

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 1064

Amending MCC Chapter 38, Columbia River Gorge National Scenic Area, the County Comprehensive Plan, Zoning Ordinance, and Maps to Implement Gorge Commission Changes to the Management Plan for the Columbia River Gorge National Scenic Area (The National Scenic Area Compliance Project)

(Language ~~stricken~~ is deleted; double underlined language is new.)

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County is committed to implementing revisions to the Management Plan for the Columbia River Gorge National Scenic Area, as outlined in a letter to the Gorge Commission from the Multnomah County Board of Commissioners, dated October 21, 2004 (Attachment 1).
- b. Section 7, of the Scenic Area Act requires counties that choose to implement the Management Plan, to adopt ordinances that are consistent with the revised Management Plan within nine (9) months of date it was delivered. The Plan was delivered to the County on September 8, 2004, the County must adopt an implementing ordinance in June of 2005.
- c. Multnomah County held two public workshops in Corbett, on December 8, 2004 and March 30, 2005, and formed a Citizen Advisory Committee (CAC) to provide feedback on the proposed revisions. While the CAC did not provide a recommendation to the County Planning Commission, their comments were attributed and tracked in an "Issue Bin" document presented to the Planning Commission along with the staff report.
- d. Proposed amendments to Chapter 38 of the Multnomah County Code are a product of the work with the CAC and effectively implement corresponding sections of the revised Management Plan. The County cannot adopt rules that are less stringent than the Management Plan, but can adopt rules that provide greater protection to scenic, natural, cultural and recreation resources of the gorge. The proposed amendments respect these constraints.
- e. While the Management Plan is the primary land use planning and policy document for the National Scenic Area, it does not expressly cover all land use regulations administered by the County. This has led to a "gap" in policy direction that is addressed with a new Rural Area Plan for the National Scenic Area (Attachment 2). The new Rural Area Plan serves an important role by explaining how the County conducts land use planning in the Scenic Area; identifying various sources of the County's authority; and describing the roles of the various agencies that the County partners with in carrying out it's land use planning responsibilities. Policy 41 of the Comprehensive Framework Plan contains the County's existing land use planning policies for the Scenic Area and must be amended to make the Rural Area Plan a part of the Comprehensive Framework Plan (Attachment 3).
- f. Section 8(o) of the Scenic Area Act authorized the U.S. Forest Service to acquire Special Management Area lands within three years of the date the agency received a bona fide sales offer. When the agency failed to purchase property, they were required to change the land use designation to one or more appropriate General Management Area designations. This de facto rezoning of properties by the Forest Service was done by letter and has caused confusion as the new designations

conflict with County adopted zoning maps. The map attached as Attachment 4 shows County equivalents for the designations given by the Forest Service. The County maps need to be updated to reflect these designations to eliminate any confusion as to the land use rules that apply to these properties.

g. The Planning Commission held a public hearing on April 18, 2005 at which amendments to Parts 1, 3, and 4 of Chapter 38 of the Multnomah County Code and new Part 7, were considered and recommended to the Board of Commissioners. At the second public hearing, held May 2, 2005, the Commission considered the balance of the revisions to County rules necessary to implement the revised Management Plan. All interested persons were given an opportunity to appear and be heard at these hearings.

g-h. Notice of a June 16, 2005, hearing to be held before the Board of County Commissioners to consider the proposed amendments was published in the Oregonian newspaper and a direct mailing of the notice was made to affected property owners.

Multnomah County Ordains as follows:

Section 1. The new Rural Area Plan for the National Scenic Area (Attachment 2) and amended Policy 41 of the Comprehensive Framework Plan (Attachment 3) are adopted.

Section 2. The County zoning maps are amended to reflect the General Management Area land use designations as shown on Attachment 4.

MCC CHAPTER 38 AMENDMENTS
Columbia River Gorge National Scenic Area

Part 1 – General Provisions

Section 3. **§ 38.000- is amended as follows:**

38.0000- Purposes

The purposes of the Columbia River Gorge National Scenic Area Districts are to protect and provide for the enhancement of the scenic, cultural, recreational, and natural resources of the Columbia River Gorge, and to protect and support the economy of the Columbia River Gorge by encouraging growth to occur in existing urban areas and by allowing future economic development in a manner that protects and enhances the scenic, cultural, recreational, and natural resources of the Gorge.

Section 4. **§ 38.0010 is amended as follows:**

38.0010 Uses

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged, including those proposed by state or federal agencies, in the Columbia River Gorge National Scenic Area except for the uses listed in MCC 38.2000-1000 through 38.3295; when considered under the applicable approval provisions of this Chapter.

Section 5. § 38.0015 is amended as follows:

As used in MCC Chapter 38, unless otherwise noted, the following words and their derivations shall have the following meanings:

(A) (1) Accepted agricultural practice: A mode of operation that is common to farms or ranches of similar nature, necessary for the operation of such farms or ranches to obtain a profit in money, and customarily utilized in conjunction with agricultural use.

(2) Accessory structure/building: ~~A building or structure or detached building whose, the use of which is incidental and subordinate to that of the main use of the property, and that which is located on the same parcel as the main building or use. The term “detached” means that the main building and accessory building do not share a common wall. An accessory building connected to the main building by a breezeway is a detached building.~~

Accessory use: A use or activity that is a subordinate part of a primary use and that clearly is incidental to a primary use on a site.

(3) Active wildlife site: A wildlife site that has been used within the past five years by a sensitive wildlife species.

Addition: An extension or increase in the floor area or height of an existing building.

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

Agricultural specialist (Special Management Area): A person such as a county extension agent with a demonstrated knowledge of farming operations, and a demonstrated ability to interpret and recommend methods to implement regulations pertaining to agriculture. Such abilities are usually obtained through a combination of higher education and experience.

(5) Agricultural structure/building: A structure or building located on a farm or ranch and used in the operation for the storage, repair and maintenance of farm equipment, and supplies, or for the raising and/or storage of crops and livestock. This includes, but is not limited to: barns, silos, workshops, equipment sheds, greenhouses, orchard wind machines, processing facilities, storage bins and structures.

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

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(6) Building: A structure used or intended to support or shelter any use or occupancy. Buildings have a roof supported by columns or walls. They include, but are not limited to, dwellings, garages, barns, sheds and shop buildings.

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Canopy closure (Special Management Area): For forest practices, the percentage measuring the degree to which one layer of a tree canopy blocks sunlight or obscures the sky as measured from below.

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

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

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(15) Created opening (Special Management Area): A created forest opening with less than 80 percent crown cover closure of trees averaging less than 20 feet tall. A created forest opening with less than 40 percent average canopy closure of overstory trees and less than 60 percent average canopy closure of understory trees averaging less than 5 inches diameter at breast height for coniferous forests and less than 25 percent total canopy cover for oak woodlands. This definition does not include agricultural fields.

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

Developed road prism (Special Management Area): The area of the ground associated with a particular road and containing the road surface, ditch, shoulder, retaining walls, or other developed features. Does not include the natural appearing portions of cut and fill slopes.

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

Earth materials: Any rock, natural soil or any combination thereof. Earth materials do not include non-earth or processed materials, including, but not limited to, construction debris (e.g., concrete, asphalt, wood), organic waste (e.g., cull fruit, food waste) and industrial byproducts (e.g., slag, wood waste).

(E) (1) Effect on Treaty Rights: To bring about a change in, to influence, to modify, or to have a consequence to Indian treaty or treaty related rights in the Treaties of 1855, executed between the individual Indian tribes and the Congress of the United States as adjudicated by the Federal courts, with the Nez Perce, Umatilla, Warm Springs and Yakima tribes.

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Ephemeral streams (Special Management Area): streams that contain flowing water only during, and for a short duration after, precipitation events

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

~~(7) Existing use or structure: A legally established use that existed before February 6, 1993. "Legally established" means established in accordance with the law in effect at the time of establishment. Any use or structure that was legally established. "Legally established" means:~~

~~(a) the landowner or developer obtained applicable land use and building permits and complied with land use regulations and other laws that were in effect at the time the use or structure was established, or that were in effect at the time the landowner or developer corrected an improperly established use or structure;~~

~~(b) the use or structure was initially operated or constructed according to those applicable permits, land use regulations and other laws, or has been operated or constructed according to permits obtained to correct an improperly established use or structure; and~~

~~(c) any changes to the original use or structure must comply with all applicable permit requirements, land use regulations and other laws that were in effect at the time the change was established.~~

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~~**Finished grade:** See "grade, finished"~~

~~(2) Fire break: A break in ground cover fuels, adjacent to and surrounding buildings.~~

~~**Floor area:** The area included within the surrounding exterior walls of a building or portion thereof. The floor area of a building or a portion thereof, not provided with surrounding exterior walls shall be the area under the horizontal projection of the roof or floor above.~~

~~**Footprint:** The area that falls directly beneath and shares the same perimeter as a structure. This includes covered porches.~~

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~~(4) **Forest health (SMA):** A measure of the robustness of forest ecosystems. Forests are deemed healthy when they have capacity across the landscape for renewal, for the maintenance of wildlife habitats, for recovery from a wide range of disturbances, and for retention of their resilience.~~

~~**Forest practice (SMA):** Any activity conducted on or directly pertaining to forested land and relating to forest ecosystem management including but not limited to growing, thinning, or removing live or dead forest tree or shrub species, road and trail construction, reforestation, fertilizing, brush control, prevention of wildfire, and suppression of diseases and insects. The removal of hazardous trees is excluded. Uses that include establishment, management or harvest of Christmas trees, nursery stock, or fiber producing tree species requiring intensive cultivation (irrigation, fertilization, etc.) and a harvest rotation of 12 years or less are considered agricultural uses.~~

~~(5) **Forest products:** Commodities harvested from a forest, including, but not limited to, timber products, boughs, mushrooms, pine cones, and huckleberries.~~

~~(6) **Forest practices (General Management Area):** Those activities related to the growing and harvesting of forest tree species as defined by the Oregon Forest Practices Act.~~

Forest stand structure (Special Management Area): The number, types and spacing of tree species, tree sizes, and canopy layers contained in a stand of trees.

(A) * *

Grade, natural: The undisturbed elevation of the ground level of a property before any excavation or construction operations.

Grade, finished: The final elevation of the ground level of a property after construction is completed.

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

Hazard tree (SMA): A tree with a structural defect that will predictably result in whole or partial failure within 1.5 tree lengths of a road or maintained development. A defective tree is hazardous only when its failure could result in danger to people or damage to structures, vehicles, or other property.

~~(H)~~ (1) Height of building: The vertical distance from the grade to the highest point of the roof. The greatest vertical distance between the point of lowest finished grade adjoining any exterior wall of a building and the highest point of the roof, such as the highest coping or parapet of a flat roof, the highest deck line of a mansard roof, or the highest ridge of a hip, gable, gambrel, shed or other pitched roof.

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(2)-Indian tribal government: The governing bodies of the Nez Perce Tribe (Nez Perce Tribal Executive Committee), the Confederated Tribes of the Umatilla Indian Reservation (Board of Trustees), the Confederated Tribes of the Warm Springs Reservation of Oregon (Tribal Council), and the Confederated Tribes and Bands of the Yakaima Indian Nation (Tribal Council).

(3)-Indian tribes: The Nez Perce Tribe, the Confederated Tribes and Bands of the Yakaima Indian Nation, the Confederated Tribes of the Warm Springs Reservation of Oregon, and the Confederated Tribes of the Umatilla Indian Reservation.

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

(a) **General Management Area and Special Management Area:**

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(b) **Special Management Area only:**

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(4)-Lot line adjustment: See “property line adjustment.” The transfer of a portion of a parcel from one owner to the owner of an adjacent parcel resulting in no increase in the number of parcels.

Maintenance: Ordinary upkeep or preservation of a serviceable structure affected by wear or natural elements. Maintenance does not change the original size, scope, configuration or design of a structure.

Maintenance includes, but is not limited to, painting and refinishing, regrouting masonry, patching roofs, grading gravel roads and road shoulders, cleaning and armoring ditches and culverts, filling potholes, controlling vegetation within rights-of-way, removing trees and other roadside hazards within rights-of-way, and testing and treating utility poles.

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Mosaic (SMA): The dispersal of overstory and understory leave trees in irregularly spaced clumps of varying sizes throughout an irregularly shaped created forest opening.

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Natural grade: see "grade, natural."

(A) * *

Navigable (river or lake): Those waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

New cultivation: Any operation that would cultivate land that has not been cultivated or has lain idle for more than 5 years.

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

Not visually evident (Special Management Area): A visual quality standard that provides for development or uses that are not visually noticeable to the casual visitor. Developments or uses shall only repeat form, line, color, and texture that are frequently found in the natural landscape, while changes in their qualities of size, amount, intensity, direction, pattern, etc., shall not be noticeable.

(O)(1) Old growth (Special Management Area): A forest stand usually at least 180-220 years old with moderate to high canopy closure; a multi-layered, multi-species canopy dominated by large overstory trees; high incidence of large trees, some with broken tops and other indications of old and decaying wood (decadence); numerous large snags, and heavy accumulations of wood, including large logs on the ground. Any 10-acre or greater stand of trees with the following characteristics:

~~(a) Contains mature and overmature trees in the overstory and is well into the mature growth state;~~

~~(b) In coniferous forests, will usually contain a multilayered canopy and trees of several age classes;~~

~~(c) In coniferous forests, standing dead trees and down material are present; and~~

~~(d) Evidence of activity by man may be present, but such activity has not significantly altered the other characteristics of the stand.~~

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Operational (Special Management Area): For new agricultural use, an agricultural use shall be deemed operational when the improvements and investments described in the Stewardship Plan are in place on the parcel.

(4) Ordinary high water mark: The mark on all streams, ponds, and lakes where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a vegetative character distinct from that of the abutting upland. In any area where the ordinary high water mark cannot be found, the line of mean high water shall substitute.

Operational (Special Management Area): For new agricultural use, an agricultural use shall be deemed operational when the improvements and investments described in the Stewardship Plan are in place on the parcel.

Overstory (Special Management Area): For forest practices, the tall or mature trees that rise above the shorter or immature understory trees.

(P)(1) Parcel:

(a) Any unit of land parcel legally created by a short division, partition, or subdivision, that was legally recognized under all state laws and local ordinances in effect on November 17, 1986. A unit of land that is eligible for consolidation as provided in the Management Plan shall not be considered a parcel. Any unit of land, satisfying all applicable land division and zoning regulations in effect on the date of creation, created and separately described by a lawful sales contract, deed, partition map or plat, or subdivision plat;

(b) Any unit of land legally created and separately described by deed, or sales contract, or record of survey prior to November 17, 1986, if the unit of land complied with all planning, zoning, and land division ordinances or regulations applicable at the time of creation and up through November 16, 1986.

(c) A unit of land legally created and separately described by deed or sales contract after November 17, 1986 if the unit was approved under the Final Interim Guidelines or a land use ordinance consistent with the Management Plan, or by the U.S. Forest Service Office prior to the Final Interim Guidelines.

(d) A unit of land shall not be considered a separate parcel simply because it:

1. Is a unit of land created solely to establish a separate tax account;
2. Lies in different counties;
3. Lies in different sections or government lots;
4. Lies in different zoning designations; or
5. Is dissected by a public or private road.

Parking area: Any public or private area, under or outside of a structure, designed and used for the standing, maneuvering, and circulation of motor vehicles including parking lots, garages, private driveways, and legally designated areas of private streets.

(2) Partial retention: A visual quality objective that provides for management activities which may be evident but must remain visually subordinate to the characteristic landscape. Activities may repeat

form, line, color, or texture common to the characteristic landscape but changes in their qualities of size, amount, intensity, direction, pattern, etc., shall remain visually subordinate to the characteristic landscape.

(A) * *

Previously disturbed: An area of land where the natural surface has been graded, excavated, paved and/or graveled.

Primary structure: A structure or combination of structures of chief importance or function on a site. In general, the primary use of the site is carried out in a primary structure.

Primary use: An activity or combination of activities of chief importance on the site. The main purpose for which the land or structures is intended, designed, or ordinarily used. A site may have more than one primary use.

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Property line adjustment: The transfer of a portion of a parcel from one owner to the owner of an adjacent parcel resulting in no increase in the number of parcels.

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Property line adjustment: The transfer of a portion of a parcel from one owner to the owner of an adjacent parcel resulting in no increase in the number of parcels.

(a) keep the area clear of vegetation (e.g., shoulders, utility yards),

(b) limit the height and type of vegetation (e.g., utility rights-of-way), and/or

(c) establish and retain non-native vegetation (e.g., landscaped medians, rest area grounds).

~~(6)~~ **Rehabilitation (natural resource):** A human activity that returns a wetland, stream, buffer area, or other sensitive area disturbed during construction of a permitted use to its natural or preconstruction condition.

Remnant old forest (Special Management Area): Large trees in the overstory that are well into the mature growth state (older than 180 years).

~~(7) **Repair and maintenance:** An activity that restores the size, scope, configuration, and design of a serviceable structure to its previously authorized and undamaged condition. Activities that change the size, scope, and configuration of a structure beyond its original design are not included.~~

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

Repair includes, but is not limited to, reproofing a building, replacing damaged guardrails, reconstructing a rotten deck or porch, replacing a broken window or door, replacing a utility pole and associated anchors, replacing a section of broken water or sewer line, replacing a damaged or

defective utility line, reconstructing a portion of a building damaged by fire or a natural event, and replacing railroad ties or rails.

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~~(11) Retention: A visual quality objective that provides for management activities not visually evident to the casual visitor. Management activities may only repeat form, line, color, and texture frequently found in the characteristic landscape.~~

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(19) Streams:

(a) Areas where surface water produces a defined channel or bed, including bedrock channels, gravel beds, sand and silt beds, springs and defined-channel swales. The channel or bed does not have to contain water year-round. They do not include irrigation ditches, canals, storm or surface-water runoff structures, or other artificial watercourses unless they are used to convey streams naturally occurring prior to construction in such watercourses.

(b) Streams are categorized into two classes: perennial streams and intermittent streams. A perennial stream is one that flows year-round during years of normal precipitation. An intermittent stream flows only part of the year, or seasonally, during years of normal precipitation.

(20) Structure: That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner. This includes, but is not limited to buildings, walls, fences, roads, parking lots, signs and additions/alterations to structures. All buildings are structures.

Submit: To deliver a document (e.g., land use application, written comment) to a reviewing agency's office by personal delivery, commercial delivery, mail, fax, or E-mail. When a document must be submitted within a specified period, it must arrive at the reviewing agency's office by the close of business on the last day of the specified period.

(A) * *

Thinning (Special Management Area): A forest practice intended to create favorable conditions for the continued growth of trees within an existing stand of trees. A thinning becomes a forest opening in coniferous forests when the average canopy closure of the overstory layer is zero or less than 40 percent and the understory layer is less than 60 percent average canopy closure of trees averaging less than 5 inches diameter at breast height. A thinning becomes a forest opening in oak woodlands when the total average canopy closure is less than 25 percent.

Total canopy closure (Special Management Area): For forest practices, the percentage measuring the degree to which all layers of the tree canopy combine together to block sunlight or obscure the sky as measured from below.

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Treatment (Special Management Area): For forest practices, a site-specific operation that carries out the forest management objectives for an area.

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Understory (Special Management Area): For forest practices, the shorter or immature trees below the tall or mature overstory trees.

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Vested right: The right to develop or continue to develop a use, development or structure that was reviewed and approved pursuant to this Management Plan.

~~(V) (1) Viewshed:~~ A landscape unit seen from a Key Viewing Area.

~~(2) Visual Quality Objective (VQO):~~ A set of visual management goals established by the U.S. Forest Service to achieve a desired visual objective. These objectives include retention and partial retention, and others in the Mt. Hood and Gifford Pinchot National Forest Plans.

~~(3) Visually subordinate:~~ The relative visibility of a structure or use where that structure or use does not noticeably contrast with the surrounding landscape, as viewed from a specified vantage point (generally a Key Viewing Area). Structures which are visually subordinate may be partially visible, but are not visually dominant in relation to their surroundings. Visually subordinate forest practices in the Special Management Area shall repeat form, line, color, or texture common to the natural landscape, while changes in their qualities of size, amount, intensity, direction, pattern, etc., shall not dominate the natural landscape setting.

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~~(3) Wetlands:~~ Areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to normally support a prevalence of vegetation typically adapted for life in saturated soil conditions. This does not include riparian areas, rivers, streams, and lakes. The exact location of wetlands boundaries shall be delineated using the procedures specified in the *Federal Manual for Identifying and Delineating Jurisdictional Wetlands* (Federal Interagency Committee for Wetland Delineation, 1989).

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Winery: An agricultural facility used for processing grapes into wine, including laboratories, processing areas, offices, and storage areas. A winery is distinct from a wine sales/tasting room; each of these uses must be explicitly reviewed and approved.

Wine sales/tasting room: A facility that is accessory to a winery and used for tasting and retail sales of wine, including interior space (e.g., wine bar, sitting room) and exterior space (e.g., patio, veranda). A wine sales/tasting room shall not be used for preparing or serving meals or hosting weddings, receptions or other commercial events. A wine sales/tasting room is distinct from a winery; each of these uses must be explicitly reviewed and approved.

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Section 6. § 38.0030 is amended as follows:

38.0030 Existing Uses and Discontinued Uses

(A) Right to Continue Existing Uses and Structures: Any existing use or structure may continue so long as it is used in the same manner and for the same purpose, except as otherwise provided.

(B) Replacement of Existing Structures Not Damaged or Destroyed by Disaster: Except as provided in (C) below, an existing structure may be replaced if a complete land use application for a

replacement structure is submitted to the reviewing agency within one year of the date the use of the original structure was discontinued. The replacement structure shall comply with the following standards:

(1) The replacement structure shall be used in the same manner and for the same purpose as the original structure.

(2) The replacement structure may have a different size and/or location than the original structure. An existing mobile home may be replaced with a framed residence and an existing framed residence may be replaced with a mobile home.

(3) The replacement structure shall be subject to the scenic, cultural, recreation and natural resources provisions; the treaty rights provisions; and the land use designations provisions involving agricultural buffer zones, approval criteria for fire protection, and approval criteria for siting of dwellings on forest land.

(4) The use of the original structure shall be considered discontinued if a complete land use application for a replacement structure is not submitted within the one year time frame.

(C) Replacement of Existing Structures Damaged or Destroyed by Disaster: An existing structure damaged or destroyed by fire, flood, landslide or other similar disaster may be replaced if a complete land use application for a replacement structure is submitted to the reviewing agency within two years of the date the original structure was damaged or destroyed. The replacement structure shall comply with the following standards:

(1) The replacement structure shall be used in the same manner and for the same purpose as the original structure. An existing mobile home may be replaced with a framed residence.

(2) The replacement structure shall be in the same location as the original structure. An exception may be granted and the replacement structure may be sited in a different location if the following conditions exist:

(a) A registered civil engineer, registered geologist, or other qualified and licensed professional hired by the applicant demonstrates the disaster made the original building site physically unsuitable for reconstruction.

(b) The new building site is no more visible from key viewing areas than the original building site. An exception may be granted if a registered civil engineer, registered geologist, or other qualified and licensed professional hired by the applicant demonstrates the subject parcel lacks alternative building sites physically suitable for construction that are no more visible from key viewing areas than the original building site.

(c) The new building site complies with the cultural resources, natural resources, and treaty rights protection provisions.

(3) The replacement structure shall be the same size and height as the original structure, provided:

(a) The footprint of the replacement structure may be up to 10 percent larger than the footprint of the original structure.

(b) The walls of the replacement structure shall be the same height as the walls of the original structure unless a minor increase is required to comply with standards in the current jurisdictional building code.

(4) The replacement structure shall only be subject to the following scenic resources standards:

(a) The replacement structure shall comply with the scenic resources provisions regarding color and reflectivity. These provisions shall be applied to achieve the applicable scenic standard (visually subordinate or not visually evident) to the maximum extent practicable.

(b) Decks, verandas, balconies and other open portions of the original structure shall not be rebuilt as enclosed (walls and roof) portions of the replacement structure.

(c) In the General Management Area, the replacement structure shall comply with the scenic resources provisions regarding landscaping. These provisions shall be applied to achieve the applicable scenic standard (visually subordinate) to the maximum extent practicable, provided:

1. Except as provided in 2, below, the percent of the replacement structure screened by vegetation as seen from key viewing areas shall not exceed the percent of the original structure that was screened by vegetation as seen from key viewing areas. Coniferous vegetation shall be replaced with coniferous vegetation and deciduous vegetation shall be replaced with deciduous vegetation unless the applicant chooses to use all coniferous vegetation.

2. In situations where the original structure was approved under Scenic Area regulations (e.g., Final Interim Guidelines, land use ordinance), the percent of the replacement structure screened by vegetation shall comply with any conditions of approval that required a landowner to preserve existing vegetation and/or plant and maintain new vegetation to screen the original structure as seen from key viewing areas.

3. To help determine how much vegetation may be required under 1. and 2. above, land use applications shall include all available documentation (photographic or otherwise) on the amount and type of vegetation that screened the original structure from key viewing areas. At a minimum, development review decisions shall include findings that address the following:

a. The percent of original structure facing each key viewing area that was screened by coniferous vegetation, for each key viewing area from which the structure was visible.

b. The percent of original structure facing each key viewing area that was screened by deciduous vegetation, for each key viewing area from which the structure was visible.

c. Elevation drawings showing the replacement structure and the amount of coniferous and deciduous vegetation that would screen the structure from key viewing areas in 10 years.

4. The height of any new trees shall not be required to exceed 5 feet.

5. The time frame for achieving visual subordination shall be 10 years or less from the commencement of construction.

(d) In the Special Management Area, the replacement structure shall comply with the scenic resources provisions regarding landscaping. These provisions shall be applied to achieve the applicable scenic standard (visually subordinate or not visually evident) to the maximum extent practicable, provided:

1. The Scenic Resources Implementation Handbook shall be utilized to determine approvable species and minimum approvable sizes of new trees planted (based on average growth rates expected for approvable species).

2. The height of any new trees shall not be required to exceed 5 feet.

3. The time frame for achieving the applicable scenic standard (visually subordinate or not visually evident) shall be 10 years.

(5) The replacement structure shall be subject to (B)(1) and (B)(2) above if it would not comply with (C)(2) and (C)(3) above.

(6) The original structure shall be considered discontinued if a complete land use application for a replacement structure is not submitted within the two year time frame.

(D) Changes to Existing Uses and Structures: Except as otherwise provided, any change to an existing use or modification to the exterior of an existing structure shall be subject to review and approval pursuant to this Management Plan.

Except as otherwise provided below, existing uses may continue, notwithstanding the provisions of MCC 38.0000 through 38.0110, 38.2000 through 38.3295, and 38.7000 through 38.7085.

~~(A) Any use or structure existing on February 6, 1993 may continue so long as it is used in the same manner and for the same purpose as on that date.~~

~~(B) Any use or structure damaged or destroyed by disaster or an emergency event shall be treated as an existing use or structure if an application for replacement in kind and in the same location is filed within two years of the date of the disaster/emergency event pursuant to the provisions of MCC 38.7090.~~

~~(1) In kind replacement of an existing use or structure in the same location shall be subject only to compliance with standards for protection of scenic resources involving color, reflectivity, and landscaping.~~

~~(2) Replacement of an existing use or structure by the same type of use or structure in a different location or with a different size shall be subject to MCC 38.7000 through 38.7085 to minimize adverse effects on scenic, cultural, natural, and recreation resources.~~

(C) Except as provided in (B) above, replacement or reestablishment of a use or structure discontinued for any reason for more than one year shall be subject to the regulations of MCC 38.0000 through 38.0110, 38.2000 through 38.3295, and 38.7000 through 38.7085. Except as otherwise provided, an existing use or structure may be replaced within one year of discontinuation if used for the same purpose at the same location. This includes replacing an existing mobile home with a framed residence.

(D1) Expansion of Existing Commercial and Multifamily Residential Uses: In the Special Management Area, existing commercial and multi-family residential uses may expand as necessary for successful operation on the Dedicated Site, subject to MCC 38.0045. Expansion beyond the Dedicated Site is prohibited.

(E2) Expansion of Existing Industrial Uses in the General Management Area: Existing industrial uses in the General Management Area may expand as necessary for successful operation on the Dedicated Site, subject to MCC 38.0045. Expansion beyond the Dedicated Site is prohibited.

(F3) Conversion of Existing Industrial Uses in the General Management Area: In the General Management Area, existing industrial uses may convert to less intensive uses, subject to MCC 38.0045. A less intensive use is a commercial, recreation or residential use with fewer adverse effects upon scenic, cultural, natural and recreation resources.

(G4) Existing Development or Production of Mineral Resources in the General Management Area: In the General Management Area, existing development or production of mineral resources may continue unless the Gorge Commission determines that the uses adversely affect the scenic, cultural, natural or recreation resources of the Scenic Area. These uses will be considered discontinued and subject to MCC 38.0000 through 38.0110, ~~38.2000-1000~~ through 38.3295, and 38.7000 through 38.7085 if:

(1a) The mined land has been reclaimed naturally or artificially to a point where it is revegetated to 50 percent of its original cover (considering both basal and canopy) or has reverted to another beneficial use, such as grazing. Mined land shall not include terrain which was merely leveled or cleared of vegetation; or

(2b) The site has not maintained a required state permit; or

(3c) The site has not operated legally within 5 years prior to February 6, 1993, the date of adoption of the Management Plan.

(H5) Uses involving the exploration, development or production of sand, gravel or crushed rock in the Special Management Area may continue when:

(1a) The sand, gravel, or crushed rock is used for construction or maintenance of roads used to manage or harvest forest products in the Special Management Area; and

(2b) A determination by the U.S. Forest Service finds that the use does not adversely affect the scenic, cultural, natural or recreation resources.

(E) Discontinuance of Existing Uses and Structures: Except as provided in (C) and (C)(6) above, any use or structure that is discontinued for one (1) year or more shall not be considered an existing use or

structure. Proof of intent to abandon is not required to determine that an existing use or use of an existing structure has been discontinued.

(1) Multiple Uses: An existing use or structure with more than one legally established use may discontinue one of the uses without discontinuing the others.

(2) Change in Use: An existing use or structure shall become discontinued if the use or use of the structure changes.

(F) Discontinued Uses and Structures: Re-establishment or replacement of any use or structure that has been discontinued shall be subject to all applicable policies and guidelines in the Management Plan, including, but not limited to, guidelines for land use designations and scenic, cultural, recreation and natural resources.

(I) Except as otherwise provided, whether a use has a vested right to continue will be determined by the Oregon law on vested rights.

Section 7. § 38.0035 is added as follows:

38.0035 Expedited Review Use Applications – Submittal Requirements

Applications for uses eligible for expedited review shall include:

(A) The information required for review and conditional use applications listed in MCC 38.0045(A)(1) and (2) and (B).

(B) Elevation drawings if the proposed development would be visible from a key viewing area. The drawings shall show the appearance of proposed structures and shall include natural grade, finished grade, and the geometrical exterior of at least the length and width of structures as seen from a horizontal view. Elevation drawings shall be drawn to scale.

Section 8. § 38.0040 is deleted as follows:

38.0040 Review Uses

The following Review Uses may be permitted when allowed by the district and found to satisfy the applicable approval criteria pursuant to the provisions of MCC 38.7000 through 38.7085:

(A) Land Divisions

(1) Land Divisions within the NSA shall be classified and found to satisfy the applicable approval criteria specified in MCC 38.7700 through 38.8035, subject to the following:

(a) New land divisions, except lot line adjustments, are not allowed in the Special Management Area, unless the creation of a new parcel will facilitate land acquisition by the federal government to achieve the policies and standards of the Management Plan.

(b) All land divisions must consider consolidation of access in order to reduce adverse effects on scenic, cultural, natural and recreation resources.

~~(c) Adjustment of the boundary between two or more contiguous parcels which does not result in the creation of an additional parcel may be allowed if none of the parcels larger than the minimum parcel size before the adjustment becomes smaller than the specified minimum parcel size after the adjustment.~~

~~(B) Temporary Health Hardship Dwelling—the temporary placement of a mobile home in the General Management Area may be granted when:~~

~~(1) A family hardship exists where conditions relate to the necessary care for a member of the family occupying the principal dwelling and where medical conditions relate to the infirm or aged.~~

~~(2) The hardship dwelling will use the same subsurface sewage disposal system used by the existing dwelling, if the system is adequate to accommodate the additional dwelling, unless the additional dwelling can use an existing public sanitary sewer system.~~

~~(3) The hardship dwelling is found to be consistent with the standards for protection of scenic, cultural, natural and recreation resources of MCC 38.7000 through 38.7085.~~

~~(4) A permit may be issued for a 2 year period, subject to annual review for compliance with the provisions of this section and any other conditions of approval.~~

~~(5) Upon expiration of the permit or cessation of the hardship, whichever comes first, the mobile home shall be removed within 30 days.~~

~~(6) A new permit may be granted upon a finding that a family hardship continues to exist.~~

~~(C) Private Docks~~

~~(1) New docks shall be consistent with applicable standards for protection of scenic, cultural, natural and recreation resources.~~

~~(a) New private docks and boathouses serving only one family and one property shall be limited to a maximum of 120 square feet in size.~~

~~(b) New private docks and boathouses serving more than one family and property shall be limited to a maximum of 200 square feet in size.~~

~~(D) Home Occupations and Cottage Industries in Rural Centers~~

~~Home occupations and cottage industries may be established as authorized in various districts consistent with the following:~~

~~(1) A home occupation may employ only residents of the home.~~

~~(2) A cottage industry may employ up to three outside employees.~~

~~(3) No more than 25 percent of the total actual living space of the dwelling may be utilized for the home occupation or cottage industry.~~

~~(4) No more than 500 square feet of an accessory structure may be utilized for a home occupation or cottage industry.~~

~~(5) There shall be no outside, visible evidence of the home occupation or cottage industry, including outside storage.~~

~~(6) Exterior structural alterations to the residence for the home occupation or cottage industry shall not be permitted. New structures shall not be constructed for the primary purpose of housing a home occupation or cottage industry.~~

~~(7) No retail sales may occur on the premises, except incidental sales at lodging authorized establishments.~~

~~(8) One non-animated, non-illuminated sign, not exceeding 2 square feet in area may be permitted on the subject structure or within the yard containing the home occupation or cottage industry.~~

~~(9) Parking not associated with residential use shall be screened from Key Viewing Areas.~~

~~(10) A bed and breakfast lodging establishment which is two bedrooms or less is considered a home occupation and shall meet the standards of MCC 38.0040 (E).~~

~~(E) Bed and Breakfast Inns in Rural Centers~~

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

~~(1) Guests may not occupy a facility for more than 14 consecutive days.~~

~~(2) One non-animated, non-illuminated sign not exceeding 4 square feet in area may be permitted on the structure or within the yard containing the structure.~~

~~(3) Parking areas shall be screened so as to not be visible from Key Viewing Areas.~~

Section 9. § 38.0045 is amended as follows::

38.0045 Review and Conditional Use Applications – Submittal Requirements

* * *

(A) The following additional information shall be submitted for all review and conditional uses:

(1) A list of Key Viewing Areas from which the proposed use would be visible.

(2) A map of the project area. The map shall be drawn to scale. The scale of the map shall be large enough to allow the reviewing agency to determine the location and extent of the proposed use and evaluate its effects on scenic, cultural, natural, and recreation resources. The map shall be prepared at a scale of 1 inch equals 100 feet (1:1,200), or a scale providing greater detail. If a parcel is very large, the map does not have to show the entire parcel. Rather, it may show only

those portions of the parcel affected by the proposed use. The map shall include the following elements:

* * *

(3) Elevation drawings shall show the appearance of proposed structures and shall include natural grade, finished grade, and the geometrical exterior of at least the length and width of structures as seen from a horizontal view. Elevation drawings shall be drawn to scale.

(4) In the General Management Area, all applications for structural development involving more than 100 cubic yards of grading with slopes between 10 and 30 percent shall include a grading plan. In the Special Management Area, all applications for structural development involving more than 100 cubic yards of grading with slopes greater than 10 percent (except trails) shall include a grading plan. Grading plans shall include the following:

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

1. Natural and finished grades

2. Location of all areas to be graded, with cut banks and fill slopes delineated.

3. Estimated dimensions of graded areas.

(b) A narrative description (may be submitted on the grading plan site map and accompanying drawings) of the proposed grading activity, including:

1. Its purpose

2. An estimate of the total volume of material to be moved.

3. The height of all cut banks and fill slopes.

4. Provisions to be used for compactions, drainage, and stabilization of graded areas. (Preparation of this information by a licensed engineer or engineering geologist is recommended.)

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

6. A description of any other interim or permanent erosion control measures to be used.

(B) Supplemental information will be required for:

(1) Forest practices in the Special Management Area,

(2) Production and development of mineral resources in the General Management Area,

(3) Proposed uses visible from Key Viewing Areas, and

(4) Proposed uses located near cultural resources, wetlands, streams, ponds, lakes, riparian areas, sensitive wildlife habitat, and sensitive plant sites.

~~(C) In addition to any other required notice, the Planning Director shall notify the four Indian tribal governments, LCDC, SHPO, the Gorge Commission and the Forest Service of all applications for Conditional Uses.~~

Section 10. § 38.0065 is amended as follows:

38.0065 Variances from Setbacks and Buffers within the General Management Area

Variances from setbacks and buffers within the General Management Area, except those required by MCC 38.7080, shall be classified and processed pursuant to MCC 38.7600 and 38.7605 through 38.7610, subject to the following approval criteria:

(A) When setbacks or buffers for the protection of scenic, cultural, natural, recreation, agricultural or forestry resources overlap or conflict, the setbacks or buffers may be varied upon a demonstration that:

(1) A setback or buffer specified to protect one resource would cause the proposed use to fall within a setback or buffer specified in the plan to protect another resource; and

(2) Variation from the specified setbacks or buffer would, on balance, best achieve the protection of the affected resources.

(B) A setback or buffer specified for protection of scenic, cultural, natural, recreation, agricultural or forestry resources may be varied in order to allow a residence to be built on a parcel of land upon a demonstration that:

(1) The land use designation otherwise authorizes a residence on the tract;

(2) No site exists on the tract (all contiguous parcels under the same ownership) on which a residence could be placed practicably in full compliance with the setback or buffer;

(3) The variance from the specified setback or buffer is the minimum necessary to allow the residence.

(C) The Approval Authority may grant a variance to the General Management Area setback and buffer requirements of MCC 38.7080, upon a finding that the following conditions exist:

(1) The proposed project is a public use, resource-based recreation facility providing or supporting either recreational access to the Columbia River and its tributaries, or recreational opportunities associated with a Scenic Travel Corridor;

(2) All reasonable measures to redesign the proposed project to comply with required setbacks and buffers have been explored, and application of those setbacks and buffers would prohibit a viable recreation use of the site as proposed;

(3) Resource impacts have been mitigated to less than adverse levels through design provisions and mitigation measures; and

(4) The variance is the minimum necessary to accommodate the use.

(D) The Approval Authority may grant a variance of up to 10 percent to the standards of General Management Area Recreation Intensity Class 4 for parking and campground units upon demonstration that:

(1) Demand and use levels for the proposed activity(s), particularly in the area where the site is proposed, are high and expected to remain so and/or increase. Statewide Comprehensive Outdoor Recreation Plan (SCORP) data and data from Scenic Area recreation demand studies shall be relied upon to meet this criterion in the absence of current applicable studies.

(2) The proposed use is dependent on resources present at the site.

(3) Reasonable alternative sites, including those in nearby Urban Areas, offering similar opportunities have been evaluated and it has been demonstrated that the proposed use cannot be adequately accommodated elsewhere.

(4) The proposed use is consistent with the goals, objectives and policies in the Management Plan.

(5) Through site design and/or mitigation measures, the proposed use can be implemented without adversely affecting scenic, natural or cultural resources, and adjacent land uses.

(6) Through site design and/or mitigation measures, the proposed use can be implemented without affecting treaty rights.

Section 11. § 38.0080 is amended as follows:

38.0080 Signs

(A) ~~Signs in a GMA shall be allowed pursuant to the following provisions:~~

~~(1) All signs must meet the following standards unless they conflict with the Manual for Uniform Traffic Control Devices for public safety, traffic control or highway construction signs. In such cases, the standards in the Manual for Uniform Traffic Control Devices shall supersede these standards.~~

~~(a) The support structure shall be unobtrusive and have low visual impact.~~

~~(b) Lettering colors with sufficient contrast to provide clear message communication shall be allowed. Colors of signs shall blend with their setting to the maximum extent practicable.~~

~~(c) Backs of all signs shall be unobtrusive, non-reflective, and blend in with the setting.~~

~~(d) Spot lighting of signs may be allowed where needed for night visibility. Backlighting is not permitted for signs.~~

~~(2) Business identification or facility entry signs located on the premises may be allowed, subject to MCC 38.0080 (A) (1).~~

(3A) The following signs may be permitted without review in the General Management Area, and in the Special Management Area subject to MCC 38.0080 (A) (1):

~~(a) Ordinary repair and maintenance of signs.~~

(1b) Election signs which are not displayed for more than 60 days. Removal must be accomplished within 30 days of election day.

(2e) "For Sale" signs not greater than 1" square feet. Removal must be accomplished within 30 days of close of sale.

(3d) Temporary construction site identification, public service company, safety or information signs not greater than 32 square feet. Exceptions may be granted for public highway signs necessary for public safety and consistent with the Manual for Uniform Traffic Control Devices. Removal must be accomplished within 30 days of project completion.

(4e) Signs posted on private property warning the public against trespassing, danger from animals, the private nature of a road, driveway or premise, or signs prohibiting or otherwise controlling fishing or hunting, provided:

(a) such signs are not greater than 6 square feet in the General Management Area and the Special Management Area Open Space zone district.

(b) signs are not greater than 2 square feet in all Special Management zones, except the Open Space zone district.

(5f) Temporary signs advertising civil, social, or political gatherings and activities not exceeding 12 square feet. Removal must be accomplished within 30 days of the close of the event.

(6g) Signs posted by governmental jurisdictions giving notice to the public. Such signs shall be no larger than that required to convey the message intended.

(7h) In the General Management Area, signs associated with the use of a building or buildings shall be placed flat on the outside walls of buildings, not on roofs or marquees.

~~(4) Other signs not addressed or expressly prohibited by this section may be permitted without review.~~

~~(5) Any sign which does not conform with subsections (1) through (4) and has existed prior to adoption of the Management Plan shall be considered non-conforming and subject to the following:~~

~~(a) Alteration of existing non-conforming signs shall comply with MCC 38.0080 (A) (1) through (4).~~

~~(b) Any non-conforming sign used by a business must be brought into conformance concurrent with any expansion or change in use which requires a development permit.~~

(B) All other signs not listed in MCC 38.0080(A) or prohibited as listed in MCC 38.0080(C) may be permitted under an expedited review process subject to MCC 38.0080(D) in the General Management Area and (E) in the Special Management Area.

(8C) Prohibited Signs

(16) Except for signs along public highways necessary for public safety, traffic control or road construction which are consistent with the Manual for Uniform Traffic Control Devices, the following signs are prohibited in the General Management Area:

- (a) Luminous signs or those with intermittent or flashing lights. These include neon signs, fluorescent signs, light displays and other signs which are internally illuminated, exclusive of seasonal holiday light displays.
- (b) New billboards.
- (c) Signs with moving elements.
- (d) Portable or wheeled signs, or signs on parked vehicles where the sign is the primary use of the vehicle.

(2) The following signs are prohibited in the Special Management Area:

- (a) Advertising billboards.
- (b) Signs that move or give the appearance of moving, except signs used for highway construction, warning or safety.
- (c) Portable or wheeled signs, or signs on parked vehicles where the sign is the primary use of the vehicle, except for signs used for highway construction, warning or safety.
- (d) Interpretative signs on Interstate 84.

(AD) Signs in a General Management Area shall be ~~allowed~~ permitted under an expedited review process pursuant to the following provisions:

(1) All new signs must meet the following standards unless they conflict with the Manual for Uniform Traffic Control Devices for public safety, traffic control or highway construction signs. In such cases, the standards in the Manual for Uniform Traffic Control Devices shall supersede these standards.

- (a) The support structure shall be unobtrusive and have low visual impact.
- (b) Lettering colors with sufficient contrast to provide clear message communication shall be allowed. Colors of signs shall blend with their setting to the maximum extent practicable.

(c) Backs of all signs shall be unobtrusive, non-reflective, and blend in with the setting.

(d) Spot lighting of signs may be allowed where needed for night visibility. Backlighting is not permitted for signs.

(2) Business identification or facility entry signs located on the premises may be allowed, subject to MCC 38.0080 (A) (1).

(BE) Signs in an Special Management Area shall be ~~allowed~~ permitted under an expedited review process pursuant to the following provisions:

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

~~(12)~~ No sign shall be erected or placed in such a manner that it may interfere with, be confused with, or obstruct the view of any traffic sign, signal or device.

~~(32)~~ Pre-existing signs are allowed to continue provided no changes occur in size, structure, color, or message.

~~(43)~~ Except for signs allowed withouto review, Aall new signs shall meet the following standards, and be consistent with the Manual for Uniform Traffic Control Devices:

(a) Signs shall be maintained in a neat, clean and attractive condition.

(b) The character and composition of sign materials shall be harmonious with the landscape and/or related to and compatible with the main structure upon which the sign is attached.

(c) Signs shall be placed flat on the outside walls of buildings, not on roofs or marquees.

(d) Signs shall be unobtrusive and have low contrast with the setting and not result in sign clutter or other negative visual effect.

(e) The visual impact of the support structure shall be minimized.

(f) Outdoor sign lighting shall be used for purposes of illumination only, and shall not be designed for, or used as, an advertising display, except for road safety signs.

(g) Backs of all signs shall be visually unobtrusive, nonreflective, and blend in with the setting.

(h) Sign internal illumination or backlighting shall not be permitted except for highway construction, warning or safety.

~~(5) Temporary signs shall be permitted without review when in compliance with subsection (4) above and the following:~~

~~(a) One political sign per parcel road frontage. The sign shall be no greater than 12 square feet in area and displayed for no more than 60 calendar days. Removal must be accomplished within 30 days of election day.~~

~~(b) A "For Sale" sign not greater than 12" square feet, removal must be accomplished within 30 days of close of sale.~~

~~(c) One temporary construction site identification sign which is not greater than 32 square feet. Removal must be accomplished within 30 days of project completion.~~

~~(d) Signs providing direction to and announcement of temporary garage/yard sales provided placement duration does not exceed three days and the signs are not greater than two square feet in area.~~

~~(e) Signs, not exceeding 12 square feet and placed no longer than 10 days in advance of the event, advertising civil, social, or political gatherings and activities. Removal must be accomplished within 30 days of the close of the event.~~

~~(f) Signs of public service companies indicating danger and/or service and safety information. Removal must be accomplished upon project completion.~~

(64) Public signs shall meet the following standards in addition to subsections (1) through (53) above:

(a) The Graphic Sign System provides design standards for public signs in and adjacent to public road rights-of-way. All new and replacement public signs, except those transportation, regulatory, guide and warning signs allowed outright shall conform to the guidelines in this system. Types of signs addressed include recreation site entry, route marker, interpretive, guide, directional, and urban area entry specific service signs, destination and distance signs, variable message signs, or signs that bridge or area cantilevered over the road surface.

(b) Signs located outside public road rights-of-way are encouraged to be designed in such a way as to be consistent with similar purpose signs described in the Graphic Signing System.

(c) Signs posted by governmental jurisdictions giving notice to the public shall be no larger than that required to convey the message intended.

(75) Signs for public and commercial recreation facilities, home occupations, cottage industries, and commercial uses shall meet the following standards in addition to subsections (1) through (53) of this section:

~~(a) Signs posted on private property warning the public against trespassing, danger from animals, the private nature of a road, driveway or premise, or signs prohibiting or otherwise controlling fishing or hunting, provided such signs are not greater than two square feet.~~

(ba) Any sign advertising or relating to a business which is discontinued for a period of 30 consecutive days shall be presumed to be abandoned and shall be removed within 30 days thereafter, unless permitted otherwise by the jurisdictional authority.

(eb) Any signs relating to, or advertising, a business shall be brought into conformance with these sign standards prior to any expansion or change in use which is subject to review.

(dc) Off-site and on-site directional signs on approach roads to recreational facilities may be permitted. Name and interpretive signs may be permitted on-site, but should be kept to the minimum required to achieve the purpose(s) of the facilities.

(ed) Commercial recreation businesses approved in conjunction with a recreational facility may have a name sign not exceeding 16 square feet.

(fe) Recreation developments may be permitted one on-premise name sign at each principal entrance. Such signs are encouraged to be of a low profile, monument type, and shall conform to the Graphic Sign System.

(6) Sign clutter and other negative visual effects from excessive signs along all roads and highways, and at parking lots and recreation facilities, shall be reduced.

~~(8) Prohibited Signs~~

~~(a) Advertising billboards.~~

~~(b) Signs that move or give the appearance of moving, except signs used for highway construction, warning or safety.~~

~~(c) Portable or wheeled signs, or signs on parked vehicles where the sign is the primary use of the vehicle, except for signs used for highway construction, warning or safety.~~

~~(d) Interpretative signs on Interstate 84.~~

~~(5F) Any sign in the General Management Area which does not conform with subsections (1) through (4)(A) and (D) and has existed prior to adoption of the Management Plan shall be considered non-conforming and subject to the following:~~

~~(a1) Alteration of existing non-conforming signs shall comply with MCC 38.0080 (A) (1) through (4)(A) and (D).~~

~~(b2) Any non-conforming sign used by a business must be brought into conformance concurrent with any expansion or change in use which requires a development permit.~~

Section 12. § 38.0110 is amended as follows:

38.0110 Indian Tribal Treaty Rights and Consultation

(A) If a substantive written comment regarding tribal rights is received during the comment period provided in MCC 38.0530 (B) or (C) from an Indian tribal government, the applicant shall offer to meet with the affected tribal government within 10 calendar days. The 10 day consultation period may be extended upon agreement between the project applicant and the tribal government. If a substantive written comment is received on an expedited review preliminary decision, then the application will be reviewed using the full Type II process and no longer eligible for expedited review.

* * *

Part 2 – Planning Authority General Provisions

Section 13. § 38.0200- is amended as follows:

38.0200- Definitions.

As used in this chapter, unless the context requires otherwise:

~~(A)~~ *Board* means Board of County Commissioners of Multnomah County, Oregon.

~~(B)~~ *Commission* means the Planning Commission established under this chapter.

~~(C)~~ *Comprehensive plan* or *plan* shall have the meaning set forth in subsection (4) of ORS 197.015; shall be directed to the elements listed in the statewide use planning goals opted pursuant to ORS 197.240; shall include framework, development and operational plans based on an inventory and cultural data; shall be prepared under the supervision of the Director of the Land Use Planning Division and may include maps, a text, or both.

Gorge Commission means Columbia River Bi-State Gorge Commission.

Section 14. § 38.0205 is amended as follows:

38.0205 Policy and purpose.

* * *

(B) Therefore, in accordance with ORS chapter 197 and 215 and the County Charter, the Board has determined that all decisions made by Multnomah County with respect to County development shall be predicated upon a comprehensive plan adopted and revised in the manner described in this chapter.

(1) The Rural Area Plan is an element of the Multnomah County Comprehensive Framework Plan, and together with the Management Plan, provides the policy basis for Multnomah County Code Chapter 38.

(2) Multnomah County shall amend Chapter 38, Columbia River Gorge National Scenic Area, of the Multnomah County Code as needed to be consistent with the Management Plan.

(3) Multnomah County shall adopt provisions that vary from the Management Plan when it deems that the provisions are more protective of the resources in the Scenic Area.

(C) Multnomah County recognizes the Gorge Commission’s responsibility for revising the Management Plan and its authority to serve as the appeals board for Multnomah County Scenic Area land use decisions.

(D) Multnomah County recognizes the authority of the U.S. Forest Service to manage National Forest System lands in the Scenic Area according to the Management Plan and the Land and Resource Management Plan for the Mt. Hood National Forest.

(E) Multnomah County recognizes the authority of the U.S. Forest Service to determine consistency with the Management Plan for all projects on federal lands in the Scenic Area.

(F) Multnomah County shall notify the four Indian tribal governments when new uses are proposed on lands where tribal members exercise treaty or other rights.

(G) Multnomah County recognizes that the Oregon State Legislative Assembly and the Department of Land Conservation and Development consider the Management Plan to achieve, on balance, the objectives of the Statewide Planning Goals.

(H) Multnomah County shall review development in the Scenic Area portion of the City of Troutdale for consistency with the Management Plan by applying the standards, criteria, and procedures in Multnomah County Code Chapter 38, until such time that the City of Troutdale adopts an ordinance to implement the Management Plan or the City and County enter into an agreement that establishes how the Management Plan is to be implemented in this portion of the City..

Section 15. § 38.0207 is added as follows:

38.0207 Authority

Multnomah County must regulate land uses for compliance with the Columbia River Gorge National Scenic Area Act. The Scenic Area Act gives certain federal, Indian tribe, state, and local agencies authority in the Scenic Area, and considering provisions of the Act, ORS chapter 196, 197 and 215, the County Charter, the Board understands those authorities to be as follows:

(A) Gorge Commission:

(1) The Gorge Commission has authority to develop and adopt land use and resource protection policy through the Management Plan.

(2) The Gorge Commission has authority to serve as the appeals board for Scenic Area land use decisions issued by Multnomah County.

(3) The Gorge Commission has authority to disapprove a land use ordinance enacted by Multnomah County if the ordinance is inconsistent with the Management Plan.

(4) The Gorge Commission has authority to enact a land use ordinance that sets standards for the use of non-federal land if the County fails to enact land use ordinances consistent with the Management Plan.

(B) U.S. Forest Service:

(1) The U.S. Forest Service has authority to review and issue a determination of consistency with the Management Plan for projects on federal lands. The U.S. Forest Service has authority to review land use and development actions of federal agencies for consistency with the Management Plan. The U.S. Forest Service shall provide copies of applications for projects on federal land to Multnomah County for comment.

(2) Federal resource specialists shall provide resource review for projects on federal lands.

(3) The U.S. Forest Service has authority to consult with Indian tribal governments at the government-to-government level to determine the effect of all new development or uses in the Special Management Area on treaty rights. The U.S. Forest Service notifies the County of the determination as part of the review process.

(4) The U.S. Forest Service has authority to continue to acquire Special Management Area and Dodson/Warrendale Special Purchase Unit land through purchase, donation, or land exchange.

(5) The U.S. Forest Service provides fish and wildlife resource information to counties and the Gorge Commission.

(6) The U.S. Forest Service provides historic resource information to counties and the Gorge Commission.

(C) Indian Tribes:

(1) The Indian tribal governments exercise inherent sovereign powers, as limited by treaty or act of Congress.

(2) Indian tribal governments shall have an opportunity to review and comment on new uses that are proposed on lands, or in waters, where tribal members exercise treaty or other rights.

(3) Proposed uses that would adversely affect treaty or other rights of any Indian tribe shall be prohibited.

(D) Multnomah County:

(1) Multnomah County has the authority to implement the Management Plan for Scenic Area lands within its jurisdiction.

(2) Multnomah County has authority from the Act to adopt ordinances with provisions that vary from the policies and guidelines in the Management Plan as long as the ordinances provide greater protection for the scenic, cultural, natural, and recreation resources of the Scenic Area (with concurrence by the Gorge Commission and by the Secretary of Agriculture in the Special Management Area).

(3) Multnomah County shall review and decide upon applications for all permits relating to the use of non-federal land within the Multnomah County portion of the Scenic Area. These permits include all form of land divisions, land use, and legislative enactments and amendments to the Multnomah County Comprehensive Plan and Multnomah County Code.

(4) Multnomah County shall review all development proposals on non-federal land in the Scenic Area for consistency with the Management Plan for the Columbia River Gorge National Scenic Area by applying the standards, criteria, and procedures in Multnomah County Code Chapter 38.

(5) The County may adopt provisions in its land use ordinance that are not required by a policy or guideline in the Management Plan for the Columbia River Gorge National Scenic Area when it deems they are necessary to protect general health, safety, and welfare or to implement state or

federal laws not regulated by the Columbia River Gorge National Scenic Area Act. Such provisions shall not conflict with the Act.

(6) The County has the authority to deny any permit or otherwise refuse to take any action that is inconsistent with the purposes and standards of the Management Plan.

(7) Multnomah County has authority to review applications for developments or uses on non-federal land with the Scenic Area. Multnomah County shall provide a copy of the application to The U.S. Forest Service for comment.

(8) The City of Troutdale has not enacted an ordinance to implement the Management Plan, and until the City of Troutdale enacts such regulations, Multnomah County is directed by the Act to enforce its implementing ordinance in those portions of the city within the National Scenic Area.

Part 3 - Administration And Procedures

Section 16. § 38.0530 is amended as follows:

38.0530 Summary of decision making processes.

The following decision making processes chart shall control the County's review of the indicated permits:

Permit Type	I	II	II Expedited	III	PC
Initial Approval Body:	(Not a "land use decision")	(Planning Director)	(Planning Director)	(Hearings Officer)	(Legislative)
Allowed Uses ¹	X				
<u>Expedited Uses</u>					
Review Uses		X	X		
Conditional Uses				X	
Zone Code Text Changes (Initiated by County only)					X
Variance		X		X	
Extension of Decision		X			
Property Line Adjustments		X			
Planned Unit Developments				X	
Land Divisions				X	
• Subdivision					
• Major Partition		X			
• Minor Partition		X			

Permit Type	I	II	<u>II</u> <u>Expedited</u>	III	PC
Initial Approval Body:	(Not a "land use decision")	(Planning Director)	<u>(Planning Director)</u>	(Hearings Officer)	(Legislative)
<u>Lot Consolidation (same ownership; undeveloped)</u>	X				
Revocation of Decisions				X	
Zoning Code Interpretations		X			
Hillside Development Permit		X			
Floodplain Development	X				
Grading and Erosion Control	X				
Street and Property Addressing	X				
<u>Final Plat Approval</u>	X				
<u>Although an Allowed Use by itself does not require a Type I permit, zoning approval of a building permit application for such a use is a Type I review.</u>					

Permit Types

* * *

(B) Type II decisions involve the exercise of some interpretation and discretion in evaluating approval criteria. Applications evaluated through this process are typically assumed to be allowable in the underlying zone. County Review typically focuses on what form the use will take, where it will be located in relation to other uses, and its relationship to scenic, natural, cultural and recreational resources of the area. However, an application shall not be approved unless it is consistent with the applicable siting standards and in compliance with approval requirements.

(1) For development eligible for Expedited Review, upon receipt of a complete application, the Planning Director issues a preliminary decision and sends the application including the decision and an invitation to comment to the Gorge Commission; U.S. Forest Service; the Indian tribal governments; and property owners within 750 feet of the subject tract. The Planning Director accepts comments for 14 days. If no comments are received, the Planning Director's decision shall become final at the close of business on the 14th day after the date on the preliminary decision. If substantive written comments are received, the Planning Director shall either modify the decision to address the comments and re-issue it for a 14-day appeal period or re-direct the application to full review in MCC 38.0530 (B) (2) if comments establish that the proposed development is not eligible for expedited review for reasons listed under MCC 38.7100. The Planning Director's decision is appealable to the County Hearings Officer. If an appeal is received, the Hearings Officer decision is the County's final decision and is appealable to the Columbia River Gorge Commission within 30 days after the decision is final. The decision is final the day the decision is signed by the Hearings Officer.

(2) For all permit types except development eligible for expedited review, Upon receipt of a complete application, notice of application and an invitation to comment is are mailed to the Gorge Commission; the U.S. Forest Service; the Indian tribal governments; the State Historic Preservation Office; the Cultural Advisory Committee; and property owners within 750 feet of the subject tract. The Planning Director accepts comments for 14 days after the notice of application is mailed, except for comments regarding Cultural Resources, which will be accepted for 20 days after the notice is mailed. The Planning Director's decision is appealable to the Hearings Officer. If no appeal is filed the Planning Director's decision shall become final at the close of business on the 14th day after the date on the decision. If an appeal is received, the Hearings Officer decision is the County's final decision and is appealable to the Columbia River Gorge Commission within 30 days after the decision is final. The decision is final the day the decision is signed by the Hearings Officer.

(C) Type III decisions involve the greatest amount of discretion and evaluation of subjective approval criteria, yet are not required to be heard by the Board. Applications evaluated through this process primarily involve conditional uses and some land divisions applications. Notice of the application and Hearings Officer hearing is published and mailed to the applicant, recognized neighborhood association and property owners 750 feet of the subject tract. The Planning Director shall notify the four Indian tribal governments, SHPO, the Gorge Commission, and the U.S. Forest Service of all applications for Conditional Uses. Notice must be issued at least 20 days pre-hearing, and the staff report must be available at least 7 days pre-hearing. The Hearings Officer shall accept into the record all testimony and evidence relevant to the matter, prior to the close of the hearing. The Hearings Officer decision is the County's final decision and is appealable to the Columbia River Gorge Commission within 30 days after the decision is final. The decision is final the day the decision is signed by the Hearings Officer.

* * *

Section 17. § 38.0570 is amended as follows:

38.0570 Pre-application conference meeting.

(A) Prior to submitting an A pre-application conference is optional for uses eligible for Type II expedited review. For all other for a Type II or Type III applications, the applicant shall schedule and attend a pre-application conference with County staff to discuss the proposal. The pre-application conference shall follow the procedure set forth by the Planning Director and may include a filing fee, notice to neighbors, neighborhood organizations, and other organizations and agencies.

* * *

Section 18. § 38.0600 is amended as follows:

38.0600 Completeness review.

(A) Type II or Type III applications shall be reviewed according to the standards in effect on the date an applicant submits a complete land use application to the County. Incomplete applications shall not be reviewed. A complete application is one that the County determines meets the requirements of this Chapter for:

(1) a complete application form,

(2) a complete site plan, and

(3) all applicable information specified in this Chapter.

(AB) Upon submission of a Type II or Type III application, the Planning Director shall date stamp the application form and verify that the appropriate application fee has been submitted. Within 30 days of receipt of the application, for all Type II and III permits except development eligible for expedited review, the Planning Director should review the application, evaluate whether the application is sufficiently complete to mail out for comment, and issue to the applicant a completeness letter. For permits processed with expedited review, County staff should review the application and evaluate whether the application is sufficiently complete at the time the application is submitted. If not sufficiently complete, the Planning Director shall advise the applicant what information must be submitted to make the application sufficiently complete.

(BC) For all Type II and III permits except development eligible for expedited review. Upon receipt of a letter indicating the application is not sufficiently complete, the applicant has 180 days from the original application submittal date within which to submit the missing information or the application shall be rejected and all materials returned to the applicant. If the applicant submits the requested information within the 180 day period, the Planning Director shall again verify whether the application, as augmented, is complete. For permits processed with expedited review, County staff should review the application and evaluate whether the application is sufficiently complete at the time the application is submitted. Each such review and verification shall follow the procedure in subsection (AB) of this section.

(CD) For all Type II and III permits except those reviewed with the expedited process. An applicant shall file within 30 days of the mailing of the initial completeness letter, a statement accepting the 180 day time period to complete the application. Failure of an applicant to accept the 180 day time period to complete the application within 30 days of the mailing of the completeness letter will constitute a refusal to complete the application. Where an applicant refuses to complete an application the County will take no action, reject the application and return all materials to the applicant.

(DE) The approval criteria and standards which control the County's review and decision on a complete application are those which were in effect on the date the application was first submitted.

Section 19. § 38.0620 is amended as follows:

38.0620 Hearings Notice - Type II appeals or Type III applications.

Notice for all public hearings for Type III application or an appeal of a Type II application shall conform to the requirements of this section. At least 20 days prior to the hearing, the County shall prepare and send, by first class mail, notice of the hearing to all owners of record, based upon the most recent Multnomah County records, of property within 750 feet of the subject tract and to the Gorge Commission, the U.S. Forest Service, the Indian tribal governments; Notice shall also be sent to the State Historic Preservation Office, and the Cultural Advisory Committee, unless the appeal is of a decision subject to expedited review. The County shall further provide notice ~~at least 20 days prior to a hearing~~ to those persons who have identified themselves in writing as aggrieved or potentially aggrieved or impacted by the decision prior to the required mailing of such notice. The County shall also publish the notice in a

newspaper of general circulation within the County at least 20 days prior to the hearing. For all Type II and III hearings except development reviewed with the expedited process, the County shall provide and publish notice of hearing at least 20 days prior to hearing. For development reviewed with the expedited process, the County shall provide and publish notice of the hearing at least 14 days prior to the hearing. Notice of the hearing shall include the following information:

* * *

Section 20. § 38.0660 is amended as follows:

38.0660 Conditions of approval and notice of decision.

* * *

(D) Notice of decision for Type II and Type III decisions except expedited review decisions. The County shall send, by first class mail, a notice of all decisions rendered under a Type II or Type III process. For Type II or Type III decisions, to those who submitted written comment, requested the decision in writing or provided oral testimony at a hearing on the matter, and to the Gorge Commission. The notice of decision shall include the following information:

* * *

(E) For all decisions on development eligible for Expedited review, the preliminary decision becomes final at the close of business on the 14th day after the date on the preliminary decision if no comments are received. The notice of decision shall include the following information:

(1) The file number and effective date of decision;

(2) The name of the applicant, owner and appellant (if different);

(3) The street address or other easily understood location of the subject property;

(4) A brief summary of the decision, and if an approval, a description of the permitted use approved;

(5) A statement that a person receiving comment has 14 days to make comment which must be directed to the applicable approval criteria. Failure to provide comments during this period will preclude a right to appeal.

(6) A statement that the decision is final at the close of the comment period unless comments are received;

(F) If comments are received on a preliminary decision on development eligible for Expedited review, the Planning Director may modify the preliminary decision and issue a notice. The notice of decision shall include, in addition to §38.0660 (E) (1)–(6), response to comments and a description of how the decision has been modified based on the comments.

(1) The file number and effective date of decision;

(2) The name of the applicant, owner and appellant (if different);

(3) The street address or other easily understood location of the subject property;

(4) A brief summary of the decision, and if an approval, a description of the permitted use approved;

(5) A statement that the decision is final at the close of the appeal period unless appealed, and description of the requirements for perfecting an appeal;

(6) A statement that a person receiving notice cannot appeal a Type II decision directly to the Columbia River Gorge Commission unless all local appeals are exhausted.

(EG) Modification of Conditions. Any request to modify a condition of permit approval shall be processed in the same manner, and shall be subject to the same standards, as was the original application provided the standards and criteria used to approve the decision are consistent with the current code. However, the decision maker may at its sole discretion, consider a modification request and limit its review of the approval criteria to those issues or aspects of the application that are proposed to be changed from what was originally approved.

Section 21. § 38.0690 is amended as follows:

38.0690 Expiration of a Type II or Type III decision.

~~(A) All Type II and Type III approvals automatically become void if any of the following events occur:~~

~~(1) If, within two years of the date of the final decision, all necessary building permit(s) have not been issued, if required; or~~

~~(2) If, within two years of the date of the final decision, the development action or activity approved in the decision is not initiated or, in situations involving only the creation of lots or property line adjustments, the final survey or plat has not been approved by the Planning Director and recorded.~~

(A) Any Type II or Type III land use approval issued pursuant to this Chapter for a use or development that does not include a structure shall expire two years after the date of the final decision, unless the use or development was established according to all specifications and conditions of approval in the land use approval. For land divisions, "established" means the final deed or plat has been recorded with the county recorder or auditor.

(B) Any Type II or Type III land use approval issued pursuant to this Chapter for a use or development that includes a structure shall expire as follows:

(1) When construction has not commenced within two years of the date the final decision, or

(2) When the structure has not been completed within two years of the date of commencement of construction.

(3) As used in (B)(1), commencement of construction shall mean actual construction of the foundation or frame of the approved structure. For utilities and developments without a frame or foundation, commencement of construction shall mean actual construction of support structures

for an approved above ground utility or development or actual excavation of trenches for an approved underground utility or development. For roads, commencement of construction shall mean actual grading of the roadway.

(4) As used in (B)(2), completion of the structure shall mean:

(a) completion of the exterior surface(s) of the structure and

(b) compliance with all conditions of approval in the land use approval.

(C) Expiration under (A) or (B) above is automatic. Failure to give notice of expiration shall not affect the expiration of a Type II or III approval.

(D) Notwithstanding Consistent with Ssubsection (A) of this section, the decision maker may set forth in the a written decision, specific instances or time periods when a permit expires.

(E) New application required. Expiration of an approval shall require a new application for any use on the subject property that is not otherwise allowed outright.

(F) Deferral of the expiration period due to appeals. If a permit decision is appealed beyond the jurisdiction of the County, the expiration period shall not begin until all subsequent appeals are resolved. The expiration period provided for in this section will begin to run on the date of final disposition of the case (the date when an appeal may no longer be filed).

(G) The laws of the State of Oregon concerning vested rights shall not apply in the Columbia River Gorge National Scenic Area. A person has a vested right for as long as the land use approval does not expire.

Section 22. § 38.0700 is amended as follows:

38.0700 Extension of Type II or Type III decisions.

(A) The Planning Director may extend, prior to its expiration, any approved decision for a period of six months up to an aggregate period of one year; provided, however, that there has been substantial implementation of the permit. Any request for an extension shall be reviewed and decided upon by the Planning Director as a Type II decision.

(B) A request for extension of the time frames in §38.0700 (D)(1), (D)(2), and (E) shall be submitted in writing before the applicable expiration date.

(C) Approval or denial of a request for extension shall state the reason why events beyond the control of the applicant warrant an extension.

(D) The Planning Director may grant one 12-month extension to any approved decision if it determines that events beyond the control of the applicant prevented:

(1) The commencement of the use or development within two years of the decision for a land use approval that does not include a structure; or

(2) commencement of construction within two years of the decision for a land use approval issued for a use or development that includes a structure; or

(E) The Planning Director may also grant one 12-month extension if it determines that events beyond the control of the applicant prevented the completion of the structure within two years of the date of the commencement of construction for a land use approval that includes a structure, when the structure has been commenced.

~~(B) Substantial implementation of a permit shall require at a minimum, for each six month extension, demonstrable evidence in a written application showing:~~

~~(1) The permit holder has applied for all necessary additional approvals or permits required as a condition of the land use or limited land use permit;~~

~~(2) Further commencement of the development authorized by the permit could not practicably have occurred for reasons beyond the reasonable control of the permit holder;~~

~~(3) The request for an extension is not sought for purposes of avoiding any responsibility imposed by this code or the permit or any condition thereunder; and~~

~~(4) There have been no changes in circumstances or the law likely to necessitate significant modifications to the approval.~~

Section 23. § 38.0740 is amended as follows:

38.0740 Interpretations.

(A) The Planning Director shall have the authority to decide all questions of interpretation or applicability to specific properties within Multnomah County of any provision of the Management Plan for the Columbia River Gorge National Scenic Area (Management Plan), rural area plan, or other land use code. Any interpretation of a provision of the Management Plan, rural area plan or other land use code shall consider applicable provisions of the Management Plan, rural area plan, and the purpose and intent of the ordinance adopting the particular code section in question. The Planning Director shall strive to apply the land use code in a uniform manner and interpret the code and the Management Plan in a way that is consistent with how the language is applied throughout the National Scenic Area, except when the County has adopted more restrictive provisions. A request for an interpretation shall be processed as a Type II application.

* * *

Section 24. § 38.0765 is added as follows:

38.0765 Applying New Less-Stringent Regulations to Development Approved Under Prior MCC Chapter 38 Regulations.

A landowner may submit a land use application to alter conditions of approval for an existing use or structure approved under prior Scenic Area regulations, subject to the following standards:

(A) The applicant shall apply for the same development that was reviewed in the original decision.

(B) The development shall remain in its current location.

(C) The County shall review the land use application under the same process (Type II or Type III) as the original decision and send notice of the application to agencies and other parties entitled to receive notice under the current MCC Chapter 38 regulations.

(D) The County shall review the entire development to ensure that it would fully comply with all the current MCC Chapter 38 standards.

(E) The County shall issue a new decision that supersedes the original decision.

(F) The new decision may remove or revise original conditions of approval or add new conditions of approval to ensure full compliance with the current MCC Chapter 38 regulations.

Part 4 – Zoning Districts

Section 25. § 38.1000* is added as follows:

38.1000* PART 4 - ZONING DISTRICTS

38.1000- General Management Area and Special Management Area

The Columbia River Gorge National Scenic Area Act ("Act") divides the Columbia River Gorge National Scenic Area into two categories of land: General Management Area (GMA) and Special Management Area (SMA). The Act authorizes the Columbia River Gorge Commission to plan for the GMA and U.S. Department of Agriculture, Forest Service to plan for the SMA. GMA lands are shown on Multnomah County zoning maps with the prefix "GG" and SMA lands are shown as "GS". These prefixes are followed by a letter and/or numerals identifying the specific type of zoning (e.g. GGA-20 for GMA Agriculture, GSO for SMA Open Space, etc.)

Section 26. § 38.1005 is added as follows:

§ 38.1005 Allowed Uses

(A) The following uses may be allowed without review in all zone districts except General Management Area Open Space (GGO, GGO-GW, and GGO-SP) and Special Management Area Open Space (GSO) zone districts.

(1) In the General Management Area, agricultural uses except new cultivation. Any operation that would cultivate land that has not been cultivated, or has lain idle, for more than 5 years shall be considered new cultivation. For this guideline, cultivation and vegetation removal may be allowed in conjunction with a home garden.

(2) In the Special Management Area, agricultural uses within previously disturbed and regularly worked fields or areas.

(3) Forest practices in the General Management Area that do not violate conditions of approval for other approved uses and developments.

(4) Accessory structures 60 square feet or less in area and 10 feet or less in height, unless within the buffer zone of a wetland, stream, pond, lake or riparian area. This category does not include fences, outdoor lights, retaining walls, flagpoles, transportation facilities, or utility facilities.

(5) Wire-strand or woven-wire fences used for gardens, yards, livestock, and similar uses less than or equal to 500 feet in length and less than or equal to 10 feet in height that are accessory to an existing dwelling, provided woven-wire fences are brown or black if visible from key viewing areas. Height is measured from the ground to the top wire.

(6) Wire-strand fences less than or equal to 48 inches in height that are outside deer and elk winter range as delineated in the Gorge Commission/U.S. Forest Service natural resource inventories or determined by an appropriate federal or state agency. Height is measured from the ground to the top wire. This category does not include fences associated with transportation facilities or utility facilities.

(7) Flagpoles that are accessory to the principal building on a parcel, provided the height of the flagpole is less than or equal to the height of the highest ridge line or parapet of the principal building.

(8) In the General Management Area, wind machines for frost control in conjunction with agricultural use.

(B) The following uses may be allowed without review in all zone districts:

(1) Repair, maintenance and operation of existing structures, including, but not limited to, dwellings, agricultural structures, trails, roads, railroads, and utility facilities.

(2) Replace existing safety or protective structures, including guardrails, access control fences and gates, barriers, energy attenuators, safety cables, and traffic signals and controllers, provided the replacement structures are (a) the same location and size as the existing structures and (b) the same building materials as the existing structures, or building materials that are dark brown with a flat, non-reflective finish, or building materials consistent with the Historic Columbia River Highway Master Plan for the Historic Columbia River Highway or a scenic highway corridor strategy for Interstate 84 prepared according to the General Management Area policies in the section of the Scenic Resources chapter of the Management Plan titled "Scenic Travel Corridors."

(3) Replace existing traffic detection devices, vehicle weighing devices, and signal boxes, provided the replacement structures are

(a) the same location and size as the existing structures and

(b) the same building materials as the existing structures, or building materials that are dark brown with a flat, non-reflective finish, or building materials consistent with the Historic Columbia River Highway Master Plan for the Historic Columbia River Highway or a scenic highway corridor strategy for Interstate 84 prepared according to the General Management

Area policies in the section of the Scenic Resources chapter of the Management Plan titled “Scenic Travel Corridors.”

(4) New raised pavement markers, guide posts, object markers, inlay markers, and pavement markings and striping.

(5) Permanent public regulatory, guide, and warning signs, except those excluded below, provided

(a) the signs comply with the Manual for Uniform Traffic Control Devices and

(b) the support structures and backs of all signs are dark brown with a flat, non-reflective finish. This category does not include specific service signs; destination and distance signs; variable message signs; or signs that bridge or are cantilevered over the road surface.

(6) Extensions of existing guardrails less than or equal to 50 feet in length and new guardrail ends for existing guardrails, provided the guardrails and guardrail ends are

(a) located inside rights-of-way that have been disturbed in the past and

(b) constructed of materials that match the existing structure, natural wood, weathering steel (e.g., Corten), or materials consistent with the Historic Columbia River Highway Master Plan for the Historic Columbia River Highway or a scenic highway corridor strategy for Interstate 84 prepared according to the General Management Area policies in the section of the Scenic Resources chapter of the Management Plan titled “Scenic Travel Corridors.”

(7) New guardrails and guardrail ends (this category does not include jersey barriers), provided the structures are:

(a) located inside rights-of-way that have been disturbed in the past and

(b) constructed of natural wood, weathering steel (e.g., Corten), or materials consistent with the Historic Columbia River Highway Master Plan for the Historic Columbia River Highway or a scenic highway corridor strategy for Interstate 84 prepared according to the General Management Area policies in the section of the Scenic Resources chapter of the Management Plan titled “Scenic Travel Corridors.”

(8) In the General Management Area, replace and/or expand existing culverts, provided the entity or person owning or operating the culvert shall obtain all necessary federal and state permits that protect water quality and fish and wildlife habitat before construction.

(9) In the Special Management Area, replace and/or expand existing culverts for ephemeral streams or ditches, provided the visible ends of culverts shall be dark and non-reflective.

(10) Resurface or overlay existing paved roads, provided the activity does not (a) increase the width of a road, (b) disturb the toe of adjacent embankments, slopes or cut banks, or (c) change existing structures or add new structures.

(11) Apply dust abatement products to non-paved road surfaces.

(12) Grade and gravel existing road shoulders, provided the activity does not

(a) increase the width of a road,

(b) disturb the toe of adjacent embankments, slopes or cut banks, or

(c) change existing structures or add new structures.

(13) Replace the superstructure of bridges (e.g., decks, beams) for bridges less than or equal to 30 feet in length and less than or equal to 1,000 square feet in area. This category does not include guardrails or the substructure of bridges (e.g., foundations, abutments).

(14) Replace or modify existing underground utility facilities located inside road, utility or railroad rights-of-way or easements that have been disturbed in the past or co-locate new underground utility facilities with existing underground facilities located inside road, utility or railroad rights-of-way or easements that have been disturbed in the past, provided no excavation would extend beyond the depth and extent of the original excavation.

(15) Replace or modify existing underground utility facilities located inside road, utility or railroad rights-of-way or easements that have been disturbed in the past or co-locate new underground utility facilities with existing underground facilities located inside road, utility or railroad rights-of-way or easements that have been disturbed in the past, provided

(a) no excavation would extend more than 12 inches beyond the depth and extent of the original excavation,

(b) no ditch for linear facilities would be more than 24 inches wide,

(c) no excavation for non-linear facilities would exceed 10 cubic yards, and

(d) no recorded archaeological site is located within 500 feet of the development. To comply with (d) the entity or person undertaking the development shall contact the Oregon State Historic Preservation Office and obtain a letter or other document stating no recorded archaeological site is located within 500 feet of the development.

(16) Replace existing aboveground and overhead utility facilities including towers, pole/tower-mounted equipment, cables and wires, anchors, pad-mounted equipment, service boxes, pumps, valves, pipes, water meters, and fire hydrants, provided the replacement facilities would have

(a) the same location and size as the existing facilities and

(b) the same building materials as the existing facilities, or building materials that are dark brown with a flat, non-reflective finish, or building materials consistent with the Historic Columbia River Highway Master Plan for the Historic Columbia River Highway or a scenic highway corridor strategy for Interstate 84 prepared according to the General Management Area policies in the section of the Scenic Resources chapter of the Management Plan titled "Scenic Travel Corridors."

(17) Replace existing utility poles, provided the replacement poles are

(a) located within 5 feet of the original poles,

(b) no more than 5 feet taller and 6 inches wider than the original poles, and

(c) constructed of natural wood, weathering steel (e.g., Corten), materials that match the original poles, or materials that are dark brown with a flat, non-reflective finish.

(18) New whip antennas for public service less than or equal to 8-feet in height and less than or equal to 2 inches in diameter, cables, wires, transformers, and other similar equipment, provided all such structures are on existing utility poles or towers.

Section 27. §38.1010 is added as follows:

38.1010 Expedited Uses

(A) The following development may be reviewed using the expedited process listed in MCC 38.0530(B), and are permitted when found to satisfy the applicable approval criteria pursuant to the provisions of MCC 38.7100.

(1) Except in Open Space zoning districts, accessory structures between 60 and 200 square feet in area and 10 feet or less in height. Only one accessory building per parcel may be allowed under this guideline, regardless of whether the parcel already includes an accessory building(s). Additional accessory buildings shall be subject to full review. This category does not include decks, fences, outdoor lights, retaining walls, transportation facilities, or utility facilities.

(2) Additions and covered decks for existing buildings, provided the existing building is at least 500 square feet in area and the addition or covered deck is no larger than 200 square feet in area and no taller than the height of the existing building. Only one addition and one covered deck per parcel may be allowed under this guideline, regardless of whether the parcel already includes an addition or covered deck.

(3) Rail, solid or semi-solid fences accessory to existing dwellings less than or equal to 6 feet in height and less than or equal to 100 feet in length.

(4) Wire-strand fences other than those allowed outright, provided the fence complies with MCC 38.7065 (F) if it is inside deer and elk winter range as delineated in the Gorge Commission/U.S. Forest Service natural resource inventories or determined by an appropriate federal or state agency.

(5) In the General Management Area, woven-wire fences for agricultural use that would enclose 80 acres or less.

(6) Decks that are (a) uncovered, (b) attached and accessory to existing dwellings, and (c) 500 square feet or less in area and 30 inches or less in height above existing grade.

(7) Road closure gates.

- (8) Signs, other than those allowed outright.
- (9) Outdoor lights.
- (10) Air, weather, water and other similar research and monitoring facilities, provided the facilities are attached to existing structures or are less than or equal to 120 square feet in size and less than or equal to 12 feet in height.
- (11) Property line adjustments in General Management Area zoning districts, except GGO, GG-PR, and GG-CR that would not result in the potential to create additional parcels through subsequent land divisions, subject to MCC 38.7970.
- (12) Property line adjustments in the Special Management Area, subject to MCC 38.7970.
- (13) Demolition of structures that are less than 50 years old, including wells, septic tanks and fuel tanks.
- (14) Decommission non-paved roads, including ripping the road surface, barriers, and revegetation.
- (15) Trail reconstruction involving up to 1,000 feet of trail re-route.
- (16) The following transportation facilities, provided they are not a part of larger construction or reconstruction projects (which shall be reviewed as a whole):
- (a) New guardrails and guardrail ends, other than those allowed outright, and new wire-strand and woven-wire access control fences. This category does not include jersey barriers.
 - (b) New traffic detection devices, vehicle weighing devices, and signal boxes less than or equal to 120 square feet in size and less than or equal to 12 feet in height. This category does not include signs.
 - (c) Pave existing dirt and gravel roads, provided the activity does not increase the width of the road or disturb the toe of adjacent embankments, slopes or cut banks.
 - (d) New weather, air, traffic or other monitoring equipment attached to existing structures or that are less than or equal to 120 square feet in size and less than or equal to 12 feet in height.
- (17) New underground utility facilities located inside road, utility or railroad rights-of-way or easements that have been disturbed in the past, provided:
- (a) No ditch for linear facilities would be more than 36 inches wide and
 - (b) No excavation for non-linear facilities would exceed 20 cubic yards
- (18) Modify existing aboveground and overhead utility facilities or develop new aboveground and overhead utility facilities including building and equipment foundations, poles, transformers,

conduit, fencing, pumps, valves, pipes, and water meters, provided the development would be less than or equal to 120 square feet in area and less than or equal to 12 feet in height.

(19) Replace existing aboveground and overhead utility facilities including building and equipment foundations, poles, transformers, conduit, fencing, pumps, valves, pipes, and water meters, provided the replacement facilities would be in the same location as and no more than 15 percent larger than the physical size of the existing facilities.

(20) New antennas and associated support structures necessary for public service on existing wireless communication poles and towers other than those allowed outright, provided the size is the minimum necessary to provide the service.

(21) Replace an existing mobile home in a mobile home space within a mobile home park, provided:

(a) The mobile home to be replaced, the mobile home space and the mobile home park are existing uses, as defined in MCC 38.0015 (E)(7);

(b) The replacement mobile home shall be in the same location as the mobile home to be replaced;

(c) The height of the replacement mobile home shall be no more than 20 percent greater than the mobile home to be replaced, and

(d) The mass and footprint of the replacement mobile home shall be no more than 100 percent greater than a single-wide mobile home to be replaced or no more than 25 percent greater than a double-wide mobile home to be replaced.

(22) Retaining walls accessory to existing dwellings less than or equal to 2 feet in height (of exposed surface area) and less than or equal to 100 feet in length.

(23) In Special Management Area zoning districts, wind machines for frost control in conjunction with agricultural use.

Section 28. § 38.2000* is amended as follows:

38.2000* PART 4 – ZONING DISTRICTS – FOREST DISTRICTS - GGF and GSF

Section 29. § 38.2020 is amended as follows:

38.2020 Allowed Uses

The uses listed in MCC 38.1005 are allowed on land designated GGF and GSF without review.

(A) The following uses are allowed on land designated GGF without review:

(1) Forest practices that do not violate conditions of approval for other approved uses.

- ~~(2) Agricultural use, except new cultivation.~~
- ~~(3) Repair, maintenance, and operation of existing structures, trails, roads, railroads and utility facilities.~~
- ~~(4) Buildings less than 60 square feet in floor area and not exceeding 18 feet in height measured at the roof peak, which are accessory to a dwelling.~~
- ~~(5) Actions taken in response to an emergency/disaster event as defined in MCC 38.0015 (E) pursuant to the provisions of MCC 38.7090.~~

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

- ~~(1) New agricultural uses as defined in MCC 38.0015 (A) and the open space uses allowed under MCC 38.2625 (C), except where there would be potential impact to cultural or natural resources.~~
- ~~(2) Maintenance, repair, and operation of existing dwellings, signs, structures, trails, roads, railroads, and utility facilities.~~
- ~~(3) Accessory structures of less than 60 square feet in area and less than 18 feet in height measured at the roof peak.~~
- ~~(4) Actions taken in response to an emergency/disaster event as defined in MCC 38.0015 pursuant to the provisions of MCC 38.7090.~~

Section 30. § 38.2023 is added as follows:

38.2023 Expedited Uses

The uses listed in MCC 38.1010 may be allowed on land designated GGF and GSF, pursuant to MCC 38.7100.

Section 31. § 38.2025 is amended as follows:

38.2025 Review Uses

(A) The following uses may be allowed on lands designated GGF, pursuant to MCC 38.0530 (B) and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7085 have been satisfied:

- (1) On lands designated GGF– 20 and GGF– 40, one single-family dwelling on a legally created parcel upon enrollment in the state’s forest assessment program. Upon a showing that a parcel cannot qualify, a parcel is entitled to one single-family dwelling. In either case, the location of a dwelling shall comply with MCC 38.0085-7305 and MCC 38.00957315. A declaration shall be signed by the landowner and recorded into county deed records specifying that the owners, successors, heirs and assigns of the subject parcel are aware that adjacent and nearby operators

are entitled to carry on accepted farm or forest practices on lands designated GGF– 20, GGF– 40, GGF– 80, GGA– 20 and GGA– 40.

(2) One single-family dwelling if found to be in conjunction with and would substantially contribute to the current agricultural use of a farm pursuant to MCC 38.2225 (A) (5). The siting of the dwelling shall comply with MCC 38.00857305.

(3) The following Temporary Uses:

* * *

(c) On lands designated GGF– 80, a mobile home in conjunction with a timber operation, upon a finding that security personnel are required to protect equipment associated with a harvest operation or the subject forest land from fire. The mobile home must be removed upon completion of the subject harvest operation or the end of the fire season. The placement of the mobile home is subject to MCC 38.0085-7305 and 38.00957315.

(4) Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation, and/or natural resources, subject to MCC 38.7345. These projects may include new structures (e.g. fish ladders, sediment barriers) and/or activities (e.g. closing and revegetating unused roads, recontouring abandoned quarries). Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources.

(5) Agricultural structures, except buildings in conjunction with agricultural use, as defined in MCC 38.0015, subject to the standards of MCC 38.00857305.

(6) Agricultural buildings in conjunction with current agricultural use, and, if applicable, proposed agricultural use that a landowner would initiate within one year and complete within five years, subject to the standards of MCC 38.7305 and MCC 38.7340.

(67) The temporary use of a mobile home in the case of a family hardship, subject to MCC 38.73200040 (B), MCC 38.0085-7305 and 38.00957315.

(78) Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in (9) or (10). Accessory buildings greater than 60 square feet in floor area and/or exceeding 18 feet in height as measured at the roof peaks; subject to MCC 38.0085 and 38.0095.

(9) Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel less than or equal to 10 acres in size are subject to MCC 38.7305 and MCC 38.7315 and the following additional standards:

(a) The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

(b) The height of any individual accessory building shall not exceed 24 feet.

(10) Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel larger than 10 acres in size are subject to MCC 38.7305 and MCC 38.7315 and the following additional standards:

(a) The combined footprints of all accessory buildings on a single parcel shall not exceed 2,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

(b) The footprint of any individual accessory building shall not exceed 1,500 square feet.

(c) The height of any individual accessory building shall not exceed 24 feet.

~~(811)~~ A second single-family dwelling for a farm operator's relative, subject to MCC 38.2225 (A) (8), MCC 38.0085-7305 and 38.00957315.

~~(912)~~ Private roads serving a residence, subject to MCC 38.0085-7305 and 38.00957315.

~~(4013)~~ Recreation development, subject MCC 38.7080 and The Recreation Development Plan (Management Plan, Part III, Chapter 1).

~~(414)~~ Construction or reconstruction of roads or modifications not in conjunction with forest use or practices.

~~(4215)~~ Agricultural labor housing upon a showing that:

* * *

~~(4316)~~ New cultivation, subject to compliance with MCC 38.7045, 38.7055, 38.7060, 38.7065 and 38.7070.

~~(4417)~~ The following uses when found to comply with MCC 38.00907310:

* * *

(c) Wineries, in conjunction with on-site viticulture, upon a showing that processing ~~and sales~~ of wine is from grapes grown on the subject farm or in the local region.

(d) Wine sales/tasting rooms, in conjunction with an on-site winery.

~~(de)~~ Agricultural product processing and packaging, upon a showing that the processing will be limited to products grown primarily on the subject farm and sized to the subject operation.

~~(ef)~~ Aquiculture.

~~(fg)~~ Boarding of horses.

~~(gh)~~ Temporary portable asphalt/batch plants related to public road projects, not to exceed 6 months.

~~(4518) Placement of Structures necessary for continued public safety, or the protection of essential public services or protection of private or public existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements damaged during an emergency/disaster event. This includes replacement of temporary structures erected during such events with permanent structures performing an identical or related function. Land use proposals for such structures shall be submitted within 12 months following an emergency/disaster event. Applicants are responsible for all other applicable local, state and federal permitting requirements. Placement of Structures necessary for continued public safety, or the protection of essential public services or protection of private or public existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements damaged during an emergency/disaster event. This includes replacement of temporary structures erected during such events with permanent structures performing an identical or related function. Land use proposals for such structures shall be submitted within 12 months following an emergency/disaster event. Applicants are responsible for all other applicable local, state and federal permitting requirements.~~

~~(4619) Land divisions on lands designated GGF- 80 when all resultant lots satisfy a minimum lot size of 80 acres and it is found:~~

~~* * *~~

~~(20) Land divisions on lands designated GGF- 20 when all resultant lots satisfy a minimum lot size of 20 acres and on lands designated GGF-40 when all resultant lots satisfy a minimum lot size of 40 acres.~~

~~(21) Property line adjustments that would result in the potential to create additional parcels through subsequent land divisions, subject to MCC 38.7970.~~

~~(22) Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building.~~

~~(23) Docks and boat houses, subject to MCC 38.7325.~~

~~(24) Removal/demolition of structures that are 50 or more years old, including wells, septic tanks, and fuel tanks.~~

(B) The following uses may be allowed on lands designated GSF pursuant to MCC 38.0530 (B) when the use or development will be sited to minimize the loss of land suitable for the production of forest products and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7085 have been satisfied:

(1) Any use listed in MCC 38.2225 (B).

(2) Forest practices in accordance with a site plan for forest practices application approved by the Oregon Department of Forestry, or other designated forest practices review agency, including the requirements in MCC 38.7370, following:

~~(a) The following information, in addition to the site plan requirements of MCC 38.0045(A)(2), shall be included on the site plan:~~

~~1. Boundary of proposed commercial forest practice.~~

- ~~2. Location of proposed rock or aggregate sources.~~
- ~~3. Timber types.~~
- ~~4. Harvest units.~~
- ~~5. Silvicultural prescriptions.~~
- ~~6. Road and structure construction and/or reconstruction design.~~
- ~~7. Major skid trails, landings, and yarding corridors.~~
- ~~8. Commercial firewood cutting areas.~~
- ~~9. Existing and proposed rock pit development plans.~~
- ~~10. Protection measures for scenic, cultural, natural, and recreation resources, such as road closures.~~

~~(b) A discussion of slash disposal methods.~~

~~(c) A reforestation plan as reviewed by the appropriate state forest practices agency.~~

(3) Railroads, road construction or reconstruction.

(4) Silvicultural nurseries.

(5) Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation, and/or natural resources, subject to MCC 38.7345. These projects may include new structures (e.g. fish ladders, sediment barriers) and/or activities (e.g. closing and revegetating unused roads, recontouring abandoned quarries. Structures or vegetation management activities for the purpose of wildlife, fisheries, or plant habitat enhancement projects.

(6) One single family dwelling on a parcel of 40 contiguous acres or larger if an approved Forest Management Plan demonstrates that such dwelling shall be necessary for and accessory to forest uses. The Forest Management Plan shall demonstrate the following:

* * *

(7) Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in MCC 38.2025 (B)(8) or MCC 38.2025 (B)(9).

(8) Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel less than or equal to 10 acres in size are subject to the following additional standards:

(a) The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a

parcel, including buildings allowed without review, existing buildings and proposed buildings.

(b) The height of any individual accessory building shall not exceed 24 feet.

(9) Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel larger than 10 acres in size are subject to the following additional standards:

(a) The combined footprints of all accessory buildings on a single parcel shall not exceed 2,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

(b) The footprint of any individual accessory building shall not exceed 1,500 square feet.

(c) The height of any individual accessory building shall not exceed 24 feet.

(10) On a parcel of 40 acres or greater with an existing dwelling, the temporary use of a mobile home in the case of a family hardship, subject to the guidelines for hardship dwellings in MCC 38.7320.

(11) Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building.

(12) Docks and boathouses, subject to MCC 38.7325.

(13) Demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks.

(14) Clearing trees for new agricultural use, subject to MCC 38.7365.

(15) Temporary portable facility for the processing of forest products.

(16) Placement of Structures necessary for continued public safety, or the protection of essential public services or protection of private or public existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements damaged during an emergency/disaster event. This includes replacement of temporary structures erected during such events with permanent structures performing an identical or related function. Land use proposals for such structures shall be submitted within 12 months following an emergency/disaster event. Applicants are responsible for all other applicable local, state and federal permitting requirements.

(C) As used in Subsection (B), the following terms shall have the following meanings:

~~(+) Necessary for~~ – As applied to forest management dwellings, the principal purpose for locating the dwelling is to enable the resident(s) to contribute substantially to the effective and efficient management of the forest land. A resident contributes substantially when the resident spends an extensive amount of time performing forest management activities which increase timber yields, quality or productivity, and which are recognized by the Forest Practices Act.

Necessary for precludes a dwelling which simply "enhances" forest management. Necessary for also does not demand that a dwelling be absolutely required for forest management or that the production of trees is physically possible only with a dwelling.

~~(2) Accessory to~~ – As applied to forest management dwellings, a dwelling that is incidental and subordinate to the main forest use.

~~(a) Accessory structures over 60 square feet.~~

~~(b) Temporary portable facility for the processing of forest products.~~

~~(c) Placement of Structures necessary for continued public safety, or the protection of essential public services or protection of private or public existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements damaged during an emergency/disaster event. This includes replacement of temporary structures erected during such events with permanent structures performing an identical or related function. Land use proposals for such structures shall be submitted within 12 months following an emergency/disaster event. Applicants are responsible for all other applicable local, state and federal permitting requirements. Placement of Structures necessary for continued public safety, or the protection of essential public services or protection of private or public existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements damaged during an emergency/disaster event. This includes replacement of temporary structures erected during such events with permanent structures performing an identical or related function. Land use proposals for such structures shall be submitted within 12 months following an emergency/disaster event. Applicants are responsible for all other applicable local, state and federal permitting requirements.~~

Section 32. § 38.2030 is amended as follows:

38.2030 Conditional Uses

(A) The following conditional uses may be allowed on lands designated GGF, pursuant to the provisions of MCC 38.0045 and ~~38.0075 (B)~~7300:

(1) Structures associated with hunting and fishing operations.

(2) Towers and fire stations for forest fire protection.

(3) On parcels 40 acres in size or larger in a GGF-- 20 or 80 acres in size or larger in a GGF-- 40, a land division creating parcels smaller than the designated minimum parcel size, subject to the provisions of MCC ~~38.0050 (B)~~7360.

(4) Life Estates on lands designated GGF-- 20, pursuant to MCC ~~38.0070~~7355.

(5) The following uses when found to comply with MCC ~~38.0090~~7310:

(a) Home occupations or cottage industries in an existing residence or accessory structure, pursuant to MCC ~~38.0050 (C)~~7330.

(b) Bed and breakfast inns in single-family dwellings, pursuant to MCC 38.0050-~~(D)~~7335, and provided that the residence:

* * *

(8) Disposal sites managed and operated by the Oregon Department of Transportation or the Multnomah County Public Works Department for earth materials and any intermixed vegetation generated by routine or emergency/disaster public road maintenance activities within the Scenic Area, subject to compliance with MCC 38.7350.

(9) Exploration, development, and production of mineral and geothermal resources, subject to MCC 38.7035.

(B) The following conditional uses may be allowed on lands designated GSF, pursuant to the provisions of MCC 38.0045.

* * *

(8) Home occupations or cottage industries pursuant to MCC 38.0050-~~(C)~~7330.

(9) Disposal sites managed and operated by the Oregon Department of Transportation or the Multnomah County Public Works Department for earth materials and any intermixed vegetation generated by routine or emergency/disaster public road maintenance activities within the Scenic Area, subject to MCC 38.7350.

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

(11) Bed and breakfast inns in structures that are included in, or eligible for inclusion in, the National Register of Historic Places approved under MCC 38.7335. The use or development shall be compatible with agricultural use. Buffer zones should be considered to protect agricultural practices from conflicting uses.

Section 33. § 38.2205 is amended as follows:

38.2205 Area Affected

MCC 38.2200 through 38.2295 shall apply to those areas designated GGA and GSA on the Multnomah County Zoning Map. County GGA-20 zoning implements Small-Scale Agriculture 20-acre and 40-acre land use designations shown on Gorge Commission maps or established pursuant to Section 8(o) of the Columbia River Gorge National Scenic Area Act.

Section 34. § 38.2220 is amended as follows:

38.2220 Allowed Uses

The uses listed in MCC 38.1005 are allowed on land designated GGA and GSA without review.

(A) The following uses are allowed on land designated GGA without review:

~~(1) Agricultural use, including actions implementing a Wildlife Habitat Conservation and Management Plan not involving ground-disturbing activity, except new cultivation.~~

~~(2) Forest practices that do not violate conditions of approval for other approved uses.~~

~~(3) Repair, maintenance, and operation of existing structures, trails, roads, railroads and utility facilities.~~

~~(4) Buildings less than 60 square feet in floor area and not exceeding 18 feet in height measured at the roof peak, which are accessory to a dwelling.~~

~~(5) Actions taken in response to an emergency/disaster event as defined in MCC 38.0015 pursuant to the provisions of MCC 38.7090.~~

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

~~(1) New agricultural uses as defined in MCC 38.0015, including actions implementing a Wildlife Habitat Conservation and Management Plan not involving ground-disturbing activity, and except where there would be potential impact to cultural or natural resources.~~

~~(2) Maintenance, repair and operation of existing dwellings, structures, agricultural buildings, trails, roads, railroads, and utility facilities.~~

~~(3) Accessory structures less than 60 square feet in area and less than 18 feet in height measured at the roof peak.~~

~~(4) Actions taken in response to an emergency/disaster event as defined in MCC 38.0015 pursuant to the provisions of MCC 38.7090.~~

Section 35. § 38.2223 is added as follows:

38.2223 Expedited Uses.

The uses listed in MCC 38.1010 may be allowed on land designated GGA and GSA, pursuant to MCC 38.7100.

Section 36. § 38.2225 is amended as follows:

38.2225 Review Uses

(A) The following uses may be allowed on lands designated GGA pursuant to the provisions of MCC 38.0530 (B) and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7085 have been satisfied:

(1) New cultivation, including actions implementing a Wildlife Habitat Conservation and Management Plan involving ground disturbing activity, subject to compliance with MCC 38.7045, 38.7055, 38.7060, 38.7065, and 38.7070.

(2) Agricultural structures, except buildings in conjunction with agricultural use.

(3) Buildings greater than 60 square feet in area and/or 18 feet in height as measured at the roof peak, which are accessory to a dwelling. Agricultural buildings in conjunction with current agricultural use and, if applicable, proposed agricultural use that a landowner would initiate within one year and complete within five years, subject to MCC 38.7340.

(4) Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in MCC 38.2225 (A)(5) or MCC 38.2225 (A)(6).

(5) Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel less than or equal to 10 acres in size are subject to the following additional standards:

(a) The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

(b) The height of any individual accessory building shall not exceed 24 feet.

(6) Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel larger than 10 acres in size are subject to the following additional standards:

(a) The combined footprints of all accessory buildings on a single parcel shall not exceed 2,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

(b) The footprint of any individual accessory building shall not exceed 1,500 square feet.

(c) The height of any individual accessory building shall not exceed 24 feet.

(47) The temporary use of a mobile home in the case of a family hardship, subject to MCC 38.0040 ~~(B)~~7320.

(58) On lands designated GGA- 40, a single family dwelling in conjunction with agricultural use, upon a demonstration that:

* * *

(69) On lands designated GGA- 40, a second single-family dwelling in conjunction with agricultural use when the dwelling would replace an existing dwelling which is included in, or is eligible for inclusion in, the National Register of Historic Places based on the criteria for use in

evaluating the eligibility of cultural resources contained in the *National Register Criteria for Evaluation* (36 CFR Part 60.4), and it meets one or more of the following:

* * *

~~(7)10~~ On lands designated GGA- 20, a single family dwelling on any legally existing parcel.

~~(8)11~~ On lands designated GGA- 40, a single family dwelling for an agricultural operator's relative provided that:

* * *

~~(9)12~~ Construction, reconstruction or modifications of roads not in conjunction with agriculture.

~~(40)13~~ Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation and/or natural resources, subject to MCC 38.7345. Those projects may include new structures (e.g. fish ladders, sediment barriers) and/or activities (e.g. closing and revegetating unused roads, recontouring abandoned quarries). Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources.

~~(44)14~~ Agricultural labor housing upon a showing that:

* * *

~~(42)15~~ Land divisions when all resulting parcels satisfy the minimum lot size standards of MCC 38.2260.

~~(43)16~~ Placement of Structures necessary for continued public safety, or the protection of essential public services or protection of private or public existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements damaged during an emergency/disaster event. This includes replacement of temporary structures erected during such events with permanent structures performing an identical or related function. Land use proposals for such structures shall be submitted within 12 months following an emergency/disaster event. Applicants are responsible for all other applicable local, state and federal permitting requirements.

(17) Property line adjustments that would result in the potential to create additional parcels through subsequent land divisions, subject to MCC 38.7970.

(18) Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building.

(19) Docks and boathouses, subject to MCC 38.7325.

(20) Removal/demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks.

(B) The following uses may be allowed on lands designated GSA- 40 pursuant to MCC 38.0530 (B), provided that the use or development will be sited to minimize the loss of land suitable for the production of agricultural crops or livestock and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7085 have been satisfied:

(1) New cultivation or new agricultural use outside of previously disturbed and regularly worked fields or areas. Clearing trees for new agricultural use is subject to MCC 38.7365.

(2) Forest uses and practices as allowed in MCC 38.2025 (B).

(23) A single-family dwelling on a parcel of 40 or more contiguous acres when necessary for and accessory to agricultural use as determined by MCC 38.2225 (A) (58) (a) through (c).

(4) Agricultural structures, except buildings, in conjunction with agricultural use.

(5) Agricultural buildings in conjunction with current agricultural use and, if applicable, proposed agricultural use that a landowner would initiate within one year and complete within five years, subject to MCC 38.7340.

(6) Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in 38.2225 (B)(7) or 38.2225(B)(8) below.

(7) Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel less than or equal to 10 acres in size are subject to the following additional standards:

(a) The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

(b) The height of any individual accessory building shall not exceed 24 feet.

(8) Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel larger than 10 acres in size are subject to the following additional standards:

(a) The combined footprints of all accessory buildings on a single parcel shall not exceed 2,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

(b) The footprint of any individual accessory building shall not exceed 1,500 square feet.

(c) The height of any individual accessory building shall not exceed 24 feet.

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

(49) Farm labor housing on a parcel with an existing dwelling and agricultural buildings upon a showing that:

(a) The proposed housing or building is necessary and accessory to a current agricultural use and a showing that the operation is a commercial agricultural enterprise as determined by MCC 38.2225 (A) (58) (c).

(b) The housing ~~or building~~ shall be seasonal unless it is shown that an additional full-time dwelling is necessary for the current agricultural use. Seasonal use shall not exceed nine months.

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

~~(510)~~ Fruit stands and produce stands upon a showing that sales will be limited to agricultural products raised on the property and other agriculture properties in the local region.

~~(611)~~ Aquiculture.

~~(712)~~ Temporary asphalt/batch plant operations related to public road projects, not to exceed six months.

~~(813)~~ Road and railroad construction and reconstruction.

~~(914)~~ Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation and/or natural resources, subject to MCC 38.7345. Those projects may include new structures (e.g. fish ladders, sediment barriers) and/or activities (e.g. closing and revegetating unused roads, recontouring abandoned quarries). ~~Structures and vegetation management activities for the purpose of wildlife, fisheries, or plant habitat enhancement projects, including actions implementing a Wildlife Habitat Conservation and Management Plan involving ground disturbing activity.~~

~~(1015)~~ Placement of Structures necessary for continued public safety, or the protection of essential public services or protection of private or public existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements damaged during an emergency/disaster event. This includes replacement of temporary structures erected during such events with permanent structures performing an identical or related function. Land use proposals for such structures shall be submitted within 12 months following an emergency/disaster event. Applicants are responsible for all other applicable local, state and federal permitting requirements.

~~(16)~~ On a parcel of 40 acres or greater with an existing dwelling, the temporary use of a mobile home in the case of a family hardship, subject to MCC 38.7320.

~~(17)~~ Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building.

~~(18)~~ Docks and boathouses, subject to MCC 38.7325.

~~(19)~~ Demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks.

Section 37. § 38.2230 is amended as follows:

38.2230 Conditional Uses

(A) The following conditional uses may be allowed on lands designated GGA, pursuant to the provisions of MCC 38.0045 and ~~38.0075 (A)~~7300.

- (1) Fruit and produce stands, upon a showing that sales will be limited to agricultural products raised on the subject farm and other farms in the local region.
- (2) Wineries, in conjunction with on-site viticulture, upon a showing that processing ~~and sales of~~ wine is from grapes grown on the subject farm or in the local region.
- ~~(3) Wine sales/tasting rooms, in conjunction with an on-site winery.~~
- ~~(34) Agricultural product processing and packaging, upon a showing that the processing will be limited to products grown primarily on the subject farm and sized to the subject operation.~~
- ~~(45) Exploration, development and production of mineral and geothermal resources subject to MCC 38.7035.~~
- ~~(56) Personal-use airstrips including associated accessory structures such as a hangar. A personal-use airstrip is an airstrip restricted, except for aircraft emergencies, to use by the owner and on an infrequent and occasional basis, by invited guests, and by commercial aviation activities in connection with agricultural operations. No aircraft may be based on a personal use airstrip other than those owned or controlled by the owner of the airstrip.~~
- ~~(67) Aquiculture.~~
- ~~(78) Recreation development, subject to MCC 38.7080 and The Recreation Development Plan (Management Plan, Part III, Chapter 1).~~
- ~~(89) Boarding of horses.~~
- ~~(910) Temporary portable asphalt/batch plants related to public road projects, not to exceed six months.~~
- ~~(1011) Non-profit, environmental learning or research facilities.~~
- ~~(1112) Expansion of existing schools or places of worship.~~
- ~~(1213) Cluster Developments, pursuant to MCC 38.0050 (B)~~7360.
- ~~(1314) Structures associated with hunting and fishing operations.~~
- ~~(1415) Towers and fire stations for forest fire protection.~~

~~(16)~~ On lands designated GGA- 40, on a parcel which was legally created and existed prior to November 17, 1986, a single-family dwelling not in conjunction with agricultural use upon a demonstration that:

* * *

(c) The dwelling shall be set back from any abutting parcel designated GGA, as required in MCC 38.0060, or any abutting parcel designated GGF, as required in MCC ~~38.0095~~7315;

* * *

(17) Disposal sites managed and operated by the Oregon Department of Transportation, or the Multnomah County public works department for earth materials and any intermixed vegetation generated by routine or emergency/disaster public road maintenance activities with the Scenic Area, subject to compliance with MCC 38.7350.

~~(18)~~ On parcels 40 acres or larger in GGA- 20 or 80 acres or larger in GGA- 40, a land division creating parcels smaller than the designated minimum parcel size, subject to MCC ~~38.0050 (B)~~7360.

~~(19)~~ Life estates, pursuant to MCC ~~38.0070~~7355.

~~(20)~~ Utility facilities and railroads necessary for public service upon a finding that:

* * *

~~(21)~~ Home occupations or cottage industries in existing residential or accessory structures, subject to MCC ~~38.0050 (C)~~7330.

~~(22)~~ Bed and breakfast inns in single-family dwellings, subject to MCC ~~38.0050 (D)~~7335 and provided that the residence:

* * *

(B) The following conditional uses may be allowed on lands designated GSA, pursuant to the provisions of MCC 38.0045 and ~~38.0075~~7300.

* * *

(5) Public Recreation, commercial recreation, interpretive and educational developments and uses consistent with MCC 38.7085.

* * *

(7) Home occupations and cottage industries pursuant to MCC ~~38.0050 (C)~~7330. The use or development shall be compatible with agricultural use. Buffer zones should be considered to protect agricultural practices from conflicting uses.

(8) Bed and breakfast inns in structures that are included in, or eligible for inclusion in, the National Register of Historic Places approved under MCC ~~38.0050 (D)~~7335. The use or development shall be compatible with agricultural use. Buffer zones should be considered to protect agricultural practices from conflicting uses.

(9) Disposal sites managed and operated by the Oregon Department of Transportation, or the Multnomah County public works department for earth materials and any intermixed vegetation

generated by routine or emergency/disaster public road maintenance activities with the Scenic Area, subject to compliance with MCC 38.7350.

(10) Fish hatcheries and aquiculture facilities.

(11) Towers and fire stations for forest fire protection.

Section 38. § 38.2420 is amended as follows:

38.2420 Allowed Uses

The uses listed in MCC 38.1005 are allowed on land designated GGRC with review, following uses are allowed on all lands designated GGRC without review:

~~(A) Agricultural use, except new cultivation.~~

~~(B) Forest practices that do not violate conditions of approval for other approved uses.~~

~~(C) Repair, maintenance and operation of existing structures, trails, roads, railroads and utility facilities.~~

~~(D) Buildings less than 60 square feet in area and not exceeding 18 feet in height measured at the roof peak, which are accessory to a dwelling.~~

~~(E) Actions taken in response to an emergency/disaster event as defined in MCC 38.0015 pursuant to the provisions of MCC 38.7090.~~

Section 39. § 38.2423 is added as follows:

38.2423 Expedited Uses

The uses listed in MCC 38.1010 may be allowed on land designated GGRC, pursuant to MCC 38.7100.

Section 40. § 38.2425 is amended as follows:

38.2425 Review Uses

The following uses may be allowed on lands designated GGRC, pursuant to MCC 38.0530 (B) and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7085 have been satisfied:

(A) A single-family dwelling on a legally created parcel.

(B) Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in (C) below. Buildings greater than 60 square feet in area and/or 18 feet in height as measured at the roof peak, which are accessory to a dwelling.

(C) Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel are subject to the following additional standards:

(1) The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

(2) The height of any individual accessory building shall not exceed 24 feet.

~~(D)~~ The temporary use of a mobile home in the case of a family hardship, pursuant to MCC 38.0040 ~~(B)~~7320.

~~(E)~~ Duplexes.

~~(F)~~ New cultivation, subject to compliance with MCC 38.7045, 38.7055, 38.7060, 38.7065 and 38.7070.

~~(G)~~ Land divisions, subject to MCC 38.2460.

~~(H)~~ Rural service commercial and tourist commercial uses limited to 5,000 square feet of floor area per building or use.

* * *

~~(I)~~ Placement of Structures necessary for continued public safety, or the protection of essential public services or protection of private or public existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements damaged during an emergency/disaster event. This includes replacement of temporary structures erected during such events with permanent structures performing an identical or related function. Land use proposals for such structures shall be submitted within 12 months following an emergency/disaster event. Applicants are responsible for all other applicable local, state and federal permitting requirements.

(J) Property line adjustments that would result in the potential to create additional parcels through subsequent land divisions, subject to 38.7970.

(K) Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation and/or natural resources, subject to MCC 38.7345. These projects may include new structures (e.g., fish ladders, sediment barriers) and/or activities (e.g., closing and revegetating unused roads, recontouring abandoned quarries).

(L) Agricultural structures, except buildings, in conjunction with agricultural use.

(M) Agricultural buildings in conjunction with current agricultural use and, if applicable, proposed agricultural use that a landowner would initiate within one year and complete within five years, subject to MCC 38.7340.

(N) Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building.

(O) Removal/demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks.

Section 41. § 38.2430 is amended as follows:

38.2430 Conditional Uses

The following conditional uses may be allowed on lands designated GGRC, pursuant to the provisions of MCC 38.0045:

* * *

(K) Travelers accommodations, bed and breakfast inns pursuant to MCC 38.0040 ~~(E)~~ 7335.

(L) Home occupations or cottage industries in an existing residence or accessory structure, pursuant to MCC 38.0040 ~~(D)~~ 7330.

Section 42. § 38.2620 is amended as follows:

38.2620 Allowed Uses

~~(A) The following uses listed in MCC 38.1005(B) are allowed on all lands designated GGO, GGO-GW, GSO and GSGO-SP without review:~~

~~(1) Repair, maintenance, operation and improvement of existing structures, trails, roads, railroads, utility facilities and hydro facilities.~~

~~(2) Actions taken in response to an emergency/disaster event as defined in MCC 38.0015 pursuant to the provisions of MCC 38.7090.~~

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

~~(1) The repair, maintenance, operation and improvement of existing structures, trails, roads, railroads, utility facilities and hydro facilities.~~

~~(2) Actions taken in response to an emergency/disaster event as defined in MCC 38.0015 pursuant to the provisions of MCC 38.7090.~~

Section 43. § 38.2623 is added as follows:

38.2623 Expedited Uses

The uses listed in MCC 38.1010 may be allowed on land designated GGO, GGO-GW, GSO, AND GSO-SP, pursuant to MCC 38.7100.

Section 44. § 38.2625 is amended as follows:

38.2625 Review Uses

(A) The following uses may be allowed on lands designated GGO, pursuant to MCC 38.0530 (B) and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7085 have been satisfied:

* * *

(3) Repair, maintenance, operation, and improvement of existing structures, trails, roads, railroads, utility facilities, and hydroelectric facilities.

(34) Placement of Structures necessary for continued public safety, or the protection of essential public services or protection of private or public existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements damaged during an emergency/disaster event. This includes replacement of temporary structures erected during such events with permanent structures performing an identical or related function. Land use proposals for such structures shall be submitted within 12 months following an emergency/disaster event. Applicants are responsible for all other applicable local, state and federal permitting requirements.

(45) Removal of timber, rocks or other materials for purposes of public safety or placement of structures for public safety.

(6) Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation and/or natural resources, subject to MCC 38.7345. These projects may include new structures (e.g., fish ladders, sediment barriers) and/or activities (e.g., closing and revegetating unused roads, recontouring abandoned quarries).

(7) Removal/demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks.

(8) Property line adjustments, subject to 38.7970.

(B) The following uses are allowed on land designated GGO-GW, pursuant to MCC 38.0530 (B) and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7085 have been satisfied:

* * *

(8) Repair, maintenance, operation, and improvement of existing structures, trails, roads, railroads, utility facilities, and hydroelectric facilities.

(9) Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation and/or natural resources, subject to MCC 38.7345. These projects may include new structures (e.g., fish ladders, sediment barriers) and/or activities (e.g., closing and revegetating unused roads, recontouring abandoned quarries).

(10) Removal/demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks.

(11) Property line adjustments, subject to 38.7970.

(12) Continued operation of existing quarries, if they are determined to be consistent with guidelines to protect scenic, cultural, natural, and recreation resources.

(C) The following uses are allowed on land designated GGO-SP, pursuant to MCC 38.0530 (B) and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7085 have been satisfied:

* * *

(7) Repair, maintenance, operation, and improvement of existing structures, trails, roads, railroads, utility facilities, and hydroelectric facilities.

(8) Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation and/or natural resources, subject to MCC 38.7345. These projects may include new structures (e.g., fish ladders, sediment barriers) and/or activities (e.g., closing and revegetating unused roads, recontouring abandoned quarries).

(9) Removal/demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks.

(10) Property line adjustments, subject to 38.7970.

~~(D) The following uses may be allowed on lands designated GGO-GW:~~

~~(1) Existing quarries may continue operation if they are determined to be consistent with standards to protect scenic, cultural, natural and recreation resources pursuant to MCC 38.0530 (B) and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7085 have been satisfied.~~

~~(2) Placement of Structures necessary for continued public safety, or the protection of essential public services or protection of private or public existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements damaged during an emergency/disaster event. This includes replacement of temporary structures erected during such events with permanent structures performing an identical or related function. Land use proposals for such structures shall be submitted within 12 months following an emergency/disaster event. Applicants are responsible for all other applicable local, state and federal permitting requirements.~~

~~(3) Removal of timber, rocks or other materials for purposes of public safety or placement of structures for public safety.~~

~~(E) The following uses may be allowed on lands designated GSO, pursuant to MCC 38.0530 (B), when consistent with an open space plan approved by the U.S. Forest Service and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7085 have been satisfied:~~

~~(1) Changes in existing uses including reconstruction, replacement, and expansion of existing structures and transportation facilities, except for commercial forest practices.~~

~~(2) Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation and/or natural resources, subject to MCC 38.7345. These projects may include vegetation management and forest practices (subject to MCC 38.7370 for the restoration of forest health,~~

~~new structures (e.g., fish ladders, sediment barriers) and/or activities (e.g., closing and revegetating unused roads, recontouring abandoned quarries). Restoration and enhancement structures and/or activities including vegetation, scenic, cultural, soil, fish and wildlife habitat restoration and enhancements.~~

(3) Low intensity recreation uses and developments including educational and interpretive facilities, consistent with MCC 38.7085.

* * *

(6) Demolition of structures that are 50 or more years old, including wells, septic tanks, and fuel tanks.

(7) Treatment of noxious weeds shall be permitted without completion of an SMA Open Space plan when the following criteria have been met:

(a) Noxious weed infestation is new and eradication is still viable.

(b) Delayed or deferred treatment could have widespread or major adverse impacts to one or more of the following resources:

1. Displacement of native and traditionally gathered plants;

2. Degradation of wildlife habitat and forage;

3. Degradation or loss of agricultural uses of land, such as cropland or livestock forage;

4. Limitation of recreational use.

~~Removal of timber, rocks or other materials for purposes of public safety or placement of structures for public safety.~~

(E) For federal land, treatment effects have been thoroughly evaluated in an environmental assessment.

Section 45. § 38.2820 is amended as follows:

38.2820 Allowed Uses

The uses listed in MCC 38.1005 are allowed on land designated GG-PR, GG-CR and GS-PR without review.

~~(A) The following uses are allowed on all lands designated GG-PR and GG-CR without review:~~

~~(1) Forest practices that do not violate conditions of approval for other approved development.~~

~~(2) Repair, maintenance and operation of existing structures, trails, roads, railroads, and utility facilities.~~

~~(3) Agricultural uses, except for new cultivation.~~

~~(4) Actions taken in response to an emergency/disaster event as defined in MCC 38.0015 pursuant to the provisions of MCC 38.7090.~~

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

~~(1) Agricultural use, as defined in MCC 38.0015, except where there would be potential impact to cultural or natural resources.~~

~~(2) Maintenance, repair, and operation of existing dwellings, structures, trails, roads, railroads, utility facilities, and public recreation facilities.~~

~~(3) Accessory structures less than 60 square feet in area and 18 feet in height measured at the roof peak.~~

~~(4) Actions taken in response to an emergency/disaster event as defined in MCC 38.0015 pursuant to the provisions of MCC 38.7090.~~

Section 46. § 38.2823 is added as follows:

38.2823 Expedited Uses

The uses listed in MCC 38.1010 may be allowed on land designated GG-PR, GS-PR, and GG-CR, pursuant to MCC 38.7100.

Section 47. § 38.2825 is amended as follows:

38.2825 Review Uses

(A) The following uses are allowed on all lands designated GG-PR pursuant to MCC 38.0530 (B) and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7085 have been satisfied:

(1) The following uses may be allowed, subject to compliance with MCC 38.0075 ~~(E)~~7300, and the standards of MCC 38.7000 through 38.7085:

~~(a) Residences and accessory structures, limited to one~~One single-family dwelling for each parcel legally created prior to adoption of the Management Plan. Exceptions may be considered only upon demonstration that more than one residence is necessary for management of a public park.

~~(b) Agricultural buildings. Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in (c) below.~~

(c) Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel are subject to the following additional standards:

1. The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

2. The height of any individual accessory building shall not exceed 24 feet.

(d) Agricultural structures, except buildings, in conjunction with agricultural use.

(e) Agricultural buildings in conjunction with current agricultural use and, if applicable, proposed agricultural use that a landowner would initiate within one year and complete within five years, subject to MCC 38.7340.

(ef) Utility transmission, transportation, communication and public works facilities.

(g) Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation and/or natural resources, subject to MCC 38.7345. These projects may include new structures (e.g., fish ladders, sediment barriers) and/or activities (e.g., closing and revegetating unused roads, recontouring abandoned quarries).

(h) Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building.

(i) Docks and boathouses, subject to MCC 38.7325.

(j) Removal/demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks.

(2) Land divisions, subject to compliance with MCC ~~38.0075-7300~~ (E) (3).

(3) Property line adjustments, subject to MCC 38.7970.

~~(34)~~ Placement of Structures necessary for continued public safety, or the protection of essential public services or protection of private or public existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements damaged during an emergency/disaster event. This includes replacement of temporary structures erected during such events with permanent structures performing an identical or related function. Land use proposals for such structures shall be submitted within 12 months following an emergency/disaster event. Applicants are responsible for all other applicable local, state and federal permitting requirements

(B) The following uses are allowed on all lands designated GG– CR pursuant to MCC 38.0530 (B) and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7085 have been satisfied:

(1) The following uses may be allowed, subject to compliance with MCC ~~38.0075-7300~~ (F) and the standards of MCC 38.7000 through 38.7085:

~~(a) Residences and accessory structures limited to one~~ One single-family dwelling for each lot or parcel legally created prior to adoption of the Management Plan.

~~(b) Agricultural buildings. Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in (c) below.~~

(c) Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel are subject to the following additional standards:

1. The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

2. The height of any individual accessory building shall not exceed 24 feet.

(d) Agricultural structures, except buildings, in conjunction with agricultural use.

(e) Agricultural buildings in conjunction with current agricultural use and, if applicable, proposed agricultural use that a landowner would initiate within one year and complete within five years, subject to MCC 38.7340.

(ef) Utility transmission, transportation and communication facilities.

(g) Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation and/or natural resources, subject to MCC 38.7345. These projects may include new structures (e.g., fish ladders, sediment barriers) and/or activities (e.g., closing and revegetating unused roads, recontouring abandoned quarries).

(h) Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building.

(i) Docks and boathouses, subject to MCC 38.7325.

(j) Removal/demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks.

(2) Land divisions, subject to compliance with MCC 38.0075-7300 (E).

(3) Placement of Structures necessary for continued public safety, or the protection of essential public services or protection of private or public existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements damaged during an emergency/disaster event. This includes replacement of temporary structures erected during such events with permanent structures performing an identical or related function. Land use proposals for such structures shall be submitted within 12 months following an emergency/disaster event. Applicants are responsible for all other applicable local, state and federal permitting requirements.

(4) Property line adjustments, subject to MCC 38.7970.

(C) The following uses are allowed on all lands designated GS– PR pursuant to MCC 38.0530 (B) and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7085 have been satisfied:

(1) Forest uses and practices as allowed in MCC 38.2025 (B), except (B)(8) and (B)(9).

(2) Public trails, consistent with MCC 38.7085.

(3) All dwellings and accessory structures larger than 60 square feet. Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in (4) below.

(4) Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel are subject to the following additional standards:

(a) The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

(b) The height of any individual accessory building shall not exceed 24 feet.

(45) Road and railroad construction and reconstruction.

(56) Structures or vegetation management activities for the purpose of wildlife, fisheries, or plant habitat enhancement projects. Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation, an/or natural resources subject to MCC 38.7345. Those projects may include new structures (e.g. closing and revegetating unused roads, recontouring abandoned quarries).

(67) Agricultural uses as allowed in MCC 38.2225(B), except (B)(7) and B(8).

(78) Placement of Structures necessary for continued public safety, or the protection of essential public services or protection of private or public existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements damaged during an emergency/disaster event. This includes replacement of temporary structures erected during such events with permanent structures performing an identical or related function. Land use proposals for such structures shall be submitted within 12 months following an emergency/disaster event. Applicants are responsible for all other applicable local, state and federal permitting requirements.

(9) On a parcel of 40 acres or greater with an existing dwelling, the temporary use of a mobile home in the case of a family hardship, subject to MCC 38.7320.

(10) Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building.

(11) Demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks.

(12) Docks and boathouses, subject to MCC 38.7325.

Section 48. § 38.2830 is amended as follows:

38.2830 Conditional Uses

(A) The following conditional uses may be allowed on lands designated GG– PR, pursuant to the provisions of MCC 38.0045, ~~38.0075-7300~~(E) and 38.7080 (E) (1) and (3) through (7):

* * *

(B) The following conditional uses may be allowed on lands designated GG– CR, pursuant to the provisions of MCC 38.0045, ~~38.0075-7300~~(E) and 38.7080 (E) (1) and (3) through (7):

* * *

(C) The following conditional uses may be allowed on lands designated GS– PR, pursuant to the provisions of MCC 38.0045 and 38.7085:

* * *

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

(a) An agricultural use pursuant to MCC 38.2225 (B) ~~(23)~~;

* * *

(5) Home occupations and cottage industries, pursuant to ~~MCC 38.0040 (D)~~7330.

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

(7) Fish hatcheries and aquiculture facilities.

(8) Towers and fire stations for forest fire protection.

(9) Community facilities and non-profit facilities related to forest resource management or agricultural resource management.

(10) Expansion of existing non-profit group camps, retreat or conference center.

(11) Bed and Breakfast inns in single-family dwellings, pursuant to MCC 38.7335, and provided that the residence is included in, or eligible for inclusion in, the National Register of Historic Places. The use or development shall be compatible with agricultural use. Buffer zones should be considered to protect agricultural practices from conflicting uses.

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

Section 49. § 38.3020 is amended as follows:

38.3020 Allowed Uses

The uses listed in MCC 38.1005 are allowed on land designated GGR and GSR without review.

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

- ~~(1) Agricultural use, except new cultivation.~~
- ~~(2) Forest practices that do not violate conditions of approval for other approved uses.~~
- ~~(3) Repair, maintenance and operation of existing structures, trails, roads, railroads and utility facilities.~~
- ~~(4) Buildings less than 60 square feet in area and not exceeding 18 feet in height measured at the roof peak, which are accessory to a dwelling.~~
- ~~(5) Actions taken in response to an emergency/disaster event as defined in MCC 38.0015 pursuant to the provisions of MCC 38.7090.~~

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

- ~~(1) Agricultural uses, as defined in MCC 38.0015, except where there would be potential impact to cultural or natural resources.~~
- ~~(2) Maintenance, repair, and operation of dwellings, signs, structures, existing trails, roads, railroads, and utility facilities.~~
- ~~(3) Accessory structures of less than 60 square feet in area and 18 feet in height measured at the roof peak.~~
- ~~(4) Actions taken in response to an emergency/disaster event as defined in MCC 38.0015 pursuant to the provisions of MCC 38.7090.~~

Section 50. § 38.3023 is added as follows:

38.3023 Expedited Uses

The uses listed in MCC 38.1010 may be allowed on land designated GGR and GSR, pursuant to MCC 38.7100.

Section 51. § 38.3025 is amended as follows:

38.3025 Review Uses

(A) The following uses may be allowed on lands designated GGR, pursuant to MCC 38.0530 (B) and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7085 have been satisfied:

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

(a) If the subject parcel is located adjacent to lands designated GGA or GGF, the use shall comply with the buffer requirements of MCC 38.0060; and

(b) If the subject parcel is located adjacent to lands designated GGF, the placement of a dwelling shall also comply with the fire protection standards of MCC ~~38.0085~~7305.

~~(2) Buildings exceeding 60 square feet in area and/or 18 feet in height as measured at the roof peak, which are accessory to a dwelling. Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in (3) below.~~

(3) Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel are subject to the following additional standards:

(a) The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

(b) The height of any individual accessory building shall not exceed 24 feet.

~~(34) The temporary use of a mobile home in the case of a family hardship, subject to MCC 38.0040 (B) 7320.~~

~~(45) Construction or reconstruction of roads.~~

~~(56) New cultivation, subject to compliance with MCC 38.7045, 38.7055, 38.7060, 38.7065 and 38.7070.~~

~~(67) Land divisions, pursuant to the provisions of MCC 38.0040 (A).~~

~~(78) Placement of Structures necessary for continued public safety, or the protection of essential public services or protection of private or public existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements damaged during an emergency/disaster event. This includes replacement of temporary structures erected during such events with permanent structures performing an identical or related function. Land use proposals for such structures shall be submitted within 12 months following an emergency/disaster event. Applicants are responsible for all other applicable local, state and federal permitting requirements.~~

(9) Property line adjustments that would result in the potential to create additional parcels through subsequent land divisions, subject to MCC 38.7970.

(10) Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation and/or natural resources, subject to MCC 38.7345. These projects may include new structures (e.g., fish ladders, sediment barriers) and/or activities (e.g., closing and revegetating unused roads, recontouring abandoned quarries).

(11) Agricultural structures, except buildings, in conjunction with agricultural use.

(12) Agricultural buildings in conjunction with current agricultural use and, if applicable, proposed agricultural use that a landowner would initiate within one year and complete within five years, subject to MCC 38.7340.

(13) Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building.

(14) Docks and boathouses, subject to MCC 38.7325.

(15) Removal/demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks.

(B) The following uses may be allowed on lands designated GSR, pursuant to MCC 38.0530 (B) and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7085 have been satisfied:

(1) One single-family dwelling per legally created lot or consolidated parcel, subject to the standards of MCC 38.00857305.

(2) Accessory structures over 60 square feet. Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in (3) below.

(3) Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel are subject to the following additional standards:

(a) The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

(b) The height of any individual accessory building shall not exceed 24 feet.

(34) Road and railroad construction and reconstruction.

(45) Forest practices, pursuant to the provisions of MCC 38.2025 (B).

(56) Placement of Structures necessary for continued public safety, or the protection of essential public services or protection of private or public existing structures, utility facilities, roadways,

driveways, accessory uses and exterior improvements damaged during an emergency/disaster event. This includes replacement of temporary structures erected during such events with permanent structures performing an identical or related function. Land use proposals for such structures shall be submitted within 12 months following an emergency/disaster event. Applicants are responsible for all other applicable local, state and federal permitting requirements.

(7) Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation and/or natural resources, subject to MCC 38.7345. These projects may include new structures (e.g., fish ladders, sediment barriers) and/or activities (e.g., closing and revegetating unused roads, recontouring abandoned quarries).

(8) On a parcel of 40 acres or greater with an existing dwelling, the temporary use of a mobile home in the case of a family hardship, subject to MCC 38.7320.

(9) Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building.

(10) Demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks.

(11) Docks and boathouses, subject to MCC 38.7325.

(12) New cultivation or new agricultural use outside of previously disturbed and regularly worked fields or areas. Clearing trees for new agricultural use is subject to MCC 38.7365.

Section 52. § 38.3030 is amended as follows:

38.3030 Conditional Uses

(A) The following conditional uses may be allowed on lands designated GGR, pursuant to the provisions of MCC 38.0045 and MCC 38.0075-7300(C):

(1) An accredited child care center on land designated GGR– 2.

* * *

(4) Expansion of existing primary or middle schools on land purchased prior to June 8, 1999. For purposes of this section, existing schools means public schools that existed prior to adoption of the original Management Plan on October 15, 1991.

(45) Utility facilities and railroads.

(56) Fire stations.

(67) Recreation development, subject to the Recreation Intensity Classes of MCC 38.7080.

(78) Community parks and playgrounds, consistent with the standards of the National Park and Recreation Society regarding the need for such facilities.

~~(89)~~ On parcels 10 acres or larger designated GGR– 5, or 20 acres or larger designated GGR– 10, a land division creating new parcels smaller than the designated minimum parcel size, subject to the provisions of MCC 38.0050 ~~(B)~~7360.

~~(910)~~ Home occupations and cottage industries pursuant to MCC 38.0050 ~~(C)~~7330.

~~(4011)~~ Bed and breakfast inns in single family dwellings on lands designated GGR– 5 or GGR– 10, pursuant to 38.0050 ~~(D)~~7335.

(12) Wineries, in conjunction with onsite viticulture, upon a showing that processing of wine is from grapes grown on the subject farm or in the local region.

(13) Wine sales/tasting rooms in conjunction with an on-site winery, under the following conditions:

(a) The use shall comply with MCC 38.7330, with the following exceptions:

1. The use may employ an unlimited number of outside employees.

2. The wine sales/tasting room may include interior and/or exterior space, provided the combined interior and exterior spaces shall not exceed 1,000 square feet.

3. The interior space may be located in an existing building or in a new building or addition to an existing building constructed for the primary purpose of housing the wine sales/tasting room.

4. The exterior space may be a veranda, patio, or other similar type of structure.

(B) The following conditional uses may be allowed on lands designated GSR, pursuant to the provisions of MCC 38.0045 and 38.0075-7300 (C):

* * *

(4) Home occupations and cottage industries pursuant to MCC 38.0050 ~~(C)~~7330.

(5) Bed and breakfast inns in structures that are included in, or eligible for inclusion in, the National Register of Historic Places, pursuant to 38.0050 ~~(D)~~7335.

Section 53. § 38.3220 is amended as follows:

38.3220 Allowed Uses

The uses listed in MCC 38.1005 following uses are allowed on all lands designated GGC without review:

~~(A) Agricultural use, except new cultivation.~~

~~(B) Forest practices that do not violate conditions of approval for other approved uses.~~

~~(C) Repair, maintenance and operation of existing structures, trails, roads, railroads and utility facilities.~~

(D) Buildings less than 60 square feet in area and not exceeding 18 feet in height measured at the roof peak, which are accessory to a dwelling.

(E) Actions taken in response to an emergency/disaster event as defined in MCC 38.0015 pursuant to the provisions of MCC 38.7090.

Section 54. § 38.3223 is added as follows:

38.3223 Expedited Uses

The uses listed in MCC 38.1010 may be allowed on land designated GGC, pursuant to MCC 38.7100.

Section 55. § 38.3225 is amended as follows:

38.3225 Review Uses

The following review uses may be allowed on lands designated GGC, pursuant to the provisions of MCC 38.0045 and MCC 38.7300:

(A) A One single-family dwelling on a legally created parcel, pursuant to MCC 38.0530 (B) and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7085 have been satisfied.

* * *

(C) Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed as accessory buildings larger than 200 square feet in area or 10 feet in height.

(D) Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel, subject to the following standards:

(1) The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

(2) The height of any individual accessory building shall not exceed 24 feet

(E) Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation and/or natural resources, subject to MCC 38.7345. These projects may include new structures (e.g., fish ladders, sediment barriers) and/or activities (e.g., closing and revegetating unused roads, recontouring abandoned quarries).

(F) Property line adjustments that would result in the potential to create additional parcels through subsequent land divisions, subject to MCC 38.7970.

(G) Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building.

(H) Docks and boathouses, subject to MCC 38.7325.

(I) Removal/demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks.

Section 56. § 38.3230 is amended as follows:

38.3230 Conditional Uses

The following conditional uses may be allowed on lands designated GGC, pursuant to the provisions of MCC 38.0045 and MCC 38.0075 ~~(D)~~7300:

* * *

(E) Home occupations or cottage industries in an existing residence or accessory structure, pursuant to MCC 38.0040 ~~(D)~~7330.

Part 5- Special Districts

Section 57. § 38.4180 is amended as follows:

38.4180 Improvements

(A) Surfacing

(1) All areas used for parking, loading or maneuvering of vehicles shall be surfaced with either gravel or two inches of blacktop on a four inch crushed rock base or six inches of portland cement or other material providing a durable and dustless surface capable of carrying a wheel load of 4,000 pounds.

* * *

Section 58. § 38.4190 is amended as follows:

38.4190 Signs

Signs, pursuant to the provisions of MCC 38.00850080.

Section 59. § 38.4315 is amended as follows:

38.4315 Development Plan and Program Contents

(A) The preliminary Development Plan and Program shall consist of plans, maps or diagrams drawn in sufficient detail to indicate the nature of the plan elements and a written narrative descriptive of the program elements.

* * *

(2) Program Elements.

(a) A narrative statement of the goals and objectives of the planned development.

(b) Tables showing overall density of any proposed residential development and showing density by dwelling types and intensity of any supporting commercial, industrial or other employment uses.

* * *

Section 60. **§ 38.4360 is amended as follows:**

38.4360 Permitted Uses

In an ~~underlying residential~~ the GGRC district, the following uses may be permitted in a Planned Development:

* * *

Section 61. **§ 38.5500- is amended as follows:**

38.5500- Purposes

The purposes of the Hillside Development and Erosion Control subdistrict are to protect geologic resources and avoid hazards, ensure that grading on unstable or steep slopes does not derade geologic resources; to promote the public health, safety and general welfare, and minimize public and private losses due to earth movement hazards in specified areas and minimize erosion and related environmental damage in unincorporated Multnomah County. This subdistrict is intended to:

(A) Protect human life;

(B) Preserve stability of geologic features;

(BC) Protect property and structures;

(CD) Minimize expenditures for rescue and relief efforts associated with earth movement failures;

(DE) Control erosion, production and transport of sediment; and

(EF) Regulate land development actions including excavation and fills, drainage controls and protect exposed soil surfaces from erosive forces.

Section 62. **§ 38.5510 is amended as follows:**

38.5510 Exempt Land Uses and Activities

The following are exempt from the provisions of this Chapter:

* * *

(B) General Exemptions – All land-disturbing activities outlined below shall be undertaken in a manner designed to minimize earth movement hazards, surface runoff, erosion, and sedimentation and to safeguard life, limb, property, and the public welfare. A person performing such activities need not apply for a permit pursuant to this subdistrict, if:

* * *

(3) The volume of soil or earth materials to be stored, in conjunction with the project, is 50 cubic yards or less; and,

* * *

Part 6 – Approval Criteria

Section 63. § 38.7000* is amended as follows:

38.7000* PART 6 - SITE REVIEW; VARIANCES; LAND DIVISIONS—Site Review APPROVAL CRITERIA

Section 64. § 38.7000- is amended as follows:

38.7000- Purposes

This part of the code contains approval criteria for development subject to review in the National Scenic Area. The purposes of these criteria are to ensure that development is undertaken in a manner that National Scenic Area Site Review are to preserve, protect and/or provides for the enhancement of the scenic, natural, cultural and recreational values of the Columbia River Gorge National Scenic Area and to assure that development occurs in a manner which is compatible with the unique qualities of the Gorge.

Section 65. § 38.7015 is amended as follows:

38.7015 Application for NSA Site Review and Conditional Use Review

An application for NSA Expedited Development Review, Site Review or Conditional Use Review shall address the applicable criteria for approval, under MCC 38.7035 through 38.70907100.

Section 66. § 38.7020 is amended as follows:

38.7020 Required Findings

A decision on an application for NSA Expedited Development Review, Site Review or Conditional Use Review shall be based upon findings of consistency with the criteria for approval specified in MCC 38.7035 through 38.7085-7100 or 38.7090 as applicable.

Section 67. § 38.7035 is amended as follows:

38.7035 GMA Scenic Review Criteria

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

(A) All Review Uses and Conditional Uses:

(1) New buildings and roads shall be sited and designed to retain the existing topography and ~~reduce necessary grading to~~ minimize grading activities to the maximum extent practicable.

(2) New buildings shall be ~~generally consistent with the~~ compatible with the general scale (height, dimensions and visible mass) and size of similar buildings that existing nearby development (e.g. dwellings to dwellings). Expansion of existing development shall comply with this guideline to the maximum extent practicable. For purposes of applying this standard, the term nearby generally means buildings within ¼ mile of the parcel on which development is proposed.

(3) New vehicular access points to the Scenic Travel Corridors shall be limited to the maximum extent practicable, and access consolidation required where feasible.

(4) ~~Project applicants~~ Property owners shall be responsible for the proper maintenance and survival of any required vegetation.

(5) For all proposed development, the determination of compatibility with the landscape setting shall be based on information submitted in the site plan.

(6) For all new production and/or development of mineral resources and expansion of existing quarries, a reclamation plan is required to restore the site to a natural appearance which blends with and emulates surrounding landforms to the maximum extent practicable.

~~Such a plan shall be approved by the appropriate state agency for uses under their jurisdiction, or approved by the Planning Director with technical assistance from applicable state agencies for uses not under state agency jurisdiction. At minimum, such reclamation plans shall include:~~

* * *

(7) All reclamation plans for new quarries or expansion of existing quarries shall be sent to the appropriate state reclamation permitting agency for review and comment. The state agency shall have 30 calendar days from the date a reclamation plan is mailed to submit written comments on the proposal. State agency comments shall address the following:

(a) Whether the proposed mining is subject to state reclamation permit requirements;

(b) If subject to state jurisdiction, whether an application has been received for a state reclamation permit, and if, so, the current status of the application; and

(c) For uses subject to state jurisdiction, any issues or concerns regarding consistency with state reclamation requirements, or any suggested modifications to comply with state reclamation requirements.

The Planning Director may request technical assistance from state agencies on reclamation plans for proposed mining not within the state agency's jurisdiction.

(B) All Review Uses and Conditional Uses topographically visible from Key Viewing Areas:

~~(1) Size, height, shape, color, reflectivity, landscaping, siting or other aspects of proposed development shall be evaluated to ensure that such~~ Each ~~development is~~ shall be visually subordinate to its setting as seen from Key Viewing Areas.

(2) The extent and type of conditions applied to a proposed development or use to achieve the scenic standard ~~visual subordination~~ shall be proportionate to its potential visual impacts as seen from Key Viewing Areas. Primary Decisions shall include written findings addressing the factors influencing the degree of potential visual impact including but not limited to: the amount of area of the building site exposed to Key Viewing Areas, the degree of existing vegetation providing screening, the distance from the building site to the Key Viewing Areas it is visible from, the number of Key Viewing Areas it is visible from, and the linear distance along the Key Viewing Areas from which the building site is visible (for linear Key Viewing Areas, such as roads). ~~Written reports on determination of visual subordination and final conditions of approval shall include findings addressing each of these factors. Conditions may be applied to various elements of proposed developments to ensure they are visually subordinate to their setting as seen from key viewing areas, including but not limited to siting (location of development on the subject property, building orientation, and other elements); retention of existing vegetation; design (color, reflectivity, size, shape, height, architectural and design details and other elements); and new landscaping.~~

(3) Determination of potential visual effects and compliance with visual subordination policies shall include consideration of the cumulative effects of proposed developments.

~~(4) For all buildings, roads or mining and associated activities proposed on lands visible from Key Viewing Areas, the following supplemental site plan information shall be submitted in addition to the site plan requirements in MCC 38.0045 (A) (2) and 38.7035 (A) (5) for mining and associated activities: applications for all buildings visible from key viewing areas shall include a description of the proposed building(s)' height, shape, color, exterior building materials, exterior lighting, and landscaping details (type of plants used; number, size, locations of plantings; and any irrigation provisions or other measures to ensure the survival of landscaping planted for screening purposes).~~

~~(a) For buildings, a description of the proposed building(s)' height, shape, color, exterior building materials, exterior lighting, and landscaping details (type of plants used, number, size, locations of plantings, and any irrigation provisions or other measures to ensure the survival of landscaping planted for screening purposes); and~~

~~(b) Elevation drawings showing the appearance of proposed building(s) when built and surrounding final ground grades, for all buildings over 400 square feet in area.~~

(5) For proposed mining and associated activities on lands visible from Key Viewing Areas, in addition to submittal of plans and information pursuant to MCC 38.7035 (A) ~~(5)~~ and subsection (4) above, project applicants shall submit perspective drawings of the proposed mining areas as seen from applicable Key Viewing Areas.

(6) ~~New buildings or roads development~~ shall be sited on portions of the subject property which minimize visibility from Key Viewing Areas, unless the siting would place such development in a buffer specified for protection of wetlands, riparian corridors, sensitive plants, sensitive wildlife sites or conflict with the protection of cultural resources. In such situations, development shall comply with this standard to the maximum extent practicable.

(7) ~~In siting new buildings and roads, use of existing topography and vegetation to screen such development from Key Viewing Areas shall be prioritized over other means of achieving visual subordination, such as planting of new vegetation or use of artificial berms to screen the development from Key Viewing Areas. New development shall be sited using existing topography and/or existing vegetation as needed to achieve visual subordination from key viewing areas.~~

(8) Existing tree cover screening proposed development from key viewing areas shall be retained as specified in MCC 38.7035(C).

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

(910) The exterior of buildings on lands seen from Key Viewing Areas shall be composed of nonreflective materials or materials with low reflectivity, unless the structure would be fully screened from all Key Viewing Areas by existing topographic features. The *Scenic Resources Implementation Handbook* includes a list of recommended exterior materials. These recommended materials and other materials may be deemed consistent with this code, including those that meet recommended thresholds in the “visibility and Reflectivity Matrices” in the Implementation Handbook. Continuous surfaces of glass unscreened from key viewing areas shall be limited to ensure visual subordination. Recommended square footage limitations for such surfaces are provided for guidance in the Implementation Handbook

(1011) Exterior lighting shall be directed downward and sited, hooded and shielded such that it is not highly visible from Key Viewing Areas. Shielding and hooding materials shall be composed of non-reflective, opaque materials.

(12) Unless expressly exempted by other provisions in this chapter, colors of structures on sites visible from key viewing areas shall be dark earth-tones found at the specific site or in the surrounding landscape. The specific colors or list of acceptable colors shall be included as a condition of approval. The *Scenic Resources Implementation Handbook* will include a recommended palette of colors.

(1113) Additions to existing buildings smaller in total square area than the existing building may be the same color as the existing building. Additions larger than the existing building shall be of colors specified in the landscape setting for the subject property.

(1214) Rehabilitation of or modifications to existing significant historic structures shall be exempted from visual subordination requirements for lands seen from Key Viewing Areas. To be eligible for such exemption, the structure must be included in, or eligible for inclusion in, the National Register of Historic Places or be in the process of applying for a determination of

significance pursuant to such regulations. Rehabilitation of or modifications to such historic structures shall be consistent with National Park Service regulations for historic structures.

(4315) The silhouette of new buildings shall remain below the skyline of a bluff, cliff or ridge as seen from Key Viewing Areas. Variances may be granted if application of this standard would leave the owner without a reasonable economic use. The variance shall be the minimum necessary to allow the use, and may be applied only after all reasonable efforts to modify the design, building height, and site to comply with the standard have been made.

(4416) An alteration to a building built prior to November 17, 1986, which already protrudes above the skyline of a bluff, cliff or ridge as seen from a Key Viewing Areas, may itself protrude above the skyline if:

* * *

(17) The following standards shall apply to new landscaping used to screen development from key viewing areas:

(a) New landscaping (including new earth berms) shall be required only when there is no other means to make the development visually subordinate from key viewing areas. Alternate sites shall be considered prior to using new landscaping to achieve visual subordination. Development shall be sited to avoid the need for new landscaping wherever possible.

(b) If new landscaping is required, it shall be used to supplement other techniques for achieving visual subordination.

(c) Vegetation planted for screening purposes shall be of sufficient size to make the development visually subordinate within five years or less of commencement of construction.

(d) Landscaping shall be installed as soon as practicable, and prior to project completion. Applicant, The property owner(s), and their successor(s) in interest are responsible for the proper maintenance and survival of planted vegetation, and replacement of such vegetation that does not survive.

(e) The Scenic Resources Implementation Handbook includes recommended species for each landscape setting consistent with MCC 38.7035(C) and the minimum recommended sizes for tree plantings (based on average growth rates expected for recommended species).

(18) Conditions regarding new landscaping or retention of existing vegetation for new developments on land designated GMA Forest shall meet both scenic guidelines and the fuel break requirements of MCC 38.7305(A).

(4519) New main lines on lands visible from Key Viewing Areas for the transmission of electricity, gas, oil, other fuels, or communications, except for connections to individual users or small clusters of individual users, shall be built in existing transmission corridors unless it can be demonstrated that use of existing corridors is not practicable. Such new lines shall be underground as a first preference unless it can be demonstrated to be impracticable.

(4620) 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.

(4721) New communications facilities may protrude above a skyline visible from a Key Viewing Area only upon demonstration that:

* * *

(4822) 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:

* * *

(4923) Except for water-dependent development and for water-related recreation development, development shall be set back 100 feet from the ordinary high water mark of the Columbia River below Bonneville Dam, and 100 feet from the normal pool elevation of the Columbia River above Bonneville Dam, unless the setback would render a property unbuildable. In such cases, variances to the setback may be authorized.

(2024) New buildings shall not be permitted on lands visible from Key Viewing Areas with slopes in excess of 30 percent. A variance may be authorized if the property would be rendered unbuildable through the application of this standard. In determining the slope, the average percent slope of the proposed building site shall be utilized.

(2125) All proposed structural development involving more than 100 cubic yards of grading on sites visible from Key Viewing Areas ~~and which slope between 10 and 30 percent~~ shall include submittal of a grading plan. This plan shall be reviewed by the Planning Director for compliance with Key Viewing Area policies. The grading plan shall include the following:

* * *

(2226) Expansion of existing quarries and new production and/or development of mineral resources proposed on sites more than 3 miles from the nearest Key Viewing Areas from which it is visible may be allowed upon a demonstration that:

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

(b) The area to be mined and the area to be used for primary processing, equipment storage, stockpiling, etc. associated with the use would be visually subordinate as seen from any Key Viewing Areas; and

(c) A reclamation plan to restore the site to a natural appearance which blends with and emulates surrounding landforms to the maximum extent practicable has been approved. ~~The plan shall be approved by the applicable state agency with jurisdiction, or approved by the Planning Director with technical assistance from applicable state agencies for uses not under state agency jurisdiction.~~ At minimum, a reclamation plans shall comply with MCC 38.7035 (A) (5); and

* * *

(2327) Unless addressed by subsection (22) above, new production and/or development of mineral resources may be allowed upon a demonstration that:

* * *

(c) A reclamation plan to restore the area to a natural appearance which blends with and emulates surrounding landforms to the maximum extent practicable has been approved by the Oregon Department of Geology and Mineral Industries, or approved by the Planning Director with technical assistance from applicable state agencies for uses not under state agency jurisdiction. At minimum, the reclamation plan shall comply with MCC 38.7035 (A) ~~(56)~~ and ~~(7)~~.

~~(2428)~~ An interim time period to achieve compliance with visual subordination requirements for expansion of existing quarries and development of new quarries located more than 3 miles from the nearest visible Key Viewing Area shall be established prior to approval. The interim time period shall be based on site-specific topographic and visual conditions, but shall not exceed 3 years beyond the date of approval.

~~(2529)~~ An interim time period to achieve compliance with full screening requirements for new quarries located less than 3 miles from the nearest visible Key Viewing Area shall be established prior to approval. The interim time period shall be based on site-specific topographic and visual conditions, but shall not exceed 1 year beyond the date of approval. Quarrying activity occurring prior to achieving compliance with full screening requirements shall be limited to activities necessary to provide such screening (creation of berms, etc.).

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

(C) All Review Uses and Conditional Uses within the following landscape settings, regardless of visibility from KVAs:

(1) Pastoral

~~(a)~~ New development shall be compatible with the general scale (height, dimensions, overall mass) of development in the vicinity. Expansion of existing development shall meet this standard to the maximum extent practicable.

~~(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:

1. Except as is necessary for site development or safety purposes, the existing tree cover screening the development from Key Viewing Areas shall be retained.
2. Vegetative landscaping shall, where feasible, retain the open character of existing pastures and fields.

3. At least half of any trees planted for screening purposes shall be species native to the setting or commonly found in the area. Such species include fruit trees, Douglas fir, Lombardy poplar (usually in rows), Oregon white oak, bigleaf maple, and black locust (primarily in the eastern Gorge). The *Scenic Resources Implementation Handbook* includes recommended minimum sizes.

4. At least one-quarter of any trees planted for screening shall be coniferous for winter screening.

~~5. Structures' exteriors shall be dark and either natural or earth-tone colors unless specifically exempted by MCC 38.7035 (B) (11) and (12).~~

(dc) Compatible recreation uses include resource-based recreation uses of a very low or low-intensity nature, occurring infrequently in the landscape.

(2) Coniferous Woodland

~~(a) New development shall be compatible with the general scale (height, dimensions and overall mass) of development in the vicinity. Expansion of existing development shall comply with this standard to the maximum extent practicable.~~

(ba) Structure height shall remain below the forest canopy level.

(eb) In portions of this setting visible from Key Viewing Areas, the following standards shall be employed to achieve visual subordination for new development and expansion of existing development:

1. Except as is necessary for construction of access roads, building pads, leach fields, etc., the existing tree cover screening the development from Key Viewing Areas shall be retained.

2. At least half of any trees planted for screening purposes shall be species native to the setting. Such species include: Douglas fir, grand fir, western red cedar, western hemlock, bigleaf maple, red alder, ponderosa pine and Oregon white oak, and various native willows (for riparian areas). The *Scenic Resources Implementation Handbook* includes recommended minimum sizes.

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

~~4. Structures' exteriors shall be either natural or earthtone colors unless specifically exempted by MCC 38.7035 (B) (11) and (12).~~

(dc) Compatible recreation uses include resource-based recreation uses of varying intensities. Typically, outdoor recreation uses should be low-intensity, and include trails, small picnic areas and scenic viewpoints. Some more intensive recreation uses, such as campgrounds, may occur. They should be scattered, interspersed with large areas of undeveloped land and low-intensity uses.

(3) Rural Residential

~~(a) New development shall be compatible with the general scale (height, dimensions and overall mass) of development in the vicinity. Expansion of existing development shall comply with this standard to the maximum extent practicable.~~

~~(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:

* * *

~~4. Structures' exteriors shall be dark and either natural or earth tone colors unless specifically exempted by MCC 38.7035 (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.

* * *

(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:

* * *

~~5. Structures' exteriors shall be dark and either natural or earth tone colors unless specifically exempted by MCC 38.7035 (B) (11) and (12).~~

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

(6) Village

~~(a) New development in this setting is exempt from the color and siting requirements of MCC 38.7035(B) shall be compatible with the general scale (height, dimensions and overall mass) of development in the vicinity, but not necessarily visually subordinate. Expansion of existing development shall comply with this standard to the maximum extent practicable.~~

* * *

~~(d) New vehicular access points to the scenic travel corridors shall be limited to the maximum extent practicable, and access consolidation shall be required where feasible.~~

(de) New development proposals and expansion of existing development shall be encouraged to follow planned unit development approaches, featuring consolidated access, commonly-shared landscaped open areas, etc.

(ef) New commercial, institutional or multi-family residential uses fronting a Scenic Travel Corridor shall comply with the following landscape requirements:

* * *

(fg) The use of building materials reinforcing the Village Setting's character, such as wood, logs or stone, and reflective of community desires, should be encouraged.

(gh) Architectural styles characteristic of the area (such as 1½ story dormer roof styles in Corbett), and reflective of community desires, should be encouraged. Entry signs should be consistent with such architectural styles.

(hi) Design features which create a "pedestrian friendly" atmosphere, such as large shop windows on the ground floor of commercial buildings, porches along ground floors with street frontage, etc. should be encouraged.

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

(jk) Where feasible, existing tree cover of species native to the region or commonly found in the area shall be retained when designing new development or expanding existing development.

(kl) Compatible recreation uses may include community parks serving the recreation needs of local residents, and varying intensities of other recreation uses.

(7) River Bottomlands

~~(a) New development shall be compatible with the general scale (height, dimensions and overall mass) of development in the vicinity. Expansion of existing development shall comply with this standard to the maximum extent practicable.~~

(ba) In portions of this setting visible from Key Viewing Areas, the following standards shall be employed to achieve visual subordination for new development and expansion of existing development:

* * *

~~4. Structures' exteriors shall be dark and either natural or earth-tone colors unless specifically exempted by MCC 38.7035 (B) (11) and (12).~~

(eb) Compatible recreation uses depend on the degree of natural resource sensitivity of a particular site. In the most critically sensitive River Bottomlands, very low-intensity uses which do not impair wetlands or special habitat requirements may be compatible.

* * *

(D) All Review Uses and Conditional Uses within scenic travel corridors:

* * *

(6) New production and/or development of mineral resources proposed within one-quarter mile of the edge of pavement of a Scenic Travel Corridor may be allowed upon a demonstration that full visual screening of the site from the Scenic Travel Corridor can be achieved by use of existing topographic features or existing vegetation designed to be retained through the planned duration of the proposed project. An exception to this may be granted if planting of new vegetation in the vicinity of the access road to the mining area would achieve full screening. If existing vegetation is partly or fully employed to achieve visual screening, over 75 percent of the tree canopy area shall be coniferous species providing adequate winter screening. Mining and associated primary processing of mineral resources is prohibited within 100 feet of a Scenic Travel Corridor, as measured from the edge of pavement, except for access roads. Compliance with full screening requirements shall be achieved within time frames specified in MCC 38.7035 (B) (~~2428~~).

(7) Expansion of existing quarries may be allowed pursuant to MCC 38.7035 (B) (~~2425~~). Compliance with visual subordination requirements shall be achieved within time frames specified in MCC 38.7035 (B) (~~2327~~).

Section 68. § 38.7040 is amended as follows:

38.7040 SMA Scenic Review Criteria

The following scenic review standards shall apply to all Review and Conditional Uses in the Special Management Area of the Columbia River Gorge National Scenic Area with the exception of rehabilitation or modification of historic structures eligible or on the National Register of Historic Places when such modification is in compliance with the national register of historic places guidelines:

(A) All Review Uses and Conditional Uses visible from KVAs. This section shall apply to proposed development on sites topographically visible from KVAs:

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

(2) The required SMA scenic standards for all development and uses are summarized in the following table.

<u>REQUIRED SMA SCENIC STANDARDS</u>		
<u>LANDSCAPE SETTING</u>	<u>LAND USE DESIGNATION</u>	<u>SCENIC STANDARD</u>
<u>Coniferous Woodland, Oak-Pine Woodland</u>	<u>Forest (National Forest Lands), Open Space</u>	<u>NOT VISUALLY EVIDENT</u>
<u>River Bottomlands</u>	<u>Open Space</u>	<u>NOT VISUALLY EVIDENT</u>
<u>Gorge Walls, Canyonlands, Wildlands</u>	<u>Forest, Agriculture, Public Recreation, Open Space</u>	<u>NOT VISUALLY EVIDENT</u>
<u>Coniferous Woodland, Oak-Pine Woodland</u>	<u>Forest, Agriculture, Residential, Public Recreation</u>	<u>VISUALLY SUBORDINATE</u>
<u>Residential</u>	<u>Residential</u>	<u>VISUALLY SUBORDINATE</u>

<u>Pastoral</u>	<u>Forest, Agriculture, Public Recreation, Open Space</u>	<u>VISUALLY SUBORDINATE</u>
<u>River Bottomlands</u>	<u>Forest, Agriculture, Public Recreation</u>	<u>VISUALLY SUBORDINATE</u>

(3) In all landscape settings, scenic standards shall be met by blending new development with the adjacent natural landscape elements rather than with existing development.

(4) Proposed developments or land use shall be sited to achieve the applicable scenic standards. Development shall be designed to fit the natural topography and to take advantage of vegetation and land form screening, and to minimize visible grading or other modifications of landforms, vegetation cover, and natural characteristics. When screening of development is needed to meet the scenic standard from key viewing areas, use of existing topography and vegetation shall be given priority over other means of achieving the scenic standard such as planting new vegetation or using artificial berms.

(5) The extent and type of conditions applied to a proposed development or use to achieve the scenic standard shall be proportionate to its degree of visibility from key viewing areas.

(a) Decisions shall include written findings addressing the Primary factors influencing the degree of visibility, including but not limited to:

1. The amount of area of the building site exposed to key viewing areas,
2. The degree of existing vegetation providing screening,
3. The distance from the building site to the key viewing areas from which it is visible,
4. The number of key viewing areas from which it is visible, and
5. The linear distance along the key viewing areas from which the building site is visible (for linear key viewing areas, such as roads).

(b) Conditions may be applied to various elements of proposed developments to ensure they are visually subordinate to their setting as seen from key viewing areas, including but not limited to:

1. Siting (location of development on the subject property, building orientation, and other elements),
2. Retention of existing vegetation,
3. Design (color, reflectivity, size, shape, height, architectural and design details and other elements), and
4. New landscaping.

(6) Sites approved for new development to achieve scenic standards shall be consistent with guidelines to protect wetlands, riparian corridors, sensitive plant or wildlife sites and the buffer zones of each of these natural resources, and guidelines to protect cultural resources.

(47) Proposed developments shall not protrude above the line of a bluff, cliff, or skyline as seen from Key Viewing Areas.

~~(2) Size, scale, shape, color, texture, siting, height, building materials, lighting, or other features of a proposed structure shall be visually subordinate in the landscape and have low contrast in the landscape.~~

~~(3) Colors shall be used in a manner so that developments are visually subordinate to the natural and cultural patterns in the landscape setting. Colors for structures and signs should be slightly darker than the surrounding background.~~

(48) Structure height shall remain below the average tree canopy height of the natural vegetation adjacent to the structure, except if it has been demonstrated that compliance with this standard is not feasible considering the function of the structure.

~~(5) Proposed developments or land use shall be aligned, designed and sited to fit the natural topography and to take advantage of vegetation and land form screening, and to minimize visible grading or other modifications of landforms, vegetation cover, and natural characteristics.~~

(9) The following guidelines shall apply to new landscaping used to screen development from key viewing areas:

(a) New landscaping (including new earth berms) to achieve the required scenic standard from key viewing areas shall be required only when application of all other available guidelines in this chapter is not sufficient to make the development meet the scenic standard from key viewing areas. Development shall be sited to avoid the need for new landscaping wherever possible.

(b) If new landscaping is necessary to meet the required standard, existing on-site vegetative screening and other visibility factors shall be analyzed to determine the extent of new landscaping, and the size of new trees needed to achieve the standard. Any vegetation planted pursuant to this guideline shall be sized to provide sufficient screening to meet the scenic standard within five years or less from the commencement of construction.

(c) Landscaping shall be installed as soon as practicable, and prior to project completion. Applicants and successors in interest for the subject parcel are responsible for the proper maintenance and survival of planted vegetation, and replacement of such vegetation that does not survive.

(d) The Scenic Resources Implementation Handbook shall include recommended species for each landscape setting consistent with the Landscape Settings Design Guidelines in this chapter, and minimum recommended sizes of new trees planted (based on average growth rates expected for recommended species).

(10) Unless expressly exempted by other provisions in this chapter, colors of structures on sites visible from key viewing areas shall be dark earth-tones found at the specific site or the surrounding landscape. The specific colors or list of acceptable colors shall be included as a condition of approval. The *Scenic Resources Implementation Handbook* will include a recommended palette of colors as dark or darker than the colors in the shadows of the natural features surrounding each landscape setting

(11) The exterior of buildings on lands seen from key viewing areas shall be composed of non-reflective materials or materials with low reflectivity. The *Scenic Resources Implementation Handbook* will include a recommended list of exterior materials. These recommended materials and other materials may be deemed consistent with this guideline, including those where the specific application meets approval thresholds in the “Visibility and Reflectivity Matrices” in the *Implementation Handbook*. Continuous surfaces of glass unscreened from key viewing areas shall be limited to ensure meeting the scenic standard. Recommended square footage limitations for such surfaces will be provided for guidance in the *Implementation Handbook*.

~~(6)12~~ 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)13~~ 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.~~

~~(DB) New land uses or developments shall comply with the following: The following shall apply to all lands within SMA landscape settings regardless of visibility from KVAs (includes areas seen from KVAs as well as areas not seen from KVAs):~~

(1) Gorge Walls, and Canyonlands and Wildlands: New developments and land uses shall retain the overall visual character of the natural appearing landscape.

~~(a) New developments and land uses shall meet the VQO of retention as seen from Key Viewing Areas.~~

~~(ba)~~ Structures, including signs, shall have a rustic appearance, use non-reflective materials, and have low contrast with the surrounding landscape and be of a Cascadian architectural style.

~~(eb)~~ Temporary roads ~~must~~ shall be promptly closed and revegetated.

~~(dc)~~ New utilities ~~must~~ shall be below ground surface, where feasible.

~~(ed)~~ Use of plant species non-native to the Columbia River Gorge shall not be allowed.

~~(f)~~ Exterior colors of structures shall be dark earthtones that will result in the structure having low contrast with the surrounding landscape.

(2) Coniferous Woodlands and Oak-Pine Woodland: Woodland areas shall retain the overall appearance of a woodland landscape. New developments and land uses shall retain the overall visual character of the natural appearance of the Coniferous and Oak/Pine Woodland landscape.

~~(a)~~ New developments and land uses in lands designated Federal Forest or Open Space shall meet the VQO of retention; all other land use designations shall meet the VQO of partial retention as seen from Key Viewing Areas.

~~(b)~~ Forest practices on National Forest lands included in the Mt. Hood National Forest Plans shall meet the VQO identified for those lands in those plans.

~~(ea)~~ Buildings in the ~~coniferous~~ Coniferous Woodland landscape setting shall be encouraged to have a vertical overall appearance and a horizontal overall appearance in the Oak-Pine Woodland landscape setting.

~~(db)~~ Use of plant species native to the landscape setting shall be encouraged. Where non-native plants are used, they shall have native appearing characteristics.

~~(e)~~ Exterior colors of structures in ~~Coniferous Woodland~~ landscape setting shall be dark earth-tone colors which will result in low contrast with the surrounding landscape as seen from the Key Viewing Areas.

~~(f)~~ Exterior colors of structures in ~~Oak-Pine Woodland~~ landscape setting shall be earth-tone colors which will result in low contrast with the surrounding landscape as seen from the Key Viewing Areas.

(3) River Bottomlands: River bottomland shall retain the overall visual character of a floodplain and associated islands.

~~(a)~~ New developments and land uses shall meet the VQO of partial retention, except in areas designated Open Space which shall meet the VQO of retention.

~~(ba)~~ Buildings should have an overall horizontal appearance in areas with little tree cover.

~~(eb)~~ Use of plant species native to the landscape setting shall be encouraged. Where non-native plants are used, they shall have native appearing characteristics.

~~(d)~~ Exterior colors of structures shall be earth tone or water tone colors which will result in low contrast with surrounding landscape.

(4) Pastoral: Pastoral areas shall retain the overall appearance of an agricultural landscape.

~~(a)~~ New developments and forest practices shall meet the VQO of partial retention.

~~(b)~~ The use of plant species common to the landscape setting shall be encouraged. The use of plant species in rows as commonly found in the landscape setting is encouraged.

~~(c)~~ Exterior colors of structures shall be earth tone colors which will result in low contrast with the surrounding landscape.

~~(d)~~ Exterior colors of structures may be white, except for the roof, only in the Dodson-Warrendale areas where other white structures are evident in the setting.

(5) Residential: The Residential setting is characterized by concentrations of dwellings.

~~(a)~~ New developments and land uses shall meet the VQO of partial retention as seen from Key Viewing Areas.

~~(ba)~~ At Latourell Falls, new buildings shall have an appearance consistent with the predominant historical architectural style.

~~(eb)~~ Use of plant species native to the landscape setting shall be encouraged. Where non-native plants are used, they shall have native appearing characteristics.

(C) SMA Requirements for KVA Foregrounds and Scenic Routes

(1) All new developments and land uses immediately adjacent to the Historic Columbia River Highway, Interstate 84, and Larch Mountain Road shall be in conformance with state or county scenic route standards.

(2) The following guidelines shall apply only to development within the immediate foregrounds of key viewing areas. Immediate foregrounds are defined as within the developed prism of a road or trail KVA or within the boundary of the developed area of KVAs such as Crown Pt. and Multnomah Falls. They shall apply in addition to MCC 38.7040(A).

(a) The proposed development shall be designed and sited to meet the applicable scenic standard from the foreground of the subject KVA. If the development cannot meet the standard, findings must be made documenting why the project cannot meet the requirements of 38.7040(A) and why it cannot be redesigned or wholly or partly relocated to meet the scenic standard.

(b) Findings must evaluate the following:

1. The limiting factors to meeting the required scenic standard and/or applicable provisions of 38.7040(A).
2. Reduction in project size;
3. Options for alternative sites for all or part of the project, considering parcel configuration and on-site topographic or vegetative screening;
4. Options for design changes including changing the design shape, configuration, color, height, or texture in order to meet the scenic standard.

(c) Form, line, color, texture, and design of a proposed development shall be evaluated to ensure that the development blends with its setting as seen from the foreground of key viewing areas:

1. Form and Line-Design of the development shall minimize changes to the form of the natural landscape. Development shall borrow form and line from the landscape setting and blend with the form and line of the landscape setting. Design of the development shall avoid contrasting form and line that unnecessarily call attention to the development.
2. Color-Color shall be found in the project's surrounding landscape setting. Colors shall be chosen and repeated as needed to provide unity to the whole design.
3. Texture-Textures borrowed from the landscape setting shall be emphasized in the design of structures. Landscape textures are generally rough, irregular, and complex rather than smooth, regular, and uniform.
4. Design-Design solutions shall be compatible with the natural scenic quality of the Gorge. Building materials shall be natural or natural appearing. Building materials such as concrete, steel, aluminum, or plastic shall use form, line color and texture to harmonize with the natural environment. Design shall balance all design elements into a harmonious whole, using repetition of elements and blending of elements as necessary.

(3) Right-of-way vegetation shall be managed to minimize visual impact of clearing and other vegetation removal as seen from Key Viewing Areas. Roadside vegetation management should enhance views out from the highway (vista clearing, planting, etc.).

(4) Encourage existing and require new road maintenance warehouse and stockpile areas to be screened from view from Key Viewing Areas.

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

(D) SMA Requirements for areas not seen from KVAs

Unless expressly exempted by other provisions in MCC 38.7040, colors of structures on sites not visible from key viewing areas shall be earth-tones found at the specific site. The specific colors

or list of acceptable colors shall be approved as a condition of approval, drawing from the recommended palette of colors included in the Scenic Resources Implementation Handbook.

(E) For forest practices the following standards shall apply:

~~(1) Forest practices must meet the design standards and VQO for the landscape setting designated for the management area.~~

~~(2) Not more than 16 percent of each total ownership within a viewshed shall be in created openings at any one time. The viewshed boundaries will be delineated by the Forest Service.~~

~~(3) Size, shape, and dispersal of created openings shall maintain the natural patterns in the landscape.~~

~~(4) The maximum size of any created opening is 15 acres. In the foreground of Key Viewing Areas, maximum size of created opening will be five acres.~~

~~(5) Clearcutting shall not be used as a harvest practice to land designated Federal Forest Lands.~~

~~(6) Created opening shall not create a break or opening in the vegetation in the sky line as viewed from a KVA.~~

~~(7) Created openings shall be dispersed to maintain at least 400 feet of closed canopy between openings. Closed canopy to be 20 feet tall.~~

Section 69. § 38.7050 is amended as follows:

38.7050 SMA Cultural Resource Review Criteria

(A) The cultural resource review criteria shall be deemed satisfied, except MCC 38.7050 (H), if the U.S. Forest Service or Planning Director does not require a cultural resource survey and no comment is received during the comment period provided in MCC 38.7025 (B).

* * *

(F) The U.S. Forest Service will provide for doing (1) through (5) of subsection (G) below for forest practices and National Forest system lands.

(G) If the U.S. Forest Service or Planning Director determines that a cultural resource survey is required for a new development or land use on all Federal lands, federally assisted projects and forest practices, it shall consist of the following:

(1) Literature Review and Consultation

(a) An assessment of the presence of any cultural resources, listed on the National Register of Historic Places at the national, state or county level, on or within the area of potential direct and indirect impacts.

(b) A search of state and county government, National Scenic Area/U.S. Forest Service and any other pertinent inventories, such as archives and photographs, to identify cultural

resources, including consultation with the State Historic Preservation Office (SHPO) and tribal governments.

(c) Consultation with cultural resource professionals knowledgeable about the area.

(d) If the U.S. Forest Service determines that there no recorded or known cultural resource, after consultation with the tribal governments on or within the immediate vicinity of a new development or land use, the cultural resource review shall be complete.

(e) If the U.S. Forest Service determines that there is the presence of a recorded or known cultural resources, including those reported in consultation with the tribal governments on or within the immediate vicinity of a new development or land use, a field inventory by a cultural resource professional shall be required.

(2) Field Inventory

* * *

(e) The field inventory report shall be presented to the U.S. Forest Service for review.

* * *

(3) Evaluations of Significance

* * *

(d) Recommendations for eligibility of individual cultural resources under National Register Criteria A through D (36 CFR 60.4) shall be completed for each identified resource. The U.S. Forest Service shall review evaluations for adequacy.

* * *

(f) If the U.S. Forest Service determines that the inventoried cultural resources are not significant, the cultural resource review shall be complete.

* * *

(4) Assessment of Effect

(a) For each significant (*i.e.*, National Register eligible) cultural resource inventoried within the area of the proposed development or change in use, assessments of effect shall be completed, using the criteria outlined in 36 CFR 800.9 *Assessing Effects*. Evidence of consultation with tribal governments and individuals with knowledge of the cultural resources of the project area shall be included for subsections (b) through (d) below. The U.S. Forest Service shall review each determination for adequacy and appropriate action.

* * *

(5) Mitigation

* * *

(c) The U.S. Forest Service shall review all mitigation proposals for adequacy.

(H) Discovery During Construction

All authorizations for new developments or land uses shall be conditioned to require the immediate notification of the Planning Director in the event of the inadvertent discovery of cultural resources during construction or development.

* * *

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

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

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

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

(d) A cultural resource professional shall evaluate the potential significance of the discovery pursuant to MCC 38.7050 (G) (3) and report the results to the U.S. Forest Service which shall have 30 days to comment on the report.

(3) If the U.S. Forest Service determines that the cultural resource is not significant or does not respond within the 30 day response period, the cultural resource review process shall be complete and work may continue.

(4) If the U.S. Forest Service determines that the cultural resource is significant, the cultural resource professional shall recommend measures to protect and/or recover the resource pursuant to MCC 38.7050 (G) (4) and (5)

Section 70. § 38.7055 is amended as follows:

38.7055 GMA Wetland Review Criteria

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

* * *

~~(6) The proposed use is one of the following uses, and:~~

~~(a) It is conducted using best management practices;~~

~~(b) It does not require structures, grading, draining, flooding, ditching, vegetation removal, or dredging beyond the extent specified below; and~~

~~(c) It complies with all applicable federal, state, and county laws:~~

~~1. Fish and wildlife management uses conducted by federal, state, or Indian tribal resource agencies.~~

- ~~2. Soil, water, and vegetation conservation uses that protect and enhance wetlands acreage and functions.~~
- ~~3. Low intensity recreation uses, including hunting, fishing, trapping, bird-watching, hiking, boating, swimming, and canoeing.~~
- ~~4. Non-commercial harvesting of wild crops, such as ferns, moss, berries, tubers, tree fruits, and seeds in a manner that does not injure natural plant reproduction or impact sensitive plant species.~~
- ~~5. Agriculture, except new cultivation. Any operation that would cultivate land that has not been cultivated, or has lain idle, for more than 5 years shall be considered new cultivation. Cultivation and vegetation removal may be allowed in conjunction with a home garden.~~
- ~~6. Ditching, tilling, dredging, or grading conducted solely for the purpose of repairing and maintaining existing irrigation and drainage systems necessary for agriculture, provided that such uses are not undertaken to cultivate lands that have not been cultivated, or have lain idle, for more than 5 years.~~
- ~~7. Commercial fishing and trapping.~~
- ~~8. Educational uses and scientific research.~~
- ~~9. Navigation aids, including structures covered by Section 17 (a) (3) of the Scenic Area Act.~~
- ~~10. Forest practices that do not violate conditions of approval for other approved uses.~~
- ~~11. Repair, maintenance, and operation of existing and serviceable structures, trails, roads, railroads and utility facilities.~~

(B) If the project site is within a recognized wetland or wetland buffer zone, the applicant shall be responsible for determining the exact location of the wetland boundary. Wetlands boundaries shall be delineated using the procedures specified in the *Federal Manual for Identifying and Delineating Jurisdictional Wetlands* (Federal Interagency Committee for Wetland Delineation, 1989), and any subsequent amendments *Corps of Engineers Wetland Delineation Manual (Wetland Research Program Technical Report Y-87-1, on-line edition, updated through March 21, 1997.*

* * *

(C) The following uses may be allowed in wetlands and wetland buffer zones when approved pursuant to the provisions of MCC 38.0045, MCC 38.7055 (E), and reviewed under the applicable provisions of MCC 38.7035 through 38.7085:

* * *

(D) Uses not listed in MCC 38.7055 (A) and (C) may be allowed in wetlands and wetlands buffer zones, when approved pursuant to MCC 38.7055 (F) and reviewed under the applicable provisions of MCC 38.7035 through 38.7085.

* * *

(F) Applications for all other Review and Conditional Uses in wetlands shall be processed pursuant to the provisions of MCC 38.0045 and shall demonstrate that:

(1) The proposed use is water-dependent, or is not water-dependent but has no practicable alternative considering all of the following:

* * *

(c) Reasonable attempts have been made to remove or accommodate constraints that caused a project applicant to reject alternatives to the use as proposed. Such constraints include inadequate infrastructure, parcel size, and ~~zone~~ land use designations. If a land use designation or recreation intensity class is a constraint, an applicant must request a Management Plan revision pursuant to MCC 38.0710-0100 to demonstrate that practicable alternatives do not exist.

* * *

Section 71. § 38.7060 is amended as follows:

38.7060 GMA Stream, Lake and Riparian Area Review Criteria

~~(A) The following uses are allowed in streams, ponds, lakes, and their buffer zones without Site Review, if they:~~

~~(1) Are conducted using best management practices;~~

~~(2) Do not require structures, grading, draining, flooding, ditching, vegetation removal, or dredging beyond the extent specified below; and~~

~~(3) Comply with all applicable federal, state, and county laws:~~

~~(a) Fish and wildlife management uses conducted by federal, state, or Indian tribal resource agencies.~~

~~(b) Soil, water, and vegetation conservation uses that protect water quality, natural drainage, and fish and wildlife habitat of streams, ponds, lakes, and riparian areas.~~

~~(c) Low intensity recreation uses, including hunting, fishing, trapping, bird watching, hiking, boating, swimming, and canoeing.~~

~~(d) Non-commercial harvesting of wild crops, such as ferns, moss, berries, tubers, tree fruits, and seeds in a manner that does not injure natural plant reproduction or impact sensitive plant species.~~

~~(e) Agriculture, except new cultivation. Any operation that would cultivate land that has not been cultivated, or has lain idle, for more than 5 years shall be considered new cultivation and shall require a review use permit. Cultivation and vegetation removal may be allowed in conjunction with a home garden.~~

~~(f) Ditching, tilling, dredging, or grading conducted solely for the purpose of repairing and maintaining existing irrigation and drainage systems necessary for agriculture, provided that such uses are not undertaken to cultivate lands that have not been cultivated, or have lain idle, for more than 5 years.~~

~~(g) Commercial fishing and trapping.~~

~~(h) Educational uses and scientific research.~~

~~(i) Navigation aids, including structures covered by Section 17 (a) (3) of the Scenic Area Act.~~

~~(j) Forest practices that do not violate conditions of approval for other approved uses.~~

~~(k) Repair, maintenance, and operation of existing and serviceable structures, trails, roads, railroads and utility facilities.~~

~~(BA)~~ The following uses may be allowed in streams, ponds, lakes and riparian areas when approved pursuant to the provisions of MCC 38.0045, MCC 38.7060 (~~DC~~), and reviewed under the applicable provisions of MCC 38.7035 through 38.7085:

* * *

~~(CB)~~ Uses not listed in MCC 38.7060 (A) and ~~(B)~~ may be allowed in streams, ponds, lakes, and riparian areas, when approved pursuant to MCC 38.7060 (~~ED~~) and reviewed under the applicable provisions of MCC 38.7035 through 38.7085.

~~(DC)~~ Applications for modifications to serviceable structures and minor water-dependent and water-related structures in aquatic and riparian areas shall demonstrate that:

* * *

~~(ED)~~ Applications for all other Review and Conditional Uses in wetlands shall be processed pursuant to the provisions of MCC 38.0045 and shall demonstrate that:

* * *

(3) Measures have been applied to ensure that the proposed use results in minimum feasible impacts to water quality, natural drainage, and fish and wildlife habitat of the affected stream, pond, lake, and/or buffer zone.

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

(a) Construction shall occur during periods when fish and wildlife are least sensitive to disturbance. Work in streams, ponds, and lakes shall be conducted during the periods specified in *Oregon Guidelines for Timing of In-Water Work to Protect Fish and Wildlife Resources* (Oregon Department of Fish and Wildlife, 1986~~2000~~) unless otherwise coordinated with and approved by the Oregon Department of Fish and Wildlife.

* * *

~~(FE)~~ Stream, Pond, and Lake Buffer Zones

* * *

(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:

* * *

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

Section 72. § 38.7065 is amended as follows:

38.7065 GMA Wildlife Review Criteria

Wildlife Habitat Site Review shall be required for any project within 1,000 feet of sensitive wildlife areas and sensitive wildlife sites (i.e., sites used by sensitive wildlife species).

* * *

~~(A) The following uses may be allowed within 1,000 feet of sensitive wildlife areas and sites without review, if they do not involve new structures, vegetation removal, or actions that disturb the ground, such as grading, or ditching beyond the extent specified below:~~

~~(1) Agriculture, except new cultivation. Any operation that would cultivate land that has not been cultivated, or has lain idle, for more than 5 years shall be considered new cultivation.~~

~~(2) Ditching, tilling, dredging, or grading conducted solely for the purpose of repairing and maintaining existing irrigation and drainage systems necessary for agriculture, provided that such uses are not undertaken to cultivate lands that have not been cultivated, or have lain idle, for more than 5 years.~~

~~(3) Forest practices that do not violate conditions of approval for other approved uses.~~

~~(4) Repair, maintenance, and operation of existing and serviceable structures, trails, roads, railroads and utility facilities.~~

~~(5) Fish and wildlife management uses conducted by federal, state, or Indian tribal resource agencies.~~

(B) Field Survey

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

* * *

(5) Communications, water and sewer, and natural gas transmission (as opposed to distribution) lines, pipes, equipment, and appurtenances and other project related activities, except when all of their impacts will occur inside previously disturbed road, railroad, or utility corridors, or existing developed utility sites, that are maintained annually.

Field surveys shall cover all areas affected by the proposed use or recreation facility. They shall be conducted by a professional wildlife biologist hired by the project applicant. All sensitive wildlife areas and sites discovered in a project area shall be described and shown on the site plan map.

~~(CB)~~ Uses ~~not listed in MCC 38.7065 (A)~~ may be allowed within 1,000 feet of a sensitive wildlife area or site, when approved pursuant to MCC 38.7065 ~~(DC)~~ and reviewed under the applicable provisions of MCC 38.7035 through 38.7085. The approximate locations of sensitive wildlife areas and sites are shown on maps provided to the County by the Gorge Commission. State wildlife biologists will help determine if a new use would adversely affect a sensitive wildlife area or site.

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

* * *

(4) If the Planning Director, in consultation with the Oregon Department of Fish and Wildlife, determines that the proposed use would have only minor effects on the wildlife area or site that could be eliminated through mitigation measures recommended by the state wildlife biologist, or by simply modifying the site plan or regulating the timing of new uses, a letter shall be sent to the applicant that describes the effects and measures needed to eliminate them. If the project applicant accepts these recommendations, the Planning Director will incorporate them into the site review order and the wildlife protection process may conclude.

* * *

~~(ED)~~ Wildlife Management Plans

* * *

~~(FE)~~ New fences in deer and elk winter range

* * *

Section 73. § 38.7070 is amended as follows:

38.7070 GMA Rare Plant Review Criteria

Rare Plant Site Review shall be required for any project within 1,000 feet of endemic plants and sensitive plant species.

* * *

~~(A)~~ The following uses may be allowed within 200 feet of a sensitive plant without review, if they do not involve new structures, vegetation removal, or actions that disturb the ground, such as grading or ditching beyond the extent specified below:

~~(1) Low intensity recreation uses, including hunting, fishing, trapping, native plant study, bird watching, boating, swimming, and hiking. Regarding sensitive plants, horseback riding is not considered a low intensity use.~~

~~(2) Agriculture, except new cultivation. Any operation that would cultivate land that has not been cultivated, or has lain idle, for more than 5 years shall be considered new cultivation.~~

~~(3) Ditching, tilling, dredging, or grading conducted solely for the purpose of repairing and maintaining existing irrigation and drainage systems necessary for agriculture, provided that such uses are not undertaken to cultivate lands that have not been cultivated, or have lain idle, for more than 5 years.~~

~~(4) Forest practices that do not violate conditions of approval for other approved uses.~~

~~(5) Repair, maintenance, and operation of existing and serviceable structures, trails, roads, railroads and utility facilities.~~

(BA) Field Survey

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

* * *

(5) Communications, water and sewer, and natural gas transmission (as opposed to distribution) lines, pipes, equipment, and appurtenances. and other project related activities, except when all of their impacts will occur inside previously disturbed road, railroad or utility corridors, or existing developed utility sites that are maintained annually.

Field surveys shall cover all areas affected by the proposed use or recreation facility. They shall be conducted by a person with recognized expertise in botany or plant ecology hired by the project applicant. Field surveys shall identify the precise location of the sensitive plants and delineate a 200 foot buffer area. The results of a field survey shall be shown on the site plan map.

(EB) Uses not listed in MCC 38.7070 (A) may be allowed within 1,000 feet of a sensitive plant, when approved pursuant to MCC 38.0045, 38.7070 (EC), and reviewed under the applicable provisions of MCC 38.7035 through 38.7085. The approximate locations of sensitive plants are shown on maps provided to the County by the Gorge Commission. Staff with the Oregon Natural Heritage Program will help determine if a new use would invade the buffer zone of sensitive plants.

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

* * *

(3) New uses shall be prohibited within sensitive plant species buffer areas, ~~except those listed in MCC 38.7070 (A).~~

(4) If a proposed use must be allowed within a sensitive plant buffer area in accordance with formal variance practices, the project applicant shall prepare a protection and rehabilitation plan pursuant to MCC 38.7070 (ED).

* * *

(ED) Protection and Rehabilitation Plans

* * *

(EE) Sensitive Plant Buffer Areas

* * *

Section 74. § 38.7075 is amended as follows:

38.7075 SMA Natural Resource Review Criteria

All new developments and land uses shall be evaluated using the following standards to ensure that ~~the natural resources on a site, or natural resources in danger of degradation or destruction from individual or cumulative off-site impacts,~~ are protected from adverse effects. ~~The Forest Service will provide the analysis and evaluation for all projects except those sponsored by non-Forest Service federal and state agencies.~~ Comments from state and federal agencies shall be carefully considered.

(A) All Water Resources shall, in part, be protected by establishing undisturbed buffer zones as specified in MCC 38.7075 (2)(a) and (2)(b). These buffer zones are measured horizontally from a wetland, stream, lake, or pond boundary as defined in MCC 38.7075 (2)(a) and (2)(b).

(1) All buffer zones shall be retained undisturbed and in their natural condition, except as permitted with a mitigation plan.

(2) Buffer zones shall be measured outward from the bank full flow boundary for streams, the high water mark for ponds and lakes, the normal pool elevation for the Columbia River, and the wetland delineation boundary for wetlands on a horizontal scale that is perpendicular to the wetlands, stream, pond or lake boundary. On the main stem of the Columbia River above Bonneville Dam, buffer zones shall be measured landward from the normal pool elevation of the Columbia River. The following buffer zone widths shall be required:

(a) A minimum 200 foot buffer on each wetland, pond, lake, and each bank of a perennial or fish bearing stream, some of which can be intermittent.

(b) A 50-foot buffer zone along each bank of intermittent (including ephemeral), non-fish bearing streams.

(c) Maintenance, repair, reconstruction and realignment of roads and railroads within their rights-of-way shall be exempted from the wetlands and riparian guidelines upon demonstration of all of the following:

1. The wetland within the right-of-way is a drainage ditch not part of a larger wetland outside of the right-of-way.

2. The wetland is not critical habitat.

3. Proposed activities within the right-of-way would not adversely affect a wetland adjacent to the right-of-way.

(3) The buffer width shall be increased for the following:

(a) When the channel migration zone exceeds the recommended buffer width, the buffer width shall extend to the outer edge of the channel migration zone.

(b) When the frequently flooded area exceeds the recommended riparian buffer zone width, the buffer width shall be extended to the outer edge of the frequently flooded area.

(c) When an erosion or landslide hazard area exceeds the recommended width of the buffer, the buffer width shall be extended to include the hazard area.

(4) Buffer zones can be reconfigured if a project applicant demonstrates all of the following:

(a) The integrity and function of the buffer zones is maintained.

(b) The total buffer area on the development proposal is not decreased.

(c) The width reduction shall not occur within another buffer.

(d) The buffer zone width is not reduced more than 50% at any particular location. Such features as intervening topography, vegetation, man made features, natural plant or wildlife habitat boundaries, and flood plain characteristics could be considered.

(5) Requests to reconfigure buffer zones shall be considered if an appropriate professional (botanist, plant ecologist, wildlife biologist, or hydrologist), hired by the project applicant (1) identifies the precise location of the sensitive wildlife/plant or water resource, (2) describes the biology of the sensitive wildlife/plant or hydrologic condition of the water resource, and (3) demonstrates that the proposed use will not have any negative effects, either direct or indirect, on the affected wildlife/plant and their surrounding habitat that is vital to their long-term survival or water resource and its long term function.

(6) The local government shall submit all requests to re-configure sensitive wildlife/plant or water resource buffers to the U.S. Forest Service and the appropriate state agencies for review. All written comments shall be included in the project file. Based on the comments from the state and federal agencies, the local government will make a final decision on whether the reconfigured buffer zones are justified. If the final decision contradicts the comments submitted by the federal and state agencies, the local government shall justify how it reached an opposing conclusion.

(B) When a buffer zone is disturbed by a new use, it shall be replanted with only native plant species of the Columbia River Gorge.

(C) The applicant shall be responsible for identifying all water resources and their appropriate buffers.

(D) Wetlands Boundaries shall be delineated using the following:

(1) The approximate location and extent of wetlands in the Scenic Area is shown on the National Wetlands Inventory (U. S. Department of the Interior 1987). In addition, the list of hydric soils and the soil survey maps shall be used as an indicator of wetlands.

(2) Some wetlands may not be shown on the wetlands inventory or soil survey maps. Wetlands that are discovered by the local planning staff during an inspection of a potential project site shall be delineated and protected.

(3) The project applicant shall be responsible for determining the exact location of a wetlands boundary. Wetlands boundaries shall be delineated using the procedures specified in the '1987 Corps of Engineers Wetland Delineation Manual (on-line Edition)'.

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

(E) Stream, pond, and lake boundaries shall be delineated using the bank full flow boundary for streams and the high water mark for ponds and lakes. The project applicant shall be responsible for determining the exact location of the appropriate boundary for the water resource.

(F) The local government may verify the accuracy of, and render adjustments to, a bank full flow, high water mark, normal pool elevation (for the Columbia River), or wetland boundary delineation. If the adjusted boundary is contested by the project applicant, the local government shall obtain professional services, at the project applicant's expense, or the county will ask for technical assistance from the U.S. Forest Service to render a final delineation.

(G) Buffer zones shall be undisturbed unless the following criteria have been satisfied:

(1) The proposed use must have no practicable alternative as determined by the practicable alternative test. Those portions of a proposed use that have a practicable alternative will not be located in wetlands, stream, pond, lake, and riparian areas and/or their buffer zone.

(2) Filling and draining of wetlands shall be prohibited with exceptions related to public safety or restoration/enhancement activities as permitted when all of the following criteria have been met:

(a) A documented public safety hazard exists or a restoration/ enhancement project exists that would benefit the public and is corrected or achieved only by impacting the wetland in question.

(b) Impacts to the wetland must be the last possible documented alternative in fixing the public safety concern or completing the restoration/enhancement project.

(c) The proposed project minimizes the impacts to the wetland.

(3) Unavoidable impacts to wetlands and aquatic and riparian areas and their buffer zones shall be offset by deliberate restoration and enhancement or creation (wetlands only) measures as required by the completion of a mitigation plan.

(H) Protection of sensitive wildlife/plant areas and sites shall begin when proposed new developments or uses are within 1000 feet of a sensitive wildlife/plant site and/or area. Sensitive Wildlife Areas are those areas depicted in the wildlife inventory and listed in Table 4 of the Management Plan titled "Types of Wildlife Areas and Sites Inventoried in the Columbia Gorge", including all Priority Habitats Table. Sensitive Plants are listed in Table 7 of the Management Plan, titled "Columbia Gorge and Vicinity Endemic Plant Species." The approximate locations of sensitive wildlife and/or plant areas and sites are shown in the wildlife and rare plant inventory.

(I) The local government shall submit site plans (of uses that are proposed within 1,000 feet of a sensitive wildlife and/or plant area or site) for review to the U.S. Forest Service and the appropriate

state agencies (Oregon Department of Fish and Wildlife for wildlife issues and by the Oregon Natural Heritage Program for plant issues).

(J) The U.S. Forest Service wildlife biologists and/or botanists, in consultation with the appropriate state biologists, shall review the site plan and their field survey records. They shall:

(1) Identify/verify the precise location of the wildlife and/or plant area or site.

(2) Determine if a field survey will be required.

(3) Determine, based on the biology and habitat requirements of the affected wildlife/plant species, if the proposed use would compromise the integrity and function of or result in adverse affects (including cumulative effects) to the wildlife or plant area or site. This would include considering the time of year when wildlife or plant species are sensitive to disturbance, such as nesting, rearing seasons, or flowering season.

(4) Delineate the undisturbed 200 ft buffer on the site plan for sensitive plants and/or the appropriate buffer for sensitive wildlife areas or sites, including nesting, roosting and perching sites.

(a) Buffer zones can be reconfigured if a project applicant demonstrates all of the following: (1) the integrity and function of the buffer zones is maintained, (2) the total buffer area on the development proposal is not decreased, (3) the width reduction shall not occur within another buffer, and (4) the buffer zone width is not reduced more than 50% at any particular location. Such features as intervening topography, vegetation, man made features, natural plant or wildlife habitat boundaries, and flood plain characteristics could be considered.

(b) Requests to reduce buffer zones shall be considered if an appropriate professional (botanist, plant ecologist, wildlife biologist, or hydrologist), hired by the project applicant, (1) identifies the precise location of the sensitive wildlife/plant or water resource, (2) describes the biology of the sensitive wildlife/plant or hydrologic condition of the water resource, and (3) demonstrates that the proposed use will not have any negative effects, either direct or indirect, on the affected wildlife/plant and their surrounding habitat that is vital to their long-term survival or water resource and its long term function.

(c) The local government shall submit all requests to re-configure sensitive wildlife/plant or water resource buffers to the U.S. Forest Service and the appropriate state agencies for review. All written comments shall be included in the record of application and based on the comments from the state and federal agencies, the local government will make a final decision on whether the reduced buffer zones is justified. If the final decision contradicts the comments submitted by the federal and state agencies, the local government shall justify how it reached an opposing conclusion.

(K) The local government, in consultation with the State and federal wildlife biologists and/or botanists, shall use the following criteria in reviewing and evaluating the site plan to ensure that the proposed developments or uses do not compromise the integrity and function of or result in adverse affects to the wildlife or plant area or site:

(1) Published guidelines regarding the protection and management of the affected wildlife/plant species. Examples include: the Oregon Department of Forestry has prepared technical papers that include management guidelines for osprey and great blue heron; the Washington Department of Wildlife has prepared similar guidelines for a variety of species, including the western pond turtle, the peregrine falcon, and the Larch Mountain salamander (Rodrick and Milner 1991).

(2) Physical characteristics of the subject parcel and vicinity, including topography and vegetation.

(3) Historic, current, and proposed uses in the vicinity of the sensitive wildlife/plant area or site.

(4) Existing condition of the wildlife/plant area or site and the surrounding habitat and the useful life of the area or site.

(5) In areas of winter range, habitat components, such as forage, and thermal cover, important to the viability of the wildlife must be maintained or, if impacts are to occur, enhancement must mitigate the impacts so as to maintain overall values and function of winter range.

(6) The site plan is consistent with the "Oregon Guidelines for Timing of In-Water Work to Protect Fish and Wildlife Resources" (Oregon Department of Fish and Wildlife 2000).

(7) The site plan activities coincide with periods when fish and wildlife are least sensitive to disturbance. These would include, among others, nesting and brooding periods (from nest building to fledgling of young) and those periods specified.

(8) The site plan illustrates that new developments and uses, including bridges, culverts, and utility corridors, shall not interfere with fish and wildlife passage.

(9) Maintain, protect, and enhance the integrity and function of Priority Habitats (such as old growth forests, talus slopes, and oak woodlands) as listed in the Priority Habitats Table. This includes maintaining structural, species, and age diversity, maintaining connectivity within and between plant communities, and ensuring that cumulative impacts are considered in documenting integrity and function.

<u>PRIORITY HABITATS TABLE</u>	
<u>Priority Habitats</u>	<u>Criteria</u>
<u>Aspen stands</u>	<u>High fish and wildlife species diversity, limited availability, high vulnerability to habitat alteration.</u>
<u>Caves</u>	<u>Significant wildlife breeding habitat, limited availability, dependent species.</u>
<u>Old-growth forest</u>	<u>High fish and wildlife density, species diversity, breeding habitat, seasonal ranges, and limited and declining availability, high vulnerability.</u>
<u>Oregon white oak woodlands</u>	<u>Comparatively high fish and wildlife density, species diversity, declining availability, high vulnerability</u>
<u>Prairies and steppe</u>	<u>Comparatively high fish and wildlife density, species diversity, important breeding habitat, declining and limited availability, high vulnerability.</u>

<u>Riparian</u>	<u>High fish and wildlife density, species diversity, breeding habitat, movement corridor, high vulnerability, dependent species.</u>
<u>Wetlands</u>	<u>High species density, high species diversity, important breeding habitat and seasonal ranges, limited availability, high vulnerability.</u>
<u>Snags and logs</u>	<u>High fish and wildlife density, species diversity, limited availability, high vulnerability, dependent species.</u>
<u>Talus</u>	<u>Limited availability, unique and dependent species, high vulnerability.</u>
<u>Cliffs</u>	<u>Significant breeding habitat, limited availability, dependent species.</u>
<u>Dunes</u>	<u>Unique species habitat, limited availability, high vulnerability, dependent species.</u>

(L) The wildlife/plant protection process may terminate if the local government, in consultation with the U.S. Forest Service and state wildlife agency or Heritage program, determines (1) the sensitive wildlife area or site is not active, or (2) the proposed use is not within the buffer zones and would not compromise the integrity of the wildlife/plant area or site, and (3) the proposed use is within the buffer and could be easily moved out of the buffer by simply modifying the project proposal (site plan modifications). If the project applicant accepts these recommendations, the local government shall incorporate them into its development review order and the wildlife/plant protection process may conclude.

(M) If the above measures fail to eliminate the adverse affects, the proposed project shall be prohibited, unless the project applicant can meet the Practicable Alternative Test and prepare a mitigation plan to offset the adverse effects by deliberate restoration and enhancement.

(N) The local government shall submit a copy of all field surveys (if completed) and mitigation plans to the U.S. Forest Service and appropriate state agencies. The local government shall include all comments in the record of application and address any written comments submitted by the state and federal wildlife agency/heritage programs in its development review order. Based on the comments from the state and federal wildlife agency/heritage program, the local government shall make a final decision on whether the proposed use would be consistent with the wildlife/plant policies and guidelines. If the final decision contradicts the comments submitted by the state and federal wildlife agency/heritage program, the local government shall justify how it reached an opposing conclusion.

(O) The local government shall require the project applicant to revise the mitigation plan as necessary to ensure that the proposed use would not adversely affect a sensitive wildlife/plant area or site.

(P) Soil productivity shall be protected using the following guidelines:

(1) A description or illustration showing the mitigation measures to control soil erosion and stream sedimentation.

(2) New developments and land uses shall control all soil movement within the area shown on the site plan.

(3) The soil area disturbed by new development or land uses, except for new cultivation, shall not exceed 15 percent of the project area.

(4) Within 1 year of project completion, 80 percent of the project area with surface disturbance shall be established with effective native ground cover species or other soil-stabilizing methods to prevent soil erosion until the area has 80 percent vegetative cover.

(Q) An alternative site for a proposed use shall be considered practicable if it is available and the proposed use can be undertaken on that site after taking into consideration cost, technology, logistics, and overall project purposes. A practicable alternative does not exist if a project applicant satisfactorily demonstrates all of the following:

(1) The basic purpose of the use cannot be reasonably accomplished using one or more other sites in the vicinity that would avoid or result in less adverse effects on wetlands, ponds, lakes, riparian areas, wildlife or plant areas and/or sites.

(2) The basic purpose of the use cannot be reasonably accomplished by reducing its proposed size, scope, configuration, or density, or by changing the design of the use in a way that would avoid or result in less adverse effects on wetlands, ponds, lakes, riparian areas, wildlife or plant areas and/or sites..

(3) Reasonable attempts were made to remove or accommodate constraints that caused a project applicant to reject alternatives to the proposed use. Such constraints include inadequate infrastructure, parcel size, and land use designations. If a land use designation or recreation intensity class is a constraint, an applicant must request a Management Plan amendment to demonstrate that practicable alternatives do not exist.

(R) The Mitigation Plan shall be prepared when:

(1) The proposed development or use is within a buffer zone (wetland, pond, lakes, riparian areas, wildlife or plant areas and/or sites).

(2) There is no practicable alternative as determined by MCC 38.7075 (Q).

(S) In all cases, Mitigation Plans are the responsibility of the applicant and shall be prepared by an appropriate professional (botanist/ecologist for plant sites, a wildlife/fish biologist for wildlife/fish sites, and a qualified professional for water resource sites).

(T) The primary purpose of this information is to provide a basis for the project applicant to redesign the proposed use in a manner that protects sensitive water resources, and wildlife/plant areas and sites, that maximizes his/her development options, and that mitigates, through restoration, enhancement, and replacement measures, impacts to the water resources and/or wildlife/plant area or site and/or buffer zones.

(U) The applicant shall submit the mitigation plan to the local government. The local government shall submit a copy of the mitigation plan to the U.S. Forest Service, and appropriate state agencies. If the final decision contradicts the comments submitted by the state and federal wildlife agency/heritage program, the local government shall justify how it reached an opposing conclusion.

(V) A project applicant shall demonstrate sufficient fiscal, technical, and administrative competence to successfully execute a mitigation plan involving wetland creation.

(W) Mitigation plans shall include maps, photographs, and text. The text shall:

(1) Describe the biology and/or function of the sensitive resources (e.g. Wildlife/plant species, or wetland) that will be affected by a proposed use. An ecological assessment of the sensitive resource to be altered or destroyed and the condition of the resource that will result after restoration will be required. Reference published protection and management guidelines.

(2) Describe the physical characteristics of the subject parcel, past, present, and future uses, and the past, present, and future potential impacts to the sensitive resources. Include the size, scope, configuration, or density of new uses being proposed within the buffer zone.

(3) Explain the techniques that will be used to protect the sensitive resources and their surrounding habitat that will not be altered or destroyed (for examples, delineation of core habitat of the sensitive wildlife/plant species and key components that are essential to maintain the long-term use and integrity of the wildlife/plant area or site).

(4) Show how restoration, enhancement, and replacement (creation) measures will be applied to ensure that the proposed use results in minimum feasible impacts to sensitive resources, their buffer zones, and associated habitats.

(5) Show how the proposed restoration, enhancement, or replacement (creation) mitigation measures are NOT alternatives to avoidance. A proposed development/use must first avoid a sensitive resource, and only if this is not possible should restoration, enhancement, or creation be considered as mitigation. In reviewing mitigation plans, the local government, appropriate state agencies, and U.S. Forest Service shall critically examine all proposals to ensure that they are indeed last resort options.

(X) At a minimum, a project applicant shall provide to the local government a progress report every 3-years that documents milestones, successes, problems, and contingency actions. Photographic monitoring stations shall be established and photographs shall be used to monitor all mitigation progress.

(Y) A final monitoring report shall be submitted to the local government for review upon completion of the restoration, enhancement, or replacement activity. This monitoring report shall document successes, problems encountered, resource recovery, status of any sensitive wildlife/plant species and shall demonstrate the success of restoration and/or enhancement actions. The local government shall submit copies of the monitoring report to the U.S. Forest Service; who shall offer technical assistance to the local government in helping to evaluate the completion of the mitigation plan. In instances where restoration and enhancement efforts have failed, the monitoring process shall be extended until the applicant satisfies the restoration and enhancement guidelines.

(Z) Mitigation measures to offset impacts to resources and/or buffers shall result in no net loss of water quality, natural drainage, fish/wildlife/plant habitat, and water resources by addressing the following:

(1) Restoration and enhancement efforts shall be completed no later than one year after the sensitive resource or buffer zone has been altered or destroyed, or as soon thereafter as is practicable.

(2) All natural vegetation within the buffer zone shall be retained to the greatest extent practicable. Appropriate protection and maintenance techniques shall be applied, such as fencing, conservation buffers, livestock management, and noxious weed control. Within five years, at least 75 percent of the replacement vegetation must survive. All plantings must be with native plant species that replicate the original vegetation community.

(3) Habitat that will be affected by either temporary or permanent uses shall be rehabilitated to a natural condition. Habitat shall be replicated in composition, structure, and function, including tree, shrub and herbaceous species, snags, pool-riffle ratios, substrata, and structures, such as large woody debris and boulders.

(4) If this standard is not feasible or practical because of technical constraints, a sensitive resource of equal or greater benefit may be substituted, provided that no net loss of sensitive resource functions occurs and provided the County, in consultation with the appropriate State and Federal agency, determine that such substitution is justified.

(5) Sensitive plants that will be destroyed shall be transplanted or replaced, to the maximum extent practicable. Replacement is used here to mean the establishment of a particular plant species in areas of suitable habitat not affected by new uses. Replacement may be accomplished by seeds, cuttings, or other appropriate methods. Replacement shall occur as close to the original plant site as practicable. The project applicant shall ensure that at least 75 percent of the replacement plants survive 3 years after the date they are planted

(6) Nonstructural controls and natural processes shall be used to the greatest extent practicable.

(a) Bridges, roads, pipeline and utility corridors, and other water crossings shall be minimized and should serve multiple purposes and properties.

(b) Stream channels shall not be placed in culverts unless absolutely necessary for property access. Bridges are preferred for water crossings to reduce disruption to hydrologic and biologic functions. Culverts shall only be permitted if there are no practicable alternatives as determined by MCC .38.7075 (Q).

(c) Fish passage shall be protected from obstruction.

(d) Restoration of fish passage should occur wherever possible.

(e) Show location and nature of temporary and permanent control measures that shall be applied to minimize erosion and sedimentation when riparian areas are disturbed, including slope netting, berms and ditches, tree protection, sediment barriers, infiltration systems, and culverts.

(f) Groundwater and surface water quality will not be degraded by the proposed use. Natural hydrologic conditions shall be maintained, restored, or enhanced in such a manner that replicates natural conditions, including current patterns (circulation, velocity, volume, and normal water fluctuation), natural stream channel and shoreline dimensions and materials, including slope, depth, width, length, cross-sectional profile, and gradient.

(g) Those portions of a proposed use that are not water-dependent or that have a practicable alternative will be located outside of stream, pond, and lake buffer zones.

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

(i) The size of restored, enhanced, and replacement (creation) wetlands shall equal or exceed the following ratios. The first number specifies the required acreage of replacement wetlands, and the second number specifies the acreage of wetlands altered or destroyed.

Restoration: 2: 1

Creation: 3: 1

Enhancement: 4: 1

(7) Wetland creation mitigation shall be deemed complete when the wetland is self-functioning for 5 consecutive years. Self-functioning is defined by the expected function of the wetland as written in the mitigation plan. The monitoring report shall be submitted to the local government to ensure compliance. The U.S. Forest Service, in consultation with appropriate state agencies, shall extend technical assistance to the local government to help evaluate such reports and any subsequent activities associated with compliance.

(8) Wetland restoration/enhancement can be mitigated successfully by donating appropriate funds to a non-profit wetland conservancy or land trust with explicit instructions that those funds are to be used specifically to purchase protection easements or fee title protection of appropriate wetlands acreage in or adjacent to the Columbia River Gorge meeting the ratios given above in MCC 38.7075 (Z) (6) (i). These transactions shall be explained in detail in the Mitigation Plan and shall be fully monitored and documented in the monitoring report.

~~(A) Buffer zones shall be undisturbed unless it has been shown that there are no practicable alternatives pursuant to MCC 38.7055 (F) (1), substituting the name of the resource as appropriate. New developments and uses may only be allowed in the buffer zone upon demonstration in the natural resources mitigation plan required by MCC 38.7075 (B) (6) that there would be no adverse effects.~~

~~(B) The applicant's site plan shall include the following additional information to facilitate evaluation for compliance with minimum natural resource protection standards:~~

~~(1) Location of the following sites and areas. The Forest Service will provide this information to the applicant.~~

~~(a) Sites of sensitive wildlife and sensitive plant species.~~

~~(b) Location of riparian and wetland areas. The exact location of the wetland boundaries shall be delineated using the procedures specified in the *Federal Manual for Identifying and Delineating Jurisdictional Wetlands* (Federal Interagency Committee for Wetland Delineation, 1989).~~

~~(2) A description or illustration showing the mitigation measures to control soil erosion and stream sedimentation.~~

~~(3) Site plans shall be submitted to the Forest Service, and the Oregon Department of Fish and Wildlife. The site plan shall be reviewed by the Forest Service in consultation with the appropriate state or federal agency and reviewed and approved by the Planning Director if appropriate.~~

~~(4) Review of the site plan shall consider the following:~~

- ~~(a) Biology and habitat requirements of the flora or fauna of concern.~~
- ~~(b) Historic, current, and proposed uses in the vicinity of sensitive species, including cumulative effects.~~
- ~~(c) Existing condition of the site and the surrounding habitat and the useful life of the site.~~
- ~~(d) Physical characteristics of the subject parcel and vicinity, including topography, vegetation, and soil and hydrological characteristics.~~
- ~~(e) Minimum natural resource protection standards including buffer zones.~~
- ~~(f) Closure of forest practice roads necessary to protect natural resources.~~
- ~~(g) Comments from state and federal agencies.~~

~~(5) Minimum natural resource protection standards include:~~

~~(a) Sites of sensitive wildlife and sensitive plant species.~~

- ~~1. A 200 foot buffer zone shall be created for sensitive plant species.~~
- ~~2. A buffer zone for sites of sensitive wildlife species, such as nesting, roosting and perching sites, as defined by species requirements shall be as determined by the Forest Service biologist in consultation with other state or federal agency biologists.~~

~~(b) Riparian, Wetlands, Parks, and Lakes:~~

- ~~1. Adding any fill or draining of wetlands is prohibited.~~
- ~~2. A minimum 200 foot buffer zone shall be created on the landward side of each wetland, pond or lake; or a wider variance from this requirement shall be determined during the site plan analysis of the wetland or riparian area and those species inhabiting the area as determined by the Forest Service biologist in consultation with state and/or federal agencies;~~
- ~~3. A 200 foot buffer zone shall be created along each fish bearing and perennial stream.~~
- ~~4. A 50 foot buffer zone shall be created along intermittent streams.~~

~~5. Revegetation shall use only species native to the Columbia River Gorge, and shall provide and maintain habitat diversity beneficial to the fish, wildlife and native plants.~~

~~6. Maintenance, repair, reconstruction and realignment of roads and railroads within their rights of way shall be exempted from the wetlands and riparian standards upon demonstration of the following:~~

~~a. The wetland within the right of way is a drainage ditch not part of a larger wetland outside of the right of way;~~

~~b. The wetland is not critical habitat; and~~

~~c. Proposed activities within the right of way would not adversely affect a wetland adjacent to the right of way.~~

~~7. There shall be no destruction of wetlands except within roads and railroad rights of way as provided in subsection 8 below. There shall be no destruction of riparian areas except for water dependent uses, such as boat ramps, and road construction and reconstruction. Above stated exceptions to riparian destruction policy shall meet minimum natural resource protection standards and be reviewed for meeting resource protection guidelines.~~

~~8. The exact location of wetlands boundaries shall be delineated using the procedures specified in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands *Federal Interagency Committee for Wetland Delineation, 1989*. Changes to this Federal manual would not apply to the Scenic Area unless the National Scenic Area Management Plan has been amended. The approximate location and extent of wetlands in the National Scenic Area is shown on the National Wetlands Inventory (U.S. Fish and Wildlife Service, 1987).~~

~~(c) Fish and Wildlife Habitat:~~

~~1. Structures such as bridges, culverts, and utility corridors shall be designed so as not to impede the passage of fish and wildlife.~~

~~2. New developments and uses shall not interfere with fish passage.~~

~~3. Filling of shallow water fishery habitat shall be allowed only after an analysis showing that no other practicable sites exist. Filling shall only be considered for water dependent uses and mitigation shall be required.~~

~~4. New developments and uses shall occur during periods when fish and wildlife are least sensitive to activities. This would include, among others, nesting and brooding periods (from nest building to fledgling of young), and those periods specified in *Oregon Guidelines for Timing of In-Water Work to Protect Fish and Wildlife Resources* (Oregon Dept. of Fish and Wildlife).~~

~~5. In areas of big game winter range adequate thermal cover shall be maintained as determined by the appropriate state wildlife agency.~~

6. Forest practices shall maintain the following:

~~a. Six live trees per acre, three of which shall be of the largest tree size available and three of which shall be of various sizes to provide replacements as snags and wildlife trees; and three dead trees per acre, of the largest tree size available; and three down trees per acre in the largest tree size available. All trees shall be unburned.~~

~~In areas with mixed oak and conifer stands, at least one of the three dead trees per acre shall be an oak snag of the largest tree size and one additional live conifer per acre of 16 inch dbh (diameter at breast height) or greater, preferably with limbs down to the ground, shall be maintained.~~

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

~~c. Down logs shall be relatively solid and no area greater than two acres in size and capable of supporting forested conditions shall be without a minimum of two down logs.~~

~~(d) Bio diversity:~~

~~1. New uses shall avoid disturbance to old growth forests.~~

~~2. Forest practices shall maintain species composition at existing proportions in the activity area.~~

~~3. Forest practices in areas with existing oak species, shall maintain a minimum of 25 square feet basal area per acre of oak in areas with predominantly oak trees of one foot dbh or more, or maintain a minimum forty percent oak canopy cover per 40 acres in which 10 trees per acre must be of the largest tree size, in areas with predominantly oak trees less than one foot dbh. No area greater than 10 acres in size and supporting existing oak species, shall be devoid of oak trees.~~

~~4. Maintain a mix in age and size of hardwoods in order to provide for vertical diversity and replacement.~~

~~5. For revegetation purposes, only plants species native to the Columbia River Gorge shall be encouraged.~~

~~(e) Soil productivity:~~

~~1. New developments and land uses shall control all soil movement within the area shown on the site plan.~~

~~2. The soil area disturbed by new development or land uses shall not exceed 15 percent of the project area.~~

~~3. Within one year of project completion 80 percent of the project area with surface disturbance shall be established with effective native ground cover species or other soil stabilizing methods to prevent soil erosion until the area has 80 percent vegetative cover.~~

~~4. Forest practices shall maintain the following:~~

~~a. Soil organic matter shall be provided at a minimum of 15 tons per acre and 25 tons per acre of dead and down woody material in the east and west side vegetation communities respectively.~~

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

~~(f) Air and water quality:~~

~~1. Streambank and shoreline stability shall be maintained or restored with natural revegetation.~~

~~2. All new developments shall be carried out to comply with state water quality requirements.~~

~~3. Existing levels of air visibility shall not be degraded. The Scenic Area shall be suited for designation as a Class 1 airshed.~~

~~4. County, state and federal regulations for air and water quality and for pesticide use shall be followed.~~

~~(6) The applicant shall develop a natural resource mitigation plan for all new developments or uses proposed within a buffer zone. The applicant's mitigation plan shall:~~

~~(a) Include existing natural and cultural features.~~

~~(b) Include proposed actions within and adjacent to the buffer zone.~~

~~(c) Include mitigation measures as necessary to comply with the minimum natural resource protection standards and protect natural resources from adverse effects.~~

~~(d) Be prepared by a natural resource specialist as defined.~~

~~(e) Demonstrate mitigation measures which would offset the adverse effects of the proposed new use or developments and which would ensure protection, long term viability, and function of the resource being protected by the buffer zone.~~

~~(7) The natural resource mitigation plan shall be reviewed to ensure the proposed mitigation is adequate and for compliance with minimum natural resource protection standards by the Forest Service in consultation with appropriate state or federal agencies and reviewed and approved by the Planning Director if appropriate.~~

Section 75. § 38.7085 is amended as follows:

38.7085 SMA Recreation Resource Review Criteria

(A) The following shall apply to all new developments and land uses:

* * *

(7) The Planning Director may grant a variance of up to 10 percent to the standards of Recreation Intensity Class 4 for parking and campground units upon demonstration that:

* * *

(d) The proposed use is consistent with the goals, objectives, and policies in ~~this chapter~~the Management Plan, Part I, Chapter 4.

* * *

(g) Mass transportation has been considered and implemented, if feasible~~will be utilized to the maximum feasible extent to relieve parking demand.~~

~~(8) Accommodation of facilities for mass transportation (bus parking, etc.) shall be required for all new high-intensity (Recreation Intensity Class 3 or 4) day-use recreation sites, except for sites predominantly devoted to boat access.~~

~~(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 38.0100.

~~(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. The recreation intensity classes are designed to protect recreation resources by limiting land development and land uses.

* * *

(3) Intensity Class 3

Emphasis is on facilities with design themes emphasizing the natural qualities of the area. Developments are complementary to the natural landscape, yet can accommodate moderate numbers of people.

* * *

(c) Accommodation of facilities for mass transportation (bus parking, etc.) shall be required for all new (Recreation Intensity Class 3) day-use recreation sites, except for sites predominantly devoted to boat access.

(e) All uses permitted in Classes 1 and 2 are permitted in Class 3. The following uses may also be permitted:

* * *

(4) Intensity Class 4

Emphasis is for providing roaded natural, rural, and suburban recreation opportunities with a high level of social interaction.

(a) Permitted uses are those in which people can participate in activities to realize experiences such as socialization, cultural and natural history appreciation, and physical activity.

(b) The maximum design capacity shall not exceed 1000 people at one time on the site. The maximum design capacity for parking areas shall be 200 vehicles. The GMA vehicle capacity level of 250 vehicles shall be allowed if enhancement or mitigation measures of scenic, cultural, or natural resources are approved for at least 20 percent of the site.

(c) Accommodation of facilities for mass transportation (bus parking, etc.) shall be required for all new (Recreation Intensity Class 4) day-use recreation sites, except for sites predominantly devoted to boat races.

(ed) All uses permitted in Classes 1, 2, and 3 are permitted in Class 4.

Section 76. § 38.7090 is amended as follows:

38.7090 Responses to an Emergency/Disaster Event

Responses to an emergency/disaster event are allowed in all zoning districts within the Columbia River Gorge National Scenic Area when in compliance with the following standards:

(A) General standards for all response activities.

* * *

(2) Structures or development installed or erected for a temporary use (e.g. sandbags, check dams, plastic sheeting, chain link fences, debris walls, etc.) shall be removed within one year following an emergency event. If it can be demonstrated that the continued use of these devices is necessary to protect life, property, public services or the environment, an extension of no more than two years may be granted by the Planning Director, or the U.S. Forest Service for federal agency actions.

* * *

(B) Notification Requirements

(1) Actions taken in response to an emergency/disaster event, as defined in MCC 38.0015, are allowed in all GMA and SMA land use designations, subject to the following notification requirements.

* * *

(c) Notification shall be furnished to the Planning Director, or the U.S. Forest Service for federal agency actions.

* * *

(2) Upon notification of an emergency/disaster response action, the Planning Director or the U.S. Forest Service shall, as soon as possible:

* * *

(c) Notify the U.S. Forest Service (except when the U.S. Forest Service is the notifying agency), State Historic Preservation Office (SHPO), and the Tribal governments of all emergency/disaster response activities. The U.S. Forest Service will review their cultural resource inventory data and notify the contact person for the emergency/disaster response action as soon as possible of all inventoried cultural resource sites, or their buffers, that are within, or adjacent to, emergency/disaster response areas.

(3) Upon notification of a response action, the U.S. Forest Service shall, as soon as possible, offer the services of a resource advisor to the agency(ies) conducting the response action. The resource advisor will provide on-site advice to minimize impacts to resources from emergency/disaster response actions.

(C) Post-Emergency/Disaster Response Site Review Application Requirements

(1) Within 30 days following notification, a post-emergency/disaster response application shall be submitted by the party conducting the response action to the Planning Director, or U.S. Forest Service for federal agency actions. In the case of an event with multiple responding parties, the agency providing initial notification as required herein shall submit the application. An exception to this may occur if another responding party, by mutual agreement with the other respondents, elects to submit the application. Requests to extend this submittal deadline may be made in writing and shall include the reason why an extension is necessary. Extensions shall not exceed 30 days in duration and no more than two (2) extensions shall be granted.

(2) Post-emergency/disaster response applications shall only address development activities conducted during an emergency/disaster response. Applications shall specify if development placed during an emergency/disaster event is permanent or temporary. The terms “development activities” and “development” include the disposal of any soil materials associated with an emergency/disaster response action. Applicants shall be responsible for operations under their control and that of other responders, upon mutual agreement. Responders not agreeing to have another responder address their actions shall be responsible to submit an application for those actions.

* * *

(E) Post-Emergency/Disaster Response Site Review Approval Criteria

Actions taken in all land use designations that are in response to an emergency/disaster event shall be reviewed for compliance with the following standards:

(1) Scenic Resources

* * *

(f) In the General Management Area, Spoil materials associated with grading, excavation and slide debris removal activities in relation to an emergency/disaster response action, shall ~~either~~ comply with the following standards:

1. The spoil materials shall either be:

a. Removed from the NSA or

b. dDeposited at a site within the NSA where such deposition is, or can be, allowed, or

2-c. Contoured, to the greatest extent practicable, to retain the natural topography, or a topography which emulates that of the surrounding landscape.

2. The County shall decide whether an applicant removes the spoil materials (MCC 38.7090(E)(1)(f) 1.a.), deposits the spoil materials (MCC 38.7090(E)(1)(f) 1.b.), or contours the spoils materials (MCC 38.7090(E)(1)(f)1.c.) The applicant does not make this decision.

3. The County shall select the action in MCC 38.7090(E)(1)(f) 1. that, to the greatest extent practicable, best complies with the provisions in Chapter 38 that protect scenic, cultural, recreation, and natural resources.

4. Disposal sites created according to MCC 38.070(E)(1)(f)1.b. shall only be used for spoil materials associated with an emergency/disaster response action. Spoil materials from routine road maintenance activities shall not be deposited at these sites.

(g) In the Special Management Area, spoil materials associated with grading, excavation, and slide debris removal activities in relation to an emergency/disaster response action shall comply with the following standards:

1. The spoil materials shall either be:

a. Removed from the NSA, or

b. Deposited at a site within the NSA where such deposition is, or can be, allowed within two years of the emergency.

2. After the spoils materials are removed, the emergency disposal site shall be rehabilitated to meet the scenic standard.

3. All grading (i.e. contouring) shall be completed within 30 days after the spoils materials are removed.

4. Sites shall be replanted using native plants found in the landscape setting or ecoregion to the maximum extent practicable.

5. All revegetation shall take place within one (1) year of the date an applicant completes the grading.

6. MCC 38.7090 (E) (1) (g) shall take effect on August 3, 2006, or approval of a disposal site, which ever comes first.

(2) Cultural Resources and Treaty Rights

(a) To the greatest extent practicable, emergency/disaster response actions shall not adversely affect cultural resources. Emergency/disaster response actions shall not affect Tribal treaty rights.

(b) The U.S.D.A Forest Service shall determine if a reconnaissance survey or historic survey is necessary within three days after receiving notice that a post-emergency land use application has been received by the Planning Director.

1. Reconnaissance surveys shall be conducted by the U.S.D.A Forest Service and comply with the standards of MCC 38.7045 (D) (1) and (D)(2)(c).

* * *

(d) When written comments are submitted in compliance with (C)(2) above, the project applicant shall offer to meet within five calendar days with the interested persons. The five day consultation period may be extended upon agreement between the project applicant and the interested persons. A report shall be prepared by the Planning Director following the consultation meeting. Consultation meetings and reports shall comply with the standards of MCC 38.7045 (C) (1) and (2) and 38.0110 (A)(1) and (2).

(e) If cultural resources are discovered within the area disturbed by emergency response actions, the project applicant shall have a qualified professional conduct a survey to gather enough information to evaluate the significance of the cultural resources and what effects the action had on such resources. The survey and evaluation shall be documented in a report that follows the standards of MCC 38.7045 (D) (2)(c) and (F) and (G).

(f) A mitigation plan shall be prepared by the project applicant if the affected cultural resources are significant. The mitigation plan shall be prepared according to the information, consultation, and report standards of MCC 38.7045 (J) and (K).

* * *

(3) Natural Resources

* * *

(b) Buffer zones for wetlands, streams, ponds, riparian areas, sensitive wildlife sites or areas, and sites containing rare plants, shall be the same as those established in MCC .7060(F).

1. *Wetlands, Streams, Ponds, Lakes, Riparian Areas*

* * *

e. Unless addressed through d. above, mitigation and restoration efforts shall be delineated in a Rehabilitation Plan. Rehabilitation Plans shall satisfy the standards of MCC .7060(G)(1) and (2). Rehabilitation Plans shall also satisfy the following:

* * *

2. *Wildlife Habitat*

* * *

b. Site plans for emergency/disaster response sites shall be submitted by the Planning Director to the Oregon Department of Fish and Wildlife for review as required by MCC 38.7065 (~~DC~~) (1) and (2). The department shall respond within 15 days of the date the application is mailed.

* * *

d. If the Planning Director, in consultation with the Oregon Department of Fish and Wildlife, determines that the emergency/disaster response activities had minor effects on the wildlife area or site that could be eliminated with simple modifications, a letter shall be sent to the project applicant that describes the effects and measures that need to be taken to eliminate them. The state wildlife biologist, or a U.S. Forest Service natural resource advisor (as available) in consultation with the state wildlife biologist, shall visit the site in order to make this determination. If the project applicant accepts these recommendations, the Planning Director shall incorporate them into the Site Review decision and the wildlife protection process may conclude.

e. If the Planning Director, in consultation with the Oregon Department of Fish and Wildlife, determines that the emergency/disaster response activities had adverse effects on a sensitive wildlife area or site, the project applicant shall prepare a Wildlife Management Plan. Wildlife Management Plans shall satisfy the standards of MCC .7065(~~ED~~). Upon completion of the Wildlife Management Plan, the Planning Director shall:

* * *

3. *Deer and Elk Winter Range*

Any fencing permanently erected within deer and elk winter range, as a result of an emergency/disaster response, shall satisfy the standards of MCC 38.7065 (~~FE~~).

4. *Rare Plants*

* * *

e. If emergency/disaster response activities occurred within a rare plant buffer zone that had adverse affects on rare plants or their buffer zone, the project applicant shall prepare a protection and rehabilitation plan, that meets the standards of MCC 38.7070 (~~ED~~).

* * *

Section 77. § 38.7100 is added as follows:

38.7100 Expedited Development Review Criteria

(A) Proposed developments reviewed using the expedited review process shall comply with the following resource protection guidelines:

(1) Scenic

(a) In the General Management Area, the scenic resource protection provisions MCC 38.7100 (A)(1)(b) through (f) shall not apply to woven-wire fences for agricultural use that would enclose 80 acres or less.

(b) The colors of structures topographically visible from key viewing areas shall be dark earth-tones found at the specific site or the surrounding landscape. The specific colors or list of acceptable colors shall be included as a condition of approval. This guideline shall not apply to additions, which may match the color of existing buildings.

(c) Structures topographically visible from key viewing areas shall use low or non-reflective building materials, including roofing, gutters, vents, and chimneys.

(d) Outdoor lights shall be directed downward and sited, hooded, and shielded such that they are not highly visible from key viewing areas. Shielding and hooding materials shall be composed of non-reflective, opaque materials.

(e) Signs shall comply with the applicable sign provisions of MCC 38.0080.

(f) Structures within ½-mile of a key viewing area and topographically visible from the key viewing area shall be sited, screened and/or designed to achieve the applicable scenic standard (e.g., visual subordination, not visually evident).

(2) Cultural

(a) The expedited development review process shall only be used to review proposed development that does not require a reconnaissance survey or historic survey. The Cultural Resources Reconnaissance Survey Criteria in MCC 38.7045(A)(1), (2), and (3) shall be used to determine if a reconnaissance and/or historic survey is required for a proposed development.

(b) The GMA provisions that protect cultural resources in MCC 38.7045(L) and human remains discovered during construction in MCC 38.7045(M) shall be applied as conditions of approval for all development approved under the expedited development review process.

(3) Recreation

The development shall not detract from the use and enjoyment of established recreation sites on adjacent parcels.

(4) Natural

(a) Wetlands, Streams, Rivers, Ponds, and Lakes

The development is outside buffer zones for wetlands, streams, rivers, ponds, and lakes. This guideline shall not apply to lot line adjustments or development located inside road, utility or railroad rights-of-way or easements that have been previously disturbed and regularly maintained.

(b) Sensitive Wildlife and Sensitive Plants

1. The development meets one of the following:

a. The development is at least 1,000 feet from known sensitive wildlife areas or sites (excluding sensitive aquatic species, deer winter range, and turkey habitat) and known sensitive plants; or

b. The development does not disturb the ground or is inside road, utility or railroad rights-of-way or easements or other areas that have been previously disturbed and regularly maintained; or

c. For sensitive wildlife, the development is within 1,000 feet of known sensitive wildlife areas or sites (excluding sensitive aquatic species, deer winter range and turkey habitat), but an appropriate federal or state wildlife agency determines

1) the sensitive wildlife area or site is not active; or

2) the proposed development would not compromise the integrity of the wildlife area or site or occur during the time of the year when wildlife species are sensitive to disturbance.

For sensitive plants, the development is within 1,000 feet of known sensitive plants, but the Oregon Natural Heritage Program or a person with recognized expertise in botany or plant ecology hired by the applicant has determined that the development would be at least 200 feet from the sensitive plants.

2. Development eligible for expedited review shall be exempt from the field surveys for sensitive wildlife in MCC 38.7065 (A) or sensitive plants in MCC 38.7070 (A).

(B) Proposed developments reviewed using the expedited review process shall comply with the following treaty rights protection guidelines:

(1) Proposed developments shall not adversely affect treaty or other rights of any Indian tribe.

(2) The expedited development review process shall cease and the proposed development shall be reviewed using the full development review process if an Indian tribe submits substantive written comments during the comment period that identify the treaty rights that exist in the project vicinity and explain how they would be affected or modified by the proposed development.

(3) Except as provided in MCC 38.7100(B)(2) above, the GMA and SMA treaty rights, and the consultation process discussed in MCC 38.0110 shall not apply to proposed developments reviewed under the expedited review process.

Part 7 – Special Uses

Section 78. § 38.7300* is added as follows:

38.7300* PART 7 – SPECIAL USES – Approval Criteria and Submittal Requirements

Section 79. § 38.0075 is renumbered and amended as follows:

38.0075-7300 Approval Criteria For Review and Conditional Uses

(A) Agriculture

- (1) The use is compatible with agricultural uses and would not force a change in or significantly increase the cost of accepted agricultural practices on nearby lands devoted to agricultural use; and
- (2) The use will be sited to minimize the loss of land suitable for the production of crops or livestock..

(B) Forestry

- (1) The owners of land designated GGF or GGA within 500 feet of the perimeter of the subject parcel have been notified of the land use application and have been given at least 10 days to comment prior to a final decision;
- (2) The use will not interfere seriously with accepted forest or agricultural practices on nearby lands devoted to resource use;
- (3) The use will be sited in such a way as to minimize the loss of forest or agricultural land and to minimize the chance of interference with accepted forest or agricultural practices on nearby lands; and
- (4) The use will not significantly increase fire hazard, fire suppression costs or risks to fire suppression personnel and will comply with MCC 38.0085.

(C) Residential

- (1) The proposed use would be compatible with the surrounding area. Review of compatibility shall include impacts associated with the visual character of the area, traffic generation, effects of noise, dust and odors.
- (2) The proposed use will not require public services other than those existing or approved for the area.
- (3) If the subject parcel is located within 500 feet of lands designated GGA or GGF, new buildings associated with the proposed use shall comply with MCC 38.0060.

(4) If the subject parcel is located within 500 feet of lands designated GGF, new buildings associated with the proposed use shall comply with MCC 38.0085.

(D) Commercial

(1) The proposal is limited to 5,000 square feet of floor area per building or use; and

(2) The proposed use would be compatible with the surrounding areas including review for impacts associated with the visual character of the area, traffic generation and the effects of noise, dust and odors.

(E) Non-Recreation Uses in GG– PR

(1) The proposed use will not interfere with existing or approved public recreation uses on the subject property or adjacent lands. Mitigation measures to comply with this criterion may include onsite buffers, seasonal or temporary closures during peak recreation use periods, *etc.*

(2) The proposed use will not permanently commit the majority of the site to a non-recreational use. Careful siting and design of structure and other improvements may be utilized to comply with this criterion.

(3) Land divisions may be allowed upon a demonstration that the proposed land division is necessary to facilitate, enhance or otherwise improve recreational uses on the site.

(F) Non-Recreation Uses in GG– CR

(1) The proposed use will not interfere with existing or approved commercial recreation uses on the subject property or adjacent lands. Mitigation measures to comply with this criterion may include onsite buffers, seasonal or temporary closures during peak recreation use periods, *etc.*

(2) The proposed use will not permanently commit the majority of the site to a non-recreational use. Careful siting and design of structure and other improvements may be utilized to comply with this criterion.

(3) Land divisions may be allowed upon a demonstration that the proposed land division is necessary to facilitate, enhance or otherwise improve recreational uses on the site.

Section 80. § 38.0085 is renumbered and amended as follows:

38.0085-7305 Approval Criteria for Fire Protection in Forest Zones

(A) All buildings shall be surrounded by a maintained fuel break of ~~60~~50 feet. Hazardous fuels shall be removed within the fuel break area. Irrigated or fire resistant vegetation may be planted within the fuel break. This could include green lawns and low shrubs (less than 24 inches in height). Trees should be spaced greater than 15 feet between the crowns and pruned to remove dead and low (less than 8 feet) branches. Accumulated leaves, needles, and other dead vegetation shall be removed from beneath trees.

(B) Buildings with plumbed water systems shall install at least one standpipe a minimum of 50 feet from the structure.

(C) ~~For properties located outside of a fire district, a~~ pond, stream, tank or sump with storage of not less than 1,000 gallons, or a well or water system capable of delivering 20 gallons per minute shall be provided. If a well pump is located on-site, the electrical service shall be separate from the dwelling.

(D) Access drives shall be constructed to a minimum of 12 feet in width and not exceed a grade of 12 percent. Turnouts shall be provided at a minimum of every 500 feet. Access drives shall be maintained to a level that is passable to fire equipment. Variances to road standards may be made only after consultation with the local rural fire district and the Oregon Department of Forestry.

(E) Within one year of the occupancy of a dwelling, the Planning Director shall conduct a review of the development to assure compliance with these standards.

(F) Telephone and power supply systems shall be underground whenever possible.

(G) Roofs of structures should be constructed of fire-resistant materials such as metal, fiberglass shingle or tile. Roof materials such as cedar shake and shingle should not be used.

(H) Any chimney or stovepipe on any structure for use with a woodstove or fireplace should be screened with no coarser than 1¼ inch mesh metal screen that is noncombustible and corrosion resistant and should be equipped with a spark arrestor.

(I) All structural projections such as balconies, decks and roof gables should be built with fire resistant materials equivalent to that specified in the Uniform Building Code.

(J) Attic openings, soffit vents, foundation louvers or other ventilation openings on dwellings and accessory structures should be screened with no coarser than 1¼ inch mesh metal screen that is noncombustible and corrosion resistant.

Section 81. § 38.0090 is renumbered and amended as follows:

38.0090-7310 Approval Criteria for Specific Uses

Uses identified in MCC 38.2025 (A) (~~1417~~); MCC 38.2030 (A) (5), (6) and (7); and MCC 38.2030 (B) (8) may be allowed only if they meet all of the following criteria:

(A) The owners of land designated GGF-20, GGF-40, GGA-20 or GGA-40 within 500 feet of the perimeter of the subject parcel have been notified of the land use application and have been given at least 10 days to comment prior to a final decision;

(B) The use will not interfere seriously with accepted forest or agricultural practices on nearby lands devoted to resource use;

(C) The use will be sited in such a way as to minimize the loss of forest or agricultural land and to minimize the chance of interference with accepted forest or agricultural practices on nearby lands; and

(D) The use will not significantly increase fire hazard, fire suppression costs or risks to fire suppression personnel and will comply with MCC 38.00857305.

Section 82. § 38.0095 is renumbered and amended as follows:

38.0095-7315 Approval Criteria for Siting of Dwellings on Forest Land

The approval of new dwellings and accessory structures on forest lands shall comply with the following standards:

(A) The dwelling and structures shall be sited on the parcel so that they will have the least impact on nearby or adjoining forest operations. Dwellings shall be set back at least 200 feet from adjacent properties unless locating the proposed development closer to existing development on adjacent lands would minimize impacts on nearby or adjacent forest operations;

(B) The amount of forest land used to site dwellings, structures, access roads and service corridors shall be minimized. The dwelling shall be located on that portion of the lot having the lowest productivity characteristics for the proposed primary use, subject to the limitations of subsection (A), above; and

(C) Dwellings shall be located to minimize the risks associated with fire. Dwellings should be located on gentle slopes and in any case not on slopes which exceed 40 percent. Narrow canyons and draws should be avoided. Dwellings should be located to minimize the difficulty in gaining access to the structure in the case of fire. Dwellings should be located to make the access roads as short and flat as possible.

(D) A variance to the siting standards of this subsection may be granted pursuant to the provisions of MCC 38.0065.

Section 83. § 38.7320 is added as follows:

38.7320 Temporary Health Hardship Dwelling

Temporary Health Hardship Dwelling -- the temporary placement of a mobile home may be granted when:

(A) A family hardship exists where conditions relate to the necessary care for a member of the family occupying the principal dwelling and where medical conditions relate to the infirm or aged.

(B) The hardship dwelling will use the same subsurface sewage disposal system used by the existing dwelling, if the system is adequate to accommodate the additional dwelling, unless the additional dwelling can use an existing public sanitary sewer system.

(C) The hardship dwelling is found to be consistent with the standards for protection of scenic, cultural, natural and recreation resources of MCC 38.7000 through 38.7085.

(D) A permit may be issued for a 2 year period, subject to annual review for compliance with the provisions of this section and any other conditions of approval.

(E) Upon expiration of the permit or cessation of the hardship, whichever comes first, the mobile home shall be removed within 30 days.

(F) A new permit may be granted upon a finding that a family hardship continues to exist.

Section 84. § 38.7325 is added as follows:

38.7325 Private Docks and Boathouses

New docks shall be consistent with applicable standards for protection of scenic, cultural, natural and recreation resources.

(A) New private docks and boathouses serving only one family and one property shall be limited to a maximum of 120 square feet in size.

(B) New private docks and boathouses serving more than one family and property shall be limited to a maximum of 200 square feet in size.

(C) Public docks open and available for public use shall be allowed.

(D) Boathouses may be allowed under 38.7325 (A) and (B) only when accessory to a dwelling and associated with a navigable river or lake.

Section 85. § 38.7330 is added as follows:

38.7330 Home Occupations and Cottage Industries

Home occupations and cottage industries may be established as authorized in various districts consistent with the following:

(A) A home occupation may employ only residents of the home.

(B) A cottage industry may employ up to three outside employees.

(C) No more than 25 percent of the total actual living space of the dwelling may be utilized for the home occupation or cottage industry.

(D) No more than 500 square feet of an accessory structure may be utilized for a home occupation or cottage industry.

(E) There shall be no outside, visible evidence of the home occupation or cottage industry, including outside storage.

(F) Exterior structural alterations to the residence for the home occupation or cottage industry shall not be permitted. New structures shall not be constructed for the primary purpose of housing a home occupation or cottage industry.

(G) No retail sales may occur on the premises, except incidental sales at lodging authorized establishments.

(H) One non-animated, non-illuminated sign, not exceeding 2 square feet in area may be permitted on the subject structure or within the yard containing the home occupation or cottage industry.

(I) Parking not associated with residential use shall be screened from Key Viewing Areas.

(J) A bed and breakfast lodging establishment which is two bedrooms or less is considered a home occupation and shall meet the standards of MCC 38.7335.

Section 86. § 38.7335 is added as follows:

38.7335 Bed and Breakfast Inns

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

(A) Guests may not occupy a facility for more than 14 consecutive days.

(B) One non-animated, non-illuminated sign not exceeding 4 square feet in area may be permitted on the structure or within the yard containing the structure.

(C) Parking areas shall be screened so as to not be visible from Key Viewing Areas.

Section 87. § 38.7340 is added as follows:

38.7340 Agricultural Buildings

(A) The size of proposed agricultural buildings shall not exceed the size needed to serve the current agricultural use and, if applicable, the proposed agricultural use.

(B) To explain how (A) above is met, applicants shall submit the following information with their land use application:

(1) A description of the size and characteristics of current agricultural use.

(2) An agricultural plan for any proposed agricultural use that specifies agricultural use (e.g., crops, livestock, products), agricultural areas and acreages (e.g., fields, pastures, enclosures), agricultural structures (e.g., irrigation systems, wind machines, storage bins) and schedules (e.g., plowing, planting, grazing).

(3) A floor plan showing intended uses of the agricultural building (e.g., space for equipment, supplies, agricultural products, livestock).

Section 88. § 38.7345 is added as follows:

38.7345 Resource Enhancement Projects

(A) Applications for resource enhancement projects must describe the goals and benefits of the proposed enhancement project. They must also thoroughly document the condition of the resource before and after the proposed enhancement project.

(B) In addition to other provisions that protect scenic, cultural, recreation, and natural resources, quarry enhancement projects shall comply with the following provisions:

(1) Application Requirements. In addition to other applicable requirements, land use applications for quarry enhancement projects shall include perspective drawings of the site as seen from key viewing areas and a reclamation plan that shall include:

(a) A map of the site, at a scale of 1 inch equals 200 feet (1:2,400) or a scale providing greater detail, with 10-foot contour intervals or less, showing pre-reclamation existing grades and post-reclamation final grades; locations of topsoil stockpiles for eventual reclamation use; location of catch basins or similar drainage and erosion control features employed for the duration of the use; and the location of storage, processing, and equipment areas employed for the duration of the use.

(b) Cross-sectional drawings of the site showing pre-reclamation and post-reclamation grades.

(c) Descriptions of the proposed use, in terms of estimated quantity and type of material removed, estimated duration of the use, processing activities, etc.

(d) Description of drainage/erosion control features to be employed for the duration of the use.

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

(2) Scenic Resource Standard. Quarry enhancement projects shall restore the site to a natural appearance that blends with and emulates surrounding landforms to the maximum extent practicable.

(3) Natural Resource Standard. Sites shall be replanted using native plants found in the landscape setting or ecoregion to the maximum extent practicable.

(4) Time Frames. The following time frames shall apply to quarry enhancement projects:

(a) All grading (e.g., excavating, filling and re-contouring) shall be completed within one (1) year of the date an applicant begins on-the-ground work.

(b) All landscaping shall be planted within one (1) year of the date an applicant completes the grading.

(c) An applicant may request one one-year extension to the one year grading time frame if a project is unexpectedly delayed by adverse weather or emergency/disaster. Such requests shall be considered an administrative action. An applicant shall submit such a request to the reviewing agency after grading has commenced and before the one year grading time frame has expired.

(d) An applicant may also request one six-month extension to the one (1) year landscaping time frame if a project is unexpectedly delayed by adverse weather or emergency/disaster. Such requests shall be considered an administrative action. An applicant shall submit such a request to the reviewing agency after landscaping has commenced and before the one-year landscaping time frame has expired.

Section 89. § 38.7350 is added as follows:

38.7350 Disposal Sites for Spoil Materials from Public Road Maintenance Activities

(A) Application Requirements. In addition to other applicable requirements, land use applications for disposal sites shall include the same information that applicants are required to submit for expansion of existing quarries and production and/or development of mineral resources in the GMA, including, but not limited to:

(1) A reclamation plan that includes:

(a) A map of the site, at a scale of 1 inch equals 200 feet (1:2,400) or a scale providing greater detail, with 10-foot contour intervals or less, showing pre-reclamation existing grades and post-reclamation final grades; locations of topsoil stockpiles for eventual reclamation use; location of catch basins or similar drainage and erosion control features employed for the duration of the use; and the location of storage, processing, and equipment areas employed for the duration of the use.

(b) Cross-sectional drawings of the site showing pre-reclamation and post-reclamation grades.

(c) Descriptions of the proposed use, in terms of estimated quantity and type of material removed, estimated duration of the use, processing activities, etc.

(d) Description of drainage/erosion control features to be employed for the duration of the use.

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

(2) Perspective drawings of the site as seen from key viewing areas.

(3) Cultural resource reconnaissance and historic surveys, as required by MCC 38.7045 (A). Disposal sites shall be considered a “large-scale use” according to MCC 38.7045 (D)(2).

(4) Written reports of field surveys to identify sensitive wildlife areas or sites and sensitive plants.

(a) Field survey reports identifying sensitive wildlife sites shall:

1. Cover all areas affected by the proposed use or recreation facility;
2. Be conducted by a professional wildlife biologist hired by the project applicant;
3. Describe and show all sensitive wildlife areas and sites discovered in a project area on the site plan map.

(b) Field survey reports identifying sensitive plant sites shall:

1. Cover all areas affected by the proposed use or recreation facility;
2. Be conducted by a person with recognized expertise in botany or plant ecology hired by the project applicant;
3. Identify the precise location of the sensitive plants and delineate a 200-foot buffer zone;
4. Show results on the site plan map.

(B) Siting Standard. The proposed disposal site shall only be approved if the applicant demonstrates it is not practicable to locate the disposal site outside the Scenic Area or inside an Urban Area. At a minimum, the applicant shall submit a feasibility and suitability analysis that compares the proposed disposal site to existing or potential disposal sites located both outside the Scenic Area and inside an Urban Area.

(C) Scenic Resource Standards. Disposal sites shall comply with the same scenic resources protection standards as expansion of existing quarries and production and/or development of mineral resources in the GMA, including, but not limited to:

(1) Sites more than 3 miles from the nearest key viewing area shall be visually subordinate as seen from any key viewing area, according to MCC 38.7035 (B) (25).

An interim period to achieve compliance with this requirement shall be established before approval. The period shall be based on site-specific topographic and visual conditions, but shall not exceed 3 years beyond the start of on-the-ground activities.

(2) Sites less than 3 miles from the nearest key viewing area shall be fully screened from any key viewing area, according to MCC 38.7035 (B) (26).

An interim period to achieve compliance with this requirement shall be established before approval. The period shall be based on site-specific topographic and visual conditions, but shall

not exceed 1 year beyond the start of on-the-ground activities. Disposal activity occurring before achieving compliance with full screening requirements shall be limited to activities necessary to provide such screening (creation of berms, etc.).

(3) Reclamation plans shall restore the site to a natural appearance that blends with and emulates surrounding landforms and vegetation patterns to the maximum extent practicable.

Section 90. § 38.0070 is renumbered and amended as follows:

38.0070-7355 Approval Criteria for Life Estates

A landowner who sells or otherwise transfers real property on lands designated GGA or GGF may retain a life estate in a dwelling and a tract of land surrounding the dwelling. The life estate tract shall not be considered a parcel as defined in MCC 38.0015. A second dwelling may be allowed subject to compliance with MCC 38.7000 to 38.7085, and upon findings that:

(A) The proposed dwelling is in conjunction with agricultural use as determined by MCC 38.2225

(A) (5) (c); or

(B) On lands designated GGF- 20, one single-family dwelling on a legally created parcel upon enrollment in the state's forest assessment program. Upon a showing that a parcel cannot qualify, a parcel is entitled to one single-family dwelling. In either case, the location of the dwelling shall comply with MCC ~~38.0085-7305~~ and ~~38.0095-7315~~. A declaration shall be signed by the landowner and recorded into county deeds and records specifying that the owners, successors, heirs and assigns of the subject parcel are aware that adjacent and nearby operators are entitled to carry on accepted farm or forest practices on lands designated GGF- 80, GGF- 20, GGA- 40, or GGA- 20.

(C) Upon termination of the life estate, either the original or second dwelling shall be removed.

Section 91. § 38.7360 is added as follows:

38.7360 Cluster Development

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

(1) In areas with screening vegetation or other features which reduce visibility of development as seen from Key Viewing Areas; or

(2) To avoid significant landscape features; or

(3) To protect the existing character of the landscape setting; or

(4) To reduce interference with movement of deer or elk in winter range; or

(5) To avoid areas of known cultural resources; or

(6) To consolidate road access, septic drainfields or other development features in order to reduce impacts associated with grading or ground disturbance; or

(7) To reduce adverse effects to riparian areas, wetlands, natural areas, rare plants, sensitive wildlife sites or other natural resources; or

(8) To increase the likelihood of agricultural or forest management on the undeveloped land left by the cluster development.

(B) Following cluster development, there may be no further division of any resulting parcel for residential purposes until the subject parcel is included within the boundary of an Urban Area. Approval of a cluster development shall include provisions for the permanent protection of open areas. No parcel in a cluster development may be smaller than 1 acre in a GGR- 5 or GGR- 10 or 2 acres in a GGA- 20 or GGF- 20.

(C) Cluster development may create up to 25 percent more parcels (rounded to the nearest whole number) than otherwise allowed by the minimum parcel size on lands designated GGR- 5 or GGR- 10 and up to 50 percent more parcels (rounded to the nearest whole number) on lands designated GGA- 20, GGF- 20, or GGF-40.

(D) At least 75 percent of land subject to a cluster development shall be permanently protected as undeveloped land.

(E) Contiguous parcels in the same ownership or in separate ownership may be consolidated and redivided to take advantage of cluster development bonuses.

Section 92. § 38.7365 is added as follows:

38.7365 Clearing of Trees for Agricultural Use in GSF)

Clearing of trees for agricultural use in GSF is subject to the following:

(A) A Stewardship Plan, in accordance with MCC 38.7375, shall be submitted and deemed complete by the county and submitted to the U.S. Forest Service for review.

(B) Clearing trees for new agricultural use shall be limited to 15 acres.

(C) If the Stewardship Plan proves that MCC 38.7365 (B) is detrimental to the proposed agricultural use, the final size of the clearing shall be determined by the application of MCC 38.7365 (D) below and subject to MCC 38.7365 (I).

(D) After a 30-day public comment period, the U.S. Forest Service shall review the Stewardship Plan using the following criteria:

(1) MCC 38.7370 (B) (1) and (B) (7).

(2) Applicable Cultural, Natural and Recreational Resource criteria in MCC Chapter 38 Part 6.

(3) The Natural Resource Conservation Service (NRCS) soil unit description shall indicate that soils are suitable for the proposed agricultural use. The woodland management tables shall be used as part of the analysis of suitability for both agricultural and forest uses.

(4) The size, shape and pattern on the landscape of the clearing for the new agricultural use shall blend with the surrounding landscape pattern either because the existing pattern includes agricultural openings or because the new agricultural opening is designed to appear natural.

(E) The U.S. Forest Service shall send the review statement to the appropriate county planning office. The U.S. Forest Service shall state whether or not the new agricultural use should proceed including any conditions that are recommended to be required by the county.

(F) The county will accept an application for new agricultural use on forested lands after receipt of a positive review statement from the U.S. Forest Service.

(G) The forest practice portion of the new agricultural use shall not be approved by the state forestry department or county until a decision on the new agricultural use is issued from the county.

(H) The new agricultural use shall be operational within two years of the time frame described in the approved Stewardship Plan.

(I) New agricultural uses with an approved Stewardship Plan requiring more than 15 acres shall attain the final approved size sequentially. After the first 15 cleared acres is operational, each subsequent clearing shall not occur until the previous clearing is operational.

Section 93. § 38.7370 is added as follows:

38.7365 Forest Practices in the Special Management Area

(A) Forest practices permitted as Review Uses in the Special Management Area in accordance with an approved forest practices application (see application requirements) and subject to the additional provisions in this chapter.

(1) The following information, in addition to the site plan requirements of MCC 38.0045 (A) (2) shall be required:

(a) Delineate the following on a recent aerial photo or detailed map.

1. The size, shape, and exact location of the proposed treatment area including any clumps of leave trees to remain. If more than one silvicultural prescription is to be used, code each on the photo.

2. Other important natural features of the subject parcel such as steep areas, streams, wetlands, rock outcrops, etc.

3. Road and structure construction and/or reconstruction location.

4. Location of proposed rock or aggregate sources.

5. Major skid trails, landings, and yarding corridors.

6. Commercial firewood cutting areas.

7. Protection measures for scenic, cultural, natural, and recreation resources, such as road closures.

(b) Describe the existing forest in terms of species, ages, sizes, landscape pattern (including how it fits into the surrounding landscape pattern) and canopy closure for all canopy layers.

(c) Describe how the forest practice will fit into the existing landscape pattern and how it will meet scenic and natural resource standards in MCC 38.7370 (B) and (C).

(d) Written silvicultural prescriptions with projected post-treatment forest condition specified in terms of species, ages, sizes, landscape pattern (including how it fits into the surrounding landscape pattern) and canopy closure for all canopy layers.

(e) Road and structure construction and/or reconstruction design.

(f) Existing and proposed rock pit development plans.

(g) A discussion of slash disposal methods.

(h) A reforestation plan as reviewed by the appropriate state forest practices agency.

(2) As part of the application, flag, stake or mark buffers, any trees or downed wood to be retained or removed (whichever makes the most sense), and areas for placing fill or removing material in preparation for a field visit by the reviewer.

(B) For forest practices in the Special Management Area, the following scenic resource provisions shall apply:

(1) Forest practices shall meet the design guidelines and VOO scenic standards for the applicable landscape setting designated for the management area and zone (See MCC 38.7040(A)).

(2) In the western portion (to White Salmon River) of the SMA Coniferous Woodland Landscape Setting, no more than 8% of the composite KVA viewshed from which the forest practice is topographically visible shall be in created forest openings at one time. Not more than 16% of each total ownership within. The viewshed boundaries shall be delineated by the U.S. Forest Service. The U.S. Forest Service will assist (as available) in calculating and delineating the percentage of the composite KVA viewshed that is in created forest openings at one time.

(3) In the Western portion (to White Salmon River) of the SMA Gorge Walls, Canyonlands and Wildlands Landscape Setting, no more than 4% of the composite KVA viewshed from which the forest practice is topographically visible shall be in created forest openings at one time. The viewshed boundaries shall be delineated by the U.S. Forest Service. The U.S. Forest Service will assist (as available) in calculating and delineating the percentage of the composite KVA viewshed that is in created forest openings at one time.

(4) For all other landscape settings, created forest openings visible at one time shall be within the desired range for the vegetation type as set forth in MCC 38.7370 (C) (1)-(3).

(5) Size, shape, and dispersal of created forest openings shall maintain the desired natural patterns in the landscape as set forth in MCC 38.7370 (C) (1)-(3).

(6) The maximum size of any created forest opening is set forth by the "Desired" vegetation type in the Forest Structure and Pattern Table. The maximum size of any created opening shall be 15 acres. In the foreground of key viewing areas, the maximum size of created opening shall be 5 acres.

(a) If the treatment is proposed to go beyond the above guideline based on forest health or ecosystem function requirements, a Stewardship Plan shall be required.

(b) If the Stewardship Plan proves that the above guideline is detrimental to either forest health or ecosystem function, the size of the created forest opening shall be within the natural range for the vegetation type as listed in the Desired Forest Structure and Pattern Table for each vegetation type, shall not mimic catastrophic fires, and shall maintain scenic standards.

(7) Created forest openings shall not create a break or opening in the vegetation in the skyline as viewed from a key viewing area.

(C) Forest practices in the Special Management Area shall maintain the following in addition to applicable natural resources criteria in MCC 38.7075.

(1) Silvicultural prescriptions shall maintain the desired natural forest stand structures (tree species, spacing, layering, and mixture of sizes) based on forest health and ecosystem function requirements. Forest tree stand structure shall meet the requirements listed in the Desired Forest Structure and Pattern Table for each vegetation type. Forest tree stand structure is defined as the general structure of the forest in each vegetation type within which is found forest openings.

(2) Created forest openings shall be designed as mosaics not to exceed the limits defined as Desired in the Desired Forest Structure and Pattern Table unless proposed as a deviation as allowed in MCC 38.7370 (B) (6).

(3) Snag and down wood requirements shall be maintained or created as listed in the Desired Forest Structure and Pattern Table for each vegetation type.

(4) If the treatment is proposed to deviate from the snag and down wood requirements based on forest health or ecosystem function requirements, a Stewardship Plan shall be required and shall show and prove why a deviation from the snag and down wood requirements is required.

<u>DESIRED FOREST STRUCTURE AND PATTERN</u>								
<u>1</u>	<u>2</u>	<u>3</u>		<u>4</u>		<u>5</u>	<u>6</u>	<u>7</u>
<u>Vegetation Type[#]</u>	<u>Forest Structure (Average % total canopy closure (cc))</u>	<u>Typical Forest Opening s Size Disturbance caused</u>		<u>Percent Openings at One Time</u>		<u>Leave Trees</u>	<u>Average Down Wood</u>	<u>Average Snags (Conifers) No. per acre Snags are 20-40 ft in height</u>
		<u>Historic (Natural) Desired</u>		<u>Historic (Natural) Desired</u>		<u>Includes all available remnant old forest</u>	<u>Pieces 30 ft long per acre (scattered)</u>	
<u>West Conifer</u>	<u>60-80% canopy closure</u> <u>Understory layer variable (0-60% of total cc)</u>	<u>Variabl e sizes with mosaic pattern, irregular shapes</u> <u>Mosaic fire 1- 100acres</u> <u>Catastro -phic fire over 100 acres</u>	<u>Retain forested character</u> <u>Allow openings up to 15 acres (up to 5 acres in the foreground of KVAs)</u> <u>All openings 1 acre or less on National Forest land and all Open Space LUD</u> <u>Openings retain 15 - 40 % canopy closure</u>	<u>10%(mosaic fire) up to 55%(catastro-phic fire)</u> <u>Intense fire return interval is 300 yrs</u>	<u>Not to exceed 8% for West Coniferous Woodland Landscape Setting and not to exceed 4% for Gorge Walls, Canyonlands and Wildlands Landscape Setting</u> <u>Widely dispersed, variable sized mosaic of irregular shapes blending with existing openings.</u>	<u>Leave 15% of existing trees per acre throughout opening and in clumps.</u> <u>Include 3 trees per acre of the largest size trees available</u>	<u>18 - 25 pieces greater than 20" dbh</u>	<u>10 snags at 10" -20" dbh and 7 snags greater than 20" dbh</u>

<u>DESIRED FOREST STRUCTURE AND PATTERN</u>							
<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	
<u>East Conifer (Ponderosa Pine/Douglas fir)</u>	<u>40-80% canopy closure</u> <u>Understory layer less than 25% of total cc</u>	<u>Few Openings due to low intensity fires. 1/4 to 2 acres</u>	<u>Openings less than 1 acre</u> <u>Openings have 0 - 40% canopy closure</u> <u>Openings widely dispersed</u>	<u>1 - 10%</u>	<u>1 - 10% (% by vegetation type)</u>	<u>No leave trees required</u>	<u>3 - 6 pieces greater than 20" dbh</u> <u>5 snags at 10"-20" dbh and 3 snags greater than 20" dbh</u>

Map available at the U.S. Forest Service National Scenic Area Office

* Does not apply to openings.

Dbh: Diameter at Breast Height

Section 94. § 38.7375 is added as follows:

38.7375 Stewardship Plan Requirements

The following information, in addition to the applicable portions of the forest practice application requirements above and general site plan requirements in MCC 38.0045 (A) (2) shall be provided:

(A) Outline the long term goals, proposed operations, and future sustainability of the subject parcel.

(B) Describe the time frame and steps planned to reach the long term goals.

(C) For Forest Practices, describe how the proposed activities fit into the long term goals and sustainability of the parcel and/or forest health. The following shall be addressed:

(1) Describe the range of natural conditions expected in the forest _____ in terms of tree species, structure, and landscape pattern.

(2) Describe what the resulting tree species, structure, and landscape pattern will be after the proposed activities.

(3) Give a clear explanation how a deviation from the applicable provisions may better achieve forest health objectives.

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

(D) For clearing trees for new agricultural use, the following shall be addressed in addition to MCC 38.7375 (A) and (B) above:

(1) Submit NRCS soil unit description and map for each soil unit affected by the proposed clearing or treatment.

(2) Based on the needs of the operation, give a clear explanation as to the exact size of the clearing needed and how it will meet the natural and scenic requirements set forth in MCC 38.7365 (D).

(3) Describe in sufficient detail for evaluation the proposed agricultural use, the improvements needed on the parcel, time line for its establishment, and its marketability.

(4) Show evidence that an agricultural specialist, such as the county extension agent, has examined and found the proposed agricultural use reasonable and viable.

Part 8 – Variances And Land Divisions

Section 95. § 38.7600* is amended as follows:

38.7600* PART 8 – VARIANCES AND LAND DIVISIONS - Variances

Section 96. § 38.7605 is amended as follows:

38.7605 Variance Classification

* * *

(C) Notwithstanding (B) above, an applicant may seek approval of a variance to a dimensional requirement as a Major Variance, subject to the standards of this section.

Section 97. § 38.7705 is amended as follows:

38.7705 Definitions

As used in this ~~C~~subchapter, unless the context requires otherwise:

* * *

Section 98. § 38.7725 is amended as follows:

38.7725 Compliance Required

No land may be divided in the Columbia River Gorge National Scenic Area except in accordance with this Chapter.

(A) Land Divisions within the NSA shall be classified and found to satisfy the applicable approval criteria specified in MCC 38.7700 through 38.8035, subject to the following:

(1) New land divisions, except lot line adjustments, are not allowed in the Special Management Area, unless the creation of a new parcel will facilitate land acquisition by the federal government to achieve the policies and standards of the Management Plan.

(2) All land divisions must consider consolidation of access in order to reduce adverse effects on scenic, cultural, natural and recreation resources.

(AB) No person shall create a street for the purpose of dividing land without the approval of a subdivision or partition as provided by this Chapter.

(BC) ~~Except as provided in MCC 38.0560, No~~ development permit shall be issued for the improvement or use of any land divided in violation of the provisions of this Chapter, regardless of whether the permit applicant created the violation. A division of land which is contrary to an approved subdivision plat or partition map is a violation of this Chapter.

(CD) The requirements of this Chapter shall apply to the applicant for a land division and to the applicant's successors in interest in the land division or any portion thereof.

Section 99. § 38.7730 is added as follows:

38.7730 Consolidation of Unplatted Properties

Lots or parcels created by deed for which a corresponding plat is not recorded may be consolidated by subsequently recording a deed. A subsequently recorded deed that describes two or more unplatted lots or parcels as a single unit of land shall have the effect of vacating the lines separating the properties and consolidating the described real properties into a single parcel, as provided in ORS 92.017.

Section 100. § 38.7740 is added as follows:

38.7740 Undeveloped Subdivisions

A unit of land shall be consolidated with adjacent lands in the same ownership if the subdivision within which it is located is undeveloped pursuant to ORS chapter 92.

Section 101. § 38.7765 is amended as follows:

38.7765 Land Division Categories Distinguished

For the purposes of this Chapter, the land division classifications listed in sections 38.7770 through ~~38.7780-7775~~ are established.

Section 102. § 38.7870 is amended as follows:

38.7870 Time Limit

The final subdivision plat or final partition plat shall be delivered to the Planning Director for approval within ~~one~~ two years following the approval of the tentative plan, and shall incorporate any modification or condition required by approval of the tentative plan. The Planning Director may, upon written request by the applicant, and payment of the required fee, grant an extension of the approval period, not to exceed six months, upon a written finding that the facts upon which the approval was based have not changed to an extent sufficient to warrant re-filing of the tentative plan.

Section 103. § 38.7970 is amended as follows:

38.7970 Property Line Adjustment (Lot Line Adjustment)

(A) In the General Management Area:

(1) Lot line adjustments for parcels in all land use designations except Open Space, Commercial (GGC), Public Recreation (GG-PR, GS-PR), or Commercial Recreation (GG-CR) shall comply with the following standards:

(a) The lot line adjustment shall not result in the creation of any new parcel(s).

(b) The lot line adjustment shall not result in the potential to create a new parcel(s) or residential development in excess of the minimum density allowed by the land use designation(s) for the affected parcels.

(c) The lot line adjustment shall not allow a parcel that is equal to or larger than the minimum parcel size before the lot line adjustment to become less than the minimum parcel size after the lot line adjustment, except to allow a public or non-profit entity to acquire land for the purpose of protecting and enhancing scenic, cultural, recreation or natural resources, provided the land to be acquired would be protected by a conservation easement or other similar property restriction that precludes future land divisions and development.

(d) The lot line adjustment shall not allow a parcel that is smaller than the minimum parcel size to be reduced in size, except to accomplish one of the following purposes:

1. Resolve boundary disputes, correct physical encroachments, provide reasonable access, or meet buffer or set back requirements, provided

a. The parcel to be enlarged would not become eligible for a subsequent land division and

b. The amount of land transferred would be the minimum necessary to resolve the issue.

2. Allow a public or non-profit entity to acquire land for the purpose of protecting and enhancing scenic, cultural, recreation or natural resources, provided the land to be acquired would be protected by a conservation easement or other similar property restriction that precludes future land divisions and development.

(e) The lot line adjustment shall not allow the boundary of a parcel designated Large-Scale Agriculture (GGA-40), Commercial Forest Land (GGF-40 or GGF-80), or Open Space to be extended into another land use designation for the purpose of establishing a dwelling under less stringent provisions (e.g., extending a parcel designated GMA Large-Scale Agriculture [GGA-40] into a parcel designated Rural Center [GGRC] or Residential [GGR, GSR]).

(f) The lot line adjustment shall not allow previously approved parcels or developments to violate conditions of approval or become out of compliance or further out of compliance with existing land use and resource protection provisions, including, but not limited to, requirements for buffer zones and landscaping.

(g) The lot line adjustment shall not result in a parcel that cannot comply with existing land use and resource protection provisions, including, but not limited to requirements for buffer zones and landscaping.

(2) Lot line adjustments for parcels designated Open Space shall comply with the following standards:

(a) The lot line adjustment may be allowed upon demonstration that it is necessary to facilitate efforts to protect and enhance scenic, cultural, natural, or recreation resources. (Note: There is no specified minimum parcel size for parcels designated Open Space.)

(b) The lot line adjustment shall comply with provisions (A)(1)(a), (e), (f), and (g) above.

(3) Lot line adjustments for parcels designated Commercial shall comply with provisions (A)(1)(a), (e), (f), and (g) above.

(4) Lot line adjustments for parcels designated Public Recreation (GG-PR, GS-PR) or Commercial Recreation (GG-CR) shall comply with the following standards:

(a) The lot line adjustment may be allowed upon demonstration that it is necessary to facilitate, enhance, or otherwise improve recreation uses on the parcel. (Note: There are no specified minimum parcel sizes for parcels designated Public Recreation [GG-PR, GS-PR] or Commercial Recreation [GG-CR].)

(b) The lot line adjustment shall comply with provisions (A)(1)(a), (e), (f), and (g) above.

(B) In the Special Management Area:

(1) The proposed lot line adjustment shall not result in the creation of any new parcel(s).

(2) A lot line adjustment shall not result in a parcel greater than or equal to 40 acres becoming less than 40 acres.

(3) A lot line adjustment shall not result in a parcel less than 40 acres becoming 40 acres or greater.

(4) A parcel that is smaller than 40 acres shall not be reduced in size, except to accomplish one of the following purposes:

(a) Resolve boundary line disputes, correct physical encroachments, provide reasonable access, or meet buffer or set back requirements, provided

1. The parcel to be enlarged would not become 40 acres or greater and

2. The amount of land transferred would be the minimum necessary to resolve the issue.

(b) Allow a public or non-profit entity to acquire land for the purpose of protecting and enhancing scenic, cultural, recreation or natural resources, provided the land to be acquired would be protected by a conservation easement or other similar property restriction that precludes residential development.

(5) The lot line adjustment shall not cause previously approved parcels or development to violate conditions of approval or become out of compliance or further out of compliance with existing land use and resource protection provisions, including, but not limited to, requirements for buffer zones and landscaping.

(6) The lot line adjustment shall not result in a parcel that cannot comply with existing resource protection provisions, including, but not limited to requirements for buffer zones and landscaping.

~~(A) A property line adjustment is the relocation of a common property line between two abutting properties.~~

~~(B) The Planning Director may approve a property line adjustment between two properties in accordance with MCC 38.0040 (A) (1) (e).~~

~~(C) Property line adjustments shall meet the following additional standards:~~

~~(1) Owners of both properties involved in the property line adjustment shall consent in writing to the proposed adjustment and record a conveyance or conveyances conforming to the approved property line adjustment; and~~

~~(2) The adjusted properties shall meet all dimensional requirements in the underlying zoning district designation except for lot area.~~

~~(3) The right of way width between the front line of each adjusted property and the centerline of any adjacent County road shall comply with the applicable provisions of the Street Standards Code and Rules as determined by the County Engineer.~~

~~(D) The procedure and forms for obtaining approval of a property line adjustment shall be as provided for by the Planning Director.~~

Section 104. The amendments to Chapter 38, Columbia River Gorge National Scenic Area, will be effective when the Bi-State Gorge Commission and United States Secretary of Agriculture have acknowledged that the amendments are consistent with the Management Plan and Act.

FIRST READING:

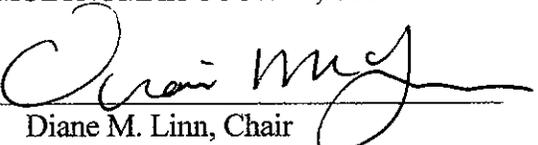
June 16, 2005

SECOND READING AND ADOPTION:

June 23, 2005

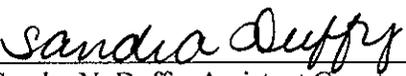


BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Sandra N. Duffy, Assistant County Attorney



MULTNOMAH COUNTY OREGON

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

October 21, 2004

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

Dear Ms. Squier:

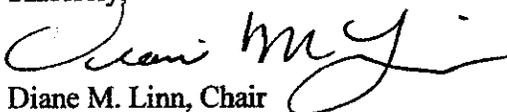
On behalf of the Multnomah County Board of Commissioners, I would like to acknowledge receipt of your September 8, 2004 transmittal of the revised Management Plan for the Columbia River Gorge National Scenic Area and wish to inform the Gorge Commission of our intent to adopt a land use ordinance consistent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

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

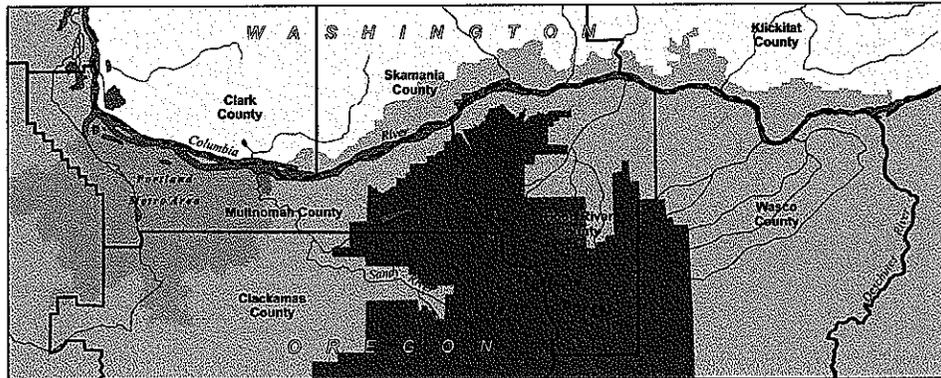
You have asked for a work plan and schedule for adoption to assist in coordinating with our staff on the status of the litigation prior to critical decision making dates. At this time, I can provide only general timeframes, with Planning Commission hearings likely to occur in early March and April of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

Thank you for your time and consideration.

Sincerely,


Diane M. Linn, Chair

Columbia River Gorge National Scenic Area Rural Area Plan Policy Document



- | | | |
|--------------------------|----------------------------------------------------------|-----------------|
| Washington | Portland Metro Area (Metro Regional Government Boundary) | State Boundary |
| Oregon | National Scenic Area | County Boundary |
| Mt. Hood National Forest | Overlap of National Scenic Area and Metro Boundaries | Rivers |



Prepared for:
Multnomah County
Department of Business and Community Services
Land Use and Transportation Program
1600 SE 190th Avenue
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Prepared by:
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Financed in part by:
Oregon Department of
Land Conservation & Development

June 2005

Table of Contents

PURPOSE OF THE RURAL AREA PLAN	1
INTRODUCTION TO AND OVERVIEW OF THE RURAL AREA PLAN	1
<i>Rural Area Plan Policy</i>	<i>1</i>
INTRODUCTION TO THE MANAGEMENT PLAN FOR THE COLUMBIA RIVER GORGE NATIONAL SCENIC AREA	3
RELATIONSHIP OF THE RURAL AREA PLAN TO OTHER EXISTING PLANS AND REGULATIONS.....	3
MANAGEMENT PLAN FOR THE COLUMBIA RIVER GORGE NATIONAL SCENIC AREA.....	3
<i>Management Plan for the Columbia River Gorge National Scenic Area Policies</i>	<i>4</i>
LAND AND RESOURCE MANAGEMENT PLAN FOR THE MT. HOOD NATIONAL FOREST	4
<i>Land and Resource Management Plan for the Mt. Hood National Forest Policy.....</i>	<i>5</i>
INDIAN TRIBES' SOVEREIGN RIGHTS AND TREATIES	5
<i>Indian Tribe's Sovereign Rights and Treaties Policy.....</i>	<i>5</i>
OREGON STATEWIDE PLANNING GOALS	5
OREGON REVISED STATUTES	5
<i>Oregon Statewide Planning Goals Policy.....</i>	<i>6</i>
MULTNOMAH COUNTY COMPREHENSIVE FRAMEWORK PLAN	6
<i>Comprehensive Framework Plan Policy.....</i>	<i>6</i>
AUTHORITY IN THE COLUMBIA RIVER GORGE NATIONAL SCENIC AREA	6
COLUMBIA RIVER GORGE COMMISSION	6
<i>Columbia River Gorge Commission Policy.....</i>	<i>7</i>
U.S. DEPARTMENT OF AGRICULTURE, FOREST SERVICE	7
<i>Forest Service Policies</i>	<i>8</i>
INDIAN TRIBES.....	8
<i>Indian Tribes Policies.....</i>	<i>8</i>
METRO REGIONAL GOVERNMENT JURISDICTION WITHIN SCENIC AREA	9
<i>Metro Jurisdiction Policy.....</i>	<i>9</i>
MULTNOMAH COUNTY	9
<i>Multnomah County Authority Policies</i>	<i>10</i>
CITY OF TROUTDALE	10
<i>City of Troutdale Policy</i>	<i>11</i>
ISSUES NOT SPECIFICALLY ADDRESSED IN THE MANAGEMENT PLAN FOR THE COLUMBIA RIVER GORGE NATIONAL SCENIC AREA.....	11
HILLSIDE DEVELOPMENT	11
<i>Hillside Development Policies.....</i>	<i>12</i>
OFF-STREET PARKING AND LOADING.....	12
<i>Off-Street Parking and Loading Policy.....</i>	<i>12</i>
LAND DIVISIONS	12
<i>Land Divisions Policies.....</i>	<i>13</i>
PLANNED DEVELOPMENTS.....	13
<i>Planned Developments Policy.....</i>	<i>13</i>
VARIANCES TO DIMENSIONAL STANDARDS.....	13
<i>Variances to Dimensional Standards Policy.....</i>	<i>13</i>

PURPOSE OF THE RURAL AREA PLAN

The purpose of this Rural Area Plan is to guide decision making regarding land use, capital improvements, and physical development of the Multnomah County portion of the Columbia River Gorge National Scenic Area.

INTRODUCTION TO AND OVERVIEW OF THE RURAL AREA PLAN

Multnomah County recognizes that the Management Plan for the Columbia River Gorge National Scenic Area is the guiding policy document for the NSA portion of the County. The Rural Area Plan is intended to complement the Management Plan for the Columbia River Gorge National Scenic Area and the Multnomah County Comprehensive Framework Plan. The Multnomah County Comprehensive Framework Plan is the guiding land use planning policy document for the County. The Rural Area Plan is an element of the overall Multnomah County Comprehensive Framework Plan. The Rural Area Plan and the Management Plan for the Columbia River Gorge National Scenic Area guide decision making with regard to land use, capital improvements, and physical development of the community.

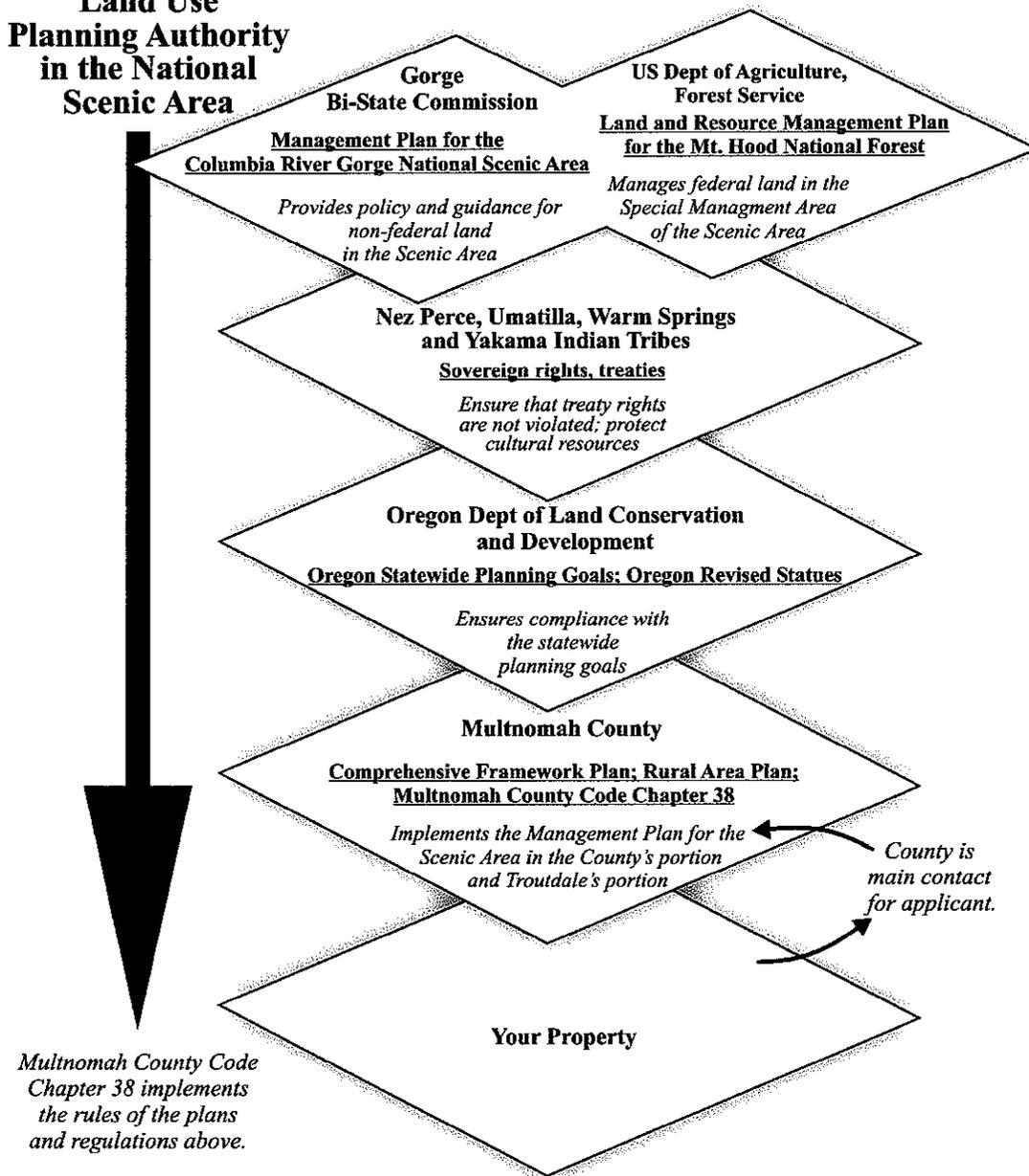
This Rural Area Plan for the Columbia River Gorge National Scenic Area (“Scenic Area”) explains how Multnomah County conducts land use planning in the portion of the Scenic Area within the County. The Scenic Area covers 85 miles along the Columbia River, including portions of Multnomah, Hood River, and Wasco counties in Oregon and Clark, Klickitat, and Skamania counties in Washington, and the Mt. Hood and Gifford Pinchot National Forests.

Rural Area Plan Policy

The purposes of the Columbia River Gorge National Scenic Area Districts are to protect and provide for the enhancement of the scenic, cultural, recreational, and natural resources of the Columbia River Gorge, and to protect and support the economy of the Columbia River Gorge by encouraging growth to occur in existing urban areas and by allowing future economic development in a manner that protects and enhances the scenic, cultural, recreational, and natural resources of the Gorge

The Rural Area Plan explains the various sources for the County’s authority to administer land use planning in the Scenic Area and identifies the other agencies the County partners with to manage the Scenic Area. The list below shows the hierarchy of authority for land use planning in the Multnomah County portion of the Scenic Area. Agencies are shown in bold, their guiding plans and regulations in *italic*, and their primary responsibility in plain type.

**Land Use
Planning Authority
in the National
Scenic Area**



Introduction to the Columbia River Gorge National Scenic Area Act

U.S. Congress established the Scenic Area with Columbia River Gorge National Scenic Area Act ("the Act"—Public Law 99-663) on November 17, 1986. Congress called for the preparation of a management plan that would treat the portions of six counties in the states of Oregon and Washington as a region. The Congress also established a two-tiered management approach that divides responsibility between the U.S. Department of Agriculture, Forest Service (U.S. Forest Service) and the Columbia River Bi-State Gorge Commission. Congress directed the U.S. Forest Service to prepare land use designations and guidelines for the Special Management Areas (SMA). The SMA includes the region's most sensitive lands, concentrated primarily in the western half of the Scenic Area. Congress authorized the Gorge Commission to plan for General Management Area (GMA) lands, which include agricultural, forestry, and residential uses.

INTRODUCTION TO THE MANAGEMENT PLAN FOR THE COLUMBIA RIVER GORGE NATIONAL SCENIC AREA

The Gorge Commission adopted Federal Interim Guidelines for the Scenic Area in 1988 and adopted the Management Plan for the Columbia River Gorge National Scenic Area on October 15, 1991. The U.S. Secretary of Agriculture gave his concurrence of the Management Plan for the Columbia River Gorge National Scenic Area on February 13, 1992.

As part of the National Scenic Area Act, Congress directed the Gorge Commission to conduct a comprehensive review of the Management Plan for the Columbia River Gorge National Scenic Area at least once every 10 years, to determine if it needs to be revised. The Commission started their first 10-year review in the spring of 2001. After public feedback and testimony, the Gorge Commission adopted a revised Plan on April 27, 2004. As required under the Act, the U.S. Secretary of Agriculture has since concurred with the revisions and the Gorge Commission transmitted a final version of the Management Plan for the Columbia River Gorge National Scenic Area to Multnomah County on September 8, 2004. From this date, the County had 60 days to inform the Gorge Commission if it would be revising its codes to implement the changes (which The Multnomah County Board of Commissioners Chair did on October 21, 2004) and 9 months to update its plans and ordinances. Multnomah County prepared this Rural Area Plan in conjunction with the amendments to Chapter 38 of the Multnomah County Code. As part of the code amendment and Rural Area Plan preparation process, the County held public open houses on December 8, 2004 and March 30, 2005 at the Corbett High School. The County also formed a Citizen's Advisory Committee that met five times in 2005 to provide input on the amendments to the County code and the Rural Area Plan. Meetings were held on January 27, February 10, February 24, March 10, and March 17. The Multnomah County Planning Commission considered the Rural Area Plan at a public hearing on May 2, 2005. The Multnomah County Board of Commissioners considered the Rural Area Plan at a public hearing on June 16, 2005.

RELATIONSHIP OF THE RURAL AREA PLAN TO OTHER EXISTING PLANS AND REGULATIONS

Management Plan for the Columbia River Gorge National Scenic Area

The Management Plan for the Columbia River Gorge National Scenic Area serves as the overall policy document or comprehensive plan that guides the regulations in Multnomah

County Code Chapter 38. The Management Plan for the Columbia River Gorge National Scenic Area regulates land use to ensure that development does not compromise the scenic, cultural, natural, and recreational resources of the Gorge that are of particular value to the nation, and to protect agricultural, forest, and recreation land and open spaces. The Management Plan for the Columbia River Gorge National Scenic Area applies to all six counties in the Scenic Area. The policies and strategies incorporated into this Rural Area Plan are only applicable to the Multnomah County portion of the Scenic Area. In addition, the Rural Area Plan contains specific policy direction for provisions in the Multnomah County Code that are not provided by the Management Plan for the Columbia River Gorge National Scenic Area. The Rural Area Plan is intended to complement the Management Plan for the Columbia River Gorge National Scenic Area and the Multnomah County Comprehensive Framework Plan.

The Multnomah County Comprehensive Framework Plan is the guiding land use planning policy document for the County. The Rural Area Plan is an element of the overall Multnomah County Comprehensive Framework Plan. The Comprehensive Framework Plan applies to all areas of Multnomah County, both in the Scenic Area and not in the Scenic Area. The plan can be changed only if it goes through the process of an official plan amendment. Policy 41 of the Comprehensive Framework Plan is to implement the goals, objectives, policies, guideline elements, and maps of the Management Plan for the Columbia River Gorge National Scenic Area.

The Rural Area Plan, as an element of the Comprehensive Framework Plan, and the Management Plan for the Columbia River Gorge National Scenic Area guide decision making with regard to land use, capital improvements, and physical development of the community. It will be used by the County, other governmental agencies, developers and residents of the area. In the event of a conflict between the Comprehensive Framework Plan, Rural Area Plan and the Management Plan, the policies and guidelines of the Management Plan for the Columbia River Gorge National Scenic Area will prevail.

Management Plan for the Columbia River Gorge National Scenic Area Policies

Multnomah County recognizes that the Management Plan for the Columbia River Gorge National Scenic Area, in conjunction with the Rural Area Plan as an element of the Comprehensive Framework Plan, serves as the policy document that guides land use regulation in the Scenic Area.

Multnomah County shall amend Chapter 38, Columbia River Gorge National Scenic Area, of the Multnomah County Code as needed to be consistent with the Management Plan for the Columbia River Gorge National Scenic Area.

Land and Resource Management Plan for the Mt. Hood National Forest

The Management Plan for the Columbia River Gorge National Scenic Area and the Mt. Hood Land and Resource Management Plan guide land management on National Forest System land in the Scenic Area. The Rural Area Plan has no relationship to the Land and Resource Management Plan, as the Rural Area Plan does not guide management of federal land, and the Land and Resource Management Plan does not apply to non-federal land.

Land and Resource Management Plan for the Mt. Hood National Forest Policy

Multnomah County recognizes that the Management Plan for the Columbia River Gorge National Scenic Area and the Land and Resource Management Plan for the Mt. Hood National Forest serve as the policy documents that guide land use management on National Forest System Land in the Scenic Area.

Indian Tribes' Sovereign Rights and Treaties

The legally protected sovereign and treaty rights belong to each Indian tribe and are regulated and enforced by the respective Indian tribal governments. The Indian tribal governments exercise inherent sovereign powers, as limited by treaty or act of Congress. Multnomah County and the Rural Area Plan must observe these rights.

Indian Tribe's Sovereign Rights and Treaties Policy

Ensure that the Multnomah County Code Chapter 38 and its application do not adversely affect treaty or other rights of any Indian tribe.

Oregon Statewide Planning Goals

The foundation of the Oregon land use planning program is a set of 19 Statewide Planning Goals that express the state's policies on land use and on related topics, such as citizen involvement, housing, and natural resources. Oregon's statewide goals are achieved through local comprehensive planning. State law requires each city and county to adopt a comprehensive plan and the zoning and land-division ordinances needed to put the plan into effect. The local comprehensive plans must be consistent with the Statewide Planning Goals. Plans are reviewed for such consistency by the state's Land Conservation and Development Commission. When Land Conservation and Development Commission officially approves a local government's plan, the plan is said to be 'acknowledged.' It then becomes the controlling document for land use in the area covered by that plan.

In enacting ORS 196, the Oregon Legislative Assembly found that the Management Plan for the Columbia River Gorge National Scenic Area achieves on balance the purposes of the Statewide Planning Goals (ORS 196.107(1)). Therefore the County applies the Management Plan for the Columbia River Gorge National Scenic Area in the scenic area rather than the Statewide Planning Goals. The Rural Area Plan, as a complement to the Management Plan for the Columbia River Gorge National Scenic Area, does not directly address the Statewide Planning Goals.

Oregon Revised Statutes

The Oregon State Legislature codified the Scenic Area Act in Oregon Revised Statutes Chapter 196. The statutes establish the relationship of the Gorge Commission; Multnomah, Wasco, and Hood River counties; and the Oregon Land Conservation and Development Commission. The statutes also establish the relationship among the Management Plan for the Columbia River Gorge National Scenic Area, Oregon Statewide Planning Goals, and county plans and ordinances.

Oregon Statewide Planning Goals Policy

Multnomah County recognizes that the Oregon State Legislative Assembly and the Department of Land Conservation and Development consider the Management Plan for the Columbia River Gorge National Scenic Area to achieve, on balance, the objectives of the Statewide Planning Goals.

Multnomah County Comprehensive Framework Plan

The Framework plan establishes goals, policies, and strategies to guide development in the County. Policy 41: Columbia River Gorge National Scenic Area, states that it is the County's policy to implement the goals, objectives, policies, and guideline elements of the Management Plan for the Columbia River Gorge National Scenic Area. The strategy to implement this policy is to amend and apply the zoning districts and review procedures of the zoning code to implement the Management Plan for the Columbia River Gorge National Scenic Area.

Comprehensive Framework Plan Policy

The Rural Area Plan is an element of the Multnomah County Comprehensive Framework Plan, and together with the Management Plan for the Columbia River Gorge National Scenic Area, provides the policy basis for Multnomah County Code Chapter 38.

AUTHORITY IN THE COLUMBIA RIVER GORGE NATIONAL SCENIC AREA

Columbia River Gorge Commission

Through an inter-state compact, the states of Oregon and Washington established the Columbia River Gorge Commission. The Commission is comprised of 12 volunteers. Each County appoints one Commissioner. The Governors of Washington and Oregon each appoint three. One non-voting member is appointed by the U.S. Secretary of Agriculture. Members serve for a period of four years. The two states share the cost of the Gorge Commission's budget and expenditures equally.

The Gorge Commission's activities with respect to Multnomah County include:

- Developing and adopting land use and resource protection policy through the Management Plan for the Columbia River Gorge National Scenic Area.
- Serving as the appeals board for Scenic Area land use decisions issued by Multnomah County. This function serves to increase uniformity of implementation through the six counties and two states in the scenic area.
- Working with Multnomah County and the other five Scenic Area counties who administer the land use ordinances that implement Management Plan for the Columbia River Gorge National Scenic Area.

The Gorge Commission's powers with respect to land use in Multnomah County include:

- The power to disapprove a land use ordinance enacted by Multnomah County if the ordinance is inconsistent with the Management Plan for the Columbia River Gorge National Scenic Area.

- The power to enact a land use ordinance that sets standards for the use of non-federal land if the County fails to enact land use ordinances consistent with the Management Plan for the Columbia River Gorge National Scenic Area.
- The power to consider and decide appeals filed by any person or entity adversely affected by a final action or order of the County relating to the implementation of the National Scenic Area Act.

Multnomah County sends land use applications to the Gorge Commission for its review as part of the County's site review process.

Columbia River Gorge Commission Policy

Multnomah County recognizes the Columbia River Gorge Commission's responsibility for revising the Management Plan for the Columbia River Gorge National Scenic Area and its authority to serve as an appeals board for Multnomah County Scenic Area land use decisions.

U.S. Department of Agriculture, Forest Service

The U.S. Forest Service determines the consistency of projects on federal lands with the Management Plan for the Columbia River Gorge National Scenic Area. The U.S. Forest Service administers the National Forest System lands within the special management areas of Multnomah County in accordance with the Act, the Land and Resource Management Plan for Mt. Hood National Forest (1990), and other laws, rules and regulations applicable to the National Forest System. Multnomah County accepts applications for new development and uses in the SMA on non-federal land and forwards them to the U.S. Forest Service for their review and for certain additional resource information. Multnomah County coordinates with the U.S. Forest Service to obtain technical support with respect to cultural resources, anadromous fisheries, oak woodland and wetlands management on non-federal lands. The U.S. Forest Service also maintains and updates a geographic information systems for use by the counties, Gorge Commission, and U.S. Forest Service.

The U.S. Forest Service's other activities and responsibilities include:

- Assuring that actions on all federal lands are consistent with the Act.
- Concurring on consistency of Management Plan for the Columbia River Gorge National Scenic Area amendments with the Act, and concurring on consistency of SMA ordinances with the Management Plan for the Columbia River Gorge National Scenic Area (authority delegated from the Secretary of Agriculture to the Region 6 Regional Forester).
- Consulting with Indian tribal governments at the government-to-government level to determine the effect of all new development or uses in the SMA on treaty rights. The U.S. Forest Service notifies the County of the determination as part of the review process.
- Continue to acquire SMA and Dodson/Warrendale Special Purchase Unit land through purchase, donation, or land exchange.
- Provide fish and wildlife resource information to counties and the Gorge Commission.
- Provide historic resource information to counties and the Gorge Commission.

- Provide technical assistance in SMA forest practices review for consistency with the Management Plan for the Columbia River Gorge National Scenic Area.

U.S. Forest Service Policies

Multnomah County recognizes the authority of the U.S. Forest Service to manage National Forest System lands in the Scenic Area according to the Management Plan for the Columbia River Gorge National Scenic Area and the Land and Resource Management Plan for the Mt. Hood National Forest.

Multnomah County recognizes the authority of the U.S. Forest Service to determine consistency with the Management Plan for the Columbia River Gorge National Scenic Area for all projects on federal lands in the Scenic Area.

Multnomah County shall foster close cooperation with the U.S. Forest Service in order to coordinate review of development proposals for SMA lands.

Indian Tribes

Four tribal entities with interests in the Scenic Area play an important role in implementing the Management Plan for the Columbia River Gorge National Scenic Area and protecting cultural resources. Tribal trust lands in the Scenic Area are managed by the Nez Perce, Umatilla, Warm Springs, and Yakama Indian tribes.

Treaty rights are defined by the treaties of 1855 between Congress and the Indian tribal governments. These treaties reserved and guaranteed certain aboriginal rights exercised by Indian people since time immemorial. These legally protected rights belong to each Indian tribe and are regulated and enforced by the respective Indian tribal governments. The Indian tribal governments exercise inherent sovereign powers, as limited by treaty or act of Congress.

Indian treaty rights must be observed by the Gorge Commission as well as local and state governments, federal agencies, and private citizens. Indian treaty rights guarantee the exclusive right of taking fish in the streams running through and bordering reservations and the privilege of hunting, gathering roots and berries and pasturing their stock on unclaimed lands (all public lands).

Multnomah County coordinates with the four tribal governments on matters respecting the Scenic Area principally through the notification process. Notices and decisions regarding land use applications in the Scenic Area are copied to all four tribal governments.

Indian Tribes Policies

Multnomah County shall notify the four Indian tribal governments when new uses are proposed on lands where tribal members exercise treaty or other rights.

Indian tribal governments shall have an opportunity to review and comment on new uses that are proposed on lands, or in waters, where tribal members exercise treaty or other rights.

Project applicants shall consult Indian tribal governments that submit substantive comments about proposed uses that may affect or modify treaty or other rights.

Proposed uses that would adversely affect treaty or other rights of any Indian tribe shall be prohibited.

Metro Regional Government Jurisdiction Within Scenic Area

The jurisdictional boundary of the regional government Metro extends into the Scenic Area east of the Sandy River to include about four square miles. Metro is a directly elected regional government that serves more than 1.3 million residents in Clackamas, Multnomah and Washington counties, and the 25 cities in the Portland, Oregon, metropolitan area. Land use related functions which Metro provides are management of the urban growth boundary, regional transportation planning, and development of programs to protect natural resources and water quality. Metro's authority includes the ability to require local government compliance with their adopted programs.

Many of the Metro land use planning functions are implementation of certain Statewide Planning Goals. Examples of those Goals are those that strive to contain sprawl, strive to eliminate barriers to sufficient affordable housing, and developing protections for such "Goal 5" resources as fish and wildlife habitat. In particular Metro has inventoried and mapped the fish and wildlife resources within its jurisdiction, even the area inside the Scenic Area.

To avoid potential conflicting jurisdiction, Multnomah County takes the position that because the Oregon Legislature in ORS 196.107 has determined that the Management Plan achieves the purposes of the Statewide Goals, then the program developed by Metro to protect the fish and wildlife Goal 5 resources under Oregon Administrative Rule 660-023-0080 is not applicable within the Scenic Area.

Metro Jurisdiction Policy

It is the policy of Multnomah County that the Management Plan achieves the purposes of the Statewide Planning Goals, the Management Plan implements the Goal 5 fish and wildlife protection program and Metro ordinances regarding the Goal 5 fish and wildlife protection program do not apply.

Multnomah County

Multnomah County is one of six counties with lands in the Columbia River Gorge Scenic Area. Section 7 of the National Scenic Area Act requires counties to develop land use ordinances consistent with the Management Plan for the Columbia River Gorge National Scenic Area. With adoption of Multnomah County Code Chapter 38 that the Gorge Commission and the Secretary of Agriculture (as delegated to the Regional Forester) for the SMA have found to be consistent with the current Management Plan for the Columbia River Gorge National Scenic Area, the County has the authority to implement the Management Plan for the Columbia River Gorge National Scenic Area for scenic area lands within its jurisdiction. Multnomah County has authority from the Scenic Act to adopt ordinances with provisions that vary from the policies and guidelines in the Management Plan for the Columbia River Gorge National Scenic Area as long as the ordinances provide greater protection for the scenic, cultural, natural, and recreation resources of the Scenic Area (with concurrence by the Gorge Commission and the Secretary of Agriculture for the SMA). The County also has the authority to deny any permit or otherwise refuse to take any action that is inconsistent with the purposes and standards of the Management Plan for the Columbia River Gorge National Scenic Area.

Multnomah County is one of nine counties in the State of Oregon to have a home rule charter. Home rule charters allow voters the power to adopt and amend their own county government organization within certain limits set by the state. An amendment to the Oregon Constitution in 1958 allowed home rule charters. Until that time, counties were considered agents of the state government. The voters of Multnomah County approved a home rule charter on May 24, 1966, which became effective January 1, 1967. The primary organizational change was a governing body consisting of a board of five full-time county commissioners, which is the policy determining body of the county.

The County's home rule charter recognizes the dual role of the county as a unit of local government and as an agency of the state. The charter allows the County to avail itself of local determination in county affairs to the fullest extent possible under the constitution and laws of the state. Chapter II of the charter confers upon the County general powers. The county has authority over matters of county concern to the fullest extent granted or allowed by the constitutions and laws of the United States and the State of Oregon, as fully as though each particular power comprised in that general authority were specifically listed in the charter. The charter shall be liberally construed, and each power of the county under the charter shall be construed as a continuing power unless the charter or the grant of the power indicates the contrary.

Multnomah County Authority Policies

Multnomah County shall review and decide upon applications for all permits relating to the use of non-federal land within the Multnomah County portion of the Scenic Area. These permits include all form of land divisions, land use, and legislative enactments and amendments to the Multnomah County Comprehensive Plan and Multnomah County Code.

Multnomah County shall review all development proposals on non-federal land in the Scenic Area for consistency with the Management Plan for the Columbia River Gorge National Scenic Area by applying the standards, criteria, and procedures in Multnomah County Code Chapter 38.

Multnomah County may adopt provisions that vary from the Management Plan for the Columbia River Gorge National Scenic Area when it deems that the provisions are more protective of the resources in the scenic area.

The County may adopt provisions that vary from the Management Plan for the Columbia River Gorge National Scenic Area when it deems they are necessary to protect general health, safety, and welfare or to implement state or federal laws not regulated by the Columbia River Gorge National Scenic Area Act, when not inconsistent with the Management Plan for the Columbia River Gorge National Scenic Area.

City of Troutdale

The portion of the City of Troutdale, east of the Sandy River is within the Columbia River Gorge National Scenic Area. The City has not enacted an ordinance to implement the Management Plan for the Scenic Area and until the City of Troutdale enacts such regulations, Multnomah County is directed by the Scenic Area Act to enforce its implementing ordinance

in this portion of the City. Development proposals affecting land use in this area are reviewed by Multnomah County staff for compliance with Multnomah County Zoning Code Chapter 38, which has been approved by the Gorge Commission. The City of Troutdale enforces its land use regulations, so that development within the area of the city subject to the National Scenic Area regulations is subject to review by both Multnomah County and the City of Troutdale. Such dual review is a burden to applicants and creates potential for conflicts between City regulations and County regulations. The Management Plan for the Columbia River Gorge National Scenic Area allows counties and cities to enter into agreements so that only one jurisdiction is applying a land use ordinance: *A county and a city may enter into an agreement to allow the other to implement a land use ordinance that applies to the city and that has been approved or adopted by the Gorge Commission under Section 8 of the Scenic Area Act.* (Part IV – Administration, Chapter 1: Gorge Commission Role, County Ordinances section, Policy 2) Multnomah County supports this concept and may explore the possibility of developing an agreement with the City of Troutdale.

City of Troutdale Policy

Multnomah County shall review development in the Scenic Area portion of the City of Troutdale for consistency with the Management Plan for the Columbia River Gorge National Scenic Area by applying the standards, criteria, and procedures in Multnomah County Code Chapter 38, until such time that the City of Troutdale adopts an ordinance to implement the Management Plan for the Columbia River Gorge National Scenic Area or the City and County enter into an agreement to specify how the Management Plan is to be implemented in this portion of the City.

ISSUES NOT SPECIFICALLY ADDRESSED IN THE MANAGEMENT PLAN FOR THE COLUMBIA RIVER GORGE NATIONAL SCENIC AREA

Hillside Development

The Management Plan for the Columbia River Gorge National Scenic Area does not specifically address development on hillside areas, but does have thresholds for when a grading plan is required. The main purpose of the Management Plan for the Columbia River Gorge National Scenic Area's standards related to grading are to minimize the visual impact of large-scale grading. The purpose of the geological features inventory performed for the Management Plan for the Columbia River Gorge National Scenic Area was to determine how to protect features and avoid hazards. However, the Management Plan contains no policy guidance for achieving this purpose. Multnomah County's Hillside Development District meets fulfills this purpose. The Scenic Area in Multnomah County contains significant geologic resources consisting in many cases of steep and unstable hillsides. Inappropriate grading and hillside development in these areas may further destabilize them, threaten geologic resources, endanger public safety, and create liability issues for the County. Outside the Scenic Area, policy direction for these areas originally derived from the Statewide Planning Goal #7, which covers naturally hazardous areas. Multnomah County has mapped hazardous and steep areas. (The maps are based upon geotechnical analysis prepared by Shannon & Wilson, Inc., dated September 30, 1978 and May 31, 1996.) This document provides policy direction to protect geologic resources and public safety through the application of a Hillside Development District. The implementation of grading, hillside development, and erosion control measures in the MCC to protect the resources necessarily

differ from the thresholds established by the Management Plan for the Columbia River Gorge National Scenic Area because they implement the Plan's objective to protect geologic features and avoid hazards versus impacts of grading on scenic, or cultural resources.

Hillside Development Policies

Multnomah County shall endeavor to protect geologic resources in the Scenic Area, particularly to help ensure that grading on unstable and steep slopes does not degrade geologic resources.

Multnomah County shall apply the Hillside Development District in the Scenic Area.

Off-Street Parking and Loading

The Management Plan for the Columbia River Gorge National Scenic Area addresses parking in relationship to protecting scenic resources, and primarily deals with setbacks and screening. It does not provide direction on the many specific standards for parking that a jurisdiction typically regulates. Multnomah County needs to fill this gap by enacting additional off-street parking and loading regulations to reduce traffic congestion associated with specific uses, protect the character of neighborhoods and the function of streets, and to ensure uniform and safe standards for parking lot design and layout.

Off-Street Parking and Loading Policy

Multnomah County shall enact standards to reduce traffic congestion associated with specific uses, protect the character of neighborhoods and the function of streets, and to ensure uniform and safe standards for parking lot design and layout. The standards shall regulate the development and maintenance of off-street parking and loading areas, including location, dimensions, design, and minimum number of spaces in the Scenic Area.

Land Divisions

Land divisions in Oregon are governed by Chapter 92—Tentative and Final Approval of Plans; Plats—of the Oregon Revised Statutes (ORS). No land may be subdivided or partitioned except in accordance with ORS 92. Before a plat of any subdivision or partition can be recorded, the county or city having jurisdiction must review and approve the proposed subdivision or partition in accordance with the procedures established by the jurisdiction. The Management Plan for the Columbia River Gorge National Scenic Area provides rules regarding criteria for approving the subdivisions but does not identify how it is to be accomplished. ORS 92 serves this purpose.

The Management Plan for the Columbia River Gorge National Scenic Area regulates land divisions as review uses, so that they must meet the same criteria protecting scenic area resources. New land divisions are not allowed in the Special Management Area, unless the creation of a new parcel will facilitate land acquisition by the federal government to achieve the policies and standards of the Management Plan for the Columbia River Gorge National Scenic Area. Multnomah County's requirements for land divisions ensure that streets connect, lots are developable, pedestrian and bike facilities are provided, utilities are extended logically, and street trees are planted.

Land Divisions Policies

Multnomah County shall enact requirements for land divisions that ensure streets connect, lots are developable, pedestrian and bike facilities are provided, and utilities are extended logically.

The County shall allow the internal lot lines of a group of lots under one ownership to be eliminated and consolidated.

Planned Developments

The Management Plan for the Columbia River Gorge National Scenic Area does not address planned developments. The Management Plan for the Columbia River Gorge National Scenic Area does regulate cluster developments, the purpose of which is to allow creation of lots smaller than the minimum lot size where clustering would provide further protection to resources. Multnomah County needs to provide a means of creating planned environments through the application of flexible and diversified land development standards that will result in better or more efficient development arrangements, make efficient use of resources like energy and land, and of utility networks. Planned developments are broader in scope than cluster developments with respect to conserving a wider range of resources, including the County's investment in infrastructure.

Planned Developments Policy

Multnomah County shall allow for planned development projects in the GGRC zone that use flexible and diversified land development standards that will result in better or more efficient development arrangements, and make efficient use of resources like energy, land, and of utility networks.

Application of the planned development standards shall be allowed in the Rural Center district (GGRC) for duplexes, single family residences, and limited supporting commercial uses.

Variances to Dimensional Standards

The Management Plan for the Columbia River Gorge National Scenic Area regulates variances from resource protection setbacks and buffers. The main purpose of allowing variances is to eliminate conflicts between competing resource protections. In addition to these variances, Multnomah County needs to allow variances to dimensional standards in order to provide flexibility for applicants where there are practical difficulties in application of the standards. The Management Plan for the Columbia River Gorge National Scenic Area explicitly allows counties to grant variances to provisions in their land use ordinances that are not required by a policy or guideline in the Management Plan for the Columbia River Gorge National Scenic Area. Policy 3 of the County Ordinances section states: *Counties may grant variances to provisions in their land use ordinances that are not required by a policy or guideline in the Management Plan.* (Part IV – Administration, Chapter 1: Gorge Commission Role)

Variances to Dimensional Standards Policy

Multnomah County shall adopt zoning code provisions in Chapter 38 that allow variances to dimensional standards such lot dimensions, setbacks, and building

height in order to provide flexibility for applicants where there are practical difficulties in application of the standards.



MULTNOMAH COUNTY OREGON

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SERENA CRUZ • DISTRICT 2
LISA NAITO • DISTRICT 3
LONNIE ROBERTS • DISTRICT 4

October 21, 2004

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

Dear Ms. Squier:

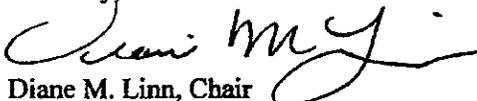
On behalf of the Multnomah County Board of Commissioners, I would like to acknowledge receipt of your September 8, 2004 transmittal of the revised Management Plan for the Columbia River Gorge National Scenic Area and wish to inform the Gorge Commission of our intent to adopt a land use ordinance consistent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

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

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

Thank you for your time and consideration.

Sincerely,


Diane M. Linn, Chair

EXHIBIT

A1

Multnomah County National Scenic Area Compliance Project

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 Simione

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 be 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

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	Staff Feedback 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 Simione 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. 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.	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.

**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 exactly what is allowed or not allowed.	Multiple CAC members January 27, 2005 Bob Leipper from email to Derrick Tokos and Gillian Zacharias, February 24, 2005	Standards for these, and other allowed uses, can be established without requiring scenic review, but then compliance becomes a code enforcement issue	The proposed code revisions note that many CAC members were in favor of numeric limits and color requirements for accessory structures.	These points have been included as options for the PC to review.
6 CAC mtg #1	Can we have staff's input on problems with the process?	Multiple CAC members January 27, 2005	Staff conducted a brain-storming session on issues with the code	Notes from staff brain-storming session are included with Mtg #2 packet.	No further action needed.
7 Correspondence	Consistency in application of the code requirements by planning staff: can this be a topic for CAC?	Bob Leipper Email to Derrick Tokos, January 31, 2005	Consistency results from a number of factors. Problems in consistent application of the code because it is unintentionally ambiguous are within the scope of the CAC to address. It's important to keep in mind that additional flexibility in code requirements adds a discretionary element to staff review and decision-making. More defined regulations allow less chance for differences in application. More flexibility allows more risk of differences in interpretation.	Throughout this project, CAC members have debated the trade-off between having regulations that are relatively inflexible (and therefore more predictable and less open to interpretation by staff) and those that are more flexible (allowing for more adaptability to individual projects and sites).	The proposed changes to Chapter 38 reflect this debate in the following areas: (e.g. methodology for scenic compatibility review is being spelled out to provide greater certainty. How development achieves visual subordination still very discretionary).

Note: Issue bin item and comment numbers are not sequential because they are arranged by topic.

**Multnomah County National Scenic Area Compliance Project
Issue Bin Items and Comments**

When	Topic	Submitted by	Staff Feedback	Following actions	Resolution
8	Correspondence Lack of code enforcement: can this be a topic for CAC? "...compliance becomes a code enforcement issue." Why is this a problem? MC doesn't even enforce the 60 sf limit so why should an additional criteria be an issue?	Submitted by 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	Staff Feedback 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.
9	EXPEDITED REVIEW COMMENTS 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**

When	Topic	Submitted by	Staff Feedback	Following actions	Resolution
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.	package. Done.	changes. 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.	
19	CAC mtg #2 DEFINITIONS 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.

Note: Issue bin item and comment numbers are not sequential because they are arranged by topic.

**Multnomah County National Scenic Area Compliance Project
Issue Bin Items and Comments**

When	Topic	Submitted by	Staff Feedback	Following actions	Resolution
	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	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	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 earlstone 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	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	Allen Young does not presently enforce permit fees for "paving existing dirt and gravel roads" or even for new dirt and gravel roads to existing county roads.	Bob Leipper, email to Derrick Tokos and Gillian Zacharias, February 24, 2005	Fees are not within the scope of this project.	No further action needed.	

Note: Issue bin item and comment numbers are not sequential because they are arranged by topic.

**Multnomah County National Scenic Area Compliance Project
Issue Bin Items and Comments**

When	Topic	Submitted by	Staff Feedback	Following actions	Resolution
25	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	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	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	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	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	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	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 24, 2005	This comment was also made by Mr. Leipper at CAC meeting #3.	Comment will be added in the comment column in the code revision.	PC to review with other changes.

Note: Issue bin item and comment numbers are not sequential because they are arranged by topic.

**Multnomah County National Scenic Area Compliance Project
Issue Bin Items and Comments**

When	Topic	Submitted by	Staff Feedback	Following actions	Resolution
	county started keeping a record should be allowed as "legally established". SIGNS	24, 2005			
32	CAC mtg #3 Proposal to eliminate size limits on political signs in the SMA is wrong. Size limits should be maintained. Allowing temporary construction signs up to 32 sf should be okay for safety reasons only.	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	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 Simione	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	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.	

Note: Issue bin item and comment numbers are not sequential because they are arranged by topic.

**Multnomah County National Scenic Area Compliance Project
Issue Bin Items and Comments**

When	Topic	Submitted by	Staff Feedback	Following actions	Resolution
	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 after 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				

Note: Issue bin item and comment numbers are not sequential because they are arranged by topic.

**Multnomah County National Scenic Area Compliance Project
Issue Bin Items and Comments**

When	Topic	Submitted by	Staff Feedback	Following actions	Resolution
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 Simione	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				

Note: Issue bin item and comment numbers are not sequential because they are arranged by topic.

**Multnomah County National Scenic Area Compliance Project
Issue Bin Items and Comments**

When	Topic	Submitted by	Staff Feedback	Following actions	Resolution
39	Correspondence Re: Handout #3.6: It should be clearly stated that agricultural buildings are just that: for agricultural purposes.	Bob Lepper, email to Derrick Tokos and Gillian Zacharias, March 1, 2005	County code will reflect new MP standards for agricultural buildings.	PC to review with other changes.	
51	Support for the addition of MP provisions to ensure buildings are truly for ag uses	Bob Lepper 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 Simione	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	Correspondence Corrections to meeting #3	Bob Lepper, email	Corrections have been made.	No further action	No further

Note: Issue bin item and comment numbers are not sequential because they are arranged by topic.

**Multnomah County National Scenic Area Compliance Project
Issue Bin Items and Comments**

When	Topic	Submitted by	Staff Feedback	Following actions	Resolution
pendence	summary.	to Derrick Tokos and Gillian Zacharias, 3/10/05		needed.	action needed.
57	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	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	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.		

p:\multnomah\0000027030600m\0374 PC Hearings\FC Hearing #1 final materials\4-10 table 1 issue bin items and comments.doc

Note: Issue bin item and comment numbers are not sequential because they are arranged by topic.

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



****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.

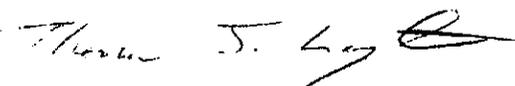
****Potential Safety Hazard.** Fire District #14 spends a lot of time educating the community we serve. We do not want to encourage untrained residents to fight fires on their own. If a fire cannot be extinguished with a fire extinguisher, then we tell them to phone 911 and get away from the fire. We 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.

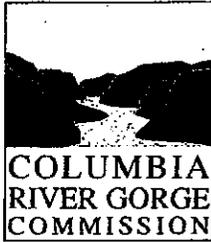
Sincerely,



THOMAS J. LAYTON
Chief

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

2012 / MAR 26
10:57 AM
FIRE DISTRICT #14



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
Hood River, OR 97031
(541) 308-1700
FAX (541) 386-1916

File Code: 1900

Date: June 7, 2005

Derrick Tokos
Multnomah County Land Use Planning Division
1600 SE 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,

copy of 6/7/05

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.

**Gorge
Bi-State Commission**

**Management Plan for the
Columbia River Gorge National Scenic
Area**

Provides policy and guidance in the Scenic Area

**US Dept of Agriculture
Forest Service**

**Prepares Special Management Area
portion of the Management Plan**

Determines consistency of actions on federal lands with the Management Plan. Manages National Forest System lands ~~consistent with the Management Plan and the Land and Resource Management Plan for the Mt. Hood National Forest~~

(Could delete the highlighted portions if space needed.)

POLICY 41: COLUMBIA RIVER GORGE NATIONAL SCENIC AREA

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

The purposes of the Columbia River Gorge National Scenic Area are to protect and provide for the enhancement of the scenic, cultural, recreational, and natural resources of the Columbia River Gorge, and to protect and support the economy of the Columbia River Gorge by allowing future development which supports those purposes. The purposes are implemented by the document entitled *Management Plan for the Columbia River Gorge National Scenic Area* and the Multnomah County document entitled *The Columbia River Gorge National Scenic Area Rural Area Plan Policy Document*.

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

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

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

The Columbia River Gorge National Scenic Area Rural Area Plan Policy Document is an element of the Multnomah County Comprehensive Framework Plan. The Columbia River Gorge National Scenic Area Rural Area Plan Policy Document is organized into seven parts. The first part states the purpose of the Columbia River Gorge National Scenic Area Rural Area Plan Policy Document. The introduction includes the general policy statement. Introduction to the Columbia River Gorge National Scenic Area Act describes the enactment and the establishment of the Gorge Commission. Introduction to the Management Plan For The Columbia River Gorge National Scenic Area lists the chronology of the preparation and revision of the Management Plan for the Columbia River Gorge National Scenic Area and describes the Multnomah County implementation process. The fifth section describes the relationship of the Columbia River Gorge National Scenic Area Rural Area Plan Policy Document to other existing plans and regulations, including the Management Plan for the Columbia River Gorge National Scenic Area, Land and Resource Management Plan for the Mt. Hood National Forest, Indian Tribes rights and treaties, Oregon Statewide Planning Goals, applicable Oregon Revised Statutes, and the Multnomah County Comprehensive Framework Plan. The authority section establishes the authority of the Gorge Commission.

the U.S. Forest Service, the Tribes, Metro, Multnomah County, and the City of Troutdale within the Columbia River Gorge National Scenic Area. The final section establishes policies for issues not specifically addressed in the *Management Plan For The Columbia River Gorge National Scenic Area*. These are the Hillside Development District, off-street parking and loading, land divisions, planned development, and variances to dimensional standards.

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.

KEY TO SECTION 8(o) ZONING CHANGES

TAX ACCOUNT #	OWNER	LOCATION	ACRES	CURRENT ZONING	CRGC GMA DESIGNATION	COUNTY EQUIVALENT	
1	R944280270	Herndon	IN4E28C -00100	3.4	GSA-40	A2-40	GGA-20*
2	R944280110	Annus	IN4E28D -00900	19.09	GSA-40	A2-40	GGA-20*
3	R944280250	McCarney	IN4E28D -01100	5	GSA-40	A2-20	GGA-20
4	R944290050	Chamerlain Hill Ranch (Ulmer)	IN4E29 -00900	96.69	GSA-40	A1-40	GGA-40
5	R944290320	Hummel	IN4E29CC -00100	2	GSA-40	A2-40	GGA-20*
6	R944290230	Darcy	IN4E29CC -00200	5	GSA-40	A2-40	GGA-20*
7	R944290270	Hummel	IN4E29CC -00400	4	GSA-40	A2-40	GGA-20*
8	R945210070	Wellman	IN5E21D -00600	3	GSF-40	F3-20	GGF-20
9	R945220030	TPL Bridal Veil	IN5E22 -00300	0.74	GSPR	F3-20	GGF-20
10	R945220110	TPL Bridal Veil	IN5E22 -00400	13.3	GSPR	F3-20	GGF-20
11	R945220020	TPL Bridal Veil	IN5E22 -00500	0.24	GSPR	F3-20	GGF-20
12	R283300300	TPL Bridal Veil	IN5E22AB -00600	2.87	GSPR	F3-20	GGF-20
13	R945270240	Smith	IN5E27 -00600	2.9	GSF-40	F3-20	GGF-20
14	R945270280	Harlow	IN5E27C -00100	6.64	GSF-40	F3-40	GGF-40
15	R945270220	Leigh	IN5E27C -00200	3.92	GSF-40	F3-40	GGF-40
16	R945270360	Dufresne	IN5E27C -01000	4.39	GSF-40	F3-40	GGF-40
17	R945270200	Van Houten	IN5E27D -00200	9.52	GSF-40	F3-40	GGF-40
18	R945270320	Knotts	IN5E27D -00900	5.5	GSF-40	F3-40	GGF-40
19	R945270190	Martin	IN5E27D -01200	4.7	GSF-40	F3-20	GGF-20
20	R945270260	Davis/Pauli	IN5E27D -01300	11.8	GSF-40	F3-20	GGF-20
21	R945270340	Nulton	IN5E27D -01400	2.4	GSF-40	F3-40	GGF-40
22	R945270150	Martin	IN5E27D -01500	6.3	GSF-40	F3-20	GGF-20
23	R945280100	Clements	IN5E28 -00500	114.58	GSF-40	F3-40	GGF-40
24	R945280300	Gibbons	IN5E28B -00200	0.07	GSF-40	F3-20	GGF-20
25	R945280220	Fomer	IN5E28B -00300	12.82	GSF-40	F3-20	GGF-20
26	R945290280	Gibbons	IN5E29A -00100	3.9	GSF-40	F3-20	GGF-20
27	R832302850	Gregg	IN5E30CC -00900	0.57	GSF-40	F3-20	GGF-20
28	R945310640	Twilegar	IN5E31A -02100	7.53	GSF-40	F3-20	GGF-20
29	R945320150	Finney/Windust	IN5E32 -00600	17	GSF-40	F3-20	GGF-20
30	R945330010	Putnam	IN5E33 -00100	40	GSF-40	F3-40	GGF-40
31	R945330150	Angelo	IN5E33B -00100	27.66	GSF-40	F3-40	GGF-40
32	R945330340	Stomps	IN5E33B -00900	8.08	GSF-40	F3-40	GGF-40
33	R945330270	Stomps	IN5E33B -01000	2.97	GSF-40	F3-40	GGF-40
34	R945340030	MacKay	IN5E34 -00900	72.82	GSF-40	F3-40	GGF-40
35	R946020140	Roysse	IN6E02B -00500	23.33	GSF-40	F-2	GGF-80*
36	R832301940	Watson	IN5E20C -1500	0.21	GSF-40	F3-40	GGF-40
37	R832300010	Watson	IN5E20C -1600	1.00	GSF-40	F3-40	GGF-40

* Management Plan Land Use Designation Conversions Were Not Available. County Equivalent Shown.
 Note: Table Refers to changes by the Forest Service from 1997 - present.