant Species

Scientific Name	**Common Name**
Howell's bentgrass	*Agrostis howellii*
~~Northern wormwood~~	~~*Artemisia campestris var. wormskioldii*~~
Hood River milk-vetch	*Astragalus hoodianus*
~~Howell's reedgrass~~	~~*Calamagrostis howellii*~~
Smooth-leaf douglasia	*Douglasia laevigata var. laevigata*
Howell's daisy	*Erigeron howellii*
Columbia Gorge daisy	*Erigeron oreganus*
Klickitat biscuitroot	*Lomatium klickitatense*
Long-beard hawkweed	*Hieracium longiberbe*
Smooth desert parsley	*Lomatium laevigatum*
Suksdorf's desert parsley	*Lomatium suksdorfii*

~~Columbia Gorge broad-leaf lupine~~	~~*Lupinus latifolius var. thompsonianus*~~
Barrett's penstemon	*Penstemon barrettiae*
~~Pacific bluegrass~~	~~*Poa gracillima var. multnomae*~~
Obscure buttercup	*Panunculus reconditus*
Oregon sullivantia	*Sullivantia oregana*
Columbia kitten tails	*Synthyris stellata*

Rare Plant Species in the Columbia Gorge

Scientific Name	**Common Name**

List 1:

Howell's bentgrass	Agrostis howellii+
Oregon bolandra	Bolandra oregana+
Tall bugbane	*Cimicifuga elata+*
Howell's daisy	*Erigeron howellii*+*
Columbia Gorge daisy	*Erigeron oreganus+*
Branching stickweed	*Hackelia diffusa var. diffusa+*
Suksdorf's desert parsley	*Lomatium suksdoffii**
White meconella	*Meconella oregana+*
Columbia monkey flower	*Mimulus jungermannioides+*
Barrett's penstemon	*Penstemon barrettiae*+*
Obscure buttercup	*Ranunculus reconditus*+*
Columbia yellow cress	*Porippa columbiae*+*

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Oregon sullivantia	*Sullivantia oregana*+*

List 2:

Hood River milk-vetch	*Astragalus hoodianus*
Large-awn sedge	*Carex macrochaeta*
Columbia lewisia	*Lewisia columbiana var. columbiana*
Fir clubmoss	*Lycopodium selago*

Wool-grass	*Scirpus cyperinus*
Scribner grass	*Scribneria bolanderi*
Violet suksdorfia	*Suksdorfia violacea*

List 3 (Review):

Cliff paintbrush	*Castilleja rupicola*
Shining flatsedge	*Cyperus bipartitus = C. rivularis*
Nuttall's larkspur	*Delphinium nuttallii*
Smooth douglasia	*Douglasia laevigata*
Baker's linanthus	*Linanthus bakeri*
Western ladies' tresses	*Spiranthes porrifolia*

List 4 (Watch):

Douglas' onion	*Allium douglasii var. nevii*
Cascade rock cress	*Arabis furcata*
The Dalles milk-vetch	*Astragalus sclerocarpus*
Columbia milk-vetch	*Astragalus succumbens*
Virginia grape-fern	*Botrychium virginianum*
Mountain lady's slipper	*Cypripedium montanum*
Branching stickseed	*Hackelia diffusa var. cottonii*
Gooseberry-leaved alumroot	*Heuchera grossulariifolia var. tenuifolia*
Long-beard hawkweed	*Hieracium longiberbe*
Smooth desert parsley	*Lomatium laevigatum**
Columbia Gorge broad-	*Lupinus latifolius*

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leaf lupine	*var. thompsonianus*
Branching montia	*Montia diffusa*
Withered bluegrass	*Poa marcida*
Columbia kittentails	*Synthyris stellata*

* Candidate species for U.S. Endangered Species Act.
+ Candidate species for Oregon Endangered Species Act.

Source: Oregon ~~Natural Heritage Program~~ Biodiversity Information Center. *Rare, Threatened and Endangered Plants and Animals of Oregon.* Portland, Oregon: Oregon Natural Heritage Program, 1991.

(A) Field Survey

A field survey to identify ~~sensitive~~ rare plants shall be required for:

(1) Land divisions that create four or more parcels;

(2) Recreation facilities that contain parking areas for more than 10 cars, overnight camping facilities, boat ramps, and visitor information and environmental education facilities;

(3) Public transportation facilities that are outside improved rights-of-way;

(4) Electric facilities, lines, equipment, and appurtenances that are 33 kilovolts or greater; and

(5) Communications, water and sewer, and natural gas transmission (as opposed to distribution) lines, pipes, equipment, and appurtenances. and other project related activities, except when all of their impacts will occur inside previously disturbed road, railroad or utility corridors, or existing developed utility sites that are maintained annually.

Field surveys shall cover all areas affected by the proposed use or recreation facility. They shall be conducted by a person with recognized expertise in botany or plant ecology hired by the project applicant. They shall be conducted when plants are expected to be flowering or most easily detectable. Field surveys shall identify the precise location of the ~~sensitive~~ rare plants and delineate a 200-foot buffer area. The results of a field survey shall be shown on the site plan map and kept confidential by Multnomah County as required by state law.

(B) Uses may be allowed within 1,000 feet of a ~~sensitive~~ rare plant, when approved pursuant to MCC 38.0045, 38.7070 (C), and reviewed under the applicable provisions of MCC 38.7035 through 38.7085. The approximate locations of ~~sensitive~~ rare plants are shown on maps provided to the County by the Gorge Commission. Staff with the Oregon ~~Natural Heritage Program~~ Biodiversity Information Center will help determine if a new use would invade the buffer zone of ~~sensitive~~ rare plants.

(C) Uses that are proposed within 1,000 feet of a ~~sensitive~~ rare plant shall be reviewed as follows:

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(1) Site plans shall be submitted to the Oregon ~~Natural Heritage Program~~ Biodiversity Information Center by the Planning Director. The ~~Natural Heritage Program~~ Biodiversity Information Center staff will review the site plan and their field survey records. They will identify the precise location of the affected plants and delineate a 200-foot buffer area on the project applicant's site plan.

If the field survey records of the state heritage program are inadequate, the project applicant shall hire a person with recognized expertise in botany or plant ecology to ascertain the precise location of the affected plants.

(2) The rare plant protection process may conclude if the Planning Director, in consultation with the state heritage program ~~Natural Heritage Program staff~~, determines that the proposed use would be located outside of a ~~sensitive~~ rare plant buffer area.

(3) New uses shall be prohibited within ~~sensitive~~ rare plant ~~species~~ buffer areas, except for those uses that are allowed outright.

(4) If a proposed use must be allowed within a ~~sensitive~~ rare plant buffer area in accordance with formal variance practices, the project applicant shall prepare a ~~protection and rehabilitation plan~~ Rare Plant Mitigation Plan pursuant to MCC 38.7070 (D).

(5) The Planning Director shall submit a copy of all field surveys and protection and rehabilitation plans to the Oregon ~~Natural Heritage Program~~ Biodiversity Information Center. The ~~Natural Heritage Program~~ state heritage program staff will have 20 days from the date that a field survey is mailed to submit written comments to the Planning Director.

The Planning Director shall record and address any written comments submitted by the ~~Natural Heritage Program~~ Biodiversity Information Center staff in the site review order.

Based on the comments from the ~~Natural Heritage Program~~ Biodiversity Information Center staff, the Planning Director will make a final decision on whether the proposed use would be consistent with the rare plant policies and standards. If the final decision contradicts the comments submitted by the ~~Natural Heritage Program~~ Biodiversity Information Center staff, the Planning Director shall justify how the opposing conclusion was reached.

(6) Proposed uses within 1,000 feet of a ~~sensitive~~ rare plant shall be evaluated for adverse effects, including cumulative effects, and adverse effects shall be prohibited.

(D) ~~Protection and Rehabilitation Plans~~ Rare Plant Mitigation Plan

~~Protection and rehabilitation plans~~ Rare Plant Mitigation Plans shall minimize and offset unavoidable impacts that result from a new use that occurs within a ~~sensitive~~ rare plant buffer zone as the result of a variance. All plans shall meet the following standards:

(1) ~~Protection and rehabilitation plans~~ Rare Plant Mitigation Plans shall be prepared by a professional botanist or plant ecologist hired by the project applicant.

(2) Construction, protection, and rehabilitation activities shall occur during the time of the year when ground disturbance will be minimized and protection, rehabilitation, and replacement efforts will be maximized.

(3) ~~Sensitive~~ Rare plants that will be ~~destroyed~~ 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 three years after the date they are planted.

(4) ~~Sensitive~~ Rare plants and their surrounding habitat that will not be altered ~~or destroyed~~ shall be protected and maintained. Appropriate protection and maintenance techniques shall be applied, such as fencing, conservation easements, livestock management, and noxious weed control.

(5) Habitat of a ~~sensitive~~ rare plant that will be affected by temporary uses shall be rehabilitated to a natural condition.

(6) Protection efforts shall be implemented before construction activities begin. Rehabilitation efforts shall be implemented immediately after the plants and their surrounding habitat are disturbed.

(7) ~~Protection and rehabilitation plans~~ Rare Plant Mitigation Plans shall include maps, photographs, and text. The text shall:

(a) Describe the biology of ~~sensitive~~ rare plant species that will be affected by a proposed use.

(b) Explain the techniques that will be used to protect ~~sensitive~~ rare plants and their surrounding habitat that will not be altered ~~or destroyed~~.

(c) Describe the ~~rehabilitation and enhancement~~ mitigation actions that will minimize and offset the impacts that will result from a proposed use.

(d) Include a 3-year monitoring, maintenance, and replacement program. The project applicant shall prepare and submit to ~~the local government~~ the Planning Director an annual report that documents milestones, successes, problems, and contingency actions.

(E) ~~Sensitive~~ Rare Plant Buffer Areas

(1) A 200 foot buffer area shall be maintained around ~~sensitive~~ rare plants. Buffer areas shall remain in an undisturbed, natural condition.

(2) Buffer areas may be reduced if a project applicant demonstrates that intervening topography, vegetation, ~~man-made~~ human-made features, or natural plant habitat boundaries negate the need for a 200 foot radius. Under no circumstances shall the buffer area be less than 25 feet.

(3) Requests to reduce buffer areas shall be considered if a professional botanist or plant ecologist hired by the project applicant:

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(a) Identifies the precise location of the ~~sensitive~~ rare plants,

(b) Describes the biology of the ~~sensitive~~ rare plants, and

(c) Demonstrates that the proposed use will not have any negative effects, either direct or indirect, on the affected plants and the surrounding habitat that is vital to their long-term survival.

All requests shall be prepared as a written report. Published literature regarding the biology of the affected plants and recommendations regarding their protection and management shall be cited. The report shall include detailed maps and photographs.

(4) The Planning Director shall submit all requests to reduce ~~sensitive~~ rare plant ~~species~~ buffer areas to the Oregon ~~Natural Heritage Program~~ Biodiversity Information Center. The state heritage program ~~Heritage Program staff~~ will have 20 days from the date that such a request is mailed to submit written comments to the Planning Director.

The Planning Director shall record and address any written comments submitted by the ~~Oregon Natural Heritage Program~~ state heritage program in the site review order.

Based on the comments from the ~~Oregon Natural Heritage Program~~ state heritage program, the Planning Director will make a final decision on whether the reduced buffer area is justified. If the final decision contradicts the comments submitted by the ~~Natural Heritage Program~~ state heritage program ~~staff~~, the Planning Director shall justify how the opposing conclusion was reached.

(Ord. 1254, Amended, 03/22/2018; Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 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.

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

(c) Maintenance, repair, reconstruction and realignment of roads and railroads within their rights-of-way shall be exempted from the wetlands and riparian guidelines upon demonstration of all of the following:

1. The wetland within the right-of-way is a drainage ditch not part of a larger wetland outside of the right-of-way.

2. The wetland is not critical habitat.

3. Proposed activities within the right-of-way would not adversely affect a wetland adjacent to the right-of-way.

(3) The buffer width shall be increased for the following:

(a) When the channel migration zone exceeds the recommended buffer width, the buffer width shall extend to the outer edge of the channel migration zone.

(b) When the frequently flooded area exceeds the recommended riparian buffer zone width, the buffer width shall be extended to the outer edge of the frequently flooded area.

(c) When an erosion or landslide hazard area exceeds the recommended width of the buffer, the buffer width shall be extended to include the hazard area.

(4) Buffer zones can be reconfigured if a project applicant demonstrates all of the following:

(a) The integrity and function of the buffer zones is maintained.

(b) The total buffer area on the development proposal is not decreased.

(c) The width reduction shall not occur within another buffer.

(d) The buffer zone width is not reduced more than 50% at any particular location. Such features as intervening topography, vegetation, ~~man made~~ human-made features, natural plant or wildlife habitat boundaries, and flood plain characteristics could be considered.

(5) Requests to reconfigure buffer zones shall be considered if an appropriate professional (botanist, plant ecologist, wildlife biologist, or hydrologist), hired by the project applicant (1) identifies the precise location of the ~~sensitive~~ rare wildlife/plant or water resource, (2) describes the biology of the ~~sensitive~~ rare wildlife/plant or hydrologic condition of the water resource, and (3) demonstrates that the proposed use will not have any negative effects, either direct or indirect, on the affected wildlife/plant and their surrounding habitat that is vital to their long-term survival or water resource and its long term function.

(6) ~~The local government~~ The Planning Director shall submit all requests to re-configure ~~sensitive~~ rare wildlife/plant or water resource buffers to the U.S. Forest Service and the

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appropriate state agencies for review. All written comments shall be included in the project file. Based on the comments from the state and federal agencies, ~~the local government~~ Multnomah County will make a final decision on whether the reconfigured buffer zones are justified. If the final decision contradicts the comments submitted by the federal and state agencies, ~~the local government~~ Multnomah County shall justify how it reached an opposing conclusion.

(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.

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

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

(1) The approximate location and extent of wetlands in the National Scenic Area is shown on the National Wetlands Inventory (U. S. Department of the Interior ~~1987~~). In addition, the list of hydric soils and the soil survey maps shall be used as an indicator of wetlands.

(2) Some wetlands may not be shown on the wetlands inventory or soil survey maps. Wetlands that are discovered by the local planning staff during an inspection of a potential project site shall be delineated and protected.

(3) The project applicant shall be responsible for determining the exact location of a wetlands boundary. Wetlands boundaries shall be delineated using the procedures specified in the '~~1987~~ Corps of Engineers Wetland Delineation Manual (on-line Edition) and applicable Regional Supplements'.

(4) All wetlands delineations shall be conducted by a professional who has been trained to use the federal delineation procedures~~, such as a soil scientist, botanist, or wetlands ecologist~~.

(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) ~~The local government~~ 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, ~~the local government~~ 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.

(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.

(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 SMA mitigation plan.

(H) Protection of ~~sensitive~~ wildlife/plant areas and sites shall begin when proposed new development~~s~~ or uses are within 1000 feet of a ~~sensitive~~ rare wildlife~~/plant site and/or area~~ or rare plant area or site. ~~Sensitive Wildlife Areas~~ Rare wildlife areas are those areas depicted in ~~the~~ wildlife data ~~inventory and listed in Table 2 of the Management Plan titled "Types of Wildlife Areas and Sites Inventoried in the Columbia Gorge"~~, including all sensitive wildlife sites and 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~~ rare wildlife and~~/or~~ rare plant areas and sites are shown in ~~the~~ wildlife and rare plant data ~~inventory~~.

(I) ~~The local government~~ The Planning Director shall submit site plans (of proposed uses or development proposed within 1,000 feet of a ~~sensitive~~ rare wildlife ~~and/~~or rare plant area or site) for review to the U.S. Forest Service and the appropriate state agencies (Oregon Department of Fish and Wildlife for wildlife issues and by the Oregon ~~Natural Heritage Program~~ Biodiversity Information Center for plant issues).

(J) The U.S. Forest Service wildlife biologists and~~/or~~ botanists, in consultation with the appropriate state biologists, shall review the site plan and their field survey records. They shall:

(1) Identify/verify the precise location of the wildlife ~~and/~~or plant area or site.

(2) Determine if a field survey will be required.

(3) Determine, based on the biology and habitat requirements of the affected wildlife/plant species, if the proposed use would compromise the integrity and function of or result in adverse ~~affects~~ effects (including cumulative effects) to the wildlife and~~or~~ plant area or site. This would include considering the time of year when wildlife and~~or~~ plant species are sensitive to disturbance, such as nesting, rearing seasons, or flowering season. Cumulative effects that are adverse shall be prohibited.

(4) Delineate the undisturbed 200 ft buffer on the site plan for ~~sensitive~~ rare plants ~~and/~~or the appropriate buffer for ~~sensitive~~ rare wildlife areas or sites, including nesting, roosting and perching sites.

(a) Buffer zones can be reconfigured if a project applicant demonstrates all of the following: (1) the integrity and function of the buffer zones is maintained, (2) the total buffer area on the development proposal is not decreased, (3) the width reduction shall not occur within another buffer, and (4) the buffer zone width is not reduced more than 50% at any

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particular location. Such features as intervening topography, vegetation, ~~man made~~ human-made features, natural plant or wildlife habitat boundaries, and flood plain characteristics could be considered.

(b) Requests to reduce buffer zones shall be considered if an appropriate professional (botanist, plant ecologist, wildlife biologist, or hydrologist), hired by the project applicant, (1) identifies the precise location of the ~~sensitive~~ rare wildlife/plant or water resource, (2) describes the biology of the ~~sensitive~~ rare wildlife/plant or hydrologic condition of the water resource, and (3) demonstrates that the proposed use will not have any negative effects, either direct or indirect, on the affected wildlife/plant and their surrounding habitat that is vital to their long-term survival or to the water resource and its long term function.

(c) ~~The local government~~ The Planning Director shall submit all requests to re-configure ~~sensitive~~ rare wildlife/plant or water resource buffers to the U.S. Forest Service and the appropriate state agencies for review. All written comments shall be included in the record of application and based on the comments from the state and federal agencies, the ~~local government~~ county will make a final decision on whether the reduced buffer zones is justified. If the final decision contradicts the comments submitted by the federal and state agencies, the ~~local government~~ county shall justify how it reached an opposing conclusion.

(K) ~~The local government~~ Multnomah County, in consultation with the ~~State~~ state and federal wildlife biologists and~~/or~~ botanists, shall use the following criteria in reviewing and evaluating the site plan to ensure that the proposed development~~s~~ or uses do not compromise the integrity and function of or result in adverse ~~affects~~ effects to the wildlife ~~or~~ and plant area or site:

(1) Published guidelines regarding the protection and management of the affected wildlife/plant species. Examples include: the Oregon Department of Forestry ~~has prepared technical papers that include~~ management guidelines for osprey and great blue heron; ~~the~~ Washington Department of Wildlife ~~has prepared similar~~ guidelines for a variety of species, including the western pond turtle, the peregrine falcon, and the Larch Mountain salamander (Rodrick and Milner 1991).

(2) Physical characteristics of the subject parcel and vicinity, including topography and vegetation.

(3) Historic, current, and proposed uses in the vicinity of the ~~sensitive~~ rare wildlife/plant area or site.

(4) Existing condition of the wildlife/plant area or site and the surrounding habitat ~~and the useful life~~ of the area or site.

(5) In areas of winter range, habitat components, such as forage, and thermal cover, important to the viability of the wildlife must be maintained or, if impacts are to occur, enhancement must mitigate the impacts so as to maintain overall values and function of winter range.

(6) The site plan is consistent with published guidance documents such as ~~the~~ "Oregon Guidelines for Timing of In-Water Work to Protect Fish and Wildlife Resources" (Oregon Department of Fish and Wildlife ~~2000~~ 2008 or most recent version).

(7) The site plan activities coincide with periods when fish and wildlife are least sensitive to disturbance. These would include, among others, nesting and brooding periods (from nest building to fledgling of young) and those periods specified.

(8) The site plan illustrates that new development~~s~~ and uses, including bridges, culverts, and utility corridors, shall not interfere with fish and wildlife passage.

(9) Maintain, protect, and enhance the integrity and function of Priority ~~Habitats (such as old growth forests, talus slopes, and oak woodlands)~~ as listed in the Priority Habitats Table. This includes maintaining structural, species, and age diversity, maintaining connectivity within and between plant communities, and ensuring that cumulative impacts are considered in documenting integrity and function.

	PRIORITY HABITATS TABLE
Priority Habitats	Criteria
Aspen stands	High fish and wildlife species diversity, limited availability, high vulnerability to habitat alteration.
Caves	Significant wildlife breeding habitat, limited availability, dependent species.
Old-growth forest	High fish and wildlife density, species diversity, breeding habitat, seasonal ranges, and limited and declining availability, high vulnerability.
Oregon white oak woodlands	Comparatively high fish and wildlife density, species diversity, declining availability, high vulnerability
Prairies and steppe	Comparatively high fish and wildlife density, species diversity, important breeding habitat, declining and limited availability, high vulnerability.
Riparian	High fish and wildlife density, species diversity, breeding habitat, movement corridor, high vulnerability, dependent species.
Wetlands	High species density, high species diversity, important breeding

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	habitat and seasonal ranges, limited availability, high vulnerability.
Snags and logs	High fish and wildlife density, species diversity, limited availability, high vulnerability, dependent species.
Talus	Limited availability, unique and dependent species, high vulnerability.
Cliffs	Significant breeding habitat, limited availability, dependent species.
Dunes	Unique species habitat, limited availability, high vulnerability, dependent species.
Winter Range	Provides important wintering habitat for deer and elk.

(L) The wildlife/plant protection process may terminate if ~~the local government~~ Multnomah County, in consultation with the U.S. Forest Service and state wildlife agency or ~~Heritage~~ heritage program, determines (1) the ~~sensitive~~ rare wildlife area or site is not active, or (2) the proposed use is not within the buffer zones and would not compromise the integrity of the wildlife/plant area or site, and (3) the proposed use is within the buffer and could be easily moved out of the buffer by simply modifying the project proposal (site plan modifications). If the project applicant accepts these recommendations, the l~~ocal government~~ County shall incorporate them into its development review order and the wildlife/plant protection process may conclude.

(M) If the above measures fail to eliminate the adverse ~~affects~~ 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.

(N) ~~The local government~~ The Planning Director shall submit a copy of all field surveys (if completed) and mitigation plans to the U.S. Forest Service and appropriate state agencies. ~~The local government~~ Multnomah County shall include all comments in the record of application and address any written comments submitted by the state and federal wildlife agency/heritage programs in its development review order. Based on the comments from the state and federal wildlife agency/heritage program, the l~~ocal government~~ County shall make a final decision on whether the proposed use would be consistent with the wildlife/plant policies and guidelines. If the final decision contradicts the comments submitted by the state and federal wildlife agency/heritage program, the ~~local government~~ County shall justify how it reached an opposing conclusion.

(O) ~~The local government~~ Multnomah County shall require the project applicant to revise the mitigation plan as necessary to ensure that the proposed use would not adversely affect a ~~sensitive~~ rare wildlife/plant area or site.

(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.

(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 ~~and/~~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 ~~and/~~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~~ Recreation Intensity Class is a constraint, an applicant must request a Management Plan amendment to demonstrate that practicable alternatives do not exist.

(R) The Mitigation Plan shall be prepared when:

(1) The proposed development or use is within a buffer zone (wetland, pond, lakes, riparian areas, or 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~~ 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).

(T) The primary purpose of this information is to provide a basis for the project applicant to redesign the proposed use in a manner that protects the identified ~~sensitive~~ water resources, and rare wildlife/plant areas and sites, that maximizes ~~his/her~~ their development options, and that mitigates,

through restoration, enhancement, creation and replacement measures, impacts to the water resources and~~/or~~ wildlife and~~/~~ plant area or site and~~/or~~ buffer zones.

(U) The applicant shall submit the mitigation plan to ~~the local government~~ the Planning Director. ~~The local government~~ Multnomah County shall submit a copy of the mitigation plan to the U.S. Forest Service, and appropriate state agencies. If the final decision contradicts the comments submitted by the state and federal wildlife agency/heritage program, the ~~local government~~ County shall justify how it reached an opposing conclusion.

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

(5) Show how the proposed restoration, enhancement, or ~~replacement (~~creation~~)~~ mitigation measures are NOT alternatives to avoidance. A proposed development/use must first avoid a ~~sensitive~~ protected resource, and only if this is not possible should restoration, enhancement, or creation be considered as mitigation. In reviewing mitigation plans, ~~the local government~~ 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 local government~~ 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 local government~~ 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 ~~sensitive~~ rare wildlife/plant species and shall demonstrate the success of restoration ~~and/~~or enhancement actions. ~~The local government~~ The Planning Director shall submit copies of the

monitoring report to the U.S. Forest Service; who shall offer technical assistance ~~to the local government~~ 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~~/or~~ 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 ~~sensitive~~ protected resource or buffer zone has been altered ~~or destroyed~~, 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 ~~must~~ shall survive. All plantings ~~must~~ 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 ~~sensitive~~ protected resource of equal or greater benefit may be substituted, provided that no net loss of ~~sensitive~~ protected resource functions occurs and provided the County, in consultation with the appropriate ~~State and Federal~~ state and federal agency, determine that such substitution is justified.

(5) ~~Sensitive~~ Rare plants that will be ~~destroyed~~ 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.

(S-LU-2 2009)

(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~~will~~ 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 ~~replacement (creation)~~ 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 ~~or destroyed~~.

Restoration: 2: l

Creation: 3: l

Enhancement: 4: l

(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 local government~~ the Planning Director to ensure compliance. The U.S. Forest Service, in consultation with appropriate state agencies, shall extend technical assistance to the ~~local government~~ 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.

(Ord. 1254, Amended, 03/22/2018; Ord. 1125, Amended, 12/11/2008; Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7080 GMA RECREATION RESOURCE REVIEW CRITERIA

The following uses are allowed, subject to compliance with MCC 38.7080 (E) and (F).

(A) Recreation Intensity Class 1 (Very Low Intensity)

Social Setting: Visitors in this designation have a high chance of finding solitude and opportunities to experience activities that rely on self-reliance, challenge and risk. Encounters with other visitors is low throughout the designation. Perceived crowdedness is low to non-existent away from roads and recreation sites. Visitor encounters and perceived crowdedness is low to moderate at or near (within 1 mile) roads and recreation sites.

Physical and Managerial Setting: Predominately natural/natural appearing landscapes with rustic improvements characterize this designation. Nodes of developed recreation facilities are allowed. Developed recreation site regulations and controls (signing, regulations or other regimentation) are noticeable but harmonize with the natural environment. Away from developed recreation sites there is minimal or subtle control of users.

Trail development is simple and typically accommodate low use levels. Users are highly skilled with a high degree of orienteering skills.

(1) Parking areas ~~for a maximum~~, not to exceed a site-wide capacity of 10 ~~cars for~~ vehicles, when associated with any allowed uses in Recreation Intensity Class 1. Accommodations for mass transportation facilities should be considered where compatible with the social and physical settings.

(2) Trails for hiking, equestrian and mountain biking use.

(3) Pathways for pedestrian and bicycling use.

(4) Trailheads (with provisions for hitching rails and equestrian trailers at trailheads accommodating equestrian use).

(5) Scenic viewpoints and overlooks.

(6) Wildlife/botanical viewing and nature study areas.

(7) River access areas.

(8) Simple interpretive signs and/or displays, not to exceed a total of 50 square feet.

(9) Entry name signs not to exceed 10 square feet per sign.

(10) Boat docks, piers or wharfs.

(11) Picnic areas.

(12) Rest-rooms/comfort facilities.

(B) Recreation Intensity Class 2 (Low Intensity)

Social Setting: RIC 2 is characterized by opportunities to experience relaxation, physical fitness and outdoor learning and where there is a moderate probability to experience solitude. Typically encounters with other visitors throughout the designation is Low to Moderate. Visitor encounters are low to moderate on trails and away from developed recreation sites and roads, and moderate to high near (within 1 mile) recreation sites and roads.

(S-LU-2 2009)

Physical and Managerial Setting: Predominately natural/natural appearing landscapes with rustic improvements characterize this designation. Nodes of highly developed recreation facilities may be allowed. Developed recreation site regulations and controls (signing, regulations or other regimentation) are noticeable but harmonize with the natural environment. Away from developed recreation sites there is minimal or subtle control of users.

Trails are moderately developed (native surface or gravel, trail bridges and other facilities are provided for user convenience). Trail use is typically low to moderate. Trails are suitable for a wide range of users and are challenging and involve intermediate to advance skills.

(1) All uses permitted in Recreation Intensity Class 1.

(2) Parking areas ~~for a maximum~~, not to exceed a site-wide capacity of 25 ~~cars~~ vehicles, when associated with any allowed uses in Recreational Intensity Class 2. Parking spaces for~~, including~~ campground units shall be included in this number~~, to serve any allowed uses in Recreation Intensity Class 2~~. Accommodations for mass transportation facilities should be considered where compatible with the social and physical settings.

(3) Simple interpretive signs and displays, not to exceed a total of 100 square feet.

(4) Entry name signs not to exceed 20 square feet per sign.

(5) Boat ramps, not to exceed two lanes.

(6) Campgrounds for 20 units or less, tent sites only.

(C) Recreation Intensity Class 3 (Moderate Intensity)

Social Setting: A high degree of interaction with other visitors with opportunities to experience relaxation and activities that provide little challenge or risk in a natural appearing environment characterizes this designation. Visitor encounters are moderate to high on trails away from developed recreation sites and roads.

Physical and Managerial Setting: Changes to the natural landscape may be evident but in harmony with characteristics of the landscape setting. Highly developed recreation facilities and trails are constructed for visitor convenience. On-site regulation and controls are noticeable but harmonize with the natural characteristics of the landscape.

Trails typically accommodate moderate to high use and are well developed (native, gravel or paved surfaces, trail facilities such as bridges are provided for convenience). Trails are easily traveled by a wide range of users who have intermediate skill level and minimal orienteering skills.

(1) All uses permitted in Recreation Intensity Classes 1 and 2.

(2) Parking areas ~~for a maximum~~, not to exceed a site-wide capacity of 75 ~~cars~~ vehicles, when associated with any allowed uses in Recreation Intensity Class 3. Parking spaces for campground units shall be included in this number. ~~, including campground units, for any allowed uses in Recreation Intensity Class 3.~~

(3) Accommodation of facilities for mass transportation (bus parking, etc.) shall be required for all new Recreation Intensity Class 3 day-use recreation sites, and improvements to existing Class 3 day-use recreation sites where the improvement would increase the use of the site, except for sites predominantly devoted to boat access. The number and size of the mass transportation facilities shall reflect the physical capacity of the site.

(~~3~~4) Interpretive signs, displays and/or facilities.

(~~4~~5) Visitor information and environmental education signs, displays or facilities.

(~~5~~6) Entry name signs not to exceed 32 square feet per sign.

(~~6~~7) Boat ramps, not to exceed three lanes.

(~~7~~8) Concessions stands, pursuant to applicable policies in this chapter.

(~~8~~9) Campgrounds for 50 individual units or less for tents and~~/or~~ recreational vehicles, with a total density of no more than 10 units per acre (density to be measured based on total size of recreation facility and may include required buffer and setback areas). Class 3 campgrounds may also include one group campsite area, in addition to the individual campground units or parking area maximums allowed as described herein.

(D) Recreation Intensity Class 4 (High Intensity)

Social Setting: This designation is characterized by highly developed facilities where there is little challenge or risk associated with being in the outdoors. There is a high degree of interaction with other visitors. Encounters are high in recreation sites, on roads and trails within in this designation.

Physical and Managerial Setting: Changes to the natural landscape may be evident but in harmony with characteristics of the landscape setting. Highly developed recreation facilities and trails are constructed for a visitor convenience and ease of movement. On-site regulation and controls are noticeable but harmonize with the natural characteristics of the landscape.

The maximum site design capacity for parking areas shall not exceed 250 vehicles for any allowed uses in Recreation Intensity Class 4. Parking spaces for campground units are to be included in this number.

Trails are highly developed (gravel or paved surfaces, trail facilities such as bridges are provided for convenience) and accommodate heavy to intensive use. Users are typically inexperienced with little or no orienteering skills. Trails are easily traveled by a wide range of users.

(1) All uses permitted in Recreation Intensity Classes 1, 2, and 3.

(2) Parking areas, not to exceed a site-wide capacity ~~for a maximum~~ of 250 ~~cars~~ vehicles, when associated with any allowed use in Recreation Intensity Class 4. Parking spaces for campground units shall be included in this number~~, including campground units, for any allowed uses in Recreation Intensity Class 4~~.

(3) Accommodation of facilities for mass transportation (bus parking, etc.) shall be required for all new Recreation Intensity Class 4 day-use recreation sites and improvements to existing Class

4 day-use recreation sites where the improvement would increase the use of the site, except for sites predominantly devoted to boat access. The number and size of the mass transportation facilities shall reflect the physical capacity of the site.

(~~3~~4) Horseback riding stables and associated facilities.

(~~4~~5) Entry name signs, not to exceed 40 square feet per sign.

(~~5~~6) Boat ramps.

(~~6~~7) Campgrounds for 175 individual units or less for tents and~~/or~~ recreation vehicles with a total density of no more than 10 units per acre (density to be measured based on total size of recreation facility and may include required buffer and setback areas). Class 4 campgrounds may also include up to 3 group campsite areas, in addition to individual campsite units or parking area maximums allowed as described herein.

(E) Approval Criteria for Recreation Uses

All proposed recreation projects outside of GG– PR or GG– CR districts shall satisfy the following:

(1) Cumulative effects of proposed recreation projects on landscape settings shall be based on the "compatible recreation use" standard for the landscape setting in which the use is located.

(2) For proposed recreation projects in or adjacent to lands designated GGA– 20, GGA– 40, GGF– 20 and GGF– 40:

(a) The use would not seriously interfere with accepted forest or agricultural practices on surrounding lands devoted to forest or farm uses. Provision of on-site buffers may be used to partially or fully comply with this criterion, depending upon project design and~~/or~~ site conditions.

(b) A declaration has been signed by the project applicant or owner and recorded with county deeds and records specifying that the applicant or owner is aware that operators are entitled to carry on accepted forest or farm practices on lands designated GGA– 20, GGA– 40, GGF– 20 and GGF– 40.

(3) For proposed projects including facilities for outdoor fires for cooking or other purposes or proposed campgrounds:

The project applicant shall demonstrate that a sufficient quantity of water necessary for fire suppression (as determined pursuant to applicable fire codes) is readily available to the proposed facility, either through connection to a community water system or on-site wells, storage tanks, sumps, ponds or similar storage devices. If connection to a community water system is proposed, the project applicant shall demonstrate that the water system has adequate capacity to meet the facility's emergency fire suppression needs without adversely affecting the remainder of the water system with respect to fire suppression capabilities. In addition, in order to provide access for fire-fighting equipment, access drives shall be constructed to a minimum of 12 feet in width and a maximum grade of 12 percent. Access drives shall be maintained to a level that is passable to fire-fighting equipment.

(4) Trail or trailhead projects shall comply with ~~applicable trails policies in the Management Plan.~~ the following:

(a) Where applicable, new trails should incorporate existing segments of older or historic trails, abandoned roads and railroad rights-of-way, and other previously developed areas suitable for recreation use to the maximum extent practicable.

(b) Trails that are intended for multiple user groups shall be required to post signs at trailheads alerting users that multiple user groups may be present on the trail. Trails shall be designed such that user conflicts and safety issues are minimized.

(c) Applications for new trails or trailheads include measures to minimize the potential spread of noxious weeds.

(d) Applications for new trails or trailheads shall consider the potential of fire risk during critical fire hazard periods in developing the physical and managerial setting of the site.

(5) For proposed projects providing ~~boating or windsurfing~~ recreation access to the Columbia River or its tributaries: ~~compliance~~ applicants shall demonstrate that the new facility is consistent with ~~applicable "River Access and Protection of Treaty Rights" objectives in the Management Plan~~ and does not affect or modify tribal treaty rights.

(6) For proposed projects on public lands or proposed projects providing access to the Columbia River or its tributaries: compliance with the guidelines ~~for protection of tribal treaty rights~~ in Part IV, Chapter 3, Indian ~~Tribal~~ Treaty Rights and Consultation in the Management Plan.

(7) For proposed projects which include interpretation of natural or cultural resources:

A demonstration that the interpretive facilities will not adversely affect natural or cultural resources and that appropriate and necessary resource protection measures shall be employed.

(8) ~~For proposed~~ Applications for public recreation development in Recreation Intensity Class 3 or 4 shall demonstrate how the proposed recreation development will be equitable and accessible (regardless of income level, ethnicity, gender, ability or age). Applications for public recreation developments in RIC 1 and 2 shall meet this standard to the maximum extent practicable. ~~projects (except for projects predominantly devoted to boat access):~~

~~A demonstration that the project accommodates provision of mass transportation access to the site. The number and size of the mass transportation facilities shall reflect the physical capacity of the site. This requirement may be waived upon a demonstration that provision of such facilities would result in overuse of the site, either degrading the quality of the recreation experience or adversely affecting other resources at the site.~~

(9) A demonstration that the proposed project or use will not generate traffic, either by type or volume, which would adversely affect the Historic Columbia River Highway, shall be required prior to approval.

(10) Applications shall demonstrate compliance with the social, physical and managerial setting characteristics in the applicable Recreation Intensity Class description.

(S-LU-2 2009)

(F) Facility Design Standards for All Recreation Projects

(1) Recreation facilities which are not resource-based in nature may be included at sites providing resource-based recreation uses consistent with the standards contained herein, as long as such facilities comprise no more than one-third of the total land area dedicated to recreation uses ~~and/~~or facilities. Required landscaped buffers may be included in calculations of total land area dedicated to recreation uses and/or facilities.

(2) The facility design standards contained herein are intended to apply to individual recreation facilities. ~~For the purposes of these standards, a recreation facility is considered a cluster or grouping of recreational developments or improvements located in relatively close proximity to one another.~~

~~To be considered a separate facility from other d~~Developments or improvements within the same Recreation Intensity Class are considered as separate facilities if they are~~, recreation developments or improvements must be~~ separated by at least ~~one-quarter~~ ¼ mile of undeveloped land (excluding trails, pathways, or access roads) ~~from such developments or improvements~~.

~~(3) Parking areas, access roads, and campsites shall be sited and designed to fit into the existing natural contours as much as possible, both to minimize ground-disturbing grading activities and utilize topography to screen parking areas and associated structures. Parking areas, access roads, and campsites shall be sited and set back sufficiently from bluffs so as to be visually subordinate as seen from Key Viewing Areas.~~

(3)~~(4)~~ Existing vegetation, particularly mature trees, shall be maintained to the maximum extent practicable. These trees may be used~~, and utilized~~ to ~~screen parking areas and campsites from Key Viewing Areas and~~ satisfy requirements for perimeter and interior landscaped buffers.

(4)~~(5)~~ Parking areas providing over 50 spaces shall be divided into discrete "islands" separated by unpaved, landscaped buffer areas.

(5)~~(6)~~ Lineal frontage of parking areas and campsite loops to Scenic Travel Corridors shall be minimized to the greatest extent practicable.

(6)~~(7)~~ Ingress/egress points shall be consolidated to the maximum extent practicable, providing for adequate emergency access pursuant to applicable fire and safety codes.

(7)~~(8) Signage~~ Signs shall be limited to ~~that~~ those necessary to provide relevant recreation or facility information, interpretive information, vehicular and pedestrian direction, and for safety purposes.

~~(9) Exterior lighting shall be shielded, designed and sited in a manner which prevents such lighting from projecting off-site or being highly visible from Key Viewing Areas.~~

(8)~~(10)~~ Innovative designs and materials which reduce visual impacts (such as "turf blocks" instead of conventional asphalt paving) shall be encouraged through incentives such as additional allowable parking spaces and reduce required minimum interior or perimeter landscaped buffers. Upon determination that potential visual impacts have been substantially reduced by use of such designs and materials, the Planning Director shall allow either reductions

in required minimum interior or perimeter landscape buffers up to 50 percent of what would otherwise be required, or additional parking spaces not to exceed 10 percent of what would otherwise be permitted.

(9)~~(11)~~ A majority of trees, shrubs and other plants in landscaped areas shall be species native ~~or naturalized~~ to the landscape setting in which they occur (landscape setting descriptions and design standards specify lists of appropriate species). Project applicants that are required to use new landscaping are encouraged to place trees, shrubs and other plants in a manner approximating their natural condition.

~~(12) All structures shall be designed such that height, exterior colors, reflectivity, mass and siting result in the structures blending with and not noticeably contrasting with their setting.~~

~~(13) Landscape buffers around the perimeter of parking areas accommodating more than 10 vehicles shall be provided. Minimum required widths are 5 feet for 20 vehicles or less, 20 feet for 50 vehicles or less, 30 feet for 100 vehicles or less, and 40 feet for 250 vehicles or less.~~

(10)~~(14)~~ For any parking area with over 50 spaces, interior ~~Interior~~ landscaped buffers breaking up continuous areas of parking into discrete "islands" shall be provided ~~for any parking areas over 50 spaces in size~~. The minimum width of interior landscaped buffers between each parking lot of 50 spaces or less shall be 20 feet.

~~(15) Within required perimeter and interior landscaped buffer areas, a minimum of one tree of at least 6 feet in height shall be planted for every 10 lineal feet as averaged for the entire perimeter width. A minimum of 25 percent of planted species in perimeter buffers shall be coniferous to provide screening during the winter. Project applicants are encouraged to place such trees in random groupings approximating natural conditions. In addition to the required trees, landscaping shall include appropriate shrubs, groundcover and other plant materials.~~

~~(16) Minimum required perimeter landscape buffer widths for parking areas or campgrounds may be reduced by as much as 50 percent, at the discretion of the Planning Director, if existing vegetation stands and/or existing topography are utilized such that the development is not visible from any Key Viewing Area.~~

(11)~~(17)~~ Grading or soil compaction within the "drip line" of existing mature trees shall be avoided to the maximum extent practicable, to reduce risk of root damage and associated tree mortality.

~~(18) All parking areas and campsites shall be set back from Scenic Travel Corridors, and the Columbia River and its major tributaries at least 100 feet. Required perimeter landscaped buffers may be included when calculating such setbacks. Setbacks from rivers shall be measured from the ordinary high water mark. Setbacks from Scenic Travel Corridors shall be measured from the edge of road pavements.~~

(12)~~(19)~~ Project applicants shall utilize measures and equipment necessary for the proper maintenance and survival of all vegetation utilized to meet the landscape standards contained herein, and shall be responsible for such maintenance and survival.

(S-LU-2 2009)

(13)~~(20)~~ All parking areas shall be set back from property boundaries by at least 50 feet. All campsites and associated facilities shall be set back from property boundaries by at least 100 feet.

~~(21) All proposed projects at levels consistent with Recreation Intensity Class 4 on lands classified RIC 4 (except for proposals predominantly devoted to boat access) shall comply with MCC 38.7080 (E) (8) regarding provision of mass transportation access.~~

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 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.

(2) Protect recreation resources from adverse effects by evaluating new developments and land uses as proposed in the site plan. An analysis of both on and off site cumulative effects such as site accessibility and the adverse effects on the Historic Columbia River Highway shall be required.

(3) New pedestrian or equestrian trails shall not have motorized uses, except for emergency services.

(4) Mitigation measures shall be provided to preclude adverse effects on the recreation resource.

(5) The ~~facility standards contained herein~~ Facility Design Guidelines are intended to apply to individual recreation facilities. ~~For the purposes of these standards, a recreation facility is considered a cluster or grouping of recreational developments or improvements located in relatively close proximity to one another. Recreation developments or improvements to be considered a separate facility from other developments or improvements within the same Recreation Intensity Class must be separated by at least one-quarter mile of undeveloped land (excluding trails, pathways, or access roads) from such developments or improvements.~~ Developments or improvements within the same Recreation Intensity Class are considered as separate facilities if they are separated by at least 1/4 mile of undeveloped land (excluding trails, pathways, or access roads).

(6) New development and reconstruction of scenic routes ~~(see Part III, Chapter 1 of the Management Plan)~~ shall include provisions for bicycle lanes.

(7) The Planning Director may grant a variance of up to 10 percent to the standards of Recreation Intensity Class 4 for parking and campground units upon demonstration that:

(a) Demand and use levels for the proposed activity(s), particularly in the area where the site is proposed, are high and expected to remain so ~~and/~~or increase. Statewide Comprehensive Outdoor Recreation Plan (SCORP) data and data from the National ~~Scenic Area recreation demand studies~~ Visitor Use Monitoring Program shall be relied upon to meet the criterion in the absence of current applicable studies.

(b) The proposed use is dependent on resources present at the site.

(c) Reasonable alternative sites, including those in ~~Urban Areas~~ urban areas, offering similar opportunities have been evaluated and it has been demonstrated that the proposed use cannot be adequately accommodated elsewhere.

(d) The proposed use is consistent with the goals, objectives, and policies in the Management Plan, Part I, Chapter 4.

(e) Through site design and~~/or~~ mitigation measures, the proposed use can be implemented without adversely affecting scenic, natural or cultural resources, and adjacent land uses.

(f) Through site design and/or mitigation measures, the proposed use can be implemented without affecting or modifying treaty rights.

~~(g) Mass transportation has been considered and implemented, if feasible.~~

(8) New interpretive or education programs and/or facilities shall follow recommendations of the *Interpretive Strategy for the Columbia River Gorge National Scenic Area*.

(9) Proposals to change the Recreation Intensity Class of an area to a different class shall require a Plan Amendment pursuant to MCC 38.0100.

(10) A demonstration that the proposed project or use will not generate traffic, either by type or volume, which would adversely affect the Historic Columbia River Highway, shall be required prior to approval.

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

(1) Intensity Class 1 (Very Low Intensity)

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

Social Setting: Visitors in this designation have a high chance of finding solitude and opportunities to experience activities that rely on self-reliance, challenge and risk. Encounters with other visitors is low throughout the designation. Perceived crowdedness is low to non-existent away from roads recreation sites. Visitor encounters and perceived crowdedness is low to moderate at or near (within 1 mile) roads and recreation sites.

Physical and Managerial Setting: Predominately natural/natural appearing landscapes with rustic improvements characterize this designation. Nodes of developed recreation facilities may be allowed. Developed recreation site regulations and controls (signing, regulations or other regimentation) are noticeable but harmonize with the natural characteristics of the landscape setting. Away from developed recreation sites there is minimal or subtle control of users.

Trail development is simple and typically accommodate low use levels. Users are highly skilled with a high degree of orienteering skills.

~~(a) Uses permitted are those in which people participate in outdoor activities to realize experiences such as solitude, tension reduction, and nature appreciation.~~

(a)~~(b) Maximum site design capacity shall not exceed 35 people at one time on the site~~. The ~~M~~maximum design capacity for parking areas shall be 10 vehicles.

(b)~~(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.

9. Accommodations for mass transportation facilities should be considered where compatible with the social and physical settings.

(2) Intensity Class 2 (Low Intensity)

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

Social Setting: RIC 2 is characterized by opportunities to experience relaxation, physical fitness and outdoor learning, and where there is a moderate probability to experience solitude. Visitor encounters are low to moderate on trails and away from developed recreation sites and roads. Usually and moderate to high near (within 1 mile) recreation sites and roads.

Physical and Managerial Setting: Predominately natural/natural appearing landscapes with rustic improvements characterize this designation. Nodes of highly developed recreation facilities may be allowed. Developed recreation site regulations and controls (signing, regulations or other regimentation) harmonize with the natural characteristics of the landscape setting. Away from developed recreation sites there is minimal or subtle control of users.

Trails are moderately developed (native surface or gravel, trail bridges and other facilities are provided for user convenience). Trail use is typically low to moderate. Trails are suitable for a wide range of users and are challenging and involve intermediate to advance skills.

~~(a) Permitted uses are those that provide settings where people can participate in activities such as physical fitness, outdoor learning, relaxation, and escape from noise and crowds.~~

(a)~~(b) The maximum site design capacity shall not exceed 70 people at one time on the site.~~ The maximum design capacity shall be 25 vehicles.

(b)~~(c)~~ All uses permitted in Class 1 are permitted in Class 2. The following uses may also be permitted:

1. ~~Campground with vehicle access~~ Campgrounds for twenty (20) units or less, tent sites only.

2. Boat anchorages designed for no more than 10 boats at one time.

3. Swimming areas.

4. Accommodations for mass transportation facilities should be considered where compatible with the social and physical settings.

(3) Intensity Class 3 (Moderate Intensity)

~~Emphasis is on facilities with design themes emphasizing the natural qualities of the area. Developments are complementary to the natural landscape, yet can accommodate moderate numbers of people.~~

Social Setting: A high degree of interaction with other visitors with opportunities to experience relaxation and activities that provide little challenge or risk in a natural appearing environment characterizes this designation. Visitor encounters are moderate to high on trails away from developed recreation sites and roads.

Physical and Managerial Setting: Changes to the natural landscape may be evident but in harmony with natural characteristics of the landscape setting. Highly developed recreation facilities and trails are constructed for visitor convenience. On-site regulation and controls are noticeable but harmonize with the natural environment.

Trails typically accommodate moderate to high use and are well developed (native, gravel or paved surfaces, trail facilities such as bridges are provided for convenience). Trails are easily traveled by a wide range of users who have intermediate skill level and minimal orienteering skills.

(a) Permitted uses are those in which people can participate in activities to realize experiences such as group socialization, nature appreciation, relaxation, cultural learning, and physical activity.

(b) ~~Maximum site design capacity shall not exceed 250 people at on the site.~~ The maximum design capacity shall be 50 vehicles. The GMA vehicle capacity level of 75 vehicles would be approved if enhancement or mitigation measures for scenic, cultural, or natural resources are approved for at least 10 percent of the site.

(c) Accommodation of facilities for mass transportation (bus parking, etc.) shall be required for all new (Recreation Intensity Class 3) day-use recreation sites and improvements to existing Class 3 day-use recreation sites where the improvement would increase the use of the site, except for sites predominantly devoted to boat access. The number and size of the mass transportation facilities shall reflect the physical capacity of the site.

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(d) All uses permitted in Classes 1 and 2 are permitted in Class 3. The following uses may also be permitted:

1. Campgrounds with improvements that may include vehicle access, water, power, sewer, and sewage dump stations. Campgrounds shall not exceed a combination of 50 single or group campsites (tent or recreational vehicle) and a total design capacity of 250 people at one time.

2. Boat anchorages designed for not more than 15 boats.

3. Public visitor, interpretive, historic, and environmental education facilities.

4. Full service rest-rooms, may include showers.

5. Boat ramps.

6. Riding stables.

(4) Intensity Class 4 (High Intensity)

~~Emphasis is for providing roaded natural, rural, and suburban recreation opportunities with a high level of social interaction.~~

Social Setting: This designation is characterized by highly developed facilities where there is little challenge or risk associated with being in the outdoors. There is a high degree of interaction with other visitors. Encounters are high in recreation sites, on roads and trails within in this designation.

Physical and Managerial Setting: Landscapes with natural appearing backdrop are characterized by this designation. Highly developed recreation facilities and trails are constructed for visitor convenience and ease of movement. On-site regulation and controls are noticeable but harmonize with the natural characteristics of the landscape setting.

Trails are highly developed (gravel or paved surfaces, trail facilities such as bridges are provided for convenience) and accommodate heavy to intensive use. Users are typically inexperienced with little or no orienteering skills. Trails are easily traveled by a wide range of users.

(a) Permitted uses are those in which people can participate in activities to realize experiences such as socialization, cultural and natural history appreciation, and physical activity.

(b) ~~The maximum design capacity shall not exceed 1000 people at one time on the site.~~ The maximum design capacity for parking areas shall be 200 vehicles. The GMA vehicle capacity level of 250 vehicles shall be allowed if enhancement or mitigation measures of scenic, cultural, or natural resources are approved for at least 20 percent of the site.

(c) Accommodation of facilities for mass transportation (bus parking, etc.) shall be required for all new (Recreation Intensity Class 4) day-use recreation sites and improvements to existing Class 4 day-use recreation sites where the improvement would increase the use of

the site, except for sites predominantly devoted to boat ~~races~~ access. The number and size of the mass transportation facilities shall reflect the physical capacity of the site.

(d) All uses permitted in Classes 1, 2, and 3 are permitted in Class 4.

(e) Campgrounds with improvements that may include vehicle access, water, power, sewer, and sewage dump stations. Campgrounds shall not exceed a combination of 100 single or group campsites (tent or recreational vehicle) and a total design capacity of 500 people at one time.

(Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7090 RESPONSES TO AN EMERGENCY/DISASTER EVENT

Responses to an emergency/disaster event are allowed in all zoning districts within the Columbia River Gorge National Scenic Area when in compliance with the following standards:

(A) General standards for all response activities.

(1) Following emergency/disaster response actions, best management practices (BMPs) to prevent sedimentation and provide erosion control shall be utilized whenever disaster response actions necessitate vegetation removal, excavation, ~~and/~~or grading. BMPs may include but are not limited to: use of straw bales, slash windrows, filter fabric fences, sandbags, straw cover, jute netting, etc.

(2) Structures or development installed or erected for a temporary use (e.g. sandbags, check dams, plastic sheeting, chain link fences, debris walls, etc.) shall be removed within one year following an emergency event. If it can be demonstrated that the continued use of these devices is necessary to protect life, property, public services or the environment, an extension of no more than two years may be granted by the Planning Director, or the U.S. Forest Service for federal agency actions.

(3) The new exploration, development (extraction or excavation), and production of mineral resources, used for commercial, private or public works projects, shall not be conducted as an emergency/disaster response activity.

(4) No spoils resulting from grading or excavation activities shall be deliberately deposited into a wetland, stream, pond, lake, or riparian area within the National Scenic Area ~~(NSA)~~ as a part of an emergency/disaster response action. The only exception to this is for construction of a fire line during a wildfire, where avoiding the aquatic area or its buffer zone has been considered and determined to not be possible without further jeopardizing life or property.

(B) Notification Requirements

(1) Actions taken in response to an emergency/disaster event, as defined in MCC 38.0015, are allowed in all GMA and SMA land use designations, subject to the following notification requirements.

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(a) Notification of an emergency/disaster response activity shall be submitted either within 48 hours of the commencement of a response action, or by the next business day following the start of such an action, whichever is sooner. Notification shall be submitted by the party conducting an emergency/disaster response activity or their representatives. In the case of multiple responding parties, the first party to respond shall provide the required notification, unless, upon mutual agreement of responding parties, another responder elects to assume this responsibility.

(b) Notification shall be submitted by mail, fax, telephone, e-mail or in person. If notification occurs by telephone, a hard copy of the notification shall be submitted by mail or in person within 7 days.

(c) Notification shall be furnished to the Planning Director, or the U.S. Forest Service for federal agency actions. If the Forest Service is the action agency, it shall provide notice to the Gorge Commission.

(d) At a minimum, the following information shall be required at the time of notification:

1. Nature of emergency/disaster event.

2. Description of emergency/disaster response activities and magnitude of response actions to be taken, if applicable (such as extent of earth movement, erection of structures, etc.).

3. Location of emergency/disaster response activities.

4. Estimated start and duration of emergency/disaster response activities.

5. Contact person and phone number for the parties conducting emergency/disaster response actions.

(e) Repair and maintenance of an existing serviceable structure to its previously authorized and undamaged condition are not subject to the above referenced notification requirements.

(2) Upon notification of an emergency/disaster response action, the Planning Director or the Forest Service shall, as soon as possible:

(a) Review their natural resource ~~inventory~~ data and notify the contact person for the emergency/disaster response actions of all ~~inventoried~~ natural resource sites, and their buffers, that are within or adjacent to the response area or that may be adversely affected by response activities;

(b) Notify the Oregon Department of Fish and Wildlife of all noticed emergency/disaster response actions, to provide that agency an opportunity to consult with responding agencies during the event, and;

(c) Notify the U.S. Forest Service (except when the U.S. Forest Service is the notifying agency), State Historic Preservation Office (SHPO), and the Tribal governments of all emergency/disaster response activities. The U.S. Forest Service will review their cultural

resource ~~inventory~~ data and notify the contact person for the emergency/disaster response action as soon as possible of all inventoried cultural resource sites, or their buffers, that are within, or adjacent to, emergency/disaster response areas.

(3) Upon notification of a response action, the U.S. Forest Service shall, as soon as possible, offer the services of a resource advisor to the agency(ies) conducting the response action. The resource advisor will provide on-site advice to minimize impacts to resources from emergency/disaster response actions.

(C) Post-Emergency/Disaster Response Site Review Application Requirements

(1) Within 30 days following notification, a post-emergency/disaster response application shall be submitted by the party conducting the response action to the Planning Director, or U.S. Forest Service for federal agency actions. In the case of an event with multiple responding parties, the agency providing initial notification as required herein shall submit the application. An exception to this may occur if another responding party, by mutual agreement with the other respondents, elects to submit the application. Requests to extend this submittal deadline may be made in writing and shall include the reason why an extension is necessary. Extensions shall not exceed 30 days in duration ~~and no more than two (2) extensions shall be granted~~.

(2) Post-emergency/disaster response applications shall only address development activities conducted during an emergency/disaster response. Applications shall specify if development placed during an emergency/disaster event is permanent or temporary. The terms "development activities" and "development" include the disposal of any soil materials associated with an emergency/disaster response action. Applicants shall be responsible for operations under their control and that of other responders, upon mutual agreement. Responders not agreeing to have another responder address their actions shall be responsible to submit an application for those actions.

(3) Emergency/disaster response actions not involving structural development or ground disturbance with mechanized equipment are exempt from these requirements, except for those actions within 500 feet of a known cultural resource (as determined in the notification process).

(4) Applications shall include the following information:

(a) Applicant's name and address.

(b) Location of emergency/disaster response.

(c) A written description of the emergency/disaster response, including any structures erected, excavation or other grading activities, or vegetation removal.

(d) A map of the project area drawn to scale, at a scale of 1"=200' or a scale providing greater detail. The map shall include:

1. North arrow and scale.

2. Boundaries, dimensions and size of subject parcel(s).

3. Topography at a contour interval sufficient to describe the terrain of the project site.

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4. Bodies of water, watercourses, and significant landforms.

5. Existing roads and structures.

6. New structures placed and any vegetation removal, excavation or grading resulting from the response actions.

(e) An exception to the scale requirements of subsection (4)(d) may be granted for an event encompassing an area greater than one square mile. In such cases, a clear sketch map of the entire response action area shall be provided. In addition, a map of 1"=200' or a scale providing greater detail shall be provided that shows a section of the response area exemplifying the specific actions taken.

(D) Post-Emergency/Disaster Response Site Review

All applications for post-emergency/disaster response Site Review shall be processed pursuant to the procedural provisions of MCC 38.0530 (B) and evaluated for compliance with the standards of MCC 38.7090 (E).

(E) Post-Emergency/Disaster Response Site Review Approval Criteria

Actions taken in all land use designations that are in response to an emergency/disaster event shall be reviewed for compliance with the following standards:

(1) Scenic Resources

(a) Impacts of emergency/disaster response actions shall be evaluated to ensure that scenic resources are not adversely affected. In the GMA, such actions shall be rendered visually subordinate in their landscape setting as ~~seen~~ visible from key viewing areas to the greatest extent practicable, except for actions located in the Corbett Rural Center zoning district. In the SMAs, such actions shall meet the scenic standard to the greatest extent practicable.

(b) Vegetation shall be used to screen or cover road cuts, structural development, landform alteration, and areas denuded of vegetation, as a result of emergency/disaster response actions.

(c) Areas denuded of vegetation as a result of emergency/disaster response actions shall be revegetated with native plant species to restore the affected areas to its pre-response condition to the greatest extent practicable. Revegetation shall occur as soon as practicable, but no later than one year after the emergency/disaster event. An exception to the one year requirement may be granted upon demonstration of just cause, with an extension of up to one year.

(d) The painting, staining or use of other materials on new structural development shall be used to ensure that the structures are non-reflective, or of low reflectivity, and visually subordinate in their landscape setting as ~~seen~~ visible from key viewing areas, unless the structure is fully screened from key viewing areas by existing topographic features.

(e) Additions to existing structures, resulting from ~~a~~ an emergency/disaster response action, which are smaller in total height, bulk or area than the existing structures may be the same

color as the existing development. Additions larger than the existing development shall be visually subordinate in their landscape setting as ~~seen~~ visible from key viewing areas to the greatest extent practicable.

(f) In the General Management Area, spoil materials associated with grading, excavation and slide debris removal activities in relation to an emergency/disaster response action, shall comply with the following standards:

1. The spoil materials shall either be:

a. Removed from the ~~NSA~~ National Scenic Area or

b. Deposited at a site within the ~~NSA~~ National Scenic Area where such deposition is, or can be, allowed, or

c. Contoured, to the greatest extent practicable, to retain the natural topography, or a topography which emulates that of the surrounding landscape.

2. The County shall decide whether an applicant removes the spoil materials (MCC 38.7090(E)(1)(f) 1.a.), deposits the spoil materials (MCC 38.7090(E)(1)(f) 1.b.), or contours the spoils materials (MCC 38.7090(E)(1)(f)1.c.) The applicant does not make this decision.

3. The County shall select the action in MCC 38.7090(E)(1)(f) 1. that, to the greatest extent practicable, best complies with the provisions in Chapter 38 that protect scenic, cultural, recreation, and natural resources.

4. Disposal sites created according to MCC 38.7090(E)(1)(f)1.b. shall only be used for spoil materials associated with an emergency/disaster response action. Spoil materials from routine road maintenance activities shall not be deposited at these sites.

(g) In the Special Management Areas, spoil materials associated with grading, excavation, and slide debris removal activities in relation to an emergency/disaster response action shall comply with the following standards:

1. The spoil materials shall either be:

a. Removed from the ~~NSA~~ National Scenic Area, or

b. Deposited at a site within the ~~NSA~~ National Scenic Area where such deposition is, or can be, allowed within two years of the emergency.

2. After the spoils materials are removed, the emergency disposal site shall be rehabilitated to meet the scenic standard.

3. All grading (i.e. contouring) shall be completed within 30 days after the spoils materials are removed.

4. Sites shall be replanted using native plants found in the landscape setting or ecoregion to the maximum extent practicable.

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5. All revegetation shall take place within one (1) year of the date an applicant completes the grading.

6. MCC 38.7090 (E) (1) (g) shall take effect on August 3, 2006, or approval of a disposal site, whichever comes first.

(2) Cultural Resources and Treaty Rights

(a) To the greatest extent practicable, emergency/disaster response actions shall not adversely affect cultural resources. Emergency/disaster response actions shall not affect or modify Tribal treaty rights.

(b) The ~~U.S.~~ Forest Service shall determine if a reconnaissance survey or historic survey is necessary within three days after receiving notice that a post-emergency land use application has been received by the Planning Director.

1. Reconnaissance surveys shall be conducted by the ~~U.S.~~ Forest Service and comply with the standards of MCC 38.7045 (D) (1) and (D)(2)(c).

2. Historic surveys shall be conducted by the ~~USDA~~ Forest Service and shall describe any adverse effects to historic resources resulting from an emergency/disaster response action. Historic surveys shall document the location, form, style, integrity, and physical condition of historic buildings and structures. Such surveys shall also include original photographs, if available, and maps, and should use archival research, blueprints, and drawings as necessary.

(c) Following the submittal of a post-emergency land use application, in addition to other public notice requirements that may exist, the Planning Director shall notify the ~~Tribal~~ governments of the four Columbia River treaty tribes when:

1. A reconnaissance survey is required, or

2. Cultural resources exist in the project area.

All such notices shall include a copy of the site plan required by MCC 38.7090 (C) (4) (d).

~~Tribal governments~~ The Columbia River treaty tribes shall have 15 calendar days from the date a notice is sent to submit written comments. Written comments should describe the nature and extent of any cultural resources that exist in the project area or treaty rights that exist in the project area and how they have been affected, and identify individuals with specific knowledge about them. The Planning Director shall send a copy of all comments to the Gorge Commission.

(d) When written comments are submitted in compliance with (C) (2) above, the project applicant shall offer to meet within five calendar days with the interested persons. The five day consultation period may be extended upon agreement between the project applicant and the interested persons. A report shall be prepared by the Planning Director following the consultation meeting. Consultation meetings and reports shall comply with the standards of MCC 38.7045 (C) (1) and (2) and 38.0110 ~~(A)(1) and (2)~~.

(e) If cultural resources are discovered within the area disturbed by emergency response actions, the project applicant shall have a qualified professional conduct a survey to gather enough information to evaluate the significance of the cultural resources and what effects the action had on such resources. The survey and evaluation shall be documented in a report that follows the standards of MCC 38.7045 (D) (2)(c) and, (F).

(f) A mitigation plan shall be prepared by the project applicant if the affected cultural resources are significant. The mitigation plan shall be prepared according to the information, consultation, and report standards of MCC 38.7045 (J).

(g) The Planning Director shall submit a copy of all reconnaissance and historic survey reports and treaty rights protection plans to the SHPO and the ~~Tribal~~ governments of the four Columbia River treaty tribes. Survey reports shall include measures to mitigate adverse effects to cultural resources resulting from emergency/disaster response actions. The SHPO and ~~Tribal~~ governments of the four Columbia River treaty tribes shall have 15 calendar days from the date a survey report is mailed to submit written comments to the Planning Director. The Director shall record and address all written comments in the Site Review decision.

(h) The Planning Director shall make a final decision on whether the emergency/disaster response actions are consistent with the applicable cultural resource goals, policies, and guidelines. If the final decision contradicts the comments submitted by the SHPO, or those submitted by a Tribal government regarding treaty rights, the Director shall justify how an opposing conclusion was reached.

(i) The cultural resource protection process may conclude when it has been determined that Tribal treaty rights have not been affected and one of the following conditions exists:

1. The emergency/disaster response does not require a reconnaissance or historic survey, or a reconnaissance survey demonstrates that no cultural resources are known to exist in the project area, and no substantiated concerns were voiced by interested persons within 15 calendar days of the date that a notice was mailed.

2. The emergency/disaster response action avoided cultural resources that exist in the project area.

3. Adequate mitigation measures to affected cultural resources have been developed and will be implemented.

4. A historic survey demonstrates that emergency/disaster response actions, and associated development, had no effect on historic buildings or structures because:

a. The SHPO concluded that the historic buildings or structures are clearly not eligible, as determined by using the criteria in the *National Register Criteria for Evaluation (36 CFR 60.4)*, or

b. The emergency/disaster response actions did not compromise the historic or architectural character of the affected buildings or structures, or compromise features of the site that are important in defining the overall historic character of the affected buildings or structures, as determined by the guidelines and standards

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in The Secretary of the Interior's *Standards for Rehabilitation [U.S. Department of the Interior 1990]* and The Secretary of the Interior's *Standards for Historic Preservation Projects [U.S. Department of the Interior 1983]*.

(3) Natural Resources

(a) To the greatest extent practicable, emergency/disaster response actions shall not adversely affect natural resources.

(b) Buffer zones for ~~wetlands, streams, ponds, riparian areas~~ water resources, Priority Habitats or sensitive wildlife sites ~~or areas~~, and sites containing rare plants, shall be the same as those established in ~~MCC .7060(F)~~ MCC 38.7053.

1. ~~Wetlands, Streams, Ponds, Lakes, Riparian Areas~~ Water Resources

a. Emergency/disaster response actions occurring within a water resources buffer zone ~~of wetlands, streams, pond, lakes or riparian areas~~ shall be reviewed by the Oregon Department of Fish and Wildlife. These areas are also referred to in this section as aquatic areas. State biologists will help determine if emergency/disaster response actions have affected or have a potential to affect these aquatic areas or their buffer zones. ~~State biologists shall respond within 15 days of the date the application is mailed.~~

b. When emergency/disaster response activities occur within ~~wetlands, streams, ponds, lakes, riparian areas, or the~~ water resources or their buffer zones ~~of these areas~~, the applicant shall demonstrate the following:

1) All reasonable measures have been applied to ensure that the response actions have resulted in the minimum feasible alteration or destruction of the functions, existing contours, vegetation, fish and wildlife resources, and hydrology of wetlands, streams, ponds, lakes, or riparian areas.

2) Areas disturbed by response activities and associated development will be rehabilitated to the maximum extent practicable.

c. Impacts to ~~wetlands, streams, ponds, lakes, and riparian areas,~~ water resources and their buffers will be offset through mitigation and restoration to the greatest extent practicable. Mitigation and restoration efforts shall use native vegetation, and restore natural functions, contours, vegetation patterns, hydrology and fish and wildlife resources to the maximum extent practicable.

d. If the Planning Director, in consultation with the Oregon Department of Fish and Wildlife, determines that the emergency/disaster response actions had minor effects on the ~~aquatic area~~ water resource or its buffer zone that could be eliminated with simple modifications, a letter shall be sent to the project applicant that describes the effects and measures that need to be taken to eliminate them. The state biologist~~,~~ or a Forest Service natural resource advisor (as available) in consultation with the state biologist, shall visit the site in order to make this determination. If the project applicant accepts these recommendations, the

Planning Director shall incorporate them into the Site Review decision and the aquatic area protection process may conclude.

e. Unless addressed through d. above, mitigation and restoration efforts shall be delineated in a ~~Rehabilitation Plan~~ Water Resources Mitigation Plan. Water Resources Mitigation ~~Rehabilitation~~ Plans shall satisfy the applicable standards of ~~MCC .7060(F)(1) and (2)~~ MCC 38.7053. Water Resources Mitigation ~~Rehabilitation~~ Plans shall also satisfy the following:

1) Plans shall include a plan view and cross-sectional drawing at a scale that adequately depicts site rehabilitation efforts. Plans will illustrate final site topographic contours that emulate the surrounding natural landscape.

2) Planting plans shall be included that specify native plant species to be used, specimen quantities, and plant locations.

3) The project applicant shall be responsible for the successful rehabilitation of all areas disturbed by emergency/disaster response activities.

2. *Wildlife Habitat*

a. Emergency/disaster response actions occurring within 1,000 feet of a ~~sensitive wildlife area or~~ Priority Habitat or sensitive wildlife site~~,~~ shall be reviewed by the Oregon Department of Fish and Wildlife. State wildlife biologists will help determine if emergency/disaster response actions have affected or have a potential to affect a ~~sensitive wildlife area or~~ Priority Habitat or sensitive wildlife site.

b. Site plans for emergency/disaster response sites shall be submitted by the Planning Director to the Oregon Department of Fish and Wildlife for review as required by MCC 38.7065 (C) (1) and (2). ~~The department shall respond within 15 days of the date the application is mailed.~~

c. The wildlife protection process may terminate if the Planning Director, in consultation with the Oregon Department of Fish and Wildlife, determines:

1) The ~~sensitive wildlife area or~~ Priority Habitat or sensitive wildlife site was not active, or

2) The emergency/disaster response did not compromise the integrity of the ~~wildlife area or~~ Priority Habitat or sensitive wildlife site or occurred at a time when wildlife species are not sensitive to disturbance.

d. If the Planning Director, in consultation with the Oregon Department of Fish and Wildlife, determines that the emergency/disaster response activities had minor effects on the ~~wildlife area or~~ Priority Habitat or sensitive wildlife site that could be eliminated with simple modifications, a letter shall be sent to the project applicant that describes the effects and measures that need to be taken to eliminate them. The state wildlife biologist, or a U.S. Forest Service natural resource advisor (as available) in consultation with the state wildlife biologist, shall visit the site in order to make this determination. If the project applicant accepts these

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recommendations, the Planning Director shall incorporate them into the Site Review decision and the wildlife protection process may conclude.

e. If the Planning Director, in consultation with the Oregon Department of Fish and Wildlife, determines that the emergency/disaster response activities had adverse effects on a ~~sensitive wildlife area or~~ Priority Habitat or sensitive wildlife site, the project applicant shall prepare a Wildlife ~~Management~~ Mitigation Plan. Wildlife Management Plans shall satisfy the standards of MCC 38.7065(D). Upon completion of the Wildlife Management Plan, the Planning Director shall:

1) Submit a copy of the Wildlife ~~Management~~ Mitigation Plan to the Oregon Department of Fish and Wildlife for review. The department will have 15 days from the date that a management plan is mailed to submit written comments to the Planning Director;

2) Record any written comments submitted by the Oregon Department of Fish and Wildlife in the Site Review decision. Based on these comments, the Planning Director shall make a final decision on whether the proposed use would be consistent with the wildlife policies and guidelines. If the final decision contradicts the comments submitted by the Oregon Department of Fish and Wildlife, the Director shall justify how an opposing conclusion was reached.

3) Require the project applicant to revise the wildlife ~~management~~ Mitigation plan as necessary to ensure that the proposed use would not adversely affect a ~~sensitive wildlife area or~~ Priority Habitat or sensitive wildlife site.

3. *Deer and Elk Winter Range*

Any fencing permanently erected within deer and elk winter range, as a result of an emergency/disaster response, shall satisfy the standards of MCC 38.7065 (E).

4. *Rare Plants*

a. Emergency/disaster response actions occurring within 1,000 feet of a ~~sensitive~~ rare plant, shall be reviewed by the Oregon ~~Natural Heritage Program~~ Biodiversity Information Center. State heritage staff will help determine if emergency/disaster response actions have occurred within the buffer zone of a rare plant.

b. Site plans for emergency/disaster response sites shall be submitted to the Oregon ~~Natural Heritage Program~~ Biodiversity Information Center by the Planning Director. State ~~natural heritage~~ Biodiversity Information Center staff will, within 15 days from the date the ~~application~~ Rare Plant Mitigation Plan is mailed, identify the location of the affected plants and delineate a 200 foot buffer zone on the applicant's site plan.

c. The rare plant protection process may conclude if the Planning Director, in consultation with the Oregon ~~Natural Heritage Program~~ Biodiversity Information Center, determines that emergency/disaster response activities occurred outside of a rare plant buffer zone.

d. If the Planning Director, in consultation with the Oregon ~~Natural Heritage Program~~ Biodiversity Information Center, determines that the emergency/disaster response activities had minor effects on rare plants or the rare plant buffer zone, a letter shall be sent to the project applicant that describes the effects and measures that need to be taken to eliminate them. The state ~~natural heritage~~ Biodiversity Information Center staff, or a Forest Service natural resources advisor (as available) in consultation with the state ~~natural heritage~~ Biodiversity Information Center staff, shall visit the site in order to make this determination. If the project applicant accepts these recommendations, the Planning Director shall incorporate them into the Site Review decision and the rare plant protection process may conclude.

e. If emergency/disaster response activities occurred within a rare plant buffer zone that had adverse ~~affects~~ effects on rare plants or their buffer zone, the project applicant shall prepare a ~~protection and rehabilitation plan~~ Rare Plant Mitigation Plan, that meets the standards of MCC 38.7070 (D).

f. The Planning Director shall submit a copy of all ~~protection and rehabilitation plans~~ Rare Plant Mitigation Plans to the Oregon ~~Natural Heritage Program~~ Biodiversity Information Center for review. The state ~~natural heritage~~ Biodiversity Information Center program will have 15 days from the date the ~~protection and rehabilitation plan~~ Rare Plant Mitigation Plan is mailed to submit written comments to the Planning Director.

g. The Planning Director shall record any written comments submitted by the Oregon ~~Natural Heritage Program~~ Biodiversity Information Center in the Site Review decision. Based on these comments, the Director shall make a final decision on whether the proposed use would be consistent with the rare plant policies and guidelines. If the final decision contradicts the comments submitted by the Oregon ~~Natural Heritage Program~~ Biodiversity Information Center, the Director shall justify how an opposing conclusion was reached.

h. The Planning Director shall require the project applicant to revise the ~~protection and rehabilitation plan~~ Rare Plant Mitigation Plan as necessary to ensure that the proposed use would not adversely affect a rare plant site.

(4) Recreational Resources

(a) To the greatest extent practicable, emergency/disaster response actions shall not adversely affect recreational resources.

(b) Mitigation measures shall be implemented to mitigate any adverse effects on existing recreation resources caused by emergency/disaster response activities to the maximum extent practicable.

(Ord. 1270, Amended, 03/14/2019; Ord. 1125, Amended, 12/11/2008; Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 994, Amended, 09/26/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

(S-LU-2 2009)

§ 38.7100 EXPEDITED DEVELOPMENT REVIEW CRITERIA

(A) Proposed developments reviewed using the expedited review process shall comply with the following resource protection guidelines:

(1) Scenic

(a) In the General Management Area, the scenic resource protection provisions MCC 38.7100 (A)(1)(b) through (f) shall not apply to woven-wire fences for agricultural use that would enclose 80 acres or less.

(b) Except signs, the colors of structures topographically 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 approved by the reviewing agency shall be included as a condition of approval. This guideline shall not apply to additions to existing buildings smaller in total square area than the existing building, which may be the same color as the existing building match the color of existing buildings.

(c) Except signs, structures topographically visible from key viewing areas shall use low or non-reflective building materials, including roofing, gutters, vents, and chimneys.

(d) Outdoor lights Any exterior lighting shall be directed downward and sited, limited to no more than 1,000 lumens per fixture, hooded, and shielded such that they are not highly visible from key viewing areas 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.

Staff Note: The new language above in blue implements the "limited in intensity" guideline in the Management Plan by establishing a maximum output (lumens) threshold for each outdoor lighting bulb considered through the Expedited process. Research suggests lumens (light output) is the more appropriate regulatory metric as compared to watts (energy input) given the potential impact being regulated is light brightness and not energy used. Additionally, watts can vary greatly depending on the lighting technology. In staff's opinion, Lumens are to light what pounds are to meat and gallons are to milk.

THE PRPOPOSED THRESHOLD WAS CHOSEN AFTER STAFF REVIEWED ON-LINE INFORMATION RELATED TO COMMON LIGHTING INTENSITY, AND WITH A POLICY INTENT TO PROVIDE FOR LOW TO MID-INTENSITY SECURITY FLOODLIGHTS THROUGH EXPEDITED REVIEW. ONLINE INFORMATION RESEARCHED IS REFERENCED BELOW.

https://gamasonic.com/how-many-lumens-do-you-need-for-outdoor-lighting/

LED Outdoor Light	Recommended LED Lumens
Security Floodlights	700-1300
Shed Lights	150-300
Lamp Posts	120-180
Landscape Spotlights	120
Outdoor Path Lighting	100

https://www.homedepot.com/c/ab/how-many-lumens-needed-for-outdoor-lighting/9ba683603be9fa5395fab90170e343cd

Below is a list of recommended LED lumens for specific outdoor lighting:

Step lights: 12-100 lumens
Hardscape lights (on walls): 50-185 lumens
Landscape lights: 50-300 lumens
Path lights: 100-200 lumens
Landscape spotlights: 120 lumens
Lamp posts: 120-180 lumens
Pond/pool lights: 200-400 lumens
Motion sensor lights: 300-700 lumens
Flood lights: 700-1300 lumens

https://www.homedepot.com/c/ab/light-bulb-brightness/9ba683603be9fa5395fab9014959566a

LUMENS TO WATTS CONVERSION CHART

BRIGHTNESS IN LUMENS	220+	400+	700+	900+	1300+
INCANDESCENT	25 W	40 W	60 W	75 W	100 W
HALOGEN	18 W	28 W	42 W	53 W	70 W
CFL	6 W	9 W	12 W	15 W	20 W
LED	4 W	6 W	10 W	13 W	18 W

(e) Signs shall comply with the applicable sign provisions of MCC 38.0080.

(f) Structures within ½-mile of a key viewing area and topographically visible from the key viewing area shall be sited, screened and~~/or~~ designed to achieve the applicable scenic standard (e.g., visual subordinance, not visually evident).

(2) Cultural

(a) The expedited development review process shall only be used to review proposed development that does not require a reconnaissance survey or historic survey. The GMA Cultural Resources Reconnaissance Survey Criteria in MCC 38.7045(A)~~(1), (2), and (3)~~ (1)-(4) shall be used to determine if a reconnaissance ~~and/~~or historic survey is required for a proposed development.

Commented [AB34]: This amendment adding reference to (4) is required to align county code with a Management Plan requirement that a historic survey is required for certain proposals that alter a building or structure 50-years old or older, regardless of whether a historic survey had previously been conducted.

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(b) The GMA provisions that protect cultural resources in MCC 38.7045(L) and human remains discovered during construction in MCC 38.7045(M) shall be applied as conditions of approval for all development approved under the expedited development review process.

(3) Recreation

The development shall not detract from the use and enjoyment of established recreation sites on adjacent parcels.

(4) Natural

(a) Water Resources (Wetlands, Streams, ~~Rivers,~~ Ponds, ~~and~~ Lakes, and Riparian Areas)

The development is outside water resources and their buffer ~~zones for wetlands, streams, rivers, ponds, and lakes~~. This guideline shall not apply to lot line adjustments or development located inside road, utility or railroad rights-of-way or easements that have been previously disturbed and regularly maintained.

(b) Sensitive Wildlife and ~~Sensitive~~ Rare Plants

1. The development meets one of the following:

a. The development is at least 1,000 feet from known Priority Habitats or sensitive wildlife ~~areas or~~ sites (excluding sensitive aquatic species, and deer and elk winter range~~, and turkey habitat~~) and known ~~sensitive~~ rare plants; or

b. The development does not disturb the ground or is inside road, utility or railroad rights-of-way or easements or other areas that have been previously disturbed and regularly maintained; or

c. For sensitive wildlife, the development is within 1,000 feet of known Priority Habitats or sensitive wildlife ~~areas or~~ sites (excluding sensitive aquatic species, and deer and elk winter range ~~and turkey habitat~~), but an appropriate federal or state wildlife agency determines:

1) the Priority Habitat or sensitive wildlife ~~area or~~ site is not active; or.

2) the proposed development would not compromise the integrity of the Priority Habitat or sensitive wildlife ~~area or~~ site or occur during the time of the year when wildlife species are sensitive to disturbance.

For ~~sensitive~~ rare plants, the development is within 1,000 feet of known ~~sensitive~~ rare plants, but the Oregon Biodiversity Information Center ~~Natural Heritage Program~~ or a person with recognized expertise in botany or plant ecology hired by the applicant has determined that the development would be at least 200 feet from the ~~sensitive~~ rare plants.

2. Development eligible for expedited review shall be exempt from the field surveys for sensitive wildlife in MCC 38.7065 (A) or ~~sensitive~~ rare plants in MCC 38.7070 (A).

(B) Proposed developments reviewed using the expedited review process shall comply with the following treaty rights protection guidelines:

(1) Proposed developments shall not adversely affect treaty or other rights of any Indian tribe.

(2) The expedited development review process shall cease and the proposed development shall be reviewed using the full development review process if a tribal government an Indian tribe submits substantive written comments during the comment period that identify the treaty rights that exist in the project vicinity and explain how they would be affected or modified by the proposed development.

(3) Except as provided in MCC 38.7100(B)(2) above, the GMA and SMA treaty rights, and the consultation process discussed in MCC 38.0110 shall not apply to proposed developments reviewed under the expedited review process.

(C) Renewable energy production qualifying for Expedited Review is subject to the applicable provisions of 38.7390.

(Ord. 1125, Amended, 12/11/2008; Ord. 1064, Add, 06/23/2005)

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PART 7 - SPECIAL USES

APPROVAL CRITERIA AND SUBMITTAL REQUIREMENTS

(Ord. 1064, Add, 06/23/2005)

§ 38.7300- REVIEW AND CONDITIONAL USES

(A) Agriculture

(1) The use is compatible with agricultural uses and would not force a change in or significantly increase the cost of accepted agricultural practices on nearby lands devoted to agricultural use; and

(2) The use will be sited to minimize the loss of land suitable for the production of crops or livestock.

(B) Forestry

(1) The owners of land designated GGF or GGA within 500 feet of the perimeter of the subject parcel have been notified of the land use application and have been given at least 10 days to comment prior to a final decision;

(2) The use will not interfere seriously with accepted forest or agricultural practices on nearby lands devoted to resource use;

(3) The use will be sited in such a way as to minimize the loss of forest or agricultural land and to minimize the chance of interference with accepted forest or agricultural practices on nearby lands; and

(4) The use will not significantly increase fire hazard, fire suppression costs or risks to fire suppression personnel and will comply with MCC 38.7305.

(C) Residential

(1) The proposed use would be compatible with the surrounding area. Review of compatibility shall include impacts associated with the visual character of the area, traffic generation, effects of noise, dust and odors.

(2) The proposed use will not require public services other than those existing or approved for the area.

(3) If the subject parcel is located within 500 feet of lands designated GGA or GGF, new buildings associated with the proposed use shall comply with MCC 38.0060.

(4) If the subject parcel is located within 500 feet of lands designated GGF, new buildings associated with the proposed use shall comply with MCC 38.7305.

(D) Commercial

(1) The proposal is limited to 5,000 square feet of floor area per building or use. This size limitation does not apply for a building or use authorized through the Special Uses in Historic Buildings provisions of 38.7380; and

(2) The proposed use would be compatible with the surrounding areas including review for impacts associated with the visual character of the area, traffic generation and the effects of noise, dust and odors.

(E) Non-Recreation Uses in GG– PR

(1) The proposed use will not interfere with existing or approved public recreation uses on the subject property or adjacent lands. Mitigation measures to comply with this criterion may include onsite buffers, seasonal or temporary closures during peak recreation use periods, *etc*.

(2) The proposed use will not permanently commit the majority of the site to a non-recreational use. Careful siting and design of structure and other improvements may be utilized to comply with this criterion.

(3) Land divisions may be allowed upon a demonstration that the proposed land division is necessary to facilitate, enhance or otherwise improve recreational uses on the site.

(F) Non-Recreation Uses in GG– CR

(1) The proposed use will not interfere with existing or approved commercial recreation uses on the subject property or adjacent lands. Mitigation measures to comply with this criterion may include onsite buffers, seasonal or temporary closures during peak recreation use periods, *etc*.

(2) The proposed use will not permanently commit the majority of the site to a non-recreational use. Careful siting and design of structure and other improvements may be utilized to comply with this criterion.

(3) Land divisions may be allowed upon a demonstration that the proposed land division is necessary to facilitate, enhance or otherwise improve recreational uses on the site.

(Ord. 1270, Amended, 03/14/2019; Ord. 1179, Amended, 04/21/2011; Ord. 1064, Renum38.0075, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7305 FIRE PROTECTION IN FOREST ZONES

(A) All buildings and structural projections such as porches, balconies and decks shall be set back at least 50 feet from slopes exceeding 30 percent grade (excluding slopes located uphill of the building) to minimize the risks associated with wildfire, unless the County approves an alternative pursuant to (A)(1).

(1) An alternative setback may be required and approved by the County if the local fire district, or the building official when there is no such fire service provider, has provided a recommendation stating that an alternative setback (whether greater than or less than 50 feet) is either necessary or sufficient to minimize risks associated with wildfire.

(~~A~~B) All buildings and structural projections such as porches, balconies and decks shall be surrounded by a maintained defensible space fuel break of at least 50 feet to minimize the risks

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Commented [AB35]: This addition provides a helpful cross reference to a scenario exempt from this floor area limitation for certain commercial uses.

Commented [AB36]: The Management Plan amendments included general and discretionary fire protection guidelines in bold below which required code development to implement.

"Approval Criteria for Siting of Dwellings on Forest Land".....&.....
"Approval Criteria for Fire Protection":
- ***Dwellings should be set back from slopes***
- ***Structural projections shall be set back from slopes.***
- ***Fuel breaks shall be adjusted to account for site slope, to protect riparian vegetation and other resources, or as recommended by local fire districts, conservation districts, or other professional.***

Commented [AB37]: The setback from slope requirement was mirrored after current Wasco County fire protection slope setback requirements in NSA. The setback is intended to provide room for emergency responder access around all sides of a building for firefighting and helps move a building away from what is often the hottest side of fast moving flames rising up a slope.

Commented [AB38]: The local fire district, or building official if applicable, would rely on adopted building codes and fire codes to consider any alternative means and methods deemed adequate when considering an alternative setback. Such means and methods could include, but are not limited to, requirements that non-combustible materials, tempered glass and/or fire rated doors be used.

associated with wildfire, unless the County approves an alternative pursuant to (B)(2) or (B)(3) below. Hazardous fuels shall be removed within the defensible space fuel break area. Irrigated or fire resistant vegetation may be planted within the defensible space fuel break. This could include green lawns and low shrubs (less than 24 inches in height). Trees should be spaced greater than 15 feet between the crowns and pruned to remove dead and low (less than 8 feet) branches. Accumulated leaves, needles, and other dead vegetation shall be removed from beneath trees.

(1) The defensible space fuel break shall be extended farther down the slope pursuant to the slope requirements below to minimize the risks associated with wildfire, unless the County approves an alternative pursuant to (B)(2) or (B)(3).

Percent Slope	Distance In Feet
Less than 10	No additional required
Less than 20	30 additional
Less than 25	55 additional
Less than 40	80 additional

Commented [AB39]: This defensible space table mirrors the requirements on Multnomah County forest lands outside the NSA (chapter 39 zoning code), but adjusted down 20-feet in the NSA for each distance provided given primary fire zone is currently 50-feet in NSA and 30-feet outside NSA. The end result in the extent of the defensible space fuel breaks is the same inside and outside of the NSA.

(2) An alternative defensible space fuel break, including an alternative defensible space fuel break extension, may be required and approved by the County if the local fire district, or the building official when there is no such fire service provider, has provided a recommendation stating that an alternative defensible space fuel break (whether greater than or less than the requirement) is either necessary or sufficient to minimize risks associated with wildfire; or

Commented [AB40]: The local fire district, or building official if applicable, would rely on adopted building codes and fire codes to consider any alternative means and methods deemed adequate when considering an alternative defensible space fuel break. Such means and methods could include, but are not limited to, requirements that non-combustible materials, tempered glass and/or fire rated doors be used.

(3) An alternative defensible space fuel break, including an alternative defensible space fuel break extension, may be required and approved by the County if the County finds such alternative (whether greater than or less than the requirement) is necessary to protect riparian vegetation required to be preserved by any provision within MCC Chapter 38, or any relevant development standard of MCC Chapter 39 as provided for in MCC 38.0010.

(~~B~~C) Buildings with plumbed water systems shall install at least one standpipe a minimum of 50 feet from the structure. Required standpipes shall utilize a 1-inch NHSP hose connection, unless some other connection specification or design is requested by the local fire district.

(~~C~~D) For properties located outside of a fire district, a pond, stream, tank or sump with storage of not less than 1,000 gallons, or a well or water system capable of delivering 20 gallons per minute shall be provided. If a well pump is located on-site, the electrical service for the well pump shall be ~~separate~~ separated at least 30 feet from ~~the dwelling~~ any building.

(~~D~~E) Access drives shall be constructed to a minimum of 12 feet in width and not exceed a grade of 12 percent. Turnouts shall be provided at a minimum of every 500 feet and at the building site. Access drives shall be maintained to a level that is passable to fire equipment. Variances to road standards may be made only after consultation with the local rural fire district and the Oregon Department of Forestry.

(~~E~~F) Within one year of the occupancy of a dwelling, the Planning Director shall conduct a review of the development to assure compliance with these standards.

(~~F~~G) ~~Telephone and power~~ Utility supply systems shall be underground whenever possible.

(~~G~~H) Roofs of structures ~~should~~ shall be constructed of fire-resistant materials such as metal, fiberglass, or asphalt shingle or tile. Roof materials such as cedar shake and shingle ~~should~~ shall not be used.

(~~H~~I) Any chimney or stovepipe on any structure for use with a woodstove or fireplace should be equipped with a spark arrestor that includes as least one screen~~ed~~ with no coarser than ~~1/4~~ 1/8 inch mesh metal screen that is noncombustible and corrosion resistant and should be equipped with a spark arrestor.

(~~I~~J) All structural projections such as balconies, decks and roof gables should be built with fire resistant materials equivalent to that specified in the ~~Uniform~~ International Building Code.

(~~J~~k) Attic openings, soffit vents, foundation louvers or other ventilation openings on dwellings and accessory structures should be screened with no coarser than ~~1/4~~ 1/8 inch mesh metal screen that is noncombustible and corrosion resistant.

(Ord. 1064, Renum&Amd38.0085, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7310 SPECIFIC USES

Uses identified in MCC 38.2025 (A) (17); MCC 38.2030 (A) ~~(5), (6) and (7)~~ (4), (5) and (6); and MCC 38.2030 (B) (8) may be allowed only if they meet all of the following criteria:

(A) The owners of land designated GGF-20, GGF-40, GGA-20 or GGA-40 within 500 feet of the perimeter of the subject parcel have been notified of the land use application and have been given at least 10 days to comment prior to a final decision;

(B) The use will not interfere seriously with accepted forest or agricultural practices on nearby lands devoted to resource use;

(C) The use will be sited in such a way as to minimize the loss of forest or agricultural land and to minimize the chance of interference with accepted forest or agricultural practices on nearby lands; and

(D) The use will not significantly increase fire hazard, fire suppression costs or risks to fire suppression personnel and will comply with MCC 38.7305.

(Ord. 1064, Renum&Amd38.0090, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7315 SITING OF DWELLINGS AND ACCESSORY STRUCTURES ON FOREST LAND

Commented [AB41]: Clarifying in the section title that some standards below apply to accessory structures as referenced in introductory sentence.

The approval of new dwellings and accessory structures on forest lands shall comply with the following standards:

(A) The dwelling and structures shall be sited on the parcel so that they will have the least impact on nearby or adjoining forest operations. Dwellings shall be set back at least 200 feet from adjacent properties unless locating the proposed development closer to existing development on adjacent lands would minimize impacts on nearby or adjacent forest operations;

(B) The amount of forest land used to site dwellings, structures, access roads and service corridors shall be minimized. The dwelling shall be located on that portion of the lot having the lowest productivity characteristics for the proposed primary use, subject to the limitations of subsection (A), above; and

(C) Dwellings shall be located to minimize the risks associated with fire. Dwellings should be located on gentle slopes and in any case not on slopes which exceed ~~40~~ 30 percent. Narrow canyons and draws should be avoided. Dwellings should be located to minimize the difficulty in gaining access to the structure in the case of fire. Dwellings should be located to make the access roads as short and flat as possible.

(D) A variance to the siting standards of this subsection may be granted pursuant to the provisions of MCC 38.0065.

(Ord. 1064, Renum&Amd38.0095, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7320 TEMPORARY HEALTH HARDSHIP DWELLING

(A) The purpose of the Temporary Health Hardship Permit is to allow the convenient provision of supervision and/or assistance with daily care to a person or persons with a demonstrated health hardship by allowing the placement of one temporary dwelling on a parcel with a single-family dwelling on a renewable term. This use is temporary in nature and shall not increase the residential density on the subject property.

(B) The Planning Director may grant a Temporary Health Hardship Permit to allow occupancy of a temporary dwelling on a parcel in conjunction with a single-family dwelling allowed in the base zone based on the following findings:

(1) The person with the health hardship is either one of the property owners or is a relative of one of the property owners occupying the principal dwelling. For the purposes of this section a relative is defined as a grandparent, grandchild, parent, child, brother or sister, wife, husband, brother-in-law, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, first cousin, stepparent, stepchild, step-grandparent, or step-grandchild either by blood or legal relationship.

(2) For each person with a health hardship, a written statement by a licensed physician dated within 90 days of submittal of the initial application, verifying the following information:

(a) The person identified in the application has a health hardship as defined in MCC ~~38.0005~~38.0015;

(b) The person needs supervision and/or assistance with daily care as that term is defined in MCC ~~38.0005~~38.0015; and

(c) The proposed care provider is capable of providing the necessary supervision and/or assistance with daily care needed by the person with the health hardship.

(3) Each proposed care provider shall provide a written statement dated within 90 days of submittal of the initial application that the provider understands the physician's determination

of the extent of daily care required and is capable of providing and will provide the necessary supervision and/or assistance during implementation of the Temporary Health Hardship Permit.

(4) The following criteria are satisfied:

(a) The temporary dwelling shall be either a ~~mobile~~ manufactured home, a tiny house on a trailer, ~~or~~ park-model recreational vehicle, or similar structure.

(b) The temporary dwelling shall be located within 100 feet of the single-family dwelling on the subject parcel, unless a variance pursuant to MCC 38.7600 through 38.7605 is approved. This distance shall be measured from the closest portion of each building.

(c) The temporary dwelling shall be connected to the same utilities (on-site sewage disposal, power main, well/water meter) as the single-family dwelling. In addition, the temporary dwelling shall be accessed by the same driveway entrance as the single-family dwelling, although the driveway may be extended.

(d) The temporary dwelling will not require any attached or detached accessory structures other than wheelchair ramps to accommodate the care needs of the proposed occupant.

(e) The temporary dwelling shall not require a permanent foundation.

(C) Prior to installation of the temporary dwelling on the site, the property owner shall:

(1) Obtain the necessary permits to place the temporary dwelling on the site and connect utilities.

(2) The property owner shall record a covenant that states the dwelling is temporary and must be removed as set forth in (G) below and that the Temporary Health Hardship Permit is not transferable to another party.

(D) Expiration of the Temporary Health Hardship Permit. The Temporary Health Hardship Permit expires automatically one year after the date of final approval unless an extension is approved as set forth in (E) below,

(E) Extension of the Temporary Health Hardship Permit. The expiration date of a Temporary Health Hardship Permit may be extended upon satisfaction of the requirements in (B)(1) through (4) above. More than one extension may be granted, but each extension is limited to a one-year period from the date the permit would have otherwise expired. To obtain an extension, the property owner shall use the forms provided by the Planning Director and shall submit the application at least 30 days prior to expiration of the permit. Upon approval of an extension, the Planning Director shall mail notification to the property owners that are contiguous to the subject parcel.

(F) Occupancy of the Temporary Dwelling. Occupancy of the temporary dwelling may occur only while the person or persons for which the Temporary Health Hardship Permit was granted lives on the property.

(G) Removal of Temporary Dwelling. The temporary dwelling shall be removed and utility and septic connections shall be terminated within 30 days of expiration of the Temporary Health Hardship Permit ~~of~~ or end of the health hardship or the provision of supervision or assistance with daily care.

(Ord. 1186, Amended, 10/13/2011; Ord. 1064, Add, 06/23/2005)

§ 38.7325 PRIVATE DOCKS AND BOATHOUSES

New docks and boathouses shall be consistent with applicable standards for protection of scenic, cultural, natural and recreation resources.

(A) New private docks and boathouses serving only one family and one property ~~shall~~ may be allowed up ~~be limited~~ to a maximum of 120 square feet in size.

(B) New private docks and boathouses serving more than one family and property ~~shall~~ may be allowed up ~~be limited~~ to a maximum of 200 square feet in size.

(C) Public docks open and available for public use ~~shall~~ may be allowed.

(D) Boathouses may be allowed under 38.7325 (A) and (B) only when accessory to a dwelling and associated with a navigable river or lake.

(Ord. 1064, Add, 06/23/2005)

§ 38.7330 HOME OCCUPATIONS ~~AND COTTAGE INDUSTRIES~~

Home occupations ~~and cottage industries~~ may be established as authorized in various districts consistent with the following:

(A) ~~A home occupation may~~ May employ ~~only~~ the residents of the home and up to three outside employees.

~~(B) A cottage industry may employ up to three outside employees.~~

(B)~~(C)~~ No more than 25 percent of the total actual living space of the dwelling may be utilized for the home occupation ~~or cottage industry~~.

(C)~~(D)~~ No more than 500 square feet of an accessory structure may be utilized for a home occupation ~~or cottage industry~~.

(D)~~(E)~~ There shall be no outside, visible evidence of the home occupation ~~or cottage industry~~, including outside storage.

(E)~~(F)~~ Exterior structural alterations to the residence for the home occupation ~~or cottage industry~~ shall not be permitted. New structures shall not be constructed for the primary purpose of housing a home occupation ~~or cottage industry~~.

(F)~~(G)~~ No retail sales may occur on the premises~~, except incidental sales at lodging authorized establishments~~.

(G)(~~H)~~ One non-animated, non-illuminated sign, not exceeding 2 square feet in area may be permitted on the subject structure or within the yard containing the home occupation ~~or cottage industry~~.

(H)~~(I)~~ Parking not associated with residential use shall be screened so it is not visible from Key Viewing Areas.

(I)~~(J)~~ A bed and breakfast lodging establishment which is two bedrooms or less is considered a home occupation and shall meet the standards of MCC 38.7335.

(J)~~(K)~~ Each approval issued by the approval authority shall be specific for the particular home occupation ~~or cottage industry~~ and reference the business operator, description of the business operation on and off-site, the hours of operation, frequency and type of deliveries, and any other specific information needed to define the particular application.

(K)~~(L)~~ Notwithstanding the transfer of approval rights in MCC 38.0770, approval of a home occupation ~~or cottage industry~~ does not run with the land and is not transferred with ownership of the land. Approval of a home occupation ~~or cottage industry~~ is personal to the business operator and specific to the authorized parcel. Approval of a home occupation ~~or cottage industry~~ terminates automatically, immediately and without notification if the business operator ceases to reside full-time on the authorized parcel.

(L)~~(M)~~ The home occupation ~~or cottage industry~~ may continue for a period of three years from date of the final decision provided it is in compliance with the approved permit. At the end of the three year period, the right to operate the home occupation ~~or cottage industry~~ from the property expires automatically unless the permit is renewed for an additional three year period pursuant to the following:

(1) The home occupation ~~or cottage industry~~ has been conducted in full compliance with the permit for a preponderance of the time since the prior approval.

(2) Each renewal period shall be for a three year period from the last expiration date. The home occupation ~~or cottage industry~~ may be renewed an unlimited number of times.

(3) To obtain a renewal of the home occupation ~~or cottage industry~~, the business operator shall use the forms provided by the Planning Director and shall submit the application prior to expiration of the permit. Provided the renewal application is submitted on or before its expiration date, the business operator may continue the home occupation pending the County's final decision on the renewal request.

(4) A home occupation ~~or cottage industry~~ renewal shall be processed pursuant to the Type II approval process in MCC 38.0530.

(5) The Planning Director may consider minor modifications to the Hearings Officer's decision and the conditions of approval if requested by the business operator as part of a home occupation ~~or cottage industry~~ renewal application. A minor modification may be approved if it:

(a) Is consistent with the prior approval;

(b) Is consistent with MCC 38.7330 (A) – ~~(K)~~(J); and

(c) Does not increase the intensity of use of the premises.

(Ord. 1197, Amended 02/16/2013; Ord. 1064, Add, 06/23/2005)

§ 38.7331 TYPE A HOME OCCUPATIONS

A Type A home occupation is a lawful commercial activity that is conducted within a dwelling unit by a business operator, is subordinate to the residential use of the dwelling unit, and complies with the following:

(A) No non-resident employees are allowed. No more than two customers may be on the premises at any one time.

(B) No more than 25 percent of the total actual living space of the existing dwelling unit may be utilized. No new buildings or modifications to an existing dwelling shall be allowed to facilitate the use.

(C) No deliveries or pick-ups associated with the home occupation between the hours of 7 p.m. – 7 a.m. are permitted. Deliveries and pick-ups shall occur on the premises only. The road serving the premises may not be used for loading and unloading purposes. No more than two pick-ups or deliveries shall occur on any given day with a maximum of six vehicle trips generated per week.

(D) There shall be no outside, visible evidence of the home occupation, including outside storage or display on the premises, except for parking associated with the use pursuant to (H) below.

(E) No ~~signage~~ signs shall be allowed, including temporary ~~signage~~ signs with the exception of property numbers.

(F) The use shall not generate noise, vibration, glare, flashing lights, dust, smoke, fumes, or odors detectable at the property line. This standard does not apply to vehicles entering or exiting the premises, but does apply to idling vehicles.

(G) No repair or assembly of any motor or motorized vehicles. A motorized vehicle includes any vehicle or equipment with an engine including an automobile, motorcycle, scooter, snowmobile, outboard marine engine, lawn mower, and chain saw.

(H) In additional to the required residential parking, the premises has on-site parking pursuant to MCC 38.4100–38.4215~~.~~ to accommodate the total number of business vehicles and customers. Parking not associated with residential use shall be screened so it is not visible from Key Viewing Areas. The use, parking or storing of any vehicle in excess of a gross vehicle weight of 11,000 is prohibited.

(I) No operation of a dispatch center pursuant to which employees enter the premises for the purpose of being dispatched to other locations is allowed.

(J) All storage, use and disposal of chemicals and materials shall be in conformance with all other applicable state pollution control regulations.

(K) No retail sales may occur on the premises.

(L) Notwithstanding the transfer of approval rights in MCC 38.0770, approval of a Type A home occupation does not run with the land and is not transferred with ownership of the land. Approval of a Type A home occupation is personal to the business operator and specific to the authorized

parcel. Approval of a Type A home occupation terminates automatically, immediately and without notification if the business operator ceases to reside full-time on the authorized parcel.

(Ord. 1197, Added 02/16/2013)

§ 38.7332 SMALL-SCALE FISHING SUPPORT AND FISH PROCESSING OPERATIONS.

Small-scale fishing support and fish processing operations in conjunction with a family-based commercial fishing business may be allowed on parcels designated GGR Residential subject to the following:

(A) In addition to the provisions of the GGR district, the operation shall comply with the guidelines for "Tribal Treaty Rights and Consultation in MCC 38.0110 "Approval Criteria for Fire Protection" in MCC 38.7305, and "Approval Criteria for Siting of Dwellings and Accessory Structures on Forest Land" in MCC 38.7315.

Commented [AB42]: Updating a cross reference to the amended section heading

(B) The following fishing support activities may be allowed: maintenance, repair, and storage of boats, nets, fish totes and other commercial fishing equipment that is used in the family-based commercial fishing business; and garaging of fish hauling trucks, trailers and all other related equipment that is used in the family-based commercial fishing business.

(C) The following fish processing activities may be allowed: cleaning, gutting, heading, and icing or freezing of fish that is caught by the family-based commercial fishing business. Other fish processing activities shall not be allowed, including, but not limited to, canning, smoking, salting or brining for wholesale or retail sale.

(D) The operation shall be located on a lawful parcel that is contiguous with and has direct access to the Columbia River.

(E) The subject parcel shall include a lawful dwelling, and the permanent resident of the dwelling shall participate in the fishing support and fish processing operation.

(F) The operation may only employ residents of the dwelling and up to three outside employees.

(G) No more than 25 percent of the total actual living space of the dwelling may be used for the fishing support and fish processing operation.

(H) The operation may take place in an existing or new lawful accessory building or an existing agricultural building on the subject parcel. A new building constructed for the purpose of housing a fishing support and fish processing operation shall be considered an accessory building. An existing agricultural building shall not be expanded and a new agricultural building shall not be constructed for the purpose of housing a fishing support and fish processing operation.

(I) An accessory building used in the fishing support and fish processing operation may be allowed up to 2,500 square feet.

(J) Docks may be allowed as follows:

(1) One dock serving a parcel with an approved fishing support and fish processing operation may be allowed up to 500 square feet in size.

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(2) For multiple contiguous parcels each with approved fishing support and fish processing operation, the area of the docks authorized in J(1) above may be combined into one dock, provided the total size of the dock shall not exceed 2,000 square feet.

(K) There shall be no outside visible evidence of the fishing support and fish processing operation, including storage, other than boats and docks.

(L) No retail sales may occur on the parcel.

(M) The operation shall only support and process fish caught by residents of the dwelling and up to three outside employees.

(N) Before beginning the operation, applicants shall demonstrate that they have obtained and complied with federal, state and ~~/or~~ local water quality and wastewater permits.

(Ord. 1179, Add, 04/21/2011)

§ 38.7335 BED AND BREAKFAST INNS

Bed and breakfast inns may be established as authorized in various districts subject to the following:

(A) Guests may not occupy a facility for more than 14 consecutive days.

(B) One non-animated, non-illuminated sign not exceeding 4 square feet in area may be permitted on the structure or within the yard containing the structure.

(C) Parking areas shall be screened so as to not be visible from Key Viewing Areas.

(Ord. 1064, Add, 06/23/2005)

§ 38.7337 OVERNIGHT ACCOMMODATIONS

Overnight Accommodations may be established as authorized in various districts subject to the following:

(A) The owner of the subject parcel may rent the dwelling for up to 90 room nights per year.

(B) Parking areas shall be screened so they are not visible from key viewing areas.

(C) The use is incidental and subordinate to the primary use of the property.

(D) The dwelling must be the primary residence of the owner and occupied by the owner during rental.

(E) Commercial events are not permitted at overnight accommodations.

(F) The overnight accommodation may employ up to three employees other than the residents of the dwelling.

(G) Land use approvals for overnight accommodations shall be valid for no more than two years. Landowners must reapply for the use to demonstrate compliance with conditions of approval

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Commented [AB43]: County ordinance proposed "primary" residence rather than "permanent" residence as that term is used in the Management Plan to better articulate intent of the Plan language that the owner primarily reside in the residence. Some applicants may own a second home and this clarification is intended to ensure the dwelling involved in the application is where the owner spends more than half of their time.

Commented [AB44]: Although the Management Plan language states landowners must reapply for the use "after a land use approval expires", conversations with Gorge Commission staff helped clarify for staff that the intent was not to require an applicant to wait until after the underlying permit has expired before submitting a renewal request. The phrase "after a land use approval expires" has been removed from the code amendment proposal.

through financial and other records. Application for renewal shall be considered through the Expedited Use process, unless otherwise subject to a Review Use process, such as but not limited to certain proposals involving buildings and structures 50 years old or older as outlined in the Expedited Use procedures. Permits shall not be renewed if there have been past violations related to the Overnight Accommodations land use approval, including failure to file a new application.

Commented [AB45]: Language added in blue to clarify intent of Management Plan regarding compliance scope.

Commented [AB46]: A minor deviation is proposed as compared to Management Plan language. Gorge Commission staff clarified for the county that "file" is in relation to filing a new application. Management Plan language is "Permits will not be renewed if there have been past violations, including failure to file."

§ 38.7340 AGRICULTURAL BUILDINGS

(A) The size of proposed agricultural buildings shall not exceed the size needed to serve the current agricultural use and, if applicable, the proposed agricultural use.

(B) To explain how (A) above is met, applicants shall submit the following information with their land use application:

(1) A description of the size and characteristics of current agricultural use.

(2) An agricultural plan for any proposed agricultural use that specifies agricultural use (e.g., crops, livestock, products), agricultural areas and acreages (e.g., fields, pastures, enclosures), agricultural structures (e.g., irrigation systems, wind machines, storage bins) and schedules (e.g., plowing, planting, grazing).

(3) A floor plan showing intended uses of the agricultural building (e.g., space for equipment, supplies, agricultural products, livestock).

(Ord. 1064, Add, 06/23/2005)

§ 38.7345 RESOURCE ENHANCEMENT PROJECTS

(A) Applications for resource enhancement projects must describe the goals and benefits of the proposed enhancement project. They must also thoroughly document the condition of the resource before and after the proposed enhancement project. Applicants shall seek technical assistance from federal, state or county technical experts for assistance in designing voluntary wetland, stream, habitat, plant, and scenic enhancement projects.

(B) In addition to other provisions that protect scenic, cultural, recreation, and natural resources, quarry enhancement projects shall comply with the following provisions:

(1) Application Requirements. In addition to other applicable requirements, land use applications for quarry enhancement projects shall include perspective drawings of the site as ~~seen~~ visible from key viewing areas and a reclamation plan that shall include at a minimum the following:

(a) A map of the site, at a scale of 1 inch equals 200 feet (1:2,400) or a scale providing greater detail, with 10-foot contour intervals or less, showing pre-reclamation existing grades and post-reclamation final grades; locations of topsoil stockpiles for eventual reclamation use; location of catch basins or similar drainage and erosion control features employed for the duration of the use; and the location of storage, processing, and equipment areas employed for the duration of the use.

(b) Cross-sectional drawings of the site showing pre-reclamation-and post-reclamation grades.

(c) Descriptions of the proposed use, in terms of estimated quantity and type of material removed, estimated duration of the use, processing activities, etc.

(d) Description of drainage/erosion control features to be employed for the duration of the use.

(e) A landscaping plan providing for revegetation consistent with the vegetation patterns of the subject landscape setting, indicating species, number, size, and location of plantings for the final reclaimed grade, as well as a description of irrigation provisions or other measures necessary to ensure the survival of plantings.

(2) Scenic Resource Standard. Quarry enhancement projects shall restore the site to a natural appearance that blends with and emulates surrounding landforms to the maximum extent practicable.

(3) Natural Resource Standard. Sites shall be replanted using native plants found in the landscape setting or ecoregion to the maximum extent practicable.

(4) Time Frames. The following time frames shall apply to quarry enhancement projects:

(a) All grading (e.g., excavating, filling and re-contouring) shall be completed within one (1) year of the date an applicant begins on-the-ground work.

(b) All landscaping shall be planted within one (1) year of the date an applicant completes the grading.

(c) An applicant may request one one-year extension to the one-year grading time frame if a project is unexpectedly delayed by adverse weather or emergency/disaster. Such requests shall be considered an administrative action. An applicant shall submit such a request to the reviewing agency after grading has commenced and before the one year grading time frame has expired.

(d) An applicant may also request one six-month extension to the one (1) year landscaping time frame if a project is unexpectedly delayed by adverse weather or emergency/disaster. Such requests shall be considered an administrative action. An applicant shall submit such a request to the reviewing agency after landscaping has commenced and before the one-year landscaping time frame has expired.

(5) Enhancement of wetlands not associated with any other project proposal may be allowed, if such efforts comply with the wetlands provisions in the Management Plan. Enhancement efforts shall be conducted pursuant to a written plan consistent with the provisions under "Wetlands Compensation Plans" MCC 38.7053.

(6) Enhancement of streams, ponds, lakes, and riparian areas not associated with any other development proposal may be allowed, if such efforts comply with the water resource provisions in this Management Plan. Enhancement efforts shall be conducted pursuant to a

written plan consistent with the provisions under "Water Resources Mitigation Plans" MCC 38.7053.

(7) In the SMAs, enhancement of wetlands, streams, ponds, lakes, and riparian areas not associated with any other project proposal may be allowed, if such efforts comply with the wetlands, streams, ponds, lakes, and riparian areas provisions in the Management Plan. Enhancement efforts shall be conducted pursuant to a written plan, consistent with the provisions described in "SMA Policies: Water Resources" MCC 38.7075.

(Ord. 1064, Add, 06/23/2005)

§ 38.7350 DISPOSAL SITES FOR SPOIL MATERIALS FROM PUBLIC ROAD MAINTENANCE ACTIVITIES

(A) Application Requirements. In addition to other applicable requirements, land use applications for disposal sites shall include the same information that applicants are required to submit for expansion of existing quarries and exploration, development (extraction and excavation), and production of mineral resources ~~production and/or development of mineral resources~~ in the GMA, including, but not limited to:

(1) A reclamation plan that includes at a minimum the following:

(a) A map of the site, at a scale of 1 inch equals 200 feet (1:2,400) or a scale providing greater detail, with 10-foot contour intervals or less, showing pre-reclamation existing grades and post-reclamation final grades; locations of topsoil stockpiles for eventual reclamation use; location of catch basins or similar drainage and erosion control features employed for the duration of the use; and the location of storage, processing, and equipment areas employed for the duration of the use.

(b) Cross-sectional drawings of the site showing pre-reclamation and post-reclamation grades.

(c) Descriptions of the proposed use, in terms of estimated quantity and type of material removed, estimated duration of the use, processing activities, etc.

(d) Description of drainage/erosion control features to be employed for the duration of the use.

(e) A landscaping plan providing for revegetation consistent with the vegetation patterns of the subject landscape setting, indicating species, number, size, and location of plantings for the final reclaimed grade, as well as a description of irrigation provisions or other measures necessary to ensure the survival of plantings.

(2) Perspective drawings of the site as ~~seen~~ visible from key viewing areas.

(3) Cultural resource reconnaissance and historic surveys, as required by MCC 38.7045 (A). Disposal sites shall be considered a "large-scale use" according to MCC 38.7045 (D)(2).

(4) Written reports of field surveys to identify Priority Habitat or sensitive wildlife ~~areas or~~ sites and ~~sensitive~~ rare plants.

(a) Field survey reports identifying sensitive wildlife sites shall:

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1. Cover all areas affected by the proposed use or recreation facility;

2. Be conducted by a professional wildlife biologist hired by the project applicant;

3. Describe and show all sensitive wildlife areas and sites discovered in a project area on the site plan map.

(b) Field survey reports identifying ~~sensitive~~ rare plant sites shall:

1. Cover all areas affected by the proposed use or recreation facility;

2. Be conducted by a person with recognized expertise in botany or plant ecology hired by the project applicant;

3. Identify the precise location of the ~~sensitive~~ rare plants and delineate a 200-foot buffer zone;

4. Show results on the site plan map.

(B) Siting Standard. The proposed disposal site shall only be approved if the applicant demonstrates it is not practicable to locate the disposal site outside the National Scenic Area or inside an ~~U~~urban ~~A~~area. At a minimum, the applicant shall submit a feasibility and suitability analysis that compares the proposed disposal site to existing or potential disposal sites located both outside the National Scenic Area and inside an ~~U~~urban ~~A~~area.

(C) Scenic Resource Standards. Disposal sites shall comply with the same scenic resources protection standards as expansion of existing quarries and exploration, development (extraction and excavation), and production of mineral resources ~~production and/or development of mineral resources~~ in the GMA, including, but not limited to:

(1) Sites more than 4~~3~~ miles from the nearest key viewing area shall be visually subordinate as ~~seen~~ visible from any key viewing area, according to MCC 38.7035 (B) ~~(26)~~ (22).

An interim period to achieve compliance with this requirement shall be established before approval. The period shall be based on site-specific topographic and visual conditions, but shall not exceed 3 years beyond the start of on-the-ground activities.

(2) Sites less than 4~~3~~ miles from the nearest key viewing area shall be fully screened from any key viewing area, according to MCC 38.7035 (B) ~~(27)~~(23).

An interim period to achieve compliance with this requirement shall be established before approval. The period shall be based on site-specific topographic and visual conditions, but shall not exceed 1 year beyond the start of on-the-ground activities. Disposal activity occurring before achieving compliance with full screening requirements shall be limited to activities necessary to provide such screening (creation of berms, etc.).

(3) Reclamation plans shall restore the site to a natural appearance that blends with and emulates ~~surrounding~~ natural landforms and vegetation patterns characteristic to the landscape setting to the maximum extent practicable.

(Ord. 1270, Amended, 03/14/2019; Ord. 1064, Add, 06/23/2005)

§ 38.7355 LIFE ESTATES

A landowner who sells or otherwise transfers real property on lands designated GGA or GGF-20 may retain a life estate in a dwelling and a tract of land surrounding the dwelling. The life estate tract shall not be considered a parcel as defined in MCC 38.0015. A second dwelling may be allowed on lands designated GGA or GGF-20 subject to compliance with MCC 38.7000 to 38.7085, and upon findings that:

Commented [AB47]: Implements Management Plan amendment limiting this provision only to the Small Woodland designation (GGF-20) to prevent conversion of larger forest lots to residential uses.

(A) The proposed dwelling is in conjunction with agricultural use as determined by MCC 38.2225 (A) (5) (c); or

~~(B) On lands designated GGF, one single family dwelling on a legally created parcel upon enrollment in the state's forest assessment program. Upon a showing that a parcel cannot qualify, a parcel is entitled to one single family dwelling. In either case, the location of the dwelling shall comply with MCC 38.7305 and 38.7315. A declaration shall be signed by the landowner and recorded into county deeds and records specifying that the owners, successors, heirs and assigns of the subject parcel are aware that adjacent and nearby operators are entitled to carry on accepted farm or forest practices on lands designated GGF-80, GGF-20, GGA-40, or GGA-20.~~

(B)~~(C)~~ Upon termination of the life estate, either the original or second dwelling shall be removed.

(Ord. 1125, Amended, 12/11/2008; Ord. 1064, Renum&Amd38.0070, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

~~**§ 38.7360 CLUSTER DEVELOPMENT**~~

~~(A) A land division in the General Management Area may create parcels smaller than the designated minimum size and may include a bonus, as specified below, in order to cluster new dwellings. Approval of cluster development shall be contingent upon submission of plans specifying dwelling sites and areas of permanent, undeveloped open land. To approve a cluster development, it must be found that clustering new dwellings will provide an opportunity not available through conventional parcel-by-parcel development to site new dwellings:~~

~~(1) In areas with screening vegetation or other features which reduce visibility of development as seen from Key Viewing Areas; or~~

~~(2) To avoid significant landscape features; or~~

~~(3) To protect the existing character of the landscape setting; or~~

~~(4) To reduce interference with movement of deer or elk in winter range; or~~

~~(5) To avoid areas of known cultural resources; or~~

~~(6) To consolidate road access, septic drainfields or other development features in order to reduce impacts associated with grading or ground disturbance; or~~

~~(7) To reduce adverse effects to riparian areas, wetlands, natural areas, rare plants, sensitive wildlife sites or other natural resources; or~~

~~(8) To increase the likelihood of agricultural or forest management on the undeveloped land left by the cluster development.~~

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~~(B) Following cluster development, there may be no further division of any resulting parcel for residential purposes until the subject parcel is included within the boundary of an Urban Area. Approval of a cluster development shall include provisions for the permanent protection of open areas. No parcel in a cluster development may be smaller than 1 acre in a GGR– 5 or GGR– 10 or 2 acres in a GGA– 20 or GGF– 20.~~

~~(C) Cluster development may create up to 25 percent more parcels (rounded to the nearest whole number) than otherwise allowed by the minimum parcel size on lands designated GGR– 5 or GGR– 10 and up to 50 percent more on parcels (rounded to the nearest whole number) on lands designated GGA– 20, GGF– 20, or GGF 40.~~

~~(D) At least 75 percent of land subject to a cluster development shall be permanently protected as undeveloped land.~~

~~(E) Contiguous parcels in the same ownership or in separate ownership may be consolidated and redivided to take advantage of cluster development bonuses.~~

(Ord. 1125, Amended, 12/11/2008; Ord. 1064, Add, 06/23/2005)

§ 38.7365 CLEARING OF TREES FOR AGRICULTURAL USE IN GSF

Clearing of trees for agricultural use in GSF is subject to the following:

(A) A Stewardship Plan, in accordance with MCC 38.7375, shall be submitted and deemed complete by the county and submitted to the U.S. Forest Service for review.

(B) Clearing trees for new agricultural use shall be limited to 15 acres.

(C) If the Stewardship Plan proves that MCC 38.7365 (B) is detrimental to the proposed agricultural use, the final size of the clearing shall be determined by the application of MCC 38.7365 (D) below and subject to MCC 38.7365 (I).

(D) After a 30-day public comment period, the U.S. Forest Service shall review the Stewardship Plan using the following criteria:

(1) MCC 38.7370 (B) (1) and (B) (7).

(2) Applicable Cultural, Natural and Recreational Resource criteria in MCC Chapter 38 Part 6.

(3) The Natural Resource Conservation Service (NRCS) soil unit description shall indicate that soils are suitable for the proposed agricultural use. The woodland management tables shall be used as part of the analysis of suitability for both agricultural and forest uses.

(4) The size, shape and pattern on the landscape of the clearing for the new agricultural use shall blend with the surrounding landscape pattern either because the existing pattern includes agricultural openings or because the new agricultural opening is designed to appear natural.

(E) The U.S. Forest Service shall send the review statement to the appropriate county planning office. The U.S. Forest Service shall state whether or not the new agricultural use should proceed including any conditions that are recommended to be required by the county.

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(F) The county will accept an application for new agricultural use on forested lands after receipt of a positive review statement from the U.S. Forest Service.

(G) The forest practice portion of the new agricultural use shall not be approved by the state forestry department or county until a decision on the new agricultural use is issued from the county.

(H) The new agricultural use shall be operational within two years of the time frame described in the approved Stewardship Plan.

(I) New agricultural uses with an approved Stewardship Plan requiring more than 15 acres shall attain the final approved size sequentially. After the first 15 cleared acres is operational, each subsequent clearing shall not occur until the previous clearing is operational.

(Ord. 1064, Add, 06/23/2005)

§ 38.7370 FOREST PRACTICES IN THE SPECIAL MANAGEMENT AREA

(A) Forest practices permitted as Review Uses in the Special Management Area in accordance with an approved forest practices application (see application requirements) and subject to the additional provisions in this chapter.

(1) The following information, in addition to the site plan requirements of MCC 38.0045 (A) (2) shall be required:

(a) Delineate the following on a recent aerial photo or detailed map.

1. The size, shape, and exact location of the proposed treatment area including any clumps of leave trees to remain. If more than one silvicultural prescription is to be used, code each on the photo.

2. Other important natural features of the subject parcel such as steep areas, streams, wetlands, rock outcrops, etc.

3. Road and structure construction ~~and/~~or reconstruction location.

4. Location of proposed rock or aggregate sources.

5. Major skid trails, landings, and yarding corridors.

6. Commercial firewood cutting areas.

7. Protection measures for scenic, cultural, natural, and recreation resources, such as road closures.

(b) Describe the existing forest in terms of species, ages, sizes, landscape pattern (including how it fits into the surrounding landscape pattern) and canopy closure for all canopy layers.

(c) Describe how the forest practice will fit into the existing landscape pattern and how it will meet scenic and natural resource standards in MCC 38.7370 (B) and (C).

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(d) Written silvicultural prescriptions with projected post-treatment forest condition specified in terms of species, ages, sizes, landscape pattern (including how it fits into the surrounding landscape pattern) and canopy closure for all canopy layers.

(e) Road and structure construction ~~and/~~or reconstruction design.

(f) Existing and proposed rock pit development plans.

(g) A discussion of slash disposal methods.

(h) A reforestation plan as reviewed by the appropriate state forest practices agency.

(2) As part of the application, flag, stake or mark buffers, any trees or downed wood to be retained or removed (whichever makes the most sense), and areas for placing fill or removing material in preparation for a field visit by the reviewer.

(B) For forest practices in the Special Management Area, the following scenic resource provisions shall apply:

(1) Forest practices shall meet the design guidelines and VQO scenic standards for the applicable landscape setting designated for the management area and zone (See MCC 38.7040(A)).

(2) In the western portion (to White Salmon River) of the SMA Coniferous Woodland Landscape Setting, no more than 8% of the composite KVA viewshed from which the forest practice is topographically visible shall be in created forest openings at one time. Not more than 16% of each total ownership within. The viewshed boundaries shall be delineated by the U.S. Forest Service. The U.S. Forest Service will assist (as available) in calculating and delineating the percentage of the composite KVA viewshed that is in created forest openings at one time.

(3) In the Western portion (to White Salmon River) of the SMA Gorge Walls, Canyonlands and Wildlands Landscape Setting, no more than 4% of the composite KVA viewshed from which the forest practice is topographically visible shall be in created forest openings at one time. The viewshed boundaries shall be delineated by the U.S. Forest Service. The U.S. Forest Service will assist (as available) in calculating and delineating the percentage of the composite KVA viewshed that is in created forest openings at one time.

(4) For all other landscape settings, created forest openings visible at one time shall be within the desired range for the vegetation type as set forth in MCC 38.7370 (C) (1)-(3).

(5) Size, shape, and dispersal of created forest openings shall maintain the desired natural patterns in the landscape as set forth in MCC 38.7370 (C) (1)-(3).

(6) The maximum size of any created forest opening is set forth by the “Desired” vegetation type in the Forest Structure and Pattern Table. The maximum size of any created opening shall be 15 acres. In the foreground of key viewing areas, the maximum size of created opening shall be 5 acres.

(a) If the treatment is proposed to go beyond the above guideline based on forest health or ecosystem function requirements, a Stewardship Plan shall be required.

(b) If the Stewardship Plan proves that the above guideline is detrimental to either forest health or ecosystem function, the size of the created forest opening shall be within the natural range for the vegetation type as listed in the Desired Forest Structure and Pattern Table for each vegetation type, shall not mimic catastrophic fires, and shall maintain scenic standards.

(7) Created forest openings shall not create a break or opening in the vegetation in the skyline as viewed from ~~a key viewing area~~ KVAs.

(C) Forest practices in the Special Management Area shall maintain the following in addition to applicable natural resources criteria in MCC 38.7075.

(1) Silvicultural prescriptions shall maintain the desired natural forest stand structures (tree species, spacing, layering, and mixture of sizes) based on forest health and ecosystem function requirements. Forest tree stand structure shall meet the requirements listed in the Desired Forest Structure and Pattern Table for each vegetation type. Forest tree stand structure is defined as the general structure of the forest in each vegetation type within which is found forest openings.

(2) Created forest openings shall be designed as mosaics not to exceed the limits defined as Desired in the Desired Forest Structure and Pattern Table unless proposed as a deviation as allowed in MCC 38.7370 (B) (6).

(3) Snag and down wood requirements shall be maintained or created as listed in the Desired Forest Structure and Pattern Table for each vegetation type.

(4) If the treatment is proposed to deviate from the snag and down wood requirements based on forest health or ecosystem function requirements, a Stewardship Plan shall be required and shall ~~show and prove~~ demonstrate why a deviation from the snag and down wood requirements is required.

DESIRED FOREST STRUCTURE AND PATTERN						
1	2	3	4	5	6	7
Vegetation Type[#]	Forest Structure (Average % total canopy closure (cc))[*]	Typical Forest Openings Size Disturbance caused Historic (Natural) Desired	Percent Openings at One Time Historic (Natural) Desired	Leave Trees Includes all available remnant old forest	Average Down Wood Pieces 30 ft long per acre (scattered)	Average Snags (Conifers) No. per acre Snags are 20-40 ft in height

DESIRED FOREST STRUCTURE AND PATTERN								
1	2	3		4		5	6	7
West Conifer	60-80% canopy closure Understory layer variable (0-60% of total cc)	Variable sizes with mosaic pattern, irregular shapes Mosaic fire 1-100acres Catastro-phic fire over 100 acres	Retain forested character Allow openings up to 15 acres (up to 5 acres in the foreground of KVAs) All openings 1 acre or less on National Forest land and all Open Space LUD Openings retain 15 - 40 % canopy closure	10%(mosaic fire) up to 55%(catastro-phic fire) Intense fire return interval is 300 yrs	Not to exceed 8% for West Coniferous Woodland Landscape Setting and not to exceed 4% for Gorge Walls, Canyonlands and Wildlands Landscape Setting Widely dispersed, variable sized mosaic of irregular shapes blending with existing openings.	Leave 15% of existing trees per acre throughout opening and in clumps. Include 3 trees per acre of the largest size trees available	18 - 25 pieces greater than 20” dbh	10 snags at 10” -20” dbh, and 7 snags greater than 20” dbh

DESIRED FOREST STRUCTURE AND PATTERN								
1	2	3		4		5	6	7
East Conifer (Ponderosa Pine/ Douglas fir)	40-80% canopy closure Understory layer less than 25% of total cc	Few Openings due to low intensity fires. ¼ to 2 acres	Openings less than 1 acre Openings have 0 - 40% canopy closure Openings widely dispersed	1 -10%	1 - 10% (% by vegetation type)	No leave trees required	3 - 6 pieces greater than 20” dbh	5 snags at 10”-20” dbh and 3 snags greater than 20” dbh

Map available at the U.S. Forest Service National Scenic Area Office

* Does not apply to openings.

Dbh: Diameter at Breast Height

(Ord. 1270, Amended, 03/14/2019; Ord. 1064, Add, 06/23/2005)

§ 38.7375 STEWARDSHIP PLAN REQUIREMENTS

The following information, in addition to the applicable portions of the forest practice application requirements above and general site plan requirements in MCC 38.0045 (A) (2) shall be provided:

(A) Outline the long term goals, proposed operations, and future sustainability of the subject parcel.

(B) Describe the time frame and steps planned to reach the long term goals.

(C) For Forest Practices, describe how the proposed activities fit into the long term goals and sustainability of the parcel and~~/or~~ forest health. The following shall be addressed:

(1) Describe the range of natural conditions expected in the forest in terms of tree species, structure, and landscape pattern.

(2) Describe what the resulting tree species, structure, and landscape pattern will be after the proposed activities.

(3) Give a clear explanation of how a deviation from the applicable provisions may better achieve forest health objectives.

(4) Give a clear explanation of how and why the proposed activities will ~~lead~~ move the forest towards its range of natural variability and result in reaching sustainability, resiliency to disturbances.

(D) For clearing trees for new agricultural use, the following shall be addressed in addition to MCC 38.7375 (A) and (B) above:

(1) Submit NRCS soil unit description and map for each soil unit affected by the proposed clearing or treatment.

(2) Based on the needs of the operation, give a clear explanation as to the exact size of the clearing needed and how it will meet the natural and scenic requirements set forth in MCC 38.7365 (D).

(3) Describe in sufficient detail for evaluation the proposed agricultural use, the improvements needed on the parcel, time line for its establishment, and its marketability.

(4) Show evidence that an agricultural specialist, such as the county extension agent, has examined and found the proposed agricultural use reasonable and viable.

(Ord. 1064, Add, 06/23/2005)

§ 38.7380 SPECIAL USES IN HISTORIC BUILDINGS

(A) Definitions

(1) For the purposes of this section, the term “historic buildings” refers to buildings either on or eligible for the National Register of Historic Places. Eligibility for the National Register shall be determined pursuant to MCC 38.7380(F)(1)(a).

(2) For the purposes of this section, the term "subject property" refers to the parcel or group of parcels in common ownership that have been historically used in conjunction with an historic building.

(B) As established in each zone, the following uses shall be allowed on properties with buildings included on the National Register of Historic Places. All uses authorized under this section shall be subject to the provisions of MCC 38.7000-38.7085 and MCC 38.7300.

(1) The properties shall be permitted to be open for public viewing, interpretive displays, and an associated gift shop that is no larger than 100 square feet and incidental and subordinate to the primary use of the property, subject to compliance with 38.7380(G) and 38.7380(F) except 38.7380(F)(1)(a), 38.7380(F)(1)(b)(iii) and 38.7380(F)(1)(b)(iv). This use is not subject to the parking limits and associated "Facility Design Guidelines" in MCC 38.7080.

Voluntary donations and/or fees to support maintenance, preservation and enhancement of the cultural resource may be accepted by the landowner.

(2) Properties which were former restaurants ~~and/~~or inns shall be permitted to re-establish these former uses, subject to compliance with MCC 38.7380(G) and 38.7380(F) except 38.7380(F)(1)(a), 38.7380(F)(1)(b)(iii) and 38.7380(F)(1)(b)(iv).

The capacity of restaurant use and overnight accommodations shall be limited to that existing in the former use, and the former use shall be contained within the limits of the building as of January 1, 2006. The capacity of the use may include any decks, terraces, or patios that were used as part of the former use and that existed on January 1, 2006. Banquets, private parties and other special events that take place entirely within an approved restaurant facility shall be considered a restaurant use allowed under this section.

(3) Properties shall be permitted to hold commercial events, subject to compliance with MCC 38.7000-38.7085, MCC 38.7380(G) and MCC 38.7380(F) except 38.7380(F)(1)(a).

(C) The following uses may be allowed as established in each zone on a property with a building either on or eligible for the National Register of Historic Places and that was 50 years old or older as of January 1, 2006 subject to compliance with the standards of MCC 38.7000-38.7085, MCC 38.7300 and parts (D), (E), (F), and (G) of this section.

(1) Establishment selling food and~~/or~~ beverages, limited to historic buildings that originally had kitchen facilities. The seating capacity of such an establishment shall be limited to the building, as the building existed as of January 1, 2006, including any decks, terraces or patios also existing as of that date. Banquets, private parties and other special events that take place entirely within an approved establishment selling food and~~/or~~ beverages shall be considered a part of the approved use.

(2) Overnight accommodations. The room capacity of such accommodations shall be limited to the total number of lawfully existing rooms in the historic building as of January 1, 2006.

(3) Commercial events in the building or on the subject property, incidental and subordinate to the primary use of the property

(4) ~~A winery~~ Wineries and cideries, in conjunction with an on-site vineyard or orchard, upon a showing that processing of wine or cider is from ~~grapes~~ fruits ~~grown~~ harvested on the subject parcel ~~or~~ and the local region, within a historic building, as the building existed as of January 1, 2006.

(5) Sales/tasting rooms in conjunction with an on-site winery or cidery, within a historic building, as the building existed as of January 1, 2006.

(6) A conference ~~and/~~or retreat facility within a historic building, as the building existed as of January 1, 2006.

(7) Artist studios and galleries within a historic building, as the building existed as of January 1, 2006.

(8) ~~A gift~~ Gift shops within a historic building, as the building existed as of January 1, 2006 that ~~is~~ are:

(a) incidental and subordinate to another approved use included in Guideline ~~14~~ of "Additional Review Uses for Historic Buildings"; and

(b) no larger than 100 square feet in area.

(9) Interpretive displays, picnic areas or other resource-based recreational day use activities on the subject property. This use is not subject to the parking limits and associated "Facility Design Guidelines" in MCC 38.7080.

(10) Parking areas on the subject property to support any of the above uses.

(D) Uses allowed by parts (B)(3) and (C)(3) of this section shall include all information required for the "Operational Plan for Commercial Events" as specified in MCC 38.7380(F)(1)(b)(iv). The following apply to commercial events at historic properties:

(1) Commercial events include weddings, receptions, indoor concerts, farm dinners, or events similar in size and activity and must be ~~parties and other gatherings that are~~ incidental and subordinate to the primary use on a parcel.

(2) The owner of the subject property shall notify the reviewing agency and all owners of land within 500 feet of the perimeter of the subject property of each event. The notice shall be in writing and shall be mailed at least seven calendar days before an event.

(E) Land use approvals for Special Uses in Historic Buildings shall be subject to review every five years from the date the original approval was issued.

(1) As part of this review, the applicant shall submit documentation on the progress made in implementing the "Protection and Enhancement Plan" required by MCC 38.7380(F)(1)(b).

(2) The County shall submit a copy of the applicant's documentation to the State Historic Preservation Office (SHPO). The SHPO shall have 30 calendar days from the date this information is mailed to submit written comments. If the County's determination contradicts comments from the SHPO, the County shall justify how it reached an opposing conclusion.

(3) The County shall revoke the land use approval if the owner has failed to substantially implement the actions described in the "Protection and Enhancement Plan" according to the schedule for completing such actions in this plan or if the property has not been used in compliance with applicable County rules or conditions of approval. The County may, however, allow such a use to continue for up to one additional year from the date the County determines the applicant has failed to implement the actions if the applicant submits a written statement describing:

(a) unforeseen circumstances that prevented the applicants from completing the specified actions according to the approved schedule;

(b) what progress the applicants have made towards completing such actions; and

(c) a proposed revised schedule for completing such actions.

(F) The following criteria apply to all proposed Special Uses in Historic Buildings in addition to the Site Review Criteria of MCC 38.7000-38.7085.

(1) Cultural Resources.

(a) All applications for uses listed in MCC 38.7380(C) shall include a historic survey and evaluation of eligibility for the National Register of Historic Places, to be prepared by a qualified professional hired by the applicant. The evaluation of eligibility shall not be required for buildings previously determined to be eligible. For such properties, documentation of a prior eligibility determination shall be included in the application. The historic survey shall meet the requirements specified in MCC 38.7045(D)(3). The evaluation of eligibility shall follow the process and include all information specified in the National Register Bulletin "How to Apply the National Register Criteria for Evaluation" [National Park Service, National Register Bulletin #15].

Eligibility determinations shall be made by the County, based on input from the State Historic Preservation Office (SHPO). ~~The local government~~ The Planning Director shall submit a copy of any historic survey and evaluation of eligibility to the SHPO. The SHPO shall have 30 calendar days from the date this information is mailed to submit written comments on the eligibility of the property to the ~~local government~~ County. If the County's determination contradicts comments from the SHPO, the County shall justify how it reached an opposing conclusion.

(b) Applications for Special Uses in Historic Buildings shall include a "Protection and Enhancement Plan" which shall include the following:

(i) A description of how the proposed use will significantly contribute to the protection and enhancement of the historic resource, including specific actions that will be taken towards restoration, protection and enhancement, and adequate maintenance of the historic resource, and a proposed schedule for completion of such actions.

(ii) A statement addressing consistency of the proposed use with the Secretary of the Interior's Standards for Rehabilitation of Historic Properties and the Secretary of the Interior's Standards for Preservation of Historic Properties.

(iii) Detailed architectural drawings and building plans that clearly illustrate all proposed exterior alterations to the building associated with the proposed use. Any exterior additions to the building or outdoor components of the proposed use (e.g. parking areas, site for temporary structures, interpretive displays) shall be shown on the site plan.

(iv) Any proposal for commercial events at a historic property shall include an Operation Plan for Commercial Events, to be incorporated into the "Protection and Enhancement Plan". The Operational Plan shall include sufficient information to demonstrate how the commercial events will remain incidental and subordinate to the primary use of the property, and shall, at minimum, address:

- Number of events to be held annually.
- Maximum size of events, including number of guests and vehicles at proposed parking area.
- Provision for temporary structures, including location and type of structures anticipated.
- How the proposed commercial events will contribute to protection and enhancement of the historic resource.

(c) ~~The local government~~ The Planning Director shall submit a copy of the "Protection and Enhancement Plan" to the State Historic Preservation Office (SHPO). The SHPO shall have 30 calendar days from the date this information is mailed to submit written comments to ~~the local governments~~ Multnomah County. The SHPO comments shall address consistency of the proposed use with the Secretary of the Interior's Standards for Rehabilitation of Historic Properties and the Secretary of the Interior's Standards for Preservation of Historic Properties, and the effect of the proposed use on the historic resource.

(d) Any alterations to the building or surrounding area associated with the proposed must be determined by ~~the local government~~ Multnomah County to be consistent with the Secretary of the Interior's Standards for Rehabilitation of Historic Properties and the Secretary of the Interior's Standards for Preservation of Historic Properties. If the County's final decision contradicts the comments submitted by the State Historic Preservation Office, the County shall justify how it reached an opposing conclusion.

(e) The proposed use must be determined by the County to have no effect or no adverse effect on the historic character of the property, including features of the property contributing to its historic significance. If the County's final decision contradicts the comments submitted by the State Historic Preservation Office, the County shall justify how it reached an opposing conclusion.

(2) Scenic Resources.

(a) New parking areas associated with the proposed use shall be located on the subject property as it existed as of January 1, 2006. Such parking areas may be developed using paving blocks, gravel, or other pervious surfaces; asphalt, concrete and other impervious materials are prohibited.

(b) Parking areas associated with the proposed use shall be visually subordinate from Key Viewing Areas, and shall to the maximum extent practicable, use existing topography and existing vegetation to achieve visual sub-ordinance.

(c) Temporary structures associated with a commercial event (e.g. tents, canopies, portable restrooms) shall be placed on the subject property no sooner than two days before the event and removed within two days after the event. Alternatively, temporary structures may remain in place for up to 90 days in one calendar year if the County determines that they will be visually subordinate from Key Viewing Areas.

(3) Recreation Resources. The proposed use shall not detract from the use and enjoyment of existing recreation resources on nearby lands.

(4) Agricultural and Forest Lands.

(a) The proposed use shall be compatible with and will not interfere with accepted forest or agricultural practices on nearby lands devoted to such uses.

(b) The proposed use will be sited to minimize the loss of land suitable for production of crops, livestock or forest products.

(c) A declaration has been signed by the landowner and recorded into county deeds and records specifying that the owners, successors, heirs and assigns of the subject property are aware that adjacent and nearby operators are entitled to carry on accepted agriculture or forest practices on nearby lands.

(G) The following standards address health, safety, and potential impacts to surrounding properties and apply to all proposed Special Uses in Historic Buildings.

(1) Outdoor uses shall be limited to the hours of 7:00 am to 7:00 pm or sunset, whichever is later, except that between Memorial Day and Labor Day afternoon activities may extend to as late as 10:00 pm.

(2) The use of outdoor amplification in conjunction with a use authorized under this section is prohibited. All amplification must be contained within the historic building associated with the use.

(3) Parking shall be provided in accordance with the Minimum Required Off-Street Parking Spaces in MCC 38.4205. Existing off street parking and loading areas on a historic property shall be allowed to be used in their current configuration. New parking areas or expansions to existing parking areas shall meet the design and improvement standards of MCC 38.4100-38.4215 with the following exceptions.

MCC 38.4130(B) and (C) shall not apply to Special Uses in Historic Buildings. All required parking associated with the use shall be provided on the subject property.

Additionally, the surfacing requirements of MCC 38.4180(A) shall not apply. Instead, the surfacing requirements of MCC 38.7380(F)(2)(a) shall be employed.

(4) Business identification or facility entry signs located on the premises may be allowed, subject to the provisions of MCC 38.0080.

(5) The proposed use shall be compatible with the surrounding area. Review of compatibility shall include but not be limited to impacts associated with the scale of the use, effects of noise, traffic generation, and hours of operation.

(6) The proposed use shall not create hazardous conditions.

(7) The proposed use shall not require public services other than those existing or approved in the area.

(8) If private services will be used, the applicant shall demonstrate the private service is or can be made adequate to serve the use.

(Ord. 1074, Add, 05/04/2006)

§ 38.7385 BOARDING OF HORSES OR NON-PROFIT HORSE RESCUE FACILITY

(A) The boarding of horses or a non-profit horse rescue facility may be established as authorized in various districts provided the approval authority makes findings on the property characteristics, parcel size and impacts to neighbors and sets a maximum number of horses that may be boarded at any one time based upon those findings.

(B) The applicant shall submit the following information with related supporting evidence to demonstrate compliance with the criteria under (A):

(1) A description of the proposed horse facility with all accompanying accessory uses shall be provided. This shall include the maximum number of horses to be boarded on site, number of employees, accessory uses and services to be provided and hours that the facility will be available to the horse owners. The description shall include a site plan identifying the uses intended for a specific area, and floor plans and building elevations for all proposed buildings.

(2) A Stewardship Plan consisting of an Operations Plan and Maximum Usage Plan shall be created by the applicant in consultation with the Oregon Department of Agriculture, East Multnomah Soil and Water Conservation District or Oregon Extension Service for the proposed site of the horse boarding facility.

(a) The Operation Plan shall include the following:

1. Soil types and its animal-unit-month rating for all pastures to be used as part of the operation;

2. Irrigation techniques, if proposed;

3. Off-stream stock watering;

4. Pasture management;

5. Manure, waste and compost management;

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6. Mud, dust and fly control;

7. Dedicated all-weather paddock;

8. Stream bank and riparian vegetation preservation;

9. Capture and reuse rainwater and snowmelt on the site from areas of animal confinement and impervious surfaces.

(b) The Maximum Usage Plan shall specify the maximum number of horses to be boarded based upon the animal-units-month rating of the site.

1. The plan shall:

a. Consider all livestock to be pastured on the site in establishing the number of horses to be boarded.

b. Maintain adequate ground cover and vegetation for all areas to be used as part of the horse boarding use to prevent soil erosion.

c. Provide basic measurements to verify that the operation plan is achieving the necessary impact reductions for erosion & sediment control, dust control and insect control.

(C) The following accessory uses, if proposed, shall be evaluated as part of the boarding of horses use or non-profit horse rescue facility:

(1) Riding arena, covered or uncovered;

(2) Lessons to boarders (minor component)

(3) Training tracks;

(4) Hot walkers, covered or uncovered;

(5) Horse pool, covered or uncovered;

(6) Storage building for hay and grains;

(7) Farrier services & veterinarian services on an intermittent basis provided only for the use of owners of horses boarded at the facility;

(8) Horse trailer storage only for the use of owners of horses boarded at the facility. The area where the horse trailers are to be stored shall be screened by evergreen vegetation or topography from the public road, adjacent properties and from all key viewing areas.

(9) The hosting of fund-raising events for a non-profit horse rescue operation.

(Ord. 1125, Add, 12/11/2008)

§ 38.7390 RENEWABLE ENERGY PRODUCTION

(A) Renewable energy production qualifying for review as an Expedited Use shall be subject to (A)(1)-(6) below, in addition to any other applicable provisions of Chapter 38. Renewable energy production qualifying for review as either a Review Use or Conditional Use shall be subject to (A)(1)-(7) below, in addition to any other applicable provisions of Chapter 38.

(1) Renewable energy production equipment attached to an existing structure shall be considered an addition to the structure on which it is located. Free-standing renewable energy production equipment shall be considered a new accessory structure.

(2) Production of electrical power, including, but not limited to wind and solar production, for commercial purposes is considered an industrial use and is prohibited. Solar, wind and other renewable energy power generation that is accessory to a primary structure or allowed use is not considered an industrial use and may be permitted.

(3) The panels and hardware are non-reflective black or dark earth tone colors.

(4) The panels and hardware do not increase the overall roof height.

(5) The generating equipment may serve only the parcel on which it is located, or an adjacent parcel in the same ownership and used in conjunction with the subject parcel.

(6) Sale of power back to the electrical grid is permitted, provided that it is an occasional event, not ongoing over the course of the year.

(7) The capacity for power generation is limited to the expected annual electrical power need of the structure or use.

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PART 8 - VARIANCES AND LAND DIVISIONS

VARIANCES

(Ord. 1064, Amended, 06/23/2005)

§ 38.7600- VARIANCE APPROVAL CRITERIA

(A) The Approval Authority may permit and authorize a variance from the dimensional requirements of 38.2060 (C), 38.2260 (C), 38.2460 (E), 38.2660 (C), 38.2860 (C), 38.3060 (C), and 38.3260 (C) only when there are practical difficulties in the application of the Chapter. A Major Variance shall be granted only when all of the following criteria are met. A Minor Variance shall met criteria (3) and (4).

(1) A circumstance or condition applies to the property or to the intended use that does not apply generally to other property in the same vicinity or district. The circumstance or condition may relate to the size, shape, natural features and topography of the property or the location or size of physical improvements on the site or the nature of the use compared to surrounding uses.

(2) The zoning requirement would restrict the use of the subject property to a greater degree than it restricts other properties in the vicinity or district.

(3) The authorization of the variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or district in which the property is located, or adversely affects the appropriate development of adjoining properties.

(4) The granting of the variance will not adversely affect the realization of the Management Plan nor will it establish a use which is not listed in the underlying zone.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7605 VARIANCE CLASSIFICATION

(A) A Major Variance is one that is in excess of 25 percent of an applicable dimensional requirement. A Major Variance must be found to comply with MCC 38.7600 (A).

(1) A Major Variance must be approved at a public hearing except when all owners of record of property within 100 feet of the subject property grant their consent to the variance according to the procedures of MCC 38.7605 (B) (1) and (2).

(B) A Minor Variance is one that is within 25 percent of an applicable dimensional requirement. The Approval Authority is authorized to grant a Minor Variance in accordance with the following conditions:

(1) Application shall be accompanied by the written consent of the owner or owners of each lot adjoining and across any street from the subject property;

(2) The form to be presented to each owner must include the zoning requirement, the amount of relief requested by the applicant and a declaration by the owner that the granting of the variance shall not harm the value and livability of ~~his~~ their property.

(C) Notwithstanding (B) above, an applicant may seek approval of a variance to a dimensional requirement as a Major Variance, subject to the standards of this section.

(Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

LAND DIVISIONS

§ 38.7700- TITLE

This part of Chapter 38 shall be known as the Multnomah County Land Division Ordinance and may be so pleaded and referred to.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7705 DEFINITIONS

As used in this Chapter, unless the context requires otherwise, the following words and their derivations shall have the meanings provided below.

Accessway means a private road which is not a part of a lot or parcel and which provides access to more than one lot or parcel.

Applicant means the record owner or owners of a unit, area or tract of land or contiguous units, areas or tracts, proposing subdivision or partitioning and includes the authorized representative of the record owner or owners.

Approval authority means the Hearings Officer, Planning Commission or Planning Director authorized by this Chapter to approve tentative plans or final plans for land divisions.

Board means the Board of County Commissioners of Multnomah County.

Cul-de-sac means a short public street which is open to traffic at one end and is terminated by a vehicle turnaround at the other.

Development permit means any permit required by this or other Multnomah County Ordinances as a prerequisite to the use or improvement of any land and includes a building, land use, occupancy, sewer connection or other similar permit.

Flag lot means a parcel which includes a private driveway as a part thereof.

Frontage street means a minor street substantially parallel and adjacent to an arterial street, providing access to abutting properties and separation from through traffic.

Half street means a portion of the standard width of a street along the boundary of a land division, where the remaining portion of the street width could be provided from the adjoining property.

Hearings Officer means the Hearings Officer of Multnomah County.

Land Division means a subdivision or partition. For the purposes of this Sub-chapter, land divisions are further classified as Category 1, and Category 3 Land Divisions, as provided in this Sub-chapter.

Land Feasibility Study means a Site Evaluation Report which is the first step in obtaining a construction permit for an on-site sewage disposal system.

Lot means a unit of land that is created by a subdivision of land.

Parcel See 38.0015.

Partition means either an act of partitioning land or an area or tract of land partitioned as defined in this Chapter.

Partition land means to divide an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. Partition land does not include:

(1) A division of land resulting from a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots;

(2) An adjustment of a property line by the relocation of a common boundary in accordance with 38.7970; or

(3) A sale or grant by a person to a public agency or public body for state highway, county road, or other right-of-way purposes provided that such road or right-of-way complies, in the case of a county road, with the Street Standards Code and Rules, or, in the case of other right of way, the applicable standards of the agency to which the sale or grant is made. However, any property divided by the sale or grant of property for state highway or county road or other right-of-way purposes shall continue to be considered a single unit of land until such time as the property is further subdivided or partitioned; or

(4) The sale of a lot in a recorded subdivision, even though the lot may have been acquired prior to the sale with other contiguous lots or property by a single owner.

Partition Plat means a final map and other writing containing all the descriptions, locations, specifications, provisions and information concerning a partition.

Pedestrian path and bikeway means a right- of-way or easement for pedestrian, bicycle or other non-motorized traffic.

Person means a natural person, firm, partnership, association, social or fraternal organization, corporation, trust, estate, receiver, syndicate, branch of government, or any group or combination acting as a unit.

Planning Commission means the Planning Commission of Multnomah County.

Planning Director means the Director of the Land Use Planning Division or the Director's delegate.

Plat includes a final subdivision plat or partition plat.

Private driveway means a private means of access to a public road or private road which is part of and provides access only to one lot or parcel.

Private Road means a private accessway built on a separate lot from the lots it serves, connecting more than one property to the local public road system and each lot using the private road for access has an undivided interest in the private road.

Private street —See private road.

Property Line means the division line between two units of land.

Property Line Adjustment means the relocation of a common property line between two abutting properties.

Public Road means a road over which the public has a right of use that is a matter of public record. County roads, city streets, state highways, federal roads and local access roads are all public roads.

Public street—See public road.

Right-of-way means the area between boundary lines of a public street or other area dedicated for pedestrian or vehicular circulation.

Road means the entire right-of-way of any public or private way that provides ingress to, or egress from property by vehicles or other means, or provides travel between places by means of vehicles. "Road" includes, but is not limited to:

(a) Ways described as streets, highways, throughways, or alleys;

(b) Road-related structures, such as tunnels, culverts, or similar structures, that are in the right-of-way; and

(c) Structures such as bridges that provide for continuity of the right-of-way.

Sale or sell includes every disposition or transfer of land in a subdivision or partition or an interest or estate therein.

Sidewalk means a pedestrian walkway with all-weather surfacing.

Street —See road.

Street classifications such as *Arterial, Collector, Minor Arterial*, etc., shall have the meanings stated in the Multnomah County Street Standards Code and Rules.

Street lighting means the total system of wiring, poles, arms, fixtures and lamps, including all parts thereof that are necessary to light a street or pedestrian path and bikeway.

Subdivide land means to divide an area or tract of land into four or more lots within a calendar year when such area or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of such year.

Subdivision means either an act of subdividing land or an area or a tract of land subdivided as defined in this Chapter.

Subdivision Plat means a final map and other writing containing all the descriptions, locations, specifications, provisions and information concerning a subdivision.

Tentative plan means the applicant's proposal for subdivision or partition and consists of the drawings, written information and supplementary material required by this Chapter.

(Ord. 1128, Amended, 01/29/2009; Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7725 COMPLIANCE REQUIRED

No land may be divided in the Columbia River Gorge National Scenic Area except in accordance with this Chapter.

(A) Land Divisions within the NSA shall be classified and found to satisfy the applicable approval criteria specified in MCC 38.7700 through 38.8035, subject to the following:

(1) New land divisions, except lot line adjustments, are not allowed in the Special Management Area, unless the creation of a new parcel will facilitate land acquisition by the federal government to achieve the policies and standards of the Management Plan.

(2) All land divisions must consider consolidation of access in order to reduce adverse effects on scenic, cultural, natural and recreation resources.

(B) No person shall create a street for the purpose of dividing land without the approval of a subdivision or partition as provided by this Chapter.

(C) Except as provided in MCC 38.0560, no development permit shall be issued for the improvement or use of any land divided in violation of the provisions of this Chapter, regardless of whether the permit applicant created the violation. A division of land which is contrary to an approved subdivision plat or partition map is a violation of this Chapter.

(D) The requirements of this Chapter shall apply to the applicant for a land division and to the applicant's successors in interest in the land division or any portion thereof.

(Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7740 UNDEVELOPED SUBDIVISIONS

A unit of land shall be consolidated with adjacent lands in the same ownership if the subdivision within which it is located is undeveloped pursuant to ORS chapter 92.

(Ord. 1064, Add, 06/23/2005)

§ 38.7765 LAND DIVISION CATEGORIES DISTINGUISHED

For the purposes of this Chapter, the land division classifications listed in sections 38.7770 through 38.7775 are established.

(Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7770 CATEGORY 1 LAND DIVISIONS

The following proposals are designated Category 1 Land Divisions:

(A) A Rural Area subdivision;

(B) A Rural Area partition which creates a new street when the Planning Director determines that:

(1) The proposal includes the continuation of an existing or planned street to adjacent property, or,

(2) The proposal either eliminates or makes impractical the continuation of an existing street or the provision of needed access to adjacent property.

(C) A subdivision or partition associated with an application affecting the same property for any action proceeding requiring a public hearing under MCC Chapter 38 or for a variance under the Land Division part of this Chapter; and

(D) Any other land division proposal which, as determined by the Planning Director, will have a substantial impact on the use or development of nearby property such that determination at a public hearing is required, considering:

(1) The nature of nearby land uses or the pattern of existing land divisions in relation to the applicable elements of the Comprehensive Plan;

(2) Plans or programs for the extension of the street or utility systems on or near the proposed division; or

(3) Physical characteristics of the tract or nearby area such as steep slopes, a history of flooding, poor drainage, ~~land slides~~ landslides or other existing or potential hazards.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7775 CATEGORY 3 LAND DIVISIONS

All other land partition proposals are designated Category 3 Land Divisions.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7794 CONSOLIDATION OF PARCELS AND LOTS

This section states the procedures and requirements for removing property lines between adjacent parcels or lots in the same ownership in order to create one parcel or lot. The act of parcel or lot consolidation does not, in itself, remove prior conditions of land use approvals. A property owner may also choose to consolidate parcels or lots as part of a land division application. The parcel and lot consolidation process described in this section is different from (and does not replace) the process used by the County Assessment and Taxation Program to consolidate parcels and lots under one tax account.

Consolidation of parcels and lots may be approved under the applicable descriptions and approval criteria given in subsection (A) for parcels created by “metes and bounds” deed descriptions and subsection (B) for parcels and lots that were created by a Partition or Subdivision Plat.

(A) Consolidation of parcels created by “metes and bounds” deed descriptions may be approved under the standards of either subsections (1) or (2) as follows:

(1) If all the subject parcels proposed for consolidation were created by deed instruments prior to October 19, 1978, (the effective date of Ord. 174), or are Lots of Record created by deed instrument under the "minor partitions exempted" section 1.224 of Ord. 174 and MCC section 11.45.110, then the following shall apply:

(a) Under a Type I Permit Review and in accordance with MCC 39.1115, an application and fee shall be submitted to the Land Use Planning office. The contents of the application shall include maps, copies of all current deeds, a title report, an affidavit signed by the owner that verifies that the owner has the authority to consolidate the parcels, and any supplementary material that is determined by the Planning Director to be necessary and relevant to demonstrate compliance with the standards in (b);

(b) The Planning Director shall verify the following in a written report:

1. The subject parcels are in the same ownership and there are no ownership or financing obstacles to completing the consolidation;

2. The parcels to be consolidated are either existing Lots of Record or the act of consolidation will correct a past unlawful land division;

(c) The applicant shall submit to the Planning Director a copy of an unrecorded deed that conforms to the requirements of the Director's report; and

(d) The applicant shall record the approved deed that accurately reflects the approved parcel consolidation.

(2) If the subject parcels proposed for consolidation include a parcel created by deed instrument as described in (A)(1) above and include a parcel created by Partition Plat or lot within a Subdivision Plat, then the following shall apply:

(a) The application and Planning Director verification requirements are those given in (A)(1)(a)&(b);

(b) Before submittal to the County Surveyor, the applicant shall submit to the Planning Director a copy of a "one parcel" Partition Plat that accurately reflects the requirements of the Director's report; and

(c) The "one parcel" Partition Plat shall meet the technical requirements of ORS Chapter 92 before it is recorded with the County Recorder.

(B) Consolidation of parcels within a Partition Plat or lots within a Subdivision Plat (Parcel and Lot Line Vacation) may be approved with a replat.

(Ord. 1097, Add, 07/26/2007)

§ 38.7797 REPLATTING OF PARTITION AND SUBDIVISION PLATS

(A) This section states the procedures and requirements for reconfiguring parcels, lots, and public easements within a recorded plat as described in ORS 92.180 through 92.190 (2006). This provision shall be utilized only in those zoning districts in which replatting is a Review Use. Nothing in this section is intended to prevent the utilization of other vacation actions in ORS chapters 271 or 368.

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(B) As used in this subsection, “replat” and “replatting” shall mean the act of platting the parcels, lots and easements in a recorded Partition Plat or Subdivision Plat to achieve a reconfiguration of the existing Partition Plat or Subdivision Plat or to increase or decrease the number of parcels or lots in the Plat.

(C) Limitations on replatting include, but are not limited to, the following: A replat shall only apply to a recorded plat; a replat shall not vacate any public street or road; and a replat of a portion of a recorded plat shall not act to vacate any recorded covenants or restrictions.

(D) The Planning Director may approve a replatting application under a Type II Permit Review upon finding that the following are met:

(1) In accordance with MCC 38.0550 or 39.1115, an application and fee shall be submitted to the Land Use Planning office. The contents of the tentative plan shall include those maps, written information and supplementary material listed for contents of a Category 3 tentative plan that are determined by the Planning Director to be adequate to demonstrate compliance with the applicable approval criteria;

(2) Reconfiguration of the parcels or lots shall not result in an increase in the number of “buildable parcels or lots” over that which exist prior to reconfiguration. “Buildable parcels or lots,” as used in this approval criteria, shall mean that there is confidence that a building and sanitation permit could be approved on the parcel or lot. A replat resulting in an increase in the number of “buildable parcels or lots” shall be reviewed as a land division as defined in this Chapter;

(3) Parcels or lots that do not meet the minimum lot size of the zoning district shall not be further reduced in lot area in the proposed replat;

(4) The proposed reconfiguration shall meet the approval criteria given in the land division code sections on easements, water systems, sewage disposal, and surface drainage;

(5) All reconfigured parcels and lots shall have frontage on a public street except as provided for alternative access in the access requirement sections of each zoning district; and

(6) The applicant shall submit a Partition Plat or Subdivision Plat to the Planning Director and County Surveyor in accordance with the requirements of ORS 92 and which accurately reflects the approved tentative plan map and other materials.

(Ord. 1264, Amended, 10/25/2018; Ord. 1097, Add, 07/26/2007)

§ 38.7800 CRITERIA FOR APPROVAL: CATEGORY 1 TENTATIVE PLAN

In granting approval of a Category 1 tentative plan, the approval authority shall find that:

(A) The tentative plan is in accordance with the applicable elements of the Management Plan;

(B) Approval will permit development of the remainder of the property under the same ownership, if any, or of adjoining land or of access thereto, in accordance with this and other applicable ordinances;

(C) The tentative plan complies with the applicable provisions, including the purposes and intent of this Chapter;

(D) The tentative plan complies with the Zoning Ordinance;

(E) If a subdivision, the proposed name has been approved by the County Surveyor and does not use a word which is the same as, similar to or pronounced the same as a word in the name of any other subdivision in Multnomah County, except for the words town, city, place, court, addition or similar words, unless the land platted is contiguous to and platted by the same applicant that platted the subdivision bearing that name or unless the applicant files and records the consent of the party that platted the subdivision bearing that name and the block numbers continue those of the plat of the same name last filed;

(F) The streets are laid out and designed so as to conform, within the limits of MCC 38.7905 and 38.7910 and the Street Standards Code and Rules, to the plats of subdivisions and maps of partitions already approved for adjoining property unless the approval authority determines it is in the public interest to modify the street pattern; and,

(G) Streets held for private use are laid out and designed so as to conform with MCC 38.7905 and 38.7910 and the Street Standards Code and Rules, and are clearly indicated on the tentative plan and all reservations or restrictions relating to such private streets, including ownership, are set forth thereon.

(H) Approval will permit development to be safe from known flooding and flood hazards. Public utilities and water supply systems shall be designed and located so as to minimize or prevent infiltration of flood waters into the systems. Sanitary sewer systems shall be designed and located to minimize or prevent:

(1) The infiltration of flood waters into the system; and

(2) The discharge of matter from the system into flood waters.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7805 CONTENTS OF CATEGORY 1 TENTATIVE PLAN

A tentative plan shall consist of maps, written information and supplementary material adequate to provide the information required in MCC 38.7810 through 38.7825.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7810 CATEGORY 1 TENTATIVE PLAN MAP SPECIFICATIONS

The tentative plan map shall be drawn on a sheet 18 x 24 inches or 11 x 17 inches in size or a size approved by the Planning Director. The scale of the map shall be 10, 20, 30, 40, 50, 60, 100 or 200 feet to the inch or multiples of ten of any of these scales. The map shall include one copy of a scaled drawing of the proposed subdivision, on a sheet 8.5 x 11 inches, suitable for reproduction, mailing and posting with the required notices.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7815 CATEGORY 1 TENTATIVE PLAN MAP CONTENTS

The tentative plan map shall indicate the following:

(A) General information:

(1) In the case of a subdivision, the proposed name which shall be in accord with subsection (E) of MCC 38.7800.

(2) Date, north point and scale of drawing.

(3) Description of the proposed land division sufficient to define its location and boundaries.

(4) Identification as a tentative plan map.

(B) Existing conditions:

(1) Streets: the location, name and present width of each street, alley or right-of-way in or serving the tract.

(2) Easements: location, width and nature of any easement of record on or serving the tract.

(3) Utilities: location and identity of all utilities on or serving the tract.

(4) Contour lines at ten foot intervals. The map shall state the source of the contour information.

(5) The location of at least one temporary bench mark within the land division.

(6) Any natural features such as rock outcroppings, marshes, wooded areas, major vegetation, etc., which may affect the proposal.

(7) Water courses on and abutting the tract, including their location, width and direction of flow.

(8) The approximate location of areas subject to periodic inundation and all areas covered by water.

(9) The location of any harbor line.

(10) Scaled location and size of all existing driveways and pedestrian walkways, and the scaled location and size and present use of all existing buildings or other structures, and designation of any existing buildings or structures proposed to remain on the property after division.

(C) Proposed improvements:

(1) Streets: location, proposed name, right-of-way width and approximate radii of curves of each proposed street.

(2) Any proposed pedestrian path or bikeway.

(3) Easements: location, width and nature of all proposed easements.

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(4) Lots or parcels: location and approximate dimensions of all lots or parcels, the minimum lot or parcel size and, in the case of a subdivision, the proposed lot and block numbers.

(5) Water supply: the proposed domestic water supply system.

(6) Sewage disposal: the proposed method of sewage disposal.

(7) Drainage: proposed methods for surface water disposal and any proposed drainage easements.

(8) Other utilities: the approximate location and nature of other utilities including the location of street lighting fixtures.

(9) Railroad rights-of-way, if any.

(10) Changes to navigable streams, if any.

(11) A street tree planting plan and schedule.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7820 WRITTEN INFORMATION: CATEGORY 1 TENTATIVE PLAN

Written information shall include:

(A) Name, address and telephone number of the record owner(s), owner's representative, and designer(s) of the proposed land division and the name of the engineer(s) or surveyor(s) and the date of the survey, if any.

(B) Proof of record ownership of the tract and the representative's authorization.

(C) Legal description of the tract.

(D) Present and proposed uses of the tract including all areas proposed to be dedicated to the public.

(E) Statements of the manner in which the criteria for approval listed in MCC 38.7800 are satisfied.

(F) Statement of the improvements to be made or installed, including street tree planting, and the time such improvements are to be made or completed.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7825 SUPPLEMENTARY MATERIAL: CATEGORY 1 TENTATIVE PLAN

The following supplementary material may be required by the Planning Director:

(A) A survey of the tract.

(B) A vicinity map showing existing divided and undivided land adjacent to the proposed land division, the existing uses and structures thereon, and an indication of the manner in which the

proposed streets and utilities may be extended to connect to existing streets and utilities or to serve future land divisions.

(C) Proposed deed restrictions and methods of proposed ownership.

(D) Such other material as the Planning Director deems necessary to assist in the review and assessment of the land division proposal according to the provision of this Chapter.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7855 CRITERIA FOR APPROVAL: CATEGORY 3 TENTATIVE PLAN

In granting approval of a Category 3 tentative plan, the Planning Director shall find that the criteria listed in subsections (B), (C) and (H) of MCC 38.7800 are satisfied and that the tentative plan complies with the area and dimensional requirements of the underlying zoning district.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7860 CONTENTS OF CATEGORY 3 TENTATIVE PLAN

A tentative plan for a Category 3 Land Division shall consist of maps, written information and supplementary material adequate to provide the following:

(A) Category 3 tentative plan map contents. A tentative plan map of a sheet size and scale as specified in MCC 38.7810 shall indicate the following:

(1) Date, north point and scale of drawing.

(2) Description of the proposed land division sufficient to define its location and boundaries.

(3) Identification as a tentative plan map.

(4) Location, names or purpose and width of all streets, rights-of-way or easements on or abutting the tract.

(5) Natural features, water courses or areas covered by water.

(6) The location and use of any buildings or structures proposed to remain after division.

(7) The proposed parcels, their dimensions and areas.

(8) Contiguous property under the same ownership.

(B) Written information; Category 3 tentative plan. Written information shall include:

(1) Name, address and telephone number of the record owner(s), owner's representative, designer(s), engineer(s) or surveyor(s), and the date of survey, if any.

(2) Proof of record ownership of the tract and the representative's authorization.

(3) Legal description of the tract.

(4) Present and proposed uses.

(5) Description of the water supply, methods of sewage disposal and storm water disposal, and the availability of other utilities.

(6) Statements of the manner in which the criteria for approval listed in MCC 38.7855 are satisfied.

(7) Statement of the improvements to be made or installed and the time scheduled therefore.

(C) Supplementary material; Category 3 tentative plan. The Planning Director may require such additional information, listed in sections MCC 38.7805 through 38.7825, as the Director deems necessary to assist in the review and assessment of the land division proposal according to the provisions of this Chapter.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7865 TENTATIVE PLAN APPROVAL TIME LIMITS; STAGED DEVELOPMENT

The time limits for approval of tentative plans and staged development proposals shall be in accordance with MCC 38.7870 through 38.7880.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7870 TIME LIMIT

The final subdivision plat or final partition plat shall be delivered to the Planning Director for approval within two years following the approval of the tentative plan, and shall incorporate any modification or condition required by approval of the tentative plan. The Planning Director may, upon written request by the applicant, and payment of the required fee, grant an extension of the approval period, not to exceed six months, upon a written finding that the facts upon which the approval was based have not changed to an extent sufficient to warrant re-filing of the tentative plan.

(Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7875 STAGED DEVELOPMENT FOR SUBDIVISION

When an applicant desires to record and develop subdivision plats covering portions of an approved tentative plan in stages, the approval authority may authorize a time schedule for platting the various stages in periods of time in excess of one year, but in no case shall the total time period for platting of all stages be greater than five years without re-filing the tentative plan. Each stage so platted and developed shall conform to all applicable requirements of this Chapter.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7880 RE-APPROVAL AFTER EXPIRATION

After the expiration of the approval period, and extension, if any, a tentative plan shall be re-filed and considered as a new application.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7885 APPLICATION OF GENERAL STANDARDS AND REQUIREMENTS

Every land division proposal shall comply with the applicable provisions of MCC 38.7890 through 38.7965.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7890 LAND SUITABILITY

A land division shall not be approved on land found by the approval authority to be both unsuitable and incapable of being made suitable for the intended uses because of any of the following characteristics:

(A) Slopes exceeding 20%;

(B) Severe soil erosion potential;

(C) Within the 100-year flood plain;

(D) A high seasonal water table within 0– 24 inches of the surface for three or more weeks of the year;

(E) A fragipan or other impervious layer less than 30 inches from the surface; or

(F) Subject to slumping, earth slides or movement.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7895 LOTS AND PARCELS

The design of lots and parcels shall comply with the following:

(A) The size, shape, width, orientation and access shall be appropriate:

(1) To the types of development and uses contemplated;

(2) To the nature of existing or potential development on adjacent tracts;

(3) For the maximum preservation of existing slopes, vegetation and natural drainage;

(4) To the need for privacy through such means as transition from public to semi-public to private use areas and the separation of conflicting areas by suitable distances, barriers or screens; and

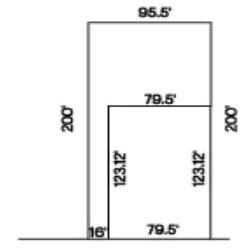
(5) To the climactic conditions including solar orientation and winter wind and rain.

(B) The side lot lines shall be perpendicular to the front lot line or radial to the curve of a street, to the extent practicable.

(C) Double frontage or reverse frontage lots or parcels shall be provided only when essential for separation of land uses from arterials or to overcome specific disadvantages of topography or orientation.

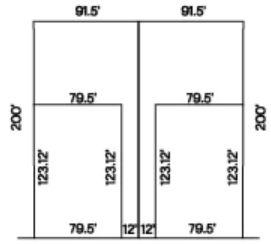
(D) A land division may include creation of a flag lot with a pole that does not satisfy the minimum frontage requirement of the applicable zoning district, subject to the following:

(1) When a flag lot does not adjoin another flag lot, as shown in MCC 38.7895 Figure 1, the pole portion of the flag lot shall be at least 16 feet wide.



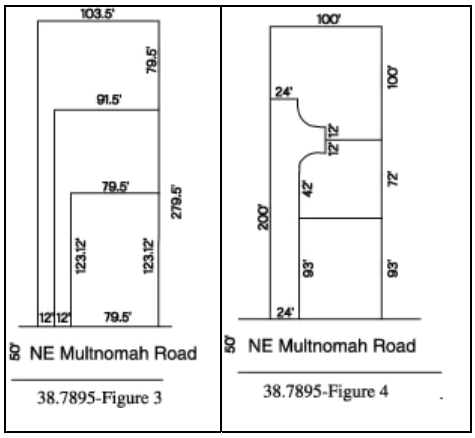
38.7895-Figure 1

(2) Where two flag lots are placed back to back as shown in MCC 38.7895 Figure 2, the pole portion of each flag lot shall be at least 12 feet wide.



38.7895-Figure 2

(E) Within a land division, flag lots shall not be stacked one behind the other as shown in MCC 38.7895 Figure 3. Instead, a private accessway shall be used as shown in MCC 38.7895 Figure 4.



38.7895-Figure 3

38.7895-Figure 4

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7900 ACREAGE TRACTS

Where a tract of land is to be divided into lots or parcels capable of re-division in accordance with this or other ordinance, the approval authority shall require an arrangement of lots, parcels and streets which facilitates future re-division. In such a case, building setback lines may be required in order to preserve future rights-of-way or building sites.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7905 STREET LAYOUT

(A) Except as otherwise provided in subsections (B) and (C) of this section, the arrangement of streets in a land division shall be designed:

(1) To conform to the arrangement established or approved in adjoining land divisions;

(2) To continue streets to the boundary of any adjoining undivided tract where such is necessary to the proper development of the adjoining land;

(3) To assure the maximum possible preservation of existing slopes, vegetation and natural drainage;

(4) To limit unnecessary through traffic in residential areas;

(5) To permit surveillance of street areas by residents and users for maximum safety;

(6) To assure building sites with appropriate solar orientation and protection from winter wind and rain;

(7) To assure storm water drainage to an approved means of disposal; and

(8) To provide safe and convenient access.

(B) Where topography or other conditions make conformance to the existing street pattern or continuance to an adjoining tract impractical, the street layout shall conform to an alternate arrangement authorized by the approval authority.

(C) Where a street layout affecting the proposed land division has been established, the arrangement of streets in the land division shall conform to the established layout.

(D) A half street may be permitted only where appropriate to the future division of adjoining undeveloped property, provided that when possible, additional dedicated right-of-way exceeding one-half of a street may be required to provide adequate width to accommodate two-way vehicle traffic.

(E) When necessary for adequate protection of existing or proposed land uses or to afford separation of through and local traffic, a land division abutting or containing an existing or proposed arterial may be required to include, among other things, a frontage street, reverse frontage lots with extra depth, or screen plantings in a non-access reservation along a property line.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7910 STREET DESIGN

The width, design and configuration of all streets in or abutting the land division shall comply with applicable ordinance standards as follows:

(A) For a public street — in accordance with the Street Standards Code and Rules; and

(B) For a private street — in accordance with the Street Standards Code and Rules, subject to the following additional requirements:

(1) Accessways shall be designed in accordance with Permit Requirements for Accessway Construction published by the Multnomah County Department of Environmental Service. Accessways shall have a maximum length of 300 feet.

(C) A cul-de-sac shall be as short as possible and shall have a maximum length of 400 feet and serve building sites for not more than 18 dwelling units. A cul-de-sac shall terminate with a turnaround having a radius of 50 feet.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7915 STREET RESERVE STRIPS

The land division shall provide for the appropriate extension or widening of streets serving the division or for allocating the improvement costs among future land divisions. A reserve strip or street plug may be required for such purposes. The control and disposition of reserve strips or plugs shall be placed within the jurisdiction of the County.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7920 TEMPORARY TURNAROUNDS

A temporary turnaround shall be provided on any street that is appropriate for continuation, either within the land division or beyond, when the street serves more than six interior lots. However, in the case of a subdivision to be recorded and developed in stages under MCC 38.7875, a temporary turnaround shall not be required on a street to be continued in a subsequent stage. In such case, an appropriate improvement agreement under MCC 38.8010 may be required by the Planning Director to assure that a temporary turnaround will be provided should the subsequent stage not proceed according to the approved schedule.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7925 STREET NAMES

Names for public streets shall conform to the street naming system of Multnomah County. In order to discourage unnecessary traffic, the nature of a private street, a dead end street or a cul-de-sac shall be identified by a sign approved as to design, content and placement by the County Engineer.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7930 SIDEWALKS, PEDESTRIAN PATHS AND BIKEWAYS

(A) A sidewalk shall be required along any private street serving more than six dwelling units.

(B) A pedestrian path located outside a street right-of-way may be substituted for a required sidewalk when it serves the same circulation function.

(C) Where a pedestrian path and bikeway is part of an approved plan for the area or has been approved on adjoining property, the approval authority may require the provision of a pedestrian path or bikeway within the land division.

(D) In order to provide for an appropriate circulation system, the approval authority may require a pedestrian path and bikeway across an unusually long or oddly-shaped block.

(E) The width, design and configuration of sidewalks and pedestrian paths and bikeways shall comply with applicable ordinance standards, as follows:

(1) In a public right-of-way — in accordance with the Street Standards Code and Rules; and

(2) On private property — as approved by the Planning Director in accordance with an approved Site Review.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7935 EASEMENTS

Easements shall be provided and designed according to the following:

(A) Along the front property line abutting a Street, a five foot utility easement shall be required. The placement of the utility easement may be modified as requested by a public or private utility

provider. Utility infrastructure may not be placed within one foot of a survey monument location noted on a subdivision or partition plat.

(B) Where a tract is traversed by a water course such as a drainage way, channel or stream, a storm water easement or drainage right-of-way adequate to conform substantially with the lines of the water course shall be provided. In a drainage district or water control district, such easement or right-of-way shall be approved by the district board, in accordance with ORS 92.110. If not within such District, approval shall be by the County Engineer.

(C) Easements for pedestrian paths and bikeways shall be not less than 10 feet in width.

(Ord. 1114, Amended, 05/29/2008; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7940 STREET TREES

Street trees shall be planted by the applicant according to the street tree planting plan and schedule approved by the County Engineer as an element of the tentative plan. Trees which have not survived for one year after initial planting shall be replaced by the applicant within four months of loss.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7950 WATER SYSTEM

The provision of domestic water to every lot or parcel in a land division shall comply with the requirements of subsections (4) (a), (b), or (c) of ORS 92.090 and MCC 38.7985 of this Chapter.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7955 SEWAGE DISPOSAL

The provision for the disposal of sewage from every lot or parcel in a land division shall comply with the requirements of subsection (5) (c) of ORS 92.090 and MCC 38.7990 of this Chapter.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7960 SURFACE DRAINAGE

Surface drainage and storm sewer systems shall be provided as required by section 38.7995. The County Engineer may require on-site water disposal or retention facilities adequate to insure that surface runoff volume after development is no greater than that before development.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7965 ELECTRICAL AND OTHER WIRES

Wires serving within a land division, including but not limited to electric power, communication, street lighting and cable television wires, shall be placed underground. The approval authority may modify or waive this requirement in acting on a tentative plan upon a finding that underground installation:

(A) Is impracticable due to topography, soil or subsurface conditions;

(B) Would result in only minor aesthetic advantages, given the existence of above-ground facilities nearby; or

(C) Would be unnecessarily expensive in consideration of the need for low-cost housing proposed on the lots or parcels to be served.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7970 PROPERTY LINE ADJUSTMENT (LOT LINE ADJUSTMENT)

(A) In the General Management Area:

(1) Lot line adjustments for parcels in all land use designations except Open Space, Commercial (GGC), Public Recreation(GG-PR, GS-PR), or Commercial Recreation (GG-CR) shall comply with the following standards:

(a) The lot line adjustment shall not result in the creation of any new parcel(s).

(b) The lot line adjustment shall not result in the potential to create a new parcel(s) or residential development in excess of the minimum density allowed by the land use designation(s) for the affected parcels.

(c) The lot line adjustment shall not allow a parcel that is equal to or larger than the minimum parcel size before the lot line adjustment to become less than the minimum parcel size after the lot line adjustment, except to allow a public or non-profit entity to acquire land for the purpose of protecting and enhancing scenic, cultural, recreation or natural resources, provided the land to be acquired would be protected by a conservation easement or other similar property restriction that precludes future land divisions and development.

(d) The lot line adjustment shall not allow a parcel that is smaller than the minimum parcel size to be reduced in size, except to accomplish one of the following purposes:

1. Resolve boundary disputes, correct physical encroachments, provide reasonable access, or meet buffer or set back requirements, provided:

a. The parcel to be enlarged would not become eligible for a subsequent land division and

b. The amount of land transferred would be the minimum necessary to resolve the issue.

2. Allow a public or non-profit entity to acquire land for the purpose of protecting and enhancing scenic, cultural, recreation or natural resources, provided the land to be acquired would be protected by a conservation easement or other similar property restriction that precludes future land divisions and development.

(e) The lot line adjustment shall not allow the boundary of a parcel designated Large-Scale Agriculture (GGA-40), Commercial Forest Land (GGF-40 or GGF-80), or Open Space to be extended into another land use designation for the purpose of establishing a dwelling under

less stringent provisions (e.g., extending a parcel designated GMA Large-Scale Agriculture [GGA-40] into a parcel designated Rural Center [GGRC] or Residential [GGR, GSR]).

(f) The lot line adjustment shall not allow previously approved parcels or developments to violate conditions of approval or become out of compliance or further out of compliance with existing land use and resource protection provisions, including, but not limited to, requirements for buffer zones and landscaping.

(g) The lot line adjustment shall not result in a parcel that cannot comply with existing land use and resource protection provisions, including, but not limited to requirements for buffer zones and landscaping.

(2) Lot line adjustments for parcels designated Open Space shall comply with the following standards:

(a) The lot line adjustment may be allowed upon demonstration that it is necessary to facilitate efforts to protect and enhance scenic, cultural, natural, or recreation resources. (Note: There is no specified minimum parcel size for parcels designated Open Space.)

(b) The lot line adjustment shall comply with provisions (A)(1)(a), (b), (e), (f), and (g) above.

(3) Lot line adjustments for parcels designated Commercial shall comply with provisions (A)(1)(a), (b), (e), (f), and (g) above.

(4) Lot line adjustments for parcels designated Public Recreation (GG-PR, GS-PR) or Commercial Recreation (GG-CR) shall comply with the following standards:

(a) The lot line adjustment may be allowed upon demonstration that it is necessary to facilitate, enhance, or otherwise improve recreation uses on the parcel. (Note: There are no specified minimum parcel sizes for parcels designated Public Recreation [GG-PR, GS-PR] or Commercial Recreation [GG-CR].)

(b) The lot line adjustment shall comply with provisions (A)(1)(a), (b), (e), (f), and (g) above.

(B) In the Special Management Area:

(1) The proposed lot line adjustment shall not result in the creation of any new parcel(s).

(2) A lot line adjustment shall not result in a parcel greater than or equal to 40 acres with a dwelling becoming less than 40 acres.

(3) A lot line adjustment shall not result in a parcel less than 40 acres becoming 40 acres or greater.

(4) A parcel that is smaller than 40 acres shall not be reduced in size, except to accomplish one of the following purposes:

(a) Resolve boundary line disputes, correct physical encroachments, provide reasonable access, or meet buffer or set back requirements, provided

1. The parcel to be enlarged would not become 40 acres or greater and

2. The amount of land transferred would be the minimum necessary to resolve the issue.

(b) Allow a public or non-profit entity to acquire land for the purpose of protecting and enhancing scenic, cultural, recreation or natural resources, provided the land to be acquired would be protected by a conservation easement or other similar property restriction that precludes residential development.

(5) The lot line adjustment shall not cause previously approved parcels or development to violate conditions of approval or become out of compliance or further out of compliance with existing land use and resource protection provisions, including, but not limited to, requirements for buffer zones and landscaping.

(6) The lot line adjustment shall not result in a parcel that cannot comply with existing land use and resource protection provisions, including, but not limited to requirements for buffer zones and landscaping.

(Ord. 1125, Amended, 12/11/2008; Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7975 REQUIRED IMPROVEMENTS

Improvements in a land division shall be made in accordance with the provisions of MCC 38.7980 through 38.8000 and 38.8010.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7980 STREETS, PEDESTRIAN PATHS AND BIKEWAYS

Any street, pedestrian path or bikeway shall be improved as follows:

(A) In a public street — in accordance with this Chapter and the Street Standards Code and Rules; and,

(B) In a private street — in accordance with the Street Standards Code and Rules.

(C) Underground utilities and street lighting facilities, storm drains and water mains located in a street shall be installed prior to the surfacing of the street.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7985 WATER SYSTEM

Water mains, service and fire hydrants shall meet the requirements of the Water District and shall be located as follows:

(A) In a public street — in accordance with the Street Standards Code and Rules; and

(B) In a private street — as approved by the approval authority.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7990 SEWAGE DISPOSAL

(A) A sewage disposal system approved by the State Department of Environmental Quality shall be provided. All lots or parcels in a proposed land division which will utilize private subsurface sewage disposal system shall apply for and obtain approval of a Land Feasibility Study confirming the ability to utilize the system prior to tentative plan approval. In such cases, the approval authority may require that a sanitary sewer line, with branches to the right-of-way line for connection to a future sewer system, be constructed and sealed.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7995 SURFACE DRAINAGE AND STORM SEWER SYSTEMS

Drainage facilities shall be constructed as follows:

(A) In a public street — in accordance with the Street Standards Code and Rules; and

(B) In a private street and on lots or parcels — in accordance with the plans prepared by an Oregon licensed and registered professional engineer and approved by the approval authority.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.8000 OTHER UTILITIES

Other utilities, including electric, gas, street lighting and cable television facilities shall be provided as required by this Chapter and as follows:

(A) In a public street — in accordance with the Street Standards Code and Rules; and

(B) In a private street — as approved by the approval authority.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.8005 VARIANCES

(A) A variance from the provisions of MCC 38.7885 through 38.8000 of this Chapter may be authorized by the Hearings Officer or the Planning Commission, as appropriate. Such a variance may be authorized only when substantially all of the following factors exist:

(1) Special circumstances or conditions apply to the property or to the intended use that do not apply to other property in the same vicinity;

(2) The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant and extraordinary hardship would result from strict compliance with the ordinance requirements;

(3) The authorization of the variance will not be materially detrimental to the public welfare or injurious to other property in the vicinity;

(4) The granting of the variance will not adversely affect implementation of the Comprehensive Plan; and

(5) The circumstances of any hardship are not of the applicant's making.

(B) Application for a variance shall be filed with the Planning Director, on the forms provided, at the time of application for tentative plan approval. The application shall be accompanied by the required fee. Notice of the hearing on the tentative plan shall include notice of the proposed variance.

(C) A variance authorized under the provisions of MCC 38.8005 shall expire upon expiration of the tentative plan approval or of the phase of an approved staged development associated therewith.

(D) A variance from the provisions of the Street Standards Code and Rules may be authorized as provided therein.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.8010 IMPROVEMENT AGREEMENT

Prior to approval of a subdivision plat or partition plat by the County Engineer, the applicant shall execute and file with the County Engineer an agreement with the County, which shall include:

(A) A schedule for the completion of required improvements;

(B) Provision that the applicant file with the County Engineer a maintenance bond, on forms provided by the Engineer, guaranteeing the materials and workmanship in the improvements required by this Chapter against defects for a period of 12 months following the issuance of a certificate of acceptance by the County Engineer; and

(C) A surety bond, executed by a surety company authorized to transact business in the State of Oregon, or a certified check or other assurance approved by the County Attorney, guaranteeing complete performance. Such assurance shall be for a sum equal to 110% of the actual costs of the improvements as estimated by the County Engineer.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.8015 FINAL DRAWING AND PRINTS

(A) Two prints of the subdivision or partition plat shall accompany the final drawing, conforming to all applicable requirements as established by the Oregon Revised Statutes (ORS), Chapters 92 and 209.

(B) Notwithstanding optional provisions in ORS Chapter 92, all parcels created shall be surveyed, monumented and platted, regardless of parcel area.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.8020 INFORMATION REQUIRED ON SUBDIVISION PLAT OR PARTITION PLAT

In addition to the information required to be shown on the tentative plan, the following shall be shown on the subdivision plat or partition plat:

(A) Corners of adjoining subdivisions or partitions.

(B) The location, width and centerline of streets and easements abutting the boundaries of the land division.

(C) Any plat that includes land in areas of Special Flood Hazard or includes a water body or watercourse, as those features are described in MCC Chapter 39.5000 through 39.5055 Flood Hazard Regulations, shall contain a plat note indicating that portions of the plat are subject to flooding and/or high water.

(D) The ownership of each private street shall be shown.

(E) Other certifications required by law.

(Ord. 1264, Amended, 10/25/2018; Ord. 1176, Amended, 03/03/2011; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.8025 SUPPLEMENTAL INFORMATION WITH SUBDIVISION PLAT OR PARTITION PLAT

The following shall accompany the subdivision plat or partition plat, as appropriate:

(A) A copy of any deed restrictions applicable to the subdivision or partition.

(B) A copy of any dedication requiring separate documents.

(C) As used in this section, "lot" means a unit of land that is created by a subdivision of land, and a "tract" will be considered a lot, except for street plugs.

(D) A map, prepared by an Oregon licensed surveyor, of the subdivision plan or partition plat that depicts the normal flood plain or high water line for any water body or watercourse and the extent of areas of Special Flood Hazard as defined in MCC 39.5000 through 39.5055.

(Ord. 1264, Amended, 10/25/2018; Ord. 1176, Amended, 03/03/2011; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.8030 TECHNICAL REVIEW AND APPROVAL OF SUBDIVISION PLAT OR PARTITION PLAT

(A) The subdivision plat or partition plat and all required material shall be filed with the Planning Director for final approval. Within 10 business days of filing, the Planning Director shall determine whether the material conforms with the approved tentative plan and with the applicable requirements of this Ordinance. If the Planning Director determines that there is not such conformity, the applicant shall be so advised and afforded an opportunity to make corrections. When the plat is found to be in conformity, it shall be signed and dated by the Planning Director.

(B) On a subdivision plat, the approval signature of the Chair of the Board of County Commissioners or the Chair's delegate, shall be required to certify that the plat is approved.

(C) No building permit shall be issued or parcel sold, transferred or assigned until the partition plat has been approved by the Planning Director and County Surveyor and recorded with the public office responsible for public records.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.8035 FINAL APPROVAL EFFECTIVE

Subdivision and partition approvals shall become final upon the recording of the approved plats, under ORS 92.120, any required street dedications and other required documents with the public office responsible for public records.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

EXHIBIT H2
PC-2021-14505

LUP Hearings <lup-hearings@multco.us>

Exhibit for Land Use comments on Oct 4th at 6:30 pm by David Mann

1 message

Dave Mann Fri, Oct 1, 2021 at 12:13 PM
To: "lup-hearings@multco.us" <lup-hearings@multco.us>

External Sender - Be Suspicious of Attachments, Links, and Requests for Payment or Login Information.

Exhibit for Land Use comments on Oct 4th at 6:30 pm by David Mann

The Subject Property is 205 feet x 80 feet. Mult. Co. Tax ID#R341475

The 10 foot setback from the East Columbia River Hwy. would condemn this lot.

Sandy River Plat Map Color.jpg
432K

Multnomah County

LUP Hearings <lup-hearings@multco.us>

David Mann's additional Exhibit to the Oct 4th LUP meeting at 6:30pm

1 message

Dave Mann Mon, Oct 4, 2021 at 10:24 AM
To: LUP Hearings <lup-hearings@multco.us>
Cc:

External Sender - Be Suspicious of Attachments, Links, and Requests for Payment or Login Information.

Dear Heidi,

Could you please add these photographs to my comments at tonight's meeting? I've spoken with Adam Barber about this at 9:30 AM this morning. These reference changes to the "buffer zone" § 38.7053.

Thank you very much,
David Mann

cc. Adam Barber

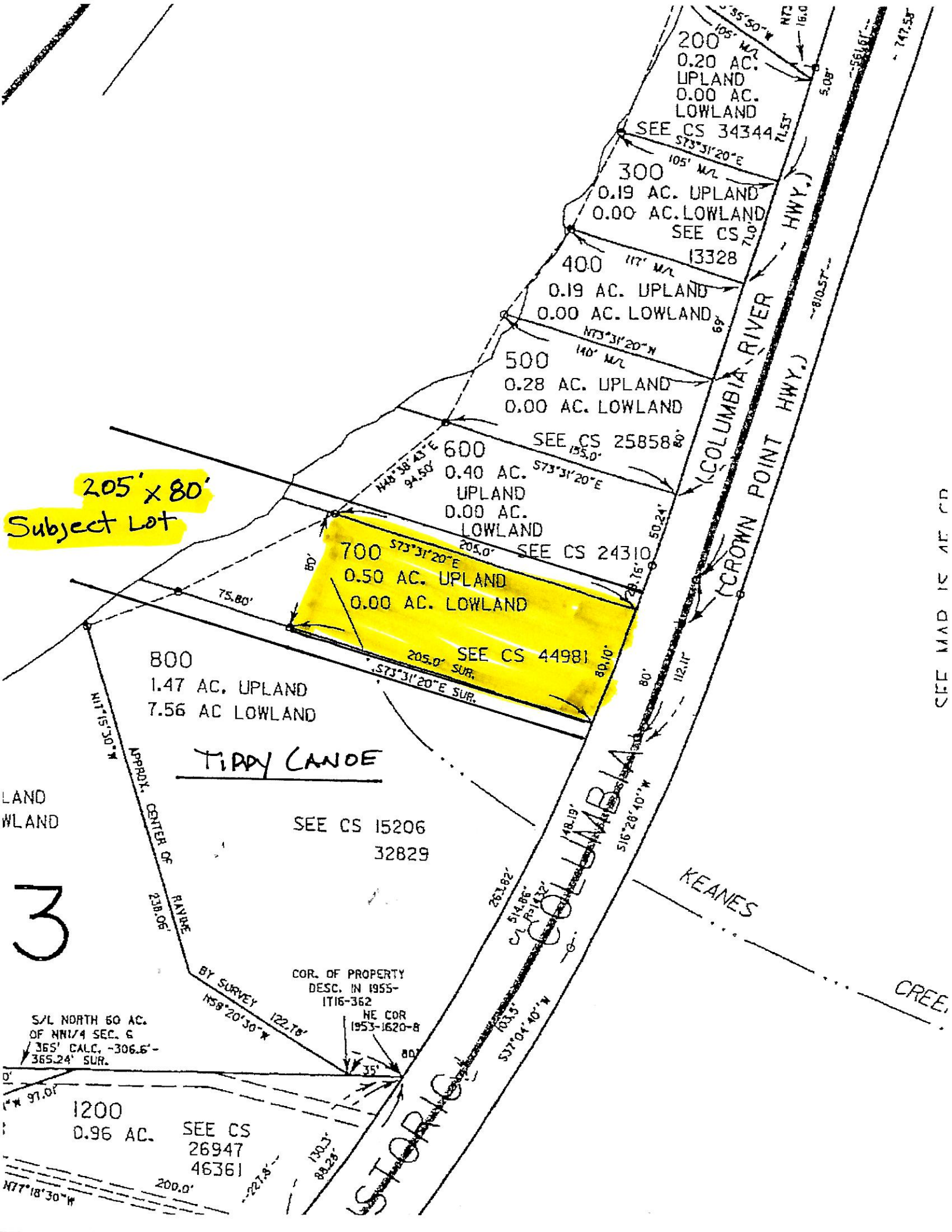
5 attachments

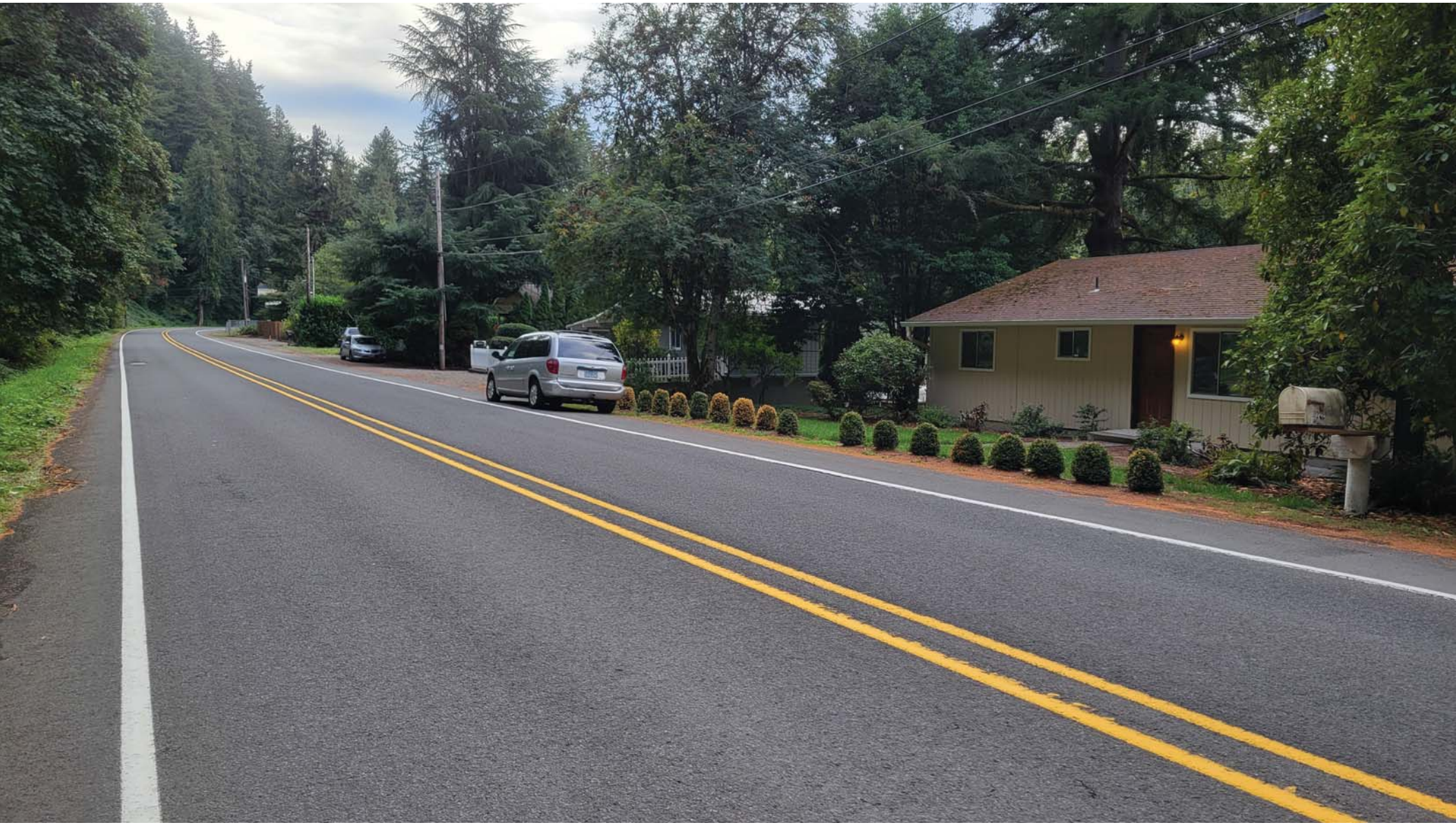
20210929_165705.jpg
4083K

20210929_165921.jpg
3729K

20210929_165747.jpg
4463K

20210929_165957.jpg
3368K


200
0.20 AC. UPLAND
0.00 AC. LOWLAND
SEE CS 34344
300
0.19 AC. UPLAND
0.00 AC. LOWLAND
SEE CS 13328
400
0.19 AC. UPLAND
0.00 AC. LOWLAND
500
0.28 AC. UPLAND
0.00 AC. LOWLAND
SEE CS 25858
600
0.40 AC. UPLAND
0.00 AC. LOWLAND
SEE CS 24310
700
0.50 AC. UPLAND
0.00 AC. LOWLAND
SEE CS 44981
205' x 80'
Subject Lot
800
1.47 AC. UPLAND
7.56 AC LOWLAND
TIPPY CANOE
SEE CS 15206
32829
1200
0.96 AC.
SEE CS
26947
46361
COLUMBIA RIVER
CROWN POINT HWY.)
COLUMBIA
KEANES
CREE
STORIC
APPROX. CENTER OF RAVINE
BY SURVEY
COR. OF PROPERTY DESC. IN 1955-1T16-362
NE COR 1953-1620-8
S/L NORTH 60 AC. OF NW1/4 SEC. 6
365' CALC. -306.6'-
365.24' SUR.
205.0' SUR.
S73°31'20"E SUR.
S73°31'20"E
N44°38'43"E
94.50'
75.80'
80'
50.24'
28.76'
89.10'
112.11'
261.62'
514.86'
R=1432'
103.3'
S37°04'40"W
S16°28'40"W
238.06'
N58°20'30"W
122.78'
N77°18'30"W
200.0'
227.8'
130.3'
88.28'
N11°15'30"W
97.0'
105' M/L
117' M/L
140' M/L
155.0'
71.55'
71.0'
69'
810.5'
747.5'
5.08'
16.0'
3



28206

DEPARTMENT OF COMMUNITY SERVICES
LAND USE PLANNING DIVISION
https://multco.us/landuse

Multnomah County

1600 SE 190th Avenue, Portland Oregon 97233-5910 • PH. (503) 988-3043 • Fax (503) 988-3389

Planning Commission Agenda

DATE/TIME: **Monday October 4, 2021 @ 6:30p.m.**

PLACE: **The October 4 Planning Commission meeting will be held virtually.**

Instructions for participating in the meeting online, or by phone will be published prior to the meeting on the county Planning Commission webpage:

https://multco.us/landuse/planning-commission

1. Call to Order
2. Roll Call
3. Approval of Meeting Minutes (June 7, 2021 Meeting)
4. Opportunity for Public Comment on Non-Agenda Items
5. Hearing – Amendments To Multnomah County Chapter 38 Zoning Code and the Multnomah County Comprehensive Plan in response to federally mandated revisions to the Management Plan for the Columbia River National Scenic Area approved by the Columbia River Gorge Commission and other amendments to Chapter 38 Code and the Comprehensive Plan not related to the Management Plan revisions (PC-2021-14505)
6. Director's Comments

INDIVIDUALS WITH DISABILITIES PLEASE CALL THE PLANNING OFFICE AT (503) 988-3043 OR MULTNOMAH COUNTY TDD PHONE (503) 988-5040 FOR INFORMATION ON AVAILABLE SERVICES AND ACCESSIBILITY.

Monday, November 1, 2021 is the next tentatively scheduled Planning Commission meeting

Planning Commission Hearing
Gorge 2020 Project
PC-2021-14505

October 4, 2021

Carol Johnson, AICP
County Planning Director

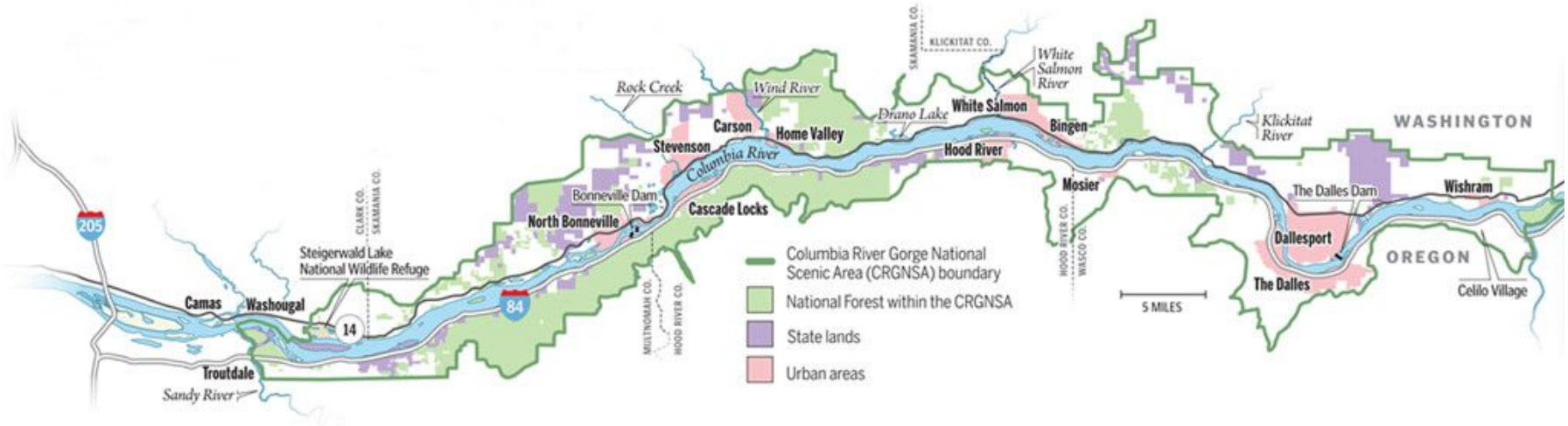
Lisa Estrin
County Senior Planner

Joanna Kaiserman
Senior Land Use Planner
C. R. Gorge Commission

Adam Barber
Deputy Planning Director
County Project Manager

National Scenic Act - Recognition and Protection

- 1986 - National Scenic Act passed by Congress
- Mandates protection and enhancement
    - Scenic, Natural, Cultural, Recreational resources
- 292,500 acres (6 counties, 2 states)
- 13 urban areas exempt
- Multnomah County & portion of Troutdale NSA (39,910 ac, 1,413 tax lots)



Management Plan for the Columbia River Gorge NSA

- Adopted 1991 by Columbia River Gorge Commission - Explains how land to be managed.
- County adopted NSA rules 1993
- Management Plan revised in 2004 & 2020 - ”Gorge 2020” - 3 years
- Equal or greater protection

Summary of public outreach efforts (GC & USFS)

- 142 technical meetings
- 3 public scoping / listening sessions:
  - *Hood River - Jan, 2017*
  - *North Bonneville - February, 2017*
  - *The Dalles - February, 2017*
- **October 13, 2020** - GC Approves Revised Management Plan
- **March 16, 2021** - Amendments transmitted to County
  - 270 day deadline for local adoption (**December 11, 2021**)

Summary of public outreach efforts (County)

- **July 30, 2021** - Project Web Page Launched & 14-day comment
- **August 19, 2021** - NEMCA presentation
- **September 10, 2021** - Public hearing notice mailed to every county NSA property owner
- **September 11 ,2021** - Public hearing notice posted in Oregonian
- **September 24, 2021 -** v.2 - code and plan amendment refinements posted online
- **October 4, 2021** - Planning Commission Public Hearing

(Text Formatting):

~~Strikethrough Text~~ = Proposed for deletion

Double Underlined = Proposed addition

(Text Colors):

Black Text = Existing code. No modifications proposed

Red Text = Proposed code revisions in response to Management Plan text changes. Most often verbatim, with occasional grammatical modifications

Blue Text = Amendments not related to Management Plan Revisions (correcting errors, adding clarifying language)

Yellow Background = Indicates text language was further developed by county staff, typically to implement a discretionary Management Plan guideline

(Staff Notes in Margins of Exhibits A1 & A2):

Explains the reasoning why certain decisions were made as code drafted

Summary of Proposed Code Amendments

Non-Mandated Highlights (mostly simplifies & clarifies)

- Clarifies Ch. 39 rules apply - GDA permits, stormwater, FH (38.0010)
- Ch. 39 Definitions added - lot area, lot dimensions and yards (38.0015)
- T2 public comment period from 14 to 21 days (38.0530) - n/a Expedited
- Removes requirement voiding a decision if applicant fails to sign and record conditions within specified timeframe (38.0670)
- Fire protection in forest zones - resilience (38.7035)
  - *Standpipe hose connection (1-inch) ≤ 50-ft a plumbed building*
  - *Electrical for well pump ≥ 30-feet from any building*
- Deleting duplicative standards (Home Occupations, B&B Inns)
- Gender neutral (“man-made” → “human-made”)

Summary of Proposed Code Amendments

Mandated Code Updates - Topic area highlights:

1. Cideries
2. Overnight accommodation regulations
3. Renewable Energy Systems
4. Water sufficiency test
5. GMA water resource protections
6. Agricultural dwelling income test
7. Fire protection standards in all forest zones
8. Dwelling allowances in GMA forest zones

1) Cideries - treating cider like wine...

- Expands existing winery provisions (*grapes*) to include cideries (*fruit*)

  Winery / Cidery (*in part*...) - "**An agricultural building used for processing fruit into wine or cider including laboratories, processing areas, offices and storage areas…"**

- On-site vineyard or orchard

- Fruit (any fruit, including grapes) - harvested on the subject farm and the local region

- Allows fruit processing, sales & tasting rooms

- Prohibits meal service, weddings, receptions, commercial events

- Review path - same zones as wineries: GMA Forest (**GGF)**, Agricultural (**GGA**) and Residential zones (**GGR**) & zone with **historic building** (>50-years old) on or eligible for National Register of Historic Places.

2) Overnight Accommodations

- New T2 permit (2 year) - rental of ≥1 room(s) on daily or weekly basis
- Up to 90 room nights / year
- Must be owner's primary residence, and owner occupied during rental
- ≤3 employees, not including residents
- Parking: screened from KVAs.
- Commercial events prohibited
- Prevents renewal if past violations
- Review path - Rural Center (**GGRC**), Residential (**GGR-5 & GGR-10**) & Commercial (**GGC)** zones

3) Renewable Energy Systems (solar,thermal, photovoltaic, wind, etc.)

Allowed without land use application submittal - all zones, except open space

- 1 system / parcel
- ≤60 sf & ≤10-feet tall
- Panels and hardware - non-reflective, black

Expedited Use - allowed in all zones, except open space

- 1 free standing structure / parcel 60-200 sf and ≤10 feet tall
- Additions (including roof mounted solar) not to exceed 200-sf.
- Roof mounted can not increase overall roof height.
- Non-reflective, black or dark earth-toned panels and hardware

3) Renewable Energy Systems (cont.)

Review Use - allowed in all zones, except open space

- Exceeds Expedited Use (size, height, number of systems, etc.)
- Same requirements as Expedited - colors, materials, not increasing roof height
- One additional discretionary standard: **"The capacity for power generation is limited to the expected annual electrical power need of the structure or use."**

4) Water Sufficiency Test

- New cultivation (land not cultivated for >5yrs) in GGA now requires **"demonstration that the landowner has sufficient water to support the use".**

6) Agricultural Dwelling Income Test (GGA-40)

- Annual farming income test new agricultural dwelling in GGA-40 zone increased from **$40,000** gross annual income to **$80,000** gross annual income in 2020 dollars
  - indexed for inflation annual - published online GC website

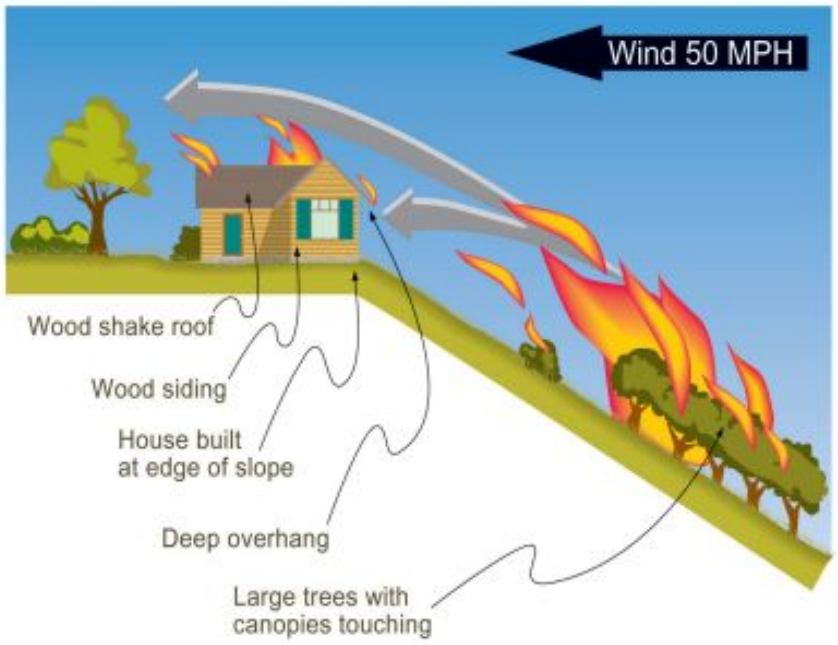
- (A)(B)(C) = I
  - A = Average yield of the commodity per acre, or unit of production
  - B = Average price of the commodity
  - C = Total acres suitable for production, or total units of production that can be sustained, on the subject farm or ranch
  - I = Annual Income

7) Fire Protection Standards - Forest Zones

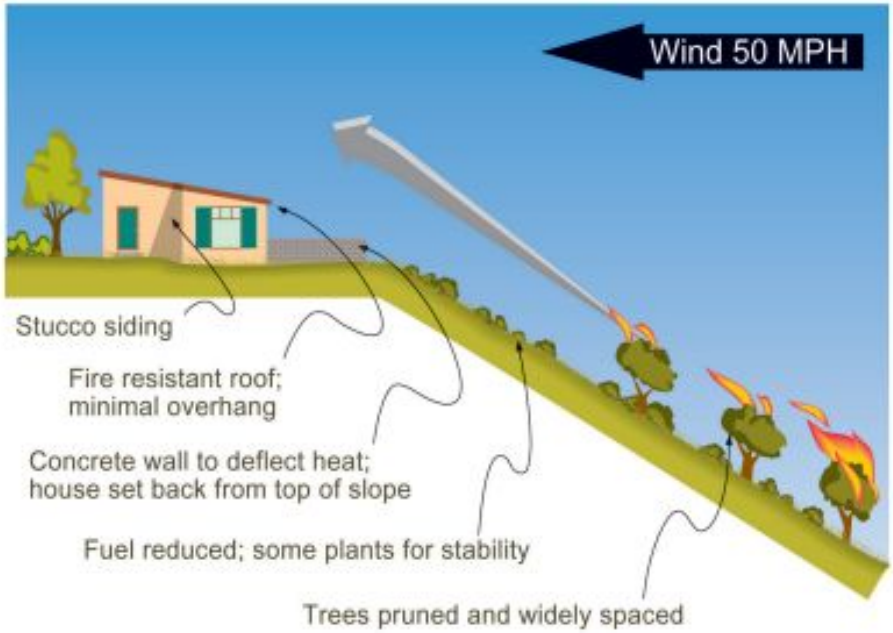
Slope Setbacks & Fuel Breaks

(Firewise Landscaping for Utah - Utah State University)

DANGEROUS MATERIALS AND CONDITIONS FOR SLOPED SITES



LANDSCAPING AND STRUCTURES DESIGNED FOR FIRE SAFETY



5) GMA Water Resources Protections

- Wetlands, rivers, streams, lakes, ponds
- Discretionary Applications - Protects from overuse, destruction, disturbance & fragmentation
- Lengthy section rewritten, consistency w/ SMA (see 38.7075)
- Sandy River - cold water refuge fish habitat stream - **Protected buffer zone increased (100 → 200 ft)**
- Avoid impacts → minimize impacts → rehab/restore → enhance
- Amendments prioritize protection of existing wetlands, with creating wetlands only as a last resort.
- No loss of wetlands now required, instead of no net loss.

7) Fire Protection Standards - Forest Zones

New Plan Requirements

- *"Structural projections shall be set back from slopes"*
- *"Dwellings should be set back from slopes"*
- *"50-foot fuel breaks shall be adjusted to account for site slope & to protect riparian vegetation…"*

Proposed Regulations (MCC 38.7305)

- Requires **all new buildings** (including dwellings any structural projections) to be set back at least 50 feet from any slopes exceeding 30 percent grade (*dwellings on 30% slopes prohibited - previously was 40%*)

- **Alternative setback** from slope can be granted by county if local fire or building official recommends an alternative setback and county determines **alternative is sufficient to minimize wildfire risks**.

7) Fire Protection Standards - Forest Zones

- 50-foot **fuel break** shall be extended further down the slope:

Percent Slope	**Distance In Feet**
Less than 10	No additional required
Less than 20	30 additional
Less than 25	55 additional
Less than 40	80 additional

- **Alternative fuel break** can be granted by county if:
  - local fire or building official recommends an alternative fuel break (less than or greater) and county determines **alternative is sufficient to minimize wildfire risks**, or
  - If county determines **alternative is necessary to protect regulated riparian area vegetation**

8) Removing dwelling allowances, GGF-40 & GGF-80

New dwellings no longer allowed in GGF-40 (Large Woodland) or GGF-80 (Commercial Forest). Deleted:

1. New forestry dwelling - GGF-40
2. New agricultural dwelling - GGF-40 & GGF-80
3. New 2nd dwelling, farm operator's relative - GGF-40 & GGF-80
4. Life estate dwellings - GGF-40 & GGF-80.

Dwelling use retained in Small Woodland designation (GGF-20 zones)

Hearing Continuance Request

- Review of 1993 records required interpretation, county staff didn't understand implications on GGF-80 till after public notice mailed.
- Updated hearing notice sent 9/28/21 to three (3) GGF-80 property owners (41 tax lots) to clarify restrictions apply in GGF-40 & GGF-80
- Staff requests to continue virtual hearing - Nov. 1, 6:30pm

Summarizing Comprehensive Plan Amendments

- Updating legislative dates (Gorge 2020)
- Deleting Cluster Development policies
- Updating names - 4 Columbia River treaty tribes:
  - Nez Perce Tribe
  - The Confederated Tribes of the Umatilla Indian Reservation
  - The Confederated Tribes of the Warm Springs, The Confederated Tribes and Bands of the Yakama Nation.
- Updating references
  - Geologic Hazard → Hillside Development
  - Comp Plan Policy numbers.

Potential Policy Questions

Revisions must provide equal or better protection of gorge resources. Stronger protection warranted? Impact on development opportunities?

1) Should 50-foot fire protection setback from steep slopes in forest zones apply to all buildings (as drafted), or should dwellings be exempted from setback requirement as allowed by Management Plan?
2) Should a path be provided for an alternative requirement for slope setbacks and fire break requirements in the Forest Zones as proposed?
3) Should the public comment period for Type 2 NSA applications be expanded from 14 to 21 days as proposed?
4) Should the property owner be required to occupy the dwelling during rental of an Overnight Accommodation use?

BEFORE THE PLANNING COMMISSION
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. PC 2021-14505

Recommend to the Board of County Commissioners the adoption of one or more ordinances amending Multnomah County Chapter 38 Zoning Code and the Multnomah County Comprehensive Plan in response to federally mandated revisions to the Management Plan for the Columbia River National Scenic Area approved by the Columbia River Gorge Commission and other amendments to Chapter 38 Code and the Comprehensive Plan not related to the Management Plan revisions.

The Planning Commission Finds:

a. The Planning Commission is authorized by Multnomah County Code Chapter 38.0340 and by ORS 215.110 to recommend to the Board of County Commissioners the adoption of ordinances to amend land use regulations and the County Comprehensive Plan.

b. This recommended amendment to Multnomah County Code Chapter 38 and the Columbia River Gorge National Scenic Area Rural Area Plan (an element of the Multnomah County Comprehensive Plan) implements at the local level federally mandated revisions to the Management Plan for the Columbia River Gorge National Scenic Area (Management Plan) approved by the Columbia River Gorge Commission. The recommended amendment also proposes to simplify and clarify provisions within the Chapter 38 Zoning Code and Comprehensive Plan.

c. Following a three year public planning process, the Columbia River Gorge Commission adopted revisions to the Management Plan on October 13, 2020 as part of the Columbia River Gorge National Scenic Area Act (National Scenic Area Act) requirement to review and update the Management Plan as needed every ten years. The Management Plan contains the land use and resource protection goals, objectives, policies and guidelines necessary to protect and enhance scenic, cultural, recreational and natural Columbia River Gorge resources and to protect and support the economy of the Columbia River Gorge area.

d. Multnomah County is mandated by the National Scenic Area Act to adopt land use code amendments and any necessary Comprehensive Plan amendments consistent with the Management Plan revisions by December 11, 2021 (270 days from the date the revised Management Plan was transmitted to Multnomah County).

e. The Planning Commission finds the recommended amendments adequately address this federal mandate and also include necessary amendments unrelated to the Management Plan revisions.

f. Property is being “rezoned,” as that term is defined in ORS 215.503, and therefore a mailed notice to individual property owners was required and provided (“Ballot

Measure 56” notice). Notice was also published in the Oregonian newspaper and on the Land Use Planning Program website. The Planning Commission held a public hearing on October 4th, 2021 where all interested persons were given an opportunity to appear and be heard.

The Planning Commission resolves:

The adoption by the Board of County Commissioners of one or more ordinances amending MCC Chapter 38 and amending the County Comprehensive Plan, in a form substantially similar to that approved by the Planning Commission as set forth in the attached staff report, is hereby recommended.

ADOPTED this 4th day of October, 2021

PLANNING COMMISSION
FOR MULTNOMAH COUNTY, OREGON

_____

John Ingle, Chair

Department of Community Services
Land Use Planning Division
www.multco.us/landuse

1600 SE 190th Avenue, Portland Oregon 97233-5910 • PH. (503) 988-3043 • Fax (503) 988-3389

STAFF REPORT FOR THE PLANNING COMMISSION HEARING
October 4, 2021

AMENDMENTS TO MULTNOMAH COUNTY CHAPTER 38 ZONING CODE AND COMPREHENSIVE PLAN IN RESPONSE TO FEDERALLY MANDATED REVISIONS TO THE MANAGEMENT PLAN FOR THE COLUMBIA RIVER GORGE NATIONAL SCENIC AREA APPROVED BY THE COLUMBIA RIVER GORGE COMMISSION (GORGE 2020 PROJECT) AND OTHER AMENDMENTS TO CHAPTER 38 CODE AND THE COUNTY COMPREHENSIVE PLAN NOT RELATED TO THE MANAGEMENT PLAN REVISIONS

(PC-2021-14505)

Staff Contact:
Adam Barber, Deputy Planning Director
adam.t.barber@multco.us

1.0 INTRODUCTION

The following staff report introduces a proposal to amend the Multnomah County Chapter 38 Zoning Code applicable to county lands within the Columbia River Gorge National Scenic Area (the National Scenic Area). Updates are also proposed to the Columbia River Gorge National Scenic Area Rural Area Plan – an element of the Multnomah County Comprehensive Plan. The majority of the proposed Zoning Code and Comprehensive Plan updates are required to implement recent changes to the Management Plan for the Columbia River Gorge National Scenic Area approved by the Columbia River Gorge Commission. The proposal also involves Zoning Code and Comprehensive Plan amendments unrelated to the federally mandated Management Plan updates proposed generally to provide additional clarity and correct errors.

2.0 BACKGROUND

Following a three year public planning process, the Columbia River Gorge Commission adopted revisions to the *Management Plan for the Columbia River Gorge National Scenic Area* (the Management Plan) on October 13, 2020 as part of the Columbia River Gorge National Scenic Area Act requirement to review and update the Management Plan as needed every ten years. The Columbia River Gorge Commission refers to this as the "Gorge 2020" project:

http://www.gorgecommission.org/management-plan/gorge2020

Summary of Management Plan Revisions

The Management Plan for the Columbia River Gorge National Scenic Area (the Management Plan) was originally adopted by the Columbia River Gorge Commission on October 15, 1991 and concurred upon by the U.S. Secretary of Agriculture on February 13, 1992.

The first revisions to the Management Plan were adopted by the Columbia River Gorge Commission and concurred upon by the U.S. Secretary of Agriculture on April 27, 2004 and August 3, 2004; respectively.

The second (and latest) revisions to the Management Pan made through the "Gorge 2020"project were adopted by the Columbia River Gorge Commission on October 13, 2020. Subsequent concurrence by the U.S. Secretary of Agriculture occurred February 19, 2021.

In accordance with Sections 7(b) and 8(h) of the Columbia River Gorge National Scenic Area Act, Multnomah County must adopt local code revisions consistent with Management Plan amendments within 270 days of formal transmittal of the revised Management Plan from the Gorge Commission which occurred March 16, 2021. Therefore, Multnomah County is mandated to adopt local regulatory amendments consistent with the Management Plan revisions by December 11, 2021.

The Management Plan contains the land use and resource protection goals, objectives, policies and guidelines necessary to protect and enhance scenic, cultural, recreational and natural Columbia River Gorge resources and to protect and support the economy of the Columbia River Gorge area. The National Scenic Area lies to the east of the Portland metro area, stretching roughly 83 miles from the Sandy River on the west to the Deschutes River on the east in Oregon and from land east of Vancouver to just east of Wishram within Washington State.

Six counties in Oregon and Washington work together, and in conjunction with the Gorge Commission, to manage these lands: Clark, Skamania, and Klickitat Counties in Washington and Multnomah, Hood River, and Wasco counties in Oregon. The Management Plan is the regulatory tool tying these six counties together from a land use management perspective.

Updates are also proposed to the Columbia River Gorge National Scenic Area Rural Area Plan, an element of the Multnomah County Comprehensive Plan, to reflect the Management Plan revisions and to update outdated language.

The proposed Chapter 38 Zoning Code (land use) amendments are often taken verbatim from the Management Plan to ensure consistency with the Management Plan requirements. However, the Management Plan allows counties to enact variations on the revisions so long as the variations provide greater protection for Gorge resources. Both the Columbia River Gorge Commission and the U.S. Secretary of Agriculture are required to review and concur that local code changes are consistent with the Management Plan following local county adoption.

A list of exhibits is presented as Section 7.0 of this report. Proposed amendments to Multnomah County Zoning Code Chapter 38 for the Columbia River Gorge National Scenic Area are attached as Exhibit A1. A text formatting and color key is provided on the first page of Exhibit A.1 to explain different text formatting styles and colors used in the proposed code revisions.

Proposed amendments to the Columbia River Gorge National Scenic Area Rural Area Plan, an element of the Multnomah County Comprehensive Plan, are attached as Exhibit A.2. A redlined version of the Management Plan showing recent revisions is attached as Exhibit B. Exhibits C - D provide summaries of the Management Plan revisions. A table showing public comments on proposed revisions to the Management Plan submitted to the Gorge Commission, with Gorge Commission Staff responses, is attached as Exhibit E.

The Gorge 2020 Management Plan contains a new Climate Change Chapter and a Diversity, Equity, and Inclusion statement. The Gorge Commission will work over the next year to develop a Climate Change Action Plan and a Diversity, Equity and Inclusion work plan which may require future county code amendments. Neither local land use code nor Comprehensive Plan amendments are required or proposed at this time in relation to either topic area.

3.0 GENERAL SUMMARY OF MANAGEMENT PLAN CHANGES PREPARED BY GORGE COMISSION AND U.S. FOREST SERVICE STAFF

Staff with the Columbia River Gorge Commission and U.S. Forest Service have prepared the following summary of substantive Management Plan changes, including some changes that do not require corresponding county code amendments. This information has also been attached as Exhibit C. This summary generally is organized by topic, whereas the description of county code amendments below is organized by county code section.

- Adopts a new Climate Change chapter. The Gorge Commission will work over the next year to develop a Climate Change Action Plan which may require future county code amendments as part of a separate legislative effort. Code amendments are neither required nor proposed at this time in relation to either topic area.
- Adopts a new Diversity, Equity and Inclusion statement and policies. The Gorge Commission will work over the next year to develop a Diversity, Equity and Inclusion work plan which may require future county code amendments as part of a separate legislative effort. Code amendments are neither required nor proposed at this time in relation to either topic area.
- Expands the buffer zone for identified cold water refuge streams from 100 feet to 200 feet *(Note - the Sandy River is the only identified cold water refuge stream located in the Multnomah County portion of the National Scenic Area*).
- Updates wetlands protection policies to require no loss of wetlands, rather than the previous standard of no net loss.
- Includes new policies regarding the urban area boundary revision process, including a cumulative maximum increase of 50 acres or 2%, whichever is less, of the current acreage within an urban area. The Commission will further clarify the adopted policies in rulemaking; no timeline has been established for that process.
- Allows cideries, following the guidelines established for wineries.

- Allows fruit and produce stands to sell a broader range of agricultural products and other incidental materials.
- Includes new guidelines in certain land use designations for owner-occupied "overnight accommodations," limited to 90 room nights per year.
- Requires county planning departments to provide applicants with information on Firewise standards, and encourages applicants to meet those standards while meeting other National Scenic Area guidelines.
- Exempts buildings that are 1,500 square feet or less from the compatibility guideline for scenic resource protection.
- Updates guidelines for recreation developments, including new "recreation setting" descriptions for each Recreation Intensity Class.
- Updates the Economic Development chapter to be consistent with changes to the Management Plan and with current and projected economic development practices.
- Updates the Agricultural Income Test for new dwellings on Agricultural Land, requiring applicants to produce $80,000 in gross agricultural income in 2020 dollars, indexed annually to inflation, before a dwelling can be permitted.
- Disallows new dwellings on lands designated as Commercial Forest or Large Woodland.

Gorge Commission staff have also prepared more detailed summaries of Management Plan amendments organized in the following order and attached as Exhibit D:

- Land use updates
- Scenic resources updates
- Natural resources updates
- Recreational resources updates
- Climate change adaptation and mitigation planning updates
- Economic development updates
- Urban area boundary updates

4.0 GENERAL SUMMARY OF CHAPTER 38 ZONING CODE AMENDMENTS ORGANIZED BY CODE PARTS 1-8

The following is a list summarizing proposed zoning code amendments, organized by individual Parts of Multnomah County Chapter 38 Zoning Code (Parts 1-8). The list below is a summary and not a complete list of all proposed amendments. **Proposed amendments prompted by the Management Plan revisions are preceded with an *asterisk.**

A link labeled Interactive Map towards the top of the following webpage provides access to property level information including current zoning and tax lot boundaries, aerial photos, soils, slopes and general topographic information: https://www.multco.us/landuse/zoning-maps

CH. 38 PART 1 - GENERAL PROVISIONS

- References added to clarify scenarios when county Chapter 39 ground disturbing activity permits, storm water drainage control and flood hazard regulations apply in the NSA (Multnomah County Code section 38.0010)

- *New terms added, deleted and also modified within definition section as necessary to implement revised NSA regulations (38.0015)
- New terms defined for consistency with definitions of terms adopted outside the NSA. Includes, but is not limited to definitions for lot area and other lot dimensions and various yards (38.0015)
- *Clarification added that commercial production of electrical power (such as wind and solar) is a prohibited Industrial Use (38.0025)
- *Clarifies footprint measurement for replacement structures damaged or destroyed by disaster includes any covered decks and porches, attached garages, and breezeways that share a wall with the structure (38.0030)
- *Establishes a new grading plan submittal requirement trigger when more than 200 cubic yards of grading is proposed on sites visible from key viewing areas (38.0045)
- Updates an outdated "Type I" land division reference to a "Category 1" land division as described elsewhere in Chapter 38 (38.0050)
- *Eliminates Cluster Development allowances consistent with a new prohibition on Cluster Development in the Management Plan (38.0050)
- Deletes outdated and inoperable home occupation standards that should have been deleted when home occupation section 38.7330 was amended in 2013 (38.0050 & 38.7330)
- *Eliminates "cottage industries" provisions consistent with the deletion of the cottage industries use in the Management Plan. Uses formerly allowed through the cottage industries provisions are also allowed through "home occupation" provisions and therefore were determined by the Gorge Commission to be duplicative and unnecessary (38.0050).
- Deletes duplicative home occupation provisions in 38.0050 currently provided for within 38.7330.
- Deletes duplicative "bed and breakfast inn" standards currently provided for in 38.7335 (38.0050)
- Deletes outdated "Alteration or expansion of pre-existing use" standards which instead are regulated, as required by the Management Plan, through the "Existing Uses and Discontinued Uses" section 38.0030 (38.0050)
- *Clarifies certain agricultural buffers apply to adjacent land currently used for agricultural use and clarifies that other buffers apply when adjacent land is suitable, but not currently used for agriculture (38.0060)
- *Prohibits approval of a variance from setbacks and buffers within the General Management Area for an addition to a building, when the addition would be within the setback, except where the building is wholly within the setback. Establishes limitation that the addition may not encroach further into the setback in the above scenario (38.0065)
- *Amends Tribal Treaty Rights and Consultation process to require supplemental information for proposals adjoining the Columbia River or its fish bearing tributaries. Provides for additional opportunities and time for coordination and consultation between counties and NSA tribes to discuss proposals. Requires findings of fact documenting the coordination and justification for conclusions regarding potential impacts on treaty rights. Clarifies responsibility for tribal coordination in the Special Management Area falls to the US Forest Service (38.0110).

CH. 38 PART 2 - PLANNING AUTHORITY - (NO SUBSTANTIVE CHANGES)

CH. 38 PART 3 - ADMINISTRATION AND PROCEDURES

- Extends public comment period for all Type II permit types, except development eligible for expedited review, from 14-days to 21 days (38.0530)

- *Clarifies a complete site plan must show the actual proposed development site. Clarifies that site plans with alternative sites or general building envelopes are not sufficient (38.0600).
- Removes a requirement voiding a decision if an applicant fails to sign and record a notice of decision within a specific timeframe (38.0670)

CH. 38 PART 4 - ZONING DISTRICTS

- *Establishes that trail, road and railroad expansions are not considered repair, maintenance and operation of existing structures exempt from review (38.1005)
- *Adds new limitations for renewable energy systems qualifying for Allowed Use (38.1005) & limitations and standards of approval for renewable energy systems qualifying for Expedited Use (38.1010)
- *Disallows new underground utility facility proposals to be considered through Expedited Use review in the Gorge Special Agriculture districts (38.1010)

(FOREST DISTRICTS - GGF and GSF)

(GGF)

- *Removes allowance for a new single-family dwelling in the GGF-40 and GGF-80 zones (38.2025)
- *Clarifies a tiny house on a trailer, or similar temporary structure, may be approved in GGF-80 zones only as temporary housing for timber operation security personnel (38.2025)
- *Adds requirement to certain zones that a primary dwelling used to establish a health hardship dwelling must not have been discontinued in the past, in addition to having been legally established (38.2025)
- *Removes provision in GGF-40 and GGF-80 zones for a second single-family dwelling for a farm operator's relative (38.2025)
- *Requires additional findings related to construction, reconstruction or modifications of roads not in conjunction with forest use or practices. New standards can generally be described as introducing a no practicable alternative test and a minimum necessary size test (38.2025)
- *Requires that agricultural labor housing must be accessory to a current agricultural use that is on the subject farm and is also subject to forest land siting and fire protection requirements (38.2025)
- *Expands allowances for fruit and produce stands which no longer are limited to sales of agricultural products solely raised on the subject farm and other farms in the local region. New definition in 38.0015 requires that produce and agricultural products be *primarily* grown on the subject farm or ranch, and incidental products shall not make up more than 25% of the sales at the stand (38.2025).
- *Expands winery provisions to include cider processing, sales and tasting. Fruits must be harvested on the subject farm and the local region (38.2025)
- *Establishes additional standards of approval for renewable energy systems (38.2025)
- *Removes provision allowing substandard parcels (cluster development) in the GGF-20, GGF-40 and GGF-80 zones (38.2030)
- *Limits life estates to the GGF-20 zone. This use has been removed from the GGF-40 and GGF-80 zones as required by the Management Plan (38.2030).

(GSF)

- *Requires additional findings related to railroads, road construction, or reconstruction. New standards can generally be described as introducing a no practicable alternative test and a minimum necessary size test (38.2025).

(AGRICULTURAL DISTRICTS - GGA and GSA)

(GGA)

- *Requirement added that new cultivation requires demonstration that the landowner has sufficient water to support the use (38.2225)
- *Annual income test for single family dwelling in conjunction with an agricultural use in GGA zones increased from $40,000 gross annual income to $80,000 gross annual income in 2020 dollars, indexed for inflation on an annual basis and posted annually by January 15th on the Gorge Commission website (38.2225)
- *Requires additional findings related to construction, reconstruction or modifications of roads not in conjunction with agriculture. New standards can generally be described as introducing a no practicable alternative test and a minimum necessary size test (38.2225). Same requirement for these new findings also applied to road and railroad construction (38.2225).
- *Establishes additional standards of approval for renewable energy systems (38.2225)
- *Expands allowances for fruit and produce stands which no longer are limited to sales of agricultural products solely raised on the subject farm and other farms in the local region. New definition in 38.0015 requires that produce and agricultural products be *primarily* grown on the subject farm or ranch, and incidental products shall not make up more than 25% of the sales at the stand (38.2225).
- *Expands winery provisions to include cider processing, sales and tasting. Fruits must be harvested on the subject farm and the local region (38.2230)
- *Removes cluster development allowance & reference to provisions allowing the creation of parcels smaller than the minimum parcel size (38.2230)
- *Removes references to cottage industries as previously described in this notice (38.2230)
- *GGA-20 minimum lot size for new parcels increased from 20-acres to 40-acres when located within deer and elk winter range (38.2260). County mapping analysis shows all parcels currently zoned GGA-20 to be located <u>outside</u> deer and elk winter range, but this provision could become applicable in the future if a property within deer and elk winter range is rezoned to GGA-20 or if deer and elk winter range maps are amended to include new areas.

(GSA)

- *See “renewable energy system” provisions described above in this notice (38.2225)
- *See “fruit and produce stands” provisions described above (38.2225)
- *See “road and railroad construction” provisions described above (38.2225)
- *Removes references to cottage industries as previously described above (38.2230)

(RURAL CENTER – GGRC)

- *Establishes additional standards of approval for renewable energy systems (38.2425)
- *Adds overnight accommodations as a new review use (38.2425)
- *Clarifies new roads require Conditional Use review (38.2430)
- *Removes the phrase “travelers accommodations”, relying instead on the existing phrase “bed and breakfast inn” (38.2430)

- *Removes the phrase “cottage industries”, relying instead on the existing phrase “home occupations” (38.2430)

(OPEN SPACE - GGO and GSO)

(GGO)
- *Eliminates requirement for full scenic permit review for repair, maintenance and operation of existing structures. Amendment limits review to improvement, not including expansion of such structures (38.2625).

(GSO)
- *Eliminates requirement for full scenic permit review for repair, maintenance and operation of existing structures. Amendment limits review to improvement, not including expansion of such structures (38.2625).

(RECREATIONAL DISTRICTS - GG-PR, GG-CR and GS-PR)

(GG-PR)
- *Establishes additional standards of approval for renewable energy systems (38.2825)

(GG-CR)
- *Establishes additional standards of approval for renewable energy systems (38.2825)

(GS-PR)
- *Establishes additional standards of approval for renewable energy systems (38.2825)
- *Removes the phrase “cottage industries”, relying instead on the existing phrase “home occupations” (38.2830)

(RESIDENTIAL DISTRICTS - GGR and GSR)

(GGR)
- *Establishes additional standards of approval for renewable energy systems (38.3025)
- *Adds overnight accommodations as a new review use in GGR-5 and GGR-10 zones (38.3025)
- *Removes reference to provisions allowing the creation of parcels smaller than the minimum parcel size (38.3030).
- *Removes the phrase “cottage industries”, relying instead on the existing phrase “home occupations” (38.3030)
- *Expands winery provisions to include cider processing, sales and tasting. Fruits must be harvested on the subject farm and the local region (38.3030)

(GSR)
- *Clarifies parcel must be 40-acres in size or larger to qualify for a dwelling (38.3025)
- *Establishes additional standards of approval for renewable energy systems (38.3025)

(COMMERCIAL – GGC)

- *Establishes additional standards of approval for renewable energy systems (38.3225)
- *Adds overnight accommodations as a new review use (38.3225)
- *Removes the phrase “travelers accommodations”, relying instead on the existing phrase “bed and breakfast inn” (38.3230)
- *Clarifies new roads require Conditional Use review (38.3230)

- *Removes the phrase “cottage industries”, relying instead on the existing phrase “home occupations” (38.3230)

CH. 38 PART 5 - SPECIAL DISTRICTS - (NO SUBSTANTIVE CHANGES)

CH. 38 PART 6 - APPROVAL CRITERIA

- *Clarifies expansion of existing development (not just new buildings) must be compatible with general scale of similar buildings that exist nearby. Existing standard being deleted requires expansion of existing development to comply to the maximum extent practicable. Exempts new buildings 1,500 square feet or less from this general scale compatibility requirement (38.7035). Provides guidance on the types of factors which must be considered when analyzing whether a proposal is compatible with general scale of similar buildings that exist nearby, particularly with respect to measuring decks and porches, attached garages, basements, breezeways and use of building dimensions reported in county Assessor’s records (38.7035).
- *Deletes requirement limiting determination of compatibility with landscape setting to information submitted in the site plan, given other factors should be considered (38.7035)
- *Changes map submittal requirements for exploration and production of mineral resources and quarries to include 1”:200’ scale map (rather than 1”:100’ as currently required), which must show perspective drawings of the proposed mining areas if visible from key viewing areas (38.7035)
- *Provides guidance on balancing visual subordinance policies with buffer protection of wetlands, riparian corridors, rare plants or sensitive wildlife when siting to achieve visual subordinance would place development in a protected buffer. In such situations, new development shall be sited to achieve visual subordinance from key viewing areas to the maximum extent practicable (38.7035).
- *Provides examples of proportionate conditions of approval appropriate to ensure development is visually subordinate, including screening by topography, siting, retention of existing vegetation on the applicant’s property, design and building materials, new landscaping and construction of berms (38.7035)
- *Requires exterior lighting in the General Management Area (GMA) to be limited in intensity as is currently required in the Special Management Area (SMA) for properties visible from Key Viewing Areas. Exempts road lighting necessary for safety purposes (38.7035). A specific lumens threshold is proposed by the county for outdoor lighting qualifying for Expedited review (38.7100).
- *Eliminates existing variance option for new buildings and alterations to a building built prior to November 17, 1986 that is unable to be constructed, or altered, so that it remains below the skyline of a bluff, cliff or ridge as visible from a key viewing area (38.7035)
- *Provides the County authority to require additional vegetative screening after five years if the approved vegetation has not achieved a size sufficient to screen the development (38.7035)
- *Requires quarry / mining reclamation plans to blend and emulate with the distinctive characteristics of the designated landscape setting. Current standard being deleted requires blending and emulation with surrounding landforms (38.7035)
- Requires exterior lighting on sites visible from Key Viewing Areas in the SMA to be directed downwards and use non-reflective, opaque materials for exterior lighting shielding and hooding consistent with exterior lighting requirements in the GMA. Change proposed to simplify exterior lighting implementation across the NSA (38.7040)

- *Requires a cultural reconnaissance survey for all proposed uses within 100-feet of a high probability area, in addition to the current requirement being retained requiring a survey within 500 feet of a known cultural resource (30.7045)
- *Requires that applicants, rather than the Gorge Commission, pay for all required reconnaissance or historic surveys, and for Evaluations of Significance and Mitigation Plans for cultural resources discovered during construction of small-scale uses (38.7045)
- *Provides authority for a tribal representative to redact sensitive tribal information from cultural survey reports (38.7045)
- *New General Management Area water resources criteria have been established by the Management Plan using terms and requirements that are more consistent with Special Management Area water resources terms and criteria (38.7053). Expands the buffer zone for identified cold water refuge streams from 100 feet to 200 feet (*the Sandy River is the only identified cold water refuge stream located in Multnomah County*). Former GMA Wetland (38.7055) and GMA Stream, Lake and Riparian Area criteria have been deleted (38.7060).
- *Requires that Oregon white oak shall not be removed if practicable alternatives exist. Otherwise, requires wildlife survey and mitigation plan. Exempts forest practices (38.7065).
- *Updates list of Columbia Gorge and vicinity endemic plant species with four species being removed and one added – Klickitat biscuitroot being added (38.7070)
- *Descriptions of various Recreational Intensity Classes within the Management Plan have been added to county code to help orient the reader (38.7080 & 38.7085)
- *Requires accommodation of facilities for mass transportation (bus parking, etc.) for all new Recreation Intensity Class 3 day-use recreation sites, and site improvements increasing the size of existing Class 3 facilities, except for sites predominantly devoted to boat access (38.7080)
- *Establishes new standards for trail or trailhead projects with an overall intent to better tie into existing segments or existing or older trails, provide better signage for multi-use trails, minimize the spread of noxious weeds and wildfire hazards (38.7080)
- *Establishes an equitability and accessibility criterion for all proposed Recreation Intensity Class 3 or 4 sites, with Class 1 and 2 sites being encouraged to meet the criterion to the maximum extent practicable (38.7080)
- *Requires that campgrounds in the SMA Recreational Intensity Class 3 shall not exceed a combination of 50 single or group campsites and a total design capacity of 250 people at any one time (38.7085)
- *Requires that campgrounds in the SMA Recreational Intensity Class 4 shall not exceed a combination of 100 single or group campsites and a total design capacity of 500 people at any one time (reduced from a current limit of 1,000 people) 38.7085
- *Eliminates the maximum of 2 extensions which can be sought to the submittal deadline for an application under the county Responses to an Emergency/Disaster Event provisions (38.7090)
- *Limits ability within the Expedited Use criteria to use the same non-dark earth toned color as existing building for an addition, unless the addition is smaller in total area than the existing building. Also requires, as a condition of approval for an Expedited Use, that the exterior lighting output be limited below a specific lumen threshold in addition to being hooded and shielded (38.7100).
- *Expedited Development Review Criteria 38.7100(A)(2) currently establishes, consistent with Management Plan requirements, that the expedited development review process shall only be used to consider development that does not require a reconnaissance survey or historic survey. Procedural citation to 38.7045(A) within 38.7100 has been updated consistent with Management Plan procedures to require a historic survey for all proposed uses that would alter the exterior

architectural appearance of buildings and structures that are 50 years old or older, or compromise features of the surrounding area that are important in defining the historic or architectural character of the building or structures that are 50 years old or older (38.7100).

- *Establishes additional standards of approval for renewable energy systems (38.7100)

CH. 38 PART 7 - SPECIAL USES

- *Establishes new and revises existing siting and fire protection criteria in forest zones related to setbacks from steep slopes, and expansion of defensible space downslope below a building and structural projection such as porches, balconies and decks (38.7305 & 38.7315)
- *Provides for the ability to use a tiny house on a trailer, or similar structure, as a temporary health hardship dwelling as long as the temporary dwelling does not require a permanent foundation (38.7320)
- *Removes the phrase “cottage industries”, relying instead on the existing phrase “home occupations” (38.7330)
- *Establishes approval criteria for Overnight Accommodations related to maximum room night rentals per year, parking area screening, occupancy requirements of the owner, prohibition on commercial events, establishment of maximum number of employees allowed and time limits on the permit, including opportunity to renew the permit absent any past violations related to the Overnight Accommodations land use approval (38.7337)
- *Requires review of enhancement of wetlands, streams, ponds, lakes and riparian areas even when not associated with any other development proposal (38.7345)
- *Prohibits life estates in the GGF-40 and GGF-80 zones as required by the Management Plan. This use still allowed in GGA and GGF-20 zone (38.7355).
- *Eliminates cluster development provisions of 38.7360 as substandard parcel sizes no longer allowed by the Management Plan
- *Expands existing winery provisions to include cideries in conjunction with an on-site orchard and cidery sales/tasting rooms within a historic building. Fruits must be harvested on the subject farm and the local region (38.7380)
- *Establishes new standards of approval specific to Renewable Energy Production including prohibiting industrial uses, requiring panel and hardware be non-reflective black or dark earth tone colors, not increase overall roof height, only serve the parcel on which it is located and limiting production to the expected annual electrical power need (38.7390)

CH. 38 PART 8 - VARIANCES AND LAND DIVISIONS - (NO SUBSTANTIVE CHANGES)

5.0 GENERAL SUMMARY OF MULTOMAH COUNTY COMPREHENSIVE PLAN AMENDMENTS

- Updates outdated permit name references from ‘Hillside Development’ to ‘Geologic Hazard’
- Updates outdated Comprehensive Plan policy cross references
- More explicitly calls out the name of the four Columbia River Treat Tribes (The Nez Perce Tribe, the Confederated Tribes of the Umatilla Indian Reservation, the Confederated Tribes of Warm Springs, and the Confederated Tribes and Bands of the Yakama Indian Nation)
- Updates policy language consistent with new limitations on certain development adopted in the revised Management Plan.

6.0 SUMMARY OF PUBLIC INVOLVEMENT EFFORTS

Notwithstanding extensive public involvement efforts conducted by the Columbia River Gorge Commission and the U.S. Forest Service during the three year Gorge 2020 planning process; Multnomah County Land Use Planning took the following steps to inform the community of the proposed code and plan changes and public hearing:

- Public project webpage was launched July 30, 2021
- Draft copies of proposed Chapter 38 zoning code and Comprehensive Plan policy amendments posted to the project webpage for 14-day public comment on July 30, 2021
- Project update and summary of key changes presented by land use staff on August 19, 2021 at the North East Multnomah County Community Association (NEMCA).
- Notice of the Planning Commission public hearing, including a detailed summary of the proposed amendments mailed to every county property owner in the National Scenic Area on September 10th, 2021 (Staff provided the public four additional days beyond the state law mandate of notice being provided at least 20-days prior to the first hearing, ORS 215.203)
- Notice of the Planning Commission public hearing was posted on the Planning Commission webpage September 10th and published in the Oregonian newspaper on September 11, 2021.
- The most recent version of the proposed code and plan amendments were posted on-line for public review September 24, 2021

7.0 EXHIBITS TO THIS STAFF REPORT

EXHIBIT A1 Proposed Amendments to Chapter 38 Columbia River Gorge National Scenic Area Zoning Code (357 pages)

EXHIBIT A2 Proposed Amendments to Appendix D of the Multnomah County Comprehensive Plan – Supporting Policy Document for the Columbia River Gorge National Scenic Area (17 pages)

EXHIBIT B Redlined Version of the Revised Columbia River Gorge National Scenic Area Management Plan Transmitted to Multnomah County by the Columbia River Gorge Commission (494 pages)

EXHIBIT C Summary of Substantive Changes in the Revised Gorge 2020 Management Plan Jointly Prepared by Staff with the Columbia River Gorge Commission and U.S. Forest Service (1 page)

EXHIBIT D Summary of Changes in the Revised Gorge 2020 Management Plan Organized by Chapter and Prepared by the Columbia River Gorge Commission Staff (16 pages)

EXHIBIT E Public Comments on the Draft Management Plan submitted to the Columbia River Gorge Commission, with responses provided by Gorge Commission staff (129 pages)

EXHIBIT F Management Plan Transmittal Letter to Multnomah County from Columbia River Gorge Commission 3.16.21 (2 pages)

EXHIBIT G Letter from Multnomah County to Columbia River Gorge Commission Informing Intent to Adopt Code Revisions 3.29.21 (1 page)

EXHIBIT H1 Public comments submitted by Steven D. McCoy, Friends of the Columbia Gorge 8.13.21 (3 pages)

EXHIBIT A1
PC-2021-14505
Public Draft v.2

TEXT FORMATTING & COLOR KEY FOR REVIEWERS:

(Text Formatting):

~~Strikethrough Text~~ = Proposed for deletion

Double Underlined = Proposed addition

(Text Colors):

Black Text = Existing code. No modifications proposed.

Red Text = Proposed code revisions in response to Management Plan text changes. Most often the proposed red text in the code is proposed verbatim as reflected in the Management Plan, with occasional differences proposed to fit into county code structure or grammatical flow.

Blue Text = Amendments not related to Management Plan Revisions.

Yellow Background = Indicates text language was further developed by county staff, typically to implement a discretionary Management Plan guideline.

§§:

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Commented [AB1]: The Gorge Commission determined Cottage Industries and Home Occupations were essentially the same land use with near identical requirements. The uses were combined within the Management Plan into Home Occupations with the Cottage Industry guidelines deleted. County code has been updated consistent with the Management Plan revisions.

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PART 1 - GENERAL PROVISIONS

§ 38.0000- PURPOSES

The purposes of the Columbia River Gorge National Scenic Area Districts are to protect and provide for the enhancement of the scenic, cultural, recreational, and natural resources of the Columbia River Gorge, and to protect and support the economy of the Columbia River Gorge by encouraging growth to occur in existing urban areas and by allowing future economic development in a manner that protects and enhances the scenic, cultural, recreational, and natural resources of the Gorge.

(Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0005 AREA AFFECTED

MCC Chapter 38 shall apply to all lands within the Columbia River Gorge National Scenic Area as designated by the Columbia River Gorge National Scenic Area Act.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 994, Amended, 09/26/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0010 USES AND RELATED DEVELOPMENT STANDARDS

(A) No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged, including those proposed by state or federal agencies, in the Columbia River Gorge National Scenic Area except for the uses listed in MCC 38.1000 through 38.3295~~;~~ when considered under the applicable approval provisions of this Chapter.

(B) Except as otherwise authorized in MCC 38.5500 to 38.5520 (Geologic Hazards), ground disturbing activity (as defined by MCC 39.2000) within the Columbia River Gorge National Scenic Area is subject to and must comply with MCC 39.6200 to 39.6225. The definitions provided in MCC 39.2000 and 39.6205 shall be used when applying MCC 39.6200 to 39.6225 in the Columbia River Gorge National Scenic Area. Agricultural Fills and Large Fills, as referenced in MCC 39.6210(A) and defined in MCC 39.2000, are not allowed in the Columbia River Gorge National Scenic Area.

(C) Stormwater drainage control within the Columbia River Gorge National Scenic Area is subject to and must comply with MCC 39.6235. The definitions provided in MCC 39.2000 and 39.6205 shall be used when applying MCC 39.6235 in the Columbia River Gorge National Scenic Area.

(D) Development within areas of special flood hazard (as defined by MCC 39.5005) in the Columbia River Gorge National Scenic Area, including alterations, modifications or relocations to any watercourse, is subject to and must comply with MCC 39.5000 – 39.5055 (Floodplain Development Permit). The definitions provided in MCC 39.2000 and 39.5005 shall be used when applying MCC 39.5000 to 39.5055 in the Columbia River Gorge National Scenic Area.

Commented [AB2]: References have been added to clarify scenarios when county Chapter 39 ground disturbing activity permits, storm water drainage control standards and flood hazard regulations apply within the NSA. This relationship became less clear after certain development standards were relocated from Chapter 29 to Chapter 39 during prior legislative efforts.

(Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0015 DEFINITIONS

As used in this Chapter, unless the context requires otherwise, the following words and their derivations shall have the meanings provided below.

Accepted agricultural practice: A mode of operation that is common to farms or ranches of similar nature, necessary for the operation of such farms or ranches to obtain a profit in money, and customarily utilized in conjunction with agricultural use.

Accessible: In compliance with the Federal accessibility guidelines and standards. Accessible sites and facilities do not contain barriers limiting their use by people with disabilities.

Accessory ~~Alternative Energy System –~~renewable energy system: ~~-~~A system accessory to a primary structure or allowed use on the parcel that converts energy into a usable form such as electricity or heat, and conveys that energy to ~~uses allowed on the premises~~ the allowed structure or use. An ~~Accessory Alternative Energy System~~ accessory renewable energy system is a solar thermal, photovoltaic or wind turbine structure, or group of structures designed to offset all or part of the annual energy requirements of the ~~property~~ primary use on the subject parcel.

Accessory structure~~/~~or accessory building: A structure or detached building whose use is incidental and subordinate to that of the main use of the property, and that is located on the same parcel as the main building or use. The term "detached" means that the main building and accessory building do not share a common wall. An accessory building connected to the main building by a breezeway is a detached building.

Accessory use: A use or activity that is a subordinate part of a primary use and that clearly is incidental to a primary use on a site.

Active wildlife site: A wildlife site that has been used within the past five years by a sensitive wildlife species.

Addition: An extension or increase in the floor area or height of an existing building.

Adversely Affect or Adversely Affecting: A reasonable likelihood of more than moderate adverse consequence~~s~~ for the scenic, cultural, recreation or natural resources of the National ~~s~~Scenic ~~a~~Area, the determination of which is based on:

(a) The context of a proposed action;

(b) The intensity of a proposed action, including the magnitude and duration of an impact and the likelihood of its occurrence;

(c) The relationship between a proposed action and other similar actions which are individually insignificant but which may have cumulatively significant impacts; and

(d) Proved mitigation measures which the proponent of an action will implement as part of the proposal to reduce otherwise significant effects to an insignificant level.

(S-1 2006)

Agency official: The federal, state, or local agency head or designee who has authority over a proposed project.

Agricultural specialist (Special Management Area): A person such as a county extension agent with a demonstrated knowledge of farming operations, and a demonstrated ability to interpret and recommend methods to implement regulations pertaining to agriculture. Such abilities are usually obtained through a combination of higher education and experience.

Agricultural ~~structure/~~building: A ~~structure or~~ building located on a farm or ranch and used in the operation for the storage, repair and maintenance of farm equipment, and supplies, or for the raising ~~and/~~or storage of crops and livestock. ~~This includes, but is~~ These include, but are not limited to: barns, silos, workshops, equipment sheds, greenhouses, ~~orchard wind machines,~~ and processing facilities~~, storage bins and structures~~.

Agricultural structure: A structure (not including buildings) located on a farm or ranch and used in the operation for the storage, repair, and maintenance of farm equipment and supplies or for the raising and/or storage of crops and livestock. These include, but are not limited to: wind machines (orchards), storage bins, fences, trellises, and irrigation systems.

Agricultural use: The current employment of land for the primary purpose of obtaining a profit in money by the raising, harvesting and selling of crops, or by the feeding, breeding, management and sale of livestock, poultry, fur-bearing animals or honeybees, or dairying and the sale of dairy products, or any other agricultural or horticultural use including Christmas trees. Agricultural use does not include livestock feedlots, the boarding of horses or non-profit horse rescue facility and their accessory uses. Current employment of land for agricultural use includes:

(a) The operation or use of farmland subject to any government agricultural program;

(b) Land lying fallow for one year as a normal and regular requirement of good agricultural management;

(c) Land planted to orchards or to other perennial crops prior to maturity; and

(d) Land under buildings supporting accepted agricultural practices.

Air: The mixture of gases ~~compromising~~ comprising the Earth's atmosphere.

Anadromous fish: Species of fish that migrate upstream to freshwater after spending part of their life in saltwater.

Anaerobic: A condition in which molecular oxygen is effectively absent from the environment.

Animal-unit-month: The amount of forage or feed required to feed one horse, one cow/calf pair, 5 sheep/ 5 goats, 4 llamas/alpacas or other livestock for 30 days.

Aquiculture: The cultivation, maintenance and harvesting of aquatic species.

Aquatic area: The water area of a stream, pond, or lake measured at the ordinary high water mark.

Archaeological resource: See cultural resource.

Archival research: Research in primary documents that is likely to yield information regarding human occupation of the area in question, including, but not limited to, deed, census, cartographic, and judicial records.

Background: One of three main visibility distance zones used to determine relative sensitivity of a development, structure, or use based on its distance from the viewer. Background is represented in the space from four miles to the horizon.

Bed and breakfast inn: An owner occupied and operated establishment located in a structure designed as a single-family dwelling where from two to six rooms are rented on a daily basis. The bed and breakfast use is clearly incidental to the use of the structure as a single-family dwelling, operated as traveler ~~transient~~ accommodations, not as a rooming or boarding house.

Best ~~management practices~~ Management Practices (BMPs)**:** Conservation techniques and management measures that (1) control soil loss and reduce water quality degradation caused by nutrients, animal waste, toxins, and sediment; (2) minimize adverse ~~affects~~ effects to groundwater and surface-water flow and circulation patterns; and (3) maintain the chemical, biological, and physical characteristics of wetlands, ponds, streams, and riparian areas.

Bio-diversity (Special Management Area): A diversity of biological organisms at the genetic, species, ecosystem, and landscape levels.

Boarding of Horses (GMA): The stabling, feeding and grooming for a fee, or the renting of stalls and related facilities, such as training arenas, corrals and exercise tracks, for the care of horses not belonging to the owner of the property. The leasing, renting or use of a pasture for horses by an individual or family does not constitute the boarding of horses provided the use of the pasture is for a single individual or family's animals.

Boat landing: A structure or cleared area used to facilitate launching or retrieving watercraft.

Buffer area: A setback area established and managed to protect sensitive natural or cultural resources from human disturbance or conflicting uses, or an area to protect recreational, agricultural, or forest resources from conflicting uses. In instances involving a wetland, stream, or pond, the buffer area includes all, or a portion, of the riparian area.

Building: A structure used or intended to support or shelter any use or occupancy. Buildings have a roof supported by columns or walls. They include, but are not limited to, dwellings, garages, barns, sheds and shop buildings.

Business Operator: The person who obtains approval to conduct a Type A home occupation, home occupation ~~or cottage industry~~, holds a majority ownership interest in the business, lives full-time in the registered dwelling unit on the parcel, and is responsible for strategic decisions and day-to-day operations of the home occupation ~~or cottage industry~~.

Camping or recreational vehicle: A vacation trailer, camper or self-propelled vehicle equipped with wheels for transport and equipped with plumbing, a sink or a toilet intended for recreational, but not for residential purposes. A camping or recreational vehicle shall be considered a dwelling unit if it is (1) connected to a septic tank or other sewer system, water and electrical lines, or (2) is occupied on the same parcel for more than 60 days in any consecutive 12 month period.

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Campsite: Single camping unit, usually consisting of a cleared, level area for a tent, and may include a parking spur, fire ring, table or other amenities.

Canopy closure (Special Management Area): For forest practices, the percentage measuring the degree to which one layer of a tree canopy blocks sunlight or obscures the sky as measured from below.

Capability: The ability of land to produce forest or agricultural products based on characteristics of the land such as soil, slope, exposure or other natural factors.

Cascadian architecture: (Special Management Area): A style of building design typically characterized by exterior use of native rock, exposed log or rough hewn timbers, steep roof pitches, and rustic appearing ornamentation and materials.

Catastrophic situation (SMA): A situation resulting from forces such as fire, insect and disease infestations and earth movements.

Child care center: A facility providing day care to three or more children, but not including the provision of:

(a) Care that is primarily educational unless provided to a preschool child for more than 4 hours a day;

(b) Care that is primarily supervised training in a specific subject, including, but not limited to, dance, gymnastics, drama, music or religion;

(c) Short term care in connection with group athletic or social activities.

(d) Day care in the living quarters of the home of the provider for less than 13 children.

Cidery: See winery.

Columbia River Gorge National Scenic Area Graphic Signing System: Sign design standards developed for the National Scenic Area for public signs in and adjacent to public road rights-of-way.

Columbia River treaty tribes: See Indian tribes.

Commercial development~~/~~ or use: Any facility or use of land or water whose function is primarily retail buying or selling of goods or services or both, but not including fruit ~~or~~ and produce stands.

Commercial event: An organized gathering at an allowed commercial development. Such events include weddings, receptions, indoor concerts, and farm dinners, and are incidental and subordinate to the primary use on a parcel.

Commercial forest product: Timber used for lumber, pulp, and fire wood for commercial purposes.

Commercial recreation: Any non-governmental recreational activity or facility on privately owned land, excluding non-profit facilities, but not including a public recreation facility operated by a private vendor.

Community facilities: Basic utilities and services necessary to support public service needs, including, but not limited to water and power utilities, sanitation facilities, public micro-wave stations and communication facilities, schools, roads and highways, but not including sanitary landfills.

Consulting parties (cultural resources): Organizations or individuals who submit substantive written comments to the County in a timely manner because they are concerned with the effects of a proposed use on cultural resources.

Contiguous land: Parcels or other lands that are under the same ownership and have a common boundary, regardless of whether portions of the parcels have separate tax lot numbers, lie in different counties, lie in different sections or government lots, lie in different zoning designations, or are separated by a public or private road. Contiguous land does not include parcels which meet only at a single point.

Corner Lot: See lot (corner).

County Road: A public road that is maintained by the County and has been designated as a county road under ORS 368,016.

Created opening (Special Management Area): A created forest opening with less than 40 percent average canopy closure of overstory trees and less than 60 percent average canopy closure of understory trees averaging less than 5 inches diameter at breast height for coniferous forests and less than 25 percent total canopy cover for oak woodlands. This definition does not include agricultural fields.

Creation (wetland): A human activity that converts an upland into a wetland. This definition presumes that the area to be converted has not been a wetland within the past 200 years).

Cultivation: Any soil turning, breaking, or loosening activity that prepares land for raising crops, including plowing, harrowing, leveling, and tilling.

~~**Cultural resource:** Evidence of human occupation or activity that is important in the history, architecture, archaeology or culture of a community or region. Cultural resources include, but are not limited to:~~

~~(a) *Archaeological resources*~~

~~1. Physical evidence or ruins of human occupation or activity at least 50 years old located on or below the surface of the ground.~~

~~2. Archaeological resources include, but are not limited to, the remains of houses, villages, camp and fishing sites and cave shelters; rock art such as petroglyphs and pictographs; artifacts such as arrowheads, utensils, tools, fragments of tools and utensils, obsidian flakes, or other material by-products from tool and utensil making activities; and graves, human remains and associated artifacts.~~

~~(b) *Historic buildings and structures*~~

~~1. Standing or aboveground buildings and structures that are at least 50 years old.~~

~~2. Historic buildings and structures include, but are not limited to, log cabins, barns, canals, flumes, pipelines, highways and tunnels.~~

~~(c) *Traditional cultural properties*~~

~~1. Locations, buildings, structures, or objects associated with the cultural beliefs, customs or practices of a living community, rooted in and important for maintaining the continued cultural identity of that community.~~

~~2. Traditional cultural properties include, but are not limited to, locations or structures associated with the traditional beliefs of a Native American group regarding its origins or cultural history; a location where a Native American group has traditionally carried out artistic or other cultural practices important in maintaining its historical identity; or, a location where Native American religious practitioners have historically gone, and continue to go, to perform ceremonial activities. Objects may include petroglyphs, pictographs, rock cairns or other rock structures, trees and rock outcrops.~~

Cultural resource: The objects, features, sites and places that have meaning and significance for specific human groups and cultures. Cultural resources support the cohesive bonds of the communities that recognize and comprehend their significance. Cultural resources can be divided into four types: Archaeological Resources, Historic Buildings, Traditional Cultural Properties and Traditional Use Areas.

(a) Archaeological resources: The artifacts and features left in the landscape of early American Indian activities and the historic activities of early settlers. Artifacts are human-manufactured items and the waste material from manufacture. Features are the human alterations in the landscape. Artifacts include arrowheads and the stone waste flakes from making them and historic cans, bottles, ceramics and wooden and metal objects left in dumps or scattered in the landscape. Features include human-made pits in talus slopes, stacked rocks, rock walls, blazed and scarred trees, ditches, railroad grades, wagon roads, cabin foundations and other human modifications of the natural landscape.

(b) Historic buildings and structures: Standing structures and their associated features. Often, they are still in use but can be abandoned and deteriorating. They are distinct from historic archaeological resources by being above ground and not collapsed to the level of the surrounding landscape.

(d) Traditional cultural properties: Monumental sites, sacred places, legendary areas, mythical locations, traditional gathering areas, and landscapes and landscape features that are identified by the specific communities that hold meaning for them. They maintain and perpetuate values and practices of the group that attach significance to them. They provide spiritual cohesion to the community.

(e) Traditional Use Areas: Procurement and processing sites in the landscape for every kind of resource a society needs to perpetuate its specific culture. They are the sources for food, medicine, fibers and tools that provide subsistence for a specific group's culture.

Culturally significant foods: Natural resources used by Native Americans for subsistence, medicine and ceremony, including: water, fish, big game, roots, and berries.

Culturally significant plants and wildlife: Native plant and animal species essential to the culture of a Native American group.

Cumulative effects: The combined effects of two or more activities. The effects may be related to the number of individual activities, or to the number of repeated activities on the same piece of ground. Cumulative effects can result from individually minor but collectively significant actions taking place over a period of time.

Customer: Has its common meaning and includes a client as well as each person visiting the premises of a business for business reasons that is not an employee of the business.

Cut: An area where soil or earth are excavated or removed in conjunction with development activities and includes:

(a) An excavation;

(b) The difference between a point on the original ground surface and the point of lowest elevation on the final grade;

(c) The material removed in excavation work.

Daily Care – Daily care includes but is not limited to bathing, grooming, eating, medication management, walking and transportation. Daily care does not include financial management or the improvement or maintenance of property.

Dedicated site: An area actively devoted to the current use as delineated on the site plan.

Deer and elk winter range: An area normally or potentially used by deer and elk from December through April.

Destruction of a wetland: The filling, draining, contaminating or any other action which adversely effects the functioning of a wetland**.**

Developed recreation: Recreational opportunities characterized by high-density use on specific sites requiring facilities installation. Density of use, amount of site development, and type of recreation site can vary widely across the spectrum of recreation activities.

Developed road prism (Special Management Area): The area of the ground associated with a particular road and containing the road surface, ditch, shoulder, retaining walls, or other developed features. Does not include the natural appearing portions of cut and fill slopes.

Development: ~~Any mining, dredging, filling, grading, paving, excavation, land division, or structure, including but not limited to new construction of a building or structure.~~ Any land division or new construction or modification of buildings, structures and roads, and any earth-moving activity, including, but not limited to, mining, dredging, filling, grading, paving, and excavation.

Diameter at breast height (dbh): The diameter of a tree as measured at breast height.

Distance zone: Distance zones (see Background, Middleground, and Foreground) are used to determine relative sensitivity of a development, structure, or use based on its distance from the viewer. Generally, the closer a development is to the area it is being viewed from, the more attention will need to be given

to site placement, design features, and mitigations to ensure the development blends with the landscape.

Driveway: See private driveway.

Duplex: A building containing two dwelling units and designed for occupancy by two families.

~~**Dwelling, single family:** A detached building containing one dwelling unit and designed for occupancy by only one family.~~

Dwelling unit: A single self-contained unit ~~designed for occupancy by one family and having not more than one cooking~~ with basic facility needs for day-to-day living. Facility needs include, but are not limited to, a food preparation area or kitchen, bedrooms, and a full bathroom.

Earth materials: Any rock, natural soil or any combination thereof. Earth materials do not include non-earth or processed materials, including, but not limited to, construction debris (e.g., concrete, asphalt, wood), organic waste (e.g., cull fruit, food waste) and industrial byproducts (e.g., slag, wood waste).

Effect on Treaty Rights: To bring about a change in, to influence, to modify, or to have a consequence to Indian treaty or treaty related rights in the Treaties of 1855, executed between the individual Indian tribes and the Congress of the United States as adjudicated by the Federal courts, with the Nez Perce Tribe, the Confederated Tribes of the Umatilla Indian Reservation, The Confederated Tribes of the Warm Springs, and the Confederated Tribes and Bands of the Yakama Nation ~~tribes~~.

Emergency/Disaster: A sudden unexpected occurrence, either the result of human or natural forces, necessitating immediate action to prevent or mitigate significant loss or damage to life, health, property, essential public services, or the environment.

Emergency/Disaster Response: Actions involving any development (such as new structures, grading, or excavation) or vegetation removal that must be taken immediately in response to an emergency/disaster event (as defined above). Emergency/disaster response actions not involving any structural development or ground-disturbance (such as use of emergency transport vehicles, communications activities or traffic control measures) are not included in this definition and are not affected by these provisions.

Employee: Has its common meaning in addition to which each participant in the promotion of a business constitutes one employee, whether participating full-time or part-time and whether a resident or non-resident of a dwelling unit authorized for a Type A home occupation, and home occupation ~~and cottage industries~~.

Endemic: Plant and animal species found only in the vicinity of the Columbia River Gorge area.

Enhancement (natural and scenic resources): A human activity that increases or makes greater the value, desirability or attractiveness of one or more functions of an existing sensitive area. For riparian areas, such as wetlands, streams, and lakes, enhancement is generally limited to the area that is degraded. Enhancing a sensitive natural resource area that is in good or excellent condition may reduce biological diversity and eliminate other natural functions and may not be desirable.

~~**Enhancement (natural resource):** A human activity that increases one or more functions of an existing wetland, stream, lake, riparian area, or other sensitive area. Enhancement is generally limited to a~~

~~wetland, stream, lake, riparian, or other sensitive area that is degraded. Enhancement of an area currently in good or excellent condition may reduce biological diversity and eliminate other natural functions; therefore, and may not be desirable.~~

Ephemeral streams (Special Management Area): Streams that contain flowing water only during, and for a short duration after, precipitation events.

Equitable recreation: Development and services that are equally accessible and available to all people regardless of income level, ethnicity, gender, ability, or age.

Ethnography: The descriptive and analytic study of the culture of a particular group by an ethnographer. An ethnographer seeks to understand a group through interviews with its members and often through living in and observing it.

Existing use or structure: Any use or structure that was legally established and that has continued to operate lawfully and has not been discontinued. "Legally established" means:

(a) the landowner or developer obtained applicable land use and building permits and complied with land use regulations and other laws that were in effect at the time the use or structure was established, or that were in effect at the time the landowner or developer corrected an improperly established use or structure;

(b) the use or structure was initially operated or constructed according to those applicable permits, land use regulations and other laws, or has been operated or constructed according to permits obtained to correct an improperly established use or structure; and

(c) any changes to the original use or structure must comply with all applicable permit requirements, land use regulations and other laws that were in effect at the time the change was established.

Exploration, extraction, excavation, and production of mineral resources: All or any part of the process of surface, underground or submerged mining of mineral resources, and transportation of mineral resources from the site. Minerals include soil, coal, clay, stone, sand, gravel, metallic ore, oil and gases and any other material or substance excavated for commercial, industrial or construction use. This includes all exploration and mining, regardless of area disturbed or volume mined. Production of mineral resources means the use of portable crushing, on-site stockpiling, washing, milling, screening, or sorting equipment, or other similar methods of initial treatment of a mineral resource and~~to~~ transport to another site for use or further processing. Secondary processing such as concrete or asphalt batch plants are considered industrial uses.

Fill: The placement, deposition or stockpiling of sand, sediment or other earth materials to create new uplands or an elevation above the existing surface.

Finished grade: See "grade, finished"

Fire break: A break in ground cover fuels, adjacent to and surrounding buildings.

Floor area: The area included within the surrounding exterior walls of a building or portion thereof. The floor area of a building or a portion thereof, not provided with surrounding exterior walls shall be the area under the horizontal projection of the roof or floor above.

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Footprint: The area that falls directly beneath and shares the same perimeter as a structure. This includes covered porches**.**

Forbs: Broad-leaved herbs, in contrast to ferns, fern allies, and grasses and grasslike plants.

Foreground ~~(SMA)~~**:** ~~One-half mile either side of a traveled road or trail.~~ One of three main visibility distance zones used to determine relative sensitivity of a development, structure, or use based on its distance from the viewer. Foreground is represented in the space from zero (the viewer) up to one-half mile.

Forest health (SMA): A measure of the robustness of forest ecosystems. Forests are deemed healthy when they have capacity across the landscape for renewal, for the maintenance of wildlife habitats, for recovery from a wide range of disturbances, and for retention of their resilience.

Forest practice (SMA): Any activity conducted on or directly pertaining to forested land and relating to forest ecosystem management including but not limited to growing, thinning, or removing live or dead forest tree or shrub species, road and trail construction, reforestation, fertilizing, brush control, prevention of wildfire, and suppression of diseases and insects. The removal of hazardous trees is excluded. Uses that include establishment, management or harvest of Christmas trees, nursery stock, or fiber producing tree species requiring intensive cultivation (irrigation, fertilization, etc.) and a harvest rotation of 12 years or less are considered agricultural uses.

Forest practices (General Management Area): Those activities related to the growing and harvesting of forest tree species as defined by the Oregon Forest Practices Act.

Forest products: Commodities harvested from a forest, including, but not limited to, timber products, boughs, mushrooms, pine cones, and huckleberries.

Forest Service: The United States Department of Agriculture Forest Service – National Scenic Area Office.

Forest stand structure (Special Management Area): The number, types and spacing of tree species, tree sizes, and canopy layers contained in a stand of trees.

Forest use: The growing, propagation and harvesting of forest tree species and other forest products.

Front Lot Line: See lot line (front).

Front Yard: See yard (front).

Fruit and produce stand: A venue on a farm or ranch selling produce and agricultural products primarily grown on the subject farm or ranch. Associated incidental agricultural products from the local region and associated incidental marketing materials shall not make up more than 25% of the sales at the stand. Incidental products may include processed foods like jams and jellies. Foods prepared for consumption on the premises are not permitted. Fruit and produce stands are not a commercial use.

Fully screened: ~~The relative visibility of a structure when that structure is not visible as viewed from a specified vantage point (generally a Key Viewing Area).~~ A description used when determining compliance with the scenic standards (visually subordinate and not visually evident), where a structure, development or use is not visible as viewed from a specified vantage point (generally a key viewing area,

for the purpose of the Management Plan). See Scenic Resources Implementation Handbook for more information regarding screening for development in the National Scenic Area.

Gorge Commission: The Columbia River Gorge Commission.

Grade, natural: The undisturbed elevation of the ground level of a property before any excavation or construction operations.

Grade, finished (Grade, ground level): ~~The final elevation of the ground level of a property after construction is completed~~ The average elevation of the finished ground elevation as defined by the International Building code.

Grading: Any excavating or filling of earth materials or any combination thereof, including the land in its excavated or filled condition.

Hazard tree (SMA): A tree with a structural defect that will predictably result in whole or partial failure within 1.5 tree lengths of a road or maintained development. A defective tree is hazardous only when its failure could result in danger to people or damage to structures, vehicles, or other property.

Health Hardship – A specific person's need for daily supervision due to cognitive impairment and/or a specific person's need for assistance with daily care as a result of age, physical impairment and/or poor health.

Height of building: The greatest vertical distance between the point of lowest finished grade adjoining any exterior wall of a building and the highest point of the roof, such as the highest coping or parapet of a flat roof, the highest deck line of a mansard roof, or the highest ridge of a hip, gable, gambrel, shed or other pitched roof.

Herbaceous: A plant with no persistent woody stem above the ground, or a plant with characteristics of an herb.

Herbs: Herbaceous plants, including grasses and grasslike plants, forbs, ferns, fern allies, and nonwoody vines. Seedlings of woody plants less than 3 feet tall shall be considered part of the herbaceous layer.

Highway: Any road or highway designated as such by law or by the Oregon Transportation Commission; includes both primary and secondary state highways.

Historic buildings and structures: See cultural resource.

Historic survey: Actions that document the form, style, integrity, and physical condition of historic buildings and structures. Historic surveys may include archival research, architectural drawings, and photographs.

Home Occupation: A small-scale commercial use conducted in a legal single-family dwelling or accessory structure, employing the residents of the dwelling and up to three outside employees. Periodic use of home offices, studios, and other work areas used only by the residents of the dwelling are not a home occupation.

Hydric soil: A soil that is saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part.

Immediate Foreground for scenic corridors: A subset of one of the three main visibility distance zones used to determine relative sensitivity of a development, structure, or use based on its distance from the viewer. Immediate foreground is represented in the space from zero (the viewer) up to one-quarter mile. For scenic travel corridors in the GMA, immediate foreground also includes lands within one-quarter mile of the edge of pavement. In the SMAs, immediate foreground includes the developed prism of a road or trail KVA or within the boundary of the developed area of KVAs (such as Crown Point or Multnomah Falls).

In-lieu or treaty fishing access sites: Sites acquired by the Army Corps of Engineers and transferred to the Bureau of Indian Affairs for treaty fishing, in lieu of those usual and accustomed fishing areas lost by inundation from reservoir construction. These sites were acquired under the provisions of Public Law 79-14 and Public Law 100– 581, Section 401.

~~**Indian tribal government:** The governing bodies of the Nez Perce Tribe (Nez Perce Tribal Executive Committee), the Confederated Tribes of the Umatilla Indian Reservation (Board of Trustees), the Confederated Tribes of the Warm Springs Reservation of Oregon (Tribal Council), and the Confederated Tribes and Bands of the Yakama Indian Nation (Tribal Council).~~

Indian tribes: The Nez Perce Tribe, the Confederated Tribes and Bands of the Yakama ~~Indian~~ Nation, the Confederated Tribes of ~~the~~ Warm Springs ~~Reservation of Oregon~~, and the Confederated Tribes of the Umatilla Indian Reservation.

Industrial uses: Any use of land or water primarily involved in:

(a) Assembly or manufacture of goods or products;

(b) Processing or reprocessing of raw materials, processing of recyclable materials or agricultural products not produced within a constituent farm unit;

(c) Storage or warehousing, handling or distribution of manufactured goods or products, raw materials, agricultural products, forest products or recyclable materials for purposes other than retail sale and service; or

(d) Production of electric power for commercial purposes.

Interpretive displays: Signs and structures which provide for the convenience, education, and enjoyment of visitors, and intended to help them understand and appreciate their relationship to natural and cultural resources.

Key components: The attributes that are essential to maintain the long-term use and productivity of a wildlife site. The key components vary by species and wildlife site. Examples include fledgling and perching trees, watering sites, and foraging habitat.

Key viewing area: Those portions of identified important public roads, parks or other vantage points within the National Scenic Area from which the public views National Scenic Area landscapes. Such portions include gathering points, rest areas, roads and trails that provide primary access to the area, parking lots, and associated recreation areas. Identified areas ~~They~~ include:

(a) General Management Area and Special Management Area:

Beacon Rock
Bonneville Dam Visitor Centers
Bridal Veil State Park
Cape Horn
Columbia River
Cook-Underwood Road
Crown Point
Dog Mountain Trail
Historic Columbia River Highway (including the Historic Columbia River Highway State Trail)
Highway I– 84, including rest stops
Larch Mountain (including Sherrard Point)
Multnomah Falls
Oregon Highway 35
Pacific Crest Trail
Panorama Point Park
Portland Women's Forum State Park
Rooster Rock State Park
Rowena Plateau and Nature
Conservancy Viewpoint
Sandy River
Washington State Route 14
Washington State Route 141
Washington State Route 142

(b) Special Management Area only:

Larch Mountain Road
Old Highway 8 (previously known as Old Washington State Route 14 ~~(~~and County Road 1230)
~~Sherrard Point on Larch Mountain~~
Wyeth Bench Road (also known as Wyeth Road)

Land division: The division or re-division of contiguous land(s) into tracts, parcels, sites or divisions, regardless of the proposed parcel or tract size or use. A land division includes, but is not limited to partitions and subdivisions. Land division does not include the creation of cemetery plots.

Landscape setting: The combination of land use, and cultural features, landform pattern and features, ~~and~~ vegetation ~~patterns~~ and waterform which distinguish an area from other portions of the National Scenic Area.

Livestock feedlot: Stockyards and commercial livestock finishing yards for cattle, sheep, swine and fur bearers. Feedlots do not include winter pasture or winter hay-feeding grounds.

Lot Area – The total horizontal area within the lot lines of a lot, but not including the private driveway area of a flag lot.

Lot (Corner) – A lot which occupies an interior angle of less than 135 degrees, formed by the intersection of two streets or a street and an accessway.

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Commented [AB3]: Adding definitions for Lot related terms as defined in Chapter 39 zoning code. Although Chapter 39 defines "Lot Coverage", this is not a term used within Chapter 38 and this term / definition was not carried over in this proposal.

Lot Lines – The lines bounding a lot, but not the lines bounding the private driveway portion of a flag lot.

Lot line adjustment: See "property line adjustment."

Lot Line (Front) – In the case of an interior lot, a line separating the lot from the street or accessway; in the case of a corner lot, a line separating the narrowest frontage of the lot from a street or accessway; and in the case of a flag lot, the lot line closest to and most nearly parallel with the street which serves the lot. A minimum front lot line length is a dimensional requirement to assure that a parcel or lot has sufficient street frontage and lot width near the street to accommodate a safe access driveway and reasonable building area after considering the required side yards.

Lot Line (Rear) – The line dividing one lot from another and on the opposite side of the lot from the front lot line; and in the case of an irregular or triangular shaped lot, a line ten feet in length within the lot, parallel to and at the maximum distance from the front lot line.

Lot Line (Side) – Any lot line not a front or rear lot line.

Lot Width – The horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines.

Maintenance: Ordinary upkeep or preservation of a serviceable structure affected by wear or natural elements. Maintenance does not change the original size, scope, configuration or design of a structure.

Maintenance includes, but is not limited to, painting and refinishing, regrouting masonry, patching roofs, grading gravel roads and road shoulders, cleaning and armoring ditches and culverts, filling potholes, controlling vegetation within rights-of-way, removing trees and other roadside hazards within rights-of-way, and testing and treating utility poles**.**

Management Plan: The most recent version of the document entitled Management Plan for the Columbia River Gorge National Scenic Area ~~adopted February 6, 1993~~.

Managerial Setting: The on-site controls (signs, regulations, or other regimentation) and types of facilities recreationists could expect when visiting recreation sites.

Middleground: One of three main visibility distance zones used to determine relative sensitivity of a development, structure, or use based on its distance from the viewer. Middleground is represented in the space between the foreground and the background. The area located from one-half mile up to four miles from the viewer.

Mitigation: The use of any or all of the following actions, in the following order of priority:

(a) Avoiding the impact altogether by not taking a certain action or parts of an action;

(b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation;

(c) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment; ~~or~~

(d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action~~.~~;

(e) Offsetting impacts by creating or enhancing affected resources; or

(f) Monitoring the result of mitigation actions and taking appropriate corrective actions.

Mosaic (SMA): The dispersal of overstory and understory leave trees in irregularly spaced clumps of varying sizes throughout an irregularly shaped created forest opening.

Multi-family dwelling: A dwelling constructed or modified into two or more dwelling units.

Native species: Species that naturally inhabit an area.

National Scenic Area: The Columbia River Gorge National Scenic Area.

Natural grade: see "grade, natural."

Natural resources (GMA & SMA)**:** ~~Naturally occurring features such as land, water, air, plants, animals, including fish, plant and animal habitat, and scenery.~~ Wetlands, streams, ponds and lakes, riparian areas, wildlife and wildlife habitat, rare plants, and natural areas.

Natural resource specialist: A person with professional qualifications such as an academic degree or sufficient professional experience in the subject matter the specialist is being asked to analyze or evaluate.

Natural resource-based recreation (SMA): Recreation activities, uses or facilities that essentially depend on the unique natural, scenic, or cultural resources found within the National Scenic Area. Campgrounds, trails, boating and ~~windsurfing~~ windsports facilities, swimming beaches, picnic sites, viewpoints, interpretive parks, and similar outdoor recreation facilities are considered resource-based; whereas, golf courses, tennis courts, and rental cabins are not.

Navigable (river or lake): Those waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

New cultivation: Any operation that would cultivate land that has not been cultivated or has lain idle for more than 5 years.

Non-profit Horse Rescue Facility (GMA): The stabling, feeding, grooming, and provision of care for sick, abandoned, or rescued horses, operated by a non-profit organization to facilitate the rehabilitation, adoption, and permanent placement of abused, neglected or unwanted horses.

Non-profit organization: An organization whose non-profit status has been approved by the U.S. Internal Revenue Service.

Not visually evident (Special Management Area): ~~A visual quality standard that provides for development or uses that are not visually noticeable to the casual visitor. Developments or uses shall only repeat form, line, color, and texture that are frequently found in the natural landscape, while changes in their qualities of size, amount, intensity, direction, pattern, etc., shall not be noticeable.~~ One of the two scenic standards applicable within the National Scenic Area. A description of the relative visibility of a development, structure or use that provides for developments, structures or uses that are not visually noticeable to the casual visitor and the defining landscape setting characteristics appear intact. Deviations may be present but must repeat form, line, color, texture and pattern common to the

natural landscape setting so completely and at such scale, proportion intensity, direction, pattern, etc., that it not be noticeable.

Old growth (Special Management Area): A forest stand usually at least 180-220 years old with moderate to high canopy closure; a multi-layered, multi-species canopy dominated by large overstory trees; high incidence of large trees, some with broken tops and other indications of old and decaying wood (decadence); numerous large snags, and heavy accumulations of wood, including large logs on the ground.

Open Spaces: unimproved lands not designated as agricultural lands or forest lands by the Management Plan and designated as open space by the Management Plan. Open spaces include:

(a) Scenic, cultural, and historic areas;

(b) Fish and wildlife habitat;

(c) Lands which support plant species that are endemic to the National Scenic Area ~~scenic area~~ or which are listed as rare, threatened or endangered species pursuant to State or Federal Endangered Species Acts;

(d) Ecologically and scientifically significant natural areas;

(e) Outstanding scenic views and sites;

(f) Water areas and wetlands;

(g) Archaeological sites, ~~Indian burial grounds~~ and village sites, historic trails and roads and other areas which are culturally or historically significant;

(h) Potential and existing recreation resources; and

(i) Federal and State wild, scenic, and recreation waterways.

Open Space Plan: A plan, prepared by the primary managing agency or land owner prior to any new land uses or development, which includes the following:

(a). Direction for resource protection, enhancement, and management.

(b). Review of existing uses to determine compatibility with open space values.

(c). Consultation with members of the public, and agency and resource specialists.

Operational (Special Management Area): For new agricultural use, an agricultural use shall be deemed operational when the improvements and investments described in the Stewardship Plan are in place on the parcel.

Ordinary high water mark: The mark on all streams, ponds, and lakes where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a vegetative character distinct from that of the abutting upland. In any area where the ordinary high water mark cannot be found, the line of mean high water shall substitute.

Operational (Special Management Area): For new agricultural use, an agricultural use shall be deemed operational when the improvements and investments described in the Stewardship Plan are in place on the parcel.

Overnight accommodations (GMA): The rental of one or more rooms located in legal single-family dwelling on a daily or weekly basis. Overnight accommodations are clearly incidental to the use of a structure as a single-family dwelling and are owner-operated.

Overstory (Special Management Area): For forest practices, the tall or mature trees that rise above the shorter or immature understory trees.

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.

Park-Model Recreational Vehicle – A recreational vehicle built on a single chassis, mounted on wheels, and designed to facilitate movement from time to time but not intended to be towed on a regular basis and that does not exceed 400 square feet when in the set-up mode and designed to provide recreational seasonal or temporary living quarters which may be connected to utilities necessary for the operation of installed fixtures and appliances.

Parking area: Any public or private area, under or outside of a structure, designed and used for the standing, maneuvering, and circulation of motor vehicles including parking lots, garages, private driveways, and legally designated areas of private streets.

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Physical Settings: The physical quality of the landscape at a recreation site, and how rustic recreation facilities may appear. Physical setting is distinct and not to be confused with landscape settings and landscape setting character descriptions.

Planning Director: The Director of the Division of Planning and Development or the Director's delegate.

Practicable: Able to be done, considering technology and cost.

Preexisting: Existing prior to ~~February 6, 1993, the date of adoption of the~~ the first Columbia River Gorge National Scenic Area Management Plan on October 15, 1991.

Previously disturbed: An area of land where the natural surface has been graded, excavated, paved ~~and/~~or graveled.

Priority Habitat: Areas that provide habitat for sensitive wildlife determined by Forest Service, Oregon Department of Fish & Wildlife, or Washington Department of Fish & Wildlife.

Primary structure: A structure or combination of structures of chief importance or function on a site. In general, the primary use of the site is carried out in a primary structure.

Primary use: An activity or combination of activities of chief importance on the site. The main purpose for which the land or structures is intended, designed, or ordinarily used. A site may have more than one primary use.

Private driveway: a private street which is a part of and provides access only to one lot or parcel.

Project area: The geographic area or areas within which new development and uses may cause changes in the character or use of cultural resources, if any such resources exist.

Property line adjustment: The transfer of a portion of a parcel from one owner to the owner of an adjacent parcel resulting in no increase in the number of parcels.

Public dock: A dock constructed, maintained and operated by a federal, state, local, or tribal government entity to provide public access to a water body.

Public use facility: A recreation development meeting the definition of "recreation facility" which is open for use by the general public. Private clubs and other facilities limited to members or otherwise restricted in availability shall not be considered public use facilities.

~~**Rare plant species:** Refers to various categories of sensitive plants cited in federal and state programs.~~

Rare plant species: Various categories of plants and plant communities cited in federal and state programs. Rare plants and rare plant ecosystems are:

(a) Endemic to the Columbia River Gorge and vicinity,

(b) Listed as endangered or threatened pursuant to federal or state endangered species acts, or

(c) Designated global or state status rank 1, 2, or 3 by the Oregon Biodiversity Information Center or Washington Natural Heritage Program.

In the SMAs, rare plant species also include plant species recognized by the Regional Forester as needing special management to prevent them from being placed on federal or state endangered species lists.

Rare wildlife species: Wildlife species that are:

(a) Listed as endangered or threatened pursuant to federal or state endangered species acts,

(b) Listed as endangered, threatened, sensitive, or candidate by the Washington Wildlife Commission,

(c) Listed as sensitive by the Oregon Fish and Wildlife Commission, or

(d) Considered to be of special interest to wildlife management authorities and the public (great blue heron, osprey, golden eagle, peregrine falcon, and prairie falcon).

In the SMAs, rare wildlife species also include animal species recognized by the Regional Forester as needing special management to prevent them from being placed on federal or state endangered species lists.

Rear Lot Line: See lot line (rear).

Rear Yard: See yard (rear).

Reconnaissance survey: Actions conducted to determine if archaeological resources that would be affected by a proposed use are present in an area. Reconnaissance surveys may include archival research, surface surveys, subsurface testing, and ethnographic research.

Recreation facility: A cluster or grouping of recreational developments or improvements which are not separated in distance by more than one-quarter mile of land not containing any such recreational developments or improvements, except for roads and/or pathways.

Recreation Opportunity Spectrum (ROS): A means of classifying areas in relation to the types of recreation opportunities and experiences they provide or are appropriate for. The spectrum ranges from primitive (wilderness areas) to urban (highly modified areas).

(a) *Primitive:* Remote, inaccessible areas with a high degree of solitude and with resources essentially unmodified.

(b) *Semiprimitive:* Areas accessible only by primitive transportation routes, with low to moderately infrequent human encounters and with only subtle modifications to the natural setting.

(c) *Roaded Natural:* Roaded areas with moderately frequent human encounters and with resource modifications evident.

(d) *Rural*: Roaded areas with moderate to highly frequent human encounters and with the natural setting dominated by cultural modifications.

(e) *Suburban:* Areas representing the rural-urban interface, with urban-like roads, structures, highly frequent human encounters, and dominant resource modifications encroaching into the rural landscape.

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(f) *Urban:* Highly accessible, roaded areas dominated by human encounters and human-related structures.

Recreation resources: Areas and facilities that provide recreation opportunities and experiences. Recreation resources include semi-primitive areas with few facilities and developed sites.

Recreation Setting: The tool for managing recreation development and opportunities based on the sites social, physical, and managerial setting.

Recreational Vehicle – A vehicle as defined in ORS 446.003 and specifically includes camping trailers, camping vehicles, motor homes, recreational park trailers, bus conversions, van conversions, tent trailers, travel trailers, truck campers, combination vehicles which include a recreational vehicle use, and any vehicle converted for use or partial use as a recreational vehicle. Recreational Vehicles contain eating and sleeping facilities and are equipped with one or more of the following:

(a) Holding tank(s);

(b) Liquid petroleum gas; or

(c) A 110 to 240 volt electrical systems.

Reflective surface: Providing a reflection; capable of reflecting light or other radiation.

Regularly maintained: An area of land that has been previously disturbed and where periodic actions have been taken to:

(a) keep the area clear of vegetation (e.g., shoulders, utility yards),

(b) limit the height and type of vegetation (e.g., utility rights-of-way), ~~and/~~or

(c) establish and retain non-native vegetation (e.g., landscaped medians, rest area grounds).

Rehabilitation (natural resource): A human activity that returns a wetland, stream, buffer area, or other sensitive area disturbed during construction of a permitted use to its natural or preconstruction condition.

Remnant old forest (Special Management Area): Large trees in the overstory that are well into the mature growth state (older than 180 years).

Repair: Replacement or reconstruction of a part of a serviceable structure after damage, decay or wear. A repair returns a structure to its original and previously authorized and undamaged condition. It does not change the original size, scope, configuration or design of a structure, nor does it excavate beyond the depth of the original structure. Up to a 10 percent increase in the original size of a portion of a building to be repaired is allowed if required to comply with building codes, provided it does not require additional excavation.

Repair includes, but is not limited to, ~~reproofing~~ reroofing a building, replacing damaged guardrails, reconstructing a rotten deck or porch, replacing a broken window or door, replacing a utility pole and associated anchors, replacing a section of broken water or sewer line, replacing a damaged or defective utility line, reconstructing a portion of a building damaged by fire or a natural event, and replacing railroad ties or rails.

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Resource-based recreation: Those recreation uses which are essentially dependent upon, and do not adversely affect, the natural, scenic or cultural resources of the National Scenic Area.

Restoration: A human activity that returns a resource from a disturbed or altered condition to a previous, less disturbed or less altered condition. This definition does not modify or eliminate the definition Restoration (wetlands) which applies only to wetlands.

Restoration (wetlands): A human activity that converts a former wetland back into a wetland.

Riparian area: The area immediately adjacent to streams, ponds, lakes, and wetlands that directly contributes to the water quality and habitat components of the water body. This may include areas with high water tables and soils and vegetation that exhibit characteristics of wetness, as well as upland areas immediately adjacent to the water body that directly contribute shade, nutrients, cover, or debris, or that directly enhance water quality within the water body.

Road: The entire right-of-way of any public or private way that provides ingress to, or egress from property by vehicles or other means, or provides travel between places by means of vehicles. "Road" includes, but is not limited to:

(a) Ways described as streets, highways, throughways, or alleys;

(b) Road-related structures, such as tunnels, culverts, or similar structures, that are in the right-of-way; and

(c) Structures such as bridges that provide for continuity of the right-of-way.

~~**Scenic Area:** The Columbia River Gorge National Scenic Area.~~

Scenery Management System: The overall framework for the orderly inventory, analysis, and management of scenery developed in coordination with the Forest Service.

Scenic travel corridor: Those portions of Interstate 84, the Historic Columbia River Highway, Oregon Highway 35, and Washington State Routes 14, 141, and 142 located in the National Scenic Area, specifically designated to be managed as scenic and recreational travel routes.

Secretary: The U.S. Secretary of Agriculture.

~~**Sensitive plant species:** Plant species that are:~~

~~(a) Endemic to the Columbia River Gorge and vicinity,~~

~~(b) Listed as endangered or threatened pursuant to federal or state endangered species acts, or~~

~~(c) Listed as endangered, threatened or sensitive by the Oregon.~~

~~(d) In the Special Management Area, sensitive plant species also include plant species recognized by the Regional Forester as needing special management to prevent them from being placed on federal or state endangered species lists.~~

~~**Sensitive wildlife species:** Animal species that are:~~

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~~(a) Listed as endangered or threatened pursuant to federal or state endangered species acts,~~

~~(b) Listed as sensitive by the Oregon Fish and Wildlife Commission, or~~

~~(c) The great blue heron, osprey, mountain goat, golden eagle, and prairie falcon.~~

~~(d) In the Special Management Area, sensitive wildlife species also include animal species recognized by the Regional Forester as needing special management to prevent them from being placed on federal or state endangered species lists.~~

Service station: A business operated for the purpose of retailing and delivering motor vehicle fuel into the fuel tanks of motor vehicles.

Serviceable: Presently usable.

Shall: Action is mandatory.

Should: Action is encouraged.

Shrub: A woody plant usually greater than 3 feet but less than 20 feet tall that generally exhibits several erect, spreading, or prostrate stems and has a bushy appearance. Seedlings of woody plants less than 3 feet tall shall be considered part of the herbaceous layer.

Side Lot Line: See lot line (side).

Side Yard: See yard (side).

Sign: Any placard, poster, billboard, advertising structure or inscribed surface, pattern or artificial lighting, pictorial or-symbolic ornament, emblematic structure, banner, fluttering apparatus, statue, model, ornamental figure, or other visually communicative or expressive device that is visible from an out-of-doors position and is used to advertise or call attention to any public, business, commercial, industrial, recreational or any other activity, object for sale or lease, person or place, or to bear any kind of message. It includes any surface on which a name, text, device, signal, ornament, logotype, or advertising matter is made visible, or any frame or support structure erected specifically to bear or uphold a sign. Sign shall also include any device satisfying this definition, but currently in disuse.

Significant cultural resource (SMA): A cultural resource that is included in, or eligible for inclusion in, the National Register of Historic Places. The criteria for evaluating the eligibility of properties for the National Register of Historic Places appears in *National Register Criteria for Evaluation (36 CFR 60).*

Single-family dwelling: A detached building containing one dwelling unit and designed for occupancy by one family only.

Skyline: ~~The line which represents the place at which a landform, such as a bluff, ridge, or the top of a cliff meets the sky, as viewed from a specified vantage point (generally a Key Viewing Area). In areas with thick, unbroken tree cover, the skyline is formed by the top of the vegetative canopy. In treeless areas or areas with more open tree cover, the skyline is formed by the surface of the ground.~~ The line that represents the place at which a landform, such as a cliff, bluff or ridge, meets the sky, and is topographically visible from a specified vantage point (generally a key viewing area, for the purpose of the Management Plan). The skyline is formed where the surface of the earth meets the sky except in

existing densely forested landscapes with thick, unbroken coniferous tree cover characteristic to its setting, the skyline may be formed by the top of the vegetative canopy.

Social Settings: Identifies the opportunities for solitude as well as quantity and type of encounters visitors could experience when visiting a recreation site or area.

Soil Capability Class: The U.S. Soil Conservation Service classification system which groups soils according to their capability for agricultural use.

Special habitat area: Wetlands, mudflats, shallow water, and riparian vegetation that have a high value for waterfowl, shorebirds, raptors, songbirds, upland game, and reptiles.

Special streams: Streams that are primary water supplies for fish hatcheries and rearing ponds.

Stand: A group of trees possessing uniformity with respect to type, age, vigor, or size.

Story: A single floor level of a structure as defined by the ~~Uniform~~ International Building Code.

Streams:

(a) Areas where surface water produces a defined channel or bed, including bedrock channels, gravel beds, sand and silt beds, springs and defined-channel swales. The channel or bed does not have to contain water year-round. They do not include irrigation ditches, canals, storm or surface-water runoff structures, or other artificial watercourses unless they are used to convey streams naturally occurring prior to construction in such watercourses.

(b) Streams are categorized into two classes: perennial streams and intermittent or ephemeral streams. A perennial stream is one that flows year-round during years of normal precipitation. An intermittent stream flows only part of the year, or seasonally (ephemeral), during years of normal precipitation.

Structure: That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner. This includes, but is not limited to buildings, walls, fences, roads, parking lots, signs, patios, driveways and additions/alterations to structures, including repaving or resurfacing roads, driveways, and patios. All buildings are structures.

Submit: To deliver a document (e.g., land use application, written comment) to a reviewing agency's office by personal delivery, commercial delivery, mail, fax, or E-mail. When a document must be submitted within a specified period, it must arrive at the reviewing agency's office by the close of business on the last day of the specified period.

Subsurface testing: Any procedure that removes material from beneath the ground surface for the purpose of identifying cultural resources, such as shovel tests, posthole digger tests, and auger borings.

Suitability (Suitable): The appropriateness of land for production of agricultural or forest products, or for recreation, considering its capability for production; whether the land is committed to another land use that does not allow for agricultural use;~~,~~ surrounding uses and features associated with

development~~,~~; compatibility with scenic, cultural, natural and recreation resources~~,~~; compatibility among uses~~,~~; and other cultural factors, such as roads, power lines, dwellings and size of ownership.

Temporary Dwelling – A detached dwelling allowed to be placed on a lot or parcel for a limited amount of time in addition to the permanent, existing dwelling. A temporary dwelling shall be removed upon the expiration of the land use permit authorizing it.

Thinning (Special Management Area): A forest practice intended to create favorable conditions for the continued growth of trees within an existing stand of trees. A thinning becomes a forest opening in coniferous forests when the average canopy closure of the overstory layer is zero or less than 40 percent and the understory layer is less than 60 percent average canopy closure of trees averaging less than 5 inches diameter at breast height. A thinning becomes a forest opening in oak woodlands when the total average canopy closure is less than 25 percent.

Topographic Visibility (Topographically Visible): Refers to areas that can be seen (generally from a key viewing area, for the purpose of the Management Plan) if all vegetation were to be removed.

Total canopy closure (Special Management Area): For forest practices, the percentage measuring the degree to which all layers of the tree canopy combine together to block sunlight or obscure the sky as measured from below.

Traditional foods: Natural and cultural resources that Native Americans rely on for sustenance, based on history, culture and tradition.

Trail Characteristics: Tools to describe the types of trail conditions that recreationists should expect when visiting a recreation resource.

Travel Trailer – A non-motorized, towable recreational trailer which contains an Oregon Insignia of Compliance as a recreational vehicle. Motor homes, converted buses, van conversions, slide-in truck campers and folding camper trailers ("pop-up" campers) are not considered a travel trailer.

~~**Travelers accommodations:** Any establishment having rooms rented or kept for rent on a daily or weekly basis to travelers or transients for a charge or fee paid or to be paid for rental use or use of facilities.~~

Tribal government: The governing bodies of the Nez Perce Tribe (Nez Perce Tribal Executive Committee), the Confederated Tribes of the Umatilla Indian Reservation (Board of Trustees), the Confederated Tribes of Warm Springs (Tribal Council), and the Confederated Tribes and Bands of the Yakama Nation (Tribal Council).

Treatment (Special Management Area): For forest practices, a site-specific operation that carries out the forest management objectives for an area.

Treaty rights or other rights: Rights reserved by the Indian tribes through the Treaties of 1855. These include the right of fishing at all usual and accustomed places, as well as the privilege of pasturing livestock and hunting and gathering on open and unclaimed lands in common with the citizens of the state.

Tributary fish habitat: Streams that are used by anadromous or resident fish for spawning, rearing ~~and/~~or migration.

Unobtrusive: When a structure does not intrude or visually dominate the scene of a landscape and for which the introduced forms, lines, colors, textures, and patterns mimic the native environment.

Understory (Special Management Area): For forest practices, the shorter or immature trees below the tall or mature overstory trees.

Undertaking: Any project, activity, program or development, or change in land use that can result in changes in the character or use of a cultural resource, if any such cultural resource is located in the area of potential effects. For federal undertakings, the project, activity, or program must be under the direct or indirect jurisdiction of a federal agency, or licensed or assisted by a federal agency. Undertakings include new and continuing projects, activities, or programs and any of their elements.

Unimproved lands: Lands that do not have developments such as buildings or structures.

Upland: Any area that does not qualify as a wetland because the associated hydrologic regime is not sufficiently wet to elicit development of vegetation, soils ~~and/~~or hydrologic characteristics associated with wetlands.

Utility facility: Any structure which provides for the transmission or distribution of water, sewer, fuel, electricity, or communications.

Vested right: The right to develop or continue to develop a use, development or structure that was reviewed and approved pursuant to this Management Plan.

Viewshed: A landscape unit ~~seen~~ visible from a Key Viewing Area.

~~**Visual Quality Objective (VQO):** A set of visual management goals established by the U.S. Forest Service to achieve a desired visual objective. These objectives include retention and partial retention, and others in the Mt. Hood and Gifford Pinchot National Forest Plans.~~

Visually subordinate: ~~The relative visibility of a structure or use where that structure or use does not noticeably contrast with the surrounding landscape, as viewed from a specified vantage point (generally a Key Viewing Area). Structures which are visually subordinate may be partially visible, but are not visually dominant in relation to their surroundings. Visually subordinate forest practices in the Special Management Area shall repeat form, line, color, or texture common to the natural landscape, while changes in their qualities of size, amount, intensity, direction, pattern, etc., shall not dominate the natural landscape setting.~~ One of the two scenic standards applicable in the National Scenic Area. A description of the relative visibility of a development, structure or use where that development, structure or use does not noticeably contrast with the defining landscape setting characteristics, as viewed from a specified vantage point (generally a key viewing area, for the Management Plan), and the setting appears only slightly altered (distinctive characteristics of that setting remain dominant). As opposed to development, structures or uses that are fully screened, structures that are visually subordinate may be partially visible but would be difficult to discern to the common viewer. Visually subordinate development, structures, or uses as well as forest practices in the SMAs shall repeat form, line, color, or texture common to the natural landscape, while changes in their qualities of scale, proportion, intensity, direction, pattern, etc., shall not dominate the natural landscape setting.

Water-dependent: Uses that absolutely require, and cannot exist without, access or proximity to, or siting within, a water body to fulfill their basic purpose. Water-dependent uses include, but are not

limited to, docks, wharfs, piers, dolphins, certain fish and wildlife structures, boat launch facilities, and marinas. Dwellings, parking lots, spoil and dump sites, roads, restaurants, trails and paths, trailer parks, resorts, and motels are not water-dependent.

Water-related: Uses not directly dependent upon access to a water body, but whose presence facilitates public access to and enjoyment of a water body. In the General Management Area, water-related uses shall be limited to boardwalks, trails and paths, observation decks, and interpretative aids, such as kiosks and signs.

Wetlands: Areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to normally support a prevalence of vegetation typically adapted for life in saturated soil conditions. This does not include riparian areas, rivers, streams, and lakes. The exact location of wetlands boundaries shall be delineated.

Wetlands functions: The beneficial roles that wetlands serve, including storage, conveyance, and attenuation of floodwaters and stormwaters; groundwater recharge and discharge; protection of water quality and reduction of sediment and erosion; production of waterfowl, game and nongame birds, mammals, and other living resources; protection of habitat for endangered, threatened, and sensitive species; food chain support for a broad range of wildlife and fisheries; educational, historical, and archaeological value protection; and scenic, aesthetic, and recreational amenities.

Wildlife Habitat Conservation and Management Plan: ORS 215.800 to 215.802 and ORS 215.806 to 215.808. (Note: A proposed single-family residential dwelling in conjunction with a wildlife habitat conservation and management plan is not authorized by this section.)

Winery (or cidery): An agricultural ~~facility~~ building used for processing ~~grapes~~ fruit into wine or cider, including laboratories, processing areas, offices, and storage areas. A winery or cidery is distinct from a wine or cider sales~~/~~ and tasting room; each of these uses must be explicitly reviewed and approved.

Wine or cider sales~~/~~ and tasting room: A facility that is accessory to a winery or cidery and used for tasting and retail sales of wine or cider, including interior space (e.g., wine bar, sitting room) and exterior space (e.g., patio, veranda). A wine or cider sales~~/~~ and tasting room shall not be used for preparing or serving meals or hosting weddings, receptions or other commercial events. A wine or cider sales~~/~~and tasting room is distinct from a winery or cidery; each of these uses must be explicitly reviewed and approved.

Woody plant: A gymnosperm or angiosperm that develops persistent, hard, fibrous tissues.

Yard – An open space, on a lot with a building and bounded on one or more sides by such building, such space being unoccupied and unobstructed from 30 inches above the ground upward, except as otherwise specified in the base zone. A yard satisfying the yard requirement for one building shall not satisfy the yard requirement for another building. The purpose of yards between buildings and property lines is to provide space, light, air circulation, and safety from fire hazards.

Commented [AB4]: Adding definitions for Yard related terms as defined in Chapter 39 zoning code.

Yard (Front) – A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto on the lot.

Yard (Rear) – A yard extending across the full width of the lot between the most rear building other than an accessory building and the rear lot line. The depth of the required rear yard shall be measured horizontally from the nearest point of the rear lot line toward the nearest part of the building. Where

there is no rear lot line, the depth of the rear yard shall be the distance from a ten foot line parallel to the front lot line, measured from one side line to the other.

Yard (Side) – A yard between any building and the side lot line, extending from the front yard to the rear yard, or front lot line to rear lot line where no front yard or rear yard is required. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line to the nearest part of the building.

(Ord. 1254, Amended, 03/22/2018; Ord. 1197, Amended, 02/16/2013; Ord. 1192, Amended, 05/17/2012; Ord. 1186, Amended, 10/13/2011; Ord. 1176, Amended, 03/03/2011; Ord. 1128, Amended, 01/29/2009; Ord. 1125, Amended, 12/11/2008; Ord. 1079, Amended, 07/27/2006; Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 994, Amended, 09/26/2002; Ord. 977, Amended, 02/07/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0020 EXEMPT LAND USES AND ACTIVITIES

MCC Chapter 38 shall not apply to:

(A) Any use, activity or other right of Indian tribes provided by treaty.

(B) Lands held in trust by the Secretary of the Interior for Indian tribes or for individual members of Indian tribes, and lands acquired by the Army Corps of Engineers and administered by the Secretary of the Interior for the benefit of Indian tribes or of individual members of Indian tribes. This exemption shall extend to lands selected by the Army Corps of Engineers as *in lieu* or treaty fishing access sites pursuant to Public Law 79-14 and Public Law 100-581 before or after the effective date of the Management Plan. For those *in lieu* or treaty fishing access sites chosen after ~~February 6, 1993,~~ the effective date of the Management Plan, the exemption shall commence upon selection by the Army Corps of Engineers.

(C) Rights to surface or ground water.

(D) Water transportation activities on the Columbia River or its tributaries. The term *activities* includes those facilities necessary for navigation.

(E) The operation, maintenance and modification of existing transmission facilities of the Bonneville Power Administration.

(F) Hunting or fishing.

(G) The operation, maintenance and improvement of navigation facilities at Bonneville Dam pursuant to federal law, except for the offsite disposal of excavation material.

(H) In the General Management Area, the rights and responsibilities of non-federal timber landowners under the Oregon Forest Practices Act, or under the Management Plan or county regulations or the Gorge Commission pursuant to the National Scenic Area Act ~~which supersede that Act~~.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 994, Amended, 09/26/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

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§ 38.0025 PROHIBITED LAND USES AND ACTIVITIES

The following land uses and activities shall not be allowed within the Columbia River Gorge National Scenic Area:

(A) Solid waste disposal sites or sanitary landfills within the Special Management Area.

(B) New industrial development outside of the ~~U~~urban ~~A~~areas as designated by the Columbia River Gorge National Scenic Area Act.

(C) Marijuana Business, private or public research of cannabis, or laboratory for the testing of marijuana items.

(1) The term "Marijuana Business" and its derivations means an enterprise authorized by state law involving medical or recreational marijuana production, medical or recreational marijuana processing, recreational marijuana wholesaling, medical marijuana dispensing, or retailing of recreational marijuana.

(D) Production of electrical power, including, but not limited to wind and solar production, for commercial purposes is considered an industrial use and is prohibited.

(Ord. 1232, Amended, 03/31/2016; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0030 EXISTING USES AND DISCONTINUED USES

(A) Right to Continue Existing Uses and Structures: Any existing use or structure may continue so long as it is used in the same manner and for the same purpose, except as otherwise provided.

(B) Replacement of Existing Structures Not Damaged or Destroyed by Disaster: Except as provided in (C) below, an existing structure may be replaced if a complete land use application for a replacement structure is submitted to the reviewing agency within one year of the date the use of the original structure was discontinued. The replacement structure shall comply with the following standards:

(1) The replacement structure shall ~~be used in the same manner and for the same purpose~~ have the same use as the original structure.

(2) The replacement structure may have a different size ~~and/~~or location than the original structure. An existing ~~mobile~~ manufactured home may be replaced with a framed residence and an existing framed residence may be replaced with a ~~mobile~~ manufactured home.

(3) The replacement structure shall be subject to the scenic, cultural, recreation and natural resources provisions; the treaty rights provisions; and the land use designations provisions involving agricultural buffer zones, approval criteria for fire protection, and approval criteria for siting of dwellings on forest land.

(4) The use of the original structure shall be considered discontinued if a complete land use application for a replacement structure is not submitted within the one-year time frame.

(C) Replacement of Existing Structures Damaged or Destroyed by Disaster: An existing structure damaged or destroyed by fire, flood, landslide or other similar disaster may be replaced if a complete land use application for a replacement structure is submitted to the reviewing agency within two years of the date the original structure was damaged or destroyed. The replacement structure shall comply with the following standards:

(1) The replacement structure shall ~~be used in the same manner and for the same purpose~~ have the same use as the original structure. An existing ~~mobile~~ manufactured home may be replaced with a framed residence.

(2) The replacement structure shall be in the same location as the original structure. An exception may be granted and the replacement structure may be sited in a different location if all the following conditions exist:

(a) A registered civil engineer, registered geologist, or other qualified and licensed professional hired by the applicant demonstrates the disaster made the original building site physically unsuitable for reconstruction.

(b) The new building site is no more visible from key viewing areas than the original building site. An exception may be granted if a registered civil engineer, registered geologist, or other qualified and licensed professional hired by the applicant demonstrates the subject parcel lacks alternative building sites physically suitable for construction that are no more visible from key viewing areas than the original building site.

(c) The new building site complies with the cultural resources, natural resources, and treaty rights ~~protection~~ provisions.

(3) The replacement structure shall be the same size and height as the original structure, provided:

(a) The footprint of the replacement structure may be up to 10 percent larger than the footprint of the original structure. The footprint of a structure includes any covered decks and porches, attached garages, and breezeways that share a wall with the structure.

(b) The walls of the replacement structure shall be the same height as the walls of the original structure unless a minor increase is required to comply with standards in the current jurisdictional building code.

(4) The replacement structure shall only be subject to the following scenic resources standards:

(a) The replacement structure shall comply with the ~~scenic resources~~ provisions regarding color and reflectivity. These provisions shall be applied to achieve the applicable scenic standard (visually subordinate or not visually evident) to the maximum extent practicable.

(b) Decks, verandas, balconies and other open portions of the original structure shall not be rebuilt as enclosed (walls and roof) portions of the replacement structure.

(c) In the General Management Area, the replacement structure shall comply with the ~~scenic resources~~ GMA provisions regarding landscaping. These provisions shall be applied to

achieve the applicable scenic standard (visually subordinate) to the maximum extent practicable~~, provided:~~

~~1. Except as provided in 2. below, the percent of the replacement structure screened by vegetation as seen from key viewing areas shall not exceed the percent of the original structure that was screened by vegetation as seen from key viewing areas. Coniferous vegetation shall be replaced with coniferous vegetation and deciduous vegetation shall be replaced with deciduous vegetation unless the applicant chooses to use all coniferous vegetation.~~

~~2. In situations where the original structure was approved under Scenic Area regulations (e.g., Final Interim Guidelines, land use ordinance), the percent of the replacement structure screened by vegetation shall comply with any conditions of approval that required a landowner to preserve existing vegetation and/or plant and maintain new vegetation to screen the original structure as seen from key viewing areas.~~

~~3. To help determine how much vegetation may be required under 1. and 2. above, land use applications shall include all available documentation (photographic or otherwise) on the amount and type of vegetation that screened the original structure from key viewing areas. At a minimum, development review decisions shall include findings that address the following:~~

~~a. The percent of original structure facing each key viewing area that was screened by coniferous vegetation, for each key viewing area from which the structure was visible.~~

~~b. The percent of original structure facing each key viewing area that was screened by deciduous vegetation, for each key viewing area from which the structure was visible.~~

~~c. Elevation drawings showing the replacement structure and the amount of coniferous and deciduous vegetation that would screen the structure from key viewing areas in 10 years.~~

~~4. The height of any new trees shall not be required to exceed 5 feet.~~

~~5. The time frame for achieving visual sub-ordinance shall be 10 years or less from the commencement of construction.~~

(d) In the Special Management Area, the replacement structure shall comply with the ~~scenic resources~~ SMA provisions regarding landscaping. These provisions shall be applied to achieve the applicable scenic standard (visually subordinate or not visually evident) to the maximum extent practicable, provided:

1. ~~The Scenic Resources Implementation Handbook shall be utilized to determine approvable~~ Use of plant species appropriate for the area and minimum ~~approvable~~ sizes of new trees ~~planted~~ needed to achieve the standard (based on average growth rates expected for ~~approvable~~ the recommended species) are required. Examples of native specific species are identified in the Scenic Resources Implementation Handbook as appropriate to the area.

2. The height of any new trees shall not be required to exceed 5 feet.

3. The time frame for achieving the applicable scenic standard (visually subordinate or not visually evident) shall be 10 years.

(5) The replacement structure shall be subject to (B)(1), (B)(2), and (B)(3) above if it would not comply with (C)(2) and (C)(3) above.

(6) The original structure shall be considered discontinued if a complete land use application for a replacement structure is not submitted within the two-year time frame.

(D) Changes to Existing Uses and Structures: Except as otherwise provided, any change to an existing use or modification to the exterior of an existing structure shall be subject to review and approval pursuant to this Management Plan.

(1) Expansion of Existing Commercial and Multifamily Residential Uses: In the Special Management Area, existing commercial and multi-family residential uses may expand as necessary for successful operation on the Dedicated Site, subject to MCC 38.0045. Expansion beyond the Dedicated Site is prohibited.

(2) Conversion of Existing Industrial Uses in the General Management Area: In the General Management Area, existing industrial uses may convert to less intensive uses, subject to MCC 38.0045. A less intensive use is a commercial, recreation or residential use with fewer adverse effects upon scenic, cultural, natural and recreation resources.

~~(3) Existing Development or Production of Mineral Resources in the General Management Area: In the General Management Area, existing development or production of mineral resources may continue unless the Gorge Commission determines that the uses adversely affect the scenic, cultural, natural or recreation resources of the Scenic Area. These uses will be considered discontinued and subject to MCC 38.0000 through 38.0110, 38.1000 through 38.3295, and 38.7000 through 38.7085 if:~~

~~(a) The mined land has been reclaimed naturally or artificially to a point where it is revegetated to 50 percent of its original cover (considering both basal and canopy) or has reverted to another beneficial use, such as grazing. Mined land shall not include terrain which was merely leveled or cleared of vegetation; or~~

~~(b) The site has not maintained a required state permit; or~~

~~(c) The site has not operated legally within 5 years prior to February 6, 1993, the date of adoption of the Management Plan.~~

(3~~4~~) Uses involving the exploration, development or production of sand, gravel or crushed rock in the Special Management Areas may continue when:

(a) The sand, gravel, or crushed rock is used for construction or maintenance of roads used to manage or harvest forest products in the Special Management Areas; and

(b) A determination by the U.S. Forest Service finds that the use does not adversely affect the scenic, cultural, natural or recreation resources.

(E) Discontinuance of Existing Uses and Structures: Except as provided in (C) and (C)(6) above, any use or structure that is discontinued for one (1) year or more shall not be considered an existing use or structure. Proof of intent to abandon is not required to determine that an existing use or use of an existing structure has been discontinued.

(1) Multiple Uses: An existing use or structure with more than one legally established use may discontinue one of the uses without discontinuing the others.

(2) Change in Use: An existing use or structure shall become discontinued if the use or use of the structure changes.

(F) Discontinued Uses and Structures: Re-establishment or replacement of any use or structure that has been discontinued shall be subject to all applicable policies and guidelines in the Management Plan, including, but not limited to, guidelines for land use designations and scenic, cultural, recreation and natural resources.

(Ord. 1179, Amended, 04/21/2011; Ord. 1125, Amended, 12/11/2008; Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0035 EXPEDITED REVIEW USE APPLICATIONS - SUBMITTED REQUIREMENTS

Applications for uses eligible for expedited review shall include:

(A) The information required for review and conditional use applications listed in MCC 38.0045(A)(1) and (2) and (B).

(B) Elevation drawings if the proposed development would be visible from a key viewing area. The 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.

(Ord. 1064, Add, 06/23/2005)

§ 38.0045 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;

(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 ~~wetlands~~ water resources or ~~wetlands~~ their buffer zones shall include the exact boundary of the ~~wetland and the wetlands buffer zone~~ water resource, ordinary high water mark, or normal pool elevation, and their buffer zone; and a description of actions that would affect ~~alter or destroy~~ the ~~wetland~~ 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) ~~In the General Management Area, all~~ 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. ~~In the Special Management Areas, all applications for structural development involving more than 100 cubic yards of grading with slopes greater than 10 percent (except trails) shall include a grading plan~~.

(c) Grading plans shall include the following:

1.~~(a)~~ 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~~1~~. ~~Natural and finished grades~~ Existing and proposed final grades.

ii~~2~~. Location of all areas to be graded, with cut banks and fill slopes delineated.

iii~~3~~. Estimated dimensions of graded areas.

2.~~(b)~~ A narrative description (may be submitted on the grading plan site map and accompanying drawings) of the proposed grading activity, including:

i~~1~~. Its purpose

ii~~2~~. An estimate of the total volume of material to be moved.

iii~~3~~. The height of all cut banks and fill slopes.

iv~~4~~. 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~~5~~. 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~~6~~. 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, ~~and~~

(4) Proposed uses located near cultural resources, wetlands, streams, ponds, lakes, riparian areas, sensitive wildlife habitat, and rare and sensitive plant sites, and~~.~~

(5) Renewals of Overnight Accommodation permits pursuant to MCC 38.7337.

(Ord. 1125, Amended, 12/11/2008; Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0050 CONDITIONAL USES

The following Conditional Uses may be permitted when allowed by the district and found by the Approval Authority, pursuant to the provisions of MCC 38.0045, to satisfy MCC 38.7000 through 38.7085:

(A) Land Divisions – All ~~Type I~~ Category 1 Land Divisions processed pursuant to MCC 38.7700 through 38.8035.

Commented [AB5]: Updating the name of Land Divisions from "Type I" to "Category 1" for consistency as referenced throughout Chapter 38.

~~(B) Cluster Development in the General Management Area.~~

Commented [AB6]: The creation of Cluster Development is no longer allowed by the Management Plan and must be removed from county code. The Gorge Commission's assessment was that few applications were submitted across the NSA in the past and most of those applications were denied, withdrawn or not built. It was also determined by the Gorge Commission that limited opportunities existed for future cluster development so the use was removed from the Plan.

~~(1) A land division in the General Management Area may create parcels smaller than the designated minimum size and may include a bonus, as specified below, in order to cluster new dwellings. Approval of cluster development shall be contingent upon submission of plans specifying dwelling sites and areas of permanent, undeveloped open land. To approve a cluster development, it must be found that clustering new dwellings will provide an opportunity not available through conventional parcel-by-parcel development to site new dwellings:~~

~~(a) In areas with screening vegetation or other features which reduce visibility of development as seen from Key Viewing Areas; or~~

~~(b) To avoid significant landscape features; or~~

~~(c) To protect the existing character of the landscape setting; or~~

~~(d) To reduce interference with movement of deer or elk in winter range; or~~

~~(e) To avoid areas of known cultural resources; or~~

~~(f) To consolidate road access, septic drainfields or other development features in order to reduce impacts associated with grading or ground disturbance; or~~

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~~(g) To reduce adverse effects to riparian areas, wetlands, natural areas, rare plants, sensitive wildlife sites or other natural resources; or~~

~~(h) To increase the likelihood of agricultural or forest management on the undeveloped land left by the cluster development.~~

~~(2) Following cluster development, there may be no further division of any resulting parcel for residential purposes until the subject parcel is included within the boundary of an Urban Area. Approval of a cluster development shall include provisions for the permanent protection of open areas. No parcel in a cluster development may be smaller than 1 acre in a GGR– 5 or GGR– 10 or 2 acres in a GGA– 20 or GGF– 20.~~

~~(3) Cluster development may create up to 25 percent more parcels (rounded to the nearest whole number) than otherwise allowed by the minimum parcel size on lands designated GGR– 5 or GGR– 10 and up to 50 percent more parcels (rounded to the nearest whole number) on lands designated GGA– 20, GGF– 20, or GGF-40.~~

~~(4) At least 75 percent of land subject to a cluster development shall be permanently protected as undeveloped land.~~

~~(5) Contiguous parcels in the same ownership or in separate ownership may be consolidated and re-divided to take advantage of cluster development bonuses.~~

~~(C)~~(B) Home Occupations ~~and Cottage Industries~~ processed pursuant to MCC 38.7330.

~~Home occupations and cottage industries may be established as authorized in various districts consistent with the following:~~

~~(1) A home occupation may employ only residents of the home.~~

~~(2) A cottage industry may employ up to three outside employees.~~

~~(3) No more than 25 percent of the total actual living space of the dwelling may be utilized for the home occupation or cottage industry.~~

~~(4) No more than 500 square feet of an accessory structure may be utilized for a home occupation or cottage industry.~~

~~(5) There shall be no outside, visible evidence of the home occupation or cottage industry, including outside storage.~~

~~(6) Exterior structural alterations to the residence for the home occupation or cottage industry shall not be permitted. New structures shall not be constructed for the primary purpose of housing a home occupation or cottage industry.~~

~~(7) No retail sales may occur on the premises, except incidental sales at lodging authorized establishments.~~

~~(8) One non-animated, non-illuminated sign, not exceeding 2 square feet in area may be permitted on the subject structure or within the yard containing the home occupation or cottage industry.~~

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Commented [AB7]: Deleting duplicative home occupation standards that should have been deleted when home occupation and cottage industries section 38.7330 was updated in 2013 (Ord. 1197).

References to "cottage industries" proposed for deletion throughout Chapter 38 per Management Plan amendments which delete this duplicative phrase given uses allowed through cottage industry provisions are allowed through home occupation provisions as explained in more detail in a prior staff comment.

~~(9) Parking not associated with residential use shall be screened from Key Viewing Areas.~~

~~(10) A bed and breakfast lodging establishment which is two bedrooms or less is considered a home occupation and shall meet the standards of MCC 38.7335.~~

~~(D)~~(C) Bed and Breakfast Inns processed pursuant to MCC 38.7335.

~~Bed and breakfast inns may be established as authorized in various districts subject to the following:~~

Commented [AB8]: Duplicative standards being proposed for deletion. Bed and Breakfast provisions are provided in 38.7335.

~~(1) Guests may not occupy a facility for more than 14 consecutive days.~~

~~(2) One non-animated, non-illuminated sign not exceeding 4 square feet in area may be permitted on the structure or within the yard containing the structure.~~

~~(3) Parking areas shall be screened so as to not be visible from Key Viewing Areas.~~

~~(E) Alteration or expansion of pre-existing uses shall affect the surrounding area to a lesser negative extent than the current unlisted use, considering:~~

Commented [AB9]: Proposed deletion of "pre-existing" use provisions as these provisions are now outdated and a remnant of former county zoning code 11.15. A path for alteration or expansion of "existing" uses is now provided for in the Management Plan under the Existing Use provisions provided for in Multnomah County Code section 38.0030.

~~(1) The character and history of the use and of development in the surrounding area;~~

~~(2) The comparable degree of noise, vibration, dust, odor, fumes, glare or smoke detectable at the property line;~~

~~(3) The comparative numbers and kinds of vehicular trips to the site;~~

~~(4) The comparative amount and nature of outside storage, loading and parking;~~

~~(5) The comparative visual appearance;~~

~~(6) The comparative hours of operation;~~

~~(7) The comparative effect on existing vegetation;~~

~~(8) The comparative effect on water drainage;~~

~~(9) The degree of service or other benefit to the area; and~~

~~(10) Other factors which tend to reduce conflicts or incompatibility with the character or needs of the area.~~

(Ord. 1270, Amended, 3/14/2019; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0060 AGRICULTURAL BUFFER ZONES

All buildings, as specified, shall satisfy the following setbacks when proposed to be located on a parcel which is adjacent to lands designated GGA– 20 or GGA– 40 and are currently used for agricultural use:

Type of Agriculture	Type of Buffer

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	Open or fenced	Natural or created vegetation barrier	8 foot berm or terrain barrier
Orchards	250′	100′	75′
Row crops/vegetables	300′	100′	75'
Livestock grazing pasture, haying	100′	15′	20′
Grains	200′	75′	50′
Berries, vineyards	150′	50′	30′
Other	100′	50'	30'

(A) New buildings adjacent to lands designated GGA-20 or GGA-40 that are suitable, but currently not used for agriculture, shall use the open or fenced setback associated with the dominant type of agriculture in the vicinity. If a vegetation barrier, 8-foot berm, or terrain barrier exists, the corresponding setback shall apply. If more than one type of agriculture is dominant, the setback shall be the larger width.

(B)~~(A)~~ Earth berms may be used to satisfy, in part, the setbacks. The berm shall be a minimum of 8 feet in height, and contoured at 3:1 slopes to appear natural. Shrubs, trees and/or grasses shall be employed on the berm to control erosion and achieve a finished height of 15 feet.

(C)~~(B)~~ The planting of a continuous vegetative screen may be used to satisfy, in part, the setback standards. Trees shall be at least 6 feet high when planted and reach an ultimate height of at least 15 feet. The vegetation screen shall be planted along the appropriate parcel line(s), and be continuous.

(D)~~(C)~~ The necessary berming ~~and/~~or planting must be completed during the first phase of development and maintained in good condition.

(E)~~(D)~~ If several crops or crop rotation is involved in the adjacent operation, the greater setback shall apply.

(F)~~(E)~~ A variance to buffer setbacks may be granted upon a demonstration that the standards of MCC .0065 have been satisfied.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0065 VARIANCES FROM SETBACKS AND BUFFERS WITHIN THE GENERAL MANAGEMENT AREA

Variances from setbacks and buffers within the General Management Area, except those required by MCC 38.7080, shall be classified and processed pursuant to MCC 38.7600, subject to the following approval criteria:

(A) When setbacks or buffers for the protection of scenic, cultural, natural, recreation, agricultural or forestry resources overlap or conflict, the setbacks or buffers may be varied upon a demonstration that:

(1) A setback or buffer specified to protect one resource would cause the proposed use to fall within a setback or buffer specified in the plan to protect another resource; and

(2) Variation from the specified setbacks or buffer would, on balance, best achieve the protection of the affected resources.

(B) A setback or buffer specified for protection of scenic, cultural, natural, recreation, agricultural or forestry resources may be varied in order to allow a residence to be built on a parcel of land upon a demonstration that:

(1) The land use designation otherwise authorizes a residence on the tract;

(2) No site exists on the tract (all contiguous parcels under the same ownership) on which a residence could be placed practicably in full compliance with the setback or buffer;

(3) The variance from the specified setback or buffer is the minimum necessary to allow the residence.

(4) The variance shall not be used to permit an addition to a building (including, but not limited to, decks and stairs), when the addition would be within the setback, except where the building is wholly within the setback, in which case, the addition may only be permitted on the portion of the building that does not encroach any further into the required setback.

(C) The Approval Authority may grant a variance to the General Management Area setback and buffer requirements of MCC 38.7080, upon a finding that the following conditions exist:

(1) The proposed project is a public use, resource-based recreation facility providing or supporting either recreational access to the Columbia River and its tributaries, or recreational opportunities associated with a Scenic Travel Corridor;

(2) All reasonable measures to redesign the proposed project to comply with required setbacks and buffers have been explored, and application of those setbacks and buffers would prohibit a viable recreation use of the site as proposed;

(3) Resource impacts have been mitigated to less than adverse levels through design provisions and mitigation measures; and

(4) The variance is the minimum necessary to accommodate the use.

(D) The Approval Authority may grant a variance of up to 10 percent to the standards of General Management Area Recreation Intensity Class 4 for parking and campground units upon demonstration that:

(1) Demand and use levels for the proposed activity~~(s)~~, or activities particularly in the area where the site is proposed, are high and expected to remain so ~~and/~~or increase. Statewide Comprehensive Outdoor Recreation Plan (SCORP) data and data from ~~Scenic Area recreation demand studies~~ the National Visitor Use Monitoring Program shall be relied upon to meet this criterion in the absence of current applicable studies.

(2) The proposed use is dependent on resources present at the site.

(3) Reasonable alternative sites, including those in nearby ~~Urban Areas~~ urban areas, offering similar opportunities have been evaluated and it has been demonstrated that the proposed use cannot be adequately accommodated elsewhere.

(4) The proposed use is consistent with the goals, objectives and policies in the Management Plan.

(5) Through site design and~~/or~~ mitigation measures, the proposed use can be implemented without adversely affecting scenic, natural or cultural resources, and adjacent land uses.

(6) Through site design and~~/or~~ mitigation measures, the proposed use can be implemented without affecting or modifying treaty rights.

(Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0080 SIGNS

(A) The following signs may be permitted without review in the General Management Area, and in the Special Management Area subject to MCC 38.0080 (E):

(1) Election signs which are not displayed for more than 60 days. Removal must be accomplished within 30 days of election day.

(2) "For Sale" signs not greater than 12 square feet. Removal must be accomplished within 30 days of close of sale.

(3) Temporary construction site identification, public service company, safety or information signs not greater than 32 square feet. Exceptions may be granted for public highway signs necessary for public safety and consistent with the Manual on ~~for~~ Uniform Traffic Control Devices (2012 or most recent version). Removal must be accomplished within 30 days of project completion.

(4) Signs posted on private property warning the public against trespassing, danger from animals, the private nature of a road, driveway or premise, or signs prohibiting or otherwise controlling fishing or hunting, provided:

(a) signs are not greater than 6 square feet in the General Management Area.

(b) signs are not greater than 2 square feet in all Special Management Areas ~~zones~~.

(5) Temporary signs advertising civil, social, or political gatherings and activities not exceeding 12 square feet. Removal must be accomplished within 30 days of the close of the event.

(6) Signs posted by governmental jurisdictions giving notice to the public. Such signs shall be no larger than that required to convey the message intended.

(7) In the General Management Area, signs associated with the use of a building or buildings shall be placed flat on the outside walls of buildings, not on roofs or marquees.

(B) All other signs not listed in MCC 38.0080(A) or prohibited as listed in MCC 38.0080(C) may be permitted under an expedited review process subject to MCC 38.0080(D) in the General Management Area and (E) in the Special Management Area.

(C) Prohibited Signs

(1) Except for signs along public highways necessary for public safety, traffic control or road construction which are consistent with the Manual ~~for~~ on Uniform Traffic Control Devices (2012 or most recent version), the following signs are prohibited in the General Management Area:

(a) Luminous signs or those with intermittent or flashing lights. These include neon signs, fluorescent signs, light displays and other signs which are internally illuminated, exclusive of seasonal holiday light displays.

(b) New billboards.

(c) Signs with moving elements.

(d) Portable or wheeled signs, or signs on parked vehicles where the sign is the primary use of the vehicle.

(2) The following signs are prohibited in the Special Management Area:

(a) Advertising billboards.

(b) Signs that move or give the appearance of moving, except signs used for highway construction, warning or safety.

(c) Portable or wheeled signs, or signs on parked vehicles where the sign is the primary use of the vehicle, except for signs used for highway construction, warning or safety.

(d) Interpretative signs on Interstate 84.

(D) Signs in a General Management Area shall be permitted under an expedited review process pursuant to the following provisions:

(1) All new signs must meet the following standards unless they conflict with the Manual ~~for~~ on Uniform Traffic Control Devices (2012 or most recent version) for public safety, traffic control or highway construction signs. In such cases, the standards in the Manual ~~for~~ on Uniform Traffic Control Devices (2012 or most recent version) shall supersede these standards.

(a) The support structure shall be unobtrusive and have low visual impact.

(b) Lettering colors with sufficient contrast to provide clear message communication shall be allowed. Colors of signs shall blend with their setting to the maximum extent practicable.

(c) Backs of all signs shall be unobtrusive, non-reflective, and blend in with the setting.

(d) Spot lighting of signs may be allowed where needed for night visibility. Backlighting is not permitted for signs.

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(2) Business identification or facility entry signs located on the premises may be allowed, subject to MCC 38.0080 (D)(1).

(E) Signs in ~~an~~ a Special Management Area shall be permitted under an expedited review process pursuant to the following provisions:

(1) No sign shall be erected or placed in such a manner that it may interfere with, be confused with, or obstruct the view of any traffic sign, signal or device.

(2) ~~Pre-existing~~ Preexisting signs are allowed to continue, provided no changes occur in size, structure, color, or message.

(3) Except for signs allowed without review, all new signs shall meet the following standards, and be consistent with the Manual ~~for~~ on Uniform Traffic Control Devices (2012 or most recent version):

(a) Signs shall be maintained in a neat, clean and attractive condition.

(b) The character and composition of sign materials shall be harmonious with the landscape and~~/or~~ related to and compatible with the main structure upon which the sign is attached.

(c) Signs shall be placed flat on the outside walls of buildings, not on roofs or marquees.

(d) Signs shall be unobtrusive and have low contrast with the setting and not result in sign clutter or other negative visual effect.

(e) The visual impact of the support structure shall be minimized.

(f) Outdoor sign lighting shall be used for purposes of illumination only, and shall not be designed for, or used as, an advertising display, except for road safety signs.

(g) The backs ~~Backs~~ of all signs shall be visually unobtrusive, non-reflective, and blend in with the setting.

(h) Sign internal illumination or backlighting shall not be permitted except for highway construction, warning or safety.

(4) Public signs shall meet the following standards in addition to subsections (1) through (3) above:

(a) The Graphic Sign System provides design standards for public signs in and adjacent to public road rights-of-way. All new and replacement public signs, except those transportation, regulatory, guide and warning signs allowed outright shall conform to the guidelines in this system. Types of signs addressed include recreation site entry, interpretive, specific service signs, destination and distance signs, variable message signs, or signs that bridge or are cantilevered over the road surface.

(b) Signs located outside public road rights-of-way are encouraged to be designed in such a way as to be consistent with similar purpose signs described in the Graphic Signing System.

(c) Signs posted by governmental jurisdictions giving notice to the public shall be no larger than that required to convey the message intended.

(5) Signs located outside public road rights-of-way are encouraged to be designed in a way that is consistent with similar-purpose signs described in the Graphic Signing System.

(~~5~~6) Signs for public and commercial recreation facilities, home occupations, ~~cottage industries,~~ and commercial uses shall meet the following standards in addition to subsections (1) through (3) of this section:

(a) Any sign advertising or relating to a business which is discontinued for a period of 30 consecutive days shall be presumed to be abandoned and shall be removed within 30 days thereafter, unless permitted otherwise by the jurisdictional authority.

(b) Any signs relating to, or advertising, a business shall be brought into conformance with these sign standards prior to any expansion or change in use which is subject to review.

(c) Off-site and on-site directional signs on approach roads to recreational facilities may be permitted. Name and interpretive signs may be permitted on-site, but should be kept to the minimum required to achieve the purpose(s) of the facilities.

(d) Commercial recreation businesses approved in conjunction with a recreational facility may have a name sign not exceeding 16 square feet.

(e) Recreation developments may be permitted one on-premise name sign at each principal entrance. Such signs are encouraged to be of a low profile, monument type, and shall conform to the Graphic Sign System.

(~~6~~7) Sign clutter and other negative visual effects from excessive signs along all roads and highways, and at parking lots and recreation facilities, shall be reduced.

(F) Any sign in the General Management Area which does not conform with subsections (A) and (D) and has existed prior to adoption of the Management Plan shall be considered existing and subject to the following:

(1) Alteration of existing signs shall comply with MCC 38.0080(A) and (D).

(2) Any existing sign used by a business must be brought into conformance concurrent with any expansion or change in use which requires a development permit.

(Ord. 1270, Amended, 03/14/2019; Ord. 1125, Amended, 12/11/2008; Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0100 PLAN AMENDMENTS

Proposals to add or delete allowable uses within the various zones in the Columbia River Gorge National Scenic Area, change Plan map designations, or modify approval criteria shall require a plan amendment, pursuant to Policies 1 through 4 in *Amendment of the Management Plan* (Management Plan, Part IV, Chapter 1, Gorge Commission Role).

(S-1 2006)

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0110 ~~INDIAN~~ TRIBAL TREATY RIGHTS AND CONSULTATION

(A) Tribal Treaty Rights and Consultation in the General Management Area (GMA)

(1) Tribal Government Notice and Comment Period

(a) The Planning Director shall send a notice to the governments of the four Columbia River treaty tribes for all new review uses, requesting comments, recommendations, or concerns relating to the protection of treaty rights, including rights to access, hunt, fish, and gather.

(b) The notice to the tribal governments shall request comments, recommendations, or concerns relating to the protection of treaty rights, including rights to access, hunt, fish, and gather, and shall include a site plan and may include supplemental information and a proposed treaty rights protection plan.

Commented [AB10]: Language with more detail than the Management Plan guideline language is proposed for addition into county code as recommended for county consideration by staff with the Columbia River Gorge Commission.

(c) Proposed new review uses and development located in, providing recreation river access to, or on parcels that adjoin the Columbia River or its fishbearing tributaries shall include the following supplemental information:

1. The site plan map 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. A description of 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.

3. Proposed treaty rights protection measures that will be used to avoid effects to Indian treaty or other rights. These measures may include reducing the size and modifying the location or design of the proposed uses, seasonal closures, stringent onsite monitoring, information signs, and highly visible buoys or other markers delineating fishing net locations.

(d) At the same time that the county sends notice, the county shall offer to meet with or consult with the tribal government prior to making a decision on the proposed development. Offers to meet or consult with a tribal government shall include phone calls or electronic communication to tribal government chairs, chief administrative officers, and natural and cultural resource staff. The county shall make more than one attempt to contact a tribal government.

Commented [AB11]: Amended from "and" in the Management Plan language to "or" to align with the intent of the guideline to require counties to either make calls or send email communications to the identified tribal representatives. The intent of the Plan language is not to require counties to submit both phone calls and emails.

(e) Tribal governments shall have 30 calendar days from the date a notice is mailed to request that the county consult with the tribal government regarding potential effects or modifications to treaty or other rights of the tribe. All substantive comments, recommendations, or concerns expressed by tribal governments during the consultation meeting shall be summarized by the county, subject to the following confidentiality standards:

1. The county shall keep confidential and may not disclose to any person or party who is not the applicant, the applicant's representative or the necessary county planning staff and decision makers the tribal government's comments, recommendations, and concerns, and

notes of the consultation and other information related to protection of treaty rights, unless the tribal government expressly authorizes disclosure.

2. The confidential information shall be submitted to the Gorge Commission for review in the event of an appeal, and shall remain confidential and not subject to disclosure to any person or party other than the applicant, the applicant's representative, the appellant, the appellants representative or the necessary Gorge Commission staff and Gorge Commission members unless the tribal government expressly authorizes disclosure.

(f) Any time periods specified in a county ordinance to review an application shall stop when a tribal government requests consultation and shall not start again until the county meets with all tribal governments that requested consultation and the county receives all additional information and actions from the project applicant necessary to avoid effects to treaty rights to the satisfaction of the tribal governments that requested consultation.

(g) A tribal government's choice to consult with the county shall, in no way, be interpreted as a waiver of the tribe's sovereign immunity or waiver of any claim that the proposed use affects or modifies a treaty right or other tribal rights.

(h) All substantive comments, recommendations, or concerns expressed by tribal governments during the consultation meeting shall be resolved by the county or project applicant through revisions to the project application, conditions of approval, and, if necessary in a treaty rights protection plan. The protection plan shall include measures to avoid effects or modifications to treaty and other rights of any Indian tribe.

(2) Conclusion of the Treaty Rights Protection Process

(a) The final decision shall integrate findings of fact that address the county's effort to meet with or consult with the tribal governments and any revisions and treaty rights protection plan resolving the tribal governments' comments, recommendations, or concerns.

(b) The treaty rights protection process may conclude if Multnomah County determines that the proposed uses would not affect or modify treaty or other rights of any Indian tribe. Uses that would affect or modify such rights shall be prohibited.

(c) A finding by Multnomah County that the proposed uses would not affect or modify treaty or other rights, or a failure of an Indian tribe to comment or consult on the proposed uses as provided in these guidelines, in no way shall be interpreted as a waiver by the Indian tribe of a claim that such uses affect or modify treaty or other tribal 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.

~~(A) If a substantive written comment regarding tribal rights is received during the comment period provided in MCC 38.0530 (B) or (C) from an~~ Indian ~~tribal government, the applicant shall offer to meet with the affected tribal government within 10 calendar days. The 10 day consultation period may be extended upon agreement between the project applicant and the tribal government. If a substantive written comment is received on an expedited review preliminary decision, then the application will be reviewed using the full Type II process and is no longer eligible for expedited review.~~

~~(1) Consultation meetings should provide an opportunity for the project applicant and tribal representatives to identify potential conflicts and explore options to eliminate them. The project applicant must demonstrate that the proposed use would not affect or modify treaty or other rights of any Indian tribe.~~

~~(2) Any substantive comments, recommendations, or concerns expressed by~~ Indian ~~tribal governments during the consultation meeting shall be recorded and addressed by the project applicant in a Treaty Rights Protection Plan. The protection plan shall include measures to avoid effects to treaty and other rights of any Indian tribe. These measures may include reducing the size and modifying the location or design of the proposed uses, seasonal closures, stringent onsite monitoring, information signs, and highly visible buoys or other markers delineating fishing net locations.~~

~~(3) The Planning Director shall submit all protection plans to the~~ Indian ~~tribal governments.~~

~~(a)~~ Indian ~~t~~T~~ribal governments shall have 30 calendar days from the date a protection plan is mailed to submit written comments to the Planning Director.~~

~~(b) If substantiated comment is received during the 30 day comment period from an~~ Indian ~~tribal government indicating that the protection plan is inadequate and the proposed use would affect or modify any treaty or other rights of the tribe, the Planning Director shall place the matter on the next available Hearings Officer agenda.~~

~~1. The Hearings Officer shall determine whether the proposed uses would affect or modify any treaty or other rights of any Indian tribe.~~

~~2. The decision of the Hearings Officer shall integrate findings of fact that address any substantive comments, recommendations, or concerns expressed by~~ Indian ~~tribal governments.~~

~~3. If the decision of the Hearings Officer contradicts the comments, recommendations, or concerns of~~ Indian ~~tribal governments, the Hearings Officer must justify how an opposing conclusion was reached.~~

~~4. Uses that would affect or modify tribal treaty rights shall be prohibited.~~

~~(B) The Planning Director shall deem the Treaty Rights Protection Plan process complete if no substantiated comment is received during the 30 day comment period and the Treaty Rights Protection Plan and/or site plan indicate that the proposed uses would not affect or modify treaty or other rights of any Indian tribe.~~

~~(1) Notice of the decision of the Planning Director shall be mailed to those parties entitled to notice by MCC 38.0530 (B) or (C) within 25 days of the expiration of the 30 day comment period.~~

~~(2) The decision of the Planning Director regarding treaty or other rights of any Indian tribe shall be final 14 days from the date notice is mailed, unless appealed as provided in MCC 38.0530 (B) or (C).~~

~~(3) A finding by the Planning Director that the proposed uses would not affect or modify treaty or other rights, or a failure of an Indian tribe to comment or consult on the proposed uses as provided in this subsection, in no way shall be interpreted as a waiver by the Indian tribe of a claim that such uses adversely affect or modify treaty or other tribal rights.~~

(Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 994, Amended, 09/26/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

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PART 2 - PLANNING AUTHORITY

GENERAL PROVISIONS

§ 38.0200- DEFINITIONS.

As used in this chapter, unless the context requires otherwise:

Board means Board of County Commissioners of Multnomah County, Oregon.

Commission means the Planning Commission established under this chapter.

Comprehensive plan or *plan* shall have the meaning set forth in subsection (4) of ORS 197.015; shall be directed to the elements listed in the statewide use planning goals opted pursuant to ORS 197.240; shall include framework, development and operational plans based on an inventory and cultural data; shall be prepared under the supervision of the Director of the Land Use Planning Division and may include maps, a text, or both.

Gorge Commission means Columbia River Bi-State Gorge Commission.

(Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0205 POLICY AND PURPOSE.

(A) The Board of County Commissioners of Multnomah County, Oregon, recognized that planning for county and community development is vital to:

(1) Protect the citizenry from fire, flood, pollution and other health or safety hazards;

(2) Prevent overcrowding and inefficient use of land;

(3) Safeguard natural resources;

(4) Provide communities and neighborhoods with a variety of living choices, adequate housing, amenities, stores, schools, parks and other public and private facilities;

(5) Provide a transportation system meeting the needs of all citizens;

(6) Provide for the location of industry and the creation of new and varied employment opportunities; and

(7) Provide a framework and process in which decisions by individuals and governmental agencies can be coordinated and made in the best interests of the general public.

(B) Therefore, in accordance with ORS chapter 197 and 215 and the County Charter, the Board has determined that all decisions made by Multnomah County with respect to County development shall be predicated upon a comprehensive plan adopted and revised in the manner described in this chapter.

(1) The Rural Area Plan is an element of the Multnomah County Comprehensive Framework Plan, and together with the Management Plan, provides the policy basis for Multnomah County Code Chapter 38.

(2) Multnomah County shall amend Chapter 38, Columbia River Gorge National Scenic Area, of the Multnomah County Code as needed to be consistent with the Management Plan.

(3) Multnomah County shall adopt provisions that vary from the Management Plan when it deems that the provisions are more protective of the resources in the National Scenic Area.

(C) Multnomah County recognizes the Gorge Commission's responsibility for revising the Management Plan and its authority to serve as the appeals board for Multnomah County National Scenic Area land use decisions.

(D) Multnomah County recognizes the authority of the U.S. Forest Service to manage National Forest System lands in the National Scenic Area according to the Management Plan and the Land and Resource Management Plan for the Mt. Hood National Forest.

(E) Multnomah County recognizes the authority of the U.S. Forest Service to determine consistency with the Management Plan for all projects on federal lands in the National Scenic Area.

(F) Multnomah County shall notify the four ~~Indian~~ tribal governments when new uses are proposed on lands where tribal members exercise treaty or other rights.

(G) Multnomah County recognizes that the Oregon State Legislative Assembly and the Department of Land Conservation and Development consider the Management Plan to achieve, on balance, the objectives of the Statewide Planning Goals.

(H) Multnomah County shall review development in the National Scenic Area portion of the City of Troutdale for consistency with the Management Plan by applying the standards, criteria, and procedures in Multnomah County Code Chapter 38, until such time that the City of Troutdale adopts an ordinance to implement the Management Plan or the City and County enter into an agreement that establishes how the Management Plan is to be implemented in this portion of the City.

(Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0207 AUTHORITY

Multnomah County must regulate land uses for compliance with the Columbia River Gorge National Scenic Area Act. The National Scenic Area Act gives certain federal, ~~Indian tribe~~ Columbia River tribes, state, and local agencies authority in the National Scenic Area, and considering provisions of the Act, ORS chapter 196, 197 and 215, the County Charter, the Board understands those authorities to be as follows:

(A) Gorge Commission:

(1) The Gorge Commission has authority to develop and adopt land use and resource protection policy through the Management Plan.

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(2) The Gorge Commission has authority to serve as the appeals board for National Scenic Area land use decisions issued by Multnomah County.

(3) The Gorge Commission has authority to disapprove a land use ordinance enacted by Multnomah County if the ordinance is inconsistent with the Management Plan.

(4) The Gorge Commission has authority to enact a land use ordinance that sets standards for the use of non-federal land if the County fails to enact land use ordinances consistent with the Management Plan.

(B) U.S. Forest Service:

(1) The U.S. Forest Service has authority to review and issue a determination of consistency with the Management Plan for projects on federal lands. The U.S. Forest Service has authority to review land use and development actions of federal agencies for consistency with the Management Plan. The U.S. Forest Service shall provide copies of applications for projects on federal land to Multnomah County for comment.

(2) Federal resource specialists shall provide resource review for projects on federal lands.

(3) The U.S. Forest Service has authority to consult with ~~Indian~~ tribal governments at the government-to-government level to determine the effect of all new development or uses in the Special Management Area on treaty rights. The U.S. Forest Service notifies the County of the determination as part of the review process.

(4) The U.S. Forest Service has authority to continue to acquire Special Management Area and Dodson/Warrendale Special Purchase Unit land through purchase, donation, or land exchange.

(5) The U.S. Forest Service provides fish and wildlife resource information to counties and the Gorge Commission.

(6) The U.S. Forest Service provides historic resource information to counties and the Gorge Commission.

(C) ~~Indian Tribes~~ Tribal Governments:

(1) The ~~Indian~~ tribal governments exercise inherent sovereign powers, as limited by treaty or act of Congress.

(2) ~~Indian t~~Tribal governments shall have an opportunity to review and comment on new uses that are proposed on lands, or in waters, where tribal members exercise treaty or other rights.

(3) Proposed uses that would adversely affect treaty or other rights of any ~~Indian tribe~~ tribal government shall be prohibited.

(D) Multnomah County:

(1) Multnomah County has the authority to implement the Management Plan for National Scenic Area lands within its jurisdiction.

(2) Multnomah County has authority from the Act to adopt ordinances with provisions that vary from the policies and guidelines in the Management Plan as long as the ordinances provide greater protection for the scenic, cultural, natural, and recreation resources of the National Scenic Area (with concurrence by the Gorge Commission and by the Secretary of Agriculture in the Special Management Area).

(3) Multnomah County shall review and decide upon applications for all permits relating to the use of non-federal land within the Multnomah County portion of the National Scenic Area. These permits include all form of land divisions, land use, and legislative enactments and amendments to the Multnomah County Comprehensive Plan and Multnomah County Code.

(4) Multnomah County shall review all development proposals on non-federal land in the National Scenic Area for consistency with the Management Plan for the Columbia River Gorge National Scenic Area by applying the standards, criteria, and procedures in Multnomah County Code Chapter 38.

(5) The County may adopt provisions in its land use ordinance that are not required by a policy or guideline in the Management Plan for the Columbia River Gorge National Scenic Area when it deems they are necessary to protect general health, safety, and welfare or to implement state or federal laws not regulated by the Columbia River Gorge National Scenic Area Act. Such provisions shall not conflict with the Act.

(6) The County has the authority to deny any permit or otherwise refuse to take any action that is inconsistent with the purposes and standards of the Management Plan.

(7) Multnomah County has authority to review applications for developments or uses on non-federal land with the National Scenic Area. Multnomah County shall provide a copy of the application to The U.S. Forest Service for comment.

(8) The City of Troutdale has not enacted an ordinance to implement the Management Plan, and until the City of Troutdale enacts such regulations, Multnomah County is directed by the Act to enforce its implementing ordinance in those portions of the city within the National Scenic Area.

(Ord. 1064, Add, 06/23/2005)

§ 38.0210 SEVERABILITY.

If any subsection, subdivision, phrase, clause, sentence or word in this chapter shall for any reason be held invalid or unconstitutional by a court of competent jurisdiction, that holding shall not invalidate the remainder of this chapter, but shall be confined to the subsection, subdivision, clause, sentence or word held invalid or unconstitutional.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

PLANNING COMMISSION

(Ord. 1192, Add, 05/17/2012)

§ 38.0300- PLANNING COMMISSION ESTABLISHED.

The Planning Commission is designated as the land use planning advisory body to the Board and shall have the powers and duties described in this chapter and such other powers and duties as may be imposed on it by state, federal or local law, rule or regulation.

(Ord. 1192, Add, 05/17/2012)

§ 38.0305 MEMBERSHIP OF COMMISSION.

(A) The Commission shall consist of nine members, who shall be appointed pursuant to law and the charter of Multnomah County to fill designated positions numbered 1 through 9.

(B) Members of the Commission shall be residents of the various geographic areas of the county and shall serve without compensation, except for reimbursement for duly authorized expenses.

(C) A member who ceases to be a resident of Multnomah County shall then cease to be a member of the Commission.

(D) No more than two members of the Commission shall be engaged principally, whatever be the form of doing business, in the buying, selling or developing of real estate for profit. No more than two members shall be engaged in the same kind of business, trade or profession.

(Ord. 1192, Add, 05/17/2012)

§ 38.0310 TERMS OF OFFICE OF COMMISSION MEMBERS.

(A) Terms of office of Commission members shall be a maximum of four years, and the term of no more than three Commission members shall expire in any year. The term of a Commissioner may continue until a successor is appointed. The term of a newly appointed Commissioner shall be designated such that a staggered term expiration scheme is maintained.

(B) No Commission member shall serve more than two consecutive terms excluding completion of an unexpired term of less than two years, unless otherwise provided by unanimous concurrence of the Board.

(C) Appointments to uncompleted terms shall be limited to the remainder of the expiring Commissioner's term.

(Ord. 1192, Add, 05/17/2012)

§ 38.0315 VACANCIES AND REMOVAL OF COMMISSION MEMBERS.

(A) Upon resignation, permanent disqualification or removal of any member of the Commission, the Chair of the Board shall, pursuant to the County Charter, appoint a successor to fill the remainder of the term.

(B) After a hearing, the Board or the Planning Commission may remove any member for cause, which may include misconduct or nonperformance of duty. Nonperformance may include lack of attendance, as defined by three consecutive absences from Commission meetings, or five absences total during a calendar year.

(Ord. 1192, Add, 05/17/2012)

§ 38.0320 OFFICERS AND STAFF.

(A) The Commission shall, at or before its first meeting in April each year, elect and install from among its members a chair and vice-chair. The Commission may elect and install from among its members a second vice-chair. If there is a vacancy in any officer position, the Commission shall fill such vacancy by appointing an officer at the first regular meeting following the vacancy.

(B) The Planning Director shall serve as staff for the Commission and its committees and shall provide such administrative and technical assistance as may be required.

(Ord. 1192, Add, 05/17/2012)

§ 38.0325 COMMITTEES.

The presiding officer of the Commission shall appoint advisory and other subcommittees as considered appropriate or as directed by the Commission or the Board.

(Ord. 1192, Add, 05/17/2012)

§ 38.0330 ADMINISTRATION.

(A) The conduct of meetings of the Commission shall be according to rules of order adopted by the Commission and filed with the Planning Director. The rules shall be effective 15 days after filing.

(B) The Planning Director shall maintain an accurate and permanent record of all proceedings before the Commission, including a verbatim recording of such proceedings. Failure to maintain an accurate and permanent record does not invalidate any action taken by the Commission except as otherwise provided at law.

(C) Five members of the Commission shall constitute a quorum for the conduct of business. Notwithstanding a lack of quorum, the Commission may act to continue a hearing or matter to a time and date certain for consideration by a quorum.

D) The affirmative vote of at least five members of the Commission is required for approval of motions relating to a matter classified in MCC 38.0530 as a Type IV or PC matter or a matter concerning a proposal to name or rename a street. Except as otherwise provided, the affirmative vote of the majority of those members of the Commission present is required for all other action by the Commission. A member of the Commission that abstains or is disqualified from participating or voting in a matter before the commission is not “present” for purposes of determining the number of votes required to take action on a matter.

(Ord. 1192, Add, 05/17/2012)

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§ 38.0333 MEETINGS.

(A) The Commission shall schedule meetings on a regular monthly basis. The Planning Commission may schedule special meetings at the request of the Planning Director. Any meeting may be cancelled for lack of quorum or agenda item. All meetings are open to the public, except executive sessions, and notice shall be given as required by law or rule. Failure to provide an open meeting or notice as required by law or rule does not invalidate any action taken by the Commission except as otherwise provided at law.

(B) The Commission may continue any proceeding. A proceeding continued to a date certain requires no additional notice unless additional notice is required by law or rule or is ordered by the Commission.

(C) The Commission may meet in executive session in accordance with state law. At the beginning of each executive session, the statutory authority for the meeting must be stated. The Commission will require that representatives of the news media and all other attendees are specifically directed not to disclose specified information that is the subject of the executive session.

(Ord. 1192, Add, 05/17/2012)

§ 38.0335 COORDINATION.

(A) The Commission shall advise and cooperate with other planning commissions, hearings officers, agencies or bodies within the state, and shall, upon request or on its own initiative, make available advice or reports to the state or federal government or any regional association of governments, city, county, public officer or department on any problem comprehended within its powers and duties.

(B) All County officials, departments and agencies having information, maps and data considered by the Commission to be pertinent to its powers and duties shall make that information available for the use of the Commission upon request.

(Ord. 1192, Add, 05/17/2012)

§ 38.0340 POWERS AND DUTIES OF COMMISSION.

The Commission shall:

(A) Recommend to the Board the adoption, revision or repeal of a comprehensive plan or portions thereof;

(B) Report and recommend to the Board the adoption, revision, amendment or repeal of zoning, subdivision, and other regulatory ordinances and regulations, intended to carry out part or all of a plan adopted by the board,

(C) Where appropriate, initiate actions under MCC Chapter 38 Part 3 – Administration and Procedures as amended;

(D) On request, provide written advisory opinions to the Board and Hearings Officer on the application of the Comprehensive Plan, zoning ordinance or other matter or regulation within the jurisdiction of the Commission to any proposed action before the Board or the Hearings Officer;

(E) Recommend to the Board the institution of injunction, mandamus, abatement or other appropriate proceedings to prevent, temporarily or permanently enjoin, abate or remove any existing or proposed unlawful location, construction, maintenance, repair, alteration or use of any building or structure or the existing or proposed unlawful subdivision or other unlawful partitioning or use of any land;

(F) Enter upon any land and make examinations and surveys and place and maintain the necessary monuments and markers on the land, as required to perform its functions;

(G) Consult with advisory committees, as appropriate, in regard to any matter within the powers and duties of the Commission; and

(H) Exercise such other powers and perform such other duties as may be given to the Commission by federal or state law or by this chapter or other ordinance.

(Ord. 1192, Add, 05/17/2012)

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PART 3 - ADMINISTRATION AND PROCEDURES

§ 38.0510- PURPOSE AND SCOPE.

This chapter provides the procedures by which Multnomah County reviews and decides upon applications for all permits relating to the use of land in Multnomah County within the Columbia River Gorge National Scenic Area and those other permits processed through the Multnomah County Land Use Planning Division. These permits include all form of land divisions, land use, and legislative enactment's and amendments to the Multnomah County Comprehensive Plan and Multnomah County Code. An applicant may elect to consolidate applications for two or more related permits needed for a single development project.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0530 SUMMARY OF DECISION MAKING PROCESSES.

The following decision making processes chart shall control the County's review of the indicated permits:

APPROVAL PROCESS					
Permit Type	**I**	**II**	**II Expedited**	**III**	**PC**
Initial Approval Body:	(Not a "land use decision")	(Planning Director)	(Planning Director)	(Hearings Officer)	(Legislative)
Allowed Uses[1]	**X**				
Expedited Uses			**X**		
Review Uses		**X**			
Conditional Uses				**X**	
Zone Code Text Changes (Initiated by County only)					**X**
Variance		**X**		**X**	
Extension of Decision	**X**				
Property Line Adjustments		**X**			
Planned Unit Developments				**X**	

APPROVAL PROCESS					
Permit Type	**I**	**II**	**II Expedited**	**III**	**PC**
Initial Approval Body:	(Not a "land use decision")	(Planning Director)	(Planning Director)	(Hearings Officer)	(Legislative)
[Land Divisions] (see Land Division Permit Types below)					
Subdivision				**X**	
Major Partition		**X**			
Minor Partition		**X**			
Lot Consolidation	**X**				
Replat		**X**			
Revocation of Decisions				**X**	
Zoning Code Interpretations		**X**			
Temporary Health Hardship Permit Extension	**X**				
Geologic Hazards Permit		**X**			
Floodplain Development	**X**				
~~Grading and Erosion Control~~ Erosion and Sediment Control	**X**				
Minimal Impact Project	X				
Property Addressing	**X**				
Street Naming & Renaming				**X**	

Commented [AB12]: Updating reference to existing Erosion and Sediment (ESC) ground disturbing activity permit which formerly was referred to as a Grading and Erosion Control (GEC) permit.

Commented [AB13]: Adding reference to the existing Minimal Impact Project (MIP) ground disturbing activity permit which currently applies within the NSA.

APPROVAL PROCESS					
Permit Type	**I**	**II**	**II Expedited**	**III**	**PC**
Initial Approval Body:	(Not a "land use decision")	(Planning Director)	(Planning Director)	(Hearings Officer)	(Legislative)
Final Plat Approval	**X**				
1 Although an Allowed Use by itself does not require a Type I permit, zoning approval of a building permit application for such a use is a Type 1 review.					

Permit Types

(A) Type I decisions do not require interpretation or the exercise of policy or legal judgment in evaluating approval standards. Type I decisions include, but are not limited to, site plan approval of building or other specialty permits and final subdivision and planned unit development plans where there are no material deviations from the approved preliminary plans. Because no discretion is involved, Type I decisions do not qualify as land use or limited land use decisions. The process requires no notice to any party other than the applicant. The Planning Director's decision is final and not appealable by any party through the normal land use process. Type I decisions may only be appealed through a writ of review proceeding to circuit court.

(B) Type II decisions involve the exercise of some interpretation and discretion in evaluating approval criteria. Applications evaluated through this process are typically assumed to be allowable in the underlying zone. County Review typically focuses on what form the use will take, where it will be located in relation to other uses, and ~~it's~~ its relationship to scenic, natural, cultural and recreational resources of the area. However, an application shall not be approved unless it is consistent with the applicable siting standards and in compliance with approval requirements.

(1) For development eligible for Expedited Review, upon receipt of a complete application, the Planning Director issues a preliminary decision and sends the application including the decision and an invitation to comment to the Gorge Commission; U.S. Forest Service; the ~~Indian tribal~~ governments of the four Columbia River treaty tribes; and property owners within 750 feet of the subject tract. The Planning Director accepts comments for 14 days. If no comments are received, the Planning Director's decision shall become final at the close of business on the 14th day after the date on the preliminary decision. Comments received by a tribal government at any time during the expedited review process shall be considered, to ensure that the proposed development or use does not affect or modify the treaty or other rights of that tribe. If substantive written comments are received, the Planning Director shall either modify the decision to address the comments and re-issue it for a 14-day appeal period or re-direct the application to full review in MCC 38.0530 (B) (2) if comments establish that the proposed development is not eligible for expedited review for reasons listed under MCC 38.7100. The Planning Director's decision is appealable to the County Hearings Officer. If an appeal is received, the Hearings Officer decision is the County's final decision and is appealable to the Columbia River Gorge Commission within 30 days after the decision is final. The decision is final the day the decision is signed by the Hearings Officer.

(2) For all permit types except development eligible for expedited review, upon receipt of a complete application, notice of application and an invitation to comment are mailed to the Gorge Commission; the U.S. Forest Service; the ~~Indian~~ tribal governments; the State Historic Preservation Office; the Cultural Advisory Committee; and property owners within 750 feet of the subject tract. The Planning Director accepts comments for ~~14~~ 21 days after the notice of application is mailed, except for comments regarding Cultural Resources, which will be accepted for ~~20~~ 30 days after the notice is mailed. The Planning Director's decision is appealable to the Hearings Officer. If no appeal is filed the Planning Director's decision shall become final at the close of business on the 14th day after the date on the decision. If an appeal is received, the Hearings Officer decision is the County's final decision and is appealable to the Columbia River Gorge Commission within 30 days after the decision is final. The decision is final the day the decision is signed by the Hearings Officer.

(C) Type III decisions involve the greatest amount of discretion and evaluation of subjective approval criteria, yet are not required to be heard by the Board. Applications evaluated through this process primarily involve conditional uses and some land divisions applications. Notice of the application and Hearings Officer hearing is published and mailed to the applicant, recognized neighborhood association and property owners 750 feet of the subject tract. The Planning Director shall notify the four ~~Indian~~ tribal governments, SHPO, the Gorge Commission, and the U.S. Forest Service of all applications for Conditional Uses. Notice must be issued at least 20 days pre-hearing, and the staff report must be available at least 7 days pre-hearing. The Hearings Officer shall accept into the record all testimony and evidence relevant to the matter, prior to the close of the hearing. The Hearings Officer decision is the County's final decision and is appealable to the Columbia River Gorge Commission within 30 days after the decision is final. The decision is final the day the decision is signed by the Hearings Officer.

(D) PC reviews are limited to legislative actions which involve the adoption or amendment of textual language to the County's National Scenic Area (NSA) land use regulations. Within the NSA the Columbia River Gorge Commission has the authority to adopt amendments to the Management Plan and Land Use Designations Maps that are directly applicable to County actions. For this reason, PC reviews only involve limited discretion and evaluation of new or revised subjective approval criteria and revised maps, and must be referred by the Planning Commission onto the Board for final action prior to adoption by the County. Upon adoption by the Board of County Commissioners, the ordinance shall be promptly submitted to the Columbia River Gorge Commission for their review and approval.

(Ord. 1270, Amended, 03/14/2019; Ord. 1192, Amended, 05/17/2012; Ord. 1186, Amended, 10/13/2011; Ord. 1103, Amended, 11/29/2007; Ord. 1097, Amended, 07/26/2007; Ord. 1064, Amended, 06/23/2005; Ord. 1007, Amended, 02/06/2003; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 994, Amended, 09/26/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0540 ASSIGNMENT OF DECISION MAKERS.

The following County entity or official shall decide the following types of applications:

(A) Type I Decisions. The Planning Director shall render all Type I decisions. The Planning Director's decision is the County's final decision on a Type I application.

(B) Type II Decisions. The Planning Director shall render the initial decision on all Type II permit applications. The Planning Director's decision is the County's final decision unless appealed to the Hearings Officer. The Hearing Officer decision on such an appeal is the County's final decision on a Type II application and is appealable to the Columbia River Gorge Commission.

(C) Type III Decisions. The Hearings Officer shall render all Type III decisions. The Hearings Officer decision is the County's final decision on a Type III application and is appealable to the Columbia River Gorge Commission.

(D) PC Actions. The Planning Commission shall review all PC actions. If the Planning Commission adopts a resolution to recommend an action, the Planning Commission refers the resolution to the Board for final action. The ordinance becomes effective after approval by the Columbia River Gorge Commission and, if necessary, concurrence by the Secretary of Agriculture.

(Ord. 1192, Amended, 05/17/2012; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 994, Amended, 09/26/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0550 INITIATION OF ACTION.

Except as provided in MCC 38.0702, Type I - III applications may only be initiated by written consent of the owner of record or contract purchaser. PC (legislative) actions may only be initiated by the Board of Commissioners, Planning Commission, or Planning Director.

(Ord. 1176, Amended, 03/03/2011; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 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 for any property that is not in full compliance with all applicable provisions of the Multnomah County Land Use 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.

(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.

(Ord. 1187, Amended, 11/17/2011; Ord. 1031, Amended, 05/06/2004; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0570 PRE-APPLICATION CONFERENCE MEETING.

(A) A pre-application conference is optional for uses eligible for Type II expedited review. For all other Type II or Type III applications, the applicant shall schedule and attend a pre-application conference with County staff to discuss the proposal. The pre-application conference shall follow the procedure set forth by the Planning Director and may include a filing fee, notice to neighbors, neighborhood organizations, and other organizations and agencies.

(B) To schedule a pre-application conference, the applicant shall contact the Land Use Planning Division and pay the appropriate conference fee. The purpose of the pre-application conference is for the applicant to provide a summary of the applicant's development proposal to staff and in return, for staff to provide feedback to an applicant on likely impacts, limitations, requirements, approval standards, fees and other information that may affect the proposal. The Planning Director

may provide the applicant with a written summary of the pre-application conference within 10 days after the pre-application conference.

(C) Notwithstanding any representations by County staff at a pre-application conference, staff is not authorized to waive any requirements of the County Code. Any omission or failure by staff to recite to an applicant all relevant applicable land use requirements shall not constitute a waiver by the county of any standard or requirement.

(D) A pre-application conference shall be valid for a period of 6 months from the date it is held. If no application is filed within 6 months of the conference or meeting, the applicant must schedule and attend another conference before the County will accept a permit application. The Planning Director may waive the pre-application requirements if, in the Director's opinion, the development does not warrant these steps.

(Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0580 APPLICATION REQUIREMENTS FOR TYPE I – III APPLICATIONS.

All permit applications must be submitted at the Land Use Planning Division office on the most current form provided by the county, along with the appropriate fee and all necessary supporting documentation and information, sufficient to demonstrate compliance with all applicable approval criteria. The applicant has the burden of demonstrating, with evidence, that all applicable approval criteria are, or can be met. An application shall not be approved unless it meets the applicable approval criteria.

(Ord. 1262, Amended, 08/30/2018; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0590 COMPLETENESS REVIEW – TYPE I APPLICATIONS.

(A) Upon submission of a Type I application, the Planning Director shall date stamp the application form and verify that the appropriate application fee has been submitted. The Planning Director will then review the application and evaluate whether the application is complete. Within 30 days of receipt of the application, the Planning Director shall complete the initial review and issue to the applicant a completeness letter indicating whether the application is complete. If not complete, the Planning Director shall advise the applicant what information must be submitted to make the application complete.

(B) Upon receipt of a letter indicating the application is incomplete, the applicant has 180 days from the original application submittal date within which to submit the missing information or the application shall be void and all materials returned to the applicant. If the applicant submits the requested information within the 180-day period, the Planning Director shall again verify whether the application, as augmented, is complete. Each such review and verification shall follow the procedure in subsection (A) of this section. If the Planning Director determines the application is complete, the County may begin processing it.

(C) The approval criteria and standards which control the County's review and decision on a complete application are those which were in effect on the date the application was first submitted.

(Ord. 1262, Added, 08/30/2018)

§ 38.0600 COMPLETENESS REVIEW.

(A) Type II or Type III applications shall be reviewed according to the standards in effect on the date an applicant submits a complete land use application to the County. Incomplete applications shall not be reviewed. A complete application is one that the County determines meets the requirements of this Chapter for:

(1) a complete application form,

(2) a complete site plan showing the proposed site (site plans with alternative sites or building envelopes are not sufficient), and

(3) all applicable information specified in this Chapter.

(B) Upon submission of a Type II or Type III application, the Planning Director shall date stamp the application form and verify that the appropriate application fee has been submitted. Within 30 days of receipt of the application, for all Type II and III permits except development eligible for expedited review, the Planning Director should review the application, evaluate whether the application is sufficiently complete to mail out for comment, and issue to the applicant a completeness letter. For permits processed with expedited review, County staff should review the application and evaluate whether the application is sufficiently complete at the time the application is submitted. If not sufficiently complete, the Planning Director shall advise the applicant what information must be submitted to make the application sufficiently complete.

(C) For all Type II and III permits except development eligible for expedited review, upon receipt of a letter indicating the application is not sufficiently complete, the applicant has 180 days from the original application submittal date within which to submit the missing information or the application shall be rejected and all materials returned to the applicant. If the applicant submits the requested information within the 180 day period, the Planning Director shall again verify whether the application, as augmented, is complete. For permits processed with expedited review, County staff should review the application and evaluate whether the application is sufficiently complete at the time the application is submitted. Each such review and verification shall follow the procedure in subsection (B) of this section.

(D) For all Type II and III permits except those reviewed with the expedited process, an applicant shall file within 30 days of the mailing of the initial completeness letter, a statement accepting the 180 day time period to complete the application. Failure of an applicant to accept the 180 day time period to complete the application within 30 days of the mailing of the completeness letter will constitute a refusal to complete the application. Where an applicant refuses to complete an application the County will take no action, reject the application and return all materials to the applicant.

(E) The approval criteria and standards which control the County's review and decision on a complete application are those which were in effect on the date the application was first submitted.

(Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 994, Amended, 09/26/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0605 REPEALED BY ORD. 1262.

§ 38.0610 HEARINGS PROCESS - TYPE II APPEALS, TYPE III APPLICATIONS.

All public hearings on Type II or Type III applications shall be quasi-judicial and comply with the procedures of this section.

(A) Once the Planning Director determines that an application for a Type III decision is complete, or once an appeal of a Planning Director's decision on a Type II application has been properly filed, the Land Use Planning Division shall schedule a hearing.

(B) Notice of the hearing shall be issued in accordance with MCC 38.0620.

(C) The property subject to a Type III application shall be posted in accordance with MCC 38.0630.

(D) The Planning Director shall prepare a staff report on the application which lists the applicable approval criteria, describes the application and the applicant's proposal, summarizes all relevant County department, agency and public comments, describes all other pertinent facts as they relate to the application and the approval criteria, and makes a recommendation as to whether each of the approval criteria are met.

(E) At the beginning of the initial public hearing authorized under these procedures, a statement shall be announced to those in attendance, that:

(1) Lists the applicable substantive criteria;

(2) The hearing will proceed in the following general order: staff report, applicant's presentation, testimony in favor of the application, testimony in opposition to the application, rebuttal, record closes, deliberation and decision;

(3) That all testimony and evidence submitted, orally or in writing, must be directed toward the applicable approval criteria. If any person believes that other criteria apply in addition to those addressed in the staff report, those criteria must be listed and discussed on the record. The decision maker may reasonably limit oral presentations in length or content depending upon time constraints. Any party may submit written materials of any length while the public record is open;

(4) Any party wishing a continuance or to keep open the record must make that request while the record is still open;

(5) That the decision maker shall disclose any ex parte contacts, conflicts of interest or bias before the beginning of each hearing item and provide an opportunity for challenge. Advised parties must raise challenges to the procedures of the hearing at the hearing and raise any issue relative to ex parte contacts, conflicts of interest or bias, prior to the start of the hearing.

(F) Requests for continuances and to keep open the record. The decision maker(s) may continue the hearing from time to time to allow the submission of additional information or for deliberation without additional information. New notice of a continued hearing need not be given so long as the decision maker(s) establishes a time certain and location for the continued hearing. Similarly, the decision maker may close the hearing but keep open the record for the submission of additional

written material or other documents and exhibits. The decision maker(s) may limit the factual and legal issues that may be addressed in any continued hearing or open-record period.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0620 HEARINGS NOTICE - TYPE II APPEALS OR TYPE III APPLICATIONS.

Notice for all public hearings for Type III application or an appeal of a Type II application shall conform to the requirements of this section. At least 20 days prior to the hearing, the County shall prepare and send, by first class mail, notice of the hearing to all owners of record, based upon the most recent Multnomah County records, of property within 750 feet of the subject tract and to the Gorge Commission, the U.S. Forest Service, and the governments of the ~~Indian~~ four Columbia River treaty tribes ~~tribal governments~~. Notice shall also be sent to the State Historic Preservation Office, and the Cultural Advisory Committee, unless the appeal is of a decision subject to expedited review. The County shall further provide notice to those persons who have identified themselves in writing as aggrieved or potentially aggrieved or impacted by the decision prior to the required mailing of such notice. The County shall also publish notice in a newspaper of general circulation within the County. For all Type II and III hearings except development reviewed with the expedited process, the County shall mail and publish notice of hearing at least 20 days prior to hearing. For development reviewed with the expedited process, the County shall mail and publish notice of the hearing at least 14 days prior to the hearing. Notice of the hearing shall include the following information:

(A) The time, date and location of the public hearing;

(B) Street address or other easily understood location of the subject property and County assigned case file number;

(C) A description of the applicant's proposal, along with a list of citations of the approval criteria that the County will use to evaluate the proposal;

(D) A statement that any interested party may testify at the hearing or submit written comments on the proposal at or prior to the hearing, and that a staff report will be prepared and made available to the public at least 7 days prior to the hearing;

(E) A statement that any issue which is intended to provide a basis for an appeal to the Columbia River Gorge Commission must be raised before the close of the public record. Issues must be raised and accompanied by statements or evidence sufficient to afford the County and all parties to respond to the issue;

(F) A statement that the application and all supporting materials and evidence submitted in regard to the application may be inspected at no charge, and that copies may be obtained at cost, at the Multnomah County Land Use Planning Division during normal business hours; and

(G) The name and telephone number of the planning staff person responsible for the application and who is otherwise available to answer questions about the application.

(H) Notice published in a newspaper shall include the information in (A), (B) and (G) above, along with a brief description of the applicant’s proposal, and a statement that all interested parties may testify at the hearing or submit written comments on the proposal at, or prior to the hearing.

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(Ord. 1098, Amended, 08/16/2007; Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 994, Amended, 09/26/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0630 POSTING NOTICE REQUIREMENTS - TYPE III HEARINGS.

The requirements of this subsection shall apply to Type III hearings.

(A) The County shall supply all of the notices which the applicant is required to post on the subject property, and shall specify the dates the notices are to be posted.

(B) The applicant must place the notice along the frontage of the subject property. If a property's frontage exceeds 300 feet, the applicant shall post one copy of the notice for each 300 feet or fraction thereof, not to exceed four signs. Notices shall be posted within 10 feet of the right of way and shall be clearly visible to pedestrians and motorists. To the extent practicable, all signs shall be equally spaced. Notices shall not be posted within the public right of way nor on trees. The applicant shall remove all signs within 10 days following the event announced in the notice.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0640 APPEALS.

Appeals of any decisions of the County must comply with the requirements of this section.

(A) Type I decisions by the Planning Director are not appealable to any other decision maker within the County.

(B) A Notice of Appeal of a Type II decision by the Planning Director must be received in writing by the Land Use Planning Division within 14 calendar days from the date notice of the challenged decision is provided to those entitled to notice. If the County's notice of decision is mailed, any appeal must be received by and at the Land Use Planning Division within 14 calendar days from the date of mailing. Late or improperly filed appeals shall be deemed a jurisdictional defect and will result in the automatic rejection of any appeal so filed.

(C) The following must be included as part of the Notice of Appeal:

(1) The County's case file number and date the decision to be appealed was rendered.

(2) The name, mailing address and daytime telephone number for each appellant.

(3) A statement of how each appellant has an interest in the matter and standing to appeal.

(4) A statement of the specific grounds for the appeal.

(5) The appropriate appeal fee. Failure to include the appeal fee within appeal period is deemed to be a jurisdictional defect and will result in the automatic rejection of any appeal so filed.

(D) Standing to Appeal. Those who are entitled to appeal a Type II decision include those who are entitled to notice under MCC 38.0620.

(E) The Land Use Planning Division shall issue notice of the appeal hearing to all parties entitled to notice had the initial decision been subject to a hearing under MCC 38.0620. Notice of the appeal hearing shall contain the following information:

(1) The case file number and date of the decision being appealed;

(2) The time, date and location of the public hearing;

(3) The name of the applicant, owner and appellant (if different);

(4) The street address or other easily understood location of the subject property;

(5) A description of the permit requested and the applicant's development proposal;

(6) A brief summary of the decision being appealed and the grounds for appeal listed in the Notice of Appeal;

(7) A general explanation of the requirements for participation and the County's hearing procedures.

(F) Appeal hearing, scope of review. Appeal hearings shall comply with the procedural requirements of MCC 38.0610. Appeal hearings shall be de novo, as if new, and all issues relevant to the applicable approval criteria may be considered.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 994, Amended, 09/26/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0650 REAPPLICATION LIMITED.

If an application is denied, or withdrawn following the close of the public hearing or the end of the appeal period, no reapplication for the same or substantially similar proposal may be made for one year following the date of final decision denying the permit or the date of withdrawal.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 994, Amended, 09/26/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0660 CONDITIONS OF APPROVAL AND NOTICE OF DECISION.

(A) All County decision makers have the authority to impose reasonable conditions of approval designed to ensure that all applicable approval standards are, or can be, met.

(B) The applicant retains the burden of demonstrating that applications comply with the approval criteria or can and will comply with the approval criteria through the imposition of conditions of approval. Further, the applicant must file evidence demonstrating that an approval criteria can be met with the imposition of conditions as well as demonstrate a commitment to comply with conditions of approval.

(C) Failure to comply with any condition of approval shall be grounds for revocation of the permit(s) and grounds for instituting code enforcement proceedings pursuant to the county code.

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(D) Notice of decision for Type II and Type III decisions except expedited review decisions. The County shall send, by first class mail, a notice of all decisions rendered under a Type II or Type III process. For Type II or Type III decisions, to those who submitted written comment, requested the decision in writing or provided oral testimony at a hearing on the matter, and to the Gorge Commission. The notice of decision shall include the following information:

(1) The file number and effective date of decision;

(2) The name of the applicant, owner and appellant (if different);

(3) The street address or other easily understood location of the subject property;

(4) A brief summary of the decision, and if an approval, a description of the permitted use approved;

(5) A statement that the decision is final at the close of the appeal period unless appealed, and description of the requirements for perfecting an appeal;

(6) A statement that a person receiving notice cannot appeal a Type II decision directly to the Columbia River Gorge Commission unless all local appeals are exhausted;

(7) The contact person, address and a telephone number whereby a copy of the final decision may be inspected or copies obtained.

(E) For all decisions on development eligible for Expedited review, the preliminary decision becomes final at the close of business on the 14th day after the date on the preliminary decision if no comments are received. The notice of decision shall include the following information:

(1) The file number and effective date of decision;

(2) The name of the applicant, owner and appellant (if different);

(3) The street address or other easily understood location of the subject property;

(4) A brief summary of the decision, and if an approval, a description of the permitted use approved;

(5) A statement that a person receiving comment has 14 days to make comment which must be directed to the applicable approval criteria. Failure to provide comments during this period will preclude a right to appeal.

(6) A statement that the decision is final at the close of the comment period unless comments are received;

(F) If comments are received on a preliminary decision on development eligible for Expedited review, the Planning Director may modify the preliminary decision and issue a notice. The notice of decision shall include, in addition to §38.0660 (E) (1)–(6), response to comments and a description of how the decision has been modified based on the comments.

(1) The file number and effective date of decision;

(2) The name of the applicant, owner and appellant (if different);

(3) The street address or other easily understood location of the subject property;

(4) A brief summary of the decision, and if an approval, a description of the permitted use approved;

(5) A statement that the decision is final at the close of the appeal period unless appealed, and description of the requirements for perfecting an appeal;

(6) A statement that a person receiving notice cannot appeal a Type II decision directly to the Columbia River Gorge Commission unless all local appeals are exhausted.

(G) Modification of Conditions. Any request to modify a condition of permit approval shall be processed in the same manner, and shall be subject to the same standards, as was the original application provided the standards and criteria used to approve the decision are consistent with the current code. However, the decision maker may at its sole discretion, consider a modification request and limit its review of the approval criteria to those issues or aspects of the application that are proposed to be changed from what was originally approved.

(Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0670 RECORDING OF DECISION.

Commented [AB14]: Amendments proposed for consistency to align Chapter 38 with Ch.39 recording requirements.

The County may impose as a condition of final approval of a Type II, ~~or~~ Type III, or Type IV decision, the requirement that the applicant record with the County the Notice of Decision. The Notice of Decision shall run with the land and shall be placed in the county deed records prior to the issuance of any permits or development activity pursuant to the approval. Proof of recording shall be made prior to the issuance of any permits and filed with the Land Use Planning Division. Recording shall be at the applicant's expense. ~~Any recording required under this section shall be properly signed and executed within 30 days after the decision becomes final; provided, however, that the Planning Director may grant reasonable extensions, not to exceed an additional 30 days, in cases of practical difficulty. Failure to sign and record the Notice of Decision within the prescribed period shall void the decision~~.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0680 PERFORMANCE GUARANTEES.

When conditions of permit approval require the applicant to construct certain improvements, the County may allow the applicant to submit a financial guarantee in order to postpone construction, or to guarantee construction to certain standards. Financial guarantees shall be governed by this section.

(A) Form of guarantee. Guarantees shall be in a form approved by the County Attorney, including an irrevocable stand-by letter of credit issued by a recognized lending institution to the benefit of the County, a certified check, dedicated bank account or allocation of a construction loan held in reserve by the lending institution for the benefit of the County. The guarantee shall be filed with the Land Use Planning Division.

(B) Amount of guarantee. The amount of the performance guarantee shall be equal to at least 110% of that estimated cost of constructing the improvement in question. The amount of the performance guarantee may be larger than 110% if deemed necessary by the Planning Director. The cost estimate substantiating the amount of the guarantee must be provided by the applicant supported by either an engineer's or architect's estimate or written estimates by three contractors with their names and addresses. The estimates shall separately itemize all materials, labor, and other costs.

(C) Duration of the guarantee. The guarantee shall remain in effect until the improvement is actually constructed and accepted by- the County. Once the County has inspected and accepted the improvement, the County shall release the guarantee to the applicant. If the improvement is not completed to the County's satisfaction within the time limits specified in the permit approval or the guarantee, the Director may draw upon the guarantee and use the proceeds to construct or complete construction of the improvement and for any related administrative and legal costs incurred by the County. Once constructed and approved by the County, any remaining funds shall be refunded to the applicant.

(D) If the applicant elects to defer construction of improvements by using a financial guarantee, the applicant shall agree to construct those improvements upon written notification by the County, or at some other mutually agreed-to time. If the applicant fails to commence construction of the required improvements within 6 months of being instructed to do so, the County may, without further notice, undertake the construction of the improvements and draw upon the applicant's performance guarantee to pay those costs as provided in paragraph (C) above.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0685 EXPIRATION AND EXTENSION OF A TYPE I DECISION.

(A) Type I permits issued pursuant to this Chapter shall expire six years after the date the permit was issued, unless the use or development was established according to all specifications and conditions of approval in the permit. The decision maker may specify an expiration period in the permit that is shorter than 6 years in order to align with the expiration period for another permit associated with the same use or development or for any other reason determined by the decision maker. Expiration of a Type I permit means that a new application is required for uses that are not established within the approval period.

(B) Extension of a Type I permit is permitted only when the use or development to be established under the Type I permit is contingent a Type II, III, or IV permit associated with the same use or development. However, a Type I permit shall not be granted an extension beyond the expiration period of the Type II, III, or IV permit associated with the same use or development. An extension request for a Type I permit is not a land use decision, and is not subject to appeal as a land use decision. The extension request may be approved provided:

(1) An applicant makes a written request for an extension of the approval period.

(2) The request is submitted to the county prior to the expiration of the approval period.

(3) The requested extension aligns with and does not extend beyond the expiration period of a Type II, III, or IV permit associated with the same use or development.

(C) Expiration under (A) above is automatic. Failure to give notice of expiration shall not affect the expiration of a Type I permit.

(D) If a permit decision is appealed, the expiration period shall not begin until all appeals have been completed, including any remand proceedings.

(E) The laws of the State of Oregon concerning vested rights shall not apply in the Columbia River Gorge National Scenic Area. A person has a vested right for as long as the permit does not expire.

(Ord. 1262, Added, 08/30/2018)

§ 38.0690 EXPIRATION OF A TYPE II OR TYPE III DECISION.

(A) Any Type II or Type III land use approval issued pursuant to this Chapter for a use or development that does not include a structure shall expire two 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. For land divisions, "established' means the final deed or plat has been recorded with the county recorder or auditor.

(B) Any Type II or Type III land use approval issued pursuant to this Chapter for a use or development that includes a structure shall expire as follows:

(1) When construction has not commenced within two years of the date the final decision, or

(2) When the structure has not been completed within two years of the date of commencement of construction.

(3) As used in (B)(1), commencement of construction shall mean actual construction of the foundation or frame of the approved structure. For utilities and developments without a frame or foundation, commencement of construction shall mean actual construction of support structures for an approved above ground utility or development or actual excavation of trenches for an approved underground utility or development. For roads, commencement of construction shall mean actual grading of the roadway.

(4) As used in (B)(2), completion of the structure shall mean:

(a) completion of the exterior surface(s) of the structure and

(b) compliance with all conditions of approval in the land use approval.

(C) Expiration under (A) or (B) above is automatic. Failure to give notice of expiration shall not affect the expiration of a Type II or III approval.

(D) Consistent with subsection (A) of this section, the decision maker may set forth in a written decision, specific instances or time periods when a permit expires.

(E) New application required. Expiration of an approval shall require a new application for any use on the subject property that is not otherwise allowed outright.

(F) Deferral of the expiration period due to appeals. If a permit decision is appealed beyond the jurisdiction of the County, the expiration period shall not begin until all subsequent appeals are resolved. The expiration period provided for in this section will begin to run on the date of final disposition of the case (the date when an appeal may no longer be filed).

(G) The laws of the State of Oregon concerning vested rights shall not apply in the Columbia River Gorge National Scenic Area. A person has a vested right for as long as the land use approval does not expire.

(Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0691 EXPIRATION OF PRIOR LAND USE DECISIONS.

All land use decisions authorized prior to March 19, 2001 (Ord. No. 953 & Ord. 997) shall expire on March 19, 2003, unless a different timeframe was specifically included in the decision.

(Ord. 1176, Renum38.0750, 03/03/2011; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 994, Amended, 09/26/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0692 EXPIRATION OF PRIOR TYPE I PERMITS.

All Type I permits issued prior to September 29, 2018 (Ord. 1262) shall expire on September 29, 2024, unless a different timeframe was specifically included in the permit or the use or development has been established according to all specifications and conditions of approval in the permit by September 29, 2024. Expiration of a Type I permit means that a new application is required for uses that are not established within the approval period.

(Ord. 1262, Added, 08/30/2018)

§ 38.0700 EXTENSION OF TYPE II OR TYPE III DECISIONS.

(A) Any request for an extension shall be reviewed and decided upon by the Planning Director as a Type I decision.

(B) A request for extension of the time frames in §38.0700 (D)(1), (D)(2), and (E) shall be submitted in writing before the applicable expiration date.

(C) Approval or denial of a request for extension shall state the reason why events beyond the control of the applicant warrant an extension.

(D) The Planning Director may grant one 12-month extension to any approved decision if it determines that events beyond the control of the applicant prevented:

(1) The commencement of the use or development within two years of the decision for a land use approval that does not include a structure; or

(2) commencement of construction within two years of the decision for a land use approval issued for a use or development that includes a structure.

(E) The Planning Director may also grant one 12-month extension if it determines that events beyond the control of the applicant prevented the completion of the structure within two years of the date of the commencement of construction for a land use approval that includes a structure, when the structure has been commenced.

(Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0702 REVOCATION OF DECISIONS.

In the event an applicant, or the applicant's successor in interest, fails to fully comply with all conditions of approval or otherwise does not comply fully with the County's approval, the County may institute a revocation or modification proceeding under this section.

(A) All Type I, Type II or Type III decisions may be revoked or modified if the Planning Director determines a substantial likelihood that any of the following situations exists:

(1) One or more conditions of the approval have not been implemented or have been violated; or

(2) The activities of the use, or the use itself, are substantially different from what was approved or represented by the applicant.

(B) Revocation or modification shall be processed as a Type III decision. The Land Use Planning Division or any private complaining party shall have the burden of proving, based on substantial evidence in the whole record, that the applicant or the applicant's successor has in some way violated the County's approval.

(C) Possible actions at the revocation hearing. Depending on the situation, the Hearings Officer may take any of the actions described below. The Hearings Officer may not approve the new use or a use that is more intense than originally approved unless the possibility of this change has been stated in the public notice. Uses or development which are alleged to have not fulfilled conditions, violate conditions or the use is not consistent with the County's approval may be subject to the following actions:

(1) The Hearings Officer may find that the use or development is complying with the conditions of the approval or is as approved by the county. In this case, the use or development shall be allowed to continue;

(2) The Hearings Officer may modify the approval if the Officer finds that the use or development does not fully comply with the conditions of approval, that the violations are not substantial enough to warrant revocation, and that the use can comply with the original approval criteria if certain conditions are met. In this case, the Hearings Officer may modify the existing conditions, add new conditions to ensure compliance with the approval criteria, or refer the case to the code compliance officer for enforcement of the existing conditions;

(3) The Hearings Officer may revoke the approval if the Officer finds there are substantial violations of conditions or failure to implement land use decisions as represented by the

applicant in the decision approved, such that the original approval criteria for the use or development are not being met.

(D) Effect of revocation. In the event that the permit approval is revoked, the use or development becomes illegal. The use or development shall be terminated within thirty days of the date the revocation final order is approved by the Hearings Officer, unless the decision provides otherwise. In the event the decision maker's decision on a revocation request is appealed, the requirement to terminate the use shall be stayed pending a final, unappealed decision.

(Ord. 1262, Amended, 08/30/2018; Ord. 1176, Renum38.0760, 03/03/2011; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0710 (PC) LEGISLATIVE HEARING PROCESS.

(A) Purpose. Legislative actions involve the adoption or amendment of County land use or development regulations. Legislative actions which affect land use must begin with a public hearing before the Planning Commission.

(B) Planning Commission Review:

(1) Hearing Required. The Planning Commission shall hold at least one public hearing before adopting a recommendation on a proposal for legislative action. Any interested person may provide written or oral testimony on the proposal at or prior to the hearing.

(2) Planning Director's Report. The Planning Director shall prepare and make available a staff report on the proposal for legislative action at least 7 days prior to the hearing described in paragraph (B)(1) of this section.

(3) Planning Commission Recommendation. At the conclusion of the hearing on a proposal for legislative action, the Planning Commission shall adopt a recommendation to the Board of Commissioners on the proposal. The Planning Commission may recommend adoption of the proposal as presented to or modified by the Planning Commission or rejection of the proposal. If the Planning Commission recommends adoption of some form of the proposal, the Planning Commission shall prepare and forward to the Board of Commissioners a report and recommendation to that effect.

If the Planning Commission recommends rejection of the proposal, the matter is terminated and may not be appealed unless otherwise provided by law. If the Board of Commissioners has initiated the proposal, the Planning Commission shall prepare and forward to the Board of Commissioners a report and recommendation of rejection.

(C) Board of Commissioners Review:

Board of Commissioners Action. Upon a recommendation from the Planning Commission on a proposal for legislative action, the Board of Commissioners shall hold at least one public hearing on a proposed action to amend the County's land use regulations, comprehensive plan, official zoning maps or some component of any of these documents. Any interested person may provide written or oral testimony on the proposal at or prior to the hearing. At the conclusion of the hearing, the Board of Commissioners may adopt, modify or reject the proposal, or it may remand the matter to the Planning Commission for further consideration. If the Board of Commissioners adopts at least some

form of the proposal, the proposal shall be enacted as an ordinance and shall be promptly submitted to the Columbia River Gorge Commission for review and approval and/or concurrence per Sections 7 and 8 of the National Scenic Area Act. The legislative proposal will become effective after approval by the Gorge Commission and, if necessary, concurrence by the Secretary of Agriculture. Any person adversely affected by such a legislative proposal may appeal the action per Section 15 of the National Scenic Area Act.

(Ord. 1192, Amended, 05/17/2012; Ord. 1179, Amended, 04/21/2011; Ord. 998, Amended, 11/07/2002; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 994, Amended, 09/26/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0720 NOTICE OF LEGISLATIVE HEARINGS.

(A) Notice of the date, time, place and subject of a legislative hearing before the Planning Commission shall be published in a newspaper of general circulation within the County at least 20 days prior to the hearing and as required by law. The Planning Director shall also notify the Gorge Commission, the US Forest Service, the ~~Indian~~ tribal governments, the State Historic Preservation Office, and the Cultural Advisory Committee.

(B) Notice of the date, time, place and subject of a legislative hearing before the Board of Commissioners shall be published in a newspaper of general circulation within the County at least 10 days prior to the hearing and as required by law.

(C) Individual notice of a legislative hearing before the Planning Commission that amends the Comprehensive Plan, adopts a new Comprehensive Plan, or rezones property shall be mailed at least 20 days but not more than 40 days prior to the hearing to the owners of all affected properties. Such notice shall adhere to the format provided in ORS 212.503.

(D) For the purpose of this section, property is rezoned when the County:

(1) Changes the base zoning classification of the property; or

(2) Adopts or amends an ordinance in a manner that limits or prohibits land uses previously allowed in the affected zone.

(E) The provisions of subsection (2) above do not apply to legislative acts by the County resulting from action by the Legislative Assembly or the Land Conservation and Development Commission for which notice is provided under ORS 197.047.

(Ord. 1140, Amended, 06/18/2009; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0730 CONTINUANCE OF PC HEARINGS.

The decision maker(s) may continue the hearing from time to time to allow the submission of additional information or for deliberation without additional information. New notice of a continued hearing need not be given so long as the decision maker establishes a time certain and location for the continued hearing. Similarly, the decision maker may close the hearing but keep open the record for the submission of additional written material or other documents and exhibits. The decision maker(s) may limit the factual and legal issues that may be addressed in any continued hearing or open-record period.

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(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0740 INTERPRETATIONS.

(A) The Planning Director shall have the authority to decide all questions of interpretation or applicability to specific properties within Multnomah County of any provision of the Management Plan for the Columbia River Gorge National Scenic Area (Management Plan), rural area plan, or other land use code. Any interpretation of a provision of the Management Plan, rural area plan or other land use code shall consider applicable provisions of the Management Plan, rural area plan, and the purpose and intent of the ordinance adopting the particular code section in question. The Planning Director shall strive to apply the land use code in a uniform manner and interpret the code and the Management Plan in a way that is consistent with how the language is applied throughout the National Scenic Area, except when the County has adopted more restrictive provisions. A request for an interpretation shall be processed as a Type II application.

(B) The Planning Director may refuse to accept an application for an interpretation if:

(1) The Planning Director determines that the question presented can be decided in conjunction with approving or denying a pending land use action application or if in the Planning Director's judgment the requested determination should be made as part of a decision on an application for a quasi-judicial land use or zone change permit not yet filed; or

(2) The Planning Director determines that there is an enforcement case pending in which the same issue necessarily will be decided.

(C) The Planning Director determination to not accept an application under this section is not a land use decision and shall be the county's final decision.

(Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0765 APPLYING NEW LESS-STRINGENT REGULATIONS TO DEVELOPMENT APPROVED UNDER PRIOR MCC CHAPTER 38 REGULATIONS

A landowner may submit a land use application to alter conditions of approval for an existing use or structure approved under prior National Scenic Area regulations, subject to the following standards:

(A) The applicant shall apply for the same development that was reviewed in the original decision.

(B) The development shall remain in its current location.

(C) The County shall review the land use application under the same process (Type II or Type III) as the original decision and send notice of the application to agencies and other parties entitled to receive notice under the current MCC Chapter 38 regulations.

(D) The County shall review the entire development to ensure that it would fully comply with all the current MCC Chapter 38 standards.

(E) The County shall issue a new decision that supersedes the original decision.

(F) The new decision may remove or revise original conditions of approval or add new conditions of approval to ensure full compliance with the current MCC Chapter 38 regulations.

(Ord. 1064, Add, 06/23/2005)

§ 38.0770 TRANSFER OF APPROVAL RIGHTS.

Unless otherwise stated in the County's decision, any approval granted under this code runs with the land and is transferred with ownership of the land. Any conditions, time limits or other restrictions imposed with a permit approval shall bind all subsequent owners of the property for which the permit was granted.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0780 EX PARTE CONTACT, CONFLICT OF INTEREST AND BIAS.

The following rules and procedures govern a decision maker's participation in a quasi-judicial or legislative proceeding or action affecting land use:

(A) Ex Parte Contacts. Any factual information obtained by a decision maker from anyone other than staff outside the context of a quasi-judicial hearing shall be deemed an ex parte contact. Prior to the close of the record in any particular matter, any decision maker that has obtained any material factual information through an ex parte contact shall declare the content of that contact and allow any interested party to rebut the substance of that contact. This paragraph does not apply to legislative proceedings or contacts between county staff and the decision maker.

(B) Conflict of Interest.

(1) Planning Commission. A member of the Planning Commission shall not participate in any Commission proceeding or action in which any of the following has a direct or substantial financial interest: the member or the spouse, brother, sister, child, parent, father-in-law, mother-in-law of the member; any business in which the member is then serving or has served within the previous two years; or any business with which the member is negotiating for or has an arrangement or understanding concerning prospective partnership or employment. Any actual or potential interest shall be disclosed at the meeting of the Planning Commission where the action is being taken.

(2) Board of Commissioners. With respect to a potential or actual conflict of interest, a member of the Board of Commissioners shall participate in Board proceedings and actions in accordance with the Rules for Board Meetings.

(C) Bias. All decisions in quasi-judicial matters shall be fair, impartial and based on the applicable approval standards and the evidence in the record. Any decision maker who is unable to render a decision on this basis in any particular matter shall refrain from participating in the deliberation or decision on that matter. This paragraph does not apply to legislative proceedings.

(Ord. 1179, Add, 04/21/2011)

§ 38.0790 PROCEDURAL OBJECTIONS.

Any party who objects to the procedure followed in a quasi-judicial or legislative proceeding or action affecting land use must make a procedural objection prior to the County's rendering a final decision. Procedural objections may be raised at any time prior to a final decision, after which they are deemed waived. In making a procedural objection, the objecting party must identify the procedural requirement that was not properly followed and identify how the alleged procedural error harmed that person's substantial rights. No decision or action of the Planning Commission or Board of Commissioners shall be voided solely by reason of the failure of a member thereof to disclose an actual or potential conflict of interest.

(Ord. 1179, Amended, 04/21/2011; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0800 APPLICABILITY IN THE EVENT OF CONFLICTS.

As applied to lands within the Columbia River Gorge National Scenic Area, the provisions of MCC 38.0510 through 38.0800 supersede all conflicting provisions in the Multnomah County Code.

(Ord. 1270, Amended, 03/14/2019; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0850 FEES.

Fees shall be imposed for land use services provided pursuant to MCC Chapter 38. The amount of the fees will be set by resolution.

(Ord. 1025, Add, 01/15/2004)

VIOLATIONS AND ENFORCEMENT

§ 38.0910 - VIOLATIONS AND ENFORCEMENT

Commented [AB15]: Amendments clarify that a violation, as defined in 39.1505, includes failure to take action required by Chapter 38, a permit issued under Chapter 38, the Management plan or the Scenic Area Act.

Multnomah County Code Chapter 39, Part 1 provides the enforcement procedures and fines for violation of any provision of this chapter, state law~~;~~ ,the Management Plan for the Columbia River Gorge National Scenic Area, the Columbia River Gorge National Scenic Area Act, LCDC goals and rules applicable to the County under ORS 197.646 or the terms and conditions of any permit issued under any County code. A "violation," as defined in MCC 39.1505, includes any act or failure to act that is prohibited or not allowed, including any failure to take any required action, under any provision of Chapter 38, a permit issued under Chapter 38, the Management Plan for the Columbia River Gorge National Scenic Area, the Columbia River Gorge National Scenic Area Act. Under MCC 39.1510, any use of land, land division, adjustment to property boundaries, work within a County right-of-way, or other activity by a person in violation of any provision of Chapter 38, a permit issued under Chapter 38, the Management Plan for the Columbia River Gorge National Scenic Area, the Columbia River Gorge National Scenic Area Act may be subject to enforcement and fines as provided in Chapter 39.

(Ord. 1264, Amended, 10/25/2018; Ord. 1032, Amended, 05/06/2004; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.0920 SAVINGS CLAUSE

If the article, section, subsection, subdivision, phrase, clause, sentence or work in the ordinance shall for any reason be held invalid or unconstitutional by a court of competent jurisdiction, it shall not nullify the remainder of this ordinance, but shall be confined to the article, section, subsection, subdivision, phrase, clause, sentence or work held invalid or unconstitutional.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

STREET NAMING AND PROPERTY NUMBERING

§ 38.0980- STREET NAMING AND PROPERTY NUMBERING PROCEDURES

The Street Naming and Property Numbering Procedures set forth in MCC 39.9905 through 39.9985 shall apply in the Columbia River Gorge National Scenic Area.

(Ord. 1264, Amended, 10/25/2015; Ord. 1103, Add, 11/29/2007)

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PART 4 - ZONING DISTRICTS

(Ord. 1064, Add, 06/23/2005)

§ 38.1000- GENERAL MANAGEMENT AREA AND SPECIAL MANAGEMENT AREA

The Columbia River Gorge National Scenic Area Act ("Act") divides the Columbia River Gorge National Scenic Area into two categories of land: General Management Area (GMA) and Special Management Area (SMA). The Act authorizes the Columbia River Gorge Commission to plan for the GMA and U.S. Department of Agriculture, Forest Service to plan for the SMA. GMA lands are shown on Multnomah County zoning maps with the prefix "GG" and SMA lands are shown as "GS". These prefixes are followed by a letter and/or numerals identifying the specific type of zoning (e.g. GGA-20 for GMA Agriculture, GSO for SMA Open Space, etc.)

(Ord. 1064, Add, 06/23/2005)

§ 38.1005 ALLOWED USES

(A) The following uses may be allowed without review in all zone districts except General Management Area Open Space (GGO, GGO-GW, and GGO-SP) and Special Management Area Open Space (GSO) zone districts.

(1) In the General Management Area, agricultural uses except new cultivation. Any operation that would cultivate land that has not been cultivated, or has lain idle, for more than 5 years shall be considered new cultivation. For this guideline, cultivation and vegetation removal may be allowed in conjunction with a home garden.

(2) In the Special Management Areas, agricultural uses within previously disturbed and regularly worked fields or areas.

(3) Forest practices in the General Management Area that do not violate conditions of approval for other approved uses and developments.

(4) Accessory structures 60 square feet or less in area and 10 feet or less in height, unless within the buffer zone of a wetland, stream, pond, lake or riparian area. This category does not include signs, fences, outdoor lights, retaining walls, flagpoles, roads, transportation facilities, or utility facilities. Only one free standing renewable energy structure is allowed per parcel pursuant to this provision provided that the panels and hardware are non-reflective and black.

(5) Wire-strand or woven-wire fences used for gardens, yards, livestock, and similar uses less than or equal to 500 feet in length and less than or equal to 10 feet in height that are accessory to an existing dwelling, provided woven-wire fences (posts and wire) are brown or black if visible from key viewing areas. Height is measured from the ground to the top wire.

(6) Wire-strand fences less than or equal to 48 inches in height that are outside deer and elk winter range as delineated in the Gorge Commission and/U.S. Forest Service natural resource inventories data or determined by an appropriate federal or state agency. Height is measured from the ground to the top wire. This category does not include fences associated with transportation facilities or utility facilities.

(7) Flagpoles that are accessory to the principal building on a parcel, provided the height of the flagpole is less than or equal to the height of the highest ridge line or parapet of the principal building.

(8) In the General Management Area, wind machines for frost control in conjunction with agricultural use.

(B) The following uses may be allowed without review in all zone districts:

(1) Repair, maintenance and operation of existing structures, including, but not limited to, dwellings, agricultural structures, trails, roads, railroads, and utility facilities. This does not include trail, road, and railroad expansions.

(2) Replace existing safety or protective structures, including but not limited to guardrails, access control fences and gates, barriers, energy attenuators, safety cables, rockfall structures, and traffic signals and controllers, provided the replacement structures are (a) the same location and size as the existing structures and (b) the same building materials as the existing structures, or building materials that are dark brown with a flat, non-reflective finish, or building materials consistent with the Historic Columbia River Highway Master Plan for the Historic Columbia River Highway or a scenic highway corridor strategy for Interstate 84 prepared according to the General Management Area policies in ~~the section of the Scenic Resources chapter of the Management Plan titled~~ "Scenic Travel Corridors."

(3) Replace existing traffic detection devices, vehicle weighing devices, and signal boxes, provided the replacement structures are:

(a) the same location and size as the existing structures and

(b) the same building materials as the existing structures, or building materials that are dark brown with a flat, non-reflective finish, or building materials consistent with the Historic Columbia River Highway Master Plan for the Historic Columbia River Highway or a scenic highway corridor strategy for Interstate 84 prepared according to the General Management Area policies in ~~the section of the Scenic Resources chapter of the Management Plan titled~~ "Scenic Travel Corridors."

(4) New raised pavement markers, guide posts, object markers, inlay markers, and pavement markings and striping.

(5) Permanent public regulatory, guide, and warning signs, except those excluded below, provided:

(a) the signs comply with the Manual ~~for~~ on Uniform Traffic Control Devices (2012 or most recent version) and

(b) the support structures and backs of all signs are dark brown with a flat, non-reflective finish. This category does not include specific service signs; destination and distance signs; variable message signs; or signs that bridge or are cantilevered over the road surface.

(6) Extensions of existing guardrails or traffic barriers less than or equal to 50 feet in length and new guardrail ends for existing guardrails, provided the guardrails and guardrail ends are

(a) located inside rights-of-way that have been disturbed in the past and

(b) constructed of materials that match the existing structure, natural wood, weathering steel (e.g., Corten), or materials consistent with the Historic Columbia River Highway Master Plan for the Historic Columbia River Highway or a scenic highway corridor strategy for Interstate 84 prepared according to the General Management Area policies in ~~the section of the Scenic Resources chapter of the Management Plan titled~~ "Scenic Travel Corridors."

(7) New ~~guardrails~~ traffic barriers and guardrail ends (this category does not include jersey barriers), provided the structures are:

(a) located inside rights-of-way that have been disturbed in the past and

(b) are constructed of natural wood, weathering steel (e.g., Corten), or materials consistent with the Historic Columbia River Highway Master Plan for the Historic Columbia River Highway or a scenic highway corridor strategy for Interstate 84 prepared according to the General Management Area policies in ~~the section of the Scenic Resources chapter of the Management Plan titled~~ "Scenic Travel Corridors."

(8) In the General Management Area, replacement ~~and/~~or ~~expand~~ expansion of existing culverts, provided the entity or person owning or operating the culvert shall obtain all necessary federal and state permits that protect water quality and fish and wildlife habitat before construction.

(9) In the Special Management Areas, replacement ~~and/~~or ~~expand~~ expansion of existing culverts for ephemeral streams or ditches, provided the visible ends of culverts shall be dark and non-reflective. The entity or person owning or operating the culvert shall obtain all necessary federal and state permits that protect water quality and fish and wildlife habitat before construction.

(10) ~~Resurface or overlay~~ Maintenance of existing railroad track and paved roads, provided the activity does not (a) increase the width of a road or railroad, or (b) disturb the toe of adjacent embankments, slopes or cut banks~~, or (c) change existing structures or add new structures~~.

(11) Apply dust abatement products to non-paved road surfaces.

(12) Grade and gravel existing road shoulders, provided the activity does not

(a) increase the width of a road, or

(b) disturb the toe of adjacent embankments, slopes or cut banks.~~, or~~

~~(c) change existing structures or add new structures.~~

(13) Replace the superstructure of bridges (e.g., decks, beams) for bridges less than or equal to 30 feet in length and less than or equal to 1,000 square feet in area. This category does not include guardrails, traffic barriers, or the substructure of bridges (e.g., foundations, abutments).

(14) Replace or modify existing underground utility facilities located inside road, utility or railroad rights-of-way or easements that have been disturbed in the past or co-locate new underground utility facilities with existing underground facilities located inside road, utility or

railroad rights-of-way or easements that have been disturbed in the past, provided no excavation would extend beyond the depth and extent of the original excavation.

(15) Replace or modify existing underground utility facilities located inside road, utility or railroad rights-of-way or easements that have been disturbed in the past or co-locate new underground utility facilities with existing underground facilities located inside road, utility or railroad rights-of-way or easements that have been disturbed in the past, provided

(a) no excavation would extend more than 12 inches beyond the depth and extent of the original excavation,

(b) no ditch for linear facilities would be more than 24 inches wide,

(c) no excavation for non-linear facilities would exceed 10 cubic yards, and

(d) no recorded archaeological site is located within 500 feet of the development. To comply with ~~(d)~~ this provision, the entity or person undertaking the development shall contact the Oregon State Historic Preservation Office and obtain a letter or other document stating no recorded archaeological site is located within 500 feet of the development.

(16) Replace existing aboveground and overhead utility facilities including towers, pole/tower-mounted equipment, cables and wires, anchors, pad-mounted equipment, service boxes, pumps, valves, pipes, water meters, and fire hydrants, provided the replacement facilities would have:

(a) the same location and size as the existing facilities and

(b) the same building materials as the existing facilities, or building materials that are dark brown with a flat, non-reflective finish, or building materials consistent with the Historic Columbia River Highway Master Plan for the Historic Columbia River Highway or a scenic highway corridor strategy for Interstate 84 prepared according to the General Management Area policies in ~~the section of the Scenic Resources chapter of the Management Plan titled~~ "Scenic Travel Corridors."

(17) Replace existing utility poles, provided the replacement poles are

(a) located within 5 feet of the original poles,

(b) no more than 5 feet taller and 6 inches wider than the original poles, and

(c) constructed of natural wood, weathering steel (e.g., Corten), materials that match the original poles, or materials that are dark brown with a flat, non-reflective finish.

(18) New whip antennas for public service less than or equal to 8-feet in height and less than or equal to 2 inches in diameter, cables, wires, transformers, and other similar equipment, provided all such structures are on existing utility poles or towers.

(Ord. 1125, Amended, 12/11/2008; Ord. 1064, Add, 06/23/2005)

§ 38.1010 EXPEDITED USES.

(A) The following development may be reviewed using the expedited process listed in MCC 38.0530(B), and are permitted when found to satisfy the applicable approval criteria pursuant to the provisions of MCC 38.7100.

(1) Except in Open Space zoning districts, accessory structures between 60 and 200 square feet in area and 10 feet or less in height. This includes free standing structures for the purpose of generating solar or other renewable energy power for approved uses, provided the proposal complies with the applicable renewable energy production provisions of MCC 38.7390. Only one accessory building, or one free standing renewable energy structure, per parcel may be allowed under this guideline, regardless of whether the parcel already includes an accessory building(s) or renewable energy structure(s). Additional accessory buildings or structures shall be subject to full review. This category does not include signs, decks, fences, outdoor lights, retaining walls, transportation facilities, or utility facilities.

(2) Additions and covered decks for existing buildings, provided the existing building is at least 500 square feet in area and the addition or covered deck is no larger than 200 square feet in area and no taller than the height of the existing building. Only one addition and one covered deck per parcel may be allowed under this guideline, regardless of whether the parcel already includes an addition or covered deck.

(3) Rail, solid or semi-solid fences accessory to existing dwellings less than or equal to 6 feet in height and less than or equal to 100 feet in length.

(4) Wire-strand fences other than those allowed outright, provided the fence complies with MCC 38.7065 (F) if it is inside deer and elk winter range as delineated in the Gorge Commission and~~/U.S.~~ Forest Service natural resource ~~inventories~~ data or determined by an appropriate federal or state agency.

(5) In the General Management Area, woven-wire fences for agricultural use that would enclose 80 acres or less.

(6) Decks that are (a) uncovered, (b) attached and accessory to existing dwellings, and (c) 500 square feet or less in area and 30 inches or less in height above existing grade.

(7) Road closure gates.

(8) Signs, other than those allowed outright.

(9) Outdoor lights.

(10) Air, weather, water and other similar research and monitoring facilities, provided the facilities are attached to existing structures or are less than or equal to 120 square feet in size and less than or equal to 12 feet in height.

(11) Property line adjustments in General Management Area zoning districts, except GGO, GG-PR, and GG-CR that would not result in the potential to create additional parcels through subsequent land divisions, subject to MCC 38.7970. All other property line adjustments shall be reviewed through the full development review process.

(12) Property line adjustments in the Special Management Areas, subject to MCC 38.7970.

(13) Removal/demolition of structures that are less than 50 years old, including wells, septic tanks and fuel tanks.

(14) Decommission non-paved roads, including ripping the road surface, barriers, and revegetation.

(15) Trail reconstruction involving up to 1,000 feet of trail re-route.

(16) The following transportation facilities, provided they are not a part of larger construction or reconstruction projects (which shall be reviewed as a whole):

(a) New ~~guardrails~~ traffic barriers and guardrail ends, other than those allowed outright, and new wire-strand and woven-wire access control fences. This category does not include jersey barriers.

(b) New traffic detection devices, vehicle weighing devices, and signal boxes less than or equal to 120 square feet in size and less than or equal to 12 feet in height. This category does not include signs.

(c) Pave existing dirt and gravel roads, provided the activity does not increase the width of the road or disturb the toe of adjacent embankments, slopes or cut banks.

(d) New weather, air, traffic or other monitoring equipment attached to existing structures or that are less than or equal to 120 square feet in size and less than or equal to 12 feet in height.

(17) Except in the Gorge Special Agriculture districts, ~~New~~ new underground utility facilities located inside road, utility or railroad rights-of-way or easements that have been disturbed in the past, provided:

(a) No ditch for linear facilities would be more than 36 inches wide

(b) No excavation for non-linear facilities would exceed 20 cubic yards

(18) Modify existing aboveground and overhead utility facilities or develop new aboveground and overhead utility facilities including building and equipment foundations, poles, transformers, conduit, fencing, pumps, valves, pipes, and water meters, provided the development would be less than or equal to 120 square feet in area and less than or equal to 12 feet in height.

(19) Replace existing aboveground and overhead utility facilities including building and equipment foundations, poles, transformers, conduit, fencing, pumps, valves, pipes, and water meters, provided the replacement facilities would be in the same location as and no more than 15 percent larger than the physical size of the existing facilities.

(20) New antennas and associated support structures necessary for public service on existing wireless communication poles and towers other than those allowed outright, provided the size is the minimum necessary to provide the service.

(21) Replace an existing mobile home in a mobile home space within a mobile home park, provided:

(a) The mobile home to be replaced, the mobile home space and the mobile home park are existing uses, as defined in MCC 38.0015;

(b) The replacement mobile home shall be in the same location as the mobile home to be replaced;

(c) The height of the replacement mobile home shall be no more than 20 percent greater than the mobile home to be replaced, and

(d) The mass and footprint of the replacement mobile home shall be no more than 100 percent greater than a single-wide mobile home to be replaced or no more than 25 percent greater than a double-wide mobile home to be replaced.

(22) Retaining walls accessory to existing dwellings less than or equal to 2 feet in height (of exposed surface area) and less than or equal to 100 feet in length.

(23) In Special Management Areas ~~zoning districts~~, wind machines for frost control in conjunction with agricultural use.

(24) Except in Open Space zoning districts, additions, including roof mounted solar panels, no larger than 200 square feet to existing buildings or structures for the purpose of generating solar or other renewable energy power for approved uses, provided the proposal complies with the applicable renewable energy production provisions of MCC 38.7390. This category does not include free-standing solar arrays (or other free-standing renewable energy structures) which is considered a new accessory structure.

(Ord. 1125, Amended, 12/11/2008; Ord. 1079, Amended, 07/27/2006; Ord. 1064, Add, 06/23/2005)

FOREST DISTRICTS - GGF and GSF

(Ord. 1064, Amended, 06/23/2005)

§ 38.2000- PURPOSES

The purposes of the Gorge General Forestry and Gorge Special Forestry districts are to protect and enhance ~~forest land within the Columbia River Gorge National Scenic Area for forest uses. Forest lands are those~~ lands which are used for or suitable for the production of forest products.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2005 AREA AFFECTED

MCC 38.2000 through 38.2095 shall apply to those areas designated GGF and GSF on the Multnomah County Zoning Map.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2015 USES

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this district except for the uses listed in MCC 38.2015 through 38.2030.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2020 ALLOWED USES

The uses listed in MCC 38.1005 are allowed on land designated GGF and GSF without review.

(Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 994, Amended, 09/26/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2023 EXPEDITED USES

The uses listed in MCC 38.1010 may be allowed on land designated GGF and GSF, pursuant to MCC 38.7100.

(Ord. 1064, Add, 06/23/2005)

§ 38.2025 REVIEW USES

(A) The following uses may be allowed on lands designated GGF, pursuant to MCC 38.0530 (B) and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7085 have been satisfied:

(1) On lands designated GGF– 20 ~~and GGF– 40~~, one single-family dwelling on a legally created and existing parcel upon enrollment in the state's forest assessment program. Upon a showing that a parcel cannot qualify, a parcel is entitled to one single-family dwelling. In either case, the

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Commented [AB16]: The Management Plan revisions established new residential development restrictions in the Large Woodland and Commercial Forest Land Use Designations called out in this section of code within the staff comments below.

Staff with the Columbia River Gorge Commission confirmed the following Multnomah County zoning districts equate to each of the GMA Forest Land Use Designation of the Management Plan:

GGF-20 = Small Woodland
GGF-40 = Large Woodland
GGF-80 = Commercial Forest

Commented [AB17]: Implements the Management Plan amendment limiting this provision only to the Small Woodland designation (GGF-20) to prevent conversion of larger forest lots to residential uses.

location of a dwelling shall comply with MCC 38.7305 and MCC 38.7315. A declaration shall be signed by the landowner and recorded into county deed records specifying that the owners, successors, heirs and assigns of the subject parcel are aware that adjacent and nearby operators are entitled to carry on accepted farm or forest practices on lands designated GGF– 20, GGF– 40, GGF– 80, GGA– 20 and GGA– 40.

(2) One single-family dwelling on lands designated GGF-20 if found to be in conjunction with and substantially contributing ~~would substantially contribute~~ to the current agricultural use of a farm pursuant to MCC 38.2225 (A) (5). The siting of the dwelling shall comply with MCC 38.7305.

Commented [AB18]: Implements the Management Plan amendment limiting this provision only to the Small Woodland designation (GGF-20) to prevent conversion of larger forest lots to residential uses.

(3) The following Temporary Uses:

(a) Temporary on-site structures which are auxiliary to and used during the term of a particular forest operation. "Auxiliary" means a use or alteration of a structure or land which provides help or is directly associated with the conduct of a particular forest practice. An auxiliary structure shall be located on-site, temporary in nature, and not designed to remain for the forest's entire growth cycle from planting to harvesting. An auxiliary use must be removed when the particular forest practice for which it is approved has concluded.

(b) Temporary portable facilities for the primary processing of forest products grown on a parcel or contiguous parcels in the same ownership where the facility is to be located. The facility shall be removed upon completion of the harvest operation.

(c) On lands designated GGF– 80, a temporary manufactured ~~mobile~~ home, tiny house on a trailer, or similar structure, in conjunction with a timber operation, upon a finding that security personnel are required to protect equipment associated with a harvest operation or to protect the subject forest land from fire. The manufactured ~~mobile~~ home, tiny house on a trailer, or similar structure must be removed upon completion of the subject harvest operation or the end of the fire season. The placement of the mobile home is subject to MCC 38.7305 and 38.7315.

Commented [AB19]: Management Plan amendments in this section apply to the Commercial Forest designation (GGF-80).

(4) Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation, and~~/or~~ natural resources, subject to MCC 38.7345. These projects may include new structures (e.g. fish ladders, sediment barriers) and~~/or~~ activities (e.g. closing and revegetating unused roads, re-contouring abandoned quarries).

(5) Agricultural structures, except buildings, in conjunction with agricultural use, as defined in MCC 38.0015~~,~~ and including new cultivation, subject to the standards of MCC 38.7305.

(6) Agricultural buildings in conjunction with current agricultural use, and, if applicable, proposed agricultural use that a landowner would initiate within one year and complete within five years, subject to the standards of MCC 38.7305 and MCC 38.7340.

(7) A temporary dwelling for health hardship, pursuant to MCC 38.7320, MCC 38.7305 and MCC 38.7315. A finding shall be made in the GGF-80 and GGF-40 zones that the primary dwelling was legally established and not discontinued.

Commented [AB20]: Management Plan amendment requires an additional finding for this use in the Commercial Forest (GGF-80) and Large Woodland (GGF-40) designations.

(8) Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in (9) or (10).

(9) Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel less than or equal to 10 acres in size are subject to MCC 38.7305 and MCC 38.7315 and the following additional standards:

(a) The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

(b) The height of any individual accessory building shall not exceed 24 feet.

(10) Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel larger than 10 acres in size are subject to MCC 38.7305 and MCC 38.7315and the following additional standards:

(a) The combined footprints of all accessory buildings on a single parcel shall not exceed 2,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

(b) The footprint of any individual accessory building shall not exceed 1,500 square feet.

(c) The height of any individual accessory building shall not exceed 24 feet.

(11) A second single-family dwelling on land designated GGF-20 for a farm operator's relative, subject to MCC 38.2225 (A) (8), MCC 38.7305 and 38.7315.

Commented [AB21]: The Implements Management Plan amendment limiting this provision only to the Small Woodland designation (GGF-20) to prevent conversion of larger forest lots to residential uses.

(12) Private roads serving a residence on the subject parcel, subject to MCC 38.7305 and 38.7315.

(13) Recreation development, subject MCC 38.7080 and The Recreation Development Plan (Management Plan, Part III, Chapter 1).

(14) Construction or reconstruction of roads or modifications not in conjunction with forest use or practices upon a finding that:

Commented [AB22]: A policy decision was made in the Management Plan to regulate all linear facilities in a similar way. Therefore, certain standards of approval previously applying to railroad infrastructure is now applied to certain roads.

(a) There is no practicable alternative location with less adverse effect on forest lands, and

(b) The size is the minimum necessary to provide the service.

(15) Agricultural labor housing upon a showing that:

(a) The proposed housing is necessary and accessory to a current agricultural use on the subject farm.

(b) The housing shall be seasonal unless it is shown that an additional full-time dwelling is necessary to the current agricultural use of the subject agricultural unit. Seasonal use shall not exceed nine months.

(c) The housing will be located to minimize the conversion of lands capable of production of farm crops and livestock and will not force a significant change in or significantly increase the cost of accepted agricultural practices employed on nearby lands devoted to agricultural use.

(d) The housing is subject to MCC 38.7315 and MCC 38.7305.

(16) New cultivation, subject to compliance with MCC 38.7045, ~~38.7055, 38.7060~~, 38.7053, 38.7065 and 38.7070.

(17) The following uses when found to comply with MCC 38.7310:

(a) Utility facilities and railroads necessary for public service upon a showing that:

1. There is no practicable alternative location with less adverse effect on agricultural and forest lands, scenic, cultural, natural and recreation resources and

2. The size is the minimum necessary to provide the service.

(b) Fruit and produce stands~~, upon a showing that sales will be limited to agricultural products raised on the subject farm and other farms in the local region~~.

(c) Wineries and cideries, in conjunction with an on-site ~~viticulture~~ vineyard or orchard, upon a showing that processing of wine or cider is from ~~grapes grown~~ fruits harvested on the subject farm ~~or in~~ and the local region.

(d) Wine or cider sales and ~~/~~tasting rooms, in conjunction with an on-site winery or cidery.

(e) Agricultural product processing and packaging, upon a showing that the processing will be limited to products grown primarily on the subject farm and sized to the subject operation.

(f) Aquiculture.

(g) Boarding of horses or non-profit horse rescue facility, subject to MCC 38.7385.

(h) Temporary portable asphalt/batch plants related to public road projects, not to exceed 6 months.

(18) Placement of Structures necessary for continued public safety, or the protection of essential public services or protection of private or public existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements damaged during an emergency/disaster event. This includes replacement of temporary structures erected during such events with permanent structures performing an identical or related function. Land use proposals for such structures shall be submitted within 12 months following an emergency/disaster event. Applicants are responsible for all other applicable local, state and federal permitting requirements.

(19) Land divisions on lands designated GGF– 80 when all resultant lots satisfy a minimum lot size of 80 acres and it is found:

(a) The land division will facilitate forest management, or

(b) The land division will facilitate protection of scenic, cultural, natural or recreational resources.

(20) Land divisions on lands designated GGF– 20 when all resultant lots satisfy a minimum lot size of 20 acres and on lands designated GGF-40 when all resultant lots satisfy a minimum lot size of 40 acres.

(21) Property line adjustments that would result in the potential to create additional parcels through subsequent land divisions, subject to MCC 38.7970.

(22) Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building.

(23) Docks and boat houses, subject to MCC 38.7325.

(24) Removal/demolition of structures that are 50 or more years old, including wells, septic tanks, and fuel tanks.

(25) Consolidation of Parcels and Lots pursuant to MCC 38.7794 and Replatting of Partition and Subdivision Plats pursuant to MCC 38.7797.

(26) Solar, photovoltaic and wind turbine alternative energy production facilities accessory to uses permitted in the zoning district provided that the applicable renewable energy production provisions of 38.7390 are met, and:

(a) For all systems:

1. They are not a commercial power generating facility such as a utility;

2. The system meets all special district requirements;

3. The system is mounted to a ground mount, to the roof of the dwelling or accessory structure, or to a wind tower;

(b) The overall height of solar energy systems shall not exceed the peak of the roof of the building on which the system is mounted;

(c) For wind turbine systems:

1. They are set back to all property lines a distance equal to or greater than the combined height of the turbine tower and blade length. Height is measured from grade to the top of the wind generator blade when it is at its highest point. There is no height restriction for a wind turbine provided the wind turbine meets the NSA Site Review Criteria of MCC 38.7035 through 38.7080;

2. No lighting on wind turbine towers is allowed except as required by the Federal Aviation Administration or other federal or state agency and is consistent with the NSA Site Review approval criteria of MCC 38.7035 through 38.7080.

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3. The land owner signs and records a covenant stating they are responsible for the removal of the system if it is abandoned. In the case of a sale or transfer of property, the new property owner shall be responsible for the use and/or removal of the system. Systems unused for one consecutive year are considered abandoned.

(27) A Type A home occupations in an existing dwelling unit, pursuant to MCC 38.7331 and MCC 38.7310.

(B) The following uses may be allowed on lands designated GSF pursuant to MCC 38.0530 (B) when the use or development will be sited to minimize the loss of land suitable for the production of forest products and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7085 have been satisfied:

(1) Any use listed in MCC 38.2225 (B).

(2) Forest practices in accordance with a site plan for forest practices application approved by the Oregon Department of Forestry, or other designated forest practices review agency, including the requirements in MCC 38.7370.

(3) Railroads, road construction or reconstruction upon a finding that:~~.~~

(a) There is no alternative location with less adverse effect on forest land, and

(b) The size is the minimum necessary to provide the service.

(4) Silvicultural nurseries.

(5) Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation, and~~/or~~ natural resources, subject to MCC 38.7345. These projects may include new structures (e.g. fish ladders, sediment barriers) and~~/or~~ activities (e.g. closing and revegetating unused roads, re-contouring abandoned quarries.

(6) One single family dwelling on a parcel of 40 contiguous acres or larger if an approved Forest Management Plan demonstrates that such dwelling shall be necessary for and accessory to forest uses. The Forest Management Plan shall demonstrate the following:

(a) The dwelling will contribute substantially to the growing, propagation, and harvesting of trees. The principal purpose for allowing a dwelling on forest lands is to enable the resident to conduct efficient and effective management. This requirement shall indicate a relationship between ongoing forest management and the need for dwelling on the subject property.

(b) The subject parcel ~~has been~~ is enrolled in the state's forest assessment program.

(c) A plan for management of the parcel ~~has been~~ is approved by the Oregon Department of Forestry and the county. The plan must indicate the condition and productivity of lands to be managed; the operations the owner will carry out (thinning, harvest, planting, etc.); a chronological description of when the operations will occur; estimates of yield, labor, and expenses; and how the dwelling will contribute towards the successful management of the property.

(d) There are no other dwellings on the parcel which are vacant or currently occupied by persons not engaged in forest management of the subject parcel.

(e) Complies with the applicable building code and fire protection standards.

(f) A declaration ~~has been~~ is signed by the landowner and recorded into county deed records specifying that the owners, successors, heirs, and assigns of the subject property are aware that adjacent and nearby operations are entitled to carry on accepted agricultural or forest practices.

(7) Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in MCC 38.2025 (B)(8) or MCC 38.2025 (B)(9).

(8) Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel less than or equal to 10 acres in size are subject to the following additional standards:

(a) The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

(b) The height of any individual accessory building shall not exceed 24 feet.

(9) Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel larger than 10 acres in size are subject to the following additional standards:

(a) The combined footprints of all accessory buildings on a single parcel shall not exceed 2,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

(b) The footprint of any individual accessory building shall not exceed 1,500 square feet.

(c) The height of any individual accessory building shall not exceed 24 feet.

(10) On a parcel of 40 acres or greater with an existing dwelling, a temporary dwelling for health hardship, pursuant to the guidelines for hardship dwellings in MCC 38.7320, MCC 38.7305 and MCC 38.7315.

(11) Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building.

(12) Docks and boathouses, subject to MCC 38.7325.

(13) Removal/demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks.

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(14) Clearing trees for new agricultural use, subject to MCC 38.7365.

(15) Temporary portable facility for the processing of forest products.

(16) Placement of Structures necessary for continued public safety, or the protection of essential public services or protection of private or public existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements damaged during an emergency/disaster event. This includes replacement of temporary structures erected during such events with permanent structures performing an identical or related function. Land use proposals for such structures shall be submitted within 12 months following an emergency/disaster event. Applicants are responsible for all other applicable local, state and federal permitting requirements.

(17) Consolidation of Parcels and Lots pursuant to MCC 38.7794 and Replatting of Partition and Subdivision Plats pursuant to MCC 38.7797.

(18) Solar, photovoltaic and wind turbine alternative energy production facilities accessory to uses permitted in the zoning district provided that the applicable renewable energy production provisions of 38.7390 are met, and:

(a) For all systems:

1. They are not a commercial power generating facility such as a utility;

2. The system meets all special district requirements;

3. The system is mounted to a ground mount, to the roof of the dwelling or accessory structure, or to a wind tower;

(b) The overall height of solar energy systems shall not exceed the peak of the roof of the building on which the system is mounted

(c) For wind turbine systems:

1. They are set back to all property lines a distance equal or greater than the combined height of the turbine tower and blade length. Height is measured from grade to the top of the wind generator blade when it is at its highest point. There is no height restriction for a wind turbine provided the wind turbine meets the NSA Site Review Criteria of MCC 38.7040 et al.;

2. No lighting on wind turbine towers is allowed except as required by the Federal Aviation Administration or other federal or state agency and is consistent with the NSA Site Review approval criteria of MCC 38.7040 et al.

3. The land owner signs and records a covenant stating they are responsible for the removal of the system if it is abandoned. In the case of a sale or transfer of property, the new property owner shall be responsible for the use and/or removal of the system. Systems unused for one consecutive year are considered abandoned.

(19) A Type A home occupation in an existing dwelling unit, pursuant to MCC 38.7331 and MCC 38.7310.

(C) As used in Subsection (B), the following terms shall have the following meanings:

Necessary for – As applied to forest management dwellings, the principal purpose for locating the dwelling is to enable the resident(s) to contribute substantially to the effective and efficient management of the forest land. A resident contributes substantially when the resident spends an extensive amount of time performing forest management activities which increase timber yields, quality or productivity, and which are recognized by the Forest Practices Act. Necessary for precludes a dwelling which simply "enhances" forest management. Necessary for also does not demand that a dwelling be absolutely required for forest management or that the production of trees is physically possible only with a dwelling.

Accessory to – As applied to forest management dwellings, a dwelling that is incidental and subordinate to the main forest use.

(Ord. 1197, Amended 02/16/2013; Ord. 1192, Amended, 05/17/2012; Ord. 1186, Amended, 10/13/2011; Ord. 1176, Amended, 03/03/2011; Ord. 1125, Amended, 12/11/2008; Ord. 1097, Amended, 07/26/2007; Ord. 1064, Amended, 06/23/2005; Ord. 1007, Amended, 02/06/2003; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 994, Amended, 09/26/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2030 CONDITIONAL USES

(A) The following conditional uses may be allowed on lands designated GGF, pursuant to the provisions of MCC 38.0045 and 38.7300:

(1) Structures associated with hunting and fishing operations.

(2) Towers and fire stations for forest fire protection.

~~(3) On parcels 40 acres in size or larger in a GGF- 20 or 80 acres in size or larger in a GGF- 40, a land division creating parcels smaller than the designated minimum parcel size, subject to the provisions of MCC 38.7360.~~

(3)~~(4)~~ Life Estates, in GGF-20 only, pursuant to MCC 38.7355.

(4)~~(5)~~ The following uses when found to comply with MCC 38.7310:

(a) Home occupations ~~or cottage industries~~ in an existing dwelling unit or accessory building, pursuant to MCC 38.7330.

(b) Bed and breakfast inns in single-family dwellings, pursuant to MCC 38.7335, and provided that the residence:

1. Is included in the National Register of Historic Places; or

2. Is identified and protected under local landmark status as approved pursuant to Oregon state land use regulations protecting historic structures.

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Commented [AB23]: Implements Management Plan amendment limiting this provision only to the Small Woodland designation (GGF-20) to prevent conversion of larger forest lots to residential uses.

(5)~~(6)~~ Expansion of existing non-profit group camps, retreat or conference center.

(6)~~(7)~~ Non-profit, environmental learning or research facilities.

(7)~~(8)~~ Disposal sites managed and operated by the Oregon Department of Transportation or the Multnomah County Public Works Department for earth materials and any intermixed vegetation generated by routine or emergency/disaster public road maintenance activities within the National Scenic Area, subject to compliance with MCC 38.7350.

(8)~~(9)~~ Exploration, development, and production of mineral and geothermal resources, subject to MCC 38.7035.

(9)~~(10)~~ Special uses in historic buildings, subject to MCC 38.7380.

(B) The following conditional uses may be allowed on lands designated GSF, pursuant to the provisions of MCC 38.0045.

(1) Exploration, development, and production of sand, gravel, or crushed rock for the construction, maintenance, or reconstruction of roads used to manage or harvest commercial forest products.

(2) Utility facilities for public service upon a finding that:

(a) There is no alternative location with less adverse effect on Forest Land, and

(b) The size is the minimum necessary to provide the service.

(3) Fish hatcheries and aquiculture facilities.

(4) Public recreation, commercial recreation, interpretive and educational development~~s~~ and uses consistent with MCC 38.7085.

(5) Towers and fire stations for forest fire protection.

(6) Community facilities and non-profit facilities related to forest resource management.

(7) Expansion of existing non-profit group camps, retreats, conference or education centers, for the successful operation on the dedicated site. Expansion beyond the dedicated site shall be prohibited.

(8) Home occupations ~~or cottage industries~~ in an existing dwelling unit or accessory building, pursuant to MCC 38.7330.

(9) Disposal sites managed and operated by the Oregon Department of Transportation or the Multnomah County Public Works Department for earth materials and any intermixed vegetation generated by routine or emergency/disaster public road maintenance activities within the National Scenic Area, subject to MCC 38.7350.

(10) Agricultural product processing and packaging, upon a demonstration that the processing will be limited to products produced primarily on or adjacent to the property. “Primarily” means a clear majority of the products as measured by volume, weight, or value.

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(11) Bed and breakfast inns in structures that are included in, or eligible for inclusion in, the National Register of Historic Places approved under MCC 38.7335. The use or development shall be compatible with agricultural use. Buffer zones should be considered to protect agricultural practices from conflicting uses.

(Ord. 1125, Amended, 12/11/2008; Ord. 1074, Amended, 05/04/2006; Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2060 DIMENSIONAL REQUIREMENTS

(A) Except as provided in subsections MCC 38.2030 (A) (3) ~~and (4)~~, the minimum lot size shall be according to the short-title zone district designation on the Zoning Map, as follows:

GGF-20	20 acres
GGF-40	40 acres
GGF-80	80 acres
GSF-40	Not Applicable

(B) That portion of a street which would accrue to an adjacent lot if the street were vacated shall be included in calculating the area of such lot.

(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.

(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.

(E) Structures such as barns, silos, windmills, antennae, chimneys, or similar structures may exceed the height requirement if located at least 30 feet from any property line.

(Ord. 1197. Amended 02/16/2013; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2085 OFF-STREET PARKING AND LOADING

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

(S-1 2013)

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2090 ACCESS

Any lot in this district shall abut a street or shall have other access determined by the approval authority to be safe and convenient for pedestrians and passenger and emergency vehicles.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2095 SIGNS

Signs, pursuant to the provisions of MCC 38.0080.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

AGRICULTURAL DISTRICTS - GGA and GSA

§ 38.2200- PURPOSES

The purposes of the Gorge General Agriculture and Gorge Special Agriculture districts are to protect and enhance ~~agricultural land within the Columbia River Gorge National Scenic Area for agricultural uses. Agricultural lands are those~~ lands ~~which~~ that are used for or suitable for agricultural use.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2205 AREA AFFECTED

MCC 38.2200 through 38.2295 shall apply to those areas designated GGA and GSA on the Multnomah County Zoning Map. County GGA-20 zoning implements Small-Scale Agriculture 20-acre and 40-acre land use designations shown on Gorge ~~Commisscion~~ Commission maps or established pursuant to Section 8(o) of the Columbia River Gorge National Scenic Area Act.

(Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2215 USES

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this district except for the uses listed in MCC 38.2200 through 38.2230.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2220 ALLOWED USES

The uses listed in MCC 38.1005 are allowed on land designated GGA and GSA without review.

(Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 977, Amended, 02/07/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2223 EXPEDITED USES

The uses listed in MCC 38.1010 may be allowed on land designated GGA and GSA, pursuant to MCC 38.7100.

(Ord. 1064, Add, 06/23/2005)

§ 38.2225 REVIEW USES

(A) The following uses may be allowed on lands designated GGA pursuant to the provisions of MCC 38.0530 (B) and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7085 have been satisfied:

(1) New cultivation, including actions implementing a Wildlife Habitat Conservation and Management Plan involving ground disturbing activity, subject to compliance with MCC

38.7045, ~~38.7055, 38.7060~~, 38.7053, 38.7065, and 38.7070, and upon demonstration that the landowner has sufficient water to support the use.

(2) Agricultural structures~~, except buildings~~ in conjunction with agricultural use, including new cultivation.

(3) Agricultural buildings in conjunction with current agricultural use and, if applicable, proposed agricultural use that a landowner would initiate within one year and complete within five years, subject to MCC 38.7340.

(4) Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in MCC 38.2225 (A)(5) or MCC 38.2225 (A)(6).

(5) Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel less than or equal to 10 acres in size are subject to the following additional standards:

(a) The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

(b) The height of any individual accessory building shall not exceed 24 feet.

(6) Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel larger than 10 acres in size are subject to the following additional standards:

(a) The combined footprints of all accessory buildings on a single parcel shall not exceed 2,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

(b) The footprint of any individual accessory building shall not exceed 1,500 square feet.

(c) The height of any individual accessory building shall not exceed 24 feet.

(7) A temporary dwelling for health hardship, pursuant to MCC 38.7320 and MCC 38.0060.

(8) On lands designated GGA– 40, a single family dwelling in conjunction with agricultural use, upon a demonstration that:

(a) No other dwellings exist on the subject farm or ranch, including all of its constituent parcels, contiguous or otherwise, which are vacant or currently occupied by persons not directly engaged in farming or working on the subject farm or ranch and which could be used as the principal agricultural dwelling;

(b) The farm or ranch upon which the dwelling will be located is currently devoted to agricultural use, as defined in MCC 38.0015, where the day-to-day activities of one or more

residents of the agricultural dwelling will be principally directed to the agricultural use of the land. Current use includes a minimum area which would satisfy subsection (8) (c) 4. below; and

(c) The farm or ranch is a commercial agricultural enterprise as determined by an evaluation of the following factors:

1. Size of the entire farm or ranch, including all land in the same ownership;

2. Type(s) of agricultural uses (crops, livestock) and acreage;

3. Operational requirements for the particular agricultural use common to area agricultural operations; and

4. Annual income. The farm or ranch, and all its constituent parcels, must ~~is capable of producing~~ produce at least $~~40,000~~ 80,000 in gross annual income in 2020 dollars. This gross annual income amount shall be indexed for inflation on an annual basis using Consumer Price Index data from the US Bureau of Labor Statistics, and the new adjusted amount for each calendar year (calculated from 2020 dollars) will be posted on the Gorge Commission website by January 15 of each year. This determination shall be made using the following formula:

(A)(B)(C) = I

A = Average yield of the commodity per acre, or unit of production

B = Average price of the commodity

C = Total acres suitable for production, or total units of production that can be sustained, on the subject farm or ranch

I = ~~Income Capability~~ Annual Income

(9) On lands designated GGA– 40, a second single-family dwelling in conjunction with agricultural use when the dwelling would replace an existing dwelling which is included in, or is eligible for inclusion in, the National Register of Historic Places based on the criteria for use in evaluating the eligibility of cultural resources contained in the *National Register Criteria for Evaluation* (36 CFR Part 60.4), and it meets one or more of the following:

(a) The dwelling has had association with events that have made a significant contribution to the broad patterns of the history of this region;

(b) The dwelling has had association with the lives of persons significant in the past;

(c) The dwelling embodies the distinctive characteristics of a type, period, or method of construction, or represent the work of a master, or possess high artistic values, or represent a significant and distinguishable entity whose components may lack individual distinction; or

(d) The dwelling will yield, or may be likely to yield, information important in prehistory or history.

(10) On lands designated GGA– 20, a single family dwelling on any legally created and existing parcel.

(11) On lands designated GGA– 40, a single family dwelling for an agricultural operator's relative provided that:

(a) The dwelling would be occupied by a relative of the agricultural operator or of the agricultural operator's spouse who will be actively engaged in the management of the farm or ranch. Relative means grandparent, grandchild, parent, child, brother or sister;

(b) The dwelling would be located on the same parcel as the dwelling of the principal operator; and

(c) The operation is a commercial enterprise as determined by MCC 38.2225 (A) (5) (c).

(12) Construction, reconstruction or modifications of roads not in conjunction with agriculture upon a finding that:~~.~~

(a) There is no practicable alternative location with less adverse effect on agricultural lands, and

(b) The size is the minimum necessary to provide the service.

(13) Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation and~~/or~~ natural resources, subject to MCC 38.7345. Those projects may include new structures (e.g. fish ladders, sediment barriers) ~~and/~~or activities (e.g. closing and revegetating unused roads, recontouring abandoned quarries).

(14) Agricultural labor housing upon a showing that:

(a) The proposed housing is necessary and accessory to a current agricultural use;

(b) The housing shall be seasonal unless it is shown that an additional full-time dwelling is necessary to the current agricultural use of the subject farm or ranch unit. Seasonal use shall not exceed 9 months.

(c) The housing will be located to minimize the conversion of lands capable of production of farm crops or livestock and will not force a significant change in or significantly increase the cost of accepted agricultural practices employed on nearby lands devoted to agricultural use.

(15) Land divisions when all resulting parcels satisfy the minimum lot size standards of MCC 38.2260.

(16) Placement of Structures necessary for continued public safety, or the protection of essential public services or protection of private or public existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements damaged during an emergency/disaster

event. This includes replacement of temporary structures erected during such events with permanent structures performing an identical or related function. Land use proposals for such structures shall be submitted within 12 months following an emergency/disaster event. Applicants are responsible for all other applicable local, state and federal permitting requirements.

(17) Property line adjustments that would result in the potential to create additional parcels through subsequent land divisions, subject to MCC 38.7970.

(18) Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building.

(19) Docks and boathouses, subject to MCC 38.7325.

(20) Removal/demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks.

(21) Consolidation of Parcels and Lots pursuant to MCC 38.7794 and Replatting of Partition and Subdivision Plats pursuant to MCC 38.7797.

(22) Solar, photovoltaic and wind turbine alternative energy production facilities accessory to uses permitted in the zoning district provided that the applicable renewable energy production provisions of 38.7390 are met, and:

(a) For all systems:

1. They are not a commercial power generating facility such as a utility;

2. The system meets all special district requirements;

3. The system is mounted to a ground mount, to the roof of the dwelling or accessory structure, or to a wind tower;

(b) The overall height of solar energy systems shall not exceed the peak of the roof of the building on which the system is mounted;

(c) For wind turbine systems:

1. They are set back to all property lines a distance equal to or greater than the combined height of the turbine tower and blade length. Height is measured from grade to the top of the wind generator blade when it is at its highest point. There is no height restriction for a wind turbine provided the wind turbine meets the NSA Site Review Criteria of MCC 38.7035 through 38.7080;

2. No lighting on wind turbine towers is allowed except as required by the Federal Aviation Administration or other federal or state agency and is consistent with the NSA Site Review approval criteria of MCC 38.7035 through 38.7080.

3. The land owner signs and records a covenant stating they are responsible for the removal of the system if it is abandoned. In the case of a sale or transfer of property, the new property owner shall be responsible for the use and/or removal of the system. Systems unused for one consecutive year are considered abandoned.

(23) A Type A home occupation in an existing dwelling unit, pursuant to MCC 38.7331.

(B) The following uses may be allowed on lands designated GSA– 40 pursuant to MCC 38.0530 (B), provided that the use or development will be sited to minimize the loss of land suitable for the production of agricultural crops or livestock and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7085 have been satisfied:

(1) New cultivation or new agricultural use outside of previously disturbed and regularly worked fields or areas. Clearing trees for new agricultural use is subject to MCC 38.7365.

(2) Forest uses and practices as allowed in MCC 38.2025 (B).

(3) A single-family dwelling on a parcel of 40 or more contiguous acres when necessary for and accessory to agricultural use as determined by MCC 38.2225 (A) (8) (a) through (c).

(4) Agricultural structures, except buildings, in conjunction with agricultural use.

(5) Agricultural buildings in conjunction with current agricultural use and, if applicable, proposed agricultural use that a landowner would initiate within one year and complete within five years, subject to MCC 38.7340.

(6) Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in 38.2225 (B)(7) or 38.2225(B)(8) below.

(7) Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel less than or equal to 10 acres in size are subject to the following additional standards:

(a) The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

(b) The height of any individual accessory building shall not exceed 24 feet.

(8) Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel larger than 10 acres in size are subject to the following additional standards:

(a) The combined footprints of all accessory buildings on a single parcel shall not exceed 2,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

(b) The footprint of any individual accessory building shall not exceed 1,500 square feet.

(c) The height of any individual accessory building shall not exceed 24 feet.

(9) Farm labor housing on a parcel with an existing dwelling upon a showing that:

(a) The proposed housing is necessary and accessory to a current agricultural use and a showing that the operation is a commercial agricultural enterprise as determined by MCC 38.2225 (A) (8) (c).

(b) The housing shall be seasonal unless it is shown that an additional full-time dwelling is necessary for the current agricultural use. Seasonal use shall not exceed nine months.

(c) The housing shall be located to minimize the conversion of lands capable of production of farm crops and livestock, and shall not force a significant change in or significantly increase the cost of accepted agricultural uses employed on nearby lands devoted to agricultural use.

(10) Fruit ~~stands~~ and produce stands ~~upon a showing that sales will be limited to agricultural products raised on the property and other agriculture properties in the local region~~.

(11) Aquiculture.

(12) Temporary asphalt/batch plant operations related to public road projects, not to exceed six months.

(13) Road and railroad construction and reconstruction upon a finding that:~~.~~

(a) There is no alternative location with less adverse effect on agricultural land, and

(b) The size is the minimum necessary to provide the service.

(14) Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation and/or natural resources, subject to MCC 38.7345. Those projects may include new structures (e.g. fish ladders, sediment barriers) and/or activities (e.g. closing and revegetating unused roads, recontouring abandoned quarries).

(15) Placement of Structures necessary for continued public safety, or the protection of essential public services or protection of private or public existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements damaged during an emergency/disaster event. This includes replacement of temporary structures erected during such events with permanent structures performing an identical or related function. Land use proposals for such structures shall be submitted within 12 months following an emergency/disaster event. Applicants are responsible for all other applicable local, state and federal permitting requirements.

(16) On a parcel of 40 acres or greater with an existing dwelling, a temporary dwelling for health hardship, pursuant to MCC 38.7320.

(17) Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building.

(18) Docks and boathouses, subject to MCC 38.7325.

(19) Removal/demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks.

(20) Consolidation of Parcels and Lots pursuant to MCC 38.7794 and Replatting of Partition and Subdivision Plats pursuant to MCC 38.7797.

(21) Solar, photovoltaic and wind turbine alternative energy production facilities accessory to uses permitted in the zoning district provided that the applicable renewable energy production provisions of 38.7390 are met, and:

(a) For all systems:

1. They are not a commercial power generating facility such as a utility;

2. The system meets all special district requirements;

3. The system is mounted to a ground mount, to the roof of the dwelling or accessory structure, or to a wind tower;

(b) The overall height of solar energy systems shall not exceed the peak of the roof of the building on which the system is mounted

(c) For wind turbine systems:

1. They are set back to all property lines a distance equal or greater than the combined height of the turbine tower and blade length. Height is measured from grade to the top of the wind generator blade when it is at its highest point. There is no height restriction for a wind turbine provided the wind turbine meets the NSA Site Review Criteria of MCC 38.7040 et. al.;

2. No lighting on wind turbine towers is allowed except as required by the Federal Aviation Administration or other federal or state agency and is consistent with the NSA Site Review approval criteria of MCC 38.7040 et al.

3. The land owner signs and records a covenant stating they are responsible for the removal of the system if it is abandoned. In the case of a sale or transfer of property, the new property owner shall be responsible for the use and/or removal of the system. Systems unused for one consecutive year are considered abandoned.

(22) A Type A home occupation in an existing dwelling unit, pursuant to MCC 38.7331.

(Ord. 1270, Amended, 03/14/2019; Ord. 1197, Amended 02/16/2013; Ord. 1192, Amended, 05/17/2012; Ord. 1186, Amended, 10/13/2011; Ord. 1176, Amended, 03/03/2011; Ord. 1125, Amended, 12/11/2008; Ord. 1097, Amended, 07/26/2007; Ord. 1064, Amended, 06/23/2005; Ord. 1007, Amended, 02/06/2003; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 994, Amended, 09/26/2002; Ord. 977, Amended, 02/07/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2230 CONDITIONAL USES

(A) The following conditional uses may be allowed on lands designated GGA, pursuant to the provisions of MCC 38.0045 and 38.7300.

(1) Fruit and produce stands~~, upon a showing that sales will be limited to agricultural products raised on the subject farm and other farms in the local region~~.

(2) Wineries and cideries, in conjunction with an on-site ~~viticulture~~ vineyard or orchard, upon a showing that processing of wine or cider is from ~~grapes grown~~ fruits harvested on the subject farm ~~or in~~ and the local region.

(3) Wine or cider sales and~~/~~tasting rooms, in conjunction with an on-site winery or cidery.

(4) Agricultural product processing and packaging, upon a showing that the processing will be limited to products grown primarily on the subject farm and sized to the subject operation.

(5) Exploration, development and production of mineral and geothermal resources subject to MCC 38.7035.

(6) Personal-use airstrips including associated accessory structures such as a hangar. A personal-use airstrip is an airstrip restricted, except for aircraft emergencies, to use by the owner and on an infrequent and occasional basis, by invited guests, and by commercial aviation activities in connection with agricultural operations. No aircraft may be based on a personal use airstrip other than those owned or controlled by the owner of the airstrip.

(7) Aquiculture.

(8) Recreation development, subject to MCC 38.7080 and The Recreation Development Plan (Management Plan, Part III, Chapter 1).

(9) Boarding of horses or non-profit horse rescue facility, subject to MCC 38.7385.

(10) Temporary portable asphalt/batch plants related to public road projects, not to exceed six months.

(11) Non-profit, environmental learning or research facilities.

(12) Expansion of existing schools or places of worship.

~~(13) Cluster Developments, pursuant to MCC 38.7360.~~

(13)~~(14)~~ Structures associated with hunting and fishing operations.

(14)~~(15)~~ Towers and fire stations for forest fire protection.

(15)~~(16)~~ On lands designated GGA– 40, on a parcel which was legally created and existed prior to November 17, 1986, a single-family dwelling not in conjunction with agricultural use upon a demonstration that:

(a) The dwelling will not force a change in or increase the cost of accepted agricultural practices on surrounding lands;

(b) The subject parcel is predominantly unsuitable for the production of farm crops and livestock, considering soils, terrain, location and size of the parcel. Size alone shall not be used to determine whether a parcel is unsuitable for agricultural use. An analysis of suitability shall include the capability of the subject parcel to be utilized in conjunction with other agricultural operations in the area;

(c) The dwelling shall be set back from any abutting parcel designated GGA, as required in MCC 38.0060, or any abutting parcel designated GGF, as required in MCC 38.7315;

(d) A declaration has been signed by the landowner and recorded into county deeds and records specifying that the owners, successors, heirs and assigns of the subject property are aware that adjacent and nearby operators are entitled to carry on accepted agriculture or forest practices on lands designated GGA or GGF; and

(e) All owners of land in areas designated GGA or GGF within 500 feet of the perimeter of the subject parcel on which the dwelling is proposed to be located have been notified and given at least 10 days to comment prior to a decision.

(16)~~(17)~~ Disposal sites managed and operated by the Oregon Department of Transportation, or the Multnomah County public works department for earth materials and any intermixed vegetation generated by routine or emergency/disaster public road maintenance activities with the National Scenic Area, subject to compliance with MCC 38.7350.

~~(18) On parcels 40 acres or larger in GGA– 20 or 80 acres or larger in GGA– 40, a land division creating parcels smaller than the designated minimum parcel size, subject to MCC 38.7360.~~

(17)~~(19)~~ Life estates, pursuant to MCC 38.7355.

(18)~~(20)~~ Utility facilities and railroads necessary for public service upon a finding that:

(a) There is no practicable alternative location with less adverse effect on agricultural or forest lands, and

(b) The size is the minimum necessary to provide the service.

(19)~~(21)~~ Home occupations ~~or cottage industries~~ in existing dwelling unit or accessory building, subject to MCC 38.7330.

(20)~~(22)~~ Bed and breakfast inns in single-family dwellings, subject to MCC 38.7335 and provided that the residence:

(a) Is included in the National Register of Historic Places; or

(b) Is identified and protected under local landmark status as approved pursuant to Oregon state land use regulations protecting historic structures.

(21)~~(23)~~ Special uses in historic buildings, subject to MCC 38.7380.

(B) The following conditional uses may be allowed on lands designated GSA, pursuant to the provisions of MCC 38.0045 and 38.7300.

(1) Exploration, development, and production of sand, gravel, and crushed rock for the construction, maintenance, or reconstruction of roads used to manage or harvest commercial forest products on lands within the Special Management Areas.

(2) Utility facilities necessary for public service upon a showing that:

(a) There is no alternative location with less adverse effect on Agriculture lands.

(b) The size is the minimum necessary to provide the service.

(3) Community facilities and non-profit facilities related to agricultural resource management.

(4) Expansion of existing non-profit group camps, retreats, and conference or education centers for the successful operation on the dedicated site. Expansion beyond the dedicated site is prohibited.

(5) Public recreation, commercial recreation, interpretive and educational developments and uses consistent with MCC 38.7085.

(6) Agricultural product processing and packaging, upon demonstration that the processing will be limited to products produced primarily on or adjacent to the property. "Primarily" means a clear majority of the product as measured by volume, weight, or value.

(7) Home occupations ~~and cottage industries~~ in an existing dwelling unit or accessory building pursuant to MCC 38.7330. The use or development shall be compatible with agricultural use. Buffer zones should be considered to protect agricultural practices from conflicting uses.

(8) Bed and breakfast inns in structures that are included in, or eligible for inclusion in, the National Register of Historic Places approved under MCC 38.7335. The use or development shall be compatible with agricultural use. Buffer zones should be considered to protect agricultural practices from conflicting uses.

(9) Disposal sites managed and operated by the Oregon Department of Transportation, or the Multnomah County public works department for earth materials and any intermixed vegetation generated by routine or emergency/disaster public road maintenance activities with the National Scenic Area, subject to compliance with MCC 38.7350.

(10) Fish hatcheries and aquiculture facilities.

(11) Towers and fire stations for forest fire protection.

(Ord. 1197, Amended 02/16/2013; Ord. 1125, Amended, 12/11/2008; Ord. 1074, Amended, 05/04/2006; Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2260 DIMENSIONAL REQUIREMENTS

(A) Except as provided in MCC 38.2230 (A) ~~(16) and (17)~~ (15) and (16), the minimum lot size shall be according to the short-title zone district designation on the Zoning Map, as follows:

GGA-20	20 acres when not within deer and elk winter range. Otherwise, the minimum lot size is 40 acres.
GGA-40	40 acres
GSA-40	Not Applicable

Commented [AB24]: These revisions clarify limitations on parcel sizes allowed by the Management Plan. The minimum lot sizes for lands that include deer and elk winter range applies to lands designated Large-Scale or Small-Scale Agriculture, Commercial Forest, or Large or Small Woodland. New parcels shall be 40 acres or larger in the west end of the National Scenic Area per the Management Plan requirements. Currently, preliminary map analysis suggests none of the GGA-20 tax lots (28 tax lots) are located within deer and elk winter range.

(B) That portion of a street which would accrue to an adjacent lot if the street were vacated shall be included in calculating the area of such lot.

(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.

(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.

(E) Structures such as barns, silos, windmills, antennae, chimneys, or similar structures may exceed the height requirement if located at least 30 feet from any property line.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2285 OFF-STREET PARKING AND LOADING

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

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2290 ACCESS

Any lot in this district shall abut a street or shall have other access determined by the approval authority to be safe and convenient for pedestrians and passenger and emergency vehicles.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2295 SIGNS

Signs, pursuant to the provisions of MCC 38.0080.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

RURAL CENTER - GGRC

§ 38.2400- PURPOSES

The purposes of the Gorge General Rural Center district are to protect and support the economy of the Columbia River Gorge National Scenic Area by recognizing the Corbett community as a service center and gathering place and allow uses compatible with the commercial, rural residential, and public facility and service character of that community.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2405 AREA AFFECTED

MCC 38.2405 through 38.2495 shall apply to those areas designated GGRC on the Multnomah County Zoning Map.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2415 USES

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this district except for the uses listed in MCC 38.2420 through 38.2495.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2420 ALLOWED USES

The uses listed in MCC 38.1005 are allowed on land designated GGRC with review.

(Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2423 EXPEDITED USES

The uses listed in MCC 38.1010 may be allowed on land designated GGRC, pursuant to MCC 38.7100.

(Ord. 1064, Add, 06/23/2005)

§ 38.2425 REVIEW USES

The following uses may be allowed on lands designated GGRC, pursuant to MCC 38.0530 (B) and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7085 have been satisfied:

(A) A single-family dwelling on a legally created and existing parcel.

(B) Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in (C) below.

(C) Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel are subject to the following additional standards:

(1) The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

(2) The height of any individual accessory building shall not exceed 24 feet.

(D) A temporary dwelling for health hardship, pursuant to MCC 38.7320.

(E) Duplexes.

(F) New cultivation, subject to compliance with MCC 38.7045, ~~38.7055, 38.7060~~, 38.7053, 38.7065 and 38.7070.

(G) Land divisions, subject to MCC 38.2460.

(H) Rural service commercial and tourist commercial uses limited to 5,000 square feet of floor area per building or use.

(1) Grocery stores

(2) Variety and hardware stores

(3) Shops, offices and repair shops

(4) Personal services such as barber and beauty shops

(5) Restaurants

(6) Taverns and bars

(7) Gas stations

(8) Gift shops

(I) Placement of Structures necessary for continued public safety, or the protection of essential public services or protection of private or public existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements damaged during an emergency/disaster event. This includes replacement of temporary structures erected during such events with permanent structures performing an identical or related function. Land use proposals for such structures shall be submitted within 12 months following an emergency/disaster event. Applicants are responsible for all other applicable local, state and federal permitting requirements.

(J) Property line adjustments that would result in the potential to create additional parcels through subsequent land divisions, subject to 38.7970.

(K) Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation and~~/or~~ natural resources, subject to MCC 38.7345. These projects may include new structures (e.g., fish ladders, sediment barriers) ~~and/~~or activities (e.g., closing and revegetating unused roads, re-contouring abandoned quarries).

(L) Agricultural structures, ~~except buildings,~~ in conjunction with agricultural use, including new cultivation.

(M) Agricultural buildings in conjunction with current agricultural use and, if applicable, proposed agricultural use that a landowner would initiate within one year and complete within five years, subject to MCC 38.7340.

(N) Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building.

(O) Removal/demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks.

(P) Consolidation of Parcels and Lots pursuant to MCC 38.7794 and Replatting of Partition and Subdivision Plats pursuant to MCC 38.7797.

(Q) Solar, photovoltaic and wind turbine alternative energy production facilities accessory to uses permitted in the zoning district provided that the applicable renewable energy production provisions of 38.7390 are met, and:

(1) For all systems:

(a) They are not a commercial power generating facility such as a utility;

(b) The system meets all special district requirements;

(c) The system is mounted to a ground mount, to the roof of the dwelling or accessory structure, or to a wind tower;

(2) The overall height of solar energy systems shall not exceed the peak of the roof of the building on which the system is mounted;

(3) For wind turbine systems:

(a) They are set back to all property lines a distance equal to or greater than the combined height of the turbine tower and blade length. Height is measured from grade to the top of the wind generator blade when it is at its highest point. There is no height restriction for a wind turbine provided the wind turbine meets the NSA Site Review Criteria of MCC 38.7035 through 38.7080;

(b) No lighting on wind turbine towers is allowed except as required by the Federal Aviation Administration or other federal or state agency and is consistent with the NSA Site Review approval criteria of MCC 38.7035 through 38.7080.

(c) The land owner signs and records a covenant stating they are responsible for the removal of the system if it is abandoned. In the case of a sale or transfer of property, the new property owner shall be responsible for the use and/or removal of the system. Systems unused for one consecutive year are considered abandoned.

(R) A Type A home occupation in an existing dwelling unit, pursuant to MCC 38.7331.

(S) Overnight accommodations in single family dwellings, pursuant to MCC 38.7337.

(Ord. 1197, Amended 02/16/2013; Ord. 1192, Amended, 05/17/2012; Ord. 1186, Amended, 10/13/2011; Ord. 1176, Amended, 03/03/2011; Ord. 1097, Amended, 07/26/2007; Ord. 1064, Amended, 06/23/2005; Ord. 1007, Amended, 02/06/2003; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 994, Amended, 09/26/2002)

§ 38.2430 CONDITIONAL USES

The following conditional uses may be allowed on lands designated GGRC, pursuant to the provisions of MCC 38.0045 and 38.7300:

(A) Fire stations

(B) Libraries

(C) Government buildings

(D) Community centers and meeting halls

(E) Schools

(F) Accredited child care centers

(G) Utility facilities, roads and railroads

(H) Recreation development, subject to MCC 38.7080.

(I) Places of worship

(J) Planned Developments pursuant to the provisions of MCC 38.4300 through 38.4370.

(K) ~~Travelers accommodations, bed~~ Bed and breakfast inns pursuant to MCC 38.7335.

(L) Home occupations ~~or cottage industries~~ in an existing dwelling unit or accessory building, pursuant to MCC 38.7330.

(M) Special uses in historic buildings, subject to MCC 38.7380.

(Ord. 1197, Amended 02/16/2013; Ord. 1074, Amended, 05/04/2006; Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2460 DIMENSIONAL REQUIREMENTS

(A) The minimum lot size for a single family dwelling shall be one acre.

(B) The minimum lot size for a duplex dwelling shall be two acres.

(C) The minimum lot size for a conditional use permitted pursuant to MCC 38.2430, shall be based upon:

(1) The site size needs of the proposed use;

(2) The nature of the proposed use in relation to the impacts on nearby properties; and

(3) Consideration of the purposes of this district.

(D) That portion of a street which would accrue to an adjacent lot if the street were vacated shall be included in calculating the area of such lot.

(E) 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.

(F) 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.

(G) Structures such as barns, silos, windmills, antennae, chimneys, or similar structures may exceed the height requirement if located at least 30 feet from any property line.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2485 OFF-STREET PARKING AND LOADING

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

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2490 ACCESS

Any lot in this district shall abut a street or shall have other access determined by the approval authority to be safe and convenient for pedestrians and passenger and emergency vehicles.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2495 SIGNS

Signs, pursuant to the provisions of MCC 38.0080.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

OPEN SPACE - GGO and GSO

§ 38.2600- PURPOSES

The purposes of the Gorge General Open Space and Gorge Special Open Space districts are to protect ~~those~~ the most significant and sensitive scenic, cultural, natural and recreation resources on unimproved lands from conflicting uses through avoidance, and enhance the~~m~~ resources where appropriate.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2605 AREA AFFECTED

MCC 38.2600 through 38.2695 shall apply to those areas designated GGO and GSO on the Multnomah County Zoning Map.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2615 USES

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this district except for the uses listed in MCC 38.2620 through 38.2695.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2620 ALLOWED USES

The uses listed in MCC 38.1005(B) are allowed on all lands designated GGO, GGO-GW, GSO and GGO-SP without review:

(Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2623 EXPEDITED USES

The uses listed in MCC 38.1010 may be allowed on land designated GGO, GGO-GW, GSO, AND GSO-SP, pursuant to MCC 38.7100.

(Ord. 1064, Add, 06/23/2005)

§ 38.2625 REVIEW USES

(A) The following uses may be allowed on lands designated GGO, pursuant to MCC 38.0530 (B) and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7085 have been satisfied:

(1) Low intensity recreation, subject MCC 38.7080~~; and~~.

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(2) Land divisions to facilitate efforts to protect and enhance scenic, cultural, natural or recreation resources.

(3) ~~Repair, maintenance, operation, and improvement~~ Improvement, not including expansion, of existing structures (such as adding gutters, railings, shutters or solar or photovoltaic panels to the structure), trails, roads, railroads, utility facilities, and hydroelectric facilities.

(4) Placement of Structures necessary for continued public safety, or the protection of essential public services or protection of private or public existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements damaged during an emergency/disaster event. This includes replacement of temporary structures erected during such events with permanent structures performing an identical or related function. Land use proposals for such structures shall be submitted within 12 months following an emergency/disaster event. Applicants are responsible for all other applicable local, state and federal permitting requirements.

(5) Removal of timber, rocks or other materials for purposes of public safety or placement of structures for public safety.

(6) Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation, and~~/or~~ natural resources, subject to MCC 38.7345. These projects may include new structures (e.g., fish ladders, sediment barriers) ~~and/~~or activities (e.g., closing and revegetating unused roads, re-contouring abandoned quarries).

(7) Removal/demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks.

(8) Property line adjustments, subject to 38.7970.

(9) Consolidation of Parcels and Lots pursuant to MCC 38.7794 and Replatting of Partition and Subdivision Plats pursuant to MCC 38.7797.

(B) The following uses are allowed on land designated GGO-GW, pursuant to MCC 38.0530 (B) and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7085 have been satisfied:

(1) Livestock grazing;

(2) Fish and wildlife management uses conducted by federal, state or tribal resource agencies;

(3) Soil, water or vegetation uses performed in accordance with a conservation plan approved by a county conservation district;

(4) Harvesting of wild crops; and

(5) Educational or scientific research.

(6) Placement of Structures necessary for continued public safety, or the protection of essential public services or protection of private or public existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements damaged during an emergency/disaster

event. This includes replacement of temporary structures erected during such events with permanent structures performing an identical or related function. Land use proposals for such structures shall be submitted within 12 months following an emergency/disaster event. Applicants are responsible for all other applicable local, state and federal permitting requirements.

(7) Removal of timber, rocks or other materials for purposes of public safety or placement of structures for public safety.

(8) ~~Repair, maintenance, operation, and improvement~~ Improvement, not including expansion of existing structures (such as adding gutters, railings, shutters or solar or photovoltaic panels to the structure),~~,~~ trails, roads, railroads, utility facilities, and hydroelectric facilities.

(9) Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation, and~~/or~~ natural resources, subject to MCC 38.7345. These projects may include new structures (e.g., fish ladders, sediment barriers) ~~and/~~or activities (e.g., closing and revegetating unused roads, re-contouring abandoned quarries).

(10) Removal/demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks.

(11) Property line adjustments, subject to 38.7970.

(12) Continued operation of existing quarries, if they are determined to be consistent with guidelines to protect scenic, cultural, natural, and recreation resources.

(13) Consolidation of Parcels and Lots pursuant to MCC 38.7794 and Replatting of Partition and Subdivision Plats pursuant to MCC 38.7797.

(C) The following uses are allowed on land designated GGO-SP, pursuant to MCC 38.0530 (B) and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7085 have been satisfied:

(1) Fish and wildlife management uses conducted by federal, state or tribal agencies;

(2) Soil, water or vegetation uses performed in accordance with a conservation plan approved by a local conservation district;

(3) Harvesting of wild crops;

(4) Educational or scientific research.

(5) Placement of Structures necessary for continued public safety, or the protection of essential public services or protection of private or public existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements damaged during an emergency/disaster event. This includes replacement of temporary structures erected during such events with permanent structures performing an identical or related function. Land use proposals for such structures shall be submitted within 12 months following an emergency/disaster event.

Applicants are responsible for all other applicable local, state and federal permitting requirements.

(6) Removal of timber, rocks or other materials for purposes of public safety or placement of structures for public safety.

(7) Repair, maintenance, operation, and improvement of existing structures (such as adding gutters, railings, shutters or solar or photovoltaic panels to the structure),~~,~~ trails, roads, railroads, utility facilities, and hydroelectric facilities.

(8) Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation and/or natural resources, subject to MCC 38.7345. These projects may include new structures (e.g., fish ladders, sediment barriers) and/or activities (e.g., closing and revegetating unused roads, re-contouring abandoned quarries).

(9) Removal/demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks.

(10) Property line adjustments, subject to 38.7970.

(11) Consolidation of Parcels and Lots pursuant to MCC 38.7794 and Replatting of Partition and Subdivision Plats pursuant to MCC 38.7797.

(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.

(2) Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation ~~and/~~or natural resources, subject to MCC 38.7345. These projects may include vegetation management and forest practices (subject to MCC 38.7370 for the restoration of forest health, new structures (e.g., fish ladders, sediment barriers) ~~and/~~or activities (e.g., closing and revegetating unused roads, re-contouring abandoned quarries).

(3) Low intensity recreation uses and development~~s~~ including educational and interpretive facilities, consistent with MCC 38.7085.

(4) Utility facilities for public service upon a showing that:

(a) There is no alternative location with less adverse effect on land designated GSO;

(b) The size is the minimum necessary to provide the service.

(5) Placement of Structures necessary for continued public safety, or the protection of essential public services or protection of private or public existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements damaged during an emergency/disaster event. This includes replacement of temporary structures erected during such events with permanent structures performing an identical or related function. Land use proposals for such

structures shall be submitted within 12 months following an emergency/disaster event. Applicants are responsible for all other applicable local, state and federal permitting requirements.

(6) Removal/demolition of structures that are 50 or more years old, including wells, septic tanks, and fuel tanks.

(7) Treatment of noxious weeds shall be permitted without completion of an SMA Open Space plan when the following criteria have been met:

(a) Noxious weed infestation is new and eradication is still viable.

(b) Delayed or deferred treatment could have widespread or major adverse impacts to one or more of the following resources:

1. Displacement of native and traditionally gathered plants;

2. Degradation of wildlife habitat and forage;

3. Degradation or loss of agricultural uses of land, such as cropland or livestock forage;

4. Limitation of recreational use.

(8) Consolidation of Parcels and Lots pursuant to MCC 38.7794 and Replatting of Partition and Subdivision Plats pursuant to MCC 38.7797.

(E) For federal land, treatment effects have been thoroughly evaluated in an environmental assessment.

(Ord. 1176, Amended, 03/03/2011; Ord. 1125, Amended, 12/11/2008; Ord. 1097, Amended, 07/26/2007; Ord. 1064, Amended, 06/23/2005; Ord. 1007, Amended, 02/06/2003; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 994, Amended, 09/26/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2660 DIMENSIONAL REQUIREMENTS

(A) There is no minimum lot size for properties designated GGO or GSO.

(B) That portion of a street which would accrue to an adjacent lot if the street were vacated shall be included in calculating the area of such lot.

(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.

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(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.

(E) Structures such as barns, silos, windmills, antennae, chimneys, or similar structures may exceed the height requirement if located at least 30 feet from any property line.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2685 OFF-STREET PARKING AND LOADING

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

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2690 ACCESS

Any lot in this district shall abut a street or shall have other access determined by the approval authority to be safe and convenient for pedestrians and passenger and emergency vehicles.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2695 SIGNS

Signs, pursuant to the provisions of MCC 38.0080.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

RECREATIONAL DISTRICTS - GG-PR, GG-CR and GS-PR

§ 38.2800- PURPOSES

The purposes of the Gorge Recreation districts are to protect and enhance opportunities for publicly-owned, moderate and high-intensity resource based recreation uses ~~within the Columbia River Gorge National Scenic Area~~ on lands most suitable for ~~recreation~~ such uses.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2805 AREA AFFECTED

MCC 38.2800 through 38.2895 shall apply to those areas designated GG– PR, GG– CR and GS– PR on the Multnomah County Zoning Map.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2815 USES

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this district except for the uses listed in MCC 38.2820 through 38.2895.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2820 ALLOWED USES

The uses listed in MCC 38.1005 are allowed on land designated GG-PR, GG-CR and GS-PR without review.

(Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2823 EXPEDITED USES

The uses listed in MCC 38.1010 may be allowed on land designated GG-PR, GS-PR, and GG-CR, pursuant to MCC 38.7100.

(Ord. 1064, Add, 06/23/2005)

§ 38.2825 REVIEW USES

(A) The following uses are allowed on all lands designated GG– PR pursuant to MCC 38.0530 (B) and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7085 have been satisfied:

(1) The following uses may be allowed, subject to compliance with MCC 38.7300, and the standards of MCC 38.7000 through 38.7085:

(a) One single-family dwelling for each existing parcel legally created prior to adoption of the first Management Plan on October 15, 1991. Exceptions may be considered only upon demonstration that more than one residence is necessary for management of a public park.

(b) Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in (c) below.

(c) Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel are subject to the following additional standards:

1. The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

2. The height of any individual accessory building shall not exceed 24 feet.

(d) Agricultural structures~~, except buildings,~~ in conjunction with agricultural use.

(e) Agricultural buildings in conjunction with current agricultural use and, if applicable, proposed agricultural use that a landowner would initiate within one year and complete within five years, subject to MCC 38.7340.

(f) Utility transmission, transportation, communication and public works facilities.

(g) Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation ~~and/~~or natural resources, subject to MCC 38.7345. These projects may include new structures (e.g., fish ladders, sediment barriers) ~~and/~~or activities (e.g., closing and revegetating unused roads, re-contouring abandoned quarries).

(h) Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building.

(i) Docks and boathouses, subject to MCC 38.7325.

(j) Removal/demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks.

(2) Land divisions, subject to compliance with MCC 38.7300 (E) (3).

(3) Property line adjustments, subject to MCC 38.7970.

(4) Placement of Structures necessary for continued public safety, or the protection of essential public services or protection of private or public existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements damaged during an emergency/disaster event. This includes replacement of temporary structures erected during such events with permanent structures performing an identical or related function. Land use proposals for such structures shall be submitted within 12 months following an emergency/disaster event. Applicants are responsible for all other applicable local, state and federal permitting requirements.

(5) Consolidation of Parcels and Lots pursuant to MCC 38.7794 and Replatting of Partition and Subdivision Plats pursuant to MCC 38.7797.

(6) Solar, photovoltaic and wind turbine alternative energy production facilities accessory to uses permitted in the zoning district provided that the applicable renewable energy production provisions of 38.7390 are met, and:

(a) For all systems:

1. They are not a commercial power generating facility such as a utility;

2. The system meets all special district requirements;

3. The system is mounted to a ground mount, to the roof of the dwelling or accessory structure, or to a wind tower;

(b) The overall height of solar energy systems shall not exceed the peak of the roof of the building on which the system is mounted;

(c) For wind turbine systems:

1. They are set back to all property lines a distance equal to or greater than the combined height of the turbine tower and blade length. Height is measured from grade to the top of the wind generator blade when it is at its highest point. There is no height restriction for a wind turbine provided the wind turbine meets the NSA Site Review Criteria of MCC 38.7035 through 38.7080;

2. No lighting on wind turbine towers is allowed except as required by the Federal Aviation Administration or other federal or state agency and is consistent with the NSA Site Review approval criteria of MCC 38.7035 through 38.7080.

3. The land owner signs and records a covenant stating they are responsible for the removal of the system if it is abandoned. In the case of a sale or transfer of property, the new property owner shall be responsible for the use and/or removal of the system. Systems unused for one consecutive year are considered abandoned.

(B) The following uses are allowed on all lands designated GG – CR pursuant to MCC 38.0530 (B) and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7085 have been satisfied:

(1) The following uses may be allowed, subject to compliance with MCC 38.7300 (F) and the standards of MCC 38.7000 through 38.7085:

(a) One single-family dwelling for each ~~lot or~~ existing parcel legally created prior to adoption of the first Management Plan on October 15, 1991.

(b)Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in (c) below.

(c) Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel are subject to the following additional standards:

1. The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

2. The height of any individual accessory building shall not exceed 24 feet.

(d) Agricultural structures, ~~except buildings,~~ in conjunction with agricultural use.

(e) Agricultural buildings in conjunction with current agricultural use and, if applicable, proposed agricultural use that a landowner would initiate within one year and complete within five years, subject to MCC 38.7340.

(f) Utility transmission, transportation and communication facilities.

(g) Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation ~~and/~~or natural resources, subject to MCC 38.7345. These projects may include new structures (e.g., fish ladders, sediment barriers) ~~and/~~or activities (e.g., closing and revegetating unused roads, re-contouring abandoned quarries).

(h) Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building.

(i) Docks and boathouses, subject to MCC 38.7325.

(j) Removal/demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks.

(2) Land divisions, subject to compliance with MCC 38.7300 (E).

(3) Placement of Structures necessary for continued public safety, or the protection of essential public services or protection of private or public existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements damaged during an emergency/disaster event. This includes replacement of temporary structures erected during such events with permanent structures performing an identical or related function. Land use proposals for such structures shall be submitted within 12 months following an emergency/disaster event. Applicants are responsible for all other applicable local, state and federal permitting requirements.

(4) Property line adjustments, subject to MCC 38.7970.

(5) Consolidation of Parcels and Lots pursuant to MCC 38.7794 and Replatting of Partition and Subdivision Plats pursuant to MCC 38.7797.

(6) Solar, photovoltaic and wind turbine alternative energy production facilities accessory to uses permitted in the zoning district provided that the applicable renewable energy production provisions of 38.7390 are met, and:

(a) For all systems:

1. They are not a commercial power generating facility such as a utility;

2. The system meets all special district requirements;

3. The system is mounted to a ground mount, to the roof of the dwelling or accessory structure, or to a wind tower;

(b) The overall height of solar energy systems shall not exceed the peak of the roof of the building on which the system is mounted;

(c) For wind turbine systems:

1. They are set back to all property lines a distance equal to or greater than the combined height of the turbine tower and blade length. Height is measured from grade to the top of the wind generator blade when it is at its highest point. There is no height restriction for a wind turbine provided the wind turbine meets the NSA Site Review Criteria of MCC 38.7035 through 38.7080;

2. No lighting on wind turbine towers is allowed except as required by the Federal Aviation Administration or other federal or state agency and is consistent with the NSA Site Review approval criteria of MCC 38.7035 through 38.7080.

3. The land owner signs and records a covenant stating they are responsible for the removal of the system if it is abandoned. In the case of a sale or transfer of property, the new property owner shall be responsible for the use and/or removal of the system. Systems unused for one consecutive year are considered abandoned.

(C) The following uses are allowed on all lands designated GS– PR pursuant to MCC 38.0530 (B) and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7085 have been satisfied:

(1) Uses and practices in the Gorge Special Forestry (GSF) district as allowed in MCC 38.2025 (B), except (B)(8) and (B)(9).

(2) Public trails, consistent with MCC 38.7085.

(3) Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in (4) below.

(4) Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel are subject to the following additional standards:

(a) The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

(b) The height of any individual accessory building shall not exceed 24 feet.

(5) Road and railroad construction and reconstruction.

(6) Resource enhancement projects for the purpose of enhancing scenic, cultural,~~,~~ recreation, ~~an/~~or natural resources subject to MCC 38.7345. Those projects may include new structures

(e.g., fish ladders, sediment barriers) or activities (e.g., closing and revegetating unused roads, recontouring abandoned quarries).

(7) Uses in the gorge Special Agriculture (GSA) district as allowed in MCC 38.2225(B), except (B)(7) and B(8).

(8) Placement of Structures necessary for continued public safety, or the protection of essential public services or protection of private or public existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements damaged during an emergency/disaster event. This includes replacement of temporary structures erected during such events with permanent structures performing an identical or related function. Land use proposals for such structures shall be submitted within 12 months following an emergency/disaster event. Applicants are responsible for all other applicable local, state and federal permitting requirements.

(9) On a parcel of 40 acres or greater with an existing dwelling, ~~the temporary use of~~ a temporary dwelling ~~mobile home~~ in the case of a family hardship, subject to MCC 38.7320.

(10) Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building.

(11) Removal/demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks.

(12) Docks and boathouses, subject to MCC 38.7325.

(13) Consolidation of Parcels and Lots pursuant to MCC 38.7794 and Replatting of Partition and Subdivision Plats pursuant to MCC 38.7797.

(14) Solar, photovoltaic and wind turbine alternative energy production facilities accessory to uses permitted in the zoning district provided that the applicable renewable energy production provisions of 38.7390 are met, and:

(a) For all systems:

1. They are not a commercial power generating facility such as a utility;

2. The system meets all special district requirements;

3. The system is mounted to a ground mount, to the roof of the dwelling or accessory structure, or to a wind tower;

(b) The overall height of solar energy systems shall not exceed the peak of the roof of the building on which the system is mounted

(c) For wind turbine systems:

1. They are set back to all property lines a distance equal or greater than the combined height of the turbine tower and blade length. Height is measured from grade to the top of the wind generator blade when it is at its highest point. There is no height restriction

for a wind turbine provided the wind turbine meets the NSA Site Review Criteria of MCC 38.7040 et. al.;

2. No lighting on wind turbine towers is allowed except as required by the Federal Aviation Administration or other federal or state agency and is consistent with the NSA Site Review approval criteria of MCC 38.7040 et al.

3. The land owner signs and records a covenant stating they are responsible for the removal of the system if it is abandoned. In the case of a sale or transfer of property, the new property owner shall be responsible for the use and/or removal of the system. Systems unused for one consecutive year are considered abandoned.

(15) A Type A home occupation in an existing dwelling unit, pursuant to MCC 38.7331.

(Ord. 1197, Amended 02/16/2013; Ord. 1192, Amended, 05/17/2012; Ord. 1176, Amended, 03/03/2011; Ord. 1125, Amended, 12/11/2008; Ord. 1097, Amended, 07/26/2007; Ord. 1064, Amended, 06/23/2005; Ord. 1007, Amended, 02/06/2003; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 994, Amended, 09/26/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2830 CONDITIONAL USES

(A) The following conditional uses may be allowed on lands designated GG– PR, pursuant to the provisions of MCC 38.0045, 38.7300 (E) and 38.7080 (E) (1) and (3) through (7):

(1) Publicly-owned, resource-based recreation uses consistent with MCC 38.7080.

(2) Commercial uses and non-resource based recreation uses which are part of an existing or approved, resource-based public recreation use consistent with policies, guidelines and conditional use criteria for such uses contained in this section.

(3) New cultivation, subject to compliance with MCC 38.7045, ~~38.7055, 38.7060,~~ 38.7053, 38.7065 and 38.7070.

(4) Special uses in historic buildings, subject to MCC 38.7380.

(B) The following conditional uses may be allowed on lands designated GG– CR, pursuant to the provisions of MCC 38.0045, 38.7300 (E) and 38.7080 (E) (1) and (3) through (7):

(1) Commercially-owned, resource-based recreation uses.

(2) Overnight recreation accommodations which are part of a commercially-owned resource-based recreation use, where such resource-based recreation use occurs on the subject site or is accessed through the site on adjacent lands, and which meet the following standards:

(a) Buildings containing individual units are no larger than 1,500 square feet in total floor area and no higher than two and one-half stories.

(b) Buildings containing more than one unit are no larger than 6,000 square feet in total floor area and no higher than two and one-half stories.

(c) The total number of individual units shall not exceed 25, unless the proposed development complies with standards for clustered accommodations in subsection (d) below.

(d) Clustered overnight ~~travelers~~ recreation accommodations meeting the following standards may include up to 35 individual units:

1. Average total floor area of all units is 1,000 square feet or less per unit;

2. A minimum of 50 percent of the project site is dedicated to undeveloped, open areas (not including roads or parking areas);

3. The facility is in an area classified ~~for high intensity recreation~~ in the Management Plan as ~~(~~Recreation Intensity Class 4~~)~~.

(3) Commercial uses, including restaurants sized to accommodate overnight visitors and their guests, and non-resource-based recreation uses which are part of an existing or approved resource-based commercial recreation use consistent with the policies, guidelines and conditional use criteria for such uses contained in this section.

(4) New cultivation, subject to compliance with MCC 38.7045, ~~38.7055, 38.7060,~~ 38.7053, 38.7065 and 38.7070.

(5) Special uses in historic buildings, subject to MCC 38.7380.

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

(1) Public natural resource-based recreational facilities, consistent with 38.7085.

(2) Public non-profit group camps, retreats, conference or educational centers, and interpretive facilities.

(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.

(4) One single family residence on a parcel 40 contiguous acres or larger, when found to be necessary for the management of:

(a) An agricultural use pursuant to MCC 38.2225 (B) (3);

(b) A forest use pursuant to MCC 38.2025 (B) (6); or

(c) A public recreation site.

(5) Home occupations ~~and cottage industries~~ in an existing dwelling unit or accessory building, pursuant to MCC 38.7330.

(6) Exploration, development, and production of sand, gravel, or crushed rock for the construction, maintenance, or reconstruction of roads used to manage or harvest commercial forest products.

(7) Fish hatcheries and aquiculture facilities.

(8) Towers and fire stations for forest fire protection.

(9) Community facilities and non-profit facilities related to forest resource management or agricultural resource management.

(10) Expansion of existing non-profit group camps, retreat or conference center.

(11) Bed and Breakfast inns in single-family dwellings, pursuant to MCC 38.7335, and provided that the residence is included in, or eligible for inclusion in, the National Register of Historic Places. The use or development shall be compatible with agricultural use. Buffer zones should be considered to protect agricultural practices from conflicting uses.

(12) Agricultural product processing and packaging, upon demonstration that the processing will be limited to products produced primarily on or adjacent to the property. "Primarily" means a clear majority of the product as measured by volume, weight, or value.

(Ord. 1197, Amended 02/16/2013; Ord. 1074, Amended, 05/04/2006; Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2860 DIMENSIONAL REQUIREMENTS

(A) There is no minimum lot size for properties designated GG– PR, GG– CR, and GS– PR.

(B) That portion of a street which would accrue to an adjacent lot if the street were vacated shall be included in calculating the area of such lot.

(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.

(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.

(E) Structures such as barns, silos, windmills, antennae, chimneys, or similar structures may exceed the height requirement if located at least 30 feet from any property line.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

(S-2 - LU 2012)

§ 38.2885 OFF-STREET PARKING AND LOADING

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

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2890 ACCESS

Any lot in this district shall abut a street or shall have other access determined by the approval authority to be safe and convenient for pedestrians and passenger and emergency vehicles.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.2895 SIGNS

Signs, pursuant to the provisions of MCC 38.0080.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

RESIDENTIAL DISTRICTS - GGR and GSR

§ 38.3000- PURPOSES

The purposes of the Gorge General Residential and Gorge Special Residential districts are to ~~protect and enhance the character of existing residential areas, and to~~ ensure ~~new~~ that residential development outside urban areas does not adversely affect the scenic, cultural, natural and recreation resources of the Columbia River Gorge National Scenic Area and to ensure that residential development outside of urban areas protects agricultural and forest land for agricultural and forest uses.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.3005 AREA AFFECTED

MCC 38.3000 through 38.3095 shall apply to those areas designated GGR and GSR on the Multnomah County Zoning Map.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.3015 USES

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this district except for the uses listed in MCC 38.3020 through 38.3095.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.3020 ALLOWED USES

The uses listed in MCC 38.1005 are allowed on land designated GGR and GSR without review.

(Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002)

§ 38.3023 EXPEDITED USES

The uses listed in MCC 38.1010 may be allowed on land designated GGR and GSR, pursuant to MCC 38.7100.

(Ord. 1064, Add, 06/23/2005)

§ 38.3025 REVIEW USES

(A) The following uses may be allowed on lands designated GGR, pursuant to MCC 38.0530 (B) and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7085 have been satisfied:

(1) One single-family dwelling per legally created and existing parcel.

(a) If the subject parcel is located adjacent to lands designated GGA or GGF, the use shall comply with the buffer requirements of MCC 38.0060; and

(b) If the subject parcel is located is adjacent to lands designated GGF, the placement of a dwelling shall also comply with the fire protection standards of MCC 38.7305.

(2) Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in (3) below.

(3) Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel are subject to the following additional standards:

(a) The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

(b) The height of any individual accessory building shall not exceed 24 feet.

(4) A temporary dwelling for health hardship, pursuant to MCC 38.7320.

(5) Construction or reconstruction of roads.

(6) New cultivation, subject to compliance with MCC 38.7045, ~~38.7055, 38.7060,~~ 38.7053, 38.7065 and 38.7070.

(7) Land divisions, pursuant to the provisions of MCC 38.7725 (A).

(8) Placement of Structures necessary for continued public safety, or the protection of essential public services or protection of private or public existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements damaged during an emergency/disaster event. This includes replacement of temporary structures erected during such events with permanent structures performing an identical or related function. Land use proposals for such structures shall be submitted within 12 months following an emergency/disaster event. Applicants are responsible for all other applicable local, state and federal permitting requirements.

(9) Property line adjustments that would result in the potential to create additional parcels through subsequent land divisions, subject to 38.7970.

(10) Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation and~~/or~~ natural resources, subject to MCC 38.7345. These projects may include new structures (e.g., fish ladders, sediment barriers) ~~and/~~or activities (e.g., closing and revegetating unused roads, recontouring abandoned quarries).

(11) Agricultural structures~~, except buildings,~~ in conjunction with agricultural use, including new cultivation.

(12) Agricultural buildings in conjunction with current agricultural use and, if applicable, proposed agricultural use that a landowner would initiate within one year and complete within five years, subject to MCC 38.7340.

(13) Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building.

(14) Docks and boathouses, subject to MCC 38.7325.

(15) Removal/demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks.

(16) Consolidation of Parcels and Lots pursuant to MCC 38.7794 and Replatting of Partition and Subdivision Plats pursuant to MCC 38.7797.

(17) Solar, photovoltaic and wind turbine alternative energy production facilities accessory to uses permitted in the zoning district provided that the applicable renewable energy production provisions of 38.7390 are met, and:

(a) For all systems:

1. They are not a commercial power generating facility such as a utility;

2. The system meets all special district requirements;

3. The system is mounted to a ground mount, to the roof of the dwelling or accessory structure, or to a wind tower;

(b) The overall height of solar energy systems shall not exceed the peak of the roof of the building on which the system is mounted;

(c) For wind turbine systems:

1. They are set back to all property lines a distance equal to or greater than the combined height of the turbine tower and blade length. Height is measured from grade to the top of the wind generator blade when it is at its highest point. There is no height restriction for a wind turbine provided the wind turbine meets the NSA Site Review Criteria of MCC 38.7035 through 38.7080;

2. No lighting on wind turbine towers is allowed except as required by the Federal Aviation Administration or other federal or state agency and is consistent with the NSA Site Review approval criteria of MCC 38.7035 through 38.7080.

3. The land owner signs and records a covenant stating they are responsible for the removal of the system if it is abandoned. In the case of a sale or transfer of property, the new property owner shall be responsible for the use and/or removal of the system. Systems unused for one consecutive year are considered abandoned.

(18) A Type A home occupation in an existing dwelling unit, pursuant to MCC 38.7331.

(19) Overnight accommodations in single family dwellings in GGR-5 and GGR-10 zones only, pursuant to MCC 38.7337.

(B) The following uses may be allowed on lands designated GSR, pursuant to MCC 38.0530 (B) and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7085 have been satisfied:

(1) One single-family dwelling per legally created lot or consolidated parcel 40 acres in size or larger, subject to the standards of MCC 38.7305.

Commented [AB25]: Clarifying an existing limitation in the Management Plan that any new dwelling within the SMA Residential land use designation shall be on a parcel of at least 40 acres in size.

(2) Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in (3) below.

(3) Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel are subject to the following additional standards:

(a) The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

(b) The height of any individual accessory building shall not exceed 24 feet.

(4) Road and railroad construction and reconstruction.

(5) Forest practices, pursuant to the provisions of MCC 38.2025 (B).

(6) Placement of Structures necessary for continued public safety, or the protection of essential public services or protection of private or public existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements damaged during an emergency/disaster event. This includes replacement of temporary structures erected during such events with permanent structures performing an identical or related function. Land use proposals for such structures shall be submitted within 12 months following an emergency/disaster event. Applicants are responsible for all other applicable local, state and federal permitting requirements.

(7) Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation and~~/or~~ natural resources, subject to MCC 38.7345. These projects may include new structures (e.g., fish ladders, sediment barriers) ~~and/~~or activities (e.g., closing and revegetating unused roads, re-contouring abandoned quarries).

(8) On a parcel of 40 acres or greater with an existing dwelling, a temporary dwelling for health hardship, pursuant to MCC 38.7320.

(9) Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building.

(10) Removal/demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks.

(11) Docks and boathouses, subject to MCC 38.7325.

(12) New cultivation or new agricultural use outside of previously disturbed and regularly worked fields or areas. Clearing trees for new agricultural use is subject to MCC 38.7365.

(13) Consolidation of Parcels and Lots pursuant to MCC 38.7794 and Replatting of Partition and Subdivision Plats pursuant to MCC 38.7797.

(14) Solar, photovoltaic and wind turbine alternative energy production facilities accessory to uses permitted in the zoning district provided that the applicable renewable energy production provisions of 38.7390 are met, and:

(a) For all systems:

1. They are not a commercial power generating facility such as a utility;

2. The system meets all special district requirements;

3. The system is mounted to a ground mount, to the roof of the dwelling or accessory structure, or to a wind tower;

(b) The overall height of solar energy systems shall not exceed the peak of the roof of the building on which the system is mounted

(c) For wind turbine systems:

1. They are set back to all property lines a distance equal or greater than the combined height of the turbine tower and blade length. Height is measured from grade to the top of the wind generator blade when it is at its highest point. There is no height restriction for a wind turbine provided the wind turbine meets the NSA Site Review Criteria of MCC 38.7040 et. al.;

2. No lighting on wind turbine towers is allowed except as required by the Federal Aviation Administration or other federal or state agency and is consistent with the NSA Site Review approval criteria of MCC 38.7040 et al.

3. The land owner signs and records a covenant stating they are responsible for the removal of the system if it is abandoned. In the case of a sale or transfer of property, the new property owner shall be responsible for the use and/or removal of the system. Systems unused for one consecutive year are considered abandoned.

(15) A Type A home occupation in an existing dwelling unit, pursuant to MCC 38.7331.

(Ord. 1270, Amended, 03/14/2019; Ord. 1197, Amended 02/16/2013, Ord. 1192, Amended, 05/17/2012; Ord. 1186, Amended, 10/13/2011; Ord. 1176, Amended, 03/03/2011; Ord. 1125, Amended, 12/11/2008; Ord. 1097, Amended, 07/26/2007; Ord. 1064, Amended, 06/23/2005; Ord. 1007, Amended, 02/06/2003; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 994, Amended, 09/26/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.3030 CONDITIONAL USES

(A) The following conditional uses may be allowed on lands designated GGR, pursuant to the provisions of MCC 38.0045 and MCC 38.7300 (C):

(1) An accredited child care center on land designated GGR– 2.

(2) A child care center on land designated GGR– 5 or GGR– 10 within an existing church or community building.

(3) A school within an existing church or community building.

(4) Expansion of existing primary or middle schools on land purchased prior to June 8, 1999. For purposes of this section, existing schools means public schools that existed prior to adoption of the original Management Plan on October 15, 1991.

(5) Utility facilities, and railroads.

(6) Fire stations.

(7) Recreation development, subject to the Recreation Intensity Classes of MCC 38.7080.

(8) Community parks and playgrounds, ~~consistent with the standards of the National Park and Recreation Society regarding the need for such facilities~~.

~~(9) On parcels 10 acres or larger designated GGR– 5, or 20 acres or larger designated GGR– 10, a land division creating new parcels smaller than the designated minimum parcel size, subject to the provisions of MCC 38.7360.~~

(9)~~(10)~~ Home occupations ~~and cottage industries~~ in an existing dwelling unit or accessory building pursuant to MCC 38.7330.

(10)~~(11)~~ Bed and breakfast inns in single family dwellings on lands designated GGR– 5 or GGR– 10, pursuant to 38.7335.

(11)~~(12)~~ Wineries and cideries, in conjunction with an on-site ~~viticulture~~ vineyard or orchard, upon a showing that processing of wine or cider is from ~~grapes grown~~ fruits harvested on the subject farm ~~or in~~ and the local region.

(12)~~(13)~~ Wine or cider sales and~~/~~tasting rooms in conjunction with an on-site winery or cidery, under the following conditions:

(a) The use shall comply with MCC 38.7330, with the following exceptions:

1. The use may employ an unlimited number of outside employees.

2. The wine or cider sales and~~/~~tasting room may include interior and~~/or~~ exterior space, provided the combined interior and exterior spaces shall not exceed 1,000 square feet.

3. The interior space may be located in an existing building or in a new building or addition to an existing building constructed for the primary purpose of housing the wine or cider sales and~~/~~tasting room.

4. The exterior space may be a veranda, patio, or other similar type of structure.

(13)~~(14)~~ Special uses in historic buildings, subject to MCC 38.7380.

(14)~~(15)~~ Boarding of horses or non-profit horse rescue facility on lands designated GGR-10, subject to MCC 38.7385.

(15)~~(16)~~ Small-Scale Fishing Support and Fish Processing Operations pursuant to MCC 38.7332.

(B) The following conditional uses may be allowed on lands designated GSR, pursuant to the provisions of MCC 38.0045 and 38.7300 (C):

(1) New utility facilities.

(2) Fire stations.

(3) Community parks and playgrounds.

(4) Home occupations ~~and cottage industries~~ in an existing dwelling unit or accessory building pursuant to MCC 38.7330.

(5) Bed and breakfast inns in structures that are included in, or eligible for inclusion in, the National Register of Historic Places, pursuant to 38.7335.

(Ord. 1197, Amended 02/16/2013; Ord. 1179, Amended, 04/21/2011; Ord. 1125, Amended, 12/11/2008; Ord. 1074, Amended, 05/04/2006; Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.3060 DIMENSIONAL REQUIREMENTS

(A) Except as provided in MCC 38.3030 (A) (8), the minimum lot size shall be according to the short-title zone district designation on the Zoning Map, as follows:

GGR-2	2 acres
GGR-5	5 acres
GGR-10	10 acres
GSR	The size of all contiguous, individually owned parcels, as of November 17, 1986

(B) That portion of a street which would accrue to an adjacent lot if the street were vacated shall be included in calculating the area of such lot.

(C) Minimum Yard Dimensions – Feet

Front	Side	Street Side	Rear
30	10	30	30

(S-2 - LU 2012)

Maximum Structure Height – 35 feet
Minimum Front Lot Line Length – 50 feet.

(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.

(E) Structures such as barns, silos, windmills, antennae, chimneys, or similar structures may exceed the height requirement if located at least 30 feet from any property line.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.3085 OFF-STREET PARKING AND LOADING

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

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.3090 ACCESS

Any lot in this district shall abut a street or shall have other access determined by the approval authority to be safe and convenient for pedestrians and passenger and emergency vehicles.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.3095 SIGNS

Signs, pursuant to the provisions of MCC 38.0080.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

COMMERCIAL - GGC

§ 38.3200- PURPOSES

The purposes of the Gorge General Commercial district are to protect and support the economy of the Columbia River Gorge National Scenic Area by encouraging commercial activities in areas where the topography and proximity to transportation, commercial and industrial facilities and other amenities make them suited for commercial uses.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.3205 AREA AFFECTED

MCC 38.3200 through 38.3295 shall apply to those areas designated GGC on the Multnomah County Zoning Map.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.3215 USES

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this district except for the uses listed in MCC 38.3220 through 38.3295.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.3220 ALLOWED USES

The uses listed in MCC 38.1005 are allowed on all lands designated GGC without review:

(Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.3223 EXPEDITED USES

The uses listed in MCC 38.1010 may be allowed on land designated GGC, pursuant to MCC 38.7100.

(Ord. 1064, Add, 06/23/2005)

§ 38.3225 REVIEW USES

The following review uses may be allowed on lands designated GGC, pursuant to the provisions of MCC 38.0045 and MCC 38.7300:

(A) One single-family dwelling on a legally created and existing parcel, pursuant to MCC 38.0530 (B) and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7085 have been satisfied.

(B) Placement of Structures necessary for continued public safety, or the protection of essential public services or protection of private or public existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements damaged during an emergency/disaster

event. This includes replacement of temporary structures erected during such events with permanent structures performing an identical or related function. Land use proposals for such structures shall be submitted within 12 months following an emergency/disaster event. Applicants are responsible for all other applicable local, state and federal permitting requirements.

(C) Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed as accessory buildings larger than 200 square feet in area or 10 feet in height.

(D) Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel, subject to the following standards:

(1) The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

(2) The height of any individual accessory building shall not exceed 24 feet

(E) Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation ~~and/~~or natural resources, subject to MCC 38.7345. These projects may include new structures (e.g., fish ladders, sediment barriers) ~~and/~~or activities (e.g., closing and revegetating unused roads, re-contouring abandoned quarries).

(F) Property line adjustments that would result in the potential to create additional parcels through subsequent land divisions, subject to MCC 38.7970.

(G) Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building.

(H) Docks and boathouses, subject to MCC 38.7325.

(I) Removal/demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks.

(J) Consolidation of Parcels and Lots pursuant to MCC 38.7794 and Replatting of Partition and Subdivision Plats pursuant to MCC 38.7797.

(K) Solar, photovoltaic and wind turbine alternative energy production facilities accessory to uses permitted in the zoning district provided that the applicable renewable energy production provisions of 38.7390 are met, and:

(1) For all systems:

(a) They are not a commercial power generating facility such as a utility;

(b) The system meets all special district requirements;

(c) The system is mounted to a ground mount, to the roof of the dwelling or accessory structure, or to a wind tower;

(2) The overall height of solar energy systems shall not exceed the peak of the roof of the building on which the system is mounted;

(3) For wind turbine systems:

(a) They are set back to all property lines a distance equal to or greater than the combined height of the turbine tower and blade length. Height is measured from grade to the top of the wind generator blade when it is at its highest point. There is no height restriction for a wind turbine provided the wind turbine meets the NSA Site Review Criteria of MCC 38.7035 through 38.7080;

(b) No lighting on wind turbine towers is allowed except as required by the Federal Aviation Administration or other federal or state agency and is consistent with the NSA Site Review approval criteria of MCC 38.7035 through 38.7080.

(c) The land owner signs and records a covenant stating they are responsible for the removal of the system if it is abandoned. In the case of a sale or transfer of property, the new property owner shall be responsible for the use and/or removal of the system. Systems unused for one consecutive year are considered abandoned.

(L) A Type A home occupation in an existing dwelling unit pursuant to MCC 38.7331.

(M) Overnight Accommodations, in single family dwellings pursuant to MCC 38.7337.

(Ord. 1197, Amended 02/16/2013, Ord. 1192, Amended, 05/17/2012; Ord. 1176, Amended, 03/03/2011; Ord. 1097, Amended, 07/26/2007; Ord. 1064, Amended, 06/23/2005; Ord. 1007, Amended, 02/06/2003; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 994, Amended, 09/26/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.3230 CONDITIONAL USES

The following conditional uses may be allowed on lands designated GGC, pursuant to the provisions of MCC 38.0045 and MCC 38.7300:

(A) ~~Travelers accommodations, bed~~ Bed and breakfast inns, subject to MCC 38.7335.

(B) Restaurants

(C) Gift shops

(D) Utility facilities, roads, and railroads.

(E) Home occupations ~~or cottage industries~~ in an existing dwelling unit or accessory building, pursuant to MCC 38.7330.

(F) Special uses in historic buildings, subject to MCC 38.7380.

(Ord. 1197, Amended 02/16/2013; Ord. 1074, Amended, 05/04/2006; Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.3260 DIMENSIONAL REQUIREMENTS

(A) There is no minimum lot size for properties designated GGC.

(B) That portion of a street which would accrue to an adjacent lot if the street were vacated shall be included in calculating the area of such lot.

(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.

(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.

(E) Structures such as barns, silos, windmills, antennae, chimneys, or similar structures may exceed the height requirement if located at least 30 feet from any property line.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.3285 OFF-STREET PARKING AND LOADING

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

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.3290 ACCESS

Any lot in this district shall abut a street or shall have other access determined by the approval authority to be safe and convenient for pedestrians and passenger and emergency vehicles.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.3295 SIGNS

Signs, pursuant to the provisions of MCC 38.0080.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

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PART 5 - SPECIAL DISTRICTS - OFF-STREET PARKING; PLANNED DEVELOPMENT; HILLSIDE DEVELOPMENT

OFF-STREET 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, occupants, and employees without charge or other consideration.

(B) No parking of trucks, equipment, materials, structures or signs or the conducting of any business activity shall be permitted on any required parking space.

(C) A required loading space shall be available for the loading and unloading of vehicles concerned with the transportation of goods or services for the use associated with the loading space.

(D) Except for residential and local commercial districts, loading areas shall not be used for any purpose other than loading or unloading.

(E) In any district, it shall be unlawful to store or accumulate equipment, material or goods in a loading space in a manner which would render such loading space temporarily or permanently incapable of immediate use for loading operations.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.4130 LOCATION OF PARKING AND LOADING SPACES

(A) Parking spaces required by this Section shall be provided on the lot of the use served by such spaces.

(B) Exception – The Planning Director may authorize the location of required parking spaces other than on the site of the primary use, upon a written finding by the Director that:

(1) Parking use of the alternate site is permitted by this Ordinance;

(2) The alternate site is within 350 feet of the use;

(3) There is a safe and convenient route for pedestrians between the parking area and the use;

(4) Location of required parking other than on the site of the use will facilitate satisfaction of one or more purposes or standards or requirements of this Chapter; and,

(5) There is assurance in the form of a deed, lease, contract or other similar document that the required spaces will continue to be available for off-street parking use according to the required standards.

(C) Loading spaces and vehicle maneuvering area shall be located only on or abutting the property served.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.4135 IMPROVEMENTS REQUIRED

(A) Required parking and loading areas shall be improved and placed in condition for use before the grant of a Certificate of Occupancy or a Performance Bond in favor of Multnomah County equivalent to the cost of completing such improvements shall be filed with the Planning Director.

(B) Any such bond shall include the condition that if the improvement has not been completed within one year after issuance of the Certificate of Occupancy, the bond shall be forfeited.

Any bond filed hereunder shall be subject to the approval of the Planning Director and the County Attorney.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 994, Amended, 09/26/2002)

§ 38.4140 CHANGE OF USE

(A) Any alteration of the use of any land or structure under which an increase in the number of parking or loading spaces is required by this Section shall be unlawful unless the additional spaces are provided.

(B) In case of enlargement or change of use, the number of parking or loading spaces required shall be based on the total area involved in the enlargement or change in use.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.4145 JOINT PARKING OR LOADING FACILITIES

(A) In the event different uses occupy the same lot or structure, the total off-street parking and loading requirements shall be the sum of the requirements for each individual use.

(B) Owners of two or more adjoining uses, structures, or parcels of land may utilize jointly the same parking or loading area, when approved by the Planning Director, upon a finding by the Director that the hours of operation do not overlap and provided satisfactory legal evidence is presented to the Director in the form of a deed, lease, contract or similar document, securing full access to such parking or loading areas for all the parties jointly using them.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.4150 EXISTING SPACES

Off-street parking or loading spaces existing prior to February 6, 1993 may be included in calculating the number of spaces necessary to meet these requirements in the event of subsequent enlargement of the structure or change of use to which such spaces are accessory. Such spaces shall meet the design and improvement standards of this Section.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.4155 INTERPRETATION

Off-street parking or loading requirements for structures or uses not specifically listed in MCC 38.4205 shall be determined by written decision of the Planning Director. The Director shall base such requirements on the standards for parking or loading of similar uses.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 994, Amended, 09/26/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.4160 STANDARDS OF MEASUREMENT

(A) *Square feet* means square feet of floor or land area devoted to the functioning of the particular use and excluding space devoted to off-street parking and loading.

(B) When a unit or measurement determining the number of required off-street parking or off-street loading spaces results in a requirement of a fractional space, any fraction up to and including one-half shall be disregarded, and any fraction over one-half shall require one off-street parking or off-street loading space.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.4165 DESIGN STANDARDS: SCOPE

(A) The design standards of this section shall apply to all parking, loading, and maneuvering areas except those serving a single or two-family residential dwelling or mobile home on an individual lot.

(B) All parking and loading areas shall provide for the turning, maneuvering and parking of all vehicles on the lot. After February 6, 1993 it shall be unlawful to locate or construct any parking or loading space so that use of the space requires a vehicle to back into the right-of-way of a public street.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.4170 ACCESS

(A) Where a parking or loading area does not abut directly on a public street or private street approved under MCC 38.7700 et seq., the Land Division Chapter, there shall be provided an unobstructed driveway not less than 20 feet in width for two-way traffic, leading to a public street or approved private street. Traffic directions therefore shall be plainly marked.

(B) The Approval Authority may permit and authorize a deviation from the dimensional standard in paragraph (A) of this section upon finding that all the following standards in subparagraphs (1) through (4) are met:

(1) The authorized provider of structural fire protection services verifies that the proposed deviation complies with such provider's fire apparatus access standards, or, if there is no such service provider, the building official verifies that the proposed deviation complies with the Oregon Fire Code;

(2) The County Engineer verifies that the proposed deviation complies with the County Road Rules and the County Design and Construction Manual Standards;

(3) Application of the dimensional standard would present a practical difficulty, subject the property owner to unnecessary hardship, or adversely affect one or more scenic, natural, cultural or recreational resources of the National Scenic Area; and

(4) Authorization of the proposed deviation would not:

(a) be materially detrimental to the public welfare. Material detriment to the public welfare includes, but is not limited to, authorization of a deviation that would adversely affect one or more scenic, natural, cultural or recreational resources of the National Scenic Area;

(b) be injurious to property in the vicinity or the zoning district in which the property is located; or

(c) adversely affect the appropriate development of adjoining properties.

(C) Parking or loading space in a public street shall not be counted in fulfilling the parking and loading requirements of this section. Required spaces may be located in a private street when authorized in the approval of such private street.

(S-1 2006)

(Ord 1210, Amended, 9/4/2014; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.4175 DIMENSIONAL STANDARDS

(A) Parking spaces shall meet the following requirements:

(1) At least 70% of the required off-street parking spaces shall have a minimum width of nine feet, a minimum length of 18 feet, and a minimum vertical clearance of six feet, six inches.

(2) Up to 30% of the required off-street parking spaces may have a minimum width of eight-and-one-half feet, a minimum length of 16 feet, and a vertical clearance of six feet if such spaces are clearly marked for compact car use.

(3) For parallel parking, the length of the parking space shall be 23 feet.

(4) Space dimensions shall be exclusive of access drives, aisles, ramps or columns.

(B) Aisle width shall be not less than:

(1) 25 feet for 90 degree parking,

(2) 20 feet for less than 90 degree parking, and

(3) 12 feet for parallel parking.

(4) Angle measurements shall be between the center line of the parking space and the center line of the aisle.

(C) Loading spaces shall meet the following requirements:

(1)

District	Minimum Width	Minimum Depth
All	12 Feet	25 Feet

(2) Minimum vertical clearance shall be 13 feet.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.4180 IMPROVEMENTS

(A) Surfacing

(1) Unless as otherwise provided in either this section or MCC 38.7380 for Special Uses in Historic Buildings; all areas used for parking, loading or maneuvering of vehicles, including the driveway, shall be surfaced with at least gravel or two inches of blacktop on a four inch crushed rock base or at least six inches of Portland cement, unless a design providing additional load capacity is required by the fire service provider, building official or County Engineer, as applicable.

(2) The Approval Authority may permit and authorize a deviation from the surfacing standard in paragraph (A)(1) of this section and thereby authorize alternate surfacing systems that provide a durable and dustless surface, including gravel. A deviation under this paragraph may be permitted and authorized only upon finding that each parking area supporting the existing and proposed development meets the following standards in subparagraphs (a) and (b) and, for parking areas of four or more required spaces, also meets the following standards in subparagraphs (c) and (d):

(a) The authorized provider of structural fire protection services verifies that the proposed deviation complies with such provider's fire apparatus access standards, or, if there is no such service provider, the building official verifies that the proposed deviation complies with the Oregon Fire Code;

(b) The County Engineer verifies that the proposed deviation complies with the County Road Rules and the County Design and Construction Manual Standards. Alternative surfacing can be considered for all areas used for parking, loading and maneuvering, including the driveway; however, approaches to paved public rights-of-way shall be paved for a minimum distance of 21 feet from the fog line, or for a greater distance when required by the County Engineer;

(c) Authorization of the proposed deviation would not:

1. be materially detrimental to the public welfare. Material detriment to public welfare includes, but is not limited to, authorizing a proposed deviation that would adversely affect one or more scenic, natural, cultural or recreational resources of the National Scenic Area;

2. be injurious to property in the vicinity or the zoning district in which the property is located; or

3. adversely affect the appropriate development of adjoining properties; and

(d) Any impacts resulting from the proposed surfacing are mitigated to the extent practical. Mitigation may include but is not limited to such considerations as provision for pervious drainage capability, drainage runoff control and dust control. A dust control plan is required when a dwelling, excluding any dwelling served by the driveway, is located within 200-feet of any portion of the driveway for which gravel or other similar surfacing materials is proposed. Common dust control measures include, but are not limited to, reduced travel speeds, gravel maintenance planning, establishment of windbreaks and use of binder agents.

(B) Curbs and Bumper Rails

(1) All areas used for parking, loading, and maneuvering of vehicles shall be physically separated from public streets or adjoining property by required landscaped strips or yards or in those cases where no landscaped area is required, by curbs, bumper rails or other permanent barrier against unchanneled motor vehicle access or egress.

(2) The outer boundary of a parking or loading area shall be provided with a bumper rail or curbing at least four inches in height and at least three feet from the lot line or any required fence.

(C) Marking – All areas for the parking and maneuvering of vehicles shall be marked in accordance with the approved plan required under MCC 38.4120, and such marking shall be continually maintained.

(D) Drainage – All areas for the parking and maneuvering of vehicles shall be graded and drained to provide for the disposal of all surface water on the lot.

(Ord. 1210, Amended, 9/4/2014; Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.4185 LIGHTING

Any artificial lighting which may be provided shall be shielded or deflected so as to not shine into adjoining dwellings or other types of living units, and so as not to create a hazard to the traveling public on any street.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.4190 SIGNS

Signs, pursuant to the provisions of MCC 38.0080.

(Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.4195 DESIGN STANDARDS: SETBACKS

(A) Any required yard which abuts upon a street lot line shall not be used for a parking or loading space, vehicle maneuvering area or access drive other than a drive connecting directly to a street.

(B) A required yard which abuts a street lot line shall not be paved, except for walkways which do not exceed 12 feet in total width and not more than two driveways which do not exceed the width of their curb cuts for each 150 feet of street frontage of the lot.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.4205 MINIMUM REQUIRED OFF-STREET PARKING SPACES

(A) Residential Uses

(1) Single Family Dwelling – Two spaces for each dwelling unit.

(2) Two Family Dwelling – Two spaces for each dwelling unit.

(B) Public and Semi-Public Buildings and Uses

(1) Auditorium or Meeting Room (except schools) – One space for each 60 square feet of floor area in the auditorium or, where seating is fixed to the floor, one space for each four seats or eight feet of bench length.

(2) Church – One space for each 80 square feet of floor area in the main auditorium or, where seating is fixed to the floor, one space for each four seats or eight feet of bench length.

(3) Church Accessory Use – In addition to spaces required for the church, one space for each ten persons residing in such building.

(4) Club or Association – These shall be treated as combinations of uses such as overnight accommodation, restaurant, auditorium etc., and the required spaces for each separate use shall be provided.

(5) Library – One space for each 100 square feet of reading room.

(6) Senior High School and Equivalent Private and Parochial School – One space for each 56 square feet of floor area in the auditorium or, where seating is fixed to the floor, one space for each eight seats or 16 feet of bench length, or one space for each ten seats in classrooms, whichever is greater.

(7) Primary, Elementary, or Junior High and Equivalent Private or Parochial School – One space for 84 square feet of floor area in the auditorium, or one space for each 12 seats or 24 feet of bench length, whichever is greater.

(8) Kindergarten, Day Nursery, or Equivalent Private or Parochial School – One driveway, designed for continuous flow of passenger vehicles for the purpose of loading and unloading children plus one parking space for each two employees.

(9) Campground – One space for each campsite.

(C) Retail, Office and Commercial Uses

(1) Store, and Personal Service Shop – One space for each 400 square feet of gross floor area.

(2) Service and Repair Shop – One space for each 600 square feet of gross floor area.

(3) Bank or Office, including Medical and Dental – One space for each 300 square feet of gross floor area.

(4) Restaurant, Coffee Shop, Tavern or Bar – One space for each 100 square feet of gross floor area.

(5) Mortuary – One space for each four chapel seats or eight feet of bench length.

(6) Overnight Accommodations – One space per guest room or suite plus extra spaces for dining rooms, ballrooms or meeting rooms as required by this section where the capacity of such areas exceeds the capacity of the guest rooms or suites.

(7) Commercial Events – One space for every three guests allowed within the maximum event size plus one space for each two employees

(8) Conference or Retreat Facilities – These shall be treated as combinations of uses such as overnight accommodations, restaurant, auditorium, etc., and the required spaces for each separate use shall be provided.

(D)Recreation Uses

(1) Gymnasium (except Schools) – One space for each 100 square feet of floor area.

(2) Moorage (Boat) – One space for each two boat berths.

(3) Stadium – One space for each eight seats or 16 feet of bench length.

(4) Swimming Pool – One space for each 100 square feet of water surface.

(5) Tennis Court or Racquet Club – One space for each court.

(E) Storage

(1) Storage – One space for each 5,000 square feet of storage area for the first 20,000 square feet, plus one additional space for each additional 50,000 square feet.

(F) Unspecified Uses

Any use not specifically listed above shall have the requirements of the listed use or uses deemed most nearly equivalent by the Planning Director.

(G) Alternative Parking Standards

Alternatively, where a mixture of uses is proposed or where the applicant asserts that a different amount or type of parking is appropriate as the required parking, the applicant may submit a parking and loading study. Such a study will include estimates of parking and off-street loading demand based on recommendations of the Institute of Traffic Engineers (ITE), or other acceptable estimates, and should include other reliable data collected from uses or combinations of uses that are the same as or comparable with the proposed use. The study will document the source of data used to develop the recommendations for identification of the use's required parking.

(Ord. 1187, Amended, 11/17/2011; Ord. 1074, Amended, 05/04/2006; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.4215 EXCEPTIONS FROM REQUIRED OFF-STREET PARKING OR LOADING SPACES

(A) As part of Site Review the Planning Director may grant an exception with or without conditions for up to 30% of the required number of off- street parking or loading spaces, upon a finding by the Director that there is substantial evidence that the number of spaces required is inappropriate or unneeded for the particular use, based upon:

(1) A history of parking or loading use for comparable developments;

(2) The age, physical condition, motor vehicle ownership or use characteristics or other circumstances of residents, users or visitors of the use; or

(3) The availability of alternative transportation facilities; and

(4) That there will be no resultant on-street parking or loading or interruptions or hazards to the movement of traffic, pedestrians or transit vehicles.

(B) The Director shall file with the application for the building or other required permit, findings in support of any exception, including any conditions of approval.

(C) An exception in excess of 15% of the required number of spaces shall include a condition that a plan shall be filed with the application, showing how the required number of spaces can be provided on the lot in the future.

(1) The Director may order the revocation, in whole or in part, of any exception under this section, upon a finding of on-street parking or loading use or of interruptions in or hazards to the movement of traffic, pedestrians or transit vehicles caused by the absence of off-street parking or loading spaces.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

PLANNED DEVELOPMENT

§ 38.4300- PURPOSES

The purposes of the Planned Development provisions are to provide a means of creating planned environments through the application of flexible and diversified land development standards; to encourage the application of new techniques and new technology to community development which will result in superior living or development arrangements; to use land efficiently and thereby reduce the costs of housing, maintenance, street systems and utility networks; to promote energy conservation and crime prevention; to relate developments to the natural environment and to inhabitants, employers, employees, customers, and other users in harmonious ways.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.4305 AREAS AFFECTED

The Planned Development provisions may only be applied in the GGRC district.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.4310 CONDITIONS

(A) Within one year after the final County decision, the owner shall prepare and file with the Planning Director a Final Development Plan and Program, unless the action on the Preliminary Development Plan and Program shall have specified a different period.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.4315 DEVELOPMENT PLAN AND PROGRAM CONTENTS

(A) The preliminary Development Plan and Program shall consist of plans, maps or diagrams drawn in sufficient detail to indicate the nature of the plan elements and a written narrative descriptive of the program elements.

(1) Plan Elements.

(a) Proposed land uses and residential densities.

(b) Means of access, circulation and parking.

(c) Building types and locations.

(d) Parks, playgrounds, paths and open spaces.

(e) A land division plan if the land is to be divided.

(2) Program Elements.

(a) A narrative statement of the goals and objectives of the planned development.

(b) Tables showing overall density of any proposed residential development and showing density by dwelling types and intensity of any supporting commercial uses.

(c) A narrative statement indicating how the proposed planned development complies with the applicable Management Plan Policies.

(d) A general timetable of development.

(e) The proposed ownership pattern.

(f) An operation and maintenance proposal.

(Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.4320 CRITERIA FOR APPROVAL

(A) Action on the Preliminary Development Plan and Program shall be based on findings that the following are satisfied:

(1) The applicable provisions of MCC 38.7700 et seq., the Land Division Sub-Chapter;

(2) That any exceptions from the standards or requirements of the underlying district are warranted by the design and amenities incorporated in the Development Plan and Program, as related to the purposes stated in MCC 38.4300;

(3) That the system of ownership and the means of developing, preserving and maintaining open space is suitable to the purposes of the proposal;

(4) The provisions of MCC 38.4340;

(5) That the proposed development can be substantially completed within four years of the approval or according to the development stages proposed under MCC 38.4355;

(6) The Development Standards of MCC 38.4335, 38.4345 and 38.4350;

(7) The purposes stated in MCC 38.4300; and

(8) That modifications or conditions of approval are necessary to satisfy the purposes stated in MCC 38.4300.

(B) Approval by the Planning Director of the Final Development Plan and Program shall be based on the final Plan and Program being consistent with the approved Preliminary Development Plan and Program and the modifications or conditions attached thereto by the Approval Authority.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.4330 DEVELOPMENT STANDARDS

The Development Standards stated in MCC 38.4335 through 38.4350 shall apply to an approved Planned Development. In the case of a conflict between a standard of the underlying district and that of the Planned Development, the standard of the Planned Development shall apply.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.4335 MINIMUM SITE SIZE

A Planned Development shall be established only on a parcel of land found by the Approval Authority to be suitable for the proposed development and of sufficient size to be planned and developed in a manner consistent with the purposes stated in MCC 38.4300.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.4340 RELATIONSHIP OF THE PLANNED DEVELOPMENT TO ENVIRONMENT

(A) The Development Plan and Program shall indicate how the proposal will be compatible with the natural environment.

(B) The elements of the Development Plan and Program shall promote the conservation of energy, and may include such factors as the location and extent of site improvements, the orientation of buildings and usable open spaces with regard to solar exposure and climatic conditions, the types of buildings and the selection of building materials in regard to the efficient use of energy and the degree of site modification required in the proposal.

(C) The Development Plan and Program shall be designed to provide freedom from hazards and to offer appropriate opportunities for residential privacy and for transition from public to private spaces.

(D) The location and number of points of access to the site, the interior circulation patterns, the separations between pedestrians and moving and parked vehicles, and the arrangement of parking areas in relation to buildings, structures and uses shall be designed to maximize safety and convenience and be compatible with neighboring road systems, buildings, structures and uses.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.4345 OPEN SPACE

Open space in a Planned Development means the land area used for scenic, landscaping or open recreational purposes within the development.

(A) Open space shall not include street rights-of-way, driveways or open parking areas.

(B) Locations, shapes and sizes of open space shall be consistent with the proposed uses and purposes of the Planned Development.

(C) Open spaces shall be suitably improved for intended use. Open spaces containing natural features worthy of preservation may be left unimproved or may be improved to assure protection of the features.

(D) The development schedule shall provide for coordination of the improvement of open spaces with the construction of other site improvements proposed in the Development Plan and Program.

(E) Assurance of the permanence of open spaces may be required in the form of deeds, covenants or the dedication of development rights to Multnomah County or other approved entity.

(F) The Approval Authority may require that instruments of conveyance provide that in the event an open space is permitted to deteriorate or is not maintained in a condition consistent with the approved plan and program, the County may at its option cause such maintenance to be done and assess the costs to the affected property owners. Any instruments guaranteeing the maintenance of open spaces shall be reviewed as to form by the County Attorney.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.4350 DENSITY COMPUTATION FOR RESIDENTIAL DEVELOPMENTS

In order to preserve the integrity of the Management Plan and relate a residential Planned Development to it, the number of dwelling units permitted shall be determined by dividing the total site area by the minimum lot area per dwelling unit required by the underlying district or districts in which the Planned Development is located.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.4355 STAGING

(A) The applicant may elect to develop the site in successive stages in a manner indicated in the Development Plan and Program. Each such stage shall satisfy the requirements of this Chapter.

(B) In acting to approve the Preliminary Development Plan and Program, the Approval Authority may require that development be completed in specific stages if public facilities are not otherwise adequate to service the entire development.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.4360 PERMITTED USES

In the GGRC district, the following uses may be permitted in a Planned Development:

(A) Housing types may include only duplexes and single family detached or attached dwellings.

(B) A related commercial use which is designated to serve the development of which it is a part, upon approval by the Approval Authority.

(C) A use or structure customarily accessory or incidental to a permitted or approved use.

(Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

GEOLOGIC HAZARDS

§ 38.5500- PURPOSES

The purpose of this subdistrict is to regulate ground disturbing activity within the Geologic Hazards Overlay in order to promote public health, safety and general welfare and to minimize the following risks potentially arising from ground disturbing activity or the establishment or replacement of impervious surfaces: public and private costs; expenses and losses; environmental harm; and human-caused erosion, sedimentation or landslides.

(Ord. 1271, Amended, 3/14/2019; Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 994, Amended, 09/26/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.5503 DEFINITIONS

As used in this Subsection, unless the context requires otherwise, the following terms and their derivations shall have the meanings provided below:

Best Management Practices – Methods that have been determined to be the most effective, practical means of preventing or reducing erosion, sedimentation or landslides including but not limited to: use of straw bales, slash windrows, filter fabric fences, sandbags, straw cover and jute netting.

Certified Engineering Geologist – Any person who has obtained certification by the State of Oregon as an engineering geologist.

Cut – When used in the context of ground disturbing activity:

(1) An excavation;

(2) The difference between a point on the original ground surface and the point of lowest elevation on the final grade;

(3) The material removed in excavation work.

Development – An act requiring a permit stipulated by Multnomah County Ordinances as a prerequisite to the use or improvement of any land, including but not limited to, a building, land use, occupancy, sewer connection, or other similar permit, and any associated ground disturbing activity or removal of vegetation. As the context allows or requires, the term “development” may be synonymous with the term “use” and the terms “use or development” and “use and development.”

Development Area – The total area of alteration of the naturally occurring ground surface resulting from construction activities whether permanent or temporary.

Disturbed Area – When used in reference to ground disturbing activity, the area where ground disturbing activity is occurring or has, will or is proposed to occur.

Drainage Area – The subject property together with the watershed (acreage) contributing water runoff to and receiving water runoff from the subject property.

Drainageway – Any natural or artificial stream, swale, creek, river, ditch, channel, canal or other open water body.

Erosion – The wearing away of the ground surface or other earth layer, whether dry, submerged or submersible, due to the movement of wind, water, ice, gravity, or other element.

Excavation – The motorized removal of earth material or other motorized activity resulting in the exposure of the ground surface or other earth layer to wind, water, ice, gravity, or other element, including, but not limited to, cutting, digging, grading, stripping, trenching, dredging, bulldozing, benching, terracing, mining or quarrying, and vegetation or tree removal. Hydrologic scour attributed to development is also a form of excavation. Work conducted by hand without the use of motorized equipment is not excavating.

Farming Practice – As defined in ORS 30.930.

Fill – The deposit (noun or verb) of any earth materials by motorized means for any purpose, including, but not limited to, stockpiling, storage, dumping, raising elevation or topography, and tracking material, such as mud onto a road surface with vehicle tires. Work conducted by hand without the use of motorized equipment is not filling.

Geological Hazards Overlay Map – A series of maps adopted by the Multnomah County Board of Commissioners.

Geotechnical Engineer - A Civil Engineer, licensed to practice in the State of Oregon, who by training, education and experience is competent in the practice of geotechnical or soils engineering practices.

Geotechnical Report – Any information required in addition to GHP Form 1 which clarifies the geotechnical conditions of a proposed development site. Examples of this would be reports on test hole borings, laboratory tests or analysis of materials, or hydrologic studies.

Gravel – Aggregate composed of hard and durable stones or pebbles, crushed or uncrushed, more than half of which is retained on a No. 4 sieve (2 mm).

Ground Disturbing Activity – Any excavating or filling or combination thereof.

GHP Form– 1 – The form required for specified developments subject to the Geologic Hazards Overlay. It contains a geotechnical reconnaissance and stability questionnaire which must be filled out and certified by a Certified Engineering Geologist or Geotechnical Engineer.

Hydrologic Scour - Evidence of concentrated flows of water over bare soils or evidence of on-site erosion such as rivulets on bare soil slopes, where the flow of water is not filtered or captured on site.

Landslide – Any downward slope movement of earth material, including, but not limited to, soil, creep, debris flow, mudflow, earth flow, mudslide, rock slide, rotational slide, slide, slump, block failure, rock fall, fall, topple, and spread.

Mulch – Organic materials, such as straw, bark, jute, coconut fibers, or nut shells spread over the surface of the ground, especially freshly graded or exposed soils, to prevent physical damage from

erosive agents such as stormwater, precipitation or wind, and which shield soil surfaces until vegetative cover or other stabilization measures can take effect.

Ordinary High Watermark – Features found by examining the bed and banks of a stream and ascertaining where the presence and action of waters are so common and usual, and so long maintained in all ordinary years, as to mark upon the land a character distinct from that of the abutting upland, particularly with respect to vegetation. For streams where such features cannot be found, the channel bank shall be substituted. In braided channels and alluvial fans, the ordinary high watermark shall be measured to include the entire stream feature.

Sedimentation (sediment) – The deposit in a waterbody of any earthen material by wind, water, ice, gravity, or other element.

Slope -

(1) Any ground whose surface makes an angle from the horizontal; or

(2) The face of an embankment or cut section.

Spoil Material – Any rock, sand, gravel, soil or other earth material removed by ground disturbing activity.

Stream – Areas where surface waters flow sufficient to produce a defined channel or bed. A defined channel or bed is indicated by hydraulically sorted sediments or the removal of vegetative litter or loosely rooted vegetation by the action of moving water. The channel or bed need not contain water year-round. This definition is not meant to include irrigation ditches, canals, stormwater runoff devices or other entirely artificial water bodies unless they are used to convey Class 1 or 2 streams naturally occurring prior to construction. Those topographic features resembling streams but which have no defined channels (e.g. swales) shall be considered streams when hydrologic and hydraulic analyzes performed pursuant to a development proposal predict formation of a defined channel after development.

Stream Protection – Activities or conditions which avoid or lessen adverse water quality and turbidity effects to a stream.

Topographic Information – Surveyed elevation information which details slopes, contour intervals and water bodies. Topographic information shall be prepared by a registered Land Surveyor or a registered Professional Engineer qualified to provide such information and represented on maps with a contour interval not to exceed 10 feet.

Topsoil – The top organic and mineral rich layer of soil that provides nutrients to growing plants.

Vegetation – All plant growth, especially trees, shrubs, grasses and mosses.

Vegetative Protection – Stabilization of erosive or sediment-producing areas by covering the soil with:

(1) Permanent seeding, producing long-term vegetative cover;

(2) Short-term seeding, producing temporary vegetative cover;

(3) Sodding, producing areas covered with a turf or perennial sod-forming grass; or

(4) Netting with seeding if the final grade has not stabilized.

Water Body – Any surface or ground water, or wetland of the state or the United States, including but not limited to, rivers, streams, creeks, sloughs, drainageways, swales, seeps, springs, watercourses, canals, drainages, ponds, lakes, bays, aquifers, coastal waters, impounding reservoirs, estuaries, marshes, and inlets, regardless of whether perennial, intermittent, ephemeral, or otherwise, and regardless of whether natural or human-made.

(Ord. 1271, Amended, 03/14/2019; Ord. 1061, Amended, 05/26/2005, eff. 7/1/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.5505 PERMITS REQUIRED

Unless exempt under this code; no development, or ground disturbing activity shall occur (1) on land located in hazard areas as identified on the Geologic Hazards Overlay map, or (2) where the disturbed area or the land on which the development will occur has average slopes of 25 percent or more, except pursuant to a Geologic Hazards permit (GH).

(Ord. 1271, Amended, 03/14/2019; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.5510 EXEMPTIONS

Ground disturbing activity occurring in association with the following uses is exempt from GH permit requirements:

(A) An excavation below finished grade for basements and footings of a building, retaining wall, or other structure authorized by a valid building permit. This shall not exempt any fill made with the material from such excavation, nor exempt any excavation having an unsupported finished depth greater than four feet.

(B) Cemetery graves, but not cemetery soil disposal sites.

(C) Excavations for wells.

(D) Farming practices other than filling or the placement of structures.

(E) Residential gardening disturbing less than 5,000 square feet of ground surface area and landscape maintenance disturbing less than 10,000 square feet of ground surface area when either activity is at least 100 feet from the top of the bank of any watercourse located at a lower elevation to and in the surface drainage path of the ground disturbing activity. Landscape maintenance includes normal planting, transplanting, and replacement of trees and vegetation. Landscape maintenance does not include preparatory ground disturbing activity for a development project.

(F) Emergency response activities conducted according to MCC 38.7090.

(G) Forest Practices.

(H) Ground disturbing activities attributed to routine road maintenance when undertaken by an organization operating under Limit 10, Section 4d of the Endangered Species Act.

(I) Decommissioning or replacing an underground storage tank(s), such as a septic, oil, or other similar tank(s), but not including a sanitary drainfield, provided that:

(1) Any contaminated excavated material is handled in accordance with law, whether through treatment, being transported to and deposited at an off-site facility certified and willing to accept the material, or other direction from the Oregon Department of Environmental Quality, and

(2) Any replacement tank(s) is placed in the same location as the tank(s) being replaced.

(J) Placement and replacement of mailbox posts, fence posts, sign posts, utility posts or poles, and similar support structures, but not including any post or pole that provides structural support to a building requiring a structural building permit.

(K) Boring for utilities in a public road right-of-way, provided such activity does not occur within 100-feet of a water body and is completed within 48-hours of commencement. Completion includes final compaction of earthen materials within any trench and removal and lawful disposal or deposit of any excess excavation or fill material from the site of the activity.

(L) Uses not identified in subsections (A) through (K) that meet all of the following requirements:

(1) Natural and finished slopes will be less than 25 percent; and,

(2) The disturbed or filled area is 20,000 square feet or less; and,

(3) The volume of soil or earth materials to be stored is 50 cubic yards or less; and,

(4) Rainwater runoff is diverted, either during or after construction, from an area smaller than 10,000 square feet; and,

(5) Impervious surfaces, if any, of less than 10,000 square feet are to be created; and,

(6) No drainageway is to be blocked or have its stormwater carrying capacities or characteristics modified.

(M) Placement of gravel or asphalt for the maintenance of existing driveways, roads and other travel surfaces.

(Ord. 1271, Amended, 03/14/2019; Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.5515 GEOLOGIC HAZARDS PERMIT APPLICATION INFORMATION REQUIRED

An application for a Geologic Hazards permit shall include two copies of each of the following:

(A) A scaled site plan showing the following, both existing and proposed;

(1) Property lines;

(2) Buildings, structures, driveways, roads and right-of-way boundaries;

(3) Location of wells, utility lines, site drainage provisions, stormwater disposal system, sanitary tanks and drainfields (primary and reserve);

(4) Trees and vegetation proposed for removal and planting and an outline of wooded areas;

(5) Water bodies;

(6) Boundaries of ground disturbing activities;

(7) Location and height of unsupported finished slopes;

(8) Location for washout and cleanup of concrete equipment;

(9) Storage location and proposed handling and disposal methods for potential sources of non-erosion pollution including pesticides, fertilizers, petrochemicals, solid waste, construction chemicals, and wastewaters;

(10) Soil types;

(11) Ground topography contours (contour intervals no greater than 10-feet); and

(12) Erosion and sediment control measures.

(B) Calculations of the total area of proposed ground disturbance (square feet), volume of proposed cut and fill (cubic yards), and existing and proposed slopes in areas to be disturbed (percent slope);

(C) Written findings, together with any supplemental plans, maps, reports, or other information necessary to demonstrate compliance of the proposal with all applicable provisions of the Geologic Hazards standards in MCC 38.5520 (A). Necessary reports, certifications, or plans may pertain to: engineering, soil characteristics, stormwater drainage control, stream protection, erosion and sediment control, and replanting. The written findings and supplemental information shall include:

(1) With respect to fill:

(a) Description of fill materials, compaction methods, and density specifications (with calculations). The planning director may require additional studies or information or work regarding fill materials and compaction.

(b) Statement of the total daily number of fill haul truck trips, travel timing, loaded haul truck weight, and haul truck travel route(s) to be used from any fill source(s) to the fill deposit site.

(2) A description of the use that the ground disturbing activity will support or help facilitate.

(3) One of the following:

(a) Additional topographic information showing that the proposed development to be on land with average slopes less than 25 percent, and located more than 200 feet from a known landslide, and that no cuts or fills in excess of 6 feet in depth are planned. High

groundwater conditions shall be assumed unless documentation is available, demonstrating otherwise; or

(b) A geological report prepared by a Certified Engineering Geologist or Geotechnical Engineer certifying that the site is suitable for the proposed development; or,

(c) An GHP Form– 1 completed, signed and certified by a Certified Engineering Geologist or Geotechnical Engineer with their stamp and signature affixed indicating that the site is suitable for the proposed development.

(i) If the GHP Form– 1 indicates a need for further investigation, or if the Director requires further study based upon information contained in the GHP Form– 1, a geotechnical report as specified by the director shall be prepared and submitted.

[a] A geotechnical investigation in preparation of a geotechnical report shall be conducted at the applicant's expense by a Certified Engineering Geologist or Geotechnical Engineer. The report shall include specific investigations required by the director and recommendations for any further work or changes in proposed work which may be necessary to ensure reasonable safety from landslide hazards.

[b] Any development related manipulation of the site prior to issuance of a permit shall be subject to corrections as recommended by the geotechnical report to ensure safety of the proposed development.

[c] Observation of work required by an approved geotechnical report shall be conducted by a Certified Engineering Geologist or Geotechnical Engineer at the applicant's expense; the geologist's or engineer's name shall be submitted to the director prior to issuance of the permit.

[d] The director, at the applicant's expense, may require an evaluation of GHP Form– 1 or the geotechnical report by another Certified Engineering Geologist or Geotechnical Engineer.

(4) Documentation of approval by each governing agency having authority over the matter of any new stormwater discharges into public right-of-way.

(5) Documentation of approval by the City of Portland Sanitarian and any other agency having authority over the matter of any new stormwater surcharges to sanitary drainfields.

(Ord. 1271, Amended, 03/14/2019; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.5520 GEOLOGIC HAZARDS PERMIT STANDARDS

(A) A Geologic Hazards (GH) permit shall not be issued unless the application for such permit establishes compliance with MCC 39.6210 and satisfaction of the following standards:

(B) Fill shall be composed of earth materials only.

(C) Cut and fill slopes shall not exceed 33 percent grade (3 Horizontal: 1 Vertical), unless a Certified Engineering Geologist or Geotechnical Engineer certifies in writing that a grade in writing that a

grade in excess of 33 percent is safe (including, but not limited to, not endangering or disturbing adjoining property) and suitable for the proposed development.

(D) Unsupported finished cuts and fills greater than 1 foot in height and less than or equal to 4 feet in height at any point shall meet a setback from any property boundary of a distance at least twice the height of the cut or fill, unless a Certified Engineering Geologist or Geotechnical Engineer certifies in writing that the cuts or fills will not endanger or disturb adjoining property. All unsupported finished cuts and fills greater than 4 feet in height at any point shall require a Certified Engineering Geologist or Geotechnical Engineer to certify in writing that the cuts or fills will not endanger or disturb adjoining property.

(E) Fills shall not encroach on any water body unless an Oregon licensed Professional Engineer certifies that the altered portion of the water body will continue to provide equal or greater flood carrying capacity for a storm of 10-year design frequency.

(F) Stripping of vegetation, ground disturbing activities, or other soil disturbance shall be done in a manner which will minimize soil erosion, stabilize the soil as quickly as practicable, and expose the smallest practical area at any one time during construction.

(G) Development Plans shall minimize cut or fill operations and ensure conformity with topography so as to create the least erosion potential and adequately accommodate the volume and velocity of surface runoff.

(H) Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development;

(I) Whenever feasible, natural vegetation shall be retained, protected, and supplemented;

(1) A 100-foot undisturbed buffer of natural vegetation shall be retained from the top of the bank of a stream, or from the ordinary high watermark (line of vegetation) of a water body, or within 100-feet of a wetland;

(2) The buffer required in (I)(1) may only be disturbed upon the approval of a mitigation plan which utilizes erosion, sediment and stormwater control measures designed to perform as effectively as those prescribed in the most recent edition of the City of Portland Erosion and Sediment Control Manual and the City of Portland Stormwater Management Manual and which is consistent with attaining equivalent surface water quality standards as those established for the Tualatin River Drainage Basin in OAR 340-041-0345(4).

(J) Permanent plantings and any required structural erosion control and drainage measures shall be installed as soon as practical.

(K) Provisions shall be made to effectively accommodate increased runoff caused by altered soil and surface conditions during and after development. The rate of surface water runoff shall be structurally retarded where necessary.

(L) Sediment in the runoff water shall be trapped by use of debris basins, silt traps, or other measures until the disturbed area is stabilized.

(M) Provisions shall be made to prevent surface water from damaging the cut face of excavations or the sloping surface of fills by installation of temporary or permanent drainage across or above such areas, or by other suitable stabilization measures such as mulching or seeding.

(N) All drainage measures shall be designed to avoid erosion and adequately carry existing and potential surface runoff to suitable drainageways such as storm drains, natural water bodies, drainage swales, or an approved drywell system.

(O) Where drainage swales are used to divert surface waters, they shall be vegetated or protected as required to minimize potential erosion.

(P) Erosion and sediment control measures must be utilized such 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. Control measures which may be required include, but are not limited to:

(1) Energy absorbing devices to reduce runoff water velocity;

(2) Sedimentation controls such as sediment or debris basins. Any trapped materials shall be removed to an approved disposal site on an approved schedule;

(3) Dispersal of water runoff from developed areas over large undisturbed areas.

(Q) Disposed spoil material or stockpiled topsoil shall be prevented from eroding into water bodies by applying mulch or other protective covering; or by location at a sufficient distance from water bodies; or by other sediment reduction measures.

(R) Such non-erosion pollution associated with construction such as pesticides, fertilizers, petrochemicals, solid wastes, construction chemicals, or wastewaters shall be prevented from leaving the construction site through proper handling, disposal, continuous site monitoring and clean-up activities.

(S) Ground disturbing activities within a water body shall use instream best management practices designed to perform as prescribed in the City of Portland Erosion and Sediment Control Manual. To the extent that there is a conflict between the Manual and the requirements of the National Scenic Area (NSA) Permit, the requirements in the NSA will apply; and

(T) The total daily number of fill haul truck trips shall not cause a transportation impact (as defined in the Multnomah County Road Rules) to the transportation system or fill haul truck travel routes, unless mitigated as approved by the County Transportation Division.

(U) Fill trucks shall be constructed, loaded, covered, or otherwise managed to prevent any of their load from dropping, sifting, leaking, or otherwise escaping from the vehicle. No fill shall be tracked or discharged in any manner onto any public right-of-way.

(V) No compensation, monetary or otherwise, shall be received by the property owner for the receipt or placement of fill.

(Ord. 1271, Amended, 03/14/2019; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

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PART 6 - APPROVAL CRITERIA

(Ord. 1064, Amended, 06/23/2005)

§ 38.7000- PURPOSES

This part of the code contains approval criteria for development subject to review in the National Scenic Area. The purposes of these criteria are to ensure that development is undertaken in a manner that protects or provides for the enhancement of the scenic, natural, cultural and recreational values of the Columbia River Gorge National Scenic Area.

(Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7010 APPLICABILITY

With the exception of Primary Uses, no building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in the Columbia River Gorge National Scenic Area except when approved pursuant to MCC 38.0530 (B) or (C) or 38.7090.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 994, Amended, 09/26/2002)

§ 38.7015 APPLICATION FOR NSA SITE REVIEW AND CONDITIONAL USE REVIEW

An application for NSA Expedited Development Review, Site Review or Conditional Use Review shall address the applicable criteria for approval, under MCC 38.7035 through 38.7100.

(Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7020 REQUIRED FINDINGS

A decision on an application for NSA Expedited Development Review, Site Review or Conditional Use Review shall be based upon findings of consistency with the criteria for approval specified in MCC 38.7035 through 38.7100 as applicable.

(Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7035 GMA SCENIC REVIEW CRITERIA

The following scenic review standards shall apply to all Review and Conditional Uses in the General Management Area of the Columbia River Gorge National Scenic Area:

(A) All Review Uses and Conditional Uses:

(1) New ~~buildings and roads~~ development shall be sited and designed to retain the existing topography and to minimize grading activities to the maximum extent practicable.

(2) New buildings and expansion of existing development shall be compatible with the general scale ~~(height, dimensions and visible mass)~~ of similar buildings that exist nearby (e.g. dwellings

to dwellings). ~~Expansion of existing development shall comply with this guideline to the maximum extent practicable.~~ For purposes of applying this standard, the term nearby generally means buildings within ¼ mile of the parcel on which development is proposed. New buildings that are 1,500 square feet or less are exempt from this requirement. Findings addressing this requirement shall include but are not limited to:

(a) Application of the landscape setting design requirements, if applicable.

(b) A defined study area surrounding the development that includes at least ten existing buildings, not including existing buildings within urban areas or outside the National Scenic Area.

(c) Individual evaluations of scale for each separate proposed building in the application and each separate building in the study area, including:

1. All finished above ground square footage;

2. Total area of covered decks and porches;

3. Attached garages;

4. Daylight basements;

5. Breezeways, if the breezeway shares a wall with an adjacent building; and

6. Dimensions, based on information from the application or on Assessor's records.

(d) An overall evaluation demonstrating the proposed development's compatibility with surrounding development. Buildings in the vicinity of the proposed development that are significantly larger in size than the rest of the buildings in the study area should be removed from this evaluation.

(3) New vehicular access points to the Scenic Travel Corridors shall be limited to the maximum extent practicable, and access consolidation required where feasible.

(4) ~~Property owners~~ Landowners shall be responsible for the proper maintenance and survival of any required vegetation.

~~(5) For all proposed development, the determination of compatibility with the landscape setting shall be based on information submitted in the site plan.~~

(~~6~~5) For all exploration, ~~new production and/or~~ development (extraction and excavation), production of mineral resources and expansion of existing quarries, a reclamation plan is required to restore the site to a natural appearance ~~which~~ that blends with and emulates distinctive characteristics inherent to its landscape setting ~~surrounding landforms~~ to the maximum extent practicable. At minimum, such reclamation plans shall include:

(a) A map of the site, at a scale of 1 inch equals ~~100~~ 200 feet (1:~~1,200~~ 2,400), or a scale providing greater detail, with 10-foot contour intervals or less, showing pre-mining existing grades and post-mining~~,~~ final grades; locations of topsoil stockpiles for eventual reclamation use; location of catch-basins or similar drainage and erosion control features employed for

the duration of the use; and the location of storage, processing and equipment areas employed for the duration of the use;

(b) Cross-sectional drawings of the site showing pre-mining and post-mining grades;

(c) Descriptions of the proposed use, in terms of estimated quantity and type of material removed, estimated duration of the use, processing activities, etc.;

(d) Description of drainage/erosion control features to be employed for the duration of the use; and

(e) A landscaping plan providing for revegetation consistent with the vegetation patterns of the subject landscape setting, indicating the species, number, size and location of plantings for the final reclaimed grade, as well as a description of irrigation provisions or other measures necessary to ensure the survival of plantings.

(f) If the site is visible from key viewing areas, the applicant shall also submit perspective drawings of the proposed mining areas as visible from applicable key viewing areas.

(~~7~~6) All reclamation plans for new quarries or expansion of existing quarries shall be sent to the appropriate state reclamation permitting agency for review and comment. The Planning Director may request technical assistance from state agencies on reclamation plans for proposed mining not within the state agency's jurisdiction. The state agency shall have 30 calendar days from the date a reclamation plan is mailed to submit written comments on the proposal. State agency comments shall address the following:

(a) Whether the proposed mining is subject to state reclamation permit requirements;

(b) If subject to state jurisdiction, whether an application has been received for a state reclamation permit, and if, so, the current status of the application; and

(c) For uses subject to state jurisdiction, any issues or concerns regarding consistency with state reclamation requirements, or any suggested modifications to comply with state reclamation requirements.

~~The Planning Director may request technical assistance from state agencies on reclamation plans for proposed mining not within the state agency's jurisdiction.~~

(B) All Review Uses and Conditional Uses topographically visible from Key Viewing Areas:

(1) Each development shall be visually subordinate to its setting as ~~seen~~ visible from Key Viewing Areas. New development shall be sited to achieve visual subordinance from key viewing areas, unless the siting would place such development in a buffer specified for protection of wetlands, riparian corridors, rare plants, or sensitive wildlife sites or would conflict with guidelines to protect cultural resources. In such situations, new development siting shall comply with this guideline to the maximum extent practicable.

Commented [AB26]: A term reflected in Management Plan is proposed to be changed from "sensitive" to "rare" in county code for consistency given this is a GMA standard where the term "rare" is used. Multnomah County understands from conversations with the Gorge Commission staff that adoption of "sensitive" in this particular guideline within the Management Plan was in error.

(2) ~~The extent and type~~ A determination of ~~conditions applied to~~ the potential visual impact of a ~~proposed~~ new development or use ~~to achieve the scenic standard shall be proportionate to its potential visual impacts as seen from Key Viewing Areas. Decisions~~ shall include written findings

addressing the following factors ~~influencing potential visual impact including but not limited to~~: the amount of area of the building site exposed to Key Viewing Areas, the degree of existing vegetation providing screening, the distance from the building site to the Key Viewing Areas it is visible from, the number of Key Viewing Areas it is visible from, and the linear distance along the Key Viewing Areas from which the building site is visible (for linear Key Viewing Areas, such as roads), and other factors the reviewing agency determines relevant in consideration of the potential visual impact. The extent and type of conditions ~~Conditions may be~~ applied to ~~various elements of~~ a proposed development~~s~~ to ~~ensure they are visually subordinate~~ achieve visual subordinance to ~~their~~ its landscape setting shall be proportionate to its potential visual impacts as ~~seen~~ visible from key viewing areas~~, including but not limited to siting (location of development on the subject property, building orientation, and other elements); retention of existing vegetation; design (color, reflectivity, size, shape, height, architectural and design details and other elements); and new landscaping~~. Conditions may include, and shall be applied using the following priorities:

(a) Screening by topography.

(b) Siting (location of development on the subject property, building orientation, and other elements).

(c) Retention of existing vegetation on the applicant's property.

(d) Design and building materials (color, reflectivity, size, shape, height, architectural and design details and other elements).

(e) New landscaping on the applicant's property.

(f) New berms or other recontouring on the applicant's property, where consistent with other applicable provisions.

(3) Determination of potential visual effects and compliance with visual subordinance policies shall include consideration of the cumulative effects of proposed developments.

(4) In addition to the site plan requirements in MCC 38.0045 (A) applications for all buildings visible from key viewing areas shall include a description of the proposed building(s)' height, shape, color, exterior building materials, exterior lighting, and landscaping details (type of plants used; number, size, locations of plantings; and any irrigation provisions or other measures to ensure the survival of landscaping planted for screening purposes).

~~(5) For proposed mining and associated activities on lands visible from Key Viewing Areas, in addition to submittal of plans and information pursuant to MCC 38.7035 (A) (6) and subsection (4) above, project applicants shall submit perspective drawings of the proposed mining areas as~~ seen ~~from applicable Key Viewing Areas.~~

~~(6) New development shall be sited on portions of the subject property which minimize visibility from Key Viewing Areas, unless the siting would place such development in a buffer specified for protection of wetlands, riparian corridors, sensitive plants, sensitive wildlife sites or conflict with the protection of cultural resources. In such situations, development shall comply with this standard to the maximum extent practicable.~~

(~~7~~5) New development shall be sited using existing topography and~~/or~~ existing vegetation as needed to achieve visual subordinance from key viewing areas.

(~~8~~6) Existing tree cover screening proposed development from key viewing areas shall be retained as specified in MCC 38.7035(C).

(~~9~~7) Driveways and buildings shall be designed and sited to minimize visibility of cut banks and fill slopes from Key Viewing Areas.

(~~10~~8) The exterior of buildings on lands seen from Key Viewing Areas shall be composed of non-reflective materials or materials with low reflectivity~~, unless the structure would be fully screened from all Key Viewing Areas by existing topographic features~~. Continuous surfaces of glass shall be limited to ensure visual subordinance. The *Scenic Resources Implementation Handbook* includes a list of recommended exterior materials and screening methods. ~~These recommended materials and other materials may be deemed consistent with this code, including those that meet recommended thresholds in the "visibility and Reflectivity Matrices" in the Implementation Handbook. Continuous surfaces of glass unscreened from key viewing areas shall be limited to ensure visual subordinance. Recommended square footage limitations for such surfaces are provided for guidance in the Implementation Handbook~~

(~~11~~9) Any ~~E~~exterior lighting shall be directed downward and sited, ~~hooded and~~ limited in intensity, shielded ~~such~~, or hooded in a manner that ~~it is not~~ prevents lights from being highly visible from Key Viewing Areas~~. Shielding and hooding materials shall be composed of non-reflective, opaque materials.~~ 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.

(~~12~~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 in the surrounding landscape. The specific colors ~~or list of acceptable colors~~ approved by the reviewing agency shall be included as a condition of approval. ~~The Scenic Resources Implementation Handbook will include a recommended palette of colors.~~

(~~13~~11) Additions to existing buildings smaller in total square area than the existing building may be the same color as the existing building. Additions larger than the existing building shall be of dark earth-tone colors found at the specific site or in the surrounding landscape. The specific colors ~~or list of acceptable colors~~ approved by the reviewing agency shall be included as a condition of approval. ~~The Scenic Resources Implementation Handbook will include a recommended palette of colors.~~

(~~14~~12) Rehabilitation of or modifications to existing significant historic structures shall be exempted from visual sub-ordinance requirements for lands ~~seen~~ visible from Key Viewing Areas. To be eligible for such exemption, the structure must be included in, or eligible for inclusion in, the National Register of Historic Places or be in the process of applying for a determination of significance pursuant to such regulations. Rehabilitation of or modifications to such historic structures shall be consistent with National Park Service regulations for historic structures.

(~~15~~13) The silhouette of new buildings shall remain below the skyline of a bluff, cliff or ridge as ~~seen~~ visible from Key Viewing Areas. ~~Variances may be granted if application of this standard~~

Commented [AB27]: The revised Management Plan eliminated this Variance option and it must be deleted from county code. It was determined by the Gorge Commission to be highly discretionary which increased the potential for inconsistent implementation across the NSA.

~~would leave the owner without a reasonable economic use. The variance shall be the minimum necessary to allow the use, and may be applied only after all reasonable efforts to modify the design, building height, and site to comply with the standard have been made.~~

~~(16) An alteration to a building built prior to November 17, 1986, which already protrudes above the skyline of a bluff, cliff or ridge as seen from a Key Viewing Areas, may itself protrude above the skyline if:~~

Commented [AB28]: Alterations to Pre-Scenic Area Act buildings are no longer allowed by the Management Plan to protrude above the skyline. This deletion in the Plan made the GMA rules consistent with the SMA rules.

~~(a) The altered building, through use of color, landscaping and/or other mitigation measures, contrasts less with its setting than before the alteration; and~~

~~(b) There is no practicable alternative means of altering the building without increasing the protrusion.~~

(~~17~~14) The following standards shall apply to new landscaping used to screen development from key viewing areas:

(a) New landscaping (including new earth berms) shall be required only when there is no other means to make the development visually subordinate from key viewing areas. Alternate sites shall be considered prior to using new landscaping to achieve visual sub-ordinance. Development shall be sited to avoid the need for new landscaping wherever possible.

(b) If new landscaping is required, it shall be used to supplement other techniques for achieving visual sub-ordinance.

(c) Vegetation planted for screening purposes shall be of sufficient size to make the development visually subordinate within five years or less of commencement of construction. If after five years the vegetation has not achieved a size sufficient to screen the development, additional screening may be required by Multnomah County to make the development visually subordinate.

(d) Landscaping shall be installed as soon as practicable, and prior to project completion. Applicant. The property owner(s), and their successor(s) in interest are responsible for the proper maintenance and survival of planted vegetation, and replacement of such vegetation that does not survive.

(e) The Scenic Resources Implementation Handbook includes recommended species for each landscape setting consistent with MCC 38.7035(C) and the minimum recommended sizes for tree plantings (based on average growth rates expected for recommended species).

(~~18~~15) Conditions regarding new landscaping or retention of existing vegetation for new developments on land designated ~~GMA Forest~~ GGF-80, GGF-40 and GGF-20 shall meet both scenic guidelines and the fuel break requirements of MCC 38.7305~~(A)~~(B).

(~~19~~16) New main lines on lands visible from Key Viewing Areas for the transmission of electricity, gas, oil, other fuels, or communications, except for connections to individual users or small clusters of individual users, shall be built in existing transmission corridors unless it can be demonstrated that use of existing corridors is not practicable. Such new lines shall be underground as a first preference unless it can be demonstrated to be impracticable.

(~~20~~17) New communication facilities (antennae, dishes, etc.) on lands visible from Key Viewing Areas, which require an open and unobstructed site shall be built upon existing facilities unless it can be demonstrated that use of existing facilities is not practicable.

(~~21~~18) New communications facilities may protrude above a skyline visible from a Key Viewing Area only upon demonstration that:

(a) The facility is necessary for public service;

(b) The break in the skyline is ~~seen~~ visible only in the background; and

(c) The break in the skyline is the minimum necessary to provide the service.

(~~22~~19) Overpasses, safety and directional signs and other road and highway facilities may protrude above a skyline visible from a Key Viewing Area only upon a demonstration that:

(a) The facility is necessary for public service;

(b) The break in the skyline is the minimum necessary to provide the service.

(~~23~~20) Except for water-dependent development and for water-related recreation development, development shall be set back 100 feet from the ordinary high water mark of the Columbia River below Bonneville Dam, and 100 feet from the normal pool elevation of the Columbia River above Bonneville Dam, unless the setback would render a property unbuildable. In such cases, variances to the setback may be authorized.

(~~24~~21) New buildings shall not be permitted on lands visible from Key Viewing Areas with slopes in excess of 30 percent. A variance may be authorized if the property would be rendered unbuildable through the application of this standard. In determining the slope, the average percent slope of the proposed building ~~site~~ footprint shall be utilized.

~~(25) All proposed structural development involving more than 200 cubic yards of grading on sites visible from Key Viewing Areas shall include submittal of a grading plan. This plan shall be reviewed by the Planning Director for compliance with Key Viewing Area policies. The grading plan shall include the following:~~

~~(a) 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:~~

~~1. Existing and proposed final grades;~~

~~2. Location of all areas to be graded, with cut banks and fill slopes delineated; and~~

~~3. Estimated dimensions of graded areas.~~

~~(b) A narrative description (may be submitted on the grading plan site map and accompanying drawings) of the proposed grading activity, including:~~

~~1. Its purpose;~~

~~2. An estimate of the total volume of material to be moved;~~

~~3. The height of all cut banks and fill slopes;~~

~~4. Provisions to be used for compaction, drainage, and stabilization of graded areas (preparation of this information by a licensed engineer or engineering geologist is recommended);~~

~~5. A description of all plant materials used to revegetate exposed slopes and banks, including type of species, number of plants, size and location, and a description of irrigation provisions or other measures necessary to ensure the survival of plantings; and~~

~~6. A description of any other interim or permanent erosion control measures to be utilized.~~

(~~26~~22) Expansion of existing quarries and exploration, development (extraction and excavation), and ~~new~~ production ~~and/or development~~ of mineral resources proposed on sites more than ~~3~~4 miles from the nearest Key Viewing Areas from which it is visible may be allowed upon a demonstration that:

(a) The site plan requirements for such proposals pursuant to this chapter have been met;

(b) The area to be mined and the area to be used for primary processing, equipment storage, stockpiling, etc. associated with the use would be visually subordinate as seen from any Key Viewing Areas; and

(c) A reclamation plan to restore the site to a natural appearance ~~which~~ that blends with and emulates distinctive characteristics of the designated landscape setting ~~surrounding landforms~~ to the maximum extent practicable has been approved. At minimum, a reclamation plans shall comply with MCC 38.7035 (A)(5) and (6); and

(d) A written report on a determination of visual subordinance has been completed, with findings addressing the extent of visibility of proposed mining activities from Key Viewing Areas, including:

1. A list of Key Viewing Areas from which exposed mining surfaces (and associated facilities/activities) would be visible;

2. An estimate of the surface area of exposed mining surfaces which would be visible from those Key Viewing Areas;

3. The distance from those Key Viewing Areas and the linear distance along those Key Viewing Areas from which proposed mining surfaces are visible;

4. The slope and aspect of mining surfaces relative to those portions of Key Viewing Areas from which they are visible;

5. The degree to which potentially visible mining surfaces are screened from Key Viewing Areas by existing vegetation, including winter screening considerations.

6. The degree to which potentially visible mining surfaces would be screened by new plantings, berms, etc. and appropriate time frames to achieve such results, including winter screening considerations.

(~~27~~23) Unless addressed by subsection (26) above, exploration, development (extraction and excavation), and ~~new~~ production ~~and/or development~~ of mineral resources may be allowed upon a demonstration that:

(a) The site plan requirements for such proposals pursuant to this chapter have been met;

(b) The area to be mined and the area used for primary processing, equipment storage, stockpiling, etc. associated with the use would be fully screened from any Key Viewing Area; and

(c) A reclamation plan to restore the area to a natural appearance which blends with and emulates surrounding landforms to the maximum extent practicable has been approved. At minimum, the reclamation plan shall comply with MCC 38.7035 (A) ~~(6) and (7)~~ (5) and (6).

(~~28~~24) An interim time period to achieve compliance with visual subordinance requirements for expansion of existing quarries and development of new quarries located more than ~~3~~4 miles from the nearest visible Key Viewing Area from which it is visible shall be established prior to approval. The interim time period shall be based on site-specific topographic and visual conditions, but shall not exceed 3 years beyond the date of approval.

(~~29~~25) An interim time period to achieve compliance with full screening requirements for new quarries located less than ~~3~~4 miles from the nearest visible Key Viewing Area from which it is visible shall be established prior to approval. The interim time period shall be based on site-specific topographic and visual conditions, but shall not exceed 1 year beyond the date of approval. Quarrying activity occurring ~~prior to~~ before achieving compliance with full screening requirements shall be limited to activities necessary to provide such screening (creation of berms, etc.).

(C) All Review Uses and Conditional Uses within the following landscape settings, regardless of visibility from KVAs:

(1) Pastoral

(a) Accessory structures, outbuildings and accessways shall be clustered together as much as possible, particularly towards the edges of existing meadows, pastures and farm fields.

(b) In portions of this setting visible from Key Viewing Areas, the following standards shall be employed to achieve visual sub-ordinance for new development and expansion of existing development:

1. Except as is necessary for site development or safety purposes, the existing tree cover screening the development from Key Viewing Areas shall be retained.

2. Vegetative landscaping shall, where feasible, retain the open character of existing pastures and fields.

3. At least half of any trees planted for screening purposes shall be species native to the setting. ~~or commonly found in the area. Such~~ Examples of native species ~~include fruit trees, Douglas fir, Lombardy poplar (usually in rows), Oregon white oak, bigleaf maple, and black locust (primarily in the eastern Gorge). The~~ are identified in the Scenic Implementation Handbook ~~Scenic Resources Implementation Handbook includes recommended minimum sizes~~ as appropriate for the area.

4. At least one-quarter of any trees planted for screening shall be coniferous for winter screening. Flexibility may be granted to this provision when development is directly adjacent or adjoining a landscape setting where coniferous trees are not common or appropriate (see Scenic Implementation Handbook for guidance) and tree species ultimately selected for winter screening are natives characteristic to that setting.

(c) Compatible recreation uses include resource-based recreation uses of a very low or low-intensity nature, occurring infrequently in the landscape.

(2) Coniferous Woodland

(a) Structure height shall remain below the forest canopy level.

(b) In portions of this setting visible from Key Viewing Areas, the following standards shall be employed to achieve visual sub-ordinance for new development and expansion of existing development:

1. Except as is necessary for construction of access roads, building pads, leach fields, etc., the existing tree cover screening the development from Key Viewing Areas shall be retained.

2. At least half of any trees planted for screening purposes shall be species native to the setting~~. Such species include: Douglas fir, grand fir, western red cedar, western hemlock, bigleaf maple, red alder, ponderosa pine and Oregon white oak, and various native willows (for riparian areas). The Scenic Resources Implementation Handbook includes recommended minimum sizes~~ (see Scenic Implementation Handbook for guidance).

3. At least half of any trees planted for screening purposes shall be coniferous to provide winter screening.

(c) Compatible recreation uses include resource-based recreation uses of varying intensities. Typically, outdoor recreation uses should be low-intensity, and include trails, small picnic areas and scenic viewpoints. Some more intensive recreation uses, such as campgrounds, may occur. They should be scattered, interspersed with large areas of undeveloped land and low-intensity uses.

(3) Rural Residential

(a) Existing tree cover shall be retained as much as possible, except as is necessary for site development, safety purposes, or as part of forest management practices.

Commented [AB29]: This proposed code amendment purposely avoids the use of the word "variance" as indicated in the Management Plan language given county variance code 38.0065 is prescriptive and only extends to certain dimensional setbacks and buffers which is unrelated to the scope of this tree planting guideline. Language has also been added, as recommended for county consideration by staff with the Gorge Commission, to ensure the Scenic Implementation Handbook is not used as approval criteria.

Commented [AB30]: Guideline language clarified in code to ensure the referenced handbook is not used as an approval criteria.

(b) In portions of this setting visible from Key Viewing Areas, the following standards shall be employed to achieve visual sub-ordinance for new development and expansion of existing development:

1. Except as is necessary for site development or safety purposes, the existing tree cover screening the development from Key Viewing Areas shall be retained.

2. At least half of any trees planted for screening purposes shall be species native to the setting or ~~commonly found~~ species identified in the Scenic Implementation Handbook as appropriate for the area.

3. At least half of any trees planted for screening purposes shall be coniferous to provide winter screening.

(c) Compatible recreation uses include should be limited to small community park facilities, but occasional low-intensity resource-based recreation uses (such as small scenic overlooks) may be allowed.

(4) Rural Residential in Conifer Woodland or Pastoral

(a) New development in this setting shall meet the design standards for both the Rural Residential setting and the more rural setting with which it is combined (either Pastoral or Coniferous Woodland), unless it can be demonstrated that compliance with the standards for the more rural setting is impracticable. Expansion of existing development shall comply with this standard to the maximum extent practicable.

(b) In the event of a conflict between the standards, the standards for the more rural setting (Coniferous Woodland or Pastoral) shall apply, unless it can be demonstrated that application of such standards would not be practicable.

(c) Compatible recreation uses should be limited to very low and low-intensity resource-based recreation uses, scattered infrequently in the landscape.

(5) Residential

(a) In portions of this setting visible from Key Viewing Areas, the following standards shall be employed to achieve visual subordinance for new development and expansion of existing development:

1. Except as is necessary for site development or safety purposes, the existing tree cover screening the development from Key Viewing Areas shall be retained.

2. Structures' exteriors shall be non-reflective unless fully screened from Key Viewing Areas with existing vegetation and~~/or~~ topography.

3. At least half of any trees planted for screening purposes shall be species native to the setting ~~or commonly found in the area~~. Examples of native species are identified in the Scenic Resources Implementation Handbook as appropriate to the area.

4. At least half of any trees planted for screening purposes shall be coniferous to provide winter screening.

(b) Compatible recreation uses are limited to community park facilities.

(6) Village

(a) New development in this setting is exempt from the color and siting requirements of MCC 38.7035(B).

(b) New commercial buildings shall be limited in size to a total floor area of 5,000 square feet or less, and shall be limited in height to 2 and 1/2 stories or less.

(c) For new commercial, institutional (churches, schools, government buildings) or multi-family residential uses on parcels fronting a Scenic Travel Corridor (the Historic Columbia River Highway) and expansion of existing development for such uses, parking shall be limited to rear or side yards of buildings to the maximum extent practicable.

(d) New vehicular access points to the scenic travel corridors shall be limited to the maximum extent practicable, and access consolidation shall be required where feasible.

(e) New development proposals and expansion of existing development shall be encouraged to follow planned unit development approaches, featuring consolidated access, commonly-shared landscaped open areas, etc.

(f) New commercial, institutional or multi-family residential uses fronting a Scenic Travel Corridor shall comply with the following landscape requirements:

1. Parking or loading areas for 10 or more spaces shall include a landscaped strip at least 5 feet in width between the new use and the Scenic Travel Corridor roadway.

2. The landscape strip required in subsection (f) 1. above shall include shrubs, vegetative ground cover and, at minimum, one tree spaced as appropriate to the species and not to exceed 25 feet apart on the average.

(g) The use of building materials reinforcing the Village Setting's character, such as wood, logs or stone, and reflective of community desires, should be encouraged.

(h) Architectural styles characteristic of the area (such as 1½ story dormer roof styles in Corbett), and reflective of community desires, should be encouraged. Entry signs should be consistent with such architectural styles.

(i) Design features which create a "pedestrian friendly" atmosphere, such as large shop windows on the ground floor of commercial buildings, porches along ground floors with street frontage, etc. should be encouraged.

(j) Pedestrian walkways and bicycle paths should be encouraged and integrated into new development~~s~~ wherever feasible.

(k) Where feasible, existing tree cover of species native to the region or ~~commonly found in~~ species identified in the Scenic Implementation Handbook as appropriate for the area shall be retained when designing new development or expanding existing development.

(l) Compatible recreation uses may include community parks serving the recreation needs of local residents, and varying intensities of other recreation uses.

(7) River Bottomlands

(a) In portions of this setting visible from Key Viewing Areas, the following standards shall be employed to achieve visual sub-ordinance for new development and expansion of existing development:

1. Except as is necessary for site development or safety purposes, existing tree cover screening the development from Key Viewing Areas shall be retained.

2. At least half of any trees planted for screening purposes shall be species native to the River Bottomland setting. Public recreation development~~s~~ is~~are~~ encouraged to maximize the percentage of planted screening vegetation native to this setting. ~~Such species include: black cottonwood, big leaf maple, red alder, Oregon white ash, Douglas fir, western red cedar and western hemlock (west Gorge) and various native willow species.~~

3. At least one-quarter of any trees planted for screening purposes shall be coniferous for winter screening. Flexibility may be granted to this provision when development is directly adjacent or adjoining a landscape setting where coniferous trees are not common or appropriate (see Scenic Implementation Handbook for guidance) and tree species ultimately selected for winter screening are natives characteristic to that setting.

Commented [AB31]: See previous comment regarding "variance" vs. "flexibility"

(b) Compatible recreation uses depend on the degree of natural resource sensitivity of a particular site. In the most critically sensitive River Bottomlands, very low-intensity uses which do not impair wetlands or special habitat requirements may be compatible.

(8) Gorge Walls, Canyons and Wildlands

(a) New development and expansion of existing development shall be screened so as to not be ~~seen~~ visible from Key Viewing Areas to the maximum extent practicable.

(b) All trees planted to screen permitted development and uses from Key Viewing Areas shall be native to the area.

(c) Existing tree cover shall be retained to the maximum extent practicable, except for the minimum necessary to be removed to accommodate facilities otherwise permitted in the underlying land use designation or for safety purposes.

(d) All buildings shall be limited in height to 1 1/2 stories.

(e) All structures' exteriors shall be non-reflective.

(f) ~~Signage~~ Signs shall be limited to natural materials such as wood or stone, ~~and~~ with natural or earth-tone colors found in the surrounding landscape, unless public safety concerns or federal or state highway standards require otherwise.

(g) Compatible recreation uses are limited to very low or low-intensity, resource-based activities which focus on enjoyment and appreciation of sensitive resources. Such uses compatible (such as trails) are generally associated with minimal facility development, if any.

(D) All Review Uses and Conditional Uses within scenic travel corridors:

(1) For the purposes of implementing this section, the immediate foreground of a Scenic Travel Corridor shall include those lands within one-quarter mile of the edge of pavement of the Historic Columbia River Highway and I– 84.

(2) All new buildings and alterations to existing buildings, except in a GGRC, shall be set back at least 100 feet from the edge of pavement of the Scenic Travel Corridor roadway. A variance to this setback requirement may be granted pursuant to MCC 38.0065. All new parking lots and expansions of existing parking lots shall be set back at least 100 feet from the edge of pavement of the Scenic Travel Corridor roadway, to the maximum extent practicable.

(3) Additions to existing buildings or expansion of existing parking lots located within 100 feet of the edge of pavement of a Scenic Travel Corridor roadway except in a GGRC, shall comply with subsection (2) above to the maximum extent practicable.

(4) All proposed vegetation management projects in public rights-of-way to provide or improve views shall include the following:

(a) An evaluation of potential visual impacts of the proposed project as ~~seen~~ visible from any Key Viewing Area;

(b) An inventory of any rare plants, sensitive wildlife habitat, wetlands or riparian areas on the project site. If such resources are determined to be present, the project shall comply with applicable standards to protect the resources.

(5) When evaluating which locations to consider undergrounding of signal wires or powerlines, railroads and utility companies shall prioritize those areas specifically recommended as extreme or high priorities for undergrounding in the Columbia River Gorge National Scenic Area Corridor Visual Inventory prepared in April, 1990.

(6) New exploration, development (extraction or excavation), and production of mineral resources ~~production and/or development of mineral resources~~ proposed within one-quarter mile of the edge of pavement of a Scenic Travel Corridor may be allowed upon a demonstration that full visual screening of the site from the Scenic Travel Corridor can be achieved by use of existing topographic features or existing vegetation designed to be retained through the planned duration of the proposed project. An exception to this may be granted if planting of new vegetation in the vicinity of the access road to the mining area would achieve full screening. If existing vegetation is partly or fully employed to achieve visual screening, over 75 percent of the tree canopy area shall be coniferous species providing adequate winter screening. Mining and associated primary processing of mineral resources is prohibited within 100 feet of a Scenic

Travel Corridor, as measured from the edge of pavement, except for access roads. Compliance with full screening requirements shall be achieved within time frames specified in MCC 38.7035 (B) ~~(29)~~(25).

(7) Expansion of existing quarries may be allowed pursuant to MCC 38.7035 (B) ~~(26)~~ (21). Compliance with visual subordinance requirements shall be achieved within time frames specified in MCC 38.7035 (B) ~~(28)~~ (24).

(Ord. 1125, Amended, 12/11/2008; Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 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 development~~s~~ 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
Coniferous Woodland, Oak-Pine Woodland	Forest (National Forest Lands), Open Space	NOT VISUALLY EVIDENT
River Bottomlands	Open Space	NOT VISUALLY EVIDENT
Gorge Walls, Canyonlands, Wildlands	Forest, Agriculture, Public Recreation, Open Space	NOT VISUALLY EVIDENT

Coniferous Woodland, Oak-Pine Woodland	Forest, Agriculture, Residential, Public Recreation	VISUALLY SUBORDINATE
Residential	Residential	VISUALLY SUBORDINATE
Pastoral	Forest, Agriculture, Public Recreation, Open Space	VISUALLY SUBORDINATE
River Bottomlands	Forest, Agriculture, Public Recreation	VISUALLY SUBORDINATE

(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.

(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.

(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.

(a) Decisions shall include written findings addressing the Primary factors influencing the degree of visibility, including but not limited to:

1. The amount of area of the building site exposed to key viewing areas,

2. The degree of existing vegetation providing screening,

3. The distance from the building site to the key viewing areas from which it is visible,

4. The number of key viewing areas from which it is visible, and

5. The linear distance along the key viewing areas from which the building site is visible (for linear key viewing areas, such as roads).

(b) Conditions may be applied to various elements of proposed developments to ensure they meet the scenic standard for their setting as seen visible from key viewing areas, including but not limited to:

1. Siting (location of development on the subject property, building orientation, and other elements),

2. Retention of existing vegetation,

3. Design (form, line, color, texture, reflectivity, size, shape, height, architectural and design details and other elements), and

4. New landscaping.

(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.

(7) Proposed developments shall not protrude above the line of a bluff, cliff, or skyline as seen 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.

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

(a) New landscaping (including new earth berms) to achieve the required scenic standard from key viewing areas shall be required only when application of all other available guidelines in this chapter is not sufficient to make the development meet the scenic standard from key viewing areas. Development shall be sited to avoid the need for new landscaping wherever possible.

(b) If new landscaping is necessary to meet the required standard, existing on-site vegetative screening and other visibility factors shall be analyzed to determine the extent of new landscaping, and the size of new trees needed to achieve the standard. Any vegetation planted pursuant to this guideline shall be sized to provide sufficient screening to meet the scenic standard within five years or less from the commencement of construction.

(c) Landscaping shall be installed as soon as practicable, and prior to project completion. Applicants and successors in interest for the subject parcel are responsible for the proper maintenance and survival of planted vegetation, and replacement of such vegetation that does not survive.

(d) The Scenic Resources Implementation Handbook ~~shall~~ includes recommended species for each landscape setting consistent with the Landscape Settings Design Guidelines in this chapter, and minimum recommended sizes of new trees planted (based on average growth rates expected for recommended species).

(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. ~~The Scenic Resources Implementation Handbook will include a recommended list of exterior materials. These recommended materials and other materials may be deemed consistent with this guideline, including those where the specific application meets approval thresholds in the "Visibility and Reflectivity Matrices" in the Implementation Handbook.~~ Continuous surfaces of glass ~~unscreened from key viewing areas~~ shall be limited to ensure meeting the scenic standard. ~~Recommended square footage limitations for such surfaces will be provided for guidance in the~~ *The Scenic Resources Implementation Handbook* includes a list of recommended exterior materials and screening methods.

(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 ~~shall~~ may be permitted on a temporary basis, not to exceed three months duration.

(14) 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:

(a) Application of the landscape setting design guidelines, if applicable.

(b) A defined study area surrounding the development that includes at least ten existing buildings, not including existing buildings within urban areas or outside the National Scenic Area.

(c) Individual evaluations of scale for each separate proposed building in the application and each separate building in the study area, including:

1. All finished above ground square footage;

2. Total area of covered decks and porches;

3. Attached garages;

4. Daylight basements;

5. Breezeways, if the breezeway shares a wall with an adjacent building; and

6. Dimensions, based on information from the application or on Assessor's records.

(d) An overall evaluation demonstrating the proposed development's compatibility with surrounding development. Buildings in the vicinity of the proposed development that are significantly larger in size than the rest of the buildings in the study area should be removed from this evaluation.

(B) The following shall apply to all lands within SMA landscape settings regardless of visibility from KVAs (includes areas ~~seen~~ visible from KVAs as well as areas not ~~seen~~ visible from KVAs):

(1) Gorge Walls, and Canyonlands and Wildlands: New development~~s~~ and land uses shall retain the overall visual character of the natural appearing landscape.

(a) Structures, including signs, shall have a rustic appearance, use non-reflective materials, and have low contrast with the surrounding landscape and be of a Cascadian architectural style.

(b) Temporary roads shall be promptly closed and revegetated.

(c) New utilities shall be below ground surface, where feasible.

(d) Use of plant species non-native to the Columbia River Gorge shall not be allowed.

(2) Coniferous Woodlands and Oak-Pine Woodland: Woodland areas shall retain the overall appearance of a woodland landscape. New developments and land uses shall retain the overall visual character of the natural appearance of the Coniferous and Oak/Pine Woodland landscape.

(a) Buildings in the Coniferous Woodland landscape setting shall be encouraged designed to have a vertical overall appearance and a horizontal overall appearance in the Oak-Pine Woodland landscape setting shall be encouraged.

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

(3) River Bottomlands: River bottomland shall retain the overall visual character of a floodplain and associated islands.

(a) Buildings should 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.

(4) Pastoral: Pastoral areas shall retain the overall appearance of an agricultural landscape.

The use of plant species common native to the landscape setting. Examples of native species are identified in the Scenic Implementation Handbook as appropriate to the area shall be encouraged. The use of agricultural plant species in rows as commonly found in the landscape setting, is also encouraged.

(5) Residential: The Residential setting is characterized by concentrations of dwellings.

(a) At Latourell Falls, new buildings shall have an appearance consistent with the predominant historical architectural style.

(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.

(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.

(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).

(a) The proposed development shall be designed and sited to meet the applicable scenic standard from the foreground of the subject KVA. If the development cannot meet the standard, findings must be made documenting why the project cannot meet the requirements of 38.7040(A) and why it cannot be redesigned or wholly or partly relocated to meet the scenic standard.

(b) Findings must evaluate the following:

1. The limiting factors to meeting the required scenic standard and~~/or~~ applicable provisions of 38.7040(A),

2. Reduction in project size;

3. Options for alternative sites for all or part of the project, considering parcel configuration and on-site topographic or vegetative screening;

4. Options for design changes including changing the design shape, configuration, color, height, or texture in order to meet the scenic standard.

(c) Form, line, color, texture, and design of a proposed development shall be evaluated to ensure that the development blends with its setting as ~~seen~~ visible from the foreground of key viewing areas:

1. Form and Line-Design of the development shall minimize changes to the form of the natural landscape. Development shall borrow form and line from the landscape setting and blend with the form and line of the landscape setting. Design of the development shall avoid contrasting form and line that unnecessarily call attention to the development.

2. Color-Color shall be found in the project's surrounding landscape setting. Colors shall be chosen and repeated as needed to provide unity to the whole design.

3. Texture-Textures borrowed from the landscape setting shall be emphasized in the design of structures. Landscape textures are generally rough, irregular, and complex rather than smooth, regular, and uniform.

4. Design-Design solutions shall be compatible with the natural scenic quality of the Gorge. Building materials shall be natural or natural appearing. Building materials such as concrete, steel, aluminum, or plastic shall use form, line color and texture to harmonize with the natural environment. Design shall balance all design elements into a harmonious whole, using repetition of elements and blending of elements as necessary.

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

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

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

(D) SMA Requirements for areas not ~~seen~~ visible 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 dark 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.

(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:

(a) Application of the landscape setting design guidelines, if applicable.

(b) A defined study area surrounding the development that includes at least ten existing buildings, not including existing buildings within urban areas or outside the National Scenic Area.

(c) Individual evaluations of scale for each separate proposed building in the application and each separate building in the study area, including:

1. All finished above ground square footage;

2. Total area of covered decks and porches;

3. Attached garages;

4. Daylight basements;

5. Breezeways, if the breezeway shares a wall with an adjacent building; and

6. Dimensions, based on information from the application or on Assessor's records.

(d) An overall evaluation demonstrating the proposed development's compatibility with surrounding development. Buildings in the vicinity of the proposed development that are significantly larger in size than the rest of the buildings in the study area should be removed from this evaluation.

(Ord. 1270, Amended, 03/14/2019; Ord. 1125, Amended, 12/11/2008; Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7045 GMA CULTURAL RESOURCE REVIEW CRITERIA

(A) Cultural Resource Reconnaissance Surveys

Each proposed use or element of a proposed use within an application shall be evaluated independently to determine whether a reconnaissance survey is required; for example, an application that proposes a land division and a new dwelling would require a reconnaissance survey if a survey would be required for the dwelling.

(1) A cultural reconnaissance survey shall be required for all proposed uses, except:

(a) The modification, expansion, replacement, or reconstruction of existing buildings and structures.

(b) Proposed uses that would not disturb the ground, including land divisions and lot-line adjustments; storage sheds that do not require a foundation; ~~low-intensity recreation uses, such as fishing, hunting, and hiking~~; installation of surface chemical toilets; hand treatment of brush within established rights-of-way; and new uses of existing structures.

(c) Proposed uses that involve minor ground disturbance, as defined by depth and extent, including repair and maintenance of lawfully constructed and serviceable structures; home gardens; livestock grazing; cultivation that employs minimum tillage techniques, such as replanting pastures using a grassland drill; construction of fences; new utility poles that are installed using an auger, post-hole digger, or similar implement; and placement of ~~mobile~~ manufactured homes where septic systems and underground utilities are not involved.

The Gorge Commission will review all land use applications and determine if proposed uses would have a minor ground disturbance.

(d) Proposed uses that occur on sites that have been disturbed by human activities, provided the proposed uses do not exceed depth and extent of existing ground disturbance. To qualify for this exception, a project applicant must demonstrate that land disturbing activities occurred in the project area. Land disturbing activities include grading and cultivation.

(e) Proposed uses that would occur on sites that have been adequately surveyed in the past.

~~1. The project applicant must demonstrate that the project area has been adequately surveyed to qualify for this exception.~~

~~2~~1. Past surveys must have been conducted by a qualified professional and must include a surface survey and subsurface testing.

~~3~~2. The nature and extent of any cultural resources in the project area must be adequately documented.

(f) Proposed uses occurring in areas that have a low probability of containing cultural resources, except:

1. Residential development that involves two or more new dwellings for the same project applicant;

2. Recreation facilities that contain parking areas for more than 10 cars, overnight camping facilities, boat ramps, and visitor information and environmental education facilities;

3. Public transportation facilities that are outside improved rights-of-way;

4. Electric facilities, lines, equipment, and appurtenances that are 33 kilovolts or greater; and

5. Communications, water and sewer, and natural gas transmission (as opposed to distribution) lines, pipes, equipment, and appurtenances.

Areas that have a low probability of containing cultural resources will be identified using the results of reconnaissance surveys conducted by the Gorge Commission, the U.S. Forest Service, public agencies, and private archaeologists.

The Gorge Commission, after consulting ~~Indian~~ tribal governments and state historic preservation officers, will prepare and adopt a map showing areas that have a low probability of containing cultural resources. ~~This map will be adopted within 200 days after the Secretary of Agriculture concurs with the Management Plan.~~ It will be refined and revised as additional reconnaissance surveys are conducted. Areas will be added or deleted as warranted. All revisions of this map shall be reviewed and approved by the Gorge Commission.

(2) A reconnaissance survey shall be required for all proposed uses within 500 feet of a known cultural resource~~s~~, and all proposed uses within 100 feet of a high probability area, including those listed above in MCC 38.7045 (A) (1) (a) through (f). The ~~location of known cultural resources are shown in the cultural resource inventory.~~ Forest Service maintains a map of known cultural resources and a probability map. Both maps are confidential as required by the National Scenic Act, other federal law, and Oregon law.

(3) The Gorge Commission may choose to conduct a reconnaissance survey for proposed uses listed in the exceptions if, in its professional judgment, a reconnaissance survey may be necessary to ensure protection of cultural resources.

(4) A historic survey shall be required for all proposed uses that would alter the exterior architectural appearance of buildings and structures that are 50 years old or older, or compromise features of the surrounding area that are important in defining the historic or architectural character of the buildings or structures that are 50 years old or older.

(B) The cultural resource review criteria shall be deemed satisfied, except MCC 38.7045 (L) and (M), if:

(1) The project is exempted by MCC 38.7045 (A) (1), no cultural resources are known to exist in the project area, and no substantiated comment is received during the comment period provided in MCC 38.0530 (B).

(2) The proposed use would avoid archaeological resources and traditional cultural resources that exist in the project area. To meet this standard, a reasonable buffer zone must be established around the affected resources or properties; all ground disturbing activities shall be prohibited within the buffer zone.

(a) Buffer zones must preserve the integrity and context of cultural resources. They will vary in width depending on the eventual use of the project area, the type of cultural resources that are present, and the characteristics for which the cultural resources may be significant. A deed covenant, easement, or other appropriate mechanism shall be developed to ensure that the buffer zone and the cultural resources are protected.

(b) An Evaluation of Significance shall be conducted if a project applicant decides not to avoid the affected cultural resource. In these instances, the Reconnaissance Survey and survey report shall be incorporated into the Evaluation of Significance.

(3) A historic survey demonstrates that the proposed use would not have an effect on historic buildings or structures. ~~because: (1)~~ To demonstrate that the proposed use would not have an effect on historic buildings or structures, the historic survey must satisfy one of the following guidelines:

(a) SHPO concludes that the historic buildings or structures are clearly not significant, as determined using the criteria in the *National Register Criteria for Evaluation* ("36 CFR Part 60.4); or

(b) The proposed use would not compromise the historic or architectural character of the affected buildings or structures, or compromise features of the site that are important in defining the overall historic character of the affected buildings or structures, as determined by the guidelines and standards ~~in The Secretary of the Interior's Standards for Rehabilitation (U.S. Department of the Interior 1990) and~~ The Secretary of the Interior's Standards for ~~Historic Preservation Projects~~ the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (U.S. Department of the Interior ~~1983~~ 2017 or most recent version).

1. The historic survey conducted by the Gorge Commission may provide sufficient information to satisfy these standards. If it does not, architectural and building plans, photographs, and archival research may be required. The project applicant shall be responsible for providing information beyond that included in the survey conducted by the Gorge Commission.

2. The historic survey and report must demonstrate that these standards have been clearly and absolutely satisfied. If SHPO or the Planning Director question whether these standards have been satisfied, the project applicant shall conduct an Evaluation of Significance.

(C) 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.

(3) A project applicant who is proposing a large-scale use shall conduct interviews and other forms of ethnographic research if interested persons submit a written request for such research. All requests must include a description of the cultural resources that may be affected by the proposed use and the identity of knowledgeable informants. Ethnographic research shall be conducted by qualified specialists. ~~Tape r~~Recordings, maps, photographs, and minutes shall be used when appropriate.

(4) All written comments, consultation meeting minutes and ethnographic research 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.

(D) Reconnaissance and historic surveys, evaluations, assessments and mitigation plans shall be performed by qualified professionals whose expertise reflects the type of cultural resources that are involved. Principal investigators shall meet the professional standards published in *36 Code of Federal Regulations (CFR) Part 61* and *Guidelines for Evaluating and Documenting Traditional Cultural Properties (Parker and King n.d.).* A survey shall consist of the following:

(1) Reconnaissance Survey for Small-Scale Uses

Reconnaissance surveys for small scale uses shall consist of the following:

(a) A surface survey of the project area, except for inundated areas and impenetrable thickets.

(b) Subsurface testing shall be conducted if the surface survey reveals that cultural resources may be present. Subsurface probes will be placed at intervals sufficient to determine the absence or presence of cultural resources.

(c) A confidential report that includes:

1. A description of the fieldwork methodology used to ~~identity~~ identify cultural resources, including a description of the type and extent of the reconnaissance survey.

2. A description of any cultural resources that were discovered in the project area, including a written description and photographs.

3. A map that shows the project area, the areas surveyed, the location of subsurface probes, and, if applicable, the approximate boundaries of the affected cultural resources and a reasonable buffer area.

(d) ~~The Gorge Commission will conduct and~~ Project applicants are responsible for paying for all reconnaissance or historic surveys, and for Evaluations of Significance and Mitigation Plans for cultural resources discovered during construction of small-scale uses.

(2) Reconnaissance Survey for Large Scale Uses

For the purposes of this section, large-scale uses include residential development involving two or more new dwellings; recreation facilities; commercial and industrial development; public transportation facilities; electric facilities, lines, equipment, and appurtenances that are 33 kilovolts or greater; and communications, water and sewer, and natural gas transmission (as opposed to distribution) lines, pipes, equipment, and appurtenances.

Reconnaissance surveys for Large Scale Uses shall consist of the following:

(a) A written description of the survey shall be submitted to and approved by the Gorge Commission's designated archaeologist.

(b) Reconnaissance surveys shall reflect the physical characteristics of the project area and the design and potential effects of the proposed use. They shall meet the following standards:

1. Archival research shall be performed prior to any field work. It should entail a thorough examination of tax records; historic maps, photographs, and drawings; previous archaeological, historic, and ethnographic research; cultural resource inventories and records maintained by federal, state, and local agencies; and primary historic accounts, such as diaries, journals, letters, and newspapers.

2. Surface surveys shall include the entire project area, except for inundated areas and impenetrable thickets.

3. Subsurface probes shall be placed at intervals sufficient to document the presence or absence of cultural resources.

4. Archaeological site inventory forms shall be submitted to SHPO whenever cultural resources are discovered.

(c) A confidential report that includes:

1. A description of the proposed use, including drawings and maps.

2. A description of the project area, including soils, vegetation, topography, drainage, past alterations, and existing land use.

3. A list of the documents and records examined during the archival research and a description of any ~~prehistoric~~ precontact or historic events associated with the project area.

4. A description of the fieldwork methodology used to identify cultural resources, including a map that shows the project area, the areas surveyed, and the location of subsurface probes. The map shall be prepared at a scale that provides accurate and

readable details. In no event shall the scale be less than ~~of~~ 1 inch equals 100 feet (1:1,200)~~, or a scale providing greater detail~~.

5. An inventory of the cultural resources that exist in the project area, including a written description, photographs, drawings, and a map. The map shall be prepared at a scale that provides accurate and readable details. In no event shall the scale be less than ~~of~~ 1 inch equals 100 feet (1:1,200)~~, or a scale providing greater detail~~.

6. A summary of all written comments submitted by ~~Indian~~ tribal governments and other interested persons.

7. A preliminary assessment of whether the proposed use would or would not have an effect on cultural resources. The assessment shall incorporate concerns and recommendations voiced during consultation meetings and information obtained through archival and ethnographic research and field surveys.

(d) The applicant shall be responsible for reconnaissance surveys for large-scale uses.

(e) ~~The Gorge Commission will conduct and~~ Project applicants are responsible for paying for all Evaluations of Significance and Mitigation Plans for cultural resources discovered during construction of large-scale uses.

(3) Historic Surveys

(a) Historic surveys shall document the location, form, style, integrity, and physical condition of historic buildings and structures. They shall include:

1. Original photographs;

2. Original maps; and

3. Archival research, blueprints, and drawings as necessary.

(b) Historic surveys shall describe any uses that will alter or destroy the exterior architectural appearance of the historic buildings or structures, or compromise features of the site that are important in defining the overall historic character of the historic buildings or structures

(c) The project applicant shall provide detailed architectural drawings and building plans that clearly illustrate all proposed alterations.

(E) The Planning Director shall submit a copy of all cultural resource survey reports to the Gorge Commission, SHPO, the ~~Indian~~ tribal governments, the Cultural Advisory Committee, and any party who submitted substantiated comment during the comment period provided in MCC 38.0530 (B), except that sensitive tribal information may be redacted by an appropriate tribal representative. Survey reports may include measures to avoid affected cultural resources, such as a map that shows a reasonable buffer area.

(1) All parties notified shall have 30 calendar days from the date a survey report is mailed to submit written comments to the Planning Director. The Planning Director shall record and address all written comments in the Site Review analysis.

(2) The Planning Director shall require an evaluation of significance if the ~~reconnassiance~~ reconnaissance or historic survey or substantiated comment received indicate that the proposed use might affect any of the following:

(a) Cultural resources

(b) Archaeological resources

(c) Traditional cultural properties

(d) Historic buildings or structures

(3) The Planning Director shall deem the cultural resource review process complete if no substantiated comment is received during the 30 day comment period and the ~~reconnassiance~~ reconnaissance or historic survey indicate that the proposed use would have no effect on the items listed in subsection (2)(a) through (d) above.

(4) Notice of the decision of the Planning Director shall be mailed to those parties entitled to notice by MCC 38.0530 (B) within 10 days of the expiration of the 30 day comment period.

(5) The decision of the Planning Director on an application for cultural resource review shall be final 14 days from the date notice is mailed, unless appealed as provided in MCC 38.0530 (B).

(F) Evaluations of significance shall meet the following standards:

(1) Evaluations of significance shall follow the procedures in How to Apply the National Register Criteria for Evaluation (U.S. Department of the Interior, ~~n.d.~~ 1997 or most recent version) and Guidelines for the Evaluation and Documentation of Traditional Cultural Properties (Parker and King, ~~n.d.~~ 1997 or most recent version). They shall be presented within local and regional contexts and shall be guided by previous research and current research designs that are relevant to specific research questions for the Columbia River Gorge.

(2) To evaluate the significance of cultural resources, the information gathered during the reconnaissance or historic survey may have to be supplemented. Detailed field mapping, subsurface testing, photographic documentation, laboratory analysis, and archival research may be required.

(3) The project applicant shall contact ~~Indian~~ tribal governments and interested persons, as appropriate. Ethnographic research shall be undertaken as necessary to fully evaluate the significance of the cultural resources.

(4) The Evaluation of Significance shall follow the principles, guidelines, and report format recommended by Oregon SHPO (Oregon State Historic Preservation Office ~~1990~~). It shall incorporate the results of the reconnaissance or historic survey and shall illustrate why each cultural resource is or is not significant. Findings shall be presented within the context of relevant local and regional research.

(5) All documentation used to support the evaluation of significance shall be cited. Evidence of consultation with ~~Indian~~ tribal governments and other interested persons shall be presented. All comments, recommendations, and correspondence from ~~Indian~~ tribal governments and interested persons shall be appended to the Evaluation of Significance.

(6) The applicant shall be responsible for Evaluations of Significance.

(G) If the Evaluation of Significance demonstrates that the affected cultural resources are not significant, the Planning Director shall submit a copy of all cultural resource survey reports to the Gorge Commission, SHPO, the ~~Indian~~ tribal governments, the Cultural Advisory Committee, and any party who submitted substantiated comment during the comment period provided in MCC 38.7045 (E) (1). In such circumstances, SHPO and the tribal governments are provided this copy for concurrence.

(1) All parties notified shall have 30 calendar days from the date the evaluation of significance is mailed to submit written comments to the Planning Director. The Planning Director shall record and address all written comments in the Site Review analysis.

(2) The Planning Director shall find the cultural resources significant and require an Assessment of Effect if the Evaluation of Significance or comments received indicate either of the following:

(a) The cultural resources are included in, or eligible for inclusion in, the National Register of Historic Places. The criteria for use in evaluating the eligibility of cultural resources for the National Register of Historic Places appear in the "National Register Criteria for Evaluation" (36 CFR 60.4). Cultural resources are eligible for the National Register of Historic Places if they possess integrity of location, design, setting, materials, workmanship, feeling, and association. In addition, they must meet one or more of the following criteria:

1. Association with events that have made a significant contribution to the broad patterns of the history of this region;

2. Association with the lives of persons significant in the past;

3. Embody the distinctive characteristics of a type, period, or method of construction, or represent the work of a master, or possess high artistic values, or represent a significant and distinguishable entity whose components may lack individual distinction; or

4. Yield, or may be likely to yield, ~~information important in prehistory or history~~ important precontact or historical information.

(b) The cultural resources are determined to be culturally significant by a ~~Indian~~ tribal government, based on criteria developed by that ~~Indian~~ tribal government ~~and filed with the Gorge Commission.~~

(3) The Planning Director shall deem the cultural resource review process complete if no substantiated comment is received during the 30 day comment period and the Evaluation of Significance indicates the effected cultural resources are not significant.

(4) Notice of the decision of the Planning Director shall be mailed to those parties entitled to notice by MCC 38.7045 (E) within 10 days of the expiration of the 30 day comment period.

(5) The decision of the Planning Director on an application for cultural resource review shall be final 14 days from the date notice is mailed, unless appealed as provided in MCC 38.0530 (B).

(H) An Assessment of Effect shall meet the following standards:

(1) The Assessment of Effect shall be based on the criteria published in *Protection of Historic Properties* (36 CFR Part 800.5) and shall incorporate the results of the Reconnaissance or Historic Survey and the Evaluation of Significance. All documentation shall follow the requirements listed in 36 CFR Part 800.11.

(a) Proposed uses have an effect on cultural resources when they alter or destroy characteristics of the resources that make them significant [36 CFR Part 800.5].

(b) Proposed uses are considered to have an adverse effect when they may diminish the integrity of the cultural resource's location, design, setting, materials, workmanship, feeling, or association [36 CFR Part 800.5]. Adverse effects on cultural resources include, but are not limited to:

1. Physical destruction, damage, or alteration of all or part of the cultural resource;

2. Isolation of the cultural resource from its setting or alteration of the character of the resource's setting when that character contributes to the resource's qualification as being significant;

3. Introduction of visual, audible, or atmospheric elements that are out of character with the cultural resource or its setting;

4. Neglect of a significant cultural resource resulting in its deterioration or destruction except as described in 36 CFR 800.5.

(2) The Assessment of Effect shall be prepared in consultation with ~~Indian~~ tribal governments and interested persons, as appropriate. The concerns and recommendations voiced by ~~Indian~~ tribal governments and interested persons shall be recorded and addressed in the assessment.

(3) The effects of a proposed use that would otherwise be determined to be adverse may be considered to not be adverse in the following instances:

(a) The cultural resources are of value only for their potential contribution to archaeological, historical, or architectural research, and when such value can be substantially preserved through the conduct of appropriate research before development begins, and such research is conducted in accordance with applicable professional standards and guidelines;

(b) The undertaking is limited to the rehabilitation of buildings and structures, and is conducted in a manner that preserves the historical and architectural character of affected cultural resources through conformance with ~~The Secretary of the Interior's Standards for Rehabilitation (U.S. Department of the Interior 1990) and~~ *The Secretary of the Interior's Standards for* *the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (U.S. Department of the Interior 2017 or most recent revision).* ~~Historic Preservation Projects (U.S. Department of the Interior 1983); or~~

(c) The proposed use is limited to the transfer, lease, or sale of non-federal lands that contain cultural resources, and adequate restrictions or conditions are included to ensure preservation of the significant features of the resources.

(4) The applicant shall be responsible for the Assessment of Effect.

(I) If the Assessment of Effect concludes that the proposed use would have no effect or no adverse effect on significant cultural resources, the Planning Director shall submit a copy of the assessment to the Gorge Commission, SHPO, the ~~Indian~~ tribal governments, the Cultural Advisory Committee, and any party who submitted substantiated comment during the comment period provided in MCC 38.7045 (E) (1).

(1) All parties notified shall have 30 calendar days from the date the Assessment of Effect is mailed to submit written comments to the Planning Director. The Planning Director shall record and address all written comments in the Site Review analysis.

(2) The Planning Director shall require the applicant to prepare a Mitigation Plan if the Assessment of Effect or substantiated comment received during the 30 day comment period indicates the proposed use would have an effect or an adverse effect on significant cultural resources.

(3) The Planning Director shall deem the cultural resource review process complete if no comment is received during the 30 day comment period and the Assessment of Effect indicates the proposed use would have no effect or no adverse effect on significant cultural resources.

(4) Notice of the decision of the Planning Director shall be mailed to those parties entitled to notice by MCC 38.7045 (E) within 10 days of the expiration of the 30 day comment period.

(5) The decision of the Planning Director on an application for cultural resource review shall be final 14 days from the date notice is mailed, unless appealed as provided in MCC 38.0530 (B).

(J) Mitigation plans shall meet the following standards:

(1) Mitigation Plans shall be prepared in consultation with persons who have concerns about or knowledge of the affected cultural resources, including ~~Indian~~ tribal governments, Native Americans, local governments whose jurisdiction encompasses the project area, and SHPO.

(2) Avoidance of cultural resources through project design and modification is preferred. Avoidance may be effected by reducing the size, scope, configuration, and density of the proposed use.

(a) Alternative mitigation measures shall be used only if avoidance is not practicable. Alternative measures may include, but are not limited to, requiring a monitor during construction, burial under fill, stabilization, removal of the cultural resource to a safer place, and partial to full excavation and recordation.

(b) If the mitigation plan includes buffer areas to protect cultural resources, a deed covenant, easement, or other appropriate mechanism must be developed and recorded in county deeds and records.

(3) Mitigation plans shall incorporate the results of the reconnaissance or historic survey, the evaluation of significance, and the assessment of effect, and shall provide the documentation required in 36 CFR Part 800.11, including, but not limited to:

(a) A description and evaluation of any alternatives or mitigation measures that the project applicant proposes for reducing the effects of the proposed use;

(b) A description of any alternatives or mitigation measures that were considered but not chosen and the reasons for their rejection;

(c) Documentation of consultation with SHPO regarding any alternatives or mitigation measures;

(d) A description of the project applicant's efforts to obtain and consider the views of ~~Indian~~ tribal governments, interested persons, and local governments; and

(e) Copies of any written recommendations submitted to the Planning Director or project applicant regarding the effects of the proposed use on cultural resources and alternatives to avoid or reduce those effects.

(4) The applicant shall be responsible for Mitigation Plans.

(K) The Planning Director shall submit a copy of the Mitigation Plan to the Gorge Commission, SHPO, the ~~Indian~~ tribal governments, the Cultural Advisory Committee, and any party who submitted substantiated comment during the comment period provided in MCC 38.7045 (E) (1).

(1) All parties shall have 30 calendar days from the date the mitigation plan is mailed to submit written comments to the Planning Director. The Planning Director shall record and address all written comments in the Site Review analysis.

(2) If substantiated comment is received during the 30 day comment period, the Planning Director shall place the matter on the next available Planning Commission agenda. The Planning Commission shall determine if the adverse effect identified in the Assessment of Effect is reduced to no effect or no adverse effect.

(3) The Planning Director shall deem the cultural resource review process complete if the Mitigation Plan indicates that the impact of the proposed use is reduced to no effect or no adverse effect and no substantiated comment is received during the 30 day comment period.

(a) Notice of the decision of the Planning Director shall be mailed to those parties entitled to notice by MCC 38.7045 (E) within 10 days of the expiration of the 30 day comment period.

(b) The decision of the Planning Director on an application for cultural resource review shall be final 14 days from the date notice is mailed, unless appealed as provided in MCC 38.0530 (B).

(4) The proposed use shall be prohibited when acceptable mitigation measures fail to reduce an adverse effect to no effect or no adverse effect.

(L) Cultural Resources Discovered After Construction Begins

The following procedures shall be effected when cultural resources are discovered during construction activities, and shall be included as conditions of approval for all review uses. All survey and evaluation reports and mitigation plans shall be submitted to the Planning Director and SHPO. ~~Indian~~ tribal governments also shall receive a copy of all reports and plans if the cultural resources are ~~prehistoric~~ precontact or otherwise associated with Native Americans.

(1) 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.

(2) Notification – The project applicant shall notify the Planning Director and the Gorge Commission within 24 hours of the discovery. If the cultural resources are ~~prehistoric~~ precontact or otherwise associated with Native Americans, the project applicant shall also notify the ~~Indian~~ tribal governments within 24 hours.

(3) Survey and Evaluation – The Gorge Commission will survey the cultural resources after obtaining written permission from the landowner and appropriate permits from 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).

(a) The Planning Director shall, based on the survey and evaluation report and any written comments, make a final decision within 10 days of the receipt of the report of the Gorge Commission on whether the resources are significant.

(b) The Planning Director shall require a Mitigation Plan if the affected cultural resources are found to be significant.

(c) Notice of the decision of the Planning Director shall be mailed to those parties entitled to notice by MCC 38.0530 (B).

(d) The decision of the Planning Director shall be final 14 days from the date notice is mailed, unless appealed as provided in MCC 38.0530 (B). Construction activities may recommence if no appeal is filed.

(4) Mitigation Plan – Mitigation plans shall be prepared according to the information, consultation, and report standards of MCC 38.7045 (J). Construction activities may recommence when the conditions in the mitigation plan have been executed.

(M) Discovery of Human Remains

The following procedures shall be ~~effected~~ used when human remains are discovered during a cultural resource survey or during construction, and shall be included as a condition of approval for all review uses.

Human remains means articulated or disarticulated human skeletal remains, bones, or teeth, with or without attendant burial artifacts.

(1) Halt Activities – All survey, excavation, and construction activities shall cease. The human remains shall not be disturbed any further.

(2) Notification – Local law enforcement officials, the Planning Director, the Gorge Commission, and the ~~Indian~~ tribal governments shall be contacted immediately. Do not contact any other entity other than those listed here.

(3) Inspection – The State Medical Examiner shall inspect the remains at the project site and determine if they are ~~prehistoric~~ precontact/historic or modern. Representatives from the ~~Indian~~ tribal governments shall have an opportunity to monitor the inspection.

(4) Jurisdiction – If the remains are modern, the appropriate law enforcement officials will assume jurisdiction and the cultural resource protection process may conclude.

(5) Treatment – ~~Prehistoric~~ Precontact/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.

(a) 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).

(b) 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.

(Ord. 1270, Amended, 03/14/2019; Ord. 1254, Amend 3/22/18; Ord. 1125, Amended, 12/11/2008; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 994, Amended, 09/26/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 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.

(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.

(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:

(1) Literature Review and Consultation

(a) An assessment of the presence of any cultural resources, listed on the National Register of Historic Places at the national, state or county level, on or within the area of potential direct and indirect impacts.

(b) A search of state and county government, National Scenic Area/U.S. Forest Service and any other pertinent inventories, such as archives and photographs, to identify cultural resources, including consultation with the State Historic Preservation Office (SHPO) and tribal governments.

(c) Consultation with cultural resource professionals knowledgeable about the area.

(d) If the U.S. Forest Service determines that there no recorded or known cultural resource, after consultation with the tribal governments on or within the immediate vicinity of a new development or land use, the cultural resource review shall be complete.

(e) If the U.S. Forest Service determines that there is the presence of a recorded or known cultural resources, including those reported in consultation with the tribal governments on or within the immediate vicinity of a new development or land use, a field inventory by a cultural resource professional shall be required.

(2) Field Inventory

(a) Tribal representatives shall be invited to participate in the field inventory.

(b) The field inventory shall consist of one or the other of the following standards, as determined by the cultural resource professional:

1. Complete survey: the systematic examination of the ground surface through a controlled procedure, such as walking an area in evenly-spaced transects. A complete survey may also require techniques such as clearing of vegetation, angering or shovel probing of subsurface soils for the presence of buried cultural resources.

2. Sample survey: the sampling of an area to assess the potential of cultural resources within the area of proposed development or use. This technique is generally used for large or difficult to survey parcels, and is generally accomplished by a stratified random or non-stratified random sampling strategy. A parcel is either stratified by variables such as vegetation, topography or elevation, or by non-environmental factors such as a survey grid.

Under this method, statistically valid samples are selected and surveyed to indicate the probability of presence, numbers and types of cultural resources throughout the sampling strata. Depending on the results of the sample, a complete survey may or may not subsequently be recommended.

(c) A field inventory report is required, and shall include the following:

1. A narrative integrating the literature review of subsection (1) above with the field inventory of subsection (2) (b) above.

2. A description of the field inventory methodology utilized under subsection (2) (b) above, describing the type and extent of field inventory, supplemented by maps which graphically illustrate the areas surveyed, not surveyed, and the rationale for each.

3. A statement of the presence or absence of cultural resources within the area of the new development or land in use.

4. When cultural resources are not located, a statement of the likelihood of buried or otherwise concealed cultural resources shall be included. Recommendations and standards for monitoring, if appropriate, shall be included.

(d) Report format shall follow that specified by the Oregon State Historic Preservation Office.

(e) The field inventory report shall be presented to the U.S. Forest Service for review.

(f) If the field inventory determines that there are no cultural resources within the area of the new development or land use, the cultural resource review shall be complete.

(3) Evaluations of Significance

(a) When cultural resources are found within the area of the new development or land use, an evaluation of significance shall be completed for each cultural resource relative to the criteria of the National Register of Historic Places (36 CFR 60.4).

(b) Evaluations of cultural resource significance shall be guided by previous and current research designs relevant to specific research questions for the area.

(c) Evaluations of the significance of traditional cultural properties should follow National Register Bulletin 38, *Guidelines for the Evaluation and Documentation of Traditional Cultural Properties*, within local and regional contexts.

(d) Recommendations for eligibility of individual cultural resources under National Register Criteria A through D (36 CFR 60.4) shall be completed for each identified resource. The U.S. Forest Service shall review evaluations for adequacy.

(e) Evidence of consultation with tribal governments and individuals with knowledge of the cultural resources in the project area, and documentation of their concerns, shall be included as part of the evaluation of significance.

(f) If the U.S. Forest Service determines that the inventoried cultural resources are not significant, the cultural resource review shall be complete.

(g) If the determines that the inventoried cultural resources are significant, an assessment of effect shall be ~~required .~~ required.

(4) Assessment of Effect

(a) For each significant (*i.e.*, National Register eligible) cultural resource inventoried within the area of the proposed development or change in use, assessments of effect shall be completed, using the criteria outlined in 36 CFR 800.5 *Assessing Effects*. Evidence of consultation with tribal governments and individuals with knowledge of the cultural resources of the project area shall be included for subsections (b) through (d) below. The U.S. Forest Service shall review each determination for adequacy and appropriate action.

(b) If the proposed development or change in use will have "No Adverse Effect" (36 CFR 800.4) to a significant cultural resource, documentation for that finding shall be completed, following the "Documentation Standards" of 36 CFR 800.11. If the proposed development or change in use will have an effect, then the Resolution of Adverse Effects must be applied (36 CFR 800.5).

(c) If the proposed development or change in use will have an "Adverse Effect" as defined by 36 CFR 800.5 to a cultural resource, the type and extent of "Adverse Effect" upon the qualities of the property that make it eligible to the National Register shall be documented 36 CFR 800.6 “Resolution of Adverse Effects.” This documentation shall follow the process outlined under 36 CFR 800.11 “Failure to Resolve Adverse Effects.”

(d) If the "effect" appears to be beneficial (*i.e.*, an enhancement to cultural resources), documentation shall be completed for the recommendation of that effect upon the qualities of the significant cultural resource that make it eligible to the National Register. This documentation shall follow the process outlined under 36 CFR 800.11 *Documentation Standards*.

(5) Mitigation

(a) If there will be an effect on cultural resources, measures shall be provided for mitigation of effects pursuant to 36 CFR 800.6 “Resolution of Adverse Effects.” These measures shall address factors such as avoidance of the property through project design or modification and subsequent protection, burial under fill, data recovery excavations, or other measures which are proposed to mitigate effects.

(b) Evidence of consultation with tribal governments and individuals with knowledge of the resources to be affected, and documentation of their concerns, shall be included for all mitigation proposals.

(c) The U.S. Forest Service shall review all mitigation proposals for adequacy.

(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 if possible ~~/or~~ recover the resource pursuant to MCC 38.7050 (G) (4) and (5)

(Ord. 1125, Amended, 12/11/2008; Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7053 GMA WATER RESOURCES REVIEW CRITERIA

WATER RESOURCES: WETLANDS, STREAMS, PONDS, LAKES, AND RIPARIAN AREAS

(A) SITE PLANS FOR USES IN WATER RESOURCES AND BUFFER ZONES

(1) In addition to the information required in all site plans, site plans for proposed uses in water resources, or their buffer zones, shall include: a site plan map prepared at a scale of 1 inch equals 100 feet (1:1,200), or a scale providing greater detail; the exact boundary of the water resource, ordinary high water mark, or normal pool elevation, and the buffer zone; and a description of actions that would affect the water resource.

(B) USES IN WATER RESOURCES AND BUFFER ZONES

(1) The following uses may be allowed in wetlands, subject to compliance with provisions for the protection of scenic, natural, cultural, and recreation resources and "Approval Criteria for Uses in Wetlands" subsection (C) below.

(a) The modification, expansion, replacement, or reconstruction of serviceable transportation or other public infrastructure (this does not include private road and driveways), if such actions would not;

1. Increase the size of an existing structure by more than 100 percent.

2. Result in a loss of water resource functions.

3. Result in a loss of water quality, natural drainage, and fish and wildlife habitat.

(b) The construction, modification, expansion, replacement, or reconstruction of minor water-related recreation structures that are available for public use. Structures in this category shall be limited to: boardwalks; observation decks; interpretative aids, such as kiosks and signs; and trails and paths, provided their surface is not constructed of impervious materials.

(c) The construction, modification, expansion, replacement, or reconstruction of minor water-dependent structures that are placed on pilings, if the pilings allow unobstructed flow of water and are not placed so close together that they effectively convert an aquatic area to dry land. Structures in this category shall be limited to public and private docks and boat houses, and fish and wildlife management structures that are constructed by federal, state, or tribal government resource agencies.

(2) The following uses may be allowed in water resources (except wetlands), and may be allowed in all water resource buffer zones (including wetlands buffer zones), subject to compliance with provisions for the protection of scenic, natural, cultural, and recreation resources and "Approval Criteria for Modifications to Serviceable Structures and Minor Water-Dependent and Water-Related Structures in Water Resources " in subsection (D) below.

(a) The modification, expansion, replacement, or reconstruction of serviceable structures, if such actions would not;

1. Increase the size of an existing structure by more than 100 percent.

2. Result in a loss of wetlands acreage or functions.

3. Result in a loss of water quality, natural drainage, and fish and wildlife habitat.

4. Intrude further into water resources or water resources buffer zone. New structures shall be considered intruding further into a water resource or associated buffer zone if any portion of the structure is located closer to the water resource or buffer zone than the existing structure.

(b) The construction, modification, expansion, replacement, or reconstruction of minor water-related recreation structures that are available for public use. Structures in this category shall be limited to: boardwalks; observation decks; interpretative aids, such as kiosks and signs; and trails and paths, provided their surface is not constructed of impervious materials.

(c) The construction, modification, expansion, replacement, or reconstruction of minor water-dependent structures that are placed on pilings, if the pilings allow unobstructed flow of water and are not placed so close together that they effectively convert an aquatic area to dry land. Structures in this category shall be limited to public and private docks and boat houses, and fish and wildlife management structures that are constructed by federal, state, or tribal government resource agencies.

(3) Uses that are not allowed outright or in subsections (B)(1) or (2) above, may be allowed in water resources (except wetlands) and in all water resources buffer zones (including wetland buffer zones), subject to compliance with provisions for the protection of scenic, natural, cultural, and recreation resources and "Approval Criteria for Other Uses in Water Resources" in subsection (E) below.

(C) APPROVAL CRITERIA FOR USES IN WETLANDS

(1) The uses identified in subsection (B)(1) under "Uses in Water Resources and Buffer Zones," above, may be allowed only if they meet all the following criteria:

(a) Practicable alternatives for locating the structure outside of the wetland do not exist.

(b) All reasonable measures have been applied to ensure that the use will result in the minimum loss of wetlands and in the minimum degradation of ecological functions, water quality, existing contour, vegetation, fish and wildlife resources, and hydrology.

(c) The use will be constructed using best management practices. Best management practices can include measures to prevent soil erosion, the introduction and spread of invasive plants and aquatic species, and other impacts to plants, wildlife, soil, and water. Boardwalks and observation decks shall be constructed using non-toxic materials to protect water quality.

(d) Areas disturbed during construction of the use will be rehabilitated to the maximum extent practicable.

(e) The use complies with the Approval Criteria for Other Uses in Water Resources below.

(f) Proposed uses in wetlands shall be evaluated for adverse effects, including cumulative effects, and adverse effects shall be prohibited.

(g) The use complies with all applicable federal, state, and local laws.

(D) APPROVAL CRITERIA FOR MODIFICATIONS TO SERVICEABLE STRUCTURES AND MINOR WATER-DEPENDENT AND WATER-RELATED STRUCTURES IN WATER RESOURCES

(1) The uses identified in subsection (B)(2) under "Uses in Water Resources and Buffer Zones," above, may be allowed only if they meet all of the following criteria:

(a) Practicable alternatives for locating the structure outside of the water resource or buffer zone do not exist.

(b) All reasonable measures have been applied to ensure that the structure will result in the minimum alteration or degradation of ecological functions, water quality, existing contour, vegetation, fish and wildlife resources, and hydrology.

(c) The structure will be constructed using best management practices. Best management practices can include measures to prevent soil erosion, the introduction and spread of invasive plants and aquatic species, and other impacts to plants, wildlife, soil, and water. Boardwalks and observation decks shall be constructed using non-toxic materials to protect water quality.

(d) Areas disturbed during construction of the structure will be rehabilitated to the maximum extent practicable.

(e) Proposed uses in water resources and their buffer zones shall be evaluated for adverse effects, including cumulative effects, and adverse effects shall be prohibited.

(f) The structure complies with all applicable federal, state, and local laws.

(E) APPROVAL CRITERIA FOR OTHER USES IN WATER RESOURCES

(1) The uses identified in subsection (B)(3) under "Uses in Water Resources and Buffer Zones," above, may be allowed only if they meet all of the following criteria:

(a) The proposed use is water-dependent or is not water-dependent but has no practicable alternative as determined by the practicable alternative test in this section.

(b) The proposed use is in the public interest as determined by the public interest test in this section.

(c) Measures will be applied to ensure that the proposed use results in the minimum feasible alteration of the resource. As a starting point, the following measures shall be considered when new development and uses are proposed in water resources or buffer zones:

1. Ecological functions, contour, and hydrology shall be maintained. Nonstructural controls and natural processes shall be used to the greatest extent possible.

2. Construction shall occur during periods when fish and wildlife are least sensitive to disturbance. Work in streams, ponds, and lakes shall be conducted during the periods specified in Oregon's published guidelines for in-water work, or as advised by the applicable Department of Fish and Wildlife.

3. All vegetation shall be retained to the greatest extent practicable, including wetland, aquatic, and riparian vegetation.

4. Bridges, roads, pipelines and utility corridors, and other water crossings shall be minimized and should serve multiple purposes and properties.

5. Stream channels shall not be placed in culverts unless absolutely necessary for property access. Bridges are preferred for water crossings to reduce disruption to streams, ponds, lakes, and their banks. When culverts are necessary, oversized culverts with open bottoms that maintain the channel's width and grade should be used. State agencies with permitting responsibility for culverts shall be consulted.

6. Temporary and permanent control measures shall be applied to minimize erosion and sedimentation when water resource areas are disturbed, such as slope netting, berms and ditches, tree protection, sediment barriers, infiltration systems, and culverts.

7. Measures shall be taken to prevent the introduction or spread of invasive plants or aquatic species.

(d) Groundwater and surface-water quality will not be degraded by the proposed use.

(e) Those portions of a proposed use that are not water-dependent or that have a practicable alternative will not be located in water resources or buffer zones.

(f) The proposed use complies with all applicable federal, state, and local laws.

(g) Areas that are disturbed during construction of the proposed use will be rehabilitated. When a project area cannot be completely restored or rehabilitated, such as when a boat launch permanently displaces aquatic and riparian areas, enhancement shall also be required.

(h) Proposed uses in water resources and their buffer zones shall be evaluated for adverse effects, including cumulative effects, and adverse effects shall be prohibited.

(i) Unavoidable impacts to water resources will be offset through the deliberate restoration, creation, or enhancement of impacted resources. Restoration, creation, and enhancement are not alternatives to the provisions listed above; they shall be used only as a last resort to offset unavoidable water resource impacts.

(j) Restoration, creation, and enhancement shall improve water quality, natural drainage, and fish and wildlife habitat of the affected wetland, stream, pond, lake, or buffer zone. When a project area has been disturbed in the past, it shall be rehabilitated to its natural condition to the maximum extent practicable. The following water resource provisions shall apply:

1. Impacts to wetlands shall be offset by restoring or creating new wetlands or by enhancing degraded wetlands. Wetlands restoration shall be the preferred approach when wetlands are impacted.

2. Water resources restoration and enhancement shall be conducted in accordance with a wetlands compensation plan or water resources mitigation plan. Voluntary enhancement project applications shall be encouraged.

3. Water resources shall be replanted with native plant species that replicate the original vegetation community.

4. Natural hydrologic conditions shall be replicated, including current patterns, circulation, velocity, volume, and normal water fluctuation.

5. Natural stream channel and shoreline dimensions shall be replicated, including depth, width, length, cross-sectional profile, and gradient. Riparian areas shall be rehabilitated to their original configuration, including slope and contour.

6. The bed of the affected aquatic area shall be rehabilitated with materials appropriate for the channel and hydrologic features.

7. Fish and wildlife habitat features shall be replicated, including pool-riffle ratios, substrata, and structural habitat features including large woody debris and boulders.

8. Rehabilitation and enhancement efforts shall be completed no later than 90 days after the water resource or buffer zone has been altered, or as soon thereafter as is practicable.

9. The size of replacement 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

10. Replacement wetlands shall replicate the functions of the wetlands that will be altered such that improvement of wetlands functions occurs.

11. Replacement wetlands should replicate the type of wetland that will be altered. If this standard is not feasible or practical because of technical constraints, a wetland type of equal or greater benefit may be substituted, provided that improvement of wetlands functions occurs.

12. Wetlands restoration, creation, or enhancement should occur within 1,000 feet of the affected wetland. If this is not practicable because of physical, or technical constraints, replacement shall occur within the same watershed and as close to the altered wetland as practicable.

13. Restoration, creation, and enhancement efforts should be completed before a water resource is altered. If it is not practicable to complete all restoration, creation, and enhancement efforts before the water resource is altered, these efforts shall be completed before the new use is occupied or used.

14. Five years after a wetland is restored, created, or enhanced, or three years after a stream, pond, lake, or riparian area is restored, at least 75 percent of the replacement vegetation shall survive. The project applicant shall monitor the hydrology and vegetation of the replacement water resource, provide reports, and shall take corrective measures to ensure that it conforms to the approved wetlands compensation plan or water resources mitigation plan and this provision.

(F) RULES FOR DELINEATING WETLANDS BOUNDARIES

(1) The approximate location and extent of wetlands in the National Scenic Area is shown on the National Wetlands Inventory (U.S. Department of the Interior), as well as local wetlands inventories produced by state or local governments. In addition, the list of hydric soils and the soil survey maps shall be used as an indicator of wetlands. Some wetlands may not be shown on the wetlands inventory or soil survey maps. Wetlands that are discovered during an inspection of a potential project site shall be delineated and protected.

(2) The project applicant shall be responsible for using the procedures specified in the Corps of Engineers Wetlands Delineation Manual (Wetlands Research Program Technical Report Y-87-1, on-line edition) and applicable Regional Supplements as may be revised from time to time. All wetlands delineations shall be conducted by a professional who has been trained to use the federal delineation procedures.

(3) The Planning Director may verify the accuracy of, and render adjustments to, a wetlands boundary delineation. If the adjusted boundary delineation is contested by the project applicant, the Planning Director shall obtain professional services to render a final delineation, at the applicant's expense.

(G) WATER RESOURCES BUFFER ZONES

(1) All water resources shall, in part, be protected by establishing undisturbed buffer zones as specified below.

(2) Buffer zones shall be measured outward from the bank full flow boundary for streams, the high water mark for ponds and lakes, and the normal pool elevation for the Columbia River, and the wetland delineation boundary for wetlands on a horizontal scale that is perpendicular to the water resource boundary. On the main stem of the Columbia River above the Bonneville Dam, buffer zones shall be measured landward from the normal pool elevation of the Columbia River. The following buffer widths shall be required:

(a) The width of wetlands, lakes, and ponds buffer zones shall be based on the dominant vegetation community that exists in a buffer zone. The following buffer zone widths shall be required:

Forest communities: 75 feet
Shrub communities: 100 feet
Herbaceous communities: 150 feet

1. The dominant vegetation community in a buffer zone is the vegetation community that covers the most surface area of that portion of the buffer zone that lies between the proposed activity and the affected wetland. Vegetation communities are classified as forest, shrub, or herbaceous.

2. A forest vegetation community is characterized by trees with an average height equal to or greater than 20 feet, accompanied by a shrub layer; trees must form a canopy cover of at least 40 percent and shrubs must form a canopy cover of at least 40 percent. A forest community without a shrub component that forms a canopy cover of at least 40 percent shall be considered a shrub vegetation community for purposes of the Management Plan.

3. A shrub vegetation community is characterized by shrubs and trees that are greater than 3 feet tall and form a canopy cover of at least 40 percent.

4. An herbaceous vegetation community is characterized by the presence of herbs, including grass and grasslike plants, forbs, ferns, and non-woody vines.

(b) The following streams, identified by the Environmental Protection Agency in 2019 as priority cold water refuge fish habitat streams: Sandy River, Wind River, Little White Salmon, White Salmon, Hood River, Klickitat River, and Deschutes River: 200 feet.

(c) Streams used by anadromous or resident fish (tributary fish habitat), special streams, intermittent streams that include year-round pools, and perennial streams: 100 feet.

(d) Intermittent streams provided they are not used by anadromous or resident fish: 50 feet.

(3) Except as otherwise allowed, water resources buffer zones shall be retained in their natural condition. When a buffer zone is disturbed by a new use, it shall be replanted with native plant species.

(4) The project applicant shall be responsible for determining the exact location of the ordinary high watermark or normal pool elevation. The Planning Director may verify the accuracy of, and render adjustments to, an ordinary high watermark or normal pool delineation. If the adjusted boundary delineation is contested by the project applicant, the Planning Director shall obtain professional services to render a final delineation, at the project applicant's expense.

(H) PUBLIC INTEREST TEST

(1) The following factors shall be considered when determining if a proposed use is in the public interest:

(2) The extent of public need for the proposed use. For uses in wetlands, public need is limited to uses necessary to alleviate a current public safety issue supported by evidence establishing the safety issue.

(3) The extent and permanence of beneficial or detrimental effects that the proposed use may have on the public and private uses for which the property is suited.

(4) The functions and size of the water resource that may be affected.

(5) The economic value of the proposed use to the general area.

(6) The ecological value of the water resource and probable effect on public health and safety, fish, plants, and wildlife.

(I) WETLANDS COMPENSATION PLANS

(1) Wetlands compensation plans shall be prepared when a project applicant is required to restore, create, or enhance wetlands. A written plan addressing the provisions in this section is also required for voluntary enhancement projects. All wetlands compensation plans must be approved by Multnomah County, after consultation with federal and state agencies with jurisdiction over wetlands. They shall satisfy the following provisions and any others required by federal and state agencies:

(a) Wetlands compensation plans shall be prepared by a qualified professional hired by the project applicant. They shall provide for land acquisition, construction, maintenance, and monitoring of replacement wetlands.

(b) Wetlands compensation plans shall include an ecological assessment of the wetland that will be altered and the wetland that will be restored, created, or enhanced. The assessment shall include information on flora, fauna, hydrology, and wetlands functions.

(c) Compensation plans shall also assess the suitability of the proposed site for establishing a replacement wetland, including a description of the water source and drainage patterns, topography, wildlife habitat opportunities, and value of the existing area to be converted.

(d) Compensation plans shall provide plan view and cross-sectional, scaled drawings; topographic survey data, including elevations at contour intervals no greater than 1 foot, slope percentages, and final grade elevations; and other technical information in sufficient detail to explain and illustrate:

1. Soil and substrata conditions, grading, and erosion and sediment control needed for wetland construction and long-term survival.

2. Planting plans that specify native plant species, quantities, size, spacing, or density; source of plant materials or seeds; timing, season, water, and nutrient requirements for planting; and where appropriate, measures to protect plants from predation.

3. Water quality parameters, water source, water depths, water control structures, and water level maintenance practices needed to achieve the necessary hydrologic conditions.

(e) A 5-year monitoring, maintenance, and replacement program shall be included in all plans. At a minimum, a project applicant shall provide an annual report that documents milestones, successes, problems, and contingency actions. Photographic monitoring stations shall be established and photographs shall be used to monitor the replacement wetland.

(f) A project applicant shall demonstrate sufficient fiscal, technical, and administrative competence to successfully execute a wetlands compensation plan.

(J) WATER RESOURCES MITIGATION PLANS

(1) Mitigation plans shall be prepared when a project applicant is required to rehabilitate or enhance a stream, pond, lake, or buffer zone. A written plan addressing the provisions in this section is also required for voluntary enhancement projects. Plans shall satisfy the following provisions and any others required by federal and state agencies:

(a) Mitigation plans are the responsibility of the project applicant; they shall be prepared by qualified professionals.

(b) All plans shall include an assessment of the physical characteristics and natural functions of the affected stream, pond, lake, or buffer zone. The assessment shall include hydrology, flora, and fauna.

(c) Plans shall include plan view and cross-sectional, scaled drawings; topographic survey data, including elevations at contour intervals of at least 2 feet, slope percentages, and final grade elevations; and other technical information in sufficient detail to explain and illustrate:

1. Soil and substrata conditions, grading and excavation, and erosion and sediment control needed to successfully rehabilitate and enhance the stream, pond, lake, and buffer zone.

2. Planting plans that specify native plant species, quantities, size, spacing, or density; source of plant materials or seeds; timing, season, water, and nutrient requirements for planting; and where appropriate, measures to protect plants from predation.

3. Water quality parameters, construction techniques, management measures, and design specifications needed to maintain hydrologic conditions and water quality.

(d) A minimum 3-year monitoring, maintenance, and replacement program shall be included in all mitigation plans. At a minimum, a project applicant shall prepare an annual report that documents milestones, successes, problems, and contingency actions. Three years after an aquatic area or buffer zone is rehabilitated or enhanced, at least 75 percent of the replacement vegetation shall survive. The project applicant shall monitor the replacement vegetation and take corrective measures to meet this provision. Photographic monitoring shall be used to monitor all rehabilitation and enhancement efforts.

(e) A project applicant shall demonstrate sufficient fiscal, administrative, and technical competence to successfully execute and monitor a mitigation plan.

~~**§ 38.7055 GMA WETLAND REVIEW CRITERIA**~~

~~(A) The wetland review criteria shall be deemed satisfied if:~~

~~(1) The project site is not identified as a wetland on the *National Wetlands Inventory* (U.S. Fish and Wildlife Service, 1987);~~

~~(2) The soils of the project site are not identified by the *Soil Survey of Multnomah County, Oregon* (U.S.D.A. Soil Conservation Service, 1983) as hydric soils;~~

~~(3) The project site is adjacent to the main stem of the Columbia River.~~

~~(4) The project site is not within a wetland buffer zone; and~~

(5) Wetlands are not identified on the project site during site review.

(B) If the project site is within a recognized wetland or wetland buffer zone, the applicant shall be responsible for determining the exact location of the wetland boundary. Wetlands boundaries shall be delineated using the procedures specified in the *Corps of Engineers Wetland Delineation Manual* (Wetland Research Program Technical Report Y-87-1, on-line edition, updated through March 21, 1997.

All wetlands delineations shall be conducted by a professional, such as a soil scientist, botanist, or wetlands ecologist, who has been trained to use the federal delineation procedures.

The Planning Director may verify the accuracy of, and may render adjustments to, a wetlands boundary delineation. In the event the adjusted boundary delineation is contested by the applicant, the Planning Director shall, at the applicant's expense, obtain professional services to render a final delineation.

(C) The following uses may be allowed in wetlands and wetland buffer zones when approved pursuant to the provisions of MCC 38.0045, MCC 38.7055 (E), and reviewed under the applicable provisions of MCC 38.7035 through 38.7085:

(1) The modification, expansion, replacement, or reconstruction of serviceable structures, if such actions would not:

(a) Increase the size of an existing structure by more than 100 percent,

(b) Result in a loss of wetlands acreage or functions, and

(c) Intrude further into a wetland or wetlands buffer zone.

New structures shall be considered intruding further into a wetland or wetlands buffer zone if any portion of the structure is located closer to the wetland or wetlands buffer zone than the existing structure.

(2) The construction of minor water-related recreation structures that are available for public use. Structures in this category shall be limited to boardwalks, trails and paths, provided their surface is not constructed of impervious materials; observation decks; and interpretative aids, such as kiosks and signs.

(3) The construction of minor water-dependent structures that are placed on pilings, if the pilings allow unobstructed flow of water and are not placed so close together that they effectively convert an aquatic area to dry land. Structures in this category shall be limited to public and private docks and boat houses, and fish and wildlife management structures that are constructed by federal, state, or tribal resource agencies.

(D) Uses not listed in MCC 38.7055 (A) and (C) may be allowed in wetlands and wetlands buffer zones, when approved pursuant to MCC 38.7055 (F) and reviewed under the applicable provisions of MCC 38.7035 through 38.7085.

(E) Applications for modifications to serviceable structures and minor water-dependent and water-related structures in wetlands shall demonstrate that:

(1) Practicable alternatives to locating the structure outside of the wetland or wetland buffer zone and/or minimizing the impacts of the structure do not exist;

(2) All reasonable measures have been applied to ensure that the structure will result in the minimum feasible alteration or destruction of a wetlands function, existing contour, vegetation, fish and wildlife resources, and hydrology;

(3) The structure will be constructed using best management practices;

(4) Areas disturbed during construction of the structure will be rehabilitated to the maximum extent practicable; and

(5) The structure complies with all applicable federal, state, and county laws.

(F) Applications for all other Review and Conditional Uses in wetlands shall be processed pursuant to the provisions of MCC 38.0045 and shall demonstrate that:

(1) The proposed use is water-dependent, or is not water-dependent but has no practicable alternative considering all of the following:

(a) 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;

(b) The basic purpose of the use cannot be reasonably accomplished by reducing its size, scope, configuration, or density as proposed, or by changing the design of the use in a way that would avoid or result in less adverse effects on wetlands; and

(c) Reasonable attempts have been made to remove or accommodate constraints that caused a project applicant to reject alternatives to the use as proposed. 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 revision pursuant to MCC 38.0100 to demonstrate that practicable alternatives do not exist.

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.

(2) The proposed use is in the public interest as determined by:

(a) The extent of public need for the proposed use.

(b) The extent and permanence of beneficial or detrimental effects that the proposed use may have on the public and private uses for which the property is suited.

(c) The functions and size of the wetland that may be affected.

(d) The economic value of the proposed use to the general area.

(e) The ecological value of the wetland and probable effect on public health and safety, fish, plants, and wildlife.

~~(3) Measures will be applied to ensure the minimum feasible alteration or destruction of the wetland's functions, existing contour, vegetation, fish and wildlife resources, and hydrology.~~

~~(4) Groundwater and surface water quality will not be degraded by the proposed use.~~

~~(5) Those portions of a proposed use that are not water dependent or have a practicable alternative will not be located in wetlands or wetlands buffer zones.~~

~~(6) The proposed use complies with all applicable federal, state, and county laws.~~

~~(7) Areas that are disturbed during construction will be rehabilitated to the maximum extent practicable.~~

~~(8) Unavoidable impacts to wetlands will be offset through restoration, creation, or enhancement of wetlands.~~

~~The following wetlands restoration, creation, and enhancement standards shall apply:~~

~~(a) Impacts to wetlands shall be offset by restoring or creating new wetlands or by enhancing degraded wetlands. Wetlands restoration shall be the preferred alternative.~~

~~(b) Wetlands restoration, creation, and enhancement projects shall be conducted in accordance with a wetlands compensation plan.~~

~~(c) Wetlands restoration, creation, and enhancement projects shall use native vegetation.~~

~~(d) The size of replacement wetlands shall equal or exceed the following ratios.(the first number specifies the acreage of wetlands requiring replacement and the second number specifies the acreage of wetlands altered or destroyed):~~

~~1. Restoration: 2:1~~

~~2. Creation: 3:1~~

~~3. Enhancement: 4:1~~

~~(e) Replacement wetlands shall replicate the functions of the wetland that will be altered or destroyed such that no net loss of wetlands functions occurs.~~

~~(f) Replacement wetlands should replicate the type of wetland that will be altered or destroyed. If this standard is not feasible or practical due to technical constraints, a wetland type of equal or greater benefit may be substituted, pro vided that no net loss of wetlands functions occurs.~~

~~(g) Wetlands restoration, creation, or enhancement should occur within 1,000 feet of the affected wetland. If this is not practicable due to physical or technical constraints, replacement shall occur within the same watershed and as close to the altered or destroyed wetland as practicable.~~

~~(h) Wetlands restoration, creation, and enhancement efforts should be completed before a wetland is altered or destroyed. If it is not practicable to complete all restoration, creation,~~

and enhancement efforts before the wetland is altered or destroyed, these efforts shall be completed before the new use is occupied or used.

(i) Five years after a wetland is restored, created, or enhanced at least 75 percent of the replacement vegetation must survive. The owner shall monitor the hydrology and vegetation of the replacement wetland and shall take corrective measures to ensure that it conforms with the approved wetlands compensation plan.

(9) Proposed uses in wetlands and wetland buffer zones shall be evaluated for adverse effects, including cumulative effects. Adverse effects shall be prohibited.

(G) Wetlands Buffer Zones

(1) The width of wetlands buffer zones shall be based on the dominant vegetation community that exists in a buffer zone.

(2) The dominant vegetation community in a buffer zone is the vegetation community that covers the most surface area of that portion of the buffer zone that lies between the proposed activity and the affected wetland. Vegetation communities are classified as forest, shrub, or herbaceous.

(a) A forest vegetation community is characterized by trees with an average height equal to or greater than 20 feet, accompanied by a shrub layer; trees must form a canopy cover of at least 40 percent and shrubs must form a canopy cover of at least 40 percent. A forest community without a shrub component that forms a canopy cover of at least 40 percent shall be considered a shrub vegetation community.

(b) A shrub vegetation community is characterized by shrubs and trees that are greater than 3 feet tall and form a canopy cover of at least 40 percent.

(c) A herbaceous vegetation community is characterized by the presence of herbs, including grass and grasslike plants, forbs, ferns, and non-woody vines.

(3) Buffer zones shall be measured outward from a wetlands boundary on a horizontal scale that is perpendicular to the wetlands boundary. The following buffer zone widths shall be required:

(a) Forest communities: 75 feet

(b) Shrub communities: 100 feet

(c) Herbaceous communities: 150 feet

(4) Except as otherwise allowed, wetlands buffer zones shall be retained in their natural condition. When a buffer zone is disturbed by a new use, it shall be replanted with native plant species.

(5) Proposed uses in wetlands and wetland buffer zones shall be evaluated for adverse effects, including cumulative effects. Adverse effects shall be prohibited.

(H) Wetlands Compensation Plans

Wetlands compensation plans shall be prepared when a project applicant is required to restore, create or enhance wetlands and shall satisfy the following:

(1) Wetlands compensation plans shall be prepared by a qualified professional hired by a project applicant. They shall provide for land acquisition, construction, maintenance, and monitoring of replacement wetlands.

(2) Wetlands compensation plans shall include an ecological assessment of the wetland that will be altered or destroyed and the wetland that will be restored, created, or enhanced. The assessment shall include information on flora, fauna, hydrology, and wetlands functions.

(3) Compensation plans shall also assess the suitability of the proposed site for establishing a replacement wetland, including a description of the water source and drainage patterns, topography, wildlife habitat opportunities, and value of the existing area to be converted.

(4) Plan view and cross-sectional, scaled drawings; topographic survey data, including elevations at contour intervals no greater than 1 foot, slope percentages, and final grade elevations; and other technical information shall be provided in sufficient detail to explain and illustrate:

(a) Soil and substrata conditions, grading, and erosion and sediment control needed for wetland construction and long-term survival.

(b) Planting plans that specify native plant species, quantities, size, spacing, or density; source of plant materials or seeds; timing, season, water, and nutrient requirements for planting; and where appropriate, measures to protect plants from predation.

(c) Water quality parameters, water source, water depths, water control structures, and water level maintenance practices needed to achieve the necessary hydrologic conditions.

(5) A 5-year monitoring, maintenance, and replacement program shall be included in all plans. At a minimum, a project applicant shall provide an annual report that documents milestones, successes, problems, and contingency actions. Photographic monitoring stations shall be established and photographs shall be used to monitor the replacement wetland.

(6) A statement indicating sufficient fiscal, technical, and administrative competence to successfully execute the plan.

(Ord. 1254, Amended, 03/22/2018; Ord. 1125, Amended, 12/11/2008; Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 994, Amended, 09/26/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7060 GMA STREAM, LAKE AND RIPARIAN AREA REVIEW CRITERIA

(A) The following uses may be allowed in streams, ponds, lakes and riparian areas, and their buffer zones, when approved pursuant to the provisions of MCC 38.0045, MCC 38.7060 (C), and reviewed under the applicable provisions of MCC 38.7035 through 38.7085:

(1) The modification, expansion, replacement, or reconstruction of serviceable structures, provided that such actions would not:

(a) Increase the size of an existing structure by more than 100 percent,

(b) Result in a loss of water quality, natural drainage, and fish and wildlife habitat, or

(c) Intrude further into a stream, pond, lake, or buffer zone. New structures shall be considered intruding further into a stream, pond, lake, or buffer zone if any portion of the structure is located closer to the stream, pond, lake, or buffer zone than the existing structure.

(2) The construction of minor water-related recreation structures that are available for public use. Structures in this category shall be limited to boardwalks; trails and paths, provided their surface is not constructed of impervious materials; observation decks; and interpretative aids, such as kiosks and signs.

(3) The construction of minor water-dependent structures that are placed on pilings, if the pilings allow unobstructed flow of water and are not placed so close together that they effectively convert an aquatic area to dry land. Structures in this category shall be limited to public and private docks and boat houses, and fish and wildlife management structures that are constructed by federal, state, or tribal resource agencies.

(B) Uses not listed in MCC 38.7060 (A) may be allowed in streams, ponds, lakes, and riparian areas, when approved pursuant to MCC 38.7060 (D) and reviewed under the applicable provisions of MCC 38.7035 through 38.7085.

(C) Applications for modifications to serviceable structures and minor water-dependent and water-related structures in aquatic and riparian areas shall demonstrate that:

(1) Practicable alternatives to locating the structure outside of the stream, pond, lake, or buffer zone and/or minimizing the impacts of the structure do not exist;

(2) All reasonable measures have been applied to ensure that the structure will result in the minimum feasible alteration or destruction of water quality, natural drainage, and fish and wildlife habitat of streams, ponds, lakes, and riparian areas;

(3) The structure will be constructed using best management practices;

(4) Areas disturbed during construction of the structure will be rehabilitated to the maximum extent practicable; and

(5) The structure complies with all applicable federal, state, and local laws.

(D) Applications for all other Review and Conditional Uses in wetlands shall be processed pursuant to the provisions of MCC 38.0045 and shall demonstrate that:

(1) The proposed use is water-dependent, or is not water-dependent but has no practicable alternative as determined by MCC 38.7055 (F) (1), substituting the term stream, pond, lake, or riparian area as appropriate.

(2) The proposed use is in the public interest as determined by MCC 38.7055 (F) (2), substituting the term stream, pond, lake, or riparian area as appropriate.

(3) Measures have been applied to ensure that the proposed use results in minimum feasible impacts to water quality, natural drainage, and fish and wildlife habitat of the affected stream, pond, lake, and/or buffer zone.

As a minimum, the following mitigation measures shall be considered when new uses are proposed in streams, ponds, lakes, and buffer zones:

(a) Construction shall occur during periods when fish and wildlife are least sensitive to disturbance. Work in streams, ponds, and lakes shall be conducted during the periods specified in *Oregon Guidelines for Timing of In-Water Work to Protect Fish and Wildlife Resources* (Oregon Department of Fish and Wildlife, 2000) unless otherwise coordinated with and approved by the Oregon Department of Fish and Wildlife.

(b) All natural vegetation shall be retained to the greatest extent practicable, including aquatic and riparian vegetation.

(c) Nonstructural controls and natural processes shall be used to the greatest extent practicable.

(d) Bridges, roads, pipeline and utility corridors, and other water crossings shall be minimized and should serve multiple purposes and properties.

(e) Stream channels should not be placed in culverts unless absolutely necessary for property access. Bridges are preferred for water crossings to reduce disruption to streams, ponds, lakes, and their banks. When culverts are necessary, oversized culverts with open bottoms that maintain the channel's width and grade should be used.

(f) Temporary and permanent control measures should 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.

(4) Groundwater and surface water quality will not be degraded by the proposed use.

(5) Those portions of a proposed use that are not water dependent or have a practicable alternative will be located outside of stream, pond, and lake buffer zones.

(6) The use complies with all applicable federal, state, and county laws.

(7) Unavoidable impacts to aquatic and riparian areas will be offset through rehabilitation and enhancement.

Rehabilitation and enhancement shall achieve no net loss of water quality, natural drainage, and fish and wildlife habitat of the affected stream, pond, lake, and/or buffer zone. When a project area has been disturbed in the past, it shall be rehabilitated to its natural condition to the maximum extent practicable.

When a project area cannot be completely rehabilitated, such as when a boat launch permanently displaces aquatic and riparian areas, enhancement shall also be required.

The following rehabilitation and enhancement standards shall apply:

(a) Rehabilitation and enhancement projects shall be conducted in accordance with a rehabilitation and enhancement plan.

(b) Natural hydrologic conditions shall be replicated, including current patterns, circulation, velocity, volume, and normal water fluctuation.

(c) Natural stream channel and shoreline dimensions shall be replicated, including depth, width, length, cross-sectional profile, and gradient.

(d) The bed of the affected aquatic area shall be rehabilitated with identical or similar materials.

(e) Riparian areas shall be rehabilitated to their original configuration, including slope and contour.

(f) Fish and wildlife habitat features shall be replicated, including pool-riffle ratios, substrata, and structures. Structures include large woody debris and boulders.

(g) Stream channels and banks, shorelines, and riparian areas shall be replanted with native plant species that replicate the original vegetation community.

(h) Rehabilitation and enhancement efforts shall be completed no later 90 days after the aquatic area or buffer zone has been altered or destroyed, or as soon thereafter as is practicable.

(i) Three years after an aquatic area or buffer zone is rehabilitated or enhanced, at least 75 percent of the replacement vegetation must survive. The owner shall monitor the replacement vegetation and take corrective measures to satisfy this standard.

(8) Proposed uses in streams, ponds, lakes, and riparian areas and their buffer zones shall be evaluated for adverse effects, including cumulative effects, and adverse effects shall be prohibited.

(E) Stream, Pond, and Lake Buffer Zones

(1) Buffer zones shall generally be measured landward from the ordinary high water mark on a horizontal scale that is perpendicular to the ordinary high water mark. 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) Streams used by anadromous or resident fish (tributary fish habitat), special streams, intermittent streams that include year-round pools, and perennial streams: 100 feet.

(b) Intermittent streams, provided they are not used by anadromous or resident fish: 50 feet.

(c) Ponds and lakes: Buffer zone widths shall be based on dominant vegetative community and shall comply with MCC 38.7055 (G) (3), substituting the term pond or lake as appropriate.

(2) Except as otherwise allowed, buffer zones shall be retained in their natural condition. When a buffer zone is disturbed by a new use, it shall be replanted with native plant species.

(3) Determining the exact location of the ordinary high watermark or normal pool elevation shall be the responsibility of the project applicant. The Planning Director may verify the accuracy of, and may render adjustments to, an ordinary high water mark or normal pool delineation. In the event the adjusted boundary delineation is contested by the applicant, the Planning Director shall, at the project applicant's expense, obtain professional services to render a final delineation.

(4) Proposed uses in streams, ponds, lakes, and riparian areas and their buffer zones shall be evaluated for adverse effects, including cumulative effects, and adverse effects shall be prohibited.

(F) Rehabilitation and Enhancement Plans

Rehabilitation and enhancement plans shall be prepared when a project applicant is required to rehabilitate or enhance a stream, pond, lake and/or buffer area and shall satisfy the following:

(1) Rehabilitation and enhancement plans are the responsibility of the project applicant; they shall be prepared by qualified professionals, such as fish or wildlife biologists.

(2) All plans shall include an assessment of the physical characteristics and natural functions of the affected stream, pond, lake, and/or buffer zone. The assessment shall include hydrology, flora, and fauna.

(3) Plan view and cross sectional, scaled drawings; topographic survey data, including elevations at contour intervals of at least 2 feet, slope percentages, and final grade elevations; and other technical information shall be provided in sufficient detail to explain and illustrate:

(a) Soil and substrata conditions, grading and excavation, and erosion and sediment control needed to successfully rehabilitate and enhance the stream, pond, lake, and buffer zone.

(b) Planting plans that specify native plant species, quantities, size, spacing, or density; source of plant materials or seeds; timing, season, water, and nutrient requirements for planting; and where appropriate, measures to protect plants from predation.

(c) Water quality parameters, construction techniques, management measures, and design specifications needed to maintain hydrologic conditions and water quality.

(4) A 3-year monitoring, maintenance, and replacement program shall be included in all rehabilitation and enhancement plans. At a minimum, a project applicant shall prepare an annual report that documents milestones, successes, problems, and contingency actions. Photographic monitoring shall be used to monitor all rehabilitation and enhancement efforts.

(5) A statement indicating sufficient fiscal, administrative, and technical competence to successfully execute and monitor a rehabilitation and enhancement plan.

(Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7065 GMA WILDLIFE REVIEW CRITERIA

Wildlife Habitat Site Review shall be required for any project within 1,000 feet of Priority Habitat and sensitive wildlife areas and sensitive wildlife sites (i.e., sites used by sensitive wildlife species). If Multnomah County discovers a new protected wildlife location during the review process, the County shall submit this information to the appropriate state agency to be updated in their species databases.

	PRIORITY HABITATS TABLE
Priority Habitats	**Criteria**
Aspen stands	High fish and wildlife species diversity, limited availability, high vulnerability to habitat alteration.
Caves	Significant wildlife breeding habitat, limited availability, dependent species.
Old-growth forest	High fish and wildlife density, species diversity, breeding habitat, seasonal ranges, and limited and declining availability, high vulnerability.
Oregon white oak woodlands	Comparatively high fish and wildlife density, species diversity, declining availability, high vulnerability
Prairies and steppe	Comparatively high fish and wildlife density, species diversity, important breeding habitat, declining and limited availability, high vulnerability.
Riparian	High fish and wildlife density, species diversity, breeding habitat, movement corridor, high vulnerability, dependent species.
Wetlands	High species density, high species diversity, important breeding habitat and seasonal ranges, limited availability, high vulnerability.

(S-2 2009)

Snags and logs	High fish and wildlife density, species diversity, limited availability, high vulnerability, dependent species.
Talus	Limited availability, unique and dependent species, high vulnerability.
Cliffs	Significant breeding habitat, limited availability, dependent species.
Dunes	Unique species habitat, limited availability, high vulnerability, dependent species.
Winter Range	Provides important wintering habitat for deer and elk.

Sensitive Wildlife Areas in the Columbia Gorge
Bald eagle habitat
Deer and elk winter range
Elk habitat
Mountain goat habitat
Peregrine falcon habitat
Pika colony area
Pileated woodpecker habitat
Pine marten habitat
Shallow water fish habitat (Columbia R.)
Special streams
Special habitat area
Spotted owl habitat
Sturgeon spawning area

(S-2 2018)

Tributary fish habitat
~~Turkey habitat~~
Waterfowl area
Western pond turtle habitat

Commented [AB32]: Removed as this category was determined by Gorge Commission staff to be redundant. Turkey habitat is already captured within protected areas identified as deer and elk winter range and oak habitat.

Oregon Endangered, Threatened and Sensitive Species in the Columbia Gorge (1991)

Common Name	**Scientific Name**

Endangered:

Peregrine falcon	*Falco peregrinus**

Threatened:

Bald Eagle	*Haliaeetus leucocephalus***
Northern spotted owl	*Strix occidentalis***
Wolverine	*Gulo gulo*

Sensitive:

Acorn woodpecker	*Melanerpes formicivorus*
Bank swallow	*Riparia riparia*
Barrow's goldeneye	*Bucephala islandica*
Black-backed woodpecker	*Picoides arcticus*
Bufflehead	*Bucephala albeola*
Bull trout	*Salvelinus confluentus+*
California mountain kingsnake	*Lampropeltis zonata*

(S-2 2009)

Cascade frog	*Rana cascadae*
Chinook salmon	*Oncorhynchus tshawytscha*
Chum salmon	*Oncorhynchus keta*
Clouded salamander	*Aneides ferreus*
Coastal cutthroat trout	*Oncorhynchus clarki*
Coho salmon	*Oncorhynchus kisutch*
Common kingsnake	*Lampropeltis getulus*
Cope's giant salamander	*Dicamptodon copei*
Dusky Canada goose	*Branta canadensis occidentalis*
Flammulated owl	*Otus flammeolus*
Fisher	*Martes pennanti*
Foothill yellow-legged frog	*Rana boylii*
Fringed myotis	*Myotis thysanodes*
Grasshopper sparrow	*Ammodramus savannarum*
Great gray owl	*Strix nebulosa*
Greater sandhill crane	*Grus canadensis tabida*
Harlequin duck	*Histrionicas histrionicas*
Larch mountain salamander	*Plethodon larselli+*
Lewis' woodpecker	*Melanerpes lewis*
Marten	*Martes americana*
Northern goshawk	*Accipiter gentilis*
Northern leopard frog	*Rana pipiens*
Northern pygmy-owl	*Glaucidium gnoma*

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Olympic salamander	*Phyacotriton olympicus*
Oregon slender salamander	*Batrachoseps wrighti*
Painted turtle	*Chrysemys picta*
Pileated woodpecker	*Dryocopus pileatus*
Purple martin	*Progne subis*
Pygmy nuthatch	*Sitta pygmaea*
Red-legged frog	*Rana aurora*
Sharptail snake	*Contia tenuis*
Spotted frog	*Rana pretiosa*
Tailed frog	*Ascaphus truei*
Three-toed woodpecker	*Picoides tridactylus*
Townsend's big-eared bat	*Plecotus townsendii+*
Tricolored blackbird	*Agelaius tricolor+*
Western bluebird	*Sialia mexicana*
Western pond turtle	*Clemmys marmorata+*
White-headed woodpecker	*Picoides albolarvatus*
White-tailed jackrabbit	*Lepus townsendii*
Williamson's sapsucker	*Sphyrapicus thyroideus*

* Endangered species under U.S. Endangered Species Act

** Threatened species under U.S. Endangered Species Act

+ Candidate species for U.S. Endangered Species Act.

(A) Field Survey

(S-2 2009)

A field survey to identify Priority Habitat or sensitive wildlife ~~areas or~~ sites shall be required for:

(1) Land divisions that create four or more parcels;

(2) Recreation facilities that contain parking areas for more than 10 cars, overnight camping facilities, boat ramps, and visitor information and environmental education facilities;

(3) Public transportation facilities that are outside improved rights-of-way;

(4) Electric facilities, lines, equipment, and appurtenances that are 33 kilovolts or greater; and

(5) Communications, water and sewer, and natural gas transmission (as opposed to distribution) lines, pipes, equipment, and appurtenances and other project related activities, except when all of their impacts will occur inside previously disturbed road, railroad, or utility corridors, or existing developed utility sites, that are maintained annually.

Field surveys shall cover all areas affected by the proposed use or recreation ~~facility~~ development. They shall be conducted by a professional wildlife biologist hired by the project applicant. All Priority Habitat or sensitive wildlife ~~areas and~~ sites discovered in a project area shall be described and shown on the site plan map.

(B) Uses may be allowed within 1,000 feet of a Priority Habitat and sensitive wildlife ~~area or~~ site, when approved pursuant to MCC 38.7065 (C) and reviewed under the applicable provisions of MCC 38.7035 through 38.7085. The approximate locations of sensitive wildlife ~~areas and~~ sites are shown on maps ~~provided to the County by the Gorge Commission~~ maintained by the Gorge Commission, Forest Service, and state wildlife agencies. State wildlife biologists will help determine if a new use would adversely affect a Priority Habitat or sensitive wildlife ~~area or~~ site.

(C) Uses that are proposed within 1,000 feet of a Priority Habitat and sensitive wildlife ~~area or~~ site shall be reviewed as follows:

(1) Site plans shall be submitted to Oregon Department of Fish and Wildlife by the Planning Director. State wildlife biologists will review the site plan and their field survey records. They will:

(a) Identify/verify the precise location of the Priority Habitat and or sensitive wildlife ~~area or~~ site,

(b) Ascertain whether the Priority Habitat or sensitive wildlife ~~area or~~ site is active or abandoned, and

(c) Determine if the proposed use may compromise the integrity of the wildlife habitat ~~area~~ or site or occur during the time of the year when wildlife species are sensitive to disturbance, such as nesting or rearing seasons.

In some instances, state wildlife biologists may conduct field surveys to verify ~~the~~ wildlife data ~~inventory~~ and assess the potential effects of a proposed use.

(2) The following factors may be considered when site plans are reviewed:

(a) Biology of the affected wildlife species.

(b) Published guidelines regarding the protection and management of the affected wildlife species. For example, ~~The~~ the Oregon Department of Forestry has prepared technical papers that include management guidelines for osprey and great blue heron.

(c) Physical characteristics of the subject parcel and vicinity, including topography and vegetation.

(d) Historic, current, and proposed uses in the vicinity of the Priority Habitat or sensitive wildlife ~~area or~~ site.

(e) Existing condition of the Priority Habitat or sensitive wildlife ~~area or~~ site and the surrounding habitat ~~and the useful life of the area or site~~.

(3) The wildlife protection process may terminate if the Planning Director, in consultation with the Oregon Department of Fish and Wildlife, determines:

(a) The sensitive wildlife ~~area or~~ site is not active, or

(b) The proposed use would not compromise the integrity of the Priority Habitat or sensitive wildlife ~~area or~~ site or occur during the time of the year when wildlife species are sensitive to disturbance.

(4) If the Planning Director, in consultation with the Oregon Department of Fish and Wildlife, determines that the proposed use would have only minor effects on the Priority Habitat or sensitive wildlife ~~area or~~ site that could be eliminated through mitigation ~~measures~~ recommended by the state wildlife biologist, or by simply modifying the site plan or regulating the timing of new uses, a letter shall be sent to the applicant that describes the effects and measures needed to eliminate them. If the project applicant accepts these recommendations, the Planning Director will incorporate them into the site review order and the wildlife protection process may conclude.

(5) The project applicant shall prepare a wildlife management plan if the Planning Director, in consultation with the Oregon Department of Fish and Wildlife, determines that the proposed use would adversely affect a Priority Habitat or sensitive wildlife ~~area or~~ site and the effects of the proposed use cannot be eliminated through site plan modifications or project timing.

(6) The Planning Director shall submit a copy of all field surveys and wildlife ~~management~~ mitigation plans to Oregon Department of Fish and Wildlife. The Oregon Department of Fish and Wildlife will have ~~20~~ 30 days from the date that a field survey or management plan is mailed to submit written comments to the Planning Director.

The Planning Director shall record and address any written comments submitted by the Oregon Department of Fish and Wildlife in its site review order.

Based on the comments from the Oregon Department of Fish and Wildlife, the Planning Director will make a final decision on whether the proposed use would be consistent with the wildlife policies and standards. If the final decision contradicts the comments submitted by the Oregon Department of Fish and Wildlife, the Planning Director shall justify how the opposing conclusion was reached.

The Planning Director shall require the applicant to revise the wildlife ~~management~~ mitigation plan to ensure that the proposed use would not adversely affect a Priority Habitat or sensitive wildlife ~~area or~~ site.

(7) Proposed uses within 1,000 feet of a Priority Habitat and sensitive wildlife ~~area or~~ site shall be evaluated for adverse effects, including cumulative effects, and adverse effects shall be prohibited.

(8) Oregon white oak shall not be removed if practicable alternatives exist. If no practicable alternative exists, a wildlife survey and mitigation plan shall be required. This criteria shall not apply to forest practices that are otherwise allowed and that do not violate conditions of approval for other approved uses.

(D) Wildlife ~~Management~~ Mitigation Plans

Wildlife ~~management~~ mitigation plans shall be prepared when a proposed use is likely to adversely affect a Priority Habitat or sensitive wildlife ~~area or~~ site. Their primary purpose is to document the special characteristics of a project site and the habitat requirements of affected wildlife species. This information provides a basis for the project applicant to redesign the proposed use in a manner that protects Priority Habitat and sensitive wildlife ~~areas and~~ sites, maximizes ~~his/her~~ their development options, ~~and~~ mitigates temporary impacts to the sensitive wildlife ~~area or~~ site ~~and/~~or buffer zone, and offsets unavoidable negative impacts to Priority Habitats and sensitive wildlife sites.

Wildlife ~~management~~ mitigation plans shall meet the following standards:

(1) Wildlife ~~management~~ mitigation plans shall be prepared by a professional wildlife biologist hired by the project applicant.

(2) All relevant background information shall be documented and considered, including biology of the affected species, published protection and management guidelines, physical characteristics of the subject parcel, past and present use of the subject parcel, and ~~useful life~~ habitat value of the wildlife ~~area or~~ site.

(3) ~~The~~ Where applicable, core habitat of the rare ~~sensitive~~ wildlife species shall be delineated. It shall encompass the sensitive wildlife ~~area or~~ site and the attributes, or key components, that are essential to maintain the long-term use and integrity of the wildlife area or site.

(4) A wildlife buffer area shall be employed. It shall be wide enough to ensure that the core habitat is not adversely affected by new uses, or natural forces, such as fire and wind. Buffer areas shall be delineated on the site plan map and shall reflect the physical characteristics of the project site and the biology of the affected species.

(5) The size, scope, configuration, or density of new uses within the core habitat and the wildlife buffer area shall be regulated to protect the rare ~~sensitive~~ wildlife species. The timing and duration of all uses shall also be regulated to ensure that they do not occur during the time of the year when wildlife species are sensitive to disturbance. The following shall apply:

(a) New uses shall generally be prohibited within the core habitat. Exceptions may include uses that have temporary and negligible effects, such as the installation of minor

underground utilities or the maintenance of existing structures. ~~Low intensity, non-destructive uses may be conditionally authorized in the core habitat.~~

(b) Intensive uses shall be generally prohibited in wildlife buffer areas. Such uses may be conditionally authorized when a wildlife area or site is inhabited seasonally, provided they will have only temporary effects on the wildlife buffer area and rehabilitation ~~and/~~or enhancement will be completed before a particular species returns.

(6) Rehabilitation ~~and/~~or enhancement shall be required when new uses are authorized within wildlife buffer areas. When a buffer area has been altered ~~or degraded~~ in the past, it shall be rehabilitated to its natural condition to the maximum extent practicable. When complete rehabilitation is not possible, such as when new structures permanently displace wildlife habitat, enhancement shall also be required. Enhancement shall achieve a no net loss of the integrity of the wildlife area or site. Rehabilitation and enhancement actions shall be documented in the wildlife ~~management~~ mitigation plan and shall include a map and text.

(7) The applicant shall prepare and implement a 3 year monitoring plan when the affected ~~wildlife area or~~ Priority Habitat or sensitive wildlife site is occupied by a species that is listed as endangered or threatened pursuant to federal or state wildlife lists. It shall include an annual report and shall track the status of the ~~wildlife area~~ or Priority Habitat site and the success of rehabilitation and/or enhancement actions.

At the end of 3 years, rehabilitation and enhancement efforts may conclude if they are successful. In instances where rehabilitation and enhancement efforts have failed, the monitoring process shall be extended until the applicant satisfies the ~~rehabilitation and enhancement~~ wildlife mitigation plan standards.

(E) New fences in deer and elk winter range

(1) New fences in deer and elk winter range ~~shall~~ may be allowed only when necessary to control livestock or exclude wildlife from specified areas, such as gardens, Priority Habitat or sensitive wildlife sites. The areas fenced shall be the minimum necessary to meet the immediate needs of the project applicant.

(2) New and replacement fences that are allowed in winter range shall comply with the guidelines in the Forest Service document, *Specifications for Structural Range Improvements* (Sanderson, *et. al*. 1990), as summarized below, and may be revised from time to time, unless the applicant demonstrates the need for an alternative design. To allow deer and other wildlife safe passage:

(a) To make it easier for deer to jump over the fence, the top wire shall not be more than 42 inches high.

(b) The distance between the top two wires is critical for adult deer because their hind legs often become entangled between these wires. A gap of at least 10 inches shall be maintained between the top two wires to make it easier for deer to free themselves if they become entangled.

(c) The bottom wire shall be at least 16 inches above the ground to allow fawns to crawl under the fence. It should consist of smooth wire because barbs often injure animals as they crawl under fences.

(d) Stays, or braces placed between strands of wire, shall be positioned between fences posts where deer are most likely to cross. Stays create a more rigid fence, which allows deer a better chance to wiggle free if their hind legs become caught between the top two wires.

(3) Woven wire fences may be authorized only when it is clearly demonstrated that such a fence is required to meet their specific and immediate needs, such as controlling hogs and sheep.

(Ord. 1254, Amended, 03/22/2018; Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7070 GMA RARE PLANT REVIEW CRITERIA

Rare Plant Site Review shall be required for any project within 1,000 feet of endemic plants and ~~sensitive~~ rare plant species.

Columbia Gorge and Vicinity Endemic Plant Species

Scientific Name	**Common Name**
Howell's bentgrass	*Agrostis howellii*
~~Northern wormwood~~	~~*Artemisia campestris var. wormskioldii*~~
Hood River milk-vetch	*Astragalus hoodianus*
~~Howell's reedgrass~~	~~*Calamagrostis howellii*~~
Smooth-leaf douglasia	*Douglasia laevigata var. laevigata*
Howell's daisy	*Erigeron howellii*
Columbia Gorge daisy	*Erigeron oreganus*
Klickitat biscuitroot	*Lomatium klickitatense*
Long-beard hawkweed	*Hieracium longiberbe*
Smooth desert parsley	*Lomatium laevigatum*
Suksdorf's desert parsley	*Lomatium suksdorfii*

~~Columbia Gorge broad-leaf lupine~~	~~*Lupinus latifolius var. thompsonianus*~~
Barrett's penstemon	*Penstemon barrettiae*
~~Pacific bluegrass~~	~~*Poa gracillima var. multnomae*~~
Obscure buttercup	*Panunculus reconditus*
Oregon sullivantia	*Sullivantia oregana*
Columbia kitten tails	*Synthyris stellata*

Rare Plant Species in the Columbia Gorge

Scientific Name	**Common Name**

List 1:

Howell's bentgrass	Agrostis howellii+
Oregon bolandra	Bolandra oregana+
Tall bugbane	*Cimicifuga elata+*
Howell's daisy	*Erigeron howellii*+*
Columbia Gorge daisy	*Erigeron oreganus+*
Branching stickweed	*Hackelia diffusa var. diffusa+*
Suksdorf's desert parsley	*Lomatium suksdoffii**
White meconella	*Meconella oregana+*
Columbia monkey flower	*Mimulus jungermannioides+*
Barrett's penstemon	*Penstemon barrettiae*+*
Obscure buttercup	*Ranunculus reconditus*+*
Columbia yellow cress	*Porippa columbiae*+*

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Oregon sullivantia	*Sullivantia oregana*+*

List 2:

Hood River milk-vetch	*Astragalus hoodianus*
Large-awn sedge	*Carex macrochaeta*
Columbia lewisia	*Lewisia columbiana var. columbiana*
Fir clubmoss	*Lycopodium selago*

Wool-grass	*Scirpus cyperinus*
Scribner grass	*Scribneria bolanderi*
Violet suksdorfia	*Suksdorfia violacea*

List 3 (Review):

Cliff paintbrush	*Castilleja rupicola*
Shining flatsedge	*Cyperus bipartitus = C. rivularis*
Nuttall's larkspur	*Delphinium nuttallii*
Smooth douglasia	*Douglasia laevigata*
Baker's linanthus	*Linanthus bakeri*
Western ladies' tresses	*Spiranthes porrifolia*

List 4 (Watch):

Douglas' onion	*Allium douglasii var. nevii*
Cascade rock cress	*Arabis furcata*
The Dalles milk-vetch	*Astragalus sclerocarpus*
Columbia milk-vetch	*Astragalus succumbens*
Virginia grape-fern	*Botrychium virginianum*
Mountain lady's slipper	*Cypripedium montanum*
Branching stickseed	*Hackelia diffusa var. cottonii*
Gooseberry-leaved alumroot	*Heuchera grossulariifolia var. tenuifolia*
Long-beard hawkweed	*Hieracium longiberbe*
Smooth desert parsley	*Lomatium laevigatum**
Columbia Gorge broad-	*Lupinus latifolius*

(S-2 2009)

leaf lupine	*var. thompsonianus*
Branching montia	*Montia diffusa*
Withered bluegrass	*Poa marcida*
Columbia kittentails	*Synthyris stellata*

* Candidate species for U.S. Endangered Species Act.
+ Candidate species for Oregon Endangered Species Act.

Source: Oregon ~~Natural Heritage Program~~ Biodiversity Information Center. *Rare, Threatened and Endangered Plants and Animals of Oregon.* Portland, Oregon: Oregon Natural Heritage Program, 1991.

(A) Field Survey

A field survey to identify ~~sensitive~~ rare plants shall be required for:

(1) Land divisions that create four or more parcels;

(2) Recreation facilities that contain parking areas for more than 10 cars, overnight camping facilities, boat ramps, and visitor information and environmental education facilities;

(3) Public transportation facilities that are outside improved rights-of-way;

(4) Electric facilities, lines, equipment, and appurtenances that are 33 kilovolts or greater; and

(5) Communications, water and sewer, and natural gas transmission (as opposed to distribution) lines, pipes, equipment, and appurtenances. and other project related activities, except when all of their impacts will occur inside previously disturbed road, railroad or utility corridors, or existing developed utility sites that are maintained annually.

Field surveys shall cover all areas affected by the proposed use or recreation facility. They shall be conducted by a person with recognized expertise in botany or plant ecology hired by the project applicant. They shall be conducted when plants are expected to be flowering or most easily detectable. Field surveys shall identify the precise location of the ~~sensitive~~ rare plants and delineate a 200-foot buffer area. The results of a field survey shall be shown on the site plan map and kept confidential by Multnomah County as required by state law.

(B) Uses may be allowed within 1,000 feet of a ~~sensitive~~ rare plant, when approved pursuant to MCC 38.0045, 38.7070 (C), and reviewed under the applicable provisions of MCC 38.7035 through 38.7085. The approximate locations of ~~sensitive~~ rare plants are shown on maps provided to the County by the Gorge Commission. Staff with the Oregon ~~Natural Heritage Program~~ Biodiversity Information Center will help determine if a new use would invade the buffer zone of ~~sensitive~~ rare plants.

(C) Uses that are proposed within 1,000 feet of a ~~sensitive~~ rare plant shall be reviewed as follows:

(1) Site plans shall be submitted to the Oregon ~~Natural Heritage Program~~ Biodiversity Information Center by the Planning Director. The ~~Natural Heritage Program~~ Biodiversity Information Center staff will review the site plan and their field survey records. They will identify the precise location of the affected plants and delineate a 200-foot buffer area on the project applicant's site plan.

If the field survey records of the state heritage program are inadequate, the project applicant shall hire a person with recognized expertise in botany or plant ecology to ascertain the precise location of the affected plants.

(2) The rare plant protection process may conclude if the Planning Director, in consultation with the state heritage program ~~Natural Heritage Program staff~~, determines that the proposed use would be located outside of a ~~sensitive~~ rare plant buffer area.

(3) New uses shall be prohibited within ~~sensitive~~ rare plant ~~species~~ buffer areas, except for those uses that are allowed outright.

(4) If a proposed use must be allowed within a ~~sensitive~~ rare plant buffer area in accordance with formal variance practices, the project applicant shall prepare a ~~protection and rehabilitation plan~~ Rare Plant Mitigation Plan pursuant to MCC 38.7070 (D).

(5) The Planning Director shall submit a copy of all field surveys and protection and rehabilitation plans to the Oregon ~~Natural Heritage Program~~ Biodiversity Information Center. The ~~Natural Heritage Program~~ state heritage program staff will have 20 days from the date that a field survey is mailed to submit written comments to the Planning Director.

The Planning Director shall record and address any written comments submitted by the ~~Natural Heritage Program~~ Biodiversity Information Center staff in the site review order.

Based on the comments from the ~~Natural Heritage Program~~ Biodiversity Information Center staff, the Planning Director will make a final decision on whether the proposed use would be consistent with the rare plant policies and standards. If the final decision contradicts the comments submitted by the ~~Natural Heritage Program~~ Biodiversity Information Center staff, the Planning Director shall justify how the opposing conclusion was reached.

(6) Proposed uses within 1,000 feet of a ~~sensitive~~ rare plant shall be evaluated for adverse effects, including cumulative effects, and adverse effects shall be prohibited.

(D) ~~Protection and Rehabilitation Plans~~ Rare Plant Mitigation Plan

~~Protection and rehabilitation plans~~ Rare Plant Mitigation Plans shall minimize and offset unavoidable impacts that result from a new use that occurs within a ~~sensitive~~ rare plant buffer zone as the result of a variance. All plans shall meet the following standards:

(1) ~~Protection and rehabilitation plans~~ Rare Plant Mitigation Plans shall be prepared by a professional botanist or plant ecologist hired by the project applicant.

(2) Construction, protection, and rehabilitation activities shall occur during the time of the year when ground disturbance will be minimized and protection, rehabilitation, and replacement efforts will be maximized.

(3) ~~Sensitive~~ Rare plants that will be ~~destroyed~~ 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 three years after the date they are planted.

(4) ~~Sensitive~~ Rare plants and their surrounding habitat that will not be altered ~~or destroyed~~ shall be protected and maintained. Appropriate protection and maintenance techniques shall be applied, such as fencing, conservation easements, livestock management, and noxious weed control.

(5) Habitat of a ~~sensitive~~ rare plant that will be affected by temporary uses shall be rehabilitated to a natural condition.

(6) Protection efforts shall be implemented before construction activities begin. Rehabilitation efforts shall be implemented immediately after the plants and their surrounding habitat are disturbed.

(7) ~~Protection and rehabilitation plans~~ Rare Plant Mitigation Plans shall include maps, photographs, and text. The text shall:

(a) Describe the biology of ~~sensitive~~ rare plant species that will be affected by a proposed use.

(b) Explain the techniques that will be used to protect ~~sensitive~~ rare plants and their surrounding habitat that will not be altered ~~or destroyed~~.

(c) Describe the ~~rehabilitation and enhancement~~ mitigation actions that will minimize and offset the impacts that will result from a proposed use.

(d) Include a 3-year monitoring, maintenance, and replacement program. The project applicant shall prepare and submit to ~~the local government~~ the Planning Director an annual report that documents milestones, successes, problems, and contingency actions.

(E) ~~Sensitive~~ Rare Plant Buffer Areas

(1) A 200 foot buffer area shall be maintained around ~~sensitive~~ rare plants. Buffer areas shall remain in an undisturbed, natural condition.

(2) Buffer areas may be reduced if a project applicant demonstrates that intervening topography, vegetation, ~~man-made~~ human-made features, or natural plant habitat boundaries negate the need for a 200 foot radius. Under no circumstances shall the buffer area be less than 25 feet.

(3) Requests to reduce buffer areas shall be considered if a professional botanist or plant ecologist hired by the project applicant:

(S-LU-2 2009)

(a) Identifies the precise location of the ~~sensitive~~ rare plants,

(b) Describes the biology of the ~~sensitive~~ rare plants, and

(c) Demonstrates that the proposed use will not have any negative effects, either direct or indirect, on the affected plants and the surrounding habitat that is vital to their long-term survival.

All requests shall be prepared as a written report. Published literature regarding the biology of the affected plants and recommendations regarding their protection and management shall be cited. The report shall include detailed maps and photographs.

(4) The Planning Director shall submit all requests to reduce ~~sensitive~~ rare plant ~~species~~ buffer areas to the Oregon ~~Natural Heritage Program~~ Biodiversity Information Center. The state heritage program ~~Heritage Program staff~~ will have 20 days from the date that such a request is mailed to submit written comments to the Planning Director.

The Planning Director shall record and address any written comments submitted by the ~~Oregon Natural Heritage Program~~ state heritage program in the site review order.

Based on the comments from the ~~Oregon Natural Heritage Program~~ state heritage program, the Planning Director will make a final decision on whether the reduced buffer area is justified. If the final decision contradicts the comments submitted by the ~~Natural Heritage Program~~ state heritage program ~~staff~~, the Planning Director shall justify how the opposing conclusion was reached.

(Ord. 1254, Amended, 03/22/2018; Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 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.

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

(c) Maintenance, repair, reconstruction and realignment of roads and railroads within their rights-of-way shall be exempted from the wetlands and riparian guidelines upon demonstration of all of the following:

1. The wetland within the right-of-way is a drainage ditch not part of a larger wetland outside of the right-of-way.

2. The wetland is not critical habitat.

3. Proposed activities within the right-of-way would not adversely affect a wetland adjacent to the right-of-way.

(3) The buffer width shall be increased for the following:

(a) When the channel migration zone exceeds the recommended buffer width, the buffer width shall extend to the outer edge of the channel migration zone.

(b) When the frequently flooded area exceeds the recommended riparian buffer zone width, the buffer width shall be extended to the outer edge of the frequently flooded area.

(c) When an erosion or landslide hazard area exceeds the recommended width of the buffer, the buffer width shall be extended to include the hazard area.

(4) Buffer zones can be reconfigured if a project applicant demonstrates all of the following:

(a) The integrity and function of the buffer zones is maintained.

(b) The total buffer area on the development proposal is not decreased.

(c) The width reduction shall not occur within another buffer.

(d) The buffer zone width is not reduced more than 50% at any particular location. Such features as intervening topography, vegetation, ~~man-made~~ human-made features, natural plant or wildlife habitat boundaries, and flood plain characteristics could be considered.

(5) Requests to reconfigure buffer zones shall be considered if an appropriate professional (botanist, plant ecologist, wildlife biologist, or hydrologist), hired by the project applicant (1) identifies the precise location of the ~~sensitive~~ rare wildlife/plant or water resource, (2) describes the biology of the ~~sensitive~~ rare wildlife/plant or hydrologic condition of the water resource, and (3) demonstrates that the proposed use will not have any negative effects, either direct or indirect, on the affected wildlife/plant and their surrounding habitat that is vital to their long-term survival or water resource and its long term function.

(6) ~~The local government~~ The Planning Director shall submit all requests to re-configure ~~sensitive~~ rare wildlife/plant or water resource buffers to the U.S. Forest Service and the

appropriate state agencies for review. All written comments shall be included in the project file. Based on the comments from the state and federal agencies, ~~the local government~~ Multnomah County will make a final decision on whether the reconfigured buffer zones are justified. If the final decision contradicts the comments submitted by the federal and state agencies, ~~the local government~~ Multnomah County shall justify how it reached an opposing conclusion.

(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.

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

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

(1) The approximate location and extent of wetlands in the National Scenic Area is shown on the National Wetlands Inventory (U. S. Department of the Interior ~~1987~~). In addition, the list of hydric soils and the soil survey maps shall be used as an indicator of wetlands.

(2) Some wetlands may not be shown on the wetlands inventory or soil survey maps. Wetlands that are discovered by the local planning staff during an inspection of a potential project site shall be delineated and protected.

(3) The project applicant shall be responsible for determining the exact location of a wetlands boundary. Wetlands boundaries shall be delineated using the procedures specified in the '~~1987~~ Corps of Engineers Wetland Delineation Manual (on-line Edition) and applicable Regional Supplements'.

(4) All wetlands delineations shall be conducted by a professional who has been trained to use the federal delineation procedures~~, such as a soil scientist, botanist, or wetlands ecologist~~.

(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) ~~The local government~~ 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, ~~the local government~~ 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.

(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.

(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 SMA mitigation plan.

(H) Protection of ~~sensitive~~ wildlife/plant areas and sites shall begin when proposed new development~~s~~ or uses are within 1000 feet of a ~~sensitive~~ rare wildlife~~/plant site and/or area~~ or rare plant area or site. ~~Sensitive Wildlife Areas~~ Rare wildlife areas are those areas depicted in ~~the~~ wildlife data ~~inventory and listed in Table 2 of the Management Plan titled "Types of Wildlife Areas and Sites Inventoried in the Columbia Gorge"~~, including all sensitive wildlife sites and 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~~ rare wildlife and~~/or~~ rare plant areas and sites are shown in ~~the~~ wildlife and rare plant data ~~inventory~~.

(I) ~~The local government~~ The Planning Director shall submit site plans (of proposed uses or development proposed within 1,000 feet of a ~~sensitive~~ rare wildlife ~~and/~~or rare plant area or site) for review to the U.S. Forest Service and the appropriate state agencies (Oregon Department of Fish and Wildlife for wildlife issues and by the Oregon ~~Natural Heritage Program~~ Biodiversity Information Center for plant issues).

(J) The U.S. Forest Service wildlife biologists and~~/or~~ botanists, in consultation with the appropriate state biologists, shall review the site plan and their field survey records. They shall:

(1) Identify/verify the precise location of the wildlife ~~and/~~or plant area or site.

(2) Determine if a field survey will be required.

(3) Determine, based on the biology and habitat requirements of the affected wildlife/plant species, if the proposed use would compromise the integrity and function of or result in adverse ~~affects~~ effects (including cumulative effects) to the wildlife and~~or~~ plant area or site. This would include considering the time of year when wildlife and~~or~~ plant species are sensitive to disturbance, such as nesting, rearing seasons, or flowering season. Cumulative effects that are adverse shall be prohibited.

(4) Delineate the undisturbed 200 ft buffer on the site plan for ~~sensitive~~ rare plants ~~and/~~or the appropriate buffer for ~~sensitive~~ rare wildlife areas or sites, including nesting, roosting and perching sites.

(a) Buffer zones can be reconfigured if a project applicant demonstrates all of the following: (1) the integrity and function of the buffer zones is maintained, (2) the total buffer area on the development proposal is not decreased, (3) the width reduction shall not occur within another buffer, and (4) the buffer zone width is not reduced more than 50% at any

particular location. Such features as intervening topography, vegetation, ~~man made~~ human-made features, natural plant or wildlife habitat boundaries, and flood plain characteristics could be considered.

(b) Requests to reduce buffer zones shall be considered if an appropriate professional (botanist, plant ecologist, wildlife biologist, or hydrologist), hired by the project applicant, (1) identifies the precise location of the ~~sensitive~~ rare wildlife/plant or water resource, (2) describes the biology of the ~~sensitive~~ rare wildlife/plant or hydrologic condition of the water resource, and (3) demonstrates that the proposed use will not have any negative effects, either direct or indirect, on the affected wildlife/plant and their surrounding habitat that is vital to their long-term survival or to the water resource and its long term function.

(c) ~~The local government~~ The Planning Director shall submit all requests to re-configure ~~sensitive~~ rare wildlife/plant or water resource buffers to the U.S. Forest Service and the appropriate state agencies for review. All written comments shall be included in the record of application and based on the comments from the state and federal agencies, the ~~local government~~ county will make a final decision on whether the reduced buffer zones is justified. If the final decision contradicts the comments submitted by the federal and state agencies, the ~~local government~~ county shall justify how it reached an opposing conclusion.

(K) ~~The local government~~ Multnomah County, in consultation with the ~~State~~ state and federal wildlife biologists and~~/or~~ botanists, shall use the following criteria in reviewing and evaluating the site plan to ensure that the proposed development~~s~~ or uses do not compromise the integrity and function of or result in adverse ~~affects~~ effects to the wildlife ~~or~~ and plant area or site:

(1) Published guidelines regarding the protection and management of the affected wildlife/plant species. Examples include: the Oregon Department of Forestry ~~has prepared technical papers that include~~ management guidelines for osprey and great blue heron; ~~the~~ Washington Department of Wildlife ~~has prepared similar~~ guidelines for a variety of species, including the western pond turtle, the peregrine falcon, and the Larch Mountain salamander (Rodrick and Milner 1991).

(2) Physical characteristics of the subject parcel and vicinity, including topography and vegetation.

(3) Historic, current, and proposed uses in the vicinity of the ~~sensitive~~ rare wildlife/plant area or site.

(4) Existing condition of the wildlife/plant area or site and the surrounding habitat ~~and the useful life~~ of the area or site.

(5) In areas of winter range, habitat components, such as forage, and thermal cover, important to the viability of the wildlife must be maintained or, if impacts are to occur, enhancement must mitigate the impacts so as to maintain overall values and function of winter range.

(6) The site plan is consistent with published guidance documents such as ~~the~~ "Oregon Guidelines for Timing of In-Water Work to Protect Fish and Wildlife Resources" (Oregon Department of Fish and Wildlife ~~2000~~ 2008 or most recent version).

(7) The site plan activities coincide with periods when fish and wildlife are least sensitive to disturbance. These would include, among others, nesting and brooding periods (from nest building to fledgling of young) and those periods specified.

(8) The site plan illustrates that new development~~s~~ and uses, including bridges, culverts, and utility corridors, shall not interfere with fish and wildlife passage.

(9) Maintain, protect, and enhance the integrity and function of Priority ~~Habitats (such as old growth forests, talus slopes, and oak woodlands)~~ as listed in the Priority Habitats Table. This includes maintaining structural, species, and age diversity, maintaining connectivity within and between plant communities, and ensuring that cumulative impacts are considered in documenting integrity and function.

	PRIORITY HABITATS TABLE
Priority Habitats	Criteria
Aspen stands	High fish and wildlife species diversity, limited availability, high vulnerability to habitat alteration.
Caves	Significant wildlife breeding habitat, limited availability, dependent species.
Old-growth forest	High fish and wildlife density, species diversity, breeding habitat, seasonal ranges, and limited and declining availability, high vulnerability.
Oregon white oak woodlands	Comparatively high fish and wildlife density, species diversity, declining availability, high vulnerability
Prairies and steppe	Comparatively high fish and wildlife density, species diversity, important breeding habitat, declining and limited availability, high vulnerability.
Riparian	High fish and wildlife density, species diversity, breeding habitat, movement corridor, high vulnerability, dependent species.
Wetlands	High species density, high species diversity, important breeding

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	habitat and seasonal ranges, limited availability, high vulnerability.
Snags and logs	High fish and wildlife density, species diversity, limited availability, high vulnerability, dependent species.
Talus	Limited availability, unique and dependent species, high vulnerability.
Cliffs	Significant breeding habitat, limited availability, dependent species.
Dunes	Unique species habitat, limited availability, high vulnerability, dependent species.
Winter Range	Provides important wintering habitat for deer and elk.

(L) The wildlife/plant protection process may terminate if ~~the local government~~ Multnomah County, in consultation with the U.S. Forest Service and state wildlife agency or ~~Heritage~~ heritage program, determines (1) the ~~sensitive~~ rare wildlife area or site is not active, or (2) the proposed use is not within the buffer zones and would not compromise the integrity of the wildlife/plant area or site, and (3) the proposed use is within the buffer and could be easily moved out of the buffer by simply modifying the project proposal (site plan modifications). If the project applicant accepts these recommendations, the l~~ocal government~~ County shall incorporate them into its development review order and the wildlife/plant protection process may conclude.

(M) If the above measures fail to eliminate the adverse ~~affects~~ 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.

(N) ~~The local government~~ The Planning Director shall submit a copy of all field surveys (if completed) and mitigation plans to the U.S. Forest Service and appropriate state agencies. ~~The local government~~ Multnomah County shall include all comments in the record of application and address any written comments submitted by the state and federal wildlife agency/heritage programs in its development review order. Based on the comments from the state and federal wildlife agency/heritage program, the l~~ocal government~~ County shall make a final decision on whether the proposed use would be consistent with the wildlife/plant policies and guidelines. If the final decision contradicts the comments submitted by the state and federal wildlife agency/heritage program, the ~~local government~~ County shall justify how it reached an opposing conclusion.

(O) ~~The local government~~ Multnomah County shall require the project applicant to revise the mitigation plan as necessary to ensure that the proposed use would not adversely affect a ~~sensitive~~ rare wildlife/plant area or site.

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(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.

(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 ~~and/~~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 ~~and/~~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~~ Recreation Intensity Class is a constraint, an applicant must request a Management Plan amendment to demonstrate that practicable alternatives do not exist.

(R) The Mitigation Plan shall be prepared when:

(1) The proposed development or use is within a buffer zone (wetland, pond, lakes, riparian areas, or 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~~ 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).

(T) The primary purpose of this information is to provide a basis for the project applicant to redesign the proposed use in a manner that protects the identified ~~sensitive~~ water resources, and rare wildlife/plant areas and sites, that maximizes ~~his/her~~ their development options, and that mitigates,

through restoration, enhancement, creation and replacement measures, impacts to the water resources and~~/or~~ wildlife and~~/~~ plant area or site and~~/or~~ buffer zones.

(U) The applicant shall submit the mitigation plan to ~~the local government~~ the Planning Director. ~~The local government~~ Multnomah County shall submit a copy of the mitigation plan to the U.S. Forest Service, and appropriate state agencies. If the final decision contradicts the comments submitted by the state and federal wildlife agency/heritage program, the ~~local government~~ County shall justify how it reached an opposing conclusion.

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

(5) Show how the proposed restoration, enhancement, or ~~replacement (~~creation~~)~~ mitigation measures are NOT alternatives to avoidance. A proposed development/use must first avoid a ~~sensitive~~ protected resource, and only if this is not possible should restoration, enhancement, or creation be considered as mitigation. In reviewing mitigation plans, ~~the local government~~ 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 local government~~ 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 local government~~ 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 ~~sensitive~~ rare wildlife/plant species and shall demonstrate the success of restoration ~~and/~~or enhancement actions. ~~The local government~~ The Planning Director shall submit copies of the

monitoring report to the U.S. Forest Service; who shall offer technical assistance ~~to the local government~~ 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~~/or~~ 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 ~~sensitive~~ protected resource or buffer zone has been altered ~~or destroyed~~, 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 ~~must~~ shall survive. All plantings ~~must~~ 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 ~~sensitive~~ protected resource of equal or greater benefit may be substituted, provided that no net loss of ~~sensitive~~ protected resource functions occurs and provided the County, in consultation with the appropriate ~~State and Federal~~ state and federal agency, determine that such substitution is justified.

(5) ~~Sensitive~~ Rare plants that will be ~~destroyed~~ 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.

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(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~~will~~ 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 ~~replacement (creation)~~ 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 ~~or destroyed~~.

Restoration: 2: l

Creation: 3: l

Enhancement: 4: l

(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 local government~~ the Planning Director to ensure compliance. The U.S. Forest Service, in consultation with appropriate state agencies, shall extend technical assistance to the ~~local government~~ 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.

(Ord. 1254, Amended, 03/22/2018; Ord. 1125, Amended, 12/11/2008; Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7080 GMA RECREATION RESOURCE REVIEW CRITERIA

The following uses are allowed, subject to compliance with MCC 38.7080 (E) and (F).

(A) Recreation Intensity Class 1 (Very Low Intensity)

Social Setting: Visitors in this designation have a high chance of finding solitude and opportunities to experience activities that rely on self-reliance, challenge and risk. Encounters with other visitors is low throughout the designation. Perceived crowdedness is low to non-existent away from roads and recreation sites. Visitor encounters and perceived crowdedness is low to moderate at or near (within 1 mile) roads and recreation sites.

Physical and Managerial Setting: Predominately natural/natural appearing landscapes with rustic improvements characterize this designation. Nodes of developed recreation facilities are allowed. Developed recreation site regulations and controls (signing, regulations or other regimentation) are noticeable but harmonize with the natural environment. Away from developed recreation sites there is minimal or subtle control of users.

Trail development is simple and typically accommodate low use levels. Users are highly skilled with a high degree of orienteering skills.

(1) Parking areas ~~for a maximum~~, not to exceed a site-wide capacity of 10 ~~cars~~ ~~for~~ vehicles, when associated with any allowed uses in Recreation Intensity Class 1. Accommodations for mass transportation facilities should be considered where compatible with the social and physical settings.

(2) Trails for hiking, equestrian and mountain biking use.

(3) Pathways for pedestrian and bicycling use.

(4) Trailheads (with provisions for hitching rails and equestrian trailers at trailheads accommodating equestrian use).

(5) Scenic viewpoints and overlooks.

(6) Wildlife/botanical viewing and nature study areas.

(7) River access areas.

(8) Simple interpretive signs and/or displays, not to exceed a total of 50 square feet.

(9) Entry name signs not to exceed 10 square feet per sign.

(10) Boat docks, piers or wharfs.

(11) Picnic areas.

(12) Rest-rooms/comfort facilities.

(B) Recreation Intensity Class 2 (Low Intensity)

Social Setting: RIC 2 is characterized by opportunities to experience relaxation, physical fitness and outdoor learning and where there is a moderate probability to experience solitude. Typically encounters with other visitors throughout the designation is Low to Moderate. Visitor encounters are low to moderate on trails and away from developed recreation sites and roads, and moderate to high near (within 1 mile) recreation sites and roads.

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Physical and Managerial Setting: Predominately natural/natural appearing landscapes with rustic improvements characterize this designation. Nodes of highly developed recreation facilities may be allowed. Developed recreation site regulations and controls (signing, regulations or other regimentation) are noticeable but harmonize with the natural environment. Away from developed recreation sites there is minimal or subtle control of users.

Trails are moderately developed (native surface or gravel, trail bridges and other facilities are provided for user convenience). Trail use is typically low to moderate. Trails are suitable for a wide range of users and are challenging and involve intermediate to advance skills.

(1) All uses permitted in Recreation Intensity Class 1.

(2) Parking areas ~~for a maximum~~, not to exceed a site-wide capacity of 25 ~~cars~~ vehicles, when associated with any allowed uses in Recreational Intensity Class 2. Parking spaces for~~, including~~ campground units shall be included in this number~~, to serve any allowed uses in Recreation Intensity Class 2~~. Accommodations for mass transportation facilities should be considered where compatible with the social and physical settings.

(3) Simple interpretive signs and displays, not to exceed a total of 100 square feet.

(4) Entry name signs not to exceed 20 square feet per sign.

(5) Boat ramps, not to exceed two lanes.

(6) Campgrounds for 20 units or less, tent sites only.

(C) Recreation Intensity Class 3 (Moderate Intensity)

Social Setting: A high degree of interaction with other visitors with opportunities to experience relaxation and activities that provide little challenge or risk in a natural appearing environment characterizes this designation. Visitor encounters are moderate to high on trails away from developed recreation sites and roads.

Physical and Managerial Setting: Changes to the natural landscape may be evident but in harmony with characteristics of the landscape setting. Highly developed recreation facilities and trails are constructed for visitor convenience. On-site regulation and controls are noticeable but harmonize with the natural characteristics of the landscape.

Trails typically accommodate moderate to high use and are well developed (native, gravel or paved surfaces, trail facilities such as bridges are provided for convenience). Trails are easily traveled by a wide range of users who have intermediate skill level and minimal orienteering skills.

(1) All uses permitted in Recreation Intensity Classes 1 and 2.

(2) Parking areas ~~for a maximum~~, not to exceed a site-wide capacity of 75 ~~cars~~ vehicles, when associated with any allowed uses in Recreation Intensity Class 3. Parking spaces for campground units shall be included in this number. ~~, including campground units, for any allowed uses in Recreation Intensity Class 3.~~

(3) Accommodation of facilities for mass transportation (bus parking, etc.) shall be required for all new Recreation Intensity Class 3 day-use recreation sites, and improvements to existing Class 3 day-use recreation sites where the improvement would increase the use of the site, except for sites predominantly devoted to boat access. The number and size of the mass transportation facilities shall reflect the physical capacity of the site.

(~~3~~4) Interpretive signs, displays and/or facilities.

(~~4~~5) Visitor information and environmental education signs, displays or facilities.

(~~5~~6) Entry name signs not to exceed 32 square feet per sign.

(~~6~~7) Boat ramps, not to exceed three lanes.

(~~7~~8) Concessions stands, pursuant to applicable policies in this chapter.

(~~8~~9) Campgrounds for 50 individual units or less for tents and~~/or~~ recreational vehicles, with a total density of no more than 10 units per acre (density to be measured based on total size of recreation facility and may include required buffer and setback areas). Class 3 campgrounds may also include one group campsite area, in addition to the individual campground units or parking area maximums allowed as described herein.

(D) Recreation Intensity Class 4 (High Intensity)

Social Setting: This designation is characterized by highly developed facilities where there is little challenge or risk associated with being in the outdoors. There is a high degree of interaction with other visitors. Encounters are high in recreation sites, on roads and trails within in this designation.

Physical and Managerial Setting: Changes to the natural landscape may be evident but in harmony with characteristics of the landscape setting. Highly developed recreation facilities and trails are constructed for a visitor convenience and ease of movement. On-site regulation and controls are noticeable but harmonize with the natural characteristics of the landscape.

The maximum site design capacity for parking areas shall not exceed 250 vehicles for any allowed uses in Recreation Intensity Class 4. Parking spaces for campground units are to be included in this number.

Trails are highly developed (gravel or paved surfaces, trail facilities such as bridges are provided for convenience) and accommodate heavy to intensive use. Users are typically inexperienced with little or no orienteering skills. Trails are easily traveled by a wide range of users.

(1) All uses permitted in Recreation Intensity Classes 1, 2, and 3.

(2) Parking areas, not to exceed a site-wide capacity ~~for a maximum~~ of 250 ~~cars~~ vehicles, when associated with any allowed use in Recreation Intensity Class 4. Parking spaces for campground units shall be included in this number~~, including campground units, for any allowed uses in Recreation Intensity Class 4~~.

(3) Accommodation of facilities for mass transportation (bus parking, etc.) shall be required for all new Recreation Intensity Class 4 day-use recreation sites and improvements to existing Class

4 day-use recreation sites where the improvement would increase the use of the site, except for sites predominantly devoted to boat access. The number and size of the mass transportation facilities shall reflect the physical capacity of the site.

(~~3~~4) Horseback riding stables and associated facilities.

(~~4~~5) Entry name signs, not to exceed 40 square feet per sign.

(~~5~~6) Boat ramps.

(~~6~~7) Campgrounds for 175 individual units or less for tents and~~/or~~ recreation vehicles with a total density of no more than 10 units per acre (density to be measured based on total size of recreation facility and may include required buffer and setback areas). Class 4 campgrounds may also include up to 3 group campsite areas, in addition to individual campsite units or parking area maximums allowed as described herein.

(E) Approval Criteria for Recreation Uses

All proposed recreation projects outside of GG– PR or GG– CR districts shall satisfy the following:

(1) Cumulative effects of proposed recreation projects on landscape settings shall be based on the "compatible recreation use" standard for the landscape setting in which the use is located.

(2) For proposed recreation projects in or adjacent to lands designated GGA– 20, GGA– 40, GGF– 20 and GGF– 40:

(a) The use would not seriously interfere with accepted forest or agricultural practices on surrounding lands devoted to forest or farm uses. Provision of on-site buffers may be used to partially or fully comply with this criterion, depending upon project design and~~/or~~ site conditions.

(b) A declaration has been signed by the project applicant or owner and recorded with county deeds and records specifying that the applicant or owner is aware that operators are entitled to carry on accepted forest or farm practices on lands designated GGA– 20, GGA– 40, GGF– 20 and GGF– 40.

(3) For proposed projects including facilities for outdoor fires for cooking or other purposes or proposed campgrounds:

The project applicant shall demonstrate that a sufficient quantity of water necessary for fire suppression (as determined pursuant to applicable fire codes) is readily available to the proposed facility, either through connection to a community water system or on-site wells, storage tanks, sumps, ponds or similar storage devices. If connection to a community water system is proposed, the project applicant shall demonstrate that the water system has adequate capacity to meet the facility's emergency fire suppression needs without adversely affecting the remainder of the water system with respect to fire suppression capabilities. In addition, in order to provide access for fire-fighting equipment, access drives shall be constructed to a minimum of 12 feet in width and a maximum grade of 12 percent. Access drives shall be maintained to a level that is passable to fire-fighting equipment.

(4) Trail or trailhead projects shall comply with ~~applicable trails policies in the Management Plan.~~ the following:

(a) Where applicable, new trails should incorporate existing segments of older or historic trails, abandoned roads and railroad rights-of-way, and other previously developed areas suitable for recreation use to the maximum extent practicable.

(b) Trails that are intended for multiple user groups shall be required to post signs at trailheads alerting users that multiple user groups may be present on the trail. Trails shall be designed such that user conflicts and safety issues are minimized.

(c) Applications for new trails or trailheads include measures to minimize the potential spread of noxious weeds.

(d) Applications for new trails or trailheads shall consider the potential of fire risk during critical fire hazard periods in developing the physical and managerial setting of the site.

(5) For proposed projects providing ~~boating or windsurfing~~ recreation access to the Columbia River or its tributaries: ~~compliance~~ applicants shall demonstrate that the new facility is consistent with ~~applicable "River Access and Protection of Treaty Rights" objectives in the Management Plan~~ and does not affect or modify tribal treaty rights.

(6) For proposed projects on public lands or proposed projects providing access to the Columbia River or its tributaries: compliance with the guidelines ~~for protection of tribal treaty rights~~ in Part IV, Chapter 3, Indian ~~Tribal~~ Treaty Rights and Consultation in the Management Plan.

(7) For proposed projects which include interpretation of natural or cultural resources:

A demonstration that the interpretive facilities will not adversely affect natural or cultural resources and that appropriate and necessary resource protection measures shall be employed.

(8) ~~For proposed~~ Applications for public recreation development in Recreation Intensity Class 3 or 4 shall demonstrate how the proposed recreation development will be equitable and accessible (regardless of income level, ethnicity, gender, ability or age). Applications for public recreation developments in RIC 1 and 2 shall meet this standard to the maximum extent practicable. ~~projects (except for projects predominantly devoted to boat access):~~

~~A demonstration that the project accommodates provision of mass transportation access to the site. The number and size of the mass transportation facilities shall reflect the physical capacity of the site. This requirement may be waived upon a demonstration that provision of such facilities would result in overuse of the site, either degrading the quality of the recreation experience or adversely affecting other resources at the site.~~

(9) A demonstration that the proposed project or use will not generate traffic, either by type or volume, which would adversely affect the Historic Columbia River Highway, shall be required prior to approval.

(10) Applications shall demonstrate compliance with the social, physical and managerial setting characteristics in the applicable Recreation Intensity Class description.

(F) Facility Design Standards for All Recreation Projects

(1) Recreation facilities which are not resource-based in nature may be included at sites providing resource-based recreation uses consistent with the standards contained herein, as long as such facilities comprise no more than one-third of the total land area dedicated to recreation uses ~~and/~~or facilities. Required landscaped buffers may be included in calculations of total land area dedicated to recreation uses and/or facilities.

(2) The facility design standards contained herein are intended to apply to individual recreation facilities. ~~For the purposes of these standards, a recreation facility is considered a cluster or grouping of recreational developments or improvements located in relatively close proximity to one another.~~

~~To be considered a separate facility from other d~~Developments or improvements within the same Recreation Intensity Class are considered as separate facilities if they are~~, recreation developments or improvements must be~~ separated by at least ~~one-quarter~~ ¼ mile of undeveloped land (excluding trails, pathways, or access roads) ~~from such developments or improvements~~.

~~(3) Parking areas, access roads, and campsites shall be sited and designed to fit into the existing natural contours as much as possible, both to minimize ground-disturbing grading activities and utilize topography to screen parking areas and associated structures. Parking areas, access roads, and campsites shall be sited and set back sufficiently from bluffs so as to be visually subordinate as seen from Key Viewing Areas.~~

(3)~~(4)~~ Existing vegetation, particularly mature trees, shall be maintained to the maximum extent practicable. These trees may be used~~, and utilized~~ to ~~screen parking areas and campsites from Key Viewing Areas and~~ satisfy requirements for perimeter and interior landscaped buffers.

(4)~~(5)~~ Parking areas providing over 50 spaces shall be divided into discrete "islands" separated by unpaved, landscaped buffer areas.

(5)~~(6)~~ Lineal frontage of parking areas and campsite loops to Scenic Travel Corridors shall be minimized to the greatest extent practicable.

(6)~~(7)~~ Ingress/egress points shall be consolidated to the maximum extent practicable, providing for adequate emergency access pursuant to applicable fire and safety codes.

(7)~~(8) Signage~~ Signs shall be limited to ~~that~~ those necessary to provide relevant recreation or facility information, interpretive information, vehicular and pedestrian direction, and for safety purposes.

~~(9) Exterior lighting shall be shielded, designed and sited in a manner which prevents such lighting from projecting off-site or being highly visible from Key Viewing Areas.~~

(8)~~(10)~~ Innovative designs and materials which reduce visual impacts (such as "turf blocks" instead of conventional asphalt paving) shall be encouraged through incentives such as additional allowable parking spaces and reduce required minimum interior or perimeter landscaped buffers. Upon determination that potential visual impacts have been substantially reduced by use of such designs and materials, the Planning Director shall allow either reductions

in required minimum interior or perimeter landscape buffers up to 50 percent of what would otherwise be required, or additional parking spaces not to exceed 10 percent of what would otherwise be permitted.

(9)~~(11)~~ A majority of trees, shrubs and other plants in landscaped areas shall be species native ~~or naturalized~~ to the landscape setting in which they occur (landscape setting descriptions and design standards specify lists of appropriate species). Project applicants that are required to use new landscaping are encouraged to place trees, shrubs and other plants in a manner approximating their natural condition.

~~(12) All structures shall be designed such that height, exterior colors, reflectivity, mass and siting result in the structures blending with and not noticeably contrasting with their setting.~~

~~(13) Landscape buffers around the perimeter of parking areas accommodating more than 10 vehicles shall be provided. Minimum required widths are 5 feet for 20 vehicles or less, 20 feet for 50 vehicles or less, 30 feet for 100 vehicles or less, and 40 feet for 250 vehicles or less.~~

(10)~~(14)~~ For any parking area with over 50 spaces, interior ~~Interior~~ landscaped buffers breaking up continuous areas of parking into discrete "islands" shall be provided ~~for any parking areas over 50 spaces in size~~. The minimum width of interior landscaped buffers between each parking lot of 50 spaces or less shall be 20 feet.

~~(15) Within required perimeter and interior landscaped buffer areas, a minimum of one tree of at least 6 feet in height shall be planted for every 10 lineal feet as averaged for the entire perimeter width. A minimum of 25 percent of planted species in perimeter buffers shall be coniferous to provide screening during the winter. Project applicants are encouraged to place such trees in random groupings approximating natural conditions. In addition to the required trees, landscaping shall include appropriate shrubs, groundcover and other plant materials.~~

~~(16) Minimum required perimeter landscape buffer widths for parking areas or campgrounds may be reduced by as much as 50 percent, at the discretion of the Planning Director, if existing vegetation stands and/or existing topography are utilized such that the development is not visible from any Key Viewing Area.~~

(11)~~(17)~~ Grading or soil compaction within the "drip line" of existing mature trees shall be avoided to the maximum extent practicable, to reduce risk of root damage and associated tree mortality.

~~(18) All parking areas and campsites shall be set back from Scenic Travel Corridors, and the Columbia River and its major tributaries at least 100 feet. Required perimeter landscaped buffers may be included when calculating such setbacks. Setbacks from rivers shall be measured from the ordinary high water mark. Setbacks from Scenic Travel Corridors shall be measured from the edge of road pavements.~~

(12)~~(19)~~ Project applicants shall utilize measures and equipment necessary for the proper maintenance and survival of all vegetation utilized to meet the landscape standards contained herein, and shall be responsible for such maintenance and survival.

(13)~~(20)~~ All parking areas shall be set back from property boundaries by at least 50 feet. All campsites and associated facilities shall be set back from property boundaries by at least 100 feet.

~~(21) All proposed projects at levels consistent with Recreation Intensity Class 4 on lands classified RIC 4 (except for proposals predominantly devoted to boat access) shall comply with MCC 38.7080 (E) (8) regarding provision of mass transportation access.~~

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 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.

(2) Protect recreation resources from adverse effects by evaluating new developments and land uses as proposed in the site plan. An analysis of both on and off site cumulative effects such as site accessibility and the adverse effects on the Historic Columbia River Highway shall be required.

(3) New pedestrian or equestrian trails shall not have motorized uses, except for emergency services.

(4) Mitigation measures shall be provided to preclude adverse effects on the recreation resource.

(5) The ~~facility standards contained herein~~ Facility Design Guidelines are intended to apply to individual recreation facilities. ~~For the purposes of these standards, a recreation facility is considered a cluster or grouping of recreational developments or improvements located in relatively close proximity to one another. Recreation developments or improvements to be considered a separate facility from other developments or improvements within the same Recreation Intensity Class must be separated by at least one-quarter mile of undeveloped land (excluding trails, pathways, or access roads) from such developments or improvements.~~ Developments or improvements within the same Recreation Intensity Class are considered as separate facilities if they are separated by at least 1/4 mile of undeveloped land (excluding trails, pathways, or access roads).

(6) New development and reconstruction of scenic routes ~~(see Part III, Chapter 1 of the Management Plan)~~ shall include provisions for bicycle lanes.

(7) The Planning Director may grant a variance of up to 10 percent to the standards of Recreation Intensity Class 4 for parking and campground units upon demonstration that:

(a) Demand and use levels for the proposed activity(s), particularly in the area where the site is proposed, are high and expected to remain so ~~and/~~or increase. Statewide Comprehensive Outdoor Recreation Plan (SCORP) data and data from the National ~~Scenic Area recreation demand studies~~ Visitor Use Monitoring Program shall be relied upon to meet the criterion in the absence of current applicable studies.

(b) The proposed use is dependent on resources present at the site.

(c) Reasonable alternative sites, including those in ~~Urban Areas~~ urban areas, offering similar opportunities have been evaluated and it has been demonstrated that the proposed use cannot be adequately accommodated elsewhere.

(d) The proposed use is consistent with the goals, objectives, and policies in the Management Plan, Part I, Chapter 4.

(e) Through site design and~~/or~~ mitigation measures, the proposed use can be implemented without adversely affecting scenic, natural or cultural resources, and adjacent land uses.

(f) Through site design and/or mitigation measures, the proposed use can be implemented without affecting or modifying treaty rights.

~~(g) Mass transportation has been considered and implemented, if feasible.~~

(8) New interpretive or education programs and/or facilities shall follow recommendations of the *Interpretive Strategy for the Columbia River Gorge National Scenic Area*.

(9) Proposals to change the Recreation Intensity Class of an area to a different class shall require a Plan Amendment pursuant to MCC 38.0100.

(10) A demonstration that the proposed project or use will not generate traffic, either by type or volume, which would adversely affect the Historic Columbia River Highway, shall be required prior to approval.

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

(1) Intensity Class 1 (Very Low Intensity)

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

Social Setting: Visitors in this designation have a high chance of finding solitude and opportunities to experience activities that rely on self-reliance, challenge and risk. Encounters with other visitors is low throughout the designation. Perceived crowdedness is low to non-existent away from roads recreation sites. Visitor encounters and perceived crowdedness is low to moderate at or near (within 1 mile) roads and recreation sites.

Physical and Managerial Setting: Predominately natural/natural appearing landscapes with rustic improvements characterize this designation. Nodes of developed recreation facilities may be allowed. Developed recreation site regulations and controls (signing, regulations or other regimentation) are noticeable but harmonize with the natural characteristics of the landscape setting. Away from developed recreation sites there is minimal or subtle control of users.

Trail development is simple and typically accommodate low use levels. Users are highly skilled with a high degree of orienteering skills.

~~(a) Uses permitted are those in which people participate in outdoor activities to realize experiences such as solitude, tension reduction, and nature appreciation.~~

(a)~~(b) Maximum site design capacity shall not exceed 35 people at one time on the site~~. The ~~M~~maximum design capacity for parking areas shall be 10 vehicles.

(b)~~(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.

9. Accommodations for mass transportation facilities should be considered where compatible with the social and physical settings.

(2) Intensity Class 2 (Low Intensity)

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

Social Setting: RIC 2 is characterized by opportunities to experience relaxation, physical fitness and outdoor learning, and where there is a moderate probability to experience solitude. Visitor encounters are low to moderate on trails and away from developed recreation sites and roads. Usually and moderate to high near (within 1 mile) recreation sites and roads.

Physical and Managerial Setting: Predominately natural/natural appearing landscapes with rustic improvements characterize this designation. Nodes of highly developed recreation facilities may be allowed. Developed recreation site regulations and controls (signing, regulations or other regimentation) harmonize with the natural characteristics of the landscape setting. Away from developed recreation sites there is minimal or subtle control of users.

Trails are moderately developed (native surface or gravel, trail bridges and other facilities are provided for user convenience). Trail use is typically low to moderate. Trails are suitable for a wide range of users and are challenging and involve intermediate to advance skills.

~~(a) Permitted uses are those that provide settings where people can participate in activities such as physical fitness, outdoor learning, relaxation, and escape from noise and crowds.~~

(a)~~(b) The maximum site design capacity shall not exceed 70 people at one time on the site.~~ The maximum design capacity shall be 25 vehicles.

(b)~~(c)~~ All uses permitted in Class 1 are permitted in Class 2. The following uses may also be permitted:

1. ~~Campground with vehicle access~~ Campgrounds for twenty (20) units or less, tent sites only.

2. Boat anchorages designed for no more than 10 boats at one time.

3. Swimming areas.

4. Accommodations for mass transportation facilities should be considered where compatible with the social and physical settings.

(3) Intensity Class 3 (Moderate Intensity)

~~Emphasis is on facilities with design themes emphasizing the natural qualities of the area. Developments are complementary to the natural landscape, yet can accommodate moderate numbers of people.~~

Social Setting: A high degree of interaction with other visitors with opportunities to experience relaxation and activities that provide little challenge or risk in a natural appearing environment characterizes this designation. Visitor encounters are moderate to high on trails away from developed recreation sites and roads.

Physical and Managerial Setting: Changes to the natural landscape may be evident but in harmony with natural characteristics of the landscape setting. Highly developed recreation facilities and trails are constructed for visitor convenience. On-site regulation and controls are noticeable but harmonize with the natural environment.

Trails typically accommodate moderate to high use and are well developed (native, gravel or paved surfaces, trail facilities such as bridges are provided for convenience). Trails are easily traveled by a wide range of users who have intermediate skill level and minimal orienteering skills.

(a) Permitted uses are those in which people can participate in activities to realize experiences such as group socialization, nature appreciation, relaxation, cultural learning, and physical activity.

(b) ~~Maximum site design capacity shall not exceed 250 people at on the site.~~ The maximum design capacity shall be 50 vehicles. The GMA vehicle capacity level of 75 vehicles would be approved if enhancement or mitigation measures for scenic, cultural, or natural resources are approved for at least 10 percent of the site.

(c) Accommodation of facilities for mass transportation (bus parking, etc.) shall be required for all new (Recreation Intensity Class 3) day-use recreation sites and improvements to existing Class 3 day-use recreation sites where the improvement would increase the use of the site, except for sites predominantly devoted to boat access. The number and size of the mass transportation facilities shall reflect the physical capacity of the site.

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(d) All uses permitted in Classes 1 and 2 are permitted in Class 3. The following uses may also be permitted:

1. Campgrounds with improvements that may include vehicle access, water, power, sewer, and sewage dump stations. Campgrounds shall not exceed a combination of 50 single or group campsites (tent or recreational vehicle) and a total design capacity of 250 people at one time.

2. Boat anchorages designed for not more than 15 boats.

3. Public visitor, interpretive, historic, and environmental education facilities.

4. Full service rest-rooms, may include showers.

5. Boat ramps.

6. Riding stables.

(4) Intensity Class 4 (High Intensity)

~~Emphasis is for providing roaded natural, rural, and suburban recreation opportunities with a high level of social interaction.~~

Social Setting: This designation is characterized by highly developed facilities where there is little challenge or risk associated with being in the outdoors. There is a high degree of interaction with other visitors. Encounters are high in recreation sites, on roads and trails within in this designation.

Physical and Managerial Setting: Landscapes with natural appearing backdrop are characterized by this designation. Highly developed recreation facilities and trails are constructed for visitor convenience and ease of movement. On-site regulation and controls are noticeable but harmonize with the natural characteristics of the landscape setting.

Trails are highly developed (gravel or paved surfaces, trail facilities such as bridges are provided for convenience) and accommodate heavy to intensive use. Users are typically inexperienced with little or no orienteering skills. Trails are easily traveled by a wide range of users.

(a) Permitted uses are those in which people can participate in activities to realize experiences such as socialization, cultural and natural history appreciation, and physical activity.

(b) ~~The maximum design capacity shall not exceed 1000 people at one time on the site.~~ The maximum design capacity for parking areas shall be 200 vehicles. The GMA vehicle capacity level of 250 vehicles shall be allowed if enhancement or mitigation measures of scenic, cultural, or natural resources are approved for at least 20 percent of the site.

(c) Accommodation of facilities for mass transportation (bus parking, etc.) shall be required for all new (Recreation Intensity Class 4) day-use recreation sites and improvements to existing Class 4 day-use recreation sites where the improvement would increase the use of

the site, except for sites predominantly devoted to boat ~~races~~ access. The number and size of the mass transportation facilities shall reflect the physical capacity of the site.

(d) All uses permitted in Classes 1, 2, and 3 are permitted in Class 4.

(e) Campgrounds with improvements that may include vehicle access, water, power, sewer, and sewage dump stations. Campgrounds shall not exceed a combination of 100 single or group campsites (tent or recreational vehicle) and a total design capacity of 500 people at one time.

(Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7090 RESPONSES TO AN EMERGENCY/DISASTER EVENT

Responses to an emergency/disaster event are allowed in all zoning districts within the Columbia River Gorge National Scenic Area when in compliance with the following standards:

(A) General standards for all response activities.

(1) Following emergency/disaster response actions, best management practices (BMPs) to prevent sedimentation and provide erosion control shall be utilized whenever disaster response actions necessitate vegetation removal, excavation, ~~and/~~or grading. BMPs may include but are not limited to: use of straw bales, slash windrows, filter fabric fences, sandbags, straw cover, jute netting, etc.

(2) Structures or development installed or erected for a temporary use (e.g. sandbags, check dams, plastic sheeting, chain link fences, debris walls, etc.) shall be removed within one year following an emergency event. If it can be demonstrated that the continued use of these devices is necessary to protect life, property, public services or the environment, an extension of no more than two years may be granted by the Planning Director, or the U.S. Forest Service for federal agency actions.

(3) The new exploration, development (extraction or excavation), and production of mineral resources, used for commercial, private or public works projects, shall not be conducted as an emergency/disaster response activity.

(4) No spoils resulting from grading or excavation activities shall be deliberately deposited into a wetland, stream, pond, lake, or riparian area within the National Scenic Area ~~(NSA)~~ as a part of an emergency/disaster response action. The only exception to this is for construction of a fire line during a wildfire, where avoiding the aquatic area or its buffer zone has been considered and determined to not be possible without further jeopardizing life or property.

(B) Notification Requirements

(1) Actions taken in response to an emergency/disaster event, as defined in MCC 38.0015, are allowed in all GMA and SMA land use designations, subject to the following notification requirements.

(a) Notification of an emergency/disaster response activity shall be submitted either within 48 hours of the commencement of a response action, or by the next business day following the start of such an action, whichever is sooner. Notification shall be submitted by the party conducting an emergency/disaster response activity or their representatives. In the case of multiple responding parties, the first party to respond shall provide the required notification, unless, upon mutual agreement of responding parties, another responder elects to assume this responsibility.

(b) Notification shall be submitted by mail, fax, telephone, e-mail or in person. If notification occurs by telephone, a hard copy of the notification shall be submitted by mail or in person within 7 days.

(c) Notification shall be furnished to the Planning Director, or the U.S. Forest Service for federal agency actions. If the Forest Service is the action agency, it shall provide notice to the Gorge Commission.

(d) At a minimum, the following information shall be required at the time of notification:

1. Nature of emergency/disaster event.

2. Description of emergency/disaster response activities and magnitude of response actions to be taken, if applicable (such as extent of earth movement, erection of structures, etc.).

3. Location of emergency/disaster response activities.

4. Estimated start and duration of emergency/disaster response activities.

5. Contact person and phone number for the parties conducting emergency/disaster response actions.

(e) Repair and maintenance of an existing serviceable structure to its previously authorized and undamaged condition are not subject to the above referenced notification requirements.

(2) Upon notification of an emergency/disaster response action, the Planning Director or the Forest Service shall, as soon as possible:

(a) Review their natural resource ~~inventory~~ data and notify the contact person for the emergency/disaster response actions of all ~~inventoried~~ natural resource sites, and their buffers, that are within or adjacent to the response area or that may be adversely affected by response activities;

(b) Notify the Oregon Department of Fish and Wildlife of all noticed emergency/disaster response actions, to provide that agency an opportunity to consult with responding agencies during the event, and;

(c) Notify the U.S. Forest Service (except when the U.S. Forest Service is the notifying agency), State Historic Preservation Office (SHPO), and the Tribal governments of all emergency/disaster response activities. The U.S. Forest Service will review their cultural

resource ~~inventory~~ data and notify the contact person for the emergency/disaster response action as soon as possible of all inventoried cultural resource sites, or their buffers, that are within, or adjacent to, emergency/disaster response areas.

(3) Upon notification of a response action, the U.S. Forest Service shall, as soon as possible, offer the services of a resource advisor to the agency(ies) conducting the response action. The resource advisor will provide on-site advice to minimize impacts to resources from emergency/disaster response actions.

(C) Post-Emergency/Disaster Response Site Review Application Requirements

(1) Within 30 days following notification, a post-emergency/disaster response application shall be submitted by the party conducting the response action to the Planning Director, or U.S. Forest Service for federal agency actions. In the case of an event with multiple responding parties, the agency providing initial notification as required herein shall submit the application. An exception to this may occur if another responding party, by mutual agreement with the other respondents, elects to submit the application. Requests to extend this submittal deadline may be made in writing and shall include the reason why an extension is necessary. Extensions shall not exceed 30 days in duration ~~and no more than two (2) extensions shall be granted~~.

(2) Post-emergency/disaster response applications shall only address development activities conducted during an emergency/disaster response. Applications shall specify if development placed during an emergency/disaster event is permanent or temporary. The terms "development activities" and "development" include the disposal of any soil materials associated with an emergency/disaster response action. Applicants shall be responsible for operations under their control and that of other responders, upon mutual agreement. Responders not agreeing to have another responder address their actions shall be responsible to submit an application for those actions.

(3) Emergency/disaster response actions not involving structural development or ground disturbance with mechanized equipment are exempt from these requirements, except for those actions within 500 feet of a known cultural resource (as determined in the notification process).

(4) Applications shall include the following information:

(a) Applicant's name and address.

(b) Location of emergency/disaster response.

(c) A written description of the emergency/disaster response, including any structures erected, excavation or other grading activities, or vegetation removal.

(d) A map of the project area drawn to scale, at a scale of 1"=200' or a scale providing greater detail. The map shall include:

1. North arrow and scale.

2. Boundaries, dimensions and size of subject parcel(s).

3. Topography at a contour interval sufficient to describe the terrain of the project site.

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4. Bodies of water, watercourses, and significant landforms.

5. Existing roads and structures.

6. New structures placed and any vegetation removal, excavation or grading resulting from the response actions.

(e) An exception to the scale requirements of subsection (4)(d) may be granted for an event encompassing an area greater than one square mile. In such cases, a clear sketch map of the entire response action area shall be provided. In addition, a map of 1"=200' or a scale providing greater detail shall be provided that shows a section of the response area exemplifying the specific actions taken.

(D) Post-Emergency/Disaster Response Site Review

All applications for post-emergency/disaster response Site Review shall be processed pursuant to the procedural provisions of MCC 38.0530 (B) and evaluated for compliance with the standards of MCC 38.7090 (E).

(E) Post-Emergency/Disaster Response Site Review Approval Criteria

Actions taken in all land use designations that are in response to an emergency/disaster event shall be reviewed for compliance with the following standards:

(1) Scenic Resources

(a) Impacts of emergency/disaster response actions shall be evaluated to ensure that scenic resources are not adversely affected. In the GMA, such actions shall be rendered visually subordinate in their landscape setting as ~~seen~~ visible from key viewing areas to the greatest extent practicable, except for actions located in the Corbett Rural Center zoning district. In the SMAs, such actions shall meet the scenic standard to the greatest extent practicable.

(b) Vegetation shall be used to screen or cover road cuts, structural development, landform alteration, and areas denuded of vegetation, as a result of emergency/disaster response actions.

(c) Areas denuded of vegetation as a result of emergency/disaster response actions shall be revegetated with native plant species to restore the affected areas to its pre-response condition to the greatest extent practicable. Revegetation shall occur as soon as practicable, but no later than one year after the emergency/disaster event. An exception to the one year requirement may be granted upon demonstration of just cause, with an extension of up to one year.

(d) The painting, staining or use of other materials on new structural development shall be used to ensure that the structures are non-reflective, or of low reflectivity, and visually subordinate in their landscape setting as ~~seen~~ visible from key viewing areas, unless the structure is fully screened from key viewing areas by existing topographic features.

(e) Additions to existing structures, resulting from ~~a~~ an emergency/disaster response action, which are smaller in total height, bulk or area than the existing structures may be the same

color as the existing development. Additions larger than the existing development shall be visually subordinate in their landscape setting as ~~seen~~ visible from key viewing areas to the greatest extent practicable.

(f) In the General Management Area, spoil materials associated with grading, excavation and slide debris removal activities in relation to an emergency/disaster response action, shall comply with the following standards:

1. The spoil materials shall either be:

a. Removed from the ~~NSA~~ National Scenic Area or

b. Deposited at a site within the ~~NSA~~ National Scenic Area where such deposition is, or can be, allowed, or

c. Contoured, to the greatest extent practicable, to retain the natural topography, or a topography which emulates that of the surrounding landscape.

2. The County shall decide whether an applicant removes the spoil materials (MCC 38.7090(E)(1)(f) 1.a.), deposits the spoil materials (MCC 38.7090(E)(1)(f) 1.b.), or contours the spoils materials (MCC 38.7090(E)(1)(f)1.c.) The applicant does not make this decision.

3. The County shall select the action in MCC 38.7090(E)(1)(f) 1. that, to the greatest extent practicable, best complies with the provisions in Chapter 38 that protect scenic, cultural, recreation, and natural resources.

4. Disposal sites created according to MCC 38.7090(E)(1)(f)1.b. shall only be used for spoil materials associated with an emergency/disaster response action. Spoil materials from routine road maintenance activities shall not be deposited at these sites.

(g) In the Special Management Areas, spoil materials associated with grading, excavation, and slide debris removal activities in relation to an emergency/disaster response action shall comply with the following standards:

1. The spoil materials shall either be:

a. Removed from the ~~NSA~~ National Scenic Area, or

b. Deposited at a site within the ~~NSA~~ National Scenic Area where such deposition is, or can be, allowed within two years of the emergency.

2. After the spoils materials are removed, the emergency disposal site shall be rehabilitated to meet the scenic standard.

3. All grading (i.e. contouring) shall be completed within 30 days after the spoils materials are removed.

4. Sites shall be replanted using native plants found in the landscape setting or ecoregion to the maximum extent practicable.

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5. All revegetation shall take place within one (1) year of the date an applicant completes the grading.

6. MCC 38.7090 (E) (1) (g) shall take effect on August 3, 2006, or approval of a disposal site, whichever comes first.

(2) Cultural Resources and Treaty Rights

(a) To the greatest extent practicable, emergency/disaster response actions shall not adversely affect cultural resources. Emergency/disaster response actions shall not affect or modify Tribal treaty rights.

(b) The ~~U.S.~~ Forest Service shall determine if a reconnaissance survey or historic survey is necessary within three days after receiving notice that a post-emergency land use application has been received by the Planning Director.

1. Reconnaissance surveys shall be conducted by the ~~U.S.~~ Forest Service and comply with the standards of MCC 38.7045 (D) (1) and (D)(2)(c).

2. Historic surveys shall be conducted by the ~~USDA~~ Forest Service and shall describe any adverse effects to historic resources resulting from an emergency/disaster response action. Historic surveys shall document the location, form, style, integrity, and physical condition of historic buildings and structures. Such surveys shall also include original photographs, if available, and maps, and should use archival research, blueprints, and drawings as necessary.

(c) Following the submittal of a post-emergency land use application, in addition to other public notice requirements that may exist, the Planning Director shall notify the ~~Tribal~~ governments of the four Columbia River treaty tribes when:

1. A reconnaissance survey is required, or

2. Cultural resources exist in the project area.

All such notices shall include a copy of the site plan required by MCC 38.7090 (C) (4) (d).

~~Tribal governments~~ The Columbia River treaty tribes shall have 15 calendar days from the date a notice is sent to submit written comments. Written comments should describe the nature and extent of any cultural resources that exist in the project area or treaty rights that exist in the project area and how they have been affected, and identify individuals with specific knowledge about them. The Planning Director shall send a copy of all comments to the Gorge Commission.

(d) When written comments are submitted in compliance with (C) (2) above, the project applicant shall offer to meet within five calendar days with the interested persons. The five day consultation period may be extended upon agreement between the project applicant and the interested persons. A report shall be prepared by the Planning Director following the consultation meeting. Consultation meetings and reports shall comply with the standards of MCC 38.7045 (C) (1) and (2) and 38.0110 ~~(A)(1) and (2)~~.

(e) If cultural resources are discovered within the area disturbed by emergency response actions, the project applicant shall have a qualified professional conduct a survey to gather enough information to evaluate the significance of the cultural resources and what effects the action had on such resources. The survey and evaluation shall be documented in a report that follows the standards of MCC 38.7045 (D) (2)(c) and, (F).

(f) A mitigation plan shall be prepared by the project applicant if the affected cultural resources are significant. The mitigation plan shall be prepared according to the information, consultation, and report standards of MCC 38.7045 (J).

(g) The Planning Director shall submit a copy of all reconnaissance and historic survey reports and treaty rights protection plans to the SHPO and the ~~Tribal~~ governments of the four Columbia River treaty tribes. Survey reports shall include measures to mitigate adverse effects to cultural resources resulting from emergency/disaster response actions. The SHPO and ~~Tribal~~ governments of the four Columbia River treaty tribes shall have 15 calendar days from the date a survey report is mailed to submit written comments to the Planning Director. The Director shall record and address all written comments in the Site Review decision.

(h) The Planning Director shall make a final decision on whether the emergency/disaster response actions are consistent with the applicable cultural resource goals, policies, and guidelines. If the final decision contradicts the comments submitted by the SHPO, or those submitted by a Tribal government regarding treaty rights, the Director shall justify how an opposing conclusion was reached.

(i) The cultural resource protection process may conclude when it has been determined that Tribal treaty rights have not been affected and one of the following conditions exists:

1. The emergency/disaster response does not require a reconnaissance or historic survey, or a reconnaissance survey demonstrates that no cultural resources are known to exist in the project area, and no substantiated concerns were voiced by interested persons within 15 calendar days of the date that a notice was mailed.

2. The emergency/disaster response action avoided cultural resources that exist in the project area.

3. Adequate mitigation measures to affected cultural resources have been developed and will be implemented.

4. A historic survey demonstrates that emergency/disaster response actions, and associated development, had no effect on historic buildings or structures because:

a. The SHPO concluded that the historic buildings or structures are clearly not eligible, as determined by using the criteria in the *National Register Criteria for Evaluation (36 CFR 60.4)*, or

b. The emergency/disaster response actions did not compromise the historic or architectural character of the affected buildings or structures, or compromise features of the site that are important in defining the overall historic character of the affected buildings or structures, as determined by the guidelines and standards

in The Secretary of the Interior's *Standards for Rehabilitation [U.S. Department of the Interior 1990]* and The Secretary of the Interior's *Standards for Historic Preservation Projects [U.S. Department of the Interior 1983]*.

(3) Natural Resources

(a) To the greatest extent practicable, emergency/disaster response actions shall not adversely affect natural resources.

(b) Buffer zones for ~~wetlands, streams, ponds, riparian areas~~ water resources, Priority Habitats or sensitive wildlife sites ~~or areas~~, and sites containing rare plants, shall be the same as those established in ~~MCC .7060(F)~~ MCC 38.7053.

1. ~~Wetlands, Streams, Ponds, Lakes, Riparian Areas~~ Water Resources

a. Emergency/disaster response actions occurring within a water resources buffer zone ~~of wetlands, streams, pond, lakes or riparian areas~~ shall be reviewed by the Oregon Department of Fish and Wildlife. These areas are also referred to in this section as aquatic areas. State biologists will help determine if emergency/disaster response actions have affected or have a potential to affect these aquatic areas or their buffer zones. ~~State biologists shall respond within 15 days of the date the application is mailed.~~

b. When emergency/disaster response activities occur within ~~wetlands, streams, ponds, lakes, riparian areas, or the~~ water resources or their buffer zones ~~of these areas~~, the applicant shall demonstrate the following:

1) All reasonable measures have been applied to ensure that the response actions have resulted in the minimum feasible alteration or destruction of the functions, existing contours, vegetation, fish and wildlife resources, and hydrology of wetlands, streams, ponds, lakes, or riparian areas.

2) Areas disturbed by response activities and associated development will be rehabilitated to the maximum extent practicable.

c. Impacts to ~~wetlands, streams, ponds, lakes, and riparian areas,~~ water resources and their buffers will be offset through mitigation and restoration to the greatest extent practicable. Mitigation and restoration efforts shall use native vegetation, and restore natural functions, contours, vegetation patterns, hydrology and fish and wildlife resources to the maximum extent practicable.

d. If the Planning Director, in consultation with the Oregon Department of Fish and Wildlife, determines that the emergency/disaster response actions had minor effects on the ~~aquatic area~~ water resource or its buffer zone that could be eliminated with simple modifications, a letter shall be sent to the project applicant that describes the effects and measures that need to be taken to eliminate them. The state biologist~~,~~ or a Forest Service natural resource advisor (as available) in consultation with the state biologist, shall visit the site in order to make this determination. If the project applicant accepts these recommendations, the

Planning Director shall incorporate them into the Site Review decision and the aquatic area protection process may conclude.

e. Unless addressed through d. above, mitigation and restoration efforts shall be delineated in a ~~Rehabilitation Plan~~ Water Resources Mitigation Plan. Water Resources Mitigation ~~Rehabilitation~~ Plans shall satisfy the applicable standards of ~~MCC .7060(F)(1) and (2)~~ MCC 38.7053. Water Resources Mitigation ~~Rehabilitation~~ Plans shall also satisfy the following:

1) Plans shall include a plan view and cross-sectional drawing at a scale that adequately depicts site rehabilitation efforts. Plans will illustrate final site topographic contours that emulate the surrounding natural landscape.

2) Planting plans shall be included that specify native plant species to be used, specimen quantities, and plant locations.

3) The project applicant shall be responsible for the successful rehabilitation of all areas disturbed by emergency/disaster response activities.

2. *Wildlife Habitat*

a. Emergency/disaster response actions occurring within 1,000 feet of a ~~sensitive wildlife area or~~ Priority Habitat or sensitive wildlife site~~,~~ shall be reviewed by the Oregon Department of Fish and Wildlife. State wildlife biologists will help determine if emergency/disaster response actions have affected or have a potential to affect a ~~sensitive wildlife area or~~ Priority Habitat or sensitive wildlife site.

b. Site plans for emergency/disaster response sites shall be submitted by the Planning Director to the Oregon Department of Fish and Wildlife for review as required by MCC 38.7065 (C) (1) and (2). ~~The department shall respond within 15 days of the date the application is mailed.~~

c. The wildlife protection process may terminate if the Planning Director, in consultation with the Oregon Department of Fish and Wildlife, determines:

1) The ~~sensitive wildlife area or~~ Priority Habitat or sensitive wildlife site was not active, or

2) The emergency/disaster response did not compromise the integrity of the ~~wildlife area or~~ Priority Habitat or sensitive wildlife site or occurred at a time when wildlife species are not sensitive to disturbance.

d. If the Planning Director, in consultation with the Oregon Department of Fish and Wildlife, determines that the emergency/disaster response activities had minor effects on the ~~wildlife area or~~ Priority Habitat or sensitive wildlife site that could be eliminated with simple modifications, a letter shall be sent to the project applicant that describes the effects and measures that need to be taken to eliminate them. The state wildlife biologist, or a U.S. Forest Service natural resource advisor (as available) in consultation with the state wildlife biologist, shall visit the site in order to make this determination. If the project applicant accepts these

recommendations, the Planning Director shall incorporate them into the Site Review decision and the wildlife protection process may conclude.

e. If the Planning Director, in consultation with the Oregon Department of Fish and Wildlife, determines that the emergency/disaster response activities had adverse effects on a ~~sensitive wildlife area or~~ Priority Habitat or sensitive wildlife site, the project applicant shall prepare a Wildlife ~~Management~~ Mitigation Plan. Wildlife Management Plans shall satisfy the standards of MCC 38.7065(D). Upon completion of the Wildlife Management Plan, the Planning Director shall:

1) Submit a copy of the Wildlife ~~Management~~ Mitigation Plan to the Oregon Department of Fish and Wildlife for review. The department will have 15 days from the date that a management plan is mailed to submit written comments to the Planning Director;

2) Record any written comments submitted by the Oregon Department of Fish and Wildlife in the Site Review decision. Based on these comments, the Planning Director shall make a final decision on whether the proposed use would be consistent with the wildlife policies and guidelines. If the final decision contradicts the comments submitted by the Oregon Department of Fish and Wildlife, the Director shall justify how an opposing conclusion was reached.

3) Require the project applicant to revise the wildlife ~~management~~ Mitigation plan as necessary to ensure that the proposed use would not adversely affect a ~~sensitive wildlife area or~~ Priority Habitat or sensitive wildlife site.

3. *Deer and Elk Winter Range*

Any fencing permanently erected within deer and elk winter range, as a result of an emergency/disaster response, shall satisfy the standards of MCC 38.7065 (E).

4. *Rare Plants*

a. Emergency/disaster response actions occurring within 1,000 feet of a ~~sensitive~~ rare plant, shall be reviewed by the Oregon ~~Natural Heritage Program~~ Biodiversity Information Center. State heritage staff will help determine if emergency/disaster response actions have occurred within the buffer zone of a rare plant.

b. Site plans for emergency/disaster response sites shall be submitted to the Oregon ~~Natural Heritage Program~~ Biodiversity Information Center by the Planning Director. State ~~natural heritage~~ Biodiversity Information Center staff will, within 15 days from the date the ~~application~~ Rare Plant Mitigation Plan is mailed, identify the location of the affected plants and delineate a 200 foot buffer zone on the applicant's site plan.

c. The rare plant protection process may conclude if the Planning Director, in consultation with the Oregon ~~Natural Heritage Program~~ Biodiversity Information Center, determines that emergency/disaster response activities occurred outside of a rare plant buffer zone.

d. If the Planning Director, in consultation with the Oregon ~~Natural Heritage Program~~ Biodiversity Information Center, determines that the emergency/disaster response activities had minor effects on rare plants or the rare plant buffer zone, a letter shall be sent to the project applicant that describes the effects and measures that need to be taken to eliminate them. The state ~~natural heritage~~ Biodiversity Information Center staff, or a Forest Service natural resources advisor (as available) in consultation with the state ~~natural heritage~~ Biodiversity Information Center staff, shall visit the site in order to make this determination. If the project applicant accepts these recommendations, the Planning Director shall incorporate them into the Site Review decision and the rare plant protection process may conclude.

e. If emergency/disaster response activities occurred within a rare plant buffer zone that had adverse ~~affects~~ effects on rare plants or their buffer zone, the project applicant shall prepare a ~~protection and rehabilitation plan~~ Rare Plant Mitigation Plan, that meets the standards of MCC 38.7070 (D).

f. The Planning Director shall submit a copy of all ~~protection and rehabilitation plans~~ Rare Plant Mitigation Plans to the Oregon ~~Natural Heritage Program~~ Biodiversity Information Center for review. The state ~~natural heritage~~ Biodiversity Information Center program will have 15 days from the date the ~~protection and rehabilitation plan~~ Rare Plant Mitigation Plan is mailed to submit written comments to the Planning Director.

g. The Planning Director shall record any written comments submitted by the Oregon ~~Natural Heritage Program~~ Biodiversity Information Center in the Site Review decision. Based on these comments, the Director shall make a final decision on whether the proposed use would be consistent with the rare plant policies and guidelines. If the final decision contradicts the comments submitted by the Oregon ~~Natural Heritage Program~~ Biodiversity Information Center, the Director shall justify how an opposing conclusion was reached.

h. The Planning Director shall require the project applicant to revise the ~~protection and rehabilitation plan~~ Rare Plant Mitigation Plan as necessary to ensure that the proposed use would not adversely affect a rare plant site.

(4) Recreational Resources

(a) To the greatest extent practicable, emergency/disaster response actions shall not adversely affect recreational resources.

(b) Mitigation measures shall be implemented to mitigate any adverse effects on existing recreation resources caused by emergency/disaster response activities to the maximum extent practicable.

(Ord. 1270, Amended, 03/14/2019; Ord. 1125, Amended, 12/11/2008; Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 994, Amended, 09/26/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7100 EXPEDITED DEVELOPMENT REVIEW CRITERIA

(A) Proposed development~~s~~ reviewed using the expedited review process shall comply with the following resource protection guidelines:

(1) Scenic

(a) In the General Management Area, the scenic resource protection provisions MCC 38.7100 (A)(1)(b) through (f) shall not apply to woven-wire fences for agricultural use that would enclose 80 acres or less.

(b) Except signs, the colors of structures topographically 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~~ approved by the reviewing agency shall be included as a condition of approval. This guideline shall not apply to additions to existing buildings smaller in total square area than the existing building, which may be the same color as the existing building ~~match the color of existing buildings~~.

(c) Except signs, structures topographically visible from key viewing areas shall use low or non-reflective building materials, including roofing, gutters, vents, and chimneys.

(d) ~~Outdoor lights~~ Any exterior lighting shall be directed downward and sited, limited to no more than 1,000 lumens per fixture, hooded, and shielded ~~such that they are not highly visible from key viewing areas~~ 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.

Staff Note: The new language above in blue implements the "limited in intensity" guideline in the Management Plan by establishing a maximum output (lumens) threshold for each outdoor lighting bulb considered through the Expedited process. Research suggests lumens (light output) is the more appropriate regulatory metric as compared to watts (energy input) given the potential impact being regulated is light brightness and not energy used. Additionally, watts can vary greatly depending on the lighting technology. In staff's opinion, Lumens are to light what pounds are to meat and gallons are to milk.

THE PRPOPOSED THRESHOLD WAS CHOSEN AFTER STAFF REVIEWED ON-LINE INFORMATION RELATED TO COMMON LIGHTING INTENSITY, AND WITH A POLICY INTENT TO PROVIDE FOR LOW TO MID-INTENSITY SECURITY FLOODLIGHTS THROUGH EXPEDITED REVIEW. ONLINE INFORMATION RESEARCHED IS REFERENCED BELOW.

https://gamasonic.com/how-many-lumens-do-you-need-for-outdoor-lighting/

LED Outdoor Light	Recommended LED Lumens
Security Floodlights	700-1300
Shed Lights	150-300
Lamp Posts	120-180
Landscape Spotlights	120
Outdoor Path Lighting	100

https://www.homedepot.com/c/ab/how-many-lumens-needed-for-outdoor-lighting/9ba683603be9fa5395fab90170e343cd

Below is a list of recommended LED lumens for specific outdoor lighting:

Step lights: 12-100 lumens
Hardscape lights (on walls): 50-185 lumens
Landscape lights: 50-300 lumens
Path lights: 100-200 lumens
Landscape spotlights: 120 lumens
Lamp posts: 120-180 lumens
Pond/pool lights: 200-400 lumens
Motion sensor lights: 300-700 lumens
Flood lights: 700-1300 lumens

https://www.homedepot.com/c/ab/light-bulb-brightness/9ba683603be9fa5395fab9014959566a

LUMENS TO WATTS CONVERSION CHART

BRIGHTNESS IN LUMENS	220+	400+	700+	900+	1300+
INCANDESCENT	25 W	40 W	60 W	75 W	100 W
HALOGEN	18 W	28 W	42 W	53 W	70 W
CFL	6 W	9 W	12 W	15 W	20 W
LED	4 W	6 W	10 W	13 W	18 W

(e) Signs shall comply with the applicable sign provisions of MCC 38.0080.

(f) Structures within ½-mile of a key viewing area and topographically visible from the key viewing area shall be sited, screened and~~/or~~ designed to achieve the applicable scenic standard (e.g., visual subordinance, not visually evident).

(2) Cultural

(a) The expedited development review process shall only be used to review proposed development that does not require a reconnaissance survey or historic survey. The GMA Cultural Resources Reconnaissance Survey Criteria in MCC 38.7045(A)~~(1), (2), and (3)~~ (1)-(4) shall be used to determine if a reconnaissance ~~and/~~or historic survey is required for a proposed development.

Commented [AB33]: This amendment adding reference to (4) is required to align county code with a Management Plan requirement that a historic survey is required for certain proposals that alter a building or structure 50-years old or older, regardless of whether a historic survey had previously been conducted.

(S-LU-2 2009)

(b) The GMA provisions that protect cultural resources in MCC 38.7045(L) and human remains discovered during construction in MCC 38.7045(M) shall be applied as conditions of approval for all development approved under the expedited development review process.

(3) Recreation

The development shall not detract from the use and enjoyment of established recreation sites on adjacent parcels.

(4) Natural

(a) Water Resources (Wetlands, Streams, ~~Rivers,~~ Ponds, ~~and~~ Lakes, and Riparian Areas)

The development is outside water resources and their buffer ~~zones for wetlands, streams, rivers, ponds, and lakes~~. This guideline shall not apply to lot line adjustments or development located inside road, utility or railroad rights-of-way or easements that have been previously disturbed and regularly maintained.

(b) Sensitive Wildlife and ~~Sensitive~~ Rare Plants

1. The development meets one of the following:

a. The development is at least 1,000 feet from known Priority Habitats or sensitive wildlife ~~areas or~~ sites (excluding sensitive aquatic species, and deer and elk winter range~~, and turkey habitat~~) and known ~~sensitive~~ rare plants; or

b. The development does not disturb the ground or is inside road, utility or railroad rights-of-way or easements or other areas that have been previously disturbed and regularly maintained; or

c. For sensitive wildlife, the development is within 1,000 feet of known Priority Habitats or sensitive wildlife ~~areas or~~ sites (excluding sensitive aquatic species, and deer and elk winter range ~~and turkey habitat~~), but an appropriate federal or state wildlife agency determines:

1) the Priority Habitat or sensitive wildlife ~~area or~~ site is not active; or.

2) the proposed development would not compromise the integrity of the Priority Habitat or sensitive wildlife ~~area or~~ site or occur during the time of the year when wildlife species are sensitive to disturbance.

For ~~sensitive~~ rare plants, the development is within 1,000 feet of known ~~sensitive~~ rare plants, but the Oregon Biodiversity Information Center ~~Natural Heritage Program~~ or a person with recognized expertise in botany or plant ecology hired by the applicant has determined that the development would be at least 200 feet from the ~~sensitive~~ rare plants.

2. Development eligible for expedited review shall be exempt from the field surveys for sensitive wildlife in MCC 38.7065 (A) or ~~sensitive~~ rare plants in MCC 38.7070 (A).

(B) Proposed developments reviewed using the expedited review process shall comply with the following treaty rights protection guidelines:

(1) Proposed developments shall not adversely affect treaty or other rights of any Indian tribe.

(2) The expedited development review process shall cease and the proposed development shall be reviewed using the full development review process if a tribal government an Indian tribe submits substantive written comments during the comment period that identify the treaty rights that exist in the project vicinity and explain how they would be affected or modified by the proposed development.

(3) Except as provided in MCC 38.7100(B)(2) above, the GMA and SMA treaty rights, and the consultation process discussed in MCC 38.0110 shall not apply to proposed developments reviewed under the expedited review process.

(C) Renewable energy production qualifying for Expedited Review is subject to the applicable provisions of 38.7390.

(Ord. 1125, Amended, 12/11/2008; Ord. 1064, Add, 06/23/2005)

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PART 7 - SPECIAL USES

APPROVAL CRITERIA AND SUBMITTAL REQUIREMENTS

(Ord. 1064, Add, 06/23/2005)

§ 38.7300- REVIEW AND CONDITIONAL USES

(A) Agriculture

(1) The use is compatible with agricultural uses and would not force a change in or significantly increase the cost of accepted agricultural practices on nearby lands devoted to agricultural use; and

(2) The use will be sited to minimize the loss of land suitable for the production of crops or livestock.

(B) Forestry

(1) The owners of land designated GGF or GGA within 500 feet of the perimeter of the subject parcel have been notified of the land use application and have been given at least 10 days to comment prior to a final decision;

(2) The use will not interfere seriously with accepted forest or agricultural practices on nearby lands devoted to resource use;

(3) The use will be sited in such a way as to minimize the loss of forest or agricultural land and to minimize the chance of interference with accepted forest or agricultural practices on nearby lands; and

(4) The use will not significantly increase fire hazard, fire suppression costs or risks to fire suppression personnel and will comply with MCC 38.7305.

(C) Residential

(1) The proposed use would be compatible with the surrounding area. Review of compatibility shall include impacts associated with the visual character of the area, traffic generation, effects of noise, dust and odors.

(2) The proposed use will not require public services other than those existing or approved for the area.

(3) If the subject parcel is located within 500 feet of lands designated GGA or GGF, new buildings associated with the proposed use shall comply with MCC 38.0060.

(4) If the subject parcel is located within 500 feet of lands designated GGF, new buildings associated with the proposed use shall comply with MCC 38.7305.

(D) Commercial

(1) The proposal is limited to 5,000 square feet of floor area per building or use. This size limitation does not apply for a building or use authorized through the Special Uses in Historic Buildings provisions of 38.7380; and

(2) The proposed use would be compatible with the surrounding areas including review for impacts associated with the visual character of the area, traffic generation and the effects of noise, dust and odors.

(E) Non-Recreation Uses in GG– PR

(1) The proposed use will not interfere with existing or approved public recreation uses on the subject property or adjacent lands. Mitigation measures to comply with this criterion may include onsite buffers, seasonal or temporary closures during peak recreation use periods, *etc*.

(2) The proposed use will not permanently commit the majority of the site to a non-recreational use. Careful siting and design of structure and other improvements may be utilized to comply with this criterion.

(3) Land divisions may be allowed upon a demonstration that the proposed land division is necessary to facilitate, enhance or otherwise improve recreational uses on the site.

(F) Non-Recreation Uses in GG– CR

(1) The proposed use will not interfere with existing or approved commercial recreation uses on the subject property or adjacent lands. Mitigation measures to comply with this criterion may include onsite buffers, seasonal or temporary closures during peak recreation use periods, *etc*.

(2) The proposed use will not permanently commit the majority of the site to a non-recreational use. Careful siting and design of structure and other improvements may be utilized to comply with this criterion.

(3) Land divisions may be allowed upon a demonstration that the proposed land division is necessary to facilitate, enhance or otherwise improve recreational uses on the site.

(Ord. 1270, Amended, 03/14/2019; Ord. 1179, Amended, 04/21/2011; Ord. 1064, Renum38.0075, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7305 FIRE PROTECTION IN FOREST ZONES

(A) All buildings and structural projections such as porches, balconies and decks shall be set back at least 50 feet from slopes exceeding 30 percent grade (excluding slopes located uphill of the building) to minimize the risks associated with wildfire, unless the County approves an alternative pursuant to (A)(1).

(1) An alternative setback may be required and approved by the County if the local fire district, or the building official when there is no such fire service provider, has provided a recommendation stating that an alternative setback (whether greater than or less than 50 feet) is either necessary or sufficient to minimize risks associated with wildfire.

(~~A~~B) All buildings and structural projections such as porches, balconies and decks shall be surrounded by a maintained defensible space fuel break of at least 50 feet to minimize the risks

(S-2 2009)

Commented [AB34]: This addition provides a helpful cross reference to a scenario exempt from this floor area limitation for certain commercial uses.

Commented [AB35]: The Management Plan amendments included general and discretionary fire protection guidelines in bold below which required code development to implement.

"Approval Criteria for Siting of Dwellings on Forest Land".....&..... "Approval Criteria for Fire Protection":
- ***Dwellings should be set back from slopes***
- ***Structural projections shall be set back from slopes.***
- ***Fuel breaks shall be adjusted to account for site slope, to protect riparian vegetation and other resources, or as recommended by local fire districts, conservation districts, or other professional.***

Commented [AB36]: The setback from slope requirement was mirrored after current Wasco County fire protection slope setback requirements in NSA. The setback is intended to provide room for emergency responder access around all sides of a building for firefighting and helps move a building away from what is often the hottest side of fast moving flames rising up a slope.

Commented [AB37]: The local fire district, or building official if applicable, would rely on adopted building codes and fire codes to consider any alternative means and methods deemed adequate when considering an alternative setback. Such means and methods could include, but are not limited to, requirements that non-combustible materials, tempered glass and/or fire rated doors be used.

associated with wildfire, unless the County approves an alternative pursuant to (B)(2) or (B)(3) below. Hazardous fuels shall be removed within the defensible space fuel break area. Irrigated or fire resistant vegetation may be planted within the defensible space fuel break. This could include green lawns and low shrubs (less than 24 inches in height). Trees should be spaced greater than 15 feet between the crowns and pruned to remove dead and low (less than 8 feet) branches. Accumulated leaves, needles, and other dead vegetation shall be removed from beneath trees.

(1) The defensible space fuel break shall be extended farther down the slope pursuant to the slope requirements below to minimize the risks associated with wildfire, unless the County approves an alternative pursuant to (B)(2) or (B)(3).

Percent Slope	Distance In Feet
Less than 10	No additional required
Less than 20	30 additional
Less than 25	55 additional
Less than 40	80 additional

(2) An alternative defensible space fuel break, including an alternative defensible space fuel break extension, may be required and approved by the County if the local fire district, or the building official when there is no such fire service provider, has provided a recommendation stating that an alternative defensible space fuel break (whether greater than or less than the requirement) is either necessary or sufficient to minimize risks associated with wildfire; or

(3) An alternative defensible space fuel break, including an alternative defensible space fuel break extension, may be required and approved by the County if the County finds such alternative (whether greater than or less than the requirement) is necessary to protect riparian vegetation required to be preserved by any provision within MCC Chapter 38, or any relevant development standard of MCC Chapter 39 as provided for in MCC 38.0010.

(~~B~~C) Buildings with plumbed water systems shall install at least one standpipe a minimum of 50 feet from the structure. Required standpipes shall utilize a 1-inch NHSP hose connection, unless some other connection specification or design is requested by the local fire district.

(~~C~~D) For properties located outside of a fire district, a pond, stream, tank or sump with storage of not less than 1,000 gallons, or a well or water system capable of delivering 20 gallons per minute shall be provided. If a well pump is located on-site, the electrical service for the well pump shall be ~~separate~~ separated at least 30 feet from ~~the dwelling~~ any building.

(~~D~~E) Access drives shall be constructed to a minimum of 12 feet in width and not exceed a grade of 12 percent. Turnouts shall be provided at a minimum of every 500 feet and at the building site. Access drives shall be maintained to a level that is passable to fire equipment. Variances to road standards may be made only after consultation with the local rural fire district and the Oregon Department of Forestry.

(~~E~~F) Within one year of the occupancy of a dwelling, the Planning Director shall conduct a review of the development to assure compliance with these standards.

(~~F~~G) ~~Telephone and power~~ Utility supply systems shall be underground whenever possible.

Commented [AB38]: This defensible space table mirrors the requirements on Multnomah County forest lands outside the NSA (chapter 39 zoning code), but adjusted down 20-feet in the NSA for each distance provided given primary fire zone is currently 50-feet in NSA and 30-feet outside NSA. The end result in the extent of the defensible space fuel breaks is the same inside and outside of the NSA.

Commented [AB39]: The local fire district, or building official if applicable, would rely on adopted building codes and fire codes to consider any alternative means and methods deemed adequate when considering an alternative defensible space fuel break. Such means and methods could include, but are not limited to, requirements that non-combustible materials, tempered glass and/or fire rated doors be used.

(~~G~~H) Roofs of structures ~~should~~ shall be constructed of fire-resistant materials such as metal, fiberglass, or asphalt shingle or tile. Roof materials such as cedar shake and shingle ~~should~~ shall not be used.

(~~H~~I) Any chimney or stovepipe on any structure for use with a woodstove or fireplace should be equipped with a spark arrestor that includes as least one screen~~ed~~ with no coarser than ~~1/4~~ 1/8 inch mesh metal screen that is noncombustible and corrosion resistant and should be equipped with a spark arrestor.

(~~I~~J) All structural projections such as balconies, decks and roof gables should be built with fire resistant materials equivalent to that specified in the ~~Uniform~~ International Building Code.

(~~J~~k) Attic openings, soffit vents, foundation louvers or other ventilation openings on dwellings and accessory structures should be screened with no coarser than ~~1/4~~ 1/8 inch mesh metal screen that is noncombustible and corrosion resistant.

(Ord. 1064, Renum&Amd38.0085, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7310 SPECIFIC USES

Uses identified in MCC 38.2025 (A) (17); MCC 38.2030 (A) ~~(5), (6) and (7)~~ (4), (5) and (6); and MCC 38.2030 (B) (8) may be allowed only if they meet all of the following criteria:

(A) The owners of land designated GGF-20, GGF-40, GGA-20 or GGA-40 within 500 feet of the perimeter of the subject parcel have been notified of the land use application and have been given at least 10 days to comment prior to a final decision;

(B) The use will not interfere seriously with accepted forest or agricultural practices on nearby lands devoted to resource use;

(C) The use will be sited in such a way as to minimize the loss of forest or agricultural land and to minimize the chance of interference with accepted forest or agricultural practices on nearby lands; and

(D) The use will not significantly increase fire hazard, fire suppression costs or risks to fire suppression personnel and will comply with MCC 38.7305.

(Ord. 1064, Renum&Amd38.0090, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7315 SITING OF DWELLINGS AND ACCESSORY STRUCTURES ON FOREST LAND

Commented [AB40]: Clarifying in the section title that some standards below apply to accessory structures as referenced in introductory sentence.

The approval of new dwellings and accessory structures on forest lands shall comply with the following standards:

(A) The dwelling and structures shall be sited on the parcel so that they will have the least impact on nearby or adjoining forest operations. Dwellings shall be set back at least 200 feet from adjacent properties unless locating the proposed development closer to existing development on adjacent lands would minimize impacts on nearby or adjacent forest operations;

(B) The amount of forest land used to site dwellings, structures, access roads and service corridors shall be minimized. The dwelling shall be located on that portion of the lot having the lowest productivity characteristics for the proposed primary use, subject to the limitations of subsection (A), above; and

(C) Dwellings shall be located to minimize the risks associated with fire. Dwellings should be located on gentle slopes and in any case not on slopes which exceed ~~40~~ 30 percent. Narrow canyons and draws should be avoided. Dwellings should be located to minimize the difficulty in gaining access to the structure in the case of fire. Dwellings should be located to make the access roads as short and flat as possible.

(D) A variance to the siting standards of this subsection may be granted pursuant to the provisions of MCC 38.0065.

(Ord. 1064, Renum&Amd38.0095, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7320 TEMPORARY HEALTH HARDSHIP DWELLING

(A) The purpose of the Temporary Health Hardship Permit is to allow the convenient provision of supervision and/or assistance with daily care to a person or persons with a demonstrated health hardship by allowing the placement of one temporary dwelling on a parcel with a single-family dwelling on a renewable term. This use is temporary in nature and shall not increase the residential density on the subject property.

(B) The Planning Director may grant a Temporary Health Hardship Permit to allow occupancy of a temporary dwelling on a parcel in conjunction with a single-family dwelling allowed in the base zone based on the following findings:

(1) The person with the health hardship is either one of the property owners or is a relative of one of the property owners occupying the principal dwelling. For the purposes of this section a relative is defined as a grandparent, grandchild, parent, child, brother or sister, wife, husband, brother-in-law, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, first cousin, stepparent, stepchild, step-grandparent, or step-grandchild either by blood or legal relationship.

(2) For each person with a health hardship, a written statement by a licensed physician dated within 90 days of submittal of the initial application, verifying the following information:

(a) The person identified in the application has a health hardship as defined in MCC ~~38.0005~~38.0015;

(b) The person needs supervision and/or assistance with daily care as that term is defined in MCC ~~38.0005~~38.0015; and

(c) The proposed care provider is capable of providing the necessary supervision and/or assistance with daily care needed by the person with the health hardship.

(3) Each proposed care provider shall provide a written statement dated within 90 days of submittal of the initial application that the provider understands the physician's determination

of the extent of daily care required and is capable of providing and will provide the necessary supervision and/or assistance during implementation of the Temporary Health Hardship Permit.

(4) The following criteria are satisfied:

(a) The temporary dwelling shall be either a ~~mobile~~ manufactured home, a tiny house on a trailer, ~~or~~ park-model recreational vehicle, or similar structure.

(b) The temporary dwelling shall be located within 100 feet of the single-family dwelling on the subject parcel, unless a variance pursuant to MCC 38.7600 through 38.7605 is approved. This distance shall be measured from the closest portion of each building.

(c) The temporary dwelling shall be connected to the same utilities (on-site sewage disposal, power main, well/water meter) as the single-family dwelling. In addition, the temporary dwelling shall be accessed by the same driveway entrance as the single-family dwelling, although the driveway may be extended.

(d) The temporary dwelling will not require any attached or detached accessory structures other than wheelchair ramps to accommodate the care needs of the proposed occupant.

(e) The temporary dwelling shall not require a permanent foundation.

(C) Prior to installation of the temporary dwelling on the site, the property owner shall:

(1) Obtain the necessary permits to place the temporary dwelling on the site and connect utilities.

(2) The property owner shall record a covenant that states the dwelling is temporary and must be removed as set forth in (G) below and that the Temporary Health Hardship Permit is not transferable to another party.

(D) Expiration of the Temporary Health Hardship Permit. The Temporary Health Hardship Permit expires automatically one year after the date of final approval unless an extension is approved as set forth in (E) below,

(E) Extension of the Temporary Health Hardship Permit. The expiration date of a Temporary Health Hardship Permit may be extended upon satisfaction of the requirements in (B)(1) through (4) above. More than one extension may be granted, but each extension is limited to a one-year period from the date the permit would have otherwise expired. To obtain an extension, the property owner shall use the forms provided by the Planning Director and shall submit the application at least 30 days prior to expiration of the permit. Upon approval of an extension, the Planning Director shall mail notification to the property owners that are contiguous to the subject parcel.

(F) Occupancy of the Temporary Dwelling. Occupancy of the temporary dwelling may occur only while the person or persons for which the Temporary Health Hardship Permit was granted lives on the property.

(G) Removal of Temporary Dwelling. The temporary dwelling shall be removed and utility and septic connections shall be terminated within 30 days of expiration of the Temporary Health Hardship Permit ~~of~~ or end of the health hardship or the provision of supervision or assistance with daily care.

(Ord. 1186, Amended, 10/13/2011; Ord. 1064, Add, 06/23/2005)

§ 38.7325 PRIVATE DOCKS AND BOATHOUSES

New docks and boathouses shall be consistent with applicable standards for protection of scenic, cultural, natural and recreation resources.

(A) New private docks and boathouses serving only one family and one property ~~shall~~ may be allowed up ~~be limited~~ to a maximum of 120 square feet in size.

(B) New private docks and boathouses serving more than one family and property ~~shall~~ may be allowed up ~~be limited~~ to a maximum of 200 square feet in size.

(C) Public docks open and available for public use ~~shall~~ may be allowed.

(D) Boathouses may be allowed under 38.7325 (A) and (B) only when accessory to a dwelling and associated with a navigable river or lake.

(Ord. 1064, Add, 06/23/2005)

§ 38.7330 HOME OCCUPATIONS ~~AND COTTAGE INDUSTRIES~~

Home occupations ~~and cottage industries~~ may be established as authorized in various districts consistent with the following:

(A) ~~A home occupation may~~ May employ ~~only~~ the residents of the home and up to three outside employees.

~~(B) A cottage industry may employ up to three outside employees.~~

(B)~~(C)~~ No more than 25 percent of the total actual living space of the dwelling may be utilized for the home occupation ~~or cottage industry~~.

(C)~~(D)~~ No more than 500 square feet of an accessory structure may be utilized for a home occupation ~~or cottage industry~~.

(D)~~(E)~~ There shall be no outside, visible evidence of the home occupation ~~or cottage industry~~, including outside storage.

(E)~~(F)~~ Exterior structural alterations to the residence for the home occupation ~~or cottage industry~~ shall not be permitted. New structures shall not be constructed for the primary purpose of housing a home occupation ~~or cottage industry~~.

(F)~~(G)~~ No retail sales may occur on the premises~~, except incidental sales at lodging authorized establishments~~.

(G)(~~H)~~ One non-animated, non-illuminated sign, not exceeding 2 square feet in area may be permitted on the subject structure or within the yard containing the home occupation ~~or cottage industry~~.

(H)~~(I)~~ Parking not associated with residential use shall be screened so it is not visible from Key Viewing Areas.

(I)~~(J)~~ A bed and breakfast lodging establishment which is two bedrooms or less is considered a home occupation and shall meet the standards of MCC 38.7335.

(J)~~(K)~~ Each approval issued by the approval authority shall be specific for the particular home occupation ~~or cottage industry~~ and reference the business operator, description of the business operation on and off-site, the hours of operation, frequency and type of deliveries, and any other specific information needed to define the particular application.

(K)~~(L)~~ Notwithstanding the transfer of approval rights in MCC 38.0770, approval of a home occupation ~~or cottage industry~~ does not run with the land and is not transferred with ownership of the land. Approval of a home occupation ~~or cottage industry~~ is personal to the business operator and specific to the authorized parcel. Approval of a home occupation ~~or cottage industry~~ terminates automatically, immediately and without notification if the business operator ceases to reside full-time on the authorized parcel.

(L)~~(M)~~ The home occupation ~~or cottage industry~~ may continue for a period of three years from date of the final decision provided it is in compliance with the approved permit. At the end of the three year period, the right to operate the home occupation ~~or cottage industry~~ from the property expires automatically unless the permit is renewed for an additional three year period pursuant to the following:

(1) The home occupation ~~or cottage industry~~ has been conducted in full compliance with the permit for a preponderance of the time since the prior approval.

(2) Each renewal period shall be for a three year period from the last expiration date. The home occupation ~~or cottage industry~~ may be renewed an unlimited number of times.

(3) To obtain a renewal of the home occupation ~~or cottage industry~~, the business operator shall use the forms provided by the Planning Director and shall submit the application prior to expiration of the permit. Provided the renewal application is submitted on or before its expiration date, the business operator may continue the home occupation pending the County's final decision on the renewal request.

(4) A home occupation ~~or cottage industry~~ renewal shall be processed pursuant to the Type II approval process in MCC 38.0530.

(5) The Planning Director may consider minor modifications to the Hearings Officer's decision and the conditions of approval if requested by the business operator as part of a home occupation ~~or cottage industry~~ renewal application. A minor modification may be approved if it:

(a) Is consistent with the prior approval;

(b) Is consistent with MCC 38.7330 (A) – ~~(K)~~(J); and

(c) Does not increase the intensity of use of the premises.

(Ord. 1197, Amended 02/16/2013; Ord. 1064, Add, 06/23/2005)

§ 38.7331 TYPE A HOME OCCUPATIONS

A Type A home occupation is a lawful commercial activity that is conducted within a dwelling unit by a business operator, is subordinate to the residential use of the dwelling unit, and complies with the following:

(A) No non-resident employees are allowed. No more than two customers may be on the premises at any one time.

(B) No more than 25 percent of the total actual living space of the existing dwelling unit may be utilized. No new buildings or modifications to an existing dwelling shall be allowed to facilitate the use.

(C) No deliveries or pick-ups associated with the home occupation between the hours of 7 p.m. – 7 a.m. are permitted. Deliveries and pick-ups shall occur on the premises only. The road serving the premises may not be used for loading and unloading purposes. No more than two pick-ups or deliveries shall occur on any given day with a maximum of six vehicle trips generated per week.

(D) There shall be no outside, visible evidence of the home occupation, including outside storage or display on the premises, except for parking associated with the use pursuant to (H) below.

(E) No ~~signage~~ signs shall be allowed, including temporary ~~signage~~ signs with the exception of property numbers.

(F) The use shall not generate noise, vibration, glare, flashing lights, dust, smoke, fumes, or odors detectable at the property line. This standard does not apply to vehicles entering or exiting the premises, but does apply to idling vehicles.

(G) No repair or assembly of any motor or motorized vehicles. A motorized vehicle includes any vehicle or equipment with an engine including an automobile, motorcycle, scooter, snowmobile, outboard marine engine, lawn mower, and chain saw.

(H) In additional to the required residential parking, the premises has on-site parking pursuant to MCC 38.4100–38.4215~~.~~ to accommodate the total number of business vehicles and customers. Parking not associated with residential use shall be screened so it is not visible from Key Viewing Areas. The use, parking or storing of any vehicle in excess of a gross vehicle weight of 11,000 is prohibited.

(I) No operation of a dispatch center pursuant to which employees enter the premises for the purpose of being dispatched to other locations is allowed.

(J) All storage, use and disposal of chemicals and materials shall be in conformance with all other applicable state pollution control regulations.

(K) No retail sales may occur on the premises.

(L) Notwithstanding the transfer of approval rights in MCC 38.0770, approval of a Type A home occupation does not run with the land and is not transferred with ownership of the land. Approval of a Type A home occupation is personal to the business operator and specific to the authorized

parcel. Approval of a Type A home occupation terminates automatically, immediately and without notification if the business operator ceases to reside full-time on the authorized parcel.

(Ord. 1197, Added 02/16/2013)

§ 38.7332 SMALL-SCALE FISHING SUPPORT AND FISH PROCESSING OPERATIONS.

Small-scale fishing support and fish processing operations in conjunction with a family-based commercial fishing business may be allowed on parcels designated GGR Residential subject to the following:

(A) In addition to the provisions of the GGR district, the operation shall comply with the guidelines for "Tribal Treaty Rights and Consultation in MCC 38.0110 "Approval Criteria for Fire Protection" in MCC 38.7305, and "Approval Criteria for Siting of Dwellings and Accessory Structures on Forest Land" in MCC 38.7315.

Commented [AB41]: Updating a cross reference to the amended section heading

(B) The following fishing support activities may be allowed: maintenance, repair, and storage of boats, nets, fish totes and other commercial fishing equipment that is used in the family-based commercial fishing business; and garaging of fish hauling trucks, trailers and all other related equipment that is used in the family-based commercial fishing business.

(C) The following fish processing activities may be allowed: cleaning, gutting, heading, and icing or freezing of fish that is caught by the family-based commercial fishing business. Other fish processing activities shall not be allowed, including, but not limited to, canning, smoking, salting or brining for wholesale or retail sale.

(D) The operation shall be located on a lawful parcel that is contiguous with and has direct access to the Columbia River.

(E) The subject parcel shall include a lawful dwelling, and the permanent resident of the dwelling shall participate in the fishing support and fish processing operation.

(F) The operation may only employ residents of the dwelling and up to three outside employees.

(G) No more than 25 percent of the total actual living space of the dwelling may be used for the fishing support and fish processing operation.

(H) The operation may take place in an existing or new lawful accessory building or an existing agricultural building on the subject parcel. A new building constructed for the purpose of housing a fishing support and fish processing operation shall be considered an accessory building. An existing agricultural building shall not be expanded and a new agricultural building shall not be constructed for the purpose of housing a fishing support and fish processing operation.

(I) An accessory building used in the fishing support and fish processing operation may be allowed up to 2,500 square feet.

(J) Docks may be allowed as follows:

(1) One dock serving a parcel with an approved fishing support and fish processing operation may be allowed up to 500 square feet in size.

(S-2 2009)

(2) For multiple contiguous parcels each with approved fishing support and fish processing operation, the area of the docks authorized in J(1) above may be combined into one dock, provided the total size of the dock shall not exceed 2,000 square feet.

(K) There shall be no outside visible evidence of the fishing support and fish processing operation, including storage, other than boats and docks.

(L) No retail sales may occur on the parcel.

(M) The operation shall only support and process fish caught by residents of the dwelling and up to three outside employees.

(N) Before beginning the operation, applicants shall demonstrate that they have obtained and complied with federal, state and~~/or~~ local water quality and wastewater permits.

(Ord. 1179, Add, 04/21/2011)

§ 38.7335 BED AND BREAKFAST INNS

Bed and breakfast inns may be established as authorized in various districts subject to the following:

(A) Guests may not occupy a facility for more than 14 consecutive days.

(B) One non-animated, non-illuminated sign not exceeding 4 square feet in area may be permitted on the structure or within the yard containing the structure.

(C) Parking areas shall be screened so as to not be visible from Key Viewing Areas.

(Ord. 1064, Add, 06/23/2005)

§ 38.7337 OVERNIGHT ACCOMMODATIONS

Overnight Accommodations may be established as authorized in various districts subject to the following:

(A) The owner of the subject parcel may rent the dwelling for up to 90 room nights per year.

(B) Parking areas shall be screened so they are not visible from key viewing areas.

(C) The use is incidental and subordinate to the primary use of the property.

(D) The dwelling must be the primary residence of the owner and occupied by the owner during rental.

(E) Commercial events are not permitted at overnight accommodations.

(F) The overnight accommodation may employ up to three employees other than the residents of the dwelling.

(G) Land use approvals for overnight accommodations shall be valid for no more than two years. Landowners must reapply for the use to demonstrate compliance with conditions of approval

(S-1 2019)

Commented [AB42]: County ordinance proposed "primary" residence rather than "permanent" residence as that term is used in the Management Plan to better articulate intent of the Plan language that the owner primarily reside in the residence. Some applicants may own a second home and this clarification is intended to ensure the dwelling involved in the application is where the owner spends more than half of their time.

Commented [AB43]: Although the Management Plan language states landowners must reapply for the use "after a land use approval expires", conversations with Gorge Commission staff helped clarify for staff that the intent was not to require an applicant to wait until after the underlying permit has expired before submitting a renewal request. The phrase "after a land use approval expires" has been removed from the code amendment proposal.

through financial and other records. Application for renewal shall be considered through the Expedited Use process, unless otherwise subject to a Review Use process, such as but not limited to certain proposals involving buildings and structures 50 years old or older as outlined in the Expedited Use procedures. Permits shall not be renewed if there have been past violations related to the Overnight Accommodations land use approval, including failure to file a new application.

Commented [AB44]: Language added in blue to clarify intent of Management Plan regarding compliance scope.

Commented [AB45]: A minor deviation is proposed as compared to Management Plan language. Gorge Commission staff clarified for the county that "file" is in relation to filing a new application. Management Plan language is "Permits will not be renewed if there have been past violations, including failure to file."

§ 38.7340 AGRICULTURAL BUILDINGS

(A) The size of proposed agricultural buildings shall not exceed the size needed to serve the current agricultural use and, if applicable, the proposed agricultural use.

(B) To explain how (A) above is met, applicants shall submit the following information with their land use application:

(1) A description of the size and characteristics of current agricultural use.

(2) An agricultural plan for any proposed agricultural use that specifies agricultural use (e.g., crops, livestock, products), agricultural areas and acreages (e.g., fields, pastures, enclosures), agricultural structures (e.g., irrigation systems, wind machines, storage bins) and schedules (e.g., plowing, planting, grazing).

(3) A floor plan showing intended uses of the agricultural building (e.g., space for equipment, supplies, agricultural products, livestock).

(Ord. 1064, Add, 06/23/2005)

§ 38.7345 RESOURCE ENHANCEMENT PROJECTS

(A) Applications for resource enhancement projects must describe the goals and benefits of the proposed enhancement project. They must also thoroughly document the condition of the resource before and after the proposed enhancement project. Applicants shall seek technical assistance from federal, state or county technical experts for assistance in designing voluntary wetland, stream, habitat, plant, and scenic enhancement projects.

(B) In addition to other provisions that protect scenic, cultural, recreation, and natural resources, quarry enhancement projects shall comply with the following provisions:

(1) Application Requirements. In addition to other applicable requirements, land use applications for quarry enhancement projects shall include perspective drawings of the site as ~~seen~~ visible from key viewing areas and a reclamation plan that shall include at a minimum the following:

(a) A map of the site, at a scale of 1 inch equals 200 feet (1:2,400) or a scale providing greater detail, with 10-foot contour intervals or less, showing pre-reclamation existing grades and post-reclamation final grades; locations of topsoil stockpiles for eventual reclamation use; location of catch basins or similar drainage and erosion control features employed for the duration of the use; and the location of storage, processing, and equipment areas employed for the duration of the use.

(b) Cross-sectional drawings of the site showing pre-reclamation and post-reclamation grades.

(c) Descriptions of the proposed use, in terms of estimated quantity and type of material removed, estimated duration of the use, processing activities, etc.

(d) Description of drainage/erosion control features to be employed for the duration of the use.

(e) A landscaping plan providing for revegetation consistent with the vegetation patterns of the subject landscape setting, indicating species, number, size, and location of plantings for the final reclaimed grade, as well as a description of irrigation provisions or other measures necessary to ensure the survival of plantings.

(2) Scenic Resource Standard. Quarry enhancement projects shall restore the site to a natural appearance that blends with and emulates surrounding landforms to the maximum extent practicable.

(3) Natural Resource Standard. Sites shall be replanted using native plants found in the landscape setting or ecoregion to the maximum extent practicable.

(4) Time Frames. The following time frames shall apply to quarry enhancement projects:

(a) All grading (e.g., excavating, filling and re-contouring) shall be completed within one (1) year of the date an applicant begins on-the-ground work.

(b) All landscaping shall be planted within one (1) year of the date an applicant completes the grading.

(c) An applicant may request one one-year extension to the one-year grading time frame if a project is unexpectedly delayed by adverse weather or emergency/disaster. Such requests shall be considered an administrative action. An applicant shall submit such a request to the reviewing agency after grading has commenced and before the one year grading time frame has expired.

(d) An applicant may also request one six-month extension to the one (1) year landscaping time frame if a project is unexpectedly delayed by adverse weather or emergency/disaster. Such requests shall be considered an administrative action. An applicant shall submit such a request to the reviewing agency after landscaping has commenced and before the one-year landscaping time frame has expired.

(5) Enhancement of wetlands not associated with any other project proposal may be allowed, if such efforts comply with the wetlands provisions in the Management Plan. Enhancement efforts shall be conducted pursuant to a written plan consistent with the provisions under "Wetlands Compensation Plans" MCC 38.7053.

(6) Enhancement of streams, ponds, lakes, and riparian areas not associated with any other development proposal may be allowed, if such efforts comply with the water resource provisions in this Management Plan. Enhancement efforts shall be conducted pursuant to a

written plan consistent with the provisions under "Water Resources Mitigation Plans" MCC 38.7053.

(7) In the SMAs, enhancement of wetlands, streams, ponds, lakes, and riparian areas not associated with any other project proposal may be allowed, if such efforts comply with the wetlands, streams, ponds, lakes, and riparian areas provisions in the Management Plan. Enhancement efforts shall be conducted pursuant to a written plan, consistent with the provisions described in "SMA Policies: Water Resources" MCC 38.7075.

(Ord. 1064, Add, 06/23/2005)

§ 38.7350 DISPOSAL SITES FOR SPOIL MATERIALS FROM PUBLIC ROAD MAINTENANCE ACTIVITIES

(A) Application Requirements. In addition to other applicable requirements, land use applications for disposal sites shall include the same information that applicants are required to submit for expansion of existing quarries and exploration, development (extraction and excavation), and production of mineral resources ~~production and/or development of mineral resources~~ in the GMA, including, but not limited to:

(1) A reclamation plan that includes at a minimum the following:

(a) A map of the site, at a scale of 1 inch equals 200 feet (1:2,400) or a scale providing greater detail, with 10-foot contour intervals or less, showing pre-reclamation existing grades and post-reclamation final grades; locations of topsoil stockpiles for eventual reclamation use; location of catch basins or similar drainage and erosion control features employed for the duration of the use; and the location of storage, processing, and equipment areas employed for the duration of the use.

(b) Cross-sectional drawings of the site showing pre-reclamation and post-reclamation grades.

(c) Descriptions of the proposed use, in terms of estimated quantity and type of material removed, estimated duration of the use, processing activities, etc.

(d) Description of drainage/erosion control features to be employed for the duration of the use.

(e) A landscaping plan providing for revegetation consistent with the vegetation patterns of the subject landscape setting, indicating species, number, size, and location of plantings for the final reclaimed grade, as well as a description of irrigation provisions or other measures necessary to ensure the survival of plantings.

(2) Perspective drawings of the site as ~~seen~~ visible from key viewing areas.

(3) Cultural resource reconnaissance and historic surveys, as required by MCC 38.7045 (A). Disposal sites shall be considered a "large-scale use" according to MCC 38.7045 (D)(2).

(4) Written reports of field surveys to identify Priority Habitat or sensitive wildlife ~~areas or~~ sites and ~~sensitive~~ rare plants.

(a) Field survey reports identifying sensitive wildlife sites shall:

1. Cover all areas affected by the proposed use or recreation facility;

2. Be conducted by a professional wildlife biologist hired by the project applicant;

3. Describe and show all sensitive wildlife areas and sites discovered in a project area on the site plan map.

(b) Field survey reports identifying ~~sensitive~~ rare plant sites shall:

1. Cover all areas affected by the proposed use or recreation facility;

2. Be conducted by a person with recognized expertise in botany or plant ecology hired by the project applicant;

3. Identify the precise location of the ~~sensitive~~ rare plants and delineate a 200-foot buffer zone;

4. Show results on the site plan map.

(B) Siting Standard. The proposed disposal site shall only be approved if the applicant demonstrates it is not practicable to locate the disposal site outside the National Scenic Area or inside an ~~U~~urban ~~A~~area. At a minimum, the applicant shall submit a feasibility and suitability analysis that compares the proposed disposal site to existing or potential disposal sites located both outside the National Scenic Area and inside an ~~U~~urban ~~A~~area.

(C) Scenic Resource Standards. Disposal sites shall comply with the same scenic resources protection standards as expansion of existing quarries and exploration, development (extraction and excavation), and production of mineral resources ~~production and/or development of mineral resources~~ in the GMA, including, but not limited to:

(1) Sites more than 4~~3~~ miles from the nearest key viewing area shall be visually subordinate as ~~seen~~ visible from any key viewing area, according to MCC 38.7035 (B) ~~(26)~~ (22).

An interim period to achieve compliance with this requirement shall be established before approval. The period shall be based on site-specific topographic and visual conditions, but shall not exceed 3 years beyond the start of on-the-ground activities.

(2) Sites less than 4~~3~~ miles from the nearest key viewing area shall be fully screened from any key viewing area, according to MCC 38.7035 (B) ~~(27)~~(23).

An interim period to achieve compliance with this requirement shall be established before approval. The period shall be based on site-specific topographic and visual conditions, but shall not exceed 1 year beyond the start of on-the-ground activities. Disposal activity occurring before achieving compliance with full screening requirements shall be limited to activities necessary to provide such screening (creation of berms, etc.).

(3) Reclamation plans shall restore the site to a natural appearance that blends with and emulates ~~surrounding~~ natural landforms and vegetation patterns characteristic to the landscape setting to the maximum extent practicable.

(Ord. 1270, Amended, 03/14/2019; Ord. 1064, Add, 06/23/2005)

§ 38.7355 LIFE ESTATES

A landowner who sells or otherwise transfers real property on lands designated GGA or GGF-20 may retain a life estate in a dwelling and a tract of land surrounding the dwelling. The life estate tract shall not be considered a parcel as defined in MCC 38.0015. A second dwelling may be allowed on lands designated GGA or GGF-20 subject to compliance with MCC 38.7000 to 38.7085, and upon findings that:

Commented [AB46]: Implements Management Plan amendment limiting this provision only to the Small Woodland designation (GGF-20) to prevent conversion of larger forest lots to residential uses.

(A) The proposed dwelling is in conjunction with agricultural use as determined by MCC 38.2225 (A) (5) (c); or

~~(B) On lands designated GGF, one single-family dwelling on a legally created parcel upon enrollment in the state's forest assessment program. Upon a showing that a parcel cannot qualify, a parcel is entitled to one single-family dwelling. In either case, the location of the dwelling shall comply with MCC 38.7305 and 38.7315. A declaration shall be signed by the landowner and recorded into county deeds and records specifying that the owners, successors, heirs and assigns of the subject parcel are aware that adjacent and nearby operators are entitled to carry on accepted farm or forest practices on lands designated GGF– 80, GGF– 20, GGA– 40, or GGA– 20.~~

(B)~~(C)~~ Upon termination of the life estate, either the original or second dwelling shall be removed.

(Ord. 1125, Amended, 12/11/2008; Ord. 1064, Renum&Amd38.0070, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

~~**§ 38.7360 CLUSTER DEVELOPMENT**~~

~~(A) A land division in the General Management Area may create parcels smaller than the designated minimum size and may include a bonus, as specified below, in order to cluster new dwellings. Approval of cluster development shall be contingent upon submission of plans specifying dwelling sites and areas of permanent, undeveloped open land. To approve a cluster development, it must be found that clustering new dwellings will provide an opportunity not available through conventional parcel-by-parcel development to site new dwellings:~~

~~(1) In areas with screening vegetation or other features which reduce visibility of development as seen from Key Viewing Areas; or~~

~~(2) To avoid significant landscape features; or~~

~~(3) To protect the existing character of the landscape setting; or~~

~~(4) To reduce interference with movement of deer or elk in winter range; or~~

~~(5) To avoid areas of known cultural resources; or~~

~~(6) To consolidate road access, septic drainfields or other development features in order to reduce impacts associated with grading or ground disturbance; or~~

~~(7) To reduce adverse effects to riparian areas, wetlands, natural areas, rare plants, sensitive wildlife sites or other natural resources; or~~

~~(8) To increase the likelihood of agricultural or forest management on the undeveloped land left by the cluster development.~~

(S-2 2009)

~~(B) Following cluster development, there may be no further division of any resulting parcel for residential purposes until the subject parcel is included within the boundary of an Urban Area. Approval of a cluster development shall include provisions for the permanent protection of open areas. No parcel in a cluster development may be smaller than 1 acre in a GGR– 5 or GGR– 10 or 2 acres in a GGA– 20 or GGF– 20.~~

~~(C) Cluster development may create up to 25 percent more parcels (rounded to the nearest whole number) than otherwise allowed by the minimum parcel size on lands designated GGR– 5 or GGR– 10 and up to 50 percent more on parcels (rounded to the nearest whole number) on lands designated GGA– 20, GGF– 20, or GGF-40.~~

~~(D) At least 75 percent of land subject to a cluster development shall be permanently protected as undeveloped land.~~

~~(E) Contiguous parcels in the same ownership or in separate ownership may be consolidated and redivided to take advantage of cluster development bonuses.~~

(Ord. 1125, Amended, 12/11/2008; Ord. 1064, Add, 06/23/2005)

§ 38.7365 CLEARING OF TREES FOR AGRICULTURAL USE IN GSF

Clearing of trees for agricultural use in GSF is subject to the following:

(A) A Stewardship Plan, in accordance with MCC 38.7375, shall be submitted and deemed complete by the county and submitted to the U.S. Forest Service for review.

(B) Clearing trees for new agricultural use shall be limited to 15 acres.

(C) If the Stewardship Plan proves that MCC 38.7365 (B) is detrimental to the proposed agricultural use, the final size of the clearing shall be determined by the application of MCC 38.7365 (D) below and subject to MCC 38.7365 (I).

(D) After a 30-day public comment period, the U.S. Forest Service shall review the Stewardship Plan using the following criteria:

(1) MCC 38.7370 (B) (1) and (B) (7).

(2) Applicable Cultural, Natural and Recreational Resource criteria in MCC Chapter 38 Part 6.

(3) The Natural Resource Conservation Service (NRCS) soil unit description shall indicate that soils are suitable for the proposed agricultural use. The woodland management tables shall be used as part of the analysis of suitability for both agricultural and forest uses.

(4) The size, shape and pattern on the landscape of the clearing for the new agricultural use shall blend with the surrounding landscape pattern either because the existing pattern includes agricultural openings or because the new agricultural opening is designed to appear natural.

(E) The U.S. Forest Service shall send the review statement to the appropriate county planning office. The U.S. Forest Service shall state whether or not the new agricultural use should proceed including any conditions that are recommended to be required by the county.

(F) The county will accept an application for new agricultural use on forested lands after receipt of a positive review statement from the U.S. Forest Service.

(G) The forest practice portion of the new agricultural use shall not be approved by the state forestry department or county until a decision on the new agricultural use is issued from the county.

(H) The new agricultural use shall be operational within two years of the time frame described in the approved Stewardship Plan.

(I) New agricultural uses with an approved Stewardship Plan requiring more than 15 acres shall attain the final approved size sequentially. After the first 15 cleared acres is operational, each subsequent clearing shall not occur until the previous clearing is operational.

(Ord. 1064, Add, 06/23/2005)

§ 38.7370 FOREST PRACTICES IN THE SPECIAL MANAGEMENT AREA

(A) Forest practices permitted as Review Uses in the Special Management Area in accordance with an approved forest practices application (see application requirements) and subject to the additional provisions in this chapter.

(1) The following information, in addition to the site plan requirements of MCC 38.0045 (A) (2) shall be required:

(a) Delineate the following on a recent aerial photo or detailed map.

1. The size, shape, and exact location of the proposed treatment area including any clumps of leave trees to remain. If more than one silvicultural prescription is to be used, code each on the photo.

2. Other important natural features of the subject parcel such as steep areas, streams, wetlands, rock outcrops, etc.

3. Road and structure construction ~~and/~~or reconstruction location.

4. Location of proposed rock or aggregate sources.

5. Major skid trails, landings, and yarding corridors.

6. Commercial firewood cutting areas.

7. Protection measures for scenic, cultural, natural, and recreation resources, such as road closures.

(b) Describe the existing forest in terms of species, ages, sizes, landscape pattern (including how it fits into the surrounding landscape pattern) and canopy closure for all canopy layers.

(c) Describe how the forest practice will fit into the existing landscape pattern and how it will meet scenic and natural resource standards in MCC 38.7370 (B) and (C).

(d) Written silvicultural prescriptions with projected post-treatment forest condition specified in terms of species, ages, sizes, landscape pattern (including how it fits into the surrounding landscape pattern) and canopy closure for all canopy layers.

(e) Road and structure construction ~~and/~~or reconstruction design.

(f) Existing and proposed rock pit development plans.

(g) A discussion of slash disposal methods.

(h) A reforestation plan as reviewed by the appropriate state forest practices agency.

(2) As part of the application, flag, stake or mark buffers, any trees or downed wood to be retained or removed (whichever makes the most sense), and areas for placing fill or removing material in preparation for a field visit by the reviewer.

(B) For forest practices in the Special Management Area, the following scenic resource provisions shall apply:

(1) Forest practices shall meet the design guidelines and VQO scenic standards for the applicable landscape setting designated for the management area and zone (See MCC 38.7040(A)).

(2) In the western portion (to White Salmon River) of the SMA Coniferous Woodland Landscape Setting, no more than 8% of the composite KVA viewshed from which the forest practice is topographically visible shall be in created forest openings at one time. Not more than 16% of each total ownership within. The viewshed boundaries shall be delineated by the U.S. Forest Service. The U.S. Forest Service will assist (as available) in calculating and delineating the percentage of the composite KVA viewshed that is in created forest openings at one time.

(3) In the Western portion (to White Salmon River) of the SMA Gorge Walls, Canyonlands and Wildlands Landscape Setting, no more than 4% of the composite KVA viewshed from which the forest practice is topographically visible shall be in created forest openings at one time. The viewshed boundaries shall be delineated by the U.S. Forest Service. The U.S. Forest Service will assist (as available) in calculating and delineating the percentage of the composite KVA viewshed that is in created forest openings at one time.

(4) For all other landscape settings, created forest openings visible at one time shall be within the desired range for the vegetation type as set forth in MCC 38.7370 (C) (1)-(3).

(5) Size, shape, and dispersal of created forest openings shall maintain the desired natural patterns in the landscape as set forth in MCC 38.7370 (C) (1)-(3).

(6) The maximum size of any created forest opening is set forth by the “Desired” vegetation type in the Forest Structure and Pattern Table. The maximum size of any created opening shall be 15 acres. In the foreground of key viewing areas, the maximum size of created opening shall be 5 acres.

(a) If the treatment is proposed to go beyond the above guideline based on forest health or ecosystem function requirements, a Stewardship Plan shall be required.

(b) If the Stewardship Plan proves that the above guideline is detrimental to either forest health or ecosystem function, the size of the created forest opening shall be within the natural range for the vegetation type as listed in the Desired Forest Structure and Pattern Table for each vegetation type, shall not mimic catastrophic fires, and shall maintain scenic standards.

(7) Created forest openings shall not create a break or opening in the vegetation in the skyline as viewed from ~~a key viewing area~~ KVAs.

(C) Forest practices in the Special Management Area shall maintain the following in addition to applicable natural resources criteria in MCC 38.7075.

(1) Silvicultural prescriptions shall maintain the desired natural forest stand structures (tree species, spacing, layering, and mixture of sizes) based on forest health and ecosystem function requirements. Forest tree stand structure shall meet the requirements listed in the Desired Forest Structure and Pattern Table for each vegetation type. Forest tree stand structure is defined as the general structure of the forest in each vegetation type within which is found forest openings.

(2) Created forest openings shall be designed as mosaics not to exceed the limits defined as Desired in the Desired Forest Structure and Pattern Table unless proposed as a deviation as allowed in MCC 38.7370 (B) (6).

(3) Snag and down wood requirements shall be maintained or created as listed in the Desired Forest Structure and Pattern Table for each vegetation type.

(4) If the treatment is proposed to deviate from the snag and down wood requirements based on forest health or ecosystem function requirements, a Stewardship Plan shall be required and shall ~~show and prove~~ demonstrate why a deviation from the snag and down wood requirements is required.

DESIRED FOREST STRUCTURE AND PATTERN						
1	2	3	4	5	6	7
Vegetation Type[#]	Forest Structure (Average % total canopy closure (cc)) [*]	Typical Forest Openings Size Disturbance caused Historic (Natural) Desired	Percent Openings at One Time Historic (Natural) Desired	Leave Trees Includes all available remnant old forest	Average Down Wood Pieces 30 ft long per acre (scattered)	Average Snags (Conifers) No. per acre Snags are 20-40 ft in height

DESIRED FOREST STRUCTURE AND PATTERN								
1	2	3		4		5	6	7
West Conifer	60-80% canopy closure Understory layer variable (0-60% of total cc)	Variable sizes with mosaic pattern, irregular shapes Mosaic fire 1-100acres Catastro-phic fire over 100 acres	Retain forested character Allow openings up to 15 acres (up to 5 acres in the foreground of KVAs) All openings 1 acre or less on National Forest land and all Open Space LUD Openings retain 15 - 40 % canopy closure	10%(mosaic fire) up to 55%(catastro-phic fire) Intense fire return interval is 300 yrs	Not to exceed 8% for West Coniferous Woodland Landscape Setting and not to exceed 4% for Gorge Walls, Canyonlands and Wildlands Landscape Setting Widely dispersed, variable sized mosaic of irregular shapes blending with existing openings.	Leave 15% of existing trees per acre throughout opening and in clumps. Include 3 trees per acre of the largest size trees available	18 - 25 pieces greater than 20” dbh	10 snags at 10” -20” dbh, and 7 snags greater than 20” dbh

DESIRED FOREST STRUCTURE AND PATTERN								
1	2	3		4		5	6	7
East Conifer (Ponderosa Pine/ Douglas fir)	40-80% canopy closure Understory layer less than 25% of total cc	Few Openings due to low intensity fires. ¼ to 2 acres	Openings less than 1 acre Openings have 0 - 40% canopy closure Openings widely dispersed	1 -10%	1 - 10% (% by vegetation type)	No leave trees required	3 - 6 pieces greater than 20" dbh	5 snags at 10"-20" dbh and 3 snags greater than 20" dbh

Map available at the U.S. Forest Service National Scenic Area Office

* Does not apply to openings.

Dbh: Diameter at Breast Height

(Ord. 1270, Amended, 03/14/2019; Ord. 1064, Add, 06/23/2005)

§ 38.7375 STEWARDSHIP PLAN REQUIREMENTS

The following information, in addition to the applicable portions of the forest practice application requirements above and general site plan requirements in MCC 38.0045 (A) (2) shall be provided:

(A) Outline the long term goals, proposed operations, and future sustainability of the subject parcel.

(B) Describe the time frame and steps planned to reach the long term goals.

(C) For Forest Practices, describe how the proposed activities fit into the long term goals and sustainability of the parcel and~~/or~~ forest health. The following shall be addressed:

(1) Describe the range of natural conditions expected in the forest in terms of tree species, structure, and landscape pattern.

(2) Describe what the resulting tree species, structure, and landscape pattern will be after the proposed activities.

(3) Give a clear explanation of how a deviation from the applicable provisions may better achieve forest health objectives.

(4) Give a clear explanation of how and why the proposed activities will ~~lead~~ move the forest towards its range of natural variability and result in reaching sustainability, resiliency to disturbances.

(D) For clearing trees for new agricultural use, the following shall be addressed in addition to MCC 38.7375 (A) and (B) above:

(1) Submit NRCS soil unit description and map for each soil unit affected by the proposed clearing or treatment.

(2) Based on the needs of the operation, give a clear explanation as to the exact size of the clearing needed and how it will meet the natural and scenic requirements set forth in MCC 38.7365 (D).

(3) Describe in sufficient detail for evaluation the proposed agricultural use, the improvements needed on the parcel, time line for its establishment, and its marketability.

(4) Show evidence that an agricultural specialist, such as the county extension agent, has examined and found the proposed agricultural use reasonable and viable.

(Ord. 1064, Add, 06/23/2005)

§ 38.7380 SPECIAL USES IN HISTORIC BUILDINGS

(A) Definitions

(1) For the purposes of this section, the term “historic buildings” refers to buildings either on or eligible for the National Register of Historic Places. Eligibility for the National Register shall be determined pursuant to MCC 38.7380(F)(1)(a).

(2) For the purposes of this section, the term "subject property" refers to the parcel or group of parcels in common ownership that have been historically used in conjunction with an historic building.

(B) As established in each zone, the following uses shall be allowed on properties with buildings included on the National Register of Historic Places. All uses authorized under this section shall be subject to the provisions of MCC 38.7000-38.7085 and MCC 38.7300.

(1) The properties shall be permitted to be open for public viewing, interpretive displays, and an associated gift shop that is no larger than 100 square feet and incidental and subordinate to the primary use of the property, subject to compliance with 38.7380(G) and 38.7380(F) except 38.7380(F)(1)(a), 38.7380(F)(1)(b)(iii) and 38.7380(F)(1)(b)(iv). This use is not subject to the parking limits and associated "Facility Design Guidelines" in MCC 38.7080.

Voluntary donations and/or fees to support maintenance, preservation and enhancement of the cultural resource may be accepted by the landowner.

(2) Properties which were former restaurants ~~and/~~or inns shall be permitted to re-establish these former uses, subject to compliance with MCC 38.7380(G) and 38.7380(F) except 38.7380(F)(1)(a), 38.7380(F)(1)(b)(iii) and 38.7380(F)(1)(b)(iv).

The capacity of restaurant use and overnight accommodations shall be limited to that existing in the former use, and the former use shall be contained within the limits of the building as of January 1, 2006. The capacity of the use may include any decks, terraces, or patios that were used as part of the former use and that existed on January 1, 2006. Banquets, private parties and other special events that take place entirely within an approved restaurant facility shall be considered a restaurant use allowed under this section.

(3) Properties shall be permitted to hold commercial events, subject to compliance with MCC 38.7000-38.7085, MCC 38.7380(G) and MCC 38.7380(F) except 38.7380(F)(1)(a).

(C) The following uses may be allowed as established in each zone on a property with a building either on or eligible for the National Register of Historic Places and that was 50 years old or older as of January 1, 2006 subject to compliance with the standards of MCC 38.7000-38.7085, MCC 38.7300 and parts (D), (E), (F), and (G) of this section.

(1) Establishment selling food and~~/or~~ beverages, limited to historic buildings that originally had kitchen facilities. The seating capacity of such an establishment shall be limited to the building, as the building existed as of January 1, 2006, including any decks, terraces or patios also existing as of that date. Banquets, private parties and other special events that take place entirely within an approved establishment selling food and~~/or~~ beverages shall be considered a part of the approved use.

(2) Overnight accommodations. The room capacity of such accommodations shall be limited to the total number of lawfully existing rooms in the historic building as of January 1, 2006.

(3) Commercial events in the building or on the subject property, incidental and subordinate to the primary use of the property

(4) ~~A winery~~ Wineries and cideries, in conjunction with an on-site vineyard or orchard, upon a showing that processing of wine or cider is from ~~grapes~~ fruits ~~grown~~ harvested on the subject parcel ~~or~~ and the local region, within a historic building, as the building existed as of January 1, 2006.

(5) Sales/tasting rooms in conjunction with an on-site winery or cidery, within a historic building, as the building existed as of January 1, 2006.

(6) A conference ~~and/~~or retreat facility within a historic building, as the building existed as of January 1, 2006.

(7) Artist studios and galleries within a historic building, as the building existed as of January 1, 2006.

(8) ~~A gift~~ Gift shops within a historic building, as the building existed as of January 1, 2006 that ~~is~~ are:

(a) incidental and subordinate to another approved use included in Guideline ~~1~~4 of "Additional Review Uses for Historic Buildings"; and

(b) no larger than 100 square feet in area.

(9) Interpretive displays, picnic areas or other resource-based recreational day use activities on the subject property. This use is not subject to the parking limits and associated "Facility Design Guidelines" in MCC 38.7080.

(10) Parking areas on the subject property to support any of the above uses.

(D) Uses allowed by parts (B)(3) and (C)(3) of this section shall include all information required for the "Operational Plan for Commercial Events" as specified in MCC 38.7380(F)(1)(b)(iv). The following apply to commercial events at historic properties:

(1) Commercial events include weddings, receptions, indoor concerts, farm dinners, or events similar in size and activity and must be ~~parties and other gatherings that are~~ incidental and subordinate to the primary use on a parcel.

(2) The owner of the subject property shall notify the reviewing agency and all owners of land within 500 feet of the perimeter of the subject property of each event. The notice shall be in writing and shall be mailed at least seven calendar days before an event.

(E) Land use approvals for Special Uses in Historic Buildings shall be subject to review every five years from the date the original approval was issued.

(1) As part of this review, the applicant shall submit documentation on the progress made in implementing the "Protection and Enhancement Plan" required by MCC 38.7380(F)(1)(b).

(2) The County shall submit a copy of the applicant's documentation to the State Historic Preservation Office (SHPO). The SHPO shall have 30 calendar days from the date this information is mailed to submit written comments. If the County's determination contradicts comments from the SHPO, the County shall justify how it reached an opposing conclusion.

(3) The County shall revoke the land use approval if the owner has failed to substantially implement the actions described in the "Protection and Enhancement Plan" according to the schedule for completing such actions in this plan or if the property has not been used in compliance with applicable County rules or conditions of approval. The County may, however, allow such a use to continue for up to one additional year from the date the County determines the applicant has failed to implement the actions if the applicant submits a written statement describing:

(a) unforeseen circumstances that prevented the applicants from completing the specified actions according to the approved schedule;

(b) what progress the applicants have made towards completing such actions; and

(c) a proposed revised schedule for completing such actions.

(F) The following criteria apply to all proposed Special Uses in Historic Buildings in addition to the Site Review Criteria of MCC 38.7000-38.7085.

(1) Cultural Resources.

(a) All applications for uses listed in MCC 38.7380(C) shall include a historic survey and evaluation of eligibility for the National Register of Historic Places, to be prepared by a qualified professional hired by the applicant. The evaluation of eligibility shall not be required for buildings previously determined to be eligible. For such properties, documentation of a prior eligibility determination shall be included in the application. The historic survey shall meet the requirements specified in MCC 38.7045(D)(3). The evaluation of eligibility shall follow the process and include all information specified in the National Register Bulletin "How to Apply the National Register Criteria for Evaluation" [National Park Service, National Register Bulletin #15].

Eligibility determinations shall be made by the County, based on input from the State Historic Preservation Office (SHPO). ~~The local government~~ The Planning Director shall submit a copy of any historic survey and evaluation of eligibility to the SHPO. The SHPO shall have 30 calendar days from the date this information is mailed to submit written comments on the eligibility of the property to the ~~local government~~ County. If the County's determination contradicts comments from the SHPO, the County shall justify how it reached an opposing conclusion.

(b) Applications for Special Uses in Historic Buildings shall include a "Protection and Enhancement Plan" which shall include the following:

(i) A description of how the proposed use will significantly contribute to the protection and enhancement of the historic resource, including specific actions that will be taken towards restoration, protection and enhancement, and adequate maintenance of the historic resource, and a proposed schedule for completion of such actions.

(ii) A statement addressing consistency of the proposed use with the Secretary of the Interior's Standards for Rehabilitation of Historic Properties and the Secretary of the Interior's Standards for Preservation of Historic Properties.

(iii) Detailed architectural drawings and building plans that clearly illustrate all proposed exterior alterations to the building associated with the proposed use. Any exterior additions to the building or outdoor components of the proposed use (e.g. parking areas, site for temporary structures, interpretive displays) shall be shown on the site plan.

(iv) Any proposal for commercial events at a historic property shall include an Operation Plan for Commercial Events, to be incorporated into the "Protection and Enhancement Plan". The Operational Plan shall include sufficient information to demonstrate how the commercial events will remain incidental and subordinate to the primary use of the property, and shall, at minimum, address:

- Number of events to be held annually.
- Maximum size of events, including number of guests and vehicles at proposed parking area.
- Provision for temporary structures, including location and type of structures anticipated.
- How the proposed commercial events will contribute to protection and enhancement of the historic resource.

(c) ~~The local government~~ The Planning Director shall submit a copy of the "Protection and Enhancement Plan" to the State Historic Preservation Office (SHPO). The SHPO shall have 30 calendar days from the date this information is mailed to submit written comments to ~~the local governments~~ Multnomah County. The SHPO comments shall address consistency of the proposed use with the Secretary of the Interior's Standards for Rehabilitation of Historic Properties and the Secretary of the Interior's Standards for Preservation of Historic Properties, and the effect of the proposed use on the historic resource.

(d) Any alterations to the building or surrounding area associated with the proposed must be determined by ~~the local government~~ Multnomah County to be consistent with the Secretary of the Interior's Standards for Rehabilitation of Historic Properties and the Secretary of the Interior's Standards for Preservation of Historic Properties. If the County's final decision contradicts the comments submitted by the State Historic Preservation Office, the County shall justify how it reached an opposing conclusion.

(e) The proposed use must be determined by the County to have no effect or no adverse effect on the historic character of the property, including features of the property contributing to its historic significance. If the County's final decision contradicts the comments submitted by the State Historic Preservation Office, the County shall justify how it reached an opposing conclusion.

(2) Scenic Resources.

(a) New parking areas associated with the proposed use shall be located on the subject property as it existed as of January 1, 2006. Such parking areas may be developed using paving blocks, gravel, or other pervious surfaces; asphalt, concrete and other impervious materials are prohibited.

(b) Parking areas associated with the proposed use shall be visually subordinate from Key Viewing Areas, and shall to the maximum extent practicable, use existing topography and existing vegetation to achieve visual sub-ordinance.

(c) Temporary structures associated with a commercial event (e.g. tents, canopies, portable restrooms) shall be placed on the subject property no sooner than two days before the event and removed within two days after the event. Alternatively, temporary structures may remain in place for up to 90 days in one calendar year if the County determines that they will be visually subordinate from Key Viewing Areas.

(3) Recreation Resources. The proposed use shall not detract from the use and enjoyment of existing recreation resources on nearby lands.

(4) Agricultural and Forest Lands.

(a) The proposed use shall be compatible with and will not interfere with accepted forest or agricultural practices on nearby lands devoted to such uses.

(b) The proposed use will be sited to minimize the loss of land suitable for production of crops, livestock or forest products.

(c) A declaration has been signed by the landowner and recorded into county deeds and records specifying that the owners, successors, heirs and assigns of the subject property are aware that adjacent and nearby operators are entitled to carry on accepted agriculture or forest practices on nearby lands.

(G) The following standards address health, safety, and potential impacts to surrounding properties and apply to all proposed Special Uses in Historic Buildings.

(1) Outdoor uses shall be limited to the hours of 7:00 am to 7:00 pm or sunset, whichever is later, except that between Memorial Day and Labor Day afternoon activities may extend to as late as 10:00 pm.

(2) The use of outdoor amplification in conjunction with a use authorized under this section is prohibited. All amplification must be contained within the historic building associated with the use.

(3) Parking shall be provided in accordance with the Minimum Required Off-Street Parking Spaces in MCC 38.4205. Existing off street parking and loading areas on a historic property shall be allowed to be used in their current configuration. New parking areas or expansions to existing parking areas shall meet the design and improvement standards of MCC 38.4100-38.4215 with the following exceptions.

MCC 38.4130(B) and (C) shall not apply to Special Uses in Historic Buildings. All required parking associated with the use shall be provided on the subject property.

Additionally, the surfacing requirements of MCC 38.4180(A) shall not apply. Instead, the surfacing requirements of MCC 38.7380(F)(2)(a) shall be employed.

(4) Business identification or facility entry signs located on the premises may be allowed, subject to the provisions of MCC 38.0080.

(5) The proposed use shall be compatible with the surrounding area. Review of compatibility shall include but not be limited to impacts associated with the scale of the use, effects of noise, traffic generation, and hours of operation.

(6) The proposed use shall not create hazardous conditions.

(7) The proposed use shall not require public services other than those existing or approved in the area.

(8) If private services will be used, the applicant shall demonstrate the private service is or can be made adequate to serve the use.

(Ord. 1074, Add, 05/04/2006)

§ 38.7385 BOARDING OF HORSES OR NON-PROFIT HORSE RESCUE FACILITY

(A) The boarding of horses or a non-profit horse rescue facility may be established as authorized in various districts provided the approval authority makes findings on the property characteristics, parcel size and impacts to neighbors and sets a maximum number of horses that may be boarded at any one time based upon those findings.

(B) The applicant shall submit the following information with related supporting evidence to demonstrate compliance with the criteria under (A):

(1) A description of the proposed horse facility with all accompanying accessory uses shall be provided. This shall include the maximum number of horses to be boarded on site, number of employees, accessory uses and services to be provided and hours that the facility will be available to the horse owners. The description shall include a site plan identifying the uses intended for a specific area, and floor plans and building elevations for all proposed buildings.

(2) A Stewardship Plan consisting of an Operations Plan and Maximum Usage Plan shall be created by the applicant in consultation with the Oregon Department of Agriculture, East Multnomah Soil and Water Conservation District or Oregon Extension Service for the proposed site of the horse boarding facility.

(a) The Operation Plan shall include the following:

1. Soil types and its animal-unit-month rating for all pastures to be used as part of the operation;

2. Irrigation techniques, if proposed;

3. Off-stream stock watering;

4. Pasture management;

5. Manure, waste and compost management;

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6. Mud, dust and fly control;

7. Dedicated all-weather paddock;

8. Stream bank and riparian vegetation preservation;

9. Capture and reuse rainwater and snowmelt on the site from areas of animal confinement and impervious surfaces.

(b) The Maximum Usage Plan shall specify the maximum number of horses to be boarded based upon the animal-units-month rating of the site.

1. The plan shall:

a. Consider all livestock to be pastured on the site in establishing the number of horses to be boarded.

b. Maintain adequate ground cover and vegetation for all areas to be used as part of the horse boarding use to prevent soil erosion.

c. Provide basic measurements to verify that the operation plan is achieving the necessary impact reductions for erosion & sediment control, dust control and insect control.

(C) The following accessory uses, if proposed, shall be evaluated as part of the boarding of horses use or non-profit horse rescue facility:

(1) Riding arena, covered or uncovered;

(2) Lessons to boarders (minor component)

(3) Training tracks;

(4) Hot walkers, covered or uncovered;

(5) Horse pool, covered or uncovered;

(6) Storage building for hay and grains;

(7) Farrier services & veterinarian services on an intermittent basis provided only for the use of owners of horses boarded at the facility;

(8) Horse trailer storage only for the use of owners of horses boarded at the facility. The area where the horse trailers are to be stored shall be screened by evergreen vegetation or topography from the public road, adjacent properties and from all key viewing areas.

(9) The hosting of fund-raising events for a non-profit horse rescue operation.

(Ord. 1125, Add, 12/11/2008)

§ 38.7390 RENEWABLE ENERGY PRODUCTION

(A) Renewable energy production qualifying for review as an Expedited Use shall be subject to (A)(1)-(6) below, in addition to any other applicable provisions of Chapter 38. Renewable energy production qualifying for review as either a Review Use or Conditional Use shall be subject to (A)(1)-(7) below, in addition to any other applicable provisions of Chapter 38.

(1) Renewable energy production equipment attached to an existing structure shall be considered an addition to the structure on which it is located. Free-standing renewable energy production equipment shall be considered a new accessory structure.

(2) Production of electrical power, including, but not limited to wind and solar production, for commercial purposes is considered an industrial use and is prohibited. Solar, wind and other renewable energy power generation that is accessory to a primary structure or allowed use is not considered an industrial use and may be permitted.

(3) The panels and hardware are non-reflective black or dark earth tone colors.

(4) The panels and hardware do not increase the overall roof height.

(5) The generating equipment may serve only the parcel on which it is located, or an adjacent parcel in the same ownership and used in conjunction with the subject parcel.

(6) Sale of power back to the electrical grid is permitted, provided that it is an occasional event, not ongoing over the course of the year.

(7) The capacity for power generation is limited to the expected annual electrical power need of the structure or use.

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PART 8 - VARIANCES AND LAND DIVISIONS

VARIANCES

(Ord. 1064, Amended, 06/23/2005)

§ 38.7600- VARIANCE APPROVAL CRITERIA

(A) The Approval Authority may permit and authorize a variance from the dimensional requirements of 38.2060 (C), 38.2260 (C), 38.2460 (E), 38.2660 (C), 38.2860 (C), 38.3060 (C), and 38.3260 (C) only when there are practical difficulties in the application of the Chapter. A Major Variance shall be granted only when all of the following criteria are met. A Minor Variance shall met criteria (3) and (4).

(1) A circumstance or condition applies to the property or to the intended use that does not apply generally to other property in the same vicinity or district. The circumstance or condition may relate to the size, shape, natural features and topography of the property or the location or size of physical improvements on the site or the nature of the use compared to surrounding uses.

(2) The zoning requirement would restrict the use of the subject property to a greater degree than it restricts other properties in the vicinity or district.

(3) The authorization of the variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or district in which the property is located, or adversely affects the appropriate development of adjoining properties.

(4) The granting of the variance will not adversely affect the realization of the Management Plan nor will it establish a use which is not listed in the underlying zone.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7605 VARIANCE CLASSIFICATION

(A) A Major Variance is one that is in excess of 25 percent of an applicable dimensional requirement. A Major Variance must be found to comply with MCC 38.7600 (A).

(1) A Major Variance must be approved at a public hearing except when all owners of record of property within 100 feet of the subject property grant their consent to the variance according to the procedures of MCC 38.7605 (B) (1) and (2).

(B) A Minor Variance is one that is within 25 percent of an applicable dimensional requirement. The Approval Authority is authorized to grant a Minor Variance in accordance with the following conditions:

(1) Application shall be accompanied by the written consent of the owner or owners of each lot adjoining and across any street from the subject property;

(2) The form to be presented to each owner must include the zoning requirement, the amount of relief requested by the applicant and a declaration by the owner that the granting of the variance shall not harm the value and livability of ~~his~~ their property.

(C) Notwithstanding (B) above, an applicant may seek approval of a variance to a dimensional requirement as a Major Variance, subject to the standards of this section.

(Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

LAND DIVISIONS

§ 38.7700- TITLE

This part of Chapter 38 shall be known as the Multnomah County Land Division Ordinance and may be so pleaded and referred to.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7705 DEFINITIONS

As used in this Chapter, unless the context requires otherwise, the following words and their derivations shall have the meanings provided below.

Accessway means a private road which is not a part of a lot or parcel and which provides access to more than one lot or parcel.

Applicant means the record owner or owners of a unit, area or tract of land or contiguous units, areas or tracts, proposing subdivision or partitioning and includes the authorized representative of the record owner or owners.

Approval authority means the Hearings Officer, Planning Commission or Planning Director authorized by this Chapter to approve tentative plans or final plans for land divisions.

Board means the Board of County Commissioners of Multnomah County.

Cul-de-sac means a short public street which is open to traffic at one end and is terminated by a vehicle turnaround at the other.

Development permit means any permit required by this or other Multnomah County Ordinances as a prerequisite to the use or improvement of any land and includes a building, land use, occupancy, sewer connection or other similar permit.

Flag lot means a parcel which includes a private driveway as a part thereof.

Frontage street means a minor street substantially parallel and adjacent to an arterial street, providing access to abutting properties and separation from through traffic.

Half street means a portion of the standard width of a street along the boundary of a land division, where the remaining portion of the street width could be provided from the adjoining property.

Hearings Officer means the Hearings Officer of Multnomah County.

Land Division means a subdivision or partition. For the purposes of this Sub-chapter, land divisions are further classified as Category 1, and Category 3 Land Divisions, as provided in this Sub-chapter.

Land Feasibility Study means a Site Evaluation Report which is the first step in obtaining a construction permit for an on-site sewage disposal system.

Lot means a unit of land that is created by a subdivision of land.

Parcel See 38.0015.

Partition means either an act of partitioning land or an area or tract of land partitioned as defined in this Chapter.

Partition land means to divide an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. Partition land does not include:

(1) A division of land resulting from a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots;

(2) An adjustment of a property line by the relocation of a common boundary in accordance with 38.7970; or

(3) A sale or grant by a person to a public agency or public body for state highway, county road, or other right-of-way purposes provided that such road or right-of-way complies, in the case of a county road, with the Street Standards Code and Rules, or, in the case of other right of way, the applicable standards of the agency to which the sale or grant is made. However, any property divided by the sale or grant of property for state highway or county road or other right-of-way purposes shall continue to be considered a single unit of land until such time as the property is further subdivided or partitioned; or

(4) The sale of a lot in a recorded subdivision, even though the lot may have been acquired prior to the sale with other contiguous lots or property by a single owner.

Partition Plat means a final map and other writing containing all the descriptions, locations, specifications, provisions and information concerning a partition.

Pedestrian path and bikeway means a right- of-way or easement for pedestrian, bicycle or other non-motorized traffic.

Person means a natural person, firm, partnership, association, social or fraternal organization, corporation, trust, estate, receiver, syndicate, branch of government, or any group or combination acting as a unit.

Planning Commission means the Planning Commission of Multnomah County.

Planning Director means the Director of the Land Use Planning Division or the Director's delegate.

Plat includes a final subdivision plat or partition plat.

Private driveway means a private means of access to a public road or private road which is part of and provides access only to one lot or parcel.

Private Road means a private accessway built on a separate lot from the lots it serves, connecting more than one property to the local public road system and each lot using the private road for access has an undivided interest in the private road.

Private street —See private road.

Property Line means the division line between two units of land.

Property Line Adjustment means the relocation of a common property line between two abutting properties.

Public Road means a road over which the public has a right of use that is a matter of public record. County roads, city streets, state highways, federal roads and local access roads are all public roads.

Public street—See public road.

Right-of-way means the area between boundary lines of a public street or other area dedicated for pedestrian or vehicular circulation.

Road means the entire right-of-way of any public or private way that provides ingress to, or egress from property by vehicles or other means, or provides travel between places by means of vehicles. "Road" includes, but is not limited to:

(a) Ways described as streets, highways, throughways, or alleys;

(b) Road-related structures, such as tunnels, culverts, or similar structures, that are in the right-of-way; and

(c) Structures such as bridges that provide for continuity of the right-of-way.

Sale or sell includes every disposition or transfer of land in a subdivision or partition or an interest or estate therein.

Sidewalk means a pedestrian walkway with all-weather surfacing.

Street —See road.

Street classifications such as *Arterial, Collector, Minor Arterial*, etc., shall have the meanings stated in the Multnomah County Street Standards Code and Rules.

Street lighting means the total system of wiring, poles, arms, fixtures and lamps, including all parts thereof that are necessary to light a street or pedestrian path and bikeway.

Subdivide land means to divide an area or tract of land into four or more lots within a calendar year when such area or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of such year.

Subdivision means either an act of subdividing land or an area or a tract of land subdivided as defined in this Chapter.

Subdivision Plat means a final map and other writing containing all the descriptions, locations, specifications, provisions and information concerning a subdivision.

Tentative plan means the applicant's proposal for subdivision or partition and consists of the drawings, written information and supplementary material required by this Chapter.

(Ord. 1128, Amended, 01/29/2009; Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7725 COMPLIANCE REQUIRED

No land may be divided in the Columbia River Gorge National Scenic Area except in accordance with this Chapter.

(A) Land Divisions within the NSA shall be classified and found to satisfy the applicable approval criteria specified in MCC 38.7700 through 38.8035, subject to the following:

(1) New land divisions, except lot line adjustments, are not allowed in the Special Management Area, unless the creation of a new parcel will facilitate land acquisition by the federal government to achieve the policies and standards of the Management Plan.

(2) All land divisions must consider consolidation of access in order to reduce adverse effects on scenic, cultural, natural and recreation resources.

(B) No person shall create a street for the purpose of dividing land without the approval of a subdivision or partition as provided by this Chapter.

(C) Except as provided in MCC 38.0560, no development permit shall be issued for the improvement or use of any land divided in violation of the provisions of this Chapter, regardless of whether the permit applicant created the violation. A division of land which is contrary to an approved subdivision plat or partition map is a violation of this Chapter.

(D) The requirements of this Chapter shall apply to the applicant for a land division and to the applicant's successors in interest in the land division or any portion thereof.

(Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7740 UNDEVELOPED SUBDIVISIONS

A unit of land shall be consolidated with adjacent lands in the same ownership if the subdivision within which it is located is undeveloped pursuant to ORS chapter 92.

(Ord. 1064, Add, 06/23/2005)

§ 38.7765 LAND DIVISION CATEGORIES DISTINGUISHED

For the purposes of this Chapter, the land division classifications listed in sections 38.7770 through 38.7775 are established.

(Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7770 CATEGORY 1 LAND DIVISIONS

The following proposals are designated Category 1 Land Divisions:

(A) A Rural Area subdivision;

(B) A Rural Area partition which creates a new street when the Planning Director determines that:

(1) The proposal includes the continuation of an existing or planned street to adjacent property, or,

(2) The proposal either eliminates or makes impractical the continuation of an existing street or the provision of needed access to adjacent property.

(C) A subdivision or partition associated with an application affecting the same property for any action proceeding requiring a public hearing under MCC Chapter 38 or for a variance under the Land Division part of this Chapter; and

(D) Any other land division proposal which, as determined by the Planning Director, will have a substantial impact on the use or development of nearby property such that determination at a public hearing is required, considering:

(1) The nature of nearby land uses or the pattern of existing land divisions in relation to the applicable elements of the Comprehensive Plan;

(2) Plans or programs for the extension of the street or utility systems on or near the proposed division; or

(3) Physical characteristics of the tract or nearby area such as steep slopes, a history of flooding, poor drainage, ~~land slides~~ landslides or other existing or potential hazards.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7775 CATEGORY 3 LAND DIVISIONS

All other land partition proposals are designated Category 3 Land Divisions.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7794 CONSOLIDATION OF PARCELS AND LOTS

This section states the procedures and requirements for removing property lines between adjacent parcels or lots in the same ownership in order to create one parcel or lot. The act of parcel or lot consolidation does not, in itself, remove prior conditions of land use approvals. A property owner may also choose to consolidate parcels or lots as part of a land division application. The parcel and lot consolidation process described in this section is different from (and does not replace) the process used by the County Assessment and Taxation Program to consolidate parcels and lots under one tax account.

Consolidation of parcels and lots may be approved under the applicable descriptions and approval criteria given in subsection (A) for parcels created by “metes and bounds” deed descriptions and subsection (B) for parcels and lots that were created by a Partition or Subdivision Plat.

(A) Consolidation of parcels created by “metes and bounds” deed descriptions may be approved under the standards of either subsections (1) or (2) as follows:

(1) If all the subject parcels proposed for consolidation were created by deed instruments prior to October 19, 1978, (the effective date of Ord. 174), or are Lots of Record created by deed instrument under the "minor partitions exempted" section 1.224 of Ord. 174 and MCC section 11.45.110, then the following shall apply:

(a) Under a Type I Permit Review and in accordance with MCC 39.1115, an application and fee shall be submitted to the Land Use Planning office. The contents of the application shall include maps, copies of all current deeds, a title report, an affidavit signed by the owner that verifies that the owner has the authority to consolidate the parcels, and any supplementary material that is determined by the Planning Director to be necessary and relevant to demonstrate compliance with the standards in (b);

(b) The Planning Director shall verify the following in a written report:

1. The subject parcels are in the same ownership and there are no ownership or financing obstacles to completing the consolidation;

2. The parcels to be consolidated are either existing Lots of Record or the act of consolidation will correct a past unlawful land division;

(c) The applicant shall submit to the Planning Director a copy of an unrecorded deed that conforms to the requirements of the Director's report; and

(d) The applicant shall record the approved deed that accurately reflects the approved parcel consolidation.

(2) If the subject parcels proposed for consolidation include a parcel created by deed instrument as described in (A)(1) above and include a parcel created by Partition Plat or lot within a Subdivision Plat, then the following shall apply:

(a) The application and Planning Director verification requirements are those given in (A)(1)(a)&(b);

(b) Before submittal to the County Surveyor, the applicant shall submit to the Planning Director a copy of a "one parcel" Partition Plat that accurately reflects the requirements of the Director's report; and

(c) The "one parcel" Partition Plat shall meet the technical requirements of ORS Chapter 92 before it is recorded with the County Recorder.

(B) Consolidation of parcels within a Partition Plat or lots within a Subdivision Plat (Parcel and Lot Line Vacation) may be approved with a replat.

(Ord. 1097, Add, 07/26/2007)

§ 38.7797 REPLATTING OF PARTITION AND SUBDIVISION PLATS

(A) This section states the procedures and requirements for reconfiguring parcels, lots, and public easements within a recorded plat as described in ORS 92.180 through 92.190 (2006). This provision shall be utilized only in those zoning districts in which replatting is a Review Use. Nothing in this section is intended to prevent the utilization of other vacation actions in ORS chapters 271 or 368.

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(B) As used in this subsection, “replat” and “replatting” shall mean the act of platting the parcels, lots and easements in a recorded Partition Plat or Subdivision Plat to achieve a reconfiguration of the existing Partition Plat or Subdivision Plat or to increase or decrease the number of parcels or lots in the Plat.

(C) Limitations on replatting include, but are not limited to, the following: A replat shall only apply to a recorded plat; a replat shall not vacate any public street or road; and a replat of a portion of a recorded plat shall not act to vacate any recorded covenants or restrictions.

(D) The Planning Director may approve a replatting application under a Type II Permit Review upon finding that the following are met:

(1) In accordance with MCC 38.0550 or 39.1115, an application and fee shall be submitted to the Land Use Planning office. The contents of the tentative plan shall include those maps, written information and supplementary material listed for contents of a Category 3 tentative plan that are determined by the Planning Director to be adequate to demonstrate compliance with the applicable approval criteria;

(2) Reconfiguration of the parcels or lots shall not result in an increase in the number of “buildable parcels or lots” over that which exist prior to reconfiguration. “Buildable parcels or lots,” as used in this approval criteria, shall mean that there is confidence that a building and sanitation permit could be approved on the parcel or lot. A replat resulting in an increase in the number of “buildable parcels or lots” shall be reviewed as a land division as defined in this Chapter;

(3) Parcels or lots that do not meet the minimum lot size of the zoning district shall not be further reduced in lot area in the proposed replat;

(4) The proposed reconfiguration shall meet the approval criteria given in the land division code sections on easements, water systems, sewage disposal, and surface drainage;

(5) All reconfigured parcels and lots shall have frontage on a public street except as provided for alternative access in the access requirement sections of each zoning district; and

(6) The applicant shall submit a Partition Plat or Subdivision Plat to the Planning Director and County Surveyor in accordance with the requirements of ORS 92 and which accurately reflects the approved tentative plan map and other materials.

(Ord. 1264, Amended, 10/25/2018; Ord. 1097, Add, 07/26/2007)

§ 38.7800 CRITERIA FOR APPROVAL: CATEGORY 1 TENTATIVE PLAN

In granting approval of a Category 1 tentative plan, the approval authority shall find that:

(A) The tentative plan is in accordance with the applicable elements of the Management Plan;

(B) Approval will permit development of the remainder of the property under the same ownership, if any, or of adjoining land or of access thereto, in accordance with this and other applicable ordinances;

(C) The tentative plan complies with the applicable provisions, including the purposes and intent of this Chapter;

(D) The tentative plan complies with the Zoning Ordinance;

(E) If a subdivision, the proposed name has been approved by the County Surveyor and does not use a word which is the same as, similar to or pronounced the same as a word in the name of any other subdivision in Multnomah County, except for the words town, city, place, court, addition or similar words, unless the land platted is contiguous to and platted by the same applicant that platted the subdivision bearing that name or unless the applicant files and records the consent of the party that platted the subdivision bearing that name and the block numbers continue those of the plat of the same name last filed;

(F) The streets are laid out and designed so as to conform, within the limits of MCC 38.7905 and 38.7910 and the Street Standards Code and Rules, to the plats of subdivisions and maps of partitions already approved for adjoining property unless the approval authority determines it is in the public interest to modify the street pattern; and,

(G) Streets held for private use are laid out and designed so as to conform with MCC 38.7905 and 38.7910 and the Street Standards Code and Rules, and are clearly indicated on the tentative plan and all reservations or restrictions relating to such private streets, including ownership, are set forth thereon.

(H) Approval will permit development to be safe from known flooding and flood hazards. Public utilities and water supply systems shall be designed and located so as to minimize or prevent infiltration of flood waters into the systems. Sanitary sewer systems shall be designed and located to minimize or prevent:

(1) The infiltration of flood waters into the system; and

(2) The discharge of matter from the system into flood waters.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7805 CONTENTS OF CATEGORY 1 TENTATIVE PLAN

A tentative plan shall consist of maps, written information and supplementary material adequate to provide the information required in MCC 38.7810 through 38.7825.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7810 CATEGORY 1 TENTATIVE PLAN MAP SPECIFICATIONS

The tentative plan map shall be drawn on a sheet 18 x 24 inches or 11 x 17 inches in size or a size approved by the Planning Director. The scale of the map shall be 10, 20, 30, 40, 50, 60, 100 or 200 feet to the inch or multiples of ten of any of these scales. The map shall include one copy of a scaled drawing of the proposed subdivision, on a sheet 8.5 x 11 inches, suitable for reproduction, mailing and posting with the required notices.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7815 CATEGORY 1 TENTATIVE PLAN MAP CONTENTS

The tentative plan map shall indicate the following:

(A) General information:

(1) In the case of a subdivision, the proposed name which shall be in accord with subsection (E) of MCC 38.7800.

(2) Date, north point and scale of drawing.

(3) Description of the proposed land division sufficient to define its location and boundaries.

(4) Identification as a tentative plan map.

(B) Existing conditions:

(1) Streets: the location, name and present width of each street, alley or right-of-way in or serving the tract.

(2) Easements: location, width and nature of any easement of record on or serving the tract.

(3) Utilities: location and identity of all utilities on or serving the tract.

(4) Contour lines at ten foot intervals. The map shall state the source of the contour information.

(5) The location of at least one temporary bench mark within the land division.

(6) Any natural features such as rock outcroppings, marshes, wooded areas, major vegetation, etc., which may affect the proposal.

(7) Water courses on and abutting the tract, including their location, width and direction of flow.

(8) The approximate location of areas subject to periodic inundation and all areas covered by water.

(9) The location of any harbor line.

(10) Scaled location and size of all existing driveways and pedestrian walkways, and the scaled location and size and present use of all existing buildings or other structures, and designation of any existing buildings or structures proposed to remain on the property after division.

(C) Proposed improvements:

(1) Streets: location, proposed name, right-of-way width and approximate radii of curves of each proposed street.

(2) Any proposed pedestrian path or bikeway.

(3) Easements: location, width and nature of all proposed easements.

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(4) Lots or parcels: location and approximate dimensions of all lots or parcels, the minimum lot or parcel size and, in the case of a subdivision, the proposed lot and block numbers.

(5) Water supply: the proposed domestic water supply system.

(6) Sewage disposal: the proposed method of sewage disposal.

(7) Drainage: proposed methods for surface water disposal and any proposed drainage easements.

(8) Other utilities: the approximate location and nature of other utilities including the location of street lighting fixtures.

(9) Railroad rights-of-way, if any.

(10) Changes to navigable streams, if any.

(11) A street tree planting plan and schedule.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7820 WRITTEN INFORMATION: CATEGORY 1 TENTATIVE PLAN

Written information shall include:

(A) Name, address and telephone number of the record owner(s), owner's representative, and designer(s) of the proposed land division and the name of the engineer(s) or surveyor(s) and the date of the survey, if any.

(B) Proof of record ownership of the tract and the representative's authorization.

(C) Legal description of the tract.

(D) Present and proposed uses of the tract including all areas proposed to be dedicated to the public.

(E) Statements of the manner in which the criteria for approval listed in MCC 38.7800 are satisfied.

(F) Statement of the improvements to be made or installed, including street tree planting, and the time such improvements are to be made or completed.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7825 SUPPLEMENTARY MATERIAL: CATEGORY 1 TENTATIVE PLAN

The following supplementary material may be required by the Planning Director:

(A) A survey of the tract.

(B) A vicinity map showing existing divided and undivided land adjacent to the proposed land division, the existing uses and structures thereon, and an indication of the manner in which the

proposed streets and utilities may be extended to connect to existing streets and utilities or to serve future land divisions.

(C) Proposed deed restrictions and methods of proposed ownership.

(D) Such other material as the Planning Director deems necessary to assist in the review and assessment of the land division proposal according to the provision of this Chapter.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7855 CRITERIA FOR APPROVAL: CATEGORY 3 TENTATIVE PLAN

In granting approval of a Category 3 tentative plan, the Planning Director shall find that the criteria listed in subsections (B), (C) and (H) of MCC 38.7800 are satisfied and that the tentative plan complies with the area and dimensional requirements of the underlying zoning district.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7860 CONTENTS OF CATEGORY 3 TENTATIVE PLAN

A tentative plan for a Category 3 Land Division shall consist of maps, written information and supplementary material adequate to provide the following:

(A) Category 3 tentative plan map contents. A tentative plan map of a sheet size and scale as specified in MCC 38.7810 shall indicate the following:

(1) Date, north point and scale of drawing.

(2) Description of the proposed land division sufficient to define its location and boundaries.

(3) Identification as a tentative plan map.

(4) Location, names or purpose and width of all streets, rights-of-way or easements on or abutting the tract.

(5) Natural features, water courses or areas covered by water.

(6) The location and use of any buildings or structures proposed to remain after division.

(7) The proposed parcels, their dimensions and areas.

(8) Contiguous property under the same ownership.

(B) Written information; Category 3 tentative plan. Written information shall include:

(1) Name, address and telephone number of the record owner(s), owner's representative, designer(s), engineer(s) or surveyor(s), and the date of survey, if any.

(2) Proof of record ownership of the tract and the representative's authorization.

(3) Legal description of the tract.

(4) Present and proposed uses.

(5) Description of the water supply, methods of sewage disposal and storm water disposal, and the availability of other utilities.

(6) Statements of the manner in which the criteria for approval listed in MCC 38.7855 are satisfied.

(7) Statement of the improvements to be made or installed and the time scheduled therefore.

(C) Supplementary material; Category 3 tentative plan. The Planning Director may require such additional information, listed in sections MCC 38.7805 through 38.7825, as the Director deems necessary to assist in the review and assessment of the land division proposal according to the provisions of this Chapter.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7865 TENTATIVE PLAN APPROVAL TIME LIMITS; STAGED DEVELOPMENT

The time limits for approval of tentative plans and staged development proposals shall be in accordance with MCC 38.7870 through 38.7880.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7870 TIME LIMIT

The final subdivision plat or final partition plat shall be delivered to the Planning Director for approval within two years following the approval of the tentative plan, and shall incorporate any modification or condition required by approval of the tentative plan. The Planning Director may, upon written request by the applicant, and payment of the required fee, grant an extension of the approval period, not to exceed six months, upon a written finding that the facts upon which the approval was based have not changed to an extent sufficient to warrant re-filing of the tentative plan.

(Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7875 STAGED DEVELOPMENT FOR SUBDIVISION

When an applicant desires to record and develop subdivision plats covering portions of an approved tentative plan in stages, the approval authority may authorize a time schedule for platting the various stages in periods of time in excess of one year, but in no case shall the total time period for platting of all stages be greater than five years without re-filing the tentative plan. Each stage so platted and developed shall conform to all applicable requirements of this Chapter.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7880 RE-APPROVAL AFTER EXPIRATION

After the expiration of the approval period, and extension, if any, a tentative plan shall be re-filed and considered as a new application.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7885 APPLICATION OF GENERAL STANDARDS AND REQUIREMENTS

Every land division proposal shall comply with the applicable provisions of MCC 38.7890 through 38.7965.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7890 LAND SUITABILITY

A land division shall not be approved on land found by the approval authority to be both unsuitable and incapable of being made suitable for the intended uses because of any of the following characteristics:

(A) Slopes exceeding 20%;

(B) Severe soil erosion potential;

(C) Within the 100-year flood plain;

(D) A high seasonal water table within 0– 24 inches of the surface for three or more weeks of the year;

(E) A fragipan or other impervious layer less than 30 inches from the surface; or

(F) Subject to slumping, earth slides or movement.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7895 LOTS AND PARCELS

The design of lots and parcels shall comply with the following:

(A) The size, shape, width, orientation and access shall be appropriate:

(1) To the types of development and uses contemplated;

(2) To the nature of existing or potential development on adjacent tracts;

(3) For the maximum preservation of existing slopes, vegetation and natural drainage;

(4) To the need for privacy through such means as transition from public to semi-public to private use areas and the separation of conflicting areas by suitable distances, barriers or screens; and

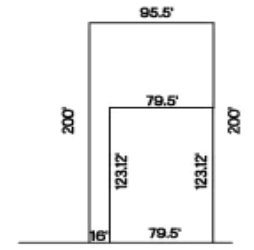
(5) To the climactic conditions including solar orientation and winter wind and rain.

(B) The side lot lines shall be perpendicular to the front lot line or radial to the curve of a street, to the extent practicable.

(C) Double frontage or reverse frontage lots or parcels shall be provided only when essential for separation of land uses from arterials or to overcome specific disadvantages of topography or orientation.

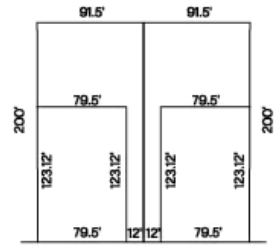
(D) A land division may include creation of a flag lot with a pole that does not satisfy the minimum frontage requirement of the applicable zoning district, subject to the following:

(1) When a flag lot does not adjoin another flag lot, as shown in MCC 38.7895 Figure 1, the pole portion of the flag lot shall be at least 16 feet wide.



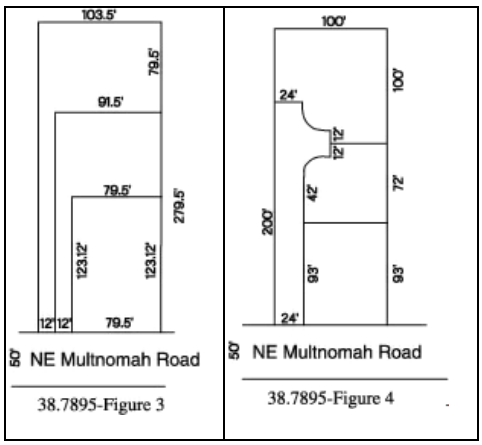
38.7895-Figure 1

(2) Where two flag lots are placed back to back as shown in MCC 38.7895 Figure 2, the pole portion of each flag lot shall be at least 12 feet wide.



38.7895-Figure 2

(E) Within a land division, flag lots shall not be stacked one behind the other as shown in MCC 38.7895 Figure 3. Instead, a private accessway shall be used as shown in MCC 38.7895 Figure 4.



(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7900 ACREAGE TRACTS

Where a tract of land is to be divided into lots or parcels capable of re-division in accordance with this or other ordinance, the approval authority shall require an arrangement of lots, parcels and streets which facilitates future re-division. In such a case, building setback lines may be required in order to preserve future rights-of-way or building sites.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7905 STREET LAYOUT

(A) Except as otherwise provided in subsections (B) and (C) of this section, the arrangement of streets in a land division shall be designed:

(1) To conform to the arrangement established or approved in adjoining land divisions;

(2) To continue streets to the boundary of any adjoining undivided tract where such is necessary to the proper development of the adjoining land;

(3) To assure the maximum possible preservation of existing slopes, vegetation and natural drainage;

(4) To limit unnecessary through traffic in residential areas;

(5) To permit surveillance of street areas by residents and users for maximum safety;

(6) To assure building sites with appropriate solar orientation and protection from winter wind and rain;

(7) To assure storm water drainage to an approved means of disposal; and

(8) To provide safe and convenient access.

(B) Where topography or other conditions make conformance to the existing street pattern or continuance to an adjoining tract impractical, the street layout shall conform to an alternate arrangement authorized by the approval authority.

(C) Where a street layout affecting the proposed land division has been established, the arrangement of streets in the land division shall conform to the established layout.

(D) A half street may be permitted only where appropriate to the future division of adjoining undeveloped property, provided that when possible, additional dedicated right-of-way exceeding one-half of a street may be required to provide adequate width to accommodate two-way vehicle traffic.

(E) When necessary for adequate protection of existing or proposed land uses or to afford separation of through and local traffic, a land division abutting or containing an existing or proposed arterial may be required to include, among other things, a frontage street, reverse frontage lots with extra depth, or screen plantings in a non-access reservation along a property line.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7910 STREET DESIGN

The width, design and configuration of all streets in or abutting the land division shall comply with applicable ordinance standards as follows:

(A) For a public street — in accordance with the Street Standards Code and Rules; and

(B) For a private street — in accordance with the Street Standards Code and Rules, subject to the following additional requirements:

(1) Accessways shall be designed in accordance with Permit Requirements for Accessway Construction published by the Multnomah County Department of Environmental Service. Accessways shall have a maximum length of 300 feet.

(C) A cul-de-sac shall be as short as possible and shall have a maximum length of 400 feet and serve building sites for not more than 18 dwelling units. A cul-de-sac shall terminate with a turnaround having a radius of 50 feet.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7915 STREET RESERVE STRIPS

The land division shall provide for the appropriate extension or widening of streets serving the division or for allocating the improvement costs among future land divisions. A reserve strip or street plug may be required for such purposes. The control and disposition of reserve strips or plugs shall be placed within the jurisdiction of the County.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7920 TEMPORARY TURNAROUNDS

A temporary turnaround shall be provided on any street that is appropriate for continuation, either within the land division or beyond, when the street serves more than six interior lots. However, in the case of a subdivision to be recorded and developed in stages under MCC 38.7875, a temporary turnaround shall not be required on a street to be continued in a subsequent stage. In such case, an appropriate improvement agreement under MCC 38.8010 may be required by the Planning Director to assure that a temporary turnaround will be provided should the subsequent stage not proceed according to the approved schedule.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7925 STREET NAMES

Names for public streets shall conform to the street naming system of Multnomah County. In order to discourage unnecessary traffic, the nature of a private street, a dead end street or a cul-de-sac shall be identified by a sign approved as to design, content and placement by the County Engineer.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7930 SIDEWALKS, PEDESTRIAN PATHS AND BIKEWAYS

(A) A sidewalk shall be required along any private street serving more than six dwelling units.

(B) A pedestrian path located outside a street right-of-way may be substituted for a required sidewalk when it serves the same circulation function.

(C) Where a pedestrian path and bikeway is part of an approved plan for the area or has been approved on adjoining property, the approval authority may require the provision of a pedestrian path or bikeway within the land division.

(D) In order to provide for an appropriate circulation system, the approval authority may require a pedestrian path and bikeway across an unusually long or oddly-shaped block.

(E) The width, design and configuration of sidewalks and pedestrian paths and bikeways shall comply with applicable ordinance standards, as follows:

(1) In a public right-of-way — in accordance with the Street Standards Code and Rules; and

(2) On private property — as approved by the Planning Director in accordance with an approved Site Review.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7935 EASEMENTS

Easements shall be provided and designed according to the following:

(A) Along the front property line abutting a Street, a five foot utility easement shall be required. The placement of the utility easement may be modified as requested by a public or private utility

provider. Utility infrastructure may not be placed within one foot of a survey monument location noted on a subdivision or partition plat**.**

(B) Where a tract is traversed by a water course such as a drainage way, channel or stream, a storm water easement or drainage right-of-way adequate to conform substantially with the lines of the water course shall be provided. In a drainage district or water control district, such easement or right-of-way shall be approved by the district board, in accordance with ORS 92.110. If not within such District, approval shall be by the County Engineer.

(C) Easements for pedestrian paths and bikeways shall be not less than 10 feet in width.

(Ord. 1114, Amended, 05/29/2008; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7940 STREET TREES

Street trees shall be planted by the applicant according to the street tree planting plan and schedule approved by the County Engineer as an element of the tentative plan. Trees which have not survived for one year after initial planting shall be replaced by the applicant within four months of loss.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7950 WATER SYSTEM

The provision of domestic water to every lot or parcel in a land division shall comply with the requirements of subsections (4) (a), (b), or (c) of ORS 92.090 and MCC 38.7985 of this Chapter.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7955 SEWAGE DISPOSAL

The provision for the disposal of sewage from every lot or parcel in a land division shall comply with the requirements of subsection (5) (c) of ORS 92.090 and MCC 38.7990 of this Chapter.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7960 SURFACE DRAINAGE

Surface drainage and storm sewer systems shall be provided as required by section 38.7995. The County Engineer may require on-site water disposal or retention facilities adequate to insure that surface runoff volume after development is no greater than that before development.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7965 ELECTRICAL AND OTHER WIRES

Wires serving within a land division, including but not limited to electric power, communication, street lighting and cable television wires, shall be placed underground. The approval authority may modify or waive this requirement in acting on a tentative plan upon a finding that underground installation:

(A) Is impracticable due to topography, soil or subsurface conditions;

(B) Would result in only minor aesthetic advantages, given the existence of above-ground facilities nearby; or

(C) Would be unnecessarily expensive in consideration of the need for low-cost housing proposed on the lots or parcels to be served.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7970 PROPERTY LINE ADJUSTMENT (LOT LINE ADJUSTMENT)

(A) In the General Management Area:

(1) Lot line adjustments for parcels in all land use designations except Open Space, Commercial (GGC), Public Recreation(GG-PR, GS-PR), or Commercial Recreation (GG-CR) shall comply with the following standards:

(a) The lot line adjustment shall not result in the creation of any new parcel(s).

(b) The lot line adjustment shall not result in the potential to create a new parcel(s) or residential development in excess of the minimum density allowed by the land use designation(s) for the affected parcels.

(c) The lot line adjustment shall not allow a parcel that is equal to or larger than the minimum parcel size before the lot line adjustment to become less than the minimum parcel size after the lot line adjustment, except to allow a public or non-profit entity to acquire land for the purpose of protecting and enhancing scenic, cultural, recreation or natural resources, provided the land to be acquired would be protected by a conservation easement or other similar property restriction that precludes future land divisions and development.

(d) The lot line adjustment shall not allow a parcel that is smaller than the minimum parcel size to be reduced in size, except to accomplish one of the following purposes:

1. Resolve boundary disputes, correct physical encroachments, provide reasonable access, or meet buffer or set back requirements, provided:

a. The parcel to be enlarged would not become eligible for a subsequent land division and

b. The amount of land transferred would be the minimum necessary to resolve the issue.

2. Allow a public or non-profit entity to acquire land for the purpose of protecting and enhancing scenic, cultural, recreation or natural resources, provided the land to be acquired would be protected by a conservation easement or other similar property restriction that precludes future land divisions and development.

(e) The lot line adjustment shall not allow the boundary of a parcel designated Large-Scale Agriculture (GGA-40), Commercial Forest Land (GGF-40 or GGF-80), or Open Space to be extended into another land use designation for the purpose of establishing a dwelling under

less stringent provisions (e.g., extending a parcel designated GMA Large-Scale Agriculture [GGA-40] into a parcel designated Rural Center [GGRC] or Residential [GGR, GSR]).

(f) The lot line adjustment shall not allow previously approved parcels or developments to violate conditions of approval or become out of compliance or further out of compliance with existing land use and resource protection provisions, including, but not limited to, requirements for buffer zones and landscaping.

(g) The lot line adjustment shall not result in a parcel that cannot comply with existing land use and resource protection provisions, including, but not limited to requirements for buffer zones and landscaping.

(2) Lot line adjustments for parcels designated Open Space shall comply with the following standards:

(a) The lot line adjustment may be allowed upon demonstration that it is necessary to facilitate efforts to protect and enhance scenic, cultural, natural, or recreation resources. (Note: There is no specified minimum parcel size for parcels designated Open Space.)

(b) The lot line adjustment shall comply with provisions (A)(1)(a), (b), (e), (f), and (g) above.

(3) Lot line adjustments for parcels designated Commercial shall comply with provisions (A)(1)(a), (b), (e), (f), and (g) above.

(4) Lot line adjustments for parcels designated Public Recreation (GG-PR, GS-PR) or Commercial Recreation (GG-CR) shall comply with the following standards:

(a) The lot line adjustment may be allowed upon demonstration that it is necessary to facilitate, enhance, or otherwise improve recreation uses on the parcel. (Note: There are no specified minimum parcel sizes for parcels designated Public Recreation [GG-PR, GS-PR] or Commercial Recreation [GG-CR].)

(b) The lot line adjustment shall comply with provisions (A)(1)(a), (b), (e), (f), and (g) above.

(B) In the Special Management Area:

(1) The proposed lot line adjustment shall not result in the creation of any new parcel(s).

(2) A lot line adjustment shall not result in a parcel greater than or equal to 40 acres with a dwelling becoming less than 40 acres.

(3) A lot line adjustment shall not result in a parcel less than 40 acres becoming 40 acres or greater.

(4) A parcel that is smaller than 40 acres shall not be reduced in size, except to accomplish one of the following purposes:

(a) Resolve boundary line disputes, correct physical encroachments, provide reasonable access, or meet buffer or set back requirements, provided

1. The parcel to be enlarged would not become 40 acres or greater and

2. The amount of land transferred would be the minimum necessary to resolve the issue.

(b) Allow a public or non-profit entity to acquire land for the purpose of protecting and enhancing scenic, cultural, recreation or natural resources, provided the land to be acquired would be protected by a conservation easement or other similar property restriction that precludes residential development.

(5) The lot line adjustment shall not cause previously approved parcels or development to violate conditions of approval or become out of compliance or further out of compliance with existing land use and resource protection provisions, including, but not limited to, requirements for buffer zones and landscaping.

(6) The lot line adjustment shall not result in a parcel that cannot comply with existing land use and resource protection provisions, including, but not limited to requirements for buffer zones and landscaping.

(Ord. 1125, Amended, 12/11/2008; Ord. 1064, Amended, 06/23/2005; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7975 REQUIRED IMPROVEMENTS

Improvements in a land division shall be made in accordance with the provisions of MCC 38.7980 through 38.8000 and 38.8010.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7980 STREETS, PEDESTRIAN PATHS AND BIKEWAYS

Any street, pedestrian path or bikeway shall be improved as follows:

(A) In a public street — in accordance with this Chapter and the Street Standards Code and Rules; and,

(B) In a private street — in accordance with the Street Standards Code and Rules.

(C) Underground utilities and street lighting facilities, storm drains and water mains located in a street shall be installed prior to the surfacing of the street.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7985 WATER SYSTEM

Water mains, service and fire hydrants shall meet the requirements of the Water District and shall be located as follows:

(A) In a public street — in accordance with the Street Standards Code and Rules; and

(B) In a private street — as approved by the approval authority.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7990 SEWAGE DISPOSAL

(A) A sewage disposal system approved by the State Department of Environmental Quality shall be provided. All lots or parcels in a proposed land division which will utilize private subsurface sewage disposal system shall apply for and obtain approval of a Land Feasibility Study confirming the ability to utilize the system prior to tentative plan approval. In such cases, the approval authority may require that a sanitary sewer line, with branches to the right-of-way line for connection to a future sewer system, be constructed and sealed.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.7995 SURFACE DRAINAGE AND STORM SEWER SYSTEMS

Drainage facilities shall be constructed as follows:

(A) In a public street — in accordance with the Street Standards Code and Rules; and

(B) In a private street and on lots or parcels — in accordance with the plans prepared by an Oregon licensed and registered professional engineer and approved by the approval authority.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.8000 OTHER UTILITIES

Other utilities, including electric, gas, street lighting and cable television facilities shall be provided as required by this Chapter and as follows:

(A) In a public street — in accordance with the Street Standards Code and Rules; and

(B) In a private street — as approved by the approval authority.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.8005 VARIANCES

(A) A variance from the provisions of MCC 38.7885 through 38.8000 of this Chapter may be authorized by the Hearings Officer or the Planning Commission, as appropriate. Such a variance may be authorized only when substantially all of the following factors exist:

(1) Special circumstances or conditions apply to the property or to the intended use that do not apply to other property in the same vicinity;

(2) The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant and extraordinary hardship would result from strict compliance with the ordinance requirements;

(3) The authorization of the variance will not be materially detrimental to the public welfare or injurious to other property in the vicinity;

(4) The granting of the variance will not adversely affect implementation of the Comprehensive Plan; and

(5) The circumstances of any hardship are not of the applicant's making.

(B) Application for a variance shall be filed with the Planning Director, on the forms provided, at the time of application for tentative plan approval. The application shall be accompanied by the required fee. Notice of the hearing on the tentative plan shall include notice of the proposed variance.

(C) A variance authorized under the provisions of MCC 38.8005 shall expire upon expiration of the tentative plan approval or of the phase of an approved staged development associated therewith.

(D) A variance from the provisions of the Street Standards Code and Rules may be authorized as provided therein.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.8010 IMPROVEMENT AGREEMENT

Prior to approval of a subdivision plat or partition plat by the County Engineer, the applicant shall execute and file with the County Engineer an agreement with the County, which shall include:

(A) A schedule for the completion of required improvements;

(B) Provision that the applicant file with the County Engineer a maintenance bond, on forms provided by the Engineer, guaranteeing the materials and workmanship in the improvements required by this Chapter against defects for a period of 12 months following the issuance of a certificate of acceptance by the County Engineer; and

(C) A surety bond, executed by a surety company authorized to transact business in the State of Oregon, or a certified check or other assurance approved by the County Attorney, guaranteeing complete performance. Such assurance shall be for a sum equal to 110% of the actual costs of the improvements as estimated by the County Engineer.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.8015 FINAL DRAWING AND PRINTS

(A) Two prints of the subdivision or partition plat shall accompany the final drawing, conforming to all applicable requirements as established by the Oregon Revised Statutes (ORS), Chapters 92 and 209.

(B) Notwithstanding optional provisions in ORS Chapter 92, all parcels created shall be surveyed, monumented and platted, regardless of parcel area.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.8020 INFORMATION REQUIRED ON SUBDIVISION PLAT OR PARTITION PLAT

In addition to the information required to be shown on the tentative plan, the following shall be shown on the subdivision plat or partition plat:

(A) Corners of adjoining subdivisions or partitions.

(B) The location, width and centerline of streets and easements abutting the boundaries of the land division.

(C) Any plat that includes land in areas of Special Flood Hazard or includes a water body or watercourse, as those features are described in MCC Chapter 39.5000 through 39.5055 Flood Hazard Regulations, shall contain a plat note indicating that portions of the plat are subject to flooding and/or high water.

(D) The ownership of each private street shall be shown.

(E) Other certifications required by law.

(Ord. 1264, Amended, 10/25/2018; Ord. 1176, Amended, 03/03/2011; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.8025 SUPPLEMENTAL INFORMATION WITH SUBDIVISION PLAT OR PARTITION PLAT

The following shall accompany the subdivision plat or partition plat, as appropriate:

(A) A copy of any deed restrictions applicable to the subdivision or partition.

(B) A copy of any dedication requiring separate documents.

(C) As used in this section, "lot" means a unit of land that is created by a subdivision of land, and a "tract" will be considered a lot, except for street plugs.

(D) A map, prepared by an Oregon licensed surveyor, of the subdivision plan or partition plat that depicts the normal flood plain or high water line for any water body or watercourse and the extent of areas of Special Flood Hazard as defined in MCC 39.5000 through 39.5055.

(Ord. 1264, Amended, 10/25/2018; Ord. 1176, Amended, 03/03/2011; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 38.8030 TECHNICAL REVIEW AND APPROVAL OF SUBDIVISION PLAT OR PARTITION PLAT

(A) The subdivision plat or partition plat and all required material shall be filed with the Planning Director for final approval. Within 10 business days of filing, the Planning Director shall determine whether the material conforms with the approved tentative plan and with the applicable requirements of this Ordinance. If the Planning Director determines that there is not such conformity, the applicant shall be so advised and afforded an opportunity to make corrections. When the plat is found to be in conformity, it shall be signed and dated by the Planning Director.

(B) On a subdivision plat, the approval signature of the Chair of the Board of County Commissioners or the Chair's delegate, shall be required to certify that the plat is approved.

(S-3 - LU 2018)

(C) No building permit shall be issued or parcel sold, transferred or assigned until the partition plat has been approved by the Planning Director and County Surveyor and recorded with the public office responsible for public records.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

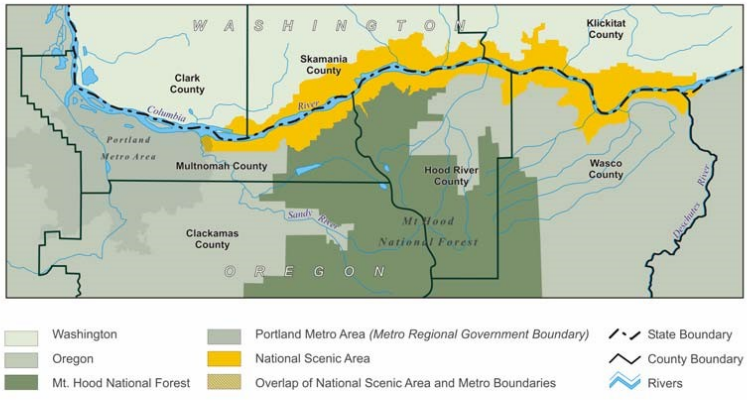
§ 38.8035 FINAL APPROVAL EFFECTIVE

Subdivision and partition approvals shall become final upon the recording of the approved plats, under ORS 92.120, any required street dedications and other required documents with the public office responsible for public records.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

EXHIBIT A2
PC-2021-14505

Columbia River Gorge National Scenic Area
Rural Area Plan Policy Document



~~***Prepared for:***~~
~~**Multnomah County**~~
~~**Department of Business and Community Services**~~
~~**Land Use and Transportation Program**~~
~~**1600 SE 190th Avenue**~~
~~**Portland, Oregon**~~

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PURPOSE OF THE RURAL AREA PLAN

The purpose of this Rural Area Plan is to guide decision making regarding land use, capital improvements, and physical development of the Multnomah County portion of the Columbia River Gorge National Scenic Area.

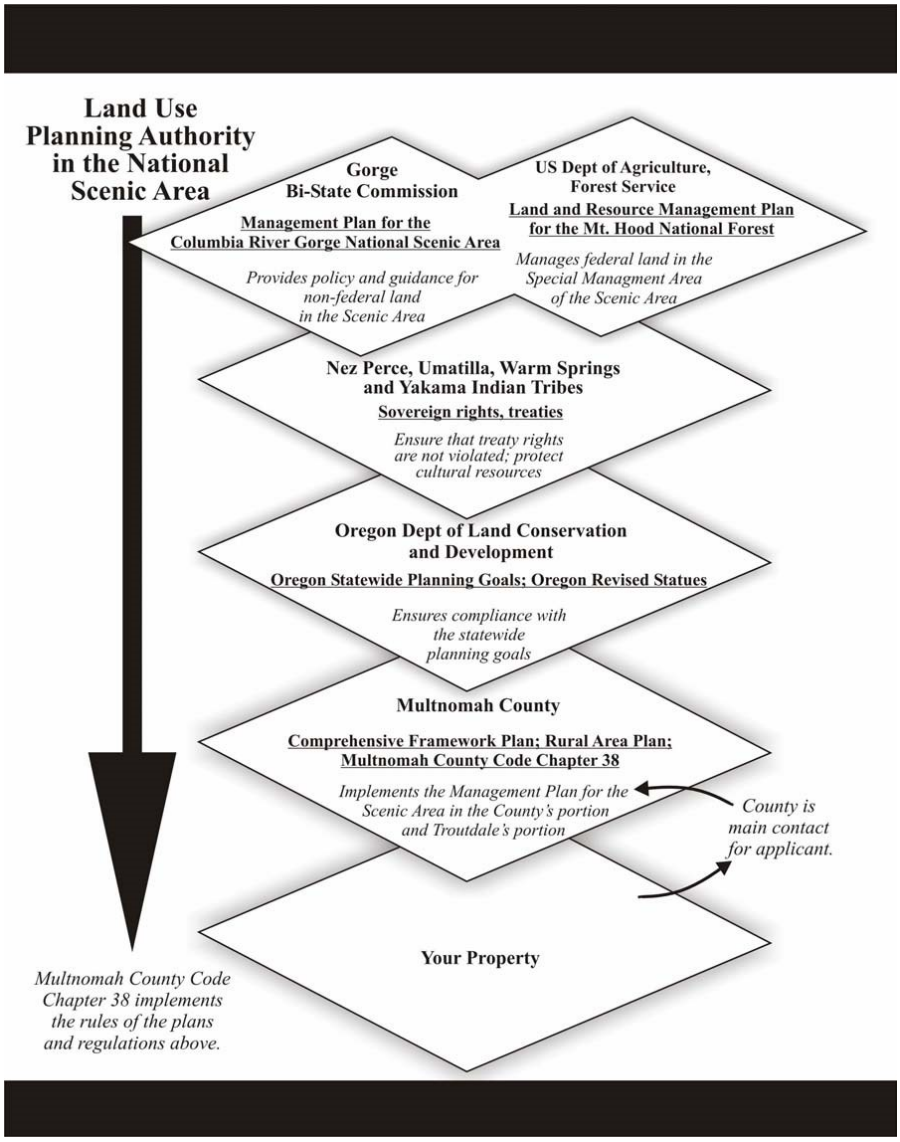
INTRODUCTION TO AND OVERVIEW OF THE RURAL AREA PLAN

Multnomah County recognizes that the Management Plan for the Columbia River Gorge National Scenic Area is the guiding policy document for the NSA portion of the County. The Rural Area Plan is intended to complement the Management Plan for the Columbia River Gorge National Scenic Area and the Multnomah County Comprehensive Framework Plan. The Multnomah County Comprehensive Framework Plan is the guiding land use planning policy document for the County. The Rural Area Plan is an element of the overall Multnomah County Comprehensive Framework Plan. The Rural Area Plan and the Management Plan for the Columbia River Gorge National Scenic Area guide decision making with regard to land use, capital improvements, and physical development of the community.

This Rural Area Plan for the Columbia River Gorge National Scenic Area ("Scenic Area") explains how Multnomah County conducts land use planning in the portion of the Scenic Area within the County. The Scenic Area covers 85 miles along the Columbia River, including portions of Multnomah, Hood River, and Wasco counties in Oregon and Clark, Klickitat, and Skamania counties in Washington, and the Mt. Hood and Gifford Pinchot National Forests.

Rural Area Plan Policy

The purposes of the Columbia River Gorge National Scenic Area Districts are to protect and provide for the enhancement of the scenic, cultural, recreational, and natural resources of the Columbia River Gorge, and to protect and support the economy of the Columbia River Gorge by encouraging growth to occur in existing urban areas and by allowing future economic development in a manner that protects and enhances the scenic, cultural, recreational, and natural resources of the Gorge. The Rural Area Plan explains the various sources for the County's authority to administer land use planning in the Scenic Area and identifies the other agencies the County partners with to manage the Scenic Area. The list below shows the ~~heirarchy~~ hierarchy of authority for land use planning in the Multnomah County portion of the Scenic Area. Agencies are shown in bold, their guiding plans and regulations in *italic*, and their primary responsibility in plain type.



Introduction to the Columbia River Gorge National Scenic Area Act

U.S. Congress established the Scenic Area with Columbia River Gorge National Scenic Area Act ("the Act"—Public Law 99-663) on November 17, 1986. Congress called for the preparation of a management plan that would treat the portions of six counties in the states of Oregon and Washington as a region. The Congress also established a two-tiered management approach that divides responsibility between the U.S. Department of Agriculture, Forest Service (U.S. Forest Service) and the Columbia River Bi-State Gorge Commission. Congress directed the U.S. Forest Service to prepare land use designations and guidelines for the Special Management Areas (SMA). The SMA includes the region's most sensitive lands, concentrated

primarily in the western half of the Scenic Area. Congress authorized the Gorge Commission to plan for General Management Area (GMA) lands, which include agricultural, forestry, and residential uses.

INTRODUCTION TO THE MANAGEMENT PLAN FOR THE COLUMBIA RIVER GORGE NATIONAL SCENIC AREA

The Gorge Commission adopted Federal Interim Guidelines for the Scenic Area in 1988 and adopted the Management Plan for the Columbia River Gorge National Scenic Area on October 15, 1991. The U.S. Secretary of Agriculture gave his concurrence of the Management Plan for the Columbia River Gorge National Scenic Area on February 13, 1992. As part of the National Scenic Area Act, Congress directed the Gorge Commission to conduct a comprehensive review of the Management Plan for the Columbia River Gorge National Scenic Area at least once every 10 years, to determine if it needs to be revised. The Commission started their first 10-year review in the spring of 2001. After public feedback and testimony, the Gorge Commission adopted a revised Plan on April 27, 2004. A similar comprehensive review process concluded on October 13, 2020 following a three year public planning process when the Gorge Commission adopted revisions to the Management Plan. As required under the Act, the U.S. Secretary of Agriculture has since concurred with the revisions and the Gorge Commission transmitted a final version of the Management Plan for the Columbia River Gorge National Scenic Area to Multnomah County on ~~September 8, 2004~~ March 16, 2021. From this date, the County had 60 days to inform the Gorge Commission if it would be revising its codes to implement the changes (which ~~The~~ Multnomah County ~~Board of Commissioners Chair~~ did on ~~October 21, 2004~~March 29, 2021) and ~~9 months to update its plans and ordinances~~ began the local code amendment process implementing the Management Plan revisions. ~~Multnomah County prepared this Rural Area Plan in conjunction with the amendments to Chapter 38 of the Multnomah County Code. As part of the code amendment and Rural Area Plan preparation process, the County held public open houses on December 8, 2004 and March 30, 2005 at the Corbett High School. The County also formed a Citizen's Advisory Committee that met five times in 2005 to provide input on the amendments to the County code and the Rural Area Plan. Meetings were held on January 27, February 10, February 24, March 10, and March 17.~~ The Multnomah County Planning Commission considered ~~the Rural Area Plan~~ proposed revisions to Chapter 38 regulations at a public hearing on ~~May 2, 2005~~ Month, Day placeholder, 2021. The Multnomah County Board of Commissioners considered ~~the Rural Area Plan~~ an ordinance amending Chapter 38 and this rural area plan policy document which is a component of the Multnomah County Comprehensive Plan at a public hearing on ~~June 16, 2005~~ Month, Day placeholder, 2021.

RELATIONSHIP OF THE RURAL AREA PLAN TO OTHER EXISTING PLANS AND REGULATIONS

Management Plan for the Columbia River Gorge National Scenic Area

The Management Plan for the Columbia River Gorge National Scenic Area serves as the overall policy document or comprehensive plan that guides the regulations in Multnomah County Code Chapter 38. The Management Plan for the Columbia River Gorge National Scenic Area regulates land use to ensure that development does not compromise the scenic, cultural, natural, and recreational resources of the Gorge that are of particular value to the nation, and to protect agricultural, forest, and recreation land and open spaces. The Management Plan for the

Columbia River Gorge National Scenic Area applies to all six counties in the Scenic Area. The policies and strategies incorporated into this Rural Area Plan are only applicable to the Multnomah County portion of the Scenic Area. In addition, the Rural Area Plan contains specific policy direction for provisions in the Multnomah County Code that are not provided by the Management Plan for the Columbia River Gorge National Scenic Area. The Rural Area Plan is intended to complement the Management Plan for the Columbia River Gorge National Scenic Area and the Multnomah County Comprehensive Framework Plan.

The Multnomah County Comprehensive Framework Plan is the guiding land use planning policy document for the County. The Rural Area Plan is an element of the overall Multnomah County Comprehensive Framework Plan. The Comprehensive Framework Plan applies to all areas of Multnomah County, both in the Scenic Area and not in the Scenic Area. The plan can be changed only if it goes through the process of an official plan amendment. ~~Policy 41~~ Policy 1.5 of the Comprehensive Framework Plan is to implement the goals, objectives, policies, guideline elements, and maps of the Management Plan for the Columbia River Gorge National Scenic Area.

The Rural Area Plan, as an element of the Comprehensive Framework Plan, and the Management Plan for the Columbia River Gorge National Scenic Area guide decision making with regard to land use, capital improvements, and physical development of the community. It will be used by the County, other governmental agencies, developers and residents of the area. In the event of a conflict between the Comprehensive Framework Plan, Rural Area Plan and the Management Plan, the policies and guidelines of the Management Plan for the Columbia River Gorge National Scenic Area will prevail.

Management Plan for the Columbia River Gorge National Scenic Area Policies

Multnomah County recognizes that the Management Plan for the Columbia River Gorge National Scenic Area, in conjunction with the Rural Area Plan as an element of the Comprehensive Framework Plan, serves as the policy document that guides land use regulation in the Scenic Area.

Multnomah County shall amend Chapter 38, Columbia River Gorge National Scenic Area, of the Multnomah County Code as needed to be consistent with the Management Plan for the Columbia River Gorge National Scenic Area.

Land and Resource Management Plan for the Mt. Hood National Forest

The Management Plan for the Columbia River Gorge National Scenic Area and the Mt. Hood Land and Resource Management Plan guide land management on National Forest System land in the Scenic Area. The Rural Area Plan has no relationship to the Land and Resource Management Plan, as the Rural Area Plan does not guide management of federal land, and the Land and Resource Management Plan does not apply to non-federal land.

Land and Resource Management Plan for the Mt. Hood National Forest Policy

Multnomah County recognizes that the Management Plan for the Columbia River Gorge National Scenic Area and the Land and Resource Management Plan for the Mt. Hood National Forest serve as the policy documents that guide land use management on National Forest System Land in the Scenic Area.

Indian Tribes' Sovereign Rights and Treaties

The four Columbia River Treaty Tribes (The Nez Perce Tribe, the Confederated Tribes of the Umatilla Indian Reservation, the Confederated Tribes of Warm Springs, and the Confederated Tribes and Bands of the Yakama Indian Nation) signed treaties with Congress the United Stated in 1855. These treaties ceded to the United States legal title to millions of acres of land. They also reserved and guaranteed certain aboriginal rights exercised by Indian people since time immemorial. The legally protected sovereign and treaty rights belong to each of the four ~~Indian~~ Columbia River treaty tribes and are regulated and enforced by the respective Indian tribal governments. The Indian tribal governments exercise inherent sovereign powers, as limited by treaty or act of Congress. Multnomah County and the Rural Area Plan must observe these rights.

Commented [AB1]: This new text more clearly identifies the tribes holding treaty rights in the NSA.

Indian Tribe's Sovereign Rights and Treaties Policy

Ensure that the Multnomah County Code Chapter 38 and its application do not adversely affect treaty or other rights of any ~~Indian~~ of the four Columbia River treaty tribes.

Oregon Statewide Planning Goals

The foundation of the Oregon land use planning program is a set of 19 Statewide Planning Goals that express the state´s policies on land use and on related topics, such as citizen involvement, housing, and natural resources. Oregon´s statewide goals are achieved through local comprehensive planning. State law requires each city and county to adopt a comprehensive plan and the zoning and land-division ordinances needed to put the plan into effect. The local comprehensive plans must be consistent with the Statewide Planning Goals. Plans are reviewed for such consistency by the state´s Land Conservation and Development Commission. When Land Conservation and Development Commission officially approves a local government´s plan, the plan is said to be ´acknowledged.´ It then becomes the controlling document for land use in the area covered by that plan.

In enacting ORS 196, the Oregon Legislative Assembly found that the Management Plan for the Columbia River Gorge National Scenic Area achieves on balance the purposes of the Statewide Planning Goals (ORS 196.107(1)). Therefore the County applies the Management Plan for the Columbia River Gorge National Scenic Area in the scenic area rather than the Statewide Planning Goals. The Rural Area Plan, as a complement to the Management Plan for the Columbia River Gorge National Scenic Area, does not directly address the Statewide Planning Goals.

Oregon Revised Statutes

The Oregon State Legislature codified the Scenic Area Act in Oregon Revised Statutes Chapter 196. The statutes establish the relationship of the Gorge Commission; Multnomah, Wasco, and Hood River counties; and the Oregon Land Conservation and Development Commission. The statutes also establish the relationship among the Management Plan for the Columbia River Gorge National Scenic Area, Oregon Statewide Planning Goals, and county plans and ordinances.

Oregon Statewide Planning Goals Policy

Multnomah County recognizes that the Oregon State Legislative Assembly and the Department of Land Conservation and Development consider the Management Plan

for the Columbia River Gorge National Scenic Area to achieve, on balance, the objectives of the Statewide Planning Goals.

Multnomah County Comprehensive Framework Plan

The Framework plan establishes goals, policies, and strategies to guide development in the County. Policy ~~41~~1.5: Columbia River Gorge National Scenic Area, states that it is the County's policy to implement the goals, objectives, policies, and guideline elements of the Management Plan for the Columbia River Gorge National Scenic Area. The strategy to implement this policy is to amend and apply the zoning districts and review procedures of the zoning code to implement the Management Plan for the Columbia River Gorge National Scenic Area.

Comprehensive Framework Plan Policy

The Rural Area Plan is an element of the Multnomah County Comprehensive Framework Plan, and together with the Management Plan for the Columbia River Gorge National Scenic Area, provides the policy basis for Multnomah County Code Chapter 38.

AUTHORITY IN THE COLUMBIA RIVER GORGE NATIONAL SCENIC AREA

Columbia River Gorge Commission

Through an inter-state compact, the states of Oregon and Washington established the Columbia River Gorge Commission. The Commission is comprised of 12 volunteers. Each County appoints one Commissioner. The Governors of Washington and Oregon each appoint three. One non-voting member is appointed by the U.S. Secretary of Agriculture. Members serve for a period of four years. The two states share the cost of the Gorge Commission's budget and ~~expeditures~~ expenditures equally.

The Gorge Commission's activities with respect to Multnomah County include:

- Developing and adopting land use and resource protection policy through the Management Plan for the Columbia River Gorge National Scenic Area.
- Serving as the appeals board for Scenic Area land use decisions issued by Multnomah County. This function serves to increase uniformity of implementation through the six counties and two states in the scenic area.
- Working with Multnomah County and the other five Scenic Area counties who administer the land use ordinances that implement Management Plan for the Columbia River Gorge National Scenic Area.

The Gorge Commission's powers with respect to land use in Multnomah County include:

- The power to disapprove a land use ordinance enacted by Multnomah County if the ordinance is inconsistent with the Management Plan for the Columbia River Gorge National Scenic Area.
- The power to enact a land use ordinance that sets standards for the use of non-federal land if the County fails to enact land use ordinances consistent with the Management Plan for the Columbia River Gorge National Scenic Area.

- The power to consider and decide appeals filed by any person or entity adversely affected by a final action or order of the County relating to the implementation of the National Scenic Area Act.

Multnomah County sends land use applications to the Gorge Commission for its review as part of the County's site review process.

Columbia River Gorge Commission Policy

Multnomah County recognizes the Columbia River Gorge Commission's responsibility for revising the Management Plan for the Columbia River Gorge National Scenic Area and its authority to serve as an appeals board for Multnomah County Scenic Area land use decisions.

U.S. Department of Agriculture, Forest Service

The U.S. Forest Service determines the consistency of projects on federal lands with the Management Plan for the Columbia River Gorge National Scenic Area. The U.S. Forest Service administers the National Forest System lands within the special management areas of Multnomah County in accordance with the Act, the Land and Resource Management Plan for Mt. Hood National Forest (1990), and other laws, rules and regulations applicable to the National Forest System. Multnomah County accepts applications for new development and uses in the SMA on non-federal land and forwards them to the U.S. Forest Service for their review and for certain additional resource information. Multnomah County coordinates with the U.S. Forest Service to obtain technical support with respect to cultural resources, anadromous fisheries, oak woodland and wetlands management on non-federal lands. The U.S. Forest Service also maintains and updates a geographic information systems for use by the counties, Gorge Commission, and U.S. Forest Service.

The U.S. Forest Service's other activities and responsibilities include:

- Assuring that actions on all federal lands are consistent with the Act.
- Concurring on consistency of Management Plan for the Columbia River Gorge National Scenic Area amendments with the Act, and concurring on consistency of SMA ordinances with the Management Plan for the Columbia River Gorge National Scenic Area (authority delegated from the Secretary of Agriculture to the Region 6 Regional Forester).
- Consulting with Indian tribal governments at the government-to-government level to determine the effect of all new development or uses in the SMA on treaty rights. The U.S. Forest Service notifies the County of the determination as part of the review process.
- Continue to acquire SMA and Dodson/Warrendale Special Purchase Unit land through purchase, donation, or land exchange.
- Provide fish and wildlife resource information to counties and the Gorge Commission.
- Provide historic resource information to counties and the Gorge Commission.
- Provide technical assistance in SMA forest practices review for consistency with the Management Plan for the Columbia River Gorge National Scenic Area.

U.S. Forest Service Policies

Multnomah County recognizes the authority of the U.S. Forest Service to manage National Forest System lands in the Scenic Area according to the Management Plan

for the Columbia River Gorge National Scenic Area and the Land and Resource Management Plan for the Mt. Hood National Forest.

Multnomah County recognizes the authority of the U.S. Forest Service to determine consistency with the Management Plan for the Columbia River Gorge National Scenic Area for all projects on federal lands in the Scenic Area.

Multnomah County shall foster close cooperation with the U.S. Forest Service in order to coordinate review of development proposals for SMA lands.

Indian Tribes

Four tribal entities with interests in the Scenic Area play an important role in implementing the Management Plan for the Columbia River Gorge National Scenic Area and protecting cultural resources. Tribal trust lands in the Scenic Area are managed by the Nez Perce Tribe, the Confederated Tribes of the Umatilla Indian Reservation, the Confederated Tribes of Warm Springs, and the Confederated Tribes and Bands of the Yakama ~~Indian tribes~~ Nation.

Treaty rights are defined by the treaties of 1855 between Congress and the Indian tribal governments. These treaties reserved and guaranteed certain aboriginal rights exercised by Indian people since time immemorial. These legally protected rights belong to each Indian tribe and are regulated and enforced by the respective Indian tribal governments. The Indian tribal governments exercise inherent sovereign powers, as limited by treaty or act of Congress.

Indian treaty rights must be observed by the Gorge Commission as well as local and state governments, federal agencies, and private citizens. Indian treaty rights guarantee the exclusive right of taking fish in the streams running through and bordering reservations and the privilege of hunting, gathering roots and berries and pasturing their stock on unclaimed lands (all public lands).

Multnomah County coordinates with the four tribal governments on matters respecting the Scenic Area principally through the notification process. Notices and decisions regarding land use applications in the Scenic Area are copied to all four tribal governments.

Indian Tribes Policies

Multnomah County shall notify the four Indian tribal governments when new uses are proposed on lands where tribal members exercise treaty or other rights.

Indian tribal governments shall have an opportunity to review and comment on new uses that are proposed on lands, or in waters, where tribal members exercise treaty or other rights.

Project applicants shall consult Indian tribal governments that submit substantive comments about proposed uses that may affect or modify treaty or other rights.

Proposed uses that would adversely affect treaty or other rights of any Indian tribe shall be prohibited.

Metro Regional Government Jurisdiction Within Scenic Area

The jurisdictional boundary of the regional government Metro extends into the Scenic Area east of the Sandy River to include about four square miles. Metro is a directly elected regional government that serves more than 1.3 million residents in Clackamas, Multnomah and

Washington counties, and the 25 cities in the Portland, Oregon, metropolitan area. Land use related functions which Metro provides are management of the urban growth boundary, regional transportation planning, and development of programs to protect natural resources and water quality. Metro's authority includes the ability to require local government compliance with their adopted programs.

Many of the Metro land use planning functions are implementation of certain Statewide Planning Goals. Examples of those Goals are those that strive to contain sprawl, strive to eliminate barriers to sufficient affordable housing, and developing protections for such "Goal 5" resources as fish and wildlife habitat. In particular Metro has inventoried and mapped the fish and wildlife resources within its jurisdiction, even the area inside the Scenic Area.

To avoid potential conflicting jurisdiction, Multnomah County takes the position that because the Oregon Legislature in ORS 196.107 has determined that the Management Plan achieves the purposes of the Statewide Goals, then the program developed by Metro to protect the fish and wildlife Goal 5 resources under Oregon Administrative Rule 660-023-0080 is not applicable within the Scenic Area.

Metro Jurisdiction Policy

It is the policy of Multnomah County that the Management Plan achieves the purposes of the Statewide Planning Goals, the Management Plan implements the Goal 5 fish and wildlife protection program and Metro ordinances regarding the Goal 5 fish and wildlife protection program do not apply.

Multnomah County

Multnomah County is one of six counties with lands in the Columbia River Gorge Scenic Area. Section 7 of the National Scenic Area Act requires counties to develop land use ordinances consistent with the Management Plan for the Columbia River Gorge National Scenic Area. With adoption of Multnomah County Code Chapter 38 that the Gorge Commission and the Secretary of Agriculture (as delegated to the Regional Forester) for the SMA have found to be consistent with the current Management Plan for the Columbia River Gorge National Scenic Area, the County has the authority to implement the Management Plan for the Columbia River Gorge National Scenic Area for scenic area lands within its jurisdiction. Multnomah County has authority from the Scenic Act to adopt ordinances with provisions that vary from the policies and guidelines in the Management Plan for the Columbia River Gorge National Scenic Area as long as the ordinances provide greater protection for the scenic, cultural, natural, and recreation resources of the Scenic Area (with concurrence by the Gorge Commission and the Secretary of Agriculture for the SMA). The County also has the authority to deny any permit or otherwise refuse to take any action that is inconsistent with the purposes and standards of the Management Plan for the Columbia River Gorge National Scenic Area.

Multnomah County is one of nine counties in the State of Oregon to have a home rule charter. Home rule charters allow voters the power to adopt and amend their own county government organization within certain limits set by the state. An amendment to the Oregon Constitution in 1958 allowed home rule charters. Until that time, counties were considered agents of the state government. The voters of Multnomah County approved a home rule charter on May 24, 1966, which became effective January 1, 1967. The primary organizational change was a

governing body consisting of a board of five full-time county commissioners, which is the policy determining body of the county.

The County's home rule charter recognizes the dual role of the county as a unit of local government and as an agency of the state. The charter allows the County to avail itself of local determination in county affairs to the fullest extent possible under the constitution and laws of the state. Chapter II of the charter confers upon the County general powers. The county has authority over matters of county concern to the fullest extent granted or allowed by the constitutions and laws of the United States and the State of Oregon, as fully as though each particular power comprised in that general authority were specifically listed in the charter. The charter shall be liberally construed, and each power of the county under the charter shall be construed as a continuing power unless the charter or the grant of the power indicates the contrary.

Multnomah County Authority Policies

Multnomah County shall review and decide upon applications for all permits relating to the use of non-federal land within the Multnomah County portion of the Scenic Area. These permits include all form of land divisions, land use, and legislative enactments and amendments to the Multnomah County Comprehensive Plan and Multnomah County Code.

Multnomah County shall review all development proposals on non-federal land in the Scenic Area for consistency with the Management Plan for the Columbia River Gorge National Scenic Area by applying the standards, criteria, and procedures in Multnomah County Code Chapter 38.

Multnomah County may adopt provisions that vary from the Management Plan for the Columbia River Gorge National Scenic Area when it deems that the provisions are more protective of the resources in the scenic area.

The County may adopt provisions that vary from the Management Plan for the Columbia River Gorge National Scenic Area when it deems they are necessary to protect general health, safety, and welfare or to implement state or federal laws not regulated by the Columbia River Gorge National Scenic Area Act, when not inconsistent with the Management Plan for the Columbia River Gorge National Scenic Area.

City of Troutdale

The portion of the City of Troutdale, east of the Sandy River is within the Columbia River Gorge National Scenic Area. The City has not enacted an ordinance to implement the Management Plan for the Scenic Area and until the City of Troutdale enacts such regulations, Multnomah County is directed by the Scenic Area Act to enforce its implementing ordinance in this portion of the City. Development proposals affecting land use in this area are reviewed by Multnomah County staff for compliance with Multnomah County Zoning Code Chapter 38, which has been approved by the Gorge Commission. The City of Troutdale enforces its land use regulations, so that development within the area of the city subject to the National Scenic Area regulations is subject to review by both Multnomah County and the City of Troutdale. Such dual review is a burden to applicants and creates potential for conflicts between City regulations and County regulations. The Management Plan for the Columbia River Gorge National Scenic Area allows counties and cities to enter into agreements so that only one

jurisdiction is applying a land use ordinance: A c*ounty and a city may enter into an agreement to allow the other to implement a land use ordinance that applies to the city and that has been approved or adopted by the Gorge Commission under Section 8 of the Scenic Area Act*. (Part IV – Administration, Chapter 1: Gorge Commission Role, County Ordinances section, Policy 2) Multnomah County supports this concept and may explore the possibility of developing an agreement with the City of Troutdale.

City of Troutdale Policy

Multnomah County shall review development in the Scenic Area portion of the City of Troutdale for consistency with the Management Plan for the Columbia River Gorge National Scenic Area by applying the standards, criteria, and procedures in Multnomah County Code Chapter 38, until such time that the City of Troutdale adopts an ordinance to implement the Management Plan for the Columbia River Gorge National Scenic Area or the City and County enter into an agreement to specify how the Management Plan is to be implemented in this portion of the City.

ISSUES NOT SPECIFICALLY ADDRESSED IN THE MANAGEMENT PLAN FOR THE COLUMBIA RIVER GORGE NATIONAL SCENIC AREA

~~Hillside Development~~ Geologic Hazards

The Management Plan for the Columbia River Gorge National Scenic Area does not specifically address development on hillside areas, but does have thresholds for when ~~a grading~~ an erosion and sediment plan is required, including any necessary geotechnical studies. The main purpose of the Management Plan for the Columbia River Gorge National Scenic Area's standards related to grading are to minimize the visual impact of large-scale grading. The purpose of the geological features inventory performed for the Management Plan for the Columbia River Gorge National Scenic Area was to determine how to protect features and avoid hazards. However, the Management Plan contains no policy guidance for achieving this purpose. Multnomah County's ~~Hillside Development~~ Geologic Hazard District meets fulfills this purpose. The Scenic Area in Multnomah County contains significant geologic resources consisting in many cases of steep and unstable hillsides. Inappropriate grading and ~~hillside~~ development in these areas may further destabilize them, threaten geologic resources, endanger public safety, and create liability issues for the County. Outside the Scenic Area, policy direction for these areas originally derived from the Statewide Planning Goal #7, which covers naturally hazardous areas. Multnomah County has mapped hazardous and steep areas. (The maps are based upon geotechnical analysis prepared by Shannon & Wilson, Inc., dated September 30, 1978 and May 31, 1996.) This document provides policy direction to protect geologic resources and public safety through the application of a ~~Hillside Development~~ Geologic Hazard District. The implementation of grading, ~~hillside~~ development, and erosion control measures in the MCC to protect the resources necessarily differ from the thresholds established by the Management Plan for the Columbia River Gorge National Scenic Area because they implement the Plan's objective to protect geologic features and avoid hazards versus impacts of grading on scenic, or cultural resources.

~~Hillside Development~~ Geologic Hazard Policies

Multnomah County shall endeavor to protect geologic resources in the Scenic Area, particularly to help ensure that grading on unstable and steep slopes does not degrade geologic resources.

Multnomah County shall apply the ~~Hillside Development~~ Geologic Hazard District in the Scenic Area.

Off-Street Parking and Loading

The Management Plan for the Columbia River Gorge National Scenic Area addresses parking in relationship to protecting scenic resources, and primarily deals with setbacks and screening. It does not provide direction on the many specific standards for parking that a jurisdiction typically regulates. Multnomah County needs to fill this gap by enacting additional off-street parking and loading regulations to reduce traffic congestion associated with specific uses, protect the character of neighborhoods and the function of streets, and to ensure uniform and safe standards for parking lot design and layout.

Off-Street Parking and Loading Policy

Multnomah County shall enact standards to reduce traffic congestion associated with specific uses, protect the character of neighborhoods and the function of streets, and to ensure uniform and safe standards for parking lot design and layout. The standards shall regulate the development and maintenance of off-street parking and loading areas, including location, dimensions, design, and minimum number of spaces in the Scenic Area.

Land Divisions

Land divisions in Oregon are governed by Chapter 92—Tentative and Final Approval of Plans; Plats—of the Oregon Revised Statutes (ORS). No land may be subdivided or partitioned except in accordance with ORS 92. Before a plat of any subdivision or partition can be recorded, the county or city having jurisdiction must review and approve the proposed subdivision or partition in accordance with the procedures established by the jurisdiction. The Management Plan for the Columbia River Gorge National Scenic Area provides rules regarding criteria for approving the subdivisions but does not identify how it is to be accomplished. ORS 92 serves this purpose.

The Management Plan for the Columbia River Gorge National Scenic Area regulates land divisions as review uses, so that they must meet the same criteria protecting scenic area resources. New land divisions are not allowed in the Special Management Area, unless the creation of a new parcel will facilitate land acquisition by the federal government to achieve the policies and standards of the Management Plan for the Columbia River Gorge National Scenic Area. Multnomah County's requirements for land divisions ensure that streets connect, lots are developable, pedestrian and bike facilities are provided, utilities are extended logically, and street trees are planted.

Land Divisions Policies

Multnomah County shall enact requirements for land divisions that ensure streets connect, lots are developable, pedestrian and bike facilities are provided, and utilities are extended logically.

The County shall allow the internal lot lines of a group of lots under one ownership to be eliminated and consolidated.

Planned Developments

The Management Plan for the Columbia River Gorge National Scenic Area does not address planned developments. ~~The Management Plan for the Columbia River Gorge National Scenic Area does regulate cluster developments, the purpose of which is to allow creation of lots smaller than the minimum lot size where clustering would provide further protection to resources. Multnomah County needs to provide a means of creating planned environments through the application of flexible and diversified land development standards that will result in better or more efficient development arrangements, make efficient use of resources like energy and land, and of utility networks.~~ Planned developments ~~are broader in scope than cluster developments with respect to conserving a wider~~ conserve range of resources, including the County's investment in infrastructure.

Planned Developments Policy

Multnomah County shall allow for planned development projects in the GGRC zone that use flexible and diversified land development standards that will result in better or more efficient development arrangements, and make efficient use of resources like energy, land, and of utility networks.

Application of the planned development standards shall be allowed in the Rural Center district (GGRC) for duplexes, single family residences, and limited supporting commercial uses.

Variances to Dimensional Standards

The Management Plan for the Columbia River Gorge National Scenic Area regulates variances from resource protection setbacks and buffers. The main purpose of allowing variances is to eliminate conflicts between competing resource protections. In addition to these variances, Multnomah County needs to allow variances to dimensional standards in order to provide flexibility for applicants where there are practical difficulties in application of the standards. The Management Plan for the Columbia River Gorge National Scenic Area explicitly allows counties to grant variances to provisions in their land use ordinances that are not required by a policy or guideline in the Management Plan for the Columbia River Gorge National Scenic Area. Policy 3 of the County Ordinances section states: *Counties may grant variances to provisions in their land use ordinances that are not required by a policy or guideline in the Management Plan*. (Part IV – Administration, Chapter 1: Gorge Commission Role)

Variances to Dimensional Standards Policy

Multnomah County shall adopt zoning code provisions in Chapter 38 that allow variances to dimensional standards such lot dimensions, setbacks, and building height in order to provide flexibility for applicants where there are practical difficulties in application of the standards.

EXHIBIT B
PC-2021-14505

November 23, 2020 Transmitted via email

Lynn Burditt – Area Manager
U.S. Forest Service
Columbia River Gorge National Scenic Area
902 Wasco Avenue, Suite 200
Hood River, OR 97031

Dear Ms. Burditt,

On October 13, 2020, the Columbia River Gorge Commission adopted revisions to the *Management Plan for the Columbia River Gorge National Scenic Area* as part of the National Scenic Area Act requirement to review and update the Management Plan as needed every ten years.

In accordance with Section 6(f) of the National Scenic Area Act, I am submitting these revisions for concurrence by the Secretary of Agriculture that the revisions are consistent with the standards for the Management in the Act (sec. 6(d) and the purposes of the Act (sec. 2). I understand that your office will forward this request for concurrence to the Regional Forester as the delegated representative of the Secretary of Agriculture. The National Scenic Area Act allows the Secretary 90 days to concur with these revisions; if the Secretary does not act within 90 days, the National Scenic Area Act specifies, "the Secretary shall be deemed to have concurred on the management plan."

I have enclosed a red-lined copy of the revised Management Plan that shows all the edits approved by the Commission and a "clean copy" that has all the changes saved. Please do not hesitate to call me at 509-713-9623.

Sincerely,

Krystyna U. Wolniakowski

Krystyna Wolniakowski
Executive Director

cc: Casey Gatz, Staff Officer, Natural Resources and Planning, USFS, National Scenic Area Office

Enclosures:
Redline Version of Gorge 2020 Management Plan Revision
Clean Version of Gorge 2020 Management Plan Revision with Edits Accepted

Management Plan

for the

Columbia River Gorge National Scenic Area

As amended through ~~September 2011~~October 2020

Introduction, Chapter Introductions, and Provisions for the General Management Area
Prepared by:

Columbia River Gorge Commission
White Salmon, Washington

Introduction, Chapter Introductions and Provisions for the Special Management Areas
Prepared by:

US Department of Agriculture~~DA~~ Forest Service, National Scenic Area
Hood River, Oregon

Legislative History

October 15, 1991: Originally adopted by the Columbia River Gorge Commission
February 13, 1992: Originally concurred upon by the U.S. Secretary of Agriculture

April 27, 2004: First Revision adopted by the Columbia River Gorge Commission
August 3, 2004: First Revision concurred upon by the U.S. Secretary of Agriculture

October 13, 2020: Second Revision adopted by the Columbia River Gorge Commission
UPDATE WITH DATE OF US SECRETARY OF AGRICULTURE CONCURRANCE

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The Table of Contents will be finalized by Commission staff during the final formatting of the Management Plan, following concurrence by the Secretary of Agriculture. Page numbers and some section headers are currently incorrect.

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Columbia River Gorge National Scenic Area Act

GLOSSARY

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Introduction

~~*God shaped these great mountains round about us, and lifted up these mighty domes… He fashioned the Gorge of the Columbia, fixed the course of the broad river, and caused the crystal streams both small and great, to leap down from the crags and sing their never ending songs of joy.*~~

~~Samuel Lancaster, 1915~~

The Columbia River Gorge is a national treasure. It contains an unparalleled combination of scenery, geology, plants, wildlife, and multicultural history. In November 1986, Congress recognized the world-class significance of the Gorge when it passed the Columbia River Gorge National Scenic Area Act. ~~The~~ Congress's proceedings and debates ~~of the 99th Congress~~ capture this significance:

"The Columbia River Gorge is a spectacular canyon where the Columbia River cuts through the Cascade Mountains and divides the States of Oregon and Washington. It includes abundant natural resources, including dramatic waterfalls and geologic formations." (*Congressional Record*, Senator Gorton)

"The Gorge, in itself, is an extremely important geological feature. . . . The Columbia River cut its way through the Cascade Range by eroding a 60 to 70 mile long, almost straight gorge with sharply raising escarpments of up to 3,000 feet above a river that ranges from 1/4 to 1-1/2 miles in width. . . . The Cascade Range affects climate, flora, and fauna in the region. The climate varies considerably from one end of the Gorge to the other. The western end of the Gorge has a mild, moist climate, while the eastern end has wide temperature ranges and approaches a semiarid condition." (*Congressional Record*, Representative Vento)

"Many threatened and endangered species of fish and wildlife live there. Tributary streams of the Columbia River within the Columbia Gorge contain important anadromous fish resources. . . The fantastic beauty of Columbia Gorge has beckoned mankind for over 11,000 years. In ancient times Chinookan and Sahaptain Indians hunted its mountains and fished along the river's edge. For centuries the Columbia River has been a major center of commerce and trade." (*Congressional Record*, Senator Evans)

"The complex geology and climatic conditions within the Gorge has produced an equally complex plant community . . . . Eight hundred plant species are found in the Gorge of which 58 are considered rare or endangered." (*Congressional Record*, Representative Vento)

"The Columbia River holds a unique place in the development of this country, and of the early history of the Pacific Northwest. It was the gateway for early traders, explorers and pioneers. The Gorge and the Columbia River continue to have an important position in the economy of the entire Pacific Northwest." (*Congressional Record*, Senator Gorton)

"It is the location of some of the most wondrous scenic vistas in North America as well as the home of over 44,000 people. The hundreds of millions of dollars worth of commercial activity which occurs there has contributed to the area's attractive livability." (*Congressional Record*, Senator Hatfield)

"This grand old river's importance to the economy of the Northwest can hardly be overemphasized . . . . The towering waterfalls, spectacular vistas and unsurpassed recreation opportunities of the Gorge bring millions of visitors to the area every year." (*Congressional Record*, Representative Weaver)

OVERVIEW OF THE NATIONAL SCENIC AREA ACT

The National Scenic Area Act identifies two purposes:

1. To establish a national scenic area to protect and provide for the enhancement of the scenic, cultural, recreational, and natural resources of the Columbia River Gorge; and

2. To protect and support the economy of the Columbia River Gorge area by encouraging growth to occur in existing urban areas and by allowing future economic development in a manner that is consistent with paragraph 1.

The National Scenic Area lies to the east of Portland, Oregon and Vancouver, Washington. It stretches about 83 miles from the Sandy River on the west to the Deschutes River on the east in Oregon and from Gibbons Creek in Clark County to a line 4 miles east of Wishram in Washington. The National Scenic Area covers portions of six counties: Clark, Skamania, and Klickitat counties in Washington, and Multnomah, Hood River, and Wasco counties in Oregon.
~~The map at the end of this chapter shows the location and boundaries of the Scenic Area.~~

~~To achieve the purposes of the Scenic Area Act, Congress called for preparation of~~ The Act requires a Management Plan that ~~would~~ treats the two-state, six-county area as a single region. Congress established a two-tiered management approach for preparing the Management Plan. It divided responsibility between the U.S. Department of Agriculture Forest Service and the Columbia River Gorge Commission, a ~~regional~~ bi-state commission representing local, state, and national interests. The six Gorge counties were authorized to ~~-~~implement the Management Plan through ~~their~~ land use ordinances that are consistent with the Management Plan.

The National Scenic Area Act designated ~~is divided into three categories of land:~~13 u~~U~~rban a~~A~~reas, ~~the~~ and four Special Management Areas (SMAs)~~.~~, The first National Scenic Area planners coined the term ~~and the~~ "General Management Area" (GMA) to refer to lands not specifically designated as urban areas or SMAs.

~~Congress designated 13 cities and towns as Urban Areas~~The 13 urban areas are cities and towns throughout the National Scenic Area: North Bonneville, Stevenson, Carson, Home Valley, White Salmon, Bingen, Lyle, Dallesport, and Wishram ~~on the~~ in Washington ~~side of the river~~ and Cascade Locks, Hood River, Mosier, and The Dalles ~~on the~~ in Oregon ~~side~~.

Together they comprise approximately 10 percent of the National Scenic Area. The uUrban aAreas are exempt from the Management Plan, but are eligible to receive federal funds authorized to implement it. The Act envisions that the uUrban aAreas will beare the primary focus for future growth and economic development.

The SMASpecial Mmanagement Aareas make up includes approximately 40 percent of the National Scenic Area. .—Congress intended SMAs to include the most sensitive landscapesconcentrated primarily in the western half of the Scenic Area. The U.S. Forest Service prepares land use designations and guidelines for the SMAs. Through the National Scenic Area Act, the Forest ServiceIt has the authority to purchase lands, or interests in lands, in the SMAs, and the opportunity to exchange federal lands elsewhere for privately held forest lands within SMAs boundaries. The Forest Service may use other authorities to acquire lands in the GMA.

In some instances, tThe Act specifies stringent standards for the directs that the SMAs lands be managed more stringently than those in the GMA. For instance, including prohibiting land divisions are prohibited, prohibiting new homes are not allowed on parcels less than 40 acres in size., and fand regulating Fforest practices are regulated for to avoid adverse effects to scenic, cultural, natural, and recreation concerns resources.

About half of the National Scenic Area makes upis comprised of the General Management Area, including the Columbia River. The Gorge Commission is authorized to plan for the GMA. These lands blanket most of the eastern Gorge and are scattered in the central and west end of the Gorge. They are predominantly devoted to agricultural and forestry uses, but also contain scattered areas of existing residential development. The Act specifies nine broadly worded standards for the GMA and the Gorge Commission has discretion to determine how to meet those standards.

A VISION OF THE COLUMBIA GORGE

Taking its cue from the National Scenic Area Act and Congress's emphasis of the qualities of the National Scenic Area, the Gorge Commission developed a vision statement in 1988.– This statement, which follows, provided a framework for developing the Management Plan and continues to guide the Gorge Commission's actions.

The Columbia River Gorge is an area of worldwide importance,

Where scenic qualities and diverse landscapes, together with their natural and cultural components, are paramount,

Where development and recreation are carefully placed in a manner that protects resources,

Where the human presence is lightly demonstrated, and where lessons from the past are a constant guide and inspiration for the future.

To achieve this vision the Columbia River Gorge Commission will provide:

Stewardship of this legacy and trust,

Leadership for implementation of the National Scenic Area Act and the Management Plan,

Partnership with communities, tribal governments, and agencies, and

A vision of the Gorge as a region and the river as a bond.

Columbia River Gorge Commission 1988

The Management Plan for the National Scenic Area is based upon ~~a vision created by~~ Congress's direction, the Gorge Commission's vision and experience with managing private land, the ~~U.S~~. Forest Service's expertise with managing large landscapes, county and city governments' local knowledge, state and federal agencies, ~~Indian tribal~~ tribal governments,

concerned citizens, and interest groups. This collective~~e~~ vision provides a sense about the future of the Gorge ~~20, 50, or 100 years from now~~. It supplies the adhesive that binds the plan.

The ~~first lines~~core of the vision ~~were~~ was drawn by Congress in the purposes and standards of the National Scenic Area Act. These bold strokes call for a delicate balance of protection and development. The National Scenic Area Act recognizes the human presence amidst a spectacular landscape with remarkable natural resources and presents a model for reconciliation between them.

The reconciliation lies in Congress's different treatment of ~~Urban~~ urban ~~Areas~~ areas and SMAs from the rest of the National Scenic Area. The vision calls for prosperous cities and towns in the Gorge, large SMAs with little development, and carefully planned development in the GMA~~. Significant commercial, residential, and industrial development is encouraged in Urban Areas~~.

U~~U~~rban a~~A~~reas are eligible for federal funds under the National Scenic Area Act. The~~y may expand over time, even at some cost to scenic, cultural, natural, or recreation resources.~~ Act allows revisions to urban area boundaries consistent with careful urban planning and resource protection. ~~However, they~~ Urban a~~A~~reas must grow efficiently to minimize costs of growth and to function as providers of services. In short, the vision tips the balance toward development in the u~~U~~rban a~~A~~reas.

The Management Plan reinforces this vision for the u~~U~~rban a~~A~~reas.~~–~~ It encourages urban development to occur in the u~~U~~rban a~~A~~reas ~~and~~ by limiting urban scale development and urban land uses~~s such uses~~ outside u~~U~~rban a~~A~~reas~~. The Act authorizes partial funding for two centers, one on each side of the Columbia River. The Gorge Commission chose an Urban Area for a conference center (Skamania Lodge Center in Stevenson, Washington) and a location near an Urban Area for an interpretive center (The Gorge Discovery Center in The Dalles, Oregon). The Gorge Commission and the Forest Service may direct some federally appropriated recreation funds to the Urban Areas. Outside Urban Areas, new commercial development is limited~~ to those areas where commercial development is already occurring~~, and other~~ areas uniquely suited to commercial use in conjunction with resource-based recreation, and historic buildings where the commercial use

must support rehabilitation and preservation of the building.

Outside uUrban aAreas, the vision calls for protection of the grandeur of one of America's great landscapes. Standards in the National Scenic Area Act require protection and enhancement of scenic, cultural, natural, and recreation resources.

~~Development is welcome, but it must not adversely affect these resources or interfere with the prosperity of the Urban Areas. In short, outside~~ Outside the uUrban aAreas, the vision tips the balance toward protection and enhancement of Gorge resources.~~–~~ This vision paints a picture far from devoid of human enterprise outside of uUrban aAreas. It embraces agriculture and forestry and accords a special role to recreation. The forests, pastures, and rolling cropland of the western Gorge; the woodlands, orchards, and vineyards of the middle Gorge; and the expansive grazing and wheat lands of the eastern Gorge are protected from residential and commercial sprawl. Agricultural and managed forest lands are not only part of the cultural landscape of the Gorge; they also make a significant contribution to the Gorge economy.

Recreation received much attention from Congress in the National Scenic Area Act. Congress envisioned new points of access to the Columbia River and its

tributaries, visitor accommodations, trails, viewpoints, and interpretive facilities, all in a manner that does not affect the treaty reserved rights and other rights of the four Columbia River treaty tribes. ~~Authorization of funds for new recreation facilities gives added emphasis to the vision.~~Since 1986, dozens of new recreation facilities have been constructed ~~and are heavily used.~~

Reconciliation between protection and development of resources ~~lies~~ also lies in Congress's different treatment of the SMAs from the GMA. Congress strictly limited new development in the SMAs: no land divisions, no commercial development unless recreational in nature, and no new houses on tracts of land smaller than 40 acres.~~–~~ Congress did not apply any of these limitations in the GMA.~~–~~ Congress also authorized $40 million for acquisition of interests in lands in the SMAs. ~~Acquisitions can be made in the GMA before counties implement land use ordinances, but only through condemnation. In short,~~ Congress saw the SMAs as indeed special, where little new development would occur.

The Management Plan ~~will~~ protects the Gorge's scenic travel corridors and lands from strip commercial development. In the Gorge today, a clear distinction exists between town and country. The plan ~~will~~ secures that distinction.

The Gorge landscape will remain largely as it is~~--~~—always changing, always the same.~~–~~ ~~Wild areas~~The open spaces of the SMAs will remain ~~wild~~open.~~–~~ Forests and farms will come and go~~,~~ and come again~~;~~ . ~~T~~they will not be replaced by residential subdivisions. New ~~developments~~ buildings and land uses will tread lightly upon the landscape and will blend into the landscape as ~~seen~~ visible from key viewing areas.~~–~~ Rural settlements will retain their existing character and rural way of life, including a strong tradition of home-based occupations.

Enhancement programs based upon

incentives for property owners and managers and requirements to bring pre-Act development into compliance with National Scenic Area standards will, over time, sustain essential values and remove unnecessary discordant features from the landscape.

Tribal governments are partners in the National Scenic Area on a government-to-government basis and through close staff connections. The Gorge Commission and ~~U.S.~~ Forest Service give special attention to ~~avoiding~~protecting cultural resources and treaty-reserved rights. ~~Much will be learned and preserved about the rich cultural history of the Gorge. An ambitious survey process will disclose now unknown archaeological resources from more than 10,000 years of continuous Native American culture.~~ The Management Plan envisions a process of learning about and avoiding disturbance of cultural resources, and of interpretation without adverse effect, all in close consultation with the four Indian ~~tribal governments~~tribes that have treaty-reserved rights within the National Scenic Area (The Nez Perce Tribe, the Confederated Tribes of the Umatilla Indian Reservation, the Confederated Tribes of Warm Springs, and the Confederated Tribes and Bands of the Yakama Nation ~~Nez Perce, Umatilla, Warm Springs, and Yakaima~~). ~~The survey process also will provide information about the settler culture and ways of life.~~

The Management Plan envisions healthy populations of sensitive plant and wildlife species throughout the Gorge, accomplished by protecting and enhancing their habitat. ~~It will stem the loss of habitat.~~ ~~Buffers will~~ Highly protective buffers keep conflicting development a safe distance from sensitive plants, wildlife, wetlands, and riparian areas. ~~Regulation of density will~~ Minimum parcel sizes to manage density, limitations on land uses, and requirements for buffers~~limit~~ ~~prevent~~the cumulative effects of development on protected resources. ~~to acceptable levels. A "no loss" policy in the SMA (except in limited circumstances) and a "no net loss" goal in the GMA will curb the loss of wetlands.~~

A chain of ~~new~~ wildlife ~~refuges~~ habitat will emerge on the islands in the Columbia River and on river bottomlands in the western Gorge. The ~~refuges~~is habitat, together with more careful regulation of grazing on public land, continues to~~will~~ improve wetlands and riparian areas over time. Incentive and education programs will lend support to traditional good stewardship in the Gorge. These programs will help improve and restore wetlands and riparian areas on private lands.

New vistas, ~~small-scale travelers' accommodations,~~ campgrounds, river access points, trails and other forms of resource-based recreation, both publicly owned and privately owned, will be created in rural areas throughout the National Scenic Area. Like other development, ~~however,~~ these new recreation facilities will blend into the landscape. New facilities will not locate on the Gorge's most valuable agricultural land.
Recreation growth will respond to demand within resource constraints and will be carefully planned so it does not overwhelm the Gorge and the ability of Gorge communities to support it.

Public and private partnerships will develop~~--~~ as they already have with

the conference and interpretive centers~~--~~ ~~—~~to multiply the effect of federal funding for recreation facilities. As the number of tourists and recreationists has grown~~s~~ and generate~~d~~s ~~adequate~~ demand, alternative modes of transportation~~--~~ ~~—~~ boat, rail, and bus~~--~~ ~~—~~ ~~will~~ have become a form of recreation. A network of connected and coordinated trails ~~will~~ are developing, including riverfront trails and trails linked to ~~Urban~~ urban a~~A~~reas. ~~New r~~Recreation facilities, such as The Gorge Discovery Center, will entice visitors to the east end of the Gorge. This will help spread the economic benefits of tourism and relieve some of the pressure on recreation sites in the west end of the Gorge.

Stretches of the Historic Columbia River Highway ~~now~~ that had been closed to the public will continue to be ~~be~~ restored for recreation access. ~~—~~ They will become among the premier hiking, biking, and ~~wheelchair~~ accessible facilities in the Northwest, featuring the outstanding scenery and rich history associated with this national landmark.

Recreation planning will reach new levels of coordination among landowners, recreation purveyors, and providers of emergency, public safety, and other kinds of services. Agencies will develop a system of recreation user fees to support services.

Such are some of the outcomes of the Management Plan based on a collective vision for the Gorge's future.

In short, the vision and the plan seek to keep the unique resource qualities of the Gorge intact in the years ahead and to encourage growth and development consistent with these qualities, steering it primarily into u~~U~~rban a~~A~~reas.

HISTORICAL BACKGROUND

The Columbia River Gorge was forged from geological events dating back millions of years. It was shaped further at the end of the Ice Age by the great Missoula floods that followed and by the vulcanism that created the Cascade Mountains. ~~—~~ In a report to the Gorge Commission in preparation for the first Management Plan, author and Portland State University professor John Eliot Allen wrote the following:

"The geologic evolution of the Columbia River Gorge is a result of 40 million years of predominantly volcanic activity. But it also involves faulting, folding, uplift and subsidence, erosion and sedimentation, repeated northward movement of the [Columbia River] valley, a period of cataclysmic flooding, and finally extensive landsliding. The Gorge thus exhibits a remarkable diversity of geologic events matched by few other places in North America."

The human presence in the Gorge, dating back at least 10,000 years, undoubtedly is related in part to the physical geography of the Northwest. The near sea-level passage of the Columbia River through the Cascade Mountains provided a natural corridor, a relatively easy means of movement for early inhabitants. But the river's remarkable fishing opportunities, easily accessible at Celilo Falls, also drew these early inhabitants to the Gorge. Over time, subsistence needs led to exchange and eventually to the barter among Native Americans that Lewis and Clark observed in 1805.

In more recent time, in addition to the

Lewis and Clark expedition, the Gorge served as a transportation corridor for fur traders. It became a passage route for settlers and missionaries following the Oregon Trail. It was an area of tensions between fur traders and Native Americans and altercations involving Native Americans, missionaries, and settlers, culminating in the signing of treaties in 1855. The beginning of non-Native American settlements followed, and an influx of newcomers has continued to this day.

In the last half of the 1800's, river and then railroad transportation came of age. The 1850's witnessed the beginning of the colorful era of sternwheelers plying the river and eventually the development of locks to bypass the Cascade rapids. This was followed by the financial ups and downs of the great railroad-building competition that eventually brought what is known today as the Union Pacific along the south bank of the Columbia River (completed in 1889) and what is known today as the Burlington Northern Santa Fe along the north bank (completed in the first decade of the 1900's). ~~A bake-oven or two still mark the campsites of the Chinese railroad gangs that cut the rail route through the Gorge on the south bank.~~

The Gorge was to experience still more change in the era of highway building. What is known today as the Historic Columbia River Highway, started in 1913 near Troutdale, was pushed through to Hood River in 1915 and finally completed to The Dalles by 1922. A sensitive balance between engineering necessity and the beauty of its surroundings, this highway opened the Gorge to recreation and stimulated growth and development in communities on both sides of the river.

As automotive transportation became more universal, the present Washington State Highway 14 was pushed through in segments, and bridge crossings of the Columbia River replaced ferries at Hood River (1918) and Cascade Locks (1925) and eventually The Dalles. These changes were capped finally by Interstate 84, developed through the Gorge on the south bank of the Columbia River in the 1950's.

Arguably, the greatest change in the Gorge was the damming of the river: Bonneville Dam ~~dedicated~~ in 1937 and The Dalles Dam ~~completed~~ in 1960. These and other dams converted the swift flow of the Columbia River into a series of lakes. They resulted in a series of impacts, including those to traditional fishing methods, inundation of residential areas as well as the revival of river transportation and the introduction of power transmission lines visible today in many parts of the National Scenic Area.

By the 1930's, development impacts on the Gorge were becoming a source of concern. In 1937, the Pacific Northwest Regional Planning Commission pointed out that the qualities of the Gorge had national significance. It proposed that the area be established as an interstate park. World War II interrupted the growing interest in protecting Gorge resources, but by the 1950's both Oregon and Washington created gorge commissions. Their effectiveness, however, became limited by inadequate funding, lack of authority, and opposition from various factions.

In the 1970's, successor commissions, by now meeting together, helped four county planning agencies prepare special Gorge zoning provisions regulating development along the river.

In 1979, the U.S. National Park Service made a comprehensive study of the area. The findings, published in 1980, indicated trends toward land development that threatened the resources of the Gorge.

From 1980 through 1984, several Columbia River Gorge bills appeared before Congress, but there was no consensus in the Northwest delegation. At a retreat in the summer of 1985, philosophical differences were finally resolved, and late in the 1986 session, Congress passed the Columbia River Gorge National Scenic Area Act (Public Law 99-663).

DEVELOPMENT OF THE MANAGEMENT PLAN

The National Scenic Area Act ~~specified~~ specifies a schedule and a three-step process for developing the Management Plan. ~~It directed the Gorge Commission and the Forest Service to complete inventories during the first year. It called for land use designations in the second year. In the third year, the Scenic Area Act required development of guidelines and adoption of the Management Plan.~~

~~The Act required the U.S. Secretary of Agriculture to review the plan during the fourth year. The six counties or the Commission must~~were then to implement the plan by ordinance.

~~Inventories~~

~~Congress called for three major inventories: a recreation assessment, a resource inventory, and an economic opportunity study. The Gorge Commis- sion and Forest Service completed most of these inventories in 1988. The inventories form the information base of the Management Plan.~~

~~The recreation assessment includes an overview of existing recreation facilities and a study of recreation demand in the region. It was used to identify areas suitable for public recreation facilities, including additional river access.~~

~~The resource inventory is a compilation of information about existing resources in the Scenic Area, ranging from wetlands to scenic values. The principal components of the resource inventory are shown in Table 1: Resource Inventories Prepared Prior to Initial Management Plan Adoption, 1988-1991..~~

~~The economic opportunity study provides an overview of the Gorge economy, an analysis of its principal economic sectors, an assessment of economic strengths and weaknesses, and identification of the best opportunities to improve the economy. The main responsibility for economic development is reserved for the two states and is largely set forth in other documents.~~

~~In addition to these inventories, the Gorge Commission and the Forest Service identified and mapped recreation intensity classes and landscape settings. The Scenic Area is divided into four recreation intensity classes, indicating suitability for present and future recreation use. (See Part I, Chapter 4: Recreation Resources.) The Scenic Area was also mapped for 13 landscape settings, each reflecting a distinct combination of landforms, vegetation, and land use patterns.~~

Design guidelines will help maintain the character of each landscape setting, while accommodating new development. (See Part I, Chapter 1: Scenic Resources.)

Land Use Designations

The Scenic Area Act next called for the development of land use designations that would be used to map areas suitable for various kinds of future land and resource use. The designations include agriculture, forestry, residential and commercial development, and recreation facilities. The Act also said that special and sensitive lands should be protected as open space.

Preliminary land use designation maps were prepared and presented to the public at workshops in fall 1989. Formal land use designations were then incorporated into the Management Plan. Table 2 shows the acres of land contained in each land use designation.

Guidelines

The Gorge Commission's and Forest Service's next task was to combine the resource inventories with land use and recreation designations to develop goals, objectives, policies, and guidelines for the Management Plan. The Scenic Area Act specified that these guidelines must:

Protect and enhance agricultural lands for agricultural uses, yet allow their conversion to open space, recreation development, or forest lands.

Protect and enhance forest lands for forest uses, yet allow their conversion to agricultural lands, recreation development, or open space.

Protect and enhance open spaces.

Protect and enhance public and private recreation resources and education and interpretative facilities and opportunities.

Prohibit industrial development outside Urban Areas.

Require commercial and residential development to occur without adversely affecting scenic, cultural, recreation, and natural resources.

Require that exploration, development, and production of mineral resources take place without adversely affecting scenic, cultural, recreation, and natural resources.

Consultation and Public Involvement

Integrated into this planning process was a series of consultations with county, state, and federal officials and the four Indian tribal governments with

treaty rights in the Scenic Area. A major public involvement program was also conducted.

Issues and goals were identified in two rounds of meetings in each county with what came to be called "key community contacts" made up of volunteer citizens and community leaders. The first round focused on issues and goals, and the second round on policy alternatives and on standards for carrying out policies.

Each round of meetings was followed by wide circulation of newssheet mailers and by open houses to reach

residents at large.

In addition, a series of workshops to gather public input on recreation issues was held. Finally, two different drafts of the Management Plan were broadly circulated, culminating in three public hearings for each draft. As drafts of the Management Plan were discussed, special attention was given to informing residents how their property was affected by land use designations and guidelines.

Final Management Plan

The Gorge Commission adopted the final first version of the Management Plan in October 1991. The plan includes guidelines and land use designations for the GMA and the SMA prepared by the Gorge Commission and Forest Service, respectively. The Management Plan was sent to the U.S. Secretary of Agriculture for concurrence in November 1991, as required by the Scenic Area Act. The U.S. Secretary of Agriculture concurred with the Management Plan in February 1992.

Revision and Amendment

Congress directed the Gorge Commission to review the Management Plan no sooner than 5 years, but at least every 10 years, to determine whether it should be revised. If the Gorge Commission finds at any time that conditions have changed significantly, it may amend the plan. Any such revision or amendment must follow the procedures established in the Scenic Area Act for the original adoption of the plan.

From 1997 to 2000, the Gorge Commission, Forest Service and local and state agencies monitored the implementation of the Management Plan. A series of reports evaluated the findings in development review decisions for scenic, cultural, natural and recreation resources, and for agriculture and forest lands.

From 2000 to 2004, the Gorge Commission and Forest Service reviewed and revised the Management Plan, and The Gorge Commission adopted the first *Revisions to the Management Plan* was adopted by the Gorge Commission in May 2004. The Secretary of Agriculture concurred with the rRevisions in August 2004.

In 2016, the Gorge Commission and Forest Service began work on a second revision to the Management Plan and adopted the revisions in October 2020. Upon adoption of the Management Plan, the Gorge Commission submitted the plan to the Secretary for review. The Forest Service provided the Management Plan for the SMAs, which must be adopted by the Gorge Commission. The Secretary of Agriculture concurred with the revisions in [DATE]

ORGANIZATION OF THE MANAGEMENT PLAN

The Management Plan is organized into four parts, following this Introduction.

Part I identifies goals, objectives, policies, and guidelines for resource protection and enhancement. Individual chapters cover scenic resources, cultural resources, natural resources, and recreation resources.

Part II addresses land use designations. Individual chapters identify the goals, objectives, policies, and guidelines for

each land use category: agricultural land, forest land, open space, residential land, commercial land, and recreation designations. These six chapters are followed by a chapter on general policies and guidelines that affect all uses in the National Scenic Area, regardless of land use designation.

Part III outlines an action program, with chapters devoted to climate change, the recreation development plan, economic development, enhancement strategies, and interpretation and education.

Part IV focuses on the role of the Gorge Commission, the Forest Service, and Indian ~~tribal~~ treaty rights and consultation.

The **appendix** contains a copy of the National Scenic Area Act. A **glossary** and **index** are provided to facilitate use of the document.

All chapters in Parts I and II, and Chapter 1 in Part III, are organized so the first part of the chapter focuses on the GMA (or combined GMA and SMAs) and the second part focuses on the SMAs.

Management Plan Maps

The Management Plan utilizes three principal maps:

- Landscape settings (used in conjunction with Part I, Chapter 1: Scenic Resources)
- Recreation ~~i~~intensity C~~c~~lasses (used in conjunction with Part I, Chapter 4: Recreation Resources)
- Land use designations (used in conjunction with the land use designations addressed in Part II)

~~These are the official maps for determining the landscape setting, recreation intensity class, and land use designation for a specific parcel of land.~~ Copies of these maps are available at the Gorge Commission ~~website and available~~and on their website.

~~The official~~Congress provided generalized boundary lines for the GMA, SMAs, u~~U~~rban a~~A~~reas, and National Scenic Area exterior boundaries ~~are contained~~ on the maps referenced in Section 4 of the National Scenic Area Act. Copies of these maps are available for review at the offices of the Gorge Commission and the Forest Service, National Scenic Area. The Gorge Commission adopted legal descriptions ~~s~~ through rulemaking and maintains Geographic Information System (GIS) map representations of the legal descriptions.

CHAPTER

1

Scenic Resources

The Columbia Gorge is world renowned for its outstanding scenic beauty. The sea level chasm the Columbia River has cut through the Cascade Mountains, and the dramatic diverse landscapes it contains, create unparalleled grandeur. Within an hour's drive, one can witness towering cliffs and forests, orchards and farms, and sweeping grasslands. It is widely acknowledged that the need to protect the special scenic resources of the Gorge provided the major impetus for establishing the National Scenic Area. Much of the Gorge, with ~~it~~its steep landforms, forested slopes, waterfalls, pastoral areas, and rural townscapes, has outstanding visual diversity, integrity, and memorability. The natural, cultural, and recreational resources of the Gorge are an inherent part of scenic resources.

NATIONAL SCENIC AREA ACT PROVISIONS

The National Scenic Area Act's first purpose, as stated in Section 3(1), includes a mandate to protect and enhance scenic resources of the Columbia River Gorge. The Act directs the Gorge Commission to inventory the scenic resources of the Gorge and protect them by establishing guidelines and designating areas as open space. Open spaces, which the Gorge Commission is charged to protect and enhance [Section 6(d)], include: "scenic. . . areas;. . . outstanding scenic views and sites;. . . and Federal and State wild, scenic, and recreation waterways" [Section 2(l)].

KEY ISSUES

Several major issues had to be addressed in developing scenic resource protection provisions. One of the greatest challenges has been the need to establish guidelines to accommodate new development in a manner that protects ~~Gorge~~ scenic quality in the face of significant growth pressures for residences and related development. These pressures result from a number of factors, including substantial growth of the Portland/Vancouver metropolitan area and the rapid development of the Gorge as the leading ~~windsurfing~~windsports area in North America, if not the world. The fact that the Gorge consists of many steep areas where development can be highly visible, combined with the desire for new residences with panoramic views, poses major challenges. The need to develop provisions that address long-term, cumulative effects of new development on the character of existing landscapes is as crucial as measures addressing the impacts of individual developments.

Another issue involves meeting the National Scenic Area Act's mandate to increase recreation river access while

protecting scenic resources. Much of the shoreline area is both significant and sensitive from a scenic standpoint. This challenge required specific policies and guidelines that accommodate additional river-oriented recreation in a careful and sensitive manner.

OVERVIEW OF SCENIC RESOURCES PROVISIONS

The Gorge Commission and Forest Service have developed specific programs to address protection of scenic quality on lands ~~seen~~ visible from key viewing areas, maintenance of existing landscape settings, establishment of scenic travel corridors, and provisions for sign~~sage~~. The goals, objectives, policies and guidelines of this chapter provide a framework to guide actions of federal, state, and local agencies and private entities that may affect scenic resources of the National Scenic Area. This chapter is divided into the following sections:

Landscape Setting Character Descriptions

GMA Provisions:

- Overall Scenic Provisions
- Key Viewing Areas (KVAs)
- Landscape Settings
- Scenic Travel Corridors
- Signs

SMA Provisions:

- SMA Scenic Goals and Policies
- SMA Design Guidelines Based on Landscape Settings
- SMA Guidelines for Development and Uses Visible from KVAs
- SMA Guidelines for KVA Foregrounds and Scenic Routes
- SMA Guidelines for Areas N~~n~~ot ~~seen~~ Visible from KVAs
- SMA Sign Provisions

LANDSCAPE SETTING CHARACTER DESCRIPTIONS

During the course of the establishment of the National Scenic Area, inventories were carried out to help visually comprehend the fabric of Gorge. National Scenic Area landscapes were classified into different sub-regions, or setting types, which demonstrate unique qualities culturally, visually, and ecologically. Each Landscape Setting type has distinct characteristics and attributes, such as land use patterns and cultural features, landform patterns, vegetative patterns, and waterform patterns, which make it identifiable. Understanding what makes National Scenic Area landscapes special allows for the protection and enhancement of their intrinsic beauty and the integrity of their character into the future

Pastoral

Overview, Land Use, and Cultural Features

Pastoral settings are essentially agrarian in character, typified by areas of pastures and intensive agriculture often backing up to forested lots or bodies of water. This setting includes areas where orchards, vineyards, row crops, and irrigated pasture predominate the landscape. Distinct cultural features contributing to the sense of place, or valued visual image of the pastoral setting include wooden fence types, stone walls, barns (sometimes colorful), and other agricultural structures harmonious with the setting. Historic culturally modified landscapes and their associated structures, such as historic landmarks, and farmsteads are invaluable to the pastoral setting. This setting often includes forested lots and scattered rural residential development. Visual features distinguishing this setting include large expanses of cultivated fields and pastures, punctuated by clusters of farm accessory buildings and hedgerows or poplar rows defining distinct fields. Some small parcels with residences occur, but many parcels range between forty and several hundred acres in size. Seasonal interest in this setting can be a dramatic aesthetic experience when contrasted with adjacent natural appearing landscapes. Agricultural related tourism is experienced seasonally. Fire periodicity is variable and influenced primarily by adjacent vegetation types and human interaction.

Landform Patterns and Features

These landscape profiles read as predominately horizontal with occasional dome shaped features, and minimal landform complexity. Large swaths and expanses of unbroken, moderately level terrain punctuated by hedgerows and cultivated farmland form some of the more distinctive and memorable landform features.

These settings usually occur on level ground or gently rolling terrain, with grades averaging from 0-25% and elevations ranging from sea level to 2000 feet. Some of these landscapes are found on relatively flat terraces and benches at the top of steep slopes that form the walls of the Gorge. Other pastoral areas occur in the fertile valleys of the major tributaries flowing into the Columbia River.

Vegetation

Non-native vegetation patterns are predominant. They include alfalfa fields and irrigated pasture, vineyards and fruit orchards, row crops, hedgerows, and poplar rows.

Scattered forested lots interspersed throughout this setting reflect the natural vegetation of the portion of the Gorge in which they are located (e.g. Oregon oak and ponderosa pine in the eastern Gorge; Douglas-fir, big leaf maple, and western red cedar in the west).

Waterform

Waterform elements are not typically distinctive identifying elements in this setting. Wetlands, streams (ephemeral, intermittent and perennial), ponds and man-made ponds are common, and add visual interest in form, line, color, and texture. Agricultural related ponds and irrigation features are seen occasionally but do not tend to contribute to the scenic quality of the setting.

Coniferous Woodland

Overview, Land Use and Cultural Features

These are predominately thickly forested areas characterized by forest uses and scattered residential development. Forest uses are often small to moderate in scale, particularly in the more settled portions of this setting. Parcels typically range between 20 and 160 acres in size. Large-scale silvicultural operations also occur in the less developed portions of this setting where land holdings tend to be relatively large (several hundred acres and larger) and residences fairly uncommon. Some scattered more intensive resource based recreation uses occur, but are infrequent. Cultural features contributing to the sense of place include historic landmarks, and scenic routes designed to lay light on the land and be harmonious with natural elements of the coniferous woodland setting. Valued cultural features contributing to the sense of place for the Coniferous Woodland setting include Civilian Conservation Corps era structures and their associated recreation areas and landscapes. Historic landmarks and structures built in the distinct Cascadia style and harmonious with the natural setting add interest and memorability. Fire periodicity is extremely variable from decades to centuries for major stand replacement occurrences.

Landform Patterns and Features

These settings are found in hilly and mountainous portions of the Gorge, particularly on the Washington side of the western Gorge (in the GMA). Landscape profiles read as predominately vertical, undulating ridges with well-defined forms, and steeply dissected v-shaped valleys. Landform complexity is moderate growing more steep and complex as forested slopes transition to the steep basalt cliffs of the Gorge Walls, Canyons, and Wildlands landscape setting. Mixed elevation terrain with gentle to steep slopes averaging 5 to 60%, and elevations from 500 to 1800 feet are common. The more gently rolling and accessible portions of this setting contain small-scale agricultural use and relatively more residences.

Vegetation

This setting is generally dominated by large conifer tree species associated with the ecosystems of the wet western slopes of the Cascades. Such species include Douglas-fir, western hemlock, western red cedar, and grand fir. Deciduous trees frequent the

riparian corridors and also cover many slopes in the wetter and westernmost portions of the Gorge. In the eastern portions of this setting and on dry, south-facing slopes, ponderosa pine and Oregon white oak are also common. Forested portions are typically densely vegetated, especially in the western side of the Gorge, with occasional small openings or breaks in canopy cover, and have little diversity in line and texture. Wildlife species passing/sightings through this landscape setting are a common occurrence.

Waterform

Water features are abundant in this setting, including many intermittent and perennial streams, lakes, ponds, cascades, waterfalls, and wetlands. Riparian areas in this setting are commonly home to species such as turtles, neo tropical bird species, raptors such as the bald eagle, and many species of fish. Although not as frequently occurring, distinct river views and waterfalls provide outstanding scenic and visual quality and contribute significantly to the inherent scenic attractiveness of the coniferous woodland setting.

Oak-Pine Woodland

Overview, Land Use, and Cultural Features

This visually complex setting represents the climatic transition area between the lush forests of the western Gorge and the semi-arid grasslands of the eastern Gorge. Variations in depth of view and spatial character contribute to outstanding scenic vistas. Dry oak-pine woods, savannah areas (predominantly grassy openings with scattered trees), and grassy prairies are interspersed with scattered rural development. Such development includes residences, roads, fences, etc. Distinct cultural features contributing to the sense of place of the Oak-Pine Woodland setting include wooden fence types, stone walls, barns, and other agricultural structures harmonious with the setting. Historic culturally modified landscapes and their associated structures are invaluable to the setting. Species such as western gray squirrel, Lewis woodpecker, California mountain kingsnake (near boulders), lesser goldfinch, elk, and mule deer play an important ecological role. In some portions of this setting, orchards and cultivated areas lend a pastoral flavor to this generally natural-appearing landscape. Most parcels are over 20 acres in size, and are frequently between 40 and 160 acres. Dramatic seasonal displays of color from wildflower meadows and oak-laden landscapes are highly valued by visitors. Fire periodicity is extremely variable. Wind is the principal disturbance feature.

Landform Patterns and Features

Landscape profiles read as dramatic, moderately steep and sloping, with complex juxtapositions of form, line, color, and texture. Some Oak Pine Woodland landscapes are found on relatively flat terraces and benches at the top of steep slopes and some along deeply incised river canyons and basalt cliffs. Occasional rock outcrops and formations punctuate open vistas and woodlands. Most of this setting is found on gently rolling to hilly terrain, with grades averaging 15-40% and elevations from 80 feet to 3,000 feet above sea level. Pastures and small farm uses are interspersed in the gentler portions of this setting.

Vegetation

This setting contains perhaps the most varied vegetative communities in the Gorge, adding to its visual richness. Mixed stands of Oregon white oak and ponderosa pine typify this setting. In the western portions, highest elevations, and north slopes, this community transitions into woodland vegetation patterns, with increasing numbers of Douglas-fir occurring. Drier portions of this setting and areas with poor, thin soils are often treeless prairies. "Biscuit scablands," or patterned ground areas with little vegetation and hummocky rock outcrops, also occur. This special landscape, created by scouring of great floods, is also found in some portions of the Grassland setting.

Waterform

Water features are common in this setting, often seasonal and ephemeral in nature, and include rocky drainages, intermittent and perennial streams, wetlands, and occasional ponds. A Wild and Scenic River passes through the Oak Pine Woodland setting, adding interest and memorability. Although not as frequently occurring, distinct river views and occasional waterfalls provide outstanding scenic quality and offer a contrasting visual experience to the drier and semi-arid portions of the setting.

Grassland

Overview, Land Use, and Cultural Features

This setting comprises large expanses of generally treeless grass and shrub-covered hills and terraces. It covers most of the eastern fourth of the National Scenic Area, stretching from just west of The Dalles to the eastern boundary of the National Scenic Area. Oak Pine Woodlands are commonly found naturally adjacent to this setting, and both share similar visual characteristics in lower elevations. Distinct cultural features contributing to the sense of place of the Grassland setting include pithouse depressions associated with First Peoples habitation, wooden fence types, stone walls, barns, and other agricultural structures harmonious with the setting. Historic culturally modified landscapes and their associated structures are invaluable to the setting. The dominant land uses are cattle ranching and agriculture, with widely scattered residences, accessory buildings, and related structures. Land holdings are relatively large, commonly ranging from several hundred to several thousand acres in size. The long, unbroken vistas and relatively sparse settlement patterns of this setting give it a dramatic, panoramic character distinct from the rest of the Gorge. Fire periodicity is variable and influenced primarily by adjacent vegetation types, wind patterns and human interaction.

Landform Patterns and Features

The Grassland setting is found on gentle to steeply sloping hillsides and relatively level terraces in the eastern Gorge. These landscape profiles read as predominately horizontal with occasional dome shaped features and cliffs leading to expansive benches. Cliffs, benches, and rock outcrops punctuating open vistas and woodlands add visual interest and moderate to high landform complexity. The distinctive hummocky terrain of some areas of "biscuit scablands" near Dallesport is also included in this setting. In the extreme eastern portions of the National Scenic Area, rugged rocky cliffs along the Columbia River also occur. Grades vary widely from 0 to 50%, as do

elevations, ranging from 90 feet to 3,225 feet above sea level.

Vegetation

Grasses, shrubs, and forbs are predominant in this mostly treeless setting. Introduced grass species cover most of the rangelands. Native species such as bitterbrush and sagebrush shrubland occurring in some areas. Some areas of native bunchgrasses and forbs still occur, and some rare plant species are found in a few areas of scablands and vernal ponds. Oregon white oak stands grow in some of the intermittent stream drainages. A few tree species have been widely planted as windbreaks and are naturalized to the area. A few vineyards and orchards have been planted in the lower terraces of this setting.

Waterform

Some moderate gradient ephemeral, intermittent or perennial streams, wetlands, and ponds are found throughout the grassland setting, and add visual interest in form, line, color, and texture. Few man-made ponds, reservoirs, and irrigation features can be seen, although they do not typically contribute to the scenic quality of the setting.

Rural Residential

Overview, Land Use, and Cultural Features

Rural Residential settings occur throughout the National Scenic Area, consisting of areas primarily committed to single-family residential development. These areas include numerous relatively small parcels, usually ranging between 1 and 5 acres. Because of these densities and the usually small size of these residential enclaves, Rural Residential settings often retain some rural character in contrast to larger, denser residential neighborhoods in the urban areas. Historic structures and landscapes, when maintained, add interest and memorability to this setting.

Landform Patterns and Features

Rural Residential settings occur in portions of the Gorge landscape that are relatively accessible and lacking in physical development constraints. Most of these areas are gently rolling or level terraces and valley floors. Rural Residential areas are rarely found in steep terrain.

Vegetation

Most Rural Residential settings include numerous plantings of ornamental and other non-native species in residential yards. In some of the less dense Rural Residential areas, remnants of the area's native vegetation have been preserved. In these areas, retention of the native vegetative communities has substantially contributed to the blending of the residential uses with their surroundings.

Waterform

Natural water features are uncommon in the rural residential setting and are not typically a contributing factor to its scenic character.

Rural Residential/Pastoral, Rural Residential/Coniferous Woodland, and Rural Residential/Oak-Pine Woodland

Overview, Land Use, and Cultural Features

This setting reflects areas that are partly rural residential in nature, yet still substantially retain characteristics of a more rural setting (either Pastoral, Coniferous Woodland or Oak-Pine Woodland).

Such areas are typically composed of a combination of rural residential and small-scale agricultural and forest uses. Parcels in these areas generally range between 5 and 20 acres in size, although some smaller residential lots and a few larger vacant parcels occur. Lots where intact distinguishing elements of the combined setting blend with its rural attributes contribute positively to the scenic character of landscapes in this setting. Historic structures and landscapes, when maintained, add interest and memorability to this setting.

Landform Pattern and Features

These combination settings generally occur in gentle terrain with relatively good access.

Vegetation

As with Rural Residential settings, natural vegetation patterns have been altered by ornamental and other non-native plantings on residential lots, although to a substantially lesser degree. The Rural Residential/Pastoral settings frequently contain pastures, small orchards, and other characteristic pastoral vegetation elements. Rural Residential/Coniferous Woodland and Rural Residential/Oak-Pine Woodland settings still retain much of the natural vegetative communities. In these settings, residential development blends with the rural landscape to a greater degree than in Rural Residential settings.

Waterform

Natural water features are uncommon in the rural residential setting and are not typically contributing factors to its character. Where they occur as typical to the combined setting, they add interest and memorability.

Residential

Overview, Land Use, and Cultural Features

A very limited number of areas in the General Management Area already contain dense residential development on parcels of less than 1 acre on the average. These areas, because of their density, size, and proximity to urban area development (in all but one case), are essentially suburban in nature and have not retained any rural characteristics. The subdivision north of Chenoweth Creek, known as "Murray's Addition," is the largest of the few Residential settings in the GMA. Historic structures and landscapes, when maintained, add interest and memorability to this setting.

Landform Pattern and Features

The Residential settings in the GMA are located on flat or gentle terrain in areas that are readily accessible.

Vegetation

With a few exceptions, natural vegetation patterns in these dense residential areas have been replaced by ornamental and non-native plantings.

Waterform

Natural water features are uncommon in the residential setting and are not typically a contributing factor to its character.

Village

Overview, Land Use, and Cultural Features

The Village setting applies to the two designated Rural Centers in the GMA (Corbett and Skamania – see Part II, Chapter 5: Commercial Land), as well as the Broughton Mill area (approved for a resort by the Gorge Commission in 1989). This setting reflects the nature of the Rural Centers as service centers and gathering places for nearby rural residences. The Village setting contains many small residential parcels and a central core, serving both commercial and social functions. Village settings are distinguished from Rural Residential settings by their mix of residential, institutional (churches, schools, etc.), and commercial uses, creating a small town atmosphere. Historic structures and landscapes, when maintained, add interest and memorability to this setting.

Landform Pattern and Features

Village settings have evolved in level or gently rolling areas lacking any substantial physical development constraints or access problems.

Vegetation

Although the Village settings are densely settled relative to the surrounding rural landscape, some areas have retained the natural vegetation of the region in which they are located. Much of the vegetation in this setting, particularly in the Corbett area, consists of non-native species planted by homeowners.

Waterform

Natural water features are uncommon in the Village setting and are not typically contributing factors to its character.

River Bottomlands

Overview, Land Use, and Cultural Features

This setting includes lush floodplains and riparian forests found along the shores of the Columbia River, particularly below Bonneville Dam. Much of this setting has been lost to dam, freeway and railroad construction. In many places in the GMA, only thin strips of this setting remain, directly adjacent to the river. These remnants are still visually distinct settings that markedly contrast with adjacent rocky slopes or upland conifer forests.

Some of these areas include small pastures and scattered rural residential

development, as well as major transportation facilities. Distinct cultural features contributing to the sense of place of the River Bottomlands setting include wooden fence types, stone walls, barns, and other agricultural structures harmonious with the setting. Historic culturally modified landscapes and their associated structures are invaluable to the setting. Culturally significant features such as pithouses indicating early village sites, and glimpses of rock art associated with First Peoples, can be seen in this setting, serving as visual indicators of the ancestors of today's Tribal peoples, and conveying their continued connection to the land. This setting also includes major existing park and recreation facilities along the river (e.g. Celilo Park) and the most potentially suitable areas for concentrated public recreational river access, as identified in the planning process. Fire periodicity is variable and influenced primarily by adjacent vegetation types and human interaction

Landforms

River Bottomlands are, by their nature, confined to flat or gently sloping lands representing remnants of the original Columbia River floodplain. These landscape profiles read as predominately horizontal with minimal to moderate landform complexity. Elevations range from 0 to 200 feet above sea level with rare occurrences as high as 585 feet above sea level. Grades range from 0 to 5%.

Vegetation

Where unaltered, this setting consists primarily of a largely deciduous forest. Unforested marshes also occur in this setting, although the largest of these ecologically critical vegetative communities are in the Special Management Areas. Major parks in River Bottomlands contain some vegetation patterns uncharacteristic of pristine riparian communities, such as mowed lawn areas and some ornamental plantings. However, to a large degree, the riverfront parks that best blend with the natural surroundings emphasize native species plantings and retention of existing riparian vegetation communities. Thus, the deciduous-dominated riparian species found in River Bottomlands are emphasized as the major vegetation element in the design guidelines applicable to new recreation uses in this setting.

Waterform

Distinctive, conspicuous waterscapes characterized by a rich combination of flow and scale are inextricably linked to the River Bottomlands setting, Water features abundant in this setting include rivers, lakes, wetlands, deltas, alluvial fans, ponds, and low gradient perennial and intermittent streams.

Gorge Walls, Canyons, and Wildlands

Overview,Land Use, and Cultural Features

This setting represents the rugged bluffs, cliffs and steep slopes that form the walls of the Gorge and the deeply incised canyons of the Columbia River's major tributaries. Because of extreme steepness, and in some cases inaccessibility and instability, these areas are largely undeveloped. They represent some of the most natural settings in GMA lands, despite the proximity of some of these areas to major thoroughfares.

Prevailing land use in these areas is undeveloped vacant land, although low-intensity recreation use and some silviculture occur in a few limited areas. Cultural features contributing to the sense of place include historic landmarks, and scenic travel corridors designed to lay light on the land and be harmonious with natural elements of the setting. American pika and the Larch Mountain salamander inhibit the rocky talus slopes, Fire periodicity is extremely variable from decades to centuries for major stand replacement occurrences.

Landform Patterns and Features

The landform component of this setting is a much greater determinant of its character than is true for any other setting. Steep wooded slopes, canyon walls, ancient slide complexes, talus slopes, and sheer rock faces with angular columnar basalt patterning characterize this setting. In the side canyons, small ribbons of riparian floodplain areas also occur. These landscape profiles read as predominately vertical with high landform complexity. Elevations range from 90 feet to 4,000 feet above sea level, with grades typically between 45% and 90%.

Vegetation

The steepest portions of this setting are rocky cliffs devoid of much vegetation or loose talus slopes with limited vegetation (although such slopes often include large, old fir, pine, and maple trees). Other portions of this setting include stands of large fir and pine trees, some of which appear to be the original forest cover. At the bottom of the Hood, White Salmon, and Little White Salmon River canyons, narrow bands of lush, riparian vegetation are found.

Waterform

Water features are abundant in this setting, including many intermittent and perennial streams, lakes, ponds, cascades, waterfalls, and wetlands. Riparian areas in this setting are commonly home to species such as turtles, neo tropical bird species, raptors such as the bald eagle, and many species of fish. Distinct river views and tall waterfalls provide outstanding scenic and visual quality and contribute significantly to the inherent scenic attractiveness of the Gorge Walls, Canyons, and Wildlands setting.

GMA PROVISIONS

OVERALL SCENIC PROVISIONS

GMA Goal

Protect and enhance the scenic resources of the National Scenic Area.

GMA Objectives

1. Use regulations to avoid adverse effects of new development and land uses to scenic resources.

~~1.~~2. Encourage the establishment of programs offering incentives and other means of implementing scenic resource enhancement objectives and policies for existing uses, ~~targeting~~ focusing on private landowners, railroad and utility companies, and transportation and other public agencies.

~~2.~~3. ~~Encourage~~Support the ~~establishment~~efforts of a National Scenic Area public land conservancy ~~and/~~or nonprofit land trust to acquire fee interest, conservation easements, and other interests in properties whose preservation is important for protection of Gorge landscape settings and scenic values.

GMA Policies

1. Except for exploration, development (extraction or excavation), and production of mineral resources~~production and/or development of mineral resources~~ and disposal sites for spoil materials from public road maintenance activities, nothing in the key viewing areas or landscape settings guidelines in this chapter shall be used as grounds to deny proposed uses otherwise authorized by the land use designation. However, the guidelines may affect the siting, location, size, and other design features of proposed developments, and compliance with them is mandatory.

2. The goals, objectives, policies, and guidelines in this chapter shall not affect agriculture or forest practices~~, nor equipment or structures (other than buildings) associated with such practices, such as irrigation equipment or orchard fans~~.

3. New development and expansion of existing development shall be compatible with its designated landscape setting (as described in the "Landscape Settings" section of this chapter). ~~Expansion of existing development shall be compatible with its landscape setting to the maximum extent practicable.~~

4. New exploration, development (extraction or excavation), and production of mineral resources ~~production and/or development of mineral resources~~ and expansion of existing quarries shall include a reclamation plan to restore the site to a natural appearance that blends with and emulates ~~surrounding landforms to~~

~~the maximum extent practicable~~distinctive characteristics inherent to its landscape setting.

5. ~~5.~~ New development shall retain existing landforms and strive to fit into the existing topography to the maximum extent feasible.

~~6. The Gorge Discovery Center~~New development or expansion of facilities that are called for in the National Scenic Area Act shall be designed and ~~constructed~~constructed to be visually subordinate ~~as seen~~ as visible from key viewing areas and compatible with ~~its~~their landscape setting to the maximum extent practicable, consistent with ~~its~~the facility's mission.

6.

GMA Guidelines

1. New ~~buildings and roads~~development shall be sited and designed to retain the existing topography and to minimize grading activities to the maximum extent practicable.

2. New buildings and expansion of existing development shall be compatible with the general scale ~~(height, dimensions and overall mass)~~ 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 guideline. Findings addressing this guideline shall include but are not limited to:

   A. Application of the landscape setting design guidelines, if applicable.

   B. A defined study area surrounding the development that includes at least ten existing buildings, not including existing buildings within urban areas or outside the National Scenic Area.

   C. Individual evaluations of scale for each separate proposed building in the application and each separate building in the study area, including:

      (1) All finished above ground square footage;

      (2) Total area of covered decks and porches;

      (3) Attached garages

      (4) Daylight basements

      (5) Breezeways, if the breezeway shares a wall with an adjacent building

      (6) Dimensions, based on information from the application or on Assessor's records

   D. An overall evaluation demonstrating the proposed development's compatibility with surrounding development. Buildings in the vicinity of the

proposed development that are significantly larger in size than the rest of the buildings in the study area should be removed from this evaluation.

3. ~~Project Applicants~~Landowners shall be responsible for the proper maintenance and survival of any planted vegetation required by the guidelines in this chapter.

~~4. A site plan and land use application shall be submitted for all new buildings, except for buildings smaller than 60 square feet in area and less than or equal to 10 feet in height, as measured at the roof peak. The site plan and application shall include all information required in the site plan guidelines in "Review Uses" (Part II, Chapter 7: General Policies and Guidelines). Supplemental requirements for developments proposed on lands visible from key viewing areas are included in the key viewing areas guidelines in this chapter.~~

~~5. For all proposed development, the determination of compatibility with the landscape setting shall be based on information submitted in the site plan.~~

~~6. For all new production and/or development of mineral resources and expansion of existing quarries, a reclamation plan is required to restore the site to a natural appearance that blends with and emulates surrounding landforms to the maximum extent practicable.~~

~~At a minimum, such reclamation plans shall include:~~

~~A. A map of the site, at a scale of 1 inch equals 200 feet (1:2,400) or a scale providing greater detail, with 10-foot contour intervals or less, showing pre-mining existing grades and post-mining final grades; locations of topsoil stockpiles for eventual reclamation use; location of catch basins or similar drainage and erosion control features employed for the duration of the use; and the location of storage, processing, and equipment areas employed for the duration of the use.~~

~~B. Cross-sectional drawings of the site showing pre-mining and post-mining grades.~~

~~C. Descriptions of the proposed use, in terms of estimated quantity and type of material removed, estimated duration of the use, processing activities, etc.~~

~~D. Description of drainage/erosion control features to be employed for the duration of the use.~~

~~E. A landscaping plan providing for revegetation consistent with the vegetation patterns of the subject landscape setting, indicating the species, number, size, and location of plantings for the final reclaimed grade, as well as a description of irrigation provisions or other measures necessary to ensure the survival of plantings.~~

~~7. All reclamation plans for new quarries or expansion of existing quarries shall be sent to the appropriate state reclamation permitting agency for review and comment. The state agency shall have 30 calendar days from the date a reclamation plan is mailed to submit written comments on the proposal. State agency comments shall address the followingWhether the proposed mining is subject to state reclamation permit requirements;~~

~~If subject to state jurisdiction, whether an application has been received for a state reclamation permit and, if so, the current status of the application; and~~

~~C. For uses subject to state jurisdiction, any issues or concerns regarding consistency with state reclamation requirements, or any suggested modifications to comply with state reclamation requirements.~~

~~Scenic Area implementing agencies may request technical assistance from state agencies on reclamation plans for proposed mining not within the state agency's jurisdiction.~~

KEY VIEWING AREAS

GMA Goal

Emphasize protection and enhancement of ~~Gorge~~ National Scenic Area landscapes ~~seen~~ visible from key viewing areas.

GMA Objectives

1. Establish scenic enhancement programs prioritizing enhancement of lands ~~seen~~ visible from key viewing areas.
2. Establish a program to phase-out existing quarries and associated activities and develop reclamation plans for such quarries at sites where the Gorge Commission determines that such uses adversely affect scenic resources on land visible from key viewing areas. The Gorge Commission shall initiate this objective by inventorying existing quarries visible from key viewing areas. Phase-out plans may require some additional quarrying for a limited time to best achieve contours that blend with surrounding landforms. Phase-out and reclamation plans for particular quarries shall include a specified time period for completion, not to exceed 5 years from the commencement of such plans.
3. Encourage mining reclamation methods and features that enhance wildlife habitat and wetlands, ameliorate visual impacts of existing quarries, and accelerate achievement of desired ~~visual quality objectives~~scenic standard.
4. Encourage use of ~~planned unit developments, clustering, lot reconfiguration and consolidation, and other~~ techniques to reduce visual impacts of new development on lands that are visible from key viewing areas and that possess high or critical visual sensitivity.
5. Encourage plantings of native species or species characteristic of the landscape

setting to screen existing development that is not visually subordinate on lands that are visible from key viewing areas and that possess high or critical visual sensitivity.

GMA Policies

1. Important public roads, parks, and other vantage points providing public scenic viewing opportunities shall be designated as key viewing areas, as identified in the glossary of the Management Plan.

2. Except for new exploration, development (extraction or excavation), and production of mineral resources ~~production and/or development of mineral resource~~s, new development on lands ~~seen~~visible from key viewing areas shall be visually subordinate to its landscape setting. This policy shall not apply to specified developed settings that are not visually sensitive (as identified in the "Landscape Settings" section), rehabilitation or modifications to significant historic structures as defined by state and Forest Service Archaeologists, shorelines on the main stem of the Columbia River that adjoin ~~Urban Area~~urban areas, or other developments expressly exempted from this requirement in this chapter.

3. In developing conditions of approval, agencies shall emphasize those elements that, in combination, provide effective, long-term scenic resource protection.

4. New utility transmission lines, transportation and communication facilities, docks and piers, and repairs and maintenance of existing lines, roads and facilities shall be visually subordinate as ~~seen~~ visible from key viewing areas to the maximum extent practicable.

5. New buildings shall be prohibited on steeply sloping lands visible from key viewing areas.

6. Proposed projects involving substantial grading on lands visible from key viewing areas shall include a grading plan addressing visual impacts of grading activities. All graded areas shall be revegetated to the maximum extent practicable.

7. Development along the shoreline of the Columbia River and on immediately adjacent lands shall be limited to water-dependent development and water-related recreation development.

8. New exploration, development (extraction or excavation), and production of mineral resources ~~production and/or development of mineral resources~~ on sites visible in the foreground or middle~~-~~ground from key viewing areas ~~shall~~ may be permitted if fully screened from view from those key viewing areas. New exploration, development (extraction or excavation), and production of mineral resources ~~production and/or development of mineral resources~~ on sites visible in the background from key viewing areas ~~shall~~ may be permitted if visually subordinate to its setting as ~~seen~~ visible from those key viewing areas.

9. Expansion of existing quarries on sites visible in the foreground or middleground from key viewing areas ~~shall~~ may be permitted if ~~visually subordinate~~fully

screened from view ~~to its setting as seen~~ from those key viewing areas. Expansion of existing quarries on sites visible in the background from key viewing areas may be permitted if visually subordinate to its setting as seen visible from those key viewing areas. Existing quarries are those determined not to be discontinued, pursuant to Guideline ~~4.D~~5 in "Existing Uses and Discontinued Uses" (Part II, Chapter 7: General Policies and Guidelines). Expansion refers to lateral expansion (expansion of mining activities into land surfaces previously unaffected by mining).

10. In addition to the guidelines contained in this section, applicable design guidelines specified for a particular landscape setting shall be used to ensure that new development on lands ~~seen~~visible from key viewing areas is visually subordinate to its setting in a manner responsive to the unique character of that setting.

11. The Gorge Commission and Forest Service shall maintain a Scenic Resources Implementation Handbook. The Handbook shall provide specific guidance for applicants and planners in implementing color, reflectivity, landscaping and other guidelines for development ~~on sites visible from key viewing areas~~. It may be updated as needed, as determined by the Executive Director and National Scenic Area Manager. In updating the Handbook, the Gorge Commission and Forest Service will collaborate with the implementing counties, and solicit other agency and public input. The Handbook is intended to provide non-exclusive, recommended lists of exterior building materials (for reflectivity) and vegetation species.

~~The Handbook is intended to provide non-exclusive, recommended lists of exterior building materials (for reflectivity) and vegetation species.~~

GMA Guidelines

1. The guidelines in this section shall apply to proposed development~~s~~ on sites topographically visible from key viewing areas.

2. Each development shall be visually subordinate to its setting as ~~seen~~ visible from key viewing areas. New development shall be sited to achieve visual subordinance from key viewing areas, unless the siting would place such development in a buffer specified for protection of wetlands, riparian corridors, sensitive plants, or sensitive wildlife sites or would conflict with guidelines to protect cultural resources. In such situations, new development siting shall comply with this guideline to the maximum extent practicable.

3. Determination of potential visual effects and compliance with visual subordinance policies shall include consideration of the cumulative effects of proposed development~~s~~.

~~4. The extent and type~~A determination of ~~conditions applied to~~ the potential visual impact of a ~~proposed~~new development ~~to achieve visual subordinance shall be~~

~~proportionate to its potential visual impacts as seen from key viewing areas.~~

~~5.~~ ~~Decisions~~ shall include written findings addressing the following factors~~influencing potential visual impact, including but not limited to:~~ :

A. The amount of area of the building site exposed to key viewing areas.

B. The degree of existing vegetation providing screening.

C. The distance from the building site to the key viewing areas from which it is visible.

D. The number of key viewing areas from which it is visible.

E. The linear distance along the key viewing areas from which the building site is visible (for linear key viewing areas, such as roads).

F. ~~Conditions may be~~ Other factors the reviewing agency determines relevant in consideration of the potential visual impact.

~~6.~~4. The extent and type of conditions applied to ~~various elements of~~ a proposed development~~s~~ to ~~ensure they are visually subordinate~~achieve visual subordinance to ~~their~~its landscape setting shall be proportionate to its potential visual impacts as ~~seen~~ visible from key viewing areas. Conditions may include, and shall be applied using the following priorities:~~, including but not limited to~~

A. Screening by topography

~~A.~~B. Siting (location of development on the subject property, building orientation, and other elements).

~~B.~~C. Retention of existing vegetation on the applicant's property.

~~C.~~D. Design and building materials (color, reflectivity, size, shape, height, architectural and design details and other elements).

E. New landscaping on the applicant's property.~~New development shall be sited to achieve visual subordinance from key viewing areas, unless the siting would place such development in a buffer specified for protection of wetlands, riparian corridors, sensitive plants, or sensitive wildlife sites or would conflict with guidelines to protect cultural resources. In such situations, development shall comply with this guideline to the maximum extent practicab~~

~~D.~~F. New berms or other recontouring on the applicant's property, where consistent with other applicable provisions.

~~7.~~5. New development shall be sited using existing topography and~~/or~~ existing vegetation as needed to achieve visual subordinance from key viewing areas. The following guidelines shall apply to new landscaping used to screen development from key viewing areas:

A. New landscaping (including new earth berms) shall be required only when application of all other available guidelines in this chapter is not sufficient to make the development visually subordinate from key viewing areas. Alternate sites shall be considered prior to using new landscaping to achieve visual subordinance. Development shall be sited to avoid the need for new landscaping wherever possible.

B. If new landscaping is required to make a proposed development visually subordinate from key viewing areas, existing on-site vegetative screening and other visibility factors shall be analyzed to determine the extent of new landscaping, and the size of new trees needed to achieve the standard. Any vegetation planted pursuant to this guideline shall be sized to provide sufficient screening to make the development visually subordinate within five years or less from the commencement of construction. If after five years the vegetation has not achieved a size sufficient to screen the development, additional screening may be required by the local government to make the development visually subordinate.

C. Unless as specified otherwise by provisions in this chapter, landscaping shall be installed as soon as practicable, and prior to project completion.

D. Applicants and successors in interest for the subject parcel are responsible for the proper maintenance and survival of planted vegetation, and replacement of such vegetation that does not survive.

E. The Scenic Resources Implementation Handbook shall include recommended species for each landscape setting consistent with the Landscape Settings Design Guidelines in this chapter, and minimum recommended sizes of new trees planted (based on average growth rates expected for recommended species).

~~8.~~6. Existing tree cover screening proposed development from key viewing areas shall be retained as specified in the Landscape Settings Design Guidelines section of this chapter.

~~9.~~7. The silhouette of new buildings shall remain below the skyline of a bluff, cliff, or ridge as ~~seen~~ visible from key viewing areas. ~~Variances to this guideline may be granted if application of the guideline would leave the owner without a reasonable economic use. The variance shall be the minimum necessary to allow the use and may be applied only after all reasonable efforts to modify the design, building height, and site to comply with the guideline have been made.~~

~~10. An alteration to a building built before November 17, 1986, that already protrudes above the skyline of a bluff, cliff, or ridge as seen from a key viewing area, may itself protrude above the skyline if:~~

~~A. The altered building, through use of color, landscaping and/or other~~

~~mitigation measures, contrasts less with its setting than before the alteration, and~~

~~B. There is no practicable alternative means of altering the building without increasing the protrusion.~~

~~11.~~8. Conditions regarding new landscaping or retention of existing vegetation for new development~~s~~ on lands designated GMA ~~Forest~~Commercial Forest, Large Woodland, or Small Woodland shall meet both scenic guidelines and fuel break requirements in Criterion 1.A of "Approval Criteria for Fire Protection".~~-~~

~~12.~~9. 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 in the surrounding landscape. The specific colors ~~or list of acceptable colors~~approved by the reviewing agency shall be included as a condition of approval. ~~The Scenic Resources Implementation Handbook will include a recommended palette of colors.~~

~~13.~~10. The exterior of buildings on lands seen from key viewing areas shall be composed of non-reflective materials or materials with low reflectivity~~, unless the structure would be fully screened from all key viewing areas by existing topographic features.~~. Continuous surfaces of glass shall be limited to ensure visual subordinance. The Scenic Resources Implementation Handbook ~~will include~~includes a list of recommended exterior materials~~. These recommended materials~~ and ~~other materials may be deemed consistent with this guideline, including those where the specific application meets recommended thresholds in the "Visibility and Reflectivity Matrices" in the Implementation Handbook (once they are created). Continuous surfaces of glass unscreened from key viewing areas shall be limited to ensure visual subordinance. Recommended square footage limitations for such surfaces will be provided for guidance in the Implementation Handbook.~~ screening methods.

~~In addition to the site plan requirements in "Review Uses" (Part II, Chapter 7: General Policiand Guidelines), applications for all buildings visible from key viewing areas shall include a description of the proposed building(s)' height, shape, color, exterior building materials,, and landscaping details (type of plants used; number, size, locations ofplantings; and any irrigation provisions or other measures to ensure the survival of landscaping planted for screening purposes).~~

~~For proposed mining and associated activities on lands visible from key viewing areas, in addition to submittal of plans and information pursuant to Guideline 6 in the "Overall Scenic Provisions" section of this chapter, project applicants shall submit perspective drawings of the proposed mining areas as seen from applicable key viewing areas.~~

~~14.~~11. Any exterior lighting shall be ~~directed downward and~~ sited, ~~hooded, and~~limited in intensity, shielded ~~such~~, or hooded in a manner that ~~it is not~~ prevents lights from being highly visible from key viewing areas~~. Shielding and hooding~~

~~materials shall be composed of non-reflective, opaque materials.~~ and from noticeably contrasting with the surrounding landscape setting, except for road lighting necessary for safety purposes.

~~15.~~12. Additions to existing buildings smaller in total square area than the existing building may be the same color as the existing building. Additions larger than the existing building shall be of dark earth-tone colors found at the specific site or in the surrounding landscape. The specific colors ~~or list of acceptable colors~~approved by the reviewing agency shall be included as a condition of approval. ~~The Scenic Resources Implementation Handbook will include a recommended palette of colors.~~

~~16.~~13. Rehabilitation of or modifications to existing significant historic structures shall be exempted from visual subordinance requirements for lands ~~seen~~ visible from key viewing areas. To be eligible for such exemption, the structure must be included in, or eligible for inclusion in, the National Register of Historic Places or be in the process of applying for a determination of significance pursuant to such regulations. Rehabilitation of or modifications to structures meeting this guideline shall be consistent with National Park Service regulations for such structures.

~~17.~~14. New main lines on lands visible from key viewing areas for the transmission of electricity, gas, oil, other fuels, or communications, except for connections to individual users or small clusters of individual users, shall be built in existing transmission corridors unless it can be demonstrated that use of existing corridors is not practicable. Such new lines shall be underground as a first preference unless it can be demonstrated to be impracticable.

~~18.~~15. New communication facilities (antennae, dishes, etc.) on lands visible from key viewing areas that require an open and unobstructed site shall be built upon existing facilities unless it can be demonstrated that use of existing facilities is not practicable.

~~19.~~16. New communications facilities may protrude above a skyline visible from a key viewing area only upon demonstration that:

A. The facility is necessary for public service,

B. The break in the skyline is ~~seen~~ visible only in the background, and

C. The break in the skyline is the minimum necessary to provide the service.

~~20.~~17. Overpasses, safety and directional signs, and other road and highway facilities may protrude above a skyline visible from a key viewing area only upon a demonstration that:

A. The facility is necessary for public service, and

B. The break in the skyline is the minimum necessary to provide the

service.

~~21. Except for water-dependent development and for water-related recreation development, development shall be set back 100 feet from the ordinary high water mark of the Columbia River below Bonneville Dam, and 100 feet from the normal pool elevation of the Columbia River above Bonneville Dam, unless the setback would render a property unbuildable. In such cases, variances to this guideline may be authorized.~~

~~22.~~18. New buildings shall not be permitted on lands visible from key viewing areas with slopes in excess of 30 percent. Variances to this guideline may be authorized if the guideline's application would render a property unbuildable. In determining the slope, the average percent slope of the proposed building ~~site~~footprint shall be used.

~~23.~~19. Driveways and buildings shall be designed and sited to minimize visibility of cut banks and fill slopes from key viewing areas.

~~All proposed structural development involving more than 200 cubic yards of grading on sites visible from key viewing areas shall include submittal of a grading plan. This plan shall be reviewed by the local government for compliance with key viewing area policies. The grading plan shall include the following:~~

~~A. 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:~~

~~(1) Existing and proposed final grades.~~

~~(2) Location of all areas to be graded, with cut banks and fill slopes delineated.~~

~~(3) Estimated dimensions of graded areas.~~

~~B. A narrative description (may be submitted on the grading plan site map and accompanying drawings) of the proposed grading activity, including:~~

~~(1) Its purpose.~~

~~(2) An estimate of the total volume of material to be moved.~~

~~(3) The height of all cut banks and fill slopes.~~

~~(4) 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.)~~

~~(5) 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.

(6) A description of any other interim or permanent erosion control measures to be used.

Expansion of existing quarries and new production and/or development of mineral resources proposed on sites more than 3 miles from the nearest key viewing areas from which it is visible may be allowed upon a demonstration that:

C. The site plan requirements for such proposals pursuant to this chapter have been met.

D. The area to be mined and the area to be used for primary processing, equipment storage, stockpiling, etc. associated with the use would be visually subordinate as seen from any key viewing areas.

E. A reclamation plan to restore the site to a natural appearance that blends with and emulates distinctive characteristics of the designated landscape setting to the maximum extent practicable has been approved. At minimum, the reclamation plan shall comply with Guidelines 6 and 7 in the "Overall Scenic Provisions" section of this chapter.

F. A written report on a determination of visual subordinance has been completed, with findings addressing the extent of visibility of proposed mining activities from key viewing areas, including:

(1) A list of key viewing areas from which exposed mining surfaces (and associated facilities/activities) would be visible.

(2) An estimate of the surface area of exposed mining surfaces that would be visible from those key viewing areas.

(3) The distance from those key viewing areas and the linear distance along those key viewing areas from which proposed mining surfaces are visible.

(4) The slope and aspect of mining surfaces relative to those portions of key viewing areas from which they are visible.

(5) The degree to which potentially visible mining surfaces are screened from key viewing areas by existing vegetation, including winter screening considerations.

(6) The degree to which potentially visible mining surfaces would be screened by new plantings, berms, etc. and appropriate time frames to achieve such results, including winter screening considerations.

~~Unless addressed by Guideline 27 of this section, new production and/or development of mineral resources may be allowed upon a demonstration that:~~

~~G. The site plan requirements for such proposals pursuant to this chapter have been met.~~

~~H. The area to be mined and the area used for primary processing, equipment storage, stockpiling, etc., associated with the use would be fully screened from any key viewing area.~~

~~A reclamation plan to restore the area to a natural appearance that blends with and emulates surrounding landforms to the maximum extent practicable has been approved. At minimum, the reclamation plan shall comply with Guidelines 6 and 7 of the "Overall Scenic Provisions" section of this chapter.An interim time period to achieve compliance with visual subordinance requirements for expansion of existing quarries and development of new quarries located more than 3 miles from the nearest visible key viewing area shall be established before approval. The interim time period shall be based on site-specific topographic and visual conditions, but shall not exceed 3 years beyond the date of approval.~~

~~An interim time period to achieve compliance with full screening requirements for new quarries located less than 3 miles from the nearest visible key viewing area shall be established before approval. The interim time period shall be based on site-specific topographic and visual conditions, but shall not exceed 1 year beyond the date of approval. Quarrying activity occurring before achieving compliance with full screening requirements shall be limited to activities necessary to provide such screening (creation of berms, etc.).~~

LANDSCAPE SETTINGS

GMA Goals

1. Maintain the diversity of Gorge landscapes to protect and enhance the Gorge's scenic beauty.
2. Retain the existing character of the Gorge's rural landscapes and two Rural Centers (Corbett and Skamania).
3. Protect existing riverfront landscape settings when providing additional recreational river access and ensure that riverfront recreation is provided in a manner compatible with those settings.

GMA Policies

1. New development~~s~~ shall be compatible with ~~their~~ its landscape setting and maintain the integrity of that setting. Expansion of existing development~~s~~ shall be compatible with its~~their~~ landscape setting and maintain the integrity of that setting to the maximum extent practicable.
2. These goals, policies, and guidelines apply only to development~~s~~ and uses subject to review, pursuant to the Management Plan~~. While agricultural and~~

~~forest practices influence landscape settings, they are not subject to the goals, policies, and guidelines for landscape settings.~~

3. Because of the dynamic nature of landscape settings, these settings shall be reevaluated in the periodic plan review process. Substantial changes, particularly with respect to changes of large areas between wooded and agricultural settings, shall be reflected in periodic revisions to the Management Plan.

4. Maintenance of landscape settings shall be a key consideration in determining minimum parcel sizes for GMA land use designations. Recommended minimum parcel sizes for new land divisions to maintain landscape setting character are included where applicable in the landscape settings descriptions. The Gorge Commission shall use these recommendations when considering minimum parcel sizes for either plan amendments or plan updates.

5. The "Compatible Recreation Use Guidelines" for each landscape setting shall provide the basis for evaluating cumulative effects of recreation proposals on landscape settings, including types and intensities of recreation uses.

GMA ~~Descriptions and~~ Guidelines

Pastoral

~~**Overview and Land Use**~~

~~Pastoral settings are essentially agrarian in character, typified by areas of pastures and intensive agriculture. This setting includes areas where orchards, vineyards, row crops, and irrigated pasture predominate the landscape. This setting often includes woodlots and scattered rural residential development. Visual features distinguishing this setting include large expanses of cultivated fields and pastures, punctuated by clusters of farm accessory buildings and hedgerows or poplar rows defining distinct fields. Some small parcels with residences occur, but many parcels range between forty and several hundred acres in size.~~

~~***Landforms***~~

~~These settings usually occur on level ground or gently rolling terrain. Some of these landscapes are found on relatively flat terraces and benches at the top of steep slopes that form the walls of the Gorge. Other pastoral areas occur in the fertile valleys of the major tributaries flowing into the Columbia River.~~

~~***Vegetation***~~

~~Non-native vegetation patterns are predominant. They include alfalfa fields and irrigated pasture, vineyards and fruit orchards, row crops, hedgerows, and poplar rows. Scattered woodlots interspersed throughout this setting reflect the natural vegetation of the portion of the Gorge in which they are located (e.g. Oregon oak and ponderosa pine in the eastern Gorge; Douglas-fir, big leaf maple, and western red cedar in the west).~~

Compatible Recreation Use Guideline

Resource-based recreation uses of a very low-intensity or low-nature (as defined in the "Recreation Intensity Classes" section of Part I, Chapter 4: Recreation Resources), occurring infrequently in the landscape, are compatible with this setting.

Recommended Parcel Size for New Land Divisions

40 acres.

Design Guidelines

1. Accessory structures, outbuildings, and access ways shall be clustered together as much as possible, particularly towards the edges of existing meadows, pastures, and farm fields.
2. In portions of this setting visible from key viewing areas, the following guidelines shall be employed to achieve visual subordinance for new development and expansion of existing development:
   A. Except as is necessary for site development or safety purposes, the existing tree cover screening the development from key viewing areas shall be retained.
   B. Vegetative landscaping shall, where feasible, retain the open character of existing pastures and fields.
   C. At least half of any trees planted for screening purposes shall be species native to the setting ~~or commonly found in the area. Such~~. Examples of native species ~~include fruit trees, Douglas-fir, Lombardy poplar (usually in rows), Oregon white oak, big leaf maple, and black locust (primarily in the eastern Gorge).~~are identified in the Scenic Implementation Handbook as appropriate for the area.
   D. At least one-quarter of any trees planted for screening shall be coniferous for winter screening. Variances may be granted to this guideline when development is directly adjacent or adjoining a landscape setting where coniferous trees are not common or appropriate (as identified in the Scenic Implementation Handbook), and tree species ultimately selected for winter screening are natives characteristic to that setting

Coniferous Woodland

~~**Overview and Land Use**~~

~~These are primarily thickly forested areas characterized by forest uses and scattered residential. Forest uses are often small to moderate in scale, particularly in the more settled portions of this setting. Parcels typically range between 20 and 160 acres in size. Large-scale silvicultural operations also occur in the less developed portions of this setting where land holdings tend to be relatively large (several hundred acres and larger) and residences fairly uncommon.~~

~~**Landforms**~~

~~These settings are found in hilly and mountainous portions of the Gorge, particularly on the Washington side of the western Gorge (in the GMA). The more gently rolling and~~

~~accessible portions of this setting contain small-scale agricultural use and relatively more residences.~~

~~Vegetation~~

~~This setting is generally dominated by large conifer tree species associated with the ecosystems of the wet western slopes of the Cascades. Such species include Douglas-fir, western hemlock, western red cedar, and grand fir. Deciduous trees frequent the riparian corridors and also cover many slopes in the westernmost portions of the Gorge. Common deciduous species include big leaf maple, red alder, black cottonwood, and various species of willow trees. In the eastern portions of this setting and on dry, south-facing slopes, ponderosa pine and Oregon white oak are also common.~~

Compatible Recreation Use Guideline

Resource-based recreation uses of varying intensities may be compatible with this setting. Typically, outdoor recreation uses in Coniferous Woodlands are low intensity, and include trails, small picnic areas, and scenic viewpoints. Although infrequent, some more intensive recreation uses, such as campgrounds, occur. They tend to be scattered rather than concentrated, interspersed with large areas of undeveloped land and low-intensity uses.

Recommended Parcel Size for New Land Divisions

20 acres.

Design Guidelines

1. Structure height shall remain below the forest canopy level.

2. In portions of this setting visible from key viewing areas, the following guidelines shall be employed to achieve visual subordinance for new development and expansion of existing development:

   A. Except as is necessary for construction of access roads, building pads, leach fields, etc., the existing tree cover screening the development from key viewing areas shall be retained.

   B. At least half of any trees planted for screening purposes shall be species native to the setting. ~~Such species include: Douglas-fir, grand fir, western red cedar, western hemlock, big leaf maple, red alder, ponderosa pine and Oregon white oak, and various native willows (for riparian areas).~~Examples of native species are identified in the Scenic Implementation Handbook as appropriate to the area.

   C. At least half of any trees planted for screening purposes shall be coniferous to provide winter screening.

Oak-Pine Woodland

~~Overview and Land Use~~

~~This visually complex setting represents the climatic transition area between the lush forests of the western Gorge and the semi-arid grasslands of the eastern Gorge. Dry oak-pine woods, savannah areas (predominantly grassy openings with scattered trees), and grassy prairies are interspersed with scattered rural development. Such development includes residences, roads, fences, etc. In some portions of this setting, orchards and cultivated areas lend a pastoral flavor to this generally~~

~~natural-appearing landscape. Most parcels are over 20 acres in size, and are frequently between 40 and 160 acres.~~

~~**Landforms**~~

~~Most of this setting is found on gently rolling to hilly terrain. Pastures and small farm uses are interspersed in the gentler portions of this setting. Some very steep slopes and deeply incised side canyons are contained in the least developed portions of this setting.~~

~~***Vegetation***~~

~~This setting contains perhaps the most varied vegetative communities in the Gorge, adding to its visual richness. Mixed stands of Oregon white oak and ponderosa pine typify this setting. In the western portions, highest elevations, and north slopes, this community transitions into woodland vegetation patterns, with increasing numbers of Douglas-fir occurring. Drier portions of this setting and areas with poor, thin soils are often treeless prairies. "Biscuit scablands," or patterned ground areas with little vegetation and hummocky rock outcrops, also occur. This special landscape, created by scouring of great floods, is also found in some portions of the Grassland setting.~~

Compatible Recreation Use Guideline

Resource-based recreation uses of varying intensities may be compatible with this setting, although most are of a low-intensity nature (such as trails or small scenic outlooks). More intensive recreation uses may be compatible where allowed under the "Recreation Intensity Classes" in Part I, Chapter 4, although they are generally rare in this setting. As with Woodland settings, intensive recreation uses in Oak-Pine Woodlands may be compatible if widely scattered and not in large concentrations.

Recommended Parcel Size for New Land Divisions

40 acres.

Design Guidelines

1. Structure height shall remain below the tree canopy level ~~in wooded portions~~of the dominant vegetation types of this setting.

2. In portions of this setting visible from key viewing areas, the following guidelines shall be employed to achieve visual subordinance for new development and expansion of existing development:

   A. At least half of any tree species planted for screening purposes shall be species native to the setting. ~~Such species include Oregon white oak, ponderosa pine, and Douglas-fir~~Examples of native species are identified in the Scenic Implementation Handbook as appropriate to the area.

   B. At least half of any trees planted for screening purposes shall be coniferous to provide winter screening.

   For substantially wooded portions:

   C. Except as is necessary for construction of access roads, building pads, leach fields, etc., the existing tree cover screening the development from

key viewing areas shall be retained.

For treeless portions or portions with scattered tree cover:

D. Structures shall be sited on portions of the property that provide maximum screening from key viewing areas, using existing topographic features.

E. Patterns of plantings for screening vegetation shall be in character with the surroundings. Residences in grassy, open areas or savannahs shall be partly screened with trees in small groupings and openings between groupings.

F. Accessory structures, outbuildings, and access ways shall be clustered together as much as possible, particularly towards the edges of existing meadows, pastures, and farm fields.

Grassland

~~**Overview and Land Use**~~

~~This setting comprises large expanses of generally treeless grass and shrub-covered hills and terraces. It covers most of the eastern fourth of the Scenic Area, stretching from just west of The Dalles to the eastern boundary of the Scenic Area. The dominant land use is cattle ranching, with widely scattered residences, accessory buildings, and related structures associated with ranching. Land holdings are relatively large, commonly ranging from several hundred to several thousand acres in size. The long, unbroken vistas and relatively sparse settlement patterns of this setting give it a dramatic, panoramic character distinct from the rest of the Gorge.~~

~~**Landforms**~~

~~The Grassland setting is found on gentle to steeply sloping hillsides and relatively level terraces in the eastern Gorge. The distinctive hummocky terrain of some areas of "biscuit scablands" near Dallesport is also included in this setting. In the extreme eastern portions of the Scenic Area, rugged rocky cliffs along the Columbia River also occur.~~

~~Vegetation~~

~~Grasses, shrubs, and forbs are predominant in this mostly treeless setting. Introduced grass species cover most of the rangelands, with bitterbrush and sagebrush shrubland occurring in some areas. Some areas of native bunchgrasses and forbs still occur, and some rare plant species are found in a few areas of scablands and vernal ponds. Oregon white oak stands grow in some of the intermittent stream drainages. A few tree species have been widely planted as windbreaks and are naturalized to the area, particularly black locust and poplar. A few vineyards and orchards have been planted in the lower terraces of this setting.~~

Compatible Recreation Use Guideline

Resource-based recreation uses of a very low-intensity or low-intensity nature that occur infrequently are compatible with this setting, and include hiking, hunting, and wildlife viewing.

Recommended Parcel Size for New Land Divisions

160 acres.

Design Guidelines

1. Accessory structures, outbuildings, and access ways shall be clustered together as much as possible. Exceptions to this guideline are permitted where necessary for farming operations
2. In portions of this setting visible from key viewing areas, the following guidelines shall be employed to achieve visual subordinance for new development and expansion of existing development:
   A. Structures shall be sited on portions of the property that provide maximum screening from key viewing areas, using existing topographic features.
   B. Lower structures that emphasize horizontal lines and blend with this sweeping landscape should be encouraged rather than very tall structures.
   C. Planting of trees for screening shall not be extensive, in character with the openness of this setting. Where used, screening vegetation shall either tie in with nearby riparian vegetation in seasonal drainages or emulate windrows. At least half of any trees planted for screening purposes shall be species native to the setting ~~or commonly found.~~ Examples of native species are identified in the Scenic Implementation Handbook as appropriate to the area. ~~Such species include Oregon white oak, Lombardy poplar, black locust, black cottonwood (wet locations), Russian olive and ponderosa pine.~~

Rural Residential

~~**Overview and Land Use**~~

~~Rural Residential settings occur throughout the Scenic Area, consisting of areas primarily committed to single-family residential development. These areas include numerous relatively small parcels, usually ranging between 1 and 5 acres. Because of these densities and the usually small size of these residential enclaves, Rural Residential settings often retain some rural character in contrast to larger, denser residential neighborhoods in the Urban Areas.~~

~~**Landforms**~~

~~Rural Residential settings occur in portions of the Gorge landscape that are relatively accessible and lacking in physical development constraints. Most of these areas are gently rolling or level terraces and valley floors. Rural Residential areas are rarely found in steep terrain.~~

~~**Vegetation**~~

~~Most Rural Residential settings include numerous plantings of ornamental and other non-native species in residential yards. In some of the less dense Rural Residential areas, remnants of the area's native vegetation have been preserved. In these areas, retention of the native vegetative communities has substantially contributed to the blending of the residential uses with their surroundings.~~

Compatible Recreation Use Guideline

1. Compatible recreation uses are usually limited to small community park facilities, but may occasionally include low-intensity resource-based recreation uses (such as small scenic overlooks).

Recommended Parcel Size for New Development

1. Two acres or 5 acres, depending upon the existing character of the area as reflected in average parcel size and development patterns.

Design Guidelines

1. Existing tree cover shall be retained as much as possible, except as is necessary for site development, safety purposes, or as part of forest management practices.
2. In portions of this setting visible from key viewing areas, and not exempt from visual subordinance guidelines (see "Developed Settings and Visual Subordinance Policies" in this section), the following guidelines shall be employed to achieve visual subordinance for new development and expansion of existing development:
   A. Except as is necessary for site development or safety purposes, the existing tree cover screening the development from key viewing areas shall be retained.
   B. At least half of any trees planted for screening purposes shall be species native to the setting or ~~commonly found~~species identified in the Scenic Implementation Handbook as appropriate for the area.
   C. At least half of any trees planted for screening purposes shall be coniferous to provide winter screening.

Rural Residential/Pastoral, Rural Residential/Coniferous Woodland, and Rural Residential/Oak-Pine Woodland

~~**Overview and Land Use**~~

~~This setting reflects areas that are partly rural residential in nature, yet still substantially retain characteristics of a more rural setting (either Pastoral, Coniferous Woodland or Oak-Pine Woodland).~~

~~Such areas are typically composed of a combination of rural residential and small-scale agricultural and forest uses. Parcels in these areas generally range between 5 and 20 acres in size, although some smaller residential lots and a few larger vacant parcels occur.~~

~~Landforms~~

~~These combination settings generally occur in gentle terrain with relatively good access.~~

~~**Vegetation**~~

~~As with Rural Residential settings, natural vegetation patterns have been altered by ornamental and other non-native plantings on residential lots, although to a substantially lesser degree. The Rural Residential/Pastoral settings frequently contain pastures, small orchards, and other characteristic pastoral vegetation elements. Rural Residential/Coniferous Woodland and Rural Residential/Oak-Pine Woodland settings still retain much of the natural vegetative communities. In these settings, residential development blends with the rural landscape to a greater degree than in Rural Residential settings.~~

Compatible Recreation Use Guideline

Very low-intensity and low-intensity resource-based recreation uses, scattered infrequently in the landscape, may be compatible with this setting.

Recommended Parcel Size for New Land Divisions

Ten acres or 20 acres, depending upon the existing character of the area, as reflected in average parcel size and development patterns. However, a 10-acre minimum parcel size is recommended for all Rural Residential/Coniferous Woodland settings.

Design Guidelines

1. New development in this setting shall meet the design guidelines described for both the Rural Residential setting and the more rural setting with which it is combined (either Pastoral, Coniferous Woodland or Oak-Pine Woodland), unless it can be demonstrated that compliance with the guidelines for the more rural setting is impracticable. Expansion of existing development shall comply with this guideline to the maximum extent practicable.

2. In the event of a possible conflict between the two sets of guidelines, the guidelines for the more rural setting (Coniferous Woodland, Oak-Pine Woodland or Pastoral) shall apply, unless it can be demonstrated that application of such guidelines would not be practicable.

Residential

~~**Overview and Land Use**~~

~~A very limited number of areas in the General Management Area already contain dense residential development on parcels of less than 1 acre on the average. These areas, because of their density, size, and proximity to Urban Area development (in all but one case), are essentially suburban in nature and have not retained any rural characteristics. The subdivision north of Chenoweth Creek, known as "Murray's Addition," is the largest of the few Residential settings in the GMA.~~

~~**Landforms**~~

~~The Residential settings in the GMA are located on flat or gentle terrain in areas that are readily accessible.~~

~~***Vegetation***~~

~~With a few exceptions, natural vegetation patterns in these dense residential areas have~~

~~been replaced by ornamental and non-native plantings.~~

Compatible Recreation Use Guideline

Compatible recreation uses are essentially limited to community park facilities.

Design Guidelines

1. In portions of this setting visible from key viewing areas ~~and not exempt from visual subordinance guidelines (see~~(except those areas described in the "Developed Settings and Visual Subordinance Policies" in this section), the following guidelines shall be employed to achieve visual subordinance for new development and expansion of existing development:

   A. Except as is necessary for site development or safety purposes, the existing tree cover screening the development from key viewing areas shall be retained.

   B. The exteriors of structures shall be non~~-~~-reflective unless fully screened from key viewing areas with existing vegetation and~~/or~~ topography.

   C. At least half of any trees planted for screening purposes shall be species native to the setting ~~or commonly found~~. Examples of native species are identified in the Scenic Resources Implementation Handbook as appropriate to the area.

   D. At least half of any trees planted for screening purposes shall be coniferous to provide winter screening.

Village

~~**Overview and Land Use**~~

~~The Village setting applies to the two designated Rural Centers in the GMA (Corbett and Skamania--see Part II, Chapter 5), as well as the Broughton Mill area (approved for a resort by the Gorge Commission in 1989). This setting reflects the nature of the Rural Centers as service centers and gathering places for nearby rural residences. The Village setting contains many small residential parcels and a central core, serving both commercial and social functions. Village settings are distinguished from Rural Residential settings by their mix of residential, institutional (churches, schools, etc.), and commercial uses, creating a small town atmosphere.~~

~~**Landforms**~~

~~Village settings have evolved in level or gently rolling areas lacking any substantial physical development constraints or access problems.~~

~~***Vegetation***~~

~~Although the Village settings are densely settled relative to the surrounding rural landscape, some areas have retained the natural vegetation of the region in which they are located. Much of the vegetation in this setting, particularly in the Corbett area, consists of non-native species planted by homeowners.~~

Compatible Recreation Use Guideline

Compatible recreation uses may include community parks serving the recreation needs of local residents, and varying intensities of other recreation uses.

Special Policies for Village Setting

1. The Gorge Commission shall consult with community groups and the appropriate county to refine and revise these design guidelines as appropriate to reflect community desires and interests.
2. The Gorge Commission shall consult with the Oregon Department of Transportation, the Historic Columbia River Highway Advisory Committee, and Multnomah County to define desirable and appropriate provisions for curbs, parking treatments, and access on the Historic Highway.

Design Guidelines

1. New commercial buildings shall be limited in size to a total floor area of 5,000 square feet or less, and shall be limited in height to 2 1/2 stories or less.
2. For new commercial, institutional (churches, schools, government buildings), or multifamily residential uses on parcels fronting a scenic travel corridor (Washington State Route 14 or the Historic Columbia River Highway) and expansion of existing development for such uses, parking shall be limited to rear or side yards of buildings to the maximum extent practicable.
3. New vehicular access points to the scenic travel corridors shall be limited to the maximum extent practicable, and access consolidation shall be required where feasible.
4. New development proposals and expansion of existing development shall be encouraged to follow planned unit development approaches, featuring consolidated access, commonly shared landscaped open areas, etc.
5. New commercial, institutional or multifamily residential uses fronting a scenic travel corridor shall comply with the following landscape requirements:
    A. Parking or loading areas for 10 or more spaces shall include a landscaped strip at least 5 feet wide between the new use and the scenic travel corridor roadway.
    B. The landscape strip required in Guideline 5.A above, shall include shrubs, vegetative ground cover, and, at minimum, one tree. Trees shall be spaced as appropriate to the species and not to exceed 25 feet apart on the average.
6. The use of building materials that reinforce the Village setting's character, such as wood, logs, or stone, and that reflect community desires, should be encouraged.
7. Architectural styles that are characteristic of the area (such as 1 1/2-story dormer roof styles in Corbett) and that reflect community desires should be encouraged. Entry signs should be consistent with such architectural styles.
8. Design features that create a "pedestrian-friendly" atmosphere, such as large shop windows on the ground floor of commercial buildings, porches along ground floors

with street frontage, etc., should be encouraged.

9. Pedestrian walkways and bicycle paths should be encouraged and integrated into new developments wherever feasible.
10. Where feasible, existing tree cover of species native to the region or commonly found inspecies identified in the Scenic Implementation Handbook as appropriate for the area shall be retained when designing new development or expanding existing development.

River Bottomlands

Overview and Land Use

This setting includes lush floodplains and riparian forests found along the shores of the Columbia River, particularly below Bonneville Dam. Much of this setting has been lost to dam, freeway and railroad construction. In many places in the GMA, only thin strips of this setting remain, directly adjacent to the river. These remnants are still visually distinct settings that markedly contrast with adjacent rocky slopes or upland conifer forests.

Some of these areas include small pastures and scattered rural residential development, as well as major transportation facilities. This setting also includes major existing park and recreation facilities along the river (e.g. Celilo Park) and the most potentially suitable areas for concentrated public recreational river access, as identified in the planning process.

Landforms

River Bottomlands are, by their nature, confined to flat or gently sloping lands representing remnants of the original Columbia River floodplain.

Vegetation

Where unaltered, this setting consists primarily of a largely deciduous forest, with black cottonwood, red alder, bigleaf maple, and willows dominating. Unforested marshes also occur in this setting, although the largest of these ecologically critical vegetative communities are in the Special Management Area. Major parks in River Bottomlands contain some vegetation patterns uncharacteristic of pristine riparian communities, such as mowed lawn areas and some ornamental plantings. However, to a large degree, the riverfront parks that best blend with the natural surroundings emphasize native species plantings and retention of existing riparian vegetation communities. Thus, the deciduous-dominated riparian species found in River Bottomlands are emphasized as the major vegetation element in the design guidelines applicable to new recreation uses in this setting.

Compatible Recreation Use Guideline

1. Compatible recreation uses in this setting depend on the degree of natural resource sensitivity of a particular site. In the most critically sensitive River Bottomlands, very low-intensity uses that do not impair wetlands or special habitat requirements may be compatible.
2. In other River Bottomland areas, nodes of moderate- intensity and/or high-intensity recreation uses may be compatible, provided that: (1) their designs emphasize

retention ~~and/~~or enhancement of native riparian communities, (2) structures and parking areas are visually subordinate, and (3) they are separated from other areas of concentrated recreation usage by stretches of natural-appearing shoreline and adjacent uplands.

Design Guidelines

1. In portions of this setting visible from key viewing areas, the following guidelines shall be employed to achieve visual subordinance for new development and expansion of existing development:

   A. Except as is necessary for site development or safety purposes, existing tree cover screening the development from key viewing areas shall be retained.

   B. At least half of any trees planted for screening purposes shall be species native to the River Bottomland setting. Public recreation development~~s~~ is~~are~~ encouraged to maximize the percentage of planted screening vegetation native to this setting. ~~Such species include black cottonwood, big leaf maple, red alder, Oregon white ash, Douglas-fir, western red cedar and western hemlock (west Gorge), and various native willow species.~~

   C. At least one-quarter of any trees planted for screening purposes shall be coniferous for winter screening. Variances may be granted to this guideline when development is directly adjacent or adjoining a landscape setting where coniferous trees are not common or appropriate (as identified in the Scenic Implementation Handbook), and tree species ultimately selected for winter screening are natives characteristic to that setting.

Gorge Walls, Canyons, and Wildlands

~~Overview and Land Use~~

~~This setting represents the bluffs, cliffs and steep slopes that form the walls of the Gorge and the deeply incised canyons of the Columbia River's major tributaries. Because of extreme steepness, and in some cases inaccessibility and instability, these areas are largely undeveloped. They represent some of the most natural settings in GMA lands, despite the proximity of some of these areas to major thoroughfares. Prevailing land use in these areas is undeveloped vacant land, although low-intensity recreation use and some silviculture occur in a few limited areas.~~

~~Landform~~

~~The landform component of this setting is a much greater determinant of its character than is true for any other setting. Steep wooded slopes, canyon walls, and sheer rock faces characterize this setting. In the side canyons, small ribbons of riparian floodplain areas also occur.~~

~~Vegetation~~

~~The steepest portions of this setting are rocky cliffs devoid of much vegetation or loose talus slopes with limited vegetation (although such slopes often include large, old fir, pine, and maple trees). Other portions of this setting include stands of large fir and pine trees, some of which appear to be the original forest cover. At the bottom of the Hood, White Salmon, and Little White Salmon River canyons, narrow bands of lush, riparian vegetation are found.~~

Compatible Recreation Use Guideline

Because of the fragility, steepness, and undeveloped nature of these lands, compatible recreation uses are usually limited to very low-intensity or low-intensity, resource-based activities that focus on enjoyment and appreciation of sensitive resources. Such uses (such as trails) are generally associated with minimal facility development, if any.

Design Guidelines

1. New development and expansion of existing development shall be screened so it is not ~~seen~~ visible from key viewing areas, to the maximum extent practicable.
2. All trees planted to screen permitted development and uses from key viewing areas shall be native to the area.
3. Existing tree cover shall be retained to the maximum extent practicable, except for the minimum removal necessary to accommodate facilities otherwise permitted in the underlying land use designation or for safety purposes.
4. All buildings shall be limited in height to a maximum of 1 1/2 stories.
5. The exteriors of structures shall be non-reflective.
6. Signage shall be limited to natural materials such as wood or stone, with natural or earth-tone colors found in the surrounding landscape, unless public safety concerns or federal or state highway standards require otherwise.

Developed Settings and Visual Subordinance Policies

GMA policies to protect key viewing area viewsheds require that all new development on lands ~~seen~~ visible from key viewing areas be visually subordinate to its landscape setting, except for "specified developed settings that are not visually sensitive."

Three landscape settings are considered developed settings within this context: Rural Residential, Residential, and Village. Of all GMA lands in these three settings, six particular areas that are not visually sensitive have been identified. New development in these settings shall be compatible with the setting, but not necessarily visually subordinate. New development~~s~~ in these settings is~~are~~ exempt from the color and siting guidelines in the Key Viewing Areas section of this chapter. These areas are:

1. Corbett Rural Center (Village)

2. Skamania Rural Center (Village)
3. West of Hood River Urban Area, east of Country Club Road (Rural Residential)
4. Murray's Addition subdivision, The Dalles (Residential)
5. Two small areas south of The Dalles in Sections 9 and 10, Township 1N, Range 13E (Residential)
6. Portion of Underwood Heights along Cooper Avenue, south of Cook-Underwood Road (Rural Residential)

SCENIC TRAVEL CORRIDORS

GMA Goal

Designate those portions of the following roads in the National Scenic Area as scenic travel corridors and protect and enhance scenic resources within the corridors: Washington State Routes 14, 141, and 142, Interstate 84, the Historic Columbia River Highway (all segments), and Oregon Highway 35.

GMA Objectives

1. Establish coordinated, cooperative implementation programs with the state highway departments, railroads, the Bonneville Power Administration, and utility companies that include protection measures to mitigate visual effects of new corridor development and enhancement measures to reduce visual effects of existing development.
2. Establish a program to provide incentives for landowners or land managers to screen or remove discordant features in the foreground of scenic travel corridors.
3. Encourage communities along scenic travel corridors to enhance the entries to their communities.
4. Encourage the railroads and utility companies to place signal wires and powerlines underground where such features are visually dominant and detract from the visual quality of scenic travel corridors.
5. Encourage the railroads and utility companies to use colors that are visually subordinate on existing equipment along scenic travel corridors.
6. Encourage the Washington and Oregon Departments of Transportation to take the following measures to improve the visual quality of scenic travel corridors:
    A. Place reflectors on guardrails rather than on free-standing posts where feasible and not detrimental to public safety.
    B. Remove unnecessary highway signs and consolidate signs, wherever

possible.

C. Replace sections of white guardrail where white contrasts noticeably with gray or galvanized sections, except along the Historic Columbia River Highway, where two-rail white guardrails are encouraged to emulate historic styles on sections of highway that are part of the original historic alignment.

D. Construct berms to emulate natural contours to the maximum extent practicable and eliminate any construction berms that no longer perform any function.

E. Close unused access roads that no longer provide any service or perform any function and that intersect scenic travel corridors.

F. Use native plants to the maximum extent practicable when planting any new vegetation in scenic travel corridor rights-of-way.

7. Establish a program to reclaim abandoned quarries in the foreground of scenic travel corridors.

8. Encourage the Bonneville Power Administration to use colors that are visually subordinate on its existing facilities ~~seen~~ visible from scenic travel corridors.

9. Encourage the Bonneville Power Administration to improve the visual quality of powerline rights-of-way by restoring vegetation to its natural appearance wherever possible.

10. Establish new viewpoints of the Columbia River and lands within the Gorge at places offering outstanding views along scenic travel corridors. (Same as objective 4 under "Scenic Appreciation and Scenic Travel Corridors" in Part I, Chapter 4.)

11. Create or restore openings in vegetation along Washington State Route 14, Interstate 84, and the Historic Columbia River Highway to provide or improve views of the Columbia River and the walls of the Gorge in a manner that does not adversely affect the scenic, cultural, natural, or recreation resources of the National Scenic Area. ~~(Same as objective 5 under "Scenic Appreciation and Scenic Travel Corridors" in Part I, Chapter 4.)~~

12. Encourage the railroads and state departments of transportation to use integrated vegetation management practices in managing vegetation in scenic travel corridor foregrounds.

GMA Policies

1. The *SR 14 Corridor Strategy* (1996) and *I-84 Corridor Strategy* (2005), which may be updated from time to time, and associated documents for each shall continue to be implemented ~~(and updated as needed)~~.

2. The goals of scenic corridor strategies shall include: 1) providing a framework

for future highway improvements and management that meet Management Plan scenic guidelines and public transportation needs; and 2) creating design continuity for the highway corridor within the National Scenic Area. Corridor strategies shall, at minimum, include: a) design guidelines (e.g. materials, conceptual designs, etc.) for typical projects that are consistent with Management Plan scenic resources provisions and b) an interdisciplinary, interagency project planning and development process.

3. Programs and specific provisions developed for scenic travel corridors shall emphasize protection and enhancement of the corridors' foreground.

4. To achieve scenic travel corridor objective 1, above, the Gorge Commission shall consider establishing an interagency Scenic Travel Corridor Implementation Task Force, to be composed of representatives of all entities referenced in objective 1, as well as local and ~~Indian~~ tribal government representatives.

5. New structural development, other than access roads, pathways, or necessary signsage~~~~, shall be limited in the immediate foreground of scenic travel corridors. Expansion of existing development shall comply with this policy to the maximum extent practicable.

6. New exploration, development (extraction or excavation), and production of mineral resources ~~production and/or development of mineral resources~~ may be permitted in the foregrounds of scenic travel corridors upon a demonstration that such uses would be fully screened from view of the corridor roadway itself. Expansion of existing quarries in the foregrounds of scenic travel corridors may be permitted if determined to be visually subordinate.

7. A reclamation plan shall be required for expansion of existing quarries and all new mining activity within scenic travel corridors, including quarries for which no reclamation program is required by the laws of Washington or Oregon.

8. New signal wires and powerlines along scenic travel corridors shall be placed underground to the maximum extent practicable in areas where above-ground facilities would be visually dominant and detract from corridor visual quality.

9. New mailboxes and newspaper boxes along scenic travel corridors shall be clustered to the maximum extent practicable.

10. New residential and commercial driveway access to scenic travel corridors shall be consolidated to the maximum extent practicable.

11. New road cuts shall be contoured to approximate a natural-appearing grade and vegetated with species native or naturalized to the area in order to blend with the landscape setting.

GMA Guidelines

1. For the purposes of implementing this section, the immediate foreground of a

scenic travel corridor shall include those lands within 1/4 mile of the edge of pavement of the scenic travel corridor roadway.

2. All new buildings and alterations to existing buildings shall be set back at least 100 feet from the edge of pavement of the scenic travel corridor roadway. This policy shall not apply in Rural Center designations (Village landscape setting). A variance to this setback requirement may be granted pursuant to Guideline 2 in "Variances from Setbacks and Buffers" (Part II, Chapter 7: General Policies and Guidelines). All new parking lots and expansions of existing parking lots shall be set back at least 100 feet from the edge of pavement of the scenic travel corridor roadway, to the maximum extent practicable.

3. Additions to existing buildings or expansion of existing parking lots located within 100 feet of the edge of pavement of a scenic travel corridor roadway shall comply with Guideline 2 of this section to the maximum extent practicable. This guideline shall not apply in Rural Center designations (Village landscape setting).

4. All proposed vegetation management projects in public rights-of-way to provide or improve views shall include the following:

   A. An evaluation of potential visual impacts of the proposed project as ~~seen~~ visible from any key viewing area.

   B. An inventory of any rare plants, sensitive wildlife habitat, wetlands, or riparian areas on the project site. If such resources are determined to be present, the project shall comply with applicable Management Plan guidelines to protect the resources.

5. When evaluating possible locations for undergrounding of signal wires or powerlines, railroads and utility companies shall prioritize those areas specifically recommended as extreme or high priorities for undergrounding in the *Columbia River Gorge National Scenic Area Corridor Visual Inventory* (April 1990).

6. New exploration, development (extraction or excavation), and production of mineral resources~~production and/or development of mineral resources~~ proposed within 1/4 mile of the edge of pavement of a scenic travel corridor may be allowed upon a demonstration that full visual screening of the site from the scenic travel corridor can be achieved by use of existing topographic features or existing vegetation designed to be retained through the planned duration of the proposed project. An exception to this may be granted if planting of new vegetation in the vicinity of the access road to the mining area would achieve full screening. If existing vegetation is partly or fully employed to achieve visual screening, over 75 percent of the tree canopy area shall be coniferous species providing adequate winter screening. Mining and associated primary processing of mineral resources is prohibited within 100 feet of a scenic travel corridor, as measured from the edge of pavement, except for access roads. Compliance with full screening requirements shall be

achieved within timeframes specified in ~~Guideline 30 of the "Key Viewing Areas" section of this chapter.~~the guidelines for “Review Uses” (Part II, Chapter 7: General Policies and Guidelines).

7. Expansion of existing quarries may be allowed pursuant to ~~Guideline 27 in the "Key Viewing Areas" section of this chapter.~~the guidelines for “Review Uses” (Part II, Chapter 7: General Policies and Guidelines). Compliance with visual subordinance requirements shall be achieved within timeframes specified in the guidelines for “Review Uses” (Part II, Chapter 7: General Policies and Guidelines)~~Guideline 29 of the "Key Viewing Areas" section of this chapter~~.

SIGNS

GMA Goal

Protect and enhance scenic resources by minimizing visual impacts of sign~~sage~~, while authorizing sign~~sage~~ necessary for commerce, recreation, safety, and public information.

GMA Objective

Encourage the use of the Columbia River Gorge National Scenic Area Graphic Signing System for public signs in and adjacent to public rights-of-way.

GMA Policy

1. New signs within state and federal highway rights-of-way shall comply with the standards of the Columbia River Gorge National Scenic Area Graphic Signing System. Exceptions may be granted if necessary for public safety, traffic control, or highway construction signs when the Graphic Signing System conflicts with the requirements of the *Manual ~~for~~ on Uniform Traffic Control Devices* (2012, or most recent version).
2. New signs shall be designed and sited in a manner that achieves their intended function and is compatible with their settings, to the maximum extent practicable.
3. Guidelines for alteration and amortization of nonconforming signs shall be employed to bring such sign~~sage~~ into conformance with the provisions of this section.

GMA Guidelines

1. Except for signs allowed without review pursuant to “Uses Allowed Outright” (Part II, Chapter 7: General Policies and Guidelines), all new signs must meet the following guidelines unless these guidelines conflict with the *Manual ~~for~~ on Uniform Traffic Control Devices* (2012, or most recent version) for public safety, traffic control or highway construction signs. In such cases, the standards in the *Manual on~~for~~ Uniform Traffic Control Devices* (2012, or most recent version) shall supersede these guidelines.

   A. The support structure shall be unobtrusive and have low visual impact.

B. Lettering colors with sufficient contrast to provide clear message communication shall be allowed. Signs shall be colored to blend with their setting to the maximum extent practicable.

C. Backs of all signs shall be unobtrusive, non-reflective, and blend in with the setting.

D. Spotlighting of signs may be allowed where needed for night visibility. Backlighting is not permitted for signs.

E. Except for signs along public highways necessary for public safety, traffic control, or road construction and consistent with the *Manual* on~~for~~ *Uniform Traffic Control Devices* (2012, or most recent version), the following signs are prohibited:

(1) Luminous signs or those with intermittent or flashing lights. These include neon signs, fluorescent signs, light displays, and other signs that are internally illuminated, exclusive of seasonal holiday light displays.

(2) New billboards.

(3) Signs with moving elements.

(4) Portable or wheeled signs, or signs on parked vehicles where the sign is the primary use of the vehicle.

F. In addition to A-E, signs shall meet the below guidelines according to Recreation Intensity Class (and subject to compliance with the "Approval Criteria for Recreation Uses" and "Facility Design Guidelines For All Recreation Projects, in Recreation Resources, GMA Provisions: Recreation Intensity Classes):

(1) Recreation Intensity Class 1 (Very Low Intensity) - Simple interpretive signs or displays, not to exceed a total of 50 square feet. Entry name signs, not to exceed 10 square feet per sign.

(2) Recreation Intensity Class 2 (Low Intensity) - Simple interpretive signs and displays, not to exceed a total of 100 square feet. Entry name signs, not to exceed 20 square feet per sign.

(3) Recreation Intensity Class 3 (Moderate Intensity) - Interpretive signs, displays or facilities. Visitor information and environmental education signs, displays, or facilities. Entry name signs, not to exceed 32 square feet per sign.

(4) Recreation Intensity Class 4 (High Intensity) - Entry name signs, not to exceed 40 square feet per sign.

G. For recreation facility design projects, signs shall be limited to that necessary to provide relevant recreation or facility information, interpretive information, vehicular and pedestrian direction, and for safety purposes

2. Any sign that does not conform with a provision of these guidelines and has

existed before their adoption is subject to the following provisions:

A. Alteration of existing nonconforming signs shall comply with these guidelines.

B. Any nonconforming sign used by a business must be brought into conformance concurrent with any expansion or change in use that requires a development permit.

SMA PROVISIONS

SMA Goal

Protect and enhance scenic resources.

SMA Policies

1. The appearance and character of the Landscape Settings within the SMAs shall be protected. ~~(Character is defined as the land use, landform and vegetation as described~~

2. In developing conditions of approval, agencies shall emphasize those elements that, in ~~the GMA Scenic Resources section of this chapter).~~combination, provide effective, long-term scenic resource protection.

3. In developing conditions of approval, agencies shall emphasize those elements that, in combination, provide effective, long-term scenic resource protection.

4. The Forest Service ~~Visual Quality Objective~~Scenery Management system shall be the basis for setting scenic standards to evaluate all new development~~s~~ and land uses topographically visible from key viewing areas. Each landscape setting will be assigned specific scenic standards.

5. Size, scale, shape, color, texture, siting, height, building materials, lighting, or other visual aspects shall be regulated to protect the scenic resources.

6. New development~~s~~ and land uses occurring in the foreground of key viewing areas shall protect scenic values.

7. Rehabilitation or modification of historic structures on or eligible for the National Register of Historic Places may be exempt from the above policies if such modification is in compliance with the National Register of Historic Places guidelines.

8. The Historic Columbia River Highway, Washington State Route 14, Interstate 84, the Larch Mountain Road, the Wyeth Bench Road, and ~~Klickitat County Road 1230~~Old Highway 8 shall be managed as scenic routes.

9. The Gorge Commission and Forest Service shall maintain a *Scenic Resources Implementation Handbook,* to be approved by the Executive Director and National Scenic Area Manager. The Handbook shall provide specific guidance for applicants and planners in implementing color, reflectivity, landscaping and other guidelines for development ~~on sites visible from key viewing areas.~~. In maintaining the *Handbook*, the Gorge Commission and Forest Service will collaborate with the implementing counties, and solicit other agency and public input.

~~The *Handbook* is intended to provide non-exclusive, recommended lists of exterior building materials (for reflectivity) and vegetation species.~~

SMA Design Guidelines Based on Landscape Settings

1. The following guidelines apply to all lands within SMA landscape settings regardless of visibility from KVAs (includes areas ~~seen~~ visible from KVAs as well as areas not ~~seen~~ visible from KVAs):

   A. Pastoral: Pastoral areas shall retain the overall appearance of an agricultural landscape.

      (1) The use of plant species ~~common~~native to the landscape setting. Examples of native species are identified in the Scenic Implementation Handbook as appropriate to the area shall be encouraged. The use of agricultural plant species in rows, as commonly found in the landscape setting~~,~~ is also encouraged.

   B. Coniferous Woodland and Oak-Pine Woodland: Woodland areas shall retain the overall appearance of a woodland landscape. New development~~s~~ and land uses shall retain the overall visual character of the natural appearance of the Coniferous Woodland and Oak-Pine Woodland landscape.

      (1) Buildings ~~shall be encouraged~~designed to have a vertical overall appearance in the Coniferous Woodland landscape setting and a horizontal overall appearance in the Oak-Pine Woodland landscape setting~~.~~ shall be encouraged.

      (2) 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.

   C. Residential: The Residential setting is characterized by concentrations of dwellings.

      (1) At Rowena Dell, new buildings shall have a rustic appearance using natural materials. At Latourell Falls, new buildings shall have an appearance consistent with the predominant historical architectural style.

      (2) 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.

   D. River Bottomlands: River Bottomlands shall retain the overall visual character of a floodplain and associated islands.

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

(2) 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.

~~D.~~E. Gorge Walls, Canyonlands, and Wildlands: New developments and land uses shall retain the overall visual character of the natural-appearing landscape.

(1) Structures, including signs, shall have a rustic appearance, use non-reflective materials, have low contrast with the surrounding landscape, and be of a Cascadian architectural style.

(2) Temporary roads shall be promptly closed and revegetated.

(3) New utilities shall be below ground surface, where feasible.

(4) Use of plant species non-native to the Columbia River Gorge shall not be allowed.

SMA Guidelines for Development and Uses Visible from KVAs

1. The guidelines in this section shall apply to proposed developments on sites topographically visible from key viewing areas.

2. New developments and land uses shall be evaluated to ensure that the required 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.

3. 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**
Coniferous Woodland, Oak-Pine Woodland	Forest (National Forest Lands), Open Space	Not Visually Evident
River Bottomlands	Open Space	Not Visually Evident
Gorge Walls, Canyonlands, Wildlands	Forest, Agriculture, Public Recreation, Open Space	Not Visually Evident
Coniferous Woodland, Oak-Pine Woodland	Forest, Agriculture, Residential, Public Recreation	Visually Subordinate

Residential	Residential	Visually Subordinate
Pastoral	Forest, Agriculture, Public Recreation, Open Space	Visually Subordinate
River Bottomlands	Forest, Agriculture, Public Recreation	Visually Subordinate

4. In all landscape settings, scenic standards shall be met by blending new development with the adjacent natural landscape elements rather than with existing development.

5. Proposed developments or land uses shall be sited to achieve the applicable scenic standard. Development shall be designed to fit the natural topography, to take advantage of landform and vegetation 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.

6. 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.

   A. Decisions shall include written findings addressing the factors influencing the degree of visibility, including but not limited to:

      (1) The amount of area of the building site exposed to key viewing areas,

      (2) The degree of existing vegetation providing screening,

      (3) The distance from the building site to the key viewing areas from which it is visible,

      (4) The number of key viewing areas from which it is visible, and

      (5) The linear distance along the key viewing areas from which the building site is visible (for linear key viewing areas, such as roads).

   B. Conditions may be applied to various elements of proposed developments to ensure they meet the scenic standard for their setting as seen visible from key viewing areas, including but not limited to:

      (1) Siting (location of development on the subject property, building orientation, and other elements),

(2) Retention of existing vegetation,

(3) Design (form, line, color, texture, reflectivity, size, shape, height, architectural and design details and other elements), and

(4) New landscaping.

7. 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.

8. Proposed developments shall not protrude above the line of a bluff, cliff, or skyline as seen visible from key viewing areas.

9. 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 meeting this guideline is not feasible considering the function of the structure.

10. The following guidelines shall apply to new landscaping used to screen development from key viewing areas:

A. New landscaping (including new earth berms) to achieve the required scenic standard from key viewing areas shall be required only when application of all other available guidelines in this chapter is not sufficient to make the development meet the scenic standard from key viewing areas. Development shall be sited to avoid the need for new landscaping wherever possible.

B. If new landscaping is necessary to meet the required standard, existing on-site vegetative screening and other visibility factors shall be analyzed to determine the extent of new landscaping, and the size of new trees needed to achieve the standard. Any vegetation planted pursuant to this guideline shall be sized to provide sufficient screening to meet the scenic standard within five years or less from the commencement of construction.

C. Landscaping shall be installed as soon as practicable, and prior to project completion. Applicants and successors in interest for the subject parcel are responsible for the proper maintenance and survival of planted vegetation, and replacement of such vegetation that does not survive.

D. The *Scenic Resources Implementation Handbook* shall include recommended species for each landscape setting consistent with the Landscape Settings Design Guidelines in this chapter, and minimum recommended sizes of new trees planted (based on average growth rates expected for recommended species).

11. 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* shall include a recommended palette of colors as dark, or darker than the colors in the shadows of the natural features surrounding each landscape setting.

12. The exterior of structures on lands seen from key viewing areas shall be composed of non-reflective materials or materials with low reflectivity. ~~The *Scenic Resources Implementation Handbook* shall include a recommended list of exterior materials. These recommended materials and other materials may be deemed consistent with this guideline, including those where the specific application meets approval thresholds in the "Visibility and Reflectivity Matrices" in the Implementation Handbook.~~ Continuous surfaces of glass ~~unscreened from key viewing areas~~ shall be limited to ensure meeting the scenic standard. ~~Recommended square footage limitations for such surfaces will be provided for guidance in the~~ The Scenic Resources Implementation Handbook includes a list of recommended exterior materials and screening methods.

13. Any exterior lighting shall be 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.

14. Seasonal lighting displays ~~shall~~ may be permitted on a temporary basis, not to exceed 3 months.

15. 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 guideline. Findings addressing this guideline shall include but are not limited to:

    A. Application of the landscape setting design guidelines, if applicable.

    B. A defined study area surrounding the development that includes at least ten existing buildings, not including existing buildings within urban areas or outside the National Scenic Area.

    C. Individual evaluations of scale for each separate proposed building in the application and each separate building in the study area, including:

        (1) All finished above ground square footage;

        (2) Total area of covered decks and porches;

        (3) Attached garages

        (4) Daylight basements

(5) Breezeways, if the breezeway shares a wall with an adjacent building

(6) Dimensions, based on information from the application or on Assessor's records

H. An overall evaluation demonstrating the proposed development's compatibility with surrounding development. Buildings in the vicinity of the proposed development that are significantly larger in size than the rest of the buildings in the study area should be removed from this evaluation.

SMA Guidelines for KVA Foregrounds and Scenic Routes

1. All new developments and land uses immediately adjacent to scenic routes shall be in conformance with state or county scenic route guidelines.

2. Scenic highway corridor strategies shall be ~~developed and~~ implemented for Interstate 84 (I-84), Washington State Route 14 (SR 14) and the Historic Columbia River Highway (HCRH). For I-84, SR 14 and the HCRH, this involves ongoing implementation (and possible updating) of the associated existing documents.

3. The goals of scenic corridor strategies shall include: 1) providing a framework for future highway improvements and management that meet Management Plan scenic guidelines and public transportation needs; and 2) creating design continuity for the highway corridor within the National Scenic Area. Corridor strategies shall, at minimum, include design guidelines (e.g. materials, conceptual designs, etc.) for typical projects that are consistent with Management Plan scenic resources provisions and an interdisciplinary, interagency project planning and development process.

4. 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 applicable guidelines in the previous section (**SMA Guidelines for Development Visible from KVAs**).

   A. The proposed development shall be designed and sited to meet the applicable scenic standard from the foreground of the subject KVA. If the development cannot meet the standard, findings must be made documenting why the project cannot meet the requirements in the previous section and why it cannot be redesigned or wholly or partly relocated to meet the scenic standard.

   B. Findings must evaluate the following:

(1) The limiting factors to meeting the required scenic standard and~~/or~~ applicable guidelines from the previous section;

(2) Reduction in project size;

(3) Options for alternative sites for all or part of the project, considering parcel configuration and on-site topographic or vegetative screening;

(4) Options for design changes including changing the design shape, configuration, color, height, or texture in order to meet the scenic standard.

C. Form, line, color, texture, and design of a proposed development shall be evaluated to ensure that the development blends with its setting as ~~seen~~ visible from the foreground of key viewing areas:

(1) **Form and Line**-Design of the development shall minimize changes to the form of the natural landscape. Development shall borrow form and line from the landscape setting and blend with the form and line of the landscape setting. Design of the development shall avoid contrasting form and line that unnecessarily call attention to the development.

(2) **Color**-Color shall be found in the project's surrounding landscape setting. Colors shall be chosen and repeated as needed to provide unity to the whole design.

(3) **Texture**-Textures borrowed from the landscape setting shall be emphasized in the design of structures. Landscape textures are generally rough, irregular, and complex rather than smooth, regular, and uniform.

(4) **Design**-Design solutions shall be compatible with the natural scenic quality of the Gorge. Building materials shall be natural or natural appearing. Building materials such as concrete, steel, aluminum, or plastic shall use form, line color and texture to harmonize with the natural environment. Design shall balance all design elements into a harmonious whole, using repetition of elements and blending of elements as necessary.

5. Right-of-way vegetation shall be managed to minimize visual impacts of clearing and other vegetation removal as ~~seen~~ visible from key viewing areas. Roadside vegetation management (vista clearing, planting, etc.) should enhance views from the highway.

6. Screening from key viewing areas shall be encouraged for existing and required for new road maintenance, warehouse, and stockpile areas.

SMA Guidelines for Areas Not ~~Seen~~ Visible from KVAs

1. Unless expressly exempted by other provisions in this chapter, colors of structures on sites not visible from key viewing areas shall be dark 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*.

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 guideline. Findings addressing this guideline shall include but are not limited to:

   A. Application of the landscape setting design guidelines, if applicable.

   B. A defined study area surrounding the development that includes at least ten existing buildings, not including existing buildings within urban areas or outside the National Scenic Area.

   C. Individual evaluations of scale for each separate proposed building in the application and each separate building in the study area, including:

      (1) All finished above ground square footage;

      (2) Total area of covered decks and porches;

      (3) Attached garages

      (4) Daylight basements

      (5) Breezeways, if the breezeway shares a wall with an adjacent building

      (6) Dimensions, based on information from the application or on Assessor's records

   D. An overall evaluation demonstrating the proposed development's compatibility with surrounding development. Buildings in the vicinity of the proposed development that are significantly larger in size than the rest of the buildings in the study area should be removed from this evaluation.

SMA SIGN PROVISIONS

SMA Signs Goal

1. Allow signs in the SMAs that meet the functional needs for which they are designed while minimizing scenic impacts.

SMA Signs Policies

1. All public signs subject to review located in the SMAs must be designed and

located in compliance with the standards described in the Columbia River Gorge National Scenic Area Graphic Signing System and must conform to the standards contained in the *Manual on Uniform Traffic Control Devices* (2012, or most recent version).

2. New signs shall meet the minimum provisions of these guidelines in all cases where these provisions do not conflict with other regulations intended for public safety and information.

SMA Signs Guidelines

1. New signs shall be allowed as specified in the applicable land use designation.

2. No sign shall be erected or placed in such a manner that it may interfere with, be confused with, or obstruct the view of any traffic sign, signal, or device.

3. Preexisting signs are allowed to continue, provided no changes occur in size, structure, color, or message.

4. Except for signs allowed without review pursuant to Part II, Chapter 7: General Policies and Guidelines, all new signs shall meet the following guidelines and be consistent with the *Manual on Uniform Traffic Control Devices* (2012, or most recent version):

    A. Signs shall be maintained in a neat, clean, and attractive condition.

    B. The character and composition of sign materials shall be harmonious with the landscape and related to and compatible with the main structure upon which the sign is attached.

    C. Signs shall be placed flat on the outside walls of buildings, not on roofs or marquees.

    D. Signs shall be unobtrusive and have low contrast with the setting.

    E. The visual impact of the support structure shall be minimized.

    F. Outdoor sign lighting shall be used for purposes of illumination only, and shall not be designed for, or used as, an advertising display, except for road safety signs.

    G. The backs of all signs shall be visually unobtrusive, non-reflective, and blend in with the setting.

    H. Internal illumination or backlighting of signs shall not be permitted except for highway construction, warning, or safety.

5. Public signs shall meet the following standards in addition to Guidelines 1 through 4 of this section:

    A. The Graphic Signing System provides design standards for public signs in and adjacent to public road rights-of-way. All new and replacement

public signs, except those transportation regulatory, guide, and warning signs allowed outright shall conform to the guidelines in this system. Types of signs addressed include recreation site entry, interpretive, specific service signs, destination and distance signs, variable message signs, or signs that bridge or are cantilevered over the road surface.

B. Signs located outside public road rights-of-way are encouraged to be designed in a way that is consistent with similar-purpose signs described in the Graphic Signing System.

6. Signs located outside public road rights-of-way are encouraged to be designed in a way that is consistent with similar-purpose signs described in the Graphic Signing System. Signs posted by governmental jurisdictions giving notice to the public shall be no larger than that required to convey the intended message.

7. Signs for public and commercial recreation facilities, home occupations, and commercial uses shall meet the following guidelines in addition to Guidelines 1 through 4 and 7 of this section:

A. Any sign advertising or relating to a business that is discontinued for a period of 30 consecutive days shall be presumed to be abandoned and shall be removed within 30 days thereafter, unless permitted otherwise by the jurisdictional authority.

B. Any signs relating to or advertising for a business shall be brought into conformance with these sign guidelines before any expansion or change in use that is subject to review by the counties.

C. Offsite and onsite directional signs on approach roads to recreational facilities may be permitted. Name and interpretive signs may be permitted onsite, but should be kept to the minimum required to achieve the purpose(s) of the facilities.

D. Commercial recreation businesses approved in conjunction with a recreational facility may have a name sign not exceeding 16 square feet.

E. Recreation developments may have one on-premise name sign at each principal entrance. Such signs are encouraged to be of a low profile, monument type, and shall conform to the Graphic Signing System.

8. The following signs are prohibited:

A. Advertising billboards.

B. Signs that move or give the appearance of moving, except signs used for highway construction, warning, or safety.

C. Portable or wheeled signs, or signs on parked vehicles where the sign is the primary use of the vehicle, except for signs used for highway construction, warning, or safety.

9. Sign clutter and other negative visual effects from excessive signs along all roads and highways, and at parking lots and recreation facilities, shall be reduced.

CHAPTER

2

Cultural Resources

Cultural resources are the objects, features, sites and places that have meaning and significance for specific human groups and cultures. Cultural resources support the cohesive bonds of the communities that recognize and comprehend their significance. ~~the evidence of past human activity that are important in the history, archaeology, architecture, or culture of a community or region. (A complete definition appears in the glossary.)~~ They can be divided into four~~three groups~~types:

Archaeological resources: The artifacts and features left in the landscape of early American Indian activities and the historic activities of early settlers. Artifacts are human manufactures items and the waste material from manufacture. Features are the human alterations in the landscape~~Physical remains or ruins of past generations, such as the remains of a rock shelter, an Indian village, or a pioneer settlement. Other examples include rock art, graves, and artifacts such as arrowheads and utensils~~.

Historic buildings and structures: Standing structures and their associated features. Often, they are still in use but can be abandoned and deteriorating. They are distinct from historic archaeological resources by being above ground and not collapsed to the level of the surrounding landscape.~~Standing buildings and structures that are at least 50 years old, including log cabins, barns, highways, and wagon trails.~~

Traditional cultural properties: Monumental sites, sacred places, legendary areas, mythical locations, traditional gathering areas, and landscapes and landscape features that are identified by the specific communities that hold meaning for them. They maintain and perpetuate values and practices of the group that attach significance to them. They provide spiritual cohesion to the community.~~Objects and places associated with beliefs and practices of a living community that are rooted in that community's history and are important in maintaining the continuing cultural identity of the community. Traditional cultural properties may include a location used by past and present generations of Native Americans for ceremonial purposes or an area where a community has traditionally conducted culturally important economic or artistic activities.~~

Traditional Use Areas: Procurement and processing sites in the landscape for every kind of resource a society needs to perpetuate its specific culture. They are the sources for food, medicine, fibers and tools that provide subsistence for a specific group’s culture.

A rich and diverse array of cultural resources exists in the National Scenic Area. The cultural resources range from 10,000-year-old stone tools to log cabins built by pioneers to vision quest sites still used today by Native Americans.

NATIONAL SCENIC AREA ACT PROVISIONS

One purpose of the National Scenic Area Act is to "protect and provide for the enhancement of the. . . cultural. . . . resources of the Columbia River Gorge" [Section 3(1)].

The National Scenic Area Act authorizes the Gorge Commission and the Forest Service to protect cultural resources by using guidelines and the Open Space designation (see Part II, Chapter 4). The guidelines must require new commercial and residential uses, mineral operations, and other types of development to occur without adversely affecting cultural resources [Section 6(d)]. The National Scenic Area Act defines "adversely affect" to mean a "reasonable likelihood of more than moderate adverse consequences for . . . cultural . . . resources" [Section 2(a)].

The National Scenic Area Act also directs the Gorge Commission and Forest Service to

"protect and enhance open spaces" [Section 6(d)(3)].

Open spaces include cultural and historic areas, archaeological sites, ~~Indian burial grounds,~~ village sites, historic trails and roads, and other areas that are culturally and historically significant [Section 2(l)].

KEY ISSUES

Cultural resources are intrinsically important. They are vital to protecting the religious freedom, traditional beliefs, and cultural identity of past and current peoples.

Cultural resources also ~~They~~ allow people to learn firsthand about ~~prehistory and history~~precontact and historic cultures, and contribute ~~useful~~ context and insight about our physical and cultural evolution. ~~Some cultural resources are associated with traditional beliefs of social and cultural groups. They are vital to protecting the religious freedom and cultural identity of these groups.~~

Cultural resources can be destroyed by human activities, ~~particularly~~ directly by new development that disturbs the ground, and indirectly through climate change, neglect, or impacts from recreation uses. State laws in Oregon and Washington offer limited protection to cultural resources. The laws do not become effective until the presence of a cultural resource site is known. Yet, they do not require cultural resource surveys to be conducted before development begins.

~~Archaeologists and historians estimate that less than 10 percent of the Scenic Area has been inventoried for cultural resources.~~ The provisions in the Management Plan requires reconnaissance surveys for most new uses and developments and requires all activity stop if resources are discovered during construction. In such cases, survey, evaluation, assessment, and mitigation plans would be required before construction could continue. To respect Native American culture, the guidelines also detail how human remains

discovered during construction will be treated. ~~The existing inventories include only a few of the cultural resource sites thought to exist in the Scenic Area. As a result, archaeological resources and traditional cultural properties are often discovered after a project has been approved and construction has begun. This results in costly delays to developers and~~

~~irreparable damage to cultural resources.~~

OVERVIEW OF CULTURAL RESOURCES PROVISIONS

The GMA provisions in this chapter apply to all development on public and private lands in the GMA, as well as to non-federal development in the SMAs. The SMA provisions apply to development~~s~~ on federal lands, federally assisted projects, and forest practices that occur in the SMAs.

The GMA provisions employ a four-step process to protect cultural resources.

This process entails:

- Requiring cultural resource surveys before some new developments are approved. Survey requirements are waived for developments that would have little or no effect on cultural resources, such as activities that do not disturb the ground or alter structures that are less than 50 years old.
- Evaluating the significance of any resources discovered during the surveys.
- Assessing and documenting the effects of the proposed development on cultural resources.
- Preparing mitigation plans to avoid impacts to resources.

These steps require consultation with ~~Indian~~ tribal governments, social and cultural groups, and interested persons.

~~The SMA provisions will have little effect on federal or federally assisted developments. These developments must continue to comply with Section 106 of the Historic Preservation Act of 1966. The provisions for the SMA do contain specific guidelines for literature reviews, tribal consultation, and cultural resource surveys.~~ Both the GMA and SMA parts of this chapter contain guidelines to halt a project if cultural

resources are discovered during construction. In such case, survey, evaluation, assessment, and mitigation plans would be required before construction could continue. To respect Native American culture, the guidelines also detail how human remains

discovered during construction will be treated.

GMA PROVISIONS

GMA Goals

1. Protect and enhance cultural resources.

2. Ensure that proposed developments and uses do not have ~~an~~ adverse effects on significant cultural resources.

GMA Objectives

1. Survey all lands in the GMA for cultural resources as soon as funds are available. The Gorge Commission shall facilitate a multiparty effort to seek funds for such a survey. The parties should include ~~Indian~~ tribal and local governments and state and federal agencies. The first phase of the inventory should consist of a Native American oral history program.

2. The ~~U.S.~~ Forest Service archaeologist for the National Scenic Area shall maintain a confidential inventory of cultural resources and ~~U~~update the cultural resources inventory as new cultural resources are discovered. ~~The update shall be conducted by the Gorge Commission.~~

3. Establish a Cultural Advisory Committee (CAC) to monitor the cultural resource protection process and provide technical assistance to local governments and landowners.

~~3.~~4. Use regulations to avoid adverse effects of new developments and land uses within and near cultural resources, emphasizing avoidance whenever possible, allowing mitigation only as a last resort, and prohibiting new developments and uses where three would be an adverse effect that cannot be mitigated.

~~4.~~5. Promote educational programs and incentives that encourage landowners and agency officials to voluntarily protect and enhance cultural resources.

GMA Policies

1. Generally, well-defined geographic areas that possess large concentrations of cultural resources shall be designated Open Space.

2. Information regarding the nature and location of archaeological resources and cultural resources associated with Native Americans shall be kept confidential to avoid unlawful, malicious, or negligent disturbance. The National Scenic Area Act requires this information be maintained as confidential. [Section 6(a)(1)(A)]

3. A four-step process shall be used to protect cultural resources: performing cultural resource reconnaissance or historic surveys before proposed uses are authorized; evaluating the significance of cultural resources discovered during surveys; assessing the effects of proposed uses on significant cultural resources; and preparing mitigation plans to avoid or minimize impacts to significant cultural resources.

4. All cultural resource surveys, evaluations, assessments, and mitigation plans shall be performed by professionals whose expertise reflects the type of cultural resources that are involved. Principal investigators shall meet the professional standards published in 36 Code of Federal Regulations (CFR) Part 61 and *Guidelines for Evaluating and Documenting Traditional Cultural Properties* (Parker and King, no date).

5. Cultural resource surveys, evaluations, assessments, and mitigation plans shall generally be conducted in consultation with ~~Indian~~ tribal governments and any person who submits written comments on a proposed use (interested person). ~~Indian t~~Tribal governments shall be consulted if the affected cultural resources are ~~prehistoric~~ precontact or otherwise associated with Native Americans.

~~5.~~6. Comments received from a tribal government at any time during a local government's review of a proposed development or use shall be considered to ensure that the proposed development or use does not affect or modify the treaty or other rights of that tribe.

~~6.~~7. The reconnaissance survey guidelines below shall apply until a cultural resource survey of the GMA is complete.

A. A reconnaissance survey shall be required for all proposed uses, except:

(1) The modification, expansion, replacement, or reconstruction of existing buildings and structures.

(2) Proposed uses that would not disturb the ground, including land divisions and lot-line adjustments; storage sheds that do not require a foundation~~; low-intensity recreation uses, such as fishing, hunting, and hiking~~; installation of surface chemical toilets; hand treatment of brush within established rights-of-way; and new uses of existing structures.

(3) Proposed uses that involve minor ground disturbance, as defined by depth and extent, including repair and maintenance of lawfully constructed and serviceable structures; home gardens; livestock grazing; cultivation that employs minimum tillage techniques, such as replanting pastures using a grassland drill; construction of fences; new utility poles that are installed using an auger, post-hole digger, or similar implement; and placement of ~~mobile~~ manufactured homes where septic systems and underground utilities are not involved. The Gorge Commission shall review all land use applications and determine if proposed uses would have a minor ground disturbance.

~~The Gorge Commission shall review all land use applications and determine if proposed uses would have a minor ground disturbance.~~

(4) Proposed uses that occur on sites that have been disturbed by human activities, provided the proposed uses do not exceed the depth and extent of existing ground disturbance. To qualify for this exception, a project applicant must demonstrate that land-disturbing activities occurred in the project area. Land-disturbing activities include grading and cultivation.

(5) Proposed uses that would occur on sites that have been adequately surveyed in the past. ~~The project applicant must demonstrate that the project area has been adequately surveyed to qualify for this exception.~~ Past surveys must have been conducted by a qualified professional and must include a surface survey and subsurface testing. The nature and extent of any cultural resources in the project area must be adequately documented.

(6) Proposed uses occurring in areas that have a low probability of containing cultural resources, except:

(a) Residential development that involves two or more new dwellings for the same project applicant.

(b) Recreation facilities that contain parking areas for more than 10 cars, overnight camping facilities, boat ramps, and visitor information and environmental education facilities.

(c) Public transportation facilities that are outside improved rights-of-way.

(d) Electric facilities, lines, equipment, and appurtenances that are 33 kilovolts or greater.

(e) Communications, water and sewer, and natural gas transmission (as opposed to distribution) lines, pipes, equipment, and appurtenances.

B. Areas that have a low probability of containing cultural resources shall be identified using the results of reconnaissance surveys conducted by the Gorge Commission, the Forest Service, public agencies, and private archaeologists.

C. The Gorge Commission, after consulting ~~Indian~~ tribal governments and state historic preservation officers, shall prepare and adopt a map showing areas that have a low probability of containing cultural resources. ~~This map shall be adopted within 200 days after the Secretary of Agriculture concurs with the Management Plan.~~ It shall be refined and revised as additional

reconnaissance surveys are conducted. Areas shall be added or deleted as warranted. All revisions of this map shall be reviewed and approved by the Gorge Commission.

D. A reconnaissance survey shall be required for all proposed uses within 500 feet of a known cultural resource and all proposed uses within 100 feet of a high probability area, including those uses listed above in 6.A(1) through (6). The ~~locations of known cultural resources are shown in the cultural resource inventory prepared by Heritage Research Associates and maintained by the USDA~~ Forest Service ~~for the Columbia River Gorge Commission~~ maintains a map of known cultural resources and a probability map. Both maps are confidential as required by the National Scenic Area Act, other federal law, and Oregon and Washington law.

~~7.~~8. A historic survey shall be required for all proposed uses that would alter the exterior architectural appearance of buildings and structures that are 50 years old or older, or would compromise features of the surrounding area that are important in defining the historic or architectural character of buildings or structures that are 50 years old or older.

~~8.~~9. The Gorge Commission shall conduct and pay for all reconnaissance and historic surveys for small-scale uses in the GMA. When archaeological resources or traditional cultural properties are discovered, the Gorge Commission also shall identify the approximate boundaries of the resource or property and delineate a reasonable buffer zone. Reconnaissance surveys and buffer zone delineations for large-scale uses shall be the responsibility of the project applicant.

10. ~~The Gorge Commission shall conduct and~~Project applicants are responsible for paying for evaluations of significance and mitigation plans for cultural resources that are discovered during construction of small-scale and large-scale uses in the GMA. For the Management Plan, large-scale uses include residential development involving two or more new dwellings; all recreation facilities; commercial and industrial development; public transportation facilities; electric facilities, lines, equipment, and appurtenances that are 33 kilovolts or greater; and communications, water and sewer, and natural gas transmission (as opposed to distribution) lines, pipes, equipment, and appurtenances.

~~For the Management Plan, large-scale uses include residential development involving two or more new dwellings; all recreation facilities; commercial and industrial development; public transportation facilities; electric facilities, lines, equipment, and appurtenances that are 33 kilovolts or greater; and communications, water and sewer, and natural gas transmission (as opposed to distribution) lines, pipes, equipment, and appurtenances.~~

~~9.~~11. The responsibility and cost of preparing an evaluation of significance, assessment of effect, or mitigation plan shall be borne by the project applicant, except for resources discovered during construction.

~~10.~~12. If cultural resources may be affected by a proposed use, an evaluation

shall be performed to determine if they are significant. Cultural resources are significant if one of the following criteria is satisfied:

A. The cultural resources are included in, or eligible for inclusion in, the National Register of Historic Places. The criteria for evaluating the eligibility of cultural resources for the National Register of Historic Places appear in the "National Register Criteria for Evaluation" (36 CFR 60.4). Generally, cultural resources must meet one or more of the following criteria. If a cultural resource meets one or more of the criteria, then it shall be assessed for integrity of location, design, setting, materials, workmanship, feeling, and association. If a cultural resource has the requisite integrity, then it would be eligible for the National Register of Historic Places.

~~The criteria for evaluating the eligibility of cultural resources for the National Register of Historic Places appear in the "National Register Criteria for Evaluation" (36 CFR 60.4). Cultural resources are eligible for the National Register of Historic Places if they possess integrity of location, design, setting, materials, workmanship, feeling, and association. In addition, they must meet one or more of the following criteria:~~

(1) Have an association with events that have made a significant contribution to the broad patterns of the history of this region.

(2) Have an association with the lives of persons significant in the past.

(3) Embody the distinctive characteristics of a type, period, or method of construction, or represent the work of a master, or possess high artistic values, or represent a significant and distinguishable entity whose components may lack individual distinction.

(4) Yield, or may be likely to yield, ~~information important in prehistory or history.~~important precontact or historical information.

B. The cultural resources are determined to be culturally significant by a ~~n Indian~~ tribal government, based on criteria developed by that ~~Indian~~ tribal government ~~and filed with the Gorge Commission~~.

~~11.~~13. If a project applicant's and ~~Indian~~ tribal government's evaluations of significance contradict, the Cultural Advisory Committee (CAC) shall review the applicant's evaluation and ~~Indian~~ tribal government's ~~substantiated~~ concerns. The CAC will submit a recommendation to the local government as to whether affected cultural resources are significant.

~~12.~~14. If cultural resources are determined to be significant, there shall be a professional assessment of the effects of the proposed use. The assessment shall be based on the criteria published in "Protection of Historic Properties" (36 CFR 800.5).

~~13.~~15. A mitigation plan shall be prepared if a proposed use would have an adverse effect on significant cultural resources. The criteria published in "Resolution of Adverse Effects" (36 CFR 800.6) shall be used to determine if a proposed use would have an adverse effect.

~~14.~~16. Mitigation measures shall ensure that a proposed use would have no adverse effect on significant cultural resources. Uses that would adversely affect significant cultural resources shall be prohibited.

~~15.~~17. Avoidance is the preferred method of cultural resource protection. Other mitigation measures to reduce the effect of a proposed use on cultural resources shall be used only if avoidance is not practicable.

~~16.~~18. The state historic preservation officer (SHPO) shall have an opportunity to review all cultural resource surveys, evaluations, assessments, and mitigation plans. Based on comments submitted by the SHPO and interested persons, the local government shall make a final decision on whether the proposed use would be consistent with the cultural resource goals, policies, and guidelines.

~~17.~~19. The SHPO may delegate all or a portion of ~~his/her~~their responsibilities under these goals, objectives, policies, and guidelines to a local government that establishes a Certified Local Government, as provided in the National Historic Preservation Act of 1966.

~~18.~~20. If cultural resources are discovered during construction activities, all construction shall cease until the resources are inventoried and evaluated in accordance with applicable law and any inadvertent discovery plan. If the resources are determined to be significant, a mitigation plan shall be prepared.

~~19.~~21. If human remains are discovered during a cultural resource survey or during construction activities, all activities shall cease and the proper officials and governments shall be notified. Human remains shall be treated in accordance with the Native American Graves Protection and Repatriation Act of 1990 (NAGPRA) as amended, and other state laws that do not conflict with NAGPRA. A mitigation plan shall be prepared if the remains are reinterred or preserved in their original position.

~~20.~~22. Provide incentives to protect and enhance historically significant buildings by allowing uses of such buildings that are compatible with their historic character and that provide public appreciation and enjoyment of them as cultural resources.

GMA Guidelines

Determination of potential effects to significant cultural resources shall include consideration of cumulative effects of proposed development~~s~~ that ~~are~~ is subject to any of the following: 1) a reconnaissance or historic survey; 2) a determination of significance; 3) an assessment of effect; or 4) a mitigation plan. ~~*(Added: CRGC adoption 7/13/10; U.S. Sec. Ag. concurrence 11/1/10)*~~

Cultural Resource Reconnaissance and Historic Surveys

Gorge Commission and /Tribal Government Notice

1. In addition to other public notice requirements that may exist, local governments shall notify the ~~Indian~~ tribal governments when (1) a reconnaissance survey is required or (2) cultural resources that are precontact~~historic~~ or otherwise associated with Native Americans exist in the project area. Notices sent to ~~Indian~~ tribal governments shall include a site plan. At a minimum, notice shall be sent via email where addresses are available. If a tribal government requests notice in another form, local governments shall comply with that request.

2. ~~Indian t~~Tribal governments shall have ~~20~~ 30 calendar days from the date a notice is mailed to submit written comments to the local government. The tribal government may choose to include ~~Written~~ comments ~~should~~ that describe the nature and extent of any cultural resources that exist in the project area and identify individuals with specific knowledge about them. The local government shall send a copy of all comments to the Gorge Commission.

~~2.~~

Consultation and Ethnographic Research

1. When written comments are submitted to a local government in a timely manner, the project 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.

2. Consultation meetings should provide an opportunity for interested persons to explain how the proposed use may affect cultural resources. This consultation meeting may include oral history identification through tribal sources. Recommendations to avoid potential conflicts should be discussed.

~~1.~~3. All written comments and consultation meeting minutes shall be incorporated into the reconnaissance or historic survey report, except that sensitive tribal information may be redacted by an appropriate tribal representative. 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.

4. A project applicant who is proposing a large-scale use shall conduct interviews and other forms of ethnographic research if interested persons submit a written request for such research. All requests must include a description of the cultural resources that may be affected by the proposed use and the identity of knowledgeable informants. Ethnographic research shall be conducted by qualified specialists. ~~Tape r~~Recordings, maps, photographs, and minutes shall be used when appropriate.

~~2.~~5. All written comments, consultation meeting minutes, and ethnographic research

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.

Surveys and Survey Reports

Reconnaissance Surveys – ~~-~~Small-Scale Uses

1. Reconnaissance surveys for small-scale uses shall be designed by a qualified professional.

~~1.~~2. Reconnaissance surveys for small-scale uses shall generally include a surface survey and subsurface testing. They shall meet the following guidelines:

A. A surface survey of the project area shall be conducted, except for inundated areas and impenetrable thickets.

B. Subsurface testing shall be conducted if the surface survey reveals that cultural resources may be present. Subsurface probes shall be placed at intervals sufficient to determine the absence or presence of cultural resources.

Reconnaissance Survey Reports – ~~-~~Small-Scale Uses

1. The results of a reconnaissance survey for small-scale uses shall be documented in a confidential report that includes:

A. A description of the fieldwork methodology used to ~~identity~~ identify cultural resources, including a description of the type and extent of the reconnaissance survey.

B. A description of any cultural resources that were discovered in the project area, including a written description and photographs.

C. A map that shows the project area, the areas surveyed, the location of subsurface probes, and, if applicable, the approximate boundaries of the affected cultural resources and a reasonable buffer zone.

Reconnaissance Surveys – ~~-~~Large-Scale Uses

1. Reconnaissance surveys for large-scale uses shall be designed by a qualified professional. A written description of the survey shall be submitted to and approved by the Gorge Commission's designated archaeologist.

2. Reconnaissance surveys shall reflect the physical characteristics of the project area and the design and potential effects of the proposed use. They shall meet the following guidelines:

A. Archival research shall be performed before any field work. It should entail a

thorough examination of tax records; historic maps, photographs, and drawings; previous archaeological, historic, and ethnographic research; cultural resource inventories and records maintained by federal, state, and local agencies; and primary historic accounts, such as diaries, journals, letters, and newspapers.

B. Surface surveys shall include the entire project area, except for inundated areas and impenetrable thickets.

C. Subsurface probes shall be placed at intervals sufficient to document the presence or absence of cultural resources.

D. Archaeological site inventory forms shall be submitted to the SHPO whenever cultural resources are discovered.

Reconnaissance Survey Reports – ~~–~~Large-Scale Uses

1. The results of a reconnaissance survey for large-scale uses shall be documented in a confidential report that includes:

A. A description of the proposed use, including drawings and maps.

B. A description of the project area, including soils, vegetation, topography, drainage, past alterations, and existing land use.

C. A list of the documents and records examined during the archival research and a description of any ~~prehistoric~~ precontact or historic events associated with the project area.

D. A description of the fieldwork methodology used to identify cultural resources, including a map that shows the project area, the areas surveyed, and the location of subsurface probes. The map shall be prepared at a scale that provides accurate and readable details. In no event shall the scale be less than ~~of~~ 1 inch equals 100 feet (1:1,200)., ~~or a and often the scale must be larger to provide~~ing ~~greater~~ detail.

E. An inventory of the cultural resources that exist in the project area, including a written description, photographs, drawings, and a map. The map shall be prepared at a scale that provides accurate and readable details. In no event shall the scale be less than ~~of~~ 1 inch equals 100 feet (1:1,200)~~, or a and often the scale must be larger to provide~~ing ~~greater detail.~~.

F. A summary of all written comments submitted by ~~Indian~~ tribal governments and other interested persons.

G. A preliminary assessment of whether the proposed use would or would not have an effect on cultural resources. The assessment shall incorporate concerns and recommendations voiced during consultation meetings and information obtained through archival and ethnographic research and field

surveys.

Historic Surveys and Reports

1. Historic surveys shall document the location, form, style, integrity, and physical condition of historic buildings and structures. They shall include original photographs and maps. Archival research, blueprints, and drawings should be used as necessary.

2. Historic surveys shall describe any uses that will alter or destroy the exterior architectural appearance of the historic buildings or structures, or compromise features of the site that are important in defining the overall historic character of the historic buildings or structures.

3. The project applicant shall provide detailed architectural drawings and building plans that clearly illustrate all proposed alterations.

Notice of Survey Results

1. The local government shall submit a copy of all cultural resource survey reports to the SHPO and the ~~Indian~~ tribal governments. Survey reports may include measures to avoid affected cultural resources, such as a map that shows a reasonable buffer zone.

2. The SHPO and the trib<u>al governments</u>~~es~~ shall have 30 calendar days from the date a survey report is mailed to submit written comments to the local government. The local government shall record and address all written comments in its development review order.

Conclusion of the Cultural Resource Protection Process

1. The local government shall make a final decision on whether the proposed use would be consistent with the cultural resource goals, policies, and guidelines. If the final decision contradicts the comments submitted by the SHPO, the local government shall justify how it reached an opposing conclusion.

2. The cultural resource protection process may conclude when one of the following conditions exists:

   A. The proposed use does not require a reconnaissance or historic survey, no cultural resources are known to exist in the project area, and no substantiated concerns were voiced by interested persons within ~~20~~ <u>30</u> calendar days of the date that a notice was mailed.

   B. A reconnaissance survey demonstrates that cultural resources do not exist in the project area and no substantiated concerns were voiced by interested persons within ~~20~~ <u>30</u> calendar days of the date that a notice was mailed.

   C. The proposed use would avoid archaeological resources and traditional

cultural resources that exist in the project area. To meet this guideline, a reasonable buffer zone must be established around the affected resources or properties; all ground-disturbing activities shall be prohibited within the buffer zone. Buffer zones must preserve the integrity and context of cultural resources. They will vary in width depending on the eventual use of the project area, the type of cultural resources that are present, and the characteristics for which the cultural resources may be significant. A deed covenant, easement, or other appropriate mechanism shall be developed to ensure that the buffer zone and the cultural resources are protected.

~~Buffer zones must preserve the integrity and context of cultural resources. They will vary in width depending on the eventual use of the project area, the type of cultural resources that are present, and the characteristics for which the cultural resources may be significant. A deed covenant, easement, or other appropriate mechanism shall be developed to ensure that the buffer zone and the cultural resources are protected.~~

D. An evaluation of significance shall be conducted if a project applicant decides not to avoid the affected cultural resource. In these instances, the reconnaissance survey and survey report shall be incorporated into the evaluation of significance.

E. A historic survey demonstrates that the proposed use would not have an effect on historic buildings or structures. ~~because:~~

(1) To demonstrate that the proposed use would not have an effect on historic buildings or structures, the historic survey must satisfy one of the following guidelines:

(a) The SHPO concludes that the historic buildings or structures are clearly not significant, as determined by using the criteria in the "National Register Criteria for Evaluation" (36 CFR 60.4), or

(b) The proposed use would not compromise the historic or architectural character of the affected buildings or structures, or compromise features of the site that are important in defining the overall historic character of the affected buildings or structures, as determined by the guidelines and standards in ~~*The Secretary of the Interior's Standards for Rehabilitation* (U.S. Department of the Interior 1990~~1997 or most recent ~~revision) and~~ *The Secretary of the Interior's Standards for ~~Historic Preservation Projects~~the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings* (U.S. Department of the Interior ~~1983~~2017 or most recent revision).

(2) The historic survey conducted by the Gorge Commission may provide sufficient information to satisfy these guidelines. If it does not,

architectural and building plans, photographs, and archival research may be required. The project applicant shall be responsible for providing information beyond that included in the survey conducted by the Gorge Commission.

(3) The historic survey and report must demonstrate that these guidelines have been clearly and absolutely satisfied. If the SHPO or the local government question whether these guidelines have been satisfied, the project applicant shall conduct an evaluation of significance.

Evaluation of Significance

Evaluation Criteria and Information Needs

1. If cultural resources would be affected by a new use, an evaluation of their significance shall be conducted. Evaluations of significance shall meet the following guidelines:

   A. Evaluations of significance shall follow the procedures in *How to Apply the National Register Criteria for Evaluation* (U.S. Department of the Interior, ~~no date~~1997 or most recent revision) and *Guidelines for Evaluating and Documenting Traditional Cultural Properties* (Parker and King, ~~no date~~1998 or most recent revision). They shall be presented within local and regional contexts and shall be guided by previous research and current research designs that are relevant to specific research questions for the Columbia River Gorge.

   B. To evaluate the significance of cultural resources, the information gathered during the reconnaissance or historic survey may have to be supplemented. Detailed field mapping, subsurface testing, photographic documentation, laboratory analyses, and archival research may be required.

   C. The project applicant shall contact ~~Indian~~ tribal governments and interested persons, as appropriate. Ethnographic research shall be undertaken as necessary to fully evaluate the significance of the cultural resources.

   D. The evaluation of significance shall follow the principles, guidelines, and report format recommended by the Oregon State Historic Preservation Office (Oregon SHPO ~~1990~~) or Washington ~~Office~~ Department of Archaeology and Historic Preservation (Washington ~~DAHP SHPO, no date~~). It shall incorporate the results of the reconnaissance or historic survey and shall illustrate why each cultural resource is or is not significant. Findings shall be presented within the context of relevant local and regional research.

   E. All documentation used to support the evaluation of significance shall be cited. Evidence of consultation with ~~Indian~~ tribal governments and other interested persons shall be presented. All comments, recommendations, and correspondence from ~~Indian~~ tribal governments and interested persons shall be appended to the evaluation of significance.

Notice of Evaluation Results

1. If the evaluation of significance demonstrates that the cultural resources are not significant, the local government shall submit a copy of the evaluation of significance to the SHPO and the ~~Indian~~ tribal governments for concurrence.

2. The SHPO, ~~Indian~~ tribal governments, and interested persons shall have 30 calendar days from the date the evaluation of significance is mailed to submit written comments to the local government. The local government shall record and address all written comments in its development review order.

Cultural Resources are Culturally Significant

1. If a~~n Indian~~ tribal government believes that the affected cultural resources are culturally significant, contrary to the evaluation submitted by the project applicant, the Cultural Advisory Committee (CAC) shall make an independent review of the applicant's evaluation and the ~~Indian~~ tribal government's substantiated concerns. The CAC shall formulate a recommendation regarding the significance of the cultural resources.

2. The ~~Indian~~ tribal government shall substantiate its concerns in a written report. The report shall be submitted to the local government, CAC, and the project applicant within 15 calendar days from the date the evaluation of significance is mailed. The CAC must submit its recommendation to the local government within 30 calendar days from the date the evaluation of significance is mailed.

Conclusion of the Cultural Resource Protection Process

1. The local government shall make a final decision on whether the affected resources are significant. If the final decision contradicts the comments or recommendations submitted by the SHPO or CAC, the local government shall justify how it reached an opposing conclusion.

2. The cultural resource protection process may conclude if the affected cultural resources are not significant.

3. If the project applicant or the local government determines that the cultural resources are significant, the effects of the proposed use shall be assessed.

Assessment of Effect

Assessment Criteria and Information Needs

1. If a use could potentially affect significant cultural resources, an assessment shall be made to determine if it would have no effect, no adverse effect, or an adverse effect. The assessment shall meet the following guidelines:

   A. The assessment of effect shall be based on the criteria published in

"Protection of Historic Properties" (36 CFR 800.5) and shall incorporate the results of the reconnaissance or historic survey and the evaluation of significance. All documentation shall follow the requirements listed in 36 CFR 800.11.

(1) Proposed uses are considered to have an effect on cultural resources when they alter or destroy characteristics of the resources that make them significant [36 CFR 800.5].

(2) Proposed uses are considered to have an adverse effect when they may diminish the integrity of the cultural resource's location, design, setting, materials, workmanship, feeling, or association [36 CFR 800.5]. Adverse effects on cultural resources include, but are not limited to:

(a) Physical destruction, damage, or alteration of all or part of the cultural resource.

(b) Isolation of the cultural resource from its setting or alteration of the character of the resource's setting when that character contributes to the resource's qualification as being significant.

(c) Introduction of visual, audible, or atmospheric elements that are out of character with the cultural resource or its setting.

(d) Neglect of a significant cultural resource resulting in its deterioration or destruction, except as described in 36 CFR 800.5.

B. The assessment of effect shall be prepared in consultation with ~~Indian~~ tribal governments and interested persons, as appropriate. The concerns and recommendations voiced by ~~Indian~~ tribal governments and interested persons shall be recorded and addressed in the assessment.

C. The effects of a proposed use that would otherwise be determined to be adverse may be considered to be not adverse if any of the following instances apply:

(1) The cultural resources are of value only for their potential contribution to archeological, historical, or architectural research, and when such value can be substantially preserved through the conduct of appropriate research before development begins, and such research is conducted in accordance with applicable professional standards and guidelines.

(2) The undertaking is limited to the rehabilitation of buildings and structures, and is conducted in a manner that preserves the historical and architectural character of affected cultural resources through conformance with ~~*The Secretary of the Interior's Standards for Rehabilitation* (U.S. Department of the Interior 19901997 or most recent revision) and~~ *The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving,*

Rehabilitating, Restoring, and Reconstructing Historic Buildings (U.S. Department of the Interior 2017 or most recent revision).
~~*Historic Preservation Projects* (U.S. Department of the Interior 1983)~~.

~~(2)~~(3) The proposed use is limited to the transfer, lease, or sale of non-federal lands that contain cultural resources, and adequate restrictions or conditions are included to ensure preservation of the significant features of the resources.

Notice of Assessment Results

1. If the assessment of effect concludes that the proposed use would have no effect or no adverse effect on significant cultural resources, the local government shall submit a copy of the assessment to the SHPO and the ~~Indian~~ tribal governments.

2. The SHPO, ~~Indian~~ tribal governments, and interested persons shall have 30 calendar days from the date the assessment of effect is mailed to submit written comments to the local government. The local government shall record and address all written comments in its development review order.

Conclusion of the Cultural Resource Protection Process

1. The local government shall make a final decision on whether the proposed use would have no effect, no adverse effect, or an adverse effect. If the final decision contradicts the comments submitted by the SHPO, the local government shall justify how it reached an opposing conclusion.

2. The cultural resource protection process may conclude if the proposed use would have no effect or no adverse effect on significant cultural resources.

3. A mitigation plan shall be prepared if a project applicant or the local government determines that the proposed use would have an adverse effect on significant cultural resources.

Mitigation Plans

Mitigation Plan Criteria and Information Needs

1. Mitigation plans shall be prepared when proposed uses would have an adverse effect on significant cultural resources. The plans shall reduce an adverse effect to no effect or no adverse effect. Mitigation plans shall meet the following guidelines:

   A. Mitigation plans shall be prepared in consultation with persons who have concerns about or knowledge of the affected cultural resources, including ~~Indian~~ tribal governments, Native Americans, local governments whose jurisdiction encompasses the project area, and the SHPO.

B. Avoidance of cultural resources through project design and modification is preferred. Avoidance may be affected by reducing the size, scope, configuration, and density of the proposed use.

Alternative mitigation measures shall be used only if avoidance is not practicable. Alternative measures may include, but are not limited to, requiring a monitor during construction, burial under fill, stabilization, removal of the cultural resource to a safer place, and partial to full excavation and recordation. If the mitigation plan includes buffer zones to protect cultural resources, a deed covenant, easement, or other appropriate mechanism shall be developed and recorded in county deeds and records.

C. Mitigation plans shall incorporate the results of the reconnaissance or historic survey, the evaluation of significance, and the assessment of effect, and shall provide the documentation required in 36 CFR 800.11, including, but not limited to:

(1) A description and evaluation of any alternatives or mitigation measures that the project applicant proposes for reducing the effects of the proposed use.

(2) A description of any alternatives or mitigation measures that were considered but not chosen and the reasons for their rejection.

(3) Documentation of consultation with the SHPO regarding any alternatives or mitigation measures.

(4) A description of the project applicant's efforts to obtain and consider the views of ~~Indian~~ tribal governments, interested persons, and local governments.

(5) Copies of any written recommendations submitted to the local government or project applicant regarding the effects of the proposed use on cultural resources and alternatives to avoid or reduce those effects.

Notice of Mitigation Plan Results

1. If a mitigation plan reduces the effect of a use from an adverse effect to no effect or no adverse effect, the local government shall submit a copy of the mitigation plan to the SHPO and the ~~Indian~~ tribal governments.

2. The SHPO, ~~Indian~~ tribal governments, and interested persons shall have 30 calendar days from the date the mitigation plan is mailed to submit written comments to the local government. The local government shall record and address all written comments in its development review order.

Conclusion of the Cultural Resource Protection Process

1. The local government shall make a final decision on whether the mitigation plan would reduce an adverse effect to no effect or no adverse effect. If the final decision contradicts the comments submitted by the SHPO, the local government shall justify how it reached an opposing conclusion.

2. The cultural resource protection process may conclude if a mitigation plan would reduce an adverse effect to no effect or no adverse effect.

3. The proposed use shall be prohibited when acceptable mitigation measures fail to reduce an adverse effect to no effect or no adverse effect.

Cultural Resources Discovered After Construction Begins

1. The following procedures shall be affected when cultural resources are discovered during construction activities, and shall be included as conditions of approval for all review uses. All survey and evaluation reports and mitigation plans shall be submitted to the local government and the SHPO. ~~Indian tribal~~ Tribal governments also shall receive a copy of all reports and plans if the cultural resources are ~~prehistoric~~ precontact or otherwise associated with Native Americans.

   A. Halt of 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.

   B. Notification. The project applicant shall notify the local government and the Gorge Commission within 24 hours of the discovery. If the cultural resources are ~~prehistoric~~ precontact or otherwise associated with Native Americans, the project applicant shall also notify the ~~Indian~~ tribal governments within 24 hours.

   C. Survey and Evaluation. The Gorge Commission shall survey the cultural resources after obtaining written permission from the landowner and appropriate permits from the SHPO. (See Oregon Revised Statute ORS 358.905 to 358.955, and Revised Code of Washington [RCW] 27.53). It shall gather enough information to evaluate the significance of the cultural resources. The survey and evaluation shall be documented in a report that generally follows the guidelines in the "Reconnaissance Survey Reports – ~~--~~Large-Scale Uses" and "Evaluation of Significance: Evaluation Criteria and Information Needs" sections of this chapter. Based on the survey and evaluation report and any written comments, the local government shall make a final decision on whether the resources are significant. Construction activities may recommence if the cultural resources are not significant. A mitigation plan shall be prepared if the affected cultural resources are significant.

   ~~Based on the survey and evaluation report and any written comments, the local government shall make a final decision on whether the resources are significant. Construction activities may recommence if the cultural resources are not significant.~~

~~A mitigation plan shall be prepared if the affected cultural resources are significant.~~

D. Mitigation Plan. Mitigation plans shall be prepared according to the information, consultation, and report guidelines contained in the "Mitigation Plans: Mitigation Plan Criteria and Information Needs" section of this chapter. Construction activities may recommence when the conditions in the mitigation plan have been executed.

Discovery of Human Remains

1. The following procedures shall be ~~affected~~ used when human remains are discovered during a cultural resource survey or during construction, and shall be included as a condition of approval for all review uses. Human remains means articulated or disarticulated human skeletal remains, bones, or teeth, with or without attendant burial artifacts.

   A. Halt of Activities. All survey, excavation, and construction activities shall cease. The human remains shall not be disturbed any further.

   B. Notification. Local law enforcement officials, the local government, the Gorge Commission, and the ~~Indian~~ tribal governments shall be contacted immediately. Do not contact any other entity other than those listed here.

   C. Inspection. The county coroner, or appropriate official, shall inspect the remains at the project site and determine if they are ~~prehistoric~~precontact, ~~/~~historic, or modern. Representatives from the ~~Indian~~ tribal governments shall have an opportunity to monitor the inspection.

   D. Jurisdiction. If the remains are modern, the appropriate law enforcement officials shall assume jurisdiction and the cultural resource protection process may conclude.

   E. Treatment. In Oregon, ~~prehistoric~~precontact or ~~/~~historic remains of Native Americans shall generally be treated in accordance with the procedures set forth in ORS 97.740 to 97.760. In Washington, the procedures set forth in RCW 27.44 and
   68.05 shall generally be implemented if the remains are ~~prehistoric/~~precontact or historic.

      (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 requirements specified in the "Mitigation Plans: Mitigation Plan Criteria and Information Needs" section of this chapter.

      (2) The mitigation 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 "Mitigation Plans:

Conclusion of the Cultural Resource Protection Process" section of this chapter are met and the mitigation plan is executed.

Cultural Advisory Committee

1. The Gorge Commission shall establish a Cultural Advisory Committee (CAC) within 200 days after the Secretary of Agriculture concurs with the Management Plan. The CAC shall comprise cultural resource professionals, interested individuals, and at least one representative from each of the four ~~Indian~~ Columbia River treaty tribes. The CAC will perform six principal functions:

   ~~The CAC will perform six principal functions:~~

   A. Monitor cultural resource surveys, evaluations, impact assessments, and mitigation plans.

   B. Periodically formulate and submit recommendations to SHPOs, local governments, and the Gorge Commission regarding cultural resource surveys, evaluations, impact assessments, and mitigation plans.

   C. Monitor cultural resource decisions made by SHPOs and local governments.

   D. Recommend procedural and administrative changes to the Gorge Commission that would improve the cultural resource protection process.

   E. Advise the Gorge Commission on the design and implementation of future cultural resource inventories, including oral history programs and survey strategies.

   F. Review evaluations of significance when a disagreement arises between a project applicant and a~~n Indian~~ tribal government. In these instances, the CAC shall submit written recommendations to the local government. Recommendations shall be based on the evaluation prepared by the project applicant, reports submitted by ~~Indian~~ tribal governments, and comments submitted by interested persons, including the SHPO.

SMA PROVISIONS

SMA Goal

Protect and enhance cultural resources.

SMA Policies

1. New developments or land uses shall not adversely affect significant cultural resources.

2. Federal agencies shall follow steps 1 through 5 under Guideline 4 below, for

new developments or land uses on all federal lands, federally assisted projects, and federal forest practices.

3. Reviewing agencies shall use the procedures defined by the Gorge Commission for the GMA for proposed developments or land uses not listed in Policy 2, above.

4. Well-defined concentrations of significant cultural resources shall be designated as Open Space.

5. All cultural resource information shall remain confidential, according to Section 6(a)(1)(A) of the National Scenic Area Act. Federal agency cultural resource information is also exempt by statute from the Freedom of Information Act under 16 USC (United States Code) 470 aa and 36 CFR 296.18.

6. Principal investigators shall meet the professional standards published in 36 CFR 61.

7. The Forest Service shall be responsible for performing steps 1 through 5 under Guideline 4 for federal forest practices and National Forest system lands.

8. The Forest Service shall consult with the ~~Indian~~ tribal governments and other consulting parties in performing steps 1 through 5 under Guideline 4.

9. The Forest Service shall consult with ~~Indian~~ tribal governments and other consulting parties for opportunities to enhance cultural resources.

~~10.~~

10. The SMA provisions will have little effect on federal or federally assisted developments. These developments must continue to comply with Section 106 of the Historic Preservation Act of 1966.

SMA Guidelines

1. All cultural resource surveys, evaluations, assessments, and mitigation plans shall be performed by professionals whose expertise reflects the type of cultural resources that are involved. Principal investigators shall meet the professional standards published in 36 CFR 61.

2. For federal or federally assisted undertakings, the reviewing agency shall complete its consultation responsibilities under Section 106 of the Historic Preservation Act of 1966 [36 CFR 800.2].

3. Discovery during construction: All authorizations for new developments or land uses shall require the immediate notification of the reviewing agency if cultural resources are discovered during construction or development. If cultural resources are discovered, particularly human bone or burials, work in the immediate area of discovery shall be suspended until a cultural resource professional can evaluate

the potential significance of the discovery and recommend measures to protect and if possible ~~/or~~ recover the resource.

If the discovered material is suspected to be human bone or a burial, the following procedures shall be used:

A. The applicant shall stop all work in the vicinity of the discovery.

B. The applicant shall immediately notify the Forest Service, the applicant's cultural resource professional, the county coroner, and appropriate law enforcement agencies.

C. The Forest Service shall notify the tribal governments if the discovery is determined to be an Indian burial or a cultural resource.

4. Reviewing agencies shall use the following steps under 36 CFR 800.4 for assessing potential effects to cultural resources and 36 CFR 800.5 for assessing adverse effects to cultural resources.

Step 1: Literature Review and Consultation

A. An assessment shall be undertaken to determine whether any cultural resources listed on the National Register of Historic Places at the national, state, or local level are present on or within the area of potential direct and indirect impacts.

B. A search shall be made of state and county government, National Scenic Area/Forest Service, and any other pertinent inventories, such as archives and photographs, to identify cultural resources. The search shall include consultation with the State Historic Preservation Office (SHPO) and tribal governments. State and tribal government response to the consultation request shall be allowed for 30 days.

C. Cultural resource professionals knowledgeable about the area shall be consulted.

Step 2: Field Inventory

A. As determined by step 1, the presence of a recorded or known cultural resource, including those reported by tribal governments to be on or within the immediate vicinity of a new development or land use, shall require a field inventory by a cultural resource professional.

B. Tribal representatives shall be invited to participate in the field inventory.

C. The field inventory shall conform to one of the following standards, as determined by the cultural resource professional:

(1) Complete survey: The systematic examination of the ground surface through a controlled procedure, such as walking an area in evenly spaced transects. A complete survey may also require techniques such as clearing of vegetation or augering or shovel probing of subsurface soils for the presence of buried cultural resources.

(2) Sample survey: The sampling of an area to assess the potential of cultural resources within the area of proposed development or use. This technique is generally used for parcels that are large or difficult to survey, and is generally accomplished by a stratified random or non-stratified random sampling strategy. A parcel is stratified either by variables such as vegetation, topography or elevation, or by non-environmental factors such as a survey grid.

Under this method, statistically valid samples are selected and surveyed to indicate the probability of presence, numbers, and types of cultural resources throughout the sampling strata. Depending on the results of the sample, a complete survey may or may not subsequently be recommended.

D. A field inventory report shall be required and shall include the following:

(1) A narrative integrating the literature review (step 1) with the field inventory (step 2).

(2) A description of the field inventory methodology used. The description shall include the type and extent of field inventory and shall be supplemented by maps that graphically illustrate the areas surveyed and not surveyed and provide the rationale for each.

(3) A statement of the presence or absence of cultural resources within the area of the new development or land use.

(4) When cultural resources are not located, a statement of the likelihood of buried or otherwise concealed cultural resources. Recommendations and standards for monitoring, if appropriate, shall be included.

E. The report shall follow the format specified by the Washington ~~Office~~ Department of Archaeology and Historic Preservation for inventories conducted in the State of Washington. Reports for inventories conducted in the State of Oregon shall follow the format specified by the Oregon State Historic Preservation Office.

F. The field inventory report shall be presented to the Forest Service for review.

Step 3: Evaluations of Significance

A. When cultural resources are found within the area of the new development or land use, an evaluation of significance shall be completed for each cultural

resource in accordance with the criteria of the National Register of Historic Places (36 CFR 60.4).

B. Evaluations of cultural resource significance shall be guided by previous and current research designs relevant to specific research questions for the area.

C. Evaluations of the significance of traditional cultural properties shall follow National Register Bulletin 38, "Guidelines for the Evaluation and Documentation of Traditional Cultural Properties," within local and regional contexts.

D. Recommendations for eligibility to the National Register shall be completed for each identified resource, in accordance with National Register criteria A through D (36 CFR 60.4). The Forest Service shall review evaluations for adequacy.

E. Evidence of consultation with tribal governments and individuals with knowledge of the cultural resources in the project area, and documentation of their concerns, shall be included as part of the evaluation of significance.

Step 4: Assessment of Effect

A. For each significant (i.e., eligible for the National Register) cultural resource inventoried within the area of the proposed development or change in use, assessments of effect shall be completed, using the criteria outlined in 36 CFR 800.5 ("Assessing Effects"). Evidence of consultation with tribal governments and individuals with knowledge of the cultural resources of the project area shall be included for B through D below. The Forest Service shall review each determination for adequacy.

B. If the proposed development or change in use will have "No Adverse Effect" (36 CFR 800.4) to a significant cultural resource, documentation for that finding shall be completed, following the "Documentation Standards" of 36 CFR 800.11. If the proposed development or change in use will have an effect then the criteria of adverse effect must be applied (36 CFR 800.5).

C. If the proposed development or change in use will have an "Adverse Effect" [36 CFR 800.5] to a significant cultural resource, the type and extent of "adverse effect" upon the qualities of the property that make it eligible for the National Register shall be documented (36 CFR 800.6 “Resolution of Adverse Effects”). This documentation shall follow the process outlined under 36 CFR 800.11 (“Failure to Resolve Adverse Effects”).

D. If the "effect" appears to be beneficial (i.e., an enhancement to cultural resources), recommendations shall be documented concerning the beneficial effects upon the qualities of the cultural resource that make it eligible for the National Register. This documentation shall follow the process outlined under 36 CFR 800.11 ("Documentation Standards").

Step 5: Mitigation

A. If there will be an effect on cultural resources, mitigation measures shall be provided (36 CFR 800.6 “Resolution of Adverse Effects”). Mitigation measures that shall be considered include avoidance of the property through project design or modification and subsequent protection, burial under fill, data recovery excavations, and other appropriate measures.

B. Evidence of consultation with tribal governments and individuals with knowledge of the affected resources, and documentation of their concerns, shall be included for all mitigation proposals.

C. The Forest Service shall review all mitigation proposals for adequacy.

5. Determination of potential effects to significant cultural resources shall include consideration of cumulative effects of proposed developments that are subject to any of the following: 1) a reconnaissance or historic survey; 2) a determination of significance; 3) an assessment of effect; or 4) a mitigation plan. ~~*(Added: U.S. Sec. Ag. concurrence 7/1/11)*~~

CHAPTER

3

Natural Resources

Climate, geology, soils, and other environmental factors combine to make the Gorge rich in natural resources. For this chapter, natural resources mean wetlands, streams, ponds and lakes, riparian areas, wildlife and wildlife habitat, rare plants, and Nnatural Aareas.

The Management Plan directly addresses natural resources in this stand-alone chapter. These resources are also essential components of scenic, cultural, and recreation resources, the economy of the Gorge, and traditional use areas for the treaty-reserved hunting, fishing, and gathering rights of the four Columbia River treaty tribes.

The abundance of streams, wetlands, springs, and other water resources in the Gorge is among its defining traits.

A diversity of fish, wildlife, and habitats are found in the Gorge, spanning the gradient from lush coniferous forest to pine-oak woodlands to eastern scablands.

The diverse ~~climate~~ ecosystems of the Gorge foster~~s nearly 1,000~~ native species of wildflowers, including many species that are listed as endangered, threatened, or sensitive. ~~Twenty~~ Several species do not occur outside the Gorge region ~~**(endemic)**~~.

In addition to rare plants, the Gorge is home to ~~many significant plant communities, or Natural Areas, occur in the Gorge. F~~forty-five Nnatural Aareas~~:~~, 24 in Oregon and 21 in Washington, ~~Table 4 describes the size and characteristics of each natural area. They~~ that range from old growth forests in Multnomah Basin in Multnomah County to bunchgrass prairies in the Columbia Hills of Klickitat County. Maps of these original inventories are retained by the Gorge Commission and Forest Service.

NATIONAL SCENIC AREA ACT PROVISIONS

The National Scenic Area Act directs the Gorge Commission and the Forest Service to inventory, protect, and enhance natural resources. New residential and commercial development, mineral operations, and other development may not adversely affect natural resources [Section 6(d)(3)].

The National Scenic Area Act also requires the Management Plan to protect and enhance open spaces [Section 6(d)(3)]. Open ~~spaces~~ Space designations in the GMA and SMAs include "fish and wildlife habitat; lands which support plant species that are

endemic to the National Scenic Area or which are listed as rare, threatened, or endangered species pursuant to State or Federal Endangered Species Acts; ecologically and scientifically significant ~~n~~Natural ~~n~~Areas;. . . water areas and wetlands . . .” [Section 2(l)]. Applicable policies and guidelines are located in Part II, Chapter 3: Open Space.

KEY ISSUES

~~Many natural resources can be destroyed by development or overuse.~~ New development and land uses have the potential to destroy, displace, degrade, or enhance natural resources. Development in the National Scenic Area is carefully directed to protect natural resources from overuse, destruction, disturbance, and fragmentation. Guidelines that require Best Management Practices and resource protection policies are applied to development activities to prevent and minimize impacts to natural resources.

Development can threaten functioning natural systems in many ways. For example, improper grading can cause sedimentation into streams and encourage the spread of invasive species; new development can disturb and displace wildlife; and the removal of trees can degrade stream function. Cumulative effects of development across an area may increase the potential for impacts to plants, wildlife, and natural systems.

Climate change impacts, including altered precipitation, temperatures, and snowpack, stress natural systems in new and intensified ways. The Management Plan supports resilient systems and resilient communities in the face of these pressures.

Natural resources are protected from impacts of development by requiring avoidance and buffers for natural features. The National Scenic Area also requires minimum parcel sizes and limits new buildings and uses on the landscape.

Private lands play an important role in maintaining natural resources. Spatial planning tools and web-based maps allow landowners and planners to identify known natural resources early in the project planning process. The National Scenic Area creates a unique relationship between resource agencies; local planners have access to state and federal agency expertise, while these agencies have new opportunities to support conservation on private lands.

There are numerous federal, state, and local laws that protect natural resources in different ways. This Chapter ensures that technical review and expert recommendations inform all land use decisions in the National Scenic Area. The Management Plan aims to achieve consistency across two states and six counties, and to protect natural resources that are not protected under other existing regulations across all land ownerships.

~~Grading a building site may fill a wetland, add sediment to nearby streams or lakes, or uproot rare plants. Siting new structures too close to wildlife sites can cause sensitive species to abandon nests and feeding areas. Improperly designed fences hinder deer and elk movement.~~

~~Existing federal, state, and local laws provide uneven protection to natural resources. Rare plants, natural areas, and many sensitive wildlife species on private land are simply not protected. At least eight federal and state laws affect activities in wetlands. However, most of these laws do not focus on the protection of wetlands as their primary purpose. Consequently, many activities that destroy wetlands are not currently regulated. Little or no protection is afforded to associated riparian areas.~~

~~Many natural resources are inadvertently harmed. Landowners and developers may be unaware that sensitive natural resources exist within a project area. Rare plants, wildlife sites, and other natural resources are often difficult for the layperson to identify.~~

~~Careful planning can often protect natural resources, while allowing reasonable development. However, many local planning departments lack adequate inventories and protection standards to identify potential conflicts between development and natural resources. Expertise is also an issue.~~

~~Mitigating the effects of development on natural resources may require assistance from qualified professionals, such as wildlife biologists and botanists.~~

OVERVIEW OF NATURAL RESOURCES PROVISIONS

The natural resource objectives, policies, and guidelines for the GMA are divided into ~~five~~ three sections: water resources (wetlands; streams, ponds, lakes, and riparian areas); wildlife habitat; and rare plants~~.; and natural areas.~~ They regulate most uses, except ~~low intensity uses~~ activities allowed outright and forest practices that are administered by each state's Forest Practices Act.

The SMA provisions regulate most activities, including forest practices. Goals and policies for water resources are followed by those for wildlife and plants. Guidelines for water resources, wildlife, plants, and soil productivity complete the SMA natural resources provisions.

Several tools are used to protect natural resources in the GMA and SMAs. The provisions require an applicant to avoid adversely affecting natural resources. The guidelines require leaving a natural buffer zone around water resources. ~~wetlands, streams, ponds, lakes, and riparian areas~~ In the GMA, exceptions are made for ~~several uses, including low-intensity uses and~~ water-related and water-dependent uses, if there is no practicable alternative and adequate protection of the resource is provided. Limited review uses that are not water-dependent require additional approval criteria.

Site-specific ~~management~~ plans are required for development proposed near sensitive wildlife sites. If habitat would be altered by new development, resource rehabilitation and ~~enhancement~~ mitigation are required to reduce and offset effects.

New fencing in winter range habitat is designed to allow wildlife safe passage through the landscape.

The guidelines protect rare ~~sensitive~~ plants ~~species~~ by ensuring that new development and uses avoid plant sites and their adjacent habitat. ~~A buffer~~

~~would generally be created around plant sites. Within this buffer, low-intensity uses are allowed outright.~~ New development is prohibited in the buffer area, though ~~exceptions~~variances may be made in the GMA if the buffer would deny all reasonable use of a parcel.

Most Natural Areas are designated Open Space; guidelines for this designation are found in Part II, Chapter 3: Open Space. In the GMA, several Natural Areas are designated Agriculture-Special. In this designation, existing livestock grazing is allowed, new grazing must be reviewed, and cultivation is prohibited to protect plant communities. Guidelines for the Agriculture-Special designation are found in Part II, Chapter 1: Agricultural Land.

GMA PROVISIONS

WATER RESOURCES: WETLANDS, STREAMS, PONDS, LAKES, AND RIPARIAN AREAS

GMA Goals: Water Resources

1. Achieve no ~~overall net~~ loss of wetlands acreage and functions.

2. ~~Increase the quantity and~~Improve the quality of wetlands.

3. Protect water quality, natural drainage, and fish and wildlife habitat of streams, ponds, lakes, and riparian areas.

~~1.~~4. Enhance aquatic and riparian areas.

GMA Objectives: Water Resources

1. Use regulations to avoid adverse effects of development and land use within and near water resources.

2. Promote public programs that offer incentives ~~to~~for landowners ~~who~~to protect and enhance ~~wetlands~~ water resources. ~~The Gorge Commission shall notify~~ Provide information to landowners whose property ~~has been designated Large-Scale or Small-Scale Agriculture, Commercial Forest Land or Large or Small Woodland and~~ contains ~~wetlands~~ or is near water resources~~. It shall inform landowners~~ about the values of ~~wetlands~~ these features and the rationale for regulating new uses in ~~wetlands~~ water resources and buffer zones, including cultivation. Provide relevant information about available funding opportunities or technical services.

~~2.~~3. Work with land trusts to secure fee interest, conservation easements, and other interests in properties where regulation, incentives, and other strategies cannot accomplish necessary protection and enhancement.

GMA Policies: Wetlands

1. The **wetlands** goals, policies, and guidelines in the Management Plan shall not apply to the main stem of the Columbia River. The Gorge Commission will rely on the applicable federal and state laws to protect wetlands in the Columbia River, including the U.S. Clean Water Act, Washington State Environmental Policy Act, Washington Hydraulic Code, Oregon requirements for compliance with Statewide Planning Goal 5, and Oregon Removal-Fill Act.

2. The main stem of the Columbia River is defined by the Ordinary High Water Mark or Normal Pool Elevation depicted on the map titled “Boundary Map Columbia River Gorge National Scenic Area,” numbered NSA-001, and dated September 1986.

Maps are available at county planning departments and Gorge Commission and Forest Service offices. ~~The boundaries of the main stem appear as a heavy black line that generally follows the shoreline.~~ For the Management Plan, backwaters and isolated water bodies created by roads and railroads are not part of the main stem of the Columbia River.

3. All wetlands, regardless of their size or functions, warrant protection from new uses that may alter or impair ~~destroy~~ wetlands functions. This can include altered or manmade features that meet wetland definitions and criteria specified in *Corps of Engineers Wetlands Delineation Manual* Wetlands Research Program Technical Report Y-87-1, on-line edition, and applicable Regional Supplements as may be revised from time to time.

~~4. The National Wetlands Inventory (U.S. Department of the Interior 1987), and the list of hydric soils shall be used as a general guide to the location of wetlands; additional wetlands are assumed to exist and shall be protected.~~

~~The exact location of wetlands boundaries shall be delineated using the procedures specified in *Corps of Engineers Wetlands Delineation Manual* Wetlands Research Program Technical Report Y-87-1, on-line edition, updated through March 21, 1997).~~
~~[Policies 3 and 4 are redundant with Rules for Delineating Wetlands]~~

~~5.~~4. An undisturbed buffer should be preserved around wetlands to protect and enhance wetlands functions and associated uplands**.** ~~Low intensity uses may be allowed in wetlands and wetlands buffer zones without review.~~ Uses that may impact wetlands acreage and functions may be allowed ~~in wetlands or wetlands buffer zones~~, subject to compliance with guidelines for the protection of scenic, natural, cultural, and recreation resources and the applicable approval criteria in this section.

~~6.~~5. New uses shall avoid wetlands to the greatest extent practicable. ~~New uses that are not water-dependent or water-related shall be allowed in wetlands when less environmentally damaging practicable alternatives do not exist.~~

~~7.~~6. Impacts to wetlands ~~shall~~ may be allowed only when all practicable measures have been applied to ~~minimize~~ avoid those impacts, ~~that are unavoidable~~ and the use is in the public interest.

~~8.~~7. A project applicant shall be required to provide applicable wetlands buffer zones and to offset unavoidable impacts to wetlands that result from ~~his/her~~ their actions by restoring, creating, or enhancing wetlands ~~and by providing appropriate wetlands buffer zones~~ as specified in the Management Plan.

~~9.~~8. Project proposals affecting wetlands or wetlands buffer zones shall be coordinated with federal and state agencies that regulate new uses in wetlands or wetlands buffer zones and comply with applicable local, state, and federal laws, policies and regulations.

~~10. Within 6 months of the date that the State of Oregon or Washington adopts a comprehensive wetlands ordinance, the Gorge Commission shall complete an evaluation that compares the state ordinance to the wetlands policies and guidelines in the Management Plan.~~

~~If the Gorge Commission determines that the state ordinance provides equal or greater protection to wetlands than the policies and guidelines in the Management Plan, local governments may adopt the state ordinance in lieu of the wetlands policies and guidelines in the Management Plan.~~

~~11.~~9. Enhancement of wetlands not associated with any other project proposal may be allowed, if such efforts comply with the wetlands provisions in the Management Plan. Enhancement efforts shall be conducted pursuant to a written plan consistent with the Wetlands Compensation Plan~~, as described~~ requirements in this section.

~~12.~~10. All ~~enhancement~~ wetlands compensation plans must be approved by the local government, after consultation with federal and state agencies with jurisdiction over wetlands.

GMA Policies: Streams, Ponds, Lakes, Riparian Areas

1. The ~~stream, pond, lake, and riparian area~~ water resource goals, policies, and guidelines in the Management Plan shall not apply to those portions of the main stem of the Columbia River that adjoin the Urban Areas. The Gorge Commission will rely on the applicable federal and state laws to protect those portions of the Columbia River that adjoin the Urban Areas. These policies are not intended to affect or modify treaty-reserved rights and other rights of the four Columbia River treaty tribes.

2. Proposed uses adjacent to streams, ponds, and lakes ~~should~~ shall preserve an undisturbed buffer zone that is wide enough to protect aquatic and riparian areas. ~~Low-intensity uses may be allowed outright in streams, ponds, lakes, and their buffer zones.~~ Uses with no practicable alternative that may affect water quality, natural drainage, or wildlife habitat may be allowed in streams, ponds, lakes, and their buffer zones, subject to compliance with guidelines for the protection of scenic, natural, cultural, and recreation resources and the approval criteria in this section.

3. New uses that are not water-dependent or water-related ~~shall~~ may be allowed in streams, ponds, lakes, and riparian areas if they are in the public interest and ~~less environmentally damaging~~ practicable alternatives do not exist.

4. Practicable measures shall be applied to minimize unavoidable impacts to streams, ponds, lakes, ~~aquatic~~ and riparian areas.

5. A project applicant shall offset unavoidable impacts to ~~aquatic areas~~ water resources and their buffer zones that result from ~~his/her~~ their actions by rehabilitating or enhancing streams, ponds, lakes, and riparian areas ~~aquatic and riparian areas~~.

6. When uses are authorized in degraded streams, ponds, lakes, and riparian areas ~~aquatic and riparian areas~~, rehabilitation shall ~~return~~ enhance the project area to its natural condition to the maximum extent practicable.

7. Enhancement of streams, ponds, lakes, and riparian areas not associated with any other development proposal may be allowed, if such efforts comply with the ~~streams, ponds, lakes, and riparian area~~ water resource provisions in this Management Plan. Enhancement efforts shall be conducted pursuant to ~~a rehabilitation and enhancement plan~~ a written plan consistent with the water resources mitigation plan section in this chapter.

8. ~~—~~All ~~enhancement~~ mitigation plans shall be approved by the local government, after consultation with federal and state agencies with jurisdiction over streams, ponds, lakes, and riparian areas.

9. Project proposals affecting streams shall be coordinated with federal and state agencies that regulate new uses in streams and shall comply with applicable local, state, and federal permitting requirements.

GMA Guidelines: Water Resources

Site Plans for Review Uses in ~~Wetlands~~ Water Resources and Buffer Zones

1. In addition to the information required in all site plans, site plans for proposed uses in water resources~~wetlands~~, or their buffer zones, shall include: a site plan map prepared at a scale of 1 inch equals 100 feet (1:1,200), or a scale providing greater detail; the exact boundary of the water resource ~~wetlands~~, ordinary high water mark, or normal pool elevation, and the buffer zone; and a description of actions that would affect ~~alter or destroy~~ the water resource. ~~wetland.~~

Review Uses in Water Resources and Buffer Zones

1. The following uses may be allowed in wetlands, subject to compliance with guidelines for the protection of scenic, natural, cultural, and recreation resources and "Approval Criteria in Wetlands" in this section.

   A. The modification, expansion, replacement, or reconstruction of serviceable transportation or other public infrastructure (this does not include private road and driveways), if such actions would not;

(1) Increase the size of an existing structure by more than 100 percent.

(2) Result in a loss of water resource functions.

(3) Result in a loss of water quality, natural drainage, and fish and wildlife habitat.

B. The construction, modification, expansion, replacement, or reconstruction of minor water-related recreation structures that are available for public use. Structures in this category shall be limited to: boardwalks; observation decks; interpretative aids, such as kiosks and signs; and trails and paths, provided their surface is not constructed of impervious materials.

C. The construction, modification, expansion, replacement, or reconstruction of minor water-dependent structures that are placed on pilings, if the pilings allow unobstructed flow of water and are not placed so close together that they effectively convert an aquatic area to dry land. Structures in this category shall be limited to public and private docks and boat houses, and fish and wildlife management structures that are constructed by federal, state, or tribal government resource agencies.

~~1.~~2. The following uses may be allowed in ~~wetlands and wetland~~ water resources (except wetlands), and may be allowed in all water resource buffer zones (including wetlands buffer zones), subject to compliance with guidelines for the protection of scenic, natural, cultural, and recreation resources and "Approval Criteria for Modifications to Serviceable Structures and Minor Water-Dependent and Water-Related Structures in Water Resources ~~in Wetlands~~" in this section. ~~*(Revised: CRGC adoption 2/9/16; U.S. Sec. Ag. Concurrence 8/4/16)*~~

A. The modification, expansion, replacement, or reconstruction of serviceable structures, if such actions would not;

(1) Increase the size of an existing structure by more than 100 percent.

(2) Result in a loss of wetlands acreage or functions.

(3) Result in a loss of water quality, natural drainage, and fish and wildlife habitat.

(4) Intrude further into ~~a wetland or wetland~~ water resources or water resources buffer zone. New structures shall be considered intruding further into a ~~wetland/ or wetlands~~ water resource or associated buffer zone if any portion of the structure is located closer to the ~~wetlands or wetlands~~ water resource or buffer zone than the existing structure.

B. The construction, modification, expansion, replacement, or reconstruction of minor water-related recreation structures that are available for public use. Structures in this category shall be limited to: boardwalks~~,~~; observation decks;

interpretative aids, such as kiosks and signs; and trails and paths, provided their surface is not constructed of impervious materials.

C. The construction, modification, expansion, replacement, or reconstruction of minor water-dependent structures that are placed on pilings, if the pilings allow unobstructed flow of water and are not placed so close together that they effectively convert an aquatic area to dry land. Structures in this category shall be limited to public and private docks and boat houses, and fish and wildlife management structures that are constructed by federal, state, or tribal government resource agencies.

2.3. Except uUses that are not allowed outright and review usesor in Guidelines 1 and 2A through 1C], above, proposed uses may be allowed in wetlands and wetlands water resources (except wetlands) and in all water resources buffer zones (including wetland buffer zones), subject to compliance with guidelines for the protection of scenic, natural, cultural, and recreation resources and "Approval Criteria for Other Review Uses in Wetlands Water Resources" in this section.

3. Proposed uses in buffer zones shall be evaluated for adverse effects, including cumulative effects, and adverse effects shall be prohibited. *(Added: CRGC adoption 2/9/16; U.S. Sec. Ag. Concurrence 8/4/16)*

Approval Criteria for Uses in Wetlands

1. The uses identified in Guideline 1 under "Review Uses," above, may be allowed only if they meet all of the following criteria:

A. Practicable alternatives for locating the structure outside of the wetland do not exist.

B. All reasonable measures have been applied to ensure that the use will result in the minimum loss of wetlands and in the minimum degradation of ecological functions, water quality, existing contour, vegetation, fish and wildlife resources, and hydrology.

C. The use will be constructed using best management practices. Best management practices can include measures to prevent soil erosion, the introduction and spread of invasive plants and aquatic species, and other impacts to plants, wildlife, soil, and water. Boardwalks and observation decks shall be constructed using non-toxic materials to protect water quality.

D. Areas disturbed during construction of the use will be rehabilitated to the maximum extent practicable.

E. The use complies with the Approval Criteria for Other Review Uses in Water Resources below.

F. Proposed uses in wetlands shall be evaluated for adverse effects, including cumulative effects, and adverse effects shall be prohibited

G. The use complies with all applicable federal, state, and local laws.

Approval Criteria for Modifications to Serviceable Structures and Minor Water- Dependent and Water-Related Structures in ~~Wetlands~~Water Resources

1. The uses identified in Guideline 2~~1~~ under "Review Uses," above, may be allowed only if they meet all of the following criteria:

   A. Practicable alternatives for locating the structure outside of the ~~wetland~~ water resource or buffer zone ~~and/or minimizing the impacts of the structure~~ do not exist.

   B. All reasonable measures have been applied to ensure that the structure will result in the minimum ~~feasible~~ alteration or ~~destruction~~ degradation of ecological functions, water quality, existing contour, vegetation, fish and wildlife resources, and hydrology.

   C. The structure will be constructed using best management practices. Best management practices can include measures to prevent soil erosion, the introduction and spread of invasive plants and aquatic species, and other impacts to plants, wildlife, soil, and water. Boardwalks and observation decks shall be constructed using non-toxic materials to protect water quality.

   D. Areas disturbed during construction of the structure will be rehabilitated to the maximum extent practicable.

   ~~D.~~E. Proposed uses in water resources and their buffer zones shall be evaluated for adverse effects, including cumulative effects, and adverse effects shall be prohibited.

   ~~E.~~F. The structure complies with all applicable federal, state, and local laws.

Approval Criteria for Other Review Uses in ~~Wetlands, Aquatic, and Riparian Areas~~Water Resources

1. The uses identified in Guideline ~~2~~3 under "Review Uses," above, may be allowed only if they meet all of the following criteria:

A. The proposed use is water-dependent, or is not water-dependent but has no practicable alternative as determined by the practicable alternative test in this section.

B. The proposed use is in the public interest as determined by the public interest test in this section.

C. Measures will be applied to ensure that the proposed use results in the minimum feasible alteration ~~or destruction~~ of the resource. As a starting point, the following measures shall be considered when new development and uses are proposed in water resources or buffer zones:

(1) ~~Wetland's functions, exiting contour, vegetation, fish and wildlife resources, and hydrology~~ Ecological functions, contour, and hydrology shall be maintained. Nonstructural controls and natural processes shall be used to the greatest extent possible.

(2) Construction shall occur during periods when fish and wildlife are least sensitive to disturbance. Work in streams, ponds, and lakes shall be conducted during the periods specified in Oregon or Washington state's published guidelines for in-water work, or as advised by the applicable Department of Fish and Wildlife.

(3) All vegetation shall be retained to the greatest extent practicable, including wetland, aquatic, and riparian vegetation.

(4) Bridges, roads, pipelines and utility corridors, and other water crossings shall be minimized and should serve multiple purposes and properties.

(5) Stream channels shall not be placed in culverts unless absolutely necessary for property access. Bridges are preferred for water crossings to reduce disruption to streams, ponds, lakes, and their banks. When culverts are necessary, oversized culverts with open bottoms that maintain the channel's width and grade should be used. State agencies with permitting responsibility for culverts shall be consulted.

(6) Temporary and permanent control measures shall be applied to minimize erosion and sedimentation when water resource areas are disturbed, ~~including~~ such as slope netting, berms and ditches, tree protection, sediment barriers, infiltration systems, and culverts.

(7) Measures shall be taken to prevent the introduction or spread of invasive plants or aquatic species.

D. Groundwater and surface-water quality will not be degraded by the proposed use.

E. Those portions of a proposed use that are not water-dependent or that have a practicable alternative will not be located in ~~wetlands or wetlands~~ water resources or buffer zones.

F. The proposed use complies with all applicable federal, state, and local laws.

G. Areas that are disturbed during construction of the proposed use will be rehabilitated ~~to the maximum extent practicable~~. When a project area cannot be completely restored or rehabilitated, such as when a boat launch permanently displaces aquatic and riparian areas, enhancement shall also be required.

H. Proposed uses in water resources and their buffer zones shall be evaluated for adverse effects, including cumulative effects, and adverse effects shall be prohibited.

~~H.~~I. Unavoidable impacts to ~~wetlands~~water resources will be offset through the deliberate restoration, creation, or enhancement of impacted resources. Restoration, creation, and enhancement are not alternatives to the guidelines listed above; they shall be used only as a last resort to offset unavoidable ~~wetlands~~ water resource impacts.

~~I.~~J. Restoration, creation, and enhancement shall ~~achieve no net loss of~~improve water quality, natural drainage, and fish and wildlife habitat of the affected wetland, stream, pond, lake, ~~and/~~or buffer zone. When a project area has been disturbed in the past, it shall be rehabilitated to its natural condition to the maximum extent practicable. The following water resource guidelines shall apply:

~~When a project area cannot be completely restored or rehabilitated, such as when a boat launch permanently displaces aquatic and riparian areas, enhancement shall also be required.~~

~~The following water resource guidelines shall apply:~~

(1) Impacts to wetlands shall be offset by restoring or creating new wetlands or by enhancing degraded wetlands. Wetlands restoration shall be the preferred ~~alternative~~ approach when wetlands are impacted.

~~(2) Wetlands restoration, creation, and enhancement projects shall be conducted in accordance with a wetlands compensation plan.~~

~~(3)~~(2) ~~Stream~~ Water resources restoration and enhancement ~~projects~~ shall be conducted in accordance with a wetlands compensation plan or water resources mitigation plan. Voluntary enhancement project applications shall be encouraged.~~,~~ See Part III, Chapter ~~43~~:

"Enhancement Strategies" and Part II, Chapter 7: General Policies and Guidelines, "Resource Enhancement Projects.".

(4)(3) Wetlands restoration, creation, and enhancement projects shall use native vegetation. Water resources shall be replanted with native plant species that replicate the original vegetation community.

(5)(4) Natural hydrologic conditions shall be replicated, including current patterns, circulation, velocity, volume, and normal water fluctuation.

(6)(5) Natural stream channel and shoreline dimensions shall be replicated, including depth, width, length, cross-sectional profile, and gradient. Riparian areas shall be rehabilitated to their original configuration, including slope and contour.

(7)(6) The bed of the affected aquatic area shall be rehabilitated with identical or similar materials appropriate for the channel and hydrologic features.

(8)(7) Fish and wildlife habitat features shall be replicated, including pool-riffle ratios, substrata, and structural habitat featureses. Structures including large woody debris and boulders.

(9)(8) Rehabilitation and enhancement efforts shall be completed no later than 90 days after the aquatic area water resource or buffer zone has been altered or destroyed, or as soon thereafter as is practicable.

(10)(9) The size of replacement 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 or destroyed.

Restoration:	2:1
Creation:	3:1
Enhancement:	4:1

(11)(10) Replacement wetlands shall replicate the functions of the wetlands that will be altered or destroyed such that no net lossimprovement of wetlands functions occurs.

(12)(11) Replacement wetlands should replicate the type of wetland that will be altered or destroyed. If this standard is not feasible or practical because of technical constraints, a wetland type of equal or greater benefit may be substituted, provided that no net lossimprovement of wetlands functions occurs

(13)(12) Wetlands restoration, creation, or enhancement should occur within 1,000 feet of the affected wetland. If this guideline is not practicable

because of physical, or technical constraints, replacement shall occur within the same watershed and as close to the altered ~~or destroyed~~ wetland as practicable.

~~(14)~~(13) ~~Wetlands r~~ Restoration, creation, and enhancement efforts should be completed before a ~~wetland~~ water resource is altered ~~or destroyed~~. If it is not practicable to complete all restoration, creation, and enhancement efforts before the ~~wetland~~ water resource is altered ~~or destroyed~~, these efforts shall be completed before the new use is occupied or used.

~~(15)~~(14) Five years after a wetland is restored, created, or enhanced, or three years after a **stream**, pond, lake, or **riparian area** is restored, at least 75 percent of the replacement vegetation ~~must~~ shall survive. The project applicant shall monitor the hydrology and vegetation of the replacement ~~wetland~~water resource, provide reports, and shall take corrective measures to ensure that it conforms with the approved wetlands compensation plan or water resources mitigation plan and this guideline.

Rules for Delineating Wetlands Boundaries

1. The approximate location and extent of wetlands in the National Scenic Area is shown on the National Wetlands Inventory (U.S. Department of the Interior), as well as local wetlands inventories produced by state or local governments. In addition, the list of hydric soils and the soil survey maps shall be used as an indicator of wetlands. Some wetlands may not be shown on the wetlands inventory or soil survey maps. Wetlands that are discovered ~~by the local planning staff~~during an inspection of a potential project site shall be delineated and protected.

   ~~Some wetlands may not be shown on the wetlands inventory or soil survey maps. Wetlands that are discovered by the local planning staff during an inspection of a potential project site shall be delineated and protected.~~

2. The project applicant shall be responsible for ~~determining the exact location of a **wetlands** boundary. **Wetlands** boundaries shall be delineated~~ using the procedures specified in the *Corps of Engineers Wetlands Delineation Manual* (Wetlands Research Program Technical Report Y-87-1, on-line edition) and applicable Regional Supplements as may be revised from time to time. All wetlands delineations shall be conducted by a professional who has been trained to use the federal delineation procedures~~, such as a soil scientist, botanist, or wetlands ecologist~~.

   ~~All wetlands delineations shall be conducted by a professional who has been trained to use the federal delineation procedures, such as a soil scientist, botanist, or wetlands ecologist.~~

3. The local government may verify the accuracy of, and render adjustments to, a wetlands boundary delineation. If the adjusted boundary delineation is contested by the project applicant, the local government shall obtain professional services to render a final delineation, at the applicant's expense.

Water Resources ~~Wetlands~~ Buffer Zones

1. All water resources shall, in part, be protected by establishing undisturbed buffer zones as specified below.

2. Buffer zones shall be measured outward from the bank full flow boundary for streams, the high water mark for ponds and lakes, and the normal pool elevation for the Columbia River, and the wetland delineation boundary for wetlands on a horizontal scale that is perpendicular to the water resource boundary. On the main stem of the Columbia River above the Bonneville Dam, buffer zones shall be measured landward from the normal pool elevation of the Columbia River. The following buffer widths shall be required:

   A. The width of wetlands, lakes, and ponds buffer zones shall be based on the dominant vegetation community that exists in a buffer zone. The following buffer zone widths shall be required:

Forest communities:	75 feet
Shrub communities:	100 feet
Herbaceous communities:	150 feet

      (1) The dominant vegetation community in a buffer zone is the vegetation community that covers the most surface area of that portion of the buffer zone that lies between the proposed activity and the affected wetland. Vegetation communities are classified as forest, **shrub**, or **herbaceous**.

      (2) A forest vegetation community is characterized by trees with an average height equal to or greater than 20 feet, accompanied by a shrub layer; trees must form a canopy cover of at least 40 percent and shrubs must form a canopy cover of at least 40 percent. A forest community without a shrub component that forms a canopy cover of at least 40 percent shall be considered a shrub vegetation community for purposes of the Management Plan.

      (3) A shrub vegetation community is characterized by shrubs and trees that are greater than 3 feet tall and form a canopy cover of at least 40 percent.

      (4) An herbaceous vegetation community is characterized by the presence of **herbs**, including grass and grasslike plants, **forbs**, ferns, and non-woody vines.

B. The following streams, identified by the Environmental Protection Agency in 2019 as priority cold water refuge fish habitat streams: Sandy River, Wind River, Little White Salmon, White Salmon, Hood River, Klickitat River, and Deschutes River: 200 feet.

~~B.~~C. Streams used by **anadromous** or resident fish (**tributary fish habitat**), **special streams**, intermittent **streams** that include year-round pools, and perennial **streams**: 100 feet.

~~C.~~D. **Intermittent streams**, provided they are not used by anadromous or resident fish: 50 feet.

~~D. Ponds and lakes: Buffer zone widths shall be based on the dominant vegetative community and shall use the same guidelines as in the "Wetlands Buffer Zones" section of this chapter, substituting the term "pond or lake" as appropriate.~~

3. Except as otherwise allowed, ~~wetlands~~ water resources buffer zones shall be retained in their natural condition. When a buffer zone is disturbed by a new use, it shall be replanted with native plant species.

4. The project applicant shall be responsible for determining the exact location of the ordinary high watermark or normal pool elevation. The local government may verify the accuracy of, and render adjustments to, an ordinary high watermark or normal pool delineation. If the adjusted boundary delineation is contested by the project applicant, the local government shall obtain professional services to render a final delineation, at the project applicant's expense.

Public Interest Test

1. The following factors shall be considered when determining if a proposed use is in the public interest:

A. The extent of public need for the proposed use. For uses in wetlands, public need is limited to uses necessary to alleviate a current public safety issue supported by evidence establishing the safety issue.

B. The extent and permanence of beneficial or detrimental effects that the proposed use may have on the public and private uses for which the property is suited.

C. The functions and size of the ~~wetland~~ water resource that may be affected.

D. The economic value of the proposed use to the general area.

E. The ecological value of the ~~wetland~~ water resource and probable effect on public health and safety, fish, plants, and wildlife.

Wetlands Compensation Plans

1. Wetlands compensation plans shall be prepared when a project applicant is required to restore, create, or enhance wetlands. A written plan addressing the guidelines in this section is also required for voluntary enhancement projects. All wetlands compensation plans must be approved by the local government, after consultation with federal and state agencies with jurisdiction over wetlands. They shall satisfy the following guidelines and any others required by federal and state agencies:

    A. Wetlands compensation plans shall be prepared by a qualified professional hired by the project applicant. They shall provide for land acquisition, construction, maintenance, and monitoring of replacement wetlands.

    B. Wetlands compensation plans shall include an ecological assessment of the wetland that will be altered ~~or destroyed~~ and the wetland that will be restored, created, or enhanced. The assessment shall include information on flora, fauna, hydrology, and wetlands functions.

    C. Compensation plans shall also assess the suitability of the proposed site for establishing a replacement wetland, including a description of the water source and drainage patterns, topography, wildlife habitat opportunities, and value of the existing area to be converted.

    D. Compensation plans shall provide plan view and cross-sectional, scaled drawings; topographic survey data, including elevations at contour intervals no greater than 1 foot, slope percentages, and final grade elevations; and other technical information in sufficient detail to explain and illustrate:

        (1) Soil and substrata conditions, grading, and erosion and sediment control needed for wetland construction and long-term survival.

        (2) Planting plans that specify native plant species, quantities, size, spacing, or density; source of plant materials or seeds; timing, season, water, and nutrient requirements for planting; and where appropriate, measures to protect plants from predation.

        (3) Water quality parameters, water source, water depths, water control structures, and water level maintenance practices needed to achieve the necessary hydrologic conditions.

    E. A 5-year monitoring, maintenance, and replacement program shall be included in all plans. At a minimum, a project applicant shall provide an annual report that documents milestones, successes, problems, and contingency actions. Photographic monitoring stations shall be established and photographs shall be used to monitor the replacement wetland.

F. A project applicant shall demonstrate sufficient fiscal, technical, and administrative competence to successfully execute a wetlands compensation plan. ~~Rehabilitation and enhancement projects shall be conducted in accordance with a Mitigation Plan.~~

Water Resources Mitigation Plans ~~Rehabilitation and Enhancement Plans~~

1. Mitigation plans shall be prepared when a project applicant is required to rehabilitate or enhance a stream, pond, lake, ~~and/~~or buffer zone. A written plan addressing the guidelines in this section is also required for voluntary enhancement projects. ~~They~~ Plans shall satisfy the following guidelines and any others required by federal and state agencies:

   A. Mitigation plans are the responsibility of the project applicant; they shall be prepared by qualified professionals~~, such as fish or wildlife biologists~~.

   B. All plans shall include an assessment of the physical characteristics and natural functions of the affected stream, pond, lake, ~~and/~~or buffer zone. The assessment shall include hydrology, flora, and fauna.

   C. Plans shall include plan view and cross-sectional, scaled drawings; topographic survey data, including elevations at contour intervals of at least 2 feet, slope percentages, and final grade elevations; and other technical information in sufficient detail to explain and illustrate:

      (1) Soil and substrata conditions, grading and excavation, and erosion and sediment control needed to successfully rehabilitate and enhance the stream, pond, lake, and buffer zone.

      (2) Planting plans that specify native plant species, quantities, size, spacing, or density; source of plant materials or seeds; timing, season, water, and nutrient requirements for planting; and where appropriate, measures to protect plants from predation.

      (3) Water quality parameters, construction techniques, management measures, and design specifications needed to maintain hydrologic conditions and water quality.

   D. A minimum 3-year monitoring, maintenance, and replacement program shall be included in all mitigation plans. At a minimum, a project applicant shall prepare an annual report that documents milestones, successes, problems, and contingency actions. Three years after an aquatic area or buffer zone is rehabilitated or enhanced, at least 75 percent of the replacement vegetation shall survive. The project applicant shall monitor the replacement vegetation and take corrective measures to meet this guideline. Photographic monitoring shall be used to monitor all rehabilitation and enhancement efforts.

E. A project applicant shall demonstrate sufficient fiscal, administrative, and technical competence to successfully execute and monitor a ~~rehabilitation and enhancement~~ mitigation plan.

WILDLIFE HABITAT

GMA Goals: Wildlife Habitat

1. Ensure that new uses do not adversely affect Priority Habitats or sensitive wildlife ~~areas~~ sites.

2. Enhance wildlife habitat that has been altered ~~or destroyed~~ by past uses.

GMA Objectives: Wildlife Habitat

1. Use regulations to avoid adverse effects of development and land use within and near Priority Habitats or sensitive wildlife sites.

~~1.~~2. Update ~~the~~ wildlife data~~inventory~~ as new areas and sites are discovered and federal or state wildlife lists are revised. ~~This update will be conducted by the Gorge Commission.~~ The Gorge Commission will obtain updated spatial data from Oregon, Washington, and federal agencies on a regular basis or upon availability. The Gorge Commission will work with these agencies for permissions to share the data with counties implementing the Management Plan.

~~2.~~3. Promote public programs that offer incentives ~~to~~for landowners ~~who~~to protect and enhance ~~sensitive~~ wildlife habitat. The Gorge Commission shall ~~notify~~ inform landowners whose property ~~has been designated Large-Scale or Small-Scale Agriculture, Commercial Forest Land, or Large or Small Woodland and~~ contains a Priority Habitat or sensitive wildlife site. It shall inform landowners about the rationale for regulating new uses near sensitive wildlife sites ~~habitat~~, including cultivation, and provide relevant information about funding opportunities and technical assistance to improve sensitive wildlife sites.

GMA Policies: Wildlife Habitat

1. For the Management Plan

   A. ~~"Sensitive wildlife areas" means the 17 land and water areas that are included in the wildlife inventory. (See Table 2)~~ Priority Habitats are identified by the Forest Service, Oregon Department of Fish and Wildlife, and Washington Department of Fish and Wildlife. The agencies revise their priority habitats from time to time. The list of priority habitats as of the date of adoption of this Plan is listed in Table 1).

   B. Sensitive Wildlife Sites are the locations used by species identified in Policy C.1 below for nesting, roosting, denning, and other life cycle needs..

C. "~~ Sensitive~~ Rare wildlife species" ~~is used here in a generic sense to refer species" ~~includes species ~~including those ~~that are;

(1) Listed as endangered or threatened pursuant to federal or state endangered species acts~~;~~, or

(2) Listed as endangered, threatened, sensitive, or candidate by the Washington ~~Wildlife~~ Fish and Wildlife Commission~~;~~,

(3) Listed as sensitive by the Oregon Fish and Wildlife Commission~~;~~, or

(4) Considered to be of special interest to wildlife management authorities and the public (~~limited to~~ great blue heron, osprey, golden eagle, peregrine falcon, and prairie falcon).

D. Updated lists of species included in (1), (2), and (3) above can be found on the websites for the Washington Department of Fish and Wildlife and the Oregon Department of Fish and Wildlife. ~~A list also is maintained by t~~The ~~USDA~~ Forest Service ~~– Scenic Area Office~~ and ~~available at the~~ Gorge Commission also maintain updated lists~~office and on its website~~.

2. Newly discovered ~~sensitive~~ wildlife ~~areas and~~ sites and wildlife species that are added to federal or state wildlife lists shall be protected.

3. To help ensure that wildlife species are not disturbed, ~~the~~ wildlife data ~~inventory~~ shall be kept confidential.

4. Habitat areas of animal species that are classified as endangered, ~~or~~ threatened, or sensitive by federal or state endangered species acts ~~or the Washington Wildlife Commission~~ may be designated Open Space. ~~The guidelines in this chapter shall be used to protect other sensitive wildlife areas and sites.~~

5. New dwellings, fences, and land divisions shall be limited in deer and elk winter range. ~~and turkey habitat.~~

6. New and replacement fences in the National Scenic Area, including deer and elk winter range should be constructed so they do not present a major hazard to ~~deer and elk~~ wildlife.

7. On lands designated Large-Scale or Small-Scale Agriculture, Commercial Forest Land, or Large or Small Woodland that include deer and elk winter range ~~or turkey habitat~~, new parcels shall be 40 acres or larger in the west end of the National Scenic Area and 80 acres or larger in the east end of the National Scenic Area. In Oregon, the division between the west and east end of the National Scenic Area is the Hood River. In Washington, the line of division is the White Salmon River.

8. Proposed uses that would adversely affect Priority Habitats or sensitive wildlife ~~areas or~~ sites shall be prohibited. ~~Uses adversely affect wildlife habitats or sites and areas when they compromise the integrity of an area habitat or site, or occur during a time of the year when affected wildlife species are sensitive to disturbance.~~

9. Adequate buffer zones shall be maintained to protect Priority Habitats and sensitive wildlife ~~areas or~~ sites from new uses. The width of wildlife buffer zones shall be determined on a case-by-case basis and shall reflect the biology of the affected species and the characteristics of the project site and the proposed use.

10. The size, scope, configuration, density, and timing of new uses within wildlife buffer zones shall be regulated to protect the rare ~~sensitive~~ wildlife species.

11. Site-specific management plans shall be required before most new uses will be allowed within wildlife buffer zones.

12. Rehabilitation ~~and/~~or enhancement shall be required to offset unavoidable impacts to wildlife habitat that result from new uses.

GMA Guidelines: Wildlife Habitat

Review Uses

1. Except uses allowed outright, proposed uses may be allowed within 1,000 feet of a Priority Habitat or sensitive wildlife site, subject to compliance with guidelines for the protection of scenic, natural, cultural, and recreation resources and "Approval Criteria for Review Uses Near Priority Habitat and Sensitive Wildlife Sites" in this section. ~~Updated lists of species included in sensitive wildlife sites can be found on the websites for the Washington Department of Fish and Wildlife and the Oregon Department of Fish and Wildlife. A list also is maintained by the USDA Forest Service – Scenic Area Office and available at the Gorge Commission office. *[This is already stated in the chapter goals]*~~

2. Proposed uses within 1,000 feet of a Priority Habitat or sensitive wildlife ~~area or~~ site shall be evaluated for adverse effects, including cumulative effects, and adverse effects shall be prohibited. ~~*(Added: CRGC adoption 2/9/16; U.S. Sec. Ag. concurrence 8/4/16)*~~

Site Plans and Field Surveys for Review Uses Near Priority Habitats and Sensitive Wildlife ~~Areas and~~ Sites

1. In addition to the information required in all site plans, ~~site plans for~~ uses within 1,000 feet of a Priority Habitat or sensitive wildlife ~~area or~~ site shall include a map prepared at a scale of 1 inch equals 100 feet (1:1,200), or a scale providing greater detail.

2. A field survey to identify Priority Habitat or sensitive wildlife ~~areas or~~ sites shall be required for:

A. ~~land~~ Land divisions that create four or more parcels,

B. ~~recreation~~ Recreation facilities that contain parking areas for more than 10 cars, overnight camping facilities, boat ramps, or visitor information and environmental education facilities,

C. ~~public~~ Public transportation facilities that are outside improved rights-of-way,

D. ~~electric~~ Electric facilities, lines, equipment, and appurtenances that are 33 kilovolts or greater, and

E. ~~communications~~Communications, water and sewer, and natural gas transmission (as opposed to distribution) lines, pipes, equipment, and appurtenances and other project related activities, except when all of their impacts will occur inside previously disturbed road, railroad or utility corridors, or existing developed utility sites, that are maintained annually.

3. Field surveys shall cover all areas affected by the proposed use or recreation ~~facility~~ development. They shall be conducted by a professional wildlife biologist hired by the project applicant. All Priority Habitat and sensitive wildlife ~~areas and~~ sites discovered in a project area shall be described and shown on the site plan map.

Approval Criteria for Review Uses Near Priority Habitat and Sensitive Wildlife Sites

1. Uses that are proposed within 1,000 feet of a Priority Habitat or sensitive wildlife ~~area or~~ site shall be reviewed by the Oregon Department of Fish and Wildlife or the Washington Department of Fish and Wildlife. The approximate locations of sensitive wildlife ~~resources~~ sites are ~~shown in the wildlife inventory~~ maintained by the Gorge Commission, Forest Service, and state wildlife agencies. State wildlife biologists will help determine if a new use would adversely affect a Priority Habitat or sensitive wildlife ~~area or~~ site.

2. Oregon white oak shall not be removed if practicable alternatives exist. If no practicable alternative exists, a wildlife survey and mitigation plan shall be required. This criteria shall not apply to forest practices that are otherwise allowed and that do not violate conditions of approval for other approved uses.

3. The local government shall submit site plans to the Oregon Department of Fish and Wildlife or Washington Department of Fish and Wildlife. State wildlife biologists shall review the site plan and their field survey records. They shall identify/verify the precise location of the Priority Habitat or sensitive wildlife ~~area or~~ site, (2) ascertain whether the sensitive wildlife ~~area~~ or site is active or abandoned, and (3) determine if the proposed use may compromise the integrity of the wildlife habitat ~~area~~ or site or occur during the time of year when wildlife species are sensitive to disturbance, such as nesting or rearing seasons. In some instances, state wildlife biologists may

conduct field surveys to verify ~~the~~ wildlife data~~inventory~~ and assess the potential effects of a proposed use.

4. The following factors may be considered when site plans are reviewed:

   A. Biology of the affected wildlife species.

   B. Published guidelines regarding the protection and management of the affected wildlife species. For example, t~~T~~he Oregon Department of Forestry has prepared technical papers that include management guidelines for osprey and great blue heron, and t~~T~~he Washington Department of Fish and Wildlife has prepared similar guidelines for a variety of species, including the western pond turtle, the peregrine falcon, Oregon white oak, and the Larch Mountain salamander ~~(Rodrick and Milner 1991)~~.

   C. Physical characteristics of the subject parcel and vicinity, including topography and vegetation.

   D. Historic, current, and proposed uses in the vicinity of the Priority Habitat or sensitive wildlife ~~area or~~ site.

   E. Existing condition of the Priority Habitat or sensitive wildlife ~~area or~~ site and the surrounding habitat ~~and the useful life of the area or site~~.

5. The wildlife protection process may terminate if the local government, in consultation with the state wildlife agency, determines (1) the sensitive wildlife ~~area or~~ site is not active, or (2) the proposed use would not compromise the integrity of the Priority Habitat or sensitive wildlife ~~area or~~ site or occur during the time of year when wildlife species are sensitive to disturbance.

6. If the local government, in consultation with the state wildlife agency, determines that the proposed use would have only minor effects on the ~~wildlife area or~~ Priority Habitat or sensitive wildlife site that could be eliminated through ~~mitigation~~ measures recommended by the state wildlife biologist, or by simply modifying the site plan or regulating the timing of new uses, a letter shall be sent to the project applicant that describes the effects and measures needed to eliminate them. If the project applicant accepts these recommendations, the local government shall incorporate them into its development review order and the wildlife protection process may conclude.

7. The project applicant shall prepare a wildlife mitigation plan if the local government, in consultation with the state wildlife agency, determines that the proposed use would adversely affect a Priority Habitat or sensitive wildlife ~~area or~~ site and the effects of the proposed use cannot be eliminated through site plan modifications or project timing.

8. The local government shall submit a copy of all field surveys and wildlife ~~management~~ mitigation plans to the Oregon Department of Fish and Wildlife or Washington Department of Fish and Wildlife. The state wildlife agency will have ~~20~~ 30 days from the date that a field survey or management plan is mailed to submit written comments to the local government.

9. The local government shall record and address any written comments submitted by the state wildlife agency in its development review order.

10. Based on the comments from the state wildlife agency, the local government shall make a final decision on whether the proposed use would be consistent with the wildlife policies and guidelines. If the final decision contradicts the comments submitted by the state wildlife agency, the local government shall justify how it reached an opposing conclusion.

11. The local government shall require the project applicant to revise the wildlife ~~management~~ mitigation plan as necessary to ensure that the proposed use would not adversely affect a Priority Habitat or sensitive wildlife ~~area or~~ site.

12. If a local government discovers a new protected wildlife location during the review process, the local government shall submit this information to the appropriate state agency to be updated in their species databases.

Wildlife ~~Management~~ Mitigation Plans

1. Wildlife ~~Management~~Mitigation plans shall be prepared when a proposed use is likely to adversely affect a Priority Habitat or sensitive wildlife ~~area or~~ site. Their primary purpose is to document the special characteristics of a project site and the habitat requirements of affected wildlife species. This information provides a basis for the project applicant to redesign the proposed use in a manner that protects Priority Habitats and sensitive wildlife ~~areas and~~ sites, maximizes ~~his/her~~ their development options, ~~and~~ mitigates temporary impacts to the sensitive wildlife ~~area or~~ site~~s, and/~~or buffer zone, and offsets unavoidable negative impacts to Priority Habitats and sensitive wildlife sites.

2. Wildlife ~~Management~~Mitigation plans shall comply with the following guidelines:

   A. Wildlife ~~Management~~Mitigation plans shall be prepared by a professional wildlife biologist hired by the project applicant.

   B. All relevant background information shall be documented and considered, including biology of the affected species, published protection and management guidelines, physical characteristics of the subject parcel, past and present use of the subject parcel, and ~~useful life~~ habitat value of the wildlife ~~area or~~ site.

   C. ~~The~~ Where applicable, the core habitat of the rare ~~sensitive~~ wildlife species shall be delineated. It shall encompass the sensitive wildlife ~~area or~~ site and the

attributes, or key components that are essential to maintain the long-term use and integrity of the wildlife area or site.

D. A wildlife buffer zone shall be employed. It shall be wide enough to ensure that the core habitat is not adversely affected by new uses, or natural forces, such as fire and wind. Buffer zones shall be delineated on the site plan map and shall reflect the physical characteristics of the project site and the biology of the affected species.

E. The size, scope, configuration, or density of new uses within the core habitat and the wildlife buffer zone shall be regulated to protect the rare ~~sensitive~~ wildlife species. The timing and duration of all uses shall also be regulated to ensure that they do not occur during the time of year when wildlife species are sensitive to disturbance. The following guidelines shall apply:

(1) New uses shall generally be prohibited within the core habitat. Exceptions may include uses that have temporary and negligible effects, such as the installation of minor underground utilities or the maintenance of existing structures~~. Low-intensity, nondestructive uses may be conditionally authorized in the core habitat.~~

(2) Intensive uses shall be generally prohibited in wildlife buffer zones. Such uses may be conditionally authorized when a wildlife area or site is inhabited seasonally, provided they will have only temporary effects on the wildlife buffer zone and rehabilitation ~~and/~~or enhancement will be completed before a particular species returns.

F. Rehabilitation ~~and/~~or enhancement shall be required when new uses are authorized within wildlife buffer zones. When a buffer zone has been altered ~~or degraded~~ in the past, it shall be rehabilitated to its natural condition to the maximum extent practicable. When complete rehabilitation is not possible, such as when new structures permanently displace wildlife habitat, enhancement shall also be required. Enhancement shall achieve no net loss of the integrity of the wildlife area or site. Rehabilitation and enhancement actions shall be documented in the wildlife ~~management~~mitigation plan and shall include a map and text.

~~Rehabilitation and enhancement actions shall be documented in the wildlife management plan and shall include a map and text.~~

G. The project applicant shall prepare and implement a 3-year monitoring plan when the affected ~~wildlife area or~~ Priority Habitat or sensitive wildlife site is occupied by a species that is listed as endangered or threatened pursuant to federal or state wildlife lists. At a minimum, the project applicant shall prepare an annual report and shall track the status of the ~~wildlife area~~ Priority Habitat or sensitive wildlife site and the success of rehabilitation ~~and/~~or enhancement actions.

H. At the end of 3 years, rehabilitation and enhancement efforts may conclude if they are successful. In instances where rehabilitation and enhancement efforts have failed, the monitoring process shall be extended until the applicant satisfies the ~~rehabilitation and enhancement~~ wildlife mitigation plan guidelines.

Approval Criteria for Fences in Deer and Elk Winter Range

1. New fences in deer and elk winter range shall comply with the following guidelines:

   A. New fences in deer and elk winter range ~~shall~~ may be allowed only when necessary to control livestock or exclude wildlife from specified areas, such as gardens or sensitive wildlife sites. The areas fenced shall be the minimum necessary to meet the immediate needs of the project applicant.

   B. New and replacement fences that are allowed in winter range shall comply with the guidelines in the Forest Service document, *Specifications for Structural Range Improvements* (Sanderson et al. 1990), as summarized below~~,~~ and may be revised from time to time, unless the project applicant demonstrates the need for an alternative design. To allow deer and other wildlife safe passage:

      (1) To make it easier for deer to jump over the fence, the top wire shall not be more than 42 inches high.

      (2) The distance between the top two wires is critical for adult deer because their hind legs often become entangled between these wires. A gap of at least 10 inches shall be maintained between the top two wires to make it easier for deer to free themselves if they become entangled.

      (3) The bottom wire shall be at least 16 inches above the ground to allow fawns to crawl under the fence. It shall consist of smooth wire because barbs often injure animals as they crawl under fences.

      (4) Stays, or braces placed between strands of wire, shall be positioned between fence posts where deer are most likely to cross. Stays create a more rigid fence, which allows deer a better chance to wiggle free if their hind legs become caught between the top two wires.

   C. Woven wire fences may be authorized only when a project applicant clearly demonstrates that such a fence is required to meet ~~his/her~~their specific and immediate needs, such as controlling hogs and sheep.

RARE PLANTS

GMA Goals: Rare Plants

1. Ensure that new uses do not adversely affect rare plant species and ecosystems. ~~that are;~~

2. Encourage the protection of plant species that are classified as "List 3 (Review)" or "List 4 (Watch)" by the Oregon Biodiversity Information Center or "Monitor" by the Washington Natural Heritage Program.

3. Enhance the natural habitats of rare plant species.

GMA Objectives: Rare Plants

1. Use regulations to avoid adverse effects of development and land use within and near rare plant species and ecosystems.

~~1.~~2. Update ~~the~~ rare plant species data~~inventory~~ as new plant sites are discovered and federal or state rare plant lists are revised. The ~~update will be conducted by the~~ Gorge Commission will obtain updated data from each state when it becomes available, ensure that landowner survey information is reported to the responsible agency, and support additional survey efforts.

~~2.~~3. Promote public programs that offer incentives ~~to~~for landowners to~~who~~ protect and enhance ~~sensitive~~ rare plants. The Gorge Commission shall ~~notify~~ inform landowners whose property ~~has been designated Large Scale or Small Scale Agriculture, Commercial Forest Land, or Large or Small Woodland and~~ contains ~~sensitive~~ rare plant species. It shall inform landowners about the values of ~~sensitive~~ rare plants and the rationale for regulating new uses near ~~sensitive~~ rare plant sites, including cultivation.

GMA Policies: Rare Plants

1. For the Management Plan, **rare plants** are:

   A. Endemic to the Columbia River Gorge and vicinity. Table 2 lists the endemic plants as of the date of adoption of this Management Plan revision, which the Gorge Commission developed in consultation with the Oregon Biodiversity Information Center and Washington Natural Heritage Program.

   B. Listed as endangered or threatened pursuant to federal or state endangered species acts, or

C. ~~Listed as endangered, threatened, or sensitive~~ Designated global or state status ranks 1, 2, or 3 by the Oregon Biodiversity Information Center or Washington Natural Heritage Program. This includes designated native plant communities. ~~For brevity, these species will be referred to as "sensitive" or "rare" plant species.~~

D. Updated lists of ~~sensitive~~ plant species and ecosystems included in (B) and (C) above can be found on the websites for the Oregon Biodiversity Information Center or Washington Natural Heritage Program. ~~A list also is maintained by t~~The ~~USDA~~ Forest Service ~~Scenic Area Office~~ and ~~available at~~ the Gorge Commission ~~office and on its website~~ also maintain updated lists.

2. Newly discovered rare plant sites and plant species that are added to federal or state rare plant lists shall be protected. Species that are deleted from federal or state rare plant lists will not require further protection.

3. ~~The r~~Rare plant species data~~inventory~~ shall be used to identify possible conflicts between proposed uses and rare plant sites. Project applicants should consult the local government early in the planning process to help determine if rare plants exist in the project area.

4. When new uses are proposed near a ~~sensitive~~ rare plant site that appears in ~~the~~ rare plant species data~~inventory~~, the field survey records shall be used to determine the precise location of the plant population in relation to the proposed use. If the field survey records are inadequate, a field survey shall be conducted to delineate the boundaries of the ~~sensitive~~ rare plant population.

5. Rare Plant Buffer Zones shall be used to ensure that new uses do not adversely affect ~~sensitive~~ rare plant species.

6. Except for uses allowed outright, new uses shall be prohibited within ~~sensitive~~ rare plant ~~species~~ sites and buffer zones.

7. Landowners and agency officials shall be encouraged to avoid siting new uses on lands containing plant species listed as "Review," "Watch," or "Monitor" by the Oregon Biodiversity Information Center or Washington Natural Heritage Program.

GMA Guidelines: Rare Plants

Review Uses

1. Except uses allowed outright, proposed uses may be allowed within 1,000 feet of a ~~sensitive~~ rare plant, subject to compliance with guidelines for the protection of scenic, natural, cultural, and recreation resources and "Approval Criteria for Review

Uses Near Rare ~~Sensitive~~ Plants" in this section. ~~Updated lists of rare sensitive plant species can be found on the websites for the Oregon Biodiversity Information Center or Washington Natural Heritage Program. A list also is maintained by the USDA Forest Service – National Scenic Area Office and available at the Gorge Commission office and on its website.~~

2. Proposed uses within 1,000 feet of a sensitive plant shall be evaluated for adverse effects, including cumulative effects, and adverse effects shall be prohibited. ~~*(Added: CRGC adoption 2/9/16; U.S. Sec. Ag. concurrence 8/4/16)*~~

Site Plans and Field Surveys for Review Uses Near ~~Sensitive~~ Rare Plants

1. In addition to the information required in all site plans, site plans for uses within 1,000 feet of a ~~sensitive~~ rare plant site shall include a map prepared at a scale of 1 inch equals 100 feet (1:1,200), or a scale providing greater detail.

2. A field survey to identify ~~sensitive~~ rare plants shall be required for

   A. ~~land~~ Land divisions that create four or more parcels;

   B. ~~recreation~~ Recreation facilities that contain parking areas for more than 10 cars, overnight camping facilities, boat ramps, or visitor information and environmental education facilities;

   C. ~~public~~ Public transportation facilities that are outside improved rights-of-way;

   D. ~~electric~~ Electric facilities, lines, equipment, and appurtenances that are 33 kilovolts or greater; and

   E. ~~communications~~Communications, water and sewer, and natural gas transmission (as opposed to distribution) lines, pipes, equipment, and appurtenances and other project related activities, except when all of their impacts will occur inside previously disturbed road, railroad or utility corridors, or existing developed utility sites, that are maintained annually.

3. Field surveys shall cover all areas affected by the proposed use or recreation facility. They shall be conducted by a person with recognized expertise in botany or plant ecology hired by the project applicant. They shall be conducted when plants are expected to be flowering or most easily detectable. Field surveys shall identify the precise location of the ~~sensitive~~ rare plants and delineate a 200-foot buffer zone. The results of a field survey shall be shown on the site plan map and kept confidential by the local government as required by state law.

Approval Criteria for Review Uses Near ~~Sensitive~~ Rare Plants

1. Uses that are proposed within 1,000 feet of a ~~sensitive~~ rare plant shall be reviewed by the Oregon Biodiversity Information Center or Washington Natural Heritage Program. The approximate locations of ~~sensitive~~ rare plants are shown in ~~the~~ rare plant species data~~inventory~~. State heritage staffs will help determine if a new use would invade the buffer zone of ~~sensitive~~ rare plants.

2. The local government shall submit site plans to the state heritage program. The state heritage staffs will review the site plan and their field survey records. They will identify the precise location of the affected plants and delineate a 200-foot buffer zone on the project applicant's site plan.

3. If the field survey records of the state heritage program are inadequate, the project applicant shall hire a person with recognized expertise in botany or plant ecology to ascertain the precise location of the affected plants.

4. The rare plant protection process may conclude if the local government, in consultation with the state heritage program, determines that the proposed use would be located outside of a ~~sensitive~~ rare plant buffer zone.

5. New uses shall be prohibited within ~~sensitive~~ rare plant ~~species~~ buffer zones, except for those uses that are allowed outright.

6. If a proposed use must be allowed within a ~~sensitive~~ rare plant buffer zone in accordance with the provisions in "Variances for Setbacks and Buffers" in Part II, Chapter 7: General Policies and Guidelines, the project applicant shall prepare a protection and rehabilitation plan that complies with the guidelines in "~~Protection and Rehabilitation Plans~~Rare Plant Mitigation Plans " in this section.

7. The local government shall submit a copy of all field surveys and protection and rehabilitation plans to the Oregon Biodiversity Information Center or Washington Natural Heritage Program. The state heritage program will have 20 days from the date that a field survey is mailed to submit written comments to the local government.

8. The local government shall record and address any written comments submitted by the state heritage program in its development review order.

9. Based on the comments from the state heritage program, the local government will make a final decision on whether the proposed use would be consistent with the rare plant policies and guidelines. If the final decision contradicts the comments submitted by the state heritage program, the local government shall justify how it reached an opposing conclusion.

~~Sensitive~~ Rare Plant Buffer Zones

1. A 200-foot buffer zone shall be maintained around ~~sensitive~~ rare plants. Buffer zones shall remain in an undisturbed, natural condition.

2. Buffer zones may be reduced if a project applicant demonstrates that intervening topography, vegetation, manmade features, or natural plant habitat boundaries negate the need for a 200-foot radius. Under no circumstances shall the buffer zone be less than 25 feet.

3. Requests to reduce buffer zones shall be considered if a professional botanist or plant ecologist hired by the project applicant (1) identifies the precise location of the ~~sensitive~~ rare plants, (2) describes the biology of the ~~sensitive~~ rare plants, and (3) demonstrates that the proposed use will not have any negative effects, either direct or indirect, on the affected plants and the surrounding habitat that is vital to their long-term survival. All requests shall be prepared as a written report. Published literature regarding the biology of the affected plants and recommendations regarding their protection and management shall be cited. The report shall include detailed maps and photographs.

   ~~All requests shall be prepared as a written report. Published literature regarding the biology of the affected plants and recommendations regarding their protection and management shall be cited. The report shall include detailed maps and photographs.~~

4. The local government shall submit all requests to reduce ~~sensitive~~ rare plant ~~species~~ buffer zones to the Oregon Biodiversity Information Center or Washington Natural Heritage Program. The state heritage program will have 20 days from the date that such a request is mailed to submit written comments to the local government.

5. The local government shall record and address any written comments submitted by the state heritage program in its development review order.

6. Based on the comments from the state heritage program, the local government will make a final decision on whether the reduced buffer zone is justified. If the final decision contradicts the comments submitted by the state heritage program, the local government shall justify how it reached an opposing conclusion.

~~Protection and Rehabilitation~~ Rare Plant Mitigation Plans ~~Plans~~

1. ~~Protection and rehabilitation~~Rare Plant Mitigation Plans shall minimize and offset unavoidable impacts that result from a new use that occurs within a ~~sensitive~~ rare plant buffer zone as the result of a variance. ~~All plans shall meet the following guidelines:~~

2. Rare Plant Mitigation Plans ~~Protection and rehabilitation plans~~ shall be prepared by a professional botanist or plant ecologist hired by the project applicant.

3. Construction, protection, and rehabilitation activities shall occur during the time of year when ground disturbance will be minimized and protection, rehabilitation, and replacement efforts will be maximized.

4. ~~Sensitive~~ Rare plants that will be ~~destroyed~~ 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.

5. 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. ~~Sensitive~~ Rare plants and their surrounding habitat that will not be altered ~~or destroyed~~ shall be protected and maintained. Appropriate protection and maintenance techniques shall be applied, such as fencing, conservation buffers, livestock management, and noxious weed control.

7. Habitat of a ~~sensitive~~ rare plant that will be affected by temporary uses shall be rehabilitated to a natural condition.

8. Protection efforts shall be implemented before construction activities begin. Rehabilitation efforts shall be implemented immediately after the plants and their surrounding habitat are disturbed.

9. Rare Plant Mitigation Plans ~~Protection and rehabilitation plans~~ shall include maps, photographs, and text. The text shall:

    a. Describe the biology of ~~sensitive~~ rare plant species that will be affected by a proposed use.

    b. Explain the techniques that will be used to protect ~~sensitive~~ rare plants and their surrounding habitat that will not be altered ~~or destroyed.~~

    c. Describe the ~~rehabilitation and enhancement~~mitigation actions that will minimize and offset the impacts that will result from a proposed use.

    d. Include a 3-year monitoring, maintenance, and replacement program. The project applicant shall prepare and submit to the local government an annual report that documents milestones, successes, problems, and contingency actions.

GMA/SMA: Practicable Alternative Test

1. 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.

2. A practicable alternative does not exist if a project applicant satisfactorily demonstrates all of the following:

A. 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, wildlife areas and sites, or plant areas and~~/or~~ sites.

B. 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, wildlife areas and sites, or plant areas and~~/or~~ sites.

C. 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 ~~r~~Recreation ~~i~~Intensity ~~c~~Class is a constraint, an applicant must request a Management Plan amendment to demonstrate that practicable alternatives do not exist.

SMA PROVISIONS

WATER RESOURCES (WETLANDS, STREAMS, PONDS, LAKES, AND RIPARIAN AREAS)

SMA Goal: Water Resources

1. Protect and enhance the quantity and quality of water resources and their functions.

SMA Policies: Water Resources

1. All wetlands, regardless of their size or functions, warrant protection from new uses that may alter ~~or destroy~~ wetlands functions.

2. The National Wetlands Inventory (U.S. Department of the Interior 1987) and the list of hydric soils shall be used as a general guide to the location of wetlands; additional wetlands are assumed to exist and shall be protected.

3. The exact location of wetlands boundaries shall be delineated using the procedures specified in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands (1987 Corps of Engineers Wetland Delineation Manual, on-line edition) and applicable Regional Supplements.

4. An undisturbed buffer should be preserved around wetlands, streams, ponds, and lakes to protect and enhance their functions and associated uplands.

5. Uses that may impact wetland, streams, ponds, lakes, and riparian areas acreage and functions, water quality, natural drainage, or wildlife habitat may be allowed in their buffer zones, subject to compliance with guidelines for the protection of scenic, natural, cultural, and recreation resources and the approval criteria in this section.

6. A project applicant shall minimize and offset unavoidable impacts to aquatic areas and their buffer zones that result from ~~his/her~~their actions by rehabilitating or enhancing aquatic and riparian areas or by restoring, creating, and enhancing wetlands.

7. When uses are authorized in degraded aquatic and riparian areas, rehabilitation shall return the project area to its natural condition to the maximum extent practicable.

8. Project proposals affecting wetlands shall be coordinated with federal and state agencies that regulate new uses in wetlands.

9. Enhancement of wetlands, streams, ponds, lakes, and riparian areas not associated with any other project proposal may be allowed, if such efforts comply with the

wetlands, streams, ponds, lakes, and riparian areas provisions in the Management Plan. Enhancement efforts shall be conducted pursuant to a ~~mitigation~~written plan, ~~as~~ consistent with the guidelines described in this section.

10. All mitigation plans must be approved by the local government, after consultation with federal and state agencies with jurisdiction over wetlands.

11. Partnerships with public agencies, conservation groups, and individuals are encouraged to increase public awareness, understanding, and stewardship of natural resources.

12. The Special Management Area water resource buffer widths shall be applied to National Forest System lands in the General Management Area.

13. Proposed uses that would adversely affect water resources (wetlands, streams, ponds, lakes, and riparian areas) shall be prohibited. ~~*(Added: U.S. Sec. Ag. concurrence 8/4/16)*~~

WILDLIFE AND PLANTS

SMA Goals: Wildlife and Plants

1. Protect (ensure that new uses do not adversely affect, including cumulative effects) and enhance the wildlife and plant diversity of the Gorge.

2. Encourage the protection of plant species that are classified as "List 3 (Review)" or "List 4 (Watch)" by the Oregon ~~Natural Heritage Program~~ Biodiversity Information Center or "Monitor" by the Washington Natural Heritage Program.

3. Ensure that new uses do not adversely affect ~~n~~Natural ~~a~~Areas that are potentially eligible for the Oregon Register of Natural Heritage Resources or the Washington Register of Natural Areas Program.

SMA Policies: Wildlife and Plants

1. Natural resources existing on a site proposed for a new development or land use, ~~and/~~or natural resources in danger of degradation or destruction from individual or cumulative off-site impacts, shall be protected from adverse effects.

2. Significant ecosystems such as ~~n~~Natural ~~a~~Areas, wetlands, ponds, lakes, riparian areas, old growth forests, islands, and areas of special importance such as botanical areas, sensitive wildlife sites, priority habitats, ~~and~~ fishery habitats, and oak woodlands shall be protected from adverse effects.

3. Existing habitat quality, viable populations, and long-term productivity of natural resources and ecosystem diversity shall be maintained.

4. County, state, and federal regulations for air and water quality and for pesticide use shall be followed.

5. Newly discovered ~~sensitive~~ rare wildlife and rare plant species, areas and sites that are added to federal or state wildlife and plant lists shall be protected. Species that are deleted from federal or state wildlife and plant lists will not require further protection. Updated lists of ~~sensitive~~ rare wildlife and rare plant species can be found on websites for the Washington Department of Fish and Wildlife, the Wildlife Division of Oregon Department of Fish and Wildlife, the Oregon Biodiversity Information Center, or Washington Natural Heritage Program. A list also is maintained by the ~~USDA~~ Forest Service ~~Scenic Area Office~~ and available at the Gorge Commission office and on its website.

6. To help ensure that rare ~~sensitive~~ wildlife and rare plant species are not disturbed, ~~the sensitive~~ wildlife and plant data~~inventory~~ shall be kept confidential.

7. Habitat areas of animal species that are classified as endangered or threatened by federal or state endangered species acts or the ~~Washington Wildlife Commission~~relevant state wildlife commission may be designated Open Space; the guidelines in this chapter shall be used to protect other ~~sensitive~~ rare wildlife areas and sites.

8. Proposed uses that would adversely affect ~~sensitive~~ rare wildlife or rare plant areas or sites shall be prohibited. Uses adversely affect rare wildlife or rare plant sites and areas when they compromise the integrity of an area or site, or occur during a time of the year when affected wildlife or plant species are sensitive to disturbance.

9. Adequate buffer zones shall be maintained ~~to protect sensitive~~ for rare wildlife and rare plant areas or sites from new uses. The width of wildlife buffer zones shall be determined on a case-by-case basis and shall reflect the biology of the affected species and the characteristics of the project site and the proposed use. The width of the rare plant buffer zone shall be 200 ft.

10. The size, scope, configuration, density, and timing of new uses within wildlife or plant buffer zones shall be regulated to protect ~~sensitive~~ rare ~~wildlife~~ species.

11. Site-specific plans shall be required before most new uses will be allowed within wildlife and plant buffer zones.

12. Rehabilitation ~~and/~~or enhancement shall be required to offset unavoidable impacts to wildlife and plant habitats that result from new uses.

13. Natural ~~a~~Areas that are potentially eligible for the Oregon Register of Natural Heritage Resources or the Washington Register of Natural Areas Program shall be designated as Open Space in the SMAs.

14. Partnerships with public agencies, conservation groups, and individuals are encouraged to increase public awareness, understanding, and stewardship of natural resources.

15. Air quality shall be protected and enhanced, consistent with the purposes of the National Scenic Area Act. The sStates of Oregon and Washington and the ~~U.S.~~ Forest Service shall:

    A. Continue to monitor air pollution and visibility levels in the Gorge;

    B. Conduct an analysis of monitoring and emissions data to identify all sources, both inside and outside the National Scenic Area, that significantly contribute to air pollution. Based on this analysis, the states of Oregon and Washington ~~States~~ shall develop and implement a regional air quality strategy to carry out the purposes of the National Scenic Area Act, with the ~~U.S.~~ Forest Service, the Southwest Air Pollution Control Authority and in consultation with affected stakeholders.

    The states of Oregon and Washington~~States~~ and the Forest Service shall together provide annual reports to the Gorge Commission on progress made regarding implementation of this policy. The first report shall include a workplan and timeline for gathering/analyzing data and developing and implementing the strategy. The workplan and strategy shall be submitted to the Gorge Commission for approval.

SMA Guidelines: Water Resources / Wildlife and Plants

1. All new developments and uses, as described in a site plan prepared by the applicant, shall be evaluated using the following guidelines to ensure that natural resources are protected from adverse effects. Cumulative effects analysis is not required for expedited review uses or developments. Comments from state and federal agencies shall be carefully considered. (Site plans are described under "Review Uses" in Part II, Chapter 7: General Policies and Guidelines.) *(Revised U.S. Sec. Ag. Concurrence 8/4/16)*

2. Water Resources (Wetlands, Streams, Ponds, Lakes, and Riparian Areas)

   A. All Water Resources shall, in part, be protected by establishing undisturbed buffer zones as specified in 2.A.(2)(a) and 2(b) below. These buffer zones are measured horizontally from a wetland, stream, lake, or pond boundary as defined below.

      (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.

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

         (c) Maintenance, repair, reconstruction and realignment of roads and railroads within their rights-of-way shall be exempted from the wetlands and riparian guidelines upon demonstration of all of the following:

            (i) The wetland within the right-of-way is a drainage ditch not part of a larger wetland outside of the right-of-way.

            (ii) The wetland is not critical habitat.

(iii) Proposed activities within the right-of-way would not adversely affect a wetland adjacent to the right-of-way.

(3) The buffer width shall be increased for the following:

(a) When the channel migration zone exceeds the recommended buffer width, the buffer width shall extend to the outer edge of the channel migration zone.

(b) When the frequently flooded area exceeds the recommended riparian buffer zone width, the buffer width shall be extended to the outer edge of the frequently flooded area.

(c) When an erosion or landslide hazard area exceeds the recommended width of the buffer, the buffer width shall be extended to include the hazard area.

(4) Buffer zones can be reconfigured if a project applicant demonstrates all of the following: (1) the integrity and function of the buffer zone is maintained, (2) the total buffer area on the development proposal is not decreased, (3) the width reduction shall not occur within another buffer, and (4) the buffer zone width is not reduced more than 50% at any particular location. Such features as intervening topography, vegetation, man-made features, natural plant or wildlife habitat boundaries, and flood plain characteristics could be considered.

(5) Requests to reconfigure buffer zones shall be considered if an appropriate professional (botanist, plant ecologist, wildlife biologist, or hydrologist) hired by the project applicant (1) identifies the precise location of the ~~sensitive~~ rare wildlife/plant or water resource, (2) describes the biology of the ~~sensitive~~ rare wildlife/plant or hydrologic condition of the water resource, and (3) demonstrates that the proposed use will not have any negative effects, either direct or indirect, on the affected wildlife/plant and their surrounding habitat that is vital to their long-term survival or water resource and its long-term function.

(6) The local government shall submit all requests to re-configure ~~sensitive~~ rare wildlife/plant or water resource buffers to the Forest Service and the appropriate state agencies for review. All written comments shall be included in the project file. Based on the comments from the state and federal agencies, the local government will make a final decision on whether the reconfigured buffer zones are justified. If the final decision contradicts the comments submitted by the federal and state agencies, the local government shall justify how it reached an opposing conclusion.

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.

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

D. Wetlands Boundaries shall be delineated using the following:

(1) The approximate location and extent of wetlands in the National Scenic Area is shown on the National Wetlands Inventory (U.S. Department of the Interior~~, 1987~~). In addition, the list of hydric soils and the soil survey maps shall be used as an indicator of wetlands.

(2) Some wetlands may not be shown on the wetlands inventory or soil survey maps. Wetlands that are discovered by the local planning staff during an inspection of a potential project site shall be delineated and protected.

(3) The project applicant shall be responsible for determining the exact location of a wetlands boundary. Wetlands boundaries shall be delineated using the procedures specified in the 'Corps of Engineers Wetland Delineation Manual~~, 1987~~ (on-line edition)' and applicable Regional Supplements.

(4) All **wetlands** delineations shall be conducted by a professional who has been trained to use the federal delineation procedures.~~., such as a soil scientist, botanist, or wetlands ecologist.~~

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. The local government 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, the local government shall obtain professional services, at the project applicant's expense, or the local government will ask for technical assistance from the Forest Service to render a final delineation.

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

H. The proposed use must have no practicable alternative as determined by the practicable alternative test.

(1) 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.

(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, and

(b) Impacts to the wetland must be the last possible documented alternative in fixing the public safety concern or completing the restoration/enhancement project, and

(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 SMA mitigation plan.

I. 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. ~~*(Added: U.S. Sec. Ag. concurrence 7/1/11; revised U.S. Sec. Ag. concurrence 8/4/16)*~~

3. Wildlife and Plants

A. Protection of ~~sensitive~~ wildlife/plant areas and sites shall begin when proposed new development~~s~~ or uses are within 1000 feet of a rare wildlife~~/plant site and/or area~~ or rare plant area or site. ~~sensitive~~ Rare wildlife areas are those areas depicted in ~~the~~ wildlife data~~inventory and listed in Table 2~~, including all sensitive wildlife sites and Priority Habitats listed in this Chapter. The approximate locations of ~~sensitive~~ rare wildlife and~~/or~~ rare plant areas and sites are shown in ~~the~~ wildlife and rare plant data~~inventory~~.

B. The local government shall submit site plans (of uses that are proposed within 1,000 feet of a ~~sensitive~~ rare wildlife ~~and/~~or rare plant area or site) for review to the Forest Service and the appropriate state agencies (Oregon Department of Fish and Wildlife or the Washington Department of Wildlife for wildlife issues and by the Oregon Biodiversity Information Center or Washington Natural Heritage Program for plant issues).

C. The Forest Service wildlife biologists and~~/or~~ botanists, in consultation with the appropriate state biologists, shall review the site plan and their field survey records. They shall:

(1) Identify/verify the precise location of the wildlife ~~and/~~or plant area or site,

(2) Determine if a field survey will be required,

(3) Determine, based on the biology and habitat requirements of the affected wildlife/plant species, if the proposed use would compromise the integrity and function of or result in adverse effects (including cumulative effects) to the wildlife and~~or~~ plant area or site. This would include considering the time of year when wildlife and~~or~~ plant species are sensitive to disturbance, such as nesting and rearing seasons, or flowering season, and,

(4) Delineate the undisturbed 200-ft buffer on the site plan for ~~sensitive~~ rare plants ~~and/~~or the appropriate buffer for ~~sensitive~~ rare wildlife areas or sites, including nesting, roosting, and perching sites.

(a) Buffer zones can be reconfigured if a project applicant demonstrates all of the following: (1) the integrity and function of the buffer zones is maintained, (2) the total buffer area on the development proposal is not decreased, (3) the width reduction shall not occur within another buffer, and (4) the buffer zone width is not reduced more than 50% at any particular location. Such features as intervening topography, vegetation, man made features, natural plant or wildlife habitat boundaries, and flood plain characteristics could be considered.

(b) Requests to reduce buffer zones shall be considered if an appropriate professional (botanist, plant ecologist, wildlife biologist, or hydrologist), hired by the project applicant, (1) identifies the precise location of the ~~sensitive~~ rare wildlife/plant or water resource, describes the biology of the ~~sensitive~~ rare wildlife/plant or hydrologic condition of the water resource, and (3) demonstrates that the proposed use will not have any negative effects, either direct or indirect, on the affected wildlife/plant and their surrounding habitat that is vital to their long-term survival or to the water resource and its long-term function.

(c) The local government shall submit all requests to re-configure ~~sensitive~~ rare wildlife/plant or water resource buffers to the Forest Service and the appropriate state agencies for review. All written comments shall be included in the record of application and based on the comments from the state and federal agencies, the local

government will make a final decision on whether the reduced buffer zone is justified. If the final decision contradicts the comments submitted by the federal and state agencies, the local government shall justify how it reached an opposing conclusion.

D. The local government, in consultation with the ~~State~~ state and federal wildlife biologists and~~/or~~ botanists, shall use the following criteria in reviewing and evaluating the site plan to ensure that the proposed development~~s~~ or uses do not compromise the integrity and function of or result in adverse ~~ac~~effects to the wildlife ~~or~~ and plant area or site:

(1) Published guidelines regarding the protection and management of the affected wildlife/plant species. Examples include: the Oregon Department of Forestry ~~has prepared technical papers that include~~ management guidelines for osprey and great blue heron; ~~the~~ Washington Department of Wildlife ~~has prepared similar~~ guidelines for a variety of species, including the western pond turtle, the peregrine falcon, and the Larch Mountain salamander.

(2) Physical characteristics of the subject parcel and vicinity, including topography and vegetation.

(3) Historic, current, and proposed uses in the vicinity of the ~~sensitive~~ rare wildlife**/**plant area or site.

(4) Existing condition of the wildlife/plant area or site and the surrounding habitat ~~and the useful life~~ of the area or site.

(5) In areas of winter range, habitat components, such as forage and thermal cover, important to the viability of the wildlife must be maintained or, if impacts are to occur, enhancement must mitigate the impacts so as to maintain overall values and function of winter range.

(6) The site plan is consistent with published guidance documents such as "Oregon Guidelines for Timing of In-Water Work to Protect Fish and Wildlife Resources" (Oregon Department of Fish and Wildlife ~~2000~~2008 or most recent version) and ~~the~~ Washington's Aquatic Habitat Guidelines (2002 or most recent version) ~~guidelines when they become finalized~~.

(7) The site plan activities coincide with periods when fish and wildlife are least sensitive to disturbance. These would include, among others, nesting and brooding periods (from nest building to fledgling of young) and those periods specified.

(8) The site plan illustrates that new developments and uses, including bridges, culverts, and utility corridors, shall not interfere with fish and wildlife passage.

(9) Maintain, protect, and enhance the integrity and function of Priority Habitats (such as old growth forests, talus slopes, and oak woodlands) as listed on the following Priority Habitats Table 1. This includes maintaining structural, species, and age diversity, maintaining connectivity within and between plant communities, and ensuring that cumulative impacts are considered in documenting integrity and function.

E. The wildlife/plant protection process may terminate if the local government, in consultation with the Forest Service and state wildlife agency or hHeritage program, determines (1) the sensitive rare wildlife area or site is not active, or (2) the proposed use is not within the buffer zones and would not compromise the integrity of the wildlife/plant area or site, and or (3) the proposed use is within the buffer and could be easily moved out of the buffer by simply modifying the project proposal (site plan modifications). If the project applicant accepts these recommendations, the local government shall incorporate them into its development review order and the wildlife/plant protection process may conclude.

F. If the above measures fail to eliminate the adverse aeffects, 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.

G. The local government shall submit a copy of all field surveys (if completed) and mitigation plans to the Forest Service and appropriate state agencies. The local government shall include all comments in the record of application and address any written comments submitted by the state and federal wildlife agency/heritage programs in its development review order.

H. Based on the comments from the state and federal wildlife agency/heritage program, the local government shall make a final decision on whether the proposed use would be consistent with the wildlife/plant policies and guidelines. If the final decision contradicts the comments submitted by the state and federal wildlife agency/heritage program, the local government shall justify how it reached an opposing conclusion.

I. The local government shall require the project applicant to revise the mitigation plan as necessary to ensure that the proposed use would not adversely affect a sensitive rare wildlife/plant area or site.

4. Soil Productivity

A. 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.

GMA/SMA: Practicable Alternative Test

1. ~~1.~~ 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.

~~1.~~2. A practicable alternative does not exist if a project applicant satisfactorily demonstrates all of the following:

A. 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 ~~and/~~or sites.

B. 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 ~~and/~~or sites.

C. 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 ~~r~~Recreation ~~i~~Intensity ~~c~~Class is a constraint, an applicant must request a Management Plan amendment to demonstrate that practicable alternatives do not exist.

SMA Mitigation Plans

1. Mitigation Plans shall be prepared when:

A. The proposed development or use is within a buffer zone (wetlands, ponds, lakes, riparian areas, or wildlife or plant areas ~~and/~~or sites).

B. There is no practicable alternative (see the "practicable alternative" test).

2. In all cases, ~~M~~mitigation ~~P~~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).

3. The primary purpose of this information is to provide a basis for the project applicant to redesign the proposed use in a manner that protects the identified ~~sensitive~~ water resources and rare wildlife/plant areas and sites, that maximizes ~~his/her~~their development options, and that mitigates, through restoration, enhancement, creation and replacement measures, impacts to the water resources and~~/or~~ wildlife and ~~/~~plant area or site and~~/or~~ buffer zones.

4. The applicant shall submit the mitigation plan to the local government. The local government shall submit a copy of the mitigation plan to the Forest Service, and appropriate state agencies. If the final decision contradicts the comments submitted by the state and federal wildlife agency/heritage program, the local government shall justify how it reached an opposing conclusion.

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

6. Mitigation plans shall include maps, photographs, and text. The text shall:

A. Describe the biology and~~/or~~ function of the ~~sensitive~~ protected resources (e.g. wildlife/plant species or wetland) that will be affected by a proposed use. An ecological assessment of the ~~sensitive~~ protected resource ~~to be altered or destroyed~~ and the condition of the resource that will result after restoration ~~will~~ shall be required. Reference published protection and management guidelines.

B. Describe the physical characteristics of the subject parcel, past, present, and future uses, and the past, present, and future potential impacts to the ~~sensitive~~ protected resources. Include the size, scope, configuration, or density of new uses being proposed within the buffer zone.

C. Explain the techniques that will be used to protect the ~~sensitive~~ protected resources and their surrounding habitat that will not be altered ~~or destroyed~~ (for example, delineation of core habitat of the ~~sensitive~~ 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).

D. Show how restoration, enhancement, and ~~replacement (~~creation~~)~~ measures will be applied to ensure that the proposed use results in minimum feasible impacts to ~~sensitive~~ protected resources, their buffer zones, and associated habitats.

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

7. At a minimum, a project applicant shall provide to the local government 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.

8. A final monitoring report shall be submitted to the local government 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 ~~sensitive~~ rare wildlife/plant species and shall demonstrate the success of restoration ~~and/~~or enhancement actions. The local government shall submit copies of the monitoring report to the Forest Service; who shall offer technical assistance to the local government 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.

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

A. Restoration and enhancement efforts shall be completed no later than one year after the ~~sensitive~~ protected resource or buffer zone has been altered ~~or destroyed~~, or as soon thereafter as is practicable.

B. 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 ~~must~~ shall survive. All plantings ~~must~~ shall be with native plant species that replicate the original vegetation community.

C. 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.

D. If this standard is not feasible or practical because of technical constraints, a ~~sensitive~~ protected resource of equal or greater benefit may be substituted, provided that no net loss of ~~sensitive~~ protected resource functions occurs and provided the local government, in consultation with the appropriate s~~S~~tate and f~~F~~ederal agency, determine that such substitution is justified.

E. Rare ~~sensitive~~ plants that will be ~~destroyed~~ 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.

~~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~~

F. Nonstructural controls and natural processes shall be used to the greatest extent practicable.

(1) Bridges, roads, pipeline and utility corridors, and other water crossings shall be minimized and should serve multiple purposes and properties.

(2) 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 demonstrated by the "~~'~~Practicable Alternative Test~~'~~."

(3) Fish passage shall be protected from obstruction.

(4) Restoration of fish passage should occur wherever possible.

(5) 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.

(6) 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.

(7) Those portions of a proposed use that are not water-dependent or that have a practicable alternative shall~~will~~ be located outside of stream, pond, and lake buffer zones.

(8) Streambank and shoreline stability shall be maintained or restored with natural vegetation.

(9) The size of restored, enhanced, and ~~replacement (~~creat~~ed~~ion)~~ 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~~ or destroyed~~.

Restoration: 2: 1
Creation: 3: 1
Enhancement: 4: 1

G. 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 ~~M~~mitigation ~~P~~plan. The monitoring report shall be submitted to the local government to ensure compliance. The Forest Service, in consultation with appropriate state agencies, shall extend technical assistance to the local government to help evaluate such reports and any subsequent activities associated with compliance.

H. 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 Guideline 9.F.(9). These transactions shall be explained in detail in the Mitigation Plan and shall be fully monitored and documented in the monitoring report.

Table 1 - Priority Habitat

Priority Habitats	Criteria
Aspen stands	High fish and wildlife species diversity, limited availability, high vulnerability to habitat alteration.
Caves	Significant wildlife breeding habitat, limited availability, dependent species.
Old-growth forest	High fish and wildlife density, species diversity, breeding habitat, seasonal ranges, and limited and declining availability, high vulnerability.
Oregon white oak woodlands	Comparatively high fish and wildlife density, species diversity, declining availability, high vulnerability.
Prairies and steppe	Comparatively high fish and wildlife density, species diversity, important breeding habitat, declining and limited availability, high vulnerability.
Riparian	High fish and wildlife density, species diversity, breeding habitat, movement corridor, high vulnerability, dependent species.
Wetlands	High species density, high species diversity, important breeding habitat and seasonal ranges, limited availability, high vulnerability.
Snags and logs	High fish and wildlife density, species diversity, limited availability, high vulnerability, dependent species.
Talus	Limited availability, unique and dependent species, high vulnerability.
Cliffs	Significant breeding habitat, limited availability, dependent species.

Dunes	Unique species habitat, limited availability, high vulnerability, dependent species.
Winter Range	Provides important wintering habitat for deer and elk.

Priority Habitats are defined by the Forest Service and state wildlife agencies through State Wildlife Action Plan efforts.

Table 2 - Columbia Gorge and Vicinity Endemic Plant Species

Common Name	Scientific Name
Howell's bentgrass	*Agrostis howellii*
~~Northern wormwood*~~	~~*Artemisia campestris* var. *wormskioldii*~~
Hood River milk-vetch	*Astragalus hoodianus*
~~Howell's reedgrass**~~	~~*Calamagrostis howellii*~~
Smooth-leaf douglasia	*Douglasia laevigata* var. *laevigata*
Howell's daisy	*Erigeron howellii*
Columbia Gorge daisy	*Erigeron oreganus*
Klickitat biscuitroot***	*Lomatium klickitatense*
Long-beard hawkweed	*Hieracium longiberbe*
Smooth desert parsley	*Lomatium laevigatum*
Suksdorf's desert parsley	*Lomatium suksdorfii*
~~Columbia Gorge broad-leaf lupine****~~	~~*Lupinus latifolius* var. *thompsonianus*~~
Barrett's penstemon	*Penstemon barrettiae*
~~Pacific bluegrass*****~~	~~*Poa gracillima* var. *multnomae*~~
Obscure buttercup	*Ranunculus reconditus*
Oregon sullivantia	*Sullivantia oregana*
Columbia kittentails	*Synthyris stellate*

Table 4

Natural Areas

Area	Acres	Vegetation/Terrain
Oregon:		
Angels Rest**	350	Excellent example of basalt cliffs in west end of Gorge; rare plants
Bridal Veil Creek**	320	High-quality, low-elevation riparian forest community
Celilo Ridge*	35	Basalt cliffs and tables with east-end vegetation; rare plants
Chenoweth Table*	300	Mound/swale topography, grassland with bitterbrush, vernal ponds
Columbia Oaks*	420	Oak savanna, native grasses, old-growth fir/pine; rare plants
Crates Point+	340	Grassland, pine-oak savanna, coniferous forest
Elowah Falls**	160	Habitats ranging from Douglas-fir forests to waterfall spray zones; rare plants
Forest Service Waterfalls**	320	Wetlands and waterfall spray zones with Douglas-fir forest and rare plants
Former Mouth of Sandy River**	500	Islands, shorelines and sand/silt bars containing largest population of *Rorippa columbiae*, a rare plant
Hood River Mountain*	240	Meadow with showy wildflowers; pine/oak woodland
Horsetail Creek Wetlands**	790	Wetlands and lowland deciduous forest communities
Kaser Ridge Dunes*	310	Largest sand dune in Gorge; rare plants
Memaloose State Park+	200	Riparian habitat; plateau and cliffs with rare plants
McCord Creek Meadows**	800	Full spectrum of wet meadow plant communities
Mosier Ponds**	40	Several seasonal ponds, wetlands
Multnomah Basin**	5,600	Wetlands, extensive old-growth communities, meadows, rock garden communities
Rooster Rock**	570	Wetlands and shorelines with rare marsh plant community and riparian forest
Rowena Plateau+	1,700	Grassland, vernal ponds, oak woodland
Ruckel Creek**	650	High gradient watershed with mix of west-end and east-end forest communities
Squally Point+	50	Remnant sand dune with diverse plants, native grasses
Starvation Creek State Park**	12	Some of largest waterfalls in eastern half of Gorge; rare plants
Tanner Creek**	1,000	Old-growth forest; rare plants
Warren Creek**	115	Waterfall spray zones, riparian areas, Douglas-fir / Oregon oak woodland, grassy meadow
Waterfalls State Parks**	80	Waterfall spray zones with associated plant communities; rare plants

Table 4 (cont'd)

Natural Areas

Area	Acres	Vegetation/Terrain
Washington:		
Beacon Rock State Park**	35	Douglas-fir/red alder forest with open areas; rare plants
Burdoin Mountain**	60	Old-growth Douglas-fir with scattered ponderosa pine
Cape Horn**	55	Topographic bench, basalt cliffs and slopes; rare plants
Columbia Falls**	765	Basalt cliffs, valleys and ridges with 120-175 foot waterfalls; old-growth Douglas-fir, grand fir, and red cedar; rare plants
Columbia Hills*	2,600	Ridge with moist draws, bunch grass prairies, scablands; rare plants
Columbia Tunnels*	15	High-quality oak woodland with native grasses
Dog Mountain**	2,700	East-west transition; fir and hemlock, oak, and ponderosa pine forests, with talus slopes and grasslands
East Fork of Major Creek**	640	Intact, original forest in eastern Gorge; Douglas-fir, ponderosa pine, grand fir, scattered old-growth trees
Hamilton Creek**	1,280	Old-growth patches of Douglas-fir and riparian communities
Horsethief Ponds*	280	Mound/swale topography with ponds; rare plants
Little Wind River**	1,150	Drainage basin, including riparian areas and steep slopes; Douglas-fir and western hemlock forest with old-growth stands and rare plants
Lower Klickitat River Canyon*	145	Oak woodland with native grasses; rare plants
Lower Major & Catherine Creeks**	3,000	Oregon white oak/ponderosa pine forests, with grassland and riparian areas; rare plants
Miller Island**	130	Sand dunes and basalt cliffs; rare plants
Mosley Lakes*	110	Wetlands
Pierce Island**	200	One of the least-disturbed Columbia River islands; cottonwood-Oregon ash and shoreline plant communities; rare plants
Prindle Mountain**	130	Douglas-fir forests, meadows; rare plants
Table Mountain/Greenleaf Basin**	2,300	Bluffs, meadows, wetlands, old-growth forest; rare plants
Underwood Mountain*	120	Douglas-fir forest with rare plants
West Fork of Sasquatch Creek**	430	Remnant old-growth stand of Douglas-fir; rare plants
Wind Mountain**	290	Intact, original Douglas-fir and Oregon white oak forests

* Natural areas in General Management Area (GMA)
** Natural areas in Special Management Area (SMA)
+ Natural areas that include land in GMA and SMA

Source: Washington Natural Heritage Program and Oregon Natural Heritage Database. *Identification of Representative Plant Communities and Botanically Significant Sites in the Columbia River Gorge National Scenic Area.* Washington Department of Natural Resources, Washington Natural Heritage Program; Oregon State Land Board, Oregon Natural Heritage Data Base, The Nature Conservancy, 1989.

CHAPTER

4

Recreation Resources

The Columbia River Gorge has ~~provided a multitude of outdoor~~connected people to recreation opportunities for ~~residents of the Northwest for many~~ decades.~~–~~ Its magnificent panoramas, waterfalls, and rock formations have awed sightseers in large numbers since the construction of the Historic Columbia River Highway~~ during and after World War I. Excellent opportunities~~. Opportunities for fishing, hiking, sailing and other outdoor activities abound.~~–~~ ~~The recreation identity of~~ Recently, the Gorge has become a worldwide destination for a variety of recreation activities. These have expanded to include ~~windsurfing, kite~~newer activities such as windsports, ~~sailing,~~ rafting and ~~mountain biking.~~cycling.

NATIONAL SCENIC AREA ACT PROVISIONS

The importance of recreation to the Gorge is reflected in a number of mandates and provisions of the National Scenic Area Act.~~–~~ Included in the first purpose of the Act is a directive to protect and enhance the recreation resources of the Columbia River Gorge [Section 3(1)].~~–~~

The Gorge Commission ~~is further~~was directed to assess recreation resources and opportunities for enhancement of these resources, as part of the inventory process. Section 6(a)(3) of the Act calls for completion of a "recreation assessment," which specifically directs the Gorge Commission to identify areas suitable for public use facilities and, subject to the treaty and other rights of Indian tribes, designate areas to provide increased access to the Columbia River and its tributaries for recreation purposes.~~–~~ In addition to the recreation assessment, the Gorge Commission is directed to "protect and enhance open spaces" [Section 6(d)(3)], which include "potential and existing recreation resources" and "Federal and State wild, scenic and recreation waterways" [Section 2(l)].

Several other important provisions of the National Scenic Area Act highlight the unique role of recreation in the ~~Scenic Area~~National Scenic Area.~~–~~ Section 6(d)(3) specifies that the Gorge Commission and Forest Service may allow the conversion of forest or agricultural land to recreation development.~~–~~ Recreation is the only type of new development for which such conversions are allowed.~~–~~ ~~The Act further encourages new recreation development by~~

~~authorizing the expenditure of $10 million for construction of recreation facilities. An additional $2.8 million is authorized for restoring and reconstructing the Historic Columbia River Highway for public recreational use.~~

The Act further encouraged new recreation development by authorizing the expenditure of $10 million to support the construction of recreation facilities. These became the Columbia Gorge Discovery Center and Skamania Lodge. An additional $2.8 million was authorized for the restoration and reconstruction of the Historic Columbia River Highway for public recreational use.

KEY ISSUES

Perhaps more than any other part of the ~~Scenic Area~~National Scenic Area Act, the recreation mandates pose a number of unique and formidable challenges.

The scenic beauty, numerous recreation opportunities and proximity to the Portland/Vancouver metropolitan area and communities within the Gorge make the Columbia River Gorge National Scenic Area of the most visited landscapes in the Pacific Northwest. In addition, the Gorge has now become a popular national and international tourist destination.
~~formidable challenges. Many of these challenges relate to the directive that the Gorge Commission and Forest Service increase recreational access to the Columbia River and its tributaries. Because of construction of federal highway and dam projects and the presence of railroads on both shores of the river, a very limited number of potentially usable areas for recreational river access exist. Many of these remnants of the once-extensive Columbia River floodplain include sensitive natural resources. Providing facilities in these few locations is made more difficult and costly by physical barriers to the river, such as the freeway or railroad tracks. In addition, many of the remaining, potentially usable lowlands contain or are expected to contain cultural resources, which are also to be protected under the Act. Given the long history of human settlement in the Gorge, particularly focused along the river, the presence of remains of past cultures is to be expected.~~

~~A related~~This increase in visitor use has resulted in demand for more recreation opportunities. Sightseeing and hiking in particular are exceeding available supply. Demand for additional facilities has the potential to affect adjacent private land and natural, scenic and cultural resources.

Growing demand has resulted in an increase in unauthorized trail development particularly in areas that have been acquired by public land management agencies over the last 20 years. Congestion and overflowing parking lots have also significantly increased and have resulted in public safety issues on State Highways and County roads.

Recreation use has also stretched some local emergency services agencies ability to respond to emergency medical incidents and search and rescues.

Another issue involves potential conflicts between Native American fishing activities, reserved tribal treaty rights, and river-oriented recreation, particularly ~~windsurfing.~~ windsports. The explosive growth of ~~windsurfing~~windsports,

particularly in the central Gorge, has resulted in ~~intensive usage of particular~~heavily concentrated use on some stretches of the river and substantial pressures ~~for~~ to develop additional ~~new~~ access points and expansion of existing sites. ~~–~~ The Act requires that tribal treaty rights not be affected by the provisions of the Act or Management Plan. ~~– In this situation, treaty rights protect Native American fishing activities above the Bonneville Dam (in the areas of highest windsurfing usage). Various Native Americans have objected to windsurfing activity close to fishing nets.~~

~~The rise of windsurfing presents several other challenges and issues. A number of sites receiving intensive use have not been planned or designed with adequate facilities, resulting in concerns about public safety, sanitation, and other conditions. Also, some sites may be experiencing damage to sensitive resources because of overuse.~~

~~This problem is not unique to windsurfing; there are a number of sites in the western Gorge (such as Multnomah Falls) that receive too much use related to sightseeing, hiking, and related activities. Similar problems occur at key fishing access points during peak fishing periods. Because of recent substantial increases in recreational day-use activities, certain portions of the Gorge are experiencing a severe shortage of overnight camping sites and a resulting proliferation of overnight camping in unauthorized areas. Solutions to these problems include dispersing use by providing similar opportunities in less-used portions of the Gorge, providing better information about other existing facilities that are not overused, improving site management, and providing needed camping areas near popular day-use sites.~~

In addressing these challenges ~~and meeting mandates to increase river-related recreation,~~ the Gorge Commission and Forest Service must also protect the rural character of Gorge landscapes. ~~–~~ It is crucial that the provision of new facilities for resource-based recreation does not degrade the very resources and scenic settings that attract recreationists to the ~~Scenic Area~~National Scenic Area. ~~– Another important concern is maintaining the quality of life for the many residents of the Scenic Area, while meeting the Act's recreation mandates.~~

Another important consideration is maintaining the quality of life for the National Scenic Area residents while meeting the Act's recreation mandates. These provisions have helped frame and support the important partnerships between federal, state, local and private recreation managers.

OVERVIEW OF RECREATION RESOURCES PROVISIONS

The Management Plan provides the following:

- Overall recreation goals, objectives, and policies (this chapter).
- Recreation ~~intensity classes,~~Intensity Classes, (RICs), with specific guidelines and criteria addressing new public and commercial recreation development (this chapter).

- Public and Commercial Recreation land use designations (Part II, Chapter 6).

~~A recreation development plan that provides the policy framework for implementing high-priority proposed public recreation facilities (Part III, Chapter 1).~~

~~The Recreation Development Proposals list, adopted separately from the Management Plan, highlights selected sites and proposed projects at those sites that, when implemented, will best achieve the recreation goals and objectives of the Scenic Area Act.~~

These various elements reflect the recreation assessment mandates specified in Section 6 of the Act.

The goals, objectives, policies, and guidelines of this chapter provide a framework for guiding the actions of the various public and private recreation providers in the ~~Scenic Area~~National Scenic Area, as well as those agencies whose programs either affect or are affected by recreation uses.~~–~~

Such entities include local, state, and federal planning and park agencies, as well as private and nonprofit groups.

This chapter is divided into the following sections:

GMA Provisions:~~–~~ Overall Goals, Objectives and Policies

- Protection of Resources
- Scenic Appreciation and Scenic Travel Corridors
- Resource-Based Recreation
- River Access and Protection of Treaty Rights
- Interpretation/Education
- Trails and Pathways
- Transportation
- Coordination

GMA Provisions:~~–~~ Recreation Intensity Classes

SMA Provisions:~~–~~ Overall Goal, Policies and Guidelines

SMA Provisions:~~–~~ Recreation Intensity Classes

GMA PROVISIONS: OVERALL GOALS, OBJECTIVES, AND POLICIES

PROTECTION OF RESOURCES

GMA Goals

1. Protect and enhance recreation resources consistent with ~~Indian~~tribal treaty rights.

2. Protect scenic, natural, cultural, and recreation resources when providing new recreation opportunities.

GMA Objectives

1. Use regulations to avoid adverse effects resulting from the development of new recreation opportunities, to avoid adverse effects resulting from new development and land uses adjacent or near to existing and proposed recreation opportunities, and to ensure that recreation development is consistent with tribal treaty rights.

~~1.~~2. Encourage recreation facility designs that blend the facilities with their natural settings, especially designs that restore and~~/or~~ enhance natural, cultural, or scenic resource values of a site.

~~2.~~3. Encourage innovative approaches to siting, design, and construction of recreation facilities that minimize their environmental impacts.

4. Encourage and support sustainable recreation management practices to protect scenic, natural, or cultural resources from recreation use.

GMA Policies

1. Recreation resources shall be protected from adverse effects from new development on adjacent lands by establishing buffers between recreation uses and new buildings on adjacent lands. Guidelines implementing this policy are contained in “Review Uses” (Part II, Chapter 7: General Policies and Guidelines).

2. The goals, objectives, policies, guidelines and all other provisions of this plan shall not affect ~~legally existing uses~~recreation maintenance and operations activities at recreation sites that existed as of the date the Gorge Commission adopted ~~this~~the

first Management Plan ~~plan~~ (October 15, 1991).

3. All proposed recreation uses shall comply with guidelines for protection of scenic, natural, cultural, and recreation resources.

4. Private concessions and other commercial uses at public recreation sites shall be allowed pursuant to adopted policies of the public ~~park~~ agency owning or managing the site.~~–~~ If a different agency manages the site, that agency's policies shall apply, unless superseded by provisions of the owning agency's policies.

5. For commercial recreation sites and public recreation sites not owned or managed by a public park agency with adopted concession policies, the following policies shall apply:

   A. Retail sales at campgrounds shall be limited to camping supplies for overnight guests in dedicated space within the registration or central office building.

   B. Private concessions in permanent structures shall be limited to one structure per park site.~~–~~ Sales shall be limited to those items necessary for enjoyment and use of recreation opportunities at the site, including food and beverages and recreation equipment rental.

   C. Mobile vendors may be permitted, subject to local government approvals.~~–~~ Local government review shall address solid waste disposal, visual impacts of signsage, traffic circulation, and safety.~~–~~ Such uses shall be limited to the term of the recreation season, and sales shall be limited to food and beverages and recreation equipment rental.

6. Temporary closures and restrictions of recreation sites during critical risk periods shall be supported where adverse effects on protected resources have been identified or demonstrated.

SCENIC APPRECIATION AND SCENIC TRAVEL CORRIDORS

GMA Goals

1. ~~Increase~~Establish and support scenic appreciation opportunities throughout the ~~Scenic Area~~National Scenic Area.

2. ~~Designate those portions of~~Promote uses along the following roads ~~in the Scenic Area as scenic travel corridors and promote uses~~ that improve their functions as recreational and scenic travel routes: Historic Columbia River Highway (all segments); Washington State Routes 14, 141, and 142; Oregon Highway 35; and Interstate 84.

GMA Objectives

1. Provide new viewpoints that highlight the outstanding scenic vistas of the Gorge, the river itself, and special scenic features.

2. Encourage recreation facilities that improve the visual quality of previously disturbed sites.

3. Emphasize recreation facility designs that provide and maintain views of the Columbia River and Gorge walls.

~~4. Establish new viewpoints of the Columbia River and Gorge landscapes at places offering outstanding views along designated scenic travel corridors.~~

~~5. Create or restore openings in vegetation along the Historic Columbia River Highway, Washington State Route 14, and Interstate 84 to provide or improve views of the Columbia River and Gorge walls in a manner consistent with guidelines to protect natural, cultural, scenic, and recreation resources. Specific guidelines for such proposals are contained in Guideline 4 of the "Scenic Travel Corridors" section in Part I, Chapter 1: Scenic Resources.~~
~~1. 6. Establish walking and bicycling paths along segments of the Historic Columbia River Highway either abandoned or currently closed to regular vehicular traffic. Give high priority to restoring and reconnecting these segments to create a continuous bicycle/pedestrian pathway through the Scenic Area.~~
~~2.~~
~~3. 7. Provide safe pedestrian and bicycle passage across the three Columbia River bridges in the Scenic Area to connect scenic travel corridors for these user groups.~~
~~4.~~
~~5. 8. Establish low-elevation bicycle paths or lanes along or near Interstate 84 and Washington State Route 14 through the Scenic Area. Abandoned segments of the Historic Columbia River Highway may fulfill this objective in certain locations. Explore establishing bicycle paths or lanes or otherwise improving bicycle safety for drivable portions of the Historic Columbia River Highway.~~

GMA Policies

1. Planning and management efforts for recreational uses within scenic travel corridors, such as viewpoints, pedestrian and bicycle paths, shall involve potentially affected landowners, relevant recreation agencies and organizations, fire, law enforcement and emergency service providers, ~~Indian~~ tribal governments, and affected local agencies as an integral component of such efforts.

~~2. Potential funding sources shall be evaluated as an integral component of all recreation facility planning efforts within scenic travel corridors. Fiscal impacts to local public service providers shall be considered as part of this process.~~

~~3.~~
2. Provision of pedestrian and bicycle paths within scenic travel corridors shall include

~~barrier-free~~ equitable and accessible (regardless of income level, ethnicity, gender, ability, or age) opportunities.

RESOURCE-BASED RECREATION

GMA Goal

Provide a diversity of resource-based recreation opportunities that are accessible to all segments of the public ~~and~~ that emphasize the quality of the recreation experience meeting present and future needs by protecting and enhance the natural, scenic and cultural resources and support economies of local communities.

GMA Objectives

1. ~~Increase~~Provide equitable and accessible (regardless of income level, ethnicity, gender, ability, or age) resource-based recreation opportunities ~~for the physically challenged, less affluent, and other underrepresented segments of the public.~~.

~~2. Provide additional overnight camping~~ Collaborate with partner agencies and stakeholders to develop management strategies and actions to protect and enhance recreation opportunities, ~~in~~experiences, and natural ~~settings, especially near popular day-use areas.~~

2. ~~Protect existing~~ , scenic and cultural resources from overuse at popular recreation sites ~~from overuse by providing opportunities and facilities at new locations with similar recreation attributes~~and trails.

~~4. Emphasize provision of resource-based~~
3. Consider appropriate amenities and recreation ~~opportunities in portions of the Scenic Area relatively lacking in~~management strategies that extend the use season at sites with highly variable seasonal use such as opportunities~~, particularly~~ in the eastern end and the Washington side.

GMA Policies

1. The National Scenic Area recreation program shall emphasize provision of resource-based, outdoor recreation opportunities. ~~–~~ Resource-based recreation includes those recreation uses that are essentially dependent upon the natural, scenic, or cultural resources of the National Scenic Area and that do not adversely affect those resources upon which they depend. ~~–~~ Such uses include, but are not limited to, trail use, cycling, fishing, boating, swimming, ~~windsurfing~~windsports, wildlife viewing, sightseeing, picnicking, camping, and visiting interpretive facilities. ~~– Recreation uses that are not resource-based (such as playgrounds and community parks) and not part of a resource-based recreation use are addressed in Part II, Chapter 6: Recreation Designations.~~

2. Recreation ~~intensity classes (described in more detail later in this chapter~~Intensity Classes (RICs) shall be applied to all lands ~~under the Gorge Commission's jurisdiction~~. ~~–~~ These classes identify areas potentially suitable for varying intensities of new resource-based recreation uses, and describe recreation use management tools to protect resources from use at developed sites.

3. Non-resource-based recreation facilities (such as playgrounds and community parks) included in proposed resource-based recreation sites shall be allowed if the site is predominantly dedicated to resource-based recreation. Recreation uses that are not resource-based and not part of a resource-based recreation use are addressed in Part II, Chapter 6: Recreation Designations.

~~4. The Recreation Development Proposals List identifies proposed public recreation facilities that are the highest priority for implementation. These proposed facilities focus on providing resource-based recreation opportunities. Public funding for facilities proposed in that list shall be limited to resource-based uses and necessary support facilities.~~

4. Recreation demand shall be ~~an~~one of many important ~~consideration~~considerations, such as but not limited to capacity to manage the site, potential impacts to adjacent lands, and stakeholders desires/needs, in providing new facilities and ~~opportunities, but shall not supersede consideration of the~~high quality ~~of recreation experience provided or protection of~~opportunities while protecting other resources.

RIVER ACCESS AND ~~PROTECTION OF~~CONSISTENCY WITH TRIBAL TREATY RIGHTS

GMA Goal

~~Increase~~Improve recreational access to the Columbia River and its tributaries, ~~subject to the~~where consistent with tribal treaty rights and other rights of Indian tribes. ~~–~~ Increase access in a manner that maximizes preservation of the shoreline area and minimizes impacts to sensitive resources.

GMA Objectives

1. ~~Increase~~Provide opportunities for river-oriented, day-use recreation (such as boating, fishing, ~~windsurfing~~windsports, and swimming) along the shoreline of the Columbia River and its tributaries.

~~2.~~ Encourage recreation facilities that provide for multiple compatible ~~multiple~~ uses at riverfront recreation sites~~.~~

2. ~~Encourage recreation facility designs that~~ , consolidate access to the river~~-oriented recreation opportunities~~, and ~~that~~ place non~~-~~water~~- -~~dependent facilities away from the immediate shoreline area as much as possible.

3. Use regulations to ensure that river-oriented recreation sites are developed consistent with tribal treaty rights.

GMA Policies

1. Emphasis shall be given to river-oriented, day-use recreation along the shoreline of the Columbia River and its tributaries (such as boat launches or swim beaches).~~–~~ Recreation uses that are not water-dependent or water-related (such as overnight camping) shall be sited to preserve opportunities for water-dependent and water- related uses near the shore.

2. In providing additional river access, the establishment of new facilities shall be balanced with stretches of river shore emphasizing low-intensity recreation and minimal facilities.~~–~~ The result should be a generally natural-appearing shoreline punctuated by nodes of concentrated recreation activities and facilities.

3. Potentially affected tribal and local governments shall be consulted at the onset of all planning efforts for public-use recreation facilities in the GMA.

4. For proposed new riverfront recreation facilities ~~above Bonneville Dam,~~ the applicant shall assess the potential effects of the recreation proposal on tribal treaty ~~fishing activities~~rights, and shall ~~prepare a management plan~~demonstrate that~~addresses any potential effects that are determined to exist. The requirements of such plans are specified in~~ the ~~recreation intensity class guidelines. Project approval shall be contingent upon demonstration that any effects to~~new facility is consistent with and does not affect or modify ~~tribal~~ treaty or any other rights~~ rights~~ of the Indian tribes.~~ fishing activities have been removed through redesign and/or application of mitigation measures. Tribal consultation on such plans shall be required.~~

5. Temporary closures of river-oriented recreation sites during critical treaty fishing periods shall be considered where existing adverse effects on treaty fishing have been demonstrated.

6. Where proposed or designated in-lieu ~~Indian~~ or treaty fishing access sites are near potential river recreation sites, cooperative planning and cost-sharing agreements to fund access development shall be explored.

~~7. The Gorge Commission shall work with local and state law enforcement, public safety, and emergency services agencies to develop coordinated and comprehensive strategies addressing public safety and law enforcement needs associated with existing and increased recreational river access. Such strategies shall consider the personnel and fiscal impacts of increased service demands and shall identify needed funding for such impacts and demands.~~

8. Recreation providers shall consult with applicable local and state law enforcement, public safety, and emergency service providers when developing proposals for new recreational river access. Law enforcement and safety concerns associated with existing recreation river access shall be considered when developing strategies in response to new river access proposals.

INTERPRETATION/EDUCATION

GMA Goal

Increase public understanding and appreciation of the human and natural resources of the Scenic AreaNational Scenic Area, both past and present, through interpretive/educational programs and facilities.

GMA Objectives

1. Increase awareness and appreciation of the great diversity of natural, cultural, scenic, and recreation resources of the Scenic AreaNational Scenic Area.

2. Increase awareness and appreciation of the interrelationships between human activities and the Gorge environment.

3. Provide a full spectrum of barrier-free (physical, linguistic, cultural, sensoryequitable and accessible (regardless of income level, ethnicity, gender, ability, or age) interpretive opportunities reaching broader audiences and underserved communities.

4. Encourage the establishment of "gateway" facilities located at major entryways to the Scenic AreaNational Scenic Area. Such facilities should:

   A. Welcome and orient the visitor and provide tourist information.

   B. Offer exhibits on the features and resources in the vicinity of the facility.

   C. Encourage visitors to visit the Gorge Discovery Center near The Dalles and provide programs complementary to that facility.

   D. Encourage visitors to visit the Skamania Lodge Conference Center in Stevenson.

GMA Policies

~~1. When planning new interpretive programs and/or facilities, relevant recommendations of the *Interpretive Strategy for the Columbia River Gorge National Scenic Area* shall be considered. (This document is available at the Gorge Commission office in White Salmon, Washington, and the Forest Service office in Hood River, Oregon.)~~

1. Programs and measures to protect sensitive cultural and~~/or~~ natural resources shall be required as a part of any effort to interpret such resources.~~–~~ Tribal consultation shall be required, and tribal comments shall be considered, for any efforts involving interpretation of Native American ~~prehistory~~precontact history, postcontact history, or culture.

~~3. Information about Scenic Area recreation opportunities shall be disseminated at important recreation/visitor information facilities, including the Gorge Discovery Center, Skamania Lodge Conference Center, information kiosks, and gateway facilities.~~

TRAILS AND PATHWAYS

GMA Goal

Provide a diversity of ~~new~~ trail opportunities in a variety of settings that ~~highlight~~meet present and future needs and protect and enhance the ~~special~~natural, scenic and cultural resources of the Gorge, while supporting local economies~~, while adequately maintaining and, where appropriate, upgrading existing trails.~~.

GMA Objectives

~~1. The following three objectives are the highest priorities for future designated public-use trails in the GMA:~~

1. Modernize the National Scenic Area trail system to align with present and future needs. Elements that should be considered but not limited to include: recreation demand, equitable trail access, potential for congestion, connectivity to communities and adjacent trail networks, trail objectives, deferred maintenance needs, stewardship capacity, trail design, etc.

2. Provide trails linking u~~U~~rban a~~A~~reas and the Portland/Vancouver metropolitan area to recreation opportunities in the National Scenic Area.

~~B. Establish a trail system (or series of trails) along the Columbia River.~~

~~C. Increase trail opportunities on the Washington side of the Scenic Area and in the eastern portions of the Scenic Area.~~

~~2. Other trail objectives are:~~

~~A. Promote the Columbia River as a scenic waterway trail and support dispersed boat~~

~~moorages and other low-intensity boating facilities to implement this objective.~~

3. ~~B.~~Establish a loop trail around the ~~Scenic Area~~National Scenic Area.

4. Establish walking and bicycling paths along segments of the Historic Columbia River Highway either abandoned or currently closed to regular vehicular traffic.– Give high priority to restoring and reconnecting these segments to create a continuous bicycle/pedestrian pathway through the National Scenic Area.

5. Provide safe pedestrian and bicycle passage across the three Columbia River bridges in the National Scenic Area to connect scenic travel corridors for these user groups.

6. Establish low-elevation bicycle paths or lanes along or near Interstate 84 and Washington State Route 14 through the National Scenic Area.– Abandoned segments of the Historic Columbia River Highway may fulfill this objective in certain locations.– Explore establishing bicycle paths or lanes or otherwise improving bicycle safety for drivable portions of the Historic Columbia River Highway.

~~C. Establish trails along the major tributaries of the Columbia River.~~

~~D. Provide trail linkages between Scenic Area trail opportunities and trails in the National Forests and other public lands north and south of the Scenic Area.~~

~~E. Provide safe bikeways for recreational use on appropriate county roads when consistent with county plans and programs.~~

GMA Policies

1. Trail planning and management efforts shall include affected landowners, relevant agencies, ~~Indian~~ tribal governments, and trail organizations from the beginning of such efforts.

2. The Gorge Commission shall not acquire property or easements for trails without property owner consent.~~–~~ The Gorge Commission shall encourage other public bodies to acquire property or easements for trails through purchase or donation.

3. As an integral component of trail planning, development, and management efforts, strategies shall be developed to address trespass, noxious weeds, and public safety issues (such as fire hazard, emergency rescue, and classification systems for degree of trail difficulty).~~–~~ Such efforts shall include consultation with fire, law enforcement, and emergency service providers.

4. Temporary trail closures during critical fire hazard periods should be considered.

5. Shared use of trails by compatible multiple-user groups should be encouraged as much as possible where appropriate conditions exist, to maximize efficient use of trails and reduce needs for new trail construction.

6. User conflicts on trails shall be minimized through proper siting, design, ~~and~~ maintenance, and ~~an aggressive~~ user education ~~program. Multiple-use trails~~

~~shall be built to standards sufficient to accommodate such different groups. Standards shall address safety concerns and considerations such as signage, trail width, visibility, and percent grade.~~

7. Use of motorized vehicles on designated public use trails shall be prohibited, except for use by response agencies and their agents in an emergency.

~~8. Priority shall be given to the completion and improvement of existing trails, incomplete trail loops, and trail segments, considering relationships with trails in Urban Areas, the SMA, and outside the Scenic Area.~~

8. Use levels on existing trails and projected demand for different trail uses shall be considered when planning additional trails.

~~10.~~ Trail systems and new trails shall, where feasible, incorporate ~~existing segments of older/historic trails and abandoned road and railroad rights-of-way.~~

9. ~~The use of utility corridor rights-of-way~~previously developed areas suitable for ~~trail use shall be explored where such use would not interfere with the corridors' primary functions.~~recreation use.

~~12. Barrier-free access shall be provided for new~~
10. New trails and improvements to existing trails shall be equitable and accessible (regardless of income level, ethnicity, gender, ability, or age) to the maximum extent practicable.

11. Public needs for convenience, access, and security shall be considered when designing and siting trailheads, commensurate to its setting characteristics.

~~14. Where appropriate and practicable, facilities shall be provided at trailheads to promote alternatives to the private automobile for accessing trail opportunities.~~

12. Potential funding sources shall be evaluated as an integral component of all trail planning efforts. Fiscal impacts to local public service providers shall be considered as part of this process, including adequacy of funding to provide for proper maintenance, emergency response, and law enforcement functions.

~~16. Trails proposed along the Columbia River and its tributaries shall be designed in a manner that minimizes effects to the shoreline and associated habitat values. Seasonal closures during critical wildlife periods shall be considered, as well as other appropriate mitigative measures.~~

TRANSPORTATION

GMA Goals

1. Provide transportation facilities that meet the needs of the traveling public and

implement this plan's recreation goals and objectives while protecting scenic, natural, cultural, and recreation resources.

2. Promote alternative modes of transportation to improve safety and enjoyment of the traveling public and to help alleviate future traffic demand.

GMA Objectives

1. Encourage the provision of alternate modes of transportation to recreation destinations to reduce resource impacts and facilitate visitation by all segments of the public. Such alternate modes include, but are not limited to, shuttles, railroad, bicycles, and boat access.

2. Encourage ~~tour boat and tour train access~~ mass transportation alternatives to important recreation facilities ~~(such as the Gorge Discovery Center) as mass transportation alternatives~~ that offer both access to such sites and recreational experiences ~~in~~ themselves.

3. Improve linkages between different modes of transportation at major recreation sites in the ~~Scenic Area~~National Scenic Area.
~~Improve access to~~
4. Provide equitable and accessible (regardless of income level, ethnicity, gender, ability, or age) recreation opportunities in the ~~Scenic Area~~National Scenic Area ~~for the physically-challenged, less affluent and other underrepresented user groups~~.

GMA Policies

1. ~~Accommodation~~Except for sites predominantly devoted to boat access, accommodation of facilities for mass transportation ~~(bus turnarounds, etc.)~~ shall be required for ~~all~~ new ~~high-intensity (~~Recreation Intensity Class 3 and 4~~)~~ day-use recreation sites, ~~except for sites predominantly devoted to boat access. These facilities are also~~and encouraged for ~~all~~ new ~~moderate-intensity (~~Recreation Intensity Class ~~3)~~1 and 2 day-use recreation sites, where ~~practicable~~site design manages social encounters within the applicable standard.

2. All transportation facilities or improvements associated with public recreation shall be designed to minimize impacts to scenic, natural, cultural, and recreation resources to the maximum extent practicable.

COORDINATION

GMA Goal

Develop an outdoor recreation program that coordinates plans and actions of all

relevant recreation providers and planning agencies to meet the recreation needs of ~~Scenic Area~~National Scenic Area residents and visitors. ~~–~~ Such coordination shall seek to avoid land use conflicts and duplication of services.

GMA Objectives

1. ~~Encourage new~~New recreation facilities ~~that complement others~~should complement existing or planned recreation facilities in an area and~~/or~~ provide linkages between such facilities.

2. Encourage coordinated, comprehensive recreation planning on a non-jurisdictional basis for distinct subareas of the Gorge possessing similar characteristics.

3. Encourage comprehensive recreation planning that fosters a unified, regional approach and deemphasizes divisions by state, county, or other jurisdictional boundaries, while recognizing the particular needs of such jurisdictions.

GMA Policies

1. Coordinated, regional approaches to solving ongoing operational and management problems (such as emergency response, law enforcement, and ~~coordinated fee/permit systems~~congestion, etc.) shall be pursued in planning new recreation uses and for comprehensive plan updates and revisions, to the maximum extent practicable. ~~–~~ ~~Such efforts shall include exploring additional revenue sources to defray the costs of law enforcement and public safety services provided by local government service providers.~~

~~2.~~

2. Existing or proposed recreation facilities or areas outside the ~~Scenic Area~~National Scenic Area and inside u~~U~~rban a~~A~~reas that may affect recreation use and~~/or~~ demand in the ~~Scenic Area~~National Scenic Area shall be considered when evaluating recreation proposals.

~~3. Proposed recreation developments shall be evaluated for consistency with existing county, city, port, or other relevant plans.~~

3. The Gorge Commission shall work with local and state law enforcement, transportation agencies, public safety, and emergency services agencies to develop coordinated and comprehensive strategies addressing public safety and law enforcement needs associated with existing and new recreation sites. Such strategies shall consider the personnel and fiscal impacts of increased service demands.

4. Recreation providers shall consult with applicable local and state law enforcement, transportation agencies, public safety, and emergency service providers when developing proposals for new recreation sites. Law enforcement and safety concerns associated with existing recreation sites shall be considered when developing strategies in response to new recreation development proposals.

GMA PROVISIONS: RECREATION INTENSITY CLASSES

Four Recreation Intensity Classes, ranging from very-low-intensity ~~classes have been~~ to high-intensity, are applied to all ~~GMA~~ lands ~~on which~~within the ~~Gorge Commission has planning jurisdiction.~~National Scenic Area. They are an overlay to the underlying land use designations (see Part II) and ~~reflect~~describe the potential suitability of ~~GMA~~ lands for ~~varying degrees of resource-based~~ recreation use, and the facilities ~~open for public use~~and experience that users can expect during their visit. Recreation ~~i~~Intensity C~~c~~lasses do not supersede any provisions of underlying land use designations, nor do they affect recreation uses existing as of the date the Gorge Commission adopted the first Management Plan (October 15, 1991).

~~The recreation intensity class map divides the Scenic Area into four classes, indicating suitable levels of recreation use and facility development, ranging from very low-intensity to high-intensity.~~

GMA Goal

Identify suitable levels of resource-based, public-use facilities to meet the Management Plan recreation goals and objectives while protecting scenic, natural, and cultural resources.

GMA Policies

1. Proposed resource-based recreation facilities or uses shall be consistent with applicable R~~r~~ecreation I~~i~~ntensity C~~c~~lass guidelines and the "Approval Criteria for Recreation Uses" contained in this chapter. ~~Resource-based recreation includes those recreation uses that are essentially dependent upon the natural, scenic, or cultural resources of the Scenic Area and that do not adversely affect those resources upon which they depend. Such uses include but are not limited to trail use, fishing, boating, swimming, windsurfing, wildlife viewing, sightseeing, picnicking, camping, and visiting interpretive facilities.~~

2. Recreation uses that are not resource-based in nature are not subject to the guidelines and criteria of the R~~r~~ecreation I~~i~~ntensity C~~c~~lasses. Such recreation uses may be permitted pursuant to provisions of the land use designations, and include community parks and playgrounds, tennis courts, swimming pools, and playing fields for organized team sports. New golf courses shall not be permitted. Existing golf courses may be expanded, subject to conditions.

3. In addition to the guidelines and criteria contained in this section, proposed resource-based recreation uses shall comply with all applicable guidelines to protect natural, cultural, and scenic resources.

   ~~A. Land slope, road access, the presence of geologic or other hazards, and the~~

presence of significant or sensitive resources shall be primary considerations in determining the suitability of lands for recreation. Other considerations shall include the presence of site amenities providing recreation opportunities and proximity to complementary recreation facilities.

B. High-intensity recreation uses shall be limited to the most suitable lands for recreational access to the Columbia River and its major tributaries and suitable lands for recreation use near designated Urban Areas or Rural Centers.

C. Recreation shall be limited to very low-intensity uses in inventoried wetlands, special habitat areas, significant natural areas, steeply sloping lands, and geologic hazard areas.

D. Recreation shall be limited to very low-intensity uses in areas of existing orchards, vineyards, row crops or other high-value agricultural uses on lands designated Large-Scale or Small-Scale Agriculture.

E. 8. Recreation shall be limited to low-intensity recreation uses in areas with the most suitable soils for cultivation on lands designated Large-Scale or Small-Scale Agriculture.

9. Notwithstanding Policies 7 and 8 of this section, moderate- or high-intensity recreation uses may be allowed on lands adjacent to the Columbia River or its major tributaries offering significant opportunities for recreational river access.

F. Low- and moderate-intensity recreation uses shall be emphasized on lands designated Commercial Forest Land or Large or Small Woodland most suitable for such uses.

G. Recreation shall be limited to low-intensity uses on lands designated Residential.

4. Proposed changes to the Rrecreation Iintensity Cclass of an area shall require a plan amendment subject to Gorge Commission approval.

5. Proposed developments in an area classified Recreation Intensity Class 4 (high-intensity) that exceeds the guidelines for that class shall require county approval, upon satisfaction of Guideline 2 in "Variances and Plan Amendments" in the Rrecreation Iintensity Cclass guidelines.

6. The Rrecreation Iintensity Cclass guidelines shall be applied to individual recreation facilities. (Individual recreation facilities are defined in "Facility Design Guidelines for GMA and SMAAll Recreation Projects," below.)

7. The Gorge Commission shall evaluate the results of the Rrecreation Iintensity Cclasses in 5 years, as part of the Management Plan update and review process. This evaluation shall include an assessment of the cumulative effects of new recreation development on scenic, cultural, natural, and recreation resources of the

~~Scenic Area~~National Scenic Area and in the vicinity of the development.~~–~~ The Gorge Commission may at any time reevaluate the R~~r~~ecreation I~~i~~ntensity C~~c~~lasses in the vicinity of a new Recreation Intensity Class 3 or 4 development for possible cumulative effects.

A. Land slope, road access, the presence of geologic or other hazards, and the presence of significant or sensitive resources shall be primary considerations in determining the suitability of lands for recreation. Other considerations shall include the presence of site amenities providing recreation opportunities and proximity to complementary recreation facilities.

B. High-intensity recreation uses shall be limited to the most suitable lands for recreational access to the Columbia River and its major tributaries and suitable lands for recreation use near designated urban areas or Rural Centers.

C. Recreation shall be limited to very low-intensity uses in inventoried wetlands, special habitat areas, significant natural areas, steeply sloping lands, and geologic hazard areas.

D. Recreation shall be limited to very low-intensity uses in areas of existing orchards, vineyards, row crops or other high-value agricultural uses on lands designated Large-Scale or Small-Scale Agriculture.

E. Recreation shall be limited to low-intensity recreation uses in areas with the most suitable soils for cultivation on lands designated Large-Scale or Small-Scale Agriculture.

F. Notwithstanding Policies 7.D and 7.E of this section, moderate- or high-intensity recreation uses may be allowed on lands adjacent to the Columbia River or its major tributaries offering significant opportunities for recreational river access.

G. Low- and moderate-intensity recreation uses shall be emphasized on lands designated Commercial Forest Land or Large or Small Woodland most suitable for such uses.

H. Recreation shall be limited to low-intensity uses on lands designated Residential.

GMA Guidelines

Allowable Uses

~~The following uses are~~ Each Recreation Intensity Class includes a description of the desired social, physical and managerial setting for recreation development within each Recreation Intensity Class. Each Recreation Intensity Class also includes a list of allowable uses, subject to compliance with the ~~"Approval Criteria for Recreation~~

~~Uses" and ""~~"Facility Design Guidelines For ~~All~~GMA and SMA Recreation Projects~~" in this~~" section.

1. Recreation Intensity Class 1 (Very Low Intensity)

A. Social Setting: Visitors in this designation have a high chance of finding solitude and opportunities to experience activities that rely on self-reliance, challenge and risk. Encounters with other visitors is low throughout the designation. Perceived crowdedness is low to non-existent away from roads and recreation sites. Visitor encounters and perceived crowdedness is low to moderate at or near (within 1 mile) roads and recreation sites.

B. Physical and Managerial Setting: Predominately natural/natural appearing landscapes with rustic improvements characterize this designation. Nodes of developed recreation facilities are allowed. Developed recreation site regulations and controls (signing, regulations or other regimentation) are noticeable but harmonize with the natural environment. Away from developed recreation sites there is minimal or subtle control of users.

C. Trail development is simple and typically accommodate low use levels. Users are highly skilled with a high degree of orienteering skills.

D. The following uses may be permitted.

(1) Parking areas ~~for a maximum~~, not to exceed a site-wide capacity of 10 ~~cars for~~vehicles, when associated with any allowed uses in Recreation Intensity Class 1. Accommodations for mass transportation facilities should be considered where compatible with the social and physical settings.

(2) Trails for hiking, equestrian, and mountain biking use.

(3) Pathways for pedestrian and bicycling use.

(4) Trailheads (with provisions for hitching rails and equestrian trailers at trailheads accommodating equestrian use).

(5) Scenic viewpoints and overlooks.

(6) Wildlife/botanical viewing and nature study areas.

(7) River access areas.

~~(1) Simple interpretive signs and/or displays, not to exceed a total of 50 square feet.~~

~~(2) Entry name signs, not to exceed 10 square feet per sign.~~

(8) Boat docks, piers, or wharfs.

(9) Picnic areas.

(10) Restrooms/comfort facilities.

2. Recreation Intensity Class 2 (Low Intensity)

A. Social Setting: RIC 2 is characterized by opportunities to experience relaxation, physical fitness and outdoor learning and where there is a moderate probability to experience solitude. Typically encounters with other visitors throughout the designation is Low to Moderate. Visitor encounters are low to moderate on trails and away from developed recreation sites and roads, and moderate to high near (within 1 mile) recreation sites and roads.

B. Physical and Managerial Setting: Predominately natural/natural appearing landscapes with rustic improvements characterize this designation. Nodes of highly developed recreation facilities may be allowed. Developed recreation site regulations and controls (signing, regulations or other regimentation) are noticeable but harmonize with the natural environment. Away from developed recreation sites there is minimal or subtle control of users.

C. Trails are moderately developed (native surface or gravel, trail bridges and other facilities are provided for user convenience). Trail use is typically low to moderate. Trails are suitable for a wide range of users and are challenging and involve intermediate to advance skills.

D. The following uses may be permitted.

(1) All uses permitted in Recreation Intensity Class 1.

(2) Parking areas ~~for a maximum~~, not to exceed a site-wide capacity of 25 ~~cars, to serve~~vehicles, when associated with any allowed uses in Recreation Intensity Class 2. Parking spaces for campground units ~~are to~~shall be included in this number. Accommodations for mass transportation facilities should be considered where compatible with the social and physical settings

~~(3) Simple interpretive signs and displays, not to exceed a total of 100 square feet.~~

~~(4) Entry name signs, not to exceed 20 square feet per sign.~~

(3) Boat ramps, not to exceed two lanes.

(4) Campgrounds for 20 units or less, tent sites only.

3. Recreation Intensity Class 3 (Moderate Intensity)

A. Social Setting: A high degree of interaction with other visitors with opportunities to experience relaxation and activities that provide little challenge or risk in a natural appearing environment characterizes this designation. Visitor encounters are moderate to high on trails away from developed recreation sites and roads.

B. Physical and Managerial Setting: Changes to the natural landscape may be evident but in harmony with characteristics of the landscape setting. Highly developed recreation facilities and trails are constructed for visitor convenience. On-site regulation and controls are noticeable but harmonize with the natural characteristics of the landscape.

C. Trails typically accommodate moderate to high use and are well developed (native, gravel or paved surfaces, trail facilities such as bridges are provided for convenience). Trails are easily traveled by a wide range of users who have intermediate skill level and minimal orienteering skills.

D. The following uses may be permitted.

(1) All uses permitted in Recreation Intensity Classes 1 and 2.

~~(1)~~(2) Parking areas ~~for a maximum~~, not to exceed a site-wide capacity of 75 ~~cars, to serve~~vehicles, when associated with any allowed uses in Recreation Intensity Class 3. ~~–~~ Parking spaces for campground units ~~are to~~shall be included in this number.

(3) Accommodation of facilities for mass transportation (bus parking, etc.) shall be required for all new Recreation Intensity Class 3 day-use recreation sites, and improvements to existing Class 3 day-use recreation sites where the improvement would increase the use of the site, except for sites predominantly devoted to boat access. The number and size of the mass transportation facilities shall reflect the physical capacity of the site.

~~Interpretive signs, displays and/or facilities.~~

~~Visitor information and environmental education signs, displays, or facilities.~~

~~Entry name signs, not to exceed 32 square feet per sign.~~

~~(2)~~(4) Boat ramps, not to exceed three lanes.

~~(3)~~(5) Concessions stands, pursuant to applicable policies in this chapter.

(6) Campgrounds for 50 individual units or less, for tents and~~/or~~ recreational vehicles, with a total density of no more than 10 units per acre (density to be measured based on total size of recreation facility and may include required buffer and setback areas). ~~–~~ Class 3 campgrounds may also include one group campsite area, in addition to the allowed individual campground units or parking area maximums.

4. Recreation Intensity Class 4 (High Intensity)

A. Social Setting: This designation is characterized by highly developed facilities where there is little challenge or risk associated with being in the outdoors. There is a high degree of interaction with other visitors. Encounters are high in recreation sites, on roads and trails within in this designation.

B. Physical and Managerial Setting: Changes to the natural landscape may be evident but in harmony with characteristics of the landscape setting. Highly developed recreation facilities and trails are constructed ~~B. Parking areas~~ for ~~a~~visitor convenience and ease of movement. On-site regulation and controls are noticeable but harmonize with the natural characteristics of the landscape.

~~A.~~C. The maximum ~~of~~ site design capacity for parking areas shall not exceed 250 ~~cars, to serve~~vehicles for any allowed uses in Recreation Intensity Class ~~4.~~ 3. Parking spaces for campground units are to be included in this number.~~–~~

D. Trails are highly developed (gravel or paved surfaces, trail facilities such as bridges are provided for convenience) and accommodate heavy to intensive use. Users are typically inexperienced with little or no orienteering skills. Trails are easily traveled by a wide range of users.

E. The following uses may be permitted.

(1) All uses permitted in Recreation Intensity Classes 1, 2, and 3.

(2) Parking areas, not to exceed a side-wide capacity of 250 vehicles, when associated with any allowed uses in Recreation Intensity Class 4. Parking spaces for campground units shall be included in this number.

(3) Accommodation of facilities for mass transportation (bus parking, etc.) ~~.~~shall be required for all new Recreation Intensity Class 4 day-use recreation sites and improvements to existing Class 4 day-use recreation sites where the improvement would increase the use of the site, except for sites predominantly devoted to boat access. The number and size of the mass transportation facilities shall reflect the physical capacity of the site.

~~(1)~~(4) Horseback riding stables and associated facilities.

~~Entry name signs, not to exceed 40 square feet per sign.~~

~~(2)~~(5) Boat ramps.

~~(3)~~(6) Campgrounds for 175 individual units or less, for tents and~~/or~~ recreational vehicles, with a total density of no more than 10 units per acre (density to be measured based on total size of recreation facility and may include required buffer and setback areas).~~–~~ Class 4 campgrounds may also include up to three group campsite areas, in addition to allowed individual campsite units or parking area maximums.

Approval Criteria for Recreation Uses

1. For all proposed recreation projects outside of Public or Commercial Recreation designations, project applicants shall demonstrate compliance with the following criteria (if applicable~~) as a condition of project approval:~~):

   A. Compliance with all applicable guidelines in this Management Plan for the protection of scenic, cultural, recreation, and natural resources.– Cumulative effects of proposed recreation projects on landscape settings shall be based on the "Compatible Recreation Use Guideline" for the landscape setting in which the proposed project is located (see Part I, Chapter 1:– Scenic Resources).

   B. For proposed recreation projects in or adjacent to lands designated Large-Scale or Small-Scale Agriculture, Commercial Forest Land, or Large or Small Woodland, compliance with the following:

      (1) The use would not seriously interfere with accepted forest or agricultural practices on surrounding lands devoted to forest or farm uses.– Provision of onsite buffers may be used to partially or fully comply with this criterion, depending upon project design and~~/or~~ site conditions.

      (2) A declaration has been signed by the project applicant or owner and recorded with county deeds and records specifying that the applicant or owner is aware that operators are entitled to carry on accepted forest or farm practices on lands designated Large-Scale or Small-Scale Agriculture, Commercial Forest Land, or Large or Small Woodland.

   C. For proposed projects including facilities for outdoor fires for cooking or other purposes, or for proposed campgrounds, compliance with the following:

      (1) The project applicant shall demonstrate that a sufficient quantity of water necessary for fire suppression (as determined pursuant to applicable fire codes or the county fire marshal) is readily available to the proposed facility, either through connection to a community water system or onsite wells, storage tanks, sumps, ponds or similar storage devices.– If connection to a community water system is proposed, the project applicant shall demonstrate that the water system has adequate capacity to meet the facility's emergency fire suppression needs without adversely affecting the remainder of the water system with respect to fire suppression capabilities.

      (2) To provide access for firefighting equipment, access drives shall be constructed to a minimum of 12 feet in width and a maximum grade of–– 12 percent.– Access drives shall be maintained to a level that is passable to firefighting equipment.

D. For proposed trail or trailhead projects, compliance with the following:

(1) Where applicable, new trails ~~policies~~should incorporate existing segments of older or historic trails, abandoned roads and railroad rights-of-way, and other previously developed areas suitable for recreation use to the maximum extent practicable.

(2) Trails that are intended for multiple user groups shall be required to post signs at trailheads alerting users that multiple user groups may be present on the trail. Trails shall be designed such that user conflicts and safety issues are minimized.

(3) Applications for new trails or trailheads shall ~~address and~~include measures to minimize the potential spread of noxious weeds.

~~(3)~~(4) Applications for new trails or trailheads shall consider the potential of fire risk during critical fire hazard periods in ~~the Management Plan~~developing the physical and managerial setting of the site.

~~D.~~E. For proposed projects providing ~~boating or windsurfing~~recreation access to the Columbia River or its tributaries, ~~compliance~~applicants shall demonstrate that the new facility is consistent with ~~applicable "River Access and Protection of Treaty Rights" objectives in this chapter~~and does not affect or modify tribal treaty rights.

F. For proposed projects on public lands or proposed projects providing access to the Columbia River or its tributaries, compliance with the guidelines ~~for protection of tribal treaty rights~~ in Part IV, Chapter 3: Indian Treaty Rights and Consultation.

G. For proposed projects that include interpretation of natural or cultural resources, demonstration that the interpretive facilities will not adversely affect natural or cultural resources and that appropriate and necessary resource protection measures shall be employed.

H. ~~For proposed~~ Applications for public recreation development in Recreation Intensity Class ~~4 projects (except for projects predominantly devoted to boat access), demonstration that the project accommodates provision of mass transportation access to the site. The number and size of the mass transportation facilities shall reflect the physical capacity of the site. This requirement may~~3 and 4 shall demonstrate how the proposed recreation development will be ~~waived upon a demonstration that providing such facilities would result in overuse of the site, either degrading the quality of the recreation experience~~equitable and accessible (regardless of income level, ethnicity, gender, ability, or ~~adversely affecting other resources at the site.~~age). Applications for public recreation developments ~~s~~ in RIC 1 and 2 shall meet this standard to the maximum extent practicable

I. Applications shall demonstrate compliance with the social, physical and managerial setting characteristics in the applicable Recreation Intensity Class description.

Variances and Plan Amendments

1. A local government may grant a variance to the setback and buffer requirements contained in this chapter upon a finding that all of the following conditions exist:

   A. The proposed project is a public-use, resource-based recreation facility providing or supporting either recreational access to the Columbia River and its tributaries, or recreational opportunities associated with a scenic travel corridor.

   B. All reasonable measures to redesign the proposed project to comply with required setbacks and buffers have been explored, and application of those setbacks and buffers would prohibit a viable recreation use of the site as proposed.

   C. Resource impacts have been mitigated to less than adverse levels through design provisions and mitigation measures.

   D. The variance is the minimum necessary to accommodate the use.

2. A local government may grant a variance of up to 10 percent to the guidelines of Recreation Intensity Class 4 for parking and campground units upon demonstration that all of the following conditions exist:

   A. Demand and use levels for the proposed activity~~(s),~~ or activities, particularly in the area where the site is proposed, are high and expected to remain so ~~and/~~or increase.~~ -~~ Statewide Comprehensive Outdoor Recreation Plan (SCORP) data and data from ~~Scenic Area recreation demand studies~~the National Visitor Use Monitoring Program shall be relied upon to meet this criterion in the absence of current applicable studies.

   B. The proposed use is dependent on resources present at the site.

   C. Reasonable alternative sites offering similar opportunities, including those in nearby u~~U~~rban a~~A~~reas, have been evaluated, and it has been demonstrated that the proposed use cannot be adequately accommodated elsewhere.

   D. The proposed use is consistent with the goals, objectives, and policies in this chapter.

   E. Through site design and~~/or~~ mitigation measures, the proposed use can be implemented without adversely affecting scenic, natural, or cultural resources and adjacent land uses.

   F. Through site design and~~/or~~ mitigation measures, the proposed use can be

implemented without affecting or modifying treaty rights.

3. Proposals to change the Recreation Intensity Class of an area shall require a Management Plan amendment, pursuant to policies 1 through 4 in "Amendment of the Management Plan" (Part IV, Chapter 1: Gorge Commission Role).

Facility Design Guidelines for GMA and SMA Recreation Projects

1. Recreation facilities that are not resource-based in nature may be included at sites providing resource-based recreation uses consistent with the guidelines and criteria in this chapter, as long as such facilities comprise no more than one-third of the total land area dedicated to recreation uses ~~and/~~or facilities. Required landscaped buffers may be included in calculations of total land area dedicated to recreation uses ~~and/~~or facilities.

2. The facility design guidelines are intended to apply to individual recreation facilities. ~~For the purposes of these guidelines, a cluster or grouping of recreational developments or improvements located relatively close to one another is considered an individual recreation facility.~~

Development~~s~~ or improvements within the same R~~r~~ecreation I~~i~~ntensity C~~c~~lass are considered as separate facilities if they are separated by at least 1/4 mile of undeveloped land (excluding trails, pathways, or access roads).

~~3. Parking areas, access roads, and campsites shall be sited and designed to fit into the existing natural contours as much as possible, both to minimize ground-disturbing grading activities and to use topography to screen parking areas and associated structures. Parking areas, access roads, and campsites shall be sited and set back sufficiently from bluffs so they are visually subordinate as seen from key viewing areas.~~

~~4~~3. Existing vegetation, particularly mature trees, shall be maintained to the maximum extent practicable. These trees may be~~, and~~ used to ~~screen parking areas and campsites from key viewing areas and~~ satisfy requirements for perimeter and interior landscaped buffers.

~~5~~4. Parking areas providing over 50 spaces shall be divided into discrete "islands" separated by unpaved, landscaped buffer areas.

~~6~~5. Lineal frontage of parking areas and campsite loops on scenic travel corridors shall be minimized.

~~7~~6. Ingress/egress points shall be consolidated to the maximum extent practicable, providing for adequate emergency access pursuant to applicable fire and safety codes.

~~8~~7. ~~Signage~~ Signs shall be limited to ~~that~~ those necessary to provide relevant recreation or facility information, interpretive information, vehicular and pedestrian direction, and for safety purposes.

~~9. Exterior lighting shall be shielded, designed, and sited in a manner that prevents such lighting from projecting offsite or being highly visible from key viewing areas.~~

~~10~~8. Innovative designs and materials that reduce visual impacts (such as "turf blocks" instead of conventional asphalt paving) shall be encouraged through incentives such as additional allowable parking spaces and reduced required minimum interior or perimeter landscaped buffers. ~~–~~ If the county determines that potential visual impacts have been substantially reduced by use of such designs and materials, it may allow either a) reductions of up to 50 percent of required minimum interior or perimeter landscape buffers, or b) up to 10 percent additional parking spaces.

~~11~~9. A majority of trees, shrubs, and other plants in landscaped areas shall be species native ~~or naturalized~~ to the landscape setting in which they occur. ~~–~~ The landscape setting descriptions and design guidelines are found in Part I, Chapter 1 ~~specify appropriate species~~. Project applicants that are required to use new landscaping are encouraged to place trees, shrubs and other plants in a manner approximating their natural condition.

~~12. All structures shall be designed so that height, exterior colors, reflectivity, mass, and siting enable them to blend with and not noticeably contrast with their setting.~~

~~13. Landscape buffers around the perimeter of parking areas accommodating more than 10 vehicles shall be provided. Minimum required widths are 5 feet for 20 vehicles or fewer, 20 feet for 50 vehicles or fewer, 30 feet for 100 vehicles or fewer, and 40 feet for 250 vehicles or fewer.~~

14. For any parking area with over 50 spaces, ~~Interior~~ interior landscaped buffers breaking up continuous areas of parking into discrete “islands” shall be provided ~~for any parking areas with over 50 spaces~~. ~~–~~ The minimum width of interior landscaped buffers separating each subarea of 50 spaces or less shall be 20 feet.

~~15. Within required perimeter and interior landscaped buffer areas, a minimum of one tree of at least 6 feet in height shall be planted for every 10 lineal feet as averaged for the entire perimeter width. A minimum of 25 percent of planted species in perimeter buffers shall be coniferous to provide screening during the winter. Project applicants are encouraged to place such trees in random groupings approximating natural conditions. In addition to the required trees, landscaping shall include appropriate shrubs, groundcover, and other plant materials.~~

~~16. Minimum required perimeter landscaped buffer widths for parking areas or campgrounds may be reduced by as much as 50 percent, at the discretion of the county, if existing vegetation stands and/or existing topography are used such that the development is not visible from any key viewing area.~~

17. Grading or soil compaction within the "drip line" of existing mature trees shall be avoided to the maximum extent practicable, to reduce risk of root damage and associated tree mortality.

~~18. All parking areas and campsites shall be set back from scenic travel corridors and the Columbia River and its major tributaries by at least 100 feet. Required perimeter landscaped buffers may be included when calculating such setbacks. Setbacks from rivers shall be measured from the ordinary high water mark. Setbacks from scenic travel corridors shall be measured from the edge of road pavements.~~

19. Project applicants shall use measures and equipment necessary for the proper maintenance and survival of all vegetation used to meet landscape standards, and shall be responsible for such maintenance and survival.

20. All parking areas shall be set back from property boundaries by at least 50 feet. All campsites and associated facilities shall be set back from property boundaries by at least 100 feet.

~~21. All proposed projects that are larger than those allowed in Recreation Intensity Classes 1-3, and are on lands classified Recreation Intensity Class 4 (except for proposals predominantly devoted to boat access) shall comply with Guideline H in "Approval Criteria for Recreation Uses" in this chapter regarding provision of mass transportation access.~~

SMA PROVISIONS: OVERALL GOALS, POLICIES, AND GUIDELINES

SMA Goal

Protect and enhance recreation resources.

SMA Policies

1. Recreation Opportunity Spectrum The recreation settings (see glossary) shall be protected and enhanced.

2. All new developments and land uses shall protect recreation resources.

3. Recreation resources shall be protected by limiting development and uses, as designated in the Rrecreation Iintensity Cclass guidelines.

4. Recreation opportunities shall encourage and facilitate use by all sectors of the public, including ethnic groups, persons with disabilities, the elderly, and the young.

5. Only natural resource-based recreation shall be allowed.

6. Comprehensive recreation resource planning shall be encouraged to foster a unified, regional approach and de-emphasize jurisdictional divisions. Collaborate with partner agencies and stakeholders to develop management strategies and actions to protect and enhance recreation opportunities/experiences and natural, scenic and cultural resources from overuse at popular recreation sites and trails.

7. Proposed changes to the Rrecreation Iintensity Cclass of an area shall require a Management Plan amendment, subject to Gorge Commission approval and concurrence by the Forest Service.

7.
8.
9.8. Proposals in an area of Recreation Intensity Class 4 that exceed the guidelines for that class shall require county approval upon satisfaction of the exceptions criteria specified in the Rrecreation Iintensity Cclass guidelines.

10.9. When planning new interpretive or education programs and/or facilities, recommendations of the *Interpretive Strategy for the Columbia River Gorge National Scenic Area* shall be followed. (This document is available at the Gorge Commission office in White Salmon and the Forest Service office in Hood River.)Enhance the public's understanding and appreciation of natural

and human history in the Gorge through a variety of mediums and programs. –

~~11.~~10. Alternate modes of transportation to destination recreation facilities are encouraged, including use of shuttles, waterway facilities, and rail travel, to facilitate visitation and reduce impacts to scenic, cultural, natural, and recreation resources.

SMA Guidelines

1. New development~~s~~ and land uses shall not displace existing recreational use.

2. Recreation resources shall be protected from adverse effects by evaluating new development~~s~~ and land uses as proposed in the site plan. – An analysis of both onsite and offsite cumulative effects shall be required.

3. New pedestrian or equestrian trails shall not have motorized uses, except for emergency services.

4. Mitigation measures shall be provided to preclude adverse effects on the recreation resource.

5. The ~~facility guidelines~~Facility Design Guidelines are intended to apply to individual recreation facilities. ~~For the purposes of these guidelines, a cluster or grouping of recreational developments or improvements located relatively close to one another is considered an individual recreation facility.~~ Development~~s~~ or improvements within the same R~~r~~ecreation I~~i~~ntensity C~~c~~lass are considered as separate facilities if they are separated by at least 1/4 mile of undeveloped land (excluding trails, pathways, or access roads).

6. New development and reconstruction of scenic routes ~~(see Part III, Chapter 1: Recreation Development Plan)~~ shall include provisions for bicycle lanes.

7. A local government may grant a variance of up to 10 percent to the guidelines of Recreation Intensity Class 4 for parking and campground units upon demonstration that all of the following conditions exist:

   A. Demand and use levels for the proposed activity(s), particularly in the area where the site is proposed, are high and expected to remain so ~~and/~~or increase. – Statewide Comprehensive Outdoor Recreation Plan (SCORP) data and data from the National ~~Scenic Area recreation demand studies~~Visitor Use Monitoring Program shall be relied upon to meet the criterion in the absence of current applicable studies.

   B. The proposed use is dependent on resources present at the site.

   C. Reasonable alternative sites offering similar opportunities, including those in u~~U~~rban a~~A~~reas, have been evaluated, and it has been demonstrated that

the proposed use cannot be adequately accommodated elsewhere.

D. The proposed use is consistent with the goals, objectives, and policies in this chapter.

E. Through site design and/~~or~~ mitigation measures, the proposed use can be implemented without adversely affecting scenic, natural, or cultural resources and adjacent land uses.

~~E.~~F. Through site design and/~~or~~ mitigation measures, the proposed use can be implemented without affecting or modifying treaty rights.

~~G. Mass transportation shall be considered and implemented, if feasible, for all proposed variances to Recreation Intensity Class 4.~~

8. Proposals to change the R~~r~~ecreation I~~i~~ntensity C~~c~~lass of an area shall require a Management Plan amendment pursuant to policies 1 through 4 in "Amendment of the Management Plan" (Part IV, Chapter 1: ~~–~~ Gorge Commission Role).

9. The R~~r~~ecreation I~~i~~ntensity C~~c~~lasses are designed to protect recreation resources by limiting land development and land uses.

SMA PROVISIONS: ~~–~~ RECREATION INTENSITY CLASSES

SMA Guidelines

Each Recreation Intensity Class includes a description of the desired social, physical and managerial setting for recreation development within each Recreation Intensity Class. Each Recreation Intensity Class also includes a list of allowable uses, subject to compliance with the “Facility Design Guidelines For GMA and SMA Recreation Projects” section.

1. Recreation Intensity Class 1 (Very Low Intensity)

~~The emphasis is to provide opportunities for semi-primitive recreation.~~

~~A. Permitted uses are those in which people participate in outdoor activities to realize experiences such as solitude, tension reduction, and nature appreciation.~~

A. Social Setting: Visitors in this designation have a high chance of finding solitude and opportunities to experience activities that rely on self-reliance, challenge and risk. Encounters with other visitors is low throughout the designation. Perceived crowdedness is low to non-existent away from roads recreation sites. Visitor encounters and perceived crowdedness is low to moderate at or near (within 1 mile) roads and recreation sites.

B. Physical and Managerial Setting: Predominately natural/natural appearing landscapes with rustic improvements characterize this designation. Nodes of developed recreation facilities may be allowed. Developed recreation site regulations and controls (signing, regulations or other regimentation) are noticeable but harmonize with the natural characteristics of the landscape setting. Away from developed recreation sites there is minimal or subtle control of users.

C. Trail development is simple and typically accommodate low use levels. Users are highly skilled with a high degree of orienteering skills.

~~A.~~D. ~~The maximum site design capacity shall not exceed 35 people at one time on the site.~~ The maximum design capacity for parking areas shall be 10 vehicles.

~~B.~~E. ~~———~~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) Restrooms.

(9) Accommodations for mass transportation facilities should be considered where compatible with the social and physical settings.

2. Recreation Intensity Class 2 (Low Intensity)

~~The emphasis~~
Social Setting: RIC 2 is ~~to provide~~characterized by opportunities ~~for semi-primitive recreation.~~

~~A. Permitted uses are those that provide settings where people can participate in activities such as~~ to experience relaxation, physical fitness~~,~~ and outdoor learning~~,~~

~~relaxation, and escape~~ and where there is a moderate probability to experience solitude.~~–~~ Visitor encounters are low to moderate on trails and away from ~~noise and crowds~~developed recreation sites and roads. Usually and moderate to high near (within 1 mile) recreation sites and roads.

~~B~~Physical and Managerial Setting: Predominately natural/natural appearing landscapes with rustic improvements characterize this designation. Nodes of highly developed recreation facilities may be allowed. Developed recreation site regulations and controls (signing, regulations or other regimentation) harmonize with the natural characteristics of the landscape setting. Away from developed recreation sites there is minimal or subtle control of users.

Trails are moderately developed (native surface or gravel, trail bridges and other facilities are provided for user convenience). Trail use is typically low to moderate. Trails are suitable for a wide range of users and are challenging and involve intermediate to advance skills.

The following uses may be permitted.

A. ~~The maximum site design capacity shall not exceed 70 people at one time on the site.~~ The maximum design capacity for parking areas shall be ~~- - - - -~~25 vehicles.

~~C.~~All uses permitted in Recreation Intensity Class 1 are permitted in Recreation Intensity Class 2.~~–~~ The following uses may also be permitted:

(1) Campgrounds for twenty (20) units or less, tent sites only. ~~*(Revised: U.S. Sec.Ag. concurrence 7/1/11)*~~

(2) Boat anchorages designed for no more than 10 boats at one time.

(3) Swimming areas.

(4) Accommodations for mass transportation facilities should be considered where compatible with the social and physical settings.

3. Recreation Intensity Class 3 (Moderate Intensity)

~~The emphasis is on facilities with design themes emphasizing the~~

Social Setting: A high degree of interaction with other visitors with opportunities to experience relaxation and activities that provide little challenge or risk in a natural~~qualities of the area. Developments~~appearing environment characterizes this designation. Visitor encounters are ~~complementary~~moderate to high on trails away from developed recreation sites and roads.

Physical and Managerial Setting: Changes to the natural landscape~~, yet can~~ may be evident but in harmony with natural characteristics of the landscape setting. Highly developed recreation facilities and trails are constructed for visitor

convenience. On-site regulation and controls are noticeable but harmonize with the natural environment.

Trails typically accommodate moderate ~~numbers~~to high use and are well developed (native, gravel or paved surfaces, trail facilities such as bridges are provided for convenience). Trails are easily traveled by a wide range of ~~people~~users who have intermediate skill level and minimal orienteering skills.

Permitted uses are those in which people can participate in activities to realize experiences such as group socialization, nature appreciation, relaxation, cultural learning, and physical activity.

A. ~~The maximum site design capacity shall not exceed 250 people at one time on the site.~~ The maximum design capacity for parking areas shall be ~~_____~~ 50 vehicles. The GMA vehicle capacity level of 75 vehicles shall be allowed if enhancement or mitigation measures for scenic, cultural, or natural resources are approved for at least 10 percent of the site.

B. Accommodation of facilities for mass transportation (bus parking, etc.) shall be required for all new Recreation Intensity Class 3 day-use recreation sites and improvements to existing Class 3 day-use recreation sites where the improvement would increase the use of the site, except for sites predominantly devoted to boat access. The number and size of the mass transportation facilities shall reflect the physical capacity of the site.

C. All uses permitted in Recreation Intensity Classes 1 and 2 are permitted in Recreation Intensity Class 3. The following uses may also be permitted:

(1) Campgrounds with improvements that may include vehicle access, water, power, sewer, and sewage dump stations. ~~*(Revised: U.S. Sec. Ag. concurrence 7/1/11)*~~Campgrounds shall not exceed a combination of 50 single or group campsites (tent or recreational vehicle) and a total design capacity of 250 people at one time.

(2) Boat anchorages designed for not more than 15 boats.

(3) Public visitor, interpretive, historic, and environmental education facilities.

(4) Full-service restrooms that may include showers.

(5) Boat ramps.

(6) Riding stables.

4. Recreation Intensity Class 4 (High Intensity)

~~The emphasis is on providing roaded natural, rural, and suburban recreation opportunities with a high level of social interaction.~~

~~A.~~Social Setting: This designation is characterized by highly developed facilities where there is little challenge or risk associated with being in the outdoors. There is a high degree of interaction with other visitors. Encounters are high in recreation sites, on roads and trails within in this designation.

Physical and Managerial Setting: Landscapes with natural appearing backdrop are characterized by this designation. Highly developed recreation facilities and trails are constructed for visitor convenience and ease of movement. On-site regulation and controls are noticeable but harmonize with the natural characteristics of the landscape setting.

Trails are highly developed (gravel or paved surfaces, trail facilities such as bridges are provided for convenience) and accommodate heavy to intensive use. Users are typically inexperienced with little or no orienteering skills. Trails are easily traveled by a wide range of users.

A. Permitted uses are those in which people can participate in activities to realize experiences such as socialization, cultural and natural history appreciation, and physical activity.

~~The maximum design capacity shall not exceed 1,000 people at one time on the site.~~ The maximum design capacity for parking areas shall be 200 vehicles. The GMA vehicle capacity level of 250 vehicles shall be allowed if enhancement or mitigation measures for scenic, cultural, or natural resources are approved for at least 20 percent of the site.

B. Accommodation of facilities for mass transportation (bus parking, etc.) shall be required for all new Recreation Intensity Class 4 day-use recreation sites and improvements to existing Class 4 day-use recreation sites where the improvement would increase the use of the site, except for sites predominantly devoted to boat access. The number and size of the mass transportation facilities shall reflect the physical capacity of the site.

C. All uses permitted in Recreation Intensity Classes 1, 2, and 3 are permitted in Recreation Intensity Class 4. The following uses may also be permitted:

Campgrounds with improvements that may include vehicle access, water, power, sewer, and sewage dump stations. Campgrounds shall not exceed a combination of 100 single or group campsites (tent or recreational vehicle) and a total design capacity of 500 people at one time.

CHAPTER

1

Agricultural Land

Agriculture in the Columbia River Gorge is varied and is distributed throughout the National Scenic Area. It ranges from row crops, hay, and specialty crops in the western Gorge to orchards and vineyards in the central Gorge to wheat, and rangeland, and vineyards in the east. It includes operations of varying scales and intensity intensive practices involving irrigation and extensive operations involving thefrom commercial crop production, to livestock grazing of grasslands, and hobbyspecialty farming. Agriculture and its associated support industries (packing and processing, farm equipment, etc.) have historically been a vital part of the local economy, particularly in the central and eastern Gorge, and remain so today.

NATIONAL SCENIC AREA ACT PROVISIONS

The National Scenic Area Act directs the Gorge Commission and the Forest Service to "protect and enhance agricultural lands for agricultural uses and to allow, but not require, conversion of agricultural lands to open space, recreation development or forest lands" [Section 6(d)(1)].

The Act defines agricultural lands to be those lands "used or suitable for the production of crops, fruits or other agricultural products, or the sustenance of livestock . . ." [Section 6(b)(2)].

KEY ISSUES

Agricultural lands are often the most easily developed lands for non-resource uses, such as residential and commercial. In the United States in recent decades, farmland has been converted to non-farm uses at a rate of 3 million acres per year.

In the Scenic Area, pressure to convert resource land is especially evident in the western and central parts of the Gorge. In the western Gorge, urban and suburban growth in the Portland/ Vancouver metropolitan area is putting pressure on eastern Multnomah County in the Corbett area and on eastern Clark County and western Skamania County. In the central Gorge, growth associated with sailboarding and recreation homesites is impacting agricultural lands in the Underwood, Hood River, Lyle, and Mosier areas.

Agricultural lands need to be protected for agricultural practicesfrom conflicting land uses. Farm practices such as spraying herbicides and pesticides, noise from farm machinery, and odors can be unpleasant to nearby residents and others. Conversely, non-farm residences and other uses can introduce plants that are hosts to pests and viruspathogens and host plant species into agricultural areas, and can introduce dogs and other pets that may harass farm animals or damage crops.

Traditionally, the division of agricultural lands ~~into parcels too small to be used in commercial operations promotes the~~ fragmentedation ~~of otherwise~~ viable farms into parcels too small for commercial operations. More recently, the artisan economy and technology has allowed the use of these small parcels for specialty farming. Climate change also affects the viability of agricultural uses in the Gorge. ~~In turn, these parcels provide opportunities for non-farm dwellings and other uses to locate among agricultural lands. Besides the conflicts these uses may present to nearby farms, the parcels are often no longer used or made available for commercial farm use.~~

Agricultural use of land can damage or destroy natural resources and habitat and cultural resources, and change the landscape of the Gorge as visible from key viewing areas.

~~OVERVIEW OF AGRICULTURAL LAND PROVISIONS~~

~~This chapter is divided into three sections. A section addressing policies and guidelines for lands designated Agriculture in the GMA is followed by a section for lands designated Agriculture-Special in the GMA. The third section includes policies and guidelines for one Agriculture designation in the SMA.~~

~~The GMA Agriculture policies provide for two designations: Large-Scale and Small-Scale. These policies assure the protection of commercial agricultural lands, while recognizing existing areas where small-scale, part-time farms exist. Small-scale lands are those blocks of land that are suitable for part-time agriculture or an agricultural use too small to support workers or provide significant products for market or processors. These lands are not able to be consolidated with large-scale agricultural operations.~~

~~The GMA Agriculture policies also establish minimum parcel sizes that protect agricultural land from conversion to non-resource uses and are large enough to ensure efficient agricultural management. Land divisions in the SMA are not permitted by the Scenic Area Act.~~

~~Both the GMA and SMA provisions establish use policies and guidelines that protect agricultural land from conflicting uses and conversion. These provisions establish uses that may be allowed and the guidelines to be used to determine consistency with plan policies. GMA guidelines also establish buffers to be used to protect lands designated Agriculture from conflicting uses on adjacent lands.~~

~~Agriculture-Special lands are natural areas where there may be existing livestock grazing. The GMA policies for these lands prohibit cultivation to protect sensitive plant communities. And Agriculture-Special policies and guidelines encourage landowners to consider voluntary natural protection programs to protect native rangeland.~~

GMA PROVISIONS

LARGE-SCALE AND SMALL-SCALE AGRICULTURE

GMA Goal

Protect and enhance ~~agricultural land for agricultural uses. Agricultural lands are those~~ lands that are used for or suitable for agricultural use.

GMA Objectives

1. Use regulations establishing allowable land uses and minimum parcels sizes to prevent fragmentation of agricultural lands, ensure agricultural lands are used for agricultural purposes, and to avoid conflicts between agricultural lands and adjacent or nearby non-agricultural land uses.

~~1.~~2. Enhance agriculture in areas designated Large-Scale Agriculture by encouraging the consolidation of small, inefficient parcels into larger, more efficient ownerships.

~~2.~~3. Support programs that provide technical support for landowners and farm operators and tax incentives for continued agricultural use, and that enhance the competitive capabilities of farms and ranches~~, thereby encouraging the long-term enhancement, preservation, and expansion of agricultural lands~~. Support programs that encourage agricultural practices that preserve other natural resources.

GMA Policies

Designation Policies

1. Those lands that are currently being used or that have recently been used to produce crops, fruits, or other agricultural products or for the sustenance of livestock shall be designated as Large-Scale or Small-Scale Agriculture.

2. Those lands that are classified as predominantly Class I through Class IV soils or are designated unique farmland by the U.S. Department of Agriculture Soil Conservation Service or local conservation district shall be designated as Large-Scale or Small-Scale Agriculture.

3. Those lands that are suitable for producing crops, fruits, or other agricultural products or for the sustenance of livestock, ~~forage for livestock,~~ including seasonal rangeland and areas used for calving, shall be designated as Large-Scale or Small-Scale Agriculture.

4. Those lands that are interspersed among lands used or suitable ~~or used~~ for

agriculture shall be designated as Large-Scale or Small-Scale Agriculture in order to protect agricultural lands from conflicting uses.

5. Those lands that are suitable for both agriculture and forestry shall be designated as Large-Scale or Small-Scale Agriculture if the surrounding area is generally devoted to agriculture.

~~6. Blocks of land that have been committed by development to other uses shall not be deemed used for or suitable for agriculture.~~

~~7.~~6. The diversity of agricultural operations in the National Scenic Area shall be recognized by distinguishing between Large-Scale and Small-Scale Agriculture.

A. Blocks of agricultural land shall be designated as Large-Scale Agriculture if they:

(1) Are currently devoted to agriculture of a scale that is land intensive, employs workers, or provides significant products for markets or processors, or

(2) Have a combination of soil capability, size, and freedom from conflicting use that renders them suitable for large-scale agriculture or farm forestry.

B. Blocks of agricultural land shall be designated as Small-Scale Agriculture if they:

(1) Have little potential for consolidation with large-scale agricultural lands and are currently devoted to agriculture of a scale too small to support workers or provide a significant volume of products for markets or processors, and

(2) Have a combination of soil capability and size that provides an opportunity for direct marketing or part-time/second-income agriculture.

C. Small blocks of land that may by themselves be deemed Small-Scale Agriculture shall be designated as Large-Scale Agriculture if residential development of them would conflict with the resource use of adjacent lands designated Large-Scale Agriculture or Commercial Forest Land. Small blocks that are adjacent to ~~U~~urban ~~A~~areas, Residential, or Small Woodland land use designations or that are physically buffered by natural or manmade barriers from adjacent Large-Scale Agriculture and Commercial Forest Land designations may be considered for a Small-Scale Agriculture designation.

Land Use Policies

1. Conversion of agricultural land to forest land or open space shall be allowed.

2. Conversion of land from agriculture use to recreation shall be allowed when

consistent with the guidelines established for the Rrecreation Iintensity Cclasses (Part I, Chapter 4: Recreation Resources). and the Recreation Development Plan (Part III, Chapter 1).

3. Agricultural land shall be protected from conflicts by limiting the number, size, proximity, and scale of conflicting uses on nearby lands.

Agricultural land shall be protected from conversion to residential land by establishing minimum lot sizes for the creation of new parcels that are adequate to maintain existing agricultural operations, and by specifying the uses that may occur and the conditions of approval

4.3. Minimum lot sizes shall be established that are adequate to maintain agricultural operations and that:

A. Recognize the diversity of type and scale of farms and ranchesagricultural uses in the National Scenic Area.

B. Are large enough to ensure efficient agricultural management, and to discourage speculative real estate investment, and prevent conversion of agricultural land to residential use and conflicts from adjacent or nearby land uses.

C. Take into account the common field size for crops or livestock, adjacent uses, parcel sizes in the area, common size or economic unit for farms and ranches in the area, the existing landscape setting, wildlife habitat, scenic sensitivity, and other factors.

5.4. The following minimum parcel sizes shall be established for the creation of new parcels:

A. Large-Scale Agriculture

(1) A 40-acre minimum shall be applied to those areas designated Large-Scale Agriculture that are predominantly used for intensive farm operations, including the production of row crops, berries, vineyards, irrigated orchard land, and nursery stock. Farm/forestry operations are common in these areas.

(2) A 60-acre minimum shall be applied to those areas designated Large-Scale Agriculture that are predominantly used for non-irrigated orchard land. Dryland orchards require greater acreage to obtain production similar to irrigated orchards.

(3) An 80-acre minimum shall be applied to those areas designated Large-Scale Agriculture that are predominantly used for haying and pasturing. Production of crops may also occur in the area. Farm/forestry operations are common in these areas.

(4) A 160-acre minimum shall be applied to those areas designated

Large-Scale Agriculture that are predominantly used for extensive operations, primarily livestock grazing. Livestock and wheat ranches are common in these areas.

(5) Where a larger minimum parcel size is required by the Management Plan to protect a resource other than agricultural land, the larger minimum size shall apply.

B. Small-Scale Agriculture

(1) A minimum parcel size for lands designated Small-Scale Agriculture shall be established using the criteria prescribed in land use Policy 35, above. ~~Except as provided for in Policy 7, below, t~~The minimum parcel size shall not be less than 20 acres.

(2) Where a larger minimum parcel size is required by the Management Plan to protect a resource other than agricultural land, the larger minimum size shall apply.

~~6.~~5. On lands designated Large-Scale or Small-Scale Agriculture that include deer and elk winter range or turkey habitat, new parcels shall be 40 acres or larger in the west end of the National Scenic Area and 80 acres or larger in the east end of the National Scenic Area. In Oregon, the division between the west and east end of the National Scenic Area is the Hood River. In Washington, the division between the west and east end of the National Scenic Area is the White Salmon River.

~~7. Local governments may allow creation of parcels smaller than the designated minimum parcel size in the Small-Scale Agriculture designation, and award a density bonus, in order to cluster new residences to protect scenic, cultural, natural, or recreation resources.~~

6. Agricultural use shall be allowed in areas designated Large-Scale or Small-Scale Agriculture.

7. The following commercial uses may be allowed in areas designated Large-Scale or Small-Scale Agriculture:
   A. Home occupations.
   B. Bed and Breakfast Inns
   C. Wine or cider sales and tasting rooms in conjunction with an on-site winery or cidery.

8. Commercial events may be allowed in areas designated Large-Scale or Small-Scale Agriculture in conjunction with an on-site wine or cider sales and tasting room, commercial use, or dwelling listed in the National Register of Historic Places.

9. Agricultural buildings ~~shall~~ may be allowed in areas designated Large-Scale or Small-Scale Agriculture if they are shown to be accessory to agricultural

use.

10. Single-family dwellings ~~shall~~ may be allowed in areas designated Large-Scale Agriculture when:

    A. A farm dwelling is shown to be in conjunction with and substantially contributes to the effective and efficient current agricultural use of a farm or ranch, or

    B. A non-farm dwelling is shown not to convert land from agricultural use and not to interfere or conflict with agriculture on nearby lands.

11. All legally created, undeveloped parcels in a Small-Scale Agriculture designation are entitled to a single-family dwelling. Qualified agricultural labor housing may also be allowed.

12. Specified non-agricultural uses, such as buildings accessory to an existing residence, may be allowed, subject to review to minimize the loss of agricultural land and to prevent interference with agricultural uses. Non-agricultural uses that would interfere with agricultural operations shall not be allowed.

13. Agriculture ~~shall~~ may be enhanced by allowing processing and packing of agricultural products and uses that offer direct marketing opportunities, subject to review to minimize the loss of agricultural land and to limit the size and scale of use.

14. The reviewing agency shall provide information on Firewise standards to landowners at the time of application. Landowners shall be encouraged to incorporate Firewise standards in their proposal as appropriate and as consistent with the resource protection provisions in the Management Plan.

~~13.~~

GMA Guidelines

Uses Allowed Outright

1. The uses listed in "Uses Allowed Outright, All Land Use Designations, Except Open Space and Agriculture-Special" (Part II, Chapter 7: General Policies and Guidelines) are allowed without review on lands designated Large-Scale Agriculture or Small-Scale Agriculture.

Uses Allowed through the Expedited Development Review Process

1. The uses listed in "Expedited Development Review Process" (Part II, Chapter 7: General Policies and Guidelines) are allowed with review through the expedited development review process on lands designated Large-Scale Agriculture or Small-Scale Agriculture.

Review Uses

1. The following uses may be allowed on lands designated Large-Scale or Small-Scale Agriculture subject to compliance with guidelines for the protection of scenic, cultural, natural, and recreation resources:

   A. New cultivation, subject to compliance with guidelines for the protection of cultural resources (Part I, Chapter 2: Cultural Resources) and natural resources (Part I, Chapter 4: Natural Resources), and upon demonstration that the landowner has sufficient water to support the use.

   B. Agricultural structures, except buildings, in conjunction with agricultural use, including new cultivation.

   C. Agricultural buildings in conjunction with current agricultural use and, if applicable, proposed agricultural use that a landowner would initiate within one year and complete within five years, subject to the standards in "Agricultural Buildings" (Part II, Chapter 7: General Policies and Guidelines).

   D. Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in Guideline 1.E or Guideline 1.F below.

   E. Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel less than or equal to 10 acres in size are subject to the following additional standards:

      (1) The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

      (2) The height of any individual accessory building shall not exceed 24 feet.

   F. Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel larger than 10 acres in size are subject to the following additional standards:

      (1) The combined footprints of all accessory buildings on a single parcel shall not exceed 2,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

      (2) The footprint of any individual accessory building shall not exceed 1,500 square feet.

      (3) The height of any individual accessory building shall not exceed 24 feet.

   G. The temporary use of a ~~mobile~~ manufactured home, tiny house on a trailer,

or similar structure ~~or dwelling structure~~ in the case of a family hardship, subject to the guidelines for hardship dwellings in "Temporary Use - Hardship Dwelling" (Part II, Chapter 7: General Policies and Guidelines).

H. On lands designated Large-Scale Agriculture, a single-family dwelling in conjunction with agricultural use, upon a demonstration that all of the following conditions exist:

(1) The subject farm or ranch (including all of its constituent parcels, contiguous or otherwise) has no other dwellings that are vacant or currently occupied by persons not directly engaged in farming or working on the subject farm or ranch and that could be used as the principal agricultural dwelling.

(2) The farm or ranch upon which the dwelling will be located is currently devoted to agricultural use, as defined under "Designation Policies," where the day-to-day activities of one or more residents of the agricultural dwelling will be principally directed to the agricultural use of the land. The farm or ranch must currently satisfy Guideline (3)(d), below.

(3) The farm or ranch is a commercial agricultural enterprise as determined by an evaluation of the following factors:

(a) Size of the entire farm or ranch, including all land in the same ownership.

(b) Type(s) of agricultural uses (crops, livestock) and acreage.

(c) Operational requirements for the particular agricultural use that are common to other agricultural operations in the area.

(d) ~~Income capability~~Annual income. The farm or ranch, and all its constituent parcels, must ~~be capable of producing~~produce at least $~~40,000~~80,000 in gross annual income in 2020 dollars. This gross annual income amount shall be indexed for inflation on an annual basis using Consumer Price Index data from the US Bureau of Labor Statistics, and the new adjusted amount for each calendar year (calculated from 2020 dollars) will be posted on the Gorge Commission website by January 15 of each year. This determination can be made using the following formula:

(A)(B)(C) = I
where:

A = Average yield of the commodity per acre or unit of production
B = Average price of the commodity
C = Total acres suitable for production, or total units of production that can be sustained, on the subject farm or ranch
I = ~~Income capability~~Annual income

I. On lands designated Large-Scale Agriculture, a second single-family dwelling in conjunction with agricultural use when the dwelling would replace an existing dwelling that is included in, or eligible for inclusion in, the National Register of Historic Places, in accordance with the criteria listed in GMA Policy 10.A in Part I, Chapter 2:– Cultural Resources.

J. On lands designated Small-Scale Agriculture, a single-family dwelling on any legally created and existing parcel.

K. On lands designated Large-Scale Agriculture, a single-family dwelling for an agricultural operator's relative provided that all of the following conditions exist:

(1) The dwelling would be occupied by a relative of the agricultural operator or of the agricultural operator's spouse who will be actively engaged in the management of the farm or ranch. Relative means grandparent, grandchild, parent, child, brother or sister.

(2) The dwelling would be located on the same parcel as the dwelling of the principal operator.

(3) The operation is a commercial enterprise, as determined by an evaluation of the factors described in Guideline 1.H(3) under "Review Uses" in this section.

~~Construction, reconstruction, or modifications of roads not in conjunction with agriculture.~~

L. Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation and~~/or~~ natural resources, subject to the guidelines in "Resource Enhancement Projects" (Part II, Chapter 7: General Policies and Guidelines). These projects may include new structures (e.g., fish ladders, sediment barriers) ~~and/~~or activities (e.g., closing and revegetating unused roads, recontouring abandoned quarries).

M. Structures associated with hunting and fishing operations.

N. Towers and fire stations for forest fire protection.

O. Agricultural labor housing, under the following conditions:

(1) The proposed housing is necessary and accessory to a current agricultural use.

(2) The housing shall be seasonal, unless it is shown that an additional full-time dwelling is necessary to the current agricultural use of the subject farm or ranch unit.– Seasonal use shall not exceed 9 months.

(3) The housing shall be located to minimize the conversion of lands capable of production of farm crops or livestock~~,~~ and shall not force a significant change in or significantly increase the cost of accepted agricultural practices employed on nearby lands devoted to agricultural use.

P. On lands designated Large-Scale Agriculture, on a parcel that was legally created and existed prior to November 17, 1986, a single-family dwelling not in conjunction with agricultural use upon a demonstration that all of the following conditions exist:

(1) The dwelling will not force a change in or increase the cost of accepted agricultural practices on surrounding lands.

(2) The subject parcel is predominantly unsuitable for the production of farm crops and livestock, considering soils, terrain, location, and size of the parcel. Size alone shall not be used to determine whether a parcel is unsuitable for agricultural use. An analysis of suitability shall include the capability of the subject parcel to be used in conjunction with other agricultural operations in the area.

(3) The dwelling shall be set back from any abutting parcel designated Large-Scale or Small-Scale Agriculture, as required in "Agricultural Buffer Zones," below, or designated Commercial Forest Land or Large or Small Woodland, as required in "Siting of Dwellings on Forest Land" (Part II, Chapter 2:~~–~~ Forest Land).

(4) A declaration has been signed by the landowner and recorded into county deeds and records specifying that the owners, successors, heirs, and assigns of the subject property are aware that adjacent and nearby operators are entitled to carry on accepted agriculture or forest practices on lands designated Large-Scale or Small-Scale Agriculture, Commercial Forest Land, Large or Small Woodland.

(5) All owners of land in areas designated Large-Scale or Small-Scale Agriculture, Commercial Forest Land, or Large or Small Woodland that is within 500 feet of the perimeter of the subject parcel on which the dwelling is proposed to be located have been notified and given at least 10 days to comment prior to a decision.

~~Q. On parcels in Small-Scale Agriculture, a land division creating parcels smaller than the designated minimum parcel size, subject to the guidelines for cluster development in "Land Divisions and Cluster Development" (Part II, Chapter 7: General Policies and Guidelines). If the designated minimum parcel size is 20 acres, this provision will apply to parcels 40 acres in size or larger. Similarly, if the designated minimum parcel size is 40, 80, or 160 acres, this provision will apply to parcels 80 acres or larger, 160 acres or larger, or 320 acres or larger, respectively.~~

~~R.~~Q. Life estates, subject to the guidelines for life estates in "Approval Criteria for Life Estates," below.

~~S.~~R. Land divisions, subject to ~~the guidelines for minimum parcel sizes in~~Land Use Policies 4 and 5, above, and the guidelines in "Land Divisions" (Part II, Chapter 7: General Policies and Guidelines)~~land use Policy 6, above~~.

~~T.~~S. Lot line adjustments that would result in the potential to create additional parcels through subsequent land divisions, subject to the guidelines in "Lot Line Adjustments" (Part II, Chapter 7: General Policies and Guidelines).

~~U.~~T. Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building.

~~V.~~U. Docks and boathouses, subject to the guidelines in "Docks and Boathouses" (Part II, Chapter 7: General Policies and Guidelines).

~~W.~~V. Removal/demolition of structures that are 50 or more years old**,** including wells, septic tanks and fuel tanks.

~~X.~~W. Commercial events, subject to the guidelines in "Commercial Events" (Part II, Chapter 7: General Policies and Guidelines).

~~Y.~~X. Special uses in historic buildings, subject to the guidelines in “Special Uses in Historic Buildings” (Part II, Chapter 7: General Policies and Guidelines).

2. The following uses may be allowed on lands designated Large-Scale or Small-Scale Agriculture, subject to compliance with the guidelines for the protection of scenic, cultural, natural, and recreation resources and the "Approval Criteria for Specified Review Uses," below.

A. Construction, reconstruction, or modification of roads, ~~Utility~~ utility facilities, and railroads necessary for public service upon a showing that:

(1) there is no practicable alternative location with less adverse effect on agricultural or forest lands, and;

~~(1)~~(2) the size is the minimum necessary to provide the service.

B. Home occupations ~~or cottage industries~~ in existing residential or accessory structures, subject to the guidelines in "Home Occupations ~~and Cottage Industries~~" (Part II, Chapter 7: General Policies and Guidelines).

C. Fruit and produce stands~~, upon a showing that sales will be limited to agricultural products raised on the subject farm and other farms in the local region~~.

D. Wineries and cideries, in conjunction with an on-site ~~viticulture~~vineyard or

orchard, upon a showing that processing of wine or cider is from ~~grapes grown~~ fruits harvested on the subject farm ~~or in~~ and the local region.

E. Wine or cider sales and ~~/~~tasting rooms, in conjunction with an on-site winery or cidery.

F. Agricultural product processing and packaging, upon a showing that the processing will be limited to products grown primarily on the subject farm and sized to the subject operation.

G. Exploration, development, and production of mineral and geothermal resources, subject to the guidelines in "Review Uses" (Part II, Chapter ~~17: Scenic Resources~~General Policies and Guidelines).

H. Personal-use airstrips, including associated accessory structures such as a hangar. A personal-use airstrip is an airstrip restricted (except for aircraft emergencies) to use by the owner; invited guests on an infrequent and occasional basis; and commercial aviation activities in connection with agricultural operations. No aircraft may be based on a personal-use airstrip other than those owned or controlled by the owner of the airstrip.

I. Aquaculture.

J. Recreation development, subject to the R~~r~~ecreation I~~i~~ntensity C~~c~~lass provisions (Part I, Chapter 4: Recreation Resources). ~~and Recreation Development Plan (Part III, Chapter 1).~~

K. Boarding of horses. The reviewing agency shall make findings on property characteristics, parcel size and impacts to neighbors, and shall specify the maximum number of horses based on those findings.

L. Temporary portable asphalt/batch plants related to public road projects, not to exceed 6 months.

~~M. Bed and breakfast inns in single-family dwellings, subject to the guidelines in "Bed and Breakfast Inns" (Part II, Chapter 7: General Policies and Guidelines) and provided that the residence:~~

~~(1) Is included in the National Register of Historic Places, or~~

~~(2) In Washington, is listed on the Washington State Register of Historic Places maintained by the Washington Office of Archaeology and Historic Preservation, or~~

~~(3) In Oregon, is identified and protected under local landmark status as approved pursuant to Oregon state land use regulations protecting historic structures.~~

M. Bed and breakfast inns in single-family dwellings, subject to the guidelines in "Bed and Breakfast Inns" (Part II, Chapter 7: General Policies and

Guidelines) and provided that the residence:

(1) Is included in the National Register of Historic Places, or

(2) In Washington, is listed on the Washington Heritage Register maintained by the Washington Department of Archaeology and Historic Preservation, or

(3) In Oregon, is identified and protected under local landmark status as approved pursuant to Oregon state land use regulations protecting historic structures.

N. Nonprofit, environmental learning or research facilities.

O. Expansion of existing school or place of worship.

P. On parcels designated Small-Scale Agriculture, small-scale fishing support and fish processing operations on parcels that are contiguous with and have direct access to the Columbia River, subject to the guidelines in "Small-Scale Fishing Support and Fish Processing Operations" (Part II, Chapter 7: General Policies and Guidelines).

Q. Disposal sites managed and operated by the Oregon Department of Transportation, the Washington State Department of Transportation, or a Gorge county public works department for earth materials and any intermixed vegetation generated by routine or emergency/disaster public road maintenance activities within the National Scenic Area, subject to compliance with the guidelines in "Disposal Sites for Spoil Materials from Public Road Maintenance Activities" (Part II, Chapter 7: General Policies and Guidelines).

Agricultural Buffer Zones

1. All new buildings shall comply with the following guidelines when proposed to be located on a parcel adjacent to lands that are designated Large-Scale or Small-Scale Agriculture and are currently used for ~~or are suitable for~~ agricultural use:

SETBACK GUIDELINES

Type of Buffer (Size in Feet)

Type of Agriculture	*Open or Fenced*	*Natural or Created Vegetation Barrier*	*8-foot Berm or Terrain Barrier*
Orchards	250	100	75
Row crops/ Vegetables	300	100	75
Livestock grazing Pasture, haying	100	15	20
Grains	200	75	50
Berries, vineyards	150	50	30
Other	100	50	30

2. New buildings adjacent to lands designated Large-Scale or Small-Scale Agriculture that are suitable, but currently not used for agriculture, shall use the open or fenced setback associated with the dominant type of agriculture in the vicinity. If a vegetation barrier, 8-foot berm, or terrain barrier exists, the corresponding setback shall apply. If more than one type of agriculture is dominant, the setback shall be the larger width.

~~2.~~3. Earth berms may be used to satisfy, in part, the setback guidelines. The berm shall be a minimum of 8 feet in height, and contoured at 3:1 slopes to look natural. Shrubs, trees, ~~and/~~or grasses shall be employed on the berm to control erosion and achieve a finished height of 15 feet.

~~3.~~4. The planting of a continuous vegetative screen may be used to satisfy, in part, the setback guidelines. Trees shall be at least 6 feet high when planted and reach an ultimate height of at least 15 feet. The vegetation screen shall be planted along the appropriate parcel line(s), and shall be continuous.

~~4.~~5. The necessary berming ~~and/~~or planting shall be completed during the first phase of development and maintained in good condition.

~~5.~~6. If several crops or crop rotation is involved in the adjacent operation, the greater setback shall apply.

~~6.~~7. A local government may grant a variance to the buffer guidelines upon a demonstration that the variance guidelines in "Variances from Setbacks and Buffers" (Part II, Chapter 7:– General Policies and Guidelines) have been satisfied.

Approval Criteria for Life Estates

1. A landowner who sells or otherwise transfers real property on lands designated Large-Scale or Small-Scale Agriculture may retain a life estate in a dwelling and a tract of land surrounding the dwelling. The life estate tract shall not be considered a parcel as defined in the Management Plan.– A second dwelling in conjunction with agricultural use may be allowed, subject to compliance with guidelines for the protection of scenic, cultural, natural, and recreation resources and upon findings that:

   A. The proposed dwelling is in conjunction with agricultural use, using Guideline 1.H of "Review Uses" in this chapter.

   B. Upon termination of the life estate, the original or second dwelling shall be removed.

Approval Criteria for Specified Review Uses

1. The uses identified under Guideline 2 under "Review Uses," above, may be allowed only if they meet both of the following criteria:

   A. The use is compatible with agricultural uses and would not force a change in or significantly increase the cost of accepted agricultural practices on nearby lands devoted to agricultural use.

   B. The use will be sited to minimize the loss of land suitable for the production of crops or livestock.

AGRICULTURE-SPECIAL

GMA Goals

1. Ensure that new development and uses do not adversely affect natural areas that are listed on or potentially eligible for listing on the Oregon Register of Natural Heritage Resources or the Washington Register of Natural Areas Program.

2. Encourage landowners to enhance those portions of natural areas that are in fair or poor condition.

GMA Objectives

1. Use regulations to avoid adverse effects of development and land uses to natural areas that are listed on or potentially eligible for listing on the Oregon Register of Natural Heritage Resources or the Washington Register of Natural Areas Program.

~~1.~~2. Inform landowners and agency officials about voluntary natural area protection programs that are conducted by state agencies and nonprofit organizations, such as the Oregon ~~Natural Heritage Program~~Biodiversity Information Center, the Washington Natural Heritage Program, and The Nature Conservancy.

~~2.~~3. Assist owners of natural areas who wish to realize benefits from programs that promote long-term protection of open space values by informing them of opportunities such as property tax relief through special assessment programs, income tax benefits through charitable donations, or acquisition by government agencies or nonprofit organizations.

GMA Policies

1. Natural areas that are potentially eligible for the Oregon Register of Natural Heritage Resources or the Washington Register of Natural Areas Program shall be designated as Open Space or Agriculture-Special.

2. Potentially eligible natural areas that are primarily rangeland and substantially contribute to existing livestock operations shall be designated Agriculture-Special if continued livestock grazing would not adversely affect native plant communities or rare plants. The Oregon Biodiversity Information Center and Washington Natural Heritage Programs have concluded that continued livestock grazing is compatible with the following natural areas: Celilo Ridge and Crates Point, Oregon, and Columbia Hills and Horsethief Ponds, Washington. These natural areas are designated Agriculture-Special.

   ~~The Oregon and Washington Natural Heritage Programs have concluded that continued livestock grazing is compatible with the following natural areas: Celilo Ridge and Crates Point, Oregon, and Columbia Hills and Horsethief Ponds, Washington. These natural areas are designated Agriculture-Special.~~

3. Potentially eligible natural areas that would be adversely affected by intensive uses shall be designated as Open Space. The following natural areas are designated Open Space: Chenoweth Table, Columbia Oaks, Rowena Plateau, and Squally Point, Oregon; and Columbia Tunnels, Lower Klickitat River Canyon, and Mosley Lakes, Washington.

4. The Gorge Commission, in consultation with the Oregon Biodiversity Information Center and Washington Natural Heritage Program~~s~~, have prepared guidelines that specify what uses may be allowed in each natural area. Uses that would adversely affect native plant communities and rare plants shall be prohibited in natural areas. Guidelines for natural areas designated Agriculture-Special are presented in this

section, below. Guidelines for natural areas designated Open Space are found in Part II, Chapter 4: Open Space.

5. Landowners and agency officials shall be encouraged to rehabilitate those portions of natural areas that have been degraded and invaded by non-native plant species and weeds. Rehabilitation may be accomplished through a variety of means, including soil and water conservation planning, weed control, and livestock management.

GMA Guidelines

Uses Allowed Outright for Lands Designated Agriculture-Special

1. The following uses may be allowed on lands designated Agriculture-Special without review:

   A. Existing livestock grazing. A livestock operation ceases to be existing when the land on which it is conducted has lain idle for more than 5 years.

   B. Repair, maintenance, and operation of existing and serviceable structures, trails, roads, railroads, and utility facilities.

   C. Low-intensity recreation uses that occur with the knowledge and permission of the landowner, including hunting, fishing, trapping, native plant study, birdwatching, photography, horseback riding, and hiking. Development associated with these low-intensity recreation uses is subject to review and is not allowed outright.

   D. Temporary livestock facilities, such as portable livestock pens and corrals.

   E. New fences that exclude livestock from lands that are not part of an existing livestock operation.

Uses Allowed through the Expedited Review Process

1. The uses listed in “Expedited Development Review Process” (Part II, Chapter 7: General Policies and Guidelines) are allowed with review through the expedited development review process on lands designated Agriculture-Special.

Review Uses for Lands Designated Agriculture-Special

1. The following uses may be allowed on lands designated Agriculture-Special, subject to compliance with guidelines for the protection of scenic, natural, cultural, and recreation resources and "Approval Criteria for Review Uses on Lands Designated Agriculture-Special" in this section.

   A. New livestock grazing. Any operation that would introduce livestock to land that has not been grazed, or has laid idle, for more than 5 years shall be considered new livestock grazing.

B. New fences, livestock watering facilities, and corrals.

C. Soil, water, and vegetation conservation uses.

D. Replacement or minor expansion of existing and serviceable structures within a dedicated site. Expansion shall be limited to the dedicated site.

E. Fish and wildlife management uses, educational activities, and scientific research.

F. Land divisions that facilitate livestock grazing or protect and enhance natural areas. No resulting parcel may be smaller than 160 acres, unless it would facilitate the protection of scenic, cultural, natural, or recreation resources.

G. Single-family dwellings that are not in conjunction with agricultural use, if a landowner demonstrates that (1) the dwelling cannot be constructed on a portion of the parcel that is located outside of the natural area, and (2) the dwelling is sited and designed in a manner that minimizes adverse effects to the natural area. All dwellings shall meet the criteria in Guideline 1.Q of "Review Uses" (Part II, Chapter 1: Agricultural Land). The buffer guidelines for non-agricultural dwellings may be waived if they would prevent the optimum siting of a dwelling.

H. Recreation uses, subject to the provisions for Rrecreation Iintensity Cclasses (in Part I, Chapter 4: Recreation Resources).

I. Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building.

J. Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation and~~/or~~ natural resources, subject to the guidelines in "Resource Enhancement Projects" (Part II, Chapter 7: General Policies and Guidelines). These projects may include new structures (e.g., fish ladders, sediment barriers) ~~and/~~or activities (e.g., closing and revegetating unused roads, recontouring abandoned quarries).

K. Removal/demolition of structures that are 50 or more years old**,** including wells, septic tanks and fuel tanks.

L. Lot line adjustments, subject to the guidelines in "Lot Line Adjustments" (Part II, Chapter 7: General Policies and Guidelines).

Approval Criteria for Review Uses on Lands Designated Agriculture-Special

1. A range conservation plan shall be prepared before new livestock grazing commences; new fences, livestock watering facilities, and corrals are constructed; or soil, water, and vegetation conservation activities are undertaken

(review uses 1.A, 1.B, and 1.C). Range conservation plans are described under "Range Conservation Plans" below.

2. The local government shall submit all land use applications and range conservation plans to the Oregon Biodiversity Information Center or Washington Natural Heritage Program. The state heritage program will have ~~20~~ 30 days from the date that an application ~~and/~~or plan is mailed to submit written comments to the local government.

3. The local government shall record and address any written comments submitted by the state heritage program in its development review order.

4. Based on the comments from the state heritage program, the local government shall make a final decision on whether the proposed use is consistent with the Agriculture-Special policies and guidelines. If the final decision contradicts the comments submitted by the state heritage program, the local government shall justify how it reached an opposing conclusion.

Uses Prohibited on Lands Designated Agriculture-Special

1. Except for uses allowed outright and review uses, new uses shall be prohibited on lands designated Agriculture-Special. Prohibited uses include, but are not limited to:

   A. Cultivation, including plowing, harrowing, leveling, tilling, or any activity that prepares land for raising crops by turning, breaking up, or loosening the soil.

   B. Removal or clearing of native grasses, shrubs, and trees.

   C. Single-family dwellings and accessory structures, other than non-agricultural dwellings allowed as a review use.

   D. Barns, silos, and other agricultural buildings.

   E. Irrigation systems.

   F. Exploration, development, and production of mineral resources.

   G. Utility facilities, public use facilities, and roads.

Range Conservation Plans

1. If a range conservation plan is required before a use is allowed, it shall be prepared by landowners in cooperation with range scientists from local conservation districts. Specialists from the Oregon Biodiversity Information Center or Washington Natural Heritage Program should be consulted while the plan is being prepared.

2. Range conservation plans shall ensure that new uses do not adversely affect

natural areas. They shall accomplish the following goals:

A. Maintain native rangeland that is in excellent or good condition; enhance rangeland that is in fair or poor condition.

B. Preserve native trees and shrubs.

C. Reestablish native grasses in degraded areas that have been invaded by non-native plants and weeds.

3. Range conservation plans shall include the following elements:

A. Range inventory. This shall include existing composition, carrying capacity, and condition of rangeland; the location of rare plants and non-native weeds; and existing fences, watering ponds, and other range improvements.

B. Rehabilitation plan. This shall include actions that will be taken to rehabilitate native rangeland that is in fair or poor condition, such as weed and soil erosion control, seeding, and prescribed burning.

C. Livestock management plan. This shall include the grazing system that will be used, including number and size of pastures, expected livestock numbers, and grazing/deferral periods and sequence. Livestock ~~M~~management plans shall project livestock movements for at least 3 years.

D. Monitoring program. This shall track the annual progress of the conservation plan and condition of the range. Monitoring techniques shall be described, such as line transects or photographic plots.

SMA PROVISIONS

SMA Goal

Protect and enhance lands that are used or suitable for agricultural uses.

SMA Policies

1. Only lands determined to be used or suitable for agricultural purposes may be designated Agriculture.

2. Lands that are classified as predominantly Class I through Class IV soils, or are designated unique farmlands by the U.S. Department of Agriculture Soil Conservation Service or local conservation district, or are suitable for producing forage for livestock, are considered suitable for designation as Agriculture.

3. Other lands that are interspersed among lands used or suitable for agricultural purposes may be designated Agriculture in order to protect agricultural lands from conflicting uses.

4. Use of agricultural land for forest, open space, or public recreation is allowed and shall comply with the appropriate land use designation policies and guidelines. Use of agricultural land for commercial recreation is allowed and shall comply with the provisions of Part I, Chapter 4: Recreation Resources.

5. Conversion of lands designated Agriculture to Forest Land or to Open Space is allowed.

6. Agricultural lands shall be protected by minimizing adjacent land use conflicts.

7. Existing and new programs that promote farm practices that conserve and enhance natural resources shall be encouraged and facilitated.

8. The use of agricultural lands for public recreation or commercial recreation shall be allowed when consistent with the provisions of Part I, Chapter 4: Recreation Resources.

9. New dwellings shall not be permitted on parcels of land of less than 40 contiguous acres.

10. Structures, new dwellings, and agricultural buildings shall maintain the visual character of the landscape setting.

11. New dwellings and agricultural buildings shall only be allowed in areas designated Agriculture if they are shown to be necessary for and accessory to agricultural use.

12. Scenic, cultural, natural, and recreation resource guidelines shall be applied to new land uses and developments.

13. All National Forest System lands shall be subject to the laws and regulations pertaining to National Forest lands, including the National Environmental Policy Act (NEPA), and the Mt. Hood National Forest Land and Resource Management Plan, and the Gifford Pinchot National Forest Land and Resource Management Plan, as amended by the Northwest Forest Plan. The most protective standards of the National Scenic Area Management Plan or the respective Forest Land and Resource Management Plans (as amended by the Northwest Forest Plan) shall apply to National Forest System lands.

SMA Guidelines

Uses Allowed Outright

1. The uses listed in "Uses Allowed Outright, All Land Use Designations, Except Open Space and Agriculture-Special" (Part II, Chapter 7: General Policies and Guidelines) are allowed without review on lands designated Agriculture.

Uses Allowed through the Expedited Development Review Process

1. The uses listed in "Expedited Development Review Process" (Part II, Chapter 7:

General Policies and Guidelines) are allowed with review through the expedited development review process on lands designated Agriculture.

Review Uses

1. The following uses may be allowed on lands designated Agriculture subject to review for compliance with the scenic, cultural, natural, and recreation resource guidelines. The use or development shall be sited to minimize the loss of land suitable for the production of agricultural crops or livestock.

   A. New cultivation or new agricultural use outside of previously disturbed and regularly worked fields or areas. Clearing trees for new agricultural use is subject to the additional requirements of 1.W of Part II, Chapter 2: Forest Land.

   B. Forest uses and practices, as allowed for in Part II, Chapter 2: Forest Land.

   C. A single-family dwelling necessary for and accessory to agricultural use upon a demonstration that all of the following conditions exist:

      (1) The proposed dwelling would be the only dwelling on the subject farm or ranch, including contiguous lots/parcels.

      (2) The farm or ranch upon which the dwelling will be located is currently devoted to agricultural use, where the day-to-day activities of one or more residents of the dwelling will be principally directed to the agricultural use of the land. The farm or ranch must currently satisfy Guideline (3)(d), below.

      (3) The farm or ranch is a commercial agricultural enterprise as determined by an evaluation of the following criteria:

         (a) Size of the entire farm or ranch, including all land in the same ownership.

         (b) Type(s) of agricultural uses (crops, livestock, orchard, etc.) and acreage.

         (c) Operational requirements for the particular agricultural use that are common to other agricultural operations in the area.

         (d) ~~Income capability~~Average income. The farm or ranch, and all its contiguous parcels, must produce at least $80,000 in gross annual income in 2020 dollars. This gross annual income amount shall be indexed for inflation on an annual basis using Consumer Price Index data from the US Bureau of Labor Statistics, and the new adjusted amount for each calendar year (calculated from 2020 dollars) will be posted on the Gorge Commission website by January 15 of each year. ~~must be~~

~~capable of producing at least $40,000 in gross annual income.~~ This determination can be made using the following formula, ~~with periodic adjustments for inflation:~~

(A)(B)(C) = I

where:

A = Average yield of the commodity per acre or unit of production
B = Average price of the commodity
C = Total acres suitable for production, or total units of production that can be sustained, on the subject farm or ranch
I = ~~Income capability~~Average income

(4) Minimum parcel size of 40 contiguous acres.

D. Farm labor housing on a parcel with an existing dwelling under the following conditions:

(1) The proposed housing is necessary and accessory to a current agricultural use, and the operation is a commercial agricultural enterprise as determined by an evaluation of the criteria listed in Guideline 1.C(3) under "Review Uses," above.

(2) The housing shall be seasonal, unless it is shown that an additional full-time dwelling is necessary for the current agricultural use. Seasonal use shall not exceed 9 months.

(3) The housing shall be located to minimize the conversion of lands capable of production of farm crops and livestock~~,~~ and shall not force a significant change in or significantly increase the cost of accepted agricultural uses employed on nearby lands devoted to agricultural use.

(4) Minimum parcel size of 40 contiguous acres. ~~*(Added: U.S. Sec. Ag. concurrence 7/1/11)*~~

E. Agricultural structures, except buildings, in conjunction with agricultural use.

F. Agricultural buildings in conjunction with current agricultural use and, if applicable, proposed agricultural use that a landowner would initiate within one year and complete within five years, subject to the standards in "Agricultural Buildings" (Part II, Chapter 7: General Policies and Guidelines).

G. Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in Guideline 1.H or Guideline 1.I below.

H. Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel less than or equal to 10 acres in size are subject to the following additional standards:

(1) The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

(2) The height of any individual accessory building shall not exceed 24 feet.

I. Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel larger than 10 acres in size are subject to the following additional standards:

(1) The combined footprints of all accessory buildings on a single parcel shall not exceed 2,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

(2) The footprint of any individual accessory building shall not exceed 1,500 square feet.

(3) The height of any individual accessory building shall not exceed 24 feet.

~~J.~~

~~K.~~ Home occupations ~~and cottage industries,~~ subject to the guidelines in "Home Occupations~~ and Cottage Industries~~" (Part II, Chapter 7:~~ ~~General Policies

~~L.~~

~~M.~~J. and Guidelines). The use or development shall be compatible with agricultural use. Buffer zones should be considered to protect agricultural practices from conflicting uses.

~~N.~~K. Bed and breakfast inns, subject to the guidelines in "Bed and Breakfast Inns" (Part II, Chapter 7: General Policies and Guidelines). The use or development shall be compatible with agricultural use. Buffer zones should be considered to protect agricultural practices from conflicting uses.

~~O.~~L. Fruit ~~stands~~ and produce stands~~, upon a showing that sales will be limited to agricultural products raised on the property and other agriculture properties in the local region.~~.

~~P.~~M. Aquaculture.

~~Q.~~N. Exploration, development, and production of sand, gravel, and crushed rock for the construction, maintenance, or reconstruction of roads used to manage or harvest commercial forest products on lands within the SMAs.

~~R.~~O. Utility facilities necessary for public service, upon a showing that:

(1) There is no alternative location with less adverse effect on Agriculture lands.

(2) The size is the minimum necessary to provide the service.

~~S.~~P. Temporary asphalt/batch plant operations related to public road projects, not to exceed 6 months.

~~T.~~Q. Community facilities and nonprofit facilities related to agricultural resource management.

~~U.~~R. Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation and/or natural resources, subject to the guidelines in "Resource Enhancement Projects" (Part II, Chapter 7: General Policies and Guidelines). These projects may include new structures (e.g., fish ladders, sediment barriers) and/or activities (e.g., closing and revegetating unused roads, recontouring abandoned quarries).

~~V.~~S. Expansion of existing nonprofit group camps, retreats, and conference or education centers for the successful operation on the dedicated site. Expansion beyond the dedicated site is prohibited.

~~W.~~T. Public recreation, commercial recreation, interpretive, and educational developments and uses, consistent with the guidelines in Part I, Chapter ~~4~~: Recreation Resources.

~~X.~~U. Road and railroad construction and reconstruction.

~~Y.~~V. Agricultural product processing and packaging, upon demonstration that the processing will be limited to products produced primarily on or adjacent to the property. "Primarily" means a clear majority of the product as measured by volume, weight, or value.

~~Z.~~W. On a parcel of 40 acres or greater with an existing dwelling, the temporary use of a ~~mobile~~ manufactured home or dwelling structure in the case of a family hardship, subject to the guidelines for hardship dwellings in "Temporary Use - Hardship Dwelling" (Part II, Chapter 7: General Policies and Guidelines).

~~AA.~~X. Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building.

~~BB.~~Y. Docks and boathouses, subject to the guidelines in "Docks and Boathouses" (Part II, Chapter 7: General Policies and Guidelines).

~~CC.~~Z. Removal/demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks.

AA. Disposal sites managed and operated by the Oregon Department of Transportation, the Washington State Department of Transportation, or a Gorge county public works department for earth materials and any intermixed

vegetation generated by routine or emergency/disaster public road maintenance activities within the National Scenic Area, subject to compliance with the guidelines in "Disposal Sites for Spoil Materials from Public Road Maintenance Activities" (Part II, Chapter 7: General Policies and Guidelines).

CHAPTER

2

Forest Land

The forest products industry historically was a mainstay of the Gorge economy. Its role has diminished in recent decades. The industry depends on lands inside and outside the National Scenic Area for logs. Forest lands within the National Scenic Area include parts of the Mt. Hood National Forest in Oregon and the Gifford Pinchot National Forest in Washington. The State of Washington owns substantial areas of land managed by the Department of Natural Resources. There are also large holdings of industrial forest land and substantial non-industrial, small woodlands within the National Scenic Area.

NATIONAL SCENIC AREA ACT PROVISIONS

The National Scenic Area Act directs the Gorge Commission and the Forest Service to "protect and enhance forest lands for forest uses and to allow, but not require, conversion of forest to agricultural lands, recreation development or open spaces" [Section 6(d)(2)].

The Act defines forest lands to be those lands "used or suitable for the production of forest products" [Section 6(b)(3)].

Section 17(c) of the Act precludes the regulation of forest practices within the GMA. SMA forest practices, specifically "the management, utilization or disposal of timber resources," are not exempted from regulation stemming from the Act.

KEY ISSUES

The amount of land used for timber production in Washington and Oregon is on the decline. Public and private forest lands available for harvest are shrinking as a result of a number of factors, including conversion to non-forest uses and allocation of forest land by public agencies to other uses that preclude forest practices. Because public agencies, primarily those dealing with federal lands, are decreasing the acreage of land available for harvest, it is increasingly important that private industrial and non-industrial forest lands are managed and protected for the production of forest products.

Forest lands need to be protected from direct conversion to non-resource use and from conflicts with adjacent land uses that impede accepted forest practices and provide disincentives to forest management. Land divisions in forest lands need to discourage speculation in forest and recreation homesites and provide the opportunity for continuous growing and harvesting in an economically efficient manner. As

with agricultural lands, there are increasing conversion pressures placed upon forest lands from Portland/Vancouver metropolitan area growth and the expansion of tourism and recreation in the central Gorge.

~~OVERVIEW OF FOREST LAND PROVISIONS~~

~~The GMA provisions provide for three forest designations: Commercial Forest Land, Large Woodland, and Small Woodland. These designations ensure protection of all forest land that can contribute to the production of forest products, and recognize the different levels of management occurring in the Scenic Area. SMA policies designate Non-Federal and Federal forest land.~~

~~GMA policies only allow land divisions in the Commercial Forest and Large Woodland designations when necessary to facilitate forest management. Minimum parcel sizes in the Small Woodland designation protect forest land from conversion and ensure efficient forest management. The Scenic Area Act precludes land divisions in the SMA.~~

~~Both the GMA and SMA provisions establish use policies and guidelines that protect forest land from conflicting uses and conversion. Guidelines establish uses that may be allowed and criteria to be used to determine consistency with plan policies. GMA guidelines also establish fire protection criteria and siting criteria for dwellings that both protect forest land and maximize the efficient use of a parcel. Dwellings are not permitted on parcels less than 40 acres in size within the SMA.~~

~~SMA provisions also establish policies and guidelines for the review of forest practices in order to protect and enhance scenic, cultural, natural, and recreation resources.~~

GMA PROVISIONS

GMA Goal

Protect and enhance ~~forest land for forest uses. Forest lands are those~~ lands that are used for or suitable for the production of forest products.

GMA Objectives

1. Use regulations establishing allowable land uses and minimum parcels sizes to prevent fragmentation of forest lands, ensure forest lands are used for forest purposes, and to avoid conflicts between forest lands and adjacent or nearby non-forest uses.

~~1.~~2. Enhance forestry on lands designated Commercial Forest Land or Large or Small Woodland by encouraging consolidation of small, inefficient parcels into more efficient ownerships.

~~2.~~3. ~~Enhance forestry by encouraging Washington and Oregon to consider grants and loans to secondary processors of forest products under Section 11 of the Scenic Area Act and other economic development programs.~~ Support programs that provide technical support for landowners and forest operators and tax incentives for continued forest use, and that enhance the competitive capabilities of forests. Support programs that encourage forest practices that preserve other natural resources.

GMA Policies

Designation Policies

1. Those lands that are used for the production of forest products shall be designated as Commercial Forest Land or Large or Small Woodland.

2. Those lands that are capable of growing 50 cubic feet per acre per year or more of merchantable tree species shall be designated as Commercial Forest Land or Large or Small Woodland.

3. In order to protect forest lands from conflicting uses, those lands that are interspersed among and part of other lands that are used or suitable for forestry shall be designated as Commercial Forest Land or Large or Small Woodland.

4. Lands that have been committed by development to other uses shall not be deemed suitable for or used for forestry.

5. Those lands suitable for both forestry and agriculture shall be designated as Commercial Forest Land or Large or Small Woodland if the surrounding area is

generally devoted to lands used for the production of forest products.

6. The diversity of forest operations within the National Scenic Area shall be recognized by establishing different minimum parcel sizes and different dwelling standards that reflect differences in type of forestry operations, considering the following factors:

   A. Ownership class (industrial, non-industrial, public, etc.).

   B. Productivity of forest land.

   C. Size of ownership.

   D. Surrounding land use.

   E. Proximity to other types of forest land.

   F. Availability of structural fire protection services.

7. Forest designations shall include the following:

   A. Blocks of forest land shall be designated as Commercial Forest Land if they:

      (1) Contain lands in the industrial and public ownership classes that occur in large tracts (predominantly 160 acres or larger), have few residences, and are generally bounded by other lands in the same ownership classes or by lands designated Large Woodland (predominantly 80 acres or larger).

      (2) Contain lands in the non-industrial ownership class that occur in large tracts (predominantly 80 acres or larger), have few residences, have no organized structural fire protection services, are capable of growing 85 cubic feet per acre per year or more of merchantable tree species, and are generally bounded by lands in the large non-industrial, public, or industrial ownership classes.

   B. Blocks of forest land shall be designated as Large Woodland if they:

      (1) Contain lands in the non-industrial ownership class that occur in large tracts (predominantly 80 acres or larger), have few residences, have no organized structural fire protection services, are capable of growing 50 cubic feet per acre per year or more of merchantable tree species, and are generally bounded by other lands in the same ownership class or by lands in the industrial class.

   C. Blocks of forest land shall be designated as Small Woodland if they:

      (1) Contain lands in the non-industrial ownership class that occur in smaller tracts (predominantly 20 acres or larger), have organized structural fire

protection services, are capable of growing 50 cubic feet per acre per year or more of merchantable tree species, and are generally bounded by other lands in the same ownership class or lands devoted to non-forest uses.

D. Small blocks of land that may themselves be deemed Large or Small Woodland shall be designated as Commercial Forest Land if residential development of them would conflict with the use of adjacent Commercial Forest Land or Large-Scale Agriculture land. Small blocks that are adjacent to uUrban aAreas, Residential, or Small-Scale Agriculture designations or that are physically buffered by natural or manmade barriers from adjacent Commercial Forest Land or Large-Scale Agriculture designations may be considered for Large or Small Woodland designations.

E. Lands shall be designated as Commercial Forest Land if they are within forest areas that are currently used for or suitable for Large-Scale Agriculture, but would otherwise qualify for designation as Commercial Forest Land or Large Woodland.

Land Use Policies

1. Conversion of forest land to agriculture or open space shall be allowed.

2. Conversion of forest land to recreation shall be allowed when consistent with the guidelines established for the Rrecreation Iintensity Cclasses (Part I, Chapter 4: Recreation Resources). ~~and the Recreation Development Plan (Part III, Chapter 1).~~

~~3. Forest land shall be protected from uses on nearby lands that conflict with the production of forest products by limiting the number, size, proximity, and scale of conflicting uses on nearby lands.~~

~~4. Forest land shall be protected from conversion to residential use by establishing minimum sizes for the creation of new parcels and by specifying the uses that may occur and the conditions of approval on lands designated Commercial Forest Land or Large or Small Woodland.~~

~~5.~~3. Land divisions of lands designated Commercial Forest Land or Large Woodland shall be allowed to facilitate forest management. No resulting parcel may be less than 80 acres in size.

~~6.~~4. Lands designated Commercial Forest Land or Large Woodland may be divided to facilitate protection of scenic, cultural, natural, or recreation resources. Resulting parcel(s) may be used only for the purpose intended at the time of creation of the parcel(s) or for agriculture or forest use.

5. A minimum size shall be established for the creation of new parcels on lands designated Small Woodland, considering the common size of forest units in the area, the impact on management efficiency, the existing landscape setting, wildlife habitat, and other resource factors.

6. On lands designated Commercial Forest, or Large or Small Woodland that include deer and elk winter range or turkey habitat, new parcels shall be 40 acres or larger in the west end of the National Scenic Area and 80 acres or larger in the east end of the National Scenic Area. In Oregon, the division between the west and east end of the National Scenic Area is the Hood River. In Washington, the division between the west and east end of the National Scenic Area the White Salmon River.

7. New dwellings are prohibited on lands designated Commercial Forest and Large Woodland.

~~8. Lands designated Small Woodland may be divided into parcels as large or larger than the specified minimum parcel size, subject to the guidelines for land divisions in "Land Divisions and Cluster Development" (Part II, Chapter 7: General Policies and Guidelines). No resulting parcel may be less than 20 acres in size.~~

~~9. Local governments may allow creation of parcels smaller than the designated minimum parcel size on lands designated Small Woodland, and award a density bonus, in order to protect scenic, cultural, natural, or recreation resources.~~

~~10. Dwellings shall be allowed in conjunction with agriculture on lands designated Commercial Forest Land.~~

~~11. New residences shall be allowed on lands designated Large Woodland if they are shown to contribute substantially to effective and efficient growing, propagation, and harvesting of forest tree species.~~

~~12.~~8. Single-family dwellings shall be allowed in areas designated Small Woodland when:

A. A dwelling is shown to be in conjunction with the growing, propagation, and harvesting of forest tree species, or

B. A dwelling is on a parcel shown not to be eligible for enrollment in the subject state's forest assessment program.

~~13.~~9. Forest lands shall be protected ~~and enhanced~~ by establishing fire protection standards for new structures located on lands designated Commercial Forest Land or Large or Small Woodland.

GMA Guidelines

Uses Allowed Outright

1. The uses listed in "Uses Allowed Outright, All Land Use Designations, Except Open Space and Agriculture-Special" (Part II, Chapter 7: General Policies and Guidelines) are allowed without review on lands designated Commercial Forest Land, Large Woodland, or Small Woodland.

Uses Allowed through the Expedited Development Review Process

1. The uses listed in "Expedited Development Review Process" (Part II, Chapter 7: General Policies and Guidelines) are allowed with review through the expedited development review process on lands designated Commercial Forest Land, Large Woodland, or Small Woodland.

Review Uses

1. The following uses may be allowed on lands designated Commercial Forest Land or Large or Small Woodland, subject to compliance with guidelines for the protection of scenic, cultural, natural, and recreation resources:

~~A. On lands designated Large Woodland, a single-family dwelling upon a demonstration that all of the following conditions exist:~~

~~(1) The dwelling will contribute substantially to the growing, propagation, and harvesting of forest tree species. The principal purpose for locating a dwelling on lands designated Large Woodland is to enable the resident to conduct efficient and effective forest management. This requirement indicates a relationship between ongoing forest management and the location of a dwelling on the subject parcel. A dwelling may not always be required for forest management.~~

~~(2) The subject parcel has been enrolled in the appropriate state's forest assessment program.~~

~~(3) A plan for management of the parcel has been approved by the Oregon Department of Forestry or the Washington Department of Natural Resources and the appropriate local government. The plan must indicate the condition and productivity of lands to be managed; the operations the owner will carry out (thinning, harvest, planting, etc.); a chronological description of when the operations will occur; estimates of yield, labor and expenses; and how the dwelling will contribute toward the successful completion of the operations.~~

~~(4) The parcel has no other dwellings that are vacant or currently occupied by persons not engaged in forestry and that could be used as the principal forest dwelling.~~

~~(5) The dwelling complies with the "Approval Criteria for the Siting of Dwellings on Forest Land" and "Approval Criteria for Fire Protection" in this chapter.~~

~~(6) A declaration has been signed by the landowner and recorded into county deeds and records specifying that the owners, successors, heirs, and assigns of the subject parcel are aware that adjacent and nearby operators are entitled to carry on accepted farm or forest practices on lands designated Commercial Forest Land, Large or Small Woodland, or Large-Scale or Small-Scale Agriculture.~~

~~B.~~A. On lands designated Small Woodland, one single-family dwelling on a legally created and existing parcel upon the parcel's enrollment in the appropriate state's forest assessment program. ~~–~~ Upon a showing that a parcel cannot qualify, a parcel is entitled to one single-family dwelling. In either case, the location of a dwelling shall comply with the "Approval Criteria for the Siting of Dwellings on Forest Land" and "Approval Criteria for Fire Protection" in this chapter. A declaration shall be signed by the landowner and recorded into county deeds and records specifying that the owners, successors, heirs, and assigns of the subject parcel are aware that adjacent and nearby operators are entitled to carry on accepted farm or forest practices on lands designated Commercial Forest Land, Large or Small Woodland, or Large-Scale or Small-Scale Agriculture.

~~C.~~B. One single-family dwelling on lands designated Small Woodland if shown to be in conjunction with and substantially contributing to the current agricultural use of a farm. Guideline 1H of "Review Uses" (Part II, Chapter 1: Agricultural Land) shall be used to determine whether a dwelling is a farm dwelling. The siting of the dwelling shall comply with the "Approval Criteria for Fire Protection" in this chapter.

~~D.~~C. Temporary onsite structures that are auxiliary to and used during the term of a particular forest operation. "Auxiliary" means a use or alteration of a structure or land that provides help or is directly associated with the conduct of a particular forest practice. An auxiliary structure is located onsite, is temporary in nature, and is not designed to remain for the forest's entire growth cycle from planting to harvesting. An auxiliary use is removed when a particular forest practice has concluded.

~~E.~~D. Temporary portable facility for the primary processing of forest products grown on a parcel of land or contiguous land in the same ownership where the facility is to be located. The facility shall be removed upon completion of the harvest operation.

~~F.~~E. Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation and~~/or~~ natural resources, subject to the guidelines in "Resource Enhancement Projects" (Part II, Chapter 7: General Policies and Guidelines). These projects may include new structures (e.g., fish ladders, sediment barriers) ~~and/~~or activities (e.g., closing and revegetating unused roads, recontouring abandoned quarries).

~~G.~~F. Structures associated with hunting and fishing operations.

~~H.~~G. Towers and fire stations for forest fire protection.

~~I. Agricultural structures, except buildings, in conjunction with agricultural use, subject to the "Approval Criteria for Fire Protection" in this chapter.~~

~~J.~~H. Agricultural buildings in conjunction with current agricultural use and, if applicable, proposed agricultural use that a landowner would initiate within

one year and complete within five years, subject to the "Approval Criteria for Fire Protection" in this chapter and the standards in "Agricultural Buildings" (Part II, Chapter 7: General Policies and Guidelines).

~~K.~~I. Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in Guideline 1.L or Guideline 1.M below.

~~L.~~J. Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel less than or equal to 10 acres in size are subject to the "Approval Criteria for the Siting of Dwellings on Forest Land" and "Approval Criteria for Fire Protection" in this chapter and the following additional standards:

(1) The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

(2) The height of any individual accessory building shall not exceed 24 feet.

~~M.~~K. Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel larger than 10 acres in size are subject to the "Approval Criteria for the Siting of Dwellings on Forest Land" and "Approval Criteria for Fire Protection" in this chapter and the following additional standards:

(1) The combined footprints of all accessory buildings on a single parcel shall not exceed 2,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

(2) The footprint of any individual accessory building shall not exceed 1,500 square feet.

(3) The height of any individual accessory building shall not exceed 24 feet.

L. On lands designated Commercial Forest or Large Woodland with a dwelling that was legally established and not discontinued, the temporary use of a manufactured home, tiny house on a trailer, or similar structure in the case of a family hardship, subject to the guidelines for hardship dwellings in "Temporary Use - Hardship Dwelling" (Part II, Chapter 7: General Policies and Guidelines) and the "Approval Criteria for the Siting of Dwellings on Forest Land" and "Approval Criteria for Fire Protection" in this chapter.

M. On lands designed Small Woodland, t~~T~~he temporary use of a ~~mobile~~ manufactured home, tiny house on a trailer, or similar structure in the case of a family hardship, subject to the guidelines for hardship dwellings in "Temporary Use - Hardship Dwelling" (Part II, Chapter 7: General Policies

and Guidelines) and the "Approval Criteria for the Siting of Dwellings on Forest Land" and "Approval Criteria for Fire Protection" in this chapter.

N. A second single-family dwelling on lands designated Small Woodland for a farm operator's relative, subject to Guideline 1.K of "Review Uses" (Part II, Chapter 1: Agricultural Land) and the "Approval Criteria for Siting of Dwellings on Forest Land" and "Approval Criteria for Fire Protection" in this chapter.

O. Private roads serving a residence on the subject parcel, subject to the "Approval Criteria for the Siting of Dwellings on Forest Land" and "Approval Criteria for Fire Protection" in this chapter.

P. Recreation development, subject to the guidelines established for the recreation intensity classes (Part I, Chapter ~~4~~: Recreation Resources) and the Recreation Development Plan (Part III, Chapter 1).

~~Construction or reconstruction of roads or modifications not in conjunction with forest use or practices.~~

Q. Agricultural labor housing, under the following conditions:

(1) The proposed housing is necessary and accessory to a current agricultural use on the subject farm.

(2) The housing shall be seasonal, unless it is shown that an additional full-time dwelling is necessary to the current agricultural use of the subject agricultural unit.~~–~~ Seasonal use shall not exceed 9 months.

(3) The housing shall be located to minimize the conversion of lands capable of production of farm crops and livestock, and shall not force a significant change in or significantly increase the cost of accepted agricultural practices employed on nearby lands devoted to agricultural use.

~~(3)~~(4) The housing is subject to the "Approval Criteria for the Siting of Dwellings on Forest Land" and "Approval Criteria for Fire Protection" in this chapter.

R. On lands designated Commercial Forest Land, a temporary manufactured home, ~~mobile home~~tiny house on a trailer, or similar structure, in conjunction with a timber operation, upon a finding that security personnel are required to protect equipment associated with a harvest operation or to protect the subject forest land from fire. The manufactured home, ~~mobile home~~tiny house on a trailer, or similar structure must be removed upon completion of the subject harvest operation or the end of the fire season.~~–~~ The placement of the manufactured home, ~~mobile home~~tiny house on a trailer, or similar structure is subject to the "Approval Criteria for the Siting of Dwellings on Forest Land" and "Approval Criteria for Fire Protection" in this chapter.

~~On parcels in Small Woodland, a land division creating parcels smaller than the designated minimum parcel size, subject to the guidelines for cluster development in "Land Divisions and Cluster Development" (Part II, Chapter 7: General Policies and Guidelines). If the designated minimum parcel size is 20 acres, this provision will apply to parcels 40 acres in size or larger. Similarly, if the designated minimum parcel size is 40 or 80 acres, this provision will apply to parcels 80 acres or larger or 160 acres or larger, respectively.~~

S. New cultivation, subject to compliance with guidelines for the protection of cultural resources (Part I, Chapter 2: Cultural Resources) and natural resources (Part I, Chapter 3~~4~~: ~~–~~ Natural Resources).

T. Agricultural structures, except buildings, in conjunction with agricultural use, including new cultivation, subject to the "Approval Criteria for Fire Protection" in this chapter.

~~S.~~U. Life estates, subject to the guidelines in "Approval Criteria for Life Estates" in this chapter.

~~T.~~V. Land divisions, subject to the guidelines for minimum parcel sizes in land use Land Use Policies ~~4~~ 3 through ~~9~~6, ~~"Land Use Policies,"~~ above, and the guidelines in “Land Divisions” (Part II, Chapter 7: General Policies and Guidelines).

~~U.~~W. Lot line adjustments that would result in the potential to create additional parcels through subsequent land divisions, subject to the guidelines in "Lot Line Adjustments" (Part II, Chapter 7: General Policies and Guidelines).

~~V.~~X. Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building.

~~W.~~Y. Docks and boathouses, subject to the guidelines in "Docks and Boathouses" (Part II, Chapter 7: General Policies and Guidelines).

~~X.~~Z. Removal/demolition of structures that are 50 or more years old**,** including wells, septic tanks and fuel tanks.

~~Y.~~AA. Commercial events on lands designated Large Woodland or Small Woodland, subject to the guidelines in "Commercial Events" (Part II, Chapter 7: General Policies and Guidelines).

~~Z.~~BB. Special uses in historic buildings, subject to the guidelines in “Special Uses in Historic Buildings” (Part II, Chapter 7: General Policies and Guidelines).

2. The following uses may be allowed on lands designated Commercial Forest Land or Large or Small Woodland, subject to compliance with the guidelines for the protection of scenic, cultural, natural, and recreation resources and the "Approval Criteria for Specified Review Uses" in this chapter.

A. Construction, reconstruction, or modification of roads, ~~Utility~~ utility facilities, and railroads necessary for public service upon a showing that:

(1) there is no practicable alternative location with less adverse effect on agricultural and forest lands and on scenic, cultural, natural and recreation resources and;

(2) the size is the minimum necessary to provide the service.

~~A.~~B. Home occupations ~~or cottage industries~~ in an existing residence or accessory structure, subject to the guidelines in "Home Occupations ~~and Cottage Industries~~" (Part II, Chapter 7: General Policies and Guidelines).

~~B.~~C. Fruit and produce stands~~, upon a showing that sales will be limited to agricultural products primarily grown~~raised on the subject farm and other farms in the local region~~.

~~C.~~D. Wineries and cideries, in conjunction with an on-site ~~viticulture~~vineyard or orchard, upon a showing that processing of wine or cider is from ~~grapes grown~~fruits harvested on the subject farm ~~or in~~and the local region.

~~D.~~E. Wine or cider sales and ~~/~~tasting rooms, in conjunction with an on-site winery or cidery.

~~E.~~F. Agricultural product processing and packaging, upon a showing that the processing will be limited to products grown primarily on the subject farm and sized to the subject operation.

~~F.~~G. Exploration, development, and production of mineral and geothermal resources, subject to the guidelines in "Review Uses" (Part II, Chapter ~~7~~1: ~~Scenic Resources~~General Policies and Guidelines).

~~G.~~H. Aquaculture.

~~H.~~I. Boarding of horses. The reviewing agency shall make findings on property characteristics, parcel size and impacts to neighbors, and shall specify the maximum number of horses based on those findings.

~~I.~~J. Temporary portable asphalt/batch plants related to public road projects, not to exceed 6 months.

K. Expansion of existing nonprofit group camps, retreats, or conference centers.

L. Bed and breakfast inns in single-family dwellings, subject to the guidelines in "Bed and Breakfast Inns" (Part II, Chapter 7: General Policies and Guidelines) and provided that the residence:

(1) Is included in the National Register of Historic Places, or

(2) In Washington, is listed on the Washington Heritage Register maintained

by the Washington Department of Archaeology and Historic Preservation, or

(3) In Oregon, is identified and protected under local landmark status as approved pursuant to Oregon state land use regulations protecting historic structures.

~~J. Bed and breakfast inns in single-family dwellings, subject to the guidelines in "Bed and Breakfast Inns" (Part II, Chapter 7: General Policies and Guidelines) and provided that the residence:~~

~~(1) Is included in the National Register of Historic Places, or~~

~~(2) In Washington, is listed on the Washington State Register of Historic Places maintained by the Washington Office~~ Department ~~of Archaeology and Historic Preservation, or~~

~~(3) In Oregon, is identified and protected under local landmark status as approved pursuant to Oregon state land use regulations protecting historic structures.~~

~~K.~~M. Nonprofit, environmental learning or research facilities.

~~L.~~N. On parcels designated Small Woodland, small-scale fishing support and fish processing operations on parcels that are contiguous with and have direct access to the Columbia River, subject to the guidelines in "Small-Scale Fishing Support and Fish Processing Operations" (Part II, Chapter 7: General Policies and Guidelines).

~~M.~~O. Disposal sites managed and operated by the Oregon Department of Transportation, the Washington State Department of Transportation, or a Gorge county public works department for earth materials and any intermixed vegetation generated by routine or emergency/disaster public road maintenance activities within the National Scenic Area, subject to compliance with the guidelines in "Disposal Sites for Spoil Materials from Public Road Maintenance Activities" (Part II, Chapter 7: General Policies and Guidelines).

Approval Criteria for Fire Protection

1. All uses, as specified, shall comply with the following fire safety guidelines:

A. All buildings shall be surrounded by a maintained defensible space ~~fuel break~~ of at least 50 feet. Hazardous fuels shall be removed within the fuel break area. Irrigated or fire resistant vegetation may be planted within the fuel break. This could include green lawns and low shrubs (less than 24 inches in height). Trees should be spaced greater than 15 feet between the crowns and pruned to remove dead and low (less than 8 feet) branches. Accumulated leaves, needles, and other dead vegetation shall be removed from beneath trees. Fuel breaks shall be adjusted to account for site slope, to

protect riparian vegetation ~~or~~and other resources, or as recommended by local fire districts, conservation districts, or other professional.

B. Buildings with plumbed water systems shall install at least one standpipe a minimum of 50 feet from the structure(s).

~~C.~~ A pond, stream, tank or sump with storage of not less than 1,000 gallons, or a well or water system capable of delivering 20 gallons per minute shall be ~~D.~~ provided. If a well pump is located on-site, the electrical service shall be separate from the dwelling.

~~E.~~C. Access drives shall be constructed to a minimum of 12 feet in width and not exceed a grade of 12 percent. Turnouts shall be provided at a minimum of every 500 feet and at the building site. Access drives shall be maintained to a level that is passable to fire equipment. Variances to road guidelines may be made only after consultation with the local rural fire district and the Washington Department of Natural Resources in Washington or the Oregon Department of Forestry in Oregon.

~~F.~~D. Within 1 year of the occupancy of a dwelling, the local government shall conduct a review of the development to assure compliance with these guidelines.

~~G.~~E. ~~Telephone and power~~ Utility supply systems shall be underground whenever possible.

~~H.~~F. Roofs of structures ~~should~~ shall be constructed of fire-resistant materials such as metal, fiberglass, or asphalt shingle or tile. Roof materials such as cedar shake and shingle ~~should~~ shall not be used.

~~I.~~G. Any chimney or stovepipe on any structure for use with a woodstove or fireplace should be equipped with a spark arrestor that includes at least one screen~~ed with~~ no coarser than ~~1/4~~1/-8-inch mesh metal ~~screen~~ that is noncombustible and corrosion resistant ~~and should be equipped with a spark arrestor~~.

~~J.~~H. All structural projections such as balconies, decks and roof gables should be built with fire resistant materials equivalent to that specified in the ~~Uniform~~ International Building Code~~.~~ Structural projections shall be set back from slopes.

~~K.~~I. Attic openings, soffit vents, foundation louvers or other ventilation openings on dwellings and accessory structures should be screened with no coarser than ~~1/4~~1/8-inch mesh metal screen that is noncombustible and corrosion resistant.

Approval Criteria for Siting of Dwellings on Forest Land

1. The approval of new dwellings and accessory structures on forest lands shall comply with the following guidelines:

   A. The dwelling and structures shall be sited on the parcel so that they will have the least impact on nearby or adjoining forest operations. Dwellings shall be set back at least 200 feet from adjacent properties. Clustering or locating proposed development closer to existing development on adjacent lands may minimize impacts on nearby or adjacent forest operations.

   B. The amount of forest land used to site dwellings, structures, access roads, and service corridors shall be minimized. This can include locating new dwellings and structures as close to existing public roads as possible, thereby minimizing the length of access roads and utility corridors; or locating the dwelling, access road, and service corridors on portions of the parcel that are least or poorly suited for forestry. Areas may not be suitable for forestry because of existing non-forest uses, adjacent dwellings, or land productivity.

   C. Dwellings shall be located to minimize the risks associated with wildfire. Dwellings should be located on gentle slopes and in any case not on slopes that exceed ~~40~~ 30 percent. Dwellings should be set back from slopes. Narrow canyons and draws should be avoided. Dwellings should be located to minimize the difficulty of gaining access to the structure in the case of fire. Dwellings should be located to make the access roads as short and flat as possible.

   D. A local government may grant a variance to the siting guidelines contained within this section upon a demonstration that the guidelines in "Variances from Setbacks and Buffers" (Part II, Chapter 7: General Policies and Guidelines) have been satisfied.

Approval Criteria for Life Estates

1. A landowner who sells or otherwise transfers real property on lands designated ~~Commercial Forest Land or Large or~~ Small Woodland may retain a life estate in a dwelling and a tract of land surrounding the dwelling. The life estate tract shall not be considered a parcel as defined in the Management Plan. A second dwelling unit on lands designated ~~Commercial Forest Land or Large or~~ Small Woodland may be allowed, subject to compliance with the guidelines for the protection of scenic, cultural, natural, and recreation resources and upon findings that:

   A. The proposed dwelling is in conjunction with agricultural use, using Guideline 1.H of "Review Uses" (Part II, Chapter 1: Agricultural Land); or

   ~~B. On lands designated Large Woodland, the dwelling will contribute substantially to the growing, propagation, and harvesting of forest tree~~

~~species. The proposed dwelling shall comply with Guideline 1.A of "Review Uses" in this chapter; or~~

~~C.~~B. ~~On lands designated Small Woodland, T~~the proposed dwelling complies with Guideline 1.B of "Review Uses" in this chapter; and

~~D.~~C. Upon termination of the life estate, the original or second dwelling shall be removed.

Approval Criteria for Specified Review Uses

1. The uses identified under Guideline 2 under "Review Uses," above, may be allowed only if they meet all of the following criteria:

   A. The owners of land that is designated Commercial Forest Land, Large or Small Woodland, or Large-Scale or Small-Scale Agriculture and that lies within 500 feet of the perimeter of the subject parcel have been notified of the land use application and have been given at least 10 days to comment prior to a final decision.

   B. The use will not seriously interfere with accepted forest or agricultural practices on nearby lands devoted to resource use.

   C. The use will be sited in a way that minimizes the loss of forest or agricultural land and minimizes the chance of interference with accepted forest or agricultural practices on nearby lands.

   D. The use will not significantly increase fire hazard, fire suppression costs, or risks to fire suppression personnel and will comply with the "Approval Criteria for Fire Protection" in this chapter.

SMA PROVISIONS

SMA Goal

Protect and enhance forest lands for forest uses.

SMA Policies

1. Only lands determined used for or suitable for the production of commercial forest products shall be designated Forest land.

2. Lands that have greater than 10 percent of their area covered by commercial species of timber and that meet the definition of suitability (see glossary) are considered suitable for Forest land designation.

3. All new development~~s~~ and land uses shall protect natural, scenic, cultural, and recreation resources.

4. A site plan shall be prepared by the applicant prior to any forest practice.

5. The Forest Service shall, in collaboration with county and~~/or~~ state regulatory agencies, review site plans for forest practices for compliance with SMA forest practice guidelines. The Forest Service review of the site plans shall include the following analysis:

   A. Protection of the scenic resources: analysis of potential impacts, including cumulative effects, to scenic values as viewed from the key viewing areas.

   B. Protection of the cultural resources: analysis of potential impacts to the cultural resources, including cumulative effects.

   C. Protection of the natural resources: analysis of potential impacts, including cumulative effects, to the natural resources.

   D. Protection of the recreational resources: analysis of potential impacts to the recreational resources, including cumulative effects.

6. Forest Service review decisions on forest practices are subject to review by the Regional Forester.

7. New dwellings shall not be permitted on parcels of land less than 40 contiguous acres in size.

8. New dwellings shall only be allowed if shown to be necessary for and accessory to forest use, with an approved forest management plan, or necessary for and accessory to agricultural use, as specified in Part II, Chapter 1: Agricultural Land.

9. Research and development programs that protect and develop markets for secondary manufacturing and increased utilization of wood products and use of other miscellaneous forest products from the National Scenic Area are encouraged and will be supported by the Forest Service ~~National Scenic Area office~~.

10. Use of Forest Land for agriculture, open space, and public recreation shall be allowed and shall comply with the appropriate land use designation policies and guidelines. Use of Non-Federal Land for commercial recreation is allowed and shall comply with the provisions in Part I, Chapter 4: Recreation Resources.

11. Conversion of lands designated Forest Land to Agriculture or Open Space is allowed.

12. Chemical use in conjunction with all forest practices shall conform with existing local, state, and federal laws and regulations relating to the use of chemicals.

13. Fire protection siting guidelines and standards for dwellings shall be developed by the county to protect forest resources from wildfires.

14. Forest landowners shall be encouraged to develop plans for long-term management of their property to protect and enhance the forest resource.

15. The Forest Service shall work with local landowners to provide technical assistance for planning mitigation measures necessary for forest practices and to explain potential federal land acquisition options.

16. All National Forest System lands shall be subject to the laws and regulations pertaining to the National Forest system, including the National Environmental Policy Act (NEPA), the Mt. Hood National Forest Land and Resource Management Plan, and the Gifford Pinchot National Forest Land and Resource Management Plan as amended by the Northwest Forest Plan. The most protective standards of the National Scenic Area Management Plan or the respective Forest Land and Resource Management Plans (as amended by the Northwest Forest Plan) shall apply to National Forest System lands.

17. Forest management of National Forest System lands shall be for the purpose of ecosystem management and forest health.

18. Forest practices on National Forest System lands in the General Management Area shall comply with the Special Management Area forest practice guidelines.

SMA Guidelines

Uses Allowed Outright

1. The uses listed in "Uses Allowed Outright, All Land Use Designations, Except Open Space and Agriculture-Special" (Part II, Chapter 7: General Policies and Guidelines) are allowed without review on lands designated Forest.

Uses Allowed through the Expedited Development Review Process

1. The uses listed in "Expedited Development Review Process" (Part II, Chapter 7: General Policies and Guidelines) are allowed with review through the expedited development review process on lands designated Forest.

Review Uses

1. The following uses may be allowed on lands designated Forest subject to review for compliance with scenic, cultural, natural, and recreational resources guidelines. The use or development shall be sited to minimize the loss of land suitable for the production of forest products:

    A. All review uses allowed for in Part II, Chapter 1: SMA Agricultural Land.

    B. New cultivation or new agricultural use outside of previously disturbed and regularly worked fields or areas. Clearing trees for new agricultural use is subject to the additional requirements of 1.W of this chapter.

    C. Railroad and road construction or reconstruction.

    D. Exploration, development, and production of sand, gravel, or crushed rock for the construction, maintenance, or reconstruction of roads used to manage or

harvest commercial forest products in the SMAs.

E. Silvicultural nurseries.

F. Utility facilities for public service, upon a showing that:

(1) There is no alternative location with less adverse effect on Forest Land.

(2) The size is the minimum necessary to provide the service.

G. Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation and/or natural resources, subject to the guidelines in "Resource Enhancement Projects" (Part II, Chapter 7: General Policies and Guidelines). These projects may include new structures (e.g., fish ladders, sediment barriers) and/or activities (e.g., closing and revegetating unused roads, recontouring abandoned quarries).

H. Fish hatcheries and aquaculture facilities.

I. Public recreation, commercial recreation, interpretive and educational developments, and uses consistent with the provisions of Part I, Chapter 4: Recreation Resources.

J. One single family dwelling on a parcel of 40 contiguous acres or larger if an approved forest management plan demonstrates that such a dwelling is necessary for and accessory to forest uses. The forest management plan shall demonstrate the following:

(1) The dwelling will contribute substantially to the growing, propagation, and harvesting of trees. The principal purpose for allowing a dwelling on forest lands is to enable the resident to conduct efficient and effective management. This requirement indicates a relationship between ongoing forest management and the need for a dwelling on the subject property.

(2) The subject parcel has been is enrolled in the appropriate state's forest assessment program.

(3) A plan for management of the parcel has been is approved by the Oregon Department of Forestry or the Washington Department of Natural Resources and the appropriate county. The plan must indicate the condition and productivity of lands to be managed; the operations the owner will carry out (thinning, harvest, planting, etc.); a chronological description of when the operations will occur; estimates of yield, labor, and expenses; and how the dwelling will contribute toward the successful management of the property.

(4) The parcel has are no other dwellings that are vacant or currently occupied by persons not engaged in forest management of the subject parcel.

(5) The dwelling complies with county dwelling, siting, and state/county fire protection guidelines.

(6) A declaration ~~has been~~is signed by the landowner and recorded into county deeds and records specifying that the owners, successors, heirs, and assigns of the subject property are aware that adjacent and nearby operations are entitled to carry on accepted agricultural or forest practices.

K. Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in Guideline 1.L or Guideline 1.M below.

L. Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel less than or equal to 10 acres in size are subject to the following additional standards:

(1) The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

(2) The height of any individual accessory building shall not exceed 24 feet.

M. Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel larger than 10 acres in size are subject to the following additional standards:

(1) The combined footprints of all accessory buildings on a single parcel shall not exceed 2,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

(2) The footprint of any individual accessory building shall not exceed 1,500 square feet.

(3) The height of any individual accessory building shall not exceed 24 feet.

N. Home occupations ~~and cottage industries~~, subject to the "Home Occupations ~~and Cottage Industries~~" guidelines in Part II, Chapter 7: General Policies and Guidelines.

O. Temporary portable facilities for the processing of forest products.

P. Towers and fire stations for forest fire protection.

Q. Community facilities and nonprofit facilities related to forest resource management; or expansion of existing nonprofit group camps, retreats, or conference or education centers, necessary for the successful operation of

the facility on the dedicated site. Expansion beyond the dedicated site shall be prohibited.

R. On a parcel of 40 acres or greater with an existing dwelling, the temporary use of a ~~mobile~~ manufactured home or dwelling structure in the case of a family hardship, subject to the guidelines for hardship dwellings in "Temporary Use - Hardship Dwelling" (Part II, Chapter 7: General Policies and Guidelines).

S. Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building.

T. Docks and boathouses, subject to the guidelines in "Docks and Boathouses" (Part II, Chapter 7: General Policies and Guidelines).

U. Removal/demolition of structures that are 50 or more years old**,** including wells, septic tanks and fuel tanks.

V. Disposal sites managed and operated by the Oregon Department of Transportation, the Washington State Department of Transportation, or a Gorge county public works department for earth materials and any intermixed vegetation generated by routine or emergency/disaster public road maintenance activities within the National Scenic Area, subject to compliance with the guidelines in "Disposal Sites for Spoil Materials from Public Road Maintenance Activities" (Part II, Chapter 7: General Policies and Guidelines).

W. Clearing trees for new agricultural use with the following steps and subject to the following additional guidelines:

(1) A Stewardship Plan shall be submitted and deemed complete by the local government and submitted to the Forest Service for review. (See Stewardship Plan Requirements).

(2) Clearing trees for new agricultural use shall be limited to 15 acres.

(3) If the Stewardship Plan proves that the above guideline is detrimental to the proposed agricultural use, the final size of the clearing shall be determined by the application of Guidelines 1.W(4)(a-d) below and subject to Guideline 1.W(9).

(4) After a 30-day public comment period, the Forest Service shall review the Stewardship Plan using the following criteria:

(a) Scenic Resource guidelines in Review Uses 1.X(4)(a) and (g) in this chapter.

(b) Applicable Chapter I Cultural, Natural and Recreational Resource guidelines.

(c) The Natural Resource Conservation Service (NRCS) soil unit description shall indicate that soils are suitable for the proposed agricultural use. The woodland management tables shall be used as part of the analysis of suitability for both agricultural and forest uses.

(d) The size, shape and pattern on the landscape of the clearing for the new agricultural use shall blend with the surrounding landscape pattern either because the existing pattern includes agricultural openings or because the new agricultural opening is designed to appear natural.

(5) The Forest Service shall send the review statement to the appropriate local government planning office. The Forest Service shall state whether or not the new agricultural use should proceed including any conditions that are recommended to be required by the county.

(6) The local government will accept an application for new agricultural use on forested lands after receipt of a positive review statement from the Forest Service.

(7) The forest practice portion of the new agricultural use shall not be approved by the state forestry department or local government until a decision on the new agricultural use is issued from the local government.

(8) The new agricultural use shall be operational within two years of the time frame described in the approved Stewardship Plan.

(9) New agricultural uses with an approved Stewardship Plan requiring more than 15 acres shall attain the final approved size sequentially. After the first 15 cleared acres is operational, each subsequent clearing shall not occur until the previous clearing is operational.

X. Forest practices in accordance with an approved forest practices application (see application requirements) and subject to the additional guidelines in this chapter**.**

(1) The following information, in addition to general site plan requirements (see Part II, Chapter 7: General Policies and Guidelines) shall be required:

(a) Delineate the following on a recent aerial photo or detailed map:

(i) The size, shape, and exact location of the proposed treatment area including any clumps of leave trees to remain. If more than one silvicultural prescription is to be used, code each on the photo.

(ii) Other important natural features of the subject parcel such as steep areas, streams, wetlands, rock outcrops, etc.

(iii) Road and structure construction ~~and/~~or reconstruction location.

(iv) Location of proposed rock or aggregate sources.

(v) Major skid trails, landings, and yarding corridors.

(vi) Commercial firewood cutting areas.

(vii) Protection measures for scenic, cultural, natural, and recreation resources, such as road closures.

(b) Describe the existing forest in terms of species, ages, sizes, landscape pattern (including how it fits into the surrounding landscape pattern) and canopy closure for all canopy layers.

(c) Describe how the forest practice will fit into the existing landscape pattern and how it will meet scenic and natural resource standards in Review Uses 1.X(4)(a-g) and 1.X~~=~~(5)(a-d).

(d) Written silvicultural prescriptions with projected post-treatment forest condition specified in terms of species, ages, sizes, landscape pattern (including how it fits into the surrounding landscape pattern) and canopy closure for all canopy layers.

(e) Road and structure construction ~~and/~~or reconstruction design.

(f) Existing and proposed rock pit development plans.

(g) A discussion of slash disposal methods.

(h) A reforestation plan as reviewed by the appropriate state forest practices agency.

(2) As part of the application, flag, stake or mark buffers, any trees or downed wood to be retained or removed (whichever makes the most sense), and areas for placing fill or removing material in preparation for a field visit by the reviewer.

(3) Stewardship Plan Requirements: The following information, in addition to the applicable portions of the forest practice application requirements above and general site plan requirements (see Part II, Chapter 7: General Policies and Guidelines) shall be provided:

(a) Outline the long term goals, proposed operations, and future sustainability of the subject parcel.

(b) Describe the time frame and steps planned to reach the long term goals.

(c) For Forest Practices, describe how the proposed activities fit into the long term goals and sustainability of the parcel and ~~/or~~ forest health. The following shall be addressed:

(i) Describe the range of natural conditions expected in the forest in terms of tree species, structure, and landscape pattern.

(ii) Describe what the resulting tree species, structure, and landscape pattern will be after the proposed activities.

(iii) Give a clear explanation of how a deviation from the applicable guidelines may better achieve forest health objectives.

(iv) Give a clear explanation of how and why the proposed activities will ~~lead~~ move the forest towards its range of natural variability and result in reaching sustainability, resiliency to disturbances.

(d) For clearing trees for new agricultural use, the following shall be addressed in addition to X(3)(a) and (b) above:

(i) Submit NRCS soil unit description and map for each soil unit affected by the proposed clearing or treatment.

(ii) Based on the needs of the operation, give a clear explanation as to the exact size of the clearing needed and how it will meet the natural and scenic requirements set forth in W(4)(a-d) in this chapter.

(iii) Describe in sufficient detail for evaluation the proposed agricultural use, the improvements needed on the parcel, time line for its establishment, and its marketability.

(iv) Show evidence that an agricultural specialist, such as the county extension agent, has examined and found the proposed agricultural use reasonable and viable.

(4) For forest practices, the following scenic resource guidelines shall apply:

(a) Forest practices shall meet the design guidelines and scenic standards for the applicable landscape setting and zone (See Required SMA Scenic Standards table, SMA Guidelines for Development Visible from KVAs, SMA Scenic Resource Provisions, Part I, Chapter I).

(b) In the western portion (to White Salmon River) of the SMA Coniferous Woodland Landscape Setting, no more than 8% of the composite KVA viewshed from which the forest practice is topographically visible shall be in created forest openings at one time. The viewshed boundaries shall be delineated by the Forest Service.

(c) In the western portion (to the White Salmon River) of the SMA Gorge Walls, Canyonlands and Wildlands Landscape Setting, no more than 4% of the composite KVA viewshed from which the forest practice is topographically visible shall be in created forest openings at one time. The viewshed boundaries shall be delineated by the Forest Service.

(d) For all other landscape settings, created forest openings visible at one time shall be within the desired range for the vegetation type as set forth in Natural Resources guidelines in Review Uses 1.X(5)(a)-(c) in this chapter.

(e) Size, shape, and dispersal of created forest openings shall maintain the desired natural patterns in the landscape as set forth in Natural Resources guidelines in Review Uses 1.X(5)(a)-(c) in this chapter.

(f) The maximum size of any created forest opening is set forth by the "Desired" vegetation type in the Forest Structure and Pattern Table.

(i) If the treatment is proposed to go beyond the above guideline based on forest health or ecosystem function requirements, a Stewardship Plan shall be required.

(ii) If the Stewardship Plan proves that the above guideline is detrimental to either forest health or ecosystem function, the size of the created forest opening shall be within the natural range for the vegetation type as listed in the Desired Forest Structure and Pattern Table for each vegetation type, shall not mimic catastrophic fires, and shall maintain scenic standards.

(g) Created forest openings shall not create a break or opening in the vegetation in the skyline as viewed from ~~a key viewing area~~KVAs.

(5) Forest practices shall maintain the following in addition to applicable natural resources guidelines in Part I, Chapter 3~~4~~, SMA Natural Resources:

(a) Silvicultural prescriptions shall maintain the desired natural forest stand structures (tree species, spacing, layering, and mixture of sizes) based on forest health and ecosystem function requirements. Forest tree stand structure shall meet the requirements listed in the Desired Forest Structure and Pattern Table for each vegetation type. Forest tree stand structure is defined as the general structure of the forest in each vegetation type within which is found forest openings.

(b) Created forest openings shall be designed as mosaics not to exceed the limits defined as Desired in the Desired Forest Structure and Pattern Table unless proposed as a deviation as allowed under the scenic resource guideline in Review Uses 1.X(4)(f).

(c) Snag and down wood requirements shall be maintained or created as listed in the Desired Forest Structure and Pattern Table for each vegetation type.

(d) If the treatment is proposed to deviate from the snag and down wood requirements based on forest health or ecosystem function requirements, a Stewardship Plan shall be required and shall ~~show and prove~~demonstrate why a deviation from the snag and down wood requirements is required.

DESIRED FOREST STRUCTURE AND PATTERN

1	2	3		4		5	6	7
Vegetation Type[#]	**Forest Structure** (Average % total canopy closure (cc))[*]	**Typical Forest Opening-s Size** Disturbance caused **Historic (Natural)**	**Desired**	**Percent Openings at One Time** **Historic (Natural)**	**Desired**	**Leave Trees** Includes all available remnant old forest	**Average Down Wood** Pieces 30 ft long per acre (scattered)	**Average Snags** (Conifers) No. per acre Snags are 20-40 ft in height
West Conifer	60-80% canopy closure Understory layer variable (0-60% of total cc)	Variable sizes with mosaic pattern, irregular shapes Mosaic fire 1-100 acres Catastrophic fire over 100 acres	Retain forested character Allow openings up to 15 acres (up to 5 acres in the foreground of KVAs) All openings 1 acre or less on National Forest land and all Open Space LUD Openings retain 15 - 40 % canopy closure	10% (mosaic fire) up to 55% (catastrophic fire) Intense fire return interval is 300 yrs	Not to exceed 8% for West Coniferous Woodland Landscape Setting and not to exceed 4% for Gorge Walls, Canyonlands and Wildlands Landscape Setting Widely dispersed, variable sized mosaic of irregular shapes blending with existing openings	Leave 15% of existing trees per acre throughout opening and in clumps Include 3 trees per acre of the largest size trees available	18 - 25 pieces greater than 20” dbh	10 snags at 10” -20” dbh, and 7 snags greater than 20” dbh
East Conifer (Ponderosa Pine/Douglas fir)	40-80% canopy closure Understory layer less than 25% of total cc	Few Openings due to low intensity fires \\¼ to 2 acres	Openings less than 1 acre Openings have 0 - 40% canopy closure Openings widely dispersed	1 -10%	1 - 10% (% by vegetation type)	No leave trees required	3 - 6 pieces greater than 20” dbh	5 snags at 10”-20” dbh and 3 snags greater than 20” dbh
Ponderosa Pine/ Oregon Oak	25-60% canopy closure Understory layer greater than 25% of total cc.	Most natural openings due to poor soil Disturbance openings few	Openings less than 1 acre Openings have 0 - 25% canopy closure Openings widely dispersed	1 -10%	1 - 10% (% by vegetation type)	No leave trees required	1 - 3 pieces greater than 20” dbh	5 snags at 10” - 20” dbh and 3 snags greater than 20” dbh Oak snags can be counted if already dead or partially dead

Map available at the Forest Service National Scenic Area Office
* Does not apply to openings.
Dbh: Diameter at Breast Height

CHAPTER

3

Open Space

The Columbia Gorge's diverse open space resources have in large part accounted for its reputation for superlative scenery, unique and varied ecosystems and habitats, rich heritage, and quality recreation opportunities. Unlike remote wilderness areas, the Gorge has long been a major transportation and commercial corridor, containing within its bounds major highways, federal dams, railroads, and numerous settlements. Despite this, many of its inspiring vistas, historic sites, and natural areas remain intact. These open spaces typify the features of the Gorge that make it such a special place. They offer a glimpse into a region blessed with outstanding resources, yet readily accessible for public enjoyment and enrichment.

NATIONAL SCENIC AREA ACT PROVISIONS

The National Scenic Area Act calls upon the Gorge Commission to "protect and enhance open spaces." The Act also ~~charges~~ requires the Gorge Commission to designate land suitable for the protection and enhancement of open spaces. The Act [Section 2(l)] defines open spaces to include:

1. Scenic, cultural, and historic areas;
2. Fish and wildlife habitat;
3. Lands which support plant species that are endemic to the scenic area or which are listed as rare, threatened or endangered species pursuant to State or Federal Endangered Species Acts;
4. Ecologically and scientifically significant natural areas;
5. Outstanding scenic views and sites;
6. Water areas and wetlands;
7. Archaeological sites, Indian burial grounds and village sites, historic trails and roads and other areas which are culturally or historically significant;
8. Potential and existing recreation resources; and
9. Federal and State wild, scenic, and recreation waterways.

KEY ISSUES

Open spaces represent some of the most significant and sensitive resources in the National Scenic Area. ~~A variety of techniques are employed in the Management Plan to protect these resources. They include regulating uses in and around the resources through application of guidelines to protect scenic, cultural, natural, and recreation~~

~~resources, and incentive programs to encourage landowners to protect such resources.~~

In some cases, the resources are so sensitive and significant that they cannot be protected through regulation and their protection requires designating the land where they reside them as Open Space. ~~This land use designation is designed to protect such resources from uses that could adversely affect them.~~ Some of the traditional land uses in the Gorge, such as farming, forestry, mining and residential development, could threaten the integrity of these important and potentially vulnerable resource areas ~~mandated for protection in the Act~~. The protection and enhancement needs of these resources pose a significant challenge in the Management Plan.

~~A key issue related to this challenge involves the land use restrictions necessary to implement the Act's open space mandates. In some cases, this has necessitated limiting some existing or potential uses that may have economic value to landowners. Specifically, t~~The need to retain reasonable economic uses on private lands while protecting open space resources presents a particularly difficult issue. In response, the Gorge Commission and Forest Service have applied the Open Space designation with great care, where it is the only effective way of meeting the Act's mandates.

~~OVERVIEW OF OPEN SPACE PROVISIONS~~

~~The policies for the GMA list the criteria used to determine which lands in the GMA qualify as Open Space. The policies also direct the Gorge Commission to help landowners prepare stewardship programs that protect and enhance open space resources. Stewardship programs may foster acquisition of open space lands where acquisition fulfills the objectives of a landowner.~~

~~The GMA guidelines include a list of uses that may occur on all lands designated Open Space. Guidelines for specific Open Space areas, such as Gorge Walls and Canyonlands or Chenoweth Natural Area, list additional uses that may be allowed. Most uses in Open Space may occur without review by a county planning department or the Gorge Commission. However, the Open Space guidelines do require some uses to be reviewed. For example, recreation uses can occur in Open Space only if they are found to comply with the guidelines for recreation intensity classes (Part I, Chapter 4: Recreation Resources). Some uses must satisfy conditions listed in the Open Space guidelines themselves. For example, the Oregon Natural Heritage Program must be consulted before scientific research may occur in the Chenoweth Natural Area.~~

~~The SMA policies establish four subcategories of Open Space: scenic, natural, wildlife, and cultural. They also require a management plan to be prepared for each Open Space area. The plans help ensure that sensitive open space resources are protected and enhanced. The elements to be addressed in each plan are listed in the SMA guidelines.~~

~~The SMA guidelines include a list of uses that may occur in Open Space without being reviewed by a county~~

~~planning department or the Forest Service. The SMA guidelines also specify uses that may be allowed in Open Space after a review determines they comply with the guidelines in the Management Plan that protect scenic, cultural, natural, and recreation resources.~~

GMA PROVISIONS

GMA Goal

Protect ~~those~~ the most significant and sensitive scenic, cultural, natural, and recreation resources on unimproved lands from conflicting uses through avoidance, and enhance the~~m~~ resources where appropriate.

GMA Objectives

1. Use regulations to avoid adverse effects of new development and land uses on and adjacent to land designated Open Space.

~~1.~~2. Encourage the Secretary of Agriculture to revise the boundaries of ~~the~~ SMAs to include private lands in the GMA that are designated Open Space and that lie adjacent to or nearby an existing SMA boundary.

3. Encourage Congress to establish a~~n~~ new SMA to protect the remarkable scenic, cultural, natural, and recreation resources of the GMA Gorge Walls and Canyonlands Open Space area along the Historic Columbia River Highway between Hood River and Mosier.

4. Work with owners of lands designated Open Space to develop a program of stewardship that protects Open Space resources and achieves landowner objectives. Where consistent with landowner objectives, the stewardship program should encourage appropriate public and private agencies to acquire interests in Open Space lands and should inform landowners of tax and other incentive programs.

GMA Policies

Designation Policies

1. Only the most significant and sensitive scenic, cultural, natural, and recreation resources shall be designated as Open Space.

2. Land shall be designated as Open Space only if the use limitations are consistent with landowner objectives, or if all of the following circumstances exist:

   A. Uses authorized by alternative designations threaten a documented resource.

   B. Protection of the resource is demonstrably in the public interest over the long term.

   C. All reasonable alternative means that might protect the resource and achieve

landowner objectives have been considered and found not to provide adequate protection for the resource.

D. No lands with improvements exist within the boundaries of the Open Space.

E. Landowners have reasonable economic uses of the balance of their properties.

~~3. The Gorge Commission shall work with owners of lands designated Open Space to develop a program of stewardship that protects Open Space resources and achieves landowner objectives.~~

~~Where consistent with landowner objectives, the stewardship program should encourage appropriate public and private agencies to acquire interests in Open Space lands and should inform landowners of tax and other incentive programs.~~

~~The Gorge Commission shall establish priorities for acquisition or exchange of lands whose owners object to the Open Space designation, and shall facilitate acquisition or exchange prior to its first review of the Management Plan.~~

~~During its first review of the Management Plan, the Gorge Commission shall review the stewardship programs and the Open Space designations of areas containing lands whose owners object to the designation. Such reviews shall take into account acquisitions and exchanges completed since plan adoption.~~

~~4.~~3. Improved lands shall not be designated Open Space. For purposes of this chapter, improved lands are those upon which a structure or use subject to county ad valorem property taxation ~~has been~~is constructed or is being undertaken.

~~5.~~4. Open Space designation shall be applied to those most outstanding scenic areas that are highly visible in the foreground or middle ground from the Columbia River or scenic travel corridors and that are sensitive to uses that the Gorge Commission may not manage by regulation (such as forest practices).

~~6.~~5. Generally, well defined geographic areas that possess large concentrations of cultural resources shall be designated Open Space.

~~7.~~6. Undeveloped portions of state park lands suitable for low-intensity recreation and unsuitable for major recreation facilities shall be designated Open Space.

~~8.~~7. Those wetlands with remarkable values, such as sensitive wildlife habitat or rare plant species that are susceptible to disturbance from use and development shall be designated Open Space.

~~9.~~8. Open Space designations shall be applied to those most significant and sensitive natural areas that are susceptible to disturbance from use and development.

~~10. Uses shall be allowed in areas designated Open Space that can be undertaken without adverse effect to the resources to be protected.~~

~~11.~~9. Habitat areas of animal species that are classified as endangered or threatened by federal or state endangered species acts or the ~~Washington Wildlife Commission~~relevant state wildlife commission may be designated Open Space.

Land Use Policies

1. Uses authorized on private land designated Open Space shall be allowed with landowner permission only.

2. Uses may be allowed in areas designated Open Space that can be undertaken without adverse effect to the resources to be protected.

GMA Guidelines

Uses Allowed Outright

1. The uses listed in "Uses Allowed Outright, GMA and SMA Open Space" (Part II, Chapter 7: General Policies and Guidelines) are allowed without review on lands designated Open Space.

Uses Allowed through the Expedited Development Review Process

1. The uses listed in "Expedited Development Review Process" (Part II, Chapter 7: General Policies and Guidelines) may be allowed with review through the expedited development review process on lands designated Open Space.

Review Uses ~~- -~~ All Lands Designated Open Space

1. The following uses may be allowed on all lands designated Open Space subject to compliance with guidelines for the protection of scenic, cultural, natural, and recreation resources:

   A. Low-intensity recreation, subject to the guidelines for R~~r~~ecreation I~~i~~ntensity C~~c~~lasses (Part I, Chapter 4: Recreation Resources).

   B. Land divisions to facilitate efforts to protect and enhance scenic, cultural, natural, or recreation resources.

   C. ~~Repair, maintenance, operation, and li~~improvement, not including expansion, of existing structures, trails, roads, railroads, utility facilities, and hydroelectric facilities.

   D. Removal of timber, rocks or other materials for purposes of public safety and placement of structures for public safety.

   E. Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation, and~~/or~~ natural resources, subject to the guidelines in "Resource Enhancement Projects" (Part II, Chapter 7: General Policies and

Guidelines). These projects may include new structures (e.g., fish ladders, sediment barriers) ~~and/~~or activities (e.g., closing and revegetating unused roads, recontouring abandoned quarries).

F. Removal/demolition of structures that are 50 or more years old**,** including wells, septic tanks and fuel tanks.

G. Lot line adjustments, subject to compliance with the guidelines in "Lot Line Adjustments" (Part II, Chapter 7: General Policies and Guidelines).

Review Uses—Specific Lands Designated Open Space

Gorge Walls and Canyonlands

1. The following uses may be allowed on lands designated Open Space for Gorge Walls and Canyonlands subject to compliance with guidelines for the protection of scenic, cultural, natural, and recreation resources:

   A. Livestock grazing.

   B. Fish and wildlife management uses conducted by federal, state, or tribal resource agencies.

   C. Soil, water, or vegetation uses performed in accordance with a conservation plan approved by a county conservation district.

   D. Harvesting of wild crops.

   E. Educational or scientific research.

   F. Continued operation of existing quarries, if they are determined to be consistent with guidelines to protect scenic, cultural, natural, and recreation resources.

   G. All those uses allowed in "All Lands Designated Open Space," above.

Mosley Lakes Natural Area

1. The following uses may be allowed on lands designated Open Space for the Mosley Lakes Natural Area subject to compliance with guidelines for the protection of scenic, cultural, natural, and recreation resources:

   A. Fish and wildlife management uses conducted by federal, state, or tribal resource agencies, after consultation with the Washington Natural Heritage Program.

   B. Educational or scientific research, after consultation with the Washington Natural Heritage Program.

C. Commercial trapping.

D. All those uses allowed in "All Lands Designated Open Space," above.

Chenoweth Table Natural Area

1. The following uses may be allowed on lands designated Open Space for the Chenoweth Table Natural Area subject to compliance with guidelines for the protection of scenic, cultural, natural, and recreation resources:

   A. Low-intensity recreation, subject to the guidelines for Rrecreation Iintensity Cclasses (Part I, Chapter 4: Recreation Resources), after consultation with the Oregon ~~Natural Heritage Program~~Biodiversity Information Center.

   B. Wildlife management uses conducted by federal, state, or tribal resource agencies, after consultation with the Oregon ~~Natural Heritage Program~~Biodiversity Information Center.

   C. Educational or scientific research, after consultation with the Oregon ~~Natural Heritage Program~~Biodiversity Information Center.

   D. All those uses allowed in "All Lands Designated Open Space," above.

Squally Point Natural Area

1. The following uses may be allowed on lands designated Open Space for the Squally Point Natural Area subject to compliance with guidelines for the protection of scenic, cultural, natural, and recreation resources:

   A. Except in the upland dunes south of the railroad tracks, low-intensity recreation, subject to the guidelines for Rrecreation Iintensity Cclasses (Part I, Chapter ~~4~~: Recreation Resources), after consultation with the Oregon Biodiversity Information Center~~Natural Heritage Program~~.

   B. Repair and maintenance of railroads, except measures to stabilize dunes, after consultation with the Oregon Biodiversity Information Center~~Natural Heritage Program~~.

   C. Except as limited by Guideline 1.A above, all those uses allowed in "All Lands Designated Open Space," above.

Klickitat River Wildlife and Natural Area

1. The following uses may be allowed on lands designated Open Space for the Klickitat River Wildlife and Natural Area subject to compliance with guidelines for the protection of scenic, cultural, natural, and recreation resources:

   A. Low-intensity recreation, subject to the guidelines for Rrecreation Iintensity

Cclasses (Part I, Chapter 4: Recreation Resources), after consultation with the Washington Natural Heritage Program and Washington Department of Wildlife.

B. Wildlife management uses conducted by federal, state, or tribal resource agencies, after consultation with the Washington Natural Heritage Program.

C. Educational or scientific research, after consultation with the Washington Natural Heritage Program.

D. All those uses allowed in "All Lands Designated Open Space," above.

Balch Lake Wetlands Area

1. The following uses may be allowed on lands designated Open Space for the Balch Lake Wetlands Area subject to compliance with guidelines for the protection of scenic, cultural, natural, and recreation resources:

A. Livestock grazing, subject to a range conservation plan, after consultation with the Washington Department of Wildlife.

B. Fish and wildlife management uses conducted by federal, state, or tribal resource agencies.

C. Educational and scientific research, after consultation with the Washington Department of Wildlife.

D. Low-intensity recreation, subject to the guidelines for Rrecreation Iintensity Cclasses (Part I, Chapter 4: Recreation Resources), after consultation with the Washington Department of Wildlife.

E. All those uses allowed in "All Lands Designated Open Space," above.

Mouth of Wind River Wildlife Area

1. The following uses may be allowed on lands designated Open Space for the Mouth of Wind River Wildlife Area subject to compliance with guidelines for the protection of scenic, cultural, natural, and recreation resources:

A. Fish and wildlife management uses conducted by federal, state, or tribal resource agencies.

B. Soil, water, or vegetation uses performed in accordance with a conservation plan approved by a local conservation district.

C. Harvesting of wild crops.

D. Educational or scientific research, after consultation with the Washington Department of Wildlife or Fisheries.

E. Commercial fishing and trapping.

F. Low-intensity recreation, subject to the guidelines for Rrecreation Iintensity ~~c~~Classes (Part I, Chapter ~~4~~: Recreation Resources), after consultation with the Washington Department of Wildlife.

G. All those uses allowed in "All Lands Designated Open Space," above.

State Park Recreation Areas

1. The following uses may be allowed on lands designated Open Space on those portions of state park ownerships not suitable for major recreation facilities subject to compliance with guidelines for the protection of scenic, cultural, natural, and recreation resources:

   A. Fish and wildlife management uses conducted by federal, state, or tribal resource agencies.

   B. Soil, water, or vegetation uses performed in accordance with a conservation plan approved by a local conservation district.

   C. Harvesting of wild crops.

   D. Educational or scientific research.

   E. All those uses allowed in "All Lands Designated Open Space," above.

SMA PROVISIONS

SMA Goal

Protect and enhance open space values.

SMA Policies

1. Open Space shall be designated to provide special protection for sensitive scenic, cultural, recreational, and natural resources, and for sensitive ~~and/~~or representative ecosystems.

2. Only unimproved lands shall be designated Open Space.

3. Open Space designation shall include the following subcategories:

   A. **Open Space/Scenic** protects the natural appearance of lands with high scenic values. These include areas of outstanding natural beauty, such as cliff faces, steep bluffs, canyons, water features, and tributary river corridors.

B. **Open Space/Natural** protects wetlands, areas supporting ecologically and scientifically significant plant communities, and significant natural areas. Most of these areas contain concentrations of threatened, endangered, sensitive, and endemic plants, and sensitive plant associations that are rare or unusual.

C. **Open Space/Wildlife** protects sensitive and unique habitat values and threatened, endangered, sensitive, and endemic species. These lands include habitat for significant wildlife species such as spotted owl, pine marten, pileated woodpecker, and anadromous fisheries.

D. **Open Space/Cultural** protects concentrations of cultural resources. These lands contain known and potential significant concentrations of cultural resources.

4. An Open Space plan shall be developed for each Open Space area for protection and enhancement of resources in that area.

5. The Forest Service ~~National Scenic Area office~~ will facilitate the formation of partnerships with appropriate local, state, and federal agencies and private organizations, which will be encouraged to design and implement management programs to enhance Open Space values.

6. Educational and interpretive programs shall be encouraged to promote understanding and enhancement of resources, where these programs do not diminish the Open Space values.

7. New development~~s~~ and land uses not included in the Open Space guidelines, including commercial forest practices, most structural development, and intensive recreation development, shall be prohibited in Open Space areas.

8. Federal and state agencies shall review Open Space areas to determine their potential for classification as research natural areas or state natural areas.

9. All National Forest System lands shall be subject to the laws and regulations pertaining to the National Forest system, including the National Environmental Policy Act (NEPA), the Mt. Hood National Forest Land and Resource Management Plan, and the Gifford Pinchot National Forest Land and Resource Management Plan, as amended by the Northwest Forest Plan. The most protective standards of the National Scenic Area Management Plan or the respective Forest Land and Resource Management Plans (as amended by the Northwest Forest Plan) shall apply to National Forest System lands.

10. If requested, the Forest Service shall help locate mapped boundaries of Open Space areas in cases of new land uses or development.

SMA Guidelines

Uses Allowed Outright

1. The uses listed in "Uses Allowed Outright, GMA and SMA Open Space" (Part II, Chapter 7: General Policies and Guidelines) are allowed without review on lands designated Open Space.

Uses Allowed through the Expedited Development Review Process

1. The uses listed in "Expedited Development Review Process" (Part II, Chapter 7: General Policies and Guidelines) are allowed with review through the expedited development review process on lands designated Open Space.

Review Uses

1. An Open Space plan shall be completed by the primary managing agency or landowner prior to any new land uses or development, and shall be reviewed by the Forest Service. The Open Space plan shall include the following:

   A. Direction for resource protection, enhancement, and management.

   B. Review of existing uses to determine compatibility with Open Space values.

   C. Consultation with members of the public and with agency and resource specialists.

2. The following new uses may be allowed on lands designated Open Space subject to review for compliance with scenic, cultural, natural, and recreational resources guidelines:

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

   B. Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation ~~and/~~or natural resources, subject to the guidelines in "Resource Enhancement Projects" (Part II, Chapter 7: General Policies and Guidelines). These projects may include vegetation management and forest practices (subject to the forest practice guidelines of Part II, Chapter 2: Forest Land) for the restoration of forest health, new structures (e.g., fish ladders, sediment barriers) ~~and/~~or activities (e.g., closing and revegetating unused roads, recontouring abandoned quarries).

   C. Low-intensity recreation uses and development~~s~~, including educational and interpretive facilities, consistent with Part I, Chapter 4: Recreation Resources.

   D. Utility facilities for public service, upon a showing that:

      (1) There is no alternative location with less adverse effect on Open Space land.

      (2) The size is the minimum necessary to provide the service.

E. Removal/demolition of structures that are 50 or more years old**,** including wells, septic tanks and fuel tanks.

F. Treatment of noxious weeds shall be permitted without completion of an SMA Open Space plan when the following criteria have been met:

(1) Noxious weed infestation is new and eradication is still viable.

(2) Delayed or deferred treatment could have widespread or major adverse impacts to one or more of the following resources:

(a) Displacement of native and traditionally gathered plants;

(b) Degradation of wildlife habitat and forage;

(c) Degradation or loss of agricultural uses of land, such as cropland or livestock forage;

(d) Limitation of recreational uses.

(3) For federal lands, treatment effects have been thoroughly evaluated in an environmental assessment.

CHAPTER

4

Residential Land

The Gorge is currently home to ~~nearly~~ more than 55,000 people, the majority living in cities, towns and communities along the Columbia River.

Rural residential development has taken a marked upturn as people seek rural lifestyles and recreation homesites. Modern highways and technology are permitting many more people to pursue a rural lifestyle within reach of the amenities provided by local and regional service centers.

NATIONAL SCENIC AREA ACT PROVISIONS

The National Scenic Area Act encourages future residential development to occur in the ~~Urban Area~~ urban areas, but also allows for rural residential development. The Act directs the Gorge Commission and Forest Service to "require that residential development outside urban areas take place without adversely affecting the scenic, cultural, recreation, and natural resources of the Scenic Area" [Section 6(d)(8)].

Sections 6(d)(1) and (2) of the Act do not allow agriculture and forest lands to be converted to residential use. ~~When located outside Urban Areas, residential development shall be designated for~~ The Section 6(b)(6) requires the Gorge Commission designate areas "used or suitable for residential development, taking into account the physical characteristics of the areas in question and their geographic proximity to transportation and commercial facilities and other amenities." ~~[Section 6(b)(6)].~~

KEY ISSUES

The National Scenic Area Act encourages development, including residential, to locate within the 13 ~~Urban Area~~ urban areas ~~designated in the Scenic Area Act~~. This helps strengthen existing cities and towns, while reserving lands outside the ~~Urban Area~~ urban areas for principally agriculture, forest, ~~and~~ recreation use and resource protection. The National Scenic Area Act requires that agricultural and forest lands be protected. It does not include similar provisions for residential lands.

Residential use can also conflict with other resources that the National Scenic Area protects, including existing and planned recreation use, natural resources such as plant and wildlife habitat and wetlands on adjacent lands, cultural resources, and scenic resources.

These mandates in the Act generate perhaps the most significant residential planning issues in the National Scenic Area. Much of the land in the National Scenic Area not already committed to residential use and not too steep for development is either used or suitable for agriculture or forest use~~.~~ and may be highly visible or adjacent to water

resources. These lands are often highly capable of supporting residential development. As a result, demands for rural residential development in such areas can conflict with National Scenic Area mandates for protection of resource lands. In addition to these locational factors, the density of residential development can affect protected resources.

The designation and density of these committed lands and other areas for residential use must take into account all of the requirements for resource protection in the National Scenic Area and the circumstances in which land otherwise suitable for agricultural or forest use is nonetheless committed by past development decisions to residential use. Residential development must also be focused in areas that are suitable. Factors include proximity to amenities, emergency and other public services, and transportation; and avoidance of hazards; and the resources protected by the Scenic Area Act.

Another issue is the density at which residential development may occur. Too much residential development can change the landscape setting of an area and impact scenic resources. Lower densities help maintain the rural character of an area and keep the demand for services at levels that can be better met by rural service providers. Residential development can greatly impact adjacent agriculture and forest practices. Natural resources within and adjacent to residential areas, such as plant and wildlife habitat and wetlands, need to be protected. The Act specifically protects recreation. Residential use can conflict with existing and planned recreation use on adjacent lands. Finally, the density of residential development needs to take into account the carrying capacity of an area. Development should avoid hazards and be located where sewage disposal, water, and fire services are available.

Enclaves of rural residential development do now existhave long existed outside the Urban Area urban areas boundaries, including at Corbett, Bridal Veil, Skamania, Underwood, and Rowena. Many other areas adjoin urban areas, such as Murray's Addition adjacent to The Dalles and Murdock adjacent to Dallesport.

GMA PROVISIONS

GMA Goals

~~1. Protect and enhance the character of existing residential areas.~~

1. Ensure that residential development outside ~~Urban Area~~ urban areas does not adversely affect scenic, cultural, natural, ~~or~~ and recreation resources~~ and agricultural and forest lands~~.

2. Ensure that residential development outside of urban areas protects agricultural and forest land for agricultural and forest uses.

3. When designating lands for residential use, consider their physical characteristics and their geographic proximity to transportation, commercial facilities, and other amenities; proximity to emergency and other public services; and avoiding hazards.

GMA Objectives

1. ~~Encourage~~Require most residential development to ~~continue~~occur in areas already ~~dedicated~~committed to residential use~~s~~.

2. Allow limited residential development in areas not already committed to residential use when that development ~~that~~ does not ~~conflict with~~adversely affect scenic, cultural, natural, and recreation resources, does not conflict with agricultural and forest lands, and where natural hazards can be managed to protect life and property~~ the goals of the Management Plan and purposes of the National Scenic Area~~.

3. ~~Support~~Encourage ~~voluntary~~ landowners to use voluntary programs that provide guidance for avoiding the effects of natural hazards, when implementing those programs is consistent with protection of scenic, cultural, natural, and recreation resources and agricultural and forest lands. ~~on property safety~~

4. Use regulation to avoid adverse effects to protected resources from residential development and land uses.

GMA Policies

Designation Policies

1. Those lands currently devoted to residential use and other lands that are nearby and committed to residential use shall be designated as Residential.

2. Residential development shall not adversely affect adjacent lands designated Large-Scale or Small-Scale Agriculture, Commercial Forest Land, or Large or

Small Woodland.

3. In determining whether an area is committed to residential use, the following factors shall be considered:

   A. The relationship between a parcel and adjacent lands.

   B. Existing public facilities and services, including, but not limited to, existing sewer~~,~~ and water service, police protection, fire protection, school bus routes, and roads.

   C. Parcel size(s) and ownership patterns. An examination must include a review of contiguous and non-aggregated ownerships that may, as constituent parcels, be used together for agriculture or forest use.

   D. Natural or manmade features or impediments separating an area from resource lands.

   E. The physical development of an area. An area may be physically developed to the extent that it is no longer available for resource use. This factor by itself does not commit an area to residential use.

   F. Evaluation of the long-term, cumulative impacts of residential development on resources. The factors to be considered include, but are not limited to, conversion of adjacent agricultural and forest lands; compatibility with adjacent uses; impacts on water quality and quantity; effects on services; and impacts on scenic, cultural, natural, or recreation resources.

   G. Other factors that would make agriculture or forest use impracticable.

Land Use Policies

1. Minimum parcel sizes for land divisions shall be established, based upon the following factors:

   A. Avoidance of hazards, including, but not limited to, steep slopes, fire danger, and groundwater pollution.

   B. Adequacy of services, including, but not limited to, transportation, fire protection, police protection, schools, sewage disposal and water.

   C. Protection of the following:

      (1) Existing landscape setting.

      (2) Wildlife habitat.

      (3) Plant habitat.

      (4) Scenic sensitivity.

(5) Cultural resources.

(6) Wetlands.

(7) Scenic travel corridors.

D. Potential for conflict with nearby agricultural and forest uses.

E. Proximity to existing and planned recreation uses.

2. The following minimum parcel sizes shall be established:

A. A 1-acre minimum for those lands designated Residential where single-family, residential development generally occurs at a density of one dwelling unit per acre or greater. Because these residential areas are generally linked to an adjacent Rural Center or ~~Urban Area~~ urban area, the relatively high densities have a minimal impact on the factors listed in Policy 1, above.

B. A 2-acre minimum for those lands designated Residential where parcelization and existing residential development occur at a density greater than 5 acres and in a landscape setting where a rural character is somewhat retained. These lands occur in large-enough blocks to minimize the impacts on adjacent agriculture and forest lands. A 2-acre minimum shall not be established in such areas if the potential number of new parcels that could be created would have an adverse cumulative impact upon the factors listed in Policy 1, above.

C. A 5- or 10-acre minimum for those lands designated Residential that are situated in areas where a higher density would conflict with the factors listed in Policy 1, above. A 10-acre minimum shall be established where a 5-acre minimum would result in an adverse cumulative impact on one or more of the factors listed in Policy 1, above.

~~3. Local governments may allow creation of parcels smaller than the designated minimum parcel size on lands designated 5-acre Residential and 10-acre Residential, and may award a density bonus, in order to cluster new residences to protect scenic, cultural, natural, or recreation resources.~~

~~4.~~3. Adjacent agricultural and forest lands shall be protected from residential development.

~~5.~~4. New residential development within Residential designations located adjacent to forest land designations shall comply with the guidelines in "Approval Criteria for Fire Protection" (Part II, Chapter 2: Forest Land).

5. Except as specifically identified, all legally created, undeveloped parcels are entitled to one single-family dwelling, subject to compliance with guidelines for the protection of scenic, cultural, natural, and recreation resources. The location of a

second dwelling unit on a parcel is not permitted, except in the case of a qualified temporary hardship dwelling.

6. The reviewing agency shall provide information on Firewise standards to landowners at the time of application. Landowners shall be encouraged to incorporate Firewise standards in their proposal as appropriate and as consistent with the resource protection provisions in the Management Plan.

~~6. Adjacent recreation uses shall be protected from residential development. Buffer areas shall be established between residential development and adjacent recreation uses.~~

GMA Guidelines

Uses Allowed Outright

1. The uses listed in "Uses Allowed Outright, All Land Use Designations, Except Open Space and Agriculture-Special" (Part II, Chapter 7: General Policies and Guidelines) are allowed without review on lands designated Residential.

Uses Allowed through the Expedited Development Review Process

1. The uses listed in "Expedited Development Review Process" (Part II, Chapter 7: General Policies and Guidelines) are allowed with review through the expedited development review process on lands designated Residential.

Review Uses

1. The following uses may be allowed on lands designated Residential, subject to compliance with the guidelines for the protection of scenic, cultural, natural, and recreation resources:

   A. One single-family dwelling per legally created and existing parcel. If the subject parcel is located adjacent to lands designated Large-Scale or Small-Scale Agriculture, Commercial Forest Land, or Large or Small Woodland, the use shall comply with the buffer and notification requirements for agricultural land (Part II, Chapter 1) or forest land (Part II, Chapter 2). If the subject parcel is located within a Residential designation that is adjacent to lands designated Commercial Forest Land or Large or Small Woodland, the placement of a dwelling shall also comply with the fire protection guidelines in "Approval Criteria for Fire Protection" (Part II, Chapter 2: Forest Land).

   B. Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in Guideline 1.C below.

   C. Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel are subject to the following

additional standards:

(1) The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

(2) The height of any individual accessory building shall not exceed 24 feet.

D. The temporary use of a ~~mobile~~ manufactured home, tiny house on a trailer, or similar structure in the case of a family hardship, subject to guidelines for hardship dwellings in "Temporary Use - Hardship Dwelling" (Part II, Chapter 7: General Policies and Guidelines).

~~Construction or reconstruction of roads.~~

~~On parcels 10 acres or larger in the 5-acre Residential designation, or 20 acres or larger in the 10-acre Residential designation, a land division creating new parcels smaller than the designated minimum parcel size, subject to the guidelines for cluster development in "Land Divisions and Cluster Development" (Part II, Chapter 7: General Policies and Guidelines).~~

E. New cultivation, subject to compliance with guidelines for the protection of cultural resources (Part I, Chapter 2: Cultural Resources) and natural resources (Part I, Chapter 3~~4~~: Natural Resources).

F. Agricultural structures, in conjunction with agricultural use, including new cultivation.

~~E.~~G. Land divisions, subject to the ~~guidelines for minimum parcel sizes~~Land Use Policy 2, above, and the guidelines in “Land Divisions” (Part II, Chapter 7: General Policies and Guidelines).

~~F.~~H. Lot line adjustments that would result in the potential to create additional parcels through subsequent land divisions, subject to the guidelines in "Lot Line Adjustments" (Part II, Chapter 7: General Policies and Guidelines).

~~G.~~I. Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation and~~/or~~ natural resources, subject to the guidelines in "Resource Enhancement Projects" (Part II, Chapter 7: General Policies and Guidelines). These projects may include new structures (e.g., fish ladders, sediment barriers) ~~and/~~or activities (e.g., closing and revegetating unused roads, recontouring abandoned quarries).

~~H. Agricultural structures, except buildings, in conjunction with agricultural use.~~

~~I.~~J. Agricultural buildings in conjunction with current agricultural use and, if applicable, proposed agricultural use that a landowner would initiate within one year and complete within five years, subject to the standards in

"Agricultural Buildings" (Part II, Chapter 7: General Policies and Guidelines).

~~J.~~K. Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building.

~~K.~~L. Docks and boathouses, subject to the guidelines in "Docks and Boathouses" (Part II, Chapter 7: General Policies and Guidelines).

~~L.~~M. Removal/demolition of structures that are 50 or more years old**,** including wells, septic tanks and fuel tanks.

~~M.~~N. Commercial events, subject to the guidelines in "Commercial Events" (Part II, Chapter 7: General Policies and Guidelines).

~~N.~~O. Special uses in historic buildings, subject to the guidelines in “Special Uses in Historic Buildings” (Part II, Chapter 7: General Policies and Guidelines).

2. The following uses may be allowed on lands designated Residential, subject to compliance with the guidelines for protection of scenic, cultural, natural, and recreation resources and "Approval Criteria for Specified Review Uses," below.

~~O.~~A. Accredited childcare centers within lands designated 1-acre Residential or 2-acre Residential. A childcare center may be allowed in other Residential designations within an existing church or community building.

~~P.~~B. Schools within an existing church or community building.

~~Q.~~C. Expansion of existing primary or middle schools on land purchased prior to June 8, 1999. For purposes of this section, existing schools means public schools that existed prior to adoption of the original Management Plan on October 15, 1991.

~~R.~~D. Construction and reconstruction of roads, ~~Utility~~ utility facilities, and railroads.

~~S.~~E. Home occupations ~~or cottage industries~~ in an existing residence or accessory structure, subject to the guidelines in "Home Occupations ~~and Cottage Industries~~" (Part II, Chapter 7: ~~–~~ General Policies and Guidelines).

~~T.~~F. Fire stations.

~~U.~~G. Recreation development, subject to the guidelines established for R~~r~~ecreation I~~i~~ntensity C~~c~~lasses (Part I, Chapter 4: ~~–~~ Recreation Resources).

~~V.~~H. Community parks and playgrounds.~~,~~ ~~consistent with the standards of the National Park and Recreation Society regarding the need for such facilities.~~

I. Bed and breakfast inns in single family dwellings located on lands designated 5-acre Residential or 10-acre Residential, subject to the guidelines in "Bed and Breakfast Inns" (Part II, Chapter 7: General Policies and Guidelines).

~~W. Bed and breakfast inns in single family dwellings located on lands designated 5-acre Residential or 10-acre Residential, subject to the guidelines in "Bed and Breakfast Inns" (Part II, Chapter 7: General Policies and Guidelines).~~

J. Overnight accommodations in single family dwellings located on lands designated 5-acre Residential or 10-acre Residential, subject to the guidelines in "Overnight Accommodations" (Part II, Chapter 7: General Policies and Guidelines).

~~X.~~K. Wineries and cideries, in conjunction with an on-site ~~viticulture~~vineyard or orchard, upon a showing that processing of wine or cider is from ~~grapes grown~~fruits harvested on the subject farm ~~or in~~and the local region.

~~Y.~~L. Wine or cider sales and ~~/~~tasting rooms in conjunction with an on-site winery or cidery, under the following conditions:

(1) The use shall comply with the guidelines in "Home Occupations ~~and Cottage Industries~~" (Part II, Chapter 7: General Policies and Guidelines), with the following exceptions:

(a) The use may employ an unlimited number of outside employees.

(b) The wine or cider sales and ~~/~~tasting room may include interior and~~/or~~ exterior space, provided the combined interior and exterior spaces shall not exceed 1,000 square feet.

(c) The interior space may be located in an existing building or in a new building or addition to an existing building constructed for the primary purpose of housing the wine or cider sales and ~~/~~tasting room.

(d) The exterior space may be a veranda, patio, or other similar type of structure.

~~Z.~~M. Small-scale fishing support and fish processing operations on parcels that are contiguous with and have direct access to the Columbia River, subject to the guidelines in "Small-Scale Fishing Support and Fish Processing Operations" (Part II, Chapter 7: General Policies and Guidelines).

~~AA.~~N. Boarding of horses on lands designated 10-acre Residential. The reviewing agency shall make findings on property characteristics, parcel size and impacts to neighbors, and shall specify the maximum number of horses based on those findings.

Approval Criteria for Specified Review Uses

1. The uses identified in Guideline 2 under "Review Uses," above, may be allowed only if they meet all of the following criteria:

A. The proposed use will be compatible with the surrounding area. Review of compatibility shall include impacts associated with the visual character of the area; traffic generation; and noise, dust, and odors.

B. The proposed use will not require public services other than those existing or approved for the area.

C. If the subject parcel is located within 500 feet of lands designated Large-Scale or Small-Scale Agriculture, Commercial Forest Land, or Large or Small Woodland, new buildings associated with the proposed use comply with the buffer guidelines in "Agricultural Buffer Guidelines" (Part II, Chapter 1: Agricultural Land).

D. If the subject parcel is located within 500 feet of lands designated Commercial Forest Land or Large or Small Woodland, new buildings associated with the proposed use comply with the fire protection guidelines in "Approval Criteria for Fire Protection" (Part II, Chapter 2: Forest Land).

SMA PROVISIONS

SMA Goal

Allow concentrated residential development only at Rowena Dell and Latourell.

SMA Policies

1. New land divisions shall be prohibited.

2. New multifamily dwellings shall be prohibited.

3. Any new dwelling within the SMA Residential land use designation shall be on a parcel at least 40 acres in size. *(Added: U.S. Sec. Ag. concurrence 7/1/11)*

4. Existing uses of dwelling units in Rowena Dell will continue as allowed in Chapter 7 – General Policies and Guidelines, Existing Uses and Discontinued Uses. *(Revised: U.S. Sec. Ag. concurrence 7/1/11)*

5. At Latourell, contiguous lots under the same ownership as of November 17, 1986, are considered consolidated into a single parcel. Splitting of these consolidated parcels, including lot line adjustment, shall be prohibited.

6. New structures shall not adversely affect scenic, cultural, recreation, or natural resources.

7. All National Forest System lands shall be subject to the laws and regulations pertaining to the National Forest system, including the National Environmental Policy Act (NEPA), the Mt. Hood National Forest Land and Resource Management Plan, and the Gifford Pinchot National Forest Land and Resource Management Plan, as amended by the Northwest Forest Plan. The most protective standards of the National Scenic Area Management Plan or the respective Forest Land and Resource Management Plans (as amended by the Northwest Forest Plan) shall apply to National Forest System lands.

SMA Guidelines

Uses Allowed Outright

1. The uses listed in "Uses Allowed Outright, All Land Use Designations, Except Open Space and Agriculture-Special" (Part II, Chapter 7: General Policies and Guidelines) are allowed without review on lands designated Residential.

Uses Allowed through the Expedited Development Review Process

1. The uses listed in "Expedited Development Review Process" (Part II, Chapter 7: General Policies and Guidelines) are allowed with review through the expedited development review process on lands designated Residential.

Review Uses

1. The following uses may be allowed on lands designated Residential subject to review for compliance with scenic, cultural, natural, and recreation resources guidelines.

   A. One single-family dwelling per legally created lot or consolidated parcel not less than 40 contiguous acres. The placement of a dwelling shall comply with fire protection standards developed by the county, in accordance with SMA Policy 13 in Part II, Chapter 2: Forest Land. *(Revised: U.S. Sec. Ag. concurrence 7/1/11)*

   B. Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in Guideline 1.C below.

   C. Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel are subject to the following additional standards:

      (1) The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

      (2) The height of any individual accessory building shall not exceed 24 feet.

   D. New utility facilities.

   E. Fire stations.

   F. Home occupations ~~and cottage industries~~ subject to the guidelines in "Home Occupations ~~and Cottage Industries~~" (Part II, Chapter 7: General Policies and Guidelines).

   G. Bed and breakfast inns, subject to the guidelines in "Bed and Breakfast Inns" (Part II, Chapter 7: ~~–~~ General Policies and Guidelines).

   H. Community parks and playgrounds.

   I. Road and railroad construction and reconstruction.

J. Forest practices, as specified in Part II, Chapter 2: Forest Land.

K. Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation and/or natural resources, subject to the guidelines in "Resource Enhancement Projects" (Part II, Chapter 7: General Policies and Guidelines). These projects may include new structures (e.g., fish ladders, sediment barriers) and/or activities (e.g., closing and revegetating unused roads, recontouring abandoned quarries).

L. On a parcel of 40 acres or greater with an existing dwelling, the temporary use of a mobile manufactured home or dwelling structure in the case of a family hardship, subject to the guidelines for hardship dwellings in "Temporary Use - Hardship Dwelling" (Part II, Chapter 7: General Policies and Guidelines).

M. Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building.

N. Removal/demolition of structures that are 50 or more years old**,** including wells, septic tanks and fuel tanks.

O. Docks and boathouses, subject to the guidelines in "Docks and Boathouses" (Part II, Chapter 7: General Policies and Guidelines).

P. New cultivation or new agricultural use outside of previously disturbed and regularly worked fields or areas. Clearing trees for new agricultural use is subject to the additional requirements of 1.W of Part II, Chapter 2: Forest Land.

CHAPTER

5

Commercial Land

There have been centers of trade and commerce in the Gorge for almost as long as humans have inhabited it. ~~Gorge Indians~~Native Americans were renowned traders.

With the exception of a few small community commercial nodes, the commercial centers are located within the 13 designated ~~Urban Area~~ urban areas. ~~These include~~Some of the urban areas— Stevenson, Hood River, ~~Stevenson, and~~ White Salmon-Bingen, and The Dalles—are commercial centers that serve both local and regional needs. The other urban areas and the two rural centers designated in the Management Plan are ~~S~~smaller and serve as~~,~~ rural community service centers. ~~include Carson, Lyle, Mosier, and Cascade Locks, as well as the communities of Corbett and Skamania, designated as Rural Centers in the Management Plan.~~

NATIONAL SCENIC AREA ACT PROVISIONS

The National Scenic Area Act gives clear direction for commercial development in the Gorge: it is to be encouraged to locate within the 13 ~~Urban Area~~ urban areas identified by Congress. The Act directs the Gorge Commission to "protect and support the economy of the Columbia River Gorge area by encouraging growth to occur in existing urban areas and by allowing future economic development in a manner that is consistent with" protecting and enhancing scenic, cultural, recreational, and natural resources [Section 3(2)].

The Act directs the Gorge Commission to "require that commercial development outside urban areas take place without adversely affecting the scenic, cultural, recreation, and natural resources of the Scenic Area" [Section 6(d)(7)].

New commercial development is not permitted in ~~the~~ SMAs, except for commercial recreation. When located outside the ~~Urban Area~~ urban areas, commercial development shall be designated for areas outside ~~the~~ SMAs "used or suitable for commercial development: *Provided,* That such designations shall encourage, but not require, commercial development to take place in urban areas and shall take into account the physical characteristics of the areas in question and their geographic proximity to transportation, commercial, and industrial facilities and other amenities" [Section 6(b)(5)].

KEY ISSUES

Commercial development in the National Scenic Area should reinforce the Act's orientation of promoting and protecting the vitality of ~~Urban Area~~ urban areas, the long-~~-~~standing centers

of commercial trade in the Gorge. Planning provisions need to encourage major commercial development to locate in the 13 ~~Urban Area~~ urban areas. ~~designated by Congress.~~

Commercial development does occur outside the ~~Urban Area~~ urban areas. There are ~~several~~ a few small commercial nodes and, quite noticeably, two rural communities that act as rural service centers and gathering places. These existing commercial areas provide important services to local communities and visitors and need to be protected.

~~Portland/Vancouver metropolitan area growth and the growing importance of tourism in the Gorge create demands for new commercial uses. Uncontrolled strip commercial development outside the Urban Areas could discourage new commercial growth in these Urban Areas and impact the rural character and scenic qualities of the main travel corridors. New commercial uses must be planned to protect the resources identified in the Scenic Area Act.~~
Maintaining commercial uses to a rural scale helps to serve the rural communities without competing with ~~Urban Area~~ urban areas. Home occupations~~, cottage industries,~~ and bed and breakfast inns associated with residential use are other uses that can help the rural economy without ~~placing many demands on rural services~~adversely affecting nearby resources outside of these commercial areas.

~~OVERVIEW OF COMMERCIAL LAND PROVISIONS~~

~~The remainder of this chapter is devoted to the GMA. The Scenic Area Act precludes new commercial development in the SMA, except for commercial recreation.~~

~~Commercial designations in the GMA recognize areas outside Urban Areas where commercial use took place in the immediate past or is currently taking place. Residential Land.~~

GMA PROVISIONS

GMA Goals

1. Protect and support the economy of the Columbia River Gorge by encouraging commercial uses to occur in existing ~~Urban Area~~ urban areas.

2. Protect and support the economy of the Columbia River Gorge by allowing limited new commercial uses outside of ~~Urban Area~~ urban areas where they will not adversely affect scenic, cultural, natural, or recreation resources.

GMA Objectives

1. Allow commercial development to occur where commercial activity existed prior to the ~~passage of the~~ National Scenic Area Act, where that activity does not adversely affect scenic, cultural, natural, or recreation resources or conflict with the standards for the Management Plan in section 6(d) of the Act.

2. ~~Support~~Allow commercial development that provides essential public services for residents and for the traveling public, where provision of those public services must necessarily be provided outside of urban areas.

3. Allow commercial development and uses that support the protection of scenic, cultural, natural, and recreation resources.

GMA Policies

Designation Policies

1. Designation for commercial uses shall be given to those areas outside ~~Urban Area~~ urban areas that are suited for such uses by physical characteristics, such as slope, and geographic proximity to transportation, commercial and industrial facilities, and other amenities.

2. Areas outside ~~Urban Area~~ urban areas shall be designated as Commercial where commercial use took place in the immediate past or is now taking place and would not adversely affect scenic, cultural, natural, or recreation resources. A commercial use shall be considered to have taken place in the immediate past if it has been active and has not been discontinued for more than 1 year.

3. Areas shall be designated as Rural Center that act as service centers and gathering places for concentrations of rural residences and that have all of the following characteristics:

   A. Node of existing commercial uses, or an existing commercial core.

   B. Substantial concentration of rural residences.

C. Public, noncommercial gathering place such as a grange hall.

D. School.

E. Fire station.

F. Location along a major travel corridor.

G. Definable area within which these characteristics occur.

Land Use Policies

1. Commercial uses ~~shall~~ may be allowed outside ~~Urban Area~~ urban areas on lands designated Rural Center, Commercial, or Commercial Recreation (Part II, Chapter 6: Recreation Designations) or as allowed in the R~~r~~ecreation I~~i~~ntensity C~~c~~lasses (Part I, Chapter 4: Recreation Resources).

2. In Rural Centers, commercial uses ~~shall~~ may be allowed of a type and scale appropriate to serve the needs of the rural community and limited tourist needs. Such commercial uses shall be limited to small-scale tourist commercial and community commercial to ensure that they do not change the rural character of the community or compete with nearby ~~Urban Area~~ urban areas for the tourist trade.

3. Residential designations and densities in the vicinity of Rural Centers shall be established to limit the need for additional community commercial uses and community services to those lands that are currently available within the boundaries of existing Rural Centers.

4. On lands designated Commercial, single-family dwellings and uses that cater to the traveling or visiting public ~~shall~~ may be allowed.

5. Home occupations ~~and cottage industries~~ may be allowed if they are compatible with the surrounding area.

6. The minimum size for new parcels created for commercial uses within a Rural Center shall be based upon the site requirements (sewerage, parking, building size, etc.) for the proposed use. Parcel size shall be determined by the local government on a case-by-case basis.

7. The minimum size for new parcels created for residential uses within a Rural Center shall be 1 acre. To encourage the efficient use of land, provide public amenities and standards for quality developments, and reduce the cost of providing services within Rural Centers, local governments may allow a minimum parcel size of less than 1 acre within Rural Centers if a planned unit development approach is used for the subject parcel, incorporating features such as consolidated access and commonly shared open areas.

~~To encourage the efficient use of land, provide public amenities and standards~~

~~for quality developments, and reduce the cost of providing services within Rural Centers, local governments may allow a minimum parcel size of less than 1 acre within Rural Centers if a planned unit development approach is used for the subject parcel, incorporating features such as consolidated access and commonly shared open areas.~~

8. Commercial uses located outside ~~Urban Area~~ urban areas and Rural Centers shall be limited to a scale that serves local community and tourist needs.

Overnight accommodations~~Travelers' accommodations, including bed and breakfast inns,~~ may be allowed in Rural Centers and Commercial designations. Overnight accommodations~~Bed and breakfast inns~~ may be located in 5-acre Residential and 10-acre Residential designations. ~~Historic dwellings located outside the Rural Centers, Commercial, 5-acre Residential, and 10-acre Residential designations may be considered for use as bed and breakfast inns.~~

9.

10. Bed and breakfast inns may be allowed in Rural Centers and Commercial designations. Bed and breakfast inns may be located in 5-acre Residential and 10-acre Residential designations. Historic dwellings located outside the Rural Centers, Commercial, 5-acre Residential and 10-acre Residential designations may be considered for use as bed and breakfast inns.

~~8.~~11. Proposed projects should be encouraged to follow planned unit development approaches, featuring consolidated access, commonly shared landscaped open areas, etc.

GMA Guidelines

Uses Allowed Outright: Rural Centers and Commercial Designations

1. The uses listed in "Uses Allowed Outright, All Land Use Designations, Except Open Space and Agriculture-Special" (Part II, Chapter 7: General Policies and Guidelines) are allowed without review on lands designated Rural Center and Commercial.

Uses Allowed through the Expedited Development Review Process: Rural Centers and Commercial Designations

1. The uses listed in "Expedited Development Review Process" (Part II, Chapter 7: General Policies and Guidelines) are allowed with review through the expedited development review process on lands designated Rural Center and Commercial.

Review Uses: Rural Centers

1. The following uses may be allowed within Rural Centers, subject to compliance with guidelines for the protection of scenic, cultural, natural, and recreation resources:

A. One single-family dwelling per legally created and existing parcel.

B. Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in Guideline 1.C below.

C. Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel are subject to the following additional standards:

(1) The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

(2) The height of any individual accessory building shall not exceed 24 feet.

D. The temporary use of a ~~mobile~~ manufactured home, tiny house on a trailer, or similar structure in the case of a family hardship, subject to guidelines for hardship dwellings in "Temporary Use - Hardship Dwelling" (Part II, Chapter 7: General Policies and Guidelines).

E. Duplexes.

F. Fire stations.

G. Libraries.

H. Government buildings.

I. Community centers and meeting halls.

J. Schools.

K. Accredited childcare centers.

L. Rural service commercial and tourist commercial uses limited to 5,000 square feet of floor area per building or use.

(1) Grocery stores.

(2) Variety and hardware stores.

(3) Shops, offices, and repair shops.

(4) Personal services such as barber and beauty shops.

Bed and breakfast inns.

(5) ~~Travelers' accommodations, bed and breakfast inns.~~

~~(4)~~(6) Restaurants.

~~(5)~~(7) Taverns and bars.

~~(6)~~(8) Gas stations.

~~(7)~~(9) Gift shops.

M. Overnight accommodations.

~~M.~~N. Home occupations ~~or cottage industries~~ in an existing residence or accessory structure, subject to guidelines in "Home Occupations ~~and Cottage Industries~~" (Part II, Chapter 7: General Policies and Guidelines).

~~N.~~O. Utility facilities, roads, and railroads.

~~O.~~P. Recreation development, subject to the guidelines established for R~~r~~ecreation I~~i~~ntensity C~~c~~lasses (Part I, Chapter ~~4~~: Recreation Resources).

~~P.~~Q. Places of worship.

R. New cultivation, subject to compliance with guidelines for the protection of cultural resources (Part I, Chapter 2: Cultural Resources) and natural resources (Part I, Chapter 4: Natural Resources).

S. Agricultural structures, in conjunction with agricultural use, including new cultivation.

~~Q.~~T. Land divisions, subject to ~~the land use policies~~Land Use Policies 6 and 7, above, and the guidelines in “Land Divisions” (Part II, Chapter 7: General Policies and Guidelines). ~~in this chapter for minimum parcel sizes.~~

~~R.~~U. Lot line adjustments that would result in the potential to create additional parcels through subsequent land divisions, subject to the guidelines in "Lot Line Adjustments" (Part II, Chapter 7: General Policies and Guidelines).

~~S.~~V. Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation and~~/or~~ natural resources, subject to the guidelines in "Resource Enhancement Projects" (Part II, Chapter 7: General Policies and Guidelines). These projects may include new structures (e.g., fish ladders, sediment barriers) ~~and/~~or activities (e.g., closing and revegetating unused roads, recontouring abandoned quarries).

~~Agricultural structures, except buildings, in conjunction with agricultural use.~~

~~T.~~W. Agricultural buildings in conjunction with current agricultural use and, if applicable, proposed agricultural use that a landowner would initiate within

one year and complete within five years, subject to the standards in "Agricultural Buildings" (Part II, Chapter 7: General Policies and Guidelines).

~~U.~~X. Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building.

~~V.~~Y. Removal/demolition of structures that are 50 or more years old**,** including wells, septic tanks and fuel tanks.

~~W.~~Z. Commercial events, subject to the guidelines in "Commercial Events" (Part II, Chapter 7: General Policies and Guidelines).

~~X.~~AA. Special uses in historic buildings, subject to the guidelines in “Special Uses in Historic Buildings” (Part II, Chapter 7: General Policies and Guidelines).

Review Uses: Commercial Designations

1. The following uses may be allowed on lands designated Commercial, subject to compliance with the guidelines for protection of scenic, cultural, natural, and recreation resources and "Approval Criteria for Specified Review Uses," below.

A. ~~Travelers' accommodations, bed and breakfast inns.~~Overnight accommodations.

~~A.~~B. Bed and Breakfast Inns

~~B.~~C. Restaurants.

~~C.~~D. Gift shops.

~~D.~~E. Home occupations ~~or cottage industries~~ in an existing residence or accessory structure, subject to guidelines in "Home Occupations ~~and Cottage Industries~~" (Part II, Chapter 7: General Policies and Guidelines).

~~E.~~F. One single-family dwelling per legally created and existing parcel.

~~F.~~G. Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed as accessory buildings larger than 200 square feet in area or 10 feet in height.

~~G.~~H. Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel, subject to the following standards:

(1) The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

(2) The height of any individual accessory building shall not exceed 24 feet.

~~H.~~I. Utility facilities, roads, and railroads.

~~I.~~J. Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation ~~and/~~or natural resources, subject to the guidelines in "Resource Enhancement Projects" (Part II, Chapter 7: General Policies and Guidelines). These projects may include new structures (e.g., fish ladders, sediment barriers) ~~and/~~or activities (e.g., closing and revegetating unused roads, recontouring abandoned quarries).

~~J.~~K. Lot line adjustments that would result in the potential to create additional parcels through subsequent land divisions, subject to the guidelines in "Lot Line Adjustments" (Part II, Chapter 7: General Policies and Guidelines).

~~K.~~L. Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building.

~~L.~~M. Docks and boathouses, subject to the guidelines in "Docks and Boathouses" (Part II, Chapter 7: General Policies and Guidelines).

~~M.~~N. Removal/demolition of structures that are 50 or more years old**,** including wells, septic tanks and fuel tanks.

~~N.~~O. Commercial events, subject to the guidelines in "Commercial Events" (Part II, Chapter 7: General Policies and Guidelines).

~~O.~~P. Special uses in historic buildings, subject to the guidelines in “Special Uses in Historic Buildings” (Part II, Chapter 7: General Policies and Guidelines).

Approval Criteria for Specified Review Uses

1. The uses identified under "Review Uses: Commercial Designations" may be allowed only if they meet the following two criteria:

   A. The proposal is limited to 5,000 square feet of floor area per building or use.

   B. The proposed use would be compatible with the surrounding area. Review for compatibility shall include impacts associated with the visual character of the area; traffic generation; and noise, dust and odors.

CHAPTER

6

Recreation Designations

This chapter contains land use policies and guidelines for lands designated Public Recreation and Commercial Recreation. Recreation uses may also be authorized in other land use designations. The guidelines in Part I, Chapter 4: Recreation Resources apply to all resource-based recreation uses; the guidelines in this chapter apply to uses located in the Public and Commercial Recreation designations.

This chapter is divided into three sections. A section addressing land uses and development actions on lands designated Public Recreation in the GMA is followed by a similar section for lands designated Commercial Recreation in the GMA. These two sections are followed by a section on lands designated Public Recreation in the SMAs.

GMA PROVISIONS

PUBLIC RECREATION

GMA Goal

Protect and enhance opportunities for publicly-owned, moderate- and high-intensity resource-based recreation uses on lands most suitable for such uses.

GMA Objectives

1. Use regulations to ensure that public recreation uses are protected from the development of non-compatible uses on adjacent properties.

2. Provide opportunities for public access to resource-based recreation uses.

GMA Policies

1. The following lands shall be designated as Public Recreation:

   A. Existing public park and recreation sites providing moderate- ~~and/~~or high-intensity recreation uses.

   B. Those public lands suitable for moderate- ~~and/~~or high-intensity recreation uses, where provision of such uses is consistent with adopted policies, plans, and programs of the owning or managing agency.

   C. Those privately owned lands most potentially suitable for provision of moderate- ~~and/~~or high-intensity public recreation uses.

2. Lands shall be considered highly suitable for Public Recreation designation if they possess significant potential for providing two or more of the following opportunities, are readily accessible, and lack hazards or highly sensitive resources:

   A. River access.

   B. Possibility of multiple recreation uses.

   C. Scenic appreciation.

   D. Facilities satisfying a demonstrated public recreation need.

E. Trailhead.

F. Enhancement of scenic, natural, ~~and/~~or cultural resources.

3. Uses other than those providing public recreation opportunities shall be allowed if they do not interfere with existing or approved recreation uses on the subject site or adjacent lands, and do not permanently commit the site to non-recreation uses.

4. Commercial uses shall be allowed if they are part of an existing or approved public recreation use and are consistent with the policies and guidelines contained in this chapter for private concessions and commercial uses at recreation sites.

GMA Guidelines

Uses Allowed Outright

1. The uses listed in "Uses Allowed Outright, All Land Use Designations, Except Open Space and Agriculture-Special" (Part II, Chapter 7: General Policies and Guidelines) are allowed without review on lands designated Public Recreation.

Uses Allowed through the Expedited Development Review Process

1. The uses listed in "Expedited Development Review Process" (Part II, Chapter 7: General Policies and Guidelines) are allowed with review through the expedited development review process on lands designated Public Recreation.

Review Uses

1. The following uses may be allowed on lands designated Public Recreation, subject to compliance with guidelines for the protection of scenic, natural, cultural, and recreation resources and compliance with numbers 1.A, 1.C, 1.D, 1.E, 1.F, 1.G, 1.H, and 1.~~G~~ (where applicable) of the "Approval Criteria for Recreation Uses" contained in the R~~r~~ecreation I~~i~~ntensity C~~c~~lass guidelines (Part I, Chapter 4: ~~–~~ Recreation Resources):

   A. Publicly-owned, resource-based recreation uses, consistent with R~~r~~ecreation I~~i~~ntensity C~~c~~lass policies and guidelines (Part I, Chapter 4: Recreation Resources).

   B. Commercial uses and non-resource based recreation uses that are part of an existing or approved resource-based public recreation use, consistent with the policies, guidelines, and conditional use criteria for such uses contained in this section.

   C. New cultivation, subject to compliance with guidelines for the protection of cultural resources (Part I, Chapter 2: Cultural Resources) and natural resources (Part I, Chapter 4: ~~–~~ Natural Resources).

   D. Special uses in historic buildings, subject to the guidelines in “Special Uses in

Historic Buildings" (Part II, Chapter 7: General Policies and Guidelines).

2. The following uses may be allowed on lands designated Public Recreation, subject to compliance with the "Approval Criteria for Non-Recreation Uses in Public Recreation designations," below, and the guidelines for the protection of scenic, natural, cultural, and recreation resources:

   A. One single-family dwelling for each existing parcel legally created prior to adoption of the first Management Plan on October 15, 1991. Exceptions may be considered only upon demonstration that more than one residence is necessary for management of a public park.

   B. Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in Guideline 2.C below.

   C. Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel are subject to the following additional standards:

      (1) The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

      (2) The height of any individual accessory building shall not exceed 24 feet.

   D. Agricultural structures~~, except buildings,~~ in conjunction with agricultural use.

   E. Agricultural buildings in conjunction with current agricultural use and, if applicable, proposed agricultural use that a landowner would initiate within one year and complete within five years, subject to the standards in "Agricultural Buildings" (Part II, Chapter 7: General Policies and Guidelines).

   F. Utility transmission, transportation, communication, and public works facilities.

   G. Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation ~~and/~~or natural resources, subject to the guidelines in "Resource Enhancement Projects" (Part II, Chapter 7: General Policies and Guidelines). These projects may include new structures (e.g., fish ladders, sediment barriers) ~~and/~~or activities (e.g., closing and revegetating unused roads, recontouring abandoned quarries).

   H. Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building.

   I. Docks and boathouses, subject to the guidelines in "Docks and Boathouses" (Part II, Chapter 7: General Policies and Guidelines).

J. Removal/demolition of structures that are 50 or more years old**,** including wells, septic tanks and fuel tanks.

K. Commercial events, subject to the guidelines in "Commercial Events" (Part II, Chapter 7: General Policies and Guidelines).

3. Land divisions may be allowed, subject to compliance with criterion 1.C under "Approval Criteria for Non-Recreation Uses in Public Recreation," below, and the guidelines in “Land Divisions” (Part II, Chapter 7: General Policies and Guidelines).

4. Lot line adjustments may be allowed, subject to compliance with the guidelines in "Lot Line Adjustments" (Part II, Chapter 7: General Policies and Guidelines).

Approval Criteria for Non-Recreation Uses in Public Recreation

1. The uses identified under Guidelines 2 and 3 under "Review Uses," above, may be allowed if they meet the following criteria:

   A. The proposed use will not interfere with existing or approved public recreation uses on the subject property or adjacent lands. Mitigative measures used to comply with this criterion may include provision of onsite buffers, seasonal or temporary closures during peak recreation use periods, etc.

   B. The proposed use will not permanently commit the majority of the site to a non-recreational use. Careful siting and design of structures and other improvements may be used to comply with this criterion.

   C. Land divisions may be allowed upon a demonstration that the proposed land division is necessary to facilitate, enhance, or otherwise improve recreational uses on the site.

COMMERCIAL RECREATION

GMA Goal

Protect and enhance opportunities for commercially owned, resource-based recreation and supporting commercial uses on lands containing such existing uses or lands on which such proposed uses have been deemed consistent with the National Scenic Area Act.

GMA Policies

1. Those lands devoted to resource-based, commercial recreation uses and those lands highly suitable for such uses shall be designated as Commercial Recreation.

2. Lands may be considered highly suitable for Commercial Recreation uses if they

have the following characteristics:

A. The site offers an outstanding opportunity for active, resource-based, river-oriented recreation or a unique opportunity for some other type of active, resource-based recreation. Examples of such opportunities and uses include: access (e.g. swimming, windsurfing, boating, and picnicking) to the Columbia River or its major tributaries; access to an outstanding sport fishery on the main stem of the Columbia River or a major tributary; access to the only natural hot springs in the National Scenic Area (uniqueness criterion); etc.

B. The site is classified in the Management Plan ~~for moderate- or high-intensity recreation (~~as Recreation Intensity Class 3 or 4, as defined in Part I, Chapter 4: Recreation Resources~~)~~.

C. Potential development on the site would not adversely affect sensitive wildlife habitat or plants, wetlands, or aquatic or riparian areas. This may be achieved by either designing the development to avoid areas containing such resources or by applying mitigation measures that reduce effects on such resources to less than adverse levels.

D. Potential development on the site would not adversely affect significant cultural resources. This may be achieved by either designing the development to avoid areas containing such resources or by applying mitigation measures that reduce effects to such resources to less than adverse levels.

E. Potential development on the site would not have cumulative adverse effects upon scenic, cultural, natural or recreation resources, considering other development (existing or authorized in the Management Plan) in the National Scenic Area or in the vicinity of the development.

3. Overnight recreation accommodations (in addition to campgrounds) shall be allowed if they are rural in scale, such as cabins or cottages, and are closely associated with resource-based recreation opportunities located onsite or on adjacent lands that are accessed through the site. This policy shall not apply to a recreation resort. ~~*(Revised: CRGC adopted 7/7/08; U.S. Sec. Ag. concurrence 10/8/08)*~~

4. Uses other than those providing commercially owned, resource-based recreation opportunities shall be allowed if they do not interfere with existing or approved recreation uses on the subject site or adjacent lands and do not permanently commit the site to non-recreational uses.

5. Commercial uses (such as restaurants) shall be allowed if they are part of an existing or approved commercial recreation use and are consistent with the policies and guidelines for private concessions and commercial uses at recreation sites contained in this chapter.

6. Redevelopment of an existing industrial complex as a recreation resort may be allowed if the result is protection of and enhancement to scenic, cultural, natural and recreation resources, ~~and protection consistency with~~of tribal treaty rights~~and~~

the redevelopment does not affect or modify the treaty or other rights of the four Columbia River treaty tribes. All uses must be part of an approved master plan and consistent with the policies and guidelines for recreation resorts contained in this chapter. ~~(Added: CRGC adopted 7/7/08; U.S. Sec. Ag concurrence 10/8/08)~~

A. The overall scale of a resort shall be limited to ensure the resort protects and supports the economies of urban areas and protects National S~~s~~cenic A~~a~~rea resources. The total number of resort users shall be roughly equivalent to what is otherwise allowed in the designation.

B. All existing industrial uses shall be extinguished. All structures associated with the existing industrial complex that are not reused or restored for adaptation to resort use shall be removed. Existing residential uses may remain.

C. Recreation uses (including campgrounds) consistent with the R~~r~~ecreation I~~i~~ntensity C~~c~~lass guidelines associated with the recreation resort may extend to contiguous and adjacent lands under other land use designations if consistent with the adjacent land use designation and the recreation intensity class policies and guidelines. All recreation development shall be included in the resort master plan.

D. All accommodation units shall be designed for, and uses limited to, short-term occupancy to ensure the resort protects and supports the economies of urban areas.

E. Commercial uses shall be limited to ensure the resort protects and supports the economies of urban areas. Commercial uses shall be oriented toward serving resort guests and recreation site users rather than the traveling public.

F. The general scale (height, dimensions and overall mass) of buildings in the resort core may be compatible with the scale of the buildings located within the existing industrial complex prior to redevelopment as a recreation resort.

H. The recreation resort shall be compatible with the surrounding areas.

GMA Guidelines

Uses Allowed Outright

1. The uses listed in "Uses Allowed Outright, All Land Use Designations, Except Open Space and Agriculture-Special" (Part II, Chapter 7: General Policies and Guidelines) are allowed without review on lands designated Commercial Recreation.

Uses Allowed through the Expedited Development Review Process

1. The uses listed in "Expedited Development Review Process" (Part II, Chapter 7:

General Policies and Guidelines) are allowed with review through the expedited development review process on lands designated Commercial Recreation.

Review Uses

1. The following uses may be allowed on lands designated Commercial Recreation, subject to compliance with guidelines for the protection of scenic, natural, cultural and recreation resources and compliance with numbers 1.A, 1.C, 1.D, 1.E, 1.F, 1.G, 1.H, and 1.I~~G~~ (where applicable) of the "Approval Criteria for Recreation Uses" contained in the R~~r~~ecreation I~~i~~ntensity C~~c~~lass guidelines (Part I, Chapter ~~4~~: Recreation Resources):

   A. Commercially owned, resource-based recreation uses, consistent with R~~r~~ecreation I~~i~~ntensity C~~c~~lass policies and guidelines (Part I, Chapter 4: Recreation Resources).

   B. Overnight recreation accommodations that are part of a commercially owned, resource-based recreation use, where such resource-based recreation use occurs on the subject site or on adjacent lands that are accessed through the site, and that meet the following standards:

      (1) Buildings containing only one unit shall be no larger than 1,500 square feet in total floor area and no higher than 2-1/2 stories.

      (2) Buildings containing more than one unit shall be no larger than 5,000 square feet in total floor area and no higher than 2-1/2 stories.

      (3) The total number of individual units shall not exceed 25, unless the proposed development complies with standards for clustered accommodations in subsection (4) of this guideline.

      (4) Clustered overnight ~~travelers'~~ recreation accommodations meeting the following standards may include up to 35 individual units:

         (a) Average total floor area of all units is 1,000 square feet or less per unit.

         (b) A minimum of 50 percent of the project site is dedicated to undeveloped, open areas (not including roads or parking areas).

         (c) The facility is in an area classified ~~for high-intensity recreation (~~in the Management Plan as Recreation Intensity Class 4, as defined in Part I, Chapter 4: Recreation Resources~~)~~.

   C. Commercial uses, including restaurants sized to accommodate overnight visitors and their guests, and non-resource based recreation uses that are

part of an existing or approved resource-based commercial recreation use, consistent with the policies, guidelines, and conditional use criteria for such uses contained in this section.

D. New cultivation, subject to compliance with guidelines for the protection of cultural resources (Part I, Chapter 2: Cultural Resources) and natural resources (Part I, Chapter 4: Natural Resources).

E. Special uses in historic buildings, subject to the guidelines in “Special Uses in Historic Buildings” (Part II, Chapter 7: General Policies and Guidelines).

2. The following uses may be allowed on lands designated Commercial Recreation, subject to compliance with the "Approval Criteria for Non-Recreational Uses in Commercial Recreation," below, and the guidelines for the protection of scenic, natural, cultural, and recreation resources:

A. One single-family dwelling for each ~~lot or~~existing parcel legally created prior to adoption of the first Management Plan on October 15, 1991.

B. Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in Guideline 2.C below.

C. Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel are subject to the following additional standards:

(1) The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

(2) The height of any individual accessory building shall not exceed 24 feet.

D. Agricultural structures, ~~except buildings,~~ in conjunction with agricultural use.

E. Agricultural buildings in conjunction with current agricultural use and, if applicable, proposed agricultural use that a landowner would initiate within one year and complete within five years, subject to the standards in "Agricultural Buildings" (Part II, Chapter 7: General Policies and Guidelines).

F. Utility transmission, transportation, and communication facilities.

G. Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation ~~and/~~or natural resources, subject to the guidelines in "Resource Enhancement Projects" (Part II, Chapter 7: General Policies and Guidelines). These projects may include new structures (e.g., fish ladders,

sediment barriers) ~~and/~~or activities (e.g., closing and revegetating unused roads, recontouring abandoned quarries).

H. Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building.

I. Docks and boathouses, subject to the guidelines in "Docks and Boathouses" (Part II, Chapter 7: General Policies and Guidelines).

J. Removal/demolition of structures that are 50 or more years old**,** including wells, septic tanks and fuel tanks.

K. Commercial events, subject to the guidelines in "Commercial Events" (Part II, Chapter 7: General Policies and Guidelines).

3. Land divisions may be allowed, subject to compliance with criterion 1.C under "Approval Criteria for Non-Recreational Uses in Commercial Recreation," below, and the guidelines in “Land Divisions” (Part II, Chapter 7: General Policies and Guidelines).

4. Lot line adjustments may be allowed, subject to compliance with the guidelines in "Lot Line Adjustments" (Part II, Chapter 7: General Policies and Guidelines).

5. Recreation resorts may be allowed on lands designated Commercial Recreation that include an existing industrial complex, subject to compliance with the following approval criteria, and the guidelines for the protection of scenic, natural, cultural, and recreation resources. All uses on lands with an approved recreation resort shall be subject to the following limitations: ~~*(Added: CRGC adopted 7/7/08; U.S. Sec. Ag. concurrence 10/8/08)*~~

A. Uses Allowed: All commercial development (except for privately owned, public use resource-based recreation uses) and accommodations within a recreation resort shall be located within the resort core. Recreation facilities associated with the recreation resort shall be included on the resort master plan and may extend to contiguous and adjacent lands under other land use designations only if consistent with the land use designation and the ~~r~~Recreation ~~I~~intensity C~~c~~lass policies and guidelines (Part I, Chapter 4: ~~–~~ Recreation Resources).

(1) Accommodations that are part of a recreation resort shall meet the following standards:

(a) The total number of accommodation units and campground sites shall not exceed that approved by the resort master plan.

(b) The average size of accommodation units shall not exceed 1,300 square feet. Individual accommodation units shall be no larger than 1,600 square feet in total floor area.

(c) No unit shall contain more than one kitchen.

(d) Parking shall be predominantly in common lots or structures and accessed through shared driveways. Individual accommodation units shall not have separate or attached garages.

(e) All accommodation units shall have design and use restrictions that effectively limit their use to short-term occupancy and that require occupancy to be limited to no more than 45 days in any 90 day period.

(2) Commercial uses that are part of a recreation resort shall meet the following standards:

(a) Commercial uses shall be located predominantly within and oriented internally toward the center of the resort core or to serve adjacent recreation areas, rather than at or toward the resort perimeter.

(b) Commercial uses are limited to restaurants and pubs, a mini-mart, recreation equipment rental, and other small-scale retail and guest services. Conference and meeting facilities may be permitted.

(c) Gas stations, banks, grocery stores, or other services commonly found in urban areas or catering to the traveling public shall not be permitted.

(d) Commercial uses shall be sized and oriented to primarily serve resort guests and recreation-site users rather than the traveling public.

(3) Notwithstanding GMA Guideline 2 of the GMA Overall Scenic Provisions, new recreation resort buildings located within the resort core may be compatible with the general scale (height, dimensions and overall mass) of industrial buildings that existed within the existing industrial complex.

(a) The cumulative footprint of all recreation resort buildings located within the resort core shall not exceed that of buildings located within the existing industrial complex at the time of application.

(b) Buildings shall not exceed 2-1/2 stories in height.

(4) Land divisions for the purpose of selling individual accommodation units shall not be permitted within the resort core.

B. Application for a recreation resort shall include the following materials in addition to those required large-scale review uses by Part I: Resource Protection and Enhancement:

(1) A master plan including the contents listed in subsection C(1), below. The master plan shall include all areas where recreational, commercial, and

resort uses are proposed and where mitigation and enhancement measures are planned or necessary.

(2) A traffic impact study meeting the applicable local or state department of transportation standards that projects future conditions for each phase and after the project is completed.

(3) A description of economic impacts of resort development prepared by a qualified economist that includes:

(a) Assessment of effects on public services and emergency response needs.

(b) Assessment of net economic effect on surrounding communities and counties that takes into account public services costs, job creation, effect on tax base, and commercial activity in nearby urban areas.

(4) An engineering assessment of impact on community water facilities and surface water quality due to projected water use and treatment methods at resort build-out.

(5) Assessment of effects on existing recreation resources at and adjacent to the resort that evaluates:

(a) Types of recreation resources and levels of current use.

(b) Existing site conditions and recreation site capacity, including parking, safety, river access, and on-river conditions.

(c) Projected additional use and effect on existing recreation areas due to recreation resort development, by phase and at full build-out.

(d) Potential effect on the quality of the recreation experience at adjacent recreation sites; including effects due to potential changes in parking, traffic, public health and safety due to recreation resort development.

(e) Identification of potential mitigation and enhancement actions that would improve the quality of the experience for current and projected levels of use.

(6) Assessment of effect on surrounding areas. Review of impacts at a minimum shall include the visual character of the area, traffic generation, emergency response, fire risk and lighting.

(7) A delineation of the boundary of the existing industrial complex, and an inventory of existing development within the complex, including the dimensions and locations of all buildings.

C. All development within the recreation resort shall be based on a master

plan. Master plans shall be sufficiently detailed to enable the reviewing agency to confirm the guidelines of this section will be met through the development.

(1) The resort master plan shall include:

(a) Land use plan: This shall designate uses for all areas within the development. This shall also include a delineation of the resort core.

(b) Building design plan: This shall describe the location, materials, colors, and dimensions of all structures proposed.

(c) Landscape plan: This shall identify all areas where existing vegetation is to be removed and retained, and describe proposed landscape plantings, species and size of plants used, as well as irrigation and landscape maintenance plans.

(d) Traffic circulation plan: This shall describe all road way and parking locations, widths, and surfacing materials.

(e) Roadway improvement plan: This shall describe all on-site and off-site improvements necessary to mitigate traffic impacts and enhance driver and pedestrian safety in the vicinity of the resort.

(f) Grading and drainage plan: This shall indicate existing and proposed contours throughout the redevelopment area. Stormwater drainage routes and facilities shall also be indicated on this plan.

(g) Infrastructure development plan: This shall describe the location, size, basic design, funding mechanisms, and operational plans for water, sewer, power, and emergency services.

(h) Construction phasing plan: This shall indicate intended phasing of development of the project, if any, including anticipated initiation and completion dates for each component of the development. This shall also discuss how the project will function at interim stages prior to completion of all phases, and how the resort may operate successfully and meet its resource protection and enhancement commitments should development cease before all phases are completed.

(i) Resource protection and enhancement plan: This shall describe and indicate proposed measures that will be implemented to protect and enhance scenic, natural, cultural and recreation resources, including measures necessary to mitigate impacts identified through assessments required by this section.

(2) Reviewing agencies shall develop procedures for master plan and phase approval, time extension, and revision consistent with the following:

(a) Construction of all phases of the master plan shall be completed within 12 years from the date of approval. A reviewing agency may grant one extension of time, not to exceed three years, to the validity of the master plan if it determines that events beyond the control of the applicant prevented completion of all phases of the master plan.

(b) The initial phase of the master plan shall be commenced within 3 years of master plan approval by the reviewing agency. The reviewing agency may approve one extension of time, not to exceed two years, to initiate the initial phase if it determines that events beyond the control of the applicant prevented commencement of the phase.

(c) The reviewing agency shall review each phase of the master plan for consistency with the master plan prior to any construction on that phase. The review for consistency shall be an administrative decision. Each phase of the master plan shall be completed within

three years from the date the reviewing agency determines that phase is consistent with the master plan. The reviewing agency may grant one extension of time, not to exceed two years, if it determines that events beyond the control of the applicant prevented completion of that phase.

(d) The reviewing agency may approve minor changes to the findings, conclusions, and conditions of approval for master plans and phases if the change is deemed to be consistent with the guidelines of this section and does not generate new significant potential impacts not previously addressed in the original review. Approval or denial of a request for a minor change or extension shall be an administrative decision.

D. Development Standards: The applicant shall demonstrate and the reviewing agency shall make findings that determine the following standards are met through development under the approved master plan for the recreation resort:

(1) Master Plan:

(a) Removal: The first phase of recreation resort development shall result in the elimination of industrial uses and removal of all portions of the industrial complex that are not planned for use as part of the resort. Existing residential uses may remain.

(b) Infrastructure: The recreation resort shall provide its own sewer, water and internal circulation system, including roads. The development shall accommodate mass transportation to access the site and adjacent recreation areas.

(c) On-site and off-site infrastructure impacts shall be fully considered and mitigated. Mitigation may include assessment of impact fees, provision of community facilities within or adjacent to the resort. The reviewing agency may require that some or all reasonable and negotiated costs, expenses or charges associated with the alteration, construction or improvement of public services and facilities shall be the responsibility of the applicant.

(d) Phasing: Each phase shall be self-sufficient, in conjunction with existing elements of the resort. Transportation, parking, utilities, landscaping, as well as recreation mitigation and enhancements for each phase shall be satisfied within each phase and shall not be dependent upon a future phase.

(i) Each phase of the development shall be designed to be completed within two years of the commencement of construction for that phase.

(ii) Off-site recreation mitigation and enhancement shall be included in the first phase and completed prior to occupancy of resort buildings and initiation of a second phase.

(iii) On-site recreation mitigation and enhancement shall be developed in proportion to the type and amount of development in each phase.

(e) Landscaping necessary to screen development from key viewing areas shall be sized to provide sufficient screening to make development of each phase visually subordinate within 5 years or less from the commencement of construction of that phase, except for landscaping necessary to screen development from the section of SR 14 passing through the resort core. Such landscaping may be sized to provide sufficient screening to make development visually subordinate within 10 years from the commencement of construction of each phase. Landscaping for each phase shall be installed as soon as possible and prior to phase completion.

(f) Bonding sufficient to ensure remediation and clean up of the site and completion of resource enhancements identified in the master plan is required.

(2) Potentially adverse impacts of a recreation resort on surrounding areas shall be mitigated.

(a) Traffic, safety, and circulation impacts shall be mitigated in conformity with reviewing agency requirements. For each phase of the proposed development, the developer shall make road and intersection improvements to maintain traffic levels of service existing prior to each phase. The developer shall ensure that in no event may it cause the

public road system to operate below a level-of-service (LOS) C for intersection delay during the peak traffic hour. LOS C standards shall be determined based on the most recently adopted version of the Highway Capacity Manual (Transportation Research Board).

(b) Reviewing agencies may apply additional restrictions on noise, odor, lighting and water treatment in order to mitigate identified impacts.

(3) Recreation resources on the subject property shall be protected and enhanced by the development of the recreation resort. Recreation resources on adjacent lands and nearby areas shall be protected.

(a) Potentially adverse impacts to adjacent recreation sites due to the development shall be mitigated.

(b) Recreation enhancements shall include, but are not limited to, measures that address existing site conditions and provide new or expanded facilities that are open to the public.

(c) Resource protection and enhancement plans shall address at a minimum:

(i) Improvements to recreation user areas.

(ii) New or improved access to recreation sites.

(iii) Parking improvements and other potential methods to reduce parking demand at adjacent recreation sites by resort guests, such as shuttles or parking restrictions.

(iv) Cooperative agreements with the management of adjacent recreation sites to jointly address potential adverse impacts.

(v) Establishment of mitigation funds to be applied to improvements at public recreation sites.

(vi) Development of secondary activities, such as spectator seating, development of recreational trials, interpretation sites and trails.

(4) Scenic resources shall be protected and enhanced by the development of the recreation resort. All new development, including additions or re-use of existing structures for resort use shall be visually subordinate as visible~~seen~~ from key viewing areas. Enhancements may include, but are not limited to: removal of visually discordant structures and building materials not associated with the existing industrial complex, grading and vegetative restoration of previously disturbed areas and permanent protection of undeveloped lands in the master plan area or adjoining

lands in the same ownership.

(5) Cultural resources shall be protected and enhanced by development of the recreation resort. Cultural resource reconnaissance survey procedures and standards for large-scale uses are applicable to recreation resort development. Enhancements may include, but are not limited to, interpretive displays, restoration or adaptive re-use of historical structures.

(6) Natural resources shall be protected and enhanced by the development of the recreation resort. Enhancements may include, but are not limited to, habitat improvements, permanent protection of undeveloped lands, water- quality improvements.

(7) ~~Tribal treaty rights shall be protected by d~~Development of the recreation resort shall not affect or modify the treaty or other rights of the four Columbia River treaty tribes. ~~Protection~~ This requires determination that the policies for "River Access and ~~Protection of~~Consistency with Tribal Treaty Rights" in Part I, Chapter 4: Recreation Resources, and the guidelines in Part IV, Chapter 3: Indian Treaty Rights and Consultation have been met by the application and development plan.

Approval Criteria for Non-Recreational Uses in Commercial Recreation

1. The uses identified under Guidelines 2 and 3 under "Review Uses," above, may be allowed if they meet the following criteria:

   A. The proposed use will not interfere with existing or approved commercial recreation uses on the subject property or adjacent lands. Mitigative measures used to comply with this criterion may include provision of onsite buffers, seasonal or temporary closures during peak recreation use periods, etc.

   B. The proposed use will not permanently commit the majority of the site to a non-recreational use. Careful siting and design of structure and other improvements may be used to comply with this criterion.

   C. Land divisions may be allowed upon a demonstration that the proposed land division is necessary to facilitate, enhance, or otherwise improve recreational uses on the site.

SMA PROVISIONS

PUBLIC RECREATION

SMA Goal

Protect and enhance lands that are suitable for public recreation.

SMA Policies

1. Public recreation shall be natural resource based.

2. All existing developed public recreation sites providing moderate- ~~and/~~or high-intensity uses shall be designated as Public Recreation.

3. Recreation development shall meet the guidelines set forth in Part I, Chapter 4: Recreation Resources.

4. All new land uses and developments shall protect the scenic, natural, cultural, and recreation resources.

5. Opportunities for moderate and intensive natural resource-based recreation development shall be protected by applying a Public Recreation designation.

6. No new dwellings shall be permitted on parcels of less than 40 contiguous acres.

7. Dwellings shall only be allowed when they meet the conditions described for Agricultural Land (Part II, Chapter 1) or Forest Land (Part II, Chapter 2), or when they are shown to be necessary for public recreation site management purposes.

8. New commercial recreation facilities shall not be permitted.

9. All National Forest System lands shall be subject to the laws and regulations pertaining to the National Forest system, including the National Environmental Policy Act (NEPA), the Mt. Hood National Forest Land and Resource Management Plan, and the Gifford Pinchot National Forest Land and Resource Management Plan, as amended by the Northwest Forest Plan. The most protective standards of the National Scenic Area Management Plan or the respective Forest Land and Resource Management Plans (as amended by the Northwest Forest Plan) shall apply to National Forest System lands.

SMA Guidelines

Uses Allowed Outright

1. The uses listed in "Uses Allowed Outright, All Land Use Designations, Except Open Space and Agriculture-Special" (Part II, Chapter 7: General Policies and Guidelines) are allowed without review on lands designated Public Recreation.

Uses Allowed through the Expedited Development Review Process

1. The uses listed in "Expedited Development Review Process" (Part II, Chapter 7: General Policies and Guidelines) are allowed with review through the expedited development review process on lands designated Public Recreation.

Review Uses

1. The following uses may be allowed on lands designated Public Recreation subject to review for compliance with scenic, cultural, natural, and recreational resources guidelines:

   A. Forest uses and practices, as allowed for in Part II, Chapter 2: Forest Land, except Forest Land Review Uses 1. I, 1.L, 1.M, and 1.V.

   B. Public trails, consistent with the provisions in Part I, Chapter 4: Recreation Resources.

   C. Public recreational facilities, consistent with the provisions in Part I, Chapter 4: Recreation Resources.

   D. Public nonprofit group camps, retreats, conference or educational centers, and interpretive facilities.

   E. One single-family dwelling on a parcel of 40 contiguous acres or larger when it meets the conditions described for Agricultural Land (Part II, Chapter 1) or Forest Land (Part II, Chapter 2), or when shown to be necessary for public recreation site management purposes.

   F. Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in Guideline 1.G below.

   G. Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel are subject to the following additional standards:

      (1) The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

      (2) The height of any individual accessory building shall not exceed 24 feet.

   H. Home occupations ~~and cottage industries~~, as specified in Part II, Chapter 7: General Policies and Guidelines.

I. Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation ~~and/~~or natural resources, subject to the guidelines in "Resource Enhancement Projects" (Part II, Chapter 7: General Policies and Guidelines). These projects may include new structures (e.g., fish ladders, sediment barriers) ~~and/~~or activities (e.g., closing and revegetating unused roads, recontouring abandoned quarries).

J. Road and railroad construction and reconstruction.

K. Utility facilities for public service upon a showing that:

(1) There is no alternative location with less adverse effect on Public Recreation land.

(2) The size is the minimum necessary to provide the service.

L. Agricultural review uses, as allowed for in Part II, Chapter 1: Agricultural Land, except Agricultural Land Review Uses 1.H, 1.I, 1.T, and 1.AA.

M. On a parcel of 40 acres or greater with an existing dwelling, the temporary use of a manufactured~~mobile~~ home, tiny house on a trailer, or similar structure in the case of a family hardship, subject to the guidelines for hardship dwellings in "Temporary Use - Hardship Dwelling" (Part II, Chapter 7: General Policies and Guidelines).

N. Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building.

O. Removal/demolition of structures that are 50 or more years old**,** including wells, septic tanks and fuel tanks.

P. Docks and boathouses, subject to the guidelines in "Docks and Boathouses" (Part II, Chapter 7: General Policies and Guidelines).

CHAPTER

7

General Policies and Guidelines

The policies and guidelines in this chapter provide more detailed guidance for uses authorized in many (or all) designations, as well as for uses which either are exempt from regulation under the National Scenic Area Act, or allowed without a National Scenic Area review.

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- Commercial Events II-7-[#]
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- Variances from Setbacks and Buffers II-7-[#]
- Vegetation Control Methods II-7-[#]
- Review Uses II-7-[#]
- Columbia River Bridge Replacement II-7-[#]
- Special Uses in Historic Buildings II-7-[#]
- Renewable Energy Production II-7-[#]

SAVINGS POLICIES

These policies ~~repeat and respond to~~ summarize the direction in the National Scenic Area Act that the Management Plan or land use ordinances adopted by counties or the Gorge Commission pursuant to the National Scenic Area Act not affect certain uses that take place in the National Scenic Area.

1. The Gorge Commission and Forest Service shall , ~~in the Management Plan and in the implementation actions,~~ protect treaty and other rights of Indian tribes. ~~Nothing in the plan~~No new developments or land uses or other actions implementing the National Scenic Area Act may interfere with the exercise of those rights.

2. Lands held in trust by the Secretary of the Interior for Indian tribes or for individual members of Indian tribes, and lands acquired by the U.S. Army Corps of Engineers and administered by the Secretary of the Interior for the benefit of Indian tribes or of individual members of Indian tribes, shall be exempt from regulation. ~~under the Management Plan or land use ordinances adopted by counties or the Gorge Commission pursuant to the Scenic Area Act.~~ This exemption shall extend to lands selected by the U.S. Army Corps of Engineers as ~~"~~in lieu~~"~~ or treaty fishing access sites pursuant to Public Law 79-14 and Public Law 100-581 before or after the effective date of the Management Plan. For those ~~"~~in lieu or treaty fishing access~~"~~ sites chosen after the effective date of the Management Plan, the exemption shall commence upon selection by the U.S. Army Corps of Engineers.

3. Rights to surface or ground water ~~shall be~~is exempt from regulation. ~~under the Management Plan or land use ordinances adopted by counties or the Gorge Commission pursuant to the Scenic Area Act.~~

4. Water transportation activities on the Columbia River or its tributaries ~~shall be~~is exempt from regulation. ~~. under the Management Plan or land use ordinances adopted by counties or the Gorge Commission pursuant to the Scenic Area Act.~~ The term "activities" includes those facilities necessary for navigation.

5. The operation, maintenance, and modification of existing transmission facilities of the Bonneville Power Administration ~~shall be~~is exempt from regulation. ~~under the Management Plan or land use ordinances adopted by the counties or the Gorge Commission pursuant to the Scenic Area Act.~~

6. ~~Neither the Management Plan nor land use ordinances adopted by counties or the Gorge Commission pursuant to the Scenic Area Act may affect~~ Neither the Management Plan nor land use ordinances adopted by counties or the Gorge Commission pursuant to the Scenic Area Act may affect ~~Laws~~laws, rules, or regulations pertaining to hunting or fishing.

7. Neither the Forest Service nor the Gorge Commission may establish any buffer zones or protective perimeters outside the boundaries of the National Scenic Area.

8. The operation, maintenance, and improvement of navigation facilities at Bonneville Dam pursuant to federal law, except for the offsite disposal of excavation material, shall be exempt from regulation. ~~under the Management Plan or land use ordinances adopted by counties or the Gorge Commission under the Scenic Area Act.~~

9. In the GMA, the rights and responsibilities of non-federal timber landowners under the Forest Practices Acts of Washington and Oregon, or under county regulations that supersede those acts, ~~shall be~~is exempt from regulation~~. under the Management Plan or land use ordinances adopted by counties or the Gorge Commission pursuant to the Scenic Area Act.~~ under the Management Plan or land use ordinances adopted by counties or the Gorge Commission pursuant to the National Scenic Area Act.

STANDARDS FOR APPLICATIONS, EXPIRATION OF APPROVALS, VESTED RIGHTS

GMA/SMA Guidelines

Standards for Applications

1. Complete Application Required:~~–~~ Any proposed use, development or structure shall be reviewed according to the standards in effect on the date an applicant submitted a complete land use application to the reviewing agency. A complete application is one that the reviewing agency determines meets the Management Plan's requirements for: (1) a complete application form, (2) a complete site plan showing the proposed site (site plans with alternative sites or building envelopes are not sufficient), and (3) all applicable information specified in the parts of the Management Plan titled Resource Protection and Enhancement, Land Use Designations, and Indian ~~Tribal~~ Treaty Rights and Consultation. Incomplete applications shall not be reviewed.

Expiration of Approvals

1. Notice Not Required: Expiration of any land use approval issued pursuant to this Management Plan shall be automatic. Failure to give notice of expiration shall not affect the expiration of a land use approval.

2. Land Use Approvals without Structures: Any land use approval issued pursuant to this Management Plan for a use or development that does not include a structure shall expire two years after the date the land use approval was granted, unless the use or development was established according to all specifications and conditions of approval in the land use approval. For land divisions, "established" means the final deed or plat has been recorded with the county recorder or auditor.

3. Land Use Approvals with Structures**:** Any land use approval issued pursuant to this Management Plan for a use or development that includes a structure shall expire as follows:

A. When construction has not commenced within two years of the date the land use approval was granted, or

B. When the structure has not been completed within two years of the date of commencement of construction.

4. Commencement of Construction: As used in 3.A above, commencement of construction shall mean actual construction of the foundation or frame of the approved structure. For utilities and developments without a frame or foundation, commencement of construction shall mean actual construction of support structures for an approved above ground utility or development or actual excavation of trenches for an approved underground utility or development. For roads, commencement of construction shall mean actual grading of the roadway.

5. Completion of Structure: As used in 3.B above, completion of the structure shall mean (1) completion of the exterior surface(s) of the structure and (2) compliance with all conditions of approval in the land use approval.

6. Extension of Validity of Land Use Approvals: A request for extension of the time frames in Guidelines 2, 3.A or 3.B, above, shall be submitted in writing before the applicable expiration date.

   A. A reviewing agency may grant one 12-month extension to the validity of a land use approval if it determines that events beyond the control of the applicant prevented commencement of the use or development (applicable to 2 above) or commencement of construction (applicable to 3.A above) within the original two-year time frame.

   B. An agency may also grant one 12-month extension if it determines that events beyond the control of the applicant prevented completion of the structure (applicable to 3.B above) within the original two-year time frame.

   C. A request for extension shall state the reason why events beyond the control of the applicant warrant an extension.

   D. Approval or denial of a request for extension shall be considered an administrative decision.

7. Vested Rights: The laws of the states of Oregon and Washington concerning vested rights shall not apply in the National Scenic Area. A person has a vested right for as long as the land use approval does not expire.

EXISTING USES AND DISCONTINUED USES

GMA/SMA Guidelines

1. Right to Continue Existing Uses and Structures: Except as otherwise provided,

any existing use or structure may continue as long as it is used in the same manner and for the same purpose.

2. Replacement of Existing Structures Not Damaged or Destroyed by Disaster: Except as provided in Guideline 3 below, an existing structure may be replaced if a complete land use application for a replacement structure is submitted to the reviewing agency within one year of the date the use of the original structure was discontinued. The replacement structure shall comply with the following standards:

   A. The replacement structure shall ~~be used in the same manner and for the same purpose~~ have the same use as the original structure.

   B. The replacement structure may have a different size ~~and/~~or location than the original structure. An existing ~~mobile~~ manufactured home may be replaced with a framed residence and an existing framed residence may be replaced with a ~~mobile~~ manufactured home.

   C. The replacement structure shall be subject to the scenic, cultural, recreation and natural resources guidelines; the treaty rights guidelines; and the land use designations guidelines involving agricultural buffer zones, approval criteria for fire protection, and approval criteria for siting of dwellings on forest land.

   D. The original structure shall be considered discontinued if a complete land use application for a replacement structure is not submitted within the one-year time frame.

3. Replacement of Existing Structures Damaged or Destroyed by Disaster: An existing structure damaged or destroyed by fire, flood, landslide or other similar disaster may be replaced if a complete land use application for a replacement structure is submitted to the reviewing agency within two years of the date the original structure was damaged or destroyed. The replacement structure shall comply with the following standards:

   A. The replacement structure shall ~~be used in the same manner and for the same purpose~~have the same use as the original structure. An existing ~~mobile~~ manufactured home may be replaced with a framed residence.

   B. The replacement structure shall be in the same location as the original structure. An exception may be granted and the replacement structure may be sited in a different location if all the following conditions exist:

      (1) A registered civil engineer, registered geologist, or other qualified and licensed professional hired by the applicant demonstrates the disaster made the original building site physically unsuitable for reconstruction.

      (2) The new building site is no more visible from key viewing areas than the original building site. An exception may be granted if a registered civil

engineer, registered geologist, or other qualified and licensed professional hired by the applicant demonstrates the subject parcel lacks alternative building sites physically suitable for construction that are no more visible from key viewing areas than the original building site.

(3) The new building site complies with the cultural resources, natural resources, and treaty rights ~~protection~~ guidelines.

C. The replacement structure shall be the same size and height as the original structure, provided:

(1) The footprint of the replacement structure may be up to 10 percent larger than the footprint of the original structure. The footprint of a structure includes any covered decks and porches, attached garages, and breezeways that share a wall with the structure.

(2) The walls of the replacement structure shall be the same height as the walls of the original structure unless a minor increase is required to comply with standards in the current jurisdictional building code. Height is generally defined as the greatest vertical distance between the lowest finished grade adjoining any exterior wall and the highest point of the roof.

D. The replacement structure shall only be subject to the following scenic resources standards:

(1) The replacement structure shall comply with the ~~scenic resources~~ guidelines regarding color and reflectivity (Part I, Chapter 1: Scenic Resources). These guidelines shall be applied to achieve the applicable scenic standard (visually subordinate or not visually evident) to the maximum extent practicable.

(2) Decks, verandas, balconies and other open portions of the original structure shall not be rebuilt as enclosed (walls and roof) portions of the replacement structure.

(3) In the General Management Area, the replacement structure shall comply with the ~~scenic resources~~GMA guidelines regarding landscaping (Part I, Chapter 1: Scenic Resources). These guidelines shall be applied to achieve the applicable scenic standard (visually subordinate) to the maximum extent practicable.~~, provided:~~

~~(a) Except as provided in Guideline 3.D(3)(b) below, the percent of the replacement structure screened by vegetation as seen from key viewing areas shall not exceed the percent of the original structure that was screened by vegetation as seen from key viewing areas. Coniferous vegetation shall be replaced with coniferous vegetation and deciduous vegetation shall be replaced~~

~~with deciduous vegetation unless the applicant chooses to use all coniferous vegetation.~~

~~(b) In situations where the original structure was approved under Scenic Area regulations (e.g., Final Interim Guidelines, land use ordinance), the percent of the replacement structure screened by vegetation shall comply with any conditions of approval that required a landowner to preserve existing vegetation and/or plant and maintain new vegetation to screen the original structure as seen from key viewing areas.~~

~~(c) To help determine how much vegetation may be required under Guidelines 3.D(3)(a) and (b) above, land use applications shall include all available documentation (photographic or otherwise) on the amount and type of vegetation that screened the original structure from key viewing areas. At a minimum, development review decisions shall include findings that address the following:~~

~~(i) The percent of original structure facing each key viewing area that was screened by coniferous vegetation, for each key viewing area from which the structure was visible.~~

~~(ii) The percent of original structure facing each key viewing area that was screened by deciduous vegetation, for each key viewing area from which the structure was visible.~~

~~(iii) Elevation drawings showing the replacement structure and the amount of coniferous and deciduous vegetation that would screen the structure from key viewing areas in 10 years.~~

~~(d) The height of any new trees shall not be required to exceed 5 feet.~~

~~(e) The time frame for achieving visual subordinance shall be 10 years or less from the commencement of construction.~~

(4) In the Special Management Area<u>s</u>, the replacement structure shall comply with the ~~scenic resources~~<u>SMA</u> guidelines regarding landscaping <u>(Part I, Chapter 1: Scenic Resources)</u>. These guidelines shall be applied to achieve the applicable scenic standard (visually subordinate or not visually evident) to the maximum extent practicable, provided:

(a) ~~The *Scenic Resources Implementation Handbook* shall be utilized to determine approvable~~ <u>Use of plant</u> species <u>appropriate for the area</u> and minimum ~~approvable~~ sizes of new trees ~~planted~~ <u>needed to achieve the standard</u> (based on average growth rates expected for ~~approvable~~ <u>the recommended</u> species) <u>are required. Examples of native specific are identified in the *Scenic Resources Implementation Handbook* as appropriate to the area</u>.

(b) The height of any new trees shall not be required to exceed 5 feet.

(c) The time frame for achieving the applicable scenic standard (visually subordinate or not visually evident) shall be 10 years.

E. The replacement structure shall be subject to Guidelines 2.A, 2.B, and 2.C above if it would not comply with Guidelines 3.B and 3.C above.

F. The original structure shall be considered discontinued if a complete land use application for a replacement structure is not submitted within the two-year time frame.

4. Changes to Existing Uses and Structures**:** Except as otherwise provided, any change to an existing use or modification to the exterior of an existing structure shall be subject to review and approval pursuant to this Management Plan. ~~*(Revised: CRGC adoption 7/13/10; U.S. Sec. Ag. concurrence 11/1/10 & 7/1/11)*~~

A. Conversion of Existing Industrial Uses in the GMA: In the GMA, existing industrial uses may convert to less intensive uses. For this section, a less intensive use is a commercial, recreation, or residential use with fewer adverse effects upon scenic, cultural, natural, and recreation resources.

~~B. Existing Development or Production of Mineral Resources in the GMA: In the GMA, existing development or production of mineral resources may continue unless the Gorge Commission determines that the uses adversely affect the scenic, cultural, natural, or recreation resources of the Scenic Area. These uses will be considered discontinued and subject to land use ordinances under the Management Plan if any of the following conditions exist:~~

~~(1) The mined land has been reclaimed naturally or artificially to a point where it is revegetated to 50 percent of its original cover (considering both basal and canopy) or has reverted to another beneficial use, such as grazing. Mined land shall not include terrain that was merely leveled or cleared of vegetation.~~

~~(2) The site has not maintained a required state permit.~~

~~(3) The site has not operated legally within 5 years before the date of adoption of the Management Plan.~~

~~C.~~B. Existing Development or Production of Mineral Resources in the SMAs: Uses involving the exploration, development, or production of sand, gravel, or crushed rock in the SMAs may continue if both of the following conditions exist:

(1) The sand, gravel, or crushed rock is used for construction or maintenance of roads used to manage or harvest forest products in the SMAs.

(2) A determination by the Forest Service finds that the use does not adversely affect the scenic, cultural, natural, or recreation resources.

~~D.~~C. Solid Waste Disposal Sites and Sanitary Landfills in the SMAs: Solid waste disposal sites or sanitary landfills are not allowed in the SMAs.

5. Discontinuance of Existing Uses and Structures: Except as provided in Guidelines 3 ~~and 3.F~~ above, any use or structure that is discontinued for one (1) year or more shall not be considered an existing use or structure. Proof of intent to abandon is not required to determine that an existing use or use of an existing structure has been discontinued.

   A. Multiple Uses: An existing use or structure with more than one legally established use may discontinue one of the uses without discontinuing the others.

   B. Change in Use: An existing use or structure shall become discontinued if the use or use of the structure changes.

6. Discontinued Uses and Structures: Re-establishment or replacement of any use or structure that has been discontinued shall be subject to all applicable policies and guidelines in the Management Plan, including, but not limited to, guidelines for land use designations and scenic, cultural, recreation and natural resources.

CONSOLIDATION OF LOTS

GMA/SMA Guidelines

1. A unit of land shall be consolidated with adjacent lands in the same ownership if:

   A. In Oregon, the subdivision within which the unit of land is located is undeveloped pursuant to ORS chapter 92; or

   B. In Washington, if the unit of land is smaller than the current minimum parcel size and is located within a final plat that is older than five years from the date of filing.

2. No portion of a consolidated plat shall be considered a separate parcel solely because an existing parcel overlays, and possibly fragments, that consolidated subdivision.

3. Section 1 shall not be applied to consolidate two or more units of land where each unit of land is developed with a dwelling that qualifies as an existing use. One or more undeveloped units of land shall be consolidated with one or more developed units of land.

4. To carry out this section, counties shall develop their own procedures for consolidating units of land pursuant to this provision, including amending plats,

vacating plats, replatting, or other similar legal action.

UNIFORM APPLICATION OF MANAGEMENT PLAN

GMA/SMA Policies

1. The Management Plan shall be applied consistent with and in the spirit of the National Scenic Area Act.

2. The Gorge Commission, Forest Service, and counties should strive to apply Management Plan provisions uniformly throughout the National Scenic Area, except when a county has adopted a more restrictive provision.

3. In applying provisions of the Management Plan, the Gorge Commission and Forest Service may consider, but shall not be constrained by, county interpretations, state interpretation and application of state law and administrative regulations, or judicial decisions that do not directly involve the Management Plan.

4. In reviewing and revising the Management Plan in 2020, the Gorge Commission and Forest Service used *Webster's Third New International Dictionary, unabridged* (2002) for undefined terms. When interpreting the Management Plan and land use ordinances implementing the Management Plan, the Gorge Commission will use *Webster's Third New International Dictionary, unabridged* (2002) for undefined terms. For terms that do not appear in this dictionary, the Gorge Commission will ~~first~~ consider the online (free) version of Merriam-Webster unabridged (currently at https://unabridged.merriam-webster.com/). For terms that do not appear in the online (free) version, the Gorge Commission will consider other available dictionaries.

APPLYING NEW LESS-STRINGENT REGULATIONS TO DEVELOPMENT APPROVED UNDER PRIOR NATIONAL SCENIC AREA REGULATIONS

GMA/SMA Guidelines

1. A landowner may submit a land use application to alter conditions of approval for an existing use or structure approved under prior National Scenic Area regulations (e.g., *Columbia River Gorge National Scenic Area Final Interim Guidelines*, original *Management Plan*), subject to the following standards:

   A. The applicant shall apply for the same development that was reviewed in the original decision.

   B. The development shall remain in its current location.

C. The agency that currently has jurisdiction over the applicant's property shall review the application and send notice of the application to agencies and other parties entitled to receive notice under the current rules.

D. The agency shall review the entire development to ensure that it would fully comply with all the current guidelines (i.e., land use, treaty rights, scenic resources, cultural resources, recreation resources and natural resources).

E. The agency shall issue a new decision that supersedes the original decision.

F. The new decision may remove or revise original conditions of approval or add new conditions of approval to ensure full compliance with all the current guidelines.

USES ALLOWED OUTRIGHT

ALL LAND USE DESIGNATIONS, EXCEPT OPEN SPACE AND AGRICULTURE-SPECIAL

GMA/SMA Guidelines

1. The following uses may be allowed without review in all GMA and SMA land use designations, except GMA and SMA Open Space and GMA Agriculture-Special:

   A. In the General Management Area, agricultural uses except new cultivation. Any operation that would cultivate land that has not been cultivated, or has lain idle, for more than 5 years shall be considered new cultivation. For this guideline, cultivation and vegetation removal may be allowed in conjunction with a home garden.

   B. In the Special Management Area<u>s</u>, agricultural uses within previously disturbed and regularly worked fields or areas.

   C. Forest practices in the General Management Area that do not violate conditions of approval for other approved uses and development~~s~~.

   D. Repair, maintenance and operation of existing structures, including, but not limited to, dwellings, agricultural structures, trails, roads, railroads, and utility facilities.

   E. Accessory structures 60 square feet or less in area and 10 feet or less in height, unless within the buffer zone of a wetland, stream, pond, lake or riparian area. This category does not include signs, fences, outdoor lights, retaining walls, flagpoles, <u>roads,</u> transportation facilities, or utility facilities.

F. Wire-strand or woven-wire fences used for gardens, yards, livestock, and similar uses less than or equal to 500 feet in length and less than or equal to 10 feet in height that are accessory to an existing dwelling, provided woven-wire fences (posts and wire) are brown or black if visible from key viewing areas. Height is measured from the ground to the top wire.

G. Wire-strand fences less than or equal to 48 inches in height that are outside deer and elk winter range as delineated in the Gorge Commission and ~~/USDA~~ Forest Service natural resource ~~inventories~~ data or determined by an appropriate federal or state agency. Height is measured from the ground to the top wire. This category does not include fences associated with transportation facilities or utility facilities.

H. The following transportation facilities:

(1) Replace existing safety or protective structures, including but not limited to guardrails, access control fences and gates, barriers, energy attenuators, safety cables, rockfall structures, and traffic signals and controllers, provided the replacement structures are:

(a) the same location and size as the existing structures and

~~(a)~~(b) ~~(2)~~ the same building materials as the existing structures, or building materials that are dark brown with a flat, non-reflective finish, or building materials consistent with the *Historic Columbia River Highway Master Plan* for the Historic Columbia River Highway or a scenic highway corridor strategy for Interstate 84 or Washington State Route 14 prepared according to the GMA policies in the section of the Scenic Resources chapter of the Management Plan titled “Scenic Travel Corridors” (Part I, Chapter 1).

(2) Replace existing traffic detection devices, vehicle weighing devices, and signal boxes, provided the replacement structures are:

(a) the same location and size as the existing structures and

~~(a)~~(b) the same building materials as the existing structures, or building materials that are dark brown with a flat, non-reflective finish, or building materials consistent with the *Historic Columbia River Highway Master Plan* for the Historic Columbia River Highway or a scenic highway corridor strategy for Interstate 84 or Washington State Route 14 prepared according to the GMA policies in the section of the Scenic Resources chapter of the Management Plan titled “Scenic Travel Corridors” (Part I, Chapter 1).

~~(1)~~(3) New raised pavement markers, guide posts, object markers, inlay markers, and pavement markings and striping.

(4) Permanent public regulatory, guide, and warning signs, except those excluded below, provided:

(a) the signs comply with the *Manual ~~for~~ on Uniform Traffic Control Devices* (2012 or most recent version) and

~~(a)~~(b) the support structures and backs of all signs are dark brown with a flat, non-reflective finish. This category does not include specific service signs; destination and distance signs; variable message signs; or signs that bridge or are cantilevered over the road surface.

(5) Extensions of existing guardrails or traffic barriers less than or equal to 50 feet in length and new guardrail ends for existing guardrails, provided the guardrails and guardrail ends are

(a) located inside rights-of-way that have been disturbed in the past and

~~(a)~~(b) constructed of materials that match the existing structure, natural wood, weathering steel (e.g., Corten), or materials consistent with the *Historic Columbia River Highway Master Plan* for the Historic Columbia River Highway or a scenic highway corridor strategy for Interstate 84 or Washington State Route 14 prepared according to the GMA policies in the section of the Scenic Resources chapter of the Management Plan titled "Scenic Travel Corridors" (Part I, Chapter 1).

(6) New ~~guardrails~~ traffic barriers and guardrail ends, provided the structures are located inside rights-of-way that have been disturbed in the past and are constructed of natural wood, weathering steel (e.g., Corten), or materials consistent with the *Historic Columbia River Highway Master Plan* for the Historic Columbia River Highway or a scenic highway corridor strategy for Interstate 84 or Washington State Route 14 prepared according to the GMA policies in the section of the Scenic Resources chapter of the Management Plan titled "Scenic Travel Corridors" (Part I, Chapter 1). This category does not include jersey barriers.

~~(2)~~(6) In the General Management Area, replacement ~~and/~~or ~~expand~~ expansion of existing culverts, provided the entity or person owning or operating the culvert shall obtain all necessary federal and state permits that protect water quality and fish and wildlife habitat before construction.

(7) In the Special Management Areas, replacement ~~and/~~or ~~expand~~ expansion of existing culverts for ephemeral streams or ditches, provided the visible ends of culverts shall be dark and non-reflective.

The entity or person owning or operating the culvert shall obtain all necessary federal and state permits that protect water quality and fish and wildlife habitat before construction.

(8) ~~Resurface or overlay~~Maintenance of existing railroad track and paved roads, provided the activity does not

(a) increase the width of a road or railroad,

(b) disturb the toe of adjacent embankments, slopes or cut banks, or

~~(a) change existing structures or add new structures.~~

~~(8)~~(9) Apply dust abatement products to non-paved road surfaces.

~~(9)~~(10) Grade and gravel existing road shoulders, provided the activity does not

(a) increase the width of a road,

(b) disturb the toe of adjacent embankments, slopes or cut banks, or

~~(a) change existing structures or add new structures.~~

~~(10)~~(11) Replace the superstructure of bridges (e.g., decks, beams) for bridges less than or equal to 30 feet in length and less than or equal to 1,000 square feet in area. This category does not include guardrails, traffic barriers, or the substructure of bridges (e.g., foundations, abutments).

I. The following underground utility facilities:

(1) Replace or modify existing underground utility facilities located inside road, utility or railroad rights-of-way or easements that have been disturbed in the past or co-locate new underground utility facilities with existing underground facilities located inside road, utility or railroad rights-of-way or easements that have been disturbed in the past, provided no excavation would extend beyond the depth and extent of the original excavation.

(2) Replace or modify existing underground utility facilities located inside road, utility or railroad rights-of-way or easements that have been disturbed in the past or co-locate new underground utility facilities with existing underground facilities located inside road, utility or railroad rights-of-way or easements that have been disturbed in the past, provided:

(a) no excavation would extend more than 12 inches beyond the depth and extent of the original excavation,

(b) no ditch for linear facilities would be more than 24 inches wide,

(c) no excavation for non- linear facilities would exceed 10 cubic yards, and

(d) no recorded archaeological site is located within 500 feet of the development. To comply with (d), the entity or person undertaking the development shall contact the Washington Department of Archaeology and Historic Preservation or the Oregon State Historic Preservation Office and obtain a letter or other document stating no recorded archaeological site is located within 500 feet of the development.

J. The following aboveground and overhead utility facilities:

(1) Replace existing aboveground and overhead utility facilities including towers, pole/tower-mounted equipment, cables and wires, anchors, pad-mounted equipment, service boxes, pumps, valves, pipes, water meters, and fire hydrants, provided the replacement facilities would have:

(a) ~~(1)~~ the same location and size as the existing facilities and

~~(a)~~(b) ~~(2)~~ the same building materials as the existing facilities, or building materials that are dark brown with a flat, non-reflective finish, or building materials consistent with the Historic Columbia River Highway Master Plan for the Historic Columbia River Highway or a scenic highway corridor strategy for Interstate 84 or Washington State Route 14 prepared according to the GMA policies in the section of the Scenic Resources chapter of the Management Plan titled “Scenic Travel Corridors” (Part I, Chapter 1).

(2) Replace existing utility poles, provided the replacement poles are

located within 5 feet of the original poles,

(a)

~~(2)~~ no more than 5 feet taller and 6 inches wider than the original poles, and

(b)

~~(b)~~(c) ~~(3)~~ constructed of natural wood, weathering steel (e.g., Corten), materials that match the original poles, or materials that are dark brown with a flat, non-reflective finish.

~~(1)~~(3) New whip antennas for public service less than or equal to 8-feet in height and less than or equal to 2 inches in diameter, cables, wires, transformers, and other similar equipment, provided all such structures are on existing utility poles or towers.

K. Flagpoles that are accessory to the principal building on a parcel, provided the height of the flagpole is less than or equal to the height of the highest ridgeline or parapet of the principal building.

L. The following signs:

(1) Election signs. Removal must be accomplished within 30 days of election day.

(2) "For sale" signs not greater than 12 square feet. Removal must be accomplished within 30 days of close of sale.

(3) Temporary construction site identification, public service company, safety, or information signs not greater than 32 square feet. Exceptions may be granted for public highway signs necessary for public safety and consistent with the *Manual on~~for~~ Uniform Traffic Control Devices* (2012 or most recent version). Removal must be accomplished within 30 days of project completion.

(4) Signs posted on private property warning the public against trespassing, danger from animals, the private nature of a road, driveway or premise, or signs prohibiting or otherwise controlling fishing or hunting, provided such signs are not greater than 6 square feet in the General Management Area and 2 square feet in the Special Management Areas.

(5) Temporary signs advertising civil, social, or political gatherings and activities, provided such signs do not exceed 12 square feet. Removal must be accomplished within 30 days of the close of the event.

(6) Signs posted by governmental jurisdictions giving notice to the public. Such signs shall be no larger than that required to convey the intended message.

(7) In the General Management Area, signs associated with the use of a building or buildings, if placed flat on the outside walls of buildings (not on roofs or marquees).

M. In the General Management Area, wind machines for frost control in conjunction with agricultural use.

GMA AND SMA OPEN SPACE

GMA/SMA Guidelines

1. The following uses may be allowed without review in GMA and SMA Open Space:

   A. Repair, maintenance and operation of existing structures, including, but not limited to, dwellings, agricultural structures, trails, roads, railroads, and utility facilities. This does not include trail, road, and railroad expansions, ~~including road and trail~~ ~~widening.~~

   B. The following transportation facilities:

      (1) Replace existing safety or protective structures, including guardrails, access control fences and gates, barriers, energy attenuators, safety cables, and traffic signals and controllers, provided the replacement structures are:

         (a) the same location and size as the existing structures and ~~(2)~~

         ~~(a)~~(b) the same building materials as the existing structures, or building materials that are dark brown with a flat, non-reflective finish, or building materials consistent with the *Historic Columbia River Highway Master Plan* for the Historic Columbia River Highway or a scenic highway corridor strategy for Interstate 84 or Washington State Route 14 prepared according to the GMA policies in ~~the section of the Scenic Resources chapter of the Management Plan titled~~ "Scenic Travel Corridors" (Part I, Chapter 1: Scenic Resources).

      (2) Replace existing traffic detection devices, vehicle weighing devices, and signal boxes, provided the replacement structures are:

         (a) ~~(1)~~ the same location and size as the existing structures and ~~(2)~~

         (b) the same building materials as the existing structures, or building materials that are dark brown with a flat, non-reflective finish, or building materials consistent with the *Historic Columbia River Highway Master Plan* for the Historic Columbia River Highway or a scenic highway corridor strategy for Interstate 84 or Washington State Route 14 prepared according to the GMA policies in ~~the section of the Scenic Resources chapter of the Management Plan titled~~ "Scenic Travel Corridors" (Part I, Chapter 1: Scenic Resources).

      ~~(2)~~(3) New raised pavement markers, guide posts, object markers, inlay markers, and pavement markings and striping.

      (4) Permanent public regulatory, guide, and warning signs, except those excluded below, provided:

(a) ~~(1)~~ the signs comply with the *Manual* ~~on~~*for* ~~*for*~~ *Uniform Traffic Control Devices* (2012 or most recent version) and

(b) ~~(2)~~ the support structures and backs of all signs are dark brown with a flat, non-reflective finish.

~~(a)~~(c) This category does not include specific service signs; destination and distance signs; variable message signs; or signs that bridge or are cantilevered over the road surface.

(5) Extensions of existing guardrails or traffic barriers less than or equal to 50 feet in length and new guardrail ends for existing guardrails, provided the guardrails and guardrail ends are

(a) ~~(1)~~ located inside rights-of-way that have been disturbed in the past and

(b) ~~(2)~~ constructed of materials that match the existing structure, natural wood, weathering steel (e.g., Corten), or materials consistent with the *Historic Columbia River Highway Master Plan* for the Historic Columbia River Highway or a scenic highway corridor strategy for Interstate 84 or Washington State Route 14 prepared according to the GMA policies in ~~the section of the Scenic Resources chapter of the Management Plan titled~~ "Scenic Travel Corridors" (Part I, Chapter 1: Scenic Resources).

(6) New ~~guardrails~~ traffic barriers and guardrail ends, provided the structures are:

(a) located inside rights-of-way that have been disturbed in the past and

~~(a)~~(b) constructed of natural wood, weathering steel (e.g., Corten), or materials consistent with the *Historic Columbia River Highway Master Plan* for the Historic Columbia River Highway or a scenic highway corridor strategy for Interstate 84 or Washington State Route 14 prepared according to the GMA policies in ~~the section of the Scenic Resources chapter of the Management Plan titled~~ "Scenic Travel Corridors" (Part I, Chapter 1: Scenic Resources). This category does not include jersey barriers.

~~(3)~~(7) In the General Management Area, replacement ~~and/~~or ~~expand~~ expansion of existing culverts, provided the entity or person owning or operating the culvert shall obtain all necessary federal and state permits that protect water quality and fish and wildlife habitat before construction.

~~(4)~~(8) In the Special Management Areas, replacement ~~and/~~or ~~expand~~ expansion of existing culverts for ephemeral streams or ditches, provided the visible ends of culverts shall be dark and non-reflective.

(9) ~~Resurface or overlay~~Maintenance of existing railroad track and paved roads, provided the activity does not

(a) increase the width of a road or railroad, or

~~(a)~~(b) ~~(2)~~ disturb the toe of adjacent embankments, slopes or cut banks~~, or (3) change existing structures or add new structures.~~

~~(5)~~(10) Apply dust abatement products to non-paved road surfaces.

(11) Grade and gravel existing road shoulders, provided the activity does not

(a) increase the width of a road, or ~~(2)~~

~~(a)~~(b) disturb the toe of adjacent embankments, slopes or cut banks~~, or (3) change existing structures or add new structures.~~

~~(6)~~(12) Replace the superstructure of bridges (e.g., decks, beams) for bridges less than or equal to 30 feet in length and less than or equal to 1,000 square feet in area. This category does not include guardrails, traffic barriers, or the substructure of bridges (e.g., foundations, abutments).

C. The following underground utility facilities:

(1) Replace or modify existing underground utility facilities located inside road, utility or railroad rights-of-way or easements that have been disturbed in the past or co-locate new underground utility facilities with existing underground facilities located inside road, utility or railroad rights-of-way or easements that have been disturbed in the past, provided no excavation would extend beyond the depth and extent of the original excavation.

(2) Replace or modify existing underground utility facilities located inside road, utility or railroad rights-of-way or easements that have been disturbed in the past or co-locate new underground utility facilities with existing underground facilities located inside road, utility or railroad rights-of-way or easements that have been disturbed in the past, provided

(a) ~~(1)~~ no excavation would extend more than 12 inches beyond the depth and extent of the original excavation, ~~(2)~~

(b) no ditch for linear facilities would be more than 24 inches wide, ~~(3)~~

(c) no excavation for non- linear facilities would exceed 10 cubic yards, and ~~(4)~~

(d) no recorded archaeological site is located within 500 feet of the

development. To comply with ~~(4)~~this guideline, the entity or person undertaking the development shall contact the Washington ~~Office~~ Department of Archaeology and Historic Preservation or the Oregon State Historic Preservation Office and obtain a letter or other document stating no recorded archaeological site is located within 500 feet of the development.

D. The following aboveground and overhead utility facilities:

(1) Replace existing aboveground and overhead utility facilities including towers, pole/tower-mounted equipment, cables and wires, anchors, pad-mounted equipment, service boxes, pumps, valves, pipes, water meters, and fire hydrants, provided the replacement facilities would have:

(a) ~~(1)~~ the same location and size as the existing facilities and ~~(2)~~

~~(a)~~(b) the same building materials as the existing facilities, or building materials that are dark brown with a flat, non-reflective finish, or building materials consistent with the *Historic Columbia River Highway Master Plan* for the Historic Columbia River Highway or a scenic highway corridor strategy for Interstate 84 or Washington State Route 14 prepared according to the GMA policies in ~~the section of the Scenic Resources chapter of the Management Plan titled~~ "Scenic Travel Corridors" (Part I, Chapter 1: Scenic Resources).

(2) Replace existing utility poles, provided the replacement poles are

(a) located within 5 feet of the original poles, ~~(2)~~

(b) no more than 5 feet taller and 6 inches wider than the original poles, and ~~(3)~~

~~(b)~~(c) constructed of natural wood, weathering steel (e.g., Corten), materials that match the original poles, or materials that are dark brown with a flat, non-reflective finish.

~~(2)~~(3) New whip antennas for public service less than or equal to 8-feet in height and less than or equal to 2 inches in diameter, cables, wires, transformers, and other similar equipment, provided all such structures are on existing utility poles or towers.

E. The following signs:

(1) Election signs. Removal must be accomplished within 30 days of election day.

(2) "For sale" signs not greater than 12 square feet. Removal must be accomplished within 30 days of close of sale.

(3) Temporary construction site identification, public service company, safety, or information signs not greater than 32 square feet. Exceptions may be granted for public highway signs necessary for public safety and consistent with the *Manual* on~~for~~ *Uniform Traffic Control Devices* (2012 or most recent version). Removal must be accomplished within 30 days of project completion.

(4) Signs posted on private property warning the public against trespassing, danger from animals, the private nature of a road, driveway or premise, or signs prohibiting or otherwise controlling fishing or hunting, provided such signs are not greater than 6 square feet in the GMA and 2 square feet in the SMAs.

(5) Temporary signs advertising civil, social, or political gatherings and activities, provided such signs do not exceed 12 square feet. Removal must be accomplished within 30 days of the close of the event.

(6) Signs posted by governmental jurisdictions giving notice to the public. Such signs shall be no larger than that required to convey the intended message.

(7) In the General Management Area, signs associated with the use of a building or buildings, if placed flat on the outside walls of buildings (not on roofs or marquees).

EXPEDITED DEVELOPMENT REVIEW PROCESS

GMA/SMA Guidelines

Development Eligible for Expedited Review

1. The following development~~s~~ may be reviewed using the expedited development review process, provided they comply with the resource protection and procedural guidelines listed below.

   A. Except in Open Space and Agriculture-Special, accessory structures between 60 and 200 square feet in area and 10 feet or less in height. Only one accessory building per parcel may be allowed under this guideline, regardless of whether the parcel already includes an accessory building(s). Additional accessory buildings shall be subject to full review. This category does not include signs, decks, fences, outdoor lights, retaining walls, transportation facilities, or utility facilities.

   B. Additions and covered decks for existing buildings, provided the existing building is at least 500 square feet in area and the addition or covered deck

is no larger than 200 square feet in area and no taller than the height of the existing building. Only one addition and one covered deck per parcel may be allowed under this guideline, regardless of whether the parcel already includes an addition or covered deck.

C. Rail, solid or semi-solid fences accessory to existing dwellings less than or equal to 6 feet in height and less than or equal to 100 feet in length.

D. Wire-strand fences other than those allowed outright, provided the fence complies with the "Approval Criteria for Fences in Deer and Elk Winter Range" (Part I, Chapter 3: Natural Resources, GMA Wildlife Habitat) if it is inside deer and elk winter range as delineated in the Gorge Commission and /USDA Forest Service natural resource inventories data or determined by an appropriate federal or state agency.

E. In the General Management Area, woven-wire fences for agricultural use that would enclose 80 acres or less.

F. Decks that are:

(1) uncovered,

(2) attached and accessory to existing dwellings, and

(1)(3) 500 square feet or less in area and 30 inches or less in height above existing grade.

F.G. Road closure gates.

G.H. Signs, other than those allowed outright.

H.I. Outdoor lights.

I.J. Air, weather, water and other similar research and monitoring facilities, provided the facilities are attached to existing structures or are less than or equal to 120 square feet in size and less than or equal to 12 feet in height.

J.K. Lot line adjustments in the General Management Area that would not result in the potential to create additional parcels through subsequent land divisions, subject to the GMA guidelines in "Lot Line Adjustments" (Part II, Chapter 7: General Policies and Guidelines), except all lot line adjustments for parcels designated Open Space, Agriculture-Special, Public Recreation, or Commercial Recreation shall be reviewed through the full development review process.

K.L. Lot line adjustments in the Special Management Areas, subject to the SMA guidelines in "Lot Line Adjustments" (Part II, Chapter 7: General Policies and Guidelines) and SMA Residential Land Policy 4 (Part II, Chapter 4: Residential Land).

~~L.~~M. Removal/demolition of structures that are less than 50 years old**,** including wells, septic tanks and fuel tanks.

~~M.~~N. Decommission non-paved roads, including ripping the road surface, barriers, and revegetation.

~~N.~~O. Trail reconstruction involving up to 1,000 feet of trail re-route.

~~O.~~P. The following transportation facilities, provided they are not a part of larger construction or reconstruction projects (which shall be reviewed as a whole):

(1) New ~~guardrails~~ traffic barriers and guardrail ends, other than those allowed outright, and new wire-strand and woven-wire access control fences. This category does not include jersey barriers.

(2) New traffic detection devices, vehicle weighing devices, and signal boxes less than or equal to 120 square feet in size and less than or equal to 12 feet in height. This category does not include signs.

(3) Pave existing dirt and gravel roads, provided the activity does not increase the width of the road or disturb the toe of adjacent embankments, slopes or cut banks.

(4) New weather, air, traffic or other monitoring equipment attached to existing structures or that are less than or equal to 120 square feet in size and less than or equal to 12 feet in height.

~~P.~~Q. Except in Agriculture-Special, the following underground utility facilities:

(1) New underground utility facilities located inside road, utility or railroad rights-of-way or easements that have been disturbed in the past, provided:

(a) ~~(1)~~ no ditch for linear facilities would be more than 36 inches wide and ~~(2)~~

~~(a)~~(b) no excavation for non-linear facilities would exceed 20 cubic yards.

~~Q.~~R. The following aboveground and overhead utility facilities:

(1) Modify existing aboveground and overhead utility facilities or, except in Agriculture-Special, develop new aboveground and overhead utility facilities including building and equipment foundations, poles, transformers, conduit, fencing, pumps, valves, pipes, and water meters, provided the development would be less than or equal to 120 square feet in area and less than or equal to 12 feet in height.

(2) Replace existing aboveground and overhead utility facilities including building and equipment foundations, poles, transformers, conduit, fencing, pumps, valves, pipes, and water meters, provided the replacement facilities would be in the same location as and no more than 15 percent larger than the physical size of the existing facilities.

(3) New antennas and associated support structures necessary for public service on existing wireless communication poles and towers other than those allowed outright, provided the size is the minimum necessary to provide the service.

S. Replace an existing mobile home in a mobile home space within a mobile home park, provided:

(1) ~~(1)~~ the mobile home to be replaced, the mobile home space and the mobile home park shall be existing, lawful uses according to the definition of *existing use or structure* and Guidelines 1 through 4 in the section titled “Existing Uses” of this chapter;

(2) ~~(2)~~ the replacement mobile home shall be in the same location as the mobile home to be replaced;

(3) ~~(3)~~ the height of the replacement mobile home shall be no more than 20 percent greater than the mobile home to be replaced, and

(4) ~~(4)~~ the mass and footprint of the replacement mobile home shall be no more than 100 percent greater than a single-wide mobile home to be replaced or no more than 25 percent greater than a double-wide mobile home to be replaced.

~~R.~~T. Retaining walls accessory to existing dwellings less than or equal to 2 feet in height and less than or equal to 100 feet in length.

~~S.~~U. In the Special Management Areas, wind machines for frost control in conjunction with agricultural use.

V. Additions to existing buildings or structures that generate solar power for approved uses, provided that the panels and hardware are non-reflective black or dark earth tone colors and do not increase the overall roof height. This category does not include free-standing solar arrays, which are subject to full review as new structures under the guidelines in "Renewable Energy Production” (Part II, Chapter 7: General Policies and Guidelines).

Resource and Treaty Rights Protection Guidelines

1. Proposed development~~s~~ reviewed using the expedited review process shall comply with the following resource protection guidelines:

A. Scenic

(1) In the General Management Area, the scenic resource protection guidelines shall not apply to woven-wire fences for agricultural use that would enclose 80 acres or less.

(2) Except signs, the colors of structures topographically 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~~ approved by the reviewing agency shall be included as a condition of approval. This guideline shall not apply to additions to existing buildings smaller in total square area than the existing building, which may be the same color as the existing building ~~match the color of existing buildings~~.

(3) Except signs, structures topographically visible from key viewing areas shall use low or non-reflective building materials, including roofing, gutters, vents, and chimneys.

(4) ~~Outdoor lights~~ Any exterior lighting shall be sited, limited in intensity, hooded, and shielded ~~such that they are not highly visible from key viewing areas.~~ 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.

(5) Signs shall comply with the applicable sign guidelines in the Management Plan (Part I, Chapter 1: Scenic Resources GMA Sign Guidelines and SMA Sign Provisions ~~and Part II Chapter 7, SMA Sign Guidelines~~).

(6) Structures within ½-mile of a key viewing area and topographically visible from the key viewing area shall be sited, screened and~~/or~~ designed to achieve the applicable scenic standard (e.g., visual subordinance, not visually evident).

B. Cultural

(1) The expedited development review process shall only be used to review proposed development that does not require a reconnaissance survey or historic survey. The GMA Cultural Resources Policies 6 and 7 (Part I, Chapter 2) shall be used to determine if a reconnaissance ~~and/~~or historic survey is required for a proposed development.

(2) The GMA "Cultural Resources Discovered After Construction Begins" Guideline 1 and "Discovery if Human Remains" Guideline 1 (Part I, Chapter 2: Cultural Resources) shall be applied as conditions of approval for all development approved under the expedited

development review process.

C. Recreation

(1) The development shall not detract from the use and enjoyment of established recreation sites on adjacent parcels.

D. Natural

(1) Water Resources (Wetlands, Streams, ~~Rivers,~~ Ponds, ~~and~~ Lakes, and Riparian Areas)

(a) The development is outside water resources and their buffer zones ~~for wetlands, streams, rivers, ponds, and lakes~~. This guideline shall not apply to lot line adjustments or development located inside road, utility or railroad rights-of-way or easements that have been previously disturbed and regularly maintained.

(2) Sensitive Wildlife and ~~Sensitive~~ Rare Plants

(a) The development meets one of the following:

(i) The development is at least 1,000 feet from known Priority Habitats or sensitive wildlife ~~areas or~~ sites (excluding sensitive aquatic species, and deer and elk winter range, ~~and turkey habitat~~) and known ~~sensitive~~ rare plants; or

(ii) The development does not disturb the ground or is inside road, utility or railroad rights-of-way or easements or other areas that have been previously disturbed and regularly maintained; or

(iii) For sensitive wildlife, the development is within 1,000 feet of known Priority Habitats or sensitive wildlife ~~areas or~~ sites (excluding sensitive aquatic species, and deer and elk winter range~~, and turkey habitat~~), but an appropriate federal or state wildlife agency determines:

1. the Priority Habitat or sensitive wildlife ~~areas or~~ site is not active or,

~~1.~~2. the proposed development would not compromise the integrity of the Priority Habitat or sensitive wildlife ~~areas or~~ site or occur during the time of the year when wildlife species are sensitive to disturbance.

~~(iii)~~(iv) For ~~sensitive~~rare plants, the development is within 1,000 feet of known ~~sensitive~~rare plants, but the Oregon

Biodiversity Information Center or Washington Natural Heritage Program or a person with recognized expertise in botany or plant ecology hired by the applicant has determined that the development would be at least 200 feet from the ~~Sensitive~~rare plants.

(b) Development eligible for expedited review shall be exempt from the field surveys for sensitive wildlife or ~~sensitive~~rare plants ~~({~~[see GMA "Site Plans and Field Surveys for Review Uses Near Priority Habitats and Sensitive Wildlife ~~Areas and~~ Sites" Guidelines 1 and 2, and "Site Plans and Field Surveys for Review Uses Near ~~Sensitive~~Rare Plants" Guidelines 1 and 2 [~~({~~Part I, Chapter 3: Natural Resources]~~})~~]].

2. Proposed development~~s~~ reviewed using the expedited review process shall comply with the following treaty rights ~~protection~~ guidelines:

A. Proposed development~~s~~ shall not affect or modify any treaty or other rights of any Indian tribe.

B. The expedited development review process shall cease and the proposed development shall be reviewed using the full development review process if a tribal government ~~n Indian tribe~~ submits substantive written comments during the comment period that identify the treaty rights that exist in the project vicinity and explain how they would be affected or modified by the proposed development.

C. Except as provided in 2.B above, the GMA and SMA treaty rights and consultation goals, policies and guidelines in Part IV, Chapter 3~~, Section IV of the Management Plan~~: Tribal Treaty Rights and Consultation shall not apply to proposed development~~s~~ reviewed under the expedited review process.

Procedural Guidelines

1. Applications

A. Applications for uses eligible for expedited review shall include the information required for review uses listed in Guideline 3, "Review Uses" (Part II, Chapter 7: General Policies and Guidelines). They shall also include elevation drawings if the proposed development would be visible from a key viewing area.~~–~~ The drawing shall show natural grade and finished grade.

2. Comment Period

A. Reviewing agencies shall send a copy of all applications for development~~s~~ to be reviewed under the expedited review process to the four ~~Indian tribal governments~~Columbia River treaty tribes, the Gorge Commission, and the Forest Service.

B. Reviewing agencies shall allow the ~~Indian~~ tribal governments, the Gorge Commission, and the Forest Service at least 10 days from the date a notice is sent to submit written comments on the proposed development.

~~B.~~C. Comments received by a tribal government at any time during the expedited review process shall be considered, to ensure that the proposed development or use does not affect or modify the treaty or other rights of that tribe.

3. Written Decision

A. Reviewing agencies shall prepare written decisions for all development reviewed under the expedited review process. The decisions shall include findings of fact, conclusions of law and, if necessary, conditions of approval.

4. Notice of Decision and Opportunity to Appeal

A. Reviewing agencies shall send a copy of all decisions issued under the expedited review process to the ~~Indian~~ tribal governments, the Gorge Commission, the Forest Service, and landowners within 200 feet of the perimeter of the subject parcel.

B. Any person shall be allowed to appeal a decision issued under the expedited review process.

EMERGENCY/DISASTER RESPONSE ACTIONS

GMA/SMA Policies

1. Notification of emergency/disaster response actions is required in order to:

A. Provide responding parties early access to ~~inventory~~ information on sensitive resources that may be affected by emergency response actions;

B. Prevent or minimize resource impacts from such actions, reducing the need for post-emergency mitigation/restoration;

C. Achieve the above purposes while allowing actions necessary to protect life, property, public services, and the environment during an emergency or disaster.

2. Post-emergency/disaster response development review is required in order to evaluate whether such response actions have impacted scenic, natural, cultural or recreation resources. Adverse impacts of the response actions shall be mitigated to the greatest extent practicable. The review process shall be expedited to facilitate timely mitigation/restoration efforts, where needed. The party(ies) submitting the post-emergency/disaster response application shall be responsible for implementing any required mitigation/restoration, unless:

A. ~~(1)~~ other responding parties agree to assume such responsibility, upon mutual agreement of the parties; or

~~D.~~B. ~~(2)~~ the landowner denies access for mitigation/restoration activities, in which ~~cast~~ case the landowner assumes responsibility.

~~2.~~3. Nothing in these provisions shall be interpreted to excuse compliance with other applicable state or federal law.

GMA/SMA Guidelines

1. General Guidelines

   A. Actions taken in response to an emergency/disaster event, as defined in the Glossary, are allowed in all GMA/SMA land use designations, subject to the notification requirements in the following section (see "Notification Requirements").

   B. Following emergency/disaster response actions, best management practices (BMPs) to prevent sedimentation and provide erosion control shall be utilized whenever disaster response actions necessitate vegetation removal, excavation, ~~and/~~or grading. BMPs may include but are not limited to: use of straw bales, slash windrows, filter fabric fences, sandbags, straw cover, jute netting, etc.

   C. Structures or development installed or erected for a temporary use (e.g. sandbags, check dams, plastic sheeting, chain link fences, debris walls, etc.) shall be removed within one year following an emergency event. If it can be demonstrated that the continued use of these devices is necessary to protect life property, public services or the environment, an extension of no more than two years may be granted by the reviewing agency ~~administering the Scenic Area ordinance~~ or the Forest Service for federal agency actions.

   D. The new exploration, development (extraction or excavation), and production of mineral resources, used for commercial, private or public works projects, shall not be conducted as an emergency/disaster response activity.

   E. No spoils resulting from grading or excavation activities shall be deliberately deposited into a wetland, stream, pond, lake or riparian area within the National Scenic Area ~~(NSA)~~ as a part of an emergency/disaster response action. The only exception to this is for construction of a fire line during a wildfire, where avoiding the aquatic area or its buffer zone has been considered and determine to not be possible without further jeopardizing life or property.

2. Notification Requirements

A. Actions taken in response to an emergency/disaster event, as defined in the Glossary, are allowed in all GMA and SMA land use designations, subject to the following notification requirements.

(1) Notification of an emergency/disaster response activity shall be submitted either within 48 hours of the commencement of a response action, or by the next business day following the start of such an action, whichever is sooner. Notification shall be submitted by the party conducting an emergency/disaster response activity or their representatives. In the case of multiple responding parties, the first party to respond shall provide the required notification, unless, upon mutual agreement of responding parties, another responder elects to assume this responsibility.

(2) Notification shall be submitted by mail, fax, telephone, e-mail or in person. If notification occurs by telephone, a hard copy of the notification shall be submitted by mail or in person within 7 days.

(3) Notification shall be furnished to the reviewing agency ~~administering the Scenic Area ordinance~~, or the Forest Service for federal agency actions. If the Forest Service is the action agency, it shall provide notice to the Gorge Commission.

(4) At a minimum, the following information shall be required at the time of notification:

(a) Nature of emergency/disaster event.

(b) Description of emergency/disaster response activities and magnitude of response actions to be taken, if applicable (such as extent of earth movement, erection of structures, etc.).

(c) Location of emergency/disaster response activities.

(d) Estimated start and duration of emergency/disaster response activities.

(e) Contact person and phone number for the parties conducting emergency/disaster response actions.

(5) Repair and maintenance of an existing serviceable structure to its previously authorized and undamaged condition are not subject to the above referenced notification requirements.

B. Upon notification of an emergency/disaster response action, the Gorge Commission, applicable planning department, or Forest Service shall, as soon as possible:

(1) Review its natural resource ~~inventory~~ data and notify the contact person for the emergency/disaster response actions of all inventoried natural resource sites and their buffers, that are within or adjacent to the response area or that may be adversely affected by response activities;

(2) Notify the Oregon or Washington Department of Fish and Wildlife of all noticed emergency/disaster response actions, to provide that agency an opportunity to consult with responding agencies during the event, and;

(3) Notify the Forest Service, the Oregon Historic Preservation Office or the Office of Washington ~~Office~~ Department of Archeology and Historic Preservation, and the tribal governments of all emergency/disaster response activities. The Forest Service will review their cultural resource ~~inventory~~ data and notify the contact person for the emergency/disaster response action as soon as possible of all inventoried cultural resource sites, or their buffers, that are within, or adjacent to, emergency/disaster response areas.

C. Upon notification of a response action, the Forest Service shall, as soon as possible, offer the services of a resource advisor to the agency(ies) conducting the response action. The resource advisor will provide on-site advice to minimize impacts to resources from emergency/disaster response actions.

3. Post-Emergency/Disaster Response Development Review Application Requirements

A. Within 30 days following notification, a post-emergency/disaster response application shall be submitted by the party conducting the response action to the Gorge Commission, applicable planning department, or Forest Service for federal agency actions. In the case of an event with multiple responding parties, the agency providing initial notification as required herein shall submit the application. ~~–~~ An exception to this may occur if another responding party, by mutual agreement with the other respondents, elects to submit the application. Requests to extend this submittal deadline may be made in writing and shall include the reason why an extension is necessary. Extensions shall not exceed 30 days in duration. ~~and not more than two (2) extensions shall be granted.~~

B. Post-emergency/disaster response applications shall only address development activities conducted during an emergency/disaster response. Applications shall specify if development placed during an emergency/disaster event is permanent or temporary. The terms "development activities" and "development" include the disposal of any spoil materials associated with an emergency/disaster response action. Applicants shall be responsible for operations under their control and that of other responders, upon mutual agreement. ~~–~~ Responders not agreeing to have another responder address their actions shall be responsible to submit an application for those actions.

C. Emergency/disaster response actions not involving structural development or ground disturbance with mechanized equipment are exempt from these requirements, except for those actions within 500 feet of a known cultural resource (as determined in the notification process).

D. Applications shall include the following information:

(1) Applicants name and address.

(2) Location of emergency/disaster response.

(3) A written description of the emergency/disaster response, including any structures erected, excavation or other grading activities, or vegetation removal.

(4) A map of the project area drawn to scale, at a scale of 1 inch = 200 feet or a scale providing greater detail. The map shall include:

(a) North arrow and scale.

(b) Boundaries, dimensions and size of subject parcel(s).

(c) Bodies of water, watercourses, and significant landforms.

(d) Existing roads and structures.

(e) New structures placed and any vegetation removal, excavation or grading resulting from the response actions.

(5) An exception to the scale requirements in Guideline 3.D(4) above may be granted for an event encompassing an area greater than one square mile. In such cases, a clear sketch map of the entire response action area shall be provided. In addition, a map of 1 inch = 200 feet or a scale providing greater detail shall be provided that shows a section of the response area exemplifying the specific actions taken.

E. Emergency/disaster response review uses may be allowed pursuant to a process that provides at minimum the following:

(1) Notice of the application to landowners within 200 feet of the perimeter of the subject parcel, the Forest Service, Gorge Commission, the four ~~tribal governments~~Columbia River treaty tribes, and interested parties.

(2) A written decision with findings of fact and conclusions of law.

(3) An opportunity to request a hearing.

4. Post-Emergency/Disaster Response Development Review

A. Actions taken in all land use designations within the GMA/SMA that are in response to an emergency/disaster event, as defined in the Glossary, shall be reviewed for compliance with the following guidelines.

B. Scenic Resources

(1) Impacts of emergency/disaster response actions shall be evaluated to ensure that scenic resources are not adversely affected. In the GMA, such actions shall be rendered visually subordinate in their landscape setting as ~~seen~~ visible from key viewing areas to the greatest extent practicable, except for actions located in areas exempted from visual subordinance requirements in "Developed Settings and Visual Subordinance Policies" (Part I, Chapter 1: Scenic Resources). In the SMAs, such actions shall meet the scenic standard to the greatest extent practicable.

(2) Vegetation shall be used to screen or cover road cuts, structural development, landform alteration, and areas denuded of vegetation, as a result of emergency/disaster response actions.

(3) Areas denuded of vegetation as a result of emergency/disaster response actions shall be revegetated with native plant species, or species commonly found within the applicable landscape setting, to restore the affected areas to its pre-response condition to the greatest extent practicable. Revegetation shall occur as soon as practicable, but no later than one year after the emergency/disaster event. An exception to the one-year requirement may be granted upon demonstration of just cause, with an extension up to one year.

(4) The painting, staining or use of other materials on new structural development shall be used to ensure that the structures are non-reflective, or of low reflectivity, and visually subordinate in their landscape setting as ~~seen~~visible from key viewing areas, unless the structure is fully screened from key viewing areas by existing topographic features.

(5) Additions to existing structures, resulting from an emergency/disaster response action, which are smaller in total height, bulk or area than the existing structures may be the same color as the existing development. Additions larger than the existing development shall be visually subordinate in their landscape setting as ~~seen~~visible from key viewing areas to the greatest extent practicable.

(6) In the General Management Area, spoil materials associated with grading, excavation and slide debris removal activities in relation to an emergency/disaster response action shall comply with the following standards:

(a) The spoil materials shall either be:

(i) Removed from the ~~NSA~~National Scenic Area,

(ii) Deposited at a site within the ~~NSA~~ National Scenic Area permitted by the reviewing agency ~~administering a Scenic Area land use ordinance~~, or

(iii) (Re)contoured, to the greatest extent practicable, to retain the natural topography, or a topography which emulates that of the surrounding landscape.

(b) The reviewing agency ~~administering a Scenic Area ordinance~~ shall decide whether an applicant removes the spoil materials [4.B~~A~~(6)(a)(i)], deposits the spoil materials [4.B~~A~~(6)(a)(ii)], or (re)contours the spoils materials [4.B~~A~~(6)(a)(iii)]. The applicant does not make this decision.

(c) The reviewing agency ~~administering an ordinance~~ shall select the action in Guideline 4.B~~A~~(6)(a) that, to the greatest extent practicable, best complies with the policies and guidelines in the Management Plan that protect scenic, cultural, recreation, and natural resources.

(d) Disposal sites created according to Guideline 4.B~~A~~(6)(a)(ii) shall only be used for spoil materials associated with an emergency/disaster response action. Spoil materials from routine road maintenance activities shall not be deposited at these sites.

(7) In the Special Management Areas, spoil materials associated with grading, excavation and slide debris removal activities in relation to an emergency/disaster response action shall comply with the following standards:

(a) The spoil materials shall either be:

(i) Removed from the ~~NSA~~National Scenic Area, or

(ii) Deposited at a site within the ~~NSA~~ National Scenic Area permitted by the reviewing agency ~~administering a Scenic Area land use ordinance~~ within two years of the emergency.

(b) After the spoils materials are removed, the emergency disposal site shall be rehabilitated to meet the scenic standard.

(c) All grading (i.e., recontouring) shall be completed within 30 days after the spoils materials are removed.

(d) Sites shall be replanted using native plants found in the landscape setting or ecoregion to the maximum extent practicable.

(e) All revegetation shall take place within one (1) year of the date an applicant completes the grading.

(f) This provision shall take effect two years after the date of Management Plan concurrence by the U.S. Secretary of Agriculture, or approval of a disposal site, whichever comes first.

C. Cultural Resources and Treaty Rights

(1) To the greatest extent practicable, emergency/disaster response actions shall not adversely affect cultural resources.

~~(1)~~(2) Emergency/disaster response actions shall not affect or modify tribal treaty rights.

~~(2)~~(3) The ~~USDA~~ Forest Service shall determine if a reconnaissance survey or historic survey is necessary within three days after receiving notice that a post-emergency land use application has been received by the reviewing agency ~~administering the Scenic Area ordinance~~.

(a) Reconnaissance surveys shall be conducted by the ~~USDA~~ Forest Service and comply with the standards in GMA Guideline 1, Reconnaissance Surveys—Small-Scale Uses (Part I, Chapter 2: Cultural Resources, Surveys and Survey Reports). Reconnaissance survey reports shall comply with the standards in GMA Guideline 1, Reconnaissance Surveys—Large-Scale Uses (Part I, Chapter 2: Cultural Resources, Surveys and Survey Reports).

(b) Historic surveys shall be conducted by the ~~USDA~~ Forest Service and shall describe any adverse effects to historic resources resulting from an emergency/disaster response action. Historic surveys shall document the location, form, style, integrity, and physical condition of historic buildings and structures. Such surveys shall also include original photographs, if available, and maps, and should use archival research, blueprints, and drawings as necessary.

~~(3)~~(4) Following the submittal of a post-emergency land use application, in addition to other public notice requirements that may exist, the tribal governments shall be notified by the development review officer when ~~(1)~~ a reconnaissance survey is required or ~~(2)~~ cultural resources exist in the project area. Notices shall include a site plan. Tribal governments shall have 15 calendar days from the date a notice is sent to submit written comments. Written comments should describe the nature and extent of any cultural resources that exist in the project area or treaty rights that exist in the project area and how they have been affected, and identify individuals with

specific knowledge about them. The reviewing agency administering the National Scenic Area ordinance shall send a copy of all comments to the Gorge Commission.

~~(4)~~(5) When written comments are submitted in compliance with Guideline 4.C~~B~~(~~43~~) above, the project applicant shall offer to meet within five calendar days with the interested persons. The five day consultation period may be extended upon agreement between the project applicant and the interested persons.~~–~~ A report shall be prepared by the reviewing agency ~~administering the~~ National ~~Scenic Area ordinance~~ following the consultation meeting. Consultation meetings and reports shall comply with the standards in GMA Guideline 1, Consultation and Ethnographic Research (Part I, Chapter 2: Cultural Resources, Cultural Resource Reconnaissance and Historic Surveys) and Guidelines 1 and 2, Tribal Government Consultation (Part IV, Chapter 3: Indian ~~Tribal~~ Treaty Rights and Consultation).

~~(5)~~(6) If cultural resources are discovered within the area disturbed by emergency response actions, the project applicant shall have a qualified professional conduct a survey to gather enough information to evaluate the significance of the cultural resources and what effects the action had on such resources. The survey and evaluation shall be documented in a report that generally follows the standards in GMA Guideline 1, Reconnaissance Survey Reports—Large-Scale Uses (Part I, Chapter 2: Cultural Resources, Surveys and Survey Reports) and GMA Guideline 1, Evaluation Criteria and Information Needs (Part I, Chapter 2: Cultural Resources, Evaluation of Significance).

~~(6)~~(7) A mitigation plan shall be prepared by the project applicant if the affected cultural resources are significant. The mitigation plan shall be prepared according to the information, consultation, and report guidelines in GMA Mitigation Plan Criteria and Information Needs (Part I, Chapter 2: Cultural Resources, Mitigation Plans).

~~(7)~~(8) The agency conducting the post-emergency development review shall submit a copy of all reconnaissance and historic survey reports and treaty rights protection plans to the SHPO and the tribal governments. Survey reports shall include measures to mitigate adverse effects to cultural resources resulting from emergency/disaster response actions. The SHPO and tribal governments shall have 15 calendar days from the date a survey report is mailed to submit written comments to the agency conducting the post-emergency development review. The agency shall record and address all written comments in the development review order.

~~(8)~~(9) The agency conducting the post-emergency development review shall make a final decision on whether the emergency/disaster response actions are consistent with the

applicable cultural resource goals, policies, and guidelines. If the final decision contradicts the comments submitted by the SHPO, or those submitted by a tribal government regarding treaty rights, the agency shall justify how it reached an opposing conclusion.

~~(9)~~(10) The cultural resource protection process may conclude when it has been determined that tribal treaty rights have not been not affected and one of the following conditions exists:

(a) The emergency/disaster response action does not require a reconnaissance or historic survey, or a reconnaissance survey demonstrates that no cultural resources are known to exist in the project area, and no substantiated concerns were voiced by interested persons within 15 calendar days of the date that a notice was mailed.

(b) The emergency/disaster response action avoided cultural resources that exist in the project area.

(c) Adequate mitigation measures to affected cultural resources have been developed and will be implemented.

(d) A historic survey demonstrates that emergency/disaster response actions, and associated development, had no effect on historic buildings or structures because:

(i) The SHPO concluded that the historic buildings or structures are clearly not eligible, as determined by using the criteria in the "National Register Criteria for Evaluation" (36 CFR 60.4), or

(ii) The emergency/disaster response actions did not compromise the historic or architectural character of the affected buildings or structures, or compromise features of the site that are important in defining the overall historic character of the affected buildings or structures, as determined by the guidelines and standards in *The Secretary of the Interior's Standards for Rehabilitation* [U.S. Department of the Interior 1990] and *The Secretary of the Interior's Standards for Historic Preservation Projects* [U.S. Department of the Interior 1983].

D. Natural Resources

(1) To the greatest extent practicable, emergency/disaster response actions shall not adversely affect natural resources.

(2) Buffer zones for ~~wetlands, streams, ponds, riparian areas~~water resources, Priority Habitats or sensitive wildlife sites ~~or areas~~, and sites

containing rare plants, shall be the same as those established in the Natural Resources Chapter (Part I, Chapter 4).

(3) ~~Wetlands, Streams, Ponds, Lakes, Riparian Areas~~Water Resources

(a) Emergency/disaster response actions occurring within a water resource buffer zone ~~of wetlands, streams, pond, lakes or riparian areas~~ shall be reviewed by the Oregon or Washington Department of Fish and Wildlife. These areas are also referred to in this section as aquatic areas. State biologists will help determine if emergency/disaster response actions have affected or have a potential to affect these aquatic areas or their bigger zones. ~~State biologists shall respond within 15 days of the date the application is mailed.~~

(b) When emergency/disaster response activities occur within ~~wetlands, streams, ponds, lakes, riparian areas, or the~~water resources or their buffer zones ~~of these areas~~, the applicant shall demonstrate the following:

(i) All reasonable measures have been applied to ensure that the response actions have resulted in the minimum feasible alteration or destruction of the functions, existing contours, vegetation, fish and wildlife resources, and hydrology of wetlands, streams, ponds, lakes or riparian areas.

(ii) Areas disturbed by response activities and associated development will be rehabilitated to the maximum extent practicable.

(c) Impacts to ~~wetlands, streams, ponds, lakes and riparian areas,~~water resources and their buffers will be offset through mitigation and restoration to the greatest extent practicable. Mitigation and restoration efforts shall use native vegetation, and restore natural functions, contours, vegetation patterns, hydrology and fish and wildlife resources to the maximum extent practicable.

(d) If the agency conducting the post-emergency development review, in consultation with the state wildlife agency, determines that the emergency/disaster response actions had minor effects on the ~~aquatic area~~water resource or its buffer zone that could be eliminated with simple modifications, a letter shall be sent to the project applicant that describes the effects and measures that need to be taken to eliminate them. The state biologist~~,~~ or a Forest Service natural resource advisor (as available) in consultation with the state biologist, shall visit the site in order to make this determination. If the project applicant accepts these recommendations, the ~~reviewing~~ agency ~~administering the National Scenic Area ordinance~~ shall incorporate them into its

development review order and the aquatic area protection process may conclude.

(e) Unless addressed through Guideline 4.DC(3)(d) above, mitigation and restoration efforts shall be delineated in a Rehabilitation PlanWater Resources Mitigation Plan. Rehabilitation Water Resource Mitigation Plans shall satisfy the standards in GMA Guidelines1.A through 1.B, Rehabilitation and EnhancementWater Resource Mitigation Plans (Part I, Chapter 3: Natural Resources). Rehabilitation plans shall also satisfy the following:

(i) Plans shall include a plan view and cross-sectional drawing at a scale that adequately depicts site rehabilitation efforts. Plans will illustrate final site topographic contours that emulate the surrounding natural landscape.

(ii) Planting plans shall be included that specify native plant species to be used, specimen quantities and plant locations.

(iii) The project applicant shall be responsible for the successful rehabilitation of all areas disturbed by emergency/disaster response activities.

(4) Wildlife Habitat

(a) Emergency/disaster response actions occurring within 1,000 feet of a sensitive wildlife area orPriority Habitat or sensitive wildlife site, shall be reviewed by the Oregon or Washington Department of Fish and Wildlife. State wildlife biologists will help determine if emergency/disaster response actions have affected or have a potential to affect a sensitive wildlife area orPriority Habitat or sensitive wildlife site.

(b) Site plans for emergency/disaster response sites shall be submitted by the agency conducting agency conducting the post-emergency development review to the Oregon or Washington Department of Fish and Wildlife for review as prescribed in GMA Guidelines 2 3 and 43, Approval Criteria for Review Uses Near Sensitive Wildlife AreasPriority Habitat and Sensitive Wildlife Sites (Part I, Chapter 3: Natural Resources). The wildlife agency shall respond within 15 days of the date the application is mailed.

(c) The wildlife protection process may terminate if the agency conducting the post-emergency development review, in consultation with the state wildlife agency, determines:

(i) (1) the sensitive wildlife area orPriority Habitiat or sensitive

wildlife site was not active, or,

~~(i)~~(ii) ~~(2)~~ the emergency/disaster response did not compromise the integrity of the ~~wildlife area or~~Priority Habitat or sensitive wildlife site or occurred at a time when wildlife species are not sensitive to disturbance.

~~(c)~~(d) If the agency conducting the post-emergency development review, in consultation with the state wildlife agency, determines that the emergency/disaster response activities had minor effects on the ~~wildlife area or~~Priority Habitat or sensitive wildlife site that could be eliminated with simple modifications, a letter shall be sent to the project applicant that describes the effects and measures that need to be taken to eliminate them. The state wildlife biologist, or a Forest Service natural resource advisor (as available) in consultation with the state wildlife biologist, shall visit the site in order to make this determination. If the project applicant accepts these recommendations, the reviewing agency ~~administering the National Scenic Area ordinance~~ shall incorporate them into its development review order and the wildlife protection process may conclude.

~~(d)~~(e) If the agency conducting the post-emergency development review, in consultation with the state wildlife agency, determines that the emergency/disaster response activities had adverse effect on a ~~sensitive wildlife area or~~Priority Habitat or sensitive wildlife site, the project applicant shall prepare a Wildlife ~~Management~~Mitigation Plan. Wildlife ~~Management~~ Mitigation Plans shall comply with standards in GMA Guideline 2, Wildlife ~~Management~~ Mitigation Plans (Part I, Chapter 3: Natural Resources). Upon completion of the Wildlife ~~Management~~ Mitigation Plan, the agency shall:

(i) Submit a copy of the Wildlife ~~Management~~ Mitigation Plan to the state wildlife agency for review. The state wildlife agency will have 15 days from the date that a plan is mailed to submit written comments to the agency conducting the post-emergency development review;

(ii) Record any written comments submitted by the state wildlife agency in its development review order. Based on these comments, the agency conducting the post-emergency development review shall make a final decision on whether the proposed use would be consistent with the wildlife policies and guidelines. If the final decision contradicts the comments submitted by the state wildlife agency, the agency shall justify how it reached an opposing conclusion.

(iii) Require the project applicant to revise the Wildlife

~~Management~~ Mitigation Plan as necessary to ensure that the proposed use would not adversely affect a ~~sensitive wildlife area or~~Priority Habitat or sensitive wildlife site.

(5) Deer and Elk Winter Range

(a) Any fencing permanently erected within deer and elk winter range, as a result of an emergency/disaster response, shall comply with the standards in GMA Approval Criteria for Fences in Deer and Elk Winter Range (Part I, Chapter 3: Natural Resources, Wildlife Habitat).

(6) Rare Plants

(a) Emergency/disaster response actions occurring within 1,000 feet of a sensitive plant, shall be reviewed by the Oregon Biological Information Center or Washington Natural Heritage Program. State heritage staff will help determine if emergency/disaster response actions have occurred within the buffer zone of a rare plant.

(b) Site plans for emergency/disaster response sites shall be submitted to the Oregon Biological Information Center or Washington Natural Heritage Program by the agency conducting the post-emergency development review. State natural heritage staff will, within 15 days from the date the application is mailed, identify the location of the affected plants and delineate a 200 foot buffer zone on the applicant's site plan.

(c) The rare plant protection process may conclude if the agency conducting the post-emergency development review, in consultation with the state natural heritage program, determines that emergency/disaster response activities occurred outside of a rare plan buffer zone.

(d) If the agency conducting the post-emergency development review, in consultation with the state natural heritage program, determines that the emergency/disaster response activities had minor effects on rare plants or the rare plant buffer zone, a letter shall be sent to the project applicant that describes the effects and measures that need to be taken to eliminate them. ~~–~~ The state natural heritage staff, or a Forest Service natural resources advisor (as available) in consultation with the state natural heritage staff, shall visit the site in order to make this determination. If the project applicant accepts these recommendations, the reviewing agency ~~administering the National Scenic Area ordinance~~ shall incorporate them into its development review order and the rare plant protection process may conclude.

(e) If emergency/disaster response activities occurred within a rare plant buffer zone that had adverse affects on rare plants or their buffer zone, the project applicant shall prepare a ~~protection and rehabilitation plan~~Rare Plant Mitigation Plan, that meets the standards in GMA Guidelines 1 and 2, ~~Protection and Rehabilitation~~Rare Plant Mitigation Plans (Part I, Chapter 3: Natural Resources, Rare Plants).

(f) The agency conducting the post-emergency development review shall submit a copy of all ~~protection and rehabilitation plans~~Rare Plant and Mitigation Plans to the state heritage program for review. The state natural heritage program will have 15 days from the date the ~~protection and rehabilitation~~ Rare Plant Mitigation Plan~~plan~~ is mailed to submit written comments to the agency conducting the post-emergency development review.

~~(f)~~(g) The agency conducting the post-emergency development review shall record any written comments submitted by the state natural heritage program in its development review order. Based on these comments, the agency shall make a final decision on whether the proposed use would be consistent with the rare plant policies and guidelines. If the final decision contradicts the comments submitted by the state natural heritage program, the agency conducting the post-emergency development review shall justify how it reached an opposing conclusion.

~~(g)~~(h) The agency conducting the post-emergency development review shall require the project applicant to revise the ~~protection and rehabilitation plan~~Rare Plant Mitigation Plan as necessary to ensure that the proposed use would not adversely affect a rate plant site.

E. Recreational Resources

(1) To the greatest extent practicable, emergency/disaster response actions shall not adversely affect recreational resources.

(2) Mitigation measures shall be implemented to mitigate any adverse effects on existing recreation resources caused by emergency/disaster response activities to the maximum extent practicable.

5. Post-Emergency Construction

A. The following review uses are allowed in all land use designations subject to compliance with the standards in Review Uses (Part II, Chapter 7: General Policies and Guidelines) and the standards for protection of scenic, cultural, natural and recreation resources (Part I, Chapters 1 through 4: Resource Protection and Enhancement):

(1) Placement of structures necessary for continued public safety and the protection of private property and essential public services damaged during an emergency/disaster event. This includes replacement of temporary structures erected during such events with permanent structures performing an identical or related function. Land use applications shall be submitted within 12 months following an emergency/disaster event.

LAND DIVISIONS ~~AND CLUSTER DEVELOPMENT~~

GMA/SMA Policies

1. In general, creation of a parcel, regardless of parcel size, shall be subject to the policies and guidelines in the Management Plan.

2. New land divisions in the SMAs are not allowed, unless the creation of a new parcel will facilitate land acquisition by the federal government to achieve the policies and guidelines in the Management Plan.

GMA/SMA Guidelines

1. ~~Unless otherwise specified, c~~Creation of a parcel, regardless of size, or any division of land shall be subject to the policies and guidelines in the Management Plan. ~~In the GMA, applications for land division that create four or more parcels require a wildlife survey (See I-3-21) and a rare plant survey (See I-3-30).~~

2. At the time of creation of one or more new parcels, consolidation of access shall be considered in order to reduce adverse effects on scenic, cultural, natural and recreation resources.

~~3. Where authorized in Part II of the Management Plan, a land division in the GMA may create parcels smaller than the designated minimum size and may include a bonus, as specified under Guideline 5 below, in order to cluster new dwellings. Approval of cluster development shall be contingent upon submission of plans specifying dwelling sites and areas of permanent, undeveloped open land. To approve a cluster development, the local government must find that clustering new dwellings will provide a siting opportunity not available through conventional parcel-by-parcel development. These opportunities include siting the new dwellings to:~~

~~A. Be located in areas with screening vegetation or other features that reduce visibility of development as seen from key viewing areas.~~

~~B. Avoid significant landscape features.~~

~~C. Protect the existing character of the landscape setting.~~

~~D. Reduce interference with movement of deer or elk in winter range.~~

~~E. Avoid areas of known cultural resources.~~
~~F. Consolidate road access, septic drainfields, or other development features to reduce impacts associated with grading or ground disturbance.~~

~~G. Reduce adverse effects to riparian areas, wetlands, natural areas, rare plants, sensitive wildlife sites, or other natural resources.~~

~~H. Increase the likelihood of agricultural or forest management on the undeveloped land left by the cluster development.~~

~~4. In the GMA, following cluster development, there may be no further division of any resulting parcel for residential purposes until the subject parcel is included within the boundary of an Urban Area. The local government shall ensure permanent protection for open areas created by cluster development. No parcel in a cluster development may be smaller than 1 acre in a 5-acre Residential or 10-acre Residential designation or 2 acres in a Small-Scale Agriculture or Small Woodland designation.~~

~~5. In the GMA, cluster development may create up to 25 percent more parcels than otherwise allowed by the minimum parcel size on lands designated 5-acre Residential or 10-acre Residential and up to 50 percent more on lands designated Small-Scale Agriculture or Small Woodland. Any division in a cluster development under this guideline may create at least one additional parcel.~~

~~6. In the GMA, at least 75 percent of land subject to a cluster development shall be permanently protected as undeveloped land.~~

~~7. In the GMA, contiguous parcels in the same ownership or in separate ownership may be consolidated and redivided to take advantage of cluster development bonuses.~~

3. Land divisions shall be limited in deer and elk winter range and turkey habitat.

LOT LINE ADJUSTMENTS

GMA Policies

1. Lot line adjustments are intended to effect minor changes to existing parcel lines.

2. Lot line adjustments shall not increase the potential number of parcels in any subsequent land division over the number of parcels that could occur on the entirety of the affected parcels before a lot line adjustment.

3. Lot line adjustments shall not exempt an agency or landowner from the specified

minimum parcel sizes for land divisions in the Management Plan.

4. Lot line adjustments shall not adversely affect scenic, cultural, recreation or natural resources.

~~4.~~5. Except in Agriculture-Special, Open Space, Public Recreation, or Commercial Recreation, lot line adjustments that would not result in the potential to create additional parcels through subsequent land divisions may be reviewed through the expedited development review process. All other lot line adjustments shall be reviewed through the full development review process.~~.~~

~~All other lot line adjustments shall be reviewed through the full development review process., including lot line adjustments that would result in the potential to create additional parcels through subsequent land divisions.~~

GMA Guidelines

1. Lot line adjustments for parcels in all land use designations except Agriculture-Special, Open Space, Commercial, Public Recreation, or Commercial Recreation shall comply with the following standards:

   A. The lot line adjustment shall not result in the creation of any new parcel(s).

   B. The lot line adjustment shall not result in the potential to create a new parcel(s) or residential development in excess of the minimum density allowed by the land use designation(s) for the affected parcels.

   C. The lot line adjustment shall not allow a parcel that is equal to or larger than the minimum parcel size before the lot line adjustment to become less than the minimum parcel size after the lot line adjustment**,** except to allow a public or non-profit entity to acquire land for the purpose of protecting and enhancing scenic, cultural, recreation or natural resources, provided the land to be acquired would be protected by a conservation easement or other similar property restriction that precludes future land divisions and development.

   D. The lot line adjustment shall not allow a parcel that is smaller than the minimum parcel size to be reduced in size, except to accomplish one of the following purposes:

      (1) Resolve boundary disputes, correct physical encroachments, provide reasonable access, or meet buffer or set back requirements, provided:

         (a) the parcel to be enlarged would not become eligible for a subsequent land division and

         ~~(a)~~(b) ~~(2)~~ the amount of land transferred would be the minimum necessary to resolve the issue.

(2) Allow a public or non-profit entity to acquire land for the purpose of protecting and enhancing scenic, cultural, recreation or natural resources, provided the land to be acquired would be protected by a conservation easement or other similar property restriction that precludes future land divisions and development.

E. The lot line adjustment shall not allow the boundary of a parcel designated Large-Scale Agriculture, Agriculture-Special, Commercial Forest Land, Large Woodland or Open Space to be extended into another land use designation for the purpose of establishing a dwelling under less stringent guidelines (e.g., extending a parcel designated GMA Large-Scale Agriculture into a parcel designated Rural Center or Residential).

F. The lot line adjustment shall not allow previously approved parcels or developments to violate conditions of approval or become out of compliance or further out of compliance with existing land use and resource protection guidelines, including, but not limited to, requirements for buffer zones and landscaping.

G. The lot line adjustment shall not result in a parcel that cannot comply with existing land use and resource protection guidelines, including, but not limited to requirements for buffer zones and landscaping.

2. Lot line adjustments for parcels designated Agriculture-Special or Open Space shall comply with the following standards:

A. The lot line adjustment may be allowed upon demonstration that it is necessary to facilitate efforts to protect and enhance scenic, cultural, natural, or recreation resources. (Note: There is no specified minimum parcel size for parcels designated Open Space.)

B. The lot line adjustment shall comply with Guidelines 1.A, 1.B, 1.E, 1.F, and 1.G above.

3. Lot line adjustments for parcels designated Commercial shall comply with Guidelines 1.A, 1.B, 1.E, 1.F, and 1.G above.

4. Lot line adjustments for parcels designated Public Recreation or Commercial Recreation shall comply with the following standards:

A. The lot line adjustment may be allowed upon demonstration that it is necessary to facilitate, enhance, or otherwise improve recreation uses on the parcel. (Note: There are no specified minimum parcel sizes for parcels designated Public Recreation or Commercial Recreation.)

B. The lot line adjustment shall comply with Guidelines 1.A, 1.B, 1.E, 1.F, and 1.G above.

SMA Policies

1. Lot line adjustments are intended to effect minor changes to existing parcel lines.

2. Lot line adjustments shall comply with National Scenic Area Act provisions requiring residences to be sited or constructed on parcels 40 acres or greater. – Lot line adjustments shall not increase the potential number of new residences in the Special Management Areas. ., ~~in that lot line adjustments shall not result in a parcel less than 40 acres becoming 40 acres or greater. Lot line adjustments shall not result in a parcel greater than or equal to 40 acres with a dwelling becoming less than 40 acres.~~

SMA Guidelines

1. The proposed lot line adjustment shall not result in the creation of any new parcel(s).

2. A lot line adjustment shall not result in a parcel greater than or equal to 40 acres with a dwelling becoming less than 40 acres.

3. A lot line adjustment shall not result in a parcel less than 40 acres becoming 40 acres or greater.

4. A parcel that is smaller than 40 acres shall not be reduced in size, except to accomplish one of the following purposes:

   A. Resolve boundary line disputes, correct physical encroachments, provide reasonable access, or meet buffer or set back requirements, provided:

      (1) the parcel to be enlarged would not become 40 acres or greater and

      ~~(1)~~(2) the amount of land transferred would be the minimum necessary to resolve the issue.

   B. Allow a public or non-profit entity to acquire land for the purpose of protecting and enhancing scenic, cultural, recreation or natural resources, provided the land to be acquired would be protected by a conservation easement or other similar property restriction that precludes residential development.

5. The lot line adjustment shall not cause previously approved parcels or development to violate conditions of approval or become out of compliance or further out of compliance with existing land use and resource protection guidelines, including, but not limited to, requirements for buffer zones and landscaping.

6. The lot line adjustment shall not result in a parcel that cannot comply with existing land use and resource protection guidelines, including, but not limited to requirements for buffer zones and landscaping.

AGRICULTURAL BUILDINGS

GMA/SMA Guidelines

1. The size of proposed agricultural buildings shall not exceed the size needed to serve the current agricultural use and, if applicable, the proposed agricultural use.

2. To satisfy Guideline 1, applicants shall submit the following information with their land use application:

   A. A description of the size and characteristics of current agricultural use.

   B. An agricultural plan for any proposed agricultural use that specifies agricultural use (e.g., crops, livestock, products), agricultural areas and acreages (e.g., fields, pastures, enclosures), agricultural structures (e.g., irrigation systems, wind machines, storage bins) and schedules (e.g., plowing, planting, grazing).

   C. A floor plan showing intended uses of the agricultural building (e.g., space for equipment, supplies, agricultural products, livestock).

TEMPORARY USE--HARDSHIP DWELLING

GMA/SMA Guidelines

1. A permit for the temporary placement of a ~~mobile~~ manufactured home, a tiny house on a trailer, or other similar structure, may be granted under the following circumstances:

   A. A family hardship exists where conditions relate to the necessary care for a family member ~~of the family occupying the principal dwelling and~~ where medical conditions relate to the infirm or aged.

   B. The hardship dwelling will use the same subsurface sewage disposal system used by the existing dwelling, if the system is adequate to accommodate the additional dwelling, unless the additional dwelling can use an existing public sanitary sewer system.

   C. The hardship dwelling is found to be consistent with the guidelines for protection of scenic, cultural, natural, and recreation resources.

   D. The structure does not require a permanent foundation.

2. A permit may be issued for a 2-year period, subject to annual review for compliance with the provisions of this section and any other conditions of approval.

3. Upon expiration of the permit or cessation of the hardship, whichever comes first, the ~~mobile~~ hardship dwelling~~home~~ shall be removed within 30 days.

4. A new permit may be granted upon a finding that a family hardship continues to exist.

SEWER AND WATER SERVICES

GMA/SMA Policies

1. Sewer lines may be extended from an u~~U~~rban a~~A~~rea into a rural area to serve:

   A. Areas with a documented health hazard.

   B. Recreation uses open to the public, only upon a demonstration by the local government that there is no practicable alternative to providing service to the area. In such cases, the lines shall be engineered and sized solely to serve the defined area or use. Such lines shall not be relied upon as the sole justification for revision to an u~~U~~rban a~~A~~rea boundary.

2. New uses authorized in the Management Plan may hook up to existing sewer and water lines in rural areas.

DOCKS AND BOATHOUSES

GMA/SMA Policies

1. Docks and boathouses may be allowed when the land use designation of the appurtenant land authorizes docks.

2. Floating uses and uses anchored to the bottom of the Columbia River and its tributaries, including, but not limited to, floating cafes and mooring buoys, are not allowed.

~~1.~~3. Multiple uses of docks and boathouses on the Columbia River and its tributaries shall be encouraged. Private, single-purpose docks shall be discouraged.

~~2.~~4. New docks and boathouses shall be consistent with applicable guidelines for protection of scenic, cultural, natural, and recreation resources.

GMA/SMA Guidelines

1. New, private docks and boathouses serving only one family and one property ~~shall~~ may be allowed, up to 120 square feet in size.

2. New, private docks and boathouses serving more than one family and property ~~shall~~ may be allowed, up to 200 square feet in size.

3. Public docks open and available for public use ~~shall~~ may be allowed.

~~3.~~4. Boathouses may be allowed under Guidelines 1 and 2 above only when accessory to a dwelling and associated with a navigable river or lake.

HOME OCCUPATIONS ~~AND COTTAGE INDUSTRIES~~

GMA/SMA Policy

1. Small-scale ~~cottage industries or~~ commercial uses associated with residential use and located in an existing residence or accessory structure ~~shall~~ may be allowed, subject to guidelines to minimize adverse effects on scenic, cultural, natural, and recreation resources.

GMA/SMA Guidelines

1. Home occupations ~~and cottage industries~~ may be established as authorized in specified land use designations consistent with the following conditions:

   A. ~~A home occupation may~~ May employ ~~only~~ the residents of the home and up to three outside employees.

   ~~B. A cottage industry may employ and up to three outside employees.~~

   ~~C.~~B. No more than 25 percent of the total actual living space of the dwelling may be used for the home occupation. ~~or cottage industry.~~

   ~~D.~~C. No more than 500 square feet of an accessory structure may be used for a home occupation. ~~or cottage industry.~~

   ~~E.~~D. There shall be no outside, visible evidence of the home occupation ~~or cottage industry,~~ including outside storage.

   ~~F.~~E. Exterior structural alterations to the residence for the home occupation ~~or cottage industry~~ shall not be permitted. New structures shall not be constructed for the primary purpose of housing a home occupation. ~~or cottage industry.~~

   ~~G.~~F. No retail sales may occur on the premises~~, except incidental sales at lodging establishments authorized in this chapter~~.

   ~~H.~~G. One non-animated, non-illuminated sign, not exceeding 2 square feet in area, may be permitted on the subject structure or within the yard containing the home occupation ~~or cottage industry~~.

H. Parking not associated with residential use shall be screened so it is not visible from key viewing areas.

I. A bed and breakfast lodging establishment that is two bedrooms or less is considered a home occupation and shall meet the guidelines for "Bed and Breakfast Inns," below, except for Policy 3.

OVERNIGHT ACCOMMODATIONS

GMA Policies

1. Overnight accommodations associated with residential use may be allowed, subject to guidelines to minimize adverse effects on scenic, cultural, natural, and recreation resources.

2. Overnight accommodations shall remain rural in character and scale and distinct from motels or restaurants, which can locate in urban areas.

GMA Guidelines

1. Overnight accommodations may be established in a legal single-family dwelling, in the GMA Rural Center, Rural Commercial, and 5-acre and 10-acre Residential land use designations, consistent with the following conditions:

   A. The owner of the subject parcel may rent the dwelling for up to 90 room nights per year.

   B. Parking areas shall be screened so they are not visible from key viewing areas.

   C. The use is incidental and subordinate to the primary use of the property.

   D. The dwelling must be the permanent residence of the owner and occupied by the owner during rental.

   E. Commercial events are not permitted at overnight accommodations.

   F. The overnight accommodation may employ up to three employees other than the residents of the dwelling.

   G. Land use approvals for overnight accommodations shall be valid for no more than two years. Landowners must reapply for the use after a land use approval expires, demonstrating compliance with conditions of approval through financial and other records. Permits will not be renewed if there have been past violations, including failure to file.

BED AND BREAKFAST INNS

GMA/SMA Policies

1. Bed and breakfast inns associated with residential use shall be allowed, subject to guidelines to minimize adverse effects on scenic, cultural, natural, and recreation resources.

2. Bed and breakfast inns shall remain rural in character and scale and distinct from motels or restaurants, which can locate in Urban Areas.

3. In the SMAs, bed and breakfast inns associated with residential use shall be allowed only in structures that are included in, or eligible for inclusion in, the National Register of Historic Places.

GMA/SMA Guidelines

1. Bed and breakfast inns may be established consistent with the following conditions:

   A. Guests may not occupy a facility for more than 14 consecutive days.

   B. One non-animated, non-illuminated sign, not exceeding 4 square feet in area, may be permitted on the structure or within the yard containing the structure.

   C. Parking areas shall be screened so they are not visible from key viewing areas.

SMALL-SCALE FISHING SUPPORT AND FISH PROCESSING OPERATIONS

GMA Policies

1. Fishing is a historic natural resource-based industry in the National Scenic Area. For the purpose of supporting family-based commercial fishing businesses associated with residential use, small-scale fishing support and fish processing operations may be allowed, subject to compliance with the applicable land use, treaty rights and resource protection guidelines.

2. Small-scale fishing support and fish processing operations may be allowed in the following land use designations on parcels that are contiguous with and have

direct access to the Columbia River: GMA Residential, GMA Small Woodland, and GMA Small-Scale Agriculture.

GMA Guidelines

1. Small-scale fishing support and fish processing operations in conjunction with a family-based commercial fishing business may be allowed on parcels designated GMA Residential, GMA Small Woodland, or GMA Small-Scale Agriculture, subject to the following conditions:

   A. In addition to the guidelines specified in Part II, Land Use Designations, the operation shall comply with the guidelines for "Treaty Rights and Consultation in the GMA" (Part – IV, Chapter 3, Indian ~~Tribal~~ Treaty Rights and Consultation), "Approval Criteria for Fire Protection" (Part II, Chapter 2, Forest Land), and "Approval Criteria for Siting of Dwellings on Forest Land" (Part II, Chapter 2, Forest Land).

   B. The following fishing support activities may be allowed: maintenance, repair, and storage of boats, nets, fish totes and other commercial fishing equipment that is used in the family-based commercial fishing business; and garaging of fish hauling trucks, trailers and all other related equipment that is used in the family-based commercial fishing business.

   C. The following fish processing activities may be allowed: cleaning, gutting, heading, and icing or freezing of fish that is caught by the family-based commercial fishing business. Other fish processing activities shall not be allowed, including, but not limited to, canning, smoking, salting or brining for wholesale or retail sale.

   D. The operation shall be located on a lawful parcel that is contiguous with and has direct access to the Columbia River.

   E. The subject parcel shall include a lawful dwelling, and the permanent resident of the dwelling shall participate in the fishing support and fish processing operation.

   F. The operation may only employ residents of the dwelling and up to three outside employees.

   G. No more than 25 percent of the total actual living space of the dwelling may be used for the fishing support and fish processing operation.

   H. The operation may take place in an existing or new lawful accessory building or an existing agricultural building on the subject parcel. A new building constructed for the purpose of housing a fishing support and fish processing operation shall be considered an accessory building. An existing agricultural building shall not be expanded and a new agricultural building shall not be constructed for the purpose of housing a fishing support and fish processing

operation.

I. An accessory building used in the fishing support and fish processing operation may be allowed up to 2,500 square feet.

J. Docks may be allowed as follows:

(1) One dock serving a parcel with an approved fishing support and fish processing operation may be allowed up to 500 square feet in size.

(2) For multiple contiguous parcels each with approved fishing support and fish processing operation, the area of the docks authorized in Guideline J(1) above may be combined into one dock, provided the total size of the dock shall not exceed 2,000 square feet.

K. There shall be no outside visible evidence of the fishing support and fish processing operation, including storage, other than boats and docks.

L. No retail sales may occur on the parcel.

M. The operation shall only support and process fish caught by residents of the dwelling and up to three outside employees.

N. Before beginning the operation, applicants shall demonstrate that they have obtained and complied with federal, state and ~~/or~~ local water quality and wastewater permits.

RESOURCE ENHANCEMENT PROJECTS

GMA/SMA Guidelines

1. Applications for resource enhancement projects must describe the goals and benefits of the proposed enhancement project. They must also thoroughly document the condition of the resource before and after the proposed enhancement project. Applicants shall seek technical assistance from federal, state or county technical experts for assistance in designing voluntary wetland, stream, habitat, plant, and scenic enhancement projects.

2. In addition to other guidelines that protect scenic, cultural, recreation, and natural resources, quarry enhancement projects shall comply with the following guidelines:

A. Application Requirements. In addition to other applicable requirements, land use applications for quarry enhancement projects shall include perspective drawings of the site as ~~seen~~visible from key viewing areas as specified in GMA Key Viewing Area Guideline 15 and a reclamation plan that provides at a minimum the following ~~all the applicable~~ information: ~~specified in GMA Overall Scenic Provisions Guidelines 6.A through 6.E (Part I, Chapter 1), except (1) the~~

~~words "pre-reclamation" and "post-reclamation" should replace the words "pre-mining" and "post-mining," respectively, and (2) the appropriate state agency or local government does not have to approve the reclamation plan.~~

(1) A map of the site, at a scale of 1 inch equals 200 feet (1:2,400) or a scale providing greater detail, with 10-foot contour intervals or less, showing pre- reclamation existing grades and post- reclamation final grades; locations of topsoil stockpiles for eventual reclamation use; location of catch basins or similar drainage and erosion control features employed for the duration of the use; and the location of storage, processing, and equipment areas employed for the duration of the use.

(2) Cross-sectional drawings of the site showing pre- reclamation and post-reclamation grades.

(3) Descriptions of the proposed use, in terms of estimated quantity and type of material removed, estimated duration of the use, processing activities, etc.

(4) Description of drainage/erosion control features to be employed for the duration of the use.

~~(1)~~(5) A landscaping plan providing for revegetation consistent with the vegetation patterns of the subject landscape setting, indicating the species, number, size, and location of plantings for the final reclaimed grade, as well as a description of irrigation provisions or other measures necessary to ensure the survival of plantings.

B. Scenic Resource Standard. Quarry enhancement projects shall restore the site to a natural appearance that blends with and emulates surrounding landforms to the maximum extent practicable.

C. Natural Resource Standard. Sites shall be replanted using native plants found in the landscape setting or ecoregion to the maximum extent practicable.

D. Time Frames. The following time frames shall apply to quarry enhancement projects:

(1) All grading (e.g., excavating, filling and re-contouring) shall be completed within one (1) year of the date an applicant begins on-the-ground work.

(2) All landscaping shall be planted within one (1) year of the date an applicant completes the grading.

(3) An applicant may request one one-year extension to the one-year grading time frame if a project is unexpectedly delayed by adverse weather or emergency/disaster. Such requests shall be considered an

administrative action. An applicant shall submit such a request to the reviewing agency after grading has commenced and before the one-year grading time frame has expired.

(4) An applicant may also request one six-month extension to the one (1) year landscaping time frame if a project is unexpectedly delayed by adverse weather or emergency/disaster. Such requests shall be considered an administrative action. An applicant shall submit such a request to the reviewing agency after landscaping has commenced and before the one-year landscaping time frame has expired.

3. Enhancement of wetlands not associated with any other project proposal may be allowed, if such efforts comply with the wetlands provisions in the Management Plan. Enhancement efforts shall be conducted pursuant to a written plan consistent with the guidelines under "Wetlands Compensation Plans" (Part I, Chapter 3: Natural Resources).

4. Enhancement of streams, ponds, lakes, and riparian areas not associated with any other development proposal may be allowed, if such efforts comply with the water resource provisions in this Management Plan. Enhancement efforts shall be conducted pursuant to a written plan consistent with the guidelines under "Water Resources Mitigation Plans" (Part I, Chapter 3: Natural Resources).

5. In the SMAs, enhancement of wetlands, streams, ponds, lakes, and riparian areas not associated with any other project proposal may be allowed, if such efforts comply with the wetlands, streams, ponds, lakes, and riparian areas provisions in the Management Plan. Enhancement efforts shall be conducted pursuant to a written plan, consistent with the guidelines described in "SMA Policies: Water Resources" (Part I, Chapter 3: Natural Resources).

DISPOSAL SITES FOR SPOIL MATERIALS FROM PUBLIC ROAD MAINTENANCE ACTIVITIES

GMA/SMA Guidelines

1. Application Requirements. In addition to other applicable requirements, land use applications for disposal sites shall include the same information that applicants are required to submit for expansion of existing quarries and exploration, development (extraction and excavation), and production of mineral resources ~~production and/or development of mineral resources~~ in the GMA, including, but not limited to:

   A. A reclamation plan that provides at a minimum the following ~~all the applicable~~ information:~~;~~ ~~specified in GMA Overall Scenic Provisions Guidelines 6.A through 6.E (Part I, Chapter 1: Scenic Resources), except (1) the words "pre-reclamation" and "post- reclamation" should replace the words "pre-disposal"~~

~~and "post-disposal" and (2) the appropriate state agency or local government does not have to approve the reclamation plan.~~

(1) A map of the site, at a scale of 1 inch equals 200 feet (1:2,400) or a scale providing greater detail, with 10-foot contour intervals or less, showing pre-reclamation existing grades and post- reclamation final grades; locations of topsoil stockpiles for eventual reclamation use; location of catch basins or similar drainage and erosion control features employed for the duration of the use; and the location of storage, processing, and equipment areas employed for the duration of the use.

(2) Cross-sectional drawings of the site showing pre- reclamation and post-reclamation grades.

(3) Descriptions of the proposed use, in terms of estimated quantity and type of material removed, estimated duration of the use, processing activities, etc.

(4) Description of drainage/erosion control features to be employed for the duration of the use.

(5) A landscaping plan providing for revegetation consistent with the vegetation patterns of the subject landscape setting, indicating the species, number, size, and location of plantings for the final reclaimed grade, as well as a description of irrigation provisions or other measures necessary to ensure the survival of plantings.

B. Perspective drawings of the site as ~~seen~~visible from key viewing areas as specified in GMA Key Viewing Area Guideline 15 (Part I, Chapter 1: Scenic Resources).

C. Cultural resource reconnaissance and historic surveys, as required by GMA Cultural Resources Policies 6 and 7 (Part I, Chapter 2: Cultural Resources). Disposal sites shall be considered a "large-scale use" according to GMA Cultural Resources Policy 8.

D. Field surveys to identify sensitive wildlife areas or sites and sensitive plants [see GMA "Site Plans and Field Surveys for Review Uses Near Sensitive Wildlife Areas and Sites" Guidelines 1 and 2, and "Site Plans and Field Surveys for Review Uses Near Sensitive Plants" Guidelines 1 and 2 (Part I, Chapter 4: Natural Resources)].

2. Siting Standard. The proposed disposal site shall only be approved if the applicant demonstrates it is not practicable to locate the disposal site outside the National Scenic Area or inside an u~~U~~rban a~~A~~rea. At a minimum, the applicant shall submit a feasibility and suitability analysis that compares the proposed disposal site to existing or potential disposal sites located both outside the National Scenic Area and inside an u~~U~~rban a~~A~~rea.

3. Scenic Resource Standards. Disposal sites shall comply with the same scenic resources protection standards as expansion of existing quarries and exploration, development (extraction and excavation), and production of mineral resources ~~production and/or development of mineral resources~~ in the GMA, including, but not limited to:

   A. Sites more than 4~~3~~ miles from the nearest key viewing area shall be visually subordinate as ~~seen~~visible from any key viewing area, according to GMA Key Viewing Area Guideline 27 (Part I, Chapter 1: Scenic Resources).

      (1) An interim period to achieve compliance with this requirement shall be established before approval. The period shall be based on site-specific topographic and visual conditions, but shall not exceed 3 years beyond the start of on-the-ground activities.

   B. Sites less than 4~~3~~ miles from the nearest key viewing area shall be fully screened from any key viewing area, according to GMA Key Viewing Area Guideline 28 (Part I, Chapter 1: Scenic Resources).

      (1) An interim period to achieve compliance with this requirement shall be established before approval. The period shall be based on site-specific topographic and visual conditions, but shall not exceed 1 year beyond the start of on-the-ground activities. Disposal activity occurring before achieving compliance with full screening requirements shall be limited to activities necessary to provide such screening (creation of berms, etc.).

   C. Reclamation plans shall restore the site to a natural appearance that blends with and emulates ~~surrounding~~ natural landforms and vegetation patterns characteristic to the landscape setting to the maximum extent practicable.

COMMERCIAL EVENTS

GMA Guidelines

1. Commercial events include weddings, receptions, indoor concerts, farm dinners, or events similar in size and activity and must be ~~parties and other small-scale gatherings that are~~ incidental and subordinate to the primary use on a parcel.

2. Commercial events may be allowed in the GMA except on lands designated Open Space, Commercial Forest, or Agriculture-Special, subject to compliance with the following conditions and the scenic, cultural, natural and recreation resources guidelines:

   A. The use must be in conjunction with an on-site ~~winery,~~ wine or cider sales and~~/or~~ tasting room, bed and breakfast inn or commercial use. If the use is proposed on a property with a building on or eligible for the National

Register of Historic Places, it shall be subject to the guidelines in "Special Uses in Historic Buildings" (Part II, Chapter 7: General Policies and Guidelines), and not the guidelines of this section.

B. The owner of the subject parcel shall live on the parcel and shall operate and manage the use.

C. A single commercial event shall host no more than 100 guests.

D. The use shall comply with the following parking requirements:

(1) A single commercial event shall include no more than 50 vehicles for guests.

(2) All parking shall occur on the subject parcel.

(3) At least 200 square feet of parking space shall be required for each vehicle.

(4) Parking areas may be developed using paving blocks, gravel, or other pervious surfaces; asphalt, concrete and other imperious materials shall be prohibited.

(5) All parking areas shall be fully screened from key viewing areas.

E. The owner of the subject parcel may conduct 18 single events up to one day in length per year.

F. The owner of the subject parcel shall notify the reviewing agency and all owners of land within 500 feet of the perimeter of the subject parcel of each planned event. The notice shall be in writing and shall be mailed at least seven calendar days before an event.

G. Tents, canopies, portable restrooms and other similar temporary structures necessary for a commercial event may be allowed, provided all such structures are erected or placed on the subject parcel no more than two days before the event and removed no more than two days after the event. Alternatively, temporary structures may remain in place for up to 90 days if they are fully screened from key viewing areas.

H. The use may be allowed upon demonstration that the following conditions exist to protect any nearby agricultural and forest operations:

(1) The use would not force a change in or increase the cost of accepted agricultural practices on surrounding lands [GMA Guideline 1.Q(1), Review Uses, Part II, Chapter 1: Agricultural Land].

(2) The use would be set back from any abutting parcel designated Large-

Scale or Small-Scale Agriculture, as required "Agricultural Buffer Zones," or designated Commercial Forest Land or Large or Small Woodland, as required in the "Siting of Dwellings on Forest Land." [Guideline 1.Q(3), Review Uses, Part II, Chapter 1: Agricultural Land].

(3) A declaration has been signed by the landowner and recorded into county deeds and records specifying that the owners, successors, heirs and assigns of the subject parcel are aware that adjacent and nearby operators are entitled to carry on accepted agriculture or forest practices on lands designated Large-Scale or Small-Scale Agriculture, Commercial Forest Land, or Large or Small Woodland [GMA Guideline 1.Q(4), Review Uses, Part II, Chapter 1: Agricultural Land].

(4) All owners of land in areas designated Large-Scale or Small-Scale Agriculture, Commercial Forest Land, or Large or Small Woodland that is within 500 feet of the perimeter of the subject parcel on which the use is proposed to be located have been notified and given at least 10 days to comment prior to a decision. [GMA Guideline 1.Q(5), Review Uses, Part II, Chapter 1: Agricultural Land].

I. Counties may impose additional requirements to address potential impacts to surrounding neighbors. For example, they may limit noise, lighting and operating hours.

J. Land use approvals for commercial events shall not be valid for more than two years. Landowners must reapply for the use after a land use approval expires.

K. A yearly report shall be submitted to the reviewing agency by January 31st reporting on the events held the previous year. This report shall include the number of events held, how many people were in attendance, and copies of catering contracts or other vendors used to verify.

L. Permits shall not be renewed if there have been past violations, including failure to file.

INDUSTRIAL DEVELOPMENT

GMA/SMA Policy

1. New industrial development shall not be allowed in the National Scenic Area outside uUrban aAreas.

VARIANCES FROM SETBACKS AND BUFFERS

GMA Policies

1. When setbacks or buffers specified in the guidelines for protection of scenic, cultural, natural, recreation, agricultural, or forestry resources overlap or conflict, they should be varied in a manner to achieve, to the greatest extent possible, the overall protection of the affected resources.

2. Setbacks and buffers specified in the guidelines for protection of scenic, cultural, natural, recreation, agricultural, or forestry resources shall not be applied in the GMA in a manner that deprives the owner of a parcel of land the opportunity to establish a residence on the land if that opportunity is otherwise authorized by the land use designation.

GMA Guidelines

1. When setbacks or buffers specified in the guidelines for the protection of scenic, cultural, natural, recreation, agricultural, or forestry resources overlap or conflict, the setbacks or buffers may be varied upon a demonstration that both of the following conditions exist:

   A. A setback or buffer specified in the Management Plan to protect one resource would cause the proposed use to fall within a setback or buffer specified in the plan to protect another resource.

   B. Variation from the specified setbacks or buffer would, on balance, best achieve the protection of the affected resources.

2. A setback or buffer specified in the guidelines for protection of scenic, cultural, natural, recreation, agricultural, or forestry resources may be varied in the GMA to allow a residence to be built on a parcel of land upon a demonstration that all of the following conditions exist:

   A. The land use designation otherwise authorizes a residence on the tract.

   B. No site exists on the tract (all contiguous parcels under the same ownership) on which a residence could practicably be placed in full compliance with the setback or buffer.

   C. The variance from the specified setback or buffer is the minimum necessary to allow the residence.

   D. The variance shall not be used to permit an addition to a building (including, but not limited to, decks and stairs), when the addition would be within the setback, except where the building is wholly within the setback, in which case, the addition may only be permitted on the portion of the building that does not encroach any further into the required setback.

VEGETATION CONTROL METHODS

GMA/SMA Policy

1. State and county highway right-of-way managers should use vegetation control methods that have the least adverse effect on soils, native plant populations, riparian areas, wetlands, and wildlife habitat.

REVIEW USES

GMA/SMA Policies

1. Review uses are those uses subject to applicable guidelines for protection of scenic, cultural, natural, recreation, agricultural, and forestry resources and such other guidelines as are specified in the Management Plan. Conditions are often applied to new review uses.

2. Local governments shall notify the four ~~Indian tribal governments~~Columbia River treaty tribes, the appropriate state, the Gorge Commission, and the Forest Service of all land use applications that involve land divisions; residential, commercial or industrial development; or the exploration, development, or production of mineral resources.

3. Uses by state or federal agencies shall comply with the policies and guidelines in the Management Plan.

4. The Forest Service shall review and issue a determination of consistency with the Management Plan for projects on federal lands. The Forest Service shall review land use and development actions of federal agencies for consistency with the Management Plan. Federal resource specialists will provide resource review for projects on federal lands.

5. Land use applications for review uses shall include a site plan and elevation drawings that provide complete, detailed information about a proposed use.

6. Land use applications for review uses involving more than 100 cubic yards of grading with slopes greater than 10 percent, except trails in the SMAs, shall include a grading plan.

7. Recreation sites shall be protected from adjacent uses that would detract from their use and enjoyment.

GMA/SMA Guidelines

1. Conditions attached to approval of uses shall be recorded in county deeds and records to ensure notice of the conditions to successors in interest.

2. The Gorge Commission and the Forest Service shall add new resource information to their inventories as soon as it becomes available and shall provide the information to local governments for use in review of proposed projects.

~~3.~~ All site plans shall include the information listed below. As specified in the guidelines of the Management Plan, supplemental information shall be required for ~~4.~~3. (1) forest practices in the SMAs, (2) production and development of mineral resources in the GMA, (3) proposed uses visible from key viewing areas, and (4) proposed uses located near cultural resources, wetlands, streams, ponds, lakes, riparian areas, sensitive wildlife habitat, and sensitive plant sites.

A. Project applicant's name and address.

B. Location of the proposed use, including township, range, section, county, and tax lot number.

C. A written description of the proposed use, including details on the height, exterior color(s), and construction materials of proposed structures.

D. A list of key viewing areas from which the proposed use would be visible.

E. 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 200 feet (1:2,400), or a scale providing greater detail. If a parcel is very large, the map does not have to show the entire parcel. Rather, it can show only those portions of the parcel affected by the proposed use. The map shall include the following elements:

(1) North arrow.

(2) Map scale.

(3) Boundaries, dimensions, and size of the subject parcel.

(4) Significant terrain features or landforms.

(5) Groupings and species of trees and other vegetation on the parcel.

(6) Location and species of vegetation that would be removed or planted.

(7) Bodies of water and watercourses.

(8) Location and width of existing and proposed roads, driveways, and trails.

(9) Location and size of existing and proposed structures.

(10) Location of existing and proposed services, including wells or other water supplies, sewage disposal systems, power and telephone poles and lines, and outdoor lighting.

(11) Location and depth of all proposed grading and ditching.

~~5.~~4. 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.

5. ~~In the General Management Area, a~~All 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, 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 the local government for compliance with key viewing area policies ~~shall include a grading plan~~. ~~In the Special Management Area, all applications for structural development involving more than 100 cubic yards of grading with slopes greater than 10 percent (except trails) shall include a grading plan.~~

~~A.~~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:

(a) ~~Natural and finished grades~~ Existing and proposed final grades.

(b) Location of all areas to be graded, with cut banks and fill slopes delineated.

(c) 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:

(a) Its purpose.

(b) An estimate of the total volume of material to be moved.

(c) The height of all cut banks and fill slopes.

(d) 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.)

(e) 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.

(f) A description of any other interim or permanent erosion control measures to be used.

6. Expansion of existing quarries and exploration, development (extraction and excavation), and production of mineral resources proposed on sites more than 4 miles from the nearest key viewing areas from which it is visible may be allowed upon a demonstration that:

A. The site plan requirements for such proposals pursuant to this chapter have been met.

B. The area to be mined and the area to be used for primary processing, equipment storage, stockpiling, etc., associated with the use would be visually subordinate as visible from any key viewing areas.

C. A reclamation plan to restore the site to a natural appearance that blends with and emulates distinctive characteristics of the designated landscape setting to the maximum extent practicable has been approved. At minimum, the reclamation plan shall comply with Guidelines 10 and 11 in this section.

D. A written report on a determination of visual subordinance has been completed, with findings addressing the extent of visibility of proposed mining activities from key viewing areas, including:

(1) A list of key viewing areas from which exposed mining surfaces (and associated facilities/activities) would be visible.

(2) An estimate of the surface area of exposed mining surfaces that would be visible from those key viewing areas.

(3) The distance from those key viewing areas and the linear distance along those key viewing areas from which proposed mining surfaces are visible.

(4) The slope and aspect of mining surfaces relative to those portions of key viewing areas from which they are visible.

(5) The degree to which potentially visible mining surfaces are screened from key viewing areas by existing vegetation, including winter screening considerations.

(6) The degree to which potentially visible mining surfaces would be screened by new plantings, berms, etc., and appropriate time frames

to achieve such results, including winter screening considerations.

7. Unless addressed by Guideline 6 of this section, exploration, development (extraction and excavation), and production of mineral resources may be allowed upon a demonstration that:

   A. The site plan requirements for such proposals pursuant to this chapter have been met.

   B. The area to be mined and the area used for primary processing, equipment storage, stockpiling, etc., associated with the use would be fully screened from any key viewing area.

   C. A reclamation plan to restore the area to a natural appearance that blends with and emulates surrounding landforms to the maximum extent practicable has been approved. At minimum, the reclamation plan shall comply with Guidelines 10 and 11 of the "Overall Scenic Provisions" section of this chapter.

8. An interim time period to achieve compliance with visual subordinance requirements for expansion of existing quarries and development of new quarries located more than 4 miles from the nearest key viewing area from which it is visible shall be established before approval. The interim time period shall be based on site-specific topographic and visual conditions, but shall not exceed 3 years beyond the date of approval.

9. An interim time period to achieve compliance with full screening requirements for new quarries located less than 4 miles from the nearest key viewing area from which it is visible shall be established before approval. The interim time period shall be based on site-specific topographic and visual conditions, but shall not exceed 1 year beyond the date of approval. Quarrying activity occurring before achieving compliance with full screening requirements shall be limited to activities necessary to provide such screening (creation of berms, etc.).

10. For all exploration, development (extraction and excavation), production of mineral resources and expansion of existing quarries, a reclamation plan is required to restore the site to a natural appearance that blends with and emulates distinctive characteristics inherent to its landscape setting to the maximum extent practicable. At a minimum, such reclamation plans shall include:

    A. A map of the site, at a scale of 1 inch equals 200 feet (1:2,400) or a scale providing greater detail, with 10-foot contour intervals or less, showing pre-mining existing grades and post-mining final grades; locations of topsoil stockpiles for eventual reclamation use; location of catch basins or similar drainage and erosion control features employed for the duration of the use; and the location of storage, processing, and equipment areas employed for the duration of the use.

    B. Cross-sectional drawings of the site showing pre-mining and post-mining

grades.

C. Descriptions of the proposed use, in terms of estimated quantity and type of material removed, estimated duration of the use, processing activities, etc.

D. Description of drainage/erosion control features to be employed for the duration of the use.

E. A landscaping plan providing for revegetation consistent with the vegetation patterns of the subject landscape setting, indicating the species, number, size, and location of plantings for the final reclaimed grade, as well as a description of irrigation provisions or other measures necessary to ensure the survival of plantings.

F. If the site is visible from key viewing areas, the applicant shall also submit perspective drawings of the proposed mining areas as visible from applicable key viewing areas.

11. All reclamation plans for new quarries or expansion of existing quarries shall be sent to the appropriate state reclamation permitting agency for review and comment. The reviewing agency may request technical assistance from state agencies on reclamation plans for proposed mining not within the state agency's jurisdiction. The state agency shall have 30 calendar days from the date a reclamation plan is mailed to submit written comments on the proposal. State agency comments shall address the following:

A. Whether the proposed mining is subject to state reclamation permit requirements;

B. If subject to state jurisdiction, whether an application has been received for a state reclamation permit and, if so, the current status of the application; and

C. For uses subject to state jurisdiction, any issues or concerns regarding consistency with state reclamation requirements, or any suggested modifications to comply with state reclamation requirements.

~~National Scenic Area implementing agencies may request technical assistance from state agencies on reclamation plans for proposed mining not within the state agency's jurisdiction.~~

12. In the General Management Area, applications for the following uses require a wildlife survey (See I-3-[#]~~19~~21) and rare plant survey (See ~~PAGE~~I-3-~~30~~[#]):

A. ~~land~~ Land divisions that create four or more parcels,

B. ~~recreation~~ Recreation facilities that contain parking areas for more than 10 cars, overnight camping facilities, boat ramps, or visitor information and environmental education facilities,

C. ~~public~~ Public transportation facilities that are outside improved rights-of-way,

D. ~~electric~~ Electric facilities, lines, equipment, and appurtenances that are 33 kilovolts or greater~~, and~~

~~A.~~E. C~~c~~ommunications, water and sewer, and natural gas transmission (as opposed to distribution) lines, pipes, equipment, and appurtenances and other project related activities, except when all of their impacts will occur inside previously disturbed road, railroad or utility corridors, or existing developed utility sites, that are maintained annually

~~6.~~13. A review use may be allowed only pursuant to a process that provides at least the following:

A. Notice of the land use application or notice of the initial decision to landowners within 200 feet of the perimeter of the subject parcel unless a greater distance is specified in the Management Plan.

B. Notice of the land use application to the Forest Service and the Gorge Commission.

C. An opportunity to request a hearing.

D. A written decision with findings of fact and conclusions of law.

~~7.~~14. Where local governments have no regulatory authority over state and federal actions, the Forest Service and Gorge Commission shall develop agreements with applicable state, bi-state, or federal agencies for review of the agencies' project proposals.

~~8.~~15. If new buildings or structures may detract from the use and enjoyment of established recreation sites on adjacent parcels, an appropriate buffer shall be established between the building/structure and the parcel.

~~SMA SIGN PROVISIONS~~

~~SMA Goal~~

~~Allow signs in the SMA that meet the functional needs for which they are designed while minimizing scenic impacts.~~

~~SMA Policies~~

~~1. All public signs subject to review located in the SMA must be designed and located in compliance with the standards described in the Columbia River Gorge National Scenic Area Graphic Signing System and must conform to the standards contained~~

in the Manual for Uniform Traffic Control Devices.

2. New signs shall meet the minimum provisions of these guidelines in all cases where these provisions do not conflict with other regulations intended for public safety and information.

SMA Guidelines

1. New signs shall be allowed as specified in the applicable land use designation.

2. No sign shall be erected or placed in such a manner that it may interfere with, be confused with, or obstruct the view of any traffic sign, signal, or device.

3. Preexisting signs are allowed to continue, provided no changes occur in size, structure, color, or message.

4. Except for signs allowed without review pursuant to Part II, Chapter 7: General Policies and Guidelines, all new signs shall meet the following guidelines and be consistent with the Manual for Uniform Traffic Control Devices:

   A. Signs shall be maintained in a neat, clean, and attractive condition.

   B. The character and composition of sign materials shall be harmonious with the landscape and/or related to and compatible with the main structure upon which the sign is attached.

   C. Signs shall be placed flat on the outside walls of buildings, not on roofs or marquees.

   D. Signs shall be unobtrusive and have low contrast with the setting.

   E. The visual impact of the support structure shall be minimized.

   F. Outdoor sign lighting shall be used for purposes of illumination only, and shall not be designed for, or used as, an advertising display, except for road safety signs.

   G. The backs of all signs shall be visually unobtrusive, non-reflective, and blend in with the setting.

   H. Internal illumination or backlighting of signs shall not be permitted except for highway construction, warning, or safety.

5. Public signs shall meet the following standards in addition to Guidelines 1 through 4 of this section:

   A. The Graphic Signing System provides design standards for public signs in and adjacent to public road rights-of-way. All new and replacement public signs, except those transportation regulatory, guide, and warning signs

allowed outright shall conform to the guidelines in this system. Types of signs addressed include recreation site entry, interpretive, specific service signs, destination and distance signs, variable message signs, or signs that bridge or are cantilevered over the road surface.

B. Signs located outside public road rights-of-way are encouraged to be designed in a way that is consistent with similar-purpose signs described in the Graphic Signing System.

C. Signs posted by governmental jurisdictions giving notice to the public shall be no larger than that required to convey the intended message.

6. Signs for public and commercial recreation facilities, home occupations, cottage industries, and commercial uses shall meet the following guidelines in addition to Guidelines 1 through 4 and 7 of this section:

A. Any sign advertising or relating to a business that is discontinued for a period of 30 consecutive days shall be presumed to be abandoned and shall be removed within 30 days thereafter, unless permitted otherwise by the jurisdictional authority.

B. Any signs relating to or advertising for a business shall be brought into conformance with these sign guidelines before any expansion or change in use that is subject to review by the counties.

C. Offsite and onsite directional signs on approach roads to recreational facilities may be permitted. Name and interpretive signs may be permitted onsite, but should be kept to the minimum required to achieve the purpose(s) of the facilities.

D. Commercial recreation businesses approved in conjunction with a recreational facility may have a name sign not exceeding 16 square feet.

E. Recreation developments may have one on-premise name sign at each principal entrance. Such signs are encouraged to be of a low profile, monument type, and shall conform to the Graphic Signing System.

7. The following signs are prohibited:

A. Advertising billboards.

B. Signs that move or give the appearance of moving, except signs used for highway construction, warning, or safety.

C. Portable or wheeled signs, or signs on parked vehicles where the sign is the primary use of the vehicle, except for signs used for highway construction, warning, or safety.

~~8. Sign clutter and other negative visual effects from excessive signs along all roads and highways, and at parking lots and recreation facilities, shall be reduced.~~

COLUMBIA RIVER BRIDGE REPLACEMENT

GMA Goal

1. Ensure that a replacement Columbia River Bridge between the Hood River and Bingen/White Salmon Urban Areas provides for regional transportation and public safety needs while being consistent with both purposes of the National Scenic Area Act.

GMA Guidelines

Visual Quality

1. A replacement Columbia River Bridge between the Hood River and Bingen/White Salmon Urban Areas shall be visually unobtrusive and harmonious with the surrounding Gorge landscape and the Columbia River. A replacement bridge is exempt from the GMA provisions in Part I, Chapter 1: Scenic Resources, but ~~A replacement bridge~~ shall comply with the following visual quality standards:

    A. Utilize recessive dark natural or earth-tone colors for steel components of the bridge, a thin and open structural design that allows views through it to the extent practicable, and consistent design character and ornamental elements;

    B. Employ lighting that provides a safe and pleasant atmosphere for bicycles and pedestrians while not casting glare directly into the sky or onto the river.

Historic Design Elements

1. A replacement Columbia River Bridge between the Hood River and Bingen/White Salmon Urban Areas shall incorporate elements that reflect historic design features of National Scenic Area roadways and bridges. The historic themes should be an integral component of the design of the bridge structure, incorporated from “shore to shore.”

2. A replacement bridge should include:

    A. Arches and~~/or~~ other traditional structural forms in the bridge;

    B. Historic style benches, lighting, other pedestrian furnishings, and ~~signage~~signs/graphic materials consistent with the USFS Graphic Signing System for the National Scenic Area;

C. Ornamental concrete or steel railings.

Recreation and Pedestrian/Bicycle Access

1. A replacement Columbia River Bridge between the Hood River and Bingen/White Salmon Urban Areas shall encourage and promote pedestrian and bicycle use, for recreational enjoyment and to enhance multi-modal transportation connections between the ~~Urban~~ urban a~~A~~reas it connects.

2. The bridge shall include facilities for pedestrians and bicyclists that:

   A. Are permanent;

   B. Are wide enough to safely accommodate and encourage walking, bicycling, and other uses;

   C. Meet safety standards to prevent conflicts among automobiles, trucks, pedestrians, bicyclists, and other users;

   D. Provide multiple sitting and viewing areas with significant upstream and downstream views;

   E. Are safe to approach from both the north and south ends of the bridge and provide strong multi-modal connections, both east-west and to the nearby u~~U~~rban a~~A~~reas.

SPECIAL USES IN HISTORIC BUILDINGS

GMA Guidelines

Additional Review Uses for Historic Buildings

1. Properties in all GMA land use designations except Open Space and Agriculture-Special with buildings included on the National Register of Historic Places shall be permitted to be open for public viewing, interpretive displays, and an associated gift shop that is no larger than 100 square feet and incidental and subordinate to the primary use of the property, subject to compliance with the applicable guidelines to protect scenic, cultural, natural and recreation resources and the following sections of the "Additional Resource Protection Guidelines for Uses in Historic Buildings": Cultural Resources Guidelines (3~~2~~)(a) and (b), (4~~3~~), (5~~4~~) and (6~~5~~); and all Scenic, Recreation, Agriculture and Forest Lands Guidelines. Voluntary donations and~~/or~~ fees to support maintenance, preservation and enhancement of the cultural resource may be accepted by the landowner.

2. Properties in all GMA land use designations except Open Space and Agriculture-Special with buildings included on the National Register of Historic Places, and which were former restaurants ~~and/~~or inns shall be permitted to re-establish these former uses, subject to compliance with the applicable guidelines to protect scenic,

cultural, natural and recreation resources and the following sections of the "Additional Resource Protection Guidelines for Uses in Historic Buildings": Cultural Resources Guidelines (32)(a) and (b), (43), (54) and (65); and all Scenic, Recreation, Agriculture and Forest Lands Guidelines. The capacity of restaurant use and overnight accommodations shall be limited to that existing in the former use, and the former use shall be contained within the limits of the building as of January 1, 2006. Banquets, private parties and other special events that take place entirely within an approved restaurant facility shall be considered a restaurant use allowed under this section.

3. Properties in all GMA land use designations except Open Space and Agriculture-Special with buildings included on the National Register of Historic Places shall be permitted to hold commercial events, subject to compliance with the applicable guidelines to protect scenic, cultural, natural and recreation resources and the following sections of the "Additional Resource Protection Guidelines for Uses in Historic Buildings": Cultural Resources Guidelines (32) through (65); and all Scenic, Recreation, Agriculture and Forest Lands Guidelines.

4. The following additional review uses may be allowed in all GMA land use designations except Open Space and Agriculture-Special on a property with a building either on or eligible for the National Register for Historic Places and that was 50 years old or older as of January 1, 2006, subject to compliance with the applicable guidelines to protect scenic, cultural, natural and recreation resources and "Additional Resource Protection Guidelines for Uses in Historic Buildings":

   A. Establishments selling food and/or beverages, limited to historic buildings that originally had kitchen facilities. The seating capacity of such establishments shall be limited to the building, as the building existed as of January 1, 2006, including any decks, terraces or patios also existing as of that date. Banquets, private parties and other special events that take place entirely within approved establishments selling food and/or beverages shall be considered a part of the approved use.

   B. Overnight accommodations. The room capacity of such accommodations shall be limited to the total number of existing rooms in the historic building as of January 1, 2006.

   C. Commercial events in the building or on the subject property, incidental and subordinate to the primary use of the property.

   D. Wineries and cideries, in conjunction with an on-site vineyard or orchard, upon a showing that processing of wine or cider is from grapes fruits harvested grown on the subject parcel or and the local region, within a historic building, as the building existed as of January 1, 2006.

   E. Sales/tasting rooms in conjunction with an on-site winery or cidery, within a historic building, as the building existed as of January 1, 2006.

   F. Conference and/or retreat facilities within a historic building, as the building

existed as of January 1, 2006.

G. Artist studios and galleries within a historic building, as the building existed as of January 1, 2006.

H. Gift shops within a historic building, as the building existed as of January 1, 2006 that are:

(1) incidental and subordinate to another approved use included in Guideline 4 of "Additional Review Uses for Historic Buildings"; and

(2) no larger than 100 square feet in area.

I. Interpretive displays, picnic areas or other recreational day use activities on the subject property.

J. Parking areas on the subject property to support any of the above uses.

5. For the purposes of the guidelines in this section, the term "historic buildings" refers to buildings either on or eligible for the National Register of Historic Places. Eligibility for the National Register shall be determined pursuant to Cultural Resources Guideline 1 and 2 of "Additional Resource Protection Guidelines for Uses in Historic Buildings."

6. Uses 3 and 4.C are not subject to the "Commercial Events" provisions in Part II, Chapter 7: General Policies and Guidelines of the Management Plan. Commercial events at historic properties will be regulated by the guidelines contained in this section. Applications for commercial events shall include all information in the "Operational Plan for Commercial Events" as specified in Guideline 1.A(3~~2~~)(d) of "Additional Resource Protection Guidelines for Historic Buildings". The following apply to commercial events at historic properties:

A. Commercial events include weddings, receptions, indoor concerts, farm dinners, or events similar in size and activity and must be ~~parties and other small-scale gatherings that are~~ incidental and subordinate to the primary use on a parcel.

B. The owner of the subject property shall notify the reviewing agency and all owners of land within 500 feet of the perimeter of the subject property of each event. The notice shall be in writing and shall be mailed at least seven calendar days before an event.

7. Uses 1 and 4.I. are not subject to the parking limits and associated "Facility Design Guidelines" in the Recreation Intensity Classes.

8. Counties may impose additional requirements to address health, safety, and potential impacts to surrounding properties. For example, they may limit noise, parking, traffic, lighting and operating hours.

9. Land use approvals for special uses in historic buildings shall be subject to review by the local government every five years from the date the original approval was issued. As part of this review, the applicant shall submit documentation to the local government on the progress made in implementing the "Protection and Enhancement Plan" required in Cultural Resources Guideline (32) of "Additional Resource Protection Guidelines for Uses in Historic Buildings". The local government shall submit a copy of the applicant's documentation to the State Historic Preservation Agency Officer (SHPASHPO). The SHPA SHPO shall have 30 calendar days from the date this information is mailed to submit written comments to the local government. If the local government's determination contradicts comments from the SHPASHPO, the local government shall justify how it reached an opposing conclusion. The local government shall revoke the land use approval if the owner has failed to implement the actions described in the "Protection and Enhancement Plan" according to the schedule for completing such actions in this plan. The local government may, however, allow such a use to continue for up to one additional year from the date a local government determines the applicant has failed to implement the actions if the applicant submits a written statement describing unforeseen circumstances that prevented the applicants from completing the specified actions according to the approved schedule, what progress the applicants have made towards completing such actions, and a proposed revised schedule for completing such actions.

10. In the event a court enters a judgment that one or more of the use authorizations provided for in paragraphs one through four of this section are invalid, the authorizations for other uses in this section are severed and will remain in effect.

Additional Resource Protection Guidelines for Uses in Historic Buildings

1. The following guidelines apply to proposed uses listed under "Special Uses for Historic Buildings" in addition to all other relevant guidelines for protection of scenic, cultural, natural and recreation resources:

A. Cultural Resources

(1) All applications for uses listed in Guideline 4 of "Additional Review Uses for Historic Buildings" shall include a historic survey and evaluation of eligibility for the National Register of Historic Places, to be prepared by a qualified professional hired by the applicant. The evaluation of eligibility shall not be required for buildings previously determined to be eligible. For such properties, documentation of a prior eligibility determination shall be included in the application. The historic survey shall meet the requirements specified in "Historic Surveys and Reports" [Management Plan, page I-58(Part I, Chapter 2: Cultural Resources)]. The evaluation of eligibility shall follow the process and include all information specified in the National Register Bulletin "How to Apply the National Register Criteria for Evaluation" [National Park Service, National Register Bulletin #15].

~~(1)~~(2) Eligibility determinations shall be made by the local government, based on input from the S~~s~~tate H~~h~~istoric P~~p~~reservation ~~agency~~Officer (SHPO~~A~~). The local government shall submit a copy of any historic survey and evaluation of eligibility to the SHPO~~A~~. The SHPO~~A~~ shall have 30 calendar days from the date this information is mailed to submit written comments on the eligibility of the property to the local government. If the local government's determination contradicts comments from the SHPA, the local government shall justify how it reached an opposing conclusion.

~~(2)~~(3) Applications for Special Uses for Historic Buildings shall include a "Protection and Enhancement Plan" which shall include the following:

(a) A description of how the proposed use will significantly contribute to the protection and enhancement of the historic resource, including specific actions that will be taken towards restoration, protection and enhancement, and adequate maintenance of the historic resource, and a proposed schedule for completion of such actions.

(b) A statement addressing consistency of the proposed use with the *Secretary of the Interior's Standards for Rehabilitation of Historic Properties* and the *Secretary of the Interior's Standards for Preservation of Historic Properties*.

(c) Detailed architectural drawings and building plans that clearly illustrate all proposed exterior alterations to the building associated with the proposed use. Any exterior additions to the building or outdoor components of the proposed use (e.g. parking areas, site for temporary structures, interpretive displays) shall be shown on the site plan.

(d) Any proposal for commercial events at a historic property shall include an Operation Plan for Commercial Events, to be incorporated into the "Protection and Enhancement Plan". The Operational Plan shall include sufficient information to demonstrate how the commercial events will remain incidental and subordinate to the primary use of the property, and shall, at minimum, address:

(i) Number of events to be held annually.

(ii) Maximum size of events, including number of guests and vehicles at proposed parking area.

(iii) Provision for temporary structures, including location and type of structures anticipated.

(iv) How the proposed commercial events will contribute to protection and enhancement of the historic resource.

~~(3)~~(4) The local government shall submit a copy of the "Protection and Enhancement Plan" to the State Historic Preservation Officer~~Agency~~

(SHPOA). The SHPOA shall have 30 calendar days from the date this information is mailed to submit written comments to the local governments. The SHPOA comments shall address consistency of the proposed use with the *Secretary of the Interior's Standards for Rehabilitation of Historic Properties* and the *Secretary of the Interior's Standards for Preservation of Historic Properties*, and the effect of the proposed use on the historic resource.

(4)(5) Any alterations to the building or surrounding area associated with the proposed use have been determined by the local government to be consistent with the *Secretary of the Interior's Standards for Rehabilitation of Historic Properties* and the *Secretary of the Interior's Standards for Preservation of Historic Properties*. If the local government's final decision contradicts the comments submitted by the State Historic Preservation Agency, the local government shall justify how it reached an opposing conclusion.

(5)(6) The proposed use has been determined by the local government to have no effect or no adverse effect on the historic character of the property, including features of the property contributing to its historic significance. If the local government's final decision contradicts the comments submitted by the State Historic Preservation Agency, the local government shall justify how it reached an opposing conclusion.

B. Scenic Resources

(1) New parking areas associated with the proposed use shall be located on the subject property as it existed as of January 1, 2006. Such parking areas may be developed using paving blocks, gravel, or other pervious surfaces; asphalt, concrete and other impervious materials shall be prohibited.

(2) New parking areas associated with the proposed use shall be visually subordinate from Key Viewing Areas, and shall to the maximum extent practicable, use existing topography and existing vegetation to achieve visual subordinance. New screening vegetation may be used if existing topography and vegetation are insufficient to help make the parking area visually subordinate from Key Viewing Areas, if such vegetation would not adversely affect the historic character of the building's setting.

(3) Temporary structures associated with a commercial event (e.g. tents, canopies, portable restrooms) shall be placed on the subject property no sooner than two days before the event and removed within two days after the event. Alternatively, temporary structures may remain in place for up to 90 days after the event if the local government determines that they will be visually subordinate from Key Viewing Areas.

C. Recreation Resources

(1) The proposed use shall not detract from the use and enjoyment of existing recreation resources on nearby lands.

D. Agricultural and Forest Lands

(1) The proposed use is compatible with and will not interfere with accepted forest or agricultural practices on nearby lands devoted to such uses.

(2) The proposed use will be sited to minimize the loss of land suitable for production of crops, livestock or forest products.

(3) A declaration has been signed by the landowner and recorded into county deeds and records specifying that the owners, successors, heirs and assigns of the subject property are aware that adjacent and nearby operators are entitled to carry on accepted agriculture or forest practices on lands designated Large-Scale or Small-Scale Agriculture, Agriculture-Special, Commercial Forest Land, or Large or Small Woodland.

(4) All owners of land in areas designated Large-Scale or Small-Scale Agriculture, Agriculture-Special, Commercial Forest Land, or Large or Small Woodland that are within 500 feet of the perimeter of the subject property on which the use is proposed to be located have been notified and given at least 10 days to comment prior to a decision on an application for a Special Use for a Historic Building.

RENEWABLE ENERGY PRODUCTION

GMA Guidelines

1. Production of electrical power, including, but not limited to wind and solar production, for commercial purposes is considered an industrial use and is prohibited.

2. Solar and wind power generation that is accessory to a primary structure or allowed use is not considered an industrial use and may be permitted provided that that the capacity for power generation is limited to the expected annual electrical power need of the structure or use. The generating equipment may serve only the parcel on which it is located, or an adjacent parcel in the same ownership and used in conjunction with the subject parcel. Sale of power back to the electrical grid is permitted, provided that it is an occasional event, not ongoing over the course of the year.

3. Equipment attached to an existing structure is an addition to the structure on which it is located.

4. Free-standing equipment is a new accessory structure.

CHAPTER

1

Climate Change

The National Scenic Area is made up of a diversity of intact landscapes, living cultures, and communities that, while vulnerable to climate change impacts, also provide a vital foundation for climate resilience. The Gorge Commission is committed to leading and working with others to reduce the greatest drivers of climate change and adapt to changing conditions with the goal of sustaining a thriving, resilient National Scenic Area for future generations.

Climate change poses the most wide-reaching and urgent challenge facing resource management agencies today.[1,2] Several states, including Oregon and Washington, have taken lead roles in addressing greenhouse gas (GHG) emissions and climate adaptation, emphasizing the importance of acting immediately.[3] As a bi-state agency, the Gorge Commission is positioned to contribute to regional solutions for addressing climate change.

Climate change impacts the scenic, cultural, natural, and recreation resources and the economy and people of the National Scenic Area. Thus, the Management Plan must address it.

The National Scenic Area is particularly vulnerable to the extremes of climate change impacts including wildfire, given its topography and high winds. With a patchwork of land ownership and economies heavily reliant on natural resources, the National Scenic Area is likely to experience climate change impacts intensely.

Climate change impacts in the National Scenic Area

The National Scenic Area faces numerous current and predicted effects of climate change including extreme heat, warmer average air temperatures, shift from snow to rain, earlier runoff, warmer water temperatures, reduced water quality, increased flooding, drought, landslides, and wildfire, changes in species

[1] Intergovernmental Panel on Climate Change, 2018: Global warming of 1.5°C. An IPCC Special Report on the impacts of global warming of 1.5°C above preindustrial levels and related global greenhouse gas emission pathways, in the context of strengthening the global response to the threat of climate change, sustainable development, and efforts to eradicate poverty [V. Masson-Delmotte, P. Zhai, H. O. Pörtner, D. Roberts, J. Skea, P.R. Shukla, A. Pirani, W. Moufouma-Okia, C. Péan, R. Pidcock, S. Connors, J. B. R. Matthews, Y. Chen, X. Zhou, M. I. Gomis, E. Lonnoy, T. Maycock, M. Tignor, T. Waterfield (eds.)]. In Press.

[3] Recognizing that Oregon has "an urgent, moral obligation to set and achieve more ambitious GHG reduction goals," Executive Order 20-04 calls for the state to reduce its GHG levels at least 80 percent below 1990 emission levels by 2050, building on goals established in previous legislation (ORS 468A.205). The Washington Clean Energy Transformation Act (SB 5116), requiring a transition to a 100 percent clean electricity supply by 2045, is among the strongest legislation in the country aimed at reducing GHG emissions.– -

abundance and distribution, and increased invasive species and diseases.[4]

Some of these changes are already occurring and could have notable impacts on National Scenic Area resources, including:

- Increased frequency and severity of wildfire affecting air quality, visibility, and local economies;–
- Increased vulnerability of culturally-important resources, including traditional First Foods, treaty-reserved rights, and cultural sites;
- Flow and water temperature changes threatening aquatic species and habitats; and
- Shifting vegetation ranges impacting the effectiveness of development screening practices.

Given the complex and interconnected nature of climate change impacts in the National Scenic Area, it is essential that climate resilience,[5] adaptation,[6] and mitigation[7] efforts involve federal, bi-state, state, county, city ~~municipal~~, and tribal governments, as well as the public.

The Management Plan is one of several tools the Gorge Commission, and the National Scenic Area jurisdictions, use to protect and enhance the scenic, natural, cultural, and recreation resources, and the economy of the Columbia River Gorge in the face of a changing climate. The National Scenic Area Act's focus on resource protection, compact urban areas, and protection of agricultural and forestry uses serves as a strong foundation for addressing climate change impacts. Existing Management Plan provisions—such as minimum parcel sizes, resource protection buffers, and mitigation measures—provide a framework to build climate resilience. However, changing conditions require new and thoughtful regionwide policies to secure a healthy and resilient future for the National Scenic Area.–

Beyond the Management Plan, the Gorge Commission serves in a variety of roles that advance climate resilience efforts throughout the National Scenic Area. As a regional planning body responsible for the largest National Scenic Area in the country, the Gorge Commission engages on issues such as sustainable recreation; natural hazard mitigation planning and wildfire resilience; transportation; and habitat connectivity. The Gorge Commission also leads the Vital Sign Indicators initiative to monitor long-term trends and policy effectiveness at a landscape scale, which will directly inform policy changes necessary to continue to accomplish the purposes of the National

[4] "Summary of Climate Change Effects in the Columbia River Gorge National Scenic Area," Wozniak, October 8, 2019, pages 5-7.

[5] The IPCC defines **resilience** as "the ability of a social or ecological system to absorb disturbances while retaining the same basic structure and ways of functioning, the capacity of self-organization, and the capacity to adapt to stress and change."

[6] The IPCC defines **adaptation** in this way: "In human systems, the process of adjustment to actual or expected climate and its effects, in order to moderate harm or exploit beneficial opportunities. In natural systems, the process of adjustment to actual climate and its effects; human intervention may facilitate adjustment to expected climate." Climate change adaptation actions typically include researching and understanding impacts, preparing for and adjusting to impacts, and employing sustainability concepts to achieve objectives or protect valued resources given expected changes.

[7] The IPCC defines **mitigation** of climate change as "a human intervention to reduce the sources or enhance the sinks of greenhouse gases." Mitigation actions typically include minimizing contributions to climate change, slowing and reversing impacts, and storing or sequestering greenhouse gases.

Scenic Area Act in the context of climate change. In addition, the Gorge Commission engages in regional partnerships to improve implementation of the Plan's policies, while supporting landowner actions to protect and enhance resources vulnerable to climate change impacts. -

GMA PROVISIONS

Framework for Action: Climate Change Adaptation and Mitigation

As a bi-state compact agency committed to protecting and enhancing the scenic, natural, cultural, and recreation resources and economic vitality in the Columbia River Gorge National Scenic Area, the Gorge Commission has a unique responsibility to respond to the urgent threats of climate change. The Gorge Commission manages a large and complex mosaic of land ownership on the doorstep of one of the region's largest metropolitan areas. The policies in this chapter provide a framework for action to address the most pressing and significant impacts of climate change on National Scenic Area resources.

A foundational component of this framework is a Climate Change Action Plan with a target completion date, clear objectives, and integrated monitoring that supports adaptive management through amendments and revisions to the Management Plan. The Gorge Commission is committed to ensuring that equity considerations are integrated into climate change adaptation and mitigation analysis, planning, decision-making, and project implementation.

GMA Policies

1. The Gorge Commission shall develop and adopt a Climate Change Action Plan that is based upon a local climate vulnerability assessment that integrates risk information with regional land use data. The Climate Change Action Plan shall include specific strategies and actions for climate adaptation and mitigation. The Climate Change Action Plan shall include consultation with the four Columbia River treaty tribes, the Forest Service, the six counties in the National Scenic Area, and shall involve the public. The Climate Change Action Plan shall be reviewed by the Gorge Commission and Forest Service and approved if determined to be consistent with the National Scenic Area Act and the Management Plan. The Climate Change Action Plan shall be regularly reviewed and updated as needed, based upon new data and information. The Climate Change Action Plan's focus will be to inform future policy changes that are consistent with the Gorge Commission's authorities and responsibilities. Among the priorities for action planning are these topics:

    A. **Streams and riparian areas** – protecting and enhancing aquatic and riparian systems. This includes expanding stream buffers, requiring vegetation enhancement, protecting cold water refuge habitats for fish, and other approaches.

        (1) Apply a 200-foot buffer width to these EPA priority cold water refuge streams within the GMA: the Sandy River, Wind River, Little White Salmon River, White Salmon River, Hood River, Klickitat River, and

Deschutes River.[8] (See guidelines for "Water Resource Buffer Zones" in Part I, Chapter 3: Natural Resources. The Management Plan's natural resource objectives, policies, and guidelines regulate most uses, except activities allowed outright and forest practices that are administered by each state's Forest Practices Act.)

B. **Forest resources** – protecting forested lands for timber production which provides for carbon storage. This includes siting and development standards, land conversion policies, and other approaches.

(1) The Gorge Commission shall prohibit conversion of forest lands to any use other than agriculture, recreation, and open space. For conversion to agriculture or recreation, the Management Plan should require full mitigation. (See "Land Use Policies" in Part II, Chapter 2: Forest Land.)

C. **Priority Habitats** – protecting Priority Habitats by assessing the risks and likely impacts of climate change and developing policies to adapt to these impacts where possible.

D. **Invasive Species** – protecting biodiversity through invasive species monitoring and management.

E. **Wildfire** – protecting scenic, natural, cultural, and recreation resources from wildfire and reducing the risk of human-caused ignitions from new development and other causes. This includes siting and development standards, building design and materials standards, and other approaches.

F. **Climate change action priorities of the four Columbia River treaty ~~fishing~~ tribes** – protecting culturally-important resources, including traditional First Foods, treaty-reserved rights, and cultural sites.

G. **Agricultural lands** – protecting agricultural lands from conversion to other uses, except for conversion to forest land.

H. **Transportation** – protecting scenic, natural, cultural, and recreation resources, and the economy, of the National Scenic Area through regional transportation solutions that reduce greenhouse gas emissions, lessen congestion, and improve public safety.

2. The Gorge Commission is committed to long-term monitoring that assesses changing conditions of and climate impacts to the scenic, natural, cultural, and recreation resources, and the economy, of the National Scenic Area. The Gorge Commission will include climate change indicators as part of the Vital Sign Indicators (VSI) program. VSI shall inform planning efforts, support decision-

[8] Streams within the GMA that are included in the Draft Columbia River Cold Water Refuges Plan completed by the U.S.– Environmental Protection Agency, Region 10 in 2019. This report includes a total of 10~~1~~ priority streams within the National Scenic Area. Tanner Creek, Eagle Creek, and Herman Creek are entirely within SMAs and currently have a 200-ft buffer within the National Scenic Area.

making, and guide adaptive management.

3. Based upon the findings of the vulnerability assessment and monitoring program, the Gorge Commission may determine that conditions in the National Scenic Area have significantly changed and may exercise its authority to develop responsive Management Plan amendments pursuant to section 6(h).–

4. The Gorge Commission will partner with and learn from local, state, and federal agencies; the four Columbia River treaty tribes; non-governmental organizations; and diverse community residents and stakeholders to develop and implement strategies and actions for climate change adaptation and mitigation.

5. The Gorge Commission will develop and implement climate mitigation strategies, as consistent with the Gorge Commission's authorities and responsibilities, that limit and reduce greenhouse gas emissions, enhance forest carbon storage, and encourage renewable energy and transportation solutions. The Gorge Commission will work with regional partners engaged in sustainable transportation planning to convene regional discussions and coordinate strategies on alternatives to automobile transit to achieve multiple objectives under the Act and to reduce greenhouse gas emissions.

6. The Gorge Commission supports development and maintenance of safe, climate resilient infrastructure that strengthens economic and community resilience within the National Scenic Area.

7. The Gorge Commission encourages and supports voluntary efforts, consistent with the Management Plan, to improve climate change resilience through landscape health, stream enhancement, and other proactive measures.

SMA Provisions

The Forest Service recognizes that climate change affects resources and human communities at all scales – globally, in the Pacific Northwest, and in the National Scenic Area. The Forest Service integrates climate change information into decision making during land management planning and project development. Implementing effective climate change management actions across large landscapes will require continued close coordination between federal, state and county agencies, tribal governments, non-governmental organizations, industry partners, and private landowners.

Climate change adaptation actions can be taken to reduce vulnerability to climate change effects. Adaptation actions will be necessary to maintain resilient ecosystems and to protect and enhance scenic, natural, cultural and recreation resources while supporting the economies of the National Scenic Area.

Existing SMA policies and guidelines for resource protection and enhancement are inherently climate adaptive. These policies and guidelines include protecting forest and agricultural lands for forest and agricultural uses, forest practice guidelines that promote forest resilience, wildlife habitat and rare plant protections, substantial buffers for aquatic resources, and guidelines for resource enhancement projects.

The Forest Service has taken steps to identify locally relevant adaptation actions by developing climate change vulnerability assessments for geographic regions within Oregon and Washington. These vulnerability assessments are developed through a collaborative science-management partnership established to synthesize regionally focused climate change science, assess resource-specific climate change vulnerabilities, and develop locally relevant climate change adaptation strategies and tactics. A vulnerability assessment that includes the Gifford Pinchot National Forest has been completed. At the time of this writing the vulnerability assessment for the Columbia River Gorge National Scenic Area, Mt. Hood National Forest, and Willamette National Forest is undergoing peer review and is anticipated for publication as a Forest Service General Technical Report by the end of 2020.

The Forest Service works with other state and federal agencies, private landowners, non-governmental organizations, and tribal governments to foster climate-informed, sustainable land management. In the National Scenic Area, The Forest Service will continue to provide updated science and management recommendations related to climate change adaptation and mitigation, and will provide ongoing, science-based technical assistance to the Gorge Commission.

SMA Policies

1. The Forest Service supports the Gorge Commission's intent to develop a Climate Change Action Plan based upon local climate change vulnerability assessments.

2. The Forest Service is committed to continued long-term monitoring that assesses climate change impacts to the scenic, natural, cultural, and recreation resources and the economy of the National Scenic Area.

3. Based upon the findings from efforts such as the vulnerability assessments and ongoing monitoring programs, the Forest Service may evaluate whether conditions in the National Scenic Area have significantly changed and may exercise its authority to develop Management Plan amendments pursuant to section 6(h) of the National Scenic Area Act.

4. The Forest Service will continue to partner with and learn from local, state, and federal agencies, the four Columbia River treaty tribes, non-governmental organizations, the Gorge Commission, and others to develop and implement strategies and actions for climate change adaptation and mitigation in the National Scenic Area.

5. The Forest Service supports development and maintenance of safe, climate resilient infrastructure, consistent with the Management Plan, that strengthens economic and community resilience within the National Scenic Area.

6. The Forest Service encourages and supports voluntary efforts, consistent with the Management Plan, to improve climate change resilience through protection and enhancement of the scenic, natural, cultural and recreation resources.

CHAPTER

~~1~~2

Recreation Development Plan

When developed as part of the first Management Plan, t~~T~~he Recreation Development Plan provide~~d~~s the policy framework for implementing high-priority proposed public recreation facilities in the National Scenic Area. ~~-~~ The GMA and Urban Areas ~~section~~ Provisions outline~~d~~s the process for identifying priority recreation projects and the criteria by which project~~s~~ applicants seeking ~~Scenic Area~~National Scenic Area grants should be evaluated.

In the SMA section, the Recreation Development Plan provides goals and policies for evaluating whether proposals achieve the recreation goals and objectives of the ~~Scenic Area~~National Scenic Area Act.

~~The proposed recreation facilities are described in the Recreation Development Proposals list, adopted separately from the Management Plan.~~

~~The proposals list highlights selected sites and proposed projects at those sites that, when implemented, will best achieve the recreation goals and objectives of the Scenic Area Act~~.

Section 16 of the ~~Scenic Area~~National Scenic Area Act authorized $10 million for the construction of recreation facilities plus
$2.8 million specifically to restore and reconstruct abandoned segments of the Historic Columbia River Highway. ~~It is strongly recommended that the sites described in the Recreation Development Proposals list be given priority consideration for receipt of the public funds authorized by the Act, as well as consideration from other public sources in federal, state, or local programs.~~While the majority of these funds have been spent, the Recreation Development Plan can still provide guidance for prioritizing recreation development in the Gorge and for the use of public and private funds in supporting the development of those sites.

GMA AND URBAN AREA PROVISIONS

GMA and Urban Area Goal

Identify those highest priority recreation projects that best meet the recreation goals and objectives of the Management Plan and facilitate their implementation through the

Recreation Development Plan.

GMA and Urban Area Policies

~~1. Projects identified in the Recreation Development Proposals list are high priorities for public funding and shall~~ should ~~receive preferential consideration for receipt of public~~

~~monies as authorized in Section 16(b) of the Scenic Area Act and other funds, such as federal, state and local agency grants; foundation grants; and other sources.~~

~~2. Disbursement of monies authorized in Section 16(b) of the Scenic Area Act for the GMA shall be limited to projects included in the Recreation Development Proposals list for the GMA and Urban Areas.~~

~~3.~~1. The Gorge Commission ~~shall maintain and update the~~created an "Inventory of Potential Recreation Sites" and an~~the~~ "Inventory of Potential Trails and Travelways" ~~as the need to do so arises~~ to prioritize receipt of federal funds as authorized in Section 16 of the National Scenic Area Act. ~~Updating~~ The Gorge Commission may update these inventories to include ~~adding~~ new proposals that meet the Goals, Objectives, and Policies for Recreation Resources in the Management Plan ~~to the inventories~~. These inventories are referred to in the remaining policies of this chapter as "the potential recreation inventories."

2. ~~The Gorge Commission and USDA Forest Service shall prepare and maintain a Recreation Development Plan and Recreation Development Proposals List. The Gorge Commission shall review and update the Recreation Development Plan and Recreation Development Proposals List periodically.~~ Recreation d~~D~~evelopment proposals added to the potential recreation inventories ~~should~~ shall be evaluated against applicable Management Plan policies for the protection of natural, cultural, and scenic resources and ~~avoidance of effects on Indian treaty rights.~~consistency with tribal treaty rights.

~~4.~~3. Inclusion in the potential recreation inventories indicates the Gorge Commission's overall support of recreation development at that particular site. Sites listed in the potential recreation inventories are not presumed to meet the Management Plan guidelines for the protection of natural, cultural, and scenic resources and consistency with tribal treaty rights. All new recreation developments are subject to review by the appropriate permitting agency.

~~5.~~4. The Gorge Commission may update the potential recreation inventories to include sites in urban areas, ~~The Gorge Commission shall evaluate proposed recreation facilities at sites in Urban Areas,~~ in consultation with port districts, city and county park agencies, ~~Indian~~ tribal governments, and other appropriate groups.~~, and add appropriate sites to the potential recreation inventories. Such sites may be included in future additions to the Recreation Development Proposals list.~~ To be included, potential recreation developments in urban areas

~~Urban Area projects included in the Recreation Development Proposals list~~ shall demonstrate compli~~ance~~ with GMA Management Plan policies regarding the following:

A. ~~Indian~~ Tribal treaty rights.

B. Wetlands, aquatic and riparian areas.

C. Sensitive wildlife habitat.

D. Sensitive plants.

E. Cultural resources.

~~6.~~5. Urban a~~A~~rea projects included in the ~~Recreation Development Proposals list~~potential recreation inventories shall be designed in a manner that is compatible with, and where practicable, enhances the visual quality of their setting. These projects should include design features such as generous plantings of native ~~and naturalized~~ riparian vegetation, screening of parking areas, minimizing large areas of parking lots, minimizing

grading, providing public green spaces, etc. Projects that rehabilitate and improve the aesthetic quality of previously disturbed areas will be given preferential ~~consideration for receipt of funds~~support.

~~7. The Gorge Commission shall submit to Congress and the Secretary of Agriculture a list of projects recommended for receipt of recreation grant monies as authorized under Section 16(b) of the Scenic Area Act.~~

~~8.~~6. Those projects ~~prioritized for further study, as~~ specified in the ~~Recreation Development Proposals list~~potential recreation inventories~~, may be considered eligible for facility construction funds pending the completion and results of such studies.~~ should be considered for the receipt of public or private grant monies, to support the growth of recreation resources in the National Scenic Area.

~~9. Funds allocated per Section 16(b) of the Scenic Area Act for a site included in the Recreation Development Proposals list shall be made available only to those proposed projects consistent with the recommendations for that site in the Recreation Development Proposals list.~~

~~10.~~7. Preferential consideration for funding ~~allocated per Section 16(b) of the Scenic Area Act shall~~should be given to projects demonstrating the following characteristics:

A. Provision of ~~substantial barrier-free~~equitable and accessible opportunities that enhance opportunities for underserved populations.

B. Provision of accommodation for ~~alternative~~ walking or bicycling paths, or mass transportation facilities.

~~B.~~C. Resolution of traffic congestion issues at existing sites.

~~C.~~D. Favorable investment/user ratio.

~~D.~~E. Agency partnerships.

~~E.~~F. Strong public support and partnerships.

~~F.~~G. Enhancement of scenic, natural, and~~/or~~ cultural resources.

~~11.~~8. The Gorge Commission shall periodically monitor implementation of projects wholly or partially funded pursuant to Section 16(b) of the ~~Scenic Area~~National Scenic Area Act to evaluate their compliance with Policy 7~~11~~, above.

~~GMA and Urban Area Recreation Development Plan Grant Guidelines~~

~~1. To be eligible for receipt of Scenic Area recreation grants, project applicants shall submit an application packet to the Gorge Commission. Information submitted shall include the following:~~

~~A. A formal request by a public agency that either owns the site upon which a proposal is located or manages that site. In the latter case, documentation of landowner consent for the proposal shall be included.~~

B. A preliminary facility plan, showing the type, location and design features of all proposed development. (The plan may be conceptual.) This plan should indicate the location of any buildings, roads, parking areas, landscaping, irrigation, water storage, and/or other fire suppression features; grading work; and other site improvements associated with the proposal.

C. A narrative report (may include supporting maps or other graphics) addressing the presence of the following resources on the site and the proposed project's potential effects (and appropriate mitigation measures, if applicable) on those resources:

(1) Archaeological, historic or other cultural resources.

(2) Wetlands, aquatic, and riparian areas; sensitive wildlife habitat; sensitive plants.

D. A discussion of tribal treaty fishing activities (or other tribal activities protected by treaties) in the project vicinity and the proposed project's potential effects on those activities (and, if applicable, mitigation measures to avoid effects to such activities).

E. An itemized request for a specified amount of money for construction of those facilities described in the preliminary facility site plan. (Costs of mitigation measures that are required as part of facility development may be included in funding requests.)

F. A discussion of how the project complies with the six criteria listed in Policy 11, above.

SMA PROVISIONS

SMA Goal 1

Provide opportunities for public and private recreation use and access to the Columbia River.

SMA Policies

1. Increased access to the Columbia River should be provided where it is feasible.

2. ~~Water-oriented day-use recreation access is emphasized along the Columbia River. Additional campgrounds should be located in proximity to these popular day-use attractions.~~

3.2. Opportunities for private recreation resource enhancement should be provided through partnership with public agencies and through application of the Rrecreation Iintensity Cclass guidelines (Part I, Chapter 4: Recreation Resources).

SMA Goal 2

Provide a diversity of trail opportunities in the National Scenic Area.

SMA Policies

1. Trails should be provided to link ~~Urban Area~~urban areas and recreation opportunities in the ~~Scenic Area~~National Scenic Area.

2. A loop trail through the ~~Scenic Area~~National Scenic Area should be supported.

3. Equestrian and mountain bike use should be limited to areas where natural resource sensitivities are low.

4. Trail systems and new trails should incorporate existing segments of older, abandoned, or historic trails.

5. ~~New trails should be provided along the Columbia River shoreline.~~

6. ~~Trail linkages should be provided between Scenic Area trails and trails on other public lands outside the Scenic Area.~~

7. ~~Safe bikeways should be provided for recreation use on appropriate public roads.~~

SMA Goal 3

Increase public awareness, understanding, and appreciation of the scenic, natural, cultural, economic, and recreational resources of the ~~Scenic Area~~National Scenic Area.

SMA Policies

1. Policies for interpretation and education are found in Part III, Chapter 4: Interpretation and Education.

2. New scenic viewpoints should be provided to showcase the grand panoramas of the ~~Scenic Area~~National Scenic Area.

~~2.~~3. Provide culturally-sensitive educational, interpretive and inclusive programs and communication.

SMA Goal 4

Provide for the restoration and connection of the remaining segments of the Historic Columbia River Highway in keeping with its National Register status.

SMA Policies

1. The corridor of the Historic Columbia River Highway should be managed in cooperation with the State of Oregon as an historic visitor attraction.

2. Intact and usable highway segments should be connected with recreation trails to create a continuous route through the Columbia River Gorge that links local, state, and federal recreation and historic sites.

3. The recommendations identified in *A Study of the Historic Columbia River Highway* (1987) should be followed for restoration and connection projects.

SMA Goal 5

Maximize customer service and cost-effectiveness of recreation opportunities by using partnerships of user groups and recreation providers to design and construct recreation facilities.

SMA Policies

1. Partnerships between private entities, agencies, ~~and/~~or organizations are the preferred approach for developing recreation facilities.

2. Recreation development shall be coordinated with present and proposed recreation activities of local and state land use plans or outdoor recreation plans, particularly the state Comprehensive Outdoor Recreation Plan.

3. Cooperative planning with appropriate agencies and tribal governments should be encouraged where proposed in-lieu ~~Indian~~ or treaty fishing access sites may provide multiple benefits.

CHAPTER

~~3~~2

Economic Development

~~The Columbia River Gorge is home to nearly 55,000 people.~~ The Columbia River Gorge National Scenic Area spans 85 miles of the Columbia River and includes 292,500 acres of diverse landscapes and 13 urban ~~communities.~~ areas, and. ~~The Columbia River Gorge~~ is home to ~~nearly~~ more than 55,000 people.~~-~~Congress intended the National Scenic Area Act to support the ~~economy of their~~ economies ~~communities~~ within the National Scenic Area. ~~The second of the Act's two stated purposes~~ One of the Act's two stated purposes is "to protect and support the economy of the Gorge by encouraging growth to occur in existing urban areas and by allowing future economic development in a manner that is consistent with protection of scenic, cultural, recreation, and natural resources [Section 3(2)]."

The term "economic vitality" as used in this chapter, refers to a strong and diverse economy that contributes to increased prosperity, job opportunities, and an enhanced quality of life. As stated in the National Scenic Area Oregon and Washington Economic Vitality Plan (2016): "The purpose of the National Scenic Area Oregon and Washington Economic Vitality Plan is to set forth a vision and strategies for enhancing the economy and quality of life of Oregon and Washington communities located within the National Scenic Area". The economic vitality of the National Scenic Area and the health of the scenic, natural, recreational, and cultural resources of the Columbia River Gorge are interdependent. The goals and policies in this chapter support the vision of a thriving economy supporting diverse business opportunities that operate in harmony with the National Scenic Area's qualities, values, and resources, especially with the ~~Gorge's principal~~ economic sectors, such as agriculture, forestry, high tech, health care, manufacturing and processing, and tourism.~~ while allowing new commercial uses on lands designated Rural Center, Commercial, and Commercial Recreation.~~

Climate change directly and indirectly affects many of the region's current economic sectors. Addressing climate change will improve the viability of those economies into the future. The Gorge Commission supports economic development that contributes to reducing climate change impacts.

This chapter focuses on the General Management Area as the primary location for commercial development. The Special Management Areas (SMAs) include the region's most sensitive lands and resources. In the National Scenic Area Act, Congress explicitly limited new development in the SMAs, and directed commercial development to take place outside of the SMAs.

GMA PROVISIONS

GMA Goals

1. Protect and support the economy of the Columbia River Gorge area by encouraging growth to occur in existing uUrban aAreas.

2. Protect and support the economy of the Columbia River Gorge area by allowing future economic development in a manner that is consistent with the protection and enhancement of the scenic, cultural, recreation, and natural resources of the Columbia River Gorge.

GMA Policies

1. The Gorge Commission shall consult with the Sstates of Washington and Oregon in the states' updates to their coordinated Economic Vitality Plan developed pursuant to Section 11 of the National Scenic Area Act. development and implementation of their economic development plans.

2. The Gorge Commission recognizes the importance of their participation in updates to the regional Comprehensive Economic Development Strategy (CEDS) as may be requested by Mid-Columbia Economic Development District, the bi-state economic development entity that coordinates the CEDS planning process.

23. The Gorge Commission shall supports the economic development efforts of the Sstates of Oregon and Washington pursuant to their Economic Vitality Plan as long as these efforts are consistent with the National Scenic Area Act and the Management Plan.economic development plans established under the Scenic Area Act. The Gorge Commission recognizes and supports the importance of the economic vitality efforts of regional and community organizations and the four Columbia River treaty tribes pursuant to their economic development strategic plans and as consistent with the purposes and standards of the National Scenic Area Act and the Management Plan.

3. The Gorge Commission shall encourage the States of Washington and Oregon to coordinate their economic development planning in order to maximize the benefits of federal dollars to all Gorge communities.

4. Agriculture and forest industries in the Columbia River Gorge shall be protected and supported by:

   A. preventing fragmentation of the land base and by;

   B. minimizing interference with agricultural and forest practices from conflicting uses;

C. enhancing agricultural lands for agricultural uses, forest lands for forest uses and forest lands for agricultural uses;

D. being consistent with the strategies listed in the Economic Vitality Plan to provide ongoing support for these uses;

E. encouraging conservation efforts such as renewable energy and water efficiency; and

F. allowing commercial uses on GMA agriculture lands that are incidental and subordinate to the agricultural use.

5. The economic vitality of the Gorge economy shall be enhanced by encouraging growth to occur in uUrban aAreas.

~~6. New commercial uses shall be allowed outside Urban Areas on lands designated:~~

~~Rural Center.~~

~~Commercial.~~

~~Commercial Recreation.~~

~~7~~6. The following commercial uses may be allowed outside uUrban aAreas:

A. Home occupations ~~and cottage industries~~ in all designations except Open Space.

B. Commercial recreation in appropriate R~~r~~ecreation I~~i~~ntensity C~~c~~lasses throughout the National Scenic Area.

C. Commercial uses in conjunction with public recreation on lands designated Public Recreation.

D. Conversion of existing industrial sites to commercial use.

E. ~~Wineries and farm produce stands~~ Wine or cider sales and tasting rooms, in conjunction with an on-site winery or cidery, on lands designated Large-Scale or Small-Scale Agriculture, Commercial Forest Land, ~~or~~ Large or Small Woodland, or Residential.

F. Commercial events in all GMA designations except Open Space and Agriculture Special, in conjunction with an on-site ~~winery,~~ wine or cider sales~~/~~ and tasting room, ~~bed and breakfast inn~~bed and breakfast inn, commercial use, or dwelling listed in the National Register of Historic Places.

G. Commercial uses in all GMA designations except Open Space and Agriculture Special on a property with a building either on or eligible for the National Register of Historic Places, and that was 50 years or older as of January 1,

2006.

~~8~~7. The Gorge Commission shall support the economy of the Gorge ~~communities~~ by ~~encouraging~~ integrating recreation development at appropriate rural locations with adequate infrastructure and by coordinating with appropriate organizations.

~~7.~~8. The Gorge Commission recognizes the importance of adequate, efficient and reliable infrastructure (such as water, sewer, transportation network, energy, telecommunications, and broadband) to protect health and safety, and to support the economic vitality of the Gorge.

9. The Gorge Commission ~~shall~~ recognizes the special role of the five ports in the National Scenic Area as providers of river transportation and recreation facilities in u~~U~~rban a~~A~~reas and supports their efforts to stimulate urban waterfront economic development. ~~by:~~

~~A. Assigning priority for revisions to Urban Area boundaries to those requests involving port properties or projects.~~

~~B. Relying upon existing state and federal wetlands regulations on the Columbia River and exempting urban waterfronts from wetland and riparian area guidelines in the Management Plan.~~

10. The Oregon Investment Board and the Washington Investment Board review economic development proposals for loans and grants in the National Scenic Area and recommend the projects for federal funding appropriated for this purpose. The Gorge Commission encourages the states of Washington and Oregon to coordinate their economic development efforts in order to maximize the benefits of federal dollars to all Gorge communities.

A. Prior to the approval of any grant under the states' plans for economic development projects pursuant to Section 11 of the National Scenic Area Act, the Gorge Commission shall certify that all activities undertaken under the grant are consistent with the purposes of the National Scenic Area Act, the Management Plan, and land use ordinances adopted pursuant to the National Scenic Area Act.

B. If such activities would take place wholly within an urban area, the Gorge Commission shall, after consultation with the appropriate city or county, certify that the activities are consistent with the National Scenic Area Act, the Management Plan, and land use ordinances. The Gorge Commission shall maintain this certification process so that it is simple, efficient, and speedy to not delay consistent activities. The details of economic development projects shall be confidential and consistent with Gorge Commission rules on disclosure of public records.

~~11. In consultation with the States of Washington and Oregon and Gorge counties, and after public hearings, the Gorge Commission established a process for certifying that activities to be undertaken under a grant pursuant to Section 11 of the Scenic Area Act are consistent with the purposes of the Scenic Area Act, the~~

~~Management Plan, and land use ordinances adopted pursuant to the Scenic Area Act. The Gorge Commission shall maintain this certification process so that it is simple, efficient, and speedy to not delay consistent activities. The details of economic development projects shall be confidential consistent with Gorge Commission rules on disclosure of public records.~~

CHAPTER

4~~3~~

Enhancement Strategies

The first purpose of the National Scenic Area Act is "to establish a national scenic area to protect and provide for the enhancement of the scenic, cultural, recreational, and natural resources of the Columbia River Gorge" [Section 3(1)]. *Webster's New Collegiate Dictionary* (C. and G. Merriam Co. 1977) defines "enhance" in the following ways: 1) to raise, and 2) to make greater (as in value, desirability, or attractiveness).

This chapter includes the Management Plan's specific objectives for enhancement of the resources of the Columbia River Gorge. The subjects covered include scenic, cultural, recreational, and natural resources, as well as forest and agricultural lands and emergency services. Some of these objectives are also referenced in the specific chapters on a particular resource or land use designation. For the most part, the enhancement strategies represent non-regulatory approaches to achieve enhancement objectives. These strategies include landowner incentives, technical assistance, educational programs, and voluntary intergovernmental agreements.

OVERALL GMA AND SMA ENHANCEMENT STRATEGIES

GMA/SMA Objectives

1. Encourage the establishment of ~~a~~, and support existing, public or private conservanc~~y~~ies to acquire or otherwise protect those lands within the GMA for which the Management Plan cannot offer adequate protection without denying a reasonable economic use. Seek funds to enhance ~~capability~~conservancies' efforts in the National Scenic Area. Seek acquisition priority for tracts of private land designated Open Space; for other lands with sensitive scenic, cultural, or natural resources; and for lands whose owners are confronted with unusual hardship resulting from application of policies or guidelines in the Management Plan.

2. In consultation with state and federal agencies, the counties, and the ~~Indian~~four Columbia River treaty tribes, develop handbooks for landowners to inform them of opportunities to protect and enhance natural and scenic resources on their lands, including assistance programs offered by state and federal agencies.

3. Establish a Vegetation Advisory Committee to advise the Gorge Commission, the Forest Service, the Washington and Oregon Departments of Transportation, and county road departments on improvement of vegetation management techniques to protect scenic, cultural, and natural resources.

SCENIC RESOURCES ENHANCEMENT STRATEGIES

GMA/SMA Objectives

1. Screen or improve the appearance of ~~discordant~~features not consistent with their landscape setting within the National Scenic Area.

   A. In conjunction with local governments, develop an inventory of discordant features in the Gorge landscape.

   B. Establish a program of incentives to bring existing structures into compliance with guidelines for scenic resources, prioritizing discordant features in the foreground of scenic travel corridors.

      (1) Rehabilitate roadcuts and other disturbed areas in the landscape.

      (2) Encourage removal of abandoned structures.

(3) Encourage removal or replacement of signs that do not conform to the sign guidelines for the GMA and SMAs (Part I, Chapter 1: Scenic Resources). ~~and the SMA (Part II, Chapter 7: General Policies and Guidelines).~~

(4) Work with local governments to offer technical assistance and design suggestions to private developers.

(5) Provide incentives to convert existing industrial complexes to uses more consistent with the purposes of the National Scenic Area Act and land use designation. ~~*(Added: CRGC adopted 7/7/08; U.S. Sec. Ag. concurrence 10/8/08)*~~

C. Establish coordinated, cooperative programs with the Oregon and Washington Departments of Transportation, the Bonneville Power Administration, utilities, and the railroads to reduce the visual effect of existing facilities. The programs should:

(1) Encourage the railroads and utilities to place signal wires and powerlines underground where they are visually dominant and detract from the visual quality of the landscape.

(2) Encourage the use of visually subordinate colors on existing equipment.

(3) Encourage improvement of existing rights-of-way by restoring vegetation to its natural appearance.

(4) Encourage the use of integrated practices in managing vegetation in the foreground of scenic travel corridors.

D. Undertake the following activities in the SMAs:

(1) Revegetate clearcuts and disturbed areas with native vegetation wherever appropriate.

(2) In the Gorge Walls, Canyons, and Wildlands setting, obliterate and revegetate unused and closed roads and remove non-historic structures or other developed features.

(3) Acquire scenic easements, where necessary, to reduce development pressures and maintain uses that exemplify the landscape setting.

2. Improve the visual and recreational quality of the scenic travel corridors by implementing the recommendations in the Corridor~~s~~ Visual Inventory (April 1990) and the highway corridor strategies for Washington State Route 14, Interstate 84, and the Historic Columbia River Highway~~:~~.

A. Develop a memorandum of understanding with the Oregon and Washington

Departments of Transportation to carry out the recommendations in the Corridors Visual Inventory.

B. Encourage the Oregon and Washington Departments of Transportation to take the following measures to improve the visual quality of scenic travel corridors:

(1) Place reflectors on guardrails rather than on free-standing posts.

(2) Remove unnecessary highway signs; consolidate necessary signs where possible.

(3) Replace sections of white guardrail where white contrasts noticeably with gray or galvanized sections.

(4) Eliminate unnecessary construction berms.

(5) Close unused road accessesaccess points from scenic travel corridors.

(6) Eliminate maintenance stockpile sites that are visible from scenic travel corridors.

(7) Create or restore openings in vegetation along Washington State Route 14, Interstate 84, and the Historic Columbia River Highway to provide or improve views of the Columbia River and the walls of the Gorge in a manner that does not adversely affect scenic, cultural, natural, or recreation resources of the National Scenic Area.

C. Encourage communities along scenic travel corridors to enhance the entries to their communities.

D. Provide Forest Service cost-share funding, including recreation funds, in order to encourage the placement of National Scenic Area entry signs consistent with the Columbia River Gorge National Scenic Area Graphic Signing System.

3. Encourage Coordinate with federal and state agencies onto monitor air quality and visibility in the National Scenic Area, and utilize the results of such monitoring in developing and updating the regional air quality protection and enhancement strategy described in SMA Natural Resources Wildlife and Plants Policy 15 (Part I, Chapter 3: Natural Resources).

4. Encourage timber operators in the GMA to protect scenic values in scenic travel corridors, using the following measures:

A. Ask project applicants to seek technical assistance to protect scenic values.

B. Encourage the Forest Service or other appropriate ~~resources~~entities to provide technical assistance to project applicants and~~/or~~ local government.

C. Encourage project applicants to design ~~appropriate clear~~cut size, location, prescription, and pattern to consider effects on scenic values in travel corridors.

D. Encourage use of conservation easements to mitigate project impacts, protect resources, and recognize property values.

CULTURAL RESOURCES ENHANCEMENT STRATEGIES

GMA/SMA Objectives

1. Increase understanding of and appreciation for cultural resources.

   A. Promote educational and interpretive programs that increase public awareness of cultural resources.

   B. Develop cooperative programs with Native Americans to enhance public understanding of their cultural history.

   C. Increase public awareness of historic structures and sites and of the National Register of Historic Places.

   D. Encourage increased efforts to research and document the cultural history of the area through ongoing oral history projects, including interviews of ~~"old timers"~~ long-term residents and Native Americans.

2. Promote the protection, restoration, and enhancement of cultural sites.

   A. Seek funds for a complete cultural resource inventory of the National Scenic Area, in coordination with ~~Indian~~ tribal and local governments and state and federal agencies.

   B. Determine an appropriate strategy for protection of sensitive cultural resource sites such as Miller Island.

   C. In coordination with the four Columbia River treaty tribes, identify and map traditional plant-gathering areas and restore the plant habitat wherever possible.

   D. Identify and interpret Oregon trail locations throughout the National Scenic

Area.

E. Develop a comprehensive strategy for the entire National Scenic Area to integrate all law enforcement efforts for purposes of cultural resources protection.

F. Expand education programs to ~~gain public support for~~ prevent vandalism ~~prevention~~.

3. Encourage enhancement of historic and landmark structures and cultural landscapes.

A. Promote public awareness of tax and other incentives available for the protection of historic buildings.

B. Promote retention or rehabilitation of historic rock guardrails and other historical components of the highway rights ~~--~~ of ~~--~~ way wherever practicable.

C. Ensure that restoration projects are ~~in keeping with~~consistent with National Register status of structures, facilities, or landscapes.

D. Encourage local governments to expand existing incentives for the protection of historic buildings, including adopting resolutions or ordinances that facilitate landowner access to federal and state programs providing such incentives.

NATURAL RESOURCES ENHANCEMENT STRATEGIES

GMA/SMA Objectives

1. Enhance soil, water, and air resources to ensure sustainability of natural resources over time.

A. Facilitate implementation of Natural Resources Conservation Service and land-grant university cooperative extension programs to increase soil productivity and to conserve water.

B. Develop a program to enhance soil water retention and reduce runoff. Give preference to use of native species.

C. ~~Encourage~~ As part of long-term National Scenic Area monitoring, encourage federal and state agencies and others to undertake a comprehensive water quality monitoring program on the Columbia River and its major tributaries.

2. Establish cooperative programs to enhance significant natural resources in the National Scenic Area. Programs should emphasize public lands, ~~but encourage~~while encouraging participation by private landowners.

   A. Develop a comprehensive program to inventory existing oak woodlands and propose methods for their protection, including incentives for property owner cooperation and support, acquisition of sensitive stands, and easements to preserve the oaks on large parcels.

   B. Work cooperatively with private owners, native plant societies, concerned individuals, and other organizations to enhance floral habitats. Expand the inventories of wildflower areas throughout the National Scenic Area; develop protection guidelines and strategies, such as easements, acquisition, and mitigations; and encourage nurseries to carry native species for landscaping or mitigation proposals.

   C. Support the Northwest Power Planning Council's efforts to restore anadromous fish runs in the Columbia River. Participate in these efforts by implementing the Forest Service three-region fish policy for coordinated management of anadromous fish resources.

   D. Work cooperatively with the state wildlife agencies and landowners to enhance conservation of winter range and to identify and develop strategies (including tax incentives) for non-game wildlife habitat conservation and enhancement.

   E. Continue and expand programs to enhance waterfowl habitat and shallow-water fish habitat, including cold water refuge habitat.

   F. Provide Forest Service evaluation of identified natural areas for possible designation as a Research Natural Area (RNA). Where appropriate, prepare reports and recommendations for RNA designation ~~as RNA~~.

   G. In cooperation with state and federal agencies, design and implement a restoration and enhancement program for wetlands and riparian areas, to include revegetation and stream channel improvements for water quality and wildlife and fish habitats.

   H. Encourage the use of forest management and fire, as appropriate, to restore and perpetuate natural ecosystems.

3. Develop educational and technical assistance programs to expand public awareness and understanding of ecological principles and ecosystem management.

   A. Develop public education opportunities that ~~will~~ foster better appreciation and understanding of ~~the~~ natural resources and land stewardship. These

opportunities should be closely linked to the Columbia River Gorge National Scenic Area Interpretive Strategy.

B. Develop an interagency education program to foster protection of wetlands and riparian areas from cattle grazing.

C. In cooperation with the appropriate state and federal agencies (e.g., State Extension Services), develop supporting documentation and provide technical assistance for landowners exploring alternatives to chemical use for vegetation management.

RECREATION RESOURCES ENHANCEMENT STRATEGIES

GMA/SMA Objectives

1. Enhance the recreational experience in the National Scenic Area.

   A. Encourage the creation or restoration of openings in vegetation along Washington State Route 14, Interstate 84, and the Historic Columbia River Highway to provide or improve views of the Columbia River and the walls of the Gorge.

   B. Promote programs that increase awareness and appreciation of the great diversity of natural, cultural, scenic, and recreation resources of the National Scenic Area.

   C. Encourage provision of alternative modes of transportation (including bus, shuttles, rail, and boat) to recreation destinations in order to reduce resource impacts and to facilitate visitation by all segments of the public.

   D. Encourage provision of transportation modes that are recreational in nature.

   E. Improve linkages between different modes of transportation at major recreation sites in the National Scenic Area.

   F. Encourage comprehensive recreation planning that fosters a unified, regional approach across jurisdictions.

   G. Provide ~~additionalquality,~~ equitable and accessible opportunities and facilities for recreational access to the Columbia River and its tributaries, scenic appreciation, and other resource-~~-~~based recreation uses.

FOREST LAND ENHANCEMENT STRATEGIES

GSMA/SGMA Objectives

1. Enhance the ability of forest land to ensure continued productivity and to provide scenic, natural, cultural, recreation, and economic benefits over time.

   A. Enhance forestry on lands designated Commercial Forest Land or Large or Small Woodland by encouraging consolidation of small, inefficient tracts into more efficient ownerships.

   B. Enhance forestry by encouraging Washington and Oregon to consider grants and loans to secondary processors of forest products under Section 11 of the National Scenic Area Act and other economic development programs.

   C. The Forest Service will uUndertake the following actions by the Forest Service:

      (1) Develop cooperative programs with state agencies, educational groups, and concerned individuals to encourage the protection and integration of soils, forest ecosystems, long-term productivity, and natural resources.

      (2) Initiate forest management projects to demonstrate good stewardship and long-term sustainable forest management.

      (3) Provide technical assistance to forest managers for design of forest management activities to ensure sustained productivity.

      (4) Increase public awareness of existing programs designed to ensure sustained productivity, such as the forestry incentive program and the use of easements.

      (5) Develop incentive programs to encourage long-term stewardship for small woodlot management.

      (6) Assist with marketing and research efforts to enhance the economic viability of secondary manufacturing for wood products, increased utilization of wood products, value-added wood products, and other miscellaneous forest products.

AGRICULTURAL LAND ENHANCEMENT STRATEGIES

GMA/SMA Objectives

1. Enhance the economic, social, and ecological sustainability of agricultural land to ensure continued economic benefits.

A. Encourage consolidation of small, inefficient parcels of agricultural land into larger, more efficient tracts.

B. Support and promote the Oregon and Washington farm value assessment programs that provide tax incentives for continued agricultural use and enhance the competitive capabilities of farms and ranches ~~thereby encouraging~~ to encourage the long-term enhancement, preservation, and expansion of agricultural lands. Support programs that encourage agricultural practices that preserve other natural resources.

C. Develop new strategies to provide incentives for soil and water conservation and for sustained agricultural productivity.

D. Promote public education programs that foster greater understanding of agricultural practices, agricultural ecosystems, and good stewardship of the land.

E. Encourage cooperative programs with state and federal agencies and the ~~Soil~~ Natural Resources Conservation Service that ~~to explore the integration of~~integrate wildlife needs with agricultural practices. Such practices could include retention of hedge rows, construction of windrows, management of small commercial woodlands, restoration of native grasses, restoration of wetlands, and integrated pest management.

F. Encourage the protection of non-commercial woodlands, such as oak stands, for groundwater replenishment, soil retention, and wildlife habitat needs.

G. Enhance agriculture by allowing processing and packing of agricultural products and other uses that offer direct marketing opportunities, subject to review, to minimize the loss of agricultural land and to limit the size and scale of use.

EMERGENCY SERVICES STRATEGIES

GMA/SMA Objectives

1. With facilitation by the Forest Service, ~~develop~~ implement a coordinated, interagency emergency response plan for the National Scenic Area. The plan should address law enforcement; search and rescue services; and fire, hazardous materials, and catastrophic event response services. The plan should include the following elements:

   A. A coordinated incident command system developed by the agencies and communities in the Gorge, including federal, state, county, city, and protection district agencies.

B. A Forest Service interagency fire management strategy, including an assessment of fire potential.

C. Consultation with a Forest Service resource advisor during emergency situations, including fire suppression, law enforcement, search and rescue, hazardous materials, and other catastrophic incidents, in order to avoid adversely affecting scenic, cultural, recreation, and natural resources.

D. Increased law enforcement services on National Forest lands by the Forest Service and by interagency agreements.

CHAPTER

45

Interpretation and Education

Interpretive and educational programs and facilities are an important part of Congress's vision for the National Scenic Area, as well as the vision of the Gorge Commission and Forest Service, expressed through the provisions of the Management Plan. Sections 6 and 8 of the National Scenic Area Act specifically direct both agencies to "identify areas suitable for. . . public use facilities. . . including. . . educational and interpretive facilities."

This chapter provides a basic policy framework ~~guiding~~ to support the interpretative and educational programs for the National Scenic Area. Specific goals, objectives, and ~~guidelines~~ policies for interpretation are included in Part I, Chapter 4: Recreation Resources.

The 1991 *Interpretive Strategy for the Columbia Gorge National Scenic Area*~~,~~ ~~incorporated by reference into the Management Plan, is a separate document that~~ provide~~s~~ detailed recommendations for interpretive themes, facilities, and programs at particular sites in the National Scenic Area for when the first Management Plan was adopted. ~~It is recommended that readers interested in specific interpretive and educational opportunities and facilities refer to that document.~~

GMA/SMA PROVISIONS

GMA/SMA Goal

Protect and enhance the human and natural resources of the National Scenic Area by increasing public awareness, understanding, and appreciation of them.

GMA/SMA Policies

1. Provide ~~Interpretive~~ interpretive and educational facilities and activities ~~should be provided~~ that increase awareness, understanding, and appreciation of the diversity of National Scenic Area resources and their interrelationships.

2. Provide ~~Interpretive~~ interpretive and educational facilities and activities ~~should be provided~~ that increase awareness and understanding of how Gorge resources have affected human activity, and how human activity has affected and continues to affect all the resources of the Gorge, in order to engender a higher degree of cultural literacy and sensitivity to the landscape and Gorge resources.

3. Provide ~~Interpretive~~ interpretive and educational opportunities ~~should be provided~~ that attract visitors to the Gorge, meet their needs, enhance their experience, and increase their knowledge.

4. Provide ~~A~~ a full spectrum of equitable and accessible (regardless of income level, ethnicity, gender, ability, or age)~~barrier-free (physical, linguistic, cultural, sensory)~~ interpretive and educational opportunities ~~should be provided~~.

5. Implementation of interpretive and education facilities and activities in the National Scenic Area should ~~follow the~~incorporate relevant recommendations of the ~~Columbia River Gorge National Scenic Area Interpretive Strategy~~1991 *Interpretive Strategy for the Columbia Gorge National Scenic Area* that are applicable to modern interpretative practices.

6. The Gorge Discovery Center at Crate's Point should be the focus and nucleus of interpretive planning and activities in the National Scenic Area. Interpretive staff should coordinate with other agencies and partners, including the Skamania Lodge Conference Center.

~~7. The interpretive program at the Skamania Lodge Conference Center should function as an extension of The Gorge Discovery Center, providing both orientation information and interpretive services.~~

~~8.~~7. Establish ~~An~~ an environmental education program based on the resources of the Gorge ~~should be established~~ for elementary through secondary students and adult groups.

~~9.~~8. Establish ~~Four~~ four gateway centers with self-guided interpretive and educational facilities, a series of information stations, and National Scenic Area entry signs ~~should be established~~ to provide Gorge-wide visitor orientation information and

interpretation based on the immediate environment.

~~10.~~9. All interpretive and educational facilities, activities, and media shall be designed to comply with all the guidelines and policies of the Management Plan.

~~11.~~10. Measures to protect sensitive scenic, cultural, and natural resources shall be required as part of any interpretive or educational effort. Tribal consultation shall be required for any efforts involving interpretation of Native American ~~prehistory~~precontact history, postcontact ~~-~~history, or culture.

~~12.~~11. Interpretive and educational facilities shall be funded through recreation appropriations and partnerships.

CHAPTER

1

Gorge Commission Role

Congress assigned to the Gorge Commission a number of duties to implement the National Scenic Area Act. ~~These include ensuring compliance with the Management Plan, revising the Management Plan when needed, changing Urban Area boundaries, and hearing appeals of county decisions.~~

The policies in this chapter define the manner in which ~~these duties will be discharged~~The Gorge Commission will carry out these duties. The Gorge Commission implements some of these policies directly and some of these policies through its Gorge Commission rules.

DIVERSITY, EQUITY, AND INCLUSION

The Gorge Commission recognizes that the Columbia River Gorge National Scenic Area represents rich and diverse cultures. The National Scenic Area is located within the ancestral territories of Indigenous peoples who have protected these lands since time immemorial. The Gorge Commission acknowledges that European settlers and their governing authorities took Indigenous land and resources within this region by unjust and inequitable means. Indigenous leaders negotiated treaties that reserved rights to fish at usual and accustomed sites, hunt, and gather traditional foods and medicines on public lands and waters throughout their ceded lands. Despite these treaties, Indigenous people have experienced loss of land and resources essential to their spiritual, cultural, and economic well-being and livelihoods.

Other cultures in the Gorge have also prospered and been discriminated against. Immigrants from Japan, China, Latin America, and other places came to the Gorge to work in agriculture, build railroads, and prepare Columbia River fish and produce for world markets. Their land and possessions were also seized at times, some were taken to internment camps during World War II, and many were discriminated against by unjust federal and state laws and bigotry from fellow citizens. The Gorge Commission acknowledges and regrets Oregon's history of structural racism, including its exclusionary laws and its 1857 Constitution barring Black citizens from residing in Oregon, voting, owning property, or entering into contracts.

The Gorge Commission acknowledges that this legacy created systemic inequities in the policies and decision-making of National Scenic Area governments and commissions. The Gorge Commission commits to listening, learning, and understanding, and developing diversity, equity, and inclusion strategies that take into account and address this legacy.

Policies

1. The Gorge Commission shall develop and adopt a Diversity, Equity, and Inclusion Plan to address these systemic inequities identified or discovered in its work and policies. The Plan shall be reviewed and updated as necessary.

2. The Diversity, Equity, and Inclusion Plan shall include specific measures and outcomes to:
   A. Ensure a diverse staff and commission;
   B. Develop and apply an equity lens to implementation of the Management Plan, Gorge Commission operations, and policy decisions; and
   C. Engage under-represented and marginalized communities in the Columbia Gorge region.

3. Based upon the measures and outcomes of the Diversity, Equity, and Inclusion Plan, the Gorge Commission may determine that conditions in the National Scenic Area have significantly changed and may exercise its authority to develop responsive Management Plan amendments pursuant to section 6(h).

AMENDMENT OF THE MANAGEMENT PLAN

In section 6(h) of the National Scenic Area Act, Congress gave the Gorge Commission the authority to amend the Management Plan~~, after adoption,~~ at any time if it determines that conditions within the National Scenic Area have changed significantly.

Policies

1. The Gorge Commission may amend the Management Plan~~,~~ upon application by any person or upon its own initiative. The National Scenic Area Act does not require the Gorge Commission to consider amendments to the Management Plan. The Act does not entitle any person or entity to have the Gorge Commission consider an application to amend the Management Plan.~~motion, if it determines that conditions within the Scenic Area have changed significantly since adoption of the Management Plan. Plan amendments must be consistent with the Scenic Area Act and other provisions of the plan.~~

2. The Gorge Commission shall consider a proposal to amend the Management Plan at a hearing held for that purpose only after consultation with the Forest Service, the four Columbia River treaty tribes, ~~Indian tribes,~~ and the appropriate county or counties.

3. The Gorge Commission shall consider a plan amendment upon a final judicial determination that a taking of private property has occurred as a result of application of the Management Plan. The judicial determination shall be deemed a significant change in conditions under Section 6(h) of the National Scenic Area Act.

4. The Gorge Commission ~~shall submit~~ must approve amendments ~~of~~ to the Management Plan ~~to the Secretary of Agriculture in accordance with Section 6(h) of the Scenic Area Act~~ by the same majority voting and concurrence requirements specified in sections 6(c) and 6(f) of the National Scenic Area Act for adoption of the Management Plan.

REVISION OF THE MANAGEMENT PLAN

In section 6(g) of the National Scenic Area Act, Congress directed the Gorge Commission to review the Management Plan no sooner than five years after adoption of the Management Plan, but at least every ~~10~~ ten years to determine whether it should be revised.

Policies

1. The Gorge Commission shall review the Management Plan ~~in accordance with the Scenic Area Act.~~ between five and ten years after adopting the latest revision to the Management Plan.

2. As part of its review, the Gorge Commission shall consult the ~~Indian tribes~~four Columbia River treaty tribes, the states of Oregon and Washington, and the counties during the review to solicit their views on whether the Management Plan should be revised and how it should be revised.

3. As part of its review, the Gorge Commission shall hold one or more public hearings to solicit the views of the public as to whether and how the Management Plan should be revised.

4. The Gorge Commission shall collaborate with the ~~USDA~~ Forest Service to determine whether revisions should be made to the Management Plan.

5. If the Gorge Commission revises the Management Plan during its review, it must adopt the revisions by the same majority voting and concurrence requirements specified in sections 6(c) and 6(f) of the National Scenic Area Act for adoption of the Management Plan. ~~it shall submit the revised Management Plan to the Secretary of Agriculture in accordance with Section 6(g) of the Scenic Area Act.~~

MONITORING IMPLEMENTATION OF THE MANAGEMENT PLAN

Once the Gorge Commission has adopted the Management Plan and the counties have

put ordinances in place to give it effect, Congress, the states of Oregon and Washington and the people of the Gorge and the nation are entitled to know ~~whether~~ how the Management Plan is working. The Gorge Commission shares responsibility with the Forest Service to monitor and evaluate the implementation of the Management Plan.

In section 15(a)(1) of the National Scenic Area Act, Congress expressly directed the Gorge Commission to monitor implementation of the Management Plan by the counties:

> The Commission shall monitor activities of counties pursuant to this Act and shall take such actions as it determines are necessary to ensure compliance ~~[Section 15(a)(1)]~~.

It is not just the counties, however, that have implementation duties under the National Scenic Area Act and the Management Plan. The Forest Service, other federal agencies, state agencies, local governments, and the Gorge Commission itself all have responsibilities after the Management Plan is adopted. Activities by ~~counties and~~all of these ~~agencies~~ entities will, to a large extent, determine the success ~~or failure~~ of the National Scenic Area Act and Management Plan.

~~The Gorge Commission, in cooperation with the Forest Service, the counties, the Indian tribes, local governments, and state and federal agencies, must establish and carry out a program of monitoring and evaluating the implementation of the Management Plan.~~

Policies

1. The Gorge Commission shall work with the Forest Service, the counties, the four Columbia River treaty tribes ~~Indian tribes~~, local governments, and state and federal agencies to establish a program for monitoring and evaluating the implementation of the National Scenic Area Act and Management Plan ~~and the Scenic Area Act~~.

2. The Gorge Commission shall design its monitoring and evaluation program to accomplish the following purposes:

   A. Determine whether the Management Plan is protecting the scenic, cultural, natural, and recreation resources of the National Scenic Area.

   B. Determine whether the Management Plan supports and protects the economy of the National Scenic Area. ~~Columbia River Gorge area~~.

   C. Determine whether the counties and other implementing entities are properly implementing the Management Plan.

   D. Evaluate the Management Plan for possible revisions ~~at the time of periodic review of~~ when the Gorge Commission and Forest Service review the Management Plan as required by the National Scenic Area Act.

E. Determine whether the enhancement measures and programs ~~called for~~ in the Management Plan have in fact enhanced the scenic, cultural, natural, and recreation resources of the National Scenic Area.

F. Ensure compliance with orders issued by the Gorge Commission in development reviews, ~~and~~ enforcement proceedings, and other matters.

3. As part of its monitoring and evaluation program, the Gorge Commission shall evaluate county development review decisions. In consultation with the counties, the Gorge Commission shall develop a method to record and evaluate the decisions. The Gorge Commission shall first discuss the results of its evaluation with each county.

4. The Gorge Commission shall monitor land use appeals ~~taken to county elected officials~~ in which the appellant asserts a regulatory taking claim based upon a requirement in the Management Plan. ~~Upon request by a county, t~~The Gorge Commission shall extend appropriate assistance to the county in such taking claims consistent with the Gorge Commission's appellate responsibility in section 15(a)(2) of the National Scenic Area Act.

5. The Executive Director of the Gorge Commission or her designee may appeal a county land use decision or participate in an appeal of a county land use decision filed by another party. In such an appeal, the Executive Director does not represent the position ~~or stated direction~~ of the ~~Columbia River~~ Gorge Commission and the Gorge Commission shall not direct the Executive Director's handling of the appeal. The ~~appeal shall be pursuant to the county's appeal process and the~~ county's final decision may be appealed to the Gorge Commission at the conclusion of the county's appeal process.

6. In cooperation with the Forest Service, the Gorge Commission shall keep current and work to improve the ~~database in the inventories~~resource inventories and data that form the basis of the Management Plan.

7. The Gorge Commission shall work with Gorge counties and the ~~S~~states of Washington and Oregon to identify and reconcile differences in direction to county governments from the National Scenic Area ~~Act, the Bi-State Compact, the Management Plan,~~ authorities and ~~other~~ state statutes and regulations.

CIVIL PENALTIES

In section 15(a)(3) of the National Scenic Area Act, Congress authorized the Gorge Commission to assess ~~a~~ civil penalt~~y~~ies to persons and entities who willfully violate ~~in order to prevent violations of~~ the Management Plan, a county ordinance, or any Gorge Commission order or implementation measure.

Policies

1. The Gorge Commission shall adopt rules to implement the requirements of the National Scenic Area Act related to enforcement procedure~~after consultation with the Secretary, the counties, and the Indian tribes and only after public hearings~~.

2. The Gorge Commission's enforcement rules shall specify factors for determining an appropriate civil penalty, including whether the alleged violator has had past violations, whether the alleged violator~~ion~~ has voluntarily undertaken measures to remedy the violation or mitigate harm of the violation, the nature and severity of the violation, and whether the alleged violation is continuous.

APPEALS TO THE GORGE COMMISSION

In section 15(a)(2) of the National Scenic Area Act, Congress authorized persons and entities to appeal decisions relating to the implementation of the National Scenic Area Act to the Gorge Commission.

Policies

1. Section15(a)(2) of the National Scenic Area Act is a mandatory duty of the Gorge Commission. The Gorge Commission shall decide all appeals in which the Gorge Commission has jurisdiction. The Gorge Commission shall adopt rules to implement the appeals provisions in the National Scenic Area Act~~ after consultation with the Secretary, the counties, and the Indian tribes and only after public hearings~~.

2. The Gorge Commission shall hear appeals of final enforcement actions relating to implementation of the Management Plan.

3. The Gorge Commission shall hear appeals of final decisions of a city that relates to the implementation of the National Scenic Area Act through any formal or informal arrangement in which a city implements a county's National Scenic Area land use ordinance within the city's jurisdiction.

REVISION OF URBAN AREA BOUNDARIES

Congress designated 13 cities and towns as "u~~U~~rban a~~A~~reas": Cascade Locks, Hood River, Mosier, and The Dalles, Oregon; and Bingen, Carson, Dallesport, Home Valley, Lyle, North Bonneville, Stevenson, White Salmon, and Wishram, Washington. Urban Areas are exempt from regulation under the Management Plan. ~~Congress established the boundaries of the Urban Areas when it enacted the Scenic Area Act. However, it authorized the Gorge Commission to make minor revisions to the Urban Area boundaries. Congress also set forth in the Scenic Area Act a process and criteria for use by the Gorge Commission in carrying out the revision process. The following~~

~~policies govern the revision of Urban Area boundaries.~~The National Scenic Area Act authorizes the Gorge Commission to make minor revisions to the boundaries of any urban area, subject to the criteria and procedural requirements in section 4(f) of the Act. In doing so, the Act enables the Gorge Commission to protect and enhance for the scenic, natural, cultural, and recreation resources; agricultural land, forest land, and open space of the Columbia River Gorge, while supporting and serving the needs of the thirteen urban areas. The following policies describe principles for how the Gorge Commission interprets and will apply the criteria in section 4(f) of the Act.

Policies

1. ~~Amendments to the Management Plan~~Revisions to urban area boundaries are made at the Gorge Commission's discretion based on its continuing review of whether the two purposes of the Act are being fulfilled, the schedule of its work and the availability of resources needed.

2. The legal descriptions in Gorge Commission Rule 350-10 are the urban area boundaries and acreage calculations that counties must use in applications to revise urban area boundaries.

3. The Gorge Commission can only approve applications to revise a boundary of an urban area that is adjacent to the General Management Area. Revisions to a boundary between an urban area and a Special Management Area requires Forest Service coordination, consultation and approval under section 4(c) of the Act in addition to Gorge Commission approval under section 4(f)(2)(A)–(D).

4. Counties shall inform the Gorge Commission of their intent to seek an urban area boundary revision in time for the Gorge Commission to seek sufficient funding in its biennial budget for reviewing the boundary revision application.

5. If the Gorge Commission does not receive sufficient funding from a state to fully pay for its costs to review an urban area revision application, the Commission may proceed to review the application if the county agrees to pay any costs incurred by the Gorge Commission in its review that are not paid by the state. Whether provided by the state or county, the Gorge Commission shall only review the application if all of its review costs, including the reasonable costs of hiring a qualified, independent expert to review the projections, trends, land availability, and other data contained in the application, will be paid or reimbursed by the county, state, or both.

6. The Gorge Commission will only consider applications to revise urban area boundaries in coordination with a similar request being applied for with the respective state land use authority.

7. The Gorge Commission will consult with Oregon’s Department of Land

Conservation and Development and Washington's Department of Commerce Growth Management Services to determine an appropriate process to meet the Gorge Commission's standards as well as state standards.

8. The Gorge Commission will determine whether a proposed urban area boundary revision is minor pursuant to section 4(f) of the National Scenic Area Act on a case-by-case basis and as provided in subsections (A) and (B) below.

   A. A revision to an urban area boundary is minor if:

      i. the revision involves no net change in the total area of the urban area, or

      ii. if the revision is cumulatively 20 acres or 1% of the total area of the urban area, whichever is less.

   B. An urban area boundary revision that cumulatively, over time, expands the size of an urban area by more than 50 acres or 2%, whichever is less, is not minor.

9. Land formerly in an urban area that is transferred into the General Management Area shall not contain development or urban facilities that is inconsistent with the purposes and standards in sections 3 and 6 of the Act.

10. Compliance with section 4(f)(2)(A), demonstrating need for long-range population growth requirements or economic needs consistent with the Management Plan within an urban area, will be determined on a case-by-case basis and as provided in subsections A through E below.

   A. Oregon's and Washington's processes for determining need require similar analyses of residential and economic land need based on population growth and employment forecasts, identification of development opportunities and constraints, and provisions to evaluate need for public lands to support residential and economic uses. For all urban areas, in both Oregon and Washington, the Gorge Commission will generally follow the processes and ranges specified in Oregon Administrative Rule 660-038. By rule, the Gorge Commission may revise specific Oregon factors and add specific National Scenic Area factors.

   B. As part of the annual workflow of the Gorge Commission staff, investigate how the Gorge Commission can support regional economic development with regional partners. The Gorge Commission shall participate in regional partnerships that encourage regional planning efforts in urban areas to assist in minimizing

requests for urban area Boundary revisions. Urban areas that adjoin or are near to one of the three Columbia River bridges in the National Scenic Area must, at a minimum, consider land supply and need of the other urban areas that adjoin or are near to that bridge and other nearby urban areas.

C. For all applications, the analysis used and the Gorge Commission's review must incorporate the proposed service and labor market areas.

D. When addressing demonstrated need for long-term population growth, the Gorge Commission shall consider the relative benefits and burdens of the proposed revision to low- and moderate--income communities, members of historically marginalized communities, and people with disabilities.

E. As part of its consideration of the impacts of the proposed revisions on the scenic, natural, cultural, and recreation resources of the Gorge, the Gorge Commission shall consider the consequences of climate change adaptation and generation of greenhouse gases.

11. In deciding whether or not to approve an adjustment to the urban area boundary, the Gorge Commission shall consider whether (a) the implementing measures by the local government that will govern the expanded urban area; and (b) the Gorge Commission's conditions of approval, as agreed to by the governing local government, are sufficient to guarantee that the expansion area will be used to satisfy the demonstrable need under 16 USC Section 544.b.(f)(2) which was the basis for the application. If they are not sufficient, the Gorge Commission shall deny the application as failing to meet the requirements of Section 544.b.(f)(2).

12. Compliance with section 4(f)(2)(B), consistency with the relevant standards in the Act used to develop the Management Plan and the purposes of the Act, will be determined on a case-by-case basis. By rule, the Gorge Commission may specify requirements to comply with section 4(f)(2)(B).

13. Compliance with section 4(f)(2)(C), demonstrating that the proposed revisions would result in maximum efficiency of land uses within and on the fringe of existing urban areas, will be determined on a case-by-case basis. The Gorge Commission may require a local government to adopt enforceable conditions of approval to ensure land added to an urban area satisfies section 4(f)(2)(C). By rule, the Gorge Commission may establish factors to evaluate whether proposed revisions to the boundary of an urban area result in the maximum efficiency of land uses.

14. To achieve compliance with section 4(f)(2)(D), applications to revise the boundaries of an urban area shall prioritize revisions in areas where there would

be no reduction of land used, suitable, or designated for agriculture, forest, and open space. By rule, the Gorge Commission may establish a priority of lands to be considered for revising into urban areas.

1.

Guidelines

1. The Commission may revise the boundaries of an Urban Area only if it finds that all of the following conditions exist and that the proposal is consistent with Commission rules related to revisions of Urban Area boundaries:

   A. A demonstrable need exists to accommodate long-range urban population growth requirements or economic needs consistent with the Management Plan.

   B. Revision of Urban Area boundaries would be consistent with the purposes of the Scenic Area Act and the standards established in Section 6 of the Act.

   C. Revision of Urban Area boundaries would result in maximum efficiency of land uses within and on the fringe of existing Urban Areas.

   D. Revision of Urban Area boundaries would not result in the significant reduction of agricultural lands, forest lands, or open spaces.

REVISION OF NATIONAL SCENIC AREA BOUNDARIES

The National Scenic Area Act does not contain authorize administrative revisions ofprocedures or substantive criteria for revising the exterior boundaryies of the National Scenic Area. Congressional action will be required before lands can be added to or removedis necessary to add land to or remove land from the National Scenic Area.

The Gorge Commission recognizes that circumstances may exist or arise that necessitate a change in the boundaries of the National Scenic Area. The Gorge Commission will may consider proposed exterior boundary revisions on a case-by-case basis. and forward appropriate Rrecommendations for revising the exterior boundaryies of the Scenic Area will be forwarded to Congress.

Policiesy

1. The Gorge Commission shall Prior to reviewing and considering a proposed revisions to the exterior boundary of the National Scenic Area. for appropriate recommendations to Congress. Tthe Gorge Commission shall first consider alternatives to revising the exterior boundary. first any proposed revision involving

~~land within an urban service boundary established prior to enactment of the Scenic Area Act.~~

2. Persons and entities presenting a proposed revision to the exterior boundary of the National Scenic Area to the Gorge Commission shall concurrently consult with the Forest Service about the proposed revision.

3. A Gorge Commission recommendation about revising an exterior boundary is not a binding or final action of the Gorge Commission and is not subject to judicial review.

COUNTY ORDINANCES

In sections 7(b) and 8(i) of the National Scenic Area Act, Congress requires the Gorge Commission to review the Gorge counties' land use ordinances implementing the Management Plan for consistency with the Management Plan.

Policies

1. Counties may adopt ordinances with provisions that vary from the policies and guidelines in the Management Plan as long as the ordinances provide greater protection for the scenic, cultural, natural, and recreation resources of the National Scenic Area. Notwithstanding the designation policies in Part II of the Management Plan, the Gorge Commission shall, upon request from a local government, apply a more restrictive designation.

2. A county and a city may enter into an intergovernmental agreement to allow the other to implement a National Scenic Area land use ordinance that applies to National Scenic Area land within ~~the~~ city jurisdiction~~and that has been approved or adopted by the Gorge Commission under Section 8 of the Scenic Area Act~~. Counties shall consult with the Gorge Commission and Forest Service before adopting the intergovernmental agreement. The Gorge Commission does not need to approve the intergovernmental agreement.

3. Counties may grant variances to provisions in their land use ordinances that are not required by a policy or guideline in the Management Plan.

4. The Gorge Commission shall encourage the s~~S~~tates of Washington and Oregon to make funds available to the counties to assist in the implementation of the National Scenic Area Act and the Management Plan.

5. The Gorge Commission shall seek funds and an interagency agreement with the Forest Service to provide the services of resource professionals, such as biologists and archaeologists, to assist local governments and landowners to carry out the policies and guidelines in the Management Plan.

PUBLIC INVOLVEMENT

The Gorge Commission believes that timely ~~and appropriate~~ public involvement is key to the long-range success of the National Scenic Area Act.~~–~~ The Gorge Commission strives to provide for and consider a variety of viewpoints in decision making, encourages an informed public, and commits to consult and coordinate with other governmental jurisdictions, including, but not limited to the Forest Service, the four Columbia River treaty tribes, county boards, city councils, and other local, state and federal agencies.

~~The purpose of the goals and policies in this chapter is to ensure a formal ongoing public involvement program.~~

~~GMA Goals~~

~~1. Provide for and consider a variety of viewpoints in decision making.~~

~~2. Encourage an informed public.~~

~~3. Consult and coordinate with other governmental jurisdictions, including the Forest Service, Indian tribal governments, county boards, city councils, and other state and federal agencies.~~

GMA Policies

1. A time for public comment shall be provided at all regular Gorge Commission business meetings.

~~1.~~2. The Gorge Commission shall rotate ~~M~~meetings ~~shall be rotated~~ among suitable meeting spaces throughout the National Scenic Area or nearby communities and may conduct meetings via ~~y~~ electronic means, such as videoconferencing to make it convenient for residents of different areas to attend and participate.

~~2.~~3. Notice of Gorge Commission meetings shall be distributed to all interested people and the media, without charge. Notices shall describe, in plain language, the topics the Gorge Commission will discuss and which topics are open for public comment. Notices shall also be provided to county planning offices and public libraries for posting for public review.

~~3.~~4. Informational materials describing Gorge Commission activities and planning decisions shall be developed.

~~4.~~5. A community outreach program shall be conducted. Activities may include maintaining a speakers' bureau, meeting with county advisory committees, and participating in school programs.

~~5.~~6. Advice shall be provided to interested counties in designing and implementing their public involvement activities.

~~6.~~7. Formal public involvement and consultation activities shall be provided at major planning milestones.

A. Formal public hearings shall be held before the Gorge Commission takes action on county land use ordinances, amends the Management Plan, revises an urban area boundary, approves a county land use ordinance, or reviews and periodically revises the Management Plan. Any interested person shall be able to testify before the Gorge Commission.

B. Written public comment shall be encouraged, and a comment period shall precede all major planning decisions. Gorge Commission rules should define the required comment period.

~~C. Public comment shall be encouraged before the Gorge Commission takes action on county land use ordinances. The Gorge Commission shall approve land use ordinances at public hearings.~~

C. Public workshops shall be held to encourage review of and comment on other Gorge Commission decisions. Workshops shall be conveniently scheduled to encourage participation by Gorge residents and other interested people.

~~D. Revisions to Urban Area boundaries shall be considered after a formal public hearing by the Gorge Commission. Formal hearings shall be preceded by an informal hearing for general public comment. All interested people shall be able to make their comments known.~~

~~7.~~8. Periodic meetings of Gorge county planners and planning directors shall be scheduled to encourage ongoing discussion of issues and concerns.

~~8.~~9. Periodic consultation meetings shall be scheduled with the four Columbia River treaty tribes ~~Indian tribal governments~~ to encourage ongoing discussion of issues and concerns.

~~9.~~10. Periodic consultation meetings shall be scheduled with county governing boards to encourage ongoing discussion of issues and concerns.

~~10.~~11. The Gorge Commission shall consult with the ~~The~~ two states ~~shall be consulted~~ about applications ~~of~~ for economic development grants and loans, restoration of the Historic Columbia River Highway, and activities of other state agencies in the National Scenic Area.

~~11.~~12. The Gorge Commission shall~~should~~ collaborate with the ~~USDA~~ Forest Service on all projects of mutual interest.

~~12.~~13. ~~In designing implementation programs, public~~ Public comment and assistance shall be solicited in designing implementation programs.

Chapter 2
Forest Service Role

Implementation of the Management Plan charters ~~a~~ federal ~~presence~~ engagement with an expanded focus beyond traditional Forest Service roles. In addition to administration of the National Forest System (NFS) lands in the National Scenic Area, the Forest Service will be actively involved as a partner and provider of technical support for state and local governments on non-federal lands.

The Forest Service ~~has acquired, through purchase, exchange, or donation, approximately 34,000 acres of new federal land in the Scenic Area added to the existing national forests. In addition,~~ manages approximately ~~40,000~~83,000 acres of ~~the Gifford Pinchot National Forest and the Mt. Hood National Forest are~~ National Forest System Lands inside the boundary of the National Scenic Area. Additional federal lands will be added as the land acquisition program continues. Management~~, and~~ protection and enhancement of these federal lands ~~will~~ is~~be~~ carried out by the Columbia River Gorge National Scenic Area Forest Service administrative unit.

Management responsibilities on NFS lands ~~will~~ include the administration of recreation facilities; design of resource protection, management, and enhancement strategies on federal lands; and provision of public information and services to visitors, users, and other interested parties.

The Forest Service ~~intends to~~ implements strategies designed to protect and integrate resource management.

Additional opportunities, such as providing technical expertise and leadership in cultural resources, scenic resources, ~~anadromous fisheries~~wildlife, ~~oak woodland~~habitat enhancement and ~~wetlands~~ water resource management, will be incorporated into ongoing administration of the NFS lands in the National Scenic Area. The Forest Service will maintain an active and visible role with the Gorge Commission, the six counties, and others involved in ~~those activities~~implementing the Management Plan.

The Columbia River Gorge National Scenic Area Forest Service administrative unit will continue to administer the White Salmon and Klickitat Wild and Scenic Rivers, as designated in the National Scenic Area Act and guided by the management plans prepared for these areas.

~~Monitoring and technical assistance responsibilities will continue after adoption of the Management Plan, and~~

~~Forest Service plans call for staffing to provide assistance in specialized areas, including biology, forestry, botany, and landscape architecture.~~

Revisions and amendments to the Management Plan ~~will~~ require review and involvement of the Forest Service. The need for revisions should be tied closely to monitoring conclusions.

~~The~~ Digital databases and ~~Geographic~~ geographic i~~I~~nformation s~~S~~ystems (GIS) ha~~ve~~s ~~been~~ used by the Forest Service and partners to maintain inventory information, analyze data, and generate maps as necessary for the ~~creation~~ implementation of the Management Plan. The GIS data that the Forest Service ~~will be~~ maintain~~ed~~eds will be ~~and~~ updated for use by the counties, Gorge Commission, and ~~Forest Service~~implementing partners.

Section 16 of the National Scenic Area Act ~~authorizes~~ authorized funds for continuing land acquisitions, and provide~~d~~s ~~$~~32.8 million for economic and recreation development programs. The Forest Service ~~will~~ has administer~~ed~~ the distribution of ~~those~~ the available funds, ensuring that the public interest is served and the purposes of the National Scenic Area Act are fulfilled. These funds provided support for projects such as the Historic Columbia River Highway State Trail, as well as to Skamania Lodge and the Columbia Gorge Discovery Center.

~~Section 7(d) of the Scenic Area Act authorizes the Secretary of Agriculture to design, construct, operate, and maintain recreation facilities that are included in the recreation assessment for the Scenic Area. The Forest Service will participate in the development process, either directly by designing and building the facilities and administering the sites, or by facilitating partnerships with other providers and user groups.~~

The Columbia River Gorge National Scenic Area Forest Service administrative unit is supervised by the National Scenic Area ~~Manager~~Forest Supervisor, who reports to the Regional Forester and who is responsible for local National Scenic Area administration. The administrative office for this unit ~~will be~~is headquartered in Hood River, Oregon, to ~~continue~~ provid~~e~~ing local contact and accessibility to public and agency partners in administering the National Scenic Area.

LAND OWNERSHIP AND ADJUSTMENT

Landownership patterns within the National Scenic Area are a complex pattern comprised of multiple ownerships and governmental jurisdictions including County, State, other Federal, Tribal and private. The Forest Service directly manages approximately 83,000 acres of National Forest System (NFS) lands within the Columbia River Gorge National Scenic Area.~~Intermingled ownerships greatly increase the probability of public trespass onto private land, private landowners encroaching on National Forest System land, and confusion by the public over where one ownership ends and a different one begins. There is also a high degree of urban interface within the Scenic Area that adds to management complexity and reduces management efficiency. Where mixed ownerships are found, access issues are usually more complicated and troublesome.~~

In 1986, the National Scenic A~~a~~rea included within its boundary about 40,000 acres of NFS lands within the Gifford Pinchot and Mt. Hood National Forests. Since that time, the Forest Service has acquired 43,000 acres of NFS land through purchase, donation, exchange or jurisdictional transfer from the USDI Bureau of Land Management, and an additional 1,800 acres of land covered by conservation easements.

The National Scenic Area contains approximately 292,615 acres, of which

approximately 115,100 acres fall within the Special Management Areas (SMAs). ~~Of the 115,100 acres, some 71,000 are comprised~~The majority of land in SMAs is ~~of~~ National Forest System land. The remaining acreage is comprised of a multitude of ownerships including County, State, other Federal, Tribal and private.

The primary purpose of Forest Service land acquisition is to facilitate the protection or enhancement of the resources of the National Scenic Area. Congress gave the Forest Service the authority to acquire land in the Columbia River Gorge National Scenic Area in the designated ~~The first purpose of the Scenic Area Act is "to protect and provide for the enhancement of the scenic, cultural, recreational, and natural resources of the Columbia River Gorge" [Section 31]. Section 9 of the Scenic Area Act states that "The Secretary is authorized to acquire any lands or interests therein within the~~ Sspecial Mmanagement Aareas and the Dodson/Warrendale Special Purchase Unit. ~~which the Secretary determines are needed to achieve the purposes of this Act.~~Other land adjustment authorities applicable to the Forest Service allow acquisition of lands and interests within the GMA. Most Forest Service land acquisition within the National Scenic Area occurs within the SMAs.

In some cases, direct Forest Service land ownership provides the best protection or enhancement opportunities for the resources of the National Scenic Area. In other cases, property is best left in non-Federal ownership to achieve the purposes of the Management Plan and Act

Goals of the Forest Service land acquisition program:-

- Complement other approaches to achieve the purposes of the Act
- Coordinate with local governments, local communities, other agencies, and partners for cost-effective accomplishment of mutual land adjustment objectives
- Acquire lands or interests from willing sellers
- Retain flexibility to accommodate future needs and enhancement opportunities; and
- Promote efficient and effective management of public and intermingled private lands to achieve the purposes of the NSA Act and the NSA Management Plan.

"

~~The primary purpose of acquisition, then, is to protect or enhance the resources of the Scenic Area.~~

~~The acquisition philosophy of the Forest Service has been, and will generally continue to be, based on the "willing seller, willing buyer" concept, recognizing the Scenic Area Act's provisions and limitations on the use of eminent domain [Section 9].~~

~~Acquisitions of land and interests can occur through purchase, donation, or exchange. Acquisitions from states or political subdivisions may be made only through donations or exchange. Use of scenic or conservation easements is another method that can be used to protect or enhance a particular resource.~~

~~LAND ADJUSTMENT DIRECTION~~

~~Since passage of the Scenic Area Act, land acquisitions have occurred through 1) the timberland exchanges specifically directed in Section 9(d), 2) direct~~

~~purchases of tracts fitting the "hardship" provision of Section 9(c), and 3) purchase of a number of key properties containing important scenic, cultural, or natural resources. There have also been some parcels acquired through donations. Most of the acquisitions have been from individuals who came to the Forest Service with an offer to sell.~~

~~The Scenic Area Act authorizes acquisition of any lands or interests therein within the special management areas and the Dodson/Warrendale Special Purchase Unit. In addition to the Scenic Area Act, there are other land adjustment authorities applicable to the Forest Service that allow acquisition of lands and interests outside of the two areas specified in the Scenic Area Act.~~

~~As of October 2003, the following funds have been expended and lands acquired:~~

~~**Purchase:**~~
~~16,803 acres acquired in fee~~
~~1,894 acres of partial interest acquisitions utilizing conservation easements~~
~~$54,991,849 funds expended~~

~~**Land Exchange:**~~
~~16,600 acres acquired through exchange~~

~~The Management Plan identifies resource opportunities and needs that are important to fulfill the purposes of the Scenic Area Act. Those opportunities will be the focus of the land acquisition program. The Forest Service will take a proactive role in negotiating with landowners to ascertain the availability for sale of lands that enhance resources identified in the plan.~~

The following ~~criteria~~ attributes may~~will~~ be used for determining ~~federal~~ Forest Service land acquisition priorities:

- Lands designated Open Space where significant resources have been identified, or where uses or development may endanger the resources.
- Highly scenic lands that are visible from key viewing areas.
- Sensitive lands such as wetlands, riparian areas, and floodplains.
- Lands supporting threatened or endangered species of fish, wildlife, or plants.
- Lands with cultural resource sites or a high probability of cultural resource sites.

- High-priority public recreation sites.
- ~~Sensitive lands such as wetlands, riparian areas, and floodplains.~~
- ~~Lands supporting threatened or endangered species of fish, wildlife, or plants.~~
- ~~Lands designated Open Space where significant resources have been identified, and where uses or development may endanger the resources.~~
- ~~Highly scenic lands that are visible from key viewing areas.~~
- ~~Lands with known concentrations of cultural resource sites or a high probability of cultural resource sites.~~
- Lands that ~~Consolidation~~ consolidate ownership for increased efficiency in land management.
- The opportunity to reduce the potential for trespass or encroachments
- Roads and trail rights-of-way needed for public access to NFS lands.

Priorities will be determined by the degree to which offered properties meet resource

or project needs, the timing of acquisition to meet such need, the availability of funding, the availability of properties for sale by willing sellers and the support from local communities for federal acquisition.

Forest Service land acquisition methods for real property and interests in land (such as right-of-way easements and conservation easements) include purchase, exchange, and donation. Acquisitions from states or political subdivisions may be made only through donations or exchange. The land acquisition program benefits from continued partnership and coordination with land trusts, who play a key role in facilitating Forest Service land acquisition.

~~In many cases, more than one of the above conditions may appear on a site. If that is the case, the priority of the site for acquisition could be higher. Priorities will be determined by the degree to which offered properties meet one or more of the criteria and resource or project needs, the timing of acquisition to meet such need, and the availability of properties for sale by willing sellers.~~

~~The value of landownership consolidation cannot be overstated. Where ownerships occur in large blocks, there is reduced trespass, encroachment, access issues, and public confusion over differing regulatory requirements that occur with different management agencies. Management costs and boundary maintenance costs are also reduced, and there is less of a need to authorize third party uses on National Forest System land.~~

~~PURCHASE~~

~~Real property purchases in the Scenic Area can be accomplished by one of two methods. The first method is known as "fee" acquisition, and consists of acquisition of the entire group of rights associated with a property. Most lands purchased will be acquired in fee to provide the greatest degree of resource protection, management flexibility, and public benefit. The second method of purchase is known as partial interest acquisition in which only a specified group of rights is acquired and legal title remains vested with the private landowner. These acquisitions are commonly known as conservation easements or scenic easements. Very limited use will be made of this second method due to the perpetual costs of administration of the easements and the lesser public benefits derived from only owning a limited set of rights to a property.~~

~~LAND EXCHANGE~~

~~Although the land exchange authority set forth in the Scenic Area Act was limited in both scope and duration, the Scenic Area retains the ability to conduct land exchanges through broad authority given to the Forest Service by laws such as the Weeks Law Act of March 1, 1911 and the General Exchange Act of March 20, 1922. The use of land exchanges to consolidate landownership is considered a potentially important tool in accomplishing the goals and objectives of the Scenic Area. This is particularly true where there are intermingled ownerships involving National Forest System land and land owned by a State or political subdivision thereof. In particular, serious consideration should be given to exchange proposals between the Forest Service and State Park agencies that would consolidate ownership around public recreation sites.~~

~~Land exchanges within the Scenic Area will be considered only if the scenic, cultural, recreational, or natural resources~~

of the Scenic Area are not compromised. Exchanges are discretionary and must be found to be in the public interest. Land exchanges are typically costly, complex, and require a substantial amount of time and resource commitment to be successfully completed. It is expected that use of land exchange as a tool to accomplish the purposes of the Act will remain limited.

RIGHTS-OF-WAY NEEDED FOR PUBLIC ACCESS

Rights-of-way acquisition objectives include acquiring road and trail rights-of-way that are adequate for the protection, administration, and utilization of the National Forest System, and also acquiring all interests needed for use of roads and trails to meet the long-term management and multiple use objectives of National Forest System lands as set out in the Scenic Area management plan and Forest land and resource management plans.

Mixed ownerships and a multitude of private roads combine to make providing full public access to lands within the Scenic Area a challenge. The Recreation Development Proposals list identifies trails, campgrounds, and other visitor and administrative "facilities" that will need planned access, either by trail or road. Public access to some lands acquired chiefly for scenic, natural or cultural reasons may continue to be limited. Specific access needs will be identified in the Scenic Area's annual program of work. Negotiating for purchase, exchange, or donation of easements will be an important acquisition tool. Access needs offer opportunities for partnerships with a wide range of cooperators, including landowners and user groups.

EFFECT ON LOCAL GOVERNMENT FINANCES

The National Scenic Area Act included several provisions for offsetting the potential reduction of local taxes as a result of federal land acquisition. Section 14(b) provides that acquired lands will be included in determining a county's share of timber receipts from National Forest System lands. Also, Section 14(c) provides for payments in lieu of taxes to a county for eight years for certain lands acquired under the authority of the Act. a certain period of time.

REVISION OF SMA BOUNDARIES

Changes in the SMA boundary will be considered only where such changes would help enhance and protect scenic, cultural, recreation, and natural resources.

The National Scenic Area Act [Section 4(c)] describes the following procedures for adjustments to SMA boundaries:

The Secretary, in consultation with the Gorge Commission, may make minor revisions in the boundaries of special management areas after publication of notice to that effect in the Federal Register and submission of notice thereof to the Committee on Energy and Natural Resources of the United States Senate and the Committees on Agriculture and Interior and Insular Affairs of the United States House of Representatives. The Scenic Area Act also requires publishing the proposed boundary revision in the Federal Register.

To date, one minor revision has been made to the SMA boundary at Rowena. As the Scenic Area Act requires, the procedure followed in that case will be used in any other boundary revision that might be appropriate. Changes in the SMA

~~boundary will be considered where such changes would help enhance and protect scenic, cultural, recreation, and natural resources. In addition, Congress changed about 310 acres at Chenoweth Table in Wasco County, and about 27 acres at "Pioneer Point" in Skamania County from GMA to SM~~

MONITORING AND ENFORCEMENT

A comprehensive program to monitor implementation of the Management Plan is essential to ensure that the purposes of the National Scenic Area Act are achieved. Monitoring should emphasize two components:

1. Are the guidelines being met through appropriate implementation of the county ordinances and other requirements?
2. Are the scenic, cultural, recreation, and natural resources being protected and enhanced through application of the management guidelines and implementation of enhancement and action program strategies?

Monitoring of county implementation actions is primarily the responsibility of the Gorge Commission, as required in Section 15 (a)(l) of the National Scenic Area Act. However, in the SMAs, where lands are being used or are in imminent danger of being used in a manner incompatible with the county ordinances, Section 9 gives the Forest Service the authority to acquire such lands without consent of the owner. Therefore, the Forest Service will also monitor actions in the SMAs.

Counties ~~will~~ do not have authority to implement all guidelines through county ordinances. In some cases, such as review of forest practices and federal agency development actions, the Forest Service ~~will~~ retains jurisdiction to review uses or development and certify consistency with the Management Plan. Where this is the case, the Forest Service will monitor the results of these actions to ensure that required mitigation measures are implemented and the resources are protected.

~~Specific subjects and data elements~~The Forest Service is a partner to the Gorge Commission in the Vital Signs Indicators (VSI) program, which monitors many indicators across all National Scenic Area resources. Goals for monitoring the resources are ~~proposed~~ described below. A ~~detailed monitoring program will be designed to include methodologies and show progress, problems, and proposed adjustments. Periodic reports are proposed to summarize the~~Reviews and monitoring results ~~and make recommendations to the Gorge Commission for any~~will help inform future revisions to the Management Plan. ~~management changes that may be indicated by the findings.~~

SCENIC RESOURCES

The Management Plan goals for scenic resources call for protecting the scenic values on both the broad landscape setting level and the individual development level.

Much of the value of the National Scenic Area is expressed in the opportunity to appreciate important vistas. The level of visibility affects the ability to appreciate the beauty of the landscape~~, especially the color and contrasting forms of distant features. Air pollution can impair the quality of the viewing experience, and should be monitored to ensure the protection of the clear views that~~

~~everyone enjoys.~~

In coordination with the Gorge Commission, the Forest Service conducts regular photographic monitoring from established locations within the National Scenic Area.~~Aerial and oblique photographs will provide the monitoring record to assess changes to the scenery. A~~ This system of visual monitoring points was established in 1988 and continues to be monitored today. ~~Twenty- seven sites in the Scenic Area were designated as monitoring points from which oblique panoramic photographs will be taken on a regular basis.~~ This panoramic photography is~~will~~ be repeated ~~every 5 to 10 years~~regularly to measure changes in the landscape and identify problem areas.

In 1987 and 1988, ~~complete sets of~~ black and white and color vertical aerial photographs were taken for the entire National Scenic Area. All or part of the National Scenic Area can be re-photographed on a regular basis or as needed for a specific area. ~~Analysis of the changes from a vertical perspective will supplement the panoramic photographic monitoring.~~

~~Monitoring of the scenic resources will address the following topics:~~

1. ~~Effects of changes to the scenery that may have occurred from development, including cumulative effects.~~

2. ~~Results of air quality visibility monitoring to assess changes to viewing ability.~~

3. ~~Evaluation of county actions to assess the effectiveness of the county ordinances to protect scenic resources.~~

4. ~~Effects on the scenic resource of enhancement activities performed during the preceding year.~~

CULTURAL RESOURCES AND TREATY RIGHTS

The Management Plan goal is to protect cultural resources from potential adverse effects and protect Tribal treaty rights. Site-specific inventory and analysis, consultation with Indian tribes, and design of mitigation measures are in place~~required~~ to implement this goal. ~~Expanded and strengthened l~~Law enforcement efforts ~~will also be developed~~are also used to reduce or minimize damage, theft and vandalism of cultural resources. Monitoring of known sites informs these actions.

National Scenic Area inventories include identification of known cultural resources and will be expanded to include data on resources located during site inventories and analysis for new developments.

~~The monitoring program will address the following topics:~~

1. ~~Effectiveness of the guidelines for protecting cultural resources, including county implementation.~~

2. ~~Summary of cultural resources located during the previous year. Site-specific data will not be included in any report released to the public.~~

3. ~~Effectiveness of law enforcement efforts for preventing vandalism of cultural resource sites.~~

4. ~~Evaluation of Indian treaty right protection measures.~~

NATURAL RESOURCES

Natural resources in the Columbia River Gorge are varied and extensive. The

Management Plan goal to protect and enhance those resources incorporates inventories and monitoring data from numerous agencies focused across the full range of resource areas. Monitoring and inventory efforts also benefit from the data and expertise of various non-agency organizations. Awareness of trends both within and outside the National Scenic Area will help inform monitoring and study needs.~~therefore involves a broad program with participation by numerous agencies focused on the many different elements in the environment.~~

~~Baseline information in the Scenic Area inventories is not, for the most part, site specific. More detailed information will be gathered over time, particularly for those natural resources most at risk. The monitoring program will be designed in conjunction with the many agencies with responsibility for managing and protecting the resources.~~

~~In addition, organizations such as the Nature Conservancy, Audubon Society, and the Native Plant Society maintain data bases and expertise relative to various natural resources. Their assistance could help ensure a strong and effective monitoring program.~~

~~The monitoring program will address the following topics:~~

~~1. Effects on fish, wildlife and plant habitat and populations resulting from development actions, including cumulative effects.~~

~~2. Results of county actions to assess the effectiveness of the county ordinances in protecting natural resources.~~

~~3. Effects and results of natural resource enhancement activities.~~

~~4. Establishment of a wetlands and riparian area database for the entire Scenic Area.~~

~~5. Water quality.~~

OPEN SPACE

Open Space lands are important to protect the scenic, cultural, recreation, and natural resources of the National Scenic Area. Open Space management plans have been developed for all areas designated as Open Space. Open Space management includes monitoring of protection and enhancement projects and other activities undertaken in Open Space, and the effectiveness of guidelines intended to protect Open Space resources. ~~Monitoring will address the following topics:~~

~~Progress towards completion of Open Space management plans for designated areas.~~

~~Protection and enhancement projects or activities undertaken in Open Space areas.~~

~~Effectiveness of guidelines to protect Open Space resources.~~

FOREST AND AGRICULTURAL LANDS

Forest and agricultural lands are important elements of the economic base of the National Scenic Area and provide a variety of other benefits, including scenic and natural resources. The Forest Service monitors compliance with SMA forest practice guidelines and coordinates with the Gorge Commission to monitor appropriate uses of agricultural and forest lands, including the effectiveness of guidelines protecting agricultural and forest lands from conversion to other

uses.

~~Monitoring will address the following topics:~~

~~1. Compliance with the forest practices guidelines established for the Scenic Area, including mitigation for adverse effects on scenic, cultural, recreational, and natural resources.~~

~~2. The effectiveness of the forest and agricultural land use guidelines to ensure sustained productivity of forest and agricultural products.~~

~~3. The condition of forest lands in terms of health, disease, and protection from conversion.~~

~~4. Effectiveness of cooperative fire protection and management strategies.~~

~~5. Protection of wetlands and riparian areas from agricultural practices.~~

~~6. Effectiveness of county implementation of guidelines protecting agricultural and forest lands from conversion.~~

RECREATION

Recreation is a fast-changing component of the National Scenic Area. Changes in visitation could affect both the quality of the recreation experience and the other resources. The Forest Service and other agencies and organizations conduct regular monitoring to determine annual recreation visitation to the National Scenic Area. Additional monitoring includes effectiveness of the guidelines to protect the recreation resource and other resources, and compliance with Recreation Intensity Class guidelines. ~~Since recreation development funds are limited, it is important to analyze the effectiveness of the development program and adjust it as necessary.~~

~~Monitoring will include the following topics:~~
~~Effectiveness of the guidelines to protect the recreation resource, including compliance with recreation intensity class guidelines.~~

~~Tabulation of annual recreation visitation to the Scenic Area.~~

~~Status report of annual recreation development and enhancement projects and funds expended in the Scenic Area.~~

~~Assessment of whether new recreation developments, such as the Scenic Area Conference Center and the Interpretive Center, have met recreation objectives, policies, and guidelines.~~

~~Monitoring use at the most popular sites, such as Multnomah Falls, to determine if strategies are required to avoid overuse and damage to resources.~~

LAND ACQUISITION

The monitoring report will track land adjustment activities, including the amount of land purchased or acquired through exchange or easements, funds expended for acquisition, and compliance with scenic and conservation easement conditions. ~~Monitoring will include the following topics:~~

~~The amount of land purchased or acquired through exchange or easements.~~

~~Funds expended annually and cumulatively for land acquisition in the Scenic Area.~~

~~Compliance with scenic and conservation easement conditions.~~

ECONOMIC DEVELOPMENT

The National Scenic Area Act provides a number of measures to enhance the economy of the National Scenic Area. These measures include protection of agricultural and forest lands; provision of economic development funds; and funding for recreation, interpretation, and conference facilities. The Forest Service will review economic activities undertaken with federal National Scenic Area funding, as reported in each state's annual report in accordance with Section 11(d) of the National Scenic Area Act.~~Monitoring will include the following topics:~~

1. ~~Compilation of available data regarding employment by principal sectors of the Scenic Area economy.~~

2. ~~Changes in recreation and tourism visitation.~~

3. ~~Effectiveness of recreation and tourism marketing efforts.~~

4. ~~Review of economic activities undertaken with federal Scenic Area funding, as reported in each state's annual report in accordance with Section 11(d) of the Scenic Area Act.~~

NATIONAL FOREST SYSTEM LANDS DIRECTION

Section 8(a) of the National Scenic Area Act provides the following direction for National Forest System lands in the SMAs:

The Secretary shall administer Federal lands within the special management areas in accordance with this Act and other laws, rules and regulations applicable to the National Forest System.

Direction for management of National Forest System lands is provided in this Management Plan and in the *Land and Resource Management Plan* for Mt. Hood National Forest (1990) and *Land and Resource Management Plan* for Gifford Pinchot National Forest (1990), as amended by the Northwest Forest Plan. These National Forest management plans were completed according to the National Forest Management Act (NFMA) and the National Environmental Policy Act (NEPA) and include alternative analysis and direction for resource management.

Special Management Area water resource buffer widths shall be applied to National Forest System lands in the General Management Area, and forest practices on National Forest System lands in the General Management Area shall comply with the Special Management Area forest practice guidelines. Projects undertaken on National Forest System lands must comply with direction in the Management Plan and the two National Forest management plans, as amended by the Northwest Forest Plan. The most protective standards of the National Scenic Area Management Plan or the respective Forest Land and Resource Management Plans ~~(as amended by the Northwest Forest Plan)~~ shall apply to National Forest System lands.

Section 8(a) also provides that t~~:~~

~~T~~he construction of roads and the management, utilization and harvest of timber on Federal lands within the special management areas also shall be subject to Forest Service ~~visual~~ scenic resource management guidelines.

~~The Mt. Hood and the Gifford Pinchot National Forest management plans and this Management Plan provide direction as to visual quality objectives for National Forest System lands.~~

According to the Mt. Hood and Gifford Pinchot National Forest management plans, as amended, regulated commercial timber harvesting would not occur on the National Forest System lands within the National Scenic Area. Any ~~timber harvesting~~vegetation management on ~~National Forest System~~ NFS lands that would occur shall meet the assigned visual quality objective.

~~Section 8(a) further directs that:~~

~~The Secretary shall utilize lands acquired through exchange in calculating the allowable sales quantity on the Gifford Pinchot and Mt. Hood National Forests.~~

~~This requirement will be addressed in subsequent revisions of the Mt. Hood and Gifford Pinchot National Forest management plans.~~ Section 9(a) of the National Scenic Area Act also requires that acquired lands be subject to the National Scenic Area regulations in accordance with this Management Plan.

As provided for in Section 17(f)(l) of the National Scenic Area Act, Forest Service actions taken for the development, revision and amendments of this Management Plan and~~,~~ land acquisition~~, and interim management~~ are exempt from the National Environmental Policy Act (NEPA). However, other Forest Service implementing actions ~~taken subsequent to the adoption of this plan~~ must comply with all laws and regulations applicable to National Forest System lands, including NEPA.

CHAPTER

3

Indian ~~Tribal~~ Treaty Rights and Consultation

TREATY RIGHTS AND CONSULTATION IN THE GMA

The Nez Perce Tribe, the Confederated Tribes of the Umatilla Indian Reservation, the Confederated Tribes of Warm Springs, and the Confederated Tribes and Bands of the Yakama ~~Indian~~ Nation ~~tribes~~ signed treaties with ~~Congress~~ the United Stated in 1855. These treaties ceded to the United States legal title to millions of acres of land. They also reserved and guaranteed certain aboriginal rights exercised by Indian people since time immemorial. These legally protected rights belong to each Indian tribe and are regulated and enforced by their respective ~~Indian~~ tribal governments. The ~~Indian~~ tribal governments exercise inherent sovereign powers, as limited by treaty or act of Congress.

The language and legislative history of the National Scenic Area Act make it clear that Congress intended to protect the treaty-reserved rights and sovereign powers of the Indian tribes. Section 17(a)(1) of the National Scenic Area Act states that nothing in the Act shall "affect or modify any treaty or other rights of any Indian tribe." ~~Indian t~~Tribal governments were also ensured a role in the management processes established under the National Scenic Area Act. Section 6(e) states that the

U.S. Secretary of Agriculture and the Gorge Commission must "exercise their responsibilities . . . in consultation with . . . Indian tribes." Additional language regarding tribal rights and roles appears in Sections 6(a)(3)(C), 8(d)(3), 9(b)(2)(D), 13(b), 17(a)(2), 17(a)(3), 17(a)(4), 17(a)(7), and 17(a)(8).

Indian treaty rights must be observed by the Gorge Commission as well as local and state governments, federal agencies, and private citizens.

Indian treaties provide that:

> The exclusive right of taking fish in the streams running through and bordering said reservation is hereby secured to said Indians, and at all other usual and accustomed stations in common with citizens of the United States, and of erecting suitable buildings for curing the same; the privilege of hunting, gathering roots and berries and pasturing their stock on unclaimed lands in common with citizens is also secured to them. [Treaty with the Cayuse, Walla Walla, and Umatilla Tribes, 1855.]

This excerpt is similar to the language in the treaties signed by the Nez Perce, Warm Springs, and Yakama tribes.

"Usual and accustomed stations" include

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the Columbia River and its tributaries that support anadromous and resident fish.
The courts have generally interpreted "unclaimed lands" to mean all public lands.

GMA Goal

Ensure that implementation of the National Scenic Area Act ~~and its application~~ does not affect or modify any treaty or other rights of any Indian tribe.

GMA Policies

1. Local governments shall notify the governments of the four ~~Indian tribal governments~~Columbia River treaty tribes when new review uses are proposed on lands ~~where tribal members exercise treaty or other rights.~~within the National Scenic Area.

2. ~~Indian t~~Tribal governments shall have an opportunity to review, ~~and~~ comment, and consult on new review uses that are proposed on lands, or in waters, where ~~tribal members exercise~~the tribe determines that treaty or other rights exist.

3. Counties and ~~P~~project applicants shall consult with ~~Indian~~ tribal governments that ~~submit substantive comments~~request consultation about proposed uses that may affect or modify treaty or other rights.

4. Proposed development and uses that would affect or modify treaty or other rights of any Indian tribe shall be prohibited.

GMA Guidelines

Tribal Government Notice and Comment Period

1. Local governments shall send a notice to the governments of the four Columbia River treaty tribes ~~tribal governments when~~ for all new review uses, requesting comments, recommendations, or concerns relating to the protection of treaty rights, including rights to access, hunt, fish, and gather. ~~Are (1) proposed on public lands, or (2) proposed in or adjacent to the Columbia River or its tributaries that support anadromous or resident fish.~~

   ~~Public lands include lands owned by cities, counties, states, and the United States. Lands adjacent to the Columbia River or its fishbearing tributaries are those lands that are situated directly between the Columbia River or its fishbearing tributaries and the closest public access point. Public access points include state highways and parks.~~
   ~~The wildlife inventory in the "Streams, Ponds, Lakes, and Riparian Areas" section (Part I, Chapter 4: Natural Resources) identifies all tributaries in the Scenic Area that support anadromous and resident fish.~~

2. Notices sent to the ~~Indian~~ tribal governments shall include a site plan. ~~As specified in guidelines 3 and 4 below, the notices~~ and also may ~~require~~ include supplemental information and a proposed treaty rights protection plan~~s~~.

3. ~~N~~Proposed new review uses and development located in, ~~or~~ providing recreation river access to, or on parcels that adjoin the Columbia River or its fishbearing tributaries shall include the following supplemental information:

   A. The site plan map 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.

   B. A description of 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. ~~The site plan text shall include an assessment of the potential effects that new uses may have on Indian treaty rights. The assessment shall:~~

      ~~(1) 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.~~

      ~~(2) List tribal commercial fishing seasons in the project vicinity, as established by the four treaty tribes.~~

      ~~(3) List tribal ceremonial fishing seasons in the project vicinity.~~

      ~~(4) Based on the above factors, assess the potential effects that the proposed uses may have on Indian treaty rights.~~

   C. Proposed treaty rights protection measures that will be used to avoid effects to Indian treaty or other rights. These measures may include reducing the size and modifying the location or design of the proposed uses, seasonal closures, stringent onsite monitoring, information signs, and highly visible buoys or other markers delineating fishing net locations.

4. ~~Notices shall include a treaty rights protection plan if new uses may affect Indian treaty rights. The protection plan shall specify measures that will be used to avoid effects to Indian treaty rights. These measures may include reducing the size and modifying the location or design of the proposed uses, seasonal closures, stringent onsite monitoring, information signs, and highly visible buoys or other markers delineating fishing net locations.~~ At the same time that the county sends notice, the county shall offer to meet with or consult with the tribal government prior to making a decision on the proposed development. Offers to meet or consult with a tribal government shall include phone calls and electronic communication to tribal government chairs, chief administrative officers, and natural and cultural resource staff. The county shall make more than one attempt to contact a tribal government.

5. ~~Indian t~~Tribal governments shall have ~~23~~0 calendar days from the date a notice is mailed to request that the county consult with the tribal government regarding potential effects or modifications to treaty or other rights of the tribe. All substantive comments, recommendations, or concerns expressed by tribal governments during the consultation meeting shall be summarized by the county, subject to the

following confidentiality standards:

A. The county shall keep confidential and may not disclose to any person or party who is not the applicant, the applicant's representative or the necessary county planning staff and decision makers the tribal government's comments, recommendations, and concerns, and notes of the consultation and other information related to protection of treaty rights, unless the tribal governments expressly authorizes disclosure.

B. The confidential information shall be submitted to the Gorge Commission for review in the event of an appeal, and shall remain confidential and not subject to disclosure to any person or party other than the applicant, the applicant's representative, the appellant, the appellants representative or the necessary Gorge Commission staff and Gorge Commission members unless the tribal government expressly authorizes disclosure.

5.6. Any time periods specified in a county ordinance to review an application shall stop when a tribal government requests consultation and shall not start again until the county meets with all tribal governments that requested consultation and the county receives all additional information and actions from the project applicant necessary to avoid effects to treaty rights to the satisfaction of the tribal governments that requested consultation.

7. A tribal government's choice to consult with the county shall, in no way, be interpreted as a waiver of the tribe's sovereign immunity or waiver of any claim that the proposed use affects or modifies a treaty right or other tribal rights.

6. submit substantive written comments to the local government. Indian tribal governments must identify the treaty rights that exist in the project vicinity and explain how they would be affected or modified by the new uses.

7.

8. Tribal Government Consultation

9.

10. When substantive written comments are submitted to a local government in a timely manner, the project applicant shall offer to meet with the local government and the Indian tribal government that submitted comments within 10 calendar days. The 10-day consultation period may be extended upon agreement between the project applicant and the Indian tribal government.

Consultation meetings should provide an opportunity for the project applicant and tribal representatives to identify potential conflicts and explore options to eliminate them. The project applicant must demonstrate that his/her proposed use would not affect or modify treaty or other rights of any Indian tribe.

11.8. AllAny substantive comments, recommendations, or concerns expressed by Indian tribal governments during the consultation meeting shall be recorded and addressedresolved by the county or project applicant through revisions to the project application, conditions of approval, and, if necessary in a treaty rights protection plan. The protection plan shall include measures to avoid effects or modifications to

treaty and other rights of any Indian tribe.

~~12. The local government shall submit all protection plans to the Indian tribal governments. Indian tribal governments shall have 30 calendar days from the date a protection plan is mailed to submit written comments to the local government.~~

Conclusion of the Treaty Rights Protection Process

~~1. The local government shall decide whether the proposed uses would affect or modify any treaty or other rights of any Indian tribe.~~

~~2.~~

~~3.~~1. The final decision shall integrate findings of fact that address the county's effort to meet with or consult with the tribal governments and any revisions and treaty rights protection plan resolving the ~~Indian~~ tribal governments' ~~any substantive~~ comments, recommendations, or concerns ~~expressed by Indian tribal governments. If the final decision contradicts the comments, recommendations, or concerns of Indian tribal governments, the local government must justify how it reached an opposing conclusion~~.

~~4.~~2. The treaty rights protection process may conclude if the local government determines that the proposed uses would not affect or modify treaty or other rights of any Indian tribe. Uses that would affect or modify such rights shall be prohibited.

~~5.~~3. A finding by the local government that the proposed uses would not affect or modify treaty or other rights, or a failure of an Indian tribe to comment or consult on the proposed uses as provided in these guidelines, in no way shall be interpreted as a waiver by the Indian tribe of a claim that such uses ~~adversely~~ affect or modify treaty or other tribal rights.

TREATY RIGHTS AND CONSULTATION IN THE SMA

The Forest Service is responsible for consulting with ~~Indian~~ 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.

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 ~~Indian~~ 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.

Cultural resources are protected by the National Scenic Area Act and the Historic Preservation Act of 1966. ~~Indian t~~Tribal governments are identified as parties to be consulted during the inventory, evaluation, and protection of cultural resources.

SMA Goals

1. Protect treaty and other rights of the ~~Indian~~ tribal governments.
2. Provide for a consultation process with ~~Indian~~ tribal governments.

SMA Policies

1. The Forest Service shall consult with the ~~Indian~~ tribal governments to determine the effect of all federal actions reviewed by the Forest Service on treaty rights. Reviewing agencies shall use the procedures defined by the Gorge Commission for the GMA for all non-federal actions.
2. The Forest Service shall establish a government-to-government consultation process between each ~~Indian~~ tribal government and the Forest Service, in accordance with the following:
   A. The National Scenic Area Manager shall be the agency official for the Forest Service~~, National Scenic Area,~~ who is responsible for making decisions regarding treaty rights issues and potential effects on cultural resources.
   B. The ~~Indian~~ tribal governments shall be the recognized entities for the purpose of authorizing decisions regarding treaty rights issues or potential effects to cultural resources.

C. The National Scenic Area Manager shall designate the Forest Service representative for the purpose of maintaining a continuing working relationship with the ~~Indian~~ tribal governments.

D. The ~~Indian~~ tribal government should designate representatives for the purpose of maintaining a continuing working relationship with the Forest Service~~, National Scenic Area~~.

3. A continuing working relationship between the Forest Service and the ~~Indian~~ tribal governments shall be established.

A. The Forest Service shall enter into Memoranda of Understanding with each of the ~~Indian~~ tribal governments for the purpose of outlining consultation agreements, as provided for in Part I, Chapter 2: Cultural Resources.

B. The Memoranda of Understanding should identify key staff at each ~~Indian~~ tribal government to work with the Forest Service~~, National Scenic Area,~~ designee.

C. The Memoranda of Understanding should establish procedures by which the Forest Service will consult with ~~Indian~~ tribal governments for proposed development~~s~~ or changes in use.

D. The Memoranda of Understanding should establish the process by which the Forest Service will consult with ~~Indian~~ tribal governments for all proposed development~~s~~ or changes in use that may have the potential to affect treaty rights or other uses.

E. The Memoranda of Understanding should establish the government-to-government process by which ~~Indian~~ tribal governments and the Forest Service~~, National Scenic Area,~~ meet individually to identify potential treaty rights issues for potential development~~s~~ or changes in use.

F. The Memoranda of Understanding should establish a mutually agreeable process by which meetings and decisions between the ~~Indian~~ tribal governments and the Forest Service~~, National Scenic Area,~~ are documented.

4 Lands held in trust by the Secretary of Interior for Indian tribes or individual members of Indian tribes shall not be affected by any provisions of the Management Plan.

5. Lands acquired by the U.S. Army Corps of Engineers and administered by the Secretary of Interior for the benefit of Indian tribes and individual members of Indian tribes under Public Law~~s~~ 79-14 and Public Law 100-581 (in-lieu or treaty fishing access sites), including those yet to be selected by the U.S. Army Corps of Engineers within the Bonneville Pool under the provisions of Public Law 100-581, Section 401(b)(1), shall not be affected by the SMA Management Plan for the National Scenic Area.

6. New uses and development shall not affect or modify any treaty or other rights of the ~~Indian~~ tribal governments.

7. Any revisions or amendments to the Management Plan shall require consultation with the ~~Indian~~ tribal governments.

8. New development~~s~~ or land use shall protect access to usual and accustomed tribal or Indian fishing sites or stations protected under treaty rights, and as established by court interpretations of those treaties.

9. ~~Indian t~~Tribal governments shall be invited to participate in the planning of public recreation development~~s~~ that could affect treaty rights.

10. Federal land management agencies shall not deny ~~Indian~~ tribal governments, or individual members of Indian tribes, access to any area on federal or state land that is traditionally used in connection with tribal treaty or ceremonial rights or for traditional uses.

Glossary

The definitions listed below apply to both General Management Area and Special Management Area, unless otherwise noted.

Accepted agricultural practice: A mode of operation that is common to farms or ranches of similar nature, necessary for the operation of such farms or ranches to obtain a profit in money and customarily utilized in conjunction with agricultural use.

Accessible: In compliance with the Federal accessibility guidelines and standards. Accessible sites and facilities do not contain barriers limiting their use by people with disabilities.

Accessory structure/building: A structure or detached building whose use is incidental and subordinate to that of the main use of the property, and that is located on the same parcel as the main building or use. The term “detached” means that the main building and accessory building do not share a common wall. An accessory building connected to the main building by a breezeway is a detached building.

Accessory renewable energy system:– A system accessory to a primary structure or allowed use on the parcel that converts energy into a usable form such as electricity or heat and conveys that energy to the allowed structure or use. An Accessory Renewable Energy System is a solar thermal, photovoltaic, or wind turbine structure, or group of structures designed to offset all or part of the annual energy requirements of the primary use on the subject parcel.

Active wildlife site: A wildlife site that has been used within the past 5 years by a sensitive wildlife species.

Addition:– An extension or increase in the area or height of an existing building.

Adversely affect or Adversely affecting: A reasonable likelihood of more than moderate adverse consequence for the scenic, cultural, recreation or natural resources of the scenic area, the determination of which is based on—

1. ~~(1)~~ the context of a proposed action;
2. ~~(2)~~ the intensity of a proposed action, including the magnitude and duration of an impact and the likelihood of its occurrence;

3. ~~(3)~~ the relationship between a proposed action and other similar actions which are individually insignificant but which may have cumulatively significant impacts;

~~1.~~4. ~~(4)~~ and proved mitigation measures which the proponent of an action will implement as part of the proposal to reduce otherwise significant effects to an insignificant level. ~~[Adopted by Commission Feb 9 2016]~~

Agency official: The federal, state, or local agency head or designee who has authority over a proposed project.

Agricultural building: A building located on a farm or ranch and used in the operation for the storage, repair, and maintenance of farm equipment and supplies or for the raising ~~and/~~or storage of crops and livestock. These include, but are not limited to: barns, silos, workshops, equipment sheds, greenhouses, ~~wind machines (orchards),~~ and processing facilities, ~~storage bins and structures~~.

Agricultural specialist (SMA): A person such as a county extension agent with a demonstrated knowledge of farming operations, and a demonstrated ability to interpret and recommend methods to implement regulations pertaining to agriculture. Such abilities are usually obtained through a combination of higher education and experience.

Agricultural structure~~/building~~: A structure (not including buildings) ~~or building~~ located on a farm or ranch and used in the operation ~~for the storage, repair, and maintenance of farm equipment and supplies or for the raising and/or storage of crops and livestock~~. ~~–~~ These include, but are not limited to: ~~barns, silos, workshops, equipment sheds, greenhouses~~ wind machines (orchards), ~~processing facilities,~~ storage bins, fences, trellises, and irrigation systems~~and structures~~.

Agricultural use: The current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting, and selling crops; or by the feeding, breeding, management, and sale of, or production of, livestock, poultry, fur-bearing animals or honeybees; or for dairying and the sale of dairy products; or any other agricultural or horticultural use, including Christmas trees. Current employment of land for agricultural use includes:

1. The operation or use of farmland subject to any agriculture-related government program.

2. Land lying fallow for 1 year as a normal and regular requirement of good agricultural husbandry.

3. Land planted in orchards or other perennials prior to maturity.

4. Land under buildings supporting accepted agricultural practices.

5. Agricultural use does not include livestock feedlots.

Air: The mixture of gases comprising the Earth's atmosphere. ~~[Adopted by Commission Feb 9 2016]~~

Anadromous fish: Species of fish that migrate upstream to freshwater after spending part of their life in the ocean (saltwater).

Anaerobic: A condition in which molecular oxygen is absent (or effectively so) from the environment.

Aquaculture: The cultivation, maintenance, and harvesting of aquatic species.

Aquatic area: The water area of a stream, pond, or lake measured at the ordinary high water mark.

Archaeological resources: See cultural resource.

Archival research: Research in primary documents that is likely to yield information regarding human occupation of the area in question, including but not limited to deed, census, cartographic, and judicial records.

Background: One of three main visibility distance zones used to determine relative sensitivity of a development, structure, or use based on its distance from the viewer. Background is represented in the space from four miles to the horizon.

Bed and breakfast inn: An establishment located in a structure designed as a single-family dwelling where more than two rooms but fewer than six rooms are rented on a daily basis. Bed and breakfast inns are clearly incidental to the use of a structure as a single-family dwelling and are owner occupied and operated. Bed and breakfast inns operate as traveler~~transient~~ accommodations, not as rooming or boarding houses.

Best ~~management~~ Management ~~practices~~Practices (BMPs): Conservation techniques and management measures that (1) control soil loss and reduce water quality degradation caused by nutrients, animal waste, toxins, and sediment; (2) minimize adverse ~~affects~~ effects to groundwater and surface-water flow and circulation patterns; and (3) maintain the chemical, biological, and physical characteristics of wetlands, ponds, streams, and riparian areas.

Biodiversity (SMA): A diversity of biological organisms at the genetic, species, ecosystem, and landscape levels.

Boat landing: Cleared area or developed structure used to facilitate launching or retrieving watercraft.

Buffer zone: An area adjacent to a wetland, stream, pond, or other sensitive area that is established and managed to protect sensitive natural resources from human disturbance. In instances that involve a wetland, stream, or pond, the buffer zone includes all or a portion of the riparian area.

Building: Any structure used or intended for supporting or sheltering any use or occupancy. Buildings have a roof supported by columns or walls. They include, but are not limited to, dwellings, garages, barns, sheds and shop buildings.

Camping or recreational vehicle: A vacation trailer, camper, self-propelled vehicle, or structure equipped with wheels for highway use that is intended for recreational purposes, but not for residential purposes, and is equipped with plumbing, sink, or toilet. A camping or recreational vehicle shall be considered a dwelling unit if it is (1) connected to a sewer system (including septic tank), water, and electrical lines, or (2) ~~is~~ occupied on the same parcel for more than 60 days in any consecutive12-month period.

Campsite: Single camping unit that usually consists of a cleared, level area for a tent, and may include a parking spur, fire ring, table, and other amenities.

Capability: The ability of land to produce forest or agricultural products due to characteristics of the land itself, such as soil, slope, exposure, or other natural factors.

Canopy closure (SMA): For forest practices, the percentage measuring the degree to which one layer of a tree canopy blocks sunlight or obscures the sky as measured from below.

Cascadian architecture (SMA): Architectural style using native rock work, large timber, and steeply pitched roofs in a rustic manner.

Catastrophic situations (SMA): Forces such as fire, insect and disease infestations, and earth movements.

Childcare center: A facility providing daycare to three or more children, but not including:

1. The provision of care that is primarily educational, unless provided to a preschool child for more than 4 hours a day.

2. The provision of care that is primarily supervised training in a specific subject, including but not limited to dancing, gymnastics, drama, music or religion.

3. The provision of short-term care related to or associated with group athletic or social activities.

4. The provision of daycare in the provider's home in the family living quarters for less than 13 children.

Columbia River Gorge National Scenic Area Graphic Signing System: Sign design standards developed for the National Scenic Area for public signs in and adjacent to public road rights-of-way.

Columbia River treaty tribes: See definition for Indian tribes.

Commercial event: – An organized gathering at an allowed commercial development ~~/use in which money is exchanged for use of the facility~~. Such events include weddings, receptions, indoor concerts, and farm dinners, and ~~must be~~ are incidental and subordinate to the primary use on a parcel.

Commercial development or ~~/~~use: Any facility or use of land or water whose function is primarily retail buying or selling of goods or services or both. This does not include fruit ~~or~~ and produce stands.

Commercial forest products: These include timber for lumber, pulp, and firewood for commercial purposes.

Commercial recreation: Any private (non-governmental) recreational activity or facility on privately owned land, excluding nonprofit facilities. This does not include operation of a public recreation facility by a private vendor.

Community facility: Basic utilities and services necessary to support public service needs, including but not limited to water and power utilities, sanitation facilities, public microwave stations and communication facilities, schools, roads and highways. – This does not include sanitary landfills.

Consulting parties (cultural resources): Organizations or individuals who submit substantive written comments to a local government in a timely manner because they are concerned with the effects of a proposed use on cultural resources.

Contiguous land: Parcels or other lands that are under the same ownership and have a common boundary, regardless of whether or not portions of the parcels have separate tax lot numbers, lie in different counties, lie in different sections or government lots, lie in different land use or zoning designations, or are separated by public or private roads. – Contiguous land does not include parcels that meet only at a single point.

Counties: The six counties within the National Scenic Area: Hood River, Multnomah, and Wasco in Oregon; and Clark, Skamania, and Klickitat in Washington.

Created opening (SMA): A created forest opening with less than 40 percent average canopy closure of overstory trees and less than 60 percent average canopy closure of understory trees averaging less than 5 inches diameter at breast height for coniferous forests and less than 25 percent total canopy cover for oak woodlands. – This definition does not include agricultural fields.

Creation (wetlands): A human activity that converts an upland into a wetland. This definition presumes that the area to be converted has not been a wetland in recent times (100 to 200 years).

Cultivation: Any activity that prepares land for raising crops by turning, breaking, or

loosening the soil. Cultivation includes plowing, harrowing, leveling, and tilling.

Cultural resource: ~~Evidence of human occupation or activity that is important in the history, architecture, archaeology or culture of a community or region. Cultural resources include, but are not limited to, the following:~~

~~Suggested language from Yakama Nation:~~

~~"Cultural resources are t~~The objects, features, sites and places that have meaning and significance for specific human groups and cultures.~~,~~ Cultural resources support the cohesive bonds of the communities that recognize and comprehend their significance. Cultural resources can be divided into four types: Archaeological Resources, Historic Buildings, Traditional Cultural Properties and Traditional Use Areas.~~"~~

- **Archaeological resources:** ~~Physical evidence or ruins of human occupation or activity that are located on or below the surface of the ground and are at least 50 years old.~~
- ~~Archaeological resources include, but are not limited to, the remains of houses, villages, camp and fishing sites, and cave shelters; rock art such as petroglyphs and pictographs; artifacts such as arrowheads, utensils, tools, fragments of tools and utensils, obsidian flakes or other material byproducts from tool and utensil-making activities; and graves, human remains, and associated artifacts.~~

  The artifacts and features left in the landscape of early American Indian activities and the historic activities of early settlers. Artifacts are human-manufactured items and the waste material from manufacture. Features are the human alterations in the landscape. Artifacts include arrowheads and the stone waste flakes from making them and historic cans, bottles, ceramics and wooden and metal objects left in dumps or scattered in the landscape. Features include human-made pits in talus slopes, stacked rocks, rock walls, blazed and scarred trees, ditches, railroad grades, wagon roads, cabin foundations and other human modifications of the natural landscape.

- Historic buildings and structures. ~~Standing or above-ground buildings and structures that are at least 50 years old.~~
- ~~Historic buildings and structures include, but are not limited to, log cabins, barns, canals, flumes, pipelines, highways, and tunnels.~~

  Standing structures and their associated features. Often, they are still in use but can be abandoned and deteriorating. They are distinct from historic archaeological resources by being above ground and not collapsed to the level of the surrounding landscape.

- Traditional cultural properties. ~~Locations, buildings, structures, and objects that are associated with cultural beliefs, customs, or practices of a living community that are rooted in that community's history and are important in maintaining the continuing cultural identity of the community.~~
- ~~Traditional cultural properties include, but are not limited to, a location associated with the traditional beliefs of a Native American group about its origins or its~~

~~cultural history; a location where a community has traditionally carried out artistic or other cultural practices important in maintaining its historical identity; and a location where Native American religious practitioners have historically gone, and go today, to perform ceremonial activities. Objects may include petroglyphs, pictographs, rock cairns or other rock structures, trees, and rock outcrops.~~

Monumental sites, sacred places, legendary areas, mythical locations, traditional gathering areas, and landscapes and landscape features that are identified by the specific communities that hold meaning for them. They maintain and perpetuate values and practices of the group that attach significance to them. They provide spiritual cohesion to the community."

- Traditional Use Areas: Procurement and processing sites in the landscape for every kind ~~of~~of resource a society needs to perpetuate its specific culture. They are the sources for food, medicine, fibers and tools that provide subsistence for a specific group's culture."

Culturally significant foods. Natural resources used by Native Americans for subsistence, medicine and ceremony, including: water, fish, big game, roots, and berries.

Culturally significant plants and wildlife: native plant and animal species essential to the culture of a Native American group.

Cumulative effects: The combined effects of two or more activities. The effects may be related to the number of individual activities, or to the number of repeated activities on the same piece of ground. Cumulative effects can result from individually minor but collectively significant actions taking place over a period of time.

Cut: An area where soil or earth is excavated or removed in conjunction with development activities.

Dedicated site: An area actively devoted to the current use and as delineated on the site plan.

Deer and elk winter range: Areas normally used, or capable of being used, by deer and elk from December through April.

Destruction of wetlands: Loss of the wetlands or any of its component parts, including the filling, draining, or other adverse effect to the sustainable functioning of the wetland.

Developed recreation: Recreational opportunities characterized by high-density use on specific sites and requiring facilities installation. Density of use, amount of site development, and type of recreation site can vary widely across the spectrum of recreation activities.

Developed road prism (SMA): The area of the ground associated with a particular road and containing the road surface, ditch, shoulder, retaining walls, or other

developed features. Does not include the natural appearing portions of cut and fill slopes.

Development: Any land division or ~~structure, including but not limited to~~ new construction or modification of buildings~~, and~~ structures and roads, and any earth-moving activity, including, but not limited to, mining, dredging, filling, grading, paving, and excavation.

Diameter at breast height (dbh): The diameter of a tree as measured at breast height.

Distance zone: distance zones (see Background, Middleground, and Foreground) are used to determine relative sensitivity of a development, structure, or use based on its distance from the viewer. Generally, the closer a development is to the area it is being viewed from, the more attention will need to be given to site placement, design features, and mitigations to ensure the development blends with the landscape

Duplex: A building containing two dwelling units and designed for occupancy by two families.

~~**Dwelling, single-family**~~**Single-family dwelling:** A detached building containing one dwelling unit and designed for occupancy by one family only.

Dwelling unit: A single self-contained unit ~~designed for occupancy by one family and having not more than one cooking~~ with basic facility needs for day-to-day living. Facility needs include, but are not limited to, a food preparation area or kitchen, bedrooms, and a full bathroom.

Earth materials: Any rock, natural soil or any combination thereof. Earth materials do not include non-earth or processed materials, including, but not limited to, construction debris (e.g., concrete, asphalt, wood), organic waste (e.g., cull fruit, food waste) and industrial byproducts (e.g., slag, wood waste).

Effect on treaty rights: To bring about a change in, to influence, to modify, or to have a consequence to Indian treaty or treaty-related rights in the Treaties of 1855 with the Nez Perce, Umatilla, Warm Springs and ~~Yakima~~ Yakama tribes executed between the individual Indian tribes and the Congress of the United States and as adjudicated by the Federal courts.

Emergency/disaster: A sudden unexpected occurrence, either the result of human or natural forces, necessitating immediate action to prevent or mitigate significant loss or damage to life, health, property, essential public services, or the environment.

Emergency/disaster response: Actions involving any development (such as new structures, grading, or excavation) or vegetation removal that must be taken immediately in response to an emergency/disaster event (as defined above).

Emergency/disaster response actions not involving any structural development or ground-disturbance (such as use of emergency transport vehicles, communications activities or traffic control measures) are not included in this definition and are not affected by these provisions.

Endemic: Plant and animal species that are found only in the vicinity of the Columbia River Gorge area.

Enhancement (natural and scenic resources): A human activity that increases or makes greater the value, desirability or attractiveness of one or more functions of an existing sensitive area. For riparian areas, such as wetlands, streams, and lakes, enhancement is generally limited to the area that is degraded.– Enhancing a sensitive natural resource area that is in good or excellent condition may reduce biological diversity and eliminate other natural functions and may not be desirable.

~~**Enhancement (natural resources):** A human activity that increases one or more functions of an existing wetland, stream, lake, riparian area, or other sensitive area. Enhancement is generally limited to a wetland, stream, lake, riparian area, or other sensitive area that is degraded. Enhancing an area that is in good or excellent condition may reduce biological diversity and eliminate other natural functions and may not be desirable.~~

Ephemeral streams (SMA): streams that contain flowing water only during, and for a short duration after, precipitation events.

Equitable recreation: development and services that are equally accessible and available to all people regardless of income level, ethnicity, gender, ability, or age.

Ethnography:– The descriptive and analytic study of the culture of particular groups. An ethnographer seeks to understand a group through interviews with its members and often through living in and observing it.

Existing industrial complex: Areas including some existing industrial use and where readily visible remnants of past industrial activities exist. The complex includes buildings, including those abandoned or partially abandoned, paved areas, stockpiles, equipment storage areas, quarry areas, etc., and may include isolated patches of vegetation or rock outcroppings surrounded by areas described above. The complex does not extend to include areas where evidence of past activity is no longer readily evident in the landscape. ~~*(Added: CRGC adopted 7/7/08; U.S. Sec. Ag. concurrence 10/8/08)*~~

Existing use or structure: Any use or structure that was legally established and that has continued to operate lawfully and has not been discontinued. "Legally established" means: (1) the landowner or developer obtained applicable land use and building permits and complied with land use regulations and other laws that were in effect at the time the use or structure was established, or that were in effect at the time the landowner or developer corrected an improperly established

use or structure; (2) the use or structure was initially operated or constructed according to those applicable permits, land use regulations and other laws, or has been operated or constructed according to permits obtained to correct an improperly established use or structure; and (3) any changes to the original use or structure must comply with all applicable permit requirements, land use regulations and other laws that were in effect at the time the change was established.

Exploration, development (extraction and excavation), and production of mineral resources: Includes all or any part of the process of surface, underground, or submerged mining of mineral resources, and transportation of mineral resources from the site. Minerals include soil, coal, clay, stone, sand, gravel, metallic ore, oil and gases and any other material or substance excavated for commercial, industrial or construction use. For the Management Plan, this definition includes all exploration and mining, regardless of area disturbed or volume mined. Production of mineral resources means the use of portable crushing, onsite stockpiling, washing, milling, screening, or sorting equipment or other similar methods of initial treatment of a mineral resource and~~to~~ transport to another site for use or further processing. Secondary processing such as concrete or asphalt batch plants are considered industrial uses.

Fill: The placement, deposition, or stockpiling of sand, sediment, or other earth materials to create new uplands or create an elevation above the existing surface.

Finished grade: The final elevation of the ground level of a property after construction is completed.

Fire break: A break in ground cover fuels, adjacent to and surrounding buildings.

Footprint: The area that falls directly beneath and shares the same perimeter as a structure.

Forbs: Broad-leaved herbs, in contrast to ferns, fern allies, and grasses and grasslike plants.

Foreground ~~(SMA)~~: ~~–~~ One of three main visibility distance zones used to determine relative sensitivity of a development, structure, or use based on its distance from the viewer. Foreground is represented in the space from zero (the viewer) up to ~~O~~one-half mile ~~on either side of a traveled road or trail~~.

Forest health (SMA): A measure of the robustness of forest ecosystems. Forests are deemed healthy when they have capacity across the landscape for renewal, for the maintenance of wildlife habitats, for recovery from a wide range of disturbances, and for retention of their resilience.

Forest practice (SMA): Any activity conducted on or directly pertaining to forested land and relating to forest ecosystem management including but not limited to growing, thinning, or removing live or dead forest tree or shrub species, road and trail construction, reforestation, fertilizing, brush control, prevention of wildfire, and suppression of diseases and insects. The removal of hazardous trees is excluded.

Uses that include establishment, management or harvest of Christmas trees, nursery stock, or fiber producing tree species requiring intensive cultivation (irrigation, fertilization, etc.) and a harvest rotation of 12 years or less are considered agricultural uses.

Forest practice (GMA): Those activities related to the growing and harvesting of forest tree species, as defined by the Oregon Forest Practices Act or the Washington Forest Practices Act.

Forest products: Commodities produced from a forest, including, but not limited to, timber products, boughs, mushrooms, pine cones, and huckleberries.

Forest Service: The United States Department of Agriculture Forest Service – National Scenic Area Office.

Forest stand structure (SMA): The number, types and spacing of tree species, tree sizes, and canopy layers contained in a stand of trees.

Forest use: The growing, propagation, and harvesting of forest tree species and other forest products.

Fruit and produce stand: – A venue on a farm or ranch selling produce and agricultural products primarily grown on the subject farm or ranch. Associated incidental agricultural products from the local region and associated incidental marketing materials shall not make up more than 25% of the sales at the stand. Incidental products may include processed foods like jams and jellies. Foods prepared for consumption on the premises are not permitted. Fruit and produce stands are not a commercial use.

Fully screened: A description used when determining compliance with the scenic standards (visually subordinate and not visually evident), where ~~of the relative visibility of~~ a structure, development or use ~~where that structure~~ is not visible as viewed from a specified vantage point (generally a key viewing area, for the purpose of the Management Plan). See Scenic Resources Implementation Handbook for more information regarding screening for development in the National Scenic Area.

Gorge Commission: The Columbia River Gorge Commission.

Grade (ground level): The average elevation of the finished ground elevation as defined by the ~~Uniform~~ International Building Code.

Grading: Any excavating or filling of earth materials or any combination thereof, including the land in its excavated or filled condition.

Hazard tree (SMA): A tree with a structural defect that will predictably result in whole or partial failure within 1.5 tree lengths of a road or maintained development. A defective tree is hazardous only when its failure could result in danger to people or damage to structures, vehicles, or other property.

Height of building: The greatest vertical distance between the point of lowest finished grade adjoining any exterior wall of a building and the highest point of the roof, such as the highest coping or parapet of a flat roof, the highest deck line of a mansard roof, or the highest ridge of a hip, gable, gambrel, shed or other pitched roof.

Herbaceous: A plant with no persistent woody stem above the ground, with characteristics of an herb.

Herbs: Non-woody (herbaceous) plants, including grasses and grasslike plants, forbs, ferns, fern allies, and non-woody vines. (Note: Seedlings of woody plants that are less than 3 feet tall shall be considered part of the herbaceous layer.)

Historic buildings and structures: See cultural resource.

Historic survey: Actions that document the form, style, integrity, and physical condition of historic buildings and structures. Historic surveys may include archival research, architectural drawings, and photographs.

Home Occupation: A small-scale commercial use conducted in a legal single-family dwelling or accessory structure, employing the residents of the dwelling and up to three outside employees. Periodic use of home offices, studios, and other work areas used only by the residents of the dwelling are not a home occupation.

Horses, boarding of (GMA): The stabling, feeding, and grooming, or the use of stalls for and the care of horses not belonging to the owner of the property, and related facilities, such as training arenas, corrals, and exercise tracks. These facilities are either operated for a fee or by a nonprofit organization.

Hydric soil: A soil that is saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part.

Immediate Foreground for scenic corridors: A subset of one of the three main visibility distance zones used to determine relative sensitivity of a development, structure, or use based on its distance from the viewer. Immediate foreground is represented in the space from zero (the viewer) up to one-quarter mile. For scenic travel corridors in the GMA, immediate foreground also includes lands within one-quarter mile of the edge of pavement. In the SMAs, immediate foreground includes the developed prism of a road or trail KVA or within the boundary of the developed area of KVAs (such as Crown Point or Multnomah Falls).

In-lieu or treaty fishing access sites: Sites acquired by the Army Corps of Engineers and transferred to the Bureau of Indian Affairs for treaty fishing, in lieu of those usual and accustomed fishing areas lost by inundation from reservoir construction. These sites were acquired under the provisions of Public Law 79-14 and Public Law 100-581, Section 401. Additional in-lieu or treaty fishing access sites will be provided for.

~~Indian t~~Tribal government: The governing bodies of the Nez Perce Tribe (Nez Perce Tribal Executive Committee), the Confederated Tribes of the Umatilla Indian Reservation (Board of Trustees), the Confederated Tribes of the Warm Springs ~~Reservation of Oregon~~ (Tribal Council), and the Confederated Tribes and Bands of the Yakama ~~Indian~~ Nation (Tribal Council).

Indian tribes: The Nez Perce Tribe, the Confederated Tribes and Bands of the Yakama ~~Indian~~ Nation, the Confederated Tribes of the Warm Springs ~~Reservation of Oregon~~, and the Confederated Tribes of the Umatilla Indian Reservation.

Industrial uses: ~~–~~ Any use of land or water primarily involved in:

1. Assembly or manufacture of goods or products,

2. Processing or reprocessing of raw materials, processing of recyclable materials or agricultural products not produced within a constituent farm unit,

3. Storage or warehousing, handling or distribution of manufactured goods or products, raw materials, agricultural products, forest products, or recyclable materials for purposes other than retail sale and service, or

4. Production of electric power for commercial purposes.

Interpretive displays: Signs and structures that provide for the convenience, education, and enjoyment of visitors, helping visitors understand and appreciate natural and cultural resources and their relationship to them.

Key components: The attributes that are essential to maintain the long-term use and productivity of a wildlife site. The key components vary by species and wildlife site. Examples include fledgling and perching trees, watering sites, and foraging habitat.

Key viewing areas: Those portions of identified important public roads, parks, or other vantage points within the National Scenic Area from which the public views National Scenic Area landscapes. Such portions include gathering points, rest areas, roads and trails that provide primary access to the area, parking lots, and associated recreation areas. Identified areas~~These~~ include:
Historic Columbia River Highway (including the Historic Columbia River Highway State Trail)
Crown Point
Highway I-84, including rest stops
Multnomah Falls
Washington State Route 14
Beacon Rock
Panorama Point Park
Cape Horn
Dog Mountain Trail
Cook-Underwood Road
Rowena Plateau and Nature Conservancy Viewpoint

Portland Women's Forum State Park
Bridal Veil State Park
Larch Mountain (including Sherrard Point)
Rooster Rock State Park
Bonneville Dam Visitor Centers
Columbia River
Washington State Route 141
Washington State Route 142
Oregon Highway 35
Sandy River
Pacific Crest Trail

For projects located in the SMAs only:

Old Highway 8 (previously known as Old Washington State Route 14 and (County Road 1230)
Wyeth Bench Road (also known as Wyeth Road)
Larch Mountain Road
~~Sherrard Point on Larch Mountain~~

Land division: The division or redivision of contiguous land(s) into tracts, parcels, sites or divisions, regardless of the proposed parcel or tract size or use. A land division includes, but is not limited to, short subdivisions, partitions, and subdivisions.

Landscape setting: The combination of land use, and cultural features, landform pattern and features, ~~and~~ vegetation ~~patterns~~ and waterform that distinguish an area in appearance and character from other portions of the National Scenic Area.

Livestock feedlot: Stockyards and commercial livestock finishing yards for cattle, sheep, swine, and fur bearers. Feedlots do not include winter pasture or winter hay-feeding grounds.

Lot line adjustment: Relocation of one or more common boundary lines between two contiguous parcels that does not create additional parcels.

Maintenance: Ordinary upkeep or preservation of a serviceable structure affected by wear or natural elements. Maintenance does not change the original size, scope, configuration or design of a structure. Maintenance includes, but is not limited to, painting and refinishing, regrouting masonry, patching roofs, grading gravel roads and road shoulders, cleaning and armoring ditches and culverts, filling potholes, controlling vegetation within rights- of-way, removing trees and other roadside hazards within rights-of-way, and testing and treating utility poles.

Managerial Setting: the on-site controls (signs, regulations, or other regimentation) and types of facilities recreationists could expect when visiting recreation sites.

Middleground: one of three main visibility distance zones used to determine relative sensitivity of a development, structure, or use based on its distance from the viewer.

Middleground is represented in the space between the foreground and the background. The area located from one-half mile up to four miles from the viewer.

Mitigation: The use of any or all of the following actions, in the following order of priority:

1. Avoiding the impact altogether by not taking a certain action or parts of an action.

2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation.

3. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment.

4. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.

5. Offsetting impacts by creating or enhancing affected resources.

~~5.~~6. Monitoring the result of mitigation actions and taking appropriate corrective actions.

Mosaic (SMA): The dispersal of overstory and understory leave trees in irregularly spaced clumps of varying sizes throughout an irregularly shaped created forest opening.

Multifamily dwelling: A dwelling constructed or modified into two or more ~~single-family~~dwelling units.

National Scenic Area: The Columbia River Gorge National Scenic Area.

Native species: Species that naturally inhabit an area.

Natural grade: The undisturbed elevation of the ground level of a property before any excavation or construction operations.

Natural resources (GMA & SMA): Wetlands, streams, ponds and lakes, riparian areas, wildlife and wildlife habitat, rare plants, and natural areas. ~~*(Revised: CRGC adopted 7/13/10; U.S. Sec Ag. concurrence 11/1/10 & 7/1/11)*~~

Natural resource specialist: A person with professional qualifications, including an academic degree or sufficient professional experience, in the subject matter the specialist is being asked to analyze or evaluate.

Natural resource-based recreation (SMA): Recreation activities, uses, or facilities that essentially depend on the unique natural, scenic, or cultural resources found within the National Scenic Area. Campgrounds, trails, boating and windsurfing facilities, swimming beaches, picnic sites, viewpoints, interpretive parks, and

similar outdoor recreation facilities are considered resource-based; golf courses, tennis courts, and rental cabins are not.

Nonprofit organization: An organization whose nonprofit status has been approved by the U.S. Internal Revenue Service.

Not visually evident (SMA): One of the two scenic standards applicable within the National Scenic Area. A ~~visual quality standard~~ description of the relative visibility of a development, structure or use that provides for developments, structures or uses that are not visually noticeable to the casual visitor and the defining landscape setting characteristics appear intact. ~~Developments or uses shall only~~ Deviations may be present but must repeat form, line, color, ~~and~~ texture and pattern common to the natural landscape setting so completely and at such scale, proportion ~~that are frequently found in the natural landscape, while changes in their qualities of size, amount,~~ intensity, direction, pattern, etc., ~~shall~~ that it not be noticeable.

Old growth (SMA): A forest stand usually at least 180-220 years old with moderate to high canopy closure; a multi-layered, multi-species canopy dominated by large overstory trees; high incidence of large trees, some with broken tops and other indications of old and decaying wood (decadence); numerous large snags, and heavy accumulations of wood, including large logs on the ground.

Operational (SMA): For new agricultural use, an agricultural use shall be deemed operational when the improvements and investments described in the Stewardship Plan are in place on the parcel.

Ordinary high water mark: The mark on all streams, ponds, and lakes that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a vegetative character distinct from that of the abutting upland. In any area where the ordinary high water mark cannot be found, the line of mean high water shall substitute.

Other related major structure (SMA): A structure related to a dwelling on a parcel in ~~the~~ an SMA that is less than 40 acres in size, which is not incidental and subordinate to the main use of the property. A building or structure that satisfies the definition of "accessory building" is not an "other related major structure" or a "major development action."

Overnight accommodations (GMA): The rental of one or more rooms located in legal single-family dwelling on a daily or weekly basis. Overnight accommodations are clearly incidental to the use of a structure as a single-family dwelling and are owner-operated.

Overstory (SMA): For forest practices, the tall or mature trees that rise above the shorter or immature understory trees.

Parcel:

1. 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.

2. Any unit of land legally created and separately described by deed, 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.

3. 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 Forest Service ~~Office~~ prior to the Final Interim Guidelines.

4. A unit of land shall not be considered a separate parcel simply because the subject tract of land:

   A. Is a unit of land solely created to establish a separate tax account;

   B. Lies in different counties;

   C. Lies in different sections or government lots;

   D. Lies in different land use or zoning designations; or

   E. Is dissected by a public or private road.

Physical Settings: the physical quality of the landscape at a recreation site, and how rustic recreation facilities may appear. Physical setting is distinct and not to be confused with landscape settings and landscape setting character descriptions.

Practicable: Able to be done, considering technology and cost.

Preexisting: Existing prior to the adoption of the first Columbia River Gorge National Scenic Area Management Plan on October 15, 1991.

Previously disturbed: An area of land where the natural surface has been graded, excavated, paved ~~and/~~or graveled.

Priority Habitat: Areas that provide habitat for sensitive wildlife determined by Forest Service, Oregon Department of Fish & Wildlife, or Washington Department of Fish & Wildlife.

Project area: The geographic area or areas within which new development and uses may cause changes in the character or use of cultural resources, if any such resources exist.

Public dock: A dock constructed, maintained and operated by a federal, state, local, or tribal government entity to provide public access to a water body.

Public use facility: Recreation development(s) that meet the definition of "recreation facility" in the Management Plan and are open for use by the general public. Private clubs and other facilities limited to members or otherwise restricted in availability shall not be considered public use facilities.

Rare plant species: Various categories of plants and plant communities cited in federal and state programs. Rare plants and rare plant ecosystems are:

1. Endemic to the Columbia River Gorge and vicinity (see Table 2),

2. Listed as endangered or threatened pursuant to federal or state endangered species acts, or

3. Designated global or state status rank 1, 2, or 3 by the Oregon Biodiversity Information Center or Washington Natural Heritage Program.

In the SMAs, rare plant species also include plant species recognized by the Regional Forester as needing special management to prevent them from being placed on federal or state endangered species lists.

Rare wildlife species: Wildlife species that are;

1. Listed as endangered or threatened pursuant to federal or state endangered species acts,

2. Listed as endangered, threatened, sensitive, or candidate by the Washington Wildlife Commission,

3. Listed as sensitive by the Oregon Fish and Wildlife Commission, or

4. Considered to be of special interest to wildlife management authorities and the public (great blue heron, osprey, golden eagle, peregrine falcon, and prairie falcon).

In the SMAs, rare wildlife species also include animal species recognized by the Regional Forester as needing special management to prevent them from being placed on federal or state endangered species lists.

Recreation facility: A cluster or grouping of recreational developments or improvements located in relatively close proximity to one another, and that are not separated in distance by more than 1/4 mile of land that does not contain any such recreational developments or improvements, except for roads and/or pathways.

Recreation resort: A master-planned development focused on accessing a range of resource-based recreational opportunities, consisting of predominately short-term visitor accommodations and supporting commercial uses. ~~*(Added: CRGC adopted*~~

~~*7/7/08; U.S. Sec. Ag. concurrence 10/8/08)*~~

Reconnaissance survey: Actions conducted to determine if archaeological resources are present in an area that would be affected by a proposed use. Reconnaissance surveys may include archival research, surface surveys, subsurface testing, and ethnographic research.

Recreation opportunity spectrum (ROS): A means of classifying areas in relation to the types of recreation opportunities and experiences they provide or are appropriate for. The spectrum ranges from primitive (wilderness areas) to urban (highly modified areas).

- Primitive: Remote, inaccessible areas with a high degree of solitude and with resources essentially unmodified.

- Semiprimitive: Areas accessible only by primitive transportation routes, with low to moderately infrequent human encounters and with only subtle modifications to the natural setting.

  Roaded Natural: Roaded areas with moderately frequent human encounters and with resource modifications evident.

- Rural: Roaded areas with moderate to highly frequent human encounters and with the natural setting dominated by cultural modifications.

- Suburban: Areas representing the rural-urban interface, with urban-like roads, structures, highly frequent human encounters, and dominant resource modifications encroaching into the rural landscape.

- Urban: Highly accessible, roaded areas dominated by human encounters and human-related structures.

Recreation resources: Areas and facilities that provide recreation opportunities and experiences. Recreation resources include semi-primitive areas with few facilities and developed sites.

Recreation Setting: the tool for managing recreation development and opportunities based on the sites social, physical, and managerial setting

Reflective surface: providing a reflection; capable of reflecting light or other radiation.

Regularly maintained: An area of land that has been previously disturbed and where periodic actions have been taken to (1) keep the area clear of vegetation (e.g., shoulders, utility yards), (2) limit the height and type of vegetation (e.g., utility rights-of-way), ~~and/~~or (3) establish and retain non-native vegetation (e.g., landscaped medians, rest area grounds).

Rehabilitation (natural resources): A human activity that returns a wetland, stream,

buffer zone, or other sensitive area that was disturbed during construction of a permitted use to its natural or preconstruction condition.

Remnant old forest (SMA): Large trees in the overstory that are well into the mature growth state (older than 180 years).

Repair:– Replacement or reconstruction of a part of a serviceable structure after damage, decay or wear. A repair returns a structure to its original and previously authorized and undamaged condition. It does not change the original size, scope, configuration or design of a structure, nor does it excavate beyond the depth of the original structure. Repair includes, but is not limited to, reroofing a building, replacing damaged guardrails, reconstructing a rotten deck or porch, replacing a broken window or door, replacing a utility pole and associated anchors, replacing a section of broken water or sewer line, replacing a damaged or defective utility line, reconstructing a portion of a building damaged by fire or a natural event, and replacing railroad ties or rails.

Resort core: The portion of a recreation resort formerly occupied by the existing industrial complex. ~~*(Added: CRGC adopted 7/7/08; U.S. Sec. Ag. concurrence 10/8/08)*~~

Resource-based recreation: Those recreation uses that are essentially dependent upon the natural, scenic, or cultural resources of the National Scenic Area and that do not adversely affect those resources upon which they depend.

Restoration (wetlands): A human activity that converts an area that was formerly a wetland back into a wetland. This definition presumes that the area to be restored no longer qualifies as a wetland because of past activities, alterations, or catastrophic events.

Review uses: Proposed uses and developments that must be reviewed by a county planning department, the Gorge Commission, or the Forest Service to determine if they comply with the policies and guidelines in the Management Plan.

Riparian area:– The area immediately adjacent to streams, ponds, lakes, and wetlands that directly contributes to the water quality and habitat components of the water body. This may include areas that have high water tables and soils and vegetation that exhibit characteristics of wetness, as well as upland areas immediately adjacent to the water body that directly contribute shade, nutrients, cover, or debris, or that directly enhance water quality within the water body.

Road: The entire right-of-way of any public or private way that provides ingress to or egress from property by means of vehicles or other means or that provides travel between places by means of vehicles.– "Road" includes, but is not limited to:

1. Ways described as streets, highways, throughways, or alleys.

2. Road-related structures that are in the right-of-way, such as tunnels, culverts, or similar structures.

3. Structures that provide for continuity of the right-of-way, such as bridges.

~~**Scenic Area: The Columbia River Gorge National Scenic Area.**~~

Scenery Management System: The overall framework for the orderly inventory, analysis, and management of scenery developed in coordination with the Forest Service.

Scenic travel corridor: Those portions of Interstate 84, the Historic Columbia River Highway, Oregon Highway 35, and Washington State Routes 14, 141, and 142 located in the National Scenic Area and specifically designated to be managed as scenic and recreational travel routes.

Secretary: The U.S. Secretary of Agriculture.

~~**Sensitive plant species:** Plant species that are (1) endemic to the Columbia River Gorge and vicinity, (2) listed as endangered or threatened pursuant to federal or state endangered species acts, or (3) listed as endangered, threatened or sensitive by the Oregon or Washington Natural Heritage Program.~~

~~In the SMA, sensitive plant species also include plant species recognized by the Regional Forester as needing special management to prevent them from being placed on federal or state endangered species lists.~~

~~**Sensitive wildlife species:** Animal species that are (1) listed as endangered or threatened pursuant to federal or state endangered species acts, (2) listed as endangered, threatened, sensitive, or candidate by the Washington Wildlife Commission, (3) listed as sensitive by the Oregon Fish and Wildlife Commission, or (4) considered to be of special interest to the public, limited to great blue heron, osprey, mountain goat, golden eagle, and prairie falcon.~~

~~In the SMA, sensitive wildlife species also include animal species recognized by the Regional Forester as needing special management to prevent them from being placed on federal or state endangered species lists.~~

Service station: A business operated for the purpose of retailing and delivering motor vehicle fuel into the fuel tanks of motor vehicles.

Serviceable: Presently useable.

Shall: Action is mandatory.

Should: Action is encouraged.

Shrub: A woody plant usually greater than 3 feet but less than 20 feet tall that generally exhibits several erect, spreading, or prostrate stems and has a bushy appearance. (Note: For the Management Plan, seedlings of woody plants that are less than 3 feet tall shall be considered part of the herbaceous layer.)

Sign: Any placard, poster, billboard, advertising structure or inscribed surface, pattern or artificial lighting, pictorial or symbolic ornament, emblematic structure, banner, fluttering apparatus, statue, model, ornamental figure, or other visually communicative or expressive device that is visible from an out-of-doors position and is used to advertise or call the public's attention to any public, business, commercial, industrial, recreational or any other activity, object for sale or lease, person or place, or to bear any kind of message. It includes any surface on which a name, text, device, signal, ornament, logotype, or advertising matters is made visible. The meaning of "sign" shall also include any sign currently in disuse, but still visible from an out-of-doors position, and any frame or support structure erected specifically to bear or uphold a sign.

Significant cultural resource (SMA): A cultural resource that is included in, or eligible for inclusion in, the National Register of Historic Places. (The criteria for evaluating the eligibility of properties for the National Register of Historic Places appear in "National Register Criteria for Evaluation" [36 CFR 60].)

Skyline: The line that represents the place at which a landform, such as a cliff, bluff or ridge, meets the sky, and is topographically visible~~as viewed~~ from a specified vantage point (generally a key viewing area, for the purpose of the Management Plan). The skyline is formed where the surface of the earth meets the sky except in existing densely forested landscapes with thick, unbroken coniferous tree cover characteristic to its setting, the skyline may be formed by the top of the vegetative canopy.~~In areas with thick, unbroken tree cover, the skyline is generally formed by the top of the vegetative canopy. In treeless areas or areas with more open tree cover, the skyline is generally formed by the surface of the ground.~~

Social Settings: identifies the opportunities for solitude as well as quantity and type of encounters visitors could experience when visiting a recreation site or area.

Soil capability class: A classification system developed by the U.S. Department of Agriculture Soil Conservation Service to group soils as to their capability for agricultural use.

Special habitat area: Wetlands, mudflats, shallow water, and riparian vegetation that have high values for waterfowl, shorebirds, raptors, songbirds, upland game, and reptiles.

Special streams: Streams that are primary water supplies for fish hatcheries and rearing ponds.

Stand: A group of trees possessing uniformity in regard to type, age, vigor, or size.

Story: A single floor level of a structure, as defined by the ~~Uniform~~ International Building Code.

Streams: Areas where surface water produces a defined channel or bed, including bedrock channels, gravel beds, sand and silt beds, springs and defined-channel

swales. The channel or bed does not have to contain water year-round. This definition is not meant to include irrigation ditches, canals, storm or surface water runoff structures, or other artificial watercourses unless they are used to convey streams naturally occurring prior to construction of such watercourses.

For the Management Plan, streams are categorized into two classes: perennial streams and intermittent or ephemeral streams. Perennial stream means a stream that flows year-round during years of normal precipitation. Intermittent stream means a stream that flows only part of the year, or seasonally (ephemeral), during years of normal precipitation.

Structure: That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner. This includes, but is not limited to, buildings, walls, fences, roads, parking lots, signs, patios, driveways, and additions/alterations to structures, including repaving or resurfacing roads, driveways, and patios.

Submit: To deliver a document (e.g., land use application, written comment) to a reviewing agency's office by personal delivery, commercial delivery, mail, fax, or E-mail. When a document must be submitted within a specified period, it must arrive at the reviewing agency's office by the close of business on the last day of the specified period.

Subsurface testing: Any procedure that removes material from beneath the ground surface for the purpose of identifying cultural resources, such as shovel tests, posthole digger tests, and auger borings.

Suitability: The appropriateness of land for production of agricultural or forest products or for recreation, considering its capability for production; whether the land is committed to another land use that does not allow for agricultural use; surrounding uses and features associated with development; compatibility with scenic, cultural, natural and recreation resources; compatibility among uses; and other cultural factors, such as roads, powerlines, dwellings, and size of ownership.

Thinning (SMA): A forest practice intended to create favorable conditions for the continued growth of trees within an existing stand of trees. A thinning becomes a forest opening in coniferous forests when the average canopy closure of the overstory layer is zero or less than 40 percent and the understory layer is less than 60 percent average canopy closure of trees averaging less than 5 inches diameter at breast height. A thinning becomes a forest opening in oak woodlands when the total average canopy closure is less than 25 percent.

Topographic Visibility: Refers to areas that can be seen (generally from a key viewing area, for the purpose of the Management Plan) if all vegetation were to be removed.

Total canopy closure (SMA): For forest practices, the percentage measuring the degree to which all layers of the tree canopy combine together to block sunlight or obscure the sky as measured from below.

Traditional foods: natural and cultural resources that Native Americans rely on for sustenance, based on history, culture and tradition.

Trail Characteristics: tools to describe the types of trail conditions that recreationists should expect when visiting a recreation resource.

~~**Travelers' accommodations:** Any establishment having rooms rented or kept for rent on a daily or weekly basis to travelers or transients for a charge or fee paid or to be paid for rental use or use of facilities.~~

Treatment (SMA): For forest practices, a site-specific operation that carries out the forest management objectives for an area.

Treaty rights or other rights: Rights reserved by the Indian tribes through the Treaties of 1855. These include the right of fishing at all usual and accustomed places, as well as the privilege of pasturing livestock and hunting and gathering on open and unclaimed lands in common with the citizens of the states.

Tributary fish habitat: Streams that are used by anadromous or resident fish for spawning, rearing ~~and/~~or migration.

Unobtrusive: when a structure does not intrude or visually dominate the scene of a landscape and for which the introduced forms, lines, colors, textures, and patterns mimic the native environment.

Understory (SMA): For forest practices, the shorter or immature trees below the tall or mature overstory trees.

Undertaking: Any project, activity, program or development or change in land use that can result in changes in the character or use of a cultural resource, if any such cultural resources are located in the area of potential effects. For federal undertakings, the project, activity, or program must be under the direct or indirect jurisdiction of a federal agency or licensed or assisted by a federal agency. Undertakings include new and continuing projects, activities, or programs and any of their elements [36 CFR 800.16(y)].

Unimproved lands: Lands that generally do not have developments such as buildings or structures.

Upland: Any area that does not qualify as a wetland because the associated hydrologic regime is not sufficiently wet to elicit development of vegetation, soils, ~~and/~~or hydrologic characteristics associated with wetlands.

Uses allowed outright: New uses and developments that may occur without being reviewed by a county planning department, the Gorge Commission, or the Forest Service to determine if they are consistent with the Management Plan.

Utility facility: Any structure that provides for the transmission or distribution of water, sewer, fuel, electricity, or communications.

Vested right: The right to develop or continue to develop a use, development or structure that was reviewed and approved pursuant to this Management Plan.

Viewshed: A landscape unit seen visible from a key viewing area.

Visual quality objective (VQO): A set of visual management goals established by the Forest Service to achieve a desired visual objective. These objectives include retention and partial retention, and others in the Mt. Hood and Gifford Pinchot National Forest Plans.

Visually subordinate: One of the two scenic standards applicable in the National Scenic Area. A description of the relative visibility of a development, structure or use where that development, structure or use does not noticeably contrast with the surrounding defining landscape setting characteristics, as viewed from a specified vantage point (generally a key viewing area, for the Management Plan), and the setting appears only slightly altered (distinctive characteristics of that setting remain dominant). As opposed to development, structures or uses that are fully screened, structures that are visually subordinate may be partially visible but would be difficult to discern to the common viewer. They are not visually dominant in relation to their surroundings. Visually subordinate development, structures, or uses as well as forest practices in the SMAs shall repeat form, line, color, or texture common to the natural landscape, while changes in their qualities of sizescale, amountproportion, intensity, direction, pattern, etc., shall not dominate the natural landscape setting.

Water-dependent: Uses that absolutely require, and cannot exist without, access or proximity to, or siting within, a water body to fulfill their basic purpose. Water-dependent uses include, but are not limited to, docks, wharfs, piers, dolphins, certain fish and wildlife structures, boat launch facilities, and marinas. Dwellings, parking lots, spoil and dump sites, roads, restaurants, trails and paths, trailer parks, resorts, and motels are not water-dependent.

Water-related: Uses not directly dependent upon access to a water body, but whose presence facilitates public access to and enjoyment of a water body. In the GMA, water-related uses shall be limited to boardwalks, trails and paths, observation decks, and interpretative aids, such as kiosks and signs.

Wetlands: Areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. This does not include riparian areas, rivers, streams, and lakes.

Wetlands functions: The beneficial roles that wetlands serve, including storage, conveyance, and attenuation of floodwaters and stormwaters; groundwater recharge and discharge; protection of water quality and reduction of sediment and erosion; production of waterfowl, game and non-game birds, mammals, and other

living resources; protection of habitat for endangered, threatened, and sensitive species; food chain support for a broad range of wildlife and fisheries; educational, historical, and archaeological value protection; and scenic, aesthetic, and recreational amenities.

Winery or cidery: An agricultural ~~facility~~ building used for processing ~~grapes~~ fruit into wine or cider, including laboratories, processing areas, offices, and storage areas. A winery or cidery is distinct from a wine or cider sales and ~~/~~tasting room; each of these uses must be explicitly reviewed and approved.

Wine or cider sales and ~~/~~tasting room: A facility that is accessory to a winery or cidery and used for tasting and retail sales of wine or cider, including interior space (e.g., wine bar, sitting room) and exterior space (e.g., patio, veranda). A wine or cider sales and ~~/~~tasting room shall not be used for preparing or serving meals or hosting weddings, receptions or other commercial events, unless allowed, reviewed and approved under the “Commercial Events” provisions in Part II, Chapter 7: General Policies and Guidelines of this Management Plan. A wine or cider sales and ~~/~~tasting room is distinct from a winery or cidery; each of these uses must be explicitly reviewed and approved.

Woody plant: A seed plant (gymnosperm or angiosperm) that develops persistent, hard, fibrous tissues.

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Summary of Substantive Changes in the Revised Gorge 2020 Management Plan

The following is a list of some of the substantive changes to the Management Plan for the Columbia River Gorge National Scenic Area, which was approved by the Gorge Commission on October 13, 2020 and received concurrence from the US Secretary of Agriculture on February 19, 2021.

- Adopts a Climate Change chapter with policies that are guiding the development and implementation of a Climate Change Action Plan for the National Scenic Area.
- Adopts a Diversity, Equity, and Inclusion statement and policies that are guiding the creation and implementation of a Diversity, Equity, and Inclusion work plan for the Gorge Commission.
- Expands the buffer zone for certain identified cold water refuge streams from 100 feet to 200 feet.
- Updates wetlands protection policies to require no loss of wetlands, rather than the previous standard of no net loss.
- Includes new policies regarding the urban area boundary revision process, including a cumulative maximum increase of 50 acres or 2%, whichever is less, of the current acreage within an urban area. The Commission will further clarify the adopted policies in rulemaking; no timeline has been established for that process.
- Allows cideries, following the guidelines established for wineries.
- Allows fruit and produce stands to sell a broader range of agricultural products and other incidental materials.
- Includes new guidelines in some land use designations for owner-occupied "overnight accommodations," limited to 90 room nights per year.
- Requires county planning departments to provide applicants with information on Firewise standards, and encourages applicants to meet those standards while meeting other National Scenic Area guidelines.
- Exempts buildings that are 1,500 square feet or less from the compatibility guideline for scenic resource protection.
- Updates guidelines for recreation developments, including new "recreation setting" descriptions for each Recreation Intensity Class.
- Updates the Economic Development chapter to be consistent with changes to the Management Plan and with current and projected economic development practices.
- Updates the Agricultural Income Test for new dwellings on Agricultural Land, requiring applicants to produce $80,000 in gross agricultural income in 2020 dollars, indexed annually to inflation, before a dwelling can be permitted.
- Disallows new dwellings on lands designated as Commercial Forest or Large Woodland.

This is not a complete list of changes made to the Management Plan; many changes were clerical or did not have policy implications. The final adopted Management Plan is available on the Gorge Commission's website, www.gorgecommission.org. For anyone interested in all the edits made, a redline version is also available on the Commission's website.

COLUMBIA RIVER GORGE COMMISSION EST. 1986

FOREST SERVICE US DEPARTMENT OF AGRICULTURE

EXHIBIT D
PC-2021-14505

Land Uses Updates in Gorge 2020

Gorge 2020 is a three-year process to review, and revise as necessary, the **Columbia River Gorge National Scenic Area (CRGNSA) Management Plan**. Part II of the CRGNSA Management Plan includes goals, objectives, policies, and guidelines for the **land use designations** in the National Scenic Area. The land use designations are intended to protect resources in agricultural lands and forest lands; protection and enhancement of open spaces; and in the GMA, identify areas used or suitable for commercial development. Part II Chapter 7 of the Management Plan includes **general policies and guidelines for land uses** in the land use designations.

How Updates Were Identified and Proposed

During the process of public scoping, staff meetings with state and federal agencies, and discussions with county planners, Gorge Commission and Forest Service Staff received comments related to language and policies in the Plan that are perceived to cause unnecessary confusion and inefficiencies in the development review process, as well as suggestions about specific land uses and activities that might need to be added to or revised in the Plan.

Throughout 2018 and 2019, Commission and Forest Service staff consulted with NSA county planners to identify and work through the technical fixes to the plan. At a series of public open houses held for this focus topic from August to October 2019, staff gathered input received from landowners and other local stakeholders. Input received from all of the public meetings along with feedback and guidance from the Commission informed the proposed revisions presented in the draft chapter.

Synopsis of Proposed Updates

- Adding new expedited review use for **roof-mounted solar panels**, provided they comply with the resource protection and procedural guidelines in the Management Plan.
- Removing the provision for **cluster developments** from the Plan. Cluster developments are rarely proposed, and opportunities for these kinds of land divisions are limited.
- Remove the term “cottage industries” to streamline language. Combining the current guidelines for Cottage Industries and **Home Occupations**, keeping the term “home occupations”. Add a definition for “home occupations” in the Glossary.
- Adding guidelines for the current practice of permitting **renewable energy production** as a review use, accessory to an existing approved use.
- Adding **overnight accommodations** in established single-family dwellings as a review use in the GMA.
- Changing allowances for **bed and breakfast inns** to be only in the SMA.
- Clarifying the guidelines for **commercial events** by modifying the description of types of commercial events allowed, adding a definition of commercial events to the Glossary, and adding guidelines for monitoring commercial events.
- Clarifying what is considered a **mining** activity by updating the definition for **“**Exploration, development (extraction and excavation), and production of mineral resources” in the Glossary.

Modifications to Definitions

- **Accessory renewable energy system** – A system accessory to a primary structure or allowed use on the parcel that converts energy into a usable form such as electricity or heat and conveys that energy to the allowed structure or use. An Accessory Renewable Energy System is a solar thermal, photovoltaic, or wind turbine structure, or group of structures designed to offset all or part of the annual energy requirements of the primary use on the subject parcel.
- **Agricultural building** – separated the definitions for agricultural buildings and agricultural structures.
- **Agricultural structure** – updated to include fences, trellises, and irrigation systems.
- **Commercial event** – An organized gathering at an allowed commercial development. Such events include weddings, receptions, indoor concerts, and farm dinners, and are incidental and subordinate to the primary use on a parcel.
- **Dwelling unit** – updated for clarification.
- **Exploration, development (extraction and excavation), and production of mineral resources** – modified to clarify that transportation of mineral resources is included in the definition of mining.
- **Fruit and produce stand** – A venue on a property selling agricultural products primarily grown on the subject parcel. Fruit and produce stands are not a commercial use.
- **Home Occupation** – A small-scale commercial use conducted in a legal single-family dwelling or accessory structure, employing the residents of the dwelling and up to three outside employees. Periodic use of home offices, studios, and other work areas used only by the residents of the dwelling are not a home occupation.
- **Overnight accommodations (GMA)** – The rental of one or more rooms located in legal single-family dwelling on a daily or weekly basis. Overnight accommodations are clearly incidental to the use of a structure as a single-family dwelling and are owner-operated.

Formatting / Editorial Changes

- Updating language throughout the chapter for consistency with new draft language in resource protection chapters.
- Adding language to clarify policies and streamline implementation.

Scenic Updates in Gorge 2020

Gorge 2020 is a three-year process to review, and revise as necessary, the **Columbia River Gorge National Scenic Area (CRGNSA) Management Plan**. The CRGNSA Management Plan protects **scenic resources** and identifies goals, objectives, policies, and guidelines for resource protection and enhancement of the scenic resources by regulating viewsheds from Key Viewing Areas (KVAs), maintaining diversity in the scenic beauty and rural character of Gorge landscapes, establishing guidelines for scenic travel corridors, and regulating signage necessary for commerce, recreation, safety, and public information.

How Updates Were Identified and Proposed

The goal of the technical review is to update, clarify, and provide consistency within the language and tools of the chapter so the Management Plan can consistently protect, enhance, assess and monitor the existing natural resources and ensure efficiency in carrying out purposes of the Act.

Synopsis of Proposed Updates

Existing **Landscape Setting Descriptions** were refined and clarified by better depicting the scenic character within a broader ecological context to include more distinctive land use and cultural features, landform patterns, vegetation, and waterforms. Settings were moved within the chapter to better clarify they are relevant in both SMA and GMA. This will allow the Counties, Commission, and Forest Service to manage the scenic resources as the dynamic landscapes they represent and provides a visual vernacular planners and experts can use to help land owners successfully meet and maintain scenic visibility standards.

LANDSCAPE SETTINGS
Pastoral, Coniferous Woodland, Oak-Pine Woodland, Grassland, Rural Residential, Residential, Village, River Bottomland, Gorge Walls, Canyon and Wildlands, and developed settings

The definition of a **Key Viewing Area (KVA)** was refined to address scale and scope, so that implementers of understand they may include associated parking areas, rest areas, gathering spots, and trailheads. This is designed to make determinations of "visibility" from KVAs more comprehensive, accurate, defensible, and consistent. The KVA list now clarifies the KVA Historic Columbia River Highway includes the HCRH State Trail.

Two regulatory determinations used in implementation, **Visually Subordinate** and **Not Visually Evident Definition,** were linked to landscape setting character descriptions, to bring the plan up to date with the state of the science of scenery management. This will provide landowners with additional tools to ensure distinctive characteristics of a landscape setting remain intact. This can be carried out by repeating design elements such as form, line, color, and texture present in the attributes of the landscape setting.
Language related to **Visual Management System** has been deleted or updated, to align with the current science, reflecting that it has been superseded by the newer **Scenery Management System**.

The concept of "**species common to the landscape**" has been updated to ecologically native species and relevant examples for each landscape will be provided in the accompanying handbook.

Modifications to Definitions

- **Topographic Visibility –** added to Plan to align with the accompanying Scenic Implementation Handbook.
- **Skyline** - clarified as the juncture of the topographic surface of the earth against the sky, for consistency in implementing.

Formatting / Editorial Changes

- Guidelines for **signs** consolidated from other sections in the Plan to make implementation easier.
- Guidelines for **structural development application grading plan** consolidated in Part II, Chapter 7 with the other Standards for Applications for Review Uses.
- **Mining and reclamation guidelines** were moved to Part II, Chapter 7 to clarify that they not solely connected to the Scenic Resource, but all of the resources protected in the Act.

Natural Resource Updates in Gorge 2020

Gorge 2020 is a three-year process to review, and revise as necessary, the **Columbia River Gorge National Scenic Area (CRGNSA) Management Plan**. The CRGNSA Management Plan protects **natural resources** from potential destruction, displacement, or degradation when development or changes to land uses occur. The plan focuses on natural resources defined as wetlands, streams, ponds and lakes, riparian areas, wildlife and wildlife habitat, rare plants, and priority habitats and is designed to protect these resources from overuse, destruction, disturbance and fragmentation through resource. The natural resource chapter includes objectives, policies, and guidelines for the GMA and SMA for these resources.

How Updates Were Identified and Proposed

The goal of the technical review is to update, clarify, and provide consistency within the language and tools of the chapter so the Management Plan can consistently protect, enhance, assess and monitor the existing natural resources and ensure efficiency in carrying out the purposes of the Act.

The Gorge Commission and Forest Service convened a Natural Resources Technical Team in June 2018 that included Columbia River Inter-Tribal Fish Commission, Confederated Tribes of Warm Springs, Confederated Tribes of the Umatilla Indian Reservation Natural Resources, Klickitat County Planning Department, Multnomah County Planning Department, Oregon Biodiversity Information Center, Oregon Department of Fish & Wildlife, US Forest Service, Wasco County Planning Department, Washington Department of Ecology, Washington Department of Fish & Wildlife, Washington Department of Natural Resources, Washington Natural Heritage Program, Yakama Nation Fisheries. The team met several times in 2018 and 2019. In December 2018, staff presented to the Commission an update on the technical revision, including some examples of the corrections and updates being considered. At the Commission meeting on May 14th, 2019, staff presented an initial draft chapter for Commission and public feedback, and the current draft addresses that feedback. The Commission reviewed and approved final chapter updates on April 29, 2020.

Synopsis of Proposed Updates

- Applicable state and federal agency authorities and the applicant's responsibility to comply with laws and policies were clarified.
- The term **priority habitats** is more clearly used through, and a single set now applies in both GMA and SMA. Other terms such as "natural areas" and "wildlife areas" and associated Table 2 were replaced or removed.
- The **endemic plant list** was updated.
- Updated and clarified Part II, Chapter 7 to clarify requirements for wildlife and rare plant surveys for particular uses.
- Goals and objectives for **water resources** were updated, removing the phrase to "increase the quantity" of wetlands to better reflect the existing goal of creating wetlands only as a last mitigation to compensate for wetland loss. The preferred approach is to protect existing wetlands and encourage proactive improvement of wetland habitats. Changed references to address water resources collectively, when appropriate to consolidate redundant policies that apply to wetlands, streams, lakes, and ponds.

- Objectives were updated to describe the approaches and tools the Commission currently uses to achieve resource protections, including using regulation, promoting incentives, and supporting conservation easements that protect natural resources.
- Climate change references added.

Modifications to Definitions

- Rehabilitation and Enhancement Plans (Water Resources), Wildlife Management Plans, and Protection and Rehabilitation Plans (Plants) are now referred to as Mitigation Plans. "Mitigation" in the Plan is defined to include all of these actions.
- Updated "sensitive wildlife species" to "rare" as a term, given that "sensitive" is both a specific type of status and also a generic term for status species. The term "rare" is used to refer to all status species, including those that are listed "sensitive" under federal, state, and Forest Service rules.
- "Rare" plants now explicitly includes plant communities or ecosystems ranked by WA Natural Heritage Program or ORBIC as vulnerable using NatureServe global and state status rankings.
- When referencing external standards, such as the Wetland Delineation Manual, added the phrase "as may be revised from time to time" to allow for future updates.
- In the definition of rare plants (moved from Goals to Policies), "This includes designated native plant communities" was added to clarify that representative or sensitive native plant communities in either state database are treated in the same way as mapped rare plant locations/populations.

Formatting / Editorial Changes

- Minor edits to introductory language.
- To improve readability and streamline the chapter, several policies for GMA wetlands and streams have been combined into policies for "water resources".
- Moved definitions of sensitive wildlife and rare plants out of their respective Goals sections and into Policies.

Recreation Updates in Gorge 2020

Gorge 2020 is a three-year process to review, and revise as necessary, the **Columbia River Gorge National Scenic Area (CRGNSA) Management Plan**. The CRGNSA Management Plan protects **recreation resources** and identifies goals, objectives, policies, and guidelines for resource protection and enhancement. In the GMA, this is for protection of resources, scenic appreciation and scenic travel corridors, resource-based recreation, river access and protection of treaty rights, interpretation and education, trails and pathways, transportation, and coordination. The SMA focuses on resource protection.

How Updates Were Identified and Proposed

Forest Service and Commission staff held four meetings with technical recreation experts in spring 2019 to evaluate scoping comments and assess the best available information to explore how the Management Plan could be improved.

In 2019 through 2020, staff convened a stakeholder meeting which included public and private land managers, state agencies and county planners. These meetings provided an opportunity to discuss both strengths and limitations within the existing plan, and to build on the comments and feedback from the Commission, public and stakeholders on draft revisions. A public meeting was held in October 2019 and featured a presentation on the overview of the process and recreation chapter, and received feedback on revision topics and proposed changes

Feedback from the public during scoping, discussions with technical experts and stakeholders, and Commission feedback provided the foundation for updates to this chapter. This discussion provided additional clarification and perspectives on the information presented in the draft chapter.

Synopsis of Proposed Updates

- Incorporating recreation settings into Recreation Intensity Classes (RICs). Currently the Management Plan provides clear and objective guidelines on the development and construction of Recreation Facilities. Development is controlled based on the RICs where the development is proposed. This includes factors managing the site's physical development. As recreation sites experience higher volumes of visitors, the recreational use at the site has the potential to affect protected resources. Applicable RICs should identify user experience standards for recreation managers to consider in the development of new sites to consider ongoing use and visitor experience during the development of the recreation site. The proposed updates would incorporate social, physical, managerial, and trail considerations into the GMA and expand and clarify those in the SMA.
- Include a policy statement supporting recreation managers utilizing recreation management practices to protect scenic, natural, or cultural resources from recreation use. This would provide support for recreation managers to take action during times when the use at a recreation site has the potential to impact protected resources.
- Update recreation goals to meet Commission and FS direction. This included revising language that encouraged expanding recreation supply to meet demand. Objectives, Policies and Guidelines were revised to reflect updated goals for recreation.
- Objectives and policies requiring consideration of equitable and accessible recreation for new development to encourage recreation access for all visitors.

Modifications to Definitions

- **Recreation Setting** – the tool for managing recreation development and opportunities based on the sites social, physical and managerial setting. Definitions for **Social Setting, Physical Setting** and **Managerial Setting** were also included.
- **Equitable Recreation** – Developments that are equally accessible and available to all people
- **Accessible** – In compliance with the Federal accessibility guidelines and standards.

Formatting / Editorial Changes

- Sign guidelines identified in the Recreation chapter were relocated and consolidated with other signage guidelines.
- Guidelines that repeat existing applicable guidelines in other chapters were removed to reduce redundancy.

Summary of Climate Change Adaptation and Mitigation Planning in Gorge 2020: New Climate Change Chapter

Gorge 2020 is a three-year process to review, and revise as necessary, the **Columbia River Gorge National Scenic Area (CRGNSA) Management Plan**. Given that the National Scenic Area Act predated widespread understanding of and planning for climate change, the current Management Plan does not specifically discuss the implications of climate change for protecting and enhancing the scenic, natural, cultural, and recreation resources and economic vitality of the National Scenic Area. *The proposed, new Climate Change Chapter responds to the vital need to address climate change impacts directly within the Management Plan.*

Synopsis of New Climate Change Chapter

Climate change poses the most wide-reaching and urgent challenge facing resource management agencies today. The National Scenic Area is particularly vulnerable to the extremes of climate change impacts, including wildfire, given its topography and high winds. As a bi-state compact agency overseeing a complex patchwork of land ownership at the doorstep of one of the region's largest metropolitan areas, the Columbia River Gorge Commission has a unique responsibility to respond to the urgent threats of climate change. The proposed Climate Change Chapter, included in Part III: Action Program, outlines a **Framework for Action** to address climate change impacts to National Scenic Area resources through a suite of adaptation and mitigation actions.

The Climate Change chapter includes these topics:

- Most pressing and significant impacts of climate change in the National Scenic Area.
- Roles of the Gorge Commission in addressing climate change impacts both inside and outside of the Management Plan and as both a lead agency and partner.
- Framework for Action to address climate change impacts through an integrated climate **adaptation** and **mitigation** approach. Applies to the General Management Area (GMA) within the National Scenic Area.
- GMA Policies included in the Framework for Action, summarized below. This section includes preliminary text on stream and forest land protections. The Gorge Commission seeks public comment on this text and its implementation. For details, see Part III Chapter 1: Climate Change.

Adaptation: *Actions to manage the risks of climate change impacts*

Mitigation: *Actions to reduce the sources or enhance the sinks of greenhouse gases that cause climate change*

GMA Policies for Climate Adaptation and Mitigation

The Framework for Action: Climate Change Adaptation and Mitigation includes seven GMA policies that provide high-level guidance to the Gorge Commission for climate change planning, implementation, and monitoring:

1. Develop and adopt a **Climate Change Action Plan** based on a local vulnerability assessment. Includes a target completion date, clear objectives, integrated monitoring, and these action planning topics:
    - **Streams and riparian areas** – protecting and enhancing aquatic and riparian systems. Includes expanding stream buffers, requiring vegetation enhancement, protecting cold water refuge habitats, and other approaches.
    - **Forest resources** – protecting forested lands for carbon storage. Includes siting and development standards, forest practices policies, land conversion policies, and other approaches.
    - **Wildfire** – protecting scenic, natural, cultural, and recreation resources from wildfire and reducing the risk of human-caused ignitions from new development and other causes. Includes siting and development standards, building design and materials standards, and other approaches.
    - **Climate change priorities of the four Columbia River treaty fishing tribes** – protecting culturally-important resources, including traditional First Foods, Treaty-reserved rights, and cultural sites.
    - **Agricultural lands –** protecting agricultural lands from conversion to other uses, except for conversion to forest land.
2. Incorporate climate change indicators as part of the Vital Sign Indicators (VSI) monitoring program. VSI will inform planning efforts, support decision-making, and guide adaptive management.
3. Evaluate changes to the condition of National Scenic Area resources based on new information and monitoring data to determine the need for Management Plan amendments.
4. Partner with local, state, and federal agencies; the four Columbia River treaty fishing tribes; non-governmental organizations; and diverse community residents and stakeholders to develop and implement climate change adaptation and mitigation strategies and actions.
5. Develop and implement climate mitigation strategies, as consistent with the Gorge Commission's authorities and responsibilities, that limit and reduce greenhouse gas emissions, enhance forest carbon storage, and encourage renewable energy and transportation solutions.
6. Support development and maintenance of safe, climate resilient infrastructure that strengthens economic and community resilience within the National Scenic Area.
7. Encourage and support voluntary efforts, consistent with the Management Plan, to improve climate change resilience through landscape health, stream enhancement, and other proactive measures.

Economic Development Updates in Gorge 2020

Gorge 2020 is a three-year process to review, and revise as necessary, the **Columbia River Gorge National Scenic Area (CRGNSA) Management Plan**. The Economic Development chapter of the Management Plan addresses one of the National Scenic Area Act's two stated purposes: "to protect and support the economy of the Gorge by encouraging growth to occur in existing urban areas and by allowing future economic development in a manner that is consistent with protection of scenic, cultural, recreation, and natural resources [Section 3(2)]."

How Updates Were Identified and Proposed

"Economic Vitality" was selected in 2018 as one of the four "deep dive" focus topics for the Gorge Commission to consider after comments were compiled from the public and agencies during the scoping phase of the Gorge 2020 Management Plan review process. Gorge Commission and Forest Service staff invited a group of local community leaders and members of the four Columbia River treaty fishing tribes with knowledge and experience in Gorge business, tourism and commerce, to participate in the Economic Vitality Work Group (EVWG). One of the tasks of the EVWG was to review and provide input on revisions needed to the Economic Development chapter. The EVWG met several times in 2018 and 2019 and provided recommendations for revisions to the chapter. Staff presented an initial revised draft chapter with EVWG suggested edits for Commission and public feedback at the August 13th, 2019 Commission meeting.

A public comment period was held December 1, 2019 to February 1, 2020 on the draft revisions to the Economic Development chapter. Comments were gathered from the public, the Commissioners, and participants in the EVWG during that period. On April 28, 2020, staff presented an updated draft chapter reflecting that input and asked for the Commission to either endorse the language as prepared by the staff or modify it to reflect its preferences. The Commission provided additional feedback on the draft chapter. This current draft Economic Development chapter is endorsed by the Gorge Commission.

Synopsis of Proposed Updates

Defining the term **economic vitality** as used in this chapter: "a strong and diverse economy that contributes to increased prosperity, job opportunities, and an enhanced quality of life."

Updating the list of the Gorge's primary economic sectors to include **high tech, health care, manufacturing** and **processing**.

Adding a statement recognizing the current and potential impacts of **climate change** on the region's economic sectors.

Adding more examples from the current Management Plan of how **agriculture** and **forest industries** are protected and supported:

- Enhancing agricultural lands for agricultural uses, forest lands for forest uses and forest lands for agricultural uses;

- Being consistent with the strategies listed in the Economic Vitality Plan to provide ongoing support for these uses;
- Encouraging conservation efforts such as renewable energy and water efficiency; and
- Allowing commercial uses on GMA agriculture lands that are incidental and subordinate to the agricultural use.

Updating the list of allowed **commercial uses** to reflect proposed updates to Part II Chapter 7: Land Use General Policies and Guidelines.

Adding a recognition of the importance of adequate, efficient and reliable **infrastructure** (such as water, sewer, roads, energy, telecommunications, and broadband).

Clarifying language about the Commission's role in the **certification of economic development proposals** for loans and grants in the National Scenic Area.

Urban Area Boundary Updates in Gorge 2020

Gorge 2020 is a three-year process to review, and revise as necessary, the **Columbia River Gorge National Scenic Area (CRGNSA) Management Plan**. Upon an application from one of the six counties in the National Scenic Area, the 1986 National Scenic Area Act allows the Gorge Commission to make minor revisions to the boundaries of any of the thirteen Urban Areas if the revision meets four criteria, described in the Act. To date, the Commission has not adopted a regulatory interpretation for the terms or standards used in the Act. The text from the Act is as follows:

(f) Revision of urban area boundaries

(1) Upon application of a county and in consultation with the Secretary, the Commission may make minor revisions to the boundaries of any urban area identified in subsection (e) of this section. A majority vote of two-thirds of the members of the Commission, including a majority of the members appointed from each State, shall be required to approve any revision of urban area boundaries.

(2) The Commission may revise the boundaries of an urban area only if it finds that—

(A) a demonstrable need exists to accommodate long-range urban population growth requirements or economic needs consistent with the management plan;

(B) revision of urban area boundaries would be consistent with the standards established in section 544d of this title and the purposes of sections 544 to 544p of this title;

(C) revision of urban area boundaries would result in maximum efficiency of land uses within and on the fringe of existing urban areas; and

(D) revision of urban area boundaries would not result in the significant reduction of agricultural lands, forest lands, or open spaces.

Section 544d of the Act, referenced above, refers to the standards in the Management Plan. The purposes referenced above refer to the purposes of the Act.

How Updates Were Identified and Proposed

Public scoping early in the Gorge 2020 Management Plan review process identified urban area boundary revision policy as a focus topic for review. The Gorge Commission directed staff to clarify the definition of a "minor revision" and to clarify the process and/or criteria for revision of urban area boundaries. The Commission adopted non-regulatory guidance in 1992 in the form of a handbook and has deliberated on the definitions used and process outlined in the Act but no policy decisions were made.

To re-start the discussion as a Gorge 2020 focus topic, Commission staff convened an open, collaborative working group in 2018 with state planning officials from Oregon and Washington, representatives from the six NSA counties, thirteen Urban Areas, ports, conservation organizations, and the general public. Keeping in mind the Gorge Commission's historical difficulty in defining the term "minor revision," Commission staff led six public workshops with the working group to first address the process and criteria for boundary revisions, with the goal of reaching consensus on a set of clear standards that counties could follow in applying for revisions to urban area boundaries. Commission staff developed some policy proposals that the working group discussed. While there was majority support on some items, the working group was not able to reach consensus on a cohesive process or criteria for a revision policy.

At its September 2019 meeting, the Gorge Commission heard an update from Commission staff and public testimony about the working group process. The Commission directed staff to pause public workshops and facilitate Commission discussion on the definition of "minor revisions." The Gorge Commission discussed the term and other aspects of urban area boundary revision policy at its November 2019, January 2020, and February 2020 meetings allowing public comment at each meeting. Commission staff based their draft revisions to the Management Plan on the items and interpretations that had support from a majority of Commissioners at those meetings. Commission staff then presented the draft revisions to the Commission at its May 12, 2020 meeting, and the Gorge Commission discussed the revisions at the May 12 and May 26, 2020 meetings. (Summaries of the six working group meetings and minutes from Gorge Commission meetings are available on the Gorge Commission website, or upon request.)

Synopsis of Proposed Updates

Commission staff identified that the existing language in the Management Plan regarding urban area boundary revision policy (Part IV, Chapter 1: Gorge Commission Role) was not any more descriptive or clear than what the Act already described. The current language was removed and then replaced with policies drafted by staff that reflected the Gorge Commission's points of general agreement around urban area boundary revisions.

- Policies 1-5 describe procedural aspects of the Gorge Commission's review of applications to revise the boundaries of an urban area.
- Policy 6 and 7 align the Commission's review of applications to revise urban area boundaries with each state's period review timeline and direct the Commission to consult with the appropriate state agencies to determine an appropriate process to align the Commission's review with other mandatory state planning reviews.
- Policy 8 describes a majority of Commissioners' views on what may be considered a minor revision. At its May 26 meeting, the Commission voted to add language placing an upper limit on what would be considered a minor revision.
- Policy 9 requires that land revised out of an urban area not be inconsistent with the scale of development found elsewhere in the General Management Area.
- Policy 10 outlines aspects of the "demonstrated need" criteria from the Act and other specific factors that counties should consider, approved by a majority of Commissioners.
- Policy 11 states that the Commission may require counties or local governments to adopt enforceable conditions of approval to ensure land added to an Urban Area is used only to satisfy the demonstrated needs that were the basis for the adjustment.
- Policy 12 states that the Commission will determine an applications compliance with the purposes of the Act, and the relevant standards used in developing the Management Plan, on a case-by-case basis.
- Policy 13 states that the Commission will review applications for consistency with the criteria requiring maximum efficiency of land uses within and on the fringe of Urban Areas on a case-by-case basis, and that the Commission may require enforceable conditions of approval to ensure that land revised into an Urban Area results in the maximum efficiency of land use.
- Policy 14 prioritizes applications to revise an urban area boundary where there would be no reduction in agricultural, forest, or open space lands, and states that the Commission may establish a priority of lands to be considered for revising into Urban Areas.

Attachment E

EXHIBIT E
PC-2021-14505

TO: Columbia River Gorge Commission

FROM: Krystyna U. Wolniakowski, Executive Director
Casey Gatz, Land Management Planner, Forest Service

DATE: October 13, 2020

SUBJECT: Gorge 2020 Management Plan: Public Comment Spreadsheet

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The purpose for presenting this updated public comment spreadsheet is to share with the Commission and the public how comments received between June 1, 2020 through September 8, 2020, were addressed in both the 8/27/2020 version of the Draft Management Plan and amendments approved at the September 8, 2020 Commission meeting. The comments are organized by topic area in alphabetical order, followed by "Other" which includes topics on Cultural Resource chapters, Introduction, and other sections of the Draft Management Plan. Comments received between July 1, 2020 and September 8, 2020 are included at the end of this spreadsheet.

Title in Chart	Topic
Climate	Climate Change
Econ	Economic Vitality
Equity	Diversity, Equity, and Inclusion
Land Use	Land Uses
NR	Natural Resources
Rec	Recreation Resources
Public Comment Process	Public Comment Process
Scenic	Scenic Resources
UAB	Urban Area Boundaries
Other	Introduction, Cultural Resources, and Other Sections of the Management Plan
9/8/20 Draft MP	Public Comments received through 9/8/20 on 8/27/2020 version of the Draft Management Plan

	Page	Topic	Comment	Response
1		Climate	[Comment on May 26 Staff Report: Framework for Climate Action Plan] We strongly feel that the full key issues on page 3 of the Draft Climate Change Action Plan Framework should include a separate key issue and line item for Transportation in addition to Natural Resources, Land Uses/Permitting, Recreation, and Cultural Resources.	The Gorge Commission recognizes transportation as a climate change planning topic and that numerous agencies and organizations are currently working on this issue in the National Scenic Area. The Draft Management Plan incorporates "Transportation" as a planning topic under GMA Policy 1 to develop and adopt a Climate Change Action Plan. In addition, GMA Policy 5 directs the Gorge Commission to "work with regional partners engaged in sustainable transportation planning to convene regional discussions and coordinate strategies on alternatives to automobile transit to achieve multiple objectives under the Act and to reduce greenhouse gas emissions." The nature and extent of the Gorge Commission's engagement on transportation will be explored in more detail when developing the Climate Change Action Plan following adoption of the Draft Management Plan. This letter provides comments on the CRGC Staff Report from May 25, 2020 that describes Commissioner feedback on draft strategies and actions that may be incorporated in climate change action planning. The Gorge Commission will review the transportation recommendations in this letter in development of the Climate Change Action Plan.
2		Climate	Both the adaptation management of risks and mitigation actions by use of Transportation Management tools to protect the Gorge assets is a huge endeavor which requires Leadership beyond the individual stakeholders wrestling within their own sovereigns. The Gorge Commission and this redeployment of the Columbia River National Scenic Area Management Plan is just that: a place to bring together a unified Gorge-Wide Transportation Plan vision within the Climate Change umbrella. This potential Plan could govern the pillars of Safety, Asset Management/Resource Protection, Visitor Experience, and Transportation Finance. This does not mean the Commission to take on the day to day management of a Transportation Management Plan but our region needs that peregrine view of land use to create a table for all parties to convene a common purpose for Transportation integration throughout the Gorge.	See response 1 above.

3		**Climate**	[Comments on CRGC May 26, 2020 Staff Report: Framework for Climate Action Plan] Bring together a policy stakeholder meeting to set common goals for a Gorge Wide Transportation Management Association and Plan. Two major endeavors of Transportation are Access for communities to have a viable transit system that knits people together and simply reduce congestion due the increase recreational use of the HCRH. Consider the congestion mitigation and safety aspects of the Multnomah lodge tourniquet on Historic Columbia River Highway (HCRH) a top priority to reduce pollution. Insure access for all emergency, enforcement, and all layers of management partners along the HCRH. Recognize that the expected population growth of 35% over the next decades require Transportation needs that are not dependent on a single car centric approach.	See 1.
4		**Climate**	[Comments on CRGC May 26, 2020 Staff Report: Framework for Climate Action Plan] Create a Table to integrate Transit as a solution for 1) Reducing pollution, 2) Increasing safety for vehicles, pedestrians, bicycles, hikers at trail heads intersecting with highways, 3) Providing employee access to employment where increased housing costs may have priced them out, and 4) Creating a continuity for Gorge Transit to connect to regional, national, and international travel resources. 5) Designing a financial system of payment methods of Transit for Gorge residents and visitors that dovetail with the larger regional methods. (Continuity of fee methods assists the user in paying for parking, reservations, and potential needs for maintenance of services.)	See 1.
5		**Climate**	In regards to climate change, please strengthen policies for climate change adaptation and mitigation, including a one-year timeline for adopting a Climate Action Plan and protecting Gorge resources from impending climate changes.	GMA Provisions, Framework for Action: Climate Change Adaptation and Mitigation, states that "A foundational component of this framework is a Climate Change Action Plan with a target completion date..." During the May 12, 2020 CRGC meeting, Commissioners indicated support for a one-year target completion date as a goal to guide staff and Gorge Commission work planning, and did not recommend including a completion deadline within the Draft Management Plan.
6		**Climate**	Please update the Management Plan to include a solid climate action plan, with specific measures that follow best available science. Please include protections for wildlife habitat, and prevent urban sprawl. As you know, scenic resources can be degraded over time, due to cumulative and irreversible impacts from climate change.	In the Climate Change Chapter, GMA Policy 1 directs the Gorge Commission to develop and adopt a Climate Change Action Plan addressing various topics including streams and riparian areas, forest resources, Priority Habitats, invasive species, wildfire, climate change action priorities of the four Columbia River treaty tribes, agricultural lands, and transportation.

7		**Climate**	The Management Plan's policies and guidelines does not go nearly far enough in addressing climate change. The proposed future development of a climate actin plan is insufficient. Climate adaptation and mitigation policies are necessary now and ample information is available from which to quickly adopt temporary policies even as you work on a more complete action plan. You should also add a target date (one year) for completion of the action plan (Policy 1, Page 380). You should add 200 foot protective buffers on each side of fish-bearing streams (page 380) as a temporary measure until the climate action plan is completed. You should add a new policy (Page 381 re: Fossil fuel infrastructure) to limit the development and transportation of fossil fuels within the Management Area. You should expand protections for Columbia River wetlands, ponds, lakes, and wildlife habitat (Page 381). This should include prohibiting destruction of wetlands and improved protections for Western Pond Turtle nesting/rearing habitat. In light of the risk of wildfire, you should prioritize (Page 381) policies to prohibit new forest dwellings on productive forest land and limit new dwellings to Small Woodland zones on parcels that are not eligible for state forest tax assessment programs.	See 5, 6, 12, 19, 88, and 90.
8		**Climate**	I am delighted that you are now planning to develop a climate action plan. This needs to be done with much urgency. Most important in pursuing this plan is the need to ensure accountability to clearly defined goals. While any number of goals may be defined several of the most important ones need to be centered on protecting our salmon and their habitats.	Goal identification will be part of the climate change action planning process following adoption of the revised Management Plan. GMA Policy 1 includes streams and riparian areas, and specifically a 200-foot buffer for EPA Cold Water Refuge streams in the GMA to protect species such as salmon.
9		**Climate**	There appears to be a "climate change" chapter that is being added. While many would agree that we should be good stewards of this world, I don't understand why the Commission takes on yet another task, while they seem to be having a hard time dealing with what is already on the table.	Climate change affects all resources that the Gorge Commission manages and therefore needs to be addressed in the Management Plan. Following adoption of the Draft Management Plan, staff will develop a work plan to integrate climate change action planning with other Commission priorities, in particular working with counties to adopt changes in local ordinances. The Gorge Commission recognizes that significant climate change planning work has already been done in the region and will draw from existing resources whenever possible.
10		**Climate**	It's very important to consider climate change in the plan along with protection of natural resources.	A new climate change chapter is included in the Draft Management Plan (Part III: Action Plan, Chapter 1: Climate Change).

11		**Climate**	I'm glad to see the new "Climate Change" chapter in the Management Plan (MP), but there's no actual climate action plan. It refers to developing such a plan in the future, but THE NEED IS NOW. We need to have specific policies in place for climate adaptation and mitigation, and a specific timeline. A one-year deadline for adopting a climate action plan is demanding but doable. A looser, more nonspecific approach is neither practical or ethical given the pressing should-have-done-it-yesterday nature of climate change.	See 5.
12		**Climate**	The entire Gorge is defined by water. We need robust protection for the water itself (water quality and quantity), in all its upstream forms (streams, wetlands, ponds, etc.). And we need protection of habitat surrounding the water, especially for the many species that are currently at risk. 12 stocks of salmon are listed as threatened or endangered on the federal and state endangered species lists. The Commission should immediately institute a 200-foot protective buffer on each side of all fish-bearing streams in the National Scenic Area, as has been the standard for nearly 30 years in the Special Management Areas (SMAs). That can and should be done pending completion of the Climate Change Action Plan.	During its August 2020 meeting, the Gorge Commission approved a policy requiring a 200-foot buffer for 7 Environmental Protection Agency (EPA) priority cold water refuge streams (CWR) within the GMA (included in Natural Resources Chapter with reference in Climate Change Chapter). These CWR streams include the Sandy River, Wind River, Little White Salmon River, White Salmon River, Hood River, Klickitat River, and Deschutes River. The wildlife section of the Natural Resources chapter does allow for wider buffers on a case-by-case basis as needed to protect specific species.
13		**Climate**	I don't think any resources should be degraded, but I also recognize the need to plan for people. I also believe that the big issue for agriculture was not mentioned. It isn't bigger riparian buffers, it's helping bring knowledge and change to farm with less chemicals. Using technology like the Soil Food Web. It's knowing how to manage stream areas to have grasses and riparian plants, not weeds. Bigger is not really better, but healthy is. Healthy involves some use on a minimal seasonal method that promotes healthy plants and discourages weeds. You can view areas with no use for 15 or more years now....a lot is not healthy, all weeds and undesirable plants.	The Gorge Commission supports implementation improvements and voluntary measures, along with the Management Plan and ordinances, to achieve the purposes of the Act. Staff will incorporate these suggestions when working with landowners, conservation districts, and other partners.

14		**Climate**	Most important, there is no analysis in this plan of the changes that will happen due to rapidly accelerating climate disruption. If this plan is to be relevant to current and future conditions and effective in protecting the National Scenic Area, it needs to be significantly improved. Climate disruption, as you well know, is a significant and urgent threat to our life support systems on this planet, including the biological systems and ecosystem services from which we benefit in the Columbia Gorge Scenic Area. This means radical changes in how we evaluate and manage this asset to protect it. It means that we must stand strong against the economic interests that can irreversibly damage the Gorge's fragile balance. As I see it, you have relegated consideration of climate impacts to a last minute deliberation at a time when we are faced with double public health emergencies, climate disruption and a pandemic. Your job is to protect and conserve this asset and the natural habitat within it.	The Climate Change Chapter section entitled, "Climate change impacts in the National Scenic Area," provides an overview of current and predicted effects of climate change in the NSA including extreme heat, warmer average air temperatures, shift from snow to rain, earlier runoff, warmer water temperatures, reduced water quality, increased flooding, drought, landslides, and wildfire, changes in species abundance and distribution, and increased invasive species and disease. More detailed analysis of climate change impacts will be incorporated in the climate vulnerability assessment phase of climate change action planning to be completed following adoption of the Draft Management Plan. As of September 2020, the vulnerability assessment for the Columbia River Gorge National Scenic Area, Mt. Hood National Forest, and Willamette National Forest is undergoing peer review and is anticipated for publication as a Forest Service General Technical Report by the end of 2020. The Gorge Commission will incorporate findings from this vulnerability assessment, and other local assessments as available, to develop the Climate Change Action Plan.
15		**Climate**	You must have a plan to mitigate the damaging impacts of climate change, and because we do not have much time to slow down these impacts before we reach a point of no return, you must set a 1-year target date to adopt a climate action plan. This means you need to understand how the ecosystems within the area are likely to be impacted by changes such as increased heat, drought, wildfires.	See 5.
16		**Climate**	The plan can allow NO reduction in habitat protection; it must prohibit loss or damage to wetlands; it must limit new dwellings in forested areas; it must prevent conversion of forest land to protect the carbon sink that trees provide, to mitigate the effects of climate change. It must protect and increase stream, lake and pond buffers. And it must make sure that no changes to urban area boundaries are made, even minimal ones, because the economic benefit of this protected area to the local urban areas is absolutely dependent on the protection of this scenic ecological area.	See 12, 88, and 90. Responses to Urban Area comments are included in the Urban Area section.

17		**Climate**	I have concerns about the stream setbacks. I have spent a bunch of time looking at your web pages and have not found the exact wording or conditions that will change with the new setback. This will affect my property as well as a number of my neighbors. I think it is very unfair to hide what you are doing with words like "increasing setbacks" and not stating exactly what that means. If you had added a link to where this information might be found, I think you would have gotten a lot more push back. I heard your leader say that we have had 100 feet for a long time and now we need 200 feet. There was vague reference to science as proof. That does not cut it for me. My property value will be reduced by your actions. I am against changing the setback in this VERY underhanded way.	On page 380 in the Draft Management Plan (Climate Change Chapter) released for public comment on June 1, 2020, the Gorge Commission requested comment on preliminary language for a proposed stream buffer policy that would "apply the existing SMA buffer width (200 feet) to cold water refuge streams within the GMA. Streams affected by this policy change include the Sandy River, Wind River, Little White Salmon River, White Salmon River, Hood River, Klickitat River, Fifteenmile Creek, and Deschutes River." These are the eight streams within the GMA that are included in the Draft Columbia River Cold Water Refuges Plan completed by the U.S. Environmental Protection Agency, Region 10 in 2019. Based on clarification from the EPA, Fifteenmile was removed from this policy (see response 71). At its August meeting, the Gorge Commission approved a 200-foot buffer for the seven EPA priority cold water refuge streams listed above. Existing uses are allowed to continue as long as they meet the standards of their valid, existing permits. Any changes to those uses and any new uses would be reviewed under the new rules in the Management Plan. The Plan allows for variances to setbacks and buffers in the GMA to protect the owner of a parcel the opportunity to establish a residence on the land.
18	**380**	**Climate**	The Gorge plan needs specifics in handling streams and riparian areas, Page 380. We would like to see revisions require appropriate buffers that provide habitat for salmon and link this requirement to Page 117 of the Natural Resources chapter.	See 12.
19	**381**	**Climate**	PGC [Portland Garden Club] has a history of opposition to fossil fuel transport through the Gorge. PGC recently sent a letter to DEQ opposing oil transport by rail because of profound risks to environment and we would like to see fossil fuel infrastructure addressed in the new policy, Page 381.	During public scoping conducted in 2016-17, comments were made about including a ban on fossil fuel transport through the Gorge in the Gorge 2020 Plan. Fossil fuel transport policy was determined to be outside the scope of Management Plan review, and is therefore not addressed in the Draft Management Plan.
20		**Climate**	I am a member of the Portland Garden Club who has a history of advocating against fossil fuel transport through the Gorge. The PGC recently sent a letter to DEQ opposing oil transport by rail because of the profound risks to the environment. We would like to see fossil fuel infrastructure addressed in this new master plan policy.	See 19 above.

21		**Climate**	If we protect all of our rivers and streams by maintaining existing vegetation, including trees, we can mitigate carbon and protect the climate, and protect local tourism businesses by maintaining our beautiful river valleys for rafters, cold water habitat for fish and people who love to catch them, and vegetative habitat for deer and elk and hunters, as well. All these river and stream habitats will have to be evaluated by biologists, and geologists using lidar, and biologists doing evaluations and surveys of flora and fauna. 200 foot buffers will not be enough.	See 25.
22		**Climate**	We all know fires are a major danger in the Gorge, and are a climate change bi-product. Hence, we should maintain strict UGB's so we can more easily defend fires. Scatter site housing will likely cause indefensible fires. In addition, housing density will reduce carbon emissions.	See 90.
23		**Climate**	Please help restore the area's livability by completing a climate change action plan within 1 year of adoption of the revised management plan.	See 5.
24		**Climate**	This county is very much in need of an expanded recycling program to discourage wilderness trash dumping. Residents would likely be more inclined to participate if there were, at the very least, increased hours at transfer sites, but ideally, curbside service, even if only offered on a twice monthly basis.	Recycling is managed by local governments within the National Scenic Area and is outside the scope of Management Plan review.
25		**Climate**	The NSA's stream habitat for trout and salmon is very limited due to topography. Most streams passage for fish is blocked by major water falls. Further the majority of the watersheds are outside of the NSA boundaries. Any change in protections will have little or no impact on water temperature. There is a need for the evaluation of stream bank vegetation to plan for rehabilitation measures to include fencing, notice to users, woody debris and plants. For example, Rock Creek in Mosier was devoid of vegetation below the old Scenic Highway bridge 20 years ago (about 150 yards from confluence with the Columbia River) and efforts to rehabilitate has produced protective vegetation on the stream banks and improved habitat for salmon that spawn in the upper reaches of this seasonal stream.	The Gorge Commission recognizes that various factors affect stream habitat quality and temperature in the NSA, including riparian vegetation and land uses outside NSA boundaries. Stream restoration efforts are often needed before an impacted stream can provide functional fish habitat, as noted in the EPA Draft Cold Water Refuges Plan that staff consulted in developing the 200-foot buffer policy for priority CWR streams in the GMA. For example, the EPA did not list Fifteenmile Creek in Wasco County as a "primary CWR" stream at this time, but rather as having the potential to provide CWR if restored. The Gorge Commission encourages and supports restoration efforts, as described in Part III: Chapter 4: Enhancement Strategies and Policy 7 in the Climate Chapter.

26		**Climate**	I have found the part of the Gorge 20/20 plan that states, "If the Gorge Commission has not completed its evaluation of appropriate stream buffer protections by one year after adoption of the revisions to the Management Plan, the Gorge Commission will implement the following interim stream buffer protection standard: apply the existing SMA buffer width (200 feet) to cold water refuge streams within the GMA." How is this possible without allowing the general public to comment on the issue? This would prohibit us from building a house on our property. This will prevent any homes currently legally set back 100' in the GMA from doing any additional development on their property. Even allowed uses and activities in the GMA will be prohibited. This will destroy the land values of the properties in the GMA that legally did not have to meet the standards of the SMA. I will need to seek legal representation on how to prevent this paragraph from becoming part of the final plan. No notifications have gone out to the affected land owners correct? Shouldn't affected land owners be given the opportunity to fight this paragraph within the Gorge 20/20 plan? Can you please include this email as part of the public comments for the Gorge 20/20 plan with the request that the Gorge Commission allow additional time for public comments regarding this particular paragraph of the newly added Climate Change chapter to the Gorge 20/20 plan?	See 17.
27		**Climate**	Email noting that a detailed comment letter would follow. Provided two attachments: "Workbook for Scientists" and "Practitioner Workbook" that accompany comments on climate resilience.	Staff will incorporate these resources in climate change action planning.
28		**Climate**	Please require a 200-foot protective buffer on each side of all fish-bearing streams in the National Scenic Area, particularly all streams providing habitat for salmon, pending completion of the Climate Change Action Plan. Years ago, before Condit Dam was taken out, some friends and I kayaked down the White Salmon River, putting in just below the dam. I will never forget the beautiful and numerous salmon we floated over in the crystal clear, cold water, all seeking refuge from the hot water temperatures in the main stem of the Columbia River. Please help save these Salmon and other fish by cooling the water temperatures through a 200 foot vegetative stream buffer.	See 12.

29		**Climate**	A 1-year timeline for completion needs to be included. We are running out of time to mitigate climate change. The Climate Change Plan needs to include: No loss of wetlands. Reducing fire risk in the forest lands: by limiting dwellings in forest land and not converting forest land to other uses and losing the carbon sink it provides in the process. Include adequate 200' stream and river buffers. With rising temperatures, salmon survival is questionable. Include protection for species such as salmon, western pond turtles, and pika. Not allow mining, logging and development in pika habitat.	See 5, 12, 88, and 90.
30	**377**	**Climate**	p. 377, Climate Change Chapter. I think that this chapter and the chapter on VSI should be at the front of the MP.	The Climate Change Chapter was included in Part III: Action Program because a foundational part of this chapter is the Framework for Action for Climate Change Adaptation and Mitigation. GMA Policy 1 directs the Gorge Commission to develop and adopt a Climate Change Action Plan, and Policy 2 is focused on developing climate change indicators through the Vital Sign Indicators (VSI) project.
31		**Climate**	There are other entities in the NSA and outside the NSA who are doing regional climate change research and the GC should coordinate with as many entities as possible in order to save money and not reinvent the wheel, if possible. For example, Battelle is managing the NEON project in the Gifford Pinchot National Forest (https://www.battelle.org/government-offerings/energy-environment/environmental-services/ecology/national-ecological-observatory-network). NEON stands for NATIONAL ECOLOGICAL OBSERVATORY NETWORK. Additionally, the Gifford Pinchot Stewardship Collaborative is working with many agencies on projects on the GPNF and some of their work may be pertinent to climate change, resiliency, and resources. WSU is doing research on climate change. OSU has done a lot of research on carbon sequestration in old growth. Dan Donato (I think he still works for WADNR and U of WA) has published a lot of papers on forests and forestry practices and fire: Scholarly articles for Dan Donato research, Pyrogenic carbon emission from a large wildfire in Campbell - Cited by 211; Salvage logging research continues to generate sparks - Stokstad - Cited by 22; Conifer regeneration in stand-replacement portions of... - Donato - Cited by 119. I don't know if PSU has any ongoing climate change research going, but PSU is a good source of graduate students doing studies and these students are always looking for opportunities to advance their research with outside entities. The Corvallis Research Lab may be another source of information on climate change.	The Gorge Commission recognizes that many entities are working on climate change planning, research, and monitoring. Policy 4 in the Climate Change Chapter directs the Gorge Commission to partner with and learn from others.
32		**Climate**	I recommend that the GC form a Community Action Team (CAT) on climate change to help with gathering information on all available science and research for the climate change chapter. We can do this faster together.	Public engagement will be part of developing the Climate Change Action Plan.

33	**380**	**Climate**	p. 380, para 1, line 6. After “Forest Service, add “and any other federal or state agencies doing climate change research.	This sentence is not intended to be comprehensive of all stakeholders who will be engaged in climate change action planning. The new text is: "The Climate Change Action Plan shall include consultation with the four Columbia River treaty tribes, the Forest Service, the six counties in the National Scenic Area, and shall involve the public. Also, see 31.
34	**382**	**Climate**	p. 382, para 6, line 3. After “National Scenic Area” add “as long as the first purpose of the NSAA is upheld.	The Management Plan requires that the Gorge Commission consider both purposes of the Act in its policies.
35	**382**	**Climate**	p. 382. Add paragraph #8: “The GC will urge the urban areas and rural centers to participate in regional climate resilience strategies and plans.	See 31.
36		**Climate**	Water is a CRITICAL RESOURCE in the NSA and the GC will conduct, with the assistance of the USFS and other interested parties, research on the cumulative impacts of population growth and development on the water resources of the NSA. The USGS would be a good partner in this endeavor.	GMA Policy 1 in the Climate Change Chapter includes streams and riparian areas as a topic for climate change action planning. Review of and updates to water quality and aquatic health indicators are underway for the Vital Sign Indicators (VSI) project. USFS, USGS, and others are partners in this effort.
37		**Climate**	[The Draft Management Plan] adds a section about “climate change,” including a typically non-quantitative prediction. [Footnote reference to Draft Management Plan]: "The National Scenic Area faces numerous current and predicted effects of climate change including extreme heat, warmer average air temperatures, shift from snow to rain, earlier runoff, warmer water temperatures, reduced water quality, increased flooding, drought, landslides, and wildfire, changes in species abundance and distribution, and increased invasive species and diseases." Abandoning reality, this section anticipates that the COMMISSION will mitigate climate change, by influencing activities on the tiny fraction of the Earth’s surface over which the COMMISSION has authority. Consistent with past tactics, this section anticipates implementing additional land use regulations. More prosaically, the section proposes to “monitor long-term trends” and to “develop and adopt a Climate Action Plan.”	See 9.
38		**Climate**	After plan review, the Commission should prioritize the development of a “Transfer of Development Rights” program to avoid the climate impacts of dispersed residential development on resource lands and encourage growth to occur in existing urban areas, as required by the purposes of the National Scenic Area Act.	The Climate Change Action Plan may address the possibility of a Transfer of Development Rights program if appropriate.

39		**Climate**	The Commission should prioritize the following issues in its plan review. There should be no delay in adopting these climate adaptation policies: Adopt a climate action plan to better protect resources. Identify how climate change is expected to impact all resources in the Scenic Area and what measures the Commission will take to address those impacts. This can always be periodically updated with new information after plan review and revision is completed. 1. Update fish and wildlife habitat protection based on best available science, such as for salmon. Expand buffers for streams, ponds, and other sensitive wildlife sites. Stream buffers in the General Management Areas of 100 feet for fish-bearing streams and 50 feet for intermittent streams are inadequate. 2. Prohibit the loss of wetlands. Restore wetlands where possible.3. Maximize public safety and environmental rules for any fossil fuel transport through the National Scenic Area. Prohibit coal dust pollution from open-topped coal cars traveling through the Gorge and take enforcement action against polluters and violators. 4. Stop urban expansion. Promote urban planning and encourage growth to occur in existing urban area boundaries, as required by the National Scenic Area Act. 5. Prohibit conversions of forest land to agricultural land. 6. Adopt energy efficiency standards for new dwellings.7. Limit new dwellings within forest zones to reduce the risks of wildfires and to protect human lives. 8. Protect and promote the proliferation of native plants, particularly Native American first foods. 9. Stop urban expansion and require urban growth to occur within the boundaries of the 13 existing urban areas in the Gorge.	See 6, 12, 14, 19, 88, and 90. Section 6d(d) of the Act requires the Management Plan to permit conversion of forest land to agricultural land. The Climate Change Action Plan may address energy efficiency standards for new dwellings if appropriate. The Management Plan requires that development and land use do not adversely affect rare plant species, including species endemic to the Columbia River Gorge and vicinity. See Urban Area Boundaries section for urban expansion response.
40		**Climate**	We need detailed, scientific climate change studies with new modeling of key water resources for the gorge and Pacific NW region. We know from EPA and other older studies that the modeling shows a hotter, dryer climate with increasing pressures on the available aquifers, casual streams, creeks and rivers. Much of the beauty of the scenic area relies on springs and seeps that feed native plants, insects, small and large animals. We are facing a change in the amount and type of precipitation expected in the future; just rain wouldn't suffice in sections of the gorge and dry west. Falling annual snow pack levels which traditionally have been sources of water in the late summer early fall timeframes are like "canaries in the coal mines", telling us a key resource is shrinking. It warns of water shortages in the urban and non-urban areas in the gorge as well as increased numbers and severity of devastating fires in all areas of the gorge. Over all reduction in the amount of precipitation will limit the annual recharging of the aquifers and threaten the scenic, agricultural and urban values of the gorge. The water resource modeling as a result of climate changes should inform all areas of the Management Plan going forward.	Examination of climate change impacts on water resources in the NSA will be part of the vulnerability assessment phase of climate change action planning. See 14.

41		**Climate**	For agriculture: Your attempts to change water quality with wider and wider buffer zones is just a band aid approach. If you want to make real progress you have to address the soil food web in the soils to create a healthy place for good plants to grow. It would further the reduction of carbon greatly to support this proven method. Its estimated that the carbon problem could be eliminated in 10 to 15 years just by improving the soil food web and allowing the carbon to be breathed in by beneficial plants and stored in roots to enhance growth. This process also eliminates weeds which grow in unbalanced unhealthy soils. You can read introductory facts about this at Oregon's Soil Food web in Corvallis. Read about Dr. Elaine Ingham's 40 years of proven work on every continent. Promoting this would actually be a tremendous benefit to land owners instead of a takings. Frankly a lot of land you govern called open space is in terrible shape and could and should be managed for beneficial plants, insects and birds. This method is sustainable and affordable for everyone. Please consider taking an approach that really does benefit the land in stead of just locking up land from use for environmental agendas.	See 13.
42		**Climate**	Consider impacts of climate change and have a plan to propose counter measures	See 6.
43		**Climate**	I write with respect to the Climate Change Chapter in Gorge 2020. I applaud the inclusion of this existential issue, as well as the top-line summary of the new chapter: “Climate change poses the most wide-reaching and urgent challenge facing resource management agencies today. The National Scenic Area is particularly vulnerable to the extremes of climate change impacts, including wildfire, given its topography and high winds.”	See 9.

44		**Climate**	I urge the revised Columbia River Gorge National Scenic Area Management Plan to include SMA land in the Framework for Action to address climate change impacts through an integrated climate adaptation and mitigation approach. Portions of the SMA are among the most vulnerable to the increasing risk of wildfire due to the hotter and drier summers. For example, the popular hiking trail near Catherine Creek, within the SMA, is among the areas rated "very high" for wildfire risk in the 2018 Washington State Department of Natural Resources' Wildland Fire Protection Strategic Plan. This area also has a history of devastating wildfire damage, yet at this time the only land designation with fire protection policies is forest land. I appreciate and acknowledge that tribal lands are rightly the jurisdiction of the Tribes themselves, who have been careful custodians of the land for countless generations. I understand that the U.S. Secretary of Agriculture has primary responsibility for Federal lands in the SMA, and has delegated this responsibility to the U.S. Forest Service. However, I cannot find any reference to the Secretary of Agriculture (or the Forest Service) having primary responsibility for non-Federal lands in the SMA, including privately-held land in the SMA. The Management Plan suggests that that Forest Service provides an important advisory role to the Gorge Commission and its Executive Director on issues regarding these areas. I expect we all agree that the Special Management Area contains invaluable scenic, natural, cultural, and recreational resources that deserve enhanced protections against climate change. To ensure a coordinated and comprehensive approach to this growing challenge, there should be no differentiation in how GMA and SMA land are treated in the Framework for Action. After all, fire does not heed area boundaries drawn on a map, nor can climate change impacts be confined to one area of the Gorge. If the Gorge Commission decides to not include the SMA in the Framework for Action, then an alternative approach might be to reclassify all privately held lands in the SMA as GMA to include these areas in the Framework for Action.	The U.S. Forest Service has responsibility for the Special Management Areas and has added an SMA Provisions section to the Climate Change Chapter in the Draft Management Plan.
45		**Climate**	As climate change will negatively impact the entire National Scenic Area, please adopt a climate action plan with a 1-year timeline.	See 5.
46		**Climate**	I appreciate the addition of the Climate Change chapter but strongly urge the Commission to revise the proposed language to include Special Management Area (SMA) lands. The NSA must address climate change on a regional level – not parcel out land areas. There has been significant change in the SMA that impacts the region as a whole and this needs to be included in a Climate Action Plan.	See 44.

47		**Climate**	Add language concerning groundwater protection and water quantity as they are significant issues for farmland protection and sustainability. Water related issues are impacted by climate change and have received significant federal dollars in both Hood River (surface water) and Wasco County (ground water).	The Gorge Commission discussed groundwater issues and water quantity regulation as potential topics of interest to include in climate change action planning. At this time, there is not consensus to focus on these topics.
48		**Climate**	In addition to a Climate Action Plan consider a strategic and coordinated Resiliency Plan for the cities and counties in the Gorge using a framework that includes equity, resiliency, and climate protection.	This language has been added to the Climate Change Chapter: "The Gorge Commission is committed to ensuring that equity considerations are integrated into climate change adaptation and mitigation analysis, planning, decision-making, and project implementation." Learning about existing climate resilience planning efforts in the Gorge, identifying opportunities for strategic and coordinated approaches, and integrating equity in climate change planning are post-Gorge 2020 work plan priorities.
49		**Climate**	We are happy to hear that you are creating a climate action plan. We love our scenic gorge, and feel lucky to live here, where such a jewel is protected. But action requires specifics and a timeline that is not too long. Be brave! Step up! Protect all the species and habitat that are our canaries in the coal. Curb urban expansion, and keep the gorge beautiful for all of us who will need it more than ever.	See 5 and 6.
50	**379**	**Climate**	New language states "The Gorge Commission has a high profile, managing the largest and most complex jurisdiction of its kind, on the doorstep of one of the region's largest metropolitan areas." According to the Act, the CRGC manages the scenic area non-Federal lands which is a geographic area with a designation via Act, not a jurisdiction. It perhaps is more accurate to call it a regional government body.	Staff clarified this language. The new text is: "The Gorge Commission manages a large and complex mosaic of land ownership on the doorstep of one of the region’s largest metropolitan areas."
51	**381**	**Climate**	It appears the proposed language for restricting forest practices did not make it into the redlined version of the Management Plan. In the Climate Change Chapter (381) there is language that suggests they have deferred drafting language until there is public comment. Suggested edits from the Commission have included limited [limiting?] some forest practices, which would be in direct conflict with the Oregon Forest Practices Act.	The Management Plan allows forest practices as a use allowed outright, except in Open Space and Ag Special Land Use Designations.
52		**Climate**	The Hood River County Transportation District (dba Columbia Area Transit, CAT) is writing in support of the proposal by A. J. Zeleda and Wayne Stewart that the Columbia River Gorge Commission include a section in the revised Management Plan to address transportation by adding transportation to: Key Issues of the Draft Climate Change Action Plan framework and Strategy and Action Plan.	See 1.

53		**Climate**	Specifically, we are asking that the strategy and action plan include language that the Columbia River Gorge Commission work with the Mid Columbia Economic Development District (MCEDD) to convene a Transit Visioning Session that would review, refine and work with stakeholders to adopt the MCEDD Draft Gorge Transit Vision and guiding principles document (e.g. as the Gorge Transit Strategy Project) in early Fall. We believe this document could be the first piece of a larger effort by stakeholders to develop a broader Multimodal Transportation and Congestion Mitigation Plan for the Gorge.	Staff clarified language for GMA Policy 5 in the Climate Change Chapter. The new text is: "The Gorge Commission will work with regional partners engaged in sustainable transportation planning to convene regional discussions and coordinate strategies on alternatives to automobile transit to achieve multiple objectives under the Act and to reduce greenhouse gas emissions." Also, see 1.
54		**Climate**	This new task [Climate Change Action Plan] will require a significant devotion of resources at a time when agency budgets are threatened by the impacts from COVID-19. Following adoption of the revised Management Plan, the Gorge Commission's focus should be on implementation of the new plan and working with counties to adopt these changes into their local ordinances. Skamania County requests that this chapter not be included in the final revision to the Management Plan. If the Gorge Commission proceeds with the adoption of the chapter, the automatic imposition of wider stream buffers for cold water refuge streams and prohibition on certain conversions of forest land should be removed from this chapter. Any further policy considerations should be considered only with the Gorge Commission has the time and resources to full [sic] study this issue and when the public is provided adequate opportunity to comment.	Climate change affects all resources that the Gorge Commission manages and therefore needs to be addressed in the Management Plan. Following adoption of the Draft Management Plan, staff will develop a work plan to integrate climate change action planning with other Commission priorities, in particular working with counties to adopt changes in local ordinances. The Gorge Commission recognizes that significant climate change planning work has already been done in the region and will draw from existing resources whenever possible. Also, see 12 for cold water refuge stream buffer policy and 63 for forest land conversion responses.
55		**Climate**	This is a new chapter that was not identified in the June Redline as a revision to the current Management Plan (not shown in redline). While staff may have noted that the Climate Change chapter was new in its materials, that does not correct the procedural error of releasing a redline draft that fails to identify all new or revised language in redline. The chapter should be redlined and re-noticed for public comment with the new language highlighted for the public. The Port proposes revisions to the Climate Change chapter included as Attachment 2. It is appropriate for the Commission to adopt policies and priority statements but the Commission should defer adopting specific language until after the Commission has developed the Climate Change Action Plan. Many of the statements made in the draft chapter are aggrandizing the Commission's role in climate change and simply reiterating the Commission's view of its self importance. These types of statements are unnecessary and do nothing to further the Commission's policies. The Climate Change Action Plan should be approved and incorporated into the next periodic review of the Management Plan.	All outreach materials sent out by the Gorge Commission indicated that the Climate Change Chapter was new. As soon as this redline formatting error was brought to the Gorge Commission's attention, the Climate Change Chapter was changed from black text to all red text and posted on the Gorge Commission website on June 11, 2020 prior to the public information webinar on this date. An announcement was made about this reformatted version during the New Climate Change Chapter presentation included in this webinar.

56		**Climate**	This is a new chapter that was not identified in the June Redline as a revision to the current Management Plan (i.e., not shown in redline). While staff may have noted that the Climate Change chapter was new in its materials, that does not correct the procedural error of releasing a redline draft that fails to identify all new or revised language in redline. The chapter should be redlined and re-noticed for public comment with the new language highlighted for the public. The Port proposes revisions to the Climate Change chapter included as Attachment 2. It is appropriate for the Commission to adopt policies and priority statements but the Commission should defer adopting specific language until after the Commission has developed the Climate Change Action Plan. Many of the statements made in the draft chapter aggrandize the Commission's role in addressing climate change and simply reiterate the Commission's view of its self-importance. These types of statements are unnecessary and do nothing to further the Commission's policies. The Climate Change Action Plan should be approved and incorporated into the next periodic review of the Management Plan.	See response 55 above.
57	**377**	**Climate**	Page 377: Suggested edit [additions in bold, deletions in strikethrough]: As a bi-state agency, **the Gorge Commission is positioned** ~~with responsibility for protecting and enhancing a broad set of affected resources, the Gorge Commission has compelling reasons to take a comprehensive view of the challenge and a unique opportunity~~ to contribute to regional solutions **for addressing climate change**. Page 377: Suggested edit [additions in bold, deletions in strikethrough]: **Given the Gorge Commission's role in protecting these resources under the National Scenic Act, [it] is appropriate for** ~~Thus,~~ the Management Plan **to** ~~must~~ address **climate change** ~~it~~.	Staff incorporated the first suggested edit. The new text is: "As a bi-state agency, the Gorge Commission is positioned to contribute to regional solutions for addressing climate change." For the second suggestion, staff retained the original language.
58	**378**	**Climate**	Page 378: Suggested edit [additions in bold, deletions in strikethrough]: Given the complex and interconnected nature of climate change impacts in the National Scenic Area, it is **important** ~~essential~~ that climate resilience, adaptation, and mitigation efforts involve federal, bi-state, state, **county, city** ~~municipal~~, and **T**~~t~~ribal governments **as well as the public**. ~~These governments have made a commitment to each other to collectively ensure the continuing health and vitality of the National Scenic Area through the Columbia River Gorge Compact.~~	Staff clarified this language. The new text is: "Given the complex and interconnected nature of climate change impacts in the National Scenic Area, it is essential that climate resilience, adaptation, and mitigation efforts involve federal, bi-state, state, county, city, and tribal governments, as well as the public." The term "tribal governments" is not capitalized to be consistent with references to other government entities in the Management Plan. Gorge Commission staff discussed how the Management Plan should reference our tribal partners with representatives from the Columbia River Inter-Tribal Fish Commission.

59	**378**	**Climate**	Eliminate description of Management Plan and Gorge Commission's roles to advance climate resilience efforts, starting from "The National Scenic Area Act's focus on…" in last paragraph of page 378 through all of page 379.	Staff retained this language because it describes how the Act and Management Plan provide a foundation, and play a continued role, in the Gorge Commission's climate resilience work.
60	**380**	**Climate**	Eliminate this sentence from Framework for Action introductory text on page 380: "The Gorge Commission has a high profile, managing the largest and most complex jurisdiction of its kind, on the doorstep of one of the region's largest metropolitan areas."	Staff clarified this language. See 50.
61	**380**	**Climate**	Under GMA Policy 1: Add Washington, Oregon, and NSA counties and cities to list of entities Gorge Commission will consult with on the Climate Change Action Plan. Include this sentence: "The Gorge Commission shall adopt the Climate Change Action Plan through a public process with opportunities for public and stakeholder input, public comment, and public hearings."	Staff modified this language to include the six counties in the NSA. The new text is: "The Climate Change Action Plan shall include consultation with the four Columbia River treaty tribes, the Forest Service, the six counties in the National Scenic Area, and shall involve the public." This list is not intended to be comprehensive of all stakeholders who will be engaged in developing the Climate Change Action Plan. Public input will be an important part of the planning process.
62	**380**	**Climate**	Under GMA Policy 1: Eliminate all preliminary language about the interim stream buffer protection, including the explanatory footnote.	See 12.
63	**381**	**Climate**	Under GMA Policy 1: Eliminate all preliminary language about prohibiting conversion of forest lands.	At its August meeting, the Gorge Commission approved language for GMA Policy 1, removing "forest practices" from the list of potential approaches and adding "timber production" to the statement about carbon storage. No change to the "prohibit conversion of forest lands..." statement was proposed. The new text is: "B. Forest resources – protecting forested lands for timber production which provides for carbon storage. This includes siting and development standards, land conversion policies, and other approaches. (1) The Gorge Commission shall prohibit conversion of forest lands to any use other than agriculture, recreation, and open space. For conversion to agriculture or recreation, the Management Plan should require full mitigation. (See “Land Use Policies” in Part II, Chapter 2: Forest Land.)"
64	**381**	**Climate**	Under GMA Policy 1: Eliminate last bullet with Agricultural lands language.	The Gorge Commission did not propose an amendment to this draft language at its August meeting, thus no change was made.
65	**380**	**Climate**	Under GMA PROVISIONS, it calls for “a Climate Change Action Plan . . . based upon a local climate vulnerability assessment.” It doesn’t mention any more about this assessment; does it need to? I.e., how will it be done, by whom, timeline? Or is it intended to be left vague?	The Gorge Commission will review existing climate vulnerability assessment data for the region, including the USFS assessment for the National Scenic Area currently in draft form. This will be the first phase of climate change action planning work to be completed following adoption of the Draft Management Plan. Also, see 14.

66	**380**	**Climate**	Three bulleted priorities are listed on p. 3. [in Climate Change Chapter]. We recommend the addition of a 4th bullet stating in essence: “Invasive Species – enhanced monitoring and control/removal actions where feasible and appropriate.”	Staff added invasive species to the list of climate change action planning topics under GMA Policy 1. The new text is: "D. Invasive Species – protecting biodiversity through invasive species monitoring and management."
67	**382**	**Climate**	[Climate Change Chapter] currently says: “3. Based upon the findings of the vulnerability assessment and monitoring program, the Gorge Commission may determine that conditions in the National Scenic Area have significantly changed and has the authority to develop a Management Plan amendment pursuant to section 6(h).” We suggest changing the language from “has the authority to” to “may exercise its authority to.”	Change made. The new text is: "Based upon the findings of the vulnerability assessment and monitoring program, the Gorge Commission may determine that conditions in the National Scenic Area have significantly changed and may exercise its authority to develop a Management Plan amendment pursuant to section 6(h).”
68		**Climate**	Wonder if a #8 should be added, something like: “The Gorge Commission will support and advocate policies and legal mechanisms that contribute to reducing the sources and causes of climate change impacts.” I.e., the Commission should help get to the root of the problem.	GMA Policy 5 focuses on reducing the sources and causes of climate change impacts by directing the Gorge Commission to "develop and implement climate mitigation strategies, as consistent with the Gorge Commission's authorities and responsibilities, that limit and reduce greenhouse gas emissions, enhance forest carbon storage, and encourage renewable energy and transportation solutions."
69		**Climate**	We would like to share our new riparian habitat management tools as a recommendation for addressing riparian buffers throughout the plan. The purpose of WDFW’s forthcoming Priority Habitat and Species (PHS) Riparian Volume 2: Management Recommendations is to provide guidance to protect, and—where possible, restore—healthy, intact, and fully functioning riparian ecosystems. The width of the riparian ecosystem is typically based on site-potential tree height (SPTH) measured from the edge of the active channel or active floodplain. A fundamental component of PHS Riparian Volume 2 is the use of SPTH at 200years (SPTH200) to help delineate the width of the area that, when fully functioning, provides sufficient riparian habitat for fish and aquatic wildlife, and also generally supports the riparian habitat needs that terrestrial wildlife have. SPTH200 is based on a number of characteristics including soil type, slope, most common long-lived tree species, and the predominant surrounding ecosystem within the landscape. Washington Department of Fish and Wildlife complied and analyzed this data for the majority of Washington State and created an online, publicly-available mapping tool to depict this information spatially.	The Gorge Commission appreciates the specific recommendation and tool for addressing riparian buffers and will incorporate this information as part of climate change action planning. GMA Policy 1 includes "streams and riparian areas" as a topic for this planning effort. Also, see 12.

70	**381**	**Climate**	Ecology supports the expansion of buffers from 100 ft to 200 ft for new proposed land use activities along the eight identified streams in the general management area (GMA) in order to help protect cold water refugia (CWR). We recognize the CWR are crucial for supporting salmonid populations in the Columbia River and its tributaries. We note that in many cases, CWR in streams are associated with groundwater discharges to stream channels. Emerging science indicates that upland land use management outside of riparian zones as well [as] climate change influences groundwater quality, including water temperatures [footnote]. Therefore, we encourage the CRGC to work with partners to identify potential areas upon the landscape where current land use, or land use changes, may affect groundwater temperatures. These areas may need enhanced management measures in order to fully protect groundwater temperatures, and therefore surface water temperatures in management areas.	See 12. The connection between the Gorge Commission's land use standards and groundwater temperatures may be explored as part of climate change action planning.
71	**381**	**Climate**	The U. S. Environmental Protection Agency (EPA) Region 10 appreciates and supports reference in the Draft Management Plan of rivers in the CRGNSA that have been identified by EPA as providing cold water refuge (CWR) for migrating salmon and steelhead in the Columbia River. Protecting the volume of cold water in the lower portions of the rivers that provide CWR is important to ensure attainment with Oregon's Clean Water Act cold water refugia narrative water quality standard and support the recovery of salmon and steelhead throughout the Columbia River Basin. As noted in the Draft Management Plan, the EPA has identified the Sandy River, Tanner Creek, Eagle Creek, Herman Creek and Cove, Wind River, White Salmon River, Little White Salmon River and Drano Lake, Hood River, Klickitat River, and the Deschutes River as "primary CWR" in EPA's 2019 Draft Columbia River Cold Water Refuge Plan, which EPA plans to soon finalize. Further, EPA has identified Bridal Veil Creek, Wahkeena Creek, and Rock Creek as nonprimary CWR tributaries and Fifteenmile Creek as having the potential to provide CWR if restored.	This clarification is appreciated. Staff initially included eight profiled streams from the EPA Draft Cold Water Refuges Plan that were located within the GMA. Fifteenmile Creek is not listed by EPA as a primary CWR habitat at this time. EPA recommends restoration of Fifteenmile to improve its potential to provide CWR habitat. At its August meeting, the Gorge Commission approved a 200-foot buffer for seven EPA priority CWR streams within the GMA and eliminated Fifteenmile based on this comment from EPA.
72	**381**	**Climate**	EPA recognizes the important role the Management Plan for Columbia River Gorge National Scenic Area serves to protect these important rivers that provide CWR. We support the application of best available science and the proposed 200-foot stream buffer protection for these rivers within the General Management Area as part of the Climate Change Action Plan.	See 12.

73	**382**	**Climate**	GMA policies on page 382 policy 5 (last sentence): The Gorge Commission will convene regional discussions on alternatives to automobile transit to achieve multiple objectives under the Act and to reduce greenhouse gas emissions. ODOT recommends modifying this sentence to read: *The Gorge Commission will convene and coordinate activities and regional discussions in conjunction with state transportation and transit agencies on alternatives to automobile transit to achieve multiple objectives under the Act and to reduce greenhouse gas emissions.*	Staff modified this language. See 53.
74		**Climate**	The Friends of the Historic Columbia River Highway support the proposal by A. J. Zeleda and Wayne Stewart that the Columbia River Gorge Commission include a section in the revised Management Plan to address Transportation, adding Transportation to 1) Key Issues of the Draft Climate Change Action Plan framework and 2) Strategy and Action Plan. Specifically, that the Columbia River Gorge Commission indicate their intent to convene a group to develop a Transportation Plan (including transit) for the Gorge, including a Congestion Management Plan.	See 1.

75	**380 381**	**Climate**	Policy 1, Page 380: Add a target for completion of the Climate Change Action Plan within one year of the adoption of the revised Management Plan. Streams and Riparian Areas, Page 380: Require a 200-foot protective buffer on each side of all fish bearing streams in the National Scenic Area, particularly all streams providing habitat for salmon, pending completion of the Climate Change Action Plan. Link this requirement to the Natural Resources Chapter of the Management Plan, Guideline 2.B., Page 117. This standard has been applied for nearly 30 years in the Special Management Areas (SMAs) and needs to be applied to streams within the General Management Area (GMA) of the Gorge. Upon completion of the Climate Change Action Plan, review the 200-foot buffer requirement based on the best available science and improve the buffer protections if necessary. Other Water Resources and Wildlife Habitat, Page 381: In addition to stream buffers, add a priority to expand protections for the Columbia River, wetlands, ponds, lakes, and wildlife habitat. Prohibit the loss or destruction of wetlands. Improve pond and lake buffers to protect endangered Western Pond Turtle nesting and rearing habitat. Improved policies to protect unique low elevation habitat for the American Pika from disturbances caused by mining, logging, and development. Link these policies to the Natural Resource Chapter of the Management Plan. Forest Resources, Page 381: To better provide for the mitigation of climate change through carbon sequestration, prevent the conversion of forest lands to residential and agricultural uses. If agricultural conversions are allowed, require full mitigation for the loss of forest land. Change “should” to “shall” regarding full mitigation for the loss of forest land. Revise Part II, Chapter 2 of the Management Plan to incorporate these changes. Wildfire and Limiting New Dwellings in Forest Land, Page 381: Climate change is causing increased frequency and severity of forest fires. To protect forest land, reduce the risk of human-caused fires, protect public safety and property, and reduce risks to emergency responders, prioritize policies that limit new dwellings on forest lands. Develop policies to prohibit new forest dwellings on productive forest land. Limit new dwellings to Small Woodland zones on parcels that are not eligible for state forest tax assessment programs. Develop new siting and development standards to reduce the risks of fire. Revise Part II, Chapter 2 of the Management Plan to incorporate these measures. Wildfire and Recreation, Page 381: Add a section to require coordinated temporary closure of recreation sites and trails when there is an extreme risk of fire, such as the conditions that existed when the Eagle Creek fire was ignited in 2017.	See 5, 12, 88, 89, 90, and 91.
76		**Climate**	Friends acknowledges the work of the staff to develop a new Climate Change chapter. However, for the past three years the Commission staff assured Gorge Commissioners and the public that the entire Management Plan review would be conducted through the lens of climate change. Now, more than three years after the initiation of plan review, we are not aware of any part of the Management Plan that has been reviewed through the lens of climate change, nor have we seen any documents or proposed revisions that included substantive policies or guidelines to address climate adaption or mitigation.	Staff reviewed the current Management Plan, organized a panel of climate experts in February 2018, contracted with a consultant to evaluate climate impacts in the National Scenic Area in October 2019, and documented where climate adaptation and resilience was already addressed in the Draft Management Plan with a presentation to the Gorge Commission in February 2020. Based on this comprehensive overview and public comment, staff prepared a new Climate Change Chapter which was approved by the Commission at the August 2020 meeting.

77	**380**	**Climate**	GMA Policy 1. Page 380. The Climate Action Plan has no timeline or deadline included. As written, development and implementation could be delayed for many years. Require a one-year deadline for completion of the Climate Action Plan.	See 5.
78	**380**	**Climate**	Policy 1 is silent on review and approval of the Climate Action Plan. The plan must be reviewed by the Gorge Commission for consistency with the Management Plan and approved by a vote of the Commission. [Proposed revisions in italics]: *Within one year of the adoption of this Policy,* T*t* he Gorge Commission shall develop and adopt a Climate Change Action Plan that is based upon a local climate vulnerability assessment that integrates risk information with regional land use data. The Climate Change Action Plan shall include specific strategies and actions for climate adaptation and mitigation. The Climate Change Action Plan shall include consultation with the four Columbia River treaty fishing tribes and the Forest Service, and shall involve the public. *The Climate Action Plan shall be reviewed by the Gorge Commission and Forest Service, and approved if determined to be consistent with the National Scenic Area Act and the Management Plan.* The Climate Change Action Plan shall be regularly reviewed and updated as needed, based upon new data and information.	See 5 for response to one-year adoption date. Staff added the second suggestion to Policy 1: "The Climate Action Plan shall be reviewed by the Gorge Commission and Forest Service, and approved if determined to be consistent with the National Scenic Area Act and the Management Plan."

79	**380**	**Climate**	Policy 1. Page 380. Stream and riparian areas. The Climate Action Plan needs to require a 200 foot buffer for all fish bearing streams in the National Scenic Area. Stream buffers in the General Management Area were adopted more than 30 years ago and are inadequate for providing protection of critical habitat for endangered salmon. Salmon habitat protection in the Special Management Areas and on federal forest lands is far more protective and is based on the best available science. Management recommendations for stream protection developed by the Washington Department of Fish and Wildlife that apply elsewhere in Washington are far more protective than the minimal stream buffers that apply in large areas of the National Scenic Area. https://wdfw.wa.gov/publications/00029. The USEPA has developed a draft Cold Water Refuge Plan for the Lower Columbia River that includes several tributaries within the National Scenic Area. Cold Water Refuge (CWR) is essential to the survival salmonids, particularly when temperatures reach 20 degrees in the Columbia River, Species most reliant on CWR include ESA federally-listed summer steelhead and fall Chinook, because the timing of their upstream migration coinciding with peak temperatures on the main stem of the Columbia River. https://www.epa.gov/columbiariver/draft-columbia-river-cold-water-refuges-plan. In 2009, the Gorge Commission determined that the habitat quality of 13 watersheds in the National Scenic Area was either moderate or impaired. None of the watersheds had an overall rating of good for stream habitat quality. Eight of the 13 watersheds were rated as having impaired stream habitat quality. The analysis does not include many important tributaries within the National Scenic Area that provide habitat for ESA listed salmonids, such as Gibbons Creek, Lawton Creek, Duncan Creek, Greenleaf Creek and others http://gorgevitalsigns.org/Reports/VSI_SOG_Natural2009.pdf. [Proposed addition in bold, remove in italics]. Policy 1. Page 381. Streams and riparian areas – protecting and enhancing aquatic and riparian systems. This includes expanding stream buffers, requiring vegetation enhancement, protecting cold water refuge habitats, and other approaches. If the Gorge Commission has not completed its evaluation of appropriate stream buffer protections by one year after adoption of revisions to the Management Plan, the Gorge Commission will implement the following interim stream buffer protection standard: apply the existing SMA buffer width (200 feet) to *cold water refuge* **fish-bearing** streams within the GMA. *Streams affected by this policy change include the Sandy River, Wind River, Little White Salmon River, White Salmon River, Hood River, Klickitat River, Fifteenmile Creek, and Deschutes River.*	During its August meeting, the Gorge Commission approved a policy requiring a 200-foot buffer on cold water refuge (CWR) streams in the GMA. The seven streams included in this policy are identified as priority CWR habitat in the EPA Draft Cold Water Refuges Plan. (See 12). The 2009 Vital Sign Indicators (VSI) Report finding referenced in this comment was included for the Habitat Quality Vital Sign on page 25. While the identified measure for this vital sign was the "percent of native fish habitat that is properly functioning," the report explains that no consistent assessment of stream habitat quality addressing the data called for in this indicator existed in 2009. Thus, a proxy was used: "the number of watersheds where stream habitat quality is good." Proxy data sources included multiple watershed analyses, restoration plans, and other studies and databases addressing habitat quality in the gorge over the 15 years prior to the report publication date in 2009. The impaired watersheds listed in this report were Lower Sandy River, Western Gorge - Oregon (lower reaches only), Western Gorge - Washington (lower reaches only), Hood River, Mosier Creek, Catherine and Major Creeks lower reaches, and Fifteenmile Creek. The 2009 report may not have included analysis of Gibbons Creek, Lawton Creek, Duncan Creek, Greenleaf Creek and others based on data availability at the time. These suggestions will be taken into consideration when revising and updating indicators for the VSI project.
80	**381**	**Climate**	Policy 1. Page 381. Forest resources – This policy should explicitly prohibit conversion of forest land to residential uses. Recommendation: [Proposed revision in italics] Forest resources – protecting forested lands for carbon storage. This includes siting and development standards, forest practices policies, land conversion policies, and other approaches. The Gorge Commission shall prohibit conversion of forest lands to *residential use or* any use other than agriculture, recreation, and open space. For conversion to agriculture or recreation, the Management Plan should require full mitigation.	See 89.

81	**381**	**Climate**	Policy 1. Page 381. Wildfire – New dwellings in forest land should be prohibited. Dwellings in forest land increase the risks of human caused fires, endanger public health, safety, emergency responders and property. The Climate Action Plan should examine prohibiting new dwellings in Large Woodland zones and Small Woodland zones on parcels eligible for, or enrolled in the forest tax assessment program. Recommendation: [Proposed revision in italics] Wildfire – protecting scenic, natural, cultural, and recreation resources from wildfire and reducing the risk of human-caused ignitions from new development and other causes. This includes *prohibiting new residential development in forest land,* siting and development standards, building design and materials standards, and other approaches.	At its August meeting, the Gorge Commission did not propose an amendment with this suggested language, and thus no change was made here. See 89.
82	**381**	**Climate**	Policy 1. Page 381. The list of issues needs to include ecosystem change, habitat risks, changes to hydrology and the risks of floods. Link these issues to specific policies in the Management Plan. Recommendation: [Proposed revision in italics] *Assess risks and likely changes to ecosystems, Priority Habitats, wildlife, ground water and surface water in the Climate Action Plan. Develop policies to adapt to these risks and avoid adverse effects where possible.*	The new text is "C. Priority Habitats – protecting Priority Habitats by assessing the risks and likely impacts of climate change and developing policies to adapt to these impacts where possible." This list is not intended to be comprehensive of all topics included in climate change action planning.
83	**382**	**Climate**	[Proposed revision in bold] In recognition of MCEDD's history with regional transportation issues in the Gorge, we request you add us as a partner in the Climate Change Chapter as follows: Page 382: 5. The Gorge Commission will develop and implement climate mitigation strategies, as consistent with the Gorge Commission's authorities and responsibilities, that limit and reduce greenhouse gas emissions, enhance forest carbon storage, and encourage renewable energy and transportation solutions. The Gorge Commission will *work with partners like Mid-Columbia Economic Development District and the Gorge Translink Alliance to* convene regional discussions on alternatives to automobile transit to achieve multiple objectives under the Act and to reduce greenhouse gas emissions.	The Gorge Commission recognizes that many agencies and organizations are engaged with regional transportation issues in the National Scenic Area. To acknowledge this fact in GMA Policy 5, the Draft Management Plan language was updated to reflect working with partners in convening and coordinating activities related to transportation.
84		**Climate**	We advocate for the Climate Resiliency Plan to include recreation-based transportation needs when considering future climate resiliency solutions.	See 1.

85		**Climate**	The Management Plan's policies and guidelines for protection of are woefully out of date and do not present the best available science. There is not a single mention of climate change in the entire plan or any policies to lessen the impacts of climate change. The draft revised Management Plan must include climate actions to better protect the scenic, natural, cultural, and recreation resources of the Gorge, stop urban sprawl, and protect forests from human-caused wildfires. Thank you for taking the first step toward addressing climate change by creating a "Climate Change" chapter in the Management Plan and proposing the future development of a climate action plan. However, climate adaptation and mitigation policies are necessary now to fulfill the purposes of the National Scenic Area Act and protect fish, wildlife, sensitive plants, and human health in the Gorge.	See 6, 12, 88, 89, and 90.
86	**380**	**Climate**	Policy 1. Page 380: Add a target for completion of the Climate Change Action Plan within one year of the adoption of the revised Management Plan.	See 5.
87	**380**	**Climate**	Page 380: Require a 200-foot protective buffer on each side of all fish-bearing streams in the National Scenic Area, particularly all streams providing habitat for salmon, pending completion of the Climate Change Action Plan. Link this requirement to the Natural Resources Chapter of the Management Plan, Guideline 2.B., Page 117. This standard has been applied for nearly 30 years in the Special Management Areas (SMAs) and needs to be applied to streams within the General Management Area (GMA) of the Gorge. Upon completion of the Climate Change Action Plan, review the 200-foot buffer requirement based on the best available science and improve the buffer protections if necessary.	See 12.
88	**381**	**Climate**	Other water resources and wildlife habitat. Page 381: In addition to stream buffers, add a priority to expand protections for the Columbia River, wetlands, ponds, lakes and wildlife habitat. Prohibit the loss or destruction of wetlands. Improve pond and lake buffers to protect endangered Western Pond Turtle nesting and rearing habitat. Improve policies to protect unique low elevation habitat for the American Pika from disturbances caused by mining, logging and development. Link these policies to the Natural Resource Chapter of the Management Plan.	During its August 2020 meeting, the Gorge Commission approved the change from "no net loss" to "no loss" in Goal 1 of Part I, Chapter 3: Natural Resources, GMA Provisions, Water Resources: Wetlands, Streams, Ponds, Lakes, and Riparian Areas. Goal 1 now reads: "Achieve no loss of wetlands acreage and functions." The Gorge Commission did not amend the Draft Management Plan language to include revised buffers for any specific species because the wildlife section in the Natural Resources chapter allows for species-specific conditions of approval which may include wider buffers. Proposed development is reviewed to ensure no adverse effects on rare and sensitive species and habitats. Pika and their habitats, including talus slopes, are protected under the Management Plan.

89	**381**	**Climate**	Forest resources. Page 381: To better provide for the mitigation of climate change through carbon sequestration, prevent the conversion of forest lands to residential and agricultural uses. If agricultural conversions are allowed, require full mitigation for the loss of forest land. Change “should” to “shall” regarding full mitigation for the loss of forest land. Revise Part II, Chapter 2 of the Management Plan to incorporate these changes.	During its August 2020 meeting, the Gorge Commission approved this language: "Forest resources – protecting forested lands for timber production which provides for carbon storage. This includes siting and development standards, land conversion policies, and other approaches. (1) The Gorge Commission shall prohibit conversion of forest lands to any use other than agriculture, recreation, and open space. For conversion to agriculture or recreation, the Management Plan should require full mitigation. (See “Land Use Policies” in Part II, Chapter 2: Forest Land.)"
90	**381**	**Climate**	Wildfire and limiting new dwellings in forest land. Page 381: Climate change is causing increased frequency and severity of forest fires. To protect forest land, reduce the risk of human-caused fires, protect public safety and property and reduce risks to emergency responders, prioritize policies that limit new dwellings on forest lands. Develop policies to prohibit new forest dwellings on productive forest land. Limit new dwellings to Small Woodland zones on parcels that are not eligible for state forest tax assessment programs. Develop new siting and development standards to reduce the risks of fire. Revise Part II, Chapter 2 of the Management Plan to incorporate these measures.	During its August 2020 meeting, the Gorge Commission approved a policy prohibiting new dwellings in Commercial Forest and Large Woodland Land Use Designations (in Part II, Chapter 2: Land Uses).
91	**381**	**Climate**	Wildfire and recreation. Page 381: Add a section to require coordinated temporary closure of recreation sites and trails when there is an extreme risk of fire, such as the conditions that existed when the Eagle Creek fire was ignited in 2017.	See response to comment 2 in the Recreation Resources section.
92	**381**	**Climate**	Fossil fuel infrastructure. Page 381: Add a new policy to prioritize limits on the development and transportation of fossil fuels. For example, develop policies to prohibit new, or the expansion of, existing fossil fuel infrastructure development, such as pipelines to transport oil or fracked gas.	See 19.

93	**381**	**Climate**	Multiple provisions of the proposed Amendments negatively impact the rights and responsibilities of non-federal timber landowners, in direct contravention of the savings provision. In addition, the Amendments effectively limit private landowner autonomy and stifle economic development in the GMA, which conflicts with legislative intent. We are particularly concerned with the provisions affecting forest management and forest land conversion including, but not limited to: Amendments to the Action Program to add a policy for expanded buffers, add standards to preserve forest resources for carbon storage, add climate change to the cumulative impacts analysis, limit enhancement of land for forest uses, and alter economic development policies for the GMA.	The Management Plan allows forest practices as a use allowed outright, except in Open Space and Ag Special Land Use Designations.
94		**Climate**	Studies need to be incorporated in the Climate Change Chapter with a focus on impacts to water. Population pressure and decreased precipitation rates affect water resources. Look at water modeling in the gorge and the Pacific Northwest.	See 14.
95		**Climate**	Little analysis in this Plan of climate change impacts; needs to be significantly improved. Climate disruption is a significant and urgent threat to biological systems and ecosystem services in the National Scenic Area. Need a plan to assess and mitigate the impacts of climate change. Include a near target date of one-year or less to adopt a Climate Action Plan that requires the following: Allow no reduction in habitat protections. Prohibit loss of or damage to wetlands. Limit new dwellings in forested areas. Prevent conversion of forest land to protect carbon sinks. Protect and increase stream, lake, and pond buffers.	See 5, 14, 88, and 90.
96		**Climate**	Implement a 200-foot vegetative stream buffer on streams and rivers that enter the Columbia River to protect cold water refuge habitat for salmon and other fish.	See 12.
97		**Climate**	Concerned about water temperature in two creeks that enter the Columbia River in Mosier. Buffers on the creeks just outside of the city and outside the Scenic Area are either nonexistent or clearcut areas.	See 25.
98		**Climate**	Include a target completion date of one year for Climate Action Plan	See 5.
99		**Climate**	Consider accelerating Vital Sign Indicators program.	The Vital Sign Indicators (VSI) project and Climate Change Action Plan are priorities in the Gorge Commission's post-Gorge 2020 work plan. Policy 2 in the Climate Change Chapter focuses on integrating climate change action planning with VSI, including developing climate change indicators.
100		**Climate**	Encourage the Gorge Commission to plan for the climate change chapter in the next year; aligns with the Hood River County Energy Plan adopted by the City of Hood River, Hood River County, Port of Cascade Locks, and Port of Hood River.	See 5 and 6.

101		**Climate**	Appreciate that climate change is formally recognized in the Draft Management Plan. Support other comments made tonight regarding advocacy for stream buffer protections associated with forest practices.	See 12 and 93.
102		**Climate**	Support development of a Climate Change Action Plan with a one-year timeline for completion that includes the following: No loss of wetlands. Reduction of fire risk on forest lands by limiting dwellings. Adequate stream buffers of 200 feet. Protection for species such as salmon, Western pond turtle, and pika; do not allow mining, development and logging in pika habitat.	See 5, 12, 88, and 90.
103		**Climate**	Request more commitment to climate change; include a one-year target for adopting a Climate Action Plan. While the Commission did contract with a consultant to complete a high-level climate change impacts study, suggest that additional studies be commissioned on the most vulnerable aspects of the Gorge to climate change and specific protections needed. Examples of these protections include buffers on streams, rivers, ponds, and lakes to protect sensitive species.	See 5 and 14.
104		**Climate**	Should be tracking keystone species and monitoring impacts of climate change, development, and recreation on forest and water health. Need a specific and measurable plan to address impacts of climate change.	See 99.
105		**Climate**	Need policies and guidelines on climate change immediately.	See 5, 12, 88, and 90.
106		**Climate**	Please strengthen policies regarding climate change and include a one-year timeline for adopting a climate change plan and protecting the gorge for climate change.	See 5.
107		**Climate**	We want you to implement a new chapter on climate change by allowing science to dictate natural recovery of forests impacted by fire (prohibit post fire logging); increase protective buffers for streams; and preservations of natural resources and others.	See 6 and 12. Forest management on the vast majority of forested lands in the NSA is designed and carried out by the U.S. Forest Service and other landowners. The Act protects lawful application of state Forest Practices Acts on private forest lands. The Management Plan does allow and support proactive forest health and fuels reduction activities, and it requires fire protection measures for new development on forest Land Use Designations.
108		**Climate**	There is currently no mention of climate change and global warming anywhere in the management plan. With your help we would like to change that, and ensure that the Gorge Commission and Forest Service are adequately preparing to confront the many challenges and impacts we can expect from global warming in the decades to come. A good first step would be to improve natural and scenic resource protection standards to address impacts from climate change.	See 6.

109		**Climate**	Adopt guidelines addressing fossil fuel transport through the National Scenic Area, including oil and coal trains. For example, require analysis of worst-case oil spills from oil train derailments and prohibit coal pollution from open-topped coal cars.	See 19.
110		**Climate**	Expand protective buffers for fish, wildlife and rare plants to better reflect the best available science and to adapt to climate change.	See 12 and 88.
111		**Climate**	Assess the impacts of climate change on protected species and habitat.	See 82.
112		**Climate**	Thank you for moving forward with a Climate Action Plan for the gorge. This is so needed if we are to guide the future of the National Scenic Area. We hope that you will have added to the management plan: a focused climate action plan which is so far lacking.	See 6.

	Page	Topic	Comment	Response
1	391	Econ	My proposed changes are to GMA Policies; This is the only place in the draft plan that a specific product or occupation is mentioned. This should be stated in generic terms and not be specific to any single product or occupation. Wine and wine sales are important but there are several similar products that would have similar if not the same impacts on the National Scenic Area. They all should be treated the same. GMA Policy 6.E., Replace with: E. Produce or product sales or tasting facilities, in conjunction with a lawful production facility, on lands designated Large-Scale or Small-Scale Agriculture, Commercial Forest Land, or Large or Small Woodland.	On 9/8/20 the Gorge Commission voted to added "cideries" to allowances for wineries in the GMA. This will allow cideries in the Land Use Designations where wineries are allowed, under the same guidelines for wineries in the Management Plan. This will also allow cider sales and tasting rooms as a review use, using the same guidelines for wine sales and tasting rooms, including allowing commercial events at these venues. The Gorge Commission will consider adding an amendment for allowing "incidental produce or edible product sales" at its October 2020 meeting, but stated that it does not want to allow commercial events at these venues.
2	391	Econ	GMA 6.F. Replace with; F. Commercial events in all GMA designations except Open Space and Agriculture Special, in conjunction with a lawful produce or product sales/or tasting facility, commercial use, or dwelling listed in the National Register of Historic Places.	See response to Comment 1. The Gorge Commission decided to keep the language in the Draft Management Plan clarifying that fruit and produce stands are not a commercial use, and therefore cannot hold commercial events.
3		Econ	I support your efforts to provide for orderly and sensible means that allow for economic growth in the Columbia River Gorge and hereby support your resolution that would stifle economic growth.	The Draft Economic Development Chapter approved by the Gorge Commission states: "One of the National Scenic Area Act's two stated purposes is 'to protect and support the economy of the Gorge by encouraging growth to occur in existing urban areas and by allowing future economic development in a manner that is consistent with protection of scenic, cultural, recreation, and natural resources' [Section 3(2)]." And this chapter states the following GMA Goals for Economic Development: "1. Protect and support the economy of the Columbia River Gorge area by encouraging growth to occur in existing urban areas. 2. Protect and support the economy of the Columbia River Gorge area by allowing future economic development in a manner that is consistent with the protection and enhancement of the scenic, cultural, recreation, and natural resources of the Columbia River Gorge."

4		**Econ**	Counties and cities in the NSA need a regional strategy to effectively address areas of impediments for affordable housing which is closely linked with economic development in the NSA. The NSA has grown exponentially and will only continue to grow which threatens the resources and values that the ACT was created to protect.	There are no specific policies or guidelines to support affordable housing in the Management Plan. The Gorge Commission is aware of affordable housing issues in the urban areas.
5	**390**	**Econ**	The EDC appreciates acknowledgement of adequate infrastructure as critical to supporting existing communities. These investments are critical to supporting the residents and agricultural enterprise in the Gorge as well as resource protection.	The Gorge Commission adopted specific language to address adequate infrastructure: Economic Development Chapter, GMA Policy 8: "The Gorge Commission recognizes the importance of adequate, efficient, and reliable infrastructure (such as water, sewer, transportation networks, energy, telecommunications, and broadband) to protect health and safety, and to support the economic vitality of the Gorge."
6	**390**	**Econ**	The EDC also appreciates the acknowledgement of the importance of the region's Comprehensive Economic Development Strategy in the draft chapter. This strategy provides a framework for economic development efforts in the region and is updated every five years through robust stakeholder engagement to reflect the local community's needs.	The Gorge Commission adopted language acknowledging the importance of the region's Comprehensive Economic Development Strategy: Economic Development Chapter, GMA Policy 2: "The Gorge Commission recognizes the importance of their participation in updates to the regional Comprehensive Economic Development Strategy (CEDS) as may be requested by Mid-Columbia Economic Development District, the bi-state economic development entity that coordinates the CEDS planning process."
7	**391**	**Econ**	However, the EDC has concerns about reducing opportunities for agricultural producers to incorporate value added efforts like cider for apples, fruit stands, or events that support their primary agricultural use if they can be done with adequate public safety needs met as ensured by the local review process. As noted above, for these producers the ability to sell direct to consumers or process their own crops to add value can support continuation of farming for these businesses. These smaller producers, along with larger cherry, wheat, and cattle production provide the foundation of our local economy. Continuing the working landscape is in line with the Act and is a prime opportunity for the Gorge Commission to support both purposes outlined.	See responses to Comments 1 and 2. The Gorge Commission has not approved any amendments that will limit existing allowances for commercial uses and events.
8	**392**	**Econ**	The Port requests that the Commission add back the two bullets deleted from the Policy 9 language. The bullets recognized the important role of ports in the Gorge and are needed to carry out the legislative directive contained in ORS 777.065.	The Gorge Commission recognizes the important role of ports in economic development but decided that a focus just on ports and not other economic drivers was not recommended.

9	**389**	**Econ**	The Act does not require that economic activities, particularly in the urban areas, be "harmonized" with protection of the SNCRs. There is no evidence in the record documenting direct and indirect effects from climate change on the Gorge's economic sectors; therefore, the Port suggests the revised language [proposed language in bold, deleted language in bold strikeout]: "The goals and policies in this chapter support the vision of a thriving economy within the Gorge supporting diverse business opportunities that operates in harmony with the National Scenic Area's qualities, values, and resources, especially with the Gorge's principal the Gorge's principal economic sectors, such as agriculture, forestry, high tech, health care, manufacturing and processing, and tourism. while allowing new commercial uses on lands designated Rural Center, Commercial, and Commercial Recreation. Climate change directly and indirectly affects many of the region's current economic sectors. Addressing climate change will improve the viability of those economies into the future. The Gorge Commission recognizes that climate change may affect many of the region's current economic sectors and supports economic development that contributes to reducing climate change impacts."	One of the National Scenic Area Act's two stated purposes is "to protect and support the economy of the Gorge by encouraging growth to occur in existing urban areas and by allowing future economic development in a manner that is consistent with protection of scenic, cultural, recreation, and natural resources" [Section 3(2)]. The Commission-approved language in the Draft Management Plan reflects this. The language in the Climate Change Chapter and the Economic Development Chapter recognizing that climate change affects economic sectors is based on general conclusions highlighted in the report provided to the Gorge Commission, "Summary of Climate Change Effects in the Columbia River Gorge National Scenic Area" (Wozniak 2019). While this report did not find an economic impact analysis of climate change specific to the NSA, it describes economic impacts identified in national and state assessments that are relevant to the NSA. The Draft Management Plan text is consistent with the findings in this report.
10	**391**	**Econ**	Policy 6. The Port opposes the proposed revisions to the Land Use Designations that eliminate rights landowners otherwise enjoy under state law as the proposed changes are inconsistent with the Act and exceed the Commission's authority. Commercial activities on rural resource lands can be carried out consistently with the SNRCs. An all-out ban on such activities is overreaching. The Act requires that commercial and residential development outside urban areas take place without adversely affecting the SNRCs. See Act, § 544d(d)(7) and (8). Such activities are permissible under the Act as long as conducted in a manner that does not result in adverse impacts to SNRCs.	See responses to Comments 1 and 2. The Gorge Commission has not approved any amendments that will limit existing allowances for commercial uses and events.
11	**392**	**Econ**	GMA policy 8: The Gorge Commission recognizes the importance of adequate, efficient and reliable infrastructure (such as water, sewer, roads, energy, telecommunications, and broadband) to protect health and safety, and to support the economic vitality of the Gorge. *ODOT supports this language; however, the reference to roads is limiting and recommend replacing "roads" with "transportation network" to include items wider than just a specific strip of asphalt (broadening to network acknowledges the role of transit, bridges, or cycling, for example).*	This suggestion was incorporated in GMA Policy #8. The new text is: "The Gorge Commission recognizes the importance of adequate, efficient, and reliable infrastructure (such as water, sewer, transportation networks, energy, telecommunications, and broadband) to protect health and safety, and to support the economic vitality of the Gorge."

12	**390**	**Econ**	Policy 3. Friends supports the changes to this draft policy to require the Economic Development Vitality Plan to be consistent with the National Scenic Area Act and the Management Plan. However, it is unclear what it means to say the Gorge Commission shall support the efforts of Oregon and Washington. We recommend deleting the word “shall” from the first sentence.	The phrase "shall support" was deleted and replaced with "supports" in the first sentence. The new text is: "The Gorge Commission supports the economic development efforts of the states of Oregon and Washington pursuant to their Economic Vitality Plan as long as these efforts are consistent with the National Scenic Area Act and the Management Plan..."
13	**390 391**	**Econ**	Policy 4. Delete text allowing commercial uses in agricultural zones. Limited commercial uses in agricultural zones are addressed in Part 2, Chapter 7 of the Management Plan. The draft Policy 4 could be interpreted in a way that conflicts with the limited commercial uses allowed in agricultural zones.	The Management Plan already allows some uses in agricultural zones as noted in Part 2, Chapter 7. The Gorge Commission added Policy 4.F to provide this example of how agriculture industries are protected by allowing some commercial uses on GMA agriculture lands that are incidental and subordinate to the agricultural use: "4. Agriculture and forest industries in the Columbia River Gorge shall be protected and supported by: F. Allowing commercial uses on GMA agriculture lands that are incidental and subordinate to the agricultural use."
14	**391**	**Econ**	Policy 5. The economic vitality of the Gorge economy shall be enhanced by encouraging growth to occur in Urban Areas. Comment: Friends supports the retention of this policy and clarifying that it refers to the existing boundaries of the urban areas in the National Scenic Area.	This policy was retained.
15	**391**	**Econ**	Policy 6. F. could be interpreted to allow commercial events at all commercial uses, including home occupations and overnight accommodations. This conflicts with the policies and guidelines for home occupations and overnight accommodations. It would allow them in all land use designations except Open Space and Agriculture Special. This would include short term rentals if the Commission revised the Management Plan to allow these commercial uses. If this interpretation is correct, this would be a major expansion of commercial uses and events within the Scenic Area without any analysis of the effects. Friends recommends either deleting this policy or deleting the term “commercial use” from the guideline.	To clarify that commercial events are not allowed at overnight accommodations, staff added the following guideline to the Draft Management Plan under "OVERNIGHT ACCOMMODATIONS" in Part II, Chapter7: "1. E. Commercial events are not permitted at overnight accommodations." Home Occupations are currently considered a commercial use in the Plan. The Gorge Commission did not discuss changing this.
16		**Econ**	Friends supports the draft revisions to policies 7 through 11.	No changes to the draft policies #7-11 were made after the Draft Management Plan was released for public comment on June 1, 2020.

17	**390**	**Econ**	Appreciate amendment of GMA Policy 2 re: Comprehensive Economic Development Strategy.	The Gorge Commission approved adding Policy 2: "The Gorge Commission recognizes the importance of their participation in updates to the regional Comprehensive Economic Development Strategy (CEDS) as may be requested by Mid-Columbia Economic Development District, the bi-state economic development entity that coordinates the CEDS planning process."
18		**Econ**	Concerned that the economic development chapter revision is limiting opportunities for value-added agriculture, including agritourism. Need to have a balance between protecting scenic, natural, cultural, and recreation resources and protecting and supporting the economy of the Columbia River Gorge. Revisions to the Management Plan will affect the livelihoods of those who live and work here for the next 20-30 years.	See responses to Comments 1 and 2. The Gorge Commission has not approved any amendments that will limit existing allowances for commercial uses and events.

	Page	Topic	Comment	Response
1		Equity	This plan needs to strive to be anti-racist. Here are some ways that we can reflect more anti-racist approaches and plans. I'll include a link for 16 words and definitions for the anti-racism journey https://medium.com/@reneecherez/16-words-and-definitions-to-kickstart-your-anti-racism-journey-bd1100656b0d 1. History- the history section is very white-sided and written from the white person point of view of history. Recommendation is to make sure the history includes First Nation and Indigenous history and be led from the perspective of all communities that have been excluded and included on this land. Genocide of First Nation communities happened on this land, Blacks were expelled and not legally allowed to live on this land - this needs to be included in the history of the area. This also includes Black, Hispanic/Latinx and other cultures of color that have been included and excluded and exploited within the Columbia River Gorge. Reference links below: https://www.confluenceproject.org/library-post/tribes-of-the-columbia-river-system/ https://calendar.eji.org/racial-injustice/jun/26	At its September 2020 meeting, the Gorge Commission approved a Diversity, Equity, and Inclusion (DEI) statement in Part IV: Administration, Chapter 1: Gorge Commission Role. Policies 1 and 2 direct the Gorge Commission to develop a Diversity, Equity, and Inclusion Plan to address equity in the implementation of the Management Plan, Gorge Commission operations, and policy decisions. Review of the Management Plan's history section is a topic of further exploration as part of the DEI planning effort. The Gorge Commission is committed to learning from and engaging with diverse communities in this work. As a first step, the DEI statement includes language about Oregon's history of exclusionary laws and constitution. The new text is: "The Commission acknowledges and regrets Oregon's history of structural racism including its exclusionary laws and its 1857 Constitution barring Black citizens from residing in Oregon, voting, owning property, or entering contracts."
2		Equity	2. Land Acknowledgement - Recommendation: as a government body that is tied to the white supremacist system overseeing land that was stolen from Native and First Nation folks, we need to start all our work with land acknowledgements to acknowledge and heal from the history of land management in the area.	A brief land acknowledgment is included in the Diversity, Equity, and Inclusion statement. The Gorge Commission is learning more about land acknowledgment and how this practice may be incorporated at its meetings.

3		**Equity**	3. We need an Equity Plan. At this point no document that is written by our government institutions should not include an equity plan. This needs action steps to redress the hundreds of years of systemic racism and white supremacy that has excluded communities of color from the area. It also needs to talk and create steps about how white supremacy and systemic racism is being dismantled within the management plan. For some good references check out https://www.showingupforracialjustice.org/white-supremacy-culture-characteristics.html. Recommendation: Make this a regular agenda item and encourage staff to support a team that can lead this work. This team should be reflective of our community and incentive the participation of local folks. As a Person of Color I know that committees and open conversation can be stressful and feel unsafe. We need to create a safe space that allows for participants to share truthful experiences. There are many local groups who are doing this work such as The Next Door, Inc., Latinx en Accion, Abogadores de la Comunidad, Radio Tierra KZAS, WorkSource Columbia Gorge, One Community Health – we should collaborate to work on this plan together. 4. Every piece of this management plan needs to include more around racial justice, because racial justice is environmental justice. Recommendation: I invite you to explore these texts to help shape arguments around edits that need to happen to this plan. https://www.nytimes.com/interactive/2020/06/05/climate/racism-climate-change-reading-list.html?fbclid=IwAR3xm3nJO08kQqo-U2600hB3tmV917JaAIAveW7U34BMAj6riQaEApjtucY https://www.opb.org/news/article/oregon-northwest-racism-outdoors-nature-hiking/?fbclid=IwAR1nSLYbBiwFvAS-spL3ao2l_uoj20SNUhxqfN0bRTdyB-A8BFl9I3LZ1Ik https://www.opb.org/news/article/black-birding-week-oregon-bipoc-conservation/?fbclid=IwAR1gGrJQnarG6ymUzo5vZelpJy0Di9dFGk-U5-tNc0gDS_CXGobDopO61po https://e360.yale.edu/features/unequal-impact-the-deep-links-between-inequality-and-climate-change?fbclid=IwAR1hOZh4SrbWD09WSAXCCfS8IdxlVr_HgPodlKiHGOc4awHaqVm2xpByT9k	In the Diversity, Equity, and Inclusion statement, policies 1 and 2 direct the Gorge Commission to develop a Diversity, Equity, and Inclusion Plan to address equity in the implementation of the Management Plan, Gorge Commission operations, and policy decisions. Engaging under-represented and marginalized communities in the Columbia Gorge region is essential to this effort. The Gorge Commission appreciates the resources shared in this comment letter and will explore these during the DEI planning process.

4		**Equity**	At this point no document that is written by our government institutions should not include an equity plan. This needs action steps to redress the hundreds of years of systemic racism and white supremacy that has excluded communities of color from the area. It also needs to talk and create steps about how white supremacy and systemic racism is being dismantled within the management plan. This work needs to be done with communities of color both in Portland/Vancouver and the Gorge, as may of the communities of color in the cities have not been allowed to be part of there gorge and those in the gorge have been moved, relegated and oppressed within the community. For some good references I will bring us back to characteristics of white supremacy culture.	See 3.
5		**Equity**	History section needs to be re-written. Currently this history is from the white perspective and it is not ok for us to white- center our history, this is not acceptable as we need to center our history in all people and hold ourselves to accountability to the realities of experiences and histories for all involved. We need to include First Nation and Indigenous history and be led from the perspective of all communities that have been excluded and included on this land. Genocide of First Nation communities happened on this land, Blacks were expelled and not legally allowed to live on this land - this needs to be included in the history of the area. Japanese internment camps and Hispanic deportation prisons are part of this history. This also includes Black, Hispanic/Latinx and other cultures of color that have been included and excluded and exploited within the Columbia River Gorge.	See 1.
6		**Equity**	Include a Land Acknowledgment. As a government body that is tied to the white supremacist system overseeing land that was stolen from Native and First Nation folks, we need to start all our work with land acknowledgments to acknowledge and heal from the history of land management in the area.	See 2.
7		**Equity**	Need an Equity Plan. At this point no document that is written by our government institutions should not include an equity plan. This needs action steps to redress the hundreds of years of systemic racism and white supremacy that has excluded communities of color from the area. It also needs to talk and create steps about how white supremacy and systemic racism is being dismantled within the management plan. This work needs to be done with communities of color both in Portland/Vancouver and the Gorge, as may of the communities of color in the cities have not been allowed to be part of there gorge and those in the gorge have been moved, relegated and oppressed within the community. For some good references I will bring us back to characteristics of white supremacy culture.	See 3.

8		**Equity**	I am writing to comment on the need to include racial justice in the updated Management Plan. The Management of natural resources in the Columbia Gorge involves a current and historical exploitation of Indigenous people both in the 1961 Columbia River Treaty as well as land management today. It is important to make sure the current Columbia River Gorge Management Plan is anti-racist. The draft as it stands is lacking in acknowledgement and planning around racial justice. Here are my comments for adjustment: - Intro (pg 11-12) should include conversation about Indigenous tribes, sacred and historical sites and influence of Indigenous tribes on National Scenic Area Act. - History section should include First Nation and Indigenous history as well as exploitation of resources and genocides that occurred on this land. History section should also include Black, Hispanic and other cultures of color that have been included and excluded and exploited within the Columbia River Gorge. - The Management Plan (perhaps in the introduction section) should include a Land Acknowledgement that the land being managed was stolen from Native and Indigenous people so this history can be recognized and understood by those now managing and utilizing the land. - The Management Plan should include an Equity Plan to address how this government institution and management of resources will include communities of color who have historically faced systemic racism and exclusion. Are any of the commissioners involved in the plan Black, Indigenous or persons of color? If not, will the Commission consult/seek advice from community members who are able to give perspective on ways to make the Management Plan racially just? - The Residential Land chapter (pg 259) should include mention of the inequities in housing and effects of industrial pollution on communities of color and increased levels of toxic and hazardous waste. GMA Goal 4 should also mention these injustices and include items of action to prevent. (See http://greenaction.org/what-is-environmental-justice/) In summary, the Management Plan needs to be Anti-Racist and the current draft is completely lacking in addressing the historical and present system racism. Racial justice and environmental justice are inarguably linked and need to be included in any plan to manage natural resources.	See 1, 2, and 3. Development of a Diversity, Equity, and Inclusion Plan, including engagement with tribes and others, will help the Gorge Commission build understanding of historical and current inequities that will inform what changes are needed to the Introduction, Residential LUD section, or other parts of the Management Plan.

9		**Equity**	How and why does this specific policy impact people of various race and ethnicity, economic disparities, including physical and mental health impacts. There must be a place for this in your decision making as well as acknowledgement of the “winners and losers” the policy enables. Because even the most well intentioned decisions will be detrimental to someone. I want to know these things and don’t believe anyone should have to arduously page through documents have to seek that knowledge. It’s vital to acknowledge how vulnerable populations are losing or not even considered “stakeholders” in these important decisions. What has this board done to address the true costs of this policy. Who loses and what is the actual cost of that loss? I believe this deserves the front page of policy making and ask you to stop and re-evaluate these questions before final decisions are made to insure you were doing everything you can not to cause further disparities already so obvious in our Columbia Gorge communities.	The Gorge Commission recognizes the need for policy analysis through an equity lens that incorporates race, ethnicity, economic status, and physical and mental health. Policies 1 and 2 in the Diversity, Equity, and Inclusion section of Part IV: Administration, Chapter 1: Gorge Commission Role direct the Gorge Commission to develop a Diversity, Equity, and Inclusion Plan to address equity in the implementation of the Management Plan, Gorge Commission operations, and policy decisions. Policy 2 directs the Gorge Commission to engage under-represented and marginalized communities in its work, including those who are most vulnerable to impacts of policy decisions and have not historically been engaged in planning efforts.
10		**Equity**	I am hoping that when you add the equity section in the gorge plan, that you include American Indians in it. In 1855, several tribes were displaced and promised money for that displacement. Since 1855, one tribe has been compensated. Can we truly prove equity by paying our obligations?	In the Diversity, Equity, and Inclusion statement, the Gorge Commission acknowledges that the National Scenic Area is located within the ancestral territories of Indigenous peoples who protected these lands since time immemorial and that European settlers and their governing authorities took Indigenous land and resources within this region by unjust and inequitable means. As a first step in the Gorge Commission's efforts to develop a Diversity, Equity, and Inclusion Plan, this statement is not comprehensive of all issues and specific historical details. The displacement and compensation of tribes is one topic that may be further explored as part of the DEI planning effort.

	Page	Topic	Comment	Response
1		Land Use	Oppose and Vote NO on Gorge Commission Policy Plan (Gorge 2020) Certain Gorge residents recently received an alarming notice in the form of a mundane, postcard which declared curtly: “The Columbia River Gorge Commission has proposed amendments to the National Scenic Area Management Plan which may impact the value and use of your property and future development in your community,” which include “changes to land use regulations for private properties . . . that may restrict future uses.” Apparently a simple vote can wipe out all of a landowner’s rights as well as up to 100% of his property value. But that’s not the way it’s supposed to be according to Ernest Istook: “Our economic freedom is founded on individual property rights; government should never be permitted to take those away.” If you’re so inclined, do not try to manipulate individual property owners out of their rights. Vote NO! And Mike Klepper said, “The only legitimate purpose of government is to protect the lives and property of its citizens.” Over a century ago President and chief justice William Howard Taft showed incredible 21st century insight when he wisely observed, ”No tendency is quite so strong in human nature as the desire to lay down rules of conduct for other people.” “We can't have a decent government unless those in power exercise self restraint.” Please use a little self restraint. Vote NO! He also said, ”The world is not going to be saved by legislation.” “Next to the right of liberty, the right of property is the most important individual right guaranteed by the Constitution.” Other presidents have been equally explicit: “Property is surely a right of mankind as real as liberty.” --John Adams “Ultimately property rights and personal rights are the same thing.” --Calvin Coolidge “The rights of persons, and the rights of property, are the objects, for the protection of which Government was instituted.“ --James Madison Long before 1776, John Locke’s writings greatly influenced the Declaration of Independence, as well as our American revolutionaries when he stated, “Government has no other end, but the preservation of property.” If you have the power to vote on the Gorge 2020 policy, Vote NO. It’s your duty! But in frustration, Locke also said, “Too many people don't care what happens so long as it doesn't happen to them . .” We have no personal interests in the Columbia River Gorge, but we are very concerned for the future of our fellow Wasco county landowners as well as all private property holders in greater Oregon and Washington. You see, we believe, “An attack on one (in this case by the gorge commission) is an attack on all.” Please just say no! Vote against any and all policy that has the effect of: limiting the opportunities and /or uses any landowner currently enjoys on one’s private property, and/or; reducing the value of even one private landowner’s property through the power of your decisions.	Gorge Commission staff has been conducting public outreach about Gorge 2020 through emails, press releases, community outreach meetings, radio talk shows, public notices, etc. since October 2016. Changes to the Management Plan that were proposed as part of the four focus topics, two technical revision topics, and the Climate Change chapter were open for public comment and discussion at Gorge Commission meetings over the last four years. If any landowner is adversely affected by new restrictions in the Draft Management Plan, the Gorge Commission can review those on a case-by-case basis at the time a permit application is submitted.
2		Land Use	Timber Harvest: Timber harvesting should be prohibited within the NSA, at least clear cutting! Recent years have seen devastating and highly visible clearcuts. The NSA is not very wide - surely lumber companies can be restricting from harvest within the area.	Forest practices, where allowed, are allowed outright, according to the Act's savings provisions. The Management Plan regulates land use and development in the National Scenic Area (NSA). Forest management on the vast majority of forested lands in the NSA is designed and carried out by the U.S. Forest Service and other landowners. The Act protects lawful application of state Forest Practices Acts on private forest lands. Forest practices are allowed without review on all NSA General Management Area lands except for Open Space and Agriculture-Special. The Management Plan does allow and support proactive forest health and fuels reduction activities, and it requires fire protection measures for new development on forest Land Use Designations.
3		Land Use	My concern, today, is the outright contempt that some on the Gorge Commission have, for those of us who live here. “Protect and support the economy of the Columbia River Gorge area by encouraging growth to occur in existing urban areas and by allowing future economic development in a manner consistent” with the first purpose of the Act. Your draft plan revisions eliminate the rights of rural property owners to use their property for uses that are, in fact, permitted under Oregon law.	As an interstate compact agency, the Gorge Commission is not required to align with Oregon or Washington state laws or land use goals.
4		Land Use	I moved to Oregon 24 years ago and one of the most significant attractions to me was the fact that the state had statewide land use goals. The Commission needs to do all it can to work in alignment with those goals. Probably the most important goal involves preventing urban sprawl while protecting forest and agriculture lands. The Commission needs to act in the strongest possible fashion to live up to these goals throughout the Gorge. This is not only a national resource but an international one that we need to protect at the highest possible levels.	See 3.

5		**Land Use**	"The Columbia River Gorge Commission has proposed amendments to the National Scenic Area Management Plan which may impact the value and use of your property and future development in your community," which include "changes to land use regulations for private properties . . . that may restrict future uses." This is written on a postcard sent out to property owners in the Columbia Gorge National Scenic Area. How can this be OK? People that have private property that they have spent years paying taxes and developing. The Fifth Amendment of the US Constitution protects the right to private property in two ways. First, it states that a person may not be deprived of property by the government without "due process of law," or fair procedures. I hardly think that the way The Gorge Commission is going about it is a fair procedure. If you would like to lockdown the use of the property and devalue the property then The Gorge Commission needs to reimburse the property owner the cost of future use and value. This is clearly proof of unconstitutional takings. I hope that you will review Oregon's Measure 37 ORS 195.305 which allows property owners whose property value is reduced by environmental or other land use regulations to claim compensation from state or local government. If the government fails to compensate a claimant within two years of the claim, the law allows the claimant to use the property under only the regulations in place at the time he/she purchased the property. Will these people be compensated for future value and use of their property once the amendments are passed? I would think not so this will be a unconstitutional taking on the state and federal level. Please Vote NO on Gorge 2020	See 1.
6		**Land Use**	Government power should never be unlimited, it must not restrain our basic fundamental freedoms/Rights VOTE NO ON GORGE 2020	See 1.
7		**Land Use**	The changes proposed to the land use designations will eliminate property owners rights to use their land for currently allowed uses, such as bed and breakfasts, agrotourism and such. By the way, current Oregon law actually allows that use and it would seem to me it would fit right in with the original intent of the Act.	At its August 2020 meeting, the Gorge Commission passed a motion to retain Bed and Breakfast language in the Draft Management Plan. The current allowances for Bed and Breakfast Inns will remain in the Management Plan.
8		**Land Use**	I wrote a letter to the commission last fall and others also did. I'm part of two groups working on homelessness and low income housing. My question was about the District 21 property above 10th street that is currently unused. Or only lightly used. We inquired about having the Gorge overlay removed on the 17 acre parcel. Allowing it to become used for a Homeless mission, low income housing, a skill center, a couple types of schools. One a supernatural ministry school, and maybe a elementary school of a charter type. The plans also include area to be for growing of food and small orchard crops to be used in the programs and for training. Our community very desperately needs this. Housing for low income is the primary problem. Even keeping needed workers from locating here. I never received any kind of answer. I was told now was the time to pursue this and these topics had been being discussed for a few years at the commission. Yes I have talked to Angie Brewer about it. So is there some kind of answer and is the call coming up a place to send in comment for it?	This is outside the scope of Management Plan review.
9		**Land Use**	I'm sure the people at the scenic management area are doing the best they can, but I feel they have strayed from their original mission in several ways. Additionally, from a pure business management stand-point, I think they are taking on far too much regulating and policing with no one to do it but you and the other county planning teams. In many cases, while the management area required some special rule sets, it should not be out of sync with the respective state laws and regulations unless there is a very good reason. I do not believe the scenic management commission needs to be involved with grants and other financial funding activities offered by states, counties or the federal government. I don't think the scenic management commission needs to be, and should not be, involved with designated urban area activities. These are complicated enough as they are. Further, they appear to favor absolutely no future growth of urban growth boundaries which is patently absurd; all should work together now to determine where they are going to be. Finally, I would ask that if appropriate the enforcing planners of the respective counties agree on just what they are going to enforce and do it with an even hand. I have maintained my tasting area at 1000 sq. ft for 16 years while at least 6 new wineries have been built in the scenic management area with 2000 – 3500 sq. ft of tasting area years after I began operation. May I petition to come up to the average of the others? Or just what is possible here?	See 3. Also, see responses to comments in the Urban Area Boundaries section.

10		**Land Use**	Agri-tourism activities that are allowed under state laws are prohibited here.	As an interstate compact agency, the Gorge Commission is not required to align with Oregon or Washington state laws or land use goals. The Gorge Commission has not approved any amendments that will limit existing allowances for commercial uses and events. At its September 2020 meeting, the Gorge Commission approved adding "cideries" to allowances for wineries in the GMA. This will allow cideries in the Land Use Designations where wineries are allowed, under the same guidelines for wineries in the Management Plan. This will also allow cider sales and tasting rooms as a review use, using the same guidelines for wine sales and tasting rooms, including allowing commercial events at these venues. The Gorge Commission will consider adding an amendment for allowing "incidental produce or edible product sales" at the October 2020 Commission meeting, but stated that it does not want to allow commercial events at these venues.
11	**347**	**Land Use**	Prohibitions for bed and breakfasts and inns in an area that needs additional rooms for its primary tourism and agricultural businesses.	See 7.
12	**354**	**Land Use**	Commercial event guidelines need to universally require a lawful winery, brewery, cidery or spirits license. There is no reason to distinguish between these businesses, they are all agriculturally based, the regulation of commercial events is a mystery to me, considering that existing noise ordinances curb any reported problems. The idea of petitioning for the right to operate my business every 2 years with assorted proofs is upsetting to me. And who is going to do it?	Modifications to commercial events guidelines were proposed by Commissioners as an amendment, but this was not brought as a motion to the Gorge Commission for discussion. Staff will not make further edits to these guidelines.
13		**Land Use**	Columbia River Gorge National Scenic Area Act sets forth requirements that the Columbia Gorge Commission must satisfy when revising the Management Plan. We are aware some standards are not being met, in particular, #9 which states: Require that mining operations, and the reclamation of mined lands, take place without adversely affecting the scenic, cultural, recreation and natural resources of the scenic area. Currently, gravel extraction is occurring in the neighborhood of the Nancy Russell Overlook without appropriate approvals. We encourage the Gorge Commission to enforce protections of this special place.	Development of mineral resources is allowed by the Act, and the Management Plan includes specific guidelines to prevent impacts to protected resources.
14		**Land Use**	I built my home and have made it my primary residence in the west end of Skamania County for over 30 years. In my own area, neighbors, friends, and I have witnessed blatant inattention to county codes and ordinances regarding land use, additions, and inspections, which, besides overuse, greatly increases the risk of wildfires. An employee of Skamania County's Planning Dept. has conveyed to me that land use enforcement is not given a high priority. The NSA regulations are quite extensive; neighbors should not be turned against neighbors attempting to interpret and report violations. Please severely limit new dwellings and prioritize adequate permits and inspections to minimize risk to humans, wildlife, and our beautiful forests and waterways. It is disheartening that, for example, there are numerous "visitors" living in "temporary" motorhomes, completely disregarding NSA lot size requirements, and often dogs run at large, harassing wildlife and disturbing fragile areas, without a single enforcement officer available.	At its August meeting, the Gorge Commission approved an amendment to add a land use policy related to Firewise standards in GMA Residential and Agricultural lands: "The reviewing agency shall provide information on Firewise standards to landowners at the time of application. Landowners shall be encouraged to incorporate Firewise standards in their proposal as appropriate and as consistent with the resource protection provisions in the Management Plan."
15		**Land Use**	Perhaps the county could require a NSA informational packet be acknowledged by signature upon closing for all land sales or distributed at the time of ownership filings.	County planning departments are welcome to implement these measures.

16	**347**	**Land Use**	We wish to submit the following in response to the proposed amendments to the section titled OVERNGHT ACCOMODATIONS, page 347 & 348. We propose that overnight accommodations SHOULD NOT BE ALLOWED on properties that require the use of roads not maintained by the county, unless there is a legal agreement by all property owners on these roads to allow such usage. The infrastructure on a shared private road is not capable of supporting commercial enterprises, and does so to the detriment of all the other users. This is based on experience over the last five years of an illegal Airbnb operating at 2105 Rattler Ridge Road. Rattler Ridge Road is a one-mile private road that serves 10 houses. Recently several complaints have been filed with the Wasco County Planning Commission regarding the Airbnb and the increased usage on the road by unknown vehicles. The final straw was the continued operation of the Airbnb in March and April during the Covid-19 shutdown. There have been multiple problems including guests trespassing on neighboring property, neighbor's pets injured by guests cars and increased wear and tear on the road by people not knowing how to drive on gravel. At this point the owner of the Airbnb has not contributed to or participated in road maintenance for at least two years. Occupancy in the summer is very high – for the upcoming month of July the Airbnb is already booked for 27 days. This type of commercial usage seems antithetical to the mission and goals of the scenic area, and has been detrimental to the spirit of neighborhood cooperation and tranquility that used to exist, and still does in a diminished capacity on this road. Issues: GMA Guidelines #A How do you enforce the 90 room nights per year? #F Allowing three employees per accommodation only adds to the wear and tear and congestion on a private road.	Staff provided the Gorge Commission with all comments on this topic as well as a staff report summary of the comments. The Gorge Commission proposed changes to the draft guidelines for Overnight Accommodations as an amendment, but this was not brought as a motion at the August 2020 Commission meetings. Staff will not make further edits to the draft policy.
17		**Land Use**	[Draft Plan] increases the number of land use regulations sprinkled amongst its 500 pages, sometimes oddly specific, but with their specificity arbitrarily adjusted. Each of these regulations will prevent some aspect of human activity, frustrating ambitious residents. Perhaps more-frustrating to the land user are dozens of imprecise regulations also embedded within the text of the Draft Plan, many employing the phrase "maximum extent practicable." Each proposed edit to land use regulations further-burdens the land user. Each of these regulations has an unclear cause-and effect linkage to either of the ACT's purposes.	Comment is not related to any specific amendments to the Draft Management Plan.
18	**347**	**Land Use**	I would like to add my voice to those who wish to prohibit overnight accommodations on private roads, use of which negatively impacts other residents on those roads. The unwanted effects of extra traffic and hundreds of out-of-town guests with no investment in this small country neighborhood include road degradation, drivers unprepared for foot or pet traffic (we have no sidewalks or road shoulders), guests becoming lost and driving into neighbors' yards late at night with lights glaring and horns honking, to mention a few. Also, there is no mention in your guidelines about requiring additional protections by the owners against wildfires in this area served only by a volunteer fire department. Certainly the likelihood of such events is increased by the additional traffic and activity.	See 14 and 16.

19		**Land Use**	I am 100% against any type of approval or changes to the Columbia River Gorge National Scenic Act during the COVID 19 times. I have emailed and have called he Skamania County Planning De-Department with my concerns with the new guidelines loosening the requirements to build in the Scenic Area. The national Scenic Act required Skamania County Planning to promote growth in the Small rural Center of Skamania and Corbett Oregon. There has not been a new business in Skamania in thirty two years that I have lived here in Rural Skamania. Great job of promoting growth Skamania County Planning Department. I have spent thirty years trying to develop my properties and sell them for home businesses and Residences. The Skamania County Planning Department has never I mean never promoted one ounce of effort in following the Rural center guidelines of the Scenic National Scenic as far as Urban or rural growth is concerned. It is easier for the planners to just say no or maybe in five years of us dinking around we might be able to get off our butts and look into it. It is an absolute Joke. Last week I had a potential buyer that wanted to put a large Animal Veterinary Clinic on one of my Five Acre Parcels and his wife wanted to put a small animal veterinary clinic on another one of my parcels,. My Parcels are Zoned Residential Rural Center R =5 Skamania. The Skamania County Planning Department Planners Mike Beck, Senior Planner and Alan Peters Planning informed my potential buyers that this could never happen in Residential R5 classification, and that they could not even apply for Veterinary clinic on my properties. The Scenic Act says that the Skamania and Corbett Rural center's are set as cluster area's for businesses and residents to gather/ In the Rural Center areas there should be businesses to supply the needs of the community. Since the National Scenic Act did not set up any Commercial Parcels of land zoned more than 1 Acre Commercial. The Skamania Planning Department told my buyers without me knowing about it. That no businesses are allowed on my rural residential land. In fact The Skamania Planning Department informed me that there is no such thing as residential Rural center property in Skamania. I spent $150,000 short plating nine lots in the last thirty years in Skamania. The short Plats are all approved by the Skamania County planning Department and all of them say that they fall under the Rural residential screening requirements of General Management R -5 zoning of rural Center Skamania, The Skamania Planning Department now say I am required to screen on all of my properties from key viewing areas How do you screen in the rural center of Skamania. The planning Department has no intention of ever letting anything be developed in Skamania without a lawsuit. the planners are crippled by Red tape and are not about to ripple the water, I can not get any answers on anything from the Skamania County Planning Department due to Covid 19. You would think that a government agency would have someone answering the phones and emails while paying the planners tax payers dollars for sitting at home on a paid vacation,. I want answers and I strongly feel if any of these new Gorge Act Guidelines are put in place, the residents of the gorge are going to be paying the price for it. The Government is not going to promote growth in Rural areas like yours and mine and as the National Scenic Act Mandates. There is not money in it for the Government. So why do anything. They will continue doing nothing. That is why they are force feeding the Us people the New Scenic Act Guidelines In the middle of COVID 19 Pandemic. The Government wants to loosen the National Scenic Area guidelines while the US is in a low and shove it down our throat whether we like it or not. This way people will apply for development of their private land that the Us Forest Service and other government agencies have not had a chance to purchase yet. Then they will deny you application and offer two cents on the dollar for your land, If you refuse to sell or they refuse to buy they will put the land in General management, Your Taxes will triple and the Governing Agency still get their money The Planning Departments and the government are walking us like sheep to slaughter I myself have had an absolutely had belly full of new rules that are set up to hurt the residents of the Gorge. Rules that don't have one thing to do with the good of the Gorge or the good of the National Scenic Act. These rules are coming from a bunch of developers realtors and people from California and Seattle that don't even live in the Gorge. Enough is enough We needed a large animal Veterinary in the Gorge. Obviously the Planning Department cares less about the needs of the residents of the Gorge.	Comment is not related to any specific amendments in the Draft Management Plan.
20		**Land Use**	Am writing about the proposed land use change to gorge commission planning. Why do they want to change anything? They already restricted the use of private property that people own and without their permission. They probably plan on restricting use of public property also. Putting additional restrictions on private property is unconstitutional and I'm against it. Please don't allow this to happen.	See 1.
21		**Land Use**	Think conservation AND restoration over urbanization and overuse Envision how the Columbia looked to Lewis and Clark (salmon... trees... no dams) and how we can restore some of it... rivers, watersheds, let trees grow for a change, etc.	Comment does not relate to any specific amendments in the Draft Management Plan.
22		**Land Use**	Stop logging when possible... and ensure trees are replanted when you can't	See 2.
23		**Land Use**	In submissions received by the Gorge Commission in March 2017 for Gorge 2020, fire departments and planning departments throughout the Gorge urged the Commission to emphasize Firewise Communities Program best practices in the updated National Scenic Area Management Plan, and encouraged the use of Firewise guidelines for construction, access, defensible space, and maintenance of homes built in the Gorge. I also urge the Commission to emphasize Firewise Communities Program best practices in the updated National Scenic Area Management Plan, and encourage the use of Firewise guidelines for construction, access, defensible space, and maintenance of homes built in the Gorge.	See 14.
24		**Land Use**	Guideline 2: “new buildings adjacent to…” Unclear why this buffer would automatically apply if a natural or created vegetation barrier, berm or terrain barrier exists, which allowed a path for a reduced buffer width.	This is a technical edit. Staff made change to Draft Management Plan based on this comment.
25	**207**	**Land Use**	Guideline 1.G: maintains an existing standard that requires use of fire-resistant roofing materials, including metal. However, under the Scenic Guideline 10, page 42 building exteriors must be composed of materials that are non-reflective or with low reflectivity. These standards conflict. It is recommended that Guideline 1.G be modified to use the term “stone-coated steel or similar” instead of metal.	Not proposed as an amendment by the Gorge Commission and not a technical edit. No changes were made to the Draft Management Plan.
26	**231**	**Land Use**	Guideline 1.H: it lists “community parks and play…..” according to prior GC staff, this Society is now known as the “National Recreation and Park Assn” and they no longer set such standards.. Recommended that this provision either be modified to say only “community parks and playgrounds” without reference to other standards or updated to reflect current accepted standards.	This is a technical edit. Staff made change to Draft Management Plan based on this comment.

27	**266**	**Land Use**	1.I: it is recommended that this provision be modified to allow overnight accommodations in any residential designated area and not just those designated as 5-acre and 10-acre Residential	Staff provided the Gorge Commission with all comments on this topic as well as a summary of the comments. The Gorge Commission proposed changes to the draft guidelines for Overnight Accommodations as an amendment, but this was not brought as a motion at the August 2020 Commission meetings. Staff will not make further edits to the draft policy.
28	**266**	**Land Use**	Guideline 1.A: There appears to be a contradiction between the existing language that allows the repair and maintenance of trails and roads with the new language that excludes trail and road improvements.	Staff reviewed the guideline this comment refers to and determined to not edit the language in the Draft Management Plan.
29	**314**	**Land Use**	Allow development reviews to be streamlined by increasing the list of uses that are either allowed outright or subject to an expedited review… especially for those proposed within the recognized "developed" landscape setting. Within this setting, the potential for significant resource impacts are limited given the nature of the setting. Safeguards included within the expedited review process will ensure that projects not conforming to the resource protection requirements are subject to the standard review process. Most NSA applications that Hood River County review involve property located within the developed setting located immediately west of the Hood River Urban Area. In most instances, development reviews could reasonably occur using the existing expedited review process without compromising protected resources.	Proposed as amendment at the 8/12/20 Gorge Commission meeting, but the motion was withdrawn. Staff will not make further edits.
30	**310-321**	**Land Use**	Examples of uses/structures that could be considered as either outright allowed or subject to expedited review: Outright allowed: -Forest fuel treatment/reduction activities -Accessory buildings 200 SF or less -Collocation of antennas on an existing wireless transmission tower that does not exceed the height of the tower. Expedited Review: -Accessory buildings and structures up to 1,500 SF or less, especially within a "developed landscape setting" -"In kind" building replacements, especially when destroyed or damaged by a disaster. -Highway projects occurring within the recognized road prism and conforming to specified standards, such as the I-84 Corridor Strategy Guidelines.	Proposed as amendment at the 8/12/20 Gorge Commission meeting, but the motion was withdrawn. Staff will not make further edits.
31		**Land Use**	p.344 “dwelling structure” assume this applies to tiny homes and RVs, but unclear. Recommendation: Add new definition.	This is a technical edit. Staff made change to Draft Management Plan based on this comment.
32	**344**	**Land Use**	Overnight Accommodations: - allow in all Residential LUDs - define "room nights" - define "permanent residence" - reconsider 2-year renewal	Staff provided the Gorge Commission with all comments on this topic as well as a summary of the comments. The Gorge Commission proposed changes to the draft guidelines for Overnight Accommodations as an amendment, but this was not brought as a motion at the August 2020 Commission meetings. Staff will not make further edits to the draft policy.
33	**347**	**Land Use**	Expand list of uses allowed outright and expedited review (see letter for uses suggested)	Proposed as amendment at the 8/12/20 Commission meeting, but the motion was withdrawn. Staff will not make further edits.
34	**318**	**Land Use**	p. 355: should be modified to allow for ministerial or expedited review to renew approved commercial event sites instead of a new application, which involves unnecessary staff review. p.356: precludes permit renewal if the allowed event site has a violation or fails to file yearly report. Is this intended as permanent ban? It seems unnecessary to eliminate an otherwise valid site due to a minor infraction. RECOMMENDATION: allow a minor renewal process, but a full review in the case of a permit violation. Some language could be provided to permanently ban a facility due to severe or habitual violations.	Proposed as amendment at the 8/12/20 Commission meeting, but the motion was withdrawn. Staff will not make further edits.
35	**355**	**Land Use**	Glossary definitions of "dwelling unit" and "accessory building" also see Hardship Dwelling (“dwelling structure”) should be modified to clarify level of residential improvements that can be allowed within. References “a” full bathroom- not intent to limit one full bath per dwelling unit? And, is it intent to limit dwelling unit to one kitchen? Recommendation: Dwelling Unit. “Facility needs may include one food preparation area or kitchen and at least on bedroom and full bathroom”. Also implies that a building containing a bedroom and a full bathroom is not to be considered a dwelling unit since it does not also contain a kitchen. If not a dwelling unit, then is must be an “accessory building”. If guest quarters and ADUs are not intended to be allowed, then should be modified to minimize or prevent such amenities from occurring within detached accessory buildings. Need clearer direction.	This is a technical edit. Staff made change to Draft Management Plan based on this comment.
36	**465 472**	**Land Use**	Guideline 2.D. Consider modifying to say "… not encroach any further into the required setback."	This is a technical edit. Staff made change to Draft Management Plan based on this comment.

37	**357**	**Land Use**	A major question arose during discussions of the proposed Hood River-White Salmon Bridge Replacement project: whether the visual quality objectives under the Columbia River Bridge Replacement section of the Plan were to be applied alone or together with other scenic guidelines found elsewhere in the Plan. It was assumed that that standard scenic guidelines would not apply. Recommendation: If this is true, provide language under this section to clarify that the visual quality objectives listed under the Columbia River Bridge replacement section of the Management Plan are the only scenic standards intended to be applied to bridge replacements crossing the Columbia River.	This is a technical edit. Staff made change to Draft Management Plan based on this comment.
38	**366**	**Land Use**	Ag Buildings: Consider adding additional documentation requirement.	Not proposed as an amendment by the Gorge Commission and not a technical edit. No changes were made to the Draft Management Plan.
39	**344**	**Land Use**	New GMA Guideline 1.A. on page 347 of the plan allows overnight accommodations within a legal single family dwelling in certain zones for up to 90 room nights per year. It would be RECOMMENDATION: helpful if an explanation could be provided for how counties should calculate a room night. Room nights may be a difficult metric for counties to effectively investigate and enforce due to limited compliance resources and because it might be difficult for counties to determine how many rooms may have been rented within a dwelling in the past. Multnomah County encourages the Gorge Commission to consider whether additional information should be required to be submitted by the applicant either as part of the application, or as a condition of approval, to ensure the room night per year limit will not be exceeded. Or, set a limit on the number of rooms which can be rented at one time in a dwelling and highlight this for the Commission's consideration to determine if a limit should be established to ensure any temporary rental component remains accessory to the primary use of a structure as a single-family dwelling.	See 16.
40	**347**	**Land Use**	Consider adding language clarifying the role of the Forest Service and Counties when a project is proposed on federal lands by a private or non-federal agency.	Guideline 4 in Chapter 7, Review Uses describes the Forest Service Role. Not proposed as an amendment by the Gorge Commission. No changes were made to the Draft Management Plan.
41	**357**	**Land Use**	Overnight Accommodations: - At a minimum they should be allowed in Residential 2 zones in addition to R-5 and R-10. - Homeowner occupancy should not be required during rentals. Instead, a local manager or contact person should be available at all times to respond to guest inquiries and complaints. -Monitoring and enforcement can occur without the need for the renewal of an NSA permit every 2 years. Allow counties to develop their own compliance monitoring programs or permit systems that can be renewed through a more ministerial process. -The 500 foot notice is redundant with required public notice.	See 16.
42		**Land Use**	Hardship Dwelling Guideline: -Proposed revisions would allow for the use of a "dwelling structure" in addition to mobile homes already allowed. Given the temporary nature of these hardship dwellings, these types of structures are inappropriate and may lead to compliance issues. Mobile homes can be costly and difficult to remove, and it is not clear what is meant by a "dwelling structure" that does not require a permanent foundation. Instead, use of RVs or tiny homes should be allowed as hardship dwellings. These self-contained units do not require foundations and can be easily removed from a property once a hardship no longer exists. -Hardships arrive with little advance notice and should not require full development reviews. New hardship dwellings and subsequent renewals can be approved under the expedited review process.	This is a technical edit. Staff made change to Draft Management Plan based on this comment.
43	**347**	**Land Use**	Home Occupations and Cottage Industries, these uses have traditionally distinguished between business that provides an offsite service that is managed from the residence (e.g. landscaping companies) and businesses that produce a product to be sold commercially offsite. Past examples of cottage industries approved in the NSA include small scale denture production and small scale gelato production. By removing the "industry" element of this use, makers will be out of compliance; artists who sell their work could be captured in this category. Please add it back in and revise to more clearly arrive at the intended outcome.	Proposed by the Gorge Commission as an amendment but not brought as a motion. Staff will not make further edits to the draft policy.
44		**Land Use**	overnight accommodations (also known as short-term rentals) in GMA 5-acre and 10-acre Residential land use designations is inconsistent with the Residential Designation Goal 1: Maintain the character of existing residential areas.	Proposed by the Gorge Commission as an amendment but not brought as a motion. Staff will not make further edits to the draft policy.
45	**475**	**Land Use**	Wine sales and tasting rooms were not amended to include similar beverage production of cider and distilled alcohol. We believe that all three of these uses are similar in nature and should be treated equally, subject to a conditional use permitting process to ensure impacts are addressed fully. Restricting this use to grapes and wine is arbitrary and inequitable for farmers throughout the Gorge.	On 9/8/20 the Gorge Commission voted to added "cideries" to allowances for wineries in the GMA. This will allow cideries in the Land Use Designations where wineries are allowed, under the same guidelines for wineries in the Plan. This will also allow cider sales and tasting rooms as a review use, using the same guidelines for wine sales and tasting rooms, including allowing commercial events at these venues.

46		**Land Use**	It is not clear why a fruit and produce stand is not commercial in nature and this has potential to conflict with Oregon state laws that protect agriculture uses.	The Commission decided to keep the language in the Draft Management Plan clarifying that fruit and produce stands are not a commercial use, and therefore cannot hold commercial events. As an interstate compact agency, the Gorge Commission is not required to align with Oregon or Washington state laws or land use goals. The Gorge Commission will consider adding an amendment for allowing "incidental produce or edible product sales" at the October 2020 Commission meeting, but stated that it does not want to allow commercial events at these venues.
47		**Land Use**	Recommendation: Do not roll back land use privileges on rural lands that are currently allowed under state law and the Management Plan.	The Gorge Commission has not approved any amendments that will limit existing allowances for commercial uses and events. As an interstate compact agency, the Gorge Commission is not required to align with Oregon or Washington state laws or land use goals.
48		**Land Use**	In Chapter 7, there is no definition of what a public dock is in Docks and Boathouses. The reason I believe it is necessary is that there is a size limitation on private docks and private docks serving multiple homes, but no limitation regarding public docks. So I'd like to see a definition of what constitutes a "public dock" so that it's not so open ended. Recommended definition: "Public dock" means a dock constructed, maintained and operated by a federal, state, local or tribal governmental entity to provide public access to a water body.	This is a technical edit. Staff made change to Draft Management Plan based on this comment.
49		**Land Use**	The draft plan amendments violate additional express provisions of the Act. Land use plan amendments are inconsistent with the Act's requirements to protect natural resource development and violate land use designations outlined in the Act's management plan standards. Specifically removing management plan provisions 3, 4, 8 and 9 impacts forest land and use protection. This directly conflicts with the Act's requirement that the Commission's land use ordinances include provisions to protect forest lands and forest uses. See 16 U.S.C. § 544(d). Additionally, the draft plan also proposes overly burdensome criteria for fire protection requirements by adjusting fuel breaks to account for site slope, riparian vegetation, and additional resource protection. The Act does not permit this. The role of state forest agencies in wildfire mitigation and management is also not acknowledged. The draft plan also includes inconsistent land use designation for forestland by not allowing the conversion of forest land into agriculture, another direct conflict with the Act (16 U.S.C. § 544d(d). Conflicts between the plan, the Act and Commission authority must be addressed before the draft plan is approved.	See 2.
50	**199 205 354**	**Land Use**	The draft plan fails to properly account for state and local authority designated in the Act. Forest land within the scenic area is already well regulated under Washington and Oregon Forest Practice regulations. For example, state forest practice regulations limit clear cut sizes to support wildlife after harvest, require replanting of trees and protect natural resources like fish and wildlife habitat and water quality. Those state-level forest practice regulations should guide the Commission in the development of this plan. Unfortunately, this version of the plan drafted by the Commission fails to recognize that state forest practice regulations supersede the Act as noted below: The Act created a scenic area in the Columbia River Gorge that balances economic development in the scenic area with resource protection: "Except for the management, utilization, or disposal of timber resources of non-Federal lands within the special management areas, nothing in [the Act] shall affect the rights and responsibilities of non-Federal timber land owners under the Oregon and Washington Forest Practices Act or any county regulations which under applicable State law supersede such Acts." 16 U.S.C. § 544o(c).	See 2.

51	**197**	**Land Use**	Hard cider production and tasting is conspicuously absent from the current proposed draft of the Gorge Management Plan, in particular the sections addressing commercial uses outside city limits. [See e.g., p. 199, B. 6 & 7; p. 205, 2.E.; p. 354, GMA Guidelines 2.A] This an illogical and unfair restriction of a traditional, agriculture based business that parallels the Gorge's vineyard wineries and produces similar benefits in keeping with the values and aspirations of the Gorge Commission Management Plan. Please modify the GMA draft to include cideries as equivalent to wineries regarding allowed commercial activities. We note that a passage from the original 1988 Gorge Commission Management Plan general discussion (at p. 15 in the current Draft) expresses an intention to "entice visitors to the east end of the Gorge,….to help spread the economic benefits of tourism and relieve some of the pressure on recreation sites in the west end of the Gorge." We suggest that wineries and cideries in Mosier have helped to make our tiny town into a tourist destination that draws visitors beyond Hood River into the eastern part of the Gorge. We are on the East Gorge Food Trail and have been featured in a Travel Oregon video. We operate a small orchard and cider production business just outside of the Mosier city limits. We grow cider specific apple varieties and make traditional hard cider that has garnered regional and national awards. We are not allowed to have a proper tasting room (per scenic area restrictions). The changes to the Management Plan would further constrain our business without producing any benefits for the Scenic Area. Hard cider production is a cold, fermentation-based process identical to wine production. This notion is confirmed by the federal government which issues a winery license to all licensed cideries. We grow most of the specialized apples we require in our orchard by the cidery. We source the rest from nearby apple growers in this uniquely fertile area. There was a cidery in Mosier dating back to the early 1800s and we believe our traditional and small approach honors that legacy.	On 9/8/20 the Gorge Commission voted to added "cideries" to allowances for wineries in the GMA. This will allow cideries in the Land Use Designations where wineries are allowed, under the same guidelines for wineries in the Plan. This will also allow cider sales and tasting rooms as a review use, using the same guidelines for wine sales and tasting rooms, including allowing commercial events at these venues.
52	**198**	**Land Use**	GMA Policy 6, Page 197. Friends supports the proposed removal of this provision to reflect in the Management Plan what has become standard practice	The Gorge Commission approved the removal of GMA Policy 6 under "Designation Policies" in LARGE-SCALE AND SMALL-SCALE AGRICULTURE: "Blocks of land that have been committed by development to other uses shall not be deemed used for or suitable for agriculture."
53	**199**	**Land Use**	Land Use Policy 3, Page 198. This policy should be restored. Removing this policy would be a significant change in policy and could result in, for example, repeal of agricultural setbacks in the future. Minimum lot sizes are not enough to prevent conflicts. Friends proposed revision [proposed restored text in bold]: **Agricultural land shall be protected from conflicts by limiting the number, size, proximity, and scale of conflicting uses on nearby lands.**	Not proposed as an amendment by the Gorge Commission and not a technical edit. No changes were made to the Draft Management Plan.
54	**199**	**Land Use**	Land Use Policy 6, Page 199. The "shall" should be "may" to prevent future arguments about whether approval of home occupations and wine sales and tasting rooms is mandatory or optional on Agricultural Lands.	This is a technical edit. Staff made change to Draft Management Plan based on this comment.
55	**199**	**Land Use**	Land Use Policy 7, Page 199. The "shall" should be "may" to prevent future arguments about whether approval of commercial events is mandatory or optional on Agricultural Lands.	This is a technical edit. Staff made change to Draft Management Plan based on this comment.
56	**199**	**Land Use**	Land Use Policy 8, Page 199. The "shall" should be "may" to reflect that "accessory to agricultural use" is not the only approval criteria for agricultural buildings.	This is a technical edit. Staff made change to Draft Management Plan based on this comment.
57	**200**	**Land Use**	Land Use Policy 9, Page 199. The "shall" should be "may" to reflect that the two listed criteria are not the only approval criteria for single-family dwellings.	This is a technical edit. Staff made change to Draft Management Plan based on this comment.
58	**202**	**Land Use**	Land Use Policy 12, Page 200. The "shall" should be "may" to reflect that the two listed criteria are not the only approval criteria for processing and packing of agricultural products and uses that offer direct marketing opportunities.	This is a technical edit. Staff made change to Draft Management Plan based on this comment.

59	**198**	**Land Use**	GMA Guideline 1.H.(3)(d). Page 202. The guidelines for single-family dwellings in conjunction with agricultural use need to be updated. The $40,000 minimum agricultural capability test adopted in 1991 is out of date and needs to be adjusted for inflation. The inflation rate based on the CPI data from the U.S. Department of Labor Bureau of Labor Statistics is 96.2%, which means $40,000 in 1991 dollars is approximately $80,000 in 2020 dollars. This should also be indexed to inflation so this does not need to be revisited. This income capability test also needs to be an income production test, consistent with Oregon law.	On 8/12/2020, the Gorge Commission passed a motion for an amendment to change the income capability standard: "Large-Scale and Small-Scale Agriculture, Review Uses, 1H(3)(d): Income capability. The farm or ranch, and all its constituent parcels, must produce at least $80,000 in gross annual income in 2020 dollars. This gross annual income amount shall be indexed for inflation on an annual basis using Consumer Price Index data from the US Bureau of Labor Statistics, and the new adjusted amount for each calendar year (calculated from 2020 dollars) will be posted on the Gorge Commission website by January 15 of each year. This determination can be made using the following formula:___" (CRGC Staff & USFS will investigate CPI for Commission). Staff made this amendment to the Draft Management Plan.
60	**198**	**Land Use**	Policy 6. Agricultural dwellings on forest land. Delete this policy allowing conversions of commercial forest land to an agricultural dwelling. This is inconsistent with the Act's requirement to protect forest land for forest uses and would increase the threats of wildfire in forest land due to residential uses.	Not proposed as an amendment by the Gorge Commission and not a technical edit. No changes were made to the Draft Management Plan.
61	**198**	**Land Use**	Policy 7. Page 198. Dwellings in large woodland zones. Delete this policy allowing dwellings in large woodland zones. This is inconsistent with the Act's requirement to protect forest land for forest uses and would increase the threats of wildfires in forest land due to the introduction of residential uses. Prohibiting new dwellings in forest land would protect productive forest land, adapt to climate change, protect public safety, and protect property by reducing the threats of human-caused forest fires.	On 8/12/2020, the Gorge Commission passed a motion for an amendment: "New dwellings are prohibited on lands designated Commercial Forest Land and Large Woodland." Staff made this amendment to the Draft Management Plan.
62	**225**	**Land Use**	Policy 8. Page 198. Dwellings in small woodland zones. Delete this policy allowing dwellings in small woodland zones, except on parcels that are not suitable for commercial forest uses and are not eligible for the states' forest tax assessment programs. Allowing dwellings in forest land is inconsistent with the Act's requirement to protect forest land for forest uses and prevent the conversion to residential uses. It increases the threats of wildfires in forest land due to the introduction of residential uses. Prohibiting new dwellings in forest land would protect productive forest land, adapt to climate change, and protect public safety and property by reducing the threats of human-caused forest fires.	Not proposed as an amendment by the Gorge Commission and not a technical edit. No changes were made to the Draft Management Plan.
63	**225**	**Land Use**	Guideline 1.A. Page 225. Dwellings in large woodland zones. Consistent with Friends' recommendation to delete policy 7, delete this guideline allowing dwellings in large woodland zones. This is inconsistent with the Act's requirement to protect forest land for forest uses and would increase the threats of wildfires in forest land due to the introduction of residential uses. Prohibiting new dwellings in forest land would protect productive forest land, adapt to climate change, protect public safety, and protect property by reducing the threats of human-caused forest fires.	See 61.
64	**226**	**Land Use**	Guideline 1.B. Page 225. Dwellings in small woodland zones. Consistent with Friends' recommendation to delete policy 8, delete this guideline allowing dwellings in small woodland zones, except on parcels that are not suitable for commercial forest uses and are not eligible for the states' forest tax assessment programs. Allowing dwellings in forest land is inconsistent with the Act's requirement to protect forest land for forest uses and prevent the conversion to residential uses. It increases the threats of wildfires in forest land due to the introduction of residential uses. Prohibiting new dwellings in forest land would protect productive forest land, adapt to climate change, protect public safety, and protect property by reducing the threats of human-caused forest fires.	Not proposed as an amendment by the Commission and not a technical edit. No changes were made to the Draft Management Plan.
65	**227**	**Land Use**	Guideline 1.C. Page 226. Agricultural dwellings in forest zones. Consistent with Friends' recommendation to delete policy 6, delete this guideline allowing conversions of commercial forest land to an agricultural dwelling. This guideline is inconsistent with the Act's requirement to protect forest land for forest uses and would increase the threats of wildfire in forest land due to residential uses.	Not proposed as an amendment by the Gorge Commission and not a technical edit. No changes were made to the Draft Management Plan.
66	**251**	**Land Use**	Guideline 1.N. Page 227. Second agricultural dwellings in forest zones. Consistent with Friends' recommendation to delete policy 6 and guideline 1.C., delete this guideline allowing conversions of commercial forest land to allow a second dwelling for a farm operator's relative. This guideline is inconsistent with the Act's requirement to protect forest land for forest uses and would increase the threats of wildfire in forest land due to residential uses.	Not proposed as an amendment by the Gorge Commission and not a technical edit. No changes were made to the Draft Management Plan.
67	**251**	**Land Use**	Land Use Policy 2, Page 251. The "shall" should be "may" to reflect that criteria other than not causing adverse effects on the resources to be protected by the Open Space designation still apply in the Open Space zone.	This is a technical edit. Staff made change to Draft Management Plan based on this comment.
68	**261**	**Land Use**	Review Use 1.C, Page 251. If the word "improvement" is to be used then the potentially ambiguous term "improvement" should be defined in the Glossary.	Not proposed as an amendment by the Gorge Commission. No changes were made to the Draft Management Plan.
69	**264**	**Land Use**	GMA Goal 1, Page 261. The proposal changes a goal of residential land from "protect and enhance the character of existing residential areas" to "maintain the character of existing residential areas." Protecting and enhancing, or maintaining the character of a residential area could conflict with the Commission's mandate to protect and enhance the resources of the National Scenic Area. This provision should be stricken.	Not proposed as an amendment by the Gorge Commission and not a technical edit. No changes were made to the Draft Management Plan.

70	**261**	**Land Use**	Land Use Policy 7, Page 264. This provision should not be stricken so that the Commission can fulfill its mandate to protect and enhance recreation resources in the National Scenic Area.	Not proposed as an amendment by the Gorge Commission and not a technical edit. No changes were made to the Draft Management Plan.
71	**264**	**Land Use**	GMA Goal 1, Page 261. The proposal changes a goal of residential land from “protect and enhance the character of existing residential areas” to “maintain the character of existing residential areas.” Protecting and enhancing, or maintaining the character of a residential area could conflict with the Commission’s mandate to protect and enhance the resources of the National Scenic Area. This provision should be stricken.	Not proposed as an amendment by the Gorge Commission and not a technical edit. No changes were made to the Draft Management Plan.
72	**344**	**Land Use**	Land Use Policy 7, Page 264. This provision should not be stricken so that the Commission can fulfill its mandate to protect and enhance recreation resources in the National Scenic Area.	Not proposed as an amendment by the Gorge Commission and not a technical edit. No changes were made to the Draft Management Plan.
73	**346**	**Land Use**	Hardship Dwelling Guideline 1.A, Page 344. The proposal changes a guideline for temporary hardship dwellings so that the hardship can be for someone that does not live on the property at the time of the application. The intent of temporary hardship dwellings is so that caregivers can help a person who already occupies an existing dwelling on the parcel, not so that additional dwellings can be built to increase residential density in the National Scenic Area.	Not proposed as an amendment by the Gorge Commission and not a technical edit. No changes were made to the Draft Management Plan.
74	**348**	**Land Use**	Home Occupations Guideline 1.A, Page 346. The proposal changes a guideline for home occupations that would allow three outside employees. Creating employment centers outside of urban areas (e.g., when a CPA establishes a home occupation and moves its office and employees outside of an urban area) will drain the life from the towns in the National Scenic Area and create more traffic on rural roads. Short term rental overnight accommodations do not normally employ cleaning staff, they contract with cleaning services.	Not proposed as an amendment by the Gorge Commission and not a technical edit. No changes were made to the Draft Management Plan.
75	**357**	**Land Use**	Bed and Breakfast Inns Policy 3, Page 348. Bed and breakfast inns are a commercial use. Commercial uses are prohibited in the SMA. If not prohibited, approval new bed and breakfast inns should needs to be discretionary and based on compliance with guidelines to protect resources. Change “shall” to “may.”	The Management Plan currently allows bed and breakfast inns associated with residential use only in structures that are included in, or eligible for inclusion in, the National Register of Historic Places. No change to this policy was proposed as an amendment by the Gorge Commission and the change is not a technical edit. Changing "shall" to "may" in the policy language is a technical edit. Staff will make this change to Draft Management Plan based on this comment.
76	**361-363**	**Land Use**	Variances from Setbacks and Buffers GMA Guideline 2.D, Page 357. There appear to be two typographical errors in this Guideline that should be fixed.	This is a technical edit. Staff made change to Draft Management Plan based on this comment.
77		**Land Use**	Review Uses GMA/SMA Guidelines 7–10, 7, & 7, Page 361–363. New mineral production and the expansion of existing mines should not be allowed within the National Scenic Area. (There appear to be two typographical errors that number the Guidelines after 10 as 7 and 7.) These 6 Guidelines should be removed.	Section 6(d) in National Scenic Area Act says the Commission cannot prohibit mining in the National Scenic Area as long as it is compliant with scenic, natural, cultural, and recreation resource protections. The Management Plan allows for the exploration, development, and production of mineral and geothermal resources, subject to the guidelines in Part I, Chapter 1: Scenic Resources. Staff has changed the typographical errors noted.
78	**199**	**Land Use**	As noted and supported elsewhere in the Management Plan, agricultural uses are the foundation of the economy of the Gorge. Opportunities to add value to agricultural products is essential for maintaining family farms and diverse food production throughout the NSA. Current amendments proposed would reduce the ability for family businesses who have been working on this land for generations to think creatively about how to sustain their operations. These suggested changes are not in line with the values stated elsewhere in the Plan for supporting ag. Specifically, wineries are called out as being allowed but farm produce stands have been struck and other agricultural products are not mentioned. The language for allowed value-added agricultural uses should be stated in generic term and not be specific to any single product or occupation.	On 9/8/20 the Gorge Commission voted to added "cideries" to allowances for wineries in the GMA. This will allow cideries in the Land Use Designations where wineries are allowed, under the same guidelines for wineries in the Plan. This will also allow cider sales and tasting rooms as a review use, using the same guidelines for wine sales and tasting rooms, including allowing commercial events at these venues. The Gorge Commission will consider adding an amendment for allowing "incidental produce or edible product sales" at the October 2020 Commission meeting, but stated that it does not want to allow commercial events at these venues.
79	**205**	**Land Use**	6. Suggested edit: "Produce or product sales or tasting facilities, in conjunction with a lawful production facility."	See 78.
80	**206**	**Land Use**	2.E. Suggested edit: "Produce or product sales or tasting facilities, in conjunction with a lawful production facility."	See 78.
81	**229**	**Land Use**	Retain in its entirety: "Bed and breakfast inns in single-family dwellings, subject to the guidelines in "Bed and Breakfast Inns."	See 7.

82	**230**	**Land Use**	2.E. Suggested edit: "Produce or product sales or tasting facilities, in conjunction with a lawful production facility."	See 78.
83	**347**	**Land Use**	Retain in its entirety: "Bed and breakfast inns in single-family dwellings, subject to the guidelines in "Bed and Breakfast Inns."	See 7.
84	**391**	**Land Use**	Bed and breakfast opportunities should be retained as another means to support family farms that do not impact scenic natural cultural or recreational resources.	See 7.
85	**356**	**Land Use**	6.E. Suggested edit: "Produce or product sales or tasting facilities, in conjunction with a lawful production facility." 6.F. Suggested edit: "produce or product sales/or tasting facility, (retain: bed and breakfast inn)"	See 78.
86	**347**	**Land Use**	Agritourism is a growing industry in the Gorge and has become a fruitful investment for farms to diversify their income by finding ways for visitors to take part in the farm experience, through farm to table events, fruit stands, u-picks, and overnight experiences. Per page 356, we understand that all that is new is a requirement for a yearly report to be submitted to the reviewing agency by January 31st reporting on events held the previous year. This report shall include the number of events held, how many people were in attendance, and copies of catering contracts or other vendors used to verify. Permits for this work will not be renewed if there have been past violations, including failure to file. Our ask is that you communicate these changes clearly and in a timely fashion with farms that engage in agritourism events so they do not fall into the category of being unable to renew their permits because of failure to report.	Staff notes the request to communicate new commercial events guidelines clearly and in a timely fashion with landowners that hold commercial events.
87	**205 Sec C**	**Land Use**	As defined on page 347, Overnight Accommodations in rural areas that are associated with residential use, such as an Airbnb, are limited to no more than 90 room nights per year. I have heard from multiple stakeholders in the region who offer shared vacation rentals on their property who rely on that income to support their families. Limiting the opportunity to only 90 nights a year could have a significant impact on their livelihoods. Especially in the current pandemic circumstances, vacation rentals are anticipated to be the first overnight lodging to recover in the tourism industry, so having those available to guests in our region will help spur the local economy.	Staff provided the Gorge Commission with all comments on this topic as well as a summary of the comments. The Gorge Commission proposed changes to the draft guidelines for Overnight Accommodations as an amendment, but this was not brought as a motion at the August 2020 Commission meetings. Staff will not make further edits to the draft policy.
88	**206 Sec M**	**Land Use**	pg. 205 Section C: Remove “primarily grown” and add back “raised on the subject farm” and add back “and farms in the local region”. Our regional farm stands have partnered well with surrounding farms to allow the stands to be sustainable. Limiting the products to what is primarily grown will cause most stands to no longer be sustainable. [It was heard during a meeting that the Gorge Commission has given policy direction to staff to interpret this as the majority of products (at one point it was mentioned 80%) sold in the farm stand need to be from the farm where the stand is located.]	The Gorge Commission will consider adding an amendment for allowing "incidental produce or edible product sales" at the October 2020 Commission meeting.
89	**217**	**Land Use**	pg. 206, section M: Add Back “Bed and breakfast inns in single-family dwellings, subject to the guidelines in "Bed and Breakfast Inns" (Part II, Chapter 7: General Policies and Guidelines) and provided that the residence: (1) Is included in the National Register of Historic Places, or (2) In Washington, is listed on the Washington State Register of Historic Places maintained by the Washington Office of Archaeology and Historic Preservation, or (3) In Oregon, is identified and protected under local landmark status as approved pursuant to Oregon state land use regulations protecting historic structures.	See 7.
90		**Land Use**	pg. 217, section L: Remove “primarily grown” and add back “raised”. Add back “and other agriculture properties in the local region”	The Gorge Commission will consider adding an amendment for allowing "incidental produce or edible product sales" at the October 2020 Commission meeting.
91		**Land Use**	Would like to see language in the Management Plan that explicitly describes the Commission’s oversight role in working with local land use agencies on permitting and inspection.	Comment is not related to specific proposed amendments to the Management Plan.
92		**Land Use**	We do not want even more commercial logging and clear-cutting or post fire logging in the NSA.	See 2.
93		**Land Use**	As a stakeholder that has been intimately involved in the Gorge 2020 process, it has become clear that the Commission has abandoned its mandate to protect and enhance local Gorge economies. The Amendments belie the Commission’s intention to adopt a “no growth” policy for urban areas, curtail forest practices, and restrict the exploration, development, and production of mineral resources. The promulgation of the Amendments violates both the spirit and plain language of the Act. In adopting the Act, Congress clearly recognized there must be balance between the twin purposes of preservation and economic development within the Scenic Area. The Commission and its members have forgotten their role in ensuring this balance remains.	Comment is not related to specific proposed amendments to the Management Plan.
94		**Land Use**	The Amendments also disregard provisions of the Act which protect and promote forest practices and urban area economic development. On those issues, we support comments submitted by Davis, Wright, Tremaine LLP and Stoel Rives LLP, addressing essential economic activities within the NSA.	Comment is not related to specific proposed amendments to the Management Plan.
95		**Land Use**	Beyond violating the Act, the Amendments also violate Washington’s Growth Management Act, RCW 36.70A (the “GMA”). The Amendments restrict and disincentivize forest practices and mining within the NSA and limit any prospect of growth for local Gorge economies. This is in complete opposition to the GMA’s mandate to maintain and enhance natural resource-based industries and encourage economic development and growth of urban areas. See RCW 36.70A.020. Incorporating these Amendments into the Management Plan is tantamount to explicitly instructing Washington’s Gorge Counties to adopt local land use ordinances which violate the GMA.	See 2. As an interstate compact agency, the Gorge Commission is not required to align with Oregon or Washington state laws or land use goals.
96		**Land Use**	Improve regulations on rail expansion to better ensure protection of communities and scenic, natural, cultural and recreation resources.	Staff provided the Gorge Commission with all comments on this topic. Not proposed as an amendment by the Gorge Commission and not a technical edit. No changes were made to the Draft Management Plan.

97		**Land Use**	Prohibit new mining, including new open pit quarries within the scenic area	Section 6(d) in National Scenic Area Act says the Gorge Commission cannot prohibit mining in the National Scenic Area as long as it is compliant with scenic, natural, cultural, and recreation resource protections. The Management Plan allows for the exploration, development, and production of mineral and geothermal resources, subject to the guidelines in Part I, Chapter 1: Scenic Resources.
98		**Land Use**	Prohibit commercial logging on all National Forest lands in the scenic area	Forest practices, where allowed, are allowed outright, according to the National Scenic Area Act's savings provisions.
99		**Land Use**	Expand open space designations to protect sensitive areas and newly acquired public lands.	Staff provided the Gorge Commission with all comments on this topic. Not proposed as an amendment by the Gorge Commission and not a technical edit. No changes were made to the Draft Management Plan.
100		**Land Use**	Protect high value farm land. For example, update standards for agricultural dwellings to better protect farm land from residential sprawl. Make the standards for new farm dwellings at least as strong as Oregon's standards outside the National Scenic Area, which require proof of at least $80,000 in gross annual farm income.	See 59.
101		**Land Use**	What is strikingly absent from the review is forest management. This is an incredible oversight to say the least. Facts and figures about the health of the Columbia Gorges forests along with those of urban boundaries and acreages would be most appropriate since the forests and natural areas comprise the majority of the gorge. Isn't that what we are fighting for? Having climate change as a top priority is puzzling since this is not really tangible in the real world. There is little that can be done about it as influences outside the boundaries of the Columbia Gorge have a far greater impact on climate change aside from the fact that deforestation inside the boundaries can contribute. If the commission is going to be concentrating on what is in the gorge itself and what can be protected within and around the boundaries then forestry should also be made a priority. They should lead by example by putting the logging industry on record and saying enough is enough. The Columbia River Gorge National Scenic area is a protected area and "no more clear cutting in the gorge"!! I am absolutely appalled by this lack of foresight. It appears that the commission and those that support it are afraid of the "industry." I am reconsidering my contributions to those who support these proposals and instead giving my donations to those groups who are genuinely and accurately involved in the protection of what remains of the native forests and landscapes of the northwest. I am beginning to believe that focusing on urban boundaries and climate change may be important but over emphasis on these subjects becomes a red herring and does not address the larger issues while letting the timber industries continue to rape and pillage the natural forests. Case in point, the commission pounded away at a tiny gravel mine near Washougal Washington that can barely be found on a map all the while log trucks with massive old growth trees on them were pounding down highway 14 from timber inside the boundaries of the Scenic Gorge Area and within close proximity. I am more than disappointed and will most likely be looking to turn donations toward organizations that are succeeding in forest restoration and recovery. Any input from your staff would be appreciated.	Forest practices, where allowed, are allowed outright, according to the National Scenic Area Act's savings provisions. The Management Plan regulates land use and development in the National Scenic Area (NSA). Forest management on the vast majority of forested lands in the NSA is designed and carried out by the U.S. Forest Service and other landowners. The NSA Act protects lawful application of state Forest Practices Acts on private forest lands. Forest practices are allowed without review on all NSA General Management Area land use designations except for Open Space and Agriculture-Special. The Management Plan does allow and support proactive forest health and fuels reduction activities, and it requires fire protection measures for new development on forest Land Use Designations.

	Page	Topic	Comment	Response
1	117	NR	For natural resources, please increase stream buffers to a minimum of 200 feet	During its August 2020 meeting, the Gorge Commission approved a policy in Part 1, Chapter 3: Natural Resources requiring a 200-foot buffer for 7 EPA priority cold water refuge streams within the GMA (also noted in the Part 3, Chapter 1: Climate Change). These include the Sandy River, Wind River, Little White Salmon River, White Salmon River, Hood River, Klickitat River, and Deschutes River. The wildlife section of the Natural Resources chapter does allow for wider buffers on a case-by-case basis as needed to protect specific species.
2	107	NR	Prohibit any loss of wetlands	The Gorge Commission approved a "no loss" of wetlands goal for the GMA. See response 26.
3	121-128	NR	Protect the habitats of sensitive and at-risk species such as pika and salmon.	Proposed development is reviewed to ensure no adverse effects on rare and sensitive species and habitats. Pika and their habitats, talus slopes, and salmon and their habitats (streams and riparian), are protected under the Management Plan.
4		NR	When proponents of the Scenic Area made their case, for enactment, we were told that the act would not only protect the landscape and cultural resources of the Gorge, but the economies. The landscape and cultural protection has occurred, with the exception, in my opinion, of healthy forest management. The Eagle Creek fire is an example of the damage that occurs with poor forest management.	The Management Plan regulates land use and development in the National Scenic Area (NSA). Forest management on the vast majority of forested lands in the NSA is designed and carried out by the U.S. Forest Service and other landowners. The Act protects lawful application of state Forest Practices Acts on private forest lands. The Management Plan does allow and support proactive forest health and fuels reduction activities, and it requires fire protection measures for new development on forest Land Use Designations.
5	107	NR	The MP needs to specifically prohibit the loss or destruction of wetlands. As with the 200-ft streamside buffers, a “no loss” standard to wetlands protection has been applied for nearly 30 years in the SMAs.	See 26.
6	116	NR	The Gorge MP currently provides a 100-foot buffer for perennial streams and a 75-foot protective buffer for wetlands, ponds and lakes in forest habitat. Those buffers should be increased to a minimum of 330 feet. Western pond turtles, which are “endangered” in WA and “sensitive/critical” in OR, lay their eggs lay eggs on land 330 feet or more away from streams, ponds and lakes.	The Gorge Commission approved a "no loss" of wetlands goal for the GMA (See 26) and a 200-foot buffer for 7 EPA priority cold water refuge streams within the GMA (See 1). The Gorge Commission did not amend the Draft Management Plan language to include revised buffers for any specific species because the wildlife section in this chapter allows for species-specific conditions of approval which may include wider buffers.

7	**122 154**	**NR**	Comments on natural resources: Since the first management plan there have been changes in the status of various plants and animals. For instance, Peregrine Falcons were delisted in 1999 and are NOT now considered a species of concern. Very happily, they are doing well. Also, they nest on bridges, skyscraper windows, and other human structures, often in the heart of cities. Human presence does not seem to bother them, even when nesting. They get used to people's presence. So there is now no scientific basis for closing trails in summer near where they nest or for not building trails near their cliff habitats. In the original management plan the Broadleaf lupine, Lupinus latifolius, variety Thompsonianus was listed as a Gorge endemic variety. Since then botanists have renamed and classified lots of plants, and most recently this variety has been lumped with another wide-ranging variety, var. latifolius, and so the plant is no longer considered endemic to the Gorge.	The Management Plan is adaptive to changes in sensitive plants, wildlife, and habitats by referring to up-to-date federal and state lists and requiring consultation with federal and state agencies. It is true that peregrine falcons have been delisted, and the 5-year recovery monitoring period is completed for the ESA. Peregrines are considered a globally secure population, however NatureServe ranks populations in Oregon and Washington as "vulnerable," and in Washington, breeding populations are considered "critically imperiled." Oregon considers peregrines a Species of Greatest Conservation Need (or Conservation Strategy Species). The commenter also recommends removing Thompson's lupine from the list of rare endemic plants. This change, and others, are reflected in Table 2: "Columbia Gorge and Vicinity Endemic Plant Species" included in Part 1: Chapter 3: Natural Resources.
8		**NR**	There should be no further loss of any parts of this great ecosystem- wetlands, forest, waters, air. We should be tracking keystone species and monitoring forest and water health, development and recreation impacts. What are climate change impacts and how can and should we be proactively working to reduce expected impacts?	See 26. With regard to monitoring and climate change impacts, the Vital Sign Indicators (VSI) project and Climate Change Action Plan are high priorities in the Gorge Commission's post-Gorge 2020 work plan. Part III, Chapter 1: Climate Change provides an overview of climate change impacts in the National Scenic Area, and Policy 1 specifically directs the Gorge Commission to develop and adopt a Climate Change Action Plan that will examine climate change impacts in more detail and provide adaptation and mitigation strategies and actions to address these impacts. Policy 2 in this chapter focuses on integrating climate change action planning with VSI, including developing climate change indicators.
9	**104**	**NR**	"Guidelines that require Best Management Practices and resource protection policies are applied to development activities to prevent and minimize adverse effects to natural resources." Suggest removing "and minimize"	In the Natural Resources Chapter under "Key Issues," the language used is "minimize impacts" (not "minimize adverse effects"): "Guidelines that require Best Management Practices and resource protection policies are applied to development activities to prevent and minimize impacts to natural resources." The Act requires that development occur without adverse effect to scenic, natural, cultural, and recreation resources, and the Management Plan includes generally applicable provisions that ensure no adverse effect to natural resources.

10	**105**	**NR**	Water resources are listed as wetlands, streams, ponds, lakes, and riparian areas. What about the Columbia River??!!!! This is a critical and central resource that needs focus and help to address climate and wildlife (especially salmon) concerns. As we have seen, especially most recently, the federal government is not a dependable partner for protection.	The Gorge Commission's authority is limited by section 17(a)(3) of the Act, which preserves the jurisdiction of the federal government and others over the Columbia River. In Part 1, Chapter 3: Natural Resources, GMA Policies: Wetlands and GMA Policies: Water Resources: Streams, Ponds, Lakes, and Riparian Areas describes how "the guidelines in the Management Plan shall not apply to the main stem of the Columbia River. The Gorge Commission will rely on the applicable federal and state laws to protect wetlands in the Columbia River, including the U.S. Clean Water Act, Washington State Environmental Policy Act, Washington Hydraulic Code, Oregon requirements for compliance with Statewide Planning Goal 5, and Oregon Removal-Fill Act." The Columbia River is considered a stream (and in some locations a wetland) and applicable natural resources protections apply. Scenic resource provisions also require setbacks from the river.
11	**105**	**NR**	“In the GMA, exceptions are made for several uses, including low intensity uses and water-related and water-dependent uses, if there is no practicable alternative and adequate protection of the resource is provided.” How is ‘adequate protection’ defined? How does allowing for these exceptions square with the first goal of the national scenic act?	"Adequate protection" is achieved by the subsequent guidelines for review uses described under GMA Guidelines: Wetlands and GMA Guidelines: Water Resources: Streams, Ponds, Lakes, and Riparian Areas.
12	**106**	**NR**	“New development is prohibited in the buffer area, though variances may be made in the GMA if the buffer would deny all reasonable use of a parcel.” What is the buffer zone/ how is it defined? For new land ownership (post creation of the NSA), there should be a responsibility for the buyers to determine if their desires match with those of the NSA management act.	The sentence referenced in this comment is in the introductory section of the Natural Resources Chapter. Buffers are defined later in the chapter under GMA Policies and Guidelines for each resource: Wetlands; Streams, Ponds, Lakes, and Riparian Areas; Wildlife Habitat; and Rare Plants.
13	**107**	**NR**	Wetlands are a precious resource. Prohibit any loss of wetlands by applying a “no loss” standard to wetlands protections. This standard has been applied for nearly 30 years in the SMAs and needs to be applied to the GMA. You cannot create a wetland (or really any type of ecosystem) that functions anywhere near as well and as efficiently and effectively as Mother Nature can.	See 26.

14	**122**	**NR**	Section 1, C4. What are the criteria for the species on this list? The government lists that I was able to find for endangered species were from 2008. Do we really want to be operating on 12 year old information? Also, given all the listings for the Columbia River Basin salmon stocks, should we not be doing something proactive to help preserve these keystone species, unique to this set of ecosystems? The management plan also says that these lists are available on the Gorge Commission website - I did a search on 'endangered' and 'threatened' and in both cases the results were 'no results'.	The Draft Management Plan adds clarification to these questions and points to state and federal agency websites to locate these lists. The Gorge Commission obtains spatial data on these species but does not maintain lists on its website.
15		**NR**	Concerns about allowing development and seeming to emphasize mitigation over proactive protections.	The Management Plan uses avoidance as an initial approach. The definition of "adverse effect" in the Act requires the consideration of four factors, one of which is mitigation. The Gorge Commission must therefore consider opportunities for mitigation as appropriate and needed. The Gorge Commission also encourages and supports proactive resource enhancement activities as described in Part III: Chapter 4: Enhancement Strategies.
16	**125** **132**	**NR**	If 30 days is to be the comment period standard for tribes, make the comment period for state agencies the same. (The current requirement for state wildlife and rare plant review is 20 days)	The Draft Management Plan incorporates this suggestion to achieve a consistent, 30-day comment period time frame for tribes and state agencies. The new language is "8. The local government shall submit a copy of all field surveys and wildlife management mitigation plans to the Oregon Department of Fish and Wildlife or Washington Department of Fish and Wildlife. The state wildlife agency will have 30 days from the date that a field survey or management plan is mailed to submit written comments to the local government."
17		**NR**	There is new language and reorganized sections of the Natural Resources chapter that are not reflected in the June Redline. The redline chapter should be corrected and re-noticed for public comment with the corrected language highlighted for the public. "Water resources" is a new term used throughout Chapter 3 and it is not defined in the Glossary. A definition should be added in the version recirculated for public comment.	The intent of the reorganized section, "Water Resources: Wetlands, Streams, Ponds, Lakes, and Riparian Areas," is to be consistent with how goals, objectives, and policies are organized for the SMA Water Resources section within the Natural Resources chapter.

18	**116**	**NR**	We would like to share our new riparian habitat management tools as a recommendation for addressing riparian buffers throughout the plan. The purpose of WDFW's forthcoming Priority Habitat and Species (PHS) Riparian Volume 2: Management Recommendations is to provide guidance to protect, and—where possible, restore—healthy, intact, and fully functioning riparian ecosystems. The width of the riparian ecosystem is typically based on site-potential tree height (SPTH) measured from the edge of the active channel or active floodplain. A fundamental component of PHS Riparian Volume 2 is the use of SPTH at 200years (SPTH200) to help delineate the width of the area that, when fully functioning, provides sufficient riparian habitat for fish and aquatic wildlife, and also generally supports the riparian habitat needs that terrestrial wildlife have. SPTH200 is based on a number of characteristics including soil type, slope, most common long-lived tree species, and the predominant surrounding ecosystem within the landscape. Washington Department of Fish and Wildlife complied and analyzed this data for the majority of Washington State and created an online, publicly-available mapping tool to depict this information spatially.	The Gorge Commission appreciates the specific recommendation and tool for establishing riparian buffers. The Draft Management Plan includes a new policy for 200-foot buffers for seven EPA priority cold water refuge streams in the GMA. As noted in Policy 1 in the Climate Change Chapter, protecting streams and riparian areas, including buffers as one management option, will be explored as part of climate change action planning. The Gorge Commission will consider WDFW recommendations during this effort.
19	**122**	**NR**	Please consider adding peregrine falcons and bald eagles to your species of special interest to the public. These raptors frequently utilize the scenic area and enjoyed by members of the recreating public. Or consider not limiting the number or type of species in order to be adaptive to changing public interests.	Peregrine falcons were added to the species listed under GMA Policy 1.C(4) for Wildlife Habitat. The new text is: "Considered to be of special interest to wildlife management authorities and the public (such as great blue heron, osprey, golden eagle, peregrine falcon, and prairie falcon)." This text was changed with the intent that this is a non-exclusive list.

20	**109**	**NR**	Proposed text on P109 – GMA Policies. [Policy 4 in Draft MP] 5. Practicable measures shall be applied to minimize unavoidable impacts to streams, ponds, lakes, aquatic and riparian areas. *Please refine or modify the language regarding riparian areas. "Riparian areas" is a vague term (from the definitions in the Glossary, p484: Riparian area: The area immediately adjacent to streams, ponds, lakes, and wetlands that directly contributes to the water quality and habitat components of the water body. This may include areas that have high water tables and soils and vegetation that exhibit characteristics of wetness, as well as upland areas immediately adjacent to the water body that directly contribute shade, nutrients, cover, or debris, or that directly enhance water quality within the water body.) This definition with the "may include" language makes it difficult to assess riparian areas with certainty understandable to all parties. Current SMA and GMA policies require buffers around water resources. Including riparian areas basically adds a buffer around a buffer. Scientifically, the term riparian (areas adjacent to streams that affect their function) is vague--a hydrologist would potentially define the riparian area as the hyporheic zone which in the Gorge would likely be only a few feet. Whereas a stream entomologist would look at potential detrital inputs which could be coming from many hundreds of feet. It is generally just difficult to define the "riparian" boundaries. These differing definitions could lead to confusion and uncertainty. The original language wetland/water resource section discusses the importance of riparian areas with wetlands and streams, but never placed a buffer on them- because they actually are buffers. Placing them as part of the water resources and then placing a buffer around water resources is putting a buffer around a buffer. It would be less ambiguous and consistent with the current regulations if riparian areas were dropped from the regulations and replaced with buffers.*	Guideline 2 under "Water Resources Buffer Zones" defines water resource buffers as a distance "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 water resource boundary." The buffer section does not set buffers around riparian areas, but rather sets distances from water bodies in order to protect the riparian area and functions. Staff reviewed water resources definitions and glossary terms and determined no change was necessary.
21	**121**	**NR**	From the summary of Natural Resources chapter changes provided with the Management Plan update materials on the Gorge Commission website, this chapter "Updated "sensitive wildlife species" to "rare" as a term, given that "sensitive" is both a specific type of status and also a generic term for status species." *Our resource specialists prefer the term "regulated" or "CRGNSA regulated" rather than "rare," as this also has other meanings. ODOT supports removing the "sensitive" from the language for the reasons cited above.*	The multi-agency Natural Resources technical team that helped develop draft language for this chapter discussed different options to address the concern that one term can have multiple meanings across agencies. Based on the team's recommendations, the Gorge Commission decided that "rare wildlife species" and "rare plant species" were appropriate with clear definitions in the chapter and glossary.

22		**NR**	Multiple provisions of the proposed Amendments negatively impact the rights and responsibilities of non-federal timber landowners, in direct contravention of the savings provision. In addition, the Amendments effectively limit private landowner autonomy and stifle economic development in the GMA, which conflicts with legislative intent. We are particularly concerned with the provisions affecting forest management and forest land conversion including, but not limited to: Amendments to the Natural Resources Chapter indicating intent to minimize forest practices by expanding regulation of water resources and buffer zones, expanding the scope of habitat areas and habitat protection, and restricting low intensity uses. Amendments to the Forest Land Chapter removing the objective to encourage state grants and loans to support forest products, removing forest land protection policies dealing with conflicting uses and conversion, and changing fire protection approval criteria. Amendments to the Action Program to add a policy for expanded buffers, add standards to preserve forest resources for carbon storage, add climate change to the cumulative impacts analysis, limit enhancement of land for forest uses, and alter economic development policies for the GMA.	The Management Plan allows forest practices as a use allowed outright, except in Open Space and Ag Special Land Use Designations. The Natural Resources chapter contains a policy that specifically excludes forest practices from the standards in that chapter.
23		**NR**	As stated in other submitted comments, including the April 28, 2020 letter from Port of The Dalles, the Commission must address substantive differences between the December and April draft plans before approval. The Commission must also explain why staff recommendations have been ignored in plan revisions, including recommendations regarding defining low intensity uses contained in the Staff Letter dated December 11, 2018 from Jessica Olson and Casey Gatz, and recommendations related to priority habitat winter range and sensitive wildlife areas from the Staff Report dated May 14, 2019. As part of the administrative record, a responsiveness summary and explanation of deviations between the draft plan changes and staff recommendations needs to be developed. Accordingly, we believe the best course of action is for the Commission to withdraw this proposal and engage stakeholders in a meaningful and transparent manner.	Staff reviewed the staff reports mentioned in this comment and did not find any discrepancies between staff recommendations and the draft that the Gorge Commission provided for public review. This comment did not identify any specific discrepancy.

24	**106 116 117 124**	**NR**	Wetlands, Page 106: Prohibit any loss of wetlands by applying a “no loss” standard to wetlands protections. This standard has been applied for nearly 30 years in the Special Management Areas (SMA) and needs to be applied to the General Management Areas (GMA). Wetland, Pond and Lake Buffers, Page 116: Western pond turtles are listed as “endangered” in Washington and “sensitive/critical” in Oregon. Western Pond Turtles spend considerable time in terrestrial habitat and usually lay eggs 100 meters (330 feet) or more away from streams, ponds and lakes. The Management Plan only provides a 100-foot buffer for perennial streams and a 75-foot protective buffer for wetlands, ponds, and lakes in forest habitat. Improve wetland, pond, and lake buffers to protect endangered Western Pond Turtle nesting and rearing habitat by increasing buffers around suitable habitat for the only native turtle species in the Gorge. Increase protective buffers to a minimum of 100 meters. Guideline 2.A., Page 116. Stream Buffers, Page 117: To protect habitat for threatened and endangered trout and salmon populations within the National Scenic Area and to adapt to increased stream temperatures and changes to seasonal flows resulting from climate change, increase protective stream buffers to a minimum of 200 feet in Guideline 2.B., Page 117. Priority Habitat and Sensitive Wildlife Protection, Page 124: To better protect at risk species in the Gorge, such as the American Pika, prohibit adverse effects to all Priority Habitats. For example, prohibit mining, logging, and development within all suitable habitat for the Pika, especially talus slopes.	See 3, 6, and 26.
25	**107**	**NR**	GMA Goal #1, Page 107. Wetlands.1. Achieve no ~~overall net~~ loss of wetlands acreage and functions.	During its August meeting, the Gorge Commission approved the change from "no net loss" to "no loss" in Goal 1 of Part I, Chapter 3: Natural Resources, GMA Provisions, Water Resources: Wetlands, Streams, Ponds, Lakes, and Riparian Areas. Goal 1 now reads: "Achieve no loss of wetlands acreage and functions." Staff then reviewed language throughout the GMA Provisions, Water Resources section to determine where modifications were needed to align existing GMA objectives, policies, and guidelines with the revised “no loss of wetlands” goal. Staff only changed the minimum language required to achieve consistency across sections, and to clarify the limited uses that may occur in wetlands to meet public safety needs, while meeting the management intent of the revised goal. The Gorge Commission approved these edits at its September 2020 meeting.

26	**108**	**NR**	Delete GMA Policy 6 for Wetlands: "6. New uses shall be sited to avoid wetlands and any adverse effects to wetlands ~~to the greatest extent practicable. New uses that are not water-dependent or water-related shall may be allowed in wetlands when less environmentally damaging practicable alternatives do not exist."~~	Staff modified this language to be consistent with the revised "no loss" of wetlands goal. The new text is: "New uses shall avoid wetlands to the greatest extent practicable."
27	**108**	**NR**	Delete GMA Policy 7 for Wetlands: "7. Impacts to wetlands ~~shall~~ may be allowed only when all practicable measures have been applied to minimize those impacts that are unavoidable and in the public interest."	Staff modified this language to be consistent with the revised "no loss" of wetlands goal. The new text is: "Impacts to wetlands may be allowed only when all practicable measures have been applied to avoid those impacts, and the use is in the public interest."
28	**109**	**NR**	GMA Policy 1 for Streams, Ponds, Lakes, Riparian Areas: Unless these sections of the Columbia River are designated and mapped as urban areas, there are no exceptions in the Act from the requirements to protect and enhance natural resources and to avoid adverse effects. Delete entire policy: "1. The ~~stream, pond, lake, and riparian area~~ water resource goals, policies, and guidelines in the Management Plan shall not apply to those portions of the main stem of the Columbia River that adjoin the Urban Areas. The Gorge Commission will rely on the applicable federal and state laws to protect those portions of the Columbia River that adjoin the Urban Areas. These policies are not intended to impede or prevent implementation of Tribes' treaty rights in their ceded lands and aboriginal territories."	Staff clarified the final sentence of this policy. The new text is: "These policies are not intended to affect or modify treaty-reserved rights and other rights of the four Columbia River treaty tribes."
29	**109**	**NR**	GMA Policy 2. Recommend adding sentence to the end "These uses shall not adversely affect water quality, natural drainage, or wildlife habitat."	The Gorge Commission believes that its buffers, uses allowed, standards for grading, and other regulations already have this effect. Wildlife habitat is protected under the wildlife habitat section of the Natural Resources chapter.
30	**109**	**NR**	GMA Policy 3. New uses that are not water-dependent or water-related may be allowed in streams, ponds, lakes, and riparian areas if they are in the public interest, ~~and~~ practicable alternatives do not exist and will not result in adverse effects.	The guidelines in the Water Resources section already specifically prohibit adverse effect.
31	**109**	**NR**	Practicable measures shall be applied to ~~minimize unavoidable impacts~~ avoid adverse effects to streams, ponds, lakes, and riparian areas.	The guidelines in the Water Resources section already specifically prohibit adverse effect.

32	**112**	**NR**	The Act and other sections of this chapter prohibit adverse effects to natural resources. In the second sentence, the term “considered” could be interpreted to mean that the measures are not mandatory and only need to be thought about. Change "considered" to "applied."	Staff retained "considered" because not every one of the measures in the list under this guideline would apply in every situation. The following measure was added to make clear adverse effects are prohibited: "Proposed uses in water resources and their buffer zones shall be evaluated for adverse effects, including cumulative effects, and adverse effects shall be prohibited." Similar language was also added to "Approval Criteria for Uses in Wetlands" and "Approval Criteria for Modifications to Serviceable Structures and Minor Water-Dependent and Water-Related Structures in Water Resources" sections.
33	**113**	**NR**	GMA Guideline 1.C.(5) Change "should" to "shall"	Consultation with permitting agencies is already required, and these agencies should determine culvert design.
34	**113**	**NR**	Proposed change: GMA Guideline 1. H. Restoration, creation, and enhancement shall achieve ~~no net loss~~ improvement of water quality, natural drainage, and fish and wildlife habitat of the affected wetland, stream…	This change has been made to align with the "no loss" of wetlands goal approved by the Gorge Commission. The new text is "GMA Guideline 1.H. Restoration, creation, and enhancement shall improve water quality, natural drainage, and fish and wildlife habitat of the affected wetland, stream, pond, lake, or buffer zone."
35	**114-115**	**NR**	GMA Guideline 1. H. (10) – (13). Delete references to wetland destruction/destroying wetlands.	The language "or destroyed" has been removed throughout the chapter for consistency and to align with the revised "no loss" of wetlands goal.
36	**116**	**NR**	GMA Guideline 2 A. Within the range of western pond turtles, a 100 meter buffer zone width, measured from the ordinary high water mark, shall be required.	The Gorge Commission did not amend the Draft Management Plan language to include revised buffers for any specific species because the wildlife section in this chapter allows for species-specific conditions of approval which may include wider buffers.

37	**117**	**NR**	GMA Guideline 2.B.Two options: 1. (Preferred) Apply the SMA water resource buffers in the GMA. This includes requiring 200-foot buffers for perennial fish bearing streams. Allow variances to the buffers if they conflict with another natural resource buffer or would result in no beneficial economic use of a property. Variances could be granted if there are no practicable alternatives to the location and scope of the proposed use or development and the variance is the minimum necessary to allow the new use or development. 2. At a minimum, incorporate the WDFW Management Recommendations for Riparian Habitat into the Management Plan. Prohibit uses and development that are likely to adversely affect riparian and stream systems. Allow variances to the buffers if they conflict with another natural resource buffer or would result in no beneficial economic use of a property. Variances could be granted if there are no practicable alternatives to the location and scope of the proposed use or development and the variance is the minimum necessary to allow the new use or development. Recommended stream buffers are found on page 87. https://wdfw.wa.gov/sites/default/files/publications/00029/wdfw00029.pdf	See 1.
38	**131**	**NR**	Guideline 2. Replace list of uses requiring a plant survey to say "F. Review uses involving ground disturbance within 1,000 feet of a rare plant site, unless previously surveyed within the past 10 years. Notice of development review shall contain a statement that the proposed development is within 1,000 feet of a rare plant."	The regulations already require natural resource specialists to review proposed developments within 1,000 feet of a rare plant site, and if necessary, a county could require a survey.
39	**134 147**	**NR**	GMA/SMA: Practicable Alternative Test. Revise to read: "1. An alternative site, size, scope, configuration, design or scale for a proposed use shall be considered practicable if it is available and the basic ~~proposed~~ use can be undertaken on that site ~~after taking into consideration cost, technology, logistics, and basic overall project purposes~~. A practicable alternative does not exist if a project applicant satisfactorily demonstrates all of the following: A. 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, wildlife or plant areas and/or sites. B. 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, wildlife or plant areas and/or sites."	The Gorge Commission approved clarifying edits to Guideline 2.A and 2.B at its September 2020 meeting. The new text is: "2. A practicable alternative does not exist if a project applicant satisfactorily demonstrates all of the following: A. 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, ~~and~~or wildlife or plant areas ~~and/~~or sites. B. 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, ~~and~~or wildlife ~~and~~or plant areas ~~and/~~or sites."

40	**124**	**NR**	Priority Habitat and Sensitive Wildlife Protection, Page 124: To better protect at risk species in the Gorge, such as the American Pika, prohibit adverse effects to all Priority Habitats. For example, prohibit mining, logging and development within all suitable habitat for the Pika, especially talus slopes.	Proposed development is reviewed to ensure no adverse effects on rare and sensitive species and habitats. Pika and their habitats, including talus slopes, are protected under the Management Plan.
41		**NR**	Supports reference to CWR streams; clarified that Bridal Veil, Wahkeena, Fifteenmile, and Rock Creeks have potential if restored	This clarification is appreciated. Staff initially included eight profiled streams from the EPA Draft Cold Water Refuges Plan that were located within the GMA. Fifteenmile Creek is not listed by EPA as a primary CWR habitat at this time. EPA recommends restoration of Fifteenmile to improve its potential to provide CWR habitat. Per this clarification from EPA, staff modified the proposed CWR buffer policy to omit Fifteenmile Creek. On 8/11/20, the Gorge Commission approved a 200-foot buffer for seven EPA priority CWR streams within the GMA and eliminated Fifteenmile based on this comment from EPA. The CWR streams included in the Draft Management Plan include the Sandy River, Wind River, Little White Salmon River, White Salmon River, Hood River, Klickitat River, and Deschutes River.
42	**116**	**NR**	Supports best available science and 200-ft buffer for CWR streams	See above and 1.
43	**110-112**	**NR**	Page 112, Approval Criteria for Other Review Uses in Water Resources: Revert back to original text: "(1) The uses identified in Guideline 2 under "Review Uses," above, may be allowed only if they meet all of the following criteria..." A change to Guideline 1 from the original Guideline 2 now subjects modifications to existing serviceable structures and minor water-related or water-dependent structures to the more stringent requirements for all other uses. The edit also suggests that those other uses are not subject to this section. In addition to requiring a costly mitigation plan, this would also require that these uses satisfy a public interest test. As proposed, even a modest home addition would need to demonstrate a public need in order to be considered.	This change was unintentional and has been corrected. Following the August 12, 2020 meeting, staff separated approval criteria for uses in wetlands from other water resources to align with the revised "no loss" of wetlands goal. Guideline 2 referenced in this comment was re-numbered as Guideline 3. The new text is "1. The uses identified in Guideline 3 under "Review Uses," above, may be allowed only if they meet all of the following criteria:"
44		**NR**	Incorporate water quality assessment information from Washington State; include more specific bmps to maintain and improve water quality	The Gorge Commission did not address water quality because this falls outside the scope of a technical review of the Natural Resources Chapter.
45		**NR**	Proactively establish a formal program to address water quality issues resulting from current land use and development	See above.
46		**NR**	Primary goal of the CRGNSA is preserving natural resources; this drives economy through tourism and recreation opportunities. Should be no further loss of wetlands, forests, or waters. Simple mitigation is not enough, and Commission should be making efforts to improve ecosystem health.	See 15 and 26.

47		**NR**	Support protecting watersheds and improving survival of fish; 200-foot stream buffers are critical.	See 1.
48		**NR**	Recommend some acknowledgment that OR Forest Practices Act offers weak protection for streams. Need to consider WA and CA forest practices rules that are more protective.	See 18.
49		**NR**	Protect our Natural Resources by increasing stream buffers to a minimum of 200 feet, prohibiting any loss of wetlands and protecting the habitats of sensitive and at-risk species, such as pika and salmon. We do not want more development and urban sprawl.	See 1, 3, and 26. See Urban Area Boundaries section for response to comments related to urban expansion.
50		**NR**	Ensure the natural recovery of forests impacted by the Eagle Creek fire and prohibit post-fire logging. Ensure the recovery of native plant communities by adopting a comprehensive program to combat the spread of invasive species. Ensure the agencies are following the law on all emergency responses, post-fire actions and mitigation measures for resource damage resulting from fire response activities.	See 4.
51		**NR**	Base plan review on the best available science and sound resource protection policies. Updating the resource inventories, completing a simulated "build-out" of development allowed within the scenic area and reliance on the "Vital Signs Indicators" program will help ensure that plan review is data driven.	The Management Plan is adaptive to changes in sensitive plants, wildlife, and habitats by referring to up-to-date federal and state lists and requiring consultation with federal and state agencies. See 8 regarding Vital Sign Indicators project.
52		**NR**	Adopt standards to protect outstanding geologic features, such as the Bonneville Slide area that created the "Bridge of the Gods."	The Gorge Commission protects certain geologic features as Open Space and through its scenic protection standards.
53		**NR**	Require protection for native plant communities.	The Management Plan requires that development and land use do not adversely affect rare plant species, including species endemic to the Columbia River Gorge and vicinity. Rare plant species are defined in Policy 1 under "GMA Policies: Rare Plants" in the Natural Resources chapter and in the Glossary.
54		**NR**	Protect salmon and other wildlife habitat.	See 1 and 3.

	Page	Topic	Comment	Response
1		Public Comment Process	I received a copy of the draft MP and have begun reading and analyzing it and I have to say that I don't think 30 days is enough time to read, digest, analyze, and synthesize all the new and old information in almost 500 pages. Most federal comment periods are at least 45 days and some even longer. I would suggest that a comment period of 60 days is more in line with the amount of information that the public must digest and comment on. You all have been dealing with this more than the rest of us and have had more time to get acquainted with the draft MP. The rest of us have been homebound because of covid 19. Thank you for considering extending the comment period for the draft MP to 60 days.	Each focus topic and draft language changes for those focus topic chapters were provided to the Gorge Commission over the past two years for review and discussion. Each Gorge Commission meeting to discuss those topics also included public comment periods. The Gorge Commission believed that the public review timeline for the Draft Management Plan was adequate, and it approved this timeline at its May 2020 meeting. Since 2016, the Gorge Commission has held 156 public meetings throughout the Gorge on the Gorge 2020 Management Plan review process seeking public input. Fifty of these meetings were publicly announced Gorge Commission meetings, and the others were public workshops, open houses, stakeholder meetings, or invitations to present at local organizations throughout the Gorge. Press releases were sent to Gorge media announcing public meetings and workshops, and Gorge 2020 emails were sent to entities who signed up to receive notifications.
2		Public Comment Process	I urge you all to make the Management Plan a Word document so that commenters can more easily make pertinent comments, observations, and edits. The document should have LINE NUMBERS so as to make comments on the pages more accessible to the staff. (I'm not talking about tracking, that would be too confusing.) PDFs are not easy. Word docs are much easier to copy and paste when making comments. I am almost done with the 500 page MP draft and don't relish having to count lines when making my very numerous comments! Could the MP draft be put on the GC website as a Word document by the 25th? Thank you.	With more than 600 public commenters, it was not appropriate to provide a Word document of the Draft Management Plan for commenters to edit. Language edits suggested by commenters were reviewed and evaluated. The Gorge Commission made the final decision on the edits to the policies and guidelines in the Gorge 2020 Draft Management Plan.
3		Public Comment Process	The big problem I see is today, is because of the virus locally we have not had the access we need to discuss this. While online is good for some things, it is not good for working out details for groups that don't have good access. Locally in Wasco county our internet access is extremely frustrating and difficult. I would say at least the time extension Angie asked for is needed.	See 1.

4		**Public Comment Process**	I hope you weigh comments by the numbers of people they are representing. While individuals who commented were very extreme in their view, those representing others asked for moderation.	All comments were considered whether only one person suggested a change or if 100 people responded with the same comment. The Gorge Commission evaluated the comments for consistency with the standards in the Management Plan and will make the final decision on which edits to accept in the revised Management Plan.
5		**Public Comment Process**	I applaud those individuals who were able to read and study this document before June 30. I only received a postcard notification in the last several days, which was the first I became aware of this important discussion. I am not a member of any interest group that follows the schedule of the Gorge Commission. Please consider extending the time to review this extensive document. I'm sure there are others who would appreciate more time for citizen review and comment.	See 1.
6		**Public Comment Process**	Our region deserves an agency that is a strategic leader; that leads with a very full public engagement process. Unfortunately, the Plan update process has lacked a robust public engagement process. I was aware of the update and received notice from Wasco County (not the Gorge Commission). I do not mean to lay blame on the Commission. Rather, I recognize that the Commission has had fiscal issues since its inception which have resulted in staff turnover. The Commission should investigate and pursue other more sustainable funding mechanisms rather than relying on state funding. Respectfully, I'd like to suggest that the Gorge Commission consider a paradigm shift and use the Management Plan update as a catalyst for what the Commission's role could be - a Regional Planning Agency.	See 1.
7		**Public Comment Process**	The Columbia River Gorge Commission has completed no direct public outreach to inform citizens of the potential impacts to their properties. Citizens in Oregon are used to, and expect, mailed notice consistent with ORS 215.503.	See 1.
8		**Public Comment Process**	Written comments have not been addressed or acknowledged in public hearings by the Commission or staff.	This public comment spreadsheet compiles public comments received by topic area from June 1 through September 8, 2020 and includes responses to the written and oral comments received by the Gorge Commission.

9		**Public Comment Process**	There was significant gatekeeping by the Columbia River Gorge Commissioners, who on several occasions went on record at expressing distrust, doubt over credentials, or rejecting out of hand the input of partners, stakeholders and the public.	The Gorge Commission held 156 public meetings throughout the Gorge on the Gorge 2020 Management Plan review process seeking public input. Fifty of these meetings were publicly announced Gorge Commission meetings, and the others were public workshops, open houses, stakeholder meetings, or invitations to present at local organizations throughout the Gorge.
10		**Public Comment Process**	The proposed new language for public involvement (beginning on page 419 of the draft Management Plan) is inconsistent with Goal 1 [in Oregon Statewide Land Use Planning Goals] which states "Federal, state and regional agencies and special-purpose districts shall coordinate their planning efforts with the affected governing bodies and make use of existing local citizen involvement programs established by cities and counties." This is nowhere addressed in the revised language and Wasco County was not consulted about its citizen involvement program.	The Gorge Commission is a bi-state agency established by an interstate compact. Oregon's Goal 1 does not apply to the Gorge Commission. Nevertheless, the Gorge Commission coordinated with DLCD in Oregon, Department of Commerce in Washington, and Growth Management Services in Washington. Since 2016, the Gorge Commission has held 156 public meetings throughout the Gorge on the Gorge 2020 Management Plan review process seeking public input. Fifty of these meetings were publicly announced Commission meetings, and the others were public workshops, open houses, stakeholder meetings or invitations to present at local organizations throughout the Gorge. Press releases were sent to Gorge media announcing public meetings and workshops, and Gorge 2020 emails were sent to entities who signed up to receive notifications.

11		**Public Comment Process**	Recommendation: Adopt the revision to the Management Plan in Parts or Chapters. This is the approach Wasco County is taking with Wasco County 2040 and it helps resolve easier issues while spending more time on the more controversial, difficult issues.	The National Scenic Area Act requires that the Gorge Commission revise its Management Plan not sooner than every 5 years. With this restriction, the Gorge Commission cannot approve chapters one at a time. When the final Management Plan is approved in its entirety, it is then submitted to the Secretary of Agriculture for concurrence. If there is concurrence, then the final Management Plan is sent to the NSA counties to amend their ordinances to include the new Management Plan changes. Once the ordinances are completed, they are submitted to the Gorge Commission for approval.
12		**Public Comment Process**	The Commission's process and reasoning for adopting these Amendments lacks transparency. The Amendments propose revisions that conflict with or were not recommended by commission staff who apply expertise to implement and administer the Act and the Management Plan and are the closest to on-the-ground issues. The Commission has apparently given little to no deference to staff's role as the overseers of this program. Similarly, the Commission has failed to give the public, including stakeholders and state agencies, adequate and meaningful opportunity for review and comment. The Commission's process for public involvement and comment raises concerns about compliance with state public meeting laws, Oregon Revised Statutes Chapter 192 and Revised Code of Washington Chapter 42.30. This lack of a meaningful and transparent public process, and a rush to institute entirely new amendments only in recent weeks, is particularly egregious during a time of a pandemic. Due to the spread of COVID-19, robust public engagement is limited. Many provisions of the proposed Amendments are beyond the legal authority of the Commission, conflict with legislative intent, and violate the Act, particularly the savings provisions. We request that the Commission (1) repeal or modify the provisions of the Amendments that violate state and federal law; (2) provide adequate advanced notice of further proceedings and revisions; and (3) extend the period for public comment.	Gorge Commission staff prepares staff reports based on analysis and consultation with partners and the public for Gorge Commission deliberation and discussion. The Gorge Commission considers staff recommendations and public comment before making final decisions on Draft Management Plan revisions consistent with the National Scenic Area Act.

13		**Public Comment Process**	Given the significant deviations from the draft plan, additional public review and consultation with state agencies, county government and regulated industries is necessary. As a private forest landowner in the Columbia River Scenic Area, we request that the Commission withdraw the draft plan and seek additional review from private land owners impacted by the plan as well as the general public, Further, it is important that the Commission fulfill its obligation to consult with the State of Washington, and the State of Oregon, specifically consultation with both Washington Department of Natural Resources and Oregon Department of Forestry is necessary as both agencies have clear authority for forest management within the Scenic Area. Results from such government-to-government consultations should be open and transparent to the public and regulated industries. Given the significant deviations made from the draft plan, a 30 day comment period is insufficient for public and stakeholder engagement. Additionally, such a short comment period does not allow adequate time to consult with appropriate state agencies. At a minimum, a longer comment period is particularly important during the Covid-19 pandemic and necessary to ensure transparency with stakeholders.	See 1. There was only one Draft Management Plan posted for the June public comment period, and then a second draft posted on August 26 which incorporated edits responding to public comment and Commissioners' motions from the August 11-12 work session.
14		**Public Comment Process**	The public comment opportunity for the Gorge 2020 Draft Management Plan edits were only brought to our attention a day before the public comment virtual meeting on June 25th and less than a week before all public comments were due. Not knowing about this public comment period until very last minute was experienced by many tourism entities in the Columbia River Gorge National Scenic Area. Because tourism has a significant impact on the economies of the region (see attached economic impact report), and edits to the plan directly impact that industry, we would have hoped for better outreach to tourism industry partners and that an extended time frame had been made for key stakeholders to read, digest, and respond to the proposed edits.	See 1.
15		**Public Comment Process**	Encourage the Gorge Commission to consider providing additional time for public comment and push back the date to vote on Plan adoption.	See 1.
16		**Public Comment Process**	Request an additional 30 days for public review and comment on the Draft Management Plan; need additional time for the Board of Commissioners to go through Skamania County staff comments. There is a lot of information to review, and the proposed changes will affect people for at least 10 years. An additional 30 days will not make this process more cumbersome.	See 1.

17		**Public Comment Process**	Acknowledged the numerous opportunities for public involvement and comment throughout the four-year Gorge 2020 process, including on the topic of Urban Area Boundary revisions.	See 1.
18		**Public Comment Process**	The Commission's actions during the Gorge 2020 process lack transparency. The Commission has abjectly failed to consult and engage with relevant state agencies, stakeholders, or consider the recommendations of its own staff. No meaningful public outreach effort has occurred, and the Commission has repeatedly violated state open public meetings laws by holding meetings and work sessions in an effort to push through the Management Plan update with minimal public involvement, and in the midst of a global pandemic. Even without the advent of the COVID-19 crisis and attendant Stay at Home Orders, the Commission's public involvement and comment process raises concerns about compliance with state public meeting laws. See RCW 42.30 and ORS 192. Clark, Skamania, and Klickitat Counties—which comprise half of the Gorge Counties—have been limited to "ordinary and routine" business, consistent with Governor Inslee's Proclamation 20-28. Nothing about the Gorge 2020 process can be characterized as "ordinary and routine." Moreover, there is no statutory deadline controlling when the Management Plan update must be completed. Rather, the Commission is being driven by personal agendas and expiring Commissioner terms to complete the Gorge 2020 process—to the detriment of stakeholders and the public. The COVID-19 pandemic has significantly impacted the lives of many Gorge residents. By the time Gorge residents emerge from this crisis, they will find that unbeknown to them, the Commission has adopted Amendments to the Management Plan that will significantly alter their rights and responsibilities for years to come. The serious issues detailed above have also been raised by other comments submitted by stakeholders and the interested public. These comments have not been addressed or acknowledged in public hearings by the Commission or staff. Instead, these comments have been summarily dismissed by the Commission with almost no consideration as to their substance.3 The veracity of the Commission's commitment to transparent and meaningful public involvement in the Gorge 2020 process has clearly been called in to question.	See 1. As a bi-state agency, the Gorge Commission works closely with the Governors of Oregon and Washington who directed agencies in March to work remotely but remain fully operational during Covid-19.
19		**Public Comment Process**	Adopt a comprehensive public outreach program and increase efforts to engage with relevant stakeholders, including state and federal agencies.	The Gorge Commission approved a public outreach and engagement plan in October 2017 for Gorge 2020 and approved updates and adjustments to the engagement plan at specific Gorge Commission meetings since 2018.

20		**Public Comment Process**	Provide substantive responses to the issues raised in this letter, as well as those raised in other public comments.	Responses to specific public comments are included in this spreadsheet.
21		**Public Comment Process**	Extend the period for public comment and defer adoption of the revised Management Plan until such comments can be adequately considered.	The Gorge Commission believed that the public review timeline for the Draft Management Plan was adequate, and this timeline was approved by the Gorge Commission at the May 2020 Commission meeting.

	Page	Topic	Comment	Response
1		Rec	Please develop a plan to coordinate temporary closure of trails and recreational sites. Perhaps an alternate-days scheme, based on license plate digits, could work.	The multiple land owners and managers, private land owners, and interstate highways limit feasibility of this proposal.
2		Rec	Please limit entry to the Gorge when air quality is poor and especially when fire risk is extreme. Perhaps this could be accomplished with a transponder system to allow residents to travel freely but limit tourist traffic. We would very much benefit from an operational weigh station on Highway 14 as well.	A policy has been added that supports landowners to close recreation and other sites when fire danger is high. It states: "Temporary closures and restrictions of recreation sites during critical risk periods shall be supported where adverse effects on protected resources have been identified or demonstrated."
3		Rec	2. Comments on recreation resources: The Rowena Special Management Area is very beautiful, but has not one official trail, even though the FS has owned much of the land for over 30 years. Several trails were originally proposed for this area in the first management plan, but nothing has happened. I hope trails will be planned, and one big consideration is that a trail should be beautiful. It should not just be planned with considerations about natural resources. A trail should also be planned with the enjoyment of trail users in mind.	If development is allowed, then a lack of trail development is dependent on land manager decisions and not a result of restrictions in the Management Plan.
4		Rec	Page 13 Comments. Our proposed language would be consistent with the language in Part II of the Management Plan, which currently protects the rights of lawfully established development, and its use, repair and maintenance. If the goal of this new language is to allow for public recreation managers to implement their master plans without NSA permits or conduct enhancement projects for protected resources, it should say exactly that to ensure consistent rule implementation in each of the six counties and reduce barriers for positive projects initiated by government recreation managers also charged with resource protection requirements.	Changing from "established prior to Management Plan" to "legally established" would be a different standard that would require more substantial review throughout the chapter. As proposed, staff's edits address a specific issue that we heard from recreation stakeholders, which was the full scope of this particular revision.
5	160	Rec	Page 13 Comments. Assuming highways constructed specifically for the movement of people and freight by vehicle through topographically complex landscapes are equipped to also safely accommodate cyclists and pedestrians is a dangerous assumption. Uses should not be promoted unless their safety implications have been addressed by local emergency service providers.	Management Plan Coordination guidelines (pg. 171) incorporate coordination for new development with emergency response, law enforcement, etc.

6	**161**	**Rec**	Page 14 Comments. This language would be more consistent with the guidelines provided on page IV-3-2, Chapter 3 – Indian Tribal Treaty Rights and Consultation. The applicant cannot modify treaty rights and cannot demonstrate the proposed development will not have an impact without consulting with tribal councils directly. The applicant should provide an assessment of affect and mitigation plan as part of a complete application for the implementing agency to provide in their government to government consultation as required by Part IV Chapter 3 of the existing Management Plan.	Use of the phrase "does not affect or modify" is standard throughout the Management Plan. Use of the term "riverfront recreation facilities" is intentional as this is in the section about river access. Other treaty rights provisions are in Part 1, Ch 2 and Part 4, Ch 3, as noted in the comment. Nothing in the Management Plan may modify or affect treaty rights. The section here is specific to one kind of recreation use that was and continues to be important in the recreation mix of the NSA.
7	**165**	**Rec**	Page 14 Comment. GMA Policy 7 identifies recreation suitability of a number of zones, except Open Space. We suggest adding a statement for Open Space, particularly because it contains sensitive resources and should be protected more specifically.	Open Space designations are based on features such as those highlighted in Policy 7.C in this section. Recreation Intensity Class (RIC) 1 was applied to all lands designated Open Space, limiting recreation use to that which requires minimal development, and that development is still subject to the resource protection standards.
8	**174**	**Rec**	Under the Recreation Resources, "Scenic Area Act Provisions" section {Page 157), new language is provided that the Act has supported Dam removal efforts to protect and enhance natural resources, which has provided additional recreational opportunities in the Scenic Area. After conducting a word search, it is unclear that any language exists.	Language was removed.
9	**157**	**Rec**	Existing Guideline l .F under Signs (Page 65) references the size and number of signs that can be posted within areas designated as Recreational Intensity Class 1 through 4. It is recommended that these standards not apply to projects associated with the Historic Columbia River Highway State Trail. The guidelines from the Historic Columbia River Highway State Trail Wayfinding Signage Plan are recommended to be used instead. For instance, we are concerned that limiting the cumulative size of needed signage in areas designated Recreational Intensity Class 1 and 2 to 50 to 100 square feet, respectively, will be insufficient in certain instances. If the Historic Columbia River Highway State Trail is considered a "recreational facility" as referenced under Guideline l.G under Signs (Page 65), which seems to provide additional allowances beyond those described under Guideline l.F., then that should be made more clear.	The Historic Columbia River Highway (HCRH) Wayfinding Signage Plan are recommendations and may not apply to all locations along the HCRH.

10	**65**	**Rec**	Under Recreation Resources, "Recreation Intensity Class 3" - Item G (Page 177) and "Recreation Intensity Class 4" - Item C {Page 178). new language is proposed regarding facility accommodations for mass transportation (e.g. bus parking, etc.). The new language provides guidelines for "new" recreational sites. It is recommended that the standard be modified to also apply to certain "improvements to existing sites" that would have the potential to increase its overall intensity. For instance, the current segment of the Historic Columbia River Highway State Trail under review includes improvements to Viento State Park, which is designated Recreational Intensity Class 4. County staff expects that this improvement will result in more people visiting the site, especially with the Mitchell Point Tunnel proposed nearby. However, as part of this project review, County staff was unable to give any consideration of requiring bus parking or other facilities for mass transportation because the improvements involved an existing, and not a "new," recreational site. Some consideration should also be given to require mass transportation facilities for certain existing sites located in other recreational intensity class areas as well. Mitchell Point is a good example, which is designated Recreational Intensity Class 2. As noted, once the new tunnel is completed, significantly more visitors to this existing facility are expected. However, for the reasons stated above, the County was unable to consider reasonable accommodations for mass transportation as part of its recent review given the existing Management Plan language.	Added "and improvements to existing Class [3 or 4] day use recreation sites where the improvement would increase the use of the site" to these two items.
11	**178**	**Rec**	Existing Policy 7 under Trails and Pathways (Page 169) suggests prohibiting the use of "motorized vehicles on designated public use trails" except by appropriate agencies and emergency personnel. Some clarification should be included concerning "e-bikes," which are technically motorized in most cases. It is recommended that Policy 7 be amended to read: "Use of motorized vehicles on designated public use trails shall be prohibited, except for ~~use by response agencies and their agents in an emergency~~ operator-propelled vehicles. cycles or similar devices (such as electric assisted bicycles as defined in ORS 801.258), emergency service vehicles, authorized maintenance vehicles, and electric powered wheelchairs and scooters for persons with disabilities."	The land management agencies are working on considering policies for e-bikes, but it is not being included as a revision in the Draft Management Plan at this time.

12	**169**	**Rec**	Over the years, Hood River County has processed numerous applications involving the expansion of the HCRH State Trail and improvements along 1-84. Many of these application reviews end up being quite extensive and overly complicated. Staff reports between 30-90 pages are common and reviews take months to complete. In addition to the Management Plan (and associated ordinances adopted by each Gorge county), there are also other documents that guide road/highway related improvement but not formally approved by the Gorge Commission. Such documents include the 1-84 Corridor Strategy Guidelines, Historic Highway State Trail Design Guidelines, and the Historic Columbia River Highway Master Plan Guidelines. Currently, it is assumed by ODOT that these guidelines are to be used in evaluating highway and trail related projects. It is recommended that these various guidelines be formally evaluated and adopted into the Management Plan. The Gorge Commission should also consider making all (or at least most) highway related projects, especially those occurring within the developed road prism or some distance from the centerline of the highway as either an allowed use or expedited review as long as the adopted guidelines are followed. At the very least, such highway projects should be considered exempt from certain resource standards. For example, the last constructed segment of the HCRH State Trail involved extensive development and structures, including the Lindsey Creek Bench Cut and Summit Creek Viaduct. Both structures are very prominent in the landscape and highly visible from multiple key viewing areas. Instead of having to spend a significant amount of time trying to argue that these structures conform to existing scenic resource guidelines, which they could never meet, the Gorge Commission should create more streamlined standards that would apply instead; similar to what was created for future replacement of bridges crossing the Columbia River.	Addressed in Scenic Resources Chapter comments. No change made.
13		**Rec**	Page 169 Transportation Topic *General comment – "Mass transportation" is an outdated term. Public transit or transportation alternatives is a much more flexible and common term to address the same topic. Public transit does not have to move a large amount of people, or "mass" to be effective in achieving the Scenic Area Goals.*	This change was discussed but not made throughout the majority of the Draft Management Plan. The term "mass transportation" fits the intent in the Plan to encourage public and private transportation alternatives to single occupancy vehicles.
14	**169**	**Rec**	GMA Objective 2. Encourage *mass* transportation alternatives *and modal priority* to important recreation facilities that offer both access to such sites and recreation experiences themselves. *ODOT recommends removing "mass" ahead of transportation as transportation alternatives include transit and add "modal priority" after "alternatives" so that land managers have the ability to plan how to prioritize those arriving at sites using various transportation modes.*	The term "modal priority" was not added to the Draft Management Plan because of limited availability of staff to consider implications of including and defining this new term, and land managers have discretion under the Management Plan to prioritize alternatives to single occupancy vehicles, given that development is allowable.

15	**169**	**Rec**	Page 185 SMA Policy 6 Existing language includes “Comprehensive recreation resource planning shall be encouraged to foster a unified, regional approach and de-emphasize jurisdictional divisions.” ODOT suggests the above SMA policy language to be included in the GMA policy language found on page 163.	SMA language is more concise, but GMA language under "Coordination" Goals, Objectives, and Policies describes the same regional approach.
16	**163 185**	**Rec**	GMA Objective 2 and 3, Trails and Pathways, Page 167. Friends recommends combining the two into one objective. Combining the two objectives that share the goal of connectivity makes sense as communities work to connect to one another through trail systems.	Staff reviewed and consider the two as separate objectives, though they are related.
17		**Rec**	GMA Objective 6.D, Trails and Pathways, Page 168. Friends recommends keeping objective as is. The Scenic Area is inextricably linked to public and conserved lands adjacent to its boundary and removing this objective lowers the possibilities of significant trail systems in the future. In addition, as natural disasters can impact current trail connections that run both in and outside the boundary of the Scenic Area, Friends has concerns that elimination of this objective can impede future reconnection efforts. We would like more clarity on the necessity of eliminating this objective.	This was removed because it proposed a specific type of trail. Where trails are allowed, land managers and their policies direct how trails are constructed. Further, connectivity between trails is a consideration in the new Objective 1 in this section.
18		**Rec**	GMA Policy 8, Trails and Pathways, Page 169. Friends recommends keeping objective as is. Completing and improving existing trails, completing incomplete trail loops and segments should remain a priority in the Scenic Area and remains a priority among the agencies’ trail steward partner groups.	See 17.
19		**Rec**	GMA Guidelines, Approval Criteria for Recreation Uses 1.D(3), Page 179. Friends recommends rewording the objective. The new language can be interpreted broadly and we believe that specific measures, such as installing boot brushes, will provide tangible benefits.	This was purposefully left open for the land managers to make the determination of the best available tool to reduce the potential spread of noxious weeds. Staff had originally proposed boot brushes, and examples were given why it would be detrimental to require them in certain locations.
20		**Rec**	GMA Guidelines, Approval Criteria for Recreation Uses 1.D(4), Page 180. Friends recommends rewording this objective. The new language provided by staff is difficult to understand and our edits are proposed to clarify and simplify the language	Change made for readability, though retained reference to "critical fire risk periods."
21		**Rec**	GMA Objective #2 and #3, Trails and Pathways, Page 167. We recommend combining the two into one objective. Combining the two objectives that share the goal of connectivity makes sense as communities work to connect to one another through trail systems.	See 17.

22		**Rec**	GMA Objective #6D, Trails and Pathways, Page 168. We recommend revising this objective. Coordinating trail construction and maintenance across agency boundaries is inherently more complex, thus the default is a tendency to look inward rather than across borders. The Scenic Area is inextricably linked to public and conserved lands adjacent to its boundary. Retaining this objective highlights the importance of viewing the landscape as a whole and seeking trail system solutions that are comprehensive. In addition, as natural disasters can impact current trail connections that run both in and outside the boundary of the Scenic Area, we have concerns that elimination of this objective could lead to a more fragmented trail system. We would like more clarity on the necessity of eliminating this objective.	See 17.
23		**Rec**	GMA Policy #8, Trails and Pathways, Page 169. We recommend keeping objective with a minor revision for clarity. Although new trails may be the best solution in some instances, in general, evolving the existing infrastructure to meet modern sustainability design criteria and best practices for congestion management will yield the best return on investment.	See 17.
24	**169**	**Rec**	GMA Guidelines #1D(3), Approval Criteria for Recreation Uses, Page 179. We recommend rewording the objective. The new language can be interpreted broadly and we believe that specific measures, such as installing boot brushes, will provide tangible benefits.	See 19.
25	**179**	**Rec**	GMA Guidelines #1D(4), Approval Criteria for Recreation Uses, Page 180. We recommend that land managers consider the potential for wildfire hazard, but are concerned that a formal “evaluation” will become a burden that doesn’t produce new, useful information. Rather we suggest that recreation managers consider existing community wildfire protection plans and their own agencies wildfire management directives.	See 20. Land managers may rely on community wildfire protection plans and their own plans as evidence of preparedness.
26	**180**	**Rec**	GMA Policies, #4 Page 171. We recommend that recreation providers consider law enforcement and safety concerns, but don’t believe there is a need to require consultation. Our understanding is that state and federal land managers have open lines of communication with law enforcement, public safety and emergency service providers already. Our concern is that a required formal “consultation” will become a burden that doesn’t produce new, useful information.	Existing language, no change proposed here. Consultation with enforcement agencies happens as described in the comment.

27	**171**	**Rec**	Add plan components for the PCT: Desired Conditions/Goals; The nature and purposes of the Pacific Crest National Scenic Trail (PCT) are to provide for outstanding journeys on foot or on horseback along the spectacular landscapes of the high Pacific mountain ranges. Tranquility and closeness with nature can be found consistently along the trail, evoking a feeling of extended retreat from civilization, even if only venturing out for a day. Guidelines; New recreation events, such as foot races, horseback endurance events, fundraising events, and other large group events should be limited to designated PCT crossings only to minimize conflicts with the nature and purposes of the PCT. Existing recreation events on the PCT may be allowed to continue at current levels. New trails that are proposed to cross the PCT or to be built within the foreground of the PCT, should be designed to minimize conflicting uses and to minimize the scenic, natural, and recreation impacts to the PCT. Place priority on the purchase of lands or interest in lands necessary to protect the Pacific Crest Trail experience as delineated in the Pacific Crest Trail land acquisition inventory, and the 2006 PCT Optimal Location Review.	This is based on the 2012 USFS planning rule, and is not something that the Management Plan can address specifically.
28		**Rec**	The policies in the recreation section do not constitute a **comprehensive plan** for recreation and without it these problems will continue to grow. We believe the agencies and partners should work together towards a comprehensive review of the current and future recreation concerns that exist throughout the Gorge.	The chapter is not intended to be a comprehensive plan for recreation development. There are many land managers and stakeholders in the NSA with their own recreation management policies. The Management Plan only manages what recreation development is allowed. Recreation managers and stakeholders are engaged in NSA-wide coordination efforts outside of the Management Plan.
29		**Rec**	Delete “accessible (regardless of income level, ethnicity, gender, ability, or age)” and put in “accessible, non-discriminatory."	Before this phrase is the term "equitable" which meets the purpose of this comment. Similar phrasing exists throughout the Draft Management Plan.
30		**Rec**	Can the GC and the USFS work more closely with landowners to provide paths on private property?	Where trails are allowed, trail development on private lands is a decision for the landowners. Trails are widely allowed throughout the NSA.
31		**Rec**	The GC will coordinate with the USFA, local governments and agencies on creating a ONLINE GUIDE that is updated hourly for recreation areas, a guide that is accessible so the public can see how much use each area is getting at any one time; cameras and counters may have to be installed at the most used recreation sites.	This comment is beyond the scope of the Management Plan. Agency coordination may, in time, result in a system like this, but it would not need NSA approval in order to be implemented (beyond review of any development associated with implementing the system).
32		**Rec**	Support requirement for coordinating temporary closures of recreation sites and trails when fire risk is high and when there is a public safety power shut-off by Pacific Power and Light or PGE.	See 2.

33		**Rec**	Consider requiring temporary closure of trails when the fire danger is extreme, as it was when the Eagle Creek fire ignited.	See 2.
34		**Rec**	Support policies for trail systems linking recreation sites, viewpoints and Gorge communities.	New and existing policies support this outcome. See 16 and 17.
35		**Rec**	Promote more dispersed recreation by supporting new recreation sites and discouraging overuse of existing sites.	New recreation sites are allowed subject to existing and proposed review standards, and nothing in the Management Plan stops their development. New recreation characteristic descriptions encourage management for recreation experiences, including visitation density.
36		**Rec**	Support sustainable recreation through alternative transportation options.	Language supporting alternative transportation has been included throughout the Draft Management Plan, including requiring alternative transportation options in RIC 3 and allowing them at RIC 1 and 2.
37		**Rec**	Improve river access but avoid adverse impacts to sensitive resources and treaty rights.	These provisions are already present in the Management Plan.

	Page	Topic	Comment	Response
1		Scenic	The Scenic Resources revisions recognizing the scenic value of the agrarian landscape with a nod to changes in scenery as trends in agriculture continue to evolve. The introduction of the Agriculture Designation chapter contradicts that statement, implying that agriculture can be detrimental to scenic resources. Consistency and clarity of intent are key for future implementation, particularly as counties adopt subsequent revisions to their Scenic Area ordinances.	Changes to the landscape settings with regard to agricultural features of the landscape acknowledge the presence of those agricultural features. These tie in with the existing standards for review of ag structures and development. New cultivation is allowed without scenic review, while ag buildings must be the minimum size necessary to meet the need. The new language in landscape settings defines what we expect to see, while the standards for review uses define how we expect to see it. There has been no substantive change in how the allowable agricultural developments are reviewed. No change necessary.
2	24	Scenic	Page 11 comments. The Scenic resources of the Gorge are its natural, cultural, and recreational resources. Proposal Should be: The natural, cultural, and recreational resources are the scenic resources of the Gorge. We think this is what you meant to say. As drafted, the statement is not factual and is misleading. There are many natural, cultural and recreational resources worthy of protection that have no relationship with the landscape level protected scenic resources of the Gorge. The scenery certainly contributes in a significant way, but is not universal for all protected resources.	Staff changed the language to read: "The natural, cultural, and recreational resources of the Gorge are an inherent part of scenic resources."
3	42 72	Scenic	Page 11 comments. Topographically screened development poses no risk to scenic resources. As such, there is no nexus for this requirement and requiring it may cause an unnecessary financial hardship for residents and litigation risk for counties. Not all residents have the financial means to construct a new stick built home; many prefabricated homes, products and mobile homes are not non/low-reflective.	All of these apply only to topographically visible development, so the removal of the language reduces redundancy and doesn't add any additional restrictions on development not topographically visible.
4	60	Scenic	Developed Settings and Visual Subordinance Policies…4. Murray's Addition subdivision, Foley Lakes, and lands located inside the Urban Growth Boundary of the city of The Dalles west of Chenowith Loop Road. The Dalles (Residential). Rationale: These lands contain some of the most dense development in The Dalles and currently serve the city. Requiring visual subordinance is impracticable and unrealistic. As well, they are topographically screened from nearly all KVAs outside of Urban Areas.	This would be a policy change to add areas that are exempt from scenic standards, which is outside the scope of technical review.
5	36	Scenic	Modification to the compatibility should be modified to allow for exemptions for certain minor buildings. Suggest "exempt any building under 2500 square feet in size."	The Gorge Commission adopted a 1500 square foot exemption from the compatibility standard at its August 2020 meetings.

6	**36**	**Scenic**	Comment page 2. Guideline 2, clarify what compatible means.	A white paper was provided to counties on how to determine compatibility in early 2020, which is what the new compatibility guidelines are based on. The Management Plan currently allows the counties to make the determination on how to interpret the guidelines, and expanded guidelines provide guidance on how to interpret.
7	**40**	**Scenic**	Clarify how to determine cumulative effects on scenic resources.	The Vital Sign Indicators (VSI) monitoring project and ongoing scenic mapping will help determine the baseline and changing conditions over time.
8	**42**	**Scenic**	Removing vegetation from skyline may be seen as a takings where no viable alternative.	The Gorge Commission adopted a new definition of Skyline at its August meetings: "The line that represents the place at which a landform, such as a cliff, bluff or ridge, meets the sky, and is topographically visible as viewed from a specified vantage point (generally a key viewing area, for the purpose of the Management Plan). The skyline is formed where the surface of the earth meets the sky except in existing, densely forested landscapes with thick, unbroken coniferous tree cover characteristic to its setting, the skyline may be formed by the top of the vegetative canopy."
9	**44**	**Scenic**	May be worth reviewing current FCC regulations for "small cell" towers to determine how they may affect implementation of guidelines 17, 18 under KVAs.	Comment refers to what are now GMA KVA guidelines 15 and 16 in the Draft Management Plan. This suggestion is outside the scope of technical review.

10	**366**	**Scenic**	Recently, Hood River County and other jurisdictions met to discuss the proposed Hood River-White Salmon Bridge Replacement project. As part of this process, the Port of Hood River and their consultant BergerABAM were attempting to develop a preliminary plan and conduct an environmental assessment in compliance with the National Environmental Policy Act (NEPA). In developing its plan, the Port of Hood River and its consulting team were attempting to understand the NSA guidelines that would apply. It was difficult for staff from the Gorge Commission and Hood River County to clearly define the requirements that would apply to the new bridge. The major question that arose involved whether the visual quality objectives under the Columbia River Bridge Replacement section of the Management Plan (Pages 366-368) were to be applied alone or together with other scenic guidelines found elsewhere in the Management Plan. It was assumed that the standard scenic standards/objective, such as visual subordinance, would not apply, but it was not clear. It is, therefore, recommended that language be provided under this section to clarify that the visual quality objectives listed under the Columbia River Bridge replacement section of the Management Plan are the only scenic standards intended to be applied to bridge replacements crossing the Columbia River.	Change made to Part 2, Chapter 7 regarding the scenic standards for the Columbia River Bridge Replacement. "A replacement bridge is exempt from the GMA provisions in Part I, Chapter 1: Scenic Resources, but shall comply with the following visual quality standards:" Staff continue to work with BergerABAM, Hood River County, and other stakeholders to ensure that the Management Plan standards are met and reduce any confusion in the process.

11		**Scenic**	Over the years, Hood River County has processed numerous applications involving the expansion of the HCRH State Trail and improvements along 1-84. Many of these application reviews end up being quite extensive and overly complicated. Staff reports between 30-90 pages are common and reviews take months to complete. In addition to the Management Plan (and associated ordinances adopted by each Gorge county), there are also other documents that guide road/highway related improvement but not formally approved by the Gorge Commission. Such documents include the 1-84 Corridor Strategy Guidelines, Historic Highway State Trail Design Guidelines, and the Historic Columbia River Highway Master Plan Guidelines. Currently, it is assumed by ODOT that these guidelines are to be used in evaluating highway and trail related projects. It is recommended that these various guidelines be formally evaluated and adopted into the Management Plan. The Gorge Commission should also consider making all (or at least most) highway related projects, especially those occurring within the developed road prism or some distance from the centerline of the highway as either an allowed use or expedited review as long as the adopted guidelines are followed. At the very least, such highway projects should be considered exempt from certain resource standards. For example, the last constructed segment of the HCRH State Trail involved extensive development and structures, including the Lindsey Creek Bench Cut and Summit Creek Viaduct. Both structures are very prominent in the landscape and highly visible from multiple key viewing areas. Instead of having to spend a significant amount of time trying to argue that these structures conform to existing scenic resource guidelines, which they could never meet, the Gorge Commission should create more streamlined standards that would apply instead; similar to what was created for future replacement of bridges crossing the Columbia River.	This is outside the scope of technical review. All developments must meet all applicable scenic review guidelines.
12	**485**	**Scenic**	There are few places in the western part of the Columbia River Gorge where "the surface of the earth meets the sky" as much of the skyline is created by the top of the forested canopy. The revised definition is more confusing, more restrictive, and offers no additional resource than the current definition. This definition should not be changed.	The Gorge Commission adopted a new definition of Skyline at its August meetings: "The line that represents the place at which a landform, such as a cliff, bluff or ridge, meets the sky, and is topographically visible as viewed from a specified vantage point (generally a key viewing area, for the purpose of the Management Plan). The skyline is formed where the surface of the earth meets the sky except in existing, densely forested landscapes with thick, unbroken coniferous tree cover characteristic to its setting, the skyline may be formed by the top of the vegetative canopy."

13	**488**	**Scenic**	The proposed revision to the definition of "visually subordinate" at page 488 includes edits that better correlate to the new emphasis on landscape settings, however the standard is changed significantly by the addition of language that states visually subordinate structures "would be difficult to discern to the common viewer." This language should be removed and the original, "They are not visually dominant in relation to their surroundings," should be added.	The revised definition uses "plain language" and does not significantly change the meaning of the definition.
14	**36**	**Scenic**	The Gorge Commission can less the burden for review agencies and provide some predictability to applicants by requiring compatibility studies only for the largest development proposals. Homes under a certain size limit (2,500 sq. ft. for example) should be deemed compatible outright. For accessory buildings, the land use designations already limit building size to 1,500 sq. ft. No compatibility study should be required for buildings that comply with this limit.	The Gorge Commission adopted a 1500 square foot exemption to the compatibility guidelines at its August 2020 meetings.
15		**Scenic**	Removal of existing variance language may result in takings claims if this standard prohibits any viable economic use of a property	This is a streamlining edit. Variances are allowed under Policy 1 of the Overall Scenic Provisions, and are allowed by Commission Rule upon appeal of a denied application and demonstration of a takings.
16		**Scenic**	Removal of the statement "on lands seen from key viewing areas" may inadvertently affect the ability for applicants to use more reflective materials on elevations facing away from key viewing areas. Applicants may sometimes include large windows or metal roofing on elevations that are screened from KV As by the building itself even when the site itself is otherwise visible from key viewing areas.	The Gorge Commission added this language back in to the guideline at its August 2020 meetings.
17		**Scenic**	Like the standards for use of existing colors on building additions of less than 100%, applicants should be allowed to use the same roofing material on additions of less than 100%.	This is outside the scope of technical review. The color of roofing material may match the existing structure but is otherwise subject to scenic review standards.
18		**Scenic**	The Current Plan offers no definition of the phrase “scenic resource.”	Scenic resources are those that we see, perceive, and sense as contributing to our sense of place throughout the National Scenic Area. The guidelines in the Management Plan were developed to identify how to protect the scenic resources as required by the Act.

19	**477**	**Scenic**	Glossary, Page 477: Key viewing areas definition was clarified to include associated parking areas, rest areas, gathering spots, and trailheads. The Historic Columbia River Highway includes the Historic Highway State Trail. *It is not clear from the language if the rest areas, gathering points, roads and trails are existing or future, and ODOT staff recommends clarification that the KVAs are only for existing facilities cited above, not those in design or under consideration. The majority of ODOT's projects in the Gorge consist of creating Key Viewing Areas (The Historic Highway State Trail, associated parking areas, gathering spots, and trailheads), and it creates confusion as to from where we are meant to do our visual analysis.*	In submitting an application to make an addition or change to part of a Key Viewing Area (KVA), that part of the KVA becomes "identified" per the definition of KVA in the Glossary and is therefore part of the KVA. As such, the application should be reviewed for consistency with the KVA guidelines as visible from the identified area of the proposed change or addition. This review will necessarily rely on site plans and drawings rather than on evaluation from existing KVAs, but the review can occur nonetheless. Fundamentally, the public will view the National Scenic Area from the identified area of the proposed change or addition, so no feature of that change or addition should be discordant with the landscape from those places that the public will, in the future, be able to visit."
20	**477**	**Scenic**	Glossary, Page 477: Key viewing areas definition was clarified to include associated parking areas, rest areas, gathering spots, and trailheads. The Historic Columbia River Highway includes the Historic Highway State Trail. It is not clear from the language if the rest areas, gathering points, roads and trails are existing or future, and ODOT staff recommends clarification that the KVAs are only for existing facilities cited above, not those in design or under consideration. The majority of ODOT's projects in the Gorge consist of creating Key Viewing Areas (The Historic Highway State Trail, associated parking areas, gathering spots, and trailheads), and it creates confusion as to from where we are meant to do our visual analysis.	See response 19 above.
21	**35**	**Scenic**	GMA Policy #1, Management Plan Page 35. Friends recommends deleting this policy or clarifying it based on the Oregon Supreme Court's decision that GMA Policy 1 requires developments to comply with the applicable scenic standard to the maximum extent practicable or be denied.	This is a policy level change that was outside the scope of the scenic review
22	**35**	**Scenic**	GMA Policy #2, Page 35. Agriculture and forest practices. This policy exempts agriculture and forest practices from regulation under the scenic chapter. Clarify that conditions of approval requiring retention of vegetation for screening development from KVAs is an exception to this policy.	This item was considered; however, the Draft Management Plan currently provides measures to protect this resource through existing guidelines.

23		**Scenic**	GMA Policy 6, page 36. New development called for in the National Scenic Area Act. This policy does not require full compliance with the scenic standard. This presents a fairness and equity issue where private and other public development is held to a stricter standard. All development should meet the applicable scenic standard. Delete “to the maximum extent practicable” from this policy.	This is a policy level change outside the scope of technical review.
24		**Scenic**	GMA Guideline 2, Page 36. Compatibility. New development is required to be compatible with the general scale of existing nearby development. Expansion of existing development must be compatible to the maximum extent practicable. This guideline has not been consistently applied throughout the scenic area and has been the subject of several appeals. The guideline should be clarified to expressly require compatibility in exterior visible volume and exclude buildings that are significantly larger than the rest of the buildings from the compatibility analysis. The term “maximum extent practicable” should be deleted. The compatibility standard is lacking in the SMA and needs to be added.	Changes to this guideline add clarity to how Gorge planners have collectively interpreted the compatibility guidelines to date, which includes the dimensions of the proposed and nearby development. Outlier developments are also excluded.
25		**Scenic**	Compatibility of new development in the SMAs. The SMA scenic resource guidelines lack any compatibility requirements. Add the GMA compatibility guideline to the SMA section.	Forest Service adopted the GMA Compatibility guidelines, as revised by the Gorge Commission at its August 2020 meetings, into the SMA guidelines.
26		**Scenic**	New Guideline, Page 40. Railroads. Clarify that new rail development, including new tracks, must meet the applicable scenic standard. Evaluation of the scenic impacts must include the trains that would travel on the new rail development or are paused or stored on proposed sidings or double tracks.	This proposal is outside the scope of technical review.
27		**Scenic**	New Guideline, Page 40. New roads and parking areas. Clarify that the evaluation of new roads and parking areas for compliance with the applicable scenic standard must include the vehicular use of the road or parking area.	This proposal is outside the scope of technical review.
28		**Scenic**	GMA Guideline #2, Page 40. Siting to achieve visual subordinance: Siting new development to achieve the visual standard is required unless it conflicts with natural resource protection buffers. The Commission staff has proposed to require new development to comply with this guideline to the maximum extent practicable. Friends recommends adding new language requiring berms and vegetation to meet the visual subordinance standard.	This proposal is outside the scope of technical review.
29		**Scenic**	GMA Guideline #3, Page 40. Cumulative effects. The Act prohibits adverse effects to scenic resources. The Management Plan currently requires evaluation of cumulative effects, but does not explicitly prohibit adverse effects to scenic resources. The existing language should be clarified to explicitly prohibit adverse cumulative effects.	The definition of "Adversely affect or Adversely affecting" was added to the Glossary in the Management Plan as per the Gorge Commission's decision on February 9, 2016.

30		**Scenic**	GMA Guideline #4, Page 41. Conditions applied to proposed development to achieve visual subordinance. Further clarify Guideline #4 to establish a hierarchy of conditions to achieve visual subordinance starting with the most permanent, which is siting. First and foremost, new development should be sited to achieve visual subordinance.	Staff proposed revisions to this guideline, which were reviewed and amended by the Gorge Commission at its August 2020 meetings to include a hierarchy based on permanence of visual features and alignment with other resource protection policies regarding minimizing earth movement.
31		**Scenic**	Guideline #5, Page 41. Topography and vegetation. Topography must be given a higher priority over existing vegetation for siting new developments because it is more permanent. Site plans and conditions of approval must require new landscaping to be sufficient to screen the development within five years. If it does not, then it becomes an enforcement issue. Requiring additional screening vegetation five or more years after the land use decision is final is impractical and may raise finality issues. Delete the last sentence in guideline 5B.	Topography was given higher priority in the guidelines for new development in the Draft Management Plan.
32		**Scenic**	GMA Guideline #10, Page 42. Non reflective or low reflective materials. Continuous glass surface must be minimized on the exterior of buildings visible from key viewing areas. Year-round screening must be required for glass surfaces on portions of new buildings that would be visible from key viewing areas.	The existing guidelines require screening to meet scenic standards and do not preclude screening vegetation for glass surfaces. Year-round screening is outline in the Scenic Resources Implementation Handbook.
33		**Scenic**	SMA grading guidelines are needed: Substantive standards regulating grading need to be added to the SMA guidelines.	All grading plans developed for actions within the SMA are currently reviewed by the reviewing agency for consistency with the Management Plan and there was no identified need for further clarification.
34		**Scenic**	Screening trees in all landscape settings, Pages 48-60. All landscaping required for screening purposes should provide year-round screening. However, the landscape setting guidelines require that only ¼ to ½ of trees planted for screening purposes be coniferous for winter screening. In the Grassland setting, screening trees are discouraged and there is no requirement for coniferous trees when screening vegetation is required. This severely limits the ability to render new development visually subordinate.	New vegetation in this landscape setting included this condition based on the dominant vegetation types within the landscape setting.
35		**Scenic**	Replaced the word “shall” with “may” in the provisions relating to the new production and/or development of mineral resources, and the expansion of existing quarries is impermissible and a clear violation of Act.	Change from "shall" to "may" is a clarification edit made in several places that aligns the specific review use or standard with the overall requirement that development is reviewed under all applicable standards.

36		**Scenic**	There is no way that the GC can protect scenic, cultural, recreation, and natural resources AND condone continued population growth which requires more economies to support that growth, and on and on. You must consider ALL development for cumulative impacts to NSA resources.	Developments are reviewed for cumulative impacts to resources. The Gorge Commission has no position on whether population growth should or should not occur. The Gorge Commission must balance its two purposes as stated in the Act.
37		**Scenic**	Information on our complex geology should be included in the Draft MP.	Outside the scope of a technical review. The Gorge Commission protects certain geologic features as Open Space and through its scenic protection standards.
38		**Scenic**	Other landforms for eastern gorge should include mesas.	Changes made to landscape setting descriptions initially did not include mesas, because they were components, but not a defining characteristic of eastern gorge landscapes that the FS Landscape Architects that reviewed the landscape settings identified.
39		**Scenic**	Native vegetation use should be mandatory in all development and re-development.	Overall, this would be a policy change and is therefore outside the scope of technical review. That said - several changes were made throughout the plan to reference native vegetation, and the Scenic Resources Implementation Handbook specifically recommends native plants for screening.
40		**Scenic**	Remove the reference to the Broughton Mill Development.	Reference to approved resort application is outdated, but Broughton Mill is still a "Village" landscape setting. Potential future clarification edit but no change necessary at this time.
41		**Scenic**	Forest and agricultural practices that are detrimental to the preservation, conservation, and enhancement of the NSA's resources should be called out and stopped.	Agricultural development, where allowed, is reviewed for resource impacts under our guidelines, ensuring their preservation, conservation, or enhancement. Forest practices, where allowed, are allowed outright, according to the Act's savings provisions.
42		**Scenic**	No more quarries in the NSA.	Development of mineral resources is allowed by the Act, the Management Plan includes specific guidelines to prevent impacts to protected resources.
43		**Scenic**	No new development of mineral resources should be allowed.	See 42.

44		**Scenic**	Of particular concern are the language changes to the General Management Area Policies, within the Scenic Resources Chapter. The revisions have replaced the word “shall” with “may” in the provisions relating to the new production and/or development of mineral resources, and the expansion of existing quarries. See DRAFT MANAGEMENT PLAN, 39 (2020). This change was not noted in any summary document posted on the Commission’s website and effectively imbues the Commission with discretion to approve or deny an application for a new mining use, or expansion of an existing use, regardless of demonstrated compliance with all Scenic Resource provisions. This is impermissible and a clear violation of Act. These revisions directly impact the rights and responsibilities of existing and prospective mining uses within the NSA, including the Washougal Pit. The Act unambiguously provides for the exploration, development, and production of mineral resources. 16 U.S.C. § 544d(d)(9). Upon demonstration that a prospective or existing mining use can occur without adversely affecting the SNCRs, it must be approved. This is not discretionary. However, the proposed Amendments abrogate the plain language of the Act—they provide the Commission with discretion to approve or deny an application, apparently on a whim. Simply put, a mining use “may” be permitted, upon demonstration of compliance with the standards for Scenic Resource protection. Nothing has been articulated to explain what more a prospective applicant can do to obtain land use approval, beyond demonstrating compliance with all relevant review criteria. Even then, an application may be denied. One must ask the question—under what authority?	See 35.
45		**Scenic**	Limit "trophy homes" on scenic landscapes. Determine whether scenic landscapes are approaching the tipping point for overdevelopment and, if so, require additional scenic resource protection measures.	All development must comply with the scenic guidelines. Development that complies with the guidelines, other resource protection guidelines, and other application requirements, is allowed.

	Page	Topic	Comment	Response
1		UAB	In regards to changes to the Management Plan for **urban area boundary revisions**, I believe that no demonstrable need has been shown for these revisions: For example in The Dalles: There are empty buildings and lots both downtown and on the west end of town. Nonindustrial uses have been allowed in the industrial area over the years which have contributed to empty space elsewhere. At some point if Google decides to relocate the result will be empty space in the industrial area. If the economy continues to take a downturn, there will be even less growth and demand for buildable land in the foreseeable future. Economies expand and then contract over time. Please prevent urban sprawl into the Scenic Area by requiring regional analysis of development potential and ensure that any urban boundary revisions are truly minor in scale.	Staff provided the Gorge Commission with all comments on this topic as well as a summary of the comments. The Gorge Commission discussed proposed and amended UAB policies at its August and September meetings. The Gorge Commission retained policy 10.B which requires regional analysis, and adopted new language for policy 8.B which sets a limit for the term minor, stating: "An urban area boundary revision that cumulatively, over time, expands the size of an urban area by more than 50 acres or 2%, whichever is less, is not minor."
2		UAB	Second, there is a greater threat to the Gorge than ever before. Because of the placement of the **urban growth boundaries** by your predecessors, The Dalles has not been able to grow with the times. We have had tear down schools to make room for housing. We have had to leave buildings condemned because we cannot rebuild them into usable space. We have been denied basic civil conveniences such as city sewer and water because our house is on the wrong side of the street. Our population has doubled in the last 5 years and more people keep coming, but because there is no land housing prices have soared past the point most people can reasonably pay for them. Even access to law enforcement is limited by the gorge commission. If a wild animal was to attack a family rescue wouldn't come for at least twenty minutes. All of these problems could be solved if the city was allowed to grow, but without your support we will remain an island on the land. We do not want to diminish the beauty of this place. I think that there can be a balance, just like how Hood River is allowed to grow its boundary back towards the fields of Mt. Hood, so too The Dalles should be allowed to grow back towards central Oregon away from the river and extending the town in a safe and environmentally friendly way. Please support our cities growth before the growing population expands places up and down the river instead of back and up into the plains. Please support The Dalles' growth up and back to protect both the Gorge and the people that call it home.	Staff provided the Gorge Commission with all comments on this topic as well as a summary of the comments. The Gorge Commission discussed proposed and amended UAB policies at its August and September meetings, and retained the policies in the Draft Management Plan.
3		UAB	Your proposed changes to **urban growth boundary area** revision language essentially would eliminate any future growth outside of current urban growth boundaries, contrary to what was established Oregon's Land Conservation and Development Statute that was in place well prior to the Scenic Act. Frankly, it appears, to me, that the outcome of the Scenic Area Act is becoming just as the naysayers predicted. I encourage you to step back, from the proposed revisions, and each of you commissioners put yourselves in the shoes of us who live in, and care for the land in the Columbia River Gorge. If you do this, you just might see what your proposed actions would do, to us.	See 2.
4		UAB	We support the passage of **Resolution 20-008 in Wasco County**. We do need the Gorge Commission to decide how our County should be run.	The two sentences are contradictory. Commenter addressed this in a later comment, that supercedes this one.
5		UAB	I support the passage of **Resolution 20-008**. We need to protect the property rights of **Wasco County** residents. I oppose the proposed amendments to the National Scenic Area Management Plan which would severely impact the value and us of property in the future for rural Wasco County residents. This would severely limit the ability for urban areas to grow. We need land to create jobs and tax base.	See 2.
6		UAB	I strongly oppose your proposed UGB proposal in the amendments to the Gorge Management Plan. I am a past The Dalles Chamber board director and member of their economic development committee, and a current member of the Wasco County Economic Development committee. I am also a long time board member of the Wasco County Farm Bureau. All of these positions have informed me of the importance of economic growth and that is stifled by the limitations on UGB expansion which you propose. If your goal is to permanently make Gorge communities the backyard playground for Portlanders there is no better way to accomplish that. Please execute your obligation to Goal 2 of the Columbia Gorge National Scenic area and give us the ability to expand our UGB's and have the opportunity for growth that is so vital.	See 2.
7		UAB	My feeling and direct concern is that if the Commission continues in the current direction the urban areas will soon stagnate and die. I do realize that some areas are able to (at least on the surface) get along with tourists dollars, but not all areas are able to continue on that economic path. Changes to the **urban boundary area** wording should attempt to straighten out the ambiguity of the original act and define a direct pathway for reasonable growth of our urban area, while protecting our Gorge and protecting the life style of each community. The proposed changes are beyond my comprehension. A onetime change that would allow 20 acres or 1% of the existing urban area whatever is less! REALLY?!? In my opinion and of many others, that is a formula for economic disaster in the Gorge. And that is absolutely not consistent with the stated purpose of the Act which expressly gives urban communities the ability to grow.	See 2. The Gorge Commission adopted a maximum change of 50 acres or 2% in policy 8.B at it's August meetings.
8		UAB	And on a final note, when the lines for the Scenic area were finally defined on the Oregon side by a survey (think you for doing this finally by the way) why in the world were things done like putting Chenoweth Middle School outside the urban growth boundary?	This comment appears to be referring to The Dalles Urban Growth Boundary which is different than an urban area boundary in the Management Plan. The school is within the Urban Area, which is larger than The Dalles Urban Growth Boundary.

9		**UAB**	Urban expansion should be restricted, but reasonable.	The Gorge Commission's draft policies on urban area boundary revision represent its views on the balance between the two purposes of the Act.
10		**UAB**	To preserve the Gorge NSA, the Commission MUST prevent urban sprawl. Existing land use laws are NOT sufficient to do this for two reasons. First, they apply to each incorporated city individually. The NSA needs to institute a regional, not city-based, analysis of development potential. And second, **urban boundary revisions** are made and implemented by individual cities, who will each have differing approaches and ideas on what a "minor revision" is. The Commission should provide a uniform definition of "minor revision," to be up to 20 acres or 1% of the land area of the urban area, whichever is less. In addition, this calculation should be cumulative over time.	See 1.
11		**UAB**	CORRECTION - We support the passage of Resolution 20-008 in Wasco County. We do NOT need the Gorge Commission to decide how our County should be run.	This comment supercedes the previous contradictory comment. See 2.
12		**UAB**	I strongly support, along with a majority of Gorge Commissioners, new policies to limit urban sprawl by requiring a **regional analysis** of the development potential in all existing urban areas and **defining "minor** revision" to be up to 20 acres or 1% of the land area of the urban area. Please ensure these provisions make it into the final management plan.	See 1.
13		**UAB**	We **support** the position that the Gorge Commission has taken on the Urban Growth Boundary, regarding the development of a reasonable definition of **"minor revisions"** and the inclusion of that very restricted definition, and "boundary" in the draft Plan. We are very concerned about the fairly unanimous effort by our City and County elected officials, and staff, to have this component of the draft Plan set aside in favor of a much, more generous interpretation of the term "minor revisions" which most likely lead to a large expansion of The Dalles and Dallesport Urban Growth Boundaries, in particular, and the other Incorporated Cities within the Columbia Gorge National Scenic Area, in general. We adamantly oppose that endeavor. We understand that the mission of the Scenic Act is "to protect scenic, natural, cultural and recreational resources from adverse effects." We believe that allowing for larger, rather than minor, expansions of Urban Growth Boundaries of Incorporated Cities within the Gorge would be in direct conflict to this stated goal. We have reviewed the "Buildable Lands Inventory" that was conducted on behalf of the City of The Dalles in 2018 in which it was concluded that The Dalles has a surplus of buildable land available for new housing. The Dalles also has many abandoned business locations which can, and should be, redeveloped, for commercial use. For example: K Mart, Sears, Red's Trading Post, as well as open lots, such as the former Armory property, that are available as well. And there are numerous, core, downtown properties that would benefit from redevelopment and enhancement of the City of The Dalles. Industrially, we not only have a number of Port of The Dalles properties that are available for commercial and light industrial development, there are a number of properties that are part of the Airport complex in Dallesport which are available for development (shovel-ready, as they say), as well as other properties in the Dallesport incorporated area that are zoned and available for industrial development. We strongly encourage the Commission to stand strong and choose to not allow communities, such as The Dalles, and Dallesport, to expand their Urban Growth Boundaries beyond the constraints of your "minor revisions" definition. These communities have sufficient room to grow, to infill, to redevelop, and to industrialize. We don't want them to have what the Scenic Area Act was attempting to constrain, and that is the on-going ability to sprawl, and expand, outside of the areas for development, that they were generously awarded in the 1986 Act. Please continue to work together to find and encourage ways for communities to remain economically robust within existing boundaries. These times require us to be more conservative with our resources and mindful of how we take care of the present generation while we continue to work to develop and pass on environmentally, economically and equitable residential, commercial and industrial communities to the next generation/s.	See 1.
14		**UAB**	1. In regards to the Revision of Urban Area Boundaries, I agree with and **support the proposed definition of a minor revision**: page 416, #8: limits the revision to cumulatively 20 acres or 1% of the total Urban Area, whichever is less. This is the maximum I would support. I'm assuming that you are required to define what is a minor revision. Any encroachment into the National Scenic Area is not desirable. Where could this occur where it wouldn't be destroying habitat or resource land, or otherwise conflict with the purposes of the National Scenic Area Act (protecting and enhancing the scenic, cultural, recreational, and natural resources of the Gorge)? In Section (f) (2) of the National Scenic Area Act, two of the criteria for revision of urban area boundaries are demonstrable need and maximum efficiency of land uses within the urban area. Neither of these has been shown. In regards to need: In 2018 a buildable lands inventory for housing was done in the largest of the urban areas, The Dalles. It was determined that there was a surplus of buildable land beyond what was projected to be needed over the next 20 years. Of the 480 acres of buildable land only an estimated 232 acres would be needed in the next 20 years (less than half of the buildable land). Efficiency of land use hasn't happened in the urban areas. Higher density in the urban areas is needed, not sprawl into the National Scenic Area. I believe having the National Scenic Area really adds value to these urban areas (increased property values, tourism income, and better quality of life). We need to preserve and protect the natural areas in the gorge, not eliminate them. Once you expand the Urban Area Boundary you can't reverse it later.	See 1.
15	**415**	**UAB**	"Minor" means "minor." We went through this, I believe in 2007 or 2008 when a lot of people who had been involved with the map making for the NSA, from Sen. Hatfield's office, to the administrator for the City of Stevenson (Mary Ann Duncan-Cole), came to a public hearing at the Best Western in Hood River and it was apparent from all the input that "minor" means "minor" no matter how people want to twist this pretzel! Urban growth of population is NOT a valid justification for UAB revision. And, the concept that growth should happen in another urban area or rural center and not in the one requesting a UAB expansion has been brought forth for discussion and is a valid argument against UAB expansion in a stressed urban center.	See 1 and 16.

16	**416**	**UAB**	Population growth is NOT a factor in UAB expansion. If it was, the NSA would be another Portland urban area in a few years!! The NSA has reached the limits of the carrying capacity for its resources.	The first 4f criteria in the NSA Act is a demonstrated need for population growth. Applications for urban area boundary revisions require that communities show that population growth is occurring in order to successfully apply for a revision.
17	**416**	**UAB**	Public lands SHALL NEVER be used to support residential and economic uses for the Urban Areas.	Nothing in the Act under the "Revision of urban area boundaries" section references how public lands are used. An exception is the limitation on revision of Special Management Area boundaries; where urban area boundaries and Special Management Area boundaries are concurrent, the Gorge Commission adopted policy 3 that requires such revisions to be considered under the separate process described in the Act.
18	**417**	**UAB**	After “adaptation” add a “,” and then a “,” after “gases” and the add “and the resilience of the scenic, cultural, recreation, and natural resources.	Staff provided the Gorge Commission with all comments on this topic as well as a summary of the comments. The Gorge Commission discussed proposed and amended UAB policies at its August and September meetings and did not address this policy statement. The Gorge Commission did adopt a new Climate Change chapter in the Draft Management Plan that addresses climate adaptation and resilience which may influence future application of urban area boundary revision policy.
19	**417**	**UAB**	Add “without impacting NSA resources” after “land uses.”	This comment references policy 13, which refers to the 4(f) criteria regarding the maximum efficiency of land uses within and on the fringe of urban areas. The criteria in the Act does not reference impacts to NSA resources. The Gorge Commission discussed proposed and amended UAB policies at its August and September meetings and did not make any changes to this policy.
20		**UAB**	1. Comments on Urban Growth Area expansion: The Gorge is caught is caught in a catch-22: The better the Gorge Bill works to preserve the Gorge from development, the better it will look compared to less protected places as a place to live, so the more pressure there will be for development. The Gorge Bill was a big compromise, and one of the compromises was to let all of Dallesport be urban growth area. That area should be sufficient for all new development. Period. There is no reason to expand any other area. Let new development happen where it is in fact happening - outside the boundaries of the CGNSA. There is plenty of room there. (High Prairie, Hood River Valley, Goldendale Area, the beautiful land south of The Dalles, etc.). The CGNSA is small. Any decrease in land will be significant. On the other hand if you add land to urban growth boundaries, it will do nothing to stop all the other development outside the boundaries. So why change the boundaries? Would you be changing the boundary to benefit a particular land owner? Bowing to pressure from a county? How would it benefit the Gorge to change a boundary? But if you do bow to pressure to change boundaries, the acreage of the Scenic Area that is preserved should not change. In Dallesport there are wetlands, dunes, and perhaps other features that deserve preserving. If you increase the area of one area you should decrease another, and do so by adding land with high natural value from an urban growth area to the GMA or SMA lands. Also any land added to the urban growth area should still have the color restrictions and height restrictions for structures in the SMA and GMA lands, to help make any new additions blend with the landscape and not detract from views. I just went by a newly built house painted a bright color, and if it were in a newly added urban area, it would make the urban area seem larger and the edge more conspicuous from quite a distance. I came to Oregon from Chicago in 1964. The town where I lived awhile as a child, Aurora, used to be separated from Chicago by miles of farms and cornfields. Now it is continuous urban sprawl. If you allow urban growth areas to expand even a little at a time but you keep letting it happen, in 50 or 60 years there will be no scenic area left, at least in the areas where development is possible. Let the expansion occur outside the CGNSA, as it is doing.	See 1.

21		**UAB**	I would encourage holding fast to the decision made by the majority of the Gorge Commission to hold Urban Boundaries in place for now and abide by the definition of “minor” boundary expansions agreed to in that meeting. There is always tension between development and non-development; between human habitation and open spaces for nature and humans. The National Scenic Area with key urban boundaries was put in place to hold open spaces for nature and for the nation to enjoy. The value of the open space is key to the scenic area and its draw to visitors. The value of smart development inside the current urban boundaries is key to providing amenities for visitors and great habitable urban spaces for smart businesses and families to work and live. Without those original decisions on urban boundaries, the length of the gorge would be full of trophy homes with views and condos stacked on all the ridgelines. The economic value of the gorge would be irreparably damaged and there would be no going back. A handful of people would be enriched to the determent of those who grew up in the urban and rural areas of the gorge and still live there. This is a key tendency of humans, to develop and replace nature; the Scenic Act attempts to help us save some open space. I would encourage we hold boundaries for now.	See 1.
22		**UAB**	REGIONAL BUILDABLE LAND INVENTORY & ANALYSIS IN LIGHT OF CLIMATE CHANGE I encourage careful re-evaluation of any proposed urban boundary expansion pressure for the human impacts it has on water, land and natural resources as opposed to only concentrating on acres of urban land vs non urban land that was set up in 1986, or increasing a tax base in an urban area or a “need to grow” urban boundaries. I grew up in the gorge and understand fully the pressure to develop. I watched some mistakes occur as I grew up and the damage businesses like aluminum plants did longer term to orchards and the health and environment in exchange for a few years of jobs that relied on cheap hydroelectric power. Develop and build models that show if and when smart urban growth is occurring now and in the future. Make sure water resource utilization and availability is built into those models. Let the data guide further discussions of boundary expansions when the Buildable Land Inventory (BLI) and analysis metrics show discussions are needed. Provide regional resources to assist towns and counties do the work to build in water resource availability and use as a result of current and Future boundaries and climate change. Infrastructure to deliver services to a new development area is not good enough going forward. We need a regional water plan that speaks directly to the urban and agricultural pressures the gorge faces area by area, town by town. The needs will be slightly different from West to East because of the precipitation levels, water sources, geography-water holding capacity and modes of use in the various areas. Let’s be sure we have solid smart water and land use metrics in place for the gorge in light of changing precipitation levels going forward. If an urban area inside or outside the gorge in the dry West has good metrics in place, lets examine them for value and see how they might fit other areas. Work with all impacted counties to share and inform the public of the models and metrics in basic language all can appreciate. Work with the counties to inform the public of smart water and land use practices on an ongoing basis. Work with the counties to build understanding of the value of smart water and land utilization in light of human and environmental pressures.	The Gorge Commission's draft policy 10.B requires regional analysis for applications to revise the boundaries of an urban area. The draft policy does not reference any specific factors, such as those included in this comment. The Gorge Commission may establish factors to consider when conducting regional analysis as part of rulemaking in the future.
23		**UAB**	On urban growth. I have spent 3 years in The Dalles trying to help locate property for a homeless mission and skill training center and low income housing. Currently there just is no place for one. I agree with Angie Brewer and the mayor of town that there needs to be more space. There is a lot of gorge land within existing development that should come into use. Its surrounded by uses from housing to business all around it. There is no possibility it has real value as open space. The Dalles has no more water to put on new acres in the area. So no open space land now will later have agriculture on it. Acres surrounded by development will never be grazing ground. I agree that sprawl is not a good idea. Particularly here where we don't have adequate services for fire. My best idea is to come up with urban expansion plans that first use every acre right up against or in town with development around it now. Then allow and define increase over time. Certainly 20 acres is not enough. Last I would say to those who want to cast the gorge lands in concrete. The plan never said we would punish the people of the gorge, and we already have greatly. The plan allows and has updates which means its meant to adjust over time. I think in fairness we can all admit that there is a lot of scenic beauty in the gorge. But the plan has extended to areas that are just plain common and would never be missed. Good administration would take that land that is not scenic and use it for expansion for people.	See 2.
24		**UAB**	The Columbia River Gorge National Scenic Area is just that, a national scenic area, not a local scenic area. It is a national treasure to be enjoyed by all, not slowly eroded away. I strongly **support** the limiting of urban sprawl with the **proposed definition of a minor** revision (up to 20 acres or 1% of the urban area cumulatively). Given the poor pattern of development that has happened in the urban areas, there is no reason to expand the urban growth area boundaries. It has been driven by greed, not need. No compelling reason to do so has been presented. A **regional analysis** of the development potential in the existing urban areas should be required.	See 1.

25	**415**	**UAB**	On Policies 1, 2, 5: [T]his group of policies leaves some ambiguity and uncertainty related to the ability of jurisdictions to apply for review of an urban area boundary amendment. The language added at the end of policy 5, allowing the Gorge Commission to receive additional funds for their review, is helpful as it provides a vehicle for jurisdictions to contribute to the costs; however, we encourage you to simplify this section in order to avoid a potential avenue for litigation/challenge before the application is even considered. Our recommendation is that you accept applications based on a clear set of submission requirements, along with whatever fee is necessary to supplement the costs to the Gorge Commission.	Staff provided the Gorge Commission with all comments on this topic as well as a summary of the comments. The Gorge Commission amended the language of Policy 5 at its August meetings to further clarify how the Gorge Commission will fund its review of applications to revise the boundaries of an urban area. The policy now reads: "If the Gorge Commission does not receive sufficient funding from a state to fully pay for its costs to review an urban area revision application, the Commission may proceed to review the application if the county agrees to pay any costs incurred by the Gorge Commission in its review that are not paid by the state. Whether provided by the state or county, the Gorge Commission shall only review the application if all of its review costs, including the reasonable costs of hiring a qualified, independent expert to review the projections, trends, land availability, and other data contained in the application, will be paid or reimbursed by the county, state, or both." The Gorge Commission may review submission requirements as part of a rulemaking process after the Draft Management Plan is adopted.
26	**415**	**UAB**	Policy 6: We greatly appreciate the reference to state policies related to urban growth boundaries (UGBs); however, the language as currently proposed is somewhat vague and may provide unnecessary opportunities for challenges. For example, it references “state-required periodic plan updates,” which currently in Oregon are being conducted on an “as-needed” basis, rather than mandatory, as determined by the growth needs of individual jurisdictions. We recommend you replace the proposed language with something similar to the following: The Gorge Commission will only consider applications to revise Urban Area boundaries that are consistent with state land use laws and rules to meet a demonstrated need for additional land to provide for vital public facilities and the residential and economic growth of a jurisdiction. The key is that it should be the demonstrated land need that is the trigger for a proposed amendment, whether or not it is associated with a mandated periodic plan update.	Staff provided the Gorge Commission with all comments on this topic as well as a summary of the comments. The Gorge Commission amended the language of UAB policy 6 at its August meetings to state: "The Gorge Commission will only consider applications to revise urban area boundaries in coordination with a similar request being applied for with the respective state land use authority."
27	**415**	**UAB**	Policy 7: Again, we appreciate your willingness and interest to include DLCD in the development of the process and review standards. We will be happy to participate and assist in whatever time and manner you deem appropriate and believe it will greatly improve both the State of Oregon and Gorge Commission processes to have this level of coordination among the Gorge Commission, DLCD, the impacted cities, and other regional partners. We will gladly commit the staff resources necessary to work on this with you.	The Gorge Commission and staff will include state land use planning departments in the UAB revision rulemaking process.
28	**416**	**UAB**	Policy 8: We share the concerns expressed by Oregon cities and counties in regard to the “hard cap” on the cumulative expansion to an urban area boundary over time. Considering the method by which the federal act originally determined urban area boundaries, limiting Oregon cities to their existing urban growth boundaries at the time, this policy is disproportionately burdensome on gorge communities on the south side of the river. As you are aware, UGBs in Oregon are intended to provide land for a 20 year growth horizon. As such, cities should have the ability to amend their UGBs as needed. An amendment to a UGB should be more challenging and have a higher bar than an amendment in most other areas of the state. Adequately protecting the Scenic Area demands close scrutiny. We strongly support this concept due to the importance of protecting the Scenic Area; however, limiting expansion of a UAB to the lesser of 20 acres or 1% is not likely to prove reasonable to provide for future growth for Oregon communities. We recommend that, instead of instituting a hard cap on future expansion, we work together, along with the cities impacted by these decisions, to develop rigorous standards through rule that ensure the most efficient use of land within existing UABs/UGBs that is practical and feasible prior to allowing opportunity for expansion. This may be an additional reason to give strong consideration to develop such standards with this management plan update rather than as a follow up step as indicated in Policy 7.	See 1 and 2. Regarding "disproportionate impact," the Gorge Commission discussed this at its August and September meetings, and did not make further changes to the policy.
29	**416**	**UAB**	Policy 10A: We appreciate the reference to and inclusion of the Oregon the simplified urban growth boundary amendment method (OAR 660-038). This will not only provide a good basis for review standards that will ensure efficient use of land, while ensuring an opportunity for communities to meet their growth needs, but will also serve as a tool to coordinate state and Gorge Commission review. As we have expressed through our participation in the advisory committee, we support the Gorge Commission’s interest in revising “specific Oregon factors and add[ing] specific National Scenic Area factors” in order to avoid replication and to address the unique needs and priorities within the Scenic Area.	The Gorge Commission may address these specific NSA factors in rulemaking.

30	**416**	**UAB**	Policy 10D: As an alternative to referencing “racial and ethnic minorities,” we suggest ensuring that each strategy for urban area expansion emphasizes the needs of low, moderate income and historically marginalized community members, including people with disabilities as priority populations for consideration in housing need in terms of building type and supply. This will vary by community. In some cases, now or in the future, priority populations defined through this lens may include but may not be necessarily limited to a racial or ethnic minority.	Staff made this change as a housekeeping edit. Policy 10.D now reads: "When addressing demonstrated need for long-term population growth, the Gorge Commission shall consider the relative benefits and burdens of the proposed revision to low- and moderate-income communities, members of historically marginalized communities, and people with disabilities."
31	**417**	**UAB**	Policy 14: We support the concept that prioritization of UAB should “prioritize revisions in areas where there would be no reduction of land used, suitable, or designated for agriculture, forest, and open space. In fact, this is in perfect alignment with the mission of our department and this is an important policy. We do encourage you to make it clear that, in the absence of land that meets this standard, there is still an opportunity for expansion onto other lands. The second/last sentence of this proposed policy seems to indicate this by allowing the Commission to “establish a priority of lands to be considered for revising into Urban Areas.” However, this is a “may” statement, not a “shall.” We recommend that this policy be clarified to ensure there is a definite method for cities to propose an expansion based on a land priority if there is not an opportunity to expand onto land that does not affect agriculture. We would be happy to work with you on the land prioritization structure if you would find our participation helpful; a similar process/standard is already in place within Oregon’s UGB expansion rules.	Staff provided the Gorge Commission with all comments on this topic as well as a summary of the comments. The Gorge Commission discussed proposed and amended UAB policies at its August meetings and did not made clarifications to this policy. Further clarifications may be made as part of rulemaking.
32	**415**	**UAB**	Policy 5: This policy ties urban area revisions to adequate agency funding at the beginning of each biennial budget. The policy allows the Commission to determine whether one or more urban area boundary adjustment application will be considered during the biennium. The policy does not establish criteria on how the Commission will prioritize multiple applications if funds are not available to consider all applications. We recommend that the management plan include criteria or additional information to inform counties on how the Gorge Commission will prioritize multiple applications.	See 25.
33	**415**	**UAB**	Policy 6: This policy ties urban area boundary revisions to state-required periodic plan updates. This reflects the recommendation in our administrative rule to defer site-specific urban growth area adjustments to the next periodic update. Urban growth area amendments require significant resources, and typically include updates to the land use element, the transportation element, capital facilities element and other portions of the comprehensive plan. The policy also allows applications at other times expressly specified in state law. Although our WAC recommends deferring applications to a periodic update, the GMA allows comprehensive plan updates and urban growth area amendments annually. Periodic reviews are required every eight years, however, Skamania and Klickitat counties are “partially planning” under the GMA and do not review urban growth areas as part of their periodic update process. Partially planning counties are only required to review and update resource lands policies and critical areas regulations during the required GMA periodic update. We recommend you continuing working with local stakeholders and clarify language to determine whether you actually want to limit applications to the periodic update, or allow them more frequently based on local changes.	See 26.
34	**415**	**UAB**	Policy 7: We support continued collaboration and appreciate the opportunity to coordinate with the Gorge Commission to establish appropriate urban area revision processes and identifying relevant state standards.	See 27.
35	**416**	**UAB**	Policies 10-13: These policies establish the general criteria that counties must show to establish the need to revise urban area. The GMA requires urban growth areas to be served with adequate and available urban facilities and services. We encourage the Commission to add policy language to ensure future urban revisions are subject to the same requirement; that counties and/or cities must show urban areas are served with public water, sewer and concurrent transportation systems. You might also consider additional language recognizing that boundaries are based on twenty-year growth projections.	See 22 and 29.
36		**UAB**	The Amendments also abrogate provisions of the Act protecting mineral and transportation interests and urban area economic development. On those issues, we support comments submitted by Jordan Ramis PC and Davis, Wright, Tremaine LLP, addressing essential economic activities within the Scenic Area.	See 2.
37	**416**	**UAB**	I’m very concerned that the proposed Urban Area Boundary Revision policies are too restrictive, especially for Oregon communities that have tighter urban growth boundaries and need more flexibility to balance preservation and growth pressures. Please allow for more time to engage with Oregon stakeholders. If you do move forward, please remove Policies 8B and 10B. Policy 8B too narrowly defines ‘minor’ revision. It would arbitrarily cap land available for housing and prevent Oregon cities from meeting their state-required land supply for housing needs over the next 20 years. It could also have negative unintended consequences, causing cities to expand onto valuable farmland instead. This is a huge concern. Policy 10B is inequitable for Oregon because it links Oregon land supply to Washington land supply without taking into account the latter’s larger urban growth boundaries and assumes their growth needs are linked when they are not. Please define additional ‘minor’ criteria in Policy 8B, including geographical context of previous zoning, land for certain housing types, affordability, and densities, like my companies build to meet the needs of Oregonians. Overall, please ensure any policies contain as clear and objective criteria as possible so that Oregon communities can have increased clarity on future potential urban area boundary revisions. I already see that housing affordability and choice is becoming more and more elusive in both Wasco and Hood River Counties. Without a clear path for counties to submit revision applications, our cities will continue to feel the pressure for land to accommodate our community members’ housing needs.	See 1.

38	**414**	**UAB**	**Urban Areas - Page 414:** The National Scenic Area Act only allows minor revisions to the existing urban area boundaries in the 13 towns within the Columbia River Gorge. There currently is a large surplus of lands set aside for future urban growth. We strongly support new policies to limit urban sprawl by requiring a regional analysis of the development potential in all existing urban areas and defining "minor revision" to be up to 20 acres or 1% of the land area of the urban area, whichever is less. This policy must be cumulative over time.	See 1.
39	**414**	**UAB**	Title: The National Scenic Area Act (Act) allows for "minor revisions to the boundaries of any urban area", but the term "minor" is missing from the chapter title. "Minor" should be added to the title of this section.	The term "minor" is not in the title of the section in the Act. No change made.
40	**414**	**UAB**	Introduction to the section: The Act requires the Gorge Commission to protect and enhance scenic, natural cultural and recreation resources; agricultural land, forest land and open space. It also requires the protection and support for the economy of the National Scenic Area by encouraging growth to occur in existing urban areas. This introductory text should be corrected to accurately describe the Commission's role in the Act.	Staff provided the Gorge Commission with all comments on this topic as well as a summary of the comments. The Gorge Commission amended the language of the introduction to this section at its August meeting.
41	**415**	**UAB**	Policy 3: The proposed policy is problematic in two ways. First, the Gorge Commission does not "only approve" applications. According to sec. 4(f)(1) of the Act, the Commission "may make minor revisions" to urban area boundaries, subject to compliance with the criteria. Second, sec. 4(f)(1) requires consultation with the Secretary of Agriculture on all applications for minor revisions to urban area boundaries (not just revisions involving Special Management Area boundaries).	Staff provided the Gorge Commission with all comments on this topic as well as a summary of the comments. The Gorge Commission discussed proposed and amended UAB policies at its August meetings, and did not address changes to policy 3. The Gorge Commission can address this comment as part of rulemaking, if necessary.
42	**415**	**UAB**	Policy 4: The timing for informing the Commission of intent to seek a boundary revision should be more specific and should take place prior to the submission of the requested budget to the governors.	Staff provided the Gorge Commission with all comments on this topic as well as a summary of the comments. The Gorge Commission discussed proposed and amended UAB policies at its August meetings, and did not address changes to policy 4. The Gorge Commission can address this comment as part of rulemaking.
43	**416**	**UAB**	Policy 8: The proposed new policy 8.A.i. should be clarified to include no net increase in total area of the urban area. Proposed revisions that involve the reduction in total area would likely be considered minor. The proposed new policy 8.A.ii. should be clarified to apply to revisions up to 20 acres or 1% of the total area. The word "if" at the beginning of the sentence is a typo and should be deleted. Friends supports policy 8.B. Without this policy the National Scenic Area is threatened by incremental urban sprawl.	See 1. The Gorge Commission amended the policy at its August meetings, and did not address the term "no net change."
44	**416**	**UAB**	Policy 9, Friends is concerned that it would be inconsistent with the Act to transfer nonconforming urban uses out of urban areas into the GMA. Replace the term "should" with "shall." Add consistency with the Management Plan.	Staff made the change. Policy 9 now reads: "Land formerly in an urban area that is transferred into the General Management Area shall not contain development or urban facilities that is inconsistent with the purposes and standards in sections 3 and 6 of the Act."
45	**416**	**UAB**	Policy 10B: Friends general supports Policy 10 A. through E. However, policy 10.B. needs to require an analysis of land supply and need for all thirteen urban areas, not just urban areas around the bridges. There is a large surplus of urban area lands within the National Scenic Area and a boundary should not be revised for one urban area while thousands of acres of vacant or underutilized lands exist in urban areas throughout the National Scenic Area. Requiring analysis of land supply and need for all urban areas is most consistent with the purposes and standards of the Act, and consistent with section 4(f)(2)(A).	Staff provided the Gorge Commission with all comments on this topic as well as a summary of the comments. The Gorge Commission amended the language of UAB policy 10B at its August meetings and did not require regional analysis to include all 13 urban areas.
46	**417**	**UAB**	Policy 11: Require enforceable conditions of approval to ensure that lands taken out of the GMA and into urban areas are used only to satisfy the need that was the basis for the revision.	Staff provided the Gorge Commission with all comments on this topic as well as a summary of the comments. The Gorge Commission amended the language of UAB policy 11 at its August meetings. The policy now reads: "In deciding whether or not to approve an adjustment to the urban area boundary, the Gorge Commission shall consider whether (a) the implementing measures by the local government that will govern the expanded urban area; and (b) the Gorge Commission's conditions of approval, as agreed to by the governing local government, are sufficient to guarantee that the expansion area will be used to satisfy the demonstrable need under 16 USC Section 544.b.(f)(2) which was the basis for the application. If they are not sufficient, the Gorge Commission shall deny the application as failing to meet the requirements of Section 544.b.(f)(2)."
47		**UAB**	The changes … are so significant that we request you slow the process down to allow for more consultation. Adopting the proposed Urban Area revision language would have significant ramifications on the communities, people and business that call the National Scenic Area home, and we feel that taking more time for policy development on Urban Area revisions is essential to the future success of this region.	See 2.

48	**416**	**UAB**	[It] is important to allow each individual urban area to function on its own and meet its own needs for vacant land to provide for the uses of its current and future populations. Our communities are skilled at using infill, reuse, and redevelopment policies to make more efficient and creative use of the land within Urban Areas now, but larger areas of vacant land will be needed as a tool for long-term growth.	See 2.
49		**UAB**	However, we are gravely concerned that the Growth Management Plan's proposed revision policies are too restrictive. The policies reflect an anti-growth attitude that would prevent National Scenic Area ("NSA") communities on both sides of the Columbia River from expanding their urban areas to accommodate needed housing. The restrictive policy implications are particularly germane to Oregon's urban areas, where state-regulated urban growth boundaries mean there is less available land for housing. Oregon communities need more flexibility to achieve a reasonable balance of preservation and growth.	See 2.
50	**416**	**UAB**	However, if the Commission does move forward, we request you consider the following revisions. Remove Policies 8B and 10B. These two Policies set arbitrary, inequitable, and unrealistic criteria which disregard Oregon's land use planning laws. Policy 8B would limit the expansion of urban areas to the lesser of 20 acres or 1%, cumulatively, over time, capping available land at an arbitrary threshold and ultimately prohibiting Oregon NSA cities from meeting their state-required 20-year land supplies for needed housing. As an unintended consequence, these cities could then expand onto valuable farmland outside of the NSA in order to meet state land use requirements. Policy 10B would require Oregon NSA counties to account for land supply in Washington urban areas that adjoin or are 'near' to NSA Columbia River bridges. This is inequitable for Oregon's urban areas because they include less land available for housing than their counterparts in Washington. Oregon's needs are not intrinsically linked to growth in Washington, which is subject to different land use planning laws and projected development rates. Yet by artificially linking land supply across the two states, this policy could inadvertently cripple Oregon's response to its needed housing.	See 1.
51	**416**	**UAB**	Revise Policy 8 to define other clear and objective minor revision criteria. Policy 8 is problematic because it does not differentiate between different types of land within urban areas. While HBA supports ensuring communities are able to make objective minor revisions to their urban areas, the Commission should include other minor criteria that reflect its land priorities while considering unique characteristics and needs of the community. Such additional criteria should consider the geographical context of previous zoning, land for certain housing types, affordability, and densities, along with land for open space and alternative transportation infrastructure.	See 1. The Gorge Commission may generally consider other criteria as part of the rulemaking process.
52	**415**	**UAB**	Policies 1, 4, and 5 would effectively allow the Commission to unreasonably deny any revision application. These policies tie boundary revisions to subjective budget decisions which could result in inaction given historic budget constraints. The Commission should replace the subjective language in these policies with clear and objective notice and application timelines. Furthermore, given that Oregon's periodic land use planning updates occur on an as-needed basis, the Commission should amend Policy 6 to allow counties to submit applications to the state on their own timeline, eliminating an arbitrary regulatory burden.	See 25 and 26.
53	**415**	**UAB**	Policies 7, 12, 13, and 14 defer key policy decisions to rulemaking, bypassing the critical need for state stakeholder engagement. The Commission should amend Policy 7 to reflect how it will coordinate with Oregon housing and land use planning agencies. It should also amend policies 12, 13, and 14 to further outline how revision applications can comply with the Columbia River Gorge National Scenic Area Act section 4(f) compliance criteria. Doing so now is crucial for communities to have revision process clarity.	See 2.
54	**414**	**UAB**	**Urban Areas**, Page 414 The National Scenic Area Act only allows minor revisions to the existing urban area boundaries in the 13 towns within the Columbia River Gorge. There currently is a large surplus of lands set aside for future urban growth. I strongly support new policies to limit urban sprawl by requiring a regional analysis of the development potential in all existing urban areas and defining "minor revision" to be up to 20 acres or 1% of the land area of the urban area, whichever is less. This policy must be cumulative over time.	See 1
55		**UAB**	Resolution opposing proposed revisions to the Columbia River Gorge Management Plan policies for UAB revisions	See 2.
56		**UAB**	Resolution opposing proposed revisions to the Columbia River Gorge Management Plan policies for UAB revisions	See 2.
57		**UAB**	Resolution opposing proposed revisions to the Columbia River Gorge Management Plan policies for UAB revisions	See 2.
58		**UAB**	Request CRGC delay decision-making on the proposed revisions to the urban area boundary polices, based on inconsistency with Oregon Planning Goal 14 re: Urbanization. The CRGC has failed to properly consider stakeholder input and conduct agency coordination to ensure that adopted policies are on balance with Oregon's statewide planning goals.	See 2.
59		**UAB**	Resolution opposing proposed revisions to the Columbia River Gorge Management Plan policies for UAB revisions	See 2.
60		**UAB**	The opportunity for Urban Areas to expand and allow our community to grow and develop in an appropriate manner needs to be included in this management plan update. I hope that you will move the urban area boundary revision discussion to a later date and continue to work on revised language that supports the local economies of the Gorge.	See 2.
61		**UAB**	Resolution opposing proposed revisions to the Columbia River Gorge Management Plan policies for UAB revisions	See 2.

62		**UAB**	Under proposed policies, amount of land added to all UAs is 170ac, ridiculously low numbers compared to other growth in other areas. Growth in NSA limited (and allowed) by 4f criteria, not Commission's interpretation of word "minor." Further, Commission must make policy choices now, not defer them to later.	See 2.
63		**UAB**	See comment for full details. Includes potential conflicts with Oregon Statewide Land Use Planning Goals including: Goal 1: Citizen involvement; Goal 2 (Land Use Planning); Goal 3 (Agricultural Lands); Goal 4 (Forest Lands); Goal 5 (Natural Resources, Scenic and Historic Areas, and Open Spaces); Goal 9 (Economic Development); Goal 14 (Urbanization). States that the comment is not an exhaustive list of all potential conflicts.	See 2.
64		**UAB**	We are also in agreement with the recommendations from OneGorge and appreciate the Gorge Commission being receptive and willing to collaborate on these issues. The Port Commission recommends that the suggestion for creation of the Urban Growth Boundary process be included in the adopted Land Use and adopted Economic Development sections of the Management Plan. This issue of the UGB affects both land use and economic development over the next 30-50 years. This new process should be developed before the adoption of the revised Management Plan. Finally, let us commend the Gorge Commission for opening these two processes to broad community involvement. We are hopeful that the Gorge Commission will use similar processes in all future policy development.	See 2.
65	**415**	**UAB**	Policies 4 and 5 (re: funding) make arbitrary standard that likely results in inaction. Also removes any "reasonable obligation" by the GC to review requests.	See 25.
66	**415**	**UAB**	Policy 8a, 20ac or 1% was a safe harbor, now it isn't. need ability to make argument for revisions that could otherwise be acceptable, gives history about area outside Hood River UA that was apparently an "urban reserve" when UA was created.	See 1.
67	**415**	**UAB**	If keeping limit in policy 8, revise 8a to allow acreage transfer between communities - allows growth without increasing UA acreage	See 1. The Gorge Commission did not consider this at its August or September meetings.
68	**416**	**UAB**	8b is redundant and should be removed	See 1.
69	**416**	**UAB**	Strong opposition to 10B, regional analysis, creates inequity with WA communities that didn't have UGBs in place in 1986, prevents needed growth in OR	See 1 and 28.
70	**417**	**UAB**	10E, climate change considerations, inclusion of this language will all but ensure that urban area boundaries are not allowed to expand since, by its nature, development within urban areas will inevitably have greater potential adverse impacts on climate change and the generation of greenhouse gases than maintaining it as rural land.	See 2. The Gorge Commission may consider how to specifically address climate change considerations as part of rulemaking.
71	**417**	**UAB**	11 and 13, enforceable conditions of approval, would cause annexed areas to be subject to NSA rules even though they are in UA and not subject to NSA rules	See 46.
72	**417**	**UAB**	Policy 14, commission should change to "minimize the reduction" rather than "no reduction" unless commission maps out areas adjacent to UAs where lands appropriate for expansion exist	See 31.
73	**419**	**UAB**	Changes to "public involvement" section of gorge commission role chapter are not aligned with how the commission developed its UAB policies	See 2 and responses to comments in Public Comment Process section.
74		**UAB**	Resolution opposing proposed revisions to the Columbia River Gorge Management Plan policies for UAB revisions	See 2.
75		**UAB**	The lack of clarity and considerable discretion provided to the Gorge Commission related to hearing a request for a boundary amendment creates a costly and challenging process for small, rural communities to consider beginning with no certainty around how, or if, their applications will be considered. With the limited resources available to both those communities with urban area boundaries and Gorge Commission, this approach does not provide a realistic path for boundary amendment.	See 2, and tab on public comment process.
76	**416**	**UAB**	20 acres over time is not enough land to support true economic development for communities in the Columbia River Gorge. This size parcel could barely be used for one smaller scale development, let alone a larger opportunity for strategic growth.	See 1
77	**416**	**UAB**	Requiring consideration of communities in two states, some incorporated and some not, with two different policy frameworks, and very different access to resources for investment in infrastructure and site readiness for either residential or employment lands when looking at meeting demand for development is not realistic. Additionally, a mix of uses and opportunity for development within an individual community impacts their ability to provide services like infrastructure, education, parks, public safety, and community economic development. These funding streams are specific to communities and the boundaries should be looked at through the ability of an individual community to make smart decisions about how to develop.	See 1
78		**UAB**	While there were many public meetings on this topic, there was little time for consideration and discussion of the draft policy once it was put forth. The EDC encourages slowing down on this chapter and working with stakeholders to come to consensus on a path forward.	See 2, and tab on public comment process.
79		**UAB**	The language concerning urban area boundary revisions fails to establish a consistent, objective standard against which such revisions are assessed and, instead, creates a subjective, case-by-case assessment based on “the Commission’s discretion”. Whether this is due to an inability to agree on an objective policy or a desire to provide the CRGC with the freedom to make decisions on an ad-hoc basis, we believe the proposed language is neither appropriate nor effective. The result is a management plan that fosters inconsistency, creates a process without predictability, and invites endless lawsuits.	See 2.

80	**415**	**UAB**	The CRGC is obligated to address urban area boundary revisions under section 544b(f) of the National Scenic Act. This is a fundamental purpose of the CRGC and there exists no provision within the Act making its fulfillment of this obligation dependent upon additional funding. The proposed language attempting to link urban area expansions to funding for the CRGC appears to be little more than an attempt to hold such expansions hostage in exchange for either payments from the requesting county (or another entity) or support for, and receipt of, additional funds in the two state budgets. We find this fundamentally inappropriate and—given no other aspect of the draft Plan has such a provision—inequitably applied.	See 25.
81	**416**	**UAB**	[T]he definition of “minor” is simply an application that satisfies the §4(f)(2) approval criteria. There is no need to overcomplicate a reasonable reading of the Act. That said, if the Commission is going to stick with a percentage for defining minor, a more reasonable number would be 10 percent. While the City still objects to using a percentage of acres to define minor, 10 percent with no cumulative cap would be workable for the City. It would also be more fair.	See 1.
82	**416**	**UAB**	Remove the requirement for a bridgehead city to consider land outside of its home state. This requirement is arbitrary and unfeasible. A bridgehead city would not have jurisdiction over land in the different state, would not be able to promulgate land use regulations for the land, and would not be able to include the land in its tax base. What the Commission is effectively requiring would be a state boundary adjustment to allow a bridgehead city to regulate land across the river.	See 2.
83	**415**	**UAB**	Eliminate procedural barriers to accepting applications – allow for cost reimbursement for processing an application; require a six month notice of intent to be filed with Commission staff; look to the Oregon Department of Land Conservation and Development process for guidance on reviewing applications.	See 26, 27.
84	**416**	**UAB**	Supports definition of "minor revision."	See 1.
85	**416**	**UAB**	Recommend that applicants seeking UAB expansion be required to respond to a clear set of performance criteria or mitigation actions prior to approval or in tandem with development in the expanded area, including climate mitigation, density requirements and protections for streams, wetlands, and landscape coverage in new UA acreage.	The Gorge Commission may adopt specific factors or criteria that address the measures listed in this comment as part of rulemaking, in relation to the requirements for demonstrating need or conducting the regional analysis. See 22.
86	**415**	**UAB**	Policies 7, 8, 10, 12, 13 are decided on a case-by-case basis. Lack of clear standards will hinder applicant's abilities to prepare successful applications.	See 1. The Gorge Commission did not consider amendments to policies 7, 12, or 13 at it's August or September meetings. Further clarifications may be made as part of rulemaking.
87	**415**	**UAB**	Policy 4 should have a more specific timeframe, for example, 6mo ahead of budget submittal or by a certain date each year.	Staff provided the Gorge Commission with all comments on this topic as well as a summary of the comments. The Gorge Commission discussed proposed and amended UAB policies at its August meetings and did not address policy 4. Further clarifications may be made as part of rulemaking.
88	**415**	**UAB**	Policy 6 may not be relevant to WA non-planning counties because the Growth Management Act doesn't require them to do "periodic review."	See 26.
89	**416**	**UAB**	Policy 8 both vague and overly prescriptive. Minor changes should not be limited to a predetermined arbitrary number.	See 1.
90	**416**	**UAB**	Policy 10 refers to Oregon law, which WA residents have no say over. If we want that we should adopt the whole language rather than incorporating by reference.	See 1.
91	**416**	**UAB**	Serious concerns about Policy 10.B which requires an urban area to consider the buildable lands of another, particularly if the analysis requires considerations of land in a different state.	See 1.
92		**UAB**	Request to delay decision on UAB and get policies right before adopting anything. No-growth policies are inconsistent with the Act.	See 2.
93		**UAB**	Resolution opposing proposed revisions to the Columbia River Gorge Management Plan policies for UAB revisions.	See 2.
94		**UAB**	With respect to Urban Area Boundaries, we formally support the suggested revisions and comments provided by Elaine Albrich on behalf of the Port of The Dalles on June 30, 2020.	See 2.

95	**414**	**UAB**	The Port proposes [introduction] language based on current policy language contained in the Management Plan and consistent with the expressed vision.	The Gorge Commission amended the introduction at it's August meeting. It now reads: "Congress designated 13 cities and communities as “urban areas”: Cascade Locks, Hood River, Mosier, and The Dalles, Oregon; and Bingen, Carson, Dallesport, Home Valley, Lyle, North Bonneville, Stevenson, White Salmon, and Wishram, Washington. Urban areas are exempt from regulation under the Management Plan. The National Scenic Area Act authorizes the Gorge Commission to make minor revisions to the boundaries of any urban area, subject to the criteria and procedural requirements in section 4(f) of the Act. In doing so, the Act enables the Gorge Commission to protect and enhance for the scenic, natural, cultural, and recreation resources; agricultural land, forest land, and open space of the Columbia River Gorge, while supporting and serving the needs of the thirteen urban areas. The following policies describe principles for how the Gorge Commission interprets and will apply the criteria in section 4(f) of the Act."
96	**415**	**UAB**	The Port proposes to delete proposed policy 1 and replace with the following to (a) address the concern that the Commission is attempting to use procedural hurdles to block applications and (b) correct any potential due process issues.	Staff provided the Commission with all comments on this topic as well as a summary of the comments. The Commission adopted policy 1 in May and did not address it at its August or September meetings. The policy reflects an existing Commission rule that allows the Gorge Commission discretion in hearing applications for boundary revisions.
97	**415**	**UAB**	The Port proposes to include language referencing Appendix C (containing the urban area legal boundaries) and noting that the rule may be amended from time to time (e.g., upon approval of an urban area boundary revision the rule would need to be amended to reflect the amended boundary).	The Gorge Commission did not discuss this proposal at it's August or September meetings. This may be clarified as part of rulemaking.
98	**415**	**UAB**	The language [in Policy 3] should track the authorization in 544 (c) of the Act governing revisions to SMA boundaries.	The intent of this policy statement is to make clear that revisions to urban area boundaries that are concurrent with Special Management Area boundaries follow a different process. No change necessary to meet that intent.
99	**415**	**UAB**	The Port proposes consolidating the language in proposed policies 4 and 5 as follows to (a) address the concern that the Commission is attempting to use procedural hurdles block applications, and (b) correct any potential due process issues.	See 25. Changes to policy 5 potentially address issues with policy 4. The Gorge Commission may clarify these policies as part of rulemaking.
100	**415**	**UAB**	The Port requests that the Commission delete [Policy 6] and allow an applicant to decide the timeline for filing an application with the Commission. Depending on agency consultation and other considerations, an applicant may seek to file an application with the Commission prior to filing with the state, concurrent, or subsequent to obtaining state approval.	See 26.
101	**415**	**UAB**	The Port requests that the Commission address this coordination issue [in Policy 7] before adopting any amendments to the urban area boundary policies. As proposed, proposed policy 7 improperly defers a policy choice that the Commission must make for how to coordinate with state law. DLCD has offered to participate in such discussions and the Commission should defer acting on the urban area boundary policy changes until such consultation has occurred.	See 27.

102	**416**	**UAB**	The Commission's proposed definition of "minor" is arbitrary and inconsistent with the Act. Dallesport, Hood River, North Bonneville, Stevenson, The Dalles, and White Salmon/Bingen would be limited to 20 acres total, forever. Cascade Locks, Home Valley, Lyle, Mosier, and Wishram would be limited to even less, forever. The 20 acres amounts to a 0.36 percent increase for The Dalles (5,436 acres), a 0.6 percent increase for White Salmon/Bingen and Stevenson (at 3,325 and 3153 respectively), and a 0.83 percent for Hood River (at 2,422). These are ridiculously low numbers. And are absolute limits on growth. These numbers do not ensure that an application is "minor" but rather that it is di minimis. The Commission's definition cannot be what Congress meant when it used the word "minor" when granting the Commission authority to approve boundary revisions that complied with the §4(f)(2) approval criteria. The Act states that the Commission "may make minor revisions to the boundaries of any urban area." The Act then goes on to provide that the "Commission may revise the boundaries of an urban area only if [it meets the (A)-(D) approval criteria]." Read together, the plain language of the Act specifies that the type of revision the Commission may make under 4(f)(1) is one that meets the four criteria in 4(f)(2). The Act does not say that the Commission cannot accept an application that is not minor, only that it may not approve a revision that is not minor. For example, a county may file an application for 150 acres, but the Commission may find that only 75 acres meets the §4(f)(2) criteria and therefore, only a 75-acre revision is allowed under §4(f)(1). Alternatively, the Port proposes a definition of "minor" that looks to strike a compromise between using a numeric threshold and a discretionary standard.	See 1.
103	**416**	**UAB**	The Port and other stakeholders have serious concerns about the Commission's ability to require one urban area to consider the buildable lands of another, particularly if the analysis requires consideration of land in a different state. While the Port agrees with the Commission's direction in Proposed Policy 10, recognizing that the demonstration of need in §544b(f)(2)(A) is founded in Oregon's growth policies, the proposed language is not policy-focused. Instead, the draft is more appropriate for rulemaking. Therefore, the Port proposes something simpler and policy-focused.	See 1.
104	**417**	**UAB**	As drafted, proposed policy 12, 13, 14 simply defers policy choices to a later rulemaking or application review process. [For policy 14,] The Act itself, in §544d(f)(2)(D), recognizes that there may be some reduction in agricultural, forest, and open spaces but such reduction cannot be "significant." The Commissions current language directly conflicts with the plain language of the Act.	Regarding policy 14, see 31. Clarifications to policies 12 and 13 may be made as part of rulemaking.
105	**416**	**UAB**	Remove the requirement for a bridgehead city to consider land outside of its home state. This requirement is arbitrary and unfeasible. A bridgehead city would not have jurisdiction over land in the different state, would not be able to promulgate land use regulations for the land, and would not be able to include the land in its tax base. What the Commission is effectively requiring would be a state boundary adjustment to allow a bridgehead city to regulate land across the river.	See 1.
106	**416**	**UAB**	If the Commission is going to stick with a percentage for defining minor, a more reasonable number would be 10 percent. While the County still objects to using a percentage of acres to define minor, 10 percent with no cumulative cap on acreage would be workable for the County	See 1.
107	**415**	**UAB**	Eliminate procedural barriers to accepting applications – allow for cost reimbursement for processing an application; require a six month notice of intent to be filed with Commission staff; look to the Oregon Department of Land Conservation and Development process for guidance on reviewing applications.	See 26 and 27.
108		**UAB**	If the Commission cannot reach agreement on final policy choices for Urban Area Boundary Revisions, the section should be dropped from this periodic review and taken up during the next review. It would be better to defer policy making than adopt policy that is unfished, unworkable in practice, and fails to balance the purposes of the Act.	See 2.
109		**UAB**	Use Urban Area Boundary "minor" definition endorsed for inclusion in the Draft Management Plan at the May 26th Commission meeting.	See 1
110		**UAB**	Recommend in-depth regional analysis of the current Urban Areas in the gorge and determine resources and needs. Development plans for all Urban Areas should look at water modeling in the gorge.	See 22.
111		**UAB**	Ensure no changes to Urban Area Boundaries are made because economic benefits of local urban areas are dependent on protection of the scenic, ecological area.	See 2.
112		**UAB**	Limit urban sprawl by requiring a regional analysis of the development potential in all existing Urban Areas.	See 1.
113		**UAB**	Support defining "minor" revision to be up to 20 acres or 1% of the land area of the Urban Area, whichever is less.	See 1
114		**UAB**	Support no expansion of Urban Areas because previous inventory in Urban Areas shows that smart growth can occur; need to first focus on density in Urban Areas.	See 2
115		**UAB**	City of Hood River updated housing needs analysis estimated that Hood River Urban Area can accommodate estimated population growth for about the next 17 years. Planning department is working to add density in appropriate ways.	See 2
116		**UAB**	Support definition of "minor" for Urban Area Boundary revision as 20-acres or 1% of land within each Urban Area, whichever is less.	See 1
117		**UAB**	Oppose the proposed definition of "minor" for Urban Area Boundary revision as 20-acres; this caps the City's ability to expand. Sorosis Park in The Dalles is 40-acres; under this proposal, the City would only be able to expand by one-half the size of this park. If the Commission is looking for a hard number, the City proposes a range of 7-10% of the City's total acreage.	See 1

118		**UAB**	Need to grow and expand the tax base to be able to provide economic benefits for The Dalles. Any economic development in Dallesport does not contribute to property tax revenue in support of the County, schools, park system, or any other local government on the OR side of the Columbia River.	See 2
119		**UAB**	Request a compromise on Urban Area Boundary language, which is not 20-acres or 1%, for all time. A compromise offers a pathway acceptable to the Gorge Commission and stakeholders.	See 1
120		**UAB**	Concerned about proposed definition of "minor" for UAB expansion. Under this proposal, if each of the 13 Urban Areas sought a revision and were able to satisfy the 4(f) approval criteria, about 170 acres could be added to the Urban Areas in total forever. 170 acres is a 0.6% increase in the total Urban Area acreage; this is about 0.06% of land in the National Scenic Area. The 20-acre definition amounts to about a 0.36% increase for The Dalles, a 0.6% increase for White Salmon, Bingen, and Stevenson, and a 0.83% increase for Hood River. These numbers are too low, are absolute limits on growth, and do not ensure that an application is "minor," but rather that it is de minimis.	See 1
121		**UAB**	Mentioned several examples of expansion in Oregon as context: Nyssa (town of about 990 acres) added 281 acres in 2019; Bend (20,000 acres) added 2,380 acres in 2016; and City of Springfield (about 10,000 acres) added 781 acres in 2016. Acknowledged that these examples are not in a National Scenic Area and do not have to comply with 4(f) criteria.	See 1
122		**UAB**	Commission's definition of "minor" is arbitrary and inconsistent with the intent of the Act.	See 1
123		**UAB**	Support a net zero loss of land when considering Urban Area Boundaries. Do not want to lose any National Scenic Area land to Urban Areas. Recognize that there are trade-offs between resource protection and growth.	See 2
124		**UAB**	Extremely concerned with proposed Urban Area Boundary language; this is effectively a no-growth policy. The Port has previously submitted comments and suggestions and will be providing additional written comments by June 30th.	See 2
125		**UAB**	The Port of the Dalles unanimously passed Resolution 20-004 opposing proposed Urban Area Boundary revisions on June 10, 2020.	See 2
126		**UAB**	Support proposed definition of "minor" revision for Urban Area Boundaries. In 2018, a buildable lands inventory for The Dalles determined that only 232 acres would be needed of the 480 acres available. Higher density development in Urban Areas is needed, rather than expanding boundaries.	See 1
127		**UAB**	Given differences in OR and WA land use planning and the COVID-19 pandemic, Association urges the Commission to defer any Urban Area Boundary policy amendments in order to further engage with Oregon land use and housing agencies and the public.	See 2
128		**UAB**	National Scenic Area Counties need more flexibility to balance preservation and growth. Policies 8b and 10b set arbitrary, inequitable, and unrealistic criteria with disregard for OR land use planning laws. To allow Hood River and Wasco Counties to respond to their housing needs over time, Association requests deletion of proposed policies 8b (definition of "minor") and 10b (requiring Counties to consider lands on both sides of the Columbia River).	See 1
129		**UAB**	Regarding policies 1, 4, and 5, encourage Commission to develop clearer and more objective County notice and application timelines.	See 23
130		**UAB**	Concerned about Urban Area Boundary expansion and connection with climate change and environmental protection. Previous studies indicate that there is adequate land for development; should focus on high density development, rather than expansion. Time and resources spent on Urban Area Boundary revisions have distracted from other Commission priorities; support moving on to other topics.	See 2
131		**UAB**	There is currently a surplus of vacant or underutilized land within the 20,500 acres of land set aside for urban development in the gorge. This is nearly double the acreage of all state park lands in the National Scenic Area. Dallesport has 6,500 acres that is mostly vacant.	Staff provided the Gorge Commission with all comments on this topic as well as a summary of the comments. The Gorge Commission discussed proposed and amended UAB policies at its August and September meetings.
132		**UAB**	Support broadening regional analysis of buildable lands and opportunities for growth in all 13 Urban Areas before any Urban Area Boundary is revised. Support tying the proposed definition of "minor" to an analysis of need for all Urban Areas.	See 45.
133		**UAB**	Oppose increasing Urban Area Boundaries; support the Draft Management Plan's position on urban development.	See 2.
134		**UAB**	If buildable lands inventories show there is land available for development, these areas should be used first. Can amend the Management Plan to allow for expansion later if future inventories support it.	See 2.
135		**UAB**	Please do not expand urban growth boundaries to appease the whining of those who would love to see the gorge become ravaged by urban sprawl. There are effective ways of handling growth, such as evaluating and strengthening protections from STRs, density rule changes, and allowing more housing on existing open land inside the urban growth boundary, which often requires large parcels even on land that is not being used for agriculture. Allow ADUs in the city of Hood River and other cities in the gorge stressed by growth needs. .	See 2.
136		**UAB**	Prevent urban sprawl by requiring regional analysis of development potential and ensuring that any urban boundary revisions are truly minor in scale.	See 1.
137		**UAB**	The Amendments also disregard provisions of the Act which protect and promote forest practices and urban area economic development. On those issues, we support comments submitted by Davis, Wright, Tremaine LLP and Stoel Rives LLP, addressing essential economic activities within the NSA.	See 2.
138		**UAB**	Prevent urban sprawl by strengthening protections that control expansion of urban area boundaries into the management areas of the National Scenic Area. The second purpose of the Scenic Area Act is to promote economic development that is consistent with protection of the scenic, cultural, recreation, and natural resources of the gorge. This is accomplished by increasing urban density rather than urban sprawl.	See 2.

139		**UAB**	We hope that you will have added to the management plan: clear measures to prevent urban sprawl.	See 2.

	Page	Topic	Comment	Response
1	13	Introduction	Line "urban areas may expand over time" should be retained.	New phrasing is more specific to the actual requirements for UAB revisions. No change made.
2	10	Introduction	Removal of quote from Sen. Hatfield is removal of only quote that references that "people live in the gorge."	The Gorge Commission retained this comment at its August meetings. The final Draft Management Plan will show this as new text, exactly matching the deleted text.
3	11	Introduction	Describe UAs at 10% of NSA acreage, keep inclusion of Congress in language.	Added percentage, new text reads: "Together they comprise approximately 10 percent of the National Scenic Area." Did not re-insert line about Congress because reference to Act is more specific.
4	13	Introduction	Change description of SMAs to little "physical" development, due to substantial recreation use that has same impacts as development.	Would need to evaluate assertion in order to make change, which is beyond scope of streamlining revisions. No change made.
5	13	Introduction	Add line about requirements under 4f criteria.	Rest of introduction does not specifically cite a part of the Act. No change necessary.
6	14	Introduction	Include "human existence" as well as "human enterprise."	Human existence is implied in human enterprise, and as stated in the comment, other places in the introduction reference the human presence in the NSA.
7	14	Introduction	Remove language about requirements to bring pre-act development into compliance.	These requirements exist and are not new/proposed (for example, square footage limitation on accessory buildings applies even if all accessory buildings are pre-Act). Reference to them here does not imply that all pre-Act development must immediately come into compliance with the Draft Management Plan upon its adoption.
8	10	Introduction	Keep Hatfield quote.	See 2.
9	11	Introduction	Remove redlines that define area as a "single" region.	"A region" and "a single region" have the same meaning.
10	11	Introduction	Should retain statement that Congress defined UAs, not imply that Commission did. Retain original language.	Paragraph above states that the Act defines Urban Areas (UAs), and therefore Congress defined them. Removal of line about Congress reduces redundancy.
11	12	Introduction	Act does not require that UAs are primary focus of economic growth.	Removed the word "requires" and changed to "envisions" which appears to more closely match meaning of paragraph. Text now reads: "The Act envisions that the urban areas are the primary focus for future growth and economic development."
12	12	Introduction	Congress vision should be forefront, not Commission vision.	Section refers specifically to the vision statement provided that was developed by the Gorge Commission. It is accurate to say "Commission's vision" as the implementing body, and leave the statement regarding Congress's "direction" through the Act.
13	13	Introduction	Insertion of SMA into paragraph, removal of "commercial, residential, industrial" and reference to "the Commission's repeated attempts to remove language supporting the economic purpose of the Act."	Removal of this language does not remove the second purpose of the Act. The Gorge Commission does not have jurisdiction on what is allowed in Urban Areas so removal of language provides more clarity.

14	**13**	**Introduction**	Implication that development is not welcome outside UAs.	Activities are not prohibited. Last sentence of this section is that the "delicate balance" referenced earlier tips in the direction of the resources outside of Urban Areas, which is how the Management Plan is applied.
15		**Introduction**	Do not remove references to Senator Hatfield and his quote or the vision language in the Introduction that recognizes that an urban area may expand over time, even at some cost to the SNRCs. This language is important to frame how the Commission must balance the two purposes of the Act.	See 1 and 2.
16	**86**	**Cultural**	Update reference to include newer tech used to communicate with tribes.	Remove word "tape" and replace with word "audio."
17	**86**	**Cultural**	Use LiDAR to conduct surveys.	Survey methods are determined by the survey professionals. The Gorge Commission can't mandate use of a particular technology without knowing whether it can be used for this purpose.
18	**91**	**Cultural**	Tribal governments should have 30 calendar days to provide written reports.	Cultural Advisory Committee is not established, and a tribal government's assertion that a resource is significant is enough rationale to start review. No change needed.
19	**97**	**Cultural**	Comments on establishment of CAC	Comment did not propose a language change or policy position.
20	**97**	**Cultural**	Make GMA and SMA cultural review standards the same.	This suggestion is a policy-level change, rather than a clarification, and would require that the Cultural Resource chapters be included as focus topics for the Gorge 2020 process.
21	**2**	**Cultural**	What percentage of the CRGNSA has been surveyed?	The original Management Plan Identified that 10% of the CRGNSA has been surveyed for cultural resources. This has not been tracked since and is likely outdated. Most applications for uses and development are reviewed for potential impacts to cultural resources, and staff deleted language regarding percentage survey. Paragraph begins with: "The provisions in the Management Plan require reconnaissance surveys for most new uses and development ..."
22	**3**	**Cultural**	Consider providing a little detail about how the level of effect on cultural resources in determined, including that this is done by qualified archaeological staff.	This is discussed with further details in the GMA Provisions section as well as the GMA Guidelines.
23	**5**	**Cultural**	Are actions planned for the creation of the CAC in the near future? Who will be on the committee?	The Cultural Advisory Committee language should be retained in case the Gorge Commission and the four Columbia River treaty tribes would like to establish the CAC in the future.
24	**9**	**Cultural**	What does "filed with the Gorge Commission" mean? That Tribes notify the Gorge of concerns via letter? Tribes may not share sensitive information with the Gorge Commission.	This seemed as though the "file with the Gorge Commission" was referencing the criteria developed to determine cultural significance. In practice, tribes may assert that resources have cultural significance without meeting any specific criteria. Removed the line about filing with the Gorge Commission.

25	**10**	**Cultural**	Some information regarding "the nature and extent of any cultural resources" cannot be shared outside of cultural resource staff.	The Management Plan does not require the level of detail required that would risk resource protection. The party reporting the cultural resource can provide only the limited amount of detail to protect the cultural resources without disclosing sensitive information. Made this a "may" statement so this intent is clearer, now reads: "The tribal government may choose to include comments that describe the nature and extent of any cultural resources ..."
26	**18**	**Cultural**	Is this statement in regards to sales of lands that contain cultural resources? This statement is confusing.	Clarified that this is for non-federal lands. Text now reads: "The proposed use is limited to the transfer, lease, or sale of non-federal lands that contain cultural resources, and adequate restrictions or conditions are included to ensure preservation of the significant features of the resources."
27	**435**	**Cultural**	The tribes are the best judge of whether an area is used or could be used for treaty reserved rights.	Generalized references throughout the Draft Management Plan to areas subject to review for treaty rights. Broadened GMA Policy 1 in this chapter to "Local governments shall notify the governments of the four Columbia River treaty tribes when new review uses are proposed on lands within the National Scenic Area" and carried that through to guidelines.
28	**436**	**Cultural**	Consider removing the applicant. Consultation is on a government to government basis. Applicants are not governments. Applicants can provide information, but it's not formal consultation.	Removed references to "applicants" in the guidelines.
29	**438**	**Cultural**	Has [a treaty rights protection plan] ever been done in this forum?	This "plan" is not defined. The general outcome when treaty resources are involved and effects might occur is that either the project adapts to avoid resources, or does not go forward.
30	**470**	**Cultural**	"For purposes of the actions managed under the management plan, CTWS believes the proposed definition [of cultural resources] is sufficient, but encourages the Commission to recognize the broader range of cultural resources [including historical documents, religious beliefs and practices, and living people]."	No edit necessary to Draft Management Plan to respond to this comment.
31		**Cultural**	Definition of "traditional cultural property": “Monumental sites, sacred places, legendary areas, mythical locations[, traditional gathering areas,] and landscape[s and landscape] features that are identified by the specific communities that hold meaning for them. They maintain and perpetuate values and practices of the group that attach significance to them. They provide spiritual cohesion to the community.”	Edit made to glossary as shown in the comment.
32		**Cultural**	Make sure savings provision in Act is adequately referenced elsewhere in Plan. Nothing in Act shall "affect or modify any treaty or other rights of any Indian tribe."	Made edits throughout Draft Management Plan where treaty rights are referenced.
33		**Cultural**	"In other words, the consultation obligation is not limited to specific locations that are currently being used or identified for tribal fishing but can encompass any area within Zone 6 or activities that can impact fish habitat within the zone."	Broadened guidelines where there is narrow reference to treaty rights. Reference to "other rights" makes all guidelines appropriately broad.

34	**435**	**Cultural**	Remove "new" from guidelines referencing when tribes are consulted or when counties need to consider potential impacts. This should include all things requiring an application.	Changed to state "new review uses" so it's clear that anything reviewed under the Management Plan's standards require consideration for consultation and cultural resource and treaty rights impacts. See 27.
35	**436**	**Cultural**	Recommended revisions to GMA guidelines 5 and 8, regarding evaluation of effects to treaty rights and confidentiality of tribal resource information.	Applied proposed changes (regarding tribal government notice and comment period requirements) to GMA Guidelines 5 and 8, combined with CTUIR comments as well.
36		**Cultural**	See last two pages of letter for comments on encouraging "cultural tourism." Connects to Recreation.	Took some language from this section of the comment letter and included it in the Interpretation/Education Chapter.
37	**77**	**Cultural**	In Introduction, expand Key Issues to address more "indirect effects" of development and other resources (rec specifically).	Added "and impacts from recreation uses."
38	**481**	**Cultural**	Define "project area" to include consideration of direct and indirect impacts to cultural resources. This aligns plan language with concept of Area of Potential Impact in National Historic Preservation Act.	The National Historic Preservation Act is broader than the purposes of the NSA Act. The Management Plan currently provides adequate protection measures for cultural resources.
39		**Cultural**	Reference Tribal Historic Preservation Office where dealing with consultation with tribal government.	No change made because staff determined that reference to "tribal governments" covers more than just THPO, and that other tribal departments are often included in the reference.
40		**Cultural**	Use term "pre-contact" rather than pre-historic.	Changes made in these chapters, added to style guide for full plan review.
41	**81**	**Cultural**	Question whether some uses that are excluded from reconnaissance review should be due to implied ground disturbance. Same for uses that occur on sites already disturbed since they could affect character of a place.	Increased notice requirements will allow tribal consultation where resources exist or where treaty or other rights are involved. Changes to reconnaissance survey standards would require more substantial review of the chapter.
42	**82**	**Cultural**	Ensure low probability areas not just based on past surveys, should include other variables	"Low probability areas" are based on old survey data, and modern reviews also examine more recent surveys and other available information. If tribes assert that a resource may be impacted, then they can prompt a reconnaissance survey, and increased notice requirements should provide opportunity for tribes to review.
43	**85**	**Cultural**	Email should be mandatory for notice to tribes, where available.	Change made. Text now reads: "At a minimum, notice shall be sent via email where addresses are available. If a tribal government requests notice in another form, local governments shall comply with that request."

44	**86**	**Cultural**	It should be made clear in the consultation and ethnographic research section that oral history identification through tribal sources is part of the consultation and that sensitive tribal information may be redacted by the appropriate tribal representative in any written comments and consultation minutes.	Ties to comments regarding confidentiality and added language to this effect. Two text changes: "This consultation meeting may include oral history identification through tribal sources." and "All written comments and consultation meeting minutes shall be incorporated into the reconnaissance or historic survey report, except that sensitive tribal information may be redacted by an appropriate tribal representative."
45	**86**	**Cultural**	All reconnaissance surveys must be done by qualified professional	Added guideline to "Reconnaissance Surveys - Small-Scale Uses" section: "Reconnaissance surveys for small-scale uses shall be designed by a qualified professional." This matches language for other reconnaissance survey guidelines.
46	**87**	**Cultural**	For large scale uses, an APE, consistent with NHPA guidelines, should be utilized for a complete consideration of potential Project effects.	See 38.
47	**89 95**	**Cultural**	Always require IDP in conditions of approval.	This is already a guideline. Made guideline clearer that it must be included as condition of approval. Text in both sections reads: "… and shall be included as conditions of approval for all review uses."
48	**91**	**Cultural**	Local governments should submit evaluations of significance to the SHPO and THPO/tribal governments for concurrence.	Added "for concurrence" to Guideline 1 under "notice of evaluation results."
49	**91**	**Cultural**	Identify alternate process to adjudicate disagreements in evaluations of significance, because CAC does not exist.	Beyond the scope of clarifying review. No change made.
50	**94**	**Cultural**	Avoidance/mitigation strategy could be requiring use of a monitor during construction.	Tribes may request use of a monitor as a condition of approval. Added line to mitigation section about use of a monitor as a potential option: "Alternative measures may include, but are not limited to, requiring a monitor during construction…"
51	**96**	**Cultural**	In regards to notification of the discovery of human remains, “DO NOT CONTACT MEDIA” needs to be included in the notice.	Change made. Text reads: "Do not contact any other entity other than those listed here."
52	**99**	**Cultural**	Literature review and consultation must include an assessment not only of National Register listed resources, but also resources that are Eligible or Unevaluated for National Register inclusion.	Beyond the scope of clarifying review. No change made.
53	**81**	**Cultural**	Question whether some uses that are excluded from reconnaissance review should be due to implied ground disturbance.	Beyond the scope of clarifying review. No change made. If a tribal government believes ground disturbance will affect cultural resources, it may request consultation.
54		**Cultural**	Until a thorough survey of cultural resources is completed in the Gorge, require cultural resource reconnaissance surveys prior to any approval of land divisions, significant ground-disturbing activities, and new development.	Surveys required for significant ground disturbing and new development, those guidelines are explained in detail in the chapter. Land divisions don't require adding surveys for land divisions, and this is beyond the scope of clarifying review.

55			Amend the definition of "cumulative effect" to require analysis of past, present and reasonably foreseeable actions.	Current definition appears to incorporate these factors. No change made.
56	**397**		Part III: Chapter 4: Enhancement Strategies, Scenic Resources, GMA/SMA Objective 3: The GC should not only encourage, it should demand that that these agencies, in this case OR's DEQ and WA's SWCAA, monitor air and visibility quality in the NSA.	Staff modified the language to clarify that the Gorge Commission's objective is to coordinate with OR and WA agencies on air quality and visibility monitoring. One example is the Oregon Department of Environmental Quality's Regional Haze program that includes the National Scenic Area. The new text is: "Coordinate with federal and state agencies on air quality and visibility monitoring in the National Scenic Area..."
57	**398**		Part III: Chapter 4: Enhancement Strategies, Scenic Resources, GMA/SMA Objective 4.D: Add "to protect resources" after the comma.	Staff made this change. The new text is: "Encourage use of conservation easements to mitigate project impacts, protect resources, and recognize property values."
58	**402**		Part III: Chapter 4: Enhancement Strategies, GMA/SMA Objectives 1.C(6): Add "value-added wood products."	Staff made this change. The new text is: "Assist with marketing and research efforts to enhance the economic viability of secondary manufacturing for wood products, increased utilization of wood products, value-added wood products, and other miscellaneous forest products."
59	**402**		Objective 1 under Forest Land Enhancement Strategies (Page 402) is proposed to be amended as follows: "Enhance the ability of forest land to ensure continued productivity and to provide scenic, natural, cultural, recreation, and economic benefits over time." This additional language [in underline] should not be added as it could subject forest management practices, especially in the GMA, to additional scenic, natural, cultural, and recreational regulations beyond those currently applicable."	The intent of the additional language is to convey that forest land enhancement strategies may provide a range of benefits, including economic. Removing this portion of the objective is unnecessary, since the Management Plan allows forest practices as a use allowed outright, except in Open Space and Ag Special Land Use Designations. State Forest Practices Acts regulate forest practices, and this change does not have a regulatory effect on forest practices where they are allowed.

	Page	Topic	Comment	Response
1		Climate	Climate Change The inclusion of a climate change chapter in the plan will begin the process of better understanding the effects of climate change on Gorge resources and community and will help the Commission and the Forest Service in adapting management to respond to the effects of climate change and build climate resiliency.	See responses to Climate Change comments from the first comment period.
2		Climate	Adopt a Climate Action Plan Climate change is here and well underway. If left unchecked, it will have disastrous consequences for all life on earth. We urge the Commission to at a minimum adopt a goal of compiling their Climate Change Action Plan within one year of the adoption of the revised Management Plan. The Gorge Commission should continue to include the prohibition of any loss or destruction of wetlands, include buffers for all waterways and waterbodies, and be flexible enough to address other issues as they arise, which they certainly will.	See responses to Climate Change comments 5, 12, and 88 from the first comment period.
3		Climate	Protect Agricultural Land, Forest Land Climate change is increasing the frequency and severity of forest fires. Policies limiting new residential development on forest lands are critical for human safety and environmental protection. FWSR also supports new updates to the farm dwelling standards that will ensure protection of farm land for farm uses and prevent conversions to residential development. Residential development needs to be concentrated in urban growth areas.	See responses to Climate Change comments 89 and 90 from the first comment period.
4		Climate	Climate Change: Thank you for taking the first step toward addressing climate change by creating a Climate Change chapter in the Management Plan and proposing the future development of a Climate Action Plan. However, climate adaptation and mitigation policies are necessary as soon as possible to fulfill the purposes of the National Scenic Area Act and protect fish, wildlife, sensitive plants, and human health in the Gorge. Please set a target goal for completion of the Climate Action Plan within one year of the adoption of the revised Management Plan. Please continue to include and examine the prohibition of any loss or destruction of wetlands, buffers for all waterways and waterbodies, and Firewise policies as a part of the Climate Action Plan as you move forward.	See responses to Climate Change comments 5, 12, and 88, and Land Uses comment 14 from the first comment period.
5		Climate	Climate Change: Please keep this as an URGENT priority.	See responses to Climate Change comments from first comment period.
6		Climate	I urge the commission to adopt a Climate Action Plan within one year of adoption of the revised Management Plan. Amidst all the challenges that 2020 has brought us, Climate Change remains the most urgent to address, as it will have growing economic and health impacts on all of us with each passing year.	See response to Climate Change comment 5 from the first comment period.
7		Climate	Adopt the New Climate Change Chapter and Require a Climate Action Plan OCN applauds the Commission in beginning to address climate change by including a climate change chapter in the Management Plan and by requiring the future development of a climate action plan. Climate adaptation and mitigation are needed as soon as possible to fulfill the purposes of the National Scenic Area Act and protect fish, wildlife, sensitive plants, and human health in the Gorge. OCN supports a goal of adopting a Climate Change Action Plan within one year after the final adoption of the revised Management Plan.	See response to Climate Change comment 5 from the first comment period.
8		Climate	Adopt a Climate Action Plan The Gorge Commission has taken the first step toward addressing climate change by creating a climate change chapter in the Management Plan and proposing the future development of a climate action plan. However, climate adaptation and mitigation policies are necessary as soon as possible to fulfill the purposes of the National Scenic Area Act and protect fish, wildlife, sensitive plants, and human health in the Gorge. The climate crisis is growing worse on a yearly basis, and we are far past the time for minor measures. Drastic action must be taken across all sectors of our society, and that includes every agency and commission you have any influence on. We would like to see the Gorge Commission adopt a goal of compiling their Climate Change Action Plan within one year of the adoption of the revised Management Plan. The Gorge Commission should continue to include and examine the prohibition of any loss or destruction of wetlands, buffers for all waterways and waterbodies, and Firewise policies as a part of the Climate Action Plan as they move forward, as well as any other issues related to climate change as they arise.	See responses to Climate Change comments 5, 12, and 88, and Land Uses comment 14 from the first comment period.

9		**Equity**	Friends generally supports the proposed equity language and policies drafted by staff and commissioners. The only glaring omission is the lack of acknowledgement of Oregon's exclusion laws, including its 1857 constitution. These laws barred black citizens from residing in Oregon, voting, owning property, or entering into contracts. The exclusion clauses in the constitution were not repealed until the 1926 and 1927, yet their legacy continues today. Many Oregonians are not aware of this history of structural racism in Oregon. We can all learn from the words of Maya Angelou who said, "Do the best you can until you know better. Then when you know better, do better." Friends' proposed language to add to the introductory statement [in bold]: **The Commission acknowledges and regrets Oregon's history of structural racism including its exclusionary laws and its 1857 constitution, barring black citizens from residing in Oregon, voting, owning property, or entering into contracts.** Suggested language for GMA Policies: The Gorge Commission recognizes that including diversity, equity and inclusion in its decision-making is essential to implementing the National Scenic Area Act. GMA Policies: 1. The Gorge Commission shall develop and adopt Diversity, Equity and Inclusion (DEI) plan by July, 2021. The plan shall be reviewed and updated as necessary on a regular basis. 2. The plan shall include specific measures and outcomes to: a. Ensure a more diverse staff and commission b. Develop and apply an equity lens to its policy decisions c. Engage under represented communities in the Columbia Gorge region d. Support local governments in existing urban areas in planning for affordable housing e. Support and uphold treaty rights and the rights of indigenous persons	At its September 2020 meeting, the Gorge Commission approved a Diversity, Equity, and Inclusion statement with this language: "The Commission acknowledges and regrets Oregon's history of structural racism including its exclusionary laws and its 1857 Constitution barring Black citizens from residing in Oregon, voting, owning property, or entering into contracts."
10		**Equity**	Support Equity Policies FWSR believes that diversity, equity, and inclusion (DEI) are completely interconnected to responsible environmental stewardship and leadership. We support the development and adoption of a DEI plan within a year of adoption of the revised Management Plan, with the understanding that steps to increase diversity, do not need to wait for the development of a plan. We understand that this is easier to say than to do, but we absolutely believe that groups currently underrepresented will bring valuable insights and intelligence to on-going policy making.	See response to Equity comment 1 from the first comment period.
11		**Equity**	Support Equity Policies: Most importantly, I support the inclusion of diversity, equity, and inclusion (DEI) policies in the revised Management Plan. The policies should require development of a DEI plan including the following outcomes: ensure a more diverse staff and commission, apply an equity lens to decision making, more actively engage under-represented communities in the region, support affordable housing for urban areas, uphold treaty rights for indigenous tribes and promote policies that support the rights of indigenous peoples, and any other relevant and appropriate goals that are identified as the DEI process evolves.	See response to Equity comment 1 from the first comment period.
12		**Equity**	Equity: Please prioritize indigenous rights, tribal lands, and local culture.	At its September 2020 meeting, the Gorge Commission approved a Diversity, Equity, and Inclusion (DEI) statement. See responses to Equity comments 1, 2, and 3 from the first comment period.
13		**Equity**	Include Equity Policies in the Revised Plan OCN believes that diversity, equity, and inclusion (DEI) are connected to responsible environmental stewardship. We support the Commission in adopting DEI policies that require the development of a DEI plan soon after the adoption of the revised Management Plan. The DEI plan should ensure a more diverse staff and commission, apply an equity lens to the Commission's policy decisions, more actively engage under-represented communities in the region, support affordable housing for urban and rural areas, uphold treaty rights for Indigenous tribes and promote policies that support the rights of Indigenous peoples.	See 12 above.
14		**Equity**	I know it's too late but I wanted to throw my support behind the diversity and inclusion efforts. I know commissioners are deciding on Tuesday but I didn't want my voice to get left out.	See 12 above.
15		**Equity**	Support Equity Policies ACE believes that diversity, equity, and inclusion (DEI) are completely interconnected to responsible environmental stewardship and leadership, thus the decision-making processes of the Columbia River Gorge Commission should recognize the importance of including DEI whenever they implement the National Scenic Area Act. We support the development and adoption of a DEI plan within a year of adoption of the revised Management Plan, with the understanding that such a plan shall be reviewed and updated on an annual basis. The goals for outcomes from such a plan should: ensure a more diverse staff and commission, apply an equity lens to decision making, more actively engage under-represented communities in the region, support affordable housing for urban areas, uphold treaty rights for indigenous tribes and promote policies that support the goals of indigenous peoples, and any other relevant and appropriate goals that are identified as the DEI process evolves.	See 12 above.

16		**Equity**	Equity, Diversity and Inclusion: The Commission should add policies to the Management Plan to address historic inequities, engage under-represented communities, support indigenous people and treaty rights and support planning for affordable housing within existing urban areas in the Gorge.	See 12 above.
17		**Equity**	I commend your efforts to develop a diversity, equity and inclusion plan. At this point in time, I do not have any suggested language revisions. I look forward to hearing more about this important work.	See 12 above.
18		**Land Use**	I just heard, via the Corbett Facebook page, that you are planning to ban short term rentals such as Airbnb in the scenic area. I am just outside of the scenic area, in Springdale. But I am incensed that you would make such a change: 1. We have land use planning that prevents density. 2. A short term rental that is vacant sometimes will end up with way fewer folks in the gorge than a full time resident. 3. As far as I know, there have been no public meetings on this question. You are not gods who get to decide these things without input. What is your process for notifying folks who are impacted? That would include both homeowners and nearby counties. 4. In this time of Covid, more folks are vacationing closer to home. In taking the gorge out of the mix, you are depriving many folks of the opportunity to enjoy the gorge. It's not meant to be a museum. 5. I was in favor of the scenic act when it was created. I am not now, based on the arbitrary way that decisions are made and that the rules seem Orwellian in purpose. Is this rule a solution looking for a problem? What problems have you seen to warrant this intrusiveness? I would warrant that there were none or very few. Find something more important to do with your time. 6. How else can folks provide input to you and influence this decision? Or do you not care about public input?	Gorge Commission staff has been conducting public outreach about Gorge 2020 through emails, press releases, community outreach meetings, radio talk shows, public notices, etc. since October 2016. Changes to the Management Plan that were proposed as part of the four focus topics, two technical revision topics, and the Climate Change chapter were open for public comment and discussion at Gorge Commission meetings over the last four years. If any landowner is adversely affected by new restrictions in the Draft Management Plan, the Gorge Commission can review those on a case-by-case basis at the time a permit application may be submitted. The Management Plan has never allowed short term rentals in the NSA. Based on public input received during the several public open houses and Commission meetings where this topic was discussed, staff proposed adding a provision to the Draft Management Plan allowing short term rentals (called "Overnight Accommodations" in the Plan) under certain guidelines. The Gorge Commission approved this addition and the guidelines proposed in the Draft Management Plan provided for public comment in June 2020.
19		**Land Use**	Agricultural Lands Outdated criteria for new agricultural dwellings has been updated to ensure that agricultural land is protected from conversion to residential uses. The $80,000 gross annual income production test is a needed adjustment for inflation compared to the existing $40,000 income capability test. In fact, when adjusted for inflation, $40,000 in 1991, the year when the original Management Plan was adopted, is almost exactly $80,000 in 2019 dollars. However, the Guideline 1.H.(3)d. on Page 210 does not match the motion that was passed unanimously on August 12. The new draft guideline incorrectly retained the “income capability” language, where the adopted motion changed this to “…at least 80,000 in gross annual income in 2020 dollars.” This is a substantive difference that needs to be corrected. The capability test has been very problematic, because it has been interpreted to mean that the farm might be capable of producing $40,000 in gross actual income at some time in the future, as compared to the new language in the motion that requires current production. The correct language is included in the corresponding SMA guideline 1.C.(3)(d) on page 224 of the draft revised plan. The motion states: Large-Scale and Small-Scale Agriculture, Review Uses, 1.H.(3)(d): Income capability. The farm or ranch, and all its constituent parcels, must produce at least $80,000 in gross annual income in 2020 dollars. This gross annual income amount shall be indexed for inflation on an annual basis using Consumer Price Index data from the US Bureau of Labor Statistics, and the new adjusted amount for each calendar year (calculated from 2020 dollars) will be posted on the Gorge Commission website by January 15 of each year. This determination can be made using the following formula: (CRGC Staff & USFS will investigate CPI for Commission) (Emphasis added) Friends recommendation: Edit 1.H.(3)(d) on page 210 to accurately represent the language in the motion that passed. "Income capability. The farm or ranch, and all its constituent parcels, must ~~be capable of~~ producing at least $~~40,000~~80,000 in gross annual income in 2020 dollars. This gross annual income amount shall be indexed for inflation on an annual basis using Consumer Price Index data from the US Bureau of Labor Statistics, and the new adjusted amount for each calendar year (calculated from 2020 dollars) and posted on the Gorge Commission website by January 15 each year. This determination can be made using the following formula:"	See responses to Land Uses comment 59 from the first comment period.
20		**Land Use**	Forest Land Protection of productive forest land is improved by removing policies and guidelines allowing new dwellings in Commercial Forest land and Large Woodland zones. With the increased frequency and severity of forest fires due to climate change, it’s essential to protect forest lands, reduce the risks of human-caused fires, and protect public safety and property by discouraging new residential development in forest zones. New dwellings will continue to be allowed in Small Woodland zones.	See response to Climate Change comment 90 from the first comment period.

21		**Land Use**	Oppose Accessory Dwelling Units outside Urban Areas Friends ask that the Commission oppose efforts to increase the density of development outside of designated urban areas by allowing Accessory Dwelling Units (ADUs). Please do not encourage more residential development on rural lands, especially when there is a large surplus of land already set aside for urban development.	A motion was made to add an allowance of ADUs to the Draft Management Plan at the Gorge Commission meeting on 8/11/20. The motion failed. No amendments were made to the Draft Management Plan.
22		**Land Use**	Keep Rural lands Rural FWSR asked that the Commission oppose efforts to increase the density of development outside of designated urban areas. Accessory Dwelling Units (ADUs), while sensible and appropriate for increasing density within urban areas, should not be allowed on any lands in the Scenic Area that are outside the urban area boundaries. The Commission should always prioritize the protection of scenic, natural, cultural and recreation resources on lands outside of the urban areas as required by the National Scenic Area Act. Do not promote more residential development on rural lands.	See response to comment 21 above.
23		**Land Use**	Protect Forest, Agricultural, and Rural Lands: I support preventing the conversion of forest lands to residential or agricultural uses and protecting agricultural land from development or commercial use. Climate change is increasing the frequency and severity of forest fires. I support new policies to further limit new residential development on forest land to help preserve forest lands, reduce fire risks, and protect public safety and property in the event of a forest fire. I support policies updating farm dwelling requirements to ensure that farm land is protected from conversion to nonagricultural uses. Also, Accessory Dwelling Units (ADUs), while sensible and appropriate for increasing density within urban areas, should not be allowed on any lands in the Scenic Area that are outside the urban area boundaries. The purposes of the National Scenic Area Act require growth to be directed into existing urban areas, not on rural lands. The Commission should always prioritize the protection of scenic, natural, cultural, and recreation resources on lands outside the urban areas, not promote residential development on rural lands.	See responses to Land Uses comment 61 from the first comment period. Also, see responses to Climate Change comments 89 and 90 from the first comment period for forest land protections. A motion was made to add an allowance of ADUs to the Draft Management Plan at the Gorge Commission meeting on 8/11/20. The motion failed. No amendments were made to the Draft Management Plan.
24		**Land Use**	I ask you to enforce established proscriptions against violators of the scenic act by closing down the Zimmerly Quarry now that the whole northwest knows of their repeated flouting of the laws over the course of years.	This is not within the scope of Plan Review.
25		**Land Use**	I ask you to protect the homes, businesses, and natural resources of the gorge by stopping new home building in timber lands, which dilute the fire response resources available to contain wildfires.	See response to Land Uses comment 61 and Climate Change comment 90 from the first comment period.
26		**Land Use**	Please protect The Gorge from further development. Protect the wildlife and our ability to recreate in it. Leave it wild. By not allowing further development, we may have a chance to manage it better, especially when it comes to wildfires. We also should get input from local Indigenous tribes in the area on how to best manage it. We should do this out of respect and because these people managed it for generations successfully because they cared about the wildlife and balanced the needs of all life in the area with their own needs.	See responses to Land Uses, Urban Area Boundaries, Natural Resources, and Equity comments from the first comment period.
27		**Land Use**	I'm writing about the housing situation in the National Scenic Area. These are dire times for affordable housing for the residents of the NSA. First, we need a common definition of affordable housing. And, it's not one defined by builders and developers. This is a social issue. Second, we need to have a discussion about what makes a sustainable community that is filled with residents who invest and are invested in the community in which they live, play, and die. Third, a harder discussion needs to take place about vacation homes and vacation rentals in our communities that take housing stock off the market for permanent residents. Skamania county's Planning Commission will be taking on the issue of short term vacation rentals at their September 22nd meeting. I spoke to a Skamania county commissioner and he told me that the county is also discussing hiring a professional group to audit the number of vacation rentals that exist in Skamania county. Of course, there are different types of rentals, long term and short term. One guesstimate is that there are some 250 known vacation rentals just in Skamania; the belief is that there are many more. No matter what type of rental, there are tax implications: rental income, state and local occupancy taxes, and Washington State B&O taxes. Communities should benefit from these taxes since it is the community's common resources that are being used. I urge the Gorge Commission to also participate in finding out how many vacation rentals exist in the NSA counties so we can get a clearer picture of the state of housing stock in the NSA. And, we need to know how many second homes are being built in the Gorge. Second homes in the NSA are a real issue. Apparently, we have urbanites building large homes in Gorge communities and using them as weekend housing. These are not cottages. These folks are not voting or permanent members of the communities in which they recreate. They are not vested, in any meaningful way, in the community since their primary residence is somewhere else. They might pay some taxes locally, but they don't make that crucial investment of themselves. They use the resources but I don't believe they pay the entire bill for the infrastructures that they are using. It is the counties' citizens who bear that cost. Urbanites appear to have more money than many residents of the Gorge and are pushing up the price of existing homes out of the reach of local residents who actually keep these communities working and viable. Population and carrying capacity matter and the Vital Indicators Project should be part of the discussion about housing in the Gorge. I urge the Gorge Commission to participate in Skamania county's proposed audit to figure out how many vacation and short term rentals are in the county, and in the entire NSA. Or hire a firm yourselves. It would probably be cheaper to hire a firm together and share the cost.	The Management Plan has never allowed short term rentals in the NSA. Based on public input received during the several public open houses and Gorge Commission meetings where this topic was discussed, staff proposed adding a provision to the Draft Management Plan allowing short term rentals (called "Overnight Accommodations" in the Draft Management Plan) under certain guidelines. The intent is to bring existing short term rentals into compliance and to regulate future ones. The Gorge Commission approved this addition and the guidelines proposed in the Draft Management Plan provided for public comment in June 2020.

28		**Land Use**	I understand that at the last meeting, a motion adding cideries, breweries, distilleries, and other agricultural products to the provision for wineries was not approved. The Commission asked staff to provide alternate language that could allow some additional agricultural products to be processed on agricultural land in the National Scenic Area. While I appreciate cideries being added, I will reiterate my comments submitted for the Management Plan changes overall. As noted and supported elsewhere in the Management Plan, agricultural uses are the foundation of the economy of the Gorge. Opportunities to add value to agricultural products is essential for maintaining family farms and diverse food production throughout the NSA. Current amendments proposed would reduce the ability for family businesses who have been working on this land for generations to think creatively about how to sustain their operations. These suggested changes are not in line with the values stated elsewhere in the Management Plan for supporting agriculture. Allowing wineries but striking out, or not including, farm produce stands goes against the goal of supporting agriculture. While wine and wine sales are important, there are several similar products that would have similar impacts on the NSA and all should be treated the same. The language for allowed value-added agricultural uses should be stated in generic terms and not be specific to any single product or occupation. I encourage consideration of the language allowing "produce or product sales or tasting facilities in conjunction with a lawful production facility" rather than specifying only wineries and cideries.	See responses to Economic Vitality comments 1 and 2 from the first comment period.
29		**Land Use**	Protection of Forest Land and Agricultural Land OCN supports the Commission's draft policies limiting new residential development on forest lands. Climate change is increasing the frequency and severity of forest fires. Additional limits on new residential development on productive forest lands will help preserve forest land, reduce fire risks, and protect public safety and property in the event of a forest fire. OCN also supports the proposed updates to the standards for new farm dwellings requiring a minimum of $80,000 in gross annual production on the farm or ranch to be eligible. We also support the new policy indexing this figure to inflation. These policy updates will ensure protection of farm land for farm uses and prevent conversions to residential development.	See response to Land Uses comments 59 and 61 from the first comment period.
30		**Land Use**	Keep Rural lands Rural OCN asked that the Commission oppose efforts to increase the density of development outside of designated urban areas by allowing Accessory Dwelling Units (ADUs) in rural areas. The Commission should encourage ADUs in the existing urban areas and always prioritize the protection of scenic, natural, cultural and recreation resources on lands outside of the urban areas as required by the National Scenic Area Act. Please do not encourage more residential development on rural lands, especially when there is a large surplus of land already set aside for urban development.	See response to comment 21 above.
31		**Land Use**	Protect Agricultural Land, Forest Land Climate change is increasing the frequency and severity of forest fires. ACE supports new policies limiting new residential development on forest lands. This will help preserve forest lands, reduce fire risks, and protect public safety and property in the event of a forest fire. ACE supports new updates to the farm dwelling standards that will ensure protection of farm land for farm uses and prevent conversions to residential development.	See response to Land Uses comment 61 from the first comment period.
32		**Land Use**	Land Protection: We support preventing the conversion of forest lands to residential or agricultural uses and protecting agricultural land from development or commercial use. We also support limiting new dwellings on forest lands.	See response to Land Uses comment 61 from the first comment period.
33		**Land Use**	I welcome the progress of the clarified Land Use Designation maps (zoning maps) and appreciate the effort that has been invested to develop them. However, as with the Commission's recent adoption of clarified Urban Area Boundary maps, the lack of landowner notification is concerning. The clarified lines have real impacts to private property and in some cases change the development options, permitting requirements and jurisdictional authority. Without notification, landowners have no way to express concern before changes are finalized. Please provide landowners notification of all clarified maps and the process in which to share feedback. If funds are a limiting factor for notification, please inform the counties so we can budget for it.	The Land Use Designation maps for each county clarify LUD boundaries in the GMA and are minor corrections to snap a line to a road or a parcel boundary when it is determined that the intent of the LUD boundary was to follow a specific line. As counties began integrating more accurate tax lot, road centerline, and hydrologic data into their GIS, they found the original digitization of the LUD boundaries didn't align with that more refined data. This created additional uncertainty as to the actual intended locations of the LUD boundaries. Correcting these LUD boundaries was especially important as the legal descriptions were finalized and adopted by the Gorge Commission for the urban area, external and GMA/SMA boundaries to assure the LUD corrections corresponded to the legal descriptions of the boundaries.

34		**Land Use**	I support the addition of cider and locally grown produce to the revised document but would prefer that the language was expanded to include all agriculture products. This would allow for farmers and future farming advancements to employ agriculture uses on agriculture lands as the market demands – supporting our local farming families and agriculture economy. Conditional use permitting mechanisms are currently used and will continue to be used to ensure agriculture processing and production do not adversely impact SNCR resources, surrounding farm and forest lands, nearby residents, or community services. Limiting crop type will not address the underlying concerns expressed by Commissioners at recent meetings which were largely focused on commercial events and the industrial nature of production in any form (scale of production, odors, noise, traffic, etc.). Please reevaluate the tools needed to address your actual concerns and do not unnecessarily restrict farmers from farming. Agriculture is protected by the Act for more than its aesthetic and density.	See responses to Economic Vitality comments 1 and 2 from the first comment period.
35		**NR**	We strongly oppose certain revisions in Gorge 2020 affecting private, county, and state forest lands, practices, and resource management in the General Management Area ("GMA"). The Commission has ignored previous comments expressing our concerns. The Commission's actions violate the Columbia River Gorge National Scenic Area Act, (the "Act"), exceed the Commission's legal authority, and conflict with the Washington and Oregon State Forest Practices Acts ("FPAs") and implementing regulations.1 To avoid legal action, we recommend that the Commission properly consider and address our concerns before adopting Gorge 2020. Gorge 2020 does not ensure that forest practices in the GMA will be protected. In fact, it does the opposite. The proposed revisions remove the existing forest protection policies to protect forest lands from uses on nearby lands that conflict with the production of forest products and from conversion of forest lands to residential use. The plan must include provisions to protect and enhance forest lands for forest uses; therefore, these provisions are essential. In addition, the Commission adopted a revision during the August 12 work session, without any public input, prohibiting dwellings on certain forest lands and removing the policy allowing dwellings as necessary to promote efficient growing, propagation, and harvest of tree species. The Commission's intent to substitute protection of forest land for forest uses with resource conservation measures is evidenced by revisions imposing regulation on non-federal forest lands. Gorge 2020 proposes that the first objective for water resources is to "use regulations to avoid adverse effects of development and land use within and near water resources." Similarly, the second objective includes a revision to provide landowners whose property contains or is near water resources with information about "the rationale for regulating new resources in water resources and buffer zones, including cultivation." During the August 12 work session, the Commission adopted a modification to the water resources goals to achieve "no loss of wetlands acreage and functions." Again, the Commission adopted that modification without public input. The modification required staff to propose dozens of changes to the natural resources chapter to implement the new standard. The draft proposes changes to water buffers, including that "[p]proposed uses adjacent to [water resources] shall preserve an undisturbed buffer zone that is wide enough to protect aquatic and riparian areas." Proposing fixed, rather than flexible, buffers is over-protective of water resources and under-protective of forest uses. These revisions impose new standards and requirements beyond the Commission's authority that conflict with the FPAs and other state policies and regulations and disregard the effect on forest lands and uses, a theme reflected throughout Gorge 2020. The Commission's revisions fail to consider the impact of changes to the wildlife habitat chapter that significantly expand restrictions on forest practices. Like the water resources chapter, Gorge 2020 proposes an objective to "[u]se regulations to avoid adverse effects of development and land use within and near Priority Habitat or sensitive wildlife sites" while adding "winter range" to the Priority Habitat list.15 The revisions propose wildlife habitat standards and requirements that would restrict forest practices in many areas of the GMA regardless of existing habitat laws and regulations including plans and permits. The climate chapter proposes to a adopt a policy for forest resources to "protect[] forested lands for timber production which provides for carbon storage [including] siting and development standards, land conversion policies, and other approaches." This provision purports to give the Commission regulatory authority over forest lands. The Commission has little to no regulatory authority under the Act, which requires the counties to implement the Management Plan by adopting local regulations. Furthermore, state management agencies have exclusive regulatory authority over forestry practices in the National Scenic Area. The Commission's utter lack of response to these concerns demonstrates its failure to comply with public notice and comment requirements. The Commission "shall conduct public hearings and solicit public comment prior to final adoption of the management plan." 16 U.S.C. §544d(e). Soliciting public comment without considering the content of those comments is mere perfunctory formality and does not satisfy the Commission's duty under the Act. The eleventh hour revisions, specifically to the wetland loss standards and forest lands policies, which received no public input, further exemplifies the inadequacy of public proceedings. That procedural deficiency is a sufficient basis to challenge the legality of Gorge 2020, independent of the substantive issues.	See response to Natural Resources comment 22 from the first comment period.
36		**NR**	I was glad to see the Management Plan include a specific "Climate Change" chapter and believe the urgency of what is underway points to having the plan in place within a year, along with policies addressing mitigation and adaptation in order to ensure protection of human health, wildlife and sensitive plants, and of course the fish who are even now struggling to survive. I realize there is a delicate balance between protections for natural resources (ideally protecting habitat and increasing stream, river, lake and pond buffers) and the pressures of urban development interests which hopefully can be resolved effectively by implementing the proposed limit for "minor revisions" to Urban Area Boundaries. I urge you to adopt the proposed revisions that include: -Stop Urban Sprawl -Act on Climate Change -Protect Habitat and Wildlife -Protect Agricultural and Forest Lands -Keep Rural Lands Rural -Support Equity Policies	See responses to Urban Area Boundary, Climate Change, Natural Resources, Land Uses, and Equity comments from the first comment period.

37		**NR**	Revisions to the Natural Resources chapter will improve outdated buffers for some critical salmon habitat and prevent the destruction of wetlands in the General Management Area while allowing essential development to proceed. Variance and waiver provisions that are already built into the Management Plan and Commission rules will ensure that privately owned property will retain economically beneficial uses. There are several places in the chapter where errors were made in substituting “and” for “or.” These errors actually change the meaning of the associated guidelines. Page 151, 3.B. The elimination of the word “or” means that site plans are only required when the proposed use is within 1,000 feet of both a rare wildlife site and a rare plant site. This should be “and/or” which means either or both of the affected resources. Friends’ recommendation: Retain “and/or” or delete “and” and retain “or.” Page 152 3.C.(3) This is the same issue as above. The elimination of the word “or” means that the determination would be whether the proposed use would result in adverse effects to both wildlife and plants. Friends’ recommendation: Replace “and” with “or” in both places. Page 153 3.D. The same issues as above. This guideline must be applied individually to both wildlife areas or sites and plant areas and sites. Friends’ recommendation: Clarify that proposed development or uses shall not result in adverse effects to wildlife areas or sites, or plant areas or sites. Page 155, Practicable alternatives test: 2.A. and 2.B. Same issues as above. Friends’ recommendation: A. 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, ~~and~~ wildlife area or site, or ~~and~~ plant areas ~~and/~~or sites. B. 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, ~~and~~ wildlife areas or sites, ~~and~~/or plant areas ~~and/~~or sites.	At its September 2020 meeting, the Gorge Commission voted on a package of clarifying edits that included these suggestions for the Natural Resources Chapter. These are reflected in the spreadsheet of clarifications that accompanies the September meeting minutes.
38		**NR**	Protect Salmon Habitat, Wetlands and Wildlife The protection of cold-water refuge streams for salmon is critical. Buffers are not the only answer, but they are critical to protection of these streams. Please support the 200-foot buffer requirement on all salmon-bearing streams. FWSR supports new policies that prohibits the destruction of wetlands by adopting a “no loss” of wetlands policy to apply throughout the National Scenic Area. We ask the Commission to improve all wildlife habitat protections based on the best available science, including expanding protective buffers to 350 feet around ponds and lakes for the endangered Western Pond Turtle.	See responses to Natural Resource comments 1, 6, and 26 from the first comment period.
39		**NR**	Salmon and Wetlands Protection: Please adopt draft policies that better protect critical Cold Water Refuge (CWR) streams for salmon, wildlife habitat, and wetlands. Comments from the U.S. Environmental Protection Agency (EPA), Washington Department of Fish and Wildlife (WDFW), and Washington Department of Ecology support 200-foot buffers on priority CWR streams within the GMA, and I support the current revision to widen these buffers on the seven cold water refuge streams identified in the General Management Area. However, all fish-bearing or potentially fish-bearing waterways in all areas of the National Scenic Area should receive this increased protection. Please make continuous review of the 200-foot buffer requirement based on the best available science and improve the buffer protections if necessary, including protections for endangered species – such as prohibiting logging and mining in potential pika habitat. Also, please support new policies that prohibit the destruction of wetlands by adopting a “no loss” of wetlands policy to apply throughout the National Scenic Area. Continue to improve all wildlife habitat protections based on the best available science, such as expanding protective buffers around ponds and lakes to 350 feet for the endangered Western Pond Turtle.	See responses to Natural Resources comments 1, 3, 6, and 26 from the first comment period.
40		**NR**	Salmon and Wetlands Protection: Please protect critical Cold Water Refuge streams for salmon, wildlife habitat, and wetlands. Also, please restrict logging and mining.	See response to Natural Resources comments 1, 22, and 26, and response to Scenic comment 42 from the first comment period.
41		**NR**	I also urge the commission to adopt the "no loss" wetlands policy and to stop urban sprawl--both of these actions are critical to ensure the health and longevity of our delicate Gorge ecosystems.	See response to Natural Resources comment 26 and Urban Area Boundary comments from the first comment period.
42		**NR**	I ask you to incorporate emerging knowledge and conditions such as taking endangered species into consideration by increasing Western Pond Turtle buffer protections around ponds to at least 350’, and by taking a stand to address the rising seasonal temperatures of the Columbia River which are already lethal to migrating salmonids.	See responses to Natural Resources comments 1 and 6 from the first comment period.
43		**NR**	I hope you will be able to maintain - and even strengthen - the most protective and multi-species revisions to the plan, to ensure the future of the National Scenic Area.	See responses to Natural Resources comments from the first comment period.

44		**NR**	Support New Policies Protecting Salmon Habitat, Wetlands and Wildlife OCN supports the new policies to better protect “Cold Water Refuge” (CWR) streams for salmon, improve wildlife habitat protection and prohibit the destruction of wetlands. The U.S. Environmental Protection Agency (EPA), Washington Department of Fish and Wildlife (WDFW), and Washington Department of Ecology have expressed support for 200-foot buffers on priority Cold Water Refuge (CWR) streams within the General Management Area of the Gorge. OCN supports the new policies to apply 200-foot protective buffers on the seven CWR streams identified by the EPA. However, all salmon-bearing waterways in the National Scenic Area should receive this increased protection. Please support the 200-foot buffer requirement on all salmon-bearing streams. OCN supports new policies that prohibit the destruction of wetlands by adopting a “no loss” of wetlands policy to apply throughout the National Scenic Area. The Commission should improve all wildlife habitat protections based on the best available science.	See responses to Natural Resources 1 and 26 from the first comment period.
45		**NR**	Protect Salmon Habitat, Wetlands and Wildlife Please support draft policies to better protect critical Cold Water Refuge (CWR) streams for salmon, wildlife habitat, and wetlands. The U.S. Environmental Protection Agency (EPA), Washington Department of Fish and Wildlife (WDFW), and Washington Department of Ecology support 200-foot buffers on priority CWR streams within the GMA. ACE supports the current draft policies to widen these buffers on the seven CWR streams identified in General Management Areas. However, all salmon-bearing or potentially fish-bearing waterways in the National Scenic Area should receive this increased protection. Please support the 200-foot buffer requirement on all salmon-bearing streams. ACE supports new policies that prohibit the destruction of wetlands by adopting a “no loss” of wetlands policy to apply throughout the National Scenic Area. We ask the Commission to improve all wildlife habitat protections based on the best available science, including expanding protective buffers to 350 feet around ponds and lakes for the endangered Western Pond Turtle.	See responses to Natural Resources comments 1, 6, and 26 from the first comment period.
46		**NR**	Salmon and Wetlands Protection: Comments from the U.S. Environmental Protection Agency (EPA), Washington Department of Fish and Wildlife (WDFW), and Washington Department of Ecology support 200-foot buffers on priority CWR streams within the GMA, and we support the current revision to widen these buffers on the seven cold water refuge streams identified in the General Management Area. However, all fish-bearing or potentially fish-bearing waterways in all areas of the National Scenic Area should receive this increased protection. Please make continuous review of the 200-foot buffer requirement based on the best available science and improve the buffer protections if necessary, including protections for endangered species – such as potential buffers of 350 feet around ponds and lakes for the Western Pond Turtle, or prohibiting logging and mining in potential pika habitat.	See responses to Natural Resources comments 1, 3, 6, and 26 from the first comment period.
47		**NR**	“No Loss of Wetlands” is an admirable goal for resource protection, but it is simply not feasible in a landscape that includes both sensitive resources and critical infrastructure. The Columbia River and its multitude of tributaries and nearby water features is developed with major bridge crossings, an interstate and several state highways, two railroads, recreation development that intentionally bring visitors to water features, and culturally significant river access. As proposed, the modified language implies safety related development may occur in wetlands as long as it does not result in loss of feature acreage or function. It is physically not possible to add or modify development to a water feature or its buffer without displacing it in some form. Furthermore, there has been no analysis for the Commission’s consideration of the impacts and unintended consequences that this decision will bring. Requiring a standard of No Loss equates to no maintenance or modifications of critical infrastructure, posing an unnecessary safety risk and undermines our regional resilience for natural hazards planning. Please reject the proposed standard of No Loss and retain the current standard of No Net Loss, which carries the same resource protection obligations of No Adverse Effect (including considerations of cumulative effects) and is consistent with the National Scenic Area Act.	At its September 2020 meeting, the Gorge Commission approved a revised scope of its "no loss" policy recognizing specific types of land uses that may be permitted to impact wetlands with mitigation. See response to Natural Resources comment 26 from the first comment period.
48		**NR**	Today, we are in an unprecedented fire event with Santa Ana-like winds, smoke, and high temperatures in the Gorge. This year’s Mosier Creek fire caused many to lose their homes. It’s been three years since the Eagle Creek Fire, and today’s conditions are worse than on that day. Yet, the fire management plan for the Gorge is still a secret and the public cannot inspect it or comment on it. I am here today to ask that the Commission include a periodic public review of the fire management plan for the Gorge in its 2020 Management Plan final draft. This review should happen at not fewer than five-year intervals. Today, we have no stated policy on recreation site closures, no visibility into resource planning, no public involvement in policy decisions, and a lack of communication with the public on fire danger. The only fire closure order in effect on National Forest lands is one dated July 1. The Forest Service’s Twitter account was silent the entire Labor Day weekend, with dangerous fire conditions in the region.	The Management Plan does not direct or manage wildfire emergency response.

49		**Public Comment Process**	On June 1, 2020, the Columbia River Gorge Commission ("Commission") issued a redline of the proposed revisions to the management plan ("June Draft"). The June Draft was the first time the public and stakeholders had the opportunity to review the proposed revisions to the management plan in redline, in their entirety since the beginning of the Gorge 2020 process. When the June Draft was released, staff issued a 30-day public comment period, ending June 30, 2020. There were numerous comments from the public and stakeholders that the 30-day comment period was insufficient time to review the 500+ page plan that had significant revisions to existing policy language and let alone prepare formal written comments. Commenters requested a longer public comment period for the June Draft, which the Commission ignored. The Commission held public meetings on August 11 and 12 to discuss the June Draft and the received comments. Staff subsequently released on another version of the management plan on August 27, 2020, noting it as the September 2020 version ("September Draft"). The September Draft further revises the policy language from the June Draft and includes many revisions that staff have characterized as clarifications or corrections in addition to substantive changes recommended by the Commission from the August meetings. It contains three colors of redline to reflect the reiterative revisions over time. The Commission is scheduled to review and issue a decision on the September Draft on September 8, 2020. The public and stakeholders had less than 6 business days (over a holiday weekend no less) to review and prepare comments on the 500+ page plan with multiple iterative revisions, many of which presented for the first time in the September Draft. This timeframe is woefully inadequate for the public and stakeholders to provide meaningful comments on the September Draft before the Commission makes a decision. It also provides Columbia River Gorge Commission very little time for commissioners themselves to review and consider staff's proposed revisions before being asked to make a decision on September 8, 2020. The Port has raised issues and concerns with the Commission's process and substantive revisions to the management plan in written and oral testimony throughout the Gorge 2020 process. The Port reiterates its concerns with respect to the September Draft and reserves its right to argue on appeal issues that were not previously addressed in earlier written and oral testimony. The Port maintains that many revised policies in the September Draft are inconsistent with the two purposes of the Act and routinely prioritize one purpose of the Act over the other. Many revisions are simply arbitrary in nature and raise questions concerning the breadth of the Commission's discretion. These changes include but are not limited to language in the following sections: Introduction and Glossary; Part I, Chapter 2 Scenic Resources, Chapter 3 Natural Resources, and Chapter 4 Recreation Resources; Part II Land Use Designations; Part III Action Program; and Part IV, Chapter 1 Gorge Commission Role. The Port should not be prejudiced on appeal by the unreasonably short period of time to review and provide meaningful comments on a policy document that has long-lasting, if not permanent changes to NSA policy. To the extent it even applies, the Port has provided the requisite 60-day notice to Commission that it is reserving its rights to challenge the Management Plan revisions on appeal, whether through this letter or its earlier filings.	See response to Public Comment Process comment 1 from the first comment period.
50		**Public Comment Process**	Commission staff efforts are to be commended; they have clearly worked very hard to produce a product that attempts to thread together public comment and Commission direction. What is not clear is why the Commission has elected to rush the process and finish the update without adequate analysis or landowner notification. Stakeholders had 30 days to review the first 500+ page draft and six days to review the revised final draft. This timeframe is insufficient for the public and stakeholders to provide meaningful comments. Wasco County has raised issues and concerns with the proposed revisions to the Management Plan in written and oral testimony throughout the Gorge 2020 process. The County reiterates its concerns with respect to the September Draft and reserves its right to argue on appeal issues that were not previously addressed in the County's written and oral testimony. The County should not be prejudiced on appeal by the unreasonably short period of time to review and provide meaningful comments on a policy document that has long-lasting, if not permanent changes to NSA policy.	See response to Public Comment Process comment 1 from the first comment period.
51		**Public Comment Process**	Finally, the Gorge 2020 process has failed to afford meaningful opportunities for public involvement. The Commission has pushed this Management Plan update through in the midst of a global pandemic, violating both Oregon and Washington's Sta at Home Orders. We refer to our previous comments on this deficiency, detailed in length in our July 2 Public Comment.	See response to Public Comment Process comment 1 from the first comment period.
52		**Scenic**	Revisions to the Scenic Resources chapter will help clarify and prioritize the means by which new development is visually subordinate as viewed from key viewing areas and clarify compatibility standards for new development.	See responses to Scenic Resources comments from the first comment period.
53		**Scenic**	I ask you to stop the encroachment of tall wind turbines on the scenic resource now that they have been invented and deployed in siege around the scenic area, grossly violating the intent of the law. If these could have been predicted at the time the law was written the NSA would have to have been much larger to keep these behemoths out of the scenic resource.	The Management Plan does not allow energy production facilities in the National Scenic Area. The National Scenic Area Act does not permit the Management Plan to prohibit wind energy facilities outside the National Scenic Area.

54		**Scenic**	Our primary concern continues to be the replacement of the word “shall” with “may” in the provisions relating to the new production and/or development of mineral resources, and the expansion of existing quarries. See DRAFT MANAGEMENT PLAN, 40 (2020). In its August 11-12, 2020 staff report, Gorge Commission staff summarily dismissed our concern, stating that “[t]he term ‘may be permitted’ is the common terminology for guidelines where development may be permitted when consistent with the goals, objectives, policies and guidelines of the Management Plan.” GORGE 2020 PUBLIC COMMENTS STAFF REPORT, 36 (August 11-12, 2020). If that is the case, officially incorporate the position into the Management Plan. Staff’s cursory and informal interpretation of the distinction between “shall” and “may” does not adequately address this critical language change, which affects the rights and obligations of ZP#5 and other mineral resources users within the NSA.2 The Commission should decline to adopt this language change. In addition to this critical language change, staff has circumvented the public notice and comment process in amending the guidelines for the expansion, exploration, development, and production of mineral resources within the NSA. Subsequent to the June 2020 formal comment period and seemingly without explanation or consultation with the Commission, staff has expanded the buffer distance from key viewing areas (“KVAs”) where mining uses are not permitted. The language change is detailed below. [included text from Draft Management Plan] This change from three to four miles dramatically alters where mining uses are allowed within the Scenic Area and is tantamount to prohibiting mining in the majority of the NSA. This 25% increase in buffering from KVAs was not discussed or noticed for public comment, instead it is yet another attempt by the Commission to achieve its goal of prohibiting mining within the NSA. As has been made clear by our previous comments, the clear and unambiguous language of Section 6d(d)(9) of the National Scenic Area Act (“the Act”) requires the Commission to consider mining within the NSA. The Act also mandates that the Commission provide for the protection and support of the local economies of the Gorge by encouraging growth in urban areas and allowing for future economic development. 16 U.S.C. § 544a. This proposed amendment is an attempt by the Commission to sidestep its nondiscretionary duty under the Act to provide for mining within the NSA and support local natural resource-based industry. This arbitrary and completely unfounded change cannot be upheld.	See response to Scenic Resources comment 35 from the first comment period.
55		**UAB**	If I understand your recent vote on urban growth, I think a "thank you" is in order. My feelings on the matter are as follows: The Gorge National Scenic Area is a big reason why people choose to live here and they have entrusted you to protect it. More people live here and want to live here, of course, but solutions exist besides significantly encroaching on and bull-dozing wild and scenic areas. Zoning changes for denser urban development within current boundaries is one of those solutions--especially for additional housing. A vocal minority of developers and profiteers will always insist that "we" need access to more land for "commercial and industrial development," but many of these voices have self-serving agendas. We are experiencing the closure of brick and mortars due to online competition and Covid19, so existing commercial spaces will provide new opportunities. And industrial expansion should be regarded with suspicion, lest outside interests use the opportunity to set up operations in one of our communities only to export the materials while leaving behind degradation, waste and pollution. Please know that the silent majority, the residents that call this home and cherish the scenery and space for recreation, support (and expect) the highest level of protection.	See responses to Urban Area Boundary comments from the first comment period.
56		**UAB**	In order to preserve natural resources, we certainly should NOT be increasing urban area boundaries. The most efficient and effective use must be made of the urban lands that already exist. From the National Scenic Act: The purposes of sections 544 to 544p of this title are— (1) to establish a national scenic area to protect and provide for the enhancement of the scenic, cultural, recreational, and natural resources of the Columbia River Gorge; and (2) to protect and support the economy of the Columbia River Gorge area by encouraging growth to occur in existing urban areas and by allowing future economic development in a manner that is consistent with paragraph (1) (underline emphasis is mine). I'm sure there have been many long debates about the meaning of these words. To me, the wording of the original act does not refer to balancing protections with economic growth, it is not meant to be a compromise. There is a clear priority. The act refers to supporting and protecting the Gorge area economies by encouraging growth in existing urban areas, and development that is consistent with the first point. How are we protecting and enhancing the scenic, cultural, recreational, and natural resources of the Gorge if we continually chip away at it?? I would ask - is a national scenic area not as sacrosanct as a national park? Would we want increased urban boundaries and development in the Grand Canyon? In Zion? I would also ask, what are the goals of those who would chose to increase urban areas? Do they align with the overall goals of the National Scenic Act? What is the future state that they envision for our National Scenic Area? Will we continue the destructive legacy of a 'bigger, better, faster, more' economy in our treasured Scenic area, or will we discover new and innovation solutions that will protect and enhance both local economies and the environment? Please hold fast on limiting urban boundaries as much as possible. Please keep the original top level, big picture goals of the National Scenic Act in mind, before getting into the weeds of when/what/where/how of urban boundary changes.	See responses to Urban Area Boundary comments from the first comment period.
57		**UAB**	Minor Revisions to Urban Area Boundaries The thirteen urban areas in the National Scenic Area include 28,500 acres set aside for urban-scale development. This represents more than 10% of the land area of the National Scenic Area, excluding the Columbia River. Thousands of acres of land set aside for urban development are vacant or underutilized. Urban areas in the Gorge are interdependent and, in the case of The Dalles and Dallesport, have a long history of joint urban planning and development. The new policies for urban area boundary revisions provide clear objective standards for minor revisions to urban area boundaries and require a regional approach to land use and urban planning that is required by the Act.	See responses to Urban Area Boundary comments from the first comment period.

58		**UAB**	Stop Urban Sprawl FWSR also supports limiting urban area expansion into the management areas of the National Scenic Area, period, full stop. Urban sprawl contributes to climate impacts, contributes to the destruction of sensitive and vital wildlife habitat, and promotes unsustainable and reckless urban development planning. We know this has been discussed extensively. However, we continue to prefer no decrease to any Scenic Area management lands. If expansion is to be allowed, as under the current draft, this needs to be carefully and scrupulously managed. There is a large surplus of land available within existing urban areas for future growth, so a regional analysis should always be employed and pursued by the commission to limit urban sprawl and promote the sustainable and responsible economic prosperity of the urban areas. This should be considered and analyzed before any urban area boundary expansion proposal is granted.	See responses to Urban Area Boundary comments from the first comment period.
59		**UAB**	Stop Urban Sprawl: I oppose urban boundary expansion in the Columbia River Gorge, especially when there is currently a large surplus of land available within existing urban areas for future growth. While the National Scenic Area Act only allows for minor revisions to urban area boundaries, they must be truly minor in scale and based on a demonstrable need. I recognize that the commission's new policies to limit urban area boundary revisions to 20 acres or 1% of the land area of the urban area, whichever is less, and limit cumulative revisions to 50 acres (or 2%, whichever is less), are compromises reached after many years of public involvement and I support the commission's hard work to define "minor revision." The National Scenic Area Act requires a regional analysis of urban growth capacities. I support the new policy requiring a regional analysis of growth potential within existing urban boundaries.	See responses to Urban Area Boundary comments from the first comment period.
60		**UAB**	Limiting urban sprawl, while allowing some growth potential for Gorge communities.	See responses to Urban Area Boundary comments from the first comment period.
61		**UAB**	I ask you to prevent further conversion of the scenic, cultural, and natural resources of the gorge into additional urban sprawl. The tiny population of The Dalles, for example, does not merit an expansion at all. The place is less dense than most cities in the state and the downtown is nearly empty. Recycle that land.	See responses to Urban Area Boundary comments from the first comment period.
62		**UAB**	I request that you reconsider the decision to allow any expansion of the urban growth boundaries. The urban growth boundary was established by Congress to prevent urban sprawl in the national scenic area. Boundaries are boundaries! Wasco County has requested expanding the urban growth boundary for some time. The commission has caved in to their demand as a compromise to pass the vote. You have opened up expansion by not defining "minor revision" There has to be a specific reason to justify expansion. This has to be reviewed by a case a case application. I thought the plan update was to clarify terminology, reduce areas of confusion, clarify definitions and minor adjustment where needed, incorporating climate change. Please reconsider your urban growth boundaries as it will affect the strength of the National Scenic Act.	See responses to Urban Area Boundaries comments from the first comment period.
63		**UAB**	Please stop urban sprawl. The best way to fix carbon which is the key to slowing climate change is allowing nature to thrive. Nature doesn't thrive to the tune of bulldozers and chain saws. This is a world treasure that needs to be protected at all costs.	See responses to Urban Area Boundaries comments from the first comment period.
64		**UAB**	Prevent Urban Sprawl - The thirteen designated urban areas in the Gorge comprise 28,500 acres, more than 10% of the land area of the National Scenic Area. Much of the land within the urban area boundaries is currently vacant or underutilized. OCN supports strong limits on urban area boundary expansion, consistent with the requirements of the Act that allow only minor revisions to the urban area boundaries based upon a demonstrable need and consistency with the purposes and standards of the Act. OCN supports the Commission's current compromise proposal to limit minor revisions to 20 acres or 1% of the land area of the urban area, whichever is less; and limit cumulative revisions to an urban area boundary to 50 acres or 2%, whichever is less. OCN supports the new draft policy requiring a regional analysis of buildable lands within urban areas to determine a demonstrable need for a boundary adjustment, as required by the Act.	See responses to Urban Area Boundaries comments from the first comment period.
65		**UAB**	Neither residents of the National Scenic Area nor its visitors live, work or recreate here for the love of sprawl. Creative problem solving and innovative urban planning practices keep our existing urban areas utilized or revitalized in the best possible ways. We need to stay committed to this. I oppose urban area boundary expansion when there is still a surplus of developable land available within existing urban areas. I recognize that the commission's new policies to limit urban area expansions to 20 acres or 1% of the land within the existing urban area, whichever is less, and limit cumulative revisions to not exceed 50 acres (or 2%, which ever is less) are compromises reached after many years of public involvement and I support the commission's work to define "minor revision." I also support the new policy requiring a regional analysis of growth potential within existing urban boundaries. Wise management of the Gorge's urban boundaries is so important and it positively addresses other items in the Management Plan as well. Limiting urban sprawl helps protect farm and forest land as well as habitat and wildlife. Vibrant, compact, livable towns foster walkable, bike-able communities that are less reliant on cars and help to lower carbon emissions that cause climate change.	See responses to Urban Area Boundaries comments from the first comment period.
66		**UAB**	Submitted a compilation of demographic data from NSA counties, MCEDD, and the US Census, entitled "Population Demographics of Columbia River Gorge National Scenic Area: A brief set of facts compiled by NSA County Planning Departments to inform Gorge 2020"	The Gorge Commission appreciates this information and has posted this on its website.
67		**UAB**	It is essential you enact changes that strengthen the original purpose of the National Scenic Area, Limiting urban invasion and protecting this beautiful, irreplaceable national treasure, as proposed by Friends of the Gorge.	See responses to Urban Area Boundaries comments from the first comment period.

68		**UAB**	The National Scenic Area Act is not a "Temporary Moratorium" on building. The urban area boundaries are just that, boundaries. There is language in the plan that allows for an expansion if there is a specific need, and it must be scrutinized to prove there is truly a need. This language should be left alone. For a city leader to simply say "We need to expand the Urban Growth Boundary to allow more development to occur," is counter to the intent of the NSA. The reason the NSA was created was to protect this Gorge for current and future generations to see and enjoy its beauty. To allow cities to expand in size every few years will eventually create the urban sprawl you are supposed to be preventing! You should be clarifying language, clarifying definitions, incorporating climate change issues, and making the guidelines easier to understand, YOU SHOULD NOT BE REWRITING the plan to allow significant changes such as expansions of the urban grows boundaries. Again....the NSA was designed to prevent urban sprawl, not just slow it down. You have wasted a ridiculous amount of time on this topic, time that would have been better spent on enforcement issues. By giving the green light to expanding Urban Growth Boundaries you have changed the intent of the National Scenic Area Act. You do NOT have the authority to make that change.	See responses to Urban Area Boundaries comments from the first comment period.
69		**UAB**	Stop Urban Sprawl ACE also supports limiting urban area expansion into the management areas of the National Scenic Area as much as possible. Urban sprawl contributes to climate impacts, adds to the destruction of sensitive and vital wildlife habitat, and promotes unsustainable and reckless urban development planning. ACE prefers no decrease to any Scenic Area management lands, but supports the commission's current proposal to limit urban area boundary revisions to 20 acres or 1% of the land area of the urban area, whichever is less; and limit cumulative revisions to, at most, 50 acres (or 2%, whichever is less), so long as all other potential impacts continue to be properly analyzed and accounted for. There is a large surplus of land available within existing urban areas for future growth, so a regional analysis should always be employed and pursued by the commission to limit urban sprawl and promote the sustainable and responsible economic prosperity of the urban areas. This should be considered and analyzed before any urban area boundary expansion proposal is granted.	See responses to Urban Area Boundaries comments from the first comment period.
70		**UAB**	Urban Areas: According to the Scenic Area Act, only minor revisions to urban area boundaries are allowed. We support the commission's current proposal to limit urban area boundary revisions to 20 acres or 1% of the land area of the urban area, whichever is less; and limit cumulative revisions to, at most, 50 acres (or 2%, whichever is less), so long as all other potential impacts continue to be properly analyzed and accounted for. The City of Hood River has a 20-year supply of residential land for development according to a 2015 Housing Needs Analysis. The Commission should conduct a regional analysis prior to proceeding with any urban area boundary expansion to limit urban sprawl and promote the sustainable and responsible economic prosperity of the urban areas.	See responses to Urban Area Boundaries comments from the first comment period
71		**UAB**	The Urban Area boundary expansion policy decision of "fifty acres forever" is problematic and should be removed prior to final approval. The Act does not require the Commission to identify a cap or maximum number of acres for minor modifications. In doing so, you are arbitrarily concluding the options available to 13 cities and communities that vary dramatically in scale and needs.	See responses to Urban Area Boundary comments from the first comment period.
72			"Clarifications, non-controversial and minor edits" are not necessarily non-substantive edits. Due to the short period of time in which to review the final revised document, it is simply not clear yet how substantive any of these changes may be. One example of a possible substantive "minor edit" includes the addition of language that states: "…and requirements to bring pre-Act development into compliance with National Scenic Area standards…" (page 15). Under current regulations, pre-Act development is not required to comply with the Act unless it is being replaced with new development. Additions and modifications would be subjected to compliance, but not the pre-Act portions of the structure. As proposed, this language is lacking context needed to be clear and it is controversial.	All clarifications, non-controversial, and minor edits were made with existing or endorsed language in mind. For this specific example in the Introduction, these requirements exist and are not new/proposed (for example, square footage limitation on accessory buildings applies even if all accessory buildings are pre-Act). Reference to them here does not imply that all pre-Act development must immediately come into compliance with the Draft Management Plan upon its adoption.

Attachment E(1): PUBLIC MEETINGS FOR "GORGE 2020" MANAGEMENT PLAN REVIEW AND UPDATE		
COMMISSION MEETINGS		
Date	**Gorge 2020 Topic**	**Location**
10/11/2016	Roadmap and Timeline	Stevenson
11/08/2016	Workshop/Workplan	White Salmon
12/13/2016	Listening Sessions Preparation	Hood River
02/14/2017	Summary of Listening Sessions	Vancouver
03/14/2017	Summary of Public Comments	Portland
04/11/2017	Results of Scoping Process	Hood River
07/11/2017	Data Inventory and Setting Priorities	Stevenson
10/10/2017	Adoption of New Timeline and Workplan	Stevenson
02/13/2018	Climate Experts Panel	Hood River
04/10/2018	Urban Area Boundary Revision Background	Stevenson
05/08/2018	UAB Workshop 1	Camas
06/12/2018	UAB Workshop 2	The Dalles
	Natural Resources Tech Team Update	
09/11/2018	Land Uses Introduction	Maryhill
10/31/2018	Government to Government Meeting with 4 Treaty Tribes	Pendleton
11/13/2018	Scenic Resources Introduction	Stevenson
12/11/2018	Natural Resources Proposed "Redlines"	Hood River
01/22/2019	Natural Resources Proposed "Redlines"	Call-In
03/12/2019	Economic Vitality Work Group Update	Cascade Locks
	Recreation Resources Introduction	
04/19/2019	Land Use Designations Mapping Corrections	Troutdale
05/14/2019	Natural Resources Technical Revisions	Camas
08/13/2019	Re-adoption of Roadmap and Timeline	The Dalles
	Natural Resources Technical Revisions	
	Economic Vitality Work Group Update	
09/10/2019	Urban Area Boundary Revision Work Group Report	White Salmon
	Recreation Resources Update	

10/08/2019	Climate Change-Wozniak Report	Cascade Locks
11/12/2019	Urban Area Boundary Discussions	Stevenson
	Land Uses Update	
12/10/2019	Urban Area Boundary Revision Discussion	White Salmon
	Land Uses Update	
	Economic Vitality Work Group Update	
01/21/2020	Urban Area Boundary Revision Discussions	White Salmon
	Roadmap and Timeline Update	
	Prioritize Issues for Commission Discussion-Rainbow Chart	
02/11/2020	Draft Strategies and Actions for Climate Adaptation and Mitigation Climate Change Chapter	Cascade Locks
	Urban Area Boundary Revision Discussion	
04/14/2020	Land Uses Update	Zoom
04/28/2020	Scenic Resources Chapter Redline	
	Economic Chapter Redline	
04/29/2020	Natural Resources Chapter Redline	Zoom
	Land Uses Chapter Redline	
	Climate Change Vision and Roles Chapter	
05/12/2020	Climate Change Chapter	Zoom
	Recreation Resources Chapter Redline	
05/26/2020	Urban Area BoundaryRevision Redline	Zoom
	Climate Change Chapter	
06/11/2020	Staff Presentations on Draft Gorge 2020 Edits by Topic	Zoom
06/25/2020	Oral Public Comment Session	Zoom
08/11/2020	Climate Change Chapter	Zoom
	Urban Area Boundary Revision	
08/12/2020	Land Uses	Zoom
	Natural Resources Chapter	
	Recreation and Economic Development	
	Equity	

09/08/2020	Diversity, Equity, Inclusion	Zoom
	No loss of Wetlands Revision	
	Agricultural Products Processing Provisions	
	Non-Controversial Proposed Edits	

Urban Area Boundary Focus Topic Workgroup

Date	Presentation	Location
07/24/2018	Urban Area Boundary Revision Policy Public Workshop	White Salmon
08/01/2018	Urban Area Boundary Revision Policy Public Workshop	White Salmon
08/21/2018	Urban Area Boundary Revision Policy Public Workshop	White Salmon
09/17/2018	Urban Area Boundary Revision Policy Public Workshop	White Salmon
10/15/2018	Urban Area Boundary Revision Policy Public Workshop	White Salmon
11/19/2018	Urban Area Boundary Revision Policy Public Workshop	White Salmon
08/14/2019	Urban Area Boundary Revision Policy Public Workshop	White Salmon

Economic Vitality Focus Topic Workgroup

Date	Presentation	Location
06/13/2018	Economic Vitality Work Group	Cascade Locks
08/15/2018	Economic Vitality Work Group	White Salmon
10/10/2018	Economic Vitality Work Group	Hood River
11/28/2018	Economic Vitality Work Group	White Salmon
01/23/2019	Economic Vitality Work Group	White Salmon
09/24/2019	Economic Vitality Work Group	The Dalles

Natural Resources Technical Team

Date	Presentation	Location
05/03/2018	Natural Resources Tech Team	Hood River
05/23/2018	Natural Resources Tech Team	Call-in
06/07/2018	Natural Resources Tech Team	Call-in
06/21/2018	Natural Resources Tech Team	Call-in
07/19/2018	Natural Resources Tech Team	Call-in
07/30/2018	Natural Resources Tech Team	Hood River

11/08/2018	Natural Resources Tech Team - Forest and Fire Provision	White Salmon
12/20/2018	Natural Resources Tech Team	Call-in
04/10/2019	Natural Resources Tech Team	Call-in

Recreation Resources Focus Topic Meetings

Date	Presentation	Location
03/08/2019	Recreation Technical Team	Hood River
04/04/2019	Recreation Technical Team	Hood River
05/16/2019	Recreation Technical Team	Hood River
06/05/2019	Recreation Technical Team	Hood River
08/08/2019	Recreation Stakeholder Meeting	Cascade Locks
10/01/2019	Recreation Stakeholder Meeting	Stevenson
10/22/2019	Recreation Public Meeting	Carson

Land Uses Public Workshops

Date	Presentation	Location
10/11/2018	Landowner Open House with UCD	White Salmon
06/06/2019	Landowner Open House with UCD	White Salmon
08/14/2019	Public Workshop- Gorge 2020 Land Uses Focus Topic	White Salmon
09/12/2019	Public Open House- Gorge 2020 Land Uses Focus Topic	Hood River
10/03/2019	LU Focus Topic Stakeholder Meeting: Working Lands in the NSA	Hood River

Gorge 2020 Public abd Treaty Tribe Outreach Meetings

Date	Presentation	Location
11/14/2016	The Dalles City Council, Plan Review Scoping	The Dalles
11/15/2016	Bingen City Council, Plan Review Scoping	Bingen
11/16/2016	White Salmon City Council, Plan Review Scoping	White Salmon
11/21/2016	Hood River County Commission, Plan Review Scoping	Hood River
11/22/2016	Skamania County Commission, Plan Review Scoping	Stevenson
11/22/2016	North Bonneville City Council, Plan Review Scoping	North Bonneville
11/28/2016	Cascade Locks City Council, Plan Review Scoping	Cascade Locks
12/12/2016	Hood River City Council and Planning Commission, Plan Review Scoping	Hood River

12/20/2016	Klickitat County Commission, Plan Review Scoping	Goldendale
12/21/2016	Wasco County Board, Plan Review Scoping	The Dalles
01/04/2017	Clark County Board - Gorge 2020 overview, FAQs, and road map discussion	Vancouver
01/15/2017	The Dalles Planning Commission, Plan Review Scoping	The Dalles
01/24/2017	Hood River Listening Session - Gorge 2020 overview, FAQs, and road map discussion	Hood River
01/25/2017	Mosier City Council, Plan Review Scoping	Mosier
01/25/2017	Skamania County Commission - Gorge 2020 overview, FAQs, and road map discussion	Stevenson
01/31/2017	N Bonneville Listening Session - Gorge 2020 overview, FAQs, and road map discussion	North Bonneville
02/23/2017	MCEDD Board Meeting - Gorge 2020 overview, FAQs, and road map discussion	The Dalles
02/28/2017	Hood River Lions Club	Hood River
02/28/2017	Listening Session The Dalles - Gorge 2020 overview, FAQs, and road map discussion	The Dalles
03/02/2017	Mt. Adams Chamber event - Gorge 2020 overview, FAQs, and road map discussion	White Salmon
03/02/2017	Multnomah County Board, Plan Review Scoping	Portland
03/14/2017	Troutdale City Council, Plan Review Scoping	Troutdale
03/16/2017	Stevenson City Council, Plan Review Scoping	Stevenson
03/27/2017	Washougal City Council, Plan Review Scoping	Washougal
04/04/2017	Warm Springs Tribal Council - Gorge 2020 overview, FAQs, and road map discussion	Warm Springs
04/11/2017	Troutdale City Council - Gorge 2020 overview, FAQs, and road map discussion	Troutdale
04/18/2017	Federal Caucus on Columbia River - Gorge 2020 overview, FAQs, and road map discussion	Portland
05/02/2017	Umatilla Tribe Cultural Committee - Gorge 2020 overview, FAQs, and road map discussion	Pendleton
05/05/2017	Yakama Nation Tribal Council - Gorge 2020 overview, FAQs, and road map discussion	Toppenish
06/20/2017	Oregon Tourism Commission - Gorge 2020 overview, FAQs, and road map discussion	Bend
06/27/2017	White Salmon River Fest - Gorge 2020 overview, FAQs, and road map discussion	Underwood
07/18/2017	Klickitat County Democrats Association-Gorge 2020 overview, FAQs and road map	White Salmon
07/25/2017	PNW Economic Region Summit-Gorge 2020 presentation	Portland
08/09/2017	Regional Solutions Meeting-Gorge 2020 presentation	The Dalles
10/25/2017	One Gorge Group-Gorge 2020 Presentation	Hood River
11/21/2017	Klickitat Conservation District Board-Gorge 2020 presentation	Goldendale
11/28/2017	Nez Perce Tribal Council-Gorge 2020	Lapwai, ID
01/03/2018	Hood River Grange -Gorge 2020 presentation-	Hood River

01/18/2018	Ice Age Floods Institute-Gorge 2020 presentation	Tualatin
01/22/2018	Umatilla Tribe Cultural Staff -Gorge 2020 presentation	Pendleton
01/25/2018	Land Conservation and Development Commission-Gorge 2020 presentation	Hood River
02/06/2018	Public Meeting-Gorge 2020 Overview	Corbett
02/07/2018	Public Meeting-Gorge 2020 Overview	Camas
02/15/2018	Public Meeting-Gorge 2020 Overview	Stevenson
02/20/2018	Quarterly Planners Meeting	White Salmon
02/20/2018	Public Meeting-Gorge 2020 Overview	The Dalles
05/15/2018	Quarterly Planners Meeting	White Salmon
07/31/2018	VSI and Gorge2020	Willard
08/15/2018	County Planning Directors Meeting	Hood River
08/20/2018	Hood River County Commission Meeting	Hood River
08/21/2018	Quarterly Planners Meeting	White Salmon
10/22/2018	County Planning Directors' Meeting	White Salmon
11/20/2018	Quarterly Planners Meeting	White Salmon
02/19/2019	Quarterly Planners Meeting	White Salmon
04/16/2019	Gorge Fisheries and Watershed Science Conference	The Dalles
03/06/2019	County Planning Directors Meeting	White Salmon
05/21/2019	Quarterly Planners Meeting	White Salmon
05/30/2019	County Planning Directors Meeting	White Salmon
06/06/2019	Landowner Open House with Underwood Conservation District	White Salmon
06/19/2019	One Gorge-Gorge 2020 Update	Hood River
08/05/2019	County Planning Directors Meeting	White Salmon
08/08/2019	Kiwanis Meeting-Gorge 2020 Update	The Dalles
08/14/2019	Public Workshop- Gorge 2020 Land Uses Focus Topic	White Salmon
09/12/2019	Public Open House- Gorge 2020 Land Uses Focus Topic	Hood River
09/17/2019	Quarterly Planners Meeting	White Salmon
09/24/2019	Central OR Planners Meeting-Gorge 2020 Update	The Dalles
10/03/2019	LU Focus Topic Stakeholder Meeting: Working Lands in the NSA	Hood River
10/16/2018	Mid-Columbia Association of Realtors Meeting- Land Uses and Development Reviews	The Dalles
01/22/2020	Eastern WA Planners Forums -Gorge 2020 Update	Moses Lake, WA
02/03/2020	Quarterly Planners Meeting	White Salmon
03/09/2020	The Dalles City Council-Gorge 2020 Update	The Dalles
05/19/2020	Quarterly Planners Meeting	Zoom

EXHIBIT F
PC-2021-14505

COLUMBIA RIVER
GORGE COMMISSION
EST. 1986

March 16, 2021

Ms. Jamie Waltz, Director
Department of Community Services
Director's Office
1600 SE 190th Ave. Suite 224
Portland, OR 97233

Transmitted via email

Dear Ms. Waltz,

On October 13, 2020, the Columbia River Gorge Commission adopted revisions to the *Management Plan for the Columbia River Gorge National Scenic Area* as required by the National Scenic Area Act. These revisions included changes to both the General Management Area policies and guidelines and changes to Special Management Area policies and guidelines. On February 19, 2021, the U.S. Secretary of Agriculture concurred with the revisions.

In accordance with Sections 7(b) and 8(h) of the National Scenic Area Act, I am transmitting these revisions to you to adopt into your land use ordinances for the National Scenic Area. Sections 7(b) and 8(h) require that you notify the Commission within 60 days of the date of this transmittal of your intent to adopt these revisions and that you adopt the revisions within 270 days of the date of this transmittal. The Gorge Commission revised the goals, objectives, policies, and guidelines. The revised guidelines are mandatory; however, the Management Plan allows you to enact variations on these revisions so long as the variations provide greater protection for Gorge resources. If you believe you should adopt any of the other revisions into your ordinances, the Gorge Commission staff can discuss this with you.

After you adopt your ordinance amendments, you must submit the amendments to the Gorge Commission to determine that the amendments are consistent with the Management Plan and for the U.S. Secretary of Agriculture's concurrence. Your ordinance amendments for the general management area revisions may go into effect after the Commission determines they are consistent with the Management Plan and the amendments for the Special Management Area revisions may go into effect after the Secretary's concurrence. In our experience, most counties elect for both GMA and SMA revisions to go into effect after the Secretary's concurrence.

The Gorge Commission staff is committed to assisting you to understand these revisions, discussing possible variations, and providing guidance on their implementation. We also welcome the opportunity to review your draft ordinance amendments as you draft them, before you take them to a planning commission or County Board hearing, or any time you have questions, so we can advise

on consistency with the revisions before your final adoption. I have enclosed clean and red-line copies of the final Gorge 2020 Management Plan and a copy of the Secretary's letter.

Please do not hesitate to call me at 509-713-9623 or email at krystyna.wolniakowski@gorgecommission.org if you have any questions.

Sincerely,

Krystyna U. Wolniakowski

Krystyna U. Wolniakowski
Executive Director

cc:
Casey Gatz, Staff Officer, Natural Resources and Planning, USFS, National Scenic Area Office
Carol Johnson, Land Use Planning Director, Multnomah County

Enclosures

Department of Community Services
Land Use Planning Division
www.multco.us/landuse

March 29, 2021

Krystyna Wolniakowski
Executive Director, Columbia River Gorge Commission
PO Box 730, 57 NW Wauna Avenue
White Salmon, WA 98672
krystyna.wolniakowski@gorgecommission.org

Transmitted via email

EXHIBIT G
PC-2021-14505

Dear Krystyna,

Thank you for informing Multnomah County on March 16, 2021 that the U.S. Secretary of Agriculture concurred with the adopted revisions to the *Management Plan for the Columbia River Gorge National Scenic Area* on February 19, 2021. Congratulations on reaching this important milestone!

It is my pleasure to relay that Multnomah County intends to adopt revisions into our local county National Scenic Area ordinance consistent with the recent Management Plan revisions. It is my understanding that Multnomah County must adopt revisions within 270 days of your March 16th transmittal letter. This establishes a local adoption deadline of Saturday, December 11, 2021.

My staff will plan to reach out and work with your staff if any questions arise as we prepare local code amendments. We will also plan to submit the adopted county ordinance once the Multnomah County Board of Commissioners has taken action so that a determination of consistency can be made by both the Gorge Commission and the U.S. Secretary of Agriculture as required.

It appears a great degree of technical code drafting work lies ahead in coming months for my staff. We will make every effort to provide your staff an opportunity to review the draft county ordinance prior to adoption, if at all possible.

Sincerely,

Jamie Waltz
Director, Multnomah County Department of Community Services

cc:
Lori Stegmann, Multnomah County Commissioner District 4
Robert Liberty, Columbia River Gorge Commission Chair and Multnomah County Appointee
Carol Johnson, Multnomah County Planning Director

EXHIBIT H1
PC-2021-14505

August 13, 2021

Adam Barber
Multnomah County
Department of Business and Community Services
Land Use and Transportation Program
1600 SE 190th Avenue
Portland, Oregon
Via email to: gorge2020@multco.us

Dear Mr. Barber,

Friends of the Columbia Gorge ("Friends") has reviewed and submits these preliminary comments on the Proposed Amendments to Zoning Code and Rural Area Plan: Columbia River Gorge National Scenic Area. As the project unfolds, Friends anticipates providing further comments.

Friends is a non-profit organization with approximately 5,500 members dedicated to protecting and enhancing the resources of the Columbia River Gorge. Friends' mission is to vigorously protect the scenic, natural, cultural, and recreational resources of the Columbia River Gorge. We fulfill this mission by ensuring strict implementation of the Columbia River Gorge National Scenic Area Act and other laws protecting the region of the Columbia River Gorge; promoting responsible stewardship of Gorge land, air, and waters; encouraging public ownership of sensitive areas; educating the public about the unique natural values of the Columbia River Gorge and the importance of preserving those values; and working with groups and individuals to accomplish mutual preservation goals.

Friends notes the following issues that should be addressed:

- MCC § 38.0015
    - Definition of "Grade, finished" is different from the Management Plan's definition of "Grade (ground level)." It omits the reference to the International Building Code. This reference should be added for clarification.
    - The definition of "Physical setting" is not correctly placed in alphabetical order.
- MCC § 38.0080
    - There are two new guidelines for signs in the Management Plan that apparently did not make it into the proposed MCC changes. The new language around

recreation signs in GMA Guidelines F and Gare not included and should be added.

- MCC § 38.0110
    - The GMA language uses tribal and Indian interchangeably. To prevent confusion, tribal should be used throughout.
    - For SMAs, there should be a clear statement that no approval can be issued until the Forest Service verifies that it will not affect treaty rights.
- MCC § 38.0207(D)(6)
    - To prevent confusion, please add "If any provision of the Management Plan is more restrictive than this code, Multnomah County shall apply the more restrictive provision of the Management Plan, otherwise the provisions of Chapter 38 apply."
- MCC § 38.0530
    - A new row labeled "Minimal Impact Project" was added to the table and identified as not a land use decision. "Minimal Impact Project" is not defined in Chapter 38 and any application for development as defined in MCC § 38.0015 and the Management Plan must go through county review.
- MCC § 38.2025(A)(14) has been removed from the Management Plan and must be removed from the MCC.
- MCC § 38.2625(A)(1) apparently has an extraneous "and" at the end that should be removed.
- MCC § 38.7040(D) the word "seen" should be changed to "visible" for consistency and accuracy.
- MCC § 38.7045(H)(3)(c) the bolded words should be inserted "The proposed use is limited to the transfer, lease, or sale **of non-federal lands that contain** cultural resources. . ."
- MCC § 38.7085(B)(2).1 should reflect the wording of the Management Plan: "Campgrounds for twenty (20) units or less, tent sites only."
- MCC § 38.7100(A)(2)(a) the reference to § 38.7045(A)(1), (2), & (3) should be changed to MCC § 38.7045(A)(1)–(4) so that the proper criteria are used for historic surveys.

In addition, Friends requests the following changes:

- The definition of "Accessory building or accessory structure" should not include the reference to breezeways. This is a frequently abused provision of the Management Plan where an applicant will apply for two structures that are connected by a breezeway rather than for a single structure. This often results in development that is not compatible with nearby development.
- MCC § 38.7794 should be updated so that lots that are subject to the consolidation provisions are automatically consolidated.

- MCC § 39.1510 should be updated to clarify that a violation of Chapter 38, the Columbia River Gorge National Scenic Area Act, or the Management Plan for the Columbia River Gorge National Scenic Area is a violation of the MCC.
- MCC § 38.0530(B)(2) sets a comment period and an appeal period of 14 days. This is very short turnaround. The quality of comments will improve if this is changed. Friends requests that the comment period and the appeal period both be raised to 28 days.

Thank you for this opportunity to comment.

Sincerely,

Steven D. McCoy
Staff Attorney