
General Policies and Guidelines

The policies and guidelines in this chapter provide more detailed guidance for uses authorized in many (or all) designations, as well as for uses which either are exempt from regulation under the Scenic Area Act, or allowed without a Scenic Area review.

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SAVINGS POLICIES

These policies repeat and respond to direction in the Scenic Area Act that the Management Plan not affect certain uses that take place in the Scenic Area.

1. The Gorge Commission and Forest Service shall, in the Management Plan and in the implementation actions, protect treaty and other rights of Indian tribes. Nothing plan may interfere with the exercise of those rights.
2. Lands held in trust by the Secretary of the Interior for Indian tribes or for individual members of Indian tribes, and lands acquired by the U.S. Army Corps of Engineers and administered by the Secretary of the Interior for the benefit of Indian tribes or of individual members of Indian tribes, shall be exempt from regulation under the Management Plan or land use ordinances adopted by counties or the Gorge Commission pursuant to the Scenic Area Act. This exemption shall extend to lands selected by the U.S. Army Corps of Engineers as "in lieu" fishing sites pursuant to Public Law 100-581 before or after the effective date of the Management Plan. For those "in lieu" sites chosen after the effective date of the Management Plan, the exemption shall commence upon selection by the U.S. Army Corps of Engineers.
3. Rights to surface or ground water shall be exempt from regulation under the Management Plan or land use ordinances adopted by counties or the Gorge Commission pursuant to the Scenic Area Act.
4. Water transportation activities on the Columbia River or its tributaries shall be exempt from regulation under the Management Plan or land use ordinances adopted by counties or the Gorge Commission pursuant to the Scenic Area Act. The term "activities" includes those facilities necessary for navigation.
5. The operation, maintenance, and modification of existing transmission facilities of the Bonneville Power Administration shall be exempt from regulation under the Management Plan or land use ordinances adopted by the counties or the Gorge Commission pursuant to the Scenic Area Act.
6. Neither the Management Plan nor land use ordinances adopted by counties or the Gorge Commission pursuant to the Scenic Area Act may affect laws, rules, or regulations pertaining to hunting or fishing.
7. Neither the Forest Service nor the Gorge Commission may establish any buffer zones or protective perimeters outside the boundaries of the Scenic Area.
8. The operation, maintenance, and improvement of navigation facilities at Bonneville Dam pursuant to federal law, except for the offsite disposal of excavation material, shall be exempt from regulation under the Management Plan or land use ordinances adopted by counties or the Gorge Commission under the Scenic Area Act.

9. In the GMA, the rights and responsibilities of non-federal timber landowners under the Forest Practices Acts of Washington and Oregon, or under county regulations that supersede those acts, shall be exempt from regulation under the Management Plan or land use ordinances adopted by counties or the Gorge Commission pursuant to the Scenic Area Act.

STANDARDS FOR APPLICATIONS, EXPIRATION OF APPROVALS, VESTED RIGHTS

GMA/SMA Guidelines

Standards for Applications

1. Complete Application Required: Any proposed use, development or structure shall be reviewed according to the standards in effect on the date an applicant submitted a complete land use application to the reviewing agency. A complete application is one that the reviewing agency determines meets the Management Plan's requirements for: (1) a complete application form, (2) a complete site plan, and (3) all applicable information specified in the parts of the Management Plan titled Resource Protection and Enhancement, Land Use Designations, and Indian Tribal Treaty Rights and Consultation. Incomplete applications shall not be reviewed.

Expiration of Approvals

1. Notice Not Required: Expiration of any land use approval issued pursuant to this Management Plan shall be automatic. Failure to give notice of expiration shall not affect the expiration of a land use approval.
2. Land Use Approvals without Structures: Any land use approval issued pursuant to this Management Plan for a use or development that does not include a structure shall expire two years after the date the land use approval was granted, 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.
3. Land Use Approvals with Structures: Any land use approval issued pursuant to this Management Plan for a use or development that includes a structure shall expire as follows:
 - A. When construction has not commenced within two years of the date the land use approval was granted, or
 - B. When the structure has not been completed within two years of the date of commencement of construction.

4. Commencement of Construction: As used in 3.A above, 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.
5. Completion of Structure: As used in 3.B above, completion of the structure shall mean (1) completion of the exterior surface(s) of the structure and (2) compliance with all conditions of approval in the land use approval.
6. Extension of Validity of Land Use Approvals: A request for extension of the time frames in Guidelines 2, 3.A or 3.B, above, shall be submitted in writing before the applicable expiration date.
 - A. A reviewing agency may grant one 12-month extension to the validity of a land use approval if it determines that events beyond the control of the applicant prevented commencement of the use or development (applicable to 2 above) or commencement of construction (applicable to 3.A above) within the original two-year time frame.
 - B. An agency may also grant one 12-month extension if it determines that events beyond the control of the applicant prevented completion of the structure (applicable to 3.B above) within the original two-year time frame.
 - C. A request for extension shall state the reason why events beyond the control of the applicant warrant an extension.
 - D. Approval or denial of a request for extension shall be considered an administrative decision.
7. Vested Rights: The laws of the states of Oregon and Washington concerning vested rights shall not apply in the National Scenic Area. A person has a vested right for as long as the land use approval does not expire.

EXISTING USES AND DISCONTINUED USES

GMA/SMA Guidelines

1. Right to Continue Existing Uses and Structures: Except as otherwise provided, any existing use or structure may continue as long as it is used in the same manner and for the same purpose.

2. Replacement of Existing Structures Not Damaged or Destroyed by Disaster: Except as provided in Guideline 3 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:
 - A. The replacement structure shall be used in the same manner and for the same purpose as the original structure.
 - B. 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.
 - C. The replacement structure shall be subject to the scenic, cultural, recreation and natural resources guidelines; the treaty rights guidelines; and the land use designations guidelines involving agricultural buffer zones, approval criteria for fire protection, and approval criteria for siting of dwellings on forest land.
 - D. 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.

3. 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:
 - A. 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.
 - B. 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:
 - (1) 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.
 - (2) 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.

- (3) The new building site complies with the cultural resources, natural resources, and treaty rights protection guidelines.
- C. The replacement structure shall be the same size and height as the original structure, provided:
- (1) The footprint of the replacement structure may be up to 10 percent larger than the footprint of the original structure.
 - (2) 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.
- D. The replacement structure shall only be subject to the following scenic resources standards:
- (1) The replacement structure shall comply with the scenic resources guidelines regarding color and reflectivity. These guidelines shall be applied to achieve the applicable scenic standard (visually subordinate or not visually evident) to the maximum extent practicable.
 - (2) 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.
 - (3) In the General Management Area, the replacement structure shall comply with the scenic resources guidelines regarding landscaping. These guidelines shall be applied to achieve the applicable scenic standard (visually subordinate) to the maximum extent practicable, provided:
 - (a) Except as provided in Guideline 3.D(3)(b) 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.
 - (b) 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.

- (c) To help determine how much vegetation may be required under Guidelines 3.D(3)(a) and (b) 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:
 - (i) 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.
 - (ii) 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.
 - (iii) 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.
 - (d) The height of any new trees shall not be required to exceed 5 feet.
 - (e) The time frame for achieving visual subordination shall be 10 years or less from the commencement of construction.
- (4) In the Special Management Area, the replacement structure shall comply with the scenic resources guidelines regarding landscaping. These guidelines shall be applied to achieve the applicable scenic standard (visually subordinate or not visually evident) to the maximum extent practicable, provided:
- (a) 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).
 - (b) The height of any new trees shall not be required to exceed 5 feet.
 - (c) The time frame for achieving the applicable scenic standard (visually subordinate or not visually evident) shall be 10 years.

- E. The replacement structure shall be subject to Guidelines 2.A, 2.B, and 2.C above if it would not comply with Guidelines 3.B and 3.C above.
 - F. 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.
4. 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.
- A. Expansion of Existing Commercial and Multifamily Residential Uses: In the SMA, existing commercial and multifamily residential uses may expand as necessary for successful operation on the dedicated site, subject to guidelines to minimize adverse effects on scenic, cultural, natural, and recreation resources. Expansion beyond the dedicated site shall be prohibited.
 - B. Expansion of Existing Industrial Uses in the GMA: Existing industrial uses in the GMA may expand as necessary for successful operation on the dedicated site. Expansion beyond the dedicated site shall be prohibited.
 - C. Conversion of Existing Industrial Uses in the GMA: In the GMA, existing industrial uses may convert to less intensive uses. For this section, a less intensive use is a commercial, recreation, or residential use with fewer adverse effects upon scenic, cultural, natural, and recreation resources.
 - D. Existing Development or Production of Mineral Resources in the GMA: In the GMA, 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 land use ordinances under the Management Plan if any of the following conditions exist:
 - (1) The mined land has been reclaimed naturally or artificially to a point where it is revegetated to 50 percent of its original cover (considering both basal and canopy) or has reverted to another beneficial use, such as grazing. Mined land shall not include terrain that was merely leveled or cleared of vegetation.
 - (2) The site has not maintained a required state permit.
 - (3) The site has not operated legally within 5 years before the date of adoption of the Management Plan.

- E. Existing Development or Production of Mineral Resources in the SMA: Uses involving the exploration, development, or production of sand, gravel, or crushed rock in the SMA may continue if both of the following conditions exist:
 - (1) The sand, gravel, or crushed rock is used for construction or maintenance of roads used to manage or harvest forest products in the SMA.
 - (2) A determination by the Forest Service finds that the use does not adversely affect the scenic, cultural, natural, or recreation resources.
 - F. Solid Waste Disposal Sites and Sanitary Landfills in the SMA: Solid waste disposal sites or sanitary landfills are not allowed in the SMA.
5. Discontinuance of Existing Uses and Structures: Except as provided in Guidelines 3 and 3.F 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.
- A. Multiple Uses: An existing use or structure with more than one legally established use may discontinue one of the uses without discontinuing the others.
 - B. Change in Use: An existing use or structure shall become discontinued if the use or use of the structure changes.
6. 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.

CONSOLIDATION OF LOTS

GMA/SMA Guidelines

- 1. A unit of land shall be consolidated with adjacent lands in the same ownership if:
 - A. In Oregon, the subdivision within which the unit of land is located is undeveloped pursuant to ORS chapter 92; or
 - B. In Washington, if the unit of land is smaller than the current minimum parcel size and is located within a final plat that is older than five years from the date of filing.

2. No portion of a consolidated plat shall be considered a separate parcel solely because an existing parcel overlays, and possibly fragments, that consolidated subdivision.
3. Section 1 shall not be applied to consolidate two or more units of land where each unit of land is developed with a dwelling that qualifies as an existing use. One or more undeveloped units of land shall be consolidated with one or more developed units of land.
4. To carry out this section, counties shall develop their own procedures for consolidating units of land pursuant to this provision, including amending plats, vacating plats, replatting, or other similar legal action.

UNIFORM APPLICATION OF MANAGEMENT PLAN

GMA/SMA Policies

1. The Management Plan shall be applied consistent with and in the spirit of the National Scenic Area Act.
2. The Gorge Commission, Forest Service, and counties should strive to apply Management Plan provisions uniformly throughout the National Scenic Area, except when a county has adopted a more restrictive provision.
3. In applying provisions of the Management Plan, the Gorge Commission and Forest Service may consider, but shall not be constrained by, county interpretations, state interpretation and application of state law and administrative regulations, or judicial decisions that do not directly involve the Management Plan.

APPLYING NEW LESS-STRINGENT REGULATIONS TO DEVELOPMENT APPROVED UNDER PRIOR SCENIC AREA REGULATIONS

GMA/SMA Guidelines

1. 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 (e.g., *Columbia River Gorge National Scenic Area Final Interim Guidelines*, original *Management Plan*), 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 agency that currently has jurisdiction over the applicant's property shall review the application and send notice of the application to agencies and other parties entitled to receive notice under the current rules.
- D. The agency shall review the entire development to ensure that it would fully comply with all the current guidelines (i.e., land use, treaty rights, scenic resources, cultural resources, recreation resources and natural resources).
- E. The agency 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 all the current guidelines.

USES ALLOWED OUTRIGHT

ALL LAND USE DESIGNATIONS, EXCEPT OPEN SPACE AND AGRICULTURE-SPECIAL

GMA/SMA Guidelines

1. The following uses may be allowed without review in all GMA and SMA land use designations, except GMA and SMA Open Space and GMA Agriculture-Special:
 - A. 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.
 - B. In the Special Management Area, agricultural uses within previously disturbed and regularly worked fields or areas.
 - C. Forest practices in the General Management Area that do not violate conditions of approval for other approved uses and developments.
 - D. Repair, maintenance and operation of existing structures, including, but not limited to, dwellings, agricultural structures, trails, roads, railroads, and utility facilities.
 - E. 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 signs, fences, outdoor lights, retaining walls, flagpoles, transportation facilities, or utility facilities.

- F. 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 (posts and wire) are brown or black if visible from key viewing areas. Height is measured from the ground to the top wire.
- G. 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/USDA 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.
- H. The following transportation facilities:
 - (1) 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 (1) the same location and size as the existing structures and (2) 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 or Washington State Route 14 prepared according to the GMA policies in the section of the Scenic Resources chapter of the Management Plan titled "Scenic Travel Corridors" (Part I, Chapter 1).
 - (2) Replace existing traffic detection devices, vehicle weighing devices, and signal boxes, provided the replacement structures are (1) the same location and size as the existing structures and (2) 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 or Washington State Route 14 prepared according to the GMA policies in the section of the Scenic Resources chapter of the Management Plan titled "Scenic Travel Corridors" (Part I, Chapter 1).
 - (3) New raised pavement markers, guide posts, object markers, inlay markers, and pavement markings and striping.

- (4) Permanent public regulatory, guide, and warning signs, except those excluded below, provided (1) the signs comply with the *Manual for Uniform Traffic Control Devices* and (2) 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.
- (5) 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 (1) located inside rights-of-way that have been disturbed in the past and (2) 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 or Washington State Route 14 prepared according to the GMA policies in the section of the Scenic Resources chapter of the Management Plan titled “Scenic Travel Corridors” (Part I, Chapter 1).
- (6) New guardrails and guardrail ends, provided the structures are (1) located inside rights-of-way that have been disturbed in the past and (2) 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 or Washington State Route 14 prepared according to the GMA policies in the section of the Scenic Resources chapter of the Management Plan titled “Scenic Travel Corridors” (Part I, Chapter 1). This category does not include jersey barriers.
- (7) 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.
- (8) 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.
- (9) Resurface or overlay existing paved roads, provided the activity does not (1) increase the width of a road, (2) disturb the toe of adjacent embankments, slopes or cut banks, or (3) change existing structures or add new structures.
- (10) Apply dust abatement products to non-paved road surfaces.

- (11) Grade and gravel existing road shoulders, provided the activity does not (1) increase the width of a road, (2) disturb the toe of adjacent embankments, slopes or cut banks, or (3) change existing structures or add new structures.
- (12) 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).

I. The following underground utility facilities:

- (1) 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.
- (2) 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 (1) no excavation would extend more than 12 inches beyond the depth and extent of the original excavation, (2) no ditch for linear facilities would be more than 24 inches wide, (3) no excavation for non-linear facilities would exceed 10 cubic yards, and (4) no recorded archaeological site is located within 500 feet of the development.

To comply with (4), the entity or person undertaking the development shall contact the Washington Office of Archaeology and Historic Preservation or 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.

J. The following aboveground and overhead utility facilities:

- (1) 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 (1) the same location and size as the existing facilities and (2) 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 or Washington State Route 14 prepared according to the GMA policies in the section of the Scenic Resources chapter of the Management Plan titled "Scenic Travel Corridors" (Part I, Chapter 1).

- (2) Replace existing utility poles, provided the replacement poles are (1) located within 5 feet of the original poles, (2) no more than 5 feet taller and 6 inches wider than the original poles, and (3) 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.
 - (3) 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.
- K. 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 ridgeline or parapet of the principal building.
- L. The following signs:
- (1) Election signs. Removal must be accomplished within 30 days of election day.
 - (2) "For sale" signs not greater than 12 square feet. Removal must be accomplished within 30 days of close of sale.
 - (3) 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.
 - (4) Signs posted on private property warning the public against trespassing, danger from animals, the private nature of a road, driveway or premise, or signs prohibiting or otherwise controlling fishing or hunting, provided such signs are not greater than 6 square feet in the General Management Area and 2 square feet in the Special Management Area.
 - (5) Temporary signs advertising civil, social, or political gatherings and activities, provided such signs do not exceed 12 square feet. Removal must be accomplished within 30 days of the close of the event.

- (6) Signs posted by governmental jurisdictions giving notice to the public. Such signs shall be no larger than that required to convey the intended message.
 - (7) In the General Management Area, signs associated with the use of a building or buildings, if placed flat on the outside walls of buildings (not on roofs or marquees).
- M. In the General Management Area, wind machines for frost control in conjunction with agricultural use.

GMA AND SMA OPEN SPACE

GMA/SMA Guidelines

1. The following uses may be allowed without review in GMA and SMA Open Space:
 - A. Repair, maintenance and operation of existing structures, including, but not limited to, dwellings, agricultural structures, trails, roads, railroads, and utility facilities.
 - B. The following transportation facilities:
 - (1) 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 (1) the same location and size as the existing structures and (2) 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 or Washington State Route 14 prepared according to the GMA policies in the section of the Scenic Resources chapter of the Management Plan titled "Scenic Travel Corridors" (Part I, Chapter 1).
 - (2) Replace existing traffic detection devices, vehicle weighing devices, and signal boxes, provided the replacement structures are (1) the same location and size as the existing structures and (2) 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 or Washington State Route 14 prepared according to the GMA policies in the section of the Scenic Resources chapter of the Management Plan titled "Scenic Travel Corridors" Part I, Chapter 1).

- (3) New raised pavement markers, guide posts, object markers, inlay markers, and pavement markings and striping.
- (4) Permanent public regulatory, guide, and warning signs, except those excluded below, provided (1) the signs comply with the *Manual for Uniform Traffic Control Devices* and (2) 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.
- (5) 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 (1) located inside rights-of-way that have been disturbed in the past and (2) 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 or Washington State Route 14 prepared according to the GMA policies in the section of the Scenic Resources chapter of the Management Plan titled “Scenic Travel Corridors” (Part I, Chapter 1).
- (6) New guardrails and guardrail ends, provided the structures are (1) located inside rights-of-way that have been disturbed in the past and (2) 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 or Washington State Route 14 prepared according to the GMA policies in the section of the Scenic Resources chapter of the Management Plan titled “Scenic Travel Corridors” (Part I, Chapter 1). This category does not include jersey barriers.
- (7) 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.
- (8) 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.
- (9) Resurface or overlay existing paved roads, provided the activity does not (1) increase the width of a road, (2) disturb the toe of adjacent

embankments, slopes or cut banks, or (3) change existing structures or add new structures.

- (10) Apply dust abatement products to non-paved road surfaces.
- (11) Grade and gravel existing road shoulders, provided the activity does not (1) increase the width of a road, (2) disturb the toe of adjacent embankments, slopes or cut banks, or (3) change existing structures or add new structures.
- (12) 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).

C. The following underground utility facilities:

- (1) 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.
- (2) 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 (1) no excavation would extend more than 12 inches beyond the depth and extent of the original excavation, (2) no ditch for linear facilities would be more than 24 inches wide, (3) no excavation for non-linear facilities would exceed 10 cubic yards, and (4) no recorded archaeological site is located within 500 feet of the development. To comply with (4), the entity or person undertaking the development shall contact the Washington Office of Archaeology and Historic Preservation or 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.

D. The following aboveground and overhead utility facilities:

- (1) 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 (1) the same location and size as the existing facilities and (2) 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 or Washington State Route 14 prepared according to the GMA policies in the section of the Scenic Resources chapter of the Management Plan titled "Scenic Travel Corridors" (Part I, Chapter 1).

- (2) Replace existing utility poles, provided the replacement poles are (1) located within 5 feet of the original poles, (2) no more than 5 feet taller and 6 inches wider than the original poles, and (3) 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.
- (3) 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.

E. The following signs:

- (1) Election signs. Removal must be accomplished within 30 days of election day.
- (2) "For sale" signs not greater than 12 square feet. Removal must be accomplished within 30 days of close of sale.
- (3) 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.
- (4) Signs posted on private property warning the public against trespassing, danger from animals, the private nature of a road, driveway or premise, or signs prohibiting or otherwise controlling fishing or hunting, provided such signs are not greater than 6 square feet in the GMA and 2 square feet in the SMA.
- (5) Temporary signs advertising civil, social, or political gatherings and activities, provided such signs do not exceed 12 square feet. Removal must be accomplished within 30 days of the close of the event.

- (6) Signs posted by governmental jurisdictions giving notice to the public. Such signs shall be no larger than that required to convey the intended message.
- (7) In the General Management Area, signs associated with the use of a building or buildings, if placed flat on the outside walls of buildings (not on roofs or marquees).

EXPEDITED DEVELOPMENT REVIEW PROCESS

GMA/SMA Guidelines

Development Eligible for Expedited Review

- 1. The following developments may be reviewed using the expedited development review process, provided they comply with the resource protection and procedural guidelines listed below.
 - A. Except in Open Space and Agriculture-Special, 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 signs, decks, fences, outdoor lights, retaining walls, transportation facilities, or utility facilities.
 - B. 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.
 - C. 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.
 - D. Wire-strand fences other than those allowed outright, provided the fence complies with the "Approval Criteria for Fences in Deer and Elk Winter Range" (Part I, Chapter 3: Natural Resources, GMA Wildlife Habitat) if it is inside deer and elk winter range as delineated in the Gorge Commission/USDA Forest Service natural resource inventories or determined by an appropriate federal or state agency.
 - E. In the General Management Area, woven-wire fences for agricultural use that would enclose 80 acres or less.

- F. Decks that are (1) uncovered, (2) attached and accessory to existing dwellings, and (3) 500 square feet or less in area and 30 inches or less in height above existing grade.
- G. Road closure gates.
- H. Signs, other than those allowed outright.
- I. Outdoor lights.
- J. 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.
- K. Lot line adjustments in the General Management Area that would not result in the potential to create additional parcels through subsequent land divisions, subject to the GMA guidelines in "Lot Line Adjustments" (Part II, Chapter 7: General Policies and Guidelines), except all lot line adjustments for parcels designated Open Space, Agriculture-Special, Public Recreation, or Commercial Recreation shall be reviewed through the full development review process.
- L. Lot line adjustments in the Special Management Area, subject to the SMA guidelines in "Lot Line Adjustments" (Part II, Chapter 7: General Policies and Guidelines) and SMA Residential Land Policy 4.
- M. Removal/demolition of structures that are less than 50 years old, including wells, septic tanks and fuel tanks.
- N. Decommission non-paved roads, including ripping the road surface, barriers, and revegetation.
- O. Trail reconstruction involving up to 1,000 feet of trail re-route.
- P. The following transportation facilities, provided they are not a part of larger construction or reconstruction projects (which shall be reviewed as a whole):
 - (1) 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.
 - (2) 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.

- (3) 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.
 - (4) 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.
- Q. Except in Agriculture-Special, the following underground utility facilities:
- (1) New underground utility facilities located inside road, utility or railroad rights-of-way or easements that have been disturbed in the past, provided (1) no ditch for linear facilities would be more than 36 inches wide and (2) no excavation for non-linear facilities would exceed 20 cubic yards.
- R. The following aboveground and overhead utility facilities:
- (1) Modify existing aboveground and overhead utility facilities or, except in Agriculture-Special, 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.
 - (2) 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.
 - (3) 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.
- S. Replace an existing mobile home in a mobile home space within a mobile home park, provided (1) the mobile home to be replaced, the mobile home space and the mobile home park shall be existing, lawful uses according to the definition of *existing use or structure* and Guidelines 1 through 4 in the section titled "Existing Uses" of this chapter; (2) the replacement mobile home shall be in the same location as the mobile home to be replaced; (3) the height of the replacement mobile home shall be no more than 20 percent greater than the mobile home to be replaced, and (4) 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.
- T. Retaining walls accessory to existing dwellings less than or equal to 2 feet in height and less than or equal to 100 feet in length.
 - U. In the Special Management Area, wind machines for frost control in conjunction with agricultural use.

Resource and Treaty Rights Protection Guidelines

1. Proposed developments reviewed using the expedited review process shall comply with the following resource protection guidelines:
 - A. Scenic
 - (1) In the General Management Area, the scenic resource protection guidelines shall not apply to woven-wire fences for agricultural use that would enclose 80 acres or less.
 - (2) Except signs, 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.
 - (3) Except signs, structures topographically visible from key viewing areas shall use low or non-reflective building materials, including roofing, gutters, vents, and chimneys.
 - (4) 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.
 - (5) Signs shall comply with the applicable sign guidelines in the Management Plan (Part I, Chapter 1: Scenic Resources GMA Sign guidelines and Part II Chapter 7, SMA Sign guidelines).
 - (6) 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).

B. Cultural

- (1) The expedited development review process shall only be used to review proposed development that does not require a reconnaissance survey or historic survey. The GMA Cultural Resources Policies 6 and 7 (Part I, Chapter 2) shall be used to determine if a reconnaissance and/or historic survey is required for a proposed development.
- (2) The GMA “Cultural Resources Discovered After Construction Begins” Guideline 1 and “Discovery if Human Remains” Guideline 1 (Part I, Chapter 2) shall be applied as conditions of approval for all development approved under the expedited development review process.

C. Recreation

- (1) The development shall not detract from the use and enjoyment of established recreation sites on adjacent parcels.

D. Natural

(1) Wetlands, Streams, Rivers, Ponds, and Lakes

- (a) 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.

(2) Sensitive Wildlife and Sensitive Plants

- (a) The development meets one of the following:
 - (i) 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
 - (ii) 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
 - (iii) 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 or Washington 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.

- (b) Development eligible for expedited review shall be exempt from the field surveys for sensitive wildlife or sensitive plants [see GMA “Site Plans and Field Surveys for Review Uses Near Sensitive Wildlife Areas and Sites” Guidelines 1 and 2, and “Site Plans and Field Surveys for Review Uses Near Sensitive Plants” Guidelines 1 and 2 (Part I, Chapter 3)].-
2. Proposed developments reviewed using the expedited review process shall comply with the following treaty rights protection guidelines:
- A. Proposed developments shall not affect or modify any treaty or other rights of any Indian tribe.
 - B. 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.
 - C. Except as provided in 2.B above, the GMA and SMA treaty rights and consultation goals, policies and guidelines in Chapter 3, Section IV of the Management Plan shall not apply to proposed developments reviewed under the expedited review process.

Procedural Guidelines

1. Applications
- A. Applications for uses eligible for expedited review shall include the information required for review uses listed in Guideline 3, "Review Uses" (Part II, Chapter 7: General Policies and Guidelines). They shall also include elevation drawings if the proposed development would be visible from a key viewing area. The drawing shall show natural grade and finished grade.

2. Comment Period
 - A. Reviewing agencies shall send a copy of all applications for developments to be reviewed under the expedited review process to the four Indian tribal governments, the Gorge Commission, and the Forest Service.
 - B. Reviewing agencies shall allow the Indian tribal governments, the Gorge Commission, and the Forest Service at least 10 days from the date a notice is sent to submit written comments on the proposed development.
3. Written Decision
 - A. Reviewing agencies shall prepare written decisions for all development reviewed under the expedited review process. The decisions shall include findings of fact, conclusions of law and, if necessary, conditions of approval.
4. Notice of Decision and Opportunity to Appeal
 - A. Reviewing agencies shall send a copy of all decisions issued under the expedited review process to the Indian tribal governments, the Gorge Commission, the Forest Service, and landowners within 200 feet of the perimeter of the subject parcel.
 - B. Any person shall be allowed to appeal a decision issued under the expedited review process.

EMERGENCY/DISASTER RESPONSE ACTIONS

GMA/SMA Policies

1. Notification of emergency/disaster response actions is required in order to:
 - A. Provide responding parties early access to inventory information on sensitive resources that may be affected by emergency response actions;
 - B. Prevent or minimize resource impacts from such actions, reducing the need for post-emergency mitigation/restoration;
 - C. Achieve the above purposes while allowing actions necessary to protect life, property, public services, and the environment during an emergency or disaster.
2. Post-emergency/disaster response development review is required in order to evaluate whether such response actions have impacted scenic, natural, cultural or recreation resources. Adverse impacts of the response actions shall be mitigated

to the greatest extent practicable. The review process shall be expedited to facilitate timely mitigation/restoration efforts, where needed. The party(ies) submitting the post-emergency/disaster response application shall be responsible for implementing any required mitigation/restoration, unless: (1) other responding parties agree to assume such responsibility, upon mutual agreement of the parties; or (2) the landowner denies access for mitigation/restoration activities, in which cast the landowner assumes responsibility.

3. Nothing in these provisions shall be interpreted to excuse compliance with other applicable state or federal law.

GMA/SMA Guidelines

1. General Guidelines

- A. Actions taken in response to an emergency/disaster event, as defined in the Glossary, are allowed in all GMA/SMA land use designations, subject to the notification requirements in the following section (see "Notification Requirements").
- B. Following emergency/disaster response actions, best management practices (BMPs) to prevent sedimentation and provide erosion control shall be utilized whenever disaster response actions necessitate vegetation removal, excavation, and/or grading. BMPs may include but are not limited to: use of straw bales, slash windrows, filter fabric fences, sandbags, straw cover, jute netting, etc.
- C. 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 agency administering the Scenic Area ordinance or the Forest Service for federal agency actions.
- D. The new exploration, development (extraction or excavation), and production of mineral resources, used for commercial, private or public works projects, shall not be conducted as an emergency/disaster response activity.
- E. No spoils resulting from grading or excavation activities shall be deliberately deposited into a wetland, stream, pond, lake or riparian area within the National Scenic Area (NSA) as a part of an emergency/disaster response action. The only exception to this is for construction of a fire line during a wildfire, where avoiding the aquatic area or its buffer zone has been considered and determine to not be possible without further jeopardizing life or property.

2. Notification Requirements

- A. Actions taken in response to an emergency/disaster event, as defined in the Glossary, are allowed in all GMA and SMA land use designations, subject to the following notification requirements.
- (1) Notification of an emergency/disaster response activity shall be submitted either within 48 hours of the commencement of a response action, or by the next business day following the start of such an action, whichever is sooner. Notification shall be submitted by the party conducting an emergency/disaster response activity or their representatives. In the case of multiple responding parties, the first party to respond shall provide the required notification, unless, upon mutual agreement of responding parties, another responder elects to assume this responsibility.
 - (2) Notification shall be submitted by mail, fax, telephone, e-mail or in person. If notification occurs by telephone, a hard copy of the notification shall be submitted by mail or in person within 7 days.
 - (3) Notification shall be furnished to the agency administering the Scenic Area ordinance, or the Forest Service for federal agency actions.
 - (4) At a minimum, the following information shall be required at the time of notification:
 - (a) Nature of emergency/disaster event.
 - (b) Description of emergency/disaster response activities and magnitude of response actions to be taken, if applicable (such as extent of earth movement, erection of structures, etc.).
 - (c) Location of emergency/disaster response activities.
 - (d) Estimated start and duration of emergency/disaster response activities.
 - (e) Contact person and phone number for the parties conducting emergency/disaster response actions.
 - (5) Repair and maintenance of an existing serviceable structure to its previously authorized and undamaged condition are not subject to the above referenced notification requirements.

- B. Upon notification of an emergency/disaster response action, the Gorge Commission, applicable planning department, or Forest Service shall, as soon as possible:
 - (1) Review its natural resource inventory data and notify the contact person for the emergency/disaster response actions of all inventoried natural resource sites and their buffers, that are within or adjacent to the response area or that may be adversely affected by response activities;
 - (2) Notify the Oregon or Washington Department of Fish and Wildlife of all noticed emergency/disaster response actions, to provide that agency an opportunity to consult with responding agencies during the event, and;
 - (3) Notify the Forest Service, the Oregon Historic Preservation Office or the Office of Washington Office of Archeology and Historic Preservation, and the tribal governments of all emergency/disaster response activities. The 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.

- C. Upon notification of a response action, the 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.

- 3. Post-Emergency/Disaster Response Development Review Application Requirements
 - A. Within 30 days following notification, a post-emergency/disaster response application shall be submitted by the party conducting the response action to the Gorge Commission, applicable planning department, or 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 not more than two (2) extensions shall be granted.

 - B. 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 spoil 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.
- C. Emergency/disaster response actions not involving structural development or ground disturbance with mechanized equipment are exempt from these requirements, except for those actions within 500 feet of a known cultural resource (as determined in the notification process).
- D. Applications shall include the following information:
- (1) Applicants name and address.
 - (2) Location of emergency/disaster response.
 - (3) A written description of the emergency/disaster response, including any structures erected, excavation or other grading activities, or vegetation removal.
 - (4) A map of the project area drawn to scale, at a scale of 1 inch = 200 feet or a scale providing greater detail. The map shall include:
 - (a) North arrow and scale.
 - (b) Boundaries, dimensions and size of subject parcel(s).
 - (c) Bodies of water, watercourses, and significant landforms.
 - (d) Existing roads and structures.
 - (e) New structures placed and any vegetation removal, excavation or grading resulting from the response actions.
 - (5) An exception to the scale requirements in Guideline 3.D(4) above may be granted for an event encompassing an area greater than one square mile. In such cases, a clear sketch map of the entire response action area shall be provided. In addition, a map of 1 inch = 200 feet or a scale providing greater detail shall be provided that shows a section of the response area exemplifying the specific actions taken.
- E. Emergency/disaster response review uses may be allowed pursuant to a process that provides at minimum the following:

- (1) Notice of the application to landowners within 200 feet of the perimeter of the subject parcel, the Forest Service, Gorge Commission, four tribal governments and interested parties.
- (2) A written decision with findings of fact and conclusions of law.
- (3) An opportunity to request a hearing.

4. Post-Emergency/Disaster Response Development Review

Actions taken in all land use designations within the GMA/SMA that are in response to an emergency/disaster event, as defined in the Glossary, shall be reviewed for compliance with the following guidelines.

A. Scenic Resources

- (1) Impacts of emergency/disaster response actions shall be evaluated to ensure that scenic resources are not adversely affected. In the GMA, such actions shall be rendered visually subordinate in their landscape setting as seen from key viewing areas to the greatest extent practicable, except for actions located in areas exempted from visual subordination requirements in "Developed Settings and Visual Subordination Policies" (Part I, Chapter 1: Scenic Resources). In the SMA, such actions shall meet the scenic standard to the greatest extent practicable.
- (2) Vegetation shall be used to screen or cover road cuts, structural development, landform alteration, and areas denuded of vegetation, as a result of emergency/disaster response actions.
- (3) Areas denuded of vegetation as a result of emergency/disaster response actions shall be revegetated with native plant species, or species commonly found within the applicable landscape setting, to restore the affected areas to its pre-response condition to the greatest extent practicable. Revegetation shall occur as soon as practicable, but no later than one year after the emergency/disaster event. An exception to the one-year requirement may be granted upon demonstration of just cause, with an extension up to one year.
- (4) The painting, staining or use of other materials on new structural development shall be used to ensure that the structures are non-reflective, or of low reflectivity, and visually subordinate in their landscape setting as seen from key viewing areas, unless the structure is fully screened from key viewing areas by existing topographic features.

- (5) Additions to existing structures, resulting from an emergency/disaster response action, which are smaller in total height, bulk or area than the existing structures may be the same color as the existing development. Additions larger than the existing development shall be visually subordinate in their landscape setting as seen from key viewing areas to the greatest extent practicable.

- (6) 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 comply with the following standards:
 - (a) The spoil materials shall either be:
 - (i) Removed from the NSA,
 - (ii) Deposited at a site within the NSA permitted by the agency administering a Scenic Area land use ordinance, or
 - (iii) (Re)contoured, to the greatest extent practicable, to retain the natural topography, or a topography which emulates that of the surrounding landscape.

 - (b) The agency administering a Scenic Area ordinance shall decide whether an applicant removes the spoil materials [4.A(6)(a)(i)], deposits the spoil materials [4.A(6)(a)(ii)], or (re)contours the spoils materials [4.A(6)(a)(iii)]. The applicant does not make this decision.

 - (c) The agency administering an ordinance shall select the action in Guideline 4.A(6)(a) that, to the greatest extent practicable, best complies with the policies and guidelines in the Management Plan that protect scenic, cultural, recreation, and natural resources.

 - (d) Disposal sites created according to 4.A(6)(a)(ii) 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.

- (7) 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:
 - (a) The spoil materials shall either be:
 - (i) Removed from the NSA, or

- (ii) Deposited at a site within the NSA permitted by the agency administering a Scenic Area land use ordinance within two years of the emergency.
- (b) After the spoils materials are removed, the emergency disposal site shall be rehabilitated to meet the scenic standard.
- (c) All grading (i.e., recontouring) shall be completed within 30 days after the spoils materials are removed.
- (d) Sites shall be replanted using native plants found in the landscape setting or ecoregion to the maximum extent practicable.
- (e) All revegetation shall take place within one (1) year of the date an applicant completes the grading.
- (f) This provision shall take effect two years after the date of Management Plan concurrence by the U.S. Secretary of Agriculture, or approval of a disposal site, whichever ever comes first.

B. Cultural Resources and Treaty Rights

- (1) 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.
- (2) The USDA 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 agency administering the Scenic Area ordinance.
 - (a) Reconnaissance surveys shall be conducted by the USDA Forest Service and comply with the standards in GMA Guideline 1, Reconnaissance Surveys—Small-Scale Uses (Part I, Chapter 2: Cultural Resources, Surveys and Survey Reports). Reconnaissance survey reports shall comply with the standards in GMA Guideline 1, Reconnaissance Surveys—Large-Scale Uses (Part I, Chapter 2: Cultural Resources, Surveys and Survey Reports).
 - (b) Historic surveys shall be conducted by the USDA Forest Service and shall describe any adverse effects to historic resources resulting from an emergency/disaster response action. Historic surveys shall document the location, form, style, integrity, and physical condition of historic buildings and structures. Such surveys shall also include original photographs, if available, and

maps, and should use archival research, blueprints, and drawings as necessary.

- (3) Following the submittal of a post-emergency land use application, in addition to other public notice requirements that may exist, the tribal governments shall be notified by the development review offer when (1) a reconnaissance survey is required or (2) cultural resources exist in the project area. Notices shall include a site plan. Tribal governments shall have 15 calendar days from the date a notice is sent to submit written comments. Written comments should describe the nature and extent of any cultural resources that exist in the project area or treaty rights that exist in the project area and how they have been affected, and identify individuals with specific knowledge about them. The agency administering the Scenic Area ordinance shall send a copy of all comments to the Gorge Commission.
- (4) When written comments are submitted in compliance with Guideline 4.B(3) 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 agency administering the Scenic Area ordinance following the consultation meeting. Consultation meetings and reports shall comply with the standards in GMA Guideline 1, Consultation and Ethnographic Research (Part I, Chapter 2: Cultural Resources, Cultural Resource Reconnaissance and Historic Surveys) and Guidelines 1 and 2, Tribal Government Consultation (Part IV, Chapter 3: Indian Tribal Treaty Rights and Consultation).
- (5) 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 generally follows the standards in GMA Guideline 1, Reconnaissance Survey Reports—Large-Scale Uses (Part I, Chapter 2: Cultural Resources, Surveys and Survey Reports) and GMA Guideline 1, Evaluation Criteria and Information Needs (Part I, Chapter 2: Cultural Resources, Evaluation of Significance).
- (6) 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 guidelines in GMA Mitigation Plan Criteria and Information Needs (Part I, Chapter 2: Cultural Resources, Mitigation Plans).

- (7) The agency conducting the post-emergency development review shall submit a copy of all reconnaissance and historic survey reports and treaty rights protection plans to the SHPO and the tribal governments. Survey reports shall include measures to mitigate adverse effects to cultural resources resulting from emergency/disaster response actions. The SHPO and tribal governments shall have 15 calendar days from the date a survey report is mailed to submit written comments to the agency conducting the post-emergency development review. The agency shall record and address all written comments in the development review order.
- (8) The agency conducting the post-emergency development review shall make a final decision on whether the emergency/disaster response actions are consistent with the applicable cultural resource goals, policies, and guidelines. If the final decision contradicts the comments submitted by the SHPO, or those submitted by a tribal government regarding treaty rights, the agency shall justify how it reached an opposing conclusion.
- (9) The cultural resource protection process may conclude when it has been determined that tribal treaty rights have not been not affected and one of the following conditions exists:
 - (a) The emergency/disaster response action does not require a reconnaissance or historic survey, or a reconnaissance survey demonstrates that no cultural resources are known to exist in the project area, and no substantiated concerns were voiced by interested persons within 15 calendar days of the date that a notice was mailed.
 - (b) The emergency/disaster response action avoided cultural resources that exist in the project area.
 - (c) Adequate mitigation measures to affected cultural resources have been developed and will be implemented.
 - (d) A historic survey demonstrates that emergency/disaster response actions, and associated development, had no effect on historic buildings or structures because:
 - (i) The SHPO concluded that the historic buildings or structures are clearly not eligible, as determined by using the criteria in the “National Register Criteria for Evaluation” (36 CFR 60.4), or

- (ii) The emergency/disaster response actions did not compromise the historic or architectural character of the affected buildings or structures, or compromise features of the site that are important in defining the overall historic character of the affected buildings or structures, as determined by the guidelines and standards in *The Secretary of the Interior's Standards for Rehabilitation* [U.S. Department of the Interior 1990] and *The Secretary of the Interior's Standards for Historic Preservation Projects* [U.S. Department of the Interior 1983].

C. Natural Resources

- (1) To the greatest extent practicable, emergency/disaster response actions shall not adversely affect natural resources.
- (2) 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 the Natural Resources Chapter (Part I, Chapter 4).
- (3) Wetlands, Streams, Ponds, Lakes, Riparian Areas
 - (a) Emergency/disaster response actions occurring within a buffer zone of wetlands, streams, pond, lakes or riparian areas shall be reviewed by the Oregon or Washington Department of Fish and Wildlife. These areas are also referred to in this section as aquatic areas. State biologists will help determine if emergency/disaster response actions have affected or have a potential to affect these aquatic areas or their bigger zones. State biologists shall respond within 15 days of the date the application is mailed.
 - (b) When emergency/disaster response activities occur within wetlands, streams, ponds, lakes, riparian areas, or the buffer zones of these areas, the applicant shall demonstrate the following:
 - (i) All reasonable measures have been applied to ensure that the response actions have resulted in the minimum feasible alteration or destruction of the functions, existing contours, vegetation, fish and wildlife resources, and hydrology of wetlands, streams, ponds, lakes or riparian areas.
 - (ii) Areas disturbed by response activities and associated development will be rehabilitated to the maximum extent practicable.

- (c) Impacts to wetlands, streams, ponds, lakes and riparian areas, and their buffers will be offset through mitigation and restoration to the greatest extent practicable. Mitigation and restoration efforts shall use native vegetation, and restore natural functions, contours, vegetation patterns, hydrology and fish and wildlife resources to the maximum extent practicable.
 - (d) If the agency conducting the post-emergency development review, in consultation with the state wildlife agency, determines that the emergency/disaster response actions had minor effects on the aquatic area or its buffer zone 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 biologist, or a Forest Service natural resource advisor (as available) in consultation with the state biologist, shall visit the site in order to make this determination. If the project applicant accepts these recommendations, the agency administering the Scenic Area ordinance shall incorporate them into its development review order and the aquatic area protection process may conclude.
 - (e) Unless addressed through Guideline 4.C(3)(d) above, mitigation and restoration efforts shall be delineated in a Rehabilitation Plan. Rehabilitation Plans shall satisfy the standards in GMA Guidelines 1.A through 1.B, Rehabilitation and Enhancement Plans (Part I, Chapter 3: Natural Resources). Rehabilitation plans shall also satisfy the following:
 - (i) Plans shall include a plan view and cross-sectional drawing at a scale that adequately depicts site rehabilitation efforts. Plans will illustrate final site topographic contours that emulate the surrounding natural landscape.
 - (ii) Planting plans shall be included that specify native plant species to be used, specimen quantities and plant locations.
 - (iii) The project applicant shall be responsible for the successful rehabilitation of all areas disturbed by emergency/disaster response activities.
- (4) Wildlife Habitat
- (a) Emergency/disaster response actions occurring within 1,000 feet of a sensitive wildlife area or site, shall be reviewed by the Oregon or Washington Department of Fish and Wildlife. State wildlife biologists will help determine if emergency/disaster response

actions have affected or have a potential to affect a sensitive wildlife area or site.

- (b) Site plans for emergency/disaster response sites shall be submitted by the agency conducting the post-emergency development review to the Oregon or Washington Department of Fish and Wildlife for review as prescribed in GMA Guidelines 2 and 3, Approval Criteria for Review Uses Near Sensitive Wildlife Areas and Sites (Part I, Chapter 3: Natural Resources). The wildlife agency shall respond within 15 days of the date the application is mailed.
- (c) The wildlife protection process may terminate if the agency conducting the post-emergency development review, in consultation with the state wildlife agency, determines (1) the sensitive wildlife area or site was not active, or (2) the emergency/disaster response did not compromise the integrity of the wildlife area or site or occurred at a time when wildlife species are not sensitive to disturbance.
- (d) If the agency conducting the post-emergency development review, in consultation with the state wildlife agency, 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 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 agency administering the Scenic Area ordinance shall incorporate them into its development review order and the wildlife protection process may conclude.
- (e) If the agency conducting the post-emergency development review, in consultation with the state wildlife agency, determines that the emergency/disaster response activities had adverse effect on a sensitive wildlife area or site, the project applicant shall prepare a Wildlife Management Plan. Wildlife Management Plans shall comply with standards in GMA Guideline 2, Wildlife Management Plans (Part I, Chapter 3: Natural Resources). Upon completion of the Wildlife Management Plan, the agency shall:
 - (i) Submit a copy of the Wildlife Management Plan to the state wildlife agency for review. The state wildlife agency will have 15 days from the date that a plan is mailed to submit written

comments to the agency conducting the post-emergency development review;

- (ii) Record any written comments submitted by the state wildlife agency in its development review order. Based on these comments, the agency conducting the post-emergency development review shall make a final decision on whether the proposed use would be consistent with the wildlife policies and guidelines. If the final decision contradicts the comments submitted by the state wildlife agency, the agency shall justify how it reached an opposing conclusion.
- (iii) Require the project applicant to revise the Wildlife Management Plan as necessary to ensure that the proposed use would not adversely affect a sensitive wildlife area or site.

(5) Deer and Elk Winter Range

- (a) Any fencing permanently erected within deer and elk winter range, as a result of an emergency/disaster response, shall comply with the standards in GMA Approval Criteria for Fences in Deer and Elk Winter Range (Part I, Chapter 3: Natural Resources, Wildlife Habitat).

(6) Rare Plants

- (a) Emergency/disaster response actions occurring within 1,000 feet of a sensitive plant, shall be reviewed by the Oregon or Washington Natural Heritage Program. State heritage staff will help determine if emergency/disaster response actions have occurred within the buffer zone of a rare plant.
- (b) Site plans for emergency/disaster response sites shall be submitted to the Oregon or Washington Natural Heritage Program by the agency conducting the post-emergency development review. State natural heritage staff will, within 15 days from the date the application is mailed, identify the location of the affected plants and delineate a 200 foot buffer zone on the applicant's site plan.
- (c) The rare plant protection process may conclude if the agency conducting the post-emergency development review, in consultation with the state natural heritage program, determines that emergency/disaster response activities occurred outside of a rare plan buffer zone.
- (d) If the agency conducting the post-emergency development review, in consultation with the state natural heritage program, determines

that the emergency/disaster response activities had minor effects on rare plants or the rare plant buffer zone, 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 natural heritage staff, or a Forest Service natural resources advisor (as available) in consultation with the state natural heritage staff, shall visit the site in order to make this determination. If the project applicant accepts these recommendations, the agency administering the Scenic Area ordinance shall incorporate them into its development review order and the rare plant protection process may conclude.

- (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 in GMA Guidelines 1 and 2, Protection and Rehabilitation Plans (Part I, Chapter 3: Natural Resources, Rare Plants).
- (f) The agency conducting the post-emergency development review shall submit a copy of all protection and rehabilitation plans to the state heritage program for review. The state natural heritage program will have 15 days from the date the protection and rehabilitation plan is mailed to submit written comments to the agency conducting the post-emergency development review.

The agency conducting the post-emergency development review shall record any written comments submitted by the state natural heritage program in its development review order. Based on these comments, the agency shall make a final decision on whether the proposed use would be consistent with the rare plant policies and guidelines. If the final decision contradicts the comments submitted by the state natural heritage program, the agency conducting the post-emergency development review shall justify how it reached an opposing conclusion.

- (g) The agency conducting the post-emergency development review shall require the project applicant to revise the protection and rehabilitation plan as necessary to ensure that the proposed use would not adversely affect a rare plant site.

D. Recreational Resources

- (1) To the greatest extent practicable, emergency/disaster response actions shall not adversely affect recreational resources.

- (2) Mitigation measures shall be implemented to mitigate any adverse effects on existing recreation resources caused by emergency/disaster response activities to the maximum extent practicable.
5. Post-Emergency Construction
 - A. The following review uses are allowed in all land use designations subject to compliance with the standards in Review Uses (Part II, Chapter 7: General Policies and Guidelines) and the standards for protection of scenic, cultural, natural and recreation resources (Part I, Chapters 1 through 4: Resource Protection and Enhancement):
 - (1) Placement of structures necessary for continued public safety and the protection of private property and essential public services 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 applications shall be submitted within 12 months following an emergency/disaster event.

LAND DIVISIONS AND CLUSTER DEVELOPMENT

GMA/SMA Policies

1. In general, creation of a parcel, regardless of parcel size, shall be subject to the policies and guidelines in the Management Plan.
2. New land divisions in the SMA are not allowed, unless the creation of a new parcel will facilitate land acquisition by the federal government to achieve the policies and guidelines in the Management Plan.

GMA/SMA Guidelines

1. Unless otherwise specified, creation of a parcel, regardless of size, or any division of land shall be subject to the policies and guidelines in the Management Plan.
2. At the time of creation of one or more new parcels, consolidation of access shall be considered in order to reduce adverse effects on scenic, cultural, natural and recreation resources.
3. Where authorized in Part II of the Management Plan, a land division in the GMA may create parcels smaller than the designated minimum size and may include a bonus, as specified under Guideline 5 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, the local government must find that clustering new dwellings will provide a siting opportunity not available through conventional parcel-by-parcel development. These opportunities include siting the new dwellings to:

- A. Be located in areas with screening vegetation or other features that reduce visibility of development as seen from key viewing areas.
 - B. Avoid significant landscape features.
 - C. Protect the existing character of the landscape setting.
 - D. Reduce interference with movement of deer or elk in winter range.
 - E. Avoid areas of known cultural resources.
 - F. Consolidate road access, septic drainfields, or other development features to reduce impacts associated with grading or ground disturbance.
 - G. Reduce adverse effects to riparian areas, wetlands, natural areas, rare plants, sensitive wildlife sites, or other natural resources.
 - H. Increase the likelihood of agricultural or forest management on the undeveloped land left by the cluster development.
4. In the GMA, 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. The local government shall ensure permanent protection for open areas created by cluster development. No parcel in a cluster development may be smaller than 1 acre in a 5-acre Residential or 10-acre Residential designation or 2 acres in a Small-Scale Agriculture or Small Woodland designation.
 5. In the GMA, cluster development may create up to 25 percent more parcels than otherwise allowed by the minimum parcel size on lands designated 5-acre Residential or 10-acre Residential and up to 50 percent more on lands designated Small-Scale Agriculture or Small Woodland. Any division in a cluster development under this guideline may create at least one additional parcel.
 6. In the GMA, at least 75 percent of land subject to a cluster development shall be permanently protected as undeveloped land.
 7. In the GMA, contiguous parcels in the same ownership or in separate ownership may be consolidated and redivided to take advantage of cluster development bonuses.

LOT LINE ADJUSTMENTS

GMA Policies

1. Lot line adjustments are intended to effect minor changes to existing parcel lines.
2. Lot line adjustments shall not increase the potential number of parcels in any subsequent land division over the number of parcels that could occur on the entirety of the affected parcels before a lot line adjustment.
3. Lot line adjustments shall not exempt an agency or landowner from the specified minimum parcel sizes for land divisions in the Management Plan.
4. Lot line adjustments shall not adversely affect scenic, cultural, recreation or natural resources.
5. Except in Agriculture-Special, Open Space, Public Recreation, or Commercial Recreation, lot line adjustments that would not result in the potential to create additional parcels through subsequent land divisions may be reviewed through the expedited development review process.
6. All other lot line adjustments shall be reviewed through the full development review process, including lot line adjustments that would result in the potential to create additional parcels through subsequent land divisions.

GMA Guidelines

1. Lot line adjustments for parcels in all land use designations except Agriculture-Special, Open Space, Commercial, Public Recreation, or Commercial Recreation 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 (1) the parcel to be enlarged would not become eligible for a subsequent land division and (2) 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, Agriculture-Special, Commercial Forest Land, Large Woodland or Open Space to be extended into another land use designation for the purpose of establishing a dwelling under less stringent guidelines (e.g., extending a parcel designated GMA Large-Scale Agriculture into a parcel designated Rural Center or Residential).
 - 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 guidelines, 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 guidelines, including, but not limited to requirements for buffer zones and landscaping.
2. Lot line adjustments for parcels designated Agriculture-Special or 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 Guidelines 1.A, 1.E, 1.F, and 1.G above.
3. Lot line adjustments for parcels designated Commercial shall comply with Guidelines 1.A, 1.E, 1.F, and 1.G above.

4. Lot line adjustments for parcels designated Public Recreation or Commercial Recreation 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 or Commercial Recreation.)
 - B. The lot line adjustment shall comply with Guidelines 1.A, 1.E, 1.F, and 1.G above.

SMA Policies

1. Lot line adjustments are intended to effect minor changes to existing parcel lines.
2. Lot line adjustments shall comply with National Scenic Area Act provisions requiring residences to be sited or constructed on parcels 40 acres or greater. Lot line adjustments shall not increase the potential number of new residences in the Special Management Area, in that lot line adjustments shall not result in a parcel less than 40 acres becoming 40 acres or greater. Lot line adjustments shall not result in a parcel greater than or equal to 40 acres with a dwelling becoming less than 40 acres.

SMA Guidelines

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 guidelines, 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 land use and resource protection guidelines, including, but not limited to requirements for buffer zones and landscaping.

AGRICULTURAL BUILDINGS

GMA/SMA Guidelines

1. 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.
2. To satisfy Guideline 1, applicants shall submit the following information with their land use application:
 - A. A description of the size and characteristics of current agricultural use.
 - B. 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).
 - C. A floor plan showing intended uses of the agricultural building (e.g., space for equipment, supplies, agricultural products, livestock).

TEMPORARY USE--HARDSHIP DWELLING

GMA/SMA Guidelines

1. A permit for the temporary placement of a mobile home may be granted under the following circumstances:
 - 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 guidelines for protection of scenic, cultural, natural, and recreation resources.
2. 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.
3. Upon expiration of the permit or cessation of the hardship, whichever comes first, the mobile home shall be removed within 30 days.
4. A new permit may be granted upon a finding that a family hardship continues to exist.

SEWER AND WATER SERVICES

GMA/SMA Policies

1. Sewer lines may be extended from an Urban Area into a rural area to serve:
 - A. Areas with a documented health hazard.
 - B. Recreation uses open to the public, only upon a demonstration by the local government that there is no practicable alternative to providing service to the area. In such cases, the lines shall be engineered and sized solely to serve the defined area or use. Such lines shall not be relied upon as the sole justification for revision to an Urban Area boundary.
2. New uses authorized in the Management Plan may hook up to existing sewer and water lines in rural areas.

DOCKS AND BOATHOUSES

GMA/SMA Policies

1. Multiple uses of docks on the Columbia River and its tributaries shall be encouraged. Private, single-purpose docks shall be discouraged.
2. New docks shall be consistent with applicable guidelines for protection of scenic, cultural, natural, and recreation resources.

GMA/SMA Guidelines

1. New, private docks and boathouses serving only one family and one property shall be allowed, up to 120 square feet in size.
2. New, private docks and boathouses serving more than one family and property shall be allowed, up to 200 square feet in size.
3. Public docks open and available for public use shall be allowed.
4. Boathouses may be allowed under Guidelines 1 and 2 above only when accessory to a dwelling and associated with a navigable river or lake.

HOME OCCUPATIONS AND COTTAGE INDUSTRIES

GMA/SMA Policy

1. Small-scale cottage industries or commercial use associated with residential use shall be allowed, subject to guidelines to minimize adverse effects on scenic, cultural, natural, and recreation resources.

GMA/SMA Guidelines

1. Home occupations and cottage industries may be established as authorized in specified land use designations consistent with the following conditions:
 - 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 used for the home occupation or cottage industry.
 - D. No more than 500 square feet of an accessory structure may be used 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 establishments authorized in this chapter.

- 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 so it is not visible from key viewing areas.
- J. A bed and breakfast lodging establishment that is two bedrooms or less is considered a home occupation and shall meet the guidelines for "Bed and Breakfast Inns," below, except for Policy 3.

BED AND BREAKFAST INNS

GMA/SMA Policies

- 1. Bed and breakfast inns associated with residential use shall be allowed, subject to guidelines to minimize adverse effects on scenic, cultural, natural, and recreation resources.
- 2. Bed and breakfast inns shall remain rural in character and scale and distinct from motels or restaurants, which can locate in Urban Areas.
- 3. In the SMA, bed and breakfast inns associated with residential use shall be allowed only in structures that are included in, or eligible for inclusion in, the National Register of Historic Places.

GMA/SMA Guidelines

- 1. Bed and breakfast inns may be established as authorized in specified land use designations, consistent with the following conditions:
 - 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 they are not visible from key viewing areas.

SMALL-SCALE FISHING SUPPORT AND FISH PROCESSING OPERATIONS

GMA Policies

1. Fishing is a historic natural resource based industry in the National Scenic Area. For the purpose of supporting family-based commercial fishing businesses associated with residential use, small-scale fishing support and fish processing operations may be allowed, subject to compliance with the applicable land use, treaty rights and resource protection guidelines.
2. Small-scale fishing support and fish processing operations may be allowed in the following land use designations on parcels that are contiguous with and have direct access to the Columbia River: GMA Residential, GMA Small Woodland, and GMA Small-Scale Agriculture.

GMA Guidelines

1. Small-scale fishing support and fish processing operations in conjunction with a family-based commercial fishing business may be allowed on parcels designated GMA Residential, GMA Small Woodland, or GMA Small-Scale Agriculture, subject to the following conditions:
 - A. In addition to the guidelines specified in Part II, Land Use Designations, the operation shall comply with the guidelines for "Treaty Rights and Consultation in the GMA" (Part IV, Chapter 3, Indian Tribal Treaty Rights and Consultation), "Approval Criteria for Fire Protection" (Part II, Chapter 2, Forest Land), and "Approval Criteria for Siting of Dwellings on Forest Land" (Part II, Chapter 2, Forest Land).
 - B. The following fishing support activities may be allowed: maintenance, repair, and storage of boats, nets, fish totes and other commercial fishing equipment that is used in the family-based commercial fishing business; and garaging of fish hauling trucks, trailers and all other related equipment that is used in the family-based commercial fishing business.
 - C. The following fish processing activities may be allowed: cleaning, gutting, heading, and icing or freezing of fish that is caught by the family-based commercial fishing business. Other fish processing activities shall not be allowed, including, but not limited to, canning, smoking, salting or brining for wholesale or retail sale.
 - D. The operation shall be located on a lawful parcel that is contiguous with and has direct access to the Columbia River.

- E. The subject parcel shall include a lawful dwelling, and the permanent resident of the dwelling shall participate in the fishing support and fish processing operation.
- F. The operation may only employ residents of the dwelling and up to three outside employees.
- G. No more than 25 percent of the total actual living space of the dwelling may be used for the fishing support and fish processing operation.
- H. The operation may take place in an existing or new lawful accessory building or an existing agricultural building on the subject parcel. A new building constructed for the purpose of housing a fishing support and fish processing operation shall be considered an accessory building. An existing agricultural building shall not be expanded and a new agricultural building shall not be constructed for the purpose of housing a fishing support and fish processing operation.
- I. An accessory building used in the fishing support and fish processing operation may be allowed up to 2,500 square feet.
- J. Docks may be allowed as follows:
 - (1) One dock serving a parcel with an approved fishing support and fish processing operation may be allowed up to 500 square feet in size.
 - (2) For multiple contiguous parcels each with approved fishing support and fish processing operation, the area of the docks authorized in J(1) above may be combined into one dock, provided the total size of the dock shall not exceed 2,000 square feet.
- K. There shall be no outside visible evidence of the fishing support and fish processing operation, including storage, other than boats and docks.
- L. No retail sales may occur on the parcel.
- M. The operation shall only support and process fish caught by residents of the dwelling and up to three outside employees.
- N. Before beginning the operation, applicants shall demonstrate that they have obtained and complied with federal, state and/or local water quality and wastewater permits.

RESOURCE ENHANCEMENT PROJECTS

GMA/SMA Guidelines

1. 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.
2. In addition to other guidelines that protect scenic, cultural, recreation, and natural resources, quarry enhancement projects shall comply with the following guidelines:
 - A. 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 as specified in GMA Key Viewing Area Guideline 15 and a reclamation plan that provides all the applicable information specified in GMA Overall Scenic Provisions Guidelines 6.A through 6.E (Part I, Chapter 1), except (1) the words "pre-reclamation" and "post-reclamation" should replace the words "pre-mining" and "post-mining," respectively, and (2) the appropriate state agency or local government does not have to approve the reclamation plan.
 - B. 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.
 - C. Natural Resource Standard. Sites shall be replanted using native plants found in the landscape setting or ecoregion to the maximum extent practicable.
 - D. Time Frames. The following time frames shall apply to quarry enhancement projects:
 - (1) 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.
 - (2) All landscaping shall be planted within one (1) year of the date an applicant completes the grading.
 - (3) 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.

- (4) 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.

DISPOSAL SITES FOR SPOIL MATERIALS FROM PUBLIC ROAD MAINTENANCE ACTIVITIES

GMA/SMA Guidelines

1. 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:
 - A. A reclamation plan that provides all the applicable information specified in GMA Overall Scenic Provisions Guidelines 6.A through 6.E (Part I, Chapter 1: Scenic Resources), except (1) the words “pre-reclamation” and “post-reclamation” should replace the words “pre-disposal” and “post-disposal” and (2) the appropriate state agency or local government does not have to approve the reclamation plan.
 - B. Perspective drawings of the site as seen from key viewing areas as specified in GMA Key Viewing Area Guideline 15 (Part I, Chapter 1: Scenic Resources).
 - C. Cultural resource reconnaissance and historic surveys, as required by GMA Cultural Resources Policies 6 and 7 (Part I, Chapter 2: Cultural Resources). Disposal sites shall be considered a “large-scale use” according to GMA Cultural Resources Policy 8.
 - D. Field surveys to identify sensitive wildlife areas or sites and sensitive plants [see GMA “Site Plans and Field Surveys for Review Uses Near Sensitive Wildlife Areas and Sites” Guidelines 1 and 2, and “Site Plans and Field Surveys for Review Uses Near Sensitive Plants” Guidelines 1 and 2 (Part I, Chapter 4: Natural Resources)].
2. 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.

3. 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:
 - A. Sites more than 3 miles from the nearest key viewing area shall be visually subordinate as seen from any key viewing area, according to GMA Key Viewing Area Guideline 27 (Part I, Chapter 1: Scenic Resources).
 - (1) 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.
 - B. Sites less than 3 miles from the nearest key viewing area shall be fully screened from any key viewing area, according to GMA Key Viewing Area Guideline 28 (Part I, Chapter 1: Scenic Resources).
 - (1) 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.).
 - C. 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.

COMMERCIAL EVENTS

GMA Guidelines

1. Commercial events include weddings, receptions, parties and other small-scale gatherings that are incidental and subordinate to the primary use on a parcel.
2. Commercial events may be allowed in the GMA except on lands designated Open Space, Commercial Forest, or Agriculture-Special, subject to compliance with the following conditions and the scenic, cultural, natural and recreation resources guidelines:
 - A. The use must be in conjunction with a lawful winery, wine sales / tasting room, bed and breakfast inn, or commercial use. If the use is proposed on a property with a building on or eligible for the National Register of Historic Places, it shall be subject to the guidelines in "Special Uses in Historic

- Buildings” (Part II, Chapter 7: General Policies and Guidelines), and not the guidelines of this section.
- B. The owner of the subject parcel shall live on the parcel and shall operate and manage the use.
 - C. A single commercial event shall host no more than 100 guests.
 - D. The use shall comply with the following parking requirements:
 - (1) A single commercial event shall include no more than 50 vehicles for guests.
 - (2) All parking shall occur on the subject parcel.
 - (3) At least 200 square feet of parking space shall be required for each vehicle.
 - (4) Parking areas may be developed using paving blocks, gravel, or other pervious surfaces; asphalt, concrete and other imperious materials shall be prohibited.
 - (5) All parking areas shall be fully screened from key viewing areas.
 - E. The owner of the subject parcel may conduct 18 single events up to one day in length per year.
 - F. The owner of the subject parcel shall notify the reviewing agency and all owners of land within 500 feet of the perimeter of the subject parcel of each planned event. The notice shall be in writing and shall be mailed at least seven calendar days before an event.
 - G. Tents, canopies, portable restrooms and other similar temporary structures necessary for a commercial event may be allowed, provided all such structures are erected or placed on the subject parcel no more than two days before the event and removed no more than two days after the event. Alternatively, temporary structures may remain in place for up to 90 days if they are fully screened from key viewing areas.
 - H. The use may be allowed upon demonstration that the following conditions exist to protect any nearby agricultural and forest operations:
 - (1) The use would not force a change in or increase the cost of accepted agricultural practices on surrounding lands [GMA Guideline 1.Q(1), Review Uses, Part II, Chapter 1: Agricultural Land].

- (2) The use would be set back from any abutting parcel designated Large-Scale or Small-Scale Agriculture, as required "Agricultural Buffer Zones," or designated Commercial Forest Land or Large or Small Woodland, as required in the "Siting of Dwellings on Forest Land." [Guideline 1.Q(3), Review Uses, Part II, Chapter 1: Agricultural Land].
 - (3) A declaration has been signed by the landowner and recorded into county deeds and records specifying that the owners, successors, heirs and assigns of the subject parcel are aware that adjacent and nearby operators are entitled to carry on accepted agriculture or forest practices on lands designated Large-Scale or Small-Scale Agriculture, Commercial Forest Land, or Large or Small Woodland [GMA Guideline 1.Q(4), Review Uses, Part II, Chapter 1: Agricultural Land].
 - (4) All owners of land in areas designated Large-Scale or Small-Scale Agriculture, Commercial Forest Land, or Large or Small Woodland that is within 500 feet of the perimeter of the subject parcel on which the use is proposed to be located have been notified and given at least 10 days to comment prior to a decision. [GMA Guideline 1.Q(5), Review Uses, Part II, Chapter 1: Agricultural Land].
- I. Counties may impose additional requirements to address potential impacts to surrounding neighbors. For example, they may limit noise, lighting and operating hours.
 - J. Land use approvals for commercial events shall not be valid for more than two years. Landowners must reapply for the use after a land use approval expires.

INDUSTRIAL DEVELOPMENT

GMA/SMA Policy

1. New industrial development shall not be allowed in the Scenic Area outside Urban Areas.

VARIANCES FROM SETBACKS AND BUFFERS

GMA Policies

1. When setbacks or buffers specified in the guidelines for protection of scenic, cultural, natural, recreation, agricultural, or forestry resources overlap or conflict,

they should be varied in a manner to achieve, to the greatest extent possible, the overall protection of the affected resources.

2. Setbacks and buffers specified in the guidelines for protection of scenic, cultural, natural, recreation, agricultural, or forestry resources shall not be applied in the GMA in a manner that deprives the owner of a parcel of land the opportunity to establish a residence on the land if that opportunity is otherwise authorized by the land use designation.

GMA Guidelines

1. When setbacks or buffers specified in the guidelines 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 both of the following conditions exist:
 - A. A setback or buffer specified in the Management Plan to protect one resource would cause the proposed use to fall within a setback or buffer specified in the plan to protect another resource.
 - B. Variation from the specified setbacks or buffer would, on balance, best achieve the protection of the affected resources.
2. A setback or buffer specified in the guidelines for protection of scenic, cultural, natural, recreation, agricultural, or forestry resources may be varied in the GMA to allow a residence to be built on a parcel of land upon a demonstration that all of the following conditions exist:
 - A. The land use designation otherwise authorizes a residence on the tract.
 - B. No site exists on the tract (all contiguous parcels under the same ownership) on which a residence could practicably be placed in full compliance with the setback or buffer.
 - C. The variance from the specified setback or buffer is the minimum necessary to allow the residence.

VEGETATION CONTROL METHODS

GMA/SMA Policy

1. State and county highway right-of-way managers should use vegetation control methods that have the least adverse effect on soils, native plant populations, riparian areas, wetlands, and wildlife habitat.

REVIEW USES

GMA/SMA Policies

1. Review uses are those uses subject to applicable guidelines for protection of scenic, cultural, natural, recreation, agricultural, and forestry resources and such other guidelines as are specified in the Management Plan. Conditions are often applied to new review uses.
2. Local governments shall notify the four Indian tribal governments, the appropriate state, the Gorge Commission, and the Forest Service of all land use applications that involve land divisions; residential, commercial or industrial development; or the exploration, development, or production of mineral resources.
3. Uses by state or federal agencies shall comply with the policies and guidelines in the Management Plan.
4. The Forest Service shall review and issue a determination of consistency with the Management Plan for projects on federal lands. The Forest Service shall review land use and development actions of federal agencies for consistency with the Management Plan. Federal resource specialists will provide resource review for projects on federal lands.
5. Land use applications for review uses shall include a site plan and elevation drawings that provide complete, detailed information about a proposed use.
6. Land use applications for review uses involving more than 100 cubic yards of grading with slopes greater than 10 percent, except trails in the SMA, shall include a grading plan.
7. Recreation sites shall be protected from adjacent uses that would detract from their use and enjoyment.

GMA/SMA Guidelines

1. Conditions attached to approval of uses shall be recorded in county deeds and records to ensure notice of the conditions to successors in interest.
2. The Gorge Commission and the Forest Service shall add new resource information to their inventories as soon as it becomes available and shall provide the information to local governments for use in review of proposed projects.
3. All site plans shall include the information listed below. As specified in the guidelines of the Management Plan, supplemental information shall be required for (1) forest practices in the SMA, (2) production and development of mineral resources in the GMA, (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.

- A. Project applicant's name and address.
- B. Location of the proposed use, including township, range, section, county, and tax lot number.
- C. A written description of the proposed use, including details on the height, exterior color(s), and construction materials of proposed structures.
- D. A list of key viewing areas from which the proposed use would be visible.
- E. 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 200 feet (1:2,400), or a scale providing greater detail. If a parcel is very large, the map does not have to show the entire parcel. Rather, it can show only those portions of the parcel affected by the proposed use. The map shall include the following elements:
 - (1) North arrow.
 - (2) Map scale.
 - (3) Boundaries, dimensions, and size of the subject parcel.
 - (4) Significant terrain features or landforms.
 - (5) Groupings and species of trees and other vegetation on the parcel.
 - (6) Location and species of vegetation that would be removed or planted.
 - (7) Bodies of water and watercourses.
 - (8) Location and width of existing and proposed roads, driveways, and trails.
 - (9) Location and size of existing and proposed structures.
 - (10) Location of existing and proposed services, including wells or other water supplies, sewage disposal systems, power and telephone poles and lines, and outdoor lighting.
 - (11) Location and depth of all proposed grading and ditching.

PART II-Land Use Designations

4. 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.
5. In the General Management Area, all applications for structural development involving more than 100 cubic yards of grading with slopes greater than 10 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.
6. A review use may be allowed only pursuant to a process that provides at least the following:

- A. Notice of the land use application or notice of the initial decision to landowners within 200 feet of the perimeter of the subject parcel unless a greater distance is specified in the Management Plan.
 - B. Notice of the land use application to the Forest Service and the Gorge Commission.
 - C. An opportunity to request a hearing.
 - D. A written decision with findings of fact and conclusions of law.
7. Where local governments have no regulatory authority over state and federal actions, the Forest Service and Gorge Commission shall develop agreements with applicable state, bi-state, or federal agencies for review of the agencies' project proposals.
 8. If new buildings or structures may detract from the use and enjoyment of established recreation sites on adjacent parcels, an appropriate buffer shall be established between the building/structure and the parcel.

SMA SIGN PROVISIONS

SMA Goal

Allow signs in the SMA that meet the functional needs for which they are designed while minimizing scenic impacts.

SMA Policies

1. All public signs subject to review located in the SMA must be designed and located in compliance with the standards described in the Columbia River Gorge National Scenic Area Graphic Signing System and must conform to the standards contained in the Manual for Uniform Traffic Control Devices.
2. New signs shall meet the minimum provisions of these guidelines in all cases where these provisions do not conflict with other regulations intended for public safety and information.

SMA Guidelines

1. New signs shall be allowed as specified in the applicable land use designation.
2. No sign shall be erected or placed in such a manner that it may interfere with, be confused with, or obstruct the view of any traffic sign, signal, or device.

PART II-Land Use Designations

3. Preexisting signs are allowed to continue, provided no changes occur in size, structure, color, or message.
4. Except for signs allowed without review pursuant to Part II, Chapter 7: General Policies and Guidelines, all new signs shall meet the following guidelines and be consistent with the Manual for Uniform Traffic Control Devices:
 - A. Signs shall be maintained in a neat, clean, and attractive condition.
 - B. The character and composition of sign materials shall be harmonious with the landscape and/or related to and compatible with the main structure upon which the sign is attached.
 - C. Signs shall be placed flat on the outside walls of buildings, not on roofs or marquees.
 - D. Signs shall be unobtrusive and have low contrast with the setting.
 - E. The visual impact of the support structure shall be minimized.
 - F. Outdoor sign lighting shall be used for purposes of illumination only, and shall not be designed for, or used as, an advertising display, except for road safety signs.
 - G. The backs of all signs shall be visually unobtrusive, non-reflective, and blend in with the setting.
 - H. Internal illumination or backlighting of signs shall not be permitted except for highway construction, warning, or safety.
5. Public signs shall meet the following standards in addition to Guidelines 1 through 4 of this section:
 - A. The Graphic Signing 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, interpretive, specific service signs, destination and distance signs, variable message signs, or signs that bridge or are cantilevered over the road surface.
 - B. Signs located outside public road rights-of-way are encouraged to be designed in a way that is 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 intended message.
6. Signs for public and commercial recreation facilities, home occupations, cottage industries, and commercial uses shall meet the following guidelines in addition to Guidelines 1 through 4 and 7 of this section:
- A. Any sign advertising or relating to a business that 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.
 - B. Any signs relating to or advertising for a business shall be brought into conformance with these sign guidelines before any expansion or change in use that is subject to review by the counties.
 - C. Offsite and onsite directional signs on approach roads to recreational facilities may be permitted. Name and interpretive signs may be permitted onsite, but should be kept to the minimum required to achieve the purpose(s) of the facilities.
 - D. Commercial recreation businesses approved in conjunction with a recreational facility may have a name sign not exceeding 16 square feet.
 - E. Recreation developments may have 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 Signing System.
7. The following signs are prohibited:
- 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.
8. 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.

COLUMBIA RIVER BRIDGE REPLACEMENT

GMA Goal

1. Ensure that a replacement Columbia River Bridge between the Hood River and Bingen/White Salmon Urban Areas provides for regional transportation and public safety needs while being consistent with both purposes of the Scenic Area Act.

GMA Guidelines

Visual Quality

1. A replacement Columbia River Bridge between the Hood River and Bingen/White Salmon Urban Areas shall be visually unobtrusive and harmonious with the surrounding Gorge landscape and the Columbia River. A replacement bridge shall:
 - A. Utilize recessive dark natural or earth-tone colors for steel components of the bridge, a thin and open structural design that allows views through it to the extent practicable, and consistent design character and ornamental elements;
 - B. Employ lighting that provides a safe and pleasant atmosphere for bicycles and pedestrians while not casting glare directly into the sky or onto the river.

Historic Design Elements

1. A replacement Columbia River Bridge between the Hood River and Bingen/White Salmon Urban Areas shall incorporate elements that reflect historic design features of Scenic Area roadways and bridges. The historic themes should be an integral component of the design of the bridge structure, incorporated from “shore to shore.”
2. A replacement bridge should include:
 - A. Arches and/or other traditional structural forms in the bridge;
 - B. Historic style benches, lighting, other pedestrian furnishings, and signage/graphic materials consistent with the USFS Graphic Signing System for the Scenic Area;
 - C. Ornamental concrete or steel railings.

Recreation and Pedestrian/Bicycle Access

1. A replacement Columbia River Bridge between the Hood River and Bingen/White Salmon Urban Areas shall encourage and promote pedestrian and bicycle use, for recreational enjoyment and to enhance multi-modal transportation connections between the Urban Areas it connects.

2. The bridge shall include facilities for pedestrians and bicyclists that:
 - A. Are permanent;
 - B. Are wide enough to safely accommodate and encourage walking, bicycling, and other uses;
 - C. Meet safety standards to prevent conflicts among automobiles, trucks, pedestrians, bicyclists, and other users;
 - D. Provide multiple sitting and viewing areas with significant upstream and downstream views;
 - E. Are safe to approach from both the north and south ends of the bridge and provide strong multi-modal connections, both east-west and to the nearby Urban Areas.

SPECIAL USES IN HISTORIC BUILDINGS

GMA Guidelines

Additional Review Uses for Historic Buildings

1. Properties in all GMA land use designations except Open Space and Agriculture-Special with buildings included on the National Register of Historic Places shall be permitted to be open for public viewing, interpretive displays, and an associated gift shop that is no larger than 100 square feet and incidental and subordinate to the primary use of the property, subject to compliance with the applicable guidelines to protect scenic, cultural, natural and recreation resources and the following sections of the "Additional Resource Protection Guidelines for Uses in Historic Buildings": Cultural Resources Guidelines (2)(a) and (b), (3), (4) and (5); and all Scenic, Recreation, Agriculture and Forest Lands Guidelines. Voluntary donations and/or fees to support maintenance, preservation and enhancement of the cultural resource may be accepted by the landowner.
2. Properties in all GMA land use designations except Open Space and Agriculture-Special with buildings included on the National Register of Historic Places, and which were former restaurants and/or inns shall be permitted to re-establish these former uses, subject to compliance with the applicable guidelines to protect scenic, cultural, natural and recreation resources and the following sections of the "Additional Resource Protection Guidelines for Uses in Historic Buildings": Cultural Resources Guidelines (2)(a) and (b), (3), (4) and (5); and all Scenic, Recreation, Agriculture and Forest Lands Guidelines. The capacity of restaurant use and overnight accommodations shall be limited to that existing in the former use, and the former use shall be contained within the limits of the building as of January 1, 2006. Banquets, private parties and other special events that take place entirely

within an approved restaurant facility shall be considered a restaurant use allowed under this section.

3. Properties in all GMA land use designations except Open Space and Agriculture-Special with buildings included on the National Register of Historic Places shall be permitted to hold commercial events, subject to compliance with the applicable guidelines to protect scenic, cultural, natural and recreation resources and the following sections of the "Additional Resource Protection Guidelines for Uses in Historic Buildings": Cultural Resources Guidelines (2) through (5); and all Scenic, Recreation, Agriculture and Forest Lands Guidelines.
4. The following additional review uses may be allowed in all GMA land use designations except Open Space and Agriculture-Special on a property with a building either on or eligible for the National Register for Historic Places and that was 50 years old or older as of January 1, 2006, subject to compliance with the applicable guidelines to protect scenic, cultural, natural and recreation resources and "Additional Resource Protection Guidelines for Uses in Historic Buildings":
 - A. Establishments selling food and/or beverages, limited to historic buildings that originally had kitchen facilities. The seating capacity of such establishments shall be limited to the building, as the building existed as of January 1, 2006, including any decks, terraces or patios also existing as of that date. Banquets, private parties and other special events that take place entirely within approved establishments selling food and/or beverages shall be considered a part of the approved use.
 - B. Overnight accommodations. The room capacity of such accommodations shall be limited to the total number of existing rooms in the historic building as of January 1, 2006.
 - C. Commercial events in the building or on the subject property, incidental and subordinate to the primary use of the property.
 - D. Wineries upon a showing that processing of wine is from grapes grown on the subject parcel or the local region, within a historic building, as the building existed as of January 1, 2006.
 - E. Sales/tasting rooms in conjunction with an on-site winery, within a historic building, as the building existed as of January 1, 2006.
 - F. Conference and/or retreat facilities within a historic building, as the building existed as of January 1, 2006.
 - G. Artist studios and galleries within a historic building, as the building existed as of January 1, 2006.

- H. Gift shops within a historic building, as the building existed as of January 1, 2006 that are:
 - (1) incidental and subordinate to another approved use included in Guideline 4 of “Additional Review Uses for Historic Buildings”; and
 - (2) no larger than 100 square feet in area.
- I. Interpretive displays, picnic areas or other recreational day use activities on the subject property.
- J. Parking areas on the subject property to support any of the above uses.
- 5. For the purposes of the guidelines in this section, the term “historic buildings” refers to buildings either on or eligible for the National Register of Historic Places. Eligibility for the National Register shall be determined pursuant to Cultural Resources Guideline 1 of “Additional Resource Protection Guidelines for Uses in Historic Buildings.”
- 6. Uses 3 and 4.C are not subject to the “Commercial Events” provisions in Part II, Chapter 7: General Policies and Guidelines of the Management Plan. Commercial events at historic properties will be regulated by the guidelines contained in this section. Applications for commercial events shall include all information in the “Operational Plan for Commercial Events” as specified in Guideline 1.A(2)(d) of “Additional Resource Protection Guidelines for Historic Buildings”. The following apply to commercial events at historic properties:
 - A. Commercial events include weddings, receptions, parties and other gatherings that are incidental and subordinate to the primary use on a parcel.
 - B. The owner of the subject property shall notify the reviewing agency and all owners of land within 500 feet of the perimeter of the subject property of each event. The notice shall be in writing and shall be mailed at least seven calendar days before an event.
- 7. Uses 1 and 4.I. are not subject to the parking limits and associated “Facility Design Guidelines” in the Recreation Intensity Classes.
- 8. Counties may impose additional requirements to address health, safety, and potential impacts to surrounding properties. For example, they may limit noise, parking, traffic, lighting and operating hours.
- 9. Land use approvals for special uses in historic buildings shall be subject to review by the local government every five years from the date the original approval was issued. As part of this review, the applicant shall submit documentation to the local government on the progress made in implementing the “Protection and

Enhancement Plan” required in Cultural Resources Guideline (2) of “Additional Resource Protection Guidelines for Uses in Historic Buildings”. The local government shall submit a copy of the applicant’s documentation to the State Historic Preservation Agency (SHPA). The SHPA shall have 30 calendar days from the date this information is mailed to submit written comments to the local government. If the local government’s determination contradicts comments from the SHPA, the local government shall justify how it reached an opposing conclusion. The local government shall revoke the land use approval if the owner has failed to implement the actions described in the “Protection and Enhancement Plan” according to the schedule for completing such actions in this plan. The local government may, however, allow such a use to continue for up to one additional year from the date a local government determines the applicant has failed to implement the actions if the applicant submits a written statement describing unforeseen circumstances that prevented the applicants from completing the specified actions according to the approved schedule, what progress the applicants have made towards completing such actions, and a proposed revised schedule for completing such actions.

10. In the event a court enters a judgment that one or more of the use authorizations provided for in paragraphs one through four of this section are invalid, the authorizations for other uses in this section are severed and will remain in effect.

Additional Resource Protection Guidelines for Uses in Historic Buildings

1. The following guidelines apply to proposed uses listed under “Special Uses for Historic Buildings” in addition to all other relevant guidelines for protection of scenic, cultural, natural and recreation resources:

A. Cultural Resources

- (1) All applications for uses listed in Guideline 4 of “Additional Review Uses for Historic Buildings” shall include a historic survey and evaluation of eligibility for the National Register of Historic Places, to be prepared by a qualified professional hired by the applicant. The evaluation of eligibility shall not be required for buildings previously determined to be eligible. For such properties, documentation of a prior eligibility determination shall be included in the application. The historic survey shall meet the requirements specified in “Historic Surveys and Reports” [Management Plan, page I-58]. The evaluation of eligibility shall follow the process and include all information specified in the National Register Bulletin “How to Apply the National Register Criteria for Evaluation” [National Park Service, National Register Bulletin #15].

Eligibility determinations shall be made by the local government, based on input from the state historic preservation Agency (SHPA). The local government shall submit a copy of any historic survey and evaluation of

eligibility to the SHPA. The SHPA shall have 30 calendar days from the date this information is mailed to submit written comments on the eligibility of the property to the local government. If the local government's determination contradicts comments from the SHPA, the local government shall justify how it reached an opposing conclusion.

- (2) Applications for Special Uses for Historic Buildings shall include a "Protection and Enhancement Plan" which shall include the following:
 - (a) A description of how the proposed use will significantly contribute to the protection and enhancement of the historic resource, including specific actions that will be taken towards restoration, protection and enhancement, and adequate maintenance of the historic resource, and a proposed schedule for completion of such actions.
 - (b) A statement addressing consistency of the proposed use with the *Secretary of the Interior's Standards for Rehabilitation of Historic Properties* and the *Secretary of the Interior's Standards for Preservation of Historic Properties*.
 - (c) Detailed architectural drawings and building plans that clearly illustrate all proposed exterior alterations to the building associated with the proposed use. Any exterior additions to the building or outdoor components of the proposed use (e.g. parking areas, site for temporary structures, interpretive displays) shall be shown on the site plan.
 - (d) Any proposal for commercial events at a historic property shall include an Operation Plan for Commercial Events, to be incorporated into the "Protection and Enhancement Plan". The Operational Plan shall include sufficient information to demonstrate how the commercial events will remain incidental and subordinate to the primary use of the property, and shall, at minimum, address:
 - (i) Number of events to be held annually.
 - (ii) Maximum size of events, including number of guests and vehicles at proposed parking area.
 - (iii) Provision for temporary structures, including location and type of structures anticipated.
 - (iv) How the proposed commercial events will contribute to protection and enhancement of the historic resource.
- (3) The local government shall submit a copy of the "Protection and Enhancement Plan" to the State Historic Preservation Agency (SHPA). The SHPA shall have

30 calendar days from the date this information is mailed to submit written comments to the local governments. The SHPA comments shall address consistency of the proposed use with the *Secretary of the Interior's Standards for Rehabilitation of Historic Properties* and the *Secretary of the Interior's Standards for Preservation of Historic Properties*, and the effect of the proposed use on the historic resource.

- (4) Any alterations to the building or surrounding area associated with the proposed use have been determined by the local government to be consistent with the *Secretary of the Interior's Standards for Rehabilitation of Historic Properties* and the *Secretary of the Interior's Standards for Preservation of Historic Properties*. If the local government's final decision contradicts the comments submitted by the State Historic Preservation Agency, the local government shall justify how it reached an opposing conclusion.
- (5) The proposed use has been determined by the local government to have no effect or no adverse effect on the historic character of the property, including features of the property contributing to its historic significance. If the local government's final decision contradicts the comments submitted by the State Historic Preservation Agency, the local government shall justify how it reached an opposing conclusion.

B. Scenic Resources

- (1) New parking areas associated with the proposed use shall be located on the subject property as it existed as of January 1, 2006. Such parking areas may be developed using paving blocks, gravel, or other pervious surfaces; asphalt, concrete and other impervious materials shall be prohibited.
- (2) New parking areas associated with the proposed use shall be visually subordinate from Key Viewing Areas, and shall to the maximum extent practicable, use existing topography and existing vegetation to achieve visual subordination. New screening vegetation may be used if existing topography and vegetation are insufficient to help make the parking area visually subordinate from Key Viewing Areas, if such vegetation would not adversely affect the historic character of the building's setting.
- (3) Temporary structures associated with a commercial event (e.g. tents, canopies, portable restrooms) shall be placed on the subject property no sooner than two days before the event and removed within two days after the event. Alternatively, temporary structures may remain in place for up to 90 days after the event if the local government determines that they will be visually subordinate from Key Viewing Areas.

C. *Recreation Resources*

- (1) The proposed use shall not detract from the use and enjoyment of existing recreation resources on nearby lands.

D. *Agricultural and Forest Lands*

- (1) The proposed use is compatible with and will not interfere with accepted forest or agricultural practices on nearby lands devoted to such uses.
- (2) The proposed use will be sited to minimize the loss of land suitable for production of crops, livestock or forest products.
- (3) A declaration has been signed by the landowner and recorded into county deeds and records specifying that the owners, successors, heirs and assigns of the subject property are aware that adjacent and nearby operators are entitled to carry on accepted agriculture or forest practices on lands designated Large-Scale or Small-Scale Agriculture, Agriculture-Special, Commercial Forest Land, or Large or Small Woodland.
- (4) All owners of land in areas designated Large-Scale or Small-Scale Agriculture, Agriculture-Special, Commercial Forest Land, or Large or Small Woodland that are within 500 feet of the perimeter of the subject property on which the use is proposed to be located have been notified and given at least 10 days to comment prior to a decision on an application for a Special Use for a Historic Building.