



MULTNOMAH COUNTY OREGON

BOARD OF COUNTY COMMISSIONERS
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October 21, 2004

Anne W. Squier, Chair
Columbia River Gorge Commission
P.O. Box 730
#1 Town and Country Square
White Salmon, WA 98672

Dear Ms. Squier:

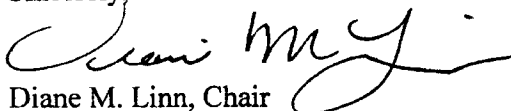
On behalf of the Multnomah County Board of Commissioners, I would like to acknowledge receipt of your September 8, 2004 transmittal of the revised Management Plan for the Columbia River Gorge National Scenic Area and wish to inform the Gorge Commission of our intent to adopt a land use ordinance consistent with this Plan.

In your cover letter, you advise county governments to proceed notwithstanding litigation challenging the revised Management Plan. While we appreciate your recognition of the risk it poses to local governments and offer to keep us informed as the litigation unfolds, we do not believe it a wise use of resources or fair to our citizens to initiate a legislative process over land use matters that might be overturned or amended as a result of this litigation. Specifically, we have asked our staff to take an approach to implementation that does not incorporate the new land use rules for commercial events, fish processing, and revisions to scenic guidelines designed to replace the existing requirement that development "minimize visibility" as viewed from significant scenic vantage points. Each is specifically cited in the litigation, and we believe the most prudent course of action at this point is to be more protective of resources in the gorge until these legal challenges are resolved.

You have asked for a work plan and schedule for adoption to assist in coordinating with our staff on the status of the litigation prior to critical decision making dates. At this time, I can provide only general timeframes, with Planning Commission hearings likely to occur in early March and April of 2005 followed by hearings before the Board of Commissioners in mid May and early June. I expect we will have a more specific schedule in the upcoming weeks, as we proceed with implementation, and will ask our staff to provide you with this information as it becomes available.

Thank you for your time and consideration.

Sincerely,


Diane M. Linn, Chair

EXHIBIT

A1

Citizen Involvement Process

Multnomah County values public involvement and input. In that spirit, the County sought volunteers for a Citizen Advisory Committee (CAC) to assist staff by providing feedback on how the County should implement the changes in the revised Management Plan and improve its processes and handouts to better serve the public. Those interested in volunteering were asked to fill out the interest form and return it to the County Public Affairs Office by December 22, 2004. Twelve applications were received and 10 members chosen.

Citizen Advisory Committee

Jeff Bissonnette	Rhett Lawrence
Isabella Chappell	Robert Leipper
Claudia Curran	Eric Lichtenthaler
Sara Grigsby	Lex Loeb
Clair Klock	Angelo Simone

CAC members were not asked to vote on a final recommendation. The CAC was a forum for all voices to be heard and consensus was not sought. Members agreed to have comments and issues attributed and tracked where applicable. These were recorded in an Issue Bin and Comment Sheet. This provided a means of moving appropriate comments and issues forward to the Planning Commission and a means of demonstrating to the CAC what happened to their comments.

Five CAC meetings were held. The table on the following page shows the dates the meetings were held and what was discussed at each meeting. Meeting summaries are available on request. CAC efforts contributed to the continuing success of the County implementation project, including the changes to the County code and the creation of the informational handouts. The County recognizes the participation and input of the CAC members.



Multnomah County National Scenic Area Compliance Project

Schedule and Topics for CAC Meetings

MTG #	Code section to be reviewed	What will we be discussing?	How much flexibility does the County have in changing the Master Plan revisions in the County Code?
#1 1/27	Definitions MCC Part 4: Zoning Districts	<ul style="list-style-type: none"> Reviewed new or amended definitions to introduce the CAC members to concepts and terminology that was used through the rest of the process. Reviewed amended or new uses that the Master Plan adopted and discussed how they should be incorporated into the County code. 	The County has little flexibility to make changes to the definitions and descriptions of new uses. The County can clarify terms or choose to be more restrictive in terms of when and where uses are allowed and the level of review required.
#2 2/10	MCC Part 3: Administration and Procedures	<ul style="list-style-type: none"> This part of the code deals with the process of reviewing land use applications in the NSA. The CAC looked at proposed process, criteria for approval, and findings that need to made to approve applications under the new Expedited Review process. 	The County has more latitude to set up the Expedited Review processes. The Master Plan revisions adopted requirements for what information needs to be submitted with an application and a basic general process only.
#3 2/24	MCC Part 1: General Provisions MCC Part 6: Site Review	<ul style="list-style-type: none"> This code section will contain the list of allowed and expedited uses discussed at meeting #1, rules for existing uses, permit expiration, vested rights, additional uses not previously discussed, signs, and approval criteria. This discussion involved the site review process and criteria for approval. 	The County must adopt the provisions of the Master Plan as-is unless there is sufficient justification to either not adopt, or to make changes that are demonstrably more restrictive than the Master Plan.
#4 3/10	Rural Area Plan Policy Document MCC Part 5: Special Districts, Parking, Planned Development, Hillside Development	<ul style="list-style-type: none"> The Rural Area Plan policy document defines the relationships between the County's authority in the NSA and the other plans and agencies with jurisdiction. Because this will deal with activities in the NSA not covered by the Master Plan, it makes sense to discuss issues like variances and land divisions here. 	The County has considerable flexibility because many of these concepts are not specifically referenced in the Master Plan.
#5 3/24	Informational Materials	<ul style="list-style-type: none"> This meeting dealt with the materials developed to explain the County's process for reviewing and approving land use applications in the NSA. 	Total flexibility.

Multnomah County National Scenic Area Compliance Project

Issue Bin Items and Comments

EXHIBIT
A3

When	Topic	Submitted by	Staff Feedback	Following actions	Resolution
1 CAC mtg #1	Having input from people who have been through the permitting process. At CAC mtg #2, Claudia noted that some CAC members have been through the process and may not need testimonials from public Bob L noted that staff responsibility to tell Gorge Commission what is not working Isabella C suggested contacting previous applicants Eric L suggested a score sheet like the one staff used	Multiple CAC members January 27, 2005	Will create a survey that members can provide to neighbors to fill out and return Workshop will provide feedback County will use survey with walk-in traffic to get feedback Could use public workshop to get input, pose the question: is this resolving your issues with the process? Could have CAC members solicit input, or have a station specifically addressing the issue	Consultant team and staff working on logistics for the survey. Unlikely that, given time constraints, a mail survey will be possible. Team will rely on feedback from the 2 nd Open House. CAC members have provided valuable input that has been incorporated where possible into the process.	Propose informational materials for adoption that better assist applicants in understanding and complying with the regulations and get feedback from public at March 30, 2005 workshop.
2 CAC mtg #1	Degree of change required for historic or older structures that may not match their character	Angelo Simone January 27, 2005	Likely an opportunity to revisit this under site review/cultural resources Building code requirements are outside the scope of scenic area review	Management Plan requires historic survey for buildings that are more than 50 years old. This was not changed. USFS archaeologist and SHPO review.	Existing process ensures that changes to historic structures do not compromise its character.
3 CAC mtg #1	Consider addressing the punitive atmosphere of code compliance	Lex Loeb January 27, 2005	Important to keep in mind the burden the process places on the applicant as we move through the code	Part of this project is to develop informational materials and an Expedited Review process with the goal of improving applicants' experience in moving through the processes.	Proposed Expedited Review Process and informational materials for adoption that better assist the public in understanding and complying with the regulations.

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Multnomah County National Scenic Area Compliance Project

Issue Bin Items and Comments

	When	Topic	Submitted by	Staff Feedback	Following actions	Resolution
4	CAC mtg #1	Consider compensation for costs of complying with the code requirements	Lex Loeb January 27, 2005 Bob Leipper, Email to Derrick Tokos, January 31, 2005	Important to understand that while compliance creates cost burdens on applicants, properties also derive additional value from regulations by being protected from heavy development impacts All jurisdictions have varying degrees of regulations and cost burdens Tax assessment, compensation, application fees are not within the scope of this project	The request is not within the scope of this project.	No further action other than to include comments in this document.
5	CAC mtg #1	Color treatments for small accessory structures: can we consider implementing them? Consistency would be better achieved by property owners knowing <u>exactly</u> what is allowed or not allowed.	Multiple CAC members January 27, 2005 Bob Leipper from email to Derrick Tokos and Gillian Zacharias, February 24, 2005	Standards for these, and other allowed uses, can be established without requiring scenic review, but then compliance becomes a code enforcement issue	The proposed code revisions note that many CAC members were in favor of numeric limits and color requirements for accessory structures.	These points have been included as options for the PC to review.
6	CAC mtg #1	Can we have staff's input on problems with the process?	Multiple CAC members January 27, 2005	Staff conducted a brain-storming session on issues with the code	Notes from staff brain-storming session are included with Mtg #2 packet.	No further action needed.
7	Correspondence	Consistency in application of the code requirements by planning staff: can this be a topic for CAC?	Bob Leipper Email to Derrick Tokos, January 31, 2005	Consistency results from a number of factors. Problems in consistent application of the code because it is unintentionally ambiguous are within the scope of the CAC to address. It's important to keep in mind that additional flexibility in code requirements adds a discretionary element to staff review and decision-making. More defined regulations allow less chance for differences in application. More flexibility allows more risk of differences in interpretation.	Throughout this project, CAC members have debated the trade-off between having regulations that are relatively inflexible (and therefore more predictable and less open to interpretation by staff) and those that are more flexible (allowing for more adaptability to individual projects and sites).	The proposed changes to Chapter 38 reflect this debate in the following areas: (e.g. methodology for scenic compatibility review is being spelled out to provide greater certainty. How development achieves visual subordination still very discretionary).

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Multnomah County National Scenic Area Compliance Project

Issue Bin Items and Comments

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8 Correspondence	Lack of code enforcement: can this be a topic for CAC? “...compliance becomes a code enforcement issue.” Why is this a problem? MC doesn't even enforce the 60 sf limit so why should an additional criteria be an issue?	Bob Leipper Email to Derrick Tokos, January 31, 2005 Follow-up comment by Bob Leipper in email to Derrick Tokos and Gillian Zacharias on February 24	The CAC can address code enforcement where the code may be allowing particular situations to occur that then end up frequently as enforcement issues. If the code can be amended to stop the situation from occurring that is an appropriate topic. How the County implements code enforcement is outside scope of the CAC.	Enforcement continued to be an issue of discussion throughout the CAC meetings. The County recently overhauled its compliance program. The Management Plan revisions do not impact these changes.	Issues relating to the effectiveness of the compliance program should be evaluated independent of this code update. This issue will be discussed at the Planning Commission Hearings.
	EXPEDITED REVIEW COMMENTS				
9 CAC mtg #2	Expedited Review process may have unintended consequences; may not have talked enough about what those may be. How final will the staff recommendation to the Planning Commission be, would there be opportunities for changing it at that stage?	Sara Grigsby	If there is time at upcoming meetings, we can discuss this further. CAC members could look again at the Expedited Review uses and make some notes about their specific concerns. Ask yourselves: what uses might I be concerned to hear about when I receive preliminary decision document? Is the comment/appeal period sufficient, keeping in mind the goal of an expedited process. It would be helpful to have those comments specifically to submit with the staff report to the Planning Commission at that stage.	No further comments on this topic were received.	Additional comments could still be submitted up until April 18th to be reviewed by Planning Commission.
10 CAC mtg #2	Notice to adjacent property owners should not be less than 750 feet	Group	Makes requirements consistent. Can be implemented this way.	Expedited process included as a modified Type II, which is 750 feet.	PC to review with other changes.
11 CAC mtg #2	Ground disturbance should be defined	Not attributed	Staff can define this.	Ground disturbance will be added to the definitions.	PC to review with other changes.
12 CAC mtg #2	Include a statement that the applicant must sign and that says the information is true	Not attributed	This could be added to the application form.	A line for this has been added to the application form.	PC to review with other changes.
13 CAC mtg #2	Notice packet should include a vicinity map	Not attributed	A vicinity map can be included with the application mailing.	Suggested as part of the application	PC to review with other

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Multnomah County National Scenic Area Compliance Project

Issue Bin Items and Comments

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14	CAC mtg #2	Handout should include a paragraph to explain the spirit and purpose of ER	Not attributed	This will be added to the handout.	Done.	PC to review with other changes.
15	CAC mtg #2	Include a list of "red flag" conditions under which ER cannot be used	Not attributed	This will be added to the handout.	Done.	
16	CAC mtg #2	Should include graphics	Not attributed	This can be added; the nature of the graphics to be determined.	Graphics are forthcoming.	
17	CAC mtg #2	Explain how an applicant demonstrates that the subject site is or is not within view from KVA	Not attributed	This will be added. Maps that the County will be receiving from the USFS identify properties that are topographically visible from a particular KVA. These maps are suitable for an initial screening and will be made available as soon as we receive them.	Staff is working with the USFS to obtain these maps. Maps are still being quality controlled. Hope to have a draft for 2 nd public meeting in Corbett.	
18	CAC mtg #2	County could conduct a weekly scheduled group workshop to explain the process and answer questions	Not attributed	County will consider this format.	Will be raised during internal review of project documents.	
		DEFINITIONS				
19	CAC mtg #2	Change term of "retaining wall" to "retaining structure" and setting different height and length thresholds to <2 ft (allowed), 2-4 ft (expedited), >4 ft, building permit.	Bob Leipper	This will be added to the proposed changes for the MCC definitions. The County will adopt the height and length thresholds as given in the revised Management Plan because the suggested thresholds would be less protective of the resources.	Retaining structure to be defined.	PC to review with other changes.
20	Correspondence	Words or phrases still needing definition or clarification are: site, home garden, area, disturb the ground, retaining wall, decks, parking areas, driveways, previously authorized, trails, and	Bob Leipper, Email to Derrick Tokos and Gillian Zacharias, February 24, 2005	Staff and Consultant will work to include new definitions.	To be defined: Home garden, retaining structure, parking areas. The following common terms do not require definition in the code, as their ordinary meanings	PC to review with other changes.

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	highly visible.			apply: area, disturb the ground, decks, site, trails. "Previously authorized" is not a term used in the code—it is used only in the definition of repair and maintenance and is clarified there. "Private driveway" is defined in MCC 38.7700 Land Divisions. "Highly visible" is addressed in the Scenic standards in the code.	
21	Corres-pondence The burden should be on the applicant to prove his case.		The burden is already on the applicant to provide sufficient information for the decision-makers to make a decision.	No further action needed.	No further action needed.
22	Corres-pondence Allow outright any accessory structure up to 200 sf (the limit before a building permit is required) and 10 feet in height when not visible from any KVA and painted a dark earhtone color.	Bob Leipper, email to Derrick Tokos and Gillian Zacharias, February 24, 2005	The proposed change is to limit to one, the number of accessory buildings eligible for the expedited review process. Other accessory buildings on a single parcel may be reviewed and permitted as a review use. To deviate from this standard could be interpreted as being less stringent than the Management Plan. This project's goal is not to develop proposed changes to the MP.	Staff will not be carrying this suggestion forward other than to include it in the Issue Bin as a comment.	No further action needed.
23	Corres-pondence Decommissioning in-ground oil tanks should be something that is allowed outright; expedited review adds to the cost.	Bob Leipper, email to Derrick Tokos and Gillian Zacharias, February 24, 2005	Fees are not within the scope of this project.	No further action needed.	No further action needed.
24	Corres-pondence Allen Young does not presently enforce permit fees for "paving existing dirt and gravel roads" or even for new dirt and gravel roads to existing county roads.	Bob Leipper, email to Derrick Tokos and Gillian Zacharias, February 24, 2005	Fees are not within the scope of this project.	No further action needed.	

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	When	Topic	Submitted by	Staff Feedback	Following actions	Resolution
25	Correspondence	Does it really make sense to regulate only those exterior lights "visible from KVA's" when a person can put in multiple lights and effectively illuminating the surrounding area like a parking lot?	Bob Leipper, email to Derrick Tokos and Gillian Zacharias, February 24, 2005	The County staff's approach at this time is to stay with the current MP and MCC provisions regarding lighting.	No further action needed.	
26	Correspondence	The definition for "wall" is not appropriate for use defining "retaining wall". Suggest defining "retaining structure".	Bob Leipper, email to Derrick Tokos and Gillian Zacharias, February 24, 2005	Staff will revise definitions to address these issues, as discussed above, and in meeting summaries.	Terms to be defined.	PC to review with other changes.
27	Correspondence	The color of the roof of a new house is subject to restrictions; but not in the "repair" definition for an existing house.	Bob Leipper, email to Derrick Tokos and Gillian Zacharias, February 24, 2005	Comment noted. As with color for small allowed accessory buildings, instituting color requirements would mean either that it would be only an enforcement (complain-driven) issue, or would require review.	Comment will be added in the comment column in the code revision.	PC to review with other changes.
28	Correspondence	Under new allowed uses, wire strand fences does not address the posts. Why allow colored posts without review?	Bob Leipper, email to Derrick Tokos and Gillian Zacharias, February 24, 2005	Wire-strand fences could be further defined to exclude fence posts that are not dark or earth-toned.	Comment will be added in the comment column in the code revision.	
29	Correspondence	An appeal of an expedited review decision should not cost excessively (like over \$20) if anything.	Bob Leipper, email to Derrick Tokos and Gillian Zacharias, February 24, 2005	Fees are not within the scope of this project.	No further action needed.	
30	Correspondence	Under expiration of approvals: Existing building permits are not addressed and should be given the maximum amount of time or grandfathered for an unlimited time period.	Bob Leipper, email to Derrick Tokos and Gillian Zacharias, February 24, 2005	At the CAC meeting, Derrick Tokos pointed out that with the extended time to complete projects, the total time to complete, including building permits would be 6 years.	No further action needed.	
31	Correspondence	Existing Uses: It should be clearly stated that existing uses or structures which were established before the	Bob Leipper, email to Derrick Tokos and Gillian Zacharias, February	This comment was also made by Mr. Leipper at CAC meeting #3.	Comment will be added in the comment column in the code revision.	PC to review with other changes.

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Multnomah County National Scenic Area Compliance Project

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	county started keeping a record should be allowed as "legally established".	24, 2005			
	SIGNS				
32 CAC mtg #3	Proposal to eliminate size limits on political signs in the SMA is wrong. Size limits should be maintained.	11 out of 12 in favor	There was a mistake in the handout, the size limits are 12 square feet.	No further action needed.	
33 CAC mtg #3	Allowing temporary construction signs up to 32 sf should be okay for safety reasons only.	Claudia Curran	This is not a new addition or change to the MP.	The comment is added to the comment column in the code.	PC to review with other changes.
34 CAC mtg #3	Go back to what the standards were for temporary signs in most cases unless for public safety reasons; what were the reasons for all of the changes to signs anyway?	Angelo Simone	Staff offered to research the reason for the changes to the temporary sign standards.	The comment is added to the comment column in the code.	PC to review with other changes.
	EXISTING & DISCONTINUED USES				
43 CAC mtg #3	Allowing more flexibility siting & sizing of replacements of uses destroyed by disaster.	Various	There was no CAC consensus on this issue.	Lack of consensus will be noted in the comment column in the code revisions.	PC to review with other changes.
44	10 years too long to allow vegetation to grow back for uses destroyed by disaster	Claudia Curran	Comment noted in revisions to Chapter 38.		PC to review with other changes.
	EXPIRATION OF APPROVALS				
45	County staff suggesting decisions be ministerial	Derrick Tokos	No CAC objections.	No further action needed.	
	VESTING				
35 CAC mtg #3	Should state or federal rules should apply to vesting.	Lex Loeb	Mr. Tokos said that typically state vesting rules apply except when dealing with land in the NSA . Staff inclination is to go with the Gorge Commission new vesting language. If somebody believes that the language violates other federal rules or constitutional protections , they will need to take it up with the Gorge Commission.	No further action needed.	

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Multnomah County National Scenic Area Compliance Project

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	SCENIC STANDARDS				
36 CAC mtg #3	Unsure if development in Corbett should be exempt from KVA standards; perhaps looking for a “vision” or “design guidelines” to improve aesthetics of the area.	Multiple agreement	Comments will be noted in the revised Chapter 38 that will be presented to the PC.	The comment is added to the comment column in the code.	PC to review with other changes.
46 CAC mtg #3	Compatibility could include a range, such as size of buildings within 10 to 20% larger than the original structure.	Clair Klock	Comments will be noted in the revised Chapter 38 that will be presented to the PC.	The comment is added to the comment column in the code.	PC to review with other changes.
37 Correspondence	Under full review, an applicant should not be able to make unlimited changes to application /plans <u>after</u> the public comment period but before the decision.	Bob Leipper, email to Derrick Tokos and Gillian Zacharias, March 1, 2005	The purpose of the comment period is to allow the applicant to change the plans in response to comments and in accordance with the code. Applicants are not allowed to make wholesale changes. To allow no changes would also defeat the purpose of allowing public comment before the final decision.	No further action needed.	
38 Correspondence	An applicant (full review or expedited) does not have to be truthful in the application or plans.	Bob Leipper, email to Derrick Tokos and Gillian Zacharias, March 1, 2005	This issue was also raised during CAC mtg #2. Staff could incorporate a signature line/statement in the new application.	The comment will be noted as part of staff's presentation of proposed changes to the code.	PC to review with other changes.
40 Correspondence	Re: #3.7. It doesn't make sense to me to burden developed settings with guidelines.	Bob Leipper, email to Derrick Tokos and Gillian Zacharias, March 1, 2005	Staff will note in the proposed Chapter 38 revisions that CAC members were not unanimous on this issue.	The comment will be added to the comment column in the code.	PC to review with other changes.
41 Correspondence	Issue bin, item #19: The face area of a retaining structure (or wall) should correlate to the size limits (face area) of accessory structures.	Bob Leipper, email to Derrick Tokos and Gillian Zacharias, March 1, 2005	See response to #19, above.		
	SMA NATURAL RESOURCE CRITERIA				

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Multnomah County National Scenic Area Compliance Project

Issue Bin Items and Comments

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	47 CAC mtg #4	Concerned that the resources will not be protected if owners are allowed to encroach more and more into the resource or the buffer.	Angelo Simone	CAC comments will be noted in the revised Chapter 38 that will be presented to the PC.	The comment will be added to the comment column in the code.	PC to review with other changes.
	48 CAC mtg #4	Wetland mitigation often does not work and cannot replace destruction of naturally-occurring wetlands. Development within a delineated natural feature should be prohibited.	Clair Klock	CAC comments will be noted in the revised Chapter 38 that will be presented to the PC.	The comment will be added to the comment column in the code.	PC to review with other changes.
	49 CAC mtg #4	Issue of who reviews buffer adjustment reports. One solution is to have a trained staff person from the County or a state agency delineate natural features.	Robert Leipper Clair Klock	This issue has been raised with the Gorge Commission and will be raised with submittal of the revised Chapter 38 to the Planning Commission.	This issue will be part of staff's presentation of changes to the code.	PC to review with other changes.
		UNIFORM APPLICATION.				
	42 CAC mtg #4	NSA regulations should be uniformly applied within all the counties, has not seemed to be uniform in the past among the counties and among County applications.	All	Several CAC members stated agreement.	This policy may be added to the Rural Area Policy Plan document.	PC to review with other changes.
	50 CAC mtg #4	Any meetings among planners of the NSA counties should be open to the public.	Robert Leipper	The suggestion can be raised with the planner group by Multnomah County planners.	CAC members can contact Derrick Tokos to follow up.	
		AGRICULTURAL BLDGS				

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39 Correspondence	Re: Handout #3.6: It should be clearly stated that agricultural buildings are just that: for agricultural purposes.	Bob Leipper, email to Derrick Tokos and Gillian Zacharias, March 1, 2005	County code will reflect new MP standards for agricultural buildings.	PC to review with other changes.	
51	Support for the addition of MP provisions to ensure buildings are truly for agricultural uses	Bob Leipper Clair Klock	See above.	None needed.	
	RESOURCE ENHANCEMENT PROJECTS.				
52 CAC mtg #4	Should have a monitoring requirement added at 5- and 10-year intervals.	Clair Klock	There is currently no monitoring requirement in the code or in the revisions to the MP for resource enhancement projects. Staff will note this as an option.	Comment to be placed in comment column on revised code.	PC to review with other changes.
	DISPOSAL SITES				
53	Support for this and for application to private sector too. Problems with people accepting fill for money on their property.	Clair Klock	Comment can be noted in the revisions to Chapter 38.	Comment to be placed in comment column on revised code.	PC to review with other changes.
	MISCELLANEOUS COMMENTS				
54 CAC mtg #4	Should examine ways to allow more public access to the NSA, particularly bus service since one purpose of the NSA is to allow public access, particularly to key viewing areas. Examine ways to address increasing congestion on I-84 and that may hurt small businesses and hinder recreation.	Lex Loeb Angelo Simone	Mr. Tokos responded that since there are no planned changes to the zoning designations for this revision implementation, there are no proposed changes to traffic impact requirements, such as addressing air quality, or limiting trips. Staff can note these comments.	PC to review with other changes.	
55 CAC mtg #4	Evaluate adding a dust control/abatement provision to the County Code.	Clair Klock	Staff will note this as a comment.	Comment to be placed in comment column on revised code.	PC to review with other changes
56 Corres-	Corrections to meeting #3	Bob Leipper, email	Corrections have been made.	No further action	No further

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pondence	summary.	to Derrick Tokos and Gillian Zacharias, 3/10/05		needed.	action needed.
57 Corres-pondence	Does the prohibition against land divisions in the SMA apply to lots converted to GMA? Should be made clearer.	Bob Leipper, email to Derrick Tokos and Gillian Zacharias, 3/10/05	Whatever the current zoning designation is for a lot, which indicates whether a lot is in the SMA or GMA, only the rules for that designation and management area apply.	No further action needed.	No further action needed.
58 Corres-pondence	Parking, "where traffic loads are lighter". What is considered lighter?	Bob Leipper, email to Derrick Tokos and Gillian Zacharias, 3/10/05	This description in Handout #4.3 was intended to convey the idea that urban design standards are intended for urban levels of traffic, whereas a gravel surface may be adequate for rural levels of traffic. It is not setting a standard.	No further action needed.	No further action needed.
59 Corres-pondence	Variance section of Handout #4.3, description of a "takings" is not considered one by LCDC and 1000 Friends.	Bob Leipper, email to Derrick Tokos and Gillian Zacharias,	Comment noted. This handout summarizes code language that already exists.		

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MULTNOMAH COUNTY
RURAL FIRE PROTECTION DISTRICT #14



May 26, 2005

Mr. Derrick Tokos
Principle Planner
Multnomah County Planning
1600 SE 190th
Portland, OR 97233

Dear Mr. Tokos:

The Board of Directors of Multnomah County Rural Fire Protection District #14 met on May 11, 2005. The Board wishes to express their support for the proposed modifications to 38.7305 Fire Protection in Forest Zones which would require that those standards be applied only outside of organized Fire District. The following is a list of concerns the Board has with the current standard:

****The water tank would not be use by our Fire Department within our District.** We carry 1,000 gallons of water on our trucks. We have immediate backup of our tankers which each carry 3,000 gallons. Our operating protocols identify water sources throughout the district which are used to insure an adequate water resource. The tank would not provide a useful volume of water and would require variance from our standard procedure which could delay and add confusion to fire suppression.

**** There is no requirement for any means to access the tank.** This would require placement of the tank in an accessible location for fire trucks, which would require an adequate roadway be built to the location of the tank. Additionally, there is no requirement for any means to get the water out of the tank in a manner that would work for fire department connections which are not compatible with standard pipe connections. Fire Hose connections would also be larger than house hold plumbing and would place an unnecessary expense on homeowners for something that would not be used.

****A water tank is not consistent with the way our Firefighters are trained.** The key to fire suppression is rapid, consistent response by highly trained firefighters. To say that our standard procedures and training apply everywhere "but not at this house" is not in the best interest of our neighbors within Fire District #14. It would also be one more structure to hinder potential access by firefighters during an emergency event.

****Requires that an unnecessary structure be built within the National Scenic Area.** While a 1,000 gallon storage tank or pond is not a large project, it is an unnecessary structure within the National Scenic Area. As noted above, it would not be used by our Fire Department in the event of an emergency.

BUSINESS PHONE: (503) 695-2272
BACKYARD BURNING: (503) 695-2225
FAX: (503) 695-3473

P.O. BOX 1



****Places an undue burden on the homeowner.** It places an additional, unnecessary financial burden on the homeowner to build a tank or pond. Additionally, a 20 gallon per minute water pump is not reasonable, practical, or most likely not even possible. The average well pump produces approximately 10 gallons/minutes. It is our understanding that lending institutions require a minimum of 5 gallons /minutes. Having a pump that is too large will continue to cycle on and off very rapidly under normal demand for water, resulting in shortened pump life, erratic water pressure, and potential to outstrip the well's ability to produce water.

****Potential Health Hazard.** An uncovered water tank is a potential breeding ground for mosquitoes and other insects. If the assumption is that the tank will be used as a water source (although it would not be in Fire District #14), than it would have to be uncovered, posing a potential health threat to the community.

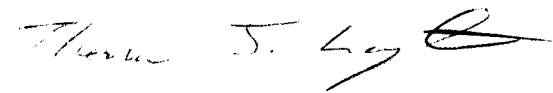
****Potential Safety Hazard.** Fire District #14 spends a lot of time educating the community we serve. We do not want to encourage untrained residents to fight fires on their own. If a fire cannot be extinguished with a fire extinguisher, then we tell them to phone 911 and get away from the fire. We provide training to local residents on use of a fire extinguisher. The proposed requirement would place a false sense of security with the homeowner/resident, which could result in injury or loss of life.

Each project is unique and has its own special problems. Before Fire District #14 signs off on any given project, we assure ourselves that access is appropriate and we are capable of rapid response for fire suppression. We use different tools to assure the best protection for our neighbors, which could include sprinkler systems, removal of vegetation, or special access to facilitate our response.

While we appreciate the need for Fire Safety and access standards, we believe that the proposed requirements are impractical, unnecessary, place a financial hardship on the property owner, and are a potential health and safety hazard. We therefore support your efforts to work with the Gorge commission staff to exclude the requirement for projects within and organized Fire District.

Thank you for your assistance in this effort.

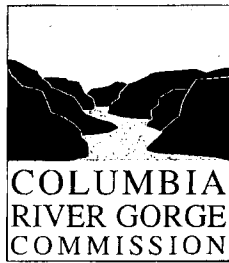
Sincerely,



THOMAS J. LAYTON
Chief

CC: Gorge Commission, Brian Litt Senior Planner
Fire District #14 Board Chairman Leroy Smith

2017 / 11 / 26
11:26
NOTED
ACTION



PO Box 730 • #1 Town & Country Square • White Salmon, Washington 98672 • 509-493-3323 • fax 509-493-2229
www.gorgecommission.org

May 20, 2005

Derrick Tokos, Principal Planner
Multnomah County Transportation and Land Use Planning Division
1600 SE 190th Ave.
Portland, OR 97233

Dear Derrick:

I have reviewed recent revisions to the draft Multnomah County Ordinance that implement *Revisions to the Management Plan for the Columbia River Gorge National Scenic Area*. These include revisions in the version of the ordinance posted on your website on June 3, 2005. In addition, you e-mailed me proposed revisions to address several comments that were not addressed in the June 3, 2005 website version. Thank you for the many changes you made in response to comments I submitted in letters on April 18, April 29 and May 20, 2005. With a few exceptions noted below, these revisions adequately address Commission staff comments.

As we discussed today, you will either make additional revisions or provide additional supporting information (as specified below) prior to the June 16, 2005 Board of County Commissioners hearing to address the remaining comments.

Missing Provisions

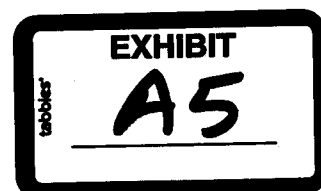
Two topics in the Revisions to the Management Plan are still missing from the County Ordinance and need to be added. They are: 1) SMA/GMA Review Use Guideline 8 regarding protection of recreation resources (Revisions to the Management Plan, page II-159); and 2) consolidation of lots (page II-108).

Consolidation of Lots

With respect to the consolidation guidelines, you indicated you will be adding a guideline to implement Management Plan Guideline 1. You will also be providing supporting information to the Gorge Commission demonstrating the Guideline 2 would not be applicable in Multnomah County, either to existing or prospective subdivisions. We agreed that Guideline 3 is not applicable to Oregon counties pursuant to ORS chapter 92.

Definition of "Repair"

The last sentence of the first paragraph in revised definition of "repair" (MCC 38.0015) should be revised to read: "Up to 10 percent increase in the original size, ~~scope, configuration or design~~ of a portion of a building to be repaired ~~structure~~ is allowed if required to comply with building codes, provided it does not require additional excavation." Revised as such, the 10% increase would only apply to buildings. The Management Plan allows some increase in size of utility poles and extensions of guardrails without review. A size increase of 10% of such structures could be larger than specified in the Plan for such structures. It is my understanding you will be making such revisions.



Compatibility Guideline

I recommend you add language to the first sentence of Guideline 38.7035(A)(2) clarifying what the term “similar buildings” means. I suggest revising the sentence to read: “New buildings shall be compatible with the general scale (height, dimensions, and visible mass) of similar buildings (e.g. dwellings to dwellings) that exist nearby.” I also recommend replacing the word “may” in the last sentence with the word “generally” or “usually”. It is my understanding you will be making such revisions.

Waiving On-Site Water Storage Requirements on Properties Within Fire Districts in GMA-Forest Zones

The Corbett Fire District has made a compelling case in information they provided the Commission that the on-site water storage requirements of 38.7305(C) need not apply within their district, as they have adequate infrastructure and response capabilities to better provide water for suppressing fires in these areas. The revised language of 38.7305(C) refers to “...properties located outside of a fire district...” You indicated you will provide information regarding whether there are any other fire districts in the County within lands designated GMA Small or Large Woodland or Commercial Forest. Assuming this information shows there are no such districts or that they have similar capacity for providing on-site water for fire suppression, this revision would be consistent with the Management Plan.

With the above minor revisions and additional information, all Commission staff comments will have been adequately addressed. Thanks again for all your hard work and for your responsiveness to Commission staff’s comments. Please contact me at Litt@gorgecommission.org or 509-493-3323, ext. 223 if you have any questions.

Sincerely,



Brian Litt
Senior Planner

c: Anne Squier
Virginia Kelly, USFS Scenic Area Office



United States
Department of
Agriculture

Forest
Service

Columbia River Gorge
National Scenic Area

902 Wasco Ave., Suite 200
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FAX (541) 386-1916

File Code: 1900

Date: June 7, 2005

Derrick Tokos
Multnomah County Land Use Planning Division
1600 SE 190th Ave
Portland, OR 97233

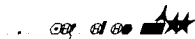
Dear Derrick:

Enclosed are the USDA Forest Service comments on the June 3, 2005 website version of the Multnomah County Ordinance to implement the Revisions to the Management Plan for the Columbia River Gorge National Scenic Area. Thank you for the many changes which incorporated our comments of April 15, April 29 and May 2, 2005.

Per Section 8(j) of the National Scenic Area Act, the Secretary of Agriculture is required to determine consistency of a Special Management Area land use ordinance with the Management Plan. Therefore, the Forest Service is providing a staff review of the draft ordinance. Our review was limited to the SMA provisions, including joint SMA/GMA provisions.

Please contact me at (541)308-1720 or vkelly@fs.fed.us with any questions.

Sincerely,



VIRGINIA KELLY
Planner

Attachment

Cc: Brian Litt, Columbia River Gorge Commission



Forest Service Comments on
SMA Provisions the
Multnomah County Ordinance to implement the
Revisions to the Management Plan for the Columbia River Gorge National Scenic Area

June 7, 2005

Thank you for the many changes which incorporated our comments of April 15, April 29 and May 2, 2005. The following comments used the documents as available on the Multnomah County website as of June 3, 2005

Per Section 8(j) of the National Scenic Area Act, the Secretary of Agriculture is required to determine consistency of a Special Management Area land use ordinance with the Management Plan. Our review was therefore limited to the SMA provisions, including joint SMA/GMA provisions.

Please tell me where the following Management Plan provisions are located in the ordinance; they need to be included in the ordinance:

- Consolidation of Lots (Management Plan page II-108)
- SMA/GMA Review Uses Guideline 8 (Management Plan page II-159)

Part 1 – General Provisions

Definitions

Repair (email message of June 6, 2005): I propose the following change to the first paragraph of your email proposal of June 6, 2005. I prefer that the 10% increase apply only to buildings. The Management Plan allows some increase in size of utility poles and extension of guardrails without review, and potentially a 10% increase could be larger than specified in the Plan.

Repair: Replacement or reconstruction of a part of a serviceable structure after damage, decay or wear. A repair returns a structure to its original and previously authorized and undamaged condition. It does not change the original size, scope, configuration or design of a structure, nor does it excavate beyond the depth of the original structure. Up to a 10 percent increase in the original size, ~~scope, configuration or design~~ of a portion of a building to be repaired structure is allowed if required to comply with building codes, provided it does not require additional excavation.

Signs

Page 71: MCC 38.0080 (G). The MCC added SMA sign guideline 8 on Plan page II-163, referring to sign clutter, per my April 15 comments. However, now it is not clear that the guideline only applies to the SMA. This guideline should be moved under MCC 38.0080 (E).

Part 4 – Zoning Districts

SMA Forest – GSF

We noted that the ordinance now explicitly includes all SMA Forest Management Plan review uses, except Management Plan Review Use 1.B. (Plan page II-38): “New cultivation or new agricultural use outside of previously disturbed and regularly worked fields or areas. Clearing trees for new agricultural use shall be subject to the additional requirements of 1(W) of this chapter.” However, this use would be allowed in GSF due to MCC 38.2025 (B)(1) which allows the uses of MCC 38.2225 (B). MCC 38.2225 (B) includes the above referenced guideline.

We note that other SMA Forest Management Plan uses not explicitly listed in GSF are allowed due to MCC 38.2025 (B)(1) which allows the uses of MCC 38.2225 (B).

SMA Agriculture – GSA

Page 31: MCC 38.2223. Minor typo: “The uses listed in MCC 38.1010 may be allowed on land designated GGA and GSA ESA, pursuant to.....”

We note that other SMA Agriculture Management Plan uses not explicitly listed in GSA are allowed due to MCC 38.2225 (B)(2) which allows the uses of MCC 38.2025 (B).

SMA Open Space – GSO

Page 57: MCC 38.2625 (E)(7). MCC added Management Plan Review Use 1.F (Plan page II-59) which allows treatment of noxious weeds without completion of an SMA Open Space plan under certain conditions, but omitted one guideline, F(2)(d), “Limitation of recreational uses.”

SMA Public Recreation– GSPR

Page 68: MCC 38.2830 (C)(11)(a). The Bed and Breakfast guideline should be modified to include the underlined language:

(a) Is included in, or eligible for inclusion in, the National Register of Historic Places; ~~or~~
The use or development shall be compatible with agricultural use. Buffer zones should be considered to protect agricultural practices from conflicting uses.

Page 68: MCC 38.2830 (C)(11)(b). The Bed and Breakfast guideline contains a clause that is not in the Management Plan and must be deleted:

~~(b) Is identified and protected under local landmark status as approved pursuant to Oregon state land use regulations protecting historic structures.~~

We noted that other SMA Public Recreation Management Plan review uses not explicitly listed in GSPR are allowed due to MCC 38.2825 (C)(1) and (C)(7) which allows the uses of MCC 38.2025(B) and 38.2225 (B).

SMA Residential– GSR

Page 74: MCC 38.3025 (B)(7) and (B)(12). Minor edits: these guidelines have missing references.

Part 6 – Approval Criteria

SMA Scenic Resources

This section is now much more consistent with the Plan, thanks. I have only a few minor comments.

Page 26: MCC 38.7040 (A)(1). The following underlined language should be added (Management Plan page I-33):

“New developments and land uses shall be evaluated to ensure that the scenic standard is met and that scenic resources are not adversely affected, including cumulative effects, based on the degree of visibility from Key Viewing Areas.”

Page 32: MCC 38.7040 (B)(1) (b) and (c): A few minor edits I did not catch before: in each guideline, “must” should be changed to “shall”, since shall is used and defined in the Management Plan.

Page 32: MCC 38.7040 (B)(2) (a): Minor edit: “coniferous landscape setting” should be changed to “Coniferous Woodland landscape setting.”

Page 34: MCC 38.7040 (C): Management Plan guidelines 2 and 3 (page I-40), referring to scenic corridor strategies are omitted from the ordinance. The April 2005 version of the ordinance included a guideline to implement the scenic corridor strategies; this guideline is not in the current (June 2005) version. We ask that the guideline implementing the scenic corridor strategies be added back to the ordinance. (Page 29, guideline (C).(2) of the April version).

“Development along Interstate 84 and the Historic Columbia River Highway shall be consistent with the scenic corridor strategies developed for these roadways.”

Page 29/30: MCC 38.7040 (C)(2)(a) and (b)(1). For clarity, in each guideline we suggest changing the reference to the “previous section” to “requirements of 7040(A)”; the KVA requirements.

SMA Natural Resources

Page 105: MCC 38.7075 (H). This provision also needs a reference to Table 4 in the Management Plan. “Types of Wildlife Areas and Sites Inventoried in the Columbia Gorge”. Table 4 is the Table XX referenced in the Management Plan. In addition, per our letter of March 14, 2005, we would like this provision to have a reference to the “Columbia Gorge and Vicinity Endemic Plant Species” Table (Table 7 in the Management Plan).

Expedited Development Review Criteria

Page 161: MCC 38.7100 (A)(4)(b)(3). I think that referencing 38.0110 (the treaty rights guidelines) is more appropriate here than the references cited.

Part 7 – Special Uses

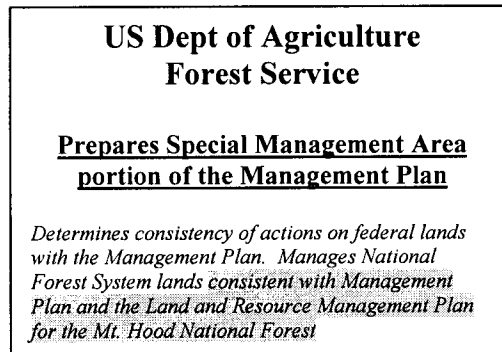
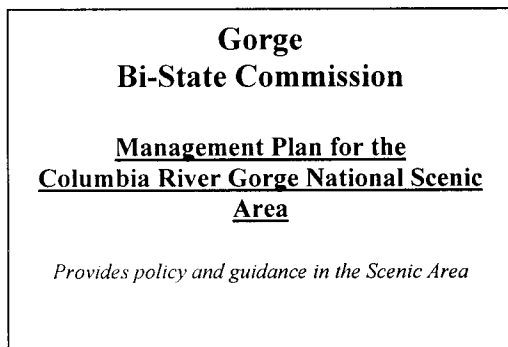
Page 55: MCC 38.7370 (B)(1): For clarity, this guideline could reference MCC 38.7040(A).

Page 61: MCC 38.7375 (C) Stewardship Plan Requirements: Management Plan guideline (3)(c) iv has been omitted and needs to be added (Plan page II-44):

“Give a clear explanation how and why the proposed activities will lead the forest towards its range of natural variability and result in reaching sustainability, resiliency to disturbances.”

Rural Area Plan

I still prefer that the box with the Forest Service recognize the Forest Service role in preparing the SMA portions of the Management Plan, per my emailed graphic of May 19, 2005.



(Could delete the highlighted portions if space needed.)