



**Multnomah County Oregon**

## **Board of Commissioners & Agenda**

*connecting citizens with information and services*

### **BOARD OF COMMISSIONERS**

**Diane Linn, Chair**

501 SE Hawthorne Boulevard, Suite 600  
Portland, Or 97214

Phone: (503) 988-3308 FAX (503) 988-3093

Email: [mult.chair@co.multnomah.or.us](mailto:mult.chair@co.multnomah.or.us)

**Maria Rojo de Steffey, Commission Dist. 1**

501 SE Hawthorne Boulevard, Suite 600  
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**Lisa Naito, Commission Dist. 3**

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**Lonnie Roberts, Commission Dist. 4**

501 SE Hawthorne Boulevard, Suite 600  
Portland, Or 97214

Phone: (503) 988-5213 FAX (503) 988-5262

Email: [lonnie.j.roberts@co.multnomah.or.us](mailto:lonnie.j.roberts@co.multnomah.or.us)

**On-line Streaming Media, View Board Meetings**  
**[www.co.multnomah.or.us/cc/live\\_broadcast.shtml](http://www.co.multnomah.or.us/cc/live_broadcast.shtml)**

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**Americans with Disabilities Act Notice:** If you need this agenda in an alternate format, or wish to participate in a Board Meeting, please call the Board Clerk (503) 988-3277, or the City/County Information Center TDD number (503) 823-6868, for information on available services and accessibility.

### **JUNE 16, 2005 BOARD MEETING FASTLOOK AGENDA ITEMS OF INTEREST**

Pg 2	9:00 a.m. If Needed Executive Session
Pg 2	9:30 a.m. Opportunity for Public Comment
Pg 4	9:50 a.m. Resolution Creating a County Management and Sheriff's Office Internal Service Task Force
Pg 4	9:55 a.m. Resolution Approving Amendment to a Real Property Lease and Termination Payment at Powell Villa
Pg 4	10:00 a.m. Order Authorizing the NW 8th Avenue Bridge Replacement Project
Pg 4	10:05 a.m. First Reading of an Ordinance Amending MCC Chapter 38, Columbia River Gorge National Scenic Area, the County Comprehensive Plan, Zoning Ordinance and Maps to Implement Gorge Commission Changes to the Management Plan for the Columbia River Gorge National Scenic Area

Thursday meetings of the Multnomah County Board of Commissioners are cable-cast live and taped and may be seen by Cable subscribers in Multnomah County at the following times:

Thursday, 9:30 AM, (LIVE) Channel 30

Friday, 11:00 PM, Channel 30

Saturday, 10:00 AM, Channel 30

Sunday, 11:00 AM, Channel 30

Produced through Multnomah Community Television

(503) 491-7636, ext. 332 for further info

or: <http://www.mctv.org>

Thursday, June 16, 2005 - 9:00 AM  
Multnomah Building, First Floor Commissioners Conference Room 112  
501 SE Hawthorne Boulevard, Portland

## **IF NEEDED EXECUTIVE SESSION**

- E-1 The Multnomah County Board of Commissioners Will Meet in Executive Session Pursuant to ORS 192.660(2)(h). Only Representatives of the News Media and Designated Staff are allowed to Attend. Representatives of the News Media and All Other Attendees are Specifically Directed Not to Disclose Information that is the Subject of the Executive Session. No Final Decision will be made in the Executive Session. Presented by Agnes Sowle and Invited Others. 30 MINUTES REQUESTED.
- 

Thursday, June 16, 2005 - 9:30 AM  
Multnomah Building, First Floor Commissioners Boardroom 100  
501 SE Hawthorne Boulevard, Portland

## **REGULAR MEETING**

### **CONSENT CALENDAR - 9:30 AM**

### **DEPARTMENT OF BUSINESS AND COMMUNITY SERVICES**

- C-1 Amendment 18 to Government Revenue Contract (190 Agreement) 3013087 with the City of Fairview to Perform Street Maintenance Functions for the City of Fairview
- C-2 Amendment 18 to Government Revenue Contract (190 Agreement) 3012887 with the City of Wood Village to Perform Street Maintenance Functions for the City of Wood Village

### **REGULAR AGENDA - 9:30 AM**

### **PUBLIC COMMENT - 9:30 AM**

Opportunity for Public Comment on non-agenda matters. Testimony is limited to three minutes per person. Fill out a speaker form available in the Boardroom and turn it into the Board Clerk.

**NON-DEPARTMENTAL - 9:30 AM**

- R-1 Retroactive Budget Modification NOND\_04, Increasing the Willamette River Bridge and Bicycle Path Funds for Fiscal Year 2004

**SHERIFF'S OFFICE - 9:32 AM**

- R-2 Budget Modification MCSO-05 Appropriating \$598,155 of State Homeland Security Grant Funds to the Federal/State Fund in the Law Enforcement Division
- R-3 Budget Modification MCSO-06 Appropriating \$24,053 of Federal Revenue to the Federal/State Fund for Participation in the Presidential Inauguration Task Force in Washington, D.C.

**DEPARTMENT OF HEALTH - 9:35 AM**

- R-4 Budget Modification HD-20 Appropriating \$148,242 New Revenue from Three Federal Grants to Fund Projects in the Health Departments Program Design Evaluation Services Unit

**DEPARTMENT OF COUNTY HUMAN SERVICES - 9:40 AM**

- R-5 Budget Modification DCHS-23 Appropriating \$812,545 in the Aging and Disabilities Services Division for Oregon Project Independence, Respite/Home Care, and One Time Only Funds for PC Replacement
- R-6 Budget Modification DCHS-24 Reclassifying an Existing Case Management Assistant Position to a Program Development Technician in Developmental Disabilities Services Division, as Determined by the Class/Comp Unit of Central Human Resources

**OFFICE OF SCHOOL AND COMMUNITY PARTNERSHIPS - 9:45 AM**

- R-7 Budget Modification OSCP-04 Increasing the Office of School and Community Partnerships Fiscal Year 2005 Budget by \$54,125 in Emergency Housing and Housing Stabilization Funding from the State of Oregon
- R-8 Budget Modification OSCP-05 Increasing the Office of School and Community Partnerships Fiscal Year 2005 Budget by \$1,382,193 in Low Income Energy Assistance Energy Payment Funding from the State of Oregon

**DEPARTMENT OF BUSINESS AND COMMUNITY SERVICES - 9:50 AM**

- R-9 RESOLUTION Creating a County Management and Sheriff's Office Internal Service Task Force
- R-10 RESOLUTION Approving an Amendment to a Real Property Lease and Termination Payment at Powell Villa, Located at 3552 SE 122nd, Portland, Oregon
- R-11 ORDER Authorizing the NW 8th Avenue Bridge Replacement Project and Directing the Transportation Division to Proceed with Construction of the Project under ORS 371.635
- R-12 First Reading of an ORDINANCE Amending Multnomah County Code Chapter 38, Columbia River Gorge National Scenic Area, the County Comprehensive Plan, Zoning Ordinance, and Maps to Implement Gorge Commission Changes to the Management Plan for the Columbia River Gorge National Scenic Area (The National Scenic Area Compliance Project)





## MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

### Board Clerk Use Only

Meeting Date: 06/16/05  
Agenda Item #: E-1  
Est. Start Time: 9:00 AM  
Date Submitted: 06/03/05

**BUDGET MODIFICATION:** -

**Agenda Title:** Executive Session Pursuant to ORS 192.660(2)(h)

*Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title.*

<b>Date Requested:</b>	June 16, 2005	<b>Time Requested:</b>	30 mins
<b>Department:</b>	Non-Departmental	<b>Division:</b>	County Attorney
<b>Contact(s):</b>	Agnes Sowle		
<b>Phone:</b>	503 988-3138	<b>Ext.</b>	83138
<b>I/O Address:</b>	503/500		
<b>Presenter(s):</b>	Agnes Sowle and Invited Others		

### General Information

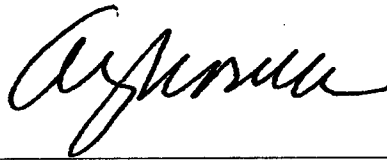
1. What action are you requesting from the Board?  
No Final Decision will be made in the Executive Session.
2. Please provide sufficient background information for the Board and the public to understand this issue.  
Only Representatives of the News Media and Designated Staff are allowed to Attend.  
Representatives of the News Media and All Other Attendees are Specifically Directed Not to Disclose Information that is the Subject of the Executive Session.
3. Explain the fiscal impact (current year and ongoing).
4. Explain any legal and/or policy issues involved.  
ORS 192.660(2)(h).
5. Explain any citizen and/or other government participation that has or will take place.

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**Required Signatures**

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**Department/  
Agency Director:**



**Date:** 06/02/05

**Budget Analyst:**

**Date:**

**Department HR:**

**Date:**

**Countywide HR:**

**Date:**



## MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

### Board Clerk Use Only

Meeting Date: 06/16/05  
Agenda Item #: C-1  
Est. Start Time: 9:30 AM  
Date Submitted: 05/19/05

**BUDGET MODIFICATION:** -

**Agenda Title:** Amendment No.18 to Government Revenue Contract (190 Agreement) 3013087 with the City of Fairview to Perform Maintenance Functions for the City of Fairview

*Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title.*

<b>Date Requested:</b>	June 16, 2005	<b>Time Requested:</b>	Consent Calendar
<b>Department:</b>	Business and Community Services	<b>Division:</b>	Land Use & Trans Program
<b>Contact(s):</b>	Don Newell, Program Manager/Road Maintenance		
<b>Phone:</b>	(503) 988-5050	<b>Ext.</b>	29611
<b>Presenter(s):</b>	Don Newell	<b>I/O Address:</b>	425

### General Information

**1. What action are you requesting from the Board?**

Request approval of an amendment to the Revenue Agreement with the City of Fairview to provide street maintenance services.

**2. Please provide sufficient background information for the Board and the public to understand this issue.**

For the past 18 years, Multnomah County has entered into an annual intergovernmental agreement with Fairview to provide street maintenance services for the City. This is Amendment No. 18 to the contract to perform the services set forth in the Estimated Costs Summary.

**3. Explain the fiscal impact (current year and ongoing).**

These estimated dollar values are represented in our department's FY 05/06 budget. The City pays for the work the County provides.

**4. Explain any legal and/or policy issues involved.**

There are no new legal or policy issues. We have been providing these services to the City of

Fairview for the past 18 years with this annual agreement.

**5. Explain any citizen and/or other government participation that has or will take place.**

A review was completed through the public budgeting process by both the City of Fairview and the County.

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**Required Signatures**

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**Department/  
Agency Director:**

*Robert A. Maestre*

**Date:** 05/18/05

**Budget Analyst:**

**Date:**

**Department HR:**

**Date:**

**Countywide HR:**

**Date:**

# MULTNOMAH COUNTY CONTRACT APPROVAL FORM

Pre-approved Contract Boilerplate (with County Attorney signature) ☒ Attached ☐ Not Attached Contract #: 3013087  
Amendment #: 18

CLASS I	CLASS II	CLASS III A
Contracts \$75,000 and less per 12 month period	Contracts over \$75,000 per 12 month period	<input checked="" type="checkbox"/> Government Contracts (190 Agreement)
<input type="checkbox"/> Professional Services Contracts <input type="checkbox"/> PCRB Contracts <input type="checkbox"/> Maintenance Agreements <input type="checkbox"/> Licensing Agreements <input type="checkbox"/> Public Works Construction Contracts  <input type="checkbox"/> Architectural & Engineering Contracts <input type="checkbox"/> Revenue Contracts <input type="checkbox"/> Grant Contracts <input type="checkbox"/> Non-Expenditure Contracts	<input type="checkbox"/> Professional Services Contracts <input type="checkbox"/> PCRB Contracts <input type="checkbox"/> Maintenance Agreements <input type="checkbox"/> Licensing Agreements <input type="checkbox"/> Public Works Construction Contracts  <input type="checkbox"/> Architectural & Engineering Contracts <input type="checkbox"/> Revenue Contracts <input type="checkbox"/> Grant Contracts <input type="checkbox"/> Non-Expenditure Contracts	<input type="checkbox"/> Expenditure <input type="checkbox"/> Non-Expenditure <input checked="" type="checkbox"/> Revenue <b>CLASS III B</b> <input type="checkbox"/> Government Contracts (Non-190 Agreement)  <input type="checkbox"/> Expenditure <input type="checkbox"/> Non-Expenditure <input type="checkbox"/> Revenue  <input type="checkbox"/> Interdepartmental Contracts

Department: Business and Community Services Division: Land Use & Trans Program Date: 5/17/05  
 Originator: Don Newell Phone: x29611 Bldg/Rm: 455/Annex  
 Contact: Cathey Kramer Phone: x22589 Bldg/Rm: 455/Annex  
 Description of Contract: Amendment No. 18 to the Intergovernmental Agreement with the City of Fairview for Multnomah County to perform certain maintenance functions on city streets.

RENEWAL: ☐ PREVIOUS CONTRACT #(S): \_\_\_\_\_  
 RFP/BID: \_\_\_\_\_ RFP/BID DATE: \_\_\_\_\_  
 EXEMPTION #: \_\_\_\_\_ ORS/AR #: \_\_\_\_\_  
 EFFECTIVE DATE: \_\_\_\_\_ EXPIRATION DATE: \_\_\_\_\_  
 CONTRACTOR IS: ☐ MBE ☐ WBE ☐ ESB ☐ QRF State Cert# \_\_\_\_\_ or ☐ Self Cert ☐ Non-Profit ☒ N/A (Check all boxes that apply)

Contractor	City of Fairview		Remittance address	_____
Address	PO Box 337		(If different)	_____
City/State	Fairview, OR		Payment Schedule / Terms	_____
ZIP Code	97024-0337		<input type="checkbox"/> Lump Sum \$ _____	<input type="checkbox"/> Due on Receipt
Phone	503-674-6235 (Bob Cochran)		<input checked="" type="checkbox"/> Monthly \$ _____	<input type="checkbox"/> Net 30
Employer ID# or SS#	_____		<input type="checkbox"/> Other \$ _____	<input type="checkbox"/> Other
Contract Effective Date	7/1/87	Term Date	_____	
Amendment Effect Date	7/1/05	New Term	6/30/06	
Original Contract Amount	\$ _____		Original Requirements Amount	\$ _____
Total Amt of Previous Amendments	\$ _____		Total Amt of Previous Amendments	\$ _____
Amount of Amendment	\$ _____		Requirements Amount Amendment	\$ _____
Total Amount of Agreement \$	\$22,871.00		Total Amount of Requirements	\$ _____

## REQUIRED SIGNATURES:

Department Manager DN Robert Maestre DATE 5-18-05  
 Purchasing Manager \_\_\_\_\_ DATE \_\_\_\_\_  
 County Attorney Matthew J. Ryan DATE 5/20/05  
 County Chair Dean DATE 6-16-05  
 Sheriff \_\_\_\_\_ DATE \_\_\_\_\_  
 Contract Administration \_\_\_\_\_ DATE \_\_\_\_\_

COMMENTS: WBS #: ROADM9

APPROVED: MULTNOMAH COUNTY  
BOARD OF COMMISSIONERS

AGENDA # C-1 DATE 6-16-05

DEBORAH L. BOGSTAD, BOARD CLERK

**RENEWAL OF INTERGOVERNMENTAL AGREEMENT NO. 3013087  
AMENDMENT NO. 18**

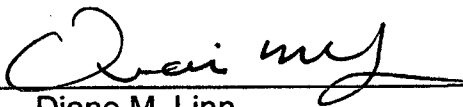
This is a renewal of Intergovernmental Agreement No. 3013087 dated July 1, 1987, between Multnomah County and City of Fairview.

The parties agree:

1. Contract No. 3013087 by its terms expires on June 30, 2005, and shall be renewed for an additional period commencing July 1, 2005 and ending June 30, 2006.
2. All other terms and conditions of the contract shall remain the same.

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**MULTNOMAH COUNTY, OREGON**

By   
Diane M. Linn

Title Chair of the Board

Reviewed:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY

By   
Assistant County Attorney

**CITY OF FAIRVIEW**

By \_\_\_\_\_  
Mike Weatherby

Title Mayor

Approved as to form:

\_\_\_\_\_  
Jan Wellman, City Administrator

APPROVED : MULTNOMAH COUNTY  
BOARD OF COMMISSIONERS  
AGENDA # C-1 DATE 6.16.05  
DEBORAH L. BOGSTAD, BOARD CLERK

Estimated Costs Summary of  
Multnomah County's Street Maintenance Activities  
For The

# City of Fairview

Fiscal Year 2005-2006

**Grand Totals of FY 05-06 Items: \$87,977**

*Estimate costs for all items or activities includes mobilization, travel time and unforeseen work.  
(Labor x Overhead) + Equipment hours = Crew Hours  
Calculated "Total Estimated Cost with Unforeseen Work"*

## Contract Asphalt Paving

IRIS #	Street	Location	PCI	Length	AC Tons
650-105	Bridge St. NE	26' E of Shaw St to 322' E of Shaw	58	296	81
650-110	Bridge St. NE	322' E of Shaw to dead end	67	1,251	270
608-100	San Rafael St NE	28' E of 201st Av to 203rd Av	46	660	207
639-300	202nd Av. NE	Thompson St. to Dead End	49	227	97
601-100	203rd Av. NE	Thompson to the south 286'	59	286	90
601-110	203rd Av. NE	286' S of Thompson to Dead End	66	338	93
<i>unit totals</i>					838
<i>unit cost</i>					\$49
<i>sub-total</i>					\$41,062

*All overlays are 1.5" in depth.*

*All paving work is contracted to the private sector.*

**Total Estimated Cost with Unforeseen Work (+5%): \$43,115**

## S31 Asphalt Paving Preparation

*same limits as "Contract Asphalt Paving"*

*Fairview may perform necessary tree trimming activities. 12' curb clearance.*

Activity	Crew/ Material	Amount	Unit Cost	Sub-Total
S39 Sweeping/ Cleaning with flusher (pave prep treatment & final clean-up)				
	Crew Hours	9	\$125	\$1,125
S42 Tarpot Patching				
	Crew Hours	19	\$250	\$4,750
	1/4"-0 rock / yds	20	\$10.50	\$210
	CRS2 Asphalt Concrete/ gal	900	\$0.50	\$450
S40 AC Patching				
	Crew Hours	4	\$475	\$1,900
	Asphalt Concrete/ ton	12	\$30	\$360
	CRS2 Asphalt Concrete/ gal	40	\$0.50	\$20
S49 Grinder Patching				
	Crew Hours	9.5	\$825	\$7,838
	Asphalt Concrete/ ton	48	\$30	\$1,440
	CRS2 Asphalt Concrete/ gal	50	\$0.50	\$25
S51 Shoulder Preparation				
	Crew Hours	4	\$300	\$1,200
V20 Tree Pruning and Preparation				
	Crew Hours	9.5	\$60	\$570
<i>sub-total of S31</i>				\$19,888

**Total Estimated Cost with Unforeseen Work (+15%): \$22,871**

### S44 Gravel Roads

676 Wistful Vista Dr

205th - Dead End

950 ft

Blading & rerock

Labor/ Material	Amount	Unit Cost	Sub-Total
Crew Hours	6	\$120	\$720
AC grindings/ yds	20	\$2.50	\$50
sub-total			\$770

**Total Estimated Cost with Unforeseen Work (+15%): \$886**

### S45 Street Sweeping

Routine sweeping of streets: 6 applications per year of 15 Crew Hours each

Labor/ Material	Amount	Unit Cost	Sub-Total
Crew Hours with roadwaste disposal	90	\$150	\$13,500

**Total Estimated Cost with Unforeseen Work (+15%): \$15,525**

### V24 Mowing

Roadside mowing and brushing of various city roads and streets twice a year

Labor/ Material	Amount	Unit Cost	Sub-Total
Crew Hours (without flaggers)	20	\$60	\$1,200

**Total Estimated Cost with Unforeseen Work (+15%): \$1,380**

### tM31 Road Striping

Various Roads - stripe center and shoulder lines - 2 times a year

**Total Estimated Cost with Unforeseen Work: \$3,500**

### Traffic Signal Maintenance

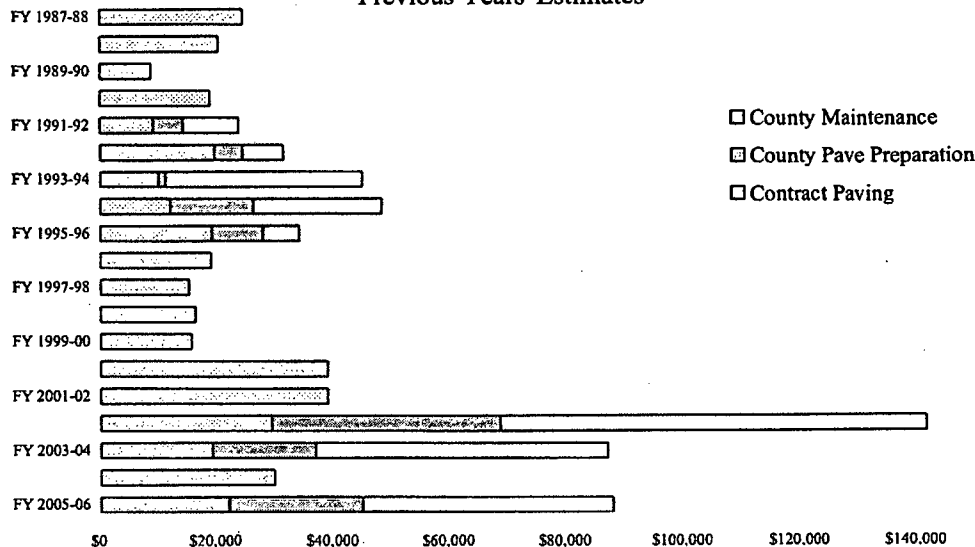
Maintain various Traffic Signals or portions thereof

**Total Estimated Cost with Unforeseen Work: \$700**

### Emergency and Unforeseen Work

For emergency and unforeseen work as required by and agreed to by the City and the County.  
Cost to be billed at current employee, equipment, material, and overhead charges.

### Previous Years' Estimates







## MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

### Board Clerk Use Only

Meeting Date: 06/16/05  
Agenda Item #: C-2  
Est. Start Time: 9:30 AM  
Date Submitted: 05/19/05

**BUDGET MODIFICATION:** -

**Agenda Title:** Amendment 18 to Government Revenue Contract (190 Agreement) 3012887 with the City of Wood Village to Perform Street Maintenance Functions for the City of Wood Village

*Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title.*

<b>Date Requested:</b>	June 16, 2005	<b>Time Requested:</b>	Consent Calendar
<b>Department:</b>	Business and Community Services	<b>Division:</b>	Land Use & Trans Program
<b>Contact(s):</b>	Don Newell, Program Manager/Road Maintenance		
<b>Phone:</b>	(503) 988-5050	<b>Ext.:</b>	29611
<b>Presenter(s):</b>	Don Newell	<b>I/O Address:</b>	425

### General Information

**1. What action are you requesting from the Board?**

Request approval of an amendment to the Intergovernmental Agreement with the City of Wood Village to provide street maintenance services.

**2. Please provide sufficient background information for the Board and the public to understand this issue.**

For the past 18 years, Multnomah County has entered into an annual intergovernmental agreement with Wood Village to provide street maintenance services for the City. This is Amendment No. 18 to the contract to perform the services set forth on the Estimated Costs Summary.

**3. Explain the fiscal impact (current year and ongoing).**

The estimated dollar values are represented in our department's FY 05/06 budget. The City pays for the work the County provides.

**4. Explain any legal and/or policy issues involved.**

There are no new legal or policy issues. We have been providing these services to the City of Wood Village for the past 18 years with this annual agreement.

**5. Explain any citizen and/or other government participation that has or will take place.**

A review was completed through the public budgeting process by both the City of Wood Village and the County.

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**Required Signatures**

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**Department/  
Agency Director:**

*Robert A. Maestre*

**Date:** 05/18/05

**Budget Analyst:**

**Date:** \_\_\_\_\_

**Department HR:**

**Date:** \_\_\_\_\_

**Countywide HR:**

**Date:** \_\_\_\_\_

# MULTNOMAH COUNTY CONTRACT APPROVAL FORM

Pre-approved Contract Boilerplate (with County Attorney signature) ☒ Attached ☐ Not Attached Contract #: 3012887  
Amendment #: 18

CLASS I	CLASS II	CLASS III A
Contracts \$75,000 and less per 12 month period	Contracts over \$75,000 per 12 month period	<input checked="" type="checkbox"/> Government Contracts (190 Agreement)
<input type="checkbox"/> Professional Services Contracts <input type="checkbox"/> PCRB Contracts <input type="checkbox"/> Maintenance Agreements <input type="checkbox"/> Licensing Agreements <input type="checkbox"/> Public Works Construction Contracts  <input type="checkbox"/> Architectural & Engineering Contracts <input type="checkbox"/> Revenue Contracts <input type="checkbox"/> Grant Contracts <input type="checkbox"/> Non-Expenditure Contracts	<input type="checkbox"/> Professional Services Contracts <input type="checkbox"/> PCRB Contracts <input type="checkbox"/> Maintenance Agreements <input type="checkbox"/> Licensing Agreements <input type="checkbox"/> Public Works Construction Contracts  <input type="checkbox"/> Architectural & Engineering Contracts <input type="checkbox"/> Revenue Contracts <input type="checkbox"/> Grant Contracts <input type="checkbox"/> Non-Expenditure Contracts	<input type="checkbox"/> Expenditure <input type="checkbox"/> Non-Expenditure <input checked="" type="checkbox"/> Revenue <b>CLASS III B</b> <input type="checkbox"/> Government Contracts (Non-190 Agreement)  <input type="checkbox"/> Expenditure <input type="checkbox"/> Non-Expenditure <input type="checkbox"/> Revenue  <input type="checkbox"/> Interdepartmental Contracts

Department: Business and Community Services Division: Land Use & Trans Program Date: 5/13/05  
 Originator: Don Newell Phone: x29611 Bldg/Rm: 425/Annex  
 Contact: Cathy Kramer Phone: x22589 Bldg/Rm: 455/Annex

Description of Contract: Amendment No. 18 to the Intergovernmental Agreement with the City of Wood Village for Multnomah County to perform certain maintenance functions on city streets.

RENEWAL: ☐ PREVIOUS CONTRACT #(S): \_\_\_\_\_  
 RFP/BID: \_\_\_\_\_ RFP/BID DATE: \_\_\_\_\_ ORS/AR #: \_\_\_\_\_  
 EXEMPTION #: \_\_\_\_\_  
 EFFECTIVE DATE: \_\_\_\_\_ EXPIRATION DATE: \_\_\_\_\_  
 CONTRACTOR IS: ☐ MBE ☐ WBE ☐ ESB ☐ QRF State Cert# \_\_\_\_\_ or ☐ Self Cert ☐ Non-Profit ☒ N/A (Check all boxes that apply)

Contractor: <u>City of Wood Village</u> Address: <u>2055 NE 238<sup>th</sup> Drive</u> City/State: <u>Wood Village, OR</u> ZIP Code: <u>97060</u> Phone: <u>503-667-6211 (Carl Malone)</u> Employer ID# or SS#: _____ Contract Effective Date: <u>7/1/87</u> Term Date: _____ Amendment Effect Date: <u>7/1/05</u> New Term: <u>6/30/06</u>	Remittance address: _____ (If different) _____ Payment Schedule / Terms: <input type="checkbox"/> Lump Sum \$ _____ <input checked="" type="checkbox"/> Monthly \$ _____ <input type="checkbox"/> Other \$ _____ <input type="checkbox"/> Requirements Funding Info: Original Requirements Amount \$ _____ Total Amt of Previous Amendments \$ _____ Requirements Amount Amendment \$ _____ Total Amount of Requirements \$ _____
Original Contract Amount \$ _____ Total Amt of Previous Amendments \$ _____ Amount of Amendment \$ _____ Total Amount of Agreement \$ <u>\$14,140.00</u>	<input type="checkbox"/> Due on Receipt <input type="checkbox"/> Net 30 <input type="checkbox"/> Other

**REQUIRED SIGNATURES:**

Department Manager <u>Robert Maestri</u>	DATE <u>5-18-05</u>
Purchasing Manager _____	DATE _____
County Attorney <u>[Signature]</u>	DATE <u>5/20/05</u>
County Chair <u>[Signature]</u>	DATE <u>6-16-05</u>
Sheriff _____	DATE _____
Contract Administration _____	DATE _____

COMMENTS: WBS: ROADM9

APPROVED: MULTNOMAH COUNTY  
BOARD OF COMMISSIONERS  
AGENDA # C-2 DATE 6-16-05  
DEBORAH L. BOGSTAD, BOARD CLERK

**RENEWAL OF INTERGOVERNMENTAL AGREEMENT NO. 3012887  
AMENDMENT NO. 18**

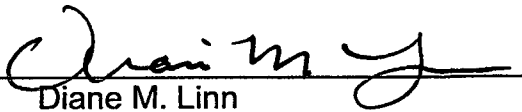
This is a renewal of Intergovernmental Agreement No.3012887 dated July 1, 1987, between Multnomah County and the City of Wood Village.

The parties agree:

1. Contract No. 3012887 by its terms expires on June 30, 2005, and shall be renewed for an additional period commencing July 1, 2005 and ending June 30, 2006.
2. All other terms and conditions of the contract shall remain the same.

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**MULTNOMAH COUNTY, OREGON**

By   
Diane M. Linn

Title Chair of the Board

Reviewed:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY

By   
Assistant County Attorney

**CITY OF WOOD VILLAGE**

By \_\_\_\_\_  
David M. Fuller

Title Mayor

Approved as to form:

\_\_\_\_\_  
Sheila M. Ritz, City Administrator

APPROVED : MULTNOMAH COUNTY  
BOARD OF COMMISSIONERS  
AGENDA # C-2 DATE 6.16.05  
DEBORAH L. BOGSTAD, BOARD CLERK

Estimated Costs Summary of  
Multnomah County's Street Maintenance Activities  
For The

# City of Wood Village

Fiscal Year 2005-2006

**Grand Totals of FY 05-06 Items: \$14,140**

*Estimate costs for all items or activities includes mobilization, travel time and unforeseen work.*

*Labor & Equipment hours = Crew Hours*

*Calculated "Total Estimated Cost with Unforeseen Work"*

## Street Repairs - base repair with pave back

	<i>Amount</i>	<i>Unit Cost</i>	<i>Sub-Total</i>
Crew Hours w/ rock and asphalt	8	\$365	\$2,920
			<u>sub-total of S31 \$2,920</u>

**Total Estimated Cost with Unforeseen Work (+15%): \$3,358**

## S46 Crack Sealing - curb lines

	<i>Amount</i>	<i>Unit Cost</i>	<i>Sub-Total</i>
Crew Hours w/ materials	9	\$425	\$3,825
v20 Herbicide spraying for cracks			
Crew Hours w/ materials	5	\$60	\$300
			<u>sub-total of S31 \$4,125</u>

**Total Estimated Cost with Unforeseen Work (+15%): \$4,744**

## S45 Street Sweeping

Routine sweeping of streets: 5 applications per year of 7 Crew Hours each

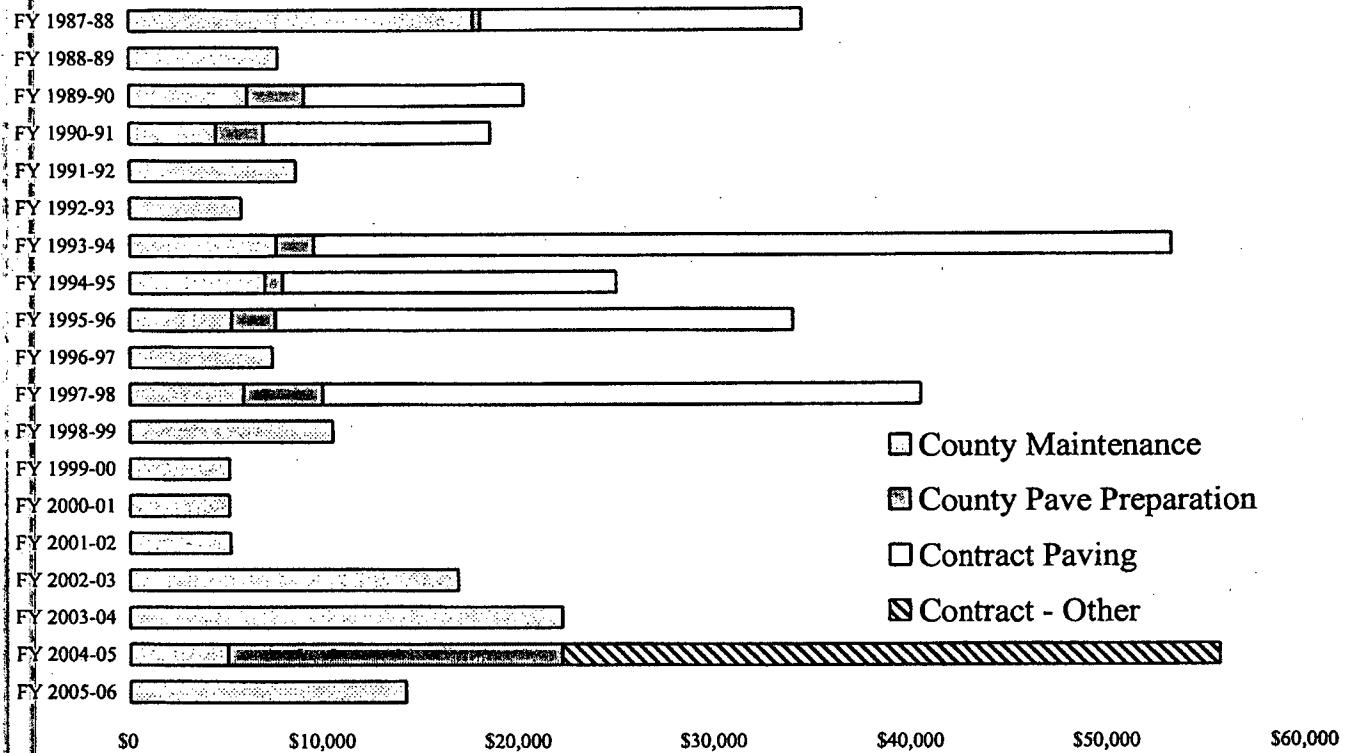
	<i>Amount</i>	<i>Unit Cost</i>	<i>Sub-Total</i>
Crew Hours with roadwaste disposal costs	35	\$150	\$5,250

**Total Estimated Cost with Unforeseen Work (+15%): \$6,038**

## Emergency and Unforeseen Work

For emergency and unforeseen work as required by and agreed to by the City and the County.  
Cost to be billed at current employee, equipment, material, and overhead charges.

## Previous Years' Estimates



**MULTNOMAH COUNTY BOARD OF COMMISSIONERS  
PUBLIC TESTIMONY SIGN-UP**

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Please complete this form and return to the Board Clerk

\*\*\*This form is a public record\*\*\*

MEETING DATE: 6/16/05

SUBJECT: Taxation Issues

AGENDA NUMBER OR TOPIC: Public Comment

FOR: \_\_\_\_\_ AGAINST: \_\_\_\_\_ THE ABOVE AGENDA ITEM

NAME: Larry Tuttle

ADDRESS: 610 SW Alder, #1021

CITY/STATE/ZIP: Portland, OR 97205

PHONE: \_\_\_\_\_ DAYS: (503) 221-1683 EVES: (503) 228-3845

EMAIL: \_\_\_\_\_ FAX: (503) 221-0599

SPECIFIC ISSUE: \_\_\_\_\_

WRITTEN TESTIMONY: \_\_\_\_\_

Attached

**IF YOU WISH TO ADDRESS THE BOARD:**

1. Please complete this form and return to the Board Clerk.
2. Address the County Commissioners from the presenter table microphones. Please limit your comments to **3 minutes**.
3. State your name for the official record.
4. If written documentation is presented, please furnish one copy to the Board Clerk.

**IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:**

1. Please complete this form and return to the Board Clerk.
2. Written testimony will be entered into the official record.

# CENTER FOR ENVIRONMENTAL EQUITY

610 SW Alder, Suite 1021 Portland, Oregon 97205 (503) 221-1683 nevermined@earthlink.net

June 2005

Public Comment

## Property Tax Assessments and Federal Lands Mineral Mining Claims

The Center for Environmental Equity (CEE), founded in 1994, advocates for persons, communities, and natural resources burdened by mineral mining degradation. CEE's recent research reveals that Oregon counties are not assessing buildings, roads, milling systems, personal property (i.e. mining equipment), and other improvements attendant to Oregon's 6,000 active and 20,000 inactive federal lands mineral mining claims. The Oregon Department of Revenue confirms that Oregon statutes require assessment of federal lands mineral mining claim improvements and related personal property.

Counties failing to assess all eligible properties and property classes:

- 1) preclude potential tax revenues for local governments;
- 2) shift property tax burdens to other tax payers; and,
- 3) draw disproportionately on the State School Fund, to the detriment of schools in high-tax-base counties like Multnomah, because local property tax collections for schools are deducted from the State School Fund distribution.

This is part of the reason Multnomah County schools received \$0.80 for each dollar Multnomah County residents paid into the State School Fund while Malheur County schools "got back \$4.24 for every \$1 its taxpayers contributed to the state fund [State School Fund] last year." (*Oregonian*, May 8, 2005). The expiring Multnomah income tax and local government grants were needed to backfill the State School Fund distribution shortfall in Multnomah County. By contrast, the Malheur County tax roll includes none of the improvements or personal property pertaining to Malheur County's 1,234 active federal lands mineral mining claims.

CEE is initiating county-by-county studies of omitted federal lands mineral mining claim improvements and forgone property tax revenues. The Lane County report will be completed in September followed by a report for Jackson County. The results will be provided to all county assessors, the Oregon Department of Revenue, interim legislative committees, and other interested parties.

**Enclosure - Q & A Briefing Memorandum**



## **PROPERTY TAX ASSESSMENTS OF FEDERAL LANDS MINERAL MINING CLAIM IMPROVEMENTS**

***Describe federal lands mineral mining claims?*** Persons, partnerships, corporations -- foreign and domestic -- may claim public domain lands for the purpose of mining minerals. Public land mineral mining claims are private (possessory) property rights.<sup>1</sup>

***Are federal lands mineral mining claim improvements subject to Oregon property tax assessment?*** ORS 307.010, 307.030, 307.080, 308.115, and 308.236 describe the basis for assessing improvements, minerals, rights, and personal property appurtenant to federal lands mineral mining claims.

***How many active mineral mining claims are located in Oregon?*** Approximately 6,500 active federal lands mineral mining claims were located in Oregon as of February 2005.<sup>2</sup>

***Which Oregon counties are assessing federal lands mineral mining claim improvements?*** None are known to be assessing federal lands mineral mining claim improvements.

***How can the location and ownership of mineral mining claims be determined?*** The Bureau of Land Management (BLM) maintains computerized data bases which list federal lands mineral mining claims by legal descriptions, claim names, and claim-owner(s) name(s).

***What kinds improvements are found at federal lands mineral mining claims?*** Processing structures and equipment, store rooms, sheds, and living structures are commonly found at mineral mining claims. Personal property ranges from hand tools to heavy equipment. Other improvements may include roads, processing facilities, and water systems.

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<sup>1</sup> "Mining claims" used in this context refer to unpatented mineral mining claims only. Patented mineral mining claims are mineral mining claims for which title to public land claimed for mineral mining has been transferred to private, fee simple ownership.

<sup>2</sup> To maintain an unpatented mineral mining claim in active status, claim owners must pay an annual claim maintenance fee of \$100 to the Bureau of Land Management (BLM), or -- for holders of 10 or fewer claims -- perform at least \$100 in work annually on each claim. (BLM "closes" mining claims for which claim owners fail to pay the annual maintenance fee or fail to file with BLM proof of annual assessment work performed.)

***How can assessors determine the values of federal lands mineral mining claim improvements?*** Values can be determined using the following protocol:

- 1) obtain BLM claims list;
- 2) review county records to determine if claim owners or operators have filed confidential personal property tax returns and if active federal lands mineral mining claims appear on tax roles;
- 3) aggregate (capitalize) affidavits of assessment work and maintenance fees recorded in county deed records;
- 4) review sales values disclosed by quit claim deeds recorded in county deed records; and,
- 5) examine agency mining-operations files.

***Why are affidavits of assessment work reliable indicators of value?*** Federal lands mineral mining claim owners record affidavits in the county deed records annually to verify the value of work performed. (See "Mining Claim Affidavit," **Exhibit A**, and "Examples of Qualified Assessment Work," **Exhibit B**.)

***Why are quit claim deeds reliable indicators of value?*** Quit claim deeds, which are recorded in county deed records, transfer ownership of federal mineral mining claims. Quit claim deeds specify actual consideration paid. (See "Quit Claim Deed," **Exhibit C**.)

***What is the value of federal lands mining claim improvements omitted from Oregon county tax roles?*** The total value of omitted properties is unknown. (See ORS 311.205 through 311.205 for Omitted Property Statutes.) Affidavits of assessment work and quit claim deeds -- which can be easily obtained from data bases maintained by county clerks and recorders -- suggest several million dollars of omitted property. Information about buildings and other improvements is found in public records located at U.S. Forest Service Ranger District and BLM District Offices.

## (PAYMENT OF FEDERAL FEES OR PERFORMANCE OF ANNUAL ASSESSMENT WORK)

I, Faye H. Stewart II, being first duly sworn,  
declare in regard to the following named unpatented mining claim:

[illegible]

☐ (f) If federal rental/maintenance fee requirements have been met: The federal fee requirements have been met by the claim owner or agent of the owner and the claim owner or agent of the owner intends to hold the above-named claim... in good standing for the applicable assessment year.

The following annual labor has been performed or improvements have been made for the above-named claim. \$:

Number of days labor performed: 20 Value of Improvements: \$ 8,000

Character and location of improvements: Road maintenance (160 x 176 spurs, Sharp's Ck  
Hackensack, and 2356) Trail maintenance, Reconstruction and Tree bucking

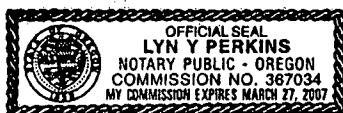
Dates of performing labor and making improvements: June 1st, 2004, August 30th 2004

(2)  
If Federal

Performed at request of and for the benefit of: Faye Stewart

Performed by: Faye Stewart, Bruce Stewart, Bud Long

Amount paid and by whom paid (if work done by person other than owner):



Faye H. Stewart II  
Faye H. Stewart II  
Subscribed and sworn to before me on Sept. 17, 192004

Notary Public for Oregon

My commission expires 3-27-07

Oregon law (ORS 517.210) requires that proof of the performance of labor or making of improvements or making federal fee payments must be made by affidavit filed in the mining records of the county in which the mining claim is situated, within 30 days after the performance of labor or making of improvements or making federal fee payments.

**IMPORTANT NOTICE:** You should obtain Bureau of Land Management regulations from your local BLM office to determine any applicable requirements for a mining claim including payment of annual rental/maintenance fees, rental/maintenance fee exemption qualifications, payment of service charges, and recordation of evidence of annual assessment work and notices of intention to hold a mining claim. Additional regulations of the BLM, the Forest Service and the State of Oregon may apply to the conducting of mining operations in Oregon.

# MINING CLAIM AFFIDAVIT

Owner's name and current mailing address:

Faye Stewart  
34234 Garante Rd.  
Cottage Grove, OR 97424

After recording return to (Name, Address, Zip):

Same as Above

## Division of Chief Deputy Clerk Lane County Deeds and Records

2004-072770



**\$45.00**

00625207200400727700010012

09/17/2004 01:00:24 PM

RPR-AFFMINE Cnt=1 Stn=7 CASHIER 02

**\$5.00 \$30.00 \$11.00**

of the mining records of said County.

Witness my hand and seal of  
County affixed.

Recording Officer

By \_\_\_\_\_, Deputy

## Exhibit A

## **Exhibit B**

### **Examples of Work That Qualify As Assessment Work**

1. A building that benefits and improves the claim. *Bryan V. McCraig*, 10 Colo 309, 15 P 413 (1887).
2. Reasonable value of meals to miners who receive board in addition to salary. *Fredricks v. Klauser*, 52 Or 110; 96 P 679 (1908).
3. Value of blasting supplies. *Id.*
4. Construction of road to mining claim. *U.S. v. 9,947.71 Acres of land, More or less, in Clark County, State of Nev.*, 220 F. Supp. 328 (DC Nev 1963); *Silliman v. Powell*, Utah 642 P2d 388, 393 (1982).
5. Maintenance of access roads to mining claim. *Pinkerton v. Moore*, 66 NM 11, 340 P2d 844 (1959).
6. Sinking shafts and running tunnels or drifts. *James v. Krook*, 42 Ariz 322 (1933).
7. Installation of mining machinery or fixtures. *Id.*
8. Employment of a watchman when necessary to protect structures or property used in developing a claim. *Ingersolt v. Scott*, 13 Ariz 165, 108 P 460 (1910).
9. Drilling and removal of samples from a mining claim. *Eveleigh v. Darneille*, 81 Cal Reprtr 301 (Cal App 1969).

### **ACCESS ROADS AND QUALIFIES [sic]**

The **construction of access roads as well as improvement** of existing access roads qualifies as assessment work, even though the road is not on the claims. For example, the cost of installation of water bars on an existing road to prevent erosion and reduce the need to rehabilitate or maintain the road is sufficient improvement to qualify as assessment work. *United States v Herr*, 130 IBLA 349, 365-65 (1994)

### **Work that does not Qualify as Assessment Work**

1. Removal of water from a mine for inspection of prospective buyer. *Evalina Gold Mining Co. v. Yosemite Gold Mine Co.*, 15 Cal App 714, 115 P 946 (1911).
2. Erection of a house outside the boundaries of a claim for the shelter of miners. *Remington v. Baudit*, 6 Mont 138, 9 P 819 (1886).
3. Eating utensils, groceries, and bedding. *Fredricks v. Klauser*, 52 Or 110, 96 P 679 (1908).
4. Amount paid for horses used in development work; *however value of their use will qualify*. *Id.*
5. Payment for iron rails or tools, *but their value in developing the mine may qualify*. *Id.*
6. Material taken to a claim but not used. *Id.*
7. Sampling and assaying. *Bishop v. Baisley*, 28 Or 119, 41 P936 (1895).
8. Reconnaissance surveys of mining claims. *Pinkerton v. Moore*, 66 NM 11, 340 P2d 844 (1959).
9. Use of a claim to deposit wastes from other claims and building a flume to carry tailings to claim. *Jackson v. Roby*, 109 US 440 (1883).
10. Employment of a watchman to prevent relocation. *Justice Mining Co. v. Barclay*, 82 F 554 (CC Nev 1897); or where there is no valuable improvement or machinery to protect. *James v. Krook*, 42 Ariz 322, 25 P2d 1026 (1933).

**Source:** Miners' Response Team 2005 - Web site (verbatim excerpt), 13 February, 2005.

## Exhibit C

DESCRIBED MORE FULLY IN  
COUNTY OF Lane RECORDS

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

NAME TITLE  
By Deputy



## MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

APPROVED : MULTNOMAH COUNTY  
BOARD OF COMMISSIONERS  
AGENDA # R-1 DATE 12-16-05  
DEBORAH L. BOGSTAD, BOARD CLERK

### Board Clerk Use Only

Meeting Date: 06/16/05  
Agenda Item #: R-1  
Est. Start Time: 9:30 AM  
Date Submitted: 05/31/05

**BUDGET MODIFICATION: NOND\_04**

**Agenda Title: Retroactive Budget Modification NOND\_04, Increasing the Willamette River Bridge and Bicycle Path Funds for Fiscal Year 2004**

*Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title.*

Date Requested:	<u>June 16, 2005</u>	Time Requested:	<u>3 minutes</u>
Department:	<u>Business and Community Services</u>	Division:	<u>Budget Office</u>
Contact(s):	<u>Julie Neburka</u>		
Phone:	<u>503-988-3312</u>	Ext.	<u>27351</u>
	I/O Address:		<u>503/5/531</u>
Presenter(s):	<u>Julie Neburka or Dave Boyer</u>		

### General Information

#### 1. What action are you requesting from the Board?

The Budget Office recommends approval of retroactive bud mod Nond 04, which would add \$954,774 of state motor vehicle revenue to the Road Fund for transfer to the Willamette River Bridges Fund and the Bicycle Path Fund. This action applies to FY 2004, and is needed in order to avoid a budget violation in the Road Fund for the FY 2004 audit.

#### 2. Please provide sufficient background information for the Board and the public to understand this issue.

During the FY 2003 legislative session, HB 2041 passed and became state law. (ORS 366.744). An annual estimate of \$2.9 million in additional state motor vehicle revenue will come to Multnomah County as the result of this legislation. Due to the timing of that year's legislative session, these funds were not included in the FY 2004 budget and the revenue that caused this fund to appear overspent was received after June 30, 2004.

This additional revenue is governed by the state and by the cities participating in our road revenue-sharing agreements. A majority of the new funds are to be passed through to Multnomah County's

bridges, with the remainder to be allocated to the cities under the revenue-sharing agreement. Under ORS 294.450, the County is allowed to approve retroactive budget modifications for taxes, fees, or charges that are collected by the County and passed through to another agency. This retroactive budget modification will allow the FY 2004 budget to be amended to pass these funds through, and will prevent the County from having a budget violation in the Road Fund for that year.

**3. Explain the fiscal impact (current year and ongoing).**

None. This action affects a prior fiscal year.

**4. Explain any legal and/or policy issues involved.**

None.

**5. Explain any citizen and/or other government participation that has or will take place.**

None.

## ATTACHMENT A

### Budget Modification

If the request is a **Budget Modification**, please answer all of the following in detail:

- What revenue is being changed and why?

This action adds \$954,774 of state motor vehicle revenue to the Road Fund for FY 2004. The additional revenue is the result of legislation passed by the FY 2003 Legislature after the County had adopted its FY 2004 budget.

- What budgets are increased/decreased?

The Willamette River Bridges and the Bicycle Path Funds are increased by a total of \$954,774. Funds are received into the Road Fund and transferred to these other funds according to a revenue-sharing agreement among Multnomah County cities.

- What do the changes accomplish?

This is an accounting transaction to a prior year in order to avoid a budget violation in the County's audit for FY 2004.

- Do any personnel actions result from this budget modification? Explain.

None.

- How will the county indirect, central finance and human resources and departmental overhead costs be covered?

N/A

- Is the revenue one-time-only in nature? Will the function be ongoing? What plans are in place to identify a sufficient ongoing funding stream?

The legislation resulted in an ongoing revenue increase that has been incorporated into the County's FY 2005 and FY 2006 budgets.

- If a grant, what period does the grant cover?

N/A

- If a grant, when the grant expires, what are funding plans?

N/A

*NOTE: If a Budget Modification or a Contingency Request attach a Budget Modification Expense & Revenues Worksheet and/or a Budget Modification Personnel Worksheet.*



## ATTACHMENT B

BUDGET MODIFICATION: NOND\_04

### Required Signatures

Department/  
Agency Director:



Date: 05/30/05

Budget Analyst:



Date: 05/30/05

Department HR:

Date:

Countywide HR:

Date:

Budget Modification: Nond Retro 04

**EXPENDITURES & REVENUES**

Please show an increase in revenue as a negative value and a decrease as a positive value for consistency with MERLIN.

Line No.	Fund Center	Fund Code	Accounting Unit			Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
			Internal Order	Cost Center	WBS Element						
1	90-50	1501		905110		50180		(954,773)	(954,773)		
2	90-50	1501		905110		60560		954,773	954,773		
3								0			
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								0	0	0	GRAND TOTAL



## MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

APPROVED : MULTNOMAH COUNTY  
BOARD OF COMMISSIONERS  
AGENDA # R-2 DATE 6-16-05  
DEBORAH L. BOGSTAD, BOARD CLERK

### Board Clerk Use Only

Meeting Date: 06/16/05  
Agenda Item #: R-2  
Est. Start Time: 9:32 AM  
Date Submitted: 06/13/05

### BUDGET MODIFICATION: MCSO - 05-REVISED

<b>Agenda Title:</b>	<b>Budget Modification MCSO-05 Appropriating \$698,155 of State Homeland Security Grant Funds to the Federal/State Fund in the Law Enforcement Division</b>
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*Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title.*

<b>Date Requested:</b>	<u>June 16, 2005</u>	<b>Time Requested:</b>	<u>2 mins</u>
<b>Department:</b>	<u>Sheriff's Office</u>	<b>Division:</b>	<u>Enforcement</u>
<b>Contact(s):</b>	<u>Wanda Yantis, Budget Manager</u>		
<b>Phone:</b>	<u>503 988-4455</u>	<b>Ext.</b>	<u>84455</u>
<b>Presenter(s):</b>	<u>Larry Aab and Wanda Yantis</u>		
<b>I/O Address:</b>	<u>503/350</u>		

### General Information

#### 1. What action are you requesting from the Board?

The Sheriff's Office is requesting approval of Budget Modification MCSO-05 to recognize \$698,155 awarded from the State Homeland Security Program Grant through the Oregon State Police.

#### 2. Please provide sufficient background information for the Board and the public to understand this issue.

Since 1996 Multnomah County emergency service providers have obtained federal grant funding to improve their response to terrorism. Our first objective has been to bring our specialized teams to a base level of response protection and capabilities. This funding will expand that base and give an increasing number of essential response personnel the necessary protective gear and equipment that we have been unable to provide due to funding constraints. Gear and equipment include personal protective equipment (ex: chemical/bio mask, radiation monitor), search and rescue equipment (ex: dive suits, masks, buoyancy devises, night vision), interoperable communications equipment (ex: tough book computers and software, portable radios), terrorism incident prevention equipment (ex: thermal imager, radar detector transmitter, video evidence analysis system) and CBRNE logistical

support equipment (ex: cargo trailer). In a collaborative effort with Public Safety agencies including Fairview Police Dept and Troutdale Police Dept, the Sheriff's Office has been awarded a State Homeland Security Grant through the State Homeland Security Program. This grant awards materials and supplies needed to enhance and update the following needs for prevention of, mitigation of and response to Chemical, Biological, Radiological, Nuclear & Explosive (CBRNE) related incidents.

**3. Explain the fiscal impact (current year and ongoing).**

This will increase the Enforcement Division's revenue by \$698,155 in the Federal/State Fund.

**4. Explain any legal and/or policy issues involved.**

N/A

**5. Explain any citizen and/or other government participation that has or will take place.**

N/A

## ATTACHMENT A

### Budget Modification

If the request is a **Budget Modification**, please answer all of the following in detail:

- What revenue is being changed and why?

This is a one-time-only grant award of \$698,155 in the Federal/State Fund.

- What budgets are increased/decreased?

-The Enforcement Division will increase their Federal/State Fund budget by \$698,155

-Increase Sheriff's Office Dept. Indirect by \$19,044

-Increase Central Indirect by \$1,582

-Increase Finance Ops by \$11,391

- What do the changes accomplish?

The budgetary changes appropriates \$698,155 to the Sheriff's Office Federal/State budget and recognizes the Homeland Security Grant award.

- Do any personnel actions result from this budget modification? Explain.

No

- How will the county indirect, central finance and human resources and departmental overhead costs be covered?

Any overhead costs will be covered by the grant.

- Is the revenue one-time-only in nature? Will the function be ongoing? What plans are in place to identify a sufficient ongoing funding stream?

This is a one-time-only funding source used to buy equipment. The grant is not being used to support ongoing operations.

- If a grant, what period does the grant cover?

Fiscal year 2005.

- If a grant, when the grant expires, what are funding plans?

This is a one-time-only funding source used to buy equipment. The grant is not being used to support ongoing operations.

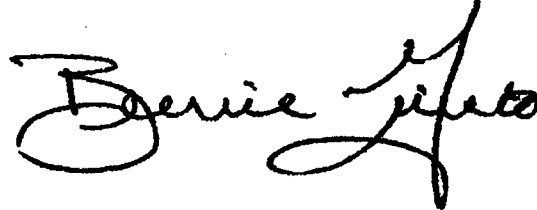
*NOTE: If a Budget Modification or a Contingency Request attach a Budget Modification Expense & Revenues Worksheet and/or a Budget Modification Personnel Worksheet.*

## ATTACHMENT B

**BUDGET MODIFICATION: MCSO - 05-REVISED**

### Required Signatures

**Department/  
Agency Director:**



**Date:** 06/13/05

**Budget Analyst:**



**Date:** 06/13/05

**Department HR:**

**Date:**

**Countywide HR:**

**Date:**

Budget Modification or Amendment ID: **MCSO-05 (REVISED)****EXPENDITURES & REVENUES**

Please show an increase in revenue as a negative value and a decrease as a positive value for consistency with MERLIN.

Budget/Fiscal Year: 05

Line No.	Fund Center	Fund Code	Func. Area	Accounting Unit			Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
				Internal Order	Cost Center	WBS Element						
1	60-50	32106				SOENF.SHSP	50190	-	(698,155)	(698,155)		IG-OP-Fed Thru State
2	60-50	32106				SOENF.SHSP	60240	-	585,955	585,955		Supplies
3	60-50	32106				SOENF.SHSP	60550	-	80,183	80,183		Capital Equipment
4	60-50	32106				SOENF.SHSP	60350		19,044	19,044		Dept Indirect
5	60-50	32106				SOENF.SHSP	60355		1,582	1,582		Central Indirect
6	60-50	32106				SOENF.SHSP	60360		11,391	11,391		Finance Ops
7									-			
8	60-00	1000			604020		50370	(393,146)	(412,190)	(19,044)		Dept Indirect Rev
9	60-00	1000			604020		60240	78,541	97,585	19,044		Increase Offsetting Exp
10									-			
11	71-10	3506			711100		50310		(11,391)	(11,391)		Increase Finance Rev
12	71-10	3506			711100		60240		11,391	11,391		Increase Finance Exp
13									-			
14	19	1000			9500001000		50310		(1,582)	(1,582)		Central Indirect Rev
15	19	1000			9500001000		60470		1,582	1,582		Contingency
16									-			
17									-			
18									-			
19									-			
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									-		0	Total - Page 1
									-		0	GRAND TOTAL



## MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

### Board Clerk Use Only

Meeting Date: 06/16/05  
Agenda Item #: R-2  
Est. Start Time: 9:32 AM  
Date Submitted: 06/01/05

### BUDGET MODIFICATION: MCSO - 05

**Agenda Title:** Budget Modification MCSO-05 Appropriating \$598,155 of State Homeland Security Grant Funds to the Federal/State Fund in the Law Enforcement Division

*Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title.*

Date Requested: 06/16/05 Time Requested: 2 mins  
Department: Sheriff's Office Division: Enforcement  
Contact(s): Wanda Yantis, Budget Manager  
Phone: 988-4455 Ext. 84455 I/O Address: 503/350  
Presenter(s): Larry Aab and Wanda Yantis

### General Information

#### 1. What action are you requesting from the Board?

The Sheriff's Office is requesting approval of Budget Modification MCSO-05 to recognize \$598,155 awarded from the State Homeland Security Program Grant through the Oregon State Police.

#### 2. Please provide sufficient background information for the Board and the public to understand this issue.

Since 1996 Multnomah County emergency service providers have obtained federal grant funding to improve their response to terrorism. Our first objective has been to bring our specialized teams to a base level of response protection and capabilities. This funding will expand that base and give an increasing number of essential response personnel the necessary protective gear and equipment that we have been unable to provide due to funding constraints. Gear and equipment include personal protective equipment (ex: chemical/bio mask, radiation monitor), search and rescue equipment (ex: dive suits, masks, buoyancy devices, night vision), interoperable communications equipment (ex: toughbook computers and software, portable radios), terrorism incident prevention equipment (ex: thermal imager, radar detector transmitter, video evidence analysis system) and CBRNE logistical



support equipment (ex: cargo trailer). In a collaborative effort with Public Safety agencies including Fairview Police Dept and Troutdale Police Dept, the Sheriff's Office has been awarded a State Homeland Security Grant through the State Homeland Security Program. This grant awards materials and supplies needed to enhance and update the following needs for prevention of, mitigation of and response to Chemical, Biological, Radiological, Nuclear & Explosive (CBRNE) related incidents.

**3. Explain the fiscal impact (current year and ongoing).**

This will increase the Enforcement Division's revenue by \$598,155 in the Federal/State Fund.

**4. Explain any legal and/or policy issues involved.**

N/A

**5. Explain any citizen and/or other government participation that has or will take place.**

N/A

## ATTACHMENT A

### Budget Modification

If the request is a **Budget Modification**, please answer all of the following in detail:

- What revenue is being changed and why?

This is a one-time-only grant award of \$598,155 in the Federal/State Fund.

- What budgets are increased/decreased?

-The Enforcement Division will increase their Federal/State Fund budget by \$598,155

-Increase Sheriff's Office Dept. Indirect by \$15,955

-Increase Central Indirect by \$1,326

-Increase Finance Ops by \$9,766

- What do the changes accomplish?

The budgetary changes appropriates \$598,155 to the Sheriff's Office Federal/State budget and recognizes the Homeland Security Grant award.

- Do any personnel actions result from this budget modification? Explain.

No

- How will the county indirect, central finance and human resources and departmental overhead costs be covered?

Any overhead costs will be covered by the grant.

- Is the revenue one-time-only in nature? Will the function be ongoing? What plans are in place to identify a sufficient ongoing funding stream?

This is a one-time-only funding source used to buy equipment. The grant is not being used to support ongoing operations.

- If a grant, what period does the grant cover?

Fiscal year 2005.

- If a grant, when the grant expires, what are funding plans?

This is a one-time-only funding source used to buy equipment. The grant is not being used to support ongoing operations.

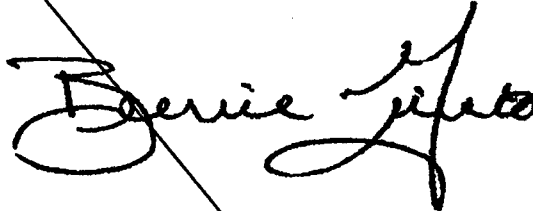
*NOTE: If a Budget Modification or a Contingency Request attach a Budget Modification Expense & Revenues Worksheet and/or a Budget Modification Personnel Worksheet.*

## ATTACHMENT B

BUDGET MODIFICATION: MCSO - 05

### Required Signatures

Department/  
Agency Director:



Date: 05/31/05

Budget Analyst:



Date: 06/01/05

Department HR:

Date:

Countywide HR:

Date:

Budget Modification or Amendment ID: **MCSO-05****EXPENDITURES & REVENUES**

Budget/Fiscal Year: 05

Please show an increase in revenue as a negative value and a decrease as a positive value for consistency with MERLIN.

Line No.	Fund Center	Fund Code	Func. Area	Accounting Unit			Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
				Internal Order	Cost Center	WBS Element						
1	60-50	1505				SOENF.SHSP	50190	-	(598,155)	(598,155)		IG-OP-Fed Thru State
2	60-50	1505				SOENF.SHSP	60240	-	490,926	490,926		Supplies
3	60-50	1505				SOENF.SHSP	60550	-	80,183	80,183		Capital Equipment
4	60-50	1505				SOENF.SHSP	60350		15,955	15,955		Dept Indirect
5	60-50	1505				SOENF.SHSP	60355		1,326	1,326		Central Indirect
6	60-50	1505				SOENF.SHSP	60360		9,766	9,766		Finance Ops
7									-			
8	60-00	1000			604020		50370	(393,146)	(409,101)	(15,955)		Dept Indirect Rev
9	60-00	1000			604020		60240	78,541	94,496	15,955		Increase Offsetting Exp
10									-			
11	71-10	3506			711100		50310		(9,766)	(9,766)		Increase Finance Rev
12	71-10	3506			711100		60240		9,766	9,766		Increase Finance Exp
13									-			
14	19	1000			9500001000		50310		1,326	1,326		Central Indirect Rev
15	19	1000			9500001000		60470		(1,326)	(1,326)		Contingency
16									-			
17									-			
18									-			
19									-			
20									-			
21									-			
22									-			
23									-			
24									-			
25									-			
26									-			
27									-			
28									-			
29									-			
									-		0	Total - Page 1
									-		0	GRAND TOTAL

COPY

FY 2004 STATE HOMELAND SECURITY PROGRAM /  
LAW ENFORCEMENT TERRORISM PREVENTION PROGRAM  
COVER SHEET

Indicate whether you are applying for:

☒ State Homeland Security Program    ☒ Law Enforcement Terrorism Prevention Program

**Program Title:** Multnomah County CBRNE 2004

**Grantee Agency:** Multnomah County Sheriff's Office

**Collaborating agencies:** Multnomah County Sheriff's Office (MCSO); Fairview Police Dept. (FPD); Troutdale Police Dept. (TPD)

**Federal Funds Requested:** \$ 2,721,241 (SHSP) / \$3,522,834 (LETPP)  
\*\*\* (See NOTE in Introduction, page 1)\*\*\*

**Program Start Date:** April 1, 2004

**Program End Date:** October 30, 2005

**Applicant's Address:** Multnomah County Sheriff's Office  
501 SE Hawthorne Blvd.  
Portland, OR 97214

**Telephone Number:** 503-988-4300

**Program Director/Phone Number:** Sheriff Bernie Giusto/ 503-988-4400

**email:** [sheriff@mcsso.us](mailto:sheriff@mcsso.us)    **Fax number:** 503-988-4316

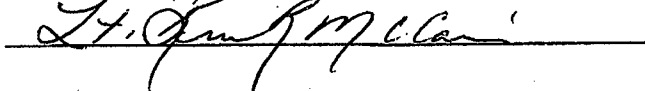
**Program Contact/Phone Number:** Lt. Bruce McCain / 503-988-4325

**email:** [bruce.mccain@mcsso.us](mailto:bruce.mccain@mcsso.us)    **Fax number:** 503-988-4066

**Fiscal Contact/Phone Number:** Shari Lewis / 503-988-4813

**Program Agency Federal Tax Identification Number:** 93-6002309

**Authorized Official for the Program Agency:** Lt. Bruce McCain

**Signature of Authorized Official:** 

## **PROGRAM NARRATIVE**

### **INTRODUCTION**

This application is a collaborative, multi-discipline effort by the local law enforcement agencies serving Multnomah County. Unless otherwise noted, the term "applicants" as used herein refers to the collaborating agencies as listed on the Cover Sheet.

Applicants are applying under both the SHSP and LETPP grants. *PLEASE NOTE: Because each grant fund has overlapping Authorized Equipment Lists (AEL), the SHSP amount requested (\$2,721,241) is included within the LETPP amount requested (\$3,522,834).* For your convenience we have attached two Appendices. Appendix A contains items from the SHSP AEL (categories 1-12). Appendix B contains all of Appendix A (categories 1-12), plus LETPP AEL categories 13-18.

### **PART ONE: COORDINATION**

Applicants have established collaborative, regional and multijurisdictional agreements for prevention of, mitigation of, and response to CBRNE incidents. These partners include the cities of Portland and Gresham, each of which is submitting their own grant applications. Multnomah County with a population of 677,850, is the hub for major transportation networks serving all of Oregon and anchors the industrial lifeline for the entire state. Portland International Airport serves 12 million passengers and more than a quarter million tons of air cargo annually. MCSO patrols nearly 100 miles of the Columbia and Willamette rivers, which are spanned by fourteen bridges carrying thousands of commuters and tons of cargo daily. Northwest Portland is also home to several large petroleum tank farms that provide a pipeline to Eugene and points beyond. At Multnomah County's eastern boundary is Bonneville Dam and its massive hydroelectric complex that supplies critical energy to a multi-state region.

The facilities cited above are but a few of those identified as potential targets for a CBRNE event or natural disaster. Other potential terrorist CBRNE targets include the 9,200 hazardous material sites in Multnomah County identified by the State Fire Marshall. A CBRNE incident in our target-rich community could have potentially catastrophic results for the greater metropolitan area and the state. To meet this potential reality, we have adopted a coordinated, multi-agency strategy for response to a CBRNE incident based on:

- Mutual aid agreements
- Sharing of specialized equipment and personnel
- Communications interoperability
- Coordinated first response
- Joint training and exercises

We are actively planning and coordinating a regional response to any CBRNE incident. We have defined our respective roles and responsibilities using the Incident Command System to optimize the effectiveness of their response to crisis and consequence management. Our police and first responders share immediate response protocols, and Unified Command is taught and practiced.

In our plan, initial response to a CBRNE incident will be by first responders of the impacted jurisdiction. Additional first responders, specialized equipment and supplies will rapidly reinforce them as provided in mutual aid agreements between the parties. This concept of operations forms the basis for our grant request.

## **PART TWO: IDENTIFICATION OF EQUIPMENT NEEDS**

Applicants have indicated their priorities for each requested item, with priority 1 being most important and required for program execution. Priority 2 represents items

that are useful but not required for program execution. Priority 3 represents items which are useful if funding is available.

### **1. Personal Protective Equipment (PPE) - \$28,305**

Without PPE responders would be contaminated or at-risk of CBRNE exposure and unable to perform life saving procedures, stabilize the incident scene or perform other assigned tasks. Consequently, our first priority is to protect our law enforcement personnel responding to a CBRNE incident. Applicants MCSO and Troutdale PD request \$28,305 to purchase PPE masks, monitors, protective gear and accessories.

### **2. Explosive Device Mitigation and Remediation - \$0.00**

Applicants request no funding under this category.

### **3. CBRNE Search and Rescue Equipment - \$242,843**

Applicant MCSO currently operates a State Certified and Statewide Deployable Search & Rescue (SAR) unit. This unit is made up of approximately 75 volunteers from the local area and 10 full-time employees of MCSO. MCSO is currently forming within the existing SAR unit, an Emergency Services Unit (ESU). The ESU is a multi-disciplinary team, which will consist of 12-16 specially trained MCSO Deputy Sheriffs and full-time medical staff from the Gresham Fire Department and/or American Medical Response (AMR). Each ESU member is or will be trained as: 1) WMD First Responder; 2) Medic First Responder; 3) Search & Rescue – Urban and Rural; 4) High Angle Rope Rescue; and 5) Advanced Life Support (Medics only).



The ESU will be trained and equipped to be able to respond safely to and assist with the rescue of victims after a WMD event. They will also be trained to locate and rescue lost or injured people in a rural or urban setting and locate armed or suicidal individuals in a rural setting. This team will be one of a very few in the state of Oregon completely comprised of full-time members, in their own respective discipline's, with the capability to assist or handle the various situations noted. Because of the ESU's attachment to the MCSO SAR Unit, the ESU will be available as needed throughout the state via our Oregon Emergency Management procedure.

The MCSO Dive Team consists of Deputy Sheriffs and Firefighter/Paramedics from Gresham Fire Dept. The Dive Team conducts underwater investigations in and around Multnomah County waters, which often involves underwater evidence searches and crime scene documentation (to include reports, diagrams, video, and forensically sound underwater evidence collection). The Dive Team operates in conjunction with the MCSO's River Patrol (described in Section 8) and Search and Rescue (SAR).

The Dive Team has partnerships with the US Customs to provide hull search services on suspicious vessels entering the Columbia River and Port of Portland and with the US Coast Guard MSST 91101 Dive Team. The MCSO Dive Team is the only local law enforcement unit in the state's most critical port that can provide underwater searches of vessel hulls, bridge abutments, the City of Portland sea wall, or any other area where a CBRNE device may be planted.

Applicants seek equipment for both land-based and marine search and rescue operations. This all-hazard, interoperable equipment provides life-saving capability for land-based building collapse, maritime bridge collapse, or ship or aircraft crash in the river(s).

#### **4. Interoperable Communications Equipment - \$235,066**

Emergency communications is the most critical element in coordinating a multi-agency, multi-discipline response to a terrorist incident and was consistently identified as our weakest link during CBRNE exercises. Multnomah County's Citizens Crime Commission and Regional Emergency Managers have all stressed the need for mobile, interoperable and adaptable communications equipment. We request funding for 800MHz portable radios, base and mobile systems to help ensure our responders have interoperability and can communicate effectively to coordinate response activities.

Applicant Fairview PD is seeking equipment for use in its Emergency Operations Center, including Incident Management Software, notebook computers, PEAC-WMD software, and GMRS radios. Fairview is currently working on an agreement with Multnomah County to ensure LDPRS Business Continuity Plan software interoperability between the city and county.

#### **5. Detection Equipment - \$32,000**

Applicant MCSO requests funding for initial acquisition and operational capability of a canine for explosive detection. There are no explosive detection canines presently deployed in East Multnomah County.

#### **6. Decontamination Equipment - \$0.00**

Applicants request no funding under this category.

## **7. Physical Security Enhancement Equipment - \$418,344**

The threat of domestic terrorism has highlighted significant deficiencies in physical security of our critical infrastructure, including essential government buildings. Improving the security of these key facilities and other potential CBRNE targets requires an expansion of protective measures, including increased capability to monitor activities and detect potential threats.

In addition to its county law enforcement functions, MCSO is also responsible for security at the county's critical court facilities. MCSO requests funding to enhance physical security at the downtown, high-rise Multnomah County Justice Center, including physical barriers, x-ray and other detection equipment.

The MCSO Dive Team requests under this AEL category an underwater remote vehicle to safely and accurately check for underwater explosive devices at the base of the fourteen bridges spanning the Willamette and Columbia Rivers in Multnomah County.

## **8. Terrorism Incident Prevention Equipment - \$581,185**

Effective joint command hinges on timely and accurate incident information, particularly during a CBRNE situation. MCSO's Detective Unit is part of the East Multnomah County Major Crimes Team and is responsible for directing criminal investigations involving terrorist threats. MCSO's Detective Unit and Special Investigations Unit (SIU) request law enforcement surveillance equipment, including visual, audio, video and thermal imaging equipment that will improve applicants' capabilities to deter and prevent terrorism incidents.

MCSO SIU also operates a fixed-wing aircraft and requests funding for a FLIR system with downlink that will greatly enhance the unit's ability to conduct anti-terrorism surveillance of the county's critical infrastructure (bridges, dams, port facilities, chemical plants, petroleum storage tanks, etc).

MCSO's River Patrol is the only local law enforcement presence on the state's most critical waterways and port areas. The River Patrol assists U.S. Customs in vessel searches and hull examinations, assists the FBI in analyzing river locations prior to V.I.P. visits, and engages in enhanced critical infrastructure patrols during elevated alert status. The River Patrol has participated in multi-agency, scenario-based training relating to CBRNE events, and has established partnerships with the U.S. Coast Guard, U.S. Customs, U.S. Navy, and INS relating to port security. The River Patrol requests surveillance equipment to enhance its port security efforts.

#### **9. CBRNE Logistical Support Equipment - \$226,148**

Proper storage and protection of CBRNE equipment is absolutely essential to ensure operability when needed. Diversity of potential targets and the unique challenge of response to a terrorist incident in an urban environment require flexibility and mobility—we must be able to rapidly move our special teams, CBRNE equipment and decontamination capability to meet incident-specific needs. Currently we have very limited mobile storage capacity. We request funding to store gear and move equipment. We also request funding for an inventory/bar code system to track our CBRNE logistical support equipment, before, during and after a deployment. MCSO HAZMAT requests a TSI Port-a-Count Machine & kit for fit testing of PPE.

#### **10. CBRNE Incident Response Vehicles - \$870,000**

We do not have incident response vehicles to support the special needs of CBRNE operations. We have developed our CBRNE response plan to optimize available resources and thus limit funding requirements. This, in turn, makes mobility a must—we need to rapidly move essential capabilities to where they needed to minimize the impact of a CBRNE incident.

MCSO SAR/ESU requests funding for a mobile command post vehicle and specialized vehicles that will transport unit members to a SAR scene and then enable those members to reach and rescue victims in an urban or rural SAR environment.

MCSO Dive Team, River Patrol and HAZMAT request command post vehicles appropriate for their different disciplines and unique needs.

#### **11. Medical Supplies and Pharmaceuticals - \$31,350**

MCSO SAR requests funding for medical supplies and pharmaceuticals required for effective response to a CBRNE incident involving Search and Rescue.

#### **12. CBRNE Reference Materials - \$0.00**

Applicants request no funding under this category.

*[NOTE: The following AEL categories are available only under the LETPP grant]*

#### **13. Agricultural Terrorism Prevention, Response & Mitigation Equipment - \$0.00**

Applicants request no funding under this category.

#### **14. CBRNE Prevention 7 Response Watercraft - \$40,000**

MCSO River Patrol is the sole local law enforcement agency responsible for patrolling Multnomah County's waterways, which includes the Port of Portland, which is the eighth largest U.S. marine port in total tonnage, fourteenth largest container port, and the number one auto port on the West Coast. MCSO requests two inflatable boats with motor(s) for rapid deployment to areas that may be unreachable by other vessels.

MCSO River Patrol also requests \$20,000 as cash match toward a \$120,000 boat, with the balance paid by the state Marine Board. *NOTE: This request, if approved, will not supplant any existing funds because Multnomah County currently does not have any general fund monies allocated toward this purchase.*

#### **15. CBRNE Aviation Equipment - \$0.00**

Applicants request no funding under this category.

#### **16. Cyber Security Enhancement Equipment - \$0.00**

Applicants request no funding under this category.

#### **17. Intervention Equipment - \$624,393**

MCSO's SWAT team is a multi-jurisdictional team consisting of MCSO deputy sheriffs and police officers from the Gresham Police Department. MCSO SWAT is the primary tactical unit that will respond to a CBRNE event in East Multnomah County. The Tactical Weapons Squad (TWS) consists of patrol personnel equipped with semi-automatic rifles and would engage in initial containment, if not resolution of, various terrorism events in East Multnomah County.

While on routine patrol, SWAT and TWS members engage in frequent checks of the county's high-value terrorist targets, including the afore-mentioned bridges, the Bonneville Dam and its massive hydroelectric complex that supplies critical energy to a multi-state region, and the Bull Run Water Reservoir, which supplies drinking water to 800,000 persons in the greater Portland metropolitan area.

Selected MCSO SWAT members have attended Chemical Biological Radiological (COBRA) Training in Anniston, Alabama. All MCSO SWAT deputy sheriffs have completed a 24-hour WMD awareness course and are trained and/or equipped in PPE, APR, SCBA, mass casualty decontamination, and are prepared to augment HAZMAT units in a CBRNE event.

Applicants request funding for specialized law enforcement equipment, including tactical entry equipment and specialized response vehicles.

#### **18. Other Authorized Equipment and Related Costs - \$137,200**

Troutdale PD requests funding for CBRNE training for 18 officers. MCSO SWAT requests funding for 32 M.I.L.E.S. systems for safe and effective tactical training.

### **PART THREE: IDENTIFICATION OF CURRENT CAPABILITIES**

#### **A. Current Equipment and Supplies for CBRNE Incident**

Since 1996, Multnomah County emergency service providers have obtained federal grant funding to improve their response to terrorism. Over \$1.5 million has been spent on MMRS planning, HazMat equipment and training and exercises for regional responders. Our first objective has been to bring our specialized teams to a base level of response protection and capabilities. This request will expand that base and give an

increasing number of essential response personnel the necessary protective gear and equipment that we have been unable to provide due to funding constraints.

#### **B. Current Training Received to Respond to CBRNE Event.**

Since 9/11, we have, and continue to, train our first responders in WMD Awareness and Operations courses. Specialized teams receive advanced technical training from local and nationally sponsored courses.

As mentioned in prior sections, several MCSO units have received specialized CBRNE training. Seven MCSO members (two sergeants and five deputy sheriffs) are certified HAZMAT Specialists serving with the Oregon State Fire Marshall's HAZMAT-3 unit. MCSO's goal is to have every deputy sheriff trained to a basic WMD awareness with PPE issued. Troutdale PD needs WMD-CBRNE and has requested funding in category 18 above.

#### **C. Incident or Unified Command System availability.**

All applicants have adopted by ordinance, resolution or rule a unified command structure based on the Incident Command System.

### **PART FOUR: GOALS, OBJECTIVES AND PERFORMANCE MEASURES**

Goal 1: Save lives and property in the event of a CBRNE incident by equipping

Multnomah County law enforcement agencies with essential equipment

Objectives:

- Implement Procurement Plan

Performance Measures:

- 100 percent of funded equipment delivered to agencies by Sept 30, 2005
- 100 percent of receipts received by grant administrator by Sept. 30, 2005



**Goal 2:** Save lives and property in the event of a CBRNE incident by training on equipment in coordinated, multi-jurisdictional method.

**Objective:**

- LETPP Committee coordinates joint training
- Implement Training Plan

**Performance Measures:**

- 100 percent of designated training completed by Sept. 30, 2005
- 

## **PART FIVE: IMPLEMENTATION AND EVALUATION PLAN**

Prior to the award date of the 2004 CBRNE grant, applicants will establish a LETPP grant committee to implement procurement and delivery of equipment to applicants and plan training.

### **Timelines and Evaluation**

<u>Date</u>	<u>Event and Evaluation</u>
April 2004	Grant Awarded; Convene LETPP Committee;
May 2004	Implement Procurement Plan & Training Plan
June 30, 2004	First Reporting Period Ends
July 19, 2004	First Report Due
Dec 31, 2004	Second Reporting Period Ends
Jan 17, 2005	Second Report Due
June 30, 2005	Third Reporting Period Ends
July 18, 2005	Third Report Due
Oct. 30, 2005	Grant period ends
Nov. 21, 2005	Final report due

## **PART SIX: IDENTIFICATION OF AVAILABLE RESOURCES**

Applicants received some funding for equipment under the FY '02 and FY '03 State Domestic Preparedness Equipment Grant(s). Multnomah County is participating in the current Urban Area Security Initiative (UASI) grant (see Multnomah County's OEM application under the SHSP program). However, MCSO received a relatively small UASI award compared to the City of Portland, Washington County, Oregon and Clark County, Washington. Many of the items requested herein were not funded through the UASI grant.

## **PART SEVEN: BUDGET**

- 1. Personal Protective Equipment (PPE) - \$28,305**
- 2. Explosive Device Mitigation and Remediation - \$0.00**
- 3. CBRNE Search and Rescue Equipment - \$242,843**
- 4. Interoperable Communications Equipment - \$235,066**
- 5. Detection Equipment - \$32,000**
- 6. Decontamination Equipment - \$0.00**
- 7. Physical Security Enhancement Equipment - \$418,344**
- 8. Terrorism Incident Prevention Equipment - \$581,185**
- 9. CBRNE Logistical Support Equipment - \$226,148**
- 10. CBRNE Incident Response Vehicles - \$926,000**
- 11. Medical Supplies and Pharmaceuticals - \$31,350**
- 12. CBRNE Reference Materials - \$0.00**
- 13. Agricultural Terrorism Prevention, Response & Mitigation Equipment - \$0.00**
- 14. CBRNE Prevention 7 Response Watercraft - \$40,000**

**15. CBRNE Aviation Equipment - \$0.00**

**16. Cyber Security Enhancement Equipment - \$0.00**

**17. Intervention Equipment - \$624,393**

**18. Other Authorized Equipment and Related Costs - \$137,200**

**TOTAL FEDERAL FUNDS REQUESTED UNDER LETPP: \$3,522,834 \***

**(TOTAL FEDERAL FUNDS REQUESTED UNDER SHSP: \$2,721,241 )\***

***\*\*\*Please See Note in Introduction, page 1\*\*\****

1. PERSONAL PROTECTIVE EQUIPMENT						
PRIORITY	ITEM	Unit Cost	QTY	DISCIPLINE	TRNG	Sub Total
1	Scott Pro Mask	\$75	6	MCSO SIU	Yes	\$450
1	MPC Cannister	\$12	12	MCSO SIU	Yes	\$144
1	Galls Gas Mask Carrier Q-TE210	\$23	6	MCSO SIU	Yes	\$138
2	Radiation Monitor	\$1,400	11	MCSO RIVR	Yes	\$15,400
3	Millenium Chemical/Bio Mask	\$328	19	TRTPD	Yes	\$6,232
3	Replacement Canisters	\$244	2	TRTPD	Yes	\$488
3	Dupont Tychler 1v cover	\$35	19	TRTPD	Yes	\$665
3	ESP communications/respirator	\$200	4	TRTPD	Yes	\$800
3	Fireproof Storage container	\$1,114	1	TRTPD	No	\$1,114
3	Duty Bags for PPE equipment	\$35	5	TRTPD	No	\$175
Sub-total PPE						\$25,606

3. CBRNE SEARCH & RESCUE						
PRIORITY	ITEM	Unit Cost	QTY	DISCIPLINE	TRNG	Sub Total
1	Viking Pro Dive Suit	\$2,357	10	MCSO DIVE	Yes	\$23,570
1	Viking Undergarment	\$410	10	MCSO DIVE	Yes	\$4,100
1	Kirby Morgan Divelink Mask	\$1,525	10	MCSO DIVE	Yes	\$15,250
2	DSI Superlite Dive Helmet	\$4,470	4	MCSO DIVE	Yes	\$17,880
1	SeaQuest Buoyancy Device	\$680	10	MCSO DIVE	Yes	\$6,800
2	Viking 1500 Heavy Duty Dry Suit	\$2,675	4	MCSO DIVE	Yes	\$10,700
1	Apeks ATX Regulator	\$649	10	MCSO DIVE	Yes	\$6,490
1	SeaQuest Back-up Regulator	\$240	10	MCSO DIVE	Yes	\$2,400
2	Faber Steel Cylinder	\$350	10	MCSO DIVE	No	\$3,500
3	UK Light Cannon	\$285	10	MCSO DIVE	Yes	\$2,850
3	UK SL4 Dive Light	\$37	10	MCSO DIVE	Yes	\$370
2	Reefmaster Digital Camera	\$600	2	MCSO DIVE	Yes	\$1,200
3	Harvey's Titanium Diving Gloves	\$85	10	MCSO DIVE	No	\$850
1	Suunto Cobra Computer	\$750	10	MCSO DIVE	Yes	\$7,500
3	Sea Soft belt/weights	\$100	10	MCSO DIVE	No	\$1,000
3	Bushnell generation I night vision	\$375	1	TRTPD	Yes	\$375
3	Raytheon Thermal Eye	\$13,300	1	TRTPD	Yes	\$13,300
Sub-total CBRNE SAR						\$117,935

4. INTEROPRABLE COMMUNICATIONS EQUIPMENT					
PRIORITY	ITEM	Unit Cost	QTY	DISCIPLINE	TRNG Sub Total
1	Motorola Mobile Data Computer	\$7,500	35	RIVR (2) MCSO 33	Yes \$262,500
3	Laptop Computer w/modem	\$5,019	4	MCSO SWAT (1) MCSO 3	Yes \$20,076
2	Portable Radio/MTS 2000	\$2,560	18	MCSO SWAT (7), MCSO 11	Yes \$46,080
2	Motorola MTS 2000	\$2,623	2	TRTPD	No \$5,246
2	GMRS Portable Radios	\$100	30	FRVPD	Yes \$3,000
2	Laptop Computer w/accessories	\$3,500	5	FRVPD	Yes \$17,500
3	Peac-WMD Computer Software	\$2,980	3	FRVPD	Yes \$8,940
2	Panasonic Toughbook	\$8,000	9	MCSO	No \$72,000
2	Panasonic P1	\$3,000	6	MCSO	No \$18,000
3	Incident Manager Software	\$20,000	1	FRVPD	Yes \$20,000
1	Motorola CDM 1250	\$1,000	21	MCSO	No \$21,000
2	Motorola HT 1250	\$1,000	21	MCSO	No \$21,000
Sub-total Interoperability					\$515,342

5. DETECTION EQUIPMENT					
PRIORITY	ITEM	Unit Cost	QTY	DISCIPLINE	TRNG Sub Total
					\$0
Sub-total Detection					\$0

7. PHYSICAL SECURITY ENHANCEMENT EQUIPMENT					
PRIORITY	ITEM	Unit Cost	QTY	DISCIPLINE	TRNG Sub Total
					\$0
Sub-total Physical Sec.					\$0

8. TERRORISM INCIDENT PREVENTION EQUIPMENT					
PRIORITY	ITEM	Unit Cost	QTY	DISCIPLINE	TRNG Sub Total
3	Sony DCR VX2100 Mini Camcorder	\$3,050	4	MCSO SIU, MCSO 3	Yes \$12,200
2	Morovision Night Quest 160	\$1,995	5	MCSO SIU 3, MCSO 2	Yes \$9,975
1	Morovision Nite Max Color	\$499	3	MCSO SIU	Yes \$1,497
2	Morovision IR-225 Thermal Imager	\$7,695	1	MCSO SIU	Yes \$7,695
2	Synthesized Audio Sys. 6320	\$4,695	1	MCSO SIU	Yes \$4,695
2	Butane Lighter Recorder #2024	\$995	1	MCSO SIU	Yes \$995
1	Radar Detector 500 transmitter	\$1,072	1	MCSO SIU	Yes \$1,072
1	Tape Measure transmitter	\$1,375	1	MCSO SIU	Yes \$1,375
1	2 watt Gym Bag transmitter	\$3,150	1	MCSO SIU	Yes \$3,150
2	Nikon Coolpix 3100 Digital Camera	\$299	4	MCSO SIU, MCSO 2	Yes \$1,196
2	Sony MVC-CD 350 Digital Camera	\$399	10	MCSO SIU (1), MCSO 9	Yes \$3,990
3	Portable Video System 5007T1W	\$8,995	1	MCSO SIU	Yes \$8,995
2	Stabilized Binoculars	\$6,495	4	MCSO SIU, MCSO 2	Yes \$25,980
2	Video Evidence Analysis system	\$40,740	1	MCSO DET.	Yes \$40,740
1	Audio Surveillance System	\$6,628	1	MCSO DET.	Yes \$6,628
1	Nightstorm Video night vision	\$2,354	12	MCSO DET. (1), MCSO PAT (10) 1	Yes \$28,248
3	Olympus DS3000PRO/software	\$9,375	1	MCSO DET.	Yes \$9,375
3	Dell Laptop/Latitude D600	\$4,298	5	MCSO DET. (1), RIVR (1) MCSO 2	Yes \$21,490
1	SONY DCR-TRV22 Dig. Handycam	\$1,400	3	MCSO DET. (1), RIVR (2)	Yes \$4,200
1	GPS Tracking(Birddog)	\$1,500	1	MCSO DET.	Yes \$1,500
3	Fiber Optic Kit/Streamlight Stylus	\$30	8	MCSO RIVR	Yes \$240
3	Telescoping Tactical Mirror	\$210	8	MCSO RIVR	Yes \$1,680
2	Rigel 2300 Night Vision	\$560	7	MCSO RIVR	Yes \$3,920
2	Dell Computer GX270	\$1,853	5	MCSO RIVR 3, MCSO 2	Yes \$9,265
2	Sony MVC 500 Digital Camera	\$600	4	MCSO RIVR, MCSO 2	Yes \$2,400
3	Comm. Gear/Bone Mic Set	\$690	8	MCSO RIVR	Yes \$5,520
2	Stabilized Binoculars	\$500	7	MCSO RIVR	Yes \$3,500
2	Radar/GPS Unit	\$4,500	3	MCSO RVR	Yes \$13,500
Sub-total Terror Prevention					\$235,021
9. CBRNE LOGISTICAL SUPPORT EQUIPMENT					
PRIORITY	ITEM	Unit Cost	QTY	DISCIPLINE	TRNG Sub Total
3	Wells Cargo 7X14 Trailer	\$5,542	6	MCSO 2, SIU (1), RIVR (2), DIVE (	No \$33,252
3	Shelving for above trailer	\$2,000	1	MCSO SIU	No \$2,000
1	TSI Port-a-Count Machine & Kit	\$7,700	1	MCSO HAZMAT	Yes \$7,700
3	Bull Horns w/PA	\$220	15	MCSO PAT (15)	No \$3,300
3	Safety cones/signs	\$100	61	MCSO PAT	No \$6,100
Sub-total Support Equip.					\$52,352

10. CBRNE INCIDENT RESPONSE VEHICLES					
PRIORITY	ITEM	Unit Cost	QTY	DISCIPLINE	TRNG Sub Total
					\$0
Sub-total Incident Veh.					\$0

11. MEDICAL SUPPLIES & PHARMECEUTICALS					
PRIORITY	ITEM	Unit Cost	QTY	DISCIPLINE	TRNG Sub Total
					\$0
Sub-total Medical & Pharm					\$0

14. CBRNE PREVENTION AND RESPONSE WATERCRAFT						
PRIORITY	ITEM	Unit Cost	QTY	DISCIPLINE	TRNG	Sub Total
Sub-total Watercraft						\$0

17. INTERVENTION EQUIPMENT						
PRIORITY	ITEM	Unit Cost	QTY	DISCIPLINE	TRNG	Sub Total
2	Mass Casualty Mangement Sys.	\$449	1	TRTPD	Yes	\$449
2	Mobile Command Boards	\$210	4	TRTPD	No	\$840
2	Portable Honda Generator	\$1,500	1	TRTPD	Yes	\$1,500
2	Magnafire 650w light	\$900	1	TRTPD	Yes	\$900
Sub-total Intervention Equipment						\$3,689

18. OTHER AUTHORIZED EQUIPMENT AND RELATED COSTS						
PRIORITY	ITEM	Unit Cost	QTY	DISCIPLINE	TRNG	Sub Total
2	WMD-CBRNE training (18 officers)	\$25,200	1	TRTPD	Yes	\$25,200
Sub-total All Other Equipment/costs						\$25,200

TOTAL FEDERAL FUNDS REQUESTED

\$975,145

(\$975,145 awarded)



**HOPPEL Michelle L**

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**From:** WALDEN Sandra M [sandra.m.walden@co.multnomah.or.us]  
**Sent:** Friday, August 20, 2004 2:30 PM  
**CC:** SIMPSON Thomas G; HOPPEL Michelle L  
**Subject:** LEWIS Sharie L  
RE: Homeland Security Grant

The most recent budget information that I show for MCSO is \$515,805. The amount spent so far is \$403,860. This leaves \$111,945 available for eligible expenses that need to be spent by 12/31/04. Tom, you are right that when the expenditures are made then the revenue will match.

-----Original Message-----

**From:** SIMPSON Thomas G  
**Sent:** Friday, August 20, 2004 1:24 PM  
**To:** HOPPEL Michelle L  
**Cc:** LEWIS Sharie L; WALDEN Sandra M  
**Subject:** Re: Homeland Security Grant

Actual revenue should only match actual expenditures since the grant is based on reimbursements. I'm copying both Sharie Lewis and Sandra Walden who may have more info on the specifics of this.

-----  
Tom Simpson  
Multnomah County  
503-988-4233  
503-793-8514 (cell)  
thomas.g.simpson@co.multnomah.or.us

-----Original Message-----

**From:** HOPPEL Michelle L <michelle.hoppel@mcso.us>  
**To:** SIMPSON Thomas G <Thomas.G.Simpson@co.multnomah.or.us>  
**Sent:** Fri Aug 20 13:20:20 2004  
**Subject:** RE: Homeland Security Grant

I'm not sure, I just know that it's in our FY 03/04 budget.

-----Original Message-----

**From:** SIMPSON Thomas G [mailto:Thomas.G.Simpson@co.multnomah.or.us]  
**Sent:** Friday, August 20, 2004 1:19 PM  
**To:** HOPPEL Michelle L  
**Subject:** Re: Homeland Security Grant

Is this for the 0203 grant?

-----  
Tom Simpson  
Multnomah County  
503-988-4233  
503-793-8514 (cell)  
thomas.g.simpson@co.multnomah.or.us

-----Original Message-----

**From:** HOPPEL Michelle L <michelle.hoppel@mcso.us>  
**To:** SIMPSON Thomas G <Thomas.G.Simpson@co.multnomah.or.us>  
**Sent:** Fri Aug 20 10:55:39 2004  
**Subject:** Homeland Security Grant

Hi Tom,

I was just reviewing the Sheriff's Office portion of the Homeland Security Grant and noticed that our anticipated revenue is a little short. The budgeted revenue is \$515,930 and the actual is \$403,860. It's short by \$112,070. Should we be expecting more?

Michelle

SOENF.SHSP

**BURDINE Angela L**

---

**From:** SIMPSON Thomas G [Thomas.G.Simpson@co.multnomah.or.us]  
**Sent:** Wednesday, April 28, 2004 9:08 AM  
**To:** HANSELL Tom J; BURDINE Angela L; HAY Ching L; ELKIN Christian; MCCAIN Bruce R  
**Cc:** SALMON Scott O; MCGILLIVRAY Doug  
**Subject:** Budgeting for Homeland Security FY05

I'm trying to keep the County folks on the same page regarding the Homeland Security Grants that we've received this FY. There are actually four: two State Homeland Security Program grants (SHSP) and two Urban Area Security Initiative (UASI) grants. We've only gone through the appropriations process (via bud mod) on one of them, SHSP 02/03. Since we do not have final budget numbers or signed agreements on the other 3 I recommend that we do NOT budget them in FY04 but put them in FY05. I can't see us being able to get the admin pieces in place in time for this FY.

I've attached a spreadsheet that shows which agencies have received which funds. The County will NOT be appropriating the entire amounts listed on the spreadsheet. If you need more information about the intricacies of the data, let me know. I will be scheduling a series of grant meetings over the next two months to sort through all this.

Thanks.

Tom Simpson  
Multnomah County Emergency Management  
501 SE Hawthorne Blvd Suite 600  
Portland, OR 97214  
503-988-4233 desk  
503-793-8514 cell

4/28/2004

## MEMORANDUM

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TO: Lt. Bruce McCain  
CC: Captain Ron Bishop, Manager, Court Services  
FROM: Liz Daily, Operations Administrator  
DATE: February 23, 2004  
SUBJECT: Security Needs – MCDC/FSU Unit

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The following items are needed to enhance and update our entry security posts at both the Detention Center and the Multnomah County Courthouse:

3 hand held metal detector wands – Omni brand \$ 777.00  
20 – clear plexiglass panels – \$5670.00  
Retractable belt crowd control posts – \$3,000.00  
2 Sabre 2000 Handheld Trace Detectors (tri) \$52,930.00  
3 Tray Tables - \$3,000.00  
3 Convex mirrors - \$657.00

The equipment listed above would allow us to move these security posts so that we may provide optimum security for both buildings. The Sabre 2000 detectors would bring our security equipment up to date and improve our detection capabilities.

Most of our equipment is at least 5-7 years old. We recently updated a few of our metal detectors. We could use an updated x-ray machine for the Detention Center. That would be an approximate cost of \$47,000.00.

I appreciate your help with this. If you need additional information please call me at x83852.

Hand held metal detector wands 3 @ \$259.00 each =	\$ 777.00
Panels 20 @ 283.50 each	5,670.00
Retractable belt crowd control posts 18 @ \$166.65 each	2,999.70
Sabre 2000 Handheld Trace Detectors 2 @ \$26, 465 each	52,930.00
Tray Tables 3 @ \$1000 each	3,000.00
Convex Mirrors 3@ \$225.00 each	657.00
TOTAL	66,033.70
Add in x-ray machine	47,000.00
	<u>\$113,033.70</u>

Priority	(All)
Discipline	(All)
Item	(All)
Category	(All)
Jurisdiction	Multnomah County

Sum of Budget Amount	Grant				
Organization	SHSP0203	SHSP04	UASI03	UASI04	Grand Total
BOEC	687,046				687,046
Corbett Fire		63,782	10,500	10,000	84,282
Fairview	3,176	17,890			21,066
Gresham Em Mgmt		81,738			81,738
Gresham Fire	764,191	300,000	739,450	420,000	2,223,641
Gresham Police		585,900			585,900
Hospitals	473,502				473,502
Mult Co Em Mgmt	147,450	325,242			472,692
Mult Co Health		96,550			96,550
Mult Co Sheriff	490,579	975,145	40,001	58,200	1,563,925
Mult Co Transportation	450	197,331			197,781
Port of Portland, PDX	375,052	163,520	20,220	482,235	1,041,027
Portland Fire	1,139,353		2,184,525	1,039,787	4,363,665
Portland Maintenance Bureau	33,786				33,786
Portland Office of EM		1,875,266	1,000,000	1,806,782	4,682,048
Portland Police	1,004,366		808,128	888,472	2,700,966
Portland Water Bureau	86,727				86,727
Sauvie Island Fire	31,800	145,830	10,500	56,775	244,905
Troutdale Police	8,358				8,358
Wood Village		15,000			15,000
Grand Total	5,245,836	4,843,194	4,813,324	4,762,251	19,664,605

EM008MCSO

FY04 364,698.56

FY05 151,231.44

x-ray machine  
ordered 7/1/04



## MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

APPROVED : MULTNOMAH COUNTY  
BOARD OF COMMISSIONERS  
AGENDA # R-3 DATE 10-16-05  
DEBORAH L. BOGSTAD, BOARD CLERK

### Board Clerk Use Only

Meeting Date: 06/16/05  
Agenda Item #: R-3  
Est. Start Time: 9:34 AM  
Date Submitted: 06/03/05

### BUDGET MODIFICATION: MCSO - 06

**Agenda Title:** Budget Modification MCSO-06 Appropriating \$24,053 of Federal Revenue to the Federal/State Fund for Participation in the Presidential Inauguration Task Force in Washington, D.C.

*Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title.*

Date Requested:	<u>June 16, 2005</u>	Time Requested:	<u>2 Minutes</u>
Department:	<u>Sheriff's Office</u>	Division:	<u>Law Enforcement</u>
Contact(s):	<u>Wanda Yantis, Budget Manager</u>		
Phone:	<u>503-988-4455</u>	Ext.	<u>84455</u>
	<u>I/O Address: 503/350</u>		
Presenter(s):	<u>Larry Aab and Wanda Yantis</u>		

### General Information

**1. What action are you requesting from the Board?**

The Sheriff's Office is requesting approval of Budget Modification MCSO-06 to appropriate \$24,053 in Fed/State funds to our Enforcement Division budget.

**2. Please provide sufficient background information for the Board and the public to understand this issue.**

The Multnomah County Sheriff's Office participated in the Presidential Inauguration Task Force (PITF) to achieve maximum coordination and cooperation in bringing to bear combined resources to effectively implement measures to promote the safety of the President of the United States, inaugural participants, the public, visitors and residents while allowing individuals and groups to exercise their legal rights during the period of January 15, 2005 to January 21, 2005. The Command Center for the operations was located at the Metropolitan Police Department (MPD) Headquarters and was staffed by officers from the United States Marshals Service, MPD, U.S. Park Police and the Federal Bureau of Investigation.

**3. Explain the fiscal impact (current year and ongoing).**

This will increase the Enforcement Division's revenue by \$24,053 in the Federal/State Fund. The funds also covers the central indirect for administration of the funds.

**4. Explain any legal and/or policy issues involved.**

Deputation: All local and state law enforcement personnel designated to the PITF will be subject to background inquire and will be federally deputized, with the United States Marshals Service securing the required deputation authorization. These deputations will remain in effect throughout the tenure of each officer's assignment to the PITF or until termination of the PITF, whichever occurs first. Each individual deputized as a Special Deputy U.S. Marshal will have all necessary law enforcement authority as provided by 28 U.S.C. § 556© and (d); 28 U.S.C. § 564; 18 U.S.C. § 3053; 28 C.F.R. § 0.112, and the deputation authority of the Deputy Attorney General. The Special Deputy U.S. Marshals will be responsible for 1) performing necessary law enforcement steps to keep the peace of the United States; 2) enforcing federal law (e.g., 18 U.S.C. §§ 112, 1116, and 878, as well as other provisions of that title); 3) protecting visiting foreign officials, official guests, and internationally protected persons; 4) taking necessary law enforcement steps to prevent violations of federal law, and; 5) enforcing District of Columbia law as a result of the deputation (see D.C. Code 22-501 and 28 U.S.C. § 564).

**5. Explain any citizen and/or other government participation that has or will take place.**

The Command Center for the operations is located at the Metropolitan Police Department (MPD) Headquarters and is staffed by officers from the United States Marshals Service, MPD, U.S. Park Police and the Federal Bureau of Investigation. These officers will serve as the Executive Council for this operation.

# ATTACHMENT A

## Budget Modification

If the request is a Budget Modification, please answer all of the following in detail:

- What revenue is being changed and why?

This is an increase of revenue of \$24,053 in the Federal/State Fund for The Sheriff's Office Enforcement Division due to participation in PITF by the Sheriff's Office.

- What budgets are increased/decreased?

-The Enforcement Division will increase their Federal/State budget by \$24,053

-Increase Human Resource Operations by \$104

- Increase Dept Indirect by \$800

-Increase Central Indirect by \$66

-Increase Risk Fund by \$967

- What do the changes accomplish?

The budgetary change appropriates \$24,053 to the Sheriff's Office budget due to participation in PITF by the Sheriff's Office.

- Do any personnel actions result from this budget modification? Explain.

All overtime and straight time personnel costs incurred during participation in this task force is incurred by current permanent staff members and is reimbursed by the Federal Government.

- How will the county indirect, central finance and human resources and departmental overhead costs be covered?

All overhead costs are covered.

- Is the revenue one-time-only in nature? Will the function be ongoing? What plans are in place to identify a sufficient ongoing funding stream?

This is one-time-only revenue. There are no ongoing functions being funded by this revenue.

- If a grant, what period does the grant cover?

N/A

- If a grant, when the grant expires, what are funding plans?

N/A

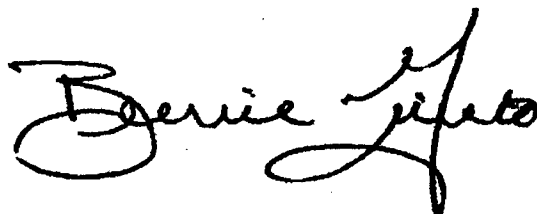


## ATTACHMENT B

BUDGET MODIFICATION: MCSO - 06

### Required Signatures

Department/  
Agency Director:



Date: 06/03/05

Budget Analyst:



Date: 06/03/05

Department HR:

Date: \_\_\_\_\_

Countywide HR:

Date: \_\_\_\_\_

Budget Modification or Amendment ID: **MCSO-06****EXPENDITURES & REVENUES**

Please show an increase in revenue as a negative value and a decrease as a positive value for consistency with MERLIN.

Budget/Fiscal Year: 05

Line No.	Fund Center	Fund Code	Func. Area	Accounting Unit			Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
				Internal Order	Cost Center	WBS Element						
1	60-50	1505				SOENF.WASHDC	50170	0	(24,053)	(24,053)		IG-OP-Direct Fed
2	60-50	1505				SOENF.WASHDC	60110	0	12,093	12,093		Overtime
3	60-50	1505				SOENF.WASHDC	60130	0	3,896	3,896		Salary-Related
4	60-50	1505				SOENF.WASHDC	60140	0	967	967		Insurance
5	60-50	1505				SOENF.WASHDC	60230	0	21	21		Postage
6	60-50	1505				SOENF.WASHDC	60260	0	6,014	6,014		Travel & Training
7	60-50	1505				SOENF.WASHDC	60350	0	66	66		Central Indirect
8	60-50	1505				SOENF.WASHDC	60355			800		Dept Indirect Revenue
9	60-50	1505				SOENF.WASHDC	60360	(393,146)	(393,054)	92		Finance Ops
10	60-50	1505				SOENF.WASHDC	60365	78,541	78,645	104		HR Ops
11												
12	60-00	1000			604020		50370	(401,471)	(402,271)	(800)		Dept Indirect Revenue
13	60-00	1000			604020		60240	86,873	87,673	800		Supplies
14												
15	71-20	3500			705210		50316		(967)	(967)		Increase Insurance Revene
16	71-20	3500			705210		60330		967	967		Increase Offsetting Exp
17												
18	71-20	3506			712006		50310		(104)	(104)		Increase HR Revenue
19	71-20	3506			712006		60240		104	104		Increase HR Expenditure
20												
21	19	1000			9500001000		50310		(66)	(66)		Indirect Revenue
22	19	1000			9500001000		60470		66	66		Contingency
23									0			
24									0			
25									0			
26									0			
27									0			
28									0			
29									0			
										0	0	Total - Page 1
										0	0	GRAND TOTAL

## MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (MOU) is executed by the United States Attorney for the District of Columbia, the Metropolitan Police Department of Washington, D.C. (MPD) and Multnomah County Sheriff's Office.

### I. PURPOSE

The purpose of the MOU is to outline the mission of the Presidential Inauguration Task Force (PITF) in the Washington, D.C. area from January 15, 2005, to January 21, 2005. Additionally, this MOU will define relationships between the United States Marshals Service, MPD and Multnomah County Sheriff's Office, as well as other participating agencies with regard to policy, guidance, utilization of resources, planning, training, public relations and media in order to maximize interagency cooperation.

### II. MISSION

The mission of the PITF is to achieve maximum coordination and cooperation in bringing to bear combined resources to effectively implement measures to promote the safety of the President of the United States, inaugural participants, the public, visitors and residents while allowing individuals and groups to exercise their legal rights.

Additionally, all units that are participating agencies will coordinate their activities and be considered a member of the PITF, sharing information and coordinating investigative and law enforcement efforts which may result from any apprehensions originating from the PITF.

### III. ORGANIZATIONAL STRUCTURE

#### A. Direction

The Multnomah County Sheriff's Office acknowledges that the PITF is a joint operation in which all agencies, including the Metropolitan Police Department of District of Columbia, Office of the United States Attorney for District of Columbia, United States Marshals Service, United States Secret Service, United States Federal Bureau of Investigation, National Park Service, Multnomah County Sheriff's Office and other agencies, act as partners in the operation of the PITF. The Command Center for the operations will be located at the Metropolitan Police Department (MPD) Headquarters and will be staffed by officers from the United States Marshals Service, MPD, U.S. Park Police, and the Federal Bureau of Investigation. These officers will serve as the Executive Council for this operation.

## B. Supervision

The day-to-day operation and administrative control of the PITF will be the responsibility of a Tactical Team Commander selected from one of the participating agencies. The Tactical Team Commander will coordinate with supervisory personnel of the United States Secret Service as the sponsoring agency for Special Deputation (federal) and with MPD as the lead agency for the operation. The daily management of the PITF will be closely monitored by the MPD.

Responsibility for the conduct of the PITF members, both personally and professionally, shall remain with the respective agency directors subject to the provisions in Section IX (Liability).

## Unilateral Law Enforcement Action

There shall be no unilateral action taken on the part of any participating agency relating to PITF activities. All law enforcement action will be coordinated and conducted in a cooperative manner under the direction of the Executive Council and the MPD.

## IV. PROCEDURES

### A. Personnel

Continued assignment of personnel to the PITF will be based upon performance and will be at the discretion of the respective agency. Each participating agency will be provided with reports as necessary regarding the program, direction, and accomplishment of the PITF.

### B. Deputation

All local and state law enforcement personnel designated to the PITF will be subject to background inquiry and will be federally deputized, with the United States Marshals Service securing the required deputation authorization. These deputations will remain in effect throughout the tenure of each officer's assignment to the PITF or until termination of the PITF, whichever occurs first. Each individual deputized as a Special Deputy U.S. Marshal will have all necessary law enforcement authority as provided by 28 U.S.C. § 566(c) and (d); 28 U.S.C. § 564; 18 U.S.C. § 3053; 28 C.F.R. § 0.112, and the deputation authority of the Deputy Attorney General. The Special Deputy U.S. Marshals will be responsible for 1) performing necessary law enforcement steps to keep the peace of the United States; 2) enforcing federal law (e.g., 18 U.S.C. §§ 112, 1116, and 878, as well as other provisions of that title); 3) protecting visiting foreign officials, official guests, and internationally protected persons; 4) taking necessary law enforcement steps to prevent violations of federal law, and; 5) enforcing District of Columbia law as a result of the deputation (see D.C. Code 22-501 and 28 U.S.C. § 564).

Individuals deputized as Special Deputy U.S. Marshals pursuant to this MOU who suffer a disability or die as a result of personal injury sustained while in the performance of his or her duty during the assignment shall be treated as a federal employee as defined by Title 5 U.S.C. section 8101. Any such individuals who apply to the U.S. Department of Labor for federal workers' compensation under Section 3374 must submit a copy of this MOU with his or her application. All applicants will be processed by the U.S. Department of Labor on a case by case basis in accordance with applicable law and regulation.

#### **C. Law Enforcement Activities**

Since it is anticipated that almost all cases originating from any PITF arrests will be prosecuted at the state or local level, the law enforcement methods employed by all participating law enforcement agencies shall conform to the requirements of such statutory or common law pending a decision as to a change of venue for prosecution.

#### **D. Prosecution**

The criteria for determining whether to prosecute a particular violation in federal or state court will focus upon achieving the greatest overall benefit to law enforcement and the community. Any question which arises pertaining to prosecutorial jurisdiction will be resolved through the Executive Council. The U.S. Attorney's Office for the District of Columbia has agreed to formally participate in the PITF and will adopt policies and seek sentences that meet the needs of justice.

### **V. ADMINISTRATIVE**

#### **Records and Reports**

All records and reports generated by PITF members shall be routed through the Tactical Team Commander who shall be responsible for maintaining custody and proper dissemination of said records as he or she deems appropriate.

#### **Staff Briefings**

Periodic briefings on PITF law enforcement actions will be provided to the directors of the participating agencies or their designees. Statistics regarding accomplishments will also be provided to the participating agencies as available.

### **VI. MEDIA**

All media releases pertaining to PITF law enforcement activity and/or arrests will be coordinated by all participants of this MOU. No unilateral press releases will be made by any participating

## IX. LIABILITY

Unless specifically addressed by the terms of this MOU, the parties agree to be responsible for the negligent or wrongful acts or omissions of their respective employees. Legal representation by the United States is determined by the Department of Justice on a case-by-case basis. There is no guarantee that the United States will provide legal representation to any federal, state or local law enforcement officer. Congress has provided that the exclusive remedy for the negligent or wrongful act or omission of any employee of the United States government, acting within the scope of employment, shall be an action against the United States under the Federal Tort Claims Act (FTCA), 28 U.S.C. § 2679(b)(2).

For the limited purpose of defending claims arising out of PITF activity, state or local law enforcement officers who have been specially deputized as U.S. Marshals and who are acting within the course and scope of their official duties and assignments pursuant to this MOU, may be considered an "employee" of the United States government as defined in 28 U.S.C. 2671. It is the position of the Department of Justice Civil Division Torts Branch that such individuals are federal employees for these purposes.

Under the Federal Employees Liability Reform and Tort Compensation Act of 1988 (commonly known as the Westfall Act), 28 U.S.C. § 2679(b)(1), the Attorney General or his designee may certify that an individual defendant acted within the scope of employment at the time of the incident giving rise to the suit. *Id.*, 28 U.S.C. § 2679(d)(2). The United States can then be substituted for the employee as the sole defendant with respect to any tort claims. 28 U.S.C. § 2679(d)(2). If the United States is substituted as defendant, the individual employee is thereby protected from suit.

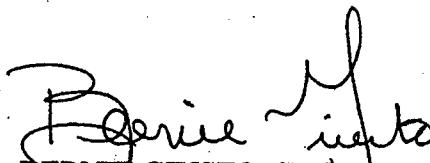
If the Attorney General declines to certify that an employee was acting within the scope of employment, "the employee may at any time before trial petition the court to find and certify that the employee was acting within the scope of his office or employment." 28 U.S.C. § 2679(d)(3).

Liability for any negligent or willful acts of PITF employees, undertaken outside the terms of this MOU will be the sole responsibility of the respective employee and agency involved.

Liability for violations of federal constitutional law rests with the individual federal agent or officer pursuant to *Bivens v. Six Unknown Agents of the Federal Bureau of Narcotics*, 403 U.S. 388 (1971), or pursuant to 42 U.S.C. § 1983 for state and local officers or cross-deputized federal officers.

**XII. LIMITATION**

Nothing in this MOU is intended to, or shall be construed to, create enforceable rights in third parties.



**BERNIE GIUSTO, SHERIFF  
MULTNOMAH COUNTY SHERIFF'S OFFICE**

**CHARLES H. RAMSEY, CHIEF OF POLICE  
WASHINGTON, D.C., METROPOLITAN POLICE  
DEPARTMENT**

**KENNETH L. WAINSTEIN  
UNITED STATES ATTORNEY  
DISTRICT OF COLUMBIA**



## MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

APPROVED : MULTNOMAH COUNTY  
BOARD OF COMMISSIONERS  
AGENDA # 24 DATE 6-16-05  
DEBORAH L. BOGSTAD, BOARD CLERK

### Board Clerk Use Only

Meeting Date: 06/16/05  
Agenda Item #: R-4  
Est. Start Time: 9:35 AM  
Date Submitted: 05/24/05

### BUDGET MODIFICATION: HD - 20

**Budget Modification HD-20 Appropriating \$148,242 New Revenue from  
Three Federal Grants to Fund Projects in the Health Departments**  
**Agenda Title: Program Design Evaluation Services Unit**

*Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions,  
provide a clearly written title.*

Date Requested:	<u>June 16, 2005</u>	Time Requested:	<u>5 mins</u>
Department:	<u>Health Dept.</u>	Division:	<u>CHP3</u>
Contact(s):	<u>Angela Burdine, Budget Manager</u>		
Phone:	<u>503-988-3663</u>	Ext.	<u>26457</u>
	I/O Address:		<u>106/14</u>
Presenter(s):	<u>Mike Stark, Principal Investigator</u>		

### General Information

#### 1. What action are you requesting from the Board?

Approval of appropriation of a total of \$148,242 from Oregon Department of Human Service to fund 3 Projects in the Health Departments Program Design Evaluation Services Unit. The funds are divided in the following manner; \$24,000 for Oral Health Evaluation, \$33,333 for Public Health Preparedness Curriculum Evaluation and \$90,909 for Morbidity Monitoring Project.

#### 2. Please provide sufficient background information for the Board and the public to understand this issue.

Oral Health Evaluation: To document all aspects of State Plan implementation so that adjustments can be made, if necessary, to keep the State Plan on track and improve or fine-tune the overall product. To document extent to which all performance measures specified in the One Year Workplan have been accomplished, and to develop a detailed plan that will describe program objectives measures, data collection methods, sampling, analysis, reporting, and use of results.

PH Preparedness Curriculum Evaluation: To provide consultation to Department's Public Health Preparedness Education and Training staff and training faculty to assist in curriculum planning and



evaluation of existing courses.

HIV Morbidity Monitoring Surveillance Project: To collect data on persons in Oregon infected with HIV, through a combination of medical record abstractions and patient interviews, to generate population based estimates of the characteristics of Oregonians infected with HIV and the care they receive (including the quality of care and severity of need for care and support service).

**3. Explain the fiscal impact (current year and ongoing).**

Budget Modification will increase the Health Departments FY05 federal/state budget by \$148,242. An amendment will be proposed to add it to the FY06 budget.

**4. Explain any legal and/or policy issues involved.**

No legal and /or policy issues will be involved with Oral Health Eval and PH Preparedness Curriculum Eval. MMP project is subject to rules governing confidentiality requirement from CDC and the IRB requirement.

**5. Explain any citizen and/or other government participation that has or will take place.**

Both Oral Health Eval and PH Preparedness Curriculum Eval projects are joint projects between federal government and state agencies and we don't foresee citizen participation at this time. MMP project involves CDC, the HIV program of DHS, Office of Health Services, statewide health care providers, HIV planning council, coalition and advisory board.

## ATTACHMENT A

### Budget Modification

If the request is a **Budget Modification**, please answer all of the following in detail:

- What revenue is being changed and why?  
The federal/state revenue in the Health Departments, CHP3 Service Area will be increased in the following manner; \$24,000 for Oral Health Eval, \$33,333 for Public Health Preparedness Curriculum Eval and \$90,909 for Morbidity Monitoring Project.
- What budgets are increased/decreased?  
The Health Department, Community Health Promotion, Partnerships & Planning budget will increase by \$142,242.
- What do the changes accomplish?  
Add 1.17 FTE to current budget to provide staff to collect information, evaluate processes, and provide consultation services in the area's outlined by each project.
- Do any personnel actions result from this budget modification? Explain.  
Add the following FTE;  
Oral Health Eval: on call only  
PH Preparedness Curriculum Eval: adds 0.35 RE Analyst 2 (.26 for FY05), 0.10 Principal Investigator (.08 for FY05)  
MMP PDES: adds 1.0 RE SupervisorResearch/Evaluation Analyst (.83 for FY05)
- How will the county indirect, central finance and human resources and departmental overhead costs be covered?  
Funds cover indirect costs
- Is the revenue one-time-only in nature?  
No, grants may be renewed
- If a grant, what period does the grant cover?
  - Oral Health Eval: one year for now (October 2004 June 2005); may be renewed
  - PH Preparedness Curriculum Eval: one year for now (Sept 2004 Aug 2005); may be renewed
  - MMP PDES: 5 year project (May 2004 April 2009)
- If a grant, when the grant expires, what are funding plans?  
When grant funding expires projects will be completed.

*NOTE: If a Budget Modification or a Contingency Request attach a Budget Modification Expense & Revenues Worksheet and/or a Budget Modification Personnel Worksheet.*

## ATTACHMENT B

BUDGET MODIFICATION: HD - 20

### Required Signatures

Department/  
Agency Director:



Date: 05/13/05

Budget Analyst:



Date: 05/24/05

Department HR:



Date: 05/16/05

Countywide HR:

Date: \_\_\_\_\_

**EXPENDITURES & REVENUES**

Please show an increase in revenue as a negative value and a decrease as a positive value for consistency with MERLIN.

Line No.	Fund Center	Fund Code	Accounting Unit			Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
			Internal Order	Cost Center	WBS Element						
	40-16	32156			4SA62-1	50180	0	(24,000)	(24,000)		New state grant: Oral Health Eval
	40-16	32156			4SA62-1	60350	0	58	58		
	40-16	32156			4SA62-1	60355	0	2,034	2,034		
	40-16	32156			4SA62-1	60365	0	377	377		
	40-16	32156			4SA62-1	90002	0	21,531	21,531		
								0		0	
								0			
	40-16	32164			4SA65-1	50190	0	(33,333)	(33,333)		New state grant: Public Health Preparedness Curriculum Eval
	40-16	32164			4SA65-1	60000	0	19,394	19,394		
	40-16	32164			4SA65-1	60120	0	1,556	1,556		
	40-16	32164			4SA65-1	60130	0	5,589	5,589		
	40-16	32164			4SA65-1	60140	0	3,367	3,367		
	40-16	32164			4SA65-1	60350	0	80	80		
	40-16	32164			4SA65-1	60355	0	2,824	2,824		
	40-16	32164			4SA65-1	60365	0	523	523		
								0		0	
								0			
	40-16	32165			4SA66-1	50190	0	(90,909)	(90,909)		New state grant: Morbidity Monitoring Project (MMP PDES)
	40-16	32165			4SA66-1	60000	0	51,218	51,218		
	40-16	32165			4SA66-1	60120	0	2,049	2,049		
	40-16	32165			4SA66-1	60130	0	14,761	14,761		
	40-16	32165			4SA66-1	60140	0	10,230	10,230		
	40-16	32165			4SA66-1	60240	0	3,051	3,051		
	40-16	32165			4SA66-1	60350	0	219	219		
	40-16	32165			4SA66-1	60355	0	7,703	7,703		
	40-16	32165			4SA66-1	60360	0	308	308		
	40-16	32165			4SA66-1	60365	0	1,370	1,370		
								0		0	
								0			
	70-80	3500		708000		50310		(13,597)	(13,597)		Insurance (60140)
	70-80	3500		708000		60330		13,597	13,597		Insurance (60140)
								0			
	71-10	3506		711100		50310		(308)	(308)		Finance (60360)
	71-10	3506		711100		60240		308	308		Finance (60360)
								0			
	71-20	3506		712006		50310		(2,270)	(2,270)		HR (60365)
	71-20	3506		712006		60240		2,270	2,270		HR (60365)
								0			
	19	1000		9500001000		50310		(357)	(357)		Central Indirect (60350)
	19	1000		9500001000		60470		357	357		Central Indirect (60350)

**EXPENDITURES & REVENUES**

Please show an increase in revenue as a negative value and a decrease as a positive value for consistency with MERLIN.

Line No.	Fund Center	Fund Code	Accounting Unit			Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
			Internal Order	Cost Center	WBS Element						
1								0			
2	40-90	1000		409050		50370		(12,561)	(12,561)		Department Indirect (60355)
3	40-90	1000		409001		60000		12,561	12,561		Use additional dept indirect to reduce dept salary savings
4								0			
5	40-90	1505		456789		60100		21,531	21,531		On-call balancing entry (90002)
6	40-90	1505		456789		90002		(21,531)	(21,531)		On-call balancing entry (90002)
7								0		0	
8								0			
9								0			
10								0			
									0	0	GRAND TOTAL

**5. ANNUALIZED PERSONNEL CHANGE**Change on a full year basis even though this action affects only a part of the fiscal year (FY).

						ANNUALIZED			
Fund	Job #	HR Org Unit	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
1505	6086	61166	RESEARCH/EVALUATION ANALYS	707374	0.35	16,399	4,726	3,006	24,131
1505	9798	61166	PRINCIPAL INVESTIGATOR	700886	0.10	9,015	2,598	1,418	13,031
1505	9041	63179	RESEARCH/EVALUATION SUPERV	700744	1.00	61,708	17,784	12,325	91,817
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
TOTAL ANNUALIZED CHANGES					1.45	87,122	25,108	16,749	128,979

**6. CURRENT YEAR PERSONNEL DOLLAR CHANGE**Calculate costs/savings that will take place in this FY; these should explain the actual dollar amounts being changed by this Bud Mod.

						CURRENT YEAR			
Fund	Job #	HR Org Unit	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
1505	6086	61166	RESEARCH/EVALUATION ANALYS	707374	0.26	12,182	3,511	2,233	17,926
1505	9798	61166	PRINCIPAL INVESTIGATOR	700886	0.08	7,212	2,078	1,134	10,424
1505	9041	63179	RESEARCH/EVALUATION SUPERV	700744	0.83	51,218	14,761	10,230	76,209
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
TOTAL CURRENT FY CHANGES					1.17	70,612	20,350	13,597	104,559



## MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

APPROVED : MULTNOMAH COUNTY  
BOARD OF COMMISSIONERS  
AGENDA # R-5 DATE 06-16-05  
DEBORAH L. BOGSTAD, BOARD CLERK

### Board Clerk Use Only

Meeting Date: 06/16/05  
Agenda Item #: R-5  
Est. Start Time: 9:40 AM  
Date Submitted: 05/23/05

### BUDGET MODIFICATION: DCHS - 23

**Budget Modification DCHS-23 Appropriating \$812,545 in the Aging and Disabilities Services Division for Oregon Project Independence,**  
**Agenda Title: Respite/Home Care, and One Time Only Funds for PC Replacement**

*Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title.*

Date Requested:	<u>06/16/05</u>	Time Requested:	<u>2 mins</u>
Department:	<u>Dept. of County Human Services</u>	Division:	<u>Aging &amp; Disability Services</u>
Contact(s):	<u>Nancy Wilton</u>		
Phone:	<u>503 988-3691</u>	Ext.	<u>24776</u>
	I/O Address:		<u>166/7</u>
Presenter(s):	<u>Mary Shortall</u>		

### General Information

**1. What action are you requesting from the Board?**

The Department of County Human Services recommends approval of budget modification DCHS-23.

**2. Please provide sufficient background information for the Board and the public to understand this issue.**

Budget modification DCHS-23 reflects the following changes: an increase to the Oregon Department of Human Services (DHS) contract increasing Oregon Project Independence (OPI) funds by (\$400,833), increasing Older American Act (OAA) funds by (\$137,323), increasing Clackamas County funds by (\$15,125), increasing Providence Center on Aging revenue contract by (\$23,240), and a special one time only allocation of Medicaid Title XIX (\$228,524) and State of Oregon Older American Act funds (\$7,500).

We received our final notification of OPI and OAA allocations from the state in early April. The increase in Oregon Project Independence (OPI) funding will enhance case management and home

care services, along with supplies and finance shared services. Older American Act (OAA) funding will increase respite care, supplemental services to caregivers, and finance shared services.

The increase in funding from Clackamas County is for making presentations and distributing public relations materials on Medicare approved drug discount cards and transitional assistance credit program. Funding from Providence Center on Aging is to assist with project recruitment activities and provide nursing case management services for the Community-based Home Arthritis Management Program for Seniors (CHAMPS).

A special one time only allocation of Title XIX (\$228,524) and the State of Oregon Older American Act (\$7,500) funding is dedicated to laptop and PC replacements for the Aging & Disabilities Services District Center and field offices respectively. The prepaying of the PC Flat Fee for FY06 will allow for other funds to purchase additional services next year.

**3. Explain the fiscal impact (current year and ongoing).**

Aging & Disabilities Services Division (ADS) budget increases by \$812,545. The following revenue sources were increased:

1. Oregon Project Independence (OPI)	\$400,833
2. Medicaid Title XIX	\$228,524
3. Older American Act (OAA)	\$137,323
4. Clackamas County	\$15,125
5. Providence Center on Aging	\$23,240
6. State of Oregon Older American Act	\$7,500

The following ADS expenses increase:

1. Pass Through	\$494,877
(Case Management \$220,267, Home Care \$139,566, Respite care \$83,907, Supplemental Services to Care giver \$51,137)	
2. Materials & Services (printing, mileage, supplies, PC Flat Fee)	\$279,301
3. Share Services (County Business Service)	\$13,387
4. Grant Paid Indirect	\$ 2,126
5. Professional Services for Community based Home Arthritis Management Program	\$22,854

The Director's Office budget increases by \$1,509 from indirect revenue, with a corresponding increase in supplies of \$1,484 and finance shared services of \$25.

Service reimbursement from the Fed/State fund increases: General Fund Contingency \$617, Business Operations Fund \$13,387 and Capital Acquisition Fund \$230,080.

**4. Explain any legal and/or policy issues involved.**

N/A

**5. Explain any citizen and/or other government participation that has or will take place.**

N/A



## ATTACHMENT A

### Budget Modification

If the request is a Budget Modification, please answer all of the following in detail:

- What revenue is being changed and why?  
Increases Oregon Project Independence by \$400,833 and Older American Act by \$137,323 to reflect final FY 05 allocation from the State biennial contract. Revenue increases another \$15,125 to reflect an Intergovernmental Agreement with Clackamas County, an additional \$23,240 from Providence Center on Aging; and a one-time special allocation of \$228,524 Medicaid Title XIX and State of Oregon Older American Act \$7,500.
- What budgets are increased/decreased?  
Aging & Disability Services increases by \$812,545; Director's Office by \$1,509; Business Operations by \$13,387, Capital Acquisition \$230,080 and County General Fund Contingency by \$617.
- What do the changes accomplish?  
Brings the budget in line with current funding allocations.
- Do any personnel actions result from this budget modification? Explain.  
No.
- How will the county indirect, central finance and human resources and departmental overhead costs be covered?  
Finance operations charges are covered by all of the funding sources. Title XIX pays county indirect expenses.
- Is the revenue one-time-only in nature?  
Yes, a one time only allocation of Title XIX and Older American Act for the end of the biennium.
- If a grant, what period does the grant cover?  
2003 - 2005 biennium awards.
- If a grant, when the grant expires, what are funding plans?  
None.

*NOTE: If a Budget Modification or a Contingency Request attach a Budget Modification Expense & Revenues Worksheet and/or a Budget Modification Personnel Worksheet.*

## ATTACHMENT B

BUDGET MODIFICATION: DCHS - 23

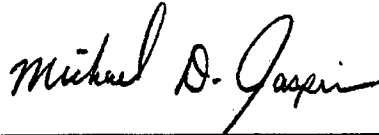
### Required Signatures

Department/  
Agency Director:



Date: 04/14/05

Budget Analyst:



Date: 05/23/05

Department HR:

Date:

Countywide HR:

Date:

Budget Modification or Amendment ID: **DCHS-23****EXPENDITURES & REVENUES**

Please show an increase in revenue as a negative value and a decrease as a positive value for consistency with MERLIN.

Budget/Fiscal Year: 05

Line No.	Fund Center	Fund Code	Func. Area	Accounting Unit		WBS Element	Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
				Internal Order	Cost Center							
1	30-45	23870	40			ADSDIV35OPI	60160	203,999	424,266	220,267		Pass-thru (Case Management)
2	30-45	23870	40			ADSDIV35OPI	50180	(203,999)	(424,266)	(220,267)		IG-OP Direct State
3												
4	30-45	23870	40			ADSDIV63OPI	60160	176,380	315,946	139,566		Pass-thru (Home Care)
5	30-45	23870	40			ADSDIV63OPI	50180	(176,380)	(315,946)	(139,566)		IG-OP Direct State
6												
7	30-45	23870	40			ADSDIVCS201OPI	60240	0	34,346	34,346		Supplies
8	30-45	23870	40			ADSDIVCS201OPI	60360	0	6,654	6,654		Finance Shared Svcs @1.66%
9	30-45	23870	40			ADSDIVCS201OPI	50180	(36,782)	(77,782)	(41,000)		IG-OP Direct State
10												
11	30-45	20680	40			ADSDIV1KIIIE	60160	120,065	203,972	83,907		Pass-thru (Respite Care)
12	30-45	20680	40			ADSDIV1KIIIE	60360	0	1,416	1,416		Finance Shared Svcs @1.66%
13	30-45	20680	40			ADSDIV1KIIIE	50190	(120,065)	(205,388)	(85,323)		IG-OP Fed Thru State
14												
15	30-45	20680	40			ADSDIV9DIIE	60160	0	51,137	51,137		Pass-thru (Suppl Ser For Caregiv)
16	30-45	20680	40			ADSDIV9DIIE	60360	0	863	863		Finance Shared Svcs @1.66%
17	30-45	20680	40			ADSDIV9DIIE	50190	0	(52,000)	(52,000)		IG-OP Fed Thru State
18												
19	30-45	24160	40			ADSDIVCS201MCCLAC	60270	0	900	900		Mileage
20	30-45	24160	40			ADSDIVCS201MCCLAC	60240	0	8,500	8,500		Supplies
21	30-45	24160	40			ADSDIVCS201MCCLAC	60180	0	5,475	5,475		Printing
22	30-45	24160	40			ADSDIVCS201MCCLAC	60360	0	250	250		Finance Shared Svcs @1.66%
23	30-45	24160	40			ADSDIVCS201MCCLAC	50200	0	(15,125)	(15,125)		IG-OP Other
24												
25	30-01	32167	40			ADSDIVADM201OAASF	50190	0	(7,500)	(7,500)		IG-OP Fed Thru State
26	30-01	32167	40			ADSDIVADM201OAASF	60390	0	7,378	7,378		PC Flat Fee (prepaid)
27	30-01	32167	40			ADSDIVADM201OAASF	60360	0	122	122		Finance Shared Svcs @1.66%
28												
29												
										0	0	Total - Page 1
										0	0	GRAND TOTAL

Budget Modification or Amendment ID: **DCHS-23****EXPENDITURES & REVENUES**

Please show an increase in revenue as a negative value and a decrease as a positive value for consistency with MERLIN.

Budget/Fiscal Year: 05

Line No.	Fund Center	Fund Code	Func. Area	Accounting Unit		WBS Element	Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
				Internal Order	Cost Center							
30	30-01	26090	40			ADSDIVADM201SPXIX	50190	0	(228,524)	(228,524)		IG-OP Fed Thru State
31	30-01	26090	40			ADSDIVADM201SPXIX	60390	0	222,702	222,702		PC Flat Fee (prepaid)
32	30-01	26090	40			ADSDIVADM201SPXIX	60350	0	1,509	1,509		Department Indirect @ .66%
33	30-01	26090	40			ADSDIVADM201SPXIX	60355	0	617	617		Central Indirect @.27%
34	30-01	26090	40			ADSDIVADM201SPXIX	60360	0	3,696	3,696		Finance Shared Svcs @1.66%
35												
36	30-80	32123	40			ADSDIVAPSALZPMC	50210	0	(23,240)	(23,240)		OP Nongovt Program
37	30-80	32123	40			ADSDIVAPSALZPMC	60170	0	22,854	22,854		Professional Services
38	30-80	32123	40			ADSDIVAPSALZPMC	60360	0	386	386		Finance Shared Svcs @1.66%
39												
40	26-00	1000	40			CHSDO.IND1000	50370		(1,509)	(1,509)		Department Indirect Revenue
41	26-00	1000	40			CHSDO.IND1000	60240		1,484	1,484		Supplies
42	26-00	1000	40			CHSDO.IND1000	60360		25	25		Finance Shared Svcs @1.66%
43												
44	71-10	3506			711100		50310		(13,387)	(13,387)		Svc Reim F/S to Bus Svcs Fund
45	71-10	3506			711100		60240		13,387	13,387		Supplies
46												
47	19	1000			9500001000		50310		(617)	(617)		Svc Reim F/S to General Fund
48	19	1000			9500001000		60470		617	617		Contingency
49												
50	70-03	2508			709202		50310			(230,080)		Int Svc Reim F/S to PC Flat Fee
51	70-03	2508			709202		60240			230,080		Supplies
52												
53												
54												
55												
56												
57												
58												
										0	0	Total - Page 2
										0	0	GRAND TOTAL



## MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

APPROVED : MULTNOMAH COUNTY  
BOARD OF COMMISSIONERS  
AGENDA # R-6 DATE 10-11-05  
DEBORAH L. BOGSTAD, BOARD CLERK

### Board Clerk Use Only

Meeting Date: 06/16/05  
Agenda Item #: R-6  
Est. Start Time: 9:43 AM  
Date Submitted: 05/23/05

### BUDGET MODIFICATION: DCHS - 24

**Budget Modification DCHS-24 Reclassifying an Existing Case  
Management Assistant Position to a Program Development Technician in  
Developmental Disabilities Services Division, as Determined by the**  
**Agenda Title: Class/Comp Unit of Central Human Resources**

*Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title.*

Date Requested:	<u>06/16/05</u>	Time Requested:	<u>2 mins</u>
Department:	<u>Dept. of County Human Services</u>	Division:	<u>Developmental Disabilities</u>
Contact(s):	<u>Nancy Wilton</u>		
Phone:	<u>503 988-3691</u>	Ext.	<u>24776</u>
	I/O Address:		<u>166/7</u>
Presenter(s):	<u>Mary Overgaard &amp; Rex Surface</u>		

### General Information

**1. What action are you requesting from the Board?**

The Department of County Human Services recommends approval of budget modification DCHS-24.

**2. Please provide sufficient background information for the Board and the public to understand this issue.**

An employee requested a reclassification of their existing position (Case Management Assistant) to a Program Development Technician. Class/Comp reviewed the submitted job duties and descriptions and agreed that a Program Development Specialist was the best fit for the position. The position provides technical and administrative support work for the Crisis and Long Term Service program. This includes the training functions, criminal history services, and provider information filing systems.

**3. Explain the fiscal impact (current year and ongoing).**

For the current fiscal year, the reclassification is budget neutral. The pay range for a Program Development Technician (\$31,822 - \$39,192) is within the pay range of a Case Management Assistant (\$29,107 - \$35,872). As the person progresses beyond top of the old range, personnel costs will increase, as the pay scale is higher.

4. **Explain any legal and/or policy issues involved.**

N/A

5. **Explain any citizen and/or other government participation that has or will take place.**

N/A

## ATTACHMENT A

### Budget Modification

If the request is a **Budget Modification**, please answer all of the following in detail:

- What revenue is being changed and why?  
N/A
- What budgets are increased/decreased?  
N/A
- What do the changes accomplish?  
Approval of reclassification decision from Class/Comp.
- Do any personnel actions result from this budget modification? Explain.  
Reclassification of a Case Management Assistant position to a Program Development Technician.
- How will the county indirect, central finance and human resources and departmental overhead costs be covered?  
N/A
- Is the revenue one-time-only in nature?  
N/A
- If a grant, what period does the grant cover?  
N/A
- If a grant, when the grant expires, what are funding plans?  
N/A

*NOTE: If a Budget Modification or a Contingency Request attach a Budget Modification Expense & Revenues Worksheet and/or a Budget Modification Personnel Worksheet.*

## ATTACHMENT B

BUDGET MODIFICATION: DCHS - 24

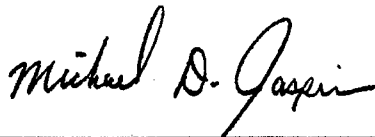
### Required Signatures

Department/  
Agency Director:



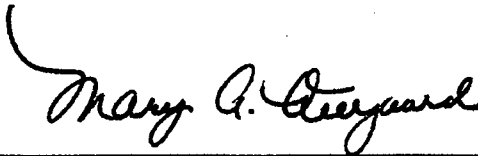
Date: 04/14/05

Budget Analyst:



Date: 05/23/05

Department HR:



Date: 04/13/05

Countywide HR:

Date: \_\_\_\_\_



**ANNUALIZED PERSONNEL CHANGE**

Change on a full year basis even though this action affects only a part of the fiscal year (FY).

						ANNUALIZED			
Fund	Job #	HR Org Unit	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
	6299	63225	Case Mmgt Assistant	706089	(1.00)	(31,111)	(8,966)	(9,734)	(49,811)
	6020	63225	Prog Dev Tech	706089	1.00	31,111	8,966	9,734	49,811
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
TOTAL ANNUALIZED CHANGES					0.00	0	0	0	0

**CURRENT YEAR PERSONNEL DOLLAR CHANGE**

Calculate costs/savings that will take place in this FY; these should explain the actual dollar amounts being changed by this Bud Mod.

						CURRENT YEAR			
Fund	Job #	HR Org Unit	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
	6299	63225	Case Mmgt Assistant	706089	(0.67)	(20,844)	(6,007)	(6,522)	(33,373)
	6020	63225	Prog Dev Tech	706089	0.67	20,844	6,007	6,522	33,373
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
TOTAL CURRENT FY CHANGES					0.00	0	0	0	0



# MULTNOMAH COUNTY OREGON

DEPARTMENT OF BUSINESS  
& COMMUNITY SERVICES  
HUMAN RESOURCES  
CLASS/COMP UNIT

MULTNOMAH BUILDING  
501 SE HAWTHORNE BLVD. Suite 400  
PO BOX 14700  
PORTLAND OR 97293-0700

PHONE (503) 988-5015 x24422  
FAX (503) 988-3048  
TDD (503) 988-5170

29-Mar-05

To: Marti Good  
From: Leon Oswalt *WMD* Central HR, Class/Comp 166/4  
Subject: Classification Request #209 503/4

A request for classification of position # 706089 was received 3/18/2005. The current classification is CASE MANAGEMENT ASSISTANT, JCN 6299, and the requested classification is PROGRAM DEVELOPMENT TECHNICIAN, JCN 6020. The presented job duties and descriptions and the County classification documents were carefully analyzed.

We have determined that the position best fits within the PROGRAM DEVELOPMENT TECHNICIAN classification.

## Summary of position purpose and main job functions.

Support Program Development Specialists, Data Analyst, Management and other staff, for the development, improvement and implementation of service delivery and billing systems, criminal history, quality assurance and fiscal monitoring. Create and maintain communication links between services. Maintain access to no-cost meeting sites for staff.

Receive, review and process Criminal History requests. Make preliminary fitness determination and recommend probationary status of subject individuals. Ensure necessary documentation is on hand. Maintain master spreadsheet with applicable information.

Assist Billing and Reconciliation Team with coordination of state and local reports, QA development of protocols, and file review to provide authorization and confirmation.

Maintain training records for staff training. Plan, coordinate and host provider training. Make travel arrangements for out-of-state travel.

Maintain secure Provider Filing area. Ensure HIPPA compliance. Develop accessible filing system. Maintain historical and current files on providers.

## Review of class specifications:

### CURRENT CLASSIFICATION

### CASE MANAGEMENT ASSISTANT

Class Definition To perform a variety of technical and clerical duties in social service assistance; work may include client information and referral, special client assistance, and file management

### **Distinguishing Characteristics**

*Assist case managers in filling-out miscellaneous paperwork; organize and update information in client files. Assist applicant in obtaining program services; assist applicant with obtaining material to document their eligibility; refer applicant to another appropriate agency if necessary. Assist clients by making doctors' appointments or other social service appointments for them; pick up and deliver client to appointments; return clients to their homes. Assist clients in moving from one residence to another; assist client in packing and unpacking; may assist in moving furniture. Perform limited intake to determine initial and ongoing financial needs and to screen for possible unmet service needs. Determine continued eligibility for benefits within appropriate periods and provide client problem solving, information and referral, correction of errors; processing of overpayments and underpayments, and completion of monthly reports for small caseload. Complete and file or process reports and other forms; complete intake sheets, face sheets, protective service forms, and other paperwork. Prioritize requests received from case managers; request assistance as needed from supervisor. Contact community resources as advocate for client receiving services; complete appropriate paperwork as required.*

### **Fit analysis for class.**

This is not an appropriate class. This class does direct support of case management activities. The position does staff support work.

### **Proposed Class**

### **PROGRAM DEVELOPMENT TECHNICIAN**

### **Class Definition**

*Provide technical and administrative assistance in the research, design, development, implementation, monitoring and evaluation of programs, projects, contracts or grants.*

### **DISTINGUISHING CHARACTERISTICS**

*This class is distinguished from the Program Development Specialist class, which performs the full range of duties as assigned including the research, design, development, implementation, monitoring and evaluation of programs, projects or grants. The Program Development Technician class provides technical and administrative support assistance within established procedures.*

*Collect and analyze data; produce and analyze demographic summaries, service utilization reports and statistics; prepare reports and plans. Develop, maintain, modify and operate computerized management information system. Assist in the design, development, and implementation of programs. Assist in the monitoring and evaluation of programs, projects or contracts; perform on-site reviews of sub-contracted services; assure compliance with statutes and regulations. Provide or arrange for technical training and/or assistance to sub-contracted service providers...*

### **Fit analysis for class.**

This class is a good fit for the position. The position does provide technical and admin support work for the Crisis and Long Term function. This includes the training functions, criminal history services, and provider information filing systems.

### **Reclassification Details:**

The effective date of the reclassification is 9/18/04. Your step increase date will remain 11/25 of each year.

Because the position is represented, the Local 88 Collective Bargaining Agreement (Article 15, IV.C) determines the salary level and step increase date.

<i>Date</i>		<i>Class/JCN</i>	<i>Pay Scale Group</i>	<i>Pay Rate</i>	<i>Pay Step</i>	<i>Union</i>
9/18/04	<i>Old</i>	Case Management Assistant	12	15.71	5	88
9/19/04	<i>Reclass</i>	Program Development Tech	15	15.71	2	88
11/25/04	<i>Step</i>	Program Development Tech	15	16.18	3	88

If you have questions, please contact me at extension 24422.

cc:	Supervisor of Position	Patrice Botsford	166/4
	Position HR Manager	Kim Pasquinelli	166/7
	HR Maintainer	Pauline Reed	166/7
	File Copy		



## MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

APPROVED: MULTNOMAH COUNTY  
BOARD OF COMMISSIONERS  
AGENDA # R-7 DATE 06-16-05  
DEBORAH L. BOGSTAD, BOARD CLERK

### Board Clerk Use Only

Meeting Date: 06/16/05  
Agenda Item #: R-7  
Est. Start Time: 9:45 AM  
Date Submitted: 05/23/05

### BUDGET MODIFICATION: OSCP - 04

**Agenda Title:** Budget Modification OSCP-04 Increasing the Office of School and Community Partnerships Fiscal Year 2005 Budget by \$54,125 in Emergency Housing and Housing Stabilization Funding from the State of Oregon

*Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title.*

Date Requested:	<u>06/16/05</u>	Time Requested:	<u>2 mins</u>
Department:	<u>OSCP</u>	Division:	<u></u>
Contact(s):	<u>Kathy Tinkle, Heather McGillivray</u>		
Phone:	<u>503 988-3691</u>	Ext.	<u>26858</u>
	<u>I/O Address: 166/2nd Floor</u>		
Presenter(s):	<u>Kathy Tinkle</u>		

### General Information

#### 1. What action are you requesting from the Board?

The Office of School and Community Partnerships requests the approval of Budget Modification OSCP\_04. This budget modification increases the Office of School and Community Partnerships Fiscal Year '05 budget for the Housing Stabilization Program grant by \$34,544 and matching funds in the Emergency Housing Account grant by \$19,581, for a total increase of \$54,125.

#### 2. Please provide sufficient background information for the Board and the public to understand this issue.

The State of Oregon awards Housing Stabilization Program (HSP) and Emergency Housing Account (EHA) grants to the Multnomah County Office of School and Community Partnerships. Each of these grants is awarded for a duration of two years, and is renewed with each new State biennium.

In Fiscal Year '04, the Office of School and Community Partnerships budgeted half of the funding awarded for the biennium. The remainder of the funding was included in the Office of School and Community Partnerships' Fiscal Year '05 Adopted budget.

The Office of School and Community Partnerships School Age Policy Framework was implemented in mid-Fiscal Year '04, and new service providers were selected through the Request for Proposal process. As a result of the School Age Policy Framework Request for Proposal, awards were made to service providers as of March 1, 2004, thus there were only four months left in the fiscal year.

The service providers were fully operational by the end of the fiscal year, but they were not at full capacity during the transitional period. As a result, the budgeted grant funds were not fully utilized by the end of the fiscal year.

The Office of School and Community Partnerships is requesting approval to add the \$54,125 in unspent grant funds to the Fiscal Year '05 budget.

**3. Explain the fiscal impact (current year and ongoing).**

This budget modification adds \$34,544 in Housing Stabilization Program grant funding and \$19,581 in matching Emergency Housing Account grant funding to the Office of School and Community Partnerships Fiscal Year '05 budget. This will increase the total Fiscal Year '05 Housing Stabilization Program budget to \$140,308 and the total Fiscal Year '05 Emergency Housing Account budget to \$710,880.

The State awards both of these grants each biennium. The amounts awarded for the upcoming biennium will be at the same level as in the current biennium. The Office of School and Community Partnerships will split the awards equally between the two fiscal years in the upcoming biennium.

The \$54,125 increase to the Fiscal Year '05 budget is a result of under-spending in Fiscal Year '04 and is one time only. This allocation increase between County fiscal years does not affect the total utilization over the course of the State biennium.

**4. Explain any legal and/or policy issues involved.**

n/a

**5. Explain any citizen and/or other government participation that has or will take place.**

n/a

## ATTACHMENT A

### Budget Modification

If the request is a **Budget Modification**, please answer all of the following in detail:

- What revenue is being changed and why?

The Office of School and Community Partnerships Fiscal Year '05 budget will be increased by \$34,544 in Housing Stabilization Program grant funding and \$19,581 in Emergency Housing Account grant funding, for a total one time only increase of \$54,125.

This will bring the Fiscal Year '05 total Housing Stabilization Program budget up to \$140,308 and the total Fiscal Year '05 Emergency Housing Account budget up to \$710, to reflect the level of funding that is available in these grants.

- What budgets are increased/decreased?

The Office of School and Community Partnerships' Fiscal Year '05 budget will be increased by \$54,125.

These funds will be used to increase each of the six existing Culturally Specific service contracts within the School Age Policy Framework by \$7,085.50. Albina Ministerial Alliance, Catholic Charities, NARA, and Portland Impact each serve one of the culturally specific populations, and IRCO serves the two remaining culturally specific populations. The total added to the contracts will be \$42,512. Approximately 31 additional households will receive assistance from these increases.

The remaining \$11,613 will be used pay for the associated administrative costs, including Indirect and Shared Services.

- What do the changes accomplish?

Approximately 31 qualifying households will receive rent assistance.

- Do any personnel actions result from this budget modification? Explain.

There are no personnel changes.

- How will the county indirect, central finance and human resources and departmental overhead costs be covered?

This budget modification includes \$11,613 for administrative costs, which include Shared Services and Indirect.

- Is the revenue one-time-only in nature? Will the function be ongoing? What plans are in place to identify a sufficient ongoing funding stream?

The amounts awarded for the upcoming biennium will be at the same level as in the current biennium. The \$54,125 increase to the Fiscal Year '05 budget is a result of under-spending in Fiscal Year '04 and is one time only.

- If a grant, what period does the grant cover?

This covers the State biennium period of 7/1/03-6/30/05, and will be renewed with the next biennium.

- If a grant, when the grant expires, what are funding plans?

The State renews this funding each biennium.

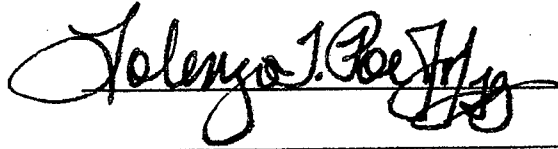
*NOTE: If a Budget Modification or a Contingency Request attach a Budget Modification Expense & Revenues Worksheet and/or a Budget Modification Personnel Worksheet.*

## ATTACHMENT B

BUDGET MODIFICATION: OSCP - 04

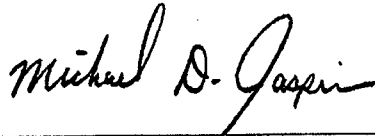
### Required Signatures

Department/  
Agency Director:



Date: 04/25/05

Budget Analyst:



Date: 05/23/05

Department HR:

Date:

Countywide HR:

Date:



Budget Modification or Amendment ID: **OSCP\_04****EXPENDITURES & REVENUES**

Please show an increase in revenue as a negative value and a decrease as a positive value for consistency with MERLIN.

Budget/Fiscal Year: 05

Line No.	Fund Center	Fund Code	Func. Area	Term Order	Accounting Unit		Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
					Cost Center	WBS Element						
1	21-77	21480	40			SCPFCSPV.HSP	60160	70,684	102,146	31,462		Pass Thru
2	21-77	21480	40			SCPFCSPV.HSP	50190	(70,684)	(102,146)	(31,462)		IG-OP-Fed thru State
3									0		0	
4	21-79	21480	40			SCPFS.HSP.AD	60360	1,739	2,513	774		Shared Svcs Finance
5	21-79	21480	40			SCPFS.HSP.AD	60350	191	276	85		Central Indirect
6	21-79	21480	40			SCPFS.HSP.AD	60355	5,110	7,333	2,223		Department Indirect
7	21-79	21480	40			SCPFS.HSP.AD	50190	(7,040)	(10,122)	(3,082)		IG-OP-Fed thru State
8									0		0	
9	21-77	24480	40			SCPFCSPV.EHA.HSP.M	60160	56,096	67,146	11,050		Pass Thru
10	21-77	24480	40			SCPFCSPV.EHA.HSP.M	50180	(56,096)	(67,146)	(11,050)		IG-OP-Direct State
11									0		0	
12	21-64	24480	40			SCPCHHPA.EHA.AD	60000	1,992	8,786	6,794		Permanent
13	21-64	24480	40			SCPCHHPA.EHA.AD	60360	2,495	2,767	272		Shared Svcs Finance
14	21-64	24480	40			SCPCHHPA.EHA.AD	60365	58	185	127		Shared Svcs HR
15	21-64	24480	40			SCPCHHPA.EHA.AD	60350	282	330	48		Central Indirect
16	21-64	24480	40			SCPCHHPA.EHA.AD	60355	7,556	8,846	1,290		Department Indirect
17	21-64	24480	40			SCPCHHPA.EHA.AD	50180	(19,989)	(28,520)	(8,531)		IG-OP-Direct State
18									0		0	
19	21-64	1000	40			SCPCHHPA.CGF	60000	236,756	229,962	(6,794)		Permanent
20	21-64	1000	40			SCPCHHPA.CGF	60365	10,058	9,931	(127)		Shared Services HR
21	21-79	1000	40			SCPFS.CGF	60360	175,175	175,425	250		Shared Services Finance
22	21-79	1000	40			SCPFS.CGF	60370	89,252	99,436	10,184		Professional Services
23	21-02	1000	40			SCPOP.CGF	50370	(722,474)	(725,987)	(3,513)		Dept Indirect Revenue
24									0		0	
25	19	1000	20		9500001000		50310		(133)	(133)		Intl Svc Reimburse
26	19	1000	20		9500001000		60470		133	133		Contingency
27									0			
28	71-10	3506	20		711100		50310		(1,296)	(1,296)		Intl Svc Reimburse
29	71-10	3506	20		711100		60240		1,296	1,296		Supplies
										0	0	Total - Page 1
										0	0	GRAND TOTAL



## MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

APPROVED : MULTNOMAH COUNTY  
BOARD OF COMMISSIONERS  
AGENDA # R-8 DATE 6-16-05  
DEBORAH L. BOGSTAD, BOARD CLERK

### Board Clerk Use Only

Meeting Date: 06/16/05  
Agenda Item #: R-8  
Est. Start Time: 9:47 AM  
Date Submitted: 05/23/05

### BUDGET MODIFICATION: OSCP - 05

**Agenda Title:** Budget Modification OSCP-05 Increasing the Office of School and Community Partnerships Fiscal Year 2005 Budget by \$1,382,193 in Low Income Energy Assistance Energy Payment Funding from the State of Oregon

*Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title.*

Date Requested:	<u>06/16/05</u>	Time Requested:	<u>3 mins</u>
Department:	<u>OSCP</u>	Division:	<u></u>
Contact(s):	<u>Kathy Tinkle, Heather McGillivray</u>		
Phone:	<u>503 988-3691</u>	Ext.	<u>26858</u>
	I/O Address:		<u>166/2nd Floor</u>
Presenter(s):	<u>Kathy Tinkle</u>		

### General Information

#### 1. What action are you requesting from the Board?

The Office of School and Community Partnerships requests the approval of Budget Modification OSCP\_05. This budget modification increases the Office of School and Community Partnerships' Fiscal Year '05 budget for the Low Income Energy Assistance Energy Payment (LIEAP Energy) grant by \$1,382,193.

#### 2. Please provide sufficient background information for the Board and the public to understand this issue.

The State of Oregon receives Low Income Energy Assistance Energy Payment (LIEAP Energy) grants from the Federal government between October and January of each year. These grants are used to pay local utilities on behalf of low-income families and individuals, who are unable to pay their utility bills and are at risk of having, or already have had their heat shut off.

Prior to the beginning of each new biennium, the State provides estimates of the LIEAP Energy funding that they will allocate to each of the Counties. Over the course of each biennium, the State

allocates the LIEAP Energy funding to the Counties in periodic, cumulative Notices of Allocation

At the time that the State makes the projections, they do not know how much grant funding they will actually receive from the Federal government. Therefore, the actual amounts passed down to the Counties are not always the same as the original State projections.

The Office of School and Community Partnerships used the State projections to prepare the Fiscal Year '05 Adopted Budget. However, because of a recent Federal Legislative decision to release an additional amount of emergency LIEAP Energy funding, the total amount that the State allocated to the Office of School and Community Partnerships was much more than the original projections.

The State has recently sent the final LIEAP Energy Notice of Allocation for the current biennium, and the total amount available for Fiscal Year '05 is \$1,382,193 more than the Office of School and Community Partnerships' Fiscal Year '05 LIEAP Energy budget.

The need for energy assistance in Multnomah County has been such that the amount budgeted in Fiscal Year '05 has been exhausted. Much of the additional LIEAP Energy funding has already been obligated for emergency restoration of clients' heating services.

Budget Modification OSCP\_05 increases the Office of School and Community Partnerships' Fiscal Year '05 budget for LIEAP Energy to the full \$3,737,933 available in the State Notice of Allocation.

**3. Explain the fiscal impact (current year and ongoing).**

The State awards this grant funding each biennium.

This one-time increase in Fiscal Year '05 is due to a recent Federal Legislative decision to release additional emergency heat assistance funding to the State. It is likely that the amount of Low Income Energy Assistance Energy Payment grants awarded to the State in Fiscal Year '06 will once again be more than originally projected.

**4. Explain any legal and/or policy issues involved.**

n/a

**5. Explain any citizen and/or other government participation that has or will take place.**

n/a

# ATTACHMENT A

## Budget Modification

If the request is a Budget Modification, please answer all of the following in detail:

- What revenue is being changed and why?

The Office of School and Community Partnerships Fiscal Year '05 budget will be increased by \$1,382,193 in Low Income Energy Assistance Energy Payment grant funding. The increase is one-time-only, but it is likely that the Office of School and Community Partnerships will receive another unanticipated increase near the end of Fiscal Year '06.

Budget Modification OSCP\_05 will bring the Fiscal Year '05 Low Income Energy Assistance Energy Payment budget up to \$3,737,933 to reflect the level of funding available in the grant.

- What budgets are increased/decreased?

The Office of School and Community Partnerships Fiscal Year '05 budget will be increased by \$1,382,193.

Of this amount, \$1,288,384 will restore or prevent shutoff of heating services for approximately 4,352 households. The Low Income Energy Assistance Energy Payment funds are allocated to various agencies throughout the County, based on a per-capita poverty formula. Special emergency reserves are set aside for extreme cases, and allocated on a first-come-first-serve basis.

Another \$88,925 will be used for program delivery cost reimbursement to the agencies that screen applicants and determine eligibility. The remaining \$4,834 has been awarded for Administration and will be used for Shared Services Finance costs.

- What do the changes accomplish?

Approximately 4,352 households will receive emergency assistance to prevent their heat sources from being shut off, or restore services that have already been shut off.

- Do any personnel actions result from this budget modification? Explain.

There are no personnel changes.

- How will the county indirect, central finance and human resources and departmental overhead costs be covered?

At the established Fiscal Year '05 rates, the calculated Indirect and Shared Services costs for the increase in Low Income Energy Assistance Payments is \$1,719 for County Indirect, \$99,583 for Departmental Indirect, and \$33,883 for Shared Services, for a total of \$137,185.

However, the increase in grant funding only includes \$4,834 for Administrative costs which can be applied to Indirect. Granted that the \$4,834 will only cover a small portion of the Shared Services costs, no additional funds are available for Departmental or County Indirect.

The balance of \$29,049 needed to cover the Shared Services cost using the Fiscal Year '05 rate must be funded by using anticipated under-spending of County General Fund in the Energy Services program.

- Is the revenue one-time-only in nature? Will the function be ongoing? What plans are in place to identify a sufficient ongoing funding stream?

The State awards this grant funding each biennium.

This one-time increase in Fiscal Year '05 is due to a recent Federal Legislative decision to release additional emergency heat assistance funding to the State. It is likely that the amount of Low

Income Energy Assistance Energy Payment grants awarded to the State in Fiscal Year '06 will once again be more than originally projected.

- If a grant, what period does the grant cover?  
This grant ends on June 30, 2005, and will be renewed for the next State biennium which begins July 1, 2005.
- If a grant, when the grant expires, what are funding plans?  
The State renews this grant funding each biennium.

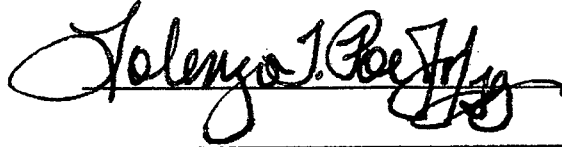
*NOTE: If a Budget Modification or a Contingency Request attach a Budget Modification Expense & Revenues Worksheet and/or a Budget Modification Personnel Worksheet.*

## ATTACHMENT B

BUDGET MODIFICATION: OSCP - 05

### Required Signatures

Department/  
Agency Director:



Date: 04/25/05

Budget Analyst:



Date: 05/23/05

Department HR:

Date:

Countywide HR:

Date:

Budget Modification or Amendment ID: **OSCP\_05****EXPENDITURES & REVENUES**

Please show an increase in revenue as a negative value and a decrease as a positive value for consistency with MERLIN.

Budget/Fiscal Year: 05

Line No.	Fund Center	Fund Code	Func. Area	term Orde	Accounting Unit		Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
					Cost Center	WBS Element						
1	21-62	20725	40			SCPCESPA.LIEAPEG.04.AD	60000	3,641	0	(3,641)		Permanent
2	21-62	20725	40			SCPCESPA.LIEAPEG.04.AD	60120	169	0	(169)		Premium
3	21-62	20725	40			SCPCESPA.LIEAPEG.04.AD	60130	1,049	0	(1,049)		Salary Related Expns
4	21-62	20725	40			SCPCESPA.LIEAPEG.04.AD	60140	807	0	(807)		Insurance Benefits
5	21-62	20725	40			SCPCESPA.LIEAPEG.04.AD	60350	1,446	0	(1,446)		Central Indirect
6	21-62	20725	40			SCPCESPA.LIEAPEG.04.AD	60355	38,732	0	(38,732)		Dept Indirect
7	21-62	20725	40			SCPCESPA.LIEAPEG.04.AD	60360	12,377	0	(12,377)		Intl Svc Finance Ops
8	21-62	20725	40			SCPCESPA.LIEAPEG.04.AD	60365	610	0	(610)		Intl Svc HumanResOps
9	21-62	20725	40			SCPCESPA.LIEAPEG.04.AD	50190	(58,831)	0	58,831	0	IG-OP-Fed Thru St
10									0			
11	21-62	20725	40			SCPCESPA.LIEAPEG.05.AD	60000	10,921	14,731	3,810		Permanent
12	21-62	20725	40			SCPCESPA.LIEAPEG.05.AD	60130	3,148	4,197	1,049		Salary Related Expns
13	21-62	20725	40			SCPCESPA.LIEAPEG.05.AD	60140	2,423	3,230	807		Insurance Benefits
14	21-62	20725	40			SCPCESPA.LIEAPEG.05.AD	60350	4,339	5,785	1,446		Central Indirect
15	21-62	20725	40			SCPCESPA.LIEAPEG.05.AD	60355	116,195	154,927	38,732		Dept Indirect
16	21-62	20725	40			SCPCESPA.LIEAPEG.05.AD	60360	37,933	55,144	17,211		Intl Svc Finance Ops
17	21-62	20725	40			SCPCESPA.LIEAPEG.05.AD	60365	1,218	1,828	610		Intl Svc HumanResOps
18	21-62	20725	40			SCPCESPA.LIEAPEG.05.AD	50190	(176,681)	(240,346)	(63,665)	0	IG-OP-Fed Thru St
19									0			
20	21-62	20725	40			SCPCSEEG.LIEAPEG.04.ED	60000	12,553	6,332	(6,221)		Permanent
21	21-62	20725	40			SCPCSEEG.LIEAPEG.04.ED	60120	477	0	(477)		Premium
22	21-62	20725	40			SCPCSEEG.LIEAPEG.04.ED	60130	3,618	1,820	(1,798)		Salary Related Expns
23	21-62	20725	40			SCPCSEEG.LIEAPEG.04.ED	60140	2,073	1,353	(720)		Insurance Benefits
24	21-62	20725	40			SCPCSEEG.LIEAPEG.04.ED	60240	10,789	7,645	(3,144)		Supplies
25	21-62	20725	40			SCPCSEEG.LIEAPEG.04.ED	50190	(29,510)	(17,150)	12,360	0	IG-OP-Fed Thru St
26												
27	21-62	20725	40			SCPCSEEG.LIEAPEG.05.ED	60000	35,950	42,648	6,698		Permanent
28	21-62	20725	40			SCPCSEEG.LIEAPEG.05.ED	60130	10,362	12,160	1,798		Salary Related Expns
29	21-62	20725	40			SCPCSEEG.LIEAPEG.05.ED	60140	8,618	9,338	720		Insurance Benefits
										<b>9,216</b>	<b>0</b>	<b>Total - Page 1</b>
										<b>0</b>	<b>0</b>	<b>GRAND TOTAL</b>

Budget Modification or Amendment ID: **OSCP\_05****EXPENDITURES & REVENUES**

Please show an increase in revenue as a negative value and a decrease as a positive value for consistency with MERLIN.

Budget/Fiscal Year: 05

Line No.	Fund Center	Fund Code	Func. Area	Term Order	Accounting Unit		Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
					Cost Center	WBS Element						
1	21-62	20725	40			SCPCSESEG.LIEAPEG.05.ED	60240	31,980	35,124	3,144		Supplies
2	21-62	20725	40			SCPCSESEG.LIEAPEG.05.ED	50190	(88,340)	(100,700)	(12,360)	0	IG-OP-Fed Thru St
3									0			
4	21-62	20725	40			SCPCSESEG.LIEAPEG.04.PG	60160	41,343	22,082	(19,261)		Pass Thru
5	21-62	20725	40			SCPCSESEG.LIEAPEG.04.PG	50190	(41,343)	(22,082)	19,261	0	IG-OP-Fed Thru St
6									0			
7	21-62	20725	40			SCPCSESEG.LIEAPEG.05.PG	60160	124,030	276,544	152,514		Pass Thru
8	21-62	20725	40			SCPCSESEG.LIEAPEG.05.PG	50190	(124,030)	(276,544)	(152,514)	0	IG-OP-Fed Thru St
9									0			
10	21-71	20725	40			SCPFR1EG.LIEAPEG.04.PG	60160	75,675	38,514	(37,161)		Pass Thru
11	21-71	20725	40			SCPFR1EG.LIEAPEG.04.PG	50190	(75,675)	(38,514)	37,161	0	IG-OP-Fed Thru St
12									0			
13	21-71	20725	40			SCPFR1EG.LIEAPEG.05.PG	60160	227,024	506,185	279,161		Pass Thru
14	21-71	20725	40			SCPFR1EG.LIEAPEG.05.PG	50190	(227,024)	(506,185)	(279,161)	0	IG-OP-Fed Thru St
15									0			
16	21-72	20725	40			SCPFR2EG.LIEAPEG.04.PG	60160	32,843	10,600	(22,243)		Pass Thru
17	21-72	20725	40			SCPFR2EG.LIEAPEG.04.PG	50190	(32,843)	(10,600)	22,243	0	IG-OP-Fed Thru St
18									0			
19	21-72	20725	40			SCPFR2EG.LIEAPEG.05.PG	60160	98,528	219,686	121,158		Pass Thru
20	21-72	20725	40			SCPFR2EG.LIEAPEG.05.PG	50190	(98,528)	(219,686)	(121,158)	0	IG-OP-Fed Thru St
21									0			
22	21-73	20725	40			SCPFR3EG.LIEAPEG.04.PG	60160	33,968	15,770	(18,198)		Pass Thru
23	21-73	20725	40			SCPFR3EG.LIEAPEG.04.PG	50190	(33,968)	(15,770)	18,198	0	IG-OP-Fed Thru St
24									0			
25	21-73	20725	40			SCPFR3EG.LIEAPEG.05.PG	60160	101,903	227,208	125,305		Pass Thru
26	21-73	20725	40			SCPFR3EG.LIEAPEG.05.PG	50190	(101,903)	(227,208)	(125,305)	0	IG-OP-Fed Thru St
27									0			
28	21-74	20725	40			SCPFR4EG.LIEAPEG.04.PG	60160	71,970	34,230	(37,740)		Pass Thru
29	21-74	20725	40			SCPFR4EG.LIEAPEG.04.PG	50190	(71,970)	(34,230)	37,740	0	IG-OP-Fed Thru St
										(9,216)	0	Total - Page 2
										0	0	GRAND TOTAL



Budget Modification or Amendment ID: **OSCP\_05****EXPENDITURES & REVENUES**

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Budget/Fiscal Year: 05

Line No.	Fund Center	Fund Code	Func. Area	Term Order	Accounting Unit		Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
					Cost Center	WBS Element						
30	21-74	20725	40			SCPFR4EG.LIEAPEG.05.PG	60160	215,911	481,407	265,496		Pass Thru
31	21-74	20725	40			SCPFR4EG.LIEAPEG.05.PG	50190	(215,911)	(481,407)	(265,496)	0	IG-OP-Fed Thru St
32									0			
33	21-75	20725	40			SCPFR5EG.LIEAPEG.04.PG	60160	39,723	12,915	(26,808)		Pass Thru
34	21-75	20725	40			SCPFR5EG.LIEAPEG.04.PG	50190	(39,723)	(12,915)	26,808	0	IG-OP-Fed Thru St
35												
36	21-75	20725	40			SCPFR5EG.LIEAPEG.05.PG	60160	119,168	265,703	146,535		Pass Thru
37	21-75	20725	40			SCPFR5EG.LIEAPEG.05.PG	50190	(119,168)	(265,703)	(146,535)	0	IG-OP-Fed Thru St
38									0			
39	21-76	20725	40			SCPFR6EG.LIEAPEG.04.PG	60160	76,567	26,055	(50,512)		Pass Thru
40	21-76	20725	40			SCPFR6EG.LIEAPEG.04.PG	50190	(76,567)	(26,055)	50,512	0	IG-OP-Fed Thru St
41									0			
42	21-76	20725	40			SCPFR6EG.LIEAPEG.05.PG	60160	229,703	512,158	282,455		Pass Thru
43	21-76	20725	40			SCPFR6EG.LIEAPEG.05.PG	50190	(229,703)	(512,158)	(282,455)	0	IG-OP-Fed Thru St
44									0			
45	21-77	20725	40			SCPFCSEG.LIEAPEG.04.PG	60160	41,343	16,513	(24,830)		Pass Thru
46	21-77	20725	40			SCPFCSEG.LIEAPEG.04.PG	50190	(41,343)	(16,513)	24,830	0	IG-OP-Fed Thru St
47									0			
48	21-77	20725	40			SCPFCSEG.LIEAPEG.05.PG	60160	124,030	276,543	152,513		Pass Thru
49	21-77	20725	40			SCPFCSEG.LIEAPEG.05.PG	50190	(124,030)	(276,543)	(152,513)	0	IG-OP-Fed Thru St
50									0			
51	21-62	20725	40			SCPCESEG.LIEAPEG.04.PD	60160	8,716	2,371	(6,345)		Pass Thru
52	21-62	20725	40			SCPCESEG.LIEAPEG.04.PD	50190	(8,716)	(2,371)	6,345	0	IG-OP-Fed Thru St
53									0			
54	21-62	20725	40			SCPCESEG.LIEAPEG.05.PD	60160	26,149	41,629	15,480		Pass Thru
55	21-62	20725	40			SCPCESEG.LIEAPEG.05.PD	50190	(26,149)	(41,629)	(15,480)	0	IG-OP-Fed Thru St
56									0			
57	21-71	20725	40			SCPFR1EG.LIEAPEG.04.PD	60160	15,954	3,589	(12,365)		Pass Thru
58	21-71	20725	40			SCPFR1EG.LIEAPEG.04.PD	50190	(15,954)	(3,589)	12,365	0	IG-OP-Fed Thru St
										0	0	Total - Page 3
										0	0	GRAND TOTAL

Budget Modification or Amendment ID: **OSCP\_05****EXPENDITURES & REVENUES**

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Budget/Fiscal Year: 05

Line No.	Fund Center	Fund Code	Func. Area	Term Order	Accounting Unit		Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
					Cost Center	WBS Element						
59	21-71	20725	40			SCPFR1EG.LIEAPEG.05.PD	60160	47,863	76,198	28,335		Pass Thru
60	21-71	20725	40			SCPFR1EG.LIEAPEG.05.PD	50190	(47,863)	(76,198)	(28,335)	0	IG-OP-Fed Thru St
61									0			
62	21-72	20725	40			SCPFR2EG.LIEAPEG.04.PD	60160	6,924	1,914	(5,010)		Pass Thru
63	21-72	20725	40			SCPFR2EG.LIEAPEG.04.PD	50190	(6,924)	(1,914)	5,010	0	IG-OP-Fed Thru St
64												
65	21-72	20725	40			SCPFR2EG.LIEAPEG.05.PD	60160	20,773	33,070	12,297		Pass Thru
66	21-72	20725	40			SCPFR2EG.LIEAPEG.05.PD	50190	(20,773)	(33,070)	(12,297)	0	IG-OP-Fed Thru St
67									0			
68	21-73	20725	40			SCPFR3EG.LIEAPEG.04.PD	60160	7,161	1,658	(5,503)		Pass Thru
69	21-73	20725	40			SCPFR3EG.LIEAPEG.04.PD	50190	(7,161)	(1,658)	5,503	0	IG-OP-Fed Thru St
70									0			
71	21-73	20725	40			SCPFR3EG.LIEAPEG.05.PD	60160	21,483	34,202	12,719		Pass Thru
72	21-73	20725	40			SCPFR3EG.LIEAPEG.05.PD	50190	(21,483)	(34,202)	(12,719)	0	IG-OP-Fed Thru St
73									0			
74	21-74	20725	40			SCPFR4EG.LIEAPEG.04.PD	60160	15,173	4,274	(10,899)		Pass Thru
75	21-74	20725	40			SCPFR4EG.LIEAPEG.04.PD	50190	(15,173)	(4,274)	10,899	0	IG-OP-Fed Thru St
76									0			
77	21-74	20725	40			SCPFR4EG.LIEAPEG.05.PD	60160	45,519	72,468	26,949		Pass Thru
78	21-74	20725	40			SCPFR4EG.LIEAPEG.05.PD	50190	(45,519)	(72,468)	(26,949)	0	IG-OP-Fed Thru St
79									0			
80	21-75	20725	40			SCPFR5EG.LIEAPEG.04.PD	60160	8,375	1,864	(6,511)		Pass Thru
81	21-75	20725	40			SCPFR5EG.LIEAPEG.04.PD	50190	(8,375)	(1,864)	6,511	0	IG-OP-Fed Thru St
82									0			
83	21-75	20725	40			SCPFR5EG.LIEAPEG.05.PD	60160	25,124	39,997	14,873		Pass Thru
84	21-75	20725	40			SCPFR5EG.LIEAPEG.05.PD	50190	(25,124)	(39,997)	(14,873)	0	IG-OP-Fed Thru St
85									0			
86	21-76	20725	40			SCPFR6EG.LIEAPEG.04.PD	60160	16,143	3,806	(12,337)		Pass Thru
87	21-76	20725	40			SCPFR6EG.LIEAPEG.04.PD	50190	(16,143)	(3,806)	12,337	0	IG-OP-Fed Thru St
										0	0	Total - Page 4
										0	0	GRAND TOTAL

Budget Modification or Amendment ID: **OSCP\_05****EXPENDITURES & REVENUES**

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Budget/Fiscal Year: 05

Line No.	Fund Center	Fund Code	Func. Area	Term Order	Accounting Unit		Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
					Cost Center	WBS Element						
88	21-76	20725	40			SCPFR6EG.LIEAPEG.05.PD	60160	48,427	77,096	28,669		Pass Thru
89	21-76	20725	40			SCPFR6EG.LIEAPEG.05.PD	50190	(48,427)	(77,096)	(28,669)	0	IG-OP-Fed Thru St
90									0			
91	21-77	20725	40			SCPFCSEG.LIEAPEG.04.PD	60160	8,716	1,859	(6,857)		Pass Thru
92	21-77	20725	40			SCPFCSEG.LIEAPEG.04.PD	50190	(8,716)	(1,859)	6,857	0	IG-OP-Fed Thru St
93									0			
94	21-77	20725	40			SCPFCSEG.LIEAPEG.05.PD	60160	26,149	41,629	15,480		Pass Thru
95	21-77	20725	40			SCPFCSEG.LIEAPEG.05.PD	50190	(26,149)	(41,629)	(15,480)	0	IG-OP-Fed Thru St
96												
97	71-10	3506	20		711100		50310		(4,834)	(4,834)		Intl Svc Reimburse
98	71-10	3506	20		711100		60240		4,834	4,834		Supplies
99												
100												
101												
102												
103												
104												
105												
106												
107												
108												
109												
110												
111									0			
112												
113												
114												
115												
116												
117												
118												
118												
										0	0	Total - Page 5
										0	0	GRAND TOTAL



## MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

### Board Clerk Use Only

Meeting Date: 06/16/05  
Agenda Item #: R-9  
Est. Start Time: 9:50 AM  
Date Submitted: 06/08/05

### BUDGET MODIFICATION: -

**Agenda Title:** RESOLUTION Creating a County Management and Sheriff's Office Internal Service Task Force

*Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title.*

<b>Date Requested:</b>	June 16, 2005	<b>Time Requested:</b>	10 minutes
<b>Department:</b>	Finance, Budget and Tax	<b>Division:</b>	Finance, Budget and Tax
<b>Contact(s):</b>	Dave Boyer or Karyne Dargan		
<b>Phone:</b>	503 988-3903	<b>Ext.:</b>	83903
		<b>I/O Address:</b>	503/531
<b>Presenter(s):</b>	Karyne Dargan for Dave Boyer		

### General Information

#### 1. What action are you requesting from the Board?

Finance, Budget and Tax recommends approving the resolution creating the County Management and Sheriff's Office Internal Service Task Force

#### 2. Please provide sufficient background information for the Board and the public to understand this issue.

During the adoption of the fiscal year 2005/2006 budget, the Board adopted a Budget Note to create a Task Force to review internal service costs in the Sheriff's budget.

The Department of County Management, the Sheriff's office, staff from the Board of County Commissioners and mutually agreed-upon citizen representatives will form a task force to review internal service costs in the Sheriff's budget. This proposal is in addition to the budget note entitled, "Reporting on Internal Services, Central Procurement & Contracting, Countywide Administration," that will be looking at these issues across the County. The goal of the County-Sheriff's Office Internal Service Task Force will be to find \$6 million of general fund savings through elimination of duplication and inefficiencies in internal services. The task force will maximize value for County

taxpayers by seeking the best solutions countywide. Task force recommendations may include a combination of the County and/or the Sheriff's office continuing to provide his internal services. If at least \$2.6 million of general fund savings is identified by Dec. 31st, then \$600,000 of those savings will be appropriated to open two dorms at Inverness Jail for three months (April – June 2006). Remaining savings may be used to offset public safety cuts for FY 2007. This entire proposal is contingent on the closure of Close Street Supervision for FY 2006. It is the intent of the Board to provide transition funding to the Sheriff's Office for a period of no more than two months to ramp down Close Street Supervision. The Budget Office will bring a budget modification to implement this action.

**3. Explain the fiscal impact (current year and ongoing).**

The goal of the County-Sheriff's Office Internal Service Task Force will be to find \$6 million of general fund savings through elimination of duplication and inefficiencies in internal services.

**4. Explain any legal and/or policy issues involved.**

None

**5. Explain any citizen and/or other government participation that has or will take place.**

Two citizens will be serving on the Task Force

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**Required Signatures**

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**Department/  
Agency Director:**



**Date:** June 8, 2005

**Budget Analyst:**

**Date:**

**Department HR:**

**Date:**

**Countywide HR:**

**Date:**

**BOGSTAD Deborah L**

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**From:** BOYER Dave A  
**Sent:** Wednesday, June 08, 2005 10:06 AM  
**To:** BELL Iris D  
**Cc:** #ALL CHAIR'S OFFICE; #ALL DISTRICT 1; #ALL DISTRICT 2; #ALL DISTRICT 3; #ALL DISTRICT 4; SHERIFF; AAB Larry A; SCHRUNK Michael D; MARCY Scott; FLYNN Suzanne J; DEVILLIERS Judith M; DARGAN Karyne A; CAMPBELL Mark; THOMAS Bob C; SOWLE Agnes; HARRIS Mindy L; BOGSTAD Deborah L  
**Subject:** Resolution Internal Service Task Force

Attached is the resolution creating the Internal Service Task Force and scope of work. Diane has reviewed and is ok with the resolution. Per her request I have added Rob to the Task Force. I have also added other Commissioner Staff. We can add maybe one of two more to the task force but we need to keep it to a manageable list. Since time is of the essence we will schedule meetings with the understanding that not everyone will be able to attend each meeting. I have also attached an Agenda Placement Review. This packet will need to be submitted by the Chair's Office so that we can begin this process. Let me know if you have any questions or need anything else. Thanks

Dave Boyer  
Chief Financial Officer  
501 SE Hawthorne Blvd Suite 531  
Portland, OR 97214  
(503) 988-3903  
e-mail [dave.a.boyer@co.multnomah.or.us](mailto:dave.a.boyer@co.multnomah.or.us)

6/8/2005

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. \_\_\_\_\_

Creating a County Management and Sheriff's Office Internal Service Task Force

**The Multnomah County Board of Commissioners Finds:**

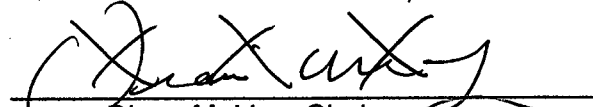
- a. During the adoption of the fiscal year 2005/2006 budget, the Board adopted a Budget Note to create a Task Force to review internal service costs in the Sheriff's budget.
- b. The goal of the County-Sheriff's Office Internal Service Task Force will be to find \$6 million of general fund savings through elimination of duplication and inefficiencies in internal services.
- c. Task force recommendations may include a combination of the County and/or the Sheriff's office continuing to provide his internal services. If at least \$2.6 million of general fund savings is identified by December 31, 2005, then \$600,000 of those savings will be appropriated to open two dorms at Inverness Jail for three months (April - June 2006). Remaining savings may be used to offset public safety cuts for FY 2007.
- d. This entire proposal is contingent on the closure of Close Street Supervision for FY 2006. It is the intent of the Board to provide transition funding to the Sheriff's Office for a period of no more than two months to ramp down Close Street Supervision.

**The Multnomah County Board of Commissioners Resolves:**

1. The County Management and Sheriff's Office Internal Service Task Force is created to perform the Scope of Work detailed in Exhibit A, attached.
2. The Internal Task Force is to be chaired by the Director, Department of County Management/CFO and staffed by the Budget Director, Deputy Budget Director, Accounting Manager and Director, Assistant to the Director, Department of County Management/CFO.
3. The recommendations are to be presented to the Board of County Commissioners no later than December 31, 2005.

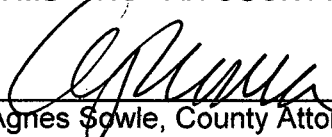
ADOPTED this 16th day of June, 2005.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

  
Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By   
Agnes Sowle, County Attorney

**EXHIBIT A**  
**Multnomah County Budget Note**  
**County Management & Sheriff's Office Internal Service Taskforce**

**BUDGET NOTE:**

The Department of County Management, the Sheriff's office, staff from the Board of County Commissioners and mutually agreed-upon citizen representatives will form a task force to review internal service costs in the Sheriff's budget. This proposal is in addition to the budget note entitled, "Reporting on Internal Services, Central Procurement and Contracting, Countywide Administration," that will be looking at these issues across the County. The goal of the County-Sheriff's Office Internal Service Task Force will be to find \$6 million of general fund savings through elimination of duplication and inefficiencies in internal services. The task force will maximize value for County taxpayers by seeking the best solutions countywide. Task force recommendations may include a combination of the County and/or the Sheriff's office continuing to provide his internal services. If at least \$2.6 million of general fund savings is identified by December 31, 2005, then \$600,000 of those savings will be appropriated to open two dorms at Inverness Jail for three months (April – June 2006). Remaining savings may be used to offset public safety cuts for FY 2007. This entire proposal is contingent on the closure of Close Street Supervision for FY 2006. It is the intent of the Board to provide transition funding to the Sheriff's Office for a period of no more than two months to ramp down Close Street Supervision. The Budget Office will bring a budget modification to implement this action.

**TASK FORCE MEMBERSHIP:**

The members of the Task Force are:

- Dave Boyer, Director, CFO of Department of County Management
- Karyne Dargan, Budget Director
- Mindy Harris, Accounting Manager
- Mark Campbell, Deputy Budget Director
- Bob Thomas, Assistant to CFO
- Judith Devilliers, Auditors Office
- Scott Marcy, District Attorney's Office
- Rob Fussell, Chair's Office
- Mary Carroll, Commissioner Cruz's Office
- Terri Naito, Commissioner Naito's Office
- Shelli Romero, Commissioner Rojo de Steffey's Office
- Larry Aab, Business Manager Sheriff's Office
- Charles Wilhoit and Don Washburn, Citizen Representatives

It is the intent to utilize the appropriate staff of Central Services and the Sheriff's Office on an as needed basis.

**SCOPE OF WORK:**

The Task Force will analyze staffing, service levels and costs of the following components of internal services and services delivered by the Sheriff's Office:



- Fleet Services – The services and costs to be analyzed will include but are not limited to preventive maintenance, vehicle washing, specialty shop services, vehicle accident administration, maintaining fueling stations, vehicle purchase and applicable overhead.
- Electronics - The services and costs to be analyzed will include but are not limited to the installation and maintenance of the county's detention facilities' electronic equipment, two-way radio equipment, intercoms, other electronic equipment and applicable overhead.
- Central Stores/Warehouse – The services and costs to be analyzed will include but are not limited to the management of ordering, warehousing, and delivery of supplies and other products.
- Distribution Services/Records - The services and costs to be analyzed will include but are not limited to the management of mail delivery and records management.
- Human Resources - The services and costs to be analyzed will include but are not limited to personnel administration, payroll etc.
- Risk Management - The services and costs to be analyzed will include but are not limited to Workers' Compensation claims and administration, property and liability insurance claims and administration and cost of County attorney office.
- Financial Operations - The services and costs to be analyzed will include but are not limited to accounts payable, accounts receivable, SAP usage, procurement and contracting etc.
- Facilities - The services and costs to be analyzed will include but are not limited to facilities and property management, asset preservation, debt costs etc.
- Information Technology - The services and costs to be analyzed will include but are not limited to telephones, personal computer replacement, IT applications licensing and maintenance, LANs, email etc.

#### **MEETINGS AND TIMELINE:**

Task force will meet once per month in July, August and September and twice per month in October, November and December. Meeting dates and times will be agreed upon at the first meeting in July.

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**RESOLUTION NO. 05-109**

Creating a County Management and Sheriff's Office Internal Service Task Force

**The Multnomah County Board of Commissioners Finds:**

- a. During the adoption of the fiscal year 2005/2006 budget, the Board adopted a Budget Note to create a Task Force to review internal service costs in the Sheriff's budget.
- b. The goal of the County-Sheriff's Office Internal Service Task Force will be to find \$6 million of general fund savings through elimination of duplication and inefficiencies in internal services.
- c. Task force recommendations may include a combination of the County and/or the Sheriff's office continuing to provide his internal services. If at least \$2.6 million of general fund savings is identified by December 31, 2005, then \$600,000 of those savings will be appropriated to open two dorms at Inverness Jail for three months (April - June 2006). Remaining savings may be used to offset public safety cuts for FY 2007.
- d. This entire proposal is contingent on the closure of Close Street Supervision for FY 2006. It is the intent of the Board to provide transition funding to the Sheriff's Office for a period of no more than two months to ramp down Close Street Supervision.

**The Multnomah County Board of Commissioners Resolves:**

1. The County Management and Sheriff's Office Internal Service Task Force is created to perform the Scope of Work detailed in Exhibit A, attached.
2. The Internal Task Force is to be chaired by the Director, Department of County Management/CFO and staffed by the Budget Director, Deputy Budget Director, Accounting Manager and Director, Assistant to the Director, Department of County Management/CFO.
3. The recommendations are to be presented to the Board of County Commissioners no later than December 31, 2005.

ADOPTED this 16th day of June, 2005.



AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By

  
Agnes Sowle, County Attorney

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

  
Diane M. Linn, Chair

**EXHIBIT A**  
**Multnomah County Budget Note**  
**County Management & Sheriff's Office Internal Service Taskforce**

**BUDGET NOTE:**

The Department of County Management, the Sheriff's office, staff from the Board of County Commissioners and mutually agreed-upon citizen representatives will form a task force to review internal service costs in the Sheriff's budget. This proposal is in addition to the budget note entitled, "Reporting on Internal Services, Central Procurement and Contracting, Countywide Administration," that will be looking at these issues across the County. The goal of the County-Sheriff's Office Internal Service Task Force will be to find \$6 million of general fund savings through elimination of duplication and inefficiencies in internal services. The task force will maximize value for County taxpayers by seeking the best solutions countywide. Task force recommendations may include a combination of the County and/or the Sheriff's office continuing to provide his internal services. If at least \$2.6 million of general fund savings is identified by December 31, 2005, then \$600,000 of those savings will be appropriated to open two dorms at Inverness Jail for three months (April – June 2006). Remaining savings may be used to offset public safety cuts for FY 2007. This entire proposal is contingent on the closure of Close Street Supervision for FY 2006. It is the intent of the Board to provide transition funding to the Sheriff's Office for a period of no more than two months to ramp down Close Street Supervision. The Budget Office will bring a budget modification to implement this action.

**TASK FORCE MEMBERSHIP:**

The members of the Task Force are:

- Dave Boyer, Director, CFO of Department of County Management
- Karyne Dargan, Budget Director
- Mindy Harris, Accounting Manager
- Mark Campbell, Deputy Budget Director
- Bob Thomas, Assistant to CFO
- Judith DeVilliers, Auditors Office
- Scott Marcy, District Attorney's Office
- Rob Fussell, Chair's Office
- Mary Carroll, Commissioner Cruz's Office
- Terri Naito, Commissioner Naito's Office
- Shelli Romero, Commissioner Rojo de Steffey's Office
- Larry Aab, Business Manager, Sheriff's Office
- Ray Adgers, Captain, Sheriff's Office
- Tim Moore, Chief Deputy, Corrections Division, Sheriff's Office
- Garr Nielsen, Captain, Sheriff's Office
- Charles Wilhoit and Don Washburn, Citizen Representatives

It is the intent to utilize the appropriate staff of Central Services and the Sheriff's Office on an as needed basis.

**SCOPE OF WORK:**

The Task Force will analyze staffing, service levels and costs of the following components of internal services and services delivered by the Sheriff's Office:

- Fleet Services – The services and costs to be analyzed will include but are not limited to preventive maintenance, vehicle washing, specialty shop services, vehicle accident administration, maintaining fueling stations, vehicle purchase and applicable overhead.
- Electronics - The services and costs to be analyzed will include but are not limited to the installation and maintenance of the county's detention facilities' electronic equipment, two-way radio equipment, intercoms, other electronic equipment and applicable overhead.
- Central Stores/Warehouse – The services and costs to be analyzed will include but are not limited to the management of ordering, warehousing, and delivery of supplies and other products.
- Distribution Services/Records - The services and costs to be analyzed will include but are not limited to the management of mail delivery and records management.
- Human Resources - The services and costs to be analyzed will include but are not limited to personnel administration, payroll etc.
- Risk Management - The services and costs to be analyzed will include but are not limited to Workers' Compensation claims and administration, property and liability insurance claims and administration and cost of County attorney office.
- Financial Operations - The services and costs to be analyzed will include but are not limited to accounts payable, accounts receivable, SAP usage, procurement and contracting etc.
- Facilities - The services and costs to be analyzed will include but are not limited to facilities and property management, asset preservation, debt costs etc.
- Information Technology - The services and costs to be analyzed will include but are not limited to telephones, personal computer replacement, IT applications licensing and maintenance, LANs, email etc.

**MEETINGS AND TIMELINE:**

Task force will meet once per month in July, August and September and twice per month in October, November and December. Meeting dates and times will be agreed upon at the first meeting in July.



## MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

### Board Clerk Use Only

Meeting Date: 06/16/05

Agenda Item #: R-10

Est. Start Time: 9:55 AM

Date Submitted: 06/07/05

**BUDGET MODIFICATION:** -

<b>Agenda Title:</b>	<b>RESOLUTION Approving an Amendment to a Real Property Lease and Termination Payment at Powell Villa, Located at 3552 SE 122nd, Portland, Oregon</b>
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*Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title.*

<b>Date</b>	June 16, 2005	<b>Time</b>	5 minutes
<b>Requested:</b>		<b>Requested:</b>	
<b>Department:</b>	Non-Departmental	<b>Division:</b>	Chair's Office
<b>Contact(s):</b>	Mike Sublett		
<b>Phone:</b>	(503) 988-4149	<b>Ext.</b>	84149
		<b>I/O Address:</b>	274/FPM
<b>Presenter(s):</b>	Doug Butler, Mike Sublett		

### General Information

**1. What action are you requesting from the Board?**

The Department of Business and Community Services requests the Board approve an Amendment to a real property lease from Paul S. Markley Enterprises at Powell Villa, Located At 3552 SE 122nd, Portland, OR. The Amendment will terminate the Lease in exchange for a one-time payment of \$94,737.00 and will authorize the Chair to sign the lease amendment on behalf of the County.

The Department of Business and Community Services, Facilities and Property Management Division recommends adoption of the Resolution.

**2. Please provide sufficient background information for the Board and the public to understand this issue.**

Multnomah County currently leases 6,685 square feet at Powell Villa, 3552 SE 122nd, Portland, OR, from Paul S. Markley Enterprises. The lease expires April 30, 2007. In February 2005, Aging & Disability Services Department's Nursing Facilities Group relocated from Powell Villa to consolidated space at Multnomah County East (MCE), resulting in increased building efficiencies at

the County-owned facility. This rendered the County-leased space at Powell Villa redundant. The Powell Villa building leasehold was previously identified as a candidate for disposition in the Multnomah County Facilities Portfolio Consolidation and Disposition Strategy dated October 2004 and adopted by Resolution 04-168 dated November 18, 2004. The Strategy planned for this building included a program relocation to MCE and a negotiated lease termination. The County listed it for sub-lease and commenced negotiations with Paul S. Markley Enterprises which resulted in these agreed terms for a lease termination. Both parties desire to amend the Lease by changing the termination date from April 30, 2007, to immediately upon execution of the Lease Amendment. In exchange, Multnomah County will make a one time payment to the Landlord of \$94,737.00 by July 15, 2005.

**3. Explain the fiscal impact (current year and ongoing).**

From July 1, 2005, through the contractual lease termination date of April 30, 2007, Multnomah County has a rent and common area maintenance obligation totaling approximately \$206,000. The one time payment of \$94,737 and lease termination will result in a total savings of approximately \$111,000. The FY06 effect of the transaction on the Facilities Operating Fund is to reduce the Powell Villa related disposition costs by \$19,000. The FY07 savings will be approximately \$92,000.

**4. Explain any legal and/or policy issues involved.**

none

**5. Explain any citizen and/or other government participation that has or will take place.**

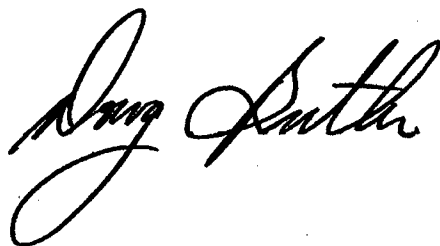
none

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**Required Signatures**

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**Department/  
Agency Director:**



**Date:** 06/01/05

**Budget Analyst:**



**Date:** 06/06/05

**Department HR:**

**Date:** \_\_\_\_\_

**Countywide HR:**

**Date:** \_\_\_\_\_

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. \_\_\_\_\_

Approving an Amendment To A Real Property Lease And Termination Payment At Powell Villa, Located At 3552 SE 122<sup>nd</sup>, Portland, OR.

**The Multnomah County Board of Commissioners Finds:**

- a. Multnomah County currently leases 6,685 square feet at Powell Villa, 3552 SE 122<sup>nd</sup>, Portland, OR, from Paul S. Markley Enterprises. The lease expires April 30, 2007.
- b. In February 2005, Aging & Disability Services Department's Nursing Facilities Group relocated from Powell Villa to consolidated space at Multnomah County East (MCE), resulting in increased building efficiencies.
- c. The Powell Villa building leasehold was previously identified as a candidate for disposition in the Multnomah County Facilities Portfolio Consolidation and Disposition Strategy dated October 2004 and adopted by Resolution 04-168 dated November 18, 2004. The Strategy planned for this building included a program relocation to MCE and a negotiated lease termination.
- d. Multnomah County and Paul S. Markley Enterprises have conducted negotiations resulting in agreed terms for a lease termination. Both parties desire to amend the Lease by changing the termination date from April 30, 2007, to immediately upon execution of the Lease Amendment. In exchange, Multnomah County will make a one time payment to the Landlord of \$94,737.00.
- e. It is in the best interests of the County to amend the Lease on the terms and conditions set forth in the attached Lease Amendment Terms Letter.

**The Multnomah County Board of Commissioners Resolves:**

1. The Board approves the terms of the lease termination. The County Chair is authorized to execute an Amendment on substantially the same terms as the attached Lease Amendment Terms Letter.
2. The County Chair is authorized to execute additional amendments to the Lease without further Board action.

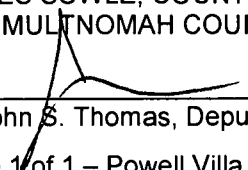
ADOPTED this 16th day of June, 2005.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

\_\_\_\_\_  
Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By  \_\_\_\_\_  
John S. Thomas, Deputy County Attorney

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**RESOLUTION NO. 05-110**

Approving an Amendment to a Real Property Lease and Termination Payment at Powell Villa, Located at 3552 SE 122nd, Portland, Oregon

**The Multnomah County Board of Commissioners Finds:**

- a. Multnomah County currently leases 6,685 square feet at Powell Villa, 3552 SE 122nd, Portland, Oregon, from Paul S. Markley Enterprises. The lease expires April 30, 2007.
- b. In February 2005, Aging and Disability Services Department's Nursing Facilities Group relocated from Powell Villa to consolidated space at Multnomah County East (MCE), resulting in increased building efficiencies.
- c. The Powell Villa building leasehold was previously identified as a candidate for disposition in the Multnomah County Facilities Portfolio Consolidation and Disposition Strategy dated October 2004 and adopted by Resolution 04-168 dated November 18, 2004. The Strategy planned for this building included a program relocation to MCE and a negotiated lease termination.
- d. Multnomah County and Paul S. Markley Enterprises have conducted negotiations resulting in agreed terms for a lease termination. Both parties desire to amend the Lease by changing the termination date from April 30, 2007, to immediately upon execution of the Lease Amendment. In exchange, Multnomah County will make a one time payment to the Landlord of \$94,737.00.
- e. It is in the best interests of the County to amend the Lease on the terms and conditions set forth in the attached Lease Amendment Terms Letter.

**The Multnomah County Board of Commissioners Resolves:**

1. The Board approves the terms of the lease termination. The County Chair is authorized to execute an Amendment on substantially the same terms as the attached Lease Amendment Terms Letter.
2. The County Chair is authorized to execute additional amendments to the Lease without further Board action.

ADOPTED this 16h day of June, 2005.



BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

  
Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By   
John S. Thomas, Deputy County Attorney





# MULTNOMAH COUNTY OREGON

DEPARTMENT OF BUSINESS AND COMMUNITY SERVICES  
FACILITIES AND PROPERTY MANAGEMENT DIVISION  
401 N DIXON ST  
PORTLAND, OREGON 97227  
(503) 988-3322

BOARD OF COUNTY COMMISSIONERS  
DIANE LINN • CHAIR OF THE BOARD  
MARIA ROJO DE STEFFEY • DISTRICT 1 COMMISSIONER  
SERENA CRUZ • DISTRICT 2 COMMISSIONER  
LISA NAITO • DISTRICT 3 COMMISSIONER  
LONNIE ROBERTS • DISTRICT 4 COMMISSIONER

**May 19, 2005**

**Scott Perry, CPM®  
Norris & Stevens, Inc.  
621 SW Morrison, Suite 800  
Portland, OR 97205**

**Subject: Termination of Lease, Powell Villa, 3552 SE 122nd Avenue, Portland, OR**

**Dear Scott:**

**Based upon our prior discussions and your telephone message, I am pleased to recommend for approval the following terms for lease termination at the above premises. In exchange for immediate termination of the lease, Multnomah County will continue to pay as due, rent and charges for May and June 2005. By July 15, 2005, Multnomah County will pay a lump sum of \$94,737.00, with no further obligations, fees, commissions, or prorations.**

**Any proposed amendments to terms and conditions of the current lease will be subject to review by the County Attorney. Please note any amendment requested, proposal made, or counteroffer accepted by me or other authorized County representative for the above referenced property is not binding on the County until and unless the Board and/or County Chair approves the proposed amendment upon such terms and conditions that may be imposed.**

**If you have any questions, please do not hesitate to contact me at (503) 988-4149. You may facsimile your response to me at (503) 988-5082 or e-mail: [michael.a.sublett@co.multnomah.or.us](mailto:michael.a.sublett@co.multnomah.or.us). Your acknowledgement, on behalf of the landlord, will advance my recommendation and commence preparation of a termination agreement. Thank you for your assistance.**

**Sincerely,**

**Michael Sublett  
Senior Property Management Specialist**



## MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

### Board Clerk Use Only

Meeting Date: 06/16/05  
Agenda Item #: R-11  
Est. Start Time: 10:00 AM  
Date Submitted: 06/06/05

### BUDGET MODIFICATION:

**Agenda Title:** ORDER Authorizing the NW 8th Avenue Bridge Replacement Project and Directing the Transportation Division to Proceed with Construction of the Project under ORS 371.635

*Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title.*

<b>Date Requested:</b>	June 16, 2005	<b>Time Requested:</b>	5 minutes
<b>Department:</b>	Business and Community Services	<b>Division:</b>	Land Use and Transportation
<b>Contact(s):</b>	Robert Maestre		
<b>Phone:</b>	503 988 5000	<b>Ext.</b>	85001
<b>Presenter(s):</b>	Robert Maestre		
<b>I/O Address:</b>	455 / 2nd		

### General Information

#### 1. What action are you requesting from the Board?

Approve an Order, pursuant to ORS 371.625, authorizing the County Transportation Division to proceed with construction of the NW 8th Avenue Bridge Replacement Project. This agenda placement exemption is requested because the hearing date was originally noticed for 6/2/05 but inadvertently didn't get on the agenda and the property owners were notified that this matter would be placed on the next available hearing date.

#### 2. Please provide sufficient background information for the Board and the public to understand this issue.

The existing bridge across McCarthy Creek on NW 8th Avenue, east of NW Cornelius Pass Rd. is an old log and timber structure which is in ill repair. NW 8th Avenue is a local access road not constructed or maintained by Multnomah County. The bridge, because of its state of deterioration, is deemed unsafe for fire truck access by the local fire department. The property owners that use the bridge have petitioned the County to replace the bridge.

**3. Explain the fiscal impact (current year and ongoing):**

The property owners primarily benefited by the new bridge will be assessed an equal share of the cost of the project to reimburse the County.

**4. Explain any legal and/or policy issues involved.**

The authority is under ORS 371.605-660

**5. Explain any citizen and/or other government participation that has or will take place.**

The property owners have petitioned the County to design and construct this project. Notice of the work and costs have been provided to affected property owners and required under ORS 371.630.

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**Required Signatures**

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Department/  
Agency Director:

*Robert A. Maestre*

Date: 06/06/05

Budget Analyst:

Date:

Department HR:

Date:

Countywide HR:

Date:

**BOGSTAD Deborah L**

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**From:** FARMER Stuart L  
**Sent:** Monday, June 06, 2005 2:00 PM  
**To:** #AGENDA REVIEW TEAM  
**Cc:** BOGSTAD Deborah L  
**Subject:** Item for 6/16/05

I would ask for an exemption to BCC-1 for this Board Order due to the fact that we failed to get the item on the 6/2/05 agenda as it was resolved by the Board on May 5th. The Department Director's office notified all the property owners on the 1st that the item would not be on the 2nd and that it would appear on the 16th. If you wish to bump it back to the 23rd then they will have to call the property owners again to let them know of the change.

Let me know what you decide.

Thank you.

**Stuart**

Senior Administrative Analyst, Budget & Operations Support  
Multnomah County Land Use and Transportation Program  
503-988-5276 Interoffice Address 455/116

6/7/2005

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**ORDER NO. \_\_\_\_\_**

Authorizing the NW 8<sup>th</sup> Ave Bridge Replacement Project and Directing the Transportation Division to Proceed With Construction of the Project Under ORS 371.635

**The Multnomah County Board of Commissioners Finds:**

- a. As allowed under ORS 371.615, in May, 2004, the County received a petition seeking the improvement of a portion of NW 8<sup>th</sup> Avenue (a public road in unincorporated west Multnomah County) that is the main access route to the properties owned by the petitioners.
- b. The proposed improvement consists of the construction of a new bridge at the location where NW 8<sup>th</sup> Avenue crosses McCarthy Creek (the Project).
- c. The County Engineer prepared a report on the Project estimating total Project cost of \$78,000.00 and proposing to split the cost equally among the petitioners. Under this approach the estimated assessment would be approximately \$13,000 per property subject to adjustment after the improvement is made.
- d. The real property to be assessed is described in the attached Exhibit A.
- e. This Board on May 5, 2005, through Resolution 05-072, accepted the County Engineer's Report finding the Project to be feasible, proposing a method of assessment and recommending the Project be undertaken in the manner authorized under ORS 371.605 et seq.
- f. Notice of the County Engineer's report was sent to all the property owners to be assessed for the proposed improvement as required under ORS 371.630, and the County received no objections to the Project during the identified 20 day comment period.

**The Multnomah County Board of Commissioners Orders:**

1. The NW 8<sup>th</sup> Ave Bridge Replacement Project is authorized and the County's Land Use and Transportation Program is directed to proceed with construction of the Project in a manner consistent with ORS 371.635.

2. This Order is notice that each property described in Exhibit A is subject to a lien of an assessment for its share of the cost of the Project in an amount to be determined later by subsequent Order of this Board.
3. A copy of this Order will be recorded and indexed in the County's Deed and Lien Records.

ADOPTED this 16<sup>th</sup> day of June 2005.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

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Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By   
Matthew O. Ryan, Assistant County Attorney

**EXHIBIT A**

**PARCEL I: OWNER: CHARBONNEAU**

**Legal Description:** Lot 6, 7, 8, 9 & 10, Block 6, Folkenberg;  
Multnomah County, Oregon.

**Tax ID #:** R164667

**Map Tax Lot #:** 2NIW30BC-01000

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**PARCEL II: OWNER: DELZELL**

**Legal Description:** Lot 1, 2 and 3, (including part in vacated street) Block 11, Folkenberg;  
Multnomah County, Oregon.

**Tax ID #:** R164683

**Map Tax Lot #:** 2NIW30BB-00800

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**PARCEL III: OWNER: HOLM & VILLARREAL**

**Lot #1:**

**Legal Description:** Lots 13 and 14 (including part in vacated street) Block 10,  
Folkenberg; Multnomah County, Oregon.

**Tax ID #:** R164681

**Map Tax Lot #:** 2NIW30BB-01100

**Lot #2:**

**Legal Description:** Lots 15 and 16 (including part in vacated street) Block 10,  
Folkenberg; Multnomah County, Oregon

**Tax ID #:** R164682

**Map Tax Lot #:** 2NIW30BB-01200

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**PARCEL IV: OWNER: LAWRENCE**

**Legal Description:** Lot 1 (including part in vacated street); Block 6 Folkenberg; Lots 2  
and 3; Block 6; Folkenberg, Multnomah County, Oregon

**Tax ID #:** R164664

**Map Tax Lot #:** 2NIW30BC-00600

Exhibit A

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**PARCEL V: OWNER: SCHULTZ/DOLL**

**Legal Description:** Lots 1-16, Block 8, Folkenberg; Multnomah County, Oregon.

**Tax ID #:** R164672

**Map Tax Lot #:** 2NIW30BC-00100

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**PARCEL VI: OWNER: CRITCHLOW**

**Lot # 1:**

**Legal Description:** Lots 4, 5, 6 and 7, all in Block 9, FOLKENBERG, in the County of Multnomah and State of Oregon, TOGETHER WITH that portion of vacated 7<sup>th</sup> Avenue which inured to Lots 4 and 5 by Vacation Order No. 1276 entered June 27, 1932. EXCEPTING THEREFROM that portion of Lots 6 and 7 deeded to Multnomah County August 5, 1993 in Deed recorded in Book 2734, page 3045 and that portion of Lots 5 and 6 and vacated 7<sup>th</sup> Avenue deeded to Multnomah County August 5, 1993 in Deed recorded in Book 2734, page 3050.

**Tax ID #:** R164675; R164673

**Map Tax Lot #:** 2N1W30BB-01300; 2N1W30BB-01700

**Lot # 2:**

**Legal Description:** Lots 1 to 10, inclusive, Block 7, FOLKENBERG, in the County of Multnomah and State of Oregon, TOGETHER WITH the South half of vacated 7<sup>th</sup> Avenue and the North half of vacated 6<sup>th</sup> Avenue which inured to said block by Vacation Order No. 1276, entered June 27, 1932; EXCEPTING THEREFROM the South half of vacated 7<sup>th</sup> Avenue which inured to Lots 8, 9 and 10, Block 7, FOLKENBERG.

EXCEPTING THEREFROM that portion of Lots 5 and 6 and vacated 7<sup>th</sup> Avenue deeded to Multnomah County in Deed recorded August 5, 1993 in Book 2734, page 3050 and that portion of Lots 1 and 10 and vacated 6<sup>th</sup> Avenue deeded to Multnomah County August 5, 1993 in Book 2734, page 3040.

**Tax ID #:** R164670

**Map Tax Lot #:** 2NIW30BC-00200

Exhibit A

Page 4 of 4      Order Authorizing the NW 8<sup>th</sup> Ave Bridge Replacement Project and Directing the Transportation Division to Proceed With Construction of the Project Under ORS 371.635



BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**ORDER NO. 05-111**

Authorizing the NW 8th Avenue Bridge Replacement Project and Directing the Transportation Division to Proceed With Construction of the Project under ORS 371.635

**The Multnomah County Board of Commissioners Finds:**

- a. As allowed under ORS 371.615, in May, 2004, the County received a petition seeking the improvement of a portion of NW 8th Avenue (a public road in unincorporated west Multnomah County) that is the main access route to the properties owned by the petitioners.
- b. The proposed improvement consists of the construction of a new bridge at the location where NW 8th Avenue crosses McCarthy Creek (the Project).
- c. The County Engineer prepared a report on the Project estimating total Project cost of \$78,000.00 and proposing to split the cost equally among the petitioners. Under this approach the estimated assessment would be approximately \$13,000 per property subject to adjustment after the improvement is made.
- d. The real property to be assessed is described in the attached Exhibit A.
- e. This Board on May 5, 2005, through Resolution 05-072, accepted the County Engineer's Report finding the Project to be feasible, proposing a method of assessment and recommending the Project be undertaken in the manner authorized under ORS 371.605 et seq.
- f. Notice of the County Engineer's report was sent to all the property owners to be assessed for the proposed improvement as required under ORS 371.630, and the County received no objections to the Project during the identified 20 day comment period.

**The Multnomah County Board of Commissioners Orders:**

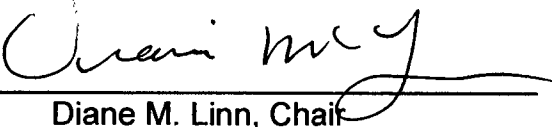
1. The NW 8th Avenue Bridge Replacement Project is authorized and the County's Land Use and Transportation Program is directed to proceed with construction of the Project in a manner consistent with ORS 371.635.

2. This Order is notice that each property described in Exhibit A is subject to a lien of an assessment for its share of the cost of the Project in an amount to be determined later by subsequent Order of this Board.
3. A copy of this Order will be recorded and indexed in the County's Deed and Lien Records.

ADOPTED this 16th day of June 2005.



BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

  
\_\_\_\_\_  
Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By   
\_\_\_\_\_  
Matthew O. Ryan, Assistant County Attorney

## **EXHIBIT A**

### **PARCEL I: OWNER: CHARBONNEAU**

**Legal Description:** Lot 6, 7, 8, 9 & 10, Block 6, Folkenberg;  
Multnomah County, Oregon.

**Tax ID #:** R164667

**Map Tax Lot #:** 2NIW30BC-01000

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### **PARCEL II: OWNER: DELZELL**

**Legal Description:** Lot 1, 2 and 3, (including part in vacated street) Block 11, Folkenberg;  
Multnomah County, Oregon.

**Tax ID #:** R164683

**Map Tax Lot #:** 2NIW30BB-00800

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### **PARCEL III: OWNER: HOLM & VILLARREAL**

#### **Lot #1:**

**Legal Description:** Lots 13 and 14 (including part in vacated street) Block 10,  
Folkenberg; Multnomah County, Oregon.

**Tax ID #:** R164681

**Map Tax Lot #:** 2NIW30BB-01100

#### **Lot #2:**

**Legal Description:** Lots 15 and 16 (including part in vacated street) Block 10,  
Folkenberg; Multnomah County, Oregon

**Tax ID #:** R164682

**Map Tax Lot #:** 2NIW30BB-01200

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### **PARCEL IV: OWNER: LAWRENCE**

**Legal Description:** Lot 1 (including part in vacated street); Block 6 Folkenberg; Lots 2  
and 3; Block 6; Folkenberg, Multnomah County, Oregon

**Tax ID #:** R164664

**Map Tax Lot #:** 2NIW30BC-00600

Exhibit A

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**PARCEL V: OWNER: SCHULTZ/DOLL**

**Legal Description:** Lots 1-16, Block 8, Folkenberg; Multnomah County, Oregon.

**Tax ID #:** R164672

**Map Tax Lot #:** 2NIW30BC-00100

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**PARCEL VI: OWNER: CRITCHLOW**

**Lot # 1:**

**Legal Description:** Lots 4, 5, 6 and 7, all in Block 9, FOLKENBERG, in the County of Multnomah and State of Oregon, TOGETHER WITH that portion of vacated 7th Avenue which inured to Lots 4 and 5 by Vacation Order No. 1276 entered June 27, 1932. EXCEPTING THEREFROM that portion of Lots 6 and 7 deeded to Multnomah County August 5, 1993 in Deed recorded in Book 2734, page 3045 and that portion of Lots 5 and 6 and vacated 7th Avenue deeded to Multnomah County August 5, 1993 in Deed recorded in Book 2734, page 3050.

**Tax ID #:** R164675; R164673

**Map Tax Lot #:** 2N1W30BB-01300; 2N1W30BB-01700

**Lot # 2:**

**Legal Description:** Lots 1 to 10, inclusive, Block 7, FOLKENBERG, in the County of Multnomah and State of Oregon, TOGETHER WITH the South half of vacated 7th Avenue and the North half of vacated 6th Avenue which inured to said block by Vacation Order No. 1276, entered June 27, 1932; EXCEPTING THEREFROM the South half of vacated 7th Avenue which inured to Lots 8, 9 and 10, Block 7, FOLKENBERG.

EXCEPTING THEREFROM that portion of Lots 5 and 6 and vacated 7th Avenue deeded to Multnomah County in Deed recorded August 5, 1993 in Book 2734, page 3050 and that portion of Lots 1 and 10 and vacated 6th Avenue deeded to Multnomah County August 5, 1993 in Book 2734, page 3040.

**Tax ID #:** R164670

**Map Tax Lot #:** 2NIW30BC-00200

**Exhibit A**

**Page 4 of 4** Order 05-111 Authorizing the NW 8th Ave Bridge Replacement Project and Directing the Transportation Division to Proceed With Construction of the Project Under ORS 371.635



## MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

### Board Clerk Use Only

Meeting Date: 06/16/05  
Agenda Item #: R-12  
Est. Start Time: 10:05 AM  
Date Submitted: 05/23/05

**BUDGET MODIFICATION:** -

**Agenda Title:** First Reading of an ORDINANCE Amending Multnomah County Code Chapter 38, Columbia River Gorge National Scenic Area, the County Comprehensive Plan, Zoning Ordinance, and Maps to Implement Gorge Commission Changes to the Management Plan for the Columbia River Gorge National Scenic Area (The National Scenic Area Compliance Project)

*Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title.*

<b>Date Requested:</b>	June 16, 2005	<b>Time Requested:</b>	45 min.
<b>Department:</b>	Business and Community Services	<b>Division:</b>	Land Use & Transportation
<b>Contact(s):</b>	Derrick Tokos/Karen Schilling		
<b>Phone:</b>	503-988-3043	<b>Ext.</b>	22682
<b>I/O Address:</b>	455/116		
<b>Presenter(s):</b>	Derrick Tokos		

### General Information

#### 1. What action are you requesting from the Board?

Approve amendments to the County Comprehensive Framework Plan, Chapter 38 of the Multnomah County Code and zoning maps to implement the revised Management Plan for the Scenic Area. Planning Commission resolutions recommending approval of the proposed revisions, staff reports discussing the specific changes and copies of the amended documents are enclosed. Some additional changes are being made to address comments from the Forest Service and Gorge Commission. The Planning Commission recognized the need for this and staff is working with the County Attorney's Office to incorporate these changes into a final version for agenda packets. An abbreviated staff report is also being prepared. This work is partially funded with a technical assistance grant from the State that requires it be completed by June 30, 2005.

**2. Please provide sufficient background information for the Board and the public to understand this issue.**

The purpose of this "National Scenic Area Compliance Project" is to update the Multnomah County Code to implement recent changes to the National Scenic Area Management Plan, develop a policy document to explain the relationship between the county code and Plan, and to create better informational materials to assist the public. County zoning maps are also being updated to reflect prior changes to land use designations for lands offered, but not purchased, by the Forest Service under Section 8(o) of the Scenic Area Act. The revised Management Plan changed the land use designation for Multnomah Falls, expanding the public recreation zoning east of the site. This change involves public property and some railroad right-of-way and is the only new revision to a land use designation in the County.

Multnomah County is one of six counties in Oregon and Washington that are within the Columbia River Gorge National Scenic Area. Portions of the County that are within this area are subject to the policies and guidelines of the Management Plan for the Scenic Area which regulates land uses to ensure that development does not compromise the scenic, cultural, natural, and recreational resources of the gorge.

As part of the National Scenic Area Act, Congress directed the Gorge Commission to conduct a comprehensive review of the Management Plan 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, and after a lengthy public process adopted a revised Plan on April 27, 2004. As required under the Act, the Secretary of Agriculture has since concurred with the revisions and the Gorge Commission transmitted a final version of the Plan to the County on September 8, 2004. 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 our Board did on October 21, 2004) and 9 months to update its plans and ordinances (June of 2005).

Lawsuits challenging the decisions of the Gorge Commission and Secretary of Agriculture have been filed with the Oregon Court of Appeals and federal district court in Portland. They take issue with new land use rules in the Management Plan for commercial events, fish processing, and revisions to scenic guidelines designed to replace the existing requirement that development "minimize visibility" as viewed from significant scenic vantage points. Considering the litigation, the Board of Commissioners asked staff to defer implementation of these particular provisions of the Plan under the premise that it is not a wise use of resources or fair to citizens to initiate a legislative process that might later be amended or overturned as a result of legal challenges. This approach is explained in the October 2004 letter from the Board to the Gorge Commission (attached).

**3. Explain the fiscal impact (current year and ongoing).**

There are no fiscal impacts attributed to these amendments.

**4. Explain any legal and/or policy issues involved.**

The legal issue relates to the litigation, which is addressed with the Board's letter to the Gorge Commission. Proposed amendments are consistent with the direction given in the letter.

The Management Plan allows the County to be more restrictive if it demonstrates that by doing so it is being more protective of gorge resources. The County cannot be less restrictive. Proposed amendments are more restrictive to the extent necessary to carry out the Board's objective in the implementation letter. That is the amendments do not include the new Management Plan language for commercial events and fish processing and retain the requirement that development "minimize

visibility" as viewed from significant scenic vantage points. By regulating commercial events and fish processing, the Gorge Commission recognized that these uses could adversely impact scenic, natural, cultural, or recreational resources of the gorge. By not allowing them the County ensures that these resources will not be impacted. Requiring development "minimize visibility" as viewed from significant scenic vantage points has proven to be effective at ensuring that development is visually subordinate to the natural landscape and Gorge Commission staff agrees that retaining it in our code provides greater protection to scenic resources.

**5. Explain any citizen and/or other government participation that has or will take place.**

Ensuring effective and meaningful public involvement has been a primary goal of this project and County staff, with the assistance of consultants David Evans and Associates, Inc., have actively sought feedback from citizens regarding how the County can best implement the revised Management Plan.

Two public workshops have been held in Corbett. At the first meeting, held December 8, 2004, county staff and the consultants presented an overview of the purpose and objectives of the project, reviewed the changes that the Gorge Commission made to the Management Plan, and discussed the implementation process, including opportunities for public involvement. The second workshop, held March 30, 2005, was an open house to provide the public an opportunity to learn about how the County proposes to implement the changes that the Gorge Commission made to the Management Plan. Handouts and summaries of the proposed code revisions, attached to this report, were available at the open house and distributed to the public.

A Citizen Advisory Committee (CAC) was formed after the initial public workshop to assist staff and the consultants by providing feedback on revisions to County rules and informational handouts. Applications were distributed at the first workshop and those interested in volunteering were asked to fill out an interest form and return it to the County Public Affairs Office. Twelve applications were received and 10 members chosen. Seven of the ten members reside in the Scenic Area. County staff and the consultants met with CAC members five times, over a two month period. While CAC members were not asked to vote on final recommendations; they agreed to have their comments and issues attributed and tracked. This was done in an "Issue Bin" that includes staff feedback, follow-up actions, and a resolution for each item.

Summaries of the public workshops and CAC meetings are posted on the Multnomah County website, at [http://www.co.multnomah.or.us/dbcs/LUT/land\\_use/nsacompliancepage.shtml](http://www.co.multnomah.or.us/dbcs/LUT/land_use/nsacompliancepage.shtml). Materials that were presented and discussed are also available. Advance notice of the CAC meetings and workshops were published in the Oregonian and Gresham Outlook. The CAC meetings were also advertised on Multnomah County cable access. To facilitate turnout and participation at the workshops, the County mailed postcards advertising the events to landowners within the National Scenic Area and to gorge agencies.

Two Planning Commission meetings were held to public hearings in Corbett to consider the proposed amendments. Notice of the hearings was published in the Oregonian newspaper and copies were mailed to the Gorge Commission, Forest Service, Indian tribal governments, the State Historic Preservation Office, Oregon Department of Transportation, and Oregon Department of Fish and Wildlife. Notice was also mailed to persons owning property within the Multnomah County portion of the National Scenic Area.

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**Required Signatures**

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**Department/  
Agency Director:**

Robert A Maestre

**Date:** 05/20/05

**Budget Analyst:**

\_\_\_\_\_

**Date:** \_\_\_\_\_

**Department HR:**

\_\_\_\_\_

**Date:** \_\_\_\_\_

**Countywide HR:**

\_\_\_\_\_

**Date:** \_\_\_\_\_





**Department of Business and Community Services**  
**MULTNOMAH COUNTY OREGON**

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**Land Use and Transportation Program**  
**1600 SE 190<sup>th</sup> Avenue**  
**Portland, Oregon 97233-5910**  
**PH. (503) 988-3043 Fax (503) 988-3389**  
**[www.co.multnomah.or.us/dbcs/LUT/land\\_use](http://www.co.multnomah.or.us/dbcs/LUT/land_use)**

**June 8, 2005**

**Staff Report**

**Multnomah County Board of Commissioners Public Hearing**  
**National Scenic Area Compliance Project (File #PC-04-011)**

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**I. Introduction**

The purpose of the National Scenic Area Compliance Project is to update the Multnomah County Code to implement recent changes to the National Scenic Area Management Plan, develop a policy document to explain the relationship between the county code and Plan, and to create better informational materials to assist the public. The County is also updating its zoning maps to reflect changes to land use designations for lands offered, but not purchased by the Forest Service under Section 8(o) of the Scenic Area Act. The Management Plan changed the land use designation for Multnomah Falls, expanding the public recreation zoning east of the site. **This change involves public property and some railroad right-of-way and is the only new revision to a land use designation in Multnomah County.**

**II. Background**

Multnomah County is one of six counties in Oregon and Washington that are within the Columbia River Gorge National Scenic Area. Portions of the County within this area are subject to the policies and guidelines of the Management Plan for the Scenic Area, which regulates land uses to ensure that development does not compromise the scenic, cultural, natural, and recreational resources of the gorge.

As part of the National Scenic Area Act, Congress directed the Gorge Commission to conduct a comprehensive review of the Management Plan 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, and after a lengthy public process adopted a revised Plan on April 27, 2004. As required under the Act, the Secretary of Agriculture has since concurred with the revisions and the Gorge Commission transmitted a final version of the Plan to the County on September 8, 2004. 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 our Board did on October 21, 2004) and 9 months to update its plans and ordinances (June of 2005).

Lawsuits challenging the decisions of the Gorge Commission and Secretary of Agriculture have been filed with the Oregon Court of Appeals and federal district court

in Portland. They take issue with new land use rules in the Management Plan for commercial events, fish processing, and revisions to scenic guidelines designed to replace the existing requirement that development “minimize visibility” as viewed from significant scenic vantage points. Considering the litigation, the Board of Commissioners asked staff to defer implementation of these particular provisions of the Plan under the premise that it is not a wise use of resources or fair to citizens to initiate a legislative process that might later be amended or overturned as a result of legal challenges. This approach is explained in the October 2004 letter from the Board to the Gorge Commission (Exhibit A1).

### III. Summary of Public Involvement

Ensuring effective and meaningful public involvement has been a primary goal of this project and County staff, with the assistance of consultants David Evans and Associates, Inc., have actively sought feedback from citizens regarding how the County can best implement the revised Management Plan.

Two public workshops have been held in Corbett. At the first meeting, held December 8, 2004, county staff and the consultants presented an overview of the purpose and objectives of the project, reviewed the changes that the Gorge Commission made to the Management Plan, and discussed the implementation process, including opportunities for public involvement. The second workshop, held March 30, 2005, was an open house to provide the public an opportunity to learn about how the County proposes to implement the changes that the Gorge Commission made to the Management Plan. Handouts and summaries of the proposed code revisions, attached to this report, were available at the open house and distributed to the public.

A Citizen Advisory Committee (CAC) was formed after the initial public workshop to assist staff and the consultants by providing feedback on revisions to County rules and informational handouts. Applications were distributed at the first workshop and those interested in volunteering were asked to fill out an interest form and return it to the County Public Affairs Office. Twelve applications were received and 10 members chosen. Seven of the ten members reside in the Scenic Area. A list of the citizens that participated on the CAC and summary of the materials they reviewed is enclosed (Exhibit A2). County staff and the consultants met with CAC members five times, over a two month period. While CAC members were not asked to vote on final recommendations; they agreed to have their comments and issues attributed and tracked. This was done in an “Issue Bin” that includes staff feedback, follow-up actions, and a resolution for each item (Exhibit A3).

Summaries of the public workshops and CAC meetings are posted on the Multnomah County website, at [http://www.co.multnomah.or.us/dbcs/LUT/land\\_use/nsacompliancepage.shtml](http://www.co.multnomah.or.us/dbcs/LUT/land_use/nsacompliancepage.shtml). Materials that were presented and discussed are also available. Advance notice of the CAC meetings and workshops were published in the Oregonian and Gresham Outlook. The CAC meetings were also advertised on Multnomah County cable access. To facilitate turnout and participation at the workshops, the County mailed postcards advertising the events to landowners within the National Scenic Area and to gorge agencies.

In addition to this hearing before the Board of Commissioners, two Planning Commission meetings were held in Corbett to consider the proposed amendments. Notice of the hearings was published in the Oregonian newspaper and copies were mailed to the Gorge Commission, Forest Service, Indian tribal governments, the State Historic Preservation Office, Oregon Department of Transportation, and Oregon Department of Fish and Wildlife. Notice was also mailed to persons owning property within the Multnomah County portion of the National Scenic Area.

#### IV. Project Constraints

Chapter 38 of the Multnomah County Code contains the rules regulating development in the County portion of the National Scenic Area. Where the revised Management Plan is stricter than these regulations, the County must revise its code to adopt the new rules. Where the Management Plan is less stringent, the County may elect to not implement, partially implement, or propose a new method of implementation that provides greater resource protection.

Considering these constraints, the County has three basic options for updating its land use code:

- Incorporate language from the Management Plan directly into the code; or
- Include changes in a more limited or prescriptive fashion as long as the alternative language is neutral, or more protective of gorge resources (natural, scenic, cultural, and recreational resources); or
- Choose not to adopt certain changes if the existing language, or lack thereof, is more protective.

#### V. New Rural Area Plan for the National Scenic Area

While the Management Plan is the primary land use planning and policy document for the National Scenic Area, it does not expressly cover all land use regulations administered by the County. This has led to a “gap” in policy direction that is addressed with this new document. The new Rural Area Plan explains how the County conducts land use planning in the Scenic Area; identifies various sources of the County’s authority; and identifies and describes the roles of the various agencies that the County partners with in carrying out its land use planning responsibilities. The Management Plan does not require this document. However, we recommend that it be adopted for the reasons mentioned.

Key policies contained in this document include recognition that:

- Statewide Planning Goals do not apply in the National Scenic Area, since the legislature has determined that Management Plan achieves, on balance, the same objectives as the Goals.
- Metro’s proposed Goal 5 fish and wildlife protection program is not applicable in the National Scenic Area unless the Gorge Commission finds it to be consistent with the Management Plan.
- Multnomah County and the City of Troutdale should consider entering into an agreement to specify how the Management Plan is to be implemented in the portion of the City that is

within the National Scenic Area, so that both jurisdictions are not implementing land use regulations for that area.

- Land use regulations in the County's Hillside Development district are necessary to protect geologic resources and avoid hazards, both of which are purposes of the Management Plan.

In order to make this Rural Area Plan a part of the County Comprehensive Framework Plan, it is necessary to amend Policy 41 of the Framework Plan. Policy 41 contains the County's existing land use planning policies for the Scenic Area.

#### VI. Revisions to County Zoning Maps

Section 8(o) of the Scenic Area Act authorized the U.S. Forest Service to acquire Special Management Area lands within three years of the date the agency received a bona fide sales offer. When the agency failed to purchase property, they were required to change the land use designation to one or more appropriate General Management Area designations. This de facto rezoning of properties by the Forest Service was done by letter and has caused confusion as the new designations conflict with County adopted zoning maps. An oversized map showing County equivalents for the Forest Service designations will be presented at the hearing. This is the same map that is referenced in the Planning Commission resolution recommending the Board adopt these changes.

The revised Management Plan modified the boundary of one land use designation in Multnomah County. The change expands the Public Recreation land use designation east of Multnomah Falls. This change is specific to public land, except for a small amount of railroad right-of-way. An inset map showing where the change is to be made is include on the map that will be available at the hearing.

#### VII. Changes to Chapter 38 of the Multnomah County Code

Chapter 38 of the County Code for the National Scenic Area is broken up into eight (8) distinct parts, as follows:

- Part 1: General Provisions
- Part 2: Planning Authority
- Part 3: Administration and Procedures
- Part 4: Zoning Districts
- Part 5: Special Districts – Off-Street Parking, Planned Development, Hillside Development
- Part 6: Approval Criteria
- Part 7: Special Uses – Approval Criteria and Submittal Requirements
- Part 8: Variances and Land Divisions

Revisions to Parts 1, 3, 4, and 7 were presented to the Planning Commission at an April 18, 2005 hearing. Parts 2, 5, 6, and 8, along with some additional revisions to Part 7, were considered later, at the Commission's May 2, 2005 meeting. Staff reports and summary sheets available at each of these hearings discuss the changes in detail. Copies of the codes, with item by item

explanations of the changes, were also provided. A brief summary of the revisions to each part of the code is as follows:

Part 1, General Provisions, has been updated to incorporate new and revised definitions, rules for existing and discontinued uses, and the sign code for the scenic area. In working with the CAC, staff identified some definitions that needed clarification and a few additional terms that needed to be defined. Changes to the sign code and rules for existing/discontinued uses have been incorporated more or less verbatim from the Management Plan. Some provisions from Part 1 were relocated to a new Part 7 of the code for organizational purposes.

Part 2, Authority, has been updated to incorporate policy statements from the new Rural Area Plan. A new section was also added to clarify the different responsibilities of agencies in the gorge as it relates to the application of the County code.

Part 3, Administration and Procedures, has been revised to include the Management Plan's new "Expedited Development Review Process." The County approach differs from the Management Plan in that it overlaps the comment and appeal periods described in the Plan to create the potential for a more streamlined review. Other significant revisions to this part of the code include, changes to the rules for expiration of permits, permit extensions, and interpretations. New vested rights language and standards for reapplication under less stringent regulations were also added. Other than streamlining the Expedited Development Review Process, revisions to this part of the code match the changes in the revised Management Plan.

Part 4, Zoning Districts, has been updated and reorganized in line with the Management Plan, with Allowed Uses and the new category of Expedited Uses being broken out and listed separately. Some new uses have been added and others have been reclassified to expedited, standard or conditional review. The revised Management Plan does not eliminate any uses, but does place constraints on some such as a square footage cap for structures accessory to dwellings.

The County is not proposing to implement new land uses for Commercial Events and Fish Processing. The Management Plan requires site review for these uses to ensure that they do not adversely impact scenic, cultural, natural, and recreational resources of the gorge. By not incorporating these uses into its code, the County ensures that these resources are not impacted, providing greater protection as allowed by the Management Plan.

Part 5, Special Districts, includes the County's Off-Street Parking, Planned Development, and Hillside Development codes. A minor change has been made to the Parking code to allow gravel surfaces for non-residential review uses. The Planned Development code has been updated to correct the list of allowed uses and the purpose section of the Hillside Development code has been revised to be clear that it implements the Management Plan by protecting geologic resources and avoiding hazards. The exemption section of the Hillside Development code has also been clarified.

Part 6, Approval Criteria, has been revised to incorporate changes to scenic criteria contained in the revised Management Plan. The revised Management Plan eliminates the requirement that

development be sited to minimize visibility from key viewing areas, replacing it with language that development achieve visual subordination. This change to the Plan is being litigated and the County is choosing to keep the existing language until the legal challenge is resolved (ref: MCC 38.7035(B)(6)). Requiring development be sited to minimize its visibility from key viewing areas has proven effective in ensuring that visual subordination is achieved. By retaining the standard, the County is providing greater protection to scenic resources, as allowed by the Management Plan.

The proposed code also differs from the Management Plan by describing the analysis needed to show that development is "compatible" with nearby development (ref: MCC 38.7035(A)(2)). The changes are necessary to clarify a standard that has led to several recent appeals and the proposed language provides applicant's guidance as to how to address the standard, a concept that the Citizen Advisory Committee supported.

Standards for the protection of natural and recreation resources have been updated to match changes in the Management Plan. Changes to the natural resource criteria were largely to make the rules for GMA and SMA areas more similar. New criteria in the Management Plan for the review of expedited uses have been added to this part of the code.

Part 7, Special Uses, is a new section to the code that includes specific approval criteria from the revised Management Plan for Agricultural Buildings, Resource Enhancement Projects, and Disposal Sites for Spoils Materials from Public Road Maintenance activities. Several provisions from Part 1 of the code were relocated to part 7 for organizational purposes. The changes are consistent with the revised Management Plan.

Part 8, Variances and Land Divisions, includes a staff amendment to allow minor variances to be reviewed as major variances when the applicant cannot obtain consent from all of the adjacent owners. Existing language does not allow a minor variance to proceed through the review process without 100 percent owner consent even though a major variance can, under the same circumstances. New language has also been added to codify a longstanding practice of allowing land owners to combine unplatted properties by recording a deed that describes the property as a single unit of land.

The revised Management Plan contains new property line adjustment criteria that have been incorporated into this section of the code. The new standards distinguish between applications that are eligible for expedited review and those that require full review. They also vary by zoning designation. Generally, the new rules provide greater flexibility for land owners to use property line adjustments to resolve boundary disputes, while ensuring that adjustments are not being done for the purpose of reconfiguring property so that it can be further divided. Most of the language in this section matches what is contained in the revised Management Plan.

#### VIII. Revisions made since the Planning Commission Hearings

The Planning Commission's recommendation of approval included the caveat that concerns raised in letters from the Forest Service and Gorge Commission be addressed. They also asked that staff work with the Gorge Commission on revising fire flow standards in the gorge to better

recognize the service requirements of the fire districts. Rural Fire Protection District #14, which serves the Corbett Area, weighed in on this issue in a letter dated May 26, 2005 (Exhibit A4).

Most of the changes recommended by the Gorge Commission and Forest Service were minor and technical in nature. The more significant ones relate to language regarding consolidation of lots, the scenic standard for compatibility, definition for repair, and the fire flow issue. Each is discussed in a Gorge Commission letter received June 7, 2005 (Exhibit A5). Changes referenced in the letter (which is inadvertently dated May 20, 2005) have been incorporated into the draft ordinance. Revisions referenced in the Forest Service letter, dated June 7, 2005 have also been addressed (Exhibit A6).

The revision related to fire flow exempts properties from Management Plan requirements if they are within a fire district. This is justified for reasons indicated in the District's letter and because the County adopted optional provisions of the State Building Code to provide a consistent set of fire flow standards for all unincorporated areas in the County. Those standards, prepared in coordination with each of the County's fire districts, require a minimum continuous flow of 500 gallons per minute (for homes and accessory buildings under 3,600 sf) that can be achieved through a combination of methods as described in the ordinance (MCC 29.003(C)). These flow requirements far exceed what is required in the Management Plan, therefore it appropriate that they be used in lieu of the existing language.

#### **IX. Recommendation**

**Considering the above, staff recommends that the Board of Commissioners accept the Planning Commission recommendations and adopt an ordinance implementing the Revised Management Plan for the Columbia River Gorge National Scenic Area by:**

- 1. Amending Chapter 38 of the Multnomah County Code to implement changes in the revised Management Plan for the Columbia River Gorge National Scenic Area;**
- 2. Modifying Policy 41 of the Comprehensive Framework Plan to incorporate, by reference, the new Rural Area Plan Policy document; and**
- 3. Updating County zoning maps to show expanded public recreation zoning adjacent to Multnomah Falls and to reflect General Management Area land use designations that the Forest Service has applied to properties not purchased as part of the Section 8(o) process.**

#### **Staff Contact:**

Derrick Tokos, Multnomah County Land Use Planning Division, (503) 988-3043

#### **Exhibits:**

- A1. Letter from the Chair dated October 21, 2004
- A2. Summary of the Citizen Advisory Committee Process

- A3. Issue Bin
- A4. Letter from Multnomah County Rural Fire Protection District #14, dated May 26, 2005
- A5. Gorge Commission letter received June 7, 2005 (inadvertently dated May 20, 2005)
- A6. U.S. Forest Service letter dated June 7, 2005

### Handouts

While not an item that the Board of Commissioners needs to take action on, a primary goal of this project has been to improve the quality of the informational materials that the County provides the public to make it easier for them to understand scenic area rules and know what is needed for them to develop their property. To this end, County staff and the consultants worked with the CAC to develop new handouts. Several handouts have been developed, each speaking to different aspects of development in the gorge. Their titles are as follows:

- Handout #1: Introduction to Use and Development of Property
- Handout #2: Use Tables
- Handout #2a: Common Uses for Private Property
- Handout #2b: Common Public or other Uses
- Handout #3: Allowed Uses
- Handout #4: Expedited Development Review Process
- Handout #5: Site Review Process
- Handout #6: Designing for Approval
- Handout #7: National Scenic Area Process Flowchart

Draft copies of the handouts were distributed at the public workshop in Corbett and at the Planning Commission hearings. They are also available on the County website. Staff will have copies of these handouts at the hearing.



**BEFORE THE PLANNING COMMISSION  
FOR MULTNOMAH COUNTY, OREGON**

**RESOLUTION NO. PC-04-011**

Recommend to the Board of Commissioners the adoption of an ordinance amending Parts 1, 3 and 4, and creating a new Part 7 of Chapter 38 of the Multnomah County Code to implement changes in the revised Management Plan for the Columbia River Gorge National Scenic Area.

**The Planning Commission Finds:**

- a. Multnomah County is committed to implementing revisions to the Management Plan for the Columbia River Gorge National Scenic Area, as outlined in a letter to the Gorge Commission from the Multnomah County Board of Commissioners, dated October 21, 2004.
- b. Section 7, of the Scenic Area Act requires counties that choose to implement, adopt ordinances that are consistent with the revised Management Plan within nine (9) months of date it was delivered. The Plan was delivered to the County on September 8, 2004, meaning that the County must adopt an implementing ordinance by June of 2005.
- c. That in the interest in meeting this deadline and providing meaningful public involvement in crafting an implementing ordinance, Multnomah County has held two public workshops in Corbett, on December 8, 2004 and March 30, 2005, and formed a Citizen Advisory Committee (CAC) to provide feedback on the proposed revisions. While the CAC did not provide a recommendation, their comments were attributed and tracked in an "Issue Bin" document presented to Commission along with the staff report.
- d. Proposed amendments to Parts 1, 3, and 4 of Chapter 38 of the Multnomah County Code and new Part 7, discussed in the April 18, 2005 staff report, are a product of the work with the CAC and effectively implement corresponding sections of the revised Management Plan. The County cannot adopt rules that are less stringent than the Management Plan, but can adopt rules that provide greater protection to scenic, natural, cultural and recreation resources of the gorge. The proposed amendments respect these constraints.
- e. Considering the pace at which these amendments must be crafted and evaluated, it is expected that minor changes to these parts of the Code will be needed prior to their being presented to the Board of Commissioners and the Planning Commission supports staff making such changes where they are necessary to implement the revised Management Plan.
- f. Notice of this hearing to consider the proposed amendments was published in the Oregonian newspaper and copies were mailed to the Gorge Commission, Forest Service, Indian tribal governments, the State Historic Preservation Office, Oregon

Department of Transportation, and Oregon Department of Fish and Wildlife. Notice was also mailed to persons owning property within the Multnomah County portion of the National Scenic Area.

- g. The Planning Commission held a public hearing on April 18, 2005 where all interested persons were given an opportunity to appear and be heard. A second public hearing is scheduled for May 2, 2005 to consider additional changes to the Multnomah County Code needed to implement the revised Management Plan.

**The Planning Commission Resolves:**

The Multnomah County Planning Commission hereby recommends that changes to Parts 1, 3, and 4 and a new Part 7 of Chapter 38 of the Multnomah County Code, as discussed in the staff report dated April 18, 2005 and illustrated in Exhibit A to this resolution, be adopted by the Multnomah County Board of Commissioners.

Adopted this 18th day of April, 2005

PLANNING COMMISSION  
FOR MULTNOMAH COUNTY, OREGON



John Ingle, Chair

**BEFORE THE PLANNING COMMISSION  
FOR MULTNOMAH COUNTY, OREGON**

**RESOLUTION NO 2. PC-04-011**

Recommend to the Board of Commissioners adoption of an ordinance amending Parts 2, 5, 6, and creating a new Part 8 of Chapter 38 of the Multnomah County Code to implement changes in the revised Management Plan for the Columbia River Gorge National Scenic Area; that the new Rural Area Plan Policy document and amended Policy 41 of the Comprehensive Framework Plan be adopted; and that County zoning maps be amended to reflect General Management Area land use designations that the Forest Service has applied to properties that were not purchased as part of the Section 8(o) process.

New Part 7, recommended at the April 18, 2005 hearing, has been revised to include criteria for forest practices in the Special Management Area, consistent with the revised Management Plan. This change is incorporated in the resolution.

**The Planning Commission Finds:**

- a. Multnomah County is committed to implementing revisions to the Management Plan for the Columbia River Gorge National Scenic Area, as outlined in a letter to the Gorge Commission from the Multnomah County Board of Commissioners, dated October 21, 2004.
- b. Section 7, of the Scenic Area Act requires counties that choose to implement, adopt ordinances that are consistent with the revised Management Plan within nine (9) months of date it was delivered. The Plan was delivered to the County on September 8, 2004, meaning that the County must adopt an implementing ordinance by June of 2005.
- c. That in the interest of meeting this deadline and providing meaningful public involvement in crafting an implementing ordinance, Multnomah County has held two public workshops in Corbett, on December 8, 2004 and March 30, 2005, and formed a Citizen Advisory Committee (CAC) to provide feedback on the proposed revisions. While the CAC did not provide a recommendation, their comments were attributed and tracked in an "Issue Bin" document presented to Commission along with the staff report.
- d. Proposed amendments to Parts 2, 5, and 6 of Chapter 38 of the Multnomah County Code and new Part 8, discussed in the May 2, 2005 staff report, are a product of the work with the CAC and effectively implement corresponding sections of the revised Management Plan. The County cannot adopt rules that are less stringent than the Management Plan, but can adopt rules that provide greater protection to scenic, natural, cultural and recreation resources of the gorge. The proposed amendments respect these constraints.

- e. While the Management Plan is the primary land use planning and policy document for the National Scenic Area, it does not expressly cover all land use regulations administered by the County. This has led to a "gap" in policy direction that is addressed with a new Rural Area Plan for the National Scenic Area (Exhibit B). The new Rural Area Plan serves an important role by explaining how the County conducts land use planning in the Scenic Area; identifying various sources of the County's authority; and describing the roles of the various agencies that the County partners with in carrying out its land use planning responsibilities. Policy 41 of the Comprehensive Framework Plan contains the County's existing land use planning policies for the Scenic Area and must be amended to make the Rural Area Plan a part of the Comprehensive Framework Plan.
- f. Section 8(o) of the Scenic Area Act authorized the U.S. Forest Service to acquire Special Management Area lands within three years of the date the agency received a bona fide sales offer. When the agency failed to purchase property, they were required to change the land use designation to one or more appropriate General Management Area designations. This de facto rezoning of properties by the Forest Service was done by letter and has caused confusion as the new designations conflict with County adopted zoning maps. The map attached as Exhibit C shows County equivalents for the designations given by the Forest Service. The Planning Commission recommends that County maps be updated to reflect these designations to eliminate any confusion as to the land use rules that apply to these properties.
- g. The revised Management Plan contains specific submittal requirements and approval criteria for forest practices on lands within the Special Management Area. On April 18, 2005 the Planning Commission considered a new Part 7 for Special Uses. Rules for forest practices were not considered at that time. The new rules for forest practices in the Special Management Area are the minimum necessary to implement the Management and are appropriately included in the new Part 7 of the code.
- h. Considering the pace at which these amendments must be crafted and evaluated, it is expected that minor changes to these parts of the Code will be needed prior to their being presented to the Board of Commissioners and the Planning Commission supports staff making such changes where they are necessary to implement the revised Management Plan.
- i. Notice of this hearing to consider the proposed amendments was published in the Oregonian newspaper and copies were mailed to the Gorge Commission, Forest Service, Indian tribal governments, the State Historic Preservation Office, Oregon Department of Transportation, and Oregon Department of Fish and Wildlife. Notice was also mailed to persons owning property within the Multnomah County portion of the National Scenic Area.
- j. The Planning Commission held a public hearing on April 18, 2005 at which amendments to Parts 1, 3, and 4 of Chapter 38 of the Multnomah County Code and new Part 7, discussed in the April 18, 2005 staff report, were considered and

recommended to the Board of Commissioners. At the second public hearing, held May 2, 2005, the Commission considered the balance of the revisions to County rules necessary to implement the revised Management Plan. All interested persons were given an opportunity to appear and be heard at these hearings.

**The Planning Commission Resolves:**

The Multnomah County Planning Commission hereby recommends the Board of Commissioner's take the following action on the items presented and discussed at the hearing and described in the staff report dated May 2, 2005:

1. Revise Parts 2, 5, and 6 and adopt new Parts 7 and 8 of Chapter 38 of the Multnomah County Code, as described in Exhibit A to this resolution; and
2. Adopt the new Rural Area Plan Policy document and amended Policy 41 of the Comprehensive Framework Plan, as shown in Exhibit B to this resolution; and
3. Amend County zoning maps to reflect General Management Area land use designations that the Forest Service has applied to properties that were not purchased as part of the Section 8(o) process, as illustrated on the map attached as Exhibit C to this resolution.

Adopted this 2nd day of May, 2005

PLANNING COMMISSION  
FOR MULTNOMAH COUNTY, OREGON

  
John Ingle, Chair

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. \_\_\_\_\_

Amending MCC Chapter 38, Columbia River Gorge National Scenic Area, the County Comprehensive Plan, Zoning Ordinance, and Maps to Implement Gorge Commission Changes to the Management Plan for the Columbia River Gorge National Scenic Area (The National Scenic Area Compliance Project)

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

**The Multnomah County Board of Commissioners Finds:**

- a. Multnomah County is committed to implementing revisions to the Management Plan for the Columbia River Gorge National Scenic Area, as outlined in a letter to the Gorge Commission from the Multnomah County Board of Commissioners, dated October 21, 2004 (Attachment 1).
- b. Section 7, of the Scenic Area Act requires counties that choose to implement the Management Plan, to adopt ordinances that are consistent with the revised Management Plan within nine (9) months of date it was delivered. The Plan was delivered to the County on September 8, 2004, the County must adopt an implementing ordinance in June of 2005.
- c. Multnomah County held two public workshops in Corbett, on December 8, 2004 and March 30, 2005, and formed a Citizen Advisory Committee (CAC) to provide feedback on the proposed revisions. While the CAC did not provide a recommendation to the County Planning Commission, their comments were attributed and tracked in an "Issue Bin" document presented to the Planning Commission along with the staff report.
- d. Proposed amendments to Chapter 38 of the Multnomah County Code are a product of the work with the CAC and effectively implement corresponding sections of the revised Management Plan. The County cannot adopt rules that are less stringent than the Management Plan, but can adopt rules that provide greater protection to scenic, natural, cultural and recreation resources of the gorge. The proposed amendments respect these constraints.
- e. While the Management Plan is the primary land use planning and policy document for the National Scenic Area, it does not expressly cover all land use regulations administered by the County. This has led to a "gap" in policy direction that is addressed with a new Rural Area Plan for the National Scenic Area (Attachment 2). The new Rural Area Plan serves an important role by explaining how the County conducts land use planning in the Scenic Area; identifying various sources of the County's authority; and describing the roles of the various agencies that the County partners with in carrying out it's land use planning responsibilities. Policy 41 of the Comprehensive Framework Plan contains the County's existing land use planning policies for the Scenic Area and must be amended to make the Rural Area Plan a part of the Comprehensive Framework Plan (Attachment 3).
- f. Section 8(o) of the Scenic Area Act authorized the U.S. Forest Service to acquire Special Management Area lands within three years of the date the agency received a bona fide sales offer. When the agency failed to purchase property, they were required to change the land use designation to one or more appropriate General Management Area designations. This de facto rezoning of properties by the Forest Service was done by letter and has caused confusion as the new designations

conflict with County adopted zoning maps. The map attached as Attachment 4 shows County equivalents for the designations given by the Forest Service. The County maps need to be updated to reflect these designations to eliminate any confusion as to the land use rules that apply to these properties.

g. The Planning Commission held a public hearing on April 18, 2005 at which amendments to Parts 1, 3, and 4 of Chapter 38 of the Multnomah County Code and new Part 7, were considered and recommended to the Board of Commissioners. At the second public hearing, held May 2, 2005, the Commission considered the balance of the revisions to County rules necessary to implement the revised Management Plan. All interested persons were given an opportunity to appear and be heard at these hearings.

g.h. Notice of a June 16, 2005, hearing to be held before the Board of County Commissioners to consider the proposed amendments was published in the Oregonian newspaper and a direct mailing of the notice was made to affected property owners.

**Multnomah County Ordains as follows:**

**Section 1.** The new Rural Area Plan for the National Scenic Area (Attachment 2) and amended Policy 41 of the Comprehensive Framework Plan (Attachment 3) are adopted.

**Section 2.** The County zoning maps are amended to reflect the General Management Area land use designations as shown on Attachment 4.

**MCC CHAPTER 38 AMENDMENTS**  
**Columbia River Gorge National Scenic Area**

**Part 1 – General Provisions**

**Section 3.** **§ 38.000- is amended as follows:**

**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.

**Section 4.** **§ 38.0010 is amended as follows:**

**38.0010 Uses**

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 38.2000-~~1000~~ through 38.3295; when considered under the applicable approval provisions of this Chapter.

**Section 5.      § 38.0015 is amended as follows:**

As used in MCC Chapter 38, unless otherwise noted, the following words and their derivations shall have the following meanings:

**(A)(1) 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.

**(2) Accessory structure/building:** ~~A building or structure or detached building whose, the use of which is incidental and subordinate to that of the main use of the property, and that which 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.

**(3) 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.

**(4) 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.

**(5) 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 not limited to: barns, silos, workshops, equipment sheds, greenhouses, orchard wind machines, processing facilities, storage bins and structures.

\* \* \*

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

\* \* \*

**(6) 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.

\* \* \*



**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.

**(4)-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.

\* \* \*

**(7) Clearent:** ~~A created opening of one 1 acre or more.~~

\* \* \*

**(15)-Created opening (Special Management Area):** ~~A created forest opening with less than 80 percent crown cover closure of trees averaging less than 20 feet tall. 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.~~

\* \* \*

**(4)-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.

\* \* \*

**(9)-Dwelling unit:** A single unit designed for occupancy by one family and having not more than one cooking area or kitchen.

**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).

**(E)-(1)-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, Umatilla, Warm Springs and Yakima tribes.

\* \* \*

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

**(6)-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.

**(7) Existing use or structure:** A legally established use that existed before February 6, 1993. "Legally established" means established in accordance with the law in effect at the time of establishment. Any use or structure that was legally established. "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.

\* \* \*

**Finished grade:** See "grade, finished"

**(2) 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.

\* \* \*

**(4) 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.

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

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

(A) \* \*

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

**Grade, finished:** The final elevation of the ground level of a property after construction is completed.

**(2)-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.

**(H)-(1)-Height of building:** The vertical distance from the grade to the highest point of the roof. 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.

\* \* \*

**(2)-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 Yakima Indian Nation (Tribal Council).

**(3)-Indian tribes:** The Nez Perce Tribe, the Confederated Tribes and Bands of the Yakima Indian Nation, the Confederated Tribes of the Warm Springs Reservation of Oregon, and the Confederated Tribes of the Umatilla Indian Reservation.

\* \* \*

**(2)-Key viewing area:** Those portions of important public roads, parks or other vantage points within the Scenic Area from which the public views Scenic Area landscapes. They include:

**(a) General Management Area and Special Management Area:**

\* \* \*

**(b) Special Management Area only:**

\* \* \*

**(4)-Lot line adjustment:** See "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.

**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.

\* \* \*

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

\* \* \*

Natural grade: see "grade, natural."

(A) \* \*

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.

**(5)-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.

~~(O)~~ (1)-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. Any 10 acre or greater stand of trees with the following characteristics:

~~(a) Contains mature and overmature trees in the overstory and is well into the mature growth state;~~

~~(b) In coniferous forests, will usually contain a multilayered canopy and trees of several age classes;~~

~~(c) In coniferous forests, standing dead trees and down material are present; and~~

~~(d) Evidence of activity by man may be present, but such activity has not significantly altered the other characteristics of the stand.~~

\* \* \*

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.

**(4)-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.

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

**(P)-(1)-Parcel:**

**(a) Any unit of land parcel 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. Any unit of land, satisfying all applicable land division and zoning regulations in effect on the date of creation, created and separately described by a lawful sales contract, deed, partition map or plat, or subdivision plat;**

**(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.**

**(bd)** 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.

**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.

**(2)-Partial retention:** A visual quality objective that provides for management activities which may be evident but must remain visually subordinate to the characteristic landscape. Activities may repeat

form, line, color, or texture common to the characteristic landscape but changes in their qualities of size, amount, intensity, direction, pattern, etc., shall remain visually subordinate to the characteristic landscape.

(A) \* \*

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

**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.

\* \* \*

**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.

\* \* \*

**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.

**(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).**

**(6) 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).

**(7) Repair and maintenance:** An activity that restores the size, scope, configuration, and design of a serviceable structure to its previously authorized and undamaged condition. Activities that change the size, scope, and configuration of a structure beyond its original design are not included.

**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 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.

\* \* \*

**(11) Retention:** ~~A visual quality objective that provides for management activities not visually evident to the casual visitor. Management activities may only repeat form, line, color, and texture frequently found in the characteristic landscape.~~

\* \* \*

**(19) 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 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, during years of normal precipitation.

**(20) 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 and additions/alterations to structures. 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.

(A) \* \*

**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.

**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.

\* \* \*

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

\* \* \*

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

\* \* \*

**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.

**(V)(1)-Viewshed:** A landscape unit seen from a Key Viewing Area.

**(2)-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.

**(3)-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.

\* \* \*

**(3) 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 using the procedures specified in the *Federal Manual for Identifying and Delineating Jurisdictional Wetlands* (Federal Interagency Committee for Wetland Delineation, 1989).

\* \* \*

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

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

\* \* \*

**Section 6.      § 38.0030 is amended as follows:**

**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 as the original structure.

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

(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 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 subordination 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 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 species and minimum approvable sizes of new trees planted (based on average growth rates expected for approvable species).

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) and (B)(2) 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.

Except as otherwise provided below, existing uses may continue, notwithstanding the provisions of MCC 38.0000 through 38.0110, 38.2000 through 38.3295, and 38.7000 through 38.7085.

(A) Any use or structure existing on February 6, 1993 may continue so long as it is used in the same manner and for the same purpose as on that date.

(B) Any use or structure damaged or destroyed by disaster or an emergency event shall be treated as an existing use or structure if an application for replacement in kind and in the same location is filed within two years of the date of the disaster/emergency event pursuant to the provisions of MCC 38.7090.

(1) In kind replacement of an existing use or structure in the same location shall be subject only to compliance with standards for protection of scenic resources involving color, reflectivity, and landscaping.

(2) Replacement of an existing use or structure by the same type of use or structure in a different location or with a different size shall be subject to MCC 38.7000 through 38.7085 to minimize adverse effects on scenic, cultural, natural, and recreation resources.

~~(C)~~ Except as provided in ~~(B)~~ above, replacement or reestablishment of a use or structure discontinued for any reason for more than one year shall be subject to the regulations of MCC 38.0000 through 38.0110, 38.2000 through 38.3295, and 38.7000 through 38.7085. Except as otherwise provided, an existing use or structure may be replaced within one year of discontinuation if used for the same purpose at the same location. This includes replacing an existing mobile home with a framed residence.

~~(D1)~~ 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.

~~(E2)~~ Expansion of Existing Industrial Uses in the General Management Area: Existing industrial uses in the General Management Area may expand as necessary for successful operation on the Dedicated Site, subject to MCC 38.0045. Expansion beyond the Dedicated Site is prohibited.

~~(F3)~~ 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.

~~(G4)~~ 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, 38.2000-1000 through 38.3295, and 38.7000 through 38.7085 if:

~~(1a)~~ 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

~~(2b)~~ The site has not maintained a required state permit; or

~~(3c)~~ The site has not operated legally within 5 years prior to February 6, 1993, the date of adoption of the Management Plan.

~~(H5)~~ Uses involving the exploration, development or production of sand, gravel or crushed rock in the Special Management Area may continue when:

~~(1a)~~ 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 Area; and

~~(2b)~~ 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.

(I) Except as otherwise provided, whether a use has a vested right to continue will be determined by the Oregon law on vested rights.

**Section 7.      § 38.0035 is added as follows:**

**38.0035 Expedited Review Use Applications – Submittal 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.

**Section 8.      § 38.0040 is deleted as follows:**

**38.0040 Review Uses**

The following Review Uses may be permitted when allowed by the district and found to satisfy the applicable approval criteria pursuant to the provisions of MCC 38.7000 through 38.7085:

(A) Land Divisions

(1) 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:

(a) 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.

(b) All land divisions must consider consolidation of access in order to reduce adverse effects on scenic, cultural, natural and recreation resources.

~~(c) Adjustment of the boundary between two or more contiguous parcels which does not result in the creation of an additional parcel may be allowed if none of the parcels larger than the minimum parcel size before the adjustment becomes smaller than the specified minimum parcel size after the adjustment.~~

**(B) Temporary Health Hardship Dwelling**—the temporary placement of a mobile home in the General Management Area may be granted when:

~~(1) A family hardship exists where conditions relate to the necessary care for a member of the family occupying the principal dwelling and where medical conditions relate to the infirm or aged.~~

~~(2) 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.~~

~~(3) The hardship dwelling is found to be consistent with the standards for protection of scenic, cultural, natural and recreation resources of MCC 38.7000 through 38.7085.~~

~~(4) 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.~~

~~(5) Upon expiration of the permit or cessation of the hardship, whichever comes first, the mobile home shall be removed within 30 days.~~

~~(6) A new permit may be granted upon a finding that a family hardship continues to exist.~~

**(C) Private Docks**

~~(1) New docks 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 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 be limited to a maximum of 200 square feet in size.~~

**(D) Home Occupations and Cottage Industries in Rural Centers**

~~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 38.0040 (E).~~

**~~(E) Bed and Breakfast Inns in Rural Centers~~**

~~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.~~

**Section 9.     § 38.0045 is amended as follows::**

**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:

\* \* \*

(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 applications for structural development involving more than 100 cubic yards of grading with slopes between 10 and 30 percent 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. Grading plans 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. Natural and finished 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.

(B) Supplemental information will be required for:

- (1) Forest practices in the Special Management Area,
- (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 sensitive plant sites.

~~(C) In addition to any other required notice, the Planning Director shall notify the four Indian tribal governments, LCDC, SHPO, the Gorge Commission and the Forest Service of all applications for Conditional Uses.~~

**Section 10.     § 38.0065 is amended as follows:**

**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 ~~and 38.7605 through 38.7610~~, 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.

(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), 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 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, 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 treaty rights.

**Section 11.     § 38.0080 is amended as follows:**

**38.0080 Signs**

~~(A) Signs in a GMA shall be allowed pursuant to the following provisions:~~

~~(1) All signs must meet the following standards unless they conflict with the Manual for Uniform Traffic Control Devices for public safety, traffic control or highway construction signs. In such cases, the standards in the Manual for Uniform Traffic Control Devices 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 (A) (1).~~

(3A) The following signs may be permitted without review in the General Management Area, and in the Special Management Area subject to MCC 38.0080 (AE) (1):

(a) Ordinary repair and maintenance of signs.

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

(2e) "For Sale" signs not greater than 1" square feet. Removal must be accomplished within 30 days of close of sale.

(3d) 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 for Uniform Traffic Control Devices. Removal must be accomplished within 30 days of project completion.

(4e) 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) such signs are not greater than 6 square feet in the General Management Area and the Special Management Area Open Space zone district.

(b) signs are not greater than 2 square feet in all Special Management zones, except the Open Space zone district.

(5f) 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.

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

(7h) 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.

~~(4) Other signs not addressed or expressly prohibited by this section may be permitted without review.~~

~~(5) Any sign which does not conform with subsections (1) through (4) and has existed prior to adoption of the Management Plan shall be considered non-conforming and subject to the following:~~

~~(a) Alteration of existing non-conforming signs shall comply with MCC 38.0080 (A) (1) through (4).~~

~~(b) Any non-conforming sign used by a business must be brought into conformance concurrent with any expansion or change in use which requires a development permit.~~

(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.

(8C) Prohibited Signs

(16) Except for signs along public highways necessary for public safety, traffic control or road construction which are consistent with the Manual for Uniform Traffic Control Devices, 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.

(AD) Signs in a General Management Area shall be ~~allowed~~ 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 Uniform Traffic Control Devices for public safety, traffic control or highway construction signs. In such cases, the standards in the Manual for Uniform Traffic Control Devices 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 (A) (1).

(BE) Signs in an Special Management Area shall be allowed-permitted under an expedited review process pursuant to the following provisions:

~~(1) New signs shall be allowed as specified in the applicable land use designation.~~

(12) 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.

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

(43) Except for signs allowed withouto review, All new signs shall meet the following standards, 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 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) Backs of all signs shall be visually unobtrusive, nonreflective, and blend in with the setting.

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

~~(5) Temporary signs shall be permitted without review when in compliance with subsection (4) above and the following:~~

~~(a) One political sign per parcel road frontage. The sign shall be no greater than 12 square feet in area and displayed for no more than 60 calendar days. Removal must be accomplished within 30 days of election day.~~

~~(b) A "For Sale" sign not greater than 12 "square feet, removal must be accomplished within 30 days of close of sale.~~

~~(c) One temporary construction site identification sign which is not greater than 32 square feet. Removal must be accomplished within 30 days of project completion.~~

~~(d) Signs providing direction to and announcement of temporary garage/yard sales provided placement duration does not exceed three days and the signs are not greater than two square feet in area.~~

~~(e) Signs, not exceeding 12 square feet and placed no longer than 10 days in advance of the event, advertising civil, social, or political gatherings and activities. Removal must be accomplished within 30 days of the close of the event.~~

~~(f) Signs of public service companies indicating danger and/or service and safety information. Removal must be accomplished upon project completion.~~

(64) Public signs shall meet the following standards in addition to subsections (1) through (53) 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, ~~route marker~~, interpretive, ~~guide, directional, and urban area entry~~ specific service signs, destination and distance signs, variable message signs, or signs that bridge or area 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.

(75) 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 (53) of this section:

~~(a) 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 two square feet.~~

(ba) 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.

(eb) 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.

(~~dc~~) 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.

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

(~~fe~~) 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) 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.

**(8) Prohibited Signs**

(~~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.

(~~5F~~) Any sign in the General Management Area which does not conform with subsections (~~1~~) through (~~4~~)(A) and (~~D~~) and has existed prior to adoption of the Management Plan shall be considered non-conforming and subject to the following:

(~~a1~~) Alteration of existing non-conforming signs shall comply with MCC 38.0080 (A) (~~1~~) through (~~4~~)(A) and (~~D~~).

(~~b2~~) Any non-conforming sign used by a business must be brought into conformance concurrent with any expansion or change in use which requires a development permit.

**Section 12. § 38.0110 is amended as follows:**

**38.0110 Indian Tribal Treaty Rights and Consultation**

(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 no longer eligible for expedited review.

\* \* \*

## **Part 2 – Planning Authority General Provisions**

### **Section 13.     § 38.0200- is amended as follows:**

#### **38.0200- Definitions.**

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

~~(A)~~ *Board* means Board of County Commissioners of Multnomah County, Oregon.

~~(B)~~ *Commission* means the Planning Commission established under this chapter.

~~(C)~~ *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.

### **Section 14.     § 38.0205 is amended as follows:**

#### **38.0205 Policy and purpose.**

\* \* \*

(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 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 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 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 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 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..

**Section 15.     § 38.0207 is added as follows:**

**38.0207 Authority**

Multnomah County must regulate land uses for compliance with the Columbia River Gorge National Scenic Area Act. The Scenic Area Act gives certain federal, Indian tribe, state, and local agencies authority in the 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.

(2) The Gorge Commission has authority to serve as the appeals board for 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:

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

(2) 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.

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

(D) Multnomah County:

(1) Multnomah County has the authority to implement the Management Plan for 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 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 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 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 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.

### **Part 3 - Administration And Procedures**

#### **Section 16.     § 38.0530 is amended as follows:**

#### **38.0530 Summary of decision making processes.**

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

<b>Permit Type</b>	<b>I</b>	<b>II</b>	<b><u>II</u> <u>Expedited</u></b>	<b>III</b>	<b>PC</b>
<b>Initial Approval Body:</b>	<b>(Not a "land use decision")</b>	<b>(Planning Director)</b>	<b><u>(Planning Director)</u></b>	<b>(Hearings Officer)</b>	<b>(Legislative)</b>
<b>Allowed Uses<sup>1</sup></b>	<b>X</b>				
<b><u>Expedited Uses</u></b>					
<b>Review Uses</b>		<b>X</b>	<b>X</b>		
<b>Conditional Uses</b>				<b>X</b>	
<b>Zone Code Text Changes (Initiated by County only)</b>					<b>X</b>
<b>Variance</b>		<b>X</b>		<b>X</b>	
<b>Extension of Decision</b>		<b>X</b>			
<b>Property Line Adjustments</b>		<b>X</b>			
<b>Planned Unit Developments</b>				<b>X</b>	
<b>Land Divisions</b>					
• Subdivision				<b>X</b>	
• Major Partition		<b>X</b>			
• Minor Partition		<b>X</b>			

Permit Type	I	II	<u>II Expedited</u>	III	PC
Initial Approval Body:	(Not a "land use decision")	(Planning Director)	(Planning Director)	(Hearings Officer)	(Legislative)
<u>Lot Consolidation (same ownership; undeveloped)</u>	<b>X</b>				
Revocation of Decisions				<b>X</b>	
Zoning Code Interpretations		<b>X</b>			
Hillside Development Permit		<b>X</b>			
Floodplain Development	<b>X</b>				
Grading and Erosion Control	<b>X</b>				
Street and Property Addressing	<b>X</b>				
<u>Final Plat Approval</u>	<b>X</b>				
<u><sup>1</sup> 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 I review.</u>					

## Permit Types

\* \* \*

(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 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; 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 14<sup>th</sup> day after the date on the preliminary decision. 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 is ~~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 days after the notice of application is mailed, except for comments regarding Cultural Resources, which will be accepted for 20 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.

\* \* \*

**Section 17.     § 38.0570 is amended as follows:**

**38.0570 Pre-application conference meeting.**

(A) Prior to submitting an A pre-application conference is optional for uses eligible for Type II expedited review. For all other for a 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.

\* \* \*

**Section 18.     § 38.0600 is amended as follows:**

**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, and

(3) all applicable information specified in this Chapter.

~~(AB)~~ 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.

~~(BC)~~ 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 ~~(AB)~~ of this section.

~~(CD)~~ 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.

~~(DE)~~ 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.

**Section 19.     § 38.0620 is amended as follows:**

**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, the Indian 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 ~~at least 20 days prior to a hearing~~ 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 the notice in a

newspaper of general circulation within the County ~~at least 20 days prior to the hearing.~~ For all Type II and III hearings except development reviewed with the expedited process, the County shall provide and publish notice of hearing at least 20 days prior to hearing. For development reviewed with the expedited process, the County shall provide and publish notice of the hearing at least 14 days prior to the hearing. Notice of the hearing shall include the following information:

\* \* \*

**Section 20.**     **§ 38.0660 is amended as follows:**

**38.0660 Conditions of approval and notice of decision.**

\* \* \*

(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:

\* \* \*

(E) For all decisions on development eligible for Expedited review, the preliminary decision becomes final at the close of business on the 14<sup>th</sup> 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.

(EG) 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.

**Section 21.     § 38.0690 is amended as follows:**

**38.0690 Expiration of a Type II or Type III decision.**

~~(A) All Type II and Type III approvals automatically become void if any of the following events occur:~~

~~(1) If, within two years of the date of the final decision, all necessary building permit(s) have not been issued, if required; or~~

~~(2) If, within two years of the date of the final decision, the development action or activity approved in the decision is not initiated or, in situations involving only the creation of lots or property line adjustments, the final survey or plat has not been approved by the Planning Director and recorded.~~

(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.

(BD) Notwithstanding Consistent with ~~Subsection (A)~~ of this section, the decision maker may set forth in ~~the a~~ written decision, specific instances or time periods when a permit expires.

(GE) 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.

(DE) 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.

**Section 22.     § 38.0700 is amended as follows:**

**38.0700 Extension of Type II or Type III decisions.**

(A) The Planning Director may extend, prior to its expiration, any approved decision for a period of six months up to an aggregate period of one year; provided, however, that there has been substantial implementation of the permit. Any request for an extension shall be reviewed and decided upon by the Planning Director as a Type II 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; or

(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.

~~(B) Substantial implementation of a permit shall require at a minimum, for each six month extension, demonstrable evidence in a written application showing:~~

~~(1) The permit holder has applied for all necessary additional approvals or permits required as a condition of the land use or limited land use permit;~~

~~(2) Further commencement of the development authorized by the permit could not practicably have occurred for reasons beyond the reasonable control of the permit holder;~~

~~(3) The request for an extension is not sought for purposes of avoiding any responsibility imposed by this code or the permit or any condition thereunder; and~~

~~(4) There have been no changes in circumstances or the law likely to necessitate significant modifications to the approval.~~

**Section 23.     § 38.0740 is amended as follows:**

**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.

\* \* \*

**Section 24.     § 38.0765 is added as follows:**

**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 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.

#### **Part 4 – Zoning Districts**

**Section 25.     § 38.1000\* is added as follows:**

#### **38.1000\* PART 4 - ZONING DISTRICTS**

#### **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.)

**Section 26.     § 38.1005 is added as follows:**

#### **§ 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, 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 fences, outdoor lights, retaining walls, flagpoles, transportation facilities, or utility facilities.

(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 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/U.S. Forest Service natural resource inventories 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.

(2) 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 (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 Uniform Traffic Control Devices 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 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 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) 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, replace and/or expand 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 Area, replace and/or expand existing culverts for ephemeral streams or ditches, provided the visible ends of culverts shall be dark and non-reflective.

(10) Resurface or overlay existing paved roads, provided the activity does not (a) increase the width of a road, (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,

(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 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) 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.

**Section 27. §38.1010 is added as follows:**

**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. 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 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/U.S. Forest Service natural resource inventories 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.

(12) Property line adjustments in the Special Management Area, subject to MCC 38.7970.

(13) 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 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) 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 and

(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 (E)(7);

(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 Area zoning districts, wind machines for frost control in conjunction with agricultural use.

**Section 28.     § 38.2000\* is amended as follows:**

**38.2000\* PART 4--ZONING DISTRICTS--FOREST DISTRICTS - GGF and GSF**

**Section 29.     § 38.2020 is amended as follows:**

**38.2020 Allowed Uses**

The uses listed in MCC 38.1005 are allowed on land designated GGF and GSF without review.

(A) The following uses are allowed on land designated GGF without review:

(1) Forest practices that do not violate conditions of approval for other approved uses.

~~(2) Agricultural use, except new cultivation.~~

~~(3) Repair, maintenance, and operation of existing structures, trails, roads, railroads and utility facilities.~~

~~(4) Buildings less than 60 square feet in floor area and not exceeding 18 feet in height measured at the roof peak, which are accessory to a dwelling.~~

~~(5) Actions taken in response to an emergency/disaster event as defined in MCC 38.0015 (E) pursuant to the provisions of MCC 38.7090.~~

~~(B) The following uses are allowed on land designated GSF without review:~~

~~(1) New agricultural uses as defined in MCC 38.0015 (A) and the open space uses allowed under MCC 38.2625 (C), except where there would be potential impact to cultural or natural resources.~~

~~(2) Maintenance, repair, and operation of existing dwellings, signs, structures, trails, roads, railroads, and utility facilities.~~

~~(3) Accessory structures of less than 60 square feet in area and less than 18 feet in height measured at the roof peak.~~

~~(4) Actions taken in response to an emergency/disaster event as defined in MCC 38.0015 pursuant to the provisions of MCC 38.7090.~~

**Section 30.     § 38.2023 is added as follows:**

**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.

**Section 31.     § 38.2025 is amended as follows:**

**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 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 38.0085-7305 and MCC 38.00957315. 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 if found to be in conjunction with and 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 38.00857305.

(3) The following Temporary Uses:

\* \* \*

(c) On lands designated GGF– 80, a mobile home in conjunction with a timber operation, upon a finding that security personnel are required to protect equipment associated with a harvest operation or the subject forest land from fire. The mobile home 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 38.00857305 and 38.00957315.

(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, recontouring abandoned quarries). Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources.

(5) Agricultural structures, except buildings in conjunction with agricultural use, as defined in MCC 38.0015, subject to the standards of MCC 38.00857305.

(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.

(67) The temporary use of a mobile home in the case of a family hardship, subject to MCC 38.73200040 (B), MCC 38.0085-7305 and 38.00957315.

(78) 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). Accessory buildings greater than 60 square feet in floor area and/or exceeding 18 feet in height as measured at the roof peaks; subject to MCC 38.0085 and 38.0095.

(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 38.7315 and 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.

~~(811)~~ A second single-family dwelling for a farm operator's relative, subject to MCC 38.2225 (A) (8), MCC 38.0085-7305 and 38.00957315.

~~(912)~~ Private roads serving a residence, subject to MCC 38.0085-7305 and 38.00957315.

~~(1013)~~ Recreation development, subject MCC 38.7080 and The Recreation Development Plan (Management Plan, Part III, Chapter 1).

~~(1114)~~ Construction or reconstruction of roads or modifications not in conjunction with forest use or practices.

~~(1215)~~ Agricultural labor housing upon a showing that:

\* \* \*

~~(1316)~~ New cultivation, subject to compliance with MCC 38.7045, 38.7055, 38.7060, 38.7065 and 38.7070.

~~(1417)~~ The following uses when found to comply with MCC 38.00907310:

\* \* \*

(c) Wineries, in conjunction with on-site viticulture, upon a showing that processing ~~and sales~~ of wine is from grapes grown on the subject farm or in the local region.

(d) Wine sales/tasting rooms, in conjunction with an on-site winery.

~~(de)~~ 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.

(ef) Aquiculture.

(fg) Boarding of horses.

(gh) Temporary portable asphalt/batch plants related to public road projects, not to exceed 6 months.

~~(1518) 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. 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.~~

~~(1619) Land divisions on lands designated GGF- 80 when all resultant lots satisfy a minimum lot size of 80 acres and it is found:~~

~~\* \* \*~~

~~(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.~~

(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, following:

~~(a) The following information, in addition to the site plan requirements of MCC 38.0045(A)(2), shall be included on the site plan:~~

~~1. Boundary of proposed commercial forest practice.~~

~~2. Location of proposed rock or aggregate sources.~~

~~3. Timber types.~~

~~4. Harvest units.~~

~~5. Silvicultural prescriptions.~~

~~6. Road and structure construction and/or reconstruction design.~~

~~7. Major skid trails, landings, and yarding corridors.~~

~~8. Commercial firewood cutting areas.~~

~~9. Existing and proposed rock pit development plans.~~

~~10. Protection measures for scenic, cultural, natural, and recreation resources, such as road closures.~~

~~(b) A discussion of slash disposal methods.~~

~~(c) A reforestation plan as reviewed by the appropriate state forest practices agency.~~

(3) Railroads, road construction or reconstruction.

(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, recontouring abandoned quarries. Structures or vegetation management activities for the purpose of wildlife, fisheries, or plant habitat enhancement projects.

(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:

\* \* \*

(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, the temporary use of a mobile home in the case of a family hardship, subject to the guidelines for hardship dwellings in MCC 38.7320.

(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) 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.

(C) As used in Subsection (B), the following terms shall have the following meanings:

~~(4)~~ *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.

~~(2) Accessory to~~ – As applied to forest management dwellings, a dwelling that is incidental and subordinate to the main forest use.

~~(a) Accessory structures over 60 square feet.~~

~~(b) Temporary portable facility for the processing of forest products.~~

~~(c) 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. 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.~~

**Section 32.**     **§ 38.2030 is amended as follows:**

**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 38.0075 ~~(B) 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 38.0050 ~~(B) 7360~~.

(4) Life Estates on lands designated GGF– 20, pursuant to MCC 38.0070 ~~7355~~.

(5) The following uses when found to comply with MCC 38.0090 ~~7310~~:

(a) Home occupations or cottage industries in an existing residence or accessory structure, pursuant to MCC 38.0050 ~~(C) 7330~~.



(b) Bed and breakfast inns in single-family dwellings, pursuant to MCC 38.0050 ~~(D)~~7335, and provided that the residence:

\* \* \*

(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 Scenic Area, subject to compliance with MCC 38.7350.

(9) Exploration, development, and production of mineral and geothermal resources, subject to MCC 38.7035.

(B) The following conditional uses may be allowed on lands designated GSF, pursuant to the provisions of MCC 38.0045.

\* \* \*

(8) Home occupations or cottage industries pursuant to MCC 38.0050 ~~(C)~~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 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.

**Section 33.     § 38.2205 is amended as follows:**

**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 Commission maps or established pursuant to Section 8(o) of the Columbia River Gorge National Scenic Area Act.

**Section 34.     § 38.2220 is amended as follows:**

**38.2220 Allowed Uses**

The uses listed in MCC 38.1005 are allowed on land designated GGA and GSA without review.

(A) The following uses are allowed on land designated GGA without review:

~~(1) Agricultural use, including actions implementing a Wildlife Habitat Conservation and Management Plan not involving ground disturbing activity, except new cultivation.~~

~~(2) Forest practices that do not violate conditions of approval for other approved uses.~~

~~(3) Repair, maintenance, and operation of existing structures, trails, roads, railroads and utility facilities.~~

~~(4) Buildings less than 60 square feet in floor area and not exceeding 18 feet in height measured at the roof peak, which are accessory to a dwelling.~~

~~(5) Actions taken in response to an emergency/disaster event as defined in MCC 38.0015 pursuant to the provisions of MCC 38.7090.~~

~~(B) The following uses are allowed on land designated GSA without review:~~

~~(1) New agricultural uses as defined in MCC 38.0015, including actions implementing a Wildlife Habitat Conservation and Management Plan not involving ground disturbing activity, and except where there would be potential impact to cultural or natural resources.~~

~~(2) Maintenance, repair and operation of existing dwellings, structures, agricultural buildings, trails, roads, railroads, and utility facilities.~~

~~(3) Accessory structures less than 60 square feet in area and less than 18 feet in height measured at the roof peak.~~

~~(4) Actions taken in response to an emergency/disaster event as defined in MCC 38.0015 pursuant to the provisions of MCC 38.7090.~~

**Section 35.     § 38.2223 is added as follows:**

**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.

**Section 36.     § 38.2225 is amended as follows:**

**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, 38.7065, and 38.7070.

(2) Agricultural structures, except buildings in conjunction with agricultural use.

(3) Buildings greater than 60 square feet in area and/or 18 feet in height as measured at the roof peak, which are accessory to a dwelling. 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.

(47) The temporary use of a mobile home in the case of a family hardship, subject to MCC 38.0040-(B)7320.

(58) On lands designated GGA- 40, a single family dwelling in conjunction with agricultural use, upon a demonstration that:

\* \* \*

(69) 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:

\* \* \*

(~~7~~10) On lands designated GGA– 20, a single family dwelling on any legally existing parcel.

(~~8~~11) On lands designated GGA– 40, a single family dwelling for an agricultural operator's relative provided that:

\* \* \*

(~~9~~12) Construction, reconstruction or modifications of roads not in conjunction with agriculture.

~~(10)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). Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources.~~

(~~11~~14) Agricultural labor housing upon a showing that:

\* \* \*

(~~12~~15) Land divisions when all resulting parcels satisfy the minimum lot size standards of MCC 38.2260.

(~~13~~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.

(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.

(42) Forest uses and practices as allowed in MCC 38.2025 (B).

(23) 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) (58) (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.

(3) Accessory structures, greater than 60 square feet.

(49) Farm labor housing on a parcel with an existing dwelling and agricultural buildings upon a showing that:

(a) The proposed housing or building 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) (58) (c).

(b) The housing ~~or building~~ 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 ~~or building~~ 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.

~~(510)~~ 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.

~~(611)~~ Aquiculture.

~~(712)~~ Temporary asphalt/batch plant operations related to public road projects, not to exceed six months.

~~(813)~~ Road and railroad construction and reconstruction.

~~(914) 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). Structures and vegetation management activities for the purpose of wildlife, fisheries, or plant habitat enhancement projects, including actions implementing a Wildlife Habitat Conservation and Management Plan involving ground disturbing activity.~~

~~(1015)~~ 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, the temporary use of a mobile home in the case of a family hardship, subject 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) Demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks.~~

**Section 37.    § 38.2230 is amended as follows:**

**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 ~~38.0075 (A) 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, in conjunction with on-site viticulture, upon a showing that processing ~~and sales of~~ wine is from grapes grown on the subject farm or in the local region.

(3) Wine sales/tasting rooms, in conjunction with an on-site winery.

~~(34)~~ 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.

~~(45)~~ Exploration, development and production of mineral and geothermal resources subject to MCC 38.7035.

~~(56)~~ 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.

~~(67)~~ Aquiculture.

~~(78)~~ Recreation development, subject to MCC 38.7080 and The Recreation Development Plan (Management Plan, Part III, Chapter 1).

~~(89)~~ Boarding of horses.

~~(910)~~ Temporary portable asphalt/batch plants related to public road projects, not to exceed six months.

~~(1011)~~ Non-profit, environmental learning or research facilities.

~~(1112)~~ Expansion of existing schools or places of worship.

~~(1213)~~ Cluster Developments, pursuant to MCC 38.0050 ~~(B) 7360.~~

~~(1314)~~ Structures associated with hunting and fishing operations.

~~(1415)~~ Towers and fire stations for forest fire protection.

(~~45~~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:

\* \* \*

(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 38.0095~~7315~~;

\* \* \*

(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 Scenic Area, subject to compliance with MCC 38.7350.

(~~46~~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 38.0050(~~B~~)7360.

(~~47~~19) Life estates, pursuant to MCC 38.0070~~7355~~.

(~~48~~20) Utility facilities and railroads necessary for public service upon a finding that:

\* \* \*

(~~49~~21) Home occupations or cottage industries in existing residential or accessory structures, subject to MCC 38.0050(~~C~~)7330.

(~~20~~22) Bed and breakfast inns in single-family dwellings, subject to MCC 38.0050(~~D~~)7335 and provided that the residence:

\* \* \*

(B) The following conditional uses may be allowed on lands designated GSA, pursuant to the provisions of MCC 38.0045 and 38.0075~~7300~~.

\* \* \*

(5) Public Recreation, commercial recreation, interpretive and educational developments and uses consistent with MCC 38.7085.

\* \* \*

(7) Home occupations and cottage industries pursuant to MCC 38.0050(~~C~~)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 38.0050(~~D~~)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 Scenic Area, subject to compliance with MCC 38.7350.

(10) Fish hatcheries and aquiculture facilities.

(11) Towers and fire stations for forest fire protection.

**Section 38.    § 38.2420 is amended as follows:**

**38.2420 Allowed Uses**

The uses listed in MCC 38.1005 are allowed on land designated GGRC with review. following uses are allowed on all lands designated GGRC without review:

~~(A) Agricultural use, except new cultivation.~~

~~(B) Forest practices that do not violate conditions of approval for other approved uses.~~

~~(C) Repair, maintenance and operation of existing structures, trails, roads, railroads and utility facilities.~~

~~(D) Buildings less than 60 square feet in area and not exceeding 18 feet in height measured at the roof peak, which are necessary to a dwelling.~~

~~(E) Actions taken in response to an emergency/disaster event as defined in MCC 38.0015 pursuant to the provisions of MCC 38.7090.~~

**Section 39.    § 38.2423 is added as follows:**

**38.2423 Expedited Uses**

The uses listed in MCC 38.1010 may be allowed on land designated GGRC, pursuant to MCC 38.7100.

**Section 40.    § 38.2425 is amended as follows:**

**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 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. Buildings greater than 60 square feet in area and/or 18 feet in height as measured at the roof peak, which are accessory to a dwelling.

(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.

(GD) The temporary use of a mobile home in the case of a family hardship, pursuant to MCC 38.0040 (B)7320.

(DE) Duplexes.

(EE) New cultivation, subject to compliance with MCC 38.7045, 38.7055, 38.7060, 38.7065 and 38.7070.

(FG) Land divisions, subject to MCC 38.2460.

(GH) Rural service commercial and tourist commercial uses limited to 5,000 square feet of floor area per building or use.

\* \* \*

(HI) 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, recontouring abandoned quarries).

(L) Agricultural structures, except buildings, in conjunction with agricultural use.

(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.

**Section 41.     § 38.2430 is amended as follows:**

**38.2430 Conditional Uses**

The following conditional uses may be allowed on lands designated GGRC, pursuant to the provisions of MCC 38.0045:

\* \* \*

(K) Travelers accommodations, bed and breakfast inns pursuant to MCC 38.0040-~~(E)~~7335.

(L) Home occupations or cottage industries in an existing residence or accessory structure, pursuant to MCC 38.0040-~~(D)~~7330.

**Section 42.     § 38.2620 is amended as follows:**

**38.2620 Allowed Uses**

~~(A) The following uses listed in MCC 38.1005(B) are allowed on all lands designated GGO, GGO-GW, GSO and GSGO-SP without review:~~

~~(1) Repair, maintenance, operation and improvement of existing structures, trails, roads, railroads, utility facilities and hydro facilities.~~

~~(2) Actions taken in response to an emergency/disaster event as defined in MCC 38.0015 pursuant to the provisions of MCC 38.7090.~~

~~(B) The following uses are allowed on land designated GSO without review:~~

~~(1) The repair, maintenance, operation and improvement of existing structures, trails, roads, railroads, utility facilities and hydro facilities.~~

~~(2) Actions taken in response to an emergency/disaster event as defined in MCC 38.0015 pursuant to the provisions of MCC 38.7090.~~

**Section 43.     § 38.2623 is added as follows:**

**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.

**Section 44.     § 38.2625 is amended as follows:**

**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:

\* \* \*

(3) Repair, maintenance, operation, and improvement of existing structures, trails, roads, railroads, utility facilities, and hydroelectric facilities.

(34) 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.

(45) 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, recontouring 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.

(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:

\* \* \*

(8) Repair, maintenance, operation, and improvement of existing structures, 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, recontouring 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.

(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:

\* \* \*

(7) Repair, maintenance, operation, and improvement of existing structures, 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, recontouring 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.

~~(D) The following uses may be allowed on lands designated GGO-GW:~~

~~(1) Existing quarries may continue operation if they are determined to be consistent with standards to protect scenic, cultural, natural and recreation resources 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.~~

~~(2) 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.~~

~~(3) Removal of timber, rocks or other materials for purposes of public safety or placement of structures for public safety.~~

(ED) 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, recontouring abandoned quarries). Restoration and enhancement structures and/or activities including vegetation, scenic, cultural, soil, fish and wildlife habitat restoration and enhancements.

(3) Low intensity recreation uses and developments including educational and interpretive facilities, consistent with MCC 38.7085.

\* \* \*

(6) 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.

Removal of timber, rocks or other materials for purposes of public safety or placement of structures for public safety.

(E) For federal land, treatment effects have been thoroughly evaluated in an environmental assessment.

**Section 45.     § 38.2820 is amended as follows:**

**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.

(A) The following uses are allowed on all lands designated GG-PR and GG-CR without review:

(1) Forest practices that do not violate conditions of approval for other approved development.

(2) Repair, maintenance and operation of existing structures, trails, roads, railroads, and utility facilities.

~~(3) Agricultural uses, except for new cultivation.~~

~~(4) Actions taken in response to an emergency/disaster event as defined in MCC 38.0015 pursuant to the provisions of MCC 38.7090.~~

~~(B) The following uses are allowed on all lands designated GS—PR without review:~~

~~(1) Agricultural use, as defined in MCC 38.0015, except where there would be potential impact to cultural or natural resources.~~

~~(2) Maintenance, repair, and operation of existing dwellings, structures, trails, roads, railroads, utility facilities, and public recreation facilities.~~

~~(3) Accessory structures less than 60 square feet in area and 18 feet in height measured at the roof peak.~~

~~(4) Actions taken in response to an emergency/disaster event as defined in MCC 38.0015 pursuant to the provisions of MCC 38.7090.~~

**Section 46.     § 38.2823 is added as follows:**

**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.

**Section 47.     § 38.2825 is amended as follows:**

**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 38.0075 ~~(E)~~7300, and the standards of MCC 38.7000 through 38.7085:

(a) ~~Residences and accessory structures, limited to one~~One single-family dwelling for each parcel legally created prior to adoption of the Management Plan. Exceptions may be considered only upon demonstration that more than one residence is necessary for management of a public park.

(b) ~~Agricultural buildings.~~ 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.

(ef) 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, 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 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 38.0075-7300 (E) (3).

(3) Property line adjustments, subject to MCC 38.7970.

(34) 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

(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 38.0075-7300 (F) and the standards of MCC 38.7000 through 38.7085:



~~(a) Residences and accessory structures limited to one~~ One single-family dwelling for each lot or parcel legally created prior to adoption of the Management Plan.

~~(b) Agricultural buildings. 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, 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 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.~~0075-7300~~ (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.

(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) Forest uses and practices as allowed in MCC 38.2025 (B), except (B)(8) and (B)(9).

(2) Public trails, consistent with MCC 38.7085.

(3) All dwellings and accessory structures larger than 60 square feet. 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.

(45) Road and railroad construction and reconstruction.

(56) Structures or vegetation management activities for the purpose of wildlife, fisheries, or plant habitat enhancement projects. 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. closing and revegetating unused roads, recontouring abandoned quarries).

(67) Agricultural uses as allowed in MCC 38.2225(B), except (B)(7) and B(8).

(78) 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 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) 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.

**Section 48. § 38.2830 is amended as follows:**

**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, ~~38.0075-7300~~ (E) and 38.7080 (E) (1) and (3) through (7):

\* \* \*

(B) The following conditional uses may be allowed on lands designated GG– CR, pursuant to the provisions of MCC 38.0045, ~~38.0075-7300~~ (E) and 38.7080 (E) (1) and (3) through (7):

\* \* \*

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

\* \* \*

(4) ~~A~~ 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) ~~(23)~~;

\* \* \*

(5) Home occupations and cottage industries, pursuant to ~~MCC 38.0040-(D)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.

**Section 49.     § 38.3020 is amended as follows:**

**38.3020 Allowed Uses**

The uses listed in MCC 38.1005 are allowed on land designated GGR and GSR without review.

(A) The following uses are allowed on all lands designated GGR without review:

- (1) Agricultural use, except new cultivation.
- (2) Forest practices that do not violate conditions of approval for other approved uses.
- (3) Repair, maintenance and operation of existing structures, trails, roads, railroads and utility facilities.
- (4) Buildings less than 60 square feet in area and not exceeding 18 feet in height measured at the roof peak, which are accessory to a dwelling.
- (5) Actions taken in response to an emergency/disaster event as defined in MCC 38.0015 pursuant to the provisions of MCC 38.7090.

(B) The following uses are allowed on land designated GSR without review:

- (1) Agricultural uses, as defined in MCC 38.0015, except where there would be potential impact to cultural or natural resources.
- (2) Maintenance, repair, and operation of dwellings, signs, structures, existing trails, roads, railroads, and utility facilities.
- (3) Accessory structures of less than 60 square feet in area and 18 feet in height measured at the roof peak.
- (4) Actions taken in response to an emergency/disaster event as defined in MCC 38.0015 pursuant to the provisions of MCC 38.7090.

**Section 50.     § 38.3023 is added as follows:**

**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.

**Section 51.    § 38.3025 is amended as follows:**

**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 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 ~~38.0085~~7305.

(2) ~~Buildings exceeding 60 square feet in area and/or 18 feet in height as measured at the roof peak, which are accessory to a dwelling. 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.

~~(34)~~ The temporary use of a mobile home in the case of a family hardship, subject to MCC ~~38.0040 (B)~~7320.

~~(45)~~ Construction or reconstruction of roads.

~~(56)~~ New cultivation, subject to compliance with MCC 38.7045, 38.7055, 38.7060, 38.7065 and 38.7070.

~~(67)~~ Land divisions, pursuant to the provisions of MCC 38.0040 (A).

~~(78)~~ 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 MCC 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.

(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.

(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, subject to the standards of MCC 38.00857305.

(2) Accessory structures over 60 square feet. 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.

(34) Road and railroad construction and reconstruction.

(45) Forest practices, pursuant to the provisions of MCC 38.2025 (B).

(56) 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, recontouring abandoned quarries).

(8) On a parcel of 40 acres or greater with an existing dwelling, the temporary use of a mobile home in the case of a family hardship, subject 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) 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.

**Section 52.**     **§ 38.3030 is amended as follows:**

**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 ~~38.0075~~ 7300 (C):

(1) An accredited child care center on land designated GGR– 2.

\* \* \*

(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.

(45) Utility facilities and railroads.

(56) Fire stations.

(67) Recreation development, subject to the Recreation Intensity Classes of MCC 38.7080.

(78) Community parks and playgrounds, consistent with the standards of the National Park and Recreation Society regarding the need for such facilities.

~~(89)~~ 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 38.0050-(B)7360.

~~(910)~~ Home occupations and cottage industries pursuant to MCC 38.0050-(C)7330.

~~(1011)~~ Bed and breakfast inns in single family dwellings on lands designated GGR– 5 or GGR– 10, pursuant to 38.0050-(D)7335.

(12) Wineries, in conjunction with onsite viticulture, upon a showing that processing of wine is from grapes grown on the subject farm or in the local region.

(13) Wine sales/tasting rooms in conjunction with an on-site winery, 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 sales/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 sales/tasting room.

4. The exterior space may be a veranda, patio, or other similar type of structure.

(B) The following conditional uses may be allowed on lands designated GSR, pursuant to the provisions of MCC 38.0045 and 38.0075-7300 (C):

\* \* \*

(4) Home occupations and cottage industries pursuant to MCC 38.0050-(C)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 38.0050-(D)7335.

**Section 53.     § 38.3220 is amended as follows:**

**38.3220 Allowed Uses**

The uses listed in MCC 38.1005 following uses are allowed on all lands designated GGC without review:

~~(A) Agricultural use, except new cultivation.~~

~~(B) Forest practices that do not violate conditions of approval for other approved uses.~~

~~(C) Repair, maintenance and operation of existing structures, trails, roads, railroads and utility facilities.~~



~~(D) Buildings less than 60 square feet in area and not exceeding 18 feet in height measured at the roof peak, which are accessory to a dwelling.~~

~~(E) Actions taken in response to an emergency/disaster event as defined in MCC 38.0015 pursuant to the provisions of MCC 38.7090.~~

**Section 54.     § 38.3223 is added as follows:**

**38.3223 Expedited Uses**

The uses listed in MCC 38.1010 may be allowed on land designated GGC, pursuant to MCC 38.7100.

**Section 55.     § 38.3225 is amended as follows:**

**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) ~~A~~One single-family dwelling on a legally created 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.

\* \* \*

(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, recontouring 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.

**Section 56.     § 38.3230 is amended as follows:**

**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 38.0075-~~(D)~~7300:

\* \* \*

(E) Home occupations or cottage industries in an existing residence or accessory structure, pursuant to MCC 38.0040-~~(D)~~7330.

**Part 5- Special Districts**

**Section 57.     § 38.4180 is amended as follows:**

**38.4180 Improvements**

(A) Surfacing

(1) All areas used for parking, loading or maneuvering of vehicles shall be surfaced with either gravel or two inches of blacktop on a four inch crushed rock base or six inches of portland cement or other material providing a durable and dustless surface capable of carrying a wheel load of 4,000 pounds.

\* \* \*

**Section 58.     § 38.4190 is amended as follows:**

**38.4190 Signs**

Signs, pursuant to the provisions of MCC 38.00850080.

**Section 59.     § 38.4315 is amended as follows:**

**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.

\* \* \*

(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, industrial or other employment uses.

\* \* \*

**Section 60.    § 38.4360 is amended as follows:**

**38.4360 Permitted Uses**

~~In an underlying residential~~ the GGRC district, the following uses may be permitted in a Planned Development:

\* \* \*

**Section 61.    § 38.5500- is amended as follows:**

**38.5500- Purposes**

The purposes of the Hillside Development and Erosion Control subdistrict are to protect geologic resources and avoid hazards, ensure that grading on unstable or steep slopes does not derade geologic resources; to promote the public health, safety and general welfare, and minimize public and private losses due to earth movement hazards in specified areas and minimize erosion and related environmental damage in unincorporated Multnomah County. This subdistrict is intended to:

- (A) Protect human life;
- (B) Preserve stability of geologic features;
- ~~(B)~~ (C) Protect property and structures;
- ~~(C)~~ (D) Minimize expenditures for rescue and relief efforts associated with earth movement failures;
- ~~(D)~~ (E) Control erosion, production and transport of sediment; and
- ~~(E)~~ (F) Regulate land development actions including excavation and fills, drainage controls and protect exposed soil surfaces from erosive forces.

**Section 62.    § 38.5510 is amended as follows:**

**38.5510 Exempt Land Uses and Activities**

The following are exempt from the provisions of this Chapter:

\* \* \*

(B) General Exemptions – All land-disturbing activities outlined below shall be undertaken in a manner designed to minimize earth movement hazards, surface runoff, erosion, and sedimentation and to safeguard life, limb, property, and the public welfare. A person performing such activities need not apply for a permit pursuant to this subdistrict, if:

\* \* \*

(3) The volume of soil or earth materials to be stored in conjunction with the project, is 50 cubic yards or less; and,

\* \* \*

### **Part 6 – Approval Criteria**

**Section 63.**     **§ 38.7000\* is amended as follows:**

**38.7000\* PART 6 - SITE REVIEW; VARIANCES; LAND DIVISIONS – Site Review APPROVAL CRITERIA**

**Section 64.**     **§ 38.7000- is amended as follows:**

#### **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 National Scenic Area Site Review are to preserve, protects and/or provides for the enhancement of the scenic, natural, cultural and recreational values of the Columbia River Gorge National Scenic Area and to assure that development occurs in a manner which is compatible with the unique qualities of the Gorge.

**Section 65.**     **§ 38.7015 is amended as follows:**

#### **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 38.70907100.

**Section 66.**     **§ 38.7020 is amended as follows:**

#### **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 38.7085-7100~~or 38.7090~~ as applicable.

**Section 67.    § 38.7035 is amended as follows:**

**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 shall be sited and designed to retain the existing topography and ~~reduce necessary grading to minimize grading activities~~ to the maximum extent practicable.

(2) New buildings shall be ~~generally consistent with the~~ compatible with the general scale (height, dimensions and visible mass) and size of similar buildings that existing nearby development (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.

(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) ~~Project applicants~~ Property owners 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) 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 which blends with and emulates surrounding landforms to the maximum extent practicable.

~~Such a plan shall be approved by the appropriate state agency for uses under their jurisdiction, or approved by the Planning Director with technical assistance from applicable state agencies for uses not under state agency jurisdiction. At minimum, such reclamation plans shall include:~~

\* \* \*

(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 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) ~~Size, height, shape, color, reflectivity, landscaping, siting or other aspects of proposed development shall be evaluated to ensure that such~~ Each development ~~is~~ shall be visually subordinate to its setting as seen from Key Viewing Areas.

(2) The extent and type of conditions applied to a proposed development ~~or use to achieve the scenic standard~~ visual subordination ~~should~~ shall be proportionate to its potential visual impacts as seen from Key Viewing Areas. ~~Primary Decisions shall include written findings addressing the factors influencing the degree of 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). Written reports on determination of visual subordination and final conditions of approval shall include findings addressing each of these factors. Conditions may be applied to various elements of proposed developments to ensure they are visually subordinate to their setting as seen 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.

(3) Determination of potential visual effects and compliance with visual subordination policies shall include consideration of the cumulative effects of proposed developments.

(4) ~~For all buildings, roads or mining and associated activities proposed on lands visible from Key Viewing Areas, the following supplemental site plan information shall be submitted in addition to the site plan requirements in MCC 38.0045 (A) (2) and 38.7035 (A) (5) for mining and associated activities: 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).~~

~~(a) For buildings, 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); and~~

~~(b) Elevation drawings showing the appearance of proposed building(s) when built and surrounding final ground grades, for all buildings over 400 square feet in area.~~

(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) (5) and subsection (4) above, project applicants shall submit perspective drawings of the proposed mining areas as seen from applicable Key Viewing Areas.

(6) ~~New buildings or roads 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) ~~In siting new buildings and roads, use of existing topography and vegetation to screen such development from Key Viewing Areas shall be prioritized over other means of achieving visual subordination, such as planting of new vegetation or use of artificial berms to screen the development from Key Viewing Areas. New development shall be sited using existing topography and/or existing vegetation as needed to achieve visual subordination from key viewing areas.~~

(8) Existing tree cover screening proposed development from key viewing areas shall be retained as specified in MCC 38.7035(C).

(89) Driveways and buildings shall be designed and sited to minimize ~~grading activities and~~ visibility of cut banks and fill slopes from Key Viewing Areas.

(910) The exterior of buildings on lands seen from Key Viewing Areas shall be composed of nonreflective materials or materials with low reflectivity, unless the structure would be fully screened from all Key Viewing Areas by existing topographic features. The *Scenic Resources Implementation Handbook* includes a list of recommended exterior materials. 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 subordination. Recommended square footage limitations for such surfaces are provided for guidance in the Implementation Handbook

~~(1011)~~ Exterior lighting shall be directed downward and sited, hooded and shielded such that it is not highly visible from Key Viewing Areas. Shielding and hooding materials shall be composed of non-reflective, opaque materials.

(12) 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 shall be included as a condition of approval. The *Scenic Resources Implementation Handbook* will include a recommended palette of colors.

~~(1113)~~ 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 colors specified in the landscape setting for the subject property.

~~(1214)~~ Rehabilitation of or modifications to existing significant historic structures shall be exempted from visual subordination requirements for lands seen 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.

(4315) The silhouette of new buildings shall remain below the skyline of a bluff, cliff or ridge as seen 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.

(4416) 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:

\* \* \*

(17) 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 subordination. 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 subordination.

(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.

(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) Conditions regarding new landscaping or retention of existing vegetation for new developments on land designated GMA Forest shall meet both scenic guidelines and the fuel break requirements of MCC 38.7305(A).

(4519) 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.



(1620) 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.

(1721) New communications facilities may protrude above a skyline visible from a Key Viewing Area only upon demonstration that:

\* \* \*

(1822) 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:

\* \* \*

(1923) 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.

(2024) 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 shall be utilized.

(2125) All proposed structural development involving more than 100 cubic yards of grading on sites visible from Key Viewing Areas and which slope between 10 and 30 percent 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:

\* \* \*

(2226) 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:

(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 blends with and emulates surrounding landforms to the maximum extent practicable has been approved. ~~The plan shall be approved by the applicable state agency with jurisdiction, or approved by the Planning Director with technical assistance from applicable state agencies for uses not under state agency jurisdiction.~~ At minimum, a reclamation plans shall comply with MCC 38.7035 (A) (5); and

\* \* \*

(2327) Unless addressed by subsection (22) above, new production and/or development of mineral resources may be allowed upon a demonstration that:

\* \* \*

(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 by the Oregon Department of Geology and Mineral Industries, or approved by the Planning Director with technical assistance from applicable state agencies for uses not under state agency jurisdiction. At minimum, the reclamation plan shall comply with MCC 38.7035 (A) (56) and (7).

(2428) An interim time period to achieve compliance with visual subordination 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 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.

(2529) 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 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 achieving compliance with full screening requirements shall be limited to activities necessary to provide such screening (creation of berms, etc.).

~~.(26) Compliance with specific approval conditions to achieve visual subordination (such as landscaped screening), except mining and associated activities, shall occur within a period not to exceed 2 years after the date of development approval.~~

(C) All Review Uses and Conditional Uses within the following landscape settings, regardless of visibility from KVAs:

(1) Pastoral

~~.(a) New development shall be compatible with the general scale (height, dimensions, overall mass) of development in the vicinity. Expansion of existing development shall meet this standard to the maximum extent practicable.~~

(ba) Accessory structures, outbuildings and accessways shall be clustered together as much as possible, particularly towards the edges of existing meadows, pastures and farm fields.

(eb) In portions of this setting visible from Key Viewing Areas, the following standards shall be employed to achieve visual subordination 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 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 Scenic Resources Implementation Handbook includes recommended minimum sizes.

4. At least one-quarter of any trees planted for screening shall be coniferous for winter screening.

~~5. Structures' exteriors shall be dark and either natural or earth tone colors unless specifically exempted by MCC 38.7035 (B) (11) and (12).~~

(dc) 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) New development shall be compatible with the general scale (height, dimensions and overall mass) of development in the vicinity. Expansion of existing development shall comply with this standard to the maximum extent practicable.~~

(ba) Structure height shall remain below the forest canopy level.

(eb) In portions of this setting visible from Key Viewing Areas, the following standards shall be employed to achieve visual subordination 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.

3. At least half of any trees planted for screening purposes shall be coniferous to provide winter screening.

~~4. Structures' exteriors shall be either natural or earthtone colors unless specifically exempted by MCC 38.7035 (B) (11) and (12).~~

(dc) 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) New development shall be compatible with the general scale (height, dimensions and overall mass) of development in the vicinity. Expansion of existing development shall comply with this standard to the maximum extent practicable.~~

(ba) 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.

(eb) In portions of this setting visible from Key Viewing Areas, the following standards shall be employed to achieve visual subordination for new development and expansion of existing development:

\* \* \*

~~4. Structures' exteriors shall be dark and either natural or earth tone colors unless specifically exempted by MCC 38.7035 (B) (11) and (12).~~

(dc) 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.

\* \* \*

(5) Residential

~~(a) New development shall be compatible with the general scale (height, dimensions and overall mass) of development in the vicinity. Expansion of existing development shall comply with this standard to the maximum extent practicable.~~

(ba) In portions of this setting visible from Key Viewing Areas, the following standards shall be employed to achieve visual subordination for new development and expansion of existing development:

\* \* \*

~~5. Structures' exteriors shall be dark and either natural or earth tone colors unless specifically exempted by MCC 38.7035 (B) (11) and (12).~~

(eb) 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) shall be compatible with the general scale (height, dimensions and overall mass) of development in the vicinity, but not necessarily visually subordinate. Expansion of existing development shall comply with this standard 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.

(de) 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.

(ef) New commercial, institutional or multi-family residential uses fronting a Scenic Travel Corridor shall comply with the following landscape requirements:

\* \* \*

(fg) 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.

(gh) 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.

(hi) 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.

(ij) Pedestrian walkways and bicycle paths should be encouraged and integrated into new developments wherever feasible.

(jk) Where feasible, existing tree cover of species native to the region or commonly found in the area shall be retained when designing new development or expanding existing development.

(kl) 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) New development shall be compatible with the general scale (height, dimensions and overall mass) of development in the vicinity. Expansion of existing development shall comply with this standard to the maximum extent practicable.~~

(ba) In portions of this setting visible from Key Viewing Areas, the following standards shall be employed to achieve visual subordination for new development and expansion of existing development:

\* \* \*

~~4. Structures' exteriors shall be dark and either natural or earth-tone colors unless specifically exempted by MCC 38.7035 (B) (11) and (12).~~

(eb) 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.

\* \* \*

(D) All Review Uses and Conditional Uses within scenic travel corridors:

\* \* \*

(6) New 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) (2428).

(7) Expansion of existing quarries may be allowed pursuant to MCC 38.7035 (B) (2425). Compliance with visual subordination requirements shall be achieved within time frames specified in MCC 38.7035 (B) (2327).

**Section 68. § 38.7040 is amended as follows:**

**38.7040 SMA Scenic Review Criteria**

The following scenic review standards shall apply to all Review and Conditional Uses in the Special Management Area of the Columbia River Gorge National Scenic Area with the exception of rehabilitation or modification of historic structures eligible or on the National Register of Historic Places when such modification is in compliance with the national register of historic places guidelines:

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

(1) New developments and land uses shall be evaluated to ensure that the scenic standard is met and that scenic resources are not adversely affected, including cumulative effects, based on the degree of visibility from Key Viewing Areas.

(2) The required SMA scenic standards for all development and uses are summarized in the following table.

<b>REQUIRED SMA SCENIC STANDARDS</b>		
<b><u>LANDSCAPE SETTING</u></b>	<b><u>LAND USE DESIGNATION</u></b>	<b><u>SCENIC STANDARD</u></b>
<u>Coniferous Woodland,</u> <u>Oak-Pine Woodland</u>	<u>Forest (National Forest Lands),</u> <u>Open Space</u>	<u>NOT VISUALLY EVIDENT</u>
<u>River Bottomlands</u>	<u>Open Space</u>	<u>NOT VISUALLY EVIDENT</u>
<u>Gorge Walls, Canyonlands, Wildlands</u>	<u>Forest, Agriculture, Public</u> <u>Recreation, Open Space</u>	<u>NOT VISUALLY EVIDENT</u>
<u>Coniferous Woodland,</u> <u>Oak-Pine Woodland</u>	<u>Forest, Agriculture, Residential,</u> <u>Public Recreation</u>	<u>VISUALLY SUBORDINATE</u>
<u>Residential</u>	<u>Residential</u>	<u>VISUALLY SUBORDINATE</u>

<u>Pastoral</u>	<u>Forest, Agriculture, Public Recreation, Open Space</u>	<u>VISUALLY SUBORDINATE</u>
<u>River Bottomlands</u>	<u>Forest, Agriculture, Public Recreation</u>	<u>VISUALLY SUBORDINATE</u>

(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 are visually subordinate to their setting as seen 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 (color, 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.

~~(17) Proposed developments shall not protrude above the line of a bluff, cliff, or skyline as seen from Key Viewing Areas.~~

~~(2) Size, scale, shape, color, texture, siting, height, building materials, lighting, or other features of a proposed structure shall be visually subordinate in the landscape and have low contrast in the landscape.~~

~~(3) Colors shall be used in a manner so that developments are visually subordinate to the natural and cultural patterns in the landscape setting. Colors for structures and signs should be slightly darker than the surrounding background.~~

~~(48) 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.~~

~~(5) Proposed developments or land use shall be aligned, designed and sited 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.~~

(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 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).



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

(11) The exterior of buildings 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 *Implementation Handbook*.

(612) Any exterior lighting shall be sited, limited in intensity, 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.

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

~~(8) Reflectivity of structures and site improvements shall be minimized.~~

~~(9) Right of way vegetation shall be managed to minimize visual impact of clearing and other vegetation removal as seen from Key Viewing Areas. Roadside vegetation management should enhance views out from the highway (vista clearing, planting, etc.).~~

~~(10) Encourage existing and require new road maintenance warehouse and stockpile areas to be screened from view from Key Viewing Areas.~~

~~(B) New developments and land uses shall be evaluated to ensure that scenic resources are not adversely affected, including cumulative effects, based on visibility from Key Viewing Areas.~~

~~(C) 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.~~

~~(D) New land uses or developments shall comply with the following: The following shall apply to all lands within SMA landscape settings regardless of visibility from KVAs (includes areas seen from KVAs as well as areas not seen from KVAs):~~

(1) Gorge Walls, and Canyonlands and Wildlands: New developments and land uses shall retain the overall visual character of the natural appearing landscape.

(a) New developments and land uses shall meet the VQO of retention as seen from Key Viewing Areas.

~~(ba)~~ 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.

~~(eb)~~ Temporary roads ~~must~~ shall be promptly closed and revegetated.

~~(dc)~~ New utilities ~~must~~ shall be below ground surface, where feasible.

~~(ed)~~ Use of plant species non-native to the Columbia River Gorge shall not be allowed.

~~(f)~~ Exterior colors of structures shall be dark earthtones that will result in the structure having low contrast with the surrounding landscape.

(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) New developments and land uses in lands designated Federal Forest or Open Space shall meet the VQO of retention; all other land use designations shall meet the VQO of partial retention as seen from Key Viewing Areas.~~

~~(b) Forest practices on National Forest lands included in the Mt. Hood National Forest Plans shall meet the VQO identified for those lands in those plans.~~

~~(ea)~~ Buildings in the ~~coniferous~~ Coniferous Woodland landscape setting shall be encouraged to have a vertical overall appearance and a horizontal overall appearance in the Oak-Pine Woodland landscape setting.

~~(db)~~ Use of plant species native to the landscape setting shall be encouraged. Where non-native plants are used, they shall have native appearing characteristics.

~~(e) Exterior colors of structures in Coniferous Woodland landscape setting shall be dark earth-tone colors which will result in low contrast with the surrounding landscape as seen from the Key Viewing Areas.~~

~~(f) Exterior colors of structures in Oak Pine Woodland landscape setting shall be earth-tone colors which will result in low contrast with the surrounding landscape as seen from the Key Viewing Areas.~~

(3) River Bottomlands: River bottomland shall retain the overall visual character of a floodplain and associated islands.

~~(a) New developments and land uses shall meet the VQO of partial retention, except in areas designated Open Space which shall meet the VQO of retention.~~

~~(ba)~~ Buildings should have an overall horizontal appearance in areas with little tree cover.

~~(eb)~~ Use of plant species native to the landscape setting shall be encouraged. Where non-native plants are used, they shall have native appearing characteristics.

~~(d)~~ Exterior colors of structures shall be earth tone or water tone colors which will result in low contrast with surrounding landscape.

(4) Pastoral: Pastoral areas shall retain the overall appearance of an agricultural landscape.

~~(a)~~ New developments and forest practices shall meet the VQO of partial retention.

~~(b)~~ The use of plant species common to the landscape setting shall be encouraged. The use of plant species in rows as commonly found in the landscape setting is encouraged.

~~(c)~~ Exterior colors of structures shall be earth tone colors which will result in low contrast with the surrounding landscape.

~~(d)~~ Exterior colors of structures may be white, except for the roof, only in the Dodson-Warrendale areas where other white structures are evident in the setting.

(5) Residential: The Residential setting is characterized by concentrations of dwellings.

~~(a)~~ New developments and land uses shall meet the VQO of partial retention as seen from Key Viewing Areas.

~~(ba)~~ At Latourell Falls, new buildings shall have an appearance consistent with the predominant historical architectural style.

~~(eb)~~ Use of plant species native to the landscape setting 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 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 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 from KVAs

Unless expressly exempted by other provisions in MCC 38.7040, colors of structures on sites not visible from key viewing areas shall be earth-tones found at the specific site. The specific colors

or list of acceptable colors shall be approved as a condition of approval, drawing from the recommended palette of colors included in the Scenic Resources Implementation Handbook.

~~(E) For forest practices the following standards shall apply:~~

~~(1) Forest practices must meet the design standards and VQO for the landscape setting designated for the management area.~~

~~(2) Not more than 16 percent of each total ownership within a viewshed shall be in created openings at any one time. The viewshed boundaries will be delineated by the Forest Service.~~

~~(3) Size, shape, and dispersal of created openings shall maintain the natural patterns in the landscape.~~

~~(4) The maximum size of any created opening is 15 acres. In the foreground of Key Viewing Areas, maximum size of created opening will be five acres.~~

~~(5) Clearcutting shall not be used as a harvest practice to land designated Federal Forest Lands.~~

~~(6) Created opening shall not create a break or opening in the vegetation in the sky line as viewed from a KVA.~~

~~(7) Created openings shall be dispersed to maintain at least 400 feet of closed canopy between openings. Closed canopy to be 20 feet tall.~~

**Section 69.     § 38.7050 is amended as follows:**

**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 38.7025 (B).

\* \* \*

(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

\* \* \*

(e) The field inventory report shall be presented to the U.S. Forest Service for review.

\* \* \*

(3) Evaluations of Significance

\* \* \*

(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.

\* \* \*

(f) If the U.S. Forest Service determines that the inventoried cultural resources are not significant, the cultural resource review shall be complete.

\* \* \*

(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 800.9 *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.

\* \* \*

(5) Mitigation

\* \* \*

(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.

\* \* \*

(2) If the discovered material is suspected to be human bone or a burial, the following procedure shall be used:

(a) Stop all work in the vicinity of the discovery.

(b) The applicant shall immediately notify the U.S. Forest Service, the applicant's cultural resource professional, the State Medical Examiner, and appropriate law enforcement agencies.

(c) The U.S. Forest Service shall notify the tribal governments if the discovery is determined to be an Indian burial or a cultural resource.

(d) A cultural resource professional shall evaluate the potential significance of the discovery pursuant to MCC 38.7050 (G) (3) and report the results to the U.S. Forest Service which shall have 30 days to comment on the report.

(3) If the U.S. Forest Service determines that the cultural resource is not significant or does not respond within the 30 day response period, the cultural resource review process shall be complete and work may continue.

(4) If the U.S. Forest Service determines that the cultural resource is significant, the cultural resource professional shall recommend measures to protect and/or recover the resource pursuant to MCC 38.7050 (G) (4) and (5)

**Section 70.     § 38.7055 is amended as follows:**

**38.7055 GMA Wetland Review Criteria**

(A) The wetland review criteria shall be deemed satisfied if:

\* \* \*

~~(6) The proposed use is one of the following uses, and:~~

~~(a) It is conducted using best management practices;~~

~~(b) It does not require structures, grading, draining, flooding, ditching, vegetation removal, or dredging beyond the extent specified below; and~~

~~(c) It complies with all applicable federal, state, and county laws:~~

~~1. Fish and wildlife management uses conducted by federal, state, or Indian tribal resource agencies.~~

~~2. Soil, water, and vegetation conservation uses that protect and enhance wetlands acreage and functions.~~

~~3. Low intensity recreation uses, including hunting, fishing, trapping, bird watching, hiking, boating, swimming, and canoeing.~~

~~4. Non-commercial harvesting of wild crops, such as ferns, moss, berries, tubers, tree fruits, and seeds in a manner that does not injure natural plant reproduction or impact sensitive plant species.~~

~~5. Agriculture, 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. Cultivation and vegetation removal may be allowed in conjunction with a home garden.~~

~~6. Ditching, tilling, dredging, or grading conducted solely for the purpose of repairing and maintaining existing irrigation and drainage systems necessary for agriculture, provided that such uses are not undertaken to cultivate lands that have not been cultivated, or have lain idle, for more than 5 years.~~

~~7. Commercial fishing and trapping.~~

~~8. Educational uses and scientific research.~~

~~9. Navigation aids, including structures covered by Section 17 (a) (3) of the Scenic Area Act.~~

~~10. Forest practices that do not violate conditions of approval for other approved uses.~~

~~11. Repair, maintenance, and operation of existing and serviceable structures, trails, roads, railroads and utility facilities.~~

(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 *Federal Manual for Identifying and Delineating Jurisdictional Wetlands* (Federal Interagency Committee for Wetland Delineation, 1989), and any subsequent amendments *Corps of Engineers Wetland Delineation Manual* (Wetland Research Program Technical Report Y-87-1, on-line edition, updated through March 21, 1997).

\* \* \*

(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:

\* \* \*

(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.



\* \* \*

(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:

\* \* \*

(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 ~~zone~~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 38.0710-0100 to demonstrate that practicable alternatives do not exist.

\* \* \*

**Section 71.     § 38.7060 is amended as follows:**

**38.7060 GMA Stream, Lake and Riparian Area Review Criteria**

~~(A) The following uses are allowed in streams, ponds, lakes, and their buffer zones without Site Review, if they:~~

~~(1) Are conducted using best management practices;~~

~~(2) Do not require structures, grading, draining, flooding, ditching, vegetation removal, or dredging beyond the extent specified below; and~~

~~(3) Comply with all applicable federal, state, and county laws:~~

~~(a) Fish and wildlife management uses conducted by federal, state, or Indian tribal resource agencies;~~

~~(b) Soil, water, and vegetation conservation uses that protect water quality, natural drainage, and fish and wildlife habitat of streams, ponds, lakes, and riparian areas;~~

~~(c) Low intensity recreation uses, including hunting, fishing, trapping, bird watching, hiking, boating, swimming, and canoeing;~~

~~(d) Non-commercial harvesting of wild crops, such as ferns, moss, berries, tubers, tree fruits, and seeds in a manner that does not injure natural plant reproduction or impact sensitive plant species;~~

~~(e) Agriculture, 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 and shall require a review use permit. Cultivation and vegetation removal may be allowed in conjunction with a home garden.~~

~~(f) Ditching, tilling, dredging, or grading conducted solely for the purpose of repairing and maintaining existing irrigation and drainage systems necessary for agriculture, provided that such uses are not undertaken to cultivate lands that have not been cultivated, or have lain idle, for more than 5 years.~~

~~(g) Commercial fishing and trapping.~~

~~(h) Educational uses and scientific research.~~

~~(i) Navigation aids, including structures covered by Section 17 (a) (3) of the Scenic Area Act.~~

~~(j) Forest practices that do not violate conditions of approval for other approved uses.~~

~~(k) Repair, maintenance, and operation of existing and serviceable structures, trails, roads, railroads and utility facilities.~~

~~(BA)~~ The following uses may be allowed in streams, ponds, lakes and riparian areas when approved pursuant to the provisions of MCC 38.0045, MCC 38.7060 (~~DC~~), and reviewed under the applicable provisions of MCC 38.7035 through 38.7085:

\* \* \*

~~(B)~~ Uses not listed in MCC 38.7060 (A) and ~~(B)~~ may be allowed in streams, ponds, lakes, and riparian areas, when approved pursuant to MCC 38.7060 (~~ED~~) and reviewed under the applicable provisions of MCC 38.7035 through 38.7085.

~~(DC)~~ Applications for modifications to serviceable structures and minor water-dependent and water-related structures in aquatic and riparian areas shall demonstrate that:

\* \* \*

~~(ED)~~ 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:

\* \* \*

(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, 19862000) unless otherwise coordinated with and approved by the Oregon Department of Fish and Wildlife.

\* \* \*

~~(FE)~~ Stream, Pond, and Lake Buffer Zones

\* \* \*

(GE) 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:

\* \* \*

- (5) A statement indicating sufficient fiscal, administrative, and technical competence to successfully execute and monitor the a rehabilitation and enhancement plan.

**Section 72.     § 38.7065 is amended as follows:**

**38.7065 GMA Wildlife Review Criteria**

Wildlife Habitat Site Review shall be required for any project within 1,000 feet of sensitive wildlife areas and sensitive wildlife sites (i.e., sites used by sensitive wildlife species).

\* \* \*

~~(A) The following uses may be allowed within 1,000 feet of sensitive wildlife areas and sites without review, if they do not involve new structures, vegetation removal, or actions that disturb the ground, such as grading, or ditching beyond the extent specified below:~~

~~(1) Agriculture, 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.~~

~~(2) Ditching, tilling, dredging, or grading conducted solely for the purpose of repairing and maintaining existing irrigation and drainage systems necessary for agriculture, provided that such uses are not undertaken to cultivate lands that have not been cultivated, or have lain idle, for more than 5 years.~~

~~(3) Forest practices that do not violate conditions of approval for other approved uses.~~

~~(4) Repair, maintenance, and operation of existing and serviceable structures, trails, roads, railroads and utility facilities.~~

~~(5) Fish and wildlife management uses conducted by federal, state, or Indian tribal resource agencies.~~

**(BA) Field Survey**

A field survey to identify sensitive wildlife areas or sites shall be required for:

\* \* \*

(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 professional wildlife biologist hired by the project applicant. All sensitive wildlife areas and sites discovered in a project area shall be described and shown on the site plan map.

~~(CB)~~ Uses ~~not listed in MCC 38.7065 (A)~~ may be allowed within 1,000 feet of a sensitive wildlife area or site, when approved pursuant to MCC 38.7065 ~~(DC)~~ 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. State wildlife biologists will help determine if a new use would adversely affect a sensitive wildlife area or site.

~~(DC)~~ Uses that are proposed within 1,000 feet of a sensitive wildlife area or site shall be reviewed as follows:

\* \* \*

(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 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.

\* \* \*

~~(ED)~~ Wildlife Management Plans

\* \* \*

~~(FE)~~ New fences in deer and elk winter range

\* \* \*

**Section 73.     § 38.7070 is amended as follows:**

**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 plant species.

\* \* \*

~~(A) The following uses may be allowed within 200 feet of a sensitive plant without review, if they do not involve new structures, vegetation removal, or actions that disturb the ground, such as grading or ditching beyond the extent specified below:~~

~~(1) Low intensity recreation uses, including hunting, fishing, trapping, native plant study, bird watching, boating, swimming, and hiking. Regarding sensitive plants, horseback riding is not considered a low intensity use.~~

~~(2) Agriculture, 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.~~

~~(3) Ditching, tilling, dredging, or grading conducted solely for the purpose of repairing and maintaining existing irrigation and drainage systems necessary for agriculture, provided that such uses are not undertaken to cultivate lands that have not been cultivated, or have lain idle, for more than 5 years.~~

~~(4) Forest practices that do not violate conditions of approval for other approved uses.~~

~~(5) Repair, maintenance, and operation of existing and serviceable structures, trails, roads, railroads and utility facilities.~~

**(BA) Field Survey**

A field survey to identify sensitive plants shall be required for:

\* \* \*

(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. Field surveys shall identify the precise location of the sensitive plants and delineate a 200 foot buffer area. The results of a field survey shall be shown on the site plan map.

~~(CB) Uses not listed in MCC 38.7070 (A)~~ may be allowed within 1,000 feet of a sensitive plant, when approved pursuant to MCC 38.0045, 38.7070 (DC), and reviewed under the applicable provisions of MCC 38.7035 through 38.7085. The approximate locations of sensitive plants are shown on maps provided to the County by the Gorge Commission. Staff with the Oregon Natural Heritage Program will help determine if a new use would invade the buffer zone of sensitive plants.

~~(DC)~~ Uses that are proposed within 1,000 feet of a sensitive plant shall be reviewed as follows:

\* \* \*

(3) New uses shall be prohibited within sensitive plant species buffer areas, ~~except those listed in MCC 38.7070 (A).~~

(4) If a proposed use must be allowed within a sensitive plant buffer area in accordance with formal variance practices, the project applicant shall prepare a protection and rehabilitation plan pursuant to MCC 38.7070 (ED).

\* \* \*

**(ED) Protection and Rehabilitation Plans**

\* \* \*

**(FE) Sensitive Plant Buffer Areas**

\* \* \*

**Section 74.     § 38.7075 is amended as follows:**

**38.7075 SMA Natural Resource Review Criteria**

All new developments and land uses shall be evaluated using the following standards to ensure that the natural resources on a site, or natural resources in danger of degradation or destruction from individual or cumulative off-site impacts, are protected from adverse effects. The Forest Service will provide the analysis and evaluation for all projects except those sponsored by non-Forest Service federal and state agencies. 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 (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 (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 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 wildlife/plant or water resource, (2) describes the biology of the sensitive 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 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 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.

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

(1) The approximate location and extent of wetlands in the 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)'.

(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 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 mitigation plan.

(H) Protection of sensitive wildlife/plant areas and sites shall begin when proposed new developments or uses are within 1000 feet of a sensitive wildlife/plant site and/or area. Sensitive Wildlife Areas are those areas depicted in the wildlife inventory and listed in Table 4 of the Management Plan titled "Types of Wildlife Areas and Sites Inventoried in the Columbia Gorge", including all Priority Habitats Table. Sensitive Plants are listed in Table 7 of the Management Plan, titled "Columbia Gorge and Vicinity Endemic Plant Species." The approximate locations of sensitive wildlife and/or plant areas and sites are shown in the wildlife and rare plant inventory.

(I) The local government shall submit site plans (of uses that are proposed within 1,000 feet of a sensitive wildlife and/or 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 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 (including cumulative effects) to the wildlife or plant area or site. This would include considering the time of year when wildlife or plant species are sensitive to disturbance, such as nesting, rearing seasons, or flowering season.

(4) Delineate the undisturbed 200 ft buffer on the site plan for sensitive plants and/or the appropriate buffer for sensitive 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 wildlife/plant or water resource, (2) describes the biology of the sensitive 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.

(c) The local government shall submit all requests to re-configure sensitive 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 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 shall justify how it reached an opposing conclusion.

(K) The local government, in consultation with the 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 developments or uses do not compromise the integrity and function of or result in adverse affects to the wildlife or 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 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 the "Oregon Guidelines for Timing of In-Water Work to Protect Fish and Wildlife Resources" (Oregon Department of Fish and Wildlife 2000).

(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 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.

<b><u>PRIORITY HABITATS TABLE</u></b>	
<b><u>Priority Habitats</u></b>	<b><u>Criteria</u></b>
<b><u>Aspen stands</u></b>	<b><u>High fish and wildlife species diversity, limited availability, high vulnerability to habitat alteration.</u></b>
<b><u>Caves</u></b>	<b><u>Significant wildlife breeding habitat, limited availability, dependent species.</u></b>
<b><u>Old-growth forest</u></b>	<b><u>High fish and wildlife density, species diversity, breeding habitat, seasonal ranges, and limited and declining availability, high vulnerability.</u></b>
<b><u>Oregon white oak woodlands</u></b>	<b><u>Comparatively high fish and wildlife density, species diversity, declining availability, high vulnerability</u></b>
<b><u>Prairies and steppe</u></b>	<b><u>Comparatively high fish and wildlife density, species diversity, important breeding habitat, declining and limited availability, high vulnerability.</u></b>

<u>Riparian</u>	<u>High fish and wildlife density, species diversity, breeding habitat, movement corridor, high vulnerability, dependent species.</u>
<u>Wetlands</u>	<u>High species density, high species diversity, important breeding habitat and seasonal ranges, limited availability, high vulnerability.</u>
<u>Snags and logs</u>	<u>High fish and wildlife density, species diversity, limited availability, high vulnerability, dependent species.</u>
<u>Talus</u>	<u>Limited availability, unique and dependent species, high vulnerability.</u>
<u>Cliffs</u>	<u>Significant breeding habitat, limited availability, dependent species.</u>
<u>Dunes</u>	<u>Unique species habitat, limited availability, high vulnerability, dependent species.</u>

(L) The wildlife/plant protection process may terminate if the local government, in consultation with the U.S. Forest Service and state wildlife agency or Heritage program, determines (1) the sensitive 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 local government 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, 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 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 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 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.

(O) 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 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, 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, 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 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, wildlife or plant areas and/or sites).

(2) There is no practicable alternative as determined by MCC 38.7075 (Q).

(S) In all cases, Mitigation Plans are the responsibility of the applicant and shall be prepared by an appropriate professional (botanist/ecologist for plant sites, a wildlife/fish biologist for wildlife/fish sites, and a qualified professional for water resource sites).

(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 sensitive water resources, and wildlife/plant areas and sites, that maximizes his/her development options, and that mitigates, through restoration, enhancement, and replacement measures, impacts to the water resources and/or wildlife/plant area or site and/or buffer zones.

(U) The applicant shall submit the mitigation plan to the local government. The local government 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 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 resources (e.g. Wildlife/plant species, or wetland) that will be affected by a proposed use. An ecological assessment of the sensitive resource to be altered or destroyed and the condition of the resource that will result after restoration will 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 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 resources and their surrounding habitat that will not be altered or destroyed (for examples, delineation of core habitat of the sensitive 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 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 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 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 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 for review upon completion of the restoration, enhancement, or replacement activity. This monitoring report shall document successes, problems encountered, resource recovery, status of any sensitive 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 U.S. 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.

(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 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 survive. All plantings must 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 resource of equal or greater benefit may be substituted, provided that no net loss of sensitive resource functions occurs and provided the County, in consultation with the appropriate State and Federal agency, determine that such substitution is justified.

(5) Sensitive plants that will be destroyed 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 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) 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

(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 to ensure compliance. The U.S. 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.

(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.

~~(A) Buffer zones shall be undisturbed unless it has been shown that there are no practicable alternatives pursuant to MCC 38.7055 (F) (1), substituting the name of the resource as appropriate. New developments and uses may only be allowed in the buffer zone upon demonstration in the natural resources mitigation plan required by MCC 38.7075 (B) (6) that there would be no adverse effects.~~

~~(B) The applicant's site plan shall include the following additional information to facilitate evaluation for compliance with minimum natural resource protection standards:~~

~~(1) Location of the following sites and areas. The Forest Service will provide this information to the applicant:~~

~~(a) Sites of sensitive wildlife and sensitive plant species.~~

~~(b) Location of riparian and wetland areas. The exact location of the wetland boundaries shall be delineated using the procedures specified in the *Federal Manual for Identifying and Delineating Jurisdictional Wetlands* (Federal Interagency Committee for Wetland Delineation, 1989).~~

~~(2) A description or illustration showing the mitigation measures to control soil erosion and stream sedimentation.~~

~~(3) Site plans shall be submitted to the Forest Service, and the Oregon Department of Fish and Wildlife. The site plan shall be reviewed by the Forest Service in consultation with the appropriate state or federal agency and reviewed and approved by the Planning Director if appropriate.~~

~~(4) Review of the site plan shall consider the following:~~

- ~~(a) Biology and habitat requirements of the flora or fauna of concern.~~
- ~~(b) Historic, current, and proposed uses in the vicinity of sensitive species, including cumulative effects.~~
- ~~(c) Existing condition of the site and the surrounding habitat and the useful life of the site.~~
- ~~(d) Physical characteristics of the subject parcel and vicinity, including topography, vegetation, and soil and hydrological characteristics.~~
- ~~(e) Minimum natural resource protection standards including buffer zones.~~
- ~~(f) Closure of forest practice roads necessary to protect natural resources.~~
- ~~(g) Comments from state and federal agencies.~~

~~(5) Minimum natural resource protection standards include:~~

~~(a) Sites of sensitive wildlife and sensitive plant species:~~

- ~~1. A 200 foot buffer zone shall be created for sensitive plant species.~~
- ~~2. A buffer zone for sites of sensitive wildlife species, such as nesting, roosting and perching sites, as defined by species requirements shall be as determined by the Forest Service biologist in consultation with other state or federal agency biologists.~~

~~(b) Riparian, Wetlands, Parks, and Lakes:~~

- ~~1. Adding any fill or draining of wetlands is prohibited.~~
- ~~2. A minimum 200 foot buffer zone shall be created on the landward side of each wetland, pond or lake; or a wider variance from this requirement shall be determined during the site plan analysis of the wetland or riparian area and those species inhabiting the area as determined by the Forest Service biologist in consultation with state and/or federal agencies;~~
- ~~3. A 200 foot buffer zone shall be created along each fish bearing and perennial stream.~~
- ~~4. A 50 foot buffer zone shall be created along intermittent streams.~~



~~5. Revegetation shall use only species native to the Columbia River Gorge, and shall provide and maintain habitat diversity beneficial to the fish, wildlife and native plants.~~

~~6. Maintenance, repair, reconstruction and realignment of roads and railroads within their rights of way shall be exempted from the wetlands and riparian standards upon demonstration of the following:~~

~~a. The wetland within the right of way is a drainage ditch not part of a larger wetland outside of the right of way;~~

~~b. The wetland is not critical habitat; and~~

~~c. Proposed activities within the right of way would not adversely affect a wetland adjacent to the right of way.~~

~~7. There shall be no destruction of wetlands except within roads and railroad rights of way as provided in subsection 8 below. There shall be no destruction of riparian areas except for water dependent uses, such as boat ramps, and road construction and reconstruction. Above stated exceptions to riparian destruction policy shall meet minimum natural resource protection standards and be reviewed for meeting resource protection guidelines.~~

~~8. The exact location of wetlands boundaries shall be delineated using the procedures specified in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands *Federal Interagency Committee for Wetland Delineation, 1989*. Changes to this Federal manual would not apply to the Scenic Area unless the National Scenic Area Management Plan has been amended. The approximate location and extent of wetlands in the National Scenic Area is shown on the National Wetlands Inventory (U.S. Fish and Wildlife Service, 1987).~~

~~(c) Fish and Wildlife Habitat:~~

~~1. Structures such as bridges, culverts, and utility corridors shall be designed so as not to impede the passage of fish and wildlife.~~

~~2. New developments and uses shall not interfere with fish passage.~~

~~3. Filling of shallow water fishery habitat shall be allowed only after an analysis showing that no other practicable sites exist. Filling shall only be considered for water dependent uses and mitigation shall be required.~~

~~4. New developments and uses shall occur during periods when fish and wildlife are least sensitive to activities. This would include, among others, nesting and brooding periods (from nest building to fledgling of young), and those periods specified in *Oregon Guidelines for Timing of In-Water Work to Protect Fish and Wildlife Resources* (Oregon Dept. of Fish and Wildlife).~~

~~5. In areas of big game winter range adequate thermal cover shall be maintained as determined by the appropriate state wildlife agency.~~

6. Forest practices shall maintain the following:

a. ~~Six live trees per acre, three of which shall be of the largest tree size available and three of which shall be of various sizes to provide replacements as snags and wildlife trees; and three dead trees per acre, of the largest tree size available; and three down trees per acre in the largest tree size available. All trees shall be unburned.~~

~~In areas with mixed oak and conifer stands, at least one of the three dead trees per acre shall be an oak snag of the largest tree size and one additional live conifer per acre of 16 inch dbh (diameter at breast height) or greater, preferably with limbs down to the ground, shall be maintained.~~

b. ~~Snags and wildlife trees shall be maintained either as clumps or evenly distributed over the forest practice area.~~

c. ~~Down logs shall be relatively solid and no area greater than two acres in size and capable of supporting forested conditions shall be without a minimum of two down logs.~~

(d) ~~Bio-diversity:~~

1. ~~New uses shall avoid disturbance to old-growth forests.~~

2. ~~Forest practices shall maintain species composition at existing proportions in the activity area.~~

3. ~~Forest practices in areas with existing oak species, shall maintain a minimum of 25 square feet basal area per acre of oak in areas with predominantly oak trees of one foot dbh or more, or maintain a minimum forty percent oak canopy cover per 40 acres in which 10 trees per acre must be of the largest tree size, in areas with predominantly oak trees less than one foot dbh. No area greater than 10 acres in size and supporting existing oak species, shall be devoid of oak trees.~~

4. ~~Maintain a mix in age and size of hardwoods in order to provide for vertical diversity and replacement.~~

5. ~~For revegetation purposes, only plants species native to the Columbia River Gorge shall be encouraged.~~

(e) ~~Soil productivity:~~

1. ~~New developments and land uses shall control all soil movement within the area shown on the site plan.~~

2. ~~The soil area disturbed by new development or land uses shall not exceed 15 percent of the project area.~~

~~3. Within one 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.~~

~~4. Forest practices shall maintain the following:~~

~~a. Soil organic matter shall be provided at a minimum of 15 tons per acre and 25 tons per acre of dead and down woody material in the east and west side vegetation communities respectively.~~

~~b. Potential ground disturbance activities shall be designed to minimize disturbance to the soil organic horizon.~~

~~(f) Air and water quality:~~

~~1. Streambank and shoreline stability shall be maintained or restored with natural revegetation.~~

~~2. All new developments shall be carried out to comply with state water quality requirements.~~

~~3. Existing levels of air visibility shall not be degraded. The Scenic Area shall be suited for designation as a Class 1 airshed.~~

~~4. County, state and federal regulations for air and water quality and for pesticide use shall be followed.~~

~~(6) The applicant shall develop a natural resource mitigation plan for all new developments or uses proposed within a buffer zone. The applicant's mitigation plan shall:~~

~~(a) Include existing natural and cultural features.~~

~~(b) Include proposed actions within and adjacent to the buffer zone.~~

~~(c) Include mitigation measures as necessary to comply with the minimum natural resource protection standards and protect natural resources from adverse effects.~~

~~(d) Be prepared by a natural resource specialist as defined.~~

~~(e) Demonstrate mitigation measures which would offset the adverse effects of the proposed new use or developments and which would ensure protection, long term viability, and function of the resource being protected by the buffer zone.~~

~~(7) The natural resource mitigation plan shall be reviewed to ensure the proposed mitigation is adequate and for compliance with minimum natural resource protection standards by the Forest Service in consultation with appropriate state or federal agencies and reviewed and approved by the Planning Director if appropriate.~~

**Section 75. § 38.7085 is amended as follows:**

**38.7085 SMA Recreation Resource Review Criteria**

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

\* \* \*

(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:

\* \* \*

(d) The proposed use is consistent with the goals, objectives, and policies in this chapter the Management Plan, Part I, Chapter 4.

\* \* \*

(g) Mass transportation has been considered and implemented, if feasible will be utilized to the maximum feasible extent to relieve parking demand.

~~(8) Accommodation of facilities for mass transportation (bus parking, etc.) shall be required for all new high-intensity (Recreation Intensity Class 3 or 4) day-use recreation sites, except for sites predominantly devoted to boat access.~~

(98) New interpretive or education programs and/or facilities shall follow recommendations of the *Interpretive Strategy for the Columbia River Gorge National Scenic Area.*

(409) Proposals to change the Recreation Intensity Class of an area to a different class shall require a Plan Amendment pursuant to MCC 38.0100.

(4410) 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 are designed to protect recreation resources by limiting land development and land uses.

\* \* \*

(3) Intensity Class 3

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.

\* \* \*

(c) Accommodation of facilities for mass transportation (bus parking, etc.) shall be required for all new (Recreation Intensity Class 3) day-use recreation sites, except for sites predominantly devoted to boat access.

(ed) All uses permitted in Classes 1 and 2 are permitted in Class 3. The following uses may also be permitted:

\* \* \*

(4) Intensity Class 4

Emphasis is for providing roaded natural, rural, and suburban recreation opportunities with a high level of social interaction.

(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, except for sites predominantly devoted to boat races.

(ed) All uses permitted in Classes 1, 2, and 3 are permitted in Class 4.

**Section 76.     § 38.7090 is amended as follows:**

**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.

\* \* \*

(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.

\* \* \*

(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.

\* \* \*

(c) Notification shall be furnished to the Planning Director, or the U.S. Forest Service for federal agency actions.

\* \* \*

(2) Upon notification of an emergency/disaster response action, the Planning Director or the U.S. Forest Service shall, as soon as possible:

\* \* \*

(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.

\* \* \*

(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

\* \* \*

(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 either comply with the following standards:

1. The spoil materials shall either be:

a. Removed from the NSA or

b. dDeposited at a site within the NSA where such deposition is, or can be, allowed, or

2-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 38.070(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 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, or

b. Deposited at a site within the NSA 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.

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, which ever 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 Tribal treaty rights.

(b) The U.S. ~~DA~~ 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. ~~DA~~ Forest Service and comply with the standards of MCC 38.7045 (D) (1) and (D)(2)(c).

\* \* \*

(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) and (G).

(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) and (K).

\* \* \*

## (3) Natural Resources

\* \* \*

(b) Buffer zones for wetlands, streams, ponds, riparian areas, sensitive wildlife sites or areas, and sites containing rare plants, shall be the same as those established in MCC .7060(F).

1. *Wetlands, Streams, Ponds, Lakes, Riparian Areas*

\* \* \*

e. Unless addressed through d. above, mitigation and restoration efforts shall be delineated in a Rehabilitation Plan. Rehabilitation Plans shall satisfy the standards of MCC .7060~~(G)~~(1) and (2). Rehabilitation Plans shall also satisfy the following:

\* \* \*

2. *Wildlife Habitat*

\* \* \*



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 (~~DC~~) (1) and (2). The department shall respond within 15 days of the date the application is mailed.

\* \* \*

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 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 site, the project applicant shall prepare a Wildlife Management Plan. Wildlife Management Plans shall satisfy the standards of MCC .7065(~~ED~~). Upon completion of the Wildlife Management Plan, the Planning Director shall:

\* \* \*

### 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 (~~FE~~).

### 4. *Rare Plants*

\* \* \*

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, that meets the standards of MCC 38.7070 (~~ED~~).

\* \* \*

## **Section 77.    § 38.7100 is added as follows:**

### **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) 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 shall be included as a condition of approval. This guideline shall not apply to additions, which may match the color of existing buildings.

(c) Structures topographically visible from key viewing areas shall use low or non-reflective building materials, including roofing, gutters, vents, and chimneys.

(d) Outdoor lights shall be directed downward and sited, hooded, and shielded such that they are not highly visible from key viewing areas. 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 subordination, 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 Cultural Resources Reconnaissance Survey Criteria in MCC 38.7045(A)(1), (2), and (3) 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) Wetlands, Streams, Rivers, Ponds, and Lakes

The development is outside 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 Plants

1. The development meets one of the following:

a. The development is at least 1,000 feet from known sensitive wildlife areas or sites (excluding sensitive aquatic species, deer winter range, and turkey habitat) and known sensitive 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 sensitive wildlife areas or sites (excluding sensitive aquatic species, deer winter range and turkey habitat), but an appropriate federal or state wildlife agency determines

1) the sensitive wildlife area or site is not active; or

2) the proposed development would not compromise the integrity of the wildlife area or site or occur during the time of the year when wildlife species are sensitive to disturbance.

For sensitive plants, the development is within 1,000 feet of known sensitive plants, but the Oregon 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 plants.

2. Development eligible for expedited review shall be exempt from the field surveys for sensitive wildlife in MCC 38.7065 (A) or sensitive 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 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.

## Part 7 – Special Uses

### Section 78.    § 38.7300\* is added as follows:

#### **38.7300\* PART 7 – SPECIAL USES – Approval Criteria and Submittal Requirements**

### Section 79.    § 38.0075 is renumbered and amended as follows:

#### **~~38.0075~~ 7300 Approval Criteria For 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 38.0085.

##### **(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 38.0085.

(D) Commercial

(1) The proposal is limited to 5,000 square feet of floor area per building or use; 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.

**Section 80. § 38.0085 is renumbered and amended as follows:**

**38.0085-7305 Approval Criteria for Fire Protection in Forest Zones**

(A) All buildings shall be surrounded by a maintained fuel break of ~~60~~ 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.

(B) Buildings with plumbed water systems shall install at least one standpipe a minimum of 50 feet from the structure.

(C) 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 shall be separate from the dwelling.

(D) 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. 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) 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) Telephone and power supply systems shall be underground whenever possible.

(G) Roofs of structures should be constructed of fire-resistant materials such as metal, fiberglass shingle or tile. Roof materials such as cedar shake and shingle should not be used.

(H) Any chimney or stovepipe on any structure for use with a woodstove or fireplace should be screened with no coarser than 1¼ inch mesh metal screen that is noncombustible and corrosion resistant and should be equipped with a spark arrestor.

(I) All structural projections such as balconies, decks and roof gables should be built with fire resistant materials equivalent to that specified in the Uniform Building Code.

(J) Attic openings, soffit vents, foundation louvers or other ventilation openings on dwellings and accessory structures should be screened with no coarser than 1¼ inch mesh metal screen that is noncombustible and corrosion resistant.

**Section 81.     § 38.0090 is renumbered and amended as follows:**

**38.0090-7310 Approval Criteria for Specific Uses**

Uses identified in MCC 38.2025 (A) (~~4~~17); MCC 38.2030 (A) (5), (6) and (7); 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 38.00857305.

**Section 82.     § 38.0095 is renumbered and amended as follows:**

**38.0095 ~~7315~~ Approval Criteria for Siting of Dwellings 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 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.

**Section 83.     § 38.7320 is added as follows:**

**38.7320 Temporary Health Hardship Dwelling**

Temporary Health Hardship Dwelling – the temporary placement of a mobile home may be granted when:

(A) A family hardship exists where conditions relate to the necessary care for a 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 standards for protection of scenic, cultural, natural and recreation resources of MCC 38.7000 through 38.7085.

(D) 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.

(E) Upon expiration of the permit or cessation of the hardship, whichever comes first, the mobile home shall be removed within 30 days.

(F) A new permit may be granted upon a finding that a family hardship continues to exist.

**Section 84.     § 38.7325 is added as follows:**

**38.7325 Private Docks and Boathouses**

New docks 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 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 be limited to a maximum of 200 square feet in size.

(C) Public docks open and available for public use shall 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.

**Section 85.     § 38.7330 is added as follows:**

**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 employ only residents of the home.

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

(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.

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

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

(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.



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

(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.

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

(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.

**Section 86.     § 38.7335 is added as follows:**

**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.

**Section 87.     § 38.7340 is added as follows:**

**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).

**Section 88.     § 38.7345 is added as follows:**

**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.

(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 from key viewing areas and a reclamation plan that 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-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.

**Section 89.     § 38.7350 is added as follows:**

**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 production and/or development of mineral resources in the GMA, including, but not limited to:

(1) A reclamation plan that includes:

(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 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 sensitive wildlife areas or sites and sensitive 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 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 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 Scenic Area or inside an Urban 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 Scenic Area and inside an Urban Area.

(C) Scenic Resource Standards. Disposal sites shall comply with the same scenic resources protection standards as expansion of existing quarries and production and/or development of mineral resources in the GMA, including, but not limited to:

(1) Sites more than 3 miles from the nearest key viewing area shall be visually subordinate as seen from any key viewing area, according to MCC 38.7035 (B) (25).

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 3 miles from the nearest key viewing area shall be fully screened from any key viewing area, according to MCC 38.7035 (B) (26).

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 landforms and vegetation patterns to the maximum extent practicable.

**Section 90.     § 38.0070 is renumbered and amended as follows:**

**38.0070-7355 Approval Criteria for Life Estates**

A landowner who sells or otherwise transfers real property on lands designated GGA or GGF 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 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- 20, 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 ~~38.0085-7305~~ and ~~38.0095-7315~~. 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.

(C) Upon termination of the life estate, either the original or second dwelling shall be removed.

**Section 91.     § 38.7360 is added as follows:**

**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.

(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 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.

**Section 92.     § 38.7365 is added as follows:**

**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.

**Section 93.     § 38.7370 is added as follows:**

**38.7365 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 VOO 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.

(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 why a deviation from the snag and down wood requirements is required.

DESIRED FOREST STRUCTURE AND PATTERN

<u>1</u>	<u>2</u>	<u>3</u>		<u>4</u>		<u>5</u>	<u>6</u>	<u>7</u>
<u>Vegetation Type<sup>#</sup></u>	<u>Forest Structure (Average % total canopy closure (cc))<sup>*</sup></u>	<u>Typical Forest Opening s Size Disturbance caused</u>		<u>Percent Openings at One Time</u>		<u>Leave Trees</u>	<u>Average Down Wood</u>	<u>Average Snags</u>
		<u>Historic (Natural) Desired</u>		<u>Historic (Natural) Desired</u>		<u>Includes all available remnant old forest</u>	<u>Pieces 30 ft long per acre (scattered )</u>	<u>(Conifers) No. per acre</u> <u>Snags are 20-40 ft in height</u>
<u>West Conifer</u>	<u>60-80% canopy closure</u>  <u>Understory layer variable (0-60% of total cc)</u>	<u>Variabl e sizes with mosaic pattern, irregular shapes</u>  <u>Mosaic fire 1- 100acres</u>  <u>Catastro -phic fire over 100 acres</u>	<u>Retain forested character</u> <u>Allow openings up to 15 acres (up to 5 acres in the foreground of KVAs)</u>  <u>All openings 1 acre or less on National Forest land and all Open Space LUD</u>  <u>Openings retain 15 - 40 % canopy closure</u>	<u>10%(mosaic fire) up to 55%(catastro-phic fire)</u>  <u>Intense fire return interval is 300 yrs</u>	<u>Not to exceed 8% for West Coniferous Woodland Landscape Setting and not to exceed 4% for Gorge Walls, Canyonlands and Wildlands Landscape Setting</u>  <u>Widely dispersed, variable sized mosaic of irregular shapes blending with existing openings.</u>	<u>Leave 15% of existing trees per acre throughout opening and in clumps.</u>  <u>Include 3 trees per acre of the largest size trees available</u>	<u>18 - 25 pieces greater than 20" dbh</u>	<u>10 snags at 10" -20" dbh, and 7 snags greater than 20" dbh</u>

**DESIRED FOREST STRUCTURE AND PATTERN**

<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>
<u>East</u> <u>Conifer</u> <u>(Ponder</u> <u>osa</u> <u>Pine/</u> <u>Douglas</u> <u>fir)</u>	<u>40-80%</u> <u>canopy</u> <u>closure</u>  <u>Understo</u> <u>ry layer</u> <u>less than</u> <u>25% of</u> <u>total cc</u>	<u>Few</u> <u>Openin</u> <u>gs due</u> <u>to low</u> <u>intensit</u> <u>y fires.</u> <u>¼ to 2</u> <u>acres</u>	<u>Openings</u> <u>less than 1</u> <u>acre</u>  <u>Openings</u> <u>have 0 -</u> <u>40%</u> <u>canopy</u> <u>closure</u>  <u>Openings</u> <u>widely</u> <u>dispersed</u>	<u>1 - 10%</u>  <u>(% by</u> <u>vegetation</u> <u>type)</u>	<u>No leave</u> <u>trees</u> <u>required</u>	<u>3 - 6</u> <u>pieces</u> <u>greater</u> <u>than 20"</u> <u>dbh</u>  <u>5 snags at</u> <u>10"-20"</u> <u>dbh and 3</u> <u>snags</u> <u>greater</u> <u>than 20"</u> <u>dbh</u>

# Map available at the U.S. Forest Service National Scenic Area Office

\* Does not apply to openings.

Dbh: Diameter at Breast Height

**Section 94.     § 38.7375 is added as follows:**

**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 how a deviation from the applicable provisions may better achieve forest health objectives.

(4) Give a clear explanation how and why the proposed activities will lead 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.

### **Part 8 – Variances And Land Divisions**

**Section 95.     § 38.7600\* is amended as follows:**

**38.7600\* PART 8 – VARIANCES AND LAND DIVISIONS - Variances**

**Section 96.     § 38.7605 is amended as follows:**

**38.7605 Variance Classification**

\* \* \*

(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.

**Section 97.     § 38.7705 is amended as follows:**

**38.7705 Definitions**

As used in this ~~C~~subchapter, unless the context requires otherwise:

\* \* \*

**Section 98.     § 38.7725 is amended as follows:**

**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.

(AB) 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.

(BC) 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.

(CD) 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.

**Section 99.     § 38.7730 is added as follows:**

**38.7730 Consolidation of Unplatted Properties**

Lots or parcels created by deed for which a corresponding plat is not recorded may be consolidated by subsequently recording a deed. A subsequently recorded deed that describes two or more unplatted lots or parcels as a single unit of land shall have the effect of vacating the lines separating the properties and consolidating the described real properties into a single parcel, as provided in ORS 92.017.

**Section 100.   § 38.7740 is added as follows:**

**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.

**Section 101.   § 38.7765 is amended as follows:**

**38.7765 Land Division Categories Distinguished**

For the purposes of this Chapter, the land division classifications listed in sections 38.7770 through 38.7780-7775 are established.

**Section 102. § 38.7870 is amended as follows:**

**38.7870 Time Limit**

The final subdivision plat or final partition plat shall be delivered to the Planning Director for approval within ~~one~~ 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.

**Section 103. § 38.7970 is amended as follows:**

**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), (e), (f), and (g) above.

(3) Lot line adjustments for parcels designated Commercial shall comply with provisions (A)(1)(a), (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), (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 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 resource protection provisions, including, but not limited to requirements for buffer zones and landscaping.

~~(A) A property line adjustment is the relocation of a common property line between two abutting properties.~~

~~(B) The Planning Director may approve a property line adjustment between two properties in accordance with MCC 38.0040 (A) (1) (c).~~

~~(C) Property line adjustments shall meet the following additional standards:~~

~~(1) Owners of both properties involved in the property line adjustment shall consent in writing to the proposed adjustment and record a conveyance or conveyances conforming to the approved property line adjustment; and~~

~~(2) The adjusted properties shall meet all dimensional requirements in the underlying zoning district designation except for lot area.~~



~~(3) The right of way width between the front line of each adjusted property and the centerline of any adjacent County road shall comply with the applicable provisions of the Street Standards Code and Rules as determined by the County Engineer.~~

~~(D) The procedure and forms for obtaining approval of a property line adjustment shall be as provided for by the Planning Director.~~

**Section 104.** The amendments to Chapter 38, Columbia River Gorge National Scenic Area, will be effective when the Bi-State Gorge Commission and United States Secretary of Agriculture have acknowledged that the amendments are consistent with the Management Plan and Act.

FIRST READING:

\_\_\_\_\_  
June 16, 2005

SECOND READING AND ADOPTION:

\_\_\_\_\_  
June 23, 2005

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

\_\_\_\_\_  
Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By *Sandra N. Duffy*  
Sandra N. Duffy, Assistant County Attorney



## MULTNOMAH COUNTY OREGON

**BOARD OF COUNTY COMMISSIONERS**  
**501 SE HAWTHORNE, SUITE 600**  
**PORTLAND, OREGON 97214**  
**(503) 988-3308**

**DIANE M. LINN • CHAIR**  
**MARIA ROJO DE STEFFEY • DISTRICT 1**  
**SERENA CRUZ • DISTRICT 2**  
**LISA NAITO • DISTRICT 3**  
**LONNIE ROBERTS • DISTRICT 4**

---

October 21, 2004

Anne W. Squier, Chair  
Columbia River Gorge Commission  
P.O. Box 730  
#1 Town and Country Square  
White Salmon, WA 98672

Dear Ms. Squier:

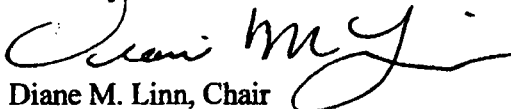
On behalf of the Multnomah County Board of Commissioners, I would like to acknowledge receipt of your September 8, 2004 transmittal of the revised Management Plan for the Columbia River Gorge National Scenic Area and wish to inform the Gorge Commission of our intent to adopt a land use ordinance consistent with this Plan.

In your cover letter, you advise county governments to proceed notwithstanding litigation challenging the revised Management Plan. While we appreciate your recognition of the risk it poses to local governments and offer to keep us informed as the litigation unfolds, we do not believe it a wise use of resources or fair to our citizens to initiate a legislative process over land use matters that might be overturned or amended as a result of this litigation. Specifically, we have asked our staff to take an approach to implementation that does not incorporate the new land use rules for commercial events, fish processing, and revisions to scenic guidelines designed to replace the existing requirement that development "minimize visibility" as viewed from significant scenic vantage points. Each is specifically cited in the litigation, and we believe the most prudent course of action at this point is to be more protective of resources in the gorge until these legal challenges are resolved.

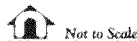
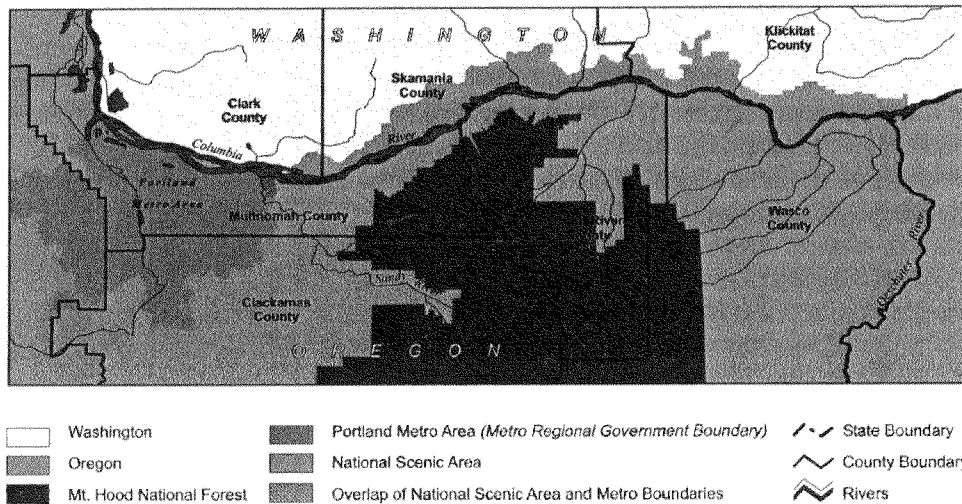
You have asked for a work plan and schedule for adoption to assist in coordinating with our staff on the status of the litigation prior to critical decision making dates. At this time, I can provide only general timeframes, with Planning Commission hearings likely to occur in early March and April of 2005 followed by hearings before the Board of Commissioners in mid May and early June. I expect we will have a more specific schedule in the upcoming weeks, as we proceed with implementation, and will ask our staff to provide you with this information as it becomes available.

Thank you for your time and consideration.

Sincerely,

  
Diane M. Linn, Chair

## 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 190<sup>th</sup> Avenue**  
**Portland, Oregon**

*Prepared by:*  
**David Evans and Associates, Inc.**  
**2100 SW River Parkway**  
**Portland, Oregon**

*Financed in part by:*  
**Oregon Department of**  
**Land Conservation & Development**

**June 2005**

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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.

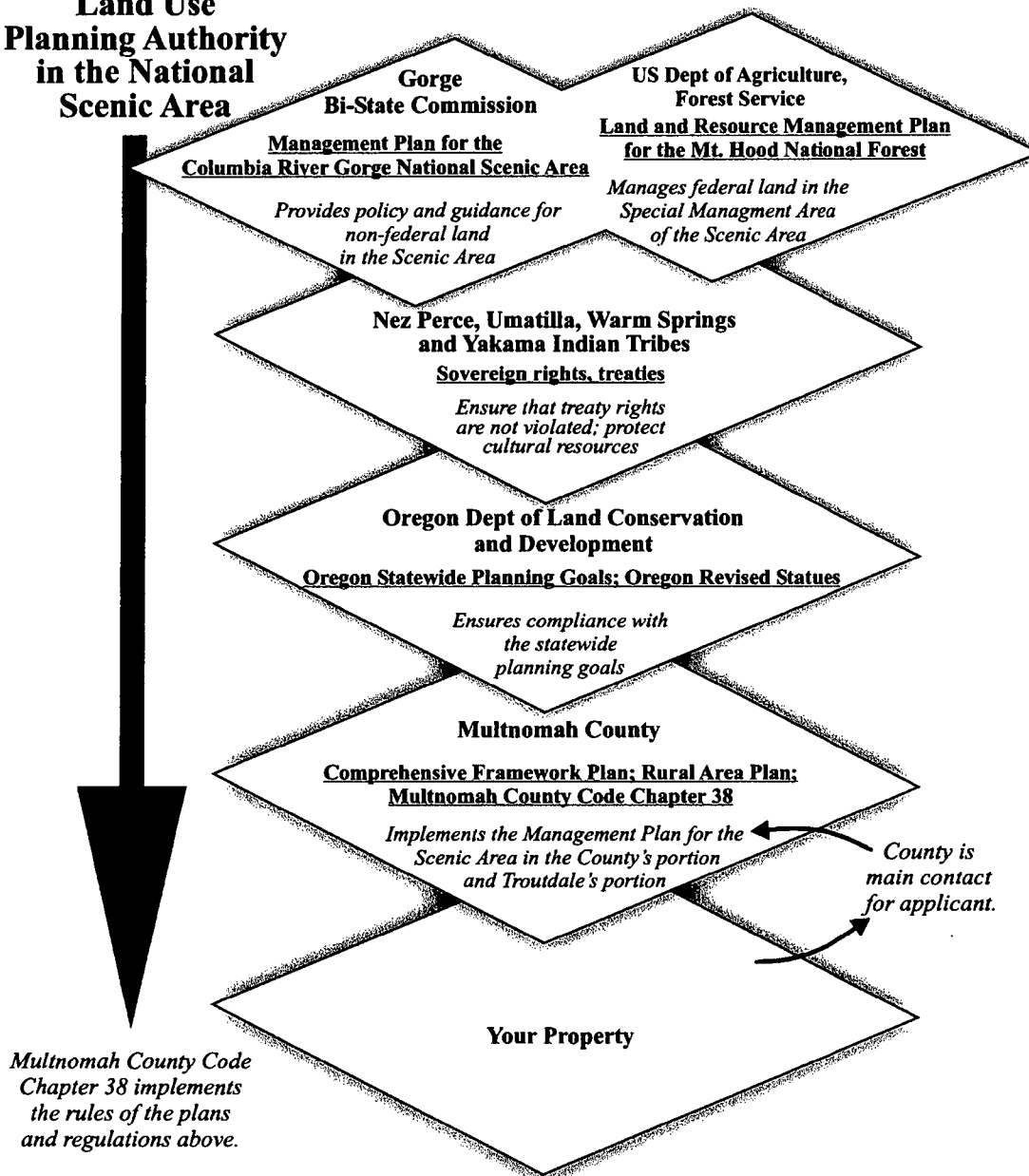
This Rural Area Plan for the Columbia River Gorge National Scenic Area ("Scenic Area") explains how Multnomah County conducts land use planning in the portion of the Scenic Area within the County. The Scenic Area covers 85 miles along the Columbia River, including portions of Multnomah, Hood River, and 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 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.

**Land Use  
Planning Authority  
in the National  
Scenic Area**



#### 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. 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. 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) and 9 months to update its plans and ordinances. 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 at a public hearing on May 2, 2005. The Multnomah County Board of Commissioners considered the Rural Area Plan at a public hearing on June 16, 2005.

### **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 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 legally protected sovereign and treaty 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. 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 tribe.*

**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: 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 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, Umatilla, Warm Springs, and Yakama Indian tribes.

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 county 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**

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 plan is required. 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 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 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 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 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 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.*



## MULTNOMAH COUNTY OREGON

**BOARD OF COUNTY COMMISSIONERS  
501 SE HAWTHORNE, SUITE 600  
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(503) 988-3308**

**DIANE M. LINN • CHAIR  
MARIA ROJO DE STEFFEY • DISTRICT 1  
SERENA CRUZ • DISTRICT 2  
LISA NAITO • DISTRICT 3  
LONNIE ROBERTS • DISTRICT 4**

October 21, 2004

Anne W. Squier, Chair  
Columbia River Gorge Commission  
P.O. Box 730  
#1 Town and Country Square  
White Salmon, WA 98672

Dear Ms. Squier:

On behalf of the Multnomah County Board of Commissioners, I would like to acknowledge receipt of your September 8, 2004 transmittal of the revised Management Plan for the Columbia River Gorge National Scenic Area and wish to inform the Gorge Commission of our intent to adopt a land use ordinance consistent with this Plan.

In your cover letter, you advise county governments to proceed notwithstanding litigation challenging the revised Management Plan. While we appreciate your recognition of the risk it poses to local governments and offer to keep us informed as the litigation unfolds, we do not believe it a wise use of resources or fair to our citizens to initiate a legislative process over land use matters that might be overturned or amended as a result of this litigation. Specifically, we have asked our staff to take an approach to implementation that does not incorporate the new land use rules for commercial events, fish processing, and revisions to scenic guidelines designed to replace the existing requirement that development "minimize visibility" as viewed from significant scenic vantage points. Each is specifically cited in the litigation, and we believe the most prudent course of action at this point is to be more protective of resources in the gorge until these legal challenges are resolved.

You have asked for a work plan and schedule for adoption to assist in coordinating with our staff on the status of the litigation prior to critical decision making dates. At this time, I can provide only general timeframes, with Planning Commission hearings likely to occur in early March and April of 2005 followed by hearings before the Board of Commissioners in mid May and early June. I expect we will have a more specific schedule in the upcoming weeks, as we proceed with implementation, and will ask our staff to provide you with this information as it becomes available.

Thank you for your time and consideration.

Sincerely,

  
Diane M. Linn, Chair

EXHIBIT

A1

## **Multnomah County National Scenic Area Compliance Project**

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### **Citizen Involvement Process**

Multnomah County values public involvement and input. In that spirit, the County sought volunteers for a Citizen Advisory Committee (CAC) to assist staff by providing feedback on how the County should implement the changes in the revised Management Plan and improve its processes and handouts to better serve the public. Those interested in volunteering were asked to fill out the interest form and return it to the County Public Affairs Office by December 22, 2004. Twelve applications were received and 10 members chosen.

#### **Citizen Advisory Committee**

Jeff Bissonnette	Rhett Lawrence
Isabella Chappell	Robert Leipper
Claudia Curran	Eric Lichtenthaler
Sara Grigsby	Lex Loeb
Clair Klock	Angelo Simone

CAC members were not asked to vote on a final recommendation. The CAC was a forum for all voices to be heard and consensus was not sought. Members agreed to have comments and issues attributed and tracked where applicable. These were recorded in an Issue Bin and Comment Sheet. This provided a means of moving appropriate comments and issues forward to the Planning Commission and a means of demonstrating to the CAC what happened to their comments.

Five CAC meetings were held. The table on the following page shows the dates the meetings were held and what was discussed at each meeting. Meeting summaries are available on request. CAC efforts contributed to the continuing success of the County implementation project, including the changes to the County code and the creation of the informational handouts. The County recognizes the participation and input of the CAC members.

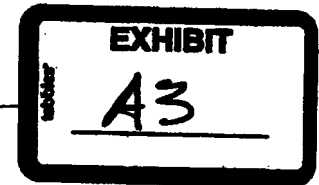


## Multnomah County National Scenic Area Compliance Project

### Schedule and Topics for CAC Meetings

MTG #	Code section to be reviewed	What will we be discussing?	How much flexibility does the County have in changing the Master Plan revisions in the County Code?
#1 1/27	Definitions  MCC Part 4: Zoning Districts	<ul style="list-style-type: none"> <li>Reviewed new or amended definitions to introduce the CAC members to concepts and terminology that was used through the rest of the process.</li> <li>Reviewed amended or new uses that the Master Plan adopted and discussed how they should be incorporated into the County code.</li> </ul>	The County has little flexibility to make changes to the definitions and descriptions of new uses. The County can clarify terms or choose to be more restrictive in terms of when and where uses are allowed and the level of review required.
#2 2/10	MCC Part 3: Administration and Procedures	<ul style="list-style-type: none"> <li>This part of the code deals with the process of reviewing land use applications in the NSA.</li> <li>The CAC looked at proposed process, criteria for approval, and findings that need to be made to approve applications under the new Expedited Review process.</li> </ul>	The County has more latitude to set up the Expedited Review processes. The Master Plan revisions adopted requirements for what information needs to be submitted with an application and a basic general process only.
#3 2/24	MCC Part 1: General Provisions MCC Part 6: Site Review	<ul style="list-style-type: none"> <li>This code section will contain the list of allowed and expedited uses discussed at meeting #1, rules for existing uses, permit expiration, vested rights, additional uses not previously discussed, signs, and approval criteria.</li> <li>This discussion involved the site review process and criteria for approval.</li> </ul>	The County must adopt the provisions of the Master Plan as-is unless there is sufficient justification to either not adopt, or to make changes that are demonstrably more restrictive than the Master Plan.
#4 3/10	Rural Area Plan Policy Document MCC Part 5: Special Districts, Parking, Planned Development, Hillside Development	<ul style="list-style-type: none"> <li>The Rural Area Plan policy document defines the relationships between the County's authority in the NSA and the other plans and agencies with jurisdiction. Because this will deal with activities in the NSA not covered by the Master Plan, it makes sense to discuss issues like variances and land divisions here.</li> </ul>	The County has considerable flexibility because many of these concepts are not specifically referenced in the Master Plan.
#5 3/24	Informational Materials	<ul style="list-style-type: none"> <li>This meeting dealt with the materials developed to explain the County's process for reviewing and approving land use applications in the NSA.</li> </ul>	Total flexibility.

**Multnomah County National Scenic Area Compliance Project**  
**Issue Bin Items and Comments**



	When	Topic	Submitted by	Staff Feedback	Following actions	Resolution
1	CAC mtg #1	Having input from people who have been through the permitting process. At CAC mtg #2, Claudia noted that some CAC members have been through the process and may not need testimonials from public Bob L noted that staff responsibility to tell Gorge Commission what is not working Isabella C suggested contacting previous applicants Eric L suggested a score sheet like the one staff used	Multiple CAC members January 27, 2005	Will create a survey that members can provide to neighbors to fill out and return Workshop will provide feedback County will use survey with walk-in traffic to get feedback Could use public workshop to get input, pose the question: is this resolving your issues with the process? Could have CAC members solicit input, or have a station specifically addressing the issue	Consultant team and staff working on logistics for the survey. Unlikely that, given time constraints, a mail survey will be possible. Team will rely on feedback from the 2 <sup>nd</sup> Open House. CAC members have provided valuable input that has been incorporated where possible into the process.	Propose informational materials for adoption that better assist applicants in understanding and complying with the regulations and get feedback from public at March 30, 2005 workshop.
2	CAC mtg #1	Degree of change required for historic or older structures that may not match their character	Angelo Simone January 27, 2005	Likely an opportunity to revisit this under site review/cultural resources Building code requirements are outside the scope of scenic area review	Management Plan requires historic survey for buildings that are more than 50 years old. This was not changed. USFS archaeologist and SHPO review.	Existing process ensures that changes to historic structures do not compromise its character.
3	CAC mtg #1	Consider addressing the punitive atmosphere of code compliance	Lex Loeb January 27, 2005	Important to keep in mind the burden the process places on the applicant as we move through the code	Part of this project is to develop informational materials and an Expedited Review process with the goal of improving applicants' experience in moving through the processes.	Proposed Expedited Review Process and informational materials for adoption that better assist the public in understanding and complying with the regulations.

Note: Issue bin item and comment numbers are not sequential because they are arranged by topic.

**Multnomah County National Scenic Area Compliance Project**  
**Issue Bin Items and Comments**

	When	Topic	Submitted by	Staff Feedback	Following actions	Resolution
4	CAC mtg #1	Consider compensation for costs of complying with the code requirements	Lex Loeb January 27, 2005 Bob Leipper, Email to Derrick Tokos, January 31, 2005	Important to understand that while compliance creates cost burdens on applicants, properties also derive additional value from regulations by being protected from heavy development impacts All jurisdictions have varying degrees of regulations and cost burdens Tax assessment, compensation, application fees are not within the scope of this project	The request is not within the scope of this project.	No further action other than to include comments in this document.
5	CAC mtg #1	Color treatments for small accessory structures: can we consider implementing them? Consistency would be better achieved by property owners knowing <u>exactly</u> what is allowed or not allowed.	Multiple CAC members January 27, 2005  Bob Leipper from email to Derrick Tokos and Gillian Zacharias, February 24, 2005	Standards for these, and other allowed uses, can be established without requiring scenic review, but then compliance becomes a code enforcement issue	The proposed code revisions note that many CAC members were in favor of numeric limits and color requirements for accessory structures.	These points have been included as options for the PC to review.
6	CAC mtg #1	Can we have staff's input on problems with the process?	Multiple CAC members January 27, 2005	Staff conducted a brain-storming session on issues with the code	Notes from staff brain-storming session are included with Mtg #2 packet.	No further action needed.
7	Correspondence	Consistency in application of the code requirements by planning staff: can this be a topic for CAC?	Bob Leipper Email to Derrick Tokos, January 31, 2005	Consistency results from a number of factors. Problems in consistent application of the code because it is unintentionally ambiguous are within the scope of the CAC to address. It's important to keep in mind that additional flexibility in code requirements adds a discretionary element to staff review and decision-making. More defined regulations allow less chance for differences in application. More flexibility allows more risk of differences in interpretation.	Throughout this project, CAC members have debated the trade-off between having regulations that are relatively inflexible (and therefore more predictable and less open to interpretation by staff) and those that are more flexible (allowing for more adaptability to individual projects and sites).	The proposed changes to Chapter 38 reflect this debate in the following areas: (e.g. methodology for scenic compatibility review is being spelled out to provide greater certainty. How development achieves visual subordination still very discretionary).

Note: Issue bin item and comment numbers are not sequential because they are arranged by topic.

**Multnomah County National Scenic Area Compliance Project**  
**Issue Bin Items and Comments**

	When	Topic	Submitted by	Staff Feedback	Following actions	Resolution
8	Correspondence	Lack of code enforcement: can this be a topic for CAC?  “...compliance becomes a code enforcement issue.” Why is this a problem? MC doesn't even enforce the 60 sf limit so why should an additional criteria be an issue?	Bob Leipper Email to Derrick Tokos, January 31, 2005  Follow-up comment by Bob Leipper in email to Derrick Tokos and Gillian Zacharias on February 24	The CAC can address code enforcement where the code may be allowing particular situations to occur that then end up frequently as enforcement issues. If the code can be amended to stop the situation from occurring that is an appropriate topic. How the County implements code enforcement is outside scope of the CAC.	Enforcement continued to be an issue of discussion throughout the CAC meetings. The County recently overhauled its compliance program. The Management Plan revisions do not impact these changes.	Issues relating to the effectiveness of the compliance program should be evaluated independent of this code update. This issue will be discussed at the Planning Commission Hearings.
		<b>EXPEDITED REVIEW COMMENTS</b>				
9	CAC mtg #2	Expedited Review process may have unintended consequences; may not have talked enough about what those may be. How final will the staff recommendation to the Planning Commission be, would there be opportunities for changing it at that stage?	Sara Grigsby	If there is time at upcoming meetings, we can discuss this further. CAC members could look again at the Expedited Review uses and make some notes about their specific concerns. Ask yourselves: what uses might I be concerned to hear about when I receive preliminary decision document? Is the comment/appeal period sufficient, keeping in mind the goal of an expedited process. It would be helpful to have those comments specifically to submit with the staff report to the Planning Commission at that stage.	No further comments on this topic were received.	Additional comments could still be submitted up until April 18th to be reviewed by Planning Commission.
10	CAC mtg #2	Notice to adjacent property owners should not be less than 750 feet	Group	Makes requirements consistent. Can be implemented this way.	Expedited process included as a modified Type II, which is 750 feet.	PC to review with other changes.
11	CAC mtg #2	Ground disturbance should be defined	Not attributed	Staff can define this.	Ground disturbance will be added to the definitions.	PC to review with other changes.
12	CAC mtg #2	Include a statement that the applicant must sign and that says the information is true	Not attributed	This could be added to the application form.	A line for this has been added to the application form.	PC to review with other changes.
13	CAC mtg #2	Notice packet should include a vicinity map	Not attributed	A vicinity map can be included with the application mailing.	Suggested as part of the application	PC to review with other

Note: Issue bin item and comment numbers are not sequential because they are arranged by topic.



**Multnomah County National Scenic Area Compliance Project**  
**Issue Bin Items and Comments**

	When	Topic	Submitted by	Staff Feedback	Following actions	Resolution
					package.	changes.
14	CAC mtg #2	Handout should include a paragraph to explain the spirit and purpose of ER	Not attributed	This will be added to the handout.	Done.	PC to review with other changes.
15	CAC mtg #2	Include a list of "red flag" conditions under which ER cannot be used	Not attributed	This will be added to the handout.	Done.	
16	CAC mtg #2	Should include graphics	Not attributed	This can be added; the nature of the graphics to be determined.	Graphics are forthcoming.	
17	CAC mtg #2	Explain how an applicant demonstrates that the subject site is or is not within view from KVA	Not attributed	This will be added. Maps that the County will be receiving from the USFS identify properties that are topographically visible from a particular KVA. These maps are suitable for an initial screening and will be made available as soon as we receive them.	Staff is working with the USFS to obtain these maps. Maps are still being quality controlled. Hope to have a draft for 2 <sup>nd</sup> public meeting in Corbett.	
18	CAC mtg #2	County could conduct a weekly scheduled group workshop to explain the process and answer questions	Not attributed	County will consider this format.	Will be raised during internal review of project documents.	
		<b>DEFINITIONS</b>				
19	CAC mtg #2	Change term of "retaining wall" to "retaining structure" and setting different height and length thresholds to <2 ft (allowed), 2-4 ft (expedited), >4 ft, building permit.	Bob Leipper	This will be added to the proposed changes for the MCC definitions. The County will adopt the height and length thresholds as given in the revised Management Plan because the suggested thresholds would be less protective of the resources.	Retaining structure to be defined.	PC to review with other changes.
20	Correspondence	Words or phrases still needing definition or clarification are: site, home garden, area, disturb the ground, retaining wall, decks, parking areas, driveways, previously authorized, trails, and	Bob Leipper, Email to Derrick Tokos and Gillian Zacharias, February 24, 2005	Staff and Consultant will work to include new definitions.	To be defined: Home garden, retaining structure, parking areas. The following common terms do not require definition in the code, as their ordinary meanings	PC to review with other changes.

**Multnomah County National Scenic Area Compliance Project**  
**Issue Bin Items and Comments**

	When	Topic	Submitted by	Staff Feedback	Following actions	Resolution
		highly visible.			apply: area, disturb the ground, decks, site, trails. "Previously authorized" is not a term used in the code—it is used only in the definition of repair and maintenance and is clarified there. "Private driveway" is defined in MCC 38.7700 Land Divisions. "Highly visible" is addressed in the Scenic standards in the code.	
21	Correspondence	The burden should be on the applicant to prove his case.		The burden is already on the applicant to provide sufficient information for the decision-makers to make a decision.	No further action needed.	No further action needed.
22	Correspondence	Allow outright any accessory structure up to 200 sf (the limit before a building permit is required) and 10 feet in height when not visible from any KVA and painted a dark earthtone color.	Bob Leipper, email to Derrick Tokos and Gillian Zacharias, February 24, 2005	The proposed change is to limit to one, the number of accessory buildings eligible for the expedited review process. Other accessory buildings on a single parcel may be reviewed and permitted as a review use. To deviate from this standard could be interpreted as being less stringent than the Management Plan. This project's goal is not to develop proposed changes to the MP.	Staff will not be carrying this suggestion forward other than to include it in the Issue Bin as a comment.	No further action needed.
23	Correspondence	Decommissioning in-ground oil tanks should be something that is allowed outright; expedited review adds to the cost.	Bob Leipper, email to Derrick Tokos and Gillian Zacharias, February 24, 2005	Fees are not within the scope of this project.	No further action needed.	No further action needed.
24	Correspondence	Allen Young does not presently enforce permit fees for "paving existing dirt and gravel roads" or even for new dirt and gravel roads to existing county roads.	Bob Leipper, email to Derrick Tokos and Gillian Zacharias, February 24, 2005	Fees are not within the scope of this project.	No further action needed.	

Note: Issue bin item and comment numbers are not sequential because they are arranged by topic.

**Multnomah County National Scenic Area Compliance Project**  
**Issue Bin Items and Comments**

	When	Topic	Submitted by	Staff Feedback	Following actions	Resolution
25	Correspondence	Does it really make sense to regulate only those exterior lights "visible from KVA's" when a person can put in multiple lights and effectively illuminating the surrounding area like a parking lot?	Bob Leipper, email to Derrick Tokos and Gillian Zacharias, February 24, 2005	The County staff's approach at this time is to stay with the current MP and MCC provisions regarding lighting.	No further action needed.	
26	Correspondence	The definition for "wall" is not appropriate for use defining "retaining wall". Suggest defining "retaining structure".	Bob Leipper, email to Derrick Tokos and Gillian Zacharias, February 24, 2005	Staff will revise definitions to address these issues, as discussed above, and in meeting summaries.	Terms to be defined.	PC to review with other changes.
27	Correspondence	The color of the roof of a new house is subject to restrictions; but not in the "repair" definition for an existing house.	Bob Leipper, email to Derrick Tokos and Gillian Zacharias, February 24, 2005	Comment noted. As with color for small allowed accessory buildings, instituting color requirements would mean either that it would be only an enforcement (complain-driven) issue, or would require review.	Comment will be added in the comment column in the code revision.	PC to review with other changes.
28	Correspondence	Under new allowed uses, wire strand fences does not address the posts. Why allow colored posts without review?	Bob Leipper, email to Derrick Tokos and Gillian Zacharias, February 24, 2005	Wire-strand fences could be further defined to exclude fence posts that are not dark or earth-toned.	Comment will be added in the comment column in the code revision.	
29	Correspondence	An appeal of an expedited review decision should not cost excessively (like over \$20) if anything.	Bob Leipper, email to Derrick Tokos and Gillian Zacharias, February 24, 2005	Fees are not within the scope of this project.	No further action needed.	
30	Correspondence	Under expiration of approvals: Existing building permits are not addressed and should be given the maximum amount of time or grandfathered for an unlimited time period.	Bob Leipper, email to Derrick Tokos and Gillian Zacharias, February 24, 2005	At the CAC meeting, Derrick Tokos pointed out that with the extended time to complete projects, the total time to complete, including building permits would be 6 years.	No further action needed.	
31	Correspondence	Existing Uses: It should be clearly stated that existing uses or structures which were established before the	Bob Leipper, email to Derrick Tokos and Gillian Zacharias, February	This comment was also made by Mr. Leipper at CAC meeting #3.	Comment will be added in the comment column in the code revision.	PC to review with other changes.

Note: Issue bin item and comment numbers are not sequential because they are arranged by topic.

**Multnomah County National Scenic Area Compliance Project**  
**Issue Bin Items and Comments**

	When	Topic	Submitted by	Staff Feedback	Following actions	Resolution
		county started keeping a record should be allowed as "legally established".	24, 2005			
		<b>SIGNS</b>				
32	CAC mtg #3	Proposal to eliminate size limits on political signs in the SMA is wrong. Size limits should be maintained.	11 out of 12 in favor	There was a mistake in the handout, the size limits are 12 square feet.	No further action needed.	
33	CAC mtg #3	Allowing temporary construction signs up to 32 sf should be okay for safety reasons only.	Claudia Curran	This is not a new addition or change to the MP.	The comment is added to the comment column in the code.	PC to review with other changes.
34	CAC mtg #3	Go back to what the standards were for temporary signs in most cases unless for public safety reasons; what were the reasons for all of the changes to signs anyway?	Angelo Simone	Staff offered to research the reason for the changes to the temporary sign standards.	The comment is added to the comment column in the code.	PC to review with other changes.
	CAC mtg #3	<b>EXISTING &amp; DISCONTINUED USES</b>				
43		Allowing more flexibility siting & sizing of replacements of uses destroyed by disaster.	Various	There was no CAC consensus on this issue.	Lack of consensus will be noted in the comment column in the code revisions.	PC to review with other changes.
44		10 years too long to allow vegetation to grow back for uses destroyed by disaster	Claudia Curran	Comment noted in revisions to Chapter 38.		PC to review with other changes.
		<b>EXPIRATION OF APPROVALS</b>				
45		County staff suggesting decisions be ministerial	Derrick Tokos	No CAC objections.	No further action needed.	
		<b>VESTING</b>				
35	CAC mtg #3	Should state or federal rules should apply to vesting.	Lex Loeb	Mr. Tokos said that typically state vesting rules apply except when dealing with land in the NSA . Staff inclination is to go with the Gorge Commission new vesting language. If somebody believes that the language violates other federal rules or constitutional protections , they will need to take it up with the Gorge Commission.	No further action needed.	

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**Multnomah County National Scenic Area Compliance Project**  
**Issue Bin Items and Comments**

	When	Topic	Submitted by	Staff Feedback	Following actions	Resolution
		<b>SCENIC STANDARDS</b>				
36	CAC mtg #3	Unsure if development in Corbett should be exempt from KVA standards; perhaps looking for a "vision" or "design guidelines" to improve aesthetics of the area.	Multiple agreement	Comments will be noted in the revised Chapter 38 that will be presented to the PC.	The comment is added to the comment column in the code.	PC to review with other changes.
46	CAC mtg #3	Compatibility could include a range, such as size of buildings within 10 to 20% larger than the original structure.	Clair Klock	Comments will be noted in the revised Chapter 38 that will be presented to the PC.	The comment is added to the comment column in the code.	PC to review with other changes.
37	Correspondence	Under full review, an applicant should not be able to make unlimited changes to application /plans <u>after</u> the public comment period but before the decision.	Bob Leipper, email to Derrick Tokos and Gillian Zacharias, March 1, 2005	The purpose of the comment period is to allow the applicant to change the plans in response to comments and in accordance with the code. Applicants are not allowed to make wholesale changes. To allow no changes would also defeat the purpose of allowing public comment before the final decision.	No further action needed.	
38	Correspondence	An applicant (full review or expedited) does not have to be truthful in the application or plans.	Bob Leipper, email to Derrick Tokos and Gillian Zacharias, March 1, 2005	This issue was also raised during CAC mtg #2. Staff could incorporate a signature line/statement in the new application.	The comment will be noted as part of staff's presentation of proposed changes to the code.	PC to review with other changes.
40	Correspondence	Re: #3.7. It doesn't make sense to me to burden developed settings with guidelines.	Bob Leipper, email to Derrick Tokos and Gillian Zacharias, March 1, 2005	Staff will note in the proposed Chapter 38 revisions that CAC members were not unanimous on this issue.	The comment will be added to the comment column in the code.	PC to review with other changes.
41	Correspondence	Issue bin, item #19: The face area of a retaining structure (or wall) should correlate to the size limits (face area) of accessory structures.	Bob Leipper, email to Derrick Tokos and Gillian Zacharias, March 1, 2005	See response to #19, above.		
		<b>SMA NATURAL RESOURCE CRITERIA</b>				

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**Multnomah County National Scenic Area Compliance Project**  
**Issue Bin Items and Comments**

	<b>When</b>	<b>Topic</b>	<b>Submitted by</b>	<b>Staff Feedback</b>	<b>Following actions</b>	<b>Resolution</b>
47	CAC mtg #4	Concerned that the resources will not be protected if owners are allowed to encroach more and more into the resource or the buffer.	Angelo Simone	CAC comments will be noted in the revised Chapter 38 that will be presented to the PC.	The comment will be added to the comment column in the code.	PC to review with other changes.
48	CAC mtg #4	Wetland mitigation often does not work and cannot replace destruction of naturally-occurring wetlands. Development within a delineated natural feature should be prohibited.	Clair Klock	CAC comments will be noted in the revised Chapter 38 that will be presented to the PC.	The comment will be added to the comment column in the code.	PC to review with other changes.
49	CAC mtg #4	Issue of who reviews buffer adjustment reports. One solution is to have a trained staff person from the County or a state agency delineate natural features.	Robert Leipper Clair Klock	This issue has been raised with the Gorge Commission and will be raised with submittal of the revised Chapter 38 to the Planning Commission.	This issue will be part of staff's presentation of changes to the code.	PC to review with other changes.
		<b>UNIFORM APPLICATION.</b>				
42	CAC mtg #4	NSA regulations should be uniformly applied within all the counties, has not seemed to be uniform in the past among the counties and among County applications.	All	Several CAC members stated agreement.	This policy may be added to the Rural Area Policy Plan document.	PC to review with other changes.
50	CAC mtg #4	Any meetings among planners of the NSA counties should be open to the public.	Robert Leipper	The suggestion can be raised with the planner group by Multnomah County planners.	CAC members can contact Derrick Tokos to follow up.	
		<b>AGRICULTURAL BLDGS</b>				

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**Multnomah County National Scenic Area Compliance Project**  
**Issue Bin Items and Comments**

	When	Topic	Submitted by	Staff Feedback	Following actions	Resolution
39	Correspondence	Re: Handout #3.6: It should be clearly stated that ag buildings are just that: for agricultural purposes.	Bob Leipper, email to Derrick Tokos and Gillian Zacharias, March 1, 2005	County code will reflect new MP standards for agricultural buildings.	PC to review with other changes.	
51		Support for the addition of MP provisions to ensure buildings are truly for ag uses	Bob Leipper Clair Klock	See above.	None needed.	
		<b>RESOURCE ENHANCEMENT PROJECTS.</b>				
52	CAC mtg #4	Should have a monitoring requirement added at 5- and 10-year intervals.	Clair Klock	There is currently no monitoring requirement in the code or in the revisions to the MP for resource enhancement projects. Staff will note this as an option.	Comment to be placed in comment column on revised code.	PC to review with other changes.
		<b>DISPOSAL SITES</b>				
53		Support for this and for application to private sector too. Problems with people accepting fill for money on their property.	Clair Klock	Comment can be noted in the revisions to Chapter 38.	Comment to be placed in comment column on revised code.	PC to review with other changes.
		<b>MISCELLANEOUS COMMENTS</b>				
54	CAC mtg #4	Should examine ways to allow more public access to the NSA, particularly bus service since one purpose of the NSA is to allow public access, particularly to key viewing areas. Examine ways to address increasing congestion on I-84 and that may hurt small businesses and hinder recreation.	Lex Loeb Angelo Simone	Mr. Tokos responded that since there are no planned changes to the zoning designations for this revision implementation, there are no proposed changes to traffic impact requirements, such as addressing air quality, or limiting trips. Staff can note these comments.	PC to review with other changes.	
55	CAC mtg #4	Evaluate adding a dust control/abatement provision to the County Code.	Clair Klock	Staff will note this as a comment.	Comment to be placed in comment column on revised code.	PC to review with other changes
56	Corres-	Corrections to meeting #3	Bob Leipper, email	Corrections have been made.	No further action	No further

**Multnomah County National Scenic Area Compliance Project**  
**Issue Bin Items and Comments**

	When	Topic	Submitted by	Staff Feedback	Following actions	Resolution
	pondence	summary.	to Derrick Tokos and Gillian Zacharias, 3/10/05		needed.	action needed.
57	Correspondence	Does the prohibition against land divisions in the SMA apply to lots converted to GMA? Should be made clearer.	Bob Leipper, email to Derrick Tokos and Gillian Zacharias, 3/10/05	Whatever the current zoning designation is for a lot, which indicates whether a lot is in the SMA or GMA, only the rules for that designation and management area apply.	No further action needed.	No further action needed.
58	Correspondence	Parking, "where traffic loads are lighter". What is considered lighter?	Bob Leipper, email to Derrick Tokos and Gillian Zacharias, 3/10/05	This description in Handout #4.3 was intended to convey the idea that urban design standards are intended for urban levels of traffic, whereas a gravel surface may be adequate for rural levels of traffic. It is not setting a standard.	No further action needed.	No further action needed.
59	Correspondence	Variance section of Handout #4.3, description of a "takings" is not considered one by LCDC and 1000 Friends.	Bob Leipper, email to Derrick Tokos and Gillian Zacharias,	Comment noted. This handout summarizes code language that already exists.		

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MULTNOMAH COUNTY  
RURAL FIRE PROTECTION DISTRICT #14



May 26, 2005

Mr. Derrick Tokos  
Principle Planner  
Multnomah County Planning  
1600 SE 190<sup>th</sup>  
Portland, OR 97233

Dear Mr. Tokos:

The Board of Directors of Multnomah County Rural Fire Protection District #14 met on May 11, 2005. The Board wishes to express their support for the proposed modifications to 38.7305 Fire Protection in Forest Zones which would require that those standards be applied only outside of organized Fire District. The following is a list of concerns the Board has with the current standard:

**\*\*The water tank would not be use by our Fire Department within our District.** We carry 1,000 gallons of water on our trucks. We have immediate backup of our tankers which each carry 3,000 gallons. Our operating protocols identify water sources throughout the district which are used to insure an adequate water resource. The tank would not provide a useful volume of water and would require variance from our standard procedure which could delay and add confusion to fire suppression.

**\*\* There is no requirement for any means to access the tank.** This would require placement of the tank in an accessible location for fire trucks, which would require an adequate roadway be built to the location of the tank. Additionally, there is no requirement for any means to get the water out of the tank in a manner that would work for fire department connections which are not compatible with standard pipe connections. Fire Hose connections would also be larger than house hold plumbing and would place an unnecessary expense on homeowners for something that would not be used.

**\*\*A water tank is not consistent with the way our Firefighters are trained.** The key to fire suppression is rapid, consistent response by highly trained firefighters. To say that our standard procedures and training apply everywhere "but not at this house" is not in the best interest of our neighbors within Fire District #14. It would also be one more structure to hinder potential access by firefighters during an emergency event.

**\*\*Requires that an unnecessary structure be built within the National Scenic Area.** While a 1,000 gallon storage tank or pond is not a large project, it is an unnecessary structure within the National Scenic Area. As noted above, it would not be used by our Fire Department in the event of an emergency.

BUSINESS PHONE: (503) 695-2272  
BACKYARD BURNING: (503) 695-2225  
FAX: (503) 695-3473

P.O. BOX



**\*\*Places an undue burden on the homeowner.** It places an additional, unnecessary financial burden on the homeowner to build a tank or pond. Additionally, a 20 gallon per minute water pump is not reasonable, practical, or most likely not even possible. The average well pump produces approximately 10 gallons/minutes. It is our understanding that lending institutions require a minimum of 5 gallons /minutes. Having a pump that is too large will continue to cycle on and off very rapidly under normal demand for water, resulting in shortened pump life, erratic water pressure, and potential to outstrip the well's ability to produce water.

**\*\*Potential Health Hazard.** An uncovered water tank is a potential breeding ground for mosquitoes and other insects. If the assumption is that the tank will be used as a water source (although it would not be in Fire District #14), than it would have to be uncovered, posing a potential health threat to the community.

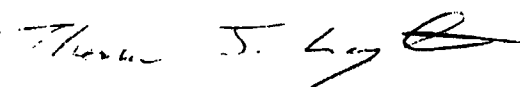
**\*\*Potential Safety Hazard.** Fire District #14 spends a lot of time educating the community we serve. We do not want to encourage untrained residents to fight fires on their own. If a fire cannot be extinguished with a fire extinguisher, then we tell them to phone 911 and get away from the fire. We provide training to local residents on use of a fire extinguisher. The proposed requirement would place a false sense of security with the homeowner/resident, which could result in injury or loss of life.

Each project is unique and has its own special problems. Before Fire District #14 signs off on any given project, we assure ourselves that access is appropriate and we are capable of rapid response for fire suppression. We use different tools to assure the best protection for our neighbors, which could include sprinkler systems, removal of vegetation, or special access to facilitate our response.

While we appreciate the need for Fire Safety and access standards, we believe that the proposed requirements are impractical, unnecessary, place a financial hardship on the property owner, and are a potential health and safety hazard. We therefore support your efforts to work with the Gorge commission staff to exclude the requirement for projects within and organized Fire District.

Thank you for your assistance in this effort.

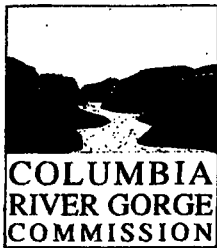
Sincerely,



THOMAS J. LAYTON  
Chief

CC: Gorge Commission, Brian Litt Senior Planner  
Fire District #14 Board Chairman Leroy Smith

2017 JUN 26  
CITY OF GORGE  
COMMISSION



PO Box 730 • #1 Town & Country Square • White Salmon, Washington 98672 • 509-493-3323 • fax 509-493-2229  
[www.gorgecommission.org](http://www.gorgecommission.org)

May 20, 2005

Derrick Tokos, Principal Planner  
Multnomah County Transportation and Land Use Planning Division  
1600 SE 190<sup>th</sup> Ave.  
Portland, OR 97233

Dear Derrick:

I have reviewed recent revisions to the draft Multnomah County Ordinance that implement *Revisions to the Management Plan for the Columbia River Gorge National Scenic Area*. These include revisions in the version of the ordinance posted on your website on June 3, 2005. In addition, you e-mailed me proposed revisions to address several comments that were not addressed in the June 3, 2005 website version. Thank you for the many changes you made in response to comments I submitted in letters on April 18, April 29 and May 20, 2005. With a few exceptions noted below, these revisions adequately address Commission staff comments.

As we discussed today, you will either make additional revisions or provide additional supporting information (as specified below) prior to the June 16, 2005 Board of County Commissioners hearing to address the remaining comments.

#### Missing Provisions

Two topics in the Revisions to the Management Plan are still missing from the County Ordinance and need to be added. They are: 1) SMA/GMA Review Use Guideline 8 regarding protection of recreation resources (Revisions to the Management Plan, page II-159); and 2) consolidation of lots (page II-108).

#### Consolidation of Lots

With respect to the consolidation guidelines, you indicated you will be adding a guideline to implement Management Plan Guideline 1. You will also be providing supporting information to the Gorge Commission demonstrating the Guideline 2 would not be applicable in Multnomah County, either to existing or prospective subdivisions. We agreed that Guideline 3 is not applicable to Oregon counties pursuant to ORS chapter 92.

#### Definition of "Repair"

The last sentence of the first paragraph in revised definition of "repair" (MCC 38.0015) should be revised to read: "Up to 10 percent increase in the original size, ~~scope, configuration or design~~ of a portion of a building to be repaired ~~structure~~ is allowed if required to comply with building codes, provided it does not require additional excavation." Revised as such, the 10% increase would only apply to buildings. The Management Plan allows some increase in size of utility poles and extensions of guardrails without review. A size increase of 10% of such structures could be larger than specified in the Plan for such structures. It is my understanding you will be making such revisions.



Compatibility Guideline

I recommend you add language to the first sentence of Guideline 38.7035(A)(2) clarifying what the term "similar buildings" means. I suggest revising the sentence to read: "New buildings shall be compatible with the general scale (height, dimensions, and visible mass) of similar buildings (e.g. dwellings to dwellings) that exist nearby." I also recommend replacing the word "may" in the last sentence with the word "generally" or "usually". It is my understanding you will be making such revisions.

Waiving On-Site Water Storage Requirements on Properties Within Fire Districts in GMA-Forest Zones

The Corbett Fire District has made a compelling case in information they provided the Commission that the on-site water storage requirements of 38.7305(C) need not apply within their district, as they have adequate infrastructure and response capabilities to better provide water for suppressing fires in these areas. The revised language of 38.7305(C) refers to "...properties located outside of a fire district..." You indicated you will provide information regarding whether there are any other fire districts in the County within lands designated GMA Small or Large Woodland or Commercial Forest. Assuming this information shows there are no such districts or that they have similar capacity for providing on-site water for fire suppression, this revision would be consistent with the Management Plan.

With the above minor revisions and additional information, all Commission staff comments will have been adequately addressed. Thanks again for all your hard work and for your responsiveness to Commission staff's comments. Please contact me at [Litt@gorgecommission.org](mailto:Litt@gorgecommission.org) or 509-493-3323, ext. 223 if you have any questions.

Sincerely,



Brian Litt  
Senior Planner

c: Anne Squier  
Virginia Kelly, USFS Scenic Area Office



United States  
Department of  
Agriculture

Forest  
Service

Columbia River Gorge  
National Scenic Area

902 Wasco Ave., Suite 200  
Hood River, OR 97031  
(541) 308-1700  
FAX (541) 386-1916

File Code: 1900

Date: June 7, 2005

Derrick Tokos  
Multnomah County Land Use Planning Division  
1600 SE 190<sup>th</sup> Ave  
Portland, OR 97233

Dear Derrick:

Enclosed are the USDA Forest Service comments on the June 3, 2005 website version of the Multnomah County Ordinance to implement the Revisions to the Management Plan for the Columbia River Gorge National Scenic Area. Thank you for the many changes which incorporated our comments of April 15, April 29 and May 2, 2005.

Per Section 8(j) of the National Scenic Area Act, the Secretary of Agriculture is required to determine consistency of a Special Management Area land use ordinance with the Management Plan. Therefore, the Forest Service is providing a staff review of the draft ordinance. Our review was limited to the SMA provisions, including joint SMA/GMA provisions.

Please contact me at (541)308-1720 or [vkelly@fs.fed.us](mailto:vkelly@fs.fed.us) with any questions.

Sincerely,

*by of 60 mkt*

VIRGINIA KELLY  
Planner

Attachment

Cc: Brian Litt, Columbia River Gorge Commission



**Forest Service Comments on**  
**SMA Provisions the**  
**Multnomah County Ordinance to implement the**  
**Revisions to the Management Plan for the Columbia River Gorge National Scenic Area**

June 7, 2005

Thank you for the many changes which incorporated our comments of April 15, April 29 and May 2, 2005. The following comments used the documents as available on the Multnomah County website as of June 3, 2005

Per Section 8(j) of the National Scenic Area Act, the Secretary of Agriculture is required to determine consistency of a Special Management Area land use ordinance with the Management Plan. Our review was therefore limited to the SMA provisions, including joint SMA/GMA provisions.

Please tell me where the following Management Plan provisions are located in the ordinance; they need to be included in the ordinance:

- Consolidation of Lots (Management Plan page II-108)
- SMA/GMA Review Uses Guideline 8 (Management Plan page II-159)

**Part 1 – General Provisions**

***Definitions***

Repair (email message of June 6, 2005): I propose the following change to the first paragraph of your email proposal of June 6, 2005. I prefer that the 10% increase apply only to buildings. The Management Plan allows some increase in size of utility poles and extension of guardrails without review, and potentially a 10% increase could be larger than specified in the Plan.

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, ~~scope, configuration or design~~ of a portion of a building to be repaired structure is allowed if required to comply with building codes, provided it does not require additional excavation.

***Signs***

Page 71: MCC 38.0080 (G). The MCC added SMA sign guideline 8 on Plan page II-163, referring to sign clutter, per my April 15 comments. However, now it is not clear that the guideline only applies to the SMA. This guideline should be moved under MCC 38.0080 (E).

## **Part 4 – Zoning Districts**

### ***SMA Forest – GSF***

We noted that the ordinance now explicitly includes all SMA Forest Management Plan review uses, except Management Plan Review Use 1.B. (Plan page II-38): “New cultivation or new agricultural use outside of previously disturbed and regularly worked fields or areas. Clearing trees for new agricultural use shall be subject to the additional requirements of 1(W) of this chapter.” However, this use would be allowed in GSF due to MCC 38.2025 (B)(1) which allows the uses of MCC 38.2225 (B). MCC 38.2225 (B) includes the above referenced guideline.

We note that other SMA Forest Management Plan uses not explicitly listed in GSF are allowed due to MCC 38.2025 (B)(1) which allows the uses of MCC 38.2225 (B).

### ***SMA Agriculture – GSA***

Page 31: MCC 38.2223. Minor typo: “The uses listed in MCC 38.1010 may be allowed on land designated GGA and GSA ESA, pursuant to.....”

We note that other SMA Agriculture Management Plan uses not explicitly listed in GSA are allowed due to MCC 38.2225 (B)(2) which allows the uses of MCC 38.2025 (B).

### ***SMA Open Space – GSO***

Page 57: MCC 38.2625 (E)(7). MCC added Management Plan Review Use 1.F (Plan page II-59) which allows treatment of noxious weeds without completion of an SMA Open Space plan under certain conditions, but omitted one guideline, F(2)(d), “Limitation of recreational uses.”

### ***SMA Public Recreation– GSPR***

Page 68: MCC 38.2830 (C)(11)(a). The Bed and Breakfast guideline should be modified to include the underlined language:

(a) Is included in, or eligible for inclusion in, the National Register of Historic Places; ~~or~~  
The use or development shall be compatible with agricultural use. Buffer zones should be considered to protect agricultural practices from conflicting uses.

Page 68: MCC 38.2830 (C)(11)(b). The Bed and Breakfast guideline contains a clause that is not in the Management Plan and must be deleted:

~~(b) Is identified and protected under local landmark status as approved pursuant to Oregon state land use regulations protecting historic structures.~~

We noted that other SMA Public Recreation Management Plan review uses not explicitly listed in GSPR are allowed due to MCC 38.2825 (C)(1) and (C)(7) which allows the uses of MCC 38.2025(B) and 38.2225 (B).

## ***SMA Residential– GSR***

Page 74: MCC 38.3025 (B)(7) and (B)(12). Minor edits: these guidelines have missing references.

## **Part 6 – Approval Criteria**

### ***SMA Scenic Resources***

This section is now much more consistent with the Plan, thanks. I have only a few minor comments.

Page 26: MCC 38.7040 (A)(1). The following underlined language should be added (Management Plan page I-33):

“New developments and land uses shall be evaluated to ensure that the scenic standard is met and that scenic resources are not adversely affected, including cumulative effects, based on the degree of visibility from Key Viewing Areas.”

Page 32: MCC 38.7040 (B)(1) (b) and (c): A few minor edits I did not catch before: in each guideline, “must” should be changed to “shall”, since shall is used and defined in the Management Plan.

Page 32: MCC 38.7040 (B)(2) (a): Minor edit: “coniferous landscape setting” should be changed to “Coniferous Woodland landscape setting.”

Page 34: MCC 38.7040 (C): Management Plan guidelines 2 and 3 (page I-40), referring to scenic corridor strategies are omitted from the ordinance. The April 2005 version of the ordinance included a guideline to implement the scenic corridor strategies; this guideline is not in the current (June 2005) version. We ask that the guideline implementing the scenic corridor strategies be added back to the ordinance. (Page 29, guideline (C).(2) of the April version).

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

Page 29/30: MCC 38.7040 (C)(2)(a) and (b)(1). For clarity, in each guideline we suggest changing the reference to the “previous section” to “requirements of 7040(A)”; the KVA requirements.

### ***SMA Natural Resources***

Page 105: MCC 38.7075 (H). This provision also needs a reference to Table 4 in the Management Plan. “Types of Wildlife Areas and Sites Inventoried in the Columbia Gorge”. Table 4 is the Table XX referenced in the Management Plan. In addition, per our letter of March 14, 2005, we would like this provision to have a reference to the “Columbia Gorge and Vicinity Endemic Plant Species” Table (Table 7 in the Management Plan).



### ***Expedited Development Review Criteria***

Page 161: MCC 38.7100 (A)(4)(b)(3). I think that referencing 38.0110 (the treaty rights guidelines) is more appropriate here than the references cited.

### **Part 7 – Special Uses**

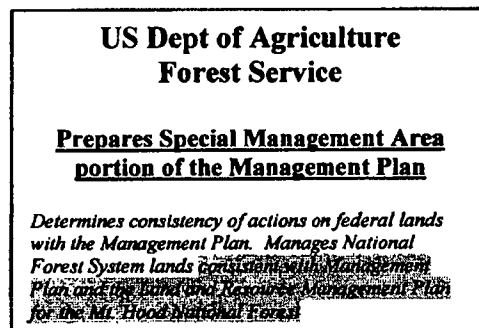
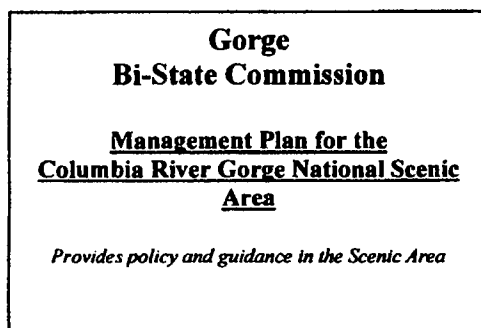
Page 55: MCC 38.7370 (B)(1): For clarity, this guideline could reference MCC 38.7040(A).

Page 61: MCC 38.7375 (C) Stewardship Plan Requirements: Management Plan guideline (3)(c) iv has been omitted and needs to be added (Plan page II-44):

“Give a clear explanation how and why the proposed activities will lead the forest towards its range of natural variability and result in reaching sustainability, resiliency to disturbances.”

### **Rural Area Plan**

I still prefer that the box with the Forest Service recognize the Forest Service role in preparing the SMA portions of the Management Plan, per my emailed graphic of May 19, 2005.



(Could delete the highlighted portions if space needed.)

## **POLICY 41: COLUMBIA RIVER GORGE NATIONAL SCENIC AREA**

In 1986 Congress passed the Columbia River Gorge National Scenic Area Act (Public Law 99-663) which designated 292,600 acres in six counties in the states of Oregon and Washington as a National Scenic Area. Approximately 33,280 acres of that area are within Multnomah County.

The purposes of the Columbia River Gorge National Scenic Area 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 allowing future development which supports those purposes. The purposes are implemented by the document entitled *Management Plan for the Columbia River Gorge National Scenic Area* and the Multnomah County document entitled *The Columbia River Gorge National Scenic Area Rural Area Plan Policy Document*.

The Management Plan is organized into five parts. Part I of the Plan addresses land use designations, and the colored map by this title is used in conjunction with this section of the Plan. Individual chapters set forth the goal, objective, policy, and guideline elements for each land use category: agricultural land, forest land, open space, residential land, commercial land, and recreation designations. The land use designation chapters are followed by a chapter on general policies and guidelines that affect all uses in the Scenic Area, regardless of designation.

Part II sets forth goals, objectives, policies, and guidelines for resource protection and enhancement. Individual chapters cover scenic resources, cultural resources, natural resources, and recreation resources. The accompanying landscape settings map is used in conjunction with the scenic resources chapter, and the recreation intensity classes map is used with the chapter in Part II on recreation resources.

Part III outlines an action program, with chapters devoted to the recreation development plan, economic development, enhancement strategies, and interpretation and education. Part IV focuses on the role of the Gorge Commission and the U.S. Forest Service, Indian tribal treaty rights and consultation, and public involvement. Part V consists of a glossary of definitions.

The Columbia River Gorge National Scenic Area Rural Area Plan Policy Document is an element of the Multnomah County Comprehensive Framework Plan. The Columbia River Gorge National Scenic Area Rural Area Plan Policy Document is organized into seven parts. The first part states the purpose of the Columbia River Gorge National Scenic Area Rural Area Plan Policy Document. The introduction includes the general policy statement. Introduction to the Columbia River Gorge National Scenic Area Act describes the enactment and the establishment of the Gorge Commission. Introduction to the Management Plan For The Columbia River Gorge National Scenic Area lists the chronology of the preparation and revision of the Management Plan for the Columbia River Gorge National Scenic Area and describes the Multnomah County implementation process. The fifth section describes the relationship of the Columbia River Gorge National Scenic Area Rural Area Plan Policy Document to other existing plans and regulations, including the Management Plan for the Columbia River Gorge National Scenic Area, Land and Resource Management Plan for the Mt. Hood National Forest, Indian Tribes rights and treaties, Oregon Statewide Planning Goals, applicable Oregon Revised Statutes, and the Multnomah County Comprehensive Framework Plan. The authority section establishes the authority of the Gorge Commission.

the U.S. Forest Service, the Tribes, Metro, Multnomah County, and the City of Troutdale within the Columbia River Gorge National Scenic Area. The final section establishes policies for issues not specifically addressed in the *Management Plan For The Columbia River Gorge National Scenic Area*. These are the Hillside Development District, off-street parking and loading, land divisions, planned development, and variances to dimensional standards.

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The County's policy is to implement the goals, objectives, policies, and guideline elements contained in the *Management Plan for the Columbia River Gorge National Scenic Area* and attendant maps (including any future amendments) for that portion of the County designated by Congress as the Columbia River Gorge National Scenic Area.

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### **Strategy**

As a part of the ongoing planning program, the County should amend the Zoning Code to include zoning districts and review procedures which implement the goals, objectives and policies of the Management Plan for the Columbia River Gorge National Scenic Area and its attendant maps.

Attachment 4

KEY TO SECTION 8(o) ZONING CHANGES

	TAX ACCOUNT #	OWNER	LOCATION	ACRES	CURRENT ZONING	CRGC GMA DESIGNATION	COUNTY EQUIVALENT
1	R944280270	Herndon	1N4E28C -00100	3.4	GSA-40	A2-40	GGA-20*
2	R944280110	Annus	1N4E28D -00900	19.09	GSA-40	A2-40	GGA-20*
3	R944280250	McCartney	1N4E28D -01100	5	GSA-40	A2-20	GGA-20
4	R944290050	Chamerlain Hill Ranch (Ulmer)	1N4E29 -00900	96.69	GSA-40	A1-40	GGA-40
5	R944290320	Hummel	1N4E29CC -00100	2	GSA-40	A2-40	GGA-20*
6	R944290230	Darcy	1N4E29CC -00200	5	GSA-40	A2-40	GGA-20*
7	R944290270	Hummel	1N4E29CC -00400	4	GSA-40	A2-40	GGA-20*
8	R945210070	Wellman	1N5E21D -00600	3	GSF-40	F3-20	GGF-20
9	R945220030	TPL Bridal Veil	1N5E22 -00300	0.74	GSPR	F3-20	GGF-20
10	R945220110	TPL Bridal Veil	1N5E22 -00400	13.3	GSPR	F3-20	GGF-20
11	R945220020	TPL Bridal Veil	1N5E22 -00500	0.24	GSPR	F3-20	GGF-20
12	R283300300	TPL Bridal Veil	1N5E22AB -00600	2.87	GSPR	F3-20	GGF-20
13	R945270240	Smith	1N5E27 -00600	2.9	GSF-40	F3-20	GGF-20
14	R945270280	Harlow	1N5E27C -00100	6.64	GSF-40	F3-40	GGF-40
15	R945270220	Leigh	1N5E27C -00200	3.92	GSF-40	F3-40	GGF-40
16	R945270360	Dufresne	1N5E27C -01000	4.39	GSF-40	F3-40	GGF-40
17	R945270200	Van Houten	1N5E27D -00200	9.52	GSF-40	F3-40	GGF-40
18	R945270320	Knotts	1N5E27D -00900	5.5	GSF-40	F3-40	GGF-40
19	R945270190	Martin	1N5E27D -01200	4.7	GSF-40	F3-20	GGF-20
20	R945270260	Davis/Pauli	1N5E27D -01300	11.8	GSF-40	F3-20	GGF-20
21	R945270340	Nulton	1N5E27D -01400	2.4	GSF-40	F3-40	GGF-40
22	R945270150	Martin	1N5E27D -01500	6.3	GSF-40	F3-20	GGF-20
23	R945280100	Clements	1N5E28 -00500	114.58	GSF-40	F3-40	GGF-40
24	R945280300	Gibbons	1N5E28B -00200	0.07	GSF-40	F3-20	GGF-20
25	R945280220	Former	1N5E28B -00300	12.82	GSF-40	F3-20	GGF-20
26	R945290280	Gibbons	1N5E29A -00100	3.9	GSF-40	F3-20	GGF-20
27	R832302850	Gregg	1N5E30CC -00900	0.57	GSF-40	F3-20	GGF-20
28	R945310640	Twilegar	1N5E31A -02100	7.53	GSF-40	F3-20	GGF-20
29	R945320150	Finney/Windust	1N5E32 -00600	17	GSF-40	F3-20	GGF-20
30	R945330010	Putnam	1N5E33 -00100	40	GSF-40	F3-40	GGF-40
31	R945330150	Angelo	1N5E33B -00100	27.66	GSF-40	F3-40	GGF-40
32	R945330340	Stomps	1N5E33B -00900	8.08	GSF-40	F3-40	GGF-40
33	R945330270	Stomps	1N5E33B -01000	2.97	GSF-40	F3-40	GGF-40
34	R945340030	MacKay	1N5E34 -00900	72.82	GSF-40	F3-40	GGF-40
35	R946020140	Royse	1N6E02B -00500	23.33	GSF-40	F-2	GGF-80*
36	R832301940	Watson	1N5E20C -1500	0.21	GSF-40	F3-40	GGF-40
37	R832300010	Watson	1N5E20C -1600	1.00	GSF-40	F3-40	GGF-40

\* Management Plan Land Use Designation Conversions Were Not Available. County Equivalent Shown.

Note: Table Refers to changes by the Forest Service from 1997 - present.

**MORRISON CHILD & FAMILY SERVICES  
COUNTERPOINT RESIDENTIAL & DAY TREATMENT**

2408 SW Halsey, Building J  
Troutdale, OR 97060  
(503) 491-0665  
FAX (503) 491-8455

**FAX COVER SHEET**

DATE: \_\_\_\_\_

PAGES (including cover sheet): 2

ATTENTION: All County Commissioners

FAX NUMBER: 503 988 3013

FROM: Dixie Stevens

MESSAGE Testimony regarding  
hearings tomorrow  
mult Code Chapter 38  
# R 12 Amendment

**CONFIDENTIALITY NOTE**

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Dixie Stevens  
38725 E. Historic Columbia River Hwy.  
Corbett, OR 97019

Re: #R12 Amending Multnomah County Code Chapter 38

Dear County Commissioners,

I am writing to applaud the work Multnomah County put into the thoughtful assessment of the Revisions to the Management Plan as proposed by the Columbia Gorge Commission. I particularly applaud the convening of a Citizen's Advisory Committee to carefully look at changes to the management plan and believe the outcome of that work is thoughtful and reasonable.

I especially want to express my appreciation and support for the Commissioners' decision to **not include for review items under litigation such as commercial events, fish processing, etc.** It makes no sense to have a body of citizens, county officials and others spend time reviewing and commenting on areas that will be decided in court at a later date, potentially overturning any planning that occurred on the local level. In these times of limited resources, it is simply logical to await the outcome of the legal proceedings and draw a plan from there.

I believe that Multnomah County Commissioners have been fair and balanced in their approach to the scenic resource of the Columbia Gorge and have held standards that protect this resource while supporting all the citizens who live, work, enjoy and play within its' boundaries.

I thank you for your efforts and ask that you stay the course regarding the exclusion of litigated items until legal proceedings are settled.

Sincerely,

Dixie Stevens

#2

**MULTNOMAH COUNTY BOARD OF COMMISSIONERS  
PUBLIC TESTIMONY SIGN-UP**

Please complete this form and return to the Board Clerk

\*\*\*This form is a public record\*\*\*

MEETING DATE: 6-16-05

SUBJECT: MCC Chapter 38 Ordinance

AGENDA NUMBER OR TOPIC: See above

FOR: \_\_\_\_\_ AGAINST: \_\_\_\_\_ THE ABOVE AGENDA ITEM

NAME: Brian Litt, Columbia River Gorge Commission

ADDRESS: P.O. Box 730

CITY/STATE/ZIP: White Salmon, WA 98672

PHONE: \_\_\_\_\_ DAYS: 509-493-3323

EVES: \_\_\_\_\_

EMAIL: Litt@gorgecommission.org

FAX: \_\_\_\_\_

SPECIFIC ISSUE: See above

WRITTEN TESTIMONY: —

\* (Columbia River Gorge Commission  
Chair Anne Squire spoke first)

**IF YOU WISH TO ADDRESS THE BOARD:**

1. Please complete this form and return to the Board Clerk.
2. Address the County Commissioners from the presenter table microphones. Please limit your comments to **3 minutes**.
3. State your name for the official record.
4. If written documentation is presented, please furnish one copy to the Board Clerk.

**IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:**

1. Please complete this form and return to the Board Clerk.
2. Written testimony will be entered into the official record.

#3

MULTNOMAH COUNTY BOARD OF COMMISSIONERS  
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk

\*\*\*This form is a public record\*\*\*

MEETING DATE: June 16, '05

SUBJECT: CAC (Citizens Advisory Committee)

AGENDA NUMBER OR TOPIC: CAC

FOR: \_\_\_\_\_ AGAINST: \_\_\_\_\_ THE ABOVE AGENDA ITEM

NAME: Angelo Simione

ADDRESS: 40301 E. LARCH Mountain Road

CITY/STATE/ZIP: Corbett, Oregon 97019

PHONE: \_\_\_\_\_ DAYS: (503) 695-5811 EVES: SAME

EMAIL: Viewpoint.Tnn@aol.com FAX: (503) 695-5818

SPECIFIC ISSUE: Citizens Advisory Committee

WRITTEN TESTIMONY: Derrik Tokos, Gillian Zacharias,

Gigi Cooper did a superb job. They were helpful, researched questions and displayed patience at all times. The biggest flaw for me was not having someone from the

Gorge Commission present to explain 'reasoning' for some of the choices. I found it difficult to comment on things no one could fully explain.

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**IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:**

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#4

**MULTNOMAH COUNTY BOARD OF COMMISSIONERS  
PUBLIC TESTIMONY SIGN-UP**

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Please complete this form and return to the Board Clerk

\*\*\*This form is a public record\*\*\*

MEETING DATE: 16 Jan 05

SUBJECT: CRG NSA Revisions

AGENDA NUMBER OR TOPIC: R-12

FOR: \_\_\_\_\_ AGAINST: X THE ABOVE AGENDA ITEM

NAME: BOB LEPPER

ADDRESS: PO Box 94

CITY/STATE/ZIP: TROUTDALE 97060

PHONE: DAYS: 503-695-5276

EVES: \_\_\_\_\_

EMAIL: \_\_\_\_\_

FAX: \_\_\_\_\_

SPECIFIC ISSUE: \_\_\_\_\_

WRITTEN TESTIMONY: YES

**IF YOU WISH TO ADDRESS THE BOARD:**

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2. Address the County Commissioners from the presenter table microphones. Please limit your comments to **3 minutes**.
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15 June 2005

Multnomah County Board of Commissioners

RE: Columbia River Gorge National Scenic Area revised codes

As a member of the Citizens Advisory Committee (CAC), I initially approached the process of reviewing the NSA code revisions very skeptically considering the past actions of a few out-of-control planners at Multnomah County. Citizen involvement and following the law seem not to be high on the priority list of some planners. But if the county really wanted citizen input on any revisions, I figured this was better than nothing and possibly a way to correct some of the things that the Gorge Commission did not address in its' 10 year review of the NSA Management Plan. The Gorge Commission should be given credit for some of the revisions they did do. For example, making less red tape and less useless paperwork for the road departments is a step in the right direction for typical safety and maintenance issues.

The CAC was directed to review the revisions, as interpreted and prepared by the consultants and Derrick Tokos, but was told that the CAC was not charged with making any recommendations. In effect the CAC was simply a group of ten people discussing/gripping/praising the revisions with the consultants acting as facilitators and Derrick Tokos listening in and providing input or background info. Some things were strangely off-limits such as fees for the new expedited review process and enforcement. Other revisions were off-limits because of pending litigation from the Friends of the Gorge who didn't like some revisions. An opportunity for more public involvement in a review of all of the county NSA codes was lost, but maybe that was intentional. A review of the "issue bin items" shows a glimpse of some of the off-limit issues members of the CAC mentioned and also items which required consultant/staff action or clarification. Unfortunately the Planning Commission did not seem to be too interested in the "issue bin items".

Another item the Gorge Commission should be given credit for is the new expedited review process for uses that were considered "low level impact" to scenic, cultural, recreation and natural resources. Unfortunately, several definitions were not addressed in this new process and leave the process open to abuse by planners and property owners who want to make up their own code if not clearly defined by the Multnomah County revisions. For example, what is a "retaining wall"? What is "disturbing the ground"? There is one property owner in the NSA in the county who is calling an approximately five foot high retaining wall a "landscape partition" and therefore justification for no permit. The expedited process allows retaining walls up to 2' high x 100' long, but says you can't disturb the ground to put one in. If you have the answer to that one, please let Salem legislators know as they did not have an answer. When a definition similar to the building code definition was proposed by the staff, it included retaining walls (structures) of any height. So examples of a 6" high concrete curb along a driveway or an 8' x 8' x 12" high sandbox not visible from a Key Viewing Area were also included. A definition with a lower limit or a clarification from the Gorge Commission is needed, but Derrick Tokos has not expressed a willingness to go back to the Gorge Commission. When these two specific definitions were mentioned before the planning commission they were left unresolved with the astounding comment from commissioner Foster: I haven't heard any specific objections so I move we accept the staff revisions. Common sense needs to be injected into the areas the Gorge Commission, staff and planning commission failed to address. The "issue bin items" lists other definitions needing clarification.

After the CAC meetings, these revisions went before the planning commission in two parts at consecutive meetings. At the second meeting new material (to be given to permit applicants for clarification) was distributed that the CAC never had an opportunity to review. One of these items listed "rock retaining walls" as a bad practice in siting a residence. The way this drawing depicted rock retaining walls, some of the walls were obviously very low, probably no higher than 12". The walls were also graphically shown by a symbol that could be confused with another item shown on the drawing, crops. To imply rock retaining walls in the Gorge are bad examples of siting, materials or uses disrespects the historical man-made rock features and craftsmen who made those features an integral part of the experience of the Gorge. My understanding is this material also has not been given to you for review. It is not shown on the Planning Department's website.

Please do not rubber stamp this proposed revision. It needs more work, common sense and real citizen input.

Bob Leipper

PO Box 94

Troutdale, OR 97060

#5

**MULTNOMAH COUNTY BOARD OF COMMISSIONERS  
PUBLIC TESTIMONY SIGN-UP**

Please complete this form and return to the Board Clerk

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MEETING DATE: 6.16.05  
SUBJECT: Gorge Plan

AGENDA NUMBER OR TOPIC: Cit Ad. Com.

FOR: \_\_\_\_\_ AGAINST: \_\_\_\_\_ THE ABOVE AGENDA ITEM

NAME: Claudia Curvan

ADDRESS: 38835 E Hist Col R Hwy

CITY/STATE/ZIP: Corbett OR

PHONE: \_\_\_\_\_ DAYS: \_\_\_\_\_ EVES: \_\_\_\_\_

EMAIL: \_\_\_\_\_ FAX: \_\_\_\_\_

SPECIFIC ISSUE: \_\_\_\_\_

WRITTEN TESTIMONY: \_\_\_\_\_

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#6

**MULTNOMAH COUNTY BOARD OF COMMISSIONERS  
PUBLIC TESTIMONY SIGN-UP**

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**Please complete this form and return to the Board Clerk**

**\*\*\*This form is a public record\*\*\***

MEETING DATE: June 16, 2005

SUBJECT: CRG NSA Management Plan Ordinance Adoption

AGENDA NUMBER OR TOPIC: R-12

FOR: X AGAINST: \_\_\_\_\_ THE ABOVE AGENDA ITEM

NAME: Katy Daily

ADDRESS: 2544 NE 49<sup>th</sup> Ave

CITY/STATE/ZIP: Portland, OR 97213

PHONE: \_\_\_\_\_ DAYS: 503.241.3762 x110 EVES: 503.515.3474

EMAIL: Katy@gorgefriends.org FAX: \_\_\_\_\_

SPECIFIC ISSUE: Support of County's actions

WRITTEN TESTIMONY: Submitted separately

**IF YOU WISH TO ADDRESS THE BOARD:**

1. Please complete this form and return to the Board Clerk.
2. Address the County Commissioners from the presenter table microphones. Please limit your comments to **3 minutes**.
3. State your name for the official record.
4. If written documentation is presented, please furnish one copy to the Board Clerk.

**IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:**

1. Please complete this form and return to the Board Clerk.
2. Written testimony will be entered into the official record.



# FRIENDS OF THE COLUMBIA GORGE

*Celebrating 25 years 1980-2005*

TO: Multnomah County Board of County Commissioners  
FROM: Katy Daily, Conservation Organizer, Friends of the Columbia Gorge  
RE: Multnomah County National Scenic Area Ordinance (MCC Chapter 38)  
DATE: June 16, 2005

Thank you for the opportunity to comment on Multnomah County's draft National Scenic Area Ordinance. Friends is a non-profit organization with members in approximately 3,000 households dedicated to protecting and enhancing the resources of the Columbia River Gorge. Hundreds of our members live within the National Scenic Area.

Friends of the Columbia Gorge commends the County staff and the Citizen Advisory Committee for the hard work and countless hours that have been put into drafting the ordinance. Friends recommends adoption of the draft ordinance as written.

Friends and several other parties (including several Multnomah County citizens) have filed lawsuits in state and federal court alleging that the Revised Management Plan for the Columbia River Gorge National Scenic Area is inconsistent with the purposes and standards of the Scenic Area Act. If the appellants prevail, portions of the Revised Plan could be invalidated.

Friends supports Multnomah County's policy decision to delay consideration of some of the more controversial changes to the Plan that are currently being litigated. Specifically, the County has chosen to defer consideration of the following three topics:

- Allowing commercial events on land not zoned for commercial uses
- Allowing fish processing plants on land not zoned for industrial uses
- Deleting the scenic resources protection guideline requiring new development to be sited to minimize visibility

Friends agrees with the County that it would not be a wise use of resources or fair to the County's citizens to adopt legislative amendments or approve new uses that might be deemed invalid as a result of the litigation. In addition, new commercial uses would pose significant administrative and enforcement burdens on Multnomah County. Because commercial events would occur frequently and usually only on evenings and weekends, they would require additional County enforcement resources at a time when those resources are already stretched very thin.

Again, Friends recommends adoption of the draft ordinance as written. Thank you for considering this testimony.

#7

**MULTNOMAH COUNTY BOARD OF COMMISSIONERS  
PUBLIC TESTIMONY SIGN-UP**

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Please complete this form and return to the Board Clerk

\*\*\*This form is a public record\*\*\*

MEETING DATE: June 16, 2005

SUBJECT: Revised Management Plan For The  
Columbia River Gorge National Science Area

AGENDA NUMBER OR TOPIC: \_\_\_\_\_

FOR: \_\_\_\_\_ AGAINST: \_\_\_\_\_ THE ABOVE AGENDA ITEM

NAME: ERIC LICHTENTHALER

ADDRESS: 38725 E. H.S. Col. Riv. Hwy

CITY/STATE/ZIP: Cashett, OR. 97019

PHONE: \_\_\_\_\_ DAYS: 503-407-9161 EVES: 503 695-5102

EMAIL: \_\_\_\_\_ FAX: 503 695 6702

SPECIFIC ISSUE: participated on citizen  
Advisory Committee

WRITTEN TESTIMONY: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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#8

MULTNOMAH COUNTY BOARD OF COMMISSIONERS  
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk

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MEETING DATE: 6-16-2005

SUBJECT: ORDINANCE Amending Multnomah Co Code chapter  
38 - Columbia River Gorge National Scenic Area

AGENDA NUMBER OR TOPIC: R-12

FOR: \_\_\_\_\_ AGAINST: X THE ABOVE AGENDA ITEM

NAME: LEX LOEB

ADDRESS: POB 6056

CITY/STATE/ZIP: PORTLAND, OR 97228-6056

PHONE: \_\_\_\_\_ DAYS: 503-242-0476 EVES: same

EMAIL: UfoMuseum@comcast.net FAX: \_\_\_\_\_

SPECIFIC ISSUE: Lack of equal protection for Gorge

land owners - county's Apparent double dealing.  
Unfair treatment.

WRITTEN TESTIMONY: 1. We are now required to get a "developers  
permit" just to repaint our house the same color  
it was prior to enactment of The Realist and pay A  
fee to do this. The Gorge commission designated the  
color the house can be painted. If so then  
why should we be bothered with an expensive  
process? why does the county not just come out  
and pay to paint our house the color desired?

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will have to send certified notice

This issue is symptomatic of how we land owners are being treated. This county appoints a Rep. on the Gorge Commission board and by the Act of Congress is a full partner in the fact that Rep. Never bothered to contact us but rather decided as in holders our opinions do not matter - my repeated calls, emails and requests of the gorge commission were ignored. Now ~~our~~ Vested Right, Lot lines and brand fathered rights - such as the part color of the house, which for everyone else in the county is A MAINTENANCE ISSUE and Not a DEVELOPMENT ISSUE. This is grossly unfair and denies us equal protection of Law. The county is by Law an Active partner in formulating gorge management and acts absurdly detached as if its just taking orders. Nothing in the Act says the county should deny us equal protection nor does it allow our vested interests and grandfathered rights to be disintegrated and denied. Our problem with the county is apparently entering a new phase where by we are being rezoned essentially in a round about way. I was in contact with Dick Benner with the first commission and according to him Revising vested rights to an extrastate status is not authorized by the enabling Act. Our problem is now giving us an unfair conditional use which predates a development in effect that predates the gorge commission with county approval - Looks like the county is a Direct Party in an effective condemnation process. That's corrupt.



Written Submission  
only

**MULTNOMAH COUNTY BOARD OF COMMISSIONERS  
PUBLIC TESTIMONY SIGN-UP**

Please complete this form and return to the Board Clerk

\*\*\*This form is a public record\*\*\*

MEETING DATE: 6-16-05

SUBJECT: R12 First Reading of an Ordinance  
Amending Mult Co Code Chapter 38-

AGENDA NUMBER OR TOPIC: \_\_\_\_\_

FOR: X AGAINST: \_\_\_\_\_ THE ABOVE AGENDA ITEM

NAME: Diana Karabut

ADDRESS: PO Box 33130

CITY/STATE/ZIP: Portland, OR

PHONE: \_\_\_\_\_ DAYS: 503-254-4884 EVES: \_\_\_\_\_

EMAIL: diana.v.k@comcast.net FAX: \_\_\_\_\_

SPECIFIC ISSUE: Scenic Area Management Plans  
for the Columbia Gorge

WRITTEN TESTIMONY: Attached

**IF YOU WISH TO ADDRESS THE BOARD:**

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**IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:**

- ① Please complete this form and return to the Board Clerk.
- ② Written testimony will be entered into the official record.

June 16, 2005

Multnomah County Board of Commissioners  
501 SE Hawthorne Boulevard,  
Portland, OR

Chair Linn and Board of Directors,

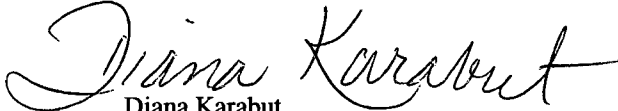
I am a Multnomah County resident who has attended Gorge Commission meetings since 1998 and have been an active citizen-participant in the Management Plan Review.

During that process, there were several issues I opposed. Among those are three amendments up for consideration by this board of commissioners. They are:

1. Allowing commercial events on agricultural, residential, and forest lands: They should only be permitted in urban areas as stated in the current Management Plan and the NSA Act.
2. There is a fish processing plant in Multnomah County that is not properly zoned. The Heuker plant should be shut down. I encourage Multnomah County to vigorously monitor and legally pursue any improperly zoned commercial business.
3. The minimize visibility standard for new development should not be deleted. The problem of improperly sited new developments is taking its toll on scenic area protection in the Columbia Gorge.

I continue to oppose these three changes and I support the County Commission's decision to delay consideration of these topics. Thank you for considering my views.

Sincerely,

A handwritten signature in cursive script that reads "Diana Karabut". The signature is fluid and elegant, with the first name "Diana" being more prominent than the last name "Karabut".

Diana Karabut  
PO Box 33130  
Portland, Oregon 97292

Dixie Stevens  
38725 E. Historic Columbia River Hwy.  
Corbett, OR 97019

Re: #R12 Amending Multnomah County Code Chapter 38

Dear County Commissioners,

I am writing to applaud the work Multnomah County put into the thoughtful assessment of the Revisions to the Management Plan as proposed by the Columbia Gorge Commission. I particularly applaud the convening of a Citizen's Advisory Committee to carefully look at changes to the management plan and believe the outcome of that work is thoughtful and reasonable.

I especially want to express my appreciation and support for the Commissioners' decision to **not include for review items under litigation such as commercial events, fish processing, etc.** It makes no sense to have a body of citizens, county officials and others spend time reviewing and commenting on areas that will be decided in court at a later date, potentially overturning any planning that occurred on the local level. In these times of limited resources, it is simply logical to await the outcome of the legal proceedings and draw a plan from there.

I believe that Multnomah County Commissioners have been fair and balanced in their approach to the scenic resource of the Columbia Gorge and have held standards that protect this resource while supporting all the citizens who live, work, enjoy and play within its' boundaries.

I thank you for your efforts and ask that you stay the course regarding the exclusion of litigated items until legal proceedings are settled.

Sincerely,

A handwritten signature in cursive script, appearing to read "Dixie Stevens".

Dixie Stevens