

ANNOTATED MINUTES

Monday, December 21, 1992 - 9:00 AM
Portland Building, 14th Floor - Conference Room A

EXECUTIVE SESSION

The Multnomah County Board of Commissioners Will Meet in Executive Session Pursuant to ORS 192.660 (1)(h) for the Purposes of Consulting with Legal Counsel Regarding Litigation. Presented by John DuBay.

Tuesday, December 22, 1992 - 9:00 AM
Multnomah County Courthouse, Room 602

EXECUTIVE SESSION

E-1 The Multnomah County Board of Commissioners Will Meet in Executive Session Pursuant to ORS 192.660 (1)(e) to Discuss a Proposed Real Property Transaction. Presented by Bob Oberst, Billi Odegaard, Dwayne Prather, Dave Boyer and Don Keister.

Tuesday, December 22, 1992 - 9:30 AM
Multnomah County Courthouse, Room 602

PLANNING ITEMS

P-1 First Reading of an ORDINANCE Amending the Comprehensive Framework Plan Map, the Comprehensive Framework Plan Test, and Sectional Zoning Maps to Recognize and Implement the Columbia River Gorge National Scenic Area

HEARING CONTINUED TO 1:30 PM AT STAFF'S REQUEST. ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. SHARON TIMKO EXPLANATION AND RESPONSE TO BOARD QUESTIONS. TESTIMONY FROM KRIS OLSON ROGERS, BRIAN LITT, VIRGINIA PUGH AND JEANNETTE KLOOS. COMMISSIONER ANDERSON MOVED, SECONDED BY COMMISSIONER KELLEY, TO APPROVE THE FIRST READING. COMMISSIONER ANDERSON MOVED, SECONDED BY COMMISSIONER KELLEY, TO AMEND THE ORDINANCE TO INCORPORATE THE TIMKO AMENDMENT. TESTIMONY FROM LAUREL SLATER, TED DAVENPORT, MICHAEL RYAN, TAMRA LISY, ELLSWORTH VIEIRA, JOHN MILLER, LOUISE WEIDLICH AND WILLARD GAUL. BOB HALL, PETER LIVINGSTON AND SHARON TIMKO DISCUSSION AND RESPONSE TO BOARD QUESTIONS. UPON MOTION OF COMMISSIONER ANDERSON, SECONDED BY COMMISSIONER KELLEY, IT WAS UNANIMOUSLY APPROVED THAT THE ORDINANCE BE AMENDED TO INCORPORATE THE TIMKO AMENDMENT TO THE SPECIAL MANAGEMENT AND GENERAL MANAGEMENT AREAS, TWO PLANNING STAFF ERRATA AMENDMENTS AND AN AMENDMENT TO MCC 11.15.3572. THE VOTE ON THE MOTION TO APPROVE THE FIRST READING OF THE ORDINANCE AS AMENDED WAS

**UNANIMOUSLY APPROVED WITH THE SECOND READING
SCHEDULED FOR TUESDAY, DECEMBER 29, 1992.**

Tuesday, December 22, 1992 - 10:00 AM
Multnomah County Courthouse, Room 602

REGULAR MEETING

Chair Gladys McCoy convened the meeting at 10:22 a.m., with Vice-Chair Sharron Kelley, Commissioners Pauline Anderson and Gary Hansen present, and Commissioner Rick Bauman excused.

CONSENT CALENDAR

**UPON MOTION OF COMMISSIONER KELLEY, SECONDED
BY COMMISSIONER ANDERSON, THE CONSENT CALENDAR
(C-1 THROUGH C-7) WAS UNANIMOUSLY APPROVED.**

JUSTICE SERVICES

SHERIFF'S OFFICE

- C-1 Liquor License Application Renewals Submitted by Sheriff's Office with Recommendation for Approval as Follows:
Dispenser Class A for a) THE PINK FEATHER, INC., 14154 SE DIVISION, PORTLAND, 97236
- C-2 Liquor License Application Change of Ownership Submitted by Sheriff's Office with Recommendation for Approval as Follows:
Dispenser Class A for a) THE VELVET KEG, 12131 SE HOLGATE, PORTLAND, 97216
- C-3 Liquor License Application Renewals Submitted by Sheriff's Office with Recommendation for Approval as Follows:
Package Store for a) 7-ELEVEN STORE #173353, 1705 SE 122ND, PORTLAND, 97233; b) 7-ELEVEN STORE #16535, 14725 SE DIVISION, PORTLAND, 97236; and c) THE POWELL SUNSHINE MARKET, 13580 SE POWELL, PORTLAND, 97236
- C-4 Liquor License Application Renewals Submitted by Sheriff's Office with Recommendation for Approval as Follows:
Retail Malt Beverage for a) THE OREGON RESTAURANT SERVICES, DOTTY'S #4, 16353 SE DIVISION, #116, PORTLAND, 97236

DEPARTMENT OF HEALTH

- C-5 Ratification of an Intergovernmental Agreement, Contract #201273, between Multnomah County, Health Department and the Oregon Health Sciences University to Provide Hospital Services for Multnomah County Corrections System Prisoners, for the Period Upon Execution through June 30, 1994

DEPARTMENT OF SOCIAL SERVICES

- C-6 Ratification of an Intergovernmental Agreement, Contract #100183 Amendment #1, between Multnomah County, Mental Health, Youth and Family Services Division - Office of Child and Adolescent Mental Health Program (OCAMHS) and the

Oregon Health Sciences University to Implement Day Treatment Services for Partners Project Children, for the Period July 1, 1992 through June 30, 1993

DEPARTMENT OF ENVIRONMENTAL SERVICES

C-7 ORDER in the Matter of Contract 15718 for the Sale of Certain Real Property to BERTHA L. HARMON

ORDER 92-233.

REGULAR AGENDA

DEPARTMENT OF HEALTH

R-1 Budget Modification MCHD #12 Recognizes the Receipt of Enhanced Grant Funds from the National Institutes on Drug Abuse (NIDA) for the Risk Behavior Reduction Project

UPON MOTION OF COMMISSIONER HANSEN, SECONDED BY COMMISSIONER ANDERSON, R-1 WAS UNANIMOUSLY APPROVED.

PUBLIC COMMENT

R-2 Opportunity for Public Comment on Non-Agenda Matters. Testimony Limited to Three Minutes Per Person.

MARILYN MILLER AND OTHER CONSTITUENTS PRESENTED COMMISSIONER ANDERSON WITH A COMMEMORATIVE PLAQUE FROM YOUTH SERVICE PROVIDERS.

There being no further business, the regular meeting was adjourned at 10:29 a.m.

OFFICE OF THE BOARD CLERK
for MULTNOMAH COUNTY, OREGON

By Deborah Coaster

Tuesday, December 22, 1992 - 10:30 AM
Multnomah County Courthouse, Room 602

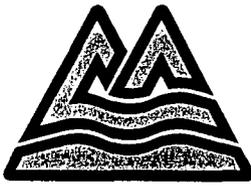
BOARD BRIEFINGS

B-1 Briefing on Current Proposal Being Presented by the Public Safety 2000. Presented by Paul Lorenzini.

RESPONSE TO BOARD QUESTIONS BY PAUL LORENZINI AND STEVE TILLINGHAST.

B-2 Detention Reform Committee Briefing. Presented by Gary Nakao and Hal Ogburn.

BOARD SUGGESTED REVISIONS TO PROPOSED RESOLUTION.



MULTNOMAH COUNTY OREGON

OFFICE OF THE BOARD CLERK
SUITE 1510, PORTLAND BUILDING
1120 S.W. FIFTH AVENUE
PORTLAND, OREGON 97204

GLADYS McCOY • CHAIR • 248-3308
PAULINE ANDERSON • DISTRICT 1 • 248-5220
GARY HANSEN • DISTRICT 2 • 248-5219
RICK BAUMAN • DISTRICT 3 • 248-5217
SHARRON KELLEY • DISTRICT 4 • 248-5213
CLERK'S OFFICE • 248-3277 • 248-5222

AGENDA

MEETINGS OF THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS

FOR THE WEEK OF

December 21 - 25, 1992

Tuesday, December 22, 1992 - 9:00 AM - Executive Session. .Page 2

Tuesday, December 22, 1992 - 9:30 AM - Planning Items . . .Page 2

Tuesday, December 22, 1992 - 10:00 AM - Regular Meeting . .Page 2

Tuesday, December 22, 1992 - 10:30 AM - Board Briefings . .Page 3

Thursday, December 24, 1992 - NO MEETINGS

Friday, December 25, 1992 - CHRISTMAS HOLIDAY - OFFICES CLOSED

Thursday Meetings of the Multnomah County Board of Commissioners are taped and can be seen at the following times:

Thursday, 10:00 PM, Channel 11 for East and West side subscribers

Thursday, 10:00 PM, Channel 49 for Columbia Cable (Vancouver) subscribers

Friday, 6:00 PM, Channel 22 for Paragon Cable (Multnomah East) subscribers

Saturday 12:00 PM, Channel 21 for East Portland and East County subscribers

INDIVIDUALS WITH DISABILITIES MAY CALL THE OFFICE OF THE BOARD CLERK AT 248-3277 OR 248-5222 OR MULTNOMAH COUNTY TDD PHONE 248-5040 FOR INFORMATION ON AVAILABLE SERVICES AND ACCESSIBILITY.

Tuesday, December 22, 1992 - 9:00 AM

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- P-1 First Reading of an ORDINANCE Amending the Comprehensive Framework Plan Map, the Comprehensive Framework Plan Test, and Sectional Zoning Maps to Recognize and Implement the Columbia River Gorge National Scenic Area
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- B-2 Detention Reform Committee Briefing. Presented by Gary Nakao and Hal Ogburn. 11:30 TIME CERTAIN. 30 MINUTES REQUESTED.



MULTNOMAH COUNTY OREGON

OFFICE OF THE BOARD CLERK
SUITE 1510, PORTLAND BUILDING
1120 S.W. FIFTH AVENUE
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RICK BAUMAN • DISTRICT 3 • 248-5217
SHARRON KELLEY • DISTRICT 4 • 248-5213
CLERK'S OFFICE • 248-3277 • 248-5222

SUPPLEMENTAL AGENDA

Monday, December 21, 1992 - 9:00 AM

1120 S.W. 5th Avenue

Portland Building, 14th Floor - Conference Room A

EXECUTIVE SESSION

The Multnomah County Board of Commissioners Will Meet in Executive Session Pursuant to ORS 192.660 (1)(h) for the Purposes of Consulting with Legal Counsel Regarding Litigation. Presented by John DuBay. 60 MINUTES REQUESTED.

0203C/58
cap

RICK BAUMAN
Multnomah County Commissioner
District 3



606 County Courthouse
Portland, Oregon 97204
(503) 248-5217

November 16, 1992

TO: Board of Commissioners
Clerk of the Board

FROM: Rick Bauman *[Signature]*

RE: Absence from Office

1992 NOV 16 AM 11:10
MULTNOMAH COUNTY
OREGON
CLERK OF
COUNTY COMMISSIONERS

I will not be in attendance at the December 22nd Board meeting. I will be available for the next scheduled meeting on December 29th.

#1

PLEASE PRINT LEGIBLY!

MEETING DATE 12/22/92

NAME KRIS OLSON ROGERS

ADDRESS 356 SW KINGSTON AVE
STREET

PORTLAND 97201
CITY **ZIP CODE**

I WISH TO SPEAK ON AGENDA ITEM # P-1

SUPPORT X **OPPOSE** _____
SUBMIT TO BOARD CLERK

#5

PLEASE PRINT LEGIBLY!

MEETING DATE 12-22-92

NAME Laurel Slater

ADDRESS 46650 E. Crown Pt Hwy
STREET

Bridal Veil 97010
CITY **ZIP CODE**

I WISH TO SPEAK ON AGENDA ITEM # P-1

SUPPORT _____ **OPPOSE** _____
SUBMIT TO BOARD CLERK

#7

PLEASE PRINT LEGIBLY!

MEETING DATE 12/22/92

NAME MICHAEL P. RYAN

ADDRESS 2891 SW FAIRVIEW

STREET
PORTLAND

97201

CITY ZIP CODE

I WISH TO SPEAK ON AGENDA ITEM # R-1

SUPPORT X OPPOSE

SUBMIT TO BOARD CLERK

#8

PLEASE PRINT LEGIBLY!

MEETING DATE 12/22/92

NAME TAMRA LISY

ADDRESS 2534 SE 13th

STREET Port, OR 97202

CITY Port, OR ZIP CODE 97202

I WISH TO SPEAK ON AGENDA ITEM # _____

SUPPORT _____ OPPOSE _____

SUBMIT TO BOARD CLERK

#9

PLEASE PRINT LEGIBLY!

MEETING DATE Dec. 22, 1992

NAME Ellsworth E. Vieira

ADDRESS 810 NE. 152nd Ave

STREET
Portland, Ore. 97230

CITY ZIP CODE

I WISH TO SPEAK ON AGENDA ITEM # P-1

SUPPORT ✓ OPPOSE _____

SUBMIT TO BOARD CLERK

#10

PLEASE PRINT LEGIBLY!

MEETING DATE 12-22-92

NAME John Miller

ADDRESS 46312 NE Toll Rd

STREET

Corbett, Or.

CITY

97019

ZIP CODE

I WISH TO SPEAK ON AGENDA ITEM # _____

SUPPORT _____

OPPOSE _____

SUBMIT TO BOARD CLERK

#11

PLEASE PRINT LEGIBLY!

MEETING DATE Dec 22/92

NAME Louise Weidlich

ADDRESS Neighborhoods Protective Ass'n

Portland Oregon 97219
CITY ZIP CODE

I WISH TO SPEAK ON AGENDA ITEM # P. 1

SUPPORT _____ OPPOSE _____
SUBMIT TO BOARD CLERK

#11

PLEASE PRINT LEGIBLY!

MEETING DATE

12/22/92

NAME

Louise Weidlich, Historian

ADDRESS

Portland Women's Forum

STREET

Portland Oregon

CITY

ZIP CODE

I WISH TO SPEAK ON AGENDA ITEM #

P-1

SUPPORT

OPPOSE

SUBMIT TO BOARD CLERK

#12

PLEASE PRINT LEGIBLY!

MEETING DATE Dec 22-92

NAME Willard Gaul

ADDRESS 7301 S.W. 26th Ave

STREET
Portland 97219

CITY ZIP CODE

I WISH TO SPEAK ON AGENDA ITEM # P-1

SUPPORT _____ OPPOSE ✓

SUBMIT TO BOARD CLERK

Meeting Date: December 22, 1992

Agenda No.: P-1

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM
(For Non-Budgetary Items)

SUBJECT: First Reading - Gorge Ordinance

BCC Informal _____ BCC Formal December 22, 1992
(date) (date)

DEPARTMENT DES DIVISION Planning

CONTACT Sharon Cowley TELEPHONE 2610

PERSON(S) MAKING PRESENTATION Bob Hall

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 30 Minutes

CHECK IF YOU REQUIRE OFFICIAL WRITTEN NOTICE OF ACTION TAKEN: _____

BRIEF SUMMARY (include statement of rationale for action requested, as well as personnel and fiscal/budgetary impacts, if applicable):

C 6-92 An Ordinance amending the Comprehensive Framework Plan Map, the Comprehensive Framework Plan Text and Sectional Zoning Maps to recognize and implement the Columbia River Gorge National Scenic Area.

BOARD OF
COUNTY COMMISSIONERS
1992 DEC 14 PM 3:06
MULTNOMAH COUNTY
OREGON

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL _____

Or

DEPARTMENT MANAGER *[Signature]*

(All accompanying documents must have required signatures)

ORDINANCE FACT SHEET

Ordinance Title: Columbia River Gorge National Scenic Area Regulations

Give a brief statement of the purpose of the ordinance (include the rationale for adoption of ordinance, description of persons benefited, other alternatives explored):

This ordinance will bring the Multnomah County Comprehensive Plan, Zoning Maps and Zoning Code in compliance with the Columbia River Gorge National Scenic Area Management Plan as required by Public Law 99-663. The purposes of that law 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 economic development in a manner that enhances the scenic, cultural, recreational, and natural resources of the Gorge. The persons benefited will be the public in general.

What other local jurisdictions in the metropolitan area have enacted similar legislation?

No other jurisdiction has yet adopted implementing standards for the Columbia River Gorge National Scenic Area Management Plan.

What has been the experience in other areas with this type of legislation?

There has been no experience in other areas since Multnomah County would be the first jurisdiction to comply with the federal law.

What is the fiscal impact, if any?

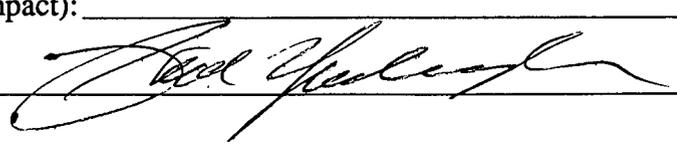
This will neither create, nor consume revenue beyond that realized by the existing planning program for the area.

(If space is inadequate, please use other side)

SIGNATURES

Person Filling Out Form:  _____

Planning & Budget Division (if fiscal impact): _____

Department Manager/Elected Official:  _____

1 BEFORE THE BOARD OF COUNTY COMMISSIONERS
2 FOR MULTNOMAH COUNTY, OREGON
3 ORDINANCE NO. _____
4

5 An Ordinance amending the Comprehensive Framework Plan Map, the Comprehensive
6 Framework Plan Text, and Sectional Zoning Maps to recognize and implement the Columbia
7 River Gorge National Scenic Area.
8

9 Multnomah County Ordains as follows:
10

11 Section I. Findings.

12 (A). In 1986 Congress passed the Columbia River Gorge National Scenic Area Act
13 (Public Law 99-663) which designated approximately 33,280 acres within Multnomah County
14 as a National Scenic Area.

15 (B). The purposes of the Columbia River Gorge National Scenic Area are to protect
16 and provide for the enhancement of the scenic, cultural, recreational, and natural resources of
17 the Columbia River Gorge, and to protect and support the economy of the Columbia River
18 Gorge by allowing future development which supports those purposes. The purposes are imple-
19 mented by the document entitled *Management Plan for the Columbia River Gorge National*
20 *Scenic Area* adopted by the Columbia River Gorge Commission on October 15, 1991.

21 (C). The Secretary of Agriculture concurred with the Management Plan on February
22 13, 1992.

23 (D). Multnomah County was notified by the Columbia River Gorge Commission of the
24 concurrence by the Secretary of Agriculture on April 15, 1992 and directed to develop appropri-
25 ate measures to implement the Management Plan within 270 days of that date.

26 (E). The Planning Commission conducted three work sessions and a public hearing on

1 Part II sets forth goals, objectives, policies, and guidelines for resource protection and
2 enhancement. Individual chapters cover scenic resources, cultural resources, natural resources,
3 and recreation resources. The accompanying landscape settings map is used in conjunction
4 with the scenic resources chapter, and the recreation intensity classes map is used with the
5 chapter in Part II on recreation resources.

6 Part III outlines an action program, with chapters devoted to the recreation development
7 plan, economic development, enhancement strategies, and interpretation and education. Part IV
8 focuses on the role of the Gorge Commission and the U.S. Forest Service, Indian tribal treaty
9 rights and consultation, and public involvement. Part V consists of a glossary of definitions.

10 POLICY 41

11 THE COUNTY'S POLICY IS TO IMPLEMENT THE GOALS, OBJECTIVES, POLI-
12 CIES, AND GUIDELINE ELEMENTS CONTAINED IN THE *MANAGEMENT PLAN FOR*
13 *THE COLUMBIA RIVER GORGE NATIONAL SCENIC AREA* AND ATTENDANT MAPS
14 (INCLUDING ANY FUTURE AMENDMENTS) FOR THAT PORTION OF THE COUNTY
15 DESIGNATED BY CONGRESS AS THE COLUMBIA RIVER GORGE NATIONAL
16 SCENIC AREA.

17 STRATEGY

18 As a part of the ongoing planning program, the County should amend the Zoning Code
19 to include zoning districts and review procedures which implement the goals, objectives and
20 policies of the *Management Plan for the Columbia River Gorge National Scenic Area* and its
21 attendant maps.

22 23 Section III. Amendment of Framework Plan Land Use Map.

24 The Framework Plan Land Use Map is hereby amended by REPLACING the current
25 land use designations within the Columbia River Gorge National Scenic Area with designations
26 contained on the three maps entitled Land Use Designations, Landscape Settings and Recre-

1 the proposed National Scenic Area amendments of the Comprehensive Framework Plan and
2 Zoning Code.

3 (F). The Planning Commission found that the proposed amendments satisfy the intent
4 and purposes of the Columbia River Gorge National Scenic Area Act and the goals, policies,
5 objectives and guidelines of the Management Plan for the Columbia River Gorge National
6 Scenic Area.

7
8 Section II. Amendment of Framework Plan Text.

9 The Framework Plan text is amended by adding Policy 41 which reads as follows:

10 **POLICY 41: COLUMBIA RIVER GORGE NATIONAL SCENIC AREA**

11 In 1986 Congress passed the Columbia River Gorge National Scenic Area Act (Public
12 Law 99-663) which designated 292,600 acres in six counties in the states of Oregon and Wash-
13 ington as a National Scenic Area. Approximately 33,280 acres of that area are within Multno-
14 mah County.

15 The purposes of the Columbia River Gorge National Scenic Area are to protect and pro-
16 vide for the enhancement of the scenic, cultural, recreational, and natural resources of the
17 Columbia River Gorge, and to protect and support the economy of the Columbia River Gorge
18 by allowing future development which supports those purposes. The purposes are implemented
19 by the document entitled *Management Plan for the Columbia River Gorge National Scenic*
20 *Area.*

21 The Management Plan is organized into five parts. Part I of the plan addresses land use
22 designations, and the colored map by this title is used in conjunction with this section of the
23 plan. Individual chapters set forth the goal, objective, policy, and guideline elements for each
24 land use category: agricultural land, forest land, open space, residential land, commercial land,
25 and recreation designations. The land use designation chapters are followed by a chapter on
26 general policies and guidelines that affect all uses in the Scenic Area, regardless of designation.

1 ation Intensity Classes comprising Exhibit A, which is incorporated by reference herein.

2

3 Section III. Amendment of Sectional Zoning Maps.

4 The following Sectional Zoning Maps, as adopted November 15, 1962, including all subsequent
5 amendments thereto as of the effective date of this Ordinance, are hereby amended by REPLACING the
6 present Zoning District designations within the Columbia River Gorge National Scenic Area with those
7 identified on the maps comprising Exhibit B (as converted by the conversion table attached to that exhibit),
8 which is incorporated by reference herein: Numbers 635 through 651, 653 and 654, 657A and B, 658 and
9 659, 662 and 663, 666 through 669, 718 through 752, 754 through 765, 767 through 771, 773 through 776,
10 779 through 783, 786 and 787, and 827.

11

12 Section IV. Amendment of Zoning Code.

13 Multnomah County Code Chapter 11.15 is amended to add sections 11.15.3550 through 11.15.3834
14 as contained in Exhibit C, which is incorporated by reference herein.

15

16 ADOPTED THIS _____ day of _____, 1992, being the date of its _____
17 reading before the Board of County Commissioners of Multnomah County.

18

19

20 (SEAL)

21

By _____
Gladys McCoy, County Chair
MULTNOMAH COUNTY, OREGON

22

23 REVIEWED:

24

25 _____
John DuBay, Deputy County Counsel
26 of Multnomah County, Oregon

COLUMBIA RIVER GORGE NATIONAL SCENIC AREA

EXHIBIT C

Zoning Code Amendment



General Provisions37-A-1

Zoning Districts

- Agriculture37-A-25
- Forestry37-A-31
- Open Space.....37-A-35
- Residential.....37-A-37
- Rural Center37-A-41
- Commercial37-A-43
- Recreation37-A-45

Scenic Area Site Review37-A-49

Scenic Review

- GMA37-A-50
- SMA.....37-A-59

Cultural Resource Review

- GMA37-A-62
- SMA.....37-A-68

Natural Resource

- GMA Wetland37-A-71
- GMA Stream, Lake & Riparian.....37-A-76
- GMA Wildlife.....37-A-80
- GMA Rare Plant37-A-83
- SMA Natural Resource.....37-A-87

Recreation

- GMA37-A-90
- SMA.....37-A-94



Columbia River Gorge National Scenic Area General Provisions

11.15.3550 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 allowing future economic development in a manner that enhances the scenic, cultural, recreational, and natural resources of the Gorge.

11.15.3552 Area Affected

MCC .3550 through .3834 shall apply to all lands within the Columbia River Gorge National Scenic Area as designated by the Columbia River Gorge National Scenic Area Act.

11.15.3554 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 .3606 through .3762; when considered under the applicable procedural and approval provisions of this Chapter.

11.15.3556 Definitions

As used in MCC .3550 through .3834, unless otherwise noted, the following words and their derivations shall have the following meanings:

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.

Accessory building: A building or structure, the use of which is incidental and subordinate to that of the main use of the property, which is located on the same parcel as the main building or use.

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

wildlife species.

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

Agricultural structure: A structure 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.

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

1. The operation or use of farmland subject to any government agricultural program;
2. Land lying fallow for one year as a normal and regular requirement of good agricultural management;
3. Land planted to orchards or to other perennial crops prior to maturity; and
4. Land under buildings supporting accepted agricultural practices.

Current employment does not include livestock feedlots.

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

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

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

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

Archaeological resource: See cultural resource.

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

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

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

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

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

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

Building: A structure used or intended to support or shelter any use or occupancy.

Camping or recreational vehicle: A vacation trailer, camper or self-propelled vehicle

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

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

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

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

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

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

1. Care that is primarily educational unless provided to a preschool child for more than 4 hours a day;
2. Care that is primarily supervised training in a specific subject, including, but not limited to, dance, gymnastics, drama, music or religion;
3. Short term care in connection with group athletic or social activities.
4. Day care in the living quarters of the home of the provider for less than 13 children.

Clearcut: A created opening of one 1 acre or more.

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

stands.

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

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

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

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

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

Created opening (SMA): A created forest opening with less than 80 percent crown cover closure of trees averaging less than 20 feet tall.

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

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

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

- **Archaeological resources – Physical evidence or ruins of human occupation or activity at least 50 years old located on or below the surface of the ground.**

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

- **Historic buildings and structures – Standing or aboveground buildings and structures that are at least 50 years old.**

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

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

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

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

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

- An excavation;
- The difference between a point on the original ground surface and the point of lowest elevation on the final grade;
- The material removed in excavation work.

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

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

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

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

Development: Any mining, dredging, filling, grading, paving, excavation, land division, or structure, including but not limited to new construction of a building or structure.

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

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

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

Dwelling unit: A single unit designed for occupancy by one family and having not more than one cooking area or kitchen.

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.

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

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

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

Existing use or structure: A legally established use that existed before (the effective date of this ordinance). "Legally-established" means established in accordance with the law in effect at the time of establishment.

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

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

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

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

Foreground (SMA): One-half mile either side of a traveled road or trail.

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

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

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

Fully screened: The relative visibility of a structure when that structure is not visible as viewed from a specified vantage point (generally a Key Viewing Area).

Grade (ground level): The average elevation of the finished ground elevation as defined by the Uniform Building Code.

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

Height of building: The vertical distance from the grade to the highest point of the roof.

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

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

Historic buildings and structures: See cultural resource.

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

Horses, boarding of: The stabling, feeding and grooming for a fee, or the renting of stalls and

related facilities, such as training arenas, corals and exercise tracks, for the care of horses not belonging to the owner of the property.

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

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

Indian tribal government: The governing bodies of the Nez Perce Tribe (Nez Perce Tribal Executive Committee), the Confederated Tribes of the Umatilla Indian Reservation (Board of Trustee), 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).

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.

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

1. Assembly or manufacture of goods or products;
2. Processing or reprocessing of raw materials, processing of recyclable materials or agricultural products not produced within a constituent farm unit;
3. Storage or warehousing, handling or distribution of manufactured goods or products, raw materials, agricultural products, forest products or recyclable materials for purposes other than retail sale and service; or
4. Production of electric power for commercial purposes.

Interpretive displays: Signs and structures

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

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

Key viewing area: Those portions of important public roads, parks or other vantage points within the Scenic Area from which the public views Scenic Area landscapes. They include:

GMA and SMA:

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

SMA only:

Larch Mountain Road
 Old Washington State Route 14 (County Road 1230)
 Sherrard Point on Larch Mountain
 Wyeth Bench Road

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

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

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

Lot line adjustment: 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.

Management Plan: The document entitled *Management Plan for the Columbia River Gorge National Scenic Area* adopted (the effective date of this ordinance).

Mitigation: The use of any or all of the following actions:

1. Avoiding the impact altogether by not taking a certain action or parts of an action;
2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation;
3. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment; or
4. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.

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

Native species: Species that naturally inhabit an area.

Natural resources: Naturally occurring features such as land, water, air, plants, animals, including fish, plant and animal habitat, and scenery.

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

Natural resource-based recreation (SMA):

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

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

Old growth: Any 10 acre or greater stand of trees with the following characteristics:

1. Contains mature and overmature trees in the overstory and is well into the mature growth state;
2. In coniferous forests, will usually contain a multilayered canopy and trees of several age classes;
3. In coniferous forests, standing dead trees and down material are present; and
4. Evidence of activity by man may be present, but such activity has not significantly altered the other characteristics of the stand.

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

1. Scenic, cultural, and historic areas;
2. Fish and wildlife habitat;
3. Lands which support plant species that are endemic to the scenic area or which are listed as rare, threatened or endangered species pursuant to State or Federal Endangered Species Acts;
4. Ecologically and scientifically significant natural areas;
5. Outstanding scenic views and sites;
6. Water areas and wetlands;

7. Archaeological sites, Indian burial grounds and village sites, historic trails and roads and other areas which are culturally or historically significant;

8. Potential and existing recreation resources; and

9. Federal and State wild, scenic, and recreation waterways.

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

1. Direction for resource protection, enhancement, and management.
2. Review of existing uses to determine compatibility with open space values.
3. Consultation with members of the public, and agency and resource specialists.

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.

Parcel:

1. 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;
2. A unit of land shall not be considered a separate parcel simply because it:
 - a. Is a unit of land created solely to establish a separate tax account;
 - b. Lies in different counties;
 - c. Lies in different sections or government lots;
 - d. Lies in different zoning designations; or

e. Is dissected by a public or private road.

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.

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

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

Preexisting: Existing prior to (the effective date of this ordinance), the date of adoption of the Columbia River Gorge National Scenic Area Management Plan.

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

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

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

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

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

Recreation resources: Areas and facilities that

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

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.

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.

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

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

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.

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

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

1. Ways described as streets, highways, thoroughways, or alleys;

2. Road-related structures, such as tunnels, culverts, or similar structures, that are in the right-of-way ; and
3. Structures such as bridges that provide for continuity of the right-of-way.

Scenic Area: The Columbia River Gorge National Scenic Area.

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

Secretary: The Secretary of Agriculture.

Sensitive plant species: Plant species that are:

1. Endemic to the Columbia River Gorge and vicinity,
2. Listed as endangered or threatened pursuant to federal or state endangered species acts, or
3. Listed as endangered, threatened or sensitive by the Oregon Natural Heritage Program.

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

Sensitive wildlife species: Animal species that are:

1. Listed as endangered or threatened pursuant to federal or state endangered species acts,
3. Listed as sensitive by the Oregon Fish and Wildlife Commission, or
3. The great blue heron, osprey, mountain goat, golden eagle, and prairie falcon.

In the Special Management Area, sensitive wildlife species also include animal species recognized by the Regional Forester as need-

ing special management to prevent them from being placed on federal or state endangered species lists.

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

Serviceable: Presently usable.

Shall: Action is mandatory.

Should: Action is encouraged.

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

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

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

Skyline: The line which represents the place at which a landform, such as a bluff, ridge, or the top of a cliff meets the sky, as viewed from a specified vantage point (generally a Key Viewing Area). In areas with thick, unbroken tree cover, the skyline is formed by the top of the vegetative canopy. In treeless areas or areas with more open tree cover, the skyline is

formed by the surface of the ground.

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

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

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

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

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

Streams: Areas where surface water produces a defined channel or bed, including bedrock channels, gravel beds, sand and silt beds, and defined-channel swales. The channel or bed does not have to contain water year-round. They 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.

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.

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.

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

Suitability: The appropriateness of land for production of agricultural or forest products, or

for recreation, considering its capability for production, surrounding uses and features associated with development, compatibility with scenic, cultural, natural and recreation resources, compatibility among uses, and other cultural factors, such as roads, powerlines, dwellings and size of ownership.

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

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

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

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

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

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

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

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

Visual Quality Objective (VQO): A set of visual management goals established by the Forest

Service to achieve a desired visual objective. These objectives include retention and partial retention, and others in the Mt. Hood and Gifford Pinchot National Forest Plans.

Visually subordinate: The relative visibility of a structure where that structure 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.

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

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

Wetlands: Areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to normally support a prevalence of vegetation typically adapted for life in saturated soil conditions. This does not include riparian areas, rivers, streams, and lakes. The exact location of wetlands boundaries shall be delineated using the procedures specified in the *Federal Manual for Identifying and Delineating Jurisdictional Wetlands* (Federal Interagency Committee for Wetland Delineation, 1989).

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

wildlife and fisheries; educational, historical, and archaeological value protection; and scenic, aesthetic, and recreational amenities.

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

11.15.3558 Exempt Land Uses and Activities

MCC .3550 through .3834 shall not apply to:

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

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

(C) Rights to surface or ground water.

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

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

(F) Hunting or fishing.

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

(H) In the General Management Area, the rights and responsibilities of non-federal timber landowners under the Oregon Forest Practices Act, or under county regulations which supersede that Act.

11.15.3560 Prohibited Land Uses and Activities

The following land uses and activities shall not be

allowed within the Columbia River Gorge National Scenic Area

- (A) Solid waste disposal sites or sanitary landfills within the Special Management Area.
- (B) New industrial development outside of the Urban Areas as designated by the Columbia River Gorge National Scenic Area Act.

11.15.3562 Existing Uses

Except as otherwise provided below, existing uses may continue, notwithstanding the provisions of MCC .3550 through .3834.

- (A) Any use or structure existing on (the effective date of this ordinance) 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 fire shall be treated as an existing use or structure if an application for replacement in kind and in the same location is filed within one year of such damage or destruction. Such uses or structures shall be subject to compliance with standards for protection of scenic resources involving color, reflectivity and landscaping. Replacement of an existing use or structure by a use or structure different in purpose, size or scope shall be subject to MCC .3550 through .3834 to minimize adverse effects on scenic, cultural, natural and recreation resources.
- (C) 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 .3550 through .3834. 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.
- (D) In the Special Management Area, existing commercial and multi-family residential uses may expand as necessary for successful operation on the Lot of Record, subject to MCC .3568 and .3570(C). Expansion beyond the Dedicated Site is prohibited.
- (E) Existing industrial uses in the General Management Area may expand as necessary for

successful operation on the Lot of Record, subject to MCC .3568 and .3570(C). Expansion beyond the Lot of Record is prohibited.

- (F) In the General Management Area, existing industrial uses may convert to less intensive uses, subject to MCC .3568 and .3570(C). A less intensive use is a commercial, recreation or residential use with fewer adverse effects upon scenic, cultural, natural and recreation resources.
- (G) 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 .3550 through .3834 if:
 - (1) The mined land has been reclaimed naturally or artificially to a point where it is revegetated to 50 percent of its original cover (considering both basal and canopy) or has reverted to another beneficial use, such as grazing. Mined land shall not include terrain which was merely leveled or cleared of vegetation; or
 - (2) The site has not maintained a required state permit; or
 - (3) The site has not operated legally within 5 years prior to the date of adoption of the Management Plan.
- (H) Uses involving the exploration, development or production of sand, gravel or crushed rock in the Special Management Area may continue when:
 - (1) 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
 - (2) A determination by the Forest Service finds that the use does not adversely affect the scenic, cultural, natural or recreation 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.

11.15.3564 Use Under Prescribed Conditions Application and Approval Process

- (A) Uses Under Prescribed Conditions are those uses permitted in a district when administratively approved by the Planning Director upon findings by the Director, without action proceedings, that the NSA Site Review standards of MCC .3800 through .3834 and applicable policies of the Management Plan have been satisfied.
- (B) A decision by the Planning Director on an application for a Use Under Prescribed Conditions shall be final 14 days from the date the decision is mailed, unless appealed as provided in MCC .8290.
- (C) All applications for Uses Under Prescribed Conditions shall include a site plan containing the information required by MCC .3568(A).

11.15.3566 Uses Under Prescribed Conditions

The following Uses Under Prescribed Conditions may be permitted when allowed by the district and found by the Planning Director to satisfy the applicable approval criteria pursuant to the procedural provisions of MCC .3800 through .3834:

(A) Land Divisions

- (1) Land Divisions within the NSA shall be classified and processed as specified in MCC 11.45, 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.

(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 prin-

cipal 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 .3800 through .3834.
- (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 .3566(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.

11.15.3568 Conditional Use Application and Approval Process

Conditional Uses allowed in the various districts within Columbia River Gorge National Scenic Area shall be processed according to the procedural provisions of MCC .7110 through .7115 and .8205 through .8250. The following additional standards shall also apply:

(A) Any application for a Use Under Prescribed Conditions or a Conditional Use shall be accompanied by a site plan which includes the following information:

- (1) Project applicant's name and address.
- (2) Location of the proposed use, including township, range, section, county, and tax lot number.
- (3) A written description of the proposed use, including details on the height, exterior color(s), and construction materials of proposed structures.
- (4) A list of Key Viewing Areas from which the proposed use would be visible.
- (5) A map of the project area. The map shall be drawn to scale. The scale of the map shall be large enough to allow the reviewing agency to determine the location and extent of the proposed use and evaluate its effects on scenic, cultural, natural, and recreation resources. The map shall be prepared at a scale of 1 inch equals 100 feet (1:1,200), or a scale providing greater detail. If a parcel is very large, the map does not have to show the entire parcel. Rather, it may show only those portions of the parcel affected by the proposed use. The map shall include the following elements:
 - (a) North arrow;
 - (b) Map scale;
 - (c) Boundaries, dimensions, and size of the subject parcel;
 - (d) Significant terrain features or land-

forms;

lakes, riparian areas, sensitive wildlife habitat, and sensitive plant sites.

- (e) Groupings and species of trees and other vegetation on the parcel;
- (f) Location and species of vegetation that would be removed or planted;
- (g) Bodies of water and watercourses;
- (h) Location and width of existing and proposed roads, driveways, and trails;
- (i) Location and size of existing and proposed structures;
- (j) Location of existing and proposed services, including wells or other water supplies, sewage disposal systems, power and telephone poles and lines, and outdoor lighting; and
- (k) Location and depth of all proposed grading and ditching.
- (l) Proposed uses in streams, ponds, lakes, and their buffer zones shall include the exact boundary of the ordinary high water-mark or normal pool elevation and the prescribed buffer zone; and a description of actions that would alter or destroy the stream, pond, lake, or riparian area.
- (m) Proposed uses in wetlands or wetlands buffer zones shall include the exact boundary of the wetland and the wetlands buffer zone; and a description of actions that would alter or destroy the wetland.

- (C) In addition to the notice required by MCC .8220, 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.
- (D) The burden of proof is upon the person initiating the request to persuade the Approval Authority that the NSA Site Review standards of MCC .3800 through .3834 and applicable policies of the Management Plan have been satisfied.
- (E) The Approval Authority may approve an application as submitted, deny it, or approve it with such modifications or conditions as may be necessary to carry out the Management Plan.
- (F) The decision of the Approval Authority shall include written conditions, if any, and findings and conclusions. The conditions, findings, and conclusions shall specifically address the relationships between the proposal and the applicable criteria of MCC .3814 through .3834.
- (G) Conditions attached to Conditional Use approvals shall be recorded in county deeds and records to ensure notice of the conditions to successors in interest.
- (H) The decision of the Approval Authority shall be final thirty days from the date the decision is rendered unless appealed as provided by MCC .3572.

(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,

11.15.3570 Conditional Uses

The following Conditional Uses may be permitted when allowed by the district and found by the Approval Authority, pursuant to the procedural provisions of MCC .3568, to satisfy MCC .3800 through .3834:

- (A) Land Divisions – All Type I Land Divisions processed pursuant to MCC 11.45.
- (B) Cluster Development in the General Management Area.
 - (1) A land division in the General Manage-

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

- (a) In areas with screening vegetation or other features which reduce visibility of development as seen from Key Viewing Areas; or
 - (b) To avoid significant landscape features; or
 - (c) To protect the existing character of the landscape setting; or
 - (d) To reduce interference with movement of deer or elk in winter range; or
 - (e) To avoid areas of known cultural resources; or
 - (f) To consolidate road access, septic drainfields or other development features in order to reduce impacts associated with grading or ground disturbance; or
 - (g) To reduce adverse effects to riparian areas, wetlands, natural areas, rare plants, sensitive wildlife sites or other natural resources; or
 - (h) To increase the likelihood of agricultural or forest management on the undeveloped land left by the cluster development.
- (2) Following cluster development, there may be no further division of any resulting parcel for residential purposes until the subject parcel is included within the boundary of an Urban Area. Approval of a cluster development shall include provisions for the permanent protection of open areas. No parcel in a cluster development may be smaller than 1 acre in a

GGR-5 or GGR-10 or 2 acres in a GGA-20 or GGF-20.

- (3) Cluster development may create up to 25 percent more parcels (rounded to the next largest 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 next largest whole number) on lands designated GGA-20 or GGF-20.
- (4) At least 75 percent of land subject to a cluster development shall be permanently protected as undeveloped land.
- (5) Contiguous parcels in the same ownership or in separate ownership may be consolidated and redivided to take advantage of cluster development bonuses.

(C) Home Occupations and Cottage Industries

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 .3566(E).

(D) Bed and Breakfast Inns

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

- (1) Guests may not occupy a facility for more than 14 consecutive days.
- (2) One non-animated, non-illuminated sign not exceeding 4 square feet in area may be permitted on the structure or within the yard containing the structure.
- (3) Parking areas shall be screened so as to not be visible from Key Viewing Areas.

(E) Alteration or expansion of pre-existing uses shall satisfy the standards of MCC. 7640(B).

11.15.3572 Appeals

Any person or entity adversely affected by a final action or order of the County resulting from the implementation of MCC .3550 through .3834 may appeal such action or order to the Columbia River Gorge Commission by filing with the Commission within thirty days of such action or order, a written petition requesting that such action or order be modified, terminated or set aside.

11.15.3574 Agricultural Buffer Zones

All buildings, as specified, shall satisfy the following setbacks when proposed to be located on a parcel which is adjacent to lands designated GGA-20 or GGA-40:

Type of Agriculture	Type of Buffer		
	Open or Fenced	Natural or Created Vegetation Barrier	8 foot Berm or Terrain Barrier
Orchards	250'	100'	75'
Row crops/vegetables	300'	100'	75'
Livestock grazing pasture, haying	100'	15'	20'
Grains	200'	75'	50'
Berries, vineyards	150'	50'	30'
Other	100'	50'	30'

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

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

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

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

(E) A variance to buffer setbacks may be granted upon a demonstration that the standards of MCC .3576 have been satisfied.

11.15.3576 Variances from Setbacks and Buffers within the GMA

Variances from setbacks and buffers within the GMA, except those required by MCC .3832, shall be classified and processed pursuant to MCC .8505 and .8515 through .8520, subject to the following approval criteria:

(A) When setbacks or buffers for the protection of

Approval Planning Authority

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 GMA setback and buffer requirements of MCC .3832, pursuant to the procedural provisions of MCC .3568, 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 Planning Director may grant a variance of up to 10 percent to the standards of GMA 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 this chapter.
- (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.

11.15.3578 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 .3566. A second dwelling may be allowed upon findings that:

- (A) The proposed dwelling is in conjunction with agricultural use as determined by MCC

.3588(E)(3).

(B) On lands designated GGF-20, one single-family dwelling on a legally created parcel upon enrollment in the state's forest assessment program. The location of the dwelling shall comply with MCC .3584 and .3586. 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.

11.15.3580 Approval Criteria For Conditional Uses

The burden of proof is on the applicant for a Conditional Use to persuade the Approval Authority that the following applicable standards, in addition to any standards required by the zoning district, are satisfied:

(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 inter-

ference 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 .3584.

(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 .3574.
- (4) If the subject parcel is located within 500 feet of lands designated GGF or GGA, new buildings associated with the proposed use shall comply with MCC .3584.

(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.

11.15.3582 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 3582(A)(1).
- (3) The following may be permitted without review subject to MCC 3582(A)(1):
 - (a) Ordinary repair and maintenance of signs.
 - (b) Election signs which are not displayed for more than 60 days. Removal must be accomplished within 30 days of election day.
 - (c) "For Sale" signs not greater than 12 square feet. Removal must be accomplished within 30 days of close of sale.
 - (d) 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.
 - (e) Signs posted on private property warning the public against trespassing, danger from animals, the private nature of a road, driveway or premise, or signs prohibiting or otherwise controlling fishing or hunting, provided such signs are not greater than 6 square feet.
 - (f) 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.
 - (g) Signs posted by governmental jurisdictions giving notice to the public. Such signs shall be no larger than that required to convey the message

intended.

(h) 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 .3582 (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.

(6) 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:

(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.

(B) Signs in an SMA shall be allowed pursuant to the following provisions:

(1) New signs shall be allowed as specified in the applicable land use designation.

(2) No sign shall be erected or placed in such

a manner that it may interfere with, be confused with, or obstruct the view of any traffic sign, signal or device.

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

(4) 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.

(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 back-lighting 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.
- (6) Public signs shall meet the following standards in addition to subsections (1) through (5) 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 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.
 - (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.

- (7) 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 (5) 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.
 - (b) 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.
 - (c) 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.
 - (d) 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.
 - (e) Commercial recreation businesses approved in conjunction with a recreational facility may have a name sign not exceeding 16 square feet.
 - (f) 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.
- (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.

11.15.3584 Approval Criteria for Fire Protection in Forest Zones

- (A) All buildings shall be surrounded by a maintained fuel break of 60 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) 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, fiber-glass 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 1/4 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 1/4 inch mesh metal screen that is noncombustible and corrosion resistant.

11.15.3586 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. Nar-

row 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 .3576.

11.15.3588 Plan Amendments

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

11.15.3590 Prior Approvals

Projects approved under the Interim Guidelines are exempt from the provisions of MCC .3606 through .3762 if initiated within two years from the effective date of that interim approval.



11.15.3600 Purposes

The purposes of the Gorge General Agriculture and Gorge Special Agriculture districts are to protect and enhance agricultural land within the Columbia River Gorge National Scenic Area for agricultural uses. Agricultural lands are those lands which are used for or suitable for agricultural use.

11.15.3602 Area Affected

MCC .3600 through .3618 shall apply to those areas designated GGA and GSA on the Multnomah County Zoning Map.

11.15.3604 Uses

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this district except for the uses listed in MCC .3600 through .3610.

11.15.3606 Primary Uses

(A) The following uses are allowed on land designated GGA 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 floor area and not exceeding 18 feet in height measured at the roof peak, which are accessory to a dwelling.

(B) The following uses are allowed on land designated GSA without review:

- (1) New agricultural uses as defined in MCC .3556 and the open space uses allowed under MCC .3658(C), 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.

11.15.3608 Uses Under Prescribed Conditions

(A) The following uses may be allowed on lands designated GGA pursuant to the provisions of MCC .3564:

- (1) New cultivation, subject to compliance with MCC .3818, .3822, .3824, .3826 and .3828.
- (2) Agricultural 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.
- (4) The temporary use of a mobile home in the case of a family hardship, subject to MCC .3566(B).
- (5) On lands designated GGA-40, a single family dwelling in conjunction with agricultural use, upon a demonstration that:
 - (a) No other dwellings exist on the subject farm or ranch, including all of its constituent parcels, contiguous or otherwise, which are vacant or currently occupied by persons not directly engaged in farming or working on the subject farm or ranch and which could be used as the principal agricultural dwelling;
 - (b) The farm or ranch upon which the dwelling will be located is currently devoted to agricultural use, as defined in MCC .3556, where the day-to-day activities of one or more residents of the agricultural dwelling will be principally directed to the agricultural use of the land. Current use includes a

minimum area which would satisfy subsection (5)(c)(iv) below; and

(c) The farm or ranch is a commercial agricultural enterprise as determined by an evaluation of the following factors:

(i) Size of the entire farm or ranch, including all land in the same ownership;

(ii) Type(s) of agricultural uses (crops, livestock) and acreage;

(iii) Operational requirements for the particular agricultural use common to area agricultural operations; and

(iv) The farm or ranch, and all its constituent parcels, is capable of producing at least \$40,000 in gross annual income. This determination shall be made using the following formula:

(A)(B)(C) = I

A = Average yield of the commodity per acre, or unit of production

B = Average price of the commodity

C = Total acres suitable for production, or total units of production that can be sustained, on the subject farm or ranch

I = Income Capability

(6) 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 in the *National Register Criteria for Evaluation* (36 CFR 60.4), and it meets one or more of the following:

(a) The dwelling has had association with events that have made a significant contribution to the broad patterns of

the history of this region;

(b) The dwelling has had association with the lives of persons significant in the past;

(c) The dwelling embodies the distinctive characteristics of a type, period, or method of construction, or represent the work of a master, or possess high artistic values, or represent a significant and distinguishable entity whose components may lack individual distinction; or

(d) The dwelling will yield, or may be likely to yield, information important in prehistory or history.

(7) On lands designated GGA-20, a single family dwelling on any legally existing parcel.

(8) On lands designated GGA-40, a single family dwelling for an agricultural operator's relative provided that:

(a) The dwelling would be occupied by a relative of the agricultural operator or of the agricultural operator's spouse who will be actively engaged in the management of the farm or ranch. Relative means grandparent, grandchild, parent, child, brother or sister;

(b) The dwelling would be located on the same parcel as the dwelling of the principal operator; and

(c) The operation is a commercial enterprise as determined by MCC .3608(A)(5)(c).

(9) Construction, reconstruction or modifications of roads not in conjunction with agriculture.

(10) Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources.

(11) Agricultural labor housing upon a showing that:

(a) The proposed housing is necessary and accessory to a current agricultural use;

(b) The housing shall be seasonal unless it is shown that an additional full-time dwelling is necessary to the current agricultural use of the subject farm or ranch unit. Seasonal use shall not exceed 9 months.

(c) The housing will be located to minimize the conversion of lands capable of production of farm crops or livestock and will not force a significant change in or significantly increase the cost of accepted agricultural practices employed on nearby lands devoted to agricultural use.

(12) Land divisions when all resulting parcels satisfy the minimum lot size standards of MCC .3612.

(B) The following uses may be allowed on lands designated GSA-40 pursuant to MCC .3564, provided that the use or development will be sited to minimize the loss of land suitable for the production of agricultural crops or livestock:

(1) Forest uses and practices as allowed in MCC .3634(B).

(2) 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 .3608(A)(5)(a) through (c).

(3) Accessory structures, greater than 60 square feet.

(4) Farm labor housing 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 .3608(A)(5)(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 locat-

ed 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.

(5) Home occupations and cottage industries pursuant to MCC .3570(C). The use or development shall be compatible with agricultural use. Buffer zones should be considered to protect agricultural practices from conflicting uses.

(6) Bed and breakfast inns in structures that are included in, or eligible for inclusion in, the National Register of Historic Places approved under MCC .3570(D). The use or development shall be compatible with agricultural use. Buffer zones should be considered to protect agricultural practices from conflicting uses.

(7) 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.

(8) Aquiculture.

(9) Temporary asphalt/batch plant operations related to public road projects, not to exceed six months.

(10) Road and railroad construction and reconstruction.

(11) Structures and vegetation management activities for the purpose of wildlife, fisheries, or plant habitat enhancement projects.

11.15.3610 Conditional Uses

(A) The following conditional uses may be allowed on lands designated GGA, pursuant to the provisions of MCC .3568 and .3580(A).

(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) 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.
- (4) Exploration, development and production of mineral and geothermal resources subject to MCC .3814.
- (5) 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.
- (6) Aquiculture.
- (7) Recreation development, subject MCC .3832 and The Recreation Development Plan (Management Plan, Part III, Chapter 1).
- (8) Boarding of horses.
- (9) Temporary portable asphalt/batch plants related to public road projects, not to exceed six months.
- (10) Non-profit, environmental learning or research facilities.
- (11) Expansion of existing schools or places of worship.
- (12) Cluster Developments, pursuant to MCC .3570(B).
- (13) Structures associated with hunting and fishing operations.
- (14) Towers and fire stations for forest fire protection.
- (15) On lands designated GGA-40, on a par-

cel which was legally created and existed prior to November 17, 1986, a single-family dwelling not in conjunction with agricultural use upon a demonstration that:

- (a) The dwelling will not force a change in or increase the cost of accepted agricultural practices on surrounding lands;
- (b) The subject parcel is predominantly unsuitable for the production of farm crops and livestock, considering soils, terrain, location and size of the parcel. Size alone shall not be used to determine whether a parcel is unsuitable for agricultural use. An analysis of suitability shall include the capability of the subject parcel to be utilized in conjunction with other agricultural operations in the area;
- (c) The dwelling shall be set back from any abutting parcel designated GGA, as required in MCC .3574, or any abutting parcel designated GGF, as required in MCC .3586;
- (d) A declaration has been signed by the landowner and recorded into county deeds and records specifying that the owners, successors, heirs and assigns of the subject property are aware that adjacent and nearby operators are entitled to carry on accepted agriculture or forest practices on lands designated GGA or GGF; and
- (e) All owners of land in areas designated GGA or GGF within 500 feet of the perimeter of the subject parcel on which the dwelling is proposed to be located have been notified and given at least 10 days to comment prior to a decision.
- (16) 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 .3570(B).
- (17) Life estates, pursuant to MCC .3578.
- (18) Utility facilities and railroads necessary

for public service upon a finding that:

MCC .3834.

(a) There is no practicable alternative location with less adverse effect on agricultural or forest lands, and

(6) Agricultural product processing and packaging, upon demonstration that the processing will be limited to products produced primarily on or adjacent to the property. "Primarily" means a clear majority of the product as measured by volume, weight, or value.

(b) The size is the minimum necessary to provide the service.

(19) Home occupations or cottage industries in existing residential or accessory structures, subject to MCC .3570(C).

11.15.3612 Dimensional Requirements

(20) Bed and breakfast inns in single-family dwellings, subject to MCC .3570(D) and provided that the residence:

(A) Except as provided in MCC .3610(A)(16) and (17), the minimum lot size shall be according to the short-title zone district designation on the Zoning Map, as follows:

(a) Is included in the National Register of Historic Places; or

- GGA-20 20 acres
- GGA-40 40 acres
- GSA-40 40 acres

(b) Is identified and protected under MCC .6500 through 6522.

(B) That portion of a street which would accrue to an adjacent lot if the street were vacated shall be included in calculating the area of such lot.

(B) The following conditional uses may be allowed on lands designated GSA, pursuant to the provisions of MCC .3568 and .3580.

(C) Minimum Yard Dimensions - Feet

(1) Exploration, development, and production of sand, gravel, and crushed rock for the construction, maintenance, or reconstruction of roads used to manage or harvest commercial forest products on lands within the Special Management Areas.

Front	Side	Street Side	Rear
30	10	30	30
Maximum Structure Height - 35 feet			
Minimum Front Lot Line Length - 50 feet.			

(2) Utility facilities necessary for public service upon a showing that:

(D) The minimum yard requirement shall be increased where the yard abuts a street having insufficient right-of-way width to serve the area. The Planning Commission shall determine the necessary right-of-way widths and additional yard requirements not otherwise established by ordinance.

(a) There is no alternative location with less adverse effect on Agriculture lands.

(b) The size is the minimum necessary to provide the service.

(E) Structures such as barns, silos, windmills, antennae, chimneys, or similar structures may exceed the height requirement if located at least 30 feet from any property line.

(3) Community facilities and non-profit facilities related to agricultural resource management.

11.15.3614 Off-Street Parking and Loading

(4) Expansion of existing non-profit group camps, retreats, and conference or education centers for the successful operation on the dedicated site. Expansion beyond the dedicated site is prohibited.

Off-street parking and loading shall be provided as required by MCC .6100 through .6148.

11.15.3616 Access

(5) Recreation, interpretive and educational developments and uses consistent with

Any lot in this district shall abut a street or shall have other access determined by the approval

authority to be safe and convenient for pedestrians and passenger and emergency vehicles.

11.15.3618 Signs

Signs, pursuant to the provisions of MCC .3582.

11.15.3626 Purposes

The purposes of the Gorge General Forestry and Gorge Special Forestry districts are to protect and enhance forest land within the Columbia River Gorge National Scenic Area for forest uses. Forest lands are those lands which are used for or suitable for the production of forest products.

11.15.3628 Area Affected

MCC .3626 through .3644 shall apply to those areas designated GGF and GSF on the Multnomah County Zoning Map.

11.15.3630 Uses

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this district except for the uses listed in MCC .3632 through .3636.

11.15.3632 Primary Uses

(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.

(B) The following uses are allowed on land designated GSF without review:

- (1) New agricultural uses as defined in MCC .3556 and the open space uses allowed under MCC .3658(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.

11.15.3634 Uses Under Prescribed Conditions

(A) The following uses may be allowed on lands designated GGF, pursuant to MCC .3564:

- (1) 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 a dwelling shall comply with MCC .3584 and MCC .3586. 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, 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 .3608(A)(5). The siting of the dwelling shall comply with MCC .3584.
- (3) The following Temporary Uses, pursuant to the procedural provisions of MCC .8705:

(a) Temporary on-site structures which are auxiliary to and used during the term of a particular forest operation. "Auxiliary" means a use or alteration of a structure or land which provides help or is directly associated with the conduct of a particular forest practice. An auxiliary structure shall be located on-site, temporary in nature, and not designed to remain for the forest's entire growth cycle from planting to

harvesting. An auxiliary use must be removed when the particular forest practice for which it is approved has concluded.

(b) Temporary portable facilities for the primary processing of forest products grown on a parcel or contiguous parcels in the same ownership where the facility is to be located. The facility shall be removed upon completion of the harvest operation.

(c) On lands designated GGF-80, a 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 .3584 and .3586.

(4) Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources.

(5) Agricultural buildings, as defined in MCC .3556, subject to the standards of MCC .3584.

(6) The temporary use of a mobile home in the case of a family hardship, subject to MCC .3566(B), .3584 and .3586.

(7) 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 .3584 and .3586.

(8) A second single-family dwelling for a farm operator's relative, subject to MCC .3608(A)(8), .3584 and .3586.

(9) Private roads serving a residence, subject to MCC .3584 and .3586.

(10) Recreation development, subject MCC .3832 and The Recreation Development Plan (Management Plan, Part III, Chapter 1).

(11) Construction or reconstruction of roads or

modifications not in conjunction with forest use or practices.

(12) Agricultural labor housing upon a showing that:

(a) The proposed housing is necessary and accessory to a current agricultural use.

(b) The housing shall be seasonal unless it is shown that an additional full-time dwelling is necessary to the current agricultural use of the subject agricultural unit. Seasonal use shall not exceed nine months.

(c) The housing will be located to minimize the conversion of lands capable of production of farm crops and livestock and will not force a significant change in or significantly increase the cost of accepted agricultural practices employed on nearby lands devoted to agricultural use.

(13) New cultivation, subject to compliance with MCC .3818, .3822, .3824, .3826 and .3828.

(B) The following uses may be allowed on lands designated GSF pursuant to MCC .3564 when the use or development will be sited to minimize the loss of land suitable for the production of forest products:

(1) Any use listed in MCC .3608(B).

(2) Forest practices in accordance with a site plan for forest practices approved by the Oregon Department of Forestry, or other designated forest practices review agency, including the following:

(a) The following information, in addition to the site plan requirements of MCC .3564(A), shall be included on the site plan:

(i) Boundary of proposed commercial forest practice.

(ii) Location of proposed rock or aggregate sources.

(iii) Timber types.

- (iv) Harvest units.
 - (v) Silvicultural prescriptions.
 - (vii) Road and structure construction and/or reconstruction design.
 - (viii) Major skid trails, landings, and yarding corridors.
 - (ix) Commercial firewood cutting areas.
 - (x) Existing and proposed rock pit development plans.
 - (xi) 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) Structures or vegetation management activities for the purpose of wildlife, fisheries, or plant habitat enhancement projects.
- (6) One dwelling on a parcel of 40 contiguous acres or larger if an approved Forest Management Plan demonstrates that such dwelling shall be necessary for and accessory to forest uses. The Forest Management Plan shall demonstrate the following:

- (a) The dwelling will contribute substantially to the growing, propagation, and harvesting of trees. The principal purpose for allowing a dwelling on forest lands is to enable the resident to conduct efficient and effective management. This requirement shall indicate a relationship between ongoing forest management and the need for dwelling on the subject property.

- (b) The subject parcel has been enrolled in the state's forest assessment program.
- (c) A plan for management of the parcel has been approved by the Oregon Department of Forestry and the county. The plan must indicate the condition and productivity of lands to be managed; the operations the owner will carry out (thinning, harvest, planting, etc.); a chronological description of when the operations will occur; estimates of yield, labor, and expenses; and how the dwelling will contribute towards the successful management of the property.
- (e) There are no other dwellings on the parcel which are vacant or currently occupied by persons not engaged in forest management of the subject parcel.
- (e) Complies with the applicable building code and fire protection standards.
- (f) A declaration has been signed by the landowner and recorded into county deed records specifying that the owners, successors, heirs, and assigns of the subject property are aware that adjacent and nearby operations are entitled to carry on accepted agricultural or forest practices.
- (7) Accessory structures over 60 square feet.
- (8) Temporary portable facility for the processing of forest products.

11.15.3636 Conditional Uses

- (A) The following conditional uses may be allowed on lands designated GGF, pursuant to the provisions of MCC .3568 and .3580(B):
 - (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, a land division creating parcels smaller than the designated minimum

parcel size, subject to the provisions of MCC .3570(B).

GGF-20	20 acres
GGF-40	80 acres
GSF-40	40 acres

- (4) Life Estates on lands designated GGF-20, pursuant to MCC .3578.
- (5) Home occupations and cottage industries pursuant to MCC .3570(C).

(B) That portion of a street which would accrue to an adjacent lot if the street were vacated shall be included in calculating the area of such lot.

(B) The following conditional uses may be allowed on lands designated GSF, pursuant to the provisions of MCC .3568.

(C) Minimum Yard Dimensions - Feet

Front	Side	Street Side	Rear
30	10	30	30

Maximum Structure Height - 35 feet

Minimum Front Lot Line Length - 50 feet.

- (1) Exploration, development, and production of sand, gravel, or crushed rock for the construction, maintenance, or reconstruction of roads used to manage or harvest commercial forest products.
- (2) Utility facilities for public service upon a finding that:
 - (a) There is no alternative location with less adverse effect on Forest Land, and
 - (b) The size is the minimum necessary to provide the service.
- (3) Fish hatcheries and aquaculture facilities.
- (4) Public recreation, commercial recreation, interpretive and educational developments and uses consistent with MCC .3834.
- (5) Towers and fire stations for forest fire protection.
- (6) Community facilities and non-profit facilities related to forest resource management.
- (7) Expansion of existing non-profit group camps, retreats, conference or education centers, for the successful operation on the dedicated site. Expansion beyond the dedicated site shall be prohibited.

(D) The minimum yard requirement shall be increased where the yard abuts a street having insufficient right-of-way width to serve the area. The Planning Commission shall determine the necessary right-of-way widths and additional yard requirements not otherwise established by ordinance.

(E) Structures such as barns, silos, windmills, antennae, chimneys, or similar structures may exceed the height requirement if located at least 30 feet from any property line.

11.15.3638 Dimensional Requirements

(A) Except as provided in subsections MCC .3636(A)(3) and (4), the minimum lot size shall be according to the short-title zone district designation on the Zoning Map, as follows:

11.15.3640 Off-Street Parking and Loading

Off-street parking and loading shall be provided as required by MCC .6100 through .6148.

11.15.3642 Access

Any lot in this district shall abut a street or shall have other access determined by the approval authority to be safe and convenient for pedestrians and passenger and emergency vehicles.

11.15.3644 Signs

Signs, pursuant to the provisions of MCC .3582.



11.15.3650 Purposes

The purposes of the Gorge General Open Space and Gorge Special Open Space districts are to protect those most significant and sensitive scenic, cultural, natural and recreation resources on unimproved lands from conflicting uses and enhance them where appropriate.

11.15.3652 Area Affected

MCC .3650 through .3666 shall apply to those areas designated GGO and GSO on the Multnomah County Zoning Map.

11.15.3654 Uses

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this district except for the uses listed in MCC .3656 through .3666.

11.15.3656 Primary Uses

(A) The following uses are allowed on all lands designated GGO without review:

- (1) Repair, maintenance, operation and improvement of existing structures, trails, roads, railroads, utility facilities and hydro facilities.
- (2) Removal of timber, rocks or other materials for purposes of public safety and placement of structures for public safety.

(B) The following uses are allowed on land designated GGO-GW without review:

- (1) All uses listed in MCC .3656(A);
- (2) Livestock grazing;
- (3) Fish and wildlife management uses conducted by federal, state or tribal resource agencies;
- (4) Soil, water or vegetation uses performed in accordance with a conservation plan approved by a county conservation district;

- (5) Harvesting of wild crops; and
- (6) Educational or scientific research.

(C) The following uses are allowed on land designated GGO-SP without review:

- (1) All uses listed in MCC .3656(A);
- (2) Fish and wildlife management uses conducted by federal, state or tribal resource agencies;
- (3) Soil, water or vegetation uses performed in accordance with a conservation plan approved by a local conservation district;
- (4) Harvesting of wild crops;
- (5) Educational or scientific research; and
- (6) Commercial fishing and trapping.

(D) On land designated GSO, the maintenance, repair, and operation of existing dwellings, structures, trails, roads, railroads, and utility facilities may occur without review:

11.15.3658 Uses Under Prescribed Conditions

(A) The following uses may be allowed on lands designated GGO, pursuant to MCC .3564:

- (1) Low intensity recreation, subject MCC .3832; and
- (2) Land divisions to facilitate efforts to protect and enhance scenic, cultural, natural or recreation resources.

(B) On lands designated GGO-GW, 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 .3564:

(C) The following uses may be allowed on lands designated GSO, pursuant to MCC .3564, when consistent with an open space plan approved by the U.S. Forest Service:

- (1) Changes in existing uses including recon-

struction, replacement, and expansion of existing structures and transportation facilities, except for commercial forest practices.

- (2) Structures or vegetation management activities, including scientific research, related to scenic, cultural, recreational, and natural resource enhancement projects.
- (3) Low intensity recreation uses including educational and interpretive facilities, consistent with MCC .3834.
- (4) Utility facilities for public service upon a showing that:
 - (a) There is no alternative location with less adverse effect on land designated GSO;
 - (b) The size is the minimum necessary to provide the service.

11.15.3662 Off-Street Parking and Loading

Off-street parking and loading shall be provided as required by MCC .6100 through .6148.

11.15.3664 Access

Any lot in this district shall abut a street or shall have other access determined by the approval authority to be safe and convenient for pedestrians and passenger and emergency vehicles.

11.15.3666 Signs

Signs, pursuant to the provisions of MCC .3582.

11.15.3660 Dimensional Requirements

- (A) There is no minimum lot size for properties designated GGO or GSO.
- (B) That portion of a street which would accrue to an adjacent lot if the street were vacated shall be included in calculating the area of such lot.

(C) Minimum Yard Dimensions - Feet

Front	Side	Street Side	Rear
30	10	30	30

Maximum Structure Height – 35 feet

Minimum Front Lot Line Length – 50 feet.

- (D) The minimum yard requirement shall be increased where the yard abuts a street having insufficient right-of-way width to serve the area. The Planning Commission shall determine the necessary right-of-way widths and additional yard requirements not otherwise established by ordinance.
- (E) Structures such as barns, silos, windmills, antennae, chimneys, or similar structures may exceed the height requirement if located at least 30 feet from any property line.



11.15.3670 Purposes

The purposes of the Gorge General Residential and Gorge Special Residential districts are to protect and enhance the character of existing residential areas, and to ensure new residential development does not adversely affect the scenic, cultural, natural and recreation resources of the Columbia River Gorge National Scenic Area.

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.

11.15.3672 Area Affected

MCC .3670 through .3688 shall apply to those areas designated GGR and GSR on the Multnomah County Zoning Map.

11.15.3678 Uses Under Prescribed Conditions

(A) The following uses may be allowed on lands designated GGR, pursuant to MCC .3564:

11.15.3674 Uses

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this district except for the uses listed in MCC .3676 through .3688.

- (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 .3574; and

(b) If the subject parcel is located adjacent to lands designated GGF, the placement of a dwelling shall also comply with the fire protection standards of MCC .3584.

11.15.3676 Primary Uses

(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.

- (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.

- (3) The temporary use of a mobile home in the case of a family hardship, subject to MCC .3566(B).

- (4) Construction or reconstruction of roads.

- (5) New cultivation, subject to compliance with MCC .3818, .3822, .3824, .3826 and .3828.

(B) The following uses are allowed on land designated GSR without review:

- (1) Agricultural uses, as defined in MCC .3556, except where there would be potential impact to cultural or natural resources.
- (2) Maintenance, repair, and operation of

- (6) Land divisions, pursuant to the provisions of MCC .3566(A).

(B) The following uses may be allowed on lands designated GSR, pursuant to MCC .3564:

- (1) One single-family dwelling per legally created lot or consolidated parcel, subject to the standards of MCC .3584.

- (2) Accessory structures over 60 square feet.
- (3) Home occupations and cottage industries pursuant to MCC .3570(C).
- (4) Bed and breakfast inns in structures that are included in, or eligible for inclusion in, the National Register of Historic Places, pursuant to .3570(D).
- (5) Road and railroad construction and reconstruction.
- (6) Forest practices, pursuant to the provisions of MCC .3634(B).

11.15.3680 Conditional Uses

- (A) The following conditional uses may be allowed on lands designated GGR, pursuant to the provisions of MCC .3568 and .3580(C):
 - (1) An accredited child care center on land designated GGR-2.
 - (2) A child care center on land designated GGR-5 or GGR-10 within an existing church or community building.
 - (3) A school within an existing church or community building.
 - (4) Utility facilities and railroads.
 - (5) Fire stations.
 - (6) Recreation development, subject to the Recreation Intensity Classes of MCC .3832.
 - (7) Community parks and playgrounds, consistent with the standards of the National Park and Recreation Society regarding the need for such facilities.
 - (8) 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 .3570(B).
 - (9) Home occupations and cottage industries pursuant to MCC .3570(C).

- (10) Bed and breakfast inns, pursuant to .3570(D).

(B) The following conditional uses may be allowed on lands designated GSR, pursuant to the provisions of MCC .3568 and .3580(C):

- (1) New utility facilities.
- (2) Fire stations.
- (3) Community parks and playgrounds.

11.15.3682 Dimensional Requirements

(A) Except as provided in MCC .3680(A)(8), the minimum lot size shall be according to the short-title zone district designation on the Zoning Map, as follows:

GGR-2	2 acres
GGR-5	5 acres
GGR-10	10 acres
GSR	The size of all contiguous, individually owned parcels, as of November 7, 1986

(B) That portion of a street which would accrue to an adjacent lot if the street were vacated shall be included in calculating the area of such lot.

(C) Minimum Yard Dimensions - Feet

Front	Side	Street Side	Rear
30	10	30	30

Maximum Structure Height - 35 feet

Minimum Front Lot Line Length - 50 feet.

(D) The minimum yard requirement shall be increased where the yard abuts a street having insufficient right-of-way width to serve the area. The Planning Commission shall determine the necessary right-of-way widths and additional yard requirements not otherwise established by ordinance.

(E) Structures such as barns, silos, windmills, antennae, chimneys, or similar structures may exceed the height requirement if located at least 30 feet from any property line.

11.15.3684 Off-Street Parking and Loading

Off-street parking and loading shall be provided as required by MCC .6100 through .6148.

11.15.3686 Access

Any lot in this district shall abut a street or shall have other access determined by the approval authority to be safe and convenient for pedestrians and passenger and emergency vehicles.

11.15.3688 Signs

Signs, pursuant to the provisions of MCC .3582.



11.15.3694 Purposes

The purposes of the Gorge General Rural Center district are to protect and support the economy of the Columbia River Gorge National Scenic Area by recognizing the Corbett community as a service center and gathering place and allow uses compatible with the commercial, rural residential, and public facility and service character of that community.

11.15.3696 Area Affected

MCC .3696 through .3712 shall apply to those areas designated GGRC on the Multnomah County Zoning Map.

11.15.3698 Uses

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this district except for the uses listed in MCC .3700 through .3712.

11.15.3700 Primary Uses

The 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 accessory to a dwelling.

11.15.3702 Uses Under Prescribed Conditions

The following uses may be allowed on lands designated GGRC, pursuant to MCC .3564:

- (A) A single-family dwelling on a legally created parcel.
- (B) 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) The temporary use of a mobile home in the case of a family hardship, pursuant to MCC .3566(B).
- (D) Duplexes
- (E) Home occupations or cottage industries in an existing residence or accessory structure, pursuant to MCC .3566(D).
- (F) New cultivation, subject to compliance with MCC .3818, .3822, .3824, .3826 and .3828.
- (G) Land divisions.
- (H) Rural service commercial and tourist commercial uses limited to 5,000 square feet of floor area per building or use.
 - (1) Grocery stores
 - (2) Variety and hardware stores
 - (3) Shops, offices and repair shops
 - (4) Personal services such as barber and beauty shops
 - (5) Travelers accommodations, bed and breakfast inns
 - (6) Restaurants
 - (7) Taverns and bars
 - (8) Gas stations
 - (9) Gift shops
- (I) Home occupations and cottage industries pursuant to MCC .3566(D).

11.15.3704 Conditional Uses

The following conditional uses may be allowed on lands designated GGRC, pursuant to the provisions of MCC .3568:

- (A) Fire stations

- (B) Libraries
- (C) Government buildings
- (D) Community centers and meeting halls
- (E) Schools
- (F) Accredited child care centers
- (G) Utility facilities and railroads
- (H) Recreation development, subject MCC .3832.
- (I) Places of worship
- (J) Planned Developments pursuant to the provisions of MCC .6200 through .6226.

11.15.3706 Dimensional Requirements

- (A) The minimum lot size for a single family dwelling shall be one acre.
- (B) The minimum lot size for a duplex dwelling shall be two acres.
- (C) The minimum lot size for a conditional use permitted pursuant to MCC .3704, shall be based upon:
 - (1) The site size needs of the proposed use;
 - (2) The nature of the proposed use in relation to the impacts on nearby properties; and
 - (3) Consideration of the purposes of this district.
- (D) That portion of a street which would accrue to an adjacent lot if the street were vacated shall be included in calculating the area of such lot.

(E) Minimum Yard Dimensions - Feet

Front	Side	Street Side	Rear
30	10	30	30

Maximum Structure Height – 35 feet

Minimum Front Lot Line Length – 50 feet.

- (F) The minimum yard requirement shall be increased where the yard abuts a street having insufficient right-of-way width to serve the

area. The Planning Commission shall determine the necessary right-of-way widths and additional yard requirements not otherwise established by ordinance.

- (G) Structures such as barns, silos, windmills, antennae, chimneys, or similar structures may exceed the height requirement if located at least 30 feet from any property line.

11.15.3708 Off-Street Parking and Loading

Off-street parking and loading shall be provided as required by MCC .6100 through .6148.

11.15.3710 Access

Any lot in this district shall abut a street or shall have other access determined by the approval authority to be safe and convenient for pedestrians and passenger and emergency vehicles.

11.15.3712 Signs

Signs, pursuant to the provisions of MCC .3582.



11.15.3720 Purposes

The purposes of the Gorge General Commercial district are to protect and support the economy of the Columbia River Gorge National Scenic Area by encouraging commercial activities in areas where the topography and proximity to transportation, commercial and industrial facilities and other amenities make them suited for commercial uses.

11.15.3722 Area Affected

MCC .3720 through .3738 shall apply to those areas designated GGC on the Multnomah County Zoning Map.

11.15.3724 Uses

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this district except for the uses listed in MCC .3726 through .3738.

11.15.3726 Primary Uses

The 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.

11.15.3728 Uses Under Prescribed Conditions

The following uses may be allowed on lands designated GGC, pursuant to MCC .3564:

- (A) A single-family dwelling on a legally created parcel.
- (B) Home occupations or cottage industries in an

existing residence or accessory structure, pursuant to MCC .3566(D).

11.15.3730 Conditional Uses

The following conditional uses may be allowed on lands designated GGC, pursuant to the provisions of MCC .3568 and .3580(D):

- (A) Travelers accommodations, bed and breakfast inns
- (B) Restaurants
- (C) Gift shops
- (D) Utility facilities and railroads.

11.15.3732 Dimensional Requirements

- (A) There is no minimum lot size for properties designated GGC.
- (B) That portion of a street which would accrue to an adjacent lot if the street were vacated shall be included in calculating the area of such lot.
- (C) Minimum Yard Dimensions - Feet

Front Side Street Side Rear

30 10 30 30

Maximum Structure Height – 35 feet

Minimum Front Lot Line Length – 50 feet.

- (D) The minimum yard requirement shall be increased where the yard abuts a street having insufficient right-of-way width to serve the area. The Planning Commission shall determine the necessary right-of-way widths and additional yard requirements not otherwise established by ordinance.

- (E) Structures such as barns, silos, windmills, antennae, chimneys, or similar structures may exceed the height requirement if located at least 30 feet from any property line.

11.15.3734 Off-Street Parking and Loading

Off-street parking and loading shall be provided as required by MCC .6100 through .6148.

11.15.3736 Access

Any lot in this district shall abut a street or shall have other access determined by the approval authority to be safe and convenient for pedestrians and passenger and emergency vehicles.

11.15.3738 Signs

Signs, pursuant to the provisions of MCC .3582.



11.15.3744 Purposes

The purposes of the Gorge Recreation districts are to protect and enhance opportunities for recreation uses within the Columbia River Gorge National Scenic Area on lands suitable for recreation.

11.15.3746 Area Affected

MCC .3744 through .3762 shall apply to those areas designated GG-PR, GG-CR and GS-PR on the Multnomah County Zoning Map.

11.15.3748 Uses

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this district except for the uses listed in MCC .3750 through .3762.

11.15.3750 Primary Uses

(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.

(B) The following uses are allowed on all lands designated GS-PR without review:

- (1) Agricultural use, as defined in MCC .3556, 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.

11.15.3752 Uses Under Prescribed Conditions

(A) The following uses are allowed on all lands designated GG-PR pursuant to MCC .3564:

- (1) The following uses may be allowed, subject to compliance with MCC .3580(E), and the standards of MCC .3800 through .3834:
 - (a) Residences and accessory structures, limited to 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.
 - (c) Utility transmission, transportation, communication and public works facilities.
- (2) Land divisions, subject to compliance with MCC .3580(E)(3).

(B) The following uses are allowed on all lands designated GG-CR pursuant to MCC .3564:

- (1) The following uses may be allowed, subject to compliance with MCC .3580(F) and the standards of MCC .3800 through .3834:
 - (a) Residences and accessory structures limited to one single-family dwelling for each lot or parcel legally created prior to adoption of the Management Plan.
 - (b) Agricultural buildings.
 - (c) Utility transmission, transportation and communication facilities.
- (2) Land divisions, subject to compliance with MCC .3580(E).

(C) The following uses are allowed on all lands designated GS-PR pursuant to MCC .3564:

- (1) Forest uses and practices as allowed in MCC .3634(B).
- (2) Public trails, consistent with MCC .3834.
- (3) All dwellings and accessory structures larger than 60 square feet.
- (4) Home occupations and cottage industries, pursuant to MCC .3566(D).
- (5) Road and railroad construction and reconstruction.
- (6) Structures or vegetation management activities for the purpose of wildlife, fisheries, or plant habitat enhancement projects.
- (G) Agricultural uses as allowed in MCC .3608.

11.15.3754 Conditional Uses

(A) The following conditional uses may be allowed on lands designated GG-PR, pursuant to the provisions of MCC .3568, .3580(E) and .3832(E)(1) and (3) through (7):

- (1) Publicly-owned, resource-based recreation uses consistent with MCC .3832.
- (2) Commercial uses and non-resource based recreation uses which are part of an existing or approved, resource-based public recreation use consistent with policies, guidelines and conditional use criteria for such uses contained in this section.
- (3) New cultivation, subject to compliance with MCC .3818, .3822, .3824, .3826 and .3828.

(B) The following conditional uses may be allowed on lands designated GG-CR, pursuant to the provisions of MCC .3568, .3580(E) and .3832(E)(1) and (3) through (7):

- (1) Commercially-owned, resource-based recreation uses.
- (2) Overnight accommodations which are part of a commercially-owned resource-

based recreation use, where such resource-based recreation use occurs on the subject site or is accessed through the site on adjacent lands, and which meet the following standards:

(a) Buildings containing individual units are no larger than 1,500 square feet in total floor area and no higher than two and one-half stories.

(b) Buildings containing more than one unit are no larger than 6,000 square feet in total floor area and no higher than two and one-half stories.

(c) The total number of individual units shall not exceed 25, unless the proposed development complies with standards for clustered accommodations in subsection (d) below

(d) Clustered overnight travelers accommodations meeting the following standards may include up to 35 individual units:

(i) Average total floor area of all units is 1,000 square feet or less per unit;

(ii) A minimum of 50 percent of the project site is dedicated to undeveloped, open areas (not including roads or parking areas);

(iii) The facility is in an area classified for high intensity recreation (Recreation Intensity Class 4).

(3) Commercial uses, including restaurants sized to accommodate overnight visitors and their guests, and nonresource-based recreation uses which are part of an existing or approved resource-based commercial recreation use consistent with the policies, guidelines and conditional use criteria for such uses contained in this section.

(4) New cultivation, subject to compliance with MCC .3818, .3822, .3824, .3826 and .3828.

(C) The following conditional uses may be allowed on lands designated GS-PR, pursuant

to the provisions of MCC .3568 and .3834:

- (1) Public natural resource-based recreational facilities, consistent with MCC .3834.
- (2) Public non-profit group camps, retreats, conference or educational centers, and interpretive facilities.
- (3) Utility facilities for public service upon a showing that:
 - (a) There is no alternative location with less adverse effect on Public Recreation land.
 - (b) The size is the minimum necessary to provide the service.
- (4) A single family residence on a parcel 40 acres or larger, when found to be necessary for the management of:
 - (a) An agricultural use pursuant to MCC .3608(B)(2);
 - (b) A forest use pursuant to MCC .3634(B)(7); or
 - (c) A public recreation site.

established by ordinance.

- (E) Structures such as barns, silos, windmills, antennae, chimneys, or similar structures may exceed the height requirement if located at least 30 feet from any property line.

11.15.3758 Off-Street Parking and Loading

Off-street parking and loading shall be provided as required by MCC .6100 through .6148.

11.15.3760 Access

Any lot in this district shall abut a street or shall have other access determined by the approval authority to be safe and convenient for pedestrians and passenger and emergency vehicles.

11.15.3762 Signs

Signs, pursuant to the provisions of MCC .3582.

11.15.3756 Dimensional Requirements

- (A) There is no minimum lot size for properties designated GG-PR, GG-CR, and GS-PR.
- (B) That portion of a street which would accrue to an adjacent lot if the street were vacated shall be included in calculating the area of such lot.

(C) Minimum Yard Dimensions - Feet

Front	Side	Street Side	Rear
30	10	30	30

Maximum Structure Height – 35 feet

Minimum Front Lot Line Length – 50 feet.

- (D) The minimum yard requirement shall be increased where the yard abuts a street having insufficient right-of-way width to serve the area. The Planning Commission shall determine the necessary right-of-way widths and additional yard requirements not otherwise



11.15.3800 Purposes

The purposes of the National Scenic Area Site Review are to preserve, protect and enhance 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.

11.15.3802 Uses Affected

MCC .3800 through .3834 shall apply to all Uses Under Prescribed Conditions and Conditional Uses identified in MCC .3600 through .3762.

11.15.3804 Applicability

With the exception of Primary Uses, no building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in the Columbia River Gorge National Scenic Area except when approved pursuant to MCC .3810 or .3812.

11.15.3806 Application for NSA Site Review

An application for NSA Site Review shall address the applicable criteria for approval, under MCC .3814 through .3834, and shall be filed as follows:

- (A) For a Use Under Prescribed Conditions, in the manner provided in MCC .3564; and
- (B) For a Conditional Use, the Scenic Site Review application shall be combined with the required application for the proposed action and filed in the manner provided in MCC .3568.

11.15.3808 Required Findings

A decision on an application for NSA Site Review shall be based upon findings of consistency with the criteria for approval specified in MCC .3814 through .3834.

11.15.3810 Decision by Planning Director

- (A) A decision on a NSA Site Review application for a Use Under Prescribed Conditions shall be made by the Planning Director.

- (B) Within ten business days following receipt of an application for NSA Site Review, the Planning Director shall mail notice describing the nature of the proposed use, including a site plan, and requesting written comment on the application within 30 days of the mailing of the notice to:

- (1) The Gorge Commission;
- (2) The Forest Service;
- (3) The Indian tribal governments;
- (4) The State Historic Preservation Office; and
- (5) All owners of record of parcels within 500 feet of the subject parcel.

- (C) If no written comment is received at the expiration of the comment period and the Planning Director determines that no additional information is necessary, the application shall be considered complete and the Planning Director shall, within 25 working days, file a decision with the Director of Environmental Services and shall mail a copy of the decision to the applicant and to other persons who request the same.

- (D) If written comments are received during the comment period or the Planning Director determines that additional information is necessary, the Planning Director shall, within ten working days following expiration of the comment period, notify the applicant as to what additional information is necessary to satisfy the applicable criteria of MCC .3814 through .3834.

- (1) If additional information is necessary, the application shall be considered incomplete and no further action will be taken on the application until all requested information is provided by the applicant.
- (2) Upon receipt of the requested information the application shall be considered complete and the Planning Director shall, within 25 working days, file a decision with the Director of Environmental Ser-

VICES and shall mail a copy of the decision to the applicant and to other persons who request the same.

- (3) A copy of the decision, along with all comments received, shall be sent to the Gorge Commission.
- (E) The Director may approve a NSA Site Review application, deny it, or approve it with such modifications and conditions as may be consistent with the Management Plan and necessary to assure satisfaction of MCC .3814 through .3834.
- (F) A decision by the Planning Director on an application for NSA Site Review shall include written conditions, if any, and findings and conclusions. The conditions, findings, and conclusions shall specifically address the relationships between the proposal and the applicable criteria of MCC .3814 through .3834.
- (G) A decision by the Planning Director on an application for NSA Site Review shall be final 14 days from the date the decision is mailed, unless appealed as provided in MCC .8290.

11.15.3812 Decision by a Hearings Authority

A decision on a NSA Site Review application for a Conditional Use shall be processed pursuant to the provisions of MCC .3568.

11.15.3814 GMA Scenic Review Criteria

The following scenic review standards shall apply to all Review Uses in the General Management Area of the Columbia River Gorge National Scenic Area:

- (A) All Uses Under Prescribed Conditions and Conditional Uses:
 - (1) New buildings and roads shall be sited and designed to retain the existing topography and reduce necessary grading to the maximum extent practicable.
 - (2) New buildings shall be generally consistent with the height and size of existing nearby development.
 - (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 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:

- (a) A map of the site, at a scale of 1 inch equals 100 feet (1:1,200), or a scale providing greater detail, with 10 foot contour intervals or less, showing pre-mining existing grades and post-mining, final grades; locations of topsoil stockpiles for eventual reclamation use; location of catch-basins or similar drainage and erosion control features employed for the duration of the use; and the location of storage, processing and equipment areas employed for the duration of the use;
- (b) Cross-sectional drawings of the site showing pre-mining and post-mining grades;
- (c) Descriptions of the proposed use, in terms of estimated quantity and type of material removed, estimated duration of the use, processing activities, etc.;
- (d) Description of drainage/erosion control features to be employed for the

duration of the use; and

(e) A landscaping plan providing for revegetation consistent with the vegetation patterns of the subject landscape setting, indicating the species, number, size and location of plantings for the final reclaimed grade, as well as a description of irrigation provisions or other measures necessary to ensure the survival of plantings.

(B) All Uses Under Prescribed Conditions and Conditional Uses 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 development is visually subordinate to its setting as seen from Key Viewing Areas.
- (2) The extent and type of conditions applied to a proposed development to achieve visual subordination should be proportionate to its potential visual impacts as seen from Key Viewing Areas. Primary factors influencing the degree of potential visual impact include: 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.
- (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

.3568(A)(5) and .3814(A)(5) for mining and associated activities:

- (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 .3814(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 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.
- (8) Driveways and buildings shall be designed and sited to minimize grading activities and visibility of cut banks and fill slopes from Key Viewing Areas.
- (9) 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.

- (10) 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 nonreflective, opaque materials.
- (11) Additions to existing buildings smaller in total square area than the existing building may be the same color as the existing building. Additions larger than the existing building shall be of colors specified in the landscape setting for the subject property.
- (12) 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.
- (13) 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.
- (14) 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 Area, may itself protrude above the skyline if:

(a) The altered building, through use of color, landscaping and/or other mitigation measures, contrasts less with its setting than before the alteration; and

(b) There is no practicable alternative means of altering the building without increasing the protrusion.

(15) 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.

(16) 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.

(17) New communications facilities may protrude above a skyline visible from a Key Viewing Area only upon demonstration that:

(a) The facility is necessary for public service;

(b) The break in the skyline is seen only in the background; and

(c) The break in the skyline is the minimum necessary to provide the service.

(18) Overpasses, safety and directional signs and other road and highway facilities may protrude above a skyline visible from a Key Viewing Area only upon a demonstration that:

(a) The facility is necessary for public service;

(b) The break in the skyline is the minimum necessary to provide the service.

(19) 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.

(20) 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.

(21) 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:

(a) A map of the site, prepared at a scale of 1 inch equals 200 feet (1:2,400), or a scale providing greater detail, with contour intervals of at least 5 feet, including:

- (i) Existing and proposed final grades;
- (ii) Location of all areas to be graded, with cut banks and fill slopes delineated; and
- (iii) 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:

- (i) Its purpose;

(ii) An estimate of the total volume of material to be moved;

(iii) The height of all cut banks and fill slopes;

(iv) Provisions to be used for compaction, drainage, and stabilization of graded areas (preparation of this information by a licensed engineer or engineering geologist is recommended);

(v) A description of all plant materials used to revegetate exposed slopes and banks, including type of species, number of plants, size and location, and a description of irrigation provisions or other measures necessary to ensure the survival of plantings; and

(vi) A description of any other interim or permanent erosion control measures to be utilized.

(22) 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 com-

ply with MCC .3814(A)(5); and

screened from any Key Viewing Area; and

(d) A written report on a determination of visual subordination has been completed, with findings addressing the extent of visibility of proposed mining activities from Key Viewing Areas, including:

(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 .3814(A)(5).

(i) A list of Key Viewing Areas from which exposed mining surfaces (and associated facilities/activities) would be visible;

(ii) An estimate of the surface area of exposed mining surfaces which would be visible from those Key Viewing Areas;

(iii) The distance from those Key Viewing Areas and the linear distance along those Key Viewing Areas from which proposed mining surfaces are visible;

(iv) The slope and aspect of mining surfaces relative to those portions of Key Viewing Areas from which they are visible;

(v) The degree to which potentially visible mining surfaces are screened from Key Viewing Areas by existing vegetation, including winter screening considerations.

(vi) The degree to which potentially visible mining surfaces would be screened by new plantings, berms, etc. and appropriate time frames to achieve such results, including winter screening considerations.

(24) 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.

(25) 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.).

(23) Unless addressed by subsection (22) above, new production and/or development of mineral resources may be allowed upon a demonstration that:

(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.

(a) The site plan requirements for such proposals pursuant to this chapter have been met;

(b) The area to be mined and the area used for primary processing, equipment storage, stockpiling, etc. associated with the use would be fully

(C) All Uses Under Prescribed Conditions and Conditional Uses within the following landscape settings:

(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.
- (b) Accessory structures, outbuildings and accessways shall be clustered together as much as possible, particularly towards the edges of existing meadows, pastures and farm fields.
- (c) 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:
 - (i) Except as is necessary for site development or safety purposes, the existing tree cover screening the development from Key Viewing Areas shall be retained.
 - (ii) Vegetative landscaping shall, where feasible, retain the open character of existing pastures and fields.
 - (iii) 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).
 - (iv) At least one-quarter of any trees planted for screening shall be coniferous for winter screening.
 - (v) Structures' exteriors shall be dark and either natural or earth-tone colors unless specifically exempted by MCC .3418(B)(11) and (12).
- (d) 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.
- (b) Structure height shall remain below the forest canopy level.
- (c) 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:
 - (i) 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.
 - (ii) 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).
 - (iii) At least half of any trees planted for screening purposes shall be coniferous to provide winter screening.
 - (iv) Structures' exteriors shall be either natural or earthtone colors unless specifically exempted by MCC .3418(B)(11) and (12).
- (d) 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.

(b) 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.

(c) 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:

(i) Except as is necessary for site development or safety purposes, the existing tree cover screening the development from Key Viewing Areas shall be retained.

(ii) At least half of any trees planted for screening purposes shall be species native to the setting or commonly found in the area.

(iii) At least half of any trees planted for screening purposes shall be coniferous to provide winter screening.

(iv) Structures' exteriors shall be dark and either natural or earth-tone colors unless specifically exempted by MCC .3418(B)(11) and (12).

(d) Compatible recreation uses include should be limited to small community park facilities, but occasional low-intensity resource-based recreation uses (such as small scenic overlooks) may be allowed.

(4) Rural Residential in Conifer Woodland or Pastoral

(a) New development in this setting shall meet the design standards for both the Rural Residential setting and the more rural setting with which it is combined (either Pastoral or Coniferous Woodland), unless it can be demonstrated that compliance with the standards for the more rural setting is impracticable. Expansion of existing development shall comply with this standard to the maximum extent practicable.

(b) In the event of a conflict between the standards, the standards for the more rural setting (Coniferous Woodland or Pastoral) shall apply, unless it can be demonstrated that application of such standards would not be practicable.

(c) Compatible recreation uses should be limited to very low and low-intensity resource-based recreation uses, scattered infrequently in the landscape.

(5) Residential

(a) 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.

(b) 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:

(i) Except as is necessary for site development or safety purposes, the existing tree cover screening the development from Key Viewing Areas shall be retained.

(ii) Structures' exteriors shall be non-reflective unless fully screened from Key Viewing Areas with existing vegetation and/or topography.

(iii) At least half of any trees planted for screening purposes shall be species native to the setting or commonly found in the area.

(iv) At least half of any trees planted for screening purposes shall be coniferous to provide winter screening.

(v) Structures' exteriors shall be dark and either natural or earth-tone colors unless specifically exempted by MCC .3418(B)(11) and (12).

(c) Compatible recreation uses are limited to community park facilities.

(6) Village

(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.

(b) New commercial buildings shall be limited in size to a total floor area of 5,000 square feet or less, and shall be limited in height to 2 and 1/2 stories or less.

(c) For new commercial, institutional (churches, schools, government buildings) or multi-family residential uses on parcels fronting a Scenic Travel Corridor (the Historic Columbia River Highway) and expansion of existing development for such uses, parking shall be limited to rear or side yards of buildings to the maximum extent practicable.

(d) New 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.

(e) New commercial, institutional or multi-family residential uses fronting a Scenic Travel Corridor shall comply

with the following landscape requirements:

(i) Parking or loading areas for 10 or more spaces shall include a landscaped strip at least 5 feet in width between the new use and the Scenic Travel Corridor roadway.

(ii) The landscape strip required in subsection (f)(i) above shall include shrubs, vegetative ground cover and, at minimum, one tree spaced as appropriate to the species and not to exceed 25 feet apart on the average.

(f) 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.

(g) Architectural styles characteristic of the area (such as 1 1/2 story dormer roof styles in Corbett), and reflective of community desires, should be encouraged. Entry signs should be consistent with such architectural styles.

(h) 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.

(i) Pedestrian walkways and bicycle paths should be encouraged and integrated into new developments wherever feasible.

(j) 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.

(k) 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.
- (b) 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:
 - (i) Except as is necessary for site development or safety purposes, existing tree cover screening the development from Key Viewing Areas shall be retained.
 - (ii) At least half of any trees planted for screening purposes shall be species native to the River Bottomland setting. Public recreation developments are encouraged to maximize the percentage of planted screening vegetation native to this setting. Such species include: black cottonwood, bigleaf maple, red alder, Oregon white ash, Douglas fir, western red cedar and western hemlock (west Gorge) and various native willow species.
 - (iii) At least one-quarter of any trees planted for screening purposes shall be coniferous for winter screening.
 - (iv) Structures' exteriors shall be dark and either natural or earth-tone colors unless specifically exempted by MCC .3418(B)(11) and (12).
- (c) Compatible recreation uses depend on the degree of natural resource sensitivity of a particular site. In the most critically sensitive River Bottomlands, very low-intensity uses which do not impair wetlands or special habitat requirements may be compatible.

(8) Gorge Walls, Canyons and Wildlands

- (a) New development and expansion of existing development shall be screened so as to not be seen from Key Viewing Areas to the maximum extent practicable.
 - (b) All trees planted to screen permitted development and uses from Key Viewing Areas shall be native to the area.
 - (c) Existing tree cover shall be retained to the maximum extent practicable, except for the minimum necessary to be removed to accommodate facilities otherwise permitted in the underlying land use designation or for safety purposes.
 - (d) All structures shall be limited in height to 1 1/2 stories.
 - (e) All structures' exteriors shall be non-reflective.
 - (f) Signage shall be limited to natural materials such as wood or stone, and natural or earth-tone colors, unless public safety concerns or federal or state highway standards require otherwise.
 - (g) Compatible recreation uses are limited to very low or low-intensity, resource-based activities which focus on enjoyment and appreciation of sensitive resources. Such uses compatible (such as trails) are generally associated with minimal facility development, if any.
- (D) All Uses Under Prescribed Conditions and Conditional Uses within scenic travel corridors:
- (1) For the purposes of implementing this section, the foreground of a Scenic Travel Corridor shall include those lands within one-quarter mile of the edge of pavement of the Historic Columbia River Highway and I-84.
 - (2) All new buildings and alterations to existing buildings, except in a GGRC, shall be set back at least 100 feet from the edge of

pavement of the Scenic Travel Corridor roadway. A variance to this setback requirement may be granted pursuant to MCC .3576. All new parking lots and expansions of existing parking lots shall be set back at least 100 feet from the edge of pavement of the Scenic Travel Corridor roadway, to the maximum extent practicable.

- (3) Additions to existing buildings or expansion of existing parking lots located within 100 feet of the edge of pavement of a Scenic Travel Corridor roadway except in a GGRC, shall comply with subsection (c) above to the maximum extent practicable.
- (4) All proposed vegetation management projects in public rights-of-way to provide or improve views shall include the following:
 - (a) An evaluation of potential visual impacts of the proposed project as seen from any Key Viewing Area;
 - (b) An inventory of any rare plants, sensitive wildlife habitat, wetlands or riparian areas on the project site. If such resources are determined to be present, the project shall comply with applicable standards to protect the resources.
- (5) When evaluating which locations to consider undergrounding of signal wires or powerlines, railroads and utility companies shall prioritize those areas specifically recommended as extreme or high priorities for undergrounding in the Columbia River Gorge National Scenic Area Corridor Visual Inventory prepared in April, 1990.
- (6) New 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 .3814(B)(24).

- (7) Expansion of existing quarries may be allowed pursuant to MCC .3814(B)(21). Compliance with visual subordination requirements shall be achieved within time frames specified in MCC .3814(B)(23).

11.15.3816 SMA Scenic Review Criteria

The following scenic review standards shall apply to all Review 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 Uses Under Prescribed Conditions and Conditional Uses:
 - (1) 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.

- (4) 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.
- (6) 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.
- (7) 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:
- (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.
 - (b) 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.
 - (c) Temporary roads must be promptly closed and revegetated.
 - (d) New utilities must be below ground surface, where feasible.
 - (e) 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 should 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.
 - (c) Buildings in the coniferous landscape

setting shall be encouraged to have a vertical overall appearance and a horizontal overall appearance in the Oak-Pine Woodland landscape setting.

- (d) 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.
 - (b) Buildings should have an overall horizontal appearance in areas with little tree cover.
 - (c) 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.
 - (b) At Latourell Falls, new buildings shall have an appearance consistent with the predominant historical architectural style.
 - (c) 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) 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 open-

ing is 15 acres. In the foreground of Key Viewing Areas, maximum size of created opening (*see* MCC .3556) 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.

11.15.3818 GMA Cultural Resource Review Criteria

(A) The cultural resource review criteria shall be deemed satisfied, except MCC .3818(K) and (L), if:

- (1) The Gorge Commission or Planning Director does not require a reconnaissance or historic survey and no comment is received during the comment period provided in MCC .3810(B).
- (2) A reconnaissance survey demonstrates that cultural resources do not exist in the project area and no substantiated concerns were voiced by interested persons within 20 calendar days of the date that a notice was mailed.
- (3) The proposed use would avoid archaeological resources and traditional cultural resources that exist in the project area. To meet this guideline, a reasonable buffer zone must be established around the affected resources or properties; all ground disturbing activities shall be prohibited within the buffer zone.

Buffer zones must preserve the integrity and context of cultural resources. They will vary in width depending on the eventual use of the project area, the type of cultural resources that are present, and the characteristics for which the cultural resources may be significant. A deed covenant, easement, or other appropriate mechanism shall be developed to ensure

that the buffer zone and the cultural resources are protected.

An evaluation of significance shall be conducted if a project applicant decides not to avoid the affected cultural resource. In these instances, the reconnaissance survey and survey report shall be incorporated into the evaluation of significance.

- (4) A historic survey demonstrates that the proposed use would not have an effect on historic buildings or structures because:
 - (a) SHPO concludes that the historic buildings or structures are clearly not significant, as determined using the criteria in the "National Register Criteria for Evaluation" (36 CFR Part 60.4); or
 - (b) The proposed use would not compromise the historic or architectural character of the affected buildings or structures, or compromise features of the site that are important in defining the overall historic character of the affected buildings or structures, as determined by the guidelines and standards in The Secretary of the Interior's Standards for Rehabilitation (U.S. Department of the Interior 1990) and The Secretary of the Interior's Standards for Historic Preservation Projects (U.S. Department of the Interior 1983).

The historic survey conducted by the Gorge Commission may provide sufficient information to satisfy these guidelines. If it does not, architectural and building plans, photographs, and archival research may be required. The project applicant shall be responsible for providing information beyond that included in the survey conducted by the Gorge Commission.

The historic survey and report must demonstrate that these standards have been clearly and absolutely satisfied. If SHPO or the Planning Director question whether these guidelines have been satisfied, the project applicant shall conduct an evaluation of significance.

(B) If comment is received during the comment period provided in MCC .3810(B), the applicant shall offer to meet with the interested persons within 10 calendar days. The 10 day consultation period may be extended upon agreement between the project applicant and the interested persons.

- (1) Consultation meetings should provide an opportunity for interested persons to explain how the proposed use may affect cultural resources. Recommendations to avoid potential conflicts should be discussed.
- (2) All written comments and consultation meeting minutes shall be incorporated into the reconnaissance or historic survey report. In instances where a survey is not required, all such information shall be recorded and addressed in a report that typifies a survey report; inapplicable elements may be omitted.
- (3) A project applicant who is proposing a large-scale use shall conduct interviews and other forms of ethnographic research if interested persons submit a written request for such research. All requests must include a description of the cultural resources that may be affected by the proposed use and the identity of knowledgeable informants. Ethnographic research shall be conducted by qualified specialists. Tape recordings, maps, photographs, and minutes shall be used when appropriate.

All written comments, consultation meeting minutes and ethnographic research shall be incorporated into the reconnaissance or historic survey report. In instances where a survey is not required, all such information shall be recorded and addressed in a report that typifies a survey report.

(C) If the Gorge Commission or Planning Director determines that a reconnaissance or historic survey is required, it shall consist of the following:

- (1) Reconnaissance Survey for Small-Scale Uses
 - (a) A surface survey of the project area,

except for inundated areas and impenetrable thickets.

(b) Subsurface testing shall be conducted if the surface survey reveals that cultural resources may be present. Subsurface probes will be placed at intervals sufficient to determine the absence or presence of cultural resources.

(c) A confidential report that includes:

(i) A description of the fieldwork methodology used to identify cultural resources, including a description of the type and extent of the reconnaissance survey.

(ii) A description of any cultural resources that were discovered in the project area, including a written description and photographs.

(iii) A map that shows the project area, the areas surveyed, the location of subsurface probes, and, if applicable, the approximate boundaries of the affected cultural resources and a reasonable buffer area.

The Gorge Commission will conduct and pay for all reconnaissance or historic surveys for small-scale uses.

(2) Reconnaissance Survey for Large-Scale Uses

For the purposes of this section, large-scale uses include residential development involving two or more new dwellings; recreation facilities; commercial and industrial development; public transportation facilities; electric facilities, lines, equipment, and appurtenances that are 33 kilovolts or greater; and communications, water and sewer, and natural gas transmission (as opposed to distribution) lines, pipes, equipment, and appurtenances.

(a) Reconnaissance surveys shall be designed by a qualified professional. A written description of the survey shall be submitted to and approved by the Gorge Commission's designated

archaeologist.

(b) Reconnaissance surveys shall reflect the physical characteristics of the project area and the design and potential effects of the proposed use. They shall meet the following standards:

- (i) Archival research shall be performed prior to any field work. It should entail a thorough examination of tax records; historic maps, photographs, and drawings; previous archaeological, historic, and ethnographic research; cultural resource inventories and records maintained by federal, state, and local agencies; and primary historic accounts, such as diaries, journals, letters, and newspapers.
- (ii) Surface surveys shall include the entire project area, except for inundated areas and impenetrable thickets.
- (iii) Subsurface probes shall be placed at intervals sufficient to document the presence or absence of cultural resources.
- (iv) Archaeological site inventory forms shall be submitted to SHPO whenever cultural resources are discovered.

(c) A confidential report that includes:

- (i) A description of the proposed use, including drawings and maps.
- (ii) A description of the project area, including soils, vegetation, topography, drainage, past alterations, and existing land use.
- (iii) A list of the documents and records examined during the archival research and a description of any prehistoric or historic events associated with the project area.
- (iv) A description of the fieldwork methodology used to identify cultural resources, including a map

that shows the project area, the areas surveyed, and the location of subsurface probes. The map shall be prepared at a scale of 1 inch equals 100 feet (1:1,200), or a scale providing greater detail.

- (v) An inventory of the cultural resources that exist in the project area, including a written description, photographs, drawings, and a map. The map shall be prepared at a scale of 1 inch equals 100 feet (1:1,200), or a scale providing greater detail.
- (vi) A summary of all written comments submitted by Indian tribal governments and other interested persons.
- (vii) A preliminary assessment of whether the proposed use would or would not have an effect on cultural resources. The assessment shall incorporate concerns and recommendations voiced during consultation meetings and information obtained through archival and ethnographic research and field surveys.

The applicant shall be responsible for reconnaissance surveys for large-scale uses.

(3) Historic Surveys

- (a) Historic surveys shall document the location, form, style, integrity, and physical condition of historic buildings and structures. They shall include:
 - (i) Original photographs;
 - (ii) Original maps; and
 - (iii) Archival research, blueprints, and drawings as necessary.
- (b) Historic surveys shall describe any uses that will alter or destroy the exterior architectural appearance of the historic buildings or structures, or compromise features of the site that

are important in defining the overall historic character of the historic buildings or structures

- (c) The project applicant shall provide detailed architectural drawings and building plans that clearly illustrate all proposed alterations.
- (D) The Planning Director shall submit a copy of all cultural resource survey reports to SHPO and the Indian tribal governments. Survey reports may include measures to avoid affected cultural resources, such as a map that shows a reasonable buffer area.

SHPO and the tribes shall have 30 calendar days from the date a survey report is mailed to submit written comments to the Planning Director. The Planning Director shall record and address all written comments in the site review analysis. The cultural resource review process is complete if no comment is received.

- (E) If cultural resources would be affected by a new use, an evaluation of their significance shall be conducted. Evaluations of Significance shall meet the following standards:
- (1) Evaluations of significance shall follow the procedures in *How to Apply the National Register Criteria for Evaluation* (U.S. Department of the Interior n.d.) and *Guidelines for the Evaluation and Documentation of Traditional Cultural Properties* (Parker and King, n.d.). They shall be presented within local and regional contexts and shall be guided by previous research and current research designs that are relevant to specific research questions for the Columbia River Gorge.
 - (2) To evaluate the significance of cultural resources, the information gathered during the reconnaissance or historic survey may have to be supplemented. Detailed field mapping, subsurface testing, photographic documentation, laboratory analysis, and archival research may be required.
 - (3) The project applicant shall contact Indian tribal governments and interested persons, as appropriate. Ethnographic

research shall be undertaken as necessary to fully evaluate the significance of the cultural resources.

- (4) The Evaluation of Significance shall follow the principles, guidelines, and report format recommended by Oregon SHPO (Oregon State Historic Preservation Office 1990). It shall incorporate the results of the reconnaissance or historic survey and shall illustrate why each cultural resource is or is not significant. Findings shall be presented within the context of relevant local and regional research.
- All documentation used to support the evaluation of significance shall be cited. Evidence of consultation with Indian tribal governments and other interested persons shall be presented. All comments, recommendations, and correspondence from Indian tribal governments and interested persons shall be appended to the Evaluation of Significance.
- (F) If the Evaluation of Significance demonstrates that the cultural resources are not significant, the Planning Director shall submit a copy of the Evaluation of Significance to SHPO and the Indian tribal governments. SHPO, Indian tribal governments, and interested persons shall have 30 calendar days from the date the evaluation of significance is mailed to submit written comments to the Planning Director. The Planning Director shall record and address all written comments in the site review analysis. The cultural resource review process is complete if no comment is received.
- (G) If the Evaluation of Significance demonstrates that the a use would affect significant cultural resources, an assessment shall be made to determine if it would have no effect, no adverse effect, or an adverse effect. The assessment shall meet the following standards:
- (1) The Assessment of Effect shall be based on the criteria published in *Protection of Historic Properties* (36 CFR Part 800.9) and shall incorporate the results of the reconnaissance or historic survey and the evaluation of significance. All documentation shall follow the requirements listed

in 36 CFR Part 800.8.

- (a) Proposed uses have an effect on cultural resources when they alter or destroy characteristics of the resources that make them significant [36 CFR Part 800.9(a)].
- (b) Proposed uses are considered to have an adverse effect when they may diminish the integrity of the cultural resource's location, design, setting, materials, workmanship, feeling, or association [36 CFR Part 800.9(b)]. Adverse effects on cultural resources include, but are not limited to:
- (i) Physical destruction, damage, or alteration of all or part of the cultural resource;
 - (ii) Isolation of the cultural resource from its setting or alteration of the character of the resource's setting when that character contributes to the resource's qualification as being significant;
 - (iii) Introduction of visual, audible, or atmospheric elements that are out of character with the cultural resource or its setting;
 - (iv) Neglect of a significant cultural resource resulting in its deterioration or destruction; or
 - (v) Transfer, lease, or sale of the cultural resource.
- (2) The Assessment of Effect shall be prepared in consultation with Indian tribal governments and interested persons, as appropriate. The concerns and recommendations voiced by Indian tribal governments and interested persons shall be recorded and addressed in the assessment.
- (3) The effects of a proposed use that would otherwise be determined to be adverse may be considered to not be adverse in the following instances:
- (a) The cultural resources are of value only for their potential contribution to archaeological, historical, or architectural research, and when such value can be substantially preserved through the conduct of appropriate research before development begins, and such research is conducted in accordance with applicable professional standards and guidelines;
 - (b) The undertaking is limited to the rehabilitation of buildings and structures, and is conducted in a manner that preserves the historical and architectural character of affected cultural resources through conformance with *The Secretary of the Interior's Standards for Rehabilitation* (U.S. Department of the Interior 1990) and *The Secretary of the Interior's Standards for Historic Preservation Projects* (U.S. Department of the Interior 1983); or
 - (c) The proposed use is limited to the transfer, lease, or sale of cultural resources, and adequate restrictions or conditions are included to ensure preservation of the significant features of the resources.
- (H) If the Assessment of Effect concludes that the proposed use would have no effect or no adverse effect on significant cultural resources, the Planning Director shall submit a copy of the assessment to SHPO and the Indian tribal governments. SHPO, Indian tribal governments, and interested persons shall have 30 calendar days from the date the assessment of effect is mailed to submit written comments to the Planning Director. The Planning Director shall record and address all written comments in the site review analysis. The cultural resource review process is complete if no comment is received.
- (I) If the Assessment of Effect concludes that the proposed use would effect significant cultural resources, mitigation plans shall be prepared. The plans must reduce an adverse effect to no effect or no adverse effect. Mitigation plans shall meet the following standards:
- (1) Mitigation plans shall be prepared in consultation with persons who have concerns about or knowledge of the affected cultural resources, including Indian tribal governments, Native Americans, local governments whose jurisdiction encompasses

the project area, and SHPO.

- (2) Avoidance of cultural resources through project design and modification is preferred. Avoidance may be effected by reducing the size, scope, configuration, and density of the proposed use.

Alternative mitigation measures shall be used only if avoidance is not practicable. Alternative measures include, but are not limited to, burial under fill, stabilization, removal of the cultural resource to a safer place, and partial to full excavation and recordation. If the mitigation plan includes buffer areas to protect cultural resources, a deed covenant, easement, or other appropriate mechanism must be developed and recorded in county deeds and records.

- (3) Mitigation plans shall incorporate the results of the reconnaissance or historic survey, the evaluation of significance, and the assessment of effect, and shall provide the documentation required in 36 CFR Part 800.8(d), including, but not limited to:
 - (a) A description and evaluation of any alternatives or mitigation measures that the project applicant proposes for reducing the effects of the proposed use;
 - (b) A description of any alternatives or mitigation measures that were considered but not chosen and the reasons for their rejection;
 - (c) Documentation of consultation with SHPO regarding any alternatives or mitigation measures;
 - (d) A description of the project applicant's efforts to obtain and consider the views of Indian tribal governments, interested persons, and local governments; and
 - (e) Copies of any written recommendations submitted to the Planning Director or project applicant regarding the effects of the proposed use on cultural resources and alternatives to avoid or reduce those effects.

- (J) The Planning Director shall submit a copy of the mitigation plan to SHPO and the Indian tribal governments. SHPO, Indian tribal governments, and interested persons shall have 30 calendar days from the date the mitigation plan is mailed to submit written comments to the Planning Director. The Planning Director shall record and address all written comments in the site review analysis. The cultural resource review process is complete if no comment is received.

If comment is received, the Planning Director shall place the matter on the next available Planning Commission agenda. The Planning Commission shall determine if the adverse effect identified in the Assessment of Effect [subsection (G) above] is reduced to no effect or no adverse effect.

- (K) Cultural Resources Discovered After Construction Begins

The following procedures shall be effected when cultural resources are discovered during construction activities. All survey and evaluation reports and mitigation plans shall be submitted to the Planning Director and SHPO. Indian tribal governments also shall receive a copy of all reports and plans if the cultural resources are prehistoric or otherwise associated with Native Americans.

- (1) Halt Construction – All construction activities within 100 feet of the discovered cultural resource shall cease. The cultural resources shall remain as found; further disturbance is prohibited.
- (2) Notification – The project applicant shall notify the Planning Director and the Gorge Commission within 24 hours of the discovery. If the cultural resources are prehistoric or otherwise associated with Native Americans, the project applicant shall also notify the Indian tribal governments within 24 hours.
- (3) Survey and Evaluation – The Gorge Commission will survey the cultural resources after obtaining written permission from the landowner and appropriate permits from SHPO (*see* ORS 273.705, ORS 358.905 to 358.955, and RCW 27.53). It will gather enough information to evaluate the significance of the cultural

resources. The survey and evaluation will be documented in a report that generally follows the standards in MCC .3818(C)(2) and MCC .3818(E).

Based on the survey and evaluation report and any written comments, the Planning Director will make a final decision on whether the resources are significant. Construction activities may recommence if the cultural resources are not significant.

A mitigation plan shall be prepared if the affected cultural resources are significant.

- (4) Mitigation Plan – Mitigation plans shall be prepared according to the information, consultation, and report standards of MCC .3818(I). Construction activities may recommence when the conditions in the mitigation plan have been executed.

(L) Discovery of Human Remains

The following procedures shall be effected when human remains are discovered during a cultural resource survey or during construction. Human remains means articulated or disarticulated human skeletal remains, bones, or teeth, with or without attendant burial artifacts.

- (1) Halt Activities – All survey, excavation, and construction activities shall cease. The human remains shall not be disturbed any further.
- (2) Notification – Local law enforcement officials, the Planning Director, the Gorge Commission, and the Indian tribal governments shall be contacted immediately.
- (3) Inspection – The State Medical Examiner shall inspect the remains at the project site and determine if they are prehistoric/historic or modern. Representatives from the Indian tribal governments shall have an opportunity to monitor the inspection.
- (4) Jurisdiction – If the remains are modern, the appropriate law enforcement officials will assume jurisdiction and the cultural resource protection process may conclude.

- (5) Treatment – Prehistoric/historic remains of Native Americans shall generally be treated in accordance with the procedures set forth in Oregon Revised Statutes, chapter 97.740 to 97.760.

If the human remains will be reinterred or preserved in their original position, a mitigation plan shall be prepared in accordance with the consultation and report standards of MCC .3818(I).

The plan shall accommodate the cultural and religious concerns of Native Americans. The cultural resource protection process may conclude when the conditions set forth in the standards of MCC .3818(J) are met and the mitigation plan is executed.

11.15.3820 SMA Cultural Resource Review Criteria

- (A) The cultural resource review criteria shall be deemed satisfied, except MCC .3820(E), if the Forest Service or Planning Director does not require a cultural resource survey and no comment is received during the comment period provided in MCC .3810(B).
- (B) If comment is received during the comment period provided in MCC .3810(B), the applicant shall offer to meet with the interested persons within 10 calendar days. The 10 day consultation period may be extended upon agreement between the project applicant and the interested persons.
 - (1) Consultation meetings should provide an opportunity for interested persons to explain how the proposed use may affect cultural resources. Recommendations to avoid potential conflicts should be discussed.
 - (2) All written comments and consultation meeting minutes shall be incorporated into the reconnaissance or historic survey report. In instances where a survey is not required, all such information shall be recorded and addressed in a report that typifies a survey report; inapplicable elements may be omitted.
- (C) The procedures of MCC .3818 shall be utilized for all proposed developments or land

uses other than those on all Federal lands, federally assisted projects and forest practices.

- (D) All cultural resource information shall remain confidential, according to the Act, Section 6(a)(1)(A). Federal agency cultural resource information is also exempt by statute from the Freedom of Information Act under 16 USC 470 hh and 36 CFR 296.18.
- (E) Principal investigators shall meet the professional standards published in 36 CFR part 61.
- (F) The Forest Service will provide for doing steps 1 through 5 for forest practices and National Forest system lands.
- (G) If the 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/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 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 Forest Service determines that

there is the presence of a recorded or known cultural resource, including those reported in consultation with the tribal governments on or within the immediate vicinity of a new development or land use, a field inventory by a cultural resource professional shall be required .

(2) Field Inventory

- (a) Tribal representatives shall be invited to participate in the field inventory.
- (b) The field inventory shall consist of one or the other of the following standards, as determined by the cultural resource professional:
 - (i) Complete survey: the systematic examination of the ground surface through a controlled procedure, such as walking an area in evenly-spaced transects. A complete survey may also require techniques such as clearing of vegetation, angering or shovel probing of sub-surface soils for the presence of buried cultural resources.
 - (ii) Sample survey: the sampling of an area to assess the potential of cultural resources within the area of proposed development or use. This technique is generally used for large or difficult to survey parcels, and is generally accomplished by a stratified random or non-stratified random sampling strategy. A parcel is either stratified by variables such as vegetation, topography or elevation, or by non-environmental factors such as a survey grid.

Under this method, statistically valid samples are selected and surveyed to indicate the probability of presence, numbers and types of cultural resources throughout the sampling strata. Depending on the results of the sample, a complete survey may or may not subsequently be recommended.

- (c) A field inventory report is required,

and shall include the following:

- (i) A narrative integrating the literature review of subsection (1) above with the field inventory of subsection (2)(b) above.
- (ii) A description of the field inventory methodology utilized under subsection (2)(b) above, describing the type and extent of field inventory, supplemented by maps which graphically illustrate the areas surveyed, not surveyed, and the rationale for each.
- (iii) A statement of the presence or absence of cultural resources within the area of the new development or land in use.
- (iv) When cultural resources are not located, a statement of the likelihood of buried or otherwise concealed cultural resources shall be included. Recommendations and standards for monitoring, if appropriate, shall be included.
- (d) Report format shall follow that specified by the Oregon State Historic Preservation Office.
- (e) The field inventory report shall be presented to the Forest Service for review.
- (f) If the field inventory determines that there are no cultural resources within the area of the new development or land use, the cultural resource review shall be complete.

(3) Evaluations of Significance

- (a) When cultural resources are found within the area of the new development or land use, an evaluation of significance shall be completed for each cultural resource relative to the criteria of the National Register of Historic Places (36 CFR 60.4).
- (b) Evaluations of cultural resource significance shall be guided by previous and current research designs relevant

to specific research questions for the area.

- (c) Evaluations of the significance of traditional cultural properties should follow *National Register Bulletin 38, Guidelines for the Evaluation and Documentation of Traditional Cultural Properties*, within local and regional contexts.
- (d) Recommendations for eligibility of individual cultural resources under National Register Criteria A through D (36 CFR 60.4) shall be completed for each identified resource. The Forest Service shall review evaluations for adequacy.
- (e) Evidence of consultation with tribal governments and individuals with knowledge of the cultural resources in the project area, and documentation of their concerns, shall be included as part of the evaluation of significance.
- (d) If the Forest Service determines that the inventoried cultural resources are not significant, the cultural resource review shall be complete.
- (e) If the Forest Service determines that the inventoried cultural resources are significant, an assessment of effect shall be required.

(4) Assessment of Effect

- (a) For each significant (*i.e.*, National Register eligible) cultural resource inventoried within the area of the proposed development or change in use, assessments of effect shall be completed, using the criteria outlined in 36 CFR 800.9 *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 Forest Service shall review each determination for adequacy and appropriate action.
- (b) If the proposed development or change in use will have "No Adverse

Effect" (36 CFR 800.8) to a cultural resource, documentation for that finding shall be completed, following the "Documentation Requirements" of 36 CFR 800.8(a).

(c) If the proposed development or change in use will have an "Adverse Effect" as defined by 36 CFR 800.9(b) to a cultural resource, the type and extent of "Adverse Effect" upon the qualities of the property that make it eligible to the National Register shall be documented. This documentation shall follow the process outlined under 36 CFR 800.5(e).

(d) If the "effect" appears to be beneficial (i.e., an enhancement to cultural resources), documentation shall be completed for the recommendation of that effect upon the qualities of the cultural resource that make it eligible to the National Register. This documentation shall follow the process outlined under 36 CFR 800.8 *Documentation Requirements*.

(5) Mitigation

(a) If there will be an effect on cultural resources, measures shall be provided for mitigation of effects. These measures shall address factors such as avoidance of the property through project design or modification and subsequent protection, burial under fill, data recovery excavations, or other measures which are proposed to mitigate effects.

(b) Evidence of consultation with tribal governments and individuals with knowledge of the resources to be affected, and documentation of their concerns, shall be included for all mitigation proposals.

(c) The 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 Direc-

tor in the event of the inadvertent discovery of cultural resources during construction or development.

(1) In the event of the discovery of cultural resources, work in the immediate area of discovery shall be suspended until a cultural resource professional can evaluate the potential significance of the discovery pursuant to MCC .3820(G)(3).

(2) If the discovered material is suspected to be human bone or a burial, the following procedure shall be used:

(a) Stop all work in the vicinity of the discovery.

(b) The applicant shall immediately notify the Forest Service, the applicant's cultural resource professional, the State Medical Examiner, and appropriate law enforcement agencies.

(c) The Forest Service shall notify the tribal governments if the discovery is determined to be an Indian burial or a cultural resource.

(d) A cultural resource professional shall evaluate the potential significance of the discovery pursuant to MCC .3820(G)(3) and report the results to the Forest Service which shall have 30 days to comment on the report.

(3) If the 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 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 .3820 (G)(4) and (5)

11.15.3822 GMA Wetland Review Criteria

(A) The wetland review criteria shall be deemed satisfied if:

(1) The project site is not identified as a wet-

land on the *National Wetlands Inventory* (U.S. Fish and Wildlife Service, 1987);

- (2) The soils of the project site are not identified by the *Soil Survey of Multnomah County, Oregon* (U.S.D.A. Soil Conservation Service, 1983) as hydric soils;
- (3) The project site is not within a wetland buffer zone; and
- (4) Wetlands are not identified on the project site during site review, or
- (5) 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:
 - (i) Fish and wildlife management uses conducted by federal, state, or Indian tribal resource agencies.
 - (ii) Soil, water, and vegetation conservation uses that protect and enhance wetlands acreage and functions.
 - (iii) Low-intensity recreation uses, including hunting, fishing, trapping, bird watching, hiking, boating, swimming, and canoeing.
 - (iv) 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.
 - (v) 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.

- (vi) 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.
- (vii) Commercial fishing and trapping.
- (viii) Educational uses and scientific research.
- (ix) Navigation aids, including structures covered by Section 17(a)(3) of the Scenic Area Act.
- (x) Forest practices that do not violate conditions of approval for other approved uses.
- (xi) 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, 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 Inter-agency Committee for Wetland Delineation, 1989), and any subsequent amendments.

All wetlands delineations shall be conducted by a professional, such as a soil scientist, botanist, or wetlands ecologist, who has been trained to use the federal delineation procedures.

The Planning Director may verify the accuracy of, and may render adjustments to, a wetlands boundary delineation. In the event the adjusted boundary delineation is contested by the applicant, the Planning Director shall, at the applicant's expense, obtain professional services to render a final delineation.

(C) The following uses may be allowed in wetlands and wetland buffer zones when approved pursuant to the provisions of MCC .3568, MCC .3822(E), and reviewed under the applicable provisions of MCC .3814 through .3834:

- (1) The modification, expansion, replacement, or reconstruction of serviceable structures, if such actions would not:
 - (a) Increase the size of an existing structure by more than 100 percent,
 - (b) Result in a loss of wetlands acreage or functions, or
 - (c) Intrude further into a wetland or wetlands buffer zone.

New structures shall be considered intruding further into a wetland or wetlands buffer zone if any portion of the structure is located closer to the wetland or wetlands buffer zone than the existing structure.

- (2) The construction of minor water-related recreation structures that are available for public use. Structures in this category shall be limited to boardwalks; trails and paths, provided their surface is not constructed of impervious materials; observation decks; and interpretative aids, such as kiosks and signs.
- (3) The construction of minor water-dependent structures that are placed on pilings, if the pilings allow unobstructed flow of water and are not placed so close together that they effectively convert an aquatic area to dry land. Structures in this category shall be limited to public and private docks and boat houses, and fish and wildlife management structures that are constructed by federal, state, or tribal resource agencies.

(D) Uses not listed in MCC .3822(A) and (C) may be allowed in wetlands and wetlands buffer zones, when approved pursuant to MCC .3822(F) and reviewed under the applicable provisions of MCC .3814 through .3834.

(E) Applications for modifications to serviceable

structures and minor water-dependent and water-related structures in wetlands shall demonstrate that:

- (1) Practicable alternatives to locating the structure outside of the wetland or wetland buffer zone and/or minimizing the impacts of the structure do not exist;
- (2) All reasonable measures have been applied to ensure that the structure will result in the minimum feasible alteration or destruction of a wetland, existing contour, vegetation, fish and wildlife resources, and hydrology;
- (3) The structure will be constructed using best management practices;
- (4) Areas disturbed during construction of the structure will be rehabilitated to the maximum extent practicable; and
- (5) The structure complies with all applicable federal, state, and county laws.

(F) Applications for all other Review Uses in wetlands shall be processed pursuant to the provisions of MCC .3568 and shall demonstrate that:

- (1) The proposed use is water-dependent, or is not water-dependent but has no practicable alternative considering all of the following:
 - (a) The basic purpose of the use cannot be reasonably accomplished using one or more other sites in the vicinity that would avoid or result in less adverse effects on wetlands;
 - (b) The basic purpose of the use cannot be reasonably accomplished by reducing its size, scope, configuration, or density as proposed, or by changing the design of the use in a way that would avoid or result in less adverse effects on wetlands; and
 - (c) Reasonable attempts have been made to remove or accommodate constraints that caused a project applicant to reject alternatives to the use as proposed. Such constraints include inadequate infrastructure, parcel size, and

zone designations.

An alternative site for a proposed use shall be considered practicable if it is available and the proposed use can be undertaken on that site after taking into consideration cost, technology, logistics, and overall project purposes.

- (2) The proposed use is in the public interest as determined by:
 - (a) The extent of public need for the proposed use.
 - (b) The extent and permanence of beneficial or detrimental effects that the proposed use may have on the public and private uses for which the property is suited.
 - (c) The functions and size of the wetland that may be affected.
 - (d) The economic value of the proposed use to the general area.
 - (e) The ecological value of the wetland and probable effect on public health and safety, fish, plants, and wildlife.
- (3) Measures will be applied to ensure the minimum feasible alteration or destruction of the wetland's functions, existing contour, vegetation, fish and wildlife resources, and hydrology.
- (4) Groundwater and surface-water quality will not be degraded by the proposed use.
- (5) Those portions of a proposed use that are not water-dependent or have a practicable alternative will not be located in wetlands or wetlands buffer zones.
- (6) The proposed use complies with all applicable federal, state, and county laws.
- (7) Areas that are disturbed during construction will be rehabilitated to the maximum extent practicable.
- (8) Unavoidable impacts to wetlands will be offset through restoration, creation, or enhancement of wetlands.

The following wetlands restoration, creation, and enhancement standards shall apply:

- (a) Impacts to wetlands shall be offset by restoring or creating new wetlands or by enhancing degraded wetlands. Wetlands restoration shall be the preferred alternative.
- (b) Wetlands restoration, creation, and enhancement projects shall be conducted in accordance with a wetlands compensation plan.
- (c) Wetlands restoration, creation, and enhancement projects shall use native vegetation.
- (d) The size of replacement wetlands shall equal or exceed the following ratios.(the first number specifies the acreage of wetlands requiring replacement and the second number specifies the acreage of wetlands altered or destroyed):
 - (i) Restoration: 2:1
 - (ii) Creation: 3:1
 - (iii) Enhancement: 4:1
- (e) Replacement wetlands shall replicate the functions of the wetland that will be altered or destroyed such that no net loss of wetlands functions occurs.
- (f) Replacement wetlands should replicate the type of wetland that will be altered or destroyed. If this standard is not feasible or practical due to technical constraints, a wetland type of equal or greater benefit may be substituted, provided that no net loss of wetlands functions occurs.
- (g) Wetlands restoration, creation, or enhancement should occur within 1,000 feet of the affected wetland. If this is not practicable due to physical or technical constraints, replacement shall occur within the same watershed and as close to the altered or destroyed wetland as practicable.
- (h) Wetlands restoration, creation, and

enhancement efforts should be completed before a wetland is altered or destroyed. If it is not practicable to complete all restoration, creation, and enhancement efforts before the wetland is altered or destroyed, these efforts shall be completed before the new use is occupied or used.

- (i) Five years after a wetland is restored, created, or enhanced at least 75 percent of the replacement vegetation must survive. The owner shall monitor the hydrology and vegetation of the replacement wetland and shall take corrective measures to ensure that it conforms with the approved wetlands compensation plan.

(G) Wetlands Buffer Zones

- (1) The width of wetlands buffer zones shall be based on the dominant vegetation community that exists in a buffer zone.
- (2) The dominant vegetation community in a buffer zone is the vegetation community that covers the most surface area of that portion of the buffer zone that lies between the proposed activity and the affected wetland. Vegetation communities are classified as forest, shrub, or herbaceous.
 - (a) A forest vegetation community is characterized by trees with an average height equal to or greater than 20 feet, accompanied by a shrub layer; trees must form a canopy cover of at least 40 percent and shrubs must form a canopy cover of at least 40 percent. A forest community without a shrub component that forms a canopy cover of at least 40 percent shall be considered a shrub vegetation community.
 - (b) A shrub vegetation community is characterized by shrubs and trees that are greater than 3 feet tall and form a canopy cover of at least 40 percent.
 - (c) A herbaceous vegetation community is characterized by the presence of herbs, including grass and grasslike plants, forbs, ferns, and nonwoody vines.

- (3) Buffer zones shall be measured outward from a wetlands boundary on a horizontal scale that is perpendicular to the wetlands boundary. The following buffer zone widths shall be required:

- (a) Forest communities: 75 feet
- (b) Shrub communities: 100 feet
- (c) Herbaceous communities: 150 feet

- (4) Except as otherwise allowed, wetlands buffer zones shall be retained in their natural condition. When a buffer zone is disturbed by a new use, it shall be replanted with native plant species.

(J) Wetlands Compensation Plans

Wetlands compensation plans shall be prepared when a project applicant is required to restore, create or enhance wetlands and shall satisfy the following:

- (1) Wetlands compensation plans shall be prepared by a qualified professional hired by a project applicant. They shall provide for land acquisition, construction, maintenance, and monitoring of replacement wetlands.
- (2) Wetlands compensation plans shall include an ecological assessment of the wetland that will be altered or destroyed and the wetland that will be restored, created, or enhanced. The assessment shall include information on flora, fauna, hydrology, and wetlands functions.
- (3) Compensation plans shall also assess the suitability of the proposed site for establishing a replacement wetland, including a description of the water source and drainage patterns, topography, wildlife habitat opportunities, and value of the existing area to be converted.
- (4) Plan view and cross-sectional, scaled drawings; topographic survey data, including elevations at contour intervals no greater than 1 foot, slope percentages, and final grade elevations; and other technical information shall be provided in sufficient detail to explain and illustrate:

- (a) Soil and substrata conditions, grading, and erosion and sediment control needed for wetland construction and long-term survival.
- (b) Planting plans that specify native plant species, quantities, size, spacing, or density; source of plant materials or seeds; timing, season, water, and nutrient requirements for planting; and where appropriate, measures to protect plants from predation.
- (c) Water-quality parameters, water source, water depths, water-control structures, and water-level maintenance practices needed to achieve the necessary hydrologic conditions.
- (5) A 5-year monitoring, maintenance, and replacement program shall be included in all plans. At a minimum, a project applicant shall provide an annual report that documents milestones, successes, problems, and contingency actions. Photographic monitoring stations shall be established and photographs shall be used to monitor the replacement wetland.
- (6) A statement indicating sufficient fiscal, technical, and administrative competence to successfully execute the plan.

11.15.3824 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 conserva-

- tion 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.

(B) The following uses may be allowed in wetlands and wetland buffer zones when

approved pursuant to the provisions of MCC .3568, MCC .3824(D), and reviewed under the applicable provisions of MCC .3814 through .3834:

- (1) The modification, expansion, replacement, or reconstruction of serviceable structures, provided that such actions would not:
 - (a) Increase the size of an existing structure by more than 100 percent,
 - (b) Result in a loss of water quality, natural drainage, and fish and wildlife habitat, or
 - (c) Intrude further into a stream, pond, lake, or buffer zone. New structures shall be considered intruding further into a stream, pond, lake, or buffer zone if any portion of the structure is located closer to the stream, pond, lake, or buffer zone than the existing structure.
- (2) The construction of minor water-related recreation structures that are available for public use. Structures in this category shall be limited to boardwalks; trails and paths, provided their surface is not constructed of impervious materials; observation decks; and interpretative aids, such as kiosks and signs.
- (3) The construction of minor water-dependent structures that are placed on pilings, if the pilings allow unobstructed flow of water and are not placed so close together that they effectively convert an aquatic area to dry land. Structures in this category shall be limited to public and private docks and boat houses, and fish and wildlife management structures that are constructed by federal, state, or tribal resource agencies.
- (C) Uses not listed in MCC .3824(A) and (B) may be allowed in streams, ponds, lakes, and riparian areas, when approved pursuant to MCC .3824(E) and reviewed under the applicable provisions of MCC .3814 through .3834.
- (D) Applications for modifications to serviceable structures and minor water-dependent and

water-related structures in aquatic and riparian areas

- (1) Practicable alternatives to locating the structure outside of the stream, pond, lake, or buffer zone and/or minimizing the impacts of the structure do not exist;
- (2) All reasonable measures have been applied to ensure that the structure will result in the minimum feasible alteration or destruction of water quality, natural drainage, and fish and wildlife habitat of streams, ponds, lakes, and riparian areas;
- (3) The structure will be constructed using best management practices;
- (4) Areas disturbed during construction of the structure will be rehabilitated to the maximum extent practicable; and
- (5) The structure complies with all applicable federal, state, and local laws.
- (E) Applications for all other Review Uses in wetlands shall be processed pursuant to the provisions of MCC .3568 and shall demonstrate that:
 - (1) The proposed use is water-dependent, or is not water-dependent but has no practicable alternative as determined by MCC .3822(F)(1), substituting the term stream, pond, lake, or riparian area as appropriate.
 - (2) The proposed use is in the public interest as determined by MCC .3822(F)(2), substituting the term stream, pond, lake, or riparian area as appropriate.
 - (3) Measures have been applied to ensure that the proposed use results in minimum feasible impacts to water quality, natural drainage, and fish and wildlife habitat of the affected stream, pond, lake, and/or buffer zone.

As a minimum, the following mitigation measures shall be considered when new uses are proposed in streams, ponds, lakes, and buffer zones:

 - (a) Construction shall occur during periods when fish and wildlife are least

sensitive to disturbance. Work in streams, ponds, and lakes shall be conducted during the periods specified in *Oregon Guidelines for Timing of In-Water Work to Protect Fish and Wildlife Resources* (Oregon Department of Fish and Wildlife, 1986).

- (b) All natural vegetation shall be retained to the greatest extent practicable, including aquatic and riparian vegetation.
 - (c) Nonstructural controls and natural processes shall be used to the greatest extent practicable.
 - (d) Bridges, roads, pipeline and utility corridors, and other water crossings shall be minimized and should serve multiple purposes and properties.
 - (e) Stream channels should not be placed in culverts unless absolutely necessary for property access. Bridges are preferred for water crossings to reduce disruption to streams, ponds, lakes, and their banks. When culverts are necessary, oversized culverts with open bottoms that maintain the channel's width and grade should be used.
 - (f) Temporary and permanent control measures should be applied to minimize erosion and sedimentation when riparian areas are disturbed, including slope netting, berms and ditches, tree protection, sediment barriers, infiltration systems, and culverts.
- (4) Groundwater and surface-water quality will not be degraded by the proposed use.
 - (5) Those portions of a proposed use that are not water-dependent or have a practicable alternative will be located outside of stream, pond, and lake buffer zones.
 - (6) The use complies with all applicable federal, state, and county laws.
 - (7) Unavoidable impacts to aquatic and riparian areas will be offset through rehabilitation and enhancement.

Rehabilitation and enhancement should

achieve no net loss of water quality, natural drainage, and fish and wildlife habitat of the affected stream, pond, lake, and/or buffer zone. When a project area has been disturbed in the past, it shall be rehabilitated to its natural condition to the maximum extent practicable.

When a project area cannot be completely rehabilitated, such as when a boat launch permanently displaces aquatic and riparian areas, enhancement shall also be required.

The following rehabilitation and enhancement standards shall apply:

- (a) Rehabilitation and enhancement projects shall be conducted in accordance with a rehabilitation and enhancement plan.
- (b) Natural hydrologic conditions shall be replicated, including current patterns, circulation, velocity, volume, and normal water fluctuation.
- (c) Natural stream channel and shoreline dimensions shall be replicated, including depth, width, length, cross-sectional profile, and gradient.
- (d) The bed of the affected aquatic area shall be rehabilitated with identical or similar materials.
- (e) Riparian areas shall be rehabilitated to their original configuration, including slope and contour.
- (f) Fish and wildlife habitat features shall be replicated, including pool-riffle ratios, substrata, and structures. Structures include large woody debris and boulders.
- (g) Stream channels and banks, shorelines, and riparian areas shall be replanted with native plant species that replicate the original vegetation community.
- (h) Rehabilitation and enhancement efforts shall be completed no later 90 days after the aquatic area or buffer zone has been altered or destroyed, or

as soon thereafter as is practicable.

services to render a final delineation.

- (i) Three years after an aquatic area or buffer zone is rehabilitated or enhanced, at least 75 percent of the replacement vegetation must survive. The owner shall monitor the replacement vegetation and take corrective measures to satisfy this standard.

- (G) 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:

(F) Stream, Pond, and Lake Buffer Zones

- (1) Buffer zones shall generally be measured landward from the ordinary high watermark on a horizontal scale that is perpendicular to the ordinary high watermark. On the main stem of the Columbia River above Bonneville Dam, buffer zones shall be measured landward from the normal pool elevation of the Columbia River. The following buffer zone widths shall be required:
 - (a) Streams used by anadromous or resident fish (tributary fish habitat), special streams, intermittent streams that include year-round pools, and perennial streams: 100 feet
 - (b) Intermittent streams, provided they are not used by anadromous or resident fish: 50 feet
 - (c) Ponds and lakes: Buffer zone widths shall be based on dominant vegetative community and shall comply with MCC .3822(G)(3), substituting the term pond or lake as appropriate.
- (2) Except as otherwise allowed, buffer zones shall be retained in their natural condition. When a buffer zone is disturbed by a new use, it shall be replanted with native plant species.
- (3) Determining the exact location of the ordinary high watermark or normal pool elevation shall be the responsibility of the project applicant. The Planning Director may verify the accuracy of, and may render adjustments to, an ordinary high watermark or normal pool delineation. In the event the adjusted boundary delineation is contested by the applicant, the Planning Director shall, at the project applicant's expense, obtain professional

- (1) Rehabilitation and enhancement plans are the responsibility of the project applicant; they shall be prepared by qualified professionals, such as fish or wildlife biologists.
- (2) All plans shall include an assessment of the physical characteristics and natural functions of the affected stream, pond, lake, and/or buffer zone. The assessment shall include hydrology, flora, and fauna.
- (3) Plan view and cross-sectional, scaled drawings; topographic survey data, including elevations at contour intervals of at least 2 feet, slope percentages, and final grade elevations; and other technical information shall be provided in sufficient detail to explain and illustrate:
 - (a) Soil and substrata conditions, grading and excavation, and erosion and sediment control needed to successfully rehabilitate and enhance the stream, pond, lake, and buffer zone.
 - (b) Planting plans that specify native plant species, quantities, size, spacing, or density; source of plant materials or seeds; timing, season, water, and nutrient requirements for planting; and where appropriate, measures to protect plants from predation.
 - (c) Water-quality parameters, construction techniques, management measures, and design specifications needed to maintain hydrologic conditions and water quality.
- (4) A 3-year monitoring, maintenance, and replacement program shall be included in all rehabilitation and enhancement plans. At a minimum, a project applicant shall prepare an annual report that documents milestones, successes, problems, and contingency actions. Photographic monitor-

ing shall be used to monitor all rehabilitation and enhancement efforts.

- (5) A statement indicating sufficient fiscal, administrative, and technical competence to successfully execute and monitor the plan.

11.15.3826 GMA Wildlife Review Criteria

Wildlife Habitat Site Review shall be required for any project within 1,000 feet of the following sensitive wildlife areas and sensitive wildlife sites:

Sensitive Wildlife Areas in the Columbia Gorge

- Bald eagle habitat
- Deer and elk winter range
- Elk habitat
- Mountain goat habitat
- Peregrine falcon habitat
- Pika colony area
- Pileated woodpecker habitat
- Pine marten habitat
- Shallow water fish habitat (Columbia R.)
- Special streams
- Special habitat area
- Spotted owl habitat
- Sturgeon spawning area
- Tributary fish habitat
- Turkey habitat
- Waterfowl area
- Western pond turtle habitat

Sites Used by the Following Species in the Columbia Gorge are Considered Sensitive Sites

Common Name	Scientific Name
Endangered:	
Peregrine falcon	<i>Falco peregrinus*</i>
Threatened:	
Bald Eagle	<i>Haliaeetus leucocephalus**</i>
Northern spotted owl	<i>Strix occidentalis**</i>
Wolverine	<i>Gulo gulo</i>
Sensitive:	
Acorn woodpecker	<i>Melanerpes formicivorus</i>
Bank swallow	<i>Riparia riparia</i>
Barrow's goldeneye	<i>Bucephala islandica</i>
Black-backed woodpecker	<i>Picoides arcticus</i>
Bufflehead	<i>Bucephala albeola</i>
Bull trout	<i>Salvelinus confluentus+</i>
California mountain kingsnake	<i>Lampropeltis zonata</i>
Cascade frog	<i>Rana cascadae</i>
Chinook salmon	<i>Oncorhynchus tshawytscha</i>

Chum salmon	<i>Oncorhynchus keta</i>
Clouded salamander	<i>Aneides ferreus</i>
Coastal cutthroat trout	<i>Oncorhynchus clarki</i>
Coho salmon	<i>Oncorhynchus kisutch</i>
Common kingsnake	<i>Lampropeltis getulus</i>
Cope's giant salamander	<i>Dicamptodon copei</i>
Dusky Canada goose	<i>Branta canadensis occidentalis</i>
Flammulated owl	<i>Otus flammeolus</i>
Fisher	<i>Martes pennanti</i>
Foothill yellow-legged frog	<i>Rana boylei</i>
Fringed myotis	<i>Myotis thysanodes</i>
Grasshopper sparrow	<i>Ammodramus savannarum</i>
Great gray owl	<i>Strix nebulosa</i>
Greater sandhill crane	<i>Grus canadensis tabida</i>
Harlequin duck	<i>Histrionicas histrionicas</i>
Larch mountain salamander	<i>Plethodon larselli+</i>
Lewis' woodpecker	<i>Melanerpes lewis</i>
Marten	<i>Martes americana</i>
Northern goshawk	<i>Accipiter gentilis</i>
Northern leopard frog	<i>Rana pipiens</i>
Northern pygmy-owl	<i>Glaucidium gnoma</i>
Olympic salamander	<i>Phyacotriton olympicus</i>
Oregon slender salamander	<i>Batrachoseps wrighti</i>
Painted turtle	<i>Chrysemys picta</i>
Pileated woodpecker	<i>Dryocopus pileatus</i>
Purple martin	<i>Progne subis</i>
Pygmy nuthatch	<i>Sitta pygmaea</i>
Red-legged frog	<i>Rana aurora</i>
Sharptail snake	<i>Contia tenuis</i>
Spotted frog	<i>Rana pretiosa</i>
Tailed frog	<i>Ascaphus truei</i>
Three-toed woodpecker	<i>Picoides tridactylus</i>
Townsend's big-eared bat	<i>Plecotus townsendii+</i>
Tricolored blackbird	<i>Agelaius tricolor+</i>
Western bluebird	<i>Sialia mexicana</i>
Western pond turtle	<i>Clemmys marmorata+</i>
White-headed woodpecker	<i>Picoides albolarvatus</i>
White-tailed jackrabbit	<i>Lepus townsendii</i>
Williamson's sapsucker	<i>Spheerapicus thyroideus</i>

- * Endangered species under U.S. Endangered Species Act
- **Threatened species under U.S. Endangered Species Act
- + Candidate species for U.S. Endangered Species Act.

(A) 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.

(B) Field Survey

A field survey to identify sensitive wildlife areas or sites shall be required for:

- (1) Land divisions that create four or more parcels;
- (2) Recreation facilities that contain parking areas for more than 10 cars, overnight camping facilities, boat ramps, and visitor information and environmental education facilities;
- (3) Public transportation facilities that are outside improved rights-of-way;
- (4) Electric facilities, lines, equipment, and appurtenances that are 33 kilovolts or greater; and
- (5) Communications, water and sewer, and natural gas transmission (as opposed to distribution) lines, pipes, equipment, and appurtenances.

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.

(C) Uses not listed in MCC .3826(A) may be allowed within 1,000 feet of a sensitive wildlife area or site, when approved pursuant to MCC .3826(D) and reviewed under the applicable provisions of MCC .3814 through .3834.

(D) Uses that are proposed within 1,000 feet of a sensitive wildlife area or site shall be reviewed as follows:

- (1) Site plans shall be submitted to Oregon Department of Fish and Wildlife by the Planning Director. State wildlife biologists will review the site plan and their field survey records. They will
 - (a) Identify/verify the precise location of the wildlife area or site,
 - (b) Ascertain whether the wildlife area or site is active or abandoned, and
 - (c) Determine if the proposed use may compromise the integrity of the wildlife area or site or occur during the time of the year when wildlife species are sensitive to disturbance, such as nesting or rearing seasons.

In some instances, state wildlife biologists may conduct field surveys to verify the wildlife inventory and assess the potential effects of a proposed use.

- (2) The following factors may be considered when site plans are reviewed:
 - (a) Biology of the affected wildlife species.
 - (b) Published guidelines regarding the protection and management of the affected wildlife species. The Oregon Department of Forestry has prepared technical papers that include management guidelines for osprey and great blue heron.
 - (c) Physical characteristics of the subject parcel and vicinity, including topography and vegetation.
 - (d) Historic, current, and proposed uses in the vicinity of the sensitive wildlife area or site.

- (e) Existing condition of the wildlife area or site and the surrounding habitat and the useful life of the area or site.
- (3) The wildlife protection process may terminate if the Planning Director, in consultation with the Oregon Department of Fish and Wildlife, determines:
 - (a) The sensitive wildlife area or site is not active, or
 - (b) The proposed use would not compromise the integrity of the wildlife area or site or occur during the time of the year when wildlife species are sensitive to disturbance.
- (4) If the Planning Director, in consultation with the Oregon Department of Fish and Wildlife, determines that the proposed use would have only minor effects on the wildlife area or site that could be eliminated by simply modifying the site plan or regulating the timing of new uses, a letter shall be sent to the applicant that describes the effects and measures needed to eliminate them. If the project applicant accepts these recommendations, the Planning Director will incorporate them into the site review order and the wildlife protection process may conclude.
- (5) The project applicant shall prepare a wildlife management plan if the Planning Director, in consultation with the Oregon Department of Fish and Wildlife, determines that the proposed use would adversely affect a sensitive wildlife area or site and the effects of the proposed use cannot be eliminated through site plan modifications or project timing.
- (6) The Planning Director shall submit a copy of all field surveys and wildlife management plans to Oregon Department of Fish and Wildlife. The Oregon Department of Fish and Wildlife will have 20 days from the date that a field survey or management plan is mailed to submit written comments to the Planning Director.

The Planning Director shall record and address any written comments submitted by the Oregon Department of Fish and

Wildlife in its site review order.

Based on the comments from the Oregon Department of Fish and Wildlife, the Planning Director will make a final decision on whether the proposed use would be consistent with the wildlife policies and standards. If the final decision contradicts the comments submitted by the Oregon Department of Fish and Wildlife, the Planning Director shall justify how the opposing conclusion was reached.

The Planning Director shall require the applicant to revise the wildlife management plan to ensure that the proposed use would not adversely affect a sensitive wildlife area or site.

(E) Wildlife Management Plans

Wildlife management plans shall meet the following standards:

- (1) Wildlife management plans shall be prepared by a professional wildlife biologist hired by the project applicant.
- (2) All relevant background information shall be documented and considered, including biology of the affected species, published protection and management guidelines, physical characteristics of the subject parcel, past and present use of the subject parcel, and useful life of the wildlife area or site.
- (3) The core habitat of the sensitive wildlife species shall be delineated. It shall encompass the sensitive wildlife area or site and the attributes, or key components, that are essential to maintain the long-term use and integrity of the wildlife area or site.
- (4) A wildlife buffer area shall be employed. It shall be wide enough to ensure that the core habitat is not adversely affected by new uses, or natural forces, such as fire and wind. Buffer areas shall be delineated on the site plan map and shall reflect the physical characteristics of the project site and the biology of the affected species.
- (5) The size, scope, configuration, or density of new uses within the core habitat and

the wildlife buffer area shall be regulated to protect sensitive wildlife species. The timing and duration of all uses shall also be regulated to ensure that they do not occur during the time of the year when wildlife species are sensitive to disturbance. The following shall apply:

(a) New uses shall generally be prohibited within the core habitat. Exceptions may include uses that have temporary and negligible effects, such as the installation of minor underground utilities or the maintenance of existing structures. Low intensity, non-destructive uses may be conditionally authorized in the core habitat.

(b) Intensive uses shall be generally prohibited in wildlife buffer areas. Such uses may be conditionally authorized when a wildlife area or site is inhabited seasonally, provided they will have only temporary effects on the wildlife buffer area and rehabilitation and/or enhancement will be completed before a particular species returns.

(6) Rehabilitation and/or enhancement shall be required when new uses are authorized within wildlife buffer areas. When a buffer area has been altered or degraded in the past, it shall be rehabilitated to its natural condition to the maximum extent practicable. When complete rehabilitation is not possible, such as when new structures permanently displace wildlife habitat, enhancement shall also be required. Enhancement shall achieve a no net loss of the integrity of the wildlife area or site.

Rehabilitation and enhancement actions shall be documented in the wildlife management plan and shall include a map and text.

(7) The applicant shall prepare and implement a 3 year monitoring plan when the affected wildlife area or site is occupied by a species that is listed as endangered or threatened pursuant to federal or state wildlife lists. It shall include an annual report and shall track the status of the wildlife area or site and the success of rehabilitation and/or enhancement actions.

At the end of 3 years, rehabilitation and enhancement efforts may conclude if they are successful. In instances where rehabilitation and enhancement efforts have failed, the monitoring process shall be extended until the applicant satisfies the rehabilitation and enhancement standards.

(F) New fences in deer and elk winter range

(1) New fences in deer and elk winter range shall be allowed only when necessary to control livestock or exclude wildlife from specified areas, such as gardens or sensitive wildlife sites. The areas fenced shall be the minimum necessary to meet the immediate needs of the project applicant.

(2) New and replacement fences that are allowed in winter range shall comply with the guidelines in *Specifications for Structural Range Improvements* (Sanderson, et. al. 1990), as summarized below, unless the applicant demonstrates the need for an alternative design:

(a) To make it easier for deer to jump over the fence, the top wire shall not be more than 42 inches high.

(b) The distance between the top two wires is critical for adult deer because their hind legs often become entangled between these wires. A gap of at least 10 inches shall be maintained between the top two wires to make it easier for deer to free themselves if they become entangled.

(c) The bottom wire shall be at least 16 inches above the ground to allow fawns to crawl under the fence. It should consist of smooth wire because barbs often injure animals as they crawl under fences.

(d) Stays, or braces placed between strands of wire, shall be positioned between fences posts where deer are most likely to cross. Stays create a more rigid fence, which allows deer a better chance to wiggle free if their hind legs become caught between the top two wires.

(3) Woven wire fences may be authorized

only when it is clearly demonstrated that such a fence is required to meet specific and immediate needs, such as controlling hogs and sheep.

11.15.3828 GMA Rare Plant Review Criteria

Rare Plant Site Review shall be required for any project within 1,000 feet of the following endemic and rare plants:

Columbia Gorge and Vicinity Endemic Plant Species

Common Name	Scientific Name
Howell's bentgrass	<i>Agrostis howellii</i>
Northern wormwood	<i>Artemisia campestris</i> var. <i>wormskioldii</i>
Hood River milk-vetch	<i>Astragalus hoodianus</i>
Howell's reedgrass	<i>Calamagrostis howellii</i>
Smooth-leaf douglasia	<i>Douglasia laevigata</i> var. <i>laevigata</i>
Howell's daisy	<i>Erigeron howellii</i>
Columbia Gorge daisy	<i>Erigeron oreganus</i>
Long-beard hawkweed	<i>Hieracium longiberbe</i>
Smooth desert parsley	<i>Lomatium laevigatum</i>
Suksdorf's desert parsley	<i>Lomatium suksdorfii</i>
Columbia Gorge broad-leaf lupine	<i>Lupinus latifolius</i> var. <i>thompsonianus</i>
Barrett's penstemon	<i>Penstemon barrettiae</i>
Pacific bluegrass	<i>Poa gracillima</i> var. <i>multnomae</i>
Obscure buttercup	<i>Panunculus reconditus</i>
Oregon sullivania	<i>Sullivantia oregana</i>
Columbia kitten tails	<i>Synthyris stellata</i>

Rare Plant Species in the Columbia Gorge

Common Name	Scientific Name
List 1:	
Howell's bentgrass	<i>Agrostis howellii</i> +
Oregon bolandra	<i>Bolandra oregana</i> +
Tall bugbane	<i>Cimicifuga elata</i> +
Howell's daisy	<i>Erigeron howellii</i> *+
Columbia Gorge daisy	<i>Erigeron oreganus</i> +
Branching stickweed	<i>Hackelia diffusa</i> var. <i>diffusa</i> +
Suksdorf's desert parsley	<i>Lomatium suksdoffii</i> *
White meconella	<i>Meconella oregana</i> +
Columbia monkey flower	<i>Mimulus jungermannioides</i> +
Barrett's penstemon	<i>Penstemon barrettiae</i> *+
Obscure buttercup	<i>Ranunculus reconditus</i> *+
Columbia yellow cress	<i>Porippa columbiae</i> *+
Oregon sullivania	<i>Sullivantia oregana</i> *+
List 2:	
Hood River milk-vetch	<i>Astragalus hoodianus</i>
Large-awn sedge	<i>Carex macrochaeta</i>
Columbia lewisia	<i>Lewisia columbiana</i> var. <i>columbiana</i>
Fir clubmoss	<i>Lycopodium selago</i>
Wool-grass	<i>Scirpus cyperinus</i>

Scribner grass	<i>Scribneria bolanderi</i>
Violet suksdorfia	<i>Suksdorfia violacea</i>
List 3 (Review):	
Cliff paintbrush	<i>Castilleja rupicola</i>
Shining flatsedge	<i>Cyperus bipartitus</i> = <i>C. rivularis</i>
Nuttall's larkspur	<i>Delphinium nuttallii</i>
Smooth douglasia	<i>Douglasia laevigata</i>
Baker's linanthus	<i>Linanthus bakeri</i>
Western ladies' tresses	<i>Spiranthes porrifolia</i>

List 4 (Watch):	
Douglas' onion	<i>Allium douglasii</i> var. <i>nevii</i>
Cascade rock cress	<i>Arabis furcata</i>
The Dalles milk-vetch	<i>Astragalus sclerocarpus</i>
Columbia milk-vetch	<i>Astragalus succumbens</i>
Virginia grape-fern	<i>Botrychium virginianum</i>
Mountain lady's slipper	<i>Cypripedium montanum</i>
Branching stickseed	<i>Hackelia diffusa</i> var. <i>cottonii</i>
Gooseberry-leaved alumroot	<i>Heuchera grossulariifolia</i> var. <i>tenuifolia</i>
Long-beard hawkweed	<i>Hieracium longiberbe</i>
Smooth desert parsley	<i>Lomatium laevigatum</i> *
Columbia Gorge broad-leaf lupine	<i>Lupinus latifolius</i> var. <i>thompsonianus</i>
Branching montia	<i>Montia diffusa</i>
Withered bluegrass	<i>Poa marcida</i>
Columbia kittentails	<i>Synthyris stellata</i>

* Candidate species for U.S. Endangered Species Act.

+ Candidate species for Oregon Endangered Species Act.

Source: Oregon Natural Heritage Program. *Rare, Threatened and Endangered Plants and Animals of Oregon*. Portland, Oregon: Oregon Natural Heritage Program, 1991.

(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.

(B) Field Survey

A field survey to identify sensitive plants shall be required for:

- (1) Land divisions that create four or more parcels;
- (2) Recreation facilities that contain parking areas for more than 10 cars, overnight camping facilities, boat ramps, and visitor information and environmental education facilities;
- (3) Public transportation facilities that are outside improved rights-of-way;
- (4) Electric facilities, lines, equipment, and appurtenances that are 33 kilovolts or greater; and
- (5) Communications, water and sewer, and natural gas transmission (as opposed to distribution) lines, pipes, equipment, and appurtenances.

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.

- (C) Uses not listed in MCC .3828(A) may be allowed within 1,000 feet of a sensitive plant, when approved pursuant to MCC .3568, .3828(D), and reviewed under the applicable provisions of MCC .3814 through .3834.

(D) Uses that are proposed within 1,000 feet of a sensitive plant shall be reviewed as follows:

- (1) Site plans shall be submitted to the Oregon Natural Heritage Program by the Planning Director. The Natural Heritage Program staff will review the site plan and their field survey records. They will identify the precise location of the affected plants and delineate a 200 foot buffer area on the project applicant's site plan.

If the field survey records of the state heritage program are inadequate, the project applicant shall hire a person with recognized expertise in botany or plant ecology to ascertain the precise location of the affected plants.

- (2) The rare plant protection process may conclude if the Planning Director, in consultation with the Natural Heritage Program staff, determines that the proposed use would be located outside of a sensitive plant buffer area.
- (3) New uses shall be prohibited within sensitive plant species buffer areas, except those listed in MCC .3828(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 .3828(E).
- (5) The Planning Director shall submit a copy of all field surveys and protection and rehabilitation plans to the Oregon Natural Heritage Program. The Natural Heritage Program staff will have 20 days from the date that a field survey is mailed to submit written comments to the Planning Director.

The Planning Director shall record and address any written comments submitted by the Natural Heritage Program staff in the site review order.

Based on the comments from the Natural Heritage Program staff, the Planning Director will make a final decision on whether the proposed use would be consistent with the rare plant policies and

standards. If the final decision contradicts the comments submitted by the Natural Heritage Program staff, the Planning Director shall justify how the opposing conclusion was reached.

(E) Protection and Rehabilitation Plans

Protection and rehabilitation plans shall meet the following standards:

- (1) Protection and rehabilitation plans shall be prepared by a professional botanist or plant ecologist hired by the project applicant.
- (2) Construction, protection, and rehabilitation activities shall occur during the time of the year when ground disturbance will be minimized and protection, rehabilitation, and replacement efforts will be maximized.
- (3) Sensitive 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 three years after the date they are planted.

- (4) Sensitive plants and their surrounding habitat that will not be altered or destroyed shall be protected and maintained. Appropriate protection and maintenance techniques shall be applied, such as fencing, conservation easements, live-stock management, and noxious weed control.
- (5) Habitat of a sensitive plant that will be affected by temporary uses shall be rehabilitated to a natural condition.
- (6) Protection efforts shall be implemented before construction activities begin. Rehabilitation efforts shall be implemented immediately after the plants and their

surrounding habitat are disturbed.

- (7) Protection and rehabilitation plans shall include maps, photographs, and text. The text shall:

- (a) Describe the biology of sensitive plant species that will be affected by a proposed use.
- (b) Explain the techniques that will be used to protect sensitive plants and their surrounding habitat that will not be altered or destroyed.
- (c) Describe the rehabilitation and enhancement actions that will minimize and offset the impacts that will result from a proposed use.
- (d) Include a 3-year monitoring, maintenance, and replacement program. The project applicant shall prepare and submit to the local government an annual report that documents milestones, successes, problems, and contingency actions.

(F) Sensitive Plant Buffer Areas

- (1) A 200 foot buffer area shall be maintained around sensitive plants. Buffer areas shall remain in an undisturbed, natural condition.
- (2) Buffer areas may be reduced if a project applicant demonstrates that intervening topography, vegetation, man-made features, or natural plant habitat boundaries negate the need for a 200 foot radius. Under no circumstances shall the buffer area be less than 25 feet.
- (3) Requests to reduce buffer areas shall be considered if a professional botanist or plant ecologist hired by the project applicant:
 - (a) Identifies the precise location of the sensitive plants,
 - (b) Describes the biology of the sensitive plants, and
 - (c) Demonstrates that the proposed use will not have any negative effects,

either direct or indirect, on the affected plants and the surrounding habitat that is vital to their long-term survival.

All requests shall be prepared as a written report. Published literature regarding the biology of the affected plants and recommendations regarding their protection and management shall be cited. The report shall include detailed maps and photographs.

- (4) The Planning Director shall submit all requests to reduce sensitive plant species buffer areas to the Oregon Natural Heritage Program. The Natural Heritage Program staff will have 20 days from the date that such a request is mailed to submit written comments to the Planning Director.

The Planning Director shall record and address any written comments submitted by the Oregon Natural Heritage Program in the site review order.

Based on the comments from the Oregon Natural Heritage Program, the Planning Director will make a final decision on whether the reduced buffer area is justified. If the final decision contradicts the comments submitted by the Natural Heritage Program staff, the Planning Director shall justify how the opposing conclusion was reached.

11.15.3830 SMA Natural Resource Review Criteria

All new developments and land uses shall be evaluated 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.

- (A) Buffer zones shall be undisturbed unless it has been shown that there are no practicable alternatives pursuant to MCC .3822(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 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.
 - (i) A 200 foot buffer zone shall be created for sensitive plant species.
 - (ii) 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 Forest Service in consultation with other state or federal agency biologists.
 - (b) Riparian, Wetlands, Parks, and Lakes.
 - (i) Adding any fill or draining of wetlands is prohibited.
 - (ii) 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;
 - (iii) A 200 foot buffer zone shall be created along each fish-bearing and perennial stream.
 - (iv) A 50 foot buffer zone shall be created along intermittent streams.
 - (v) 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.
 - (vi) 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:

- The wetland within the right-of-way is a drainage ditch not part of a larger wetland outside of the right-of-way;
- The wetland is not critical habitat; and
- Proposed activities within the right-of-way would not adversely affect a wetland adjacent to the right-of-way.

(c) Fish and Wildlife Habitat:

- (i) Structures such as bridges, culverts, and utility corridors shall be designed so as not to impede the passage of fish and wildlife.
- (ii) New developments and uses shall not interfere with fish passage.
- (iii) 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.
- (iv) 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).
- (v) In areas of big game winter range adequate thermal cover shall be maintained as determined by the appropriate state wildlife agency.
- (vi) Forest practices shall maintain the

following:

- 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.

- Snags and wildlife trees shall be maintained either as clumps or evenly distributed over the forest practice area.
- 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:

- (i) New uses shall avoid disturbance to old-growth forests .
- (ii) Forest practices shall maintain species composition at existing proportions in the activity area.
- (iii) 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.

- (iv) Maintain a mix in age and size of hardwoods in order to provide for vertical diversity and replacement.
- (v) For revegetation purposes, only plants species native to the Columbia River Gorge shall be encouraged.

(e) Soil productivity:

- (i) New developments and land uses shall control all soil movement within the area shown on the site plan.
- (ii) The soil area disturbed by new development or land uses shall not exceed 15 percent of the project area.
- (iii) 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.
- (iv) Forest practices shall maintain the following:

- 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.
- Potential ground disturbance activities shall be designed to minimize disturbance to the soil organic horizon.

(f) Air and water quality:

- (i) Streambank and shoreline stability shall be maintained or restored with natural revegetation.

- (ii) All new developments shall be carried out to comply with state water quality requirements.
- (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.

11.15.3832 GMA Recreation Resource Review Criteria

The following uses are allowed, subject to compliance with MCC .3832(E).

(A) Recreation Intensity Class 1

- (1) Parking areas for a maximum of 10 cars for any allowed uses in Recreation Intensity Class 1.
- (2) Trails for hiking, equestrian and mountain biking use.

- (3) Pathways for pedestrian and bicycling use.
- (4) Trailheads (with provisions for hitching rails and equestrian trailers at trailheads accommodating equestrian use).
- (5) Scenic viewpoints and overlooks.
- (6) Wildlife/botanical viewing and nature study areas.
- (7) River access areas.
- (8) Simple interpretive signs and/or displays, not to exceed a total of 50 square feet.
- (9) Entry name signs not to exceed 10 square feet per sign.
- (10) Boat docks, piers or wharfs.
- (11) Picnic areas.
- (12) Rest-rooms/comfort facilities.

(B) Recreation Intensity Class 2

- (1) All uses permitted in Recreation Intensity Class 1.
- (2) Parking areas for a maximum of 25 cars, including campground units, to serve any allowed uses in Recreation Intensity Class 2.
- (3) Simple interpretive signs and displays, not to exceed a total of 100 square feet.
- (4) Entry name signs not to exceed 20 square feet per sign.
- (5) Boat ramps, not to exceed two lanes.
- (6) Campgrounds for 20 units or less, tent sites only.

(C) Recreation Intensity Class 3

- (1) All uses permitted in Recreation Intensity Classes 1 and 2.
- (2) Parking areas for a maximum of 75 cars, including campground units, for any allowed uses in Recreation Intensity Class 3.

- (3) Interpretive signs, displays and/or facilities.
- (4) Visitor information and environmental education signs, displays or facilities.
- (5) Entry name signs not to exceed 32 square feet per sign.
- (6) Boat ramps, not to exceed three lanes.
- (7) Concessions stands, pursuant to applicable policies in this chapter.
- (8) Campgrounds for 50 individual units or less for tents and/or recreational vehicles, with a total density of no more than 10 units per acre (density to be measured based on total size of recreation facility and may include required buffer and setback areas). Class 3 campgrounds may also include one group campsite area, in addition to the individual campground units or parking area maximums allowed as described herein.

(D) Recreation Intensity Class 4

- (1) All uses permitted in Recreation Intensity Classes 1, 2, and
- (2) Parking areas for a maximum of 250 cars, including campground units, for any allowed uses in Recreation Intensity Class 4.
- (3) Horseback riding stables and associated facilities.
- (4) Entry name signs, not to exceed 40 square feet per sign.
- (5) Boat ramps.
- (6) Campgrounds for 175 individual units or less for tents and/or recreation vehicles with a total density of no more than 10 units per acre (density to be measured based on total size of recreation facility and may include required buffer and setback areas). Class 4 campgrounds may also include up to 3 group campsite areas, in addition to individual campsite units or parking area maximums allowed as described herein.

(E) Approval Criteria for Recreation Uses

All proposed recreation projects outside of GG-PR or GG-CR districts shall satisfy the following:

- (1) Cumulative effects of proposed recreation projects on landscape settings shall be based on the "compatible recreation use" standard for the landscape setting in which the use is located.
- (2) For proposed recreation projects in or adjacent to lands designated GGA-20, GGA-40, GGF-20 and GGF-40:
 - (a) The use would not seriously interfere with accepted forest or agricultural practices on surrounding lands devoted to forest or farm uses. Provision of on-site buffers may be used to partially or fully comply with this criterion, depending upon project design and/or site conditions.
 - (b) A declaration has been signed by the project applicant or owner and recorded with county deeds and records specifying that the applicant or owner is aware that operators are entitled to carry on accepted forest or farm practices on lands designated GGA-20, GGA-40, GGF-20 and GGF-40.
- (3) For proposed projects including facilities for outdoor fires for cooking or other purposes or proposed campgrounds:

The project applicant shall demonstrate that a sufficient quantity of water necessary for fire suppression (as determined pursuant to applicable fire codes) is readily available to the proposed facility, either through connection to a community water system or on-site wells, storage tanks, sumps, ponds or similar storage devices. If connection to a community water system is proposed, the project applicant shall demonstrate that the water system has adequate capacity to meet the facility's emergency fire suppression needs without adversely affecting the remainder of the water system with respect to fire suppression capabilities. In addition, in order to provide access for fire-fighting equipment, access drives shall be con-

structed to a minimum of 12 feet in width and a maximum grade of 12 percent. Access drives shall be maintained to a level that is passable to fire-fighting equipment.

- (4) Trail or trailhead projects shall comply with applicable trails policies in the Management Plan.
- (5) For proposed projects providing boating or windsurfing access to the Columbia River or its tributaries: compliance with applicable "River Access and Protection of Treaty Rights" objectives in the Management Plan.
- (6) For proposed projects on public lands or proposed projects providing access to the Columbia River or its tributaries: compliance with guidelines for protection of tribal treaty rights in Part IV, Chapter 3, Indian Tribal Treaty Rights and Consultation in the Management Plan.
- (7) For proposed projects which include interpretation of natural or cultural resources:

A demonstration that the interpretive facilities will not adversely affect natural or cultural resources and that appropriate and necessary resource protection measures shall be employed.

- (8) For proposed Recreation Intensity Class 3 or 4 projects (except for projects predominantly devoted to boat access):

A demonstration that the project accommodates provision of mass transportation access to the site. The number and size of the mass transportation facilities shall reflect the physical capacity of the site. This requirement may be waived upon a demonstration that provision of such facilities would result in overuse of the site, either degrading the quality of the recreation experience or adversely affecting other resources at the site.

(F) Facility Design Standards for All Recreation Projects

- (1) Recreation facilities which are not resource-based in nature may be included

at sites providing resource-based recreation uses consistent with the standards contained herein, as long as such facilities comprise no more than one-third of the total land area dedicated to recreation uses and/or facilities. Required landscaped buffers may be included in calculations of total land area dedicated to recreation uses and/or facilities.

- (2) The facility design standards contained herein are intended to apply to individual recreation facilities. For the purposes of these standards, a recreation facility is considered a cluster or grouping of recreational developments or improvements located in relatively close proximity to one another.

To be considered a separate facility from other developments or improvements within the same Recreation Intensity Class, recreation developments or improvements must be separated by at least one-quarter mile of undeveloped land (excluding trails, pathways, or access roads) from such developments or improvements.

- (3) Parking areas, access roads, and campsites shall be sited and designed to fit into the existing natural contours as much as possible, both to minimize ground-disturbing grading activities and utilize topography to screen parking areas and associated structures. Parking areas, access roads, and campsites shall be sited and set back sufficiently from bluffs so as to be visually subordinate as seen from Key Viewing Areas.
- (4) Existing vegetation, particularly mature trees, shall be maintained to the maximum extent practicable, and utilized to screen parking areas and campsites from Key Viewing Areas and satisfy requirements for perimeter and interior landscaped buffers.
- (5) Parking areas providing over 50 spaces shall be divided into discrete "islands" separated by unpaved, landscaped buffer areas.
- (6) Lineal frontage of parking areas and campsite loops to Scenic Travel Corridors

shall be minimized to the greatest extent practicable.

- (7) Ingress/egress points shall be consolidated to the maximum extent practicable, providing for adequate emergency access pursuant to applicable fire and safety codes.
- (8) Signage shall be limited to that necessary to provide relevant recreation or facility information, interpretive information, vehicular and pedestrian direction, and for safety purposes.
- (9) Exterior lighting shall be shielded, designed and sited in a manner which prevents such lighting from projecting off-site or being highly visible from Key Viewing Areas.
- (10) Innovative designs and materials which reduce visual impacts (such as "turf blocks" instead of conventional asphalt paving) shall be encouraged through incentives such as additional allowable parking spaces and reduce required minimum interior or perimeter landscaped buffers. Upon determination that potential visual impacts have been substantially reduced by use of such designs and materials, the Planning Director shall allow either reductions in required minimum interior or perimeter landscape buffers up to 50 percent of what would otherwise be required, or additional parking spaces not to exceed 10 percent of what would otherwise be permitted.
- (11) A majority of trees, shrubs and other plants in landscaped areas shall be species native or naturalized to the landscape setting in which they occur (landscape setting design standards specify lists of appropriate species).
- (12) All structures shall be designed such that height, exterior colors, reflectivity, mass and siting result in the structures blending with and not noticeably contrasting with their setting.
- (13) Landscape buffers around the perimeter of parking areas accommodating more than 10 vehicles shall be provided. Minimum required widths are 5 feet for 20

vehicles or less, 20 feet for 50 vehicles or less, 30 feet for 100 vehicles or less, and 40 feet for 250 vehicles or less.

- (14) Interior landscaped buffers breaking up continuous areas of parking shall be provided for any parking areas over 50 spaces in size. The minimum width of interior landscaped buffers between each parking lot of 50 spaces or less shall be 20 feet.
- (15) Within required perimeter and interior landscaped buffer areas, a minimum of one tree of at least 6 feet in height shall be planted for every 10 lineal feet as averaged for the entire perimeter width. A minimum of 25 percent of planted species in perimeter buffers shall be coniferous to provide screening during the winter. Project applicants are encouraged to place such trees in random groupings approximating natural conditions. In addition to the required trees, landscaping shall include appropriate shrubs, groundcover and other plant materials.
- (16) Minimum required perimeter landscape buffer widths for parking areas or campgrounds may be reduced by as much as 50 percent, at the discretion of the Planning Director, if existing vegetation stands and/or existing topography are utilized such that the development is not visible from any Key Viewing Area.
- (17) Grading or soil compaction within the drip line of existing mature trees shall be avoided to the maximum extent practicable, to reduce risk of root damage and associated tree mortality.
- (18) All parking areas and campsites shall be set back from Scenic Travel Corridors, and the Columbia River and its major tributaries at least 100 feet. Required perimeter landscaped buffers may be included when calculating such setbacks. Setbacks from rivers shall be measured from the ordinary high water mark. Setbacks from Scenic Travel Corridors shall be measured from the edge of road pavements.
- (19) Project applicants shall utilize measures and equipment necessary for the proper

maintenance and survival of all vegetation utilized to meet the landscape standards contained herein, and shall be responsible for such maintenance and survival.

- (20) All parking areas shall be set back from property boundaries by at least 50 feet. All campsites and associated facilities shall be set back from property boundaries by at least 100 feet.
- (21) All proposed projects at levels consistent with Recreation Intensity Class 4 on lands classified RIC 4 (except for proposals predominantly devoted to boat access) shall comply MCC .3832(E)(8) regarding provision of mass transportation access.

11.15.3834 SMA Recreation Resource Review Criteria

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

- (1) New developments and land uses shall be natural resource-based and not displace existing recreational use.
- (2) Protect recreation resources from adverse effects by evaluating new developments and land uses as proposed in the site plan. An analysis of both on and off site cumulative effects such as site accessibility and the adverse effects on the Historic Columbia River Highway shall be required.
- (3) New pedestrian or equestrian trails shall not have motorized uses, except for emergency services.
- (4) Mitigation measures shall be provided to preclude adverse effects on the recreation resource.
- (5) The facility standards contained herein are intended to apply to individual recreation facilities. For the purposes of these standards, a recreation facility is considered a cluster or grouping of recreational developments or improvements located in relatively close proximity to one another. Recreation developments or improvements to be considered a separate facility from other developments or improve-

ments within the same Recreation Intensity Class must be separated by at least one-quarter mile of undeveloped land (excluding trails, pathways, or access roads) from such developments or improvements.

- (6) New development and reconstruction of scenic routes (see Part III, Chapter 1 of the Management Plan) shall include provisions for bicycle lanes.
- (7) The Planning Director may grant a variance of up to 10 percent to the standards of Recreation Intensity Class 4 for parking and campground units upon demonstration that:
 - (a) Demand and use levels for the proposed activity(s), particularly in the area where the site is proposed, are high and expected to remain so and/or increase. Statewide Comprehensive Outdoor Recreation Plan (SCORP) data and data from National Scenic Area recreation demand studies shall be relied upon to meet the criterion in the absence of current applicable studies.
 - (b) The proposed use is dependent on resources present at the site.
 - (c) Reasonable alternative sites, including those in Urban Areas, offering similar opportunities have been evaluated and it has been demonstrated that the proposed use cannot be adequately accommodated elsewhere.
 - (d) The proposed use is consistent with the goals, objectives, and policies in this chapter.
 - (e) Through site design and/or mitigation measures, the proposed use can be implemented without adversely affecting scenic, natural or cultural resources, and adjacent land uses.
 - (f) Through site design and/or mitigation measures, the proposed use can be implemented without affecting treaty rights.
 - (g) Mass transportation has been consid-

ered and 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.
- (9) New interpretive or education programs and/or facilities shall, follow recommendations of the *Interpretive Strategy for the Columbia River Gorge National Scenic Area*.
- (10) Proposals to change the Recreation Intensity Class of an area to a different class shall require a Plan Amendment pursuant to MCC .3588.

(B) SMA Recreation Intensity Class Standards

(1) Intensity Class 1

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

- (a) Uses permitted are those in which people participate in outdoor activities to realize experiences such as solitude, tension reduction, and nature appreciation.
- (b) Maximum site design capacity shall not exceed 35 people at one time on the site. Maximum design capacity for parking areas shall be 10 vehicles.
- (c) The following uses may be permitted:
 - (i) Trails and trailheads.
 - (ii) Parking areas.
 - (iii) Dispersed campsites accessible only by a trail.
 - (iv) Viewpoints and overlooks.
 - (v) Picnic areas.
 - (vi) Signs.

(vii) Interpretive exhibits and displays.

(viii) Rest-rooms.

(2) Intensity Class 2

Emphasis is to provide semi-primitive recreation opportunities.

- (a) Permitted uses are those that provide settings where people can participate in activities such as physical fitness, outdoor learning, relaxation, and escape from noise and crowds.
- (b) The maximum site design capacity shall not exceed 70 people at one time on the site. The maximum design capacity shall be 25 vehicles.
- (c) All uses permitted in Class 1 are permitted in Class 2. The following uses may also be permitted:
 - (i) Campground with vehicle access.
 - (ii) Boat anchorages designed for no more than 10 boats at one time.
 - (iii) Swimming areas.

(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.

- (a) Permitted uses are those in which people can participate in activities to realize experiences such as group socialization, nature appreciation, relaxation, cultural learning, and physical activity.
- (b) Maximum site design capacity shall not exceed 250 people at on the site. The maximum design capacity shall be 50 vehicles. The GMA vehicle capacity level of 75 vehicles would be approved if enhancement or mitigation measures for scenic, cultural, or natural resources are approved for at least 10% of the site.

(c) All uses permitted in Classes 1 and 2 are permitted in Class 3. The following uses may also be permitted:

(i) Campgrounds improvement may include water, power, sewer, and sewage dump stations.

(ii) Boat anchorages designed for not more than 15 boats.

(iii) Public visitor, interpretive, historic, and environmental education facilities.

(iv) Full service rest-rooms, may include showers.

(v) Boat ramps.

(vi) Riding stables.

(4) Intensity Class 4

Emphasis is for providing road 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.

(c) All uses permitted in Classes 1, 2, and 3 are permitted in Class 4.

COLUMBIA RIVER GORGE NATIONAL SCENIC AREA

12/22/92 P-1
SUBMITTAL
BOB HALL

ERRATA
FOR BOARD HEARING OF DECEMBER 22, 1992

- A. MCC 11.15.3578(B) [p. 37-A-19 of Exhibit C] should be amended to read:

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, t(T)he location of the dwelling shall comply with MCC .3584 and .3586. A declaration shall be signed by the landowner and recorded into county deeds and records specifying that the owners, successors, heirs and assigns of the subject parcel are aware that adjacent and nearby operators are entitled to carry on accepted farm or forest practices on lands designated GGF-80, GGF-20, GGA-40, or GGA-20.

- B. Section III. of the proposed *Ordinance amending the Comprehensive Framework Plan Map, the Comprehensive Framework Plan Text, and Sectional Zoning Maps to recognize and implement the Columbia River Gorge National Scenic Area* should be amended to add Sectional Zoning Map # 592 as follows:

The following Sectional Zoning Maps, as adopted November 15, 1962, including all subsequent amendments thereto as of the effective date of this Ordinance, are hereby amended by REPLACING the present Zoning District designations within the Columbia River Gorge National Scenic Area with those identified on the maps comprising Exhibit B (as converted by the conversion table attached to that exhibit), which is incorporated by reference herein: Numbers 592, 635 through 651, 653 and 654, 657A and B, 658 and 659, 662 and 663, 666 through 669, 718 through 752, 754 through 765, 767 through 771, 773 through 776, 779 through 783, 786 and 787, and 827.

Colin McJoy,
Chair
SHARON TIMKO
SUBMITTAL
12/22/92 P-1

December 22, 1992

Commissioner Pauline Anderson
Multnomah County Courthouse

2041 SE Elliott
Portland, Or. 97214

RE: C 6-92 Columbia River Gorge NSA Ordinance-

Objections to RIC4 Designation of SW Bridal Veil Site

Dear ^{Pauline} ~~Commissioner Anderson~~,

I'm glad the County is moving ahead with implementation of NSA zoning in the Gorge. However, as a citizen who has worked for the past decade to restore the Historic Columbia River Highway and as a transportation planner, I am concerned about Historic Highway impacts of the proposed RIC4 recreation class at the SW Bridal Veil site, located between Sheppard's Dell and Bridal Veil Creek Bridges.

The staff report states RIC4 would allow development of this 100 acre site (as an RV park, which may already be planned) with up to 200 vehicle spaces and 1000 persons at a time, with access from the Historic Highway. (SMA guidelines allow up to 250 vehicles. P. I-171 Management Plan, 1992) The proposed ordinance [11.15.3834(2)] states that cumulative adverse effects on the Historic Highway will be analyzed later, at the time of development. Once RIC4 use is permitted here, after the fact analysis cannot effectively mitigate the damages to historic resources and future traffic management options, which could result from the RIC4 designation itself.

Four adverse cumulative impacts of this RIC4 designation on the Columbia River Highway, National Register historic district, are evident right now:

1. RIC4 RV PARKS SHOULD BE PLACED IN URBAN/RURAL CENTERS TO COMPLY WITH OREGON PLANNING GOALS

Policy

RV parks are undoubtedly needed in the Gorge. County Gorge policies should support RV development in either urban or rural centers like Corbett, where gas and other services are readily available, so that RV trips from parks to services on local roads can be reduced (per the State Transportation Planning Rule). Location of an RV park in a remote section of the Historic Highway generates unnecessary RV trips along the Historic Highway to services in Corbett, Troutdale, Cascade Locks, and Multnomah Falls Lodge.

2. RIC4 FORECLOSES SOUND FUTURE TRAFFIC MANAGEMENT ACTIONS

The SW Bridal Veil RIC4 designation, with RV arrivals, departures, and trips to services, could generate hundreds of

P. 2: Objections to RIC4 Designation of SW Bridal Veil Site

new RV trips each day up and down the narrow, winding Historic Highway from Larch Mt. Road to Dodson, during peak season. In this road section, ODOT's 1991 draft Transportation Plan for the Historic Highway recommended peak season vehicle width limits of 7 ft. (except busses), to exclude oversize vehicles. To protect historic structures and reduce congestion, peak season vehicle length and width restrictions are reasonable traffic controls on the Historic Highway. ODOT will develop this plan in 1993, but an RIC4 designation at this time could conflict with future traffic management and visitor travel actions.

3. RIC4 PERPETUATES DAMAGE TO THE HISTORIC HIGHWAY AND WILL INDUCE UNWARRANTED CONGESTION

In the past, oversize vehicles have damaged railings on both Multnomah Falls Viaducts and some narrow nearby bridges. Damaged railings and rockwalls in this part of the Historic Highway have been beautifully restored by ODOT in recent years. On this narrow, winding road, oversize vehicles, with poor hill climbing and maneuvering, reduce effective capacity and visibility, and can cause long traffic queues. On this type of road, each oversize vehicle equals 5-6 normal vehicles in traffic flow impacts, not to mention added hazards for bicyclists.

RIC4 designation, with an RV park in the midst of this road section, has clear adverse impacts. Damaged historic structures and lines of traffic detract from the scenic driving experience for which this world-renowned road was built. Before enacting an RIC4 designation on this site, the County, ODOT, and the SHPO should thoroughly examine the potential consequences of this action on this National Register historic district.

4. RIC4 IGNORES MANAGEMENT EXPERIENCE FROM SIMILAR ROADS

Glacier National Park, Montana, adopted a Transportation Plan in 1990 with a major focus on traffic management and public transportation on the historic, narrow, winding 50-mile Going To The Sun Road. Oversize vehicles were a major consideration in this plan. Going To The Sun vehicle width limits are 8 ft., including mirrors. The traffic management plan also intends to impose a 20 ft. length limit. Such policies create no great hardship to Glacier visitors.

Glacier National Park's renowned road, like the Historic Highway, has a good alternate road and facilities for RVs at nearby urban and rural service centers. Visitors to Glacier with oversize vehicles have several choices for touring Going To The Sun in an appropriate vehicle: The Glacier Park tour bus system or a small vehicle, motorcycle, or bike, which

Pg. 3:Objections to RIC4 Designation of SW Bridal Veil Site

has been towed or carried along. A complete shuttle tour of the Park is possible via tour bus and AMTRAK. ODOT should consider similar comprehensive visitor travel options in their upcoming Transportation Plan for the Historic Highway.

RIC4 designation here does not reflect coordinated transportation and land use planning to protect the integrity the Historic Highway. The adverse consequences of this proposed County RIC4 designation at this location cannot be easily mitigated at the time of future development. With foreseeable adverse, cumulative impacts of future damage and added congestion on one of Oregon's premier historic and scenic attractions, the County should reconsider the RIC4 designation here.

It has been a pleasure to work with you for many years on the East Multnomah County Transportation Committee.

Sincerely,

Richard N. Ross
Richard N. Ross, AICP

CC: County Commissioners

Don Adams, Region Engineer, ODOT

James Hamrick, Deputy SHPO

R. Scott Pemble, Planning Director, Multnomah Co.

Lewis Mc Arthur, Historic Hwy. Advisory Comm.

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GLADYS McCOY, Multnomah County Chair

SHARON Timko
SUBMITTAL
P-1 12/22/92

Room 1410, Portland Building
1120 S.W. Fifth Avenue
Portland, Oregon 97204
(503) 248-3308

M E M O R A N D U M

TO: Chair Gladys McCoy
Commissioner Pauline Anderson
Commissioner Rick Bauman
Commissioner Gary Hansen
Commissioner Sharron Kelley

FROM: Sharon Timko *Sharon*
Columbia Gorge Coordinator

DATE: December 22, 1992

RE: An Amendment to the Proposed Ordinance Implementing
the Columbia River Gorge Management Plan

Below is the proposed amendment to the Ordinance implementing the Management Plan for the Columbia River Gorge National Scenic Area. More specifically, the proposed criteria would be added to MCC 11.15.3834 (A) SMA Recreation Review Criteria.

The criteria would read:

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.

SET:mrn
9685G

Post-It™ brand fax transmittal memo 7671		# of pages → 5
To	SHARON TIMKO	From RICHARD ROSS
Co.	MULTNOMAH CO.	Co.
Dept.	CHAIR, COMMISSION	Phone # 669-2578
Fax #	248-3308	Fax #

DATE: 12-22-92

TO: SHARON TIMKO, MULTNOMAH CO.

FROM: RICHARD ROSS *Richard W. Ross*

*SHARON TIMKO
SUBMITTAL
12/22/92 P-1*

RE: SUGGESTED AMENDMENT
RECREATION DEVELOPMENT ALONG HISTORIC HIGHWAY

Per our discussion, here's some possible language to be added to the NSA zoning ordinance, in support of land use and traffic management actions which limit vehicle sizes and impacts on the Historic Highway. This allows the County to set a proactive policy to protect the highway's historic integrity and guides recreation development, rather than waiting to see what a recreation site plan proposes.

By this language, the County can provide a greater (more specific) level of protection for the Historic Highway corridor than the Management Plan. As we discussed, it will also spur ODOT's delayed work on the Highway traffic management plan, which was recommended as a high priority in the 1988 ODOT master plan for the Highway. I have not seen the whole ordinance, but this text could be placed within the guidelines or policies for all RIC classes, or wherever most appropriate.

Please share this with the Commission as a supplement to my 12-22-92 letter. Thanks for your assistance.

Recreation Development Guideline(GMA/SMA):

At the least,
" All recreation development accessing the Historic Columbia River Highway will be subject to vehicle width, length, and load limits, as imposed by the ODOT or the County, to preserve and restore the historic integrity of the highway, to limit or divert use of the highway and its structures by damaging traffic, and to avoid the adverse cumulative impacts of damaging traffic. The County will cooperate with ODOT and other agencies to adopt appropriate vehicle width, length, and load limits and other traffic management policies for the Historic Highway and adjacent recreation development."

Attached are applicable ORS, describing the policy and authority to divert or limit "damaging traffic" on Oregon's designated historic highways, of which the Historic Highway is most prominent.

Comm. Meeting,
Chair
Sharon Timko
Submittal
12/22/92 P-1

December 22, 1992

Commissioner Pauline Anderson
Multnomah County Courthouse

2041 SE Elliott
Portland, Or. 97214

RE: C 6-92 Columbia River Gorge NSA Ordinance-

Objections to RIC4 Designation of SW Bridal Veil Site

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P. 2:Objections to RIC4 Designation of SW Bridal Veil Site

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Pg. 3:Objections to RIC4 Designation of SW Bridal Veil Site

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Sincerely,

Richard N. Ross
Richard N. Ross, AICP

CC: County Commissioners

Don Adams, Region Engineer, ODOT

James Hamrick, Deputy SHPO

R. Scott Pemble, Planning Director, Multnomah Co.

Lewis Mc Arthur, Historic Hwy. Advisory Comm.



SPEAKER #5
12/22/92 P-1

on the HISTORIC COLUMBIA RIVER HIGHWAY
P.O. Box 87 ♦ Bridal Veil, Oregon ♦ 97010
(503) 695-2333
FRANK & LAUREL SLATER, Proprietors

Dec 22, 1992

TO: Multnomah County Board of Commissioners

**RE: Proposed changes to Recreation Intensity Class (RIC) C6-92
Objection to RIC 4 designation for "SW Bridal Veil site"**

Dear Commissioners:

I am a property owner who will be affected by development of the SW Bridal Veil site. My home is on 30 acres, on the Historic Columbia River Highway across from Bridal Veil Falls State Park. Also, I am on the Board of Directors for Friends of Multnomah Falls and Friends of Vista house. I am concerned that sensitive areas in the Columbia River Gorge Special Management Area will not be adequately protected with the proposed wording of the amendments. My objections to the level 4 designation on that site arise on several levels.

The staff report titled "Proposed Changes to the Recreation Intensity Class Map" in the second paragraph, states "This report proposes changes to three Multnomah County sites. Currently the sites are designated RIC 4, however, staff recommends the sites be changed to RIC 3. These RIC 4 designations do not accurately reflect the capacity of the land and the ability of the surrounding areas to absorb the proposed level of recreation without causing adverse effects."

The report goes on to say, on p.2, "in as much as the County welcomes the opportunity to provide recreational opportunities..., staff is also very aware of the area's limitations to provide all the necessary services for safe and enjoyable recreation opportunities," and also refers to the effects of "overcrowding and congestion on the residents," and the need to protect the "fragile ecosystems", adding, "overuse of any recreation site erodes the natural environment and the quality of the recreation experience."

The staff report discussion goes on, citing that "intense recreation use...would funnel more traffic onto the Historic Columbia River Highway," that Bridal Veil lacks a full interchange, and eastbound traffic must travel through the Multnomah Falls area with its narrow viaducts, and states, "Yet despite all these limitations, high intensity recreation is being designated along the HCRH."

Now, you would expect, logically, after all these completely valid arguments, staff is proposing to lower the RIC designation for the SE Bridal Veil site. However, inexplicably, staff recommends this site maintain the RIC 4 designation. The wording of the proposed language to address these effects cannot provide adequate protection without clearly delineated ordinances to enforce it.

The next step down, level 3, would allow for 75 vehicles and up to 250 persons at one time. Even at those levels, based on a 150-day peak season, traffic on the Historic Highway would increase by 22,500 vehicles. The property owner is proposing an RV park. However, at the higher levels, even cars would create a tremendous extra load on the highway, as this development would be a destination. An additional 75,000 vehicle trips would be possible at a RIC 4, based on the 150-day season, for example, if the property owner made it available for large company picnics.

In addition, aside from the traffic problems getting people to and from the access road leading into the site, once there, another set of problems arise. The access road, Henderson Road,

is a narrow, steep, one-way gravel road. This road goes through my property for a distance. The development site is several miles up this road. The area is not within a protected fire district. It is located above Shepperd's Dell State Park, and adjacent to Young's Creek which feeds Shepperd's Dell Falls.

I can only surmise that with the possibility of hundreds, perhaps 1000 people on the site at one time, a tremendous fire hazard would be created that a private property owner couldn't possibly address. These crowds would also use a tremendous amount of water, potentially lowering the water table. And then, you have the matter of waste disposal. If the property owner had one picnic of 500 people each day during the 150-day peak season, this creates an additional 75,000 people during just one season! And that's at just half the allowable numbers for a RIC 4.

My contention is that the RIC should be lowered to RIC 3 for the site, as is indicated by the staff report, and that additional weight, length and width limitations be placed in order to restrict the damaging vehicles on the HCRH.

I concur with the concluding paragraph in the staff report, which states, "...it seems prudent to adopt the more conservative intensity classes for these sites, particularly in light of similar experiences in national parks where overuse and overdevelopment are causing great concern."

Thank you for taking these matters into consideration.

Sincerely,

Laurel Slater

FRIENDS OF THE COLUMBIA GORGE

SPEAKER #8
12/22/92 P-1

Multnomah County Board of Commissioners
1021 S.W. 4th Avenue
Portland, Oregon 97204

December 22, 1992

Dear Commissioners:

My name is Tamra Lisy and I am the Education Outreach Coordinator of the Friends of the Columbia Gorge. Our organization has been long time supporters of protection of this natural treasure, the Columbia River Gorge.

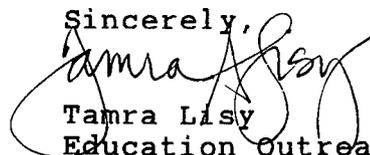
The National Scenic Area Act was a significant first step towards protection of the Gorge. After four years of extensive public input we have seen the adoption of a Management Plan which was equally important. Now, six years following the inception of the Columbia River Gorge National Scenic Area Act, we are again at a significant juncture, Gorge Counties's adoption and implementation of consistent ordinances.

We have actively worked with Gorge residents, many living in Multnomah County, over the last four years for a Management Plan that provides protection for this world class wonder. And we will continue to work with interested people to see that the intent of the National Scenic Area Act is carried out. I am here today to congratulate Multnomah County in their efforts to carry out their responsibilities and commitment for the protection of the Columbia River Gorge. We feel in addition to offering protection, the adoption of a consistent ordinance will allow this process to move forward; bring federal dollars, \$30 million total, to Gorge Counties; and will restore local control and administration as envisioned in the Act.

Overall, we feel the ordinance is consistent with the Permanent Management Plan, however, the Friends of the Columbia Gorge does have concerns in regard to non-resource dwellings allowed outright within resource lands, specifically A-2 (small scale agriculture), and F-3 (small woodland). This provision will considerably reduce the protection of these lands currently required under the existing county ordinance and prescribed under Oregon Land Use Goals. Under the Act, the county has the flexibility to maintain these restraints and we urge you to do so.

Thank you very much.

Sincerely,



Tamra Lisy
Education Outreach Coordinator

THE PORTLAND WOMEN'S FORUM

SPEAKER # 11
SUBMITTAL
12/22/92 P-1

April 13, 1992

Edward Madigan
Secretary of Agriculture
P.O. Box 68090-6090
The Mall 12 & 14 th Streets
Washington DC 20250

Dear Secretary Madigan:

Thank you for your concern in regard to the property rights of the citizens living in the Columbia River Gorge National Scenic Area. We hope that you will put the present plan on "HOLD" until the property owners complaints have been addressed fairly. There is much unhappiness and frustration at the way the appointed Gorge Commission has trampled their Constitutional Rights under foot. The counties involved are concerned with possible lawsuits, over which they have no control in decision-making.

The Portland Women's Forum has been active in preservation and beautification of the Columbia River Gorge for over forty years. During that time they purchased 3.7 acres at Chantaclear Point. Then, in 1963 the property was turned over to the state of Oregon for a state park, and named The Portland Women's Forum State Park. It is one of the world's famous view points, with a spectacular view of the Vista House, and the whole Columbia River Gorge. One of our members, Gertrude Glutch Jenson, was active in exchanging land, without cost to the state, of over 3,000 acres in the Gorge area on the Oregon side of the river. With this background information, we wish to bring some of these concerns to your attention.

We feel that it is necessary to have more citizen participation at the decision-making level in order to have the action taken more accurately represent the needs and concerns of the residents of the Gorge. One way to have accomplished this would have been to have the members of the Commission elected. However, since they are appointed, it is even more necessary that those appointed by the counties be sensitive and responsive to the concerns of the residents within their respective counties. Also, steps should be taken to ensure property owners their rights to improve and maintain their own holdings in a reasonable way. We recognize that some guidelines are needed to meet standards of a scenic area, but the rights of private property owners should also be protected with the same zeal-- after all this is a democracy.

We ask that the Commission's interpretation of what is considered scenic be enlarged. To us a well kept farm, a well kept home and grounds that relate to the surroundings are scenic. There have been homesteads in the area for a long, long time and they are an integral part of the history of the Gorge. We appreciate the fact that there have been many hearings during which you have listened to various people. Now we ask that you respond to their concerns by following their suggestions and requests wherever possible.

We urge you to consider these points: (1) Citizen participation at the decision making level (2) Protection of property owner's rights (3) Enlarged interpretation of what is scenic (4) More responsive action to the concerns of the residents of the Columbia Gorge area.

We respectfully submit these suggestions for your consideration. We appreciate that you are doing to preserve the beauty of the Columbia River Gorge. After all, that is our main interest too, but we urge you to be more responsive to the residents of the Gorge. They too appreciate the beauty of the Gorge-- that is why they are living there.

The Portland Women's Forum would appreciate a reply to this letter.

Sincerely,



Peggy Gillis, President

Mrs. Jean Hepburn
President-Elect '92-93

Neighborhoods Protective Association
P.O.Box 19224, Portland, Oregon 97219

SPEAKER #12
12/22/92 P-1

SUBJECT: Columbia River Gorge National Scenic Area. Federal Guidelines December 22, 1992

BEWARE: Control of the water-to California?

Chairperson Gladys McCoy
County Commissioners
Multnomah County Court House
1120 S.W.5th.
Portland, Oregon 97204

Dear Chairperson McCoy, Commissioner Hanson, Commissioner Kelley,
Commissioner Anderson, & Commissioner Bauman:

Thank you for the opportunity to speak at this public hearing. We are saddened and discouraged by the timing of the year...just two days before Christmas. Obviously, as shown by the morning Oregonian article titled ("Multnomah County to enforce land-use rules in gorge area," it looks as if the hearing fulfills the requirements of a public hearing, but the decision has already been made. However, nothing is set in stone until it actually happens, or until people WAKE UP! The question is..."Can they wake up" when The Oregonian has a complete monopoly on the printed news, so that the truth and facts cannot be heard.

Please let me refer to a letter presented here recently, regarding Gladys McCoy's involvement in trying to stop the City Center Parking monopoly in downtown Portland. Instead, The Oregonian, supported the monopoly, and blamed her son as being the "bad guy", or at least not being "FAIR"?? Senator Hatfield, and most recently Senator Packwood have been getting the criticism for issues unrelated to their decisions regarding the safety of our nation, or the spending of taxpayers money! Are these efforts to divert attention from real issues, or force them to abide by guidelines not in the interest of taxpayers???

December 15th was the anniversary of our Bill of Rights, the 200th anniversary was last year -1991. There is a quote regarding the average age of the world's great civilizations being 200 years, and progressing through the attached sequence, on the same attached sheet regarding Abraham Lincoln's says: "From Bondage to Spiritual Faith"...

The December 1991 Counterpoint newspaper brings up an interesting point to consider: "We the People are not represented on the Columbia Gorge Commission!" and headed by the statement DeMoss asks Governor Roberts to dismiss Gorge Commission!" Obviously this property will go off the tax roles, adding taxes to the remaining private property. Federal control of land does away with freedom to pursue our own lives, as determined in our Bill of Rights, especially Articles 4, "The right to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated..." Article 5 "...nor be deprived of life, liberty, or property without due process of law; nor shall private property to be taken for public use without just compensation."

We understand that \$10 M. is for recreation, \$10 M. (economic development between the two states, \$5 M. for the almost completed conference center, Skamania Lodge, \$5 M. for the Dalles Interpretive Center, and \$2.8 M. for historic highway improvement, under O.D.O.T.. Our beloved Belva June Mayor was involved in the scenic highway, and just passed away last week. It will be a great loss to all of us, since she was a dedicated and very fair person. WE DO NOT HAVE THE MONEY TO IMPLEMENT THIS. Please stop it!

Earnestly, and prayerfully, (Mrs.) Louise Weidlich, Director

Columbia Gorge landowners "hog tied," by "Friends" power politics

SPEAKER #12
12/22/92 P-1

Counterpoint
P.O. Box 23894
Tigard, Or. 97221

If you wonder why and how everything happens to you, the following letter and statement which Will Gaul, a Columbia Gorge land owner presented to, and made part of the record at a Columbia Gorge Commission hearing March 12, 1991, in Portland will give you part of the answer. Understandably, Chairman Stafford Hansel who's part of the problem, tried to stop him. He considers only "quality testimony." That is not the kind, with facts he doesn't agree with, or want revealed. The audience supported Gaul, and Hansel, courageously allowed him to proceed.

Here's Will Gaul's letter and statement to The Gorge Commission March 12, 1991.

Mr. Chairman and Members of the Commission:

In June 1985 I wrote a letter to Washington State Senator Dan Evans, and I want to make it public.

Dear Senator Evans:

I'm writing to you because you seem to be the only one with authority to be halfway listening to the people who live in the Columbia Gorge.

Let people who live in the Gorge live in peace, it's their home. I'm sure they don't want any more restrictions on their way of life than has already been imposed upon them. Besides they've done a good job of keeping the Gorge beautiful in the past.

The Federal Government is the one to blame for most of, if not all, the damage to the gorge scenery, such as covering it with backwater from The Dalles dam, one of the worlds most famous natural wonders, Clifton Falls. They will never be seen again.

Mr. Chairman and members of the Commission:

"How wrong I was, wasting my time then, writing to the Senator when it is now obvious he was the enemy in my camp.

Except for Denny Smith and Bob Smith Representatives from Oregon; all the Senators, congressmen and representatives for both Washington and Oregon were working for the "Friends of the Gorge," and so consequently, doubt crossed their constituents; who reside in and own property in the area.

An article in The Oregonian in 1986 reported that Nancy Russell, the main spoke in the wheel of "The Friends," contributed \$1,000 to Congressman Les AuCoin. Do we need to ask for what?

Recently when looking for some information pertaining to another matter, at the Oregon Department of Justice (Attorney General Dave Frohman's office) in Portland, I ran across a list of thirty two names who were on the board of directors of the infamous "Friends of the Columbia Gorge," the group who lobbied, cajoled, and pushed into existence the Federal Columbia River Gorge Scenic Area, thereby "taking", with out compensation the constitutional property rights of the people who live in and own property in the Gorge without compensation. I'm sure the public will be interested.

Some of the names included in the list of 32 names are as follows:

1. David Cignard now on the Columbia Gorge Commission.
2. Barbara Bailey also on the Columbia Gorge Commission.
3. The Honorable Mike Lindberg, Portland City Commissioner.
4. The Honorable Donald E. Clark, Ex-Multnomah County Sheriff and Ex-Mayor of Portland and now a Columbia Gorge Commissioner.
5. The Honorable Doug Jewett.
6. The Honorable Connie McCready, Ex-Portland City Commissioner.
7. The Honorable Randy Revello.
8. The Honorable Rodger Schock.

The "so called Friends of the Gorge" (who do not live there) should not override those who do.

Senator Evans, if you would look at all the back issues of The Skamania County Pioneer newspaper for the past three years, and read all the editorials and letters to the Editor it would give you a true picture of the overall situation and feelings of the people in the Gorge.

I'm quite sure you are considering the citizens who live in the gorge and need your help.

Sincerely

Will Gaul
Portland, OR 97219

9. The Honorable Tom McCall, Former Governor of Oregon.
10. The Honorable Bob Straub, Former Governor of Oregon.
11. The Honorable Cecil B. Andrus, Ex-Secretary of the Interior, now Governor of Idaho.
12. The Honorable Dan Evans, Former Governor and Senator from the Washington State.

It makes me wonder what other, or who other, honorable politicians were also just plain members of The Friends of The Columbia Gorge.

You'll recall Senator Evans held hearings in the Gorge, taking testimony from the citizens, supposedly pro and con in regard to the Federalization of the Gorge.

The testimony in 1984, 85, and 86 from the Gorge residents was overwhelmingly against Federal Control. To put it bluntly Senator Evans should have disqualified himself, instead he passed himself off as neutral, and he wasn't.

Talk about collusion or conflict of interest. Can you believe it?

Just as the Scenic Area was passed into law, a telephone call was made to the office of Senator Evans in Washington, D. C. Who answered the phone? None other than Bowen Blair, at that time executive director of the "Friends".

What was he doing in the Senator's office answering the phone for him? We the people pay for the Senator's staff. Have we reached the point where the "Friends" can usurp a U.S. Senator's office and use it as their own?

What can we do about this serious miscarriage of justice?

Most of those same politicians, bureaucrats, senators, and congressmen we had at the time are still at it. Mark my word, the loggers, and the timber industry will be real lucky if they aren't double crossed and sold down the river again, as we were.

Keep in mind, these characters will do anything to get votes and stay in office and power.

"Damn it I'm angry!"



Will Gaul, owner of Noble Star Tree Plantations, writer and fighter for property rights views Mt Hood across the Columbia River Gorge from his property in Washington state. He planted Christmas trees on it. They all died from heat, wind and cold. He still wants to build a home there.

In 1973 I purchased 30 acres of land with the most beautiful scenic view of the Gorge and Mt. Hood near White Salmon, Washington. I planned to build my home on it. I spent 15 years of hard physical, strenuous, sweating labor at stone masonry trying to make enough money to pay for it.

Now that it's paid for, because of what you have done, all I can do, is look at it. I can't build. I can't sell. I can't "Damn it I'm angry!"

I'm not the only one in this situation. Let's not let these tyrants do this to us.

Six members of "The Friends" now constitute one half of the thirteen member Gorge Commission. How were they appointed? More collusion!

As far as I'm concerned this conspiracy is still continuing.

In 1988 Columbia Gorge United filed a lawsuit in the Oregon Supreme Court against the Gorge Enabling Act.

Acting on the advice of our Distinguished Attorney General, Dave Frohman, who told them to: "Just say no," the Court refused to hear the case.

Interestingly, however, I find among the list of "The Friends" the name of John Frohman, the brother of the Attorney General. And, also the name of his father who lives in Southern Oregon among the names of 1000 Friends of Oregon.

A month or so later we appealed and the Court refused the case again without stating a reason. Why? In my opinion it was because the Attorney General was a

member of 1000 Friends of Oregon. And, of course so was Mr. Dick Benner who is now the executive director and legal advisor of the Gorge Commission.

Then last year, 1990, it was a toss up as to where the conference center for the State of Washington was to be located, at Stevenson or Dungen.

Mr. John D. Gray offered to contribute \$5 million dollars to help develop and manage the Stevenson site.

Mr. Benner I'd like to ask, is that the same John D. Gray that was on the advisory board of 1000 Friends of Oregon while you were one of their staff attorneys back in the late 1970's?

You, as we all know, were the group who lobbied and cajoled and pushed through Congress, the Gorge Scenic Act.

I fought for our freedoms in World War II as a gunner on an M-1 tank. I never thought I'd see the day when our Senators, Congressmen and Commissioners would be taking away our constitutional rights.

I don't believe any of you have a conscience. You are all guilty of the crime of stealing.

You are more of a threat to our country than the German soldiers were in World War II.

I don't like playing with a stacked deck, and it is certainly stacked in Oregon and Washington with power politics.

So, we'll be seeing you at the U. S. Supreme Court.

Who is John D. Gray?

The reader may wonder who the John D. Gray is that Russell Morgan refers to in his Guest Opinion. It should be of interest because he is the:

- developer of the Sun River area near Bend in Deschutes County,
- developer of Salishan Lodge on the Oregon Coast between Depoe Bay and Newport, and
- were told, he now has the contract to build the federally financed Conference Center at Stevenson, Washington, which resulted when the Columbia Gorge Scenic Area was established at Stevenson, Wash.

His name appears frequently among those Friends of the Columbia Gorge, too. He was a prominent opponent of Measure 6 in 1982 which would have, if passed by the people, eliminated LCDC. Some have asked: "Is Senator Mark Hatfield a beneficiary of his largesse?"

One way to eliminate competition if you're in the land development business is through creative legislation, regulation and then get into bed with the regulators, or own them.

Members of Columbia Gorge United, composed of citizens in the Gorge who have fought vigorously to limit the power of the Columbia Gorge Commission will be happy to learn that a recent list of members of the Friends of the Gorge includes the name of Governor Barbara Roberts. She has voiced strong support for the program there that has deprived property owners of their rights, just as she has endorsed the vicious LCDC program.

FOR THE PUBLIC'S INFORMATION

Counterpoint Editor to Mr. Gaul:

On December 15th 1988, Mr. Stafford Hansel, now the Columbia Gorge Commission Chairman told the members of the Land Conservation and Development Commission (LCDC) that they should consider only "quality testimony" when making their decisions.

This was a public LCDC hearing on the Secondary Farm and Forest definitions. He didn't define "quality testimony" but it reasonably safe to conclude that he views it to be: "Testimony with which he and those members of LCDC appointed by Governor Goldschmidt agree".

Since the Governor's name appeared right along side of that of Tom McCall on a 1000 Friends letter which was published in a recent COUNTERPOINT one could conclude that they all drink out of the same bucket.

As you know Mr. Hansel was chairman of Governor Aiyeh's "Land Use Task Force" in 1982. The "Task Force" heard from nearly 500 people at 5 meetings around the state.

It, too, was a "stacked deck" according to B. J. Rogers who was a member of the "Task Force", and also President of the Oregon Association of Realtors (OAR) in 1982.

Rogers states, Aiyeh wanted to appoint only those who agreed with his philosophy of land use planning. The "Task Force" was stacked, testimony disregarded, and Hansel manipulated the final report in his own image.

When Aiyeh's office wanted names from OAR for commission appointments, they wanted to select their own person. As President of OAR I insisted that the appointee represent the philosophy of the association. The governor kindly acquiesced, finally I was appointed, Rogers states.

The published report did not reflect the view of the people I heard testify. And the "Task Force" report was a planned "WHITE WASH" manipulated by Stafford Hansel, Rogers continues to maintain.

Whether it is collusion or merely the exercising of raw political power the Gorge Commission appointees who are "Friends" along with Stafford Hansel are now the responsibility of Oregon Governor Neal Goldschmidt. The total, when Hansel is included is 7 out of 13 not 6.

IF YOU CHOOSE TO FIGHT THE KING, YOU'D BETTER SEE TO HIS POLITICAL DEMISE IN THE NEXT ELECTION.

Portland, Oregon September 23, 1991

Dear Chairman and members of the Columbia Gorge Commission:

On March 12th of this year I testified before your commission and asked you and your executive director, Mr Dick Benner if the John D. Gray who donated five million dollars to help develop and manage the Conference Center at Stevenson, Washington was the same John D. Gray that was on the advisory board of the Thousand Friends of Oregon back in the late 1970's when at the same time Mr Benner, you were the staff attorney for Mr. Gray recently signed a 97 year contract with Skamania County Washington to build and manage this center. Is it fair for him or his estate to benefit monetarily for 97 years when the citizens of the Gorge have perhaps also already spent 97 years or more in acquiring and improving their property? Property which because of the Scenic Act is now virtually worthless.

Senator Mark Hatfield personally lied to others and I at The Dalles, Oregon in March 1990 by saying he didn't know anyone was unhappy with the Gorge Act, this in the face of the fact that a lawsuit had already been filed against the Scenic Act several years before. He further lied when he said he'd get back to us and never has. In answer to my letters to Hatfield telling him or asking what is happening in the Gorge, he just answered back "Thanks for being concerned about the Gorge". Perhaps the U.S. Government Ethics commission would like to know what's going on here!

Sincerely,

Willard Gaul
7301 S.W. 26th Ave.
Portland OR 97219

As of this date Sept. 5th 1992 there has been no answer to these questions from Mr. Benner or The Columbia River Gorge Commission. The Gorge Scenic Act Frasso still progresses.

Will Gaul's Columbia Gorge 'skunk signs' galls highway chief

As the gunner on a World War II tank, Will Gaul fought with a machine gun, a 75 millimeter cannon and high explosive ammunition. Now, he's fighting the bureaucratic tyranny imposed on citizens by the Columbia Gorge Scenic Act with "political statements and ideology". No one is off limits including senators, congressmen and Friends of the Gorge, he states.

"Something stinks in the Columbia River Gorge", and to make his point Will Gaul of Portland, Oregon and a Gorge property owner has created signs and billboards depicting an assemblage of skunks each bearing the name of a Northwest Senator or Congressman responsible for the passage of the controversial Columbia River Gorge Scenic Act. One of the signs caught the attention of the State Highway Department earlier this year and galled them.

"Oregon's a scenic state, we can't have billboard like yours", they roared on the telephone, "take it down or we will". It's the law, they said. To confirm the conversation they sent him a letter dated February 18th which cited the law and gave Gaul 30 days to respond.

Gaul had erected the billboard on private property located along Oregon State Highway 125, atop Crown Point, Northside, at milepoint 8.16 in Multnomah County. As he intended, it was where it could be seen, and the message is clearly a "political and ideological" statement that "Something Stinks in The Columbia Gorge".

The officious letter from the State would scare the "hell" out of most people, but not Will Gaul, especially the part which said, quote, "If you fail to respond, or if the sign is not removed or corrected as provided in this notice, it becomes subject to removal...if removed by the Highway Division, you will be billed for the costs. If there are any questions contact this office". That made him angry.

Irate, Will called his lawyer and told him about it, and wanted to know what could be done about it.

"How much money do you want to spend?", the lawyer asked, lawyers are like that you know, up front about money.

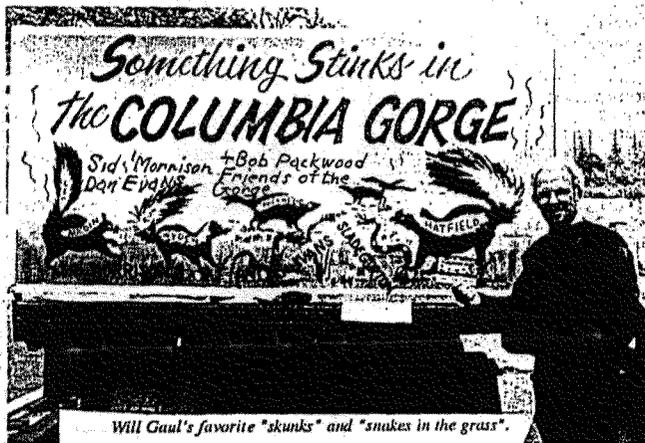
"Not much", Will told him, "but this is a first amendment right.

Anyway, the lawyer did nearly \$650 worth of legal research, and bingo.

In a letter to the Oregon State Highway Engineer the lawyer told them, quote

"The billboard is purely political, ideological speech and does not fall within one of the four recognized exceptions" ... in the law ... and Mr.

"The billboard is purely political, ideological speech and does not fall within one of the four recognized exceptions" ... in the law ... and Mr. Gaul requests a hearing to "challenge the constitutionality" of your edict.



Gorge Scenic Act

Foisted on citizens through Collusion, Conflict of Interest, Deceit, and Downright Crookedness by Oregon and Washington Bureaucrats and (Quisling Friends?) of the Columbia Gorge, stealing our property rights.

1st day issue of the above Columbia Gorge Post Cards at Rock Creek Center in Stevenson, Washington on Saturday, May 9th, 9:00 a.m. Free cards to the first 100 people who show up.

Gaul requests a hearing to "challenge the constitutionality" of your edict, or words to that effect.

It took the Oregon Department of Transportation a month to answer the lawyers letter. In it they said: "We've reviewed the 'violation', consulted with our Assistant Attorney General, we respectfully withdraw the violation notice. If there are any further questions please contact our office."

Gaul's skunk signs are still there. Hurray for the First Amendment of the Bill of Rights and freedom of speech! "But"; he asks, "why is that amendment more important than the Fifth and Fourteenth Amendment that says: 'nor shall private property be taken for public use without just compensation'".

"That's a plain, easy to understand, positive statement, it doesn't say Senator Mark Hatfield can pass a law depriving me of my property rights. But he did, and it cost me a bundle."

The reason behind the 'skunks'

Gaul owns two properties that happen to be included in the Columbia Gorge

Scenic Area. He acquired both of them with dollars he'd earned as a stone mason and from selling Christmas trees, and "did" it "all" with "investment expectations, too. He did it prior to the passage of the Scenic Act and the creation of the Columbia Gorge Commission which implements it.

One of the properties is a 30 acre parcel in Klickitat County Washington across from Hood River, Oregon. The County had agreed to a plan for it plotted for 6 parcels of 5 acres each. They reaffirmed this in a letter to him, recently.

Today, because of the Gorge Commission's land management plan he is prohibited from doing anything with it. He is not even allowed to build a home on it. The same applies to another property in Skamania County.

Gaul aims to get public attention, not only for himself but for the 40,000 other residents in the Gorge Scenic Area, who had their rights taken, too. He hopes they will help do something about it.

The Columbia Gorge Scenic Act was

The Columbia River Gorge is beautiful indeed and we want you to enjoy it to the fullest. However, at the expense of the citizens who live there, the Gorge Scenic Area was created through collusion, conflict of interest, deceit and downright crookedness by our Washington and Oregon State Representatives, U.S. Senators, State Attorney Generals, Governors, Gorge Commission and other Skunks with the help and cajoling force of the lobbying group known as The Friends (Quislings) of The Columbia Gorge and The 1000 Friends (Quislings) of Oregon. For proof and facts of this Fiasco send a stamped self addressed envelope to:

Willard Gaul
7301 S.W. 26th Ave.
Portland, Ore. 97219

imposed on them by Senator Mark Hatfield, his cohorts in Congress and the Friends of the Columbia Gorge. The will of the people was not considered or allowed to be expressed at the polls.

Gaul joins the party

On Saturday, May 9th, state and federal officials gathered in Stevenson, Washington to celebrate the issuance of a new U.S. Postal Service postcard depicting the beauty of the Columbia River Gorge, and also apparently their accomplishments in creating the Scenic Area.

Not to be outdone, Will Gaul was there too, with a "skunk postcard" he had printed. He distributed them from his "billboard truck" in the parking lot of Stevenson's Rock Creek Center—where the government's own postcard was revealed.

"I didn't expect them to come to my party, so I came to theirs," he said. "The cards make great gifts, use 'em to send a message to your Congressman", he urged.

"If you read The Oregonian, everything is coming up roses and they don't tell you about the problems they've helped create. Senator Hatfield ignores those hurt by his Scenic Act, and says he hasn't heard about any problems. Where in the world has he been?" Will asks.

To put some icing on the cake, Will put on his own air show.

He hired a private plane to tow a banner depicting a skunk and proclaiming "Something Stinks in the Columbia Gorge". The plane circled Stevenson during the Saturday morning celebration beginning at 10:45 a.m.

The plane and banner then traveled to The Dalles, at the east end of the National Scenic Area, and then west to Portland and flew over downtown Portland sometime between noon and 1:00 p.m.

Gaul's "skunk postcards" will be on sale at a number of tourist outlets throughout the Gorge, and at local and county fairs.

"They make great gifts," he said. "Use 'em to send a message to your Congressman."

Willard Gaul
7301 S.W. 26th Ave.
Portland, Ore. 97219

Counterpoint
P.O. Box 23894
Tigard Oregon
97221



Willard Gaul is offering anti-gorge commission signs to anyone willing to place them on their property.

Displeasure with gorge panel expressed

Willard Gaul is willing to share his protest message signs with other property owners

Saved — or sold?

Debate rages on, three years after Columbia Gorge protection act

by Bill Dietrich
Times staff reporter

WHITE SALMON, Klickitat County — Three years ago, Congress invented in the Columbia River Gorge a unique, ambitious and exasperating land-management scheme that is neither fish nor fowl.

One could call the Columbia River Gorge National Scenic Area a 75-mile-long park that is also home to 52,000 people. Or an economic-development area that has some of the most stringent land-use controls in the Pacific Northwest.

Results of the new law include not only a protected lake that winters 1,000 snow-white tundra swans, but also clear-cuts and condos. Accordingly, the debate over whether the gorgeous gorge was saved or sold out is as blustery as the canyon's powerful winds.

To recent visitors from the Hudson River Valley looking for a model to protect their own area, the Byzantine management scheme governing the 285,000-acre scenic area is a marvelous laboratory.

Some suggest the gorge could become a proving ground for Ecotopia, a demonstration of how cities, industry, wind surfers, tourists, loggers and spectacular scenery can coexist.

"The scenic area was a solution for protection of an area where there was a large amount (two-thirds) of private ownership," said Nancy Russell, chairwoman emeritus of the Portland-based, 1,500-member Friends of the Columbia Gorge, an environmental group that spearheaded the legislation.

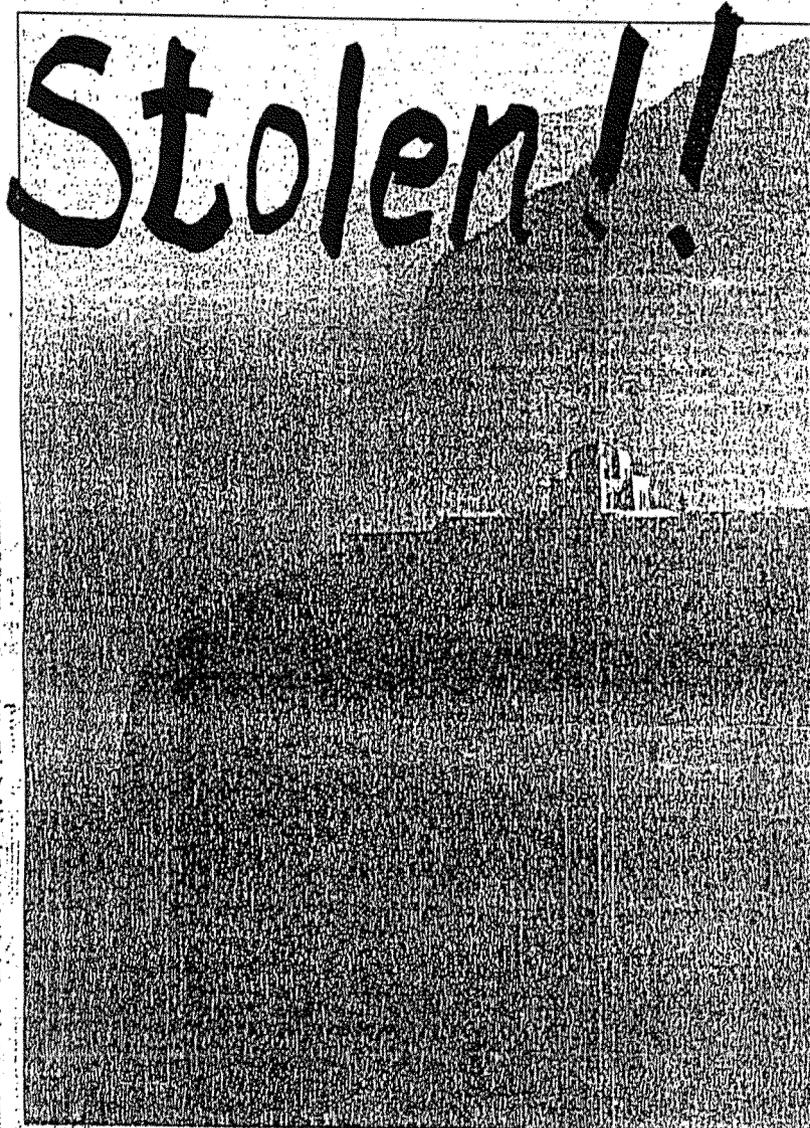
She and Richard Benner, director of the Columbia River Gorge Commission, envision a future in which the most sensitive areas are permanently protected and a new necklace of parks, campgrounds, bike paths and boat landings makes the gorge's beauty its strongest economic asset.

But the political compromise the gorge legislation represents is blasted from both sides.

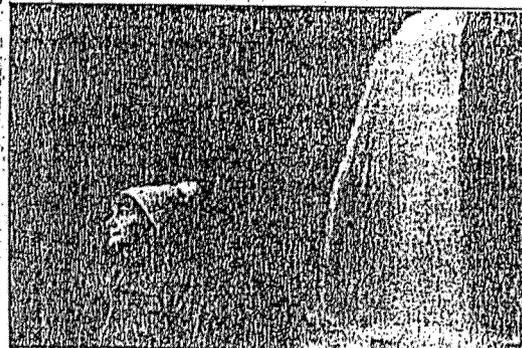
"I am quite bitter that my grandson and granddaughter are going to grow up in a communist world, and I think that is what this legislation is going to do," said Esson Smith of Stevenson, treasurer of Columbia Gorge United, a 400-member group challenging the constitutionality of the scenic area.

Smith, a 78-year-old retired tugboat captain, warns that if the courts confirm legality of the unelected 12-member Gorge Commission controlling land use, it will mark "the end of the U.S. as a republic."

He is not alone in such outrage. When the scenic area was being debated, a California conservative named Charles Cushman came to the gorge to organize opposition. In like fashion, Bud Quinn, president of Columbia Gorge United, was in Maine last week, warning landowners there to fight a similar proposal to manage New England's woods.



Vista house, on the Oregon side of the Columbia Gorge, is on Crown Point, 733 feet above the river.



Nancy Russell, chairwoman emeritus of the Friends of the Columbia Gorge, stands before Wankeena Falls.

Bruce Stevenson, president of the SDS Lumber Co. that dominates much of the gorge and who is a Portland neighbor of Russell's, also thinks environmental-

ists unfairly triumphed. "Everyone in the gorge except a few welfare hippies was against this legislation," he said. "We think the legislation itself is

somewhat balanced, but the way it is being administered is not balanced at all. The Gorge Commission wants to make the entire area as much as they can a park."

Yet the environmentalists who had envisioned a park are no happier.

"It is half a loaf, but in a way I would have preferred nothing," said Chuck Williams, who heads the 500-member Columbia Gorge Coalition. He said preservationists gave up too much. "Now, Congress has washed its hands of it. I see no hope for the Columbia River Gorge."

The decision to permit logging and put the Forest Service instead of the National Park Service in charge, he said, has made a sham of protection.

"We had no idea a pseudo-environmental group had been formed to sell us down the river," said Williams about Friends of the Gorge, which drew some of

Please see AREA on A 8

CIRCULATES IN THE HEART OF

THE SCENIC COLUMBIA GORGE

The Skamania County Pioneer

VOLUME NINETY-NINE, NUMBER FORTY-SIX, WEDNESDAY, NOVEMBER 13, 1991

Single copy 40 cents

Publication No. 497720

STEVENSON, WASHINGTON

Petition in Corbett

Dear Editor,

In the rural community of Corbett in East Multnomah County a petition is being circulated. This petition proposes that all Multnomah County lands east of the Sandy River be severed from the jurisdiction of Multnomah County and that these lands should subsequently come under the jurisdiction of Hood River County. Said petition is being met with widespread support from the citizens of the Corbett community.

What gives? Could something possibly be wrong in the paradise of the Columbia River Gorge: Who are these people who have the gall to question the rule of established authority? Have the self-perceived step-children of Multnomah County finally gone off the deep end? This writer thinks not.

Consider the following:

At the insistent urging of affluent and influential special interest groups your state and federal legislators passed legislation which abrogates the constitutionally guaranteed right of local land use and zoning control by locally elected officials. They give this power instead to a commission of individuals from six different counties in two different states. To this commission are appointed several individuals with close ties to the same special interest groups which promoted the legislation. These commissioners, who are not subject to recall, will tell you when, where and if you may build on your own land; what you may build; and even what color your building may be. Through such powers this commission will also determine the economic fate of your community now under their jurisdiction.

Is this a far-fetched scenario in a democratic country? One has only to conscientiously check the record to dispel the notion that residents of the Gorge are paranoid malcontents.

The legislation which created the Columbia River Gorge National Scenic Area was passed largely through the efforts of the

Friends of the Gorge (FOG), a powerful and influential special interest group based in the affluent West Hills of Portland. Gorge Commissioners Canard, Clark, Stafford, Bailey and Chapin all have or have had, close ties to the FOG. Only a furious letter writing and petitioning campaign by residents of East Multnomah County kept Nancy Russell, acknowledged guiding head of the FOG, from also being named to the Commission. Richard Benner, Executive Director of the Commission and now the newly appointed head of LCDC, comes from another affluent and influential special interest group 1,000 Friends of Oregon.

Does one detect a pattern here? One has only to check the record.

Under the management plan for the Gorge, Corbett was denied the urban status which allows for growth and economic development within such areas while much smaller communities in Washington were granted this status.

Not long ago it was proposed that a small laser assembly plant be put in the commercial center of the Corbett community. A non-polluting facility which by virtue of its proposed location near the local water district facility, post office and school buildings would have had no visual impact on the scenic beauty of the area. The plant would have been a welcome addition to the moribund local economy and the already overburdened tax base. Is it coincidence that the backers of this facility, which would have provided 20 jobs for local residents, withdrew consideration of the project after it was strongly objected to by the Friends of the Gorge? Does one perceive a pattern here?

Recently the tiny community of Bridal Veil and the Bridal Veil Mill were purchased by the Trust for Public Lands (TPL). Is it coincidence that the TPL, a special interest real estate brokerage based in California, is represented in this region by Nancy Russell? The mill is now being demolished to make way for the park, which Russell has long advocated for this location. The residents of the homes purchased by the TPL

have been evicted effective Oct. 31. Some have lived in Bridal Veil for as long as 20 years. Many work in the local area. By virtue of the tax exempt status of TPL, Bridal Veil has been removed from the tax roll of the already overburdened Corbett School District. The economic input of the displaced residents of Bridal Veil will also be missed in the area.

Is it coincidence that of the six counties under the control of the Gorge Commission (Multnomah, Hood River, Wasco, Skamania, Klickitat and Clark) five have thus far remained reluctant to ratify the master plan developed by the Commission expressing grave reservations about the effect of the plan on their respective economies. Only Multnomah County, in the person of County Commission Chair Gladys McCoy, has failed to perceive any flaw in the plan. The

plan has in fact been lauded by McCoy. Does one perceive a pattern here?

The list of inequities goes on and on. One has only to check the recorded facts to verify what has been asserted here. Would not such a situation be cause for grave concern in any community? This writer believes that it would.

The Corbett community is fighting once again to maintain its community identity, rural heritage, and economic existence. I urge all right thinking individuals to verify for themselves what has been asserted here and upon such verification to come to the aid of your fellow citizens in Corbett and throughout the other communities in the Gorge in their fight for what is rightfully theirs as American citizens.

Michael Granger
Corbett



Willard Gaul is offering anti-gorge commission signs to anyone willing to place them on their property.

Displeasure with gorge panel expressed

Willard Gaul is willing to share his protest message signs with other property owners.