

Meeting Date: December 29, 1992

Agenda No.: P-1

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM
(For Non-Budgetary Items)

SUBJECT: Second Reading - Gorge Ordinance

BCC Informal _____ BCC Formal December 29, 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: xx

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

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL _____

Or

DEPARTMENT MANAGER AC 

(All accompanying documents must have required signatures)

CLERK OF
COUNTY COMMISSIONERS
1992 DEC 22 PM 5:00
MULTNOMAH COUNTY
OREGON

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: _____

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON
ORDINANCE NO. _____

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.

Multnomah County Ordains as follows:

Section I. Findings.

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

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

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

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

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

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.

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

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

POLICY 41

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

STRATEGY

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

Section III. Amendment of Framework Plan Land Use Map.

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

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 Peter DuBay
John DuBay, Deputy County Counsel
26 of Multnomah County, Oregon

COLUMBIA RIVER GORGE NATIONAL SCENIC AREA

EXHIBIT C

Zoning Code Amendment



General Provisions	37-A-1
Zoning Districts	
Agriculture	37-A-25
Forestry	37-A-31
Open Space.....	37-A-35
Residential.....	37-A-37
Rural Center	37-A-41
Commercial	37-A-43
Recreation	37-A-45
Scenic Area Site Review	37-A-49
Scenic Review	
GMA	37-A-50
SMA	37-A-59
Cultural Resource Review	
GMA	37-A-62
SMA	37-A-68
Natural Resource	
GMA Wetland	37-A-71
GMA Stream, Lake & Riparian	37-A-76
GMA Wildlife	37-A-80
GMA Rare Plant	37-A-83
SMA Natural Resource	37-A-87
Recreation	
GMA	37-A-90
SMA	37-A-94

**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;

- (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.

(B) Supplemental information will be required for:

- (1) Forest practices in the Special Management Area,
- (2) Production and development of mineral resources in the General Management Area,
- (3) Proposed uses visible from Key Viewing Areas, and
- (4) Proposed uses located near cultural resources, wetlands, streams, ponds,

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

- (C) In addition to 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.

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.

	Type of Agriculture	Type of Buffer		
		Open or Fenced	Natural or Created Vegetation Barrier	8 foot Berm or Terrain Barrier
(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.	Orchards	250'	100'	75'
(9) Parking not associated with residential use shall be screened from Key Viewing Areas.	Row crops/vegetables	300'	100'	75'
(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).	Livestock grazing pasture, haying	100'	15'	20'
	Grains	200'	75'	50'
	Berries, vineyards	150'	50'	30'
(D) Bed and Breakfast Inns	Other	100'	50'	30'
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.	(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.			
(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.	(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.			
(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:

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

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 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 located

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 parcel which was legally created and existed prior to November 17, 1986, a single-family dwelling not in conjunction with agricultural use upon a demonstration that:
 - (a) The dwelling will not force a change in or increase the cost of accepted agricultural practices on surrounding lands;
 - (b) The subject parcel is predominantly unsuitable for the production of farm crops and livestock, considering soils, terrain, location and size of the parcel. Size alone shall not be used to determine whether a parcel is unsuitable for agricultural use. An analysis of suitability shall include the capability of the subject parcel to be utilized in conjunction with other agricultural operations in the area;
 - (c) The dwelling shall be set back from any abutting parcel designated GGA, as required in MCC .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:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

MCC .3834.

(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.

11.15.3612 Dimensional Requirements

(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:

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

(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.

11.15.3614 Off-Street Parking and Loading

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

11.15.3616 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.

11.15.3618 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) The following conditional uses may be allowed on lands designated GSF, pursuant to the provisions of MCC .3568.

(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 if the minimum necessary to provide the service.

(3) Fish hatcheries and aquiculture 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.

(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.

11.15.3640 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.

11.15.3638 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:

11.15.3650 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.

11.15.3660 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.

11.15.3662 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.

**11.15.3670 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.

11.15.3672 Area Affected

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

11.15.3674 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.

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.

(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

dwelling, 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.

11.15.3678 Uses Under Prescribed Conditions

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

- (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.
- (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.
- (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
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30	10	30	30
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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.



**Columbia River Gorge
National Scenic Area
Commercial District**

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:

established by ordinance.

(1) Public natural resource-based recreational facilities, consistent with MCC .3834.

(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.

(2) Public non-profit group camps, retreats, conference or educational centers, and interpretive facilities.

11.15.3758 Off-Street Parking and Loading

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

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

(a) There is no alternative location with less adverse effect on Public Recreation land.

11.15.3760 Access

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

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.

(4) A single family residence on a parcel 40 acres or larger, when found to be necessary for the management of:

11.15.3762 Signs

Signs, pursuant to the provisions of MCC .3582.

(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.

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
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30	10	30	30
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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 non-reflective, 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

(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:

(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.

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

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

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

screened from any Key Viewing Area; and

(c) A reclamation plan to restore the area to a natural appearance which blends with and emulates surrounding landforms to the maximum extent practicable has been approved 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).

(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.).

(26) Compliance with specific approval conditions to achieve visual subordination (such as landscaped screening), except mining and associated activities, shall occur within a period not to exceed 2 years after the date of development approval.

(C) All 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 1¹/₂ 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 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.

- (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.

(F) Stream, Pond, and Lake Buffer Zones

- (1) Buffer zones shall generally be measured landward from the ordinary high water-mark on a horizontal scale that is perpendicular to the ordinary high water-mark. On the main stem of the Columbia River above Bonneville Dam, buffer zones shall be measured landward from the normal pool elevation of the Columbia River. The following buffer zone widths shall be required:
 - (a) Streams used by anadromous or resident fish (tributary fish habitat), special streams, intermittent streams that include year-round pools, and perennial streams: 100 feet
 - (b) Intermittent streams, provided they are not used by anadromous or resident fish: 50 feet
 - (c) Ponds and lakes: Buffer zone widths shall be based on dominant vegetative community and shall comply with MCC .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 water-mark or normal pool delineation. In the event the adjusted boundary delineation is contested by the applicant, the Planning Director shall, at the project applicant's expense, obtain professional

services to render a final delineation.

(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:

- (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
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Endangered:

Peregrine falcon	<i>Falco peregrinus*</i>
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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>Histrionica histrionica</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>Phacotriton 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>multinoma</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 suksdorfii</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, livestock 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.
- (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.

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) 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.

Mult Co Bd of Commissioners

BCC ✓

I am in full agreement with
the Friends of the Columbia Gorge.
I treasure the years I lived
in Wyeth and traveled the
scenic route frequently.

I am not in favor of "non-
Resource dwellings allowed
out-right within resource
lands."

It would be wonderful
if the old hi-way could
be kept as it was 50 years
ago. No more buildings
of any kind.

Sincerely

Edna M. Chapman

BOARD OF
COUNTY COMMISSIONERS

1992 DEC 23 AM 8:53

MULTNOMAH COUNTY
OREGON

Mrs. James H. Chapman
2043 S.E. Oakcrest Drive
Hillsboro Oregon 97123

12-27-92

P-1 12/29/92
BCC ✓

Dear Commissioners,

We would like to express concern that the ordinances for the care of the Columbia River Gorge be developed in strict compliance with the Permanent Management Plan adopted by the Gorge Commission in October, 1991.

It has come to our attention that non-resource dwelling are allowed on resource lands. This significantly reduces protection. Please support full Columbia River Gorge protection. This beautiful land deserves our highest regard and care. Follow the mandate of the National Scenic

Thank you,

Margaret Ed. Vranizan
8765 SW Hillview Tr.
Portland, Oregon 97225

1992 DEC 28
CLARK COUNTY BOARD OF COMMISSIONERS
CLARK COUNTY, OREGON
RECEIVED
12-29-92

BOARD OF
COUNTY COMMISSIONERS

1992 DEC 28 PM 2:37

MULTNOMAH COUNTY
OREGON

DATE: December 28, 1992

TO: Gladys McCoy
Pauline Anderson
Gary Hansen
Rick Bauman
Sharron Kelley

This letter concerns the recreation intensity Zone 4 area in the Bridal Veil area. There currently are four quiet homes in the immediate area of the aforementioned Zone 4. We have been informed of plans arising to build a Zone 4 capacity campsite in this area. One of the four homes in this area is situated with the only road to the Zone 4 area passing within 30 feet of the living room and continuing along the entire property which currently remains as quiet, private, and as peaceful as the day the resident bought the land. Construction of a campsite would mean traffic all along this route from a 1000 person capacity recreational facility including RV's, campers, cars, debris, littering, noise and most dangerously, increased possible fire hazards from careless campers.

The residents of Bridal Veil and myself appeal to management planning and whomever else would be involved with this consideration. It is a crucial concern to us that these recreational sites be distanced far enough away from a residence so as not to infringe on these homeowners' rights to privacy. Plans such as these should always include the consideration of the people involved.

Currently a recognized sanctuary of untouched wildlife and forest, the Gorge with its waterfalls, paths, and unique value should, in my opinion, never be considered for recreational development. Lucrative as campsites and recreational areas may be, they will hardly inspire the awe which now prevails. We are aware of possible tradeoffs that validate recreational zoning, but the immediate concern should also encompass the bigger picture of how it will affect the Gorge. Do we want a recreational playground or do we want to maintain the sanctuary for everyone to visit without overpopulating.

Sincerely,

Lori Davidson
Business Owner &
Concerned Citizen

12/29/92
P-1

Saturday, December 19, 1992

Dear Multnomah County Board of Commissioners,

Unfortunately, due to my job, I will be unable to attend the upcoming public meetings in the Courthouse; I write instead.

Concerning the required ordinances regarding the Columbia River Gorge National Scenic Area Act Multnomah County must develop, I would like to urge the Board of Commissioners to take special note of, and reject, the provision allowing non-resource dwellings within resource lands. This would considerably diminish the protection of these environmentally important and sensitive lands. The county has the ability to under the Oregon Land Use Goals Act to restrict non-resource dwellings within resource lands, and I write asking that they do.

Constructing the ordinances in this way will enable the process to move forward, and in doing so will bring National Scenic Dollars to Multnomah County and eliminate the two tier process and restore local control envisioned in the National Scenic Area Act.

Please, no dwellings within resource lands.

Sincerely



MATTHEW A. GALAHER
1925 S.E. 35th
Portland, OR. 97214

BOARD OF
COUNTY COMMISSIONERS
1992 DEC 28 PM 5:02
MULTNOMAH COUNTY
OREGON

BCC ✓
0668 S.W. PALATINE ROAD
PORTLAND, OR 97219

BOARD OF
COUNTY COMMISSIONERS

1993 JAN -42 AM 11:45

Multnomah County Commissioner
1021 SW Fourth Ave.
Portland OR 97204
MULTNOMAH COUNTY
OREGON

Dear Commission:

Your Land Use Ordinance for the Columbia Gorge as it comes from the Planning Commission looks to be good in general. I hope you will quickly pass it with one exception.

The greatest long term threat to the Gorge is suburbanization. Gradually what is now rural and forest lands can be turned irrevocably into miles and miles of halfway country, halfway urban.

To prevent this I hope you will see that there are firm standards for all farm and forest lands protecting against unnecessary building. Any structure on farm land should be justified for its function in agriculture; any structure on forest land should be justified by its necessity for forest management.

Let's keep the Gorge as our unique treasure, not let it be whittled away.


John B. Marks.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON
ORDINANCE NO. _____

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.

Multnomah County Ordains as follows:

REVISED
12/29/92

Section I. Findings.

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

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

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

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

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

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.

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

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

POLICY 41

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

STRATEGY

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

Section III. Amendment of Framework Plan Land Use Map.

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

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 592, 635 through 651, 653 and 654, 657A and B, 658
9 and 659, 662 and 663, 666 through 669, 718 through 752, 754 through 765, 767 through 771, 773 through
10 776, 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 _____, 199 _____ being the date of its _____
17 reading before the Board of County Commissioners of Multnomah County.

18

19

20 (SEAL)

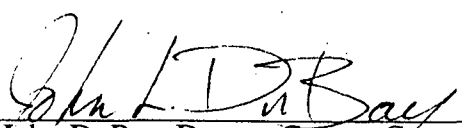
21

By _____
Gladys McCoy, County Chair
MULTNOMAH COUNTY, OREGON

22

23 REVIEWED:

24

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

TESTIMONY OF GARY KAHN, FRIENDS OF THE COLUMBIA GORGE

DECEMBER 29, 1992

On December 22, 1992, Tamra Lisy, of our office, testified regarding this ordinance. I would like to briefly supplement her testimony. During her testimony she congratulated Multnomah County on being the first county to bring an ordinance to this stage of the process. She also testified that our review concluded that the ordinance is consistent with the Management Plan. The county should be commended. However, there are a few places where the new ordinance provides even less protection than your existing ordinance and we think that is a mistake.

The purpose behind the Congressional designation of the area as a National Scenic Area was to protect and enhance the scenic, natural, cultural and recreational resources of the Gorge. The biggest single pressure placed on those resources is additional residential development in agricultural and forest zones. With more residences comes more cleared land, more roads, more sewers, more telephone lines, more fires. In short, more conflicts with the goal of protecting and enhancing resources.

Under current zoning, in an exclusive forest use zone, a dwelling not in conjunction with farm use may be allowed only if a long list of conditions are met. Your new ordinance reduces the protection. Lands to be designated GGA-20 in your ordinance - equivalent to A-2 in the Management Plan - may have a dwelling on any legally existing parcel. This is a vast difference from your current ordinance and will result in significant new residential development to the detriment of the resources of the National Scenic Area.

Multnomah County has recently amended its county wide ordinances regarding commercial and multiple use forestry zones. This was done to comply with requirements of the Land Conservation and Development Commission. The new requirements make it even more difficult to build nonresource-related dwellings in forest zones.

Yet, the proposed ordinance to implement the Scenic Area Act will open up more land to additional residential pressure than would occur under your newly adopted ordinance. In essence, the new ordinance would allow a new house on any parcel designated GGF-20. This is a significant reduction in protection.

Multnomah County has been the leader in implementing protection for the Gorge. It seems incongruous that your new ordinance will provide less protection than the existing ordinance. This is particularly appalling in light of the incredible

significance of the Columbia River Gorge National Scenic Area. We urge the Commission to reconsider reducing the protection in these resource zones and maintaining the existing ordinances for these areas.

Thank you.

COLUMBIA RIVER GORGE NATIONAL SCENIC AREA

12/29/92 P-1
Submission
Bob Hall

BOARD AMENDMENTS MADE AT
BOARD HEARING OF DECEMBER 22, 1992

A. MCC11.15.3572 is amended to read:

Any person or entity adversely affected by a final action or order of the (County) Approval Authority 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.

B. MCC 11.15.3578(B) [p. 37-A-19 of Exhibit C] is 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.

C. MCC 11.15.3832(E)(9) and .3834(A)(11) are added to 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.

C. 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.

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~~ (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 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.~~

(7) 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).

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

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

(10) 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.
- (11) 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 located to minimize the conversion of lands capable of production of farm crops and livestock and shall not force a significant change in or significantly increase the cost of accepted agricultural uses employed on nearby lands devoted to agricultural use.
 - (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, or~~ On a parcel which was legally created and existed prior to November 17, 1986, a single-family dwelling not in conjunction with agricultural use upon a demonstration that:
 - (a) The dwelling will not force a change in or increase the cost of accepted agricultural practices on surrounding lands;
 - (b) The subject parcel is predominantly unsuitable for the production of farm crops and livestock, considering soils, terrain, location and size of the parcel. Size alone shall not be used to determine whether a parcel is unsuitable for agricultural use. An analysis of suitability shall include the capability of the subject parcel to be utilized in conjunction with other agricultural operations in the area;
 - (c) The dwelling shall be set back from any abutting parcel designated GGA, as required in MCC .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:

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

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

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

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

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

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

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

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

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

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

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

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

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

(5) Recreation, interpretive and educational

developments and uses consistent with MCC .3834.

(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.

11.15.3612 Dimensional Requirements

(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:

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

(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.

11.15.3614 Off-Street Parking and Loading

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

11.15.3616 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.

11.15.3618 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 subject to:

(a) The location of a dwelling shall comply with MCC .3584 and MCC .3586.

(b) 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.

(c) The lot shall be composed primarily of soils which are capable of producing 0 to 49 cubic feet of Douglas Fir timber per acre per year (cf/ac/yr); and

(i) The lot, and at least all or part of 3 other lots exist within a 160-acre square when centered on the center of the subject lot parallel and perpendicular to section lines; and

(ii) One dwelling exists within the 160-acre square, or

(d) The lot shall be composed primarily of soils which are capable of producing 50 to 85 cf/ac/yr of Douglas Fir timber; and

(i) The lot, and at least all or part of 7 other lots exist within a 160-acre square when centered on the center

of the subject lot parallel and perpendicular to section lines; and

(ii) Three dwellings exist within the 160-acre square, or

(c) The lot shall be composed primarily of soils which are capable of producing above 85 cf/ac/yr of Douglas Fir timber; and

(i) The lot and at least all or part of 11 other lots exist within a 160-acre square when centered on the center of the subject lot parallel and perpendicular to section lines; and

(ii) Five dwellings exist within the 160-acre square.

(f) Enrollment in the state's forest assessment program if the parcel will qualify.

(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.
 - (vi) Road and structure construction and/or reconstruction design.
 - (vii) 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.

(g) Necessary for – As applied to forest management dwellings, the principal purpose for locating the dwelling is to enable the resident(s) to contribute substantially to the effective and efficient management of the forest land. A resident contributes substantially when the resident spends an extensive amount of time performing forest management activities which increase timber yields, quality or productivity, and which are recognized by the Forest Practices Act. Necessary for precludes a dwelling which simply "enhances" forest management. Necessary for also does not demand that a dwelling be absolutely required for forest management or that the production of trees is physically possible only with a dwelling.

(h) Accessory to – As applied to forest management dwellings, a dwelling that is incidental and subordinate to the main forest use.

(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).

(4) Life Estates on lands designated GGF-20, pursuant to MCC .3578.

(5) Home occupations and cottage industries pursuant to MCC .3570(C).

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

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

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

(a) There is no alternative location with less adverse effect on Forest Land, and

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

(3) Fish hatcheries and aquiculture facilities.

(4) Public recreation, commercial recreation, interpretive and educational 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.

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:

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

- (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
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30	10	30	30
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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.

11.15.3640 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.

ANNOTATED MINUTES

Tuesday, December 29, 1992 - 9:00 AM
Multnomah County Courthouse, Room 602

REGULAR MEETING

Chair Gladys McCoy convened the meeting at 9:02 a.m., with Vice-Chair Sharron Kelley, Commissioners Pauline Anderson and Rick Bauman present.

CHAIR MCCOY PRESENTED MULTNOMAH COUNTY
COMMEMORATIVE PLAQUES TO COMMISSIONERS PAULINE
ANDERSON AND RICK BAUMAN.

CONSENT CALENDAR

UPON MOTION OF COMMISSIONER KELLEY, SECONDED
BY COMMISSIONER ANDERSON, THE CONSENT CALENDAR,
(C-1 THROUGH C-9) WAS UNANIMOUSLY APPROVED.

DEPARTMENT OF HEALTH

- C-1 Ratification of Amendment No. 1 to Intergovernmental Agreement, Contract 103982, Between Multnomah County and the Oregon Department of Human Resources, Office of Medical Assistance Programs, Extending the Physician Care Organization Agreement for the Period January 1, 1993 to January 30, 1993
- C-2 Ratification of Intergovernmental Agreement, Contract 201313, Between Multnomah County and the Oregon Department of Human Resources, Adult and Family Services Division, wherein Multnomah County will be Compensated for Providing Medical Services for Refugees in the Refugee Early Employment Program, for the Period October 1, 1992 to September 30, 1993
- C-3 Ratification of Intergovernmental Agreement, Contract 201323, Between Multnomah County and the Oregon Health Division, wherein the State will Provide Research, Technical Assistance, Reporting and Grant Writing Services in Connection with Multnomah County's HIV Prevention in Women and Infants Grant, for the Period October 1, 1992 to September 30, 1993

DEPARTMENT OF SOCIAL SERVICES

- C-4 Ratification of Intergovernmental Agreement, Contract 100073, Between Multnomah County Mental Health, Youth and Family Services Division's Office of Child and Adolescent Mental Health and Clackamas County, Providing Day Treatment Services for Partners Project Clients, for the Period January 1, 1993 to June 30, 1993

DEPARTMENT OF ENVIRONMENTAL SERVICES

- C-5 ORDER in the Matter of the Sale of a Tax-Foreclosed Property to the PORTLAND DEVELOPMENT COMMISSION for

Low-Income Housing Purposes [10001 N WILLAMETTE BLVD]

ORDER 92-234.

- C-6 ORDER in the Matter of the Execution of Deed D930755 for Certain Tax Acquired Property to THE CITY OF PORTLAND, PORTLAND DEVELOPMENT COMMISSION [10001 N WILLAMETTE BLVD]

ORDER 92-235.

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

ORDER 92-236.

- C-8 ORDER in the Matter of the Execution of Deed D930832 Upon Complete Performance of a Contract to FERN CRANSHAW, Personal Representative of the Estate of PHILIP B. BURNETTE, JR

ORDER 92-237.

- C-9 ORDER in the Matter of Cancellation Land Sales Contract 15555 Between Multnomah County, Oregon and RONALD E. TAYLOR Upon Default of Payments and Performance of Covenants

ORDER 92-238.

Commissioner Gary Hansen arrived at 9:05 a.m.

REGULAR AGENDA

JUSTICE SERVICES

DISTRICT ATTORNEY

- R-1 Budget Modification DA #10 Requesting Authorization to Add \$70,469 to the District Attorney's Budget, to Establish a Neighborhood Based Prosecution Program in the Central Business District, Pursuant to an Agreement Between Multnomah County and the Association for Portland Progress

MICHAEL SCHRUNK EXPLANATION AND RESPONSE TO BOARD QUESTIONS. UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER HANSEN, CONSIDERATION OF AN INTERGOVERNMENTAL AGREEMENT WAS UNANIMOUSLY APPROVED. UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER HANSEN, THE BOARD APPROVED BY ROLL CALL, UNANIMOUS CONSENT VOTE, RATIFICATION OF INTERGOVERNMENTAL AGREEMENT, CONTRACT 700093, BETWEEN MULTNOMAH COUNTY AND THE ASSOCIATION FOR PORTLAND PROGRESS, PROVIDING FUNDING FOR A NEIGHBORHOOD BASED PROSECUTION PROJECT IN THE CENTRAL BUSINESS DISTRICT. UPON MOTION OF COMMISSIONER ANDERSON, SECONDED BY COMMISSIONER KELLEY, R-1 WAS UNANIMOUSLY APPROVED.

SHERIFF'S OFFICE

- R-2 In the Matter of a Letter of Intent to Apply to the Community Investment Fund of the United Way of the Columbia-Willamette, for Grant Funds to Support a Pilot Program Entitled "REACHING INMATES' CHILDREN"

JOHN SCHWEITZER EXPLANATION AND RESPONSE TO BOARD QUESTIONS. UPON MOTION OF COMMISSIONER ANDERSON, SECONDED BY COMMISSIONER KELLEY, R-2 WAS UNANIMOUSLY APPROVED.

- R-3 RESOLUTION in the Matter of a Housing Allowance for Chaplains Serving the County Jails

LARRY AAB EXPLANATION AND RESPONSE TO BOARD QUESTIONS. UPON MOTION OF COMMISSIONER HANSEN, SECONDED BY COMMISSIONER KELLEY, RESOLUTION 92-239 WAS APPROVED WITH COMMISSIONERS KELLEY, HANSEN AND MCCOY VOTING AYE AND COMMISSIONERS ANDERSON AND BAUMAN VOTING NO.

- R-4 Budget Modification MCSO #6 Requesting Authorization to Restore Funds to Pay for Operation of the Courthouse Jail, for the Period January 1, 1993 to June 30, 1993

LARRY AAB AND MARK CAMPBELL EXPLANATION AND RESPONSE TO BOARD QUESTIONS. UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER HANSEN, R-4 WAS APPROVED WITH COMMISSIONERS ANDERSON, KELLEY, HANSEN AND MCCOY VOTING AYE AND COMMISSIONER BAUMAN VOTING NO.

- R-5 Budget Modification MCSO #7 Requesting Authorization to Reduce Sheriff's Office Professional Services Appropriation by \$50,000, Reducing the Amount Paid for the Emergency Communications Contract

UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER HANSEN, R-5 WAS UNANIMOUSLY APPROVED.

- R-6 Budget Modification MCSO #8 Requesting Authorization to Increase Inverness Jail Serial Levy Revenue, Appropriating Revenue for Work Crews, and Increasing the Appropriation for the Immigration and Naturalization Service

LARRY AAB EXPLANATION AND RESPONSE TO BOARD QUESTIONS. UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER HANSEN, R-6 WAS APPROVED WITH COMMISSIONERS ANDERSON, KELLEY, HANSEN AND MCCOY VOTING AYE AND COMMISSIONER BAUMAN VOTING NO.

The regular meeting was recessed at 9:39 a.m. and reconvened at 2:30 p.m. with all Commissioners present.

DEPARTMENT OF SOCIAL SERVICES

- R-7 First Reading of an ORDINANCE Relating to the Status of Certain Employees Whose Functions are Being Transferred to

Multnomah County

ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. REX SURFACE, SUSAN CLARK AND JOHN DuBAY EXPLANATION AND RESPONSE TO BOARD QUESTIONS. UPON MOTION OF COMMISSIONER BAUMAN, SECONDED BY COMMISSIONER HANSEN, THE ADDITION OF EMERGENCY CLAUSE LANGUAGE WAS UNANIMOUSLY APPROVED. UPON MOTION OF COMMISSIONER BAUMAN, SECONDED BY COMMISSIONER HANSEN, ORDINANCE 747 WAS UNANIMOUSLY APPROVED AS AMENDED. [AN ORDINANCE RELATING TO THE STATUS OF CERTAIN EMPLOYEES WHOSE FUNCTIONS ARE BEING TRANSFERRED TO MULTNOMAH COUNTY, AND DECLARING AN EMERGENCY].

- R-8 RESOLUTION in the Matter of Establishing the Multnomah County Detention Reform Committee to Implement the Annie E. Casey Foundation Planning Grant

MARIE EIGHMEY EXPLANATION AND RESPONSE TO BOARD QUESTIONS. UPON MOTION OF COMMISSIONER ANDERSON, SECONDED BY COMMISSIONER KELLEY, RESOLUTION 92-240 WAS UNANIMOUSLY APPROVED.

- R-9 Ratification of Intergovernmental Agreement, Contract 103693, Between the City of Portland and Multnomah County, wherein the County Provides Weatherization Services in City-Targeted Neighborhoods, in Conjunction with County-Operated Weatherization Programs for Low Income Households, for the Period October 12, 1992 to August 30, 1993

UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER ANDERSON, R-9 WAS UNANIMOUSLY APPROVED.

- R-10 Budget Modification DSS #36 Requesting Authorization to Increase the Housing and Community Services Division's Temporary Personnel Line by \$8,000 of City of Portland Block by Block Weatherization Funds

UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER ANDERSON, R-10 WAS UNANIMOUSLY APPROVED.

- R-11 Budget Modification DSS #37 Requesting Authorization to Reclassify an Office Assistant II to a Data Technician Position, within the Juvenile Justice Division Information Systems Unit

MARIE EIGHMEY EXPLANATION AND RESPONSE TO BOARD QUESTIONS. UPON MOTION OF COMMISSIONER HANSEN, SECONDED BY COMMISSIONER BAUMAN, R-11 WAS UNANIMOUSLY APPROVED.

- R-12 Budget Modification DSS #38 Requesting Authorization to Increase Budgeted Revenues in the Mental Health, Youth and Family Services Division Developmental Disabilities

Operations and Contracts Budgets by \$161,518, to Reflect the Current Grant Award from the State Mental Health Division

UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER ANDERSON, R-12 WAS UNANIMOUSLY APPROVED.

- R-13 Budget Modification DSS #39 Requesting Authorization to Increase Budgeted Revenues in the Mental Health, Youth and Family Services Division Developmental Disabilities Case Management Budget by \$254,351, to Reflect the Current Grant Award from the State Mental Health Division

UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER ANDERSON, R-13 WAS UNANIMOUSLY APPROVED.

- R-14 Budget Modification DSS #41 Requesting Authorization to Transfer State Funds within the Mental Health, Youth and Family Services Division, Emotional Disabilities Program, from Org 1305 Contracts to the Newly Created Org 1381, to Provide Involuntary Commitment Program Investigations

UPON MOTION OF COMMISSIONER BAUMAN, SECONDED BY COMMISSIONER ANDERSON, R-14 WAS UNANIMOUSLY APPROVED.

DEPARTMENT OF ENVIRONMENTAL SERVICES

- R-15 RESOLUTION in the Matter of the Acquisition of the WALNUT PARK BUILDING for County Purposes and Approval of Related Documents

DWAYNE PRATHER, PATRICIA SHAW AND BOB OBERST EXPLANATION AND RESPONSE TO BOARD QUESTIONS. TESTIMONY AND RESPONSE TO BOARD COMMENTS FROM FRANK GEARHART. UPON MOTION OF COMMISSIONER HANSEN, SECONDED BY COMMISSIONER ANDERSON, RESOLUTION 92-241 WAS UNANIMOUSLY APPROVED.

NON-DEPARTMENTAL MANAGEMENT SUPPORT

- R-16 RESOLUTION in the Matter of Authorizing the Issuance and Negotiated Sale of Series 1993A Certificates of Participation, Authorizing the Certificates Purchase Agreement, the Lease Purchase and Escrow Agreement and the Preliminary and Final Official Statement, and Designating an Authorized Officer

UPON MOTION OF COMMISSIONER BAUMAN, SECONDED BY COMMISSIONER ANDERSON, RESOLUTION 92-242 WAS UNANIMOUSLY APPROVED.

NON-DEPARTMENTAL

- R-17 Request for Authorization for Multnomah County to Administer the Historic Columbia River Interpretive Panels

Project Grant

SHARON TIMKO EXPLANATION AND RESPONSE TO BOARD QUESTIONS. UPON MOTION OF COMMISSIONER HANSEN, SECONDED BY COMMISSIONER KELLEY, R-17 WAS UNANIMOUSLY APPROVED.

- R-18 RESOLUTION in the Matter of an Intergovernmental Agreement with the Portland School District and the City of Portland Designating PILOT Fund Use and Transferring Title to Dickinson Park and Kennedy School (Continued from December 17, 1992)

BOARD DISCUSSION. UPON MOTION OF COMMISSIONER BAUMAN, SECONDED BY COMMISSIONER HANSEN, RESOLUTION 92-243 WAS UNANIMOUSLY APPROVED.

- R-19 RESOLUTION in the Matter of Supporting a Three Lane Design for SE Foster Road Between 122nd and 136th and Urging Improvements to Occur in the Spring and Summer as Originally Scheduled

BOARD DISCUSSION AND COMMENTS. TESTIMONY FROM GAIL GILLILAND. UPON MOTION OF COMMISSIONER BAUMAN, SECONDED BY COMMISSIONER HANSEN, RESOLUTION 92-244 WAS UNANIMOUSLY APPROVED.

- R-20 RESOLUTION in the Matter of Naming 160 Acres of Old Growth Forest within Oxbow Park "THE PAULINE ANDERSON FOREST"

RESOLUTION READ. UPON MOTION OF COMMISSIONER BAUMAN, SECONDED BY COMMISSIONER HANSEN, RESOLUTION 92-245 WAS UNANIMOUSLY APPROVED. COMMISSIONER BAUMAN ADVISED THE DEDICATION CEREMONY IS SET FOR 10:30 AM, WEDNESDAY, DECEMBER 30, 1992.

- R-21 RESOLUTION in the Matter of Recognizing Commissioner Rick Bauman for his Considerable Contributions

RESOLUTION READ. UPON MOTION OF COMMISSIONER ANDERSON, SECONDED BY COMMISSIONER HANSEN, RESOLUTION 92-246 WAS APPROVED WITH COMMISSIONERS ANDERSON, KELLEY, HANSEN AND McCOY VOTING AYE AND COMMISSIONER BAUMAN ABSTAINING.

PUBLIC COMMENT

- R-22 Opportunity for Public Comment on Non-Agenda Matters. Testimony Limited to Three Minutes Per Person.

TOM FRONK EXPLANATION AND RESPONSE TO BOARD QUESTIONS. UPON MOTION OF COMMISSIONER ANDERSON, SECONDED BY COMMISSIONER HANSEN, CONSIDERATION OF AN INTERGOVERNMENTAL AGREEMENT WAS UNANIMOUSLY APPROVED. UPON MOTION OF COMMISSIONER BAUMAN, SECONDED BY COMMISSIONER ANDERSON, THE BOARD APPROVED BY ROLL CALL,

UNANIMOUS CONSENT VOTE, RATIFICATION OF INTERGOVERNMENTAL AGREEMENT, CONTRACT 200923, BETWEEN THE OREGON OFFICE OF MEDICAL ASSISTANCE PROGRAMS AND MULTNOMAH COUNTY, PROVIDING REIMBURSEMENT FOR HIV TARGETED CASE MANAGEMENT PROGRAM SERVICES.

There being no further business, the regular meeting was adjourned at 3:40 p.m.

OFFICE OF THE BOARD CLERK
for MULTNOMAH COUNTY, OREGON

By Deborah C. Doustan

Tuesday, December 29, 1992 - 9:40 AM
Multnomah County Courthouse, Room 602

BOARD BRIEFING

B-1 Citizen Involvement Committee Annual Report. Presented by Citizen Involvement Committee Chair Michael Schultz and Executive Director John Legry.

MR. LEGRY ADVISED A BOARD BRIEFING ON THE DEDICATED FUND REVIEW WILL BE SCHEDULED IN MARCH.

Tuesday, December 29, 1992 - 9:50 AM
Multnomah County Courthouse, Room 602

PLANNING ITEMS

Chair Gladys McCoy convened the meeting at 9:50 a.m., with Vice-Chair Sharron Kelley, Commissioners Pauline Anderson and Rick Bauman present.

P-1 C 6-92 Second Reading and Possible Adoption of 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.

ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. STAFF SUBMITTED COPIES OF THE MANAGEMENT PLAN, MAPS AND ZONING CODE REVISION AMENDMENTS MADE AT THE FIRST READING. EXPLANATION AND RESPONSE TO BOARD QUESTIONS BY BOB HALL. COMMISSIONER ANDERSON MOVED AND COMMISSIONER HANSEN SECONDED, APPROVAL OF THE SECOND READING OF THE ORDINANCE. TESTIMONY FROM GARY KAHN, FRIENDS OF THE COLUMBIA GORGE. COMMISSIONER ANDERSON MOVED, SECONDED BY COMMISSIONER BAUMAN, AMENDMENTS WHICH WILL KEEP THE GORGE CONSISTENT WITH THE REST OF THE

COUNTY COMPREHENSIVE PLAN. DISCUSSION AND
RESPONSE TO BOARD QUESTIONS WITH PETER
LIVINGSTON, BOB HALL AND SCOTT PEMBLE.

At 10:15 a.m., motions and discussion were carried over to
2:15 p.m.

SCOTT PEMBLE, BOB HALL AND PETER LIVINGSTON
DISCUSSION AND RESPONSE TO BOARD QUESTIONS.
UPON MOTION OF COMMISSIONER ANDERSON, SECONDED
BY COMMISSIONER BAUMAN, THE BOARD UNANIMOUSLY
APPROVED AN AMENDMENT TO THE GORGE AGRICULTURE
ZONE WHICH WOULD MAKE IT CONSISTENT WITH THE
COUNTY'S EXISTING EXCLUSIVE FARM USE DISTRICT;
AN AMENDMENT TO THE GORGE FOREST ZONES
REQUIRING A GRID TEST AS PRESCRIBED UNDER GOAL
4; AND CLARIFICATION LANGUAGE TO PAGE 37 OF THE
GORGE SPECIAL FOREST AREA. UPON MOTION OF
COMMISSIONER BAUMAN, SECONDED BY COMMISSIONER
KELLEY, IT WAS UNANIMOUSLY APPROVED THAT A
THIRD READING BE SCHEDULED FOR THURSDAY,
JANUARY 7, 1993. COMMISSIONER KELLEY ADVISED
SHE WILL INTRODUCE A TECHNICAL AMENDMENT TO THE
PROPOSED ORDINANCE IN JANUARY.

P-2 C 9-92 PUBLIC HEARING - ON THE RECORD - 30 MINUTES
ORAL ARGUMENT PER SIDE. Review the Planning Commission
Decision of November 16, 1992, in the Matter of a
Comprehensive Plan Amendment (Inventory of Significant
Historic Resources) for the Bridal Veil Site at BRIDAL VEIL
ROAD AND EAST CROWN POINT HIGHWAY.

EX PARTE CONTACT DISCLOSURE BY BOARD. SANDY
MATTHEWSON PRESENTATION AND RESPONSE TO BOARD
QUESTIONS. TESTIMONY AND RESPONSE TO BOARD
QUESTIONS FROM CHRIS BECK, CHUCK ROLLINS, MIKE
BYRNES, SHAR PROHASKA, ALFRED STAEHLI, LAUREL
SLATER, NANCY RUSSELL, STEVE ABEL AND BOWEN
BLAIR.

The meeting was recessed at 11:25 a.m. and reconvened at
11:30 a.m. with all Commissioners present.

COMMISSIONER HANSEN MOVED, SECONDED BY
COMMISSIONER KELLEY, TO AFFIRM THE PLANNING
COMMISSION DECISION. FOLLOWING DISCUSSION,
COMMISSIONER BAUMAN MOVED, SECONDED BY
COMMISSIONER ANDERSON, TO AMEND THE PREVIOUS
MOTION AND SUBSTITUTE THE COMPROMISE REACHED BY
THE CROWN POINT COUNTRY HISTORIC SOCIETY AND
TRUST FOR PUBLIC LANDS AND ACCOMPANYING
FINDINGS. VOTE ON THE AMENDMENT FAILED WITH
COMMISSIONER BAUMAN VOTING AYE AND
COMMISSIONERS ANDERSON, KELLEY, HANSEN AND
McCOY VOTING NO. VOTE ON THE MOTION TO AFFIRM
THE PLANNING COMMISSION DECISION WAS APPROVED,
WITH COMMISSIONERS ANDERSON, KELLEY, HANSEN AND
McCOY VOTING AYE AND COMMISSIONER BAUMAN VOTING
NO. DISCUSSION CONCERNING ADOPTION OF THE

PLANNING COMMISSION FINDINGS. UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER HANSEN, ORDER 92-247 IN THE MATTER OF AMENDING THE COMPREHENSIVE FRAMEWORK PLAN TO INCLUDE BRIDAL VEIL IN THE COUNTY INVENTORY OF HISTORIC RESOURCES WAS APPROVED, WITH COMMISSIONERS ANDERSON, KELLEY, HANSEN AND MCCOY VOTING AYE AND COMMISSIONER BAUMAN VOTING NO. THE BOARD ENCOURAGED THE PARTIES TO CONTINUE COMPROMISE EFFORTS.

The meeting was recessed at 12:20 p.m. and reconvened at 1:35 p.m. with all Commissioners present.

The Following December 7, 1992 Decisions of the Planning and Zoning Hearings Officer are Reported to the Board for Review and Affirmation:

- P-3 CU 23-92 APPROVAL, SUBJECT TO CONDITIONS, Development of a Five-Acre Lot of Record with a Non-Resource Related Single Family Residence, for Property Located at 19102 NW LOGIE TRAIL ROAD.

DECISION READ, NO APPEAL FILED, UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER HANSEN, DECISION UNANIMOUSLY AFFIRMED.

- P-4 HV 23-92 APPROVAL, SUBJECT TO CONDITIONS, the Application in Specified Part. Satisfaction of Remaining Applicable Code Provisions is Deferred to a Subsequent Planning Director Review Before or in Conjunction with Issuance of a Placement Permit, Subject to Notice and the Opportunity for a Hearing as Indicated, for Property Located at 4444 SE 135TH AVENUE.

DECISION READ, NO APPEAL FILED, UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER HANSEN, DECISION UNANIMOUSLY AFFIRMED.

The Following December 16, 1992 Decision of the Planning and Zoning Hearings Officer is Reported to the Board for Review and Affirmation:

- P-5 LR 2-92 DENIAL of Appellants Appeal of an Administrative Decision Approving a Building Permit to Construct a Single Family Residence on a 10,000 Square Foot Lot Located at 01333 SW POMONA STREET.

SCOTT PEMBLE SUBMITTED A NOTICE OF REVIEW AND GAVE HEARING RECOMMENDATIONS. UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER ANDERSON, IT WAS UNANIMOUSLY APPROVED THAT A HEARING, ON THE RECORD, 15 MINUTES PER SIDE, BE SCHEDULED FOR TUESDAY, JANUARY 26, 1993.

- P-6 Recommendation for Approval of Business Location in the Matter of the Auto Wrecker's License Renewal of Frank Miller, for Property Located at 15015 NW MILL ROAD.

UPON MOTION OF COMMISSIONER HANSEN, SECONDED BY COMMISSIONER KELLEY, P-6 WAS UNANIMOUSLY APPROVED.

- P-7 Recommendation for Approval of Business Location in the Matter of the Auto Wrecker's License Renewal of Harold M. Milne, dba Loop Hi-Way Towing, for Property Located at 28609 SE ORIENT DRIVE.

UPON MOTION OF COMMISSIONER HANSEN, SECONDED BY COMMISSIONER KELLEY, P-7 WAS UNANIMOUSLY APPROVED.

- P-8 FINAL ORDER Vacating SEC 6-91a, and Approving HDP 4-91a in the Matter of the Review of the Hearings Officer Decision which Denied Significant Environmental Concern and Hillside Development Permits for an Amended Driveway Design with a Culvert and Stream Crossing [6125 NW THOMPSON ROAD]

UPON MOTION OF COMMISSIONER HANSEN, SECONDED BY COMMISSIONER ANDERSON, ORDER 92-248 WAS APPROVED WITH COMMISSIONERS ANDERSON, HANSEN AND McCOY VOTING AYE AND COMMISSIONERS BAUMAN AND KELLEY VOTING NO.

- P-9 PR 7-92 PUBLIC HEARING to make a decision regarding the proposed amendment concerning the Planning Commission recommendation to amend the Comprehensive Framework Plan designating property at 14545 NW ST. HELENS ROAD, "3-B" pursuant to OAR 660-16-010(2). This proposed amendment of the Comprehensive Plan was reported to the Board on December 8, 1992, but no action was taken. The Board will make a decision to either accept the recommendation of the Planning Commission or to call the matter up on its own motion. In the event of the latter, the Board will hear the matter at this meeting.

EXPLANATION AND RESPONSE TO BOARD QUESTIONS FROM SCOTT PEMBLE, NEIL KAGAN, PETER LIVINGSTON AND FRANK PARISI. MOTION OF COMMISSIONER ANDERSON, SECONDED BY COMMISSIONER BAUMAN, TO ACCEPT THE PLANNING COMMISSION RECOMMENDATION, WAS APPROVED, WITH COMMISSIONERS ANDERSON, BAUMAN AND McCOY VOTING AYE AND COMMISSIONERS KELLEY AND HANSEN VOTING NO. [ORDER 92-249 IN THE MATTER OF A GOAL 5 ESEE ANALYSIS FOR A 283 ACRE SITE LOCATED AT 14545 N.W. ST. HELENS ROAD]

- P-10 CU 14-92 PUBLIC HEARING - ON THE RECORD PLUS ADDITIONAL TESTIMONY AND EVIDENCE - 30 MINUTES ORAL ARGUMENT PER SIDE. Review the Planning Commission Decision of November 16, 1992, DENYING Conditional Use Request for a Ten-Year Permit to Mine, for Property Located at 14545 NW ST HELENS ROAD.

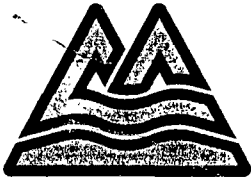
BOARD AND STAFF DISCUSSION. FRANK PARISI REQUESTED THAT THE HEARING BE CONTINUED TO JANUARY 12, 1993. UPON MOTION OF COMMISSIONER

KELLEY, SECONDED BY COMMISSIONER HANSEN, IT WAS UNANIMOUSLY APPROVED THAT THE HEARING BE CONTINUED TO TUESDAY, JANUARY 26, 1993, ON THE RECORD, 30 MINUTES PER SIDE.

There being no further business, the Planning Items portion of the meeting was adjourned at 2:30 p.m.

OFFICE OF THE BOARD CLERK
for MULTNOMAH COUNTY, OREGON

By DEBORAH L. BOASTO



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 28, 1992 - JANUARY 1, 1993

Tuesday, December 29, 1992 - 9:00 AM - Regular Meeting. . . .Page 2
Tuesday, December 29, 1992 - 9:30 AM - Board BriefingPage 5
Tuesday, December 29, 1992 - 9:50 PM - Planning ItemsPage 5
Tuesday, December 29, 1992 - 1:30 PM - Planning ItemsPage 5
Thursday, December 31, 1992 - MEETING CANCELLED

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 29, 1992 - 9:00 AM
Multnomah County Courthouse, Room 602

REGULAR MEETING

CONSENT CALENDAR

DEPARTMENT OF HEALTH

- C-1 Ratification of Amendment No. 1 to Intergovernmental Agreement, Contract 103982, Between Multnomah County and the Oregon Department of Human Resources, Office of Medical Assistance Programs, Extending the Physician Care Organization Agreement for the Period January 1, 1993 to January 30, 1993
- C-2 Ratification of Intergovernmental Agreement, Contract 201313, Between Multnomah County and the Oregon Department of Human Resources, Adult and Family Services Division, wherein Multnomah County will be Compensated for Providing Medical Services for Refugees in the Refugee Early Employment Program, for the Period October 1, 1992 to September 30, 1993
- C-3 Ratification of Intergovernmental Agreement, Contract 201323, Between Multnomah County and the Oregon Health Division, wherein the State will Provide Research, Technical Assistance, Reporting and Grant Writing Services in Connection with Multnomah County's HIV Prevention in Women and Infants Grant, for the Period October 1, 1992 to September 30, 1993

DEPARTMENT OF SOCIAL SERVICES

- C-4 Ratification of Intergovernmental Agreement, Contract 100073, Between Multnomah County Mental Health, Youth and Family Services Division's Office of Child and Adolescent Mental Health and Clackamas County, Providing Day Treatment Services for Partners Project Clients, for the Period January 1, 1993 to June 30, 1993

DEPARTMENT OF ENVIRONMENTAL SERVICES

- C-5 ORDER in the Matter of the Sale of a Tax-Foreclosed Property to the PORTLAND DEVELOPMENT COMMISSION for Low-Income Housing Purposes [10001 N WILLAMETTE BLVD]
- C-6 ORDER in the Matter of the Execution of Deed D930755 for Certain Tax Acquired Property to THE CITY OF PORTLAND, PORTLAND DEVELOPMENT COMMISSION [10001 N WILLAMETTE BLVD]
- C-7 ORDER in the Matter of Contract 15718 for the Sale of Certain Real Property to BERTHA L. HARMON
- C-8 ORDER in the Matter of the Execution of Deed D930832 Upon Complete Performance of a Contract to FERN CRANSHAW, Personal Representative of the Estate of PHILIP B. BURNETTE, JR

- C-9 ORDER in the Matter of Cancellation Land Sales Contract 15555 Between Multnomah County, Oregon and RONALD E. TAYLOR Upon Default of Payments and Performance of Covenants

REGULAR AGENDA

JUSTICE SERVICES

DISTRICT ATTORNEY

- R-1 Budget Modification DA #10 Requesting Authorization to Add \$70,469 to the District Attorney's Budget, to Establish a Neighborhood Based Prosecution Program in the Central Business District, Pursuant to an Agreement Between Multnomah County and the Association for Portland Progress

SHERIFF'S OFFICE

- R-2 In the Matter of a Letter of Intent to Apply to the Community Investment Fund of the United Way of the Columbia-Willamette, for Grant Funds to Support a Pilot Program Entitled "REACHING INMATES' CHILDREN"
- R-3 RESOLUTION in the Matter of a Housing Allowance for Chaplains Serving the County Jails
- R-4 Budget Modification MCSO #6 Requesting Authorization to Restore Funds to Pay for Operation of the Courthouse Jail, for the Period January 1, 1993 to June 30, 1993
- R-5 Budget Modification MCSO #7 Requesting Authorization to Reduce Sheriff's Office Professional Services Appropriation by \$50,000, Reducing the Amount Paid for the Emergency Communications Contract
- R-6 Budget Modification MCSO #8 Requesting Authorization to Increase Inverness Jail Serial Levy Revenue, Appropriating Revenue for Work Crews, and Increasing the Appropriation for the Immigration and Naturalization Service

DEPARTMENT OF SOCIAL SERVICES

- R-7 First Reading of an ORDINANCE Relating to the Status of Certain Employees Whose Functions are Being Transferred to Multnomah County
- R-8 RESOLUTION in the Matter of Establishing the Multnomah County Detention Reform Committee to Implement the Annie E. Casey Foundation Planning Grant
- R-9 Ratification of Intergovernmental Agreement, Contract 103693, Between the City of Portland and Multnomah County, wherein the County Provides Weatherization Services in City-Targeted Neighborhoods, in Conjunction with County-Operated Weatherization Programs for Low Income Households, for the Period October 12, 1992 to August 30, 1993

- R-10 Budget Modification DSS #36 Requesting Authorization to Increase the Housing and Community Services Division's Temporary Personnel Line by \$8,000 of City of Portland Block by Block Weatherization Funds
- R-11 Budget Modification DSS #37 Requesting Authorization to Reclassify an Office Assistant II to a Data Technician Position, within the Juvenile Justice Division Information Systems Unit
- R-12 Budget Modification DSS #38 Requesting Authorization to Increase Budgeted Revenues in the Mental Health, Youth and Family Services Division Developmental Disabilities Operations and Contracts Budgets by \$161,518, to Reflect the Current Grant Award from the State Mental Health Division
- R-13 Budget Modification DSS #39 Requesting Authorization to Increase Budgeted Revenues in the Mental Health, Youth and Family Services Division Developmental Disabilities Case Management Budget by \$254,351, to Reflect the Current Grant Award from the State Mental Health Division
- R-14 Budget Modification DSS #41 Requesting Authorization to Transfer State Funds within the Mental Health, Youth and Family Services Division, Emotional Disabilities Program, from Org 1305 Contracts to the Newly Created Org 1381, to Provide Involuntary Commitment Program Investigations

DEPARTMENT OF ENVIRONMENTAL SERVICES

- R-15 RESOLUTION in the Matter of the Acquisition of the WALNUT PARK BUILDING for County Purposes and Approval of Related Documents

NON-DEPARTMENTAL

MANAGEMENT SUPPORT

- R-16 RESOLUTION in the Matter of Authorizing the Issuance and Negotiated Sale of Series 1993A Certificates of Participation, Authorizing the Certificates Purchase Agreement, the Lease Purchase and Escrow Agreement and the Preliminary and Final Official Statement, and Designating an Authorized Officer

NON-DEPARTMENTAL

- R-17 Request for Authorization for Multnomah County to Administer the Historic Columbia River Interpretive Panels Project Grant
- R-18 RESOLUTION in the Matter of an Intergovernmental Agreement with the Portland School District and the City of Portland Designating PILOT Fund Use and Transferring Title to Dickinson Park and Kennedy School (Continued from December 17, 1992)

- R-19 RESOLUTION in the Matter of Supporting a Three Lane Design for SE Foster Road Between 122nd and 136th and Urging Improvements to Occur in the Spring and Summer as Originally Scheduled
- R-20 RESOLUTION in the Matter of Naming 160 Acres of Old Growth Forest within Oxbow Park "THE PAULINE ANDERSON FOREST"
- R-21 RESOLUTION in the Matter of Recognizing Commissioner Rick Bauman for his Considerable Contributions

PUBLIC COMMENT

- R-22 Opportunity for Public Comment on Non-Agenda Matters. Testimony Limited to Three Minutes Per Person.

Tuesday, December 29, 1992 - 9:30 AM
Multnomah County Courthouse, Room 602

BOARD BRIEFING

- B-1 Citizen Involvement Committee Annual Report. Presented by Citizen Involvement Committee Chair Michael Schultz and Executive Director John Legry. 9:30 AM TIME CERTAIN, 20 MINUTES REQUESTED.

Tuesday, December 29, 1992 - 9:50 AM
Multnomah County Courthouse, Room 602

PLANNING ITEMS

- P-1 C 6-92 Second Reading and Possible Adoption of 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. 9:50 AM TIME CERTAIN, 10 MINUTES REQUESTED.
- P-2 C 9-92 PUBLIC HEARING - ON THE RECORD - 30 MINUTES ORAL ARGUMENT PER SIDE. Review the Planning Commission Decision of November 16, 1992, in the Matter of a Comprehensive Plan Amendment (Inventory of Significant Historic Resources) for the Bridal Veil Site at BRIDAL VEIL ROAD AND EAST CROWN POINT HIGHWAY. 10:00 AM TIME CERTAIN, 2 HOURS REQUESTED.

PLANNING ITEMS

Tuesday, December 29, 1992 - 1:30 PM
Multnomah County Courthouse, Room 602

The Following December 7, 1992 Decisions of the Planning and Zoning Hearings Officer are Reported to the Board for Review and Affirmation:

- P-3 CU 23-92 APPROVAL, SUBJECT TO CONDITIONS, Development of a Five-Acre Lot of Record with a Non-Resource Related Single Family Residence, for Property Located at 19102 NW LOGIE TRAIL ROAD.
- P-4 HV 23-92 APPROVAL, SUBJECT TO CONDITIONS, the Application in Specified Part. Satisfaction of Remaining Applicable Code Provisions is Deferred to a Subsequent Planning Director Review Before or in Conjunction with Issuance of a Placement Permit, Subject to Notice and the Opportunity for a Hearing as Indicated, for Property Located at 4444 SE 135TH AVENUE.
- The Following December 16, 1992 Decision of the Planning and Zoning Hearings Officer is Reported to the Board for Review and Affirmation:
- P-5 LR 2-92 DENIAL of Appellants Appeal of an Administrative Decision Approving a Building Permit to Construct a Single Family Residence on a 10,000 Square Foot Lot Located at 01333 SW POMONA STREET.
- P-6 Recommendation for Approval of Business Location in the Matter of the Auto Wrecker's License Renewal of Frank Miller, for Property Located at 15015 NW MILL ROAD.
- P-7 Recommendation for Approval of Business Location in the Matter of the Auto Wrecker's License Renewal of Harold M. Milne, dba Loop Hi-Way Towing, for Property Located at 28609 SE ORIENT DRIVE.
- P-8 FINAL ORDER Vacating SEC 6-91a, and Approving HDP 4-91a in the Matter of the Review of the Hearings Officer Decision which Denied Significant Environmental Concern and Hillside Development Permits for an Amended Driveway Design with a Culvert and Stream Crossing [6125 NW THOMPSON ROAD]
- P-9 PR 7-92 PUBLIC HEARING to make a decision regarding the proposed amendment concerning the Planning Commission recommendation to amend the Comprehensive Framework Plan designating property at 14545 NW ST. HELENS ROAD, "3-B" pursuant to OAR 660-16-010(2). This proposed amendment of the Comprehensive Plan was reported to the Board on December 8, 1992, but no action was taken. The Board will make a decision to either accept the recommendation of the Planning Commission or to call the matter up on its own motion. In the event of the latter, the Board will hear the matter at this meeting.
- P-10 CU 14-92 PUBLIC HEARING - ON THE RECORD PLUS ADDITIONAL TESTIMONY AND EVIDENCE - 30 MINUTES ORAL ARGUMENT PER SIDE. Review the Planning Commission Decision of November 16, 1992, DENYING Conditional Use Request for a Ten-Year Permit to Mine, for Property Located at 14545 NW ST HELENS ROAD. (P-9 AND P-10, 1:40 PM TIME CERTAIN, TWO HOURS REQUESTED)



MULTNOMAH COUNTY OREGON

DEPARTMENT OF ENVIRONMENTAL SERVICES
DIVISION OF PLANNING
AND DEVELOPMENT
2115 S.E. MORRISON STREET
PORTLAND, OREGON 97214
(503) 248-3043

BOARD OF COUNTY COMMISSIONERS
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RICK BAUMAN • DISTRICT 3 COMMISSIONER
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

BOARD OF COUNTY COMMISSIONERS

Tuesday, December 29 1992

9:30 a.m., Room 602

A G E N D A

Public Hearing - 9:50 a.m.

C 6-92 **Columbia River Gorge National Scenic Area**
9:50 a.m. **Second Reading**

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.

C 9-92 Review the Planning Commission Decision of November 16, 1992, in the mat-
10:00 a.m. ter of a Comprehensive Plan amendment (Inventory of Significant Historic
Resources) for the Bridal Veil site, located at **Bridal Veil and East Crown
Point Highway**

-Continued-

Other Item for Board Action - 1:30 p.m.

SEC 6-91a Adoption of Final Order to support Board's Decision of approval for an
HDP 4-91a amended driveway design with a culvert and fill stream crossing, all for
property located at 6125 NW Thompson Road.

**The following Decisions are reported to the Board for acceptance and implementation by
Board Order: 1:30 p.m.**

CU 23-92 Approve, subject to conditions, development of this 5-acre Lot of Record with a
non-resource related single family dwelling, for property located at 19102 NW
Logie Trail Road

HV 23-92 Approve, subject to conditions, the application in specified part. Satisfaction of
remaining applicable code provisions is deferred to a subsequent Planning Director
review before or in conjunction with issuance of a placement permit, subject to
notice and the opportunity for a hearing, all for property located at 4444 SE 135th

LR 2-92 Affirm the Administrative Decision of September 17, 1992 and Deny appeal of LR
2-92, all for property located at 01333 SW Pomona Street

Auto Wrecker's License Renewals:

Staff Recommendation of Approval:

28609 SE Orient Drive
Harold M. Milne (dba Loop Hi-Way Towing)

15015 NW Mill Road
Frank Miller

Public Hearing - 1:40 p.m.

CU 14-92 On The Record Plus Additional Testimony and Evidence - 1:40 p.m.
1:40 p.m.

Review the Planning Commission Decision of November 16, 1992, denying conditional use request for a ten-year permit to mine, for property located at **14545 NW St. Helens Road**

PR 7-92 Comprehensive Framework Plan Amendment
1:40 p.m.

The Board will consider the Planning Commission recommendation to amend the Comprehensive Framework Plan designating the subject property "3-B" pursuant to OAR 660-16-010(2). This proposed amendment of the Comprehensive Plan was reported to the Board on December 8, 1992, but no action was taken. Consequently, the Board will hold a hearing to make a decision regarding the proposed amendment. That decision will be to either accept the recommendation of the Planning Commission or to call the matter up on their own motion. In the event of the latter, the Board will hear this matter at this meeting.

REVISED
EXHIBIT
C

12/29/02

P-1

COLUMBIA RIVER GORGE NATIONAL SCENIC AREA

EXHIBIT C

Zoning Code Amendment



**Columbia River Gorge
National Scenic Area
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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 feed lots.

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;

- (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.

(B) Supplemental information will be required for:

- (1) Forest practices in the Special Management Area,
- (2) Production and development of mineral resources in the General Management Area,
- (3) Proposed uses visible from Key Viewing Areas, and
- (4) Proposed uses located near cultural resources, wetlands, streams, ponds,

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

- (C) In addition to the notice required by MCC .8220, the Planning Director shall notify the four Indian tribal governments, LCDRC, 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.

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.

	Type of Buffer	Open or Fenced	Natural or Created Vegetation Barrier	8 foot Berm or Terrain Barrier
(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.	Type of Agriculture			
	Orchards	250'	100'	75'
(9) Parking not associated with residential use shall be screened from Key Viewing Areas.	Row crops/vegetables	300'	100'	75'
(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).	Livestock grazing pasture, haying	100'	15'	20'
	Grains	200'	75'	50'
(D) Bed and Breakfast Inns	Berries, vineyards	150'	50'	30'
Bed and breakfast inns may be established as authorized in various districts subject to the following:	Other	100'	50'	30'
(1) Guests may not occupy a facility for more than 14 consecutive days.	(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.			
(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.	(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.			
(3) Parking areas shall be screened so as to not be visible from Key Viewing Areas.	(C) The necessary berming and/or planting must be completed during the first phase of development and maintained in good condition.			
(E) Alteration or expansion of pre-existing uses shall satisfy the standards of MCC .7640(B).	(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.			

11.15.3572 Appeals

Any person or entity adversely affected by a final action or order of the Approval Authority 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:

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

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); or

- (B) On lands designated GGF-20, one single-family dwelling on a legally created parcel upon enrollment in the state's forest assessment program. Upon a showing that a parcel cannot qualify, a parcel is entitled to one single-family dwelling. In either case, the location of the dwelling shall comply with MCC .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 interference with accepted forest or agricultural practices on nearby lands; and
- (4) The use will not significantly increase fire hazard, fire suppression costs or risks to fire suppression personnel and will comply with MCC .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 juris-

dictions 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, fiberglass shingle or tile. Roof materials such as cedar shake and shingle should not be used.
- (H) Any chimney or stovepipe on any structure for use with a woodstove or fireplace should be screened with no coarser than 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. Narrow canyons and draws should be avoided. Dwellings should be located to minimize the difficulty in gaining access to the structure in the case of fire. Dwellings should be located to make the access roads as short and flat as possible.
- (D) A variance to the siting standards of this subsection may be granted pursuant to the provisions of MCC .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.



Columbia River Gorge National Scenic Area Agricultural Districts

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 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 located to minimize the conversion of lands capable of production of farm crops and livestock and shall not force a significant change in or significantly increase the cost of accepted agricultural uses employed on nearby lands devoted to agricultural use.
 - (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:

- (a) There is no practicable alternative location with less adverse effect on agricultural or forest lands, and
 - (b) The size is the minimum necessary to provide the service.
- (19) Home occupations or cottage industries in existing residential or accessory structures, subject to MCC .3570(C).
- (20) Bed and breakfast inns in single-family dwellings, subject to MCC .3570(D) and provided that the residence:
- (a) Is included in the National Register of Historic Places; or
 - (b) Is identified and protected under MCC .6500 through 6522.
- (B) The following conditional uses may be allowed on lands designated GSA, pursuant to the provisions of MCC .3568 and .3580.
- (1) Exploration, development, and production of sand, gravel, and crushed rock for the construction, maintenance, or reconstruction of roads used to manage or harvest commercial forest products on lands within the Special Management Areas.
 - (2) Utility facilities necessary for public service upon a showing that:
 - (a) There is no alternative location with less adverse effect on Agriculture lands.
 - (b) The size is the minimum necessary to provide the service.
 - (3) Community facilities and non-profit facilities related to agricultural resource management.
 - (4) Expansion of existing non-profit group camps, retreats, and conference or education centers for the successful operation on the dedicated site. Expansion beyond the dedicated site is prohibited.
 - (5) Recreation, interpretive and educational developments and uses consistent with

MCC .3834.

- (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.

11.15.3612 Dimensional Requirements

- (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:

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

- (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.

11.15.3614 Off-Street Parking and Loading

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

11.15.3616 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.

11.15.3618 Signs

Signs, pursuant to the provisions of MCC .3582.



Columbia River Gorge National Scenic Area Forest Districts

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.

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| <ul style="list-style-type: none"> (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. | <ul style="list-style-type: none"> (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. |
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| <ul style="list-style-type: none"> (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: <ul style="list-style-type: none"> (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. | <ul style="list-style-type: none"> (7) Accessory structures over 60 square feet. (8) Temporary portable facility for the processing of forest products. |
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- 11.15.3636 Conditional Uses**
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| <ul style="list-style-type: none"> (A) The following conditional uses may be allowed on lands designated GGF, pursuant to the provisions of MCC .3568 and .3580(B): <ul style="list-style-type: none"> (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 |
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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) The following conditional uses may be allowed on lands designated GSF, pursuant to the provisions of MCC .3568.

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

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

(a) There is no alternative location with less adverse effect on Forest Land, and

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

(3) Fish hatcheries and aquiculture facilities.

(4) Public recreation, commercial recreation, interpretive and educational 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.

(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.

11.15.3640 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.

11.15.3638 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:

**11.15.3650 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.

11.15.3660 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.

11.15.3662 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.

**11.15.3670 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.

dwelling, 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:

- (1) One single-family dwelling per legally created parcel.

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.

- (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.



**Columbia River Gorge
National Scenic Area
Rural Center District**

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
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30	10	30	30
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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.



Columbia River Gorge National Scenic Area Recreation Districts

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:

established by ordinance.

- (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.

- (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
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30	10	30	30
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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



**Columbia River Gorge
National Scenic Area
Site Review**

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-

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| <p>ply with MCC .3814(A)(5); and</p> <p>(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:</p> <ul style="list-style-type: none"> (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. <p>(23) Unless addressed by subsection (22) above, new production and/or development of mineral resources may be allowed upon a demonstration that:</p> <ul style="list-style-type: none"> (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 | <p>screened from any Key Viewing Area; and</p> <p>(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).</p> <p>(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.</p> <p>(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.).</p> <p>(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.</p> <p>(C) All Uses Under Prescribed Conditions and Conditional Uses within the following landscape settings:</p> |
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(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 1¹/₂ 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.

- (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.

(F) Stream, Pond, and Lake Buffer Zones

- (1) Buffer zones shall generally be measured landward from the ordinary high water-mark on a horizontal scale that is perpendicular to the ordinary high water-mark. On the main stem of the Columbia River above Bonneville Dam, buffer zones shall be measured landward from the normal pool elevation of the Columbia River. The following buffer zone widths shall be required:
 - (a) Streams used by anadromous or resident fish (tributary fish habitat), special streams, intermittent streams that include year-round pools, and perennial streams: 100 feet
 - (b) Intermittent streams, provided they are not used by anadromous or resident fish: 50 feet
 - (c) Ponds and lakes: Buffer zone widths shall be based on dominant vegetative community and shall comply with MCC .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 water-mark or normal pool delineation. In the event the adjusted boundary delineation is contested by the applicant, the Planning Director shall, at the project applicant's expense, obtain professional

services to render a final delineation.

(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:

- (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
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Endangered:

Peregrine falcon	<i>Falco peregrinus*</i>
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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>Histrionica histrionica</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>Phacotriton 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>Sphyrapicus 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 oregonus</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
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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 oregonus</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
Violet suksdorfia

Scribneria bolanderi
Suksdorfia violacea

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, livestock 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 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 or 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.
- (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.

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) 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.

- (9) A demonstration that the proposed project or use will not generate traffic, either by type or volume, which would adversely affect the Historic Columbia River Highway, shall be required prior to approval.

(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 pave-

ments.

- (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 improvements within the same Recreation Intensity Class must be separated by at least one-quarter mile of undeveloped land (excluding trails, pathways, or access roads) from such developments or improvements.

- (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 considered 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.

(11) A demonstration that the proposed project or use will not generate traffic, either by type or volume, which would adversely affect the Historic Columbia River Highway, shall be required prior to approval.

(B) SMA Recreation Intensity Class Standards

(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.

#1

PLEASE PRINT LEGIBLY!

MEETING DATE 12-29-92

NAME Chris Beck TRUST FOR PUBLIC LAND

ADDRESS 1211 SW 6th
STREET
POX 97204
CITY ZIP CODE

I WISH TO SPEAK ON AGENDA ITEM # _____

SUPPORT ☒ _____ OPPOSE _____
SUBMIT TO BOARD CLERK

#2

PLEASE PRINT LEGIBLY!

MEETING DATE

12/29/92

NAME

Chuck Rollins

Crown
Point

ADDRESS

43010 2nd St

Country
Historical Society

STREET

La Touraine Falls

97019

CITY

ZIP CODE

I WISH TO SPEAK ON AGENDA ITEM #

Bridg/VA.

SUPPORT

OPPOSE

SUBMIT TO BOARD CLERK

#3 & #6

PLEASE PRINT LEGIBLY!

MEETING DATE 12/29/92

NAME Mike Byrnes Historic Preservation
League of Oregon

ADDRESS 5430 SW Amos Way
STREET

Portland OR 97225
CITY ZIP CODE

I WISH TO SPEAK ON AGENDA ITEM # P-2
C9-92

SUPPORT ✓ OPPOSE ✓
SUBMIT TO BOARD CLERK

#4

PLEASE PRINT LEGIBLY!

MEETING DATE

12/29/92

NAME

Shawn Probst

ADDRESS

3640 SW Dosch Rd

STREET

PHd or 97201

CITY

ZIP CODE

I WISH TO SPEAK ON AGENDA ITEM #

yes P-2

SUPPORT

OPPOSE

SUBMIT TO BOARD CLERK

Support Preservation

#5

OPPOSITE

PLEASE PRINT LEGIBLY!

MEETING DATE 29.12.92

NAME ALFRED M. STAENLI, FAIA

ADDRESS 317 SE 62nd Ave.

STREET

PORTLAND, OR. 97215-1307

CITY

ZIP CODE

I WISH TO SPEAK ON AGENDA ITEM # C9-92

SUPPORT

OPPOSE

☒

SUBMIT TO BOARD CLERK

#7

PLEASE PRINT LEGIBLY!

MEETING DATE 12-29

NAME Laurel Slater SLATER

ADDRESS Box 87

STREET Brdalveil OR 97010

CITY ZIP CODE

I WISH TO SPEAK ON AGENDA ITEM #

SUPPORT OPPOSE

SUBMIT TO BOARD CLERK

Support Process

Meeting Date: December 29, 1992

Agenda No.: P-2

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM
(For Non-Budgetary Items)

SUBJECT: C 9-92

BCC Informal _____ BCC Formal December 29, 1992
(date) (date)

DEPARTMENT DES DIVISION Planning

CONTACT Sharon Cowley TELEPHONE 2610

PERSON(S) MAKING PRESENTATION Sandy Mathewson

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☐ APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 2 hours

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

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

C 9-92 Review the Planning Commission Decision of November 16, 1992, in the matter of a Comprehensive Plan amendment (Inventory of Significant Historic Resources) for the Bridal Veil site at Bridal Veil and East Crown Point Highway

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL _____

Or

DEPARTMENT MANAGER 

(All accompanying documents must have required signatures)

1/7/93 COPIES
TO SHARON
COWLEY & SANDY
MATHEWSON
JANUARY 7, 1993
CLERK OF BOARD OF
COUNTY COMMISSIONERS
JULIA MOHAMMAD COUNTY
OREGON
1992 DEC 22 PM 4:58



BOARD HEARING OF DECEMBER 29, 1992

TIME 10:00 am

CASE NAME BRIDAL VEIL HISTORIC SIGNIFICANCE

NUMBER C9-92

1. Applicant Name/Address: Multnomah County

Appellant: Trust for Public Land
1211 SW Sixth Ave
Portland, OR 97204

2. Action Requested by applicant:

Consider historic significance of Bridal Veil as part of the Statewide Planning Goal 5 process, and amend the Comprehensive Plan inventory if significant. The Planning Commission decided that the site is significant. Appellants are appealing that decision.

ACTION REQUESTED OF BOARD	
<input type="checkbox"/>	Affirm Plan.Com./Hearings Officer
<input checked="" type="checkbox"/>	Hearing/Rehearing
<input type="checkbox"/>	Scope of Review
<input checked="" type="checkbox"/>	On the record
<input type="checkbox"/>	De Novo
<input type="checkbox"/>	New Information allowed

3. Planning Staff Recommendation: None

4. Planning Commission or Hearings Officer Decision:

Amend Comprehensive Framework Plan to include Bridal Veil in the inventory of historic resources.

5. If recommendation and decision are different, why?

Planning Staff chose to present the information on Bridal Veil's history in an unbiased manner and allow the Planning Commission and Board of Commissioners to make their own decision based on that information.

ISSUES

(who raised them?)

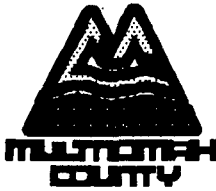
- a. Conformance with Gorge Scenic Area management plan. (issue raised by Trust for Public Land)
- b. Statewide Planning Goal 5 process (issue raised by Planning Staff)
- c. Physical integrity of buildings and cost/feasibility of restoration (issue raised by Trust for Public Land)

Do any of these issues have policy implications? Explain.

a., b. Which takes precedence - the interim Gorge Management Plan or Multnomah County Code? The Gorge Management Plan requires a survey and determination of significance for actions which would alter any building over 50 years old. Historic significance for NSA purposes is based on either eligibility for the National Register of Historic Places or significance to Indian Tribes. Multnomah county's historic survey process is acknowledged by the state to be in compliance with Statewide Planning Goal 5. Determination of significance is based on historical importance at the national, state, or county level. Policy questions are

raised concerning treatment of Bridal Veil if the county determines it to be historically significant while the NSA may not consider it to be significant if it is not National Register eligible.

c. Criteria for determining historic significance are found in the Comprehensive Framework Plan. Physical integrity of the resource is only one of six criteria. The Comprehensive Plan gives no guidance as to how many of the criteria must be met or if any of the criteria are more important than others. This is the first time that the Historic Site Criteria have been used. Policy and/or a Comprehensive plan amendment should be developed to specifically indicate if any criteria have more importance than others and how many of the six criteria must be met.



Notice of Public Hearing Board of County Commissioners

**Multnomah County
Board of County Commissioners**

**1021 SW 4th Avenue
Portland, Oregon 97204**

The Board of County Commissioners will hear an appeal of the following item on the date and at the time and place indicated below. The exact time may be later depending on the agenda schedule. The hearing will be conducted pursuant to the Board of County Commissioners *Rules of Procedure* (enclosed). Argument will be limited to parties who participated in the Planning Commission hearing or their authorized representatives. Failure to raise an issue in person, or by letter, or failure to provide sufficient specificity to allow the Board an opportunity to respond to the issue precludes appeal to LUBA on that issue. For further information, call 248-3043

Board of County Commissioners Members: Gladys McCoy, Chair – Pauline Anderson – Gary Hansen – Rick Bauman – Sharron Kelly

Date: 12/29/92 Time: 10:00 a.m. Place: Room 602, Multnomah County Courthouse

C 9-92

Public Hearing - On The Record

Review the Planning Commission Decision of November 16, 1992, in the matter of a Comprehensive Plan amendment (Inventory of Significant Historic Resources) for the Bridal Veil site at Bridal Veil Road and East Crown Point Highway.

This item has been appealed by Applicant, The Trust for Public Land.

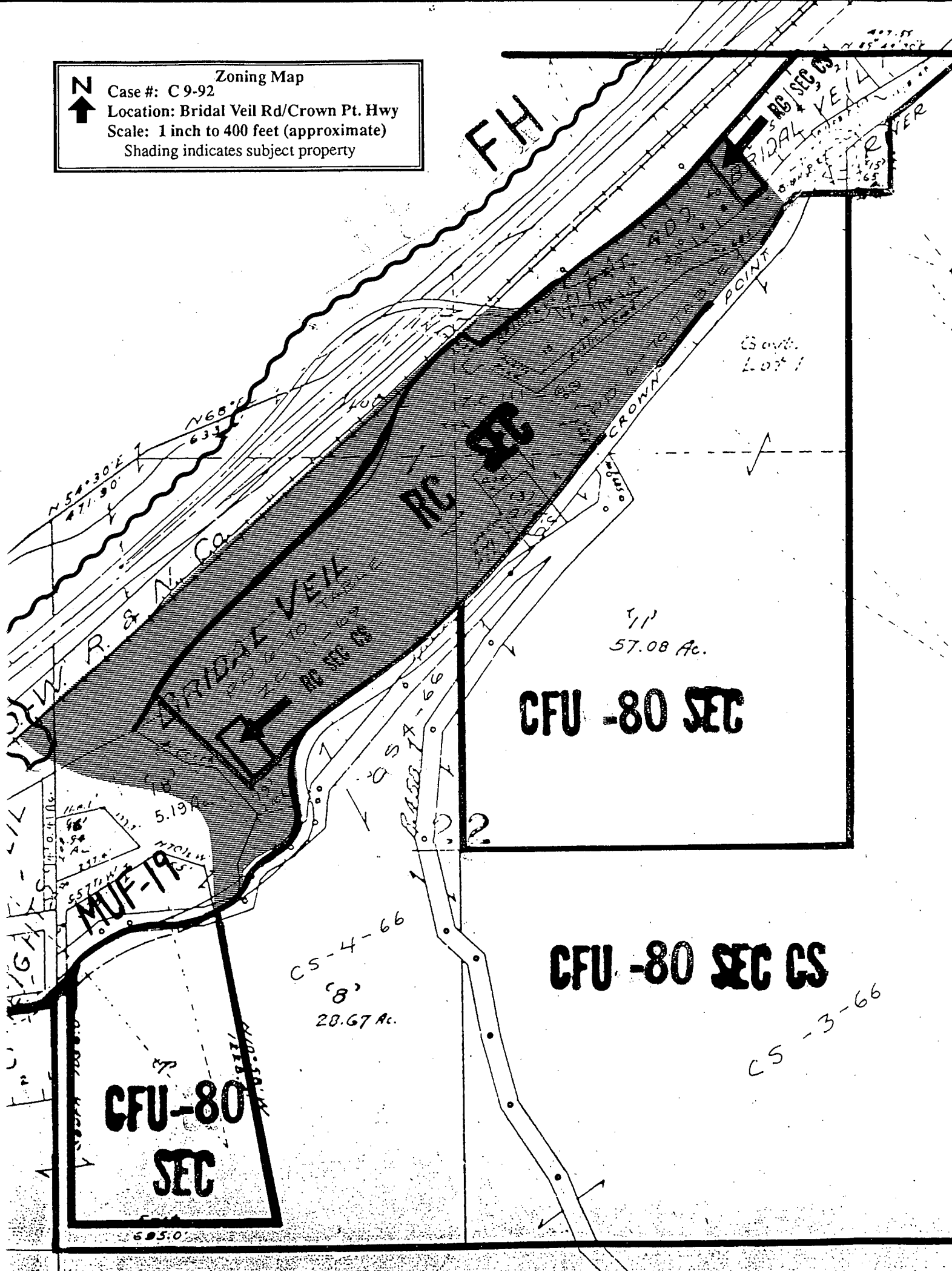
Scope of Review - On the Record

Oral Argument: Each side will have 30 minutes to present oral argument to the Board

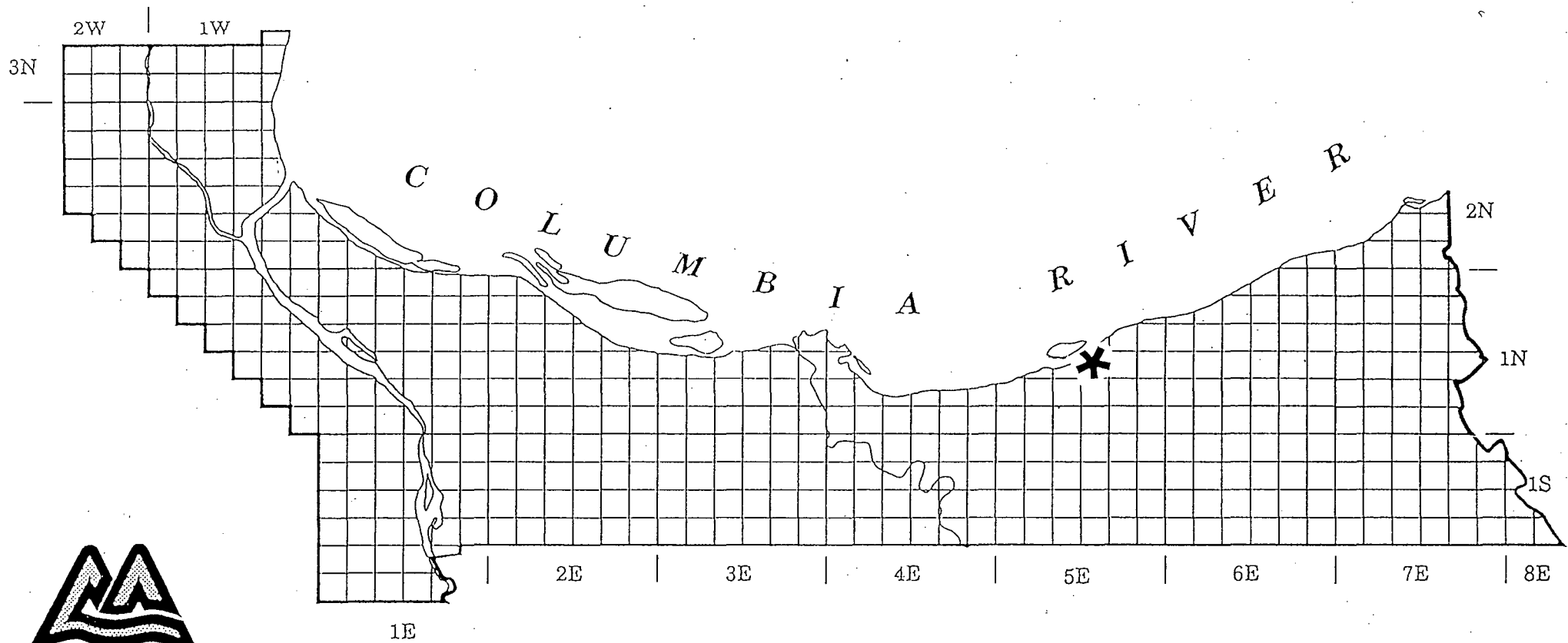
N

Scale: 1 inch to 400 feet (approximate)

Shading indicates subject property



BRIDAL VEIL, OREGON



MULTNOMAH COUNTY

Transcription of
C9-92

This is the appointed time for the hearing on Bridal Veil Road and Crown Point Highway case. This is case C-92. The question this evening is whether or not to designate the Bridal Veil town site as a significant historic resource in the Multnomah County conference of planned inventory. Before we get into the staff report on other parts of this hearing, recap what has gone on so far. Two weeks ago we began a hearing on this case with a staff report and presentations of approximately a half hour each from two specialists in historic resource evaluation and then we continue the hearing for public testimony this evening. On last Saturday evening there was a scheduled site visit with the Planning Commission and a representative from the owner of the property and one of the planning staff members and the County Planning Staff will explain what went on in that site visit and fill in the details on that. Before we get beyond that, have any of the other commissioners had an opportunity to visit the site or had any other xparty contact on this case?

Other Voice: I grew up I have been in several of the buildings.

Other Voice: Okay.

Other Voice: I was there with you so, George you've

Other Voice: I fall into the same category as Commissioner Une. I visited several years ago.

Other Voice: I conducted my own site visit.

Other Voice: Most of the commission have had an opportunity to visit the site first hand. There is considerable interest in this case and because of that I would suggest that we extend our normal ten minute on people in favor and people not position. I hear a motion to extend the allotted time periods to 30 minutes per side.

Other Voice: Commissioner Une second. Okay...discussion the motion, all those in favor.

Other Voices: I

Other Voice: Okay. We will extend our normal time period for the proponents and opponents to 30 minutes per side. Because we have so many people, I would ask that anybody wishing to testify sign up on a list with the clerk so that we can keep track and give

everybody a fair shot in order to give people an opportunity to speak I will limit the time to 5 minutes per person. I do have a timer here to keep track. Okay, with those introductory remarks we will now move to the staff report.

Sandy:

As you stated on October 17th, last Saturday, we did go out and conduct a site visit. Present were Commissioners' Douglas and Leonard and Chris Beck representing the Trust for Public Land and myself. We spent about two hours going through the site. We saw all of the buildings and we went in the majority of the buildings that weren't occupied. I think it gave everyone a good chance to get an in-depth view of what Bridal Veil actually looked like. As you stated on the October 5th Planning Commission Meeting, it gave us an opportunity to get some basic background on Bridal Veil. We started with a presentation of the staff report and then heard a presentation by both authors of both reports with opposing viewpoints, gave them an opportunity to present their reports and give additional background information. I believe Shar Prohaska and John Tess were the principle authors of those reports, are here tonight so if any of the planning commission members have questions I am sure they will be willing to answer them.

We have received quite a number of letters about the Bridal Veil issue. Since we have some we made copies for each member of the planning commission so that you don't have to pass the one letter up and down the line. Just as a brief overview of those letters, 15 are in favor of designating Bridal Veil as a significant historic site, the other 3 or 4 letters basically either suggested that more study be done or took kind of an in between role saying they saw value in both opposing written reports.

Tonight our focus will be on the criteria for designation of a historic resource. We have made a worksheet just for the planning commissions benefit. It is very simple. It just lists the criteria to be used. The 3 state criteria and the 6 county criteria. We have just simply listed the criteria and left blank space so that if you should wish to you can jot down information as to how Bridal Veil does or doesn't meet these criteria either from the background information you received two weeks ago or from testimony you received tonight. We do have a few extra copies of that

worksheet at the back table if anyone in the public who wishes to testify wishes to receive one. As I said there are three state goal five criteria that we are looking at tonight. Those are the location, quality and quantity. In addition there are six county criteria which are found in the county comprehensive framework plan. There has been some question as to whether Bridal Veil must comply with all six of these county criteria. We don't believe that that is the case; in fact it would be almost impossible for one historic site to meet all six of those criteria, whether it needs to meet just one or two or three is perhaps open for debate. It should be possible though I want to stress to find a middle ground here - we aren't looking at just whether all of the buildings have to be included and have to have their integrity in order to consider Bridal Veil to be a significant historic site. On the other hand, we don't have to base the decision specifically just on its past historic context. We probably can find a middle ground and perhaps consider its historic context and association but leave the specific details as to which specific buildings present that historic context for the second phase of this process as proposed two weeks ago at the hearing. So I guess that completes my stuff.

her Voice: Okay, before we go on if any questions.....

Scott Pemble: Mr. Chairman, audience members, I am Scott Pemble Planning Director. We have one before I make a comment here an introduction, we have received one other letter today ----- are the 19th from Elizabeth Walden Potter and I want to include that as part of your handout.

Before we start this evening I would like to introduce a person I refer to as a planning director emeritus who has had considerable experience with Multnomah County and has a long history with the Gorge. Bob Baldwin served as Planning Director and/or Program Manager with Multnomah County and correct me if I am wrong Bob from 1953 to 1981. He has had considerable involvement with respect to development of policy in Multnomah County and the Gorge area. We recently had a discussion of Bridal Veil. He made several comments that I thought would be worthwhile. He is neither proponent or opponent but hopefully he will shed some insights with you and with that we consider him as part of our staff

if you will tonight and add ---- staff that will share approximately 5 minutes of comment with you. Bob...

Bob Baldwin:

Mr. Chairman and members of the Planning Commission. My name is Bob Baldwin. My address is 5043 19th Drive in Portland. I welcome this opportunity to briefly discuss some of the considerations about the question of historical significance of Bridal Veil. There are matters, many of them were matters that were overlooked in the past. I have read the file on this item, I have visited the site extensively, I have studied the consultants' reports and recommendations. I learned more Bridal Veil in the last 5 days than I did in 29 years of experience on the County Planning Staff including 20 years as the Planning Director. With the intent of assisting you toward your decision and recommendations to the board, I wish to offer some observations and suggestions for action. I am impressed with the wealth of the historical documentation of the reports of the two consultants. Their factual information is excellent and they are largely in agreement with each other as to the facts. Where they are not in agreement however, they come to nearly opposite views in their sections in the findings, conclusions and recommendations. Briefly, the sum of the report by the Heritage Investment Corporation concentrates almost exclusively on the buildings or the absence of them and their present condition. In applying the criteria for findings of historical significance, the report first modifies the language of those criteria statements and then focuses on either "buildings or structures", considerations that are not in the criteria. For example, the criteria of the National Register of Historic Places lists four items, events, persons, design construction and informational potential. Only one of these has to do with building presence or absence and conditions of each building to all four of these criteria. In another example, the comprehensive framework sets out six evaluation criteria: historical, architectural, environmental, physical integrity, symbolic value and chronology. Again, only 1 or maybe 1 1/2 of these exclusively relates to structures. But the report applies structures to each within the context of the buildings alone. As a result, the authors conclude there is only a low level of historic significance at Bridal Veil because of the absence of some key buildings and

the poor quality of the balance. On the other hand the conclusions of the report of the Cultural Heritage Resource Consultants seem to go to the -- of extreme. Following a superior presentation of a historical background although somewhat competitive in parts. The report appears to stress the development potential beyond the practical. For example, it is suggested that the site affords the opportunity to interpret the history of native americans, Lewis and Clarke, Geology and Archeology, fishing and fish wheels, shipping, railroads, scenic highway, floor ----phona, lumbering, logging and milling. I submit that only the latter, lumbering, logging and milling pertain especially to this site. These other factors, although essential to the telling of the Columbia Gorge story, probably are better expressed better elsewhere in the Gorge than on this cramped site. Finally this report suggests, but does not apply a scale in that the site has potential as and I quote, "a cultural heritage/echo-tourism attraction". In my view if this means a sort of company milltown restoration or a Williamsburg West, it goes too far and yet both reports together with the staff report summary set the basis for considering Bridal Veil as historically significant. A few of the workers houses might be restored in part by pirating elements, windows etc. from others in order to portray the image of a company town. The cemetery should be restored and approved in any event. The post office is not the original building and its design is out of harmony with the community. This was just a shack moved up by personal grip and the postmaster, if you use the term postmistress, she will tell you that the Postal Service doesn't recognize post mistress. Says it is a very uncomfortable building and she freezes in the winter. But a post office is important in that community somewhere. Over 8,000 mailings a month are made from that post office in the spring and summer for wedding invitations. A relocation of the post office to one of the restored houses should be considered or at least a redesign of the present building. The church community hall has no historic value and yet it is used by the community and it does have a potential which wasn't mentioned as a wedding chapel because of the unique name of the community. The mill pond... nobody said anything about the mill pond and yet it might be retained and approved and marked as an element in the history of the area. The mill buildings, I think most people have

concluded have no stark significance. They are a hazard and they may well be removed promptly. My recommendations include your consideration of the following: If the Planning Commission finds that Bridal Veil is historically significant as demonstrated by the several reports and the testimony, the next stage is to create a task force of interested parties to prepare an ESEE - Economic Social Environmental Energy Plan Analysis. This should be done within a specific time limit. They should be charged to achieve a consensus on the future of Bridal Veil and I think you agree that this is an important element in their deliberations because in the final analysis what happens on Bridal Veil ought to have the support of the majority, the community and those involved. They might also draft an interim action plan and this might include earlier decisions on what buildings might be demolished. I suggest one other task for the charge for the task force, that is by creating a subcommittee of members appointed specifically to accomplish this purpose and that is to draft and implementation and financing plan for whatever degree of restoration and interpretation is deemed to be appropriate. This segment of the task force might deliberate separately for the portion of the time allotted to the total task force and then come together with a whole task force to complete a plan and an action program. There are financial resources out there. They need to be uncovered before the county and the community makes a decision on how far to go on any sort of historical marking of the property. Some of these resources include other governments, not Multnomah County, the World Forestry Center, the forest products industry, paper mill interests, private foundations, and maybe even the Kraft Foods Company. They like to be noticed as having had interest on this property.

Finally the zoning ordinance authorizes the Board of County Commissioners to exempt from design review, provisions of the ordinance and also from the demolition hearings process in the event that historical significance categories applied to exempt those buildings that are found at the time to not be of the strike value. Such action could be taken now to speed removal of the mill buildings and any of the other residences found to be beyond repair. Thank you. Any questions?

Other Voice: Thank you that was a very informative report.

Before we begin or as the first part of public testimony we have the two experts give their reports last week and we assured that planning commission that we would have the opportunity to ask them any further questions. Before we begin the general public testimony, we ask the planning commission if they have any specific questions for the specialists who testified last week.

Okay, I have one and I am not sure that our planning staff or one of the other persons should best answer it and that deals with the... Scott, Shar?

Other Voice: Somebody.

Other Voice: As part of the site tour there was a comment that part of the site was not owned by the public lands but is owned by the Union Pacific Railroad. Do we have documentation by what's owned by whom and what the relationships are? I see Chris Beck nodding Scott Pemble? again I see Chris Beck nodding his head from trust for public land they probably are in the best position to identify their ownership anyway and whether they can identify who else owns the rest of it. So if maybe if we have Chris explain.

Other Voice: Chris Beck for trust with public land. I don't have an exact plat map here tonight but my understanding is that we are leasing 7 some odd acres from Union Pacific and that is generally the property along the hip railroad below the post office and where the industrial buildings are. But I don't know how far to the south it goes towards the block. Do you see maybe in your ownership map.

Other Voice: Is the pond on the railroad property? Maybe Sandy can answer this.

Other Voice: If you look at the map, that's enclosed with the staff report, it shows that the area closest to the railroad is owned by the railroad. In other words, the dark line on the map, everything north of there is railroad property.

Other Voice: OK, there is a very dark line that is right next to the railroad tracks just to the west of the overpass structure and then it veers away from the tracks, a distance as it moves west.

Other Voice: Right.

Other Voice: The area between the dark line and the tracks is railroad property.

Other Voice: Yes.

Other Voice: OK, it looks like the pond is not part of the railroad property.

Other Voice: No, in fact, if anything I would say that that is owned by the state parks.

Other Voice: Thank you. We'll follow the following procedure in public testimony, we'll a lot up to a maximum of 30 minutes for all of those in favor of designating Bridal Veil town site as a significant historic resource. We will then a lot up to 30 minutes for all those in opposition to the designation of Bridal Veil as a significant historic resource and then close the public testimony portion of the hearing.

Other Voice: I just have one question of staff, our planning director Meredith pointed out the direct way is that studies seems to have been done like from two different scripts or something. I was just wondering why that they basically didn't use the same format criteria in going through this.

Other Voice: Use the microphone.

Other Voice: Repeat your question.

Other Voice: Yes mam. Staff, the question that I have asked is that we have these two reports which were correct to point out by our planning director Meredith are just a totally different format and keys and the whole bit and whatever. I guess I have a difficult time to try to compare apples and oranges when was there no direction from, did staff make any effort I guess to say, is to take both of these reports and evaluate them on a base, issue by issue basis.

Other Voice: Well, we attempted to do that in the staff report. We tried to collect the information from both reports and address the criteria. But when Charper Haska was hired by the county to conduct a study of the historic significance of Bridal Veil, I believe she could flush this out with more information than I know. I believe she was hired just to do a literature research and come up with historic background. At that time she was not hired or directed to address the specific criteria that are

found in the comprehensive plan.

Other Voice: So staff then essentially then took the Prohasca study and applied it to the comprehensive plan.

Other Voice: That's correct.

Other Voice: OK, thanks.

Other Voice: And the TPL or the Heritage Investment Corporation was written at a later date and they were aware of the criteria and that's why they did address them specifically.

Other Voice: OK, thank you.

Other Voice: OK we do have an opportunity for rebuttle if there are questions that one side or another wishes to ask by way of cross examination or comment if either side reserves a time for rebuttle before the beginning of the testimony. Do we have a designated representative of the people in favor of this designation who would like to speak to the question of rebuttle? Is there anyone from the Crownpoint Historical Society here? Do you wish to reserve anytime for rebuttle.

Other Voice: Yes I would.

Other Voice: 1 minute, 2 minutes?

Other Voice: I would like to go 5 if needed.

Other Voice: OK, then we will, could you come to the microphone please.

Other Voice: Sherman Leonard

Other Voice: And also there are going to be cross examination of questions and I would prefer that they be submitted in writing to us.

Other Voice: Our rules of procedure which were read at the beginning of the hearings this evening do require any cross examination questions be submitted in writing and then I will rule whether they are pertinent to ask or not. Now in regard to the rebuttle I'm, you understand that if we a lot you 5 minutes for rebuttle that will reduce the amount of time available for the rest of the testimony.

Other Voice: OK I'll acknowledge the and I'd like to acknowledge

the fact that at the last meeting, no time limit was ever mentioned to us here, you've got 25 people that came to speak and now we found out tonight that we only get a half hour. We'll adapt to the situation, but it wasn't presented to us that we would have a time limit on our talking so I would just like to have that as part of the record.

Other Voice: OK it is part of our standard rules of procedure to a lot 10 minutes per side and we extended that by 20 minutes for this evening because there are so many people here. So we'll reserve 5 minutes for you by way of rebuttle. Does anyone representing the opposition point of review wish to reserve rebuttle time?

Other Voice: Yes Mr. Chairman, Bill and Blair with the trust republic land. We would like to reserve as much time for rebuttle as you can give us.

Other Voice: Well, it will come out of a total of 30 minutes.

Other Voice: We'd like to reserve 5 minutes in that case.

Other Voice: With those ground rules we will begin with the proponents for those in favor of those designating Bridal Veil as a historic site. Sharon did you have any cards turned in advance for people who wanted to... Could I have that stack and we'll just start off of that.

Other Voice: Could I address you for just a second, we weren't real familiar with the procedure here. I'm Chuck Ralens I live at 43010 2nd Street, Latterel Falls, OR. We weren't really familiar with the procedure here. Like you say we have a lot of people to talk, we were wondering if we could have a few minutes to get together to see who would be the most beneficial for our side.

Other Voice: Yes, I'll give you 5 minutes and we'll begin.

Other Voice: OK, thank you.

Other Voice: We have one more comment on the staff report before we begin public testimony.

Other Voice: We have one more item that needs to be included into the record and that is a condensed guide issued by the state historic preservation office. It's how to prepare nomination to the national register of historic places. The date is September

1992. Even though we aren't considering Bridal Veil for national historic register designation at this point, the state does indicate what it's priorities are in looking in properties around the state and they have identified the timber and fishing industries as the broad themes most urgently requiring culture resource context studies...

Other Voice: OK, we'll reopen the hearing, come in and take your seats please. We have one more comment on the staff report before we begin public testimony.

Other Voice: We have one more item that needs to be included into the record and that is a condensed guide issued by the state historic preservation office. It's how to prepare nominations to the national register of historic places. The date is September 1992. Even though we aren't considering Bridal Veil for national historic register designation at this point, the state does indicate what it's priorities are in looking at properties around the state and they have identified the timber and fishing industries as the broad themes most urgently requiring culture resource context studies after agriculture.

Other Voice: OK, thank you. OK, now we'll begin with the representative at Crownpoint Historical Society, state you name and address for the record.

Other Voice: My name is Chuck Ralens I'm the Vice President of the Crownpoint Country Historical Society, I live at 43010 2nd Street, Latterel Falls, Oregon. In the last 5 weeks we went out and asked people what they felt about Bridal Veil. We have 600 signatures from people that say they think Bridal Veil deserves more than an apatite than being pushed over by a bulldozer. It's not an official petition, it's just signatures from people saying that they are concerned about this project and I'd like to... We have a letter here from the east county coordinating committing associations with 6 different committee associations supporting the same issue. Since our time is limited I just want to hit on a couple points real quick like. As you can see, we have a real good turn out from the community. We could have brought 3 or 4 more bus loads. That's how strong this community feels about this issue. Last week, Louis McCarther's poke on was used as an expert witness on the history involved in the area. His own testimony

stated that Bridal Veil is the only lumber mill town in the Tri-County area even. Our way of thinking, that alone deserves a harder look at the situation. In the final draft for the Columbia Gorge special management, I'd like to read two quotes out of them. One of them is in section 2 page 52. Professional archeologist and historians estimate that less than 10% of the scenic area has been evaluated for cultural resources. Consequently the side inventory is not complete. It includes only a small portion of the cultural resources that exist in the area. At the last meeting it was stated that Bridal Veil didn't have any cultural resources, they say that it wasn't put on the inventory, it was overlooked. We're saying a lot of sites have been overlooked. That's why this meeting is here now for us to take a look at this situation. Another quote from the same magazine or the same management plan. States that the main reason people come to the Columbia River Gorge or the second reason that people come to the Columbia River Gorge is to see interpreted history that is here. No where in the gorge is there logging and lumbering interpreted. Our question is to all the experts here tonight. Maybe somebody can answer this question, where is there going to be a mill town found in the Columbia River Gorge that has what Bridal Veil has to offer. It was also stated that Bridal Veil had no significant influence in any other industry in the Columbia River Gorge. In the Timbermen April, 1912 stated that with anticipation of a bumper crop in the apple industry that Bridal Veil was producing 15,000 apple boxes a day with the projected need being 1 million apple boxes. We feel that alone states that there was an influence in the apple industry. I would just like to end the saying that this is an important issue to the community we've gone and we've spent 2 years talking to private groups. The support on this issue is coming in daily. We're soon gonna go national, we're gonna go world wide for support for this project. The longer it takes, the more support we're getting and we just urge you to take a good hard close look at this and let's go something positive for the site and the community is willing to work together with whoever is involved to do what's right for the site. Thank you.

Other Voice: Thank you. Are there any questions for Mr. Ralens? OK, just for your own reference you used 3-1/2 minutes of time. We have approximately 15 cards of

people who signed up wanting to testify in support, is there anyone who has not filled out a card and given it to the clerk who would like to testify in favor of this proposal. OK, two other, there's another hand in the back. Yes, could you fill out a card and leave it with a clerk and we'll add your card to the list here. We're trying to give everyone a chance to testify and at least get on the record in order to do that. We will try to meter the time out so that nobody goes over into the amount of 3 minutes. We've got a request from 12 people to speak in order beginning with Chuck Ralen, whose already spoken and followed by the Laurel Slater would be next.

Other Voice: My name is Laurel Slater, my address is PO Box 87, Bridal Veil, Oregon. I live in the community of Bridal Veil with my husband and son in the home passed down in my family from my great grandfather who purchased the property more than 100 years ago from the Bridal Veil lumbering company. My great-great grandfather Horus Philips and family were the first to come from Kansas sometime in the 1880's representing our family. He worked in the mill at Bridal Veil. My great grandfather Virgil Amen worked in the mill as a supervisor in one of the departments. Horus and Olive Philips my great-great grandparents are buried in the Bridal Veil cemetery along with their son Charlie who drowned in the Columbia at age 9, their daughter Lili Amen, my great grandmother and Jessie, her daughter who died in the diphtheria epidemic. But Bridal Veil represents more than just my personal family history. The Bridal Veil property is being evaluated for its significance to Multnomah County. I believe as do many other that the site is historically important to the people of the county as well as the state as well as possibly nationally. You're being asked to base you decision on two conflicting reports. One prepared by Charprohask and the other by Heritage investment. One blair is quoted in an April 1991 Oregonian article as saying, "We do anticipate removing the majority of the buildings." He made that statement without the benefit of historic studies. However, when it became clear they would have to do a historic study before obtaining permits to demolish. TPL hired Heritage Investments to conduct a study more than a year ago. And the local historians waited for a phone call from them and it never came and numerous offers were made to work together to let them know

more about the history and work together to get a plan that would work for everyone. But those offers were rejected. Finally, Multnomah county hired Prohaska to do a historical study of Bridal Veil. Prohaska and her colleagues scoward the information already available met with members of the Crownpoint Country Historical Society and played detective scouting out the older folks who lived in Bridal Veil long ago, listening to their stories, conducting more than 20 interviews, visiting them in their homes, viewing their family photos of life in Bridal Veil. No lead was too small for her. Prohaska spent literally hundreds of hours researching and preparing her report in narrative reporting of the area includes photographs and appendages is several inches thick. Her report is an intensive, exhaustive accomplishment of Bridal Veil supporting it's historic significance and recognizing that the remaining collection of buildings represent this history regardless of the neglected condition they're presently in. In contrast the Heritage Investment Report contains 2 pages on the history of Bridal Veil. The hickory port was not completed until after the Prohaska report was released. This report refers to the Prohaska report on page 7 saying that the Prohaska report comprehensively examined the history. They did not know that another historic city was being conducted and I do not believe that they could have possibly having given this information much thought preparing this report.

Other Voice: That was 3 minutes so I would ask you to stop. Just to give everyone a chance to speak. I would urge you as you make your remarks whether you are in support or opposition to try to focus on how this proposal does or does not meet the specific criteria for designating a site is historically significant. We're familiar with the history and the conflicting viewpoints in the two reports.

Other Voice: May I make one more with regard to the architectural significance that is, seems to be the item on the historical site criteria that people are focusing on in the opposition and it says that property is a prime example of stylistic or structure type or is representative of a type once common and is among the last example surviving in the county. It is a prime example of a stylistic or structural type. I would.. and as representative of type once common I would like to

see anyone who can come up with another grouping of buildings that would represent it any better than Bridal Veil if at all.

Other Voice: OK.

Other Voice: I'll stop.

Other Voice: Thank you. Any questions for Miss Slater? OK, that was...Teresa Kasner

Other Voice: That is my name and I live at 33702 E. Bill Road, Corbett. The pearl of wisdom in Charpo Haska's report was this, in the majority of Oregon's historic mill towns the company town was absorbed in development over the years. In Bridal Veil's case the area was not enveloped in development it is like a time capsule and would be easy to return to condition that would interpret a turn of the century mill town. I would like to see 1, the mill town turned into a natural park area, 2, the area that homes are located on designated a historic district, 3, the homes sold to people who will agree to restore the structures according to a standard of period buildings, 4, one or more structures used for interpreted museums to tell the story of the area. My father inherited my grandparents farm and beautiful barn in Oklahoma, we love to go there and remember the past, climb through the barns and pick up memorabilia, it was a special place. My father was encouraged to raise the farm so no one would hurt themselves and sue him. It was done. The only thing left of my families past is a hump in the ground. I don't want to see that happen to Bridal Veil. In Europe they don't raise there historic areas. Do we want to obliterate our past and make the same mistake that was done when Mitchell Point tunnels were blown up and used for fill in the name of progress? Do your part to save Oregon's history and vote to save this historic Bridal Veil area.

Other Voice: Any questions? OK, next is Sally Donovan, before we go on to the next one there are 3 people on this list, 2 people on this who didn't turn in cards. Looks like, Tibby, Steven Kinney, OK. Go ahead.

Other Voice: Hi, I'm Sally Donovan and I live at 1615 Taylor in Hood River, Oregon and I'm a full time resident of the Columbia Gorge and a historic preservation consultant. I do have a letter that I have written in view of the time limits, I'm going to just give

you this letter along with other letters that have been written. I also want to read a letter from David Ellis and I can give you his address. Do you need that for the records? David Ellis is an archeologist his address is PO Box 1341, Portland, Oregon 97207. David's address this letter to the commissions. I have worked in cultural resource management in Oregon since 1976 including a number of studies in the Columbia River Gorge. Although my primary training is in prehistoric archeology I conducted a number of studies that have included inventory, evaluation and documentation of standing structures. In a personal capacity I have recently reviewed the Heritage Investment Corporation HIC report entitled, "Bridal Veil, Multnomah County, Oregon historical and architectural evaluation. In general, I found that HIC report seriously if not fatally flawed in its method, conclusion and adherence in both professional and legal guidelines and standards. I can find the remainder of my observations the most serious problems that exemplify the overall criticism. He goes on to say that he used a secretary of standards for inventory, guidelines and stresses the importance of carefully defining the historic context of a study area. This calls for a thorough research and a grasp historical development of the area being studied. The HIC report exhibits no awareness of the history of the Columbia River Gorge and only passing familiarity with Bridal Veil community. In regards, in this regards the author of the HIC reports are primarily concerned with evaluating Bridal Veil as an example of a company town. This immediately narrows the scope of the evaluation ignoring potential contribution of Bridal Veil to the historical development of the history of the Columbia River Gorge and Multnomah County.

Other Voice: Excuse me, I'd stop the clock here, it's not necessary for you to read the whole letter to get it into the record. We've got the written copies here.

Other Voice: I think I'll pass, I just wanted to say I voice my support of Bridal Veil as a preservationist, I've worked on several historic inventories in the Gorge and national register nominations and I also feel that the criteria wasn't really correctly address. Multnomah county criteria to in the HIC report. I just wanted to say that for the records.

Other Voice: OK, thank you. Any question? Next is Elizabeth

O'Brien.

Other Voice: My name is Elizabeth O'Brien, I live at 17035 SW 108th, Tualatin. I am currently a preservation consultant trained in architecture, I've worked the last 10 years in historic preservation participating and managing projects in Washington, and Yamhill counties shoked several city projects as a staff person for HPLO and as a grants manager at the state historic preservation in many of these positions, the evaluation of historic properties has been an important component of the individual jobs. I would say over time inventories have become more sophisticated initially they might deal with just the buildings alone. Us building people have to look past the structure and wonder about the who and the why of the buildings. It is important to look at the structures but in this initial phase I would encourage the staff's recommendation to accept the historic context of the property and review the significance of each individual building and resource on the site in a later phase. Thank you.

Other Voice: Any questions for Ms. O'Brien? Thank you. Next is Jane Morrison.

Other Voice: My name is Jane Morrison and I Live at 4053 SE Jennings Ave. Jennings Lodge, Oregon and I was one of two consultants that prepared the most recent cultural resource inventory for Multnomah County. I've been a cultural resource specialist for about 12 years and in addition to Multnomah County has conducted inventories and evaluations for Clackamas County, Polk County, Marion County, and a whole score of cities from Roseburg, Oregon to Anacortes, Washington. I wanted to direct your attention to the earlier report which took into account that the Columbia Gorge area was not comprehensively inventoried. This was at the direction of the planning director and with the understanding that later work would be done. As a result of that work we did evaluate the approximately 70 properties that were considered in the 1989-90 report and our #1 recommendation was to conduct more intensive level inventories in the Columbia Gorge region as well as Sovy Island and the Mt. Pleasant area of Multnomah County I think another one of the very important recommendations was that the counties preservation program would be an ongoing one which is the reason why there are criteria in the counties preservation program adding to the

inventory. More recently I have been involved in the Columbia River bicentennial event which is sought to recognize the contributions that various activities including logging and transportation have played in the history of both Washington and Oregon and I feel in my considered and professional opinion after reading the materials that have been provided that the Bridal Veil site does in fact represent and reflect the specific qualities of Multnomah Counties history a way that is quite unusual and quite unique. I think that it does qualify and meet the criteria that Multnomah County has established I believe it does illustrate the broad patterns of history that are involved in the logging and milling activities as well as the other aspects of Bridal Veil's history and those will complete my remarks.

Other Voice: OK, any questions? Thank you. Next is Richard Ross

Other Voice: Commission, Richard Ross my address is 2041 SE Elliot Ave., Portland, Oregon and I want to comment tonight on 3 of the county criteria historic significance environmental considerations and symbolic values. As a citizen who has been a deeply involved with historic preservation in the Columbia Gorge for the past decade I urge you to designate the Bridal Veil town site as a county historic resource. In 1981 I helped organize national park service historic survey of the Columbia River Highway and have been active in restoration efforts ever since. I recently contributed a chapter on the historic highway to the mounteers 1992 Columbia Gorge Guide Book. As a past manager for the City of Gresham's historic inventory. I know that inventories are subject to change as new information sheds more light on the past. Therefore, the tone of the trust for public lands historic report is surprising to me. The report reads like a legal brief for TPL's forgoing conclusions. They are, nothing important happened here, no reputable historic authority or inventory has previously recognized Bridal Veil so the county shouldn't do so now. The TPL report must have overlooked historic preservation league of Oregon's fine guide discovered the historic Columbia River Highway which you've probably seen out in the gorge. This guide states the Bridal Veil Lumber Company established in 1886 was the first large scale commercial logging and planing mill operation in the western end of the gorge and more importantly a group of private houses north of

palmer mill road bares evidence to this rare residence logging complex. The TPL report seems determined to tidy up history as we wanted it to be, not as it was. The TPL report even suggests that logging is an inappropriate historic theme for the national scenic area. In barely the century since the founding of Bridal Veil, we have liquidated most of the original cascade ancient forest like the ancient forest the history of Oregon vast disappearing small logging villages is messy. It leaves big muddy footprints, it's not architecturally inspiring or did it leave behind ordially tone plans. But Bridal Veil's ensemble of mill homes as a rare remanent of the big timber area is an ideal site to honestly confront a key theme of the national scenic area, our abuse and use of the gorge's natural resources. It will be hard to tell future generations the real store of the Northwest changing cultural economic and natural landscape in the gorge if we replace what's left of Bridal Veil with plaques, keyaus and traveling exhibits as the TPL report suggests. As you've heard looking at the early industrial villages of the west there had been relatively good preservation in mining towns, some of these have become a new gold rush as cultural tourist attractions. Logging and cannery villages that were generally less substantial and prosperous have not fared well. Bridal Veil deserves a new life as a local historic district which could be a first for an Oregon company town. It's future...

Other Voice: That's 3 minutes.

Other Voice: Then you can read the comments about how it's linked to the historic Columbia River Highway in the remainder of the written comments.

Other Voice: OK. Barbera Guidian is the next one signed up.

Other Voice: I'm Barbera Guidian I live 33712 East Crownpoint Highway, Corbett, Oregon. I'd like to speak about the cemetery at Bridal Veil. It belongs neither to trust for public lands. It belongs not to Multnomah County. It's a little piece of property set off by itself. That is in the Bridal Veil area. It's a beautiful little cemetery. Now that some of the community people have taken over the care of it. The dates on the cemetery headstones go back to 1860 and before. The last date on a headstone is 1932. The 1894 diphtheria epidemic story is carefully carved on the headstones there.

The genealogical forum of Oregon has inventoried the cemetery to note its historical value to the State of Oregon, not only Multnomah County. This is an area that should be preserved and cared for, as of now there is a family in Bridal Veil that lives there that takes care of the cemetery 2 or 3 times a year. The Corbett Grange started the clearing, got it cleared from Berry Brambles that were so high you could only see one gravestone when it started. And the cemetery at Bridal Veil is significant in history.

Other Voice: Thank you. Any questions for Miss Guidian? I have a question or comment, what we're considering tonight is designating or not designating Bridal Veil town site is a significant resource would not by itself provide any support for maintenance or continuing care of the cemetery. That's really not the question we're trying to decide tonight. Though I'm sure that's an important issue to resolve somehow. Next is Steven Kenney.

Other Voice: My name is Steven Kenney and I live at 31841 East Crownpoint Highway. I'm an avid historian and collector in history of the entire Columbia River Gorge. And I'm highly interest in saving Bridal Veil and little towns along there because they're part of our history. I have done interpreter talks for groups of people in the gorge, I do it 2 and 3 times a summer. I have done displays for the forest service and the Oregon State Parks for a period of about 10 years. And showing historic photos and postcards that relate to the small towns like Bridal Veil and Lateral and those. And I have laid out guest book on the tables at Vista House at Multnomah Falls and have collected as much as 4-500 signatures in about 4 to 5 hours and people just come to you like a magnet, they are very interest in the history, they ask you questions, you have to be very knowledgeable to answer everything as straight and the best you can. People that visit the Columbia River Gorge are also interested in the history of the Columbia River Gorge and I am constantly getting phone calls and interested very high in preserving all of the history that we can in the Columbia River Gorge and Bridal Veil should certainly be set aside as a good historic place to get started with. We do need to have something there like and maybe a small museum or something of that sort. It would be a very good place to have it. And I would like to really see you think about it. After all it's a national scenic area and we

should preserve what's there. It's hard to replace things that are there once they are torn town, there are so many regulations that we can't rebuilt anything and people want to have some history to see when they visit the Columbia River Gorge. They would like to see history in the area and Bridal Veil would be a good place to do it. It's definitely a very historic town and I have a lot of people ask me questions about it. I've had schools, teachers as far away as Eugene, Oregon call me up and ask me questions about the small towns between Troutdale and Cascade Locks. And they even wanted any photos that I could send them. Photocopies of or anything like that or any information I can have at several times so I would hope you'd take a real thought in preserving Bridal Veil and the small towns around the gorge. Thank you.

Other Voice: Next is Pat Brothers.

Other Voice: My name is Pat Brothers I live at PO Box 39 Bridal Veil, Oregon and I have 2 letters of support I'd like to just put into a record stand point from some teachers in the area. A couple quick points I'd like to make, very quickly. The question in the report. The restorability of the structures. I could attest to 2 structures certainly that have been restored in the area one of which is the house of Bridal Veil occupied by the Nuts which was in far worse condition than the existing structures, any of the structures in fact, sort of the mill building itself. And secondly, Forest Hall and Maxwell house which was restored in the 60s. They are very well possible that the buildings could be restored that are there. The second thing wanted to talk about was the changes, the changes in the building over the period of time reflect the cultural changes of the mill town that was in operation for over a 100 years. That mill town would in fact been in operation continuing today if not for some other economic situations that have occurred. It's not the buildings that are important. TPL has emphasized their involvement in the protection of Martin Luther King's home, it's not the building that was important but the culture that surrounds it. Here we have the opportunity to protect the culture to protect and preserve the historic aspect of the gorge and the lumbering businesses surrounding it. That's all I have. Any other additional time I'd like to relinquish to our rebuttle.

Other Voice: Since we're running out of time I won't add anymore time to the rebuttle but I do appreciate keeping your remarks brief. Thank you. Mike Burns

Other Voice: Mike name's Mike Burns I reside at 5430 SW Aimes Way, Portland, Oregon. I am the president of the historic preservation league of Oregon. Having reviewed the information about Bridal Veil. Our organization does believe that that site Bridal Veil is significant historically. We would urge you to take the first step and designate it as historically significant. We would also like to encourage you to take the task force concept and the community involvement along with TPL and we would also offer our services and use that task force to come to a consciences decision for the benefit of the community of Bridal Veil, the State of Oregon and the people who use the gorge recreationally. Thank you.

Other Voice: Thank you. Any questions for Mike Burns? Judith Reese.

Other Voice: Judith Reese, 1965 SE Hemlock. I'm here representing the western regional office of the national trust for historic preservation. I'm one of 2 advisors from the State of Oregon to the national trust. You have a letter from them and I would like to try to conserve time read a few brief excerpts from it. Dear Commissioners: The National Trust for Historic Preservation is concerned with the threat to historic buildings in the cultural landscape of Bridal Veil, Oregon. It is our opinion that establishment of a citizens task force would compliment comprehensive site investigation. A county appointed task force equally representing all interest could 1, insure that the sites, historical and cultural significance is fully evaluated within the context of Oregon's timber industry and local historical development to provide a vehicle for full public input to determine how to conserve and interpret the site and 3 make sure that all options for compatible uses are explored. Completion of these tasks will allow the county to make a fully informal decision regarding how Bridal Veil will be concerned for future generations. The national trust recommends careful consideration be given to protecting not only the scenic beauty but also the cultural and historical significance of Bridal Veil. Sincerely, Elizabeth Henning, Assistant Director of Western Regional office. I might also

note that the national trust does have grants that are available that might assist with a task force and further investigation of the site. I would be happy to answer any questions that you might have.

Other Voice: Any questions for Ms. Reese? Thank you. That concludes everyone who was on the list submitted by the Crownpoint Historical Society and were nearly 25 minutes into the testimony at this point and we still have 6 or 7 people signed up wanting to testify in support and 4 others who didn't check whether they were in favor or against we'll put them in the undecided category, typically we asked these people to testify along with the people in support because of the shortage of time and we haven't given people all the people that wanted to speak an opportunity, I'd entertain a motion to further extend our testimony to give remaining people an opportunity to speak for not more than 3 minutes a piece.

Other Voice: Move extending 15 minutes subside.

Other Voice: The extension would apply to both sides. Discussion the motion at Will second. All those in Favor. "I" We will go on we'll go through the people who submitted their card and this also will extend the time allotted for the opposition. Next card is Carol Allelunes. OK, thank you.

Other Voice: My name is Carol Allelunes I live at 100 NE Curtis Dr., Corbett. I want to speak as a person who came 20 years ago from east coast into this area saw it for the first time and felt as if I were walking in history. We stayed in Bridal Veil while we built our house in Corbett and although we were there for a very long time. I think that the environment speaks for itself. It is not nearly a collection of historical buildings. It's a way of life and it is pretty obvious to even a casual visitor. When I lived in the east as a child my parents took me to many historical houses and sites. They have developed more of them over the years. New Jersey has many areas where a visitor can walk through cranberry bog or a lumber yard or a glass factory. And I think that this is the most riching way for us to experience our history. It's a lot more immediate than having a photograph shown to us or reading article about it. So I hope that you'll be able to preserve that for the other people in the country who are going to come to the Northwest and would like to know about a mill town. Thanks.

Other Voice: Thank you. John Stewart.

Other Voice: Good evening, my name is John Stewart my address is 44848 SE Warner Rd. Corbett, Oregon. Actually I live in Clackamas County and I'm a member of the bullrun community association and I'm also a small woodland owner in the area and this past year was the 1991 western small woodland farmer of the year. The reason that I am here is to give some perspectives that the logging history will have on the whole area. Our feeling in the community association and also through the small woodland farmers association is it's very important to underline the historic character of Bridal Veil because that historic character also has an impact on today's logging practices. We think that by focusing on Bridal Veil the history of that area that we can also show good logging practices today and show how those can be.. and also focus on the area between Bridal Veil and Large Mountain that is under utilized. There's a number of sites in that area that could show the relevance of that history and that area could be better utilized today than it is now by using Bridal Veil as the focus of that history. The Large Mountain highway ties into the Columbia Gorge scenic highway. There's a number of sites along Large Mountain highway in Multnomah County going up to the summit of Large Mountain that have historic significance. There were mill towns that were tied into Bridal Veil. All that history could also be focused by using Bridal Veil as a focal point for showing logging history in the area. Thank you.

Other Voice: Thank you. Steve Lehl.

Other Voice: My name is Steve Lehl I live at PO Box 65, Bridal Veil, Oregon and I want to kind of talk about our history too on... The state of Oregon does have a state park telling about the history of logging in the state. It's down just south..north of Klamath Falls. They rebuilt cabins, they restructured log cabins and put on site to tell the story. They challenge the visitor to reflect upon the past and improve the present. That's what we'd like to see at Bridal Veil. Also, I have a friend, Skip Drake. The manager for the forest history center in Minnesota, Grand Rapids. Nineteen years ago they decided that they needed to tell the story of logging in Minnesota also. He wrote a letter, I think you have it in front of you. Talking about that. He's been in Oregon a couple of times and he

knows Bridal Veil well and he can't understand why the state or county is just letting this slide by without any without really looking at it. He feels that an inventory should be done and Bridal Veil should be on it. He figures it would be a real asset to the county and the state of Oregon. When I was growing up when I was a little kid in the third grade we had forest center, the world's largest log cabin. Today we have no place in the state of Oregon that taught the kids the history of logging. And we think it would be a real appropriate place, Bridal Veil. Now, there is places were they do teach history, I want to take that back. But nothing like an outdoor museum, the forestry center used to have donkey engines similar to what camp 18 on the way to Seaside if you're familiar with that. I do have ...I think it's terrific and it would be an asset to the Columbia Gorge. Thank you.

Other Voice: Thank you. Michael Smith.

Other Voice: My name is Michael Smith and I live at Box 27, Dodson, Oregon and I'm here..I represent Bridal Veil community church and we've been serving the community there for over 50 years and what I wanted to says is that all of us, members of the church in the community there would like to see Bridal Veil as kept historical as a lumbering town and I have information on our church that I've that you can observe at what we do in the community that I'd like to give to the record.

Other Voice: OK, you understand that if you submit it for the record we have to keep it.

Other Voice: Yes, I understand that.

Other Voice: OK. Is that OK?

Other Voice: Sure. OK

Other Voice: That's what were here for.

Other Voice: I have a question Mr. Smith. I don't know if any of the other commissioner have a question. Do you know the age of the church building? When that was built.

Other Voice: I do not. I know that it was a community building and Steven Lehl, he could give you information.

Other Voice: The building was built in 1940, I know because I was living there then.

Other Voice: OK, the voice from the audience probably can't be identified for the record but the unidentified voice said 1940. Could you identify yourself?

Other Voice: My name is _____ Kern and my address is 5342 SE 51st.

Other Voice: OK, thank you. Yes, commissioner Engel.

Other Voice: I was just curious the church you're talking about, is that located on pacific property here?

Other Voice: Yes, it is.

Other Voice: Oh, it is OK.

Other Voice: It's a community building I believe it was the last picture presented two weeks ago in the presentation.

Other Voice: Somebody had mentioned earlier in the testimony that you know a lot of people send their wedding invitations post marked with the Bridal Veil post office expiration, or whatever they call those things.

Other Voice: How many have a post mark? How many weddings in a given year.

Other Voice: I had a speech but its rather long so I, I elect to read it, but we've had over 40 weddings in the last 13-1/2 years since our pastor Merril Davis has been the pastor there.

Other Voice: How large is the congregation?

Other Voice: The congregation right now being as we, nobody is living there is 15 to 25. So it's safe to say that this plays kind of a larger part in the region. Interested.....

Other Voice: My name is Joan Kelly, my address is PO Box 82, Eugene, Oregon. My main concern is with the HIC report and their definition of a company tab. Often they use the definition of an eastern company town which is differs greatly from a western company town. In their report they mention parks and commons and those are not found in a western company town that is using an extractive bromit of

written material. You have a big difference here and I think that was my main concern in the report that they were confusing a western company town with an eastern company town. Thank you. Any question?

Other Voice: Thank you. Any question? OK. We now move to the people who didn't mark whether they were in favor or in opposition we begin those with Henry Kinowski. Henry Kinowski. Not here. Erma McCreedy.

Other Voice: My name is Erma McCreedy 4077 Sunset Dr. Lake Oswego. My reason for being here is that I have a very sentimental remembrance of Bridal Veil. I arrived in Bridal Veil on the last day of September in 1937. Married the first man I met. I lived there for 18 years in one of the houses still standing is the last house I lived in before I moved up to Corbett, so I have very very sentimental recollections of Bridal Veil and I would hate to see my honeymoon cottage go away. I.. you say there isn't any structural value in those homes. When we moved in those homes in 1937, they already told us they were 40 years old. That was 55 years ago. So you see, they are a hundred years old. If that isn't historical I don't know what is. I could go on and on and I could tell you a lot of things but please don't tear down my honeymoon cottage.

Other Voice: Thank you. For the record, I'll note that commissioner Hunt has joined the commission meeting here. OK, we have one more name signed up Annette Kraft.

Other Voice: My name is Annette Kraft and I live at 1160 Boka Rattan, Lake Oswego. I have a very soft spot in my heart for Bridal Veil and I'm an old timer too. Because I moved there in 1937 and lived there until 1947. And my husband was the manager of Bridal Veil Lumber and Box from 37 until 1960. And I have echoed the opinions of most of the people that spoke that it should be preserved as a historic site. There is a lot of history there. It goes away. It was there before the Columbia River Highway was built. It was has been a mill town and we need these reminders of our past and I think and when I think of all the tourists coming to the Columbia River Gorge that this would be a special place. A unique place for them to learn of this, of the past of this the lumber industry and of the

mill town and I'm just rejoicing that there is this great effort put forth to preserve Bridal Veil. Thank you.

Other Voice: Thank you. Mrs. Kraft, excuse me there may be some questions. Any question from the commission?

Other Voice: I have one. One relating to the houses. One of the houses was identified by somebody as the Kraft Mansion.

Other Voice: It was hardly that.

Other Voice: No that was not my term. They're referring to the house on the old on the scenic highway. It's the most westerly.

Other Voice: It would be the first you would come to after you cross the falls. It would be on the river side and it's in very much disrepair now. But it was a home that I was called the managers home and Hagen was a manager there before my husband took over and it was a beautiful site, one of the most beautiful sites on the Columbia River to look out from that. It was 4 stories high in the back and 15 feet from the old Columbia River Highway. All the traffic east and west went by our house.

Other Voice: So that was the house that you lived in when your husband was manager.

Other Voice: Yes, we lived there for 10 years. But my husband was manager there until 1960. We moved into Portland because of the school.

Other Voice: Also a question about the family name. One of the reports mentioned that Bridal Veil Lumber and Box had been run for the Kraft Cheese Company making cheese boxes. Is there a connection between your husband's name and Kraft Cheese.

Other Voice: My husband's father was one of the Kraft brothers of the Kraft Cheese Company. His name was CH Kraft and JL Kraft was his brother who was better known as the founder of the Kraft Cheese Company.

Other Voice: OK, thank you. Any other questions? Thank you. OK, has Henry Kinowsky come back? OK, he had his chance. That concludes all the cards of people who signed up to speak in favor and give me a minute and I'll total up the time here. OK, we've used 34 minutes, the Crownpoint Historical Society asked

for 5 minutes for rebuttle opportunity which we will grant. So, that's a total of 40 minutes. Received a list from the opposition group they're requested order. We will allot the whole 45 minutes including 5 minutes for rebuttle if you feel that is necessary. So,

Other Voice: Mr. Chair, just a clarification we, I don't think, we only have half a dozen or more people. Can they speak for longer than 3 minutes a piece.

Other Voice: Yes. You can divide your time up as you choose.

Other Voice: Another question I guess for clarification, how will the rebuttle work exactly, back and forth and back and forth. Or one...

Other Voice: No, there will be 5 minutes allotted for the proponents to state their position and then 5 minutes allotted for the opponents to state their position.

Other Voice: And that rebuttle would be based upon testimony either in the record or presented orally this evening. Wouldn't be an opportunity to present new facts. Just to keep the record current here, we've received along with the hand outs that people left with the clerk we have a couple of additional written statements and comments that we've received. It's getting too much paper here. A letter dated October 18th, Alfred Staley in support of the historic designation and a letter from Barbera Robinson dated October 19th also supporting and other letters that people have left here. OK, we'll begin the opposition group with Nancy Russell.

Other Voice: Mr. Chairman and members of the commission. My name is nancy Russell and I reside at 4921 SW Hewett Blvd. Since 1989 I have been associated with the efforts to create and preserve open space in the Columbia River Gorge. Tonight I want to start out by giving you some background that I don't believe you know about the issue that you're considering regarding the Bridal Veil mill and town site. My work at Bridal Veil started in 1984 with a vision for what Bridal Veil could be. It could be a magnificent open space park rivalling the beauty of the park at Multnomah Falls and relieving the congestion there that is such a problem. One could leave the noise, hustle and hurry of Interstate 84 at the Bridal Veil exit and be

engulfed by a natural landscape boarding both sides of the access. Next would come an entry into a landscaped dominated by nature. Ponds, areas of meadowland and paths. The paths would lead visitors to Bridal Veil creek, the old mill pond and then up the creek to legendary Bridal Veil Falls. All the last four are a state park land and do not have good access. Paths would also lead to the Angels Rest Trail Head. It has always been a given that there would be a good deal of historic interpretation on this site and I think that the testimony tonight that I've heard is evidence that there is a very large story that's worth telling, worth telling in pamphlets and books and in structures on the site related to telling that story. The mill site and the derelict housing was an eye sore of the first order. All of this would be removed and returned to nature. I knew that state parks badly wanted a park there to access the falls. The initial challenge was to get the whole Bridal Veil ownership into the Columbia River Gorge national scenic area bill that was then before congress. The category of special management area would provide federal funds that would allow for the acquisition of this property. Senator Hatfield's office was sympathetic with this and asked me to get the owner's approval for inclusion of the Bridal Veil area, the mill ownership, in the special management area. I contacted Hershall McGriff, the owner who had been trying to sell this property previously, his daughter Merrilyn and his son Doug. They all agreed to putting the property in the special management area and when the act was passed in November of 1986 this property was in the special management area. They're providing some access to funds for its purchase. Soon thereafter the trust for public land initiated negotiations with Hershall McGriff to purchase the property. These were long and difficult often on again negotiations. By June, 1990 the trust for public land had solved most of the issues with McGrift and there were many. At this time Martin Rosen, president of TPL which is a large San Francisco based land trust called me to discuss 2 important issues relating to Bridal Veil and McGrifts owner. Issue #1, there would be a \$400,000 cash shortfall on this very expensive project. It was expensive because there were toxics on the property and which had to be removed and go through a legal procedure and the fact that the forest service had made it very clear they would not buy developed properties because of the expense of maintenance and all the

other responsibilities that go with owning buildings. Issue #2 was there anything of demonstrated historic importance on the property. These issues were raised by TPL as they were considering going into this project. In regard to the historic issue, I looked over all the literature all of which was aware. The most important being the 1981 park service study and the 1987 study that was done by ODOT and state parks mostly using park service information and there was another very important document that I hope that you will take a look at. That's the draft US Forest Service interpreted strategy for the Columbia River Gorge national scenic area. Drafts of this forest service inventory were published in June 1990 and in September 1990. I saw those drafts. The final document was published April 1991. I have copies of that final document. This document addressed cultural issues. Laurel Slater, Crownpoint Historical Society who is here this evening. Teresa Kasner, friends of vista house, friends of Multnomah Falls, Corbett area economic development, Northeast Multnomah County community association and Nancy Wilson, Northeast Multnomah County community association are listed in the appendix of that study as contributors of the study. There is no mention of restoration of any of the residences at Bridal and this is as late as September 1990. I also spoke with Louie McCarther who you heard say last week the same thing that I'm was going to I'll go into a little bit here. He said, I asked them if there was any historical importance, remember I was getting this information to report back to Marty Rose and to say "Will you get involved in this complicated project, will you or will you not have to worry about these historic processes that will eat up money like crazy". So anyway, Louie said, no there weren't. He had been a part of the park service study. They had looked at structures, not only on the scenic highway but those that were not on it but could be seen from it. Like the Lusher barn is mentioned in that 1986 study. It's mentioned in the 1981 study. There is a picture of one of the derelict houses. It's the Kraft house, I guess, at up on the scenic highway and under the historical significance part there is no entry. That was the only thing I found in all the literature so I told, it seemed like a green light on the historic issue. So I had resolved that there wasn't going to be any trouble with that. The second one came to raising the \$400,000. This was raised on June 21, 1990 from Ed and Sue

Cooley to be used for an open space park in memory of their son Douglas. TPL preceded then with my assuring Marty Rosen that I had got the \$400,000 and I had reviewed at the historic literature he said to his executive committee, "OK, go ahead with the project we're not gonna get in trouble here because those things have been taken care of". On March, 1991 the trust for public land then purchased the property. There was an article about the paper, Brian Booth read the article. He was very pleased, state parks had wanted it for along time. Brian is chairman of the citizens advisory committee on state parks he invited me to speak to that whole group which was meeting in a few days to tell them how individuals can work with government to create parks and I would be an example. I spoke to that group. I sat next to Dave Talbot. He was very pleased because of course he'd been trying to get to deal with McGrift for years. On June 5, 1991 as a part of the celebration of the 75th anniversary of the scenic highway. The Cooleys, this is Ed and Sue Cooley who had given the \$400,000 were presented an award assigned by Governor Roberts, Brian Booth of the state parks advisory committee and the regional forester of region 6 John Butrile thanking them for their important contribution to this open space park. That brings you to the point, the issue of historic houses was raised. It was never raised until all of this work was very very much underway and nearly finished. And I just want to tell this group that I think it's terribly important for people who are interested in preservation of landscape and making things happen, parks that are needed that you have a level playing field. That you must trust the studies that are there to some degree because that's all you have and you have to move forward and make plans and I hope you will take these issues into consideration as you make your decision. Thank you for letting me speak to you. I'd be happy to answer any questions.

Other Voice: Any questions for Mrs. Russell?

Other Voice: I don't know your background, could you tell me something about who you are and what your expertise is.

Other Voice: I am basically a housewife who raised a family, I was a did worked at the historical society for 7 years. I produced a program on the Oregon Trail that is still used in classrooms. I was a lecturer

on the botanical history the botanical expiration of the gorge and the history of the gorge that I gave to hundreds of audiences and have given many of those lectures. I taken thousands of tours through the gorge. I was really selected by Multnomah county to lead the effort to find a permanent solution for management of the Columbia Gorge and that happened in 1980. I'm the founder of Friends of the Columbia Gorge. I'm now serving at its chairman emeritus.

Other Voice: Any further questions for Mrs. Russell. Commissioner Engles.

Other Voice: I wonder if you could just briefly describe to me, as I recall I thought there was an existing park close to the site.

Other Voice: There, Bridal Veil state park is on the scenic highway just to the west and it's on the level of the scenic highway which is about 60 feet above the waterfall. That was created in about 1983. I house that was there that was burnt. At one time there was a very fancy house that belonged to the owner of the, am I cutting into my time or am I.

Other Voice: No. Questions are free.

Other Voice: OK, thank you. I was worried about the rest, my people. There was a house evidently with an inground swimming pool and some tennis courts according to this forest service study that I'm referring to that was done in 1991. That burned down, the state acquired that, the problem with it is and you should go up and look this all over. That the access to the waterfall, you can't see it from up there and the access to the waterfall is very very difficult and it is an access from the scenic highway. The thing that was so attractive about the Bridal Veil mill site was this is it's 7.2 acres is the ownership of Union Pacific and that's where the mill buildings are. We did heavy duty negotiations with Union Pacific to get them to surrender their right a way back to 15 feet. They wanted 50 so we could have this for the park that we planned. And so that is comes off I-84 this will be the only..of the 2 water..these will be one of 2 waterfalls that are accessible from I-84. Multnomah Falls and this park at Bridal Veil. We also don't need a cultural attraction there. If you raid the big plan for historic interpretation it puts a lot of this interpretation on 1400 acres

at the mouth of the Sandy where it meets the Columbia. This is also a TPL project.

Other Voice: Yes or no, the access to the waterfalls is pretty hazardous.

Other Voice: It's unsatisfactory, its hazardous and it's not convenient and I think you'd know it in a minute if you went out there.

Other Voice: OK commission Young.

Other Voice: Miss Russell the report that was prepared by Char Prohaska was completed on July 20, 1992 which is over a month, that's a month before the TPL study was done. So I think a concern was raised before this study was done and it was commissioned by the county prior to that so I based upon concerns by citizens of what was going to happen at Bridal Veil. I would have to disagree with you that these people did not bring their concerns early.

Other Voice: What I said they participated in the 1990 forest service study that addressed just these issues they participated but they did not mention restoring the residences. I have a copy of that study perhaps I'd be happy to give you so you'd see I'm not talking about these studies that are done by the professional consultants. I'm talking about one with a whole lot of public input that was done by the forest service.

Other Voice: Any further questions? Thank you very much.

Other Voice: I'd like to introduce John Yohn if I may, he is here and he, John do you want to start walking over here and I'll just tell them who you are when you come as you're on your way. John Yohn was on the state parks commission and when he was in his 20s he played a role in creation of a colestate park. 1937 he built the Watsick House he and Pietro Balouski are considered to be the originators of what has become the Northwest style of architecture. I didn't meet him until 1980 but I had heard of him all of my life because when I was young his houses were on the cover of House and Beautiful and other magazines and I have some material here I'm going to give to your staff to pass out but I wanted to say that so he would have to say it because he didn't want to tell about himself and I thought you should know.

Other Voice: Thank you very much for being willing to hear me. I should have known from past experience the time would be very short and my piece is too long. So please tell me when my time is up and I'll give everybody a copy of what I of the rest of it. Total copies. If you can't hear me,

Other Voice: If you raise the end of the microphone a little bit we can hear you better.

Other Voice: Let me ...

Other Voice: That sounds good.

Other Voice: There is a segment in historic preservation apparatus in Oregon which inspires to protect old structures for their old age alone. It is fueled by nostalgia and is not inhibited by standards of architectural excellence or historical significance. While much of general merit has been achieved by the historic preservation effort in this region the indiscriminating conclusion of mediocre structures has devalued the currency of landmark designation and seriously discredits the program. The current scheme to shield remnants of company housing at Bridal Veil with historic significance is a prime example of... course manipulation of a landmark designation process. The individual houses are not historic by any reasonable measure of architecture, site planning nor association with notable occasions. Sobow was founded here in the late 19th century when saw mills were sprouting like mushrooms the length of western Oregon and Washington. No technical innovations occurred beyond those typical of the ongoing industrial revolution. There was a flume which arrived water parts many of the mills operation. Flumes have served 2 other industrial sites in the gorge one at McGord Creek and one near Underwood. The shift from animal power to steam power occurred near the mouth of the Columbia. Bridal Veil was founded before the Columbia Highway provided access by motor car. But other mills along the Columbia tributaries also dependent on river boats or rail before highways reached them. Bunk houses were typical in the earliest sawmill operations. When detached units were constructed they usually group close together at Bridal Veil fires may have changed through original compact plan. Dryrot and termites are composted. Big chunks of some units. Some were crushed under blackberries some were abandoned along with trash

broken furniture and garbage inside them. Some were paneled for materials to patch other on the whole the company housing here is like a smokers alleged antique pipe which has had 4 bowl and 3 stem replacements. I can understand a modern preference for more space between houses and less uniformity in the structures but the spurious field of historic significance should certainly be put aside. Far more relevance is the policy of the state and county in recent year which remove structures along the scenic highway whenever I position to there sites surround it. Some of their own just went up in smoke. There was once a large structure at Santa Clara Point. Mrs. Henderson's Crownpoint chalet was on the ridge above the vista. Substantial buildings existed up on sides of the highway at lateral falls as did an earlier dining pavilion at east right on the falls basin. A motel on the present parking lot for Bridal Veil's state park was removed. All the housing in Oregon are workers constructing the Bonneville Dam was removed and the land added to adjacent state parks to permanently protect the roadsides through those areas. Seasily operator fast foods souvenir stands which is along the road sides were also removed. This was easier to achieve then they seem because the freeway siphoned off most of the former traffic. But it was a popular decision and policy regarding this. In the landing cart controversy is adjacent to both the highway designated and national historic landmark and I-84 freeway that is already owned to conservation purposes by the trust for public land. It seem to be the county should rejoice in this. The intended park would be among the closest to the Portland-Vancouver-Metropolitan area for pressure on gorge parks its already exceeded parking and trail capacities. Apart from absorbing overflows from else where the parks own attraction would be strong magnets. Water ways responding salmon, possibly a lake, picnic facilities, pedestrian access to the river shore. Trails through other parks and better access to Bridal Veil Falls. One of the parks greatest values maybe not apparent now and may never be the function of preempted strike against preempting strike uses damaging to the gorge landscape within the broad radius of its fuel shed. As empty real estate with direct access to 2 highways with the advertising exposure the situation would provide the protection for serious scenic damage from commercial or industrial development would be very ominous. Payne Pard directly across the river,

shirley destand to become a park. That's creating problems to inventories Washington's Crownpoint. Visitors along the top of the teared palacaid would look directly into Bridal Veil as from an airplane or balloon. You'll probably hear that areas occupied by mill workers houses are not essential components of the future park on the contrary, one of the objectives of the park is to eliminate the shack down that are visible from two highways. Most of the freeway roadsides are protected from this by wide right of way or by flanking river bank. The roadsides of the landmark highway near seamless protection. The original right-a-way was not much wider than the width of the pavement. Parks along the way since have increased the protected zones but many gaps remain. Any opportunity to reduce they gaps should be rare indeed is the proposal to involve roadside clutter and handicap the park with rare in congress inholdings. I think it would be save to assume that radical revision that this radical revision to priorities could be enforced without serious risk of scuttling the whole park project as it was understood and accepted by the donors of the funds to achieve it. Ironically the effort to protect the interstate landscape of the gorge were treated by proposal for a _____ to cross the river from Multnomah Falls that was defeated by acquisition led site for a public park. Here we are discussion that the proposal to reverse that sequence. Portions of land already being purchased for public park will be loft off to accommodate a subdivision. Yes, a subdivision the right soon turned into a bohemian and that would remain in fact. I don't know what sort of subdivision a history buff by visualizing. Surely, it would consist of buckboards and rain barrels and bathtubs and kitchen and hanging longjohns flapping on clotheslines in the east wind. More likely it will have hanging baskets and windchimes and targeted up resemble pretty pictures in Sunset magazine but either way its a subdivision. Some advocates in for post sale of the houses and the land under them to maintenance. Since there seems to be no private funding to flush out these fantasies. Will the county be expected to assume the owners responsibilities of management. Who will pay for the extensive reconstruction necessary to make the housing units habitable by county standards. Who will pay for all that re-wiring, new plumbing and septic systems or for the upkeep of the grounds and for snow removal in winter. Will there be stout

fencing around houses or groups of houses....our dogs in and how will the problem of vandalism be solved when private possessions are so closely intermixed with public access to the park. Who will keep the noises down from the park...all in all which has proved problems in the good old days. The logical places...the future entrances to the national scenic area near Troutdale at the information center being constructed at the Dalles with 5 million in federal funding and a similar facilities at Washington state. Photographs and memorabilia could be safely displayed in these substantial centers. A story board at Bridal Veil would tie the museum information to specific geography. If this is ignored the gorge would truly become cluttered with disorganized and repetitious signs and labels and a lot of money will be wasted. Bridal Veil is in a scenic portion of the gorge between Crownpoint and Multnomah Falls where...looming across the river it includes the only waterfall in the gorge which was commercialized at the time the Columbia Highway was build and so ...lancasters book on the highway. They were generous with the park donors. Money for abolishing eye sores is rare. There is now an opportunity to replace industrial scars with an attractive and farnal park compliant with a natural setting. The opportunity must not be squandered in an effort to inshrine mediocrity. Thank you very much for letting me go.

Other Voice: Thank you. Any questions for Mr. Yohn? Thank you very much for coming this evening and sharing your thoughts. Next on the list here is Bowen Blair. Before you begin you are 19 minutes into the allotted 40 of your presentation, you would still have 5 minutes for rebuttle.

Other Voice: Thank you. Mr. Chairman, members of the planning commission. My name is Bowen Blair and I'm the director in Oregon of the trust for public. I would like to emphasize 3 points for you tonight and clarify some issues that were raised at the last hearing. First the trust for public lands has an established record of and a long standing commitment to protecting truly significant historic resources. Second, as Nancy Russell talked about, we thoroughly researched the issue of whether the site or buildings had significant historic value before we acquired this property at considerable expense. And we relied on a host of studies and inventories including multnomah counties own goal 5

inventory that concluded the site was not an historic resource. Third, the planning commission now has all the information needed for it to resolve the issue of historic significance. Further delay will bring no better information, only more expense to the trust republic land and more time for the public to wait for what we believe will be one of the most significant public parks created in several generations. Trust for public land is a national, non-profit conservation organization whose purpose is to acquire and protect lands of significant, scenic, recreational, natural or historic value. Nationally we have acquired over half a million acres of critical open space land in the past 20 years. The major part of our work is to acquire and convey and to protect a public ownership site of historic significance. I passed around a brochure that we have done actually it's right here with the National Trust for Historic Preservation. We do many joint projects across the country. Again, one of our main emphasis is protecting historic sites. Some of the sites we've protected across the country include Walden Woods and conquered Massechusets. Melrose Mansion in Natchez, Mississippi, Martin Luther King Historical Site and Atlanta, Georgia, Weier Farm in Richfield, Conneticut. In Oregon on the Columbia Gorge where the Trust for Public Land has acquired we're in the process of acquiring over 45,000 acres of critical open space lands. We have also made a special effort to protect properties of historic significance. These properties include the Mosier twin tunnels, a section of the old scenic highway between Mosier and Hood River that's now reverted to private ownership. We're trying to buy it to make it public owned. Sumpter Dredge in Sumpter, Oregon. A goldmining drudge 1 of 3 in north america now on the national register site. We have it under option, it will be the first one of the first state parks in Oregon in 20 years, again a critically important historic property. Another property, the Doush Ranch in the Columbia Gorge visited by Lewis and Clark in 1804 excuse me it was 1804 and also the site of the Wiclula Indian Village. We are not, and I can't emphasize this enough. The typical land owner or nonprofit organization, one of our most fundamental reasons for existence is to protect historic sites. As Nancy Russell has testified. We became interest in Bridal Veil because of its incredible potential to serve as a new park for the state of Oregon. Where else in the country do you have scenery this

spectacular. A sensational waterfall, easy access off an interstate highway all less than 20 minutes from a major metropolitan center. Before we acquired Bridal Veil we scrutinized public record to determine whether any of the buildings of Bridal Veil possess significant historic value. You've read and heard about numerous historic studies which evaluated resources in the gorge along the scenic highway and in multnomah county. I won't dwell on these this evening but suffice to say, that neither the Bridal Veil site nor the buildings emerged in any of these studies were in the public processes that lead to these studies as possessing significant historic value. It is important for you to understand that we relied upon these studies before we acquired the site. Had we thought for even a moment that there was a possibility that the county would reverse its position as expressed in its goal 5 historic inventory and to clear the site historic we would never have acquired the site and risk 3/4 of a million dollars. An enormous amount for a nonprofit organization. We are now told that the counties goal 5 inventory was flawed and that the host of other reports examined the historic significance of this part of the gorge were somehow incomplete. Even if you were to except this explanation. That through some extraordinary coincidence all of the historic studies of this area completed over the past 10 years somehow missed Bridal Veil. The fact is that we relied upon these studies and there public processes. To now ignore the counties own goal 5 inventory one of which its purpose is to alert potential buyers that certain property is deemed to have significant historic value is not only unfair to the Trust for Public Land and sets an extremely damaging precedent for the county. There is a history to be told of Bridal Veil. Mr. Karr gave a nice slide show 2 weeks ago, incidently at that hearing, I think you all remember Mr. Karr said he was representing the forest service, it's now clear and we have a letter that he was not representing the forest service, he was doing this individually. However, his slide show was excellent, there's no question about it. Today however as those of you know who toured the site this past weekend. Now there is nothing left of 19th century Bridal Veil presented by Mr. Karr. The original church is gone, the post office is gone, the meeting halls are gone, the industrial buildings are gone, the original residential building 19th century buildings are gone. What is left is some 14

residential buildings from a later period. 1912 according to your staff report all of which have been modernized as to a large degree in the 1960s and all of which are now and were when we acquired the property in considerable states of disrepair. There are also 3 rundown industrial buildings constructed after fire in 1936 and the subsequent closure of the lumber mill. We agree with the state historic preservation office when it says that the site does not possess the attributes required by the national register criteria for significance. We also concur with Oregon State Parks recent letter that states, "The local history of this site could be interpreted by the use of free standing panels with photographs and text." In closing I want to emphasize a few points, first there should be no doubt in your minds given our organizations record in the state and nationally that we are a nonprofit organization that is deeply committed to the protection of truly significant historic resources. If the Bridal Veil Bill Karr slide show existed today, our organization would have acquired the site to solely protect those magnificent buildings. But that Bridal Veil no longer exists and we need to deal today with what is out there today. Second, we relied upon a numerable public hearings and their findings especially Multnomah counties goal 5 historic inventory before we acquired Bridal Veil. If Bridal Veil were truly significant, surely that significance would have been discovered in one of the studies all of which were conducted in the past 10 years and surely the state historic preservation office would not recently decided that the site did not meet the national register criteria. I would hope that you could put yourself in our shoes tonight and not require yet another expensive prolonged evaluation process. This issue has been thoroughly studied you have years of studies and the recent opinion by the historic preservation office to help you decide whether the site or the buildings are historic. We have tried to be a responsible land owner with our Bridal Veil property. On our own we hired again at considerable expense a team of expert historians to analyze for our own benefit as well as yours and historic issues. We weren't required by law or regulations to do that. We ...

Tape B Side A weeks ago. Incidentally it's been a hearing I think you all remember Mr. Karr said he was representing the forest service. It is now clear,

we have a letter that he was not representing the forest service. He was doing this individually. However, his slide show was excellent, there's no question about it. Today however as those of you who know who toured the site this past weekend. Know there is nothing left of the 19th century Bridal Veil presented by Mr. Karr. The original church is gone, the post office is gone, the meeting halls are gone, the industrial buildings are gone, the original residential buildings 19th century buildings are gone. What is left are some 14 residential buildings from a later period. 1912 according to your staff report all of which have been modernized to a large degree in the 1960s and all of which now and were when we acquired the property in considerable states of disrepair. There are also 3 run down industrial buildings constructed after a fire in 1936 and the subsequent closure of the lumber mill. We agree with the state historic preservation office when it says that the site does not possess the attributes required by the national register criteria for significance. We also concur with Oregon State Parks recent letter that states, "The local history of this site could be interpreted by the use of free standing panels with photographs and text." In closing I want to emphasize a few points, first there should be no doubt in your minds given our organizations record in the state and nationally that we are a nonprofit organization that is deeply committed to the protection of truly significant historic resources. If the Bridal Veil Bill Karr slide show existed today, our organization would have acquired the site to solely protect those magnificent buildings. But that Bridal Veil no longer exists and we need to deal today with what is out there today. Second, we relied upon a numerable public hearings and their findings especially Multnomah counties goal 5 historic inventory before we acquired Bridal Veil. If Bridal Veil were truly significant, surely that significance would have been discovered in one of the earlier studies all of which were conducted in the past 10 years and surely the state historic preservation office would not recently decided that the site did not meet the national register criteria. I would hope that you could put yourself in our shoes tonight and not require yet another expensive prolonged evaluation process. This issue has been thoroughly studied you have years of studies and the recent opinion by the historic preservation office to help you decide whether the

site or the buildings are historic. We have tried to be a responsible land owner with our Bridal Veil property. On our own we hired again at considerable expense a team of expert historians to analyze for our own benefit as well as yours and historic issues. We weren't required by law or regulations to do that. We realized once there was local opposition that the historic issue was one that certainly should be considered. That's why we did the report. HIC put forth a credible report which concluded regrettably the HIC team found a collection of buildings in poor condition, considerably altered over time reflecting no recognizable town spacial arrangement. None of the original industrial, commercial, or community buildings or structures were made. All that remain are homes that date to the first part of the 20th century. These have been remodeled in many cases extensively and are in more condition. Surely any neutral observer who has visited this site must concur. Please let us move forward tonight, each delay we encounter as our opponents well know will make it that much more difficult to realize what has been the dream of several different generations of Oregonians a world class park at Bridal Veil. We urge you to recommend that Bridal Veil not be placed on your historic resource inventory and ask you to choose the one A alternative under the goal 5 process. Thank you.

Other Voice: Thank you. Does the commission have any question for Mr. Blair at this point?

Other Voice: Commissioner Young.

Other Voice: Mr. Blair. Nancy Russell Stated that there was considerable toxic waste. Could you kind of describe that to us?

Other Voice: Sure. There was one or perhaps two underground storage tanks with gasoline. One if not both were leaking. We had to have the tanks pulled, the soiled aired out and we did get a DEQ letter of compliance.

Other Voice: Thanks.

Other Voice: Any other questions for Mr. Blair at this time?

Other Voice: I have a question. The comments from Mr. Baldwin suggest that some type of a mediation exploring a middle ground between saying there's nothing

significant here and saying that everything is significant and nothing can be changed. Certainly while we're not here to pass judgement on the merits of Bridal Veil Falls as a scenic site this evening. That interest from TPL to develop a park there has surfaced in these proceedings and in the press and I at least recognize the significant potential of making that falls available to the public. I am familiar with the access trail from above, it is very difficult to get from the current state park parking lot and it would certainly seem that having Bridal Veil falls accessible from below with an appropriate park would be a very desirable thing to achieve. Do you see a potential for TPL if there was a finding of significance to take part in this suggested task force to work out an appropriate balance between recognizing historic context and developing a park. I don't know if you're familiar with the goal 5 process and what we call the ESEE balancing act where we have competing significant sources and try to find an appropriate balance between making best use of all of the resources. Are you available to take part in that?

Other Voice: Yes Mr. Chairman we would. Again I want to say that we would love to mediate the issue of how to interpret the history at Bridal Veil because we recognize there is a history there. We would certainly want the planning commission to decide with respect to the buildings and again I think the evidence is very strong with respect to the buildings, they are not a historic site or historically significant. But as far as the interpretation, we would be more than willing and of course if the planning commission does designate the site historically or excuse me makes a recommendation we certainly would want to play a constructive role in that process.

Other Voice: Commissioner Yohn, I have one other question Mr. Blair. In the forest service management plan I agree with Ms. Russell that in the draft that she mentioned that there was no mention of Bridal Veil. When the forest service master plan it talks about doing cultural analysis of things such as Bridal Veil. Do you feel that the HIC study basically addresses that?

Other Voice: I'm sorry I'm not entirely sure you're talking about the forest service draft study that said essentially the resources at Bridal Veil can best be interpreted through information of Senate Keos

sort of things.

Other Voice: Well they also said that anything that dealt with Bridal Veil that there should probably be some type of cultural analysis. This is in the management plan. Not in the draft document that Ms. Russell.

Other Voice: We can get you a copy of that. Sure

Other Voice: I was just curious. Thank you.

Other Voice: Before we go on with the opposition testimony you're 28 minutes into your 40 minute which leaves you 12 minutes and we have 4 additional people on your list and there are 3 other people who signed up to testify in opposition. How would you like to proceed with your gross presentation?

Other Voice: I think Mr. Chairman we'd just like to continue going through I think the other presentations will be shorter and we hope to make them all if we don't we recognize that we don't.

Other Voice: OK I'll set the timer for 2 minutes, that's raffle giving everybody an equal shot. As to what people know where they stand.

Other Voice: Thank you.

Other Voice: OK, the next person is Bill Hawkins.

Other Voice: My name is Bill Hawkins, my office is 2315 SW Ash St. Portland. I'm a preservation architect and historian, a former member of the Portland Landmarks Commission and a present member of the State Advisory Committee for Historic Preservation. I'm here essentially today before of a life long interest in the Columbia Gorge. My family have worked there for have worked or lived or played there for over 120 years. It's of enormous interest to me to see that the quality of the gorge and what happens to it to see what happens to it anyway. I've been reading over your goal 5 objectives and how goal 5 guidelines relate to the national register of historic places. It recommends that the state advisory committee on historic preservation be utilized in designing historic sites. I don't know if you are actually going to do that. But as a member of that committee I am familiar with some of the guidelines and criteria if I could just re-read a few of them briefly. You are well familiar with the one that

ties to historic districts and that seems to be proposed historic district here. Resources are eligible if they embody the distinctive characteristics of a type, period or method of construction or represent the work of a master or to possess high artistic values or that represent a significant and distinguishable entity where components may lack individual distinction. Those are the words were historic districts most often come in to be defined. But a district must be a significant entity, these are quotes. Districts are usually historic environments can they since of time and place through survival of many different kinds of features and there survival of the relationship among the features. It has been discussed her several times tonight that for instance in the photograph that we showed at the last meeting of the town side with its main buildings virtually all the historic buildings are gone.

Other Voice: You're 2 minutes in if you'd like to continue if you'd like to continue that would be taking somebody elses time.

Other Voice: I would conclude in saying that the Columbia Gorge is the most incredible historic resource that we have. I think that we only need to look up at the marvelous scenic splendor to help us way in this decision. Thank you.

Other Voice: Any questions for Mr. Hawkins? Thank you. Next person is Dick Ritz.

Other Voice: My name is Richard Ritz I'm a registered architect in Oregon, 5th generation Oregonian. I've been practicing in Portland for nearly 45 years. Before that I was working in fire protection engineering inspecting saw mills for 4 years. So I am familiar with a number of aspects of Bridal Veil. My task was to visit the site and evaluate the buildings both historically and structurally as far as their integrity as a historic building site. As has been said I have found the buildings in very poor condition. All of them have been, except the mill manager house appear to have been altered extensively. The houses are widely separated. Even though that are closest together so that they're scattered over a large area and there is no since or feeling of a town site at Bridal Veil because of this wide separation and I fear that if rehabilitation were attempted that there would be

so much decay discovered in most of these houses that they really have to be torn down and rebuilt there, some of them are in very very poor condition. The mill buildings I think everyone agrees have no significance. They belong to a modern era. There is nothing left of the old saw mill that was once there.

Other Voice: Any questions for Mr. Ritz. OK, thank you. Next is Len Swenson.

Other Voice: My name is Len Swenson I live at 38909 E Crownpoint Hwy in Corbett. I've lived in Corbett for some 24 years now and have had some interesting, the town of Bridal Veil but I'm particularly concerned now that we're dealing with a group of houses that are in incredibly bad condition. I think I speak with some authority also on that I happen to be in charge of specification for most of the construction of Bonneville Power Administration so I did my own personal tour through the buildings also and I agree what has been said before, I won't go through the details but your basically rebuilding a town not renovating but building. I don't think the money's gonna be available from the sources that many people think. We're already running up against money problem in the Columbia River Gorge. The federal government seems to be reneging on the 5 million dollars for this comm_ lodge and now we're talking about something that could be into some rather big bucks too. So I think there would be some real disappointment in finding the funding for doing what people would like to do. I have long envisioned the removal of the town myself. Especially after the years of experience on how watching some of the homes burn. There was no fire protection in the town. The people there didn't see fit to pay the taxes for it. I don't know what the present status of that is. In addition, I complained about the Kraft house myself several years back to county about why it was not removed when it was such an eye sore along the highway. At that time I'm sure that if it had been torn down nobody would have said a thing until now the issue is raise because they see the possibility of removal of the entire town. I personally would like to see the site cleaned up. I see the tremendous future for use as a park that is sorely needed in the gorge today.

Other Voice: Any questions for Mr. Swenson? Thank you Mr. Swenson.

Other Voice: Mr. Chair, would you change the order a little bit in the testimony we have.

Other Voice: OK, the next person you have would Gary Kahn.

Other Voice: Mr. Chair, members of the commission, I'm Gary Kahn 610 SW Alder, Portland. I'm here on behalf of Friends of the Columbia Gorge. I have some written remarks prepared in the interest of time I won't repeat them, I'll hand them to your clerk to be distributed. I would just like to summarize and say that Friends of the Columbia Gorge are certainly aware of the Trust for Public Lands Proposal for the area. Aware of the historical and cultural value of the buildings there and believes that the value of the buildings historically and culturally do not merit the protection that an amendment would add and that the other benefits afforded by the park as set forth in my testimony here are benefiting the natural resources and the scenic resources and the recreation resources of the Columbia River Gorge far outweigh the historical and cultural value of the buildings. I'll be happy to pass out.

Other Voice: Thank you. Any questions for Mr. Kahn? Now Mr. Test.

Other Voice: How many minutes do we have left?

Other Voice: 5 minutes and 10 seconds.

Other Voice: 5 minutes and 10 seconds. I will try to be brief and I do have written testimony that I will in fact submit I will summarize my testimony right now. My name is John Test and I'm president of Heritage Investment Corporation. Our address 123 NE 2nd Ste 300, Portland, Oregon. Before getting into substantive issues. I would first like to clarify several points made by the Pro Haska group at the last hearing. First of all, she had made the remark that they had hoped that they're report would be complimentary with ours. There has been some discussion this evening as to why our report came out after there. We were not even aware that they were doing a report. When we found out that they were in fact doing a report we with held our report to make sure that they would be complimentary. When we did get their report, we read through their report and we incorporated what they had what they had into our report and bounced it off of what our findings. That is the reason

for our mentioning the Pro Haska report as being a thorough history as that is exactly what it was. It's a different report then our report then our report all together. There's also been some discussion that our greatest claim for justification for not giving the Bridal Veil historic site designation is that it was not mentioned in previous historic inventories. That's simply not true. Our report again was based upon an evaluation of the site as it exists today upon the criteria and we did mention that they were not listed in those other inventories as those inventories did in fact exist and there has been an substantial amount of research in the area. Aside from that though, we did look at the issues one by one. I've been involved in historic preservation field 17 years. Have been successful on well over 130 national register nominations. Have worked on projects all over the country. I have an office here and I also have an associate and have had an office in Washington DC. Finally the Pro Haska report seems to think that we are trying to say that there is not a company town. Our findings are not based upon what was there. We agree there is a history there, I think that Bowen has brought it out. Everyone who has testified here we feel that yes there is a history everywhere. But as it is today, there is not a company town. Is that two minutes.

Other Voice: That was 2 minutes. You don't have to stop.

Other Voice: OK, Thank you.

Other Voice: You have more people that have signed up and you would have 4 minutes to split between anything more you want to say.

Other Voice: No. We'll just continue with this testimony. I also have some clarification that to Mr. McCarther as to what a mill town is and what a company town is I will hand that in so as to not read it for saving of time. I also have another piece of documentation here from another architect with regard to his findings and his review of the report. It happens to be the same firm of Mr. Hawkins. Finally, I think that we really need to get down to the issue that the chairman brought up initially. What we're looking at here today is not whether Bridal Veil had a history. We know that it had a history, we're not looking at it's interpretive potential, lots of people have talked

about restoring what this could be. We're not talking about logging on Large Mountain. We know from Mr. Karr's report that there is a history there of logging and we're not talking about bed and breakfast in the gorge, tours or vernacular housing. The issue before you is, "what exists there today, does it in fact meet the criteria as outlined by both multnomah county and by goal 5 as to whether or not those are historic resources and should they be designated so." I think there is a general consensus to address those issues. I think there's a general consensus on what is historic there and what is not historic. I don't need to go through that. I think what we're down to is the homes and the houses that exist there. As it's been stated there has been many changes to the existing houses there. We have had 3 professional architects, not just historic consultants, historic architects look at these buildings and determine that these buildings that the integrity is in fact gone in these buildings. So today what we have is only a remanent of what was there sometime before. The mill town that existed there if it is in fact gone in terms of the community, buildings and other buildings that other people have in fact testified about. With regards to goal 5 there has been much discussion how it relates to state wide..how Bridal Veil relates to the state wide planning goal and what ..that buzzer kind of disrupted me there. The proponents have tried to paint a picture of a quaint industrial setting which was isolated from the world and I don't think that that Bridal Veil in fact ever existed. Bridal Veil did not exist without a railroad. The resources in Bridal Veil today are the same vintage of the Columbia River Highway. Bridal Veil was less than a half days drive from Portland by and less by train. In addition, the northern pacific had housing or rail crews in the area. This was not a isolated insulated self sufficient company town as has been argued by the other consultants. Therefore, we need to go to the criteria if we look at the historic significance and my training is in history and I fought hard in having that be a criteria as architects have often felt that that was the most important criteria to have buildings designated. The historic significance, yes there's a history to be told everywhere but there must be historic integrity left in the structures that are there. That does not exist in Bridal Veil, with regards to the architectural significance we have had 3 experts testify and I think that even the staff

report attest to the fact that the site, the architectural integrity and the significance is not there. Environmental considerations, I think this is an issue that is in fact open to debate. As the other group has said, I don't think you can meet all 6 criteria you meet them to one level or another and then you have to weigh that criteria. Regards to physical integrity, again, it's clear that the physical integrity of the site is in fact gone. What we do have here though is some symbolic value and there is a consider amount and I think it's representative of all the people who are here today and speak in favor of Bridal Veil. So in closing what I'd like to say is that we're not arguing that there is a history to be told of Bridal Veil. What we are saying is that we have looked at the criteria, we have evaluated this site in terms of the criteria that is made available and found it not to be.

Other Voice: That's your 40 minutes.

Other Voice: Thank you very much.

Other Voice: Would you like, there are 2 more people that signed up to speak in opposition, would you like to yield any of your rebuttle time to give those people an opportunity? Those are Gene Norton and Barbera Robinson. We heard from both Gene Norton and Barbera Robinson there. OK thank you. That concludes the testimony by proponents and opponents and we will take a 5 minutes recess to give people a chance to collect their thoughts and then give each side five minute rebuttle opportunities. Commissioner Young.

Other Voice: Before we do that maybe we could ask the commissioners whether we need to listen to the rebuttle.

Other Voice: We laid out that ground rule coming, I think we owe it to them to give them an opportunity to speak. We'll be back at 5 minutes to 10.

Other Voice: The community offered to pay for this study we had money set aside to pay for a study, the response was that they would rather choose their own people to do the study. All along we've tried to work together on this project. OK I'd like to waiver. Does anyone have any questions on what I've said?

Other Voice: Questions for Mr. Rawlings. I'd like to bring up

one other quick point if I may that at the last meeting it was testified that we all get to go on this tour with the board here, then it was brought to our attention that only the board would get to go and then we find out tonight that there was a representative from TPL there. We felt that maybe we got short changed on that just a little bit.

Other Voice: Well, I would respond to that that there was a representative there of the property owner and they were very careful to not present any facts or argument relating to the historic designation, they merely pointed out the various buildings, where they were. They did respect our procedures and try to introduce additional testimony and comment.

Other Voice: I just want to stress one other point that we ask to work together on this project. And the community is still asking that we'll do what ever it takes and we'll supply money, we'll supply manpower but the Crownpoint historical society was never approached all these cultural resources was never approached for any information or to be involved in any of the history of Bridal Veil. If anybody would have approached us we could have answered a lot of the questions that were brought up tonight.

Other Voice: Thank you. You have 2-1/2 minutes remaining.

Other Voice: I'm Sally Donovan 1615 Taylor, Hood River, Oregon. I just wanted to go over a few points. The Trust for Public Land really should have talked to people before they to the other people that did the inventories actually. We have letters that were submitted 2 weeks ago from all the professionals stating their opinion why they weren't included in the inventories at that time. Several consultants talked to the trust for public land in June of 1990 and I was one of them that worked with David Oshuman who did the site plan development and he asked me what my opinion of the site was. I told him I thought it was historically significant, at that time he talked to Nancy Russell about that so there was knowledge about that before trust for public lands purchased the property. There was... we want to support the task force idea and work together, it seems like in the site plan what is, I want to ask the question. What is going to be done with the property that the buildings, workers buildings are one? What is planned for that portion? The park is planned for the portion with

the buildings actually, but the workers cottage, why can't we work together and have a park and the workers cottage together. I think that's what the community is really trying to say. We really support this task force idea to give everybody a chance. Anybody else.

Other Voice: You have a minute remaining.

Other Voice: Over a minute, OK I thought I was running out of time here. I think those are the points we wanted to cover here. Also I know that Bill Willingham from the army corp of engineer gives his support and I think there's a letter in support of that. He's worked on a lot of projects in the Columbia Gorge, also he is a historian for the army corp of engineers. He is very supportive of the project.

Other Voice: I've got one other thing I'd like to ad.

Other Voice: Could you identify yourself?

Other Voice: I'm Chuck Rawlings, Crownpoint Historical Society, vice-president. At the last Columbia Gorge meeting of the commissioners or the gorge commission, they voted unanimously, I don't know if you've gotten the letter yet. But they voted unanimously, I don't know if you've gotten the letter yet but they voted unanimously to look toward taking a harder look at the Bridal Veil situation. They're not saying they're supporting one side or the other, they say that a further, more information.

Other Voice: Also, could I just say

Other Voice: Any questions for either Mr. Rawlings or Ms. Donovan.

Other Voice: That's the rebuttle time.

Other Voice: OK, this is the opportunity for Trust for Public Lands representative.

Other Voice: My name is John Tess, president of Heritage Investment Corporation 123 NE 2nd Suite 200, Portland, Oregon 97209. First of all I'd like to thank all of you for listening to us at these last 2 hearings and present our cases. There's been as much motion that's come out here I think from the other side and from the community and I appreciate that and I think that the Trust for Public Land is too and I think that is the reason that they went

ahead and hired someone to do the study that they in fact did. I don't think that we're here today to compare the reports. The reports are very very much different. I think that one of the commissioners have point out how different the reports are. They are different reports and I think staff even said they're different reports. We were hired to look at the buildings in terms of the criteria that you're being asked to look at in determining whether this is a historic site or not. The other report did not address that they wrote a very very comprehensive history of the site and it is a very good history. Our contract in fact, you heard someone from the Historic Preservation League of Oregon this evening testify. The previous director worked with Bowen Blair to develop the items in my contract that I had to sign. What issues that we had to in fact to address and they helped outline so Bowen did work with the preservation community and he and I negotiated hard on the contract too because of the amount of work that was entailed. The decisions here I think need to be based again we need to go back to what we're doing here. We're basing upon what are the criteria and does this site in fact meet the criteria, not the emotions that are involved. Those are real and we all knew that those are real emotions and that is one of the reasons that our report was done with the number of consults that it was done because we thought that there would be a lot of emotion surrounding this and that we had to bring in people that had been involved in some of the other studies and people who have been involved with the gorge and people who are well respected in the field and I think this evening too we could have come here with hundreds of people and testified and said had everyone come up here and been totally on the other side and an emotional battle between the two. What we've tried to do is stick to the facts and stick to what our study did and to stick to the criteria that needed to be addressed. There has been a couple other issues that have been brought up in terms of oral histories. I think that why did we not go and talk to people. I think that at one of the hearings that I went to I mean, whenever you deal with oral history, one person remembers one thing and another person remembers another, there's been a lot written on the site and the history of the site can in fact be established as Pro Haska has done. As I said, we were trying to be as objective as possible in looking at this report. With regards to

restoring the site. Sure, you can look at something and say I can fix that I've done that a hundred times at home and been sorry about it later when I hired the repair man to come in and fix it. We do have a letter that I would submit here, we've had someone come in and take a look at what the cost to rehabilitate those buildings would be. The number that they come up with is close to 2 million dollars. We have done our homework and we have looked at all of the issues, we would hope that the decision that's made here is based upon, not the emotion, because there is a lot of it and we agree that there's a history to be told there and it can be done but that would be based upon those criterias to whether what exists there today is in fact a historic site. Thank you.

Other Voice: Any questions for Mr. Tess? OK, thank you.

Other Voice: We'll close the public testimony portion of the hearing now. The staff here does commission have any further questions of staff. Mr. Fritz.

Other Voice: I really need, I really need to have our options spelled out to us. There are words built into this process significance and you know I can look at the site and the history behind what went on there and say one thing but I would think one thing but is that what is really called for in the determination here. I guess I need to know the options and what the options really mean.

Other Voice: Mr. Fritz I'd like to ... this the applicant is the counties the applicant is the county but staff has not made a recommendation.

Other Voice: I know they haven't had..

Other Voice: Commissioner I think that our adjunct staff person Bob Baldwin did include a recommendation in his discussion as part of the staff report.

Other Voice: So we should consider Bob Baldwin basically as the recommendation of the county. I'd like staff to verify.

Other Voice: First of all, for purposes of procedure this evening I want to remind you that we have another piece of business to take care of this evening, which is a fairly substantial one. The question I have for you is for the purposes of your deliberation, do you want to start that this

evening and have some basic questions answered and come back on November 2 or do you want to take up the full question, all your questions up on November 2nd and come to decisions then.

Other Voice: I think that in light of the fact we've received a great deal of written material along with the oral testimony this evening. I think the issues have been fairly carefully drawn by both sides on this issue. I think it probably would benefit the commission to have an opportunity to look this material over and come back to deliberate on November 2nd. A motion to continue.

Other Voice: I made that announcement 2 months ago.

Other Voice: Whats pleasure the commission? Do you want to get on with it this evening or ...

Other Voice: If we're gonna have that other one we'll have to continue this so I move that we continue this one.

Other Voice: Well, it isn't really a continuation cause the public.

Other Voice: The continuation for the decision at a later date.

Other Voice: Well, were we on the force was it close.

Other Voice: Public testimony is closed on the forest goal, again we need to deliberate and reach a decision on that one or a number of decisions.

Other Voice: Just so the commissioner understands the dilemma we're in we have as you are aware we have several significant agenda items that happen to come before you simultaneously we need to in order to get done with the forest goal per the state mandate have you give us direction on that this evening so that we can come back with a final decision on November 2nd. OK, just so you're aware of that, then you can budget your time accordingly.

Other Voice: Just for information, is there anyone here this evening waiting for us to get to the deliberations on the goal for forest resource questions.

Other Voice: You have a number of people.

Other Voice: We will get to it.

Other Voice: Commissioner Fritz, I'm back to my question to

staff 2 actual questions plus the follow up question from commission Ewing. I need to have our options spelled out, that is what in fact they mean the 3 options 1A, 1B and 1C and what they really mean. And what they really mean at this point.

Other Voice: 1A means that you determine that you don't feel that Bridal is a significant historic site based on the 3 state criteria and the 6 county criteria. 1B means that you don't feel that enough information is available for you to make that decision. If you decide that you don't have enough information, classify it 1B, we still have to amend the comprehensive plan and include Bridal Veil as a 1B site and indicate a time frame when you want to get additional information and when the process will be completed when you can make a decision.

Other Voice: Commissioner Al Sophie. The other part of it, what is the staff's recommendation.

Other Voice: You've heard this evening conflicting evidence by experts on both sides of the fence. We the staff and we prepared the staff report basically had a report from one expert we had a report from .. and sort of the eleventh hour if you will by another expert. We didn't feel on the staff level that we had the expertise to make it a termination we then gave you the reports, tried to line up the statements within each report that responded to each of the criteria and hope then through the process the public hearing process where everyone has their day in court all the information that we can possibly gather at this point and time concerning this site that you would consider intelligently that information and then make the appropriate findings relative to each criteria so you could come to the conclusion as to whether the site is significant or not.

Other Voice: Commissioner Al Sophie.

Other Voice: If we were to find a 1A, not saying we would, but if we did can we put any conditions on that as to what the property owner needs to do in terms of going forward with it or can we. Can it be conditional 1A findings.

Other Voice: I'm not exactly sure what you mean by conditions, could you give me an example.

Other Voice: Conditions that they have to provide some type of

interpretive onsite.

Other Voice: You're suggesting that we might find that it is not significant historically but significant enough to interpret.

Other Voice: No. I'm saying that we might find that current conditions are no longer of historic value but the site itself was once very historic and we want that addressed and could that be done.

Other Voice: You could always make that recommendation but there's no way that you could demand or require any conditions on the site.

Other Voice: Commission Ewing

Other Voice: I would take Mr. Baldwin's testimony as opinions.

Other Voice: Mr. Baldwin's comments as I indicated were from a person who had considerable experience in Multnomah county with the planning program and we the staff consider as an adjunct staff we would expert comment to make so you can accept that for whatever value you place on it.

Other Voice: Well, Scott to follow up on that I thought I heard a recommendation coming from Mr. Baldwin's testimony that the site is significant and there should be a mediating process to sort out conflicting uses which would fall into the 1C determination I believe.

Other Voice: If you're asking my opinion after having heard all the evidence presented and if you were to ask me to come back as a staff person and prepare findings for you that basically answer the question. Is this site significant as a historical site or cultural site. Not getting into the question about what needs to be preserved and protected which is the second part of this discussion. I would come back with a recommendation that this site has significance.

Other Voice: I'd like to go on with that. That was my thinking getting back to Commission Al Sophie's question. We could determine that the site is historical which I think means 1C and then we go ahead with goal 5 to determine 1C.

Other Voice: 1C is a determination that the site is a significant resource and then if there are

conflicting uses, conflicting resources balancing process goes on to determine for instance, if the buildings should be torn to make way for park use. Or if there is some interpretive display that would compensate for the removal of the buildings or whatever may come out of the process.

Other Voice: Commissioner Yen.

Other Voice: I guess somewhere in there I think the site has significance, I'm not convinced the buildings do.

Other Voice: But that was my point. We don't need to make that determination. As long as we decide that the site is historical then that means 1C and at a later date under the goal 5 process I believe they would evaluate. Does this mean we save 1 building or no buildings or what?

Other Voice: To help focus our discussion deliberation we have the written criteria list if we find either under the state goal 5 criteria or probably more focused on R6 county criteria for historical significance, architectural significance, environmental considerations, physical integrity, or chronology any one of those findings would be sufficient for us to find that its historically significant and its possible under those criteria that a site with no buildings could still be significant.

Other Voice: I just want to make clear what your interpretation is if so applied by anyone of the A, B, C, D, E, F, one of these is the yes of modern law. If you put your opinion that that would make it... When I get to something idea published I know, but if I looked at it from a building part of it, if I looked at it from the side, now then I wouldn't even look at it as being as a necessary as something I have to look at. So, I need a little guidance from staff on that on how to look at this.

Other Voice: Scott, do you care to comment on that?

Other Voice: Excuse me. You will notice that the site criteria, the way it is stated has no and as conjunctive or or's stated. The staff person prepared that the record for that discussion some time ago. We had to conclude in our effort as a staff that each of those criterias stand alone. However, if you read them, you can look at the last criteria and almost view them as being somewhat subordinate to the maybe the first three or four criteria. So, it

appears to us that the importance plays really in the first two or three or four criteria and the last criteria are a bit more subordinate in the nature. That's our staff interpretation of how we'd interpret the policy. However, you, the planning commission sitting as a clause of judicial body. The policy interpreters have your right to interpret those criterias you chose fit as well. I would further state that perhaps Commissioner Al Sophie's question concerning the designation of the site in terms of it's significance. To me, it's conceivable you can indicate the site is significant. If you felt that there was compelling evidence that some aspects of the site were not significant, that can be so stated to. So you can have kind of a qualified statement as to what is significant about this site. There's nothing in my mind in state law or procedures that preclude you from doing that.

Other Voice: I would just like to state that I don't, I thought, I heard you say if you found any one than you would be almost required...

Other Voice: If you felt it was significant.

Other Voice: Well I thing that E is a problem because I don't think any site would be coming before anybody with the issue whether it was historical or not if there wasn't some group who thought it had symbolic value. And I can't truly believe that a finding even of a significant symbolic value could, it would just automatically make anything it came before a group like this become designated . I just can't believe that one criteria alone could determine this issue.

Other Voice: Well that's why commissioner Fritz.

Other Voice: Commissioner, as I understood what the chair has said, there could just be one of those said yes, but it would be of such importance that it would tip the scales and make it significant and the other five could you know, not even register. One could do it.

Other Voice: On a plan...

Other Voice: But there could five that says yes, it would indicate there's some importance in five of those criterias, but still not enough to, for us to designate it a significant.

Other Voice: Planning directors stated though that E and F are basically more encumbencer than as regular person, that were more important.

Other Voice: Um, Scott if we found the site, um, significant because of historical and symbolic reasons or chronology because it was one of the earliest site for Ameil, but we found that buildings weren't architecturally significant. Could we put that in there so that the buildings could be removed if it, um, or what they have to go through a deliberation to find out which building should be removed?

Other Voice: As I just stated, if you felt that their was compelling evidence now to qualify various aspects of the site. You could make those determinations now.

Other Voice: That's what I want.

Other Voice: However, if you did not find that their was compelling evidence then you would be obliged to go through the entire process before you came to that conclusion.

Other Voice: I would just caution the other commissioners about that, taking that step at this point, because I don't know if we have all the information, all the expertise to evaluate which buildings are not historical and I think....

Other Voice: So, would you be leaning towards a one-B versus a one-C, or would you...

Other Voice: No, I'm definitely saying one-C, that the site...

Other Voice: One-C and then....

Other Voice: And I think the goal-5 process would take care of...

Other Voice: Scott, to clarify what you just said in response to the previous question. You're suggesting that we could make finding of significance in some aspect and also a finding that for instance the buildings are not significant and effectively jump down to a 3-C conclusion balancing competing uses and concluding that essentially getting to the 3-C decision tonight.

Other Voice: I'm not suggesting that, no.

Other Voice: Okay.

Other Voice: What I'm suggesting is that you could as part of this historical site designation suggests that there are aspects of the site that are important and merit for the consideration. You don't have all the facts, you can't make conclusions about everything on this site. But, you have sufficient evidence to suggest to come to some conclusion that in fact some aspects of the site are not worthy of preservation. So you can be very qualitative if you will in the process at the step 1 level about what it is you're considering further deliberation on? What issues still remain in your mind that need to be resolved?

Other Voice: Commissioner Anglo.

Other Voice: You know with that comment, I guess one of the issues that I have is the historical significance of the buildings or whether or not they can be adequately rehabbed, I mean part of the team says yes, the other team says no. Basically, we're reading literature provided to us, I think their's need for additional research. In that element, area alone just the rehab opportunities for the building. But I think their's some other unanswered questions too, that perhaps 1-C process would allow us to go further with an investigation.

Other Voice: To clarify what happens with the 1-C process if there was a finding that the planning commission recommends a significant historic resource designation for whatever reasons there might be given. The suggestion is to form a task force which is not required by the Goal 5 process, but is suggested for this particular case. The procedure of doing the ESEE Analysis to balance conflicting uses is required by state administrative rule. That balancing is essentially a plan on how to do more than one thing with the same site. In this case, might be a balancing of how to use it as a park, which is the state of intent, and if there are significant relics, artifacts, to be preserved, which ones and how or if there aren't significant buildings to be preserved, what other appropriate interpretive use at this site or another site might be appropriate and maybe it would be merely of a measuring and documenting whats left of the building and then doing away with it. But the details of that would be worked out, outside of this hearing room and brought back as a

recommendation for 3-C decision to the planning commission. Is the commission clear on what the choices are? And to summarize: we've heard a great deal of testimony, and received a great deal of written material. One viewpoint seems to be focusing on the historic significance of the community or the site and really doesn't make a strong argument for the architectural integrity of any of the buildings. The other viewpoint is arguing that the buildings are not historically significant or they lack integrity and there is not enough left of the town to really tell a story or interpret a story site. We essentially have two very divided viewpoints. One persons relic is another persons derelict and we're asked to make a determination on how to deal with that.

Other Voice: Commissioner Ewing.

Other Voice: I would disagree with that, what you said there according to both the Prohaska Report and the Staff Report because Staff basically says there is no architectural significance and the Prohaska Report talked basically about the social fabric, the physical fabric but does not talk about the buildings themselves. As a big or significance.

Other Voice: I thought that was what I was saying, that the site is significant but the building, that they do not make an argument that any one building is significant.

Other Voice: So maybe we don't have a conflict.

Other Voice: Could you use steps, criteria, or compliance with criteria what they found as our findings for 1-C.

Other Voice: I think the decision is back...

Other Voice: Because it talks about the architectural significance which Staff interprets through all the different reports which I agree with, but I also agree that there is a historical significance. I mean we could go through those items and see if we disagree with what Staff wrote in here, but I would like....

Other Voice: I would suggest to give some direction that maybe we should at least just proceed through each of those A, B, C, D criteria to see if we find historic significance beside architectural significance and so on.

Other Voice: But maybe use some steps, statements as an option to work from. Whether we agree with them or not and save them some time too.

Other Voice: Commissioner Douglas.

Other Voice: I'd kind of like to get my version of it, I'm kind of mixed on this. I think the historical setting of it is as Rowhouse is as a whole community. The point that I have trouble with is in the inspection I went through and you saw it to, is that inside there has been so much desecration, so much changes, in other words they have plywood made out of press board. So much changes there that I don't think, well it could be saved but it would be so extravagant it would be almost beyond comprehension. The whole historical site of it is the site of the town itself or the row houses and the other houses and you cannot save all of them, that's my assumption of it. One itself does not make it, it is in the layout of the whole thing. And the architecture of it is not the value. It isn't anything that is super architecture it's old style in fact I reminis quite a bit cause I saw wiring in there same as my house where I grew up. So much of it has been taken down, rebuilt, not just the walkways outside its the interior that's been done, redone done time and time again from appearances, not only one house but in all of them. And I can't see where you can do it unless it's a whole thing or not as I say the beauty of it is in the whole town itself. The site itself, you take one or two houses, you've lost the significance of it and to rebuild them all is almost impossible, not impossible, almost.

Other Voice: Prohibitably impossible.

Other Voice: Ya, just about that way. For that reason I'm in quandary because I would like to see it retained, I can't see it under the circumstances. They're just old houses run down but it lays an entire scenery of towns.

Other Voice: You're saying the setting is there as a town site and there is enough of a fabric and the form of the buildings tells a story but you recognize they're highly deteriorated.

Other Voice: They're almost devastated. There is not much left there, even some of the foundations are pretty sad.

Other Voice: Any other comments and discussion.

Other Voice: I think we're all saying the same thing. I want to know how we can save it.

Other Voice: I'll obtain a motion if somebody's ready.

Other Voice: I'll make a motion that this be placed as a 1, that we recommend a 1C designation site is significant. But what I'd like to do is with the commission go through what our findings are gonna be or how we want to.. can we just vote on it and then give a matter of interpretation.

Other Voice: Well, a motion can be done.

Other Voice: So, I move that this site be 1C site of significant.

Other Voice: I second it.

Other Voice: Discussion the motion.

Other Voice: That's what I said, I'd like.

Other Voice: Commissioner Ian.

Other Voice: I couldn't do that without some conditions. Because just doing a blanket it not at all where we're all coming from.

Other Voice: How about if I suggest that staff comes back next time with findings with us telling giving.

Other Voice: I think giving the late hour that would probably make sense. I can see a great deal of difficulty in crafting a full set of findings from our discussion here tonight.

Other Voice: Mr. Chairman finding it 1C. A finding in 1C really just starts a process.

Other Voice: That's right.

Other Voice: And it isn't.. during this process that determination is made whether or not there are conflicting uses that seems obvious but we have to go through the process. And then we have to get down to making it 3A 3B or 3C decision and that's where we..if there's something to preserve while we can sort of balance of the restoration of the rest of it towards a park. That's when we make that

determination.

Other Voice: Once we hit a 1C isn't everything frozen.

Other Voice: Yes. But what is... what commissioner Hunt is suggesting is that we try to give some direction to the people that work on that 3C task force on what we see here if we do decide that the site is significant that we give them some direction in what we think is significant.

Other Voice: I can't say that.. exactly. The reasons I feel it's significant how about if I do that. Would be because of historic significance, symbolic value and chronology since it was one of the earliest ones in the area. Those are the 3 that I...why I feel historic or significant. My motion is that historic significance, symbolic value and the chronology since it was one of the first mill towns. So I would move that for those 3 reasons that we designate it 1C.

Other Voice: I have a question.

Other Voice: Back to the second. Does that fit with your reasons for seconding.

Other Voice: Fine.

Other Voice: I have a question.

Other Voice: Commissioner Ian.

Other Voice: In the motion...is there any good reason to specifically exclude the housing.

Other Voice: I guess the question that I have is you know that if we follow this chart, the 1C triggers the task force. The task force is basically to identify conflicting uses the SEE announces. I'm not veamently opposed to giving recommendations in terms of things that the task force should look at. Issues that have come up that need better clarification. I think that if we list those we're doing everybody a favor.

Other Voice: Well, I'll comment to that I think that assuming we get to a point with the task force that they find solutions or they look to find solutions that either creatively eliminate all of the buildings and do something to commemorate the site or develop a plan and find the resources to maintain.

Certainly if the deteriorated buildings are detracting from the scenic values of the gorge and they shouldn't be allowed to just, left to just sit there and fall down.

Other Voice: They should either be rebuilt or leveled.

Other Voice: But won't the task force find that we have enough information.

Other Voice: They may or may not come back with an answer, I'm suggesting that we try and prod them in a direction.

Other Voice: Excuse me, you will have that decision to make at some later date. What you're saying is that you don't have all the information to make some conclusions this evening. And that the process when carried through to the task force process will give you specific recommendations but you the planning commission will ultimately have to make that decision to save all, part of some of the resource at the 3 level.

Other Voice: That's at the 3C stage.

Other Voice: That's correct. You will make a recommendation to the board so tonight what we're trying to do is make a determination is this site significant for what ever reasons you'll get general instructions. I recommend that we then be allowed to go back between now and November 2, prepare the resolution that we cannot craft in an adhoc fashion and bring it back with your basic intense. Capture that resolution and see if you agree with what we've said you've said we should right. OK?

Other Voice: Commissioner Young.

Other Voice: I have one other question Scott. Under 1B designation we state a timeframe to play the goal 5 process. Can we state a timeframe under 1C also?

Other Voice: I don't see that there's any constrain about doing that, if..

Other Voice: Could I amend my motion to have a timeframe on it? I think that's only fair to the owners of the property. Is there further discussion of the motion?

Other Voice: I just don't want to surprise my fellow

commissioners, I'm gonna vote no on this. The evidence in front of me would lead me to a 1A, but I can count.

Other Voice: I'm gonna join commissioner Fritz on that because I don't feel that there are 2 conflicting expert reports. I feel that they're really to the large extent complimentary. One tells us why the site has historic value and hopefully the forest management plan address the comemary of the site and I don't think Pro Haska doesn't really attack the issue of the current condition of the buildings. So that my..

Other Voice: So you don't have any surprises I'm gonna go with two.

Other Voice: I don't think the buildings are the only thing we're suppose to be looking at. Even if the buildings are destroyed there might still be a cultural significance there, a historical significance, the chronology of the event, the first or one of the first mill towns and I think that's extremely important and if we do a 1A designation that's all gonna disappear.

Other Voice: Right, I agree with commissioner Hunt. And I want to point out that physical integrity, the buildings, what you're talking about is one of the 6 criteria and you guys are basing your decision on one. To state an analog that may or may not be appropriate. A camp site used by Lewis and Clark expedition might be found to be significant even though the tents had all rotted away or been packed up and moved away.

Other Voice: That's true, but I don't think it would interfere if you were putting a park there verses a parking lot or supermarket. I mean, there is a difference between putting a park where Lewis and Clark had camp or where there was the first mill site and putting some other type of development. To me that's the difference.

Other Voice: Different view points, I think the way a park might be designed and developed could effect how well that historic site might be interpreted.

Other Voice: I think there's been a valid point presented, that a lot of these old mills like Balsets, I used to live by Balsets. It's gone now, the whole town, they destroyed it. So many of these mill towns are

gone and we have the opportunity to help to at least start a task force to look at this one.

Other Voice: As we pointed out earlier this will come before us again at the 3 stage so that certain commissioners don't want to approve certain buildings being rehabilitated take that stance then.

Other Voice: One of the concerns I have is I do want to see more acquisition of land for public parks. Cause I want to have some confidence of people acquiring land that we have done a fairly good job of putting them on notice before they put this type of economic expenditure out. And that's something I'm also concerned with. If this is tied up for 5 years before something is ever decided. Then I don't think we're setting a really good message for people about our park plan.

Other Voice: Commissioner Fritz.

Other Voice: I appreciate, I understand what people feel and yes, something historical in the broadest sense of the word happened there and nobody's going to take that away. I see every indication that the trust and the forest service and the gorge, the scenic area recognizes that and tends to instruct future generations on what happened here. I think that's important and it's obviously very important to a lot of people sitting here in the audience. There is, I guess in a narrower definition nothing historically significant in my mind about Bridal Veil. In that event a person, I was born in a little house across the river, I don't know if that's historical, it may be in a 100 years from now in the form of the home of a mass murderer, I don't know what's going to happen. I understand all of this, I am rambling and its going on.. getting late.

Other Voice: We'll start the timer.

Other Voice: I understand the passion in this and I really wish I could balance out, I just from the evidence in front of me going through the 6 criteria in our comprehensive plan just cannot conclude that it should get a 1C designation.

Other Voice: Commissioner Hunt.

Other Voice: A 1A designation means that you find there's no significance and it's.. and you're not gonna

protect anything. I mean.. some individuals can say they're gonna do something that there's no reason that anybody has to do anything. You're leaving it up to chance.

Other Voice: I have a comment that I wanted to make. I thought the proponent did an excellent job of trying to give us an idea of whether or not the property was going to be a variety of criteria. But I think we heard a lot of testimony, and I emphasize a lot of testimony about the architectural significance which is just one of 6 criteria. They also kind of more or less gave symbolic value and suggests its got symbolic value, most everything does. I think there is some other things here of equal merit, that the chronology is.. I think is a significant one as well as a historical significance. If I'm peering the left side of the table correctly, part of the left side of the table correctly. One of the reasons for not giving this a 1C is that primarily goes down to the architectural significance and maybe I'm not hearing you correctly and if not you should elaborate on why it doesn't make the other...

Other Voice: Commissioner Young.

Other Voice: I respect the people that spoke about the lack of architectural significance.. so I pretty well.. As far as the physical integrity the property doesn't..as far as the environmental considerations at the current land use surrounding the property contributes to an ora of historic period of property defines important space. I think that if you go there you don't get a feeling that that was a mill town #1. And I think that's a straight shot and so based upon that I can't it has some historical significance. I mean, I realize that the contribution of the Palmers, the Havens, the Krafts whatever. But I don't think it's a significant point in Oregon history as compared to everything else that's there and that's basically why I'm going to vote against that's really the reason. And I'm ready to move on to a vote.

Other Voice: Commissioner Douglas. I have mixed emotions again, unless it's preserved in its entirety it does show a mill town and my uncle used to work in a mill town at Dallas in Falls City in that area. I'm quite a while aware. But the houses are in such disrepair unless a person could maintain all of them you'd loose the effect of it therefore I will

be voting against the 1C for that reason. When the houses are gone you've lost that, the only thing you'll have left will be what the boards commission will put in there, you know the remanents of a saw mill. That's it. Face the facts.

Other Voice: Commissioner Atwill.

Other Voice: I just want to reiterate what the director emeritus had to say, I don't know if you were here Commissioner Hunt. But when the session first started but that he did state that this was historically significant and I think he's probably correct. You know that maybe some of the buildings should be saved and some not, and I just don't think we can make this determination now. That I'm voting for 1C.

Other Voice: Everybodies had their chance to comment. Peoples minds are set. Call for the question. All those in favor of the motion to designate the Bridal Veil town site as a significant historic resource, signify by saying I, I. All those opposed, Neigh. 4 to 4. To split. The motion, the vote is 4 to 4 so we don't have a decision. I, because of the late hour I move we continue it to next to November 2nd. The motion be continued. The deliberation.

Other Voice: We have a motion to continue on the 2nd.

Other Voice: Unless there is another motion on the floor, I move that we continue deliberation.

Other Voice: We heard your motion on the 2nd continue. Discussion a motion to continue, all those in favor of the motion to continue.

Other Voice: I have a question, I don't know exactly what that means, in other words come back and vote again when somebody isn't here.

Other Voice: Yes. We don't have an answer yet.

Other Voice: I didn't mean it that way at all it just sounds like we're at a stalemate. I would like to have the opportunity to go home and read the information again. Maybe my fellow commissioners have some good points that I might agree with later on. I don't know that I'll change my mind but I'd like to sit and think about it.

Other Voice: Can I ask a procedural question? So if we go to

the next meeting. Obviously one of us who was here tonight will not be here and assuming we don't change our votes, we win you lose. There is going to be 2 people gone.

Other Voice: Oh, then we win big time.

Other Voice: For the owners of the property. I hate to put it off to the December hearing.

Other Voice: Commissioner.. Question for Scott? Procedurally we don't have a motion to recommend approval of anything at this point, if we don't change, if nobody changes their mind, a motion to recommend a 1A designation would also end in a tie so at this point if there is no further action, discussion from the commission this issue would move to the county board with no recommendation, is that correct?

Other Voice: The planning commission, again you're wearing your hat as a policy advisory. You're suppose to be giving direction to the board in terms of what you believe to be the most appropriate course of action. I don't think it's appropriate for you to send no recommendation to the planning commission on this policy matter. But is it appropriate to just come back next month when somebody won't be here.

Other Voice: That's a decision you'll have to make. That's basically where we are with this motion to continue. Do we end it here or do we continue it?

Other Voice: If you have a question concerning the participation of individuals tonight that are present in the hearing and you wish to make sure that all who are party of the hearing this evening have opportunity to participate in the subsequent discussion. There's an opportunity to continue you that to a later date. The consequence is that you're further delaying if you will, the ultimate decision that everyone is looking for and that is if you decide there is something significant about this site, what is it we're trying to preserve or protect.

Other Voice: I think it's kind of incumbent upon us to take the information that we've received and try to make a decision as expeditary as possible. Now, you have to weigh that against the complication of having some of you not present next time and what that translates to in terms of the vote and I'm not

going to be your conscious in terms of how that should be played out.

Other Voice: Commissioner Ewing.

Other Voice: I think it's inappropriate to ask for this thing to be laid over if we've already made a vote because then basically, procedurally you're saying you're gonna have another vote.

Other Voice: OK, I will withdraw my continuance, but then we need to have another motion on the floor.

Other Voice: No, we can let it end in a stalemate. Then it moves to the board with no recommendation.

Other Voice: OK, then I will move for continuance.

Other Voice: That's what you already did.

Other Voice: I don't want it to end in a stalemate is what I'm saying.

Other Voice: Commissioner Alsophie.

Other Voice: How may it go to the board with no recommendation is not the same thing as having it go to the board with 4 on a recommendation, I mean to me those are 2 different things.

Other Voice: Well, we have another procedural question, we have a ninth member of the commission who is 2 weeks ago and heard the opening portions and may have an opportunity, if this were continued to the point we can have all of us voting.

Other Voice: Just a point of procedure, recall earlier this year we had a situation where we had a planning commission member who was not party to the original proceeding and the question was raised that county counsel appropriate for that commission member to review the tapes, transcripts and then become part of the deliberation. It's county counsel's advise and think it was good advise that that would be an appropriate procedure. There is a lot more that goes on in the planning commission arena terms of the types of comments, the visual, the body language and everything else that's the exhibits that perhaps are shown that aren't available for the other the person who was absent to review in its entirety and the county counsel's advise was if you are not party to the entire proceeding you

probably should not be part of the deliberation.
And I think that is good advise.

Other Voice: There is a motion on the floor to continue to November 2nd.

Other Voice: I'll second by Commissioner Atwill.

Other Voice: Before we move to vote could I ask....

Other Voice: We did make a vote, either there has to be a new motion put forth rather than a reconsideration of the same motion. I think that's incorrect.

Other Voice: I was not planning on making the same motion. I would like us to sit and look at the information some more for the next two weeks and think about our choices.

Other Voice: I think December 7th when all the people were here tonight will be here would be a more appropriate time to put it back.

Other Voice: Are all the commissioners here this evening available on December 2nd? Douglas, Atwill, Engle.

Other Voice: I'll withdraw my motion and change it to December 2nd date.

Other Voice: You also have the option...

Other Voice: Can I withdraw the original motion for the November 2nd and change it to December 2nd, December 7th.

Other Voice: December 2nd would be your next regularly scheduled meeting after the November 2nd. You also have an option as you have been agreeing to do is participate twice monthly in a meeting, which would mean that November 16th would be a possibility as well so, just so I can throw options on the table for you to debate about. November 16th, December 2nd.

Other Voice: December 7th, Pearl Harbor day.

Other Voice: That's September.

Other Voice: No its not.

Other Voice: I would suggest that since we're having meetings twice a month anyway that we have November 16th and that's the only thing discussed and voted on. That

would be a very short meeting, everybody will be here to vote on it.

Other Voice: This is all in way of discussion on the motion to continue to November 2nd.

Other Voice: Ya, I'll amend it to November 16th.

Other Voice: Is that agreeable to the second.

Other Voice: Yep.

Other Voice: OK.

Other Voice: I don't know but I believe so. Do you understand the revised motion? OK, further discussion call for the question. All in favor of the motion to continue for further deliberation on November 16. I

Other Voice: I

Other Voice: Opposed. OK.

Other Voice: The suspense continues.

Other Voice: May I address the planning commission concerning the criteria. There seems to be considerable, I just want to make clear concerning the architectural significance criteria. If you'd refer to your worksheet please so you could follow along. B, on that worksheet refers to architectural significance. There seems to be some confusion about what that means and its only appropriate, if you read the statement there are basically two different tests there under architectural significance. One deals with the significance is if you were to apply it pursuant to a national register designation. The first one however, talks about it in more general terms. So as you talk about architectural significance, I think you need to as a planning commission specify which one of those aspects of that criteria is important and then explain why as in terms of your finding. OK.

Other Voice: OK, the Bridal Veil case is continued for deliberations to November 16th. Is commission ready to move on with the goal 4 forest resources issues?

Transcript of Bridal Veil and Crownpoint

C9-92

Date of meeting 10-5-92

We'll convene the meeting. The next item of our agenda item 3 remind everyone here that there are 2 more agenda items scheduled for this evening. This next item, item 3 is the Bridal Veil historic designation. We had scheduled an hour and 15 minutes for this item beginning at 8 and we're now at 8:30, I'd like to still give it an hour and 15 minutes but that will move back the starting time for our last item which is the forest goal to 9:45. So just to get a sense of how many people want to testify to forest goal. Can we have a show of hands. People that are here to testify on forest goal. Five or Six. OK. Thank you for your patience. We have a lot of very very contested cases here tonight to go through. One other announcement on the information item that we had at the beginning of our meeting on the adoption of new ordinance language for the Columbia Gorge scenic area. We will hold the first public hearing on that ordinance package on November 2nd. There's been some discussion of having that hearing on November 19th but given the length of that October 19th given the length of that October 19th agenda we will not start public hearing on the gorge scenic area ordinance until the November 2nd planning commission meeting. So with those schedule announcements. The next item on the agenda.

C9-92

Bridal Veil Road and Crownpoint Highway

This is a proposal to modify the counties confer... of the plan inventory to include the Bridal Veil town as a significant historic resource. This is a quashie judicial case and we do follow our procedures for a quashie judicial case. We have an unusual situation in that we do not have a single applicant for this. The county is affectively acting as the applicant to consider whether this site should be designated as a significant historic resource. We also have to expert reports on the historical significance or historical background of the Bridal Veil community. Before we begin the public testimony for the Bridal Veil town. We want to have an opportunity for the planning commission to hear both of those historic significance reports so I would suggest that we modify our normal procedures to give the historical experts an opportunity to present their reports in a brief 30 minutes each presentation for the planning commission this evening following our staff report. And begin public testimony on the 19th. Do we have a motion to that affect.

Other Voice: So you need a motion to basically change...

Other Voice: To modify procedures, to have 2 special task reports following the staff reports.

Other Voice: So moved.

Other Voice: Discussion of the motion.

Other Voice: Can you repeat the entire motion again?

Other Voice: The motion is to have the two historical expert reports 1/2 hour each summarizing the written reports that we've received immediately our 15 minute staff report before we begin the public testimony and that the public testimony will begin on the 19th.

Other Voice: OK, are we gonna make a decision on the 19th.

Other Voice: We may or we may not depending on whether we've reached a point and we've heard all of the testimony.

Other Voice: Well, I'm not gonna be her the 19th and what I would suggest is that I could read and hear the transcript on the 19th if the decision were to be made on November 4th, if not there's probably no point in me being here.

Other Voice: OK.

Other Voice: That would work fine for me if you don't mind me reading listening transcript. I will definitely do that. This is obviously an issue of importance to us out of the gorge.

Other Voice: OK, does the maker of the motion want to modify the motion to add a decision date no earlier than November 2nd.

Other Voice: I think we could do that, what we could do is essentially everybody has to come to their conclusions on October 9. Then we'll just basically vote, open vote a member to our November 2nd make the vote and go.

Other Voice: So I guess I could modify to that. We'll make a decision no sooner than November 2nd.

Other Voice: OK, who second it.

Other Voice: I second it.

Other Voice: OK, is that change agreeable to you. OK, further discussion. All those in favor of the motion.

Other Voice: Is everybody gonna be here on November 2nd. There no use making this motion if its gonna we're gonna

end up with some people missing again.

Other Voice: I won't be here.

Other Voice: How many others will not be here on the 2nd as far as they know.

Other Voice: I don't know, I may or may not.

Other Voice: Can I withdraw my second because you know some times people can't make it to all the hearings.

Other Voice: I don't mind you taking the risk of you making the decision October 19th if that's what you want to do. I just want to make clear that if I'm to be part of this process. I won't be part of that part of the process. And I told you what I felt was a legitimate solution to my problem and then if you decide to continue in or not, that's your decision.

Other Voice: Go back to your original motion.

Other Voice: Can I ask county counsel. Does planning commissioner have that option to that they have that option to listen to the tapes etc if they choose to continue to be involved in a decision.

Other Voice: I think that's just fine.

Other Voice: So that's his prerogative if that's what Commissioner Fry chooses. Correct.

Other Voice: So they could be on the record as four....

Other Voice: Well, he has to be here. The commissioner has to be here to vote on the motion. If a commissioner is not pleased with the outcome they could move to reconsider at a later meeting. If there was grounds for that.

Other Voice: Apparently, Sharon's just brought to my attention that another matter, the other county counsel decided that it would not be appropriate to...

Other Voice: Well, that's why I was asking because there a particular case, I was unable to be at one of the hearings.

Other Voice: It may be observing the witnesses or the would affect the way you decide.

Other Voice: So that's why I wanted to clarify with county

counsel cause I know in another situation county counsel felt it wasn't fair to the people in the audience for the commissioner not to be here.

Other Voice: OK, so we're back to the original motion to modify our procedures to have 15 minute staff report this evening and 2 half hour special reports for the historical experts and begin public testimony on the 19th.

Other Voice: I second that.

Other Voice: You second that. Further discussion. Vote for the question. All those in favor.

Other Voice: I.

Other Voice: Opposed. OK. We will modify our procedure tonight. We'll begin with the staff report. Oh, before we have the staff report, I'll note for the record that I visited the site on Saturday, past Saturday to take a look at the buildings and while I was there ran into the caretaker for the site. Craig Zimmerman, I believe it is, who pointed out the location some of the buildings to me. So I have some additional personal knowledge from that site.

Other Voice: We are here tonight to provide information to you the planning commission so that you can make a recommendation to the board of commissioners as to whether Bridal Veil is historically significant. We're doing this as part of the goal 5 process. State wide planning goal 5. Under the goal 5 process, counties are required to collect information or inventory significant resources. In this case we're looking as historic resources. You need to determine there significance. The process then requires you to identify conflicting uses based on what zoning would allow and conduct what's call an ESEE analysis which is identifying the economic, social, environmental and energy consequences of allowing conflicting uses or the ESEE consequences that would inflict upon preserving the resource. It kind of goes two ways. You're looking at conflicts of allowing uses or preserving the resource. A protection plan must then be formed based on the ESEE results. What we're proposing to do is break this goal 5 process into two steps. The first step is determining the significance. That's what we're doing this in this first set of hearings. There's three steps you can take in identifying whether it's significant or

not. The first would be designating it as 1A which means that the information that's available indicates that the site is not of historic significance. In that case, the process would end and no further action would be necessary. The second situation would be designating it 1B which means that you don't have enough information to make a determination on significance. In that case you're required still to amend the comprehensive plan and add in this case Bridal Veil the list of historic resources. But you would put the 1B designation on it and have to include a time frame as to when you would complete the goal 5 process and get more information so that you could make a final determination. The third method you have a designating the site would be to call it 1C. Which is indicative of the site of being historically significant. In that case you would amend the comprehensive plan included it on the inventory of significant historic sites and we would continue with a goal 5 process of determining conflicts and doing the ESEE analysis. As I said we're proposing to break this into two phases and what we suggest is if you decide it's a 1C site and is historically significant that we form a task force made up of members of the various agencies and groups historic societies that have shown an interest in that site. The role of this task force would be to try to come to a consensus as to first of all what the ESEE analysis would be and second of all, to help suggest a protection plan as to what should be done with the site, which buildings might be removed, which should be preserved. Come up with some type of proposal that they could then bring to you in another set of hearing later on. We have attached a work plan to the staff report that just kind of illustrates this goal 5 process and it's got a tentative time frame of when the process could be completed. The way this project started basically started in 1991 when the trust for public land purchased the Bridal Veil site along with a larger piece of acreage. Their intention was to resell the property to the forest service so that it could be managed for its natural and scenic values as part of the Columbia River Gorge National Scenic area. They did do research on the site before they purchased it trying to determine whether the buildings there were historically significant and we've had several discussions as to why they came to the conclusion that it wasn't significant based on their early research. There were several surveys, historic surveys done within the county,

state and the columbia gorge area prior to them buying the property. And I'd like to briefly address why Bridal Veil didn't appear as a historic significant site on any of those surveys. First of all, on the county level, our first historic survey dealt only with the few sites that are already on the national register. Those are the sites that have been included in the comprehensive plan inventory now. Our second survey was basically a windshield survey and it was based entirely on architecturally significant buildings. So they weren't looking at town sites or mill buildings. They were looking at architecturally significant complexes and houses. In addition to that because Bridal Veil is in the gorge area, they were told not to really inventory the gorge under the idea the Columbia River Gorge would be intensively inventoried at a later date under the scenic area at so Bridal Veil was omitted because of that. There was another historic survey done as part of the Columbia River Gorge Scenic Highway. That was done in 1981/82 Columbia River Highway study and we received a letter I believe this past week, you should have a copy up there from the person who worked on that study and he indicated that they were looking only at the highway and at buildings that were associated with the highway such as garages, auto courts, gas stations. Their role was not to inventory whether houses or town sites. And so that's why Bridal Veil wasn't included in that survey. In addition, in 1988 there was a cultural resource survey of the Columbia River Gorge National Scenic area. That was done by Heritage Research Assoc. We also received a letter from someone who worked on that project and they indicated that the project only involved review and synthesis of existing archeological and historical information in other words, it was only a literature review of sites that have already been identified. They weren't surveying any new sites or doing any new survey work. So the letter indicates that that's the reason why Bridal Veil wasn't included in that survey. So as a result of publicity that got out when people became aware that the trust for public land was considering tearing down the buildings in Bridal Veil so that they could complete the sale to the US Forest Service an intensive survey and historical research of the area be done before they tear down any buildings. The county did fund a study by Char Prohaska and the tourism development associates, you have a complete copy of that report on your

desk up there. In addition we've made copies of the executive summary and the bulk of the test of that report that...received copies of that and several members of the public have also received copies of that. And in addition, the trust for public land funded their own historic survey of the site. That was done by John Tess and the Heritage Investment Corporation. These are two separate studies and they came to two entirely different conclusions. We have representatives from both those groups who will give you more information on those studies tonight. Basically the Prohaska report was a historic overview, giving a background information of the entire history of the site. The Heritage Investment Report on the other hand looked solely at individual buildings and structures and based their recommendation simply on the not simply excuse me, they based their recommendation on the integrity of the buildings that are remaining at the site. So they did come to entirely different conclusions. In making a determination of the significance. We're looking at 3 different sets of criteria tonight. The first one is the goal 5 criteria location quality and quantity. The next set of criteria are the historic site criteria found in the comprehensive plan. And the last criteria what are necessary for completing a comprehensive plan amendment. So under the statewide goal 5 process it requires counties to determine the location, quality and quantity of historic resources. Location of this site is in the Columbia River Gorge, Bridal Veil, Oregon. You've got copies of maps attached to your staff report. Basically what we're looking at is the are on the west of Bridal Veil creek forms the boundary, on the east we're looking at the Bridal Veil cemetery as being the boundary. On the south side the old columbia river scenic highway, is that the correct name of it? But the historic highway forms the southern boundary and the northern boundary are the railroad tracks. The complete legal description with all the tax locks is part of the staff report. In a determination of quality of the site, we have to compare Bridal Veil with other similar sites within the county. In this case, staff is unaware of any other logging company mill towns within Multnomah County, so it's real hard to do any kind of adequate comparison since there's nothing to compare it to. Both of the other reports, the Prohaska report and the Heritage report did compare the site to other logging mill company towns within the state. They both basically came to the

conclusion that the Gillcrist town is probably the most in tact example of a company mill lumber town in the state but as Char Prohaska points out it was established 50 years later than Bridal Veil.

Other Voice: I'd like to interrupt for a moment. In view of the time, I'd like to try to wrap up your part of the staff report quickly and move on the expert section that will probably hit some of the historical highlights. Are there any questions of the commission on the procedures and criteria for this proposal?

Other Voice: No. I had a general question though. What is the straight recommendation of staff that we give it a 1C. There's no recommendation.

Other Voice: We are making no recommendation. We're just giving you all of the information that we have and hoping you'll make the correct...

Other Voice: No recommendation and your saying the oral staff report doesn't add a recommendation but your... describes what we're suppose to do and step back and let us try and sort it out.

Other Voice: Correct.

Other Voice: Maybe I'm reading between the lines but that's not quite what I got from the staff report. But that's not really what I wanted to ask you about. I do make a recommendation though that if we go forward with this suggested task force and I was curious the community to save historic Bridal Veil. Would that include local residents? Do you know? Or is there a neighborhood, don't want to call it a neighborhood group, but namica but I don't see that listed here. Oh is it. NE Multnomah County.

Other Voice: I was unaware until it was pointed out to me that there was some neighborhood representation.

Other Voice: I think that the Crownpoint historical society also has a lot of members who are from that general area.

Other Voice: OK, any further comments, staff report before we move to the experts.

Other Voice: Well, the staff reports addresses all of the criteria that we've discussed so as long as you read that and listen to the other testimony that

should cover it.

Other Voice: OK, if there are no further questions at this point we'll move to the reports on the historic inventories. I guess we'll start with Char Prohaska. Excuse me. Trust for public lands, the test report...

Other Voice: I'm sorry Mr. Chairman my understanding is said I'll....our testimony...the survey...we talked earlier ...at that point we asked...

Other Voice: Excuse me. What you're saying isn't being recorded for the record here.

Other Voice: Mr. Chairman, my name is Bowen Blair. I am the director for the trust for public land. This was originally set up so that the trust for public land would go last. We did our research, our testimony on that basis. Mr. Pemble did contact our earlier and ask us a courtesy since Ms. Prohaska was going to be late if we would go second and they would go last. Our preference is now that Ms. Prohaska is here. That we follow the original format that we've prepared our testimony towards.

Other Voice: Yes, Ms. Prohaska would you be able to begin your report. Our normal procedure has proponents or applicant beginning the public testimony section followed by the opponents and it appears that while we're not in the public testimony section at this point. You're historic analysis represents a direction that would support historic significance while the trust for public land report represents a view point that doesn't find significance. Would you be able to present now?

Other Voice: Good evening. I'm Char Prohaska.

Other Voice: We do have a 30 minute time

Other Voice:technition with the forest service he's gonna give you a brief overview historically since...

Other Voice: Can you speak up a little bit.

Other Voice: Surely, can you hear me? I'm sorry and then he'll be followed by David whose gonna give a little bit of an understanding for you on what a cultural landscape is because we felt Bridal Veil is very significant in being evaluated that way. I will give my report as briefly as I can and then Chuck

Rawlings, whose vice-present of the Crownpoint Historical Society will extend an invitation to you to come and see Crownpoint and what he is going to be doing in two weeks.

Other Voice: Bill Kar from the Mt. Hood National Forest. Business address is 595 NW Industrial Way, Estacada, Oregon 97023. Since time is of...(pause) Since time is short I'd like to give a real quick overview of the history of the Bridal Veil lumbering company at Bridal Veil. The first documented evidence of any permanent structures at Bridal Veil seemed to indicate that the more homestead was founded in the late 1870's. The group of lumberman acquired all of the holdings, the mores, along with lushers and a number of other homesteaders in the area; this occurred around the 1886 time period and Theodore Smith, Lorraine Palmer and a number of lumbermen formed the Bridal Veil Falls Lumbering Company. The name was shortly changed to Bridal Veil Lumber Company and a series of constructions began at Bridal Veil, resulting in a Finishing Mill in Town sight of Bridal Veil and also up on the slopes of Larch Mountain, a rough-cut saw mill, a town site called Palmer. The church was constructed at Bridal Veil. Schools at both Bridal Veil and Palmer. Rooming houses, Boarding houses and up on the slopes of Larch Mountain we had the Logging Camps. Logging in the late 1800's was mainly done with oxen, the company found that it was a lot more profitable to get the logs out of the woods by means of a narrow-gauge railroad system and in the 1890's they soon set about constructing the narrow-gauge system up on Larch Mountain. The logs were taken to the rough-cut saw mill at Palmer cut in route to various lengths of rough cut lumber and sent down wooden flume along the edge of Bridal Veil creek all the way down to the bottom, roughly about 1200 feet in elevation, down to the finishing mill at Bridal Veil. At Bridal Veil, the finished lumber products were manufactured. Despite all the activity and the hard work there was still time, occasionally to have picnics in the woods and this was just not an accumulation of loggers in logging camps. They brought their families, and like I said previously, schools and community church, this was all established at both communities, both town sites. In 1902 a distasterous fire swept up through the Columbia River Gorge, it bypassed Bridal Veil, fortunately; swept up the slopes of the Gorge and destroyed the town site and the mill at Palmer.

Immediately, the company decided to rebuild, move the operation about a mile and half or two miles up Bridal Veil Creek and started another saw mill and a complete new town site at a new location also known as Palmer. Houses were constructed there at Palmer and we get back into business as usual again with family, Sunday schools, the whole business. Then around 1908, the company goes into a period of large scale expansion, the mill side of Bridal Veil was expanded considerably. Fellow my the name Edward Haysen became general manager and really developed the company into a basically a national lumber company. His brother Benjamin Franklin, pictured here in the middle of this photograph, was the secretary and later became treasurer of the Douglas Fir Lumber Company Sales Outlet for Bridal Veil and in the 1920's he became the founder of the Benjamin Franklin Savings and Loan Association of Portland. During the teens the company expanded under the guidance of the Haysens, more families moved into the area and pursued the types of pastimes that any local community would of been concerned about. During the first World War, contingent of spruce production division soldiers were stationed at Bridal Veil, they helped in getting the lumber out for the war effort. It was also during the first World War that Bridal Veil also expanded their operations over into Washington. They picked up the Wind River Lumber Company that had it's headquarters at Cascade Locks but were actually logging vast ends over September in the Wind River drainage and taking the cut logs and transporting them across the Columbia River Gorge, the Columbia River itself and having the logs cut up at Cascade Locks, shipped to Bridal Veil and then shipped to various parts of the country. In the 1920's, around 1922, the company went through another expansion, it was taken over by another group of lumberman and the name changed to the Bridal Veil Timber Company, as you can see at this time period an expansion and more or less a modernization of logging styles and equipment. All of this was taking place on the slopes of Larch Mountain and about the middle of the 1920's market conditions improving, the company expanding, they decided to change the narrow-gauge railroad system into standard-gauge and expand it into vast new stand of timber in the Gordon Creek Watershed and it was felt at that time that they were looking at 10 or 15 more years of continuous logging on the slopes of Larch Mountain. Unfortunately, the Depression came along, market conditions really

went down quickly and the company began to lose a lot of money. First of all they closed out their railroad logging operation because it was too expensive; then in 1936, a fire struck at the finishing mill at Bridal Veil and it was felt that because of the tremendous cost of rebuilding the mill that they would shut down completely. In 1937, the company was sold to International Wood Products, that was basically an arm of the Kraft Cheese Company and they took over operations at Bridal Veil. They basically cut lumber at Bridal Veil for up to the time period of about 1960, before Kraft Cheese sold out. In 1944, the old Ghost town of Palmer was intentionally burned. It was felt at that time that an accidental fire or an arson fire could of got started in the old town site and the fire could of spread over into the Bull Run Reserve, so the town was destroyed. Today, we've got numerous remnence of the logging and lumbering activity that went on both at Palmer and at Bridal Veil. So, with the remains that the new town site of Palmer, so, the mill buildings at Bridal Veil, the road houses constructed in 1902, the cemetery and finally the community church at Bridal Veil. I think just to reiterate and kind of stress the fact that Bridal Veil was basically an operation that took place in both Oregon and Washington and had ties all over the United States, primarily in the midwest, and the east coast, through the subsidiary company, The Douglas Fir Lumber Company which was actually a Sales Outlet for the company. So it really has, I feel both regional and possibly a national significance.

Other Voice: My name is David Osherman, I'm a landscape architect in Portland, my address is 2833 SW Upper Dr. Given the time constraint and the amount of material we need to go through, I'll just submit my testimony in written form. If you have any questions about it later, I'll be happy to answer them.

Char Prohaska: Moving right along. Good evening commissioners, my name is Char Prohaska, I live at 3640 SW Dausch Rd. Portland, Oregon. Thank you for the opportunity to address you tonight on the significance of Bridal Veil Oregon and why I recommend that Bridal Veil be listed in the Multnomah County Inventory of Cultural Resources as a very significant cultural and historical resource. Before we get into the heart of my presentation I would like to take a minute to share my professional background and

volunteer experience with you as a justification for my testimony. I have worked in the field of historic preservation for almost 20 years, continually advocating for the important contribution that historic preservation can make to the economic development of communities and to the quality of life of people living in, rural areas, isolated small towns, and our large metropolitan centers. I've served and continue to serve on just about every local, state, and national board dedicated to preservation. I'm currently a member for the Landmark's Commission and I have just completed 9 years as the Oregon Advice to the National Trust. As former president of the Historic Preservation League of Oregon, I was proud when the board decided to cooperate with the National Park Service, so a team of professionals in preservation could conduct a cultural resource survey of the Columbia River Historic Highway. Ultimately, that study lead to the old Highway being listed on the National Register of Historic Places. A few years later Richard Ross and I worked with our Congressional Delegation to get the 2.8 million dollars allocated for the restoration of that old highway. We continue to date to advocate for more funds to restore the old highway. Professionally, I have a science degree, a real estate license, a history degree from Portland State and a masters degree in Tourism Planning Administration from George Washington. My graduate and post-graduate studies have all focused on the relationship of historic preservation and the inauguration of cultural, natural resources into quality tourism, planning, and sustainable development. I am presently a professor at Portland State University where I teach Tourism classes and adjunct professor at George Washington. I direct an international institute and I also am a tourism consultant. During the last 5 years; my associates and I have been conducting culture resource surveys and inventories in several Oregon communities. Some of them within Multnomah County, such as the Cultural Resource Survey and Inventory of Gresham and the ongoing survey of structures in North West Portland, which I'm presently managing. I was also part of the evaluation team asked to assist the 1988 Multnomah County Cultural Resource Inventory. Had my comprehensive study of Bridal Veil been completed at that time, I'm sure it would of been listed as a very significant resource. I share this background with you to help qualify why I think the remaining cultural resources of Bridal

Veil are locally significant if not state, regionally, and nationally significant. My interest in Bridal Veil goes back almost 2 years. A received telephone call from a concerned citizen who asked me to look at Bridal Veil because there were rumors that the community was about to be destroyed. After visiting the area I knew there was something very special about the community. But know one seemed to have much information. I spoke with the director of the trust for public lands several times and offered the services of people who were interested in surveying Bridal Veil in order to help determine the significance of the Barnacle houses snuggled into the house side. The director listened carefully to our offer to inventory Bridal Veil but never called back. Later that I read that the trust for public lands had hired the HIC team to look at the site and that their report would be out soon. That was well over a year ago and we waited and waited. But no forth coming report. In the interim, due to the growing concern of people living the Bridal Veil area. Multnomah county decided to take action. On March 15th, Multnomah county contracted with me to do just the following. Review the publications including those relevant to the surrounding area and provide a bibliography. Provide 2 site plan drawings. Meet twice with the advisory committee and actually that's how David Osham and I worked together because he did all these wonderful site plan drawings. For tonights hearing I want to restate that Multnomah county asked me only to review publications. Not to conduct a culture resource survey and inventory of Bridal Veil or an architectural analysis of the buildings remaining at Bridal Veil or prepare a goal five analysis or least of all to testify before the commission. Before discussing the...my findings and the HIC team report. I wish to state 3 things for the records. #1 my intention of the historic research report would be used to compliment the HIC team report and make this a win win situation for the parties interested in the future of Bridal Veil. Unfortunately appears that the HIC team has not considered any of the information relating to the important cultural heritage of Bridal Veil. Associated with lumbering and logging that existed on log mountain for over 100 years. It concerns me that organizations and individuals philosophically support and respect have chosen to take such a narrow and outdated view of the historic preservation potential of the cultural resources

associated with Bridal Veil. Little consideration has been given to the importance of Bridal Veil as a significant cultural landscape and again I want you to please read that handout that David Osherman gave you on cultural landscapes. It concerns me that TPL and HIC have been willing to meet and cooperate with the people who live in the Bridal Veil area.

Chairman: Excuse me. Could I interrupt just a second, I'll stop the clock here. You've got about 9 minutes left and it looks like you're on page 2 of .

Char Prohaska: No, I'll get there.

Chairman: of 14 page written statement that you're

Char Prohaska: OK, I'll hit the highlights. I encourage you to remember that when you look at our reports that you're really comparing apples and oranges and these are things that I think are really important. A broad cultural history of Bridal Veil pitted against a very specific narrow architectural analysis. In order to compare apples and apples, further study by an independent team not associated with TPL is recommended. At a minimum the team should be comprised of a professional historic preservation architect and historic proper to contractor. OK, now based on the existing documentation until I'm proven wrong and it's in your summary Bridal Veil is the earliest remaining lumber company mill town in the Columbia Gorge and possible the state of Oregon. Bridal Veil has the oldest remaining collective examples of mill workers cottages, managers homes, the community hall, post office which was a former first aid station, mail buildings and cemetery. It was the home to many of the first associated with logging which is in the Bill Kar report. It is significant as one of the earliest settlements on the Oregon side of the Columbia Gorge and it has enough remaining cultural resources to interpret the history. Due to time I'm going to go on for a couple other things. Unfortunately part of my time must be used to clarify and rebut some of the findings in the HIC report. But I think you need to know that to determine your future answer. Point #1, the greatest justification that the HIC team uses throughout their document for determining why the cultural resources of Bridal Veil are not significant is the continual reference to the previous surveys and inventories. You do have

letters but I want to point out a couple things. Regarding Dr. Beckhams study, you have a letter dated September 30 by Dr. Miner whose part of that team, he said it's come to my attention that the question has arisen concerning the scope of the survey. Specifically he goes on to say that they were not responsible for these structures and that the statement that it was included in the HIC report was invalid. The telephone conversation with Dr. Beckham on Saturday, October 2nd confirmed the intent of Dr. Miner's letter. Dr. Beckham concurred that the argument used by the HIC team as to why cultural resources of Bridal Veil were not significant was absolutely invalid. Reference #2 on this same page relates to the study of the Columbia River highway, you also have a letter dated September 29th by Dr. T. Allen Comp who says it was never the goal of the Columbia River Highway project to evaluate culture and historic resources. He also goes on to say in his professional judgement after review Bridal Veil it is clearly a potential national register historic district and perhaps more important a wonderful opportunity to extend the range of interpretation within the gorge and it thinks it should be added to the comprehensive plan. Following that you have a letter dated October 2nd from Julie Color, preservation officer from King County who again spelled out what they did on the survey for Multnomah county. It was a windshield survey. She says that it's very important that Multnomah county consider Bridal Veil as a cultural resource and please refer to that letter it's in the packet with the blue cover of the Bridal Veil mill. According to one of my knowledge only 1 member of the HIC team has ever participated in an intensive rural cultural resource survey. I do not believe that any of the HIC members have been involved in the development of a historic context statement which is again what you hear us refer to as the very important way to evaluate Bridal Veil and that's within context of the gorge. Then you can read also you have a copy of my notes that the team report we feel represents only 1/6 of the process and it's also very important when you look at that specific analysis of buildings to realize that there was not a context statement done, a survey of inventory, no community basically input. No cultural resource analysis. The fourth and final point under section 5 page 101 in the HIC report discusses the criteria for nominating properties. And it goes on to say the register is nearly 25

years old and because no one nominated Bridal Veil in the past then it was therefore not significant. I disagree with that first of all no one knew til three months ago how significant the are was so they wouldn't have nominated them. In a conversation...Oh, also it mentions in there in the HIC report about the national register and although the staff at the time feels it may not as in its entirety be eligible for the national register and my conversation with Elizabeth Potter on friday she concurred and would support the fact that possibly all the managers homes and some of the individual cottages and perhaps some of the other individual buildings like the community hall and that could be nominated to the national register because of their individual status. They're the last and the best remaining example that we have in Multnomah county of that type of resource. However, any discussion of the national register is irrelevant to your decision and only confuses the situation. As commissioners you are evaluating Bridal Veil as it's significance as a local cultural resource. That's really only the purpose. Other disparities, section 3 page 13 on setting. From my perspective one of the most interesting aspects of Bridal Veil is the fact that it was designed into the contour of the natural landscape and hillside and not on a grid pattern. The people living the community walked via a network of pathways to each others homes and to work at the mill. Until I-84 was built, the only way in and out of Bridal Veil was a small road that connected to the Columbia Gorge scenic highway. The fact that they lived in complete isolation is what makes the community so interesting. The exact date of the present buildings is not know but primary documentation indicates that the houses were constructed around 1904, 1905 when the company had it's greatest spirt growth. There is a lady that moved there in 37 that was told that they were 40 years old at the time. There's another lady I interview that moved there in 24 and she said the houses were old also at that time. In on page 13 of the HIC report. Contrary to their report my opinions Bridal Veil was a typical company town. It did have industrial buildings, a company store, that contained business offices. A community hall, school and residence. It still contained some of those structures. The argument because Bridal Veil did not have a park or a common area is not valid. Actually they lived in the Columbia Gorge so they had a whole park around them everywhere. The

community hall which is important to me actually was built by local mill workers in the late 30s and 40s with wood donated to the mill workers by their manager Leonard Kraft. The hall was used as a social gathering place for dancing on the weekends. People lived in the communities throughout the gorge would travel to Bridal Veil to dance in the community, they would go on the train, dance all night and then catch the train back home either to their communities or Portland the following morning. In that report, I just wanted to say that the post office served many purposes from first aid station on. The houses...there is a little bit of conflict there, they were used as houses, the ones along the Columbia River Highway. They were not boarding houses as stated in the HIC report. If TPL and the HIC team could have included community interviews in their research they would have been able to determine the use of all the existing properties and gained a much greater appreciation for the cultural and historic significance of Bridal Veil. The architectural report appears to have been written in isolation for a single purpose without taking into the account the history and the culture associated with the community. Actually though, even though I say all of that I agree with the HIC report that several of the buildings have been neglected. They are deteriorating because TPL asked the tenants to move out in what they perceived to be an asbestos problem. And I think that needs to be addressed. According to an interview with architect Richard Soderstrom who worked on the buildings in the mid 1980s. The houses were in good condition at that time. Which counters the report the HIC report. He worked on them he said there really wasn't any problem and they were very solid. In a conversation just last week former property own Herschel McGrift. He stated that the houses were in good condition. He took good care of them and that he had to because he was liable for them. And they were in good condition when he sold them to TPL. He also put a lot of money into the properties which is documented in all the records. These comments directly contradict the HIC findings. As one working in the field of preservation. Deteriorating structures present a positive challenge. Thousand of historic properties throughout Oregon and the US had been turned from one unsitely buildings to jewels with good preservation technics. The architectural integrity of several buildings could be restored by using the

secretary of interior standards. The simple architectural style of the houses that the HIC report finds unimportant is what gives Bridal Veil mill workers homes more significance at the local and state level. Simple vernacular design does not diminish the significance as stated in the HIC report. Most of the buildings in the HIC report are listed to be in at least fair condition. People would love to buy the Bridal Veil homes in their condition. Bridal Veil homes deserve the chance to have a second life and to tell their story.

Chairman: That's 30 minutes.

Char Prohaska: Can I wrap or not.

Chairman: Can you do that in one more minute?

Char Prohaska: I think so. Well, actually what I would probably refer you to is to...I went through all of the staff conclusions and that is in your report on and again countering. The association with the significant portion that's obviously very apparent when you read the report. The architectural significance, of the vernacular homes obviously are important. The ability to portray and convey information about the history of life varies significant, the historic site criteria, again I stated you can't use the national register. You also there's a wonderful letter from Dr. Abbott that talks about the importance of Bridal Veil and that it should be listed as a cultural resource. There's also another letter in there from Al Staley on behalf of the HPLO that again states how significant Bridal Veil is. And they will be here to testify into 2 weeks so maybe I'll just let them say all the final things for me. But I do encourage you to read my report and everything we have. OK. Can we just wrap up and have Chuck Rawlings say 30 seconds worth.

Chairman: We're up to 31 minutes now. I'd like to cut it off there give the TPL

Char Prohaska: I'll just say on behalf of Chuck that the community really looks forward to telling their story to you in 2 weeks. Thank you.

Chairman: Thank you.

Other Voice: Mr. Chairman, Scott, this is a point edification,

people making presentation this evening are hear either voluntarily or representing the respected clients. They may not be available in 2 weeks time. There's opportunity for them to testify in 2 weeks time but if you have questions you'd like to ask of them you should probably clarify whether in fact they intend to be here on October 19th.

Chairman: I'd like to get through the other 30 minute report and then we can see where we head after that. To see whose available to come back and answer questions has also been a question a couple questions raised to the commission members about the..whether we have an opportunity for a guided visit to the site to point out some of the ...so before get into that would the people who spoke fill out one of the witness cards and leave it with the clerk please.

Bowen Blair: Mr. Chairman and members of the planning commission I wanted to thank you for the opportunity for the opportunity to testify. My name is Bowen Blair and I'm the director of the Oregon field office. In Leu of the time constraints tonight. What I would like to do is just submit my testimony and Nancy Russell who is gonna follow me will also do the same. We'll give our time over to our consultants. I would just like to just clarify one matter. Mr. Kar mentioned he was with the forest service. It's my understand he is not representing the forest service in this matter. Is it possible to clarify that?

Chairman: Stop the clock for this clarification.

Mr. Kar: Certainly I am representing the forest service tonight.

Bowen Blair: Thank you very much. With that we'll turn that over to our consultants.

Other Voice: Are we allowed to ask questioned if.

Chairman: I'd like to let the presentations go through and then we'll take a look at the time. And we do have another public hearing item scheduled tonight.

Other Voice: Mr. Blair, cause I've discovered my plane flight actually gets in around 6 so since I cannot listen to transcript and tend to be here I have a question I wanted to ask Mr. Blair which I think is pretty critical to the entire process of this and I can

wait and ask him later.

Chairman: Let wait and ask him later. We'll restart the clock.

John Tess: Am I started? I feel like I've been hit with a machine gun. Anyway my name is John Tess. My business is I'm president of Heritage Investment Corporation was the head of the resource team that put together their report for the trust for public land. I, like Ms. Prohaska, have over 20 years of experience in the historic preservation field. The other team members we have probably have well more then that. We felt that the report that was going to be done for Bridal Veil was a very important report and therefore we put together a very qualified team of consultants. This included Richard Ritz, architectural historian, Louis McArther who is probably considered the industrial historian and has been involved in many of the studies in the gorge since the beginning of time. You've heard from Mr. McArther later. We also brought on our team, Rob Mossin who has been with the national trust and dealt with historic properties and endangered properties and is a Heritage tourism specialist. And his views are reflected in our report also. So that's our team. Our methodology, we basically followed a 3 step process, first we considered conducting a evaluation of the existing literature represented in our bibliography. If you compare the bibliographies in the report you'll see that both reports were prepared using the same data. Second, we did a fact finding visits, many visits to the site and we looked at the buildings individually to determine the historical and architectural significance. Third we applied all the well accepted standards for evaluating sites to the results of our fact finding investigation and it's represented in our report. The question that no one has seemed to ask this evening that we're suppose to be looking at. Is whether or not we have a historic resource here or not. We're not asking whether or not there's a history at Bridal Veil, I think that the other consultants did an excellent job of showing that there is a history there. We've seen a lot of palmer, we can see that maybe there was maybe more history at palmer and other things and we saw a lot of historic pictures of what was there and we haven't really seen a lot of pictures of what still exists today. I will show slides of that and run through that quickly

for you. The other thing we're not doing this evening, we're not asking to look at Bridal Veil and what's hay day and whether or not you know.. are we evaluating it in its hay day. No, we're trying to evaluate the site as it is today in accordance to certain criteria that have been set up. And we're also not here to discuss what the potential of what a wonderful interpretation program could be based in Bridal Veil if Bridal Veil in fact were report. What we are here to look at is whether or not Bridal Veil does or does not meet the historic site criteria of Multnomah county comprehensive plan. And that is what our study intends and our presentation intends to address specifically. I'd like to run through the slides quickly so you have a good feeling for what buildings exist there and what Bridal Veil looks like today. Could I have the lights please. Just for time, I'll run through these very quickly. This is a view of the site, in the background you can see some of the old industrial buildings that date from the 30s and 40s. Another general view of the area, here is some of the industrial buildings, interiors of some of the industrial buildings, the post office the building that has been discussed and these are the buildings themselves, you can see that many of them have had alterations to the exteriors as well as to the interiors of the buildings. New siding has been applied in most cases, porches, add-ons to the exterior of the buildings, the back portions and that's the end of our slides. Thank you, can I have the lights.

Other Voice: I have a question. Just for clarification. The interiors there where you have that diagonal siding is that original or is that.

Other Voice: The diagonal siding is not original. The only siding is original is between.....buildings would have been the original siding. On the interiors, oh you mean where you have the knotty pine.

Other Voice: Yes.

Other Voice: That was that.

Other Voice: When was that building built

Other Voice: This specific structure.

Other Voice: I notice in your report that you had everything after 1930 dated but none of the other buildings,

almost 12 of them were undated.

Other Voice: We dated them the same as the other consultant group suggested that they cannot find exact dates for the buildings. Our architectural historian told us that the buildings were built sometime after the turn of the century. Between then and probably 1915.

Other Voice: So you're saying that for people like me 1900-1920, is that what you're saying.

Other Voice: Yes.

Chairman: Lets go on with the presentation.

Other Voice: Can we have the lights please? OK.

Other Voice: Now what I'm gonna do is address the specific historic criteria and to help you through this and I hope I have enough copies for all the commission members but I will give you these and we will walk through these. If we do not have enough you can share and I will make sure we will get more copies. I'll think I'll start so we don't run out of my 30 minutes. The first criteria that is to be used and it was addressed in the staff report, I will refer back to the staff report somewhat was a historical significance of the property and this means properties associated with significant past events, personages, trends or values and has the capacity of one or more dominant themes of dominant themes of national or local history. The staff contends that the town is mainly associated with its capacity of both the themes of settlement and industrial development. In our report, we argue that there is no singular important event in the history of logging or of multnomah county that is represented in Bridal Veil as it exists today. Today it is comprised of it's early 20th century homes and the 1930s industrial structures. We have no, none of the typical public buildings that you would have in a regular company town if you were looking at it in those terms. We also concur with staff that there are no individual significance that have specifically lived in any of the structures there to which you would apply specific criteria and pull out that building and saying that was the Simon Benson house or something like that. With regards to the architectural significance, I'll go through this quickly because the staff states that the buildings exhibit little if any or

architectural significance. This is the same finding that we have in our report. We've had this looked at by our architectural historian, our industrial historian and other people have concurred with that. Ms. Prohaska, I would ask that I'd be able to give my presentation as you gave yours.

Chairman: Please continue.

Other Voice: Thank you very much. Environmental considerations. Current land use surrounding the property contributes to an era of historic period where property defines an important space. The staff claims that the district maintains the characteristics of a small isolated company town. Staff also argues that other than the 1940s church. The crownpoint highway access road I-84 and the updated mill buildings, there are no other signs of non-historic infill. The earliest with respect to our report. We argue that the structures here are non-historic infill and they are they dominate the site so if you look at the industrial buildings are located on the site, they in fact do take up most of the property there and those properties do not date to the historic period of Bridal Veil. The physical integrity of the buildings, I think it is clear if you look at the buildings and the photographs that we have shown that the buildings are lacking in integrity and in fact the state historic preservation office, I will submit a letter that states that fact also. That they have looked at the property and feel that the integrity of the site is in fact lacking. We looked at these buildings not only individually but as a group too. There were some statements made that we looked at these properties only individually but we did not we were looking at them both individually and as a group to see whether or not there was any significance in the buildings. Symbolic value, there is sentiment in the area for Bridal Veil and yes there is a history of Bridal Veil. There have been reports done in the area. I'm not gonna contest those reports, all I'm gonna say is that there's been 8 reports now done of Bridal Veil and I think that we have thoroughly or 6 or 8 studies and we've looked at the area and we have identified the historic resources in that area. Chronology, property was developed early in the relative scale of local history or was an early expression of type or style. Staff notes that the earliest buildings of Bridal Veil the homes date to 1912. It also

notes the industrial community structures are non-historic. Bridal Veil is not the long communi.. operating company lumber mill west of the mississippi. I was suggested by the other consultants reports and further the assembles of buildings at comprised the industrial town of Bridal Veil date to the 1930's a period of less than 10 years of Gilcrist was in fact founded. We would argue that given the lack of integrity of the site that the time frame does not particularly early and does not have a chronological significance so that addresses the criteria. Now what I would like to do, the other consultant team talked.

Other Voice: Excuse me.

Chairman: Commission Fike. Could we please...

Other Voice: Our consultant will be able to do that.

Chairman: Can we please hold our questions until he's had a chance. We can ask the question later.

Other Voice: I'd now like to call Louis McArther to testify as I stated, Louis is considered the industrial historian at least in Oregon and he will give you some of his credentials and address the context of Bridal Veil in terms of other logging towns.

McArther: Mr. Chairman, my name is Louis L. McArther, I reside at 4154 SW Tualatin Ave. in Portland. I would like to take umbridge our opponents comments about history. I'm the compiler of the last 3 editions of Oregon Geographic names and I consider myself to be well versed in local history throughout the state as a whole. I was a member of the state advisory committee on historic preservation for 9 years including 3 years as chairman. I'm a member, I'm a professional affiliate of the Portland chapter of the AIA and a member of the society of architectural historian. I've given papers and comments on industrial buildings and industrial construction. I'm currently consulting on a private basis after spending more than 40 years in the construction business and steel construction and heavy industrial construction. My comments about the Bridal Veil situation boils down to just what is there of historic significance that is remaining and how it could be interpreted if it were to be classed as an historic referenced. I certainly

have to give great credit to the historic research that has been done by Char and her group and the history that they have developed. But I caution you again to separate the Palmer Brower logging operation on top of the mountain from any activity down at Bridal Veil. The Bridal Veil situation must be considered entirely separate. It goes back a long way there have been fires in there, the place is well cut up now. There's very little left. The industrial buildings are extremely mundane of the late 1930's or early 1940s and the main mill building which is not original probably is gonna have to be destroyed because it is structurally unsound. I remember it wasn't too long ago within the last couple of years that the western half of it just collapsed overnight. The thing that you should look at in all this is the comparison between this complete installation and what happened in certain other.....survey I did re..... as and ..crist and I'm thoroughly familiar with Bonneville because I'm also chairman of the historic columbia river advisory committee. So I go by and all what time and I see what effect those buildings have on the appearance of people entering the highway at Bridal Veil. Not very good. The best thing that I could tell you would be is you should go up to west fir and look at an abandoned or deteriorated company town up there at west fir which was built in 1925. The mill building burned down but all the foundations are there, you could trace the whole logging, sawing operation very nicely. There are a lot of the old residents there, the managers building, the hotel and down the river there's along string of residences that were used by the mill workers. These over the time have had the same thing happen to them that has happened here at Bridal Veil accept that there is people that have been living in there and they are well maintained. But there is no longer any consistency in their appearance. Each one has been altered by the individual owner which wants to make it to his own style so there isn't any consistency at all. It doesn't look like anything accept another subdivision with a ruined abandoned mill site on it. And this is the thing that I think that we should try to avoid from a appearance standpoint. I have to say that Gillcrest is the star jewel of all these company towns and most of it was built within 10 or 15 years of the buildings that are stand now at Bridal Veil and if you're interested in what a great company town looked like I suggest that you go and look at that. I will be

very happy to attempt to answer any questions that any of you may have.

Chairman: I have a question for Mr. Test. Do you have further presentation?

Mr. Test: I don't know how many minutes I have left but I think I can close in 30 seconds.

Chairman: Well, you're showing 11 minutes left.

Mr. Test: Oh boy I'll take a minute then. I do have several things I'd like to present you. One, is a unfortunately Dick Riss was unable to be here this evening and he had an emergency that arisen but he does have a letter here that speaks to what his role on the team was and what his findings were and rather than read those I will just hand out a copy of those to each of you. And then finally I do have a letter, there was some discussion with regards to discussion with Elizabeth Potter and people have had discussions with Elizabeth Potter I've had discussions with James Hamerick of the state historic preservation office who is her boss. All that we have in writing that we can put into the record is the letter from the state historic preservation office that responded to a request by Gladys McCoys office with respect to the Bridal Veil site. I have copies of those letters I don't know if I have enough copies again but I will hand those out and we'll get more copies to you. I would like to read two portions out of that. With regards to the national register criteria. The national register criteria is a criteria that most all LCDC goal 5 any inventory or anything else. They base their criteria on the national register criteria. Gladys McCoys office, commissioner McCoy's office asked with respect to this building whether it was eligible or not eligible. There's been some indication that some people feel that thing is eligible for the register. The state of Oregon has one of the best national register programs in the country. I used to work for the state historic preservation office. I know that for a fact and let me go, it's on page 2 the second paragraph. In applying the national register criteria, evaluators try to gauge how well the scope distinctive characteristics of the historic activity are conveyed by resources remaining at the site. Today the resources are diffused and it difficult to say that Bridal Veil is an industrial community that conveys to national register

standards, the type, extent and complete functional organization of its historical hey day. And it goes on to discuss some of the historic aspects of the site and then in a conclusion in short while the historic, social and economic significance of the community is clear the integrity of the standing resources is considerably eroded under these circumstances we feel the town site probably does not meet criteria of the national register and that is the end of her letter. And I would like to close on that and say that I think that there is enough data for the commission here to make a decision that we are not dealing with a historic resource and I would ask that that be the recommendation. It appears that Mr. McArther wants to say one more thing and I think we might have a minute or two left. Do we? So he could say something.

Chairman: Yes.

Mr. McArther: I wanted to say that during that 1980 national park survey of the highway I made 2 or 3 trips up there with the team including Dr. Cop and we went by and there was considerable interest expressed in what was visible from the highway. Because the view she had of the highway is very very important, it's extremely important to our committee and important to the national park service. No one got up and said that there was anything that should be done at those buildings at Bridal Veil. Secondly, if you want to go back and start history again we should preserve our historic resources. Why, I have a beautiful picture of a steam locomotive going up forth avenue during while this building right here was under construction. I think we should ask the southern pacific to put in a steam line again so that we go back to our historic interpretation. Thank you.

Other Voice: Thank you very much. We'd be happy to answer any questions you might have.

Chairman: Now the commissioners are bursting with questions.

Other Voice: Before we get into the questions. We do have another hearing scheduled this evening which was suppose to start some time ago already. I'd ask both teams that made the presentations. Do either of you have an opportunity in two weeks to answer additional questions of the commission. On the 19th of October.

Other Voice: Mr. McArthur will not be here but the rest will.

Chairman: In view of that....

Other Voice: You need to ask Char Prohaska

Chairman: Both Char Prohaska and John Test nodded their heads in affirmative, am I correct? Will the rest of the Prohaska team be able to come? We're getting heads bobbing both ways. OK.

Other Voice: Mr. Chairman, I think you're on the right track here that for the purposes of covering the agenda this evening and obviously it was our intent of staff tonight to make sure that you understand that there is a number of opinions in a field that has a number of experts wanting to comment on this subject. We gave you a flavor this evening, in light of the fact the resources will be available, some of them will be available on the 19th. I would suggest that you refrain from directing questions to those persons that indicated they would be available on the 19th and only seek out questions from those individuals who are not going to be here which is David Osher and of course, Mr. McArthur.

Chairman: Before we go to questions, there has been interest expressed by some of the commissioners to have a guided tour of the site and we haven't talked about a time. How many of the commission would like to visit the site. 1,2,3,4,5,6,7. OK, somebody suggest a time you'd like to.

Other Voice: First of all, I know that there is perhaps state law that speaks to the question and I understand that and I'd like to have indication from the trust public lands if they would be willing participants and allowing some on site visits giving it's private property.

Chairman: We're getting an affirmative nod from Bowen Blair.

Other Voice: I know that they also have time constraints as well, so what we'd like to do is have you let, before you go this evening if you'd let Sharon Kaley know your availability and then we will discuss TPL their availability and try and orchestrate a tour.

Chairman: To clarify what this tour would be it would be effectively part of the record and the information

that the commission might see or hear presented would also effectively be part of the record. So we need to identify the time and let people know if they'd like to follow along and hear what's being said to the commission. Any of the commissioners have time they'd like to suggest this week.

Other Voice: Actually it could be next week.....

Chairman: We've had a suggestion Saturday morning. That would be the 10th. Let figure out a time later. There is interest in tour. We've had trust for public lands express a willingness to open the site or provide guidance around the site.

Other Voice: What we will do to insure that there is not a question about the type of information that's disclosed to you on the tour we will ask that participants who are representing the other side of the discussion also have an opportunity to tour at the same time the planning commission tours.

Chairman: Yes, for anyone who'd like to know when that tour would be contact. Scott Pemble

Other Voice: No, contact Sharon Kaley.

Chairman: Sharon Kaley at the planning office.

Other Voice: Actually contact Sandy Mathewson is the staff person taking care of this. The number is 248-3043 and ask for Sandy Mathewson and she will let you know time and place. Sandy, did you hear that. She's smiling. Now if we could just focus our questions to those individuals that will not be here.

Chairman: Introduction we have the questions first focusing on Mr. McArther. Commissioner Fry.

Fry: He's the one who raised this issue so it's appropriate. Could you tell us where westbur is and where Gillcrest is and why those are should be used as examples.

Other Voice: Westbur is on the southern pacific main line about 3 miles towards Eugene from Oakridge and it was on the west fork of the willamette the middle fork of the Willamette river and they auctioned off a very large piece of timber there in the early 1920s and the forest service asked that they build a large mill there to process this. And it was a

tremendous big operation particularly after the southern pacific completed the present main line through Oakridge and Crescent Lake. And I went through there a number of times.

Other Voice: It's 30 miles from Eugene.

Other Voice: It's closer to 40, about 43 miles and it's not on state 58, you have to take a little schrunt about 3 miles up the river. Gillcrist is about 50 miles south of bend and it was started there in 1937, the mill was. The timber purchases were begun as early as 1906. It's in the ponderosa pine, it's on US 97. It goes right to it if you haven't seen it, its almost worth a trip down there. It's a beautiful installation.

Other Voice: Can we tour that?

Other Voice: I just wanted everyone to know, I actually work in Westbur. But I just wanted everyone to know where it was.

Other Voice: ...was in Wheeler county and way back in the back of the beyond that of course you know where val sets was at the head waters of the celets river.

Other Voice: I had another question directly related to your expertise. I do have other questions that I'm holding for two weeks from now. Your role in here is an industrial historian. Is that correct?

Other Voice: That is correct.

Other Voice: Having grown up in the gold country of California. You're familiar with the archeological relics if you will that exist in the Sierra Nevadas based type of existence, I'm talking about metal, frame works and things like that just sit in the dirt and you wonder what in the heck they are. And some of these sites in Nevada City had been restored. When as a child I'd look at the site and see nothing except a few relics if you will. Do you hear what I'm saying OK.

Other Voice: Yes, I think I understand you're wanting to know whether there's any machinery, machinery parts, building bits and pieces, there are up at palmer so far I've never seen anything around Bridal Veil. I've been through there a number of times and there's nothing but you can go up into eastern Oregon, up into Baker county and around there and

many of these old mines there's various hoisting equipment and all sorts of things. The same way in the old lumber mills, the old lumber towns. We'd go on burners and what have you.

Other Voice: I'm sorry, I stopped to speak more slowly. Has there been done an inventory or a study or analysis of what evidence may exist still there. Latrines typically provide a rich resource in terms it seems like you're not able to date even the houses. Based on lookings at other studies produced by people of your high quality, I'm frustrated not understanding why you don't have any of the specific information about machinery about the sewage system about all the realities of this site and I'd like you to explain why there's no....

Other Voice: We're not in the proposed use of the property if in fact and we didn't get into that and we will testify next week to that, our proposed use will not disrupt any of the archeological sites there and we are not saying that we are not telling the history but we are not digging up laterines and we are not doing of those things. What is going to happen there will in fact, not disput those artifacts either. And I think what you're talking about Peter is a very expensive undertaking.

Other Voice: No question about it. I just want to get a sense for what you're all about and what you're trying to do here.

Chairman: That's really not the question before the commission. The question before the commission is whether Bridal Veil is or is not a historic significant historic resource.

Mr. Fry: Right, but the resources based on the evidence and if the evidence isn't put in the record because the applicant does not allow people to do research the site and if they themselves have not done the work that to research a site then, it's difficult for us to make a decision because we have no information except here say and expert opinions.

Other Voice: Excuse me Mr. Fry. If you we're looking at that you'd have to dig up all of Multnomah county in determining whether or not there is significance or not. No I'm afraid that I've taken archeology, I've got a bachelors of science and anthropology...

Chairman: Peter, could we give somebody else a chance to ask

a question.

Mr. McArther: I think that I can say that there is no industrial material that is at all visible anywhere or that any evidence at any of it has been buried. I can't speak to the sewer system, some of that. Certainly there's no remnants of the mill machinery.

Chairman: OK, commissioner Engel. Do you have a question for Mr. McArther. Anyone else have a question of Mr. McArther. Yes, commissioner Alsophie.

Alsophie: Is is your suggested that perhaps there's some things of interest in this respect in Palmer as opposed to Bridal Veil and perhaps were looking in the wrong place.

Mr. McArther: I think that Palmer would be much more likely to have archeological we'll call it historic archeology. You saw that big gear wheel that Mr. Kar showed a slide and I'd would be positive that there would be more things up there. Remember that down at Bridal Veil you were immediately convenient to the highway and to the railroad and during the war people were gathering up that scrap, there was a good market for it. I'm not at all surprised that there's nothing left there.

Chairman: I have a question for Mr. McArther. In your knowledge of historic mill towns in Oregon. Could you give us an estimate of how many company lumber mill towns might have existed over the whole history of Multnomah county.

Mr. McArther: Multnomah County or of the state.

Chairman: Well, both. How many in the county and how many in the state?

Mr. McArther: Well, there certainly would have been something up a Kernsville and estacada way up there. There were big construction towns for those dams. There was a mill at Eagle Creek, very early mill at Eagle Creek and the rest have photographs of that. That must have been some small community there to support that. That goes back to 1860s throughout the state. If I had to make a guess, including the moveable town up there that shoveling hixen had on their railroad that alternated between deschutes and Klamath county, I would guess that there probably were 15 or 20 recognizable company towns throughout the state. We haven't mentioned Vaughn

down in southern Oregon down in Coos Bay which is still there. I haven't been there for many many years and I'd have to...so I didn't even want to bring it up.

Chairman: You're not aware of any other mill towns, company mills towns that existed in Multnomah county then.

MR. McArther: I know of nothing, no mill towns existing in Multnomah county now of any nature.

Chairman: OK, thank you, commissioner Hunt.

Hunt: Of these 15 that you mentioned, of these 15 sites in the state that you've mentioned of old mill towns.

Mr. McArther: I'm making a guess on 15.

Hunt: Would you be considering Palmer or Bridal Veil as one of those sites? Fifteen is a very small number for the whole state.

Mr. McArther: Yes, I think that Bridal Veil probably did have some existed mill town in the early days. There were many communities that had company towns. You take Bradwood down on the Columbia River. There was another one and they had an operation there at Braemill on upper Klamath Lake and these all varied in size and complexity and the history, it's the same way that we had the generating station now that OMSI now has, all you have left there is a beautiful concrete structure and a couple of brick walls, so they are going to interpret that. Certain you could interpret but you don't have to, sometimes you are better off to have nothing then get a decent interpretive view then you are to have something disrupts a persons opinion. You don't get the ambious.

Hunt: One quick, only do it quick. Of the metropolitan region if you've included Clackamas county, Washington County, Multnomah County. Is there any other town that you find that would be more appropriate as a historical site for a lumber community then Bridal Veil. In this general area, in the metropolitan urban region.

Mr. McArther: Well there's still some very nice buildings out there at the glenwood in Washington county where the trolley park is, some nice buildings out there. And ...

Hunt: Is it, does it have any historical significance, has it been labeled that such is that yet.

Mr. McArther: No it isn't labeled as a company town.

Chairman: Ok, any other questions for Mr. McArther. This is our last chance to ask him. OK, thank you Mr. McArther. Now, I'd like to close the questioning and cross examination on the Bridal Veil community at this time. We will reconvene this item on October 19th at 7:15 p.m. and we will have an opportunity for additional questions of the experts by the planning commission and public testimony. So with that we will and we will have a planning commission tour of the site some time before the 19th. And you'll be able to contact the planning staff to confirm the tour of that tour. We'll have a very short break before we proceed to the next agenda item.

**Transcript
C9-92**

**Planning Commission Meeting
November 16, 1992**

BOARD OF
COUNTY COMMISSIONERS
1992 DEC 23 AM 10:14
MULTNOMAH COUNTY
OREGON

Leonard: The next agenda scheduled to begin at 6:15 since this is not a public hearing we'll go ahead with that now. The staff report on this, Scott.

Pemble: You'll get two staff comments this evening as indicated, its not a public hearing. I want to discuss with you briefly the memo you received from my office concerning eligibility for the participation of certain planning commission members in the discussion. As I indicate, Mr. Ingle will not be able to sit as a planning commission member to deliberate this request because of conflict of interest associated with his firm and county counsels advise that that would be inappropriate given the potential challenge that may result in his participation in deliberations. So, Mr. Ingle would not participate today and John and I have talked about that and he understands the situation. Second person is Peter Fry. Peter Fry, as you recall was not in attendance at the last hearing.. on the Bridal Veil site. He was in route and actually got here 5 minutes before it was concluded and Mr. Fry, pursuant to your practice as a planning commission in the past, that is the practice of requiring the planning commission member to sit on the full hearing in order to deliberate the case, that practice will continue and Mr. Fry has withdrawn himself from the discussion this evening. So, the members of the planning commission members of the commission that are now seated are the persons who will deliberate the case this even. With that understanding, let me share with you then the Multnomah County code requirements for a recommendation of approval of a clause additional plan amendment. Which are considering again is the designation of the Bridal Veil site as either significant historical site or a site that is not having a historical significance. Sandy will get into that discussion in a moment. In terms of your alternatives. What it requires in the code if you will. Is a 5 affirmative votes in order to send forward an affirmative recommendation to the Multnomah County Board of commissioners. Given the number on the planning commission that are deliberating the case this evening, there is a possibility and I use this hypothetically for illustration purposes only not to suggest any influence in terms of how you would vote but lets assume that for purposes of illustration that there was a 4/3 vote this evening. The 4/3 vote would result in a no recommendation to the board based on the findings that the burden of proof is outlined as approval criteria had not been carried. And that's spelled out in Multnomah County code. So, it requires 5 affirmative votes in order to recommend a change as a clause A additional plan amendment. ...to have five will whether positive or negative will result in a denial, recommendation of denial. Does everybody understand that. OK. Now with that having been said, let me turn it over to Sandy so she can explain to you again what the options are and also describe for you respond any

questions you might have in terms of hand outs that have been distributed in advance of the meeting.

Leonard: Scott, before you go on, just to clarify the 2 alternative sets of findings. The one for the A1 or not a significant resource decision and the other 4 a C3 or significant resource decision. The significant resource decision would be a comprehensive plan amendment and require 5 affirmative votes to adopt that recommendation.

Pemble: That's correct.

Leonard: The A1 not significant would not be considered a plan amendment if the board commission voted 4 to 3 to adopt a not significant recommendation since that would not be a plan amendment.

Pemble: Technically that's correct.

Leonard: That motion could be adopted on a 4/3 vote. OK.

Other Voice: Mr. Chairman I have there's little confused, is 1B not an option.

Mathewson: First of all what your decision needs to be based on is the historic site criteria which are found under policy 16I in the comprehensive framework plan and I think you're all familiar with those criteria by now if not, they're included in the staff report and in the draft findings which we sent you this week. There are 3 options that you have, the first would be 1A, that means that the site is not historically important and as commissioner Leonard pointed out no further action would be needed at that time, there wouldn't be a comprehensive plan amendment, no further action necessary. The second possibility is to designate the site 1B which means that you feel there's enough information available to make a decision tonight in that case you would direct the staff to acquire any new information you felt was necessary and we would come back to you at a later date to make a decision then. The third option is to consider the site historically important or significant and that would be the 1C option. The 1C option doesn't necessarily mean that you have to say that the site and all of the buildings that are standing are all important. You could have any range of 1C decision from, yes the site is important but none of the buildings are clear up to preserving everything. One thing that the 1C option would do is trigger the completion of the goal 5 planning process, state wide planning goal 5, in other words we would have to then list the possible conflicting uses with preserving the site and come up with the degree of preservation that would be necessary based on the ESEE analysis, the Economic Social Environmental and Energy consequences of balancing all of the possible conflicting uses. So once you have made a determination tonight or a decision, then what you must do is adopt findings

supporting that decision. As I said we have prepared a draft findings for both the 1A and the 1C possibilities, these are just a starting point for you, you can modify them, change them, delete them however you want but, whatever findings you do come up with then would be incorporated into the staff report that we handed out way last month at the beginning of this process. They would replace the findings and conclusions that are in that first staff report and that would then form your decision or recommendation to the board of commissioners. So do you have any questions on the process, what you're gonna do tonight?

Leonard: Commissioner Atwill.

Atwill: Is it possible to designate the vote to 1C without specifying what buildings you want to preserve?

Other Voice: Certainly.

Mathewson: That would not only be possible, that would be required. We haven't conducted a ESEE investigation to make a determination of what buildings if any might be preserved.

Other Voice: Well actually I think she mentioned that we could discuss.

Other Voice: We could discuss it but its not required, certainly. Yes, commissioner Yoso.

Other Voice: Would it be possible to do a 1C finding and set a time limit in which this task force would have to report back, they have completed their duties.

Other Voice: I suppose that would be possible. I'm sure the task force and staff would do their best to meet what ever timeframe you proposed.

Other Voice: What would be a reasonable time limited?

Mathewson: We did prepare a second draft work program, I can hand that out if you want to look at it.... So this is just our best estimate as to a probable time frame for this completion of the whole goal 5 process....

Leonard: Are there any other questions of staff or do you have further staff report? OK, we're at the point of discussion and deliberation for the decision on the historic significance designation or non-significance designation.

Other Voice: Commissioner Ingle disqualification through me. As we stand right now, if now changed their mind it would be a 3/4 I guess. Based on the stale mate at the last meeting.

Fritz: I hope that before we begin the discussion I everybody has had a chance to review the luminous files and letters and ponder this in the intervening 2 weeks. I have and I've read the Oregonian editorial and the feature article on Bridal Veil. Oregonian editorial board can't touch me. I was..I'll be quite candid I was following our last meeting somewhat inclined to change from my support from 1A to 1C, I'm not convinced yet and I still have some genuine concerns about whose gonna pay depending on what happens and that's a decision way down at the end, that is..it appears especially under the new work program we're talking about April when we look at a protection plan if in fact there is something to protect and at that point I would certainly unless there is a funding source to pay for whatever is to be protected and to maintain it. I certainly wouldn't support, I wouldn't..why am I have problems today, I have problems all day long and I come here and I have problems speaking. I certainly wouldn't support a protection plan that would place some obligations on the current owners but that's a decision I guess that comes in April more than it comes right now.

Other Voice: Or sooner right? I think that in reflecting on the discussion and also the volumes of testimony there's a great deal of understanding about what the process and the decision making criteria are. And it's been easy to get wrapped up in questions of individual buildings and costs for preservation and that's really not the question on whether Bridal Veil site is a significant historical site or not. It could quite possibly be designated as a significant site without any buildings on it. Champoeg town site has no remaining buildings yet it's one of the significant historic sites in the state. So that the decision to say that this is a significant site clearly doesn't require any buildings be kept and that would be sorted out through the ESEE process.

Al-Sofi: I'd just like to make a couple of comments because of..I understand what everyone is saying about historical significance etc. and having the test look at it, I'm not totally opposed to that in concept. What I am concerned about is I think there is a burden. When I read this there is a certain burden that the applicant has to meet and I don't think they've met it and that's why I have my problem, I don't mind going along with everyone but I don't think they've met the burden here so I have a real problem trying to vote for something that I kind of think might be an OK idea when I don't think that they've met the burden and that's why I'm not going to change my vote because it might be a good idea I think they haven't met the burden in what we've been presented.

Other Voice: Commissioner Yoon.

Other Voice: I'm confused.

Al-Sofi: The applicant.. is the county looking to get a 1C designation and I don't believe the county or any other party with this level of presentation as met what I would

consider to be their....

Leonard: Commissioner Hunt.

Hunt: Why do you feel they haven't met the burden? Can I ask my fellow commissioners that? As far as its historically significant. I understand your concerns about the buildings at the last hearing but I think we've been presented with a lot of information that would show that the site is significant in other ways and I don't understand. Show me why I should vote your way.

Other Voice: I'll kind of reiterate what chairman Leonard said. I think that we could find this thing. I don't think we have to make this thing a 1C. We would say we think there is some significant historical concern here will encourage the present owners to memorialize but I don't think we need to preserve a town. And I think that's where I'm coming from anyway because the burden of truth as commission Al-sofi says, I'm not convinced that the site there represents what it was 80 to 90 years ago.

Other Voice: I have a comment. I don't think that is what the applicant has to show. They don't have to prove that the whole town is in tact to reach a level of historical significance. I don't think that is all specified in this criteria. I think that clearly there is historical significance there and once we reach that point then I think we should go forward with the ESEE analysis to determine whether any buildings should be saved. What should be saved.

Other Voice: Let me do a follow up on that. When I said that I don't think...I don't think that there is any characteristic left of the town that represents what it was before. If there was just a little bit, I'm not saying every buildings got to be standing. But if you walk through Bridal Veil, you don't certainly get a feel that there was once a mill and that it was the significant mill in the Columbia Gorge.

Other Voice: I think when that..when one is existing and what is taken with the information could be provided at the site that was given to us at this meet all together that would be a lot of history. I think it would be really valuable for people in the county, people in the future to go see.

Leonard: I'll respond to Commissioner Yoon's discussion here. In looking at the first criteria historical significance it states that properties associated with significant past events, personages, trends or values and has the capacity to evoke one of the more dominant themes in national local history. You heard Commissioner Yoon mention the work evoke, that there is not enough there to evoke that. Clearly nothing has been done to try to evoke anything at Bridal Veil. I think I'll restate my position from two weeks ago. That I think that the site based on the evidence that we've seen is very compelling that it should be designated as a historically

significant site and I don't intend that to mean that there should be any of the buildings, necessarily any of the buildings preserved but the site is virtually unaffected by other development. There's no other town built around there to alter or build over the old mill town in looking fairly carefully at the property. There are a number of buildings left mostly the housing there are sites, roadways, existing remains of water systems and basically the infrastructure of the town, certainly the pieces are there. It could be highlighted and made to evoke. But that is something that would come out in the ESEE analysis and plan. The fact that it is the only remaining mill town in the county, the oldest in the state and the that the state historic preservation officer has specifically given high priority to preserving or recognizing sites that are contextual for the logging and fishing industry are certainly significant factors in my decision. It would influence me to say that yes Bridal Veil is yes a historically significant site and I would hope that if the commission or the board reaches that conclusion that he ESEE analysis could be carried out quickly so that TPL is not delayed in reaching a decision doing something to their land, certainly in looking at the site there appears to be ample opportunity to create a park and do the things that TPL has talked about doing without compromising historic significance in the rest of the property. In fact, it appears that only a small part of the property might need to be impacted by the historic designation. If the barrier to transfer the property is the forest service not wanting to own buildings, much of the site doesn't have buildings on it. It would appear that there might be avenues for getting on with the program at least in partial measure. Some of the things that have come out in the testimony regarding significant personages or interest. The Kraft Cheese Companies involvement. The something I certainly was not aware of and I imagine a lot of other people were not aware of. There appears to be stuff there that has merit for preservation but the current decision certainly doesn't need to make that choice. Commissioner Fritz.

Fritz: Well, couple thoughts. I am inclined to support a 1C designation at this month as opposed to last month. For a couple of reasons, the process of forming and encouraging the task force to work on this is probably the only opportunity that we could compel to get the parties back to talking to one another about how the history of Bridal Veil should be memorialized. That's always a concern to me, I like to encourage that process. #2 I would probably not support a 1C based on what I have right now if in fact there was some imperative, that is there was some construction, a major development that had to take place, the funding was in place, everything had to move right now, in fact, nothing is gonna happen with this land. At most, if it went 1A it would be going into park and going into state forest service hands and protection for development into park and some other things in terms of access to Bridal Veil Falls. None of that is lost I think by the delay until next spring. With nothing really to be lost and I think a lot to be gained by forming the task force and getting the parties together and hopefully back to us with a complete ESEE analysis and some recommendations on a

protection plan, it may very small, it may be some sort of memorial. With that possibility there I can support a 1C.

Other Voice: Commission Yoon.

Yoon: One of the things that strikes me if this is so important and it has so much significance especially from the Kraft Company, why didn't somebody from Kraft Company come forward and talk about that. I guess I'm a little concerned that those entities that were part of the historical significance of this. There's no letter from Kraft or anything whatsoever.

Other Voice: The Kraft Company doesn't own Kraft anymore. Nobody owns...

Yoon: I'm not talking about Kraft, I didn't say Kraft family..My concern about going to a 1C, you do bring up a good point. They're probably not gonna do a lot between now and April from a weather point of view if you want to be pragmatic about it... My concern of going to a 1C is unless we put some parameters around that I don't think TPL is well served, I don't think we're necessarily well served because if we come back with a proposal that no one can afford to put in place, what have we gained.

Other Voice: I think you've just addressed a question that Commission Paig asked about regarding the burn.. I think that on the issue of whether historical which is one of the 6 criteria that A historic significance. I think that something happened in terms of having a mill town and I think they certainly met their burden on that issue. But I think on the number of the other criteria it's debatable. There is some evidence in some of them but I don't think that that's meeting your burden, just showing that possibly some evidence. Burden to me but maybe this is coming from ...more evidence on one side then on the other and I don't think they...Personally I think it would be great to set up the tax board and let these people come out with something they can all agree on at that firm time line. Some how I don't think that was my job though. I thought I was actually bound by certain rules and criteria and I haven't been convinced though.

Leonard: Well, getting back to the criteria. The criteria A through F deal with different subject matter and it's not necessary that a given site of property meet at of those rather one if it meets in a meaningful way. One of those criteria, that is sufficient for the designation and I have questioned some of the proposed findings on some of the other items. I think that clearly what we've been brought and what we've heard that the site does meet the criteria A on historical significance particularly in light of the fact that it is the last remaining remanent of this type of mill town activity and clearly forestry is very important in the economy and development of the state. Commissioner Fritz.

Fritz: I want to go back to the concerns expressed by Commissioner Yoon. I share the concerns. I think that we maintain a role when we get down to dealing with the proposed protection plan that comes out after the ESEE analysis. We have 3 options at that point in terms of what we recommend to the county commission. And in both option 3B and 3C we certainly have authority to either no there's not gonna be protection plan, the park, the hiking trail access to Bridal Veil. All of those should have a higher status than protecting the memories of Bridal Veil, that's a 3B basically crudely stated or 3C, we can design basically what type of memorial for lack of better word should go in to recognize the significance of Bridal Veil, its residence, the workers, the operations there and that could take just about any form and it's gonna have to be a realist form Commission Yoon before I could support it. I guess we don't even get to that point until we get the 1C. I'm not absolutely convinced it's 1C but you can't get there unless you go through the 1C channel and so that's why I'm support..would be inclined to support 1C knowing that we still had options when it came down to April

Leonard: Commissioner Hunt.

Hunt: I concur and one of the things I'm concerned about is Commissioner Yoon suggested that we would hope that the owners of Bridal Veil would put some emphasis on it's historic significance and that we have seen some historic significance. But I don't think that that's our job to hope that they would. I think that we've seen some significance and it's historic and symbolic ways and I think it's our duty to say, "yes, we've seen some significance" and then go to the task force. I agree on this list of findings that there's some items that I'm not sure I agree with. I think we could give some guidance to the task force as to why we thought it might be significant or not is such as the buildings. But I think that's what our job is to look at what we've seen and go from there.

Leonard: Commissioner Atwill.

Atwill: I agree with what's being stated and mentioned to Commissioner Al-Sofi that if you have come to the point that you've seen some historical significance but less of a showing on other elements, that should be sufficient. From what we've heard from the staff to make it 1C.

Al-Sofi: I'd like to interrupt. I think on the historic side I don't think enough was shown. There might be some but I certainly have the burden of proof as far...I don't think... However, I guess I would be willing to go to 1C but I'm really concerned about, it's almost like and we have no control as far as someone has said we can give the task force guidance. I don't think that's our particular rule.

Leonard: Commissioner Fritz.

Fritz: We're talking about the burdening. Is there any logging town left in Oregon so that you can show enough burden of proof that the old town existed. Hall City's gone, Valsestas gone. I used to live in the Santiam Canyon which is a large logging community today. There is no existing old sites. But this is our opportunity to at least have skews or some type of notice that it was there and it was important and it did contribute to Oregon's economy.

Other Voice: Well, I would disagree with that..

Other Voice: I think we did hear testimony that there were a couple of in tact mill towns that were couple of in tact mill towns that were Gillcrest and another one down by Eugene, they are no where near as old but they are in tact.

Other Voice: As I say my inclination is as a 1C seems by a reasonable way to make people come up with some compromise which is what I want, again what my problem was what I personally what standards I've set for myself on this, I don't believe the burden has been met and that's causing this problem. And I guess what I'd like to find out from the other commissioner, this is the impression I get, if anybody on any issue were to come before this board and claim some historical significance existed on any square foot in this entire county, I think that that would then rise the level of meeting the burden on historic. If you've got 5 people or 10 people or whatever to make that bare assertion really then has that.. does that mean that every time someone comes forward they have met their burden. I just don't feel comfortable with that.

Other Voice: Well, I guess I disagree with the impression left by the facts and the reports that we've seen. I think that there were substantial evidence that did support the notion that this is significant in having looked at other historic property designation, certainly there is far more material and evidence supporting a designation of Bridal Veil then virtually any other already designated historic site in the county. We have more pounds of paper dealing with the Bridal Veil site then the entire historic inventory for all of the rest of the county.

Other Voice: I'll tell you what, I'm not even gonna vote for my own motion but I'll make a motion..

Other Voice: Which findings?

Other Voice: That we go to a 1C.

Other Voice: Just to get...

Leonard: There's a motion, do we have a second.

Other Voice: Time for a second.

Other Voice: We can have the same discussion after discussion.

Other Voice: I think there is some other steps that could be taken.

Other Voice: Is the motion still out here?

Other Voice: There's a motion with no second. Do we have a second?

Other Voice: I'm not sure...there are some..do we have a second? OK. Then under discussion, I'm sorry, but it is confusing.

Other Voice: No, I just want us to get to this point.

Other Voice: I think there's two different questions. Do we as a body recommend 1C or 1A to the county commission which is completely separate from just adopting these whos.... It's either everything is supporting or everything is supporting 1C, it's not necessary that they be so one sided and yet I'm inclined to support 1C and then amend these now or come back at a regular meeting and do it. I don't know what the time line is at this point. If there are...certainly there is support for 1C.

Other Voice: All parties for this are anxious to get a decision one way or another. I think we want to help that along.

Other Voice: Then we would have to amend these findings right now in order to act on the motion that's in front of us.

Other Voice: Or amend the motion to the motion adopt a 1C findings to follow.

Other Voice: Commissioner Fritz, I would love to say 1A. I would like to say there's some significance there and we better do something about it that it's a 1A, that's kind of what I'd like to do.

Other Voice: I'd like to say it's a 1C but I would like to limit the responsibility of the owners to having to do this. That's kind of where I'm coming from, that's why you look at a black and white situation I've got to vote 1A.

Other Voice: Vote against 1C.

Other Voice: We can also give instruction we chose to vote 1C to staff that when they come back you know we have real detailed financial information so that we are in a position to make the proper decision later on when we have everything in front of us.

Other Voice: You're talking about in the ESEE.

Other Voice: After the ESEE, right.

Other Voice: That that process investigate the financial indications of...

Other Voice: Different protection plans, ya

Other Voice: Just one other question also. On this proposed schedule of dates on goal 5 process. Can we reasonably assure that that is gonna be the resource...

Other Voice: I think we should adopt a 1C and require...

Other Voice: Ask staff what the time and resources are.

Pemble: We have a staff person that would work and coordinate the task force efforts. We've had several if you will, quote unquote experts volunteer in to serve on the task force and provide some support for the staff to do some of the work that would be required for the ESEE analysis. It's our best guess before you given the contacts we've had without getting into fine word program that at this time line looks reasonable. But by and large a lot of it depends on how cooperative the parties are that serve on the task force to achieve some end result. That's something that's difficult for any staff to predict in the light of the public process we engage in.

Scott, is there a reason that the process couldn't start before January.

Pemble: The board of county commissioners would have to first of all, you're making a recommendation as the calendar looks for the board of county commissioner. It's there preference at this point and time to have this debated during the month of December without having a carry over into January which is a bit of a stretch for them to get all of the business that we have coming forward from the planning commission before them during December and the reason for that is the board composition changes as a result of the elections. It appears that we will just be able to with your recommendation this evening advance a recommendation of the board and the board will be able to conclude their work during the month of December. We would have to wait until they concluded their work before we could obviously start work on an ESEE analysis because we wouldn't know until they made their decision whether an ESEE analysis would be required.

Other Voice: The doing the ESEE analysis wouldn't really be contingent on the board decision. That task force worked again although it could be changed by the boards decision.

Pemble: Correct. Your decision this evening is a recommendation to the board. The way it works is that we have 10 days to report to the board your decision tonight. They'll be following that then a 10 day appeal period for any party that's agreed by your decision. The board then will hear possibly on December 9th, possibly later your recommendation. They can either, if no appeal is filed take it up on their own motion to have their own hearing and reconsider the questions where they can accept your recommendation. We would not start the EESE analysis for instance, if you adopted a 1A this evening or a 1C we would not start the EESE analysis process until the boards decision were understood cause they have the opportunity to overturn your decision.

Other Voice: That's right. But a tentative if both TPL and the Crownpoint Historical Society are anxious to get on with an EESE analysis anticipating a board decision of 1C. The actual work of actual work of starting to prepare the EESE could begin at any time couldn't it.

Pemble: It could.

Other Voice: Would we have the staff resources available to support that.

Pemble: We would have some staff resource. We'd have to go back and rethink that because quite frankly we weren't expecting a confirmation of your decision until the end of December at the board level. It was our thinking initially that we have such a limited staff stretched rather thin right now. We don't want to commit staff to exercises that may not be required. And if an EESE analysis isn't required as a result of the board decision we'd rather not spend that staff time doing that work in the start up.

Leonard: Commissioner Hunt.

Hunt: Scott, can the planning..I know this would put some pressure on the staff, but do we have the option of putting in a strict time line. Because what I'm concerned about is you have a task force and a task force can argue forever and ever and ever. And perhaps if there was the pressure of knowing that they had to meet a time frame we would not be holding up the owners of the property.

Pemble: You can attach that if you will as part of your recommendation again the boards decision has to support that same continuum. The point I was making earlier is the task force does not work in a cooperative fashion. It'll take longer to get the job done if you attach the time line. All that says to us is that we'll get as far as we can with the task force and report back to you by the end of that time line, whatever decision have been made and then leave the rest of it for you to despair it out as planning commission.

Other Voice: Scott, I'm gonna put you on the spot. Do we need a task force to direct staff to do an EESE analysis?

Other Voice: Do we need a task force to...

Other Voice: Can the planning commission direct staff to do an EESE analysis.

Pemble: Yes you can. However, that is not my recommendation.

Other Voice: Let me say one other thing and then I'm basically..I'm gonna iterate this to my fellow commissioners. The problem that I have with the process that we're going through this is that somebody decided to acquire this land. And they started to go through this process and if they would have moved a little faster they probably could have done exactly what they wanted. Someone decided that maybe it had some historical significance after the land was acquired, after the owner had gone through all of the loops. Now, we're saying, should we take them through a 1C process. I want to know where everybody was during this whole period of time. And agree with Commissioner Al-sofi is the problem is that anybody else is gonna do this now and go through what they think procedure is the correct thing to do and somebody whether it be a concerned real person or gap can stop the whole process. And I think that is a dangerous president we're making. So I have nothing more to say about this and I think I'm pretty well solidified where I am with this one.

Other Voice: Are you saying then that this type of thing where an historical proposal is gonna happen just a lot in the future.

Other Voice: Let me put it this way. We've sent president for allowing anybody to come in at any particular time during the process after they in fact have procedurally done what was required of them to do. They checked the historic register.

Other Voice: I'd like to comment on that for anyone interested. Certainly all of the resources that are identified under goal 5 including wetlands and habitat, mineral resources are not necessarily discovered in the initial county inventory. And the fact that they're not discovered, the property owner doesn't know they have a wetland on their property by looking at a county wetland inventory doesn't relief them from having to comply with those regulation. Certainly something like historical significance is a moving target. Over time what one generation or era will consider historic will be different then another, a current generation. We can't shut the door and say that there are no more goal 5 resources to be discovered or added to the county inventory.

Other Voice: No, I don't disagree with that, in most cases and some very recent ones like the action we took earlier here this evening within the process it was discovered.

Within in the process this went through and there was no discovery. No this is not the process.

Other Voice: I think with the type of thing that you're describing it happens all the time, it's really unfortunate but it does and our duty is to apply the criteria that are before us, not to look at the equities, I don't think that's our position.

Leonard: George, you've been very quite there this evening.

Douglas: I really have a problem on this because it is a typical old lumber town. The lumbering mill itself is virtually gone. There is nothing there to speak of other than roads, open fields or whatever you want to call it, the town itself is laid out as a lot of early lumber towns were. To me that is I hate to throw it away, lets put it that way. I hate to see it demolished. The thing that I hit on that really disturbed me is when I went in and viewed the site, viewed the homes. There was so many of them in there that had been totally changed from the old concept. Aluminum framed windows, particle boards in there. To me if we could save the buildings the whole town itself it would be a real advantage. But in the state it's in unless there's somebody to take care of that and to put it back in the state that it was originally. It's not worth it. To have a historical site without the home sites there, to have nothing but roads. To me doesn't hold water. I'm really in a way I've been thinking of it, it's really hard it reminds me of the old days, my uncle at Dallas in the lumber mills and I've seen a number of them and this is typical. But how to preserve it without extensive redoing and to find lumber in such as that like they had in the old days is nearly impossible. It's real tough, I don't think it could be saved unless we have somebody that is willing to go out there and preserve the houses and stuff like that. I will not vote for it or want to see just of the roads. To me that is not enough significance to keep it. I would vote for it if we could maintain the houses that are there, replenish them such as that. I think that they're too far gone, I really do. There has just been too many changes and while some of them bring back fond memories why I can't vote for 1C.

Leonard: George, I think you hit on a number of points that bear on the reasons for designating sites or locations as historically significant. You recall many lumber towns and have a sense of what Bridal Veil looked like. I recall a number that are no longer around and it appears that this is the last one at least in the Portland Metro area that has any remanents of the original fabric and at least some of the testimony that we heard two weeks ago called for obliterating any trace of the fact that there was a mill town there that all vestiges should be eliminated from the site and my concern is that that shouldn't happen. That this what ever is left and it may through an ESEE analysis process there may not be a feasible path for preserving any of the buildings. And maybe it just comes down to just a plaque. But in order to for the county to recognize that that site was the last of the mill

towns or a significant mill town we need to find for the 1C designation and without that. A 1A designation would signify that there is nothing there of any significance, there never was and should be of no concern to anyone the county if all traces were removed. I guess that's what persuades me to make this first step. And it may well be that no buildings can be preserved or should be preserved but that's a second step in the process if this were designated a 1A site and the people who had it said the plaque would be put up in such to notify people who come that that was a historical site or mill town. What difference would it make if it's 1A or 1C. The question before the planning commission is whether to put it on our list of significant sites and put it on as a spot on our map that this is a significant site in the history of Multnomah County. Commissioner Al-Sofi.

Other Voice: Chairman Leonard, I don't quite agree with your characterization that to vote to list this as a 1C is saying that there was absolutely nothing of historic importance there. I think what we're saying if we don't choose to vote 1C is that we haven't been convinced that there has been a sufficient showing of historic significance. And that's not the same thing as saying absolutely nothing historic importance happened there. And I think that's an improper characterization of what my vote would be.

Other Voice: If the county chooses and finds that there's certain things of historical significance there, well it certainly is both forest service and county land around it...put your...anytime that you are there. I just have to agree with Commissioner Al-Sofi that there might be some historical significance but it certainly hasn't come out...

Leonard: OK, we have a motion on the floor that we're discussing further discussion, Commissioner Hunt.

Hunt: I'd like to take stab at it as far as the motion on the floor only I'd like to amend it and how I'd like to amend it is we have two sets of findings, we have one those who adopted is historically significant and those that says it's not historically significant. I'd like to see that A, as far as the insignificant ones I'd like to adopt A as it is on B,...for 1C yes...For B I would like to use more of the findings in it's not significant in the sense that the planning commission states under architectural significance that we found the buildings not important architecturally and the houses because of their condition and alteration over time they are poor examples of the period. In other words, what I'm hoping we could do is go through these and advise a task force that yes, we felt it was significant this way but the buildings No, we didn't find them significant so we could get on with it. So I'd like to keep A as it is B make changes, C... go ahead.

Other Voice: Mr. Chairman, not to interrupt Commissioner Hunt because I would have

problems with the findings as they're printed either way. I probably think it makes more sense, Commissioner Hunt to maybe amend the original motion so that what we're voting on is a recommendation of 1C, not the findings and if that ends up with a five member support then it would make sense to then redraft our findings to accompany a recommendation. However, if there isn't five votes in favor of 1C it doesn't really make much sense for us to spend the time redesigning the findings. I'm getting the impression very clear impression that how we draft these findings may not affect the vote on the main motion. That is whether or not we are recommend a 1C designation to the board of county commission. And it's...I understand and I appreciate your effort and I'd like to get into it but I think we need to go over that first hurdle and if we can't get there not spend our time.

Other Voice: So you were either discussing a possible amendment or had you made an amendment or had you made an amendment.

Other Voice: It was the beginning of an amendment. Could I suggest one then beyond this?

Other Voice: Well, I know and you know that we vote on it right now as it stands with the commissioners looking at the current findings it's gonna be ...voted down.

Other Voice: It won't have..it doesn't appear to have five votes. And my point is it probably doesn't make any sense for us to put a lot of energy even though it would be very good energy into redrafting these findings if it isn't gonna affect our abilities to secure five votes.

Leonard: Commissioner Fritz in keeping your suggestion. Did you propose an amendment so? To adopt the 1C. To amend commissioner Yoon's, to not include the adoption of the findings.

Other Voice: That we recommend a 1C designation to the board of county commissioners and defer action on the findings themselves. That would be my amendment.

Leonard: OK, is there a second to that.

Other Voice: Second.

Other Voice: Yes.

Other Voice: I think it might be helpful to add some more clarity to Commissioner Ewing's concerns about what sort of dangers president that we're saying that staff speak a little bit about how easy is it for a party to come in and say that some site is historical. I think it's a lot more difficult than some of us realize and that it's not gonna happen that often. And perhaps staff could talk a little bit about how what

is involved starting a process like this. And would that be helpful

Other Voice: Scott, could you comment on that.

Other Voice: I just have a procedural question making an amendment to.

Other Voice: I withdraw my amendment.

Leonard: Commissioner Yoon.

Other Voice: I just have a question. Can you all make an amendment to my motion without my approval?

Leonard: Yes. We can make the motion. It would take a majority vote to amend your motion and that doesn't adopt that.

Other Voice: Then there would be another vote.

Other Voice: Your question about the historical significance. As you all indicated that Chairman Leonard produced a ... of evidence here that you all have opportunity to review. We produced a by... of evidence here so that you all have an opportunity to review. To me this does not represent somebody walking in the door claiming it's historical. You have to consider the evidence and make a determination whether you're convinced it has some historical significance or not. This particular case has been brought to you, you've deliberated some challenge here in terms of deliberating whether in fact it's historical or not. It represents to my way of thinking and I think Chairman Leonard characterized it accurately that body of evidence represents more evidence than we have on any other sites or all combined sites Multnomah County and most of it speaks to the question of whether it's historically significant or not.

Other Voice: Well, I have a question Scott then. Does staff recommend that it be given a 1C recomm...1C.

Pemble: That's not my decision. Tonight we've prepared for you two sets of alternatives that we think you need to consider. We do not recommend because again, the volume of evidence on the table is fairly substantial. You obviously are having difficulty debating the question amongst yourselves. I don't think that sharing the staff comments at this point in time trying to review all of what you've already heard and what's in that box sheds any clear light or provides any clear direction to you ought to do.

Other Voice: Well, I just have one final thing to say my fellow members. That if staff can't make a recommendation for or against then I'm certainly not gonna vote for...

- Leonard: Commissioner. OK, further discussion of the motion to amend. Call for the question. All of those in favor of the motion to amend the motion to adopt a 1C recommendation without any findings. I.
- Leonard: Opposed. This is the motion to amend the main motion to separate the to amend the motion to adopt a recommendation of 1C without findings. Show of hands, all those in favor.
- Leonard: Douglas, Atwill, Leonard, Hunt, Fritz. All those opposed to the motion to amend, Al-Sofi and Yoon. The motion carries so the original motion is amended to be a recommendation without findings now. Discussion of the main motion, further discussion.
- Leonard: The motion before us is a designation of a 1C designation period.
- Other Voice: The question that I have of course is what happens here if we recommend a 1C designation anything could happen to it depending on what the analysis is. Is that correct?
- Other Voice: It comes back to the planning commission and the same parties can argue one course of action or another, but if the property owner, there's no funding to restore anything then the...get the right alphabet soup here.
- Other Voice: 3C or 3B, 3B would say other uses outweigh preserving the site.
- Other Voice: 3B decision would allow complete removal of all the buildings and development park but it would be a balancing or weighing of those competing uses.
- Other Voice: Mr. Chairman actually even a 3C could call for the removal of all the buildings but the creation of key...or some other interpreted memorial. That would be the way you would preserve I guess the historical significance.
- Other Voice: Right.
- Other Voice: Just, going into the ESEE process asked the people involved to look at the alternatives where as the 1A decision doesn't ask them to look at the alternatives. Where as the 1A decision doesn't ask them to look at the alternatives.
- Other Voice: It actually puts a load on them too.
- Other Voice: On who?
- Other Voice: Not on the owners. This would ultimately, I just have to say that I hope that I've made myself very clear, I am not going to burden the owners unless. With

anything here. There needs to be, from my point of view. There needs to be separate funding if anything is going to be preserved, it doesn't make sense. Well, I understand what I am but I can also see where the other votes are.

Other Voice: If I were the owners and this was put in 1C, I'd be very unhappy. Because it's out of my hands.

Other Voice: I'm still concerned about a time limit here.

Other Voice: I think that now that you have ended the motions so that were only voting on 3C without any conditions or recommendation. We have to vote on that first. That's the whole idea of the amendment.

Other Voice: We're open to other amendments.

Other Voice: Make one.

Other Voice: Well, just getting back to our dilemma and it appears that we have four commissioners who are sympathetic to the 1C designations for whatever reasons and three commissions that are not sympathetic for 1C designation for whatever reasons and that outcome of adopting a motion for 1C designation without five affirmative votes leaves at an impasse.

Other Voice: Well, as you've mentioned earlier, it's only our recommendation to the county commission anyway.

Douglas: I don't know what to say on this. I'd like to preserve it, I really would but I don't want to put a burden on the others and #2 is I hate to..if it's going to be preserved, it's should be preserved in it's entirety as far as the homesites are concerned and that is a tremendous load. That is almost beyond reconstruction.

Leonard: George, getting back to this process. The weighing of alternatives is not suppose to happen here. It's suppose to happen in the ESEE process and it may be there would be a decision to not preserve anything. But the question before us is only on whether to designate it as historically significant or not. And I know it's hard to separate all the other conflicting issues. Clearly TPL wants to get a decision get on with it. The other point is after they've gone through the process and apparently everything was alright. Then this thing comes along and hits them. That I'm totally against and the reason is that I've hit on to that is my own personal stuff. Believe me, that really bugs me. I really believe that people who have gone through that and have tried they're best to do everything right and then they get slapped in the face.

Other Voice: I'm sympathetic of that concern raised a very good question of where were all

these historical experts when the inventories were being done and why wasn't this on somebody's inventory before.

Other Voice: And believe me, they can come up with the last minute with this stuff and stop it.

Other Voice: Commissioner Fritz.

Other Voice: George, I entirely agree, I think everything actually functioned in good faith in this and I hate to tie up anybody's land although this would only be a very short term and again if they had already plans and have secured financing to develop this I would have some real reservations. But they don't and I think this process, we already have a clear indication that it would be going into trails in part of the park and it's still gonna be available in April to do that.

Other Voice: But the point that you made commissioner is the fact of whether they had the funding more complete which has nothing to do with the decision that we make tonight.

Other Voice: That's right. That's not one of our criteria and decision.

Other Voice: I know it isn't, it just kind of tips the scales in my mind. It is my belief and I think where we're at I need to spell out again, I have no intention of burdening the owners of this property because I believe they have operated in good faith and their plans at least what they have communicated are most admirable and most needed. I believe however though going through the task force process and the ESEE analysis we can potentially get the best of both worlds out of this and that's why I'm supporting would be supporting 1C. When we get down to 1C when we get down to the making the recommendation on how it anything is to be preserved. I'm gonna be much much tighter.

Other Voice: Commissioner Ewing.

Other Voice: Chairman Leonard, unless someone is going to be changing their vote right now. I suggest we go to a vote.

Other Voice: I still have reservations. If anybody is on the fence it's me. And I'll tell you, I'd like to preserve it but the things that I have mentioned that put me right in the borderline. If this is coming back to us, I still hate to burden the people who own it. With something they've gone through and thought they had cured you might say but if it comes back to us and they say there is no significant site there why then maybe we could go ahead. But if we're saying tonight that it's definite significant...and that ties it up. I don't know.

Other Voice: Commissioner Hunt.

Other Voice: I guess part of my frustration is I don't think any of us are that far away from each other whether you're sitting on the fence, whether you're commissioner Al Al-Sofi or your me. I think, I think we all have a vision of it being a park with some skews and sayings that explain some of what happened at Bridal Veil maybe mentioning the Kraft family etc. Or at least that is what I envision and I don't know how to approach this to get it to that point without tying it up saying that we have to do all these other things. And the other thing is if we were to do that to have a stringent time line. And there I think Commissioner Douglas would be looking that direction and I think possibly Commissioner Ewing and Al-Sofi would look in that direction too.

Other Voice: We have a question of fact for staff. Mr. Yoon.

Yoon: The area that has been designated. What is it zoned?

Mathewson: The current zoning is RC which is rural center plus the ESEE significant environmental concern because it's in the gorge.

Other Voice: The proposed zoning redesignation for the gorge scenic area map changes that we don't have an RC zone in the gorge scenic area.

Other Voice: It's a designated for public open space in the gorge scenic area plan, scenic area plan. Ya, its OK. Thank you.

Other Voice: They can build anything they want to or that they have to go through a conditional process or comprehensive plan.

Leonard: More questions for staff. Commissioner Yoon.

Yoon: Does that essentially allow them license to build what they want there or do they have to go through either a comprehensive plan or the condition of use process.

Pemble: Unfortunately our expert just left that had full knowledge of the construction, Bob Hull, on the zoning ordinance. Sharon's here. We have in the public open space discussion a requirement that there be for any proposed use in the public use space that there is a process that goes before both the locally and also goes in this case would be the forest service is party to the discussion and if you recall that discussion we had while you adopted that language. We have about a 45 day period that in terms of notification from a local process to the forest service review for the proposed changes in the uses.

Other Voice: So, if we went to a 1A and at that point the owners made a decision to do

something with that then there would be plenty of input at that point to make some conditions upon them doing that.

Pemble: I can't say that. It's a timing question in terms of when we get our plan adopted by the board. We have until January 15th, when certain actions are taken by TPL the current property owner. I couldn't make that conclusion.

Leonard: Further discussion. Commissioner Fritz.

Fritz: Mr. Chairman I think there might be some merit in the we can establish a date and enforce it by which a completed ESEE analysis and proposed protection plan would be back before us. We could certainly indicate our desire.....

Other Voice: review before the any proposed changes in the uses.

Other Voice: So, if we went to a 1A at that point, that the owners made a decision to do something with that, then there would be plenty of input at that point to get our plan adopted by the board. We have until January 15th when certain actions are taken by TPL, the current property owner. I couldn't make that conclusion.

Leonard: Further discussion. Commissioner Fritz.

Fritz: Mr. Chairman, I think there might be some merit in that we can establish a date and enforce it by which a completed ESEE analysis and proposed protection plan would be back before us. We can certainly indicate our desire, is that right? Or can we?

Other Voice: We certainly can.

Other Voice: Yes, I would be inclined to amend the motion to recommend to the board of county commissioners a 1C designation and express our desire, want, need to maybe harder terms then that. To have a completed ESEE analysis and proposed protection plan back before this commission at it's regular April 1993 meetings. That's the proposed time line right now. I would have trouble hanging it out there a couple months even beyond that. Well, I'm looking for that...

Other Voice: Is that a proposed amendment?

Other Voice: As soon as I can figure out whether it is a desire, wish.

Other Voice: Lets take a look down here on this proposed protection plan that's suppose to be in March of 93.

Other Voice: But it would be back beyond our agenda on the April 5. Right down below that.

No, nothing would happen until we acted on it at that meeting.

Other Voice: Lets get some clarification in this work program. Scott. The decision branch following the proposed protection plan. The proposed protection plan has a March 93 date. The next line has three choices, 3A, 3C or 3B that would head the site in different directions. There's not decision process identified on making that choice. The planning commission would be asked to make to adopt one outcome or another of the ESEE analysis, is that correct?

Pemble: Correct. You would get a hope that you would get a recommendation from the task force by the end of March so that you could deliberate at your April 5th meeting as to whether or not it would be designated 3A, 3B or 3C. And essentially that means you, the planning commission would make a decision as to whether you would accept the task force recommendation or whatever the outcome might be from with respects to a recommendation you would ultimately make a determination to save some, save none, save all of the resource. That recommendation would then be forwarded to the board of county commissioners, in theory they could consider that at their 4th tuesday in April meeting. Does that answer your question?

Other Voice: Yes.

Other Voice: The decisi...well I think it's perhaps misleading the way it's stated here. The decision if this came back through the ESEE process came back on April 5th the planning commission might recommend any of the three choices 3A, 3B or 3C. The details of what if any thing to preserve and how to preserve it and what it would cost and who would pay for it would all be appropriate information to debate and discuss at that time and if the property owners are not in a position to provide any of that support then the decision may well go towards the 3B. But the one additional comment on the decision making going through the ESEE certainly gives the parties an opportunity to continue to meet and debate and try and work out a reasonable compromise for this. It appears that given the level of interest on this that a 1A decision would have a very high likelihood of going into the appeal process and the length of time to get a final decision if it went to an appeal would certainly longer than trying to work through the procedures we have here.

Yoon: I don't necessarily agree with that. I guess..my final bout..if we don't vote pretty soon I'm gonna leave. I feel like a good faith did a study which for all intensive purposes to me is an ESEE analysis at their own expense. And that's kind of where I'm coming from. They took the initiative to do this. You either agree or disagree with what they're findings are. And I agree with their findings.

Leonard: Commissioner Hunt.

Hunt: But there study mainly looked at the buildings, it didn't look at the other items that we are suppose to be looking at. So, I just thought I would point that out and I agree, we need to get on with this.

Other Voice: I just have one last comment getting back to Commissioner Douglas's question I remember that you said you weren't sure what was going to be required designated 1C and I just wanted to reiterate that my understanding is that it doesn't mean that any thing particular is going to be preserved. It just means that they're gonna let the process go on...

Other Voice: At that time then I assume it can go for other uses outright if it's designated say a 3B.

Other Voice: Yes, could go. If the cost of preserving anything are found to be burdensome, too heavy then could get on with doing something else. Any last comments.

Other Voice: I was in the process of an amendment but I do people feel like they want it to indicate our wish that this matter be back force at the April 5 regular meeting. That the ESEE analysis recommendations be back here by April 5.

Douglas: It won't make any difference to me because I won't be here.

Leonard: OK.

Douglas: My term ends in March.

Other Voice: I don't think I could support it unless we do have a time line on it.

Leonard: OK, are you proposing an amendment then Commissioner Fritz.

Other Voice: Yes. The amendment is to add to our current..what's before us is to recommend to the county commission a 1C designation. The amendment would be and to designation and to indicate our desire that the completed ESEE analysis and proposed protection plan be back before the commission at it's regular April 5, 1993 meeting.

Other Voice: I'll second it.

Other Voice: As binding and compelling as we can make it.

Other Voice: Back by when?

Other Voice: April 5. at the least. That is the scheduled...

Other Voice: I don't think it can be done before that ...

Other Voice: Well that's the proposed schedule.

Other Voice: Let me put it this way, I dislike this I dislike putting anything on the owners that they have done right to bring as far as they could laws. However, if it can go back out of other uses totaling like a 3B I would change my vote for this 1C.

Leonard: OK, we have a motion and second to amend to require the April 5th date for the ESEE report and recommendation. Discussion of that motion. OK. All those in favor of amending the motion to require an April 5th ESEE report. Signify by saying I.

Other Voice: I

Leonard: Opposed. OK. Back to the main motion. That's unanimous. The main motion is to adopt a 1C recommendation without findings with a requirement that the ESEE analysis be back to the planning commission for decision by April 5, 93. Call for the question. All those in favor of the motion as amended.

Other Voice: I

Leonard: All those opposed. The motion to recommend the 1C designation passes by 5 to 2.

Other Voice: When do you want to do the findings? Time is of the essence here. I think we in fairness to everybody I think it is important that we get findings adopted this evening.

Pemle: We would encourage you to take your time this evening to do that. Again, in order for us to meet our board schedule and the interest of the board, existing board to deliberate this question prior to changing their core composition we need to have your work completed this evening.

Other Voice: Pull the commission here. Can we stay long enough long enough to get on with the findings. OK. Commissioner Ewing is leaving. OK we'll take a 5 minute recess and get back...

Other Voice: OK, we have a motion for recommendation that's been approved, we now need to adopt some findings.

Fritz: I think both Commissioner Hunt and I have some ideas which ever one of us wants to take a crack at this. Without any motion on the floor, just taking a look at the findings. We can work off 1C in my concept at least. The purposed

findings in 1C. Do you have them? I'll just indicate to you my preference here. I would have no problem going along with the current proposed language in a historic significance in E and in F that your symbolic value and current chronology. I would... let me look at this. Under the... people following me. OK.

Other Voice: You're suggesting that A, E, and F.

Fritz: Of the 1C be left in tact that under B after the first sentence which ends closer to the railroad tracks. You go over to the language in the 1A, the second sentence of the 1A proposed findings under B that is no important architect builder engineer was associated with their...let see does that make sense.

Other Voice: I'm lost here.

Other Voice: Well, OK. I'm sorry.

Other Voice: You're suggesting picking pieces from the 1A as well as the 1C language.

Fritz: Right. I'm sorry. That's what I'm saying. If you look at the 1C finding proposal under B after the first sentence that ends, closer to the railroad tracks. We would then insert, if you go over to the 1A proposed findings in section B. Basically the second sentence where it says, no important architect builder or engineer was associated with the design or construction of the houses. And insert that over into this one sentence.

Other Voice: Just that one sentence. In 1A or 1C.

Other Voice: What are you asking Commissioner?

Other Voice: I would... remain... keep everything else in tact in 1C. So we'd just insert that sentence in the middle of B.

Other Voice: Would you want to further qualify that we find the buildings considered individually do not represent any particular architectural distinction.

Other Voice: Then basically the houses do now represent a stylistic or structural type other than basic vernacular. Does that..

Other Voice: Considered individually, they don't.

Other Voice: I would...we could certainly add that. Considered individually. The houses do not represent a stylist or structural type other than basic vernacular. Does that.. I would find that acceptable too in B.

Other Voice: I just...I'm curious what the commission whether we would... you would want to state that due to their condition we are not sure of the significance of them or whether there..or do we want to go back further.

Other Voice: I want to leave that up to the task force and the ESEE. I don't want to prejudge. On the surface that was the way that looks but I will let the analysis figure that out.

Other Voice: Any other. Lets try and get a consensus on this..

Other Voice: I have a proposed change in C2, environmental considerations. The first 2 lines of C in 1C. Bridal Veil exhibits little non-historic in feel within the townsite area. The houses which state from between 1902-1913 has received some alteration and modernization over the years. I would put a period there and then I would take language out of C from the 1A findings if you look to the middle of the second line I would start a second sentence saying the church is not historic. All other community buildings are gone. The mill buildings are from a more recent date and there is no saw mill equipment or machinery left to indicate a historic use period. There is so stating that there isn't much there in those types of buildings but there hasn't been there's very little no historic infill.

Other Voice: Yeh, that would be just be the end of that section and then the whole last 3 lines of the 1C would be eliminated.

Other Voice: I have a suggestion for that section. I think that really it's calling for current landing... around the property. So looking at the fact that it is in the gorge. It's not developed around it. I think that adds to the symbolic value that can be ascertained passing through. There's not a lot of distractions conflicting...something like that.

Other Voice: I would agree with that notion that it is basically in a forest setting which was the reason for locating there in the first place.

Other Voice: Accept for I-84.

Other Voice: Could we address that?

Other Voice: Within and surrounding areas.

Other Voice: Bridal Veil is... to both non-historic in fill with in the town site area and surrounding and the surrounding area.

Other Voice: That would be find.

Other Voice: And the last change that I would make would be in D. I would just actually just add 3 words. If you go to the second line from the bottom. What does it say? Interior features on many of the houses, it currently reads, its a definitive statement. Enough original material remain, I would like to insert the words, there may be enough original material and workmanship remaining. To interpret there original appearance as well as to make restoration possible. And possible is a really wide open word.

Other Voice: Can I make a suggestion? Which would be that instead of the word houses that it say structures or buildings. Because I believe.....different kinds of structures rather than just the houses and there has been alterations to some of those ...

Other Voice: I'm not even sure the church and the post office are really part of our consideration.

Other Voice: Well I know they're there.

Other Voice: But I think...I don't care the issues fine. Structures is not a problem but its.

Other Voice: What about the cemetery?

Other Voice: That's the old utility sheds, half fallen down.

Other Voice: The cemetery is?

Other Voice: No. I don't know about the cemetery.

Other Voice: That letter from Mr. Baldwin mentioned that.

Other Voice: So I have no problem substituting structures for the word houses. Is that a problem?

Other Voice: Personally, I think it should remain houses although some of them were garages and such as that. But to me the only significance is the houses and the way they lay.

Other Voice: The post office and church aren't historical, they are so recent.

Other Voice: We might... how about houses and some of the other structures.

Other Voice: There's a compromise.

Other Voice: I think some of the other structures were specifically were told the post office was a train shed that was dragged in..it certainly doesn't fit in the context of the other

buildings.

Other Voice: Referred to the remaining.

Other Voice: Remaining, yes. There may be enough.

Other Voice: Can you read that one? Alright, do you want to read it.

Other Voice: Why I think the only changes here would be in the third sentence it would be, read although there has been some alteration to exterior and interior features on many of the houses and other structures, is that where we're making the changes, there may be enough original material and workmanship remaining to interpret their original appearance as well as make restoration possible.

Other Voice: I guess when I suggested other structures...I was looking at the first line. In reference to the houses and many of the other structures in the mill area. Yea, I actually thought you were looking at. OK, houses, some other structures and...

Other Voice: Some of the other structures in the mill area.

Other Voice: OK. Alright.

Other Voice: So are we not gonna mention the cemetery.

Other Voice: I understand... some of my favorite.

Other Voice: I don't know if it is necessary if you go to page 4 to look at the conclusions whether or not we have to make those compatible.

Other Voice: Could I make a suggestion on E?

Other Voice: Please.

Other Voice: I would prefer to see it... the first line...symbolic value evidence by public testimony, not by the ...public.

Other Voice: We haven't gone on quantity.

Other Voice: That's a good suggestion.

Other Voice: I have one other item on the significant 1C verses 1A. On 1A it mentions that there was no historically important persons that lived in the community. And 1C it doesn't mention it and yet there was testimony as to certain families that have contributed a great deal to Portland's growth as being there. So I'm just

wondering if 1A and 1C, A should mention something about that there was some historical significance to persons living in the community.

Other Voice: I agree and also the Kraft.

Other Voice: And there was some other families too.

Other Voice: Hason, was owner of the mill at one point. I don't think we heard that he lived there but he was the ownership.

Other Voice: So I'd like to see some mention of that, there..important person and families represent that community or were involved in the community. Some of them might not live there.

Other Voice: I do have a bias, I think that probably the workers were more significant than the bankers that may have owned this thing. You're right, I'd rather not mention names.

Other Voice: I'm open.

Other Voice: I don't think we have to say whose more significant. Just point out that insert that as an issue were there historical figures. Yes.

Other Voice: OK, do you have suggestions for where to work that in.

Other Voice: Lets see, maybe the third sentence that the third sentence Bridal Veil was a mill town assisting with the timber industry in Oregon the Columbia Gorge, and it's history ...some historically important persons or something.

Other Voice: Where are you putting this? I'm sorry where?

Other Voice: Logging in the Columbia Gorge. OK.

Other Voice: That's where I think the third sentence might be. That is cause they talk about the industry. In the community associated with a community.

Other Voice: Put it right up front. Put it right up front.

Other Voice: How would you word that Joy?

Other Voice: I would say that after the first sentence, I would say that living in the community or associated with the community were historically significant and person.

Other Voice: Where?

Other Voice: Just, OK, persons of historical important to Multnomah County lived in the community or were associated in the community.

Other Voice: So, more ideas.

Other Voice: I have another interesting, I don't know where to fit it in.

Other Voice: We'll be the judges whether it's interesting.

Other Voice: Some of the photographs showed how that we saw not the site how certain areas really decimate at different times by the logging and considering it's so close to the gorge and such a precious are now. To me that seems interesting.

Other Voice: It wasn't in Bridal Veil itself.

Other Voice: That was up.

Other Voice: Up on large mountain.

Other Voice: I think it makes a statement about the logging practices and the place it has in our society.

Other Voice: Didn't we already talk about this.

Other Voice: That's back on historic.

Other Voice: Yeh, it is back on historic.

Other Voice: Symbolic value I think...

Other Voice: Would indicate that we would like to see something reflected in to the actual logging practices. In the 7th it talks about it also evokes the theme of transportation. It talks about the Columbia River rail, development of the Columbia River highway. You might want to say and some you know for instance the flew etc. some innovative logging technology for the era or the time.

Other Voice: I think that already stated. Where did I read that?

Other Voice: To some extent there's some concern...

Other Voice: Can I suggest all we're really looking for here is findings to support our position of a 1C and I think without going into a definitive list. It's...

Other Voice: I don't think we need all of that. I think we can make it acceptable...

Other Voice: It was important and that's why I supported 1B.

Other Voice: What I feel is that everything sounds historical though everything about it was wonderful and I think what Commissioner Atwill is saying that we would also recognize the historical encompasses some of the things that were so great about logging practices.

Other Voice: Yeh, how we treated resources like the gorge.

Other Voice: And I think that is important to put in terms of people

Other Voice: Add a sentence there that the town evokes the history of early logging practices in the gorge and the pondering of the natural resources.

Other Voice: I love the word plunder.

Other Voice: I think your point is probably important, the town was important in early logging practices.

Other Voice: What about...what was the last part we were saying?

Other Voice: It signifies...

Other Voice: Just the positive and the negative aspect.

Other Voice: Yeh, that's good a positive and the negative of logging and our relation to our resources.

Other Voice: That sounds like that goes under the symbolic.

Other Voice: Some of the conclusions need to be changed. #4

Other Voice: Let wait until commissioners...

Other Voice: Writing all these pros....

Other Voice: OK, you had another one. Any other suggestions on the...

Other Voice: Not in the body, but when we get to the conclusions a couple minor.

Other Voice: OK, lets look at the conclusions.

Other Voice: In conclusion #4 and I want to indicate that I wouldn't have a problem with 1, 2 or 3. In 4 just the inclusion of the word may after enough houses leaves doubts

still, enough doubt in my mind. Enough houses may retain original materials and structure to understand the original appearance and make restoration possible.

Other Voice: So we change, we'd substitute the for enough and say the houses may retain enough material.

Other Voice: Right.

Other Voice: I would suggest that we delete the word strongly in #5...court...preservation and I'm not sure that were really characterizing public support. We don't need...

Other Voice: We heard strong support.

Other Voice: And on #5 it talks about what an early mill town looked like. I don't know if there is enough there to be able to comprehend what it looked like. So I'd like to eliminate that part of it from showing on, put a period. What about as an historic town site. What is the value of it?

Other Voice: OK, any others.

Other Voice: It doesn't have to ...

Other Voice: But it did. If with what we said A or B.

Other Voice: Then it does comply with the majority.

Other Voice: Well, then we want to add should be finished and reported back to the planning commission on April 5th. Somewhere...either before or after....

Other Voice: emphasis on wanting that type of information.

Other Voice: Commissioner Ewing would be really silly for people to get out here and not hear our concern.

Other Voice: So the date of return is gonna be after finished and #7.

Other Voice: What I got is the zoning proposal for level protection should be finished and reported back to the planning commission for decision at the regular April 5, 1993 meeting.

Other Voice: So where are we at?

Leonard: Jo did you want to make a motion to adopt these findings?

Al-Sofi: I move that we adopt the findings as they have been discussed and amended here.

Other Voice: Can I second it.

Other Voice: OK.

Other Voice: I trust...

Leonard: If this is gonna be the red pencil copy I'll go through what I've got down as changes. Reading off the 1C findings under the compliance with confidence plan site criteria, A after the first sentence insert persons of historic significance Multnomah County were associated with the town. That's all the changes in that one. On B, after the third line we insert no important architect builder or engineer was associated with their design.

Other Voice: I think it's with the design of the house.

Leonard: With the design of the houses. Design or construction of the houses of the town.

Other Voice: Right.

Leonard: And that would be all the changes in B.

Other Voice: Nope. You wanted to also add that houses do not represent.

Leonard: OK.

Other Voice: A stylistic or structural type other than basic vernacular.

Leonard: Right (period). C. at the end of the first sentence. Environmental considerations, Bridal Veil exhibits little non-historic infill within the town site and within the surrounding area. And put a period at the end of years at the end of the second line and scratch the three remaining lines.

Other Voice: Were we gonna add some lines from the 1A paragraph, or do we need to. It's not important. What I had suggested adding was looking from the 1A draft findings the church is not historic all of the community buildings are gone, the machine buildings more recent date and there is no saw mill equipment or machinery left to indicate the historic use. I can live without it if you don't want it in. But I think it's a fair statement. D, physical integrity, first line houses and some of the other structures in the mill area and that was the only change we had to do.

Other Voice: Second line from the bottom where it says on many of the houses, then you add the words there may be.

Other Voice: OK, there may be before enough and then later on the net line where the word remain should be changed to remaining.

Other Voice: We should also say that to make restoration.....as well as.....

Leonard: I'll read that whole one over again. Houses and some of the other structures remaining mill area are in the same locations as originally constructed. This physical layout is important in recognizing social hierarchy exhibited in the two houses types. Manager versus worker although there has been alteration to the exterior and interior features on many of the structures. There may be enough original material and workmanship remaining to interpret the original appearance as well as to make restoration possible. We got it all. OK. And on E strike on the first line the amount of public testimony.

Other Voice: Just the amount of...But it's by public testimony.

Other Voice: Strike the two words, amount of.

Other Voice: Three also.

Other Voice: Yea, what ever. The public testimony.

Other Voice: Well, we didn't vote on it that way.

Other Voice: And then there was a suggestion to add a sentence that the town site is symbolic of early logging practices in the Columbia River Gorge.

Other Voice: And a negative clause to that...

Leonard: OK, no change on F. Then on the conclusions we had 1, 2, and 3 unchanged #4 reads the houses may retain enough original materials and structure to understand the original appearance and make restoration possible. #5, strike strongly and modify so that it reads, "public interest and sentiments support the preservation of Bridal Veil as a historic mill town site". And on #7, at the end of the first sentence after level of protection should be finished and reported back to the planning commission for decision at the regular April 5th, 1993 meeting. Any other changes. That's your motion as you understand it then.

Other Voice: Yes it is. Then the resolution will be rewarded as necessary...

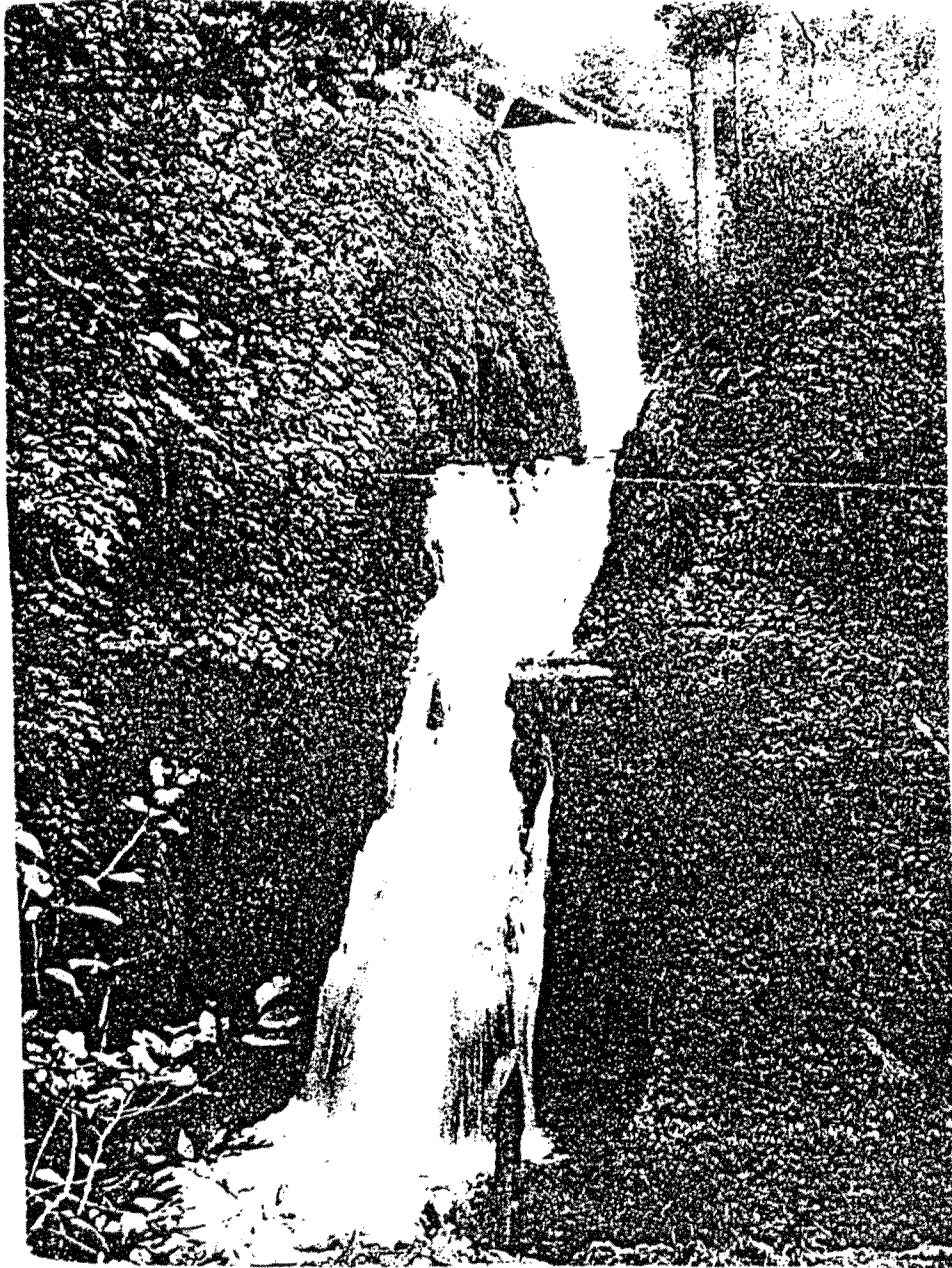
Leonard: That's my understanding. Further discussion the motion. All those in favor.

Other Voice: I.

Leonard: Opposed. The motion to adopt the findings is passed. Meeting is adjourned.

BRIDAL VEIL, OREGON

HISTORY AND SIGNIFICANCE OF THE COMMUNITY



Prepared by Sharr Prohaska
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NOTE: The following information contains the Executive Summary, Recommendations, and Report on the History and Significance of the Bridal Veil community (pages 1-61) prepared by Sharr Prohaska, Cultural Heritage Resource Consultant. The remainder of the Bridal Veil Report, including attachments and all information referenced by tab color in the table of contents, is on file and available for review at the Division of Planning and Development, 2115 SE Morrison Street, Portland.

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EXECUTIVE SUMMARY

HISTORY AND SIGNIFICANCE OF BRIDAL VEIL, OREGON

Oregonians are proud of their historic, architectural, archaeological, and cultural heritage. They are honored when properties and sites of significance in their community and State are identified in cultural resource inventories or entered into the National Register of Historic Places. The historic buildings in a community are the tangible links with our State and the Nation's heritage. Cultural heritage and natural resources provide a sense of identity, value and stability and help interpret the past to our present and future generations.

Oregon is one of the few states that has its cultural and economic identity closely associated with its magnificent trees and a legacy of the growth and development of the timber industry. The red cedar, hemlock, larch, oak, sugar pine, yellow pine and the Oregon pine grew in a variety of localities around the state, where the natural conditions perpetrated their luxurious growth. The forest lands west of the Cascade Mountain Range in Oregon are generally more dense and difficult to access, especially the thick forests which grew along the steep hills and canyons lining the Columbia River Gorge. At one time, the majestic red fir and the gigantic sugar pine trees grew in thick clusters throughout the Larch Mountain area.

For over 100 years, the small picturesque community of Bridal Veil, Oregon, has been identified with the lumber and wood products industry. Bridal Veil is a small company mill town located along the south banks of the Columbia River. Today, the community of Bridal Veil contains thirteen homes of mill workers and company managers, a post office, mill site, log pond, church/community hall and historic cemetery, which continue to interpret the heritage of an Oregon logging and sawmill Company town.

Bridal Veil is historically and culturally significant for several reasons. Bridal Veil is the earliest remaining Company lumber mill town in the state of Oregon that still portrays its sense of community and the hierarchy of a Company town.. Bridal Veil contains the oldest remaining collective examples of mill workers cottages, managers homes, a community hall,

church, and post office associated with an Oregon Company town located in the the Columbia Gorge.

Bridal Veil had one of the first paper mills in Oregon. Many of the "first" logging techniques and designs for equipment needed to log the dense forests on Larch Mountain were invented and developed at Bridal Veil. Bridal Veil's identity and significance began and remains with the economic development of the Oregon timber industry, traditional cultural values, events and settlement patterns of communities in the Columbia Gorge.

Bridal Veil has evolved as a Company mill town since the 1880's, when the first paper mill was established on Bridal Veil Creek, followed by the Bridal Veil Falls Lumbering Company logging and lumber mill on Larch Mountain and the establishment of a planing mill at Bridal Veil. Bridal Veil is also significant as one of earliest remaining examples of Company mill towns which reflect the growth and importance of the logging industry to the Columbia Gorge, the state of Oregon and the Pacific Northwest. Although devoid of the planing mill and other original mill buildings, the Bridal Veil community continues to reflect the community settlement. Bridal Veil conveys the cultural, social, historic and economic development of people living in an isolated company lumber and sawmill town in Oregon.

Bridal Veil's historic and cultural significance is enhanced by the fact that Oregonians have overlooked the educational importance of interpreting the heritage of their timber and lumber industry. Limited examples of Oregon's lumber industry heritage remain available for the public to enjoy today. Bridal Veil's significance is further enhanced when the cultural heritage landscape is combined with the important archaeological heritage of the Palmer Mill Site, other logging camps, wagon roads, and communities that remain to interpret the lumbering history of Larch Mountain. Bridal Veil is also significant for its association with several prominent Northwest lumbermen who have owned or managed the various Bridal Veil Lumber Companies.

Although the Bridal Veil mill workers houses are small vernacular structures, they evolved over time as financial conditions changed with ownership of the Company town. The houses are culturally significant and convey the hardworking lifestyle of the Company mill workers and their families. The mill workers houses have been neglected and should be restored as soon as possible to reflect their historic significance. The Company manager's homes located next to the Columbia Gorge Scenic Highway maintain their dominance on the hillside. The managers houses have been neglected and should be secured and restored as soon as possible to their former elegance. The Post Office has served many historic functions in the history of the Company town and should be preserved and restored. The Post Office provides a sense of community identity and should be kept open for the public to use and enjoy. The community hall/church should continue to serve the public needs and be preserved as a bridal chapel, church, and community center. The historic cemetery should be fenced, marked and cared for in perpetuity. The mill site, not including the existing metal buildings, should be preserved and interpreted through signage and pathways. Original timbers should be salvaged and incorporated in any future buildings the community may restore. All wooden mill buildings should be photographed and recorded before any demolition is permitted. If intensive investigation demonstrates that the mill buildings are in stable condition and historically significant, they should be preserved. No earth should be removed from the paper mill, planing mill site, or sites associated with the Company town until a complete archaeological investigation has been conducted.

Many communities in Oregon contribute their heritage to the development of the lumber industry. Unfortunately, few traces of early logging communities remain to be interpreted to the public. Bridal Veil is the oldest remaining lumber community in Oregon which still possesses enough of the original homes, buildings and sites necessary to interpret the social, cultural and settlement patterns of people living and working in the lumber industry on Larch Mountain in the Columbia Gorge.

Bridal Veil is significant for other reasons: The history of the community is closely associated with the Native Americans, Lewis and Clark, Geology, Archaeology, Fishing & Fishwheels, Shipping, Railroads, Columbia Gorge Scenic Highway, Flora and Fauna, Lumbering, Logging, and Milling. The potential for interpreting the historic, cultural and natural landscape of the Bridal Veil area is an exceptional opportunity for Multnomah County.

Other Oregon communities such as Valsetz, Oregon, a lumber company town established in the 1920's on the slopes of the Oregon Coast Range, was completely destroyed in 1989. Brookings Lumber Company, established at the turn of the century, has only a few buildings remaining. What is left has been incorporated into the development of the city. Kinzua Pine Mills Company, established in the 1928 in Wheeler County, has demolished all of its buildings associated with the lumbering industry.

The best example remaining of a Company lumber town in Oregon is the Gilchrist Timber Company. Established in 1937, Gilchrist has remained as an intact example of a Company town. Although Gilchrist is more comprehensive with over 100 residential and mill buildings, it is important to remember that Gilchrist was founded over 50 years after Bridal Veil Falls and Lumbering Company had been in operation in the Columbia Gorge. Gilchrist should not be evaluated in the same context as the Bridal Veil Falls and Lumbering Company. Gilchrist is significant for interpreting a much later era of logging practices in Oregon and should be evaluated under different locational, settlement and social criteria.

The residents of the Bridal Veil area are very interested in having their community preserved and restored. Community residents want to interpret their cultural landscape through the development of pathways, exhibits, and tours to sites of natural and cultural importance. Community residents want their homes restored so they can interpret the cultural and historic "mosaic" that has made their community so significant--everything from the history of the logging industry and forestry practices to the people and the operations of the planing mill.

Bridal Veil has the potential to be an exciting cultural heritage/ecotourism attraction. Multnomah Falls is the most visited tourist destination in Oregon. Over 66 % of the visitors

traveling in the Gorge visit Multnomah Falls. The Columbia River Scenic Highway attracts almost 50% of the visitors and Vista House attracts nearly 30% of the visitors to the Gorge. Bridal Veil is strategically located between all of these attractions and offers the potential for becoming an exciting tourism experience, different than most attractions associated with the natural resources. Bridal Veil offers the potential to disperse the economic impacts of tourism throughout the Columbia Gorge National Scenic Area.

Therefore, the consultant makes the following recommendations.

RECOMMENDATIONS

Based on primary and secondary research and documentation, historic photographs, interviews with former Bridal Veil residents, and the complete business history of the Bridal Veil Lumbering Company operations between 1880's-1960's (filed at OHS and in private ownership), the consultant has determined that "there is enough of the physical fabric/heritage at Bridal Veil, Oregon to convey the "historic cultural, social, and economic evolution" of a Company town. There are enough structures remaining in the Bridal Veil community to understand and interpret the settlement patterns, cultural landscape, and hierarchy of use in a Company mill town located in the Columbia Gorge.

Immediate Recommendations

1. Amend the Multnomah County cultural resource survey and inventory to include all significant natural and cultural resources associated with the heritage and evolution of the Bridal Veil Falls Lumber Company community.
2. Complete a intensive level cultural resource survey of all structures associated with the the development of the Bridal Veil community.
3. Research the possibility of an expanded historic/archaeological National Register District for Bridal Veil, which may include the Palmer Mill site, and other sites associated with lumbering on Larch Mountain and the Bridal Veil Falls Lumber Company.
4. Establish a "master plan task force" comprised of all groups and individuals interested in the preservation/restoration/interpretation of the Bridal Veil community. Encourage a cooperative working relationship whose purpose is to develop a quality comprehensive master plan, which will interpret the historic, cultural & natural landscape of Bridal Veil.

5. Develop an "interim action plan" to secure and protect all the houses and buildings which are presently vacated until a restoration plan can be developed and implemented.
6. Photograph and document the commercial mill buildings on the mill site.
7. Restore the existing Post Office. Keep the Post Office open for public use.

Future Recommendations

1. Conduct an intensive level archaeological/historical survey of Bridal Veil, Oregon.
2. Incorporate concepts for a Columbia River Gorge National Scenic Area Landscape Gallery into master plan. (See attachment provided by landscape architect)
3. Research the preparation of an expanded National Register Archaeological/Historical National Register nomination for Bridal Veil and other relevant historic logging and lumbering sites located on Larch Mountain and at the Palmer Mill site.
4. Develop a master plan to protect, interpret and enhance all priority viewpoints and significant components of the cultural landscape at Bridal Veil. The preservation, use, and modification of the natural environment should maintain and enhance the use of natural resources.
5. Do not remove any earth for site development or improvement until a thorough archaeological investigation has been completed at the Bridal Veil mill site.
6. Integrate all future plans into a cultural heritage/ecotourism development program. The preservation, use, or any alterations to the cultural environment should maintain and enhance the existing community, while striving for quality preservation and interpretation of the existing cultural resources.
7. Recommend that the present Bridal Veil site remain as a cultural landscape. Any infill projects should be discouraged. The one exception, may be the reconstruction of the original Bridal Veil Company Store, which could serve as a central interpretive facility in the future.

8. Based on a tour of the mill site, I recommend that the significance of the mill buildings be evaluated before they are demolished. The master plan should determine their importance for any future development. (7/14/92)
9. If mill buildings are to be demolished, the lumber should be saved and reused in the preservation and restoration of the existing structures at Bridal Veil.
10. Any remaining sections of original flume or artifacts associated with the lumbering industry should be preserved for future interpretation.
8. Conduct an intensive level historic resource survey of all historic and cultural resources in the Multnomah County portion of the Columbia River Gorge.

Respectfully submitted,

Sharr Prohaska
Consultant

July 1, 1992

Introduction

Clear Tab Section

BRIDAL VEIL, OREGON

History and Significance of the Community

for

MULTNOMAH COUNTY

document prepared by

by

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1992

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HISTORY OF THE DEVELOPMENT OF BRIDAL VEIL, OREGON AND THE BRIDAL VEIL LUMBERING COMPANY Overview

Oregon is one of the few states that has its economic and cultural identity closely associated with its magnificent trees and a rich legacy of the logging and of lumber industry. In the 1880's the red cedar, hemlock, larch, oak, sugar pine, yellow pine and the Oregon pine grew in a variety of localities around the state. The natural conditions and the environment perpetrated their luxurious growth. The forest lands west of the Cascade Mountain Range in Oregon were generally more dense and difficult to access, especially the thick forests that grew along the steep hills and canyons lining the Oregon side of the Columbia River Gorge.

At one time the majestic red fir and the gigantic sugar pine trees grew in clusters throughout the Larch Mountain area. The timber stands were so thick that the roots of one tree often became entwined with those of another. The average diameter of many of these splendid trees exceeded six feet at the base. In some places, a rain forest effect was created by a thick mosslike web that spanned from one limb to another, creating a woven canopy which prevented the sun from penetrating the underbrush or fallen timber on the mossy forest floor. In some areas the forests were almost impenetrable, except by the most skilled and determined lumberman.

The timber industry is one of the Pacific Northwest's oldest businesses. As early as the 1820's, immense quantities of wood and timber from the forests of Oregon and Washington, were being cut and shipped by the Hudson's Bay Company to places as far away as South America, Australia, South Africa, China and Hawaii. During the 1850's timber from the Oregon forests was cut and sent to San Francisco to help the city build homes, commercial buildings and bridges during an era of rapid growth and construction. Massive timbers of fir cut from the forests of Oregon were internationally known for their strength, width and long lengths. Timber shipments to foreign destinations often included pieces of wood that were more than twenty-four inches wide and over one hundred feet long.

The Pacific Coast was a treasure house for forest products. At one time about three-fourths of all timber in the country was located in this area. The magnificent forests of Oregon and Washington were famous throughout the world. Mother Nature blessed the giant forests with an abundance of rain and other climatic conditions that created a natural environment for the growth of the spectacular trees. Where ever lumber was used, the wood products of these states were represented. Ocean going vessels built of Oregon timber would last as long as

those made of oak. Some of the finest ships masts and spars in all the world were cut from the forests in Oregon.

The importance of lumber to Oregon's economic development is almost incomprehensible. Statistics show that for many years more money was invested in the production of wood products than in any other manufacturing industry in the country. For several years more men gained their livelihood and more families were supported by persons employed in the production of lumber than any other industry.

The large forested western slopes of Larch Mountain were no exception. Located 30 miles east of Portland in the Columbia Gorge, Larch Mountain, which climbs to a 4000 foot summit, contained some of the best fir, hemlock larch, and majestic cedar trees in the country. The proximity of the Larch Mountain to the Columbia River and Portland, made the development of lumber mills and logging operations in the Columbia Gorge very attractive to Northwest businessmen. Most of the vast expanses of forests and timber lands in the Columbia Gorge remained uncut into the 1880's. About this time small lumber companies began forming in the mountains through out Oregon to meet the increasing demand for timber. Within a few years, several small lumber companies constructed logging camps and sawmills and on the forested slopes of Larch Mountain.

During the 1880's and 1890's, lumber companies began operating on Larch Mountain under the business names of Bridal Veil Lumbering Company, Brower and Thompson Company, Douglas, Siefer, & Kee Company, and the Latourell Falls Wagon Road and Lumber Company, etc. Overnight, magnificent trees many of them centuries old, began to fall to the loggers axe and saw. One of the most prominent new businesses to engage in the lumbering on Larch Mountain in the 1880's was the Bridal Veil Lumbering Company at Bridal Veil, Oregon.

Early Development of the Bridal Veil

The Bridal Veil community is located in the Cascade Mountains, thirty miles east of Portland, adjacent to what was once called the Oregon Rail and Navigation Company Railroad line. The secluded area is nestled in some of the most picturesque scenery of the Columbia River Gorge. For many centuries this area and the adjacent water falls was a favorite gathering place for the Native Americans who lived in villages along the Columbia River. The earliest dated trace of the First Oregonians on the Columbia was found by L.S. Cressman at The Dalles. His archaeological investigations found modern trade goods, implements, bones and charcoal dated at 10,000 years--the oldest continuously occupied village known. Immigrants may have been on the river even earlier. The waters of the Bridal Veil Falls provided both

spiritual, economic, and social benefits to our Native American people who travelled along the river between The Dalles and other river communities.

For more than 50 years, steamboats dominated transportation along the Columbia River until the railroad transportation developed along the south shore of the river. The Oregon Railway and Navigation Company started their construction into the Gorge in 1880. In 1884 the Union Pacific connected to the O.R. & N, providing more transcontinental service. The completion of the railroad network in the Gorge encouraged people to settle and develop products and produce that could be sold to distant markets.

In 1879 Amos James "Jim" Moore learned that a paper or lumber mill was to be established on the Columbia River near Bridal Veil Falls and the proposed railroad line that Henry Villard was developing. Moore quickly filed for an 80 acre homestead claim just east of the Bridal Veil Falls. Each of his four brothers and his sister, Marcene Maple, also filed for adjacent homestead privileges on timber claims. Moore was the first businessman interested in settling and logging in this specific area at the base of Bridal Veil Falls.

Moore and his four brothers had previously operated a sawmill at Albina, a present day community in Portland. Originally, Albina was a separate town. As the supply of ready timber grew smaller in the area around Albina, the Moore family decided to move to the Bridal Veil site circa 1879-1880. The Moore brothers surveyed the wooded site and discussed their options for a lumber or paper mill. The falls at Bridal Veil offered the Moore family the energy resource needed to build a small pulp mill. The Moore brothers decided to move to this remote site. They carried finished wood for the mill and their homes by horse drawn wagon from the Albina Mill across primitive roads in order to reach the Bridal Veil.

The Moore family built the first two homes in the area. One house was built for Amos James Moore and his family and the other house was constructed for the four Moore brothers. Within a few months Amasa Moore built homes for Willard P. Hawley, Harris Hawley and the Pusey family.

In 1879 the Oregon Railway and Navigation Company received an easement for a right of way across the Moore homestead. In 1884 the O.R. & N. RR completed their track along the south shore of the Columbia River. In November 1882, J. Frank Buchanan, Richard Oakley, and Willard P. Hawley acquired title to property around the site of the paper mill. Within a short period of time, new homes were built for the Will Hawley and his brother, Harris Hawley. Another house was constructed for the Pusey family who also moved to Bridal Veil to work in the paper mill business. The site of the paper mill, which Willard Hawley on the Moore property is referenced in the abstracts of title for the property:

Anthony Moore deeded title to the property and the water rights which included land from the Columbia River to a point above the falls on the creek known as "Big Fall Creek or Bridal

Veil Creek". They received the "right to take water from the creek at a distance of not more than 60 feet above the top of said falls to an amount equal to 55 horsepower based upon a 95 foot fall by Laffels measurement" on November 27, 1882. (Book 62 of Deeds, Page 64)

Will Hawley started construction of the paper mill at Bridal Veil creek. With an abundance of wood in the area, he was guaranteed an unending supply of fuel to operate his paper mill. Hawley built his mill but ran into financial difficulty because the freight trains that passed through the tiny community would only stop sporadically to pick up his products. Due to the unpredictable circumstances, Hawley sold the paper mill at Bridal Veil and moved to Oregon City, where he started the Hawley Pulp and Paper Mill. Before leaving Bridal Veil, Hawley married Eva Adele (Dell) Pusey, the daughter of one of the families living in this isolated community. Their son Willard Jr. was a baby at the time they left. After years of working with his father he became manager of the Hawley Pulp and Paper mill in Oregon City. Hawley Pulp and Paper Company grew rapidly in Oregon City and proved to be a very financially successful move for the Hawley family. Mrs. Eva Adele Hawley came to Oregon from the East. She was a member of a well known paper making family, the Pusey family, which had been in the paper manufacturing business for 300 years, both in America and England.

Harris Hawley, brother of Will Hawley, also worked in the mill. If he was paid like the other workers in the lumber industry, Harris worked for 18 cents an hour for ten hours a day. Harris Hawley and his wife moved to Portland after a few years of living in Bridal Veil. Harris became an active member of the Portland police force. Hawley also served as president of Boys and Girls Aid Society for many years.

Evidence indicates that the paper mill was constructed in 1882/83. On January 12, 1885, a complaint was filed against the Company, asking for a receiver to protect the mill and other property "in the manufacture of paper". The paper mill operation must have been fairly small. The best bid at the receiver's sale, which was \$1,060,00. The amount of money was judged inadequate, so the court ordered the property to be resold. In February 1887 the property associated with the paper mill site was sold to S.A. Neppach for \$4000.00. The paper mill at Bridal Veil is significant as one of the first paper mills to be built in Oregon. (B.Graff 1992)

The Community of Bridal Veil, Oregon

Men and women have lived in the Columbia River Gorge for over 12,000 years but little is known about the first village sites because the Indians left no written record. As people became more dependent upon the fish in the Columbia River as a food source, permanent villages began to line both shores of the river. During the exploration of the river by Lewis and Clark in 1895-06, they encountered many Indian villages, lodges, and longhouses. The area between

The Dalles and the Cascades was heavily populated with Indian settlements. They lived on the bounty of the natural resources--the forests, river, and by hunting , fishing, and gathering.

Many of the early settlers came to the area stimulated by the Western migration, the railroad land grants in the 1850's and 1860's, and the Homestead Act of 1862. In the 1850's a fort was built at The Dalles. Ten years later it was an important trading port. The city of Cascade Locks started a small sawmill operation and by the 1860's over 50 men were working in the area--many of them employed in boat building or helping construct the portage road around the rapids. Hood River was first occupied in the 1850's and was platted in 1881.

Frank Warren built a salmon cannery in 1876 at Warrendale, near one of the fishwheels that lined the Columbia River. Other canneries and communities developed near the Cascades and Celilo Falls. One of the large fishwheels was located on the river near the clearing that became Bridal Veil.

For over 100 years, the small picturesque community of Bridal Veil, Oregon has been identified with the lumber and wood products industry. Bridal Veil was a small company mill town located in a clearing adjacent to the south shore of the Columbia River. At present the community contains thirteen homes, a post office, church/community hall, 2 mill buildings, a water tank and a historic cemetery, which continue to interpret the heritage of an earlier day Oregon logging and sawmill community. Bridal Veil is historically and culturally significant for several reasons. It is the earliest example of company mill town that operated continuously for nearly 100 years in the Columbia Gorge. Bridal Veil is the earliest remaining example of a company mill town in the state of Oregon which still retains enough identity to portray the hierarchy of company mill town. Bridal Veil was the site of the first paper mill in Oregon. Bridal Veil's identity and significance began and remains with the development of the Oregon timber industry, settlement patterns within the Columbia Gorge, and the interpretive cultural landscape associated with a company mill town in Oregon.

Bridal Veil has evolved as a company lumber mill town since 1886, when the Bridal Veil Lumber Company began logging on Larch Mountain. Bridal Veil may be the longest continually operating company lumber mill town west of the Mississippi River. It certainly is one of the few remaining early examples of company mill towns which reflect the dramatic growth and gradual demise of lumbering and the company mill town in Oregon and the Pacific Northwest. Although devoid of the original planing and paper mill and other early commercial buildings, the Bridal Veil community continues to reflect the early settlement patterns in the Columbia Gorge. Bridal Veil also contains enough remaining structural fabric to interpret through its millworker cottages, manager's homes and community structures, the evolving cultural, social, and economic development of people living in an isolated company owned lumber and sawmill town.

Bridal Veil, Oregon, is beautifully situated on the south side of the Columbia River Gorge, 30 miles east of Portland. Bridal Veil is known for its beautiful creek and waterfalls, as well as its lovely view of the Columbia River and the distant mountains. Bridal Veil received its name from a lady who was traveling along the Columbia River on a famous sternwheeler, the Bailey Gatzert. When the lady viewed the cascading waterfalls from the deck of the boat, she exclaimed that the falls reminded her of "a delicate misty brides veil". Through the years her remark became a "legend". People began to refer to this special place in the Columbia Gorge as Brides Veil, Oregon.

When the first post office opened at the site, the community was officially named, "Bridal Veil". About the same time, the O.R.& N Railroad built a small train depot and the train schedule officially named the stop, Bridal Veil. (Judd: 1)

Early Development of Larch Mountain Lumbering Companies

The early lumber companies began logging on Larch Mountain in the 1880's. Initially the fallen trees were hauled out of the forest by using teams of small oxen, horses or mules. Within a few years additional skidroads, wagon roads, tramways and flumes were constructed to help slide the logs from the higher steep elevations to the sawmills and railroads cars that waited on the level ground near the Columbia River. Bridal Veil Falls Lumbering Company started their operations in 1886 and the Latourell Falls Wagon Road and Lumber Company began their business in 1887. The two companies were the largest logging and sawmill operations on the Oregon side of the Columbia Gorge during the early years of lumbering. The access to the railroad and water transportation along the Columbia River made Larch Mountain lumbering an attractive business option if only the difficulties of logging on a steep terrain could be mastered.

Latourell Falls Wagon Road and Lumber Company

"Latourell Falls Wagon Road and Lumber Company was formed on April 28, 1887, with the intention to "engage in, carry on, and prosecute a general sawmill, lumber, logging, planing, and manufacturing business in connection therewith to conduct saw mills, planing mills, logging camps and lumber yards, and to do all things necessary or convenient to the property conduct of a general sawmill and lumber business and lumber manufacturing business". (Woodward: 2)

In 1887 the Latourell Falls Wagon Road and Lumber Company acquired the sole right to build a tram road, railroad, and logging road and flume or aqueduct over the S 1/2 S 1/4 of

section 15, T15SE. In return the owner had the right to travel over the road and also to work on the construction, receiving for his work, one share of stock for each day's work.

The Latourell Falls Wagon Road and Lumber Company built a wooden plank wagon toll road that started on the western slope of Larch Mountain and extended to the Oregon Railway and Navigation Company railroad line, which was located near the shores of the Columbia River. The construction of the railroad was viewed as an excellent opportunity to ship the mill products to the ports in Portland. The Latourell Falls Wagon road completed its construction to Latourell Falls in 1888. A wooden flume was constructed the same year to get the timber down the mountain to Latourell Falls. Logs or rough cut lumber could be sent down the flume to a small mill operated by Brower and Thompson. Brower and Thompson operated a small mill on Larch Mountain about three miles southwest of the Larch Mountain summit at an elevation of 1800 feet. From the Brower and Thompson mill, lumber was sent by wooden flume down Young Creek to Shepherds Dell before it reached the rail yard at Latourell Falls. The Latourell Falls logging camp consisted of a barn, a cookhouse, an office and warehouse, and 2 bunkhouses, and was located on Pepper Mountain. (Woodward 1975) The construction of the Latourell Falls Wagon Road and the development of the flume were responsible for the development of large scale logging in the dense forests on Larch Mountain.

For the next two years the Latourell Falls Wagon Road and Lumber Company expanded their operations by building more tent camps, roads, flumes and lumber yards. In 1898 a complete inventory of the mill buildings, logging equipment, utensils, animals, groceries, warehouse and cookhouse goods at the sawmill and logging camp was taken by the logging company. This important inventory has been housed at the Oregon Historical Society. It gives a good perspective on the cultural way of life in a logging community at this time in history. The inventory has compiled by John Woodward and is included in the this report.

In 1886 Loring C. Palmer and Theodore H. Smith decided to form the Bridal Veil Falls Lumbering Company. Palmer, a veteran of the Civil War, had previously operated a sawmill in Vancouver, Washington. He dismantled his mill and moved the all the equipment to the Bridal Veil site during the summer of 1887. Hawley's paper mill at the base of Bridal Veil Falls, a post office, and a few small homes were located near the proposed new sawmill site. Smith started building a re-milling and shipping plant next to the Oregon Railway and Navigation Company railroad tracks that had just been installed in the Columbia Gorge.

Smith built another sawmill and a few houses about one and one-half miles above on a hillside overlooking the small community of Bridal Veil. "A wagon road was built under the direction of Kee Sing, a Chinese contractor, from Bridal Veil to the sawmill site. Machinery for a small portable sawmill used in building the permanent facility was hauled up this road and Jones & Calvin Logging Company was contracted to furnish the logs used in the construction

(Hagen 1937) O.A. Palmer, a logger from Vancouver, Washington, and the brother of Loring Palmer, was contracted by the Company to supervise the logging operations". (Carr 1991)

On July 6, 1887 the Vancouver Independent newspaper stated that: "The new Bridal Veil lumber mill is now finally at work, turning out lumber for houses to be built near the mill, lumber for the flume, and some for market. Quite a number of Vancouver men are at work there and more are to go. Palmer's scow took up the household effects of a number this week, and more will be sent up later. Among those who will live there are Thomas Thorton, James Baker and J.A Sawyer. Messrs. Palmer & Brown will in a few weeks be doing an extensive lumber business in the new mill." (Horton 1964)

According to the Vancouver Independent dated August 17, 1887, "A few weeks ago we mentioned the fact that the machinery of Palmer's sawmill had been removed from Vancouver to Bridal Veil Falls. This move had been contemplated for some time, because of lack of proper facilities for carrying on the business in Vancouver. The proprietors had asked for a franchise to reach the river with a tramway for shipping facilities, and had been refused. This embarrassed the business in one way, while the available timber was also getting scarce in the vicinity of the logging tramway, and no more could be had without extensions of the track, that would cost considerable money. Laboring under such difficulties, Mr. Palmer concluded to dismantle the old mill, and with associates moved the business to Oregon. But he has not left Vancouver entirely, as with a lease of the Lucia Mills he is still doing something for the town". (Horton 1964)

Finally, on December 14, 1887, the Vancouver Independent reported that "The Bridal Veil Lumbering Company have just finished their flume which is one and a half miles in length and the very best constructed flume in the Northwest, and has ample capacity for a timber 16x16x60 feet long. This company is admirable situated as regards timber and outlet, having the finest body of yellow fir, larch and cedar anywhere in the country, and having the Columbia river and OR & N RR as outlets. The capacity of their mill is 75,000 feet per day, per Portland Oregonian". (Horton 1964: 21)

On August 29, 1887 L.C. Palmer and his wife Catherine A. Palmer officially deeded the property to the Bridal Veil Falls Lumbering Company, (corporation) for a consideration of \$2;000. The V-shaped wooden flume supported on high wooden trestles and an operating saw mill combined to put Bridal Veil Falls Lumbering Company ahead in the competition with Latourell Falls Wagon Road and Lumbering Company for domination of lumbering interests on Larch Mountain. In June and July 1889, legal rights were transferred by the owners of the mill site to the Bridal Veil Falls Lumbering Company.

The following year the Latourell Falls Lumber Company was fully operating and cutting 15,000 board feet per day. Its competitor, the Bridal Veil Falls Lumbering Company was changed to the Bridal Veil Lumbering Company in July 1889. On July 8, 1889 Anthony Moore, J.F. Miles and The Bridal Veil Falls Lumbering Company with L.C Palmer listed as President and T.H. Smith as Secretary acknowledged before a Notary Public that John G. Fleming, S.A. Neppach, and H.B. Nicholas had the right to build, maintain, extend and operate their main

water pipe and such other pipe, flume or flumes as they may deem necessary from their Paper Mill or from where their pipe or flume is not situated, up and along Bridal Veil Creek across the 80 acre tract of land, to a point on said Creek not higher up than 60 feet above the third of big falls thereof,, said falls being about 2000 feet up from the said Paper Mill, and the right to take and divert from said creek at any point not higher than 60 feet above said fall the same quantity of water which they are now entitled to take from the top of the falls as specified in the deed from Anthony Moore to W.P. Hawley, J.F. Buchanan, and R.B. Oakley dated November 1882. They also granted to the men the right of way for a wagon road 30 feet wide from the West end of the present County Road at the Bridal Veil Railroad station, to a point at right angles to said road and not less than 200 feet from the Railroad right of way limit. (Book 123 of Deeds, page 359. 1889.)

Early logging techniques on Larch Mountain

Logging techniques started on Larch Mountain in the 1880's by using oxen teams, mules and horses. Within ten years a series of wooden water flumes, wagon roads, and logging railroads wove across the hillsides and into the valleys. The first power source for transporting the logs was a small wood burning locomotive. At the holding pond on the mountain, logs were loaded on disconnected trunks and railed to the sawmill at Palmer. Once the logs reached the sawmill at Palmer, they were rough sawn to a size that would fit in and slide down the wooden flume. At this point after being cut to proper size, the lumber was flumed down the canyon to Bridal Veil, a vertical drop of about 1800 feet. The combination of the flume and the wagon road paved the way for large-scale logging on Larch Mountain. Occasionally, brave or perhaps foolish loggers would ride down the water filled wooden flume on a plank to the holding pond below. Some men were successful while others took several months to recover from their injuries.

An Oregonian article of March 4, 1887, written by a traveling correspondent for the Pittsburg Dispatch, recorded his impressions of the lumber company after visiting the mill site at Bridal Veil. He describes the Bridal Veil Lumber Company logging road and lumbering operations as follows:

"There is a railroad in this state over which passes enormous traffic, although the line does not possess a single car. It is located upon one of the highest elevations of the west slope of the Cascade mountains, in the heart of what has been almost inaccessible region. Its length is five miles, and it circles and twists in that distance until it resembles the trail of a mammoth serpent. It represents the most difficult achievement of the lumbermen in Oregon.

The only feature of the road except the line itself resembles the ordinary narrow-gauge railroad is the 13 ton Baldwin locomotive, the power that pulls the freight. This freight consists of logs which will average of a size equal to that of the engine boiler. These logs are formed from the trees which are felled by the red shirted lumbermen in the employ of the Bridal Veil Lumber Company. After being cut, the logs are rolled to the nearest point on the railroad. They are then arranged in a line, huge staples driven in each end sections of heavy chain attached to the staples forming a train of logs. The foremost of these logs is then chained to the engine, which hauls it and its companions upon the roadbed of the line.

The railroad is narrow-gauge, three feet. It is constructed on the same principle adopted by the regulation roads over which cars pass, with one exception. Stout planks are nailed to the ties, and it is upon this foundation that the logs rest as the engine pulls them along. The rails act as guards is to prevent the logs leaving the track. In this manner, the timber is conveyed from the point at which the engine takes it in charge to the beginning of the two-mile flume that leads from the end of the first section of the road to what is called the chute pond, a small body of water located about a half-mile from the mill where the logs are turned into lumber.

The roadbed, or rather, its foundation, is not, of course, like that of the great lines over which passenger and freight cars roll but, although roughly constructed, it has surprising strength. While, as stated, the logs are rolled from the point at which they are cut to the most convenient place on the railroad in many instances. The chute is called into play at what is known as the upper pond. This pond is to be found near the starting point of the line, and to it, from various sections of the mountain side, where trees are being felled, flumes or chutes are found. The logs then, instead of being moved with difficulty to within "reaching distance" of the locomotive, are placed in the chute and down they go to the bottom into the pond.

Once in the water, a detail of men fastens the logs together just as described in outlining the make-up of a train. A stout incline runs from the water to the railroad track. The train of logs is poled along until the foremost lies at the foot of this incline. A chain is then fastened to the logs, the other end thereof being attached to the engine. The locomotive pulls and the logs confined within a high curved channel are brought up onto the track and start on their journey to the mill. This is the process adopted at the upper pond.

The journey of the logs to the two-mile flume is uneventful. When the flume is reached the engine is detached from the log train and the logs from which all the chains are removed, are diverted into the mouth of the flume. Once started, it takes a log but a small fraction of time to make its way to the lower pond. Here the process of forming the big like trunks into trains is repeated in the same fashion as the upper pond. The process of getting them on the track however is much faster. At this point, the track runs in such a way that logs and road are almost side by side, so the engine has but little difficulty in transferring freight from the water to the roadbed. Now the logs are beginning the conclusion of their journey for from the lower pond the line of the road runs without break to the mill where the "dogs" are turned over to the sawyers."

The writings of Alva Horton in 1964 reflect the logging techniques used by the Company during a latter period of growth.

" I went to Bridal Veil in the fall of 1889. The railroad then, as now, defined the town. Looking east from the west end of town we first see that the railroad crossed the Bridal Veil Creek on quite a high bridge. On the left there was a nice large house setting up on high posts to keep it above the high-water line. A switch from the railroad went to the paper mill. There was also a flume sitting on high stilts to bring firewood down to the paper mill from the Palmer sawmill. There was one house between the paper mill and the railroad.

In those days the trains were pulled by steam locomotives so the engines had to have water. There was a high stand-pipe next to the main line of the railroad so the engines could stop and get water when they needed it. The railroad company had three parallel tracks through town. The main line was on the north, the passing track was in the middle, and the track for loading the lumber into cars was next to the lumberyard. The depot and the agents' residence and the section foreman's residence and the company store were all north of the main line.

On the lumber yard and next to the loading track was a large derrick for loading heavy timbers onto flat cars. The lumber that was to be sold rough was piled on the lumberyard next to the loading track. The lumber that was to planed was taken into the planing mill and after it was planed it was put in the dry-kiln. After it was dry it was graded and stacked in sheds, close to the loading track, ready for shipping. (Horton: 1964: 13-14)

The early method of cutting immense logs was to bore a hole from the top side to the center with an auger and another at right angles until both holes met in the center, thus affording a draft. A fire was started in the lower hole, and would continue to burn a green log off almost as straight as if sawn. This was a strange sight. To see the smoke billowing out of a number of these holes at an equal distance from each other, the entire length of a 150 foot log, was rarely done in other parts of the country.

Within twenty years as the industry continued to grow, methods of logging began to change. The handspike, logging chain, bob sleigh, oxen and skidway were superseded by donkey engines, cables and cars. By means of the portable engines and cables, one or two acres could be "yarded" within a comparatively short time, after which the cables and donkey engines were moved on sleighs or trucks, specifically constructed for the purpose. The "bull donkey," with its endless cable attachment removes the logs from the yard to the railroad, which in turn conveyed them by steam to the mill.

New equipment was designed to meet the needs of the lumber industry. By 1902 approximately eighty men were working in the logging camps at Palmer and another seventy five men were employed in the planing mill at Bridal Veil. In September of that year a disastrous fire in the Columbia Gorge consumed the mill site and most of the buildings at Palmer and all of the community at Brower. The Donahue and Kelley logging camp and the Bridal Veil mill was not destroyed. The fire put an end to the earlier era of inventive logging techniques which were used successfully on Larch Mountain.

HISTORY OF BRIDAL VEIL LUMBERING COMPANY

In a quiet scenic community in east Multnomah County, a short distance from Portland, are thirteen vernacular houses belonging to former mill workers and Company managers, a tiny wooden post office, church/community hall, two mill buildings, water tower and a historic cemetery. All the structures are directly associated with one of the earliest logging and mill towns in Oregon. The Bridal Veil Lumbering Company was well known for the outstanding quality of lumber they processed and sold. The high quality fir lumber planed by the Bridal Veil mill was used for many purposes, including flooring material. The fine grained wood from the larch trees was used for making doors and window casings. Although the Bridal Veil Lumbering Company logged trees on Larch Mountain by rail for over 50 years, time has erased the memory of any people who worked in the early years of timber operations on Larch Mountain. However, several "living treasures" remain today, willing to share fond memories of their life associated with lumbering and community life in Bridal Veil community after 1925.

The story of the wooded forest that evolved to become the Bridal Veil community begins on May 17, 1872, when Governor L.F. Grover sold a portion of land along the Columbia River to E.F. Russell and George Woodward for \$1.00 per acre. Land was conveyed under an act of Congress for the sale of swamp lands, approved October 26, 1870. Russell and Woodward purchased 1557.90 acres for the price of \$1557.90. Their purchase entitled them to lots 1, 2 & 3 of the S.E. 1/4 of N.W. 1/4 of Section 22, T.1.N.R.5.E., which contained 99.18 acres. (Other real estate was included in the transaction. It appears they were responsible for draining the land and making it fit for cultivation).

Five years later on August 8, 1877, George Woodward and M. Ellen Woodward, his wife deeded their half interest in the property (1506.76 acres) to Joseph Buchtel and Stolte for the price of \$450.00. The described parcel of land is listed in Swamp Land Certificate No.43. E.H. Stolte and his wife, Mary U. Stolte deeded their interest in the swamp land to Joseph Buchtel on December 13, 1878. On November 6, 1879, Joseph Buchtel granted a right of way deed for a strip of land 100 feet in width, 50 feet in width upon each side of a center line of the railroad to the Oregon Railway & Navigation Company for \$1.00 consideration. Buchtel served as Multnomah County Sheriff. He was a well known early Oregonian. (See obituaries) Edwin F. Russell and his wife Carrie F. Russell, deeded their right of way interest in the railroad parcel to the O.R. & N. RR on September 19, 1881 for \$100.00 consideration.

In 1884 the Oregon Railway and Navigation Company extended their main line through the Columbia River Gorge. For the first time, formerly inaccessible timbered areas in the Gorge opened up for logging. The completion of the main railroad line created new markets for

Oregon timber, especially in the East where most of their forests had been harvested. Almost overnight there was an increased demand for lumber and milling products manufactured in Oregon.

When Anthony Moore of Albina heard about the possibility of the railroad being extended through the Columbia Gorge, he decided to file a homestead claim for lands adjacent to the proposed railroad line at Bridal Veil. On December 30, 1882, United States President Chester A. Arthur granted to Anthony Moore the "Southeast 1/4 of the Northwest 1/4 and the Northeast of the Southwest 1/4 of Section 22, T.1.N.R.5.E. of the Willamette Meridian in Oregon, containing 80 acres," to Anthony Moore. The land was given to Moore and his heirs "subject to any vested and accrued water rights for mining, agricultural, manufacturing or other purposes, and rights to ditches and reservoirs used in connection with such water rights as may be recognized and acknowledged by the local customs, laws and decisions of Courts." (Book 88 of Deeds, Page 192. Recorded September 17, 1886.)

On September 21, 1882, Anthony Moore deeded one half interest in the tract of land to J.F. Miles for the consideration of \$300.00. Moore and Miles, unmarried men, gave a warranty deed to J.Frank Buchanan, Richard S. Oakley and Willard P. Hawley on November 27, 1882. The deeded "entitled the men the right to use the lands from the center of the Creek known as Big Fall Creek or Bridal Veil Creek, at the distance of 50 ft. from the center of the main track of the O.R. & N. Co. as now laid, to an area 50 feet from the base of the falls in said Creek known as Bridal Veil Falls to an area not more than 60 feet above the top of the falls which would be necessary to generate an amount equal to 55 horse power, based upon a 95 fall by Laffels measurement. They were also granted the right of way across Moore's lands for the purpose of building, constructing, altering, and repairing such dams, flumes, ditches, pipes and other works as they may desire to build, construct, alter, or repair for the purpose of conducting said water. And together with a right of way for a wagon road and other purposes over and across the lands of grantors. An area was also reserved for the right of way for a corporation known as the Big Creek Wagon Road Company." Interest in the property was divided the following way: J.Frank Buchanan 1/4 interest, Richard S. Oakley 1/4 interest, and Willard P. Hawley, 1/2 interest". (Book 58 of Deeds, Page 311)

W.P. Hawley and his wife, Eva Adele Hawley gave a Special Warranty Deed to Anthony Neppach on March 17, 1883, for a full undivided one quarter interest in the property. (Book 69 of Deeds, Page 42) The following year on November 17, 1884, United States President Chester Arthur signed a patent to Frederick Lusher for lot No. 3 of Section 22, containing a 17.50 acre tract of land. (Book 119 of Deeds, Page 273) This legalized the transaction of May 26, 1883, when Fred Luscher, a single person, deeded lot 3 to Idah E. Buchanan who deeded

his 3/4 interest in the land to Anthony Neppach and Willard P. Hawley, and R.S. Oakley on November 1, 1883 for \$100.00 (Book 70 of Deeds, page 303)

Anthony Neppach mortgaged his interest in the property to S.A. Neppach on December 11, 1883 for the consideration of \$4000. (Book 41 of Mtgs. Page 143) The mortgaged was satisfied on August 20, 1886 as acknowledged by W.C. Neppach, Jr. S.A. Neppach assigned his mortgage to William Neppach, Jr. on July 31, 1885. Richard S.Oakley mortgaged his interest in the property to Blanche F. Oakley on December 11, 1882. The mortgage was satisfied on July 25, 1887 and acknowledged by her attorney, H.R. Nicholas.(Book 41 of Mtgs. Page 147.)

Oakley, Hawley, and Neppach mortgaged their 3/4 interest in the land to William Druck on October 18, 1883 for consideration of \$3000.00. On May 6, 1884 William Druck assigned his mortgage to C.A. Aliskey. The mortgage was fully paid and satisfied on April 2, 1900. The transaction indicates that S.A. Neppach granted to J.F. Buchanan and wife, W.P. Hawley and wife, R.S. Oakley and wife, and Anthony Neppach, the acknowledgement that the mortgage was paid, satisfied and cancelled. (Book 195 of Mtgs. Page 251) Hawley mortgaged his interest to Thomas Pusey (relative of his wife) in two notes for the sums of \$2000 & \$600 and attorneys fees and taxes. Note was payable in 190 days from January 9, 1884. The mortgaged property was one fourth of the land and real estate conveyed to Hawley from Anthony Moore and J.F. Miles on November 27, 1882.

W.P. Hawley and his wife gave a quit claim deed to George W. McCoy on August 3, 1886 for his interest in the paper mill site including all mills, water rights, easements and privileges associated with the property. He also grated all out right of redemption from Receiver's sale made July 7, 1886.(Book 90 of Deeds, Page 393) J.F. Buchanan also gave a quit claim deed for his interest in the paper mill site to George W. McCoy on August 19, 1886. (Book 887 of Deeds, Page 299)

About the same time, Anthony, Albert, and Amasa Moore deeded the Big Creek Wagon Road Company to Loring C.Palmer on September 17, 1886 for consideration of \$1.00 with the understanding that \$6500 would be made in the future payments for the property. (Book 38 of Deeds, page 346) The transaction conveyed the Moores interest in the road owned by the Company and gave Palmer all the rights, title and interest in the Big Creek Wagon Road Company. The Moores also signed an agreement with Palmer for \$2000 cash, with the promise of an additional \$4500, to be paid for a large portion of real estate: "the undivided 1/2 of the Southeast 1/4 of the Northwest 1/4 and the undivided 1/2 of the Northeast 1/4 of the Southwest 14 of Section 22, (excepting the portion conveyed by Moore and Miles to Buchanan, Oakley, and Hawley dated November 27, 1882) Upon the payment of the \$4500, the Moore's agreed to relinquish, release and convey to L.C. Palmer, all of their lands,

including the Big Creek Wagon Road Company, the and rights and title and interest in the water flume rights, road or trail sights.(Book 38 of Deeds, Page 247)

The county fee book registered a complaint (No. 6905) on January 12, 1885 filed by C.A. Aliskey, Plaintiff, vs W.P. Hawley and Eva A. Haley, R.S. Oakley and Sara R. Oakley, Anthony Neppach, I.R.Dawson, Thomas Jordan,Thomas Pusey, P.D. Butler, Ben Lusher, George E. Pusey, William Druck, and a minor, H.H. Hawley and H.F Pusey, Defendants.

William Druck is an interesting person whose name is woven throughout many of the Bridal Veil legal documents. Durck was born in Germany in 1823. He left home when he was 23 and traaveled to Australia where he married Sophia Vetz and had six children. He left Australia in 8863 and went to San Francisco and then to Portland. Druck beang tomake wedges for the loggers. He also made other hand-gorged, tempered tools. He became very successful making wedges he beat out on his own anvil. He died in 1918. (see obituary)

A petition was filed on March 30, 1886, by plaintiff for the appointment of a receiver to take charge of the mortgaged premises and to care for and protect the machinery. Charles H Carter, was appointed Receiver of the property and was ordered to dispose of the property as directed by the Court. A petition was filed on April 30, 1886 to obtain the judgement foreclosing the lien of a certain mortgage, dated October 18, 1883. Hawley, Oakley, and Neppach agreed to secure payment of a promissory note for \$3000, with interest at 10% per annum. The note was insolvent, no part of the said sum had been paid." A large portion of the property in said mortgage consisted of a certain mill and building, and machinery for the manufacturing of paper, and that owing to financial embarrassment said defendants have never placed the mill in working order. "That said mill is rapidly going to waste and needs care and attention, and that no care which the Receiver can bestow will save the same from great depreciation in value and perhaps total loss. That it is greatly to the interest of all persons interested that the same be sold by the Receiver and upon execution, and that the proceeds be pain into the Court to await the final determination of this suit". The complaint was sighed by Henry Ach, attorney for the plaintiff.

On May 3, 1886 (Journal 34, Page 397) C.A. Alisky, Plaintiff filed suit against Hawley and Oakley, an Order of Sale, in the Circuit Court of the State of Oregon for the sale of the paper mill. The Order of Sale stated that "the mill buildings and machinery are rapidly going to waste, and constantly deterioration in value, and that the property's entirely unproductive, and that the same cannot be property cared for except at great and increasing expense, and that there is no way except by an immediate sale of said property by which the value thereof can be realized". Order of Sale was signed by Loyal B. Stearns, Judge. The property was sold to George W. McCoy for \$1060, but numerous objections, affidavits, etc. were filed to the

Receiver's report and the Court, by order dated September 24, 1886, set the sale aside, and directed the Receiver to make a re-sale of the property.

Catlin & Nicholas, Attorneys for the plaintiff, George H. Durham, attorney for H.H. Hawley, Butler and the Pusey's, R.G. Morrow, attorney for W.P. Hawley and his wife, and H.R. Nicholas, attorney for defendants, Oakley and Anthony, William and S.A. Neppach directed Charles H. Carter to sell the property at public auction. The case is referred to as No. 7224, Neppach vs. Buchanan. It was a suit to foreclose the mortgage recorded in Book 41, Page 108. The suit was never dismissed nor any further proceedings followed.

On December 23, 1866, George W. McCoy and his wife, Hulda McCoy, deeded their interest in lot 3 and a portion of lot 2 to H.B. Nicholas.

On February 23, 1887, C.A. Alisky, Plaintiff vs W.P. Hawley, Defendant reported the sale of the property. The sale was held at 10 A.M. on February 11, 1887 at the County Court House. It was offered for sale at public auction and was sold to S.A. Neppach for the sum of \$4000, he being the highest bidder. An additional fee of \$270.00 was paid for the cost incurred in advertising in the "Sunday Welcome and the Oregonian, and for charges associated with hiring of a Watchman. On March 18, 1887 a receivers deed was given to S.A. Neppach for the property.

The earliest records and research indicate that Mr. Willard P. Hawley, who operated a lumber mill in Vancouver, Washington, wanted to start operating a paper mill near Bridal Veil Falls. Hawley purchased the land and built a small paper mill just below the falls on Bridal Veil Creek. He worked with Amos James Moore and some Chinese laborers to prepare the land build the paper mill. It is not known whether Oakley and Neppach (listed as having part interest) actively worked at the mill or if they were private investors. Unfortunately, for their paper mill business, the daily freight train service was very sporadic. On several occasions the train did not make a routine stop at Bridal Veil to pick up paper products. The irregular train schedule made it difficult for Hawley to ship the products being made in his paper mill. As a result of several misfortunes, Hawley was forced to sell the paper mill. Hawley, his wife and son moved to Oregon City in 1892, where he started the very successful Hawley Pulp and Paper Company.

Will Hawley married Eva Adele "Dell" Pusey, who also lived in the tiny community of Bridal Veil. Together they had one child, Willard R. Hawley, Jr. who assumed responsibility for the business in Oregon City after his father died. Will Hawley and his son Willard Jr. became very wealthy and socially prominent in Oregon as a result of their investment in the Hawley Pulp and Paper Company.

Will Hawley was born in Franklin County, New York. He learned the paper mill business at an early age under the direction of Clark Week, a wealthy New York businessman. In 1877

Hawley moved to California because of poor health. A few years later after traveling back and forth across the United States, Hawley moved to Oregon and eventually settled in Bridal Veil.

After spending a few years in trying to establish a paper mill business at Bridal Veil, Will Hawley, his wife, and son Willard, who was then about 11 months old, moved to Oregon City in 1892. Hawley became superintendent of the Crown Mills. In 1908 he purchased the site of the old Portland Flouring Mills at Oregon City. Hawley became president of Hawley Pulp & Paper Company Mill, the St. Helen's Pulp & Paper Company, and the California Bag and Paper Company. (Lockley, p. 141-145)

Word spread through the Gorge about the little mill at Bridal Veil. In 1886 Theodore Smith started building a sawmill and a few homes at the 1200 feet elevation above Bridal Veil. A Chinese gentleman by the name of Kee Sing was hired to build a wagon from from Bridal Veil to the mill site on the mountain.

Research indicates that Loring Curtis Palmer, who had successfully operated a large sawmill in Vancouver, Washington for several years, decided in 1887 to move his mill into the dense woods on Larch Mountain, located the south side of the Columbia River. Palmer was interested in expanding his timber holdings in the Northwest. Palmer chose the mouth of Bridal Veil Creek and probably reconstructed the mill that had been left by Hawley. It was in operation by 1887.

Although isolated, the site provided easy access to the forests as well as an abundance of water power and access to the O.R.&N. Railroad line which ran parallel to the nearby Columbia River. The site Palmer chose for his mill was most likely near same isolated area where Will Hawley established his paper mill a few years earlier. Research indicates that Palmer and Hawley may have worked together in the sawmill at Vancouver, Washington, before moving to Bridal Veil.

In 1886 Loring Curtis Palmer had sold his interests in the sawmill located in Vancouver, Washington (one of the oldest in the Northwest) and moved his equipment to Bridal Veil Falls where he organized a sawmill company. The move had been contemplated for some time, because the business community in Vancouver made it difficult for him to practice his sawmill business. Palmer had operated a sawmill in Vancouver since 1881. Palmer asked the city of Vancouver for a franchise to build a tramway from his mill to the river, in order to get his lumber to the shipping docks on the Columbia river. The city was reluctant to grant him a franchise, so Palmer decided to dismantle his mill and move his timber operations to Larch Mountain in Oregon.

Palmer's purpose in coming to Oregon was to create a timber company that could cut the large stands of timber which grew throughout the mountainous area on Larch Mountain, plane

the trees into lumber and ship the wood to other destinations. Palmer started building his mill in 1886.

On October 1, 1886 Anthony, Amasa W. and Albert Moore deeded a parcel of land to L. C. Palmer in consideration of the sum of \$2000, cash paid in hand, with the further sum of \$4500, to be paid on or before five years from the date the deed was signed. (Book 88, page 247) Palmer began full mill operations in 1887.

To get the logs from the forest lands of Larch Mountain to the mill, Palmer and his associate Theodore Smith had to build a wooden flume down Bridal Veil Canyon. Using only a carpenter's level, Smith designed a flume that dropped 1200 feet in elevation in less than two miles. Palmer was able to complete construction on his flume a year prior to another flume that was being built by the Latourell Falls Wagon Road and Lumber Company--their friendly competitor for logging interests on Larch Mountain.

Palmer established the Bridal Veil Falls Lumbering Company in 1886. It was officially incorporated in July 1887, with a capital investment of \$30,000, for the "purpose of constructing a flume over the site of the paper mill". The flume was to be designed "to not create any danger to either the mill or the people that worked in the area around the mill" The Company was financed by the sale of 1,000 shares of stock selling for \$100 each. (see attachments)

Palmer established his logging operations on Larch mountain southeast of the community of Bridal Veil. The rough fir lumber from the Palmer Mill was cut and flumed to Bridal Veil, where another sawmill, which utilized the water power from Bridal Veil Falls, cut and processed the lumber. The finished lumber was the finest to be found anywhere in the United States.

Loring Palmer and Theodore H. Smith worked together to purchase timber in the area of Bridal Veil. They formed the Bridal Veil Fall Lumbering Company--a large scale logging company, whose purpose was "to log the Noble fir trees, often referred to as Pacific Coast Larch, which grew on the densely covered slopes of Larch Mountain".

Palmer was elected president of the Bridal Veil Falls Lumber Company. T.H. Smith was appointed Secretary. Anthony Moore and J.F. Miles granted to John Fleming, S.A. Neppach, and N.B. Nicholas several water rights and rights-of-way to the property. It is assumed that they were partners or investors in the mill business. Smith was responsible for building a sawmill on a level site about a mile and one-half above Bridal Veil. Over the next few years the sawmill developed into a community that became known as "Palmer".

According to a report by archaeological technician, Bill Carr, "the wood of the Noble fir is very soft, close-grained and when dry is very light. The lack of pitch makes it valuable for interior finish and for all kinds of molding. Since the wood takes the paint well, much of the

lumber was made into bevel siding and used for exterior work. The Noble fir around Larch Mountain had straight, symmetrical stems often reaching 300 feet in height, with 1500 to 180 feet clear of branches.. The diameter of the trees ranged from 3 to 9 feet at the base". (Carr 1992)

In order to expand production, Smith decided to build a remilling and shipping plant at Bridal Veil. The milling facilities were constructed at Bridal Veil along with boarding houses for loggers and some family housing which was located near the Oregon Railway and Navigation Company railroad tracks. Smith assumed responsibility for all aspects of the timber operation..

An Oregonian article of March 4, 1887, written by a traveling correspondent for the Pittsburg Dispatch, records his impressions upon visiting the mill site at Bridal Veil. He describes the Bridal Veil Lumber Company logging road and lumber operations as follows:

"There is a railroad in this state over which passes enormous traffic, although the line does not possess a single car. It is located upon one of the highest elevations of the west slope of the Cascade mountains, in the heart of what has been almost inaccessible region. Its length is five miles, and it circles and twists in that distance until it resembles the trail of a mammoth serpent. It represents the most difficult achievement of the lumbermen in Oregon.

The only feature of the road except the line itself resembles the ordinary narrow-gauge railroad is the 13 ton Baldwin locomotive, the power that pulls the freight. This freight consists of logs which will average of a size equal to that of the engine boiler. These logs are formed from the trees which are felled by the red shirted lumbermen in the employ of the Bridal Veil Lumber Company. After being cut, the logs are rolled to the nearest point on the railroad. They are then arranged in a line, huge staples driven in each end sections of heavy chain attached to the staples forming a train of logs. The foremost of these logs is then chained to the engine, which hauls it and its companions upon the roadbed of the line.

The railroad is narrow-gauge, three feet. It is constructed on the same principle adopted by the regulation roads over which cars pass, with one exception. Stout plank is nailed to the ties, and it is upon this foundation that the logs rest as the engine pulls them along. The rails act as guards is to prevent the logs leaving the track. In this manner, the timber is conveyed from the point at which the engine takes it in charge to the beginning of the two-mile flume that leads from the end of the first section of the road to what is called the chute pond, a small body of water located about a half-mile from the mill where the logs are turned into lumber.

The roadbed, or rather, its foundation, is not, of course, like that of the great lines over which passenger and freight cars roll but, although roughly constructed, it has surprising strength. While, as stated, the logs are rolled from the point at which they are cut to the most convenient place on the railroad in many instances. The chute is called into play at what is known as the upper pond. This pond is to be found near the starting point of the line, and to it, from various sections of the mountain side, where trees are being felled, flumes or chutes are fun. The logs then, instead of being moved with difficulty to within "reaching distance" of the locomotive are placed in the chute and down they go to the bottom into the pond.

Once in the water, a detail of men fastens the logs together just as described in outlining the make-up of a train. A stout incline runs from the water to the railroad track. The train of logs

is poled along until the foremost lies at the foot of this incline. A chain is then fastened to the logs, the other end thereof being attached to the engine. The locomotive pulls and the logs confined within a high curved channel are brought up onto the track and start on their journey to the mill. This is the process adopted at the upper pond.

The journey of the logs to the two-mile flume is uneventful. When the flume is reached the engine is detached from the log train and the logs from which all the chains are removed, are diverted into the mouth of the flume. Once started, it takes a log but a small fraction of time to make its way to the lower pond. Here the process of forming the big like trunks into trains is repeated in the same fashion as the upper pond. The process of getting them on the track however is much faster. At this point, the track runs in such a way that logs and road are almost side by side, so the engine has but little difficulty in transferring freight from the water to the roadbed. Now the logs are beginning the conclusion of their journey for from the lower pond the line of the road runs without break to the mill where the "dogs" are turned over to the sawyers."

Palmer's newly reconstructed sawmill at Bridal Veil was in complete operation the same year. The famous one and a half mile log flume was constructed at the Palmer site so the rough hewn logs could be sent from the top of Larch Mountain down Bridal Veil Canyon to the mill site below. Wood from the sawmill was used to construct the houses in the company town at Bridal Veil.

According to the December 14, 1887 edition of the Vancouver Independent newspaper, the Palmer log flume was "the very best constructed flume in the Northwest". The Palmer flume was finished a year before a similar flume constructed by their competitor, the Latourell Falls Wagon Road and Lumber Company.

The Latourell Falls Wagon Road and Lumber Company was formed in 1887. In order to compete with the Bridal Veil Lumbering Company, the Latourell Falls Wagon Road and Lumber Company built a flume down Young Creek to Sheperds Delland then to the mill at Latourell. To remain competitive, the companies needed to move the rough sawn lumber off the slopes of Larch Mountain to the railroad cars that were located on the O.R. & N RR holding track near the Columbia River. The Latourell Falls Wagon Road and Lumber Company built a logging camp on Pepper Mountain which contained an office, barn, cookhouse, warehouse and tow bunkhouses. (Woodward 1975)

During the same year, Theodore Smith began construction on a shipping facility near the Oregon Railway and Navigation Company railroad tracks that passed through the the townsite of Bridal Veil. In order for the timber business to grow on a larger scale and be successful, it was imperative that timber products be shipped out by railroad.

Smith was responsible for the design and construction of the V-shaped two mile flume that carried the wood down Bridal Veil canyon. Constructed of large pieces of timber supported on wooden trestles, the flume could support pieces of lumber as large as 60 feet long and 16 inches wide.

As signs of their progress, a reporter for the July 6, 1887 issue of the Vancouver Independent Newspaper wrote:

"This new lumber mill is now finally at work, turning out lumber for houses to be built near the mill, lumber for the flume and some for market. Quite a number of Vancouver men are at work there and more are to go. Palmer's scow took up the household effects of a number this week, and more will be sent up later. Among those who will live there are Thomas Thorton, James Baker and J.A. Sawyer. Messrs. Palmer and Brown will in a few weeks be doing an extensive lumber business in the new mill."

Another article printed in the December 14, 1887 issue of the Vancouver Independent Newspaper stated that:

"the Bridal Veil Lumbering Company have just finished their flume which is one and a half miles in length and the very best constructed flume in the Northwest, and has ample capacity for a timber 16x16x60 feet long. This company is admirable situated as regards to timber and outlet, having the finest body of yellow fir, larch and cedar anywhere in the country, and having the Columbia river and the OR & N RR as outlets. The capacity of their mill is 75,000 feet per day".

A Chinese man, Mr. King See, was hired to engineer a two mile wagon road from the OR & N line along the Columbia river into the steep canyons of Bridal Veil Creek. The terminus of the road was a high plateau, which was named Palmer. Within less than two years, the wagon road had been completed and a small sawmill was erected at Palmer. To avoid hauling the lumber down the steep and extremely treacherous wagon road, a lumber flume was constructed down the canyon. It was used to carry the logs and mill products down to the tracks of the Oregon Railway and Navigation Company. The flume terminus and planing mill of Bridal Veil was located on the Columbia River adjacent to the tracks of the O.R. & N. Company.

In 1889 the Bridal Veil Falls Lumbering Company was reorganized as the Bridal Veil Lumbering Company. L.C. Palmer, E.L. Brown, and T.H. Smith were stockholders. Their purpose was to expand the logging operations by adding more flumes and expanding the logging railroad. Palmer was transferred to an area two miles above Bridal Veil into uncut timber country. His responsibility was to design another mill town, which later bore his name, the Palmer Mill.

Amos Moore sold the Company all the land they needed to construct the planing mill and lumber yard. Palmer assumed responsibility for the mill operations at Palmer. He built a home for his family, about two miles up the mountain from Bridal Veil Creek. Soon a small logging community developed. The life of the community revolved around the sawmill and log pond in a settlement known as "Palmer".

A wooden trestle that stretched across the upper canyon carried logs to the mill. After the logs were rough sawn into a manageable size, they were sent down the wooden flume to the

lower pond to await processing. In 1898 Palmer opened their first post office and small country school. Bertha Palmer, L.C. Palmer's daughter, served as the first postmistress.

With the growth of the lumber industry came the need for a school to educate the children of the families and mill workers who lived in the Company town.. Records indicate that the school district was founded in 1887, the same year the post office was established. Two school houses were constructed in the district in 1888. One school house was built at Bridal Veil and the other at the Palmer Mill on land belonging to and donated by Amos J. Moore.

Amos and Martha Moore deeded one acre of land to District 42 on September 25, 1890, for consideration of one dollar. Provisions were made that the land would revert to the Moore family or estate if it was used for anything other than educational purposes. In the midst of the tall fir trees, the Bridal Veil community opened their first schoolhouse. It was a symbol of cultural growth for the community, beyond the business functions of the new railroad depot and the boarding house hotel.

The school house constructed at Palmer was called Palmer # 1. "The school house was about 32' x 48' and two story. The upper story was a lodge hall and used for dances or any civic purposes. I know one year there were 64 kids on the roll call. Metsger was the teacher in 1898. Church was always held in the school room. There were three large hanging kerosene lamps. The bowl held about 1 gallon of oil. There was never electricity at Palmer # 1. There was a gas light motion picture projector. " (Personal letters of Lloyd Trinkey: 1972)

In the summer of 1889 the Bridal Veil Falls Lumbering Company was reorganized. In the 1890's the Larch Mountain Investment Company went bankrupt. In September 1892, Smith and Brown sold out their interest in the Bridal Veil Company to J.S. Bradley and left the business. J.M. Leiter, J.S. Bradley and Charles Brown formed a company partnership to operate the Palmer mill. John Stone Bradley, a native of Massachusetts with many years in the lumber business, became active in the Bridal Veil Lumbering Company. He served as both the general manager and treasurer until 1910, when management of the company was assumed by Charles Briggs and H.H. Holland. Bradley built a large house overlooking the falls and planing mill at Bridal Veil. Loring Palmer continued as president and John M. Leiter worked as secretary of the firm.

The extensive timber lands located to the south of Palmer were added to the Bridal Veil Lumbering Company's holdings. After the change in ownership, the Company was reincorporated with capital stock of \$100,000 (1,000 shares sold at \$100 each) as the Bridal Veil Lumbering Company. The word "Falls" was dropped from the title of the Company. The primary stockholders in the new company were L.C. Palmer, E.L. Brown, and T.H. Smith. The main reason for reorganizing was to permit the company to expand their operations through the development of additional flumes and an expanded logging railroad.

On September 22, 1892, an abundance of legal transactions were filed in the Circuit Court over the rights of property owners who had financial interests in the lands, railroad, and water rights associated with Bridal Veil. Judgements were assessed against A.W. Moore, Anthony Moore, Marcena Maple, J.F. Miles, Albert Moore, J.Frank Buchanan, Richard S. Oakley, Willard P. Hawley, Anthony Neppach, S.A. Neppach, William Druck, George W. McCoy, Big Creek Wagon Road Company, L.C. Palmer, H.B. Nicholas, Charles H. Carter, Bridal Veil Falls Lumbering Company, John G. Fleming, Bridal Veil Lumbering Company, Bridal Veil Paper Mill Company, J.S. Bradley, Fred Lusher, John S. Bradley, Neppach Estate, Kate Nicholas, I.C. Sanford and Edward Cookingham.

The purpose of the company remained the same but T.H. Smith and E.L. Brown were no longer part of the Company. In their place the names of J.M. Leiter, J.S. Bradley and Charles Brown appeared as partners in the business. Capital shares in the business were increased to 1290 shares. John Stone Bradley became manager and treasurer of the Company. He settled in the community, assumed more administrative responsibilities and constructed a large home west of the falls that overlooked the falls and the Bridal Veil mill. Loring Palmer remained as president of the Company while John Leiter was listed as secretary.

J.S. Bradley would drive to the sawmill everyday in a horse and buggy. The road to the mill and log pond was very rough with the road grades reaching up to 28 percent. The mill was located at the 1900 feet elevation in the Southwest 1/4 of Section 24, 1.N.5.E. From this site a narrow gauge railroad ran to a pond and a re-loading area called the Donahue Pond. The Donahue Pond was located on the section line between section 25 and 36, 1.N.5.E., about a quarter of a mile west of the range line, at an elevation of approximately 2,200 feet.

By 1891 the Donahue and Kelly camp was operating on the north and west sides of Larch Mountain at the 2,200 feet elevation. The Company expanded their holdings when the Larch Mountain Investment Company went bankrupt. M.C. Donahue was the manager of the logging camp. "Logging at the Donahue and Kelley camp was done primarily with 2 oxen teams of 6 to 7 yokes each. The logs, after having the bark removed, would be hauled from the woods by the oxen over greased skidroads to loading points along the tracks of a narrow gauge railroad. Here the logs were lined up end to end between the rails, on boards placed over the ties, and hitched together with dogs (two heavy iron hooks, connected with chain links, driven into the logs. A team of oxen could skid logs scaling up to 12,000 board feet in each turn. Then the logs were skidded to the sawmill at Palmer by an 18 ton Baldwin saddle tank, steam locomotive, affectionately called "Peggy". As technology improved, logs were placed on flatcars and pushed ahead of the locomotive with a string of logs still being skidded behind to aid in braking on the descent, which in some places was over a 9 percent grade, to the sawmill.

Bridal Veil was among the first companies to successfully utilize trailing logs behind a locomotive".(Carr 1992)

Logging Operations in the 1890's on Larch Mountain

As demands for finished lumber from the Bridal Veil planing mill increased, so did the need to increase the supply of logs to the sawmill. The oxen and horse teams were soon replaced by a steam locomotive. Bridal Veil Lumbering Company purchased a new Baldwin locomotive--the 18 ton "Peggy". The locomotive was delivered to the Bridal Veil site and moved up the wagon road in sections. Once "Peggy" reached the Palmer site, the engine was reassembled and put to work hauling logs to the mill at Palmer. When the railroad was completed, "Peggy" encountered some difficulties. Due to the nine percent grades, the engine was unable to keep many of the loaded cars from slipping way and running down the slope.

In an attempt to solve the runaway engine problem, a decision was made to plank over the railroad ties. Then a combination of water and grease was put on top of the planks, so the locomotive could follow the logs without using the rail cars. This technique gave 'Peggy' the ability to handle between 5 and 10 thousand board feet at a time without the danger of becoming a runaway train.

The lumber mill at Bridal Veil was next to the straw and rag paper mill at the base of Bridal Veil Falls. Water from the Falls supplied the power needed to operate both mills. "Lincoln Gurnette was the superintendent of the Bridal Veil Paper Company. Gurnette previously worked at Willamette Pulp and Paper Company. The paper mill was poorly equipped with outdated equipment that was in constant need of repair. With rags becoming scarce and wood replacing the straw as a material for manufacturing paper, and its inability to compete with more modern facilities, the Bridal Veil Paper Company went out of business in 1902". (Carr 1992) When the logs reached Bridal Veil via the flume on Larch Mountain, the lumber was planed on the site and dried in a kiln. After the wood was dried and processed, the lumber was sent out of the area on railroad cars.

In 1891 there were two logging contractors supplying logs to the company railroad. At one end of the railroad, the Donahue and Kelly camp logged timber using two oxen teams. Within six years of operation the Donahue and Kelly camp cut and skidded 30 million board feet of lumber. In 1894 the Brower and Thompson mill closed on Pepper Mountain. Brower and Thompson had been the primary supplier of lumber to the Latourell Falls Lumber Company. Eldridge Hill Thompson and George Brower formed another company, the Apex Transportation Company on 1895. Apex Transportation used oxen for their logging and milling operations until 1896. O.A. Palmer, brother of Loring Palmer, was hired to manage the

new company. "Under lease from Bridal Veil Lumbering Company, the Apex Transportation Company took over operation of the narrow gauge railroad that delivered logs to the sawmill at Palmer. (Carr 1992)

Apex Transportation changed their lumbering practices in 1896 and installed a cable system, using a Mundy steam "bull donkey" engine combined with a series of cables wound on two huge drums. The steam engine, manufactured by J.S. Mundy, had "two 10 x 16 inch cylinders providing the power to yard 30,000 board feet of logs at a time (a load of approximately 120,000 pounds) was put into use (Bishop 1897). This was done to lower logging costs, where oxen were too slow or railroad construction unfeasible. This 5 ton machine was capable of skidding logs from over a mile out in the woods to a landing. At the landing the logs were lowered down a chute a distance of three-quarters of a mile to a pond capable of holding about 2 million board feet of logs. The chute was constructed much like the narrow gauge railroad with ties laid close together to form a continuous surface for the logs to slide on. A guard rail was used to keep the logs from rolling off the chute. From this holding pond the logs were transported to the sawmill by "Peggy", where close to 100,000 board feet of lumber per day was sent to the planing mill at Bridal Veils. Bridal Veil was the first to use a cable system to yard logs out of canyons. Their methods consisted of stretching a cable from the top to the bottom of a canyon and mounting a carriage on the cable. the logs were then attached to the carriage and the bull donkey at the top of the hill would yard the load up to the landing. Previous methods had used the donkey engine at the bottom of the canyons". (Carr 1992)

The Smith and Watson donkey engine was the pride of the loggers. For the first time there was enough power to haul in the largest size logs. Due to the terrain, the Smith and Watson donkey engine could pull fallen timber by cable from the canyons, up to the top of the Palmer landing where the logs could then be planed into lumber. Before the donkey engine, the huge trees often rotted in the inaccessible mountainous areas because they were unable to be retrieved by oxen due to the steep terrain.

One of the best descriptions of the logging techniques used on Larch Mountain was an article about Bridal Veil written in 1891:

"the Bridal Veil operation is laid out as follows: a five-mile section of narrow-gauge track has been constructed from the upper slopes of Larch Mountain to the Bridal Veil Creek Canyon and then to a point where a flume began at the 1,250 foot level. Near the upper beginning of the railroad was the "upper pond". A number of log flumes and chutes led from higher slopes to this pond. Near this location at about 2,200 feet, was the Donohue logging camp. The small camps were located even further up the mountain. At the lower end of the railroad a log flume ran down Bridal Veil Canyon to the "chute pond" located about one-half mile from the Bridal Veil mill. A short rail line ran from the chute pond to the mill.

The process of logging began with the sawing of the trees on the upper slopes of Larch Mountain by "the red-shirted" loggers. After the trees had been trimmed with the double-bitted "Yankee axes", they were moved by oxen, mules, or steam donkey along greased skid roads to points either near the railroad or to chutes leading to the upper pond. If the logs were chuted to the upper pond, they were then arranged in the pond in a line by several men. Huge staples called "dogs" were driven in each end of the log with hardwood mauls and then chained together through the "dogs" to form a "train of logs". The engine pulled these log trains out of the pond along an incline running from the pond to the track.

The Bridal Veil loggers devised an unique system for moving the logs along the track. Cars were not used, instead planks were nailed between the ties and the logs were pulled between the rails, much as they had been pulled by oxen or mules along the skid roads. This avoided the dangers of slippage or car derailment. A small but powerful 18 ton Baldwin saddle tank, steam locomotive, named "Peggy" performed this job during the early years. Later a larger steam locomotive named "Jumbo" was used. At the lower end of the railroad, the log trains were unchained, detached from the engine and diverted into the flume which carried the logs rapidly down 1,200 feet to the chute pond. At this point the logs were chained together into trains once again and pulled by a locomotive onto a railroad that had been built parallel to the pond. The locomotive then pulled the log train a half-mile to the Bridal Veil mill. This innovative operation was the "most difficult feat of lumbermen in Oregon" (Oregon Historical Society SB5:64)

As the logging operations improved during the 1890's, more families moved to the Bridal Veil community to work in the timber industry. Small businesses developed to meet the growing needs of the isolated settlement. One of the first businesses to open was a company store which supplied both the Palmer Mill and the Bridal Veil with groceries and the bare necessities. Everyday a horse drawn wagon from the company store would carry the supplies up to the Palmer Mill which was located two miles above Bridal Veil. (Judd 1964:3)

Bridal Veil Lumber Company and company town continued to grow in the 1890's due to the construction of the new sawmill on the north side of Bridal Veil Creek and a log pond at Palmer. Bridal Veil Paper Company expanded their operations. They started a rag paper and straw mill next to the main sawmill facility. Water needed for power to operate the mill came from the Bridal Veil Falls. The paper mill went out of business within a short period of time.

In a February 1894 article in the the Puget Sound Lumberman, the reporter stated that the Bridal Veil lumber company produced 7,690,000 board feet of lumber in 1893. In 1895 Charlie Bell, the Bridal Veil train depot agent retired. He was replaced by Mr. Frank Wilmot who stayed in his job as long as the Bridal Veil Company was in operation.

Description of Logging and Timber Operations at the Turn of the Century

An article written by E.K. Bishop and published by Lucius J. Hicks, circa 1897, describes the operations of the Bridal Veil Lumber Company very well:

"Among the prominent firms engaged in the lumber business is the Bridal Veil Lumber Company, which has a very complete and expensive plant. As one alights on the platform of the little station, he sees only the yards and planing mill of the establishment. The sawmill like Mohammed, has gone to the mountain. On account of the topography of the country, it was deemed best to locate the saw mill back in the mountains, where the logs would be more accessible, the lumber being conveyed to a station by means of a flume. In this respect the plant is almost unique among those in the country.

In order to commence at the beginning, one must ascent the steep road to the mill and take the locomotive on the logging railroad to the camps beyond, though on the way he will be forced to pause to take breath, and at the same time admire the tremendous energy and daring of Mr. L.C. Palmer, the man who conceived the idea of locating such a plant in these mountain vastnesses, and whose ceaseless efforts have contributed so much to its success.

The logging railroad which extends from the mill 5 miles back into the timber, is of substantial construction, and a good sample of railroad building in a mountainous country. The eighteen ton locomotive is of Baldwin make, and a ride on "Peggy" as it is familiarly called, with her ever pleasant presiding genius is a common occurrence with the employees, and a genuine treat for a stranger unaccustomed to such sights.

The road winds its way up the mountain, at first following closely the tortuous course of a little creek, crossing many bridges and ascending every foot of the way, which is more apparent when a regular horse shoe curve reveals the road, over which the engine has traveled, many feet below, and some one volunteers the information that in two miles the ascent is 600 feet. The route then lies through deep and fragrant forest, where the sunlight seldom penetrate, and over high trestles, one being 81 feet above the creek, till soon the end is reached, high upon the side of Larch Mountain.

Here is located the camp of Donahue & Kelly, who have a contract with the Bridal Veil Company to log a certain portion of its land. The camp is the terminus of the railroad. It is under the management of M.c Donahue who is well known to all on the mountain and is one of the best loggers on the coast. About a mile away, on another part of the mountain, is situated the camp of the Apex Transportation Company, an enterprising firm which has rented the railroad and which has a contract to supply the mill with logs. The company is under the management of C.A. Palmer, who has been logging on the mountain for 8 years, and who gives his personal attention to the work. The crew in the woods are under the efficient foremanship of James Brown, who is also the Secretary of the company.

A logging crew at work presents a busy sight, which is rendered all the more striking by the contrast with the sombre depths of the forest. To one not familiar with such sights, there is something very impressive about these magnificent trees which tower upwards for hundreds of feet and count their age by centuries, but such sentiments have little effect upon the loggers, who very prosaically set to work to lower these monarchs of the forest, as the first step in converting them into a more useful form.

The advance guard of the crew are the timber fellers, who work in pairs. After selecting a tree suitable for the purpose, each man cuts a notch in its side and into this a spring board is inserted, from which point perhaps another is placed higher up, or even a third, in order to escape the bulge and accumulated pitch near the butt. Standing on this apparently insecure perch, all the work with axe and saw is done. Men engaged in this business become very expert, and call fell a tree in any desired direction in a way that astonishes the novice. Even when leaning heavily in one direction, it can be made to fall in the diametrically opposite by the use of wedges. It is a thrilling sight to see one of these magnificent trees come to earth. Slowly the majestic top begins to lower, then rapidly, amid a tremendous crash and roar, the

giant measures its length upon the mountain side, with a thud that seems to shake the very earth.

Close upon the tree fellers follow the cross-cut sawyers, who cut the trunk into logs of convenient length, and the barkers who, with axe or "spud" clean the log down to the white wood. There is a continuous race of one set of men after another, of the barkers to keep up to the sawyers, of the swampers and road builders to open routes by which the logs can be brought out as fast as prepared, and of the men with the teams to haul them away.

One of the principal points of logging is road building, which is considerable more of an art than the uninitiated might suppose. An immense amount of work is involved in this branch of the business, from cutting out the simple path to some few logs, up to building innumerable skid roads which penetrate all land that is logged. It requires the skill of the civil engineer in the men whose duty it is to lay out these skid roads, as a false direction, a too sharp curve, or abrupt descent means an additional cost on each log hauled over it.

After the logs are cut and barked, the next step is to gather them from their various locations to some central point--yarding them out, as the process is called--where they can be made into trains ready to be taken away.

Messrs Donahue & Kelly do all their yarding with a team of oxen, which extricates the logs from even the most difficult locations with great skill. The Apex Company does this work by the help of a "donkey," which does not mean a quadruped, as some have supposed, but refers to the powerful little donkey engine. By means of a wire cable and tackle under the skilled management of the "hook-tender," the logs are drawn through all obstacles down to the puffing donkey, unless, as is said to have once happened, the Wisconsin hook-tender carefully arranged for the logs to move in the contrary direction, presumable for some mill located on the summit. The donkey is mounted on a heavy sled and can pull itself into any desired location on the mountain.

The logs, now formed in a train by being hitched end to end with dogs--heavy iron hooks driven deep into the wood--are turned over to the tender mercies of the "bull puncher," who, with his team of twelve or fourteen oxen, hauls them away to the railroad. No small amount of skill is required in these men who handle the long strings of slow and clumsy beasts. There is a legend among bull punches that the bovine understanding works only in the midst of ejaculations of a sulphurous nature; but, however that may be the onlooker does not wonder that the cries of "Gee, Baldy," "Haw, Rody," are mixed with admonitions of a stronger kind, and thinks if any such language escapes the ear of the Recording Angel it should be of those engaged in the patience-trying business. On this mountain are found those who are masters of forcible expression, but also a representative of the kind who can successfully manage a team with merely a crack of the whip and a quiet command.

As the train moves away, we see the use of the skid road, which is built with a skid, or small log, every 5 feet, raised above the surface of the road, and on whose greased face the logs slide with the least possible friction, though even now it requires a steady and strong pull on the part of the oxen all together, to get such a heavy load in motion and keep it so till the train is landed on the railway ready for the locomotive. Donahue and Kelly, with their two teams of seven yoke each, can haul in 24,000 feet of logs at a trip. The work of the men in the woods is largely governed by the capacity of the teams to care for the output. A train scaling 12,000 feet is considered a good load and to successfully haul it requires an excellent "bull puncher." At one or two places, there is an upgrade of 4% on the skid road. The camp has been in operation for 6 years, and towards the east there is a fine body of timber with many millions of feet in sight, thus making the camp one of the best in the country.

Under the direction of the Apex Transportation Company, a system of handling longs has been recently instituted which makes this camp one of the best equipped in this part of the country, and enables them to have an output of 100,000 feet of logs per day at a minimum expense. As logging continues in any one section, the cost of transportation is necessarily increased with the added distance, and it is a question for careful thought how the logs can be conveyed to the mill or market at the least cost. A long haul by cattle is slow and expensive, and there are many places where it is not practicable to put a railroad.

The motive power in the method chosen in this instance is what is known as a "bull donkey," which works a series of cables in a manner that reminds the onlooker of a city cable car system. The donkey, which was built by J.S Mundy, is an immensely powerful machine with its two large drums loaded with cable. Steam is supplied by a battery of two boilers to the cylinders, 10x16 each, one on each side. By means of gearing, the power is so applied that 30,000 feet of logs can be moved at one time, which means a load of about 120,000 pounds.

From the smaller drum, a light cable extends out along the skid road to any desired point within one mile and a half, passing over an idler and returning to the donkey, where it is attached to the 7/8 inch cable on the large drum, and thus forms the means of drawing the latter out into the woods. The size of the machine may perhaps be realized by considering that this drum, which is 30 inches in diameter and 5 feet between flanges, with its gear wheel, tips the scales at 5 tons. The large cable draws the logs from a point a mile or more out in the woods, over the skid road to the power house, in the usual way, with the exception that the distance and load are greatly increased; but from this point on the power is applied in a more novel manner.

A very fine chute has been built for a distance of 3/4 of a mile, the greater part on a 6 percent grade with a sharp fall at the lower end. The entire work is some distance above the ground and it is timbered much as would be a narrow-gauge railroad, with the ties laid close together to form a continuous surface for the logs to slide upon, and with a guard-rail to keep them from rolling off. The half mile from the power house to the crest of the steep descent is traversed by an endless cable, one-half moving on the surface of the ties, the returning portion being below. At the power house the cable makes four turns around two grooved wheels, one attached to the main shaft of the donkey and the other a snub wheel, which is done in order to apply the power to the cable without slipping, thus reproducing on a small scale the immense cable car systems of San Francisco and Chicago. (Instead of moving cars loaded with pleasure seekers or the busy workers of a great city, this cable conveys the logs from above down the shady aisle cut through the forest.

Unlike most places where a cable is used, the hold is taken at the rear end of the last log, which pushes the others in front of it, the grip automatically releasing when the logs move faster than the cable, only to take a fresh hold on overtaking them. Thus, the heavy load moves slowly onward till, at the top of the hill, each log rushes at a tremendous speed down the steep chute to bury itself in the water of the pond below, which has been formed by a log dam across the canyon, making a reservoir for holding about 2 million feet of logs. It is estimated that 50 million feet of logs are within reach of this chute.

This new chute and cable system have been installed at the expense of much time and money, and the company deserves great credit for carrying it through to successful operation in the face of many difficulties. The question is supplying logs to the railroad may be considered closed for some time to come, as the single cable from the donkey may be extended or its direction changed, so as to cover a considerable area of country. The new plant was put in under the careful direction of the mechanical engineer, which is a guarantee that the work was executed in a substantial and scientific manner.

The logs are transferred from the railway, or the pond, to the mill, by, the locomotive. The grade of the railroad is so steep, being 9 percent in places, that it was found that a loaded train of cars was liable to run away with the locomotive, and this method of transporting the logs was abandoned for the one now in use. The ties between the rails were covered with vertical grained boards running lengthwise, and on the surface, well greased and watered, the engine pulls the train of logs just as is done by the team of cattle on the skid toad, though the speed of the motive power is vastly different. The long train winding down the canyon looks like a huge snake.

If one is in search of a thrilling ride, he should make the return trip on a hand car with gravity furnishing the power. Under the direction of the section boss, this car speeds down the canon at a rate that would shame a "vestibuled limited," and almost before the new passenger had time to promise himself not to touch another had car, if he escapes from this one with sound bones, he is landed safe at the mill. On one eventful trip the section boss was so anxious to get to his destination that he overtook and attempted to ride over a train running at full speed, luckily with more damage to the car than the occupant.

From five thousand to ten thousand feet of logs constitutes a load for the engine. The long train winding down the canyon, looks like a huge snake, and at full speed it is a subject of wonder that the rails hold the logs to the track around such curves, making one appreciate that most careful management is required on the part of the engineer. The journey ends on a trestle near the mill, and, as the engine is drawing water for the next trip, the logs are rolled off into a pond below, formed by again damming the canyon. This has a capacity of about 250,000 feet of logs and contains the immediate supply for the mill.

As for the sawmill itself, the long roof is relieved by the smokestack and little clouds of steam that come in puffs from the exhausts, while grouped near are the homes of the men, the mess house, and all the general outbuildings of such an establishment, not forgetting the shop where the jovial follower of Vulcan presides at this forge, ever ready with a joke as he executes the orders that come to him, from a bolt for the chute to a link of bull chain.

The mill is, of course, the center of attraction, with its great mouth yawning towards the pond, with an insatiate appetite for logs. As the pond man forces the selected log into reach of the "bull chain," which draws it into the mill, where the canting gear rolls it on the carriage and the "dogs" are driven in, one realizes that the last trace of the proud form of the tree soon to be lost, and that the minutes are numbered before it will reappear as lumber. the success of this metamorphosis depends in great part on the head sawyer, who must be experienced in the management of saws and, with the filer, keep the big double circulars running cool and turn; must be quick to lay out the log and signal his setter, and, above all, be a judge of logs in order to cut each one to the best advantage.

Looking down from the head saw, the mill presents a busy sight, the long lines of rolls carrying the lumber onward, the carriage moving rapidly back and forth under the control of the steam feed, and the men in their different positions busily engaged in the various operations. The whole is carried on to a perfect Babel of sounds, from the harsh noise of the big circulars and the roar of the edger, to the sharp singing cry of the trim saws.

As the slabs drop from the saw on the live rolls, the off-bearer" presses a lever and they advance at the rate of four hundred feet a minute to the slasher, which machine cuts them into four-foot lengths for the lathe mill. Live rolls, so called form the motive power of steam, are one of the greatest labor-saving devices of the modern mill. Now is quick succession, fall pieces of various thicknesses, according to signals given by the sawyer to the screw turner, on the carriage, or the heavy cants which are taken off for the double purpose of saving time and, when clear, of getting the desirable vertical grain lumber, which is secured by cutting as clearly

as possible at right angles to the grain. When the pony, as the smaller saw on the other side of the mill is called, these ants are transferred to its carriage for re-sawing, or they may pass on with the thinner stuff to the edger, stopping on the way if an unwielding length to be cut in two on the cut-off saw.

The edger is a dangerous looking machine, with its heavy iron rolls ready to dray anything that comes within reach against its six movable saws, turning about 1200 revolutions a minute. It is designed to supplement the big saws, taking the boards and planks of indefinite width and uneven edges from the latter and, by means of the movable saws which can be readily set any distance apart, turning them out into lumber of merchantable sizes. It requires the skill of long practice on the part of the man in charge of this machine to cut each piece to the best possible advantage, avoiding knots and pitch seams, and at the same time keeping a watchful eye on the bills in order to follow the intentions of the sawyer.

Combined with the edger is the flooring gang of four saws which, when the pony is not running, handles all the flooring cants in a very satisfactory manner. Behind the edger, the off-bearer separates the edgings from the lumber, the former being transferred to the slasher, the latter moving to the gang trimmer, where it is cut to even lengths, the ends trimmed off, and defects cut out. This useful machine has a table like surface with a saw beneath at every two feet. As the lumber is carried over the table, the saw at any desired point is raised by the pressure on a corresponding treadle, cutting the piece to exact length and with ends perfectly square. Here at last is rough lumber ready for market or to be manufactured into some finished form.

The equipment of the mill includes double 56-inch circular saws of Hoe make, pony circular re-saw, and W.A. Campbell gang edger, slasher and gang trimmer. A full capacity of 100,000 feet of lumber per day. All the work at the mill is under the watchful eye of the foreman, whose value in the Company's eyes may be judged by the long years of his service. He enjoys the distinction of being the only man who, when the mill and flume were being built in the stormy winter weather, continued at the work till it was completed.

On the floor beneath the one where all these operations have been going on is the realm of the engineer. Here are the engines, two Phoenix of 125 horse power each, which run the main saws; the third a Russell of 125-horse power, which furnished the power for the machines at the back of the mill. Near by are the boilers in two batteries of four and two respectively. A conveyor carried the sawdust to the furnaces which are self-feeding, the surplus dropping into a small flume where it is rapidly conveyed some distance down the canyon to a point where the accumulation of several years has formed quite a mountain of the material. All refuse wood is disposed of by being dropped into a second flume and carried to a different part of the canon. The place of everlasting fire is generally considered a most excellent spot to avoid, and it may be noted that this system forms an effective means of doing away with the "hells" found at many mills, a desirable feature, even if reference is only made to one of masonry, in which to burn refuse.

One of the most interesting features of the plant is the large flume which conveys all the lumber to the station. It is of V-shape, made of two 2 x 16 planks on each side and, at the intersection, a triangular piece or back-bone is inserted. Supported most of the way on trestles and once by a high bridge, it extends down the canyon to the river. All the lumber and timbers slide from the end of the mill into this flume and begin their downward journey, carried onward by a stream of water diverted from the creek. The descent in a "Little less than two miles is twelve hundred feet, so, necessarily, the trip is a rapid one, occupying only about four minutes.

Timbers as large as 16x16x60 feet long go down this flume. It is quite a novel sight to see a big timber make the decent, throwing a cloud of spray in all directions till it lands on the yard platform. Without the water, it would gain a momentum which would carry it out of the flume at one of the numerous curves, but it is held to its course by this medium, which prevents the speed being accelerated beyond a certain point, as well as supplying a cushion that keeps the lumber from being marred by contact with the flume. So much water is thrown out that it is necessary to introduce more, which is done by feeders from the creek.

To slide down in the flume has ever had an alluring sound to those of a daring turn of mind, but the majority have contented themselves with descending a small part of the way, mounted on a board, stopping on one of the level stretches. Recently a man of an enterprising spirit went to the mill with the firm determination of making the adventurous trip, but on carefully looking over the ground, the maxim about discretion being the better part of valor rose vividly before his mind, and he appreciated as never before what a very wise maxim it is. A dog got into the flume one day by accident and went all the way through without a scratch, but a man who attempted the trip spent the ensuing there months in a hospital.

Arrived at the end of the flume, the lumber is picked up and sorted by the flume gang, being then passed on to the truckers, who wheel it to its particular part of the yard, or to the planing mill. Here under the skillful management of the planer man, it may be converted into flooring, of which the Oregon fir makes the best in the world, into rustic, or other form of the finished product.

As the trucks behind the planers are piled high with the flooring or other products being manufactured, they are wheeled away to the large dry kiln, conveniently near at hand, a draft of hot air from whose opening doors makes one have a thought of Turkish baths or of the nether regions. The kiln has a capacity of 75,000 feet of lumber. Beyond are the extensive sheds for storing the dried lumber, where one may see the dressed stock in all its beauty, the fine fir flooring, or the close-grained larch, which makes such remarkable good inside finish and door stock.

The shipping is done on the Oregon Railway and Navigation line, a road which is justly celebrated for its magnificent scenery, as it follows the Columbia river through the Cascade Mountains in one of the most beautiful rides in the country. It has lately emerged from the hands of a receiver, and under the management of its new President E. McNeill, will again take its place among the gild-edge railroad properties. The road is conducted in a manner equal to any line touching the coast, and to the efficiency of the freight department, the Bridal Veil Lumbering Company bears witness, having only good to say of their treatment at its hands. The siding of the road extends the entire length of the yard and sheds, giving good shipping facilities, and cars are rapidly loaded by the efficient shipping department.

The yards and planing mill are under the direct supervision of Mr. Leiter, the Secretary of the Company, whose long experience enables him to manage this department in a way that contributes no small amount of success on the concern. The Company maintains a general merchandise store, at one side of which is found the office of the concern. Here in his private office, can be seen at any time Mr. Bradley, the Treasurer and General Manager, whose sterling character and pleasant manners have won the esteem of every employee of the Company as well as a high reputation in the business world.

The timber owned by the Bridal Veil Company is yellow fir and larch, also called silver fir. The latter is a valuable timber not as abundant as other kinds. The tree is a beautiful one, growing large and smooth with no branches till near the top, making fine logs to saw, as frequently there are no knots to the very heart. Larch makes a fine-grained lumber, particularly suitable for door or finishing stock.

We have now followed, in a superficial way, the various processes involved in lumber making, from the tree in the forest, through all the different operations, till the lumber is on the cars ready to be shipped to the scene of its usefulness. where perhaps it may figure in the construction of a home or help to timber a Western mine, from the finish of a building at some distant point, or supply the material for some railroad bridge". (Bishop: 1897 199-208)

Early Social Life in the Company Town

Although life was difficult in the isolated logging community, people developed strong friendships with other families who lived in close proximity to each other. A spirit of friendliness and cooperation existed between the managers and the mill workers. Alva Horton's memoirs reflect on community life:

"I went to Bridal Veil in 1889. Socially, in those days there were no movies, or theaters to go to. Once in a while somebody would get up a home-talent show. I remember one man who came along with a phonograph and we paid ten cents to hear him put on a concert. Mrs. Bradley (company manager's wife) proposed an evening of reading. We had no library available so she invited everyone to her house two evenings each month for a reading circle. Each person would take a turn at reading. The first book was "Corporal Cy Cleg". This was a Civil War story. The next book was "Aunt Samantha at the World's Fair". There would be fifteen or twenty people in attendance and the program would last about two hours. It was a democratic situation where the owner of a "big business" opened his house to his most humble employees.

Our first home was very interesting. Our father, Henry C. Horton, a widower, my brother Walter R., and I, Alva O. were bachelors. We had to do our own cooking. Father was the leading cook. We seldom had beef. There was no butcher shop in that location. We had plenty of ham and bacon. I can remember the ritual for breakfast. Father would mix a batch of sour-dough bread. We would have biscuits for breakfast and then a pan of loaf bread was cooked so we would have bread for noon and supper meals. We would have must and potatoes warmed over, which were left from supper. Once in a long time we might have a pheasant for a meal. Occasionally we had fish, but not often. While we lived near the river we did not have time to go fishing. In the berry season, if we could get time to go on the mountainside, we could get huckleberries and blackberries. We could get cherries from the Prindle farm and plums from the Shepperd place. Part of the time we had a garden plot and raised vegetables for our own use. Part of the time we had honey because father kept a few hives of bees". (Horton 1964 13-14)

Jay Moore, son of Amos James Moore, the original owner of the Bridal Veil Land, recalled in his memoirs the time in 1894 "when the river rose and the railroad tracks were covered by three feet of water. He talks of John and Carl Larson, husky men who handled the lumber and worked for 18 cents per hour for ten hours a day. John Larson married Clara Latourell and moved to Troutdale. Mrs. Larson became the first mayor of Troutdale after it was incorporated.

The diptheria epidemic in November and December of 1894 took the lives of four of the Luscher children in one weeks time. Jessie Amend, a Bridal Veil girl, also died. They are all buried in the Bridal Veil Cemetery. Ben Luscher who had a home east of Jay Moore's home is also buried in the Bridal Veil Cemetery.

Two young boys by the names of Earl Smith and Charlie Phillips were wading in the Columbia River one day in June in 1892. They fell into deep water and Charlie was drowned. Alva and Walter Horton got a boat and went out into the river and saved Earl Smith's life. Charlie Phillips body was buried in the Bridal Veil Cemetery.

Moore also talked about a man by the name of Candiani who operated the fish wheels and traps in the Columbia River near Bridal Veil. The fish wheels were used for catching salmon. Myra Bradley married C.H. Labbi, the French Consul in Portland. She died in childbirth. (Horton 1964)

Walter Horton wrote in his memoirs that "he moved to Bridal Veil with his brother in 1889 from the "Sisters of Charity" in Vancouver, Washington, to the Moore boarding house in Bridal Veil, Oregon.

He was seven year at the time. His father worked in the paper mill at Bridal Veil. He had no mother. Bridal veil was a thriving mill town--the paper mill and the lumberyard and mill were all operating. There were several graves when he moved to Bridal Veil in 1889. They left in September 1902.

Horton recalled that in front of Bridal Veil there was a large sand island in the Columbia River. In the winter time the east wind would pick up the dry sand and create sand hills. Back in the 1890's there would be snow storms that would last for two or three days. The wind would blow the snow and the ice drifts would then be covered with a heavy coat of sand often two to three feet deep. In the summer the snow would still be covered with sand. The men in the community would take shovels and gunny sacks and go over to the island, dig away the sand, and fill the sacks with ice. They would take the ice back to Bridal Veil and use the ice for making ice cream.

Back in the 1890's there were quite a few men that traveled by walking along the railroad. We called them "foot passengers". They were mostly men looking for work. About a mile west of Bridal Veil there is a cave in a rock bluff close to the railroad. This cave was used by the transients for night shelter. One morning a couple of men stopped in Bridal Veil to say they spent the night in the cave and there was a stranger in the cave who died during the night. Some of the men in Bridal Veil went to investigate. My father was one of these men and he let his two small sons go with him. There in the cave was the body of the dead man. It was on a wide board that had been his bed. His body was dressed in a well-worn blue uniform such as was used during the Civil War. He had a little satchel with him. His body was wrapped in a blanket and buried in a temporary grave outside the cave. The satchel was sent to Portland".(Horton 1964)

Community Development

circa 1900

In February of 1898, the people living in community of Palmer were thrilled when their first post-office opened. L.C. Palmer's daughter, Bertha Palmer, served as the first postmistress, in addition to working as a secretary for her father. A new wood frame one-story country school opened across the canyon from the mill. Small wood framed workers cottages, a boarding house, and the Palmers large two story house located above Bridal Veil Creek, added a sense of community to the isolated area. It is estimated that approximately 180 people worked in the mill at this time. The school was in operation to serve the children living in the area.

The consumption of timber in Oregon for the year 1900 was about 900,000,000 feet, as follows: By mills, 500,000,000 and for fuel, etc., 400,000,000. It was estimated that nearly 2,000,000,000 feet of lumber were destroyed by fires. The value of the cut, allowing \$ 10 per 1,000 (a fair price at the time) exceeded \$5,000,000. Of the total , Portland had nine mills that cut about half, or 250,000,000 feet, valued at \$2,500,000. In 1900, Portland's lumber industries shipped by rail alone, over 10,000 cars of lumber and nearly 6000 cars of shingles. It is assumed that the Bridal Veil Lumbering Company supplied a good portion of the lumber for shipment to other destinations.

On April 23, 1900, Lincoln G. Gurnett and his wife, who had financial interest of the land at that time, deeded their interest in the site "together with the paper mill and the water power", to the Oregon Pulp and Paper Company. The consideration given for the sale of the property was \$30,000. Gurnett mortgaged the property the same month to A. Neppach for \$6000. On June 20, 1900 the Oregon Pulp and Paper Company , in order to secure a loan for \$10,000, gave a mortgage to the First National Bank of Portland.

The following year on July 5th, the bank asked that the mortgage be decreed a first lien against the Oregon Pulp and Paper Company. President L.G Gurnett stated the company was insolvent and asked that a receiver be appointed. W.C. Alvord, second assistant cashier of the bank stated that "if the property is operated by a receiver, it can be made to pay a large amount of its debts." Several foreclosure and bankruptcy petitions were filed. (See attachments)

Neppach filed a complaint on July 12, 1901. The complaint stated that he had sold the property to Gurnett on April 1 1900, and took back a mortgage for \$6000, part of which was the purchase price. In October of 1901, Judge Arthur L. Frazier issued a decision in favor of Neppach.

On January 17, 1902, the property owned by Oregon Pulp and Paper Company was sold to the Bridal Veil Lumbering Company for \$7575. John S. Bradley, Treasurer and J. M. Leiter, Secretary, made the highest bid for the 19 acres, the paper mill and the water. Mill production was reported to be four tons a day.

On January 25, 1902 the Bridal Veil Lumber Company, acknowledges and declares the annexed map and plat to be correct plat of Section 22 TL 1 N.R.5 E. .W.M. and said that the tract has been and is named "First Addition to Bridal Veil". That the fifteen lots as represented on the annexed map are of the sizes and are situated as shown upon the plat. Bridal Veil Lumbering Company does hereby dedicate to the use of the public all the roadways and streets as shown on the map and plat. Document signed by Bradley, Wilmot and Leiter. Although it is difficult to prove when the Bridal Vil houses were built, research indicates that they were built after 1902 and before 1918. A mechanics lien was filed on January 17, 1918 for \$60.00 "for labor and material upon these certain buildings or improvements known as ten tenement houses

and the land upon which the same are located, situated on the North side of the new connecting road between the OR & N depot at Bridal Veil, Oregon and the Columbia Highway:". (File No. 139895)

As the lumber business capability increased, so did the orders for processed timber goods. Box cars and flat cars lined the railroad loading track, just waiting to be filled, so the timber products could be shipped to other parts of the country. At the time the little company was enjoying its greatest success, a disastrous fire struck at the Palmer mill.

Fire at Palmer Mill in 1902

Fires in the timber lands were a common and often tragic occurrence. The first major fire to severely impact the logging operations on Larch Mountain started on September 8, 1902. On a hot and dry fall day, with a strong wind blowing down the gorge from the east, scattered sparks from a passing freight train ignited the grass and quickly united with a blaze that was already burning in the canyon. The problem was compounded when another fire from the east swept down the Columbia Gorge into the Palmer area. Soon the fire that was out of control and headed for the Palmer mill site. The fire alarm was sounded at midnight. The air was thick with smoke and falling ashes.

Some families ran to the millpond and stood waist deep in the water to escape the heat. They watched helplessly as the raging fire consumed their town and their homes. The camp and the lumber mill were destroyed. Most people escaped with only the personal effects they were carrying when they fled. Bertha Palmer, daughter and bookkeeper of L.C. Palmer, hastily dug a hole in the ground and buried all the government documents and company records, in order to prevent their destruction. Almost everyone living at Palmer was able to flee to safety except for the two small Hamilton boys who became trapped in a shed and burned to death when a tree fell on the roof.

The fire is best described in a letter written by Lloyd Trinkey to Orval and Dorothy Klock.

"On the night of September 11, 1902 about 11 P.M., a forest fire took our place and we barely got out with our lives. About 2 hours later it hit Palmer and cleaned the canyon bare. Two of the Hamilton boys were caught and cremated there. Their father, James Hamilton woke up the two young boys (Cecil and Jerold) and told them to get out and follow him. They got up and slipped on their overalls, grabbed their shoes and took off after their father who was carrying the baby about 14 months old. Live coals were falling with other burning bark and leaves, so the boys stopped in a shed by the road to put on their shoes and a burning snag fell across the end of the shed and shut them in.

After the fire, Dr. H.L. Power who practiced medicine in Bridal Veil, Palmer and Brower sorted the debris and put the bones of both boys in an apple box and buried the boys. Cecil was 13 years of age and Gerald was about 11 years of age. We were in the same class in

school. There was no school till the fall of 1903. New Palmer was about 3 miles further up on Bridal Veil Creek. It was a tent town about a month after the fire and a crew of men were building the bridges up from Old Palmer. A man by the name of Jesse Eberhard had steamed-up the two locomotives and ran them up the canyon where there was a spring by the track and the ground stayed wet. The engines were intact except the cab was burned off one of them.

The first supplies were hauled by wagon road and down to the new town site until the railroad was repaired. There was a few logs left in the pond there and a small mill was set up to cut lumber for the new mill and houses. Dad got a tent and some of the 1 x 12 from the old sawdust flume that was left. Got some dairy cows and more horses and furnished milk and did the freighting for Palmer. Also bought beef cattle as it took as much as a beef each day to keep up the demand. In 1904 were had 38 or 40 milk cows for the town and two logging camps. The School was a 2 story like the old one but not quite as large. The bell was about the same (400 lb), A lot of the old Palmer workers did not come back. There was Palmers, Dickson, Turners, Lathrop's, Powers, Emery's, Brooks, Hertel's, Robinson's, Gregory, Masons, Peoples, Hardy's, Browns, Fague's, Thruston's, Harris, Schulenberg, and Trimble that came back " (Trinke: 1972)

Another accurate first-hand description of the fire of 1902 was written by Harry Lathrop, a student at Palmer school. His experience is recorded in John Woodward's book.

"Soon the whole side hill was one sheet of fire. It was dark and the fire made it look horrible. The men at the sawmill did all they could to put the fire out, but it was too large to be put out. Before long the mill began to burn. The fire drove the men from the mill. As soon as the mill began to burn, the supply of water for the town stopped. Then the cry arose, "leave the town!" Then all of us went up a road that led to a farm. We found that it was too dangerous there so we went on. Beyond us was the fire. Once we heard the boilers of the mill explode. There were eight of them. Soon we came to a deep canyon.

At the bottom of this canyon is a deep creek through which we had to wade. We went along this road from Bridal Veil for one and one half miles. We could hear the fire crackling on all sides. We came to a bank of fire across the road. As we could not get through this fire, we had to go back again. The fire made it look like day. A man got a wagon and told us to get in, but there was not space in the wagon for all of us so we took turns running and riding. We traveled until we came to another farm. It seemed quite safe so we stayed a little while. The fire crept around the place we decided it was better to leave.

We rode on for about five miles until another farm was reached. Here it was safe enough to stay a few days. At last we started for home. We went to Latourelle and from there took a freight train for Bridal Veil. We then climbed the toad that led to Palmer. Here a sight met our eyes! All the iron and steel works of the mill were bent almost double. You could hardly believe that anybody had ever lived there. Those that lived on the hill found that their houses had not burned. Others camped down in the ruined town". (Woodward: 12-16)

When news of the disastrous fire at Palmer reached Portland, offers of help poured in to those who had lost their homes and all their belongings. Meier and Frank Company of Portland was exception in their support. The M & F Company filled cars full of clothing, bedding and food products, and had the goods immediately delivered to the people living in the devastated Palmer community. Loss of the mill alone exceeded \$60,000. The town was

destroyed and so was the small community of Brower. The Donahue and Kelley logging camp survived the fire although several homes had been destroyed at the camp ten years before.

Palmer made the decision to rebuild the mill and the community structures as soon as possible. He selected a new site about a mile and one-half above the old Palmer mill, next to the holding pond which had been built to serve the original mill. Everyone in the community pulled together to rebuild the town. A new schoolhouse, post office, boarding house and cook house were the top priorities. The Palmer's built a large three-story house for their family.

A new sawmill was constructed a mile higher in the mountains which required another mile of flume to be constructed, so lumber could be sent down the mountain to the planing mill. In full production the mill was able to produce 100 thousand feet of timber per 10 hour shift. The former site the the Palmer mill was never reused. The fire also destroyed the heritage of the community associated with the school, boarding house, blacksmith's shop, and the 32 company houses.

"By 1903 new housing, a larger mill, a new school and other buildings had been constructed. The school, cook house, bunk house and sawmill were on the north side of Bridal Veil Creek drainage. The family dwellings were on the south side. The new school house was similar to the original although smaller in size." (Carr 1992)

Timber cutting practices on Larch Mountain did not cease with the 1902 fire, although, this catastrophic event is often regarded as the time when the era of Victorian large-scale timber cutting practices began to subside. By the 1940's, traces of the early logging camps and sawmills had disappeared. The skid roads were dismantled. Modern logging techniques had replaced the colorful steam locomotives and the teams of oxen. Only a few scattered remnants of the earliest logging camps and mills remain in the hills and canyons of Larch Mountain today.

In 1903 a second locomotive was purchased from the Oregon Portage Railway. The engine was quickly named "Jumbo. The sawmill began operating in July 1903 after new machinery arrived and was installed. The sawmill was 220 feet in length and 47 feet wide. Power for the sawmill came from 6 steam boilers connected with 450 horse-power engine. (Carr 1992)

In 1904/1905, a new box factory and planing mill was built at the lower end of the flume at Bridal Veil. The Bridal Veil Box Factory was incorporated with a capital stock of \$25,000. H.N. Aldrich, Frank Wilmot and W.E. Linnett were the officers of the new company that was located next to the Bridal Veil Lumbering Company. (Carr: 1992) On September 7, 1904, the Bridal Veil Lumbering Company; y deeded the East 1/2 of Lot 20 to the Trustees of the Methodist Episcopal Church, Bridal Veil, Oregon for \$1.00.

The factory permitted the new mill at Palmer to cut only rough planks which were send down the flume for planing at the factory next to the O.R. & N. railroad spur at Bridal Veil.

People working at the Palmer sawmill had to begin working fifteen minutes earlier each day, because it took that length of time for the lumber to traverse the flume and arrive at the planing mill in Bridal Veil. The mill was producing about 70,000 board feet of lumber per day with less than 500,000 board feet of logs in the storage pond. Concern was expressed the the prices the company was receiving for their finished product was too low. Their problems were compounded due to a shortage of water to use in the flume from Palmer to Bridal Veil. The water shortage forced the Bridal Veil Lumbering Company to work in the evening to maximize the use of the limited water. Carr states that " by the end of the year the Company had produced 45,000 boxes for Hood River fruit packers and another 75,000 boxes for Los Angeles orange packers. (Carr 1992)

The following year the Bridal Veil Lumbering Company expanded to meet the increasing demand for wooden boxes. The Donahue and Kelly logging camp, Apex Transportation Company and the Latourell Falls Wagon Road and Lumber Company went out of business.

Bridal Veil Lumbering Company was anxious to increase their business. They decided to promote their wood products at the Lewis and Clark Exposition being held at Guilds Lake in Portland. In the massive log framed Forestry Hall structure, Bridal Veil exhibited large planks of noble and fir lumber cut from Larch Mountain. The Company also donated a "log 6 feet long and 48 inches in diameter as part of a veneer cutting display the forestry center". (Carr 1992)

During 1905 O.A. Palmer left the business and Bridal Veil and went to work for a lumber company in Boring. Faced with a smaller demand for timber products, the stockholders of the Bridal Veil Lumbering Company decided to sell the business in 1906. Palmer sold his interest in the Company and moved with his family to Vancouver, Washington. He built a large colonial home on the Washington shore of the Columbia, known as the "Castle by the River". Palmer died in 1912.

John M. Leiter, the Company secretary, moved to Portland and began working in lumber related real estate. J.S. Bradley retired in April. Bradley became president of the Bradley Logging Company and a few years later entered a partnership with John Leiter to operate the Portland Mausoleum Company. (Carr 1992) The Bridal Veil Lumber Company was sold to local lumbermen, Holland and Briggs, along with other lumber investors from the East. A new manager, E.B. Hazen was hired to run the Company. Under his directorship, over 7,000 acres of timberland were added to the company holdings.

According to a headline in the June 30, 1906 Oregonian: Big Timber Deal--Bridal Veil Lumber Company Increases Stock, Adds Thousands of Acres.

"One of the largest transactions in timber lands which has taken place in the Northwest for some time has just be completed in Multnomah County, in the increase in the holdings of the Bridal Veil Lumbering company. Approximately 7000 acres of land, covered with the finest fir and larch timber, has come into possession of the company, in addition to the large tract already held. By the transaction the owners of several different tracts have been brought together into the corporation.

Documents have just been filed with the Secretary of State by the company raising the capital stock of the corporation to more than four times the previous volume. The capitalization has been \$150,000 up to the present and the change increased it to \$675,000. The company is already one of the largest lumbering concerns in the state, and its scope will be greatly enlarged from now on.

The increased capital is due to the consolidation of the present company with other interests, which puts it in control of a large amount of timber land in addition to the big tract which it has owned and from which it has been cutting to supply its large sawmill. The officers of the firm are L.C. Palmer, president, J. M. Leiter, secretary, and J.S. Bradley, treasurer and general manager, W.W. Edwards of Ohio and Mr Bushong, a Michigan lumberman are the chief owners of the timber land which has been consolidated with the holdings of the company. Holland & Briggs, a Portland firm, are also interested.

Between 6000 and 7000 acres of rich timber land have been added to the tract of the company by the deal which has been consummated. This gives the firm control of between 11,000 and 12,000 acres of land, all of which lies in Multnomah County southeast of Bridal Veil. There is upon the land between 400,000,000 and 400,000,000 feet of standing timber.

The capacity of the large sawmill owned by the company will be raised form approximately 30,000 feet in one hour, which is the present output to between 100,000 and 125,000 feet. With the additional machinery which will be installed, the plant will be able to turn out 250,000 feet of lumber by running nights. This sawmill is located four miles form Bridal Veil and the lumber is flumed to that place. The present planing mill at Bridal Veil will be discarded and a new mill erected to correspond with the increased growing capacity of the plant".

The new planing mill was in operation 1908. "The main building was 114 x 140 feet and included two Woods fast feed, 15 x 6 inch, matchers (designed for running such forms as flooring, ceiling , drop siding, and similar products at speeds between 100 and 400 feet per minute; a No. 94 Berlin flooring machine; a Berlin surfacer; an American Boss timber sizer; a Mershon band resaw; a Smith resaw siding machine; a Berlin inside moulder; and a Berlin self-feed resaw. Powering the planing mill was a four valve, 22 x 27 inch, automatic Atlas engine. the a building was equipped with four, 60 x 16 inch, high pressure boilers and also housed a General Electric steam turbine for generating electricity for lighting. The entire planing mill was illuminated with arc lights as well as hundred of light bulbs. The North Coast dry kiln was installed and consisted of 4 kilns each measuring 120 x 21 feet with eight tracks and a drying capacity of 100,000 board feet per day. A lumber storage shed was built and equipped

with 6 compartments measuring 100 x 306 feet. The box factory had also undergone modernization and now had a production capacity of 25,000 board feet per day. Fire protection for the mill and box factory was provided by a Grinnell automatic sprinkler system. Additional protection was furnished by a 300,000 gallon reservoir at the base of Bridal Veil Falls. The Company provided a hotel and lodging house facilities for its employees as well as homes for those employees with families." (Carr 1992)

In June 1910, H.H. Holland and Charles C. Briggs, working with a group of investors from the Middle East, acquired the interest of John S. Bradley and associates. Officers of the company were Joseph T. Peters, president, Charles Briggs, vice president, and Harvey H. Briggs, secretary and Eldridge H. Thompson, mill superintendent. Edward B. Hazen was hired in 1908 as general manager and treasurer of the Company. Hazen brought the expertise he had developed from managing the Chehalis Lumber Company in Washington and the Tongue Point Lumber Company in Astoria. Hazen moved into the large home that had been formerly occupied by John Stone Bradley.

Supplementary articles were filed that increased the operating capital of the Company to \$650,000. Additional supplementary articles were incorporation 1917 which increased capital to \$750,000. This new investor group operated on a greatly expanded scale, cutting the trees located on the upper slopes of Larch Mountain. In 1911 the Company opened a business in Portland as part of their expansion process. The managers of the Company were busily traveling around the country looking for people interested in purchasing Bridal Veil products. In June of the same year the logging railroad was extended into the woods. A new Mershon resaw was installed within the planing mill."the planing mill was cutting an average of 100,000 board feet during a 10 hour shift with 12 men working on the floor of the mill. In April the box factory increased its output to 15,000 apples boxes per day on the advice of Nelson Emery, manager of the Company's Hood River outlet, who expected the fruit growers to produce over 1,000,000 boxes of apple in 1912". (Carr 1992)

In 1913 the employees of the planing mill built the community hall at Bridal Veil, which was used for dances, parties, and week-end social gatherings. The following year Hazen became concerned because of the decrease in demand for lumber products. New technology was replacing some of the more tradition needs for wood products. After a trip to the East he returned to Bridal Veil with enough Company business to reopen the planing mill that had been closed four months. Within a short period of time, the company was producing an average of 130,000 board feet of lumber per day with a 10 hour shift.

According to Carr, " with World War I creating a need for lumber products, Bridal Veil was contracted to supply boat planking that would be used on submarine destroyers. The planking

was milled at Bridal Veil and sent east where the boars were constructed on the Atlantic Coast and then sent over to Europe.

During the month of January 1916, the Company won a \$2500 settlement from Multnomah County as a result of damages to its property caused by the construction of the new Columbia River Highway". (Carr 1992)

On August 25th members of the West Coast Lumberman's Association travelled by automobile over the recently completed Columbia River Highway to Bridal Veil. A salmon lunch was served and a tour of the Company's planing mill was provided along with a visit to the sawmill at Palmer and the logging operations on Larch Mountain. (The Timberman September 1916: 35)

Bridal Veil Timber Company invested in railroad development on the all sides of Larch Mountain. By 1916 the railroad had reached the 3200 foot level. In that year alone with the improved logging techniques the Company had cut enough trees on the hillsides to produce 27 million board feet of lumber.

During this time of expansion, another Baldwin 0-6-0's locomotive, named "Betsey" was added to the company. Betsey joined "Peggy" and "Jumbo", an 0-6-0TT that was originally used by the Oregon Portage Railway. Other pieces of equipment in use included 11 steam donkeys of various manufacture and a Smith & Watson 12x13 compound geared, special convertible yarder in use on a 1800 foot skyline operation. Annual production reached 27,000,000 board feet.

In the spring on 1917 Edward Hazen, traveled to Chicago and returned to Bridal Veil, having purchased the holdings of the Wind River Lumber Company at Cascade Locks. The sale cost approximately \$1,500,000. Hazen was born in Davenport, Iowa in 1878 and came to Portland in 1900. He was sales manager for Portland Lumber Company and later general manager of Chehalis Lumber Company, Littel Washington; Tongue Point Lumber Company, Astoria; Bridal Veil Lumbering Company, Bridal Veil; Douglas Fir Lumber Company, Portland, and Wind River Lumber Company, Cascade Locks. Form 1926 to 1930 he was manager of fir sales for Long Bell Lumber Company, Kansas City, Missouri.

The Wind River holdings included a mill at Cascade Locks, the large tracts of timber hear Wind River, Washington. The Wind River Lumber Company elected I.E Earl, president, Charles G. Briggs, vice president, and Ed Hazen, secretary and treasurer. Elmer Ellsworth, the acting general superintendent at Bridal Veil was selected to also serve as superintendent for the the Wind River project. Charles G. Briggs came to Portland from Saginaw, Michigan in 1879. He came to Oregon in 1898 and became a partner in a lumber firm. Later on he became president of the Booth-Kelly Lumber Company, Springfield Plywood corporation, and the Oregon, Pacific & Eastern Railway company. The wood products were marketed by the

Douglas Fir Lumber Company. Combined the two companies produced almost 45,000,000 board feet during the year.

By October of 1917, the Wind River logging camp was operating 3 sides and had ordered an 11x13 Willamette combination engine (steam donkey) The sawmill at Cascade locks was averaging 135,000 board feet per day. In November more timber holdings were acquired, this time near Hood River on the east fork of Neal Creek. The Bridal Veil Lumbering Company constructed a new sawmill to handle the new stand of timber. By December the weather had suspended the operations because of heavy snow. Due to a prolonged snowy season on Larch Mountain, Palmer mill had operated only 5 months during 1917. (Woodward: 25)

During the spring of 1918 Bridal Veil increased its capital stock from \$750,000 to \$1,000,000. "The war effort had a direct connection with the Company when a small contingent of Army men, from the Spruce Production Division worked at Bridal Veil for a few months. The Division helped the loggers in the Northwest cut select trees for use in aircraft production. Several women were employed in the mills to replace men that had been shipped to France.

At the beginning of the operation season in 1919 the sawmill at Palmer started cutting nearly 130,00 board feet per day. The Company's policy of bucking logs in the woods for fuel was dropped and, instead, all the logs were sent to the Palmer mill pond where the scull logs that were suitable for fuel were bucked into the required lengths by a drag saw and then split with a steam powered splitter. The resulting fuel for the donkeys and locomotives was then sent back to the logging operations on a special firewood car. The Company produced 25,000,000 board feet of lumber in 1919 and the Wind River Lumber Company operations produced an additional 15,000,000. The box factory at Bridal Veil turned out nearly 8,000,000 board feet, up about one million from the 1918 figure. (Carr 1992)

Irregardless of all their hard work, the Company decided to close the post office at Palmer. Mail was delivered every day from the post office at Bridal Veil.

Development of Bridal Veil Lumber Company in the 1920's

By the 1920's plans were made to increase the width of the gauge of the railroad operations in order to increase the hauling capacity of the cars. A new railroad was built from the mill site into the Gordon Creek watershed. The road was built to standard gauge replacing the three foot former gauge. By 1924 the locomotives had been refurbished to accept the standard gauge width. The conversion of "Betsey" and "Jumbo" was accomplished in two months. "Peggy" operated under the narrow gauge format for a longer time, intent on finishing the logging on

the older three foot lines. When the work was done "Peggy was converted, too. The old three-foot track was then abandoned.

During 1920 the box factory at Bridal Veil operated on an 8 hour shift. The factory was producing 40,000 board feet of box shooks each day. " Most of the shooks (short, thin pieces of lumber) were used to manufacture meat crates and fruit boxes. The factory included the following equipment: a planer; a pony planer; 4 cut-off saws; 4 rip saws; one vertical resaw; one twin vertical resaw; a combination matcher and gluer; one box printing press; one recess machine, one cleat machine; one nailing machine; one corrugated-tape fastener machine; one typing machine; one box shook squeezer; and a scrap wood cut-off saw. The company purchased a Ross lumber carrier that was powered by rechargeable Edison batteries and could travel at speeds up to 12 miles per hour both forward and backward. The carrier could handle a daily production of 100,000 board feet of lumber and eliminated the need for over 300 hand carts, 6 men and 67 horses in the planing mill operations. Claude McClean was superintendent of logging operations at Palmer and was known for inventing a log loading device called the McClean Boon. In July the subsidiary Wind River Lumber Company purchased 125,000,000 board feet of timber in the Columbia National Forest. The price for the Douglas fir and western red cedar was \$1.50 a thousand board feet, with white pine \$4.00 a thousand and western hemlock \$.50 a thousand". (Carr 1992)

The winter of 1920 and the spring of 1921 was not a good time for the company. The Wind River sawmill was closed. Heavy winter storms had forced the logging camps to remain idle. By summer the bookkeeping office in Portland had closed their office in the Yeon Building and moved back to the Bridal Veil planing mill office. In November several winter storm in the Gorge had covered Bridal Veil with snow and ice. The weight of the ice and snow toppled and destroyed the smoke stacks on the boilers. The Palmer flume broke in several places due to the weight of the ice. Water systems throughout the hillside either broke or froze. The roof covering the lumber storage shed at the planing mill collapsed under the weight of the snow.

As the Company struggled for survival, they exchanged 120 acres of forested land in the Mt. Hood National Forest for 3,459 acres of logged off land that stretched across the slopes of Larch Mountain. In September of 1922, the Company was purchased by a group of investors. The name was changed again, this time to the Bridal Veil Timber Company. The physical assets, consisting of plants and timber, were acquired by the new company, the Bridal Veil Timber Company, capitalized at \$500,000, the stockholders being local people. William E. Dubois of Vancouver, Washington was elected president. Howard H. Holland, vice president, Robert H. Noyes, treasurer, and J.J. Donovan, secretary. Offices were maintained in the Yeon Building. William Dubois was one of the most prominent figures in the lumber and paper manufacturing industries of Vancouver. He was president of Columbia River Paper Mills. He

operated his saw mill which was located just below the paper mill. The main products of the paper mill are wrapping paper, tissue paper, and newspaper stock. W.B. DuBois was born in Iowa and moved to Vancouver in 1883 where his father established a sawmill on Salmon creek. In 1922 he became one of the organizers of the Columbia River Paper Mills and was also president of the Bridal Veil Lumber Company. Albert M. "Ole" Hagen became general manager. Hagen was a veteran Northwest lumberman who was also associated with Booth-Kelly firm and with Carlisle Lumber Company at Onalaska, Washington. Hagen went with Bridal Veil Timber company when the firm was organized in 1922 and was general manager until the operation was finished in 1937. He then joined Timber Structures, Inc. until his death in 1952. Robert H. Noyes, Sr. was a leading figure in the Northwest timber industry, also. Noyes was born in St. Paul, Minnesota in 1886, educated at Yale University. He worked for Weyerhaeuser before forming his company at Bridal Veil. Later, he was a principal in the Row River Lumber Company and was chairman of the board of Booth-Kelly Lumber Company which was sold to Georgia Pacific Corporation. Noyes died in 1983. Ed Hazen left and entered the retail lumber business.

During the summer of 1922 there was a shortage of water in Bridal Veil Creek, which slowed operations of the flume from Palmer, and also the water turbines at the mill in Bridal Veil. As a result, the operations at Bridal Veil were curtailed and output dropped to about 100,000 board feet from a high of 150,000 per day". (Carr 1992)

"The sawmill operation at Palmer would start up each morning 15 minutes before the mill at Bridal Veil since lumber traveling the 4 miles of flume would make the trip in about this amount of time. At this time the sawmill at Palmer was steam driven, the power being supplied by 2 upright water-tube boilers, developing 500 horsepower, and a pair of twin sliding valve engines. The plant at Bridal Veil was driven by a Pelton waterwheel with an 800 foot head that produced 1000 horsepower. Three Prescott gasoline powered tractors and one Elwell-Parker electric tractor were used in the mill to haul and stack the finished lumber". (Carr 1992)

Due to another bad winter, production at Palmer sawmill did not begin operations until April 1923. Within a short time they were producing 130,000 board feet per day. The sawmill at Palmer was steam driven, with power supplied by 2 vertical boilers developing 500 horsepower, and a pair of twin sliding valve engines. The boilers were brought up to Palmer from "Bridal Veil by two trucks--one going forward, the other using reverse gear-with a boiler between on their beds (Graff 1938) Other machinery at the mill included a 9 foot band saw, 12-inch gang saw, slasher, edger, and automatic trimmer. The Bridal Veil planing mill held a pony edger, short wood slasher, 7-foot Mershon saw, sorting chains, bull planer, moulder, and a blower kiln to dry the timber. The planing mill was driven by a Pelton Waterwheel with an 800 foot head that produced 1000 horsepower. (Carr 1992)

By the middle of the year the Company had cut all of its timber holdings on Larch Mountain that could be reached by the company owned logging railroad. Due to the need for more timber, the company began surveying and assessing the timber stand between Brower and Gordon Creeks. They also began surveying for the possibility of expanding their railroad line. After assessing the product, the timber cruisers estimated that there was enough standing timber in this area to keep the company in business for the next 10 to 15 years.

The Company sold their Wind River sawmill at Cascade Locks to David Eccles, president of Sugar and White Pine Lumber Company and former president of Oregon Lumber Company. In July the Bridal Veil Timber Company and the U.S. Forest Service formed the Larch Mountain Fire Protection Unit. One month later they worked together to fight a fire that destroyed several donkey engines.

During the late 1920's and early 1930's, the Bridal Veil Timber Company began changing the narrow-gauge railroad to standard gauge.(4 feet 8 1/2 inches between the steel rails) In 1936 a standard gauge Lima Shay locomotive was brought to Bridal Veil. It was put on a sled and yarded up to Palmer by an 11 x 13 steam donkey where it joined the other three engines.

Lima Shay had been previously owned by Milton Creek Logging Company who ran out of logs to harvest in 1925. The owners of Milton Creek had part interest in Bridal Veil. Evidence indicates that the locomotive may have been used by Bridal Veil Timber Company for ten years before she was purchased. With the improved railroad and the more efficient locomotives, the lumber company was setting production records. Most of the processed timber was being sent to the east. The company celebrated a record October cut of 3,600,000 board feet of lumber. Twenty four loads of logs per day were brought to the sawmill and 5,000,000 board feet of lumber was decked at Bridal Veil. Two more miles of railroad were built into the newly acquired stand of timber. (Carr 1992) Plans were made to develop a new logging camp.

In January 1925 the Palmer sawmill and Bridal Veil lumber mill were closed for repairs. The economy appeared stable. Orders for mining timbers and railroad ties continued to pour in from the Eastern States. In the spring the mills reopened to a flurry of activity. Over 3 miles of new flumes that had been damaged previous fire were rebuilt. The railroad was expanded, houses were updated with modern kitchens, a new bunkhouse for loggers was constructed, and the cookhouse was extended to accommodate 180 workers.

Ben Hazen left the Company in 1920 and went to Portland where he founded the Benjamin Franklin Savings and Loan Association. Frank Shull, an executive in the flour milling business, was appointed president. Ben Hazen remained as secretary-treasurer. Frank Shull was born in 1869 in Illinois. A graduate of Wabash College, he came to Portland in 1905 at the insistence of business tycoon T.B. Wilcox. Shull entered the grain and flouring mill business. He was a leader in the organization of the Columbia Valley Association, chairman of the board

of the Benjamin Franklin Saving & Loan Association, of which he was the first president in 1925, twice president of the Merchants Exchange, and an important figure in the Port of Portland's development.

On June 24 fire struck again at the Palmer sawmill and destroyed a half million board feet of felled and bucked timber. By the end of 1925 Bridal Veil had experienced the decline in the lumber market and produced only 36,000,000 board feet of lumber. Logging operations at Palmer went into a slump. Some lumber was stored in order to supply Bridal Veil mill with enough wood to get them through the winter. Ed Hazen remained in touch with his brother at Bridal Veil, but took a job with Central Coal & Coke Company, who also owned the Oregon-American Lumber Company of Vernonia, Oregon.

The beginning of the depression years had its impact on the small community, not only financially but spiritually. John Leiter died on January 19, 1926. John Stone Bradley died the following month. James Gawdon was crushed by a log and died in December 1926. (see obituaries) Although the company production was at its highest production in 1926, the business began to slowly decline.

On January 24, 1927, the company purchased additional timber from the Government Land Office. Bridal Veil paid nearly \$41,000 for 240 acres of land near Larch Mountain. During the year only 75 men were working at Palmer mill. Ten donkey engines were in use in the woods along with the locomotives. In addition to the 3 locomotives the rolling stock was comprised of 24 sets of disconnected trucks; one flat car, 2 tank cars; and one speeder for hauling the men to the woods. Late in the year the company installed an electric crane at the planing mill for handling the rough cut lumber in the storage yard. Production figures for the year totaled nearly 30,000,00 board feet. (Carr 1992)

The following year the Forest Service began reforesting land on Larch Mountain that was previously owned by Bridal Veil Lumber Company. The reforestation crew worked eight hours a day replanting three year old seedlings that grew in the Wind River Nursery. Each man could plant between 600 to 700 trees per day. Total cost of the planting was estimated to be about \$12.00 an acre. The Bridal Veil company was primarily engaged in the production of lumber for making ladders.

In 1929 a fire started in the blacksmith shop and Palmer and destroyed the facility. "During the year 70 men were working in the woods and the sawmill. The logging operations were mainly highleads with one and a half sides doing the work. Two Baldwin locomotives were still in use on the railroad which stretched out from Palmer a total of 12 miles. Forty-five pound rail was used, with the rolling stock consisting of 32 sets of disconnected trucks, 3 flat cars and one speeder. William Burns was still the logging superintendent. At Bridal Veil the planing mill was turning out over 100,000 board feet of material in an 8-hour shift. (Carr 1992)

A personal interview with Louise Rhodes, who lived at Bridal Veil during the 1920's and 1930's, reveals some aspects of the community life. "Everyone was just one big family. My son had the most wonderful childhood. She remembers Ed Harmon, the man of Hindu extraction, who was very dark skinned. He was passing though Bridal Veil with his uncle and stopped for a drink of water. He was offered a job and stayed to work at the mill for several years. The Japanese were also a wonderful addition to the community. Rhodes recalls about four Japanese who worked first for Mr. Hagen as landscapers. Mr Hagen always had lovely parties for the people that worked at the company." (Interview May 1992) Mr. Ferukuwa was the name of the Japanese gardener that everyone respected so much at Bridal Veil. (Interview with Jim Rhodes June 1992)

The Depression Years at Bridal Veil

circa 1930

Bridal Veil purchased 40 acres of O & C grant land in Multnomah County on February 17, 1930. With demand lumber production declining, the Bridal Veil and Palmer schools began to consolidate. Upper division students living at Palmer were driven to the Bridal Veil school in a grocery delivery truck that had been outfitted for the students comfort. Within a few months the all students from both Palmer and Bridal Veil were sent to school in Corbett. The schools never reopened.

"The Depression era marked the end on the large scale logging operations on Larch Mountain. Due to increasing costs of operating the railroad and sawmill, hemlock was cut and delivered to the mill at Bridal Veil by chain-drive log trucks. In 1935, with its timberlands on the mountain almost logged off, the Bridal Veil Timber Company obtained a contract on some down and standing timber in the Bull Run Watershed that the Portland Water Bureau had for sale".(Carr 1992).

Times were extremely difficult for the Company during the great depression years. The Company owned all the houses at Palmer and Bridal Veil and the store at Bridal Veil. Operations were continuous during the whole time but at constant loss, the store and houses incurring accounts receivable many which were never recovered and the stumpage being sacrificed along with previously accumulated funds. There was less lumber sold in the United States in 1932 than in any year between that year and the Civil War. The average selling price of the lumber the company sold in 1932 was \$8.02. At Bridal Veil some of the loyal workers at the planing mill had to be laid off as well as the loggers at Palmer.

In 1934 Ben Hazen began travelling to advocate for the importance of the lumber industry as a way to diminish the hardships of the depression. Hazen was president of the Oregon Savings & Loan League and director of the Portland Federal Home Loan Bank. Ben and his brother Ed continued to work with the Pacific Coast division of the National Wooden Box Association. Bridal Veil continued to be productive, primarily as a result of a contract to help supply wood and timbers for construction of the Bonneville Dam project.

In 1935 a drive occurred to unionize all lumber and logging in Oregon, Washington and California. The Bridal Veil Timber Company was a 4L mill (Loyal Legion of Loggers and Lumbermen.). On May 7, 1935, demands were made to Sheriff Pratt of Multnomah County. They refused and shortly thereafter the operations were shut down. On June 1st a petition signed by a majority of the crew, requested the operations be resumed under a new 4L wage scale which had been adopted in the meantime. In spite of threats from union organizers, the mill reopened.

Some further history of these labor troubles is told in a letter from Sheriff Pratt to Governor Martin, and newspaper accounts of an organized march on the Bridal Veil plant by a group of union sympathizers. The confrontation of this group by Deputy Christoferson and two assistants at the entrance to the plant, owing to the courage and firmness of the deputies, was successful and the crowd turned around and returned to Portland.

After that time the making of lumber continued uninterruptedly, subject to gradually decreasing harassment such as attacks on individuals and efforts to black list the company products, until November 9, 1936, when a fire destroyed a large part of the installation at Bridal Veil. Due to the severity of the economy, it was decided to not rebuild the mill at Bridal Veil or Palmer because the relatively small amount of timber remaining did not justify the cost of rebuilding. A log dump and boom was constructed at Corbett where the logs were delivered by truck and rafted and sold on the open market.

Fire at Bridal Veil in 1936

Several small fires occurred on Larch Mountain during the 1920's and 1930's. They were quickly brought under control but not without the loss of large amounts of timber. On November 9, 1936, a second major fire started at the planing mill at Bridal Veil. A broken electric wire ignited the sawdust and spread quickly because of strong easterly winds. An article from the Oregonian of November 10th, 1936, states: :"\$100,000 Damages Caused By Blaze." The blaze started at 5:40 A.M. apparently from a short circuit in the mill, and was fought by a hundred men for two hours before it was brought under control. A fire truck from

Portland and one from the Columbia Gorge ranger station at Herman creek helped combat the fire. Ranger Roy Weeman was in charge of the forest service crew.

Fire fighters were aided by a brisk north wind, which though dry, was blowing away from the main plant. Property destroyed included two sorting tables, a lumber shed, the monorail structure, part of the lumber yard and some stock. Full insurance was carried. Plans for rebuilding were started at once. It was estimated that reconstruction would require 60 days. Meanwhile the company will be able to ship, but not cut, lumber." (Oregonian: January 23, 1935 pg.1)

When the fire was over the resaw room, filing room sorting shed, drying shed and part of the flume system were completely destroyed. The old Bradley-Hazen house was severely damaged. For the next three years clean up operations took place around the mill but an economic decision was made to not rebuild the mill because most of the timber supply on mountains was depleted. With the Palmer mill no longer in operation, the railroad was abandoned. The locomotives were left at the Palmer site until they were sold for scrap to help finance World War II. The historic era of lumbering operations on Larch Mountain and at Bridal Veil came to a close.

The Bridal Veil Timber company sold all the equipment and buildings at Bridal Veil and Palmer in March 1937. Purchasers of the equipment was International Wood Products Company of Niles, California. The company was formed by C.H. Kraft and J. Leonard Kraft in 1924 to make wooden boxes for the cheese products produced for the Kraft Cheese Company. The company had owned a sawmill and box factory in New Westminster, British Columbia, which provided the material for the Kraft Cheese boxes made in Canada. The company operating in Niles, California was closed in 1936. Operations were transferred to another mill in Washington.

In all the personal interviews, everyone talks about how nice Mr. and Mrs. Leonard Kraft were to their employees. For example, the first dance hall was torn down in the 1930's. Kraft supplied the wood for the people to build a new community hall. In later years the hall occasionally served as a community church. Kraft appreciated the sense of community in Bridal Veil and did everything he could to foster a cooperative spirit. The men living in the community built the community hall on the week-ends when they had a few spare minutes. Many parties and dances were held in the building. Almost every week-end there was dance and people would come from throughout the Columbia Gorge to have a good time. Some people would dance all night and then catch the early train back to Portland.

Kraft was also a strong supporter of women's rights and fought for the woman's right to work in the mill long time which was contrary to the Union position.

Bridal Veil Lumber and Box Company

A new company, the Bridal Veil Lumber and Box Company, began installing new equipment at the old planing mill. The entire plant was converted to electric power. Older equipment from the the Palmer site was removed. If it could not be reused, it was sold. Justus H. McLaughlin, a Portland electrical engineer, had the contract to install the new wiring and mill equipment. (The Timberman, April 1937: 26) "New equipment at the mill included a single 36-inch Mershon resaw, two twin 36-inch Mershon resaws, and a 54 inch resaw used to split the rough lumber into smaller sizes. Women worked on the sorting belt. In addition to cheese boxes the Bridal Veil Lumber and Box Company began producing various types of mouldings and meat crates. Homer Leash was manager of the company and Leonard Kraft was his assistant. J.F. Habenicht was the general mill superintendent, with J.V. Powers supervising the dry kiln operations. L.C. Washburn was the chief engineer at the mill and E.A. McElroy was the head saw filer. The Bridal Veil Timber Company continued to log the until last remaining stands of hemlock were cut, even though the Company had sold both its mills. In December Justus McLaughlin replaced Mr. Habenicht as mill superintendent.

On February 28, 1938, Mr. Mr Laughlin was severely injured in an automobile accident. Harry Austin supervised the logging operations for the Bridal Veil Lumber company. Logs were transported to a log dump at Corbett with trucks used by contractor Clarence L. Dietrich. The haul from the logging operations to Corbett was nearly 18 miles and the trucks travelled part of the distance over a plank road.

During 1939 the Bridal Veil Lumber and box Company purchased nearly 9,000 acres of pine timber near Heppner, Oregon. Lumber was cut at the Wray-Smith mill at Heppner and shipped via the Union Pacific Railroad to Bridal Veil where it was made into boxes. By the end of the year, Wray-Smith had cut and shipped over 4,000,000 board feet of lumber.

In January 1940 Homer Leash purchased the former Roles Brothers Shingle company property on Multnomah Channel and began construction of a new rotary lathe shook mill. The mill would supplement the production of spruce shook form the plant at Cathlamet, Washington, and then ship the material by truck 30 miles to Bridal Veil for drying and final manufacturing. (The Timberman March 1940:47) On April 17th, 1940 the Heppner Lumber Company was formed by Homer Leash, Leonard Kraft, Orville Smith and P.W. Mahoney. The new 6-foot band mill that was built took over the cutting previously done by Wray Smith.

During the spring of 1941 operations at Cathlamet were shut down and transferred to the recently completed International Wood Products Company mill at Linnton. (The Timberman May 1941:66) The mill at Linnton made the tops, sides and bottoms for Kraft cheese boxes out of rotary cut noble fir, while the mill at Bridal Veil provided the box ends manufactured from

ponderosa pine. By the end of the year, Bridal Veil Timber Company completed logging the last of its timber and went out of business". (Carr 1992)

During World War II, the Bridal Veil Lumber and Box Company manufactured ammunition storage boxes and wooden boxes for C-Rations and K-Rations. In a personal interview with Erma McCredie, who moved to Bridal Veil in 1937 and worked for the Bridal Veil Lumber and Box Company from 1941-1944, she describes "how busy the Bridal Veil Lumber and Box company was during the war. Women worked in several areas of the mill. Many of the younger men moved to Portland to work in the ship yards where they could make better money than working in the mill at Bridal Veil. The mill operated continually. Regardless of the stressful conditions, the community continued to operate as "one big family". Ms. McCredie also remembers how the company used to make Lincoln Logs and other wooden toys for Fisher Price. (McCredie 1992)

"The community was told that the company would close if they could not fill the government orders for wooden ammunition boxes as well as boxes to hold the C- & K rations. Several of the younger men had gone to war, so the women worked side by side with the men to fill the orders. During this time the Company was also were making apples boxes for Hood River, bed slats for cribs, and large orders of mousetraps for a company in Pennsylvania. The company discontinued making wooden boxes for Kraft cheese because the weight of the wood made it impractical to ship overseas during the war. After the war the women had the option of continuing to work at the mill, however, most of the women returned to the challenge of raising their families." (McCredie 1992)

Rather than have the mill remain empty after the fire, the Bridal Veil Timber Company was sold to Kraft Cheese Company and incorporated as the Bridal Veil Lumber and Box Company. With the transfer of ownership the Bridal Veil plant was revitalized as a wood working plant. In 1937, the Bridal Veil Timber Company sold all their inventory to George M. and Homer Leash. J. Leonard Kraft, C.H. Kraft and Homer E. Leash officially purchased the stock.

The purpose of the Bridal Veil Lumber and Box Company was primarily to manufacture wooden cheese boxes for Kraft Foods Company. The plant reached a record production in 1943 by using 1,250,000 feet of lumber in one month. The production line also focused on the manufacturing of ammunition boxes for the war effort. After the war the plant had many requests for other types of wooden boxes, (box shook) including the wooden boxes for Kraft cheese. During the next few years, the wooden boxes were replaced by fiber cartons.

Leonard Kraft, president of the company decided to update the operation by converting part and restoring part of the mill into the manufacturing moulding and window and door frames. A plant modernization program began in 1950. At the time the Bridal Veil Lumber & Box Company employed 102 men. By 1955 employment had increased to 180 men.

Each year the company was producing about 40 boxcars of box shook, 18 carloads of window and door frames each month, and 4 carloads of luggage shook per month. By 1956 it was expected the plant would produce at least 6 cars of luggage shook. The company continued to produce toy stock and blanks for other types of wood products.

Due to the diversification of the company stock, it was necessary to add new equipment to the mill. Some of the older mill buildings were remodeled. Plans were made to develop a more comprehensive woodworking operation.

By this time Bridal Veil Lumber and Box Company was mainly working with pine lumber. "The pine stock was received at the rip saw section of the plant where it was ripped into specific lengths. At this point two lumber carriers made by Hyster would pick up the lumber and deliver it to the saw line at the front of the building, where a line of eight Irvington semi-automatic cutoff saws trimmed the lumber to specific lengths.

The area that cut up the lumber was located in a separate area of the plant. It was conveniently located so lumber would be processed and stored without impacting the rest of the mill. Lumber was pre-assigned in groups of four to the different saws. Each group of lumber was cut to a specific width.

From the cut up line, box shook material was sent to the rip and cleat saw section. Lift trucks delivered the frame stock to the moulding section. Box material was ripped by four leaf saws and two push rips. The shook stock then goes to three in-line twin-band resaws. Complete shook and cleat stock is conveyed by belts to a wire tying machine, to be strapped in bundles. The moulding department, one new Mattison 5-head 8 inch moulder has been added to the sticker line for the manufacture of window and door frames. Altogether four machines handle production at this point; a new Mattison No. 229, a 12-inch Woods, a 4-inch Mattison and a 4 inch Paulson.

The moulding department material is transported by lift trucks to the two new No.565 Greenlee tenoners, one of which is equipped with a framing and sill homing attachment. Hydraulic scissor lifts serve both these machines, the lifts being loaded from gravity floor storage rolls. Frame parts to be nailed go to a new Morgan nailer. All frame stock then goes to the strapping department. Here two in-line strappers using Gignode flat strapping, bundle the frame parts ready for loading into rail cars. About 50,000 window and or frames are produced each month." (Carr 1992)

The new look at Bridal Veil Box and Lumber Company was far cry from the one expected close down in the early days of 1937. The diversification of production to keep pace with the changing conditions brought new life and a permanent operation to Bridal Veil, together with increased employment and production.

Key personnel at the plant include Leonard Kraft, president and general manager, A.D. Jones, vice-president and production manager, Clyde Hambrick, foremen of the box shook department, Emar Mickelson, foreman of the window and door frame department, Lloyd DeMain, night foreman, Willis Bowen, loading foreman and Dean Burkholder, yard foreman, P.A. Derrick is maintenance foreman, P.H. McCredie, moulding department foreman, Don West, sales manages, and E.W. Norgard, office manager".(Timberman September 1955)

Times were very hard for the people living in Bridal Veil during the great depression years. The company owned all the houses at Palmer and Bridal Veil and the country store at Bridal Veil. Operations were continuous during the whole time but at constant loss. The store and houses incurred accounts receivable, many which were never recovered. Stumpage was sacrificed along with previously accumulated funds. There was less lumber sold in the United States in 1932 than in any year between that year and dating back to the Civil War. The average selling price of the lumber the company sold in 1932 was \$8.02.

In 1935 a drive occurred to unionize all lumber and logging in Oregon, Washington and California. The Bridal Veil Timber Company was a 4L mill (Loyal Legion of Loggers and Lumbermen.) On May 7, 1935, demands were made to Sheriff Pratt of Multnomah County. They refused and shortly thereafter the operations were shut down. On June 1st a petition signed by a majority of the crew, requested the operations be resumed under a new 4L wage scale which had been adopted in the meantime. In spite of threats from union organizers, the mill reopened.

Some further history of these labor troubles is told in a letter to Sheriff Pratt, letter to Governor Martin, and newspaper accounts of the organized march on the Bridal Veil plant by a group of union sympathizers. The confrontation of this group by Deputy Christoferson and two assistants at the entrance to the plant, owing to the courage and firmness of the deputies, was successful and the crowd turned around and returned to Portland. (See attachments)

After the turbulent times of unionizing, the making of lumber continued uninterruptedly, subject to gradually decreasing harassment such as attacks on individuals and efforts to black list the company products. On November 9, 1936 a fire destroyed a large part of the mill installation at Bridal Veil.

In assessing the damage and cost of rebuilding, it was decided that the relatively small amount of timber remaining on the mountain did not justify the cost of rebuilding the mill. To process the logs, a log dump and boom was constructed at Corbett. where the logs were delivered by truck, rafted and sold on the open market.

The War Years

Little information has been written about the life at Bridal Veil during the war and in the years that followed. However, interviews with Evelyn Bird, Louise Rhodes, Bertha Davis, Erma McCredie, and Bernice Mickelson all tell of the "wonderful sense of family that existed for anyone that lived in the Bridal Veil. Evelyn Bird lived in Bridal Veil between 1942 and 1977. She recalls the "good times and how the Union would give money for the Christmas party that would then be matched by the Kraft family. Gifts were purchased for the children and the employees at the mill. The community hall was always active with local events and dances on Saturday evenings".(Bird 1992)

Bertha Davis worked in Bridal Veil at the Lumber Company from 1936 to 1954. "Several years before the war the Union members met and voted to "keep the women out" so that women could not be part of the Union. Therefore, the women could not work. When the male population diminished during the war (many of the younger men went to Portland to work in the shipyards where they could make more money) the women were asked to work in the mill. Davis was employed for 18 years and worked on the little resaw and the band saw. Before the war the Company printed the lettering on the boxes that held Kraft Philadelphia Cream Cheese. The boxes "were printed, cut but not assembled before being shipped out. The Company also made Lincoln Log toys before the war orders arrived.

Davis recalls the lovely home on the Columbia Gorge Scenic Highway that Company managers, Mr. Hagen and Mr. Kraft lived in. Mrs. Davis also described the five Japanese men who worked for Mr. Hagen and Mrs. Kraft. "They kept the landscape in beautiful condition. They planted lots of unusual trees and flowers on the hillside, especially along the wooden plank and crushed stone pathways that connected the homes to each other and to the mill site". Mrs. Davis's husband built a wooden hot tub for the Japanese workers for which they were forever grateful. They also gave the Japanese workers a Victrola and some records which they enjoyed very much. The Japanese men (she does not recall any women) lived in housing above Palmer Mill road near the Scenic Highway. "The Japanese were wonderful. At Christmas they would invite everyone over for saki, bamboo shoots, and little fishes with their eyes open." The Japanese landscapers all left the Bridal Veil area during the internment years and did not return after the war." (Personal interview)

In a personal interview with Bertha Davis, she recalled that, "The Japanese were wonderful to have in the community. At Christmas they would invite us over for saki, bamboo shoots, and those little fishes with their eyes open". We gave them our Victrola and some records to keep them company. They appreciated it very much. Her husband built a hot tub for the Japanese to enjoy since bathing was such a part of their culture. During the war they had to leave Bridal Veil. Roy ferukuwa the head Japanese landscaper, came to our houses and told everyone good-bye. We were sad to see them leave Bridal Veil".(Davis 1992)

Bernice Mickelson remembers living in the Company houses and that "her family found Chinese newspapers stuffed in the walls of her house. The papers were discovered during a remodeling project. The family presumed the papers were put in the walls by some of the early Chinese inhabitants, probably for insulation purposes." (Mickelson 1992)

Other interviews revealed how the wooden dam was located at the top of the falls. the flume came down on the west side of the creek and dumped the slab wood. Another flume was located on the east side of the creek and that wood came in on the green chain. The whole hillside west of the Company store was drying yard.

Louise Rhodes speaks fondly of Bridal Veil as a wonderful place "to raise a family. Moving to the community in 1925, she remembers the changes well. Louise recalls when several of the Bridal Veil houses were moved down the road to Coopey Falls to be used as motel/rental units". The houses remain today. (Interview 1992)

Jim Rhodes was born in Bridal Veil in 1929 and work at the mill. In High School he worked for the manager of the Company store, delivering groceries in a Model A car that was furnished by the Company. Rhodes worked for Multnomah County and is well versed on the original road that ran from Bridal Veil Station up to Moffett Road off Brower Road before it intersected with the Palmer Mill Road. Traces of the roadway remain today.

Rhodes recalls the three story hotel/boarding house that was designed for the working men. "It had a large kitchen in the back and a big dining room was located on the right as you entered the hotel. Meals were served family style. Most of the men had one hour lunch breaks. Rhodes recalls the barber shop in the lobby

Rhodes remembers playing in the old school house before it was demolished. The building was never locked and for a long time the chalk, erasers, desks, swings and teeter-totters remained on the site for the kids to enjoy. He recollects that the railroad houses were located next to the track. The section foreman had the nicest house. The other employee houses were small--some may have had dirt floors. One house may remain at the far east end--that was the home of the signalman. The other houses were torn down in the 1940's.

The pond near the Bridal Veil Creek was put in during the 1940's. It was used for fire protections. There were pumps in the building located nearby". (Interview June 1992)

Another person who has a fond memory of working for Mr. Kraft and the Bridal Veil Lumber and Box Company is Mrs. Walt (Anne) Keller. The Keller's "operated the country store at Bridal Veil for 15 years, until it was closed by Mr. Kraft. The Keller's lived in a house along the Columbia Gorge Scenic Highway next to the flume. The house was remodeled with a knotty pine interior. It was unusual because there had a garage under the house. Across the road Mr. & Mrs. Bird lived. The Kraft house was also beautiful--he would do anything for you if you were willing to work. Mr. Kraft eventually tore the old hotel down.

Mr. Kraft interviewed all of their family before the position was offered to Mr. & Mrs. Keller to operate the country store. Kraft wanted to maintain the "one family" atmosphere that characterized the community. The Kellers learned the business quickly from Kermit Clinger, former manager, and sold everything from milk and bread to clothing, gas, oil, feed for chickens, and clothing. (Interview 1992)

Walt Stollen said that he "worked 23 years for Leonard Kraft and 2 years for the former company. He went to work right out of high school and worked in the slab mill for 6 months, then as a contract pilot for the kiln, worker on the green chain, and a planer. He recalls that Ed Harnam, the Hindu worker, held the positions of grader and tallyman". (Interview June 1992)

Due to many factors, the Bridal Veil Lumber and Box Company went out of business in 1960. Unfortunately, the Forest Service burned the abandoned Company buildings in Palmer on February 16, 1944. The cultural heritage of the two communities on Larch Mountain was slowly being destroyed due to many extenuating but ominous circumstances.

Sale of Bridal Veil Lumber and Box Company in 1960

In 1960 the Bridal Veil Lumber and Box Company ceased their operations. Kraft sold the property to Machinery Sales Company. Machinery Sales purchased the property in 1962. They were an Oregon corporation with offices at 65 N.E. Columbia Blvd. in Portland, Oregon. Officers of the business are Orrin Halson, president and W.A. Thompson, Secretary-Treasurer. The Company is owned by the Halston and Thompson families.

After acquiring the property, Machinery Sales worked to improve the nineteen houses located on the property. The company made improvements which included installing electric water heaters, new roofs, painting the houses and general maintenance. Two men living at Bridal Veil were employed by Machinery Sales to keep up the property. Kenneth Werner served as property manager. Some of the larger buildings were rented to manufacturing businesses. One of the businesses manufactured a soil conditioner made from inorganic materials.

Machinery Sales installed a sewage disposal plant to serve the Bridal Veil community. They advocated for more people to move to Bridal Veil who were interested in living in the area that was free from the smog and noise of the city. Machinery Sales sold the property in 1964.

An Oregonian article by written by columnist Gerry Pratt describes the sale of the property, as follows:

"the relentless gorge winds are sending a chill through the buildings at the Bridal Veil Lumber Company". Even in the sunshine it is quiet, and somber there for the old mill is finally dying.

Brisk men from the Milton J. Wershow Auction Company will move in and with a few rigorous blows of the hammer removed the heart from the place, the machines, the lift trucks and even the early American Seth-Thomas clocks from the office and lunchroom walls.

Bridal Veil Company and the people of the Lilliputian community on the shoulder of the gorge have tried everything they know to keep their mill alive. Boxes for cheese, boxes to hold ammunition during the war, boxes for whiskey bottles, and there is even a special machine for making mouse traps. All of these helped to bring in the dollars that keep the 25 homes, 80 payroll community going for the past 73 years. But little by little the economics of trying to operate a pine lumber mill in a Douglas fir region, coupled with the over sold state of the pine market, killed them.

And now it is out of their hands, turned over to Wershow and real surgery begins. To Ed Potter, the Oregon president of the Wershow Company, the death of a small mill to the gorge is nothing sentimental--nor unusual. He knows Bridal Veil is dead as a lumber mill and his eyes are not on the history of the place but are where his money is--in its future. Watching Potter's auctioneers lay bare the assets of the place Wednesday, with their calls for bids, you may think he is burying the place forever, selling out every thing worth while from the shovels and saws to the safe and office machines..

But listen to him a moment ,off the block " Only 25 minutes from the heart of downtown Portland." he said cruising up the gorge highway, as he passed Troutdale Airport, and only 10, maybe 12 minutes from the nearest airfield. Water? We bought the grandfather rights and half the falls. (Bridal Veil) There's millions of gallons! Power? Who could ask for more power than Bridal Veil? The highway, the mainline railroad right by the door, its perfect. This place really excites me, he confesses."

Potter cruises through the vacant sawmill like a conquering colonel. These machines will go real good, he promised himself, "That one isn't five years old. And then to a crew lining up the goods for sale". No, we don't sell those power installations and leave the steel plate on the floor. To replace those things would cost a small fortune,"he explained, Potter admits this isn't the way to sell out a mill you intend to bury.

He stopped a few minutes to talk to a forest service laborer who wanted to rent one of the Bridal Veil plant houses. "Twenty five a month and no leases, Potter said in a take it or leave it attitude. " Okay said the worker, "I'll take it and if the mill ever get going again, I'd be on the spot for a job. You may not have to wait as long as you think, Potter said with grin. The houses were are going to leave and the store. It would make a good office building. All of these mill buildings, except the boiler houses. That's out and it goes. "Maybe a furniture factory, maybe a canning plant--we have a million ideas for this place. Just give us a little time. Sure the mill is dead, you can buy any part of it tomorrow, But not Bridal Veil, for this place, this can be the beginning, he promised." (Oregonian, November 1, 1960)

Changes of Ownership since 1964

In 1964 the Bridal Veil property was sold to Hershel McGriff. McGriff purchased the property and operated the Millington Lumber Company. Before the Columbia Gorge National Scenic area became legal in 1986, McGriff agreed to have his property classified as a special management area under the authority of the Forest Service. McGriff, a professional race car driver and businessman, owned the Bridal Veil lumber mill town for 25 years. He put the

property on the market for \$1 million. Greenhill Lumber Company which leased the mill on the property, closed their operations and moved away.

Until the property was sold, McGriff who has raced super stock cars at Portland Speedway since 1945, was going to use site for a race car shop. McGriff leased the saw mill at Bridal Veil for four years, before he purchased the property 25 years ago. McGriffs father, who is a minister, spent time fixing up the Bridal Veil church. Some of the lumber mill houses were been town down but 16 were rented to people in Bridal Veil. In 1990 McGriff sold the property. During McGriffs ownership the country store, the company lunchroom, two houses and a mill building were demolished. McGriff took out a \$200,000 loan to modernize some of the exisiting properties. In 1970 McGriff asked Willard Martin, well known architect of Pioneer Square in Portland, to design a plan for the potential development of Bridal Veil. (see enclosure) The plan included a resort center, restaurant, overlook, and condominiums next to the Bridal Veil community. Martin was also responsible for the colorful paint used on the exterior of the Bridal Veil homes.

The sale of the property has been complicated by its recent inclusion in the Columbia Gorge National Scenic Area. Throughout the last decade, concerned residents, local businessmen, local, state, and national government organizations, and the politicians have been working to determine the best use of this area of scenic and natural beauty. As early as 1977 Gorge activists began to lobby throughout both states of Oregon and Washington for legislation to protect the environment and prevent further development. In 1981 draft legislation was circulated. Between 1982-84, Senators from Oregon and Washington held public meetings on the proposed bill which would create a national forest scenic area in the Gorge.

After many meetings the legislation was modified to reflect the majority opinion of the best way to preserve the Gorge. In 1987 after the Gorge bill was passed, the Columbia River Gorge Commission was formed to oversee the development of a management plan. The 12 member bi-state Commission is working closely with the U.S. Forest Service who is responsible for administering the management plan.

On March 7, 1991 the 102 year old Bridal Veil property was conveyed to the Trust for Public Lands. The Trust plans to turn the 58 acre tract into a park in order to restore the wetlands of Bridal Veil Creek and the nearby salmon spawning grounds. If this is accomplished, the park may be sold to the U.S. Forest Service. The abandoned sawmill, post office, a church/community hall and company town houses may be destroyed in the process of returning Bridal Veil Creek to its natural beauty.

At the present time, local residents are very concerned that the Trust for Public Lands (TPL) will destroy the structures at Bridal Veil, along with all traces of its cultural, historical, social, and economic heritage. They are concerned that TPL will tear down the company mill worker

homes and buildings which have been identified with Bridal Veil Company town for nearly a century. Local residents are opposed to any destruction of and buildings on the important historic/archaeological site.

They recommend that the cultural resources associated with the Bridal Veil community should be added to the Multnomah County comprehensive land use plan. They would like to seek out the potential of having Bridal Veil designated a historic site, or possibly a historic/archaeological district that combines both the resources of Bridal Veil with the resources at Palmer and the other logging sites on Larch Mountain.

They want to have the opportunity use their community as an educational laboratory. They want the opportunity to interpret the cultural landscape and the heritage of the Bridal Veil as defined by its relationship to lumbering at Palmer mill and other sites on Larch Mountain, the Columbia Gorge, Oregon, and the Northwest.

“It's a major part of the history of the gorge. To allow it to be wiped off the face of the earth would be terrible”, said Laurel Slater, owner of a bed and breakfast near Bridal Veil and a descendant of the early day Bridal Veil residents. (Gresham Outlook 3-90-91)

Within the “special management area” plan of the Columbia Gorge Scenic area are the remnants of the “special Columbia Gorge company mill town” of Bridal Veil--a small community of several remaining company town mill worker cottages and managers homes which portray the evolution of one of the first 1880's company mills towns in Oregon associated with the lumber industry. The quaint post office, modest homes, community hall/church, and historic cemetery still contain enough integrity to interpret the families and lives associated with the Bridal Veil Lumber Company. Of the three cultural sites listed in the scenic area inventory, Bridal Veil represents the oldest and longest continuing operating example of commercial lumbering activities.

Opponents of preserving the communities heritage, are concerned that because the Bridal Veil community was not identified in the Multnomah County resource inventories, that it may not be historically significant. Due to the basic survey process, these important vernacular cultural resources are occasionally overlooked. It is only when an intensive level survey is completed, which examines a site in context with the historic, cultural, social and economic development of the surrounding area and its relationship to the development in Oregon, that an evaluation of historic, cultural and architectural significance of a site can be determined.

Based on the information contained in this report, the photo collections at the Oregon Historical Society and in private ownership, the complete collection of business transactions of the Bridal Veil Lumbering Company from the 1880's to the 1990's which is housed at the Oregon Historical Society and in private ownership, abstracts of title, and substantiation through oral histories, it is the consultant's opinion that the Bridal Veil community, it's houses,

post office, church/community, and cemetery should not be destroyed. Some consideration should be given to preserving the remaining wooden mill building.

A "Friends of Bridal Veil" task force, representing all parties involved in the future of Bridal Veil should begin working together to meet the challenges of preserving the cultural landscape and the collective heritage of the remaining buildings and archaeological sites associated with this important company mill town at the base of Larch Mountain.

The Columbia River Gorge is a spectacular place to visit for its natural and cultural resources. It offers unsurpassed scenic beauty as well as important historic structures which interpret the development and evolution of the Columbia River Gorge over the last century. The future challenge for everyone who loves and cares about the Gorge will be to integrate the cultural, historic, social, and economic heritage of the loggers, the timber industry, fishermen, pioneers, homesteaders, dam builders and road developers within the context of the Columbia Gorge historic scenic, natural and cultural resources.

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BRIDAL VEIL
MULTNOMAH COUNTY, OREGON

* * * * *

HISTORICAL AND ARCHITECTURAL EVALUATION

A Report Prepared for:

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By

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August 20, 1992

NOTE: This is a partial reproduction of a report prepared for The Trust for Public Land by the Heritage Investment Corporation. Omitted from this reproduction are color pictures of each building which were included in the building description section of the report. A complete copy of the report is available for review at the Division of Planning and Development, 2115 SE Morrison Street, Portland.

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SECTION 1

PROJECT TEAM

In order to evaluate the historical and architectural significance of the Bridal Veil site, Heritage Investment Corporation assembled an experienced interdisciplinary team.

Project personnel included:

John M. Tess, Historian/President, Heritage Investment Corporation
Richard E. Ritz, FAIA, Architect, Architectural Historian
Lewis L. McArthur, Industrial Historian
Anne Schultz, Associate, Heritage Investment Corporation
Jerre Kosta, Associate, Heritage Investment Corporation
Rob Mawson, Heritage Tourism Specialist, Heritage Group

All of the project personnel are well versed and have many years of specialized experience evaluating historic properties and sites in the State of Oregon.

PURPOSE OF THE REPORT

In the spring of 1991, the Trust for Public Lands acquired the land encompassing the town of Bridal Veil. As part of its planning process, the Trust then contracted with the Heritage Investment Corporation [HIC] to inventory and survey the land. This survey was limited to above ground resources on specified Trust-owned land. The HIC team identified and subsequently evaluated the buildings, sites, structures, objects, and historic landscapes. It considered them individually, as an ensemble, as a thematic grouping and as a potential historic district. That evaluation was based on well-accepted local, state and federal criteria for evaluating historic properties. The purpose of this report is to codify the survey and to present the team's findings.

METHODOLOGY

The HIC team conducted their investigation in a three step process. First, they conducted an evaluation of the existing literature, represented here in the bibliography. Second, they conducted fact finding site visits, represented in the history and building descriptions. Third, they applied well accepted standards for evaluating historic sites to the results of their fact finding investigation, represented in the concluding chapters.

In conducting the investigation, project personnel visited the site numerous times. Project leaders, Mr. Ritz and Mr. Tess entered all accessible properties. As part of his comparative analysis of company towns, Mr. McArthur also visited various similar sites.

Finally, as part of its overall evaluation, the HIC team considered the findings of Tourism Development Associates who also recently completed an evaluation of Bridal Veil's significance for Multnomah County. That discussion is found in section 7 with the findings.

SECTION 2

A BRIEF HISTORY OF BRIDAL VEIL

The town of Bridal Veil developed during the late 19th century as an offshoot of the lumber mill operation that commenced near the mouth of Bridal Veil Creek. In the 1880's, the Oregon Railway and Navigation Company constructed a railroad along the south bank of the Columbia River. The railway would make the previously inaccessible forests a viable lumbering opportunity. Anticipating the railway, Amos J. Moore filed for an 80 acre homestead claim just east of Bridal Vail. His four brothers and sister did likewise on adjacent land, creating a assemblage nearly 500 acres strong. Moore operated a sawmill in Albina, but the supply of ready timber in that area was dwindling. Bridal Veil, with the rail connection, offered an enormous potential.

The Moore family started with two homes. As plans for a lumber mill progressed, other homes and a paper mill were built. In 1883, the Oregon Railway and Navigation Company reached Bridal Veil, passing directly by the lumber mill. In 1887, the Bridal Veil Falls Lumbering Company incorporated and logging commenced at Palmer, a camp above Bridal Veil on Larch Mountain. By the end of that year, the company had constructed a two mile flume from Palmer down to Bridal Veil.

The town of Bridal Veil was named after Bridal Veil Falls, the waterfall that cascades down from the creek at the west end of town. According to legend, the name Bridal Veil comes from a lady traveling the Columbia River on the Sternwheeler Bailey Gatzert. Upon seeing the cascading falls, she remarked that they reminded her of "a delicate misty brides veil". People began to refer to the area as Bridal Veil. When the federal government located a post office there, the community became officially known as "Bridal Veil".

During the 1890's, the logging operation at Palmer and the lumber company in Bridal Veil continued to grow. At Palmer, the fir logs would be rough cut and traveled by flume to Bridal Veil. There, resaw mill would cut and process the rough fir. The Bridal Veil Lumbering Company built a one and a half story boarding house, a company store, a two-story grade school, a remilling plant and a shipping plant. At the same time, Palmer grew, with houses, post office and country school. By 1900, approximately 180 people lived in Bridal Veil.

In 1902, fire destroyed the town of Palmer. The blaze started east of Bridal Veil and travelled up the mountain engulfing the small lumber community. Three years later, L. C. Palmer, the town's namesake, re-built the sawmill, postoffice and a schoolhouse a mile above the old townsite, closer to the virgin timber.

In 1914, the state constructed the Columbia River Highway through Bridal Veil. With the dramatic waterfall nearby, entrepreneurs developed a rest-stop with a restaurant, hotel, auto camp and residences.

The lumber company continued to operate between Bridal Veil and Palmer until all the available timber was cut, sometime during the mid-1930's. In 1936, fire destroyed a large part of the lumber company at Bridal Veil. The resaw room, sorting shed, drying shed and part of the flume were destroyed. Due to the limited amount of timber left in the area, the company decided not to re-build. In 1937, the Kraft Cheese Company purchased the property, town and lumber mill to manufacture cheese boxes. Kraft sold the property in 1962 to Machinery Sales Company. At this time 19 houses were located on the property and extensive improvements were made.

Machinery Sales sold the property in 1964 and the plant along the railroad tracks was used as a lumber storage plant. In 1990, the Trust for Public Land acquired the property. Today, within the area owned by the Trust, Bridal Veil consists of 15 houses (including 1 collapsed), 1 church, 1 post office, and 6 industrial buildings (mostly modern).

[The history of Bridal Veil is comprehensively examined by William Carr's A HISTORY OF THE BRIDAL VEIL LUMBERING COMPANY and by Tourism Development Associate's BRIDAL VEIL, OREGON. The above is meant only as a synopsis to provide the reader with a sense of perspective.]

SECTION 3

ARCHITECTURAL DESCRIPTION AND EVALUATION

SETTING

The townsite of Bridal Veil is located adjoining the Columbia River in Township 19, Range 5E, Sections 22 and 14 in Multnomah County, Oregon.

The townsite was laid out along several roads which generally follow the contours of the hillside. Except for Bridal Veil and Palmer Roads, the roads are still unpaved after more than a century. It is not known exactly when the present buildings were constructed, but certainly they are post-1900.

The townsite may have appeared to be more unified when all of its original houses and buildings were standing. Today, however, the ensemble is disjointed and leaves only the appearance of the remnants of a town. Except for the six houses which are together on the main road, the remainder of the townsite consists of isolated single buildings or pairs of buildings. It is not now readily recognizable as a company town.

GENERAL OBSERVATIONS

Typically, a company town would be comprised of industrial buildings, business offices, commercial structures, community structures, and residences. Depending on the company, it also would have amenities such as a parks or commons. Given that the development of the town was the responsibility of the company managers, the town likely would be laid out in some recognizable pattern, even though changes in industry may change that pattern over time.

Bridal Veil, the company town, today reflects little of that. There are only three industrial buildings extant: the maintenance shop, the resaw building and the warehouse. These date to the 1920's at the earliest and the 1960's at the latest. All are in poor condition with the resaw building collapsing. All have had significant structural changes and have very little historical integrity.

The post office is the only commercial structure in the town. It is located on the old mill site, was a first aid station, moved and adapted for use. Board and batten vertical siding has been nailed over an earlier 6" drop siding and a wood shake roof installed.

In general, it has a romantic rustic appearance that is out of character for the area, the era and the use. A similar rustic treatment is found on the modern well and pumphouse.

The church is the only community structure in town. It is a relatively modern building, possibly incorporating an older building. Construction of the current configuration was probably constructed in the 1930's at the earliest. It is poorly sited on the lot and appears to have been squeezed into place. It is in fairly good repair.

There are sixteen houses located in Bridal Veil. Most, five, are located along the north side of Bridal Veil Road along with the church. Another four are located on another, unpaved road just to the north on lots overlooking Bridal Veil Road. Three, the larger homes, are located higher on the mountain along Historic Columbia River Highway. One appears to have been a manager's home while one apparently was a boarding house. One houses, of standard worker size, now collapsed, is higher yet, off Palmer Hill Road. Nearby is another collapsed structure that may have been adapted for use as a garage. Finally one, apparently standard size home, is located off a unpaved road up the hill and south of what was the mill site. The location of the homes is relatively disjointed with no clear traffic pattern to anywhere. The homes are located uphill and downwind from the industrial buildings.

Of the sixteen houses, fourteen may be classed workers' houses, with one classed as the manager home and one likely a boarding house. The workers' houses were constructed from a standard plan. This standard house was probably originally constructed without indoor plumbing, 24 feet square with a six foot deep front porch the full width of the house. A gabled roof of medium pitch, with the ridge running from front to rear, covered the main part of the house. The front porch was covered by a shed roof supported on four slender posts without decoration. A brick chimney with a corbelled cap was located at the center of the rear wall. Siding was eight or six inch drop-siding and windows were double-hung wood sash, four-over-four, paired. The original wood shingled roofs have been covered or replaced with composition shingles, or in some cases, with wood shakes. Inside was a 14 x 24 living room on one side, and two 10 x 12 bedrooms on the other.

At some time after the original construction, a 10 foot by 24 foot addition was built to the rear of most of the houses, offset two feet to one side of the original house. This addition contained a kitchen, a bathroom and a porch or storage room, which may have originally been open.

The houses are all built on hillside sites, so that the back door of the addition is reached by a fairly long flight of steps. The houses are constructed on post-pier foundations and closed in with vertical board skirting.

It is not known how many of these standard houses were originally constructed, but 13 survive, including one which is in a totally collapsed condition. Some exist without rear additions, and most have had the original front porch shed roof removed or replaced with some other kind of porch roof. In many houses, the original brick chimney has been removed and replaced with a metal patent chimney. Most of the houses have had changes to the windows and many have had extensive additions.

In the 1960's, the owners of the townsite made improvements to a number of the houses, installing new porches, decks, siding and aluminum framed windows. Many have new doors and windows cut in. One house has had its orientation reversed 180 degrees, and one house has been remodelled to a point that the original shell is unrecognizable either on the interior or exterior. Today, not one of the workers' houses has its original exterior appearance. Collectively and individually, the level of historical integrity is exceedingly low.

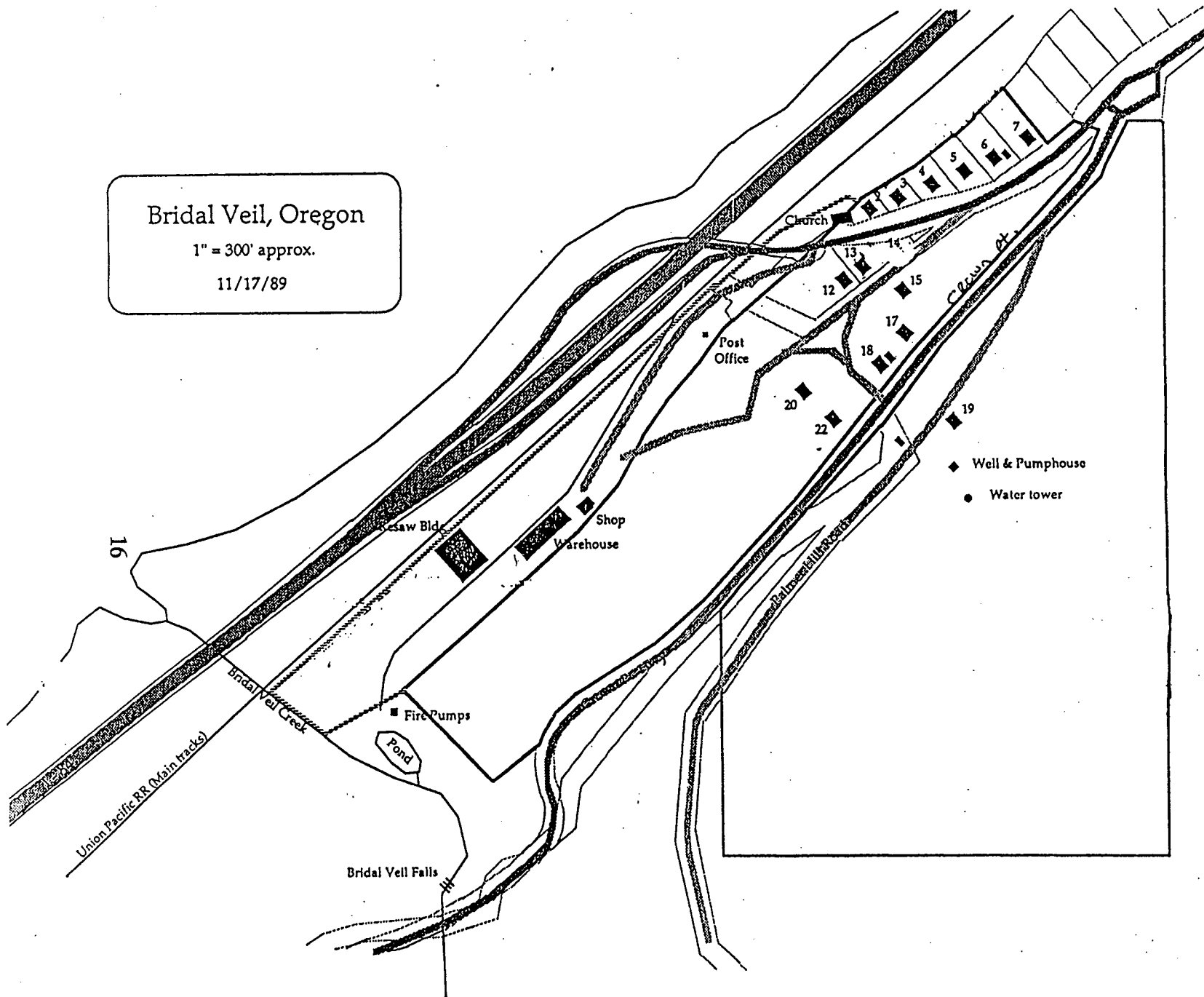
In addition to the workers' houses, there are three larger houses. One likely was the mill manager's home. One has been stripped of all interior detail, including doors, windows, walls, but by the lack of detail on the exterior and by its size we may surmise it was a boarding house. And one appears to have been a standard 24 x 24 worker's home with extensive additions.

The general overall conditions of all of the buildings is extremely poor. Not well constructed, most are in need of structural repair and are deteriorating rapidly. The houses generally are uninhabitable and the industrial buildings unusable. All but four houses are unoccupied, although there is considerable evidence that the buildings are being used by indigents.

Bridal Veil, Oregon

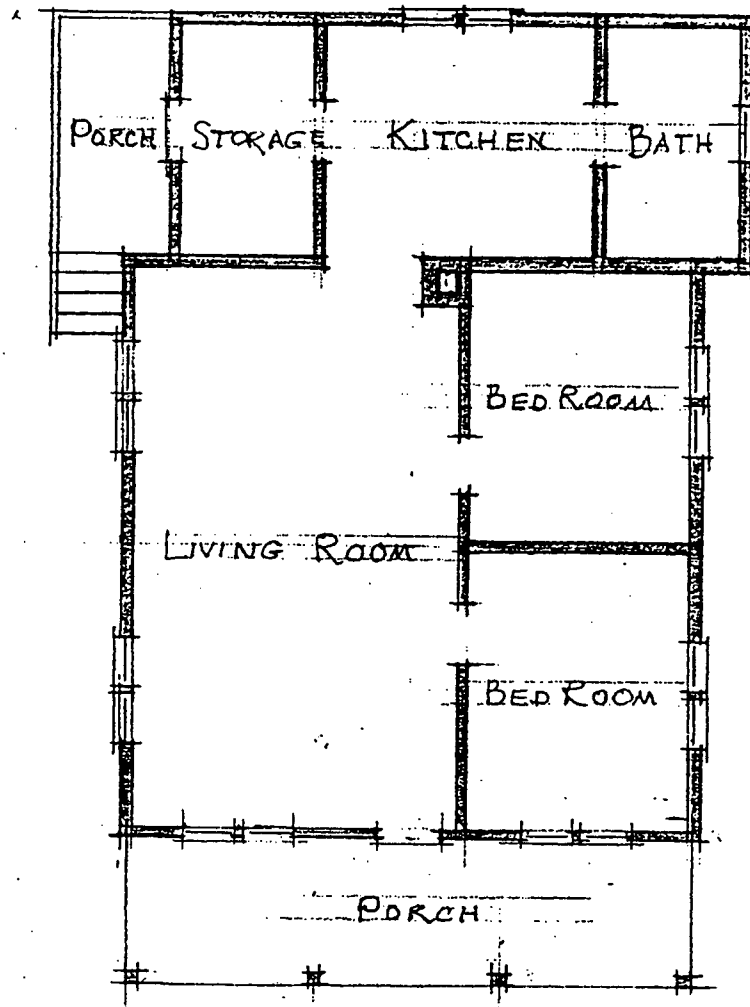
1" = 300' approx.

11/17/89



SITE MAP

TYPICAL FLOOR PLAN



PLAN OF TYPICAL WORKER'S HOUSE. PROBABLE CONFIGURATION
 THE KITCHEN-BATH-STORAGE WING AT REAR IS PROBABLY AN ADDITION.
 SCALE: $\frac{1}{8}" = 1'-0"$

BUILDING DESCRIPTIONS

MILL SITE

Address: Bridal Veil Road, Corbett, Multnomah County, OR 97010

Map # 9

DESCRIPTION:

The mill site is the industrial area west of the Post Office. While historically the center of the lumber sawing activity, today the only buildings remaining are the maintenance shop, the resaw building and the warehouse. The maintenance building was likely built in the 1920's and then doubled in size in the 1960's. The resaw building and warehouse likely date to the 1920's. The buildings are exceedingly simple in design, essentially four walls and a roof, without any special accommodation reflecting their use in the lumber industry. They are all in poor to fair condition. They all have been remodelled to a point where today they have little historical integrity or interest.

No documentation exists for the original mill site, individual buildings or ancillary systems, such as the flume. Any attempts at reconstruction would be speculative.

MAINTENANCE SHOP

Address: Bridal Veil Road, Corbett, Multnomah County, OR 97010

Map # 11

DESCRIPTION:

The shop is comprised of two sections. The first is a building approximately 45 foot square and 17 foot high. It is constructed of brick and features two bays on the north. The doors are located on the north facade, are steel, paired and hinged. The south elevation features a shed, approximately 36 feet long and 8 feet high.

The second section is attached to the west facade of the first building. It is approximately 14 feet high and 30 x 45 feet. It is made of concrete block and features three bays with modern overhead metal doors. The building is in fair to poor condition. The older section dates to the 1920's, while the newer section dates to the 1960's.

It is unoccupied.

Like the warehouse, the shop was built as a functional building and has been treated accordingly. The basic structures are intact, but not in the best of shape. Because of its simplicity, the structure has a certain amount of integrity but very little historical significance. The concrete block addition damages what significance there is.

WAREHOUSE

Address: Bridal Veil Road, Corbett, Multnomah County, OR 97010

Map # 10

DESCRIPTION:

The warehouse is 60 x 169 feet with 13 bays. It has corrugated steel over lap siding. It is frame construction on cement foundation. It has a flat slant roof, approximately 17 feet on the south sloping up to 25 feet on the north. At both east and west elevations, there is a 15 x 12 foot doorway. The north facade is along a rail siding and cement loading dock. It features a 15 x 12 foot doorway approximately 40 feet from the northwest corner. The facade has several sizable holes in the fabric. It was built approximately in the 1920's and is in fair to poor condition.

It is unoccupied.

The warehouse was built as a functional building and has been treated accordingly. The basic structure is intact, but not in the best of shape. Because of its simplicity, the structure has a certain amount of integrity but little historical interest. The corrugated metal covering and the damage to the north facade limit that little interest further.

RESAW BUILDING

Address: Bridal Veil Road, Corbett, Multnomah County, OR 97010

Map # 16

DESCRIPTION:

An older frame building, circa 1938, the resaw building was once 114 x 150 feet, enclosed on three sides. It has a corrugated metal skin covering a wood frame and bow truss roof construction. On the south, it featured a rail siding. At the east facade, it included a 15 x 7 foot office of wood construction. The west half of the building has collapsed.

Given the condition of the building and its simple design, it has very little historical integrity remaining. Given its simple design, it has even less significance.

POST OFFICE BUILDING

Address: Bridal Veil Road, Corbett, Multnomah County, OR 97010

Map # 8

DESCRIPTION:

This building measures 10 x 12 feet in size, with a gabled roof. At the front is a 6 x 10 porch with a shed roof. The siding is vertical boards and battens, with some 6 inch drop-siding visible. The roof is wood shake and in poor condition.

The building is in good condition and in use as a post office.

Upon investigation, the building appears to date from the 1940's and is non-historic. In general, it has a romantic rustic appearance that is out of character for the area, the era and the use. Due to the change in use and the rustic remodelling, the building has no historical integrity.

CHURCH BUILDING

Address: #1 Bridal Veil Road, Corbett, Multnomah County, OR 97010

Map # 1

DESCRIPTION:

This is a relatively new building, T-shaped in plan, with the head of the T 56 feet long and 28 feet wide. The stem of the T projects six feet toward the street, and is 15 feet wide. The south elevation also features a symmetrical pattern of a single and a double casement window on each side of the T. The north elevation features a shallow porch which runs the length of the building, with a symmetrical pattern of a single casement window, door, double casement window.

The building, on a steeply sloping site, has a post-pier foundation. The walls are vertical siding, except that at the ends the siding is diagonal. The roof is gabled, and surfaced with composition shingles.

The Church Building is a non-historic building built c. 1930's.

Structurally the building seems to be in fair condition. According to an appraisal report on the structure, the electrical system is in poor condition. The roof needs attention.

WORKER'S HOUSE NO. 2

Address: #2 Bridal Veil Road, Corbett, Multnomah County, OR 97010

Map #2

DESCRIPTION:

The core of the house is in the standard worker's 24 x 24 foot shell. It has two additions: The first is a 6 x 9 foot addition at the southeast corner. The second is a 15 x 18 foot ell at the southwest corner. The original front porch is gone, replaced with a broader wrap-around deck, porch. The original front door and several original windows have been covered over. New windows and doors have been cut into all facades. The house has new board and batten siding, stained, and new aluminum and wood windows. The roof is composition shingles. The foundation is post-pier. Modern fencing borders the property on the east and south. The original brick chimney still exists, and some of the original drop-siding is still evident.

The house is unoccupied.

Structurally the building appears to be in fair to poor condition. The building has been altered well beyond its original appearance. Due to the additions, loss of original fabric and existing condition, the building totally lacks any historic integrity.

WORKER'S HOUSE NO. 3

Address: #3 Bridal Veil Road, Corbett, Multnomah County, OR 97010

Map # 3

DESCRIPTION:

This house is in original configuration with the old rear addition. The house has new siding, stained, and the windows have been replaced with plate glass in the front, aluminum and wood sash elsewhere. A new deck has been placed on the west side and rear, with a sliding glass door cut in at the rear. The roof is composition shingles. The foundation is post-pier. The original chimney is in place, but a new metal patent chimney has been installed.

The house is unoccupied.

Structurally, the building appears to be in fair to poor condition. The chimney is in extremely poor repair and the roof needs replacement. Although in its original exterior configuration, the changes to its exterior, particularly on the north facade, have greatly compromised its historical integrity.

WORKER'S HOUSE NO. 4

Address: #4 Bridal Veil Road, Corbett, Multnomah County, OR 97010

Map # 4

DESCRIPTION:

This house is in its original configuration with the old rear addition. The house has new vertical siding, stained, and has some of the original drop-siding showing. Windows are plate glass and aluminum sash replacements. The roof is wood shake. The original chimney has been replaced with a metal patent chimney. The foundation is post-pier. The original porch has been removed and a decorative porch treatment, 18" deep, has been built at the front with a lower gabled roof over it mirroring the roof line. A modern deck wraps around the front and west side, leading to a sliding glass door entryway off the kitchen.

The house is unoccupied.

The building appears to be in fair structural condition. While maintaining its original configuration, the historical integrity of the building has been greatly compromised with the addition of vertical siding, the changes to the west facade, the replacement of the windows and replacement of the original chimney.

WORKER'S HOUSE NO. 5

Address: #5 Bridal Veil Road, Corbett, Multnomah County, OR 97010

Map # 5

DESCRIPTION:

This house is close to the original configuration with the old rear addition. Siding is original six inch drop-siding, but the windows have been replaced with aluminum sash. While most windows are of similar size, the front aluminum replacements are larger than the original wood sash. In addition, new windows have been cut into the rear addition. An original roof vent window has been covered over and a new vent installed. The roof is composition shingles. The foundation is post-pier. The original brick chimney is in place.

The house is occupied, but appears to be poorly maintained.

The building appears to be in fair to poor structural condition. The building is in considerable disrepair. This structure contains more of the original features of the standard home than any other in Bridal Veil. However, the new window treatments significantly compromises the historic integrity of the building.

WORKER'S HOUSE NO. 6

Address: #6 Bridal Veil Road, Corbett, Multnomah County, OR 97010

Map # 6

DESCRIPTION:

This house is in its original configuration with the old rear addition. The original front porch and its roof have been replaced with a wrap around deck and small porch. Siding is the original six inch drop-siding. Windows are the original four-over-four double-hung sash with aluminum storm sash over. The original brick chimney is in place. The foundation is post-pier. The roof is composition shingles.

There is a 20 x 20 foot garage outbuilding to the east of the house, with sliding doors at the front. The roof is composition shingles and sagging noticeably. Siding is six inch drop-siding.

The house is unoccupied.

The structural condition of both buildings is poor. Replacement of the original porch comprises the historic integrity of the building.

WORKER'S HOUSE NO. 7

Address: #7 Bridal Veil Road, Corbett, Multnomah County, OR 97010

Map # 7.

DESCRIPTION:

This house appears to be in the most original condition of all the houses with the old rear addition. Siding is drop-siding. Windows are double-hung wood sash, paired. On the east, the 4x4 windows have been replaced with plate. The roof is composition shingles over earlier wood shingles. The original front porch roof has been removed and replaced with a wrap around deck. The original brick chimney is in place, but in poor condition. Foundation is post-pier.

Despite being in near original condition, the structural condition of the house is extremely poor. The removed original porch and the window changes also compromise the historic integrity of the building.

WORKER'S HOUSE NO. 12

Address: #12 Bridal Veil Road, Corbett, Multnomah County, OR 97010

Map # 12

DESCRIPTION:

This house is in its original configuration with the old rear addition. The siding is six inch bevelled lap-siding, which differs from the drop-siding of the houses Nos. 2 through 7 and may mean that it was built at a different time. The original front porch and shed-roof are still intact.

The house is occupied but poorly maintained.

The building appears to be in fair to poor structural condition. The building is in considerable disrepair.

WORKER'S HOUSE NO. 13

Address: #13 Bridal Veil Road, Corbett, Multnomah County, OR 97010

Map # 13

DESCRIPTION:

This house is the same as No. 12, except that the siding is V-joint rustic, with two v-joints per board. The second story vent window has been covered over.

The house is occupied but poorly maintained.

The building appears to be in fair to poor structural condition. The building is in considerable disrepair.

WORKER'S HOUSE NO. 14

Address: #14 Bridal Veil Road, Corbett, Multnomah County, OR 97010

Map # 14

DESCRIPTION:

This house is in its original configurations with the old rear addition. It also has a gabled roof addition at the front, and a 12 x 21 foot flat roofed shed/carport addition at the east facade. It has several types of siding, including six inch v-joint rustic. The windows are both aluminum and wood sash, with several original windows on the east covered over and new windows cut in. A new doorway has been cut in for access from the carport which reorients the house 90 degrees to the east. The porch on the front also appears to be new.

The building is unoccupied.

The building appears to be in fair to poor structural condition. The building is in considerable disrepair. The new doorway, window treatments and orientation greatly compromises the historic integrity of the building.

WORKER'S HOUSE NO. 15

Address: #15 Bridal Veil Road, Corbett, Multnomah County, OR 97010

Map # 15

DESCRIPTION:

This house has the original configuration with the old rear addition. However, its orientation has been reversed, with the primary entryway from the north, not south as originally built. The original south porch has been covered over and enclosed for living space. A new porch and deck have been built on the north, along with a new doorway and new windows. The original windows have been replaced with aluminum sash. The siding is new diagonal boards, stained. The foundation is post-pier. The chimney is a new metal patent chimney. The roof is wood shake.

The house is unoccupied.

The building appears to be in fair structural condition. The building is in considerable disrepair. Because of the reorientation and extensive remodeling, the house has little historical integrity.

WORKER'S HOUSE NO. 17

Address: #17 Crown Point Highway, Corbett, Multnomah County, OR 97010

Map # 17

DESCRIPTION:

This house has had significant additions to its the original 24 x 24 foot building. There is a gabled addition at the rear which is at right angles to the main roof and extends to one side, forming an ell. A recessed porch and secondary entryway was added. The original front porch with shed roof still exists, but a part of one corner of the house has been opened to the outside, extending the porch. A flat roof addition with a porch adjoins the old addition at the rear. A stone fireplace has been constructed at the west side of the house.

The windows on the front have been replaced by larger one over one double hung sash windows and new aluminum sash windows have been cut into the west elevation. On the north, most of the original windows have been covered over and new ones with aluminum sash cut in. A sliding glass door also has been cut in with a new deck on the second rear level. The first floor interior spaces have apparently been rearranged several times. The roof is surfaced with composition shingles on the south, east and west; corrugated metal on the north.

Constructed on a very steep hillside site, the house has one floor below the street level and two floors above. Below the lowest floor is an unexcavated space with post supports for the house. Many of the posts bear on wood block footings.

The house is occupied.

In very poor condition, the extensive changes to the structure over time seriously undermine any historical integrity.

MANAGER'S HOUSE NO. 18

Address: #18 Crown Point Highway, Corbett, Multnomah County, OR 97010

Map # 18

DESCRIPTION:

Larger than most of the other houses, this structure likely served as the manager's residence. The 24 x 40 foot main portion is covered by a gabled roof with the gable on the long side of the building. The roof has wide overhangs which at the gable ends are supported on five ornamental brackets. At the west corner of the front, a shallow ell projects and on the same side a gabled dormer projects for the main roof. A small addition has been made at the other end of the front of the house.

Constructed on a very steep hillside, the house has one floor below street level and two floor above. Below the lowest floor is unexcavated space with post supports for the house. Many of the post bear on wood block footings.

The siding is a combination of wood shingle, V-joint rustic and bevelled lap siding. Windows are one over one double hung wood sash, original and mostly paired. The roof is composition shingles.

The house is unoccupied.

Noteworthy as the largest and finest house in the community, building number 18 is not a singularly noteworthy example of architectural design on its own merits. It is noteworthy in Bridal Veil for its size and its decorative detail simply because the other buildings are smaller and lack any decorative detail. Further, its generally poor condition undermine its historical integrity.

WORKER'S HOUSE NO. 19

Address: #19 Bridal Veil Road, Corbett, Multnomah County, OR 97010

Map # 19

DESCRIPTION

This house was apparently in original configuration with the old rear addition, drop siding, gabled roof and post pier foundation. However, at some point, it suffered from a serious fire. Today, it is totally collapsed and beyond repair. It is without any historical integrity.

WORKER'S HOUSE NO. 20

Address: #20 Bridal Veil Road, Corbett, Multnomah County, OR 97010

Map # 20

DESCRIPTION:

This house does not have the rear addition and has undergone complete remodeling. Its orientation has been changed from east to north. It has a modern porch and roof addition on the north with two square bay windows flanking the main entryway. The siding is diagonal, stained. The roof is wood shake. A new metal patent chimney has replaced the original brick chimney. The windows are plate or aluminum sash, with the original windows covered and new windows cut in. A sliding glass door on the west facade leads to a new deck. While this is the only house in the townsite in which the remodelling reflects any sense of design, the extent of the remodeling makes it unrecognizable as a early 20th century house.

The house is unoccupied.

The house appears to be in fair to good condition. The extensive additions and remodeling however have totally compromised the historical integrity of the house.

STRUCTURE NO. 21

Address: #21 Bridal Veil Road, Corbett, Multnomah County, OR 97010

Map # 21

DESCRIPTION

This structure was either built as a garage or more likely adapted for use as one. Given its size, it may have been one of the original 24 x 24 foot worker's homes without the addition. It is considerably larger than the other garage in Bridal Veil. The building features drop siding and post pier foundation. The roof apparently was flat.

Regardless, today, the building is totally collapsed, beyond repair, and largely unrecognizable. It is without any historical integrity.

WORKER'S HOUSE NO. 22

Address: #22 Crown Point Highway, Corbett, Multnomah County, OR 97010

Map # 22

DESCRIPTION:

With 1,500 square feet on each of its three floors, this house is larger than most of the worker houses. Yet, it does not feature the detail of the manager homes. Located on a steep hillside, it has one full floor below street level and two above. Below the lower floor is unexcavated space surrounded by wood skirting boards having a V-joint pattern and applied vertically. The foundation is post-pier, except that at the street level a concrete block foundation has been added along the front.

The exterior siding is six inch drop-siding. All windows and doors have been removed. The gabled roof is wood shake and the ridge of the roof parallels the street. Ornamental brackets similar to those on the manager's house support the wide overhand at each gable end. A large shed dormer extends across half of the front slope of the roof.

It has a recessed porch on the west end of the south elevation, and a second, simpler entry at the east end. A stone fireplace has been constructed on the west side of the house.

All interior features have been stripped, including walls.

The size of the house and location of the house might lead to speculation that it served as a manager's house. However, what little detail remains--roof brackets and porch columns--are exceptionally simple in design and construction, suggesting that it more likely served as a boarding house.

The house is unoccupied and appears to be in poor condition. It is in considerable disrepair. Because it has been stripped so totally, the structure is but a shell and without any historical integrity.

SECTION 4

CONTEXTUAL EVALUATION AND FINDINGS: COMPANY TOWNS

[Portions of this section have already been submitted to the Oregon State Historic Preservation Office and are being used as a reference point in evaluating company towns in the state.]

In evaluating Bridal Veil, the HIC team first considered the community as company town. By definition, a company town is a community where the business entity involved owns all the structures, industrial, residential and commercial. And by definition, the towns existence and growth is tied to the nature and success of the industry. At one time, Oregon had numerous mining towns, fishing towns, and logging town. Today, the company town is exceedingly rare. An intact example of a late 19th century or early 20th century company town would be an important asset in interpreting and understanding Oregon's history.

The HIC team examined and evaluated six company towns active in the period. They are considered in chronological order of establishment:

BRIDAL VEIL

The Bridal Veil Timber Company started operations in 1886. The facilities, along the Columbia River adjacent to Bridal Veil Falls, included resaw and planing mills, office facilities and some 15 residences. With the possible exception of the post office, there does not appear to have been any substantial commercial section. The railroad and river boats provided convenient transportation. The logging and rough sawing were all done at Palmer and Brower on the bluff some 1500 feet above the river. The rough sawn lumber traveled by flume down to Bridal Vail for finishing and shipping. Most of the employees were housed at the upper mill camps. The mill and some other facilities were destroyed by fire in 1936 and the present industrial buildings except for possibly the resaw building were all constructed after the Bridal Veil complex ceased operating a company town.

BROOKINGS

The Brookings Lumber & Box Company founded this town in 1908. It was laid out by Bernard Maybeck, the well known San Francisco architect. The original company facilities have been overwhelmed by the population influx after World War II. The company headquarters and some other structures are still standing but the "Company Town" phase is long past.

VALSETZ

This was a true company town established in 1920 by the Cobbs and Mitchell lumber interests. It was isolated on the west slopes of the Coast Range at the end of the logging railroad so complete commercial facilities were provided for the residents. By 1989, the timber was all cut so the mill pond was emptied and the town completely removed. The site was replanted as part of a tree farm.

WESTFIR

Westfir was established in 1923 by the Western Lumber Company. They entered into a contract with the Forest Service to cut 50 million feet of lumber a year. This required a substantial mill and adequate housing. The town was built on what was to become the main line of the Southern Pacific Railroad and Oakridge was nearby so commercial facilities were not critical. By the 1970's, the timber was running out and about 1980, the mill was destroyed by fire. In 1991 nothing remains of the mill, the only commercial buildings are a small store and the small company hotel converted to a bed and breakfast inn. There are a few residences near the store, apparently former manager and supervisor homes. West of and across the river are 25 or 30 original employee homes. All these residences have had slight or major modifications to suit the present owners. Little remains to suggest the one time company presence.

KINZUA

Kinzua was established in 1928 by the Kinzua Pine Mills Company. It was in an isolated area of Wheeler County. I have no definite description but understand it was a complete unit: mill, commercial buildings and residences. Like Valsetz, the entire installation was removed after the timber ran out and the area has now been replanted as a tree farm.

GILCHRIST

Gilchrist was built in 1937-38 by the Gilchrist Timber Company. It also was an isolated community and required industrial, commercial and residential buildings. It was laid out by Hollis Johnston, well known Portland architect. In 1991, it is still complete and without major alteration. In addition to the mill there are some 125 residences and complete community facilities. These include a mini shopping center along the highway, post office, high school and two churches. Everything is owned by the company and all buildings are painted in a single coordinated color scheme. Public lawns are green and well kept and the entire community is a magnificent example of a caring and public spirited company providing for its employees.

BRIDAL VEIL AS COMPANY TOWN

The importance of a company town as a historical resource is tied to the degree it remains intact and spatially reflects its industrial heritage. Of the sites evaluated, only Gilchrist retains its architectural and historical integrity as a lumber company town. It still maintains the mix of private and public facilities which functioned under the company auspices.

Bridal Veil was part of a larger lumber operation on Larch Mountain. Without the larger camps on the bluff, the significance of a well-maintained Bridal Veil is significantly lessened. It would display less than half the picture.

More importantly, Bridal Veil as a company town lacks the primary historical artifacts. The flume, the sawmill, the sorting bins--all of the 19th century and early 20th century industrial buildings are gone. So are the commercial and community buildings. Without these buildings, or even significant ruins, the company town lacks cohesion.

Finally, the structures that do remain, the homes, have a low level of historical integrity. They date not to the earliest years of the town, but to the early 20th century. Even then, they are in poor condition and have been extensively remodelled.

A well-maintained collection of structures with a high degree of historical integrity which reflected life in an Oregon lumber town would be a significant asset. Bridal Veil today lacks the historical resources of a company town beyond the residences, most of which have been significantly remodelled. What remains lacks the historical and spatial integrity to adequately define and reflect its historical roots as a company town.

SECTION 5

EXISTING INVENTORIES OF HISTORIC RESOURCES

Over the past two decades, there have been three significant pro-active inventories of historic resources in the Multnomah County portion of the Columbia Gorge, and one passive inventory.

1. The most comprehensive study of historic resources in the area was Steve Beckham's 1988 study, Prehistory and History of the Columbia River Gorge National Scenic Area. Of 226 pages, the author spends five sentences discussing the history of the community of Bridal Veil. He does not identify the area or any specific building as being an important resource.
2. The State of Oregon completed a thorough "Study of the Historic Columbia River Highway" in 1987. That study lists three regionally and 37 locally significant historic buildings between Sandy River and Dodson. None of these was located on the Bridal Veil site.
3. In the late 1970's, for its goal 5 inventory process, Multnomah County established a zoning overlay which identified historic structures. In 1988, the county again inventoried all significant historic structures within the county, utilizing the services of an outside contractor, Kohler/Morrison. Some 60 historic resources were identified. Neither the zoning overlay or the Kohler/Morrison county inventory identified any buildings on the Bridal Veil site as historical.
4. The National Register for Historic Place identifies districts, sites, buildings, structures and objects with historic significance, whether national, state or local. The criteria is sufficiently broad to include not only residential properties, but industrial and commercial sites. Nominations come from the State Historic Preservation Office, but generally are initiated by private citizens. Resources do not have to be nominated by their owners. The register is nearly twenty-five years old. The area and structures of Bridal Veil have not been nominated and until this year no one has suggested they should be.

The HIC team finds that the question of historic resources in the Multnomah County portion of the Columbia River Gorge has been actively explored and that none of the existing evaluations or inventories considered the buildings and site of Bridal Veil significant.

SECTION 6

THE NATIONAL REGISTER OF HISTORIC PLACES CRITERIA

Apart from existing inventories, the HIC team evaluated Bridal Veil on accepted criteria for historical significance.

The question of what and how to preserve is not new. It has been asked time and again about buildings, sites and objects too numerous to list. In 1935, the Historic Sites Act authorized the Secretary of Interior to identify properties of national significance in United States History and to recognize them as National Historic Landmarks. The National Preservation Act of 1966 expanded the focus to include properties of state and local importance. To recognize these state and local landmarks, the act also provided for a National Register of Historic Places, to be maintained and expanded by the National Park Service on behalf of the Secretary of Interior. In order to provide a coherent, rational system to evaluate the thousands of possible sites, the National Park Service has developed a rather sophisticated, comprehensive yet flexible set of criteria which is applied possible nominations. In short order, the criteria are:

A) Significant Event: A site must be associated with one or more events important in the site's historic context. As described in the National Register Bulletin:

Criteria A recognizes properties associated with a single event, such as the founding of a town, or with a pattern of events, such as the gradual rise of a port city's prominence in trade or commerce. The event or trends, however, must be important within the associated context. . . . *Moreover the property must have an important association with the event or historic trends, and it must retain historic integrity.* (italics added)

B) Person: A site must be associated with individuals whose specific contributions to history can be identified and documented. These simply are not people who existed before, but people demonstrably important within a local, state or national context.

C) Design/Construction: A site must be significant for its physical design or construction, including such elements as architecture, landscape architecture, engineering and artwork. To be eligible here, a property must:

- * embody distinctive characteristics of a type, period or method of construction
- * represent the work of a master
- * possess high artistic value
- * represent a significant and distinguishable entity whose components may lack individual distinction.

D) Information Potential: A property may be eligible for the National Register if it contains or may be likely to yield information in prehistory or history. The most common sites under this criteria are archaeological.

Two premises underlay all of the criteria: First is integrity. Does the property retain the essential physical features that made up its character or appearance during the period of its association. Second is level of significance. Does the property represent an *important* event, person, design or information contribution.

THE MULTNOMAH COUNTY COMPREHENSIVE FRAMEWORK PLAN SUMMARY

Generally, local governmental agencies followed the guidelines of the National Register for Historic Places in establishing their own criteria for what is and what is not preserved. Multnomah County is no exception. In November, 1991, Multnomah County published the latest revised edition of the above summary to create a framework to guide and direct land use in the county, and to provide a context for resolving conflicting priorities.

Policy 16-I states that it is the county's policy to recognize significant historic resources, and to apply appropriate historic preservation measures to all designated historic sites by utilizing "the National Register of Historic Places" in the designation of historic sites. In addition, the policy recognizes six criteria for evaluation:

Historical - Property is associated with significant past events, persons, trends or values, and has the capacity to evoke one or more dominant themes of national or local history.

Architectural - Property is a prime example of a stylistic or structural type, or is representative of a type once common and is among the last examples surviving in the county.

Environmental - Current land use surrounding the property contributes to an aura of historic period.

Physical Integrity - Property is essentially constructed on original site.

Symbolic value - Through public sentiment, property has come to connote an ideal, institution, political entity or period.

Chronology - Property was developed early in the relative scale of local history.

SECTION 7

FINDINGS

In evaluating the architectural and historical significance of Bridal Veil, the HIC team first compared the buildings individually and then collectively against the standards for preservation as codified by the National Register for Historic Places and also by Multnomah County. For purposes of the historic context, 1941 is used as a cut off date. This is the date when the Bridal Veil Timber Company ceased operations and the historic period ends.

BRIDAL VEIL AND NATIONAL REGISTER CRITERIA

A. ASSOCIATION WITH SIGNIFICANT EVENT

To qualify under section A, the National Register has three primary tests. First, that the building or buildings be closely associated with a singular event or pattern of events. Second, that the event or events be important within the historical context. And finally, that the building or buildings retain historic integrity.

The HIC team has explored the literature available, including the exhaustive compilation by Tourism Development Associates and the in-depth history of the Bridal Veil Lumbering Company by William F. Carr. No singular event stands out in the historical context to which the structures are tied.

Tourism Development Associates has suggested that the buildings can be tied to the general event or theme of logging in the Columbia Gorge region. The HIC team questions the importance of that theme to an area designated as a National Scenic Area. Nonetheless, even accepting the historical context, the HIC does not find that the buildings individually or collectively can be closely tied to the theme other than in a purely ancillary and tentative fashion.

A cohesive collection of well-maintained essentially unaltered structures built by a single logging company in a coherent growth pattern would be worthy of preservation. It could provide industrial archaeological interpretive opportunities valuable in conveying an important component of local history. The spatial arrangements and built environment alone would offer insight in an important element of Oregon's past.

However, the primary industrial structures of Bridal Veil were the sawmill and the flume, neither of which today exists. Housing in a logging camp or lumber mill was purely a secondary notion, as reflected in the common nature of the houses that remain.

Individually, the buildings were simple, common and functional when built. Over the years, they have had interiors alterations, fenestration changes, siding changes, structural additions and structural deletions. Additionally, the ravages of neglect and time leave them generally in poor condition. Extensive rehabilitation work would be required, further reducing what original fabric exists. Simply put, the costs would be prohibitive and without merit from a significance perspective.

Collectively, the structures do not represent any sense of community or company town. None of the early industrial structures remains, nor do the commercial or community structures. Only a few of the houses exist. The dates of construction vary. The spatial arrangement conveys nothing of a coherent town plan.

Finally and ultimately, the HIC team finds that none of the existing buildings retains enough integrity to be considered individually or collectively for their association to the late 19th century.

After evaluation, the HIC finds that the structure and area under consideration does not have any significance association, individually or collectively, to an event or theme.

B. ASSOCIATION WITH A SIGNIFICANT PERSON

To qualify under section B, the National Register has two primary tests. First, that the building or buildings be closely associated with a person singularly important within the historical context. Second, that the building or buildings retain historic integrity.

Again, in examining the literature available, including the Tourism Associates and the Carr studies, the buildings have no ties to any person singularly important within the historical context. Additionally, as noted, the level of integrity of the structures is quite low, particularly in the late 19th/early 20th century when the town was at its peak.

After evaluation, the HIC finds that the structure and area under consideration does not have any significance association, individually or collectively, to a person.

C. ARCHITECTURAL SIGNIFICANCE

To qualify under architectural significance, the National Register tests whether a building embodies "distinctive characteristic of types, periods, and methods of constructions". The question is whether an individual structure or collection of structures reflect high artistic value, or a significant design or construction theme.

The nature of these company town structures, by definition, were temporary and functional. The HIC team finds that the structures represent neither high artistic value nor significant design or construction themes.

After evaluation, the HIC finds that the structure and area under consideration does not have any architectural significance.

D. INFORMATION POTENTIAL

To qualify under section D, the National Register applies two tests: First, does the property have information to contribute to our understanding of history. Second, is that information important.

In examining the literature available, the HIC team finds that the potential for additional significant information is remote. The Bridal Veil Lumber Company records are located at the Oregon Historical Society. William Carr has exhaustively studied the history of the company. And John Woodward conducted a 5-year archaeological study of Larch Mountain on which Bridal Veil is located. Finally, it must be recognized that the period under consideration is relatively modern with an enormous wealth of information on all aspects of the human condition.

After evaluation, the HIC finds that the structure and area under consideration does not have any information potential.

BRIDAL VEIL AND MULTNOMAH COUNTY HISTORIC SITE CRITERIA

Multnomah County generally follows the standards of the National Register for Historic Places in evaluating sites. However, it outlines the criteria in a slightly different format. For these reason, the HIC team applied the Multnomah County criteria to Bridal Veil as well.

A. HISTORICAL SIGNIFICANCE

The criteria refers to association with people, events, values and historical themes and is somewhat broader in application than the National Register criteria. For that reason, the HIC team examined the broader question of historical context.

No singular event important in the history of logging or the state occurred at Bridal Veil. No individual of relative significance lived in Bridal Veil. Therefore, the structures have no historical significance individually.

If the collection of structures offered insights into life in a company town in a particular era, then the collective of Bridal Veil would be historically significant. Such is not the case. None of the early lumber structures remains. None of the residential structures is intact. The exact location of many of the original buildings is questionable. The spatial arrangement today is not reflective of any coherent development.

The HIC team concludes that the site has lost its historic context due to the lack of integrity and its lack of any major industrial element which could tie the site together. Based on accepted standards of evaluation, Bridal Veil has no historical significance due to the loss of integrity at the site.

B. ARCHITECTURAL SIGNIFICANCE

This criteria is essentially the same as National Register criteria B.

C. ENVIRONMENTAL CONSIDERATIONS

The criteria refers to a historic ambiance created by the current land use.

Logging and lumber operations at Bridal Veil ceased just before World War II. Most of the buildings are unoccupied and in poor shape. Today, while elements of the former town can be envisioned along Bridal Veil Road, the HIC team did not feel that the general area comprising what had been the town of Bridal Veil conveyed any sense of its past.

D. PHYSICAL INTEGRITY

This criteria refers to the property being today essentially as constructed originally.

As discussed throughout, the level of late 19th century/early 20th century integrity in the existing structures is extremely low. The houses were functional and simple. For most of the 20th century, the companies which owned the community did not invest in maintaining the structures. In the 1960's, however, the then owner did, resulting in numerous modern adaptations. Over the years, the houses have had interior alterations, fenestration changes, siding changes, structural additions and structural deletions. None is in good shape.

The HIC team finds that none of the structures is in original or historical condition.

E. SYMBOLIC VALUE

This criterion refers to a property or area serving as a historic symbol, connoting a period, ideal or institution.

Certainly, for the current residents and historians who have studied the area, the homes at Bridal Veil represent a heritage. However, when hearing the name Bridal Veil, most residents of the county and state think of the falls for which the town was named. Former parts of the Larch Mountain logging operation--Palmer and Brower--are totally unknown to the general public.

The HIC team concludes that the community of Bridal Veil has local symbolic value but due to the lack of integrity of the structures on the site, the symbolic value is tied to the logging operations which once existed, not to the existing structures on the site.

F. CHRONOLOGY

This criteria refers to a property being developed early in the relative scale of local history.

The history of the community can be traced back to the times of relative isolation in the 1880's. This date is some twenty years past the establishment and development of Portland, and eighty years past the times of Lewis and Clark. For the still relatively undeveloped area, the date of initial development is early.

The HIC team finds that these are some of the earlier houses developed on Larch Mountain. This conclusion, however, is tempered by the lack of historical integrity for the community and structures, which undermine any arguments for preservation.

INTERPRETIVE OPPORTUNITIES

In its report to Multnomah County, Tourism Development Associates suggested that Bridal Veil possesses an opportunity to interpret the social, cultural and settlement patterns of people living and working in the lumbering industry in the Columbia Gorge. The area does have a history to tell.

The consultant's study of Bridal Veil's history is exhaustive. It details an industry that encompassed large portions of Larch Mountain. The town of Bridal Veil was only the site of the finishing mill. The trees were harvested at logging towns like Palmer nearly 2 miles away and 1500 feet above. The logs were rough cut and then traveled by flume to Bridal Veil for processing and shipping.

The lack of significant historic fabric on the mountain means that telling this story through the built environment would not be preservation of an existing historic resource, but a re-creation. As noted throughout this report, the only physical remains of this industry are a few houses in poor condition with little 19th century integrity. The historical industrial structures are gone, as are the remnants of the upper logging towns.

The HIC team concludes that preservation and restoration of the site would not be key to the interpretation of the history of logging on Larch Mountain. The team does endorse efforts to tell the story, but considers interpretive markers or kiosks more cost-effective in reaching large audiences. Additionally, if the intent is to convey the heritage of lumber towns in the Columbia Gorge to the largest possible audience, alternatives such as traveling exhibitions based on the Bridal Veil Lumber Company records and industrial artifacts would be an opportunity as well.

SUMMARY

Evaluation Process: In the spring of 1991, the Trust for Public Land acquired the land encompassing the town of Bridal Veil. As part of its planning process, they contracted with Heritage Investment Corporation [HIC] to inventory the buildings in Bridal Veil and to evaluate the town's historic significance. HIC assembled an experienced interdisciplinary team, led by John Tess. This team included architect Richard E. Ritz, historian Lewis L. McArthur, heritage tourism expert Robert Mawson, researcher Anne Schultz and photographer Jerre Kosta. After conducting historical research and site visits, the HIC team applied federal and local standards for evaluating historic sites against the individual structures and community of Bridal Veil.

History of Bridal Veil: Bridal Veil developed in the late 19th century as a lumber mill operation on Larch Mountain. The arrival of the Oregon Railway and Navigation Company through the area made this otherwise remote site accessible. The town took its name from the Bridal Veil Falls, located just west of the town. From the 1890's through the 1930's, the logging operation on Larch Mountain and the sawmill operation in Bridal Veil continued, suffering through fires and varying levels of economic success. In 1936, fire destroyed a large portion of the lumber company at Bridal Veil and the company decided not to rebuild. In 1941, the company ceased operations. In 1944, the Forest Service burned the "ghost town" of Palmer, the primary logging camp supplying rough cut logs to the sawmill operation. From 1937 to 1962, Bridal Veil was owned by Kraft Cheese Company for the manufacture of wood boxes. In 1962, Kraft sold the site. For the next thirty years, Bridal Veil went through a succession of owners until it was sold to the Trust for Public Lands in 1991.

Bridal Veil Today: The site consists of sixteen houses, 1 church, 1 post office, and 3 industrial buildings. The houses date to the first part of the 20th century and are in poor condition. The church is a reasonably modern building, circa 1940's. The Post Office was a first aid shed converted for use, again of 20th century origin. All of the industrial buildings date to the 1930's or later, and are in generally fair to poor condition. None of the structures dates to the early beginnings of the town. None of the historical industrial, commercial or community buildings or structures remains.

The lumbering operation on Larch Mountain began at logging camps such as Palmer. Located some 1500 feet above Bridal Veil, the logs were rough cut and traveled by flume down to Bridal Veil. There, the logs were finished cut and processed for shipping. As noted, Palmer was burned by the Forest Service in the 1940's, while Bridal Veil--without any of the historic industrial buildings--reflects little spatially of its early years as a lumber town. The spatial arrangement of the town today does not reflect a cohesive community, historically or otherwise.

Criteria for Historic Significance: As part of the 1966 National Preservation Act, the federal government created the National Register for Historic Places. The criteria for inclusion on the Register has become the standards for evaluating the historic significance of a building or site. There are four primary categories: Association with a significant event, Association with a significant person, Architectural merit, or Information Potential. In addition, a critical element for all categories is the issue of historic integrity. In other words, is the building today what it was during the time for which significance is claimed.

In addition to federal standards, most local governments also have standards for evaluating historic sites. Many of these standards mirror those of the National Register, but may be stated slightly differently. In Multnomah County, the criteria is outlined in its comprehensive framework plan. In addition to the National Register standards, the county outlines six categories: Historical association, architectural distinction, environmental ambiance, physical integrity, symbolic association, historical chronology.

Findings: The HIC team believes that a well-maintained collection of essentially unaltered structures built by a single lumber company in a coherent growth pattern would be worthy of preservation. Any of the elements alone would provide interpretive opportunities. Collectively, it would offer significant insight into an important element of Oregon's past.

Regrettably, the HIC team found a collection of buildings in poor condition, considerably altered over time, reflecting no recognizable town spatial arrangement. None of the original industrial, commercial or community buildings or structures remain. All that remain are homes that date to the first part of the 20th century. These have been remodeled, in many cases extensively and are in poor condition.

The HIC team found that historic resources in the Multnomah County section of the Columbia River Gorge had been examined at least three times prior, including twice under its goal 5 mandate. None of those examinations indicated that the site or buildings of Bridal Veil were noteworthy.

In applying federal and local standards for historical significance independent of previous studies, the HIC team found little justification for considering Bridal Veil, the site or buildings noteworthy. It found no significant association with a person or event. It found no significance architecturally, nor from the standpoint of offering potential information. Finally, it found an extremely low level of historic integrity.

The lack of significant historic fabric on the mountain means that telling this story through the built environment would not be preservation of an existing historic resource, but a re-creation. As noted throughout this report, the only physical remains of this industry are a few houses in poor condition with little 19th century integrity. The historical industrial structures are gone, the commercial structures are gone, the community structures are gone as are the remnants of the upper logging towns.

In sum, in applying the federal and local standards, the HIC team found the Bridal Veil site lacking of historic significance based upon the lack of integrity at the site.

Nonetheless, the HIC team does feel that the story of logging on Larch Mountain is important. They recommend that informational and interpretive kiosks be installed as the most cost-effective means of interpreting the site.

TABLE 1

BRIDAL VEIL AS COMPANY TOWN

Test 1: Do any of the historical industrial buildings exist?

No.

Test 2: Do any of the historical commercial buildings exist?

No.

Test 3: Do any of the historical community buildings exist?

No.

Test 4: Does the spatial arrangement accurately represent life in the historical period?

No.

TABLE 2

SUMMARY OF BUILDING RESOURCES AND HISTORICAL INTEGRITY

<u>Building</u>	<u>Importance</u>	<u>Integrity</u>	<u>Condition</u>
Resaw Building	secondary	none	poor--partially collapsed
Warehouse	secondary	low	fair to poor--needs major restoration
Maintenance Shop	secondary	low	fair to poor--needs major restoration
Post Office	none	none	good--adapted/moved to site
Church	none	none	fair-- outside historical period
Worker's House #2	tertiary	none	fair to poor--significant additions
Worker's House #3	tertiary	none	fair to poor--totally remodelled in 1960's
Worker's House #4	tertiary	none	fair--totally remodelled in 1960's
Worker's House #5	tertiary	low	fair to poor--needs significant restoration
Worker's House #6	tertiary	low	poor--needs significant restoration
Worker's House #7	tertiary	low	very poor--needs major restoration
Worker's House #12	tertiary	low	fair to poor--needs significant restoration
Worker's House #13	tertiary	low	fair to poor--needs significant restoration
Worker's House #14	tertiary	low	fair to poor--totally remodelled in 1960's
Worker's House #15	tertiary	low	fair--needs significant restoration
Worker's House #17	tertiary	low	very poor--needs major restoration
Worker's House #18	secondary	low	poor--needs major restoration
Worker's House #19	tertiary	none	n/a--collapsed
Worker's House #20	tertiary	none	good to fair--totally rebuilt in 1960's
Worker's House #21	tertiary	none	n/a--collapsed
Worker's House #22	tertiary	none	poor-- lacks all detail, lacks interior walls

Submitted by the Historic Preservation League of Oregon
12/29/92

12/29/92 P-2
MIKE BYRNES
SUBMITTAL

**Proposed additions to the Planning Commission's Conclusions
for Case C 9-92.**

**Re: The proposed agreement between the Trust for Public Lands
and the Crown Point Historical Society on the evaluation of
Bridal Veil.**

These suggestions in no way represent an approval of the proposed agreement but are presented as a way to help facilitate the adoption of findings that are consistent with the Goal 5 process.

Modify:

Number 4. The houses may retain enough original materials and structure to understand and interpret their original appearance and in some cases make restoration possible. To the extent that Bridal Veil portrays a sense of social and economic hierarchy of the workers and the managers, this relationship could be represented through the worker's row houses and the Kraft House.

Number 7. The remainder of Goal 5 process, including identification of conflicting uses, ESEE analysis and resulting proposal for appropriate protection should be conducted for the site. This shall including all archaeological features, the six worker's row houses and the Kraft House. Other structures, although deemed historically significant can be removed without detriment to the interpretation of the site. As a condition to the demolition of any structure the property owner will agree to:

- Document all the buildings proposed for demolition with photographs and plan drawings.
- Allow for the salvage of all important architectural features.
- Protect all archaeological features from being disturbed during the demolition process.

The ESEE analysis shall be completed and a report filed with the Planning Commission in sufficient time for the ESEE analysis to be heard for a decision at its' regular April 5, 1993 meeting. A Task Force should be formed to assist in this process.



CROWN POINT COUNTRY HISTORICAL SOCIETY

P.O. BOX 17 • BRIDAL VEIL, OREGON • 97010

12/29/92 P-2
CHRIS BECK
SUBMITTAL

December 28, 1992

Gladys McCoy, Chair
Multnomah County Commission
1120 SW 5th
Portland, OR 97204

Dear Commissioner McCoy:

We are writing with regard to the Bridal Veil mill site in the Columbia River Gorge. As you know this has been a highly contentious issue for the major parties involved. This letter reflects an effort to resolve this issue with a compromise proposal for consideration by the Board at its December 29th hearing.

Attached are alternative findings and conclusions to those approved by the Planning Commission. While the proposal outlined in these findings does not resolve the issue to any group's total satisfaction, we all feel it is an acceptable compromise and a positive step forward.

Very briefly, the compromise is as follows: The Bridal Veil site should be listed on the County's Historical Resources Inventory. An ESEE analysis should be conducted for only seven of the buildings on the site, including the six row houses between the church and the cemetery and the most westerly of the larger homes along the scenic highway. Any historical significance on the site could be interpreted without the remaining buildings. The Trust for Public Land should be granted its SEC permits for all of the remaining buildings. Furthermore, TPL has agreed to donate to the Crown Point Country Historical Society any visible items of interest, specifically, pieces of the log flume, which might be discovered in the demolition process.

We hope you will consider this compromise proposal carefully and adopt these findings and conclusions.

Sincerely,

Chris Beck
Chris Beck
Trust for Public Land

Chuck Rollins
Chuck Rollins
Crown Point Country
Historical Society

FINDINGS

Compliance with Goal 5 Criteria:

Location -- Bridal Veil town and mill area, bordered on the west by Bridal Veil Creek, on the east by the eastern edge of the cemetery, on the north by the railroad tracks, and on the south by Crown Point Highway; described as Lots 7-10 and 12-15 of the First Addition to Bridal Veil; Tax Lots '2 and 3; the portion of Tax Lot 11 lying north of the Crown Point Highway; Tax Lot 19; the portion of Tax Lot 18 lying east of and including Bridal Veil Creek, plus a portion of the railroad right-of-way between the I-84 interchange and Bridal Veil Creek, all in Section 22, T1N, R5E (see attached map). This encompasses the original town site and mill area, the cemetery, and all existing buildings.

Quantity -- Bridal Veil is the only mill town in Multnomah County with remaining elements of that heritage, which increases its significance as a resource in Multnomah County. When considered on a statewide basis, Bridal Veil is one of several mill towns remaining.

Quality -- Bridal Veil operated as a mill town from approximately 1890 through 1940. Modern infill development has occurred detracting from the historic setting of the original town. None of the original town buildings are present and the layout of the town is no longer as originally established except for the presence of the smaller houses for workers near the I-84 access road. All buildings on the site were constructed after 1900. While all of the individual workers' houses have been altered and updated over time, structurally they remain similar to when they were built.

Compliance with Comprehensive Plan Historical Site Criteria:

- A. Historic Significance. "Property is associated with significant past events, personages, trends or values and has the capacity to evoke one or more of the dominate themes of national or local history."

The logging and wood processing industries played a major role in Multnomah County's development. The state Historic Preservation Office has identified the timber and fishing industries as the broad themes most requiring cultural resource context studies. Bridal Veil was a mill town associated with the timber industry and logging in the Columbia Gorge. It also evokes the theme of transportation because of its association with shipping of products first on the Columbia River, then by rail, and the development of the Columbia River Highway which opened the Gorge to early (and continued) tourism. Without the original social and many other buildings, the remaining structures do not reveal a significant historic or social context. The presence of the I-84 access road diminishes any historical context illustrated by the remaining buildings. Nevertheless, the

workers' row houses between the church and cemetery and the managers houses exhibit some limited sense of the past relationship between the workers and managers at Bridal Veil.

- B. Architectural Significance - "Property is a prime example of a stylistic or structural type, or is representative of a type once common and is among the last example surviving in the county. Property is a prototype or significant work of an architect, builder or engineer noted in the history of architecture and construction in Multnomah County."

Bridal Veil as a whole no longer depicts the mill town which once existed on the site. No important architect, building, or engineer was associated with the design or construction of the houses. The houses do not represent a stylistic or structural type other than basic vernacular.

- C. Environmental Considerations - "Current land use surrounding the property contributes to an aura of the historic period, or property defines important space."

Non-historic infill has occurred within the townsite area. The presence of the access road from Interstate-84 significantly separates the cemetery, row-houses, and the existing non-historic church building from the remainder of the site. All other community buildings are gone. The mill buildings are from a more recent date and there is no sawmill equipment or machinery left to indicate the historic use. The predominant surrounding land use reflects the natural and scenic values of the Columbia River Gorge. Bridal Veil Falls State Park, the Columbia River, views to Cape Horn and the adjacent National Forest lands are the dominant features of the area. The proposal for a natural park on the Bridal Veil site has community support and is compatible with various county policies for the Gorge.

- D. Physical Integrity - "Property is essentially as constructed on original site. Sufficient original workmanship and material remain to serve as instruction in period fabrication."

The houses and some of the other structures and mill area are in the same locations as originally constructed. There has been some alteration to exterior and interior features on all the structures. However, there may be enough original material and workmanship remaining to interpret their original appearance.

- E. Symbolic Value - "Through public interest, sentiment, uniqueness or other factors, property has come to connote an ideal, institution, political entity or period."

Bridal Veil has symbolic value as evidenced by public testimony received during the public hearing process. It

possesses some unique qualities with respect to Multnomah County, and some public sentiment, particularly of nearby residents, has been shown for its preservation. The site connotes an earlier period in county history when small settlements were established to process timberland other natural resources. The townsite is symbolic of early logging practices in the Columbia Gorge and the positive and negative aspects thereof. The fact that Bridal Veil diversified the type of wood products produced and continued to operate as a mill town until the 1940's lends additional sentiment and testimony to its long history which many area residents do not want to see destroyed. The public record reveals heightened symbolic value for the workers' row houses and the Kraft house along the scenic highway.

- F. Chronology - "Property was developed early in the relative scale of local history or was an early expression of type/style."

Bridal Veil was established in the 1880's. While several mill towns were established in the county earlier than this, none of their remnants exist today. On a state comparison level, Bridal Veil is the earliest remaining example of a timber-related company mill town.

PLAN REVISION CRITERIA:

MCC 11.05.290: The burden of proof is upon the person initiating a quasi-judicial plan revision. That burden shall be to persuade that the revision is:

- (1) Consistent with the procedures of ORS 197.610-.625 including any OAR's adopted pursuant to these statutes.

ORS 197.610-.625 deals with giving 45 day notice to DLCD of a proposed plan amendment, sending a copy of the amended text and adopted findings within 5 days of the final decision, the right of appeal, and final acknowledgement 21 days after the final decision if unappealed. These procedures are being followed. ORS 197.732 deals with Goal exceptions, not applicable to this proposal.

- (2) Evidence that the proposal conforms to the intent of relevant policies in the Comprehensive Plan or that the Plan policies do not apply.

Comprehensive Plan Policy 16: "The purpose of the Natural Resources policy is to implement statewide Planning Goal 5: 'Open Spaces, Scenic and Historic Areas, and Natural Resources'. These resources are necessary to ensure the health and well-being of the population, and include such diverse components as mineral and aggregate reserves, significant wetlands, historic sites, and scenic waterways". Sub-policy 16-

I: "It is the county's policy to recognize significant historic resources, and to apply appropriate history preservation measures to all designated historic sites". The Bridal Veil site complies with the Historic Site Criteria. Amending the Comprehensive Plan will recognize the site's historic significance. Protection is provided to resources included in the inventory through MCC 11.15.8720, which requires design review prior to any alteration of an historic structure and a public hearing process prior to removal or demolition of the structure. Further site specific protection may be proposed based on the results of the ESEE analysis.

- (3) Evidence that the uses allowed by the proposed change will: 1) not destabilize the land use pattern in the vicinity, 2) not conflict with existing or planned uses on adjacent lands, and 3) that necessary public services are or will be available to serve allowed uses.

Amending the Comprehensive Plan to include Bridal Veil on the inventory of significant historic resources will not cause a change in allowed uses. Thus there will be no destabilization of the local land use pattern or conflicts with adjacent land uses, and no need for additional public services. Completion of the ESEE analysis may lead to development of a protection plan requiring adoption of a Historic Preservation overlay zone, which could change the allowed uses. This would require additional public hearings, and any effects to adjacent properties or land uses would be discussed at that time.

CONCLUSIONS

1. Bridal Veil contains the only remnants of a former mill town in Multnomah County. It ceased operations as a mill in the 1940's.
2. Bridal Veil is associated with the historic theme of the timber industry, which was an important factor in the development of the county and state.
3. The physical layout of the six workers' row houses between the Church and the Cemetery is the same as when constructed in the early 1900's, and relays some sense of the history associated with the workers of the Bridal Veil community.
4. The workers' row houses may retain enough original materials and structure to understand their original appearance. Their separation from the remainder of the site, potentially establishes a viable historical complex, and justifies their

further consideration through the Goal 5 process and ESEE analysis.

5. Some public interest and sentiment supports the preservation of at least a few of the buildings at Bridal Veil as a means of preserving and interpreting the town site.
6. Some public interest and sentiment support the preservation of the Kraft House along the Columbia River Scenic Highway. This building was mentioned in the 1981 National Park Service inventory and merits further consideration through the Goal 5 process and ESEE analysis.
7. To the extent that Bridal Veil portrays a sense of social and economic hierarchy of the workers and managers, that relationship could potentially be represented through the workers' row houses and the Kraft House.
8. Plans for a public natural park have received community support as well as significant philanthropic support. Such a park could be developed on the Bridal Veil site west of the I-84 access road and north of the Columbia River Scenic Highway. The buildings on this portion of the site, except for the Kraft House and its site, do not possess significantly historic qualities and do not merit protection or preservation.
9. Bridal Veil complies with some of the Historical Site Criteria found in the Comprehensive Framework Plan. The Comprehensive Plan should be amended to include the Bridal Veil site in the inventory of significant historic resources.
10. The remainder of the Goal 5 process, including identification of conflicting uses, ESEE analysis, and resulting proposal for appropriate level of protection should be conducted for the site, the six workers' row houses and the Kraft House. (All other buildings on the site are not of historical significance nor are they Archeological Resources, and shall not be listed on the County's inventory of resources. Any historic significance on the site could be adequately interpreted without these buildings). The ESEE analysis shall be completed and a report filed with the Planning Commission in sufficient time for the ESEE analysis to be heard for decision making at its regular April 5, 1993 meeting. A Task Force should be formed to assist in this process.



DEPARTMENT OF ENVIRONMENTAL SERVICES
DIVISION OF PLANNING AND DEVELOPMENT
2115 SE MORRISON STREET
PORTLAND, OREGON 97214 (503) 248-3043

C 9-92
PLANNING COMMISSION DECISION
NOVEMBER 16, 1992

PROPOSAL: To consider revision of the Comprehensive Framework Plan to add Bridal Veil to the inventory of significant Historic Resources.

I. INTRODUCTION

BACKGROUND:

Bridal Veil was established in the 1880's as a company mill town to process timber resources in the Columbia Gorge. A paper mill was operating next to the creek by 1883, and the first sawmill was built in 1886-87. These first mills utilized power generated by Bridal Veil Falls to run their machinery. In 1886 the Bridal Veil Falls Lumbering Company was formed. The company constructed a sawmill and logging town 1 1/2 miles above Bridal Veil on Larch Mountain, where timber was rough-cut then flumed down the mountain to a replanning mill at Bridal Veil. Lumber from this mill was used in constructing many of the town's buildings. In 1936 a fire destroyed the replanning mill and several associated buildings. The company decided not to rebuild due to the depletion of timber in the vicinity and the unfavorable economic climate. In 1937 the mill buildings and town were sold to the Kraft Cheese Company, which produced cheese and other wooden boxes under the name of the Bridal Veil Lumber and Box Company. In 1950 the company decided to diversify and began producing molding and door and window frames. Although employment increased from approximately 100 employees in 1950 to 180 in 1955, by 1960 the company had ceased operations and Bridal Veil's 75 year history as an operating company mill town came to an end. Since then the town and buildings have changed hands several times and the population has virtually disappeared.

In March, 1991, the Trust for Public Lands (TPL) purchased the townsite along with a 58 acre parcel with the intent of reselling the property to the Forest Service to be managed for natural and scenic values as part of the Columbia River Gorge National Scenic Area. The majority of the parcel has been sold, but the townsite was excluded because the Forest Service did not want developed property.

When it became known that TPL was considering razing the buildings at Bridal Veil in order to facilitate development of wetland and natural areas, public concerns were raised about possible historic significance of the site and buildings. In response to these con-

cerns, the Multnomah County Planning Division funded a study to provide background research to aid in determining Bridal Veil's significance. Sharr Prohaska, Cultural Heritage Resource Consultant, completed the study and submitted her findings to the Planning Division in July, 1992. The Prohaska report concludes that the Bridal Veil district is of historic and cultural significance. Her report, Bridal Veil, Oregon: History and Significance of the Community, will be referenced in this staff report where appropriate. TPL also commissioned a report, prepared by the Heritage Investment Corporation and entitled Bridal Veil, Multnomah County, Oregon. Historical and Architectural Evaluation. This report concludes that the Bridal Veil site lacks historic significance due to lack of integrity. The Heritage report will also be referenced in this report.

The two reports, while coming to opposite conclusions, also approached the study in different ways. The Prohaska report is an intensive study of the area's history, and argues that the district's significance is rooted in its cultural interpretation values. The Heritage report, on the other hand, focuses on evaluating the physical integrity of the existing structures both individually and as parts of a mill town, reaching a conclusion that there is insufficient integrity left to consider the town historically significant.

NATIONAL SCENIC AREA ISSUES:

Bridal Veil is within the Columbia River Gorge National Scenic Area (CRGNSA) and has been classified as a Public Recreation Area within the Special Management Area (SMA). One of the SMA Goals is to "Protect and enhance cultural resources", which are defined as buildings, structures, ruins or physical evidence of human occupation or activity that are at least 50 years old.

Under the CRGNSA Management Plan, any proposed development or land use which might affect a cultural resource would trigger a field survey and evaluation of significance of the resource. Significance would be based on National Register of Historic Places designation or eligibility. If significant, a professional assessment of the effects of the proposed use is required, and a mitigation plan is necessary if adverse effects are found. Although at this point the county is not proposing application to the National Register for the Bridal Veil district, the county designation process does not conflict with the CRGNSA Management Plan procedures.

In the Recreation Development Plan section of the CRGNSA Management Plan, Bridal Veil has been identified in the "Inventory of Potential Recreation Sites". The development proposal for the site involves constructing facilities "for scenic appreciation, picnicking, interpretation, community activities, fisheries, and riparian rehabilitation". Historic resource adaptation is identified as a possible theme of the site design, and "Historic resources are a primary resource concern." (CRGNSA Management Plan, Action Program, III-46)

II. DETERMINING SIGNIFICANCE

GOAL 5 PROCESS

Statewide Planning Goal 5 requires counties to provide programs that will "protect scenic and historic areas and natural resources for future generations". The Goal 5 process includes inventorying historic resources, then determining which resources are significant based on location, quality and quantity. OAR 660-16-000 (2) and (3) governs the process as follows:

"A 'valid' inventory of a Goal 5 resource...must include a determination of the location, quality, and quantity of each of the resource sites...For site-specific resources, determination of location must include a description or map of the boundaries of the resource site and of the impact area to be affected, if different...The determination of quality requires some consideration of the resource site's relative value, as compared to other examples of the same resource in at least the jurisdiction itself. A determination of quantity requires consideration of the relative abundance of the resource (of any given quality)."

If a resource is not significant, it is designated 1A and no further action is required. If inadequate information is available to determine significance, the resource should be designated 1B and the county must state a time frame for obtaining additional information and completing the Goal 5 process. If information on location, quality and quantity indicate that the resource is significant, it must be included in the Plan inventory, and the Goal 5 process completed (see attached Goal 5 work program). The next step in the Goal 5 process is to determine conflicting uses. If conflicting uses are identified, an analysis of the Economic, Social, Environmental and Energy (ESEE) consequences must be conducted in order to determine which conflicting uses should or should not be allowed. This leads to development of a plan to provide the level of protection necessary.

This report proposes to take the Bridal Veil townsite through the first step of the Goal 5 process - determining its historic significance and, if significant, adding it to the county's inventory of historic resources. It would then be necessary to complete the Goal 5 process by doing the ESEE analysis and developing an appropriate protection program. A Goal 5 Work Program is attached to this report illustrating the potential timeframe for completion of the Goal 5 process.

If the site is found to be significant, it is suggested that a Task Force be formed to assist in the ESEE analysis. The Task Force could include representatives from the various state and federal agencies and private groups with an interest in the site. (A list of possible members follows this report.) The Task Force would be an advisory body, with the goal of reaching a consensus among the various groups. Besides assisting in the ESEE analysis, the Task Force might assist in forming a proposal for protection of the townsite as well as reviewing individual structures and making a recommendation as to which buildings should be preserved and which might be removed due to lack of integrity, alteration, or safety issues. (It should be noted that the town can be deemed historically significant and included in the Comprehensive

Plan inventory, and then to determine that some or even all of the buildings lack integrity and can be demolished. This would be similar to the Portland Women's Forum State Park, which is included in the inventory but which contains no structures except a monument.)

COMPREHENSIVE PLAN POLICIES:

Policy 16-I of the Comprehensive Framework Plan states: "It is the county's policy to recognize significant historic resources, and to apply appropriate historic preservation measures to all designated historic sites."

(As stated previously, this proposal deals only with determining the significance of the Bridal Veil townsite. If found to be significant, the county will complete the ESEE/conflicts analysis portion of the Goal 5 process, and base preservation measures on the results.)

The criteria to be used in determining the significance of a historical site are as follows (page 14, 1991 Comprehensive Framework Plan Summary):

HISTORICAL SITE CRITERIA:

- A. Historic Significance - Property is associated with significant past events, personages, trends or values and has the capacity to evoke one or more of the dominant themes of national or local history.
- B. Architectural Significance - (Rarity of Type and/or Style). Property is a prime example of a stylistic or structural type, or is representative of a type once common and is among the last examples surviving in the county. Property is a prototype or significant work of an architect, builder or engineer noted in the history of architecture and construction in Multnomah County.
- C. Environmental Considerations - Current land use surrounding the property contributes to an aura of the historic period, or property defines important space.
- D. Physical Integrity - Property is essentially as constructed on original site. Sufficient original workmanship and material remain to serve as instruction in period fabrication.
- E. Symbolic Value - Through public interest, sentiment, uniqueness or other factors, property has come to connote an ideal, institution, political entity or period.
- F. Chronology - Property was developed early in the relative scale of local history or was an early expression of type/style.

PLAN REVISION CRITERIA:

MCC 11.05.290: The burden of proof is upon the person initiating a quasi-judicial plan revision. That burden shall be to persuade that the revision is:

- (1) Consistent with the procedures of ORS 197.610 - .625 including any OAR's adopted pursuant to these statutes.
- (2) Evidence that the proposal conforms to the intent of relevant policies in the Comprehensive Plan or that the Plan policies do not apply.
- (3) Evidence that the uses allowed by the proposed change will: 1) not destabilize the land use pattern in the vicinity, 2) not conflict with existing or planned uses on adjacent lands, and 3) that necessary public services are or will be available to serve allowed uses.

III. FINDINGS:

COMPLIANCE WITH GOAL 5 CRITERIA:

Location: Bridal Veil town and mill area, bordered on the west by Bridal Veil Creek, on the east by the eastern edge of the cemetery, on the north by the railroad tracks, and on the south by Crown Point Highway; described as Lots 7-10 and 12-15 of the First Addition to Bridal Veil; tax lots '2' and '3'; the portion of tax lot '11' lying north of the Crown Point Highway; tax lot '19'; the portion of tax lot '18' lying east of and including Bridal Veil Creek, plus a portion of the railroad right-of-way between the I-84 interchange and Bridal Veil Creek, all in Section 22, T1N, R5E (see attached map). This encompasses the original townsite and mill area, the cemetery, and all existing buildings.

Quantity - Bridal Veil is the only mill town remaining in Multnomah County, which increases its significance.

Quality - Bridal Veil operated continuously as a mill town for 100 years, and is one of the earliest established mill towns in the state. There is no modern infill development to detract from the historic setting other than the church and the remodeled mill buildings. The layout of the town is as originally established, with manager's houses on the hillside above the smaller worker's houses located in rows down the hill. While most of the individual houses have been altered and updated over time, structurally they remain very similar to when built.

COMPLIANCE WITH COMPREHENSIVE PLAN HISTORICAL SITE CRITERIA:

- A. Historic Significance - The logging and wood processing industries played a major role in Multnomah County's development. Persons of historic significance to Multnomah County were associated with the town. The State Historic Preservation Office

has identified the timber and fishing industries as the broad themes most urgently requiring cultural resource context studies. Bridal Veil was a mill town associated with the timber industry and logging in the Columbia Gorge. It also evokes the theme of transportation because of its association with shipping of products first on the Columbia River, then by rail, and the development of the Columbia River Highway which opened the Gorge to early (and continued) tourism. In a social context the layout of the manager's houses above the small worker's houses illustrates and evokes the social and economic stratification of the controlling lumber company.

- B. Architectural Significance - (Rarity of Type and/or Style). When the town is considered as a whole, it is a good example of a mill town, showing the social arrangement of manager's houses on the hill with views of the Columbia River, and the worker's houses in rows lower down the slopes and closer to the railroad tracks. No important architect, builder, or engineer was associated with the design or construction of the houses. The houses do not represent a stylistic or structural type other than basic vernacular. Although there were several mill towns associated with the timber and fishing industries in Multnomah County at the turn of the century, Bridal Veil is the last remaining example.
- C. Environmental Considerations - Bridal Veil exhibits little non-historic infill within the townsite area and within the surrounding area. The houses, which date from between 1902-1913, have received some alteration and modernization over the years. The church is not historic, all other community buildings are gone, the mill buildings are from a more recent date and there is no sawmill equipment or machinery left to indicate the historic use.
- D. Physical Integrity - The houses and some of the other structures and mill area are in the same locations as originally constructed. This physical layout is important in recognizing the social hierarchy exhibited in the two housing types (manager vs. worker). Although there has been some alteration to exterior and interior features on many of the houses and some of the other structures, there may be enough original material and workmanship remaining to interpret their original appearance as well as to make restoration possible.
- E. Symbolic Value - Bridal Veil has a great deal of symbolic value as evidenced by public testimony received during the public hearing process. It is unique to Multnomah County, and much public sentiment has been shown for its preservation. The town connotes an earlier period in county history when small settlements were established to process timber and other natural resources. The townsite is symbolic of early logging practices in the Columbia Gorge and the positive and negative aspects thereof. The fact that Bridal Veil diversified the type of wood products produced and continued to operate as a mill town even during the depression and both World Wars lends additional sentiment and testimony to its long history which many area residents do not want to see destroyed.

- F. Chronology - Bridal Veil was established in the 1880's. While several mill towns were established in the county earlier than this, they no longer exist. On a state comparison level, Bridal Veil is the earliest remaining example of a timber related company mill town.

COMPLIANCE WITH PLAN REVISION CRITERIA:

- (1) DLCD notification procedures - ORS 197.610 - .625 deals with giving 45 day notice to DLCD of a proposed plan amendment, sending a copy of the amended text and adopted findings within 5 days of the final decision, the right of appeal, and final acknowledgement 21 days after the final decision if unappealed. These procedures are being followed. ORS 197.732 deals with Goal exceptions, not applicable to this proposal.
- (2) Conformance with Comprehensive Plan policies, or Plan policies do not apply - Comprehensive Plan Policy 16: *"The purpose of the Natural Resources policy is to implement statewide Planning Goal 5: 'Open Spaces, Scenic and Historic Areas, and Natural Resources'. These resources are necessary to ensure the health and well-being of the population, and include such diverse components as mineral and aggregate reserves, significant wetlands, historic sites, and scenic waterways".* Sub-policy 16-I: *"It is the county's policy to recognize significant historic resources, and to apply appropriate historic preservation measures to all designated historic sites".* Bridal Veil complies with the Historic Site Criteria. Amending the Comprehensive Plan will recognize the site's historic significance. Protection is provided to resources included in the inventory through MCC 11.15.8720, which requires design review prior to any alteration of an historic structure and a public hearing process prior to removal or demolition of the structure. Further site specific protection may be proposed based on the results of the ESEE analysis.
- (3) Changed uses will: 1) not destabilize the land use pattern in the vicinity, 2) not conflict with existing or planned uses on adjacent lands, and 3) that necessary public services are or will be available to serve allowed uses - Amending the Comprehensive Plan to include Bridal Veil on the inventory of significant historic resources will not cause a change in allowed uses. Thus there will be no destabilization of the local land use pattern or conflicts with adjacent land uses, and no need for additional public services. Completion of the ESEE analysis may lead to development of a protection plan requiring adoption of a Historic Preservation overlay zone, which could change the allowed uses. This would require additional public hearings, and any effects to adjacent properties or land uses would be discussed at that time.

CONCLUSIONS:

1. Bridal Veil is the only mill town remaining in Multnomah County, and the oldest in the state. It operated continuously for 100 years.
2. Bridal Veil is associated with the historic theme of the timber industry, which was an important factor in the development of the county and state.
3. The physical layout of the town and buildings are as originally constructed in the late 1800's and early 1900's, and reflect the social and economic hierarchy of the workers and managers.
4. The houses may retain enough original materials and structure to understand their original appearance and make restoration possible.
5. Public interest and sentiment support the preservation of Bridal Veil as an historic mill town site.
6. Bridal Veil complies with the majority of the Historical Site Criteria found in the Comprehensive Framework Plan. The Comprehensive Plan should be amended to include Bridal Veil in the inventory of significant historic resources.
7. The remainder of the Goal 5 process, including identification of conflicting uses, ESEE analysis, and resulting proposal for appropriate level of protection should be finished, and reported back to the Planning Commission for decision at their regular April 5, 1993 meeting. A Task Force should be formed to assist in this process.

By 
Richard T. Leonard, Chair
Multnomah County Planning Commission

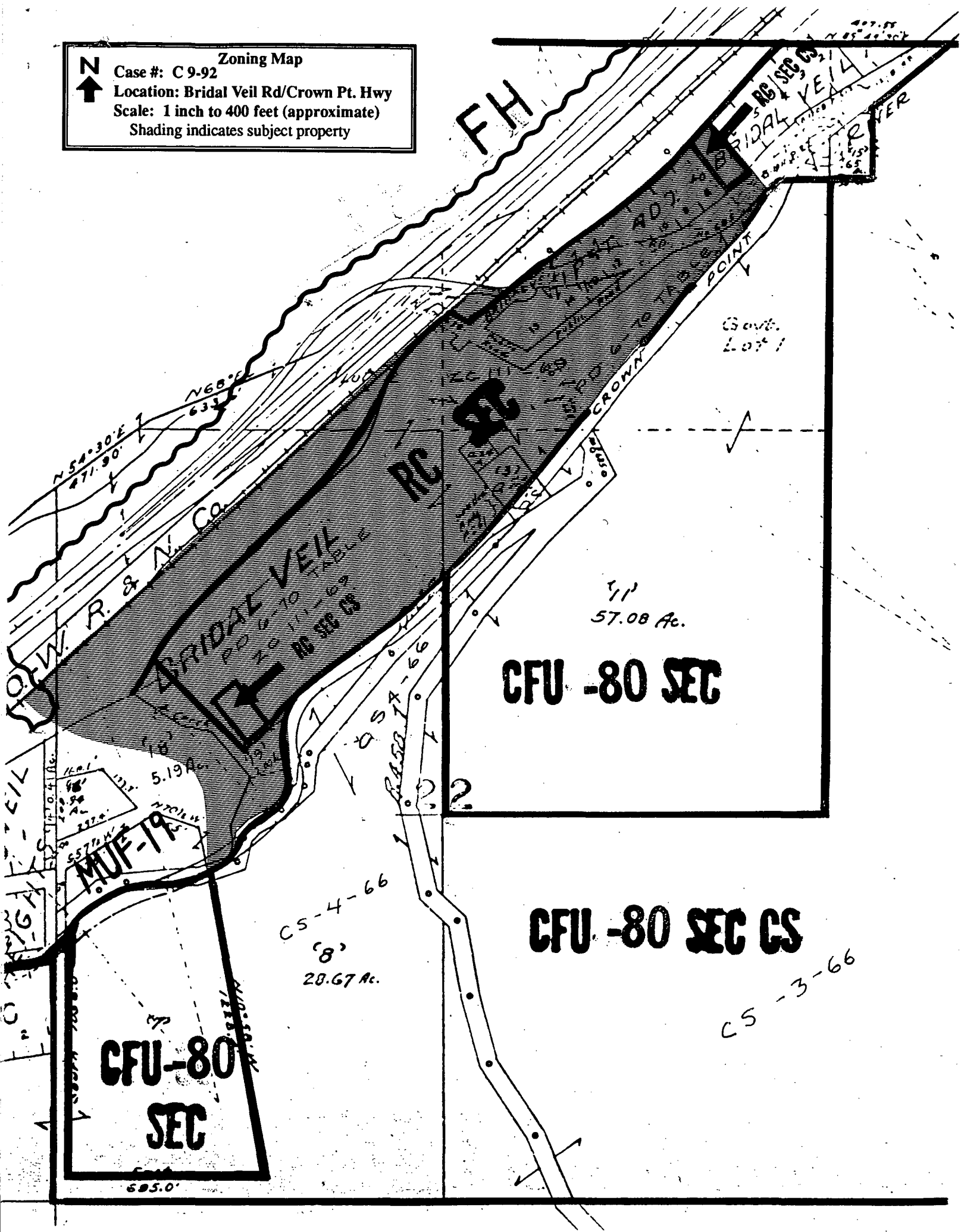
Filed with Clerk of the Board on November 25, 1992

Appeal to the Board of County Commissioners

Any person who appears and testifies at the hearing, or who submits written testimony in accord with the requirements on the prior Notice, and objects to their recommended decision, may file a Notice of Review with the Planning Director on or before 4:30 p.m. December 7, 1992 on the required Notice of Review Form which is available at the Planning and Development Office at 2115 SE Morrison Street.

The Decision in this item will be reported to the Board of County Commissioners for review at 9:30 a.m. on Tuesday, December 8, 1992 in Room 602 of the Multnomah County Courthouse. For further information call Multnomah County Planning and Development at 248-3043.

Zoning Map
Case #: C 9-92
Location: Bridal Veil Rd/Crown Pt. Hwy
Scale: 1 inch to 400 feet (approximate)
Shading indicates subject property



12/29/92
P-2
SHARR PROHASKA
Submittal

BRIDAL VEIL, OREGON

HISTORY AND SIGNIFICANCE OF THE COMMUNITY



Prepared by Sharr Prohaska
Cultural Heritage Resource Consultant

Tourism Development Associates
Portland, Oregon

BRIDAL VEIL

Good Morning Commissioner McCoy and fellow Commission members,

My name is Sharr Prohaska and I reside at 3640 SW Dosch Road, Portland, Or. 97201. Professionally, I am a historian specializing in cultural resources and a university professor. During the last five years I have been working on cultural resource survey and inventory projects in Multnomah, Hood River, and Clatsop Counties--evaluating properties for their historic and architectural significance is my business.

In the next few minutes, although an hour would be better, I would like to explain some of the historic, architectural, and cultural significance of Bridal Veil, based on hundreds of hours of historic research and personal interviews. You have received a short summary of the BV history--there are an additional two volumes of primary source historic documentation on file in the county planning office--everything from a drawing on a yellowed piece of paper which showed where the first paper mill site in 1879, to maps of the two mile wooden log flume and a complete accounting of business records dating from the turn of the century. (You have a list of some of the materials in your packet)

From my research to date there are no other historic or cultural resources associated with logging/lumbering in any of these counties that can compare to Bridal Veil--Bridal Veil is a very special historic, archaeological and cultural resource treasure with great potential for Multnomah County. Bridal Veil is the earliest and last remaining logging community that can tell the story of the logging and forestry industry and its importance to the economic development of Multnomah County, the Columbia Gorge and Oregon.

Fortunately, none of us can remember the late 1870's in Oregon, but it was a time when people were still coming into Multnomah County in covered wagons after six months of traveling on the Oregon Trail. Life was very difficult, pleasures were simple and any form of housing was a scarcity.

Bridal Veil started in the 1870's- and is a story of an early isolated company owned lumbering community in the Columbia Gorge - a story that begins over one hundred years ago when the Anthony Moore family, who operated a saw mill along the Willamette River in Albina, filed a timber claim in the area we know today as Bridal Veil. The Moore timber company had cut all the large trees that grew in the flat areas of what is present day Portland. The company needed more trees to cut for their family business so they decided to take their mill equipment and moved it by wagon to Bridal Veil Creek near Larch Mountain. One house was built home for the Moore's parents, another for the 4 Moore brothers, and one house was constructed for Willard Hawley and his wife. Willard Hawley wanted to build a paper mill at the base of Bridal Veil Creek using the knowledge he had gained in the east from his father in law who was a descendant of the famous Pusey family of England--a family involved in the paper making business for over 300 years.

From this humble beginning Bridal Veil has become a story reflecting the culmination of their ideas and the cultural heritage associated with the history of logging and paper making in Multnomah County and in Oregon--an accumulation of historic daily details to all encompassing traditions of social, cultural, historical, and economic in nature. Bridal Veil is the story of many one-time, one-of-a kind, never to be repeated, history of inventions or events that took place in Multnomah County between 1879 and the 1960's.

SLIDES

Bridal Veil (slide) was named in the 1880's by a lady traveling up the Columbia on the steamship Bailey Gatzert who thought the waterfall looked like a Brides Veil. (slide) Today is a collection of simple vernacular mill workers cottages, (slide) manager's homes, a community church, post office, cemetery, train tracks (slide) and mill buildings.(slide) But more than the structures, Bridal Veil conveys an array, sometimes in disarray, of the feelings, wood smells, sounds of the sawmill and the railroads (slide) and the lives of people who worked in an isolated lumber mill community. (slide)

BV is the story of tall trees, a cascading waterfalls, steep mountain-roads, logging camps and wooden flumes, a paper mill, railroad trestles,(slide) lumber mill buildings, famous men and new inventions, company archives and historic archaeological sites-vivid stories of how people lived next to each other, married, died and buried each other. (slide)

Specifically, I would like to emphasize several important points to assist in you in your decision making regarding the Compliance with Comprehensive Plan Historical Site Criteria.

Comprehensive Plan Historic Site Criteria

Historic Significance, Criteria A: Property is associated with significant past events, personages, trends or values and has the capacity to evoke one or more of the dominant themes of national or local history.

Bridal Veil is associated with:

Significant Past Events:

1. Bridal Veil is the earliest remaining company logging town in Multnomah County which still retains collective examples of historic, archaeological and cultural resources.

Bridal Veil may be the second oldest remaining company logging town in Oregon. Although devoid of the original sawmill buildings, company store, and boarding houses, Bridal Veil continues to reflect community settlement patterns.

Bridal Veil is significant for its early paper mill and its relationship to the expansion of the railroad in the Columbia Gorge.

(2) Significant Personages:

Willard Hawley--Started Paper Mill, one of 1st four families, Hawley Pulp and Paper Mills, donated McLoughlin House to OC.

Loring Palmer-- Founder of Bridal Veil Lumbering Company-Soldier, fought with General Sherman on march to the sea.

John Leiter--Superintendent and manager at BV

John Stone Bradley-treasurer and general manager, civil war veteran, prominent lumberman in the Northwest

Edwin Blair-well known NW lumberman

Charles G. Briggs--President of Booth-Kelly Lumber Company

Joseph Buchtel--Leading photographer of Oregon, friend of Abraham Lincoln, Led movement to build the Morrison street bridge-1st trans-river bridge in Portland.

Chares H. Carter--President of Portland Woolen Mills
 William DuBois--member of oldest family of lumber operators on the Columbia River.
 L.G. Gurnett--Started mill at Bridal Veil--Prominent in pulp and paper industry
 Ole Hagen--General Manager, (1922-1937) Veteran Northwest Lumberman
 Ed Hazen--Manager at Bridal Veil (1908-1922) Hazen Insurance Co.
 Ben Hazen--Secretary of Company (1909-1920) Ben Franklin Savings and Loan
 Howard Holland--Noyes-Holland Logging Co. working at Bridal Veil
 Leonard Kraft--President of Bridal Veil Lumber & Box Co. (1937-1960) Kraft family
 Albert Moore- Oregon pioneer of 1852 (First Family of BV) Built Stark street ferry
 Robert Noyes--Holland, Briggs, Noyes
 Joseph Peters--President of Bridal Veil Lumber Co. (1910) Founder of Oregon Mutual Life Insurance Company

(3) Capacity to evoke one or more of the dominant themes of national or local history:

Bridal Veil is significant in six broad context themes and for its capacity to evoke the following dominant themes of national or local history:

1. Historic Theme: Archaeology (Historic Aboriginal) - the archeological study of aboriginal cultures after the advent of written record, and

*** (Site of Native American encampments)

(Historic Non-Aboriginal)--the study of non-aboriginal cultures after the advent of written records)

***(archaeological sites associated with early structures linked to the paper mill site, log flumes, roads, sawmill buildings, train depot, company store, boarding houses & family homes)

2. Historic Theme:Engineering--the practical application of scientific principles to design, construct, and operate equipment, machinery, and structures to serve human needs.

- a. Bridal Veil Lumber Company was unique for the following reasons:
 - A. its role in the **development of large scale** logging practices associated with the Noble fir tree, which grew to 300 ft in height, and between 3 to 9 feet in diameter at the base.
- b. Logging was confined to a rather small area due to the abundance of prime old growth timber and the abundance of the noble fir, which had been ignored by early day lumbermen.
- c. The installation of a sawmill at the Palmer Mill site in the midst of the forest and the flumeing of rough cut timber via a 2 mile wooden flume to the planing mill next to the Railroad tracks at Bridal Veil kept transportation costs to a minimum.
- d. The design of the 2 mile log flume which took rough cut lumber as large as 16 x 16, by 60 ft long only 5 minutes to drop 1200 ft. to reach the planing mill.
- e. Bridal Veil Lumbering Company remained in continuous operations for 50 years and logging practices continued at the site until 1941. The site of the original planing mill at Bridal Veil ~~was~~ continued to be used by other wood product milling companies until the property was sold in 1960.

3. Historic Theme: Exploration/Settlement--the establishment and earliest development of new settlements or communities.

- a. Bridal Veil was developed early in Oregon history and has the only remaining structures associated with a company logging town in Multnomah County and the Columbia Gorge. The development of the mill at Bridal Veil contributed greatly to the economic development of other communities in the Columbia Gorge.

4. Historic Theme: Invention--the art of originating by experiment or ingenuity an object, system, or concept of practical value.

- a. The art of logging on steep mountainous terrain in the Columbia Gorge required continuous development of innovative techniques to meet conditions unlike those on the flat terrain..
- b. BV Lumbering Company was one of the first to trail logs over skids behind a locomotive.
- c. BV Lumbering Company was the first to use a yearling engine at the top of a hill and pull cut logs uphill rather than the traditional method of yarding trees downhill. They also developed the practice of trailing logs behind a locomotive.

5. Historic Theme: Social History--the history of efforts to promote the welfare of society; the history of society and the lifeways of its social groups, and

BV social history is significant for its association with logging and the lives of single men, families, and extended families, and how everything people did in the community related directly to their work at the mill or for the company owners. The social context of the company town is easily interpreted in the hierarchy of managers homes and mill workers cottages.

BV has a significant social history associated with the labor parties, unions, and women's work in the mills when the men were called war.

6. Historic Theme: Transportation--the process and technology of conveying passengers or materials.

Transportation technology at BV is significant for the development of innovative logging techniques and the use of narrow gauge railroads and trestles to move the cut trees on Larch Mountain. BV is also significant because of its association with shipping on the Columbia River, the railroad that stopped at Bridal Veil to pickup finished goods or passengers and deliver food from Portland, the pioneer wagon road, and the Columbia River Scenic Highway which intersects the community.

HISTORIC CONTEXT--It is also important to evaluate the remaining structures at Bridal Veil within their historical context and chronological periods.

(1)The paper mill and first sawmill development at Bridal Veil began during the historic period of **Industrial Growth and Development (1866-1883)**.

(2)The remaining residential and commercial structures are included in the historic time periods of the **Railroad Era (1884-1913) and the Motor Age (1914-1942).**

All structures on the site (except for a concrete block) addition to a mill buildings were built within these two historic time periods.

(3) Bridal Veil is also significant in historic context for its other structures or sites associated with the exploration/settlement of the Columbia Gorge, such as the paper mill sites, logging, lumbering, sawmills, worker's housing, commercial buildings, social halls, schools, churches, and transportation facilities.

Chronology:

Please refer to the sheet I have prepared for you.

1886 Bridal Veil Falls Lumbering Company formed. Sawmill constructed at Palmer

1887 Shipping and re-milling unit constructed at Bridal Veil

1889 Bridal Veil Lumbering Company formed

1904 Bridal Veil Box Factory incorporated.

1908 Ed Hazen replaces manager at Bridal Veil.

1909 Ben Hazen hired as secretary of Company.

1922 New investors purchase Company. Ole Hagen becomes manager.

1937 Bridal Veil Lumber and Box Company Formed-L. Kraft.

Conclusion of Historic Significance

Based on primary and secondary information which demonstrates a multitude of past events important in the history of the timber industry and logging plus many significant individuals who were associated with Bridal Veil--the remaining structures definitely have historical significance. The structures offer insights into hierarchical social life of people living in a company town. The spatial arrangement of the structures reflects a community designed to exist in harmony with the natural landscape and should not be compared to a planned housing development that exists in many cities today.

Bridal Veil should NOT be compared with any remaining company towns in Oregon. Bridal Veil is the oldest in Multnomah County and possibly the oldest company lumber town in Oregon. It can not be compared with any other existing timber community because each its context is completely different. The history of logging, type of logging, lumbering techniques, mountainous terrain, types of trees are not the same with any other community and they should not be compared against each other.

Bridal VEil has not lost its historic context or historic significance. Although the integrity of some of the buildings has been compromised, they are basic vernacular structures and can be restored.

OTHER COMPREHENSIVE PLAN HISTORICAL CRITERIA

Criteria B. Architectural Significance: (Rarity of type or style) Property is a prime example of a stylistic or structural type, or is representative of a type once common and is among the last examples in the county.

Bridal Veil:

(1) Is a prime example of stylistic or structural type:

This will be addressed by preservation architect, Alfred Staehli. However, my opinion is that the houses at Bridal Veil are the best remaining examples of a type once common in the Northwest. Unfortunately, they are the last surviving examples in the Multnomah county and may be the oldest remaining examples in Oregon.

The vernacular structures are larger and nicer than most mill worker's cottages remaining in the Northwest. I have not been able to determine the exact date the houses were built but I am quite certain they were built for families, since there was originally a large boarding house for single men near the mill.

The president and manager's homes along the Columbia River Highway were very nice homes for their era. The Ole Hagen/Leonard Kraft home was a good four-story very home with large rose gardens and the Bird house was a large quality built pre-bungalow style home. Prime wood from the mill was used to build the managers homes and workers cottages. Finished paneling was used for detailing on the interior.

Exact date of construction of the mill workers cottages has not been determined but all primary evidence indicates they were built shortly after the fifteen lots were platted in 1902 where there was rapid growth within the company. I estimate they were built between 1905-1908. People who moved to Bridal Veil in the 1920's remember that the houses appeared old at that time.

Bridal Veil evolved as a typical company town--it had industrial buildings, a company store that held the post office, a community hall, cemetery, school, train depot, and residences for single and married men. It did not need a park-Bridal Veil was a park. The town was designed out in harmony with the landscape and architecturally reflects the hierarchy of a company town.

Is representative of a type once common:

The houses represent a style and structural type commonly found in the early logging camps of the Pacific Northwest. Most have been destroyed through the years.

Is among the last examples in the county:

Although some of the integrity has been compromised in the remaining structures at BV, the fact that they are the only mill worker's cottages and manager's homes left adds significance to their architectural importance.

Criteria C: Environmental Considerations: Current land use surrounding the property contributes to an aura of the historic period, or property defines important space.

(1) Land use surrounding property contributes to an aura of historic period:

Logging and lumber operations ceased shortly before World War II but the Bridal Veil Lumber and Box Company (which remained in operation until 1960) continued to function on the site and make all types of wood products, including wooden boxes for Hood River apples, Kraft velveta cheese boxes, and ammunition boxes during the war. The houses, mill buildings, church, post office, cemetery, roads, and pathways still convey a sense of the past.

(2) Property defines important space

Bridal Veil is important for its design as part of the natural landscape. Little non-historic infill exists in the townsite area. The existing church/community hall is within the historic period (early 1940's). The church replaced an earlier community hall. The mill buildings were built after the fire of 1936 and are within the historic period except for a concrete addition to one building in the 1960's.

Criteria D: Physical Integrity: Property is essentially as constructed on original site. Sufficient original workmanship and material remain to serve as instruction in period fabrication.

(1) Property is essentially as constructed on original site.

The remaining structures except for the post office are located on their original sites.

(2) Sufficient original workmanship and material remain to serve as instruction in period fabrication.

The original workmanship has been compromised through change in ownership however enough original fabric remains to interpret and restore these historic properties.

In the 1970's Willard Martin, architect of Pioneer Square, was hired to design a small resort for Bridal Veil. It was Martin's idea to place horizontal siding over the original vertical siding and to paint the houses in several colors. Martin also suggested removing the screened in front porches in an effort to modernize their appearance. He envisioned Bridal Veil looking like a Swiss village. The changes you see today were made under the direction of one of Oregon's most famous architects.

Criteria E: Symbolic Value: Through public interest, sentiment, uniqueness or other factors, property has come to connote an ideal, institution, political entity or period.

(1) Public interest:

Bridal Veil through public interest, sentiment, and its uniqueness represents the Oregon dream and an era when logging and the timber industry was King.

(2) Sentiment:

The townsite represents what remains of a once viable community-- people I interviewed who lived in Bridal Veil always refer to it with tears in their eyes as a "wonderful place to live, the best time of their life, and the nicest group of people who ever lived together in lived in harmony with their environment". They want to see Bridal Veil preserved for future generations to learn about logging in the Columbia Gorge.

F. Chronology: Property was developed early in the relative scale of local history or was an early expression of type/style.

(1) Property was developed early in the relative scale of local history:

Bridal Veil was established as a mill town in 1882, one of the earliest developments in East Multnomah County. The mill workers houses and manager's homes on the site were built in the early 1900's. The earliest houses along the railroad tracks were destroyed.

(2) Was an early expression of type/style:

The mill workers houses were simple vernacular cottages that functioned well. They were made of quality wood which is credited with giving them permanence and the reason they exist today.

CONCLUSIONS

- 1. Bridal Veil is the only remaining historic company mill town in Multnomah County.**
- 2. Bridal Veil may be identified with the historic themes of logging, settlement/exploration, archaeology, social history, transportation, engineering.**
- 3. Bridal Veil conveys the cultural, social, historic and economic development of people living in a isolated company lumber and sawmill town in Multnomah County.**
- 4. Enough original materials remain in most of the existing housing structures to make restoration possible.**
- 5. Tremendous public interest supports the preservation of Bridal Veil as a historic mill town and archaeological site.**
- 6. Bridal Veil more than complies with the Historical Site Criteria found in the Comprehensive Framework Plan. The Comprehensive plan should be amended to include Bridal Veil in the inventory as a significant historic resource to Multnomah County.**
- 7. Bridal Veil is part of the Special Management Area of the Columbia River Gorge National Scenic Area. One of the SMA goals is to protect and enhance cultural resources. Under the plan any proposed development or land use which might affect any historic, cultural, or archaeological resource should require a field survey and evaluation of the each resource.**
- 8. To accomplish this task and objectively evaluate all the resources, I strongly recommend that you follow the Planning Commission's decision and amend the MC Comprehensive Plan to include Bridal Veil.**
- 9. I recommend you implement the Goal 5 process by forming a Task Force, conducting an ESEE analysis, and develop a plan of protection for all significant historic, cultural, and archaeological resources at Bridal Veil.**
- 10. By making this decision, nothing will be lost and the County will have everything to gain. It also sets a precedent and standards for evaluating historic, cultural, and archaeological resources in Multnomah County and Columbia Gorge that may be threatened in the future.**

Thank You!

Respectfully submitted,
Sharr Prohaska, consultant

12/29/92

SURVEY AND INVENTORY WORK

Issues have been raised by the HIC team about previous survey & inventory work and why the historic and cultural resources of Bridal Veil were not included in previous studies.

Reference # 1: You have a copy of a letter from Dr. Rick Minor, a member of the Heritage Research Associates study team. Dr. Minor states his concern that the HIC team "argues that because the structures were not included in HRA report that the structures at Bridal Veil are not historically significant". To quote Dr. Minor: "This Statement is not valid. Heritage Research Associates project involved a review and synthesis of existing archaeological and historical information (documents, reports, site records, published materials) available for lands included within the Scenic Area. The scope of our contract was confined to consideration of previously recorded sites and did not include survey or evaluation of cultural resources in the field. Our project was strictly limited to literature review and synthesis."

Clearly, any remaining structures associated with the company mill town of Bridal Veil, Oregon, should be inventoried and evaluated for their architectural and historical significance. Based on its role in the history of economic development in the Gorge, it is strongly recommended that a cultural resource inventory and evaluation be conducted in Bridal Veil before any plans are implemented that might affect the remaining structures". Dr. Rick Minor, HRA

A follow up conversation with Dr. Stephen Beckham of HRA on October 2, 1992 confirms the intent of Dr. Minor's letter. Dr. Beckham concurs that the argument used by the HIC team as to why the cultural resources at Bridal Veil were not significant was "absolutely not valid."

Reference # 2: refers to the study of the Columbia River Highway conducted by Dr. Allan Comp with the National Park Service in 1981. Dr. Comp states that "it was never the goal of the Columbia River Highway project to evaluate cultural or history resources in the vicinity of the highway. We did look at structures directly related to the early life of the highway--garages, service stations, and early auto courts--but nothing more. I purposefully kept the team tightly focused on the highway".

Dr. Comp also states in his letter that "after reviewing the cultural resources report on Bridal Veil, my own professional judgment is that this is clearly a potential National Register Historic District and perhaps more important, a wonderful opportunity to extend the range of interpretation within the Gorge, a place continuously impacted by human habitation for the last 12,000 years. Given this historic and interpretive potential, I would strongly urge county to consider amending their comprehensive plan to include Bridal Veil as an important representative component of the history of this area". T. Allan Comp, PhD.

Contrary to the HIC report, the Hagen/Kraft house along the Columbia River Scenic Highway was inventoried and the form is included in your information.

Reference # 3: You have a letter dated October 2 from Julie Koler, Historic Preservation Officer for King County, Washington. Ms. Koler was a principle in the consulting firm of Koler/Morrison which conducted the inventory of historic sites in Multnomah County in 1989-90. Koler states that "the scope of our work was limited to a windshield survey of

architecturally significant resources, and were told that an intensive inventory of the Gorge would be conducted at a later date and therefore we should limit our documentation to only the most architecturally prominent resources.

The omission of the community from our original inventory is not an indication that the site lacks significance. In my opinion Bridal Veil is highly significant from an historical perspective as a rare surviving example of a logging community which illustrates the growth and evolution of the industry over many decades. IT is additionally significant because it is the only resource of its type in all of Multnomah County and perhaps in the state. For these reasons every effort should be made to preserve, restore and interpret the site for all those who live in and visit the Columbia Gorge". Signed: Julie Koler

P.S. I personally made phone Calls to TPL and Nancy Russell before the purchase of the BV property and told them of the need to inventory the resources at Bridal Veil because I felt they were significant historic resources.

**King County
Cultural Resources Division**

Parks, Planning and
Resources Department

**Arts Commission
Landmarks Commission**

Smith Tower Building
506 Second Avenue, Room 1115
Seattle, Washington 98104
(206) 296-7580 V/TDD 296-7580

October 2, 1992

Mr. Scott Pemble
Director of Planning
Multnomah County
2115 SE Morrison Street
Portland, Oregon 97214

C 9-92

RE: Community of Bridal Veil Historic Significance

Dear Mr. Pemble:

I am writing to urge Multnomah County government to assist in the preservation and restoration of the historic logging community of Bridal Veil.

In addition to my position as Historic Preservation Officer for King County, Washington, I am also a principle in the consulting firm of Koler/Morrison which conducted an inventory of historic sites in Multnomah County in 1989-90. During that study I became familiar with the cultural resource base of the county including the community of Bridal Veil. Bridal Veil was not included in our inventory at that time for the following reasons: 1) our scope of work was limited to a windshield survey of *architecturally* significant resources, and 2) we were told by the Planning Director that an intensive inventory of the Gorge would be conducted at a later date and therefore we should limit our documentation to only the most architecturally prominent resources.

The omission of the community from our original inventory is not an indication that the site lacks significance. It is my opinion that Bridal Veil is highly significant from an historical perspective as a rare surviving example of a logging community which illustrates the growth and evolution of the industry over many decades. It is additionally significant because it is the only resource of its type in all of Multnomah County and perhaps in the state. For these reasons every effort should be made to preserve, restore and interpret this site for the benefit of all those who live in and visit the Columbia Gorge.

I have worked in the field of rural and small-town preservation for over 14 years. Most recently I was involved in the designation and restoration of the community of Selleck in King County. Established in the late 19th century, Selleck thrived for several decades as a bustling logging community until the mill closed and the town was abandoned. In 1988, with many of its original buildings collapsed and those that remained sorely dilapidated, the community was listed on the National Register of Historic Places and designated as a King County Landmark in recognition of its significance as the last vestige of a logging community in King County. Four years later most of the residences have been rehabilitated for low-income housing, the



Mr. Scott Pemble
October 2, 1992
Page Two

schoolhouse restored, and interpretive plaques commemorating the town's contribution to state and local history erected.

The findings and recommendations for Bridal Veil's preservation articulated in the July 1992 report prepared by Sharr Prohaska are solid and well-substantiated: there is sufficient physical integrity to preserve and interpret the site. Multnomah County should make every effort to see that Bridal Veil is saved from the wrecking ball. Once Bridal Veil is gone it is gone forever along with a very significant part of Oregon's past. We can't afford to lose everything.

Sincerely,



Julie M. Koler

RECEIVED
OCT - 5 1992

Multnomah County
Zoning Division



**HERITAGE
RESEARCH**
ASSOCIATES, INC.

ARCHAEOLOGY
AND HISTORY

September 30, 1992

Scott Pemble, Director of Planning
Multnomah County
2115 SE Morrison
Portland, Oregon 97214

Dear Mr. Pemble:

It has come to my attention that a question has arisen concerning the scope of the Cultural Resource Overview that HRA prepared for the Columbia River Gorge National Scenic Area (CRGNSA) in 1988. Specifically, I understand that the fact that an inventory of structures at Bridal Veil, Oregon, was not included in our overview has been used to argue that these structures are not historically significant. This argument is not valid.

The CRGNSA overview project involved a review and synthesis of existing archaeological and historical information (documents, reports, site records, published materials) available for lands included within the Scenic Area. The scope of our contract was confined to consideration of previously recorded sites and did not include survey or evaluation of cultural resources in the field. Our project was strictly limited to literature review and synthesis.

In view of this fact, it is noteworthy that the Bridal Veil Lumber Company is prominently mentioned in the CRGNSA overview for its role in the beginning of large-scale commercial lumbering in the Gorge. Clearly, any remaining structures associated with the company mill town of Bridal Veil, Oregon, should be inventoried and evaluated for their architectural and historical significance.

There are many prehistoric and historic sites in the Columbia Gorge and elsewhere that have not yet been inventoried and evaluated. Bridal Veil is one locality where such work has not yet been conducted. Based on its role in the history of economic development in the Gorge, it is strongly recommended that a cultural resource inventory and evaluation be conducted in Bridal Veil before any plans are implemented that might affect the remaining structures. Please contact me if you have any questions about our work in the CRGNSA.

Sincerely,

Rick Minor

Rick Minor, PhD
Senior Archaeologist

RECEIVED
OCT - 5 1992

Multnomah County
Zoning Division

T. ALLAN COMP, Ph.D.
h i s t o r i a n

C-9-92

1847 Vernon Street NW, Washington, D.C. 20009 • 202-986-9633 • FAX: 202-483-7339

P.O. Box 382, Virginia City, Nevada 89440 • 702-847-9124

29 September 1992

Scott Pemble
Director of Planning
Multnomah County
2001 East Morrison
Portland, OR 97214

Dear Mr. Pemble:

In the early 1980s I served as the Division Chief for Cultural Resources for the Pacific Northwest Region of the National Park Service. In that capacity in 1981 and 82 I helped organize and then directed the reuse study of the Columbia River Highway in Oregon. That study produced an inventory of the old highway, a final Columbia River Highway: Options for Conservation and Reuse report, and several other reports as well.

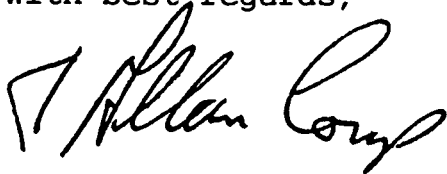
It was never the goal of the Columbia River Highway Project to evaluate cultural or historic resources in the vicinity of the highway. We did look at structures directly related to the early life of the highway -- garages, service stations, and early auto courts -- but nothing more. I will admit that we saw a number of interesting structures that seemed to suggest their potential for historic district status, but I purposefully kept the team tightly focused on the highway, its structures and some directly-related buildings. Even a quick scan of the inventory cards prepared by the team and on file with the State Historic Preservation Office will confirm this restricted focus for the highway project.

I have also read the report on Bridal Veil, apparently one of the few remaining company towns surviving from Oregon's significant timber history. I remember the little collection of structures well and commented at the time on the utility of the village as a place within the Gorge to interpret the early lumbering history of Oregon. After reviewing the cultural resources report on Bridal Veil, my own professional judgement is that this is clearly a potential National Register Historic District and, perhaps more important, a wonderful opportunity to extend the range of interpretation within the Gorge, a place continuously impacted by human habitation for the last 12,000 years. Given this historic and interpretative potential, I would strongly urge Multnomah County to consider amending their comprehensive plan to include Bridal Veil as an important representative component of the history of this area.

Just two week ago I recently presented a paper on the Columbia River Highway to a session of the "Great River of the West" project. I commented that the highway had become an historic experience that helped to link diverse interests, that strengthened

the consensus about the importance of the Gorge and the National Scenic Area designation. As the National Park Service and other historic preservation and conservation organizations are beginning to recognize, the larger Heritage landscapes and corridors now being developed speak to the larger and more diverse interests of Americans in seeing not just small pieces but whole landscapes of our past conserved -- and appropriately developed. These heritage places can become major tourist attractions, significant recreational opportunities for local residents and supportive places in which to live. The Columbia River Gorge and its many cultural and recreational resources has the potential to become such a place by recognizing its many assets -- assets that include Bridal Veil.

With best regards,

A handwritten signature in cursive script, appearing to read "T. Allan Comp".

T. Allan Comp, Ph.D.

RECEIVED
OCT - 5 1992

Multnomah County
Zoning Division

P.O. Box 1341
Portland, Oregon 97207
October 18, 1992

Multnomah County
Board of County Commissioners
1201 S.W. Fourth
Portland, Oregon 97204

RE: Landmarks designation for Bridal Veil community

Dear Commissioners:

I have worked in cultural resource management in Oregon since 1976, including a number of studies in the Columbia River Gorge. Although my primary training is in prehistoric archaeology, I have conducted a number of studies that have included inventory, evaluation, and documentation of standing structures. In addition, as Public Issues Coordinator for the Association of Oregon Archaeologists since 1987, I have reviewed dozens of reports and studies undertaken on behalf of local, state, and federal agencies for their compliance with the relevant legislation and regulations. In a personal capacity, I have recently reviewed the Heritage Investment Corporation (HIC) report entitled Bridal Veil, Multnomah County, Oregon: Historical and Architectural Evaluation. My comments below are intended to address only that report and its recommendations.

In general, I found the HIC report seriously, if not fatally, flawed in its methods, conclusions, and adherence to both professional and legal guidelines and standards. I will confine the remainder of my observations to the most serious problems that exemplify the overall criticism.

In evaluating the HIC report, I have relied primarily on the *Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation* (Federal Register, Vol. 48, No. 190, 44716-44740, September 29, 1983). Although these standards are not legally pertinent to the Multnomah County historic landmarks process, they are widely recognized as reflecting professional standards among historic preservation specialists. In addition, any studies of the Bridal Veil community conducted to meet the U.S. Forest Service cultural resource requirements in the Columbia River Gorge NSA management plan must meet these guidelines and standards.

The *Secretary of the Interior's Standards and Guidelines* stress the importance of carefully defining the "historic context" of the study area. This calls for thorough research and a grasp of the historical development of the area being studied. The HIC report exhibits no awareness of the history of the Columbia River Gorge and only passing familiarity with the Bridal Veil community. A page and a half of a "brief history" of Bridal Veil does not constitute an adequate historic context statement. I find this a particularly critical weakness of the report.

In this regard, the authors of the HIC report are primarily concerned with evaluating Bridal Veil as an example of a "company town." This immediately narrows the scope of their evaluation, ignoring the potential contribution of Bridal Veil to the historical development of the history of the Columbia River Gorge or Multnomah County other than as a "company town." Even from this narrow perspective, the HIC report is flawed. HIC's definition of a company town is much more restricted than that used by James Allen in his classic study, *The Company Town in the American West* (Allen, for example, states that a company town does not have to be owned by the dominant company).

Multnomah County Commissioners
October 18, 1992

Page 2

Second, HIC attempts to compare Bridal Veil with five other company towns in Oregon. The context for evaluation at the county level should be the county, not the state. Are there other company towns in the Columbia River Gorge or Multnomah County that exemplify this kind of historical development as well as or better than Bridal Veil? And even here, HIC does not comment that among their own list, Bridal Veil is the oldest. HIC considers the fact that Bridal Veil has been reconstructed as substantially diminishing its historic value. I would argue instead that the changes in the community offer a rare opportunity, even at the state level, to explore the evolution of what began as a company town over a period of a century. In the Pacific Northwest, Port Gamble, Washington, is the only logging company town that has endured longer than Bridal Veil.

I also believe that the HIC report also suffers from an overemphasis on the architectural integrity of the component structures, without considering compensating factors. There is no question that most of the remaining buildings at Bridal Veil are in poor physical condition and the integrity of historic properties is a key consideration in the evaluation process. Poor integrity alone, however, should not and does not determine the significance of a historic community. We need to remember that recognition of historical significance of a property is defined primarily by its history not its architecture.

I have already argued that the HIC report does not present an adequate evaluation of Bridal Veil's potential historic importance. The HIC report states that "None of the early lumber structures remains. None of the residential structures is intact. The exact location of many of the original buildings is questionable." The second statement is not correct. Several of the residential structures are in poor condition but they are "intact" and can continue to provide important information not just on the architecture of the community but on the community's social organization as well (an element not addressed by the HIC report).

The seemingly poor information on the locations of the original buildings may be true of the archival records (although we have no information in this report that HIC attempted to locate early maps, drawings, photos, company records, etc., of Bridal Veil). This limitation can potentially be addressed, however, through archaeological field studies. Archaeological research at the nearby Warrendale Cannery is a good example of how written and photographic records and oral histories can be supplemented by archaeological fieldwork and analysis to provide a more comprehensive historical picture. Many historic communities that lack any standing structures have been considered eligible for the National Register through their potential to yield important information through archaeological studies.

The HIC report notes that Dr. John Woodward has conducted a five-year archaeological study of Larch Mountain, but does not reveal if that study addressed prehistoric or historic resources, if his study included Bridal Veil itself, and what the results of that study were. The report also suggests that Bridal Veil would offer "industrial archaeological interpretive opportunities" if it consisted of a "cohesive collection of well-maintained essentially unaltered structures." This statement shows a little understanding of archaeological interpretation. Archaeology's greatest contribution to our understanding of historic sites and communities is by what it adds to the architectural and documentary record. Bridal Veil in fact offers better archaeological opportunities in its present condition than if it was a "cohesive collection of well-maintained essentially unaltered structures."

Multnomah County Commissioners
October 18, 1992

Page 3

In conclusion, the HIC report has employed an inappropriately narrow perspective to argue that the Bridal Veil community lacks historic significance. It is almost as if the conclusions and recommendations framed the scope and character of the HIC evaluation. I strongly urge the Commissioners to reject this report as a basis for determining the county's recognition of Bridal Veil as an historic landmark.

Thank you for the opportunity to comment on this action.

Yours truly,

A handwritten signature in dark ink, appearing to read "David V. Ellis", with a stylized, cursive script.

David V. Ellis

2235 N.E. 25th
Portland, OR 97212
October 13, 1992

Scott Pemble, Director of Planning
Multnomah County
2115 S.E. Morrison
Portland, OR 97214

C 9-92

Dear Mr. Pemble:

I am writing in regards to the proposal to revise the county Comprehensive Framework Plan to add Bridal Veil to the inventory of significant Historic Resources. I am very familiar with the historic resources of the Columbia River Gorge in my capacity as Division Historian for the Army Corps of Engineers and as a private historical consultant.

I have read with care the cultural resources reports prepared by Tourism Development Associates and Heritage Investment Corporation. Based on my own extensive research on the historical and cultural resources of the Columbia River Gorge, it is my professional opinion that Bridal Vail is a significant historical resource that should be included in the Multnomah County Comprehensive Framework Plan. The late 19th and early 20th timber industry in the Columbia River Gorge was a vital regional economic activity and the industrial complex and community at Bridal Vail is an excellent example of such development. The site offers the opportunity to preserve and interpret remnants of this important industry. Given that so few statewide resources remain reflecting Oregon's early-day lumber industry and community life, Bridal Vail may be the last chance to provide public interpretation of this aspect of the state's history. The exact form of preservation and interpretation should be based on a thorough site investigation and evaluation with opportunity for full public input.

As part of its stewardship of both scenic and cultural and historic resources, Multnomah County should follow through with the appropriate Goal 5 procedures to insure full consideration of Bridal Vail in the planning process.

Sincerely,

William F. Willingham

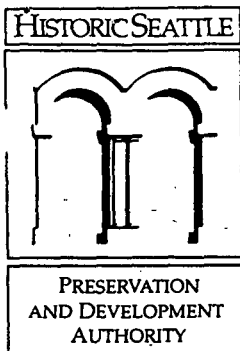
William F. Willingham, Ph.D.

cc: Sharr Prohaska

RECEIVED

OCT 16 1992

Multnomah County
Zoning Division



HISTORIC SEATTLE HAS MOVED:
605 First Avenue, Suite 100
Seattle, WA 98104
206-622-6952 FAX 206-622-1197

October 13, 1992

Multnomah County Commissioners
ATTN: Scott Pemble
Director of Planning
2115 SE Morrison
Portland, OR 97214

To the Multnomah County Commissioners:

I am writing to express my support for the amendment of the Multnomah County Cultural Resources Inventory to include the built resources of Bridal Veil, Multnomah County, Oregon. I have read both the reports from Heritage Investment Corporation (HIC) and Sharr Prohaska of Cultural Heritage Tourism.

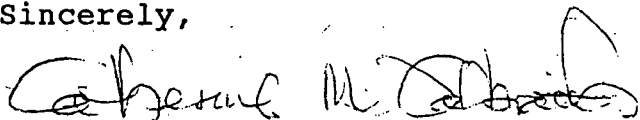
I am particularly concerned with the conclusion reached in the HIC report regarding the significance of remaining structures in Bridal Veil. The post office, houses (originally built for workers) and church are negatively evaluated due to modifications over time and condition. They appear to have been evaluated as "stand alone" structures rather than in the context of a collection as they were built, for a single purpose "company town". Nearly all properties are altered over time and alterations in and of themselves should not be the justification to conclude a total lack of historic significance. The HIC report also concludes that "only a few of the houses exist" (p. 106). Both studies note elsewhere that 12 of the original "standard" workers houses still stand along with three other larger houses including the mill manager's house. This is a significant number of original structures and would lead any historian to the conclusion that a large extent of the community context remains.

As former Planning Director of Oregon City (1979-1987), I am very favorably impressed with the historical information presented in the Prohaska report regarding the role played by Will and Harris Hawley at Bridal Veil from 1882-1892. Oregon City Pulp and Paper, established by the Hawleys at the flouring mills in Oregon City, played a paramount role in early history of Oregon City (later becoming Publishers Paper, now Smurfit Newsprint).

I have received the Multnomah County staff report for the Bridal Veil issue. I recommend that the County Cultural Resource Inventory be amended to include Bridal Veil as an historic and cultural resource.

I am concerned about the HIC report's conclusion that Bridal Veil structures are not significant given their previous historic inventories did not focus on structures at Bridal Veil. I was on the Board of Directors of the Historic Preservation League of Oregon (HPLO) when the National Park Service's Columbia River Highway report was done, with the HPLO as a sponsor. The focus of that study/report was the highway and not the resources in the Columbia Gorge.

Sincerely,



Catherine M. Galbraith, Executive Director

CG:dla

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OCT 16 1992

Multnomah County
Zoning Division

1830 NE Klickitat St.
Portland, OR 97212
October 1, 1992

Scott Pemble
Director of Planning
Multnomah County
2001 SE Morrison
Portland, OR 97214

C 9-92

Dear Mr. Pemble:

I am writing to urge that Multnomah County take the necessary steps to recognize the community of Bridal Veil as a unique and significant historic and cultural resource. Such recognition might appropriately involve addition of Bridal Veil to the county's Cultural Resources Inventory and amendment of the county's Comprehensive Plan to include Bridal Veil as an important embodiment of the county's history.

I offer this judgment as a historian specializing in the growth of the American West. My career has included fifteen years on the faculty of Portland State University with a teaching and research focus on Portland and the Pacific Northwest. In particular, I have been involved in studying the history of the Columbia River Gorge since 1981 and am currently writing a book on aspects of that history.

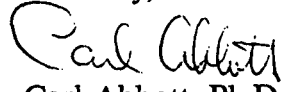
For much of the nineteenth century and the early decades of the twentieth century, the Columbia River Gorge was a resource production region whose Anglo-American settlers exploited fish and forest resources. The communities and industrial complexes created by the commercial fishing industry (such as fish wheels and the cannery at Rooster Rock) have now vanished from the Multnomah County landscape. The communities and industrial complexes created by the logging industry survive in substantial form only at Bridal Veil. It would be a deep loss to the heritage of the state and county should this remaining community disappear as well.

In evaluating cultural resources, it is important to distinguish between the architectural values of individual structures and the historic values retained when multiple elements of a landscape can be viewed and studied in context. Bridal Veil is a classic example of a cultural landscape which is far more than a simple sum of its parts. Understood in the context of the Gorge economy, the houses and public buildings represent important aspects of the logging industry and remind us of its viability into the middle decades of the twentieth century.

October 1, 1992 -- 2

As a final point, it is worth remembering that the purpose of the federal legislation creating the Columbia River Gorge National Scenic Area was to preserve and conserve the natural beauty of the Gorge without destroying the economic vitality of the existing communities. Multnomah County has taken the lead in accepting the goals of the Scenic Area program. Recognition of the economic history of the Gorge through appropriate Goal 5 planning in relation to Bridal Veil would make a direct contribution to the achievement of the purposes of the Scenic Area.

Sincerely,


Carl Abbott, Ph.D.

RECEIVED

OCT - 5 1992

Multnomah County
Zoning Division

Research and Report

BRIDAL VEIL, OREGON

History and Significance of the Community

for

MULTNOMAH COUNTY

document prepared by

by

Sharr Prohaska

Cultural Heritage Resource Consultant

1992

@

References

Red Tab Section

1. Copy of handwritten letter from S.A. Neppach to H.B. Nicholas for Paper Mill Tract. November 27, 1882
2. Copy of handwritten letter from Moore transferring property to the Paper Mill Tract owners.
3. Lease of Property to L.C. Palmer. 1887
4. Handwritten lease by Benedicht Luscher to Bridal Veil Falls Lumbering Company. 1889
5. Copy of handwritten letter transferring property from Moore to Neppach. 1882
6. Copy of handwritten agreement between Carter and Neppach. 1886
7. Copy of handwritten agreement between Nicholas and Neppach. 1888
8. Copy of handwritten agreement between Fleming and Neppach. 1890
9. Copy of agreement from Bridal Veil Lumbering Company dividing part of property into 15 lots, streets, and roadways. 1902
10. Copy of agreement sectioning of lot 7 for Bridal Veil Cemetery. 1902
11. Copy of handwritten agreement between Bridal Veil Falls Lumbering Company & Lacy, London, England. 1888
12. Copy of Porposed Railroad Right of Way. Gordon Creek to Bridal Veil. 1880
13. Copy of water rights agreement between Nicholas and Brower. 1889
14. Copy of Bridal Veil Timber Company Year End Balance Sheets. 1892
15. Copy of Metsker Map showing property ownership. 1948.
16. Copy of Bridal Veil Timber Company Balance Sheet. 1941
17. Cepy of Agreement for transfer of ownership between Bridal Veil Timber Company and Bridal Veil Lumbering Company. 1923
18. Copy of note paid to Oregon and California Railroad Company vrom Bridal Veil Lumbering Company. 1889
19. Copy of early site plan and agreement for placement of flume to Bridal Veil. Date unknown.

20. Copy of agreement between Frederick Luscher and Oregon Railway and Navigation Company. 1881
21. Copy of Bridal Veil Lumbering Company Right of Way Deed to Multnomah County. 1914
22. Copy of Record of Water Rights given to Bridal Veil Lumbering Company from the State of Oregon. 1914
23. Copy of Mechanics Lien from Lee Lahti vs Bridal Veil Lumbering Company. 1918
24. Copy of Proposed Change of Railroad Line at Bridal Veil Station. Three drawings. 1901
25. Copy of agreement between Bridal Veil Lumbering Company and the Oregon Railroad and Navigation Company. 1902
26. Map showing water pipe placement. Agreement between Bridal Veil & OWR& N Co. 1916.
27. Agreement between Bridal Veil Lumbering Company and Bridal Veil Box Factory for lease of paper mill property. 1903
28. Agreement between J.S. Bradley and J.M. Leiter. 1902
29. Map from Bridal Veil Lumbering Company showing area logged in 15 years on Larch Mountain.
30. Agreement between Lee Hawley and Anthony Neppach conveying 1/4 of property. 1882
31. Agreement between J.F. Buchanan and H.B. Nicholas. (Quit Claim Deed) 1886
32. Agreement between S.A. Neppach and John Fleming & H.B. Nicholas. 1888
33. Assignment of Paper Mill Tract from S.A. Neppach to Neppach Estate Company. 1892
34. Deed to build water pipes or flume between Bridal Veil Falls Lumber Company and Fleming, Neppach, and Nicholas, their heirs. 1889
35. Bankrupt Deed from E.E. Merges to Bridal Veil Lumbering Company. 1902
36. Deed between Virgil Ament and Fred Luscher. 1909
37. Deed between Fred Luscher and Bridal Veil Lumbering Company. 1903
38. Bargain and Sale Deed Between Fred Luscher and Bridal Veil Lumbering Company. 1909
39. Capital Stock Certificate. Bridal Veil Lumber & Box Company to Charles H. Kraft. Showing ownership 833 1/3 shares. 1938

40. Capital Stock Certificate. Bridal Veil Lumber & Box Company to James L. Kraft.
Showing ownership in 833 1/3 shares. 1938
41. Agreement between Berthy Carney and I.T. Wood, foreman for Young's Creek flume
project. 1911

References

Gold Tab Section

1. Bridal Veil Timber Company. Profit and Loss Statement. 1922
2. Arrangement to sell stock to A.M. Hagen from Bridal Veil Timber Company. 1923
3. Report of Timber Cut. Wind River Lumber Company. 1920-1923
4. Deed Records: Bridal Veil Timber Company to US National Bank. 1925
5. OR & N Railroad & Navigation Co. Agreement to Bridal Veil Timber Company. 1926
6. OR & N Railroad & Navigation Co. Agreement to Bridal Veil Timber Company. 1927
7. OR & N. Railroad & Navigation Co. Agreement to Bridal Veil Timber Company. 1928
8. Final Order for portion of Columbia River Highway at Bridal Veil. 1930.
9. US National Bank Mortgage Satisfaction to Bridal Veil Timber Company. 1930
10. Bridal Veil Timber Company. Profit and Loss Statement. 1930
11. Bridal Veil Timber Company. Profit & Balance Sheet. 1934
12. Letter to Governor Charles H. Martin from Robert Noyes, Treasurer, BVTC. 1935
13. Letter to Sheriff Martin Pratt regarding picketing at BVTC. 1935
14. Letter from Loyal Legion of Loggers and Lumberman. 1936
15. Photograph of Bridal Veil house of Erma McCredie. 1940 (Erma McCredie)
16. View of Bridal Veil Mill . 1940 (Erma McCredie)
17. Certificate of Title to Leonard Kraft. 1937
18. Certificate of Incorporation of "Kraftwood Lumber Company." 1947
19. Map and Abstract of Title for Bridal Veil Heights. 1890
20. Copy of Organizational Chart for Bridal Veil Lumber and Box Company
21. Copies of Bridal Veil News Letters. 1959

Legal Documents copied from records at the Oregon Historical Society.



PERSONAGES

The people associated with Bridal Veil reads like a "who's who" in the Oregon timber industry.

Willard P. Hawley and his brother Harris Hawley, were one of the first four families to pack their wagons and settle in the woods at Bridal Veil. Hawley saw the potential for making paper by building a paper mill at the base of Bridal Veil Falls. He brought his experience with him from working at mills in the East. He was also helped by his father-in-law, Thomas Pusey, whose family had been in the paper making business for over 300 years. **Hawley is best known today for his success with the Hawley Pulp & Paper mills at Oregon City.**

Loring C. Palmer, founder of the Bridal Veil Lumbering company, was a veteran of the Civil war. Born in Clinton County, Iowa in 1848, he joined the Third Wisconsin Volunteers infantry when he was 17 years old. **He fought in many famous battles, including the fall of Atlanta and was with General Sherman on his march to the sea.** He later came to Vancouver and then the Bridal Veil in the 1880's and founded the Bridal Veil Lumber Company along with J.S. Bradley and John Leiter.

John Leiter, superintendent and general manager of Bridal Veil Lumber Company, was born in 1850, in Ohio and as a young man moved to Bay City, Michigan where he worked in logging operations. He came to Oregon in 1890 and became superintendent and general manager of the company at Bridal Veil. He sold his interests there and moved to Portland where he was active in the Chamber of Commerce, the Royal Arcanum and the United Artisans club. Two years before his death a large yew tree on a farm near Molalla was dedicated to him by Rufus Holman.

John Stone Bradley, was a prominent figure in the Pacific Northwest lumber Industry. He was president of the Bridal Veil lumber company at Bridal Veil for many years. **John Stone Bradley, also served as treasurer and general manager of Bridal Veil Lumber company and was a Civil war veteran. and prominent in lumber circles in the Pacific Northwest.** John Stone Bradley, was famous for his role in the development of the great lumber industry of the northwest.

Bradley started worked at Bridal Veil in 1889 and served in that capacity until 1907, when he disposed of his interests to become a stockholder and manager of the Bradley logging company, with camps near Cathlamet, Washington. He remained active until two weeks prior to his death, occupying offices in the Lumberman's building.

Bradley was born in Lee, Massachusetts, September 1, 1842, being a direct descendant of an old New England family. His great-grandfather, Jesse Bradley, served with a volunteer Massachusetts company during the Revolutionary war. Mr. Bradley attended public school and Lee academy before entering Union college, Schenectady, New York in 1860. He was a member of Delta Kappa Epsilon fraternity. After completing two years of his college course, he enlisted in the Union army with the 37th Massachusetts volunteers.

Mr. Bradley served three years, distinguishing himself at the battles of Petersburg and Little Sailor's creek. His advancement in the army was rapid until in 1865, when he was mustered out, he held the rank of adjutant. He was also commissioned a captain for bravery in action.

The story is told that he received a wound in both thigh at Little Sailor's creek when he called upon the enemy to surrender. According to the story, a white flag was shown and Bradley stepped out into the field. When he advanced to accept the surrender of a body of Confederate soldiers an enemy bullet was fired at him, piercing both his thighs and lodging itself in the hilt of his sword. The sword is in the family possessions.

Because of his service, he was awarded an AB. degree from Union college in 1918 as if he had graduated with the class of 1864 from the college. He also received a gold medal from the college. Following the war he lived successively at Lee, Massachusetts, Bay, City, Michigan, and Newark, Ohio. When the war was over, Bradley returned to Lee, Massachusetts, in 1865, and there engaged in the business of manufacturing paper. Two years later, in 1867, he moved to Bay City, Michigan, and was engaged in the manufacture of lumber until 1878, when he moved to Newark, Ohio, where he established himself in business as a dealer in lumber. He worked there for eleven years, before coming to Portland and joining the Bridal Veil Lumber Company at Bridal Veil, Oregon, as a stockholder and manager. For eighteen years he successfully controlled the interests of that company, but during 1907, severed his connection with the company and became a stockholder and manager of the Bradley Logging Company, a corporation with their office in Portland, and its railroad and logging camps at, Washington.

The Bradley's come to Portland in 1889 and here Mr. Bradley became interested in the lumber business, first serving with the Bridal Veil company and later joining the Bradley Logging company.

Mr. Bradley was a member of the Sons of the American Revolution, the Civil War, Military Order of Loyal Legion, the Auld Lang Syne society and the University club. He was a Mason, Knight Templar and G.A.R. member of the Lincoln-Garfield post. He was a ruling elder in the Presbyterian church for more than 50 years, holding membership in the First Presbyterian church in Portland.

In December 1866, Bradley married Miss Lucy J. Sturges. His married his second wife on January 25, 1885, who was M. Louise Bradley. He had two children Harry L. and Elisabeth A. Bradley, who lived in Portland. Bradley was a member of the republican party, a Mason in 1865 and in 1882 became a Knight Templar. In 1883 he became a member of the Sons of the American Revolution, and on May 15th, 1909, he joined the military order of the Loyal Legion of the United States. He was a member of the First Presbyterian church of Portland, and served as an elder of the church. At the time of his death, he was survived by his widow, a daughter, Mrs. Elizabeth Newmeyer, four grandsons and two daughters. A son, Harry Bradley, died several years ago and a daughter, Mrs. Myra Labbe, also died recently. (Gaston) (Oregonian, January 25 1926) (Journal, January 25, 1926) Bradley died at 83 years of age.

At the time of his death in 1926, Bradley was one of the few surviving commissioned officers of the Union army during the Civil war. Bradley had been a resident of Portland for 36 years and was 83 years of age at the time of his death. He lived in the apartments at 649 Glisan street. (old address)

Edwin R. Blair, was a well known Northwest lumberman. He was born July 11, 1878, at Waukesha, Wisconsin. On May 15, 1905, he married Miss Louise Dolen of St. Joseph, Missouri. After coming to the Pacific coast, he was first associated with the Chehalis Lumber company at Chehalis, Washington, later with the Tongue Point Lumber company at Astoria, and later with the Bridal Veil Lumber Company at Bridal Veil, Oregon. After leaving the Bridal Veil Lumber company, he was interested in a logging operation in Tillamook county. He was a member of the Willamette Masonic lodge and had been active in athletics at the Multhomah Club. He was survived by his widow, Louise Dolen Blair. Oregonian, March 15, 1928.

Carl E. Braun, for many years a prominent engineer in the pulp and paper industry on the Pacific coast was appointed mill manager of the Hawley Pulp and Paper Company plant at Oregon City. Braun made his first contact with the paper business when, as a boy, he accompanied his father, the late Captain John A. Braun, on his river boat to the Willamette Paper company mill at Oregon City. Later he became an engineer and was in the engineering department of the Camas plant of the Crown Willamette Paper Company for some time. He spent five years with the Columbia River Paper company at Vancouver, Washington and was gradually promoted until he became general superintendent of all the Lead better plants on the coast.. Oregonian, December 25, 1932.

Charles G. Briggs (1879-1947) was president of the Booth-Kelly Lumber company in Lane County. He was born October 28 1879 in Saginaw, Michigan and came to Oregon in 1898. After entering the logging and lumbering business, Briggs first business venture was at Quincy with horses, oxen, and cows, hauling logs over a greased road. In 1900 he went into partnership with Holland and Briggs; later incorporated into Holland, Briggs & Aver, and since 1915 known as Holland, Briggs & Noyes. In 1932 Briggs became manager of Booth-Kelly Lumber company of Eugene. At the time of his death he was president of the company.

Briggs graduated from Michigan College of Mines. He married Katherine Helen Bates in 1905. She died in 1938. Their daughter was Mrs. Katherine Briggs Wilson. Briggs belonged to the Arlington Club, County Club and Eugene County Club. He was active in many activities associated with the lumber business. Mrs. Briggs, was born at Shasta, California. Their daughter was Mrs. J. Hobart Wilson of Boise, Idaho. Journal, Nov. 3, 1938

Joseph Buchtel, born in Ohio in 1830, who came to Portland in 1856 and became the leading photographer of Oregon. He was a personal friend of Lincoln, who practiced law in the courts of Champaign county, Illinois, where he worked in a saw and shingle mill and was a deputy sheriff before coming to Oregon. Buchtel joined a wagon train of 60 wagons and made his way to Oregon in 1852. He was among the first to introduce all kinds of pictures and made his first photograph about 1855. For the next 35 years he was known as one of the most prominent photographers in Portland. He also worked on the rivers during the winter. **In Portland he led the movement that caused the building of the Morrison street bridge, the first trans-river bridge in the city.** He was honored with being the first person to cross the river, riding at the head of the procession. He organized the East Side Improvement Association. He served for two years as sheriff of the county, was the fourth chief of the volunteer fire dept.

Charles H. Carter, president of Portland Woolen Mills, started as a loom boy apprentice in the woolen mills at Leeds, Yorkshire, England, on April 3, 1888, when he reached his 14th birthday. He was the third generation Carter to work in the mills. As a loom apprentice, he walked 15 miles twice a week to a textile school for five years to get a degree in designing. He came to America and landed a job in the Dodos Mills. He designed the Dodson mills at Pittsfield, Maine before he was 21 years old.

While working in Pittsfield, Carter saw a picture of Chinook salmon leaping the falls at Oregon City. When a chance came to take a place as superintendent in a small Tacoma mill, Carter came to the west. In Tacoma he asked time off to catch a salmon before he started work. The Tacoma mill operator wasn't a sportsman, took Carter to the millrace behind the mill and began pitching out Chinooks with a hay fork. Carter never has fished since. He worked at Tacoma until the mill burned and then was superintended to a small mill at Dallas. It was there that he met and married Mrs. Gertrude Craven.

He established the Portland Woolen Mills with E.L. Thompson, pioneer real estate man in 1901 in Sellwood. The plant burned in two years and in 1903 the structure was built in St. Johns. Carter has been president and general manager since 1935. The original plant was a small 20 loom mill employing 80 people. Since its establishing it grew to cover six acres and had 18 buildings. The plant employed 6000 people and spun 18,000 miles of yard a day.

The company entered the virgin wool blanket field in 1930. Since that time Wool of the West and other Portland blanketings have grown to be half the company's output. According to a sales manager, Carter's 50th year, in the wool business was the largest in the history of the Portland Woolen Mills. Oregonian, April 3, 1938.

William DuBois, was a member of the pioneer logging family and a partner in the Dubois Lumber Company of Vancouver, Washington at the time of his death. DuBois was a member of a pioneer Vancouver family. He was born in Iowa, moving west with his parents at the age of six. At the time of his death, he was survived by his wife, Floy Brown. (Oregonian, 8-17-46.)

The DuBois Family is believed to be the oldest family of lumber operators on the Columbia river. William and Lewis Dubois left their lumber yard in Iowa and headed for the Northwest, starting their first mill in the Vancouver area in 1883. Their first trial came shortly after they set up a sawmill on Salmon creek north of Vancouver, Washington. Frequent dam washouts topped the water wheel they used for power. They moved to what is now downtown Vancouver. Once again, their determination was put to a test because the mill burned. They moved again to the bank of the Columbia and there stayed for nearly two decades. The fourth and final move was a short distance downstream to the spot where the Dubois Lumber company stood in 1955.

George DuBois, eldest son of one of the two founders, took over the mill and operated it for many years. Another son, William Jr., became associated with the mill his father and uncle started. In 1955 the third generation was running the mill.

The only son of the pioneering William DuBois to break away from the lumber business was Lloyd. He went into newspaper work and then became a banker. He founded the Washington Exchange bank in Vancouver and later merged with the Seattle First National Bank.

The two Dubois family mills operating separately have brought hundreds of thousands of logs from up and down the Columbia, to convert them into lumber. (Oregon Journal, July 31, 1955)

L. C. Gurnett (1861-1931) prominent figure in the pulp and paper industry in this region, was fatally injured in a automobile accident in Portland, Maine. Gurnett was associated with the Willamette Pulp and Paper Company, the Crown Willamette company at West Linn in 1888. **He was there until 1892 when he started a mill at Bridal Veil, later selling to the old Crown Columbia Paper company at Camas.** After closing his Bridal Veil plant, Gurnett went to East Bangor, Maine, where he was associated with the Eastern Manufacturing company. Later he became connected with the Brown company, for whom he worked at the time of his death.

Gurnett left the Portland area about 1905, interested in the paper business in Maine. At the time of his death he was financial manager of the Brown Company, the largest producer of pulp in that section. Gurnett was a native of New York, came to the area after the establishment of the old Willamette Pulp & Paper company's plant, now the Crown Willamette plant, at West Linn, in 1888 and became manager for the company. Gurnett worked for the company until 1882.

When he visited Portland in 1929, he stopped at the Roy A.H. Thompson home, 1055 Westover road. (Journal, April 17, 1931) He died on April 15, 1931, at 70 years of age.

A.M. 'Ole Hagen, veteran Northwest lumberman was associated with the Booth-Kelly firm and with the Carlisle Lumber company at Onalaska, Washington. He went with the Bridal Veil Timber Company when that firm was organized in 1922 and was general manager until the operation was finished in 1937. He then joined Timber Structures, Inc and worked as a consulting engineer in sawmill design and structure. He died at 76 years of age on October 16, 1952. Oregonian

Willard P. Hawley (1856-1931) was one of the first four families to settle at Bridal Veil. His purpose for moving to the area was to build and operate a paper mill at Bridal Veil Falls. The paper mill was constructed and operated for approximately 20 years.

Willard P. Hawley was a leader for many years in the paper industry in Oregon and responsible for the improvements in the manufacturing business. Hawley was president of the Hawley Pulp and Paper company and the St. Helens Pulp and Paper company. He was also affiliated with the California Bag and Paper company. Prior to coming to Oregon he worked in the paper business in the east, for mills in Watertown, N.Y. for John Wanamaker, in Brimingham, Connecticut, to Hastings Paper company in Rochester, New York to the BarCley and Sewall at Niagara Falls.

According to Warranty Deed, dated November 27, 1882, Anthony MOore and J.F. Miles deeded to Willard P. Hawley, J.Frank Buchanan, and Richard S. Oakley, a parcel of land beginning in the "center of the Creek known as Big Fall Creek or Bridal Veil Creek) for the consideration of \$1200. On April 21, 1901 a Satisfaction of Mortgage was filed acknowledging that the debts had been paid.

Born February 1856, in New York, Hawley was the son of a retired civil war veteran. He lived in Maine until he was 16 years old, when he went to California with an emigrant train. He received his first job in a paper mill in Stockton, California, the beginning of his notable career in the pulp and paper business. For many years he managed mills in California inventing new methods and improvements for the mill business.

In 1882 Hawley became superintendent of the Crown-Willamette company, and also the second largest owner in the plant. He resigned from the Crown-Willamette concern in 1906 and in 1907 organized at Oregon City the Hawley Pulp and Paper company, of which he was president. This business expanded rapidly under his direction. In 1927 he organized and became president of the St. Helens Pulp and Paper company and purchased the California Bag and Paper Company in Emeryville, California which was associated with the St. Helen's concern.

At the time of his death he was survived by a son Willard P. Hawley, his brother, Henry H. Hawley, and four grandchildren, Eva Adele Hawley, Dorothy Velene Hawley, Phillip Metscham Hawley, and Willard P. Hawley, III.

Mrs. W.P. Hawley was born at Dundee, Michigan and came to Oregon in 1892 with her husband, settling at Oregon City, where Mr. Hawley started a paper mill. Mrs. Hawley was a member of a well known papermaking family, the Pusey family, which had been engaged in the manufacture of paper for some 300 years. Mrs. Hawley was interested in historical research, Mr. & Mrs. Hawley presented the Old Dr. McLoughlin home to the Historical Society in Oregon City.

Edward B. Hazen was born in Davenport, Iowa in 1878 and came to Portland in 1900. He was sales manager for Portland Lumber Company and later general manager of Chehalis

Lumber Company, Little, Washington; Tongue Point Lumber Company, Astoria; **Bridal Veil Lumbering Company, Bridal Veil**; Douglas Fir Timber Company, Portland and Wind River Lumber Company, Cascade Locks. In 1942 he became manager of the Ben Hazen Insurance Company. He died at 75 years of age on March 1, 1964. Oregonian March 18, 1964.

Ben Hazen, was founder and former board chairman of the Benjamin Franklin Savings and Loan Association. Hazen headed a group of organizers that formed the Benj. Franklin Savings and Loan Association in 1925. He served as its first manager and secretary-treasurer, then as president in 1941, chairman of its executive committee for 1959-60 and chairmen of the board from 1960 to 1975.

A former logger and sawmill operator, Ben Hazen was born in Davenport, Iowa, the son of Dr. and Mrs. Edward Hamlin Hazen. His father was an ophthalmologist who moved his family to Des Moines when Ben was a year old. Hazen graduated from Des Moines High School in 1908 and shortly afterward came to the Pacific Northwest, working as a timekeeper in a logging camp at Oak Point, Washington. He spent 10 years in the lumber manufacturing and selling business with an interlude from 1901 and 1912 while he attended Drake University in Des Moines. **He joined his brother E.G Hazen, in operating a sawmill at Bridal Veil in the Columbia Gorge until the 1920s.** He later served as secretary, treasurer of the Douglas Fir Lumber Company, then moved to Portland to engage in the real estate and insurance business.

In his spare time he sold portable savings banks to savings and loan institutions as premiums. The savings and loan business drew his attention and he became one of the organizers of the state-chartered Benj. Franklin association in 1925. In 1934 he directed its conversion to a federal charter. Of 19 Portland savings and loan companies, his was one of only two to survive the Depression years.

Hazen drew the attention of business colleagues in 1927 when he won the American Savings and Loan Institute's speech contest in Asheville, North Carolina. He retired in 1975-with the Benj. Franklin had grown in 50 years in assets from \$15,000 to more than \$700 million. He was director of the national Thrift Committee. In 1951-52 he was president of the United States Savings & Loan League. He served on many committees for the national organizations and was president of the Oregon Savings & Loan League. For many years he served as an instructor at the University of Indiana's graduate division summer sessions on savings and loan operations.

In 1946 Hazen was head of the Portland Community Chest drive, served again as chairman in 1948 -50, and returned to it a third time in 1955 as leader of the renamed United Fund-Red Cross drive. In 1947 he was president of the Portland Rose Festival Association, which he served as a director for several years. In the 1950's he was president of the Portland Better Business Bureau. He served in many other civic roles, including director of the Camp Fire Girls, Portland Chamber of Commerce, YMCA and OMSI. He was co-founder of the Portland Kiwanis Club in 1919, served as president in 1929, as Governor of Pacific Northwest district in 1947.

Hazen was named Portland's First Citizen in 1954 by the Portland Realty Board. In 1973 he received the Brotherhood Award of the Oregon Region of National Conference of Christians and Jews. He was a member of the First Unitarian Church and spent nearly all of his business life in Oregon. He died at 92 years of age on January 1, 1983. (Oregonian)

Howard H. Holland was prominent in the timber and lumber industries of the Pacific Northwest for more than half a century. Holland was born at St. Clair, Michigan, October 1, 1876. He was reared at Saginaw where his father operated a sawmill when that city was a lumber capital of the world. In 1897 he left for the Klondike, but got no

further than Seattle where he went to work in a sawmill. After serving in the Philippines with the 2nd Oregon Volunteers, he teamed up in the lumber business with the Charles Briggs and Bob Noyes, who first operated a mill near Rainier before expanding. Holland did most of the cruising and buying of timber throughout the Northwest. The firm first operated near Rainier and later expanded to other parts of the Northwest, with Mr. Holland doing most of the cruising and buying of timber. He worked throughout Oregon, Washington, northern California and Idaho.

The firm had the Bridal Veil Lumber Company on the Columbia for many years. The Noyes-Holland Logging Company operated the famed Kerry logging railroad. Later, Mr. Holland became associated with the late Orville Miller and after 1942 had direct charge of the Mt. Jefferson Lumber Company, which had mill and logging operations at Lyon on the Santiam River. Holland was a life member of the Arlington Club and a member of the Multnomah Club, Waverly Club and the AAA. He died at 83 years of age. He was survived by a son, James L. Holland of Portland and a daughter, Mrs. Norman W. Hunter, Jr. of Palo Alto, California. (Journal, December 11, 1959)

Leonard Kraft, was president of Bridal Veil Lumber and Box Company. (1937-1960) The Kraft family story is the American dream come true. James Kraft, eldest son of Minerva and George Kraft, left Fort Erie, Canada for Chicago in 1903. He had \$65 in his pocket and some interesting ideas about cheese. As a grocer in Canada he had experimented, trying to determine what accounted for different flavors and degrees of freshness. In Chicago, he bought a wagon and a horse named Paddy and was soon a familiar sight in the markets of South Water Street, buying and re-selling cheese to shops and restaurants, making all the deliveries himself.

He continued to experiment at home, after the working day was over, cooking and blending cheeses. His goal was to develop a product that would be uniform in taste, a cheese that would not vary in flavor according to what the cow had eaten before being milked. His research eventually led to the first "processed" cheese, patented in 1916.

As the business grew, J.L. brought brothers Charles, Fred, Norman and John from Canada to help, and opened his own cheese factory in Stockton, Illinois. Charles was the engineer, Norman was in charge of research and later responsible for the development of sliced cheese, a major innovation. Fred managed the burgeoning international divisions, and youngest brother John was eventually sales manager and co-chairman of the board.

The parents George and Minerva Kraft were Mennonites with a strong work ethic and reverence for hard work.

Leonard Kraft was working for Charles Kraft (Vice-President) left the company and went to work for a family friend in a Cathlamet, Washington woods product mill, which made shooks for the Kraft Cheese Boxes. This was during the middle of the Depression when he was getting paid \$30.00 a month and the family was charging \$25.00 a month for room and board. He had met Mrs. Kraft in college and they were wanting to get married but could not afford to on the \$5.00 left over each month. So he took a job as assistant manager in Woods Product Company Cathlamet in January 1934 and they were married later that year. Mr. Kraft always wanted his own company so they purchased the mill at Bridal Veil and moved there in November 1937 where they lived for 11 years. In 1958 the family moved to Portland, but Leonard commuted to the mill every day until it was sold in 1960.

J.M. Leiter, Secretary of the Bridal Veil Lumbering Company, was born in Dayton, Ohio. In 1883 he moved to Bay City, Michigan and became a wholesale lumber dealer. He sold his interest in 1888 and like many other lumbermen in search of a new location,

turned toward the vast resources of the Pacific Coast. In 1890 he bought an interest in the Bridal Veil Lumber Company.

Albert C. Moore was an Oregon pioneer of 1852. He was born in Warwick County, Rhode Island, September 23, 1828. He learned the carpenter's trade in New York City under his older brother, Amosa, and when gold was discovered in California, they sailed for San Francisco November 15, 1849 on the ship Powhattan.

In 1852 they came to Oregon, settling at Scottsburg, where they built and operated a tannery. In 1860 Albert Moore assisted by his brothers, Amosa, James and Anthony, secured a charter from General Booker and built a toll bridge across the North Umpqua River at Winchester. This bridge was lost in the flood of 1862. They then went to Portland where they built and operated for Joseph Knott, what was then the Start street ferry.

Albert Moore built the first flouring mill in Idaho Territory at Boise City. On March 21, 1871, **Albert Moore patented a turbine water wheel**, known as the Moore & Parker wheel, which was awarded a gold medal at the Oregon State Fair in 1876. Albert Moore died at Halsey Oregon, December 16, 1913 at 85 years of age. Oregonian, December 17, 1913.

Albert Moore died December 17, 1913. (first family of Bridal Veil)

Anthony Moore died at Halsey, March 6, 1915 (1857 Pioneer) (First family of Bridal Veil)

Martha Moore died 1908 at 80 years of age. (First family of Bridal Veil)

Robert H. Noyes, Sr. was a leading figure in the Northwest timber industry. Noyes was born in St. Paul, Minnesota, March 31, 1886. He was educated at the Hill School in Pottstown, Pennsylvania and at Yale University, where he was graduated in the class of 1908. He was captain of the Yale varsity crew. After college, he worked for the Weyerhaeuser Company, in northern Minnesota and onto the west coast. In 1915 he went into business for himself and moved to Portland where he lived until his death.

The Noyes business-Holland, Briggs and Noyes--had operations near St. Helens and at Bridal Veil. Later, he was a principal in the Row River Lumber Company and was chairman of the board of Booth-Kelley Lumber Company which was sold to 'Georgia Pacific Corp. He was also a partner in several tree farms. Noyes served as a board member of Holladay Park Hospital and the Oregon Historical Society. He died at 97 years of age on May 28, 1983.

Joseph Peters, was president of Bridal Veil Lumber company, and a prominent business leader who contributed to the development of Oregon. Born in Baltimore, Md. in 1846, Peters came to Oregon and operated a lumber company under his own name for 33 years before it was sold. Peters was treasurer of the State Portage commission and president of the Regulator steamship line. **He moved to Bridal Veil in 1910 and was president of the Bridal Veil Lumber company and director of the Hawley Pulp and Paper company, Grants Pass Timber Company, Wind River Lumber company and Douglas Fir Company.** He was one of the founders and directors of the Oregon Mutual Life Insurance Company.

Peters was treasurer of the State Portage commission and president of the Regulator steamship line. He was for many years a member of the city council of The Dalles. The family moved to Portland in 1910. **At that time Peters was president of the Bridal Veil Lumber company and was director of the Hawley Pulp & Paper company.** Grants Pass Timber Company, Wind River Lumber company and Douglas Fir Lumber company. He was

one of the founder's and directors of Oregon Mutual Life Insurance company, which position he held at the time of his death.

Peters had extensive real estate and farm holdings in both eastern and western Oregon and engaged actively in their operation at the time of his death. He was survived by his widow, Lucy Wilson Peters, four daughters, Mrs. Willard Wilson, Mrs. Halite Maxwell, Mrs. Edwin Binney, JR., and Mrs. Leonard Floan. At the time of his death, Peters lived at 2141 N.W. Davis Street, Portland. Services were held at Trinity Episcopal Church. (Oregonian, December 11, 1942)

At the time of his death in 1942 Joseph T. Peters, retired lumberman and apartment house owner, left large sums of money to Trinity Episcopal church, St. Paul's Episcopal church in The Dalles, Dornbecker hospital, Good Samaritan hospital, Waverly Baby home, Salvation Army, YMCA and YWCA. He was survived by his widow Lucy M. Peters, four daughters, Helen Augusta Wilson, Grace Genevieve Maxwell, Janet Buchanan Floan and Elizabeth Wilson Binney.

Edward Henry Stolte, pioneer hotel man. was a native of Hamburg, Germany, where he was born in 1841. at the age of 13 he came to America and with his parents in 1868 joined an emigration party westward bound and located in Portland in the fall of that year. In 1871 he married Mary U. Riddell. they had two sons. Few other men were better known to the traveling public in the Pacific Northwest than was Mr. Stolte. He was engaged in the hotel business from a short time after his arrival to his death. For a number of years he was employed as clerk at the Imperial. He died at 68 years of age on August 7, 1909. Oregonian 7 August, 1909.

E.H. Thompson, was part owner of the Bridal Veil Lumber company and superintendent of the mill for 30 years. In 1925 he tried to take his own life. Thompson was found in the mill office with a bullet in his head. Thompson had been ill and despondent and tried to kill himself. "I've lost out," was his statement to those who discovered him. The lumber company watchman, walking through the building heard the coughing of a man in pain. He unlocked the door to Thompson's office and found him on the floor. He called for a physician and help in handling the injured man. The bullet was found in his head and he was sent to Portland as quickly as possible. Investigation revealed a .38 Colt revolver in the store room near the office and the Deputy said it was probably that after shooting himself, Thompson walked to his office, leaving the revolver in the storeroom. The gun held only one shell.

Thompson was about 75 years old. He married a second time about a year ago and lived in Portland with his wife. His Bridal Veil stopping place was at the home of Mr. and Mrs. John Varney. Thompson, a leading lumberman was a mechanic, died at 817 Regents Drive, and was a 33rd degree Scottish Rite Mason. (Journal, December 14, 1925.)

Dr. William H. Boddy, Presbyterian Pastor was widely known in Oregon. While a student at Reed college, where he graduated in 1915, he supplied the Central Free Methodist church. His health failed and he took a small pulpit at Parkdale, Oregon and then achieved great success as pastor of Hood River Community church. He went from Hood River church to Woodlawn Park Presbyterian church in Chicago. He died at 54 years of age on April 20, 1940. Oregon Journal, April 20, 1940.

CAREER ENDS FOR W. P. HAWLEY

Paper Industry Leader Dies
at Portland Residence.

OREGON HOME SINCE 1892

Known in New York Head of Three
Companies Before Retirement;
His Was Active One.

W. P. Hawley, a leader for many years in the paper industry in Oregon and the west, and responsible for many of the improvements in the paper manufacturing processes, died yesterday at his home at 400 East Twenty-second street, North.

At one time, just before his retirement from business because of illness, Mr. Hawley was president of the Hawley Pulp and Paper Co., the St. Helena Pulp and Paper Co. and the affiliated companies and the California Bag and Paper Co.

In the life of Mr. Hawley, that of a boy who came west alone and rose to the leadership in his industry through ability and work.

Career Active One.

He was born February 28, 1856, in Maine, N. Y., the son of a retired soldier and veteran. He lived in Maine until he was 16 years old, when he went to California, with an employment. He received his first job as paper mill in Stockton, Cal., the beginning of his notable career in the paper and paper business. For many years he managed mills in California, developing new methods and improvements.

In 1892 Mr. Hawley came to Oregon, to become superintendent of the Crown-Willamette company, also becoming the second largest owner in the plant.

He resigned from the Crown-Willamette concern in 1906 and in 1907 organized at Oregon City the Hawley Pulp and Paper company, of which he was president. This business prospered and expanded rapidly under his direction. In 1927 he organized and was president of the St. Helena Pulp and Paper company, and purchased the California Bag and Paper Co., Marysville, Cal., which was connected with the St. Helena concern.

Widow and Son Survive.

His widow, Mrs. W. P. Hawley, was paper making through in his earlier years, he was engaged in historical research and traveling.

Mr. Hawley was a member of the St. Memorial Episcopal church.

His surviving relatives include his wife, the son, Willard P. Hawley, Jr., brother, Henry H. Hawley, Mary, E. F., and four grandchildren, Mr. and Mrs. Hawley, Dorothy Helen Hawley, Philip Metcalf Hawley and Henry P. Hawley III.

Funeral services will be held at the St. Memorial Episcopal church tomorrow morning at 10 o'clock. Interment will be in River view cemetery.

RETIRED LEADER OF PAPER INDUSTRY HERE DIES



W. P. Hawley.

Mrs. W. P. Hawley Of Paper Family Dies at Home

Mrs. Eva Adelle Hawley, widow of Willard P. Hawley, founder of the Hawley Pulp & Paper company, died at her home, 1914 N. E. 22d avenue, Friday evening following a three-week illness.

Mrs. Hawley was born at Dundee, Mich., and came to Oregon in 1892 with her husband, settling at Oregon City, where Mr. Hawley started a paper mill. Mrs. Hawley herself was a member of a well known papermaking family, the Pusey family, which had been engaged in the manufacture of paper for some 300 years.

Like her husband, Mrs. Hawley was interested in historical research. Mr. Hawley presented the old Dr. McLoughlin home to the Historical Society of Oregon City.

Mrs. Hawley is survived by a son, Willard P. Hawley Jr.; a sister, Mrs. W. F. McDonald of Piedmont, Cal., and five grandchildren. Funeral arrangements will be in charge of Holman & Lutz. Services will be held at 10 a. m. Monday at Grace Memorial Episcopal church.

10/6/1939

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IMPRESSIONS AND OBSERVATIONS OF THE JOURNAL MAN

By Fred Lockley

3-22-28

"The most important decision a man or woman makes in life is choosing a partner," said W. P. Hawley, president of the Hawley Pulp & Paper company at Oregon City, when I visited him recently at his home here in Portland. "Sex attraction is all very well in its way, but when you are choosing a wife beauty is not enough. You are choosing a mother for your children; you are choosing a partner and a helpmate. When we were paying \$1 a week rent and living on \$3 a week, Mrs. Hawley certainly learned the value of money."

"I have found that one of the best assets you can have in business is to be willing to do a little more than you promise and be eager to accommodate your customers. When I was superintendent of a paper mill in California the San Francisco Examiner, which at that time was growing by leaps and bounds, was unable to secure, under their existing contract, enough paper to take care of their increasing circulation. The business manager, who had failed to anticipate the growth of the paper, wired us to spare no expense in securing for him paper to meet his needs. Their Sunday paper was growing larger and larger, and one day we got a telegram saying that they were almost out of paper and they must have paper at once. We had 100 rolls of paper in the warehouse, but the rolls were 16 inches too long for the Examiner presses. I took these 68-inch rolls, speeded up the winder, rerolled them and took a trimming off each side, cutting them down to 52 inches in width. Every Friday night I would send extra paper up by express for their Sunday issue. Mr. Bogard, the manager, was so grateful for the way we had helped him out that when Mr. Remington, the owner of our paper mill, came out from Watertown, N. Y., the Examiner gave us a contract for paper that amounted to a little over \$1,000,000. Mr. Remington was so pleased with securing the million-dollar contract from the Examiner that he said to me: 'You have made good as superintendent of this mill. I want you to come back to Watertown, N. Y., and take charge of the seven mills I have there. I went back to Watertown, and Mr. Remington not only increased my salary, but took me in as a partner.'

"I had such good luck with the mills at Watertown that I decided to go into business for myself. I would go to a mill that had been losing money and I would offer the owner my services without charge unless I could put the mill on its feet and make it pay. I had more work than I could do, and I made big money. The first mill that I took a contract from on this basis was one at Birmingham, Conn. John Wansuaker, postmaster general, had given them a contract to make government postal cards. The government inspector refused to accept the paper they were turning out for the postcards, as it was off color and not firm in texture. The owner of the mill had spent \$100,000 in new machinery to remedy the defect, but still the government inspector refused to accept the postal cards. Before I had left the mills at Watertown the sulphite process had come in. I made an improvement on this process, which I patented. I told the owner of the Birmingham mill that by spending \$5000 I would guarantee that within three months all the paper produced would pass government inspection. Within six weeks I had increased the production 23 per cent and the paper was coming out the right color and was firm in texture, so that the inspector passed it without question. When the owner paid me for my services at the end of the six weeks, I said, 'You have paid me generously, so I am going to stay with you without expense until you can get rid of the warehouse full of rejected paper you have.' Mr. Wilken-son, the owner of the mill, had a beautiful home there. He certainly treated me like a member of the family. When his daughter was married I sat in the family pew, in spite of the fact that I had no dress suit and was dressed in an ordinary gray business suit. In addition to paying me the sum agreed upon for my services, Mr. Wilken-son wrote me a generous check as a token of his appreciation of my services. Many years later he wanted to send me a check for \$10,000 to invest for him somewhere in the West, preferably in mines, but I told him I was a paper mill man and knew nothing about mines; so I preferred not to take the responsibility of investing his money."

"The next mill I took hold of was the one at Rochester, N. Y. This was owned by the Hastings Paper Company. While there I patented a thermometer for digesters. Practically all of the mills at that time used thermometers made by Taylor Brothers of Rochester. Their thermometer was so easily broken that it caused heavy expense for the mills. The thermometer I patented was just as sensitive as the Taylor thermometer but it was enclosed so that you could drop it on the floor without breaking it. I took it to Taylor Brothers and asked them what arrangements we could make for manufacturing it. Taylor Brothers could not afford to reconstruct their entire plant, so they told me if I would turn the patent over to them they would give me 10 per cent of their gross sales on sulphite thermometers. This made a very satisfactory addition to my yearly revenue."

"From there I went to the Hastings Mills on the Genesee river. They were making paper for the New York Sun. They had gone to a great deal of expense in trying to adjust and repair the machines they had, but they failed to work well. The superintendent said, 'Can you fix this machine, and if so, what will you charge?' I watched it work and discovered that one part of the machine needed a little adjustment. I said, 'I can fix it, and I will only charge you \$50.' The superintendent was incredulous. He told me to go to it. In two hours I had the machine adjusted so that it was doing the work satisfactorily. There was another machine there that needed a little adjustment, so after supper I overhauled it and adjusted it, and they paid me \$25 extra for that, so that I made \$75 that day with very little work. The owner of the mill asked me to go to work for them at a good salary, and he offered me a percentage of the profits, but I had to refuse, as I had already promised to go to Niagara Falls to inspect the work of some paper machines that had been made by Bagley & Sewall. The purchasers claimed that the machines were not up to specifications. The manufacturers of the paper machines and the owners of the mills where they were being used had agreed to abide by my decision. I found the manufacturer of the machine was at fault, and reported accordingly, so an adjustment was made on that basis. However, I got the machines to working satisfactorily."

3/22/1928

Willard P. Hawley.
One of 1st 4 families in B.D.
1882-Started Paper mill at B.D.

12/2/1931

he had an agency at Marysville, California, and afterward was manager of the San Francisco office of the corporation. On the 21st of January, 1925, he came to Portland as state manager of the Mutual Benefit Health & Accident Association and is now manager for both Oregon and Washington. He writes over twenty-seven per cent of the health and accident insurance sold in Oregon and has more than one hundred and twenty-five salesmen in this state. His is the largest business of the kind in Portland and he is also vice president of the United Benefit Life Insurance Company of Omaha, Nebraska. Through deep study and practical experience he has acquired a comprehensive knowledge of the subject of insurance and his zeal and enthusiasm have inspired the men under his direction with renewed vigor and aggressiveness, productive of gratifying results.

In 1923 Mr. Coffey was united in marriage to Miss Grace Bottler, of Marysville, California, and they have become the parents of a son, Howard Knight. Mr. Coffey is identified with the American Legion, the Benevolent Protective Order of Elks and the Portland Chamber of Commerce. In politics he is a republican and champions every project destined to prove of benefit to the community and state in which he resides. He enjoys his work and his notable record of achievement indicates that he has chosen the line of activity for which nature intended him. Mr. Coffey is the possessor of a winning personality and the rules which govern his life are such as constitute the basis of all honorable and desirable prosperity.



W. P. HAWLEY

"We have just installed a new paper making machine at the Hawley Pulp and Paper Company's plant at Oregon City, which operates at the rate of one thousand two hundred feet per minute and will produce one hundred and twenty tons of finished paper a day," said W. P. Hawley, president and owner of the Hawley Pulp and Paper Company. "This new machine cost two million dollars. When I started to work in the paper-mill, my wages were six dollars a week. I was born in Malone, Franklin county, New York. My father, Prescott J. Hawley, was orderly sergeant in Company I, 106th New York Volunteer Infantry, and fought through the Civil war. That gun over the fireplace is the one my father carried during the last two or three years of his service. The first gun that was issued to him was shot out of his hands. You will know that we had pretty slim picking during the Civil war when I tell you that my father's wages of \$13 a month as a soldier, had to support his wife and four small children and also his mother. Father was born in Malone, New York, February 29, 1824. He was a mechanic and for most of his life followed the trade of bridge building. My mother's maiden name was Emma Holden. She hailed from Middlebury, Vermont. Her people were old time New Englanders. Mother was born on December 26, 1832. Mother's father, like my father, was a mechanic. He was not only able to make all of the woodwork of a wagon, but to do all the iron work as well. My sister Frances was the first child. The next two children were twins, Harry Hiland Hawley and Harris Holden Hawley. My brother Harris Holden Hawley was an officer in the Children's Home here. My brother Harry Hiland Hawley was a member of the New York legislature when Judge C. E. Hughes was governor of the state. My youngest brother, who died some years ago, was on the Boston American. What were the luxuries of a few years ago are the necessities of today, so that it is hard for the present generation to realize the privations and the hardships endured by the former generation. I can remember that we children were all dressed in soldier uniforms during the Civil war. Father would secure the worn out and discarded uniforms of the men in his company, pack them in barrels and send them to mother. She would wash them and make clothes for us children from them. I was a little shaver, but I had to do my share in helping to earn the family living. I drove the neighbor's cows to pasture about a mile and a half distant, before breakfast, and would bring them up again in the evening. This meant a six-mile walk each day in addition to walking to school. From the money I earned in this way and by doing odd jobs, I was able to buy a pair of boots which were the pride of my life. When I was fourteen years old, I landed a job on a farm at thirteen dollars a month. In those days people had never heard of an eight-hour day. In fact, during harvest time, we worked eight hours before dinner and eight hours after dinner. My job was

1882 = Officially started Paper Mill
at Bridal Veil.



W. P. HAWLEY

that they thought he had gotten what was coming to him.' Mr. Pratt sent me up to this old ranch to keep up the property and to represent him and collect the rents from the Chinese placer miners. I placed a long table across one side of one of the rooms to serve as a counter, put some gold scales on this counter and the Chinese would often pay me their rent in gold dust. One Chinaman either gambled away his money or used it for opium. In any event he didn't pay his rent, so I put him off the claim. A Chinaman who liked me came to me and said this Chinaman was going to kill me, so for some time thereafter I kept my weather eye open, but nothing ever came of it. There was a choice variety of grapes in this vineyard. In fact, there were a good many varieties, because they began ripening in June and I had ripe grapes clear up to December. I only cooked one meal a day. I would get a dishpan full of grapes and pretty near finish them. I seemed to crave fruit. My cheeks soon regained their natural color and after eight or nine months I found I had gained thirty pounds. From that day to this I have never had another hemorrhage. Learning that a paper mill was about to start in Stockton, I applied for a position and was given charge of a paper-making machine at two dollars and seventy-five cents a day. While working in the paper mill I met, wooed and won Eva Adele Pusey. Her father, grandfather and great-grandfather had all been in the paper making business in England. In fact the family had been engaged in paper making for over two hundred years, in the old days when all paper was made by hand from old rags. The smartest thing I ever did in all my career was to marry my wife for I found she was not only a good wife and mother but a comrade and a business partner. I flatter myself that I have good business judgment but added to good business judgment my wife has a certain intuition that time after time has either saved me from loss when I followed her advice, or made good money for me. In fact, I never go into a business deal without talking the whole matter over thoroughly with my wife for we are partners in fact as well as in name. Two dollars and seventy-five cents a day isn't very much money to get married on, but shortly after I got married I saw a notice in my home paper that our old home was to be sold the following week for debt. I telegraphed a lawyer at Malone, asking him to postpone the sheriff's sale and that I would pay all indebtedness. Instead of living on two dollars and seventy-five cents a day, my wife and I lived on one dollar and twenty-five cents a day for the next two or three years. We finally paid the seven hundred and fifty dollars that was due on the old home. We rented a small house, consisting of a dining-room, bedroom and pantry, the rent being one dollar a week. We allowed three dollars a week for meat, milk and groceries. The paper-mill was located in an old orchard so my wife was able to have all the pears, strawberries and other small fruits we needed. We lived pretty much on fruit during the season and she put up a lot of fruit for winter use. I found that they were paying twenty-two dollars each for the four wheel paper trucks they used in the mill. I took a contract to make six of them at seventeen dollars each. I had the wheels cast in the local foundry and I did all the woodwork myself. They cost me nine dollars to make, so I made eight dollars on every one of them. Some of the fruit growers, seeing these trucks, ordered them, so I was able to put in all my spare time making trucks. This was practically velvet, so we sent most of it back to apply on the payment of the old home place in New York. I took a lot of pride in not only increasing the production of the machine I was working on, but improving the quality of the paper. The owner of the mill, unknown to me, was keeping tab on me. One day he came to me and said, 'Any man who can do what you have done in increasing production and improving the quality of the paper deserves promotion, so hereafter you are going to be superintendent of the mill.' The San Francisco Examiner was growing by leaps and bounds at that time, and they were unable to get, under their existing contract, enough paper to take care of their increased circulation. The manager, who had failed to anticipate the growth of the paper, wired to us to furnish him paper and to spare no expense. Their Sunday paper was growing larger and larger and one day we got a telegram saying that they were almost out of paper and they must have paper at once. We had one hundred rolls of paper in the warehouse but they were sixteen inches too long for the Examiner presses. I took these sixty-eight-inch rolls, speeded up the winder rerolled them and took a trimming off each side, cutting them down to fifty-two inches in width. Every Friday night I would send extra paper up by express for their Sunday issue. Mr. Bogard, the manager, was so grateful for the way we had helped him out that when Mr. Remington, the owner of our paper-mill came out from Watertown, New York,

the Examiner gave us a contract for paper that amounted to a little over a million dollars. Mr. Remington was so pleased with securing the million dollar contract from the Examiner, that he said to me, 'You have made good as superintendent of this mill. I want you to come back to Watertown, New York, and take charge of the seven mills I have there.' We went back to Watertown and Mr. Remington not only increased my salary, but he took me in as a partner. I had such good luck with the mills at Watertown that I decided to go into business for myself. I would go to a mill that had been losing money and I would offer the owner my services without charge, unless I could put the mill on its feet and make it pay. I had more work than I could do and I made big money. The first mill that I took a contract from on this basis, was one at Birmingham, Connecticut. John Wanamaker, postmaster general, had given them a contract to make government postal cards. The government inspector refused to accept the paper they were turning out for the postcards as it was off color and not firm in texture. The owner of the mill had spent one hundred thousand dollars in new machinery to remedy the defect, but still the government inspector refused to accept the postal cards. Before I had left the mills at Watertown, the sulphite process had come in. I made an improvement on this process, which I patented. I told the owner of the Birmingham mill that by spending three thousand dollars I would guarantee that within three months all the paper produced would pass government inspection. Within six weeks I had increased the production thirty-three per cent and the paper was coming out the right color and was firm in texture so that the inspector passed it without question. When the owner paid me for my services at the end of the six weeks, I said, 'You have paid me generously, so I am going to stay with you without expense until you can get rid of the warehouse full of rejected paper you have.' Mr. Wilkenson, the owner of the mill, had a beautiful home there. He certainly treated me like a member of the family. When his daughter was married, I sat in the family pew in spite of the fact that I had no dress suit and was dressed in an ordinary grey business suit. In addition to paying me the sum agreed upon for my services, Mr. Wilkenson wrote me a generous check as a token of his appreciation of my services. The next mill I took hold of was the one at Rochester, New York. This was owned by the Hastings Paper Company. While here, I patented a thermometer for digesters. Practically all of the mills at that time used thermometers made by Taylor Brothers of Rochester. Their thermometer was so easily broken that it caused heavy expense for the mills. The thermometer I patented was just as sensitive as the Taylor thermometer, but it was enclosed so that you could drop it on the floor without breaking it. I took it to Taylor Brothers and asked them what arrangements we could make for manufacturing it. Taylor Brothers could not afford to reconstruct their entire plant, so they told me if I would turn the patent over to them, they would give me ten per cent of their gross sales on sulphite thermometers. This made a very satisfactory addition to my yearly revenue. From there I went to the Hastings Mills on the Genesee river. They were making paper for the New York Sun. They had gone to a great deal of expense in trying to adjust and repair the machines they had but they failed to work well. The superintendent said, 'Can you fix this machine and if so, what will you charge?' I watched it work and discovered that one part of the machine needed a little adjustment. I said, 'I can fix it and I will only charge you fifty dollars.' The superintendent was incredulous. He told me to go to it. In two hours I had the machine adjusted so that it was doing the work satisfactorily. There was another machine there that needed a little adjustment, so after supper I overhauled it and adjusted it and they paid me twenty-five dollars extra for that, so that I made seventy-five dollars that day with very little work. The owner of the mill asked me to go to work for them at a good salary and he offered me a percentage of the profits, but I had to refuse, as I had already promised to go to Niagara Falls to inspect the work of some paper machines that had been made by Bagley and Sewall. The purchasers claimed that the machines were not up to specifications. The manufacturers of the paper machines and the owners of the mills where they were being used, had agreed to abide by my decision. I found that the operator of the machine was at fault and reported accordingly, so an adjustment was made on that basis. However I got the machines to working satisfactorily. The manager of the paper mill there told me that if I would go to work for them, he would pay me the same salary that he was receiving, make me a member of the Board of Directors and give me ten per cent of the profits. It was certainly a very attractive offer. I asked for a little time to consider it and that same day I received a

telegram from S. D. Rosenbaum, president of the Crown Paper Mills of Oregon City, asking me to come to Albany, New York, the following day and meet him at the Delavin House. Mr. Rosenbaum was a brother-in-law of Mr. Fleischakker. He wanted me to go over the plans with him of the Crown Mills at Oregon City. He asked me to name the figure I would charge for going out to Oregon City, take charge of the mills and put them on a paying basis. They had been losing money for two years. I went over the whole situation with him and told him things about the mill that he himself did not know. He couldn't understand how I could have such intimate knowledge of conditions there when I had never seen the mill in Oregon City. When I named my figure, he said, 'Your figure is too high. I can get a man from Binghamton, New York, to go out there and do the work for much less.' I told Mr. Rosenbaum to wire to the man at Binghamton at once, as I had more than I could do in the east. Mr. Rosenbaum wired to Mr. Fleischakker and some of the other stockholders and then notified me that they were accepting my proposition. He asked me before going out to Oregon, to stop at Poughkeepsie and go over the paper-mill there and make my recommendations for the installing of a steam plant. I sized up the mill at Poughkeepsie, found they had abundant water power and that they were using an old fashioned water-wheel that did not begin to utilize the potential power. I told them to put in a Success water wheel and that they would have all the power they needed. They accepted my suggestion and it proved all I had claimed for it and saved them the heavy expense of installing and maintaining a steam system.

"With my wife and my baby boy, Willard, who was then about eighteen months old, I came out to Oregon City in 1892 and became superintendent of the Crown Mills. At that time the mill produced eight tons of straw paper. We made wrapping and strawboard. There were thirty-five employes in the mill and the payroll was less than two thousand five hundred dollars a month. I changed the mill over so that we no longer used straw, but used wood pulp. I installed the chemical process. I was with the Crown Mills for nearly eighteen years and when I severed my connection with them, I was the second largest stockholder.

"In 1908 I purchased the site of the old Portland Flouring Mills at Oregon City. I also acquired their power rights. The 1907 panic had hit the east pretty hard. I went to Beloit, Wisconsin, and the manufacturers of the paper-mill machinery told me that for the sake of keeping their men employed, they would build my machinery for about half of the ordinary cost. When I turned out the first paper from my mill, the capacity was eighteen tons a day. I employed forty men. Today we turn out two hundred tons a day and we have five hundred thirty-five men on the payroll. Some time ago we purchased twenty-four thousand acres of spruce and hemlock timber, located largely in Tillamook and Clatsop counties. On account of the fog and moisture in the air, there is but little danger of forest fires there near the coast. We can begin to cut off our timber and by reforestation, by the time we have it all cut, we can start all over again for the new growth will be large enough to use. In other words, we have a perpetual supply of timber. When I go into the mill and look at the new paper-making machine we have recently installed, that operates at the speed of one thousand two hundred feet a minute and produces one hundred and twenty tons of finished paper in a day, it seems a far cry back to the old days when I wanted to speed up a paper-machine from fifty-two to sixty feet a minute and they told me that a machine could not go at sixty feet a minute without being wrecked. Now the machine operates at one thousand two hundred feet a minute.

"I am president of the Hawley Pulp & Paper Company Mill and I am also president of the St. Helens Pulp & Paper Company. Our son Willard is vice president of this company and Max Oberdorfer is manager. We make craft paper at St. Helens, our production being sixty-five tons a day. I am also president of the California Bag and Paper Company of Emeryville, California. They convert six hundred tons of paper into paper bags each month. We ship the paper to them either from Oregon City or St. Helens. Our son Willard is now vice president and general manager of the Hawley Pulp & Paper Company. I am turning over to him not only the financial details but the other details of the work, so that my wife and I can take time off to travel. We have made three trips to the orient and four trips to Europe. On our last trip to Europe, we took our little grandchild, Adele, ten years old, with us. She not only greatly enjoyed her trip but she went to a private tutor in Germany, so that she can read and talk German readily.

"Our office in Oregon City occupies the site of the Oregon Spectator office. The

ments have been judiciously made and capably managed and by reason of his enterprise and diligence he has won a substantial measure of success.

In November, 1901, Mr. Abbey was united in marriage to Miss Sadie Kist of Ashland, Oregon, and they became the parents of a daughter, Irene, who is now the wife of E. A. Scram of Los Angeles. On the 1st of January, 1917, Mr. Abbey wedded Miss Sadie Patterson and they have a large circle of friends in the city where they reside.

In his political views Mr. Abbey is a republican and is much interested in public affairs of his community, having served for two terms as port commissioner of Newport, which position he capably filled until January 1, 1921. His fraternal connections are with the Woodmen of the World and the Benevolent Protective Order of Elks. His entire life has been passed in Oregon and he is actuated by the spirit of western enterprise and progress that has been a dominant factor in bringing about the rapid upbuilding and substantial growth of the state. He is a man of high principles and honorable purposes and wherever known he commands the respect and confidence of all with whom he is associated.

ANTHONY NEPPACH.

For almost forty-five years Anthony Neppach has been identified with the business now carried on under the name of the Nicolai-Neppach Company in Portland. He is a representative of one of the oldest and best known of the pioneer families of the city and there are few so thoroughly acquainted with the history of Portland and its development as he. A native of Wisconsin, he was born in Fond du Lac, March 1, 1856, and was a youth of seventeen years when he came to the northwest. His parents were Mr. and Mrs. William Charles Neppach and their children were John C., Joseph H., Stephen A., Susan, Peter F., Frances, William Charles and Anthony. Only two of the number are now living: Mrs. Susan Kratz, who resides in Oakland, California; and Anthony, of this review. It was William Charles Neppach, the father, who built the brick structure at the northwest corner of Third and Burnside streets in 1887. Other members of the family were prominently identified with the early business development of Portland, for Stephen A., Peter F. and Joseph H. Neppach, brothers of Anthony Neppach, opened a drug store on the northwest corner of First and Oak streets in 1874 and afterward removed to the building owned by the Neppach family at Third and Burnside streets. Another brother, John, was for years engaged in the feed business and later conducted a feed business on the east side and afterward a butchering business. Thus the name of Neppach began to figure more and more prominently in connection with the trade circles of the city and has been prominently known to the present time.

Anthony Neppach was a youth of seventeen years when the family home was established in Portland. He journeyed westward by way of San Francisco and arrived in the Rose City on the 3d of September, 1873, after a seven days' voyage on the "Ora Flame." Three shots were fired from the mouth of a cannon at Sauvie Island, announcing the arrival of the steamship, which was always an event to this city with its five thousand population that always turned out en masse to welcome the incoming steamers, which at that time docked at the foot of Glisan street. The Portland of that day bore little resemblance to the metropolitan city of the present, although changes were being gradually brought about that laid the foundation for the present Portland. In the year 1871 there was a large fire in the neighborhood of the foot of Jefferson street and business was then transferred to the lower end of the town, the Clarendon hotel being built at First and Glisan streets, while the old O. & C. ferry at the foot of that street handled the freight across the river. The Stark street ferry, owned by Levi and Jack Knott, handled the passenger trade between the east and west sides by means of a cable rope. The first planing mill in Portland was built by Nicolai Brothers and this constituted the predecessor of the plant of the Nicolai-Neppach Company of the present day. The original planing mill was erected in 1866. The supply of timber was received from scows which entered what was then known as Balch creek at the foot of Fifteenth street, below the plant of the Willamette Lumbering & Manufacturing Company, thence proceeded up through Couch's lake where the Union depot now stands and landed the lumber at Second and Everett streets. Many times Mr. Neppach put on his skates at First and Everett streets and skated down to Couch's and

Neppach - One of 3 investors in paper
mill / planing mill
1882

Enterprise

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ANTHONY NEPPACH

Guild's lakes, beyond where now stands the North Pacific sawmill. In the year 1876 Anthony Neppach became interested in the planing mill and has since been identified with the business now conducted under the name of the Nicolai-Neppach Company. He was a young man of twenty-one when he entered the plant in which he has since worked, either in the mill or in connection with executive management. Throughout the intervening period he has contributed in large measure to the growth and success of the undertaking, as he became acquainted with every phase of the business and developed his powers more and more wisely to direct its activities. The Nicolai-Nippach Company were the first people that experimented with the timber of Oregon. They went into the forests, chopped down the trees, such as cedar and larch, and packed out on their backs a sufficient amount of wood to experiment as to its usefulness as a finishing lumber.

In the year 1838 Mr. Neppach was united in marriage to Miss Kate M. Sohns, a daughter of Louis Sohns, the incorporator and president of the First Bank of Vancouver, Washington, and five times mayor of that city. He was elected nine times to the legislature and helped frame the laws of the state of Washington when it was changed from a territory into a state. Mr. and Mrs. Neppach now reside at No. 255 North Twenty-fifth street, at the corner of Northrup. Great, indeed, have been the changes which have occurred since Mr. Neppach took up his abode in Portland in company with the members of his father's household. The site of the city then covered a comparatively small district near the river, but with the passing years the growth has extended to the adjoining hillside, with East Portland as a great city across the Willamette. The Neppach family has borne its full share in the work of general development and progress and Anthony Neppach still maintains a prominent position in the business circles, honored and respected by all who know him, not alone for the success which he has achieved but also by reason of the progressive and straightforward business methods he has ever followed.

HIRAM TERWILLIGER.

The student of history cannot carry his investigation far into the records of Oregon without learning of the close connection of the Terwilliger family with the development and upbuilding of the state. Hiram Terwilliger was long associated with mining and ranching interests here and from pioneer times representatives of the name have taken active part in the work of public improvement along many lines. They were Illinois people who cast in their lot with the early settlers, becoming associated with the first white men who took up their abode in the Willamette valley. Prior to living in Illinois, the family had come from Ohio and it was at Vernon, Knox county, Ohio, that Hiram Terwilliger was born on the sixth of March, 1840, his parents being James and Sophronia (Hurd) Terwilliger. Both of his parents were of Dutch descent and the Terwilliger family, as indicated by early colonial records, were among the first settlers of New York. The great grandmother of Hiram Terwilliger in the paternal line was owner of a large tract of land on the site where New York City now stands. James Terwilliger, the father, became a blacksmith of Knox county, Ohio, where he resided until 1841, and then removed westward to Illinois, settling in Hancock county on the Mississippi river. This attractive district had already won the favorable attention of the Mormon leader, Joseph Smith, who there established a colony of the Latter-day Saints, who at Nauvoo erected a temple and planted homes. This aroused great antagonism among the residents of that section of the state, but for several years the Mormons continued to arrive and settle there from the east end of Europe. At length James Terwilliger sold his farm and joined the Latter-day Saints on their emigration to the northwest. This was before the time of the gold excitement, and farming, fur trading and merchandising constituted the only business pursuits known in the great region between the Mississippi river and the Pacific coast. Mr. Terwilliger started upon the long journey with a team of four oxen and an emigrant wagon, in which were his wife and four children. He left his old home in April and it was not until October that he reached his destination, and his wife had succumbed to the hardships of the trip, dying while en route. On reaching the Willamette valley James Terwilliger erected a log cabin, on what is now the corner of First and Morrison streets in Portland, and also built a blacksmith shop, being the first to open a smithy in this city, which at that time was a tiny hamlet giving little promise of its future

cavalry and with these effective forces the forts were fully garrisoned and a sufficient scouting troop placed on the frontier.

In politics General Coffin was a Republican. He was one of the "Old Guard" and original organizers of the party in Oregon. In his private life he was distinguished for purity and integrity. He was a good friend and met misfortune not only with courage, but even with philosophical cheerfulness. Few men had a wider acquaintance. His religious views were broad and liberal and while acting in the main with Methodist denomination he freely operated with all other good people and aimed so to live and when actually confronted with death, with all his faculties as clear as in the noon day of his strength, he went down to his grave, as in the words of Bryant:

Not like a quarry slave at night,
Scourged to his dungeon, but, sustained and soothed
By an unfaltering trust, approach thy grave
Like one who draws the drapery of his couch
About him, and lies down to pleasant dreams."



GEORGE WOODWARD, a prominent business man and highly respected citizen of Portland Oregon, was born in Windsor county, Vermont, March 1, 1835.

His ancestors were of Revolutionary stock and settled in Connecticut prior to the Revolutionary war. His parents, Captain Henry and Jane (Connell) Woodward, settled in Hartland, Windsor county, where his father engaged in farming and milling, in which he continued to be interested until a short time previous to the date of his death, in 1873. He was a man of superior ability and incontrovertible integrity, and was greatly lamented by all who knew him. His devoted wife and mother still survives, at the age of eighty-two years, and resides in Providence, Rhode Island, with her daughter, Mrs. Fred J. Marcy.

The subject of this sketch was educated at the Meriden Academy, Meriden, New Hampshire, and at Newberry Academy at Newberry, Vermont, where he was educated to be a civil engineer. He arranged to go West to start in business, but being an only son, his father made him a proposition, with the object of inducing him to remain at home, offering to purchase for his son a farm of 250 acres, which was highly improved, and one of the finest in the

State. The offer was accepted, and although but a lad of twenty years, he, under the advice of his father, assumed the entire management, and operated the farm very successfully for eight years, when he sold out.

In the fall of 1862 he was married to Miss Ellen M. Richardson, an educated and accomplished lady, and a daughter of Paul D. Richardson, a representative merchant and business man of Hartland.

Soon tiring of idleness, Mr. Woodward purchased the merchandise stock of his father-in-law, and without knowledge of the mercantile pursuits, engaged actively in trade, and by establishing a cash basis of operations, revolutionized the mercantile business of Hartland. He continued very successfully in this business for several years, when, deciding that the opportunities of the town were too limited for his ambition, he sold his interests, with the intention of emigrating to the Pacific coast. Walla Walla, Washington, was made the objective point. Accordingly, Mr. Woodward and family, accompanied by his brother-in-law, Benjamin H. Conch and family, crossed the continent by rail, in 1870, to San Francisco, whence they went by steamer to Portland. In the latter place they passed a week, when they proceeded to Walla Walla. This, they found to be a new and undeveloped town, so they returned to Portland for settlement. Messrs. Woodward and Conch then decided to engage in the wool business, the latter being an experienced buyer, but finding all the wool bought up for that season, Mr. Conch became disgusted with the country and returned with his family to the East. Mr. Woodward, however, remained to improve the opportunities so abundantly offered.

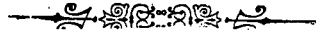
In the fall of 1870 he purchased one-third interest in the real-estate firm of Russell & Ferry, and they for three years, conducted a very large and profitable real-estate business. The firm dissolved, and Mr. Woodward engaged in fire insurance as special agent for the Phoenix Insurance Company; he also organized the State for the California and Commercial Companies, and was actively engaged as special agent and adjuster until 1880, when he discontinued the business. Mr. Woodward has also been largely interested in buying and handling wool since 1872, and sent about the first carload ever shipped direct from Oregon to the extreme East. Having large warehouses and facilities for grading and packing he bought

Owner of Swamp Land Certificate
May 17, 1872
Land sold for dec. of mill site

extensively for Eastern manufacturers and also on joint account for large Boston wool houses. Since 1885 Mr. Woodward has not been actively engaged in any business, except the loaning of money and the care of his various property interests.

Mr. and Mrs. Woodward have two children, Nannie H., now Mrs. John H. Conch, of Concord, New Hampshire; and Jennie, who is being educated at Peralta Hall, Berkeley, California.

Mr. Woodward is a cautious, painstaking business man, quick to discern and prompt to act, and has, by his habits of perseverance and integrity, attained a prominent and honorable position among the citizens of Oregon's metropolis.



WILLIAM DuBOIS

William DuBois, 69, partner in the DuBois Lumber company, Vancouver, Wash., died of a heart attack Thursday while inspecting lumber interests in Mill City, Or.

Funeral services will be announced later.

Mr. DuBois, member of a pioneer Vancouver family, was born in Iowa, moving west with his parents at the age of six.

Surviving are the widow, the former Floy Brown of Vancouver; three brothers, Lloyd, president of the Washington National bank, Vancouver; George, senior partner of the lumber company, and Ernest, junior partner; two sisters, Mrs. R. W. Hagood and Miss Mary DuBois, both of Portland; and two children, Richard, an automobile dealer in Seattle, and Mrs. William Dorsey, Vancouver.

MRS. F. A. DUBOIS



THIS IS "MIDDLE" generation of what is believed to be the oldest family of lumber operators on Columbia river. Shown are sons and daughters of William B. DuBois. He and his brother Lewis started their first mill in the Vancouver area in 1883. From left, back row: George, William and Emily. Front row: Mary, Lloyd and Ernest. Three of sons carried on in lumber mill business and Ernest is still so engaged. George and William are deceased. Lloyd became a banker and at the age of 88 is still an officer of Seattle First National bank at Vancouver. Mary and Emily (now Mrs. R. W. Hagood), are retired schoolteachers of Portland. A third-generation DuBois, Kingsley, represents span of 72 years of continuous family lumbering management in Vancouver.

DuBois Firm Beats Trials

Trials by fire and water harried but didn't halt the pioneering of a family named DuBois, across the Columbia river from Portland.

It was three-score and a dozen years ago that two of the brothers, William and Lewis, left their lumber yard in Iowa and headed for the frosted peaks, crystal streams and—what was more important to them—almost measureless timberlands of the Pacific Northwest.

THE FIRST trial came shortly after they set up a sawmill on Salmon creek north of Vancouver, Wash. Frequent dam washouts toppled the water wheel they used for power.

They moved to what is now downtown Vancouver. Once again, their determination was put to a test. The mill burned.

They moved again, to the bank of the Columbia, and there they stayed for nearly two decades. The fourth and final move was a short distance downstream to the spot where the DuBois Lumber company

the elder William DuBois, was determined to make his own mark in the world. With his brother George and Ray Mack, he formed the DuBois-Mack Lumber company at the town of Washougal, east of Vancouver.

This company, too, was tested by trouble. Fire destroyed the plant, and it was relocated in Vancouver.

THE ONLY son of the pioneering William DuBois to break away from the lumber business was Lloyd. He went into newspaper work and then became a banker. He founded the Washington Exchange bank in Vancouver and later merged it with the Seattle First National bank.

The two DuBois family mills, operating separately, have brought hundreds of thousands of logs from up and down the Columbia to convert them into lumber.

Their successful operation has amply justified the decision of two brothers to head westward, six years before Washington became a state.

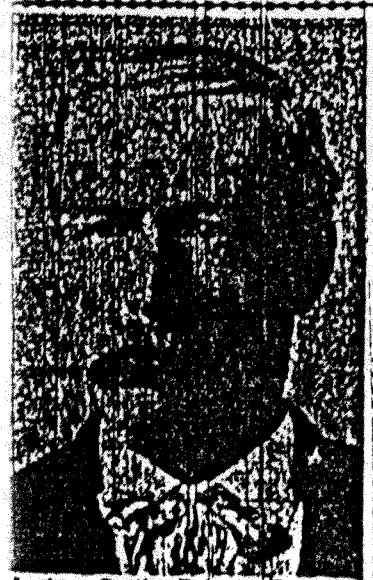
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Corporation formed in
1922 to form Bridal
Veil Timber Co.

Partners with

Robert H. Noyes

Robert Treat Platt



Loring Curtis Palmer, Veteran of Vancouver, Who Marched With Sherman to the Sea, and Died in His Recently-Completed Mansion on Columbia River.

LORING C. PALMER DIES

WEALTHY VANCOUVER VETERAN
STRICKEN BY PARALYSIS.

Man Who Marched With Sherman to the Sea Encumbered in Mansion on Columbia River.

VANCOUVER, Wash., Aug. 26.—(Special.)—In less than two years after retiring wealthy from the lumber business, in which he was engaged at Bridal Veil, Or., Loring Curtis Palmer, 66 years old and a veteran of the Civil War, died at his beautiful home overlooking the Columbia River, three miles east of Vancouver, early today. He has not been well for six months when he suffered a paralytic stroke.

Mr. Palmer was born in Clinton County, Iowa, June 9, 1848. When but 17 years old he joined the Third Wisconsin Volunteer Infantry, in 1862, and served until peace was declared. He fought in many famous battles, including Mesado, Redbank Mountain, the siege of Savannah, the fall of Atlanta and was with General Sherman on his march to the sea.

After the war he went to the Dakotas and married Miss Catherine A. Judd and came to the Coast, locating in Vancouver in 1886. Later going to Bridal Veil in 1888, and founded the Bridal Veil Lumber Company, in which J. B. Bradley and J. M. Leiter and others later became interested. About six years ago he sold his interests, and came back to Vancouver two years ago and built a mansion on the north bank of the Columbia River, three miles from Vancouver. He had just completed this and was beginning to enjoy his declining years when he was taken ill. He is survived by his wife and six children, four daughters—Mrs. W. H. Hudson, of Vancouver; Mrs. G. W. McMillan, of Willamette, Or.; and Misses Elsie and Hazel Palmer, and two sons, Clarence and Faust Palmer, at home. He left a good-sized estate.

The funeral will be held from the home Thursday afternoon at 2 o'clock. Rev. E. B. Collier, of St. Luke's Episcopal Church, officiating. Interment will be in the city cemetery.

21-Aug-1911
Founder of Bridal Veil
Lumber Company 1889
1889-19

JOHN M. LEITER DIES

HEART DISEASE FATAL TO
TIMBER BROKER.

Attack Occurs While Talking With
Guests at Home of Daughter,
Mrs. G. J. Newell, Here.

John Martin Leiter, for a number of years superintendent and general manager of the Bridal Veil Lumber company and more recently engaged in the real estate and timber business in Portland, died suddenly Tuesday night at the home of his daughter, Mrs. Gilbert J. Newell, 405 East Eighth street North, from an attack of heart trouble.

Mr. Leiter, who would have been 76 years old on January 24, had just returned from a meeting of the



John Martin Leiter, veteran lumbering man and real estate operator, who died Tuesday.

Royal Arcanum lodge, of which he was the oldest member in the state, and was conversing with some guests of his daughter when he was stricken.

He was born near Miamishburg, O., January 24, 1840. After working at various occupations in his boyhood and young manhood he formed

2/11/86?
Superintendent
General Manager
of B.V. Lumber Co
1890
(1890-1902)

the first of 1885. Leiter & Co. in the lumber business at Wapakoneta, O., in 1885. Several years later he became a member of the firm of Foster & Leiter at Bay City, Mich., engaged in logging operations.

He came to Oregon in 1890 and became superintendent and general manager of the Bridal Veil Lumber company at Bridal Veil. He sold his interests there about 14 years ago and since that time had been living in Portland and engaged in the real estate and timber business.

He was active in the Chamber of Commerce and in various civic enterprises and a life-long member of the Republican party. Besides the Royal Arcanum he also was a member of the United Artisans and of the Long Syno society. He had been a member of the Royal Arcanum for 45 years and in addition to being the oldest member of that lodge in Oregon was one of the oldest members in the country. At the annual picnic of the Royal Arcanum, two years ago, held on the farm of Rufus C. Hildman near Molalla, a large yew tree was dedicated to Mr. Leiter in recognition of his long membership.

He is survived by his son, O. C. Leiter, managing editor of the Telegram, a daughter, Mrs. Gilbert J. Newell of Portland; a brother, Joseph A. Leiter of Hillsboro, and four grandchildren, John Arthur and Ruth Leiter, who are attending Stanford, and Barbara and Ted Leiter of Portland. His wife, Mrs. Adele Leiter, died November 1 of last year and a son, Rufus A. Leiter's death occurred three years ago.

Funeral services will be held this afternoon at 1 o'clock from Finley's chapel with burial in the River-view cemetery. Rev. W. B. Hinson will officiate. Pall bearers will be members of the Royal Arcanum.

JOHN M. LEITER FUNERAL IS HELD

Funeral services for John M. Leiter, real estate operator and timber broker of Portland, who died Tuesday night



were held at 1 m. today at the P. Finley & Son chapel with rites at River-view cemetery. The Rev. W. B. Hinson officiated and members of the Royal Arcanum acted as pallbearers.

Mr. Leiter, 75 years old and for 18 years had been a resident of Portland, had been superintendent and general manager of the Bridal Veil Lumber company for several years, more recently was engaged in the real estate and timber business here.

Pallbearers were: Judge Geo. Rossman, Joseph H. Fago, F. Hoecker, Henry Weber, Frank W. W. and Frank C. Smith.

MRS. SCHMUCKLI FUNERAL
Funeral services for Mrs. Ethel Schmuckli, who died Monday at home, No. 229 East 34th street, will be held at 2 p. m. today at the Evangelical church, 10th and Clay streets. Interment was at River-view cemetery. Mrs. Schmuckli, a resident of Portland 34 years, was active in musical, charitable and church circles. She is survived by her husband, Louis Schmuckli, and four children, Mrs. A. H. Guntz, Edith, Ruth, Miriam and Willie Schmuckli, all of Portland. A sister, Mrs. Alma Kindred, lives in California.

20/11/26

Birthday of—

Frank L. Shull, Who Was Born in
Sangamon County, Illinois, in 1869.

BY DAVID W. HAZEN.

SANGAMON county, Illinois, for
years the home county of Lincoln,
was the birthplace of Frank L. Shull.
When 2 years old the boy's family
moved from the farm on which he



was born February
21, 1869, to Morris-
sonville, Ill., to con-
duct a lumber yard.
When 15 years old
the future county
commissioner quit
school to teach one.
He had charge of a
district school a
few miles from his
home. A number of
pupils were older
than the master.
This instructor was
different. During
the winter he would
spend most of the
noon period hunt-
ing rabbits with the scholars. The fall
Frank Leslie Shull was 17 he entered
Wabash college at Crawfordsville,
Ind. He was first baseman on the col-
lege nine and captain of the team
three years. He was left end or half-
back on the Wabash eleven for three
hectic seasons.

Graduating from college in 1891, he
was just ready to sign a professional
baseball contract when a chum talked
him into going west. One month out
of Wabash, and Frank Shull was
tramping the almost deserted streets
of Tacoma looking for work. Times
were hard. He would have been in the
bread line soon when he gained a job
collecting for a new electric light com-
pany. A position opened as bookkeeper
in a flouring mill. But soon the old
employee wished to return. Mr. Shull
was out of work six months, when he
returned to the mill job again. In 1904
he came to Portland in an executive
position with the Portland Flouring
mills. Resigning in 1918, he was in the
mill, flour and grain business several
years, in 1922 being asked to reorgan-
ize the Portland Flouring mills. This
took a year.

He then entered the flour and grain
export business here but in May, 1927,
was elected president of the Portland
Chamber of Commerce. He devoted
his time to this work and that of the
school board, to which he was elected
in 1926. He voluntarily retired from
these positions in 1929, and on Janu-
ary 9, 1930, was made president of
Columbia National bank. Last Novem-
ber he was elected a county commis-
sioner by a very large vote. Miss Flor-

2/1/31

1920: Shull replaced
Ed Hazen as
President of Co.

F. L. SHULL TO HEAD COLUMBIA NATIONAL

Banks Make Few Changes at Annual Meetings.

RUBY OUTS MONTAVILLA

A. C. Russell Succeeds J. O. Elrod in Union State; Clearing House Names Officers.

Frank L. Shull, ex-president of the Portland Chamber of Commerce, was elected president of the Columbia National bank at the bank's annual meeting last night. H. A. Swart was elected vice-president and Bert V. Chappel, vice-president and cashier. New directors elected are: Mr. Shull, J. G. Gillingham, Ben T. Osborne and M. Mafzel.

The annual meetings of stockholders of Portland state banks yesterday developed comparatively few changes in officers or directors. The only change in president was reported by the Montavilla Savings bank, which elected H. A. Ruby to succeed A. C. Ruby. Mr. Ruby is one of the bank's founders in 1908 and announced his retirement from the bank to devote his time to other work.

In the Union State bank, A. C. Russell was elected vice-president to succeed J. O. Elrod.

Clearing House Board Chairman.

Walter H. Corbett, who has been a director of the Bank of East Portland, was elected chairman of the clearing house, a newly created position. J. E. Marshall remains as president. In only change at the Security Savings & Trust company was elected George W. F. Bushnell to assistant secretary.

Bankers by George W. Bates & Co. of C. W. Sommer as vice-president to succeed George W. Bates. The retirement of Mr. Bates from the institution, control of which was acquired by First National last year, was announced this year. E. A. Wyld is president.

routing to Yakima and central Wash.

Bank Officers Elected.

The annual election of the Portland Chamber of Commerce association Paul L. Shull, vice-president of the United Bank National bank, was elected president. Other officers elected were H. A. Swart, manager of the Canadian Bank of Commerce, vice-president; and Lansing Stout, vice-president of the Hibernia Commercial & Savings bank, secretary. John L. Miller was promoted to assistant secretary and trust officer of the Portland Trust & Savings bank. Charles J. Ireland was named treasurer. Dean Vincent is president. E. C. Chappel, cashier of the Live Oak State bank, was promoted to vice-president and cashier. B. C. Darrin is president. Changes were made in officers of the Hibernia Commercial & Savings bank, of which John L. Miller is president. Changes were reported by the following presidents of state banks: E. C. Chappel, Oregon State bank; Harry E. Hall, Mount Scott State bank; L. H. Alexander, Bank of Bellvue; and C. W. Norton, Union State bank. F. H. Peterson to the board of directors was the only change made at the Multnomah State bank. Harry Harrison is president.

FRANK L. SHULL CANDIDATE AGAIN

County Commissioner Seeks Re-election

Frank L. Shull, chairman of the Multnomah county commission, yesterday announced his candidacy for the republican nomination in the May primary election to succeed himself as a member of the board. His formal statement follows:



Frank L. Shull: Everyone is familiar with the difficult conditions existing during the past eight years. Those conditions are likely to continue for some time, with greatly added expenditures for various forms of relief. The funds available must be conserved at every point. That has been my policy and, if re-elected, it will continue to be so. I have considered it a duty and a pleasure to see personally everyone who wished to confer with me, and I will continue the open door policy. Those who are in need will continue to receive sympathetic, courteous treatment. If I have had something to do with handling county business in a manner that has met with the approval of the public generally, I can only promise a similar service in the future. The taxpayers' money will not be wasted, but will be saved in every possible way. I appreciate the good will expressed by the people in the past, and will hope to continue to deserve it.

Frank L. Shull Dies, Aged 91

Frank L. Shull, a Multnomah County commissioner for 24 years and past president of the Portland Chamber of Commerce, died Friday at the Mt. Tabor Convalescent Hospital. He was 91.

Mr. Shull, who resided at the Portland Towers, entered a local hospital early this year for diagnostic treatment after suffering from a heart condition. He was a patient at the convalescent hospital for only a few days prior to his death.

A civic troubleshooter, Mr. Shull served 24 consecutive years as a county commissioner. He was defeated in his 7th bid for re-election to the Board of County Commissioners in 1954 and retired from politics to devote much of his time to charitable work.

Obituary sketch on Page 2.

3-4-38

7/10/30

2/4/60

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The Union State bank, A. C. Keshel was elected vice-president to succeed J. O. Elrod.

Union State Bank Chairman.

W. E. Corbett, who has been a director of the Bank of East Portland, was elected chairman of the bank's newly created position. J. E. Sevelle remains as president. The only change at the Security Savings & Trust company was election of W. F. Bachnell to assistant secretary.

Bank of George W. Bates & Co. J. C. W. Sommer as vice-president of the bank to succeed George W. Bates. The retirement of Mr. Bates from the institution, control of which was acquired by First National last year, this year. E. A. Wyld president.

routing to Yakima and central Wash.

Chairman Of Savings & Loan

He was chairman of the board of the Benjamin Franklin Savings & Loan Assn., of which he was one of the founders and first president in 1925, chairman of the Multnomah County Committee for Employment of the Handicapped, and the labor-industry sponsored Apprenticeship Training Program. Other interests included the Multnomah County Tuberculosis and Health Assn. and the P.A.L. Club.

In February, Mr. Shull was named as one of the recipients of the 1960 Oregon Brotherhood Award by the Oregon region of the National Conference of Christians and Jews. He was the first treasurer of the NCCJ in Oregon. He was honored as Portland's Man of the Year in 1955.

Mr. Shull is survived by two daughters, Miss Martha A. Shull and Mrs. Catlin Lawson, both of Portland; one son, Frank L. Jr., Portland, and one sister, Mrs. Louise Johnson Jacksonville, N.C.

The family suggests that a remembrance be in the form of a contribution to the L and Clark College Scholarship Fund.

2-4/60

Shull Rites Set Monday

Civic Leader Dies At 91

See Story on Page One Also

Funeral for Frank L. Shull, who died Friday in a local convalescent hospital, will be Monday at 11:30 a.m. at J. P. Finley & Son. Private commitment will be at Riverview Abbey.

Mr. Shull was born Feb. 11, 1869, in Sangamon County, Ill. He was a graduate of Wabash College, Crawfordsville, Ind., where he was a three-year letterman in baseball and football and a track standout. Golf, however, was his first love in sports and at the age of 90 he averaged three rounds a week and shot in the lower 90s.

Mr. Shull came to Portland in 1905 at the insistence of the late T. B. Wilcox, a local business tycoon, and was in the grain and flouring mill business some 20 years before entering the export grain business for himself. He was an organizer and twice president of the Merchants Exchange and an important figure in the Port of Portland's development.

Served On Commission

He was elected to his first term as a county commissioner when he was 61. He was chairman of the board several years and was 86 when he stepped out of office.

In 1920, after several hundred citizens petitioned for his election to the Portland School Board, then beset by serious problems of finance and management, Mr. Shull consented to serve. He stretched that service over nine years, three of them as chairman.

He was a leader in the organization of the Columbia Valley Assn., in the advancement of the port in steamship ownership and operation, in developing a strong tone in retail business, in effective encouragement of new industries and in a widened publicity for city and state.

Until his death, he was an active participant in the Portland Chamber of Commerce, Rotary International and the Progressive Business Men's Club. He also was active in the Boy Scout program, the Portland Lang Syne Society and First Presbyterian Church.

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Frank L. Shull

I do not think that the public is particularly interested in a statement of things accomplished, or in promises as to what will be done in the future. Shull said. Everyone is familiar with the difficult conditions existing during the past eight years. Those conditions are likely to continue for some time, with greatly added expenditures for various forms of relief. The funds available must be conserved at every point. That has been my policy and, if re-elected, it will continue to be so.

I have considered it a duty and a pleasure to see personally everyone who wished to confer with me, and I will continue the open door policy. Those who are in need will continue to receive sympathetic, courteous treatment.

If I have had something to do with handling county business in a manner that has met with the approval of the public generally, I can only promise to render service in the future. The taxpayer's money will not be wasted, but will be saved in every possible way.

I appreciate the good will expressed by the people in the past, and will hope to continue to deserve it.

3-4-38

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Obituary sketch on Page 2.

2/4/60

1-10-36

Death Calls Lumberman

Charles G. Briggs Passes at Eugene

EUGENE, May 28 (AP)—Charles Green Briggs, 67, president of the Booth-Kelly Lumber company, Springfield Plywood corporation, and the Oregon Pacific & Eastern Railway company, died here Sunday after a short illness.

He had lived here since 1932.

Private funeral services will be held at the Portland crematorium Tuesday at 3 P. M. with Bishop Benjamin Dagwell, a close personal friend, officiating.

Briggs was born in Saginaw, Mich., October 28, 1879, and was educated in the Saginaw schools, Lawrenceville prep school and Michigan College of Mines.

He came to Oregon in 1896 and became a partner in a lumber firm in Portland.

Briggs was married in 1908 to Katherine Helen Bates, who died in 1938. In January, 1946, he married Emma N. Drain of Eugene, who survives him. He is also survived by a daughter, Mrs. J. Hobart Wilson, two grandchildren, all of Eugene; his father, Daniel W. Briggs of Hollywood, Cal., and two brothers, Lynn and Harvey Briggs of Hollywood.

In Portland he was a member of the Arlington club and the Waverley Country club. He was a member of the Eugene country club. Until recently he also held the position of general manager of the Booth-Kelly company.

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Briggs was married in 1908 to Katherine Helen Bates, who died in 1938. In January, 1946, he married Emma N. Drain of Eugene, who survives him. He is also survived by a daughter, Mrs. J. Hobart Wilson, two grandchildren, all of Eugene; his father, Daniel W. Briggs of Hollywood, Cal., and two brothers, Lynn and Harvey Briggs of Hollywood.

In Portland he was a member of the Arlington club and the Waverley Country club. He was a member of the Eugene country club. Until recently he also held the position of general manager of the Booth-Kelly company.

Lumberman's Wife Dies; Rites Held

Funeral services were held here today for Mrs. Charles G. Briggs, Eugene, who died Tuesday.

Her husband is president of the Booth-Kelly Lumber company in Lane county. Mrs. Briggs, who was born at Shasta, Cal., January 18, 1879, had been at a Portland hospital for several weeks.

She also is survived by her daughter, Mrs. J. Hobart Wilson of Boise, Idaho.

After the funeral services at Finley's, private rites were conducted at the Portland crematorium.

3/11/38

Charles Briggs, Booth-Kelly Chief, Dies in Eugene

Charles Green Briggs, 67, resident of Portland and Eugene for 50 years, died Sunday in Eugene. He was born October 28, 1879, in Saginaw, Mich., and came to Oregon in 1898.

Entering the logging and lumbering business, his first venture was at Quincy with horses, oxen and cows, hauling logs over a greased skidroad. In 1900, he went into the partnership of Holland & Briggs, later incorporated into Holland, Briggs & Avery, and since 1915, known as Holland, Briggs & Noyes. In 1932, Mr. Briggs became manager of the Booth-Kelly Lumber company, Eugene. At his death, he was president of this company.

He was also president of the Springfield Plywood corporation and the Oregon Pacific and Eastern Railway company. He was connected with the Milton Creek Logging company, Noyes-Holland Logging company and Bridal Veil Timber company.

He married Katherine Helen Bates in 1905. She died in 1938. Their daughter, Mrs. Katherine Briggs Wilson, Eugene, and two grandchildren survive. In January, 1946, Mr. Briggs was married to Emma Drain, who resides in Eugene. He also is survived by his father, D. W. Briggs, and two brothers, Lynn H. and Harvey W. Briggs, all of Hollywood, Cal.

Mr. Briggs belonged to the Arlington club, Waverley Country club and Eugene Country club. He also was interested in many activities connected with the lumber business.

He was a graduate of Michigan College of Mines.

Services will be at 3 p. m. on Tuesday at the Portland crematorium, with Bishop Benjamin D. Dagwell officiating.

27-5-47

27-47

26-5-47

Purchased B.V. Lumber Co. & H. H. Holland ca. 1912
Vice-President of Company

LEONARD KRAFT

A prominent Portlander. Leonard Kraft, 59, of 12717 SW Terwilliger Blvd., former president of Bridal Veil Lumber and Box Co. and a resident of the city for 30 years, died Tuesday while vacationing in Memphis, Tenn.



According to the family, death came following a sudden illness. The cause is under investigation, and funeral arrangements are pending.

Mr. Kraft was born in Chicago on Sept. 1, 1911. He was a member of the board of trustees of Lewis and Clark College, the Arlington Club and was a member of Bridal Veil Lodge No. 117, AF & AM.

Survivors include his wife, Annette; two brothers, Charles W., Piedmont, Calif., and G. Howard, Wilmette, Ill., and two sisters, Minerva and Hazel, both of Evanston, Ill.

Other survivors include two sons, Charles E. and Gerald T., and a daughter, Lenanne.

all of Portland. He also had four grandchildren. The family suggests that remembrances be in the form of contributions to the Friends of Tyron Creek Park.

LEONARD KRAFT

Memorial service for Leonard Kraft, 59, of 12717 SW Terwilliger Blvd., who died of a virus infection Oct. 6 while vacationing in Memphis, Tenn. will be 1:30 p.m. Friday at Moreland Presbyterian Church.

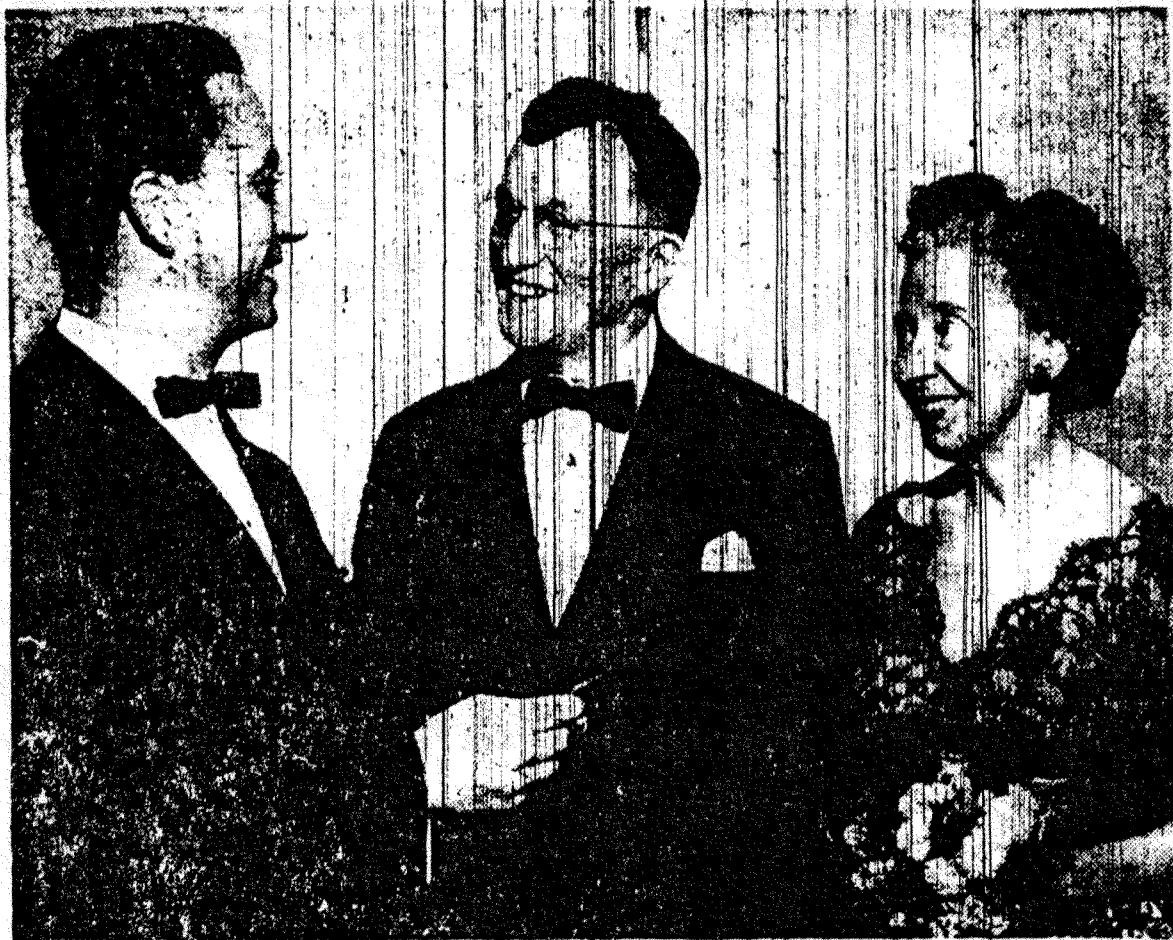
A resident of Portland for 30 years, Mr. Kraft was former president of Bridal Veil Lumber and Box Co. He was a member of the board of trustees of Lewis and Clark College, the Arlington Club and of Bridal Veil Lodge No. 117, AF&AM.

Oct 13/1970

O 8/oct 1970
PIY

Last
Owner of Bridal Veil Lumber & Box Co.
1937 - 1960

Silver Plaque Awarded to Ben Hazen For Work for Portland Community



Ben H. Hazen and Mrs. Hazen admire silver plaque conferred on him as Portland's First Citizen of 1954 by N. Thomas Stoddard (left) as president of Portland Realty board, which makes annual award. Civic banquet at Multnomah hotel drew 530 friends Wednesday night.

Counted among "those dedicated men who are keeping America strong," Ben H. Hazen received a solid silver plaque as Portland's First Citizen of 1954 before some 530 friends and admirers Wednesday night.

The 30-year civic and business leader became 26th to win the honors conferred annually by the Portland Realty board; and it was an affair informal in manner and absence of long speeches though formal in dress.

Governor Paul L. Patterson extolled the First Citizen as one "whose shadow of influence stretches both into the past and future to make his community a better place."

Mayor Fred L. Peterson commended Hazen, who last year

led the United Fund in the most successful drive ever conducted here for charity, "among those we most need and depend upon."

Clark Gives Tribute

It was R. L. Clark, chamber of commerce president, who ranked the savings and loan executive among dedicated men for his years of work for the Red Cross, Community Chest, United Fund, YMCA, YMCA, Camp Fire Girls and other organizations.

Home and business life of the Hazens, Ben and Dana, their four children and 11 grandchildren inspired both beauty and humor for the banquet. Gilt antique furnishings against red draperies on the walls, a grouping of ancient gramophone, mandolin and banjo before the speaker's place, and espalier trees with red camellias rising in the background and old-fashioned nosegays at all tables reminded of the Victorian Hazen home.

names never come before the public for commendation they deserve.

Toastmaster Charles R. Holloway Jr., who was associate chairman of United Fund with Hazen, introduced the Hazen family, including a sister, Laura Pitcher, of Oakland, Cal.

Of the 26 past "first citizens" nine were present for introductions: Edward C. Sammons, Arthur L. Fields, Mrs. Thomas D. Honeyman, Chester A. Moores, Sid Woodbury, Hillman Lueddemann, Frank McCaslin, Edgar W. Smith and C. B. Stephenson. Mrs. Ross McIntyre, widow of another, was present.

1-20-55
Secretary Treasurer
1912

Obituary: Lumber Executive Dies

SUNDAY OREGONIAN, PORTLAND, APRIL 12, 1942

Memorial services were held Wednesday morning at First Unitarian Church for Edward B. Hazen, 86, of Willamette View Manor, Milwaukie, retired insurance company manager and lumber executive who died Tuesday.

Hazen was born in Iowa, and moved to Portland in 1900.

He was sales manager for Portland Lumber Co. and later general manager of Chehalis Lumber Co., Littell, Wash.; Tongue Point Lumber Co., Astoria; Bridal Veil Lumber Co., Bridal Veil, Douglas Fir Lumber Co., Portland, and Wind River Lumber Co., Cascade Locks. From 1926 to 1930 he served as manager of fir sales for Long Bell Lumber Co.

Hazen spent 11 years as a general contractor in San Francisco, returning to Portland in 1942 as manager of the Ben Hazen Insurance Agency. He retired in 1950.

Surviving are two sons, Ned B., Everett, Wash., and William D., Longview; three brothers, Roy, Dayton, Ohio, Arthur, Menlo Park, Calif., and Ben, Portland; one sister, Mrs. William E. Pitcher, Oakland, Calif.; and five grandchildren.

She is survived by two daughters, Mrs. Roy Perry and Mrs. Dolores Popkes; three grandchildren and 10 great grandchildren.

GEORGE E. HAZEN

B.V. Lumber Co
Manager
Hired in 1910-
1922
Treasurer

E.B. Hazen Dies At 75

Memorial service for Edward B. Hazen, 75, of Willamette View Manor, Milwaukie, who died Tuesday, will be Wednesday at 11 a.m. in the chapel of First Unitarian Church.

Mr. Hazen was born Feb. 23, 1878, in Davenport, Iowa, and came to Portland in 1900.

He was sales manager for Portland Lumber Co., and later general manager of Chehalis Lumber Co., Littell, Wash.; Tongue Point Lumber Co., Astoria; Bridal Veil Lumbering Co., Bridal Veil; Douglas Fir Lumber Co., Portland, and Wind River Lumber Co., Cascade Locks. From 1926 to 1930, he was manager of fir sales for Long Bell Lumber Co., Kansas City, Mo.

Then, as a general building contractor, he spent the next 11 years in San Francisco, returning to Portland in 1942 to be manager of the Ben Hazen Insurance Agency. In 1950, he retired and moved to Palo Alto, Calif. In 1956, he moved back to Portland.

Survivors include two sons, Ned B., Everett, Wash., and William D., Longview; three brothers, Roy, Dayton, Ohio, Arthur, Menlo Park, Calif., and Ben, Portland; one sister, Mrs. William E. Pitcher, Oakland, Calif., and five grandchildren.

The family requests that flowers be omitted.

Manager



E. B. HAZEN

Head of insurance agency.

E. B. Hazen Back in City

After spending ten years in business in California, E. B. Hazen has returned to live in Portland, where he will manage the Ben Hazen Insurance agency. It is announced by his brother, Ben H. Hazen, who with George L. Hurd, founded the concern.

E. B. Hazen is best known here for his activities in lumber manufacturing and wholesaling, having been formerly manager of the Tongue Point Lumber company, the Bridal Veil Lumber company, the Douglas Fir Sales corporation and the Douglas Fir Lumber company. He moved to San Francisco in 1930 and later to Los Angeles, where he engaged in house construction and the sale of real estate.

City Has Grown

"We liked it in California," said Mr. Hazen, "and Mr. Hazen and I will miss our friends there and some of our family who remain there. Really, Oregon and Portland are our first love, and we expect to get full enjoyment out of the green northwest. Portland has changed so much in ten years that it will take us some time to get acquainted again, but we both look forward to the task with pleasure."

The Ben Hazen Insurance agency which Mr. Hazen will manage represents some of the leading fire, automobile and casualty companies in the Portland area, but does not write life insurance. Though affiliated with the savings and loan business, it has maintained friendly relations with other agencies and writes for insurance clients whether association members or not, Ben Hazen said.

The agency offices are at 517

6 Oregon Journal MONDAY, SEPTEMBER 13, 1948

Mrs. E. B. Hazen Taken by Death

Mrs. Edward B. (Clara F.) Hazen, wife of the insurance department manager of the Benjamin Franklin Savings & Loan Co., died in a nursing home Saturday following a week's illness.

She was born on August 28, 1876, in Des Moines, Ia., and was married on March 16, 1904. She moved to the West Coast with her husband 45 years ago and

lived for a time in Astoria. The home is at 2015 SW Park avenue.

Surviving besides the husband are sons Edward B. Jr., Marysville, Wash.; William D., Portland, and John; Los Angeles, and a sister, Mrs. John E. Hood, Los Angeles.

The funeral will be held at 11 a.m. Tuesday in the Riverview cemetery chapel. J. P. Finley & Son is in charge.

More than 100 kinds of birds have become extinct during the last two centuries.

Need a New Roof?
Call TRAVERS HARDWARE CO.
438 N. W. Broadway—NE 2147

13/9/48

J. T. Peters Dies at 86

Business Leader's Funeral Saturday

Joseph T. Peters, 86, Portland business leader and prominent in the development of Oregon for the last 64 years, died Thursday at 6 A. M. at his home, 2141 N. W. Davis street.

Funeral services will be held Saturday at 11 A. M. in Trinity Episcopal church with Rev. Lansing Kempton in charge. Finley's has charge of arrangements.

Born in Baltimore, Md., June 21, 1886, Mr. Peters came to Oregon 64 years ago and settled in The Dalles. In his early days in Oregon, he took an active part in the growth of The Dalles and in the development of Wasco county.

He owned and operated his own lumber company under the firm name of Joseph T. Peters & Co. for 33 years, selling it to Huggins & Van Dellen in 1906.

Realty Holdings Large

Mr. Peters was treasurer of the State Portage commission and president of the Regulator steamship line. He was for many years a member of the city council of The Dalles.

The family moved to Portland 32 years ago. At that time Mr. Peters was president of the Bridal Veil Lumber company and was a director of the Hawley Pulp & Paper company, Grants Pass Timber company, Wind River Lumber company and Douglas Fir Lumber company. He was one of the founders and directors of the Oregon Mutual Life Insurance company, which position he held at the time of his death.

Mr. Peters had extensive real estate and farm holdings in both eastern and western Oregon and was engaged actively in their operation at the time of his death.

He is survived by his widow, Mrs. Lucy Wilson Peters; four daughters, Mrs. Willard Wilson, Palos Heights, Ill.; Mrs. Hallett Maxwell, San Marino, Cal.; Mrs. Edwin Binney Jr., Old Greenwich, Conn., and Mrs. Leonard Floan, Portland, and five grandchildren.



JOSEPH T. PETERS

Business leader

Large Bequests Left Churches

Bequests of \$2500 each to Trinity Episcopal church, Portland, and St. Paul's Episcopal church, The Dalles; \$500 to the Doernbecher Memorial hospital and Good Samaritan hospital, and \$250 each to Waverly Baby home, Salvation Army, Y. M. C. A. and Y. W. C. A. were made by Joseph T. Peters, retired lumberman and apartment house owner, who died September 10, it was disclosed Monday when his will was admitted to probate by Circuit Judge George Tazewell.

Value of the estate, given in excess of \$10,000 in the petition for probate, is understood to be substantially larger.

Three sons-in-law, Hallett M. Maxwell, San Marino, Cal.; Willard O. Wilson, New York city, and Leonard M. Floan, Portland, will receive \$1000 each. The residue of the estate was left to the widow, Lucy W. Peters, for her benefit during her lifetime. Upon her death it is to go to four daughters, Helen Augusta Wilson, Grace Genevieve Maxwell, Janet Buchanan Floan and Elizabeth Wilson Binney of Old Greenwich, Conn. The widow and Mrs. Floan were named executors.

President B.V. Lumber Co. Called by Death

Joseph Trimble Peters, prominent Northwest lumberman, died today at his home, 2141 N. W. Davis street.



Joseph T. Peters

Funeral services will be at 11 a. m. Saturday at Trinity Episcopal church with the Rev. Lansing E. Kempton officiating. Finley's chapel has charge of arrangements.

Mr. Peters was born in Baltimore in 1856 and came

to Oregon 64 years ago. Settling in The Dalles, he developed a lumber business which he operated for 33 years under the firm name of Joseph T. Peters company. He supplied it from scows that he owned and operated on the Columbia.

He became president of the Regulator line of steamboats and was treasurer of the state portage commission until the Celilo canal was completed. He was a member of The Dalles city council for 13 years and was also vestryman of the Episcopal church.

The family moved to Portland in 1910. Mr. Peters then became president of the Bridal Veil Lumber company and during this same period was director of the Wind River Lumber company, Grants Pass Timber company, Douglas Fir Lumber company and the Hawley Pulp & Paper company. He was one of the founders and a director of the Oregon Mutual Life Insurance company. He was also a dealer in real estate and farm lands.

Surviving are his wife, Mrs. Lucy Wilson Peters, a daughter of the late Judge Joseph Wilson, who was a member of congress from Oregon; four daughters, Mrs. W. O. Wilson of Palos Heights, Ill.; Mrs. H. W. Maxwell of San Marino, Cal.; Mrs. Edwin Binney Jr., of Old Greenwich, Conn., and Mrs. L. M. Floan of Portland, and five grandchildren.

President of
B.V. Lumber Co

11/12/59

OREGON JOURNAL, FRIDAY, DECEMBER 11
THE OREGONIAN, SATURDAY, DECEMBER 12

Death Claims H. H. Holland

Howard H. Holland, 83, who had been prominent in the timber and lumber industries of the Pacific Northwest for more than half a century, died in Portland Wednesday. Funeral will be Friday at Riverview Cemetery chapel at 3:30 p.m., with Bishop Benjamin D. Dagwell officiating.

Mr. Holland was born at St. Clair, Mich., Oct. 1, 1876. He was reared at Saginaw where his father operated a sawmill when that city was a lumber capital of the world. In 1897 he left for the Klondike but got no further than Seattle where he went to work in a sawmill. After serving in the Philippines with the 2nd Oregon Volunteers, he teamed up in the lumber business with the late Charles Briggs and Bob Noyes. **Rainier Mill Operated**

The firm first operated near Rainier and later expanded to other parts of the Northwest, with Mr. Holland doing most of the cruising and buying of timber. He worked through Oregon, Washington, northern California and Idaho.

The firm had the Bridal Veil Lumber Co. on the Columbia River for many years. The Noyes - Holland Logging Co. operated the famed Kerry logging railroad. Later, Mr. Holland became associated with the late Orville Miller and after 1942 had direct charge of the Mt. Jefferson Lumber Co. which had mill and logging operations at Lyon on the Santiam River.

Mr. Holland was a life member of the Arlington Club. He also was a member of the Multnomah Club, Waverly Club and the AAA.

Survivors include a son, James L. Holland of Portland, and a daughter, Mrs. Norman W. Hunter Jr. of Palo Alto, Calif.

Death Claims H. H. Holland

Howard H. Holland, 83, who had been prominent in the timber and lumber industries of the Pacific Northwest for more than half a century, died in Portland Wednesday. Funeral will be Friday at Riverview Cemetery chapel at 3:30 p.m., with Bishop Benjamin D. Dagwell officiating.

Mr. Holland was born at St. Clair, Mich., Oct. 1, 1876. He was reared at Saginaw where his father operated a sawmill when that city was a lumber capital of the world. In 1897 he left for the Klondike but got no further than Seattle where he went to work in a sawmill. After serving in the Philippines with the 2nd Oregon Volunteers, he teamed up in the lumber business with the late Charles Briggs and Bob Noyes. **Rainier Mill Operated**

The firm first operated near Rainier and later expanded to other parts of the Northwest, with Mr. Holland doing most of the cruising and buying of timber. He worked through Oregon, Washington, northern California and Idaho.

The firm had the Bridal Veil Lumber Co. on the Columbia River for many years. The Noyes - Holland Logging Co. operated the famed Kerry logging railroad. Later, Mr. Holland became associated with the late Orville Miller and after 1942 had direct charge of the Mt. Jefferson Lumber Co. which had mill and logging operations at Lyon on the Santiam River.

Mr. Holland was a life member of the Arlington Club. He also was a member of the Multnomah Club, Waverly Club and the AAA.

Survivors include a son, James L. Holland of Portland, and a daughter, Mrs. Norman W. Hunter Jr. of Palo Alto, Calif.

Firm had Bridal Veil Lumber Co.
Purchased ca. 1912 by Holland & Briggs

11/12/59

FRANK WILMOT

Services for Frank Wilmot, 78, who died Thursday at his home, 2438 N. W. Johnson street, will be held Saturday in the Morninglight chapel of the J. P. Finley & Son Funeral Home, with Rev. J. Hudson Ballard of the First Presbyterian church officiating. Burial will be in Riverview cemetery. Mr. Wilmot had been ill for the past eight years. His death was hastened by a fractured shoulder sustained in a fall a week ago.



Born July 26, 1862, in Fenton, Mich., Mr. Wilmot came to Oregon in 1889. For 14 years he was employed in Bridal Veil by the old O. R. & N. R. R., now a part of the Union Pacific system. In 1903 he came to Portland to enter the timber business. Eleven years later he purchased the controlling interest in the Pioneer Paint company, later sold to the National Lead company. He continued as local retail manager until failing health demanded his retirement.

He was a member of the First Presbyterian church, Masonic lodge, No. 53, A. F. & A. M., and was past grand regent of the Royal Arcanum of Portland, having been an active member for nearly 50 years.

Besides his widow, Maud E., of this city, he is survived by a son, Leonard F., and two brothers, Charles B. of Gladwin, Mich., and Victor, of Chicago, Ill.

Mrs. Maude E. Wilmot

Funeral services for Mrs. Maude E. Wilmot, 714 NW 24th avenue, who died Saturday night following a short illness, will be held at 3:30 p. m. Wednesday at the Morninglight chapel of J. P. Finley & Son. Burial will be in Riverview cemetery.



She was born in Georgetown, Mich., but had lived in the vicinity of Bridal Veil and Portland since her

marriage to the late Frank Wilmot in 1891. She was active in civic work of the Red Cross, Community Chest and YWCA.

Survivors are a son, Leonard F. Portland; a brother, J. W. Embury, Portland, and two nieces whom she reared from infancy, Mrs. Elizabeth Bradley, Vancouver, Klamath Falls, and Mrs. Julia Bradley Cassel, of Huron, Cal.

Harless Hansen, Pack

13/9/48

6/9/40

Officer in the
Bridal Veil Box
Factory when it
was incorporated
in 1904
(1890's - 1900's)

1. SITE I.D. NO

NAER INVENTORY

Heritage Conservation and Recreation Service

2. INDUSTRIAL CLASSIFICATION

3. PRIORITY

3

4. DANGER OF DEMOLITION?
(SPECIFY THREAT)☐ YES☐ NO☒ UNKNOWN

5. DATE

c. 1925

6. GOVT SOURCE OF THREAT

OWNER

ADMIN

7. OWNER/ADMIN
unknown

8. NAME(S) OF STRUCTURE

9. OWNER'S ADDRESS

unknown

10. STATE
COUNTY

OR

COUNTY NAME

Multnomah

CITY/VICINITY

Bridal Veil

CONG.
DIST.STATE
COUNTY

COUNTY NAME

CITY/VICINITY

CONG.
DIST.

11. SITE ADDRESS (STREET & NO)

12. EXISTING
SURVEYS☐ NR☐ NHL☐ HABS☐ HAER-I☐ HAER☐ NPS☐ CL6☐ CONF☐ STATE☐ COUNTY☐ LOCAL☐ OTHER

13. SPECIAL FEATURES (DESCRIBE BELOW)

☐ INTERIOR INTACT☐ EXTERIOR INTACT☐ ENVIRONS INTACT

14. UTM ZONE

EASTING

NORTHING

SIGN

SCALE

☐ 1:24☐ 1:62.5QUAD
NAME

Bridal Veil

☐ OTHER

UTM ZONE

EASTING

NORTHING

SIGN

SCALE

☐ 1:24☐ 1:62.5QUAD
NAME☐ OTHER

15. CONDITION

70 ☐ EXCELLENT71 ☐ GOOD72 ☐ FAIR73 ☒ DETERIORATED74 ☐ RUINS75 ☐ UNEXPOSED76 ☒ ALTEREDL. ☐ DESTROYED85 ☐ DEMOLISHED

16. INVENTORIED BY

AFFILIATION

DATE

Rappaport/Manlove

Columbia River Highway Project

8-6-81

17. DESCRIPTION AND BACKGROUND HISTORY, INCLUDING CONSTRUCTION DATE(S), HISTORICAL DATE(S), PHYSICAL DIMENSIONS,
MATERIALS, EXISTANT EQUIPMENT, AND IMPORTANT BUILDERS, ENGINEERS, ETC.

ARCHITECTURAL DESCRIPTION: frame, one and a half stories, rectangular plan, gabled roof, stone exterior end chimney, brick exterior end chimney, single leaf doorway, shed-style dormer with 3 one-over-one double hung sash windows, various woodframe windows, portico-porch over doorway, overhanging eaves, weather board siding.

(CONT OVER)

18. ORIGINAL USE

PRESENT USE

ADAPTIVE USE

Residence

Vacant

19. REFERENCES—HISTORICAL REFERENCES, PERSONAL CONTACTS, AND/OR OTHER

(CONT OVER)

20. URBAN AREA 50,000
POP. OR MORE?☐ YES☒ NO

21.

22. PUBLIC ACCESSIBILITY

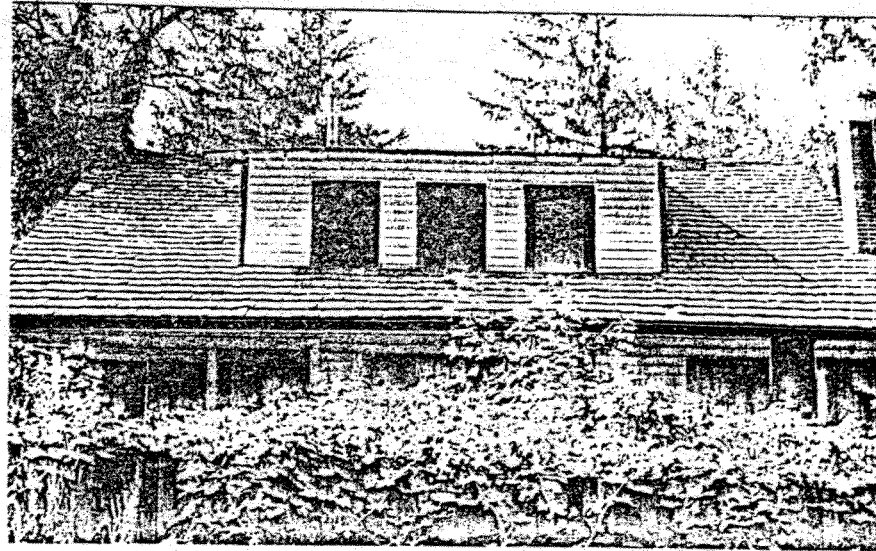
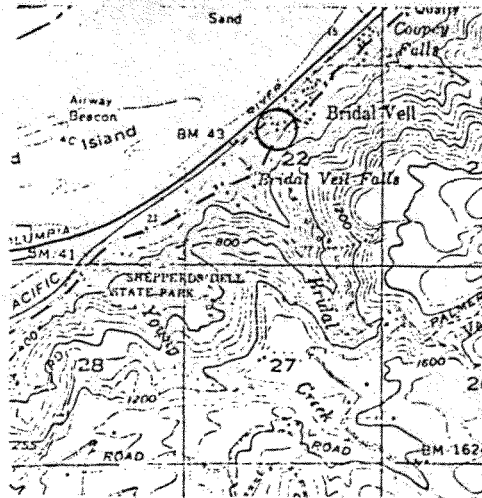
☒ YES, LIMITED☐ YES, UNLIMITED☐ NO☐ UNKNOWN23. EDITOR
INDEXER

24. LOCATED IN AN HISTORIC DISTRICT?

☐ YES☒ NO

NAME

DISTRICT I.D. NO



Significance

REFERENCES (CONTINUED)

HAGEN/KRAFT House

ABSTRACT

[illegible]

Scott Thayer
3521 SE Harrison Street
Portland, Oregon 97214

503 239 4803

21 December 1992

Rick Bauman, County Commissioner
Sharon Kelly, County Commissioner
Pauline Anderson, County Commissioner
Gary Hansen, County Commissioner

1120 SW Fifth Avenue, Room 1500
Portland, Oregon 97204

Dear Commissioners:

This is a letter to urge you to add Bridal Veil to the inventory of significant Historic Resources, or at least to proceed with the review process to consider revision of the Comprehensive Framework Plan.

Despite its status as a National Scenic Area, I think we often take the Columbia River Gorge for granted and fail to recognize what a truly unique and exceptionally valuable resource it is. At least, it seems, we fail to consider the many components which contribute to the overall character and experience of the Gorge, aside from its splendid natural circumstance.

As an architect and frequent hiker in the Gorge, I appreciate the very special environment, both natural and built, which this wonderful resource comprises. A key ingredient to this environment is the sense of history communicated through the patterns of development and the specific objects of vernacular construction present in the Gorge. The town site of Bridal Veil is a significant collection of vernacular buildings and a fairly intact example of a certain kind of development and cultural condition, located in the heart of the Scenic Area.

Though its impacts are in some ways subtle, it can not be overstated how important the vernacular architecture and the historic patterns of settlement are to the overall character of the Gorge. These things contribute in large measure to the sense of charm and historical depth one experiences when driving along the old Gorge highway, for example.

Please help to maintain the full character of our valuable resource by adding Bridal Veil to the inventory of significant Historic Resources.

Sincerely,



Scott Thayer



on the HISTORIC COLUMBIA RIVER HIGHWAY

P.O. Box 87 ♦ Bridal Veil, Oregon ♦ 97010

(503) 695-2333

FRANK & LAUREL SLATER, Proprietors

Dec. 21, 1992

Comm. Sharron Kelley
Multnomah County Board
1120 S.W. 5th
Portland, OR 97204

Dear Sharon:

On Dec. 29 the Board will consider the matter of the 113-year-old town of Bridal Veil. I plan to be there, as do many others who consider Bridal Veil an important historic resource.

I know you have been present at many of the meetings where the history of the town has been the subject. I just wanted to reiterate the importance to your constituents that the process be completed.

As documented in Sharr Prohaska's extensive report and elsewhere, Bridal Veil is a resource the county should treasure for its rich history and possibility for interpretation, and every effort should be made to ensure that every possible option is explored for its protection. First step: inclusion in County inventory; next step, a task force to explore the particulars.

I would welcome an opportunity to be a part of that task force when the time comes.

Thank you, Sharron, for your thoughtful consideration of this important issue.

Sincerely,

Laurel Slater

October 9, 1992

Multnomah County Planning Commission
Attn: Sharon Cowley
2115 S. E. Morrison St.
Portland, Oregon 97214

Dear Madam:

This letter is pertaining to saving Bridal Veil, Oregon for a historical museum.

Bridal Veil was a sawmill and logging facility many years before the Columbia River Highway was built, also before the museum at Crown Point and Cascade Locks were built. Both of these have lovely museums of past history, and many people have enjoyed them for many years.

Bridal Veil is a book of history of past sawmill days. It took two logging operations to keep the mill in logs for sawing. It produced such large and long timbers for bridges and boats. Larch lumber is a very strong wood for any use. Two of the world's sailboat race winners had spars or masts from Bridal Veil, Oregon.

Our younger people would enjoy seeing the history of those days in a museum at Bridal Veil.

Another point I would like to make is the location. It has easy access to it from a cross continental highway both east and west.

It would be very nice to have the old homes, post office and graveyard restored.

My grandparents on both sides of the family worked in the Bridal Veil sawmill in the early days. My father's father came on 1890, and my mother's father came in 1905. Two of my uncles and their parents also worked in the mill in 1890.

My cousin and I will contribute over thirty pictures of those days for a museum, the history of the sawmill and operations and the people.

Thank you for considering my request.

Yours truly,

Kenneth G. McKee



MR. KENNETH G. MCKEE
6009 SE WOODSTOCK BLVD
PORTLAND OR 97206



November 23, 1992

Multnomah County Commissioners
Division of Planning & Development
2115 SE Morrison Street
Portland, Or. 97214

Ref: SEC 33-92, #755/756/757/758
Demolition of 14 Homes
Columbia River Gorge National Scenic Area

Gentlemen:

It is very difficult for me to write this letter. My sentimental feelings run high because my parents, Grover & Myra McKee, lived in one of the Bridal Veil Lumber Company houses after they were married in 1908. This includes an uncle and aunt, Charles & Edna Dickson. Another uncle, Jesse Everhart, worked in the mill and also lived in one of the company houses with his wife.

The McKee family, consisting of nine members, came to Bridal Veil in 1890 from Mt. Hope, Kansas.

Earlier, the Dickson family came. Mr. Dickson, who was foreman at the mill, his son, Charles (my uncle) and my grandfather, Peter J. McKee, who was a night watchman for the company, as well as being a cobbler making boots for the loggers, are all indicated on the copy of the photograph enclosed which was taken in the early sawmill days at Bridal Veil and now Oregon's oldest remaining mill town.

I hope you can understand my feelings about the future of these houses. Demolition and restoration are very different in terms of cost and environmental impact. Restoration can be partly a community effort with landscaping and repair done mainly by manpower, while demolition involves heavy equipment which leaves marks and the problem of disposing of the material. This is impractical and very costly.

My feelings are that the houses should be spared from demolition and should be restored. The permit should be rewritten to save only the houses from demolition.

Thank you for your consideration on this matter.

Sincerely yours,

Kenneth McKee

Kenneth McKee

Encl.
Copy of Bridal Veil
Lumber Co. employees

Jesse
Everhart

KENNETH G MCKEE
6009 SE WOODSTOCK BLVD
PORTLAND OR 97206



Dickson

Big
Saw
Mill

Charles
Dickson

28

J. P. McKee

CROWN POINT COUNTRY HISTORICAL SOCIETY

P.O. BOX 17 ♦ BRIDAL VEIL, OREGON ♦ 97010

Nov. 23, 1992

Sharron Kelley
Multnomah County Board of Commissioners
1120 SW 5th
Portland, Oregon 97204

Dear Commissioner Kelley:

On Dec. 8, the Board is scheduled to review the issue of the historic significance of the community of Bridal Veil. The Planning Commission voted Nov. 16 for a finding of 1-C, "Bridal Veil is a Significant Historic Resource."

Our organization would like to urge you to accept the Planning Commission's recommendation and send the matter on to a task force and ESEE analysis.

We concur with their findings that the site is a significant historic resource, and agree that matters regarding future management and rehabilitation of the site or structures on the site would be best considered at the task force level with further studies.

We are willing at any time to sit at the table and work to develop a plan for the site. Our organization would like to request being included in the task force if one is formed. We have requested to be a part of the planning since TPL purchased the site (see enclosed letter dated March 15, 1991.) Our offers have not been accepted by that organization. We welcome the opportunity to be involved in any way.

We have enclosed further comments regarding previous testimony submitted to the Planning Commission, clarifications of our position, and other pertinent correspondence.

Sincerely,

Steve Lehl

Steve Lehl
President
695-5238

CROWN POINT COUNTRY HISTORICAL SOCIETY

P.O. BOX 17 ♦ BRIDAL VEIL, OREGON ♦ 97010

To: Board of County Commissioners

Date: Nov. 23, 1992

Re: Bridal Veil Mill and townsite, C 9-92

THE VISION:

Our vision for the site would be one where the historical resources would be preserved and interpreted to the maximum extent possible, based on the findings of the task force. We are not opposed to development of a public park on the site as long as the cultural resources are protected. If the idea would fit into the task force recommendations, our organization would welcome the opportunity to operate a museum in one or more of the houses, in order to interpret the cultural resources on the site.

We are not opposed to removal of the industrial buildings that cannot be salvaged. However, we are concerned that removal of the buildings before complete architectural and archaeological studies may expose valuable artifacts of the mill era or Native American era to severe weather and unauthorized entry. Enclosed is our response to the TPL request for an SEC (Serious Environmental Concern) permit to demolish all 17 buildings, outlining these concerns.

SITE PLANS

Among the items already a part of the testimony on record with the Planning Commission are the renderings of a team of landscape architects, David Ausherman and Jeff Lakey, who have prepared a detailed plan for revegetation of the mill site and development of a park area there. Their plans call for incorporating the historically restored houses into the overall site plan.

However, TPL has submitted no concrete plans and has not revealed exactly what would be included in the park, how their thoughts will be implemented and paid for, or why the houses must be removed in order to accomplish their plan.

HISTORICAL DOCUMENTATION

A wealth of information has been submitted to the record confirming the historic significance of the site, including a two-volume study commissioned by the County. Our organization had been amassing historical information and photos on the Bridal Veil site and other Larch Mt. logging operations long before TPL negotiations began. The historical society had been working with the Mt. Hood National Forest district on plans to develop trails and interpretation of the sites, including Bridal Veil. Our evaluation of the County historical site criteria is enclosed.

TPL representatives indicated in testimony before the Planning Commission that every effort was made to determine potential historic significance prior to their purchase of the property, but no CPCHS member was contacted, nor was Bill Carr, a US Forest Service representative who had compiled a history of the Bridal Veil Lumbering Company early in the 1980s, nor was any other community member questioned about the history.

TPL chose not to pursue logical avenues of obtaining historical information, but that does not mean the documentation did not exist.

Also, the Multnomah County Comprehensive Plan 1989 Supplemental Findings (p.55) states that "the county will continue in its efforts to identify and protect significant historic resources," indicating that new revelations of historic significance would be considered as their values were revealed, so TPL was aware of the possibility that further historical sites, including Bridal Veil, could be added at a later date.

WHERE WAS THE COMMUNITY WHEN TPL WAS ACQUIRING SITE?

TPL has raised questions about the lack of community concern about the Bridal Veil site prior to their purchase of the site.

Of course, neither the historical society nor the community at large were a party to the negotiations between TPL and the previous owner, (both private parties) and were not made aware that the sale was imminent until after the announcement by TPL that the site had been purchased and they intended to "remove most of the buildings."

The public announcement of the purchase was the first direct threat to the continued existence of the mill buildings and homes at Bridal Veil, and our organization and many community members have responded in great numbers to this threat.

The Crown Point Country Historical Society (CPCHS) is not an activist organization, and prior to this issue, has not been involved in any political or land use issues. We are a group of more than 100 community members interested in the history of our area and the Gorge. We are not savvy in the ways of Commissions and Boards or Trusts, with their lawyers and large amounts of money. But the importance of the history of the Bridal Veil mill and associated community is so important to the historic fabric of our community, and indeed, the County, Gorge and Oregon, that we have been actively seeking to work toward preserving that history, and are committed to seeing the process completed.

More than 800 signatures have been collected, and are a part of the record, of individuals who wish to see that "Bridal Veil be preserved and the history of logging told at the site." More than 100 community members came by car and bus to the Oct. 19 planning commission meeting, and many testified in person, by phone or letter.

The broader community is responding as well, and as more information is made public in the media, more public support has been expressed.

RESTORATION OF HOUSES

Many people have been misinformed that the houses are beyond repair and restoration. Although run-down and suffering from "deferred maintenance", they were, with one exception, all occupied by families when TPL purchased them. Three houses are still occupied; the remainder of the houses have been vacated at TPL's request.

The county has not commissioned an architectural historian or contractor to evaluate the mill buildings and houses. Our organization has requested permission for access to the site to perform these evaluations, but has been denied access (see enclosed letter to Chris Beck).

The simple design of the structures would facilitate rehabilitation. Missing elements, such as four-over-four double hung windows and any siding which has been removed for door cuts, could be salvaged from other houses, or milled or manufactured to specification. Restoration of all the interiors would not be essential to maintaining the historic character as one would view the collection from the outside. However, the original interior, as found in the house second from the end near the cemetery, is constructed almost entirely of horizontally mounted, double-beaded tongue and groove, capped by a simple moulding at the ceiling. Similar material would be easy to obtain for restoration.

WHO WOULD PAY FOR RESTORATION?

Questions have been raised regarding the cost of the home restoration, and this factor was an issue the Planning Commissioners were concerned about, and about the burden which could be placed on the property owner.

TPL purchased the property with the intention of conveying it into public ownership: since they do not intend to keep the property, the cost of restoration would not be borne by them.

One option for rehabilitation would be to sell the houses individually to private citizens, who would then bear the cost of renovating to design guidelines. This would be a desirable scenario because there would be pride in ownership, yet owners would be responsible for restoring at least the exteriors of the houses and the grounds to specifications set by a team of experts; any buyer would be aware of the stipulations prior to purchase. They would also be aware of any park

plans on the mill site and any considerations involved in that. Also, there would be no burden placed on any government entity to care for or manage the houses.

Do not doubt that there would be an excess of people willing and eager to buy those houses; the real estate market in the area attests to the desirability of gorge property. A small ranch house less than a half mile east of the subject property is on the market for \$225,000, and another a half mile further, \$175,000.

Another option in addition to private ownership, would be for the Forest Service or other governmental body to purchase the property and lease each home to individuals at a low rate on the long term, such as 99 years, and the lessee would bear the cost of rehabilitation, and would recoup their investment over the long term.

These are a couple of viable options for rehabilitation, but again, we believe this would be a matter for a task force to be considering. At this time, not enough information exists to make a judgement about the structural conditions of the buildings, and your task is to determine their historic significance, not develop a repair schedule.

CROWN POINT COUNTRY HISTORICAL SOCIETY

P.O. BOX 17 ♦ BRIDAL VEIL, OREGON ♦ 97010

COUNTY COMPREHENSIVE PLAN HISTORIC SITE CRITERIA

Evaluation by Crown Point Country Historical Society

A. Historic Significance: Property is associated with significant past events, personages, trends or values and has the capacity to evoke one or more of the dominant themes of national or local history.

Bridal Veil is associated with:

- 1) significant past events: establishment of rail connection through the Gorge
establishment of one of the first paper mill in Oregon
establishment of the prominent lumbering facility on Larch Mountain
- 2) Significant personages: J. Leonard Kraft, of the Kraft Cheese company family
Loring C. Palmer, lumbering
Ben Hazen, founder of Benj. Franklin Savings & Loan
- 3) Significant trends: Establishment of many of the "first" logging techniques and designs for equipment needed to log dense forests, such as "high lead" technique. Many techniques still in use today were developed at Bridal Veil.
- 4) Significant values: Life in early Oregon lumber mill town and establishment of traditional settlement pattern, with associated community facilities such as church, school (also used as community hall), company store, post office, railway station, cemetery, and housing for mill worker families and supervisors.
- 5) Capacity to evoke one or more of the dominant themes of national or local history: Timber industry central to Oregon's early economic development. Townsite with remaining buildings and adjacent millsite, with interpretation available on site, would evoke this predominant theme.

B. Architectural Significance: (Rarity of type or style) Property is a prime example of a stylistic or structural type, or is representative of a type once common and is among the last examples surviving in the county.

Bridal Veil :

- 1) Is a prime example of a stylistic or structural type
Vernacular worker homes utilized simple construction techniques, architectural style and available construction materials (wood)

2) Is representative of a type once common:

Existing buildings represent construction frequently utilized in early company towns, including representative hierarchical placement

3) Is among the last examples surviving in the county:

Bridal is the oldest surviving example of a company town remaining in the state of Oregon. Similar collections of structures and associated facilities are not found elsewhere in Multnomah County

C. Environmental Considerations: Current land use surrounding the property contributes to an aura of the historic period, or property defines important space

1) Land use surrounding property contributes to an aura of historic period:

Mill site property still bordered to the west by Bridal Veil Creek and Falls, once utilized for flume and power, and on the north by the railroad tracks once used to convey finished lumber products to market. Historic Columbia River Highway (HCRH) borders property to the south. (Townsite preceeds HCRH, but HCRH followed road already in existence) Surrounding uses primarily as open space, State Park and highway.

2) Property defines important space

Subject property defines the location of the historic lumbering operations and associated company townsite at Bridal Veil in space originally occupied by those operations and townsite, which is now known to represent the oldest remaining company mill town in Oregon.

D. Physical Integrity: Property is essentially as constructed on original site. Sufficient original workmanship and material remain to serve as instruction in period fabrication.

1) Property is essentially as constructed on original site.

On townsite, existing homes are in original configuration as constructed on site. Buildings remain insulated from encroachment of other development. Post Office building, (former first aid building), was moved from another location on site. Remaining mill buildings are as constructed on original site.

2) Sufficient original workmanship and material remain to serve as instruction in period fabrication.

On townsite, 5 of the 11 vernacular workers houses have newer siding applied over original siding. On most, the newer siding can be removed to expose original. Many original four-over-four double-hung windows and original doors are still in place and can serve as instruction for replacement. Exteriors of three larger supervisor's homes fronting HCRH are unaltered from the original.

E. Symbolic value: Through public interest, sentiment, uniqueness or other factors, property has come to connote an ideal, institution, political entity or period.

1) Public interest:

More than 800 signatures have been collected representing individuals who desire to see the community of Bridal Veil preserved as a historic site. Nearly 20 meetings presenting the history of Bridal Veil, some of which were open to the public and others which were requested by community organizations and schools, were attended by hundreds of interested people.

2) Sentiment:

Many persons still living, either in the local community or living in other areas of the state or country, have expressed their personal remembrances of living in or visiting the town, and their desire to see its remainder preserved, as evidenced by Mrs. Kraft and Mrs. McCredie, and others who gave public testimony at the Multnomah County planning commission meeting Oct 19, 1992

3) Uniqueness:

As the oldest remaining company mill town in Oregon, Bridal Veil is unique.

4) Other factors: Physical Presence

Visit to site reveals significant number of buildings and cemetery still present in original configuration on site, contributing to period feeling.

4) Property has come to connote an ideal, institution, political entity or period.

For those who are aware of the history behind the site, the presence of the 11 vernacular workers houses, three supervisors houses, cemetery, and church, together with the adjacent mill site, convey the sense of community present in a turn-of-the-century lumber mill town. As with any historic site, interpretation is necessary to convey the history to visitors.

F. Chronology: Property was developed early in the relative scale of local history or was an early expression of type/style.

1) Property was developed early in the relative scale of local history;

Bridal Veil was established as a mill town in 1883, representing one of the earliest developments in East Multnomah County. The houses on site today were built early in the 1900s. Several of the gravesites in the Bridal Veil cemetery date to the 1890s.

2) Was an early expression of type/style:

The houses as they were constructed, of simple and functional design, with little consideration given to permanence, give credence to their early construction dates, typical of construction methods in logging towns of that era.

CROWN POINT COUNTRY HISTORICAL SOCIETY
P.O. BOX 17
Bridal Veil, Oregon 97010

March 15, 1991

Bowen Blair, Jr.
Trust For Public Lands
1211 S.W. Sixth Ave.
Portland, Oregon 97201

Dear Bowen:

We are writing in response to the recent purchase of the township of Bridal Veil by the Trust for Public Lands; and are concerned because of a recent article where you were quoted as saying that "Bridal Veil does not have tremendous historical importance". We wished to clarify some points of historical significance for you that you may not have been aware of.

1. The town was first settled in 1879 by Amos James Moore and his four brothers, mill operators from Albina. In 1887 T.H. Smith started construction of the re-milling and shipping plant at Bridal Veil. Until its recent closure, the Bridal Veil mill was believed to be the longest-running mill operation west of the Mississippi River.
2. Several lumber mills developed on Larch Mountain to supply logs to the Bridal Veil Lumber Company. The Bridal Veil site is the last remnant of that once vast lumber community.
2. The Bridal Veil Lumber company was the first logging operation to utilize the high-Lead logging concept, which revolutionized forest product harvesting. This method is still in use today.
3. Many of the employees of the mill and families of millworkers still reside in the area, providing a unique opportunity to reconstruct this era of our history.

The Historical Society has been collecting and developing a wealth of data, pictures, and documentation of the significance of this site, with records dating from the mills earliest days. We would welcome the opportunity to share these with you.

Too many of the unique aspects of the Gorge have been inadvertently lost due lack of foresight, such as Celilo Falls and the Mitchell Point tunnels. This site has a potential for being an excellent historical and educational tool and should be preserved because of its regional and national significance.

County Commissioner Sharron Kelley has offered the auspices of her offices to facilitate discussions. Bob Trachtenberg of her office will be working with all of us to address the issues.

We look forward to the opportunity to meet with you to discuss the options for preservation of this unique cultural and historical resource.

Sincerely,

Steve

Steven H. Lehl
President

cc: Sharon Kelley

CROWN POINT COUNTRY HISTORICAL SOCIETY

P.O. BOX 17 ♦ BRIDAL VEIL, OREGON ♦ 97010

Nov. 23, 1992

Chris Beck
Trust for Public Land
1211 SW 6th Ave.
Portland, OR 97204

Dear Chris:

I am writing regarding our request for permission to have access access to the Bridal Veil site to a historic preservation architect and preservation contractor for the purpose of evaluating the buildings, at no expense to your organization.

Per our conversation this morning, I am confirming your decision to deny access at this time. Please let me know if I have misunderstood in any way.

Sincerely,



Chuck Rollins
Vice-President
695-5821

cc: Martin Rosen
Mult. Co. Commissioners
Mult. Co. Planning Commission
Sen. Mark Hatfield
Sen. Bob Packwood
Rep. Ron Wyden
Scott Pemble

CROWN POINT COUNTRY HISTORICAL SOCIETY

P.O. BOX 17 ♦ BRIDAL VEIL, OREGON ♦ 97010

Nov. 24, 1992

Hearings Officer
Div. of Planning and Development
Multnomah County
2115 SE Morrison
Portland, OR 97214

re: SEC 33-92, #755 #756 #757 #758 Bridal Veil buildings demolition

We urge you not to grant the applicant's request for demolition of 17 buildings at Bridal Veil.

"The purposes of the SEC concern subdistrict are to protect, conserve, enhance, restore, and maintain significant natural and man made features which are of public value, including among other things... tourist attractions, archaeological features and sites..."

We believe if the permit were granted, that these purposes would be violated. The 113-year-old Bridal Veil Mill site and townsite and the structures found there are significant features of public value for their historical content. A voluminous body of evidence has been submitted to the planning commission and staff on the historic significance of the site. More that 800 signatures were submitted of people wishing to see the site preserved, and many members of the public testified to its value at the Planning Commission hearing Oct. 19. The Multnomah County Planning Commission voted on Nov. 16 to recommend that the area be included in the county's inventory of historic sites. Among their findings was that "Bridal Veil has a great deal of symbolic value as evidenced by public testimony received during the public hearing process. It is unique to Multnomah County, and much public sentiment has been shown for its preservation." (addendum findings, p.2)

To allow destruction of the structures prior to the Board of Commissioners hearing the matter or reaching a decision, and before formation of a task force and an ESEE analysis would represent a circumventing of the process.

Item (I) of the SEC approval Criteria states "Archaeological areas shall be preserved for their historic, scientific, and cultural value and protected from vandalism or unauthorized entry" If "archaeological" is defined as below ground level, no archaeological study has yet been conducted on the site. Destruction of the buildings would have the potential to disturb archaeological information on the site. Beneath the mill buildings a significant amount of mill-era artifacts can be found, and below that, a strong possibility of Native American artifacts. To allow destruction of these buildings would leave those artifacts open to vandals and unauthorized entry, and permit exposure to the weather which could potentially cause destruction of these items. Further studies may indicate that timbers, building materials or other items from within the buildings may be found to be of historical value. Their destruction at this time, prior to the complete studies and analyses, would be premature, and could result in the loss of significant cultural resources.

Item (Q) of the approval criteria states "The applicable policies of the Comprehensive Plan shall be satisfied. Included in the applicant's submissions for the SEC permit was a copy of a portion of the Comprehensive plan regarding historic structures and

sites which states in the last sentence, "The county will continue in its efforts to identify and protect significant historic resources" (p. 55, Comprehensive Framework Plan 1989 Supplemental findings.)

Clearly, because the Bridal Veil site is currently undergoing a hearings process to possibly include it in this plan, and in fact has been recommended to be included by the county Planning Commission, a plan to demolish the structures would not meet approval criterion Q. The date stamp on the application acceptance is Sept. 18, well beyond the time the historic significance hearings process was initiated, and beyond the release of a two-volume report commissioned by the county on Bridal Veil's historic significance.

The existing buildings do not adversely affect areas of environmental concern. In addressing the Approval Criteria, the applicant eludes to subsequent landowner's improvement and restoration of the site, an argument they use in justifying removal of the buildings. However, no plan for this has been submitted by the applicant; there is no evidence that any of these plans will be implemented. Until plans are submitted that detail how this restoration and improvement will be accomplished, no weight should be given to this argument.

Again, we urge that approval of the SEC application be denied at this time.

Sincerely,

Steve Lehl
President
695-5238

cc: Multnomah County Board of Commissioners
Scott Pemble for C 9-92 file
Paul Yarborough
Mike Boyington, Art Carroll, US Forest Service
Columbia River Gorge Commission
Mark Hatfield
Bob Packwood
Ron Wyden
Les AuCoin

CROWN POINT COUNTRY HISTORICAL SOCIETY

P.O. BOX 17 ♦ BRIDAL VEIL, OREGON ♦ 97010

Nov 6, 1992

Scott Pemble, Director
Multnomah County
Division of Planning & Development
2115 SE Morrison
Portland, OR 97214

Dear Scott:

We are quite disturbed by some of the irregularities in procedure and process which have accompanied the Bridal Veil issue.

The lack of direction from staff to the commissioners seemed to cause great amounts of confusion. We realize that the intent was to let the commissioners decide, but the desire to remain neutral was not always successful, resulting in mixed messages and confusion. The role of the "adjunct staff" person who presented was unclear to all.

We wonder why the consultant hired by Multnomah County, Sharr Prohaska, was presented as an arguer for the proponents in the Oct. 5 meeting, when she was hired by the county, and therefore represents the county. She has not been hired by the Crown Point Country Historical Society.

Her expert testimony and position as consultant to the County was ignored at the Oct. 19 meeting, and indeed, she was instructed not to testify as it would be a conflict of interest. If she represents the county, and was paid to prepare her report for the county, then why are her conclusions not being presented as such.

At the Oct. 19 meeting, the commission did not seem to have a full understanding of what their vote of 1A, 1B or 1C would mean, and they were taking into consideration elements that, as we understand it, are not to be considered, such as interior alterations. Sharon Timko of Commissioner McCoy's office informs me that currently, county ordinances deal with just exteriors of buildings.

The commission should be instructed that under current ordinances, they may not consider interior conditions when determining historic significance. In fact, the ordinances themselves governing this process should be included in the information given to them. If they do not have this information it should be presented to them at the Nov. 16 meeting.

In addition, the commission did not have a complete picture of the issues because the historic site criteria was not adequately addressed by the report commissioned by Multnomah County.

In order for the commissioners to reach a fully informed decision, the historic site criteria must be addressed by staff in a more thorough manner than given in the staff report, especially concerning item B of the county criteria, Architectural Significance. The staff report was biased in that regard and makes the statement that the buildings have no architectural significance, even though the county has not had an impartial report from an expert addressing this criterion. At the Oct 19 meeting, the commission appeared to be considering this criterion to the exclusion of all others. The commission should receive some further clarification of the criteria Bridal Veil must meet in order to be considered historically significant.

In fairness, the county should commission an architectural report on the buildings in order to address the architectural significance criterion, and to complete the Goal 5 process.

In your words to the commission, Scott, you said that if you had to give an answer about Bridal Veil's historic significance at that moment, you would say the site is significant. Will you be amending the staff report to reflect this position and that of Baldwin, who was presented as adjunct staff?

The issue of ex parte contact is at the forefront, also. We are aware of at least one member of the planning commission who spoke at length to John Tess, and indeed, that commissioner, even though he was present during the time the commissioners were deliberating, chose not to join in. This tells us that his entertaining ex parte contact may have influenced him to not participate in the process, or vote on the issue. We can probably surmise that if he was contacted, that others may have been also, yet no one declared any ex parte contact.

The question came up during the Oct. 19 meeting regarding the voting status of members. It was said that precedent indicates that if a commissioner is not present for a substantial portion of the proceedings that he/she would not be allowed to vote on this matter. If this is so, then commissioners Al-Sofi, who was absent Oct. 5, Fry, who was absent Oct. 19, will not be allowed to vote on this issue. Is this correct?

Also, our group was quite dismayed at the format of the Oct. 19 meeting. In advance of the meeting, we were told that each person would be allowed five minutes of testimony, so we planned according to this format. As it turned out, everyone who wanted to testify was given a chance. However, many more people desired to testify in favor. These individuals were limited to three minutes, not enough time to adequately express points they wanted to make. Not as many opponents appeared to testify, and these individuals were allowed lengthy testimonies of 15 minutes or more. They should not have been allowed more time as individuals, but limited to three minutes as the others were. Also, the audience was instructed that during rebuttal time, no new testimony could be presented, yet during the rebuttal presented by John Tess, he introduced a dollar figure for renovating the houses, in the millions of dollars, which he did not present earlier, and no opportunity was given to rebut this assertion.

At the Oct. 19 meeting, it was discussed that the commissioners wanted to have a "guided tour" of the site. It was entered into the record that both sides would be present at the tour, and this was agreed to. After the meeting, this agreement was rescinded, and only TPL was represented at any tours of the site. This then resulted in a biased presentation of the site.

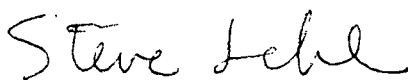
We also would like to know what the format will be for the Nov. 16 meeting.

In summary, the issues we are concerned about are:

1. Lack of direction from staff on criteria, ordinances, and lack of a clear position from the staff
2. County's historical consultant and findings not presented as "staff"
3. Historic Site Criteria inadequately addressed by county, especially item "B", architectural significance
4. County should commission architectural report
5. Ex parte contact
6. Voting status of commission
7. Unfair format and changes made during Oct 19 meeting, and prior regarding tour

Thank you for taking these matters into consideration.

Sincerely,



Steve Lehl
President 695-5238

cc: Paul Yarborough, Dir. of Environmental Services
County Commissioners

Annette J. Kraft
1160 Boca Raton Dr.
Lake Oswego, OR 97034-1612

Multnomah County Board
of Commissioners
1120 S.W. 5th
Portland, OR 97204

12/4/92

Dear Commissioner Kelly:

I am writing in regard to the preservation of Bridal Veil as an historic site. On Oct. 19th I attended a hearing before the Multnomah County Planning Commission where representatives from the Trust for Public Lands, and a large group of people, many from the Crown Point County Historical Society, were present. There were testimonies from J. P. S. giving arguments for the tearing down of all the building to make a public park on the 58 acres. On the other side there were many who spoke in favor of restoring and preserving Bridal Veil as a historic site. Two bus loads of people came to that meeting to plead the

series of this unique 112 year old
lumbering community that has played
a major part in the history of the
gorge.

I feel as though I am in some small
way, a part of Bridal Veil history.

My husband, Leonard Kraft, and I moved
to Bridal Veil in 1937 when he became
manager of The Bridal Veil Lumber and
Box Co. The Kraft Chase Co. bought the
train from the Bridal Veil Lumber Co.

The Lumber and Box Co. was formed to
produce wooden boxes for some of the
chase products. During World War II the
factory was converted to making ammunition
boxes. In later years they converted to
the production of window and door
frames. This operation continued until
the mill closed in 1961.

Our home was situated on the old
Columbia River highway just east of the
bridge over the falls. We had a
spectacular view of the Palisades acrossed
the river. To have lived amid such

Annette J. Kraft
160 Boca Raton Dr.
Lake Oswego, OR 97034-1612

grandeur all those years was truly
a privilege. Bridal Veil was a close
knit community whose people lived,
worked, and played together harmoniously—
a wonderfully, simple life style.

I am thankful that this land was
purchased by GDL and that it will
never be a resort or a housing development.
That the many who come to view the Gorge
will have another beautiful site to explore.

However, I feel that Bridal Veil does
have a very special place in Oregon history
as the oldest remaining community in which
the lumbering industry was carried on.

Some of the buildings should be retained or
rebuilt to interpret the social, cultural,
and settlement patterns of the people
who lived and worked and developed the
lumber industry in the Columbia Gorge—

Sincerely,

Annette J. Kraft

c. Gladys McCoy
Pauline Anderson
Mary Hansen
Rick Bauman

Jeff Wright
3314 NE 50th
Portland, OR 97213

December 10, 1992

Commissioner Sharron Kelley
Multnomah County
1120 SW 5th, Room 1500
Portland, OR 97204

Dear Sharron:

I would like to register my concern against turning Bridal Veil into a historic site.

First of all, the buildings hold little historic merit: none represent typical designs of typical period lumber towns and they have been "jerryrigged" to death to meet code over the years. Because the mill is beyond repair; the site has lost this pivotal component of its "historic" orientation.

Finally, the historic site determination should have been completed when the site was sold to the Trust for Public Land. In essence, a handful of residents (most of whom complained when the Gorge National Scenic Area was instituted about "losing" their private property) are reaching for straws and trying to stymie this precious addition to the Gorge's natural splendor.

I urge the County Commission to have the strength to make Bridal Veil a natural area, not an overgrown series of buildings which have no historical significance.

Thanks for considering my views.

Sincerely,



Jeff Wright

11-28-92

Mrs. Shirley Cowley
Mult. Co. Planning Commission

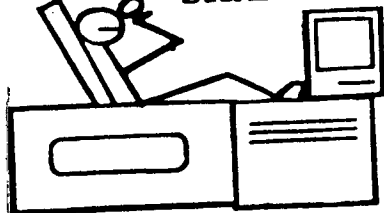
Re: Town of Bridal Veil

As a life-long resident of east Multnomah County, I have spent much of my adult life recreating around Bridal Veil, Larch Mountain, and the Sandy River. Six years ago I moved to Conbett and plan to stay. The community of Bridal Veil has always been especially picturesque to me. I cannot fathom why people want to raze it to facilitate day-trips to Multnomah Falls. Most particularly, the County Commissioners (being representatives of the people) should not vote on the issue of a demolition permit before the issue of whether or not Bridal Veil has historic value is resolved.

Douglas Ellis
421 SE Powder Rd
Conbett OR 9701

cc: Gladys McCoy
Shannon Kelley

SHARON COWLEY



FROM MY DESK TO YOURS



1/5/93

Deb -

Here are the
Findings & Conclusions
to go w/ the Final
Review for C. 9-92
(Burial Veil) for

12/29/92

Thanks
Sharon

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY

In the Matter of Amending the Comprehensive)
Framework Plan to include Bridal Veil in the)
County Inventory of Historic Resources)

ORDER
C 9-92
92-247

WHEREAS, Multnomah County is required by Statewide Planning Goal 5 to inventory its historic resources and include significant sites in the Comprehensive Plan Inventory; and

WHEREAS, Comprehensive Plan Policy 16-I states that significant historic resources should be recognized and appropriate preservation measures applied; and

WHEREAS, Bridal Veil complies with the majority of the Historic Site Criteria contained within the Comprehensive Framework Plan; and

WHEREAS, The Goal 5 process must be completed for significant sites by identifying conflicting uses and the economic, social, environmental and energy consequences of allowing those uses, leading to a protection plan based on the results to provide full, partial or no protection of the resource; and

WHEREAS, There are various state and federal agencies and private parties with an interest in Bridal Veil who could assist in the Goal 5 process as part of a Task Force; and

WHEREAS, The Planning Commission recommended that the Multnomah County Board of County Commissioners amend the Comprehensive Framework Plan to include Bridal Veil in the inventory of Historic Resources.

NOW, THEREFORE the Board of Commissioners Orders in accordance with MCC 11.05.320, and upon recommendation of the Planning Commission, the Supplemental Findings section of the Comprehensive Framework Plan is amended to include Bridal Veil in the inventory of significant historic resources.



Adopted this ^{29th} ~~8th~~ day of December, 1992

By Gladys McCoy
Gladys McCoy, County Chair
Multnomah County Board of Commissioners

REVIEWED: .

Peter Livingston
FOR John DuBay, Deputy County Counsel
of Multnomah County, Oregon



DEPARTMENT OF ENVIRONMENTAL SERVICES
DIVISION OF PLANNING AND DEVELOPMENT
2115 SE MORRISON STREET
PORTLAND, OREGON 97214 (503) 248-3043

BOARD OF COUNTY COMMISSIONERS
C 9-92 DECISION

FINDINGS:

COMPLIANCE WITH GOAL 5 CRITERIA:

Location: Bridal Veil town and mill area, bordered on the west by Bridal Veil Creek, on the east by the eastern edge of the cemetery, on the north by the railroad tracks, and on the south by Crown Point Highway; described as Lots 7-10 and 12-15 of the First Addition to Bridal Veil; tax lots '2' and '3'; the portion of tax lot '11' lying north of the Crown Point Highway; tax lot '19'; the portion of tax lot '18' lying east of and including Bridal Veil Creek, plus a portion of the railroad right-of-way between the I-84 interchange and Bridal Veil Creek, all in Section 22, T1N, R5E (see attached map). This encompasses the original townsite and mill area, the cemetery, and all existing buildings.

Quantity - Bridal Veil is the only mill town remaining in Multnomah County, which increases its significance.

Quality - Bridal Veil operated continuously as a mill town for 100 years, and is one of the earliest established mill towns in the state. There is no modern infill development to detract from the historic setting other than the church and the remodeled mill buildings. The layout of the town is as originally established, with manager's houses on the hillside above the smaller worker's houses located in rows down the hill. While most of the individual houses have been altered and updated over time, structurally they remain very similar to when built.

COMPLIANCE WITH COMPREHENSIVE PLAN HISTORICAL SITE CRITERIA:

- A. Historic Significance - The logging and wood processing industries played a major role in Multnomah County's development. Persons of historic significance to Multnomah County were associated with the town. The State Historic Preservation Office has identified the timber and fishing industries as the broad themes most urgently requiring cultural resource context studies. Bridal Veil was a mill town associated with the timber industry and logging in the Columbia Gorge. It also evokes the theme of transportation because of its association with shipping of products first on the Columbia River, then by

rail, and the development of the Columbia River Highway which opened the Gorge to early (and continued) tourism. In a social context the layout of the manager's houses above the small worker's houses illustrates and evokes the social and economic stratification of the controlling lumber company.

- B. Architectural Significance - (Rarity of Type and/or Style). When the town is considered as a whole, it is a good example of a mill town, showing the social arrangement of manager's houses on the hill with views of the Columbia River, and the worker's houses in rows lower down the slopes and closer to the railroad tracks. No important architect, builder, or engineer was associated with the design or construction of the houses. The houses do not represent a stylistic or structural type other than basic vernacular. Although there were several mill towns associated with the timber and fishing industries in Multnomah County at the turn of the century, Bridal Veil is the last remaining example.
- C. Environmental Considerations - Bridal Veil exhibits little non-historic infill within the townsite area and within the surrounding area. The houses, which date from between 1902-1913, have received some alteration and modernization over the years. The church is not historic, all other community buildings are gone, the mill buildings are from a more recent date and there is no sawmill equipment or machinery left to indicate the historic use.
- D. Physical Integrity - The houses and some of the other structures and mill area are in the same locations as originally constructed. This physical layout is important in recognizing the social hierarchy exhibited in the two housing types (manager vs. worker). Although there has been some alteration to exterior and interior features on many of the houses and some of the other structures, there may be enough original material and workmanship remaining to interpret their original appearance as well as to make restoration possible.
- E. Symbolic Value - Bridal Veil has a great deal of symbolic value as evidenced by public testimony received during the public hearing process. It is unique to Multnomah County, and much public sentiment has been shown for its preservation. The town connotes an earlier period in county history when small settlements were established to process timber and other natural resources. The townsite is symbolic of early logging practices in the Columbia Gorge and the positive and negative aspects thereof. The fact that Bridal Veil diversified the type of wood products produced and continued to operate as a mill town even during the depression and both World Wars lends additional sentiment and testimony to its long history which many area residents do not want to see destroyed.
- F. Chronology - Bridal Veil was established in the 1880's. While several mill towns were established in the county earlier than this, they no longer exist. On a state comparison level, Bridal Veil is the earliest remaining example of a timber related company mill town.

COMPLIANCE WITH PLAN REVISION CRITERIA:

- (1) DLCD notification procedures - ORS 197.610 - .625 deals with giving 45 day notice to DLCD of a proposed plan amendment, sending a copy of the amended text and adopted findings within 5 days of the final decision, the right of appeal, and final acknowledgement 21 days after the final decision if unappealed. These procedures are being followed. ORS 197.732 deals with Goal exceptions, not applicable to this proposal.
- (2) Conformance with Comprehensive Plan policies, or Plan policies do not apply - Comprehensive Plan Policy 16: *"The purpose of the Natural Resources policy is to implement statewide Planning Goal 5: 'Open Spaces, Scenic and Historic Areas, and Natural Resources'. These resources are necessary to ensure the health and well-being of the population, and include such diverse components as mineral and aggregate reserves, significant wetlands, historic sites, and scenic waterways".* Sub-policy 16-I: *"It is the county's policy to recognize significant historic resources, and to apply appropriate historic preservation measures to all designated historic sites".* Bridal Veil complies with the Historic Site Criteria. Amending the Comprehensive Plan will recognize the site's historic significance. Protection is provided to resources included in the inventory through MCC 11.15.8720, which requires design review prior to any alteration of an historic structure and a public hearing process prior to removal or demolition of the structure. Further site specific protection may be proposed based on the results of the ESEE analysis.
- (3) Changed uses will: 1) not destabilize the land use pattern in the vicinity, 2) not conflict with existing or planned uses on adjacent lands, and 3) that necessary public services are or will be available to serve allowed uses - Amending the Comprehensive Plan to include Bridal Veil on the inventory of significant historic resources will not cause a change in allowed uses. Thus there will be no destabilization of the local land use pattern or conflicts with adjacent land uses, and no need for additional public services. Completion of the ESEE analysis may lead to development of a protection plan requiring adoption of a Historic Preservation overlay zone, which could change the allowed uses. This would require additional public hearings, and any effects to adjacent properties or land uses would be discussed at that time.

CONCLUSIONS:

1. Bridal Veil is the only mill town remaining in Multnomah County, and the oldest in the state. It operated continuously for 100 years.
2. Bridal Veil is associated with the historic theme of the timber industry, which was an important factor in the development of the county and state.

3. The physical layout of the town and buildings are as originally constructed in the late 1800's and early 1900's, and reflect the social and economic hierarchy of the workers and managers.
4. The houses may retain enough original materials and structure to understand their original appearance and make restoration possible.
5. Public interest and sentiment support the preservation of Bridal Veil as an historic mill town site.
6. Bridal Veil complies with the majority of the Historical Site Criteria found in the Comprehensive Framework Plan. The Comprehensive Plan should be amended to include Bridal Veil in the inventory of significant historic resources.
7. The remainder of the Goal 5 process, including identification of conflicting uses, ESEE analysis, and resulting proposal for appropriate level of protection should be finished, and reported back to the Planning Commission for decision at their regular April 5, 1993 meeting. A Task Force should be formed to assist in this process.

Meeting Date: December 29, 1992

Agenda No.: D-3

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM
(For Non-Budgetary Items)

SUBJECT: CU 23-92

BCC Informal _____ BCC Formal December 29, 1992
(date) (date)
DEPARTMENT DES DIVISION Planning
CONTACT Sharon Cowley TELEPHONE 2610
PERSON(S) MAKING PRESENTATION Planning Staff

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 2 minutes

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

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


CU 23-92 Review the Hearings Officer Decision of December 7, 1992, approving, subject to conditions, the development of this five-acre Lot of Record with a non-resource related single family residence, for property located at 19102 NW Logie Trail Road

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL _____

Or

DEPARTMENT MANAGER 

(All accompanying documents must have required signatures)

BOARD OF
COUNTY COMMISSIONERS
1992 DEC 22 PM 4:58
MULTNOMAH COUNTY
OREGON



BOARD HEARING OF DECEMBER 29, 1992

TIME 1:30 pm

NUMBER CU 23-92

CASE NAME: SMITH NON-RESOURCES SFR

1. Applicant Name/Address: David & Barbara Smith
1410 NW 131st Ave.
Portland, OR 97229

2. Action Requested by applicant:

Conditional Use approval for a non-resource
related residence in the MUF-19 district.

3. Planning Staff Recommendation:

Approve, subject to two conditions.

4. Planning Commission or Hearings Officer Decision:

Approve, subject to two conditions.

5. If recommendation and decision are different, why?

ACTION REQUESTED OF BOARD	
<input checked="" type="checkbox"/>	Affirm Plan.Com./Hearings Officer
<input type="checkbox"/>	Hearing/Rehearing
<input type="checkbox"/>	Scope of Review
<input type="checkbox"/>	On the record
<input type="checkbox"/>	De Novo
<input type="checkbox"/>	New Information allowed

ISSUES
(who raised them?)

None

Do any of these issues have policy implications? Explain.



**Department of Environmental Services
Division of Planning and Development
2115 S.E. Morrison Street
Portland, Oregon 97214 (503) 248-3043**

Decision

This Decision consists of Conditions, Findings of Fact and Conclusions

December 7, 1992

CU 23-92, #35

**Conditional Use Request
(Non-Resource Related Single Family Dwelling)**

Applicant requests Conditional Use approval for a non-resource related single family dwelling on this 5 acre Lot of Record in the MUF-19 zoning district..

Location: 19102 NW Logie Trail Road

Legal: Tax Lot '24', Section 13, 2N, 2W, 1991 Assessor's Map

Site Size: 5 acres

Size Requested: Same

Property Owner: David and Barbara Smith
1410 NW 131st Avenue, 97229.

Applicant: same

Comprehensive Plan: Multiple Use Forest

Present Zoning: MUF-19, Multiple Use Forest District
Minimum lot size of 19 acres

**Hearings Officer
Decision**

Approve, subject to conditions, development of this 5-acre Lot of Record with a non-resource related single family dwelling, based on the following Findings and Conclusion.

CU 23-92

N
↑
Zoning Map
Case #: CU 23-92
Location: 19102 NW Logie Trail Road
Scale: 1 inch to 400 feet (approximate)
Shading indicates subject properties
SZM 35; Section 13, T.2N., R.2W., WM.

RIVER ROAD

MUF-19
TRACT

MUF-38

LOGIE TRAIL ROAD
(7)
7.00 Ac.

RR

13

MUF-38

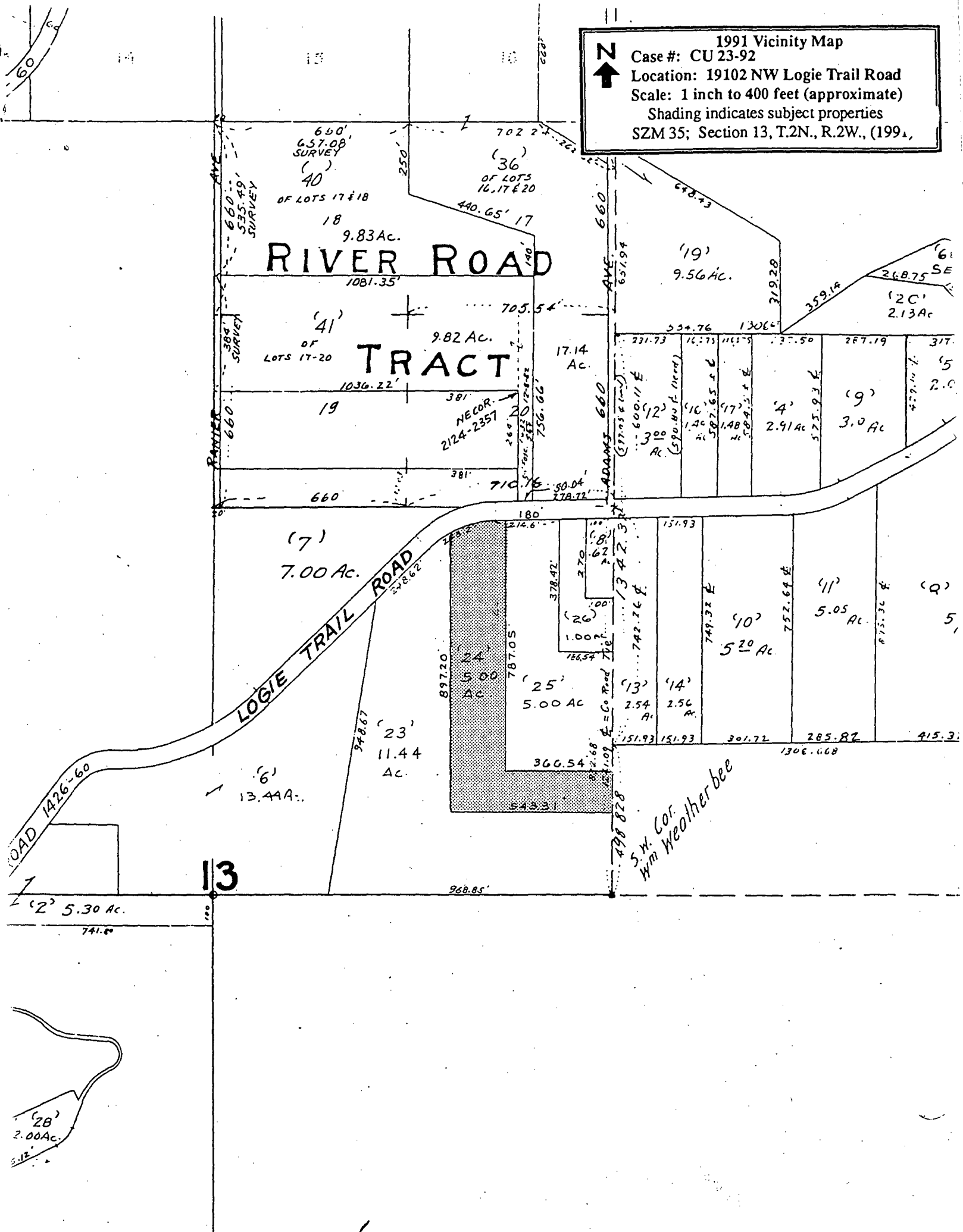
MUF-38

(3)
160, 7c.

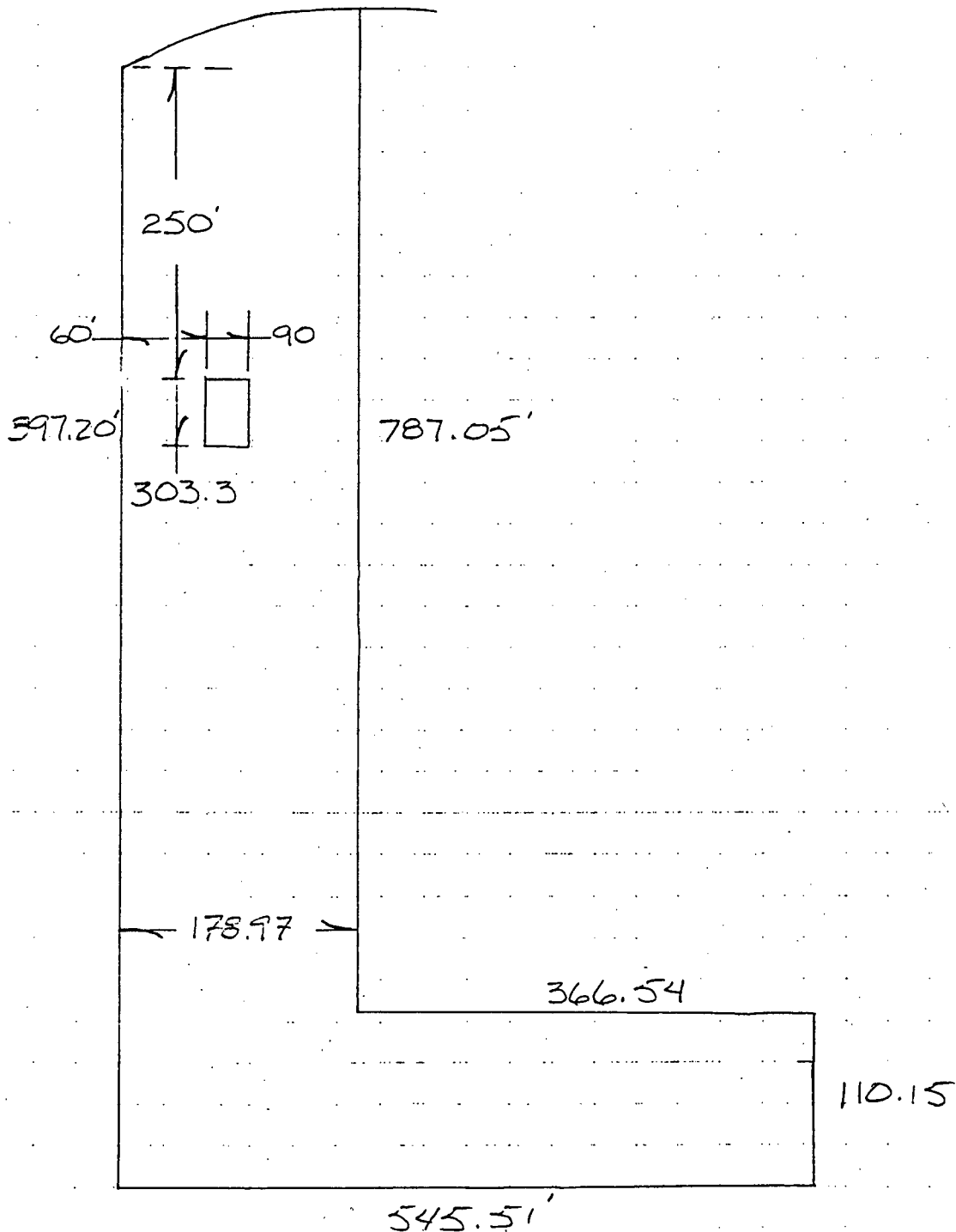
N
↑

1991 Vicinity Map
Case #: CU 23-92
Location: 19102 NW Logie Trail Road
Scale: 1 inch to 400 feet (approximate)
Shading indicates subject properties
SZM 35; Section 13, T.2N., R.2W., (1991,

SZM 35; Section 13, T.2N., R.2W., (1994,



ADD SEC 13 ENCL 24
DAVID L. SMITH, OWNER
SITE PLAN
19102 NW LOSIE TRAIL RD.
PORTLAND, OREGON 97231
3/4" = 100 FT.



C423-92

CONDITIONS OF APPROVAL:

1. Prior to any site clearing or grading, obtain a *Hillside Development and Erosion Control Permit* pursuant to MCC .6700-6730 if applicable. Contact the Planning Division at 248-3043 for application materials.
2. Evidence of water availability shall be provided prior to obtaining building permits. At that time public notice will be given, which may result in an appeal

FINDINGS OF FACT:

1. Applicant's Proposal:

The applicant requests Hearings Officer approval to develop the above described 5 acre Lot of Record with a non-resource related single family dwelling.

2. Site and Vicinity Characteristics:

The subject property is a Lot of Record 5 acres in size located on the south side of NW Logie Trail Road. The property is irregularly shaped in the form of an "L". Approximately 2 acres of the property are cleared and the remainder is wooded. There are no structures on the property and no developed access.

The parcel is located within a quarter-section area that has a large number of parcels, most developed with residences.

3. Ordinance Considerations:

A. A non-resource related single family dwelling is permitted in the MUF zoning district as a Conditional Use [MCC .2172(C)] where it is demonstrated that:

- (1) The lot size shall meet the standard of MCC 11.15.2178(A) or .2182(A) to (C).
- (2) The land is incapable of sustaining a farm or forest use, based upon one of the following:
 - a) A Soil Conservation Service Agriculture Capability Class of IV or greater for at least 75% of the lot area, and physical conditions insufficient to produce 50 cubic feet/acre/year or any commercial trees species for at least 75% of the area;
 - b) Certification by the Oregon State University Extension Service, the Oregon Department of Forestry, or a person or group having similar agricultural and forestry expertise, that the land is inadequate for farm and forest uses and stating the basis for the conclusions; or
 - c) The lot is a Lot of Record under MCC 11.15.2182(A) through (C) and is ten acres or less in size.

- (3) A dwelling, as proposed, is compatible with the primary uses as listed in MCC 11.15.2168 on nearby property and will not interfere with the resources or the resource management practices or materially alter the stability of the overall land use pattern of the area.
 - (4) The dwelling will not require public services beyond those existing or programmed for the area.
 - (5) The owner shall record with the Division of Records and Elections a statement that the owner and the successors in interest acknowledge the rights of owners of nearby property to conduct accepted forestry or farming practices.
 - (6) The residential use development standards of MCC.2194 will be met.
- B. A residential use located in the MUF district after August 14, 1980 shall comply with the following (MCC.2194):
- (1) The fire safety measures outlined in the "Fire Safety Considerations for Development in Forested Areas", published by the Northwest Inter-Agency Fire Prevention Group, including at least the following:
 - a) Fire lanes at least 30 feet wide shall be maintained between a residential structure and an adjacent forested area; and
 - b) Maintenance of a water supply and of fire fighting equipment sufficient to prevent fire from spreading from the dwelling to adjacent forested areas;
 - (2) An access drive at least 16 feet wide shall be maintained from the property access road to any perennial water source on the lot or an adjacent lot;
 - (3) The dwelling shall be located in as close proximity to a publicly maintained street as possible, considering the requirements of MCC 11.15.2178(B).
 - (4) The physical limitations of the site which require a driveway in excess of 500 feet shall be stated in writing as part of the application for approval;
 - (5) 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 subpart #3 above;
 - (6) Building setbacks of at least 200 feet shall be maintained from all property lines, wherever possible, except:
 - a) A setback of 30 feet or more may be provided for a public road, or
 - b) The location of dwelling(s) of adjacent lot(s) at a lesser distance which allows for the clustering of dwellings or the sharing of access;

- (7) Construction shall comply with the standards of the building code or as prescribed in ORS 446.002 through 446.200 relating to mobile homes;
- (8) The dwelling shall be attached to a foundation for which a building permit has been obtained;
- (9) The dwelling shall have a minimum floor area of 600 square feet; and
- (10) The dwelling shall be located outside a big game winter habitat area as defined by the Oregon Department of Fish and Wildlife or that agency has certified that the impacts will be acceptable.

4. Comprehensive Plan Policy Considerations:

- A. Policy 37 Utilities: The county's policy is to require a finding prior to approval of a legislative or quasi-judicial action that:

Water and Disposal System

- (1) The proposed use can be connected to a public sewer and water system, both of which have adequate capacity; or
- (2) The proposed use can be connected to a public water system, and the Oregon Department of Environmental Quality (DEQ) will approve a subsurface sewage disposal system on the site; or
- (3) There is an adequate private water system, and the Oregon Department of Environmental Quality (DEQ) will approve a subsurface sewage disposal system; or
- (4) There is an adequate private water system, and a public sewer with adequate capacity.

Drainage

- (1) There is adequate capacity in the storm water system to handle the run-off; or
- (2) The water run-off can be handled on the site or adequate provisions can be made; and
- (3) The run-off from the site will not adversely affect the water quality in adjacent streams, ponds, lakes or alter the drainage on adjoining lands.

Energy and Communications

- (1) There is an adequate energy supply to handle the needs of the proposal and the development level projected by the plan; and
- (2) Communications facilities are available.

B. Policy 38 Facilities: The county's policy is to require a finding prior to approval of a legislative or quasi-judicial action that:

School

- (1) The appropriate school district has had an opportunity to review and comment on the proposal.

Fire Protection

- (1) There is adequate water pressure and flow for fire fighting purposes; and
- (2) The appropriate fire district has had an opportunity to review and comment on the proposal.

Police Protection

- (1) The proposal can receive adequate local police protection in accordance with the standards of the jurisdiction providing police protection.

5. Compliance With Ordinance Considerations:

The applicant provides the following responses (in *italic*) to the applicable approval criteria, followed by Staff comments where appropriate:

1. Lot Size Requirements

5 acres - Mult. Cty Map Sec 132N2W.

Staff Comment: The parcel is a lot of record under MCC.2182 (A) (2). The parcel was legally created prior to 1990, is less than 19 acres in size, and the Smiths do not own any contiguous property.

2. Land Incapable of Sustaining Farm or Forest Use

The lot of record is 5 acres...

Staff Comment: The parcel is less than ten acres in size, so under subsection (2) (c) is incapable of sustaining a farm or forest use.

3. Dwelling Compatible with Primary Uses in the Area

See plat map, Mult Cty Sec 132N2W. Lot number 23 currently has single family dwelling with outbuildings, Lot number 25 currently has single family dwelling.

Staff Comment: The proposed dwelling will not alter the overall land use pattern which is rural residential in nature. Within the quarter-section area where the subject parcel is located

there are 20 parcels developed with residences and only 3 undeveloped parcels. The property is not adjacent to any parcel large enough to be utilized for farm or forest production, so the dwelling should not interfere with resource management.

4. Public Services Other than Those Existing not Required

No special services will be required. Only standard and current services.

Staff Comment: The site has been tested and approved for on-site sewage disposal per Land Feasibility Study No. 156-88. No water is currently available, but a letter from Don Feakin of Turner Drilling Company has been submitted indicating that based on past experience in the area, water in sufficient amount for domestic use is obtainable.

5. Owner Record Acknowledgment of Forestry or Farming Practices

See attachment "A".

Staff Comment: A signed and notarized deed restriction is on file, which was recorded in Book 2603 page 533.

6. Residential Use Development Standards

All standards of MCC.2194 will be met as follows:

A. (1) site plan calls for 35 feet

A. (2) Will be available on completion of residence.

B. Driveway of 16' wide will be installed from N.W. Logie Trail due east to residential site.

C. Current septic rules and expense essentially dictate site of home.

D. Driveway will not exceed 250 feet.

E. Primary use is for residence.

F. (1) Nearest property line will be 50 feet.

G. All necessary permits and inspections will be obtained prior to and during construction.

H. As stated

I. Current plans - 1500 sq. ft.

J. As prescribed.

Staff Comment: A site plan has been submitted which shows the proposed dwelling site to be 250 feet from the road and approximately centered between the east and west property lines. Due to the irregular shape of the lot, there is no location that could meet the 200' setbacks from all property lines. The property is not located in a big game habitat area as shown on the Comprehensive Plan Wildlife Habitat map. There is no known perennial water source on the lot. Other siting standards relating to construction will be verified by the building department.

6. Compliance With Comprehensive Plan Policies:

A. Utilities.

Staff Comment: The applicant has indicated that water, electricity, telephone and sewage disposal are available to the site.

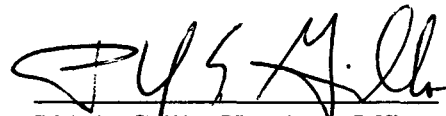
B. Facilities.

Staff Comment: The applicant has submitted information from the school, fire and police districts indicating that the available services are adequate to serve the new dwelling.

CONCLUSIONS:

1. The subject property is a Lot of Record less than ten acres in size, thereby incapable of sustaining a farm or forest use.
2. A dwelling as proposed will not interfere with resource management and will not alter the overall land use pattern in the area.
3. No additional public services, facilities, or utilities will be required to serve the proposed dwelling.
4. The applicant has carried the burden necessary for the approval of a non-resource related single family dwelling in the MUF-I9 zoning District.
5. Conditions are necessary to insure compliance with all Code provisions.

December 7, 1992


Phillip Grillo, Hearings Officer

Filed with Clerk of the Board on December 17, 1992

Appeal to the Board of County Commissioners

Any person who appears and testifies at the public hearing, or who submits written testimony in accord with the requirements on the prior Notice, and objects to their recommended decision, may file a Notice of Review with the Planning Director on or before 4:30 p.m., December 28, 1992 on the required Notice of Review Form which is available at the Planning and Development Office at 2115 SE Morrison Street.

The Decision in this item will be reported to the Board of County Commissioners for review at 9:30 a.m. on Tuesday, December 29, 1992 in Room 602 of the Multnomah County Courthouse. For further information call the Multnomah County Planning and Development at 248-3043.

Meeting Date: December 29, 1992

Agenda No.: P-4

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM
(For Non-Budgetary Items)

SUBJECT: HV 23-92

BCC Informal _____ BCC Formal December 29, 1992
(date) (date)
DEPARTMENT DES DIVISION Planning
CONTACT Sharon Cowley TELEPHONE 2610
PERSON(S) MAKING PRESENTATION Planning Staff

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 2 Minutes

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

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

HV 23-92 Review the Decision of the Hearings Officer of December 7, 1992, approving, subject to conditions, the application in specified part. Satisfaction of remaining applicable Code provisions is deferred to a subsequent Planning Director review before on in conjunction with issuance of a placement permit, subject to notice and the opportunity for a hearing as indicated, all for property located at 4444 SE 135th Avenue

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL _____

Or

DEPARTMENT MANAGER pc Paul Yalcey

(All accompanying documents must have required signatures)

1992 DEC 22 PM 4:59
CLERK OF
COUNTY COMMISSIONERS
CLERK
TROMAN COUNTY
OREGON



BOARD HEARING OF December 29, 1992

TIME 01:30 p.m.

CASE NAME Flood Elevation Variance

NUMBER HV 23-92

1. Applicant Name/Address

Swank, Mercer, Scruggs
PO Box 33086
Portland, Oregon 97233

ACTION REQUESTED OF BOARD	
<input checked="" type="checkbox"/>	Affirm Plan. Com./Hearings Officer
<input type="checkbox"/>	Hearing/Rehearing
<input type="checkbox"/>	Scope of Review
<input type="checkbox"/>	On the record
<input type="checkbox"/>	De Novo
<input type="checkbox"/>	New Information allowed

2. Action Requested by applicant

The proposal is to site a manufactured home on a vacant lot within the Flood Hazard District. Applicants request a variance from the requirements in Multnomah County Code (MCC) 11.15.6315. MCC § .6315 requires that the floor of new houses in the Flood Hazard District be "*elevated to at least one foot above the base flood level.*" In addition, the Hearings Officer interprets the application to request variances from other flood proofing requirements in MCC § .6315.

3. Planning Staff Recommendation

APPROVAL, WITH CONDITIONS

4. Hearings Officer Decision:

APPROVE, WITH CONDITIONS

5. If recommendation and decision are different, why? (not applicable)

ISSUES

(who raised them?)

- a. None (no opponents appeared)

Do any of these issues have policy implications? Explain.

This case has implications relating to property rights for pre-existing urban lots and residential densities, and infill-potential in flood hazard areas in the urban-unincorporated County.

[Policy 14 (Development Limitations; Policy 22 (Energy Conservation)]



DEPARTMENT OF ENVIRONMENTAL SERVICES
DIVISION OF PLANNING AND DEVELOPMENT
2115 SE MORRISON STREET
PORTLAND, OREGON 97214
(503) 248-3043

DECISION

DECEMBER 7, 1992

HV 23-92, #415 VARIANCE TO FLOOD HAZARD DISTRICT STANDARDS
(Place a Manufactured Home Below the 100-year Flood Elevation)

I. INTRODUCTION; NATURE OF THE DECISION

This application was presented at a public hearing on November 2, 1992, before Robert Liberty, Hearings Officer. The proposal is to site a manufactured home on a vacant lot within the Flood Hazard District. Applicants request a variance from the requirements in Multnomah County Code (MCC) 11.15.6315. MCC § .6315 requires that the floor of new houses in the Flood Hazard District be "*elevated to at least one foot above the base flood level.*" In addition, the Hearings Officer interprets the application to request variances from other flood proofing requirements in MCC § .6315.

Location:	4444 SE 135th Avenue	Property: Lot 3, Block 2, Janalee
Owner/Applicant	Swank, Mercer, Scruggs PO Box 33086 Portland, Oregon 97233	
Comprehensive Plan:	Low Density Residential	Zoning: LR-10; Low Density Residential District FF, Flood Fringe subdistrict

HEARINGS OFFICER

DECISION: **APPROVE, SUBJECT TO CONDITIONS,** the application in specified part. Satisfaction of remaining applicable code provisions is deferred to a subsequent Planning Director review before or in conjunction with issuance of a placement permit, subject to notice and the opportunity for a hearing as indicated below.

II. PARTIES TO THE PROCEEDING

The only persons who participated in this proceeding were the applicants, Joyce Mercer, her mother, Ms. Lucy Swank and Ms. Mercer's daughter, Dawn Scruggs. As a result, the applicants are the only parties to this proceeding [MCC 11.15.8225(A)(1)].

III. PROCEDURAL ISSUES

A. Impartiality of the Hearings Officer

Prior to the hearing I had no ex parte contacts with any of the applicants.

I have no financial interest in the outcome of this proceeding and have no family or financial relationship with any of the applicants.

B. Other Procedural Issues

The parties did not allege any procedural violations by the County, prior to, or during, the hearing.

IV. BURDEN OF PROOF

The burden of proof is upon the applicants. MCC 11.15.8230(D)

V. REVIEW OF THE STANDARDS, ANALYSIS OF THE EVIDENCE, FINDINGS OF FACT AND CONCLUSIONS OF LAW

A. MCC Chapter 11.15.6301 *Et. Seq.*: The Applicability Of The Flood Hazard District Requirements In General

MCC Chapter 11.15.6301 *et. seq.*, "Flood Hazard District," is applicable, because the area is within a flood fringe area mapped on Flood Insurance Rate Map; Community Panel Number 410179 0382 B, revised 18 March 1986. The property is not within a floodway. *Id.*

The sections of the Flood Hazard Chapter containing standards applicable to this decision are MCC 11.15.6315, "Development Standards" and MCC 11.15.6323, "Variances." As noted below, I find some subsections of those provisions are inapplicable.

B. MCC 11.15.6315: Flood Hazard Development Standards

(1) MCC 11.15.6315(A): State Building Code Compliance

MCC 11.15.6315(A) requires "all new construction and substantial improvement shall be constructed in conformance with Oregon State Building Codes." Compliance with this standard will be determined by the Planning Director before, or in conjunction with, the issuance of a placement permit.

If the County has an intergovernmental agreement by which it relies on certification by another jurisdiction as to the satisfaction of the State Building Code, the submission of an unqualified certification is a decision which does not require the exercise of discretion. ORS 197.015(10)(b)(A), (B). Therefore, no notice or opportunity for a hearing would be required.

(2) MCC 11.15.6315(B): Flood Elevation Requirement

MCC 11.15.6315(B) provides, in part:

Findings of Fact, Conclusions of Law and Order in HV 23-92 PAGE 2

*New construction and substantial improvement of any residential structure, including manufactured homes, shall have the lowest floor, including basement, elevated to at least one foot above the base flood level. * * * **

The proposed dwelling cannot satisfy subsection MCC 11.15.6315(B), the flood plain elevation requirement. The applicant is seeking a variance from this requirement, discussed below.

(3) MCC 11.15.6315(C): Floodproofing Of Nonresidential Structures

MCC 11.15.6315(C) (floodproofing of structures) is inapplicable because it applies only to "new construction and substantial improvement of any commercial, industrial or other non-residential structure * * * ." This is an application for the approval of the siting of a residential structure.

(4) MCC 11.15.6315(D): Foundation and Anchoring

MCC 11.15.6315(D) requires all manufactured homes to be "placed on a permanent foundation and shall be anchored to resist flotation, collapse and lateral movement by providing tie downs [etc.] * * * ." Compliance with this standard will be determined by the Planning Director at, or before the time of the issuance of a placement permit.

(5) MCC 11.15.6315(E): Foundations And Drainage In Mobile Home Parks And Subdivisions

MCC 11.15.6315(E) is inapplicable because it governs foundations and drainage for "new manufactured home parks" and replacement of manufactured homes "in an existing manufactured home park or subdivision * * * ." The application is for a single residence on a single parcel.

(6) MCC 11.15.6315(F): Prevention Of Infiltration Of Water Into Household Utility Systems

MCC 11.15.6315(F) requires that in "all new construction:"

the electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

In this proceeding, the applicant is seeking a variance from the flood elevation requirements of MCC 11.15.6315(B). The variance would allow the applicant to site a manufactured house on an 18" foundation, leaving the first floor approximately 4.5 feet below the crest of the 100-year flood level.

Manufactured houses are not designed with ventilation, wiring, plumbing facilities, air conditioning and other service facilities 3 feet¹ above the floor. Imposing these requirements presumably would bar siting any manufactured home less than 1-foot above the 100-year flood stage, nullifying the variance provisions authorized by MCC 11.15.6323. In addition, that section specifically authorizes variances to the "flood proofing requirements of MCC .6315."

Based on the record before me, I interpret the applicants' materials as an application for a variance from the flood proofing requirements of MCC 11.15.6315(F) as well as the flood elevation requirements of MCC 11.15.6315(B). This variance is discussed below.

(7) MCC 11.15.6315(G): Standards For Sewage Disposal Systems

MCC 11.15.6315(G) requires new and replacement water and sewer disposal systems to be designed to:

- (1) *Minimize infiltration of flood waters into the system;*
- (2) *Minimize discharge from systems into flood waters;*
- (3) *Avoid impairment or contamination during flooding.*

The City of Portland's Environmental Soils Specialist, Phil Crawford, determined that the site was suitable for the use of a standard septic tank/drainfield disposal system * * * ." Site Evaluation Report LFS: 214-92 dated September 16, 1992.

In the absence of any information on the possibility, or impossibility, of flood proofing the proposed sewage disposal system, I decline to make findings on this criterion, and defer satisfaction of this criterion to the Planning Director's decision on a placement permit.

Because compliance with MCC 11.15.6315(G) may require the exercise of judgment as to facts and interpretation of the policies, notice of this subsequent decision and an opportunity for a hearing should be provided. ORS 197.763(2), 215.416, *Rhyne et al vs. Multnomah County, Swan & Trotter*, ___ Or LUBA ___ (LUBA No. 92-058, slip opinion of 10 July 1992 at 8-9 and cases cited there.)

¹ As noted below, the actual height of the interior floor, will be 34 inches above the ground.

(8) MCC 11.15.6315(H): Certification Of Hydrostatic Equalization

MCC 11.15.6315(H) requires certification by a registered professional engineer or architect that the portions of the dwelling "below the lowest floor that are subject to flooding" are designed to "automatically equalize the hydrostatic flood forces * * * ." Compliance with this standard will be determined by the Planning Director at the time of the placement permitting Process. If an architect or engineer makes the required certification, without qualification, then the determination of compliance does not require the exercise of discretion and does not require notice and an opportunity for a hearing. ORS 197.015(10)(A), (B).

(9) MCC 11.15.6315(I): Exemptions For Land Shown To Be Above Flood Level

MCC 11.15.6315(I) is inapplicable because it authorizes exemptions from the requirements of MCC 11.15.6315 when a surveyor demonstrates the land is 1 foot or more above base flood level. The applicants and County staff concur that the property is 6 feet below base flood level.

(10) MCC 11.15.6315(J): Exemption For Historic Structures

MCC 11.15.6315(J) is inapplicable because it authorizes an exemption from MCC 11.15.6315 for the reconstruction, rehabilitation or restoration of "structures listed on the National Register of Historic Place or the State Historic Site Inventory." There is no structure on the site and thus it cannot be on the Historic Site registry or Historic Site Inventory.

C. MCC 11.15.6323: Variance Standards

(1) The Applicable Portions Of The Variance Provisions

As noted above, the applicants are seeking variances from the flood elevation requirements of MCC 11.15.6315(B) and the flood-proofing requirements of MCC 11.15.6315(F).

There are three sections to the variance provisions found at MCC 11.15.6323. The first section, (A), is introductory and the third section, (C), applies to "non-residential structures." Neither section contains standards which apply to these variances.

The variance standards are set out in the five subsections of MCC 11.15.6323(B). The fifth subsection applies only to structures in "an area identified as the floodway". As found above, the variance is for property in the flood fringe, not the floodway.

(2) Variance From The Flood Elevation Requirement In MCC 11.15.6315(B)

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(a) **MCC 11.15.6323(B)(1): Lot Size And Surrounding Development**

MCC 11.15.6323(B)(1) provides:

- (1) *The site of the proposed variance is a lot of one-half acre or less in size and is surrounded by and contiguous to lots with existing structures constructed below the base flood level.*

According to the plot plan map, Tax Lot 3900 is an irregular, five-sided parcel, which would fit within a rectangle 200 feet along its longest dimension and 75 feet wide. The parcel is less than 15,000 square feet is thus less than 0.5 acre (21,780 square feet.)

The applicants provided a letter from William J. Thomas, Professional Land Surveyor, dated 24 August 1992 and attached maps, showing the location and elevation of structures on surrounding properties. The four houses on SE 135th all have floor elevations of about 206 feet. The pump station structure on the lot to the south has a floor elevation of about 202 feet.

The applicants also submitted photographs showing structures on adjoining properties as well as their own lot.

Based on the letter from Thomas, the maps appended to the letter and the photographs, I find this standard has been met.

(b) MCC 11.15.6323(B)(2): Exceptional Hardship To The Applicant

MCC 11.15.6323(B)(2) provides:

- (2) *Failure to grant the variance will result in exceptional hardship to the applicant;*

In the application materials and in a memo to me dated 5 November 1992, (revised and resubmitted on 12 November 1992) the applicants have detailed the two reasons why denial of the flood elevation requirement would be a hardship.

First, according to the application statement filed by Joyce Mercer, "Lucy Swank, the principal resident is a handicapped person who is unable to climb steps necessary her home it were to be elevated above the lot level approximately 6 feet."

The second grounds for the variance is the expense of raising the house above the flood level. An estimate of the expense of raising the structure, in excess of costs common to siting at any elevation, was provided by Emil Georges from New Word Home Builders, dated 2 November 1992. Mr. Georges estimated these excess costs at \$11,100, for crane rental, fill and retaining walls to prevent the fill from eroding. *Id.*

Applicant Mercer's 5 November memo also notes:

*these figures do no include the costs of engineering which would be required with either fill or include the costs of engineering which would be required with either or concrete foundation to make the house and foundation structurally safe. In fact, this would result in our having to abandon the entire project and seek another location for our home. This could result in considerable cost to us as we might not be able to sell the property, an investment of over \$12,000. In addition, we have spent over \$2,000.00 in permits, materials, labor, and equipment costs. In this case, we would have to sell the house we have purchased, probably at a loss and seek a more modest home in another area. * * * * We would be required to continue paying rent for living quarters and \$10.00 per day for storage of the manufactured house until it could be sold or a suitable lot found for it.*

There is no question that failure to grant the variance would create an "exceptional hardship" given Ms. Swank's conditions and these additional charges. The question is whether or not the need for the flood elevation and flood proofing variance was created by the applicants' decision to purchase property within the Flood Hazard District and to buy the manufactured home in advance of seeking the necessary variance.

This hardship standard differs from the most common forms of variance standards in two ways. First, it omits the commonly used prohibition against granting variances based

Findings of Fact, Conclusions of Law and Order in HV 23-92 PAGE 7

on "self-created" hardships. Secondly, the hardship is described in terms of the circumstances of the applicant, rather than characteristics of the property itself.

While I am troubled by the idea of approving, in part, the siting of a manufactured home at an elevation 4.5 feet below the base flood level, I conclude the hardship standard has been met given the phrasing of the standard. However, a corollary of this interpretation of the ordinance is that this variance will remain valid only so long as the property is occupied by Lucy Swank.

(c) MCC 11.15.6323(B)(3): The Variance Is The Minimum Necessary

MCC 11.15.6323(B)(3) provides:

(3) The variance is the minimum necessary to afford relief.

During the course of the hearing, I asked Applicant Mercer whether or not the house could not be raised slightly more than the projected 18 inches, and still be accessible.

Ms. Mercer's post-hearing memo stated that the manufacturer requires 18 inches of clearance under the floor to allow for the connection of plumbing and ducts, which would make the floor "34 inches above ground level * * * therefore [requiring] 6 steps at 5.67 inches rise per step to enter the home."

Ms. Mercer's memo also states her mother's arthritis would prevent her from climbing the additional steps required if the house was elevated even a few feet: "* * * the exertion of climbing even 2 or 3 steps leaves her short of breath and trembling." If Ms. Swank's condition deteriorates she may need to use a wheel chair. Ms. Mercer, Ms. Swank's daughter, has stated that she is 63 years old and that she has doubts she would be able to push her mother up the ramp high enough to reach the first floor if it was elevated 1 foot above base flood stage. *Id.* The additional height will also discourage Ms. Swank from enjoying her garden, which her daughter describes as "an integral part of her life." *Id.*

Based on the record before me, I find that the 18 inches elevation provided by the proposed foundation is the maximum Ms. Swank can negotiate.

In addition, raising the house up by the addition of fill would displace more flood waters, possibly increasing flood damages to other properties. (See discussion of MCC 11.15.6323(B)(4), below.)

(d) MCC 11.15.6323(B)(4): No Additional Threats To Public Safety, Public Nuisance, Fraud Or Conflicts With Existing Laws

MCC 11.15.6323(B)(4) provides:

- (4) *The granting of the variance will not result in additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public or conflict with existing local laws or ordinances.*

The possible additional threats to public safety and sources of extraordinary expense are (1) displacement of floodwaters by the house, (2) possible damage caused by the house if it were to float free during a flood, (3) the public resources which would be expended to rescue residents of the dwelling in the event of a flood.

Floodwater displacement by this property will be negligible, provided the applicants satisfy MCC 11.15.6315(H), which requires hydrostatic equalization "by allowing for the entry and exit of floodwaters" for all parts of the house "subject to flooding."

The house should not float free provided the applicants satisfy MCC 11.15.6315(D), which requires the house to be "anchored to resist flotation."

During the course of the hearing, the applicants recognized their responsibility to evacuate the house in the event of a risk of flooding. Ms. Mercer stated that her mother's condition would make her especially sensitive to taking action long before flooding became eminent.

Fraud and victimization of the public would occur if the approval of the variance would lead unwitting purchasers to acquire the property without knowledge of the risk of serious flood damage. In this case, this variance proceeding has left no doubt that all of the applicants are well aware that the bottom of the house is resting 4.5 feet below the 100 year flood level. In addition, adjoining property owners who signed a petition supporting a variance to the flood elevation requirement are also aware that the property lies within the flood fringe. Finally, by making the variance personal to the applicant, subsequent purchasers will be put on notice of the circumstances of the property.

The local laws and ordinances governing this application are expressed in the County Code and Plan. Given a finding that they have been satisfied, there is no "conflict with existing local laws or ordinances."

(e) Conclusion With Respect To Variance From The Flood Elevation Requirement

I conclude that the applicant has satisfied the variance standards in MCC 11.15.6323(B)(1) through (4) as applied to their request for a variance from the flood elevation requirement in MCC 11.15.6315(B).

(3) Variance From The Flood-Proofing Requirements In MCC 11.15.6315(F)

As quoted above, MCC 11.15.6315(F) requires that in "all new construction:"

the electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

Subsections (1), (2) and (4) of the variance standard are satisfied for the reasons given previously with respect to the variance for the flood elevation variance.

Criterion (3), requires that "[t]he variance is the minimum necessary to afford relief." Given that these facilities are already part of the design of the manufactured house, perhaps they cannot be redesigned or relocated without substantial cost. However, in the absence of any information on this point, this determination is deferred to the Planning Director's subsequent determination in conjunction with the issuance of a placement permit. The applicants have the responsibility of demonstrating that relocation of the facilities is not possible, or agreeing to the modification of the house to place all or some of these facilities above the flood level.

Review and action on this point will require the exercise of factual and legal judgment and thus requires notice and an opportunity for a hearing.

D. MCC 11.15.7705: Mobile Home Development Standards

(1) Applicability Of The Section In General

MCC 11.15.7705, "Development Standards for Mobile Homes on Individual Lots Within Urban Districts" are criteria which must be satisfied prior to placement of the dwelling on the parcel.

As noted below, some of those standards have been satisfied. Compliance with the remaining standards in that section will be determined by the Planning Director through the placement permitting process. Because compliance with sections MCC 11.15.7705(B) and (D) may require the exercise of judgment as to facts and interpretation of the code provisions, notice of this subsequent decision and an opportunity for a hearing should be provided. ORS 197.763(2), 215.416, *Rhyne et al vs. Multnomah County, Swan & Trotter*, cited above.

(2) MCC 11.15.7705(C): Foundation

The letter from Emil Georges, dated 2 November 1992, describes the foundation for

the building, including concrete runners, concrete footings, excavation and backfill and refers to "skirting." I find this design will satisfy the requirement the house be "place on an excavated and back-filled foundation and enclosed at the perimeter."

(3) MCC 11.15.7705(D): Minimum Floor Area

This subsection requires the manufactured home to have a "minimum floor area of 1,000 square fee." According to the floor plan of the home purchased by the applicant, Redman Homes Inc.'s Model 3280, the approximate floor area is 1,782.00 square feet. This standard has been satisfied.

(4) MCC 11.15.7705(E): Roof Pitch

The roof of the mobile home must be pitched at least three feet in height for every twelve feet in width. The 3 November 1992 letter from Chuck Gregory of Redman homes notes that "all Redman Homes * * * have a nominal 3/12 roof pitch, or optional 4/12 roof pitch." Applicant Mercer noted in her memo of 5 November, that the model they purchased as the 3/12 pitch. I find this standard satisfied.

E. Applicable Sections Of The County Comprehensive Plan

1. Policy 14; Development Limitations

Comprehensive Plan Policy 14 is to

DIRECT DEVELOPMENT AND LAND FORM ALTERATIONS AWAY FROM AREAS WITH DEVELOPMENT LIMITATION EXCEPT UPON A SHOWING THAT DESIGN AND CONSTRUCTION TECHNIQUES CAN MITIGATE ANY PUBLIC HARM OR ASSOCIATED PUBLIC COST, AND MITIGATE ANY ADVERSE EFFECTS TO SURROUNDING PERSONS OR PROPERTIES. DEVELOPMENT LIMITATIONS AREAS ARE THOSE WHICH HAVE ANY OF THE FOLLOWING CHARACTERISTICS:

* * * * *

C. LAND WITHIN THE 100 YEAR FLOOD PLAIN

Multnomah Comprehensive Framework Plan at page 58.

Under the terms of Policy 14 and the implementation strategies, see Multnomah Comprehensive Framework Plan at 59, I find this policy has been implemented by the Flood Hazard District and has no independent application to this action.

2. Policies 37 And 38, In General

Both policy 37, "Utilities" and Policy 38, "Facilities" are prefaced begin with the statement: "The county's policy is to require a finding prior to approval of a legislative or quasi-judicial action that * * * ." "Action" is defined in MCC 11.15.8205 as a

*a proceeding in which the legal rights, duties or privileges of specific parties are determined only after hearing in which such parties are entitled to appear and be heard, including requests for: * * **

(D) Variances, except as otherwise provided herein;

** * * **

(F) Other requests for permits and other contested cases determining permissible uses of specific property.

I find that this proceeding is an "action" and that consequently both of these policies apply.

As noted below, some of the required findings can be made at this stage. A determination concerning satisfaction of the remaining required findings in those policies will be determined by the Planning Director before, or in conjunction with, the placement permitting process. Because compliance with Policies 37 and 38 may require the exercise of judgment as to facts and interpretation of the policies, notice of this subsequent decision and an opportunity for a hearing should be provided. ORS 197.763(2), 215.416, *Rhyne et al vs. Multnomah County, Swan & Trotter*, cited above.

3. Plan Policy 37: "Utilities"

Multnomah County Plan Policy 37, "Utilities" provides:

POLICY 37

THE COUNTY'S POLICY IS TO REQUIRE A FINDING PRIOR TO APPROVAL OF A LEGISLATIVE OR QUASI-JUDICIAL ACTION THAT:

WATER AND DISPOSAL SYSTEM

A. THE PROPOSED USE CAN BE CONNECTED TO A PUBLIC SEWER AND WATER SYSTEM, BOTH OF WHICH HAVE ADEQUATE CAPACITY; OR

- B. *THE PROPOSED USE CAN BE CONNECTED TO A PUBLIC WATER SYSTEM, AND THE OREGON DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ) WILL APPROVE A SUBSURFACE SEWAGE DISPOSAL SYSTEM ON THE SITE; OR*
- C. *THERE IS AN ADEQUATE PRIVATE WATER SYSTEM, AND THE OREGON DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ) WILL APPROVE A SUBSURFACE SEWAGE DISPOSAL SYSTEM ON THE SITE; OR*
- D. *THERE IS AN ADEQUATE PRIVATE WATER SYSTEM, AND A PUBLIC SEWER WITH ADEQUATE CAPACITY.*

Multnomah County Comprehensive Framework Plan; Volume 2: Policies (September 1983)
at 167.

The City of Portland's Environmental Soils Specialist, Phil Crawford, determined that the site was suitable for the use of a standard septic tank/drainfield disposal system * * * . " Site Evaluation Report LFS: 214-92 dated September 16, 1992.

On a form completed 25 August 1992, and in a referenced attachment, the Powell Valley Road Water District confirmed that it "is prepared to furnish potable water" in conformance with state rules.

This evidence is sufficient to carry the applicants' burden of proof with respect to this portion of Policy 37.

The remainder of Policy 37 provides:

DRAINAGE

- E. *THERE IS ADEQUATE CAPACITY IN THE STORM WATER SYSTEM TO HANDLE THE RUN-OFF; OR*
- F. *THE WATER RUN-OFF CAN BE HANDLED ON THE SITE OR ADEQUATE PROVISIONS CAN BE MADE; AND*
- G. *THE RUN-OFF FROM THE SITE WILL NOT ADVERSELY AFFECT THE WATER QUALITY IN ADJACENT STREAMS, PONDS, LAKES OR ALTER THE DRAINAGE ON ADJOINING LANDS.*

ENERGY AND COMMUNICATIONS

- H. *THERE IS AN ADEQUATE ENERGY SUPPLY TO HANDLE THE*

*NEEDS OF THE PROPOSAL AND THE DEVELOPMENT LEVEL
PROJECTED BY THE PLAN; AND*

I. COMMUNICATIONS FACILITIES ARE AVAILABLE

*FURTHERMORE, THE COUNTY'S POLICY IS TO CONTINUE
COOPERATION WITH THE DEPARTMENT OF ENVIRONMENTAL
QUALITY, FOR THE DEVELOPMENT AND IMPLEMENTATION OF A
GROUNDWATER QUALITY PLAN TO MEET THE NEEDS OF THE
COUNTY.*

Multnomah County Comprehensive Framework Plan; Volume 2: Policies (September 1983)
at 168.

There is no evidence in the record concerning energy and communications facilities, subsections E, F, G, H and I, although the location of the property within the urbanized portion of the County suggests these facilities are readily available. These matters are deferred for an administrative determination by the Planning Director in conjunction with the placement permitting decision.

The concluding paragraph of Policy 37 is inapplicable to this quasijudicial proceeding.

4. Plan Policy 38: "Facilities"

Multnomah County Plan Policy 38, "Facilities" provides:

POLICY 38

*THE COUNTY'S POLICY IS TO REQUIRE A FINDING PRIOR TO
APPROVAL OF A LEGISLATIVE OR QUASI-JUDICIAL ACTION THAT:*

SCHOOL

*A. THE APPROPRIATE SCHOOL DISTRICT HAS HAD AN
OPPORTUNITY TO REVIEW AND COMMENT ON THE
PROPOSAL.*

FIRE PROTECTION

*B. THERE IS ADEQUATE WATER PRESSURE AND FLOW FOR FIRE
FIGHTING PURPOSES; AND*

- C. *THE APPROPRIATE FIRE DISTRICT HAS HAD AN OPPORTUNITY TO REVIEW AND COMMENTS [sic] ON THE PROPOSAL.*

POLICE PROTECTION

- D. *THE PROPOSAL CAN RECEIVE ADEQUATE LOCAL POLICE PROTECTION IN ACCORDANCE WITH THE STANDARDS OF THE JURISDICTION PROVIDING POLICE PROTECTION.*

Multnomah County Comprehensive Framework Plan; Volume 2: Policies (September 1983)
at 169-170.

There is no evidence in the record addressing Policy 38, although the potential service providers were identified by the applicant on a form provided by the County. Determination of whether the procedural and substantive requirements of Policy 38 have been satisfied is deferred to an administrative determination by the Planning Director in conjunction with the placement permitting decision.

In this regard, I find that compliance with subsections (A) and (C) of Policy 38 can be proven by the existence of the appropriate notification letters. If such letters exist and are dated more than ten days before the hearing, the County's determination of satisfaction of these requirements would not require the exercise of judgment as to fact or interpretation of the Code. ORS 197.015(10)(A), (B)

E. State Statutes, Goals And Administrative Rules Applicable To The Decision

The provisions of state law governing county quasijudicial decisions, found in ORS 197.763 and 215.416 apply to this proceeding. They have been fulfilled through the notice of, and conduct of, the hearing on this matter.

No other provisions in ORS Chapters 197 and 215 are applicable.

No statewide planning goals and no Oregon Administrative Rules interpreting those goals apply to this quasijudicial permitting proceeding.

VI. ORDER AND CONDITIONS

A. Satisfaction Of Relevant Provisions Of MCC 11.15

The applicants have satisfied the following applicable sections of the County Code and County Plan:

Findings of Fact, Conclusions of Law and Order in HV 23-92 **PAGE 15**

MCC 11.15.6323(B)(1) through (4), as to flood elevation variance to .6315(B).
MCC 11.15.6323(B)(1), (2), (4), as to flood-proofing variance to .6315(F)
MCC 11.15.7705(C)
MCC 11.15.7705(D)
MCC 11.15.7705(E)
MCC 11.15.8230(D)(1) through (4)
Comprehensive Framework Plan Policy 37, Sections A through D

B. Matters Deferred For Later Determination In The Placement Permit Proceeding

The applicants must demonstrate compliance with the several additional standards and criteria from the County Code and Plan prior to siting the manufactured home on the property.

Compliance with the provisions listed below this paragraph, in the manner specified, does not require the exercise of legal or factual judgment and therefore the County's determination on these points does not require notice and opportunity for a hearing. ORS 197.015(10)(b)(A), (B).

Review Standards Not Requiring Notice And Opportunity For Hearing

MCC 11.15.6315(A), if an unqualified certification is provided.
MCC 11.15.6315(D), if an unqualified certification is provided.
MCC 11.15.6315(H), if an unqualified certification is provided.

MCC 11.15.7705(A), assuming unqualified evidence of date and presence of insignia.

MCC 11.15.7705(F), assuming the terms "multisectional", "tip-out" or "expandable" do not require interpretation.

MCC 11.15.7705(G), if an unqualified certification is provided.

Plan Policy 38(A), assuming the existence of notification letters dated at least ten days prior to the hearing.

Plan Policy 38(C), assuming the existence of notification letters dated at least ten days prior to the hearing.

Satisfaction of the standards listed below may require the exercise of legal or factual judgment. Consequently, the County must provide public notice of its decision on these matters and an opportunity for appeal. ORS 215.402(4), 215.416(1),(3), (11)(b).

Review Standards Which May Require Notice And Opportunity For Hearing

MCC 11.15.6315(G) Minimizing infiltration of flood waters into water and sewage disposal systems.

Findings of Fact, Conclusions of Law and Order in HV 23-92 PAGE 16

MCC 11.15.6323(D)(3) Minimizing the variance need to prevent infiltration of water into household utility facilities.

Comprehensive Framework Plan Policy 37, Sections E through I.
Comprehensive Framework Plan Policy 38, Sections B and D.

C. Conditions

1. Floor Elevation Of The House

The interior floor elevation of the house shall be at least 34 inches above existing grade (i.e. interior floor elevation of approximately 207.75 feet) on an excavated and back-filled foundation, enclosed at the perimeter, as required by MCC 11.15.7705(C).

2. Notification By Director Of Increased Insurance Rates And Risks To Life And Property

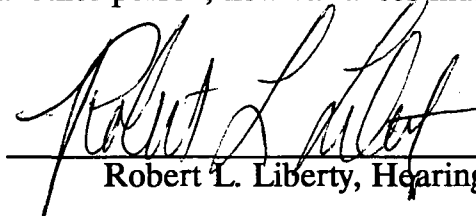
The Planning Director shall provide the written notification to the applicants concerning increased insurance rates and increased risks to life and property, required by MCC 11.15.6323(D).

3. Term Of The Validity Of The Flood Elevation And Flood-Proofing Variances

The variance to MCC 11.15.6315(B), and the variance to MCC 11.15.6315(F), should it be finally approved, were granted on the basis of the physical condition of the principal resident, Ms. Lucy Swank, and the applicants' financial condition. Thus they are valid only during the term of Ms. Swank's occupancy.

In order to transfer occupancy to another person, new variances must be secured.

23 November 1992
Date


Robert L. Liberty, Hearings Officer

IN THE MATTER OF HV 23-92; HEARINGS OFFICER DECISION DATED NOVEMBER 23, 1992

DECISION ANNOUNCED: @ DECEMBER 7, 1992 PUBLIC HEARING

FILED WITH THE CLERK OF THE BOARD ON DECEMBER 17, 1992

APPEAL TO THE BOARD OF COUNTY COMMISSIONERS

Decisions of the Hearings Officer may be appealed to the Board of County Commissioners by any person who appears and testified at the hearing, or who submitted written testimony in accord with the requirements on the prior Notice. An appeal of the Hearings Officer decision must be filed on a "Notice of Review" form with the Planning Director on or before 4:30 p.m. on Monday, December 28, 1992. Forms and instructions are available at the Planning and Development Office at 2115 SE Morrison Street.

The Decision on this item will be reported to the Board of County Commissioners for review at 9:30 a.m. on Tuesday, December 29, 1992 in Room 602 of the Multnomah County Courthouse. For further information call the Multnomah County Planning and Development Division at 248-3043.



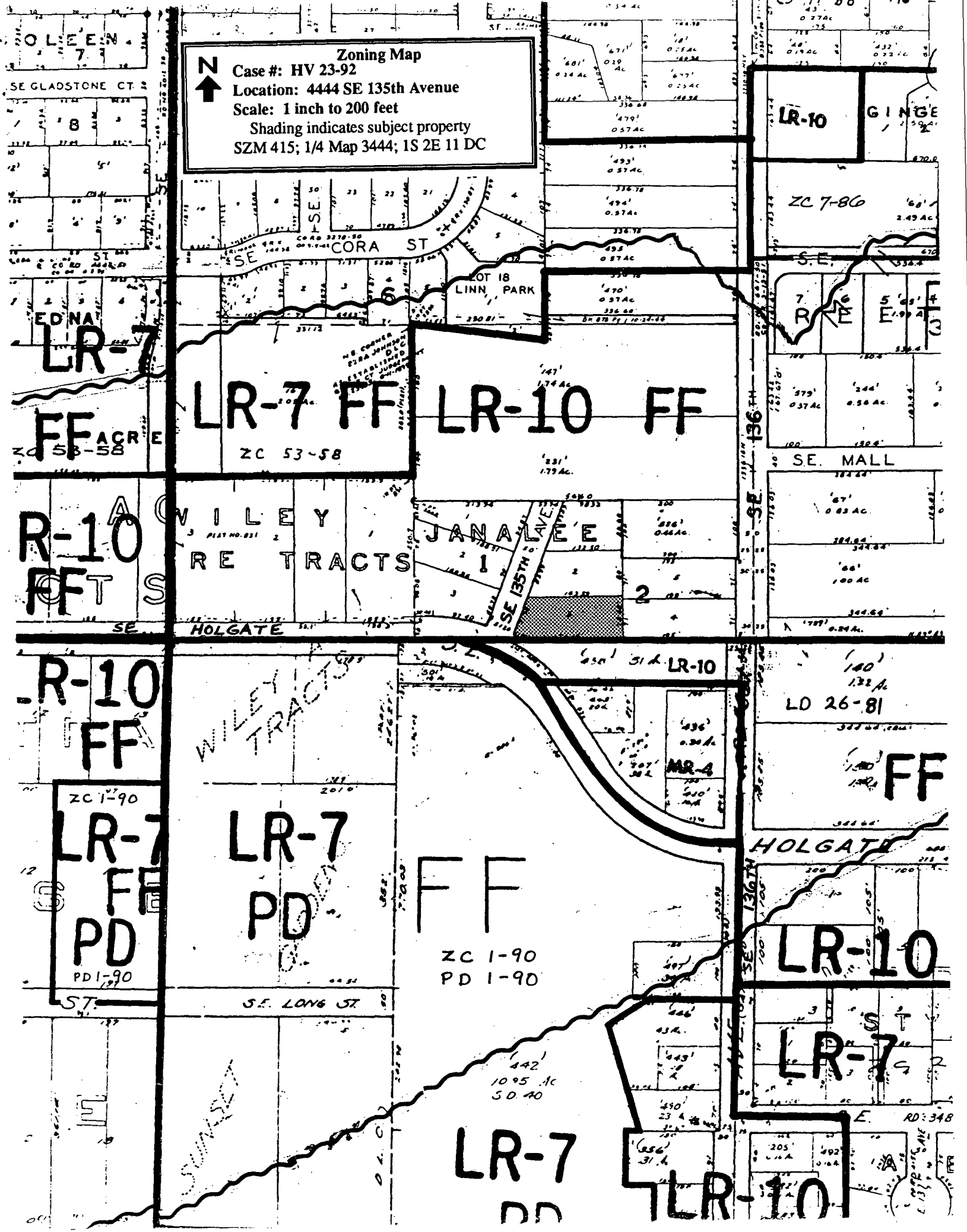
Zoning Map

Case #: HV 23-92

Location: 4444 SE 135th Avenue

Scale: 1 inch to 200 feet

Shading indicates subject property
SZM 415; 1/4 Map 3444; 1S 2E 11 DC



NE COR EZRA
JOHNSON DLC
NO. 52 AS
ESTABLISHED BY
CIRCUIT COURT
NO. 23375
6-11-1895

SEE CS 42022

NO. 52

4800
1.99 AC.

4700
1.85 AC.

78

LOT 5

24.26

N89°37'40"E 33.13'

4400

4300

DLC

SW COR GORHAM TRACT
839-42

4200

4100

4000

SEE CS 24251

SEE DRG. A4/10

GATE

BLVD.

4200

4100

4000

3900

3800

3700

3600

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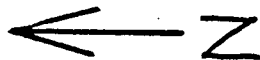
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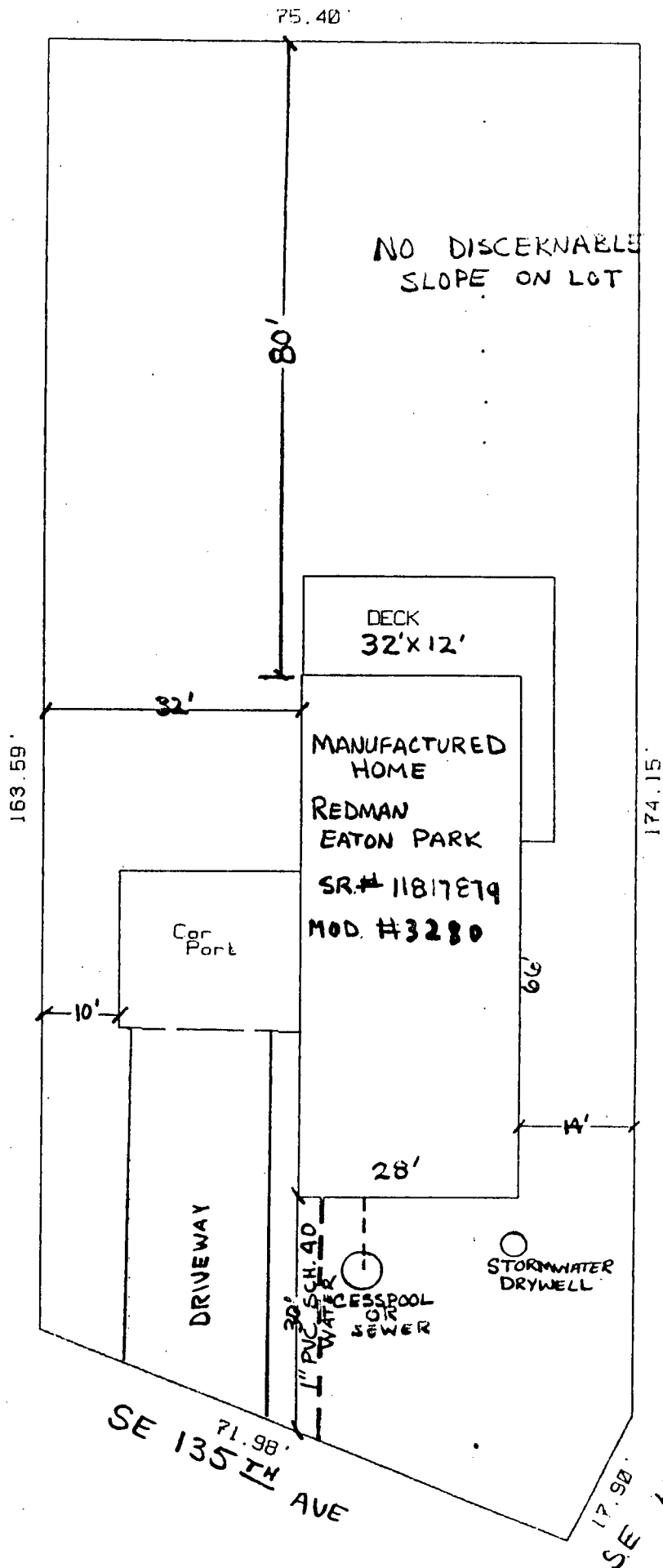
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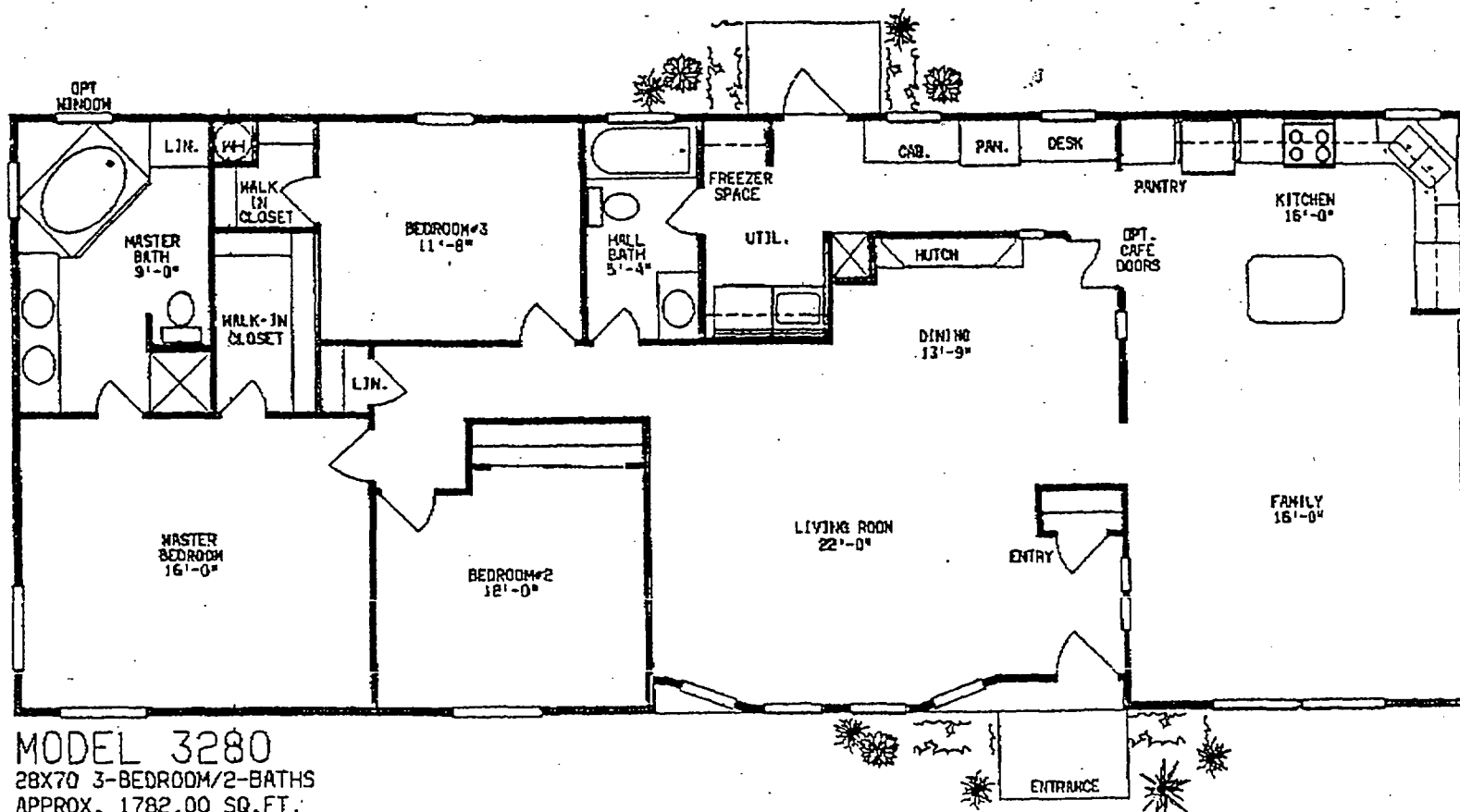
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JANALEE ADD.

HV 23-92

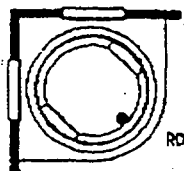


REV	DESCRIPTION	DRWN DATE
A	ADDED FRIT SIDEWALL BAY; ADDED FRIT END WALL WINDOWS	DRW 1/30

DATE
DRWN: REJ 02-69
CHKD:
SCALE:



MODEL 3280
 28X70 3-BEDROOM/2-BATHS
 APPROX. 1782.00 SQ. FT.



OPT.
ROUND TUB

HV 23-92



Meeting Date: December 29, 1992

Agenda No.: P-5

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM
(For Non-Budgetary Items)

SUBJECT: LR 2-92 Decision

BCC Informal _____ BCC Formal December 29, 1992
(date) (date)
DEPARTMENT DES DIVISION Planning
CONTACT Sharon Cowley TELEPHONE 2610
PERSON(S) MAKING PRESENTATION Planning Staff

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☐ APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 2 Minutes

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

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


LR 2-92 Review the Hearings Officer Decision of December 16, 1992, denying appellants appeal of an Administrative Decision, approving a building permit to construct a single family residence on a 10,000 square foot lot located at 01333 SW Pomona Street

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL _____

Or

DEPARTMENT MANAGER 

(All accompanying documents must have required signatures)

BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
1992 DEC 22 PM 4:59



CASE NAME Dunthorpe Lot of Record

NUMBER LR 2-92

1. Applicant Name/Address

James Haldors Builder
PO Box 56
Lake Oswego, Oregon 97034

APPELLANTS:

Paul Duden (Representing Stoll, Campbell and Naito)
333 SW Taylor Street
Portland, OR 97204-2496

ACTION REQUESTED OF BOARD	
<input checked="" type="checkbox"/>	Affirm Plan.Com./Hearings Officer
<input type="checkbox"/>	Hearing/Rehearing
<input type="checkbox"/>	Scope of Review
<input type="checkbox"/>	On the record
<input type="checkbox"/>	De Novo
<input type="checkbox"/>	New Information allowed

2. Action Requested by applicant

The applicant (James Haldors) requested approval of a Building Permit to construct a Single Family Residence on a 10,000 square foot property located within the Palatine Hill Addition No. 3, an area zoned single family residential (R-20; 20,000 sq. ft. min. lot size). Appellants claim that Haldors' property violates MCC 11.15.2854(i), and challenge the applicability of the **Exceptions** in MCC 11.15.2856(B), which the Director relied on to approve a new house on a site with less than 20,000 square feet in area.

3. Planning Staff Recommendation

APPROVED by the Planning Director on September 17, 1992

4. Hearings Officer Decision:

AFFIRM Planning Director; DENY the Appeal

5. If recommendation and decision are different, why? (not applicable)

ISSUES

(who raised them?)

- The decision in this appeal turns on the interpretation of the **Exceptions** subsection in the '**R**' zones, and the interpretation of a single word, "lot." [issue raised by appellants]
- The Hearings Officer decision in this appeal affirms the Planning Division's 30-plus year interpretation of the **Exceptions** provisions in the '**R**' zones. These zones apply to urban-unincorporated areas west of the Willamette River (essentially the Dunthorpe and Sylvan areas). [issue raised by appellants]

Do any of these issues have policy implications? Explain.

This case has implications relating to property rights for pre-existing urban lots, residential densities, and infill-potential in certain urban-unincorporated areas in the County.

[Policy 6 (Urban Land Area); Policy 20 (Arrangement of Land Uses); Policy 22 (Energy Conservation)]

If the exception continues to operate as it has in the past, then the exception to the minimum lot size will effect the residential density in those '**R**' zoned areas with pre-1955 subdivision plats (typically 5,000 square foot lots). The larger minimum lot sizes in the '**R**' zones (i.e., lower densities) would only apply in older platted areas if the land is re-platted (under the Land Division Code). The historic interpretation leaves some potential for infill houses in certain neighborhoods in the Dunthorpe and Sylvan areas. Appellants interpretation would limit infill-potential in these urban-unincorporated areas.



DEPARTMENT OF ENVIRONMENTAL SERVICES
DIVISION OF PLANNING AND DEVELOPMENT
2115 SE MORRISON STREET
PORTLAND, OREGON 97214
(503) 248-3043

HEARINGS OFFICER DECISION

This Decision consists of Findings of Fact and Conclusions

December 16, 1992

LR 2--92, #184

Appeal of an Administrative Decision

(Determine if Lot Area Exception Applies to a Proposed House)

I. INTRODUCTION; NATURE OF THE DECISION

This matter concerns an appeal of an Administrative Decision dated September 17, 1992. The appeal was presented at a public hearing on November 2, 1992, before Robert Liberty, Hearings Officer. The applicant (James Haldors) requested approval of a Building Permit to construct a Single Family Residence on a 10,000 square foot property located within the Palatine Hill Addition No. 3, an area zoned single family residential (R-20 on the County Zoning Map). Appellants challenge the applicability of the Exceptions to lot area in MCC 11.15.2856(B), and claim that Haldors' property violates MCC 11.15.2854(i).

Location: 01333 SW Pomona Street

Property Description: Lots 1 & 2, Block 111, Palatine Hill Addition No. 3

Site Size: 10,000 square feet

Owner/Applicant: James Haldors
PO Box 56,
Lake Oswego, OR 97034

Appellants: Paul Duden (Representing Stoll, Campbell and Naito)
333 SW Taylor Street
Portland, OR 97204-2496

**Comprehensive
Plan Designation:** Single Family Residential

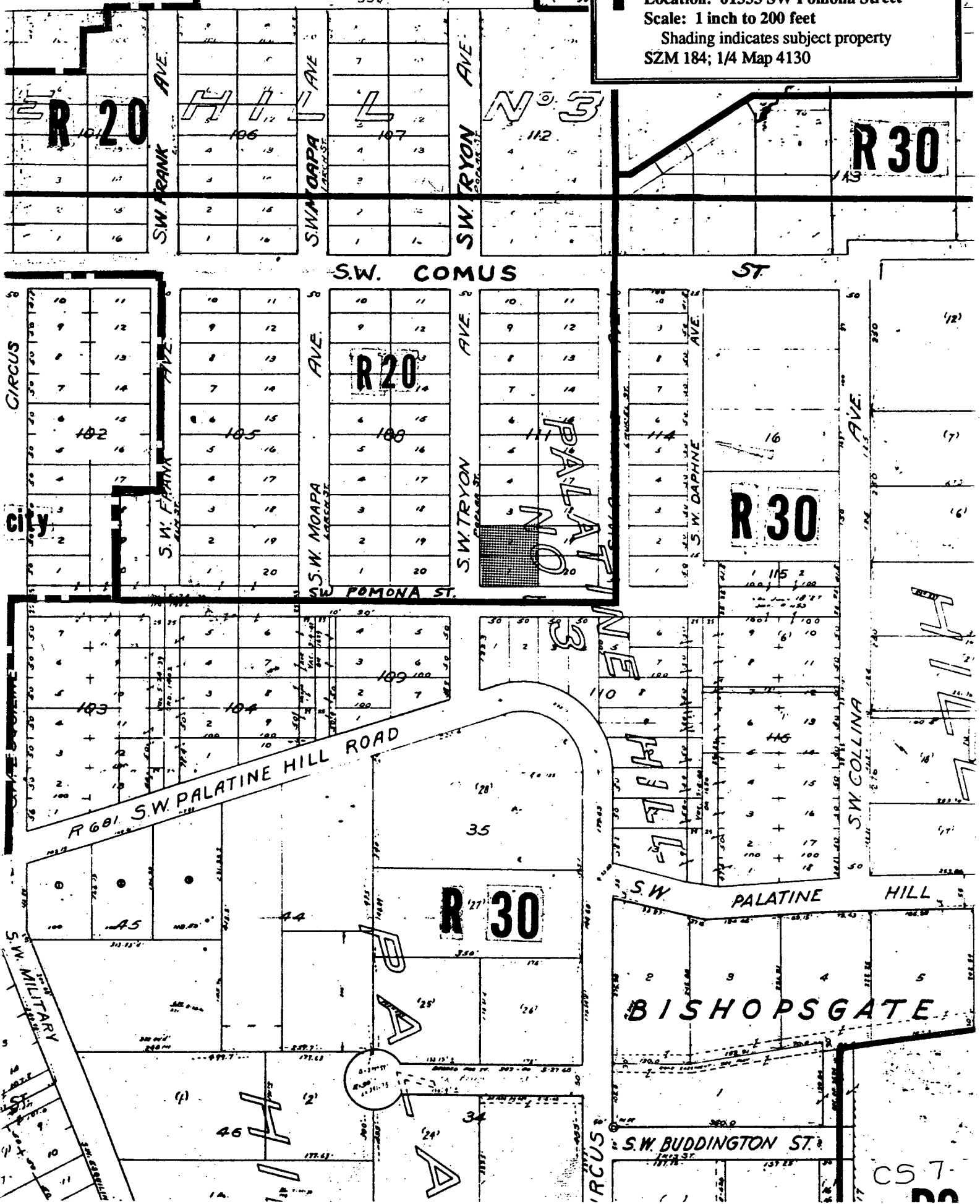
Zoning : R-20, Single Family Residential District
Minimum lot size of 20,000 square feet

HEARINGS OFFICER

DECISIONS:

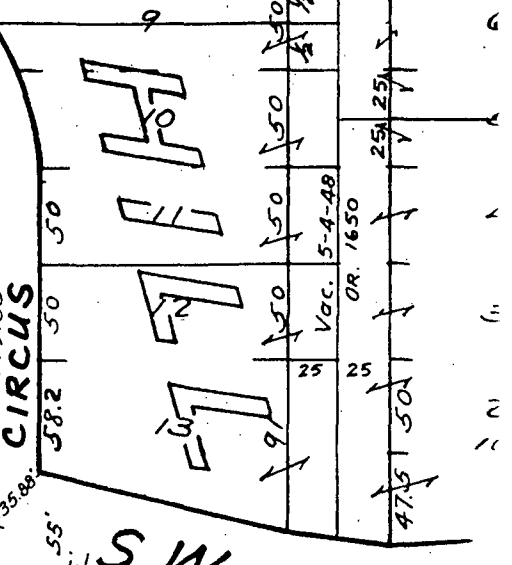
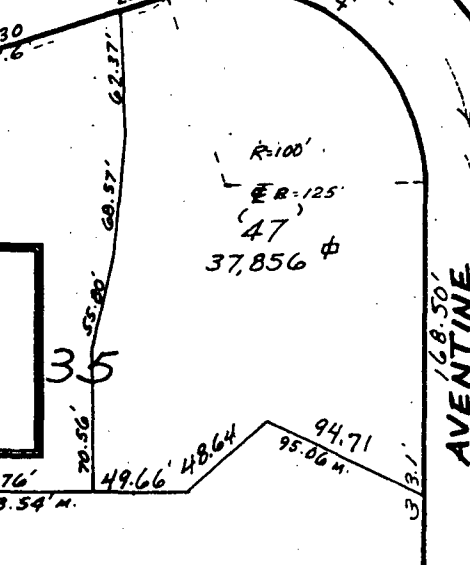
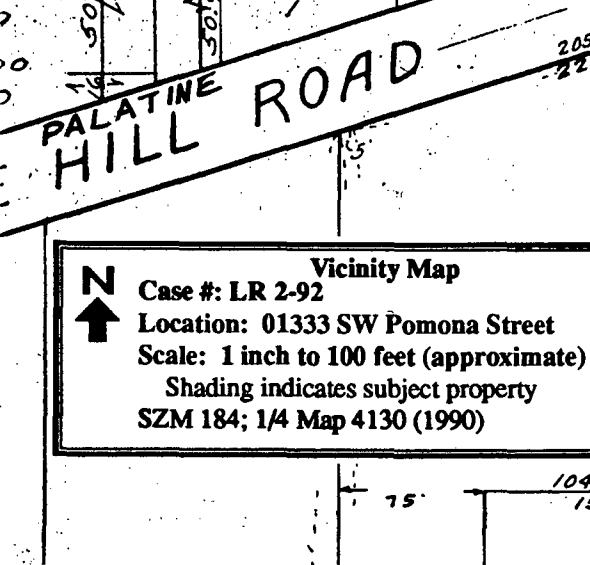
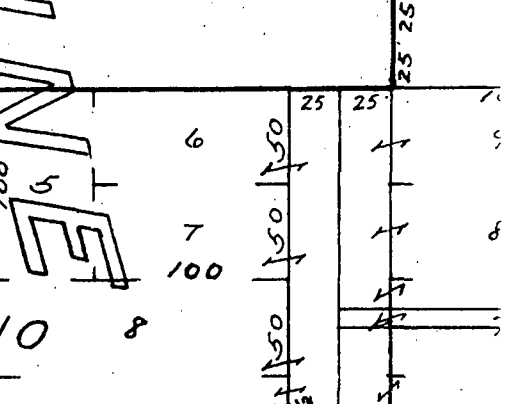
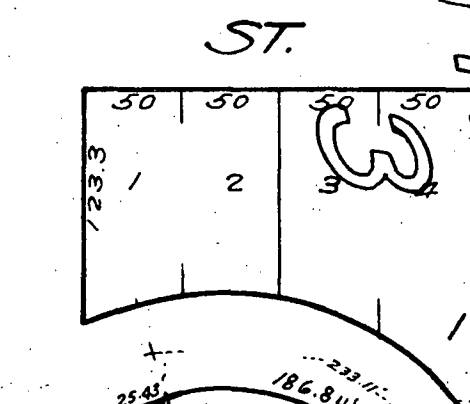
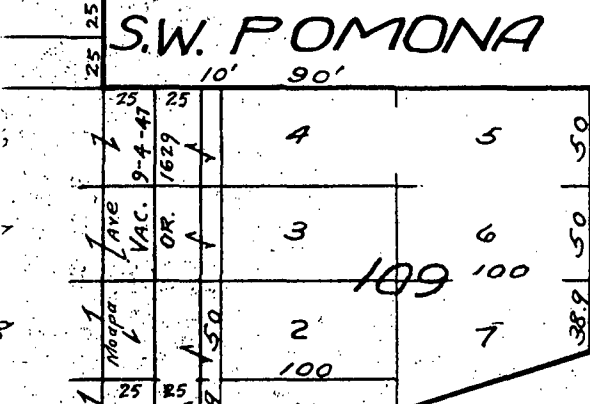
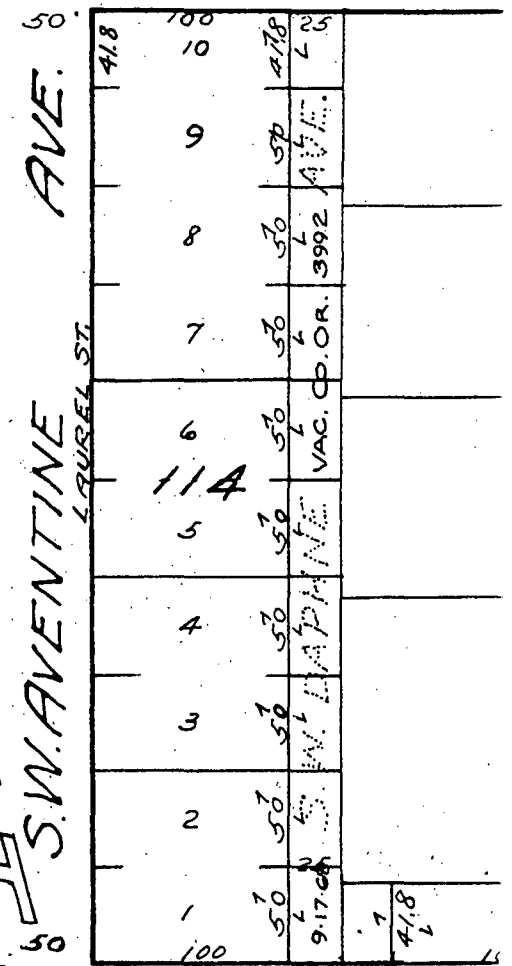
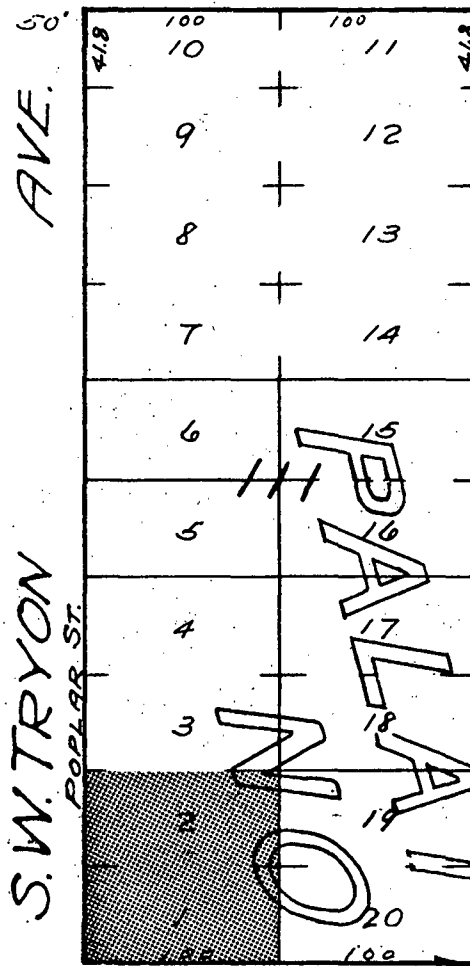
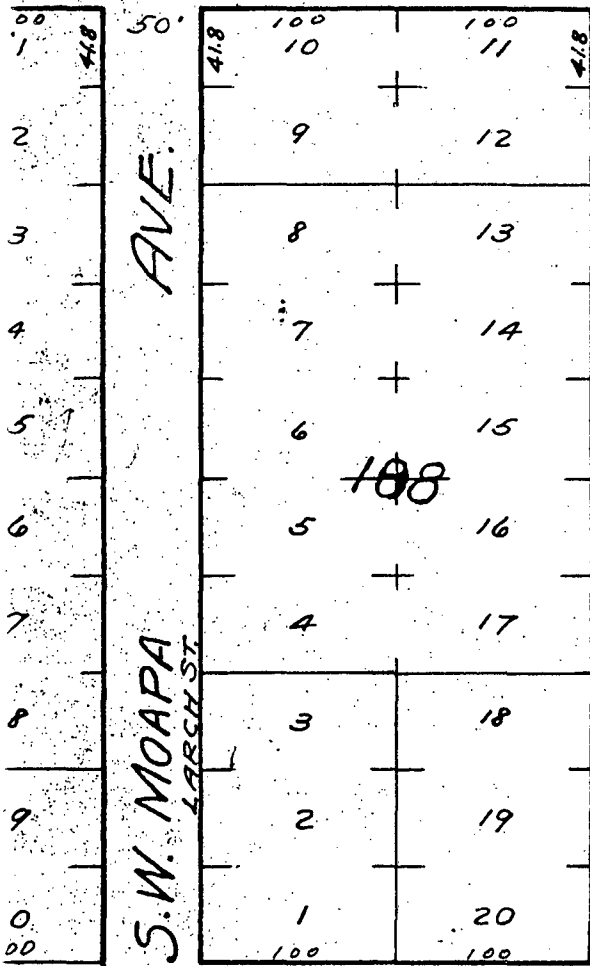
AFFIRM the Administrative Decision of September 17, 1992; and
DENY the appeal of LR 2-92, based on the following Findings
and Conclusions.

Zoning Map
Case #: LR 2-92
Location: 01333 SW Pomona Street
Scale: 1 inch to 200 feet
Shading indicates subject property
SZM 184; 1/4 Map 4130



S.W. COMUS

ST.



N
Case #: LR 2-92
Location: 01333 SW Pomona Street
Scale: 1 inch to 100 feet (approximate)
Shading indicates subject property
SZM 184; 1/4 Map 4130 (1990)

FINDINGS AND CONCLUSIONS

1. SUMMARY OF RELEVANT FACTS

This appeal concerns a September 17, 1992 Planning Director decision which approved a Building Permit to construct a Single Family Residence on a 10,000 square foot property located on Lots 1&2, Block 111, Palatine Hill Addition No. 3.

The property which is the subject of this appeal is made up of four, contiguous 5,000 square-foot units of land. These "lots¹" are numbers 1, 2, 19 and 20 of Block 111 of the Palatine Hill Subdivision No. 3, platted in 1890. These lots are part of a block bounded by SW Pomona Street on the south, SW Aventine on the east, SW Tryon to the west and SW Comus to the north. The block is part of a larger area within the Dunthorpe neighborhood (formerly called Riverdale) which is zoned R-20, a residential zone with a 20,000 square foot minimum lot size.

In 1942 a house was built across Lots 19 and 20.

In 1948, the residents of the area incorporated a zoning district. The residential zones adopted by the district established minimum lot sizes of 20,000 and 30,000 square feet.

In 1949, the Johnsons purchased Lots 1, 2, 19, and 20 of Block 11, including the house. Together the four lots were 20,000 square feet in area.

In 1955 Multnomah County assumed zoning authority over the Riverdale-Dunthorpe area. The County applied two zones which incorporated the 20,000 square foot (today's "R-20" District) and 30,000 square foot (R-30 District) minimum lot sizes.

At some date before 1979², possibly proximate to the time at which the County assumed zoning authority, an "exception" to the minimum lot size was adopted for specified preexisting lots. (This provision is quoted below.)

In 1984 the Magids purchased the four lots and the house. On March 8, 1989 the Magids sold Lots 19 and 20 (containing the house) with a combined area of 10,000 square feet to a third party. The Magids sold Lots 1 and 2, (also 10,000 square feet in combined area) which had formed the backyard to the house, to James Haldors.

In 1989 Mr. Haldors applied for a building permit for a residence to be sited on the two lots. The County issued the permit without notice or an opportunity for a hearing.³ Nearby residents, including some of the appellants here, challenged the decision through a petition for a Writ of Mandamus in Multnomah Circuit Court. The Circuit Court found for the applicant:

The Court concludes that while the Ordinance could be interpreted as asserted by Plaintiffs, Defendant County's application of the Ordinance to the contrary has been substantially consistent. In the absence of proof that

County's interpretation is contrary to the express language and intent of the Ordinance, this Court should not substitute its views to those of the County.

Campbell et al v. Board of County Commissioners of Multnomah County et al, (Mult. Co. Cir. Ct. No. A8910-06371) (Final Judgment, December 28, 1989, Judge R. P. Jones.)

On appeal, the Court of Appeals found the County's action was not within the "ministerial" action exemption to the definition of "land use decision." Thus the Land Use Board of Appeals (LUBA), not the Circuit Court, had jurisdiction. The Court of Appeals dismissed the appeal for lack of jurisdiction, expressly declining to address the merits. *Campbell et al v. Multnomah County*, 107 Or App 611, 617, 813 P2d 1074 (1991).

On June 2, 1992 the County issued a building permit to the applicant, without notice or an opportunity for a hearing. The appellants appealed this decision to LUBA. *Campbell et al v. Multnomah County*, LUBA No. 92-199. The appeal was dismissed by stipulation of the parties on September 3, 1992, in order to provide the appellants with the opportunity for a hearing (on appeal.)

On September 17, 1992 the Planning Director issued a written land use decision granting the permit. On or before September 28, 1992 (when it was received by one or more of the appellants) the County provided notice of its administrative decision and an opportunity for an hearing on appeal before me, as Hearings Officer. The appellants filed their appeal on September 28, 1992.

B. Preliminary Procedural Matters

(1) Status Of This Determination As An "Application For A Permit" And A "Land Use Decision."

In order to eliminate any remaining doubts about the status of this determination, I find that both the interpretation of the exceptions clause in Multnomah County Code (MCC) 11.15.2856 and the interpretation of the word "lot," necessitate the exercise of legal judgment, as evidenced by the following analysis. Consequently, the decision on these matters constitutes action on an application for a "permit" under ORS 215.402(4) for purposes of the provision of procedural protections guaranteed to parties under ORS 215.416 through 215.428. *Doughton v. Douglas County*, 88 Or App 198, 202, 744 P2d 1299 (1987); *Flowers v. Klamath County*, *supra*, 98 Or App at 391, 392; *Doughton v. Douglas County*, 15 Or LUBA 576 (1987); *Kunkel v. Washington County*, *supra*, 16 Or LUBA 407, 418 (1988)

The same exercise of legal discretion brings this action within the definition of "land use decision" in ORS 197.015(10)(a)(A) and thus within LUBA's jurisdiction under ORS 197.825(1). *Campbell et al v. Multnomah County*, 107 Or App 611, 617, 813 P2d 1074 (1991); *Doughton v. Douglas County*, 82 Or App 444, 449, 744 P2d 1299 (1987); *Doughton v. Douglas County*, 90 Or App 49, 750 P2d 1174 (1988). Because the action is a "land use decision" the procedural protections in ORS 197.763(1) through (8) also apply. ORS 197.763.

(2) New Issues Raised At The Hearing

At the hearing I raised the question of whether County Plan Policies 37⁴ and 38⁵ applied to the decision to approve the dwelling.

MCC 11.15.8295, "Procedure on Appeal," provides in relevant part:

- (A) *A hearing before the Hearings Officer on a matter appealed under MCC .8290(A) shall be limited to the specific grounds relied on for reversal or modification of the decision in the Notice of Appeal.*

Whether or not these policies applied to the Director's decision is now moot, since appellants failed to raise this issue in their September 28, 1992 Notice of Appeal.

C. Review Of The Arguments On The Merits

The decision in this appeal turns on the interpretation of one sentence of this subsection of the County Code and the interpretation of a single word, "lot."

In its present form⁶ the exception to the minimum lot size requirement provides:

- (B) *Where a lot has been a deed of record of less than 80 feet in width, or an area of less than 20,000 square feet, and was held under separate ownership, or was on public record at the time this Chapter became effective, such lot may be occupied by any use permitted in this district. In no case, however, shall a dwelling unit have a lot area of less than 3,000 square feet.*

MCC 11.15.2856(B) "Exceptions."

The appellants contend that MCC 11.15.2856 is properly interpreted as authorizing the continuation of pre-existing non-conforming uses. As applied here, the exception would authorize the continuation of a previously established residential use on a lot less than the 20,000 square foot minimum lot size; it would not permit construction of a new house on a subminimum lot.

Appellants find corroboration for their point of view in the definition of "lot" contained in the County Code:

A plot, parcel or area of land owned by or under the lawful control and in the lawful possession of one distinct ownership.

MCC 11.15.0010 at page 1-7. "Parcel" is undefined. Appellants argue that because Lots 1, 2, 19 and 20 were "owned * * * and in the lawful possession of one distinct ownership", the Johnsons, after the effective date of the 20,000 square foot minimum lot size, the four subdivision lots became a single "lot" as defined by the Code, i.e. a single 20,000 square foot "plot" or "area."

Since the Magids only acquired a single "lot" from the Johnsons, (under appellants' interpretation) their sale of two of the old subdivision lots to Mr. Haldors violated MCC 11.15.2854(I):

- (I) *No sales or conveyance of any portion of a lot, for other than a public purpose, shall leave a structure on the remainder of the lot with less than the minimum lot, yard or setback requirements of the district.*

The appellants contend that Mr. Haldors is not entitled to a permit for a new house because it violates the 20,000 square foot minimum lot size, MCC 11.15.2854(A) and because he doesn't own a legal lot on which to site the dwelling.

In support of their interpretation of the Code, appellants quote from *Anderson*, American Law of Zoning 3d, §9.67:

*The common exception of lots which were recorded prior to the effective date of a restrictive ordinance is limited to lots which were in single and separate ownership on that date. Under such a provision, an owner is entitled to an exception only if his lot is isolated. If the owner of such a lot owns another lot adjacent to it, he is not entitled to an exception. Rather he must combine the two lots to form one, which will meet, or more closely approximate, the frontage and area requirements of the ordinance. * * * **

Appellants cite cases from Minnesota, *Dedering v. Johnson*, 239 NW2d 913 (1976), New York, *Fina Homes, Inc. v. Young*, 14 Misc 2d 576, 177 NYS2d 535 (1958) aff'd 164 NE2d 860, 196 NYS2d 985 (1959), and Pennsylvania, *West Goshen Township v. Crater*, 538 A2d 952 (Pa. Cmwlth. 1988) which concerned the application of grandfather clauses of the type described in *Anderson*.

However, all of these cases turn on the particular language of the local ordinance. *Dedering v. Johnson*, *supra*, 239 NW2d at 916; *Fina Homes, Inc. v. Young*, *supra*, 14 Misc 2d at 536; *West Goshen Township v. Crater*, *supra*, 538 A2d at 953. The language in these ordinances differs from the language in MCC 11.15.2856(B). The cited cases demonstrate how local governments have regulated non-conforming lots in the fashion described in *Anderson*, but are not authority concerning the proper interpretation of the Multnomah County Code.

The appellants also cite *Parks v. Tillamook County-SPLIID*, 11 Or App 177, 501 P2d 85 (1972). Tillamook County adopted new zoning with a 7,500 square foot minimum lot size, which rendered the 4,000 and 5,000 square foot lots in the applicant's undeveloped subdivision non-conforming. The applicant argued that approval of the subdivision gave him a "vested right" to develop all the lots in the subdivision, regardless of the new minimum lot size. The applicant also claimed the lots qualified under a County ordinance provision which allowed development on certain pre-existing lots, subject to certain, ambiguous, aggregation requirements.

In connection with its interpretation of the ordinance, the Court of Appeals noted that "petitioners urge that we adopt the single separate ownership rule as judge-made law regardless of whether we find it to be expressed in the Tillamook County Zoning Ordinance." *Parks v. Tillamook County-SPLIID, supra*, 11 Or App at 193. But the Court did not reach that issue because it decided that the applicants development ignored the original lot lines and thus did not qualify under a proper reading of the ordinance. Like the cases from other states, the Court's decision depended on the particular wording of the local ordinance and the facts of the case, rather than any general common-law planning principles.⁷

What gives the appellants' arguments their force is not the decision in *Parks* or the outside authorities but rather the circumstances of the case. If the exception operates in the way in which applicant contends, then the exception to the minimum lot size, rather than the minimum lot size itself, will control the pattern of development in the R-20 zoned portions of Dunthorpe. The 20,000 square foot minimum lot size adopted by the citizens in 1948 and reflected in the County's zoning, will have little or no meaning if each and every one of the 5,000 square foot lots created by the 1890 subdivision is entitled to a dwelling under the exception.⁸

The applicant's hearing memorandum contends that "The Oregon Court of Appeals has Already Examined the issues Involved in this Hearing and has Determined that the Subject Property Qualifies for the Grandfather Exception," citing *Apperson v. Multnomah County*, 27 Or App 279, 555 P2d 929 (1979). That appeal concerned former MCC Sec. 3.332, which had the same wording as 11.15.2846 and the term "lot," which had the same definition it has today. *Id.* at 281. Furthermore, those provisions were applied to lots in the same subdivision in Dunthorpe as the present case. *Id.* at 282.

I conclude that Mr. Haldors property falls within the scope of the exception in MCC 11.15.2856(B), but not because of the decision in *Apperson*. My reading of *Apperson* does not allow me to regard it as conclusive authority.

Unlike the situation here, in *Apperson*, the subminimum lots in question were not the original 1890 subdivision lots, but lots which had been reconfigured and transferred. Prior to addressing the question of whether the grandfather exception applied to these new lots, the Court said: "It is undisputed that at that time each of the lots within Blocks 91 and 92, Palatine Hill No. 3 were non-conforming and within the exception of Sec. 3.332 of the above Ordinance." This statement describes the common understanding of the parties; it is not an *ex cathedra* pronouncement of law by the Court. As such it does not even qualify for the status of *dicta*.

Furthermore, in the final paragraph of the opinion the Court chose to apply alternate definitions of "lot," including a definition of lot as "any parcel in common ownership." The Court did not uphold or reject either definition. It found that under either definition, the plaintiff was not entitled to a building permit under the exceptions clause.

My conclusion concerning the applicability of the exceptions clause (B) to Mr. Haldors's land derives from four lines of analysis.

First, I rely on the wording of the exception itself. There are two qualification clauses, only one of which references ownership:

(B) *Where a lot has been a deed of record of less than 80 feet in width, or an area of less than 20,000 square feet, and was held under separate ownership, or was on public record at the time this Chapter became effective, such lot may be occupied by any use permitted in this district. In no case, however, shall a dwelling unit have a lot area of less than 3,000 square feet.*

MCC 11.15.2856(B) (emphasis added.)

Mr. Haldors's property is a "deed of record of less than * * * 20,000 square feet" and "was on public record at the time this Chapter became effective * * * ." I recognize that from the appellants' perspective, emphasis on the second qualification clause does not resolve the matter, because the County's definition of "lot" itself uses the phrase "distinct ownership." However, I believe the distinction between the two clauses indicates the intent behind the second clause in the exception was to authorize a house on a pre-existing lot, regardless of whether this lot is in common ownership with other, contiguous, lots.

The second line of analysis, concerns the local and statutory definitions of "lot."

"Lot" has been defined in statute as "a unit of land that is created by a subdivision of land." ORS 92.010. The statutory definition of "lot" is cross-referenced and applied to county zoning and planning provisions in ORS Chapter 215. ORS 215.010. If this definition applies, Haldors owns two "lots."

The legislative history of another provision in ORS Chapter 92, answers the question about whether the statutory definition trumps or clarifies the County's own definition. ORS 92.017 provides:

A lot or parcel lawfully created shall remain a discrete lot or parcel, unless the lot or parcel lines are changed or vacated or the lot or parcel is further divided, as provided by law.

After its passage by the House, Rep. Al Young testified to the Senate committee about the intent of the drafters:

The intent of HB 2381 is twofold: First, it clarifies that units of land created under current subdivision and partition regulations remain recognized units of land until their description is lawfully changed, by vacation, replatting or other means; and recognizes units of land that were lawfully created prior to the enactment of current subdivision and partition statutes.

On the first point — during the interim, a generally accepted interpretation of current subdivision and partition statutes was judged incorrect in a legal opinion written by the Washington County Counsel — an opinion that was later endorsed by Legislative Counsel.

These legal opinions said that lots or parcels created under local subdivision and partition ordinances should go back through the local government review process if (1) they were contiguous and and [sic] under single ownership past the end of the calendar year in which they were created, or (2) if contiguous lots or parcels owned by different parties came under single ownership — in other words, if one party bought out, foreclosed, or inherited from another, the line separating the two units essentially disappeared.

Most counties are using a "Common Sense" interpretation of the statutes and do not require already approved lots and parcels to be "Re-Reviewed" simply for reasons of ownership. HB 2381 makes that "Common Sense" interpretation law, which I can't help but believe was the intent of the Legislature [sic] in the first place.

Testimony of Representative Al Young before the Senate Committee on Energy and Natural Resources on House Bill 2381, June 10, 1985 at pages 1-2. This testimony demonstrates that ORS 92.017 was intended to preempt local ordinances which purported to reconsolidate contiguous lots and parcels in common ownership.

Rep. Young also testified that ORS 92.017 "in no way gives new development rights to anyone." *Id.* at 2. If the R-20 District did not contain the exception clause, ORS 92.017 would not in itself confer any right to a house on each parcel. But given that the County's exception clause turns on the term "lot," ORS 92.017 controls by either clarifying the County's own definition or preempting a contrary interpretation.

The third line of analysis addresses the appellant's alternative interpretation of MCC 11.15.2856(B), as authorizing the continuation of preexisting non-conforming uses, rather than authorizing new residences on substandard lots.

In several other zoning districts, the County has adopted sections specifically grandfathering in pre-existing uses, separate and distinct from other sections recognizing "lots of record" exceptions comparable to MCC 11.15.2856(B). For example, MCC 11.15.2472 to .2498 contains provisions applicable to all seven low-density residential districts. MCC 11.15.2472. MCC 11.15.2476 provides that a "Lot of Record which has less than the area minimum required may be occupied by a single family detached dwelling * * * ." A separate section, MCC 11.15.2488, provides that certain uses "shall be deemed conforming and not subject to the provisions of MCC .8805 * * * " subject to certain qualifications. MCC 11.15.8805 to .8810 establish the standards for the replacement, repair, abandonment and alteration of non-conforming uses.

Other Districts also make separate provision for grandfathering in pre-existing uses and for permitting uses on lots or parcels smaller than the minimum lot size. See e.g. MCC 11.15.2222 and .2230 in the Rural Residential District and MCC 11.15.2262 and .2270 in the Rural Center District.

When the County Code addresses the subject of the continuation of pre-existing uses that would be non-conforming, it does so under headings such as "Provisions for Pre-Existing Uses" and using phrases like "legally established prior" uses. The treatment of substandard lots are treated in separate sections using different terminology, terminology like that used in MCC 11.15.2856(B). This common structure⁹ suggests that the subject matter of MCC 11.15.2856 is not prior non-conforming uses," but the similar but distinct subject of "lots of record."¹⁰

Fourth, affidavits and transcripts from the trial court proceeding show that the County has consistently applied parallel provisions in other Districts in the same fashion that it has applied it here. This was the finding of the trial court. While the appellants' interpretation is reasonable, it is not the interpretation followed by the County. If local governments' reasonable interpretations of their ordinances are to deserve the respect the Supreme Court has bestowed upon them, see *Clark v. Jackson County*, 313 Or 508, ___ P2d ___ (1992); *Smith v. Clackamas County*, 313 Or 519, ___ P2d ___ (1992), then local governments must be obliged to honor their interpretive precedents.

Footnotes:

¹ In the plat and in subsequent title documents, these units are called "lots."

² The same exceptions clause was in effect in the Dunthorpe area at time of the Court of Appeals' decision in *Apperson v. Multnomah County*, 27 Or App 279, 281, 555 P2d 929 (1979). See discussion of this case below.

³ The County made its decision administratively, without notice or opportunity for a hearing, on the grounds its decision was not a discretionary action on a "permit." See ORS 215.402(4).

⁴ Multnomah County Plan Policy 37, "Utilities" requires findings "prior to approval of a legislative or quasi-judicial action" (emphasis added) demonstrating the availability of adequate public or private water supply and sewage disposal facilities. *Multnomah County Comprehensive Framework Plan; Volume 2: Policies* (September 1983) at 167.

⁵ Multnomah County Plan Policy 38, "Facilities" requires findings "prior to approval of a legislative or quasi-judicial action that" concerning schools, fire protection and police protection. *Multnomah County Comprehensive Framework Plan; Volume 2: Policies* (September 1983) at 169-170.

⁶ The absence of detailed minutes or audiotapes for the County's zoning proceedings in the 1950's has prevented me from determining when this clause was adopted.

⁷ The Court in *Spliid* did enunciate some rules of construction based on a parallel between grandfathering provisions for lots of record and the continuation of non-conforming uses:

[A] non-conforming use permitted to continue albeit in violation of zoning requirements and a substandard lot permitted to be developed in a manner that violates zoning requirements are quite similar and, in general, the same policies should, therefore, apply to both.

* * * *

As far as the harmful impact they can have on a comprehensive zoning plan, there is no material difference between non-conforming uses and substandard lots. The same long-recognized policy considerations used to restrict non-conforming uses as much as possible mandate an equally restrictive approach to the substandard lot question.

Parks v. Tillamook Co. Comm./Spliid, supra, 11 Or App at 196, 197.

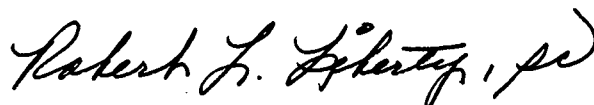
⁸ Adjoining lots which each contain a portion of a house presumably would not qualify for a residence.

⁹ This argument assumes that the R-20 and R-30 Districts have been reconsidered, amended and adopted in concert with other parts of the Code. If the text of these two Districts has remained virtually unchanged since the County assumed zoning responsibility for Riverdale/Dunthorpe, then the structure and content of the other parts of the Code may imply nothing about the proper interpretation of MCC 11.15.2856.

¹⁰ In *Apperson*, the Court of Appeals treated Tillamook County's grandfather clause as an expression of the non-conforming use statute, ORS 215.130, but it analyzed its function in exactly the way applicant here claims, *i.e.* as an avenue for securing permits for new dwellings on substandard lots, not merely as authorizing the continuation of a prior residence on a subminimum lot. *Apperson v. Multnomah County*, 27 Or App 279, 555 P2d 929 (1979), discussed above.

For the foregoing reasons I affirm the Decision of the Planning Director.

December 15, 1992

A handwritten signature in cursive script, reading "Robert L. Liberty, Jr.", with a stylized flourish at the end.

Robert L. Liberty, Hearings Officer

FILED WITH THE CLERK OF THE BOARD ON DECEMBER 17, 1992

APPEAL TO THE BOARD OF COUNTY COMMISSIONERS

Decisions of the Hearings Officer may be appealed to the Board of County Commissioners by any person (or group) who submitted written comment or evidence into the record, or by any person who appeared and testified at the November 2, 1992 hearing. Any appeal of the Hearings Officer decision must be filed with the Planning Director **ON OR BEFORE 4:30 P.M. ON MONDAY, DECEMBER 28, 1992** on a "Notice of Appeal" form. Forms and instructions are available at the Planning and Development Office at 2115 SE Morrison Street.

The Decision on this item will be reported to the Board of County Commissioners for review at 9:30 a.m. on Tuesday, December 29, 1992 in Room 602 of the Multnomah County Courthouse. For further information call the Multnomah County Planning and Development Division at 248-3043.



DEPARTMENT OF ENVIRONMENTAL SERVICES
DIVISION OF PLANNING AND DEVELOPMENT
2115 SE MORRISON STREET
PORTLAND, OREGON 97214 (503) 248-3043

RECEIVED
DEC 28 1992
4:29 P.M.
Multnomah County
Zoning Division

NOTICE OF REVIEW

1. Name: Duden, Russell, Paul
Last Middle First
2. Address: 333 SW Taylor Street, Portland, OR 97204-2496
Street or Box City State and Zip Code
3. Telephone: (503) 223 - 5181

4. If serving as a representative of other persons, list their names and addresses:

William Naito, 11025 SW Tryon Ave., Portland, OR 97219

N. Robert Stoll, 01329 SW Palatine Hill Road, Portland, OR 97219

Douglas Campbell, 11017 SW Tryon Ave., Portland, OR 97219

5. What is the decision you wish reviewed (e.g., denial of a zone change, approval of a subdivision, etc.)?

Approval of building permit (LR 2-92, No. 184) to construct single family residence on substandard lot located at 01333 SW Pomona Street, Portland, OR, Lots 1 & 2, Block 111, Palatine Hill Addition No. 3.

6. The decision was announced by the Planning Commission on Dec. 15, 1992

7. On what grounds do you claim status as a party pursuant to MCC 11.15.8225?

Appellant is an attorney representing Messrs. Naito, Stoll and Campbell, who own property adjacent to the subject property, and who were parties to the appeal of Administrative Decision, LR 2-92, No. 184 which is the subject of this Notice of Review.

Please return this original form

8. Grounds for Reversal of Decision (use additional sheets if necessary):

1. The land in question is not a "lot" subject to the exception to the minimum lot size requirement of MCC 11.15.2856(B). 2. The land in question is an illegally created lot pursuant to MCC 11.15.2854(I). 3. The planning decision of Multnomah County renders meaningless the R-20 Zone in the Dunthorpe area.

9. Scope of Review (Check One):

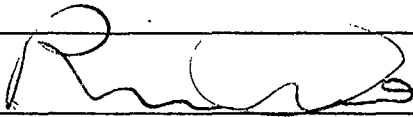
(a) ☒ On the Record (See below).

(b) ☐ On the Record plus Additional Testimony and Evidence

(c) ☐ De Novo (i.e., Full Rehearing)

10. If you checked 9(b) or (c), you must use this space to present the grounds on which you base your request to introduce new evidence (Use additional sheets if necessary). For further explanation, see handout entitled *Appeal Procedure*.

9(a) While the scope of review in this case is under 9(a), appellants request the opportunity to present argument to the Board addressed strictly to the Record, and the issues raised by the Record.

Signed: 

Date: December 23, 1992

For Staff Use Only

Fee:

Notice of Review = \$300.00

Transcription Fee:

Length of Hearing 115 min x \$3.50/minute = \$ 402.50

Total Fee = \$ 702.50

Received by: AC

Date: 12/23/92 Case No. AR 2-92

Meeting Date: December 29, 1992

Agenda No.: P-6

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM
(For Non-Budgetary Items)

SUBJECT: Auto Wrecker's License Renewal

BCC Informal _____ BCC Formal December 29, 1992
(date) (date)
DEPARTMENT DES DIVISION Planning
CONTACT Sharon Cowley TELEPHONE 2610
PERSON(S) MAKING PRESENTATION Planning Staff

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 2 Minutes

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

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

Auto Wrecker's License Renewal - 15015 NW Mill Road

Staff Recommendation is for Approval

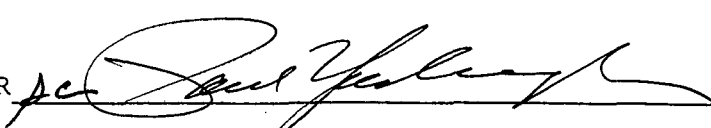
1/7/93 original copy to Sharon Cowley

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL _____

Or

DEPARTMENT MANAGER pc 

(All accompanying documents must have required signatures)

BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
1992 DEC 22 PM 4:59



MULTNOMAH COUNTY OREGON

DEPARTMENT OF ENVIRONMENTAL SERVICES
DIVISION OF PLANNING
AND DEVELOPMENT
2115 S.E. MORRISON STREET
PORTLAND, OREGON 97214
(503) 248-3043

BOARD OF COUNTY COMMISSIONERS
GLADYS McCOY • CHAIR OF THE BOARD
PAULINE ANDERSON • DISTRICT 1 COMMISSIONER
GARY HANSEN • DISTRICT 2 COMMISSIONER
RICK BAUMAN • DISTRICT 3 COMMISSIONER
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

December 21, 1992

Honorable Board of County Commissioners
Room 605, Multnomah County Courthouse
1021 SW Fourth Avenue
Portland, Oregon 97204

RE: Auto Wrecker's License -Renewal

Frank Miller
15015 NW Mill Road

Recommend: Approval of Business Location

Dear Commissioners:

The staff of the Division of Planning and Development respectfully recommends that the above license be approved, based upon findings that they satisfy the location requirements for same as contained in ORS 822.10 and .135.

Sincerely,

MULTNOMAH COUNTY DIVISION OF PLANNING AND DEVELOPMENT


Sharon Cowley, Administrative Assistant

sec

Enclosure - Wrecker's Application



APPLICATION FOR BUSINESS CERTIFICATE

AS A WRECKER OF MOTOR VEHICLES OR
SALVAGE POOL OPERATOR

▼ CERTIFICATE NUMBER ▼

2426

NOTE: FAILURE TO ACCURATELY COMPLETE THIS FORM WILL CAUSE UNAVOIDABLE DELAY.
PLEASE TYPE OR PRINT LEGIBLY WITH INK.
DO NOT SUBMIT THIS APPLICATION WITHOUT YOUR SURETY BOND AND THE REQUIRED FEE.

☐ ORIGINAL
☒ RENEWAL

NAME (CORPORATION AND/OR ASSUMED BUSINESS NAME)			BUSINESS TELEPHONE
1 Frank Miller			283-1797
MAIN BUSINESS LOCATION (STREET AND NUMBER)	CITY	ZIP CODE	COUNTY
2 15015 NW Mill Rd	Portland	97231	Multnomah
MAILING ADDRESS	CITY	STATE	ZIP CODE
3 15015 NW Mill Rd	Portland	Ore	97231

A SEPARATE APPLICATION MUST BE COMPLETED FOR EACH ADDITIONAL LOCATION FROM WHICH YOU OPERATE YOUR BUSINESS.

CHECK ORGANIZATION TYPE:	IF CORPORATION, LIST THE STATE UNDER WHOSE LAW BUSINESS IS INCORPORATED:
4 <input checked="" type="checkbox"/> INDIVIDUAL <input type="checkbox"/> PARTNERSHIP <input type="checkbox"/> CORPORATION	

LIST NAME AND RESIDENCE ADDRESS OF THIS OWNER, ALL PARTNERS OR PRINCIPAL CORPORATE OFFICERS:

NAME	TITLE	DATE OF BIRTH	RESIDENCE TELEPHONE
5 Frank Miller	owner	5-21-43	(503) 543-3729
RESIDENCE ADDRESS	CITY	STATE	ZIP CODE
6 33468 Kammeyer Rd	Scappoose	Ore	97056
NAME	TITLE	DATE OF BIRTH	RESIDENCE TELEPHONE
7			()
RESIDENCE ADDRESS	CITY	STATE	ZIP CODE
8			
NAME	TITLE	DATE OF BIRTH	RESIDENCE TELEPHONE
9			()
RESIDENCE ADDRESS	CITY	STATE	ZIP CODE
10			

11 THE DIMENSIONS OF THE PROPERTY ON WHICH THE BUSINESS IS LOCATED ARE 300 x 600 ft. X 600 ft.

I CERTIFY THAT I AM THE OWNER, A PARTNER OR A CORPORATE OFFICER OF THIS BUSINESS AND THAT ALL INFORMATION ON THIS APPLICATION IS ACCURATE AND TRUE. I CERTIFY THAT THE RIGHT OF WAY OF ANY HIGHWAY ADJACENT TO THE LOCATION LISTED ABOVE IS USED FOR ACCESS TO THE PREMISES AND PUBLIC PARKING.

NAME	TITLE	RESIDENCE TELEPHONE
12 Frank P. Miller	owner	(503) 543-3729
ADDRESS, CITY, STATE, ZIP CODE		
13 33468 Kammeyer Rd Scappoose Ore 97056		
SIGNATURE OF OWNER/PARTNER/CORPORATE OFFICER		DATE
14 X <u>Frank P. Miller</u>		12-10-92

15 **APPROVAL:** I CERTIFY THAT THE GOVERNING BODY OF THE ☐ CITY ☒ COUNTY OF MULTNOMAH HAS:

- (A) APPROVED THE APPLICANT AS BEING SUITABLE TO ESTABLISH, MAINTAIN OR OPERATE A WRECKING YARD OR BUSINESS (ORIGINAL APPLICATIONS ONLY).
- B) DETERMINED THAT THE LOCATION OR PROPOSED LOCATION MEETS THE REQUIREMENTS FOR LOCATION UNDER OREGON REVISED STATUTE 822.110.
- C) DETERMINED THAT THE LOCATION DOES NOT VIOLATE ANY PROHIBITION UNDER OREGON REVISED STATUTE 822.135.
- D) APPROVED THE LOCATION AND DETERMINED THAT THE LOCATION COMPLIES WITH ANY REGULATIONS ADOPTED BY THE JURISDICTION UNDER OREGON REVISED STATUTE 822.140.

I ALSO CERTIFY THAT I AM AUTHORIZED TO SIGN THIS APPLICATION AND AS EVIDENCE OF SUCH AUTHORITY DO AFFIX HEREON THE SEAL OR STAMP OF THE CITY OR COUNTY.

FEE: \$54.00

▼ PLACE STAMP OR SEAL HERE ▼

SUBMIT APPLICATION AND SURETY BOND, WITH ALL REQUIRED FEES AND SIGNATURES TO:

NAME	TITLE	PHONE NUMBER
16 GLADYS MCCOY	COMMISSION CHAIR	248-3308
SIGNATURE	DATE	
17 X <u>Gladys McCoy</u>	12/29/92	

BUSINESS REGULATION SECTION
1905 LANA AVE., NE
SALEM, OR 97314-2350

SURETY BOND

BOND NUMBER

801881

FAILURE TO COMPLETE THIS FORM WILL CAUSE UNAVOIDABLE DELAY.

LET IT BE KNOWN:

THAT Frank Miller
(OWNER, PARTNERS, CORPORATION NAME)

DOING BUSINESS AS Frank Miller
(ASSUMED BUSINESS NAME, IF ANY)

HAVING PRINCIPAL PLACE OF BUSINESS AT 15015 NW Mill Rd Portland, Or 97231
(ADDRESS, CITY, STATE, ZIP CODE)

WITH ADDITIONAL PLACES OF BUSINESS AT _____
(ADDRESS, CITY, STATE, ZIP CODE)

STATE OF OREGON, AS PRINCIPAL(S), AND CONTRACTORS BONDING AND INSURANCE COMPANY
(SURETY NAME)
1827 NE 44th Ave, Suite 100 Portland, Or 97213 287-6000
(ADDRESS, CITY, STATE, ZIP CODE) TELEPHONE NUMBER

A CORPORATION ORGANIZED AND EXISTING UNDER AND BY VIRTUE OF THE LAWS OF THE STATE OF Washington, AND AUTHORIZED TO TRANSACT A SURETY BUSINESS IN THE STATE OF OREGON, AS SURETY, ARE HELD AND FIRMLY BOUND UNTO THE STATE OF OREGON IN THE PENAL SUM OF \$2,000 FOR THE PAYMENT OF WHICH WE HEREBY BIND OURSELVES, OUR RESPECTIVE SUCCESSORS AND ASSIGN, JOINTLY AND SEVERALLY, FIRMLY BY THESE PRESENTS.

A CONDITION OF THIS OBLIGATION IS SUCH THAT, WHEN THE ABOVE NAMED PRINCIPAL HAS BEEN ISSUED A CERTIFICATE TO CONDUCT, IN THIS STATE, A BUSINESS WRECKING, DISMANTLING AND SUBSTANTIALLY ALTERING THE FORM OF VEHICLES, SAID PRINCIPAL SHALL CONDUCT SUCH BUSINESS WITHOUT FRAUD OR FRAUDULENT REPRESENTATION, AND WITHOUT VIOLATION OF ANY OF THE PROVISIONS OF THE OREGON VEHICLE CODE SPECIFIED IN ORS 822.120(2) THEN AND IN THAT EVENT THIS OBLIGATION TO BE VOID, OTHERWISE TO REMAIN IN FULL FORCE AND EFFECT UNLESS CANCELED PURSUANT TO ORS 743.755.

THIS BOND IS EFFECTIVE January 1 19 93 AND EXPIRES December 31 19 93 (BOND MUST EXPIRE ON THE LAST DAY OF THE MONTH.)

-- ANY ALTERATION VOIDS THIS BOND --

IN WITNESS WHEREOF, THE SAID PRINCIPAL AND SAID SURETY HAVE EACH CAUSED THESE PRESENTS TO BE EXECUTED BY ITS AUTHORIZED REPRESENTATIVE OR REPRESENTATIVES AND THE SURETY CORPORATE SEAL TO BE HEREUNTO AFFIXED THIS 8th DAY OF December 19 92.

SIGNATURE (OWNER/PARTNER/CORPORATE OFFICER)

X Frank Miller

TITLE

SIGNATURE OF SURETY (AUTHORIZED REPRESENTATIVE)

X Jane Thorsen

TITLE

Attorney-in-Fact

SURETY'S AGENT OR REPRESENTATIVE MUST COMPLETE THIS SECTION:

PLACE SURETY SEAL BELOW

IN THE EVENT A PROBLEM ARISES CONCERNING THIS BOND, CONTACT:

NAME

CBIC

TELEPHONE NUMBER

287-6000

ADDRESS

PO Box 12053

CITY, STATE, ZIP CODE

Portland, Or 97212

APPROVED BY ATTORNEY GENERAL'S OFFICE

Meeting Date: December 29, 1992

Agenda No.: P-7

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM
(For Non-Budgetary Items)

SUBJECT: Auto Wrecker's License Renewal

BCC Informal _____ (date) _____ BCC Formal December 29, 1992
DEPARTMENT DES DIVISION Planning
CONTACT Sharon Cowley TELEPHONE 2610
PERSON(S) MAKING PRESENTATION Planning Staff

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 2 Minutes

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

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

Auto Wrecker's License Renewal - 28609 SE Orient Drive

Staff Recommendation is for Approval

1/7/93 original & copy to Sharon Cowley

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL _____

Or

DEPARTMENT MANAGER *[Signature]*

(All accompanying documents must have required signatures)

BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
1992 DEC 22 PM 4:59



MULTNOMAH COUNTY OREGON

DEPARTMENT OF ENVIRONMENTAL SERVICES
DIVISION OF PLANNING
AND DEVELOPMENT
2115 S.E. MORRISON STREET
PORTLAND, OREGON 97214
(503) 248-3043

BOARD OF COUNTY COMMISSIONERS
GLADYS McCOY • CHAIR OF THE BOARD
PAULINE ANDERSON • DISTRICT 1 COMMISSIONER
GARY HANSEN • DISTRICT 2 COMMISSIONER
RICK BAUMAN • DISTRICT 3 COMMISSIONER
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

December 21, 1992

Honorable Board of County Commissioners
Room 605, Multnomah County Courthouse
1021 SW Fourth Avenue
Portland, Oregon 97204

RE: Auto Wrecker's License -Renewal

Harold M. Milne
(dba Loop Hi-Way Towing
28609 SE Orient Drive

Recommend: Approval of Business Location

Dear Commissioners:

The staff of the Division of Planning and Development respectfully recommends that the above license be approved, based upon findings that they satisfy the location requirements for same as contained in ORS 822.10 and .135.

Sincerely,

MULTNOMAH COUNTY DIVISION OF PLANNING AND DEVELOPMENT

Sharon Cowley, Administrative Assistant

sec

Enclosure - Wrecker's Application



OREGON MOTOR VEHICLES DIVISION
1905 LANA AVE., NE, SALEM OR 97314

APPLICATION FOR BUSINESS CERTIFICATE

AS A WRECKER OF MOTOR VEHICLES OR
SALVAGE POOL OPERATOR

▼ CERTIFICATE NUMBER ▼

NOTE: FAILURE TO ACCURATELY COMPLETE THIS FORM WILL CAUSE UNAVOIDABLE DELAY.
PLEASE TYPE OR PRINT LEGIBLY WITH INK.
DO NOT SUBMIT THIS APPLICATION WITHOUT YOUR SURETY BOND AND THE REQUIRED FEE.

☐ ORIGINAL
☒ RENEWAL

NAME (CORPORATION AND/OR ASSUMED BUSINESS NAME)

BUSINESS TELEPHONE

1 Loop Hi-Way Towing 663-3111

MAIN BUSINESS LOCATION (STREET AND NUMBER)

CITY

ZIP CODE

COUNTY

2 28609 S.E. Orient Dr. Gresham 97080 Mult.

MAILING ADDRESS

CITY

STATE

ZIP CODE

3 28609 S.E. Orient Dr. Gresham OR. 97080

A SEPARATE APPLICATION MUST BE COMPLETED FOR EACH ADDITIONAL LOCATION FROM WHICH YOU OPERATE YOUR BUSINESS.

CHECK ORGANIZATION TYPE:

IF CORPORATION, LIST THE STATE UNDER WHOSE LAW BUSINESS IS INCORPORATED:

4 ☐ INDIVIDUAL ☒ PARTNERSHIP ☐ CORPORATION

LIST NAME AND RESIDENCE ADDRESS OF THIS OWNER, ALL PARTNERS OR PRINCIPAL CORPORATE OFFICERS:

NAME TITLE DATE OF BIRTH RESIDENCE TELEPHONE

5 Harold M. Milne Partner 8-5-43 (503)663-5843
Loop Hi-Way Towing

RESIDENCE ADDRESS

CITY

STATE

ZIP CODE

6 28304 S.E. Orient Dr. Gresham OR. 97080

NAME TITLE DATE OF BIRTH RESIDENCE TELEPHONE

7 Carl H. Milne Partner 1-11-49 (503)663-5462

RESIDENCE ADDRESS

CITY

STATE

ZIP CODE

8 33915 S.E. Lusted Rd. Gresham OR. 97080

NAME TITLE DATE OF BIRTH RESIDENCE TELEPHONE

9 ()

RESIDENCE ADDRESS

CITY

STATE

ZIP CODE

10

11 THE DIMENSIONS OF THE PROPERTY ON WHICH THE BUSINESS IS LOCATED ARE 1 1/2 acres ft.

I CERTIFY THAT I AM THE OWNER, A PARTNER OR A CORPORATE OFFICER OF THIS BUSINESS AND THAT ALL INFORMATION ON THIS APPLICATION IS ACCURATE AND TRUE. I CERTIFY THAT THE RIGHT OF WAY OF ANY HIGHWAY ADJACENT TO THE LOCATION LISTED ABOVE IS USED FOR ACCESS TO THE PREMISES AND PUBLIC PARKING.

NAME TITLE RESIDENCE TELEPHONE

12 Harold M. Milne Partner (503)663-5843

ADDRESS, CITY, STATE, ZIP CODE

13 28304 S.E. Orient Dr. Gresham, Or. 97080

SIGNATURE OF OWNER/PARTNER/CORPORATE OFFICER

DATE

14 x Harold M. Milne 12/9/92

15 APPROVAL: I CERTIFY THAT THE GOVERNING BODY OF THE ☐ CITY ☒ COUNTY OF MULTNOMAH HAS:

- (A) APPROVED THE APPLICANT AS BEING SUITABLE TO ESTABLISH, MAINTAIN OR OPERATE A WRECKING YARD OR BUSINESS (ORIGINAL APPLICATIONS ONLY).
B) DETERMINED THAT THE LOCATION OR PROPOSED LOCATION MEETS THE REQUIREMENTS FOR LOCATION UNDER OREGON REVISED STATUTE 822.110.
C) DETERMINED THAT THE LOCATION DOES NOT VIOLATE ANY PROHIBITION UNDER OREGON REVISED STATUTE 822.135.
D) APPROVED THE LOCATION AND DETERMINED THAT THE LOCATION COMPLIES WITH ANY REGULATIONS ADOPTED BY THE JURISDICTION UNDER OREGON REVISED STATUTE 822.140.

I ALSO CERTIFY THAT I AM AUTHORIZED TO SIGN THIS APPLICATION AND AS EVIDENCE OF SUCH AUTHORITY DO AFFIX HEREON THE SEAL OR STAMP OF THE CITY OR COUNTY.

FEE: \$54.00

▼ PLACE STAMP OR SEAL HERE ▼

NAME GLADYS MCCOY

TITLE COMMISSION CHAIR

PHONE NUMBER 248-3308

16 SIGNATURE Gladys McCoy

DATE 12/29/92

17 x

SUBMIT APPLICATION AND SURETY BOND, WITH ALL REQUIRED FEES AND SIGNATURES TO:

BUSINESS REGULATION SECTION
1905 LANA AVE., NE
SALEM, OR 97314-2350

SURETY BOND

BOND NUMBER

YLI 200603

FAILURE TO COMPLETE THIS FORM WILL CAUSE UNAVOIDABLE DELAY.

LET IT BE KNOWN:THAT HAROLD M. MILNE AND CARL H. MILNE
(OWNER, PARTNERS, CORPORATION NAME)DOING BUSINESS AS LOOP HI WAY TOWING
(ASSUMED BUSINESS NAME, IF ANY)HAVING PRINCIPAL PLACE OF BUSINESS AT 28609 S. E. ORIENT DRIVE, GRESHAM, OR 97080
(ADDRESS, CITY, STATE, ZIP CODE)WITH ADDITIONAL PLACES OF BUSINESS AT _____
(ADDRESS, CITY, STATE, ZIP CODE)

(ADDRESS, CITY, STATE, ZIP CODE)

STATE OF OREGON, AS PRINCIPAL(S), AND OLD REPUBLIC SURETY COMPANY
(SURETY NAME)P. O. BOX 4627, PORTLAND, OR., 97208 (503) 246-6242
(ADDRESS, CITY, STATE, ZIP CODE) TELEPHONE NUMBER

A CORPORATION ORGANIZED AND EXISTING UNDER AND BY VIRTUE OF THE LAWS OF THE STATE OF WISCONSIN, AND AUTHORIZED TO TRANSACT A SURETY BUSINESS IN THE STATE OF OREGON, AS SURETY, ARE HELD AND FIRMLY BOUND UNTO THE STATE OF OREGON IN THE PENAL SUM OF \$2,000 FOR THE PAYMENT OF WHICH WE HEREBY BIND OURSELVES, OUR RESPECTIVE SUCCESSORS AND ASSIGN, JOINTLY AND SEVERALLY, FIRMLY BY THESE PRESENTS.

A CONDITION OF THIS OBLIGATION IS SUCH THAT, WHEN THE ABOVE NAMED PRINCIPAL HAS BEEN ISSUED A CERTIFICATE TO CONDUCT, IN THIS STATE, A BUSINESS WRECKING, DISMANTLING AND SUBSTANTIALLY ALTERING THE FORM OF VEHICLES, SAID PRINCIPAL SHALL CONDUCT SUCH BUSINESS WITHOUT FRAUD OR FRAUDULENT REPRESENTATION, AND WITHOUT VIOLATION OF ANY OF THE PROVISIONS OF THE OREGON VEHICLE CODE SPECIFIED IN ORS 822.120(2) THEN AND IN THAT EVENT THIS OBLIGATION TO BE VOID, OTHERWISE TO REMAIN IN FULL FORCE AND EFFECT UNLESS CANCELED PURSUANT TO ORS 743.755.

THIS BOND IS EFFECTIVE JANUARY 1, 19 93 AND EXPIRES DECEMBER 31, 19 93 (BOND MUST EXPIRE ON THE LAST DAY OF THE MONTH)**-- ANY ALTERATION VOIDS THIS BOND --**

IN WITNESS WHEREOF, THE SAID PRINCIPAL AND SAID SURETY HAVE EACH CAUSED THESE PRESENTS TO BE EXECUTED BY ITS AUTHORIZED REPRESENTATIVE OR REPRESENTATIVES AND THE SURETY CORPORATE SEAL TO BE HEREUNTO AFFIXED THIS 16th DAY OF DECEMBER 1992.

SIGNATURE (OWNER/PARTNER/CORPORATE OFFICER)

X

SIGNATURE OF SURETY (AUTHORIZED REPRESENTATIVE)

X

Donna C. Giff

TITLE

TITLE

Attorney-In-Fact

SURETY'S AGENT OR REPRESENTATIVE MUST COMPLETE THIS SECTION:**PLACE SURETY SEAL BELOW**

IN THE EVENT A PROBLEM ARISES CONCERNING THIS BOND, CONTACT:

NAME

TELEPHONE NUMBER

WALRAD INSURANCE AGENCY

(503) 667-4171

ADDRESS

P. O. BOX 2010

CITY, STATE, ZIP CODE

GRESHAM, OR 97030



APPROVED BY ATTORNEY GENERAL'S OFFICE

Meeting Date: December 29, 1992

Agenda No.: P-8

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM
(For Non-Budgetary Items)

SUBJECT: Final Order - SEC 6-91a/HDP 4-91a

BCC Informal _____ BCC Formal December 29, 1992
(date) (date)

DEPARTMENT DES DIVISION Planning

CONTACT Sharon Cowley TELEPHONE 2610

PERSON(S) MAKING PRESENTATION _____

ACTION REQUESTED:

☐ INFORMATIONAL ONLY

☐ POLICY DIRECTION

☒ APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 10 Minutes

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

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

SEC 6/91a/HDP 4-91a Adoption of Final Order to support Board's Decision of approval for an amended driveway design with a culvert and fill stream crossing, all for property located at 6125 NW Thompson Road

1/6/93 copies to Sharon Cowley,
attorney for applicant and
second original to Sharon Cowley

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL _____

Or

DEPARTMENT MANAGER Patricia Rios de Steffen for PG

(All accompanying documents must have required signatures)

BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
1992 DEC 22 PM 3:58

1 **BEFORE THE BOARD OF COUNTY COMMISSIONERS**
2 **FOR MULTNOMAH COUNTY**

3
4 In the Matter of the Review of the)
5 Hearings Officer decision which denied)
6 Significant Environmental Concern (SEC))
7 and Hillside Development (HD) permits)
8 for an amended driveway design with a)
9 culvert and fill stream crossing)

FINAL ORDER
 Vacating SEC 6-91a, and
 Approving HDP 4-91a

 92-248

10 **I. PROCEDURAL HISTORY**

11 This matter concerns the appeal of a June 16, 1992 Hearings Officer deci-
12 sion which denied a driveway design with a culvert and fill crossing over the
13 Thompson Fork of Balch Creek. Dan McKenzie (McKenzie) received SEC and
14 HD permits in 1991 to develop an access drive on property at 6125 NW Thomp-
15 son Road, with a bridge over the creek [ref.: SEC 6-91; HDP 4-91]. McKenzie later
16 installed a culvert and fill crossing rather than a bridge, and requested an
17 amended permit for the design change. The Planning Director approved the cul-
18 vert design on March 31, 1992 [ref. SEC 6-91a; HDP 4-91a]. The Friends of Forest
19 Park (Friends) appealed the Director decision to the Land Use Hearings Officer.
20 The Hearings Officer reversed the Director, and denied the SEC and HD permits
21 on June 16, 1992. McKenzie appealed to the Board of County Commissioners
22 (Board). The appeal requests Board review of the four grounds for denial of the
23 SEC Permit cited in the Hearings Officer decision, and also of the denial of the
24 HD Permit.

25 On August 25, 1992, the Board expanded the scope of review to allow testi-
26 mony and evidence on the stream classification of the Thompson Fork of Balch

1 Creek, and whether the SEC zoning provisions apply. The Board received writ-
2 ten and oral testimony and oral arguments from the parties on September 22,
3 1992, and continued the matter to October 13, 1992 for deliberation. The record
4 remained open for two time periods: [1] New evidence was allowed on the
5 stream classification issue, or rebuttal of testimony or material received at the
6 September 22, 1992 hearing, for seven (7) days, until September 29, 1992; and,
7 [2] Written rebuttal of material received in the first open record period was
8 received for four (4) days. The record was closed on October 5, 1992.

9
10 The Board deliberated on October 13, 1992, and rendered a tie (2:2) vote
11 on a motion to reverse the Hearings Officer's decision. Pursuant to County Res-
12 olution 91-13, §8(J), a tie vote of the Board results in a failure of the motion.
13 The tie vote by the Board resulted in a default denial of the SEC and HD per-
14 mits, and prevented adoption of findings in support of the decision. On October
15 27, 1992, the Board approved a motion to rehear the matter on November 10,
16 1992. On November 10, 1992, the hearing was continued to December 15, 1992,
17 with consent of the parties, because only four (4) Board members were present.

18
19 The full Board reheard the case on December 15, 1992. All parties con-
20 sented to participation by Chair, Gladys McCoy, having been advised that she
21 had reviewed the whole record. Review was limited to the record of the prior
22 proceedings, with oral argument allowed by the parties. After considering the
23 evidence, the Hearings Officer decision, staff recommendations, and arguments
24 from the parties, the Board determined that an SEC Permit was not required,
25 and vacated the Hearings Officer and Planning Director decisions with respect
26 to SEC 6-91a. The Board reversed the Hearings Officer decision, and approved

1 HDP 4-91a, subject to conditions.

2 II. FINDINGS AND EVALUATION

4 A. SEC Permit Application:

6 After hearing testimony, oral arguments and weighing the evidence, the
7 Board finds that an SEC Permit is not required. Multnomah County Code
8 (MCC) §11.15.6404(C) provides that:

9 *"[A]ny building, structure, or physical improvement within 100 feet*
10 *of the normal high water level of a Class I stream, as defined by the*
11 *State of Oregon Forest Practice Rules, shall require an SEC permit*
under MCC .6412, regardless of the zoning designation of the site."

12 The State Forest Practice Rules defines "Class I waters" in the Oregon Adminis-
13 trative Rules (OAR) 629-24-101(8)(A) as follows:

14 *"[A]ny portions of streams, lakes, or other waters of the state which*
15 *are significant for:*

16 * * *

(B) Angling;

17 * * *

(D) Spawning, rearing or migration of anadromous or game fish."

19 In March, 1991, when McKenzie applied for a bridge crossing, and later in
20 January, 1992, when he requested permits for an amended design with a cul-
21 vert/fill crossing, County Staff believed the Thompson Fork of Balch Creek was a
22 Class I Stream. This belief was based upon a 1986 map from the Oregon
23 Department of Forestry (DOF), Forest Grove office which shows streams in the
24 Portland area. However, the legend on the map indicates:

25 *"The identification of streams shown on this map as Class I streams is*
26 *intended for preliminary planning use only. See OSFD district*
headquarters for official maps."

1 After hearing testimony, oral arguments, and weighing the evidence, the
2 Board concludes that the Thompson Fork of Balch Creek is not now a Class I
3 stream, as defined by the State Forest Practice Rules; nor was it in January,
4 1992, when Mr. McKenzie applied for permits to amend the driveway design.
5 Substantial evidence in the record indicates the Thompson Fork is a Class II
6 Stream. Specifically, the Board is persuaded by an August 13, 1992 letter,
7 addressed to Mark Hess, from Thomas Savage, Forest Practices Forester (DOF
8 Forest Grove District), which states:

9 *"Our Forest Practices Class I stream designation is for the lower*
10 *stretch of the stream [Balch Creek] below the fork where NW*
11 *Thompson Rd. and NW Cornell Rd. meet. Up stream from this*
point both forks of the stream are Class II."

12 Further support for the Board conclusion is found in a letter dated
13 September 11, 1992, addressed to Dan Kearns, and in letters dated September
14 2, and September 25, 1992, addressed to McKenzie, from Michael Simek (former
15 Forest Practices Forester in the Forest Grove District), and in a letter dated
16 October 5, 1992, addressed to Mark Hess, from Jay Massey, District Fish Biolo-
17 gist with the Oregon Department of Fish and Wildlife (ODFW).

18
19 The Forest Practice Rules (OAR 629-24-116) require the State Forester to
20 evaluate, classify and map all waters in the State. The ODFW assists the State
21 Forester with the identification and classification of waters significant for fish
22 habitat. These agencies thus have statutory authority and staff expertise to
23 evaluate and classify streams.

24
25 The State Forester's map at the time of application showed, and presently
26 shows, the Thompson Fork as a Class II stream. McKenzie argued that MCC

1 §11.15.6404(C) did not require an independent County assessment of the stream
2 classification. Friends argued that the County should review the evidence, and
3 independent of the State Forester and ODFW conclusions, evaluate and deter-
4 mine whether the Thompson Fork meets the Class I stream definition in the
5 Forest Practice Rules. The County Planning Division has, however, historically
6 relied on DOF maps to determine stream classifications. The Board concludes
7 that this reliance is appropriate, and neither contrary to the express language of
8 the code, nor to its apparent purpose or policy. Further, the Board notes that the
9 alternate interpretation argued by Friends could produce conflicting County and
10 State classifications of the same stream.

11
12 The Hearings Officer decision on SEC 6-91a cites four SEC Permit crite-
13 ria as grounds to deny the permit. The Board concludes that the Hearings Offi-
14 cer was misdirected in applying SEC criteria, since the SEC Permit is not
15 required for projects on Class II streams.

16
17 **B. HD Permit Application:**

18
19 The Hearings Officer decision on HDP 4-91a cites four SEC Permit crite-
20 ria as grounds for denial. However, the Hearings Officer concluded that all
21 other applicable criteria [MCC 11.15.6730] are or could be met if the conditions
22 in the Director's March 31, 1992 decision are imposed [HO decision; pp. 10-16].
23 The Board review of the HD decision is limited to the SEC criteria cited by the
24 Hearings Officer. The Board concurs with the Hearings Officer findings and
25 concludes that the HD Permit should be approved, subject to the conditions in
26 the March 31, 1992 Planning Director decision.

III. CONDITIONS

1. The amended SEC and HD permits for the creek crossing work do not change the decision of the County Planning Commission regarding a proposed non-resource related residence on the site (Reference File CU 5-91).
2. Cut and remove only those trees within the immediate area required for the driveway grading and house site. All trees of 6-inch or greater trunk diameter at breast height (d.b.h.) shall be retained to the maximum practicable extent. Retained trees and wooded areas shall be protected during construction. Avoid cutting roots, compacting soil or placement of fill within the root zones (drip line) of trees to be retained.
3. Plant shrubs and trees to screen the ends of the culvert from NW Thompson Road. Installation shall be after May 1, 1993 and completed by October 1, 1993, and sufficient to achieve the screening objective within 24-months. Avoid planting between June 15th and September 15th, unless irrigation can be provided. Plant selections and placements shall be ministerially reviewed and approved by Design Review Staff prior to installation; and shall at a minimum meet the following specifications:
 - **PLANT AT LEAST FOUR (4) EVERGREEN TREES IN THE AREA BETWEEN THE CREEK AND THOMPSON ROAD** — Tree species shall be either: *Thuja plicata* 'fastigiata' (Hogan Cedar), *Thuja plicata* (Western Red Cedar), or other approved species. Trees shall be at least 5-feet in height at the time of planting, and spaced approximately 5 – 10 feet apart. Trees should be randomly placed or clustered to display a more naturalized appearance. Avoid planting trees in rows.

- **PLANT AT LEAST SIX (6) EVERGREEN SHRUBS IN THE AREA BETWEEN THE CREEK AND THOMPSON ROAD** — Species shall be *Gaultheria shallon* (Salal), *Berberis nervosa* (Dull Oregon Grape), or other approved species; plants shall be 1-gallon size or larger, and spaced approximately 3-feet apart.

- **PLANT AT LEAST TWO (2) DECIDUOUS TREES IN THE AREA BETWEEN THE CREEK AND THOMPSON ROAD** — Species shall be *Acer circinatum* (Vine Maple), or other approved species; plants shall be 3-gallon size or larger, and spaced appropriate to the species.

4. Implement erosion control measures on-site to minimize sediments or other waterborne materials which may leave the site. Specifically, maintain a "sediment fence or barrier" at the toe of all disturbed and filled areas; and re-establish vegetation and landscape materials prior to removal of erosion control measures. The sediment fence or barrier shall be installed prior to deposition of any fill on the site. Any stockpiled soil or other debris shall be stored and covered (if necessary) to avoid any discharges into the creek. All land disturbing activity shall be limited to the period from May first and October first of any year.

5. Fill or cut slopes shall not be steeper than 2:1 unless a geological and/or engineering analysis certifies that steeper slopes are safe and erosion control measures are specified.

6. Cut and fill slopes shall not encroach onto neighboring properties (unless authorized). Exposed soils shall be seeded, mulched and/or covered to avoid erosion or drainage effects onto neighboring sites or into the creek.

7. Storm drainage from the roof and drains of the new house shall be

1 approved by the plumbing section for the City of Portland. Applicant
2 shall provide an on-site "dry-well" or other approved system to handle this
3 water and prevent discharges into the creek.
4

- 5 8. Within 30-days of completion of grading, replant any exposed soil or dis-
6 turbed areas associated with the tree clearing or other work. Plants or
7 seeds used to meet this condition shall be selected from the *Preferred*
8 *Native Plants* listed in Appendix 'F' of the Balch Creek Watershed Pro-
9 tection Plan [Portland Planning Bureau, 1990]. Alternative seed or
10 replanting plans may be ministerially approved by County Design Review
11 Staff if consistent with the "*EROSION CONTROL PLANS TECHNICAL*
12 *GUIDANCE HANDBOOK*". All disturbed or filled areas shall be replant-
13 ed no later than October 1st of the year the work was initiated.
14

- 15 9. Any pollution associated with the project such as pesticides, fertilizers,
16 petrochemicals, solid wastes, or wastewaters shall be prevented from
17 leaving the project site through proper handling, disposal, and clean-up
18 activities.
19

- 20 10. Obtain a Driveway Access Permit for the new Thompson Road access.
21

22 IV. CONCLUSIONS AND DECISION

23

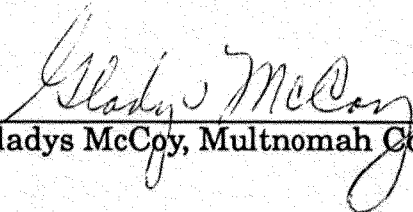
24 Based on the above findings and evaluation, the Board hereby vacates the
25 Hearings Officer and Planning Director decisions with respect to SEC 6-91a.
26

1 Based on the above findings and evaluation, the Board hereby reverses
2 the Hearings Officer decision and approves HDP 4-91a, subject to conditions.
3

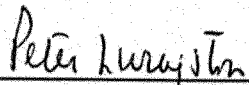


DATED this 29th Day of December, 1992

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Gladys McCoy, Multnomah County Chair

REVIEWED AS TO FORM:
LAURENCE KRESSEL, COUNTY COUNSEL
FOR MULTNOMAH COUNTY, OREGON

By: 
John DuBay, Chief Deputy County Counsel

*True copy
AK*

BCC -

BEFORE THE LAND USE BOARD OF APPEALS
OF THE STATE OF OREGON

Arnold Rochlin,)	
)	
Petitioner,)	
)	
vs.)	LUBA No. _____
)	
Multnomah County,)	
)	
Respondent.)	

NOTICE OF INTENT TO APPEAL

I

Notice is hereby given that petitioner intends to appeal that land use decision of respondent entitled SEC 6-91A and HDP 4-91A which became final on January 8, 1993 and which involves a determination that a Significant Environmental Concern (SEC) permit is not required for a crossing of the Thompson Fork of Balch Creek, a determination that a Conditional Use permit for a non-resource dwelling in the MUF 19 zone remains in effect, and approval of a Hillside Development And Erosion Control (HD) Permit related to the non-resource dwelling.

II

Petitioner, Arnold Rochlin, is representing himself

Arnold Rochlin
P.O. Box 83645
Portland, OR 97283-0645
(503) 289-2657

BOARD OF
COUNTY COMMISSIONERS
1993 JAN 26 AM 8:45
MULTNOMAH COUNTY
OREGON

Respondent, Multnomah County, has as its mailing address
and telephone number:

Board of County Commissioners
1120 S.W. Fifth Ave., Suite 1510
Portland, OR 97204
(503) 248-3277

and has, as its legal counsel:

John L. Dubay
County Counsel
1120 S.W. Fifth Ave., #1530
Portland, OR 97204
(503) 248-3138

III

Applicant, Dan McKenzie, was represented in the
proceeding below by:

Michael C. Robinson
O'Donnell, Ramis, Crew & Corrigan
1727 N.W. Hoyt St.
Portland, OR 97209
(503) 222-4402

Other persons mailed written notice of the land use
decision by Multnomah County, as indicated by its records in
this matter, include:

Dan McKenzie
115 W. Olympic, Apt. E-3
Seattle, WA 98119

NOTICE

Anyone designated in paragraph III of this Notice who
desires to participate as a party in this case before the
Land Use Board of Appeals must file with the Board a Motion
to Intervene in this proceeding as required by OAR 661-10-050.



Petitioner, Arnold Rochlin

CERTIFICATE OF SERVICE

I hereby certify that on January 25, 1993, I served a true and correct copy of this Notice of Intent to Appeal on all persons listed in paragraphs II and III^{ar} of the Notice pursuant to OAR 661-10-015(2) by first class mail.

Dated: January 25, 1993

Arnold Rocklin
Signature

CERTIFICATE OF FILING

I hereby certify that on January 25, 1993, I filed the original of this Notice of Intent to Appeal, together with 1 copy, with the Land Use Board of Appeals, Suite 220, 100 High Street SE, Salem, OR, 97310, by deposit with the US Post Office for Express Mail delivery.

January 25, 1993
Dated

Arnold Rochlin
Arnold Rochlin

Meeting Date: December 29, 1992

Agenda No.: P-9

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM
(For Non-Budgetary Items)

SUBJECT: PR 7-92

BCC Informal _____ (date) _____ BCC Formal December 29, 1992 (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: 2 hours

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

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

PR 7-92 The Board will consider the Planning Commission recommendation to amend the Comprehensive Framework Plan designating the subject property "3-B" pursuant to OAR 660-16-010(2). This proposed amendment of the Comprehensive Plan was reported to the Board on December 8, 1992, but no action was taken. Consequently, the Board will hold a hearing to make a decision regarding the proposed amendment. That decision will be to either accept the recommendation of the Planning Commission or to call the matter up on their own motion. In the event of the latter, the Board will hear this matter at this meeting.

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL _____

Or

DEPARTMENT MANAGER Sharon Cowley

(All accompanying documents must have required signatures)

1992 DEC 22 PM 4:59
MULTIPLAH COUNTY
OREGON
BOARD OF
COUNTY COMMISSIONERS
COWLEY

#1

PLEASE PRINT LEGIBLY!

MEETING DATE 12/29/92

NAME Neil Kagan

ADDRESS 522 S. 15th St #1050

Booth 97204
CITY ZIP CODE

I WISH TO SPEAK ON AGENDA ITEM # P-9 + P-10

SUPPORT _____ OPPOSE _____
SUBMIT TO BOARD CLERK



BOARD HEARING OF December 29, 1992

TIME 1:30pm

CASE NAME: Angell Brothers Quarry

NUMBER PR 7-92

1. Applicant Name/Address

Angell Brothers, Inc.

P.O. Box 8344

Portland 97283

2. Action Requested by applicant

A 3-A or 3-C ESEE classification on a 283 acre site to allow expansion of an existing mining operation

ACTION REQUESTED OF BOARD

- ☒ Affirm Plan.Com./Hearings Officer
- ☐ Hearing/Rehearing
 - ☐ Scope of Review
 - ☐ On the record
 - ☐ De Novo
 - ☐ New Information allowed

3. Planning Staff Recommendation

Approval of a 3-C ESEE designation

4. Planning Commission or Hearings Officer Decision:

Approval of a 3-B ESEE designation

5. If recommendation and decision are different, why?

Testimony by opponents convinced the Planning Commission that there were several conflicting uses in the surrounding area that should be allowed, notwithstanding the possible impact on the mineral resource.

ISSUES
(who raised them?)

- a. Wildlife habitat areas (Friends of Forest Park)
- b. Impact (e.g., noise, dust, vibration, etc.) on surrounding residences (surrounding residents and Friends of Forest Park)
- c. Impact on geologic stability and wetlands (Friends of Forest Park)
- d. Scenic impact (residents of Sauvie Island)

Do any of these issues have policy implications? Explain.

The policy to be determined in this case is whether to allow or disallow mining at this location based on its relationship with surrounding uses.



Notice of Public Hearing Board of County Commissioners

**Multnomah County
Board of County Commissioners**

**1021 SW 4th Avenue
Portland, Oregon 97204**

The Board of County Commissioners will hear an appeal of the following item on the date and at the time and place indicated below. The exact time may be later depending on the agenda schedule. The hearing will be conducted pursuant to the Board of County Commissioners *Rules of Procedure* (enclosed). Argument will be limited to parties who participated in the Planning Commission hearing or their authorized representatives. Failure to raise an issue in person, or by letter, or failure to provide sufficient specificity to allow the Board an opportunity to respond to the issue precludes appeal to LUBA on that issue. For further information, call 248-3043

Board of County Commissioners Members: Gladys McCoy, Chair – Pauline Anderson – Gary Hansen – Rick Bauman – Sharron Kelly

Date: 12/29/92 Time: 1:30 p.m. Place: Room 602, Multnomah County Courthouse

PR 7-92

Public Hearing

The Board of County Commissioners will consider the Multnomah County Planning Commission recommendation to amend the Multnomah County Comprehensive Framework Plan designating the subject property (14545 NW St. Helens Road) "3-B" pursuant to Oregon Administrative Rule 660-16-010(2). This proposed amendment of the Comprehensive Plan was reported to the Board on December 8, 1992, but no action was taken. Consequently, the Board will hold a hearing to make a decision regarding the proposed amendment. That decision will be to either accept the recommendation of the Planning Commission or to call the matter up on their own motion. In the event of the latter, the Board will hear this matter at this meeting.

BOARD OF
COUNTY COMMISSIONERS

1992 DEC 22 PM 3:36

MULTNOMAH COUNTY
Board of Commissioners

Arnold Rochlin
P.O. Box 83645
Portland, Or 97283-0645
289-2657

ANGELL BROS QUARRY TESTIMONY FOR HEARINGS ON 12/29/92

PR 7-92 Hearing to Decide Action on Proposed Amendment
CU 14-92 Appeal From Decision of the Planning Commission Denying the Application

PR 7-92 Proposed Plan Revision:

The Board did not act on the Planning Commission's recommendations at its meeting of December 8, 1992, as required by MCC 11.05.320. Since Mr. Kagan's letter to the Chair of December 16th, the matter was placed on the Agenda for December 29, 1992. The Code prevents any action other than adoption of the Commission's recommendations:

"11.05.340. Board order for review

A board order for review of a recommendation by the commission on a proposed quasijudicial plan revision shall be made at the meeting at which the commission's recommendation is on the board's agenda under subsection (C) of MCC 11.05.310, unless specifically continued." (underlining added)

Adoption of the Planning Commission recommendations is the only way the Board can belatedly comply with 11.05.320 without violating 11.05.340.

CU 14-92 Reply to the Notice of Review:

PC Finding No. 2: The Commission decision was to deny the applicant's requested 3C designation and to recommend a 3B designation. The applicant claims error in the finding: "The site is not designated 2A, 3A, or 3C.", but he places no fact or conclusion in dispute!

PC Finding No. 3: The Commission found that there was no complete reclamation plan. The applicant contends "The County has no jurisdiction over such plans." The relevant code sections are acknowledged land use regulations in which the County asserts its requirement that County reclamation standards (aside from any DOGAMI requirements) must be met. Applicable code sections are 11.15.7315(D), .7325(B), .7325(C)(8), .7325(C)(11) and 7325(C)(12). The applicant argues that he could not complete a reclamation plan until the County approved his application, because, until then, he could not know the exact boundaries of the area to be mined. The regulation is in the present tense and requires a reclamation plan to suit the application: "There is a proposed reclamation plan which will allow the property to be utilized as envisioned by the Comprehensive Plan and the underlying district." (11.15.7325(B), emphasis added) The applicant describes the circumstances of rejection of a plan considered by DOGAMI in 1989. But, the Planning Commission's finding that DOGAMI found the plan incomplete refers to the plan submitted on September 27, 1991. The applicant doesn't allege error in the findings regarding the current plan.

PC Finding No. 4 (and 5): The Commission divided its findings about sedimentation and erosion (11.15.7325(C)(5)(b)) into two findings, 4 and 5. Regarding #4, the applicant wrongly interprets the finding as requiring that he prove he will get a DEQ permit. The finding concerns compliance with DEQ standards, whether or not the applicant has a

permit. Finding #5 clearly indicates that failure of the applicant to meet the terms of his existing permit indicates likely failure to meet the the more demanding requirements of an expanded quarry.

PC Finding No. 5 (discussed in part under No. 4): The applicant claims the County has no jurisdiction. While enforcement of the terms of a DOGAMI permit is not within the province of the County, nothing prevents the County from concluding that evidence of past discharge of turbid water indicates unlikely future compliance. Neighbors have observed that turbid water is frequently discharged from the existing quarry and there is expert testimony that the applicant's proposal will result in a manifold increase of turbid discharge.

PC Finding No. 6: The applicant contends that the Planning Commission misstated approval criterion 11.15.7325(C)(6)(a), concerning protection of wildlife habitat, by omitting a reference to mitigation. The applicant believes that a call for mitigation implicitly undermines the first sentence of the regulation which requires that wildlife habitat "be protected to the maximum possible." The clear intent is to allow the approval authority to not merely limit harm, but to require enhancement as a condition of approval. The Planning Commission correctly applied the standard of maximum possible protection.

PC Finding No. 6a: The applicant erroneously supposes that "significant habitat" and "typical habitat" cannot be the same thing. But, the critical problem of protecting wildlife is destruction of typical habitat. The applicant further claims that the value of the habitat is diminished because the existence of a "corridor" between Forest Park and other areas was neither proven nor disproven "by the Wildlife Study." There was substantial expert testimony to support a conclusion that Forest Park benefits from the natural corridor.

PC Finding No. 6b: The applicant wrongly says: "The buffer area that was requested by the Friends of Forest Park...was voluntarily agreed to by the applicant." The applicant distorts part of the Wildlife Study (attributed by the applicant to only one of its three authors, Esther Lev). In the Study, there is a reference to limiting timber harvesting to assure that forested buffers, at least 200 feet wide, connect the substantial remaining forest groves. This refers to short run disturbances within the half mile wide corridor. Since publication of the Study, Ms. Lev issued a statement suggesting that a 625 foot buffer might be an acceptable minimum. The Planning Commission interpreted this as meaning that, under existing circumstances, where existing structures and uses were mistakenly believed to be far from the property boundary, a 625 foot buffer within the site would be the minimum acceptable. The Commission found that there are conflicting uses significantly closer than the applicant thought, and that Ms. Lev's new minimum was based on wrong assumptions. (Between the time of the publication of the Wildlife Study and the issuance of her opinion more favorable to the applicant, Ms. Lev was engaged to be a paid consultant of the applicant.)

PC Finding No. 6c: Regarding the need for a buffer wider than 625 feet, the applicant doesn't approve of the evidence that was found credible, but he presents no argument that, as a matter of law, the Commission's conclusions are wrong. The applicant again characterizes a failure to explicitly consider mitigation as being a misstatement of the requirement. Mitigation is discussed above under No. 6.

PC Finding No. 6d: The Commission's references to the Rafton-Burlington Bottoms Wetland in both findings and the ESEE analysis imply significance. The applicant himself says "The Rafton-Burlington Bottoms was identified as a significant wetland." The applicant makes a peculiar argument that, because the Angell Bros. site was not listed in the

Comprehensive Plan as a conflicting activity, such a finding now is precluded. But, the purpose of these proceedings is to make such determinations!

PC Finding No. 7: The applicant's proposal is to leave huge rock terraces running a half mile up the hills from Highway 30. They do not resemble the surrounding land, as required by 11.15.7325(C)(8). There is substantial evidence of low probability of successfully recreating a forest that would resemble the natural forests nearby, or that the forest would even grow enough to conceal the unnatural contours.

PC Finding No. 8: The reclamation timetable required by 11.15.7325(C)(12) was not provided by the applicant. The Planning Commission finds no plan presented that meets County standards. The applicant says that he "will exceed the County's standard in MCC 11.15.7325(C)(12) by engaging in sequential reclamation before mining activity ceases." He has proposed to mine in 4 phases, but to begin reclamation only after the first three phases are mined. But, .7325(C)(11) says: "All phases of an extraction operation shall be reclaimed before beginning the next, except where the approval authority finds that the different phases cannot be operated and reclaimed separately." The applicant's reclamation proposal falls short of the requirement. The Commission findings should be amended only by adding a finding of non-compliance with .7325(C)(11).

PC Finding No. 9: The applicant is dissatisfied with the Planning Commission's choice of evidence to believe regarding potential geologic hazards. There is substantial evidence in the whole record to support the Commission's finding.

Conclusion:

If the applicant fails to prove compliance with even one of the approval criteria, the application must be denied. As indicated above and in the record, he has failed with many.

 12/22/92

cc: Scott Pemble, Director
Division of Planning & Development

Peter Livingston,
County Counsel

Frank M. Parisi, Attorney
Angell Bros.

Neil S. Kagan, Attorney
Friends of Forest Park

1 **BEFORE THE BOARD OF COUNTY COMMISSIONERS**
2 **FOR MULTNOMAH COUNTY**
3
4

5 In the Matter of a Goal 5 ESEE Analysis)

6 for a 283 acre site located at)

7 14545 N. W. St. Helens Road)

FINAL ORDER

92-249

PR 7-92

8
9
10 Angell Bros. submitted material to assist the county in the completion of its
11 Goal 5 mineral and aggregate review process for a 283 acre site zoned Multiple
12 Use Forest. The site adjoins an existing mineral extraction operation, and is
13 located at 14545 N. W. St. Helens Road (Tax Lot 12, in the NW 1/4 of Section 28,
14 T2N, R1W, Willamette Meridian; and Tax Lots 2, 6, 8, and 11 in the E 1/4 of Sec-
15 tion 29, T2N, R1W, Willamette Meridian, 1992 Assessor's Map).

16
17 After notice, public hearings on the ESEE analysis were held before the Plan-
18 ning Commission on September 8, 1992, September 21, 1992, October 5, 1992,
19 and October 19, 1992. During the first three hearings, written and oral testimo-
20 ny pertaining to the Plan amendment was taken and heard. Following the hear-
21 ing on October 5, 1992, the record was left open for the submission of additional
22 written testimony until October 12, 1992, and for the submission of written
23 rebuttal testimony until October 16, 1992.

24
25 Based upon the record, which includes the application and the exhibits append-
26 ed to the application, as well as the testimony taken and received during and

1 after the public hearings, the Board amends the Comprehensive Framework
2 Plan by designating the site "3B" pursuant to Oregon Administrative Rule 660-
3 16-010 (2) based upon the following ESEE analysis.

4 5 **I. APPLICABLE REVIEW STANDARDS**

6
7 Pursuant to Multnomah County Code ("MCC") § 11.05.180, revision of a compre-
8 hensive plan must comply with ORS 197.175(2)(a), 197.610 through 197.625,
9 and any administrative rules adopted pursuant to those statutes. In particular,
10 ORS 197.175(2)(a) provides in pertinent part as follows:

11
12 "Pursuant to ORS chapters 196 and 197, each . . . county . . . shall . . . revise
13 comprehensive plans in compliance with the [statewide planning] goals"

14
15 Chapter 660, Division 16 of the Oregon Administrative Rules ("OAR") sets forth
16 the procedures for complying with Goal 5. Once a site has been included in a
17 comprehensive plan inventory, the local government must identify conflicting
18 uses. OAR 660-16-005. "A conflicting use is one which, if allowed, could nega-
19 tively impact a Goal 5 resource site." OAR 660-16-005.

20
21 The administrative rule continues in pertinent part as follows:

22
23 "Where conflicting uses have been identified, Goal 5 resource sites may impact
24 those uses. These impacts must be considered in analyzing the economic, social,
25 environmental and energy (ESEE) consequences:

1 “(1) Preserve the Resource Site: If there are no conflicting uses for an identified
2 resource site, the jurisdiction must adopt policies and ordinance provisions, as
3 appropriate, which insure preservation of the resource site.

4
5 “(2) Determine the Economic, Social, Environmental, and Energy Consequences:
6 If conflicting uses are identified, the economic, social, environmental and energy
7 consequences of the conflicting uses must be determined. Both the impacts on
8 the resource site and on the conflicting uses must be considered in analyzing the
9 ESEE consequences. The applicability and requirements of other Statewide
10 Planning Goals must also be considered, where appropriate, at this stage of the
11 process. A determination of the ESEE consequences of identified conflicting
12 uses is adequate if it enables a jurisdiction to provide reasons to explain why
13 decisions are made for specific sites.”

14
15 OAR 660-16-005.

16 The administrative rule then continues in pertinent part as follows:

17
18 “Based on the determination of the economic, social, environmental and energy
19 consequences, a jurisdiction must ‘develop a program to achieve the Goal’.

20 Assuming there is adequate information on the location, quality, and quantity of
21 the resource site as well as on the nature of the conflicting use and ESEE conse-
22 quences, a jurisdiction is expected to ‘resolve’ conflicts with specific sites in any
23 of the following three ways listed below. Compliance with Goal 5 shall also be
24 based on the plan’s overall ability to protect and conserve each Goal 5 resource.

25 ...

1 “(1) Protect the Resource Site: Based on the analysis of the ESEE consequences,
2 a jurisdiction may determine that the resource site is of such importance, rela-
3 tive to the conflicting uses, and the ESEE consequences of allowing conflicting
4 uses are so great that the resource site should be protected and all conflicting
5 uses prohibited on the site and possibly within the impact area identified in
6 OAR 660-16-000(5)(c). Reasons which support this decision must be presented
7 in the comprehensive plan, and plan and zone designations must be consistent
8 with this decision.

9
10 “(2) Allow Conflicting Uses Fully: Based on the analysis of the ESEE conse-
11 quences and other Statewide Goals, a jurisdiction may determine that the con-
12 flicting use should be allowed fully, notwithstanding the possible impacts on the
13 resource site. This approach may be used when the conflicting use for a particu-
14 lar site is of sufficient importance, relative to the resource site. Reasons which
15 support this decision must be presented in the comprehensive plan, and plan
16 and zone designations must be consistent with this decision.

17
18 “(3) Limit Conflicting Uses: Based on the analysis of the ESEE consequences, a
19 jurisdiction may determine that both the resource site and the conflicting use
20 are important relative to each other, and that the ESEE consequences should be
21 balanced so as to allow the conflicting use but in a limited way so as to protect
22 the resource site to some desired extent. . . . Reasons which support this deci-
23 sion must be presented in the comprehensive plan, and plan and zone designa-
24 tions must be consistent with this decision.”

25
26 OAR 660-16-010.

II. FINDINGS OF THE ESEE ANALYSIS

THE IMPACT AREA

1. The impact area — the area where uses may occur that could adversely affect the site, or be adversely affected by use of the site — includes the site itself; property adjoining the site located west of State Highway 30; the City of Portland's Forest Park; a peninsula of land between Portland's Forest Park and the forests of Oregon's coast range, popularly known as a "wildlife corridor"; downstream areas, located east of State Highway 30, including a small wetland to the east, the 430 acre Rafton-Burlington Bottoms wetland to the northeast, and Multnomah Channel; residences adjoining the Channel and houseboats on the Channel; and Sauvie Island. This finding is based on the contents of a previous ESEE analysis prepared by Multnomah County on April 24, 1990, as well as on evidence submitted by opponents of the application ("the opponents"), described in Findings #3-11, below.

2. In view of the earlier ESEE analysis and the opponents' evidence, the Planning Commission finds unconvincing the applicant's assertion that the impact area is limited to Highway 30 on the northeast and 1,000 feet from the boundary of the property in all other directions.

CONFLICTING USES

3. The site is currently zoned Multiple Use Forest (MUF-38), which authorizes a use that would negatively impact the use of the site for mineral extraction. Until cleared of trees recently, the site was entirely forested. Letter of Oct.

1 16, 1992, from Sherman to Multnomah County Planning Commission, at 2
2 ("Sherman Letter II"). Managing the site immediately to regenerate the forest
3 for the future production and harvest of timber — a primary use in the MUF-38
4 district — would necessarily preclude its use for mineral extraction.
5

6 4. Other conflicting uses occur on the site. In particular, although not
7 included in the comprehensive plan inventory, the site is *de facto* "open space,"
8 ecologically significant as a "natural area," and "wildlife habitat," as those terms
9 are defined in Goal 5. In particular, the site has been used for forest uses, as
10 indicated in Finding #3. It is also part of an area of contiguous forest habitat
11 deemed critical to the diversity and abundance of wildlife within Forest Park.
12 Lev, *et al.*, *A Study of Forest Wildlife Habitat in the West Hills* at 25 (Mar. 1992)
13 ("Wildlife Study II").
14

15 5. Further, if preserved and continued in its present use, the site would con-
16 tinue to provide habitat for a wide variety of wildlife, as a crucial part of a
17 peninsula of land between Portland's Forest Park and the forests of Oregon's
18 coast range, serving as a "wildlife corridor," among other things, and enhancing
19 the unique value of Forest Park and its recreation opportunities. Wildlife Study
20 II at 1-2, 24-26; Houle, *Wild About the City: Phase One of the West Hills Wildlife*
21 *Corridor Study* at 2, 34-42 (Apr. 4, 1990) ("Wildlife Study I").
22

23 6. If preserved in its present use, the site would also continue to protect the
24 streams found on the site from disturbance. Were mineral extraction allowed,
25 streams flowing through the area would be disturbed. See Angell Bros. Applica-
26 tion at 3, 11, and Exhibit C.

1 7. Finally, if preserved in its present use, the site would promote conserva-
2 tion of soils found on the site, as well as wetlands found downstream of the site
3 — a small wetland to the east, which adjoins Multnomah Channel, and the 430
4 acre Rafton-Burlington Bottoms wetland to the northeast, which adjoins Mult-
5 nomah Channel and is within the Willamette River Greenway. Were mineral
6 extraction allowed, soils would erode significantly, would be discharged into both
7 wetlands, and would accumulate there. See Declaration of Jon Rhodes, M. Sc.,
8 at 3, 4, 8-9, 12 ("Rhodes Declaration"); Significant Wetlands, Sauvie Island and
9 Multnomah Channel (1988). (Alternatively, diverting part of Stream C's
10 drainage to Stream A would eliminate one of the Rafton-Burlington Bottoms
11 sources of water. Memorandum of Sep. 18, 1992, from Walker to Anderson, at 5
12 (mining in Staging Area IV would divert part of Stream C's drainage to Stream
13 A); Oral Testimony of Jon Rhodes (Oct. 5, 1992) ("Rhodes Testimony"). The
14 Rafton-Burlington Bottoms wetland represents one of the state's largest remain-
15 ing wapato wetlands, and provides habitat for a number of important wildlife
16 species, including bald eagles and many other waterfowl, shorebirds, and song-
17 birds. Letter of Sep. 8, 1992, from Hoefflich to Multnomah County Planning
18 Commission, at 1 ("Hoefflich Letter"); Letter of Sep. 8, 1992, from Ciekko (Direc-
19 tor, Multnomah County Park Services Division) to Multnomah County Planning
20 Commission at 1 ("Ciekko Letter"). Rafton-Burlington Bottoms is included in the
21 comprehensive plan inventory both as a Goal 5 wetland and a Goal 5 natural
22 area. Multnomah County Significant Wetlands, Site #3; Ciekko Letter at 1.

23
24 8. Preserving and continuing the **present** use of the site as open space nec-
25 essarily would preclude its use as a quarry. The applicant's suggestion to the
26 contrary was untenable. Likewise, protecting the site as an ecologically signifi-

1 cant natural area and wildlife habitat, rather than extracting minerals from it,
2 necessarily would adversely affect its use as a quarry.

3
4 9. Adjoining land to the northwest, west, south, and southwest of the site is
5 currently zoned Multiple Use Forest (MUF-19 or MUF-38). Both districts
6 authorize a use that could negatively impact the use of the site for mineral
7 extraction. Specifically, the opponents' evidence established that residential
8 dwellings had been built or approved on adjoining land zoned MUF-19 and
9 MUF-38. Map (Dwellings in the Forest Zone Near the Angell Bros. Quarry).
10 Indeed, the applicant itself conceded that residential dwellings had been built or
11 approved. The opponents' evidence and the applicant's concession lead the Plan-
12 ning Commission to find that more residential dwellings could be approved near
13 the site. The inhabitants of the existing and new dwellings could interfere with
14 mineral extraction at the site by complaining about noise, dust, and other phe-
15 nomena associated with quarry operations. See Letter of Aug. 8, 1992, from
16 Sauvie Island Conservancy to Multnomah County Planning Commission, at 2, ¶
17 4 (Sauvie Island Conservancy Letter) **and** Letter of Sep. 18, 1992, from Linnton
18 Neighborhood Association to Multnomah County Planning Commission ("Lin-
19 nton Letter") **and** Letter from Jodeanne Bellant to Multnomah County Planning
20 Commission, at 1 ("Bellant Letter") (same) **and** Oral Testimony of Darlene Wru-
21 ble (Sep. 21, 1992) ("Wruble Testimony") (testimony from adjoining property
22 owner that residents at her house could hear noise from the more distant, exist-
23 ing operation).

24
25 10. Other conflicting uses occur on lands to the north and east. Specifically,
26 the Rafton-Burlington Bottoms wetland is located to the northeast. Another

1 wetland is located to the east, across State Highway 30 from the existing quarry
2 site, and empties into Multnomah Channel. Protecting the wetlands and the
3 Channel would mean sharply curtailing mineral extraction at the site, if not pro-
4 hibiting it entirely. Were mineral extraction allowed, streams draining the site
5 would grow significantly turbid from carrying eroding soils; turbid water would
6 be discharged into the Multnomah Channel, violating the applicant's water
7 quality permit and reducing water quality; and sediment would be deposited in
8 both wetlands. See Rhodes Declaration at 3, 4, 8-13. (Alternatively, diverting
9 part of Stream C's discharge to Stream A would eliminate one of the
10 Rafton-Burlington Bottoms sources of water. Walker Memo at 5 (mining in
11 Staging Area IV would divert part of Stream C's drainage to Stream A); Rhodes
12 Testimony.)

13
14 11. In addition, outstanding scenic views of the site visible from important
15 recreational areas on Sauvie Island, if protected, would prevent use of the site
16 for mineral extraction. Were mineral extraction allowed, these views would suf-
17 fer a significant adverse impact. Letter of Aug. 7, 1992, from Percival, *et al.*, to
18 Multnomah County Planning Commission, at 2 ("Percival Letter"); Multnomah
19 County Goal 5 Inventory, Scenic View West Hills, at 1 (Dec. 19, 1989).

20
21 ESEE ANALYSIS: ECONOMIC CONSEQUENCES
22

23 12. The applicant asserted the overall economic consequences of allowing con-
24 flicting uses would be adverse, and would perhaps lead to the loss of an impor-
25 tant source of aggregate material. The Planning Commission finds the appli-
26 cant failed to produce the necessary evidence to support its assertions. More-

1 over, the Planning Commission believes substantial evidence supports a con-
2 trary finding that mineral extraction would cause adverse economic conse-
3 quences.

4
5 13. First of all, the applicant's evidence that the site was a significant source
6 of valuable aggregate material was suspect. Representations as to the quality
7 and quantity of the site's rock supply were "apparently based on surface obser-
8 vations, two shallow (84 ft.) bore holes, and the assumption that the same quali-
9 ty of rock exists to the base of the proposed quarry floor hundreds of feet below
10 the surface." Declaration of Marvin Beeson at 1 ("Beeson Declaration"). That
11 evidence was "insufficient to adequately address the questions of rock quality
12 and quantity." Beeson Declaration at 2.

13
14 14. Moreover, the evidence indicated rock from the site is not needed. The
15 recently added 42 acre portion of the applicant's existing quarry operation,
16 alone, contains approximately twenty-five million cubic yards of recoverable
17 aggregate. Sherman Letter II at 1; see Letter of Oct. 12, 1992, from Parisi to
18 Multnomah County Planning Commission, at 1. In view of the applicant's repre-
19 sentations that it would not increase its rock-crushing capacity, and that its cur-
20 rent rock-crushing capacity is 810,000 tons — or 400,000 cubic yards — per year,
21 the 42 acre portion would be a source of aggregate for another sixty years. Sher-
22 man Letter II at 1; see Angell Bros. Application at 10, 12, and Exhibit H (Air
23 Contaminant Discharge Permit Application Review Report at 1, ¶ 4). The actual
24 life of the existing quarry operation might even be longer, depending on the
25 amount of recoverable aggregate left in the original 72 acre portion. The appli-
26 cant produced no evidence indicating the original 72 acre portion had been

1 depleted of recoverable aggregate.

2
3 15. At some future date, need for rock from the site might develop. Until
4 then, the site's existing, restrictive resource zoning, as well as the non-destructive
5 nature of existing on-site conflicting uses, should preserve the site for mineral
6 extraction. In addition, interference from residents of existing and potential
7 dwellings on adjoining lands should be minimal because of the buffers the
8 applicant has indicated it would impose on itself. See Angell Bros. Application
9 at 8, 14, 18, 36, and Exhibit C.

10
11 16. On the other hand, mineral extraction would eliminate substantial
12 returns that would flow from managing the land for the production and harvest
13 of timber — which would also be contrary to Statewide Planning Goal 4 (Forest
14 Lands). Despite the applicant's evidence, the Planning Commission remains
15 unconvinced the site could be successfully reclaimed for forestry, in view of evidence
16 that reclamation is a complicated and difficult undertaking with uncertain
17 prospects for success. Revised Declaration of Anthony Boutard ("Revised
18 Boutard Declaration").

19
20 17. Clear evidence established the site currently consists mostly of soils with
21 a highly productive Douglas fir site index of 149. *Soil Survey of Multnomah*
22 *County* at 39-40, Sheet No. 6 (1983); Revised Boutard Declaration; Norse, 1990,
23 *Ancient Forests of the Pacific Northwest* (The Wilderness Society), at 31. Over a
24 60 year rotation, one acre of such land would produce approximately 40.2 thousand
25 board feet under a simple plant and harvest regime. Revised Boutard Declaration.
26 "Based on current log markets available to private timber owners, the

1 net value (stumpage value) of 1,000 board feet of sawlogs is approximately
2 \$650." Declaration of Scott Ferguson. Thus, managed for the production and
3 harvest of timber, the 283 acre site would produce a renewable resource worth
4 well over six million dollars.

5
6 18. Other adverse economic consequences would follow from allowing mineral
7 extraction at the site now. Allowing mineral extraction would make the com-
8 bined quarry operation one of the largest in Oregon, significantly detracting
9 from the extensive scenic and recreational resources found in the West Hills.
10 Letter of Sep. 1, 1992, from Kafoury to Multnomah County Planning Commis-
11 sion at 2-3 ("Kafoury Letter"); Oral and Video Testimony of Sep. 21, 1992, from
12 Sauvie Island Conservancy ("Sauvie Island Conservancy Testimony"); Percival
13 Letter at 2; Multnomah County Goal 5 Inventory, Scenic View West Hills, at 1
14 (Dec. 19, 1989); Friends of Forest Park's Brief in Opposition to Angell Bros.'s
15 Applications, at Exhibits 1 and 2 ("Friends' Brief"). As a result, Portland would
16 be a far less attractive place to locate a business. Kafoury Letter at 2; Written
17 Testimony of Sep. 21, 1992, from Thayer, at 1-2 ("Thayer Testimony"). Further-
18 more, Portland and Sauvie Island would be far less attractive as places to tour
19 and hold conferences, conventions, and convention-related activities — which
20 could well mean the loss of substantial expenditures by visitors. Kafoury Letter
21 at 2. Thus, allowing mineral extraction would be contrary to Statewide Plan-
22 ning Goal 9 (Economic Development).

23
24 ESEE ANALYSIS: SOCIAL CONSEQUENCES
25

26 19. In view of Finding #12-15, the social consequences of protecting forest,

1 wildlife, and wetland values would be negligible. Were mineral extraction
2 allowed, however, the converse would not be true.

3
4 20. As explained below in Findings #21 and 25, allowing the site to be used
5 for mineral extraction would further fragment the remaining, unique peninsula
6 of open space that connects Forest Park with the forests of the coast. As a
7 result, one of the key features responsible for drawing many residents to the
8 Portland area would be seriously compromised, eroding the region's identity,
9 eliminating green spaces vital to the population's physical and psychological
10 health, and decreasing the area's educational value. Kafoury Letter at 2; Thay-
11 er Testimony at 1-2; Wildlife Study II at 24-25; Friends' Brief at Exhibits 1 and
12 2; Sauvie Island Conservancy Testimony; Percival Letter at 2; Multnomah Coun-
13 ty Goal 5 Inventory, Scenic View West Hills, at 1 (Dec. 19, 1989).

14
15 21. In addition, the utility of conservation easements obtained by Friends of
16 Forest Park from owners of adjoining land would be diminished, if not obliterated.
17 Friends of Forest Park Position Paper (Jul. 23, 1992), at 6 ("Friends' Posi-
18 tion Paper"). (See the discussion of environmental consequences in the next sec-
19 tion.) The easements cover more than 450 acres of property and extend approxi-
20 mately one mile along the site's boundary. Friends' Position Paper at 6. Friends
21 of Forest Park specifically acquired the easements to maintain the effectiveness
22 of the existing peninsula of natural habitat, which the site partially comprises.
23 Friends' Position Paper at 6; Wildlife Study II at 26; Map (Forest Resource
24 Lands in the Wildlife Corridor).

25
26 22. Finally, the mining, crushing, and trucking associated with expanded

1 mineral extraction would add to the noise and dust that already disturbs nearby
2 residents. See Sauvie Island Conservancy Letter at 2, ¶ 4; Linnton Letter; Wru-
3 ble Testimony; Bellant Letter at 1.

4
5 ESEE ANALYSIS: ENVIRONMENTAL CONSEQUENCES
6

7 23. The current non-destructive on-site conflicting uses would have no envi-
8 ronmental impact on the site. The site would simply not be available for imme-
9 diate exploitation. It would in fact be preserved for future use as a mineral
10 extraction site.

11
12 24. A 3A or 3C decision, however, would have devastating environmental con-
13 sequences for the site's forest habitat. Despite the applicant's evidence, the
14 Planning Commission remains unconvinced that attempts to reclaim the site
15 would succeed in enabling the forest habitat to function again, in view of evi-
16 dence that reclamation is a complicated and difficult undertaking with uncer-
17 tain prospects for success. Revised Boutard Declaration.

18
19 25. Either a 3A or a 3C decision would allow mining within an existing con-
20 tiguous half-mile band of forest habitat between the existing quarry and
21 McNamee Road. Letter of Aug. 5, 1992, from Fugate to Multnomah County
22 Planning Commission, at 1 ("Fugate Letter"); Angell Bros. Application at Exhib-
23 it N; Map (Forest Resource Lands in the Wildlife Corridor). That contiguous
24 half-mile band is the minimum amount necessary to prevent the isolation of
25 Forest Park wildlife from the forests of the coast range. Wilderness Study II at
26 26-27. The contiguous band should perhaps be one and a half miles wide in

1 order to assure the long-term viability of Forest Park's large mammals. Wilder-
2 ness Study II at 26; Letter of Jul. 27, 1992, from Houle to Multnomah County
3 Planning Commission, at 1 ("Houle Letter").
4

5 26. A 3A or 3C decision would also lead to adverse effects on downstream
6 wetlands — including the Rafton-Burlington Bottoms, located within the
7 Willamette River Greenway See Finding #7. Either decision would also lead to
8 adverse effects on the Multnomah Channel, which is also located within the
9 Willamette River Greenway. See Finding #10. Thus, either decision would
10 harm resources protected under Goal 5 and Statewide Planning Goal 15
11 (Willamette River Greenway).
12

13 27. The applicant contended a 3A or 3C decision would comply with
14 Statewide Planning Goal 6 (Air, Water, and Land Resource Quality) ("Goal 6"),
15 because it must comply with standards established by Multnomah County, the
16 Department of Environmental Quality ("DEQ"), and the Department of Geology
17 and Mineral Industries ("DOGAMI"). Angell Bros. Application at 31. The Plan-
18 ning Commission, however, finds the applicant did not show it would be able to
19 comply with Goal 6.
20

21 28. Similarly, the Planning Commission finds the applicant did not satisfy
22 Statewide Planning Goal 7 (Areas Subject to Natural Disasters and Hazards)
23 ("Goal 7"), because it did not show it would comply with standards established by
24 DOGAMI requiring stable final contours.
25

26 29. Further, the applicant did not satisfy the policy underlying Goal 7 —

1 namely, that known disaster and hazard areas should be mapped and avoided.
2 The applicant maintained it satisfied that policy because no major landslide
3 areas were identified in geologic studies. Angell Bros. Application at 31. Yet,
4 almost the entire site has been mapped as an area of known or potential slope
5 hazard. Letter of Sep. 1, 1992, from Foster, at 1-2 ("Foster Letter"). Moreover,
6 the applicant's own expert stated cut slopes would be constructed that would
7 present slope stability and erosion hazards, but then failed to recommend cut
8 slope designs that would eliminate the hazards. Foster Letter at 2.

9
10 ESEE ANALYSIS: ENERGY CONSEQUENCES
11

12 30. If the site is not used for mineral extraction, the energy that would have
13 been expended to mine aggregate would be saved. The evidence did not support
14 the applicant's assertion that distant quarry operations in Clackamas and
15 Columbia Counties would supply aggregate to the markets the applicant seeks
16 to serve, increasing the consumption of fossil fuel.

17
18 **III. CONCLUSIONS**
19

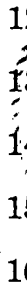
20 1. The mineral and aggregate resource site is not so important, relative to
21 the conflicting uses, and the ESEE consequences of allowing conflicting uses are
22 not so great, that the resource site should be protected and all conflicting uses
23 prohibited on the site and within the impact area.

24
25 2. The mineral and aggregate resource site and the conflicting uses are not
26 both important relative to each other, nor should the ESEE consequences be bal-

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SAVE BRIDAL VEIL
FOR OUR CHILDREN.

Board of County
Commissioners
Sharron Kelley
1120 SW 5th Ave.
Portland ORE. 97204

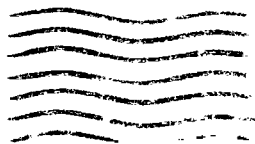
BRIDAL VEIL DEPOT - Circa 1900

Crown Point Historical Society - Post Card No. 11



BRIDAL VEIL

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The Memory of
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Should Live forever!!
Keep it !!

Sharon Kelley
1021 SW 46
PTID A 97201



Post Card



We want to
keep Bridal
Veil to
remember the
logging years ago

David L. Linsen

Board of County
Commissioners

Sharron Kelley

1120 SW 5th AVE.

Portland ORE. 97204



BRIDAL VEIL

Post Card 12-4-92

Dot Commissioner
Kelley

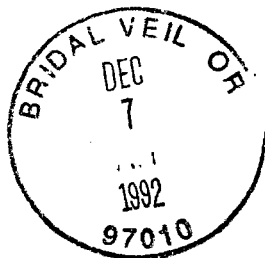
Please Save Bridal Veil,

Thank you,
Sincerely,
Lorraine Bliven

Ms Lorraine Bliven
35448 SE Hurlburt Rd
Corbett OR 97019-9658

This card is a collectible
item for people who collect
Post. Cards as card is not
available on open market.

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Sharon Kelley
1021 SW 4th Ave.

PORTLAND
OR 97201



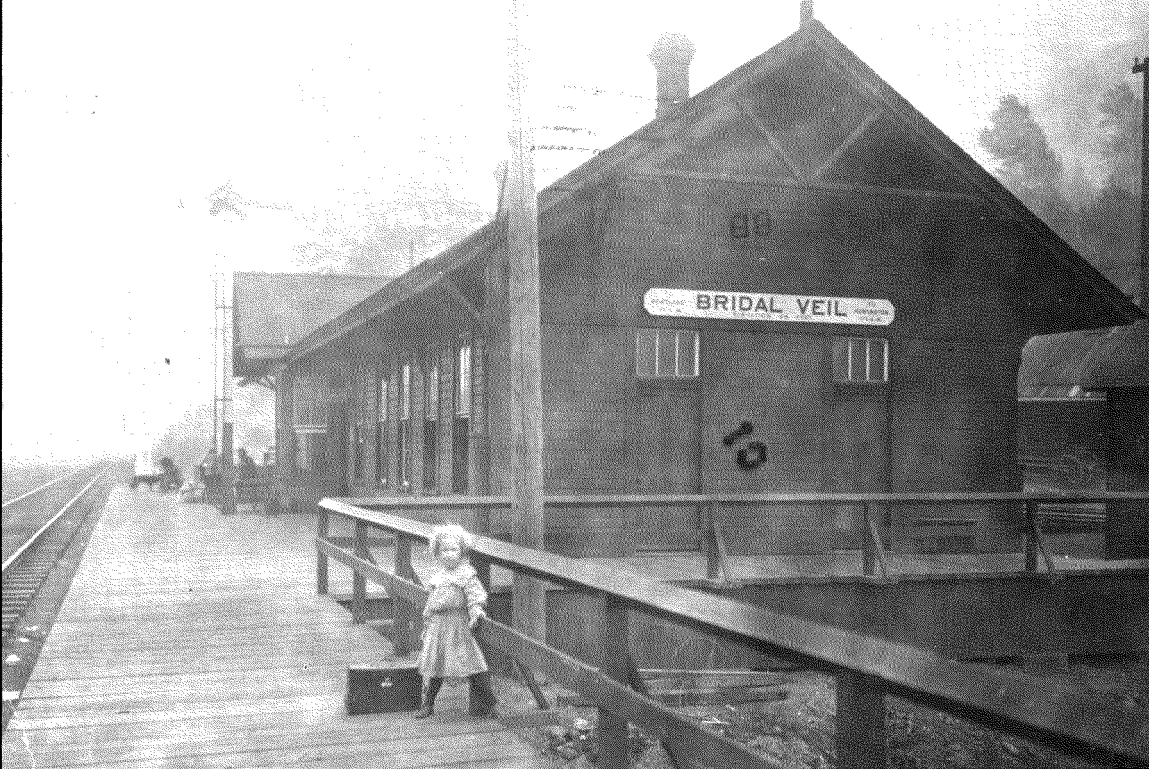
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Fire Pumper
1860s
USA 20c

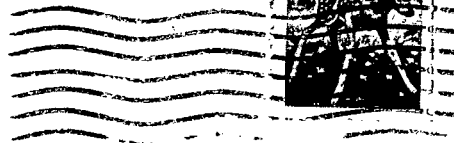


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Commissioners
Sharron Kelley
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We need to
save a vital
part of our
history.

Judy Lehl

Board of County
Commissioners

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SAVE
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Now!!

Shanna Kelley
Ment Co Bldg of Comm
1021 SW 4
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Do Not allow this Town
to Be Destroyed!

This Picture is just
a Sampling of what
History there is to
be told

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Alice Hand

Board of County
Commissioners
Sharron Kelley
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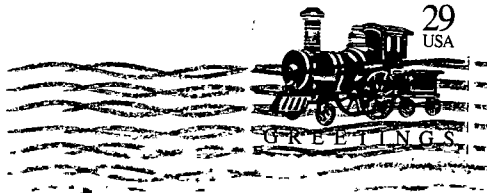
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Nancy Wilson, President
NEMCCA

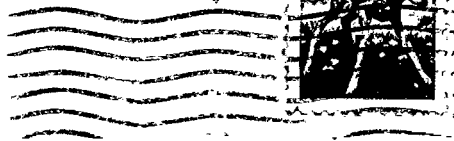
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Commissioners

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Save Bridal Veil-
The Kraft house & 6
row houses

Ross Johnson
3770 & S.E. Louder Rd.
Corbett, Oregon 97019

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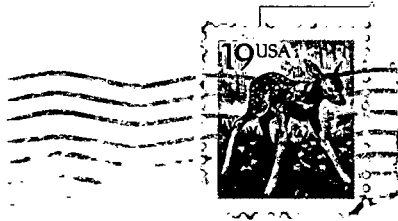
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*Please save
Bridal veil!*

*Thank you!
Dave + Barb Jobie*

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Commissioners

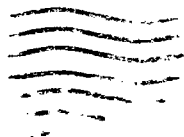
Pauline Anderson
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Sharon Kelley
Dave & Barb Tobie

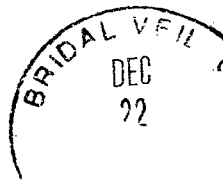
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VEIL!

BRIDAL VEIL DEPOT - Circa 1900



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SEASONS GREETINGS



PORTLAND OR, ORR 4-97203

12/24



Board of County
Commissioners
Sharron Kelley
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Portland, ORE.

Eric Fong

97204

BRIDAL VEIL DEPOT - Circa 1900

Crown Point Historical Society - Post Card No. 11



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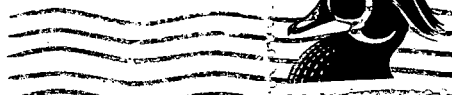


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Please consider
SEASON'S GREETINGS

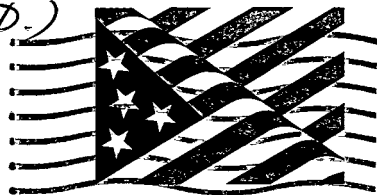
PORTLAND OR. OCR-4-97208 12/24/92

*the importance
the lumber center
of Bridal Veil had
in the older
days.*

*Arline Marble
Harold A. Marble*

Board of County
Commissioners
Sharron Kelley
1120 SW 5th Ave.
Portland ORE. 97204

Robin Huntington
(Robert M. Huntington, Ph.D.)
4131 NE Laddington Ct.
Portland OR 97232



USA 19

HON. SHARRON KELLEY
MULTNOMAH COUNTY CMSR.
1120 SW 5TH AVE SUITE 1500
PORTLAND OR 97204

12-9-92. Hon. Sharron Kelley. Dear Cmsr.
Kelley: This is to acknowledge your let-
ter of Dec. 8, for which I profoundly
thank you. I am impressed with how you
faced the facts rather than dealt in
theories or platitudes. I shall study
what you wrote with great care. As I am
astounded at how busy I've become. I
am determined to answer your full &
thoughtful letter in kind. I will make
every effort whatsoever to write my letter
before Xmas day. Again thank you, and
kindest wishes. — Robin 235-5938

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM
(For Non-Budgetary Items)

SUBJECT: CU 14-92

BCC Informal _____ (date)	BCC Formal _____ December 29, 1992 (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: 2 hours

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

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

CU 14-92 Review the Planning Commission Decision of November 16, 1992, denying conditional use request for a ten-year permit to mine, for property located at 14545 NW St. Helens Road

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL

Or

DEPARTMENT MANAGER

(All accompanying documents must have required signatures)

1992 DEC 22 PM 4:58
MULTNOMAH COUNTY
OREGON



BOARD HEARING OF December 29, 1992

TIME 1:30pm

CASE NAME: Angell Brothers Quarry

NUMBER CU 14-92

1. Applicant Name/Address

Angell Brothers, Inc.
P.O. Box 8344
Portland 97283

2. Action Requested by applicant

A Conditional Use Permit on a 283 acre site to allow expansion
of an existing mining operation

ACTION REQUESTED OF BOARD

- ☐ Affirm Plan.Com./Hearings Officer
- ☒ Hearing/Rehearing
 - ☐ Scope of Review
 - ☒ On the record
 - ☐ De Novo
 - ☒ New Information allowed

3. Planning Staff Recommendation

Approval

4. Planning Commission or Hearings Officer Decision:

Denial

5. If recommendation and decision are different, why?

Planning Commission found that the site should have a 3-B ESEE designation. The Zoning Ordinance requires that approval can only be granted if the site is designated 2-A, 3-A or 3-C through an ESEE analysis.

ISSUES
(who raised them?)

- a. Wildlife habitat areas (Friends of Forest Park)
- b. Impact (e.g., noise, dust, vibration, etc.) on surrounding residences (surrounding residents and Friends of Forest Park)
- c. Impact on geologic stability and wetlands (Friends of Forest Park)
- d. Scenic impact (residents of Sauvie Island)

Do any of these issues have policy implications? Explain.

No.



Notice of Public Hearing Board of County Commissioners

Multnomah County
Board of County Commissioners

1021 SW 4th Avenue
Portland, Oregon 97204

The Board of County Commissioners will hear an appeal of the following item on the date and at the time and place indicated below. The exact time may be later depending on the agenda schedule. The hearing will be conducted pursuant to the Board of County Commissioners *Rules of Procedure* (enclosed). Argument will be limited to parties who participated in the Planning Commission hearing or their authorized representatives. Failure to raise an issue in person, or by letter, or failure to provide sufficient specificity to allow the Board an opportunity to respond to the issue precludes appeal to LUBA on that issue. For further information, call 248-3043

Board of County Commissioners Members: Gladys McCoy, Chair - Pauline Anderson - Gary Hansen - Rick Bauman - Sharon Kelly

Date: 12/29/92 Time: 1:30 p.m. Place: Room 602, Multnomah County Courthouse

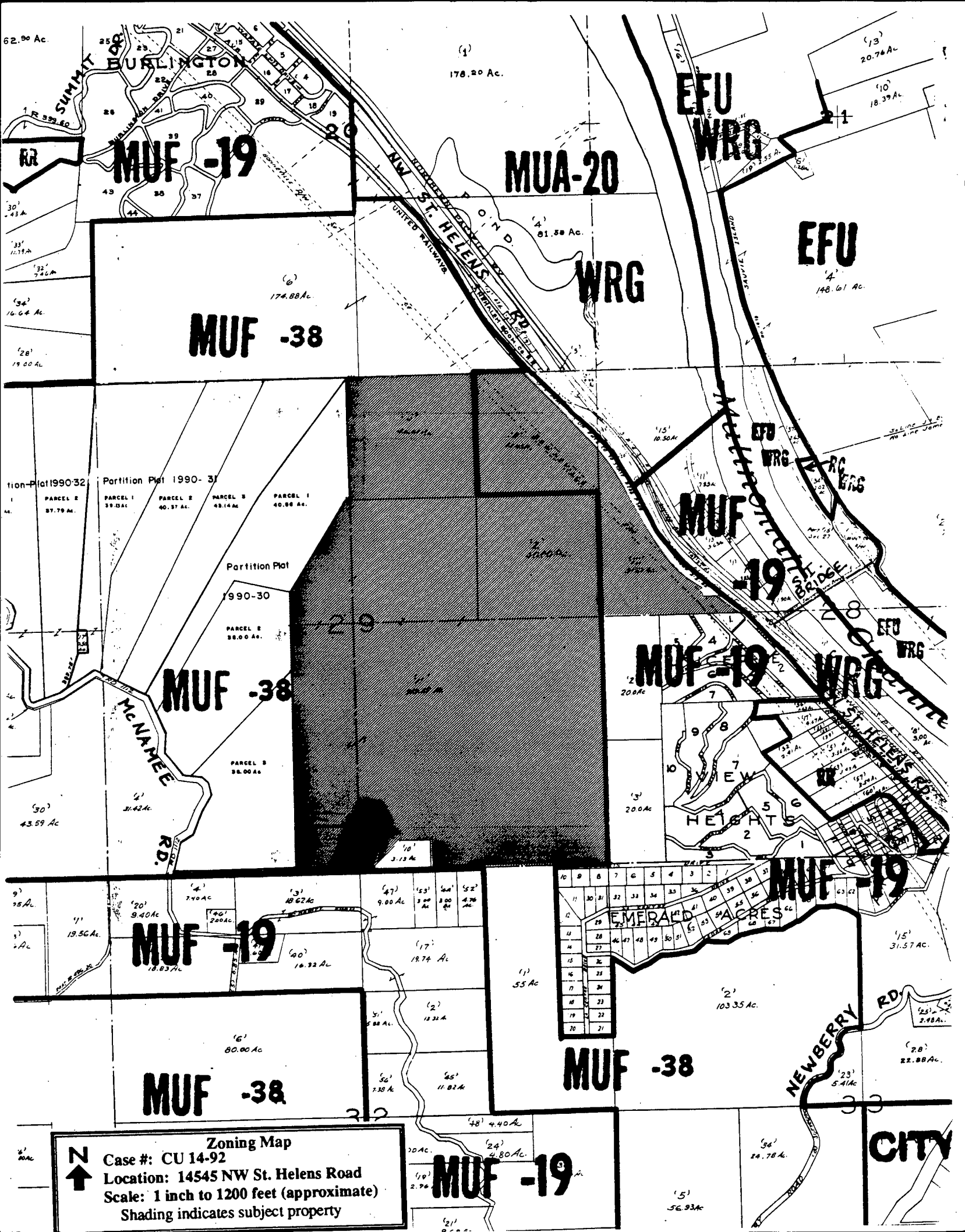
CU 14-92 Public Hearing - On The Record Plus Additional Testimony and Evidence

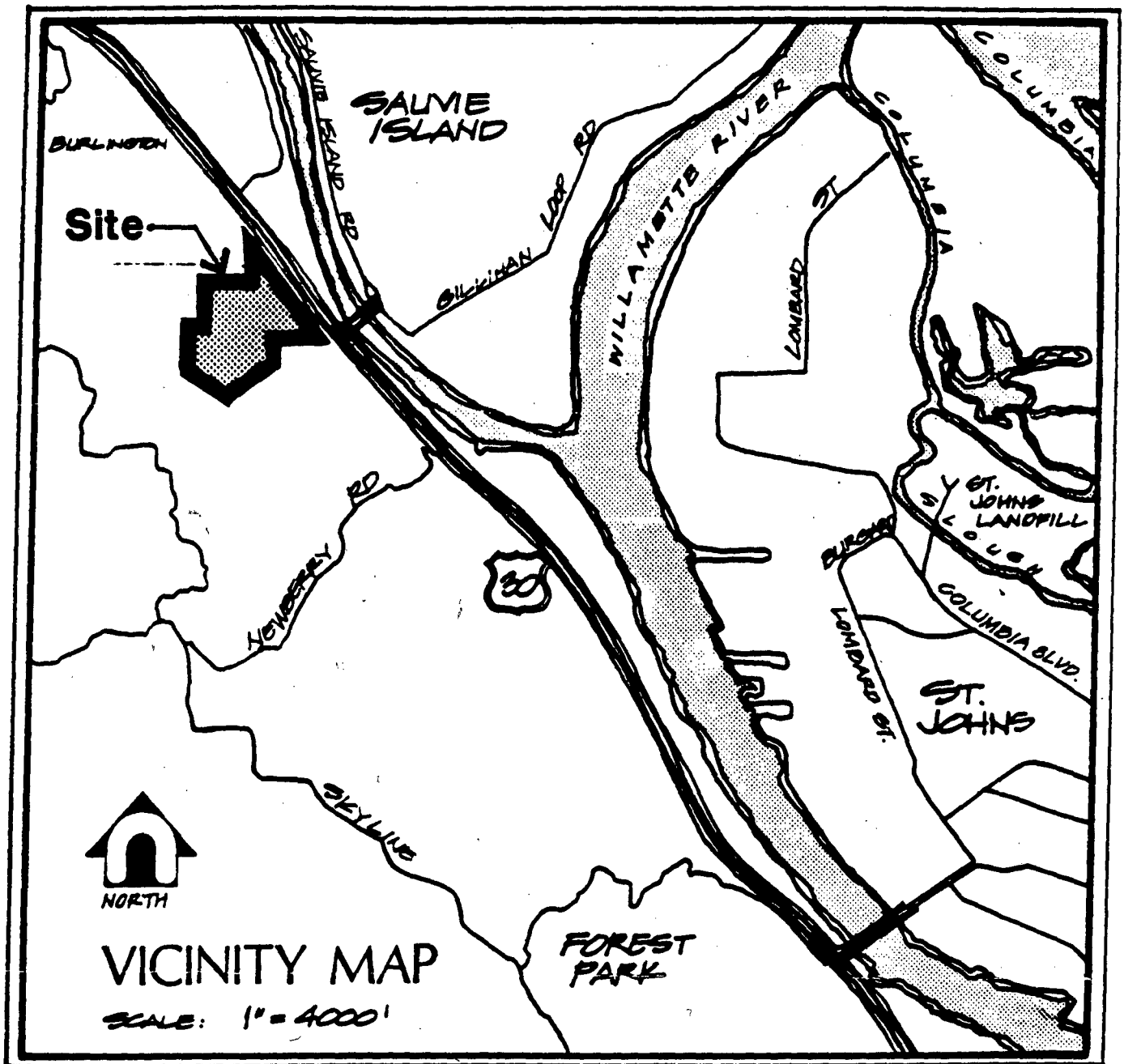
Review the Planning Commission Decision of November 16, 1992, denying conditional use request for a ten-year permit to mind, for property located at **14545 NW St. Helens Road.**

This item has been appealed by Applicant.

Scope of Review - On the Record Plus Additional Testimony and Evidence

Oral Argument: Each side will have 30 minutes to present oral argument to the Board





DAVID EVANS AND ASSOCIATES, INC.
 ENGINEERS, SURVEYORS, PLANNERS, LANDSCAPE ARCHITECTS
 2820 S.W. CORBETT AVENUE • PORTLAND, OR 97201 • (503) 223-6663

BOARD OF
COUNTY COMMISSIONERS

1992 DEC 22 PM 3:36

MULTNOMAH COUNTY
Multnomah County Board of Commissioners

Arnold Rochlin
P.O. Box 83645
Portland, Or 97283-0645
289-2657

ANGELL BROS QUARRY TESTIMONY FOR HEARINGS ON 12/29/92

PR 7-92 Hearing to Decide Action on Proposed Amendment
CU 14-92 Appeal From Decision of the Planning Commission Denying the Application

PR 7-92 Proposed Plan Revision:

The Board did not act on the Planning Commission's recommendations at its meeting of December 8, 1992, as required by MCC 11.05.320. Since Mr. Kagan's letter to the Chair of December 16th, the matter was placed on the Agenda for December 29, 1992. The Code prevents any action other than adoption of the Commission's recommendations:

"11.05.340. Board order for review

A board order for review of a recommendation by the commission on a proposed quasijudicial plan revision shall be made at the meeting at which the commission's recommendation is on the board's agenda under subsection (C) of MCC 11.05.310, unless specifically continued." (underlining added)

Adoption of the Planning Commission recommendations is the only way the Board can belatedly comply with 11.05.320 without violating 11.05.340.

CU 14-92 Reply to the Notice of Review:

PC Finding No. 2: The Commission decision was to deny the applicant's requested 3C designation and to recommend a 3B designation. The applicant claims error in the finding: "The site is not designated 2A, 3A, or 3C.", but he places no fact or conclusion in dispute!

PC Finding No. 3: The Commission found that there was no complete reclamation plan. The applicant contends "The County has no jurisdiction over such plans." The relevant code sections are acknowledged land use regulations in which the County asserts its requirement that County reclamation standards (aside from any DOGAMI requirements) must be met. Applicable code sections are 11.15.7315(D), .7325(B), .7325(C)(8), .7325(C)(11) and 7325(C)(12). The applicant argues that he could not complete a reclamation plan until the County approved his application, because, until then, he could not know the exact boundaries of the area to be mined. The regulation is in the present tense and requires a reclamation plan to suit the application: "There is a proposed reclamation plan which will allow the property to be utilized as envisioned by the Comprehensive Plan and the underlying district." (11.15.7325(B), emphasis added) The applicant describes the circumstances of rejection of a plan considered by DOGAMI in 1989. But, the Planning Commission's finding that DOGAMI found the plan incomplete refers to the plan submitted on September 27, 1991. The applicant doesn't allege error in the findings regarding the current plan.

PC Finding No. 4 (and 5): The Commission divided its findings about sedimentation and erosion (11.15.7325(C)(5)(b)) into two findings, 4 and 5. Regarding #4, the applicant wrongly interprets the finding as requiring that he prove he will get a DEQ permit. The finding concerns compliance with DEQ standards, whether or not the applicant has a

permit. Finding #5 clearly indicates that failure of the applicant to meet the terms of his existing permit indicates likely failure to meet the more demanding requirements of an expanded quarry.

PC Finding No. 5 (discussed in part under No. 4): The applicant claims the County has no jurisdiction. While enforcement of the terms of a DOGAMI permit is not within the province of the County, nothing prevents the County from concluding that evidence of past discharge of turbid water indicates unlikely future compliance. Neighbors have observed that turbid water is frequently discharged from the existing quarry and there is expert testimony that the applicant's proposal will result in a manifold increase of turbid discharge.

PC Finding No. 6: The applicant contends that the Planning Commission misstated approval criterion 11.15.7325(C)(6)(a), concerning protection of wildlife habitat, by omitting a reference to mitigation. The applicant believes that a call for mitigation implicitly undermines the first sentence of the regulation which requires that wildlife habitat "be protected to the maximum possible." The clear intent is to allow the approval authority to not merely limit harm, but to require enhancement as a condition of approval. The Planning Commission correctly applied the standard of maximum possible protection.

PC Finding No. 6a: The applicant erroneously supposes that "significant habitat" and "typical habitat" cannot be the same thing. But, the critical problem of protecting wildlife is destruction of typical habitat. The applicant further claims that the value of the habitat is diminished because the existence of a "corridor" between Forest Park and other areas was neither proven nor disproven "by the Wildlife Study." There was substantial expert testimony to support a conclusion that Forest Park benefits from the natural corridor.

PC Finding No. 6b: The applicant wrongly says: "The buffer area that was requested by the Friends of Forest Park...was voluntarily agreed to by the applicant." The applicant distorts part of the Wildlife Study (attributed by the applicant to only one of its three authors, Esther Lev). In the Study, there is a reference to limiting timber harvesting to assure that forested buffers, at least 200 feet wide, connect the substantial remaining forest groves. This refers to short run disturbances within the half mile wide corridor. Since publication of the Study, Ms. Lev issued a statement suggesting that a 625 foot buffer might be an acceptable minimum. The Planning Commission interpreted this as meaning that, under existing circumstances, where existing structures and uses were mistakenly believed to be far from the property boundary, a 625 foot buffer within the site would be the minimum acceptable. The Commission found that there are conflicting uses significantly closer than the applicant thought, and that Ms. Lev's new minimum was based on wrong assumptions. (Between the time of the publication of the Wildlife Study and the issuance of her opinion more favorable to the applicant, Ms. Lev was engaged to be a paid consultant of the applicant.)

PC Finding No. 6c: Regarding the need for a buffer wider than 625 feet, the applicant doesn't approve of the evidence that was found credible, but he presents no argument that, as a matter of law, the Commission's conclusions are wrong. The applicant again characterizes a failure to explicitly consider mitigation as being a misstatement of the requirement. Mitigation is discussed above under No. 6.

PC Finding No. 6d: The Commission's references to the Rafton-Burlington Bottoms Wetland in both findings and the ESEE analysis imply significance. The applicant himself says "The Rafton-Burlington Bottoms was identified as a significant wetland." The applicant makes a peculiar argument that, because the Angell Bros. site was not listed in the

Comprehensive Plan as a conflicting activity, such a finding now is precluded. But, the purpose of these proceedings is to make such determinations!

PC Finding No. 7: The applicant's proposal is to leave huge rock terraces running a half mile up the hills from Highway 30. They do not resemble the surrounding land, as required by 11.15.7325(C)(8). There is substantial evidence of low probability of successfully recreating a forest that would resemble the natural forests nearby, or that the forest would even grow enough to conceal the unnatural contours.

PC Finding No. 8: The reclamation timetable required by 11.15.7325(C)(12) was not provided by the applicant. The Planning Commission finds no plan presented that meets County standards. The applicant says that he "will exceed the County's standard in MCC 11.15.7325(C)(12) by engaging in sequential reclamation before mining activity ceases." He has proposed to mine in 4 phases, but to begin reclamation only after the first three phases are mined. But, .7325(C)(11) says: "All phases of an extraction operation shall be reclaimed before beginning the next, except where the approval authority finds that the different phases cannot be operated and reclaimed separately." The applicant's reclamation proposal falls short of the requirement. The Commission findings should be amended only by adding a finding of non-compliance with .7325(C)(11).

PC Finding No. 9: The applicant is dissatisfied with the Planning Commission's choice of evidence to believe regarding potential geologic hazards. There is substantial evidence in the whole record to support the Commission's finding.

Conclusion:

If the applicant fails to prove compliance with even one of the approval criteria, the application must be denied. As indicated above and in the record, he has failed with many.

Arnold Rocklin 12/22/92

cc: Scott Pemble, Director
Division of Planning & Development

Peter Livingston,
County Counsel

Frank M. Parisi, Attorney
Angell Bros.

Neil S. Kagan, Attorney
Friends of Forest Park



MULTNOMAH COUNTY OREGON

DEPARTMENT OF ENVIRONMENTAL SERVICES
DIVISION OF PLANNING
AND DEVELOPMENT
2115 S.E. MORRISON STREET
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BOARD OF COUNTY COMMISSIONERS
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Date: December 23, 1992

To: Gladys McCoy, Chair
Members of the Board

From: R. Scott Pemble, *Planning Director*

Subject: PR 7-93 & CU 14-92 (Angell Bros) December 29, 1992 Hearing

On December 8, 1992 I reported to the Board the Planning Commission's recommendations on the two Angell Brothers quarry site applications, a Plan Revision application (PR 7-93) and a Conditional Use application (CU 14-92). I want to emphasize that there were two decisions reported to the Board (granted it may not have been apparent). The significance of this point as it relates to December 29, 1992 procedural issues will be made clear with the following discussion.

The plan revision application was initiated by the County in response to the Department of Land Conservation and Development Commission's Periodic Review Order. This Order required the County to conclude the ESEE process started in 1988/89. The process was curtailed for approximately two years to allow time for the completion of a west hills wildlife study. Again, the County, not Angell Brothers, was the Plan Revision applicant because of periodic review requirements.

A quick overview of the ESEE process may help to further sort out issues for the December 29, 1992 scheduled hearing. The ESEE process, required by state land use law, is intended to accomplish two objectives. The first objective is to determine the significance of a Goal 5 resource (e.g., wildlife, habitat, historical, mineral & aggregate). A resource is deemed significant if a sufficient quality and quantity of the resource exist at a given location. The second objective is to determine if all, some, or none of the resource should be protected given conflicts (Environmental, Social, Energy, and Economic) with other allowed uses.

In May 1990, the County concluded the Angell Brothers site had significant mineral/aggregate resource but delayed decisions on the protection question until wildlife habitat issues could be studied. A west hills wildlife study was completed in March 1992. Shortly after the wildlife

study was completed, staff began work to complete the ESEE analysis.

The second application, a companion Conditional Use application (CU 14-92) was initiated by Angell Brothers at the same time the county staff began work on the ESEE analysis. The Conditional Use process is used to establish development, operational and restoration standards for the mineral/aggregate extraction activity. One of the mineral/aggregate conditional use approval criteria requires the subject site be designated either 2A, 3A or 3C via the ESEE process. Consequently, the plan revision (the completion of the ESEE analysis) required by the Department of Land Conservation and Development Commission and initiated by Multnomah County is linked to the Conditional Use application initiated by Angell Brothers.

As stated in the beginning, we reported two decisions to the Board on December 8, 1992. The Board acted on the appeal of the Conditional Use filed by Angell Brothers. A hearing has been set for December 29, 1992, 1:40 p.m., 30 minutes per side, on the record plus additional testimony (i.e., implications of recently adopted Forest Goal amendments). The Board took no action on the Plan Revision application. Staff will accept full responsibility for this oversight, which County Counsel and I agree is not fatal to the decision making process. This is contrary to correspondence you may have received from Neil Kagan, an attorney representing the opponents to the Angell Brothers application.

Procedurally, the County Code requires the Board to make one of two decisions when a Planning Commission recommends a Quasi-Judicial Comprehensive Plan amendment to the Board. The Board may either choose to accept the Planning Commission recommendation or order a review of the case on their own motion. On December 8, 1992 neither was done.

Also, to further complicate this matter, the applicant and the DLDC staff were under the impression that the Plan Revision would be considered a legislative process because of Periodic Review, not a quasi-judicial procedure. Both parties believed the Board was required to hold a hearing, irrespective of an appeal. Ergo, Angell Brothers did not appeal the Planning Commission's recommendation on the Plan Revision.

In an attempt to sort out this matter, and in the spirit of fair play, I recommend the Board take the following actions prior to beginning the Angell Brothers hearing on December 29, 1992:

1. Make a decision to either accept the Planning Commission's recommendation or take the matter up by Board motion. I recommend the latter. If the Board decides to take up the matter, I recommend the hearing be set for 1:40 p.m., December 29, 1992, on the record, add an additional 15 minutes per side for a combined hearing (PR and CU appeal) of 45 minutes per side. (Notice has been given to cover this eventuality.)
2. Conduct the hearing following the Board rules and procedures (staff report, proponent, opponent). If the Board decides under step 1 above to accept the Planning Commission recommendation, then the Conditional Use hearing will be moot given the approval criteria which requires either a 2A, 3A, or 3C designation.

If you have any questions or would like to discuss this memo prior to the December 29, 1992 conditional use hearing, please contact me at your earliest convenience.

12/29/92 P-9 &
P-10 Submittal
by Frank Parisi

BACKGROUND MATERIAL
for
LEGISLATIVE PLAN AMENDMENT

for
GOAL 5 SITES

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF MULTNOMAH COUNTY, OREGON**

ORDINANCE NO. _____

An ordinance amending Multnomah County Comprehensive Framework Plan to comply with the Periodic Review requirements of the Oregon Department of Land Conservation and Development.

SECTION 1. FINDINGS

The Board of County Commissioners finds that certain amendments of the Multnomah County Comprehensive Framework Plan are necessary to comply with the Periodic Review requirements of the Oregon Department of Land Conservation and Development.

SECTION 2. AMENDMENT

The Comprehensive Framework Plan is amended as follows:

Note: Deleted language is bolded and struck thru (~~temporary daytime~~), and new language bolded and enlarged(**is distinguished**).

A. Policy 1- Plan Relationships

INTRODUCTION

The purpose of this policy is to establish and maintain the relationships between this Comprehensive Framework Plan ("Framework Plan") and its implementation measures.

1. The Statewide planning goals adopted by the Land Conservation and Development Commission;
2. The Urban Growth Boundary adopted by METRO;
3. The Comprehensive Plan in effect prior to September, 1977, ("Pre-existing Plan"); and
4. The Wilkes and Hayden Island Community Plans adopted prior to September 1977, and all other community plans adopted after September 1977.

This policy also establishes the relationship between this Framework Plan and County zoning regulations.

POLICY 1.

IT IS THE COUNTY'S POLICY THAT:

- A. THIS FRAMEWORK PLAN WITH ITS COMPONENT INDIVIDUAL COMMUNITY PLANS AND ALL FUTURE COUNTY PLANS AND PLAN REVISIONS SHALL BE DESIGNED TO BE CONSISTENT WITH THE STATEWIDE PLANNING GOALS ADOPTED BY THE LAND CONSERVATION AND DEVELOPMENT COMMISSION AND THE URBAN GROWTH BOUNDARY AND ITS IMPLEMENTING POLICY ADOPTED BY THE METRO**

COUNCIL.

- B. COMMUNITY PLANS AND IMPLEMENTATION MEASURES ADOPTED BY MULTNOMAH COUNTY AFTER THE EFFECTIVE DATE OF THIS FRAMEWORK PLAN SHALL BE DESIGNED TO BE CONSISTENT WITH THIS FRAMEWORK PLAN.
- C. IN DETERMINING THE PERMISSIBLE USES OF A SPECIFIC PARCEL, THE PROVISIONS OF AN APPLICABLE COMMUNITY PLAN, IF ANY, SHALL CONTROL OVER CONFLICTING PROVISIONS OF THIS FRAMEWORK PLAN OR THE PRE-EXISTING PLAN. FURTHERMORE, UNLESS A SPECIFIC FRAMEWORK PLAN POLICY STATES THAT IT IS TO SUPERSEDE A COMMUNITY PLAN POLICY, IN CASE OF LAND USE ACTIONS WHERE ANY CONFLICT OCCURS BETWEEN THE FRAMEWORK PLAN AND THE COMMUNITY PLAN, THE COMMUNITY PLAN WILL PREVAIL.
- D. IN AREAS DESIGNATED BY THIS FRAMEWORK PLAN AS NATURAL RESOURCE OR RURAL, THE COMPARABLE LAND USE DESIGNATIONS ON THE PRE-EXISTING PLAN SHALL BE REPEALED ON THE DATE THE FRAMEWORK PLAN IS ADOPTED. AT THAT TIME, ZONING REGULATIONS IMPLEMENTING THE FRAMEWORK PLAN DESIGNATIONS SHALL BE ADOPTED.
- E. IN AREAS DESIGNATED BY THIS COMPREHENSIVE FRAMEWORK PLAN AS URBAN, AND WHERE AN APPLICABLE COMMUNITY PLAN HAS NOT BEEN ADOPTED, THE PRE-EXISTING PLAN AND COUNTY ZONING SHALL REMAIN IN EFFECT. ANY CHANGE IN SUCH DESIGNATIONS SHALL BE CONSISTENT WITH THIS COMPREHENSIVE FRAMEWORK PLAN. WHERE A PROPOSED USE IS PERMITTED BY BOTH THE PRE-EXISTING PLAN AND THE ZONING MAP, REQUIRED PERMITS MAY BE ISSUED, NOTWITHSTANDING A CONFLICT WITH THIS COMPREHENSIVE FRAMEWORK PLAN.
- F. THIS PLAN WILL BE UPDATED EVERY FIVE YEARS BEGINNING SEPTEMBER 1977.
- G. THE NEW ZONING REGULATIONS SHALL PROVIDE, AMONG OTHER THINGS, FOR THE CONTINUANCE, BUT NOT THE EXPANSION OF NON-CONFORMING USES.
- H. ANY COUNTY ACTION TAKEN REGARDING INCORPORATION OF A NEW CITY SHALL BE DONE IN ACCORDANCE WITH STATE RULES ADOPTED IN OREGON ADMINISTRATIVE RULE 660-14-000 THROUGH -040.

B. Policy 10 - Multiple Use Agricultural Land Area

INTRODUCTION

The purpose of the Multiple Use Agriculture Land Area Classification is to conserve those lands agricultural in character which have been heavily impacted by non-farm uses and are not predominantly Agricultural Land as defined in Statewide Planning Goal 3. This conservation is necessary to protect adjacent exclusive farm use areas and in some cases, the fragile nature of the lands themselves. These lands are conserved for diversified agricultural uses and other uses such as outdoor recreation, open space, residential development, and forestry when these uses are shown to be compatible with the natural resource base, character of the area, and other applicable plan policies.

The intent of this classification is to recognize the diminished nature of these areas for commercial

resource production, but to limit the adverse impacts of future development of them on nearby agricultural areas and on other lands of a more fragile nature (e.g., areas subject to flooding, but used for agricultural related uses).

POLICY 10

THE COUNTY'S POLICY IS TO DESIGNATE AND MAINTAIN AS MULTIPLE USE AGRICULTURE, LAND AREAS WHICH ARE:

- A. GENERALLY AGRICULTURAL IN NATURE, WITH SOILS, SLOPE AND OTHER PHYSICAL FACTORS INDICATIVE OF PAST OR PRESENT SMALL SCALE FARM USE;
- B. PARCELIZED TO A DEGREE WHERE THE AVERAGE LOT SIZE, SEPARATE OWNERSHIPS, AND NON-FARM USES ARE NOT CONDUCTIVE TO COMMERCIAL AGRICULTURAL USE;
- C. PROVIDED WITH A HIGHER LEVEL OF SERVICES THAN A COMMERCIAL AGRICULTURAL AREA HAS: OR,
- D. IN AGRICULTURAL OR MICRO-CLIMATES WHICH REDUCE THE GROWING SEASON OR AFFECT PLANT GROWTH IN A DETRIMENTAL MANNER (FLOODING, FROST ETC.).

THE COUNTY'S POLICY, IN RECOGNITION OF THE NECESSITY TO PROTECT ADJACENT EXCLUSIVE FARM USE AREA'S, IS TO RESTRICT MULTIPLE USE AGRICULTURAL USES TO THOSE COMPATIBLE WITH EXCLUSIVE FARM USE AREAS.

STRATEGIES

- A. The following strategies should be addressed as part of the Community

Development Ordinance:

- 1. The Zoning Code should include a Multiple Use Farm Zone with:
 - a. a base minimum lot size; consistent with the character of the areas and the adjacent exclusive farm uses.
 - b. the following examples of uses:
 - (1) permitted as primary uses; agriculture and forestry practices and single family dwellings on legal lots;
 - (2) the sale of agricultural products on the premises, dwellings for farm help, and mobile homes, should be allowed under prescribed conditions;
 - (3) on lands which are not predominantly Agricultural Capability Class I, II, or III, ~~rural~~ planned developments, cottage industries, limited rural service commercial, and tourist commercial may be allowed as conditional uses; and
 - (4) the following uses should be allowed as conditional uses anywhere in the zone upon the showing that the conditional use standards can be met: commercial processing of

agriculture or forest products, commercial services, commercial dog kennels, and mineral extraction.

- c. Lot size requirements for uses allowed as conditional uses should be based on such factors as:

- (1) topographic and natural features;
- (2) soil limitations and capabilities;
- (3) geologic limitation;
- (4) climatic conditions;
- (5) surface water sources, watershed areas and ground water sources;
- (6) the existing land use and lotting pattern and character of the area;
- (7) road access and capacity and condition;
- (8) type of water supply;
- (9) capacity and level of public services available; and
- (10) soil capabilities related to a subsurface sewerage system.

- d. Lots of Record Provisions.

- e. Mortgage Lot Provisions.

- f. Siting standards for dwellings proposed to be located adjacent to commercial agricultural or forestry use.

3. The County Streets and Road Standards Code should include criteria related to street width, road construction standards and required improvements appropriate to the function of the road and rural living environment.
4. The Capital Improvements Program should not program public sewers to this area and the County should not support the formation or expansion of existing service district areas for the provision of water service.

- B. It is intended that industrial development which has a minimum impact be allowed on the south tip of Sauvie Island upon meeting all the applicable standards of the plan and conditional use procedures.

- C. The conversion of land to another broad land use classification should be in accord with the standards set forth by the LCDC Goals, OAR's and in this Plan.

C. Policy 12 - Multiple Use Forest Area

INTRODUCTION

The purpose of the Multiple Use Forest Area Classification is to conserve those lands suited to the production of wood fibre by virtue of their physical properties and the lack of intensive development; however, in areas where the lands are suitable and the use does not impact existing forestry or agricultural uses, other uses will be allowed.

The intent of this classification is to encourage small wood lot management, forestry, reforestation and agriculture. Other non-forest or non-farm uses such as ~~rural~~ planned developments, limited service commercial, extractive industries and cottage industries may also be allowed.

POLICY 12

THE COUNTY'S POLICY IS TO DESIGNATE AND MAINTAIN AS MULTIPLE USE FOREST, LAND AREAS WHICH ARE:

- A. PREDOMINANTLY IN FOREST SITE CLASS I, II, III, FOR DOUGLAS FIR AS CLASSIFIED BY THE U.S. SOIL CONSERVATION SERVICE;
- B. SUITABLE FOR FOREST USE AND SMALL WOOD LOT MANAGEMENT, BUT NOT IN PREDOMINANTLY COMMERCIAL OWNERSHIPS; AND
- C. PROVIDE WITH RURAL SERVICES SUFFICIENT TO SUPPORT THE ALLOWED USES, AND ARE NOT IMPACTED BY URBAN—LEVEL SERVICES; OR
- D. OTHER AREAS WHICH ARE:
 - 1. NECESSARY FOR WATERSHED PROTECTION OR ARE SUBJECT TO LANDSLIDE, EROSION OR SLUMPING; OR
 - 2. POTENTIAL REFORESTATION AREAS, BUT NOT AT THE PRESENT USED FOR COMMERCIAL FORESTRY; OR
 - 3. WILDLIFE AND FISHERY HABITAT AREAS, POTENTIAL RECREATION AREAS, OR OF SCENIC SIGNIFICANCE.

THE COUNTY'S POLICY IS TO ALLOW FOREST USES ALONG WITH NON-FOREST USES, SUCH AS AGRICULTURE, SERVICE USES, AND COTTAGE INDUSTRIES; PROVIDED THAT SUCH USES ARE COMPATIBLE WITH ADJACENT FOREST LANDS.

STRATEGIES

- A. The following strategies should be addressed in the preparation of the Community Development Ordinance:
 - 1. The Zoning Code should include a Multiple Use Forest Zone with:
 - a. The minimum lot sizes for sub-areas of the district based on: the adjacent aggregated acreage tract size existing in each general sub-area, the forest use, and the productivity of the land. Small parcels in single ownership shall be aggregated.
 - b. The following examples of uses:
 - (1) Forestry practices, farm uses, resource conservation, and limited wood processing. Resource-related dwellings under prescribed conditions and non-resource-related dwellings under conditional uses. Such dwellings are to be allowed as approval criteria and siting standards designed to assure conservation of the natural resource base, protection from hazards, and protection of big game winter habitat.
 - (2) The sale of agricultural products on the premises should be allowed under prescribed conditions.
 - (3) Rural planned developments, commercial processing of agricultural or forestry prod-

ucts, cottage industries, limited rural service commercial, tourist facilities, recreational uses, and community facilities may be allowed as conditional uses.

(4) Mineral and aggregate extraction should be handled as a conditional use.

c. Lot size requirements for uses allowed as conditional uses should be based on such factors as:

- (1) topographic and natural features;
- (2) soil limitations and capabilities;
- (3) geologic limitation;
- (4) climatic conditions;
- (5) surface water sources, watershed areas, and groundwater sources;
- (6) the existing land use and lotting pattern;
- (7) road access and capacity and condition;
- (8) type of water supply;
- (9) capacity and level of public services available; and
- (10) soil capabilities related to a subsurface sewerage disposal system.

d. Mortgage Lot Provisions.

e. Lots of Record Provisions.

f. Homestead Lot Provisions.

2. The County Street and Road Standard Code should include criteria related to street widths, road construction standards, and required improvements appropriate to the function of the road and rural living environment.

3. The Capital Improvements Program should not program public sewers to this area, and the County should not support the formation or expansion of existing service district areas for the provision of water service.

B. The conversion of land to another land use classification should be in accord with the standards set forth by the LCDC Goals, OAR's and in this Plan.

D. POLICY 15

~~AREAS OF SIGNIFICANT ENVIRONMENTAL CONCERN~~ ~~WILLAMETTE RIVER GREENWAY~~

INTRODUCTION

~~The designation, "areas of significant environmental concern," is an overlay classification which will be applied as shown on the Comprehensive Framework Plan or as the result of a plan amendment to areas having significant natural or man-made features. It is not intended to restrict the use of land, as allowed by the Comprehensive Plan and other regulations, but to identify these areas in which land uses will be subject to a review process. However, the review process may result in the imposition of design standards to minimize adverse environmental and aesthetic impacts.~~

~~The purpose of the classification is to protect natural shoreline vegetation systems, critical and unique habitat areas, historic and archeological features, views and vistas, flood water storage areas and similar areas having public value. This will be achieved by locating buildings or uses on the site in a place which minimizes the impacts of the use on the features to be protected and~~

~~by design or landscaping techniques.~~

The Willamette River Greenway is a cooperative management effort between the state and local jurisdictions for the development and maintenance of a natural, scenic, historical, and recreational "greenway" along the Willamette River. The General Plan has been formulated by the Oregon Department of Transportation, pursuant to ORS 390.318. The Land Conservation and Development Commission has determined that a statewide planning goal (Goal 15) is necessary not only to implement the legislative directive, but to provide the parameters within which the Department of Transportation Greenway Plan may be carried out. Within those parameters local governments can implement Greenway portions of their Comprehensive Plans.

POLICY 15

THE COUNTY'S POLICY IS TO ~~DESIGNATE AS AREAS OF SIGNIFICANT ENVIRONMENTAL CONCERN, AREAS HAVING SPECIAL PUBLIC VALUE IN TERMS OF ONE OR MORE OF THE FOLLOWING:~~ PROTECT, CONSERVE, ENHANCE, AND MAINTAIN THE NATURAL, SCENIC, HISTORICAL, AGRICULTURAL, ECONOMIC, AND RECREATIONAL QUALITIES OF LANDS ALONG THE WILLAMETTE RIVER.

FURTHER, IT IS THE COUNTY'S POLICY TO PROTECT IDENTIFIED WILLAMETTE RIVER GREENWAY AREAS BY REQUIRING SPECIAL PROCEDURES FOR THE REVIEW OF CERTAIN TYPES OF DEVELOPMENT ALLOWED IN THE BASE ZONE THAT WILL ENSURE THE MINIMUM IMPACT ON THE VALUES IDENTIFIED WITHIN THE VARIOUS AREAS. THE PROCEDURES SHALL BE DESIGNED TO MITIGATE ANY LOST VALUES TO THE GREATEST EXTENT POSSIBLE.

- ~~A. ECONOMIC VALUE, E.G., A TOURIST ATTRACTION;~~
- ~~B. RECREATION VALUE, E.G., RIVERS, LAKES, WETLANDS;~~
- ~~C. HISTORIC VALUE, E.G., HISTORIC MONUMENTS, BUILDINGS, SITES OR LAND MARKS;~~
- ~~D. EDUCATIONAL RESEARCH VALUE, E.G., ECOLOGICALLY AND SCIENTIFICALLY SIGNIFICANT LANDS;~~
- ~~E. PUBLIC SAFETY, E.G., MUNICIPAL WATER SUPPLY WATERSHEDS, FLOOD WATER STORAGE AREAS, VEGETATION NECESSARY TO STABILIZE RIVER BANKS AND SLOPES;~~
- ~~F. SCENIC VALUE, E.G., AREAS VALUED FOR THEIR AESTHETIC APPEARANCE;~~
- ~~G. NATURAL AREA VALUE, E.G., AREAS VALUED FOR THEIR FRAGILE CHARACTER AS HABITATS FOR PLANT, ANIMAL OR AQUATIC LIFE, OR HAVING ENDANGERED PLANT OR ANIMAL SPECIES, OR FOR SPECIFIC NATURAL FEATURES, OR VALUED FOR THE NEED TO PROTECT NATURAL AREAS; OR~~
- ~~H. ARCHEOLOGICAL VALUE, E.G., AREAS VALUED FOR THEIR HISTORICAL, SCIENTIFIC AND CULTURAL VALUE.~~

~~FURTHER, IT IS THE COUNTY'S POLICY TO PROTECT THE ABOVE IDENTIFIED~~

AREAS BY THE FOLLOWING:

- 1. ~~THE MAINTENANCE OF AN INVENTORY RELATED TO THESE SITES WHICH DELINEATES THEIR BOUNDARIES AND OTHER PERTINENT DATA WHICH PERTAINS TO THE VALUES OF THE IDENTIFIED AREAS.~~**
- 2. ~~REQUIRING SPECIAL PROCEDURES FOR THE REVIEW OF CERTAIN TYPES OF DEVELOPMENT ALLOWED IN THE BASE ZONES THAT WILL ENSURE THE MINIMUM IMPACT ON THE VALUES IDENTIFIED WITHIN THE VARIOUS AREAS. THE PROCEDURES SHALL BE DESIGNED TO MITIGATE ANY LOST VALUES TO THE GREATEST EXTENT POSSIBLE.~~**
- 3. ~~PRIMARY EMPHASIS WILL BE PLACED ON PROTECTING THE VALUE FACTORS IDENTIFIED IN THE "FACTORS OF SIGNIFICANT ENVIRONMENTAL CONCERN CHART" FOR EACH AREA OF SIGNIFICANT ENVIRONMENTAL CONCERN. THIS USE OF THIS CHART SHALL NOT PRECLUDE THE PROTECTION OF OTHER VALUES IF THEY ARE LATER IDENTIFIED ON THE SITE AS TO THEIR QUANTITY, QUALITY AND LOCATION.~~**

STRATEGIES

- A. ~~The following areas should be designated as "areas of significant environmental concern":~~
The Willamette River Greenway should be based on the boundaries as developed by the state Department of Transportation. For the County, those areas are generally depicted on the map entitled Willamette River Greenway.**
 - 1. ~~The Columbia Gorge from the Sandy River east to the County line.~~**
 - 2. ~~The Sandy Scenic River.~~**
 - 3. ~~Portions of the Mount Hood National Forest.~~**
 - 4. ~~Smith and Bybee Lakes.~~**
 - 5. ~~The Undeveloped Columbia River Islands.~~**
 - 6. ~~Sturgeon Lakes.~~**
 - 7. ~~Blue Lake and Columbia River shore area and islands.~~**
 - 8. ~~Johnson Creek.~~**
 - 9. ~~Such other areas as may be determined under established procedures to be suitable for this "area" designation.~~**
- B. The following strategies should be addressed in the preparation of the Community Development Title:**
 - 1. The Zoning Code should include:**
 - a. ~~an overlay zone entitled "Areas of Significant Environmental Concern" which should~~ An overlay zone entitled "Willamette River Greenway" which will establish an administrative review procedure to implement the requirements**

of the State of Oregon, Greenway Goal. The overlay zone should contain provisions related to:

1. ~~establish a review process for the approval of proposals and uses~~ setback lines for non-water dependent uses;
 2. ~~define special criteria within each area for the approval of proposals and uses which affect various features including, but not limited to, the following:~~ a design plan;
 - ~~(a) Natural shoreline vegetation systems;~~
 - ~~(b) Critical and unique wildlife habitats;~~
 - ~~(c) Historical features and archeological sites;~~
 - ~~(d) Significant vegetation;~~
 - ~~(e) Views and vistas;~~
 - ~~(f) Municipal water supplies;~~
 - ~~(g) Natural hazard lands;~~
 - ~~(h) Rare or valuable ecosystems and geological formations; and~~
 - ~~(i) endangered plant and animal systems.~~
 3. the review procedures;
 4. specific findings required.
- b. ~~A historic preservation overlay district which should be applied to areas or specific sites not otherwise designated for protection under CS, SEC or other zoning;~~ Those wetlands and water areas listed on Policy 16, Natural Resources, that are located within the Willamette River Greenway should receive a development review procedure comparable to the review process established for the Significant Environmental Concern zone.
- e. ~~An overlay zone entitled "Willamette River Greenway" which will establish an administrative review procedure to implement the requirements of the State of Oregon, Greenway Goal. The overlay zone should contain provisions related to:~~
- ~~1. setback lines for non-water dependent uses;~~
 - ~~2. a design plan;~~
 - ~~3. the review procedures;~~
 - ~~4. specific findings required.~~
- C. ~~The "Willamette River Greenway" zone should be generally based upon the attached map entitled "Willamette River Greenway." Other policies of this Framework Plan are applicable to the Greenway as follows:~~ Other policies of this Framework Plan applicable to the Greenway are as follows:

~~POLICIES APPLICABLE TO WILLAMETTE RIVER GREENWAY LANDS~~

~~In addition to Policy 15, the following Framework Plan Policies are applicable to the use and management of lands within the Willamette River Greenway:~~

1. Agricultural lands: Policies 9 - Agriculture, and 10 - Multiple Use Agriculture.

2. Recreation: Policy 39 - Open Space and Recreation.
3. Access: Policy 40 - Development Requirements.
4. Fish and Wildlife: Policy 16 - Natural Resources.
5. Scenic Qualities and Views: Policy 16 - Natural Resources.
6. Protection and Safety: Policy 31 - Community Facilities and Uses Location.
7. Vegetation Fringe: Policy 16 - Natural Resources.
8. Timber Harvest: Policy 12 - Multiple Use Forest.
9. Aggregate Extraction: Policy 16 - Natural Resources.
10. Development away from river: Policy 14 - Development Limitations.
- 11. Greenway Setback: Policy 15 - Areas of Significant Environmental Concern.**

E. POLICY 16 NATURAL RESOURCES

INTRODUCTION

The purpose of the Natural Resources policy is to ~~protect areas which are necessary to the long-term health of the economy or a community; for example, mineral and aggregate sources, energy resource areas, domestic water supply watersheds, wildlife habitat areas, and ecologically significant areas.~~

~~The intent of the policy is to protect these areas for their natural resource value. Mineral, aggregate, energy and watershed areas are limited, and inappropriate land uses can destroy their future use. Significant habitat and ecological areas are important to the public for their educational, recreational and research value, and they often function to balance the effects of other land uses. The benefits gained by the preservation of wildlife habitat range from aesthetic enhancement of the landscape to improvement of community health. Greenspaces and vegetation significantly affect such factors as air flow, temperatures, oxygenation, travel patterns and pollution.~~ implement statewide Planning Goal 5: "Open Spaces, Scenic and Historic Areas, and Natural Resources". These resources are necessary to ensure the health and well-being of the population, and include such diverse components as mineral and aggregate reserves, significant wetlands, historic sites, and scenic waterways. The individual components, as set forth by state law (OAR 660-16), are addressed below as sub-policies 16-A through 16-L.

An overlay classification, "Significant Environmental Concern" will be applied to certain areas identified as having one or more of these resource values.

POLICY 16

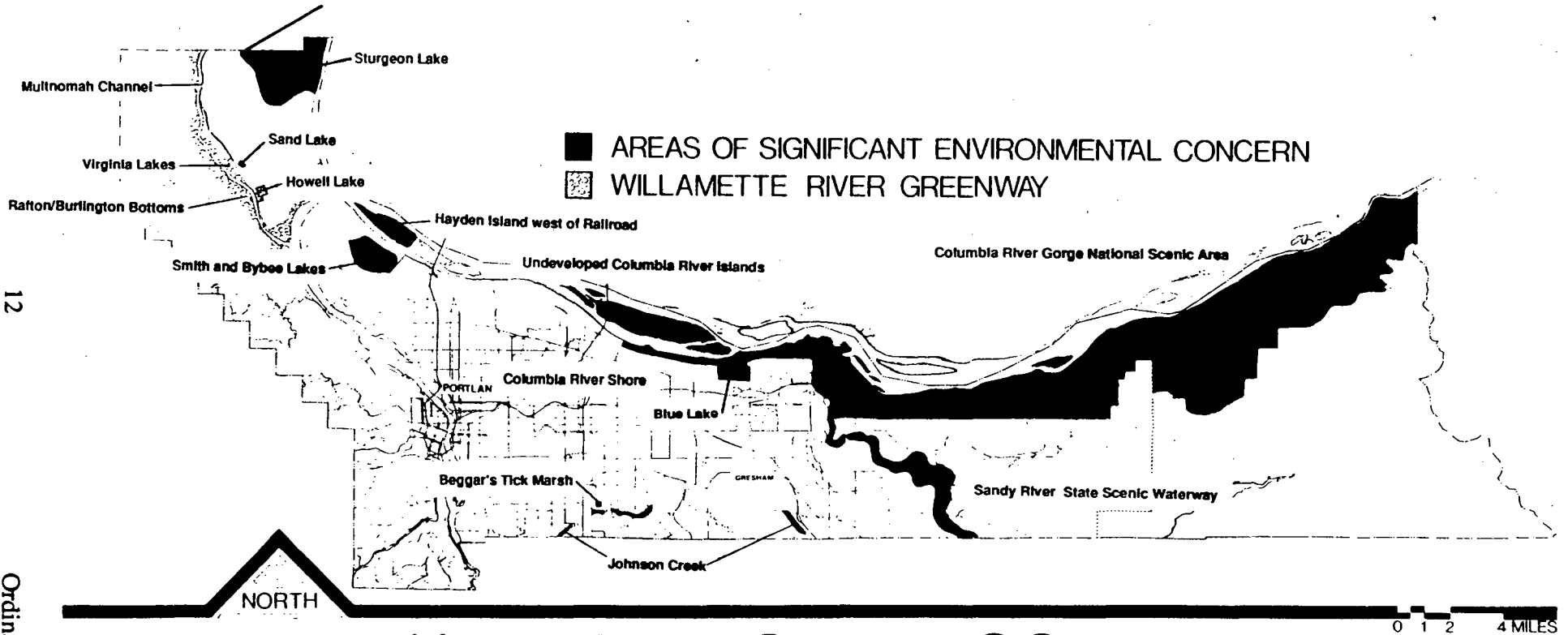
~~THE COUNTY'S POLICY IS TO PROTECT NATURAL RESOURCES, AREAS AND TO REQUIRE A FINDING PRIOR TO APPROVAL OF A LEGISLATIVE OR QUASI JUDICIAL ACTION THAT THE LONG RANGE AVAILABILITY AND USE OF THE FOLLOWING WILL NOT BE LIMITED OR IMPAIRED: CONSERVE OPEN SPACE, AND TO PROTECT SCENIC AND HISTORIC AREAS AND SITES. THESE RESOURCES ARE ADDRESSED WITHIN SUB-POLICIES 16-A THROUGH 16-L.~~

- ~~A. MINERAL AND AGGREGATE SOURCES;~~
- ~~B. ENERGY RESOURCE AREAS;~~
- ~~C. DOMESTIC WATER SUPPLY WATERSHEDS;~~
- ~~D. FISH HABITAT AREAS; AND~~
- ~~E. WILDLIFE HABITAT AREAS; AND~~
- ~~F. ECOLOGICALLY AND SCIENTIFICALLY SIGNIFICANT NATURAL AREAS.~~

STRATEGIES

- A. ~~As a part of the ongoing planning program, the County should:~~ The county will maintain an inventory of the location, quality, and quantity of each of these resources. Sites with minimal information will be designated "1B", but when sufficient information is available, the County will conduct the necessary ESEE analysis.
 - 1. ~~Engage in a survey of mineral and aggregate sources within the County and utilize data, criteria and standards from the most recent study of rock material resources compiled by the State Department of Geology and Mineral Industries.~~
 - 2. ~~Utilize information provided by the Oregon Department of Fish and Wildlife on big game winter habitat areas, the Nature Conservancy or ecologically significant areas when surveyed and identified as to location, the U.S. Department of Fish and Wildlife in their Wetlands Inventory for the Columbia River, and any other documental information on the listed natural resources in the decision process and for plan revisions.~~
- * B. ~~The following strategies should be addressed in the preparation of the Community Development Title:~~ Certain areas identified as having one or more significant resource values will be protected by the designation Significant Environmental Concern (SEC). This overlay zone will require special procedures for the review of certain types of development allowed in the base zones. This review process will ensure the minimum impact on the values identified within the various areas, and shall be designed to mitigate any lost values to the greatest extent possible. Areas designated SEC are generally depicted on the following map.
 - 1. ~~The Zoning Code should include provisions for:~~
 - a. ~~Mineral and aggregate extraction, and energy generation facilities as conditional uses;~~
 - b. ~~Protecting natural resources when uses are contemplated through the conditional use provisions;~~
 - c. ~~The transfer of densities from lands which should be protected for natural resource uses from lands held in the same ownership and adjacent within the Planned Development provisions;~~
 - d. ~~The establishment of extraction and rehabilitation standards for mineral and aggregate resources.~~
- C. The following areas shall be designated as "Areas of Significant Environmental Concern":
 - 1. The Columbia River Gorge National Scenic Area, as defined in federal legisla-

Wagonwheel Hole Lake and nearby unnamed slough/lake



MULTNOMAH COUNTY FRAMEWORK PLAN

tion PL 99-663,

2. The Sandy River State Scenic Waterway,
 3. Portions of the Mount Hood National Forest,
 4. Smith and Bybee Lakes,
 5. The Undeveloped Columbia River Islands and Hayden Island west of the Burlington Northern Railroad tracks,
 6. Sturgeon Lake,
 7. Blue Lake and Columbia River shore area and islands,
 8. Johnson Creek,
 9. Beggar's Tick Marsh,
 10. Virginia Lakes,
 11. Rafton/Burlington Bottoms,
 12. Multnomah Channel,
 13. Sand Lake,
 14. Howell Lake,
 15. Wagonwheel Hole Lake and nearby unnamed slough/lake to the west,
 16. All Class 1 Streams (Oregon State Forestry Department designation) and the adjacent area within 100 feet of the normal high water line, except those within an ESEE designated "2A", "3A" or "3C" mineral and aggregate resource site,
- and such other areas as may be determined under established procedures to be suitable for this "area" designation.
- D. Those wetlands and water areas listed in C. above that are located within the Willamette River Greenway (Policy 15) will be protected by development review procedures within the WRG overlay zone instead of the SEC zone.

POLICY 16-A OPEN SPACE

IT IS THE COUNTY'S POLICY TO CONSERVE OPEN SPACE RESOURCES AND PROTECT OPEN SPACES FROM INCOMPATIBLE AND CONFLICTING LAND USES.

STRATEGIES

1. Designate agricultural and forest lands with large lot zones to conserve the open character of such areas.
2. Apply SEC, WRG, FW and FF overlays along rivers and other water features, as appropriate, to restrict and control the character of development in these areas to enhance open spaces.

3. Review uses conditionally allowed in farm or forest zones to insure that open space resources are conserved and enhanced.

POLICY 16-B MINERAL AND AGGREGATE RESOURCES

IT IS THE COUNTY'S POLICY TO PROTECT AREAS OF MINERAL AND AGGREGATE SOURCES FROM INAPPROPRIATE LAND USES WHICH COULD LIMIT THEIR FUTURE USE.

STRATEGIES

- A. As a part of the ongoing planning program the County will engage in an inventory of mineral and aggregate sources within the County utilizing data, criteria and standards from the most recent study of rock material resources compiled by the State Department of Geology and Mineral Industries.
- B. During County initiated Comprehensive Plan updates, the County will utilize information made available from other sources regarding the location, quality and quantity of mineral and aggregate resources when that information is verified by such qualified professionals as certified engineering geologists and recognized testing laboratories.
- C. Determination that a particular mineral and aggregate resource site is both "Important" and should be included in the plan inventory is to be based upon the site's proven ability to yield more than 25,000 cubic yards of resource.
- D. "Important" sites should be reviewed using the Statewide Planning Goal 5 "Economic, Social, Environmental, and Energy analysis" (ESEE) procedure as outlined in OAR 660-16-000 through 660-16-025 and only those sites receiving a "2A", "3A", or "3C" designation should be considered for conditional use approval for mineral and aggregate extraction.
- E. In between scheduled plan updates, additional sites may be added to the plan inventory of "Important" sites and receive an ESEE designation by means of the standard plan amendment process initiated by the owner of the resource.
- F. The Zoning Code should include provisions for:
 1. Mineral and aggregate extraction, processing, and distribution as a special conditional use with performance oriented criteria of approval for those sites receiving a "2A", "3A", or "3C" designation as part of the ESEE analysis.
 2. Associated processing and distribution activities as a conditional use that must meet all conditional use requirements if the site is not a "2A", "3A", or "3C" resource location.
 3. The exemption of small scale and farm and forest practice extraction sites from conditional use review.
 4. The establishment of extraction and rehabilitation standards for mineral and aggregate resources in compliance with DOGAMI regulations as applicable.
 5. Protection of natural resources.
 6. A standard setback buffer between "noise-sensitive" land uses and extraction activities.

- (a). The location of proposed extraction activities should be setback from existing "noise-sensitive" uses.
- (b). The location of "noise-sensitive" land uses should be setback from both existing mining activities and designated ESEE "2A", "3A", and "3C" resource site boundaries.
- (c). Some reduction in the setback buffers may be appropriate if the "noise-sensitive" land use property owner agrees to record a non-remonstrance deed restriction agreeing to the reduced distance.

POLICY 16-C ENERGY SOURCES

IT IS THE COUNTY'S POLICY TO PROTECT SITES REQUIRED FOR GENERATION OF ENERGY.

STRATEGIES

- A. Maintain an inventory of energy sources within the county.
- B. Coordinate with appropriate regulatory or licensing authorities in the protection of sites required for energy generation.
- C. The Zoning Code should include provisions for energy generation facilities as a conditional use.

POLICY 16-D FISH AND WILDLIFE HABITAT

IT IS THE COUNTY'S POLICY TO PROTECT SIGNIFICANT FISH AND WILDLIFE HABITAT, AND TO SPECIFICALLY LIMIT CONFLICTING USES WITHIN SENSITIVE BIG GAME WINTER HABITAT AREAS.

STRATEGIES

- A. Utilize information provided by the Oregon Department of Fish and Wildlife to identify significant habitat areas, and to delineate sensitive big game winter habitat areas.
- B. Apply the SEC overlay zone to all significant habitat areas not already zoned Willamette River Greenway.
- C. Include provisions within the Zoning Ordinance to review development proposals which may affect sensitive big game winter habitat areas.

POLICY 16-E NATURAL AREAS

IT IS THE COUNTY'S POLICY TO PROTECT NATURAL AREAS FROM INCOMPATIBLE DEVELOPMENT AND TO SPECIFICALLY LIMIT THOSE USES WHICH WOULD IRREPARABLY DAMAGE THE NATURAL AREA VALUES OF THE SITE.

STRATEGIES

- A. Utilize information from the Oregon Natural Heritage Program to maintain a current inventory of all ecologically and scientifically significant natural areas.

- B. Apply the SEC overlay zone to all areas not otherwise protected by Willamette River Greenway zoning or outright ownership by a public or private agency with a policy to preserve natural area values of the site.

POLICY 16-F SCENIC VIEWS AND SITES

IT IS THE COUNTY'S POLICY TO CONSERVE SCENIC RESOURCES AND PROTECT SUCH AREAS FROM INCOMPATIBLE AND CONFLICTING LAND USES.

STRATEGIES

- A. Apply the SEC overlay zone to the Columbia River Gorge National Scenic Area and the Sandy River State Scenic Waterway to assure the scenic resources of these areas are not diminished as new development occurs.
- B. Coordinate reviews of development proposals within SEC areas with other affected agencies (i.e., Columbia River Gorge Commission, National Forest Service, State Parks and Recreation Division Rivers Program, County Parks Division).
- C. Enforce large lot zoning regulations in resource areas to conserve scenic qualities associated with farm and forest lands.
- D. Apply the WRG overlay zone to lands within the Willamette River Greenway. Review new development within the greenway to assure scenic values are not diminished.
- E. Administer Design Review provisions to enhance visual qualities of the built environment.

POLICY 16-G WATER RESOURCES AND WETLANDS

IT IS THE COUNTY'S POLICY TO PROTECT AND, WHERE APPROPRIATE, DESIGNATE AS AREAS OF SIGNIFICANT ENVIRONMENTAL CONCERN, THOSE WATER AREAS, WETLANDS, WATERSHEDS, AND GROUNDWATER RESOURCES HAVING SPECIAL PUBLIC VALUE IN TERMS OF THE FOLLOWING:

- A. ECONOMIC VALUE;
- B. RECREATION VALUE;
- C. EDUCATIONAL RESEARCH VALUE (ECOLOGICALLY AND SCIENTIFICALLY SIGNIFICANT LANDS);
- D. PUBLIC SAFETY, (MUNICIPAL WATER SUPPLY WATERSHEDS, WATER QUALITY, FLOOD WATER STORAGE AREAS, VEGETATION NECESSARY TO STABILIZE RIVER BANKS AND SLOPES);
- E. NATURAL AREA VALUE, (AREAS VALUED FOR THEIR FRAGILE CHARACTER AS HABITATS FOR PLANT, ANIMAL OR AQUATIC LIFE, OR HAVING ENDANGERED PLANT OR ANIMAL SPECIES).

STRATEGIES

- A. Wetland areas that attain 45 or more points of the possible 96 points on the

"Wildlife Habitat Assessment" (WHA) rating form will be designated "Significant". Sites with ratings of 35 or more may be determined "Significant" if they function in providing connections between and enhancement of higher rated adjacent habitat areas.

The WHA is a standardized rating system for evaluating the wildlife habitat values of a site. The form was cooperatively developed by staff from the U.S. Environmental Protection Agency, the U.S. Fish and Wildlife Service, the U.S. Army Corps of Engineers, The Oregon Department of Fish and Wildlife, the Audubon Society of Portland, The Wetlands Conservancy, and the City of Beaverton Planning Bureau.

- B. Significant water and wetland areas identified as a "2A", "3A", or "3C" site using the Statewide Planning Goal 5 "Economic, Social, Environmental, and Energy analysis" procedure as outlined in OAR 660-16-000 through 660-16-025 shall be designated as "Areas of Significant Environmental Concern" and protected by either the SEC or WRG overlay zone.**
- C. Wetlands information gathered by and made available to the County shall be utilized as follows:**
 - 1. The U.S. Fish and Wildlife National Wetland Inventory (NWI) maps should be consulted at the beginning stages of any development proposal in order to alert the property owner/developer of the U.S. Corps of Engineers and Division of State Lands permit requirements.**
 - 2. Wetlands shown on the NWI maps which are determined to not be important by the county after field study should be indicated as such on 1"-200' aerial photographs made part of the State Goal 5 supporting documents.**
 - 3. Boundaries of "Significant" wetlands located within the SEC and WRG overlay zones should be depicted on 1"=200' aerial photographs.**
 - 4. Additional information on wetland sites should be added to the plan and supporting documents as part of a scheduled plan update or by the standard plan amendment process initiated at the discretion of the county.**
- D. Although a wetland area may not meet the County criteria for the designation "Significant", the resource may still be of sufficient importance to be protected by State and Federal agencies.**
- E. The zoning code should include provisions requiring a finding prior to approval of a legislative or quasi-judicial action that the long-range availability and use of domestic water supply watersheds will not be limited or impaired.**

POLICY 16-H WILDERNESS AREAS

IT IS THE COUNTY'S POLICY TO RECOGNIZE THE VALUE OF WILDERNESS AMONG THE MANY RESOURCES DERIVED FROM PUBLIC LANDS.

STRATEGIES

- A. The Columbia Wilderness shall be designated as a Goal 5 Resource Site.**
- B. The SEC overlay zone shall be applied to the Columbia Wilderness.**

- C. The county shall coordinate with federal land management agencies and Congressional staff in the formulation of proposals for any additional wilderness areas.
- D. All parcels of federal land which meet federal guidelines for wilderness and which fit the definition outlined in the Findings document shall be recommended for wilderness designation.

POLICY 16-I HISTORIC RESOURCES

IT IS THE COUNTY'S POLICY TO RECOGNIZE SIGNIFICANT HISTORIC RESOURCES, AND TO APPLY APPROPRIATE HISTORIC PRESERVATION MEASURES TO ALL DESIGNATED HISTORIC SITES.

STRATEGIES

- A. Maintain an inventory of significant historic resources which meet the historical site criteria outlined below.
- B. Utilize the National Register of Historic Places and the recommendations of the State Advisory Committee on Historic Preservation in the designation of historic sites.
- C. Develop and maintain a historical preservation process for Multnomah County which includes:
 - 1. A review of the laws related to historic preservation.
 - 2. A program for ongoing identification and registration of significant sites, working with area citizens groups, the Oregon Historical Society, the Oregon Natural History Museum and other historic and archeological associations.
 - 3. Developing a handbook on historic preservation to assist county staff, area citizen groups, land owners and developers in understanding and using applicable federal and state programs.
 - 4. Fostering, through ordinances or other means, the private restoration and maintenance of historic structures for compatible uses and development based on historic values.
 - 5. Encouraging the installation of appropriate plaques or markers on identified sites and structures.
- D. The Zoning Code should:
 - 1. Include an Historic Preservation overlay district which will provide for the protection of significant historic areas and sites.
 - 2. Include conditional use provisions to allow new sites to be established to preserve historic structures and sites.
 - 3. Provide for a 120-day delay period for the issuance of a demolition permit or a building permit that substantially alters the historic nature of the site or building. During this period, a review of the permit application, including the impacts and possible means to offset the impacts should be undertaken.
 - 4. On-site density transfer in order to protect historic areas and protect unique

features.

HISTORICAL SITE CRITERIA

- A. **Historical Significance** - Property is associated with significant past events, personages, trends or values and has the capacity to evoke one or more of the dominant themes of national or local history.
- B. **Architectural Significance** - (Rarity of Type and/or Style). Property is a prime example of a stylistic or structural type, or is representative of a type once common and is among the last examples surviving in the county. Property is a prototype or significant work of an architect, builder or engineer noted in the history of architecture and construction in Multnomah County.
- C. **Environmental Considerations** - Current land use surrounding the property contributes to an aura of the historic period, or property defines important space.
- D. **Physical Integrity** - Property is essentially as constructed on original site. Sufficient original workmanship and material remain to serve as instruction in period fabrication.
- E. **Symbolic Value** - Through public interest, sentiment, uniqueness or other factors, property has come to connote an ideal, institution, political entity or period.
- F. **Chronology** - Property was developed early in the relative scale of local history or was an early expression of type/style.

POLICY 16-J CULTURAL AREAS

IT IS THE COUNTY'S POLICY TO PROTECT CULTURAL AREAS AND ARCHEOLOGICAL RESOURCES, AND TO PREVENT CONFLICTING USES FROM DISRUPTING THE SCIENTIFIC VALUE OF KNOWN SITES.

STRATEGIES

- A. Maintain information on file regarding the location of known archeological sites. Although not made available to the general public, this information will be used to insure the sites are not degraded through incompatible land use actions.
- B. Coordinate with the State Archaeologist in the State Historic Preservation Office regarding the identification and recognition of significant archeological resources.
- C. Encourage landowners to notify state authorities upon discovering artifacts or other evidence of past cultures on their property.
- D. Work with the LCDC Archeological Committee in devising equitable and effective methods of identifying and protecting archeological resources.

POLICY 16-K RECREATION TRAILS

IT IS THE COUNTY'S POLICY TO RECOGNIZE THE FOLLOWING TRAILS AS POTENTIAL STATE RECREATION TRAILS:

**COLUMBIA GORGE TRAIL
SANDY RIVER TRAIL**

**PORTLAND TO THE COAST TRAIL
NORTHWEST OREGON LOOP BICYCLE ROUTE**

STRATEGIES

- A. Coordinate with ODOT and any other public or private agency to resolve any conflicts which may arise over the development of these trails.
- B. Address these trails as Goal 5 resource sites whenever the trail route becomes specifically identified, built, proposed, or designated.

POLICY 16-L WILD AND SCENIC WATERWAYS

IT IS THE COUNTY'S POLICY TO PROTECT ALL STATE OR FEDERAL DESIGNATED SCENIC WATERWAYS FROM INCOMPATIBLE DEVELOPMENT AND TO PREVENT THE ESTABLISHMENT OF CONFLICTING USES WITHIN SCENIC WATERWAYS.

STRATEGIES

- A. Coordinate with the Oregon State Parks and Recreation Division in the review and regulation of all development proposals or land management activities within the Sandy River State Scenic Waterway.
- B. Apply the SEC overlay zone to the Sandy River State Scenic Waterway to ensure proper recognition of the waterway and to further mitigate the impacts on uses allowed within the underlying resource zones.
- C. Coordinate with the U.S. Forest Service in the review and regulation of all development proposals or land management activities within the federal wild and scenic river segment of the Sandy River.
- D. Work with state and federal agencies or other interested parties in developing proposals for scenic waterway protection of other stream segments in the county.

F. POLICY 18 - COMMUNITY IDENTITY

INTRODUCTION

Community identity is a feeling people have about their community, and it serves many functions. An identifiable community allows a person to immediately have a place of reference. For those people who live in a community, it provides a sense of place and belonging. Evidence has also shown that a sense of identity tends to generate pride and encourages people to maintain and enhance their place of residence.

Community identity can be achieved as a part of the Community Development Process through:

- 1. The identification and reinforcement of visible boundaries or edges to each community which can be man-made or natural features.
- 2. The preservation of a distinctive or unique natural feature such as natural drainageways, timber stands, and significant land forms. These distinctive features provide visual variety and interest to

a community, as well as to provide a sense of identity.

3. The location scale and functional design of community services such as roads, parks, hospitals, schools, and fire stations. These community elements provide community focal points, paths, places and boundaries in a manner which support community pride and long term stability. Streets can be designed, located, and landscaped to be functional as well as being an integral part of the community. Community service buildings also become a focal point for cultural or educational activities and serve to reinforce identity.
4. ~~The preservation of historic landmarks and scenic areas. Historic features are also important to a historical perspective and promote a sense of pride. Significant historic landmarks and scenic areas in unincorporated Multnomah County can be preserved and protected if landowners, investors, community groups and the County work in concert.~~

~~Today, identification of historic sites has been accomplished through several efforts. The Division of Planning conducted a limited survey in 1978 and identified several sites and structures throughout the County. Other surveys and site identification has occurred in the Columbia River Gorge and on Sauvie Island. Three sites have been placed on the National Register of Historic Places: the Bybee Howell House on Sauvie Island, the Vista House at Crown Point and Multnomah Falls Lodge. In addition, historic markers have been placed at Fort William, Sauvie Island Pioneer Cemetery, Sandy River Bridge, Broughton's Expedition, and many other sites that were identified by the County's Historic Sites Advisory Committee.~~

~~No comprehensive archeological survey of the County exists, and further inventorying is needed to identify other potential historic areas. Standards have been established by Federal and State law, and there are Federal and State funding programs for acquisition and maintenance of these areas.~~

POLICY 18

THE COUNTY'S POLICY IS TO CREATE, MAINTAIN OR ENHANCE COMMUNITY IDENTITY BY:

- A. IDENTIFYING AND REINFORCING COMMUNITY BOUNDARIES;
- B. IDENTIFYING SIGNIFICANT NATURAL FEATURES AND REQUIRING THESE TO BE PRESERVED;
- C. REQUIRING IDENTIFIED SIGNIFICANT NATURAL FEATURES BE PRESERVED AS PART OF THE DEVELOPMENT PROCESS;
- ~~D. REQUIRING THE PRESERVATION OF SIGNIFICANT HISTORICAL LANDMARKS AND DISTRICTS, AND ARCHEOLOGICAL AND ARCHITECTURAL SITES WHICH HAVE BEEN SO DESIGNATED BY A FEDERAL OR STATE AGENCY OR MEET THE HISTORIC SITE DESIGNATION CRITERIA CONTAINED IN THIS PLAN.~~

HISTORICAL SITE CRITERIA

- ~~A. Historical Significance Property is associated with significant past events, personages, trends or values and has the capacity to evoke one or more of the dominant themes of national or local history.~~

- ~~B. Architectural Significance (Rarity of Type and/or Style). Property is a prime example of a stylistic or structural type, or is representative of a type once common and is among the last examples surviving in the County. Property is a prototype or significant work of an architect, builder or engineer noted in the history of architecture and construction in Multnomah County.~~
- ~~C. Environmental Considerations Current land use surrounding the property contributes to an aura of the historic period, or property defines important space.~~
- ~~D. Physical Integrity Property is essentially as constructed on original site. Sufficient original workmanship and material remain to serve as instruction in period fabrication.~~
- ~~E. Symbolic Value Through public interest, sentiment, uniqueness or other factors, property has come to connote an ideal, institution, political entity or period.~~
- ~~F. Chronology Property was developed early in the relative scale of local history or was an early expression of type/style.~~

STRATEGIES

- A. As a part of the continuing planning program, the County shall:
 - 1. Maintain an inventory of unique natural features in each community and preserve them through the Design Review Process or other appropriate means;
 - 2. Identify the need and appropriate locations for public facilities in each community plan;
 - ~~3. Develop and maintain a historical preservation process for Multnomah County which includes:

 - ~~a. A review of the laws related to historic preservation.~~
 - ~~b. A program for ongoing identification and registration of significant sites, working with area citizens groups, the Oregon Historical Society, the Oregon Natural History Museum, and other historic and archeological associations.~~
 - ~~c. Developing a handbook on historic preservation to assist County staff, area citizen groups, land owners and developers in understanding and using applicable Federal and State programs.~~
 - ~~d. Fostering, through ordinances or other means, the private restoration and maintenance of historic structures for compatible uses and development based on historic values.~~
 - ~~e. Encouraging the installation of appropriate plaques or markers on identified sites and structures.~~~~
- B. These strategies should be addressed as part of the Community Development Chapter:
 - ~~1. The Zoning Chapter should:
 - ~~a. include an Historic Preservation Overlay District which will provide for the protection of identified historic areas and sites;~~~~

- ~~b. include conditional use provisions to allow new uses to be established to preserve historic structures and sites;~~
- ~~c. provide for a 120 day delay period for the issuance of a demolition permit or a building permit that substantially alters the historic nature of the site or building. During this period, a review of the permit application, including the impacts and possible means to offset these impacts should be undertaken;~~
- ~~d. on-site density transfer in order to protect historic areas and protect unique features;~~
- e 1. design review approval for all community facilities.
- 3 2. The Street Standards Chapter should provide for special street tree programs for streets which serve as community boundaries.

G. POLICY 39: ~~OPEN SPACE~~ PARKS AND RECREATION PLANNING

INTRODUCTION

~~Open space is defined in broadest terms as all land that supports vegetation rather than structures. It can range from forest or agricultural lands to landscaped areas in parking lots. Recreation refers to spaces and facilities developed for people to use during their leisure time.~~

A basic need of people is to pursue activities in non-work hours which recreate one's mental and physical condition. From children learning to socialize through play, to elderly people being outdoors for a walk or to sit in the sun, recreation plays an important part in the life cycle. The major requisite for outdoor recreation is space within which activities take place. These spaces can be intensively developed parks, natural areas along waterways, vacant lots, or even streets and roads.

The need for providing easily accessible areas for outdoor recreation is increasingly important in metropolitan jurisdictions such as Multnomah County; outdoor recreation can offer an escape from crime, pollution, crowding, a sedentary work life, and other problems associated with urban living. Providing nearby recreational space for leisure time activity is important also in the conservation of non-renewable energy resources and addressing problems related to the currently depressed economy, such as decreased household income. Recreational opportunities provided near residential areas would mean less costs to participants in terms of travel time, gas, etc.

Parks systems are generally developed in a hierarchical system composed of neighborhood, community and regional parks. Within this system are specialized recreation areas ranging from wilderness hiking trails to swimming areas, golf courses, play fields, and tot lots. Multnomah County's park system includes: one historical site, three boat ramps, one campground, two islands in the Columbia River, three regional parks, two community parks, 34 neighborhood parks and four playlots. In addition, three proposed Statewide Oregon Recreation Trails: Portland to the coast, the Columbia River Gorge, and the Sandy River Trails will provide hiking opportunities and scenic and recreational access.

A component of the County's recreation system is the 40-Mile Loop, a network of connecting jogging, hiking, and bicycle paths that encircle Multnomah County.

~~Recreation and open space~~ **Parks and recreation areas** are provided by both the public and private sectors; however, the major share of the responsibility to develop and maintain parks has historically rested with the public.

While the implementation of ~~an open space~~ **parks** and recreation system is primarily a public responsibility, the County has increasingly limited financial resources and, therefore, cannot guarantee such a system.

~~Open space~~ **Parks** and recreation planning and implementation will require the communities to work with the County and provide direction as to their needs and how those needs can be met. The County has established a Parks Commission to help promote and coordinate neighborhood park development. The duties of this Commission include developing short-term and long-range objectives, strategies, work programs and projects designed to meet the recreation needs of County residents.

The purpose of this policy is to serve as a directive to the County in its park and recreation planning program.

POLICY 39

THE COUNTY'S POLICY IS TO OPERATE ITS ESTABLISHED ~~OPEN SPACE, AND~~ **PARKS AND RECREATION PROGRAM** TO THE DEGREE FISCAL RESOURCES PERMIT, AND TO:

- A. WORK WITH RESIDENTS, COMMUNITY GROUPS AND PARKS COMMISSION TO IDENTIFY RECREATION NEEDS, TO MAINTAIN AND DEVELOP NEIGHBORHOOD PARKS, AND TO IDENTIFY USES FOR UNDER-DEVELOPED PARK LANDS.
- B. WORK WITH FEDERAL, STATE AND LOCAL AGENCIES, COMMUNITY GROUPS AND PRIVATE INTERESTS TO SECURE AVAILABLE FUNDS FOR DEVELOPMENT, MAINTENANCE AND ACQUISITION OF PARK SITES AND RECREATION FACILITIES FOR PARK PURPOSES.
- C. ENCOURAGE THE DEVELOPMENT OF RECREATION OPPORTUNITIES BY OTHER PUBLIC AGENCIES AND PRIVATE ENTITIES;
- ~~D. COORDINATE WITH APPROPRIATE PUBLIC AND PRIVATE AGENCIES AND INDIVIDUALS TO RESOLVE ANY POTENTIAL CONFLICTS WHICH MAY ARISE OVER THE DEVELOPMENT OF OR PROTECTION OF THE OREGON RECREATION TRAILS SYSTEM. IN MULTNOMAH COUNTY, POTENTIAL STATE RECREATION TRAILS INCLUDE THE PORTLAND TO THE COAST TRAIL, THE SANDY RIVER TRAIL, THE COLUMBIA GORGE HIKING TRAIL, THE NORTHWEST OREGON LOOP BICYCLE TRAIL, AND THE 40 MILE LOOP~~
- E D. IMPLEMENT AND MAINTAIN THAT PORTION OF THE PROPOSED 40 MILE LOOP JOGGING, HIKING, BICYCLING TRAIL SYSTEM WHICH IS IN PUBLIC OWNERSHIP, BY:**
 - 1. REQUIRING DEDICATION OF RIGHTS-OF-WAY/EASEMENTS BY THOSE DEVELOPING PROPERTY ALONG THE PROPOSED 40 MILE LOOP CORRIDOR.
 - 2. COORDINATING WITH THE BICYCLE CORRIDOR CAPITAL IMPROVEMENTS PROGRAM THROUGH EMPHASIS ON DEVELOPMENT OF BIKEWAYS AS CONNECTIONS TO THE SYSTEM.

3. COORDINATING AND ASSISTING OTHER JURISDICTIONS IN STUDIES OF ROUTE ALIGNMENT OF THE 40 MILE LOOP.
4. COORDINATING THE 40 MILE LOOP LAND TRUST STUDIES OF ROUTE ALIGNMENT OF THE 40 MILE LOOP AND DIRECT ASSISTANCE IN ACQUIRING EASEMENTS AND/OR RIGHTS—OF-WAY.
5. ADOPTING TRAIL AND BIKEWAY STANDARDS FOR SEGMENTS OF THE 40 MILE LOOP.

STRATEGIES

- A. As part of the continuing planning program for parks and open space, the County has appointed a County Parks Commission to work in concert with the County to:
 1. Address objectives necessary for the County to meet eligibility criteria for receipt of public and private resources.
 2. ~~Develop a long range master park plan for Multnomah County to be recommended to the Board for adoption~~ Follow the guidelines and directives of the 1984 Multnomah County Neighborhood Park Master Plan in the future maintenance and development of the neighborhood park system.
 3. Raise funds for park purposes as best serves the goals of the Parks Commission, the Parks Master Plan, and the County.
- B. The County should consider the rights and privileges of recreational boaters when evaluating land development proposals.
- C. The continuing planning program should include, in the update of Community Plans, identification of:
 1. specific recreation needs;
 2. plans for developing and maintaining specific park sites; and
 3. implementation strategies.
- D. The County should continue to:
 1. Review all tax foreclosure lands for potential open space or recreational uses.
 2. Coordinate with other agencies and assist in the location of public recreation facilities, including Oregon Recreation Trails in the County.
- E. The Zoning Ordinance should include provisions for privately owned and operated recreational facilities as conditional uses in zones viewed as appropriate by the individual communities.

H. POLICY 40: DEVELOPMENT REQUIREMENTS

INTRODUCTION

While most ~~open-space park~~ and recreation systems involve specific sites, an ideal system is connected by pedestrian and bicycle paths. It is, therefore, important to examine each development proposal for the purpose of determining whether a connection through the site should be provided. In addition, public agencies construct roads and sewer and water systems and often purchase or acquire easements to land. During this process, it is important to determine if there is a multiple use potential.

It is also important to recognize that inclusion of ~~open-spaces parks~~ and landscaped areas in industrial, commercial and multiple family developments is an essential part of the system by providing visual variety and interest to the landscape. These areas can also be used by people as places to rest and relax, and are as important as large recreation areas.

The purpose of this policy is to provide a review process to assure that development proposals will not preclude an interconnected ~~open-space park~~ and recreation system. It is also intended to encourage ~~open-space areas park~~ in large developments where people can sit and enjoy the surroundings.

POLICY 40

THE COUNTY'S POLICY IS TO ENCOURAGE A CONNECTED PARK AND ~~OPEN SPACE~~ RECREATION SYSTEM AND TO PROVIDE FOR SMALL PRIVATE ~~OPEN SPACE~~ RECREATION AREAS BY REQUIRING A FINDING PRIOR TO APPROVAL OF LEGISLATIVE OR QUASI-JUDICIAL ACTION THAT:

- A. PEDESTRIAN AND BICYCLE PATH CONNECTIONS TO PARKS, ~~OPEN SPACE~~ RECREATION AREAS AND COMMUNITY FACILITIES WILL BE DEDICATED WHERE APPROPRIATE AND WHERE DESIGNATED IN THE BICYCLE CORRIDOR CAPITAL IMPROVEMENTS PROGRAM AND MAP.
- B. LANDSCAPED AREAS WITH BENCHES WILL BE PROVIDED IN COMMERCIAL, INDUSTRIAL AND MULTIPLE FAMILY DEVELOPMENTS, WHERE APPROPRIATE.
- C. AREAS FOR BICYCLE PARKING FACILITIES WILL BE REQUIRED IN DEVELOPMENT PROPOSALS, WHERE APPROPRIATE.

SECTION 3. ADOPTION

ADOPTED THIS _____ day of _____ 1989, being the date of its second reading before the Board of County Commissioners of Multnomah County.

**BOARD OF COUNTY COMMISSIONERS
OF MULTNOMAH COUNTY, OREGON**

(SEAL)

By _____
Gladys McCoy, County Chair

Reviewed:
Lawrence Kressel, Multnomah County Counsel

by: _____

John DuBay
Chief Deputy County Counsel

AB1004



Department of Land Conservation and Development

1175 COURT STREET NE, SALEM, OREGON 97310-0590 PHONE (503) 373-0050

June 9, 1989

RECEIVED
JUN 15 1989

3EN

Lorna Stickel, Planning Director
Multnomah County Department of Environmental Services
Division of Planning and Development
2115 SE Morrison Street
Portland, Oregon 97214

Dear Lorna:

We have reviewed Multnomah County's submittal for periodic review. I wish to compliment you and the county on the quality of your submittal. The county's proposed periodic review order is detailed and well organized.

The proposed periodic review order finds that the entire area within the Metro UGB is "exempted" from the county's periodic review. Since acknowledgment, the county has negotiated new planning agreements with the cities of Portland, Gresham, Fairview, Wood Village, and Troutdale. The new agreements provide that the entire area within the Metro UGB is within the planning area of these cities. Therefore, each city is now responsible for completing periodic review for the unincorporated area covered by their planning area agreement.

Since the unincorporated areas remain under county land use designations and zoning, however, there will be some planning requirements which are applicable to you. These will be addressed as part of each city's periodic review. We request that the county coordinate with each city as needed. If you have any questions or comments regarding periodic review for areas inside UGB's, please contact Jim Sitzman at 229-6068 or Jim Hinman at 373-0088.

Under the provisions of ORS 197.640(9), Multnomah County has postponed periodic review of that portion of the county within the Columbia River Gorge National Scenic Area (Proposed Local Review Order, p. 8). The submittal for the "rural" portion of Multnomah County outside of the Columbia River Gorge National Scenic Area satisfactorily responds to most of the requirements of periodic review. We are confident that by working together, we can resolve the remaining issues.

The attached report contains our comments and suggestions regarding changes for the "rural" plan, its data base and implementing ordinances. If you find that we have misunderstood

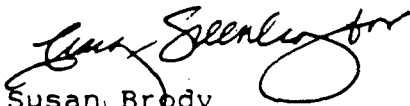
June 9, 1989

the county's position on any of the issues raised in our report, we will be happy to amend our letter prior to the proposed date of adoption by the Multnomah County Commissioners. To be sure that we have clearly understood the county's intent, I will be contacting you to arrange a meeting to discuss this in more detail. I am especially interested in your perceptions of the periodic review process and any suggestions you have on ways of improving it.

The major issues which need to be addressed by the county involve: (1) amendments to the forest zones to comply with Goal 4; (2) the recognition of the process for locating the Mt. Hood Parkway; (3) amendments to the SEC and other zones to comply with Goal 5; (4) specific amendments to the proposed order addressing the Goal 5 rule for mineral and aggregate resources, natural areas, wetlands and historic resources. These and other issues which need to be addressed are described in detail in the attached review.

Please contact Jim Sitzman at 229-6068 if you have any questions regarding our review. Michael Rupp is the reviewer for the rural areas and can be reached at 373-0095. Lorna, I look forward to meeting with you to discuss these and other issues in the near future.

Sincerely,



Susan Brody
Director

SB:CG/sp
<pr>

cc: Planning Directors, Cities of: Portland, Gresham, Fairview,
Wood Village, and Troutdale
Rich Carson, METRO
Jim Sitzman, Field Representative
Greg Wolf, Operations Division Manager
Paul Norris, ODOT
Michael Rupp, Reviewer
Jim Hinman, Reviewer
Periodic Review Files (Lib, Ptld, RC)

October 23, 1989

Multnomah County Planning Commission
2115 SE Morrison St
Portland OR 97214

Re: Zoning Ordinance Amendments Regarding Mineral and
Aggregate Resources

Dear Planning Commission Members:

ATTORNEYS

JOHN H. BAKER, AIA
RALPH BOLLIGER†
ANDREW E. GOLDSTEIN***
LEWIS B. HAMPTON
HARLAN EDWARD JONES*
E. ANDREW JORDAN
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MARY CAROL SCHNELL
SUZANNE TINKER

This office represents Angell Brothers, Inc., owner and operator of the Angell Brothers aggregate mining and processing facility on St. Helens Road. It is the purpose of this letter to express to the Commission our concerns with respect to the proposed amendments to the zoning ordinance relating to mineral and aggregate resources and to suggest alterations to those amendments to more clearly and accurately address the siting and operational requirements of such facilities in Multnomah County. This response is addressed specifically to the proposed amendments attached to the memorandum of September 25, 1989 regarding the periodic review workshop.

1. Zoning Ordinance Section 11.15.7325(B) (2) (a)

The staff proposes that all existing vegetation and topographic features within 50 feet of the exterior of an extraction site must be preserved. This requirement conflicts with the proposal to amend Section 11.15.7325(B) (7) (a) and (b) in that the proposed setbacks in those two sections are 100 feet and 500 feet. We recommend that the 50-foot screening requirement is appropriate, but that the setback requirements of Subsection (7) should be the same as the screening distance. There is no reason to require a 100-foot setback, as opposed to a 50-foot setback, unless there is an existing noise- or dust-sensitive use abutting the property. Therefore, the screening requirement of Subsection (2) should remain at

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50 feet as proposed, but the setbacks in Subsection (7) should be amended to be 50 feet except where a noise- or dust-sensitive land use exists.

We also suggest that Subsection (7)(a) be deleted, and that Subsection (7)(b) be amended by deleting the word "other" and amending "100 feet" to "50 feet". It is not necessary to require 100-foot property line setbacks or 500-foot noise setbacks in natural resource zones. Therefore, we also propose that Subsection (7)(b) be amended to provide that only 50-foot setbacks are required in natural resource zones and the larger setbacks are only required in commercial and residential areas.

2. Zoning Ordinance Section 11.15.7330

This section is being amended to require a 15-year time limit on conditional use permits, rather than the existing 5-year time limit. The proposal has little effect, however, because the existing language calls for a "maximum of five years" while the proposed language calls for a "maximum of 15 years". Although the outer limit is altered by this proposal, there is no lower limit. For example, under the proposed language, the county could still limit conditional use permits to five years or less.

We propose that the language "a maximum of" be deleted so that the conditional use permit will be for 15-year periods. This long-term guarantee is necessary so that operators will be able to amortize the cost of equipment purchases and installation over the term of a normal commercial loan.

Alternatively, we would suggest that the time limit on conditional use permits be flexible based upon the number of years of operation proposed in the applicant's operations plan. This would eliminate the necessity for a series of conditional use permit applications on the same site. If the county wishes to review operations during a long-term conditional use permit, the

county could require periodic reviews of compliance with conditions during the term of the permit.

3. Zoning Ordinance Section 11.15.7325(B) (9)

The proposed amendments seek to permit or restrict blasting to the hours of 9 a.m. to 5 p.m., Monday through Friday, and to prohibit blasting on Saturdays, Sundays, and holidays.

The ordinance amendments should reflect that any blasting requirements or restrictions apply only in residential and commercial areas. The restrictions against blasting are premised upon the notion that people are at home on Saturday, Sunday, and holidays, and will therefore be inconvenienced by the effects of the blasting. If an aggregate site is in a natural resource area, this premise does not apply. In such areas, even if dwellings exist, they are not primary uses and should not be allowed to dictate the operations of a protected natural resource. The county's duty in such areas is to protect the resource, not dwellings which may be allowed in resource areas. The same arguments apply to the 9 a.m. to 5 p.m. restrictions.

4. Zoning Ordinance Section 11.15.7325(B) (2) (c)

Subsection (2) requires screening and landscaping in the form of existing vegetation or additional hedges, trees, walls, fences, or similar features. In fact, where an aggregate site is located on a hillside, such screening devices will likely be ineffective. Unless it is the county's intent to prohibit aggregate extraction from hillside locations, Subsection (2)(c) should be amended by the addition of a third exception criteria to read as follows:

"Subsection (iii) - Screening will be ineffective because of the topography or slope of the site."

5. Zoning Ordinance Section 11.15.7325(B) (4)

Pursuant to this proposed section, the hours of operation would be 7 a.m. to 6 p.m., Monday through Saturday, for "sites" located within 1/2 mile of any noise- or dust-sensitive use, and 6 a.m. to 10 p.m. on all other "sites". The word "sites" should be changed to "extraction areas". This change is necessitated by the fact that on a large site, the actual extraction area may be a substantially greater distance from the noise- or dust-sensitive use than is the boundary of the site. Since it is the extraction area which produces the noise and dust, not the site in general, the limits should only apply based upon the actual location of the work.

In addition, the 1/2-mile restriction should be reduced to 500 feet to be consistent with the setback requirements in Subsection (7) and the restrictions of Zoning Ordinance Section 11.15.7335(D).

Finally, Subsection 4(C) prohibits operations on Sundays and holidays. In natural resource areas, or in areas where no dust- or noise-sensitive uses are prevalent, there is no justification for prohibiting aggregate operations on Sundays and holidays. Therefore, this section should be amended to apply only in residential and commercial areas or in areas where noise- or dust-sensitive uses exist.

6. Zoning Ordinance Section 11.15.7325(B) (10)

This section requires a safety and security plan addressing fencing and other security measures. It is unclear whether this section requires fencing on any aggregate resource site. Although fencing is a legitimate requirement where hazards exist, fencing should not necessarily be required in natural resource areas. The section should be amended to eliminate any implication that fencing is necessarily required regardless of the location of the site.

7. Zoning Ordinance Section 11.15.7325(B) (12)

This section requires that a reclamation plan shall include a timetable for "continually protecting the land" during the extraction activity. The above-quoted language is unclear. It does not state what sort of protection is contemplated, which land is to be protected, and what the protection is to be against.

8. Zoning Ordinance Section 11.15.7325(E)

This section requires that potential adverse impacts be resolved or minimized. This section should only apply to resource sites designated "3C", and should not include sites designated "2A" or "3B". The "A" designation indicates that no conflicting uses exist or that the resource should be permitted notwithstanding the conflicting uses. Therefore, the potential adverse impacts analysis in Subsection (E) conflicts with the ESEE process.

We will appear at your hearing and further explain our suggested alterations to the staff proposal.

Thank you for your consideration of our suggestions.

Very truly yours,

BOLLIGER, HAMPTON & TARLOW



E. ANDREW JORDAN

EAJ/ACF/1814G-2

cc: Angell Brothers, Inc.



Notice of Public Hearing Planning Commission

Department of Environmental Services
Division of Planning and Development

2115 SE Morrison Street
Portland, Oregon 97214

You are invited to attend or send written comment regarding a public hearing to be held on the following item on the date and at the time and place indicated below. The hearing will be conducted pursuant to the Planning Commission's *Rules of Procedure* (enclosed). All interested parties may appear and testify.

A recommendation on the item will be announced at the close of the hearing, or upon continuance to a time certain. A written recommendation will be filed with the Clerk of the Board of County Commissioners within ten days of the announcement.

A Staff Report will be available at no cost seven days prior to the hearing. For further information, call Gary Clifford at 248-3043.

Planning Commission Members: Alterman - Chiedu - Douglas - Fry - Fritz - Hunt - Leonard - Spetter

Date: 10/23/89 Time: 6:00 pm Place: Room 602, Multnomah County Courthouse

C 1-88 Periodic Review Order

This will be the first of two hearings on the adoption of a Periodic Review Order. The second hearing will be held on Monday, November 13, 1989.

The topic of the hearings are changes to the Proposed Periodic Review Order adopted in February, 1989, as required by the Director of the Department of Land Conservation and Development. The major changes to the Order include:

- (1). Proposed amendments to the Significant Environmental Concern Comprehensive Plan Policies and Maps and corresponding Zoning Code Section regarding wetland preservation; and
- (2). Amendment of the Comprehensive Plan Policies and Conditional Use of the Zoning Code on Mineral Extraction.

There are also some modifications to the proposed Hillside Development and Erosion Control Ordinance and other minor Order changes.

Review of the "Economic, Social, Environmental and Energy Analysis" worksheets for mineral extraction sites will be heard on November 13, 1989.

Portland Office

VIA HAND DELIVERY

December 18, 1989

Board of County Commissioners
of Multnomah County
1021 SW 4th
Portland OR 97204

Re: Periodic Review

Dear Commissioners:

This office represents Angell Brothers, Inc. with respect to periodic review of the Multnomah County Comprehensive Plan and zoning ordinance.

The Angell Brothers, Inc. aggregate resources site on St. Helens Road has been operating pursuant to conditional use permits since 1976. The aggregate mined from the site has proven to be of high quality and is one of the County's most significant aggregate resources. The site is approximately 394 acres in size, 72 of which are currently being mined pursuant to a conditional use permit. The permit expires in April 1991 at which time Angell Brothers intended to submit an application for a permit to mine on the remainder (expansion area) of the site.

Though the existing permit expires in early 1991, the 72-acre area is large enough to provide aggregate through 1990 only if Angell Brothers mines a ridge on the western edge of the 72-acre parcel. That ridge presently provides screening and buffering between the mining operations and surrounding properties. Though we are presently able to mine that ridge, the company's preference is to avoid the ridge for the time being and mine in portions of the expansion area. If Angell Brothers decides to avoid mining the ridge, the remainder of the 72-acre site has sufficient aggregate only for one more year of operations. A new conditional use permit will be necessary before the existing permit expires.

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LEWIS B. HAMPTON
DARIN D. HONN
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*Admitted Oregon and Washington
**Admitted New York
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In the periodic review process, however, the staff has determined that the existing 72-acre site should be designated "3C" and that the expansion area should be designated "1B". The effect of this proposal, which was accepted by the Planning Commission, is to allow mining operations only on the existing 72 acres but to prevent any permit for mining in the expansion area. This proposal is based on the premise that Angell Brothers has failed to provide sufficient mapping of the expansion area. In addition, the staff has also designated a suspected wildlife corridor in the West Hills area, which it believes may conflict with mining operations. The staff has evidently begun a one-year study to determine the existence of that corridor. In the meantime, the staff designates the Angell Brothers expansion area as "1B", which prevents a conditional use permit for the expansion area during the term of the study.

With respect to mapping of the site, the staff is incorrect and has failed to review the documentation of the location of the resource which has been submitted. Attached to this letter is a copy of the site map submitted by H.G. Schlicker & Co. pertaining to the expansion area. The map indicates a series of test holes locating the aggregate, and the staff has claimed that this testing is insufficient. The staff ignores the fact that the Schlicker report indicates that test holes are only one means of testing for the resource and that, in fact, three other tests were performed on the expansion area. The conclusion, also attached to this letter, is that the entire site contains significant aggregate resources.

Therefore, Angell Brothers has sufficiently demonstrated the location of the resource as required by Goal 5, and additional mapping is unnecessary.

Since the proposed zoning ordinance revisions with respect to mineral and aggregate resources state that only sites with "2A", "3A" or "3C" Goal 5 designations are eligible for conditional use permits, and since the expansion area has been designated "1B" because of insufficient mapping and because the staff wishes to perform a one-year wildlife corridor study, Angell Brothers would be unable to request a conditional use permit for expansion of the present site. Either

Board of County Commissioners
December 18, 1989
Page 3

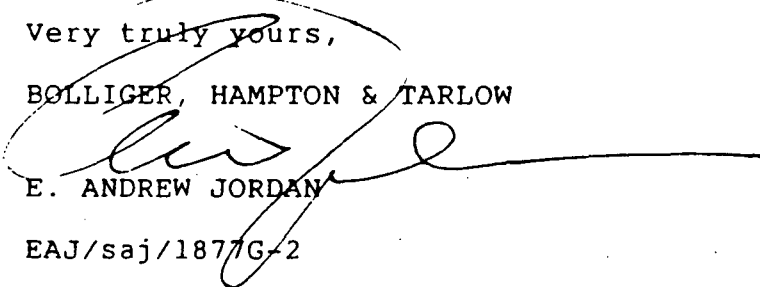
Angell Brothers will have to mine the western ridge to stay in business during the corridor study period, resulting in loss of screening and buffering, or it will have to file a conditional use permit for the expansion area prior to adoption of the proposed ordinance amendments. In either case, public interest will not be served, and the process will be substantially more cumbersome.

In an attempt to accommodate the interests of the County and Angell Brothers, we propose that a 94-acre portion of the expansion area be designated "3A" or "3C" immediately and that the remainder of the expansion area be designated "1B" to permit the staff to complete its corridor study and, if necessary, to permit additional mapping of the peripheral areas. This proposal would allow Angell Brothers to save the western ridge and to begin mining in those portions of the expansion area upon which significant test holes have proven the existence of the resource. Enclosed is a map designating the portion of the expansion area which should be designated "3A" or "3C".

This compromise proposal should satisfy the concerns of the staff and will allow Angell Brothers, Inc. to continue mining a necessary resource which has proven to be of substantial benefit to the County. We will appear at your hearing to discuss these matters further, and we appreciate your consideration of our proposal.

Very truly yours,

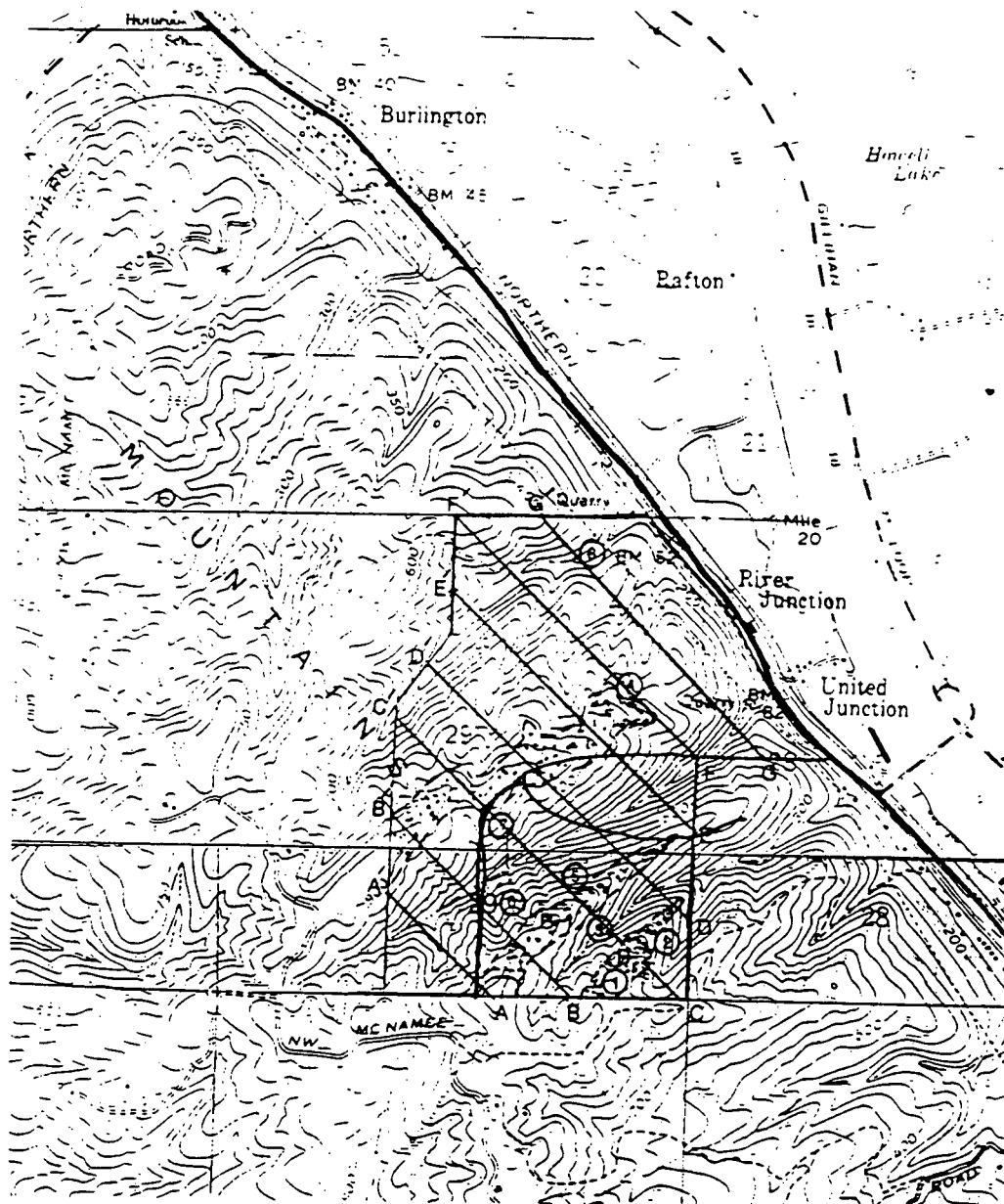
BOLLIGER, HAMPTON & TARLOW


E. ANDREW JORDAN

EAJ/saj/1877G-2

Enclosure

cc: Gladys McCoy
Pauline Anderson
Gretchen Kafoury
Rick Bauman
Sharron Kelly
Angell Brothers, Inc.



Scale 1" = 2000'

EXPLANATION

B-1 Boring Location

A-A Topographic Profile Location

① Seismic Refraction Survey Location

⊙ Silty Loess Material Capping Ridge Tops

Remainder of area is basalt

Figure 2. Map showing geology, topographic profiles, seismic refraction survey lines, and borings.

could be evaluated following the ESEE analysis procedure. Note that the portion describing conflicting uses only takes one-half a page and the whole worksheet is only two pages. From what the County staff can determine this ESEE process was not envisioned to be a complete "Environmental Impact Statement" type of document. Instead, the rule states that "A determination of the ESEE consequences of identified conflicting uses is adequate if it enables a jurisdiction to provide reasons to explain why decisions are made for specific sites" (OAR 660-16-005(2)). For that reason the planning commission did not determine it necessary to go into great depth on each point of the analysis.

3. The inventory and ESEE analysis for Aggregate Site #4, Angell Brothers Quarry.

This is the same report which was presented to the Board on January 9th. It has only been put into a different type face to make it easier to read.

The key question to be answered is the appropriate ESEE designation of the 325.37 acres adjoining the 71.22 acre existing aggregate mining operation. The attached analysis makes a finding that for the next year the designation for the 325.37 acres is at "Step 2 Identify Conflicting Uses" in the ESEE process. It is during this time period that the wildlife corridor studies will be completed, giving time to more fully identify the potential conflicting uses. This is an unusual designation. However, a representative of the State Attorney General's Office has assured County staff that it is an appropriate one if based upon a definite time table of completion.

4. The inventory and "3B Conclusion" ESEE analysis for Aggregate Site #8, Howard Canyon.

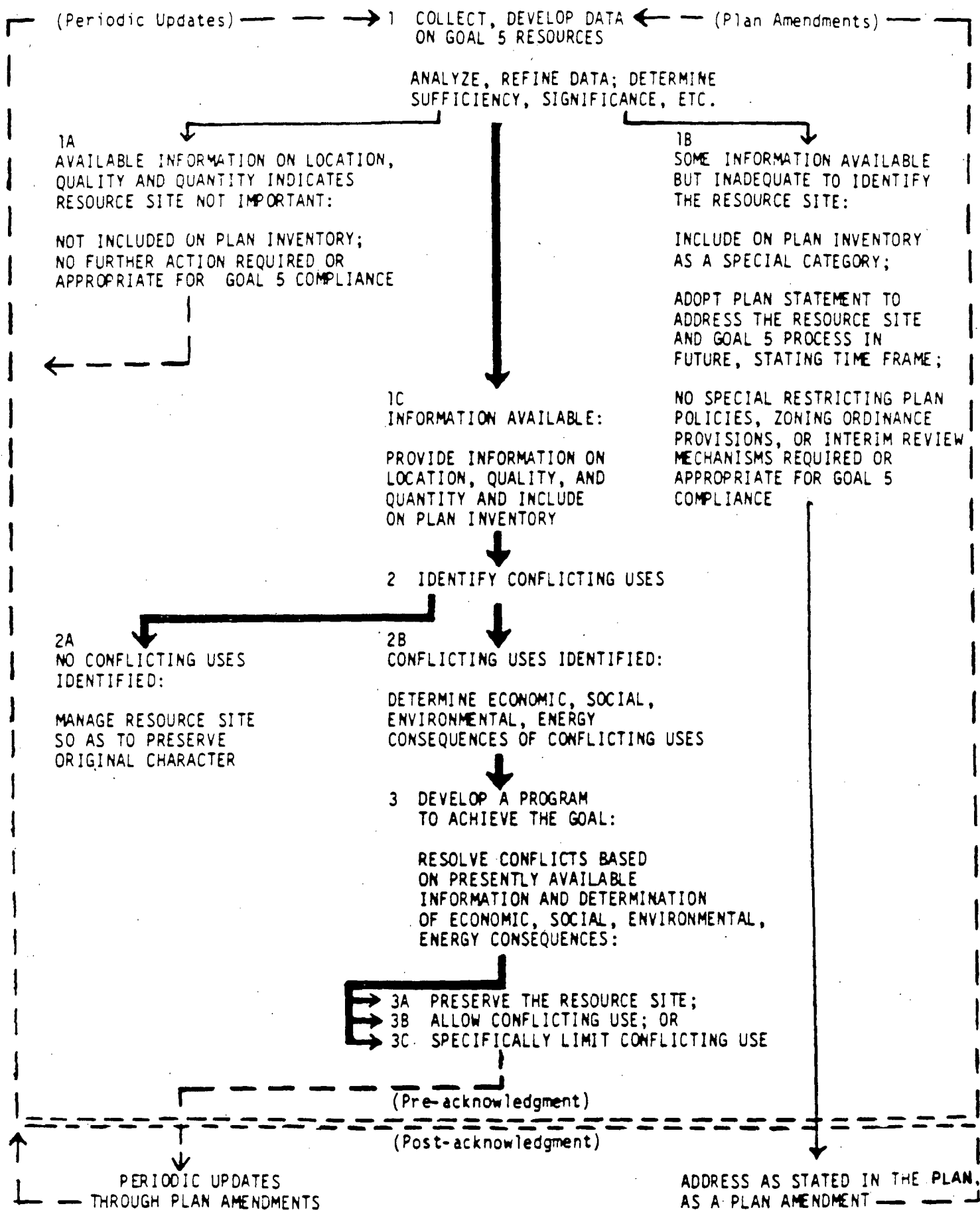
This is the "alternative" analysis presented to the Board at the February 6th Work Session. The "3B" designation results in the site not being eligible for application to mine more than 5,000 cubic yards of material per year as a conditional use under the County's newly adopted ordinance amendments. The conclusion is that the site "not be protected due to overriding benefits from allowing conflicting uses". Planning staffs opinion is that this designation will be more difficult to defend at the state

level and the valid concerns raised by the "3B" analysis can still be addressed at the conditional use application stage.

5. The inventory and "3C Conclusion" ESEE analysis for Aggregate Site #8, Howard Canyon.

This ESEE analysis wording and conclusion is unchanged from the time that the Planning Commission approved it on November 27, 1989. Only the type style has been modified to match the other "ESEE's" to be discussed at the March 6th Hearing.

The conclusion of this analysis is that the site "Be partially protected by conditions which minimize the impact of conflicting uses". The impact of conflicting uses, such as homes, on the resource site would be lessened by the required setback of 200 feet to the property line. At the same time, the performance type standards contained in the ordinance require that any large scale operation proposal address and meet the transportation, proximity of homes, other State Goal 5 resources, and slope stability concerns raised in the ESEE analysis.



ATTACHMENT

GOAL 5 WORKSHEET

Type of Resource: Historic Building

Description: Saloon built in 1880

1. Inventory Requirement

1-A: Available information indicates resource site not important: YES or NO.

If YES, designate site 1-A; action required: none.

If NO, proceed.

1-B: Available information is insufficient to determine importance of resource site: YES or NO.

If YES, designate site 1-B; action required: adopt policy to follow Goal 5 Rule requirements when information becomes available.

If NO, proceed.

1-C: Available information is adequate to indicate that the resource site is significant: YES or NO.

If YES, designate site 1-C; action required: Inventory

Location 450 Main Street

Quality Only example of pre-1900 architecture in county,
building in fair condition

Quantity This is the oldest building in Beaver County

Proceed to 2

2. Conflicting Use Determination and Analysis

2-A: There are existing or potential conflicting uses at the site: YES or NO.

If NO, designate site 2-A; action required: adopt a policy to preserve resource site.

If YES, proceed.

2-B Describe the existing or potential conflicting uses at the site:

Demolition or alteration of building

Complete ESEE Analysis of Conflicting Uses:

Economic: Building could be restored for less than the cost of a new building. Restored building would attract tourists.

Social: Building is part of the history and culture of Salmonville

Environmental: No environmental consequences

Energy: No energy consequences

Conclusion of ESEE Analysis: Building should be protected, consistent with the economic use of the property for commercial purposes.

Proceed to 3

3. Program for Resource Protection

3-A Based on the ESEE analysis, the benefits from preserving the site outweigh those from allowing full conflicts: YES or NO.

If yes, designate site 3-A; action required: adopt policy and implementing measures to preserve site from conflicts.

If NO, proceed.

3-B: Based on the ESEE analysis, the benefits from allowing full conflicts outweigh those from preserving the site: YES or NO.

If YES, designate site 3-B; action required: none.

If NO, proceed.

3-C: Based on the ESEE analysis, the benefits from allowing limited conflicts and protecting the site to some degree are comparable: YES or NO.

If YES, designate site 3-C; action required: adopt policy and clear and objective implementing measures to protect site by limiting conflicts.

(See development ordinance, section, 8.0)

Multnomah County
GOAL 5 INVENTORY
(1/09/90)

Type of Resource: Mineral and Aggregate
Mult. Co. Inv. Site #4
Angell Brothers

Location:

Tax Lot '12 in the Northwest 1/4 of Sec. 28, T. 2 N., R. 1 W.; Tax Lots '2', '6', '8', and '11' in the eastern one-half of Sec. 29, T. 2 N., R. 1 W.

Description:

DOGAMI I.D. #26-0019

This operating rock quarry is located on the west side of State Highway 30, just north of the Sauvie Island Bridge. The present size of the approved extraction activities cover the majority of two tax lots totalling 71.22 acres in area. The easternmost parcel of 31.22 acres (TL '12', Sec. 28, T. 2 N. R. 1 W.) contains the processing equipment and stockpiles. The existing general mining and operations master plan calls for retaining the north and south knob type hills at the entrance for screening of the operation to viewing from the east.

A 1978 DOGAMI publication estimated that reserves of the mineral and aggregate resource were 7 million cubic yards of material. A study by H. G. Schlicker and associates was submitted in August, 1989 which covered an adjoining 325.37 acres. That report concluded that based upon their materials tests, borings, and seismic studies, the potential expansion area most likely contains approximately 220 million cubic yards of very good aggregate material.

A. Available information indicates site is important (ability to yield more than 25,000 cubic yards of material in less than 5 years):

NO—Designate 1A: Do not include in plan inventory.

X YES – Go to B.

B. Is available information sufficient to determine the location, quality and quantity of resource at the site ?

NO – Designate 1B : Address the site in future when information becomes available.

X YES – Include in plan inventory and go to C.

C. Zoning:

Multiple Use Forest - 19 and Multiple Use Forest - 38

OAR 660-16-005: *'It is the responsibility of local government to indentify conflicts with inventoried Goal 5 Resource Sites.'*

Are there conflicting uses ?

NO – Designate 2A : Preserve resource.

X YES – Go to D.

D. Describe existing or potential conflicting uses:

Single family residences: In the MUF-19 zone as a primary use on a lot of 38 acres, as a use under prescribed conditions on a new lot of between 19 and 38 acres with a forest or farm management plan, as a use under prescribed conditions on a lot of record of between 10 and 38 acres with a forest or farm management plan, or as a conditional use on a lot of record of less than 10 acres. The MUF-38 zone requirements are identical to the MUF-19 zone except that new lots must be at least 38 acres in area.

A range of potential conditional uses and community service uses are listed in the MUF zoning districts but to be approved the approval authority shall find that the proposed use "Will not adversely affect natural resources" (MCC 11.15.7120(B)). In the MUF zone such uses include churches, schools, cottage industries, service commercial, and tourist commercial establishments.

There is the possibility of a "Wildlife Corridor" in the West Hills that provides migrating routes and intermingling of species between Forest Park and the Coast Range. If such a corridor exists, the impact on this corridor by an expansion of the subject mineral and aggregate operation would need to be answered. There are studies in progress that are investigating this potential conflict and until that research and field studies are completed during calendar year 1990, the County cannot adequately identify conflicting uses as required by OAR 660-16-005.

Although OAR 660-16-000 (5) (c) states that when a site is included on the inventory then it "...must proceed through the remainder of the Goal 5 process", it is the County's position that the gathering of information on potential conflicting uses based upon a committed expenditure of funds and a published timetable is "proceeding" through the process and is at step designation "2" on the OAR flow chart at this time. Also see 3.A.(1).(b).in the Environmental section below and the Wildlife Habitat Goal 5 Inventory.

Another potential conflict which is under study are the scenic views of the Tualatin Mountains from the Multnomah Channel and the wildlife areas on Sauvie Island. See Scenic Views Goal 5 Inventory.

Describe consequences of allowing conflicting uses:

OAR 660-16-005 (2): "...Both the impacts on the resource site and on the conflicting use must be considered in analyzing the ESEE consequences. The applicability and requirements of other Statewide Planning Goals must also be considered, where appropriate, at this stage of the process. A determination of the ESEE consequences of identified conflicting uses is adequate if it enables a jurisdiction to provide reasons to explain why decisions are made for specific sites."

ECONOMIC:

1. Impacts on resource:

Potential loss of site which is the largest in operation in the County which also contains significant remaining reserves of the resource. The location, less than one mile outside the Urban Growth Boundary and with direct access to a State Highway, has many advantages in supplying this resource to the metropolitan area.

2. Impacts on conflicting uses:

Homes and tourist commercial uses too near the noise or dust of an extraction operation will have reduced value.

3. Requirements of other applicable State Goals:

A. Transportation Goal 12:

Direct access is onto State Highway 30 which is capable of handling all anticipated traffic.

B. Areas Subject to Natural Disasters and Hazards, Goal 7:

The majority of the entire site is located in a slope hazard area. This should not present a problem due to the requirement in MCC 11.15.7325 (D) that all proposed operations be certified by competent professionals (such as a registered mining engineer) to not result in the creation of a geologic hazard to surrounding properties.

SOCIAL:

1. Impacts on resource: N/A

2. Impacts on conflicting uses:

A. The nearest conflicting uses are two homes which are 700 feet away from the subject property. At 1000 feet away to the northeast are 29 houseboats.

B. Residences near Multnomah Channel, houseboats on the channel, and residences on the southerly 2 miles of Sauvie Island which are east and northeast of the gap in the ridge at the entrance to the mining operation are able to view the slopes under excavation.

3. Requirements of other applicable State Goals: N/A

ENVIRONMENTAL:

1. Impacts on resource: N/A

2. Impacts on conflicting uses:

Noise, dust particulates, and blasting are potential impacts on such sensitive land uses as homes, schools, and public parks.

3. Requirements of other applicable State Goals:

A. Goal 5, Open Spaces, Scenic and Historic Areas, and Natural Resources:

(1). Fish and wildlife areas and habitat:

(a). Existing 71.22 acre approved extraction operation: An intermittent stream flows northeasterly through the center of tax lot '12' (the 32 acre parcel fronting on the highway). In conjunction with the present operation most of the length of the stream near the mining has been enclosed in a culvert. Although the stream is classified Class 2 by the State Department of Forestry, the decision to allow piping through the site was made because "the stream is not considered a 'fishing' creek because it dries up in late summer" and the State Department of Environmental Quality approved the water discharge system. The value of the mineral and aggregate resource in this location outweighs the value the stream may have for fish and wildlife habitat at this time, considering that at some time in the future the fish and wildlife potential can be restored. No significant wildlife area exists on the area currently approved for extraction activities.

*collection
B2*

(b). Adjoining 325.37 acres:

Recent studies suggest that the wide variety of wildlife found in Forest Park may be directly attributable to the opportunity for species interaction with the Coast Range ecosystem. Such interaction is possible due to the rural, relatively undeveloped character of the Tualatin Range (West Hills), which enables this area to function as a "corridor" for animal movement. Thus, the wildlife diversity of Forest Park may result from either migratory patterns or general long-term recruitment from more rural reservoirs. If this is the situation, the location of the "corridor" should be located and recognized for its role in maintaining the species diversity of Forest Park.

The County has budgeted and expects to spend \$7,500 during fiscal year 1989-90 on a study of this issue. Phase 1 which is the initial research is currently underway. Phase II which is

the field survey phase and the application of research and field evaluation results, will be completed by Fall of 1990. Staff will complete the ESEE process by the end of 1990 and propose Plan amendments to the Board to complete the Goal 5 process for this factor in the first part of 1991.

(2). Outstanding scenic views and sites:

Testimony from several citizens at public hearings points to some concern over the potential adverse impacts on scenic views of the Tualatin Mountains at the subject property if the mining is extended into the adjoining lands. Considering that the Sauvie Island Wildlife areas have the most public use of any other wildlife area in the Northwest, a great many people are exposed to those views. Therefore, a study of this potential conflicting Goal 5 resource has been started and the timetable should closely follow that of the Wildlife Corridor studies.

ENERGY:

1. Impacts on resource:

Allowing noise and dust sensitive uses too close to the resource could alter the manner, location and extent of extraction activities, resulting in greater use of energy to the operator. This close-in site is energy efficient for transporting the materials to the largest market.

2. Impacts on conflicting uses: N/A

3. Requirements of other applicable State Goals: N/A

CONCLUSION:

The resource at this site should:

Be fully protected – Designate 3A.

Not be protected due to overriding benefits from allowing conflicting uses – Designate 3B.

X FOR THE APPROVED 71.22 ACRE OPERATION: Be partially protected by conditions which minimize the impact of conflicting uses – designate 3C.

- X FOR THE ADJOINING 325.37 ACRES:** No ESEE designation assigned until more information is available from ongoing studies of potential conflicting uses. At this time the ESEE analysis is at step "2" on the OAR flow chart.

PROGRAM:

The existing approved and operating 71.22 acre site is designated "3C" and when the current approval of Conditional Use 9-86 expires in 1991 (or sooner, at the operators discretion), the extraction activity could be continued with approval under a revised Mineral Extraction conditional use section of the zoning code that has clearer and more objective standards.

Designation of the adjoining 325.37 acres will be done when the needed information is obtained on potentially conflicting uses. Multnomah County expects to spend \$7,500 during fiscal year 1989-1990 in the contracting of a consultant in an attempt to verify the existence of a "Wildlife Corridor" in the area of the potential aggregate extraction expansion. The Goal 5 ESEE process for this area is expected to be completed by early 1991.

**Multnomah County
GOAL 5 INVENTORY**

(2/06/90)

("3B" Designation)

Type of Resource: Mineral and Aggregate
Multnomah County Inventory Site #8
Howard Canyon

Location:

Along the section line between Section 36, T. 1 N, R. 4 E. and Section 1, T. 1 S., R. 4 E.
See map with resource boundaries overlaid on Assessment and Taxation property line base map in inventory file.

Description: DOGAMI I.D. #26-0065

This aggregate resource site is a cleared ridge top which runs in an east-west orientation just north of Howard Canyon. As confirmed in a study by H.G. Schlicker & Associates in which 31 testpits were dug, the basalt lava resource occupies the upper 50 feet or more of the ridgecrest and is more than 4200 feet long and more than 350 feet wide for most of its length. The amount of aggregate material ranges from 150,000 to 2.7 million cubic yards. The ground surface of the resource area ranges in elevation from 780 feet to 860 feet.

The side slopes on the site vary from 50 to 90% (Schnitzer, DOGAMI, 1986). The ridge is bordered by forested ravines to the north with a small creek and to the south by Howard Canyon and Big Creek. Big Creek and its local tributaries have been mapped as Class I Streams by ODF.

A. Available information indicates that the site is important (site has the ability to yield more than 25,000 cubic yards of mineral and aggregate material in less than 5 years):

No - Designate 1A: Do not include in plan inventory

☒ Yes - Go to B.

B. Is available information sufficient to determine the location, quantity, and quality of resource at the site?

No - Designate 1B: Address the site in future when information becomes available

X Yes - Include in plan inventory and go to C.

C. Zoning:

Multiple Use Forest-38; Multiple Use Forest-19; and Exclusive Farm Use

Based on zoning, are there conflicting uses?

No - Designated 2A: Preserve the resource

X Yes - Go to D.

D. Describe existing and potential conflicting uses:

Single family residences: In the MUF-19 zone, single family residences are permitted as a primary use on a lot of 38 acres, as a use under prescribed conditions on a new lot between 19 and 38 acres with a forest or farm management plan, as a use under prescribed conditions on a lot of record of between 10 and 38 acres with a forest or farm management plan, or as a conditional use on a lot of record of less than 10 acres. The MUF-38 zone requirements are identical to the MUF-19 zone except that new lots must be at least 38 acres in area. Comparable standards are in the EFU zone for new dwellings. Single family residences constitute a significant conflicting use.

A range of potential conditional uses and community service uses are listed in the MUF zoning districts but to be approved the approval authority shall find that the proposed use "[w]ill not adversely affect natural resources" (MCC 11.15.7120 (B)). In the MUF zone such uses include churches, schools, cottage industries, service commercial, and tourist commercial establishments.

Describe the consequences of allowing conflicting uses:

OAR 660-16-005 (2) provides:

If conflicting uses are identified, the economic, social, environmental and energy consequences of the conflicting uses must be determined. Both the impacts on the resource site and on the conflicting use must be considered in analyzing the ESEE consequences. The applicability and requirements of other Statewide Planning Goals must also be considered, where appropriate, at this stage of the process. A determination of the ESEE consequences of identified conflicting uses is adequate if it enables a jurisdiction to provide reasons to explain why decisions are made for specific sites.

ECONOMIC:

1. Impacts on Resource:

The consequence could be the delay of development of a quarry site in the county east of the Sandy River and outside the Mt. Hood National Forest and Columbia River Gorge NSA available at the present time for commercial use. However, the County finds that, although not currently being considered for development, there are eight other sites within a 25 mile range of the subject site. (See February, 1989 ESEE worksheet at 13 and report of Lewis Scott, P.E., dated January 9, 1990). The County believes these reports and data.

In addition, the land may be used for other economically viable uses which are permitted outright in the zone, i.e. farming or forestry.

If designated 3B, the Howard Canyon site will not be available for commercial use; however, East Multnomah County is currently and adequately supplied by at least five different operations. (See January 9, 1990 Geologist Report at 3):

1. Smith Bros. Quarry
2. Brightwood Quarry
3. Gresham Sand and Gravel
4. Cascade Sand and Gravel
5. Pacific Rock Products

The Howard Canyon resource would not be available for immediate exploitation if designated 3B, but may increase in value if preserved for future use, given the relative scarcity of the resource and possible demand in this portion of the County. Such portion is not anticipated to grow rapidly before the next periodic review of the County's plan.

The existence of other resource sites in the area is relevant to the question of economic consequences. The site is not now necessary to meet the demand for the resource. Transportation is considered to be economically viable up to 25 miles for a one way trip. (Gray, DOGAMI, 1988). There are at least eight other aggregate sites in operation within a 25 mile range of this site which can serve the local area:

1. Damascus Quarry is located one mile south of Damascus in Clackamas County. This site is located about 14 miles from Springdale and 18 miles from Howard Canyon.
2. Construction Aggregates is located one mile south of Barton in Clackamas County. This site covers 200 acres and is located 9 miles from Orient, 17 miles from Springdale, and 19 miles from Howard Canyon.

3. Deep Creek is located 1/2 mile from Barton in Clackamas County. It is 15 miles from Springdale and 19 miles from Howard Canyon.

4. American Sand and Gravel is located 2 miles from Barton in Clackamas County and is a large operation with considerable reserves. The site is 7 miles from Orient, 14 miles from Springdale, and 16 miles from Corbett.

5. Mt. Hood Rock is located in Brightwood in Clackamas County and East of the Sandy River. The site is about 18 miles from Orient and 24 miles from Howard Canyon.

6. Gresham Sand and Gravel is located within the city limits of Gresham and is 7 miles from Springdale and 13 miles from Latourelle.

7. Rogers Construction is located within the city limits of Gresham and is about 7 miles from Springdale and 11 miles from Howard Canyon.

8. Oregon Asphaltic Paving is located in Gresham and is 8 miles from Springdale and 12 miles from Howard Canyon.

Sites 6, 7, and 8 (the Gresham sites) may become depleted over the next 15 years. However, the Clackamas County sites are expected to remain available for at least another 25 years. The existing sites within a 25-mile radius are sufficient to meet the needs of the county for the duration of the planning period. Such economic consequences may be analyzed once again during the next periodic review.

Additionally, there are two potential sites on forest service lands which may be made available to the local residents as a common-use area, community pits or under contract, according to Mt. Hood District Geologist. Sites located on USFS lands in the Mt. Hood National Forest can be operated in a variety of ways with prices starting as low as \$1 per cubic yard. Economically, Howard Canyon would be unable to compete with the extremely low costs associated with a community pit or common-use area. Community pits are considered by the county to be an economically viable option for the County at this location. In addition, the community pit or common-use area would lessen the demand on existing sites and prolong the productivity of those sites.

The Howard Canyon site is on the inventory. The site has economic value and is significant. However, it does not necessarily follow that all significant resources must be available for immediate exploitation. Once inventoried, the county must determine whether to 1) fully protect the resource; 2) allow conflicting uses fully; or 3) limit conflicting uses. See OAR 660-16-010. Howard Canyon should be placed in the second category which allows conflicting uses fully and a 3B designation should be placed on the site.

2. Impacts on Conflicting Uses:

Homes too near the noise and dust of extraction activities will have lessened resale value. Proportionally, there is a greater economic impact on the value of the nearby homes and other uses than there is on the resource. The value of the resource may indeed increase over time if left in place.

3. Requirements of other applicable Statewide Planning Goals:

A. Transportation, Goal 12 - To provide and encourage a safe, convenient and economic transportation system:

In testimony from the County Engineer and Opponents' traffic engineer during the Conditional Use 7-87 public hearings on the subject site, it was stated that neither SE Howard nor SE Knieriem Roads, the only two options for travel to and from the property, are of sufficient construction to withstand the extra load of gravel trucks on a constant basis without breaking up. In addition, the Scott Report of January 9, 1990 also finds these roads inadequate for commercial hauling of rock. The County believes this testimony and evidence.

The estimated number of truck trips per day for full operation is 10 round trips. In test cores done on SE Howard Road, it was found that the road consists of two inches of oil matte over nine inches of rock, construction very similar to a residential street standard, and therefore, cannot withstand frequent heavy truck traffic. These determinations, made during the 1987 conditional use permit proceedings, were not contested during the periodic review proceedings. The County believes these facts.

Also, for the one mile of SE Howard Road that gravel trucks would use, there are several areas of narrow road widths and difficult sight distances that would need modifications in order to safely accommodate large truck traffic. The Multnomah County Engineer found that due to road width limitations, Howard Road would be very difficult to improve to sufficiently safe conditions. The sight distance is marginal on both Howard and Knieriem Roads due to steep grades and sharp curves and the quarry use will create hazardous traffic conditions on local roads and intersections. These determinations, also made during the 1987 conditional use permit proceedings, were not contested during the periodic review proceedings. The County believes these facts.

On the northward travel route option using SE Knieriem, the road width and sight distances are better than SE Howard, but there is still the need for road bed and surface improvements similar to those for SE Howard for a length of one-half mile. The County Construction Engineer estimated a cost between \$500,000 and \$1,000,000 to upgrade these roads to safely carry the proposed commercial traffic. (See January 9, 1990 Geologist Report at 4). The economic consequences of quarry development at this site support a designation of 3B.

SOCIAL:

1. Impacts on Resource:

An extraction operation would be subject to limitations on hours and days of operation (as proposed in the amended Mineral Extraction Code section). Because of the wind and funnel effect of the canyon topography, buffering will have to be extensive to protect nearby noise sensitive uses, if effective at all. The Scott Report at pp. 3-4, indicates that violations of DEQ noise rules is likely and there is no evidence that operation of the site would be able to comply with such regulations. The County finds that such violations are likely and chooses to avoid such negative environmental consequences by permitting other uses fully.

2. Impacts on Conflicting Uses:

The approximate distances from the closest existing residences to the mapped resource area are: one at 400 feet, one at 500 feet, and two at 700 feet. Between 1980 and 1988 a total of 5 new dwellings have been issued permits in Township 1 South, Range 4 East, Section 1. The total number of dwellings predating 1980 was 21 in this section. One section to the west has a much higher density and supports 55 homes, to the north are 40 homes, to the east are 11, and only 2 are located to the south. The local rural area growth rate is 1.1%. There are 96 dwellings within a 1 mile radius of the site.

Operation of the quarry will interfere with the use and enjoyment of property by nearby residents. The noise generated by blasting, machinery, and rock crushing is considerable. In the opinion of a certified engineering geologist, on-site crushing will constantly challenge DEQ and County noise and dust limits. (See January 9, 1990 Geologist Report at 4). Neighbors have complained about the blasting done in connection with the owner's personal use. The amount of necessary blasting will increase if commercial use is allowed. Proposed use of this site, based upon information provided by the owner, is expected for a period up to 35 years.

The impact of the noise is increased by the topography of the site. The noise is amplified through the wind and funnel effect of the canyon topography.

3. Requirements of other applicable Statewide Planning Goals:

A. Transportation, Goal 12 - To provide and encourage a safe, convenient and economic transportation system:

The transportation impacts discussed under the economic portion of this analysis are equally applicable to consideration of the social consequences. Local residents will be subjected to the traffic and road problems discussed in the prior section.

The social consequences of the proposed operation justify a 3B designation at this time.

ENVIRONMENTAL:

1. Impacts on Resource:

The mineral and aggregate resource may be preserved for future use by a 3B designation. The 3B designation simply means that conflicting uses will be allowed and the resource will not be available for immediate exploitation.

A deer and elk wintering area (ODF&W, 1988) is located within one mile of the resource site to the southwest and poses a conflict in terms of proximity to weakened wintering herds. In addition, past operations at the site have resulted in violations of the Oregon Forest Practices Act due to disturbance of a Class I Stream. These constitute direct conflicts with other Goal 5 Resources.

Removal of between 6 to 7 feet of overburden would be required for development. Soils for this site have been identified as Mershon Silt Loam series by SCS in 1983 which have a classification of III to IV, depending upon slope. The Forest Site Index for this resource site is 120-135 for Douglas Fir (SCS, 1983), this is the reason the area has been zoned MUF. Mershon soils on slopes over 15% are highly erodible and subject to severe potential slumping (SCS, 1983). Side slopes associated with this resource vary from 50 to 90% (Schnitzer, DOGAMI, 1986). Blasting vibration and increased trucking locally would create increased dust and noise conflicts with adjacent farm and forest land use.

2. Impacts on Conflicting Uses:

Noise, dust particulates, and blasting are impacts on such sensitive land uses as homes, schools, and public parks if they are too close to the extraction operation. As indicated above, there are several homes located in close proximity to the site that would suffer negative environmental consequences from a quarry operation. Conditional uses such as schools, can be prohibited through the conditional use process due to conflict with an inventoried resource. A 3B designation does not remove the site from the inventory, the designation merely prohibits immediate exploitation.

3. Requirements of other applicable Statewide Planning Goals:

A. Goal 4 provides for the following forest uses:

1. the production and processing of trees;
2. open space, buffers from noise and visual separation from conflicting uses;
3. watershed protection along with fisheries and wildlife habitat;
4. soil protection;

5. maintenance of clean air and water;
6. outdoor recreation; and
7. grazing land for livestock.

The site has been used for grazing (livestock habitat) which is a designated forest land use. Previously proposed reclamation plans have included replanting with Christmas trees. Use of the mineral aggregate resource with proper reclamation is not considered to be a permanent conflict. However, in the short term use of this site for mineral extraction has already conflicted with Goal 4 Resources (watershed protection) and may create more conflicts.

B. Goal 5, Open Spaces, Scenic and Historic Areas, and Natural Resources:

Fish and wildlife areas and habitat: There is a Class I stream immediately north of the resource ridge. The mapped resource area does not include the stream and it appears that actual extraction can occur without disturbance of the stream, however, road construction at the site has already resulted in disturbance of a Class I Stream.

Wetlands: The Class 1 stream noted above also is identified as a wetland on the U.S. Fish and Wildlife "National Wetland Inventory." Development of the site, including extraction and road construction may adversely affect the wetland area.

C. Goal 6 is to maintain and improve the quality of the air, water, and land resources of the state.

Use of a rock crusher at this site requires a DEQ permit due to potential pollution. Resource development has already conflicted with water quality (See 1987, Forest Practices Act violation above). Development of the site will create dust and off-site water quality impacts. Therefore, the site should retain its 3B designation.

D. Goal 7, Areas subject to Natural Disasters and Hazards:

Conflicting testimony was submitted in the CU 7-87 hearings regarding slope hazards at the site. The County believes testimony presented by the opponents during those proceedings and concludes that the consequences of slope hazards at this site outweighs beneficial consequences of the use of the site for mineral extraction and processing.

A letter was submitted from a soil scientist who conducted a preliminary investigation of the site in 1986. The letter stated that "due to the combination of site drainage, landscape position, and apparent stability, it does not appear that adverse geologic or natural effects to surrounding properties will occur as a result of the proposed operation." In that same year an Oregon DOGAMI reclamationist found no problem with the drainage, stability, or reclamation potential of the site.

A study submitted into the record by an engineering geologist indicated a slope hazard at the site due to the following:

1. Evidence of numerous landslides along the contact of the Boring Lava and Troutdale Formation;
2. The presence of numerous springs and seeps which occur along the contact of the Boring Lava and Troutdale Formation; and
3. The Troutdale Formation at this site is subject to failure when overburden is removed.

Through an on-site inspection, a certified engineering geologist found steep slopes and indications of instability in the area below the rock bluff to be quarried. The area is underlain by the Troutdale Formation which can become unstable when exposed. At the very least, additional study is necessary to determine the geologic hazard potential. (See Lewis Scott January 9, 1990 Geologist Report at 4). Given the determination made above with respect to Goal 7, the County believes the engineering geologist's testimony and concludes that the consequences of slope hazards at this site outweighs beneficial consequences of the use of the site for mineral extraction and processing.

The resource site is associated with a known mapped hazard area (ODF, 1987 Geologist site review and Shannon and Wilson Study, 1978). A slump area, active in the last 20 to 30 years was identified. Erosion and subsequent sedimentation of the Class I Stream was documented during the development of an access road near the site by ODF in 1987. (See 1987 Forest Practices Act violation above). The use of this resource may create slope hazard conditions below the site and presents erosion and sedimentation problems off-site. Heavy truck use increases these risks. Conflict with Goal 7 has occurred in the past and is likely to occur again if the site is developed.

Due to the environmental consequences of development, the site should be designated
3B

ENERGY:

1. Impacts on Resource:

Allowing noise and dust sensitive uses too close to the resource will alter the manner, location and extent of extraction activities, resulting in greater use of energy to the operator.

2. Impact on Conflicting Uses: N/A

3. Requirements of other applicable Statewide Planning Goals: N/A

CONCLUSION:

The Resource at this site should:

Be fully protected - Designate 3A

X Not be protected due to overriding benefits from allowing conflicting uses - Designate 3B

Be partially protected by conditions which minimize the impact of conflicting uses -
Designate 3C

Although there are few developable mineral resource sites available in Multnomah County east of the Sandy River, this site, as indicated above, is not the only site available for local use. A 3B classification would not result in the loss of a scarce resource to the immediate area, since other resources within 7 miles do exist and have been identified. Denial would not, therefore, locally create a hardship to future users of rock in the private and governmental sectors. Use of available resources in Mt. Hood National Forest, southwest of Larch Mountain (Mt. Hood National Forest, 1988) provides residents an economically viable and efficient alternative that has fewer impacts.

The overriding benefits of allowing conflicting uses fully include the prevention of the above-stated adverse consequences of fully protecting the resource for immediate exploitation. Due to the numerous existing conflicts and the potential for additional conflicts with statewide planning goals and the existence of other viable options, the County determines that Howard Canyon site should be classified 3B.

PROGRAM:

The site is designated 3B and is not appropriate for mineral and aggregate extraction at this time. The resource will be protected for future use by the large lot forest zoning districts until a subsequent ESEE analysis might support exploitation of the resource. Only on lands owned by the same property owner as the aggregate resource could there be more homes or similar conflicting uses added that are closer to the resource than those already existing in the vicinity.

**Multnomah County
GOAL 5 INVENTORY**

(11/3/89)

("3C" Designation)

Type of Resource: Mineral and Aggregate
Mult. Co. Inv. Site #8
Howard Canyon

Location:

Along the section line between Section 36, T. 1 N., R. 4 E. and Section 1, T. 1 S. R. 4 E. See map with resource boundaries overlayed on Assessment and Taxation property line base map in inventory file.

Description:

DOGAMI I.D. #26-0065

This aggregate resource site is a cleared ridge top which runs in an east-west orientation just north of Howard Canyon. As confirmed in a study by H. G. Schlicker & Associates in which 31 testpits were dug, the basalt lava resource occupies the upper 50 feet or more of the ridgecrest and is more than 4200 feet long and more than 350 feet wide for most of its length. The amount of aggregate material exceeds 2.7 million cubic yards. The ground surface of the resource area ranges in elevation from 780 feet to 860 feet.

A. Available information indicates site is important (ability to yield more than 25,000 cubic yards of mineral and aggregate material in less than 5 years):

NO-Designate 1A: Do not include in plan inventory.

X YES - Go to B

B. Is available information sufficient to determine the location, quantity and quality of resource at the site ?

NO - Designate 1B : Address the site in future when information becomes available.

X YES - Include in plan inventory and go to C.

C. Zoning:

Multiple Use Forest -38, Multiple Use Forest - 19, and Exclusive Farm Use

Based on zoning, are there conflicting uses ?

NO – Designate 2A: Preserve resource.

X YES – Go to D.

D. Describe existing or potential conflicting uses:

Single family residences: In the MUF-19 zone as a primary use on a lot of 38 acres, as a use under prescribed conditions on a new lot of between 19 and 38 acres with a forest or farm management plan, as a use under prescribed conditions on a lot of record of between 10 and 38 acres with a forest or farm management plan, or as a conditional use on a lot of record of less than 10 acres. The MUF-38 zone requirements are identical to the MUF-19 zone except that new lots must be at least 38 acres in area. Comparable standards are in the EFU zone for new dwellings.

A range of potential conditional uses and community service uses are listed in the MUF zoning districts but to be approved the approval authority shall find that the proposed use "Will not adversely affect natural resources" (MCC 11.15.7120(B)). In the MUF zone such uses include churches, schools, cottage industries, service commercial, and tourist commercial establishments.

Describe consequences of allowing conflicting uses:

OAR 660-16-005 (2): "...Both the impacts on the resource site and on the conflicting use must be considered in analyzing the ESEE consequences. The applicability and requirements of other Statewide Planning Goals must also be considered, where appropriate, at this stage of the process. A determination of the ESEE consequences of identified conflicting uses is adequate if it enables a jurisdiction to provide reasons to explain why decisions are made for specific sites."

ECONOMIC:

1. Impacts on resource:

The consequence could be the loss of the only quarry site in the County east of the Sandy River available at the present time for commercial use.

2. Impacts on conflicting uses:

Homes too near the noise and dust of extraction activities will have lessened resale value.

3. Requirements of other applicable State Goals:

- A. Transportation Goal 12, To provide and encourage a safe, convenient and economic transportation system:

In testimony from the County Engineer during the Conditional Use 7-87 public hearings on the subject site it was stated that neither SE Howard or SE Knieriem Roads, the only two options for travel to and from the property, are of sufficient construction to withstand the extra load of gravel trucks on a constant basis without breaking up.

In test cores done on SE Howard Road it was found that the road consists of two inches of oil matte over nine inches of rock, construction very similar to a residential street standard, and therefore cannot withstand frequent heavy truck traffic. Also, for the one mile of SE Howard Road that gravel trucks would use, there are several areas of narrow road widths and difficult sight distances that would need modifications in order to safely accommodate large truck traffic.

On the northward travel route option using SE Knieriem, the road width and sight distances are better than SE Howard but there is still the need for road bed and surface improvements similar to those for SE Howard for a length of one-half mile.

SOCIAL:

1. Impacts on resource:

No portion of the resource site is more than one-half mile from a noise sensitive use. Therefore, an extraction operation would be subject to limitations on hours of operation and days of blasting (as proposed in the amended Mineral Extraction Code section).

2. Impacts on conflicting uses:

The approximate distances from the closest existing residences to the mapped resource area are: one at 400 feet, one at 500 feet, two at 700 feet.

3. Requirements of other applicable State Goals: N/A

ENVIRONMENTAL:

1. Impacts on resource: N/A

2. Impacts on conflicting uses:

Noise, dust particulates, and blasting are potential impacts on such sensitive land uses as homes, schools, and public parks if they are too close to the extraction operation.

3. Requirements of other applicable State Goals:

A. Goal 5, Open Spaces, Scenic and Historic Areas, and Natural Resources:

(1).Fish and wildlife areas and habitat:

There is a Class 1 stream immediately north of the resource ridge. The mapped resource area does not include the stream and it appears that extraction can occur without disturbance of the stream.

(2).Wetlands:

The Class 1 stream noted in (1) above also is identified as a wetland on the U.S. Fish and Wildlife "National Wetland Inventory".

B. Goal 7, Areas Subject to Natural Disasters and Hazards:

Conflicting testimony was submitted in the CU 7-87 hearings regarding potential slope hazards at the site.

- (1).A letter was submitted from a soil scientist who conducted a preliminary investigation of the site in 1986. The letter stated that "... due to the combination of site drainage, landscape position, and apparent stability, it does not appear that adverse geologic or natural effects to surrounding properties will occur as a result of the proposed operation". In that same year an Oregon Department of Geology and Mineral Industries reclamationist made a site visit and found no problem with either the drainage, stability or reclamation potential of the site.
- (2).A study submitted into the record by an engineering geologist indicated a slope hazard at the site due to the following:
 - (a).Evidence of numerous landslides along the contact of the Boring Lava and the Troutdale Formation,
 - (b).The presence of numerous springs and seeps which occur along the contact of the Boring Lava and the Troutdale Formation, and
 - (c).The Troutdale Formation at this site is subject to failure when overburden is removed.

ENERGY:

1. Impacts on resource:

Allowing noise and dust sensitive uses too close to the resource could alter the manner, location and extent of extraction activities, resulting in greater use of energy to the operator.

2. Impacts on conflicting uses: N/A

3. Requirements of other applicable State Goals: N/A

CONCLUSION:**The resource at this site should:**

Be fully protected – designate 3A.

Not be protected due to overriding benefits from allowing conflicting uses – designate 3B.

- X** Be partially protected by conditions which minimize the impact of conflicting uses – designate 3C.

PROGRAM:

The site is designated "3 C" and under the proposed Comprehensive Plan and Zoning Code amendments would be appropriate for mineral and aggregate extraction when in compliance with the standards of MCC 11.15.7325 through .7332.

The transportation, the proximity of existing residences, the Class 1 stream, and the slope stability issues noted in this ESEE worksheet will be addressed and resolved when an applicant meets the respective standards of the Mineral Extraction Code subsections (MCC 11.15.7325 (C) (1), (2), (4), (5), (6), (7), and (D)).

The aggregate resource will be protected from new noise and dust sensitive conflicting uses by the proposed increased setback requirements for such uses in each of the zoning districts near the mapped resource area.

PLEASE REPLY TO:
Portland Office



March 22, 1990

VIA FREE LANCE

Gary Clifford
Multnomah County
Department of Environmental Services
211 SW Morrison St
Portland OR 97214

Re: Angell Brothers, Inc.
Our File No. 42469/21392

Dear Mr. Clifford:

Enclosed is our proposed Findings with respect to the ESEE designation on the Angell Brothers site. The proposal constitutes a revision of the staff proposal dated March 27, 1990.

Also enclosed is a copy of the biologist's report from David Evans and Associates pertaining to the 55-acre expansion area which supports the revisions.

In addition, I also enclose a letter dated March 22, 1990 from Mrs. Dorothy English, a resident of the area. The letter is testimony to the lack of wildlife on the quarry side of the Skyline ridge.

I trust that you will assure that these materials are transmitted to Lorna Stickle for her review as soon as possible.

If you or Lorna have questions, please call me as soon as you can.

Very truly yours,

BOLLIGER, HAMPTON & TARLOW

E. ANDREW JORDAN

EAJ/JJE/1970G-2

cc: Angell Brothers, Inc.
David Evans and Associates, Inc.
Department of Land Conservation and Development

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MULTNOMAH COUNTY
GOAL 5 INVENTORY
(MARCH 27, 1990)

TYPE OF RESOURCE: Mineral and Aggregate
Multnomah County Inventory Site #4
Angell Brothers, Inc.

LOCATION: Tax Lot '12 in the Northwest 1/4 of Sec. 28, T. 2 N.,
R. 1 W.; Tax Lots '2', '6', '8', and '11' in the
eastern one-half of Sec. 29, T. 2 N., R. 1 W.

DESCRIPTION: DOGAMI I.D. #26-0019

This operating rock quarry is located on the west side of State Highway 30, just north of the Sauvie Island Bridge. The present site of the approved extraction activities cover the majority of two tax lots totalling 71.22 acres in area. The easternmost parcel of 31.22 acres (TL '12', Sec. 28, T. 2 N. R. 1 W.) contains the processing equipment and stockpiles. The existing general mining and operations master plan calls for retaining the north and south knob type hills at the entrance for screening of the operation to viewing from the east.

A 1978 DOGAMI publication estimated that reserves of the mineral and aggregate resources were 7 million cubic yards of material. A study by H. G. Schlicker and associates was submitted in August 1989 which covered an adjoining 325.37 acres. That report concluded that based upon their materials tests, borings, and seismic studies, the potential expansion area most likely contains approximately 220 million cubic yards of very good aggregate material.

A. Available information indicates site is important (ability to yield more than 25,000 cubic yards of material in less than 5 years):

NO - Designate 1A: Do not include in plan inventory.

X YES - Go to Item B.

B. Is available information sufficient to determine the location, quality and quantity of resource at the site?

NO - Designate 1B: Address the site in future when information becomes available.

X YES - Include in plan inventory and go to Item C.

C. Zoning:

Multiple Use Forest - 19 and Multiple Use Forest - 38

OAR 660-16-005: "It is the responsibility of local government to identify conflicts with inventoried Goal 5 Resource Sites."

Are there conflicting uses?

NO - Designate 2A: Preserve resource.

X YES - Go to Item D.

D. Describe existing or potential conflicting uses:

Single-family residences: In the MUF-19 zone as a primary use on a lot of 38 acres, as a use under prescribed conditions on a new lot of between 19 and 38 acres with a forest or farm management plan, as a use under prescribed conditions on a lot of record of between 10 and 38 acres with a forest or farm management plan, or as a conditional use on a lot of record of less than 10 acres. The MUF-38 zone requirements are identical to the MUF-19 zone except that new lots must be at least 38 acres in area.

A range of potential conditional uses and community service uses are listed in the MUF zoning districts, but to be approved the approval authority must find that the proposed use "will not adversely affect natural resources" (MCC 11.15.7120(B)). In the MUF zone such uses include churches, schools, cottage industries, service commercial, and tourist commercial establishments.

There is the possibility of a "Wildlife Corridor" in the West Hills that provides migrating routes and intermingling of species between Forest Park and the Coast Range. If such a corridor exists, the impact on this corridor by an expansion of the subject mineral and aggregate operation would be relevant. There are studies in progress that are investigating this potential conflict and until that research and field studies are completed during calendar year 1991, the County cannot adequately identify this conflicting use.

Although OAR 660-16-000(5)(c) states that when a site is included on the inventory then it "... must proceed through the remainder of the Goal 5 process", it is the County's position that the gathering of information on potential conflicting uses based upon a committed expenditure of funds and a published timetable is

"proceeding" through the process. The County is at step designation "2" on the OAR flow chart at this time. Also see 3.A(1)(b) in the Environmental section below and the Wildlife Habitat Goal 5 Inventory.

Another potential conflict which is under study are the scenic views of the Tualatin Mountains from the Multnomah Channel and the State-owned wildlife areas on Sauvie Island. See Scenic Views Goal 5 Inventory.

Describe consequences of allowing conflicting uses:

OAR 660-16-005(2): ". . . Both the impacts on the resource site and on the conflicting use must be considered in analyzing the ESEE consequences. The applicability and requirements of other Statewide Planning Goals must also be considered, where appropriate, at this stage of the process. A determination of the ESEE consequences of identified conflicting uses is adequate if it enables a jurisdiction to provide reasons to explain why decisions are made for specific sites."

ECONOMIC:

1. Impacts on resource:

Potential loss of site which is the largest in operation in the County which also contains significant remaining reserves of the resource. The location, less than 1 mile outside the Urban Growth Boundary and with direct access to a State Highway, has many advantages in supplying this resource to the metropolitan area.

2. Impacts on conflicting uses:

Homes and tourist commercial uses too near the noise or dust of an extraction operation may have reduced value. This quarry has operated for many years, so any reduction may have already occurred.

3. Requirements of other applicable State Goals:

a. Transportation Goal 12:

Direct access is onto State Highway 30 which is capable of handling all anticipated traffic.

b. Areas Subject to Natural Disasters and Hazards,
Goal 7:

The majority of the entire site is located in a slope hazard area. This should not present a problem due to the requirement in MCC 11.15.7325(D) that all proposed operations be certified by competent professionals (such as a registered mining engineer) to not result in the creation of a geologic hazard to surrounding properties.

SOCIAL:

1. Impacts on resource: N/A.
2. Impacts on conflicting uses:
 - a. The nearest conflicting uses are two homes which are 700 feet away from the subject property. At 1,000 feet away to the northeast are 29 houseboats. The impact on houseboats will decrease as the excavation area moves to the west or south.
 - b. Residences near Multnomah Channel, houseboats on the channel, and residences on the southerly 2 miles of Sauvie Island which are east and northeast of the gap in the ridge at the entrance to the mining operation are able to view the slopes under excavation. Screening can mitigate part but not all of this potential impact.
3. Requirements of other applicable State Goals: N/A.

ENVIRONMENTAL:

1. Impacts on resource: N/A.
2. Impacts on conflicting uses:
 - a. Noise, dust particulates, and blasting are potential impacts on such sensitive land uses as homes, schools, and public parks. However, the site is in compliance with DEQ noise and particulate regulations.

3. Requirements of other applicable State Goals:

a. Spaces, Scenic and Historic Areas, and Natural Resources Open, Goal 5:

(1) Fish and wildlife areas and habitat:

- (a) Existing 71.22-acre approved extraction operation: An intermittent stream flows northeasterly through the center of tax lot '12' (the 32-acre parcel fronting on the highway). In conjunction with the present operation most of the length of the stream near the mining has been enclosed in a culvert. The stream is classified Class II by the State Department of Forestry and the decision to allow piping through the site was made because "the stream is not considered a 'fishing' creek" and it dries up in late summer. The State Department of Environmental Quality has approved the water discharge system. The value of the mineral and aggregate resource in this location outweighs the value the stream may have for fish and wildlife habitat at this time, considering that at some time in the future the fish and wildlife potential may be restored. No significant wildlife exists on the area currently approved for extraction activities.
- (b) Adjoining 325.37 acres (expansion area): Recent studies suggest that the wide variety of wildlife found in Forest Park may be directly attributable to the opportunity for species interaction with the Coast Range ecosystem. Such interaction may be possible due to the rural, relatively undeveloped character of the Tualatin Range (West Hills), which may enable this area to function as a "corridor" for animal movement. Thus, the wildlife diversity of Forest Park may result from either migratory patterns or general long-term recruitment from more rural reservoirs. If this is the situation, the "wildlife corridor" should be located and recognized for its role in maintaining the species diversity of Forest Park.

The County has budgeted and expects to spend up to \$25,000 on studies of this issue. Phase 1 which is the initial research is currently underway. Phase 2, which is the field survey phase and the application of research and field evaluation results, will be completed by early 1991. Staff will then complete the ESEE process and propose Plan amendments to the Board to complete the Goal 5 process for this factor by the end of 1991.

The owner has requested a 3C designation on the entire expansion area, but has agreed to an immediate 3C designation of approximately 55 acres of the expansion area to permit operation during and after the corridor study. Following the study, the designation of the remaining expansion area would be determined. The owner submitted a memorandum from Lawrence L. Devroy, Natural Resources Manager at David Evans & Associates, regarding a wildlife inspection on the proposed 55-acre expansion area performed on March 21, 1990. The report concludes that ". . . no well-defined wildlife corridor appears to exist in the (55-acre) area of the proposed expansion since no areas of heavy use were observed." In addition, the 55-acre area is located far to the eastern edge of the potential corridor area to minimize any impacts which the expansion may cause in the corridor.

(2) Outstanding scenic views and sites:

Testimony from several citizens at public hearings points to some concern over the potential adverse impacts on scenic views of the Tualatin Mountains at the subject property if the mining is extended into the adjoining lands. Considering the Sauvie Island Wildlife areas have the most public use of any other wildlife area in the Northwest, a great many people are exposed to those views. Therefore, a study of this potential conflicting Goal 5 resource has been started and the timetable should closely follow that of the Wildlife Corridor studies. A 3C designation of the 55-acre expansion area will minimize view

impacts until such time as a view study is prepared relating to the entire area.

ENERGY:

1. Impacts on resource:

Allowing noise and dust-sensitive uses too close to the resource could alter the manner, location and extent of extraction activities, resulting in greater use of energy to the operator. This close-in site is energy efficient for transporting the materials to the largest market.

2. Impacts on conflicting uses: N/A.

3. Requirements of other applicable State Goals: N/A.

CONCLUSION:

The resource at this site should:

Be fully protected - Designate 3A.

Not be protected due to overriding benefits from allowing conflicting uses - Designate 3B.

X FOR THE APPROXIMATELY 127 ACRES CONTAINING THE EXISTING MINING OPERATION AND A 55-ACRE EXPANSION AREA: Be partially protected by conditions which minimize the impact of conflicting uses - Designate 3C.

X FOR THE ADJOINING REMAINDER OF THE SITE: No ESEE designation assigned until more information is available from ongoing studies of potential conflicting uses. At this time the ESEE analysis is at Step "2" of the OAR flowchart.

PROGRAM:

The existing approved mining operation of 71.22 acres and an expansion area of 55 acres are designated "3C". This designation will allow the mining operator to apply for renewal of the Conditional Use approval for the existing mining operation area and apply for an expansion area that would meet their aggregate needs for at least the study period. Depending upon the quantity of rock in the 55-acre area, the owner may apply for a conditional use permit for up to 10 years pursuant to the code. The expansion area is due south of the area to be worked next in the existing operation. This expansion direction appears to be at least intrusive into where a wildlife corridor would most likely be located. It is also in the direction of

least visibility from Sauvie Island due to the ridge line on the property to the east. This program will allow uninterrupted operation of the mine at least during the time needed to complete the wildlife studies and, if warranted, put appropriate protection measures in place.

Designation of the adjoining acreage will be completed when the needed information is obtained on potentially conflicting uses. Multnomah County expects to spend up to \$25,000 during the time period 1989-1991 in the contracting of studies in an attempt to verify the existence of a "Wildlife Corridor" in the area of further potential aggregate extraction expansion. The Goal 5 ESEE process for this remainder area is expected to be completed during 1991.

MEMORANDUM

TO: ANGELL BROTHERS FILE-OUR #ABI004
FROM: LAWRENCE L. DEVROY, NATURAL RESOURCES MANAGER
DATE: MARCH 21, 1990
RE: FIELD REVIEW OF PROPOSED EXPANSION AREA

DCN

On the above date I hiked the area of the proposed quarry expansion. My objective was to specifically examine the 53 acre parcel for signs of wildlife activity which would indicate the presence of a wildlife corridor. For the purposes of this inspection, the following signs were sought:

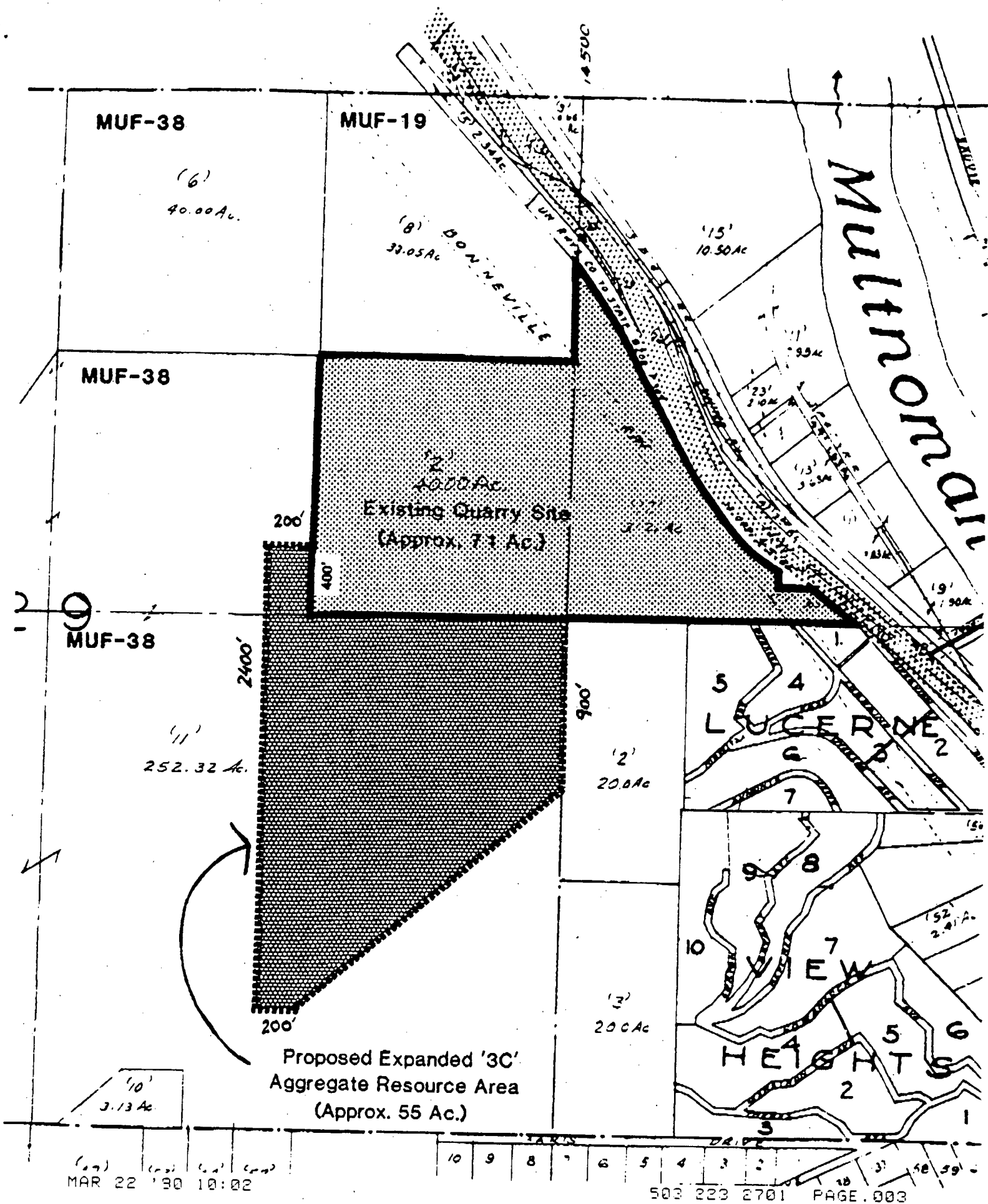
1. An apparent disturbance to vegetation such as trampling or clearing of underbrush caused by repeated use of a pathway or resting area;
2. Tracks such as paw prints or hoof marks;
3. Feces or other remains such as undigested bones, feathers, and insect or crayfish exoskeletons;
4. Evidence of nesting activity including nests or amalgamations of debris.

The area inspected included the ridge and intermittent stream east of the site expansion, the ridges east and west of the on-site intermittent stream, and the intermittent stream course itself. Most of the area can be characterized as upland second growth forest with Douglas fir, Western redcedar, Hemlock, and Oregon white oak in the canopy and Swordfern in the understory as dominants. Riparian areas possess Currant, Willow, and Ash as dominants. The areas between the ridgetops and the riparian areas are very steeply sloped.

My findings are that no well-defined wildlife corridor appears to exist in the area of the proposed expansion since no areas of heavy use were observed. The area is used by birds such as Black-capped Chickadees and Pileated Woodpeckers, and by deer since the birds mentioned were observed and deer tracks were widespread. The only feces observed were apparently from deer and rabbit or other small mammals. No areas of heavy browse were found, in fact cropping of vegetation by foraging animals was rare. No other signs such as nests or undigested remains were found.

LLD:kpn

DAVID EVANS AND ASSOCIATES, INC.
ENGINEERS, SURVEYORS, PLANNERS, LANDSCAPE ARCHITECTS, SCIENTISTS
OFFICES IN OREGON, WASHINGTON AND CALIFORNIA
2828 S.W. CORBETT AVENUE
PORTLAND, OREGON 97201-4830
(503) 223-6663 FAX (503) 223-2701



AB1004

March 22, 1990

To Whom It May Concern:

We have owned property very close to Angell Bros. rock quarry since 1953.

In regard to this proposed "Wildlife Corridor", what mass amount of animals are supposed to use this

We have seen 2 Elk on our place and that was 15-18 yrs ago, the same week it has been 25 years since we've seen a bobcat.

We have never seen a bear, however people on Skyline near the County Shop & Legion Hall saw a bear & cub 8 or 9 yrs ago.

We have seen deer from time to time, but since people on top of the hill on the East side of McNamee road, have fenced their property, we see one a year if we are looking at the night time.

I think if a survey of people on the West side of skyline was take. you would find they see far more animals than we on the East side see.

I would suggest you check with the Game Commission, to see

how many permits have
been granted to people
on this hill to kill
deer that were eating
nursery trees, straw-
berries etc.

They killed them at
night as well as in
the day.

If you wanted a wild
life safari, it should
have been started 50
years ago.

Thank you

Mrs. N. C. Dorothy English
13100 N. W. W. Adams
Portland, Ore, 97231

MINUTES
MULTNOMAH COUNTY BOARD OF COMMISSIONERS
APRIL 24, 1990 MEETING

Chair Gladys McCoy convened the meeting at 9:40 a.m. with Vice-Chair Gretchen Kafoury, Commissioners Pauline Anderson, Rick Bauman and Sharron Kelley present.

1. C 1-88 PERIODIC REVIEW DECISION

The Board to adopt an ESEE Analysis Designation for Site #4, Angell Brothers, Inc. Quarry which will become part of the Local Review Order to be submitted to the Department of Land Conservation and Development, to fulfill Periodic Review Requirements (Continued from April 17, 1990)

Planning and Development Director Lorna Stickel presented the staff report on the Angell Brothers site, advising that last week a position was reached on the solution and that today they have the Final Order document with the Goal 5 Economic, Social, Environmental, and Energy Analysis language and map which puts that understanding into effect and changes the 3-C designation to apply to the 42 acre expansion area, less the 7 acre leave area. Ms. Stickel advised of an addition to 3B, of the Final Order, adding to last sentence: "Where possible, existing trees and vegetation will be preserved on the 111 acres." In response to a question of Commissioner Anderson, Ms. Stickel explained that for the area approved for clay mining earlier, every attempt will be made to preserve and protect the vegetation. Ms. Stickel requested an addition to page 5, 2B of the ESEE Analysis stating: "Angell Brothers has been permitted to operate during the hours of 6:00 a.m. to 10:00 p.m. since 1980, which operating hours were confirmed by its 1986 permit. Because of few conflicting or sensitive uses nearby, this facility should be allowed to continue current operating hours." In response to a question of Commissioner Anderson, Ms. Stickel advised that the operating hours can only be changed if the ESEE Analysis indicates that some longer operating period is possible. In response to a question of Commissioner Kelley, Ms. Stickel advised that blasting is restricted to the hours of 9:00 a.m. to 5:00 p.m., Monday through Saturday, with no variation allowed under the County code. In response to a question of Commissioner Kafoury, Ms. Stickel reported that staff has not received many trucking movement complaints.

Carol Canning of NW Riverview Drive, reported that at the ESEE hearings there was quite a bit of testimony and a petition from the approximately 20 households of the Bridgeview Moorage concerning the noise and dust.

In response to a question of Commissioner Kafoury, Ms. Stickel advised the new code states that the hours of operation allowed are from 7:00 a.m. to 6:00 p.m.; that no operation shall be allowed during specific holidays; and that the approval authority may allow alternate hours on sites for which the ESEE Analysis has identified other potential operating time periods.

Ms. Stickel advised that the operating hours issue could be discussed at the hearing held when applicants apply for a conditional use under the new code, and that shorter hours could be set; but that if the ESEE Analysis is silent on the operational hours issue, there is no option to discuss longer operating hours. In response to a question of Commissioner Anderson, Ms. Stickel stated that longer operating hours could be granted if there were no conflicts. In response to a question of Chair McCoy, Ms. Stickel reported that staff identified no substantive evidence of significant conflicts at the Angell Brothers site.

Commissioner Kafoury moved and Commissioner Kelley seconded, for approval of the Final Order with the discussed amendments.

Commissioner Anderson advised that she would want to restrict the hours to much less than 6:00 a.m. to 10:00 p.m. when the conditional use comes up, but that she would be willing to support the Final Order.

Ms. Stickel advised that staff could ask for more substantive evidence regarding noise impact on the other side of U.S. Highway 30 or for those people who live to the south and east of the operation during the application process for the conditional use. In response to Commissioner Anderson's concern regarding noises magnified by water, Ms. Stickel stated that on Sauvie Island, the closest residences are thousands of feet away from the site and noise impact that distance seems unlikely. Ms. Stickel reported that both parties have suggested and staff concurs with adding the following language to 4B of the Final Order: "Where possible, 6 feet of topsoil around streams."

Robert Price of David Evans and Associates, testified that his clients have said all that needed to be said over the last six months; that they agree with Carol Canning on the last wording changes; and that Angell Brothers is perfectly willing to go with the amended Final Order and proposed ESEE.

Carol Canning thanked the Board for its patience and time and for providing the parties with a negotiation process. Ms. Canning advised that her group is satisfied with the wording in the amended Final Order, except for the hours, but that they will be happy to address that issue during the conditional use permit process.

Final Order 90-59 with recommended amendments
UNANIMOUSLY APPROVED.

2. RPD 1-90 PUBLIC HEARING - De Novo
LD 1-90

Review the decision of the Planning Commission of February 26, 1990, approving change in zone designation from MUF-19, multiple use forest district to MUF-19, RPD, rural planned-development, and approving, subject to conditions, tentative plan for Type I land division, resulting in a 12-lot land division, all for property located at 11000 NW Saltzman Road

Scope of Review: De Novo

Planner Mark Hess presented the staff report, advising the Board was given a supplemental staff report packet April 24, 1990, in addition to other pertinent materials. Mr. Hess outlined the background and chronology of the Planning process, advising that the proposal is to take a 120 acre site off NW Skyline and apply an RPD designation to the site, which would allow it to be divided into 12 lots rather than the current designation allowing 6. Mr. Hess advised that criteria to approve the proposed request must demonstrate that it is consistent with the character of the area, which staff advises it is not; and that the site is a resource zone immediately adjacent to the UGB which should be preserved for possible future urbanization; that criteria must demonstrate it is consistent with the Comprehensive Framework Plan, which staff advises it is not; and that the designation would be in variance with Policy 4 of the Plan regarding intergovernmental coordination, as evidenced by testimony received from the City of Portland and the Metropolitan Service District; and that criteria must demonstrate it is unsuitable for forest use. Mr. Hess advised that staff feels they have substantial evidence to show that the site is suitable for forest use and recommends denial of the request. Mr. Hess assured the Board it has broad discretionary powers of interpretation in this matter, and advised that the hearing today is a standard, quasi-judicial proceeding.

Commissioner Kafoury reported that she has had no direct contact with any of the parties, but that she has received political contributions from both sides, but does not believe that it has in any way impacted her ability to be objective on this matter.

Commissioner Bauman advised he is dealing with Ball, Janik and Novack in a pro bono relationship on the development of Articles of Incorporation and Bylaws of the Urban Youth Corps.

Steven Janik, attorney representing applicant Forest Park Estate Joint Venture, introduced representatives of the applicant, Ms. Anne Thompson and Mr. Bob Hartford; Mr. Janik's associate, Mr. Richard Whitman; Lisa Hahn from David Evans and Associates; and John Davis of Timber Net. Mr. Janik reported that the supplemental staff report was delivered less than 7 days prior to the hearing and that pursuant to ORS 197.763(4)(b), does not comply with statutory requirements and should be disregarded and excluded from the Record.

At the request of Commissioner Bauman, Assistant County Counsel John DuBay advised that Mr. Janik is correct, but the Board cannot erase having read the Report and that the issue now is whether it is part of Record, which could be decided at another time. Mr. DuBay concurred in response to Commissioner Bauman's suggestion that another option would be to postpone the hearing.

Planning and Development Director Lorna Stickel asked that the Board give County Counsel an opportunity to give a legal opinion on the issue, as it was staff's assumption that the 7 day requirement applied to submission of a staff report at the initial Planning Commission hearing, which was met, and that this is a supplement to that report which met the 7 day standard.

Mr. DuBay suggested that the Board reserve its judgment on whether the supplemental staff report be considered part of the Record until he has researched the matter.

Mr. Janik reported that pursuant to ORS 215.428, the County is required to render a final decision within 120 days of the filing of the application. Mr. Janik read the specific statute and stated that the 120 day period expired March 30th; that a decision was rendered by the Planning Commission and findings of fact were adopted, which but for the action of this Board in calling a de novo hearing, is otherwise final; and that pursuant to statute, the Board of Commissioners does not have authority to proceed with a de novo hearing.

In response to Chair McCoy's request for a ruling on the matter, Mr. DuBay advised that the question now is when the application became complete.

Mr. Janik responded that the application was submitted December 1, 1989 with no indication thereafter that it was incomplete.

Mr. DuBay advised that if the 120 days has expired, the matter is subject to a writ of review and applicant may apply to Circuit Court for an order requiring the permit to be issued. In response to Commissioner Bauman's request as to whether the Court order would require approval of the permit or approval of the Planning Commission decision, Mr. DuBay advised that the Court would grant approval of whatever was applied for.

Mr. Janik stated that the County's RPD code authorizes final action by the Planning Commission and does not require final action by this Board. In response to Chair McCoy's statement that Planning Commission matters come before the Board when there is an appeal, Mr. Janik advised there had been no appeal in this case.

Chair McCoy directed Mr. DuBay to establish his recommendation as to how the Board should proceed.

The Board recessed at 10:10 a.m. and reconvened at 10:30 a.m.

Mr. DuBay reported that the statute referred to by Mr. Janik has only been cited in two Oregon Appeals cases, stating that Simon vs. Marion County, advises that once a decision is made, this statute no longer applies and that after action by the local governing body, the issue becomes a land use decision appealable by the Land Use Board of Appeals and the Court no longer has jurisdiction to require approval. Mr. DuBay recommended that the Board take action today, allowing the matter to become a land use decision appealable only to LUBA, advising that in a Circuit Court action applicants are entitled to get the approval granted unless the governing body can prove that approval would violate a substantive provision of the County Comprehensive Plan or land use regulations. Mr. DuBay recommended that the Board retain its jurisdiction in this case by proceeding to a decision.

In response to Chair McCoy's request for clarification as to why in this instance Planning staff is rejecting the Planning Commission's decision, Mr. DuBay advised that staff recommended that the Board call up this decision for review, and the matter is before the Board on the Board's own motion.

In response to Chair McCoy's directive, Ms. Stickel related that staff asked the Board to consider calling this case up on its own motion, and that staff did not provide any substantive arguments but simply made documents from the Record available to the Board.

Mr. Janik advised that the decision to hear the matter was made prior to the 120 day period in response to a question of Chair McCoy.

Commissioner Bauman suggested that the Board decide whether to proceed with a hearing.

Mr. Janik requested that the County acknowledge that his clients are not waiving any of their arguments; expressed concern about whether the Board had adequate time to review all the materials in this case; suggested that the Board had not received copies of his January 20, 1990 letter to the Planning Commission, the application, Timber Net's response to the first staff report, a Timber Net summary report, and a report from GeoTechnical Resources; and expressed concern that the Board may not have had sufficient time to review applicants response to the supplemental staff report.

In response to Commissioner Kafoury's question of County Counsel regarding the risk with continuing the hearing, Mr. DuBay advised that applicants could go to Circuit Court with a Writ of Review and ask that the application be granted. Mr. DuBay advised he has no problem with the County stipulating that it would not waive any objections to the arguments presented by Mr. Janik, and that if Mr. Janik would stipulate that he would waive any objections to the 120 day period, he sees no objection to a continuance.

In response to Commissioner Bauman's question as to whether there were any procedural advantages if the case were appealed to Circuit Court or LUBA, Mr. DuBay stated that it would be in the County's best interest that the case be appealed to LUBA as the issues would be on the merits of the case.

Mr. Janik clarified that any continuance would not affect whether his clients go to Circuit Court under a Writ or to LUBA. Mr. Janik advised that in addition to those legal approaches, his clients could file an action either in Circuit Court or LUBA seeking a declaration that the Board should not be holding this hearing and that any decision that results from that is an invalid decision because it is outside the 120 days.

UPON MOTION of Commissioner Kafoury, seconded by Commissioner Anderson, it was APPROVED that the matter proceed to hearing, with Commissioner Bauman voting nay.

In response to Mr. Janik's request, Chair McCoy stated that the County acknowledges that Mr. Janik's clients are not waiving any of their arguments regarding whether or not the County has authority to conduct a hearing and whether the County has acted within 120 days.

Mr. Janik asked to have the entire Planning Commission Record, including transcripts, and all documents submitted to the Planning Commission, as well as his letter of April 23, 1990 incorporated into the Record. Mr. Janik testified that his clients propose a development of 1 unit per every 10 acres as allowed under the County's RPD zoning, stating that at issue is whether they meet the RPD approval standards. Mr. Janik advised that an extensive application with expert reports was submitted; Planning staff issued a negative staff report; there was a 7 hour hearing before the Planning Commission; Planning staff issued a staff report recommending approval of both the RPD and the lot division and then subsequently issued a supplemental staff report recommending denial. Mr. Janik stated that despite Planning staff assertions that it is suitable for use as forest land, there are no merchantable trees presently on the property and it would not be practical for his clients to clear cut the hardwood vegetation, plant it with Douglas Fir, burn the slash, spray, and wait 40 or 50 years for a commercial return on the timber. Mr. Janik advised that Planning staff assert the property should not be used for rural development because it is needed for future urban development and that if the County allows 12 houses, it will somehow preclude this property being developed at urban density levels at some time in the future, but that applicants site plan allows for future urban development if that becomes appropriate. Mr. Janik stated there are no County policies which speak to saving land outside the UGB for urban development. Mr. Janik showed the Board an aerial photo, giving a general overview of the property and zoning of the neighboring areas, advising the average lot size in the vicinity is 6.85 acres, and that 67% of the land is currently zoned or planned for rural development. Mr. Janik showed the Board another aerial photo, giving a general overview of the vegetation and open meadow areas, stating that there is a 60 acre parcel on the north half of the property; characterized by an existing vegetative cover of non-commercially usable hardwood trees, with very steep ravines, intermittent creeks and slopes between 30% and 70%; a 21 acre meadowland area where they propose to site the houses to be built on the 12 lots; and a 40 acre area which contains non-commercial trees with slopes ranging between 15% to 30%. Mr. Janik showed the Board a slope map and advised that the slopes are a severe limiting factor for any kind of commercial forest use or urban development, and reiterated that the property is not suitable for farm use, forest use, or urban development. Mr. Janik showed the Board the site plan and pointed out the proposed siting, fire break, fire access road and main access off Saltzman Road, advising that the plan tries to develop the rural residential character on the most suitable portions of the property, leaving approximately 100 acres in its present condition.

Mr. John Davis, Vice-President of Timber Net, Inc. at Timberland Marketing Company, outlined his educational and

employment history and testified that he inspected the Skyline Meadows property 3 times to determine its suitability to be managed as commercial forest land. Mr. Davis advised it is his opinion that the site is average in soil productivity for forest soils in Oregon and could grow Douglas Fir trees at commercial levels, but would be a poor site for hardwood growth as even after 30 years, the hardwood trees covering most of the forested portion of Skyline Meadows are not near a merchantable size. Mr. Davis stated that the property is non-productive as timberland in its current conditions as it was harvested 30 to 40 years ago and now consists of a forest of small hardwood trees. Mr. Davis submitted copies of photos taken from the meadow and northern forest areas; advising that the practices necessary to convert the site to a productive forest represent a substantial investment, with minimum financial return to justify the large upfront expenses; and that the property is unsuitable for commercial forestry use due to its steep topography, hardwood thickets, close proximity to downtown Portland and the number of surrounding rural homesites. Mr. Davis commented that Oregonians are discovering ways to use the political process to control what others may do on their own land and there are no guarantees of landowner freedom to conduct forest practices. Mr. Davis responded to Planning staff fire hazard concerns by stating the property has virtually no build up of flammable woody debris on the forest floor due to the fact that hardwood limbs decay rapidly; and that the proposed improvements will eliminate most of the current hazard.

In response to Commissioner Anderson's request for clarification regarding the statement that 100 acres would be left undeveloped, Mr. Janik advised that the 12 home sites would be developed on 20 acres and that the 100 acre balance would be left undeveloped by means of placing restrictions on the sale of each lot and specifying that each property owner obtain an approved County resource management plan before any building is done on each lot.

In discussing the County's RPD standards and criteria at issue in this case, Mr. Janik advised that if the area is used as forest there will be serious problems in terms of cutting, burning and the attendant soil erosion on the steep slopes; that the 2 adjacent parcels are very steep, do not contain commercial trees, and are not presently used for agricultural or forestry activities; but that to the extent anyone chooses in the future to conduct farming or forestry activities, the proposed 100 acre buffer is more than sufficient to protect them. Mr. Janik reported that water would be provided by 63 on-site wells producing an average of 26.2 gallons per minute; there is a City of Portland line which the City has approved for use in fire protection; they have City of Portland approved access off Saltzman Road; and that there is room for 12 septic tanks in the proposed development area. Mr. Janik suggested that it would be appropriate for the Board to approve his client's proposed RPD.

In response to Commissioner Anderson's question as to who would pay for the City line for fire protection, Mr. Janik advised that his clients would pay for any extension of the existing line at the edge of the site.

Mr. DuBay advised that he has researched the supplemental staff report issue and it appears to him that the 7 day limit is a procedural requirement and that LUBA would probably be concerned as to what prejudice it has caused the other side. Mr. DuBay stated that inasmuch as applicants filed its response yesterday afternoon, it would be appropriate to ask Mr. Janik to advise as to what extent the 1 or 2 day delay prejudiced his clients rights; and that the Board should then vote on whether or not to allow the supplemental staff report as part of the Record.

Mr. Janik advised that his clients were adversely affected because they had to make a very hurried response and that he is concerned whether the Board has had an adequate opportunity to review it before todays hearing.

In response to Chair McCoy's question as to the pleasure of the Board, Commissioner Kafoury advised she wished to hear testimony from the opposing side.

Chair McCoy related that it is her sense the delay has not prejudiced applicant's case.

In response to Chair McCoy's question regarding whether there was sufficient time to review applicants response, Commissioner Bauman suggested that the Board proceed with the testimony and resolve that issue at a later time.

Ethan Seltzer of the Metro Planning and Development, testified against the proposed development, advising that policy issues are at stake as referred to in a January 22, 1990 letter sent to the Planning Commission by Richard Carson, Director of Metro's Planning and Development. Mr. Seltzer advised the issue is not necessarily the character of the rural area, but the question of suitability for forest use inasmuch as the County Comprehensive Plan made a conscious decision to designate the site MUF-19 which allows a 38 acre minimum for a single family dwelling, or 19 acres if there is a resource management plan; and that under the RPD category, it is not necessarily the case that for each specific lot you would have a resource management plan. Mr. Seltzer noted that it is not the cost of forest activities and forest practices, but its suitability at issue; and that the argument that the current vegetative cover on the property is not merchantable timber so the property is not suitable for resource could be applied to virtually any piece of rural land that has been logged and then not managed for a period of time, which would be like rewarding bad management. Mr. Seltzer stated that while adjacency to the UGB or other rural residential lands may be relevant to aspects of character of the rural area, whether or not the property is suitable for forest use is not a relevant argument in this case. Mr. Seltzer commented that contrary to Mr. Janik's observation, the findings note that the proposed homesite area is least suited for open space, wildlife and small woodlots; and that the fact there is a resource management plan requirement to the conditions of approval suggests there is a resource value to the property. Mr. Seltzer advised that parcelization of a large contiguous piece of property on the edge of the UGB is a policy issue in terms of suitability of the property for resource use as

well as how it may fit into a future pattern of urbanization; and that if the property is not suitable for resource use as applicant contends, then perhaps applicant should apply for some kind of comprehensive plan change which recognizes its lack of value for resource use and therefore puts it into what could be determined as an exception land status.

In response to Commissioner Kelley's request that he expand on the resource management plan, Mr. Seltzer advised that the requirement was added by the Planning Commission because of its concern about the use of the bulk of the property for potential resource purposes.

In response to Commissioner Kelley's question as to who would approve a resource management plan, Mr. Hess explained it would be approved administratively through the County Planning Department and would require a certification or review by the Department of Forestry or other recognized expert.

Carol Canning of NW Riverview Drive, advised her testimony is in collaboration with Nora Rich from the Skyline Neighborhood Association who was not able to attend today's hearing. Ms. Canning read a statement in opposition to the proposed development, advising that if the designation were approved, the County would be sacrificing its natural areas and livability.

Nancy Rosenlund of NW Cornell Road and the Forest Park Neighborhood Association, testified against the proposed development, advising that land outside the UGB should not be used for urban purposes and that the burden of proof should be exceedingly high for a development project which would divide potentially productive farm or forest land into housing estates. Ms. Rosenlund urged the Board to deny the proposed development, advising that because a property is not commercially viable today is no reason to put houses on it.

Bob Clay, City of Portland, Bureau of Planning, testified that the City recommends denial of the proposed development, advising that this case raises important urban growth management public policy issues of concern to the City because the site is large and immediately adjacent to the Portland city limits and UGB. Mr. Clay advised that the City's 1985 Northwest Hills Study estimated a demand for over 2,200 residential units in the next 20 years and that while there is plenty of capacity and development potential to accommodate that demand, the City is concerned that if the UGB is expanded in the future, this proposed development would preclude the City's ability to efficiently provide urban services, by creating lots that are not suitable for future division. Based on the City's review of the proposed development, Mr. Clay stated that if it were annexed to the City in the future, the City would probably zone it R-10, or approximately 4 units per acre on the 120 acre site, which would result in as many as 480 units to the City.

Karin Hunt, Multnomah County Planning Commission member, testified she was one of the Commissioners who voted against approval of the proposed development; and reported that some of

the information referred to by Mr. Janik was hand delivered to the Planning Commission the day of the hearing; and that Planning staff did not have a chance to review applicants hand delivered response to the staff report. Ms. Hunt submitted copies of an April 23, 1990 letter from Ted Lawrence at the Oregon State Department of Forestry in response to applicants economic analysis; a cost share assistance pamphlet; and an April 20, 1990 letter from the Clackamas-Multnomah County Agricultural Stabilization and Conservation Committee relative to eligible Reforestation Projects. Ms. Hunt stated she does not believe the evidence before Board justifies allowing the proposed development.

Ivy Frances of NW 112th Avenue, representing the West Multnomah Soil and Water Conservation District, submitted a copy of a December 28, 1989 joint memorandum from the District and the Portland Field Office of the USDA, Soil Conservation Service in opposition to the proposed development; and refuted applicants assertions that the property on the proposed development is unsuitable for agriculture or forest use. Ms. Frances cited data which estimated that Douglas Fir trees planted on the property could be expected to be 115 feet high in 50 years and stated that the District sees no factual evidence to support applicants assertions that once a land is logged, it is not economically feasible to replant and continue forestry as a renewable resource. Ms. Frances advised the District urges the Board to sustain the future by to assuring economic diversity where possible by restricting development of forest productive land.

George Sowder of NW Skyline Boulevard, President of the Skyline Neighborhood Association, discussed the commercial sale of trees other than Douglas Fir located in the area of the proposed development and advised he feels the Timber Net expert overstated the case of potential conflicts with surrounding land residents and the cost of producing merchantable timber on the property. Mr. Sowder stated he feels the area is of singular importance due to its proximity to Portland, the West Hills, Forest Park and the Wildlife Corridor, and that the critical nature of the area is underscored by future forest products, which is in the public's interest. Mr. Sowder urged the Board to maintain the current resource zoning for the area.

Brian Lightcap of NW Newberry Road, testified in opposition to the proposed development, advising that he and his wife currently own 54 contiguous acres adjacent to Forest Park on which they raise, produce and manage for profit sheep, hides, manure, Douglas Fir, black walnut, hybrid American chestnut, natural maple railings and banisters, specialty timber trees and maple lumber. Mr. Lightcap stated he is against the proposed RPD designation and does not believe it will comply with the County's Goal 3 and rules adopted February, 1990; and that he feels the 120 acre parcel is more suited to division into 4 or 5 MUF zoned parcels, provided the landowners have responsible forestland management plans.

Anthony Boutard, staff forester for 1,000 Friends of Oregon, testified against the proposed development, stating the site productivity is well suited for forestry uses, with an annual increment average or slightly above average for western Oregon.

Mr. Boutard concluded by stating that the property has the potential for conducting an economically viable forestry operation which would be good for individual owners.

Mr. Janik observed that the Board has had an opportunity to see two conflicting viewpoints in today's opposing testimony, with some arguing the site should be designated for urban and others for forestry use. Mr. Janik advised that he has rarely heard the argument in Multnomah County that houses on 10 acres or 12 houses on 120 acres would adversely affect livability, and pointed out that no one other than Mr. Davis of Timber Net testified they had performed an on-site evaluation of the property. Mr. Janik reiterated the legal conditions for determining suitability for forestry use, advising applicants purchased the property 10 years ago and were not in anyway responsible for its prior history or cutting. Mr. Janik's response to the testimony suggesting that applicants apply to amend the County's Comprehensive Plan was that it would not be appropriate; and stated that the City argued without facts when inferring the property could not be subdivided for future urban uses. Mr. Janik addressed other concerns raised today and stated applicants have expert evidence that the property is not usable for commercial forestry production; and that protection of the scenic open space, soil erosion and wildlife habitat resource values are being addressed with a resource management plan.

In response to Commissioner Kafoury's question as to how this stands in the long-term land use planning review process, Ms. Stickel reported that the County's Plan does not address the issue very clearly; that the County is working with Metro in devising a process to determine potential urban growth areas existing outside the current UGB; hope within the next couple of years to address the issue of potential future urban reserves which will establish the need to protect some of these areas for future urban and natural resource purposes; and advised that the the RPD designation has been removed from the current County code to alleviate future arguments. In response to Commissioner Kafoury's comments, Ms. Stickel advised that there is no need in the immediate future to reserve this particular piece of property for potential urban land needs.

In response to Chair McCoy's question as to the County's options, Mr. DuBay advised that the Board could continue the matter, affirm the Planning Commission decision approving the development, or deny the Planning Commission decision and deny the proposed development.

Commissioner Bauman moved and Commissioner Kafoury seconded, for a one week continuance of the matter.

In response to a question of Commissioner Kelly, Commissioner Bauman advised he wants a continuance so he may visit the site; more clearly understand County's options under the rural and forest designations; and more clearly understand the procedural dilemma the County may be entering.

MOTION FAILED with Commissioners Anderson, Kelley and McCoy voting nay.

In response to Commissioner Bauman's comments, Commissioner Kelley stated she felt the Board had heard sufficient testimony to make a decision today.

UPON MOTION of Commissioner Anderson, seconded by Commissioner Kelley, to DENY the Planning Commission decision allowing the proposed development, it was APPROVED, with Commissioner McCoy voting nay.

Commissioner Bauman advised that having voted on the side of the majority, he moves for reconsideration next week, and serves notice of possible reconsideration of the matter on Tuesday, May 1, 1990.

There being no further business, the meeting was adjourned at 12:14 p.m.

OFFICE OF THE BOARD CLERK
for MULTNOMAH COUNTY, OREGON

By DEBORAH ROYERS

0775C/6-17/dr

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

In the Matter of Adopting an Economic,)
Social, Environmental, and Energy (ESEE))
Analysis for Mineral and Aggregate)
Inventory Site #4, Angell Brothers, Inc.)

FINAL ORDER #90-59

Oregon Revised Statute 197.640 requires counties to review their comprehensive plans and land use regulations periodically and make changes necessary to keep plans and regulations up to date and in compliance with the statewide planning goals. A Proposed Local Review Order intended to bring the County into compliance was presented to the Department of Land Conservation and Development (DLCD) on February 28, 1989. DLCD recommended changes to selected items in the Proposed Local Order which included revising the Statewide Planning Goal 5 Economic, Social, Environmental, and Energy Analysis of the mineral and aggregate sites. The Oregon Administrative Rule guiding this analysis is found in Chapter 660, Division 16.

During the process of revising the subject mineral and aggregate ESEE Analysis public hearings were held before the Board of County Commissioners on December 19, 1989, January 9, 1990, February 20, 1990, March 6, 1990, March 27, April 17, and April 24. On each of those dates written and oral testimony was taken and heard regarding this site.

Based upon that testimony the Board adopts the following ESEE Analysis for Site #4, Angell Brothers, Inc. Quarry, which concludes the following:

1. The appropriate classification of the 113.22 acres in the easterly center of the site, as depicted on the attached map as existing quarry site (cross hatching) and area for expansion (large dot pattern), is "3C, Specifically Limit Conflicting Use".
2. The ESEE Analysis for the remainder of the site, 283.37 acres, is at "Step 2, Identify Conflicting Uses" until on-going wildlife studies described in the analysis are completed at the time schedule specified.

The Board further finds that, with the encouragement of the Board, an agreement regarding mine operation expansion during the wildlife corridor study has been reached at the conclusion of three informal meetings of the quarry operator and neighborhood groups representatives. The Board is in agreement with the following results of those discussions which were confirmed at the Board Hearing of April 17, 1990:

1. An additional 42 acres of aggregate and clay material should also be included with the present operation area in an ESEE analysis designation of "3C" in order to ensure a continued amount of aggregate and clay material needed for operation of the mine during the wildlife study period.
2. This expansion area should be toward the south as shown on the attached map. The southerly boundary line is at two angles drawn as to have the least protrusion.

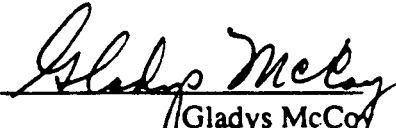
sion into a potential wildlife corridor area to the southwest and also provide a 100 foot buffer to a stream to the southeast.

3. The attached map also shows two areas which Angell Bros. Inc. has agreed not to mine during the study time period. The areas are:
 - A. A 400 foot by 800 foot area in the northwest corner of tax lot "2" which may be important for scenic view considerations; and
 - B. An 111 acre area which was the subject of a conditional use approval for clay mining in 1989. The southerly 42 acre expansion area will provide the clay material that would have been mined from the 111 acres to the north and west of the present operation. Where possible, existing trees and vegetation will be preserved on the 111 acre area.
4. The reclamation plan for a site will have a very important influence on wildlife and views. The neighborhood groups and wildlife organizations with an interest in the reclamation plan are to participate in an informal review of any proposed reclamation plans before the plans are submitted with a conditional use application. There are five guidelines which should be part of the reclamation plan which are in addition to those required by State regulations:
 - A. Twenty four inches of top soil for adequate reforestation;
 - B. Where possible, six feet of top soil around streams to insure reforestation and wildlife habitat;
 - C. Landscaping for wildlife access and ease of moving across restored area;
 - D. Streams restored to the land surface (not confined to drain pipes); and
 - E. A bond to insure that the above reclamation is achieved.

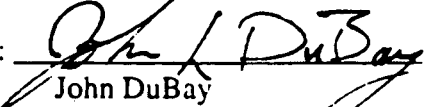
This order and the foregoing are to become attachments to the Local Review Order to be submitted to the Department of Land Conservation and Development.

Approved the 24th day of April, 1990.

(Seal)


Gladys McCoy
Multnomah County Chair

Reviewed:
Lawrence Kressel, Multnomah County Counsel

By: 
John DuBay
Chief Deputy County Counsel

**Angell Brothers, Inc.
Existing & Proposed
Quarry Site**

Multnomah County-Columbia River Hwy

Legend

MUF-19 MULTIPLE USE FOREST
19 ACRES

MUF-38 MULTIPLE USE FOREST
38 ACRES



NEW AREA FOR
QUARRY EXPANSION
(APPROX. 42 ACRES)



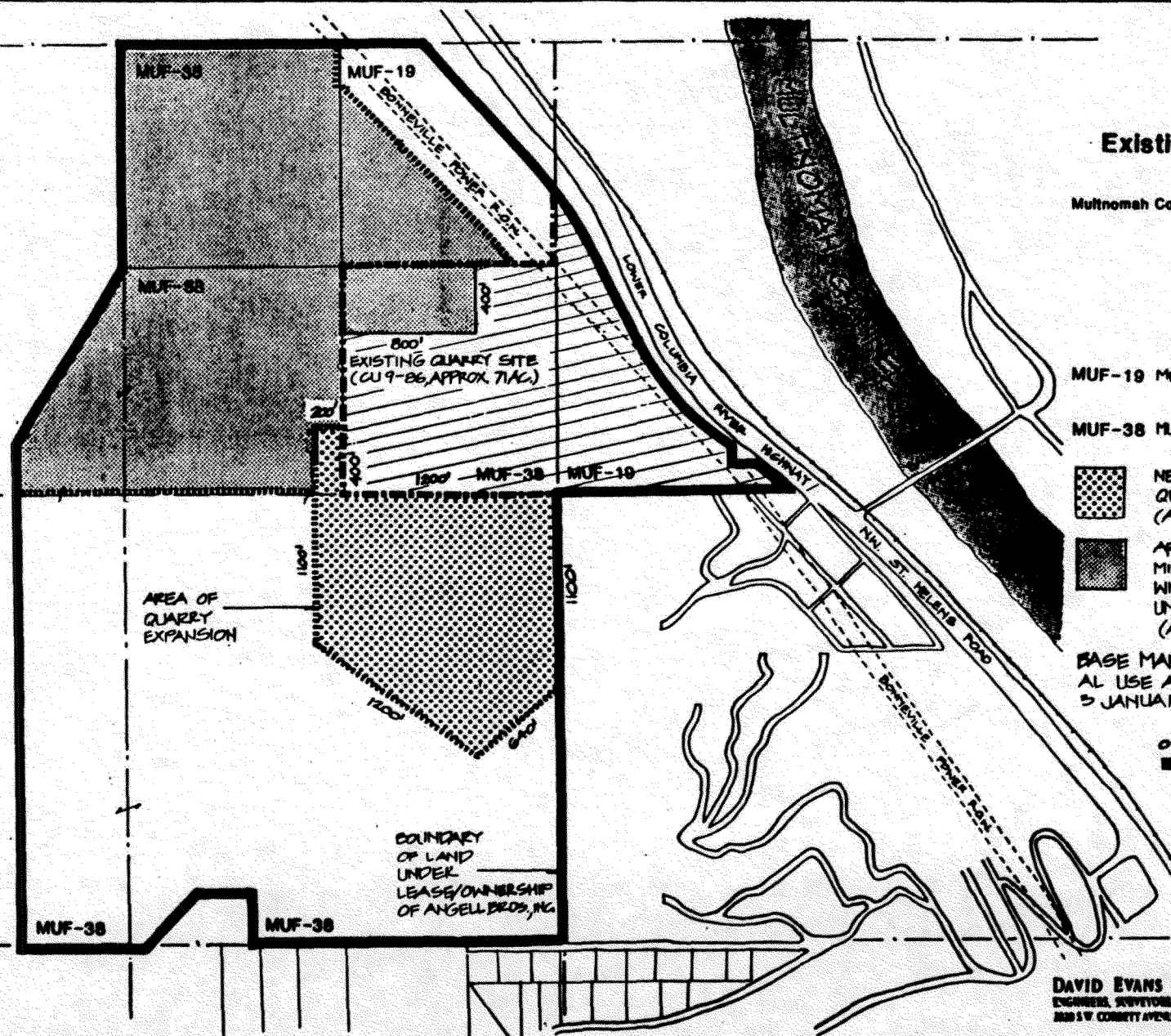
AREA APPROVED FOR
MINING OF OVERBURDEN
WHICH WILL BE LEFT
UNMINED
(APPROX. 111 ACRES)

BASE MAP FROM CONDITIONAL
USE APPLICATION OF
3 JANUARY 1990.



DEA

DAVID EVANS AND ASSOCIATES, INC.
ENGINEERS, SURVEYORS, PLANNERS, LANDSCAPE ARCHITECTS
2020 S.W. CORBETT AVENUE - PORTLAND, OR 97201 (503) 225-4465



Multnomah County
GOAL 5 INVENTORY
(4/24/90)

Type of Resource: Mineral and Aggregate
Mult. Co. Inv. Site #4
Angell Brothers, Inc.

Location:

Tax Lot '12 in the Northwest 1/4 of Sec. 28, T. 2 N., R. 1 W.; Tax Lots '2', '6', '8', and '11' in the eastern one-half of Sec. 29, T. 2 N., R. 1 W.

Description:

DOGAMI I.D. #26-0019

This operating rock quarry is located on the west side of State Highway 30, just north of the Sauvie Island Bridge. The present size of the approved extraction activities cover the majority of two tax lots totalling 71.22 acres in area. The easternmost parcel of 31.22 acres (TL '12', Sec. 28, T. 2 N. R. 1 W.) contains the processing equipment and stockpiles. The existing general mining and operations master plan calls for retaining the north and south knob type hills at the entrance for screening of the operation to viewing from the east.

A 1978 DOGAMI publication estimated that reserves of the mineral and aggregate resource were 7 million cubic yards of material. A study by H. G. Schlicker and associates was submitted in August, 1989 which covered an adjoining 325.37 acres. That report concluded that based upon their materials tests, borings, and seismic studies, the potential expansion area most likely contains approximately 220 million cubic yards of very good aggregate material.

A. Available information indicates site is important (ability to yield more than 25,000 cubic yards of material in less than 5 years):

NO-Designate 1A: Do not include in plan inventory.

X YES – Go to B.

B. Is available information sufficient to determine the location, quality and quantity of resource at the site ?

NO – Designate 1B : Address the site in future when information becomes available.

X YES – Include in plan inventory and go to C.

C. Zoning:

Multiple Use Forest - 19 and Multiple Use Forest - 38

OAR 660-16-005: *'It is the responsibility of local government to identify conflicts with inventoried Goal 5 Resource Sites.'*

Are there conflicting uses ?

NO – Designate 2A : Preserve resource.

X YES – Go to D.

D. Describe existing or potential conflicting uses:

Single family residences: In the MUF-19 zone as a primary use on a lot of 38 acres, as a use under prescribed conditions on a new lot of between 19 and 38 acres with a forest or farm management plan, as a use under prescribed conditions on a lot of record of between 10 and 38 acres with a forest or farm management plan, or as a conditional use on a lot of record of less than 10 acres. The MUF-38 zone requirements are identical to the MUF-19 zone except that new lots must be at least 38 acres in area.

A range of potential conditional uses and community service uses are listed in the MUF zoning districts but to be approved the approval authority shall find that the proposed use "Will not adversely affect natural resources" (MCC 11.15.7120(B)). In the MUF zone such uses include churches, schools, cottage industries, service commercial, and tourist commercial establishments.

There is the possibility of a "Wildlife Corridor" in the West Hills that provides migrating routes and intermingling of species between Forest Park and the Coast Range. If such a corridor exists, the impact on this corridor by an expansion of the subject mineral and aggregate operation would be relevant. There are studies in progress that are investigating this potential conflict and until that research and field studies are completed during calendar year 1991, the County cannot adequately identify conflicting uses as required by OAR 660-16-005.

Although OAR 660-16-000 (5) (c) states that when a site is included on the inventory then it "...must proceed through the remainder of the Goal 5 process", it is the County's position that the gathering of information on potential conflicting uses based upon a committed expenditure of funds and a published timetable is "proceeding" through the process. The County is at step designation "2" on the OAR flow chart at this time. Also see 3.A.(1).(b).in the Environmental section below and the Wildlife Habitat Goal 5 Inventory.

Another potential conflict which is under study are the scenic views of the Tualatin Mountains from the Multnomah Channel and the State owned wildlife areas on Sauvie Island. See Scenic Views Goal 5 Inventory.

Describe consequences of allowing conflicting uses:

OAR 660-16-005 (2): "...Both the impacts on the resource site and on the conflicting use must be considered in analyzing the ESEE consequences. The applicability and requirements of other Statewide Planning Goals must also be considered, where appropriate, at this stage of the process. A determination of the ESEE consequences of identified conflicting uses is adequate if it enables a jurisdiction to provide reasons to explain why decisions are made for specific sites."

ECONOMIC:

1. Impacts on resource:

Potential loss of site which is the largest in operation in the County which also contains significant remaining reserves of the resource. The location, less than one mile outside the Urban Growth Boundary and with direct access to a State Highway, has many advantages in supplying this resource to the metropolitan area.

2. Impacts on conflicting uses:

Homes and tourist commercial uses too near the noise or dust of an extraction operation will have reduced value. This quarry has operated for many years, so reductions in value, if any, may have already occurred.

3. Requirements of other applicable State Goals:

A. Transportation Goal 12:

Direct access is onto State Highway 30 which is capable of handling all anticipated traffic.

B. Areas Subject to Natural Disasters and Hazards, Goal 7:

The majority of the entire site is located in a slope hazard area. This should not present a problem due to the requirement in MCC 11.15.7325 (D) that all proposed operations be certified by competent professionals (such as a registered mining engineer) to not result in the creation of a geologic hazard to surrounding properties.

SOCIAL:

1. Impacts on resource: N/A

2. Impacts on conflicting uses:

A. The nearest conflicting uses are two homes which are 700 feet away from the subject property. At 1000 feet away to the northeast are 29 houseboats. The impact on houseboats will decrease as the excavation area moves to the west or south. The closest house to the mapped 55 acre potential expansion area is approximately 1200 feet away to the south.

B. Residences near Multnomah Channel, houseboats on the channel, and residences on the southerly 2 miles of Sauvie Island which are east and northeast of the gap in the ridge at the entrance to the mining operation are able to view the slopes under excavation. Screening can mitigate part but not all of this potential impact.

3. Requirements of other applicable State Goals: N/A

ENVIRONMENTAL:

1. Impacts on resource: N/A

2. Impacts on conflicting uses:

- A. Noise, dust particulates, and blasting are potential impacts on such sensitive land uses as homes, schools, and public parks. However, the site is in compliance with DEQ noise and particulate regulations.
- B. Angell Bros. Inc. has been permitted to operate during the hours of 6:00 A.M. to 10:00 P.M. since 1980, which operating hours were confirmed in its 1986 permit. Because of few conflicting or sensitive uses nearby, this facility should be allowed to continue current operating hours.

3. Requirements of other applicable State Goals:

A. Goal 5, Open Spaces, Scenic and Historic Areas, and Natural Resources:

(1). Fish and wildlife areas and habitat:

(a). Existing 71.22 acre approved extraction operation:

An intermittent stream flows northeasterly through the center of tax lot '12' (the 32 acre parcel fronting on the highway). In conjunction with the present operation most of the length of the stream near the mining has been enclosed in a culvert. The stream is classified Class II by the State Department of Forestry and the decision to allow piping through the site was made because "the stream is not considered a 'fishing' creek" and it dries up in late summer. The State Department of Environmental Quality has approved the water discharge system. The value of the mineral and aggregate resource in this location outweighs the value the stream may have for fish and wildlife habitat at this time, considering that at some time in the future the fish and wildlife potential may be restored. No significant wildlife area exists on the area currently approved for extraction activities.

(b). Adjoining 325.37 acres (potential expansion area):

Recent studies suggest that the wide variety of wildlife found in Forest Park may be directly attributable to the opportunity for species interaction with the Coast Range ecosystem. Such interaction may be possible due to the rural, relatively undeveloped

character of the Tualatin Range (West Hills), which enables this area to function as a "corridor" for animal movement. Thus, the wildlife diversity of Forest Park may result from either migratory patterns or general long-term recruitment from more rural reservoirs. If this is the situation, the "wildlife corridor" should be located and recognized for its role in maintaining the species diversity of Forest Park.

The County and City of Portland have budgeted and expect to spend up to \$25,000 on studies of this issue. Phase 1, the initial research, is currently underway. Phase 2, the field survey work and the application of research and field evaluation results to specific land use recommendations, will be completed by early 1991. Staff will then complete the ESEE Analysis and propose Plan amendments to complete the Goal 5 process for this factor by the end of 1991.

The property owner has requested a "3C" designation on the entire potential expansion area of 325.37 acres, but has agreed to an immediate "3C" designation of approximately 42 acres of the expansion area to permit operation during and after the corridor study. Following the study, the designation of the remaining expansion area of 283.37 acres would be determined.

The owner submitted a memorandum from Lawrence L. Devroy, Natural Resources Manager at David Evans & Associates, regarding a wildlife inspection on the proposed 42 acre expansion area performed on March 21, 1990. The report concludes that "... no well-defined wildlife corridor appears to exist in the (42 acre) area of the proposed expansion since no areas of heavy use were observed." In addition, the 42 acre area is located far to the eastern edge of the potential corridor area to minimize any impacts which the expansion may cause in the corridor.

(2). Outstanding scenic views and sites:

Testimony from several citizens at public hearings points to some concern over the potential adverse impacts on scenic views of the Tualatin Mountains at the subject property if the mining is extended into the adjoining lands. Considering the Sauvie Island Wildlife areas have the most public use of any other wildlife area in the Northwest, a great many people are exposed to those views. Therefore, a study of this potential conflicting Goal 5 resource has been started and the

timetable should closely follow that of the Wildlife Corridor studies. A "3C" designation of the 42 acre expansion area will minimize view impacts until such time as a view study is prepared relating to the entire area.

ENERGY:

1. Impacts on resource:

Allowing noise and dust sensitive uses too close to the resource could alter the manner, location and extent of extraction activities, resulting in greater use of energy to the operator. This close-in site is energy efficient for transporting the materials to the largest market.

2. Impacts on conflicting uses: N/A

3. Requirements of other applicable State Goals: N/A

CONCLUSION:

The resource at this site should:

Be fully protected – Designate 3A.

Not be protected due to overriding benefits from allowing conflicting uses – Designate 3B.

- X FOR THE MAPPED EASTERLY CENTER 113.22 ACRES CONTAINING THE EXISTING MINING OPERATION AND AN EXPANSION AREA: Be partially protected by conditions which minimize the impact of conflicting uses - Designate 3C.**
- X FOR THE ADJOINING REMAINDER OF THE SITE, 283.37 ACRES: No ESEE designation assigned until more information is available from on-going studies of potential conflicting uses. At this time the ESEE analysis is at step "2" on the OAR flow chart.**

PROGRAM:

The existing approved mining operation of 71.22 acres and an expansion area of 42 acres are designated "3C". This designation will allow the mining operator to apply for renewal of the Conditional Use approval for the existing mining operation area and apply for an expansion area that would meet their aggregate needs for at least the wildlife and scenic views study period.

The expansion area is due south of the area to be worked next in the existing operation. This expansion direction appears to be the least intrusive into where a wildlife corridor would most likely be located. It is also in the direction of least visibility from Sauvie Island due to the ridgeline on the property to the east. This program will allow uninterrupted operation of the mine during the time needed to complete the wildlife studies and, if warranted, put appropriate protection measures in place.

Designation of the adjoining acreage of 283.37 acres will be completed when the needed information is obtained on potential conflicting uses. Multnomah County and the City of Portland expect to spend up to \$25,000 during the time period 1989-1991 in the contracting of studies in an attempt to verify the existence of a "Wildlife Corridor" in the area of further potential aggregate extraction expansion. The Goal 5 ESEE process for this remainder area is expected to be completed during 1991.

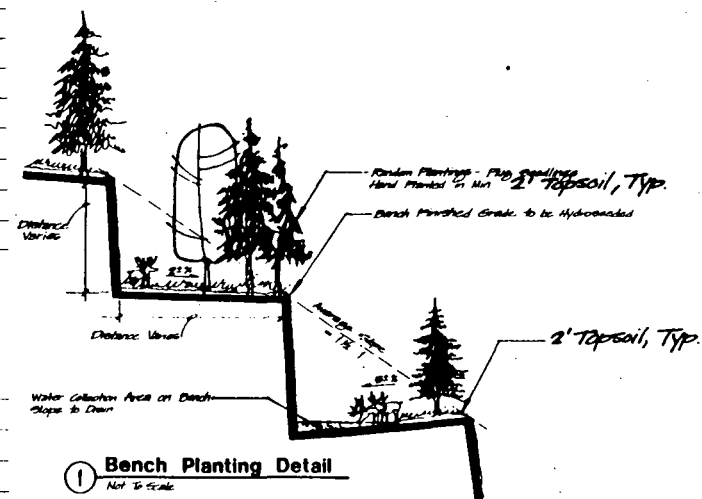
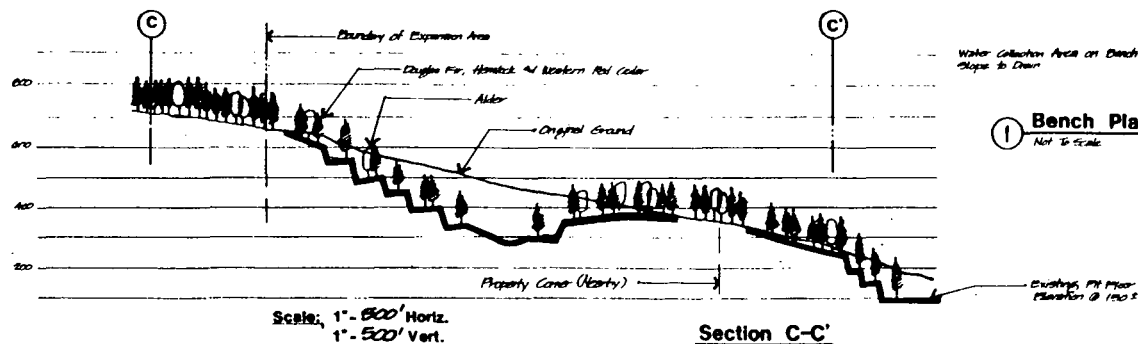
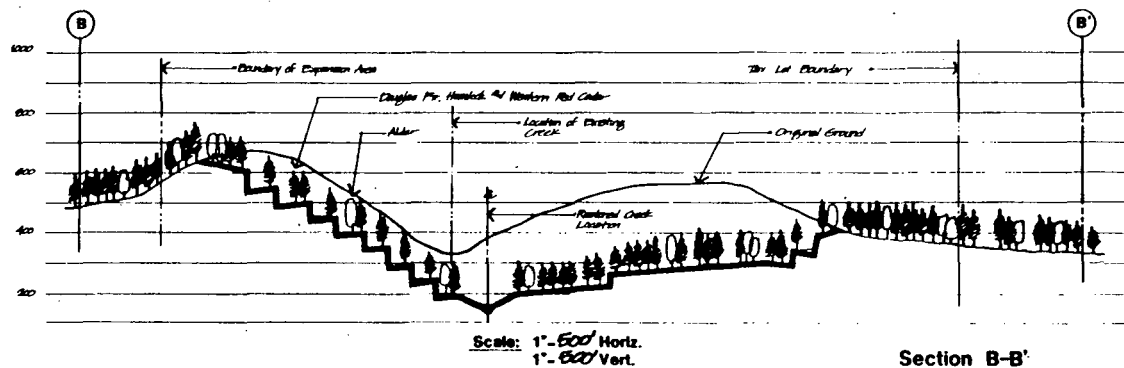
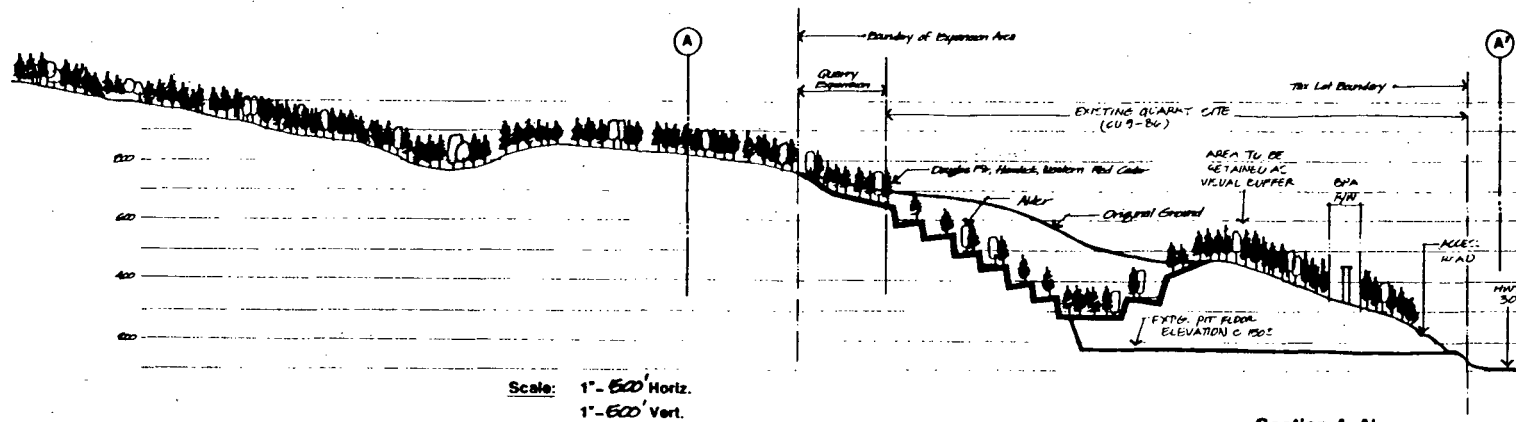
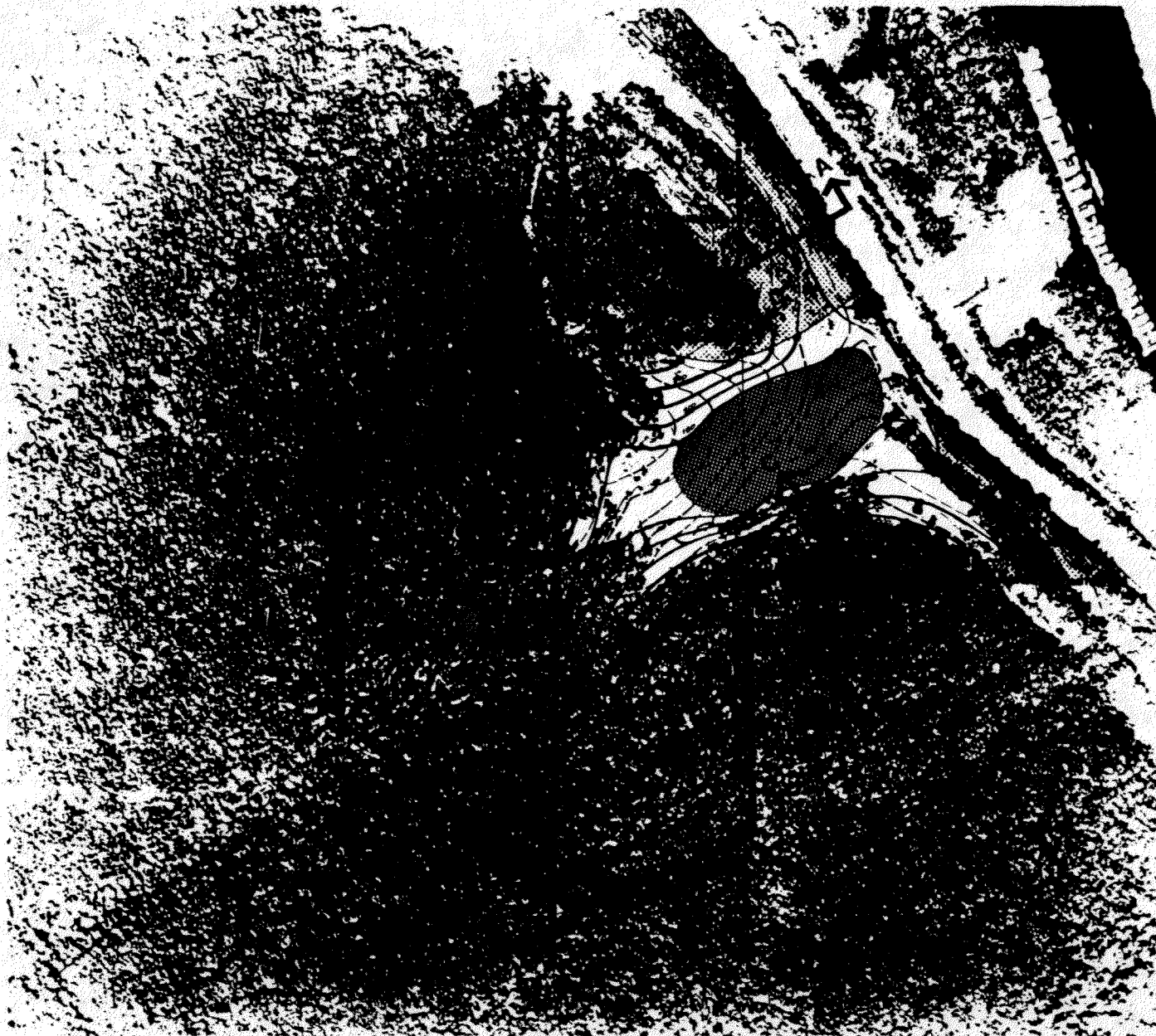
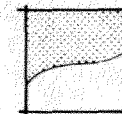


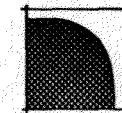
Exhibit #4



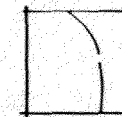
Legend:



Buffer to Remain



Existing Quarry
Staging Pad



Creek



Existing Contour



Proposed Contour

Note: Contour Interval is 50 Feet



Scale 1" = 500' ±

Exhibit #3

Reclamation / Grading Plan
ANGELL BROTHERS QUARRY -
PROPOSED EXPANSION
Multnomah County, Oregon



LANE
POWELL
SPEARS
LUBERSKY

April 30, 1992

Scott Pemble
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*A Partnership
Including
Professional
Corporations*

Re: Amendments to Multnomah County Zoning Code to Comply with
Statewide Planning Goal 5
Our File No. 701062-1

Dear Scott and Dick:

On behalf of Angell Bros., I have reviewed Elaine Smith's August 1, 1991 comment letter to the County regarding amendments to the Multnomah County Code that are necessary to enable the Code to comply with Statewide Planning Goal 5 and the Goal 5 rule. I agree with all of Elaine's comments, and I have a number of additional changes to suggest to you. I deal with each of the sections of the Zoning Ordinance in turn.

1. Section 11.15.7105 is an outdated provision from the days when all conditional uses had to satisfy the rubric of "public need" or "public convenience and necessity". If the County wishes to retain Goal 5 mineral and aggregate uses as one of the conditional uses, instead of adopting a Surface Mining Zone that permits mineral and aggregate uses outright, it should delete all the language which permits subjective judgments on these issues. This can be accomplished as follows:

"Conditional uses as specified in a district or described herein, ~~because of their public convenience, necessity, unique nature, or their effect on the Comprehensive Plan,~~ may be permitted as specified in the district or described herein, ~~provided that any such conditional use would not be detrimental to the adjoining properties or to the purpose and intent of the Comprehensive Plan.~~"

Anchorage, AK
Los Angeles, CA
Mount Vernon, WA
Olympia, WA
Portland, OR
Seattle, WA
London, England
Tokyo, Japan

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2. Section 11.15.7115 needs to be amended as stated in paragraph 1 of Elaine Smith's letter.
3. Section 11.15.7120 needs to be amended as stated in Elaine Smith's letter, which could be accomplished as follows:

"(A) A Conditional Use shall be governed by the approval criteria listed in the district under which the conditional use is allowed. If no such criteria are provided, the approval criteria listed in this section shall apply (except as provided in Section 11.15.7120 (B)). ~~In approving a Conditional Use listed in this section, the approval authority shall find that the proposal:~~

- ~~"(1) Is consistent with the character of the area;~~
- ~~"(2) Will not adversely affect natural resources;~~
- ~~"(3) Will not conflict with farm or forest uses in the area;~~
- ~~"(4) Will not require public services other than those existing or programmed for the area;~~
- ~~"(5) Will be located outside a big game winter habitat area as defined by the Oregon Department of Fish and Wildlife or that agency has certified that the impacts will be acceptable;~~
- ~~"(6) Will not create hazardous conditions; and~~
- ~~"(7) Will satisfy the applicable policies of the Comprehensive Plan.~~

"(B) Except for off-site stockpiling, subpart (A) of 11.15.7120 ~~this subsection~~ shall not apply to applications for mineral

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extraction and processing activities.
Proposals for mineral extraction and
processing shall satisfy the criteria of
MCC .7325."

4. Section 11.15.7122 should be amended as stated in paragraph 2 of Elaine Smith's letter. This could be accomplished as follows:

"(D) This Section 11.15.7122 shall not apply to mineral extraction and related processing activities approved under MCC .7305-.7325 and .7332 and .7335."

5. Section 11.15.7125 should be amended to state that design review does not apply to mineral and aggregate uses. My reason for this is that the standards in the design review ordinance are not clear and objective, but are aesthetic and subjective. There may be room to negotiate on this issue, however, if it can be made clear that conditions imposed as a function of design review would not result in prohibiting the operation of a Goal 5 mineral and aggregate resource site.
6. Section 11.15.7130 should be amended to delete the second sentence. The second sentence contains implicit authority for the imposition of open-ended or subjective conditions and restrictions, which are contrary to the Goal 5 rule.
7. Section 11.15.7135 should be amended to require that the Planning Director's claim that a condition or restriction has not been satisfied must be adjudicated in a contested case hearing that will produce findings of fact, conclusions of law and a decision that is no less rigorous than the decision to grant the permit in the first place.
8. Section 11.15.7305(C) should be amended to include other types of materials, as follows:

"(C) Aggregate material includes crushed or uncrushed gravel, crushed or uncrushed stone, ~~or~~ sand or any other material, from natural deposits."

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9. Section 11.15.7305(G) should be amended to require site specific ESEE analyses for each site as follows:

"(G) ESEE is an abbreviation for the 'Economic, Social, Environmental, and Energy' analysis procedure for Goal 5 resources described in OAR 660-16-000 through 660-16-025, and which shall be completed for each site. ~~and which is adopted as a part of the Comprehensive Plan.~~"

10. Section 11.15.7315 should be amended to delete the reference to geothermal resources, as Elaine Smith suggests in paragraph 3 of her letter. Also, Section 11.15.7315(C) should be amended to encompass the full breadth of the ESEE analysis and the other sections of the Multnomah County Code as follows:

"(C) Recognize mineral and aggregate resource sites which receive an ESEE designation of '2A', '3A', or '3C' as being appropriate for extraction and other operations specified in the ESEE analysis operations when in compliance with MCC .7105-.7140 and the MCC sections governing the underlying zone; and"

11. Section 11.15.7320(B) should be amended to include the statutory definition of "processing" as follows:

"(B) Installation and operation of plants or apparatus for processing, which includes, but is not limited to crushing, washing, milling and screening as well as the batching and blending of mineral aggregate into asphalt concrete or portland cement concrete ~~rock crushing and cement treatment of minerals excavated at the site for which the Conditional Use is being requested, including screening, blending, washing, loading, and conveying of materials.~~"

12. Section 11.15.7322 should be amended to include the word "aggregate" and to delete the more stringent standard for the EFU Zone as follows:

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~~"(A) If zoned EFU, produce less than 1,000 cubic yards of material and affect less than one acre, or"~~

The reason for the latter change is that EFU Zones are resource zones, which are supposed to be dedicated to resource use. Accordingly, it does not make sense to have a more stringent standard for aggregate production in these zones than in forestry zones or in industrial zones.

13. Section 11.15.7325 should be amended to include the conflict resolution statement proposed by Elaine Smith in paragraph 4 of her letter. In addition, Section 11.15.7325(C)(1)(d)(i) and (ii) relating to traffic should be amended to be clear and objective and to comply with the requirements of Nollan v. California Coastal Commission, 483 US 925 (1987) as follows:

"(i) Are reasonably adequate to safely accommodate any additional traffic created by the extraction operation for the duration of the activity, or

"(ii) Are inadequate to safely accommodate any additional traffic created by the extraction operation for the duration of the activity, but the applicant has committed to finance the applicant's pro rata share of the cost of installing installation of the necessary improvements under the provisions of 02.200(a) or (b) of the Multnomah County Rules for Street Standards.

In addition, Section 11.15.7325(C)(1)(D) should be amended as suggested in paragraph 5 of Elaine Smith's letter.

In addition, Section 11.15.7325(C)(6) regarding protection of fish and wildlife habitat should be deleted. The trouble with these Sections is that they state a policy preference for protection of fish and wildlife habitat, regardless of the facts relating to these Goal 5 resources, and regardless of the facts related to competing Goal 5 resources or other resources. I agree with Elaine Smith's statement that a better way to approach this issue would be for the County to rely on

clear and objective standards for protection of fish and wildlife habitat that are based on facts developed as part of a site specific ESEE analysis.

14. Section 11.15.7325(C)(8) should be eliminated, since it is pre-empted by the Mined Land Reclamation Act, ORS 517.750-517.990.
15. Section 11.15.7325(C)(12) should be revised to state its intent more accurately and to avoid any question of pre-empting DOGAMI's statutory authority as follows:

"(12) The reclamation plan shall include a timetable for sequential reclamation of continually reclaiming the land consistent with DOGAMI's reclamation permit. The timetable shall provide for beginning reclamation within twelve (12) months after extraction activity ceases on any the segment of the mined area and for completing reclamation within three (3) years after all mining ceases."

16. Section 11.15.7325(E) should be amended to apply only to the impact area as follows:

"(E) Proposed blasting activities will not adversely affect the quality or quantity of groundwater within wells in the impact area vicinity of the operation."

17. Section 11.15.7325(F) should be deleted because in its present form it will create a "chicken and egg" problem for operators. Not the least of these problems will be the reclamation plan required to be approved by the Department of Geology and Mineral Industries. Under 1991 Senate Bill 97, the Department of Geology does not have to issue this permit until land use approvals have been obtained. An alternative provision that would accomplish the County's objective that "no sales of extracted materials can be commenced until all applicable permits have been obtained". Such a provision would allow the operator to do necessary site preparation work in a cost effective manner.

18. Section 11.15.7328 should be deleted. It is not clear and objective, as stated in paragraph 9 of Elaine Smith's letter.
19. Section 11.15.7330 should be deleted and replaced with the modified language suggested in paragraph 10 of Elaine Smith's letter.
20. Section 11.15.7335(D) is ambiguous. I do not know what a "district boundary" means.
21. Section 11.15.7845 should be amended to require clear and objective standards as follows:

"(A) The Planning Director may approve a final design review plan, disapprove it, or approve it with such modifications and conditions as are may be consistent with the ~~Comprehensive Plan or the criteria and standards listed in MCC .7850, .7855, and .7860.~~ and, in the case of a mineral and aggregate use, the site specific ESSE analysis."

The same type of changes should be made to Section 11.15.7845(D) as follows:

"(D) A decision on a final design review plan shall include written conditions, if any, and findings and conclusions. The findings shall specifically address the relationships between the plan and the criteria and standards listed in MCC .7850 and .7860 and, in the case of a mineral and aggregate use, the site specific ESSE analysis."

22. Section 11.15.7870 should be amended to delete the automatic expiration provision with respect to mineral and aggregate uses as follows:

"(A) ~~Except for mineral and aggregate uses,~~ design review approval shall expire in 18 months from the date of final design review approval, however upon application a six month extension may be granted by the Planning Director upon a written findings that the applicable provisions of this ordinance are

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satisfied. The Director's decision may be appealed as provided by MCC 11.15.8290. Failure to apply for an extension shall result in expiration of the approval.

23. Section 11.15.8230(D) should have an exception to eliminate the "public need" factor and the ambiguous "compliance with the Comprehensive Plan" factor as follows:

"(D) Except for uses subject to MCC 11.15.7305-.7332, the burden of proof is upon the person initiating an action. Unless otherwise provided in this Ordinance, that burden shall be to persuade that:"

A similar change should be made to Section 11.15.8240(A) and (D) as follows:

"(A) Except for uses subject to MCC 11.15.7305-.7332, the Planning Commission or Hearings Officer may approve an application as submitted, deny it, or approve it with such modifications or conditions as may be necessary to carry out the Comprehensive Plan or to obtain the objectives of subsection (D)(2) below."

"(D) The following limitations shall be applicable to conditional approvals:

* * * * *

~~"(2) Conditions shall be reasonably designed to fulfill public needs emanating from the proposed land use in either of the following respects:~~

~~"(a) Protection of the public from the potentially deleterious effects of the proposed use; or~~

~~"(b) Fulfillment of the need for public services created by the proposed use."~~

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24. Section 11.15.8270 is unclear to me at this time. Perhaps we can discuss it. Perhaps further discussions with the County Planning Director or County Counsel will assist me.
25. Section 11.15.8280 should be amended to contain an exception for mineral and aggregate uses, as follows:
- "(A) Except for uses subject to MCC 11.15.7305-.7332, the Board may affirm, reverse or modify the decision of the Planning Commission or Hearings Officer and may grant approval subject to such modifications or conditions as may be necessary to carry out the Comprehensive Plan or to achieve the objectives of MCC .8240(D)."
26. The wildlife study for the expansion area is now finished, but it is a far cry from the definitive study I expected. At this point, I believe Angell Bros. can accommodate on a voluntary basis all of the concerns raised in the study.

Thank you for the opportunity to comment.

Very truly yours,

Frank M. Parisi

cc: Bob Hall, Multnomah County
Jim Sitzman, DLCD
Elaine Smith, DLCD
Steve Oulman, DLCD
Dick Angstrom, OCAPA
Skip Anderson, Angell Bros.



MULTNOMAH COUNTY OREGON

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DIVISION OF PLANNING
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February 28, 1990

MEMORANDUM

TO: Board of County Commissioners

FROM: Lorna Stickel and Planning Staff *LS*

RE: Board Hearing on Aggregate Site Designations, March 6, 1990

Attached are five items for the March 6, 1990 Hearing regarding the Economic, Social, Environmental, and Energy (ESEE) analysis designations for mineral and aggregate inventoried sites number 4, (Angell Brothers Quarry) and number 8, (Howard Canyon). A brief description of each item is as follows:

1. The ESEE flowchart.

This flowchart is a page from the Oregon Administrative Rules for the protection of Statewide Planning Goal 5, "Open Spaces, Scenic and Historic Areas, and Natural Resources". The key portions of the chart which are of importance to the subject sites are in the center of the page which reads "2 Identify Conflicting Uses" and at the bottom center of the page where are found the two designations "3B Allow Conflicting Use" and "3C Specifically Limit Conflicting Use". More explanation will follow in the site discussions.

2. Example Goal 5 ESEE worksheet by the State Department of Land Conservation and Development (DLCD).

No exact format for an ESEE analysis is specified in the Administrative Rules. The only written guidance from the State is this worksheet which shows an example of how a fictional Goal 5 resource, an historic building,