

# Multnomah County National Scenic Area Compliance Project

Board of Commissioners Briefing

September 28, 2004

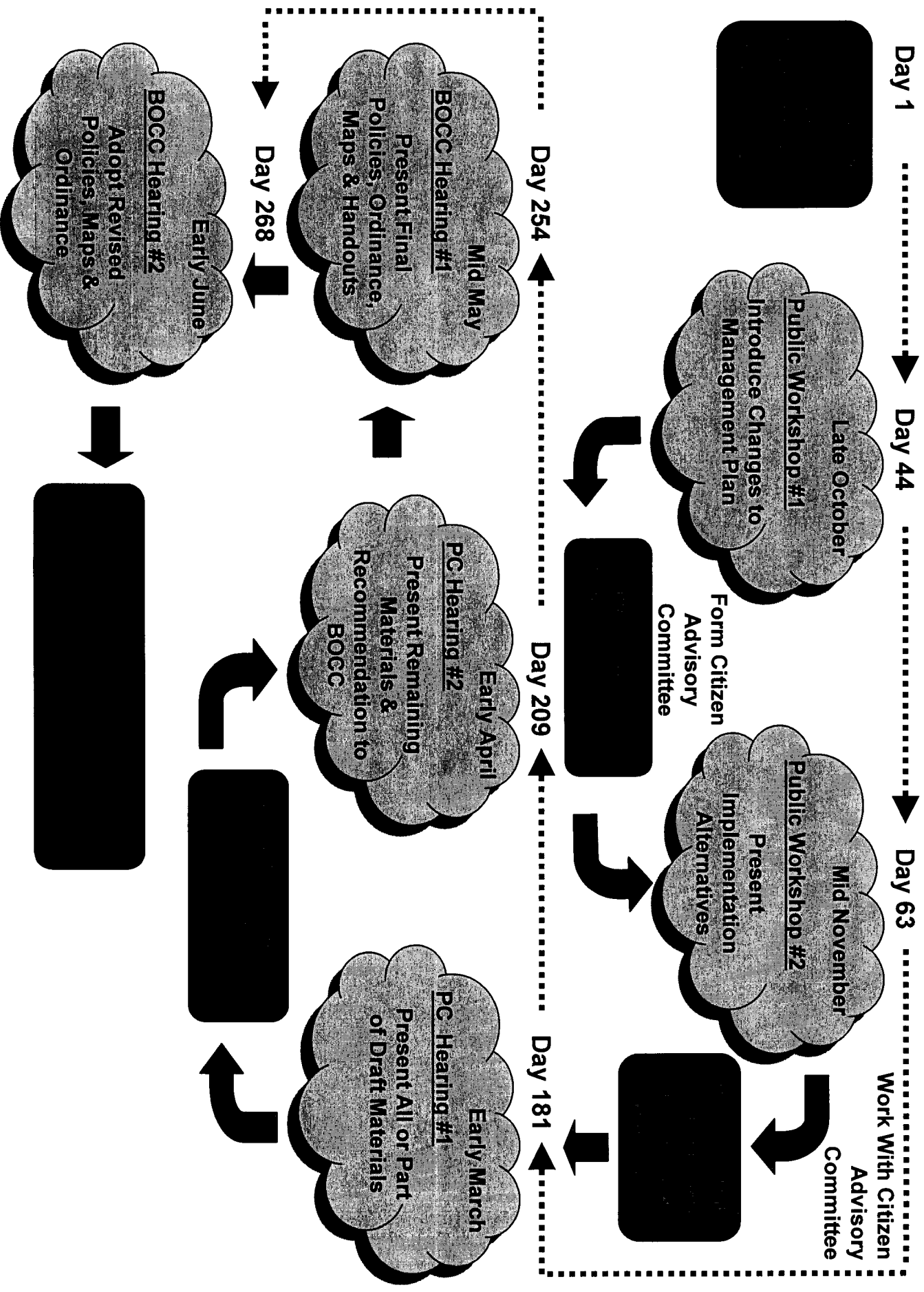
# Key Dates that Drive the County Implementation Process

- **September 8, 2004:** The revised Plan was delivered to the counties with instruction from the Gorge Commission to implement notwithstanding pending litigation.
- **November 10, 2004:** Deadline for the counties to inform the Gorge Commission as to whether or not they will be revising their codes to include the changes contained in the revised Management Plan
- **June 4, 2005:** Deadline for the counties to adopt implementing ordinances. Section 7(b) of the Act gives counties 270 days from the date the revised Plan is delivered to accomplish this task.

# Objectives of the County Compliance Project

- Adopt revisions to the Multnomah County Code that are consistent with the Management Plan and National Scenic Area (NSA) Act
- Provide meaningful citizen involvement in the planning process
- Clarify and streamline NSA land use reviews
- Maintain eligibility for economic and recreation development grants

# National Scenic Area Implementation Process



# Expected Outcomes

- Updated local plan policies describing relationship between the Management Plan and local codes
- New land use ordinance
- Updated County zoning maps showing changes related to Section 8(o) of the Act
- New GIS layers showing properties visible from sensitive scenic areas
- Improved implementation handouts

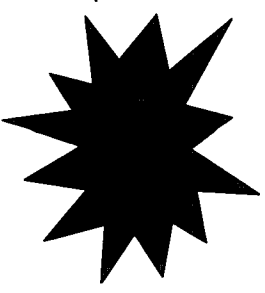
# **Key Issues**

- Small Scale Fish Processing Operations
- Commercial Events
- Geologic Hazards
- Revised Scenic Protection Guidelines
- Stream and Riparian Buffers

# Implementation Options

- Incorporate language from the revised Management Plan directly into the Multnomah County Code; or
- Include the changes in a more limited or alternative fashion as long as they are more protective of scenic, cultural, natural, and recreational resources; or
- Choose not to adopt certain changes as long as they are more protective of Gorge resources; or
- Where related to litigation, make the operability of changes contingent upon successful resolution of legal challenges

# Small Scale Fish Processing: Overview



- Allows fishing support activities, including the maintenance, repair, and storage of boats, nets and other commercial fishing gear and garaging of hauling trucks, trailers and related equipment
- Processing of fish is limited to cleaning, gutting, heading, icing or freezing of fish caught by the operator
- Business must be family based and located on property that is adjacent to the Columbia River
- A dwelling must be situated on the parcel and the resident must participate in the business
- Allowed only on GMA Residential, Agricultural and Forest lands
- The operation may employ only residents of the dwelling and up to 3 outside employees
- All gear and equipment must be stored within buildings, the total square footage of which is capped at 2,500 sq. ft.
- No retail sales are permitted



# Small Scale Fish Processing: Pros & Cons

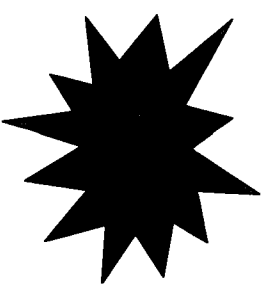
## Arguments For:

- Provides an avenue to more readily resolve code compliance issues involving the Heuker properties
- Limited exposure: Is limited to family based businesses where the principals reside on the premise and applies only to a narrow group of parcels adjacent to the Columbia River
- Economic development where limited opportunities exist

## Arguments Against:

- Provides for a level of development that is not presently allowed.
- The language is tailored such that it benefits a specific, small group of property owners
- The activity may be an industrial use in violation Section 6(d) of the Act which prohibits such uses outside urban areas

# Commercial Events: Overview



- Includes weddings, receptions, parties, and other gatherings incidental to the primary use of the property
- Limited to GMA lands, in conjunction with winery, bed and breakfast, commercial uses, or historic places
- Must be owner operated with the owner living on-site
- Limited to 18 events a year, up to one day in length with no single event hosting more than 100 guests
- Parking must be screened and located on same parcel
- Owner must provide at least 7 day advance notice to neighbors and the County
- Approvals are good for a maximum of 2 years, after which an operator must reapply

# Commercial Events: Pros & Cons

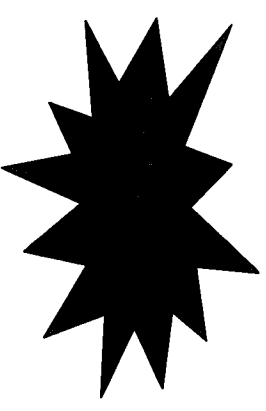
## Arguments For:

- Economic development opportunity for small businesses
- Could be an incentive for people to invest in and maintain historic structures
- Might serve to attract more people to visit and experience the beauty of the Gorge

## Arguments Against:

- Large visible gatherings might adversely impact the scenic and natural resources within the Columbia Gorge
- Potential nuisance in established residential areas in terms of traffic and noise
- Very difficult to enforce

# Geologic Hazards: Overview



- The Management Plan and Scenic Area Act do not specifically regulate geologic hazards but allow counties to be stricter for purposes of resource protection
- Within the National Scenic Area, Multnomah County presently protects geologic resources with a Hillside Development (HD) overlay
- The HD zoning overlay applies to grading on steep slopes (greater than 25%) and areas susceptible to landslides and debris flows to protect against earth movement and soil erosion
- When applying for a HD permit owners must hire a Geotechnical Engineer or Engineering Geologist to certify property as suitable for proposed development
- The HD overlay predates the Scenic Area Act, drawing its authority from Statewide Planning Goals and the County Comprehensive Plan policies that have been replaced by the National Scenic Area Act and Management Plan
- The County has never made a connection between the HD overlay and Management Plan

# Geologic Hazards: Pros & Cons

(Establish the existing HD overlay as implementing the Management Plan by providing greater protection to geologic resources)

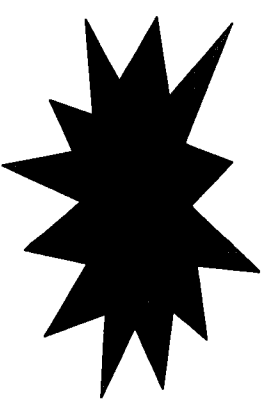
## Arguments For:

- Ensuring that development on steep or potentially unstable slopes is done correctly is necessary to prevent loss of life and destruction of property
- Erosion control is needed on steep slopes to avoid environmental damage
- Geologic resources deserve protection from avoidable hazards as they are the primary natural and scenic feature within the Gorge

## Arguments Against:

- Regulations are not mandated by the Management Plan
- Significant cost to land owner to hire geotechnical engineer and prepare plans
- Effectively prohibits any significant new development in residentially zoned areas prone to debris flows (e.g. Dodson/Warrendale)

# **Revised Scenic Protection Guidelines: Overview**



- The Gorge Commission adopted new standards for protecting scenic resources, emphasizing the use of terrain, existing vegetation, design elements and, if necessary, new landscaping to achieve visual subordination
- This new standard replaces the existing requirement that development “minimize visibility” as seen from Key Viewing Areas (KVA’s) to ensure that it is visually subordinate as viewed from these areas
- The “minimize visibility” standard requires development be located on the least visible portion of the property
- The Commission replaced this standard because it goes beyond what is necessary to achieve visual subordination, at times requiring development be entirely concealed

# **Revised Scenic Protection Guidelines: Overview**

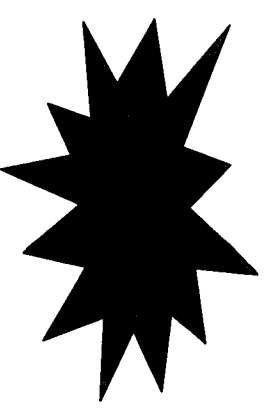
## **Arguments For:**

- Logical progression of techniques that the public and planners can use to ensure development is visually subordinate
- Strikes a balance between scenic protection and allowing people a reasonable view from their property

## **Arguments Against:**

- New standard is untested and may be inconsistently applied
- Existing “minimize visibility” standard has proven effective in protecting scenic resources

## **Stream Buffers: Overview**



- The Gorge Commission considered expanding buffers to 300 feet for perennial streams and 150 feet for intermittent streams, but ultimately rejected the concept on the basis that there is a lack of empirical evidence that they are needed
- Some citizens would like the larger buffers believing they will better protect and enhance water resources
- Current Management Plan riparian buffers, which the Gorge Commission did not change, require a 100 foot setback from perennial streams and 50 foot setback from intermittent tributaries on GMA lands
- County environmental zoning for streams and riparian areas outside of the National Scenic Area generally exceeds the 100 foot setback, but varies by rural area and the types of rules they implement (e.g. Metro Title 3, Statewide Planning Goal 5, etc.)



# Increasing Stream Buffers: Pros & Cons

## Arguments For:

- Larger buffers might provide greater resource protection

## Arguments Against:

- There is no empirical evidence that the existing buffers are inadequate
- Expanding the buffers further restricts property rights